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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2018	.	
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	.	
	.	

The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(6)

(c)1. For purposes of the income methodology approach to



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11 assessment of property used for agricultural purposes,
12 irrigation systems, including pumps and motors, physically
13 attached to the land shall be considered a part of the average
14 yields per acre and shall have no separately assessable
15 contributory value.

16 2. Litter containment structures located on producing
17 poultry farms and animal waste nutrient containment structures
18 located on producing dairy farms shall be assessed by the
19 methodology described in subparagraph 1.

20 3. Structures or improvements used in horticultural
21 production for frost or freeze protection and screen enclosed
22 structures used in citrus production for pest exclusion, which
23 are consistent with the interim measures or best management
24 practices adopted by the Department of Agriculture and Consumer
25 Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be
26 assessed by the methodology described in subparagraph 1.

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

29 379.361 Licenses.—

30 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

31 (b) A ~~No~~ person may not ~~shall~~ harvest oysters from the
32 Apalachicola Bay without a valid Apalachicola Bay oyster
33 harvesting license issued by the City of Apalachicola ~~Department~~
34 ~~of Agriculture and Consumer Services~~. This requirement does
35 ~~shall~~ not apply to anyone harvesting noncommercial quantities of
36 oysters in accordance with commission rules, or to any person
37 less than 18 years old.

38 (d) The City of Apalachicola ~~Department of Agriculture and~~
39 ~~Consumer Services~~ shall collect an annual fee of \$100 from state



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40 residents and \$500 from nonresidents for the issuance of an
41 Apalachicola Bay oyster harvesting license. The license year
42 shall begin on July 1 of each year and end on June 30 of the
43 following year. The license shall be valid only for the
44 licensee. Only bona fide residents of the state Florida may
45 obtain a resident license pursuant to this subsection.

46 (i) The proceeds from Apalachicola Bay oyster harvesting
47 license fees shall be deposited by the City of Apalachicola into
48 a trust account ~~in the General Inspection Trust Fund~~ and, less
49 reasonable administrative costs, must ~~shall~~ be used or
50 distributed by the City of Apalachicola Department of
51 ~~Agriculture and Consumer Services~~ for the following purposes in
52 Apalachicola Bay:

53 1. An Apalachicola Bay oyster shell recycling program
54 ~~Relaying and transplanting live oysters.~~

55 2. Shell planting to construct or rehabilitate oyster bars.

56 3. Education programs for licensed oyster harvesters on
57 oyster biology, aquaculture, boating and water safety,
58 sanitation, resource conservation, small business management,
59 marketing, and other relevant subjects.

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

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

64 487.041 Registration.—

65 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,
66 as defined in s. 487.021, which is distributed, sold, or offered
67 for sale, except as provided in this section, within this state
68 or delivered for transportation or transported in intrastate



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69 commerce or between points within this state through any point
70 outside this state must be registered in the office of the
71 department, and such registration shall be renewed biennially.
72 Emergency exemptions from registration may be authorized in
73 accordance with the rules of the department. The registrant
74 shall file with the department a statement including:

75 1. The name, business mailing address, and street address
76 of the registrant.

77 2. The name of the brand of pesticide.

78 3. An ingredient statement and a complete current copy of
79 the labeling accompanying the brand of pesticide, which must
80 conform to the registration, and a statement of all claims to be
81 made for it, including directions for use and a guaranteed
82 analysis showing the names and percentages by weight of each
83 active ingredient, the total percentage of inert ingredients,
84 and the names and percentages by weight of each "added
85 ingredient."

86 (b) ~~Effective January 1, 2009,~~ For the purpose of defraying
87 expenses of the department in connection with carrying out the
88 provisions of this part, each registrant shall pay a biennial
89 registration fee for each registered brand of pesticide. The
90 registration of each brand of pesticide shall cover a designated
91 2-year period beginning on January 1 of each odd-numbered year
92 and expiring on December 31 of the following year.

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

97 Section 4. Subsection (19) is added to section 496.415,



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98 Florida Statutes, to read:

99 496.415 Prohibited acts.—It is unlawful for any person in
100 connection with the planning, conduct, or execution of any
101 solicitation or charitable or sponsor sales promotion to:

102 (19) Commingle charitable contributions with noncharitable
103 funds.

104 Section 5. Section 496.418, Florida Statutes, is amended to
105 read:

106 496.418 Recordkeeping and accounting Records.—

107 (1) Each charitable organization, sponsor, professional
108 fundraising consultant, and professional solicitor that collects
109 or takes control or possession of contributions made for a
110 charitable purpose must keep records to permit accurate
111 reporting and auditing as required by law, must not commingle
112 contributions with noncharitable funds as specified in s.
113 496.415(19), and must be able to account for the funds. When
114 expenditures are not properly documented and disclosed by
115 records, there exists a rebuttable presumption that the
116 charitable organization, sponsor, professional fundraising
117 consultant, or professional solicitor did not properly expend
118 such funds. Noncharitable funds include any funds that are not
119 used or intended to be used for the operation of the charity or
120 for charitable purposes.

121 (2) Each charitable organization, sponsor, professional
122 fundraising consultant, and professional solicitor must keep for
123 a period of at least 3 years true and accurate records as to its
124 activities in this state which are covered by ss. 496.401-
125 496.424. The records must be made available, without subpoena,
126 to the department for inspection and must be furnished no later



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127 than 10 working days after requested.

128 Section 6. Paragraph (b) of subsection (3) and paragraph
129 (i) of subsection (5) of section 500.459, Florida Statutes, are
130 amended to read:

131 500.459 Water vending machines.—

132 (3) PERMITTING REQUIREMENTS.—

133 (b) An application for an operating permit must be made ~~in~~
134 ~~writing~~ to the department on forms provided by the department
135 and must be accompanied by a fee as provided in subsection (4).
136 The application must state the location of each water vending
137 machine, the source of the water to be vended, the treatment the
138 water will receive prior to being vended, and any other
139 information considered necessary by the department.

140 (5) OPERATING STANDARDS.—

141 (i) The operator shall place on each water vending machine,
142 in a position clearly visible to customers, the following
143 information: the name and address of the operator; ~~the operating~~
144 ~~permit number~~; the fact that the water is obtained from a public
145 water supply; the method of treatment used; the method of
146 postdisinfection used; and a local or toll-free telephone number
147 that may be called for obtaining further information, reporting
148 problems, or making complaints.

149 Section 7. Paragraph (g) of subsection (1) of section
150 501.059, Florida Statutes, is amended, and paragraph (i) is
151 added to that subsection, and subsection (5), paragraph (c) of
152 subsection (8), and subsection (9) of that section are amended,
153 to read:

154 501.059 Telephone solicitation.—

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



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156 (g) "Telephonic sales call" means a telephone call, ~~or~~ text
157 message, or voicemail transmission to a consumer for the purpose
158 of soliciting a sale of any consumer goods or services,
159 soliciting an extension of credit for consumer goods or
160 services, or obtaining information that will or may be used for
161 the direct solicitation of a sale of consumer goods or services
162 or an extension of credit for such purposes.

163 (i) "Voicemail transmission" means technologies that
164 deliver a voice message directly to a voicemail application,
165 service, or device.

166 (5) A telephone solicitor or other person may not initiate
167 an outbound telephone call, ~~or~~ text message, or voicemail
168 transmission to a consumer, business, or donor or potential
169 donor who has previously communicated to the telephone solicitor
170 or other person that he or she does not wish to receive an
171 outbound telephone call, ~~or~~ text message, or voicemail
172 transmission:

173 (a) Made by or on behalf of the seller whose goods or
174 services are being offered; or

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

177 (8)

178 (c) It shall be unlawful for any person who makes a
179 telephonic sales call or causes a telephonic sales call to be
180 made to fail to transmit or cause not to be transmitted the
181 originating telephone number and, when made available by the
182 telephone solicitor's carrier, the name of the telephone
183 solicitor to any caller identification service in use by a
184 recipient of a telephonic sales call. However, it shall not be a



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185 violation to substitute, for the name and telephone number used
186 in or billed for making the call, the name of the seller on
187 behalf of which a telephonic sales call is placed and the
188 seller's customer service telephone number, which is answered
189 during regular business hours. If a telephone number is made
190 available through a caller identification service as a result of
191 a telephonic sales call, the solicitor must ensure that
192 telephone number is capable of receiving telephone calls and
193 must connect the original call recipient, upon calling such
194 number, to the telephone solicitor or to the seller on behalf of
195 which a telephonic sales call was placed. For purposes of this
196 section, the term "caller identification service" means a
197 service that allows a telephone subscriber to have the telephone
198 number and, where available, the name of the calling party
199 transmitted contemporaneously with the telephone call and
200 displayed on a device in or connected to the subscriber's
201 telephone.

202 (9) (a) The department shall investigate any complaints
203 received concerning violations of this section. If, after
204 investigating a complaint, the department finds that there has
205 been a violation of this section, the department or the
206 Department of Legal Affairs may bring an action to impose a
207 civil penalty and to seek other relief, including injunctive
208 relief, as the court deems appropriate against the telephone
209 solicitor. The civil penalty shall be in the Class IV ~~III~~
210 category pursuant to s. 570.971 for each violation and shall be
211 deposited in the General Inspection Trust Fund if the action or
212 proceeding was brought by the department, or the Legal Affairs
213 Revolving Trust Fund if the action or proceeding was brought by



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214 the Department of Legal Affairs. This civil penalty may be
215 recovered in any action brought under this part by the
216 department, or the department may terminate any investigation or
217 action upon agreement by the person to pay a stipulated civil
218 penalty. The department or the court may waive any civil penalty
219 if the person has previously made full restitution or
220 reimbursement or has paid actual damages to the consumers who
221 have been injured by the violation.

222 (b) The department may, as an alternative to the civil
223 penalties provided in paragraph (a), impose an administrative
224 fine in the Class III ± category pursuant to s. 570.971 for each
225 act or omission that constitutes a violation of this section. An
226 administrative proceeding that could result in the entry of an
227 order imposing an administrative penalty must be conducted
228 pursuant to chapter 120.

229 Section 8. Section 501.6175, Florida Statutes, is created
230 to read:

231 501.6175 Recordkeeping.—A commercial telephone seller shall
232 keep all of the following information for 2 years after the date
233 the information first becomes part of the seller's business
234 records:

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

237 (2) All express requests authorizing the telephone
238 solicitor to contact the consumer.

239 (3) Any script, outline, or presentation the applicant
240 requires or suggests a salesperson use when soliciting; sales
241 information or literature to be provided by the commercial
242 telephone seller to a salesperson; and sales information or



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243 literature to be provided by the commercial telephone seller to
244 a consumer in connection with any solicitation.

245
246 Within 10 days of an oral or written request by the department,
247 including a written request transmitted by electronic mail, a
248 commercial telephone seller must make the records it keeps
249 pursuant to this section available for inspection and copying by
250 the department during the department's normal business hours.
251 This section does not limit the department's ability to inspect
252 and copy material pursuant to any other law.

253 Section 9. Section 501.912, Florida Statutes, is amended to
254 read:

255 501.912 Definitions.—As used in ss. 501.91-501.923:

256 (1) "Antifreeze" means any substance or preparation,
257 including, but not limited to, antifreeze-coolant, antifreeze
258 and summer coolant, or summer coolant, that is sold,
259 distributed, or intended for use:

260 (a) As the cooling liquid, or to be added to the cooling
261 liquid, in the cooling system of internal combustion engines of
262 motor vehicles to prevent freezing of the cooling liquid or to
263 lower its freezing point; or

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

267 ~~(2) "Antifreeze-coolant," "antifreeze and summer coolant,"~~
268 ~~or "summer coolant" means any substance as defined in subsection~~
269 ~~(1) which also is sold, distributed, or intended for raising the~~
270 ~~boiling point of water or for the prevention of engine~~
271 ~~overheating whether or not used as a year-round cooling system~~



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272 ~~fluid. Unless otherwise stated, the term "antifreeze" includes~~
273 ~~"antifreeze," "antifreeze-coolant," "antifreeze and summer~~
274 ~~coolant," and "summer coolant."~~

275 (2)~~(3)~~ "Department" means the Department of Agriculture and
276 Consumer Services.

277 (3)~~(4)~~ "Distribute" means to hold with an intent to sell,
278 offer for sale, sell, barter, or otherwise supply to the
279 consumer.

280 (4)~~(5)~~ "Package" means a sealed, tamperproof retail
281 package, drum, or other container designed for the sale of
282 antifreeze directly to the consumer or a container from which
283 the antifreeze may be installed directly by the seller into the
284 cooling system. However, this term, ~~but~~ does not include
285 shipping containers containing properly labeled inner
286 containers.

287 (5)~~(6)~~ "Label" means any display of written, printed, or
288 graphic matter on, or attached to, a package or to the outside
289 individual container or wrapper of the package.

290 (6)~~(7)~~ "Labeling" means the labels and any other written,
291 printed, or graphic matter accompanying a package.

292 Section 10. Section 501.913, Florida Statutes, is amended
293 to read:

294 501.913 Registration.—

295 (1) Each brand of antifreeze to be distributed in this
296 state must ~~shall~~ be registered with the department before
297 distribution. The person whose name appears on the label, the
298 manufacturer, or the packager shall make application annually or
299 biennially to the department on forms provided by the
300 department. The registration certificate expires ~~shall expire~~ 12



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301 or 24 months after the date of issue, as indicated on the
302 registration certificate. The registrant assumes, by application
303 to register the brand, full responsibility for the registration,
304 quality, and quantity of the product sold, offered, or exposed
305 for sale in this state. ~~If a registered brand is not in~~
306 ~~production for distribution in this state and to ensure any~~
307 ~~remaining product that is still available for sale in the state~~
308 ~~is properly registered, the registrant must submit a notarized~~
309 ~~affidavit on company letterhead to the department certifying~~
310 ~~that:~~

- 311 ~~(a) The stated brand is no longer in production;~~
312 ~~(b) The stated brand will not be distributed in this state;~~
313 and
314 ~~(c) All existing product of the stated brand will be~~
315 ~~removed by the registrant from the state within 30 days after~~
316 ~~expiration of the registration or the registrant will reregister~~
317 ~~the brand for two subsequent registration periods.~~

318
319 ~~If production resumes, the brand must be reregistered before it~~
320 ~~is distributed in this state.~~

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

322 (a) Specimens or copies ~~faesimiles~~ of the label for each
323 brand of antifreeze;

324 (b) An application fee of \$200 for a 12-month registration
325 or \$400 for a 24-month registration for each brand of of
326 antifreeze; and

327 (c) For first-time applications, a certified report from an
328 independent testing laboratory, dated no more than 6 months
329 before the registration application, providing analysis showing



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330 that the antifreeze conforms to minimum standards required for
331 antifreeze by this part or rules of the department and is not
332 adulterated ~~A properly labeled sample of between 1 and 2 gallons~~
333 ~~for each brand of antifreeze.~~

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

336 (a) Meets the labeling claims;

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

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

341 (4) (a) If the registration requirements are met, and, if
342 the antifreeze meets the minimum standards, is not adulterated,
343 and meets the labeling claims, the department shall issue a
344 certificate of registration authorizing the distribution of that
345 antifreeze in the state for the permit period ~~year~~.

346 (b) If registration requirements are not met, or, if the
347 antifreeze fails to meet the minimum standards, is adulterated,
348 or fails to meet the labeling claims, the department shall
349 refuse to register the antifreeze.

350 Section 11. Section 501.917, Florida Statutes, is amended
351 to read:

352 501.917 Inspection by department; sampling and analysis.—
353 The department has ~~shall have~~ the right to have access at
354 reasonable hours to all places and property where antifreeze is
355 stored, distributed, or offered or intended to be offered for
356 sale, including the right to inspect and examine all antifreeze
357 and to take reasonable samples of antifreeze for analysis
358 together with specimens of labeling. Collected samples must be



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359 analyzed by the department. The certificate of analysis by the
360 department shall be prima facie evidence of the facts stated
361 therein in any legal proceeding in this state ~~All samples taken~~
362 ~~shall be properly sealed and sent to a laboratory designated by~~
363 ~~the department for examination together with all labeling~~
364 ~~pertaining to such samples. It shall be the duty of said~~
365 ~~laboratory to examine promptly all samples received in~~
366 ~~connection with the administration and enforcement of this act.~~

367 Section 12. Section 501.92, Florida Statutes, is amended to
368 read:

369 501.92 Formula may be required.—The department may, if
370 required for the analysis of antifreeze by ~~the laboratory~~
371 ~~designated by the department for the purpose of registration,~~
372 require the applicant to furnish a statement of the formula of
373 such antifreeze, unless the applicant can furnish other
374 satisfactory evidence that such antifreeze is not adulterated or
375 misbranded. Such statement need not include inhibitor or other
376 minor ingredients which total less than 5 percent by weight of
377 the antifreeze; and, if over 5 percent, the composition of the
378 inhibitor and such other ingredients may be given in generic
379 terms.

380 Section 13. Paragraph (e) of subsection (10) of section
381 525.07, Florida Statutes, is redesignated as paragraph (f), and
382 a new paragraph (e) is added to that subsection, to read:

383 525.07 Powers and duties of department; inspections;
384 unlawful acts.—

385 (10)

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



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388 Section 14. Subsection (4) is added to section 526.304,
389 Florida Statutes, to read:

390 526.304 Predatory practices unlawful; exceptions.—

391 (4) The Department of Agriculture and Consumer Services may
392 by emergency order, in furtherance of executing emergency plans
393 or to aid in the recovery of an emergency-impacted area,
394 temporarily suspend enforcement of this section during a state
395 of emergency declared pursuant to s. 252.36.

396 Section 15. Subsection (6) is added to section 526.305,
397 Florida Statutes, to read:

398 526.305 Discriminatory practices unlawful; exceptions.—

399 (6) The Department of Agriculture and Consumer Services may
400 by emergency order, in furtherance of executing emergency plans
401 or to aid in the recovery of an emergency-impacted area,
402 temporarily suspend enforcement of this section during a state
403 of emergency declared pursuant to s. 252.36.

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

406 526.51 Registration; renewal and fees; departmental
407 expenses; cancellation or refusal to issue or renew.—

408 (1)(a) Application for registration of each brand of brake
409 fluid shall be made on forms supplied by the department. The
410 applicant shall give his or her name and address and the brand
411 name of the brake fluid, state that he or she owns the brand
412 name and has complete control over the product sold thereunder
413 in this state, and provide the name and address of the resident
414 agent in this state. If the applicant does not own the brand
415 name but wishes to register the product with the department, a
416 notarized affidavit that gives the applicant full authorization



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417 to register the brand name and that is signed by the owner of
418 the brand name must accompany the application for registration.
419 The affidavit must include all affected brand names, the owner's
420 company or corporate name and address, the applicant's company
421 or corporate name and address, and a statement from the owner
422 authorizing the applicant to register the product with the
423 department. The owner of the brand name shall maintain complete
424 control over each product sold under that brand name in this
425 state.

426 (b) The completed application must be accompanied by the
427 following:

428 1. Specimens or copies of the label for each brand of brake
429 fluid.

430 2. An application fee of \$50 for a 12-month registration or
431 \$100 for a 24-month registration for each brand of brake fluid.

432 3. For All first-time applications for a brand and formula
433 combination, ~~must be accompanied by~~ a certified report from an
434 independent testing laboratory, dated no more than 6 months
435 before the registration application, setting forth the analysis
436 of the brake fluid which shows its quality to be not less than
437 the specifications established by the department for brake
438 fluids. ~~A sample of not less than 24 fluid ounces of brake fluid~~
439 ~~shall be submitted, in a container with a label printed in the~~
440 ~~same manner that it will be labeled when sold, and the sample~~
441 ~~and container shall be analyzed and inspected by the department~~
442 ~~in order that compliance with the department's specifications~~
443 ~~and labeling requirements may be verified.~~

444
445 Upon approval of the application, the department shall register



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446 the brand name of the brake fluid and issue to the applicant a
447 permit authorizing the registrant to sell the brake fluid in
448 this state. The registration certificate expires shall expire 12
449 or 24 months after the date of issue, as indicated on the
450 registration certificate.

451 ~~(c)(b) Each applicant shall pay a fee of \$100 with each~~
452 ~~application.~~ A permit may be renewed by application to the
453 department, accompanied by a renewal fee of \$50 for a 12-month
454 registration, or \$100 for a 24-month registration, on or before
455 the expiration of the previously issued permit. To reregister a
456 previously registered brand and formula combination, an
457 applicant must submit a completed application and all materials
458 as required in this section to the department before the
459 expiration of the previously issued permit. A brand and formula
460 combination for which a completed application and all materials
461 required in this section are not received before the expiration
462 of the previously issued permit may not be registered with the
463 department until a completed application and all materials
464 required in this section have been received and approved. If the
465 brand and formula combination was previously registered with the
466 department and a fee, application, or materials required in this
467 section are received after the expiration of the previously
468 issued permit, a penalty of \$25 accrues, which shall be added to
469 the fee. Renewals shall be accepted only on brake fluids that
470 have no change in formula, composition, or brand name. Any
471 change in formula, composition, or brand name of a brake fluid
472 constitutes a new product that must be registered in accordance
473 with this part.

474 ~~(c) If a registered brand and formula combination is no~~



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475 ~~longer in production for distribution in this state, in order to~~
476 ~~ensure that any remaining product still available for sale in~~
477 ~~this state is properly registered, the registrant must submit a~~
478 ~~notarized affidavit on company letterhead to the department~~
479 ~~certifying that:~~

480 ~~1. The stated brand and formula combination is no longer in~~
481 ~~production;~~

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

484 ~~3. Either all existing product of the stated brand and~~
485 ~~formula combination will be removed by the registrant from the~~
486 ~~state within 30 days after the expiration of the registration or~~
487 ~~that the registrant will reregister the brand and formula~~
488 ~~combination for 2 subsequent years.~~

489
490 ~~If production resumes, the brand and formula combination must be~~
491 ~~reregistered before it is again distributed in this state.~~

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

494 526.53 Enforcement; inspection and analysis, stop-sale and
495 disposition, regulations.—

496 (1) The department shall enforce ~~the provisions of this~~
497 ~~part through the department, and may sample, inspect, analyze,~~
498 ~~and test any brake fluid manufactured, packed, or sold within~~
499 ~~this state. Collected samples must be analyzed by the~~
500 ~~department. The certificate of analysis by the department shall~~
501 ~~be prima facie evidence of the facts stated therein in any legal~~
502 ~~proceeding in this state.~~ The department ~~has~~ shall have free
503 access during business hours to all premises, buildings,



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504 vehicles, cars, or vessels used in the manufacture, packing,
505 storage, sale, or transportation of brake fluid, and may open
506 any box, carton, parcel, or container of brake fluid and take
507 samples for inspection and analysis or for evidence.

508 Section 18. Section 527.01, Florida Statutes, is amended to
509 read:

510 527.01 Definitions.—As used in this chapter:

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

515 (2) "Person" means any individual, firm, partnership,
516 corporation, company, association, organization, or cooperative.

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

520 (4) "Department" means the Department of Agriculture and
521 Consumer Services.

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

526 ~~(a) Category I liquefied petroleum gas dealer.~~

527 ~~(b) Category II liquefied petroleum gas dispenser.~~

528 ~~(c) LP gas installer.~~

529 ~~(d) Specialty installer.~~

530 ~~(e) Requalifier of cylinders.~~

531 ~~(f) Fabricator, repairer, and tester of vehicles and cargo~~
532 ~~tanks.~~



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533 ~~(g) Category IV liquefied petroleum gas dispensing unit~~
534 ~~operator and recreational vehicle servicer.~~

535 ~~(h) Category V liquefied petroleum gases dealer for~~
536 ~~industrial uses only.~~

537 (6) "Category I liquefied petroleum gas dealer" means any
538 person selling or offering to sell by delivery or at a
539 stationary location any liquefied petroleum gas to the ~~ultimate~~
540 consumer for industrial, commercial, or domestic use; any person
541 leasing or offering to lease, or exchanging or offering to
542 exchange, any apparatus, appliances, and equipment for the use
543 of liquefied petroleum gas; any person installing, servicing,
544 altering, or modifying apparatus, piping, tubing, appliances,
545 and equipment for the use of liquefied petroleum or natural gas;
546 any person installing carburetion equipment; or any person
547 requalifying cylinders.

548 (7) "Category II liquefied petroleum gas dispenser" means
549 any person engaging in the business of operating a liquefied
550 petroleum gas dispensing unit for the purpose of serving liquid
551 products to the ~~ultimate~~ consumer for industrial, commercial, or
552 domestic use, and selling or offering to sell, or leasing or
553 offering to lease, apparatus, appliances, and equipment for the
554 use of liquefied petroleum gas, including maintaining a cylinder
555 storage rack at the licensed business location for the purpose
556 of storing cylinders filled by the licensed business for sale or
557 use at a later date.

558 (8) "Category III liquefied petroleum gas cylinder exchange
559 operator" means any person operating a storage facility used for
560 the purpose of storing filled propane cylinders of not more than
561 43.5 pounds propane capacity or 104 pounds water capacity, while



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562 awaiting sale to the ~~ultimate~~ consumer, or a facility used for
563 the storage of empty or filled containers which have been
564 offered for exchange.

565 (9) "Category IV dealer in appliances and equipment
566 ~~liquefied petroleum gas dispenser and recreational vehicle~~
567 ~~servicer~~" means any person selling or offering to sell, or
568 leasing or offering to lease, apparatus, appliances, and
569 equipment for the use of liquefied petroleum gas engaging in the
570 ~~business of operating a liquefied petroleum gas dispensing unit~~
571 ~~for the purpose of serving liquid product to the ultimate~~
572 ~~consumer for industrial, commercial, or domestic use, and~~
573 ~~selling or offering to sell, or leasing or offering to lease,~~
574 ~~apparatus, appliances, and equipment for the use of liquefied~~
575 ~~petroleum gas, and whose services include the installation,~~
576 ~~service, or repair of recreational vehicle liquefied petroleum~~
577 ~~gas appliances and equipment.~~

578 (10) "Category V LP gas installer" means any person who is
579 engaged in the liquefied petroleum gas business and whose
580 services include the installation, servicing, altering, or
581 modifying of apparatus, piping, tubing, tanks, and equipment for
582 the use of liquefied petroleum or natural gas and selling or
583 offering to sell, or leasing or offering to lease, apparatus,
584 appliances, and equipment for the use of liquefied petroleum or
585 natural gas.

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



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591 ~~involved in the installation, service, or repair of liquefied~~
592 ~~petroleum or natural gas appliances and equipment, and selling~~
593 ~~or offering to sell, or leasing or offering to lease, apparatus,~~
594 ~~appliances, and equipment for the use of liquefied petroleum~~
595 ~~gas, whose activities are limited to specific types of~~
596 ~~appliances and equipment as designated by department rule.~~

597 ~~(12) "Dealer in appliances and equipment for use of~~
598 ~~liquefied petroleum gas" means any person selling or offering to~~
599 ~~sell, or leasing or offering to lease, apparatus, appliances,~~
600 ~~and equipment for the use of liquefied petroleum gas.~~

601 ~~(12)-(13)~~ "Manufacturer of liquefied petroleum gas
602 appliances and equipment" means any person in this state
603 manufacturing and offering for sale or selling tanks, cylinders,
604 or other containers and necessary appurtenances for use in the
605 storage, transportation, or delivery of such gas to the ~~ultimate~~
606 consumer, or manufacturing and offering for sale or selling
607 apparatus, appliances, and equipment for the use of liquefied
608 petroleum gas to the ~~ultimate~~ consumer.

609 ~~(13)-(14)~~ "Wholesaler" means any person, as defined by
610 subsection (2), selling or offering to sell any liquefied
611 petroleum gas for industrial, commercial, or domestic use to any
612 person except the ~~ultimate~~ consumer.

613 ~~(14)-(15)~~ "Requalifier of cylinders" means any person
614 involved in the retesting, repair, qualifying, or requalifying
615 of liquefied petroleum gas tanks or cylinders manufactured under
616 specifications of the United States Department of Transportation
617 ~~or former Interstate Commerce Commission.~~

618 ~~(15)-(16)~~ "Fabricator, repairer, and tester of vehicles and
619 cargo tanks" means any person involved in the hydrostatic



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620 testing, fabrication, repair, or requalifying of any motor
621 vehicles or cargo tanks used for the transportation of liquefied
622 petroleum gases, when such tanks are permanently attached to or
623 forming a part of the motor vehicle.

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

628 ~~(16)~~~~(18)~~ "Pipeline system operator" means any person who
629 owns or operates a liquefied petroleum gas pipeline system that
630 is used to transmit liquefied petroleum gas from a common source
631 to the ultimate customer and that serves 10 or more customers.

632 ~~(19) "Category V liquefied petroleum gases dealer for~~
633 ~~industrial uses only" means any person engaged in the business~~
634 ~~of filling, selling, and transporting liquefied petroleum gas~~
635 ~~containers for use in welding, forklifts, or other industrial~~
636 ~~applications.~~

637 ~~(17)~~~~(20)~~ "License period year" means the period 1 to 3
638 years from the issuance of the license from September 1 through
639 the following August 31, or April 1 through the following March
640 31, depending upon the type of license.

641 Section 19. Section 527.02, Florida Statutes, is amended to
642 read:

643 527.02 License; penalty; fees.—

644 (1) It is unlawful for any person to engage in this state
645 in the activities defined in s. 527.01(6) through (11) ~~of a~~
646 ~~pipeline system operator, category I liquefied petroleum gas~~
647 ~~dealer, category II liquefied petroleum gas dispenser, category~~
648 ~~III liquefied petroleum gas cylinder exchange operator, category~~



649 ~~IV liquefied petroleum gas dispenser and recreational vehicle~~
650 ~~servicer, category V liquefied petroleum gas dealer for~~
651 ~~industrial uses only, LP gas installer, specialty installer,~~
652 ~~dealer in liquefied petroleum gas appliances and equipment,~~
653 ~~manufacturer of liquefied petroleum gas appliances and~~
654 ~~equipment, regualifier of cylinders, or fabricator, repairer,~~
655 ~~and tester of vehicles and cargo tanks without first obtaining~~
656 from the department a license to engage in one or more of these
657 businesses. The sale of liquefied petroleum gas cylinders with a
658 volume of 10 pounds water capacity or 4.2 pounds liquefied
659 petroleum gas capacity or less is exempt from the requirements
660 of this chapter. It is a felony of the third degree, punishable
661 as provided in s. 775.082, s. 775.083, or s. 775.084, to
662 intentionally or willfully engage in any of said activities
663 without first obtaining appropriate licensure from the
664 department.

665 (2) Each business location of a person having multiple
666 locations must ~~shall~~ be separately licensed and must meet the
667 requirements of this section. Such license shall be granted to
668 any applicant determined by the department to be competent,
669 qualified, and trustworthy who files with the department a
670 surety bond, insurance affidavit, or other proof of insurance,
671 as hereinafter specified, and pays for such license the
672 following annual license ~~original application fee for new~~
673 ~~licenses and annual renewal fees for existing licenses:~~

License Category	<u>License Original</u> <u>Application Fee Per Year</u>	<u>Renewal</u> <u>Fee</u>
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676	Category I liquefied petroleum gas dealer	<u>\$400</u> \$525	\$425
677	Category II liquefied petroleum gas dispenser	<u>\$400</u> 525	375
678	Category III liquefied petroleum gas cylinder exchange unit operator	<u>\$65</u> 100	65
679	Category IV <u>dealer in</u> <u>appliances and</u> <u>equipment</u> liquefied petroleum gas dispenser and recreational vehicle servicer	<u>\$65</u> 525	400
	Category V <u>LP gas</u>	<u>\$200</u> 300	200



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680	<u>installer</u> liquefied petroleum gases dealer for industrial uses only	<u>Category VI</u>	<u>\$200</u> 300	200
681	<u>operator LP gas</u> installer			
682	Specialty installer		300	200
683	Dealer in appliances and equipment for use of liquefied petroleum gas		50	45
684	Manufacturer of liquefied petroleum gas appliances and equipment		525	375
	Requalifier of		525	375



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cylinders

685

~~Fabricator,~~

525

375

~~repairer,~~

and tester of

vehicles and

cargo tanks

686

687

688

689 ~~(3) (a) An applicant for an original license who submits an~~

690 ~~application during the last 6 months of the license year may~~

691 ~~have the original license fee reduced by one half for the 6-~~

692 ~~month period. This provision applies only to those companies~~

693 ~~applying for an original license and may not be applied to~~

694 ~~licensees who held a license during the previous license year~~

695 ~~and failed to renew the license. The department may refuse to~~

696 issue an initial license to an applicant who is under

697 investigation in any jurisdiction for an action that would

698 constitute a violation of this chapter until such time as the

699 investigation is complete.

700 (b) The department shall waive the initial license fee for

701 1 year for an honorably discharged veteran of the United States

702 Armed Forces, the spouse of such a veteran, or a business entity

703 that has a majority ownership held by such a veteran or spouse

704 if the department receives an application, in a format

705 prescribed by the department, within 60 months after the date of

706 the veteran's discharge from any branch of the United States

707 Armed Forces. To qualify for the waiver, a veteran must provide



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708 to the department a copy of his or her DD Form 214, as issued by
709 the United States Department of Defense or another acceptable
710 form of identification as specified by the Department of
711 Veterans' Affairs; the spouse of a veteran must provide to the
712 department a copy of the veteran's DD Form 214, as issued by the
713 United States Department of Defense, or another acceptable form
714 of identification as specified by the Department of Veterans'
715 Affairs, and a copy of a valid marriage license or certificate
716 verifying that he or she was lawfully married to the veteran at
717 the time of discharge; or a business entity must provide to the
718 department proof that a veteran or the spouse of a veteran holds
719 a majority ownership in the business, a copy of the veteran's DD
720 Form 214, as issued by the United States Department of Defense,
721 or another acceptable form of identification as specified by the
722 Department of Veterans' Affairs, and, if applicable, a copy of a
723 valid marriage license or certificate verifying that the spouse
724 of the veteran was lawfully married to the veteran at the time
725 of discharge.

726 (4) Any licensee submitting a material change in their
727 information for licensing, before the date for renewal, must
728 submit such change to the department in the manner prescribed by
729 the department, along with a fee in the amount of \$10 Any person
730 ~~applying for a liquefied petroleum gas license as a specialty~~
731 ~~installer, as defined by s. 527.01(11), shall upon application~~
732 ~~to the department identify the specific area of work to be~~
733 ~~performed. Upon completion of all license requirements set forth~~
734 ~~in this chapter, the department shall issue the applicant a~~
735 ~~license specifying the scope of work, as identified by the~~
736 ~~applicant and defined by rule of the department, for which the~~



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737 ~~person is authorized.~~

738 ~~(5) The license fee for a pipeline system operator shall be~~
739 ~~\$100 per system owned or operated by the person, not to exceed~~
740 ~~\$400 per license year. Such license fee applies only to a~~
741 ~~pipeline system operator who owns or operates a liquefied~~
742 ~~petroleum gas pipeline system that is used to transmit liquefied~~
743 ~~petroleum gas from a common source to the ultimate customer and~~
744 ~~that serves 10 or more customers.~~

745 ~~(5)-(6)~~ The department shall adopt ~~promulgate~~ rules
746 specifying acts deemed by the department to demonstrate a lack
747 of trustworthiness to engage in activities requiring a license
748 or qualifier identification card under this section.

749 ~~(7) Any license issued by the department may be transferred~~
750 ~~to any person, firm, or corporation for the remainder of the~~
751 ~~current license year upon written request to the department by~~
752 ~~the original licenseholder. Prior to approval of any transfer,~~
753 ~~all licensing requirements of this chapter must be met by the~~
754 ~~transferee. A license transfer fee of \$50 shall be charged for~~
755 ~~each such transfer.~~

756 Section 20. Section 527.0201, Florida Statutes, is amended
757 to read:

758 527.0201 Qualifiers; master qualifiers; examinations.-

759 (1) In addition to the requirements of s. 527.02, any
760 person applying for a license to engage in category I, category
761 II, or category V ~~the activities of a pipeline system operator,~~
762 ~~category I liquefied petroleum gas dealer, category II liquefied~~
763 ~~petroleum gas dispenser, category IV liquefied petroleum gas~~
764 ~~dispenser and recreational vehicle servicer, category V~~
765 ~~liquefied petroleum gases dealer for industrial uses only, LP~~



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766 ~~gas installer, specialty installer, requalifier of cylinders, or~~
767 ~~fabricator, repairer, and tester of vehicles and cargo tanks~~
768 must prove competency by passing a written examination
769 administered by the department or its agent with a grade of 70
770 ~~75~~ percent or above in each area tested. Each applicant for
771 examination shall submit a \$20 nonrefundable fee. The department
772 shall by rule specify the general areas of competency to be
773 covered by each examination and the relative weight to be
774 assigned in grading each area tested.

775 (2) Application for examination for competency may be made
776 by an individual or by an owner, a partner, or any person
777 employed by the license applicant. Upon successful completion of
778 the competency examination, the department shall register ~~issue~~
779 ~~a qualifier identification card to~~ the examinee.

780 (a) Qualifier registration automatically expires if
781 ~~identification cards, except those issued to category I~~
782 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~
783 ~~installers, shall remain in effect as long as the individual~~
784 ~~shows to the department proof of active employment in the area~~
785 ~~of examination and all continuing education requirements are~~
786 ~~met. Should the individual terminates ~~terminate~~ active~~
787 ~~employment in the area of examination for a period exceeding 24~~
788 ~~months, or fails ~~fail~~ to provide documentation of continuing~~
789 ~~education, the individual's qualifier status shall automatically~~
790 ~~expire.~~ If the qualifier registration status has expired, the
791 individual must apply for and successfully complete an
792 examination by the department in order to reestablish qualifier
793 status.

794 (b) Every business organization in license category I,



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795 category II, or category V shall employ at all times a full-time
796 qualifier who has successfully completed an examination in the
797 corresponding category of the license held by the business
798 organization. A person may not act as a qualifier for more than
799 one licensed location.

800 (3) Qualifier registration expires ~~cards issued to category~~
801 ~~I liquefied petroleum gas dealers and liquefied petroleum gas~~
802 ~~installers shall expire~~ 3 years after the date of issuance. All
803 ~~category I liquefied petroleum gas dealer qualifiers and~~
804 ~~liquefied petroleum gas installer qualifiers holding a valid~~
805 ~~qualifier card upon the effective date of this act shall retain~~
806 ~~their qualifier status until July 1, 2003, and may sit for the~~
807 ~~master qualifier examination at any time during that time~~
808 ~~period.~~ All such ~~category I liquefied petroleum gas dealer~~
809 ~~qualifiers and liquefied petroleum gas installer qualifiers~~ may
810 renew their qualification ~~on or before July 1, 2003,~~ upon
811 application to the department, payment of a \$20 renewal fee, and
812 documentation of the completion of a minimum of 16 hours of
813 approved continuing education courses, as defined by department
814 rule, during the previous 3-year period. Applications for
815 renewal must be made 30 calendar days before expiration. Persons
816 failing to renew before the expiration date must reapply and
817 take a qualifier competency examination in order to reestablish
818 ~~category I liquefied petroleum gas dealer qualifier and~~
819 ~~liquefied petroleum gas installer qualifier status.~~ If a
820 ~~category I liquefied petroleum gas qualifier or liquefied~~
821 ~~petroleum gas installer qualifier becomes a master qualifier at~~
822 ~~any time during the effective date of the qualifier card, the~~
823 ~~card shall remain in effect until expiration of the master~~



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824 ~~qualifier certification.~~

825 (4) A qualifier for a business ~~organization involved in~~
826 ~~installation, repair, maintenance, or service of liquefied~~
827 ~~petroleum gas appliances, equipment, or systems~~ must actually
828 function in a supervisory capacity of other company employees
829 performing licensed activities ~~installing, repairing,~~
830 ~~maintaining, or servicing liquefied petroleum gas appliances,~~
831 ~~equipment, or systems.~~ A separate qualifier shall be required
832 for every 10 such employees. ~~Additional qualifiers are required~~
833 ~~for those business organizations employing more than 10~~
834 ~~employees that install, repair, maintain, or service liquefied~~
835 ~~petroleum gas equipment and systems.~~

836 (5) In addition to all other licensing requirements, each
837 category I and category V licensee ~~liquefied petroleum gas~~
838 ~~dealer and liquefied petroleum gas installer~~ must, at the time
839 of application for licensure, identify to the department one
840 master qualifier who is a full-time employee at the licensed
841 location. This person shall be a manager, owner, or otherwise
842 primarily responsible for overseeing the operations of the
843 licensed location and must provide documentation to the
844 department as provided by rule. The master qualifier requirement
845 shall be in addition to the requirements of subsection (1).

846 (a) In order to apply for certification as a master
847 qualifier, each applicant must have been a registered ~~be a~~
848 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~
849 ~~petroleum gas installer~~ qualifier for a minimum of 3 years
850 immediately preceding submission of the application, must be
851 employed by a licensed category I or category V licensee
852 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~



853 ~~installer~~, or applicant for such license, ~~must provide~~
854 ~~documentation of a minimum of 1 year's work experience in the~~
855 ~~gas industry~~, and must pass a master qualifier competency
856 examination. Master qualifier examinations shall be based on
857 Florida's laws, rules, and adopted codes governing liquefied
858 petroleum gas safety, general industry safety standards, and
859 administrative procedures. The applicant must successfully pass
860 the examination with a grade of 70 ~~75~~ percent or above. Each
861 applicant for master qualifier registration status ~~status~~ must submit
862 to the department a nonrefundable \$30 examination fee before the
863 examination.

864 (b) Upon successful completion of the master qualifier
865 examination, the department shall issue the examinee a
866 ~~certificate of master qualifier registration status which shall~~
867 ~~include the name of the licensed company for which the master~~
868 ~~qualifier is employed~~. A master qualifier may transfer from one
869 licenseholder to another upon becoming employed by the company
870 and providing a written request to the department.

871 (c) A master qualifier registration expires status shall
872 ~~expire~~ 3 years after the date of issuance ~~of the certificate~~ and
873 may be renewed by submission to the department of documentation
874 of completion of at least 16 hours of approved continuing
875 education courses during the 3-year period; proof of employment
876 ~~with a licensed category I liquefied petroleum gas dealer,~~
877 ~~liquefied petroleum gas installer, or applicant~~; and a \$30
878 certificate renewal fee. The department shall define, by rule, ~~by rule~~
879 approved courses of continuing education.

880 (d) ~~Each category I liquefied petroleum gas dealer or~~
881 ~~liquefied petroleum gas installer licensed as of August 31,~~



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882 ~~2000, shall identify to the department one current category I~~
883 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~
884 ~~gas installer qualifier who will be the designated master~~
885 ~~qualifier for the licenseholder. Such individual must provide~~
886 ~~proof of employment for 3 years or more within the liquefied~~
887 ~~petroleum gas industry, and shall, upon approval of the~~
888 ~~department, be granted a master qualifier certificate. All other~~
889 ~~requirements with regard to master qualifier certificate~~
890 ~~expiration, renewal, and continuing education shall apply.~~

891 (6) A vacancy in a qualifier or master qualifier position
892 in a business organization which results from the departure of
893 the qualifier or master qualifier shall be immediately reported
894 to the department by the departing qualifier or master qualifier
895 and the licensed company.

896 (a) If a business organization no longer possesses a duly
897 designated qualifier, as required by this section, its liquefied
898 petroleum gas licenses shall be suspended by order of the
899 department after 20 working days. The license shall remain
900 suspended until a competent qualifier has been employed, the
901 order of suspension terminated by the department, and the
902 license reinstated. A vacancy in the qualifier position for a
903 period of more than 20 working days shall be deemed to
904 constitute an immediate threat to the public health, safety, and
905 welfare. ~~Failure to obtain a replacement qualifier within 60~~
906 ~~days after the vacancy occurs shall be grounds for revocation of~~
907 ~~licensure or eligibility for licensure.~~

908 (b) Any category I or category V licensee ~~liquefied~~
909 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses
910 a master qualifier but currently employs a ~~category I liquefied~~



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911 ~~petroleum gas dealer or LP gas installer~~ qualifier as required
912 by this section, has ~~shall have~~ 60 days within which to replace
913 the master qualifier. If the company fails to replace the master
914 qualifier within the 60-day ~~time~~ period, the license of the
915 company shall be suspended by order of the department. The
916 license shall remain suspended until a competent master
917 qualifier has been employed, the order of suspension has been
918 terminated by the department, and the license reinstated.
919 ~~Failure to obtain a replacement master qualifier within 90 days~~
920 ~~after the vacancy occurs shall be grounds for revocation of~~
921 ~~licensure or eligibility for licensure.~~

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

925 (a) Violation of any provision of this chapter or any rule
926 or order of the department;

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

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

930 (8) Any individual having competency qualifications on file
931 with the department may request the transfer of such
932 qualifications to any existing licenseholder by making a written
933 request to the department for such transfer. Any individual
934 having a competency examination on file with the department may
935 use such examination for a new license application after making
936 application in writing to the department. All examinations are
937 confidential and exempt from the provisions of s. 119.07(1).

938 (9) If a duplicate license, qualifier ~~card~~, or master
939 qualifier registration certificate is requested by the licensee,



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940 a fee of \$10 must be received before issuance of the duplicate
941 license or certificate card. ~~If a facsimile transmission of an~~
942 ~~original license is requested, upon completion of the~~
943 ~~transmission a fee of \$10 must be received by the department~~
944 ~~before the original license may be mailed to the requester.~~

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

948 Section 21. Section 527.021, Florida Statutes, is amended
949 to read:

950 527.021 Registration of transport vehicles.-

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

955 (2) For the purposes of this section, a "liquefied
956 petroleum gas bulk delivery vehicle" means any vehicle that is
957 used to transport liquefied petroleum gas on any public street
958 or highway as liquid cargo in a cargo tank, which tank is
959 mounted on a conventional truck chassis or is an integral part
960 of a transporting vehicle in which the tank constitutes, in
961 whole or in part, the stress member used as a frame and is a
962 permanent part of the transporting vehicle.

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



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

972 Section 22. Section 527.03, Florida Statutes, is amended to
973 read:

974 527.03 ~~Annual~~ Renewal of license.—All licenses required
975 under this chapter shall be renewed annually, biennially, or
976 triennially, as elected by the licensee, subject to the license
977 fees prescribed in s. 527.02. All renewals must meet the same
978 requirements and conditions as an annual license for each
979 licensed year ~~All licenses, except Category III Liquefied~~
980 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~
981 ~~Dealer in Appliances and Equipment for Use of Liquefied~~
982 ~~Petroleum Gas licenses, shall be renewed for the period~~
983 ~~beginning September 1 and shall expire on the following August~~
984 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
985 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~
986 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~
987 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~
988 ~~period beginning April 1 and shall expire on the following March~~
989 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
990 Any license allowed to expire will ~~shall~~ become inoperative
991 because of failure to renew. The fee for restoration of a
992 license is equal to the original license fee and must be paid
993 before the licensee may resume operations.

994 Section 23. Section 527.04, Florida Statutes, is amended to
995 read:

996 527.04 Proof of insurance required.—

997 (1) Before any license is issued, except to a category IV



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998 dealer in appliances and equipment ~~for use of liquefied~~
999 ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder
1000 exchange operator, the applicant must deliver to the department
1001 satisfactory evidence that the applicant is covered by a primary
1002 policy of bodily injury liability and property damage liability
1003 insurance that covers the products and operations with respect
1004 to such business and is issued by an insurer authorized to do
1005 business in this state for an amount not less than \$1 million
1006 and that the premium on such insurance is paid. An insurance
1007 certificate, affidavit, or other satisfactory evidence of
1008 acceptable insurance coverage shall be accepted as proof of
1009 insurance. In lieu of an insurance policy, the applicant may
1010 deliver a good and sufficient bond in the amount of \$1 million,
1011 payable to the Commissioner of Agriculture ~~Governor of Florida~~,
1012 with the applicant as principal and a surety company authorized
1013 to do business in this state as surety. The bond must be
1014 conditioned upon the applicant's compliance with this chapter
1015 and the rules of the department with respect to the conduct of
1016 such business and shall indemnify and hold harmless all persons
1017 from loss or damage by reason of the applicant's failure to
1018 comply. However, the aggregated liability of the surety may not
1019 exceed \$1 million. If the insurance policy is canceled or
1020 otherwise terminated or the bond becomes insufficient, the
1021 department may require new proof of insurance or a new bond to
1022 be filed, and if the licenseholder fails to comply, the
1023 department shall cancel the license issued and give the
1024 licenseholder written notice that it is unlawful to engage in
1025 business without a license. A new bond is not required as long
1026 as the original bond remains sufficient and in force. If the



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1027 licenseholder's insurance coverage as required by this
1028 subsection is canceled or otherwise terminated, the insurer must
1029 notify the department within 30 days after the cancellation or
1030 termination.

1031 (2) Before any license is issued to a category ~~class~~ III
1032 liquefied petroleum gas cylinder exchange operator, the
1033 applicant must deliver to the department satisfactory evidence
1034 that the applicant is covered by a primary policy of bodily
1035 injury liability and property damage liability insurance that
1036 covers the products and operations with respect to the business
1037 and is issued by an insurer authorized to do business in this
1038 state for an amount not less than \$300,000 and that the premium
1039 on the insurance is paid. An insurance certificate, affidavit,
1040 or other satisfactory evidence of acceptable insurance coverage
1041 shall be accepted as proof of insurance. In lieu of an insurance
1042 policy, the applicant may deliver a good and sufficient bond in
1043 the amount of \$300,000, payable to the Commissioner of
1044 Agriculture ~~Governor~~, with the applicant as principal and a
1045 surety company authorized to do business in this state as
1046 surety. The bond must be conditioned upon the applicant's
1047 compliance with this chapter and the rules of the department
1048 with respect to the conduct of such business and must indemnify
1049 and hold harmless all persons from loss or damage by reason of
1050 the applicant's failure to comply. However, the aggregated
1051 liability of the surety may not exceed \$300,000. If the
1052 insurance policy is canceled or otherwise terminated or the bond
1053 becomes insufficient, the department may require new proof of
1054 insurance or a new bond to be filed, and if the licenseholder
1055 fails to comply, the department shall cancel the license issued



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1056 and give the licenseholder written notice that it is unlawful to
1057 engage in business without a license. A new bond is not required
1058 as long as the original bond remains sufficient and in force. If
1059 the licenseholder's insurance coverage required by this
1060 subsection is canceled or otherwise terminated, the insurer must
1061 notify the department within 30 days after the cancellation or
1062 termination.

1063 (3) Any person having a cause of action on the bond may
1064 bring suit against the principal and surety, and a copy of such
1065 bond duly certified by the department shall be received in
1066 evidence in the courts of this state without further proof. The
1067 department shall furnish a certified copy of the ~~such~~ bond upon
1068 payment to it of its lawful fee for making and certifying such
1069 copy.

1070 Section 24. Section 527.0605, Florida Statutes, is amended
1071 to read:

1072 527.0605 Liquefied petroleum gas bulk storage locations;
1073 jurisdiction.—

1074 (1) The provisions of this chapter ~~shall~~ apply to liquefied
1075 petroleum gas bulk storage locations when:

1076 (a) A single container in the bulk storage location has a
1077 capacity of 2,000 gallons or more;

1078 (b) The aggregate container capacity of the bulk storage
1079 location is 4,000 gallons or more; or

1080 (c) A container or containers are installed for the purpose
1081 of serving the public the liquid product.

1082 ~~(2) Prior to the installation of any bulk storage~~
1083 ~~container, the licensee must submit to the department a site~~
1084 ~~plan of the facility which shows the proposed location of the~~



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1085 ~~container and must obtain written approval of such location from~~
1086 ~~the department.~~

1087 ~~(3) A fee of \$200 shall be assessed for each site plan~~
1088 ~~reviewed by the division. The review shall include~~
1089 ~~preconstruction inspection of the proposed site, plan review,~~
1090 ~~and final inspection of the completed facility.~~

1091 ~~(2)(4)~~ No newly installed container may be placed in
1092 operation until it has been inspected and approved by the
1093 department.

1094 Section 25. Subsection (1) of section 527.065, Florida
1095 Statutes, is amended to read:

1096 527.065 Notification of accidents; leak calls.-

1097 (1) Immediately upon discovery, all liquefied petroleum gas
1098 licensees shall notify the department of any liquefied petroleum
1099 gas-related accident involving a liquefied petroleum gas
1100 licensee or customer account:

1101 (a) Which caused a death or personal injury requiring
1102 professional medical treatment;

1103 (b) Where uncontrolled ignition of liquefied petroleum gas
1104 resulted in death, personal injury, or property damage exceeding
1105 \$3,000 ~~\$1,000~~; or

1106 (c) Which caused estimated damage to property exceeding
1107 \$3,000 ~~\$1,000~~.

1108 Section 26. Subsection (3) is added to section 527.067,
1109 Florida Statutes, to read:

1110 527.067 Responsibilities of persons engaged in servicing
1111 liquefied petroleum gas equipment and systems and consumers, end
1112 users, or owners of liquefied petroleum gas equipment or
1113 systems.-



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1114 (3) A category I liquefied petroleum gas dealer may not
1115 render a consumer's liquefied petroleum gas equipment or system
1116 inoperable or discontinue service without providing written or
1117 electronic notification to the consumer at least 5 business days
1118 before rendering the liquefied petroleum gas equipment or system
1119 inoperable or discontinuing service. This notification does not
1120 apply in the event of a hazardous condition known to the
1121 category I liquefied petroleum gas dealer.

1122 Section 27. Section 527.10, Florida Statutes, is amended to
1123 read:

1124 527.10 Restriction on use of unsafe container or system.—No
1125 liquefied petroleum gas shall be introduced into or removed from
1126 any container or system in this state that has been identified
1127 by the department or its duly authorized inspectors as not
1128 complying with the rules pertaining to such container or system,
1129 until such violations as specified have been satisfactorily
1130 corrected and authorization for continued service or removal
1131 granted by the department. A statement of violations of the
1132 rules that render such a system unsafe for use shall be
1133 furnished in writing by the department to the ~~ultimate~~ consumer
1134 or dealer in liquefied petroleum gas.

1135 Section 28. Subsections (3) and (17) of section 527.21,
1136 Florida Statutes, are amended to read:

1137 527.21 Definitions relating to Florida Propane Gas
1138 Education, Safety, and Research Act.—As used in ss. 527.20-
1139 527.23, the term:

1140 (3) "Dealer" means a business engaged primarily in selling
1141 propane gas and its appliances and equipment to the ~~ultimate~~
1142 consumer or to retail propane gas dispensers.



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1143 (17) "Wholesaler" or "reseller" means a seller of propane
1144 gas who is not a producer and who does not sell propane gas to
1145 the ~~ultimate~~ consumer.

1146 Section 29. Paragraph (a) of subsection (2) of section
1147 527.22, Florida Statutes, is amended to read:

1148 527.22 Florida Propane Gas Education, Safety, and Research
1149 Council established; membership; duties and responsibilities.—

1150 (2) (a) ~~Within 90 days after the effective date of this act,~~
1151 ~~the commissioner shall make a call to qualified industry~~
1152 ~~organizations for nominees to the council.~~ The commissioner
1153 shall appoint members of the council from a list of nominees
1154 submitted by qualified industry organizations. The commissioner
1155 may require such reports or documentation as is necessary to
1156 document the nomination process for members of the council.
1157 Qualified industry organizations, in making nominations, and the
1158 commissioner, in making appointments, shall give due regard to
1159 selecting a council that is representative of the industry and
1160 the geographic regions of the state. Other than the public
1161 member, council members must be full-time employees or owners of
1162 propane gas producers or dealers doing business in this state.

1163 Section 30. Section 531.67, Florida Statutes, is amended to
1164 read:

1165 531.67 Expiration of sections.—Sections 531.60, 531.61,
1166 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,
1167 2025 ~~2020~~.

1168 Section 31. Section 534.47, Florida Statutes, is amended to
1169 read:

1170 534.47 Definitions.—As used in ss. 534.48-534.54, the term
1171 ~~ss. 534.48-534.53~~:



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1172 (1) "Dealer" means a person, not a market agency, engaged
1173 in the business of buying or selling in commerce livestock
1174 either on his or her own account or as the employee or agent of
1175 a vendor or purchaser.

1176 (2)~~(1)~~ "Department" means the Department of Agriculture and
1177 Consumer Services.

1178 (3) "Livestock" has the same meaning as in s. 585.01(13).

1179 (4)~~(2)~~ "Livestock market" means any location in the state
1180 where livestock is assembled and sold at public auction or on a
1181 commission basis during regularly scheduled or special sales.
1182 The term "livestock market" ~~shall~~ does not include private farms
1183 or ranches or sales made at livestock shows, fairs, exhibitions,
1184 or special breed association sales.

1185 (5) "Packer" means a person engaged in the business of
1186 buying livestock in commerce for purposes of slaughter, or of
1187 manufacturing or preparing meats or meat food products for sale
1188 or shipment in commerce, or of marketing meats, meat food
1189 products, or livestock products in an unmanufactured form acting
1190 as a wholesaler broker, dealer, or distributor in commerce.

1191 (6) "Purchaser" means a person, partnership, firm,
1192 corporation, or other organization owning, managing, producing,
1193 or dealing in livestock, including, but not limited to, a packer
1194 or dealer, that buys livestock for breeding, feeding, reselling,
1195 slaughter, or other purpose.

1196 (7) "Registered and approved livestock market" means a
1197 livestock market fully registered, bonded, and approved as a
1198 market agency pursuant to the Stockyards Act and governing
1199 regulations of the United States Department of Agriculture Grain
1200 Inspection, Packers and Stockyards Administration.



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1201 (8) "Seller" means a person, partnership, firm,
1202 corporation, or other organization owning, managing, producing,
1203 financing, or dealing in livestock, including, but not limited
1204 to, a registered and approved livestock market as consignee or a
1205 dealer, that sells livestock for breeding, feeding, reselling,
1206 slaughter, or other purpose.

1207 (9) "Stockyards Act" means the Packers and Stockyards Act
1208 of 1921, 7 U.S.C. ss. 181-229 and the regulations promulgated
1209 pursuant to that act under 9 C.F.R. part 201.

1210 ~~(3) "Buyer" means the party to whom title of livestock~~
1211 ~~passes or who is responsible for the purchase price of~~
1212 ~~livestock, including, but not limited to, producers, dealers,~~
1213 ~~meat packers, or order buyers.~~

1214 Section 32. Section 534.49, Florida Statutes, is amended to
1215 read:

1216 534.49 Livestock drafts; effect.—For the purposes of this
1217 section, a livestock draft given as payment at a livestock
1218 auction market for a livestock purchase shall not be deemed an
1219 express extension of credit to the purchaser ~~buyer~~ and shall not
1220 defeat the creation of a lien on such ~~an~~ animal and its carcass,
1221 ~~and~~ all products therefrom, and all proceeds thereof, to secure
1222 all or a part of its sales price, as provided in s. 534.54(3) ~~s.~~
1223 ~~534.54(4).~~

1224 Section 33. Section 534.50, Florida Statutes, is repealed.

1225 Section 34. Section 534.501, Florida Statutes, is amended
1226 to read:

1227 534.501 ~~Livestock draft;~~ Unlawful ~~to~~ delay or failure in
1228 payment.—It ~~is~~ shall be unlawful for the purchaser of livestock
1229 to delay or fail in rendering payment for livestock to a seller



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1230 of cattle as provided in s. 534.54. A person who violates this
1231 section commits an unfair or deceptive act or practice as
1232 specified in s. 501.204 payment of the livestock draft upon
1233 presentation of said draft at the payor's bank. Nothing
1234 contained in this section shall be construed to preclude a
1235 payor's right to refuse payment of an unauthorized draft.

1236 Section 35. Section 534.51, Florida Statutes, is repealed.

1237 Section 36. Section 534.54, Florida Statutes, is amended to
1238 read:

1239 534.54 Cattle or hog processors; prompt payment; penalty;
1240 lien.—

1241 ~~(1) As used in this section:~~

1242 ~~(a) "Livestock" means cattle or hogs.~~

1243 ~~(b) "Meat processor" means a person, corporation,~~
1244 ~~association, or other legal entity engaged in the business of~~
1245 ~~slaughtering cattle or hogs.~~

1246 (1)(2)(a) A purchaser that meat processor who purchases
1247 livestock from a seller, or any person, corporation,
1248 association, or other legal entity who purchases livestock from
1249 a seller for slaughter, shall make payment by cash or check for
1250 the purchase price of the livestock and actually deliver the
1251 cash or check to the seller or her or his representative at the
1252 location where the purchaser takes physical possession of the
1253 livestock on the day the transfer of possession occurs or by
1254 shall wire transfer of funds on the business day within which
1255 the possession of the said livestock is transferred. However, if
1256 the transfer of possession is accomplished after normal banking
1257 hours, said payment shall be made in the manner herein provided
1258 in this subsection no not later than the close of the first



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1259 business day following the ~~said~~ transfer of possession. In the
1260 case of "grade and yield" selling, the purchaser shall make
1261 payment by wire transfer of funds or by personal or cashier's
1262 check by registered mail postmarked no ~~not~~ later than the close
1263 of the first business day following determination of "grade and
1264 yield."

1265 (b) All instruments issued in payment as required by this
1266 section ~~hereunder~~ shall be drawn on banking institutions which
1267 are so located as not artificially to delay collection of funds
1268 through the mail or otherwise cause an undue lapse of time in
1269 the clearance process.

1270 ~~(2)-(3) In all cases in which~~ A purchaser of ~~who purchases~~
1271 livestock that for slaughter from a seller fails to comply with
1272 subsection (1) ~~make payment for the livestock as required by~~
1273 ~~this section~~ or artificially delays collection of funds for the
1274 payment of the livestock, ~~the purchaser~~ shall be liable to pay
1275 the seller ~~owner~~ of the livestock, in addition to the price of
1276 the livestock:

1277 (a) Twelve percent damages on the amount of the price.

1278 (b) Interest on the purchase price of the livestock at the
1279 highest legal rate from and after the transfer of possession
1280 until payment is made as required by this section.

1281 (c) A Reasonable attorney fees, court costs, and expenses
1282 ~~attorney's fee~~ for the prosecution of collection of the payment.

1283 ~~(3)-(4)~~ (a) A seller that ~~Any person, partnership, firm,~~
1284 ~~corporation, or other organization which~~ sells livestock to a
1285 purchaser shall have a lien on such animal and its carcass, all
1286 products therefrom, and all proceeds thereof to secure all or a
1287 part of its sales price.



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1288 (b) The lien provided in this subsection shall be deemed to
1289 have attached and to be perfected upon delivery of the livestock
1290 to the purchaser without further action, and such lien shall
1291 continue in the livestock and its carcass, all products
1292 therefrom, and all proceeds thereof without regard to possession
1293 thereof by the party entitled to such lien without further
1294 perfection.

1295 (c) If the livestock or its carcass or products therefrom
1296 are so commingled with other livestock, carcasses, or products
1297 so that the identity thereof is lost, then the lien granted in
1298 this subsection shall extend to the same effect as if same had
1299 been perfected originally in all such animals, carcasses, and
1300 products with which it has become commingled. However, all liens
1301 so extended under this paragraph to such commingled livestock,
1302 carcasses, and products shall be on a parity with one another,
1303 and, with respect to such commingled carcasses or products upon
1304 which a lien or liens have been so extended under this
1305 paragraph, no such lien shall be enforceable as against any
1306 purchaser without actual knowledge thereof purchasing one or
1307 more of such carcasses or products in the ordinary course of
1308 trade or business from the party having commingled such
1309 carcasses or products or against any subsequent transferee from
1310 such purchaser, but in the event of such sale, such lien shall
1311 instead extend to the proceeds of such sale.

1312 Section 37. Subsection (46) is added to section 570.07,
1313 Florida Statutes, to read:

1314 570.07 Department of Agriculture and Consumer Services;
1315 functions, powers, and duties.—The department shall have and
1316 exercise the following functions, powers, and duties:



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1317 (46) During a state of emergency declared pursuant to s.
1318 252.36, to waive fees by emergency order for duplicate copies or
1319 renewal of permits, licenses, certifications, or other similar
1320 types of authorizations during a period specified by the
1321 commissioner.

1322 Section 38. Section 573.111, Florida Statutes, is amended
1323 to read:

1324 573.111 Notice of effective date of marketing order.—Before
1325 the issuance of any marketing order, or any suspension,
1326 amendment, or termination thereof, a notice must ~~shall~~ be posted
1327 ~~on a public bulletin board to be maintained by the department in~~
1328 ~~the Division of Marketing and Development of the department in~~
1329 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~
1330 ~~of the notice shall be posted on the department website the same~~
1331 ~~date that the notice is posted on the bulletin board. A No~~
1332 marketing order, or any suspension, amendment, or termination
1333 thereof, may not ~~shall~~ become effective until ~~the termination of~~
1334 ~~a period of 5 days~~ after ~~from~~ the date of posting and
1335 publication.

1336 Section 39. Section 578.011, Florida Statutes, is amended
1337 to read:

1338 578.011 Definitions; Florida Seed Law.—When used in this
1339 chapter, the term:

1340 (1) "Advertisement" means all representations, other than
1341 those on the label, disseminated in any manner or by any means,
1342 relating to seed within the scope of this law.

1343 (2) "Agricultural seed" includes the seed of grass, forage,
1344 cereal and fiber crops, and chufas and any other seed commonly
1345 recognized within the state as agricultural seed, lawn seed, and



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1346 combinations of such seed, and may include identified noxious
1347 weed seed when the department determines that such seed is being
1348 used as agricultural seed ~~or field seed and mixtures of such~~
1349 seed.

1350 (3) "Blend" means seed consisting of more than one variety
1351 of one kind, each present in excess of 5 percent by weight of
1352 the whole.

1353 (4) "Buyer" means a person who purchases agricultural,
1354 vegetable, flower, tree, or shrub seed in packaging of 1,000
1355 seeds or more by count.

1356 (5) "Brand" means a distinguishing word, name, symbol,
1357 number, or design used to identify seed produced, packaged,
1358 advertised, or offered for sale by a particular person.

1359 (6)~~(3)~~ "Breeder seed" means a class of certified seed
1360 directly controlled by the originating or sponsoring plant
1361 breeding institution or person, or designee thereof, and is the
1362 source for the production of seed of the other classes of
1363 certified seed ~~that are released directly from the breeder or~~
1364 experiment station that develops the seed. ~~These seed are one~~
1365 class above foundation seed.

1366 (7)~~(4)~~ "Certified seed," means a class of seed which is the
1367 progeny of breeder, foundation, or registered seed "registered
1368 seed," and "foundation seed" mean seed that have been produced
1369 and labeled in accordance with the procedures and in compliance
1370 with the rules and regulations of any agency authorized by the
1371 laws of this state or the laws of another state.

1372 (8) "Certifying agency" means:

1373 (a) An agency authorized under the laws of a state,
1374 territory, or possession of the United States to officially



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1375 certify seed and which has standards and procedures approved by
1376 the United States Secretary of Agriculture to assure the genetic
1377 purity and identity of the seed certified; or

1378 (b) An agency of a foreign country that the United States
1379 Secretary of Agriculture has determined as adhering to
1380 procedures and standards for seed certification comparable to
1381 those adhered to generally by seed certifying agencies under
1382 paragraph (a).

1383 (9) "Coated seed" means seed that has been covered by a
1384 layer of materials that obscures the original shape and size of
1385 the seed and substantially increases the weight of the product.
1386 The addition of biologicals, pesticides, identifying colorants
1387 or dyes, or other active ingredients including polymers may be
1388 included in this process.

1389 (10)~~(5)~~ "Date of test" means the month and year the
1390 percentage of germination appearing on the label was obtained by
1391 laboratory test.

1392 (11)~~(6)~~ "Dealer" means any person who sells or offers for
1393 sale any agricultural, vegetable, flower, ~~or forest tree,~~ or
1394 shrub seed for seeding purposes, and includes farmers who sell
1395 cleaned, processed, packaged, and labeled seed.

1396 (12)~~(7)~~ "Department" means the Department of Agriculture
1397 and Consumer Services or its authorized representative.

1398 (13)~~(8)~~ "Dormant seed" refers to viable seed, other than
1399 hard seed, which neither germinate nor decay during the
1400 prescribed test period and under the prescribed test conditions.

1401 (14)~~(9)~~ "Flower seed" includes seed of herbaceous plants
1402 grown for blooms, ornamental foliage, or other ornamental parts,
1403 and commonly known and sold under the name of flower or



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1404 wildflower seed in this state.

1405 ~~(10) "Forest tree seed" includes seed of woody plants~~
1406 ~~commonly known and sold as forest tree seed.~~

1407 (15) "Foundation seed" means a class of certified seed
1408 which is the progeny of breeder or other foundation seed and is
1409 produced and handled under procedures established by the
1410 certifying agency, in accordance with this part, for producing
1411 foundation seed, for the purpose of maintaining genetic purity
1412 and identity.

1413 ~~(16)-(11)~~ "Germination" means the emergence and development
1414 from the seed embryo of those essential structures which, for
1415 the kind of seed in question, are indicative of the ability to
1416 produce a normal plant under favorable conditions ~~percentage of~~
1417 ~~seed capable of producing normal seedlings under ordinarily~~
1418 ~~favorable conditions. Broken seedlings and weak, malformed and~~
1419 ~~obviously abnormal seedlings shall not be considered to have~~
1420 ~~germinated.~~

1421 ~~(17)-(12)~~ "Hard seed" means seeds that remain hard at the
1422 end of a prescribed test period because they have not absorbed
1423 water due to an impermeable seed coat ~~the percentage of seed~~
1424 ~~which because of hardness or impermeability did not absorb~~
1425 ~~moisture or germinate under prescribed tests but remain hard~~
1426 ~~during the period prescribed for germination of the kind of seed~~
1427 ~~concerned.~~

1428 ~~(18)-(13)~~ "Hybrid" means the first generation seed of a
1429 cross produced by controlling the pollination and by combining:

1430 (a) Two or more inbred lines;

1431 (b) One inbred or a single cross with an open-pollinated
1432 variety; or



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1433 (c) Two varieties or species, except open-pollinated
1434 varieties of corn (*Zea mays*).

1435

1436 The second generation or subsequent generations from such
1437 crosses may ~~shall~~ not be regarded as hybrids. Hybrid
1438 designations shall be treated as variety names.

1439 (19)-(14) "Inert matter" means all matter that is not a full
1440 seed includes broken seed when one-half in size or less; seed of
1441 legumes or crucifers with the seed coats removed; undeveloped
1442 and badly injured weed seed such as sterile dodder which, upon
1443 visual examination, are clearly incapable of growth; empty
1444 glumes of grasses; attached sterile glumes of grasses (which
1445 must be removed from the fertile glumes except in Rhodes grass);
1446 dirt, stone, chaff, nematode, fungus bodies, and any matter
1447 other than seed.

1448 (20)-(15) "Kind" means one or more related species or
1449 subspecies which singly or collectively is known by one common
1450 name; e.g., corn, beans, lespedeza.

1451 (21) "Label" means the display or displays of written or
1452 printed material upon or attached to a container of seed.

1453 (22)-(16) "Labeling" includes all labels and other written,
1454 printed, or graphic representations, in any form, accompanying
1455 and pertaining to any seed, whether in bulk or in containers,
1456 and includes invoices and other bills of shipment when sold in
1457 bulk.

1458 (23)-(17) "Lot of seed" means a definite quantity of seed
1459 identified by a lot number or other mark identification, every
1460 portion or bag of which is uniform within recognized tolerances
1461 for the factors that appear in the labeling, ~~for the factors~~



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1462 ~~which appear in the labeling, within permitted tolerances.~~

1463 (24) ~~(18)~~ "Mix," "mixed," or "mixture" means seed consisting
1464 of more than one kind ~~or variety~~, each present in excess of 5
1465 percent by weight of the whole.

1466 (25) "Mulch" means a protective covering of any suitable
1467 substance placed with seed which acts to retain sufficient
1468 moisture to support seed germination and sustain early seedling
1469 growth and aid in the prevention of the evaporation of soil
1470 moisture, the control of weeds, and the prevention of erosion.

1471 (26) "Noxious weed seed" means seed in one of two classes
1472 of seed:

1473 (a) "Prohibited noxious weed seed" means the seed of weeds
1474 that are highly destructive and difficult to control by good
1475 cultural practices and the use of herbicides.

1476 (b) "Restricted noxious weed seed" means weed seeds that
1477 are objectionable in agricultural crops, lawns, and gardens of
1478 this state and which can be controlled by good agricultural
1479 practices or the use of herbicides.

1480 (27) ~~(19)~~ "Origin" means the state, District of Columbia,
1481 Puerto Rico, or possession of the United States, or the foreign
1482 country where the seed were grown, except for native species,
1483 where the term means the county or collection zone and the state
1484 where the seed were grown ~~for forest tree seed, with respect to~~
1485 ~~which the term "origin" means the county or state forest service~~
1486 ~~seed collection zone and the state where the seed were grown.~~

1487 (28) ~~(20)~~ "Other crop seed" includes all seed of plants
1488 grown in this state as crops, other than the kind or kind and
1489 variety included in the pure seed, when not more than 5 percent
1490 of the whole of a single kind or variety is present, unless



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1491 designated as weed seed.

1492 (29) "Packet seed" means seed prepared for use in home
1493 gardens and household plantings packaged in labeled, sealed
1494 containers of less than 8 ounces and typically sold from seed
1495 racks or displays in retail establishments, via the Internet, or
1496 through mail order.

1497 (30)-(21) "Processing" means conditioning, cleaning,
1498 scarifying, or blending to obtain uniform quality and other
1499 operations which would change the purity or germination of the
1500 seed and, therefore, require retesting to determine the quality
1501 of the seed.

1502 ~~(22) "Prohibited noxious weed seed" means the seed and~~
1503 ~~bulblets of perennial weeds such as not only reproduce by seed~~
1504 ~~or bulblets, but also spread by underground roots or stems and~~
1505 ~~which, when established, are highly destructive and difficult to~~
1506 ~~control in this state by ordinary good cultural practice.~~

1507 (31)-(23) "Pure seed" means the seed, exclusive of inert
1508 matter, of the kind or kind and variety of seed declared on the
1509 label or tag includes all seed of the kind or kind and variety
1510 or strain under consideration, whether shriveled, cracked, or
1511 otherwise injured, and pieces of broken seed larger than one-
1512 half the original size.

1513 (32)-(24) "Record" includes the symbol identifying the seed
1514 as to origin, amount, processing, testing, labeling, and
1515 distribution, file sample of the seed, and any other document or
1516 instrument pertaining to the purchase, sale, or handling of
1517 agricultural, vegetable, flower, or forest tree, or shrub seed.
1518 Such information includes seed samples and records of
1519 declarations, labels, purchases, sales, conditioning, bulking,



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1520 treatment, handling, storage, analyses, tests, and examinations.

1521 (33) "Registered seed" means a class of certified seed
1522 which is the progeny of breeder or foundation seed and is
1523 produced and handled under procedures established by the
1524 certifying agency, in accordance with this part, for the purpose
1525 of maintaining genetic purity and identity.

1526 ~~(25) "Restricted noxious weed seed" means the seed of such~~
1527 ~~weeds as are very objectionable in fields, lawns, or gardens of~~
1528 ~~this state, but can be controlled by good cultural practice.~~
1529 ~~Seed of poisonous plants may be included.~~

1530 (34) "Shrub seed" means seed of a woody plant that is
1531 smaller than a tree and has several main stems arising at or
1532 near the ground.

1533 ~~(35)-(26)~~ "Stop-sale" means any written or printed notice or
1534 order issued by the department to the owner or custodian of any
1535 lot of agricultural, vegetable, flower, ~~or forest~~ tree, or shrub
1536 seed in the state, directing the owner or custodian not to sell
1537 or offer for sale seed designated by the order within the state
1538 until the requirements of this law are complied with and a
1539 written release has been issued; except that the seed may be
1540 released to be sold for feed.

1541 ~~(36)-(27)~~ "Treated" means that the seed has been given an
1542 application of a material or subjected to a process designed to
1543 control or repel disease organisms, insects, or other pests
1544 attacking seed or seedlings grown therefrom to improve its
1545 planting value or to serve any other purpose.

1546 (37) "Tree seed" means seed of a woody perennial plant
1547 typically having a single stem or trunk growing to a
1548 considerable height and bearing lateral branches at some



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1549 distance from the ground.

1550 (38)-(28) "Type" means a group of varieties so nearly
1551 similar that the individual varieties cannot be clearly
1552 differentiated except under special conditions.

1553 (39)-(29) "Variety" means a subdivision of a kind which is
1554 distinct in the sense that the variety can be differentiated by
1555 one or more identifiable morphological, physiological, or other
1556 characteristics from all other varieties of public knowledge;
1557 uniform in the sense that the variations in essential and
1558 distinctive characteristics are describable; and stable in the
1559 sense that the variety will remain unchanged in its essential
1560 and distinctive characteristics and its uniformity when
1561 reproduced or reconstituted characterized by growth, plant
1562 fruit, seed, or other characteristics by which it can be
1563 differentiated from other sorts of the same kind; e.g.,
1564 Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.

1565 (40)-(30) "Vegetable seed" means the seed of those crops
1566 that which are grown in gardens or on truck farms, and are
1567 generally known and sold under the name of vegetable seed or
1568 herb seed in this state.

1569 (41)-(31) "Weed seed" includes the seed of all plants
1570 generally recognized as weeds within this state, and includes
1571 prohibited and restricted noxious weed seed, bulblets, and
1572 tubers, and any other vegetative propagules.

1573 Section 40. Section 578.012, Florida Statutes, is created
1574 to read:

1575 578.012 Preemption.—

1576 (1) It is the intent of the Legislature to eliminate
1577 duplication of regulation of seed. As such, this chapter is



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1578 intended as comprehensive and exclusive and occupies the whole
1579 field of regulation of seed.

1580 (2) The authority to regulate seed or matters relating to
1581 seed in this state is preempted to the state. A local government
1582 or political subdivision of the state may not enact or enforce
1583 an ordinance that regulates seed, including the power to assess
1584 any penalties provided for violation of this chapter.

1585 Section 41. Section 578.08, Florida Statutes, is amended to
1586 read:

1587 578.08 Registrations.—

1588 (1) Every person, except as provided in subsection (4) ~~and~~
1589 ~~s. 578.14~~, before selling, distributing for sale, offering for
1590 sale, exposing for sale, handling for sale, or soliciting orders
1591 for the purchase of any agricultural, vegetable, flower, ~~or~~
1592 ~~forest~~ tree, or shrub seed or mixture thereof, shall first
1593 register with the department as a seed dealer. The application
1594 for registration must include the name and location of each
1595 place of business at which the seed is sold, distributed for
1596 sale, offered for sale, exposed for sale, or handled for sale.

1597 The application must ~~for registration shall~~ be filed with the
1598 department by using a form prescribed by the department or by
1599 using the department's website and shall be accompanied by an
1600 annual registration fee for each such place of business based on
1601 the gross receipts from the sale of such seed for the last
1602 preceding license year as follows:

- 1603 (a)1. Receipts of less than \$500, a fee of \$10.
1604 2. Receipts of \$500 or more but less than \$1,000, a fee of
1605 \$25.
1606 3. Receipts of \$1,000 or more but less than \$2,500, a fee



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1607 of \$100.

1608 4. Receipts of \$2,500 or more but less than \$5,000, a fee
1609 of \$200.

1610 5. Receipts of \$5,000 or more but less than \$10,000, a fee
1611 of \$350.

1612 6. Receipts of \$10,000 or more but less than \$20,000, a fee
1613 of \$800.

1614 7. Receipts of \$20,000 or more but less than \$40,000, a fee
1615 of \$1,000.

1616 8. Receipts of \$40,000 or more but less than \$70,000, a fee
1617 of \$1,200.

1618 9. Receipts of \$70,000 or more but less than \$150,000, a
1619 fee of \$1,600.

1620 10. Receipts of \$150,000 or more but less than \$400,000, a
1621 fee of \$2,400.

1622 11. Receipts of \$400,000 or more, a fee of \$4,600.

1623 (b) For places of business not previously in operation, the
1624 fee shall be based on anticipated receipts for the first license
1625 year.

1626 (2) A ~~written~~ receipt from the department of the
1627 registration and payment of the fee shall constitute a
1628 sufficient permit for the dealer to engage in or continue in the
1629 business of selling, distributing for sale, offering or exposing
1630 for sale, handling for sale, or soliciting orders for the
1631 purchase of any agricultural, vegetable, flower, ~~or forest tree,~~
1632 or shrub seed within the state. However, the department has
1633 ~~shall have~~ authority to suspend or revoke any permit for the
1634 violation of any provision of this law or of any rule adopted
1635 under authority hereof. The registration shall expire on June 30



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1636 of the next calendar year and shall be renewed on July 1 of each
1637 year. If any person subject to the requirements of this section
1638 fails to comply, the department may issue a stop-sale notice or
1639 order which shall prohibit the person from selling or causing to
1640 be sold any agricultural, vegetable, flower, ~~or forest~~ tree, or
1641 shrub seed until the requirements of this section are met.

1642 (3) Every person selling, distributing for sale, offering
1643 for sale, exposing for sale, handling for sale, or soliciting
1644 orders for the purchase of any agricultural, vegetable, flower,
1645 ~~or forest~~ tree, or shrub seed in the state other than as
1646 provided in subsection (4) s. 578.14, shall be subject to the
1647 requirements of this section; ~~except that agricultural~~
1648 ~~experiment stations of the State University System shall not be~~
1649 ~~subject to the requirements of this section.~~

1650 (4) ~~The provisions of~~ This chapter does shall not apply to
1651 farmers who sell only uncleaned, unprocessed, unpackaged, and
1652 unlabeled seed, but shall apply to farmers who sell cleaned,
1653 processed, packaged, and labeled seed in amounts in excess of
1654 \$10,000 in any one year.

1655 (5) When packet seed is sold, offered for sale, or exposed
1656 for sale, the company who packs seed for retail sale must
1657 register and pay fees as provided under subsection (1).

1658 Section 42. Section 578.09, Florida Statutes, is amended to
1659 read:

1660 578.09 Label requirements for agricultural, vegetable,
1661 flower, tree, or shrub seeds.—Each container of agricultural,
1662 vegetable, ~~or flower, tree, or shrub~~ seed which is sold, offered
1663 for sale, exposed for sale, or distributed for sale within this
1664 state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or



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1665 have attached thereto, in a conspicuous place, ~~a label or labels~~
1666 ~~containing all information required under this section,~~ plainly
1667 written or printed label or tag in the English language, ~~in~~
1668 ~~Century type~~. All data pertaining to analysis must ~~shall~~ appear
1669 on a single label. Language setting forth the requirements for
1670 filing and serving complaints as described in s. 578.26(1)(c)
1671 must ~~s. 578.26(1)(b) shall~~ be included on the analysis label or
1672 be otherwise attached to the package, except for packages
1673 containing less than 1,000 seeds by count.

1674 (1) ~~FOR TREATED SEED.~~ For all treated agricultural,
1675 vegetable, ~~or~~ flower, tree, or shrub seed ~~treated~~ as defined in
1676 this chapter:

1677 (a) A word or statement indicating that the seed has been
1678 ~~treated or description of process used.~~

1679 (b) The commonly accepted coined, chemical, or abbreviated
1680 chemical (generic) name of the applied substance or description
1681 of the process used and the words "poison treated" in red
1682 ~~letters, in not less than 1/4-inch type.~~

1683 (c) If the substance in the amount present with the seed is
1684 harmful to humans or other vertebrate animals, a caution
1685 statement such as "Do not use for food, feed, or oil purposes."
1686 The caution for mercurials, Environmental Protection Agency
1687 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and
1688 similarly toxic substances shall be designated by a poison
1689 statement or symbol.

1690 ~~(d) Rate of application or statement "Treated at~~
1691 ~~manufacturer's recommended rate."~~

1692 (d)(e) If the seed is treated with an inoculant, the date
1693 beyond which the inoculant is not to be considered effective



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1694 (date of expiration).

1695

1696 A label separate from other labels required by this section or
1697 other law may be used to identify seed treatments as required by
1698 this subsection.

1699 (2) For agricultural seed, including lawn and turf grass
1700 seed and mixtures thereof: ~~AGRICULTURAL SEED.~~

1701 (a) ~~Commonly accepted~~ The name of the kind and variety of
1702 each agricultural seed component present in excess of 5 percent
1703 of the whole, and the percentage by weight of each in the order
1704 of its predominance. Where more than one component is required
1705 to be named, the word "mixed," "mixture," or "blend" must ~~the~~
1706 word "mixed" shall be shown conspicuously on the label. Hybrids
1707 must be labeled as hybrids.

1708 (b) Lot number or other lot identification.

1709 (c) Net weight or seed count.

1710 (d) Origin, if known. If the origin is ; ~~if~~ unknown, that
1711 fact must shall be stated.

1712 (e) Percentage by weight of all weed seed.

1713 (f) ~~The~~ Name and number of noxious weed seed per pound, if
1714 present per pound of each kind of restricted noxious weed seed.

1715 (g) Percentage by weight of agricultural seed which may be
1716 designated as other crop seed, other than those required to be
1717 named on the label.

1718 (h) Percentage by weight of inert matter.

1719 (i) For each named agricultural seed, including lawn and
1720 turf grass seed:

1721 1. Percentage of germination, exclusive of hard or dormant
1722 seed;



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1723 2. Percentage of hard or dormant seed, ~~if when present, if~~
1724 ~~desired~~; and

1725 3. The calendar month and year the test was completed to
1726 determine such percentages, provided that the germination test
1727 must have been completed within the previous 9 months, exclusive
1728 of the calendar month of test.

1729 (j) Name and address of the person who labeled said seed or
1730 who sells, distributes, offers, or exposes said seed for sale
1731 within this state.

1732
1733 The sum total of the percentages listed pursuant to paragraphs
1734 (a), (e), (g), and (h) must be equal to 100 percent.

1735 (3) For seed that is coated:

1736 (a) Percentage by weight of pure seed with coating material
1737 removed. The percentage of coating material may be included with
1738 the inert matter percentage or may be listed separately.

1739 (b) Percentage of germination. This percentage must be
1740 determined based on an examination of 400 coated units with or
1741 without seed.

1742
1743 In addition to the requirements of this subsection, labeling of
1744 coated seed must also comply with the requirements of any other
1745 subsection pertaining to that type of seed. ~~FOR VEGETABLE SEED~~
1746 ~~IN CONTAINERS OF 8 OUNCES OR MORE.~~

1747 ~~(a) Name of kind and variety of seed.~~

1748 ~~(b) Net weight or seed count.~~

1749 ~~(c) Lot number or other lot identification.~~

1750 ~~(d) Percentage of germination.~~

1751 ~~(e) Calendar month and year the test was completed to~~



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1752 ~~determine such percentages.~~

1753 ~~(f) Name and address of the person who labeled said seed or~~
1754 ~~who sells, distributes, offers or exposes said seed for sale~~
1755 ~~within this state.~~

1756 ~~(g) For seed which germinate less than the standard last~~
1757 ~~established by the department the words "below standard," in not~~
1758 ~~less than 8 point type, must be printed or written in ink on the~~
1759 ~~face of the tag, in addition to the other information required.~~
1760 ~~Provided, that no seed marked "below standard" shall be sold~~
1761 ~~which falls more than 20 percent below the standard for such~~
1762 ~~seed which has been established by the department, as authorized~~
1763 ~~by this law.~~

1764 ~~(h) The name and number of restricted noxious weed seed per~~
1765 ~~pound.~~

1766 (4) For combination mulch, seed, and fertilizer products:

1767 (a) The word "combination" followed, as appropriate, by the
1768 words "mulch - seed - fertilizer" must appear prominently on the
1769 principal display panel of the package.

1770 (b) If the product is an agricultural seed placed in a
1771 germination medium, mat, tape, or other device or is mixed with
1772 mulch or fertilizer, it must also be labeled with all of the
1773 following:

1774 1. Product name.

1775 2. Lot number or other lot identification.

1776 3. Percentage by weight of pure seed of each kind and
1777 variety named which may be less than 5 percent of the whole.

1778 4. Percentage by weight of other crop seed.

1779 5. Percentage by weight of inert matter.

1780 6. Percentage by weight of weed seed.



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1781 7. Name and number of noxious weed seeds per pound, if
1782 present.

1783 8. Percentage of germination, and hard or dormant seed if
1784 appropriate, of each kind or kind and variety named. The
1785 germination test must have been completed within the previous 12
1786 months exclusive of the calendar month of test.

1787 9. The calendar month and year the test was completed to
1788 determine such percentages.

1789 10. Name and address of the person who labeled the seed, or
1790 who sells, offers, or exposes the seed for sale within the
1791 state.

1792
1793 The sum total of the percentages listed pursuant to
1794 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.

1795 (5) For vegetable seed in packets as prepared for use in
1796 home gardens or household plantings or vegetable seeds in
1797 preplanted containers, mats, tapes, or other planting devices:
1798 ~~FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—~~

1799 (a) Name of kind and variety of seed. Hybrids must be
1800 labeled as hybrids.

1801 (b) Lot number or other lot identification.

1802 (c) Germination test date identified in the following
1803 manner:

1804 1. The calendar month and year the germination test was
1805 completed and the statement "Sell by ...(month/year)...", which
1806 may be no more than 12 months from the date of test, beginning
1807 with the month after the test date;

1808 2. The month and year the germination test was completed,
1809 provided that the germination test must have been completed



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1810 within the previous 12 months, exclusive of the calendar month
1811 of test; or

1812 3. The year for which the seed was packaged for sale as
1813 "Packed for ...(year)..." and the statement "Sell by
1814 ...(year)..." which shall be one year after the seed was
1815 packaged for sale.

1816 (d) ~~(b)~~ Name and address of the person who labeled the seed
1817 or who sells, ~~distributes,~~ offers, or exposes said seed for sale
1818 within this state.

1819 (e) ~~(e)~~ For seed which germinate less than standard last
1820 established by the department, ~~the additional information must~~
1821 ~~be shown:~~

1822 1. Percentage of germination, exclusive of hard or dormant
1823 seed.

1824 2. Percentage of hard or dormant seed ~~when present,~~ if
1825 present desired.

1826 ~~3. Calendar month and year the test was completed to~~
1827 ~~determine such percentages.~~

1828 ~~3.4. The words "Below Standard" prominently displayed in~~
1829 ~~not less than 8-point type.~~

1830
1831 (f) ~~(d)~~ No seed marked "below standard" may ~~shall~~ be sold
1832 that falls ~~which fall~~ more than 20 percent below the established
1833 standard for such seed. For seeds that do not have an
1834 established standard, the minimum germination standard shall be
1835 50 percent, and no such seed may be sold that is 20 percent
1836 below this standard.

1837 (g) For seed placed in a germination medium, mat, tape, or
1838 other device in such a way as to make it difficult to determine



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1839 the quantity of seed without removing the seeds from the medium,
1840 mat, tape or device, a statement to indicate the minimum number
1841 of seeds in the container.

1842 (6) For vegetable seed in containers, other than packets
1843 prepared for use in home gardens or household plantings, and
1844 other than preplanted containers, mats, tapes, or other planting
1845 devices:

1846 (a) The name of each kind and variety present of any seed
1847 in excess of 5 percent of the total weight in the container, and
1848 the percentage by weight of each type of seed in order of its
1849 predominance. Hybrids must be labeled as hybrids.

1850 (b) Net weight or seed count.

1851 (c) Lot number or other lot identification.

1852 (d) For each named vegetable seed:

1853 1. Percentage germination, exclusive of hard or dormant
1854 seed;

1855 2. Percentage of hard or dormant seed, if present;

1856 3. Listed below the requirements of subparagraphs 1. and
1857 2., the "total germination and hard or dormant seed" may be
1858 stated as such, if desired; and

1859 4. The calendar month and year the test was completed to
1860 determine the percentages specified in subparagraphs 1. and 2.,
1861 provided that the germination test must have been completed
1862 within 9 months, exclusive of the calendar month of test.

1863 (e) Name and address of the person who labeled the seed, or
1864 who sells, offers, or exposes the seed for sale within this
1865 state.

1866 (f) For seed which germinate less than the standard last
1867 established by the department, the words "Below Standard"



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1868 prominently displayed.

1869 1. No seed marked "Below Standard" may be sold if the seed
1870 is more than 20 percent below the established standard for such
1871 seed.

1872 2. For seeds that do not have an established standard, the
1873 minimum germination standard shall be 50 percent, and no such
1874 seed may be sold that is 20 percent below this standard.

1875 (7)(5) For flower seed in packets prepared for use in home
1876 gardens or household plantings or flower seed in preplanted
1877 containers, mats, tapes, or other planting devices: FOR FLOWER
1878 SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD
1879 PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,
1880 OR OTHER PLANTING DEVICES.—

1881 (a) For all kinds of flower seed:

1882 1. The name of the kind and variety or a statement of type
1883 and performance characteristics as prescribed in the rules and
1884 regulations adopted ~~promulgated~~ under the provisions of this
1885 chapter.

1886 2. Germination test date, identified in the following
1887 manner:

1888 a. The calendar month and year the germination test was
1889 completed and the statement "Sell by ...(month/year)..." The
1890 sell by date must be no more than 12 months from the date of
1891 test, beginning with the month after the test date;

1892 b. The year for which the seed was packed for sale as
1893 "Packed for ...(year)..." and the statement "Sell by
1894 ...(year)..." which shall be for a calendar year; or

1895 c. The calendar month and year the test was completed,
1896 provided that the germination test must have been completed



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1897 within the previous 12 months, exclusive of the calendar month
1898 of test.

1899 ~~2. The calendar month and year the seed was tested or the~~
1900 ~~year for which the seed was packaged.~~

1901 3. The name and address of the person who labeled said
1902 seed, or who sells, offers, or exposes said seed for sale within
1903 this state.

1904 (b) For seed of those kinds for which standard testing
1905 procedures are prescribed and which germinate less than the
1906 germination standard last established under the provisions of
1907 this chapter:

1908 1. The percentage of germination exclusive of hard or
1909 dormant seed.

1910 2. Percentage of hard or dormant seed, if present.

1911 3. The words "Below Standard" prominently displayed in not
1912 ~~less than 8 point type.~~

1913 (c) For seed placed in a germination medium, mat, tape, or
1914 other device in such a way as to make it difficult to determine
1915 the quantity of seed without removing the seed from the medium,
1916 mat, tape, or device, a statement to indicate the minimum number
1917 of seed in the container.

1918 ~~(8)(6) For flower seed in containers other than packets and~~
1919 ~~other than preplanted containers, mats, tapes, or other planting~~
1920 ~~devices and not prepared for use in home flower gardens or~~
1921 ~~household plantings: FOR FLOWER SEED IN CONTAINERS OTHER THAN~~
1922 ~~PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD~~
1923 ~~PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR~~
1924 ~~OTHER PLANTING DEVICES.~~

1925 (a) The name of the kind and variety, and for wildflowers,



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1926 the genus and species and subspecies, if appropriate ~~or a~~
1927 ~~statement of type and performance characteristics as prescribed~~
1928 ~~in rules and regulations promulgated under the provisions of~~
1929 ~~this chapter.~~

1930 (b) Net weight or seed count.

1931 (c) ~~(b)~~ The Lot number or other lot identification.

1932 (d) For flower seed with a pure seed percentage of less
1933 than 90 percent:

1934 1. Percentage, by weight, of each component listed in order
1935 of its predominance.

1936 2. Percentage by weight of weed seed, if present.

1937 3. Percentage by weight of other crop seed.

1938 4. Percentage by weight of inert matter.

1939 (e) For those kinds of seed for which standard testing
1940 procedures are prescribed:

1941 1. Percentage germination exclusive of hard or dormant
1942 seed.

1943 2. Percentage of hard or dormant seed, if present.

1944 3. ~~(e)~~ The calendar month and year that the test was
1945 completed. The germination test must have been completed within
1946 the previous 9 months, exclusive of the calendar month of test.

1947 (f) For those kinds of seed for which standard testing
1948 procedures are not available, the year of production or
1949 collection ~~seed were tested or the year for which the seed were~~
1950 ~~packaged.~~

1951 (g) ~~(d)~~ The name and address of the person who labeled said
1952 seed or who sells, offers, or exposes said seed for sale within
1953 this state.

1954 ~~(e) For those kinds of seed for which standard testing~~



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1955 ~~procedures are prescribed:~~
1956 ~~1. The percentage germination exclusive of hard seed.~~
1957 ~~2. The percentage of hard seed, if present.~~
1958 (h) (f) For those seeds which germinate less than the
1959 standard last established by the department, the words "Below
1960 Standard" prominently displayed in not less than 8 point type
1961 must be printed or written in ink on the face of the tag.
1962 (9) For tree or shrub seed:
1963 (a) Common name of the species of seed and, if appropriate,
1964 subspecies.
1965 (b) The scientific name of the genus, species, and, if
1966 appropriate, subspecies.
1967 (c) Lot number or other lot identification.
1968 (d) Net weight or seed count.
1969 (e) Origin, indicated in the following manner:
1970 1. For seed collected from a predominantly indigenous
1971 stand, the area of collection given by latitude and longitude or
1972 geographic description, or political subdivision, such as state
1973 or county.
1974 2. For seed collected from other than a predominantly
1975 indigenous stand, the area of collection and the origin of the
1976 stand or the statement "Origin not Indigenous".
1977 3. The elevation or the upper and lower limits of
1978 elevations within which the seed was collected.
1979 (f) Purity as a percentage of pure seed by weight.
1980 (g) For those species for which standard germination
1981 testing procedures are prescribed by the department:
1982 1. Percentage germination exclusive of hard or dormant
1983 seed.



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1984 2. Percentage of hard or dormant seed, if present.
1985 3. The calendar month and year test was completed, provided
1986 that the germination test must have been completed within the
1987 previous 12 months, exclusive of the calendar month of test.
1988 (h) In lieu of subparagraphs (g)1., 2., and 3., the seed
1989 may be labeled "Test is in progress; results will be supplied
1990 upon request."
1991 (i) For those species for which standard germination
1992 testing procedures have not been prescribed by the department,
1993 the calendar year in which the seed was collected.
1994 (j) The name and address of the person who labeled the seed
1995 or who sells, offers, or exposes the seed for sale within this
1996 state.
1997 ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG. The~~
1998 ~~department shall have the authority to prescribe a uniform~~
1999 ~~analysis tag required by this section.~~
2000
2001 The information required by this section to be placed on labels
2002 attached to seed containers may not be modified or denied in the
2003 labeling or on another label attached to the container. However,
2004 labeling of seed supplied under a contractual agreement may be
2005 by invoice accompanying the shipment or by an analysis tag
2006 attached to the invoice if each bag or other container is
2007 clearly identified by a lot number displayed on the bag or other
2008 container. Each bag or container that is not so identified must
2009 carry complete labeling.
2010 Section 43. Section 578.091, Florida Statutes, is repealed.
2011 Section 44. Subsections (2) and (3) of section 578.10,
2012 Florida Statutes, are amended to read:



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578.10 Exemptions.—
(2) The provisions of ss. 578.09 and 578.13 do not apply to:
(a) ~~To~~ Seed or grain not intended for sowing or planting purposes.
(b) ~~To~~ Seed stored in storage in, consigned to, or being transported to seed cleaning or processing establishments for cleaning or processing only. Any labeling or other representation which may be made with respect to the unclean seed is shall be subject to this law.
(c) Seed under development or maintained exclusively for research purposes.
(3) If seeds cannot be identified by examination thereof, a person is not subject to the criminal penalties of this chapter for having sold or offered for sale seeds subject to this chapter which were incorrectly labeled or represented as to kind, species, and, if appropriate, subspecies, variety, type, or origin, elevation, and, if required, year of collection unless he or she has failed to obtain an invoice, genuine grower's or tree seed collector's declaration, or other labeling information and to take such other precautions as may be reasonable to ensure the identity of the seeds to be as stated by the grower. A genuine grower's declaration of variety must affirm that the grower holds records of proof of identity concerning parent seed, such as invoice and labels ~~No person shall be subject to the criminal penalties of this law for having sold, offered, exposed, or distributed for sale in this state any agricultural, vegetable, or forest tree seed which were incorrectly labeled or represented as to kind and variety~~



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2042 ~~or origin, which seed cannot be identified by examination~~
2043 ~~thereof, unless she or he has failed to obtain an invoice or~~
2044 ~~grower's declaration giving kind and variety and origin.~~

2045 Section 45. Section 578.11, Florida Statutes, is amended to
2046 read:

2047 578.11 Duties, authority, and rules of the department.—

2048 (1) The duty of administering this law and enforcing its
2049 provisions and requirements shall be vested in the Department of
2050 Agriculture and Consumer Services, which is hereby authorized to
2051 employ such agents and persons as in its judgment shall be
2052 necessary therefor. It shall be the duty of the department,
2053 which may act through its authorized agents, to sample, inspect,
2054 make analyses of, and test agricultural, vegetable, flower, ~~or~~
2055 ~~forest tree, or shrub~~ seed transported, sold, offered or exposed
2056 for sale, or distributed within this state for sowing or
2057 planting purposes, at such time and place and to such extent as
2058 it may deem necessary to determine whether said agricultural,
2059 vegetable, flower, ~~or forest tree, or shrub~~ seed are in
2060 compliance with the provisions of this law, and to notify
2061 promptly the person who transported, distributed, sold, offered
2062 or exposed the seed for sale, of any violation.

2063 (2) The department is authorized to:

2064 (a) ~~To~~ Enforce this chapter ~~act~~ and prescribe the methods
2065 of sampling, inspecting, testing, and examining agricultural,
2066 vegetable, flower, ~~or forest tree, or shrub~~ seed.

2067 (b) ~~To~~ Establish standards and tolerances to be followed in
2068 the administration of this law, which shall be in general accord
2069 with officially prescribed practices in interstate commerce.

2070 (c) ~~To~~ Prescribe uniform labels.



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2071 (d) ~~To~~ Adopt prohibited and restricted noxious weed seed
2072 lists.

2073 (e) ~~To~~ Prescribe limitations for each restricted noxious
2074 weed to be used in enforcement of this chapter ~~act~~ and to add or
2075 subtract therefrom from time to time as the need may arise.

2076 (f) ~~To~~ Make commercial tests of seed and to fix and collect
2077 charges for such tests.

2078 (g) ~~To~~ List the kinds of flower, ~~and forest tree,~~ and shrub
2079 seed subject to this law.

2080 (h) ~~To~~ Analyze samples, as requested by a consumer. The
2081 department shall establish, by rule, a fee schedule for
2082 analyzing samples at the request of a consumer. The fees shall
2083 be sufficient to cover the costs to the department for taking
2084 the samples and performing the analysis, not to exceed \$150 per
2085 sample.

2086 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to
2087 implement ~~the provisions of this~~ chapter ~~act~~.

2088 (j) ~~To~~ Establish, by rule, requirements governing aircraft
2089 used for the aerial application of seed, including requirements
2090 for recordkeeping, annual aircraft registration, secure storage
2091 when not in use, area-of-application information, and reporting
2092 any sale, lease, purchase, rental, or transfer of such aircraft
2093 to another person.

2094 (3) For the purpose of carrying out ~~the provisions of this~~
2095 law, the department, through its authorized agents, is
2096 authorized to:

2097 (a) ~~To~~ Enter upon any public or private premises, where
2098 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed
2099 is sold, offered, exposed, or distributed for sale during



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2100 regular business hours, in order to have access to seed subject
2101 to this law and the rules and regulations hereunder.

2102 (b) ~~To~~ Issue and enforce a stop-sale notice or order to the
2103 owner or custodian of any lot of agricultural, vegetable,
2104 flower, ~~or forest tree~~, or shrub seed, which the department
2105 finds or has good reason to believe is in violation of any
2106 provisions of this law, which shall prohibit further sale,
2107 barter, exchange, or distribution of such seed until the
2108 department is satisfied that the law has been complied with and
2109 has issued a written release or notice to the owner or custodian
2110 of such seed. After a stop-sale notice or order has been issued
2111 against or attached to any lot of seed and the owner or
2112 custodian of such seed has received confirmation that the seed
2113 does not comply with this law, she or he has ~~shall have~~ 15 days
2114 beyond the normal test period within which to comply with the
2115 law and obtain a written release of the seed. ~~The provisions of~~
2116 This paragraph may ~~shall~~ not be construed as limiting the right
2117 of the department to proceed as authorized by other sections of
2118 this law.

2119 (c) ~~To~~ Establish and maintain a seed laboratory, employ
2120 seed analysts and other personnel, and incur such other expenses
2121 as may be necessary to comply with these provisions.

2122 Section 46. Section 578.12, Florida Statutes, is amended to
2123 read:

2124 578.12 Stop-sale, stop-use, removal, or hold orders.—When
2125 agricultural, vegetable, flower, ~~or forest tree~~, or shrub seed
2126 is being offered or exposed for sale or held in violation of any
2127 of the provisions of this chapter, the department, through its
2128 authorized representative, may issue and enforce a stop-sale,



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2129 stop-use, removal, or hold order to the owner or custodian of
2130 said seed ordering it to be held at a designated place until the
2131 law has been complied with and said seed is released in writing
2132 by the department or its authorized representative. If seed is
2133 not brought into compliance with this law it shall be destroyed
2134 within 30 days or disposed of by the department in such a manner
2135 as it shall by regulation prescribe.

2136 Section 47. Section 578.13, Florida Statutes, is amended to
2137 read:

2138 578.13 Prohibitions.—

2139 (1) It shall be unlawful for any person to sell, distribute
2140 for sale, offer for sale, expose for sale, handle for sale, or
2141 solicit orders for the purchase of any agricultural, vegetable,
2142 flower, ~~or forest tree, or shrub,~~ seed within this state:

2143 (a) Unless the test to determine the percentage of
2144 germination required by s. 578.09 has ~~shall have~~ been completed
2145 ~~within a period of 7 months, exclusive of the calendar month in~~
2146 ~~which the test was completed,~~ immediately prior to sale,
2147 exposure for sale, offering for sale, or transportation, except
2148 for a germination test for seed in hermetically sealed
2149 containers which is provided for in s. 578.092 ~~s. 578.28~~.

2150 (b) Not labeled in accordance with ~~the provisions of this~~
2151 law, or having false or misleading labeling.

2152 (c) Pertaining to which there has been a false or
2153 misleading advertisement.

2154 (d) Containing noxious weed seeds subject to tolerances and
2155 methods of determination prescribed in the rules and regulations
2156 under this law.

2157 (e) Unless a seed license has been obtained in accordance



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2158 with ~~the provisions of~~ this law.

2159 (f) Unless such seed conforms to the definition of a "lot
2160 ~~of seed.~~"

2161 (2) It shall be unlawful for a ~~any~~ person within this state
2162 to:

2163 (a) ~~To~~ Detach, deface, destroy, or use a second time any
2164 label or tag provided for in this law or in the rules and
2165 regulations made and promulgated hereunder or to alter or
2166 substitute seed in a manner that may defeat the purpose of this
2167 law.

2168 (b) ~~To~~ Disseminate any false or misleading advertisement
2169 concerning agricultural, vegetable, flower, ~~or forest~~ tree, or
2170 shrub seed in any manner or by any means.

2171 (c) ~~To~~ Hinder or obstruct in any way any authorized person
2172 in the performance of her or his duties under this law.

2173 (d) ~~To~~ Fail to comply with a stop-sale order or to move,
2174 handle, or dispose of any lot of seed, or tags attached to such
2175 seed, held under a "stop-sale" order, except with express
2176 permission of the department and for the purpose specified by
2177 the department ~~or seizure order.~~

2178 (e) Label, advertise, or otherwise represent seed subject
2179 to this chapter to be certified seed or any class thereof,
2180 including classes such as "registered seed," "foundation seed,"
2181 "breeder seed" or similar representations, unless:

2182 1. A seed certifying agency determines that such seed
2183 conformed to standards of purity and identify as to the kind,
2184 variety, or species and, if appropriate, subspecies and the seed
2185 certifying agency also determines that tree or shrub seed was
2186 found to be of the origin and elevation claimed, in compliance



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2187 with the rules and regulations of such agency pertaining to such
2188 seed; and

2189 2. The seed bears an official label issued for such seed by
2190 a seed certifying agency certifying that the seed is of a
2191 specified class and specified to the kind, variety, or species
2192 and, if appropriate, subspecies.

2193 (f) Label, by variety name, seed not certified by an
2194 official seed-certifying agency when it is a variety for which a
2195 certificate of plant variety protection under the United States
2196 Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies
2197 sale only as a class of certified seed, except that seed from a
2198 certified lot may be labeled as to variety name when used in a
2199 mixture by, or with the written approval of, the owner of the
2200 variety. ~~To sell, distribute for sale, offer for sale, expose~~
2201 ~~for sale, handle for sale, or solicit orders for the purchase of~~
2202 ~~any agricultural, vegetable, flower, or forest tree seed labeled~~
2203 ~~"certified seed," "registered seed," "foundation seed," "breeder~~
2204 ~~seed," or similar terms, unless it has been produced and labeled~~
2205 ~~under seal in compliance with the rules and regulations of any~~
2206 ~~agency authorized by law.~~

2207 (g) ~~(f)~~ To Fail to keep a complete record, including a file
2208 sample which shall be retained for 1 year after seed is sold, of
2209 each lot of seed and to make available for inspection such
2210 records to the department or its duly authorized agents.

2211 (h) ~~(g)~~ To Use the name of the Department of Agriculture and
2212 Consumer Services or Florida State Seed Laboratory in connection
2213 with analysis tag, labeling advertisement, or sale of any seed
2214 in any manner whatsoever.

2215 Section 48. Section 578.14, Florida Statutes, is repealed.



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2216 Section 49. Subsection (1) of section 578.181, Florida
2217 Statutes, is amended to read:

2218 578.181 Penalties; administrative fine.—

2219 (1) The department may enter an order imposing one or more
2220 of the following penalties against a person who violates this
2221 chapter or the rules adopted under this chapter or who impedes,
2222 obstructs, ~~or~~ hinders, or otherwise attempts to prevent the
2223 department from performing its duty in connection with
2224 performing its duties under this chapter:

2225 (a) For a minor violation, issuance of a warning letter.

2226 (b) For violations other than a minor violation:

2227 1. Imposition of an administrative fine in the Class I
2228 category pursuant to s. 570.971 for each occurrence ~~after the~~
2229 ~~issuance of a warning letter.~~

2230 2. ~~(e)~~ Revocation or suspension of the registration as a
2231 seed dealer.

2232 Section 50. Section 578.23, Florida Statutes, is amended to
2233 read:

2234 578.23 ~~Dealers'~~ Records to be kept available.—Each person
2235 who allows his or her name or brand to appear on the label as
2236 handling agricultural, vegetable, flower, tree, or shrub seeds
2237 subject to this chapter must keep, for 2 years, complete records
2238 of each lot of agricultural, vegetable, flower, tree, or shrub
2239 seed handled, and keep for 1 year after final disposition a file
2240 sample of each lot of seed. All such records and samples
2241 pertaining to the shipment or shipments involved must be
2242 accessible for inspection by the department or its authorized
2243 representative during normal business hours ~~Every seed dealer~~
2244 ~~shall make and keep for a period of 3 years satisfactory records~~



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2245 ~~of all agricultural, vegetable, flower, or forest tree seed~~
2246 ~~bought or handled to be sold, which records shall at all times~~
2247 ~~be made readily available for inspection, examination, or audit~~
2248 ~~by the department. Such records shall also be maintained by~~
2249 ~~persons who purchase seed for production of plants for resale.~~

2250 Section 51. Section 578.26, Florida Statutes, is amended to
2251 read:

2252 578.26 Complaint, investigation, hearings, findings, and
2253 recommendation prerequisite to legal action.—

2254 (1) (a) When any buyer ~~farmer~~ is damaged by the failure of
2255 agricultural, vegetable, flower, ~~or forest tree~~, or shrub seed
2256 planted in this state to produce or perform as represented by
2257 the labeling of such label attached to the seed as required by
2258 s. 578.09, as a prerequisite to her or his right to maintain a
2259 legal action against the dealer from whom the seed was
2260 purchased, the buyer must ~~farmer shall~~ make a sworn complaint
2261 against the dealer alleging damages sustained. The complaint
2262 shall be filed with the department, and a copy of the complaint
2263 shall be served by the department on the dealer by certified
2264 mail, within such time as to permit inspection of the property,
2265 crops, plants, or trees referenced in, or related to, the
2266 buyer's complaint by the seed investigation and conciliation
2267 council or its representatives and by the dealer from whom the
2268 seed was purchased.

2269 (b) For types of claims specified in paragraph (a), the
2270 buyer may not commence legal proceedings against the dealer or
2271 assert such a claim as a counterclaim or defense in any action
2272 brought by the dealer until the findings and recommendations of
2273 the seed investigation and conciliation council are transmitted



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2274 to the complainant and the dealer.

2275 (c) ~~(b)~~ Language setting forth the requirement for filing
2276 and serving the complaint shall be legibly typed or printed on
2277 the analysis label or be attached to the package containing the
2278 seed at the time of purchase by the buyer ~~farmer~~.

2279 (d) ~~(e)~~ A nonrefundable filing fee of \$100 shall be paid to
2280 the department with each complaint filed. However, the
2281 complainant may recover the filing fee cost from the dealer upon
2282 the recommendation of the seed investigation and conciliation
2283 council.

2284 (2) Within 15 days after receipt of a copy of the
2285 complaint, the dealer shall file with the department her or his
2286 answer to the complaint and serve a copy of the answer on the
2287 buyer ~~farmer~~ by certified mail. ~~Upon receipt of the findings and~~
2288 ~~recommendation of the arbitration council, the department shall~~
2289 ~~transmit them to the farmer and to the dealer by certified mail.~~

2290 (3) The department shall refer the complaint and the answer
2291 thereto to the seed investigation and conciliation council
2292 provided in s. 578.27 for investigation, informal hearing,
2293 findings, and recommendation on the matters complained of.

2294 (a) Each party must ~~shall~~ be allowed to present its side of
2295 the dispute at an informal hearing before the seed investigation
2296 and conciliation council. Attorneys may be present at the
2297 hearing to confer with their clients. However, no attorney may
2298 participate directly in the proceeding.

2299 (b) Hearings, including the deliberations of the seed
2300 investigation and conciliation council, must ~~shall~~ be open to
2301 the public.

2302 (c) Within 30 days after completion of a hearing, the seed



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2303 investigation and conciliation council shall transmit its
2304 findings and recommendations to the department. Upon receipt of
2305 the findings and recommendation of the seed investigation and
2306 conciliation council, the department shall transmit them to the
2307 buyer farmer and to the dealer by certified mail.

2308 (4) The department shall provide administrative support for
2309 the seed investigation and conciliation council and shall mail a
2310 copy of the council's procedures to each party upon receipt of a
2311 complaint by the department.

2312 Section 52. Subsections (1), (2), and (4) of section
2313 578.27, Florida Statutes, are amended to read:

2314 578.27 Seed investigation and conciliation council;
2315 composition; purpose; meetings; duties; expenses.—

2316 (1) The Commissioner of Agriculture shall appoint a seed
2317 investigation and conciliation council composed of seven members
2318 ~~and seven alternate members~~, one member ~~and one alternate~~ to be
2319 appointed upon the recommendation of each of the following: the
2320 deans of extension and research, Institute of Food and
2321 Agricultural Sciences, University of Florida; president of the
2322 Florida Seed ~~Seedsman and Garden Supply~~ Association; president
2323 of the Florida Farm Bureau Federation; and the president of the
2324 Florida Fruit and Vegetable Association. The Commissioner of
2325 Agriculture shall appoint a representative ~~and an alternate~~ from
2326 the agriculture industry at large and from the Department of
2327 Agriculture and Consumer Services. Each member shall be
2328 appointed for a term of 4 years or less and shall serve until
2329 his or her successor is appointed ~~Initially, three members and~~
2330 ~~their alternates shall be appointed for 4-year terms and four~~
2331 ~~members and their alternates shall be appointed for 2-year~~



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2332 ~~terms. Thereafter, members and alternates shall be appointed for~~
2333 ~~4-year terms. Each alternate member shall serve only in the~~
2334 ~~absence of the member for whom she or he is an alternate. A~~
2335 ~~vacancy shall be filled for the remainder of the unexpired term~~
2336 ~~in the same manner as the original appointment. The council~~
2337 ~~shall annually elect a chair from its membership. It shall be~~
2338 ~~the duty of the chair to conduct all meetings and deliberations~~
2339 ~~held by the council and to direct all other activities of the~~
2340 ~~council. The department representative shall serve as secretary~~
2341 ~~of the council. It shall be the duty of the secretary to keep~~
2342 ~~accurate and correct records on all meetings and deliberations~~
2343 ~~and perform other duties for the council as directed by the~~
2344 ~~chair.~~

2345 (2) The purpose of the seed investigation and conciliation
2346 council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed
2347 dealers in determining the validity of seed complaints made by
2348 buyers ~~farmers~~ against dealers and recommend a settlement, when
2349 appropriate, ~~cost damages~~ resulting from the alleged failure of
2350 the seed to produce or perform as represented by the label of
2351 such ~~on the~~ seed package.

2352 (4) (a) When the department refers to the seed investigation
2353 and conciliation council any complaint made by a buyer ~~farmer~~
2354 against a dealer, the ~~said~~ council must ~~shall~~ make a full and
2355 complete investigation of the matters complained of and at the
2356 conclusion of the ~~said~~ investigation must ~~shall~~ report its
2357 findings and make its recommendation ~~of cost damages~~ and file
2358 same with the department.

2359 (b) In conducting its investigation, the seed investigation
2360 and conciliation council or any representative, member, or



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2361 members thereof are authorized to examine the buyer's property,
2362 crops, plants, or trees referenced in or relating to the
2363 complaint ~~farmer on her or his farming operation of which she or~~
2364 ~~he complains~~ and the dealer on her or his packaging, labeling,
2365 and selling operation of the seed alleged to be faulty; to grow
2366 to production a representative sample of the alleged faulty seed
2367 through the facilities of the state, under the supervision of
2368 the department when such action is deemed to be necessary; to
2369 hold informal hearings at a time and place directed by the
2370 department or by the chair of the council upon reasonable notice
2371 to the buyer ~~farmer~~ and the dealer.

2372 (c) Any investigation made by less than the whole
2373 membership of the council must ~~shall~~ be by authority of a
2374 written directive by the department or by the chair, and such
2375 investigation must ~~shall~~ be summarized in writing and considered
2376 by the council in reporting its findings and making its
2377 recommendation.

2378 Section 53. Section 578.28, Florida Statutes, is renumbered
2379 as section 578.092, Florida Statutes, and amended to read:

2380 578.092 ~~578.28~~ Seed in hermetically sealed containers.—The
2381 period of validity of germination tests is extended to the
2382 following periods for seed packaged in hermetically sealed
2383 containers, under conditions and label requirements set forth in
2384 this section:

2385 (1) GERMINATION TESTS.—The germination test for
2386 agricultural and vegetable seed must ~~shall~~ have been completed
2387 within the following periods, exclusive of the calendar month in
2388 which the test was completed, immediately prior to shipment,
2389 delivery, transportation, or sale:



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2390 (a) In the case of agricultural or vegetable seed shipped,
2391 delivered, transported, or sold to a dealer for resale, 18
2392 months;

2393 (b) In the case of agricultural or vegetable seed for sale
2394 or sold at retail, 24 months.

2395 (2) CONDITIONS OF PACKAGING.—The following conditions are
2396 considered as minimum:

2397 (a) *Hermetically sealed packages or containers.*—A
2398 container, to be acceptable under the provisions of this
2399 section, shall not allow water vapor penetration through any
2400 wall, including the wall seals, greater than 0.05 gram of water
2401 per 24 hours per 100 square inches of surface at 100 °F. with a
2402 relative humidity on one side of 90 percent and on the other of
2403 0 percent. Water vapor penetration (WVP) is measured by the
2404 standards of the National Institute of Standards and Technology
2405 as: gm H₂O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent
2406 RH.

2407 (b) *Moisture of seed packaged.*—The moisture of agricultural
2408 or vegetable seed subject to the provisions of this section
2409 shall be established by rule of the department.

2410 (3) LABELING REQUIRED.—In addition to the labeling required
2411 by s. 578.09, seed packaged under the provisions of this section
2412 shall be labeled with the following information:

2413 (a) Seed has been preconditioned as to moisture content.

2414 (b) Container is hermetically sealed.

2415 (c) "Germination test valid until (month, year)" may be
2416 used. (Not to exceed 24 months from date of test).

2417 Section 54. Section 578.29, Florida Statutes, is created to
2418 read:



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2419 578.29 Prohibited noxious weed seed.—Seeds meeting the
2420 definition of prohibited noxious weed seed under s. 578.011, may
2421 not be present in agricultural, vegetable, flower, tree, or
2422 shrub seed offered or exposed for sale in this state.

2423 Section 55. Subsection (1) of section 590.02, Florida
2424 Statutes, is amended to read:

2425 590.02 Florida Forest Service; powers, authority, and
2426 duties; liability; building structures; Withlacoochee Training
2427 Center.—

2428 (1) The Florida Forest Service has the following powers,
2429 authority, and duties to:

2430 (a) ~~To~~ Enforce the provisions of this chapter;

2431 (b) ~~To~~ Prevent, detect, and suppress wildfires wherever
2432 they may occur on public or private land in this state and to do
2433 all things necessary in the exercise of such powers, authority,
2434 and duties;

2435 (c) ~~To~~ Provide firefighting crews, who shall be under the
2436 control and direction of the Florida Forest Service and its
2437 designated agents;

2438 (d) ~~To~~ Appoint center managers, forest area supervisors,
2439 forestry program administrators, a forest protection bureau
2440 chief, a forest protection assistant bureau chief, a field
2441 operations bureau chief, deputy chiefs of field operations,
2442 district managers, forest operations administrators, senior
2443 forest rangers, investigators, forest rangers, firefighter
2444 rotorcraft pilots, and other employees who may, at the Florida
2445 Forest Service's discretion, be certified as forestry
2446 firefighters pursuant to s. 633.408(8). Other law
2447 notwithstanding, center managers, district managers, forest



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2448 protection assistant bureau chief, and deputy chiefs of field
2449 operations have ~~shall have~~ Selected Exempt Service status in the
2450 state personnel designation;

2451 (e) ~~To~~ Develop a training curriculum for forestry
2452 firefighters which must contain the basic volunteer structural
2453 fire training course approved by the Florida State Fire College
2454 of the Division of State Fire Marshal and a minimum of 250 hours
2455 of wildfire training;

2456 (f) Pay the cost of the initial commercial driver license
2457 examination fee for those employees whose position requires them
2458 to operate equipment requiring a license. This paragraph is
2459 intended to be an authorization to the department to pay such
2460 costs, not an obligation ~~To make rules to accomplish the~~
2461 ~~purposes of this chapter;~~

2462 (g) ~~To~~ Provide fire management services and emergency
2463 response assistance and to set and charge reasonable fees for
2464 performance of those services. Moneys collected from such fees
2465 shall be deposited into the Incidental Trust Fund of the Florida
2466 Forest Service;

2467 (h) ~~To~~ Require all state, regional, and local government
2468 agencies operating aircraft in the vicinity of an ongoing
2469 wildfire to operate in compliance with the applicable state
2470 Wildfire Aviation Plan; ~~and~~

2471 (i) ~~To~~ Authorize broadcast burning, prescribed burning,
2472 pile burning, and land clearing debris burning to carry out the
2473 duties of this chapter and the rules adopted thereunder; and

2474 (j) Make rules to accomplish the purposes of this chapter.

2475 Section 56. Section 817.417, Florida Statutes, is created
2476 to read:



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2477 817.417 Government Impostor and Deceptive Advertisement

2478 Act.—

2479 (1) SHORT TITLE.—This act may be cited as the “Government
2480 Impostor and Deceptive Advertisements Act.”

2481 (2) DEFINITIONS.—As used in this section:

2482 (a) “Advertisement” means any representation disseminated
2483 in any manner or by any means, other than by a label, for the
2484 purpose of inducing, or which is reasonably likely to induce,
2485 directly or indirectly, a purchase.

2486 (b) “Department” means the Department of Agriculture and
2487 Consumer Services.

2488 (c) “Governmental entity” means a political subdivision or
2489 agency of any state, possession, or territory of the United
2490 States, or the Federal Government, including, but not limited
2491 to, a board, a department, an office, an agency, a military
2492 veteran entity, or a military or veteran service organization by
2493 whatever name known.

2494 (3) DUTIES AND RESPONSIBILITIES.—The department has the
2495 duty and responsibility to:

2496 (a) Investigate potential violations of this section.

2497 (b) Request and obtain information regarding potential
2498 violations of this section.

2499 (c) Seek compliance with this section.

2500 (d) Enforce this section.

2501 (e) Adopt rules necessary to administer this section.

2502 (4) VIOLATIONS.—Each occurrence of the following acts or
2503 practices constitute a violation of this section:

2504 (a) Disseminating an advertisement that:

2505 1. Simulates a summons, complaint, jury notice, or other



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2506 court, judicial, or administrative process of any kind.
2507 2. Represents, implies, or otherwise engages in an action
2508 that may reasonably cause confusion that the person using or
2509 employing the advertisement is a part of or associated with a
2510 governmental entity, when such is not true.
2511 (b) Representing, implying, or otherwise reasonably causing
2512 confusion that goods, services, an advertisement, or an offer
2513 was disseminated by or has been approved, authorized, or
2514 endorsed, in whole or in part, by a governmental entity, when
2515 such is not true.
2516 (c) Using or employing language, symbols, logos,
2517 representations, statements, titles, names, seals, emblems,
2518 insignia, trade or brand names, business or control tracking
2519 numbers, website or e-mail addresses, or any other term, symbol,
2520 or other content that represents or implies or otherwise
2521 reasonably causes confusion that goods, services, an
2522 advertisement, or an offer is from a governmental entity, when
2523 such is not true.
2524 (d) Failing to provide the disclosures as required in
2525 subsections (5) or (6).
2526 (e) Failing to timely submit to the department written
2527 responses and answers to its inquiries concerning alleged
2528 practices inconsistent with, or in violation of, this section.
2529 Responses or answers may include, but are not limited to, copies
2530 of customer lists, invoices, receipts, or other business
2531 records.
2532 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.—
2533 (a) Any person offering documents that are available free
2534 of charge or at a lesser price from a governmental entity must



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2535 provide the notice specified in paragraph (b) on advertisements
2536 as follows:

2537 1. For printed or written advertisements, notice must be in
2538 the same font size, color, style, and visibility as primarily
2539 used elsewhere on the page or envelope and displayed as follows:

2540 a. On the outside front of any mailing envelope used in
2541 disseminating the advertisement.

2542 b. At the top of each printed or written page used in the
2543 advertisement.

2544 2. For electronic advertisements, notice must be in the
2545 same font size, color, style, and visibility as the body text
2546 primarily used in the e-mail or web page and displayed as
2547 follows:

2548 a. At the beginning of each e-mail message, before any
2549 offer or other substantive information.

2550 b. In a prominent location on each web page, such as the
2551 top of each page or immediately following the offer or other
2552 substantive information on the page.

2553 (b) Advertisements specified in paragraph (a) must include
2554 the following disclosure:

2555 "IMPORTANT NOTICE:

2557
2558 The documents offered by this advertisement are available to
2559 Florida consumers free of charge or for a lesser price from
2560 ...(insert name, telephone number, and mailing address of the
2561 applicable governmental entity).... You are NOT required to
2562 purchase anything from this company and the company is NOT
2563 affiliated, endorsed, or approved by any governmental entity.



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2564 The item offered in this advertisement has NOT been approved or
2565 endorsed by any governmental agency, and this offer is NOT being
2566 made by an agency of the government."

2567

2568 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.-

2569 (a) Any person disseminating an advertisement that includes
2570 a form or template to be completed by the consumer with the
2571 claim that such form or template will assist the consumer in
2572 complying with a legal filing or record retention requirement
2573 must provide the notice specified in paragraph (b) on
2574 advertisements as follows:

2575 1. For printed or written advertisements, the notice must
2576 be in the same font size, color, style, and visibility as
2577 primarily used elsewhere on the page or envelope and displayed
2578 as follows:

2579 a. On the outside front of any mailing envelope used in
2580 disseminating the advertisement.

2581 b. At the top of each printed or written page used in the
2582 advertisement.

2583 2. For electronic advertisements, the notice must be in the
2584 same font size, color, style, and visibility as the body text
2585 primarily used in the e-mail or web page and displayed as
2586 follows:

2587 a. At the beginning of each e-mail message, before any
2588 offer or other substantive information.

2589 b. In a prominent location on each web page, such as the
2590 top of each page or immediately following the offer or other
2591 substantive information on the page.

2592 (b) Advertisements specified in paragraph (a) must include



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2593 the following disclosure:

2594

2595 "IMPORTANT NOTICE:

2596

2597 You are NOT required to purchase anything from this company and
2598 the company is NOT affiliated, endorsed, or approved by any
2599 governmental entity. The item offered in this advertisement has
2600 NOT been approved or endorsed by any governmental agency, and
2601 this offer is NOT being made by an agency of the government."

2602

2603 (7) PENALTIES.-

2604 (a) Any person substantially affected by a violation of
2605 this section may bring an action in a court of proper
2606 jurisdiction to enforce the provisions of this section. A person
2607 prevailing in a civil action for a violation of this section
2608 shall be awarded costs, including reasonable attorney fees, and
2609 may be awarded punitive damages in addition to actual damages
2610 proven. This provision is in addition to any other remedies
2611 prescribed by law.

2612 (b) The department may bring one or more of the following
2613 for a violation of this section:

2614 1. A civil action in circuit court for:

2615 a. Temporary or permanent injunctive relief to enforce this
2616 section.

2617 b. For printed advertisements and e-mail, a fine of up to
2618 \$1,000 for each separately addressed advertisement or message
2619 containing content in violation of paragraphs (4) (a)-(d)
2620 received by or addressed to a state resident.

2621 c. For websites, a fine of up to \$5,000 for each day a



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2622 website, with content in violation of paragraphs (4) (a)-(d), is
2623 published and made available to the general public.

2624 d. For violations of paragraph (4) (e), a fine of up to
2625 \$5,000 for each violation.

2626 e. Recovery of restitution and damages on behalf of persons
2627 substantially affected by a violation of this section.

2628 f. The recovery of court costs and reasonable attorney
2629 fees.

2630 2. An action for an administrative fine in the Class III
2631 category pursuant to s. 570.971 for each act or omission which
2632 constitutes a violation under this section.

2633 (c) The department may terminate any investigation or
2634 action upon agreement by the alleged offender to pay a
2635 stipulated fine, make restitution, pay damages to customers, or
2636 satisfy any other relief authorized by this section.

2637 (d) In addition to any remedies or penalties set forth in
2638 this section, any person who violates paragraphs (4) (a)-(d)
2639 also commits an unfair or deceptive trade practice in violation
2640 of part II of chapter 501 and is subject to the penalties and
2641 remedies imposed for such violation.

2642 Section 57. Paragraph (m) of subsection (3) of section
2643 489.105, Florida Statutes, is amended to read:

2644 489.105 Definitions.—As used in this part:

2645 (3) "Contractor" means the person who is qualified for, and
2646 is only responsible for, the project contracted for and means,
2647 except as exempted in this part, the person who, for
2648 compensation, undertakes to, submits a bid to, or does himself
2649 or herself or by others construct, repair, alter, remodel, add
2650 to, demolish, subtract from, or improve any building or



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2651 structure, including related improvements to real estate, for
2652 others or for resale to others; and whose job scope is
2653 substantially similar to the job scope described in one of the
2654 paragraphs of this subsection. For the purposes of regulation
2655 under this part, the term "demolish" applies only to demolition
2656 of steel tanks more than 50 feet in height; towers more than 50
2657 feet in height; other structures more than 50 feet in height;
2658 and all buildings or residences. Contractors are subdivided into
2659 two divisions, Division I, consisting of those contractors
2660 defined in paragraphs (a)-(c), and Division II, consisting of
2661 those contractors defined in paragraphs (d)-(q):

2662 (m) "Plumbing contractor" means a contractor whose services
2663 are unlimited in the plumbing trade and includes contracting
2664 business consisting of the execution of contracts requiring the
2665 experience, financial means, knowledge, and skill to install,
2666 maintain, repair, alter, extend, or, if not prohibited by law,
2667 design plumbing. A plumbing contractor may install, maintain,
2668 repair, alter, extend, or, if not prohibited by law, design the
2669 following without obtaining an additional local regulatory
2670 license, certificate, or registration: sanitary drainage or
2671 storm drainage facilities, water and sewer plants and
2672 substations, venting systems, public or private water supply
2673 systems, septic tanks, drainage and supply wells, swimming pool
2674 piping, irrigation systems, and solar heating water systems and
2675 all appurtenances, apparatus, or equipment used in connection
2676 therewith, including boilers and pressure process piping and
2677 including the installation of water, natural gas, liquefied
2678 petroleum gas and related venting, and storm and sanitary sewer
2679 lines. The scope of work of the plumbing contractor also



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2680 includes the design, if not prohibited by law, and installation,
2681 maintenance, repair, alteration, or extension of air-piping,
2682 vacuum line piping, oxygen line piping, nitrous oxide piping,
2683 and all related medical gas systems; fire line standpipes and
2684 fire sprinklers if authorized by law; ink and chemical lines;
2685 fuel oil and gasoline piping and tank and pump installation,
2686 except bulk storage plants; and pneumatic control piping
2687 systems, all in a manner that complies with all plans,
2688 specifications, codes, laws, and regulations applicable. The
2689 scope of work of the plumbing contractor applies to private
2690 property and public property, including any excavation work
2691 incidental thereto, and includes the work of the specialty
2692 plumbing contractor. Such contractor shall subcontract, with a
2693 qualified contractor in the field concerned, all other work
2694 incidental to the work but which is specified as being the work
2695 of a trade other than that of a plumbing contractor. This
2696 definition does not limit the scope of work of any specialty
2697 contractor certified pursuant to s. 489.113(6) and does not
2698 require certification or registration under this part as a
2699 category I liquefied petroleum gas dealer, or category V LP gas
2700 installer, as defined in s. 527.01, ~~or specialty installer~~ who
2701 is licensed under chapter 527 or an authorized employee of a
2702 public natural gas utility or of a private natural gas utility
2703 regulated by the Public Service Commission when disconnecting
2704 and reconnecting water lines in the servicing or replacement of
2705 an existing water heater. A plumbing contractor may perform
2706 drain cleaning and clearing and install or repair rainwater
2707 catchment systems; however, a mandatory licensing requirement is
2708 not established for the performance of these specific services.



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2709 Section 58. Subsection (3) of section 527.06, Florida
2710 Statutes, is reenacted to read:

2711 527.06 Rules.—

2712 (3) Rules in substantial conformity with the published
2713 standards of the National Fire Protection Association (NFPA) are
2714 deemed to be in substantial conformity with the generally
2715 accepted standards of safety concerning the same subject matter.

2716 Section 59. This act shall take effect July 1, 2018.

2717
2718 ===== T I T L E A M E N D M E N T =====

2719 And the title is amended as follows:

2720 Delete everything before the enacting clause
2721 and insert:

2722 A bill to be entitled
2723 An act relating to the Department of Agriculture and
2724 Consumer Services; amending s. 193.461, F.S.;
2725 specifying a methodology for the assessment of certain
2726 structures used in citrus production; amending s.
2727 379.361, F.S.; transferring authority to issue
2728 licenses for oyster harvesting in Apalachicola Bay
2729 from the department to the City of Apalachicola;
2730 revising the disposition and permitted uses of license
2731 proceeds; amending s. 487.041, F.S.; deleting obsolete
2732 provisions; deleting a requirement that all pesticide
2733 registration fees be submitted electronically;
2734 amending s. 496.415, F.S.; prohibiting the comingling
2735 of funds in connection with the planning, conduct, or
2736 execution of any solicitation or charitable or sponsor
2737 sales promotion; amending s. 496.418, F.S.; revising



2738 recordkeeping and accounting requirements for
2739 solicitations of funds; specifying a rebuttable
2740 presumption under certain circumstances; amending s.
2741 500.459, F.S.; revising permitting requirements and
2742 operating standards for water vending machines;
2743 amending s. 501.059, F.S.; revising the term
2744 "telephonic sales call" to include voicemail
2745 transmissions; defining the term "voicemail
2746 transmission"; prohibiting the transmission of
2747 voicemails to specified persons who communicate to a
2748 telephone solicitor that they would not like to
2749 receive certain voicemail solicitations or requests
2750 for donations; requiring a solicitor to ensure that if
2751 a telephone number is available through a caller
2752 identification system, that telephone number must be
2753 capable of receiving calls and must connect the
2754 original call recipient to the solicitor; revising
2755 civil penalties; creating s. 501.6175, F.S.;
2756 specifying recordkeeping requirements for commercial
2757 telephone sellers; amending s. 501.912, F.S.; revising
2758 terms; amending s. 501.913, F.S.; authorizing
2759 antifreeze brands to be registered for a specified
2760 period; deleting a provision relating to the
2761 registration of brands that are no longer in
2762 production; specifying a certified report requirement
2763 for first-time applications; amending s. 501.917,
2764 F.S.; revising department sampling and analysis
2765 requirements for antifreeze; specifying that the
2766 certificate of analysis is prima facie evidence of the



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2767 facts stated therein; amending s. 501.92, F.S.;

2768 revising when the department may require an antifreeze

2769 formula for analysis; amending s. 525.07, F.S.;

2770 authorizing the department to seize skimming devices

2771 without a warrant; amending s. 526.304, F.S.;

2772 authorizing the department to temporarily suspend

2773 enforcement, for specified purposes during states of

2774 emergency, of certain provisions relating to predatory

2775 practices in the retail sale of motor fuel; amending

2776 s. 526.305, F.S.; authorizing the department to

2777 temporarily suspend enforcement, for specified

2778 purposes during states of emergency, of certain

2779 provisions relating to discriminatory practices in

2780 sale of motor fuel; amending s. 526.51, F.S.; revising

2781 application requirements and fees for brake fluid

2782 brands; deleting a provision relating to the

2783 registration of brands that are no longer in

2784 production; amending s. 526.53, F.S.; revising

2785 department sampling and analysis requirements for

2786 brake fluid; specifying that the certificate of

2787 analysis is prima facie evidence of the facts stated

2788 therein; amending s. 527.01, F.S.; revising terms;

2789 amending s. 527.02, F.S.; revising the persons subject

2790 to liquefied petroleum business licensing provisions;

2791 revising such licensing fees and requirements;

2792 revising reporting and fee requirements for certain

2793 material changes to license information; deleting a

2794 provision authorizing license transfers; amending s.

2795 527.0201, F.S.; revising the persons subject to



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2796 liquefied petroleum qualifier competency examination,
2797 registry, supervisory, and employment requirements;
2798 revising the expiration of qualifier registrations;
2799 revising the persons subject to master qualifier
2800 requirements; revising master qualifier application
2801 requirements; deleting provisions specifying that a
2802 failure to replace master qualifiers within certain
2803 periods constitutes grounds for license revocation;
2804 deleting a provision relating to facsimile
2805 transmission of duplicate licenses; amending s.
2806 527.021, F.S.; revising the circumstances under which
2807 liquefied petroleum gas bulk delivery vehicles must be
2808 registered with the department; amending s. 527.03,
2809 F.S.; authorizing certain liquefied petroleum gas
2810 registrations to be renewed for 2 or 3 years; deleting
2811 certain renewal period requirements; amending s.
2812 527.04, F.S.; revising the persons required to provide
2813 the department with proof of insurance; revising the
2814 required payee for a bond in lieu of such insurance;
2815 amending s. 527.0605, F.S.; deleting provisions
2816 requiring licensees to submit a site plan and review
2817 fee for liquefied petroleum bulk storage container
2818 locations; amending s. 527.065, F.S.; revising the
2819 circumstances under which a liquefied petroleum gas
2820 licensee must notify the department of an accident;
2821 amending s. 527.067, F.S.; requiring certain liquefied
2822 petroleum gas dealers to provide notice within a
2823 specified period before rendering a consumer's
2824 liquefied petroleum gas equipment or system inoperable



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2825 or discontinuing service; providing an exception;
2826 amending ss. 527.10 and 527.21, F.S.; conforming
2827 provisions to changes made by the act; amending s.
2828 527.22, F.S.; deleting an obsolete provision; amending
2829 s. 531.67, F.S.; extending the expiration date of
2830 certain provisions relating to permits for
2831 commercially operated or tested weights or measures
2832 instruments or devices; amending s. 534.47, F.S.;
2833 revising and providing definitions; amending s.
2834 534.49, F.S.; conforming provisions to changes made by
2835 the act; repealing s. 534.50, F.S., relating to
2836 reporting and notice requirements for dishonored
2837 checks and drafts for payment of livestock purchases;
2838 amending s. 534.501, F.S.; providing that delaying or
2839 failing to make payment for certain livestock is an
2840 unfair and deceptive act; repealing s. 534.51, F.S.,
2841 relating to the prohibition of the filing of
2842 complaints by certain livestock markets; amending s.
2843 534.54, F.S.; providing that purchasers who delay or
2844 fail to render payment for purchased livestock are
2845 liable for certain fees, costs, and expenses;
2846 conforming provisions to changes made by the act;
2847 amending s. 570.07, F.S.; authorizing the department
2848 to waive certain fees during a state of emergency;
2849 amending s. 573.111, F.S.; revising the required
2850 posting location for the issuance of an agricultural
2851 commodity marketing order; amending s. 578.011, F.S.;
2852 revising and defining terms; creating s. 578.012,
2853 F.S.; providing legislative intent; creating a



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2854 preemption of local law relating to regulation of
2855 seed; amending s. 578.08, F.S.; revising application
2856 requirements for the registration of seed dealers;
2857 conforming provisions to changes made by the act;
2858 specifying that a receipt from the department need not
2859 be written to constitute a permit; deleting an
2860 exception to registration requirements for certain
2861 experiment stations; requiring the payment of fees
2862 when packet seed is placed into commerce; amending s.
2863 578.09, F.S.; revising labeling requirements for
2864 agricultural, vegetable, flower, tree, and shrub
2865 seeds; conforming a cross-reference; repealing s.
2866 578.091, F.S., relating to labeling of forest tree
2867 seed; amending s. 578.10, F.S.; revising exemptions to
2868 seed labeling, sale, and solicitation requirements;
2869 amending s. 578.11, F.S.; conforming provisions to
2870 changes made by the act; making technical changes;
2871 amending s. 578.12, F.S.; conforming provisions to
2872 changes made by the act; amending s. 578.13, F.S.;
2873 conforming provisions to changes made by the act;
2874 specifying that it is unlawful to move, handle, or
2875 dispose of seeds or tags under a stop-sale notice or
2876 order without permission from the department;
2877 specifying that it is unlawful to represent seed as
2878 certified except under specified conditions or to
2879 label seed with a variety name under certain
2880 conditions; repealing s. 578.14, F.S., relating to
2881 packet vegetable and flower seed; amending s. 578.181,
2882 F.S.; revising penalties; amending s. 578.23, F.S.;



2883 revising recordkeeping requirements relating to seed
2884 labeling; amending s. 578.26, F.S.; conforming
2885 provisions to changes made by the act; specifying that
2886 certain persons may not commence legal proceedings or
2887 make certain claims against a seed dealer before
2888 certain findings and recommendations are transmitted
2889 by the seed investigation and conciliation council to
2890 the complainant and dealer; deleting a requirement
2891 that the department transmit such findings and
2892 recommendations to complainants and dealers; requiring
2893 the department to mail a copy of the council's
2894 procedures to both parties upon receipt of a
2895 complaint; amending s. 578.27, F.S.; removing
2896 alternate membership from the seed investigation and
2897 conciliation council; revising the terms of members of
2898 the council; conforming provisions to changes made by
2899 the act; revising the purpose of the council; revising
2900 the council's investigatory process; renumbering and
2901 amending s. 578.28, F.S.; making a technical change;
2902 creating s. 578.29, F.S.; prohibiting certain noxious
2903 weed seed from being offered or exposed for sale;
2904 amending s. 590.02, F.S.; authorizing the Florida
2905 Forest Service to pay certain employees' initial
2906 commercial driver license examination fees; creating
2907 s. 817.417, F.S.; providing a short title; defining
2908 terms; specifying department duties and
2909 responsibilities relating to government impostor and
2910 deceptive advertisements; requiring rulemaking by the
2911 department; specifying that it is a violation to



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2912 disseminate certain misleading or confusing
2913 advertisements, to make certain misleading or
2914 confusing representations, to use content implying or
2915 leading to confusion that such content is from a
2916 governmental entity when such is not true, to fail to
2917 provide certain disclosures, and to fail to provide
2918 certain responses and answers to the department;
2919 requiring a person offering documents that are
2920 available free of charge or at a lesser price from a
2921 governmental entity to provide a certain disclosure;
2922 providing penalties; amending s. 489.105, F.S.;
2923 conforming provisions to changes made by the act;
2924 reenacting s. 527.06(3), F.S., relating to published
2925 standards of the National Fire Protection Association;
2926 providing an effective date.