

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 193.461, F.S.;
4 specifying a methodology for the assessment of certain
5 structures used in citrus production; amending s.
6 379.361, F.S.; transferring authority to issue
7 licenses for oyster harvesting in Apalachicola Bay
8 from the department to the City of Apalachicola;
9 revising the disposition and permitted uses of license
10 proceeds; amending s. 487.041, F.S.; deleting obsolete
11 provisions; deleting a requirement that all pesticide
12 registration fees be submitted electronically;
13 amending s. 493.6105, F.S.; revising the submission
14 requirements for a Class "K" firearm license
15 application; amending s. 493.6113, F.S.; revising
16 submission requirements for a Class "K" firearm
17 license renewal; amending s. 496.415, F.S.;
18 prohibiting the comingling of funds in connection with
19 the planning, conduct, or execution of any
20 solicitation or charitable or sponsor sales promotion;
21 amending s. 496.418, F.S.; revising recordkeeping and
22 accounting requirements for solicitations of funds;
23 amending s. 500.459, F.S.; revising permitting
24 requirements and operating standards for water vending
25 machines; amending s. 501.059, F.S.; revising the term

26 | "telephonic sales call"; prohibiting telephone
27 | solicitors from initiating certain contact with
28 | businesses who previously communicated that they did
29 | not wish to be so contacted; creating s. 501.6175,
30 | F.S.; specifying recordkeeping requirements for
31 | commercial telephone sellers; amending s. 501.912,
32 | F.S.; revising terms; amending s. 501.913, F.S.;
33 | authorizing antifreeze brands to be registered for a
34 | specified period; deleting a provision relating to the
35 | registration of brands that are no longer in
36 | production; specifying a certified report requirement
37 | for first-time applications; amending s. 501.917,
38 | F.S.; revising department sampling and analysis
39 | requirements for antifreeze; specifying that the
40 | certificate of analysis is prima facie evidence of the
41 | facts stated therein; amending s. 501.92, F.S.;
42 | revising when the department may require an antifreeze
43 | formula for analysis; amending s. 525.07, F.S.;
44 | authorizing the department to seize skimming devices
45 | without a warrant; amending s. 526.51, F.S.; revising
46 | application requirements and fees for brake fluid
47 | brands; deleting a provision relating to the
48 | registration of brands that are no longer in
49 | production; amending s. 526.53, F.S.; revising
50 | department sampling and analysis requirements for

51 | brake fluid; specifying that the certificate of
52 | analysis is prima facie evidence of the facts stated
53 | therein; amending s. 527.01, F.S.; revising terms;
54 | amending s. 527.02, F.S.; revising the persons subject
55 | to liquefied petroleum business licensing provisions;
56 | revising such licensing fees and requirements;
57 | revising reporting and fee requirements for certain
58 | material changes to license information; deleting a
59 | provision authorizing license transfers; amending s.
60 | 527.0201, F.S.; revising the persons subject to
61 | liquefied petroleum qualifier competency examination,
62 | registry, supervisory, and employment requirements;
63 | revising the expiration of qualifier registrations;
64 | revising the persons subject to master qualifier
65 | requirements; revising master qualifier application
66 | requirements; deleting provisions specifying that a
67 | failure to replace master qualifiers within certain
68 | periods constitutes grounds for license revocation;
69 | deleting a provision relating to facsimile
70 | transmission of duplicate licenses; amending s.
71 | 527.021, F.S.; revising the circumstances under which
72 | liquefied petroleum gas bulk delivery vehicles must be
73 | registered with the department; amending s. 527.03,
74 | F.S.; authorizing certain liquefied petroleum gas
75 | registrations to be renewed for 2 or 3 years; deleting

76 certain renewal period requirements; amending s.
77 527.04, F.S.; revising the persons required to provide
78 the department with proof of insurance; revising the
79 required payee for a bond in lieu of such insurance;
80 amending s. 527.0605, F.S.; deleting provisions
81 requiring licensees to submit a site plan and review
82 fee for liquefied petroleum bulk storage container
83 locations; amending s. 527.065, F.S.; revising the
84 circumstances under which a liquefied petroleum gas
85 licensee must notify the department of an accident;
86 amending ss. 527.10 and 527.21, F.S.; conforming
87 provisions to changes made by the act; amending s.
88 527.22, F.S.; deleting an obsolete provision; amending
89 s. 531.67, F.S.; extending the expiration date of
90 certain provisions relating to permits for
91 commercially operated or tested weights or measures
92 instruments or devices; amending s. 570.07, F.S.;
93 authorizing the department to waive certain fees
94 during a state of emergency; amending s. 573.111,
95 F.S.; revising the required posting location for the
96 issuance of an agricultural commodity marketing order;
97 amending s. 578.011, F.S.; revising and defining
98 terms; creating s. 578.012, F.S.; providing
99 legislative intent; creating a preemption of local law
100 relating to regulation of seed; amending s. 578.08,

101 F.S.; revising application requirements for the
102 registration of seed dealers; conforming provisions to
103 changes made by the act; specifying that a receipt
104 from the department need not be written to constitute
105 a permit; deleting an exception to registration
106 requirements for certain experiment stations;
107 requiring the payment of fees when packet seed is
108 placed into commerce; amending s. 578.09, F.S.;
109 revising labeling requirements for agricultural,
110 vegetable, flower, tree, and shrub seeds; conforming a
111 cross-reference; repealing s. 578.091, F.S., relating
112 to labeling of forest tree seed; amending s. 578.10,
113 F.S.; revising exemptions to seed labeling, sale, and
114 solicitation requirements; amending s. 578.11, F.S.;
115 conforming provisions to changes made by the act;
116 making technical changes; amending s. 578.12, F.S.;
117 conforming provisions to changes made by the act;
118 amending s. 578.13, F.S.; conforming provisions to
119 changes made by the act; specifying that it is
120 unlawful to move, handle, or dispose of seeds or tags
121 under a stop-sale notice or order without permission
122 from the department; specifying that it is unlawful to
123 represent seed as certified except under specified
124 conditions or to label seed with a variety name under
125 certain conditions; repealing s. 578.14, F.S.,

126 relating to packet vegetable and flower seed; amending
 127 s. 578.181, F.S.; revising penalties; amending s.
 128 578.23, F.S.; revising recordkeeping requirements
 129 relating to seed labeling; amending s. 578.26, F.S.;
 130 conforming provisions to changes made by the act;
 131 specifying that certain persons may not commence legal
 132 proceedings or make certain claims against a seed
 133 dealer before certain findings and recommendations are
 134 transmitted by the seed investigation and conciliation
 135 council to the complainant and dealer; deleting a
 136 requirement that the department transmit such findings
 137 and recommendations to complainants and dealers;
 138 requiring the department to mail a copy of the
 139 council's procedures to both parties upon receipt of a
 140 complaint; amending s. 578.27, F.S.; removing
 141 alternate membership from the seed investigation and
 142 conciliation council; revising the terms of members of
 143 the council; conforming provisions to changes made by
 144 the act; revising the purpose of the council; revising
 145 the council's investigatory process; renumbering and
 146 amending s. 578.28, F.S.; making a technical change;
 147 creating s. 578.29, F.S.; prohibiting certain noxious
 148 weed seed from being offered or exposed for sale;
 149 amending s. 590.02, F.S.; authorizing the Florida
 150 Forest Service to pay certain employees' initial

151 commercial driver license examination fees; amending
152 s. 790.06, F.S.; revising required department handling
153 of incomplete criminal history information in relation
154 to licensure to carry concealed firearms; revising the
155 required furnished statement to obtain a duplicate or
156 substitute concealed weapon or firearm license;
157 amending s. 790.0625, F.S.; revising required tax
158 collector collection and remittance of firearm license
159 fees; revising the fees which a tax collector may
160 retain; authorizing certain tax collectors to print
161 and deliver certain replacement licenses under certain
162 conditions; authorizing certain tax collectors to
163 offer fingerprinting and photographing services to aid
164 license applicants; creating s. 817.417, F.S.;
165 providing a short title; defining terms; specifying
166 department duties and responsibilities relating to
167 government impostor and deceptive advertisements;
168 requiring rulemaking by the department; specifying
169 that it is a violation to disseminate certain
170 misleading or confusing advertisements, to make
171 certain misleading or confusing representations, to
172 use content implying or leading to confusion that such
173 content is from a governmental entity when such is not
174 true, to fail to provide certain disclosures, and to
175 fail to provide certain responses and answers to the

176 department; requiring a person offering documents that
 177 are available free of charge or at a lesser price from
 178 a governmental entity to provide a certain disclosure;
 179 providing penalties; amending s. 489.105, F.S.;
 180 conforming provisions to changes made by the act;
 181 reenacting s. 527.06(3), F.S., relating to published
 182 standards of the National Fire Protection Association;
 183 providing an effective date.

184

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

186

187 Section 1. Paragraph (c) of subsection (6) of section
 188 193.461, Florida Statutes, is amended to read:

189 193.461 Agricultural lands; classification and assessment;
 190 mandated eradication or quarantine program.—

191 (6)

192 (c)1. For purposes of the income methodology approach to
 193 assessment of property used for agricultural purposes,
 194 irrigation systems, including pumps and motors, physically
 195 attached to the land shall be considered a part of the average
 196 yields per acre and shall have no separately assessable
 197 contributory value.

198 2. Litter containment structures located on producing
 199 poultry farms and animal waste nutrient containment structures
 200 located on producing dairy farms shall be assessed by the

201 methodology described in subparagraph 1.

202 3. Structures or improvements used in horticultural
203 production for frost or freeze protection and screen enclosed
204 structures used in citrus production for pest exclusion, which
205 are consistent with the interim measures or best management
206 practices adopted by the Department of Agriculture and Consumer
207 Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be
208 assessed by the methodology described in subparagraph 1.

209 Section 2. Paragraphs (b), (d), and (i) of subsection (5)
210 of section 379.361, Florida Statutes, are amended to read:

211 379.361 Licenses.—

212 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

213 (b) A ~~No~~ person may not ~~shall~~ harvest oysters from the
214 Apalachicola Bay without a valid Apalachicola Bay oyster
215 harvesting license issued by the City of Apalachicola ~~Department~~
216 ~~of Agriculture and Consumer Services~~. This requirement does
217 ~~shall~~ not apply to anyone harvesting noncommercial quantities of
218 oysters in accordance with commission rules, or to any person
219 less than 18 years old.

220 (d) The City of Apalachicola ~~Department of Agriculture and~~
221 ~~Consumer Services~~ shall collect an annual fee of \$100 from state
222 residents and \$500 from nonresidents for the issuance of an
223 Apalachicola Bay oyster harvesting license. The license year
224 shall begin on July 1 of each year and end on June 30 of the
225 following year. The license shall be valid only for the

226 licensee. Only bona fide residents of the state ~~Florida~~ may
 227 obtain a resident license pursuant to this subsection.

228 (i) The proceeds from Apalachicola Bay oyster harvesting
 229 license fees shall be deposited by the City of Apalachicola into
 230 a trust account ~~in the General Inspection Trust Fund~~ and, less
 231 reasonable administrative costs, must ~~shall~~ be used or
 232 distributed by the City of Apalachicola ~~Department of~~
 233 ~~Agriculture and Consumer Services~~ for the following purposes in
 234 Apalachicola Bay:

235 1. An Apalachicola Bay oyster shell recycling program
 236 ~~Relaying and transplanting live oysters.~~

237 2. Shell planting to construct or rehabilitate oyster
 238 bars.

239 3. Education programs for licensed oyster harvesters on
 240 oyster biology, aquaculture, boating and water safety,
 241 sanitation, resource conservation, small business management,
 242 marketing, and other relevant subjects.

243 4. Research directed toward the enhancement of oyster
 244 production in the bay and the water management needs of the bay.

245 Section 3. Paragraphs (a), (b), and (i) of subsection (1)
 246 of section 487.041, Florida Statutes, are amended to read:

247 487.041 Registration.—

248 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,
 249 as defined in s. 487.021, which is distributed, sold, or offered
 250 for sale, except as provided in this section, within this state

251 or delivered for transportation or transported in intrastate
 252 commerce or between points within this state through any point
 253 outside this state must be registered in the office of the
 254 department, and such registration shall be renewed biennially.
 255 Emergency exemptions from registration may be authorized in
 256 accordance with the rules of the department. The registrant
 257 shall file with the department a statement including:

258 1. The name, business mailing address, and street address
 259 of the registrant.

260 2. The name of the brand of pesticide.

261 3. An ingredient statement and a complete current copy of
 262 the labeling accompanying the brand of pesticide, which must
 263 conform to the registration, and a statement of all claims to be
 264 made for it, including directions for use and a guaranteed
 265 analysis showing the names and percentages by weight of each
 266 active ingredient, the total percentage of inert ingredients,
 267 and the names and percentages by weight of each "added
 268 ingredient."

269 (b) ~~Effective January 1, 2009,~~ For the purpose of
 270 defraying expenses of the department in connection with carrying
 271 out the provisions of this part, each registrant shall pay a
 272 biennial registration fee for each registered brand of
 273 pesticide. The registration of each brand of pesticide shall
 274 cover a designated 2-year period beginning on January 1 of each
 275 odd-numbered year and expiring on December 31 of the following

276 year.

277 ~~(i) Effective January 1, 2013, all payments of any~~
278 ~~pesticide registration fees, including late fees, shall be~~
279 ~~submitted electronically using the department's Internet website~~
280 ~~for registration of pesticide product brands.~~

281 Section 4. Paragraph (a) of subsection (6) of section
282 493.6105, Florida Statutes, is amended to read:

283 493.6105 Initial application for license.—

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

286 (a) Submit one of the following:

287 1. The Florida Criminal Justice Standards and Training
288 Commission Instructor Certificate and written confirmation by
289 the commission that the applicant possesses an active firearms
290 certification.

291 2. A valid National Rifle Association Private Security
292 Firearm Instructor Certificate issued not more than 3 years
293 before the submission of the applicant's Class "K" application.

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

297 4. A valid DD form 214 issued by the United States
298 Department of Defense, an acceptable form as specified by the
299 Department of Veterans' Affairs, or other official military
300 documentation. Such form or documentation must be issued not

301 more than 3 years before the submission of the applicant's Class
302 "K" application, indicating that the applicant has been
303 honorably discharged and has served as a military firearms
304 instructor within the last 3 years of service.

305 Section 5. Paragraph (d) of subsection (3) of section
306 493.6113, Florida Statutes, is amended to read:

307 493.6113 Renewal application for licensure.—

308 (3) Each licensee is responsible for renewing his or her
309 license on or before its expiration by filing with the
310 department an application for renewal accompanied by payment of
311 the renewal fee and the fingerprint retention fee to cover the
312 cost of ongoing retention in the statewide automated biometric
313 identification system established in s. 943.05(2)(b). Upon the
314 first renewal of a license issued under this chapter before
315 January 1, 2017, the licensee shall submit a full set of
316 fingerprints and fingerprint processing fees to cover the cost
317 of entering the fingerprints into the statewide automated
318 biometric identification system pursuant to s. 493.6108(4)(a)
319 and the cost of enrollment in the Federal Bureau of
320 Investigation's national retained print arrest notification
321 program. Subsequent renewals may be completed without submission
322 of a new set of fingerprints.

323 (d) Each Class "K" licensee shall additionally submit:

324 1. One of the certificates specified under s. 493.6105(6)
325 as proof that he or she remains certified to provide firearms

326 | instruction; or

327 | 2. Proof of having taught no less than six 28-hour
328 | firearms instruction courses to Class "G" applicants, as
329 | specified in s. 493.6105(5), during the previous triennial
330 | licensure period.

331 | Section 6. Subsection (19) is added to section 496.415,
332 | Florida Statutes, to read:

333 | 496.415 Prohibited acts.—It is unlawful for any person in
334 | connection with the planning, conduct, or execution of any
335 | solicitation or charitable or sponsor sales promotion to:

336 | (19) Commingle charitable contributions with noncharitable
337 | funds.

338 | Section 7. Section 496.418, Florida Statutes, is amended
339 | to read:

340 | 496.418 Recordkeeping and accounting Records.—

341 | (1) Each charitable organization, sponsor, professional
342 | fundraising consultant, and professional solicitor that collects
343 | or takes control or possession of contributions made for a
344 | charitable purpose must keep records to permit accurate
345 | reporting and auditing as required by law, must not commingle
346 | contributions with noncharitable funds as specified in s.
347 | 496.415(19), and must be able to account for the funds. When
348 | expenditures are not properly documented and disclosed by
349 | records, there exists a rebuttable presumption that the
350 | charitable organization, sponsor, professional fundraising

351 consultant, or professional solicitor did not properly expend
352 such funds. Noncharitable funds include any funds that are not
353 used or intended to be used for the operation of the charity or
354 for charitable purposes.

355 (2) Each charitable organization, sponsor, professional
356 fundraising consultant, and professional solicitor must keep for
357 a period of at least 3 years true and accurate records as to its
358 activities in this state which are covered by ss. 496.401-
359 496.424. The records must be made available, without subpoena,
360 to the department for inspection and must be furnished no later
361 than 10 working days after requested.

362 Section 8. Paragraph (b) of subsection (3) and paragraph
363 (i) of subsection (5) of section 500.459, Florida Statutes, are
364 amended to read:

365 500.459 Water vending machines.—

366 (3) PERMITTING REQUIREMENTS.—

367 (b) An application for an operating permit must be made ~~in~~
368 ~~writing~~ to the department on forms provided by the department
369 and must be accompanied by a fee as provided in subsection (4).
370 The application must state the location of each water vending
371 machine, the source of the water to be vended, the treatment the
372 water will receive prior to being vended, and any other
373 information considered necessary by the department.

374 (5) OPERATING STANDARDS.—

375 (i) The operator shall place on each water vending

376 machine, in a position clearly visible to customers, the
 377 following information: the name and address of the operator; ~~the~~
 378 ~~operating permit number;~~ the fact that the water is obtained
 379 from a public water supply; the method of treatment used; the
 380 method of postdisinfection used; and a local or toll-free
 381 telephone number that may be called for obtaining further
 382 information, reporting problems, or making complaints.

383 Section 9. Paragraph (g) of subsection (1) and subsection
 384 (5) of section 501.059, Florida Statutes, are amended to read:

385 501.059 Telephone solicitation.—

386 (1) As used in this section, the term:

387 (g) "Telephonic sales call" means a telephone call,
 388 ringless direct-to-voicemail delivery, or text message to a
 389 consumer for the purpose of soliciting a sale of any consumer
 390 goods or services, soliciting an extension of credit for
 391 consumer goods or services, or obtaining information that will
 392 or may be used for the direct solicitation of a sale of consumer
 393 goods or services or an extension of credit for such purposes.

394 (5) A telephone solicitor or other person may not initiate
 395 an outbound telephone call or text message to a consumer,
 396 business, or donor or potential donor who has previously
 397 communicated to the telephone solicitor or other person that he
 398 or she does not wish to receive an outbound telephone call or
 399 text message:

400 (a) Made by or on behalf of the seller whose goods or

401 services are being offered; or

402 (b) Made on behalf of a charitable organization for which
403 a charitable contribution is being solicited.

404 Section 10. Section 501.6175, Florida Statutes, is created
405 to read:

406 501.6175 Recordkeeping.—A commercial telephone seller
407 shall keep all of the following information for 2 years after
408 the date the information first becomes part of the seller's
409 business records:

410 (1) The name and telephone number of each consumer
411 contacted by a telephone sales call.

412 (2) All express requests authorizing the telephone
413 solicitor to contact the consumer.

414 (3) Any script, outline, or presentation the applicant
415 requires or suggests a salesperson use when soliciting; sales
416 information or literature to be provided by the commercial
417 telephone seller to a salesperson; and sales information or
418 literature to be provided by the commercial telephone seller to
419 a consumer in connection with any solicitation.

420
421 Within 10 days of an oral or written request by the department,
422 including a written request transmitted by electronic mail, a
423 commercial telephone seller must make the records it keeps
424 pursuant to this section available for inspection and copying by
425 the department during the department's normal business hours.

426 This section does not limit the department's ability to inspect
427 and copy material pursuant to any other law.

428 Section 11. Section 501.912, Florida Statutes, is amended
429 to read:

430 501.912 Definitions.—As used in ss. 501.91-501.923:

431 (1) "Antifreeze" means any substance or preparation,
432 including, but not limited to, antifreeze-coolant, antifreeze
433 and summer coolant, or summer coolant, that is sold,
434 distributed, or intended for use:

435 (a) As the cooling liquid, or to be added to the cooling
436 liquid, in the cooling system of internal combustion engines of
437 motor vehicles to prevent freezing of the cooling liquid or to
438 lower its freezing point; or

439 (b) To raise the boiling point of water or for the
440 prevention of engine overheating, whether or not the liquid is
441 used as a year-round cooling system fluid.

442 ~~(2) "Antifreeze-coolant," "antifreeze and summer coolant,"~~
443 ~~or "summer coolant" means any substance as defined in subsection~~
444 ~~(1) which also is sold, distributed, or intended for raising the~~
445 ~~boiling point of water or for the prevention of engine~~
446 ~~overheating whether or not used as a year-round cooling system~~
447 ~~fluid. Unless otherwise stated, the term "antifreeze" includes~~
448 ~~"antifreeze," "antifreeze-coolant," "antifreeze and summer~~
449 ~~coolant," and "summer coolant."~~

450 (2)(3) "Department" means the Department of Agriculture

451 and Consumer Services.

452 (3)~~(4)~~ "Distribute" means to hold with an intent to sell,
453 offer for sale, sell, barter, or otherwise supply to the
454 consumer.

455 (4)~~(5)~~ "Package" means a sealed, tamperproof retail
456 package, drum, or other container designed for the sale of
457 antifreeze directly to the consumer or a container from which
458 the antifreeze may be installed directly by the seller into the
459 cooling system. However, this term,~~but~~ does not include
460 shipping containers containing properly labeled inner
461 containers.

462 (5)~~(6)~~ "Label" means any display of written, printed, or
463 graphic matter on, or attached to, a package or to the outside
464 individual container or wrapper of the package.

465 (6)~~(7)~~ "Labeling" means the labels and any other written,
466 printed, or graphic matter accompanying a package.

467 Section 12. Section 501.913, Florida Statutes, is amended
468 to read:

469 501.913 Registration.—

470 (1) Each brand of antifreeze to be distributed in this
471 state must ~~shall~~ be registered with the department before
472 distribution. The person whose name appears on the label, the
473 manufacturer, or the packager shall make application annually or
474 biennially to the department on forms provided by the
475 department. The registration certificate expires ~~shall expire~~ 12

476 or 24 months after the date of issue, as indicated on the
477 registration certificate. The registrant assumes, by application
478 to register the brand, full responsibility for the registration,
479 quality, and quantity of the product sold, offered, or exposed
480 for sale in this state. ~~If a registered brand is not in~~
481 ~~production for distribution in this state and to ensure any~~
482 ~~remaining product that is still available for sale in the state~~
483 ~~is properly registered, the registrant must submit a notarized~~
484 ~~affidavit on company letterhead to the department certifying~~
485 ~~that:~~

486 ~~(a) The stated brand is no longer in production;~~

487 ~~(b) The stated brand will not be distributed in this~~
488 ~~state; and~~

489 ~~(c) All existing product of the stated brand will be~~
490 ~~removed by the registrant from the state within 30 days after~~
491 ~~expiration of the registration or the registrant will reregister~~
492 ~~the brand for two subsequent registration periods.~~

493

494 ~~If production resumes, the brand must be reregistered before it~~
495 ~~is distributed in this state.~~

496 (2) The completed application shall be accompanied by:

497 (a) Specimens or copies ~~facsimiles~~ of the label for each
498 brand of antifreeze;

499 (b) An application fee of \$200 for a 12-month registration
500 or \$400 for a 24-month registration for each brand of

501 antifreeze; and

502 (c) For first-time applications, a certified report from
503 an independent testing laboratory, dated no more than 6 months
504 before the registration application, providing analysis showing
505 that the antifreeze conforms to minimum standards required for
506 antifreeze by this part or rules of the department and is not
507 adulterated ~~A properly labeled sample of between 1 and 2 gallons~~
508 ~~for each brand of antifreeze.~~

509 (3) The department may analyze or inspect the antifreeze
510 to ensure that it:

511 (a) Meets the labeling claims;

512 (b) Conforms to minimum standards required for antifreeze
513 by this part ~~chapter~~ or rules of the department; and

514 (c) Is not adulterated as prescribed for antifreeze by
515 this part ~~chapter~~.

516 (4) (a) If the registration requirements are met, and, if
517 the antifreeze meets the minimum standards, is not adulterated,
518 and meets the labeling claims, the department shall issue a
519 certificate of registration authorizing the distribution of that
520 antifreeze in the state for the permit period ~~year~~.

521 (b) If registration requirements are not met, or, if the
522 antifreeze fails to meet the minimum standards, is adulterated,
523 or fails to meet the labeling claims, the department shall
524 refuse to register the antifreeze.

525 Section 13. Section 501.917, Florida Statutes, is amended

526 to read:

527 501.917 Inspection by department; sampling and analysis.—
 528 The department has ~~shall have~~ the right to have access at
 529 reasonable hours to all places and property where antifreeze is
 530 stored, distributed, or offered or intended to be offered for
 531 sale, including the right to inspect and examine all antifreeze
 532 and to take reasonable samples of antifreeze for analysis
 533 together with specimens of labeling. Collected samples must be
 534 analyzed by the department. The certificate of analysis by the
 535 department shall be prima facie evidence of the facts stated
 536 therein in any legal proceeding in this state ~~All samples taken~~
 537 ~~shall be properly sealed and sent to a laboratory designated by~~
 538 ~~the department for examination together with all labeling~~
 539 ~~pertaining to such samples. It shall be the duty of said~~
 540 ~~laboratory to examine promptly all samples received in~~
 541 ~~connection with the administration and enforcement of this act.~~

542 Section 14. Section 501.92, Florida Statutes, is amended
 543 to read:

544 501.92 Formula may be required.—The department may, if
 545 required for the analysis of antifreeze by ~~the laboratory~~
 546 ~~designated by the department for the purpose of registration,~~
 547 require the applicant to furnish a statement of the formula of
 548 such antifreeze, unless the applicant can furnish other
 549 satisfactory evidence that such antifreeze is not adulterated or
 550 misbranded. Such statement need not include inhibitor or other

551 minor ingredients which total less than 5 percent by weight of
552 the antifreeze; and, if over 5 percent, the composition of the
553 inhibitor and such other ingredients may be given in generic
554 terms.

555 Section 15. Paragraph (e) of subsection (10) of section
556 525.07, Florida Statutes, is redesignated as paragraph (f), and
557 a new paragraph (e) is added to that subsection, to read:

558 525.07 Powers and duties of department; inspections;
559 unlawful acts.—

560 (10)

561 (e) The department may seize without warrant any skimming
562 device, as defined in s. 817.625, for use as evidence.

563 Section 16. Subsection (1) of section 526.51, Florida
564 Statutes, is amended to read:

565 526.51 Registration; renewal and fees; departmental
566 expenses; cancellation or refusal to issue or renew.—

567 (1)(a) Application for registration of each brand of brake
568 fluid shall be made on forms supplied by the department. The
569 applicant shall give his or her name and address and the brand
570 name of the brake fluid, state that he or she owns the brand
571 name and has complete control over the product sold thereunder
572 in this state, and provide the name and address of the resident
573 agent in this state. If the applicant does not own the brand
574 name but wishes to register the product with the department, a
575 notarized affidavit that gives the applicant full authorization

576 to register the brand name and that is signed by the owner of
577 the brand name must accompany the application for registration.
578 The affidavit must include all affected brand names, the owner's
579 company or corporate name and address, the applicant's company
580 or corporate name and address, and a statement from the owner
581 authorizing the applicant to register the product with the
582 department. The owner of the brand name shall maintain complete
583 control over each product sold under that brand name in this
584 state.

585 (b) The completed application must be accompanied by the
586 following:

587 1. Specimens or copies of the label for each brand of
588 brake fluid.

589 2. An application fee of \$50 for a 12-month registration
590 or \$100 for a 24-month registration for each brand of brake
591 fluid.

592 3. For ~~All~~ first-time applications for a brand and formula
593 combination, ~~must be accompanied by~~ a certified report from an
594 independent testing laboratory, dated no more than 6 months
595 before the registration application, setting forth the analysis
596 of the brake fluid which shows its quality to be not less than
597 the specifications established by the department for brake
598 fluids. ~~A sample of not less than 24 fluid ounces of brake fluid~~
599 shall be submitted, in a container with a label printed in the
600 same manner that it will be labeled when sold, and the sample

601 ~~and container shall be analyzed and inspected by the department~~
602 ~~in order that compliance with the department's specifications~~
603 ~~and labeling requirements may be verified.~~

604
605 Upon approval of the application, the department shall register
606 the brand name of the brake fluid and issue to the applicant a
607 permit authorizing the registrant to sell the brake fluid in
608 this state. The registration certificate expires ~~shall expire~~ 12
609 or 24 months after the date of issue, as indicated on the
610 registration certificate.

611 ~~(c)(b) Each applicant shall pay a fee of \$100 with each~~
612 ~~application.~~ A permit may be renewed by application to the
613 department, accompanied by a renewal fee of \$50 for a 12-month
614 registration, or \$100 for a 24-month registration, on or before
615 the expiration of the previously issued permit. To reregister a
616 previously registered brand and formula combination, an
617 applicant must submit a completed application and all materials
618 as required in this section to the department before the
619 expiration of the previously issued permit. A brand and formula
620 combination for which a completed application and all materials
621 required in this section are not received before the expiration
622 of the previously issued permit may not be registered with the
623 department until a completed application and all materials
624 required in this section have been received and approved. If the
625 brand and formula combination was previously registered with the

626 department and a fee, application, or materials required in this
627 section are received after the expiration of the previously
628 issued permit, a penalty of \$25 accrues, which shall be added to
629 the fee. Renewals shall be accepted only on brake fluids that
630 have no change in formula, composition, or brand name. Any
631 change in formula, composition, or brand name of a brake fluid
632 constitutes a new product that must be registered in accordance
633 with this part.

634 ~~(c) If a registered brand and formula combination is no~~
635 ~~longer in production for distribution in this state, in order to~~
636 ~~ensure that any remaining product still available for sale in~~
637 ~~this state is properly registered, the registrant must submit a~~
638 ~~notarized affidavit on company letterhead to the department~~
639 ~~certifying that:~~

640 ~~1. The stated brand and formula combination is no longer~~
641 ~~in production;~~

642 ~~2. The stated brand and formula combination will not be~~
643 ~~distributed in this state; and~~

644 ~~3. Either all existing product of the stated brand and~~
645 ~~formula combination will be removed by the registrant from the~~
646 ~~state within 30 days after the expiration of the registration or~~
647 ~~that the registrant will reregister the brand and formula~~
648 ~~combination for 2 subsequent years.~~

649
650 ~~If production resumes, the brand and formula combination must be~~

651 ~~reregistered before it is again distributed in this state.~~

652 Section 17. Subsection (1) of section 526.53, Florida
653 Statutes, is amended to read:

654 526.53 Enforcement; inspection and analysis, stop-sale and
655 disposition, regulations.—

656 (1) The department shall enforce ~~the provisions of this~~
657 part through the department, and may sample, inspect, analyze,
658 and test any brake fluid manufactured, packed, or sold within
659 this state. Collected samples must be analyzed by the
660 department. The certificate of analysis by the department shall
661 be prima facie evidence of the facts stated therein in any legal
662 proceeding in this state. The department has ~~shall have~~ free
663 access during business hours to all premises, buildings,
664 vehicles, cars, or vessels used in the manufacture, packing,
665 storage, sale, or transportation of brake fluid, and may open
666 any box, carton, parcel, or container of brake fluid and take
667 samples for inspection and analysis or for evidence.

668 Section 18. Section 527.01, Florida Statutes, is amended
669 to read:

670 527.01 Definitions.—As used in this chapter:

671 (1) "Liquefied petroleum gas" means any material which is
672 composed predominantly of any of the following hydrocarbons, or
673 mixtures of the same: propane, propylene, butanes (normal butane
674 or isobutane), and butylenes.

675 (2) "Person" means any individual, firm, partnership,

676 corporation, company, association, organization, or cooperative.

677 (3) "~~Ultimate~~ Consumer" means the person last purchasing
 678 liquefied petroleum gas in its liquid or vapor state for
 679 industrial, commercial, or domestic use.

680 (4) "Department" means the Department of Agriculture and
 681 Consumer Services.

682 (5) "Qualifier" means any person who has passed a
 683 competency examination administered by the department and is
 684 employed by a licensed category I, category II, or category V
 685 business. ~~in one or more of the following classifications:~~

- 686 ~~(a) Category I liquefied petroleum gas dealer.~~
- 687 ~~(b) Category II liquefied petroleum gas dispenser.~~
- 688 ~~(c) LP gas installer.~~
- 689 ~~(d) Specialty installer.~~
- 690 ~~(e) Requalifier of cylinders.~~
- 691 ~~(f) Fabricator, repairer, and tester of vehicles and cargo~~
 692 ~~tanks.~~
- 693 ~~(g) Category IV liquefied petroleum gas dispensing unit~~
 694 ~~operator and recreational vehicle servicer.~~
- 695 ~~(h) Category V liquefied petroleum gases dealer for~~
 696 ~~industrial uses only.~~

697 (6) "Category I liquefied petroleum gas dealer" means any
 698 person selling or offering to sell by delivery or at a
 699 stationary location any liquefied petroleum gas to the ~~ultimate~~
 700 consumer for industrial, commercial, or domestic use; any person

701 leasing or offering to lease, or exchanging or offering to
702 exchange, any apparatus, appliances, and equipment for the use
703 of liquefied petroleum gas; any person installing, servicing,
704 altering, or modifying apparatus, piping, tubing, appliances,
705 and equipment for the use of liquefied petroleum or natural gas;
706 any person installing carburetion equipment; or any person
707 requalifying cylinders.

708 (7) "Category II liquefied petroleum gas dispenser" means
709 any person engaging in the business of operating a liquefied
710 petroleum gas dispensing unit for the purpose of serving liquid
711 products to the ~~ultimate~~ consumer for industrial, commercial, or
712 domestic use, and selling or offering to sell, or leasing or
713 offering to lease, apparatus, appliances, and equipment for the
714 use of liquefied petroleum gas, including maintaining a cylinder
715 storage rack at the licensed business location for the purpose
716 of storing cylinders filled by the licensed business for sale or
717 use at a later date.

718 (8) "Category III liquefied petroleum gas cylinder
719 exchange operator" means any person operating a storage facility
720 used for the purpose of storing filled propane cylinders of not
721 more than 43.5 pounds propane capacity or 104 pounds water
722 capacity, while awaiting sale to the ~~ultimate~~ consumer, or a
723 facility used for the storage of empty or filled containers
724 which have been offered for exchange.

725 (9) "Category IV dealer in appliances and equipment

726 ~~liquefied petroleum gas dispenser and recreational vehicle~~
727 ~~servicer" means any person selling or offering to sell, or~~
728 ~~leasing or offering to lease, apparatus, appliances, and~~
729 ~~equipment for the use of liquefied petroleum gas engaging in the~~
730 ~~business of operating a liquefied petroleum gas dispensing unit~~
731 ~~for the purpose of serving liquid product to the ultimate~~
732 ~~consumer for industrial, commercial, or domestic use, and~~
733 ~~selling or offering to sell, or leasing or offering to lease,~~
734 ~~apparatus, appliances, and equipment for the use of liquefied~~
735 ~~petroleum gas, and whose services include the installation,~~
736 ~~service, or repair of recreational vehicle liquefied petroleum~~
737 ~~gas appliances and equipment.~~

738 (10) "Category V LP gas installer" means any person who is
739 engaged in the liquefied petroleum gas business and whose
740 services include the installation, servicing, altering, or
741 modifying of apparatus, piping, tubing, tanks, and equipment for
742 the use of liquefied petroleum or natural gas and selling or
743 offering to sell, or leasing or offering to lease, apparatus,
744 appliances, and equipment for the use of liquefied petroleum or
745 natural gas.

746 (11) "Category VI miscellaneous operator" means any person
747 who is engaged in operation as a manufacturer of LP gas
748 appliances and equipment; a fabricator, repairer, and tester of
749 vehicles and cargo tanks; a requalifier of LP gas cylinders; or
750 a pipeline system operator ~~Specialty installer" means any person~~

751 ~~involved in the installation, service, or repair of liquefied~~
752 ~~petroleum or natural gas appliances and equipment, and selling~~
753 ~~or offering to sell, or leasing or offering to lease, apparatus,~~
754 ~~appliances, and equipment for the use of liquefied petroleum~~
755 ~~gas, whose activities are limited to specific types of~~
756 ~~appliances and equipment as designated by department rule.~~

757 ~~(12) "Dealer in appliances and equipment for use of~~
758 ~~liquefied petroleum gas" means any person selling or offering to~~
759 ~~sell, or leasing or offering to lease, apparatus, appliances,~~
760 ~~and equipment for the use of liquefied petroleum gas.~~

761 ~~(12)~~(13) "Manufacturer of liquefied petroleum gas
762 appliances and equipment" means any person in this state
763 manufacturing and offering for sale or selling tanks, cylinders,
764 or other containers and necessary appurtenances for use in the
765 storage, transportation, or delivery of such gas to the ~~ultimate~~
766 consumer, or manufacturing and offering for sale or selling
767 apparatus, appliances, and equipment for the use of liquefied
768 petroleum gas to the ~~ultimate~~ consumer.

769 ~~(13)~~(14) "Wholesaler" means any person, as defined by
770 subsection (2), selling or offering to sell any liquefied
771 petroleum gas for industrial, commercial, or domestic use to any
772 person except the ~~ultimate~~ consumer.

773 ~~(14)~~(15) "Requalifier of cylinders" means any person
774 involved in the retesting, repair, qualifying, or requalifying
775 of liquefied petroleum gas tanks or cylinders manufactured under

776 specifications of the United States Department of Transportation
777 ~~or former Interstate Commerce Commission.~~

778 (15)~~(16)~~ "Fabricator, repairer, and tester of vehicles and
779 cargo tanks" means any person involved in the hydrostatic
780 testing, fabrication, repair, or requalifying of any motor
781 vehicles or cargo tanks used for the transportation of liquefied
782 petroleum gases, when such tanks are permanently attached to or
783 forming a part of the motor vehicle.

784 ~~(17) "Recreational vehicle" means a motor vehicle designed~~
785 ~~to provide temporary living quarters for recreational, camping,~~
786 ~~or travel use, which has its own propulsion or is mounted on or~~
787 ~~towed by another motor vehicle.~~

788 (16)~~(18)~~ "Pipeline system operator" means any person who
789 owns or operates a liquefied petroleum gas pipeline system that
790 is used to transmit liquefied petroleum gas from a common source
791 to the ~~ultimate~~ customer and that serves 10 or more customers.

792 ~~(19) "Category V liquefied petroleum gases dealer for~~
793 ~~industrial uses only" means any person engaged in the business~~
794 ~~of filling, selling, and transporting liquefied petroleum gas~~
795 ~~containers for use in welding, forklifts, or other industrial~~
796 ~~applications.~~

797 (17)~~(20)~~ "License period year" means the period 1 to 3
798 years from the issuance of the license ~~from September 1 through~~
799 ~~the following August 31, or April 1 through the following March~~
800 ~~31, depending upon the type of license.~~

801 Section 19. Section 527.02, Florida Statutes, is amended
802 to read:

803 527.02 License; penalty; fees.—

804 (1) It is unlawful for any person to engage in this state
805 in the activities defined in s. 527.01(6) through (11) ~~of a~~
806 ~~pipeline system operator, category I liquefied petroleum gas~~
807 ~~dealer, category II liquefied petroleum gas dispenser, category~~
808 ~~III liquefied petroleum gas cylinder exchange operator, category~~
809 ~~IV liquefied petroleum gas dispenser and recreational vehicle~~
810 ~~servicer, category V liquefied petroleum gas dealer for~~
811 ~~industrial uses only, LP gas installer, specialty installer,~~
812 ~~dealer in liquefied petroleum gas appliances and equipment,~~
813 ~~manufacturer of liquefied petroleum gas appliances and~~
814 ~~equipment, requalifier of cylinders, or fabricator, repairer,~~
815 ~~and tester of vehicles and cargo tanks~~ without first obtaining
816 from the department a license to engage in one or more of these
817 businesses. The sale of liquefied petroleum gas cylinders with a
818 volume of 10 pounds water capacity or 4.2 pounds liquefied
819 petroleum gas capacity or less is exempt from the requirements
820 of this chapter. It is a felony of the third degree, punishable
821 as provided in s. 775.082, s. 775.083, or s. 775.084, to
822 intentionally or willfully engage in any of said activities
823 without first obtaining appropriate licensure from the
824 department.

825 (2) Each business location of a person having multiple

826 | locations must ~~shall~~ be separately licensed and must meet the
 827 | requirements of this section. Such license shall be granted to
 828 | any applicant determined by the department to be competent,
 829 | qualified, and trustworthy who files with the department a
 830 | surety bond, insurance affidavit, or other proof of insurance,
 831 | as hereinafter specified, and pays for such license the
 832 | following annual license ~~original application~~ fee for new
 833 | ~~licenses and annual renewal fees for existing licenses:~~

License Category	<u>License</u> Application Original Fee <u>Per Year</u>	Renewal Fee
Category I liquefied petroleum gas dealer	<u>\$400</u> \$525	\$425
Category II liquefied petroleum gas dispenser	<u>\$400</u> 525	375
Category III liquefied petroleum gas cylinder exchange unit operator	<u>\$65</u> 100	65

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838	Category IV <u>dealer in appliances and equipment</u> liquefied petroleum gas dispenser and recreational vehicle servicer	<u>\$65</u> 525	400
839	Category V <u>LP gas installer</u> liquefied petroleum gases dealer for industrial uses only	<u>\$200</u> 300	200
840	<u>Category VI miscellaneous operator LP</u> gas installer	<u>\$200</u> 300	200
841	Specialty installer	300	200
842	Dealer in appliances and equipment for use of liquefied petroleum gas	50	45

843
~~Manufacturer of~~
~~liquefied petroleum~~
~~gas appliances and~~
~~equipment~~ 525 375

844
~~Requalifier of~~
~~cylinders~~ 525 375

845
~~Fabricator, repairer,~~
~~and tester of~~
~~vehicles and~~
~~cargo tanks~~ 525 375

846
 847 (3) (a) ~~An applicant for an original license who submits an~~
 848 ~~application during the last 6 months of the license year may~~
 849 ~~have the original license fee reduced by one-half for the 6-~~
 850 ~~month period. This provision applies only to those companies~~
 851 ~~applying for an original license and may not be applied to~~
 852 ~~licensees who held a license during the previous license year~~
 853 ~~and failed to renew the license.~~ The department may refuse to
 854 issue an initial license to an applicant who is under
 855 investigation in any jurisdiction for an action that would
 856 constitute a violation of this chapter until such time as the
 857 investigation is complete.

858 (b) The department shall waive the initial license fee for
859 1 year for an honorably discharged veteran of the United States
860 Armed Forces, the spouse of such a veteran, or a business entity
861 that has a majority ownership held by such a veteran or spouse
862 if the department receives an application, in a format
863 prescribed by the department, within 60 months after the date of
864 the veteran's discharge from any branch of the United States
865 Armed Forces. To qualify for the waiver, a veteran must provide
866 to the department a copy of his or her DD Form 214, as issued by
867 the United States Department of Defense or another acceptable
868 form of identification as specified by the Department of
869 Veterans' Affairs; the spouse of a veteran must provide to the
870 department a copy of the veteran's DD Form 214, as issued by the
871 United States Department of Defense, or another acceptable form
872 of identification as specified by the Department of Veterans'
873 Affairs, and a copy of a valid marriage license or certificate
874 verifying that he or she was lawfully married to the veteran at
875 the time of discharge; or a business entity must provide to the
876 department proof that a veteran or the spouse of a veteran holds
877 a majority ownership in the business, a copy of the veteran's DD
878 Form 214, as issued by the United States Department of Defense,
879 or another acceptable form of identification as specified by the
880 Department of Veterans' Affairs, and, if applicable, a copy of a
881 valid marriage license or certificate verifying that the spouse
882 of the veteran was lawfully married to the veteran at the time

883 of discharge.

884 (4) Any licensee submitting a material change in their
885 information for licensing, before the date for renewal, must
886 submit such change to the department in the manner prescribed by
887 the department, along with a fee in the amount of \$10 Any person
888 ~~applying for a liquefied petroleum gas license as a specialty~~
889 ~~installer, as defined by s. 527.01(11), shall upon application~~
890 ~~to the department identify the specific area of work to be~~
891 ~~performed. Upon completion of all license requirements set forth~~
892 ~~in this chapter, the department shall issue the applicant a~~
893 ~~license specifying the scope of work, as identified by the~~
894 ~~applicant and defined by rule of the department, for which the~~
895 ~~person is authorized.~~

896 ~~(5) The license fee for a pipeline system operator shall~~
897 ~~be \$100 per system owned or operated by the person, not to~~
898 ~~exceed \$400 per license year. Such license fee applies only to a~~
899 ~~pipeline system operator who owns or operates a liquefied~~
900 ~~petroleum gas pipeline system that is used to transmit liquefied~~
901 ~~petroleum gas from a common source to the ultimate customer and~~
902 ~~that serves 10 or more customers.~~

903 (5)(6) The department shall adopt ~~promulgate~~ rules
904 specifying acts deemed by the department to demonstrate a lack
905 of trustworthiness to engage in activities requiring a license
906 or qualifier identification card under this section.

907 ~~(7) Any license issued by the department may be~~

908 ~~transferred to any person, firm, or corporation for the~~
909 ~~remainder of the current license year upon written request to~~
910 ~~the department by the original licenseholder. Prior to approval~~
911 ~~of any transfer, all licensing requirements of this chapter must~~
912 ~~be met by the transferee. A license transfer fee of \$50 shall be~~
913 ~~charged for each such transfer.~~

914 Section 20. Section 527.0201, Florida Statutes, is amended
915 to read:

916 527.0201 Qualifiers; master qualifiers; examinations.—

917 (1) In addition to the requirements of s. 527.02, any
918 person applying for a license to engage in category I, category
919 II, or category V ~~the activities of a pipeline system operator,~~
920 ~~category I liquefied petroleum gas dealer, category II liquefied~~
921 ~~petroleum gas dispenser, category IV liquefied petroleum gas~~
922 ~~dispenser and recreational vehicle servicer, category V~~
923 ~~liquefied petroleum gases dealer for industrial uses only, LP~~
924 ~~gas installer, specialty installer, requalifier of cylinders, or~~
925 ~~fabricator, repairer, and tester of vehicles and cargo tanks~~
926 must prove competency by passing a written examination
927 administered by the department or its agent with a grade of 70
928 75 percent or above in each area tested. Each applicant for
929 examination shall submit a \$20 nonrefundable fee. The department
930 shall by rule specify the general areas of competency to be
931 covered by each examination and the relative weight to be
932 assigned in grading each area tested.

933 (2) Application for examination for competency may be made
934 by an individual or by an owner, a partner, or any person
935 employed by the license applicant. Upon successful completion of
936 the competency examination, the department shall register ~~issue~~
937 ~~a qualifier identification card to~~ the examinee.

938 (a) Qualifier registration automatically expires if
939 ~~identification cards, except those issued to category I~~
940 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~
941 ~~installers, shall remain in effect as long as the individual~~
942 ~~shows to the department proof of active employment in the area~~
943 ~~of examination and all continuing education requirements are~~
944 ~~met. Should the individual terminates ~~terminate~~ active~~
945 ~~employment in the area of examination for a period exceeding 24~~
946 ~~months, or fails ~~fail~~ to provide documentation of continuing~~
947 ~~education, the individual's qualifier status shall automatically~~
948 ~~expire. If the qualifier registration ~~status~~ has expired, the~~
949 ~~individual must apply for and successfully complete an~~
950 ~~examination by the department in order to reestablish qualifier~~
951 ~~status.~~

952 (b) Every business organization in license category I,
953 category II, or category V shall employ at all times a full-time
954 qualifier who has successfully completed an examination in the
955 corresponding category of the license held by the business
956 organization. A person may not act as a qualifier for more than
957 one licensed location.

958 (3) Qualifier registration expires ~~cards issued to~~
959 ~~category I liquefied petroleum gas dealers and liquefied~~
960 ~~petroleum gas installers shall expire 3 years after the date of~~
961 ~~issuance. All category I liquefied petroleum gas dealer~~
962 ~~qualifiers and liquefied petroleum gas installer qualifiers~~
963 ~~holding a valid qualifier card upon the effective date of this~~
964 ~~act shall retain their qualifier status until July 1, 2003, and~~
965 ~~may sit for the master qualifier examination at any time during~~
966 ~~that time period. All such category I liquefied petroleum gas~~
967 ~~dealer qualifiers and liquefied petroleum gas installer~~
968 ~~qualifiers may renew their qualification on or before July 1,~~
969 ~~2003, upon application to the department, payment of a \$20~~
970 ~~renewal fee, and documentation of the completion of a minimum of~~
971 ~~16 hours of approved continuing education courses, as defined by~~
972 ~~department rule, during the previous 3-year period. Applications~~
973 ~~for renewal must be made 30 calendar days before expiration.~~
974 ~~Persons failing to renew before the expiration date must reapply~~
975 ~~and take a qualifier competency examination in order to~~
976 ~~reestablish category I liquefied petroleum gas dealer qualifier~~
977 ~~and liquefied petroleum gas installer qualifier status. If a~~
978 ~~category I liquefied petroleum gas qualifier or liquefied~~
979 ~~petroleum gas installer qualifier becomes a master qualifier at~~
980 ~~any time during the effective date of the qualifier card, the~~
981 ~~card shall remain in effect until expiration of the master~~
982 ~~qualifier certification.~~

983 (4) A qualifier for a business ~~organization involved in~~
984 ~~installation, repair, maintenance, or service of liquefied~~
985 ~~petroleum gas appliances, equipment, or systems~~ must actually
986 function in a supervisory capacity of other company employees
987 performing licensed activities ~~installing, repairing,~~
988 ~~maintaining, or servicing liquefied petroleum gas appliances,~~
989 ~~equipment, or systems.~~ A separate qualifier shall be required
990 for every 10 such employees. ~~Additional qualifiers are required~~
991 ~~for those business organizations employing more than 10~~
992 ~~employees that install, repair, maintain, or service liquefied~~
993 ~~petroleum gas equipment and systems.~~

994 (5) In addition to all other licensing requirements, each
995 category I and category V licensee ~~liquefied petroleum gas~~
996 ~~dealer and liquefied petroleum gas installer~~ must, at the time
997 of application for licensure, identify to the department one
998 master qualifier who is a full-time employee at the licensed
999 location. This person shall be a manager, owner, or otherwise
1000 primarily responsible for overseeing the operations of the
1001 licensed location and must provide documentation to the
1002 department as provided by rule. The master qualifier requirement
1003 shall be in addition to the requirements of subsection (1).

1004 (a) In order to apply for certification as a master
1005 qualifier, each applicant must have been a registered ~~be a~~
1006 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~
1007 ~~petroleum gas installer~~ qualifier for a minimum of 3 years

1008 immediately preceding submission of the application, must be
1009 employed by a licensed category I or category V licensee
1010 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~
1011 ~~installer~~, or applicant for such license, ~~must provide~~
1012 ~~documentation of a minimum of 1 year's work experience in the~~
1013 ~~gas industry~~, and must pass a master qualifier competency
1014 examination. Master qualifier examinations shall be based on
1015 Florida's laws, rules, and adopted codes governing liquefied
1016 petroleum gas safety, general industry safety standards, and
1017 administrative procedures. The applicant must successfully pass
1018 the examination with a grade of 70 ~~75~~ percent or above. Each
1019 applicant for master qualifier registration status must submit
1020 to the department a nonrefundable \$30 examination fee before the
1021 examination.

1022 (b) Upon successful completion of the master qualifier
1023 examination, the department shall issue the examinee a
1024 ~~certificate of~~ master qualifier registration status ~~which shall~~
1025 ~~include the name of the licensed company for which the master~~
1026 ~~qualifier is employed~~. A master qualifier may transfer from one
1027 licenseholder to another upon becoming employed by the company
1028 and providing a written request to the department.

1029 (c) A master qualifier registration expires status shall
1030 ~~expire~~ 3 years after the date of issuance ~~of the certificate~~ and
1031 may be renewed by submission to the department of documentation
1032 of completion of at least 16 hours of approved continuing

1033 education courses during the 3-year period; proof of employment
1034 ~~with a licensed category I liquefied petroleum gas dealer,~~
1035 ~~liquefied petroleum gas installer, or applicant;~~ and a \$30
1036 certificate renewal fee. The department shall define, by rule,
1037 approved courses of continuing education.

1038 ~~(d) Each category I liquefied petroleum gas dealer or~~
1039 ~~liquefied petroleum gas installer licensed as of August 31,~~
1040 ~~2000, shall identify to the department one current category I~~
1041 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~
1042 ~~gas installer qualifier who will be the designated master~~
1043 ~~qualifier for the licenseholder. Such individual must provide~~
1044 ~~proof of employment for 3 years or more within the liquefied~~
1045 ~~petroleum gas industry, and shall, upon approval of the~~
1046 ~~department, be granted a master qualifier certificate. All other~~
1047 ~~requirements with regard to master qualifier certificate~~
1048 ~~expiration, renewal, and continuing education shall apply.~~

1049 (6) A vacancy in a qualifier or master qualifier position
1050 in a business organization which results from the departure of
1051 the qualifier or master qualifier shall be immediately reported
1052 to the department by the departing qualifier or master qualifier
1053 and the licensed company.

1054 (a) If a business organization no longer possesses a duly
1055 designated qualifier, as required by this section, its liquefied
1056 petroleum gas licenses shall be suspended by order of the
1057 department after 20 working days. The license shall remain

1058 suspended until a competent qualifier has been employed, the
1059 order of suspension terminated by the department, and the
1060 license reinstated. A vacancy in the qualifier position for a
1061 period of more than 20 working days shall be deemed to
1062 constitute an immediate threat to the public health, safety, and
1063 welfare. ~~Failure to obtain a replacement qualifier within 60~~
1064 ~~days after the vacancy occurs shall be grounds for revocation of~~
1065 ~~licensure or eligibility for licensure.~~

1066 (b) Any category I or category V licensee ~~liquefied~~
1067 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses
1068 a master qualifier but currently employs a ~~category I liquefied~~
1069 ~~petroleum gas dealer or LP gas installer~~ qualifier as required
1070 by this section, has ~~shall have~~ 60 days within which to replace
1071 the master qualifier. If the company fails to replace the master
1072 qualifier within the 60-day ~~time~~ period, the license of the
1073 company shall be suspended by order of the department. The
1074 license shall remain suspended until a competent master
1075 qualifier has been employed, the order of suspension has been
1076 terminated by the department, and the license reinstated.
1077 ~~Failure to obtain a replacement master qualifier within 90 days~~
1078 ~~after the vacancy occurs shall be grounds for revocation of~~
1079 ~~licensure or eligibility for licensure.~~

1080 (7) The department may deny, refuse to renew, suspend, or
1081 revoke any qualifier ~~card~~ or master qualifier registration
1082 ~~certificate~~ for any of the following causes:

1083 (a) Violation of any provision of this chapter or any rule
 1084 or order of the department;

1085 (b) Falsification of records relating to the qualifier
 1086 ~~card~~ or master qualifier registration certificate; or

1087 (c) Failure to meet any of the renewal requirements.

1088 (8) Any individual having competency qualifications on
 1089 file with the department may request the transfer of such
 1090 qualifications to any existing licenseholder by making a written
 1091 request to the department for such transfer. Any individual
 1092 having a competency examination on file with the department may
 1093 use such examination for a new license application after making
 1094 application in writing to the department. All examinations are
 1095 confidential and exempt from the provisions of s. 119.07(1).

1096 (9) If a duplicate license, qualifier ~~card~~, or master
 1097 qualifier registration certificate is requested by the licensee,
 1098 a fee of \$10 must be received before issuance of the duplicate
 1099 license or certificate card. ~~If a facsimile transmission of an~~
 1100 ~~original license is requested, upon completion of the~~
 1101 ~~transmission a fee of \$10 must be received by the department~~
 1102 ~~before the original license may be mailed to the requester.~~

1103 (10) All revenues collected herein shall be deposited in
 1104 the General Inspection Trust Fund for the purpose of
 1105 administering the provisions of this chapter.

1106 Section 21. Section 527.021, Florida Statutes, is amended
 1107 to read:

1108 527.021 Registration of transport vehicles.—

1109 (1) Each liquefied petroleum gas bulk delivery vehicle
 1110 owned or leased by a liquefied petroleum gas licensee must be
 1111 registered with the department as part of the licensing
 1112 application or when placed into service annually.

1113 (2) For the purposes of this section, a "liquefied
 1114 petroleum gas bulk delivery vehicle" means any vehicle that is
 1115 used to transport liquefied petroleum gas on any public street
 1116 or highway as liquid cargo in a cargo tank, which tank is
 1117 mounted on a conventional truck chassis or is an integral part
 1118 of a transporting vehicle in which the tank constitutes, in
 1119 whole or in part, the stress member used as a frame and is a
 1120 permanent part of the transporting vehicle.

1121 (3) ~~Vehicle registrations shall be submitted by the~~
 1122 ~~vehicle owner or lessee in conjunction with the annual renewal~~
 1123 ~~of his or her liquefied petroleum gas license, but no later than~~
 1124 ~~August 31 of each year.~~ A dealer who fails to register a vehicle
 1125 with the department ~~does not submit the required vehicle~~
 1126 ~~registration by August 31 of each year~~ is subject to the
 1127 penalties in s. 527.13.

1128 (4) The department shall issue a decal to be placed on
 1129 each vehicle that is inspected by the department and found to be
 1130 in compliance with applicable codes.

1131 Section 22. Section 527.03, Florida Statutes, is amended
 1132 to read:

1133 527.03 ~~Annual~~ Renewal of license.—All licenses required
 1134 under this chapter shall be renewed annually, biennially, or
 1135 triennially, as elected by the licensee, subject to the license
 1136 fees prescribed in s. 527.02. All renewals must meet the same
 1137 requirements and conditions as an annual license for each
 1138 licensed year ~~All licenses, except Category III Liquefied~~
 1139 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~
 1140 ~~Dealer in Appliances and Equipment for Use of Liquefied~~
 1141 ~~Petroleum Gas licenses, shall be renewed for the period~~
 1142 ~~beginning September 1 and shall expire on the following August~~
 1143 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
 1144 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~
 1145 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~
 1146 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~
 1147 ~~period beginning April 1 and shall expire on the following March~~
 1148 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
 1149 Any license allowed to expire will ~~shall~~ become inoperative
 1150 because of failure to renew. The fee for restoration of a
 1151 license is equal to the original license fee and must be paid
 1152 before the licensee may resume operations.

1153 Section 23. Section 527.04, Florida Statutes, is amended
 1154 to read:

1155 527.04 Proof of insurance required.—

1156 (1) Before any license is issued, except to a category IV
 1157 ~~dealer in appliances and equipment for use of liquefied~~

1158 | ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder
1159 | exchange operator, the applicant must deliver to the department
1160 | satisfactory evidence that the applicant is covered by a primary
1161 | policy of bodily injury liability and property damage liability
1162 | insurance that covers the products and operations with respect
1163 | to such business and is issued by an insurer authorized to do
1164 | business in this state for an amount not less than \$1 million
1165 | and that the premium on such insurance is paid. An insurance
1166 | certificate, affidavit, or other satisfactory evidence of
1167 | acceptable insurance coverage shall be accepted as proof of
1168 | insurance. In lieu of an insurance policy, the applicant may
1169 | deliver a good and sufficient bond in the amount of \$1 million,
1170 | payable to the Commissioner of Agriculture ~~Governor of Florida~~,
1171 | with the applicant as principal and a surety company authorized
1172 | to do business in this state as surety. The bond must be
1173 | conditioned upon the applicant's compliance with this chapter
1174 | and the rules of the department with respect to the conduct of
1175 | such business and shall indemnify and hold harmless all persons
1176 | from loss or damage by reason of the applicant's failure to
1177 | comply. However, the aggregated liability of the surety may not
1178 | exceed \$1 million. If the insurance policy is canceled or
1179 | otherwise terminated or the bond becomes insufficient, the
1180 | department may require new proof of insurance or a new bond to
1181 | be filed, and if the licenseholder fails to comply, the
1182 | department shall cancel the license issued and give the

1183 licenseholder written notice that it is unlawful to engage in
1184 business without a license. A new bond is not required as long
1185 as the original bond remains sufficient and in force. If the
1186 licenseholder's insurance coverage as required by this
1187 subsection is canceled or otherwise terminated, the insurer must
1188 notify the department within 30 days after the cancellation or
1189 termination.

1190 (2) Before any license is issued to a category ~~class~~ III
1191 liquefied petroleum gas cylinder exchange operator, the
1192 applicant must deliver to the department satisfactory evidence
1193 that the applicant is covered by a primary policy of bodily
1194 injury liability and property damage liability insurance that
1195 covers the products and operations with respect to the business
1196 and is issued by an insurer authorized to do business in this
1197 state for an amount not less than \$300,000 and that the premium
1198 on the insurance is paid. An insurance certificate, affidavit,
1199 or other satisfactory evidence of acceptable insurance coverage
1200 shall be accepted as proof of insurance. In lieu of an insurance
1201 policy, the applicant may deliver a good and sufficient bond in
1202 the amount of \$300,000, payable to the Commissioner of
1203 Agriculture ~~Governor~~, with the applicant as principal and a
1204 surety company authorized to do business in this state as
1205 surety. The bond must be conditioned upon the applicant's
1206 compliance with this chapter and the rules of the department
1207 with respect to the conduct of such business and must indemnify

1208 and hold harmless all persons from loss or damage by reason of
1209 the applicant's failure to comply. However, the aggregated
1210 liability of the surety may not exceed \$300,000. If the
1211 insurance policy is canceled or otherwise terminated or the bond
1212 becomes insufficient, the department may require new proof of
1213 insurance or a new bond to be filed, and if the licenseholder
1214 fails to comply, the department shall cancel the license issued
1215 and give the licenseholder written notice that it is unlawful to
1216 engage in business without a license. A new bond is not required
1217 as long as the original bond remains sufficient and in force. If
1218 the licenseholder's insurance coverage required by this
1219 subsection is canceled or otherwise terminated, the insurer must
1220 notify the department within 30 days after the cancellation or
1221 termination.

1222 (3) Any person having a cause of action on the bond may
1223 bring suit against the principal and surety, and a copy of such
1224 bond duly certified by the department shall be received in
1225 evidence in the courts of this state without further proof. The
1226 department shall furnish a certified copy of the ~~such~~ bond upon
1227 payment to it of its lawful fee for making and certifying such
1228 copy.

1229 Section 24. Section 527.0605, Florida Statutes, is amended
1230 to read:

1231 527.0605 Liquefied petroleum gas bulk storage locations;
1232 jurisdiction.-

1233 (1) The provisions of this chapter ~~shall~~ apply to
 1234 liquefied petroleum gas bulk storage locations when:

1235 (a) A single container in the bulk storage location has a
 1236 capacity of 2,000 gallons or more;

1237 (b) The aggregate container capacity of the bulk storage
 1238 location is 4,000 gallons or more; or

1239 (c) A container or containers are installed for the
 1240 purpose of serving the public the liquid product.

1241 ~~(2) Prior to the installation of any bulk storage
 1242 container, the licensee must submit to the department a site
 1243 plan of the facility which shows the proposed location of the
 1244 container and must obtain written approval of such location from
 1245 the department.~~

1246 ~~(3) A fee of \$200 shall be assessed for each site plan
 1247 reviewed by the division. The review shall include
 1248 preconstruction inspection of the proposed site, plan review,
 1249 and final inspection of the completed facility.~~

1250 (2)~~(4)~~ No newly installed container may be placed in
 1251 operation until it has been inspected and approved by the
 1252 department.

1253 Section 25. Subsection (1) of section 527.065, Florida
 1254 Statutes, is amended to read:

1255 527.065 Notification of accidents; leak calls.-

1256 (1) Immediately upon discovery, all liquefied petroleum
 1257 gas licensees shall notify the department of any liquefied

1258 petroleum gas-related accident involving a liquefied petroleum
 1259 gas licensee or customer account:

1260 (a) Which caused a death or personal injury requiring
 1261 professional medical treatment;

1262 (b) Where uncontrolled ignition of liquefied petroleum gas
 1263 resulted in death, personal injury, or property damage exceeding
 1264 \$3,000 ~~\$1,000~~; or

1265 (c) Which caused estimated damage to property exceeding
 1266 \$3,000 ~~\$1,000~~.

1267 Section 26. Section 527.10, Florida Statutes, is amended
 1268 to read:

1269 527.10 Restriction on use of unsafe container or system.—
 1270 No liquefied petroleum gas shall be introduced into or removed
 1271 from any container or system in this state that has been
 1272 identified by the department or its duly authorized inspectors
 1273 as not complying with the rules pertaining to such container or
 1274 system, until such violations as specified have been
 1275 satisfactorily corrected and authorization for continued service
 1276 or removal granted by the department. A statement of violations
 1277 of the rules that render such a system unsafe for use shall be
 1278 furnished in writing by the department to the ~~ultimate~~ consumer
 1279 or dealer in liquefied petroleum gas.

1280 Section 27. Subsections (3) and (17) of section 527.21,
 1281 Florida Statutes, are amended to read:

1282 527.21 Definitions relating to Florida Propane Gas

1283 Education, Safety, and Research Act.—As used in ss. 527.20-
1284 527.23, the term:

1285 (3) "Dealer" means a business engaged primarily in selling
1286 propane gas and its appliances and equipment to the ~~ultimate~~
1287 consumer or to retail propane gas dispensers.

1288 (17) "Wholesaler" or "reseller" means a seller of propane
1289 gas who is not a producer and who does not sell propane gas to
1290 the ~~ultimate~~ consumer.

1291 Section 28. Paragraph (a) of subsection (2) of section
1292 527.22, Florida Statutes, is amended to read:

1293 527.22 Florida Propane Gas Education, Safety, and Research
1294 Council established; membership; duties and responsibilities.—

1295 (2) (a) ~~Within 90 days after the effective date of this~~
1296 ~~act, the commissioner shall make a call to qualified industry~~
1297 ~~organizations for nominees to the council.~~ The commissioner
1298 shall appoint members of the council from a list of nominees
1299 submitted by qualified industry organizations. The commissioner
1300 may require such reports or documentation as is necessary to
1301 document the nomination process for members of the council.
1302 Qualified industry organizations, in making nominations, and the
1303 commissioner, in making appointments, shall give due regard to
1304 selecting a council that is representative of the industry and
1305 the geographic regions of the state. Other than the public
1306 member, council members must be full-time employees or owners of
1307 propane gas producers or dealers doing business in this state.

1308 Section 29. Section 531.67, Florida Statutes, is amended
 1309 to read:

1310 531.67 Expiration of sections.—Sections 531.60, 531.61,
 1311 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,
 1312 2025 ~~2020~~.

1313 Section 30. Subsection (46) is added to section 570.07,
 1314 Florida Statutes, to read:

1315 570.07 Department of Agriculture and Consumer Services;
 1316 functions, powers, and duties.—The department shall have and
 1317 exercise the following functions, powers, and duties:

1318 (46) During a state of emergency declared pursuant to s.
 1319 252.36, to waive fees by emergency order for duplicate copies or
 1320 renewal of permits, licenses, certifications, or other similar
 1321 types of authorizations during a period specified by the
 1322 commissioner.

1323 Section 31. Section 573.111, Florida Statutes, is amended
 1324 to read:

1325 573.111 Notice of effective date of marketing order.—
 1326 Before the issuance of any marketing order, or any suspension,
 1327 amendment, or termination thereof, a notice must ~~shall~~ be posted
 1328 ~~on a public bulletin board to be maintained by the department in~~
 1329 ~~the Division of Marketing and Development of the department in~~
 1330 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~
 1331 ~~of the notice shall be posted on the department website the same~~
 1332 ~~date that the notice is posted on the bulletin board. A No~~

1333 marketing order, or any suspension, amendment, or termination
1334 thereof, may not ~~shall~~ become effective until ~~the termination of~~
1335 ~~a period of 5 days~~ after ~~from~~ the date of posting and
1336 publication.

1337 Section 32. Section 578.011, Florida Statutes, is amended
1338 to read:

1339 578.011 Definitions; Florida Seed Law.—When used in this
1340 chapter, the term:

1341 (1) "Advertisement" means all representations, other than
1342 those on the label, disseminated in any manner or by any means,
1343 relating to seed within the scope of this law.

1344 (2) "Agricultural seed" includes the seed of grass,
1345 forage, cereal and fiber crops, and chufas and any other seed
1346 commonly recognized within the state as agricultural seed, lawn
1347 seed, and combinations of such seed, and may include identified
1348 noxious weed seed when the department determines that such seed
1349 is being used as agricultural seed ~~or field seed and mixtures of~~
1350 ~~such seed.~~

1351 (3) "Blend" means seed consisting of more than one variety
1352 of one kind, each present in excess of 5 percent by weight of
1353 the whole.

1354 (4) "Buyer" means a person who purchases agricultural,
1355 vegetable, flower, tree, or shrub seed in packaging of 1,000
1356 seeds or more by count.

1357 (5) "Brand" means a distinguishing word, name, symbol,

1358 number, or design used to identify seed produced, packaged,
1359 advertised, or offered for sale by a particular person.

1360 (6)-(3) "Breeder seed" means a class of certified seed
1361 directly controlled by the originating or sponsoring plant
1362 breeding institution or person, or designee thereof, and is the
1363 source for the production of seed of the other classes of
1364 certified seed that are released directly from the breeder or
1365 experiment station that develops the seed. These seed are one
1366 class above foundation seed.

1367 (7)-(4) "Certified seed," means a class of seed which is
1368 the progeny of breeder, foundation, or registered seed
1369 "registered seed," and "foundation seed" mean seed that have
1370 been produced and labeled in accordance with the procedures and
1371 in compliance with the rules and regulations of any agency
1372 authorized by the laws of this state or the laws of another
1373 state.

1374 (8) "Certifying agency" means:

1375 (a) An agency authorized under the laws of a state,
1376 territory, or possession of the United States to officially
1377 certify seed and which has standards and procedures approved by
1378 the United States Secretary of Agriculture to assure the genetic
1379 purity and identity of the seed certified; or

1380 (b) An agency of a foreign country that the United States
1381 Secretary of Agriculture has determined as adhering to
1382 procedures and standards for seed certification comparable to

1383 those adhered to generally by seed certifying agencies under
1384 paragraph (a).

1385 (9) "Coated seed" means seed that has been covered by a
1386 layer of materials that obscures the original shape and size of
1387 the seed and substantially increases the weight of the product.
1388 The addition of biologicals, pesticides, identifying colorants
1389 or dyes, or other active ingredients including polymers may be
1390 included in this process.

1391 (10)-(5) "Date of test" means the month and year the
1392 percentage of germination appearing on the label was obtained by
1393 laboratory test.

1394 (11)-(6) "Dealer" means any person who sells or offers for
1395 sale any agricultural, vegetable, flower, ~~or forest tree,~~ or
1396 shrub seed for seeding purposes, and includes farmers who sell
1397 cleaned, processed, packaged, and labeled seed.

1398 (12)-(7) "Department" means the Department of Agriculture
1399 and Consumer Services or its authorized representative.

1400 (13)-(8) "Dormant seed" refers to viable seed, other than
1401 hard seed, which neither germinate nor decay during the
1402 prescribed test period and under the prescribed test conditions.

1403 (14)-(9) "Flower seed" includes seed of herbaceous plants
1404 grown for blooms, ornamental foliage, or other ornamental parts,
1405 and commonly known and sold under the name of flower or
1406 wildflower seed in this state.

1407 ~~(10) "Forest tree seed" includes seed of woody plants~~

1408 ~~commonly known and sold as forest tree seed.~~

1409 (15) "Foundation seed" means a class of certified seed
1410 which is the progeny of breeder or other foundation seed and is
1411 produced and handled under procedures established by the
1412 certifying agency, in accordance with this part, for producing
1413 foundation seed, for the purpose of maintaining genetic purity
1414 and identity.

1415 (16)~~(11)~~ "Germination" means the emergence and development
1416 from the seed embryo of those essential structures which, for
1417 the kind of seed in question, are indicative of the ability to
1418 produce a normal plant under favorable conditions ~~percentage of~~
1419 ~~seed capable of producing normal seedlings under ordinarily~~
1420 ~~favorable conditions. Broken seedlings and weak, malformed and~~
1421 ~~obviously abnormal seedlings shall not be considered to have~~
1422 ~~germinated.~~

1423 (17)~~(12)~~ "Hard seed" means seeds that remain hard at the
1424 end of a prescribed test period because they have not absorbed
1425 water due to an impermeable seed coat ~~the percentage of seed~~
1426 ~~which because of hardness or impermeability did not absorb~~
1427 ~~moisture or germinate under prescribed tests but remain hard~~
1428 ~~during the period prescribed for germination of the kind of seed~~
1429 ~~concerned.~~

1430 (18)~~(13)~~ "Hybrid" means the first generation seed of a
1431 cross produced by controlling the pollination and by combining:

1432 (a) Two or more inbred lines;

1433 (b) One inbred or a single cross with an open-pollinated
 1434 variety; or

1435 (c) Two varieties or species, except open-pollinated
 1436 varieties of corn (*Zea mays*).

1437

1438 The second generation or subsequent generations from such
 1439 crosses may ~~shall~~ not be regarded as hybrids. Hybrid
 1440 designations shall be treated as variety names.

1441 (19) ~~(14)~~ "Inert matter" means all matter that is not a
 1442 full seed includes broken seed when one half in size or less;
 1443 seed of legumes or crucifers with the seed coats removed;
 1444 undeveloped and badly injured weed seed such as sterile dodder
 1445 which, upon visual examination, are clearly incapable of growth;
 1446 empty glumes of grasses; attached sterile glumes of grasses
 1447 (which must be removed from the fertile glumes except in Rhodes
 1448 grass); dirt, stone, chaff, nematode, fungus bodies, and any
 1449 matter other than seed.

1450 (20) ~~(15)~~ "Kind" means one or more related species or
 1451 subspecies which singly or collectively is known by one common
 1452 name; e.g., corn, beans, lespedeza.

1453 (21) "Label" means the display or displays of written or
 1454 printed material upon or attached to a container of seed.

1455 (22) ~~(16)~~ "Labeling" includes all labels and other written,
 1456 printed, or graphic representations, in any form, accompanying
 1457 and pertaining to any seed, whether in bulk or in containers,

1458 and includes invoices and other bills of shipment when sold in
 1459 bulk.

1460 (23)~~(17)~~ "Lot ~~of seed~~" means a definite quantity of seed
 1461 identified by a lot number or other mark identification, every
 1462 portion or bag of which is uniform within recognized tolerances
 1463 for the factors that appear in the labeling, ~~for the factors~~
 1464 ~~which appear in the labeling~~, within permitted tolerances.

1465 (24)~~(18)~~ "Mix," "mixed," or "mixture" means seed
 1466 consisting of more than one kind ~~or variety~~, each present in
 1467 excess of 5 percent by weight of the whole.

1468 (25) "Mulch" means a protective covering of any suitable
 1469 substance placed with seed which acts to retain sufficient
 1470 moisture to support seed germination and sustain early seedling
 1471 growth and aid in the prevention of the evaporation of soil
 1472 moisture, the control of weeds, and the prevention of erosion.

1473 (26) "Noxious weed seed" means seed in one of two classes
 1474 of seed:

1475 (a) "Prohibited noxious weed seed" means the seed of weeds
 1476 that are highly destructive and difficult to control by good
 1477 cultural practices and the use of herbicides.

1478 (b) "Restricted noxious weed seed" means weed seeds that
 1479 are objectionable in agricultural crops, lawns, and gardens of
 1480 this state and which can be controlled by good agricultural
 1481 practices or the use of herbicides.

1482 (27)~~(19)~~ "Origin" means the state, District of Columbia,

1483 Puerto Rico, or possession of the United States, or the foreign
1484 country where the seed were grown, except for native species,
1485 where the term means the county or collection zone and the state
1486 where the seed were grown ~~for forest tree seed, with respect to~~
1487 ~~which the term "origin" means the county or state forest service~~
1488 ~~seed collection zone and the state where the seed were grown.~~

1489 ~~(28)-(20)~~ "Other crop seed" includes all seed of plants
1490 grown in this state as crops, other than the kind or kind and
1491 variety included in the pure seed, when not more than 5 percent
1492 of the whole of a single kind or variety is present, unless
1493 designated as weed seed.

1494 (29) "Packet seed" means seed prepared for use in home
1495 gardens and household plantings packaged in labeled, sealed
1496 containers of less than 8 ounces and typically sold from seed
1497 racks or displays in retail establishments, via the Internet, or
1498 through mail order.

1499 ~~(30)-(21)~~ "Processing" means conditioning, cleaning,
1500 scarifying, or blending to obtain uniform quality and other
1501 operations which would change the purity or germination of the
1502 seed and, therefore, require retesting to determine the quality
1503 of the seed.

1504 ~~(22) "Prohibited noxious weed seed" means the seed and~~
1505 ~~bulblets of perennial weeds such as not only reproduce by seed~~
1506 ~~or bulblets, but also spread by underground roots or stems and~~
1507 ~~which, when established, are highly destructive and difficult to~~

1508 ~~control in this state by ordinary good cultural practice.~~

1509 (31)-(23) "Pure seed" means the seed, exclusive of inert
1510 matter, of the kind or kind and variety of seed declared on the
1511 label or tag ~~includes all seed of the kind or kind and variety~~
1512 ~~or strain under consideration, whether shriveled, cracked, or~~
1513 ~~otherwise injured, and pieces of broken seed larger than one-~~
1514 ~~half the original size.~~

1515 (32)-(24) "Record" includes the symbol identifying the seed
1516 as to origin, amount, processing, testing, labeling, and
1517 distribution, file sample of the seed, and any other document or
1518 instrument pertaining to the purchase, sale, or handling of
1519 agricultural, vegetable, flower, or forest tree, or shrub seed.
1520 Such information includes seed samples and records of
1521 declarations, labels, purchases, sales, conditioning, bulking,
1522 treatment, handling, storage, analyses, tests, and examinations.

1523 (33) "Registered seed" means a class of certified seed
1524 which is the progeny of breeder or foundation seed and is
1525 produced and handled under procedures established by the
1526 certifying agency, in accordance with this part, for the purpose
1527 of maintaining genetic purity and identity.

1528 ~~(25) "Restricted noxious weed seed" means the seed of such~~
1529 ~~weeds as are very objectionable in fields, lawns, or gardens of~~
1530 ~~this state, but can be controlled by good cultural practice.~~
1531 ~~Seed of poisonous plants may be included.~~

1532 (34) "Shrub seed" means seed of a woody plant that is

1533 smaller than a tree and has several main stems arising at or
1534 near the ground.

1535 (35)~~(26)~~ "Stop-sale" means any written or printed notice
1536 or order issued by the department to the owner or custodian of
1537 any lot of agricultural, vegetable, flower, ~~or forest tree,~~ or
1538 shrub seed in the state, directing the owner or custodian not to
1539 sell or offer for sale seed designated by the order within the
1540 state until the requirements of this law are complied with and a
1541 written release has been issued; except that the seed may be
1542 released to be sold for feed.

1543 (36)~~(27)~~ "Treated" means that the seed has been given an
1544 application of a material or subjected to a process designed to
1545 control or repel disease organisms, insects, or other pests
1546 attacking seed or seedlings grown therefrom to improve its
1547 planting value or to serve any other purpose.

1548 (37) "Tree seed" means seed of a woody perennial plant
1549 typically having a single stem or trunk growing to a
1550 considerable height and bearing lateral branches at some
1551 distance from the ground.

1552 (38)~~(28)~~ "Type" means a group of varieties so nearly
1553 similar that the individual varieties cannot be clearly
1554 differentiated except under special conditions.

1555 (39)~~(29)~~ "Variety" means a subdivision of a kind which is
1556 distinct in the sense that the variety can be differentiated by
1557 one or more identifiable morphological, physiological, or other

1558 characteristics from all other varieties of public knowledge;
1559 uniform in the sense that the variations in essential and
1560 distinctive characteristics are describable; and stable in the
1561 sense that the variety will remain unchanged in its essential
1562 and distinctive characteristics and its uniformity when
1563 reproduced or reconstituted ~~characterized by growth, plant~~
1564 ~~fruit, seed, or other characteristics by which it can be~~
1565 ~~differentiated from other sorts of the same kind; e.g.,~~
1566 ~~Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.~~

1567 (40) ~~(30)~~ "Vegetable seed" means the seed of those crops
1568 that ~~which~~ are grown in gardens or on truck farms, and are
1569 generally known and sold under the name of vegetable seed or
1570 herb seed in this state.

1571 (41) ~~(31)~~ "Weed seed" includes the seed of all plants
1572 generally recognized as weeds within this state, and includes
1573 prohibited and restricted noxious weed seed, bulblets, ~~and~~
1574 tubers, and any other vegetative propagules.

1575 Section 33. Section 578.012, Florida Statutes, is created
1576 to read:

1577 578.012 Preemption.—

1578 (1) It is the intent of the Legislature to eliminate
1579 duplication of regulation of seed. As such, this chapter is
1580 intended as comprehensive and exclusive and occupies the whole
1581 field of regulation of seed.

1582 (2) The authority to regulate seed or matters relating to

1583 seed in this state is preempted to the state. A local government
1584 or political subdivision of the state may not enact or enforce
1585 an ordinance that regulates seed, including the power to assess
1586 any penalties provided for violation of this chapter.

1587 Section 34. Section 578.08, Florida Statutes, is amended
1588 to read:

1589 578.08 Registrations.—

1590 (1) Every person, except as provided in subsection (4) ~~and~~
1591 ~~s. 578.14~~, before selling, distributing for sale, offering for
1592 sale, exposing for sale, handling for sale, or soliciting orders
1593 for the purchase of any agricultural, vegetable, flower, ~~or~~
1594 ~~forest~~ tree, or shrub seed or mixture thereof, shall first
1595 register with the department as a seed dealer. The application
1596 for registration must include the name and location of each
1597 place of business at which the seed is sold, distributed for
1598 sale, offered for sale, exposed for sale, or handled for sale.
1599 The application must ~~for registration shall~~ be filed with the
1600 department by using a form prescribed by the department or by
1601 using the department's website and shall be accompanied by an
1602 annual registration fee for each such place of business based on
1603 the gross receipts from the sale of such seed for the last
1604 preceding license year as follows:

1605 (a)1. Receipts of less than \$500, a fee of \$10.

1606 2. Receipts of \$500 or more but less than \$1,000, a fee of
1607 \$25.

- 1608 3. Receipts of \$1,000 or more but less than \$2,500, a fee
 1609 of \$100.
- 1610 4. Receipts of \$2,500 or more but less than \$5,000, a fee
 1611 of \$200.
- 1612 5. Receipts of \$5,000 or more but less than \$10,000, a fee
 1613 of \$350.
- 1614 6. Receipts of \$10,000 or more but less than \$20,000, a
 1615 fee of \$800.
- 1616 7. Receipts of \$20,000 or more but less than \$40,000, a
 1617 fee of \$1,000.
- 1618 8. Receipts of \$40,000 or more but less than \$70,000, a
 1619 fee of \$1,200.
- 1620 9. Receipts of \$70,000 or more but less than \$150,000, a
 1621 fee of \$1,600.
- 1622 10. Receipts of \$150,000 or more but less than \$400,000, a
 1623 fee of \$2,400.
- 1624 11. Receipts of \$400,000 or more, a fee of \$4,600.
- 1625 (b) For places of business not previously in operation,
 1626 the fee shall be based on anticipated receipts for the first
 1627 license year.
- 1628 (2) A ~~written~~ receipt from the department of the
 1629 registration and payment of the fee shall constitute a
 1630 sufficient permit for the dealer to engage in or continue in the
 1631 business of selling, distributing for sale, offering or exposing
 1632 for sale, handling for sale, or soliciting orders for the

1633 purchase of any agricultural, vegetable, flower, ~~or forest tree,~~
 1634 or shrub seed within the state. However, the department has
 1635 ~~shall have~~ authority to suspend or revoke any permit for the
 1636 violation of any provision of this law or of any rule adopted
 1637 under authority hereof. The registration shall expire on June 30
 1638 of the next calendar year and shall be renewed on July 1 of each
 1639 year. If any person subject to the requirements of this section
 1640 fails to comply, the department may issue a stop-sale notice or
 1641 order which shall prohibit the person from selling or causing to
 1642 be sold any agricultural, vegetable, flower, ~~or forest tree,~~ or
 1643 shrub seed until the requirements of this section are met.

1644 (3) Every person selling, distributing for sale, offering
 1645 for sale, exposing for sale, handling for sale, or soliciting
 1646 orders for the purchase of any agricultural, vegetable, flower,
 1647 ~~or forest tree,~~ or shrub seed in the state other than as
 1648 provided in subsection (4) ~~s. 578.14~~, shall be subject to the
 1649 requirements of this section; ~~except that agricultural~~
 1650 ~~experiment stations of the State University System shall not be~~
 1651 ~~subject to the requirements of this section.~~

1652 (4) ~~The provisions of~~ This chapter does ~~shall~~ not apply to
 1653 farmers who sell only uncleaned, unprocessed, unpackaged, and
 1654 unlabeled seed, but shall apply to farmers who sell cleaned,
 1655 processed, packaged, and labeled seed in amounts in excess of
 1656 \$10,000 in any one year.

1657 (5) When packet seed is sold, offered for sale, or exposed

1658 for sale, the company who packs seed for retail sale must
1659 register and pay fees as provided under subsection (1).

1660 Section 35. Section 578.09, Florida Statutes, is amended
1661 to read:

1662 578.09 Label requirements for agricultural, vegetable,
1663 flower, tree, or shrub seeds.—Each container of agricultural,
1664 vegetable, ~~or flower, tree, or shrub~~ seed which is sold, offered
1665 for sale, exposed for sale, or distributed for sale within this
1666 state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or
1667 have attached thereto, in a conspicuous place, ~~a label or labels~~
1668 ~~containing all information required under this section,~~ plainly
1669 written or printed label or tag in the English language, ~~in~~
1670 ~~Century type.~~ All data pertaining to analysis shall appear on a
1671 single label. Language setting forth the requirements for filing
1672 and serving complaints as described in s. 578.26(1)(c) ~~must~~ ~~or~~
1673 ~~578.26(1)(b)~~ ~~shall~~ be included on the analysis label or be
1674 otherwise attached to the package, except for packages
1675 containing less than 1,000 seeds by count.

1676 (1) ~~FOR TREATED SEED.~~— For all treated agricultural,
1677 vegetable, ~~or flower, tree, or shrub~~ seed ~~treated~~ as defined in
1678 this chapter:

1679 (a) A word or statement indicating that the seed has been
1680 treated ~~or description of process used.~~

1681 (b) The commonly accepted coined, chemical, or abbreviated
1682 chemical (generic) name of the applied substance or description

1683 of the process used and the words "poison treated" in red
1684 letters, in not less than 1/4-inch type.

1685 (c) If the substance in the amount present with the seed
1686 is harmful to humans or other vertebrate animals, a caution
1687 statement such as "Do not use for food, feed, or oil purposes."
1688 The caution for mercurials, Environmental Protection Agency
1689 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and
1690 similarly toxic substances shall be designated by a poison
1691 statement or symbol.

1692 ~~(d) Rate of application or statement "Treated at~~
1693 ~~manufacturer's recommended rate."~~

1694 (d)(e) If the seed is treated with an inoculant, the date
1695 beyond which the inoculant is not to be considered effective
1696 (date of expiration).

1697
1698 A label separate from other labels required by this section or
1699 other law may be used to identify seed treatments as required by
1700 this subsection.

1701 (2) For agricultural seed, including lawn and turf grass
1702 seed and mixtures thereof: AGRICULTURAL SEED.—

1703 (a) ~~Commonly accepted~~ The name of the kind and variety of
1704 each agricultural seed component present in excess of 5 percent
1705 of the whole, and the percentage by weight of each in the order
1706 of its predominance. Where more than one component is required
1707 to be named, the word "mixed," "mixture," or "blend" must the

- 1708 | ~~word "mixed" shall~~ be shown conspicuously on the label. Hybrids
1709 | must be labeled as hybrids.
- 1710 | (b) Lot number or other lot identification.
- 1711 | (c) Net weight or seed count.
- 1712 | (d) Origin, if known. If the origin is ~~;~~ if unknown, that
1713 | fact must ~~shall~~ be stated.
- 1714 | (e) Percentage by weight of all weed seed.
- 1715 | (f) ~~The~~ Name and number of noxious weed seed per pound, if
1716 | present per pound of each kind of restricted noxious weed seed.
- 1717 | (g) Percentage by weight of agricultural seed which may be
1718 | designated as other crop seed, other than those required to be
1719 | named on the label.
- 1720 | (h) Percentage by weight of inert matter.
- 1721 | (i) For each named agricultural seed, including lawn and
1722 | turf grass seed:
- 1723 | 1. Percentage of germination, exclusive of hard or dormant
1724 | seed;
- 1725 | 2. Percentage of hard or dormant seed, if when present, ~~if~~
1726 | ~~desired;~~ and
- 1727 | 3. The calendar month and year the test was completed to
1728 | determine such percentages, provided that the germination test
1729 | must have been completed within the previous 9 months, exclusive
1730 | of the calendar month of test.
- 1731 | (j) Name and address of the person who labeled said seed
1732 | or who sells, distributes, offers, or exposes said seed for sale

1733 | within this state.

1734 |

1735 | The sum total of the percentages listed pursuant to paragraphs
 1736 | (a), (e), (g), and (h) must be equal to 100 percent.

1737 | (3) For seed that is coated:

1738 | (a) Percentage by weight of pure seed with coating
 1739 | material removed. The percentage of coating material may be
 1740 | included with the inert matter percentage or may be listed
 1741 | separately.

1742 | (b) Percentage of germination. This percentage must be
 1743 | determined based on an examination of 400 coated units with or
 1744 | without seed.

1745 |

1746 | In addition to the requirements of this subsection, labeling of
 1747 | coated seed must also comply with the requirements of any other
 1748 | subsection pertaining to that type of seed. ~~FOR VEGETABLE SEED~~
 1749 | ~~IN CONTAINERS OF 8 OUNCES OR MORE.~~

1750 | ~~(a) Name of kind and variety of seed.~~

1751 | ~~(b) Net weight or seed count.~~

1752 | ~~(c) Lot number or other lot identification.~~

1753 | ~~(d) Percentage of germination.~~

1754 | ~~(e) Calendar month and year the test was completed to~~
 1755 | ~~determine such percentages.~~

1756 | ~~(f) Name and address of the person who labeled said seed~~
 1757 | ~~or who sells, distributes, offers or exposes said seed for sale~~

1758 ~~within this state.~~

1759 ~~(g) For seed which germinate less than the standard last~~
1760 ~~established by the department the words "below standard," in not~~
1761 ~~less than 8-point type, must be printed or written in ink on the~~
1762 ~~face of the tag, in addition to the other information required.~~
1763 ~~Provided, that no seed marked "below standard" shall be sold~~
1764 ~~which falls more than 20 percent below the standard for such~~
1765 ~~seed which has been established by the department, as authorized~~
1766 ~~by this law.~~

1767 ~~(h) The name and number of restricted noxious weed seed~~
1768 ~~per pound.~~

1769 (4) For combination mulch, seed, and fertilizer products:

1770 (a) The word "combination" followed, as appropriate, by
1771 the words "mulch - seed - fertilizer" must appear prominently on
1772 the principal display panel of the package.

1773 (b) If the product is an agricultural seed placed in a
1774 germination medium, mat, tape, or other device or is mixed with
1775 mulch or fertilizer, it must also be labeled with all of the
1776 following:

1777 1. Product name.

1778 2. Lot number or other lot identification.

1779 3. Percentage by weight of pure seed of each kind and
1780 variety named which may be less than 5 percent of the whole.

1781 4. Percentage by weight of other crop seed.

1782 5. Percentage by weight of inert matter.

- 1783 6. Percentage by weight of weed seed.
- 1784 7. Name and number of noxious weed seeds per pound, if
1785 present.
- 1786 8. Percentage of germination, and hard or dormant seed if
1787 appropriate, of each kind or kind and variety named. The
1788 germination test must have been completed within the previous 12
1789 months exclusive of the calendar month of test.
- 1790 9. The calendar month and year the test was completed to
1791 determine such percentages.
- 1792 10. Name and address of the person who labeled the seed,
1793 or who sells, offers, or exposes the seed for sale within the
1794 state.
- 1795
- 1796 The sum total of the percentages listed pursuant to
1797 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.
- 1798 (5) For vegetable seed in packets as prepared for use in
1799 home gardens or household plantings or vegetable seeds in
1800 preplanted containers, mats, tapes, or other planting devices:
1801 ~~FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—~~
- 1802 (a) Name of kind and variety of seed. Hybrids must be
1803 labeled as hybrids.
- 1804 (b) Lot number or other lot identification.
- 1805 (c) Germination test date identified in the following
1806 manner:
- 1807 1. The calendar month and year the germination test was

1808 completed and the statement "Sell by ...(month/year)...", which
1809 may be no more than 12 months from the date of test, beginning
1810 with the month after the test date;

1811 2. The month and year the germination test was completed,
1812 provided that the germination test must have been completed
1813 within the previous 12 months, exclusive of the calendar month
1814 of test; or

1815 3. The year for which the seed was packaged for sale as
1816 "Packed for ...(year)..." and the statement "Sell by
1817 ...(year)..." which shall be one year after the seed was
1818 packaged for sale.

1819 (d) ~~(b)~~ Name and address of the person who labeled the seed
1820 or who sells, ~~distributes,~~ offers, or exposes said seed for sale
1821 within this state.

1822 (e) ~~(e)~~ For seed which germinate less than standard last
1823 established by the department, ~~the additional information must~~
1824 ~~be shown:~~

1825 1. Percentage of germination, exclusive of hard or dormant
1826 seed.

1827 2. Percentage of hard or dormant seed ~~when present,~~ if
1828 present desired.

1829 ~~3. Calendar month and year the test was completed to~~
1830 ~~determine such percentages.~~

1831 ~~3.4.~~ The words "Below Standard" prominently displayed in
1832 ~~not less than 8-point type.~~

1833
 1834 (f)~~(d)~~ No seed marked "below standard" may ~~shall~~ be sold
 1835 that falls ~~which fall~~ more than 20 percent below the established
 1836 standard for such seed. For seeds that do not have an
 1837 established standard, the minimum germination standard shall be
 1838 50 percent, and no such seed may be sold that is 20 percent
 1839 below this standard.

1840 (g) For seed placed in a germination medium, mat, tape, or
 1841 other device in such a way as to make it difficult to determine
 1842 the quantity of seed without removing the seeds from the medium,
 1843 mat, tape or device, a statement to indicate the minimum number
 1844 of seeds in the container.

1845 (6) For vegetable seed in containers, other than packets
 1846 prepared for use in home gardens or household plantings, and
 1847 other than preplanted containers, mats, tapes, or other planting
 1848 devices:

1849 (a) The name of each kind and variety present of any seed
 1850 in excess of 5 percent of the total weight in the container, and
 1851 the percentage by weight of each type of seed in order of its
 1852 predominance. Hybrids must be labeled as hybrids.

1853 (b) Net weight or seed count.

1854 (c) Lot number or other lot identification.

1855 (d) For each named vegetable seed:

1856 1. Percentage germination, exclusive of hard or dormant
 1857 seed;

1858 2. Percentage of hard or dormant seed, if present;
 1859 3. Listed below the requirements of subparagraphs 1. and
 1860 2., the "total germination and hard or dormant seed" may be
 1861 stated as such, if desired; and
 1862 4. The calendar month and year the test was completed to
 1863 determine the percentages specified in subparagraphs 1. and 2.,
 1864 provided that the germination test must have been completed
 1865 within 9 months, exclusive of the calendar month of test.
 1866 (e) Name and address of the person who labeled the seed,
 1867 or who sells, offers, or exposes the seed for sale within this
 1868 state.
 1869 (f) For seed which germinate less than the standard last
 1870 established by the department, the words "Below Standard"
 1871 prominently displayed.
 1872 1. No seed marked "Below Standard" may be sold if the seed
 1873 is more than 20 percent below the established standard for such
 1874 seed.
 1875 2. For seeds that do not have an established standard, the
 1876 minimum germination standard shall be 50 percent, and no such
 1877 seed may be sold that is 20 percent below this standard.
 1878 (7)-(5) For flower seed in packets prepared for use in home
 1879 gardens or household plantings or flower seed in preplanted
 1880 containers, mats, tapes, or other planting devices: FOR FLOWER
 1881 SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD
 1882 PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,

1883 ~~OR OTHER PLANTING DEVICES.~~

1884 (a) For all kinds of flower seed:

1885 1. The name of the kind and variety or a statement of type
 1886 and performance characteristics as prescribed in the rules and
 1887 regulations adopted ~~promulgated~~ under the provisions of this
 1888 chapter.

1889 2. Germination test date, identified in the following
 1890 manner:

1891 a. The calendar month and year the germination test was
 1892 completed and the statement "Sell by ...(month/year)...". The
 1893 sell by date must be no more than 12 months from the date of
 1894 test, beginning with the month after the test date;

1895 b. The year for which the seed was packed for sale as
 1896 "Packed for ...(year)..." and the statement "Sell by
 1897 ...(year)..." which shall be for a calendar year; or

1898 c. The calendar month and year the test was completed,
 1899 provided that the germination test must have been completed
 1900 within the previous 12 months, exclusive of the calendar month
 1901 of test.

1902 ~~2. The calendar month and year the seed was tested or the~~
 1903 ~~year for which the seed was packaged.~~

1904 3. The name and address of the person who labeled said
 1905 seed, or who sells, offers, or exposes said seed for sale within
 1906 this state.

1907 (b) For seed of those kinds for which standard testing

1908 | procedures are prescribed and which germinate less than the
 1909 | germination standard last established under the provisions of
 1910 | this chapter:

1911 | 1. The percentage of germination exclusive of hard or
 1912 | dormant seed.

1913 | 2. Percentage of hard or dormant seed, if present.

1914 | 3. The words "Below Standard" prominently displayed ~~in not~~
 1915 | ~~less than 8 point type.~~

1916 | (c) For seed placed in a germination medium, mat, tape, or
 1917 | other device in such a way as to make it difficult to determine
 1918 | the quantity of seed without removing the seed from the medium,
 1919 | mat, tape, or device, a statement to indicate the minimum number
 1920 | of seed in the container.

1921 | ~~(8)-(6)~~ For flower seed in containers other than packets
 1922 | and other than preplanted containers, mats, tapes, or other
 1923 | planting devices and not prepared for use in home flower gardens
 1924 | or household plantings: ~~FOR FLOWER SEED IN CONTAINERS OTHER THAN~~
 1925 | ~~PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD~~
 1926 | ~~PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR~~
 1927 | ~~OTHER PLANTING DEVICES.—~~

1928 | (a) The name of the kind and variety, and for wildflowers,
 1929 | the genus and species and subspecies, if appropriate ~~or a~~
 1930 | ~~statement of type and performance characteristics as prescribed~~
 1931 | ~~in rules and regulations promulgated under the provisions of~~
 1932 | ~~this chapter.~~

- 1933 (b) Net weight or seed count.
- 1934 (c) ~~(b)~~ The Lot number or other lot identification.
- 1935 (d) For flower seed with a pure seed percentage of less
- 1936 than 90 percent:
- 1937 1. Percentage, by weight, of each component listed in
- 1938 order of its predominance.
- 1939 2. Percentage by weight of weed seed, if present.
- 1940 3. Percentage by weight of other crop seed.
- 1941 4. Percentage by weight of inert matter.
- 1942 (e) For those kinds of seed for which standard testing
- 1943 procedures are prescribed:
- 1944 1. Percentage germination exclusive of hard or dormant
- 1945 seed.
- 1946 2. Percentage of hard or dormant seed, if present.
- 1947 3. ~~(e)~~ The calendar month and year that the test was
- 1948 completed. The germination test must have been completed within
- 1949 the previous 9 months, exclusive of the calendar month of test.
- 1950 (f) For those kinds of seed for which standard testing
- 1951 procedures are not available, the year of production or
- 1952 collection seed were tested or the year for which the seed were
- 1953 packaged.
- 1954 (g) ~~(d)~~ The name and address of the person who labeled said
- 1955 seed or who sells, offers, or exposes said seed for sale within
- 1956 this state.
- 1957 ~~(e) For those kinds of seed for which standard testing~~

1958 | ~~procedures are prescribed:~~

1959 | 1. ~~The percentage germination exclusive of hard seed.~~

1960 | 2. ~~The percentage of hard seed, if present.~~

1961 | (h) (f) For ~~these seeds~~ which germinate less than the

1962 | standard last established by the department, the words "Below

1963 | Standard" prominently displayed ~~in not less than 8-point type~~

1964 | ~~must be printed or written in ink on the face of the tag.~~

1965 | (9) For tree or shrub seed:

1966 | (a) Common name of the species of seed and, if

1967 | appropriate, subspecies.

1968 | (b) The scientific name of the genus, species, and, if

1969 | appropriate, subspecies.

1970 | (c) Lot number or other lot identification.

1971 | (d) Net weight or seed count.

1972 | (e) Origin, indicated in the following manner:

1973 | 1. For seed collected from a predominantly indigenous

1974 | stand, the area of collection given by latitude and longitude or

1975 | geographic description, or political subdivision, such as state

1976 | or county.

1977 | 2. For seed collected from other than a predominantly

1978 | indigenous stand, the area of collection and the origin of the

1979 | stand or the statement "Origin not Indigenous".

1980 | 3. The elevation or the upper and lower limits of

1981 | elevations within which the seed was collected.

1982 | (f) Purity as a percentage of pure seed by weight.

1983 (g) For those species for which standard germination
 1984 testing procedures are prescribed by the department:
 1985 1. Percentage germination exclusive of hard or dormant
 1986 seed.
 1987 2. Percentage of hard or dormant seed, if present.
 1988 3. The calendar month and year test was completed,
 1989 provided that the germination test must have been completed
 1990 within the previous 12 months, exclusive of the calendar month
 1991 of test.

1992 (h) In lieu of subparagraphs (g)1., 2., and 3., the seed
 1993 may be labeled "Test is in progress; results will be supplied
 1994 upon request."

1995 (i) For those species for which standard germination
 1996 testing procedures have not been prescribed by the department,
 1997 the calendar year in which the seed was collected.

1998 (j) The name and address of the person who labeled the
 1999 seed or who sells, offers, or exposes the seed for sale within
 2000 this state.

2001 ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG.—The~~
 2002 ~~department shall have the authority to prescribe a uniform~~
 2003 ~~analysis tag required by this section.~~

2004
 2005 The information required by this section to be placed on labels
 2006 attached to seed containers may not be modified or denied in the
 2007 labeling or on another label attached to the container. However,

2008 labeling of seed supplied under a contractual agreement may be
 2009 by invoice accompanying the shipment or by an analysis tag
 2010 attached to the invoice if each bag or other container is
 2011 clearly identified by a lot number displayed on the bag or other
 2012 container. Each bag or container that is not so identified must
 2013 carry complete labeling.

2014 Section 36. Section 578.091, Florida Statutes, is
 2015 repealed.

2016 Section 37. Subsections (2) and (3) of section 578.10,
 2017 Florida Statutes, are amended to read:

2018 578.10 Exemptions.—

2019 (2) The provisions of ss. 578.09 and 578.13 do not apply
 2020 to:

2021 (a) ~~The~~ Seed or grain not intended for sowing or planting
 2022 purposes.

2023 (b) ~~The~~ Seed stored ~~in storage~~ in, consigned to, or being
 2024 transported to seed cleaning or processing establishments for
 2025 cleaning or processing only. Any labeling or other
 2026 representation which may be made with respect to the unclean
 2027 seed is ~~shall be~~ subject to this law.

2028 (c) Seed under development or maintained exclusively for
 2029 research purposes.

2030 (3) If seeds cannot be identified by examination thereof,
 2031 a person is not subject to the criminal penalties of this
 2032 chapter for having sold or offered for sale seeds subject to

2033 this chapter which were incorrectly labeled or represented as to
2034 kind, species, and, if appropriate, subspecies, variety, type,
2035 or origin, elevation, and, if required, year of collection
2036 unless he or she has failed to obtain an invoice, genuine
2037 grower's or tree seed collector's declaration, or other labeling
2038 information and to take such other precautions as may be
2039 reasonable to ensure the identity of the seeds to be as stated
2040 by the grower. A genuine grower's declaration of variety must
2041 affirm that the grower holds records of proof of identity
2042 concerning parent seed, such as invoice and labels ~~No person~~
2043 ~~shall be subject to the criminal penalties of this law for~~
2044 ~~having sold, offered, exposed, or distributed for sale in this~~
2045 ~~state any agricultural, vegetable, or forest tree seed which~~
2046 ~~were incorrectly labeled or represented as to kind and variety~~
2047 ~~or origin, which seed cannot be identified by examination~~
2048 ~~thereof, unless she or he has failed to obtain an invoice or~~
2049 ~~grower's declaration giving kind and variety and origin.~~

2050 Section 38. Section 578.11, Florida Statutes, is amended
2051 to read:

2052 578.11 Duties, authority, and rules of the department.—

2053 (1) The duty of administering this law and enforcing its
2054 provisions and requirements shall be vested in the Department of
2055 Agriculture and Consumer Services, which is hereby authorized to
2056 employ such agents and persons as in its judgment shall be
2057 necessary therefor. It shall be the duty of the department,

2058 | which may act through its authorized agents, to sample, inspect,
 2059 | make analyses of, and test agricultural, vegetable, flower, ~~or~~
 2060 | ~~forest~~ tree, or shrub seed transported, sold, offered or exposed
 2061 | for sale, or distributed within this state for sowing or
 2062 | planting purposes, at such time and place and to such extent as
 2063 | it may deem necessary to determine whether said agricultural,
 2064 | vegetable, flower, ~~or forest~~ tree, or shrub seed are in
 2065 | compliance with the provisions of this law, and to notify
 2066 | promptly the person who transported, distributed, sold, offered
 2067 | or exposed the seed for sale, of any violation.

2068 | (2) The department is authorized to:

2069 | (a) ~~To~~ Enforce this chapter ~~act~~ and prescribe the methods
 2070 | of sampling, inspecting, testing, and examining agricultural,
 2071 | vegetable, flower, ~~or forest~~ tree, or shrub seed.

2072 | (b) ~~To~~ Establish standards and tolerances to be followed
 2073 | in the administration of this law, which shall be in general
 2074 | accord with officially prescribed practices in interstate
 2075 | commerce.

2076 | (c) ~~To~~ Prescribe uniform labels.

2077 | (d) ~~To~~ Adopt prohibited and restricted noxious weed seed
 2078 | lists.

2079 | (e) ~~To~~ Prescribe limitations for each restricted noxious
 2080 | weed to be used in enforcement of this chapter ~~act~~ and to add or
 2081 | subtract therefrom from time to time as the need may arise.

2082 | (f) ~~To~~ Make commercial tests of seed and to fix and

2083 collect charges for such tests.

2084 (g) ~~To~~ List the kinds of flower, and forest tree, and
 2085 shrub seed subject to this law.

2086 (h) ~~To~~ Analyze samples, as requested by a consumer. The
 2087 department shall establish, by rule, a fee schedule for
 2088 analyzing samples at the request of a consumer. The fees shall
 2089 be sufficient to cover the costs to the department for taking
 2090 the samples and performing the analysis, not to exceed \$150 per
 2091 sample.

2092 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
 2093 to implement ~~the provisions of this chapter act.~~

2094 (j) ~~To~~ Establish, by rule, requirements governing aircraft
 2095 used for the aerial application of seed, including requirements
 2096 for recordkeeping, annual aircraft registration, secure storage
 2097 when not in use, area-of-application information, and reporting
 2098 any sale, lease, purchase, rental, or transfer of such aircraft
 2099 to another person.

2100 (3) For the purpose of carrying out ~~the provisions of this~~
 2101 law, the department, through its authorized agents, is
 2102 authorized to:

2103 (a) ~~To~~ Enter upon any public or private premises, where
 2104 agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed
 2105 is sold, offered, exposed, or distributed for sale during
 2106 regular business hours, in order to have access to seed subject
 2107 to this law and the rules and regulations hereunder.

2108 (b) ~~To~~ Issue and enforce a stop-sale notice or order to
 2109 the owner or custodian of any lot of agricultural, vegetable,
 2110 flower, ~~or forest tree,~~ or shrub seed, which the department
 2111 finds or has good reason to believe is in violation of any
 2112 provisions of this law, which shall prohibit further sale,
 2113 barter, exchange, or distribution of such seed until the
 2114 department is satisfied that the law has been complied with and
 2115 has issued a written release or notice to the owner or custodian
 2116 of such seed. After a stop-sale notice or order has been issued
 2117 against or attached to any lot of seed and the owner or
 2118 custodian of such seed has received confirmation that the seed
 2119 does not comply with this law, she or he has ~~shall have~~ 15 days
 2120 beyond the normal test period within which to comply with the
 2121 law and obtain a written release of the seed. ~~The provisions of~~
 2122 This paragraph may ~~shall~~ not be construed as limiting the right
 2123 of the department to proceed as authorized by other sections of
 2124 this law.

2125 (c) ~~To~~ Establish and maintain a seed laboratory, employ
 2126 seed analysts and other personnel, and incur such other expenses
 2127 as may be necessary to comply with these provisions.

2128 Section 39. Section 578.12, Florida Statutes, is amended
 2129 to read:

2130 578.12 Stop-sale, stop-use, removal, or hold orders.—When
 2131 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed
 2132 is being offered or exposed for sale or held in violation of any

2133 of the provisions of this chapter, the department, through its
 2134 authorized representative, may issue and enforce a stop-sale,
 2135 stop-use, removal, or hold order to the owner or custodian of
 2136 said seed ordering it to be held at a designated place until the
 2137 law has been complied with and said seed is released in writing
 2138 by the department or its authorized representative. If seed is
 2139 not brought into compliance with this law it shall be destroyed
 2140 within 30 days or disposed of by the department in such a manner
 2141 as it shall by regulation prescribe.

2142 Section 40. Section 578.13, Florida Statutes, is amended
 2143 to read:

2144 578.13 Prohibitions.—

2145 (1) It shall be unlawful for any person to sell,
 2146 distribute for sale, offer for sale, expose for sale, handle for
 2147 sale, or solicit orders for the purchase of any agricultural,
 2148 vegetable, flower, ~~or forest tree~~, or shrub, seed within this
 2149 state:

2150 (a) Unless the test to determine the percentage of
 2151 germination required by s. 578.09 has ~~shall have~~ been completed
 2152 ~~within a period of 7 months, exclusive of the calendar month in~~
 2153 ~~which the test was completed~~, immediately prior to sale,
 2154 exposure for sale, offering for sale, or transportation, except
 2155 for a germination test for seed in hermetically sealed
 2156 containers which is provided for in s. 578.092 ~~s. 578.28~~.

2157 (b) Not labeled in accordance with ~~the provisions of this~~

2158 law, or having false or misleading labeling.

2159 (c) Pertaining to which there has been a false or
2160 misleading advertisement.

2161 (d) Containing noxious weed seeds subject to tolerances
2162 and methods of determination prescribed in the rules and
2163 regulations under this law.

2164 (e) Unless a seed license has been obtained in accordance
2165 with ~~the provisions of~~ this law.

2166 (f) Unless such seed conforms to the definition of a "lot
2167 ~~of seed.~~"

2168 (2) It shall be unlawful for a ~~any~~ person within this
2169 state to:

2170 (a) ~~To~~ Detach, deface, destroy, or use a second time any
2171 label or tag provided for in this law or in the rules and
2172 regulations made and promulgated hereunder or to alter or
2173 substitute seed in a manner that may defeat the purpose of this
2174 law.

2175 (b) ~~To~~ Disseminate any false or misleading advertisement
2176 concerning agricultural, vegetable, flower, ~~or forest tree~~ ,or
2177 shrub seed in any manner or by any means.

2178 (c) ~~To~~ Hinder or obstruct in any way any authorized person
2179 in the performance of her or his duties under this law.

2180 (d) ~~To~~ Fail to comply with a stop-sale order or to move,
2181 handle, or dispose of any lot of seed, or tags attached to such
2182 seed, held under a "stop-sale" order, except with express

2183 permission of the department and for the purpose specified by
2184 the department ~~or seizure order.~~

2185 (e) Label, advertise, or otherwise represent seed subject
2186 to this chapter to be certified seed or any class thereof,
2187 including classes such as "registered seed," "foundation seed,"
2188 "breeder seed" or similar representations, unless:

2189 1. A seed certifying agency determines that such seed
2190 conformed to standards of purity and identify as to the kind,
2191 variety, or species and, if appropriate, subspecies and the seed
2192 certifying agency also determines that tree or shrub seed was
2193 found to be of the origin and elevation claimed, in compliance
2194 with the rules and regulations of such agency pertaining to such
2195 seed; and

2196 2. The seed bears an official label issued for such seed
2197 by a seed certifying agency certifying that the seed is of a
2198 specified class and specified to the kind, variety, or species
2199 and, if appropriate, subspecies.

2200 (f) Label, by variety name, seed not certified by an
2201 official seed-certifying agency when it is a variety for which a
2202 certificate of plant variety protection under the United States
2203 Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies
2204 sale only as a class of certified seed, except that seed from a
2205 certified lot may be labeled as to variety name when used in a
2206 mixture by, or with the written approval of, the owner of the
2207 variety. ~~To sell, distribute for sale, offer for sale, expose~~

2208 ~~for sale, handle for sale, or solicit orders for the purchase of~~
 2209 ~~any agricultural, vegetable, flower, or forest tree seed labeled~~
 2210 ~~"certified seed," "registered seed," "foundation seed," "breeder~~
 2211 ~~seed," or similar terms, unless it has been produced and labeled~~
 2212 ~~under seal in compliance with the rules and regulations of any~~
 2213 ~~agency authorized by law.~~

2214 (g) ~~(f)~~ ~~To~~ Fail to keep a complete record, including a file
 2215 sample which shall be retained for 1 year after seed is sold, of
 2216 each lot of seed and to make available for inspection such
 2217 records to the department or its duly authorized agents.

2218 (h) ~~(g)~~ ~~To~~ Use the name of the Department of Agriculture
 2219 and Consumer Services or Florida State Seed Laboratory in
 2220 connection with analysis tag, labeling advertisement, or sale of
 2221 any seed in any manner whatsoever.

2222 Section 41. Section 578.14, Florida Statutes, is repealed.

2223 Section 42. Subsection (1) of section 578.181, Florida
 2224 Statutes, is amended to read:

2225 578.181 Penalties; administrative fine.—

2226 (1) The department may enter an order imposing one or more
 2227 of the following penalties against a person who violates this
 2228 chapter or the rules adopted under this chapter or who impedes,
 2229 obstructs, ~~or~~ hinders, or otherwise attempts to prevent the
 2230 department from performing its duty in connection with
 2231 ~~performing its duties under~~ this chapter:

2232 (a) For a minor violation, issuance of a warning letter.

2233 (b) For violations other than a minor violation:
 2234 1. Imposition of an administrative fine in the Class I
 2235 category pursuant to s. 570.971 for each occurrence ~~after the~~
 2236 ~~issuance of a warning letter.~~
 2237 2.(e) Revocation or suspension of the registration as a
 2238 seed dealer.
 2239 Section 43. Section 578.23, Florida Statutes, is amended
 2240 to read:
 2241 578.23 ~~Dealers' Records to be kept available.~~ Each person
 2242 who allows his or her name or brand to appear on the label as
 2243 handling agricultural, vegetable, flower, tree, or shrub seeds
 2244 subject to this chapter must keep, for 2 years, complete records
 2245 of each lot of agricultural, vegetable, flower, tree, or shrub
 2246 seed handled, and keep for 1 year after final disposition a file
 2247 sample of each lot of seed. All such records and samples
 2248 pertaining to the shipment or shipments involved must be
 2249 accessible for inspection by the department or its authorized
 2250 representative during normal business hours ~~Every seed dealer~~
 2251 ~~shall make and keep for a period of 3 years satisfactory records~~
 2252 ~~of all agricultural, vegetable, flower, or forest tree seed~~
 2253 ~~bought or handled to be sold, which records shall at all times~~
 2254 ~~be made readily available for inspection, examination, or audit~~
 2255 ~~by the department. Such records shall also be maintained by~~
 2256 ~~persons who purchase seed for production of plants for resale.~~
 2257 Section 44. Section 578.26, Florida Statutes, is amended

2258 to read:

2259 578.26 Complaint, investigation, hearings, findings, and
 2260 recommendation prerequisite to legal action.—

2261 (1) (a) When any buyer ~~farmer~~ is damaged by the failure of
 2262 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed
 2263 planted in this state to produce or perform as represented by
 2264 the labeling of such ~~label attached to the~~ seed as required by
 2265 s. 578.09, as a prerequisite to her or his right to maintain a
 2266 legal action against the dealer from whom the seed was
 2267 purchased, the buyer must ~~farmer shall~~ make a sworn complaint
 2268 against the dealer alleging damages sustained. The complaint
 2269 shall be filed with the department, and a copy of the complaint
 2270 shall be served by the department on the dealer by certified
 2271 mail, within such time as to permit inspection of the property,
 2272 crops, plants, or trees referenced in, or related to, the
 2273 buyer's complaint by the seed investigation and conciliation
 2274 council or its representatives and by the dealer from whom the
 2275 seed was purchased.

2276 (b) For types of claims specified in paragraph (a), the
 2277 buyer may not commence legal proceedings against the dealer or
 2278 assert such a claim as a counterclaim or defense in any action
 2279 brought by the dealer until the findings and recommendations of
 2280 the seed investigation and conciliation council are transmitted
 2281 to the complainant and the dealer.

2282 (c) ~~(b)~~ Language setting forth the requirement for filing

2283 and serving the complaint shall be legibly typed or printed on
2284 the analysis label or be attached to the package containing the
2285 seed at the time of purchase by the buyer ~~farmer~~.

2286 ~~(d)-(e)~~ A nonrefundable filing fee of \$100 shall be paid to
2287 the department with each complaint filed. However, the
2288 complainant may recover the filing fee cost from the dealer upon
2289 the recommendation of the seed investigation and conciliation
2290 council.

2291 (2) Within 15 days after receipt of a copy of the
2292 complaint, the dealer shall file with the department her or his
2293 answer to the complaint and serve a copy of the answer on the
2294 buyer ~~farmer~~ by certified mail. ~~Upon receipt of the findings and~~
2295 ~~recommendation of the arbitration council, the department shall~~
2296 ~~transmit them to the farmer and to the dealer by certified mail.~~

2297 (3) The department shall refer the complaint and the
2298 answer thereto to the seed investigation and conciliation
2299 council provided in s. 578.27 for investigation, informal
2300 hearing, findings, and recommendation on the matters complained
2301 of.

2302 (a) Each party must ~~shall~~ be allowed to present its side
2303 of the dispute at an informal hearing before the seed
2304 investigation and conciliation council. Attorneys may be present
2305 at the hearing to confer with their clients. However, no
2306 attorney may participate directly in the proceeding.

2307 (b) Hearings, including the deliberations of the seed

2308 investigation and conciliation council, must ~~shall~~ be open to
 2309 the public.

2310 (c) Within 30 days after completion of a hearing, the seed
 2311 investigation and conciliation council shall transmit its
 2312 findings and recommendations to the department. Upon receipt of
 2313 the findings and recommendation of the seed investigation and
 2314 conciliation council, the department shall transmit them to the
 2315 buyer ~~farmer~~ and to the dealer by certified mail.

2316 (4) The department shall provide administrative support
 2317 for the seed investigation and conciliation council and shall
 2318 mail a copy of the council's procedures to each party upon
 2319 receipt of a complaint by the department.

2320 Section 45. Subsections (1), (2), and (4) of section
 2321 578.27, Florida Statutes, are amended to read:

2322 578.27 Seed investigation and conciliation council;
 2323 composition; purpose; meetings; duties; expenses.—

2324 (1) The Commissioner of Agriculture shall appoint a seed
 2325 investigation and conciliation council composed of seven members
 2326 ~~and seven alternate members~~, one member ~~and one alternate~~ to be
 2327 appointed upon the recommendation of each of the following: the
 2328 deans of extension and research, Institute of Food and
 2329 Agricultural Sciences, University of Florida; president of the
 2330 Florida Seed ~~Seedsmen and Garden Supply~~ Association; president
 2331 of the Florida Farm Bureau Federation; and the president of the
 2332 Florida Fruit and Vegetable Association. The Commissioner of

2333 Agriculture shall appoint a representative ~~and an alternate~~ from
2334 the agriculture industry at large and from the Department of
2335 Agriculture and Consumer Services. Each member shall be
2336 appointed for a term of 4 years or less and shall serve until
2337 his or her successor is appointed ~~Initially, three members and~~
2338 ~~their alternates shall be appointed for 4-year terms and four~~
2339 ~~members and their alternates shall be appointed for 2-year~~
2340 ~~terms. Thereafter, members and alternates shall be appointed for~~
2341 ~~4-year terms. Each alternate member shall serve only in the~~
2342 ~~absence of the member for whom she or he is an alternate. A~~
2343 vacancy shall be filled for the remainder of the unexpired term
2344 in the same manner as the original appointment. The council
2345 shall annually elect a chair from its membership. It shall be
2346 the duty of the chair to conduct all meetings and deliberations
2347 held by the council and to direct all other activities of the
2348 council. The department representative shall serve as secretary
2349 of the council. It shall be the duty of the secretary to keep
2350 accurate and correct records on all meetings and deliberations
2351 and perform other duties for the council as directed by the
2352 chair.

2353 (2) The purpose of the seed investigation and conciliation
2354 council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed
2355 dealers in determining the validity of seed complaints made by
2356 buyers ~~farmers~~ against dealers and recommend a settlement, when
2357 appropriate, ~~cost damages~~ resulting from the alleged failure of

2358 | the seed to produce or perform as represented by the label of
2359 | such ~~on the~~ seed package.

2360 | (4) (a) When the department refers to the seed
2361 | investigation and conciliation council any complaint made by a
2362 | buyer farmer against a dealer, ~~the said~~ council must ~~shall~~ make
2363 | a full and complete investigation of the matters complained of
2364 | and at the conclusion of ~~the said~~ investigation must ~~shall~~
2365 | report its findings and make its recommendation ~~of cost damages~~
2366 | and file same with the department.

2367 | (b) In conducting its investigation, the seed
2368 | investigation and conciliation council or any representative,
2369 | member, or members thereof are authorized to examine the buyer's
2370 | property, crops, plants, or trees referenced in or relating to
2371 | the complaint farmer on her or his farming operation of which
2372 | ~~she or he complains~~ and the dealer on her or his packaging,
2373 | labeling, and selling operation of the seed alleged to be
2374 | faulty; to grow to production a representative sample of the
2375 | alleged faulty seed through the facilities of the state, under
2376 | the supervision of the department when such action is deemed to
2377 | be necessary; to hold informal hearings at a time and place
2378 | directed by the department or by the chair of the council upon
2379 | reasonable notice to the buyer farmer and the dealer.

2380 | (c) Any investigation made by less than the whole
2381 | membership of the council must ~~shall~~ be by authority of a
2382 | written directive by the department or by the chair, and such

2383 investigation must ~~shall~~ be summarized in writing and considered
 2384 by the council in reporting its findings and making its
 2385 recommendation.

2386 Section 46. Section 578.28, Florida Statutes, is
 2387 renumbered as section 578.092, Florida Statutes, and amended to
 2388 read:

2389 578.092 ~~578.28~~ Seed in hermetically sealed containers.—The
 2390 period of validity of germination tests is extended to the
 2391 following periods for seed packaged in hermetically sealed
 2392 containers, under conditions and label requirements set forth in
 2393 this section:

2394 (1) GERMINATION TESTS.—The germination test for
 2395 agricultural and vegetable seed must ~~shall~~ have been completed
 2396 within the following periods, exclusive of the calendar month in
 2397 which the test was completed, immediately prior to shipment,
 2398 delivery, transportation, or sale:

2399 (a) In the case of agricultural or vegetable seed shipped,
 2400 delivered, transported, or sold to a dealer for resale, 18
 2401 months;

2402 (b) In the case of agricultural or vegetable seed for sale
 2403 or sold at retail, 24 months.

2404 (2) CONDITIONS OF PACKAGING.—The following conditions are
 2405 considered as minimum:

2406 (a) *Hermetically sealed packages or containers.*—A
 2407 container, to be acceptable under the provisions of this

2408 section, shall not allow water vapor penetration through any
 2409 wall, including the wall seals, greater than 0.05 gram of water
 2410 per 24 hours per 100 square inches of surface at 100 °F. with a
 2411 relative humidity on one side of 90 percent and on the other of
 2412 0 percent. Water vapor penetration (WVP) is measured by the
 2413 standards of the National Institute of Standards and Technology
 2414 as: gm H₂O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent
 2415 RH.

2416 (b) *Moisture of seed packaged.*—The moisture of
 2417 agricultural or vegetable seed subject to the provisions of this
 2418 section shall be established by rule of the department.

2419 (3) LABELING REQUIRED.—In addition to the labeling
 2420 required by s. 578.09, seed packaged under the provisions of
 2421 this section shall be labeled with the following information:

2422 (a) Seed has been preconditioned as to moisture content.

2423 (b) Container is hermetically sealed.

2424 (c) "Germination test valid until (month, year)" may be
 2425 used. (Not to exceed 24 months from date of test).

2426 Section 47. Section 578.29, Florida Statutes, is created
 2427 to read:

2428 578.29 Prohibited noxious weed seed.—Seeds meeting the
 2429 definition of prohibited noxious weed seed under s. 578.011, may
 2430 not be present in agricultural, vegetable, flower, tree, or
 2431 shrub seed offered or exposed for sale in this state.

2432 Section 48. Subsection (1) of section 590.02, Florida

2433 Statutes, is amended to read:

2434 590.02 Florida Forest Service; powers, authority, and
 2435 duties; liability; building structures; Withlacoochee Training
 2436 Center.—

2437 (1) The Florida Forest Service has the following powers,
 2438 authority, and duties to:

2439 (a) ~~Te~~ Enforce the provisions of this chapter;

2440 (b) ~~Te~~ Prevent, detect, and suppress wildfires wherever
 2441 they may occur on public or private land in this state and to do
 2442 all things necessary in the exercise of such powers, authority,
 2443 and duties;

2444 (c) ~~Te~~ Provide firefighting crews, who shall be under the
 2445 control and direction of the Florida Forest Service and its
 2446 designated agents;

2447 (d) ~~Te~~ Appoint center managers, forest area supervisors,
 2448 forestry program administrators, a forest protection bureau
 2449 chief, a forest protection assistant bureau chief, a field
 2450 operations bureau chief, deputy chiefs of field operations,
 2451 district managers, forest operations administrators, senior
 2452 forest rangers, investigators, forest rangers, firefighter
 2453 rotorcraft pilots, and other employees who may, at the Florida
 2454 Forest Service's discretion, be certified as forestry
 2455 firefighters pursuant to s. 633.408(8). Other law
 2456 notwithstanding, center managers, district managers, forest
 2457 protection assistant bureau chief, and deputy chiefs of field

2458 | operations have ~~shall have~~ Selected Exempt Service status in the
 2459 | state personnel designation;

2460 | (e) ~~To~~ Develop a training curriculum for forestry
 2461 | firefighters which must contain the basic volunteer structural
 2462 | fire training course approved by the Florida State Fire College
 2463 | of the Division of State Fire Marshal and a minimum of 250 hours
 2464 | of wildfire training;

2465 | (f) Pay the cost of the initial commercial driver license
 2466 | examination fee for those employees whose position requires them
 2467 | to operate equipment requiring a license. This paragraph is
 2468 | intended to be an authorization to the department to pay such
 2469 | costs, not an obligation;

2470 | ~~(f) To make rules to accomplish the purposes of this~~
 2471 | ~~chapter;~~

2472 | (g) ~~To~~ Provide fire management services and emergency
 2473 | response assistance and to set and charge reasonable fees for
 2474 | performance of those services. Moneys collected from such fees
 2475 | shall be deposited into the Incidental Trust Fund of the Florida
 2476 | Forest Service;

2477 | (h) ~~To~~ Require all state, regional, and local government
 2478 | agencies operating aircraft in the vicinity of an ongoing
 2479 | wildfire to operate in compliance with the applicable state
 2480 | Wildfire Aviation Plan; ~~and~~

2481 | (i) ~~To~~ Authorize broadcast burning, prescribed burning,
 2482 | pile burning, and land clearing debris burning to carry out the

2483 duties of this chapter and the rules adopted thereunder; and
 2484 (j) Make rules to accomplish the purposes of this chapter.

2485 Section 49. Paragraph (c) of subsection (6) and subsection
 2486 (9) of section 790.06, Florida Statutes, are amended to read:

2487 790.06 License to carry concealed weapon or firearm.—

2488 (6)

2489 (c) The Department of Agriculture and Consumer Services
 2490 shall, within 90 days after the date of receipt of the items
 2491 listed in subsection (5):

2492 1. Issue the license; or

2493 2. Deny the application based solely on the ground that
 2494 the applicant fails to qualify under the criteria listed in
 2495 subsection (2) or subsection (3). If the Department of
 2496 Agriculture and Consumer Services denies the application, it
 2497 shall notify the applicant in writing, stating the ground for
 2498 denial and informing the applicant of any right to a hearing
 2499 pursuant to chapter 120.

2500 3. In the event the department receives incomplete
 2501 criminal history information ~~or with~~ no final disposition on a
 2502 crime which may disqualify the applicant, the Department of
 2503 Agriculture and Consumer Services must expedite efforts to
 2504 acquire the final disposition or proof of restoration of civil
 2505 and firearm rights, or confirmation that clarifying records are
 2506 not available from the jurisdiction where the criminal history
 2507 originated. Ninety days after the date of receipt of the

2508 completed application, if the department has not acquired final
 2509 disposition or proof of restoration of civil and firearm rights,
 2510 or confirmation that clarifying records are not available from
 2511 the jurisdiction where the criminal history originated, the
 2512 department shall issue the license in the absence of
 2513 disqualifying information. However, such license must be
 2514 immediately suspended and revoked upon receipt of disqualifying
 2515 information pursuant to this section ~~time limitation prescribed~~
 2516 ~~by this paragraph may be suspended until receipt of the final~~
 2517 ~~disposition or proof of restoration of civil and firearm rights.~~

2518 (9) In the event that a concealed weapon or firearm
 2519 license is lost or destroyed, the license shall be automatically
 2520 invalid, and the person to whom the same was issued may, upon
 2521 payment of \$15 to the Department of Agriculture and Consumer
 2522 Services, obtain a duplicate, or substitute thereof, upon
 2523 furnishing a ~~notarized~~ statement under oath to the Department of
 2524 Agriculture and Consumer Services that such license has been
 2525 lost or destroyed.

2526 Section 50. Subsections (5) and (8) of section 790.0625,
 2527 Florida Statutes, are amended, and sections (9) and (10) are
 2528 added to that section, to read:

2529 790.0625 Appointment of tax collectors to accept
 2530 applications for a concealed weapon or firearm license; fees;
 2531 penalties.—

2532 (5) A tax collector appointed under this section shall

2533 collect and remit weekly to the department the license fees
2534 pursuant to s. 790.06 for deposit in the Division of Licensing
2535 Trust Fund and may collect and retain a convenience fees for the
2536 following: fee of \$22 for each new application and \$12 for each
2537 renewal application and shall remit weekly to the department the
2538 license fees pursuant to s. 790.06 for deposit in the Division
2539 of Licensing Trust Fund.

2540 (a) Twenty-two dollars for each new application.

2541 (b) Twelve dollars for each renewal application.

2542 (c) Twelve dollars for each duplicate license issued to
2543 replace a lost or destroyed license.

2544 (d) Six dollars for fingerprinting.

2545 (e) Six dollars for photographing services associated with
2546 the completion of an application submitted online.

2547 (8) Upon receipt of a completed renewal application, a new
2548 color photograph, and ~~appropriate~~ payment of required fees, a
2549 tax collector authorized to accept renewal applications for
2550 concealed weapon or firearm licenses under this section may,
2551 upon approval and confirmation of license issuance by the
2552 department, print and deliver a concealed weapon or firearm
2553 license to a licensee renewing his or her license at the tax
2554 collector's office.

2555 (9) Upon receipt of a statement under oath to the
2556 department, and the payment of required fees, a tax collector
2557 authorized to accept applications for concealed weapon or

2558 firearm licenses under this section may, upon approval and
2559 confirmation from the department that a license is in good
2560 standing, print and deliver a concealed weapon or firearm
2561 license to a licensee whose license has been lost or destroyed.

2562 (10) Tax collectors authorized to accept applications for
2563 concealed weapon or firearm licenses under this section may
2564 provide fingerprinting and photographing services to aid
2565 concealed weapon and firearm applicants and licensees with
2566 online initial and renewal applications.

2567 Section 51. Section 817.417, Florida Statutes, is created
2568 to read:

2569 817.417 Government Impostor and Deceptive Advertisement
2570 Act.—

2571 (1) SHORT TITLE.—This act may be cited as the "Government
2572 Impostor and Deceptive Advertisements Act."

2573 (2) DEFINITIONS.—As used in this section:

2574 (a) "Advertisement" means any representation disseminated
2575 in any manner or by any means, other than by a label, for the
2576 purpose of inducing, or which is reasonably likely to induce,
2577 directly or indirectly, a purchase.

2578 (b) "Department" means the Department of Agriculture and
2579 Consumer Services.

2580 (c) "Governmental entity" means a political subdivision or
2581 agency of any state, possession, or territory of the United
2582 States, or the Federal Government, including, but not limited

2583 to, a board, a department, an office, an agency, a military
 2584 veteran entity, or a military or veteran service organization by
 2585 whatever name known.

2586 (3) DUTIES AND RESPONSIBILITIES.—The department has the
 2587 duty and responsibility to:

2588 (a) Investigate potential violations of this section.

2589 (b) Request and obtain information regarding potential
 2590 violations of this section.

2591 (c) Seek compliance with this section.

2592 (d) Enforce this section.

2593 (e) Adopt rules necessary to administer this section.

2594 (4) VIOLATIONS.—Each occurrence of the following acts or
 2595 practices constitute a violation of this section:

2596 (a) Disseminating an advertisement that:

2597 1. Simulates a summons, complaint, jury notice, or other
 2598 court, judicial, or administrative process of any kind.

2599 2. Represents, implies, or otherwise engages in an action
 2600 that may reasonably cause confusion that the person using or
 2601 employing the advertisement is a part of or associated with a
 2602 governmental entity, when such is not true.

2603 (b) Representing, implying, or otherwise reasonably
 2604 causing confusion that goods, services, an advertisement, or an
 2605 offer was disseminated by or has been approved, authorized, or
 2606 endorsed, in whole or in part, by a governmental entity, when
 2607 such is not true.

2608 (c) Using or employing language, symbols, logos,
2609 representations, statements, titles, names, seals, emblems,
2610 insignia, trade or brand names, business or control tracking
2611 numbers, website or e-mail addresses, or any other term, symbol,
2612 or other content that represents or implies or otherwise
2613 reasonably causes confusion that goods, services, an
2614 advertisement, or an offer is from a governmental entity, when
2615 such is not true.

2616 (d) Failing to provide the disclosures as required in
2617 subsections (5) or (6).

2618 (e) Failing to timely submit to the department written
2619 responses and answers to its inquiries concerning alleged
2620 practices inconsistent with, or in violation of, this section.
2621 Responses or answers may include, but are not limited to, copies
2622 of customer lists, invoices, receipts, or other business
2623 records.

2624 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.—

2625 (a) Any person offering documents that are available free
2626 of charge or at a lesser price from a governmental entity must
2627 provide the notice specified in paragraph (b) on advertisements
2628 as follows:

2629 1. For printed or written advertisements, notice must be
2630 in the same font size, color, style, and visibility as primarily
2631 used elsewhere on the page or envelope and displayed as follows:

2632 a. On the outside front of any mailing envelope used in

2633 disseminating the advertisement.

2634 b. At the top of each printed or written page used in the
2635 advertisement.

2636 2. For electronic advertisements, notice must be in the
2637 same font size, color, style, and visibility as the body text
2638 primarily used in the e-mail or web page and displayed as
2639 follows:

2640 a. At the beginning of each e-mail message, before any
2641 offer or other substantive information.

2642 b. In a prominent location on each web page, such as the
2643 top of each page or immediately following the offer or other
2644 substantive information on the page.

2645 (b) Advertisements specified in paragraph (a) must include
2646 the following disclosure:

2647
2648 "IMPORTANT NOTICE:

2649
2650 The documents offered by this advertisement are available to
2651 Florida consumers free of charge or for a lesser price from
2652 ...(insert name, telephone number, and mailing address of the
2653 applicable governmental entity).... You are NOT required to
2654 purchase anything from this company and the company is NOT
2655 affiliated, endorsed, or approved by any governmental entity.
2656 The item offered in this advertisement has NOT been approved or
2657 endorsed by any governmental agency, and this offer is NOT being

2658 made by an agency of the government."

2659
2660 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.—

2661 (a) Any person disseminating an advertisement that
2662 includes a form or template to be completed by the consumer with
2663 the claim that such form or template will assist the consumer in
2664 complying with a legal filing or record retention requirement
2665 must provide the notice specified in paragraph (b) on
2666 advertisements as follows:

2667 1. For printed or written advertisements, the notice must
2668 be in the same font size, color, style, and visibility as
2669 primarily used elsewhere on the page or envelope and displayed
2670 as follows:

2671 a. On the outside front of any mailing envelope used in
2672 disseminating the advertisement.

2673 b. At the top of each printed or written page used in the
2674 advertisement.

2675 2. For electronic advertisements, the notice must be in
2676 the same font size, color, style, and visibility as the body
2677 text primarily used in the e-mail or web page and displayed as
2678 follows:

2679 a. At the beginning of each e-mail message, before any
2680 offer or other substantive information.

2681 b. In a prominent location on each web page, such as the
2682 top of each page or immediately following the offer or other

2683 substantive information on the page.

2684 (b) Advertisements specified in paragraph (a) must include
2685 the following disclosure:

2686
2687 "IMPORTANT NOTICE:

2688
2689 You are NOT required to purchase anything from this company and
2690 the company is NOT affiliated, endorsed, or approved by any
2691 governmental entity. The item offered in this advertisement has
2692 NOT been approved or endorsed by any governmental agency, and
2693 this offer is NOT being made by an agency of the government."

2694
2695 (7) PENALTIES.—

2696 (a) Any person substantially affected by a violation of
2697 this section may bring an action in a court of proper
2698 jurisdiction to enforce the provisions of this section. A person
2699 prevailing in a civil action for a violation of this section
2700 shall be awarded costs, including reasonable attorney fees, and
2701 may be awarded punitive damages in addition to actual damages
2702 proven. This provision is in addition to any other remedies
2703 prescribed by law.

2704 (b) The department may bring one or more of the following
2705 for a violation of this section:

2706 1. A civil action in circuit court for:

2707 a. Temporary or permanent injunctive relief to enforce

2708 this section.

2709 b. For printed advertisements and e-mail, a fine of up to
2710 \$1,000 for each separately addressed advertisement or message
2711 containing content in violation of paragraphs (4) (a)-(d)
2712 received by or addressed to a state resident.

2713 c. For websites, a fine of up to \$5,000 for each day a
2714 website, with content in violation of paragraphs (4) (a)-(d), is
2715 published and made available to the general public.

2716 d. For violations of paragraph (4) (e), a fine of up to
2717 \$5,000 for each violation.

2718 e. Recovery of restitution and damages on behalf of
2719 persons substantially affected by a violation of this section.

2720 f. The recovery of court costs and reasonable attorney
2721 fees.

2722 2. An action for an administrative fine in the Class III
2723 category pursuant to s. 570.971 for each act or omission which
2724 constitutes a violation under this section.

2725 (c) The department may terminate any investigation or
2726 action upon agreement by the alleged offender to pay a
2727 stipulated fine, make restitution, pay damages to customers, or
2728 satisfy any other relief authorized by this section.

2729 (d) Any person who violates paragraphs (4) (a)-(d) also
2730 commits an unfair and deceptive trade practice in violation of
2731 part II of chapter 501 and is subject to the penalties and
2732 remedies imposed for such violation.

2733 Section 52. Paragraph (m) of subsection (3) of section
2734 489.105, Florida Statutes, is amended to read:
2735 489.105 Definitions.—As used in this part:
2736 (3) "Contractor" means the person who is qualified for,
2737 and is only responsible for, the project contracted for and
2738 means, except as exempted in this part, the person who, for
2739 compensation, undertakes to, submits a bid to, or does himself
2740 or herself or by others construct, repair, alter, remodel, add
2741 to, demolish, subtract from, or improve any building or
2742 structure, including related improvements to real estate, for
2743 others or for resale to others; and whose job scope is
2744 substantially similar to the job scope described in one of the
2745 paragraphs of this subsection. For the purposes of regulation
2746 under this part, the term "demolish" applies only to demolition
2747 of steel tanks more than 50 feet in height; towers more than 50
2748 feet in height; other structures more than 50 feet in height;
2749 and all buildings or residences. Contractors are subdivided into
2750 two divisions, Division I, consisting of those contractors
2751 defined in paragraphs (a)-(c), and Division II, consisting of
2752 those contractors defined in paragraphs (d)-(q):
2753 (m) "Plumbing contractor" means a contractor whose
2754 services are unlimited in the plumbing trade and includes
2755 contracting business consisting of the execution of contracts
2756 requiring the experience, financial means, knowledge, and skill
2757 to install, maintain, repair, alter, extend, or, if not

2758 prohibited by law, design plumbing. A plumbing contractor may
2759 install, maintain, repair, alter, extend, or, if not prohibited
2760 by law, design the following without obtaining an additional
2761 local regulatory license, certificate, or registration: sanitary
2762 drainage or storm drainage facilities, water and sewer plants
2763 and substations, venting systems, public or private water supply
2764 systems, septic tanks, drainage and supply wells, swimming pool
2765 piping, irrigation systems, and solar heating water systems and
2766 all appurtenances, apparatus, or equipment used in connection
2767 therewith, including boilers and pressure process piping and
2768 including the installation of water, natural gas, liquefied
2769 petroleum gas and related venting, and storm and sanitary sewer
2770 lines. The scope of work of the plumbing contractor also
2771 includes the design, if not prohibited by law, and installation,
2772 maintenance, repair, alteration, or extension of air-piping,
2773 vacuum line piping, oxygen line piping, nitrous oxide piping,
2774 and all related medical gas systems; fire line standpipes and
2775 fire sprinklers if authorized by law; ink and chemical lines;
2776 fuel oil and gasoline piping and tank and pump installation,
2777 except bulk storage plants; and pneumatic control piping
2778 systems, all in a manner that complies with all plans,
2779 specifications, codes, laws, and regulations applicable. The
2780 scope of work of the plumbing contractor applies to private
2781 property and public property, including any excavation work
2782 incidental thereto, and includes the work of the specialty

2783 plumbing contractor. Such contractor shall subcontract, with a
2784 qualified contractor in the field concerned, all other work
2785 incidental to the work but which is specified as being the work
2786 of a trade other than that of a plumbing contractor. This
2787 definition does not limit the scope of work of any specialty
2788 contractor certified pursuant to s. 489.113(6) and does not
2789 require certification or registration under this part as a
2790 category I liquefied petroleum gas dealer, or category V LP gas
2791 installer, as defined in s. 527.01, ~~or specialty installer~~ who
2792 is licensed under chapter 527 or an authorized employee of a
2793 public natural gas utility or of a private natural gas utility
2794 regulated by the Public Service Commission when disconnecting
2795 and reconnecting water lines in the servicing or replacement of
2796 an existing water heater. A plumbing contractor may perform
2797 drain cleaning and clearing and install or repair rainwater
2798 catchment systems; however, a mandatory licensing requirement is
2799 not established for the performance of these specific services.

2800 Section 53. Subsection (3) of section 527.06, Florida
2801 Statutes, is reenacted to read:

2802 527.06 Rules.—

2803 (3) Rules in substantial conformity with the published
2804 standards of the National Fire Protection Association (NFPA) are
2805 deemed to be in substantial conformity with the generally
2806 accepted standards of safety concerning the same subject matter.

2807 Section 54. This act shall take effect July 1, 2018.