

By the Committees on Appropriations; Judiciary; and Commerce and Tourism; and Senator Young

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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 must be
6 postmarked or electronically submitted by a certain
7 date; amending s. 472.003, F.S.; specifying that
8 certain persons under contract with registered or
9 certified surveyors and mappers are not subject to the
10 provisions of ch. 472, F.S.; amending s. 472.005,
11 F.S.; redefining the terms "practice of surveying and
12 mapping" and "subordinate"; amending s. 472.013, F.S.;
13 revising the standards for applicant eligibility to
14 take the licensure examination to practice as a
15 surveyor or mapper; amending s. 472.015, F.S.;
16 revising the qualifications for licensure by
17 endorsement; amending s. 472.018, F.S.; authorizing
18 the board to provide by rule for the carryover hours
19 of continuing education requirements up to a specified
20 maximum; deleting a requirement that the board approve
21 course content for continuing education courses;
22 requiring the board to adopt rules to establish
23 criteria for continuing education providers;
24 authorizing the board to provide by rule the method of
25 delivery and criteria that may be used to satisfy
26 continuing education requirements; deleting a
27 requirement that the board must issue cease and desist
28 orders and enact certain penalties for continuing
29 education providers offering services that fail to

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30 conform to approved course material; amending s.
31 472.025, F.S.; deleting a requirement that registrant
32 seals be of impression-type metal; amending s.
33 472.0366, F.S.; revising the requirements for copies
34 of evaluation certificates that must be submitted to
35 the Division of Emergency Management within the
36 Executive Office of the Governor; requiring that
37 certain copies of evaluation certificates be retained
38 in the surveyor and mapper's records; amending s.
39 487.2041, F.S.; requiring the department to adopt by
40 rule certain United States Environmental Protection
41 Agency regulations relating to labeling requirements
42 for pesticides and devices; amending s. 493.6101,
43 F.S.; specifying that a manager of a private
44 investigative agency may manage up to three offices,
45 subject to certain requirements; amending s. 493.6105,
46 F.S.; exempting certain partners and corporate
47 officers from fingerprint retention requirements;
48 revising the submission requirements for applications
49 for Class "K" licenses; amending s. 493.6107, F.S.;
50 deleting a specification that license fees are
51 biennial; amending s. 493.6108, F.S.; providing an
52 authorization to the Department of Law Enforcement to
53 release certain mental health and substance abuse
54 history of Class "G" or Class "K" applicants and
55 licensees for the purpose of determining licensure
56 eligibility; requiring licensees to notify their
57 employer of an arrest within a specified period;
58 amending s. 493.6112, F.S.; revising the notification

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59 requirements for changes of certain partners,
60 officers, and employees of private investigative,
61 security, and recovery agencies; amending s. 493.6113,
62 F.S.; specifying that Class "G" licensees must
63 complete requalification training for each type and
64 caliber of firearm carried in the course of performing
65 regulated duties; conforming terminology; amending s.
66 493.6115, F.S.; conforming a cross-reference; revising
67 the circumstances under which certain licensees may
68 carry a concealed firearm; revising the conditions
69 under which the department may issue a temporary Class
70 "G" license; amending s. 493.6118, F.S.; providing
71 that failure of a licensee to timely notify his or her
72 employer of an arrest is grounds for disciplinary
73 action by the department; requiring the department to
74 temporarily suspend specified licenses of a licensee
75 arrested or formally charged with certain crimes until
76 disposition of the case; requiring the department to
77 notify a licensee of administrative hearing rights;
78 specifying that any hearing must be limited to a
79 determination as to whether the licensee has been
80 arrested or charged with a disqualifying crime;
81 providing that the suspension may be lifted under
82 certain circumstances; requiring the department to
83 proceed with revocation under certain circumstances;
84 amending s. 493.6202, F.S.; deleting a specification
85 that license fees are biennial; amending s. 493.6203,
86 F.S.; deleting a requirement that certain training be
87 provided in two parts; amending s. 493.6302, F.S.;

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88 deleting a specification that license fees are
89 biennial; amending s. 493.6303, F.S.; deleting a
90 requirement that certain training be provided in two
91 parts; deleting obsolete provisions; making technical
92 changes; specifying that re-applicants for a license
93 expired for 1 year or more are considered initial
94 applicants and must submit proof of certain training
95 before issuance of a new license; amending s.
96 493.6304, F.S.; making technical changes; amending s.
97 493.6402, F.S.; deleting a specification that license
98 fees are biennial; amending s. 493.6403, F.S.;
99 requiring that applicants for Class "E" and "EE"
100 licenses submit proof of successful completion of
101 certain training, rather than just completion of such
102 training; amending s. 501.013, F.S.; providing that a
103 program or facility offered by an organization for the
104 exclusive use of its employees and their family
105 members is not subject to certain health studio
106 regulations; amending s. 501.059, F.S.; removing a
107 limitation on the length of time for which the
108 department must place certain persons on a no sales
109 solicitation list; amending s. 507.04, F.S.; making a
110 technical change; amending s. 531.37, F.S.; redefining
111 the term "weights and measures" to exclude taximeters
112 and transportation measurement systems; amending s.
113 531.61, F.S.; deleting certain taximeters from
114 permitting requirements for commercially operated or
115 tested weights or measures instruments or devices;
116 repealing s. 531.63(2)(g), F.S.; relating to maximum

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117 permit fees for taximeters; amending s. 534.021, F.S.;

118 specifying that a detailed drawing, rather than a

119 facsimile, of a brand must accompany an application

120 for the recording of certain marks and brands;

121 amending s. 534.041, F.S.; extending the registration

122 and renewal period for certain mark or brand

123 certificates; eliminating a renewal fee; repealing s.

124 534.061, F.S., relating to the transfer of ownership

125 of cattle; amending s. 570.07, F.S.; authorizing the

126 department to perform certain food safety inspection

127 services relating to raw agricultural commodities;

128 amending s. 573.118, F.S.; specifying that the

129 Division of Fruit and Vegetables, rather than the

130 Division of Marketing and Development, must file a

131 specified certification; amending s. 590.02, F.S.;

132 specifying that the department has exclusive authority

133 to enforce the Florida Building Code as it relates to

134 Florida Forest Service facilities under the

135 jurisdiction of the department; amending s. 597.004,

136 F.S.; authorizing certain saltwater products dealers

137 to sell certain aquaculture products without

138 restriction under a specified circumstance; amending

139 s. 604.16, F.S.; specifying that dealers in

140 agricultural products who pay by credit card are

141 exempt from certain dealer requirements; amending s.

142 790.06, F.S.; revising the requirements to obtain a

143 license to carry a concealed weapon or firearm;

144 revising the requirements of the application form;

145 revising the license fees to obtain or renew such

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146 license; providing an effective date.

147

148 Be It Enacted by the Legislature of the State of Florida:

149

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

152 288.1175 Agriculture education and promotion facility.—

153 (8) Applications must be postmarked or electronically
154 submitted by October 1 of each year. The Department of
155 Agriculture and Consumer Services may not recommend funding for
156 less than the requested amount to any applicant certified as an
157 agriculture education and promotion facility; however, funding
158 of certified applicants shall be subject to the amount provided
159 by the Legislature in the General Appropriations Act for this
160 program.

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

163 472.003 Persons not affected by ss. 472.001-472.037.—

164 Sections 472.001-472.037 do not apply to:

165 (5)

166 (d) Persons who are under contract with an individual
167 registered or legal entity certified under this chapter and who
168 are under the supervision of and subordinate to a person in
169 responsible charge registered under this chapter, to the extent
170 that such supervision meets standards adopted by rule by the
171 board.

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

174 472.005 Definitions.—As used in ss. 472.001-472.037:

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175 (4) (a) "Practice of surveying and mapping" means, among
176 other things, any professional service or work, the adequate
177 performance of which involves the application of special
178 knowledge of the principles of mathematics, the related physical
179 and applied sciences, and the relevant requirements of law for
180 adequate evidence of the act of measuring, locating,
181 establishing, or reestablishing lines, angles, elevations,
182 natural and manmade features in the air, on the surface and
183 immediate subsurface of the earth, within underground workings,
184 and on the beds or surface of bodies of water, for the purpose
185 of determining, establishing, describing, displaying, or
186 interpreting the facts of size, volume, shape, topography, tidal
187 datum planes, and legal or geodetic location or relocation, ~~and~~
188 ~~orientation of improved or unimproved real property and~~
189 ~~appurtenances thereto, including acreage and condominiums.~~

190 (b) The practice of surveying and mapping also includes,
191 but is not limited to, photogrammetric control; orientation of
192 improved or unimproved real property and appurtenances and
193 personal property attached thereto, including acreage and
194 condominiums; the monumentation and remonumentation of property
195 boundaries and subdivisions; the measurement of and preparation
196 of plans showing existing improvements after construction; the
197 layout of proposed improvements; the preparation of descriptions
198 for use in legal instruments of conveyance of real property and
199 property rights; the preparation of subdivision planning maps
200 and record plats, as provided for in chapter 177; the
201 determination of, but not the design of, grades and elevations
202 of roads and land in connection with subdivisions or divisions
203 of land; and the creation and perpetuation of alignments related

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204 to maps, record plats, field note records, reports, property
205 descriptions, and plans and drawings that represent them.

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

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

211 472.013 Examinations, prerequisites.—

212 (2) An applicant shall be entitled to take the licensure
213 examination to practice in this state as a surveyor and mapper
214 if the applicant is of good moral character and has satisfied
215 one of the following requirements:

216 (a) The applicant has received a bachelor's degree, its
217 equivalent, or higher in surveying and mapping or a similarly
218 titled program, including, but not limited to, geomatics,
219 geomatics engineering, and land surveying, ~~of 4 years or more in~~
220 ~~a surveying and mapping degree program~~ from a college or
221 university recognized by the board and has a specific experience
222 record of 4 or more years as a subordinate to a professional
223 surveyor and mapper in the active practice of surveying and
224 mapping, which experience is of a nature indicating that the
225 applicant was in responsible charge of the accuracy and
226 correctness of the surveying and mapping work performed. ~~The~~
227 ~~completed surveying and mapping degree of 4 years or more in a~~
228 ~~surveying and mapping degree program must have included not~~
229 ~~fewer than 32 semester hours of study, or its academic~~
230 ~~equivalent, in the science of surveying and mapping or in board-~~
231 ~~approved surveying and mapping-related courses.~~ Work experience
232 acquired as a part of the education requirement may ~~shall~~ not be

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233 construed as experience in responsible charge.

234 (b) The applicant has received a bachelor's degree, its
235 equivalent, or higher in a ~~is a graduate of a 4-year~~ course of
236 study, other than in surveying and mapping, at an accredited
237 college or university and has a specific experience record of 6
238 or more years as a subordinate to a registered surveyor and
239 mapper in the active practice of surveying and mapping, 5 years
240 of which shall be of a nature indicating that the applicant was
241 in responsible charge of the accuracy and correctness of the
242 surveying and mapping work performed. ~~The course of study in~~
243 ~~disciplines other than surveying and mapping must have included~~
244 ~~not fewer than 32 semester hours of study or its academic~~
245 ~~equivalent.~~ The applicant must have completed a minimum of 25
246 semester hours from a college or university approved by the
247 board in surveying and mapping subjects or in any combination of
248 courses in civil engineering, surveying, mapping, mathematics,
249 photogrammetry, forestry, or land law and the physical sciences.
250 Any of the required 25 semester hours of study completed not as
251 a part of the bachelor's degree, its equivalent, or higher may
252 ~~4-year course of study shall~~ be approved at the discretion of
253 the board. Work experience acquired as a part of the education
254 requirement may shall not be construed as experience in
255 responsible charge.

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

259 (a) The person is in good standing in, or is a graduate of,
260 a bachelor degree program, its equivalent or higher, at an
261 accredited college or university and has obtained a minimum of

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262 25 semester hours in surveying, mapping, mathematics,
263 photogrammetry, forestry, civil engineering, or land law and the
264 physical sciences, or any combination thereof; or

265 (b) The person has obtained, from an accredited college or
266 university, a minimum of 15 semester hours in surveying,
267 mapping, mathematics, photogrammetry, forestry, civil
268 engineering, or land law and the physical sciences, or any
269 combination thereof, and has a specific surveying and mapping
270 experience record of 2 or more years as a subordinate to a
271 registered surveyor and mapper.

272
273 This subsection may not be construed as a substitute for the
274 degree requirement to take the exams for licensure as outlined
275 in subsection (2) the person is in the final year, or is a
276 graduate, of an approved surveying and mapping curriculum in a
277 school that has been approved by the board.

278 Section 5. Paragraph (a) of subsection (5) of section
279 472.015, Florida Statutes, are amended to read:

280 472.015 Licensure.—

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

283 1. Holds a valid license to practice surveying and mapping
284 issued before ~~prior to~~ July 1, 1999, by another state or
285 territory of the United States; has passed a national, regional,
286 state, or territorial licensing examination that is
287 substantially equivalent to the examination required by s.
288 472.013; and has a specific experience record of at least 8
289 years as a subordinate to a registered surveyor and mapper in
290 the active practice of surveying and mapping, 6 years of which

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291 must be of a nature indicating that the applicant was in
292 responsible charge of the accuracy and correctness of the
293 surveying and mapping work performed; or

294 2. Holds a valid license to practice surveying and mapping
295 issued by another state or territory of the United States if the
296 criteria for issuance of the license were substantially the same
297 as the licensure criteria that existed in Florida at the time
298 the license was issued. ~~;~~ or

299 ~~3. Is a practicing photogrammetrist who holds the Certified~~
300 ~~Photogrammetrist designation of the American Society for~~
301 ~~Photogrammetry and Remote Sensing and held such designation on~~
302 ~~or before July 1, 2005; is a graduate of a 4-year course of~~
303 ~~study at an accredited college or university; and has a specific~~
304 ~~experience record of 6 or more years as a subordinate to a~~
305 ~~Certified Photogrammetrist of the American Society for~~
306 ~~Photogrammetry and Remote Sensing in the active practice of~~
307 ~~surveying and mapping, 5 years of which shall be of a nature~~
308 ~~indicating that the applicant was in responsible charge of the~~
309 ~~accuracy and correctness of the surveying and mapping work~~
310 ~~performed. The course of study must have included not fewer than~~
311 ~~32 semester hours of study or its academic equivalent. The~~
312 ~~applicant must have completed a minimum of 25 semester hours~~
313 ~~from a college or university approved by the board in surveying~~
314 ~~and mapping subjects or in any combination of courses in civil~~
315 ~~engineering, surveying, mapping, mathematics, photogrammetry,~~
316 ~~forestry, or land law and the physical sciences. Any of the~~
317 ~~required 25 semester hours of study completed not as a part of~~
318 ~~the 4-year course of study shall be approved at the discretion~~
319 ~~of the board. Work experience acquired as a part of the~~

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320 ~~education requirement shall not be construed as experience in~~
321 ~~responsible charge. The applicant must have applied to the~~
322 ~~department for licensure on or before July 1, 2007.~~

323 Section 6. Section 472.018, Florida Statutes, is amended to
324 read:

325 472.018 Continuing education.—The department may not renew
326 a license until the licensee submits proof satisfactory to the
327 board that during the 2 years before her or his application for
328 renewal the licensee has completed at least 24 hours of
329 continuing education. The board may provide by rule for
330 continuing education hours carryover for each renewal cycle not
331 to exceed 12 hours.

332 (1) The board shall adopt rules to establish the criteria
333 ~~and course content~~ for continuing education providers ~~courses~~.
334 The rules may provide that up to a maximum of 25 percent of the
335 required continuing education hours may be fulfilled by the
336 performance of pro bono services to the indigent or to
337 underserved populations or in areas of critical need within the
338 state where the licensee practices. The board must require that
339 any pro bono services be approved in advance in order to receive
340 credit for continuing education under this section. The board
341 shall use the standard recognized by the Federal Poverty Income
342 Guidelines produced by the United States Department of Health
343 and Human Services in determining indigency. The board may adopt
344 rules that may provide that a part of the continuing education
345 hours may be fulfilled by performing research in critical need
346 areas or for training leading to advanced professional
347 certification. The board may adopt rules to define underserved
348 and critical need areas. The department shall adopt rules for

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349 the administration of continuing education requirements adopted
350 by the board.

351 (2) The board may provide by rule the method of delivery
352 and criteria that ~~distance learning~~ may be used to satisfy
353 continuing education requirements.

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

356 (a) For new licensees:

357 1. By requiring half of the required continuing education
358 hours for any applicant who becomes licensed with more than half
359 the renewal period remaining and no continuing education for any
360 applicant who becomes licensed with half or less than half of
361 the renewal period remaining; or

362 2. Requiring no continuing education hours until the first
363 full renewal cycle of the licensee.

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

366 (4) Upon the request of a licensee, the provider must also
367 furnish to the department information regarding courses
368 completed by the licensee, in an electronic format required by
369 rule of the department.

370 (5) Each continuing education provider shall retain all
371 records relating to a licensee's completion of continuing
372 education courses for at least 4 years after completion of a
373 course.

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

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378 (7) For the purpose of determining which persons or
379 entities must meet the reporting, recordkeeping, and access
380 provisions of this section, the board by rule shall adopt a
381 definition of the term "continuing education provider"
382 applicable to the profession's continuing education
383 requirements. The intent of the rule is to ensure that all
384 records and information necessary to carry out the requirements
385 of this section are maintained and transmitted accordingly and
386 to minimize disputes as to what person or entity is responsible
387 for maintaining and reporting such records and information.

388 (8) The board shall approve the providers of continuing
389 education. The approval of continuing education providers ~~and~~
390 ~~courses~~ must be for a specified period of time, not to exceed 4
391 years. An approval that does not include such a time limitation
392 may remain in effect under this chapter or the rules adopted
393 under this chapter.

394 (9) The department may fine, suspend, or revoke approval of
395 any continuing education provider that fails to comply with its
396 duties under this section. The fine may not exceed \$500 per
397 violation. Investigations and prosecutions of a provider's
398 failure to comply with its duties under this section shall be
399 conducted pursuant to s. 472.033.

400 (10) The board shall issue an order requiring a person or
401 entity to cease and desist from offering any continuing
402 education programs for licensees, and fining, suspending, or
403 revoking any approval of the provider previously granted by the
404 board if the board determines that the person or entity failed
405 to provide appropriate continuing education services ~~that~~
406 ~~conform to approved course material~~. The fine may not exceed

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407 \$500 per violation. Investigations and prosecutions of a
408 provider's failure to comply with its duties under this section
409 shall be conducted under s. 472.033.

410 (11) The board may establish, by rule, a fee not to exceed
411 \$250 for anyone seeking approval to provide continuing education
412 courses and may establish, by rule, a biennial fee not to exceed
413 \$250 for the renewal of providership of such courses. Such
414 postlicensure education courses are subject to the reporting,
415 monitoring, and compliance provisions of this section.

416 (12) The department and the board may adopt rules under ss.
417 120.536(1) and 120.54 to administer this section.

418 (13) Each continuing education provider shall provide to
419 the department, in an electronic format determined by the
420 department, information regarding the continuing education
421 status of licensees which the department determines is necessary
422 to carry out its duties under this chapter. After a licensee
423 completes a course, the information must be submitted
424 electronically by the continuing education provider to the
425 department within 30 calendar days after completion. However,
426 beginning on the 30th day before the renewal deadline or before
427 the renewal date, whichever occurs sooner, the continuing
428 education provider shall electronically report such information
429 to the department within 10 business days after completion.

430 (14) The department shall establish a system to monitor
431 licensee compliance with continuing education requirements and
432 to determine the continuing education status of each licensee.
433 As used in this subsection, the term "monitor" means the act of
434 determining, for each licensee, whether the licensee is in full
435 compliance with applicable continuing education requirements as

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436 of the date of the licensee's application for license renewal.

437 (15) The department may refuse to renew a license until the
438 licensee has satisfied all applicable continuing education
439 requirements. This subsection does not preclude the department
440 or board from imposing additional penalties pursuant to this
441 chapter or rules adopted pursuant this chapter.

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

444 472.025 Seals.—

445 (1) The board shall adopt, by rule, a form of seal to be
446 used by all registrants holding valid certificates of
447 registration, whether the registrants are corporations,
448 partnerships, or individuals. Each registrant shall obtain a ~~an~~
449 ~~impression-type metal~~ seal in that form; and all final drawings,
450 plans, specifications, plats, or reports prepared or issued by
451 the registrant in accordance with the standards of practice
452 established by the board shall be signed by the registrant,
453 dated, and stamped with his or her seal. This signature, date,
454 and seal shall be evidence of the authenticity of that to which
455 they are affixed. Each registrant may in addition register his
456 or her seal electronically in accordance with ss. 668.001-
457 668.006. Drawings, plans, specifications, reports, or documents
458 prepared or issued by a registrant may be transmitted
459 electronically and may be signed by the registrant, dated, and
460 stamped electronically with such seal in accordance with ss.
461 668.001-668.006.

462 Section 8. Subsection (2) of section 472.0366, Florida
463 Statutes, is amended to read:

464 472.0366 Elevation certificates; requirements for surveyors

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465 and mappers.—

466 (2) Beginning January 1, 2017, a surveyor and mapper shall,
467 within 30 days after completion, submit to the division a copy
468 of each elevation certificate that he or she completes. The copy
469 must be unaltered, except that the surveyor and mapper may
470 redact the name of the property owner. The copy need not be
471 signed and sealed when submitted to the division; however, an
472 original signed and sealed copy must be retained in the surveyor
473 and mapper's records as prescribed by rule of the board.

474 Section 9. Section 487.2041, Florida Statutes, is amended
475 to read:

476 487.2041 Enforcement of federal worker protection
477 regulations.—The department shall, to the extent that resources
478 are available, continue to operate under the United States
479 Environmental Protection Agency regulations regarding the
480 Labeling Requirement for Pesticides and Devices, 40 C.F.R. part
481 156, and the Worker Protection Standard, 40 C.F.R. part 170,
482 which the department shall adopt ~~adopted~~ by rule ~~during the~~
483 ~~1995-1996 fiscal year and published in the Florida~~
484 ~~Administrative Code~~. Any provision of this part not preempted by
485 federal law shall continue to apply.

486 Section 10. Subsection (13) of section 493.6101, Florida
487 Statutes, is amended to read:

488 493.6101 Definitions.—

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

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494 investigative agency may, however, manage up to three offices
495 within a 150-mile radius of the location listed on the agency's
496 Class "A" license, provided that these three offices consist of
497 either:

498 (a) The location listed on the agency's Class "A" license
499 and up to two branch offices; or

500 (b) Up to three branch offices.

501 Section 11. Paragraph (j) of subsection (3) and paragraph
502 (a) of subsection (6) of section 493.6105, Florida Statutes, are
503 amended to read:

504 493.6105 Initial application for license.—

505 (3) The application must contain the following information
506 concerning the individual signing the application:

507 (j) A full set of fingerprints, a fingerprint processing
508 fee, and a fingerprint retention fee. The fingerprint processing
509 and retention fees shall be established by rule of the
510 department based upon costs determined by state and federal
511 agency charges and department processing costs, which must
512 include the cost of retaining the fingerprints in the statewide
513 automated biometric identification system established in s.
514 943.05(2)(b) and the cost of enrolling the fingerprints in the
515 national retained print arrest notification program as required
516 under s. 493.6108. An applicant who has, within the immediately
517 preceding 6 months, submitted such fingerprints and fees for
518 licensing purposes under this chapter and who still holds a
519 valid license is not required to submit another set of
520 fingerprints or another fingerprint processing fee. An applicant
521 who holds multiple licenses issued under this chapter is
522 required to pay only a single fingerprint retention fee.

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523 Partners and corporate officers who do not possess licenses
524 subject to renewal under s. 493.6113 are exempt from the
525 fingerprint retention requirements of this chapter.

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

528 (a) Submit one of the following:

529 1. The Florida Criminal Justice Standards and Training
530 Commission Instructor Certificate and written confirmation by
531 the commission that the applicant possesses an active firearms
532 certification.

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

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

539 Section 12. Subsection (1) of section 493.6107, Florida
540 Statutes, is amended to read:

541 493.6107 Fees.—

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

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

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

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

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

548 Section 13. Subsections (3) and (5) of section 493.6108,
549 Florida Statutes, are amended to read:

550 493.6108 Investigation of applicants by Department of
551 Agriculture and Consumer Services.—

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552 (3) The department must also investigate the mental history
553 and current mental and emotional fitness of any Class "G" or
554 Class "K" applicant and may deny a Class "G" or Class "K"
555 license to anyone who has a history of mental illness or drug or
556 alcohol abuse. Notwithstanding s. 790.065(2)(a)4.f., the
557 Department of Law Enforcement may, for the limited purpose of
558 determining eligibility of Class "G" or Class "K" applicants and
559 licensees under this chapter, provide the department with mental
560 health and substance abuse data of individuals who are
561 prohibited from purchasing a firearm.

562 (5) A person licensed under this chapter must notify his or
563 her employer within 3 calendar days if he or she is arrested for
564 any offense. If the department receives information about an
565 arrest within the state of a person who holds a valid license
566 issued under this chapter for a crime that could potentially
567 disqualify the person from holding such a license, the
568 department must provide the arrest information to the agency
569 that employs the licensee.

570 Section 14. Section 493.6112, Florida Statutes, is amended
571 to read:

572 493.6112 Notification to Department of Agriculture and
573 Consumer Services of changes of partner or officer or
574 employees.—

575 (1) After filing the application, unless the department
576 declines to issue the license or revokes it after issuance, an
577 agency ~~or school~~ shall, within 5 working days of the withdrawal,
578 removal, replacement, or addition of any or all partners or
579 officers, notify and file with the department complete
580 applications for such individuals. The agency's ~~or school's~~ good

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581 standing under this chapter shall be contingent upon the
582 department's approval of any new partner or officer.

583 (2) Each agency ~~or school~~ shall, upon the employment or
584 termination of employment of a licensee, report such employment
585 or termination within 15 calendar days ~~immediately~~ to the
586 department and, in the case of a termination, report the reason
587 or reasons therefor. The report shall be submitted
588 electronically in a manner ~~on a form~~ prescribed by the
589 department.

590 Section 15. Paragraph (b) of subsection (3) of section
591 493.6113, Florida Statutes, is amended to read:

592 493.6113 Renewal application for licensure.—

593 (3) Each licensee is responsible for renewing his or her
594 license on or before its expiration by filing with the
595 department an application for renewal accompanied by payment of
596 the renewal fee and the fingerprint retention fee to cover the
597 cost of ongoing retention in the statewide automated biometric
598 identification system established in s. 943.05(2)(b). Upon the
599 first renewal of a license issued under this chapter before
600 January 1, 2017, the licensee shall submit a full set of
601 fingerprints and fingerprint processing fees to cover the cost
602 of entering the fingerprints into the statewide automated
603 biometric identification system pursuant to s. 493.6108(4)(a)
604 and the cost of enrollment in the Federal Bureau of
605 Investigation's national retained print arrest notification
606 program. Subsequent renewals may be completed without submission
607 of a new set of fingerprints.

608 (b) Each Class "G" licensee shall additionally submit proof
609 that he or she has received during each year of the license

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610 period a minimum of 4 hours of firearms requalification
611 ~~recertification~~ training taught by a Class "K" licensee and has
612 complied with such other health and training requirements that
613 the department shall adopt by rule. Proof of completion of
614 firearms requalification ~~recertification~~ training shall be
615 submitted to the department upon completion of the training. A
616 Class "G" licensee must successfully complete this
617 requalification training for each type and caliber of firearm
618 carried in the course of performing his or her regulated duties.
619 If the licensee fails to complete the required 4 hours of annual
620 training during the first year of the 2-year term of the
621 license, the license shall be automatically suspended. The
622 licensee must complete the minimum number of hours of range and
623 classroom training required at the time of initial licensure and
624 submit proof of completion of such training to the department
625 before the license may be reinstated. If the licensee fails to
626 complete the required 4 hours of annual training during the
627 second year of the 2-year term of the license, the licensee must
628 complete the minimum number of hours of range and classroom
629 training required at the time of initial licensure and submit
630 proof of completion of such training to the department before
631 the license may be renewed. The department may waive the
632 firearms training requirement if:

- 633 1. The applicant provides proof that he or she is currently
634 certified as a law enforcement officer or correctional officer
635 under the Criminal Justice Standards and Training Commission and
636 has completed law enforcement firearms requalification training
637 annually during the previous 2 years of the licensure period;
- 638 2. The applicant provides proof that he or she is currently

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639 certified as a federal law enforcement officer and has received
640 law enforcement firearms training administered by a federal law
641 enforcement agency annually during the previous 2 years of the
642 licensure period; or

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

647 Section 16. Subsection (4) of section 493.6115, Florida
648 Statutes, is amended, present paragraphs (b), (c), and (d) of
649 subsection (12) of that section are redesignated as paragraphs
650 (c), (d), and (e), respectively, and a new paragraph (b) is
651 added to that subsection, to read:

652 493.6115 Weapons and firearms.—

653 (4) A Class "C" or Class "CC" licensee who is 21 years of
654 age or older and ~~who~~ has also been issued a Class "G" license
655 may carry, in the performance of her or his duties, a concealed
656 firearm. A Class "D" licensee who is 21 years of age or older
657 and ~~who~~ has also been issued a Class "G" license may carry a
658 concealed firearm in the performance of her or his duties under
659 the conditions specified in s. 493.6305(3) or (4) ~~493.6305(2)~~.
660 The Class "G" license must ~~shall~~ clearly indicate such
661 authority. The authority of any such licensee to carry a
662 concealed firearm is ~~shall be~~ valid in any location throughout
663 the state, ~~in any location,~~ while performing services within the
664 scope of the license.

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

667 (b) The department has reviewed the mental health and

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668 substance abuse data provided by the Department of Law
669 Enforcement as authorized in s. 493.6108(3) and has determined
670 the applicant is not prohibited from licensure based upon this
671 data.

672 Section 17. Subsection (1) of section 493.6118, Florida
673 Statutes, is amended, and subsections (8) and (9) are added to
674 that section, to read:

675 493.6118 Grounds for disciplinary action.—

676 (1) The following constitute grounds for which disciplinary
677 action specified in subsection (2) may be taken by the
678 department against any licensee, agency, or applicant regulated
679 by this chapter, or any unlicensed person engaged in activities
680 regulated under this chapter:—

681 (a) Fraud or willful misrepresentation in applying for or
682 obtaining a license.

683 (b) Use of any fictitious or assumed name by an agency
684 unless the agency has department approval and qualifies under s.
685 865.09.

686 (c) Being found guilty of or entering a plea of guilty or
687 nolo contendere to, regardless of adjudication, or being
688 convicted of a crime that directly relates to the business for
689 which the license is held or sought. A plea of nolo contendere
690 shall create a rebuttable presumption of guilt to the underlying
691 criminal charges, and the department shall allow the individual
692 being disciplined or denied an application for a license to
693 present any mitigating circumstances surrounding his or her
694 plea.

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

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697 (e) A finding that the licensee or any employee is guilty
698 of willful betrayal of a professional secret or any unauthorized
699 release of information acquired as a result of activities
700 regulated under this chapter.

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

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

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

709 (i) Impersonating, or permitting or aiding and abetting an
710 employee to impersonate, a law enforcement officer or an
711 employee of the state, the United States, or any political
712 subdivision thereof by identifying himself or herself as a
713 federal, state, county, or municipal law enforcement officer or
714 official representative, by wearing a uniform or presenting or
715 displaying a badge or credentials that would cause a reasonable
716 person to believe that he or she is a law enforcement officer or
717 that he or she has official authority, by displaying any
718 flashing or warning vehicular lights other than amber colored,
719 or by committing any act that is intended to falsely convey
720 official status.

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

724 (k) Knowingly violating, advising, encouraging, or
725 assisting the violation of any statute, court order, *capias*,

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726 warrant, injunction, or cease and desist order, in the course of
727 business regulated under this chapter.

728 (l) Soliciting business for an attorney in return for
729 compensation.

730 (m) Transferring or attempting to transfer a license issued
731 pursuant to this chapter.

732 (n) Employing or contracting with any unlicensed or
733 improperly licensed person or agency to conduct activities
734 regulated under this chapter, or performing any act that
735 assists, aids, or abets a person or business entity in engaging
736 in unlicensed activity, when the licensure status was known or
737 could have been ascertained by reasonable inquiry.

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

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

744 (q) Failure of any licensee to have his or her license in
745 his or her possession while on duty, as specified in s.
746 493.6111(1).

747 (r) Failure or refusal by a sponsor to certify a biannual
748 written report on an intern or to certify completion or
749 termination of an internship to the department within 15 working
750 days.

751 (s) Failure to report to the department any person whom the
752 licensee knows to be in violation of this chapter or the rules
753 of the department.

754 (t) Violating any provision of this chapter.

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755 (u) For a Class "G" licensee, failing to timely complete
756 requalification ~~recertification~~ training as required in s.
757 493.6113(3) (b).

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

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

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

767 1. Recovering a motor vehicle, mobile home, motorboat,
768 aircraft, personal watercraft, all-terrain vehicle, farm
769 equipment, or industrial equipment that has been sold under a
770 conditional sales agreement or under the terms of a chattel
771 mortgage before authorization has been received from the legal
772 owner or mortgagee.

773 2. Charging for expenses not actually incurred in
774 connection with the recovery, transportation, storage, or
775 disposal of repossessed property or personal property obtained
776 in a repossession.

777 3. Using any repossessed property or personal property
778 obtained in a repossession for the personal benefit of a
779 licensee or an officer, director, partner, manager, or employee
780 of a licensee.

781 4. Selling property recovered under the provisions of this
782 chapter, except with written authorization from the legal owner
783 or the mortgagee thereof.

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

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

791 7. Failing to deliver to the client a negotiable instrument
792 that is payable to the client, within 10 working days after
793 receipt of such instrument.

794 8. Falsifying, altering, or failing to maintain any
795 required inventory or records regarding disposal of personal
796 property contained in or on repossessed property pursuant to s.
797 493.6404(1).

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

801 10. Soliciting from the legal owner the recovery of
802 property subject to repossession after such property has been
803 seen or located on public or private property if the amount
804 charged or requested for such recovery is more than the amount
805 normally charged for such a recovery.

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

808 (y) Installation of a tracking device or tracking
809 application in violation of s. 934.425.

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

812 (8) (a) Upon notification by a law enforcement agency, a

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813 court, or the Department of Law Enforcement and upon subsequent
814 written verification, the department shall temporarily suspend a
815 Class "G" or Class "K" license if the licensee is arrested or
816 charged with a firearms-related crime that would disqualify such
817 person from licensure under this chapter. The department shall
818 notify the licensee suspended under this section of his or her
819 right to a hearing pursuant to chapter 120. A hearing conducted
820 regarding this temporary suspension must be for the limited
821 purpose of determining whether the licensee has been arrested or
822 charged with a disqualifying firearms-related crime.

823 (b) If the criminal case results in a nondisqualifying
824 disposition, the department shall issue an order lifting the
825 suspension upon the licensee's submission of a certified copy of
826 the final resolution.

827 (c) If the criminal case results in a disqualifying
828 disposition, the suspension remains in effect and the department
829 shall proceed with revocation proceedings pursuant to chapter
830 120.

831 (9) (a) Upon notification by a law enforcement agency, a
832 court, or the Department of Law Enforcement and upon subsequent
833 written verification, the department shall temporarily suspend a
834 license if the licensee is arrested or charged with a forcible
835 felony as defined in s. 776.08. The department shall notify the
836 licensee suspended under this section of his or her right to a
837 hearing pursuant to chapter 120. A hearing conducted regarding
838 this temporary suspension must be for the limited purpose of
839 determining whether the licensee has been arrested or charged
840 with a forcible felony.

841 (b) If the criminal case results in a nondisqualifying

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842 disposition, the department shall issue an order lifting the
843 suspension upon the licensee's submission to the department of a
844 certified copy of the final resolution.

845 (c) If criminal case results in a disqualifying
846 disposition, the suspension remains in effect and the department
847 shall proceed with revocation proceedings pursuant to chapter
848 120.

849 Section 18. Subsection (1) of section 493.6202, Florida
850 Statutes, is amended to read:

851 493.6202 Fees.—

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

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

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

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

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

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

860 Section 19. Subsection (5) and paragraphs (b) and (c) of
861 subsection (6) of section 493.6203, Florida Statutes, are
862 amended to read:

863 493.6203 License requirements.—In addition to the license
864 requirements set forth elsewhere in this chapter, each
865 individual or agency shall comply with the following additional
866 requirements:

867 (5) ~~Effective January 1, 2008,~~ An applicant for a Class
868 "MA," Class "M," or Class "C" license must pass an examination
869 that covers the provisions of this chapter and is administered
870 by the department or by a provider approved by the department.

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871 The applicant must pass the examination before applying for
872 licensure and must submit proof with the license application on
873 a form approved by rule of the department that he or she has
874 passed the examination. The administrator of the examination
875 shall verify the identity of each applicant taking the
876 examination.

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

880 (b) Notwithstanding the exemption provided in paragraph
881 (a), if the license of an applicant for relicensure has been
882 invalid for more than 1 year, the applicant must take and pass
883 the examination.

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

887 (6)

888 (b) ~~Effective January 1, 2012,~~ Before submission of an
889 application to the department, the applicant for a Class "CC"
890 license must have completed a minimum of 40 hours of
891 professional training pertaining to general investigative
892 techniques and this chapter, which course is offered by a state
893 university or by a school, community college, college, or
894 university under the purview of the Department of Education, and
895 the applicant must pass an examination. ~~The training must be
896 provided in two parts, one 24-hour course and one 16-hour
897 course.~~ The certificate evidencing satisfactory completion of
898 the 40 hours of professional training must be submitted with the
899 application for a Class "CC" license. The training specified in

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900 this paragraph may be provided by face-to-face presentation,
901 online technology, or a home study course in accordance with
902 rules and procedures of the Department of Education. The
903 administrator of the examination must verify the identity of
904 each applicant taking the examination.

905 1. Upon an applicant's successful completion of each part
906 of the approved training and passage of any required
907 examination, the school, community college, college, or
908 university shall issue a certificate of completion to the
909 applicant. The certificates must be on a form established by
910 rule of the department.

911 2. The department shall establish by rule the general
912 content of the professional training and the examination
913 criteria.

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

917 ~~(c) An individual who submits an application for a Class~~
918 ~~"CC" license on or after September 1, 2008, through December 31,~~
919 ~~2011, who has not completed the 16-hour course must submit proof~~
920 ~~of successful completion of the course within 180 days after the~~
921 ~~date the application is submitted. If documentation of~~
922 ~~completion of the required training is not submitted by that~~
923 ~~date, the individual's license shall be automatically suspended~~
924 ~~until proof of the required training is submitted to the~~
925 ~~department. An individual licensed on or before August 31, 2008,~~
926 ~~is not required to complete additional training hours in order~~
927 ~~to renew an active license beyond the total required hours, and~~
928 ~~the timeframe for completion in effect at the time he or she was~~

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929 licensed applies.

930 Section 20. Subsection (1) of section 493.6302, Florida
931 Statutes, is amended to read:

932 493.6302 Fees.—

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

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

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

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

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

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

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

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

945 493.6303 License requirements.—In addition to the license
946 requirements set forth elsewhere in this chapter, each
947 individual or agency must comply with the following additional
948 requirements:

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

956 (b) ~~An individual who submits an application for a Class~~
957 ~~"D" license on or after January 1, 2007, through December 31,~~

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958 ~~2011, who has not completed the 16-hour course must submit proof~~
959 ~~of successful completion of the course within 180 days after the~~
960 ~~date the application is submitted. If documentation of~~
961 ~~completion of the required training is not submitted by that~~
962 ~~date, the individual's license shall be automatically suspended~~
963 ~~until proof of the required training is submitted to the~~
964 ~~department. A person licensed before January 1, 2007, is not~~
965 ~~required to complete additional training hours in order to renew~~
966 ~~an active license beyond the total required hours, and the~~
967 ~~timeframe for completion in effect at the time he or she was~~
968 ~~licensed applies.~~

969 ~~(e) Upon reapplication for a license, an individual whose~~
970 ~~license has been is suspended or revoked pursuant to paragraph~~
971 ~~(b), or is expired for at least 1 year or more, is considered,~~
972 ~~upon reapplication for a license,~~ an initial applicant and must
973 submit proof of successful completion of 40 hours of
974 professional training at a school or training facility licensed
975 by the department as provided in paragraph (a) before a license
976 is issued.

977 Section 22. Subsection (1) of section 493.6304, Florida
978 Statutes, is amended to read:

979 493.6304 Security officer school or training facility.—

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

986 Section 23. Subsection (1) of section 493.6402, Florida

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987 Statutes, is amended to read:

988 493.6402 Fees.—

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

991 (a) Class "R" license—recovery agency: \$450.

992 (b) Class "RR" license—branch office: \$125.

993 (c) Class "MR" license—recovery agency manager: \$75.

994 (d) Class "E" license—recovery agent: \$75.

995 (e) Class "EE" license—recovery agent intern: \$60.

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

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

1000 Section 24. Subsection (2) of section 493.6403, Florida
1001 Statutes, is amended to read:

1002 493.6403 License requirements.—

1003 (2) ~~Beginning October 1, 1994,~~ An applicant for a Class "E"
1004 or a Class "EE" license must submit proof of successful
1005 completion ~~have completed a minimum~~ of 40 hours of professional
1006 training at a school or training facility licensed by the
1007 department. The department shall by rule establish the general
1008 content for the training.

1009 Section 25. Subsection (6) is added to section 501.013,
1010 Florida Statutes, to read:

1011 501.013 Health studios; exemptions.—The following
1012 businesses or activities may be declared exempt from the
1013 provisions of ss. 501.012-501.019 upon the filing of an
1014 affidavit with the department establishing that the stated
1015 qualifications are met:

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1016 (6) A program or facility offered by an organization for
1017 the exclusive use of its employees and their family members.

1018 Section 26. Paragraph (a) of subsection (3) of section
1019 501.059, Florida Statutes, is amended to read:

1020 501.059 Telephone solicitation.—

1021 (3) (a) If any residential, mobile, or telephonic paging
1022 device telephone subscriber notifies the department of his or
1023 her desire to be placed on a "no sales solicitation calls"
1024 listing indicating that the subscriber does not wish to receive
1025 unsolicited telephonic sales calls, the department shall place
1026 the subscriber on that listing ~~for 5 years~~.

1027 Section 27. Paragraph (a) of subsection (1) and subsection
1028 (3) of section 507.04, Florida Statutes, are amended to read:

1029 507.04 Required insurance coverages; liability limitations;
1030 valuation coverage.—

1031 (1) LIABILITY INSURANCE.—

1032 (a)1. Except as provided in paragraph (b), each mover
1033 operating in this state must maintain current and valid
1034 liability insurance coverage of at least \$10,000 per shipment
1035 for the loss or damage of household goods resulting from the
1036 negligence of the mover or its employees or agents.

1037 2. The mover must provide the department with evidence of
1038 liability insurance coverage before the mover is registered with
1039 the department under s. 507.03. All insurance coverage
1040 maintained by a mover must remain in effect throughout the
1041 mover's registration period. A mover's failure to maintain
1042 insurance coverage in accordance with this paragraph constitutes
1043 an immediate threat to the public health, safety, and welfare.

1044 ~~If a mover fails to maintain insurance coverage, the department~~

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1045 ~~may immediately suspend the mover's registration or eligibility~~
1046 ~~for registration, and the mover must immediately cease operating~~
1047 ~~as a mover in this state. In addition, and notwithstanding the~~
1048 ~~availability of any administrative relief pursuant to chapter~~
1049 ~~120, the department may seek from the appropriate circuit court~~
1050 ~~an immediate injunction prohibiting the mover from operating in~~
1051 ~~this state until the mover complies with this paragraph, a civil~~
1052 ~~penalty not to exceed \$5,000, and court costs.~~

1053 (3) INSURANCE COVERAGES.—The insurance coverages required
1054 under paragraph (1) (a) and subsection (2) must be issued by an
1055 insurance company or carrier licensed to transact business in
1056 this state under the Florida Insurance Code as designated in s.
1057 624.01. The department shall require a mover to present a
1058 certificate of insurance of the required coverages before
1059 issuance or renewal of a registration certificate under s.
1060 507.03. The department shall be named as a certificateholder in
1061 the certificate and must be notified at least 10 days before
1062 cancellation of insurance coverage. If a mover fails to maintain
1063 insurance coverage, the department may immediately suspend the
1064 mover's registration or eligibility for registration, and the
1065 mover must immediately cease operating as a mover in this state.
1066 In addition, and notwithstanding the availability of any
1067 administrative relief pursuant to chapter 120, the department
1068 may seek from the appropriate circuit court an immediate
1069 injunction prohibiting the mover from operating in this state
1070 until the mover complies with this section, a civil penalty not
1071 to exceed \$5,000, and court costs.

1072 Section 28. Subsection (1) of section 531.37, Florida
1073 Statutes, is amended to read:

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1074 531.37 Definitions.—As used in this chapter:

1075 (1) "Weights and measures" means all weights and measures
1076 of every kind, instruments, and devices for weighing and
1077 measuring, and any appliance and accessories associated with any
1078 or all such instruments and devices, excluding taximeters,
1079 transportation measurement systems, and those weights and
1080 measures used for the purpose of inspecting the accuracy of
1081 devices used in conjunction with aviation fuel.

1082 Section 29. Section 531.61, Florida Statutes, is amended to
1083 read:

1084 531.61 Exemptions from permit requirement.—Commercial
1085 weights or measures instruments or devices are exempt from the
1086 requirements of ss. 531.60-531.66 if:

1087 ~~(1) The device is a taximeter that is licensed, permitted,~~
1088 ~~or registered by a municipality, county, or other local~~
1089 ~~government and is tested for accuracy and compliance with state~~
1090 ~~standards by the local government in cooperation with the state~~
1091 ~~as authorized in s. 531.421.~~

1092 ~~(2)~~ The device is used exclusively for weighing railroad
1093 cars and is tested for accuracy and compliance with state
1094 standards by a private testing agency.

1095 (2)~~(3)~~ The device is used exclusively for measuring
1096 aviation fuel or petroleum products inspected under chapter 525.

1097 Section 30. Paragraph (g) of subsection (2) of section
1098 531.63, Florida Statutes, is repealed.

1099 Section 31. Section 534.021, Florida Statutes, is amended
1100 to read:

1101 534.021 Recording of marks or brands.—The department shall
1102 be the recorder of livestock marks or brands, and the marks or

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1103 brands may not be recorded elsewhere in the state. Any livestock
1104 owner who uses a mark or brand to identify her or his livestock
1105 must register the mark or brand by applying to the department.
1106 The application must be made on a form prescribed by the
1107 department and must be accompanied by a detailed drawing
1108 ~~facsimile~~ of the brand applied for and a statement identifying
1109 the county in which the applicant has or expects to have
1110 livestock bearing the mark or brand to be recorded. The
1111 department shall, upon its satisfaction that the application
1112 meets the requirements of this chapter, record the mark or brand
1113 for exclusive statewide use by the applicant. If an application
1114 is made to record a mark or brand previously recorded, the
1115 department shall determine whether the county in which the mark
1116 or brand will be used is near enough to another county in which
1117 the previously recorded mark or brand is used to cause confusion
1118 or to aid theft or dishonesty, and if so, the department must
1119 decline to admit to record the mark or brand. If a conflict
1120 arises between the owner of any recorded mark or brand and
1121 another claiming the right to record the same mark or brand, the
1122 department must give preference to the present owner. The
1123 department shall charge and collect at the time of recording a
1124 fee of \$10 for each mark or brand. A person may not use any mark
1125 or brand to which another has a prior right of record. It is
1126 unlawful to brand any animal with a brand not registered with
1127 the department.

1128 Section 32. Section 534.041, Florida Statutes, is amended
1129 to read:

1130 534.041 Renewal of certificate of mark or brand.—The
1131 registration of a mark or brand entitles the registered owner to

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1132 exclusive ownership and use of the mark or brand for a period
 1133 ending at midnight on the last day of the month 10 ~~5~~ years from
 1134 the date of registration. Upon application, registration may be
 1135 renewed, ~~upon application and payment of a renewal fee of \$5,~~
 1136 for successive 10-year ~~5-year~~ periods, each ending at midnight
 1137 on the last day of the month 10 ~~5~~ years from the date of
 1138 renewal. At least 60 days before ~~prior to~~ the expiration of a
 1139 registration, the department shall notify by letter the
 1140 registered owner of the mark or brand that, upon application for
 1141 renewal and payment of the renewal fee, the department will
 1142 issue a renewal certificate granting the registered owner
 1143 exclusive ownership and use of the mark or brand for another 10-
 1144 year ~~5-year~~ period ending at midnight on the last day of the
 1145 month 10 ~~5~~ years from the date of renewal. Failure to make
 1146 application for renewal within the month of expiration of a
 1147 registration will cause the department to send a second notice
 1148 to the registered owner by mail at her or his last known
 1149 address. Failure of the registered owner to make application for
 1150 renewal within 30 days after receipt of the second notice will
 1151 cause the owner's mark or brand to be placed on an inactive list
 1152 for a period of 12 months, after which it will be canceled and
 1153 become subject to registration by another person.

1154 Section 33. Section 534.061, Florida Statutes, is repealed.

1155 Section 34. Subsection (45) is added to section 570.07,
 1156 Florida Statutes, to read:

1157 570.07 Department of Agriculture and Consumer Services;
 1158 functions, powers, and duties.—The department shall have and
 1159 exercise the following functions, powers, and duties:

1160 (45) To perform food safety inspection services where raw

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1161 agricultural commodities are grown, produced, harvested, held,
1162 packed, or repacked.

1163 Section 35. Subsection (1) of section 573.118, Florida
1164 Statutes, is amended to read:

1165 573.118 Assessment; funds; review of accounts; loans.—

1166 (1) To provide funds to defray the necessary expenses
1167 incurred by the department in the formulation, issuance,
1168 administration, and enforcement of any marketing order, every
1169 person engaged in the production, distributing, or handling of
1170 agricultural commodities within this state, and directly
1171 affected by any marketing order, shall pay to the department, at
1172 such times and in such installments as the department may
1173 prescribe, such person's pro rata share of necessary expenses.
1174 Each person's share of expenses shall be that proportion which
1175 the total volume of agricultural commodities produced,
1176 distributed, or handled by the person during the current
1177 marketing season, or part thereof covered by such marketing
1178 order, is of the total volume of the commodities produced,
1179 distributed, or handled by all such persons during the same
1180 current marketing season or part thereof. The department, after
1181 receiving the recommendations of the advisory council, shall fix
1182 the rate of assessment on the volume of agricultural commodities
1183 sold or some other equitable basis. For convenience of
1184 collection, upon request of the department, handlers of the
1185 commodities shall pay any producer assessments. Handlers paying
1186 assessments for and on behalf of any producers may collect the
1187 producer assessments from any moneys owed by the handlers to the
1188 producers. The collected assessments shall be deposited into the
1189 appropriate trust fund and used for the sole purpose of

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1190 implementing the marketing order for which the assessment was
1191 collected. The department is not subject to s. 287.057 in the
1192 expenditure of these funds. However, the director of the
1193 Division of Fruit and Vegetables Marketing and Development shall
1194 file with the internal auditor of the department a certification
1195 of conditions and circumstances justifying each contract or
1196 agreement entered into without competitive bidding.

1197 Section 36. Paragraph (b) of subsection (4) of section
1198 590.02, Florida Statutes, is amended to read:

1199 590.02 Florida Forest Service; powers, authority, and
1200 duties; liability; building structures; Withlacoochee Training
1201 Center.—

1202 (4)

1203 (b) Notwithstanding s. 553.80(1), the department shall
1204 exclusively enforce the Florida Building Code as it pertains to
1205 wildfire, ~~and law enforcement,~~ and other Florida Forest Service
1206 facilities under the jurisdiction of the department.

1207 Section 37. Paragraph (a) of subsection (5) of section
1208 597.004, Florida Statutes, is amended to read:

1209 597.004 Aquaculture certificate of registration.—

1210 (5) SALE OF AQUACULTURE PRODUCTS.—

1211 (a) Aquaculture products, except shellfish, snook, and any
1212 fish of the genus *Micropterus*, and prohibited and restricted
1213 freshwater and marine species identified by rules of the Fish
1214 and Wildlife Conservation Commission, may be sold by an
1215 aquaculture producer certified pursuant to this section or by a
1216 dealer licensed pursuant to part VII of chapter 379 without
1217 restriction so long as the product origin can be identified.

1218 Section 38. Subsection (2) of section 604.16, Florida

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1219 Statutes, is amended to read:

1220 604.16 Exceptions to provisions of ss. 604.15-604.34.-
1221 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
1222 not apply to:

1223 (2) A dealer in agricultural products who pays at the time
1224 of purchase with United States cash currency or a cash
1225 equivalent, such as a money order, cashier's check, wire
1226 transfer, electronic funds transfer, or PIN-based debit
1227 transaction, or who pays with a credit card as defined in s.
1228 658.995(2)(a).

1229 Section 39. Subsections (2) and (4), and paragraph (b) of
1230 subsection (5) of section 790.06, Florida Statutes, are amended
1231 to read:

1232 790.06 License to carry concealed weapon or firearm.-

1233 (2) The Department of Agriculture and Consumer Services
1234 shall issue a license if the applicant:

1235 (a) Is a resident of the United States and a citizen of the
1236 United States or a permanent resident alien of the United
1237 States, as determined by the United States Bureau of Citizenship
1238 and Immigration Services, or is a consular security official of
1239 a foreign government that maintains diplomatic relations and
1240 treaties of commerce, friendship, and navigation with the United
1241 States and is certified as such by the foreign government and by
1242 the appropriate embassy in this country;

1243 (b) Is 21 years of age or older;

1244 (c) Does not suffer from a physical infirmity which
1245 prevents the safe handling of a weapon or firearm;

1246 (d) Is not ineligible to possess a firearm pursuant to s.
1247 790.23 by virtue of having been convicted of a felony;

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1248 (e) Has not been: ~~committed for the abuse of a controlled~~
1249 ~~substance or been~~

1250 1. Found guilty of a crime under the provisions of chapter
1251 893 or similar laws of any other state relating to controlled
1252 substances within a 3-year period immediately preceding the date
1253 on which the application is submitted; or

1254 2. Committed for the abuse of a controlled substance under
1255 chapter 397 or under the provisions of former chapter 396 or
1256 similar laws of any other state. An applicant who has been
1257 granted relief from firearms disabilities pursuant to s.
1258 790.065(2)(a)4.d. or pursuant to the law of the state where the
1259 commitment occurred is deemed not to be committed for the abuse
1260 of a controlled substance under this subparagraph;

1261 (f) Does not chronically and habitually use alcoholic
1262 beverages or other substances to the extent that his or her
1263 normal faculties are impaired. It shall be presumed that an
1264 applicant chronically and habitually uses alcoholic beverages or
1265 other substances to the extent that his or her normal faculties
1266 are impaired if the applicant has been ~~committed under chapter~~
1267 ~~397 or under the provisions of former chapter 396 or has been~~
1268 convicted under s. 790.151 or has been deemed a habitual
1269 offender under s. 856.011(3), or has had two or more convictions
1270 under s. 316.193 or similar laws of any other state, within the
1271 3-year period immediately preceding the date on which the
1272 application is submitted;

1273 (g) Desires a legal means to carry a concealed weapon or
1274 firearm for lawful self-defense;

1275 (h) Demonstrates competence with a firearm by any one of
1276 the following:

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1277 1. Completion of any hunter education or hunter safety
1278 course approved by the Fish and Wildlife Conservation Commission
1279 or a similar agency of another state;

1280 2. Completion of any National Rifle Association firearms
1281 safety or training course;

1282 3. Completion of any firearms safety or training course or
1283 class available to the general public offered by a law
1284 enforcement agency, junior college, college, or private or
1285 public institution or organization or firearms training school,
1286 using instructors certified by the National Rifle Association,
1287 Criminal Justice Standards and Training Commission, or the
1288 Department of Agriculture and Consumer Services;

1289 4. Completion of any law enforcement firearms safety or
1290 training course or class offered for security guards,
1291 investigators, special deputies, or any division or subdivision
1292 of a law enforcement agency or security enforcement;

1293 5. Presents evidence of equivalent experience with a
1294 firearm through participation in organized shooting competition
1295 or military service;

1296 6. Is licensed or has been licensed to carry a firearm in
1297 this state or a county or municipality of this state, unless
1298 such license has been revoked for cause; or

1299 7. Completion of any firearms training or safety course or
1300 class conducted by a state-certified or National Rifle
1301 Association certified firearms instructor;

1302

1303 A photocopy of a certificate of completion of any of the courses
1304 or classes; an affidavit from the instructor, school, club,
1305 organization, or group that conducted or taught such course or

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1306 class attesting to the completion of the course or class by the
1307 applicant; or a copy of any document that shows completion of
1308 the course or class or evidences participation in firearms
1309 competition shall constitute evidence of qualification under
1310 this paragraph. A person who conducts a course pursuant to
1311 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
1312 an instructor, attests to the completion of such courses, must
1313 maintain records certifying that he or she observed the student
1314 safely handle and discharge the firearm in his or her physical
1315 presence and that the discharge of the firearm included live
1316 fire using a firearm and ammunition as defined in s. 790.001;

1317 (i) Has not been adjudicated an incapacitated person under
1318 s. 744.331, or similar laws of any other state. An applicant who
1319 has been granted relief from firearms disabilities pursuant to
1320 s. 790.065(2)(a)4.d. or pursuant to the law of the state where
1321 the adjudication occurred is deemed not to have been adjudicated
1322 an incapacitated person under this paragraph, unless 5 years
1323 have elapsed since the applicant's restoration to capacity by
1324 court order;

1325 (j) Has not been committed to a mental institution under
1326 chapter 394, or similar laws of any other state. An applicant
1327 who has been granted relief from firearms disabilities pursuant
1328 to s. 790.065(2)(a)4.d. or pursuant to the law of the state
1329 where the commitment occurred is deemed not to have been
1330 committed in a mental institution under this paragraph, unless
1331 the applicant produces a certificate from a licensed
1332 psychiatrist that he or she has not suffered from disability for
1333 at least 5 years before the date of submission of the
1334 application;

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1335 (k) Has not had adjudication of guilt withheld or
1336 imposition of sentence suspended on any felony unless 3 years
1337 have elapsed since probation or any other conditions set by the
1338 court have been fulfilled, or expunction has occurred;

1339 (l) Has not had adjudication of guilt withheld or
1340 imposition of sentence suspended on any misdemeanor crime of
1341 domestic violence unless 3 years have elapsed since probation or
1342 any other conditions set by the court have been fulfilled, or
1343 the record has been expunged;

1344 (m) Has not been issued an injunction that is currently in
1345 force and effect and that restrains the applicant from
1346 committing acts of domestic violence or acts of repeat violence;
1347 and

1348 (n) Is not prohibited from purchasing or possessing a
1349 firearm by any other provision of Florida or federal law.

1350 (4) The application shall be completed, under oath, on a
1351 form adopted by the Department of Agriculture and Consumer
1352 Services and shall include:

1353 (a) The name, address, place of birth, date of birth, and
1354 race of the applicant;

1355 (b) A statement that the applicant is in compliance with
1356 criteria contained within subsections (2) and (3);

1357 (c) A statement that the applicant has been furnished a
1358 copy of or a website link to this chapter and is knowledgeable
1359 of its provisions;

1360 (d) A conspicuous warning that the application is executed
1361 under oath and that a false answer to any question, or the
1362 submission of any false document by the applicant, subjects the
1363 applicant to criminal prosecution under s. 837.06;

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1364 (e) A statement that the applicant desires a concealed
1365 weapon or firearms license as a means of lawful self-defense;
1366 and

1367 (f) Directions for an applicant who is a servicemember, as
1368 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
1369 request expedited processing of his or her application.

1370 (5) The applicant shall submit to the Department of
1371 Agriculture and Consumer Services or an approved tax collector
1372 pursuant to s. 790.0625:

1373 (b) A nonrefundable license fee of up to \$55 ~~\$60~~ if he or
1374 she has not previously been issued a statewide license or of up
1375 to \$45 ~~\$50~~ for renewal of a statewide license. The cost of
1376 processing fingerprints as required in paragraph (c) shall be
1377 borne by the applicant. However, an individual holding an active
1378 certification from the Criminal Justice Standards and Training
1379 Commission as a law enforcement officer, correctional officer,
1380 or correctional probation officer as defined in s. 943.10(1),
1381 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
1382 requirements of this section. If such individual wishes to
1383 receive a concealed weapon or firearm license, he or she is
1384 exempt from the background investigation and all background
1385 investigation fees but must pay the current license fees
1386 regularly required to be paid by nonexempt applicants. Further,
1387 a law enforcement officer, a correctional officer, or a
1388 correctional probation officer as defined in s. 943.10(1), (2),
1389 or (3) is exempt from the required fees and background
1390 investigation for 1 year after his or her retirement.

1391 Section 40. This act shall take effect July 1, 2017.