

By Senator Stargel

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 379.361, F.S.;
4 transferring authority to issue licenses for oyster
5 harvesting in Apalachicola Bay from the department to
6 the City of Apalachicola; revising the disposition and
7 permitted uses of license proceeds; amending s.
8 487.041, F.S.; deleting obsolete provisions; deleting
9 a requirement that all pesticide registration fees be
10 submitted electronically; amending s. 493.6105, F.S.;
11 revising the submission requirements for a Class "K"
12 firearm license application; amending s. 493.6113,
13 F.S.; revising submission requirements for a Class "K"
14 firearm license renewal; amending s. 496.415, F.S.;
15 prohibiting the comingling of funds in connection with
16 the planning, conduct, or execution of any
17 solicitation or charitable or sponsor sales promotion;
18 amending s. 496.418, F.S.; revising recordkeeping and
19 accounting requirements for solicitations of funds;
20 amending s. 500.459, F.S.; revising permitting
21 requirements and operating standards for water vending
22 machines; amending s. 501.059, F.S.; revising the term
23 "telephonic sales call"; prohibiting telephone
24 solicitors from initiating certain contact with
25 businesses who previously communicated that they did
26 not wish to be so contacted; creating s. 501.6175,
27 F.S.; specifying recordkeeping requirements for
28 commercial telephone sellers; amending s. 501.912,
29 F.S.; revising terms; amending s. 501.913, F.S.;

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30 authorizing antifreeze brands to be registered for a
31 specified period; deleting a provision relating to the
32 registration of brands that are no longer in
33 production; specifying a certified report requirement
34 for first-time applications; amending s. 501.917,
35 F.S.; revising department sampling and analysis
36 requirements for antifreeze; specifying that the
37 certificate of analysis is prima facie evidence of the
38 facts stated therein; amending s. 501.92, F.S.;
39 revising when the department may require an antifreeze
40 formula for analysis; amending s. 525.07, F.S.;
41 authorizing the department to seize skimming devices
42 without a warrant; amending s. 526.51, F.S.; revising
43 application requirements and fees for brake fluid
44 brands; deleting a provision relating to the
45 registration of brands that are no longer in
46 production; amending s. 526.53, F.S.; revising
47 department sampling and analysis requirements for
48 brake fluid; specifying that the certificate of
49 analysis is prima facie evidence of the facts stated
50 therein; amending s. 527.01, F.S.; revising terms;
51 amending s. 527.02, F.S.; revising the persons subject
52 to liquefied petroleum business licensing provisions;
53 revising such licensing fees and requirements;
54 revising reporting and fee requirements for certain
55 material changes to license information; deleting a
56 provision authorizing license transfers; amending s.
57 527.0201, F.S.; revising the persons subject to
58 liquefied petroleum qualifier competency examination,

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59 registry, supervisory, and employment requirements;
60 revising the expiration of qualifier registrations;
61 revising the persons subject to master qualifier
62 requirements; revising master qualifier application
63 requirements; deleting provisions specifying that a
64 failure to replace master qualifiers within certain
65 periods constitutes grounds for license revocation;
66 deleting a provision relating to facsimile
67 transmission of duplicate licenses; amending s.
68 527.021, F.S.; revising the circumstances under which
69 liquefied petroleum gas bulk delivery vehicles must be
70 registered with the department; amending s. 527.03,
71 F.S.; authorizing certain liquefied petroleum gas
72 registrations to be renewed for 2 or 3 years; deleting
73 certain renewal period requirements; amending s.
74 527.04, F.S.; revising the persons required to provide
75 the department with proof of insurance; revising the
76 required payee for a bond in lieu of such insurance;
77 amending s. 527.0605, F.S.; deleting provisions
78 requiring licensees to submit a site plan and review
79 fee for liquefied petroleum bulk storage container
80 locations; amending s. 527.065, F.S.; revising the
81 circumstances under which a liquefied petroleum gas
82 licensee must notify the department of an accident;
83 amending ss. 527.10 and 527.21, F.S.; conforming
84 provisions to changes made by the act; amending s.
85 527.22, F.S.; deleting an obsolete provision; amending
86 s. 531.67, F.S.; extending the expiration date of
87 certain provisions relating to permits for

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88 commercially operated or tested weights or measures
89 instruments or devices; amending s. 570.07, F.S.;
90 authorizing the department to waive certain fees
91 during a state of emergency; amending s. 573.111,
92 F.S.; revising the required posting location for the
93 issuance of an agricultural commodity marketing order;
94 amending s. 578.011, F.S.; revising and defining
95 terms; creating s. 578.012, F.S.; providing
96 legislative intent; creating a preemption of local law
97 relating to regulation of seed; amending s. 578.08,
98 F.S.; revising application requirements for the
99 registration of seed dealers; conforming provisions to
100 changes made by the act; specifying that a receipt
101 from the department need not be written to constitute
102 a permit; deleting an exception to registration
103 requirements for certain experiment stations;
104 requiring the payment of fees when packet seed is
105 placed into commerce; amending s. 578.09, F.S.;
106 revising labeling requirements for agricultural,
107 vegetable, flower, tree, and shrub seeds; conforming a
108 cross-reference; repealing s. 578.091, F.S., relating
109 to labeling of forest tree seed; amending s. 578.10,
110 F.S.; revising exemptions to seed labeling, sale, and
111 solicitation requirements; amending s. 578.11, F.S.;
112 conforming provisions to changes made by the act;
113 making technical changes; amending s. 578.12, F.S.;
114 conforming provisions to changes made by the act;
115 amending s. 578.13, F.S.; conforming provisions to
116 changes made by the act; specifying that it is

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117 unlawful to move, handle, or dispose of seeds or tags
118 under a stop-sale notice or order without permission
119 from the department; specifying that it is unlawful to
120 represent seed as certified except under specified
121 conditions or to label seed with a variety name under
122 certain conditions; repealing s. 578.14, F.S.,
123 relating to packet vegetable and flower seed; amending
124 s. 578.181, F.S.; revising penalties; amending s.
125 578.23, F.S.; revising recordkeeping requirements
126 relating to seed labeling; amending s. 578.26, F.S.;
127 conforming provisions to changes made by the act;
128 specifying that certain persons may not commence legal
129 proceedings or make certain claims against a seed
130 dealer before certain findings and recommendations are
131 transmitted by the seed investigation and conciliation
132 council to the complainant and dealer; deleting a
133 requirement that the department transmit such findings
134 and recommendations to complainants and dealers;
135 requiring the department to mail a copy of the
136 council's procedures to both parties upon receipt of a
137 complaint; amending s. 578.27, F.S.; removing
138 alternate membership from the seed investigation and
139 conciliation council; revising the terms of members of
140 the council; conforming provisions to changes made by
141 the act; revising the purpose of the council; revising
142 the council's investigatory process; renumbering and
143 amending s. 578.28, F.S.; making a technical change;
144 creating s. 578.29, F.S.; prohibiting certain noxious
145 weed seed from being offered or exposed for sale;

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146 amending s. 590.02, F.S.; authorizing the Florida
147 Forest Service to pay certain employees' initial
148 commercial driver license examination fees; amending
149 s. 790.06, F.S.; revising required department handling
150 of incomplete criminal history information in relation
151 to licensure to carry concealed firearms; revising the
152 required furnished statement to obtain a duplicate or
153 substitute concealed weapon or firearm license;
154 amending s. 790.0625, F.S.; revising required tax
155 collector collection and remittance of firearm license
156 fees; revising the fees which a tax collector may
157 retain; authorizing certain tax collectors to print
158 and deliver certain replacement licenses under certain
159 conditions; authorizing certain tax collectors to
160 offer fingerprinting and photographing services to aid
161 license applicants; creating s. 817.417, F.S.;
162 providing a short title; defining terms; specifying
163 department duties and responsibilities relating to
164 government impostor and deceptive advertisements;
165 requiring rulemaking by the department; specifying
166 that it is a violation to disseminate certain
167 misleading or confusing advertisements, to make
168 certain misleading or confusing representations, to
169 use content implying or leading to confusion that such
170 content is from a governmental entity when such is not
171 true, to fail to provide certain disclosures, and to
172 fail to provide certain responses and answers to the
173 department; requiring a person offering documents that
174 are available free of charge or at a lesser price from

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175 a governmental entity to provide a certain disclosure;
176 providing penalties; amending s. 489.105, F.S.;
177 conforming provisions to changes made by the act;
178 reenacting s. 527.06(3), F.S., relating to published
179 standards of the National Fire Protection Association;
180 providing an effective date.

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

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184 Section 1. Paragraphs (b), (d), and (i) of subsection (5)
185 of section 379.361, Florida Statutes, are amended to read:

186 379.361 Licenses.—

187 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

188 (b) A ~~No~~ person may not ~~shall~~ harvest oysters from the
189 Apalachicola Bay without a valid Apalachicola Bay oyster
190 harvesting license issued by the City of Apalachicola Department
191 ~~of Agriculture and Consumer Services~~. This requirement does
192 ~~shall~~ not apply to anyone harvesting noncommercial quantities of
193 oysters in accordance with commission rules, or to any person
194 less than 18 years old.

195 (d) The City of Apalachicola Department of Agriculture and
196 ~~Consumer Services~~ shall collect an annual fee of \$100 from state
197 residents and \$500 from nonresidents for the issuance of an
198 Apalachicola Bay oyster harvesting license. The license year
199 shall begin on July 1 of each year and end on June 30 of the
200 following year. The license shall be valid only for the
201 licensee. Only bona fide residents of the state Florida may
202 obtain a resident license pursuant to this subsection.

203 (i) The proceeds from Apalachicola Bay oyster harvesting

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204 license fees shall be deposited by the City of Apalachicola into
205 a trust account ~~in the General Inspection Trust Fund~~ and, less
206 reasonable administrative costs, must ~~shall~~ be used or
207 distributed by the City of Apalachicola ~~Department of~~
208 ~~Agriculture and Consumer Services~~ for the following purposes in
209 Apalachicola Bay:

- 210 1. An Apalachicola Bay oyster shell recycling program
211 ~~Relaying and transplanting live oysters.~~
- 212 2. Shell planting to construct or rehabilitate oyster bars.
- 213 3. Education programs for licensed oyster harvesters on
214 oyster biology, aquaculture, boating and water safety,
215 sanitation, resource conservation, small business management,
216 marketing, and other relevant subjects.
- 217 4. Research directed toward the enhancement of oyster
218 production in the bay and the water management needs of the bay.

219 Section 2. Paragraphs (a), (b), and (i) of subsection (1)
220 of section 487.041, Florida Statutes, are amended to read:

221 487.041 Registration.—

222 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,
223 as defined in s. 487.021, which is distributed, sold, or offered
224 for sale, except as provided in this section, within this state
225 or delivered for transportation or transported in intrastate
226 commerce or between points within this state through any point
227 outside this state must be registered in the office of the
228 department, and such registration shall be renewed biennially.
229 Emergency exemptions from registration may be authorized in
230 accordance with the rules of the department. The registrant
231 shall file with the department a statement including:

- 232 1. The name, business mailing address, and street address

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233 of the registrant.

234 2. The name of the brand of pesticide.

235 3. An ingredient statement and a complete current copy of
236 the labeling accompanying the brand of pesticide, which must
237 conform to the registration, and a statement of all claims to be
238 made for it, including directions for use and a guaranteed
239 analysis showing the names and percentages by weight of each
240 active ingredient, the total percentage of inert ingredients,
241 and the names and percentages by weight of each "added
242 ingredient."

243 (b) ~~Effective January 1, 2009,~~ For the purpose of defraying
244 expenses of the department in connection with carrying out the
245 provisions of this part, each registrant shall pay a biennial
246 registration fee for each registered brand of pesticide. The
247 registration of each brand of pesticide shall cover a designated
248 2-year period beginning on January 1 of each odd-numbered year
249 and expiring on December 31 of the following year.

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

254 Section 3. Paragraph (a) of subsection (6) of section
255 493.6105, Florida Statutes, is amended to read:

256 493.6105 Initial application for license.—

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

259 (a) Submit one of the following:

260 1. The Florida Criminal Justice Standards and Training
261 Commission Instructor Certificate and written confirmation by

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262 the commission that the applicant possesses an active firearms
263 certification.

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

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

270 4. A valid DD form 214 issued by the United States
271 Department of Defense, an acceptable form as specified by the
272 Department of Veterans' Affairs, or other official military
273 documentation. Such form or documentation must be issued not
274 more than 3 years before the submission of the applicant's Class
275 "K" application, indicating that the applicant has been
276 honorably discharged and has served as a military firearms
277 instructor within the last 3 years of service.

278 Section 4. Paragraph (d) of subsection (3) of section
279 493.6113, Florida Statutes, is amended to read:

280 493.6113 Renewal application for licensure.—

281 (3) Each licensee is responsible for renewing his or her
282 license on or before its expiration by filing with the
283 department an application for renewal accompanied by payment of
284 the renewal fee and the fingerprint retention fee to cover the
285 cost of ongoing retention in the statewide automated biometric
286 identification system established in s. 943.05(2)(b). Upon the
287 first renewal of a license issued under this chapter before
288 January 1, 2017, the licensee shall submit a full set of
289 fingerprints and fingerprint processing fees to cover the cost
290 of entering the fingerprints into the statewide automated

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291 biometric identification system pursuant to s. 493.6108(4) (a)
292 and the cost of enrollment in the Federal Bureau of
293 Investigation's national retained print arrest notification
294 program. Subsequent renewals may be completed without submission
295 of a new set of fingerprints.

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

297 1. One of the certificates specified under s. 493.6105(6)
298 as proof that he or she remains certified to provide firearms
299 instruction; or

300 2. Proof of having taught no less than six 28-hour firearms
301 instruction courses to Class "G" applicants, as specified in s.
302 493.6105(5), during the previous triennial licensure period.

303 Section 5. Subsection (19) is added to section 496.415,
304 Florida Statutes, to read:

305 496.415 Prohibited acts.—It is unlawful for any person in
306 connection with the planning, conduct, or execution of any
307 solicitation or charitable or sponsor sales promotion to:

308 (19) Commingle charitable contributions with noncharitable
309 funds.

310 Section 6. Section 496.418, Florida Statutes, is amended to
311 read:

312 496.418 Recordkeeping and accounting ~~Records.~~—

313 (1) Each charitable organization, sponsor, professional
314 fundraising consultant, and professional solicitor that collects
315 or takes control or possession of contributions made for a
316 charitable purpose must keep records to permit accurate
317 reporting and auditing as required by law, must not commingle
318 contributions with noncharitable funds as specified in s.
319 496.415(19), and must be able to account for the funds. When

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320 expenditures are not properly documented and disclosed by
321 records, there exists a presumption that the charitable
322 organization, sponsor, professional fundraising consultant, or
323 professional solicitor did not properly expend such funds.
324 Noncharitable funds include any funds that are not used or
325 intended to be used for the operation of the charity or for
326 charitable purposes.

327 (2) Each charitable organization, sponsor, professional
328 fundraising consultant, and professional solicitor must keep for
329 a period of at least 3 years true and accurate records as to its
330 activities in this state which are covered by ss. 496.401-
331 496.424. The records must be made available, without subpoena,
332 to the department for inspection and must be furnished no later
333 than 10 working days after requested.

334 Section 7. Paragraph (b) of subsection (3) and paragraph
335 (i) of subsection (5) of section 500.459, Florida Statutes, are
336 amended to read:

337 500.459 Water vending machines.—

338 (3) PERMITTING REQUIREMENTS.—

339 (b) An application for an operating permit must be made ~~in~~
340 ~~writing~~ to the department on forms provided by the department
341 and must be accompanied by a fee as provided in subsection (4).
342 The application must state the location of each water vending
343 machine, the source of the water to be vended, the treatment the
344 water will receive prior to being vended, and any other
345 information considered necessary by the department.

346 (5) OPERATING STANDARDS.—

347 (i) The operator shall place on each water vending machine,
348 in a position clearly visible to customers, the following

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349 information: the name and address of the operator; ~~the operating~~
350 ~~permit number~~; the fact that the water is obtained from a public
351 water supply; the method of treatment used; the method of
352 postdisinfection used; and a local or toll-free telephone number
353 that may be called for obtaining further information, reporting
354 problems, or making complaints.

355 Section 8. Paragraph (g) of subsection (1) and subsection
356 (5) of section 501.059, Florida Statutes, are amended to read:

357 501.059 Telephone solicitation.—

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

359 (g) "Telephonic sales call" means a telephone call, ringless direct-to-voicemail delivery, or text message to a
360 consumer for the purpose of soliciting a sale of any consumer
361 goods or services, soliciting an extension of credit for
362 consumer goods or services, or obtaining information that will
363 or may be used for the direct solicitation of a sale of consumer
364 goods or services or an extension of credit for such purposes.

366 (5) A telephone solicitor or other person may not initiate
367 an outbound telephone call or text message to a consumer, business, or donor or potential donor who has previously
368 communicated to the telephone solicitor or other person that he
369 or she does not wish to receive an outbound telephone call or
370 text message:
371

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

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

376 Section 9. Section 501.6175, Florida Statutes, is created
377 to read:

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378 501.6175 Recordkeeping.—A commercial telephone seller shall
379 keep all of the following information for 2 years after the date
380 the information first becomes part of the seller's business
381 records:

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

384 (2) All express requests authorizing the telephone
385 solicitor to contact the consumer.

386 (3) Any script, outline, or presentation the applicant
387 requires or suggests a salesperson use when soliciting; sales
388 information or literature to be provided by the commercial
389 telephone seller to a salesperson; and sales information or
390 literature to be provided by the commercial telephone seller to
391 a consumer in connection with any solicitation.

392
393 Within 10 days of an oral or written request by the department,
394 including a written request transmitted by electronic mail, a
395 commercial telephone seller must make the records it keeps
396 pursuant to this section available for inspection and copying by
397 the department during the department's normal business hours.
398 This section does not limit the department's ability to inspect
399 and copy material pursuant to any other law.

400 Section 10. Section 501.912, Florida Statutes, is amended
401 to read:

402 501.912 Definitions.—As used in ss. 501.91-501.923:

403 (1) "Antifreeze" means any substance or preparation,
404 including, but not limited to, antifreeze-coolant, antifreeze
405 and summer coolant, or summer coolant, that is sold,
406 distributed, or intended for use;

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407 (a) As the cooling liquid, or to be added to the cooling
408 liquid, in the cooling system of internal combustion engines of
409 motor vehicles to prevent freezing of the cooling liquid or to
410 lower its freezing point; or

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

414 ~~(2) "Antifreeze coolant," "antifreeze and summer coolant,"~~
415 ~~or "summer coolant" means any substance as defined in subsection~~
416 ~~(1) which also is sold, distributed, or intended for raising the~~
417 ~~boiling point of water or for the prevention of engine~~
418 ~~overheating whether or not used as a year-round cooling system~~
419 ~~fluid. Unless otherwise stated, the term "antifreeze" includes~~
420 ~~"antifreeze," "antifreeze coolant," "antifreeze and summer~~
421 ~~coolant," and "summer coolant."~~

422 ~~(2)-(3)~~ "Department" means the Department of Agriculture and
423 Consumer Services.

424 ~~(3)-(4)~~ "Distribute" means to hold with an intent to sell,
425 offer for sale, sell, barter, or otherwise supply to the
426 consumer.

427 ~~(4)-(5)~~ "Package" means a sealed, tamperproof retail
428 package, drum, or other container designed for the sale of
429 antifreeze directly to the consumer or a container from which
430 the antifreeze may be installed directly by the seller into the
431 cooling system. However, this term, ~~but~~ does not include
432 shipping containers containing properly labeled inner
433 containers.

434 ~~(5)-(6)~~ "Label" means any display of written, printed, or
435 graphic matter on, or attached to, a package or to the outside

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436 individual container or wrapper of the package.

437 (6)~~(7)~~ "Labeling" means the labels and any other written,
438 printed, or graphic matter accompanying a package.

439 Section 11. Section 501.913, Florida Statutes, is amended
440 to read:

441 501.913 Registration.—

442 (1) Each brand of antifreeze to be distributed in this
443 state must ~~shall~~ be registered with the department before
444 distribution. The person whose name appears on the label, the
445 manufacturer, or the packager shall make application annually or
446 biennially to the department on forms provided by the
447 department. The registration certificate expires ~~shall expire~~ 12
448 or 24 months after the date of issue, as indicated on the
449 registration certificate. The registrant assumes, by application
450 to register the brand, full responsibility for the registration,
451 quality, and quantity of the product sold, offered, or exposed
452 for sale in this state. ~~If a registered brand is not in~~
453 ~~production for distribution in this state and to ensure any~~
454 ~~remaining product that is still available for sale in the state~~
455 ~~is properly registered, the registrant must submit a notarized~~
456 ~~affidavit on company letterhead to the department certifying~~
457 ~~that:~~

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

459 ~~(b) The stated brand will not be distributed in this state;~~

460 and

461 ~~(c) All existing product of the stated brand will be~~
462 ~~removed by the registrant from the state within 30 days after~~
463 ~~expiration of the registration or the registrant will reregister~~
464 ~~the brand for two subsequent registration periods.~~

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

(2) The completed application shall be accompanied by:

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

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

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

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

(a) Meets the labeling claims;

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

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

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

(b) If registration requirements are not met, or, if the

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494 antifreeze fails to meet the minimum standards, is adulterated,
495 or fails to meet the labeling claims, the department shall
496 refuse to register the antifreeze.

497 Section 12. Section 501.917, Florida Statutes, is amended
498 to read:

499 501.917 Inspection by department; sampling and analysis.—
500 The department has ~~shall have~~ the right to have access at
501 reasonable hours to all places and property where antifreeze is
502 stored, distributed, or offered or intended to be offered for
503 sale, including the right to inspect and examine all antifreeze
504 and to take reasonable samples of antifreeze for analysis
505 together with specimens of labeling. Collected samples must be
506 analyzed by the department. The certificate of analysis by the
507 department shall be prima facie evidence of the facts stated
508 therein in any legal proceeding in this state ~~All samples taken~~
509 ~~shall be properly sealed and sent to a laboratory designated by~~
510 ~~the department for examination together with all labeling~~
511 ~~pertaining to such samples. It shall be the duty of said~~
512 ~~laboratory to examine promptly all samples received in~~
513 ~~connection with the administration and enforcement of this act.~~

514 Section 13. Section 501.92, Florida Statutes, is amended to
515 read:

516 501.92 Formula may be required.—The department may, if
517 required for the analysis of antifreeze by ~~the laboratory~~
518 ~~designated by the department for the purpose of registration,~~
519 require the applicant to furnish a statement of the formula of
520 such antifreeze, unless the applicant can furnish other
521 satisfactory evidence that such antifreeze is not adulterated or
522 misbranded. Such statement need not include inhibitor or other

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523 minor ingredients which total less than 5 percent by weight of
524 the antifreeze; and, if over 5 percent, the composition of the
525 inhibitor and such other ingredients may be given in generic
526 terms.

527 Section 14. Paragraph (e) of subsection (10) of section
528 525.07, Florida Statutes, is redesignated as paragraph (f), and
529 a new paragraph (e) is added to that subsection, to read:

530 525.07 Powers and duties of department; inspections;
531 unlawful acts.—

532 (10)

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

535 Section 15. Subsection (1) of section 526.51, Florida
536 Statutes, is amended to read:

537 526.51 Registration; renewal and fees; departmental
538 expenses; cancellation or refusal to issue or renew.—

539 (1) (a) Application for registration of each brand of brake
540 fluid shall be made on forms supplied by the department. The
541 applicant shall give his or her name and address and the brand
542 name of the brake fluid, state that he or she owns the brand
543 name and has complete control over the product sold thereunder
544 in this state, and provide the name and address of the resident
545 agent in this state. If the applicant does not own the brand
546 name but wishes to register the product with the department, a
547 notarized affidavit that gives the applicant full authorization
548 to register the brand name and that is signed by the owner of
549 the brand name must accompany the application for registration.
550 The affidavit must include all affected brand names, the owner's
551 company or corporate name and address, the applicant's company

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552 or corporate name and address, and a statement from the owner
553 authorizing the applicant to register the product with the
554 department. The owner of the brand name shall maintain complete
555 control over each product sold under that brand name in this
556 state.

557 (b) The completed application must be accompanied by the
558 following:

559 1. Specimens or copies of the label for each brand of brake
560 fluid.

561 2. An application fee of \$50 for a 12-month registration or
562 \$100 for a 24-month registration for each brand of brake fluid.

563 3. For All first-time applications for a brand and formula
564 combination, ~~must be accompanied by~~ a certified report from an
565 independent testing laboratory, dated no more than 6 months
566 before the registration application, setting forth the analysis
567 of the brake fluid which shows its quality to be not less than
568 the specifications established by the department for brake
569 fluids. ~~A sample of not less than 24 fluid ounces of brake fluid~~
570 ~~shall be submitted, in a container with a label printed in the~~
571 ~~same manner that it will be labeled when sold, and the sample~~
572 ~~and container shall be analyzed and inspected by the department~~
573 ~~in order that compliance with the department's specifications~~
574 ~~and labeling requirements may be verified.~~

575

576 Upon approval of the application, the department shall register
577 the brand name of the brake fluid and issue to the applicant a
578 permit authorizing the registrant to sell the brake fluid in
579 this state. The registration certificate expires ~~shall expire~~ 12
580 or 24 months after the date of issue, as indicated on the

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581 registration certificate.

582 ~~(c)(b) Each applicant shall pay a fee of \$100 with each~~
583 ~~application.~~ A permit may be renewed by application to the
584 department, accompanied by a renewal fee of \$50 for a 12-month
585 registration, or \$100 for a 24-month registration, on or before
586 the expiration of the previously issued permit. To reregister a
587 previously registered brand and formula combination, an
588 applicant must submit a completed application and all materials
589 as required in this section to the department before the
590 expiration of the previously issued permit. A brand and formula
591 combination for which a completed application and all materials
592 required in this section are not received before the expiration
593 of the previously issued permit may not be registered with the
594 department until a completed application and all materials
595 required in this section have been received and approved. If the
596 brand and formula combination was previously registered with the
597 department and a fee, application, or materials required in this
598 section are received after the expiration of the previously
599 issued permit, a penalty of \$25 accrues, which shall be added to
600 the fee. Renewals shall be accepted only on brake fluids that
601 have no change in formula, composition, or brand name. Any
602 change in formula, composition, or brand name of a brake fluid
603 constitutes a new product that must be registered in accordance
604 with this part.

605 ~~(c) If a registered brand and formula combination is no~~
606 ~~longer in production for distribution in this state, in order to~~
607 ~~ensure that any remaining product still available for sale in~~
608 ~~this state is properly registered, the registrant must submit a~~
609 ~~notarized affidavit on company letterhead to the department~~

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610 ~~certifying that:~~

611 ~~1. The stated brand and formula combination is no longer in~~
612 ~~production;~~

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

615 ~~3. Either all existing product of the stated brand and~~
616 ~~formula combination will be removed by the registrant from the~~
617 ~~state within 30 days after the expiration of the registration or~~
618 ~~that the registrant will reregister the brand and formula~~
619 ~~combination for 2 subsequent years.~~

620

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

623 Section 16. Subsection (1) of section 526.53, Florida
624 Statutes, is amended to read:

625 526.53 Enforcement; inspection and analysis, stop-sale and
626 disposition, regulations.-

627 (1) The department shall enforce ~~the provisions of this~~
628 part through the department, and may sample, inspect, analyze,
629 and test any brake fluid manufactured, packed, or sold within
630 this state. Collected samples must be analyzed by the
631 department. The certificate of analysis by the department shall
632 be prima facie evidence of the facts stated therein in any legal
633 proceeding in this state. The department has ~~shall have~~ free
634 access during business hours to all premises, buildings,
635 vehicles, cars, or vessels used in the manufacture, packing,
636 storage, sale, or transportation of brake fluid, and may open
637 any box, carton, parcel, or container of brake fluid and take
638 samples for inspection and analysis or for evidence.

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639 Section 17. Section 527.01, Florida Statutes, is amended to
640 read:

641 527.01 Definitions.—As used in this chapter:

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

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

648 (3) "Ultimate Consumer" means the person last purchasing
649 liquefied petroleum gas in its liquid or vapor state for
650 industrial, commercial, or domestic use.

651 (4) "Department" means the Department of Agriculture and
652 Consumer Services.

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

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

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

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

660 ~~(d) Specialty installer.~~

661 ~~(e) Regualifier of cylinders.~~

662 ~~(f) Fabricator, repairer, and tester of vehicles and cargo
663 tanks.~~

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

666 ~~(h) Category V liquefied petroleum gases dealer for
667 industrial uses only.~~

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668 (6) "Category I liquefied petroleum gas dealer" means any
669 person selling or offering to sell by delivery or at a
670 stationary location any liquefied petroleum gas to the ~~ultimate~~
671 consumer for industrial, commercial, or domestic use; any person
672 leasing or offering to lease, or exchanging or offering to
673 exchange, any apparatus, appliances, and equipment for the use
674 of liquefied petroleum gas; any person installing, servicing,
675 altering, or modifying apparatus, piping, tubing, appliances,
676 and equipment for the use of liquefied petroleum or natural gas;
677 any person installing carburetion equipment; or any person
678 requalifying cylinders.

679 (7) "Category II liquefied petroleum gas dispenser" means
680 any person engaging in the business of operating a liquefied
681 petroleum gas dispensing unit for the purpose of serving liquid
682 products to the ~~ultimate~~ consumer for industrial, commercial, or
683 domestic use, and selling or offering to sell, or leasing or
684 offering to lease, apparatus, appliances, and equipment for the
685 use of liquefied petroleum gas, including maintaining a cylinder
686 storage rack at the licensed business location for the purpose
687 of storing cylinders filled by the licensed business for sale or
688 use at a later date.

689 (8) "Category III liquefied petroleum gas cylinder exchange
690 operator" means any person operating a storage facility used for
691 the purpose of storing filled propane cylinders of not more than
692 43.5 pounds propane capacity or 104 pounds water capacity, while
693 awaiting sale to the ~~ultimate~~ consumer, or a facility used for
694 the storage of empty or filled containers which have been
695 offered for exchange.

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

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697 ~~liquefied petroleum gas dispenser and recreational vehicle~~
698 ~~servicer" means any person selling or offering to sell, or~~
699 ~~leasing or offering to lease, apparatus, appliances, and~~
700 ~~equipment for the use of liquefied petroleum gas engaging in the~~
701 ~~business of operating a liquefied petroleum gas dispensing unit~~
702 ~~for the purpose of serving liquid product to the ultimate~~
703 ~~consumer for industrial, commercial, or domestic use, and~~
704 ~~selling or offering to sell, or leasing or offering to lease,~~
705 ~~apparatus, appliances, and equipment for the use of liquefied~~
706 ~~petroleum gas, and whose services include the installation,~~
707 ~~service, or repair of recreational vehicle liquefied petroleum~~
708 ~~gas appliances and equipment.~~

709 (10) "Category V LP gas installer" means any person who is
710 engaged in the liquefied petroleum gas business and whose
711 services include the installation, servicing, altering, or
712 modifying of apparatus, piping, tubing, tanks, and equipment for
713 the use of liquefied petroleum or natural gas and selling or
714 offering to sell, or leasing or offering to lease, apparatus,
715 appliances, and equipment for the use of liquefied petroleum or
716 natural gas.

717 (11) "Category VI miscellaneous operator" means any person
718 who is engaged in operation as a manufacturer of LP gas
719 appliances and equipment; a fabricator, repairer, and tester of
720 vehicles and cargo tanks; a requalifier of LP gas cylinders; or
721 a pipeline system operator ~~Specialty installer" means any person~~
722 ~~involved in the installation, service, or repair of liquefied~~
723 ~~petroleum or natural gas appliances and equipment, and selling~~
724 ~~or offering to sell, or leasing or offering to lease, apparatus,~~
725 ~~appliances, and equipment for the use of liquefied petroleum~~

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726 ~~gas, whose activities are limited to specific types of~~
727 ~~appliances and equipment as designated by department rule.~~

728 ~~(12) "Dealer in appliances and equipment for use of~~
729 ~~liquefied petroleum gas" means any person selling or offering to~~
730 ~~sell, or leasing or offering to lease, apparatus, appliances,~~
731 ~~and equipment for the use of liquefied petroleum gas.~~

732 (12)~~(13)~~ "Manufacturer of liquefied petroleum gas
733 appliances and equipment" means any person in this state
734 manufacturing and offering for sale or selling tanks, cylinders,
735 or other containers and necessary appurtenances for use in the
736 storage, transportation, or delivery of such gas to the ~~ultimate~~
737 consumer, or manufacturing and offering for sale or selling
738 apparatus, appliances, and equipment for the use of liquefied
739 petroleum gas to the ~~ultimate~~ consumer.

740 (13)~~(14)~~ "Wholesaler" means any person, as defined by
741 subsection (2), selling or offering to sell any liquefied
742 petroleum gas for industrial, commercial, or domestic use to any
743 person except the ~~ultimate~~ consumer.

744 (14)~~(15)~~ "Requalifier of cylinders" means any person
745 involved in the retesting, repair, qualifying, or requalifying
746 of liquefied petroleum gas tanks or cylinders manufactured under
747 specifications of the United States Department of Transportation
748 ~~or former Interstate Commerce Commission.~~

749 (15)~~(16)~~ "Fabricator, repairer, and tester of vehicles and
750 cargo tanks" means any person involved in the hydrostatic
751 testing, fabrication, repair, or requalifying of any motor
752 vehicles or cargo tanks used for the transportation of liquefied
753 petroleum gases, when such tanks are permanently attached to or
754 forming a part of the motor vehicle.

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

759 ~~(16)~~(18) "Pipeline system operator" means any person who
760 owns or operates a liquefied petroleum gas pipeline system that
761 is used to transmit liquefied petroleum gas from a common source
762 to the ultimate customer and that serves 10 or more customers.

763 ~~(19) "Category V liquefied petroleum gases dealer for~~
764 ~~industrial uses only" means any person engaged in the business~~
765 ~~of filling, selling, and transporting liquefied petroleum gas~~
766 ~~containers for use in welding, forklifts, or other industrial~~
767 ~~applications.~~

768 ~~(17)~~(20) "License period year" means the period 1 to 3
769 years from the issuance of the license from September 1 through
770 ~~the following August 31, or April 1 through the following March~~
771 ~~31, depending upon the type of license.~~

772 Section 18. Section 527.02, Florida Statutes, is amended to
773 read:

774 527.02 License; penalty; fees.—

775 (1) It is unlawful for any person to engage in this state
776 in the activities defined in s. 527.01(6) through (11) ~~of a~~
777 ~~pipeline system operator, category I liquefied petroleum gas~~
778 ~~dealer, category II liquefied petroleum gas dispenser, category~~
779 ~~III liquefied petroleum gas cylinder exchange operator, category~~
780 ~~IV liquefied petroleum gas dispenser and recreational vehicle~~
781 ~~servicer, category V liquefied petroleum gas dealer for~~
782 ~~industrial uses only, LP gas installer, specialty installer,~~
783 ~~dealer in liquefied petroleum gas appliances and equipment,~~

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784 ~~manufacturer of liquefied petroleum gas appliances and~~
 785 ~~equipment, requalifier of cylinders, or fabricator, repairer,~~
 786 ~~and tester of vehicles and cargo tanks~~ without first obtaining
 787 from the department a license to engage in one or more of these
 788 businesses. The sale of liquefied petroleum gas cylinders with a
 789 volume of 10 pounds water capacity or 4.2 pounds liquefied
 790 petroleum gas capacity or less is exempt from the requirements
 791 of this chapter. It is a felony of the third degree, punishable
 792 as provided in s. 775.082, s. 775.083, or s. 775.084, to
 793 intentionally or willfully engage in any of said activities
 794 without first obtaining appropriate licensure from the
 795 department.

796 (2) Each business location of a person having multiple
 797 locations must ~~shall~~ be separately licensed and must meet the
 798 requirements of this section. Such license shall be granted to
 799 any applicant determined by the department to be competent,
 800 qualified, and trustworthy who files with the department a
 801 surety bond, insurance affidavit, or other proof of insurance,
 802 as hereinafter specified, and pays for such license the
 803 following annual license ~~original application~~ fee for new
 804 ~~licenses and annual renewal fees for existing licenses:~~

805

License Category	<u>License Original</u> <u>Application Fee Per</u> <u>Year</u>	<u>Renewal</u> <u>Fee</u>
Category I liquefied petroleum gas dealer	<u>\$400</u> \$525	\$425

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	Category II liquefied petroleum gas dispenser	<u>\$400</u> 525	375
808	Category III liquefied petroleum gas cylinder exchange unit operator	<u>\$65</u> 100	65
809	Category IV <u>dealer in appliances and equipment</u> liquefied petroleum gas dispenser and recreational vehicle servicer	<u>\$65</u> 525	400
810	Category V <u>LP gas installer</u> liquefied petroleum gases dealer for industrial uses only	<u>\$200</u> 300	200
811	Category VI <u>miscellaneous operator</u> LP gas installer	<u>\$200</u> 300	200

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812	Specialty installer	300	200
813	Dealer in appliances and equipment for use of liquefied petroleum gas	50	45
814	Manufacturer of liquefied petroleum gas appliances and equipment	525	375
815	Requalifier of cylinders	525	375
816	Fabricator, repairer, and tester of vehicles and cargo tanks	525	375

817
 818 (3) (a) ~~An applicant for an original license who submits an~~
 819 ~~application during the last 6 months of the license year may~~
 820 ~~have the original license fee reduced by one half for the 6-~~
 821 ~~month period. This provision applies only to those companies~~
 822 ~~applying for an original license and may not be applied to~~
 823 ~~licensees who held a license during the previous license year~~
 824 ~~and failed to renew the license. The department may refuse to~~

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825 issue an initial license to an applicant who is under
826 investigation in any jurisdiction for an action that would
827 constitute a violation of this chapter until such time as the
828 investigation is complete.

829 (b) The department shall waive the initial license fee for
830 1 year for an honorably discharged veteran of the United States
831 Armed Forces, the spouse of such a veteran, or a business entity
832 that has a majority ownership held by such a veteran or spouse
833 if the department receives an application, in a format
834 prescribed by the department, within 60 months after the date of
835 the veteran's discharge from any branch of the United States
836 Armed Forces. To qualify for the waiver, a veteran must provide
837 to the department a copy of his or her DD Form 214, as issued by
838 the United States Department of Defense or another acceptable
839 form of identification as specified by the Department of
840 Veterans' Affairs; the spouse of a veteran must provide to the
841 department a copy of the veteran's DD Form 214, as issued by the
842 United States Department of Defense, or another acceptable form
843 of identification as specified by the Department of Veterans'
844 Affairs, and a copy of a valid marriage license or certificate
845 verifying that he or she was lawfully married to the veteran at
846 the time of discharge; or a business entity must provide to the
847 department proof that a veteran or the spouse of a veteran holds
848 a majority ownership in the business, a copy of the veteran's DD
849 Form 214, as issued by the United States Department of Defense,
850 or another acceptable form of identification as specified by the
851 Department of Veterans' Affairs, and, if applicable, a copy of a
852 valid marriage license or certificate verifying that the spouse
853 of the veteran was lawfully married to the veteran at the time

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854 of discharge.

855 (4) Any licensee submitting a material change in their
856 information for licensing, before the date for renewal, must
857 submit such change to the department in the manner prescribed by
858 the department, along with a fee in the amount of \$10 ~~Any person~~
859 ~~applying for a liquefied petroleum gas license as a specialty~~
860 ~~installer, as defined by s. 527.01(11), shall upon application~~
861 ~~to the department identify the specific area of work to be~~
862 ~~performed. Upon completion of all license requirements set forth~~
863 ~~in this chapter, the department shall issue the applicant a~~
864 ~~license specifying the scope of work, as identified by the~~
865 ~~applicant and defined by rule of the department, for which the~~
866 ~~person is authorized.~~

867 ~~(5) The license fee for a pipeline system operator shall be~~
868 ~~\$100 per system owned or operated by the person, not to exceed~~
869 ~~\$400 per license year. Such license fee applies only to a~~
870 ~~pipeline system operator who owns or operates a liquefied~~
871 ~~petroleum gas pipeline system that is used to transmit liquefied~~
872 ~~petroleum gas from a common source to the ultimate customer and~~
873 ~~that serves 10 or more customers.~~

874 (5)(6) The department shall adopt ~~promulgate~~ rules
875 specifying acts deemed by the department to demonstrate a lack
876 of trustworthiness to engage in activities requiring a license
877 or qualifier identification card under this section.

878 ~~(7) Any license issued by the department may be transferred~~
879 ~~to any person, firm, or corporation for the remainder of the~~
880 ~~current license year upon written request to the department by~~
881 ~~the original licenseholder. Prior to approval of any transfer,~~
882 ~~all licensing requirements of this chapter must be met by the~~

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883 ~~transferee. A license transfer fee of \$50 shall be charged for~~
884 ~~each such transfer.~~

885 Section 19. Section 527.0201, Florida Statutes, is amended
886 to read:

887 527.0201 Qualifiers; master qualifiers; examinations.—

888 (1) In addition to the requirements of s. 527.02, any
889 person applying for a license to engage in category I, category
890 II, or category V ~~the activities of a pipeline system operator,~~
891 ~~category I liquefied petroleum gas dealer, category II liquefied~~
892 ~~petroleum gas dispenser, category IV liquefied petroleum gas~~
893 ~~dispenser and recreational vehicle servicer, category V~~
894 ~~liquefied petroleum gases dealer for industrial uses only, LP~~
895 ~~gas installer, specialty installer, requalifier of cylinders, or~~
896 ~~fabricator, repairer, and tester of vehicles and cargo tanks~~
897 must prove competency by passing a written examination
898 administered by the department or its agent with a grade of 70
899 ~~75~~ percent or above in each area tested. Each applicant for
900 examination shall submit a \$20 nonrefundable fee. The department
901 shall by rule specify the general areas of competency to be
902 covered by each examination and the relative weight to be
903 assigned in grading each area tested.

904 (2) Application for examination for competency may be made
905 by an individual or by an owner, a partner, or any person
906 employed by the license applicant. Upon successful completion of
907 the competency examination, the department shall register issue
908 ~~a qualifier identification card~~ to the examinee.

909 (a) Qualifier registration automatically expires if
910 ~~identification cards, except those issued to category I~~
911 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~

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912 ~~installers, shall remain in effect as long as the individual~~
913 ~~shows to the department proof of active employment in the area~~
914 ~~of examination and all continuing education requirements are~~
915 ~~met. Should the individual terminates terminate active~~
916 ~~employment in the area of examination for a period exceeding 24~~
917 ~~months, or fails fail to provide documentation of continuing~~
918 ~~education, the individual's qualifier status shall automatically~~
919 ~~expire. If the qualifier registration status has expired, the~~
920 ~~individual must apply for and successfully complete an~~
921 ~~examination by the department in order to reestablish qualifier~~
922 ~~status.~~

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

929 (3) Qualifier registration expires ~~cards issued to category~~
930 ~~I liquefied petroleum gas dealers and liquefied petroleum gas~~
931 ~~installers shall expire 3 years after the date of issuance. All~~
932 ~~category I liquefied petroleum gas dealer qualifiers and~~
933 ~~liquefied petroleum gas installer qualifiers holding a valid~~
934 ~~qualifier card upon the effective date of this act shall retain~~
935 ~~their qualifier status until July 1, 2003, and may sit for the~~
936 ~~master qualifier examination at any time during that time~~
937 ~~period. All such category I liquefied petroleum gas dealer~~
938 ~~qualifiers and liquefied petroleum gas installer qualifiers may~~
939 ~~renew their qualification on or before July 1, 2003, upon~~
940 ~~application to the department, payment of a \$20 renewal fee, and~~

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941 documentation of the completion of a minimum of 16 hours of
942 approved continuing education courses, as defined by department
943 rule, during the previous 3-year period. Applications for
944 renewal must be made 30 calendar days before expiration. Persons
945 failing to renew before the expiration date must reapply and
946 take a qualifier competency examination in order to reestablish
947 ~~category I liquefied petroleum gas dealer qualifier and~~
948 ~~liquefied petroleum gas installer qualifier status. If a~~
949 ~~category I liquefied petroleum gas qualifier or liquefied~~
950 ~~petroleum gas installer qualifier becomes a master qualifier at~~
951 ~~any time during the effective date of the qualifier card, the~~
952 ~~card shall remain in effect until expiration of the master~~
953 ~~qualifier certification.~~

954 (4) A qualifier for a business ~~organization involved in~~
955 ~~installation, repair, maintenance, or service of liquefied~~
956 ~~petroleum gas appliances, equipment, or systems~~ must actually
957 function in a supervisory capacity of other company employees
958 performing licensed activities ~~installing, repairing,~~
959 ~~maintaining, or servicing liquefied petroleum gas appliances,~~
960 ~~equipment, or systems.~~ A separate qualifier shall be required
961 for every 10 such employees. ~~Additional qualifiers are required~~
962 ~~for those business organizations employing more than 10~~
963 ~~employees that install, repair, maintain, or service liquefied~~
964 ~~petroleum gas equipment and systems.~~

965 (5) In addition to all other licensing requirements, each
966 category I and category V licensee ~~liquefied petroleum gas~~
967 ~~dealer and liquefied petroleum gas installer~~ must, at the time
968 of application for licensure, identify to the department one
969 master qualifier who is a full-time employee at the licensed

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970 location. This person shall be a manager, owner, or otherwise
971 primarily responsible for overseeing the operations of the
972 licensed location and must provide documentation to the
973 department as provided by rule. The master qualifier requirement
974 shall be in addition to the requirements of subsection (1).

975 (a) In order to apply for certification as a master
976 qualifier, each applicant must have been a registered ~~be a~~
977 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~
978 ~~petroleum gas installer~~ qualifier for a minimum of 3 years
979 immediately preceding submission of the application, must be
980 employed by a licensed category I or category V licensee
981 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~
982 ~~installer, or applicant for such license, must provide~~
983 ~~documentation of a minimum of 1 year's work experience in the~~
984 ~~gas industry,~~ and must pass a master qualifier competency
985 examination. Master qualifier examinations shall be based on
986 Florida's laws, rules, and adopted codes governing liquefied
987 petroleum gas safety, general industry safety standards, and
988 administrative procedures. The applicant must successfully pass
989 the examination with a grade of 70 ~~75~~ percent or above. Each
990 applicant for master qualifier registration ~~status~~ must submit
991 to the department a nonrefundable \$30 examination fee before the
992 examination.

993 (b) Upon successful completion of the master qualifier
994 examination, the department shall issue the examinee a
995 ~~certificate of master qualifier~~ registration ~~status which shall~~
996 ~~include the name of the licensed company for which the master~~
997 ~~qualifier is employed.~~ A master qualifier may transfer from one
998 licenseholder to another upon becoming employed by the company

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999 and providing a written request to the department.

1000 (c) A master qualifier registration expires ~~status shall~~
1001 ~~expire~~ 3 years after the date of issuance ~~of the certificate~~ and
1002 may be renewed by submission to the department of documentation
1003 of completion of at least 16 hours of approved continuing
1004 education courses during the 3-year period; proof of employment
1005 ~~with a licensed category I liquefied petroleum gas dealer,~~
1006 ~~liquefied petroleum gas installer, or applicant;~~ and a \$30
1007 certificate renewal fee. The department shall define, by rule,
1008 approved courses of continuing education.

1009 ~~(d) Each category I liquefied petroleum gas dealer or~~
1010 ~~liquefied petroleum gas installer licensed as of August 31,~~
1011 ~~2000, shall identify to the department one current category I~~
1012 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~
1013 ~~gas installer qualifier who will be the designated master~~
1014 ~~qualifier for the licenseholder. Such individual must provide~~
1015 ~~proof of employment for 3 years or more within the liquefied~~
1016 ~~petroleum gas industry, and shall, upon approval of the~~
1017 ~~department, be granted a master qualifier certificate. All other~~
1018 ~~requirements with regard to master qualifier certificate~~
1019 ~~expiration, renewal, and continuing education shall apply.~~

1020 (6) A vacancy in a qualifier or master qualifier position
1021 in a business organization which results from the departure of
1022 the qualifier or master qualifier shall be immediately reported
1023 to the department by the departing qualifier or master qualifier
1024 and the licensed company.

1025 (a) If a business organization no longer possesses a duly
1026 designated qualifier, as required by this section, its liquefied
1027 petroleum gas licenses shall be suspended by order of the

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1028 department after 20 working days. The license shall remain
1029 suspended until a competent qualifier has been employed, the
1030 order of suspension terminated by the department, and the
1031 license reinstated. A vacancy in the qualifier position for a
1032 period of more than 20 working days shall be deemed to
1033 constitute an immediate threat to the public health, safety, and
1034 welfare. ~~Failure to obtain a replacement qualifier within 60~~
1035 ~~days after the vacancy occurs shall be grounds for revocation of~~
1036 ~~licensure or eligibility for licensure.~~

1037 (b) Any category I or category V licensee liquefied
1038 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses
1039 a master qualifier but currently employs a ~~category I liquefied~~
1040 ~~petroleum gas dealer or LP gas installer~~ qualifier as required
1041 by this section, has ~~shall have~~ 60 days within which to replace
1042 the master qualifier. If the company fails to replace the master
1043 qualifier within the 60-day ~~time~~ period, the license of the
1044 company shall be suspended by order of the department. The
1045 license shall remain suspended until a competent master
1046 qualifier has been employed, the order of suspension has been
1047 terminated by the department, and the license reinstated.
1048 ~~Failure to obtain a replacement master qualifier within 90 days~~
1049 ~~after the vacancy occurs shall be grounds for revocation of~~
1050 ~~licensure or eligibility for licensure.~~

1051 (7) The department may deny, refuse to renew, suspend, or
1052 revoke any qualifier ~~card~~ or master qualifier registration
1053 ~~certificate~~ for any of the following causes:

1054 (a) Violation of any provision of this chapter or any rule
1055 or order of the department;

1056 (b) Falsification of records relating to the qualifier ~~card~~

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1057 or master qualifier registration ~~certificate~~; or

1058 (c) Failure to meet any of the renewal requirements.

1059 (8) Any individual having competency qualifications on file
1060 with the department may request the transfer of such
1061 qualifications to any existing licenseholder by making a written
1062 request to the department for such transfer. Any individual
1063 having a competency examination on file with the department may
1064 use such examination for a new license application after making
1065 application in writing to the department. All examinations are
1066 confidential and exempt from the provisions of s. 119.07(1).

1067 (9) If a duplicate license, qualifier ~~card~~, or master
1068 qualifier registration certificate is requested by the licensee,
1069 a fee of \$10 must be received before issuance of the duplicate
1070 license or certificate card. ~~If a facsimile transmission of an~~
1071 ~~original license is requested, upon completion of the~~
1072 ~~transmission a fee of \$10 must be received by the department~~
1073 ~~before the original license may be mailed to the requester.~~

1074 (10) All revenues collected herein shall be deposited in
1075 the General Inspection Trust Fund for the purpose of
1076 administering the provisions of this chapter.

1077 Section 20. Section 527.021, Florida Statutes, is amended
1078 to read:

1079 527.021 Registration of transport vehicles.—

1080 (1) Each liquefied petroleum gas bulk delivery vehicle
1081 owned or leased by a liquefied petroleum gas licensee must be
1082 registered with the department as part of the licensing
1083 application or when placed into service annually.

1084 (2) For the purposes of this section, a "liquefied
1085 petroleum gas bulk delivery vehicle" means any vehicle that is

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1086 used to transport liquefied petroleum gas on any public street
1087 or highway as liquid cargo in a cargo tank, which tank is
1088 mounted on a conventional truck chassis or is an integral part
1089 of a transporting vehicle in which the tank constitutes, in
1090 whole or in part, the stress member used as a frame and is a
1091 permanent part of the transporting vehicle.

1092 ~~(3) Vehicle registrations shall be submitted by the vehicle~~
1093 ~~owner or lessee in conjunction with the annual renewal of his or~~
1094 ~~her liquefied petroleum gas license, but no later than August 31~~
1095 ~~of each year. A dealer who fails to register a vehicle with the~~
1096 ~~department does not submit the required vehicle registration by~~
1097 ~~August 31 of each year is subject to the penalties in s. 527.13.~~

1098 (4) The department shall issue a decal to be placed on each
1099 vehicle that is inspected by the department and found to be in
1100 compliance with applicable codes.

1101 Section 21. Section 527.03, Florida Statutes, is amended to
1102 read:

1103 527.03 ~~Annual~~ Renewal of license.—All licenses required
1104 under this chapter shall be renewed annually, biennially, or
1105 triennially, as elected by the licensee, subject to the license
1106 fees prescribed in s. 527.02. All renewals must meet the same
1107 requirements and conditions as an annual license for each
1108 licensed year ~~All licenses, except Category III Liquefied~~
1109 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~
1110 ~~Dealer in Appliances and Equipment for Use of Liquefied~~
1111 ~~Petroleum Gas licenses, shall be renewed for the period~~
1112 ~~beginning September 1 and shall expire on the following August~~
1113 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
1114 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~

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1115 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~
1116 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~
1117 ~~period beginning April 1 and shall expire on the following March~~
1118 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
1119 Any license allowed to expire will ~~shall~~ become inoperative
1120 because of failure to renew. The fee for restoration of a
1121 license is equal to the original license fee and must be paid
1122 before the licensee may resume operations.

1123 Section 22. Section 527.04, Florida Statutes, is amended to
1124 read:

1125 527.04 Proof of insurance required.—

1126 (1) Before any license is issued, except to a category IV
1127 ~~dealer in appliances and equipment for use of liquefied~~
1128 ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder
1129 exchange operator, the applicant must deliver to the department
1130 satisfactory evidence that the applicant is covered by a primary
1131 policy of bodily injury liability and property damage liability
1132 insurance that covers the products and operations with respect
1133 to such business and is issued by an insurer authorized to do
1134 business in this state for an amount not less than \$1 million
1135 and that the premium on such insurance is paid. An insurance
1136 certificate, affidavit, or other satisfactory evidence of
1137 acceptable insurance coverage shall be accepted as proof of
1138 insurance. In lieu of an insurance policy, the applicant may
1139 deliver a good and sufficient bond in the amount of \$1 million,
1140 payable to the Commissioner of Agriculture ~~Governor of Florida~~,
1141 with the applicant as principal and a surety company authorized
1142 to do business in this state as surety. The bond must be
1143 conditioned upon the applicant's compliance with this chapter

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1144 and the rules of the department with respect to the conduct of
1145 such business and shall indemnify and hold harmless all persons
1146 from loss or damage by reason of the applicant's failure to
1147 comply. However, the aggregated liability of the surety may not
1148 exceed \$1 million. If the insurance policy is canceled or
1149 otherwise terminated or the bond becomes insufficient, the
1150 department may require new proof of insurance or a new bond to
1151 be filed, and if the licenseholder fails to comply, the
1152 department shall cancel the license issued and give the
1153 licenseholder written notice that it is unlawful to engage in
1154 business without a license. A new bond is not required as long
1155 as the original bond remains sufficient and in force. If the
1156 licenseholder's insurance coverage as required by this
1157 subsection is canceled or otherwise terminated, the insurer must
1158 notify the department within 30 days after the cancellation or
1159 termination.

1160 (2) Before any license is issued to a category ~~class~~ III
1161 liquefied petroleum gas cylinder exchange operator, the
1162 applicant must deliver to the department satisfactory evidence
1163 that the applicant is covered by a primary policy of bodily
1164 injury liability and property damage liability insurance that
1165 covers the products and operations with respect to the business
1166 and is issued by an insurer authorized to do business in this
1167 state for an amount not less than \$300,000 and that the premium
1168 on the insurance is paid. An insurance certificate, affidavit,
1169 or other satisfactory evidence of acceptable insurance coverage
1170 shall be accepted as proof of insurance. In lieu of an insurance
1171 policy, the applicant may deliver a good and sufficient bond in
1172 the amount of \$300,000, payable to the Commissioner of

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1173 Agriculture ~~Governor~~, with the applicant as principal and a
1174 surety company authorized to do business in this state as
1175 surety. The bond must be conditioned upon the applicant's
1176 compliance with this chapter and the rules of the department
1177 with respect to the conduct of such business and must indemnify
1178 and hold harmless all persons from loss or damage by reason of
1179 the applicant's failure to comply. However, the aggregated
1180 liability of the surety may not exceed \$300,000. If the
1181 insurance policy is canceled or otherwise terminated or the bond
1182 becomes insufficient, the department may require new proof of
1183 insurance or a new bond to be filed, and if the licenseholder
1184 fails to comply, the department shall cancel the license issued
1185 and give the licenseholder written notice that it is unlawful to
1186 engage in business without a license. A new bond is not required
1187 as long as the original bond remains sufficient and in force. If
1188 the licenseholder's insurance coverage required by this
1189 subsection is canceled or otherwise terminated, the insurer must
1190 notify the department within 30 days after the cancellation or
1191 termination.

1192 (3) Any person having a cause of action on the bond may
1193 bring suit against the principal and surety, and a copy of such
1194 bond duly certified by the department shall be received in
1195 evidence in the courts of this state without further proof. The
1196 department shall furnish a certified copy of the ~~such~~ bond upon
1197 payment to it of its lawful fee for making and certifying such
1198 copy.

1199 Section 23. Section 527.0605, Florida Statutes, is amended
1200 to read:

1201 527.0605 Liquefied petroleum gas bulk storage locations;

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1202 jurisdiction.—

1203 (1) The provisions of this chapter shall apply to liquefied
1204 petroleum gas bulk storage locations when:

1205 (a) A single container in the bulk storage location has a
1206 capacity of 2,000 gallons or more;

1207 (b) The aggregate container capacity of the bulk storage
1208 location is 4,000 gallons or more; or

1209 (c) A container or containers are installed for the purpose
1210 of serving the public the liquid product.

1211 ~~(2) Prior to the installation of any bulk storage
1212 container, the licensee must submit to the department a site
1213 plan of the facility which shows the proposed location of the
1214 container and must obtain written approval of such location from
1215 the department.~~

1216 ~~(3) A fee of \$200 shall be assessed for each site plan
1217 reviewed by the division. The review shall include
1218 preconstruction inspection of the proposed site, plan review,
1219 and final inspection of the completed facility.~~

1220 (2)~~(4)~~ No newly installed container may be placed in
1221 operation until it has been inspected and approved by the
1222 department.

1223 Section 24. Subsection (1) of section 527.065, Florida
1224 Statutes, is amended to read:

1225 527.065 Notification of accidents; leak calls.—

1226 (1) Immediately upon discovery, all liquefied petroleum gas
1227 licensees shall notify the department of any liquefied petroleum
1228 gas-related accident involving a liquefied petroleum gas
1229 licensee or customer account:

1230 (a) Which caused a death or personal injury requiring

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1231 professional medical treatment;

1232 (b) Where uncontrolled ignition of liquefied petroleum gas
1233 resulted in death, personal injury, or property damage exceeding
1234 \$3,000 ~~\$1,000~~; or

1235 (c) Which caused estimated damage to property exceeding
1236 \$3,000 ~~\$1,000~~.

1237 Section 25. Section 527.10, Florida Statutes, is amended to
1238 read:

1239 527.10 Restriction on use of unsafe container or system.—No
1240 liquefied petroleum gas shall be introduced into or removed from
1241 any container or system in this state that has been identified
1242 by the department or its duly authorized inspectors as not
1243 complying with the rules pertaining to such container or system,
1244 until such violations as specified have been satisfactorily
1245 corrected and authorization for continued service or removal
1246 granted by the department. A statement of violations of the
1247 rules that render such a system unsafe for use shall be
1248 furnished in writing by the department to the ~~ultimate~~ consumer
1249 or dealer in liquefied petroleum gas.

1250 Section 26. Subsections (3) and (17) of section 527.21,
1251 Florida Statutes, are amended to read:

1252 527.21 Definitions relating to Florida Propane Gas
1253 Education, Safety, and Research Act.—As used in ss. 527.20-
1254 527.23, the term:

1255 (3) "Dealer" means a business engaged primarily in selling
1256 propane gas and its appliances and equipment to the ~~ultimate~~
1257 consumer or to retail propane gas dispensers.

1258 (17) "Wholesaler" or "reseller" means a seller of propane
1259 gas who is not a producer and who does not sell propane gas to

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1260 the ~~ultimate~~ consumer.

1261 Section 27. Paragraph (a) of subsection (2) of section
1262 527.22, Florida Statutes, is amended to read:

1263 527.22 Florida Propane Gas Education, Safety, and Research
1264 Council established; membership; duties and responsibilities.—

1265 (2) (a) ~~Within 90 days after the effective date of this act,~~
1266 ~~the commissioner shall make a call to qualified industry~~

1267 ~~organizations for nominees to the council.~~ The commissioner

1268 shall appoint members of the council from a list of nominees

1269 submitted by qualified industry organizations. The commissioner

1270 may require such reports or documentation as is necessary to

1271 document the nomination process for members of the council.

1272 Qualified industry organizations, in making nominations, and the

1273 commissioner, in making appointments, shall give due regard to

1274 selecting a council that is representative of the industry and

1275 the geographic regions of the state. Other than the public

1276 member, council members must be full-time employees or owners of

1277 propane gas producers or dealers doing business in this state.

1278 Section 28. Section 531.67, Florida Statutes, is amended to
1279 read:

1280 531.67 Expiration of sections.—Sections 531.60, 531.61,
1281 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,
1282 2025 ~~2020~~.

1283 Section 29. Subsection (46) is added to section 570.07,
1284 Florida Statutes, to read:

1285 570.07 Department of Agriculture and Consumer Services;
1286 functions, powers, and duties.—The department shall have and
1287 exercise the following functions, powers, and duties:

1288 (46) During a state of emergency declared pursuant to s.

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1289 252.36, to waive fees by emergency order for duplicate copies or
1290 renewal of permits, licenses, certifications, or other similar
1291 types of authorizations during a period specified by the
1292 commissioner.

1293 Section 30. Section 573.111, Florida Statutes, is amended
1294 to read:

1295 573.111 Notice of effective date of marketing order.—Before
1296 the issuance of any marketing order, or any suspension,
1297 amendment, or termination thereof, a notice must ~~shall~~ be posted
1298 ~~on a public bulletin board to be maintained by the department in~~
1299 ~~the Division of Marketing and Development of the department in~~
1300 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~
1301 ~~of the notice shall be posted on the department website the same~~
1302 ~~date that the notice is posted on the bulletin board. A~~ No
1303 marketing order, or any suspension, amendment, or termination
1304 thereof, may not ~~shall~~ become effective until ~~the termination of~~
1305 ~~a period of 5 days~~ after ~~from~~ the date of posting and
1306 publication.

1307 Section 31. Section 578.011, Florida Statutes, is amended
1308 to read:

1309 578.011 Definitions; Florida Seed Law.—When used in this
1310 chapter, the term:

1311 (1) "Advertisement" means all representations, other than
1312 those on the label, disseminated in any manner or by any means,
1313 relating to seed within the scope of this law.

1314 (2) "Agricultural seed" includes the seed of grass, forage,
1315 cereal and fiber crops, and chufas and any other seed commonly
1316 recognized within the state as agricultural seed, lawn seed, and
1317 combinations of such seed, and may include identified noxious

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1318 weed seed when the department determines that such seed is being
1319 used as agricultural seed ~~or field seed and mixtures of such~~
1320 ~~seed.~~

1321 (3) "Blend" means seed consisting of more than one variety
1322 of one kind, each present in excess of 5 percent by weight of
1323 the whole.

1324 (4) "Buyer" means a person who purchases agricultural,
1325 vegetable, flower, tree, or shrub seed in packaging of 1,000
1326 seeds or more by count.

1327 (5) "Brand" means a distinguishing word, name, symbol,
1328 number, or design used to identify seed produced, packaged,
1329 advertised, or offered for sale by a particular person.

1330 (6)~~(3)~~ "Breeder seed" means a class of certified seed
1331 directly controlled by the originating or sponsoring plant
1332 breeding institution or person, or designee thereof, and is the
1333 source for the production of seed of the other classes of
1334 certified seed that are released directly from the breeder or
1335 ~~experiment station that develops the seed. These seed are one~~
1336 ~~class above foundation seed.~~

1337 (7)~~(4)~~ "Certified seed," means a class of seed which is the
1338 progeny of breeder, foundation, or registered seed ~~"registered~~
1339 ~~seed," and "foundation seed" mean seed that have been produced~~
1340 ~~and labeled in accordance with the procedures and in compliance~~
1341 ~~with the rules and regulations of any agency authorized by the~~
1342 ~~laws of this state or the laws of another state.~~

1343 (8) "Certifying agency" means:

1344 (a) An agency authorized under the laws of a state,
1345 territory, or possession of the United States to officially
1346 certify seed and which has standards and procedures approved by

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1347 the United States Secretary of Agriculture to assure the genetic
1348 purity and identity of the seed certified; or

1349 (b) An agency of a foreign country that the United States
1350 Secretary of Agriculture has determined as adhering to
1351 procedures and standards for seed certification comparable to
1352 those adhered to generally by seed certifying agencies under
1353 paragraph (a).

1354 (9) "Coated seed" means seed that has been covered by a
1355 layer of materials that obscures the original shape and size of
1356 the seed and substantially increases the weight of the product.
1357 The addition of biologicals, pesticides, identifying colorants
1358 or dyes, or other active ingredients including polymers may be
1359 included in this process.

1360 (10)~~(5)~~ "Date of test" means the month and year the
1361 percentage of germination appearing on the label was obtained by
1362 laboratory test.

1363 (11)~~(6)~~ "Dealer" means any person who sells or offers for
1364 sale any agricultural, vegetable, flower, ~~or forest tree, or~~
1365 shrub seed for seeding purposes, and includes farmers who sell
1366 cleaned, processed, packaged, and labeled seed.

1367 (12)~~(7)~~ "Department" means the Department of Agriculture
1368 and Consumer Services or its authorized representative.

1369 (13)~~(8)~~ "Dormant seed" refers to viable seed, other than
1370 hard seed, which neither germinate nor decay during the
1371 prescribed test period and under the prescribed test conditions.

1372 (14)~~(9)~~ "Flower seed" includes seed of herbaceous plants
1373 grown for blooms, ornamental foliage, or other ornamental parts,
1374 and commonly known and sold under the name of flower or
1375 wildflower seed in this state.

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1376 ~~(10) "Forest tree seed" includes seed of woody plants~~
1377 ~~commonly known and sold as forest tree seed.~~

1378 (15) "Foundation seed" means a class of certified seed
1379 which is the progeny of breeder or other foundation seed and is
1380 produced and handled under procedures established by the
1381 certifying agency, in accordance with this part, for producing
1382 foundation seed, for the purpose of maintaining genetic purity
1383 and identity.

1384 (16)~~(11)~~ "Germination" means the emergence and development
1385 from the seed embryo of those essential structures which, for
1386 the kind of seed in question, are indicative of the ability to
1387 produce a normal plant under favorable conditions ~~percentage of~~
1388 ~~seed capable of producing normal seedlings under ordinarily~~
1389 ~~favorable conditions. Broken seedlings and weak, malformed and~~
1390 ~~obviously abnormal seedlings shall not be considered to have~~
1391 ~~germinated.~~

1392 (17)~~(12)~~ "Hard seed" means seeds that remain hard at the
1393 end of a prescribed test period because they have not absorbed
1394 water due to an impermeable seed coat ~~the percentage of seed~~
1395 ~~which because of hardness or impermeability did not absorb~~
1396 ~~moisture or germinate under prescribed tests but remain hard~~
1397 ~~during the period prescribed for germination of the kind of seed~~
1398 ~~concerned.~~

1399 (18)~~(13)~~ "Hybrid" means the first generation seed of a
1400 cross produced by controlling the pollination and by combining:

1401 (a) Two or more inbred lines;

1402 (b) One inbred or a single cross with an open-pollinated
1403 variety; or

1404 (c) Two varieties or species, except open-pollinated

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1405 varieties of corn (*Zea mays*).

1406

1407 The second generation or subsequent generations from such
1408 crosses may ~~shall~~ not be regarded as hybrids. Hybrid
1409 designations shall be treated as variety names.

1410 (19) ~~(14)~~ "Inert matter" means all matter that is not a full
1411 seed ~~includes broken seed when one-half in size or less; seed of~~
1412 ~~legumes or crucifers with the seed coats removed; undeveloped~~
1413 ~~and badly injured weed seed such as sterile dodder which, upon~~
1414 ~~visual examination, are clearly incapable of growth; empty~~
1415 ~~glumes of grasses; attached sterile glumes of grasses (which~~
1416 ~~must be removed from the fertile glumes except in Rhodes grass);~~
1417 ~~dirt, stone, chaff, nematode, fungus bodies, and any matter~~
1418 ~~other than seed.~~

1419 (20) ~~(15)~~ "Kind" means one or more related species or
1420 subspecies which singly or collectively is known by one common
1421 name; e.g., corn, beans, lespedeza.

1422 (21) "Label" means the display or displays of written or
1423 printed material upon or attached to a container of seed.

1424 (22) ~~(16)~~ "Labeling" includes all labels and other written,
1425 printed, or graphic representations, in any form, accompanying
1426 and pertaining to any seed, whether in bulk or in containers,
1427 and includes invoices and other bills of shipment when sold in
1428 bulk.

1429 (23) ~~(17)~~ "Lot ~~of seed~~" means a definite quantity of seed
1430 identified by a lot number or other mark ~~identification~~, every
1431 portion or bag of which is uniform within recognized tolerances
1432 for the factors that appear in the labeling, ~~for the factors~~
1433 ~~which appear in the labeling, within permitted tolerances.~~

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1434 ~~(24)(18)~~ "Mix," "mixed," or "mixture" means seed consisting
1435 of more than one kind ~~or variety~~, each present in excess of 5
1436 percent by weight of the whole.

1437 (25) "Mulch" means a protective covering of any suitable
1438 substance placed with seed which acts to retain sufficient
1439 moisture to support seed germination and sustain early seedling
1440 growth and aid in the prevention of the evaporation of soil
1441 moisture, the control of weeds, and the prevention of erosion.

1442 (26) "Noxious weed seed" means seed in one of two classes
1443 of seed:

1444 (a) "Prohibited noxious weed seed" means the seed of weeds
1445 that are highly destructive and difficult to control by good
1446 cultural practices and the use of herbicides.

1447 (b) "Restricted noxious weed seed" means weed seeds that
1448 are objectionable in agricultural crops, lawns, and gardens of
1449 this state and which can be controlled by good agricultural
1450 practices or the use of herbicides.

1451 ~~(27)(19)~~ "Origin" means the state, District of Columbia,
1452 Puerto Rico, or possession of the United States, or the foreign
1453 country where the seed were grown, except for native species,
1454 where the term means the county or collection zone and the state
1455 where the seed were grown ~~for forest tree seed, with respect to~~
1456 which the term "origin" means the county or state forest service
1457 seed collection zone and the state where the seed were grown.

1458 ~~(28)(20)~~ "Other crop seed" includes all seed of plants
1459 grown in this state as crops, other than the kind or kind and
1460 variety included in the pure seed, when not more than 5 percent
1461 of the whole of a single kind or variety is present, unless
1462 designated as weed seed.

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1463 (29) "Packet seed" means seed prepared for use in home
1464 gardens and household plantings packaged in labeled, sealed
1465 containers of less than 8 ounces and typically sold from seed
1466 racks or displays in retail establishments, via the Internet, or
1467 through mail order.

1468 ~~(30)(21)~~ "Processing" means conditioning, cleaning,
1469 scarifying, or blending to obtain uniform quality and other
1470 operations which would change the purity or germination of the
1471 seed and, therefore, require retesting to determine the quality
1472 of the seed.

1473 ~~(22) "Prohibited noxious weed seed" means the seed and~~
1474 ~~bulblets of perennial weeds such as not only reproduce by seed~~
1475 ~~or bulblets, but also spread by underground roots or stems and~~
1476 ~~which, when established, are highly destructive and difficult to~~
1477 ~~control in this state by ordinary good cultural practice.~~

1478 ~~(31)(23)~~ "Pure seed" means the seed, exclusive of inert
1479 matter, of the kind or kind and variety of seed declared on the
1480 label or tag includes all seed of the kind or kind and variety
1481 or strain under consideration, whether shriveled, cracked, or
1482 otherwise injured, and pieces of broken seed larger than one-
1483 half the original size.

1484 ~~(32)(24)~~ "Record" includes the symbol identifying the seed
1485 as to origin, amount, processing, testing, labeling, and
1486 distribution, ~~file sample of the seed,~~ and any other document or
1487 instrument pertaining to the purchase, sale, or handling of
1488 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed.
1489 Such information includes seed samples and records of
1490 declarations, labels, purchases, sales, conditioning, bulking,
1491 treatment, handling, storage, analyses, tests, and examinations.

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1492 (33) "Registered seed" means a class of certified seed
1493 which is the progeny of breeder or foundation seed and is
1494 produced and handled under procedures established by the
1495 certifying agency, in accordance with this part, for the purpose
1496 of maintaining genetic purity and identity.

1497 ~~(25) "Restricted noxious weed seed" means the seed of such~~
1498 ~~weeds as are very objectionable in fields, lawns, or gardens of~~
1499 ~~this state, but can be controlled by good cultural practice.~~
1500 ~~Seed of poisonous plants may be included.~~

1501 (34) "Shrub seed" means seed of a woody plant that is
1502 smaller than a tree and has several main stems arising at or
1503 near the ground.

1504 (35)~~(26)~~ "Stop-sale" means any written or printed notice or
1505 order issued by the department to the owner or custodian of any
1506 lot of agricultural, vegetable, flower, ~~or forest~~ tree, or shrub
1507 seed in the state, directing the owner or custodian not to sell
1508 or offer for sale seed designated by the order within the state
1509 until the requirements of this law are complied with and a
1510 written release has been issued; except that the seed may be
1511 released to be sold for feed.

1512 (36)~~(27)~~ "Treated" means that the seed has been given an
1513 application of a material or subjected to a process designed to
1514 control or repel disease organisms, insects, or other pests
1515 attacking seed or seedlings grown therefrom to improve its
1516 planting value or to serve any other purpose.

1517 (37) "Tree seed" means seed of a woody perennial plant
1518 typically having a single stem or trunk growing to a
1519 considerable height and bearing lateral branches at some
1520 distance from the ground.

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1521 ~~(38)(28)~~ "Type" means a group of varieties so nearly
1522 similar that the individual varieties cannot be clearly
1523 differentiated except under special conditions.

1524 ~~(39)(29)~~ "Variety" means a subdivision of a kind which is
1525 distinct in the sense that the variety can be differentiated by
1526 one or more identifiable morphological, physiological, or other
1527 characteristics from all other varieties of public knowledge;
1528 uniform in the sense that the variations in essential and
1529 distinctive characteristics are describable; and stable in the
1530 sense that the variety will remain unchanged in its essential
1531 and distinctive characteristics and its uniformity when
1532 reproduced or reconstituted ~~characterized by growth, plant~~
1533 ~~fruit, seed, or other characteristics by which it can be~~
1534 ~~differentiated from other sorts of the same kind; e.g.,~~
1535 ~~Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.~~

1536 ~~(40)(30)~~ "Vegetable seed" means the seed of those crops
1537 that which are grown in gardens or on truck farms, and are
1538 generally known and sold under the name of vegetable seed or
1539 herb seed in this state.

1540 ~~(41)(31)~~ "Weed seed" includes the seed of all plants
1541 generally recognized as weeds within this state, and includes
1542 prohibited and restricted noxious weed seed, bulblets, ~~and~~
1543 tubers, and any other vegetative propagules.

1544 Section 32. Section 578.012, Florida Statutes, is created
1545 to read:

1546 578.012 Preemption.—

1547 (1) It is the intent of the Legislature to eliminate
1548 duplication of regulation of seed. As such, this chapter is
1549 intended as comprehensive and exclusive and occupies the whole

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1550 field of regulation of seed.

1551 (2) The authority to regulate seed or matters relating to
1552 seed in this state is preempted to the state. A local government
1553 or political subdivision of the state may not enact or enforce
1554 an ordinance that regulates seed, including the power to assess
1555 any penalties provided for violation of this chapter.

1556 Section 33. Section 578.08, Florida Statutes, is amended to
1557 read:

1558 578.08 Registrations.—

1559 (1) Every person, except as provided in subsection (4) ~~and~~
1560 ~~s. 578.14~~, before selling, distributing for sale, offering for
1561 sale, exposing for sale, handling for sale, or soliciting orders
1562 for the purchase of any agricultural, vegetable, flower, ~~or~~
1563 ~~forest tree~~, or shrub seed or mixture thereof, shall first
1564 register with the department as a seed dealer. The application
1565 for registration must include the name and location of each
1566 place of business at which the seed is sold, distributed for
1567 sale, offered for sale, exposed for sale, or handled for sale.
1568 The application must ~~for registration shall~~ be filed with the
1569 department by using a form prescribed by the department or by
1570 using the department's website and shall be accompanied by an
1571 annual registration fee for each such place of business based on
1572 the gross receipts from the sale of such seed for the last
1573 preceding license year as follows:

1574 (a)1. Receipts of less than \$500, a fee of \$10.

1575 2. Receipts of \$500 or more but less than \$1,000, a fee of
1576 \$25.

1577 3. Receipts of \$1,000 or more but less than \$2,500, a fee
1578 of \$100.

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1579 4. Receipts of \$2,500 or more but less than \$5,000, a fee
1580 of \$200.

1581 5. Receipts of \$5,000 or more but less than \$10,000, a fee
1582 of \$350.

1583 6. Receipts of \$10,000 or more but less than \$20,000, a fee
1584 of \$800.

1585 7. Receipts of \$20,000 or more but less than \$40,000, a fee
1586 of \$1,000.

1587 8. Receipts of \$40,000 or more but less than \$70,000, a fee
1588 of \$1,200.

1589 9. Receipts of \$70,000 or more but less than \$150,000, a
1590 fee of \$1,600.

1591 10. Receipts of \$150,000 or more but less than \$400,000, a
1592 fee of \$2,400.

1593 11. Receipts of \$400,000 or more, a fee of \$4,600.

1594 (b) For places of business not previously in operation, the
1595 fee shall be based on anticipated receipts for the first license
1596 year.

1597 (2) A ~~written~~ receipt from the department of the
1598 registration and payment of the fee shall constitute a
1599 sufficient permit for the dealer to engage in or continue in the
1600 business of selling, distributing for sale, offering or exposing
1601 for sale, handling for sale, or soliciting orders for the
1602 purchase of any agricultural, vegetable, flower, ~~or forest~~ tree,
1603 or shrub seed within the state. However, the department has
1604 ~~shall have~~ authority to suspend or revoke any permit for the
1605 violation of any provision of this law or of any rule adopted
1606 under authority hereof. The registration shall expire on June 30
1607 of the next calendar year and shall be renewed on July 1 of each

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1608 year. If any person subject to the requirements of this section
1609 fails to comply, the department may issue a stop-sale notice or
1610 order which shall prohibit the person from selling or causing to
1611 be sold any agricultural, vegetable, flower, ~~or forest tree,~~ or
1612 shrub seed until the requirements of this section are met.

1613 (3) Every person selling, distributing for sale, offering
1614 for sale, exposing for sale, handling for sale, or soliciting
1615 orders for the purchase of any agricultural, vegetable, flower,
1616 ~~or forest tree,~~ or shrub seed in the state other than as
1617 provided in subsection (4) ~~s. 578.14~~, shall be subject to the
1618 requirements of this section; ~~except that agricultural~~
1619 ~~experiment stations of the State University System shall not be~~
1620 ~~subject to the requirements of this section.~~

1621 (4) ~~The provisions of This chapter~~ does shall not apply to
1622 farmers who sell only uncleaned, unprocessed, unpackaged, and
1623 unlabeled seed, but shall apply to farmers who sell cleaned,
1624 processed, packaged, and labeled seed in amounts in excess of
1625 \$10,000 in any one year.

1626 (5) When packet seed is sold, offered for sale, or exposed
1627 for sale, the company who packs seed for retail sale must
1628 register and pay fees as provided under subsection (1).

1629 Section 34. Section 578.09, Florida Statutes, is amended to
1630 read:

1631 578.09 Label requirements for agricultural, vegetable,
1632 flower, tree, or shrub seeds.—Each container of agricultural,
1633 vegetable, ~~or flower, tree, or shrub seed~~ which is sold, offered
1634 for sale, exposed for sale, or distributed for sale within this
1635 state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or
1636 have attached thereto, in a conspicuous place, ~~a label or labels~~

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1637 ~~containing all information required under this section,~~ plainly
1638 written or printed label or tag in the English language, ~~in~~
1639 ~~Century type. All data pertaining to analysis shall appear on a~~
1640 ~~single label.~~ Language setting forth the requirements for filing
1641 and serving complaints as described in s. 578.26(1)(c) must ~~s.~~
1642 ~~578.26(1)(b) shall~~ be included on the analysis label or be
1643 otherwise attached to the package, except for packages
1644 containing less than 1,000 seeds by count.

1645 (1) ~~FOR TREATED SEED.~~ For all treated agricultural,
1646 vegetable, ~~or~~ flower, tree, or shrub seed ~~treated~~ as defined in
1647 this chapter:

1648 (a) A word or statement indicating that the seed has been
1649 ~~treated or description of process used.~~

1650 (b) The commonly accepted coined, chemical, or abbreviated
1651 chemical (generic) name of the applied substance or description
1652 of the process used and the words "~~poison treated~~" in red
1653 ~~letters, in not less than 1/4-inch type.~~

1654 (c) If the substance in the amount present with the seed is
1655 harmful to humans or other vertebrate animals, a caution
1656 statement such as "Do not use for food, feed, or oil purposes."
1657 The caution for mercurials, Environmental Protection Agency
1658 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and
1659 similarly toxic substances shall be designated by a poison
1660 statement or symbol.

1661 ~~(d) Rate of application or statement "Treated at~~
1662 ~~manufacturer's recommended rate."~~

1663 (d)(e) If the seed is treated with an inoculant, the date
1664 beyond which the inoculant is not to be considered effective
1665 (date of expiration).

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

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

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

(b) Lot number or other lot identification.

(c) Net weight or seed count.

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

(e) Percentage by weight of all weed seed.

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

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

(h) Percentage by weight of inert matter.

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

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

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

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1695 3. The calendar month and year the test was completed to
 1696 determine such percentages, provided that the germination test
 1697 must have been completed within the previous 9 months, exclusive
 1698 of the calendar month of test.

1699 (j) Name and address of the person who labeled said seed or
 1700 who sells, distributes, offers, or exposes said seed for sale
 1701 within this state.

1702
 1703 The sum total of the percentages listed pursuant to paragraphs
 1704 (a), (e), (g), and (h) must be equal to 100 percent.

1705 (3) For seed that is coated:

1706 (a) Percentage by weight of pure seed with coating material
 1707 removed. The percentage of coating material may be included with
 1708 the inert matter percentage or may be listed separately.

1709 (b) Percentage of germination. This percentage must be
 1710 determined based on an examination of 400 coated units with or
 1711 without seed.

1712
 1713 In addition to the requirements of this subsection, labeling of
 1714 coated seed must also comply with the requirements of any other
 1715 subsection pertaining to that type of seed. ~~FOR VEGETABLE SEED~~
 1716 ~~IN CONTAINERS OF 8 OUNCES OR MORE.~~

1717 ~~(a) Name of kind and variety of seed.~~

1718 ~~(b) Net weight or seed count.~~

1719 ~~(c) Lot number or other lot identification.~~

1720 ~~(d) Percentage of germination.~~

1721 ~~(e) Calendar month and year the test was completed to~~
 1722 ~~determine such percentages.~~

1723 ~~(f) Name and address of the person who labeled said seed or~~

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1724 ~~who sells, distributes, offers or exposes said seed for sale~~
1725 ~~within this state.~~

1726 ~~(g) For seed which germinate less than the standard last~~
1727 ~~established by the department the words "below standard," in not~~
1728 ~~less than 8 point type, must be printed or written in ink on the~~
1729 ~~face of the tag, in addition to the other information required.~~
1730 ~~Provided, that no seed marked "below standard" shall be sold~~
1731 ~~which falls more than 20 percent below the standard for such~~
1732 ~~seed which has been established by the department, as authorized~~
1733 ~~by this law.~~

1734 ~~(h) The name and number of restricted noxious weed seed per~~
1735 ~~pound.~~

1736 (4) For combination mulch, seed, and fertilizer products:

1737 (a) The word "combination" followed, as appropriate, by the
1738 words "mulch - seed - fertilizer" must appear prominently on the
1739 principal display panel of the package.

1740 (b) If the product is an agricultural seed placed in a
1741 germination medium, mat, tape, or other device or is mixed with
1742 mulch or fertilizer, it must also be labeled with all of the
1743 following:

1744 1. Product name.

1745 2. Lot number or other lot identification.

1746 3. Percentage by weight of pure seed of each kind and
1747 variety named which may be less than 5 percent of the whole.

1748 4. Percentage by weight of other crop seed.

1749 5. Percentage by weight of inert matter.

1750 6. Percentage by weight of weed seed.

1751 7. Name and number of noxious weed seeds per pound, if
1752 present.

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1753 8. Percentage of germination, and hard or dormant seed if
1754 appropriate, of each kind or kind and variety named. The
1755 germination test must have been completed within the previous 12
1756 months exclusive of the calendar month of test.

1757 9. The calendar month and year the test was completed to
1758 determine such percentages.

1759 10. Name and address of the person who labeled the seed, or
1760 who sells, offers, or exposes the seed for sale within the
1761 state.

1762
1763 The sum total of the percentages listed pursuant to
1764 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.

1765 (5) For vegetable seed in packets as prepared for use in
1766 home gardens or household plantings or vegetable seeds in
1767 preplanted containers, mats, tapes, or other planting devices:
1768 ~~FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—~~

1769 (a) Name of kind and variety of seed. Hybrids must be
1770 labeled as hybrids.

1771 (b) Lot number or other lot identification.

1772 (c) Germination test date identified in the following
1773 manner:

1774 1. The calendar month and year the germination test was
1775 completed and the statement "Sell by ...(month/year)...", which
1776 may be no more than 12 months from the date of test, beginning
1777 with the month after the test date;

1778 2. The month and year the germination test was completed,
1779 provided that the germination test must have been completed
1780 within the previous 12 months, exclusive of the calendar month
1781 of test; or

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1782 3. The year for which the seed was packaged for sale as
 1783 "Packed for ...(year)..." and the statement "Sell by
 1784 ...(year)..." which shall be one year after the seed was
 1785 packaged for sale.

1786 (d)~~(b)~~ Name and address of the person who labeled the seed
 1787 or who sells, distributes, offers, or exposes said seed for sale
 1788 within this state.

1789 (e)~~(e)~~ For seed which germinate less than standard last
 1790 established by the department,~~the additional information must~~
 1791 ~~be shown:~~

1792 1. Percentage of germination, exclusive of hard or dormant
 1793 seed.

1794 2. Percentage of hard or dormant seed ~~when present,~~ if
 1795 present desired.

1796 ~~3. Calendar month and year the test was completed to~~
 1797 ~~determine such percentages.~~

1798 ~~3.4.~~ The words "Below Standard" prominently displayed in
 1799 ~~not less than 8 point type.~~

1800
 1801 (f)~~(d)~~ No seed marked "below standard" may ~~shall~~ be sold
 1802 that falls ~~which fall~~ more than 20 percent below the established
 1803 standard for such seed. For seeds that do not have an
 1804 established standard, the minimum germination standard shall be
 1805 50 percent, and no such seed may be sold that is 20 percent
 1806 below this standard.

1807 (g) For seed placed in a germination medium, mat, tape, or
 1808 other device in such a way as to make it difficult to determine
 1809 the quantity of seed without removing the seeds from the medium,
 1810 mat, tape or device, a statement to indicate the minimum number

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1811 of seeds in the container.

1812 (6) For vegetable seed in containers, other than packets
1813 prepared for use in home gardens or household plantings, and
1814 other than preplanted containers, mats, tapes, or other planting
1815 devices:

1816 (a) The name of each kind and variety present of any seed
1817 in excess of 5 percent of the total weight in the container, and
1818 the percentage by weight of each type of seed in order of its
1819 predominance. Hybrids must be labeled as hybrids.

1820 (b) Net weight or seed count.

1821 (c) Lot number or other lot identification.

1822 (d) For each named vegetable seed:

1823 1. Percentage germination, exclusive of hard or dormant
1824 seed;

1825 2. Percentage of hard or dormant seed, if present;

1826 3. Listed below the requirements of subparagraphs 1. and
1827 2., the "total germination and hard or dormant seed" may be
1828 stated as such, if desired; and

1829 4. The calendar month and year the test was completed to
1830 determine the percentages specified in subparagraphs 1. and 2.,
1831 provided that the germination test must have been completed
1832 within 9 months, exclusive of the calendar month of test.

1833 (e) Name and address of the person who labeled the seed, or
1834 who sells, offers, or exposes the seed for sale within this
1835 state.

1836 (f) For seed which germinate less than the standard last
1837 established by the department, the words "Below Standard"
1838 prominently displayed.

1839 1. No seed marked "Below Standard" may be sold if the seed

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1840 is more than 20 percent below the established standard for such
1841 seed.

1842 2. For seeds that do not have an established standard, the
1843 minimum germination standard shall be 50 percent, and no such
1844 seed may be sold that is 20 percent below this standard.

1845 (7)(5) For flower seed in packets prepared for use in home
1846 gardens or household plantings or flower seed in preplanted
1847 containers, mats, tapes, or other planting devices: FOR FLOWER
1848 SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD
1849 PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,
1850 OR OTHER PLANTING DEVICES.

1851 (a) For all kinds of flower seed:

1852 1. The name of the kind and variety or a statement of type
1853 and performance characteristics as prescribed in the rules and
1854 regulations adopted ~~promulgated~~ under the provisions of this
1855 chapter.

1856 2. Germination test date, identified in the following
1857 manner:

1858 a. The calendar month and year the germination test was
1859 completed and the statement "Sell by ...(month/year)..." The
1860 sell by date must be no more than 12 months from the date of
1861 test, beginning with the month after the test date;

1862 b. The year for which the seed was packed for sale as
1863 "Packed for ...(year)..." and the statement "Sell by
1864 ...(year)..." which shall be for a calendar year; or

1865 c. The calendar month and year the test was completed,
1866 provided that the germination test must have been completed
1867 within the previous 12 months, exclusive of the calendar month
1868 of test.

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1869 ~~2. The calendar month and year the seed was tested or the~~
 1870 ~~year for which the seed was packaged.~~

1871 3. The name and address of the person who labeled said
 1872 seed, or who sells, offers, or exposes said seed for sale within
 1873 this state.

1874 (b) For seed of those kinds for which standard testing
 1875 procedures are prescribed and which germinate less than the
 1876 germination standard last established under the provisions of
 1877 this chapter:

1878 1. The percentage of germination exclusive of hard or
 1879 dormant seed.

1880 2. Percentage of hard or dormant seed, if present.

1881 3. The words "Below Standard" prominently displayed ~~in not~~
 1882 ~~less than 8 point type.~~

1883 (c) For seed placed in a germination medium, mat, tape, or
 1884 other device in such a way as to make it difficult to determine
 1885 the quantity of seed without removing the seed from the medium,
 1886 mat, tape, or device, a statement to indicate the minimum number
 1887 of seed in the container.

1888 (8)(6) For flower seed in containers other than packets and
 1889 other than preplanted containers, mats, tapes, or other planting
 1890 devices and not prepared for use in home flower gardens or
 1891 household plantings: FOR FLOWER SEED IN CONTAINERS OTHER THAN
 1892 PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD
 1893 PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR
 1894 OTHER PLANTING DEVICES.—

1895 (a) The name of the kind and variety, and for wildflowers,
 1896 the genus and species and subspecies, if appropriate ~~or a~~
 1897 ~~statement of type and performance characteristics as prescribed~~

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1898 ~~in rules and regulations promulgated under the provisions of~~
 1899 ~~this chapter.~~

1900 (b) Net weight or seed count.

1901 (c) ~~(b)~~ The Lot number or other lot identification.

1902 (d) For flower seed with a pure seed percentage of less
 1903 than 90 percent:

1904 1. Percentage, by weight, of each component listed in order
 1905 of its predominance.

1906 2. Percentage by weight of weed seed, if present.

1907 3. Percentage by weight of other crop seed.

1908 4. Percentage by weight of inert matter.

1909 (e) For those kinds of seed for which standard testing
 1910 procedures are prescribed:

1911 1. Percentage germination exclusive of hard or dormant
 1912 seed.

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

1914 3. ~~(e)~~ The calendar month and year that the test was
 1915 completed. The germination test must have been completed within
 1916 the previous 9 months, exclusive of the calendar month of test.

1917 (f) For those kinds of seed for which standard testing
 1918 procedures are not available, the year of production or
 1919 collection ~~seed were tested or the year for which the seed were~~
 1920 packaged.

1921 (g) ~~(d)~~ The name and address of the person who labeled said
 1922 seed or who sells, offers, or exposes said seed for sale within
 1923 this state.

1924 ~~(e) For those kinds of seed for which standard testing~~
 1925 ~~procedures are prescribed:~~

1926 ~~1. The percentage germination exclusive of hard seed.~~

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- 1927 ~~2. The percentage of hard seed, if present.~~
- 1928 (h) (f) For those seeds which germinate less than the
- 1929 standard last established by the department, the words "Below
- 1930 Standard" prominently displayed in not less than 8 point type
- 1931 ~~must be printed or written in ink on the face of the tag.~~
- 1932 (9) For tree or shrub seed:
- 1933 (a) Common name of the species of seed and, if appropriate,
- 1934 subspecies.
- 1935 (b) The scientific name of the genus, species, and, if
- 1936 appropriate, subspecies.
- 1937 (c) Lot number or other lot identification.
- 1938 (d) Net weight or seed count.
- 1939 (e) Origin, indicated in the following manner:
- 1940 1. For seed collected from a predominantly indigenous
- 1941 stand, the area of collection given by latitude and longitude or
- 1942 geographic description, or political subdivision, such as state
- 1943 or county.
- 1944 2. For seed collected from other than a predominantly
- 1945 indigenous stand, the area of collection and the origin of the
- 1946 stand or the statement "Origin not Indigenous".
- 1947 3. The elevation or the upper and lower limits of
- 1948 elevations within which the seed was collected.
- 1949 (f) Purity as a percentage of pure seed by weight.
- 1950 (g) For those species for which standard germination
- 1951 testing procedures are prescribed by the department:
- 1952 1. Percentage germination exclusive of hard or dormant
- 1953 seed.
- 1954 2. Percentage of hard or dormant seed, if present.
- 1955 3. The calendar month and year test was completed, provided

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1956 that the germination test must have been completed within the
1957 previous 12 months, exclusive of the calendar month of test.

1958 (h) In lieu of subparagraphs (g)1., 2., and 3., the seed
1959 may be labeled "Test is in progress; results will be supplied
1960 upon request."

1961 (i) For those species for which standard germination
1962 testing procedures have not been prescribed by the department,
1963 the calendar year in which the seed was collected.

1964 (j) The name and address of the person who labeled the seed
1965 or who sells, offers, or exposes the seed for sale within this
1966 state.

1967 ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG. The~~
1968 ~~department shall have the authority to prescribe a uniform~~
1969 ~~analysis tag required by this section.~~

1970
1971 The information required by this section to be placed on labels
1972 attached to seed containers may not be modified or denied in the
1973 labeling or on another label attached to the container. However,
1974 labeling of seed supplied under a contractual agreement may be
1975 by invoice accompanying the shipment or by an analysis tag
1976 attached to the invoice if each bag or other container is
1977 clearly identified by a lot number displayed on the bag or other
1978 container. Each bag or container that is not so identified must
1979 carry complete labeling.

1980 Section 35. Section 578.091, Florida Statutes, is repealed.

1981 Section 36. Subsections (2) and (3) of section 578.10,
1982 Florida Statutes, are amended to read:

1983 578.10 Exemptions.—

1984 (2) The provisions of ss. 578.09 and 578.13 do not apply

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1985 to:

1986 (a) ~~To~~ Seed or grain not intended for sowing or planting
1987 purposes.

1988 (b) ~~To~~ Seed stored in storage in, consigned to, or being
1989 transported to seed cleaning or processing establishments for
1990 cleaning or processing only. Any labeling or other
1991 representation which may be made with respect to the unclean
1992 seed is ~~shall be~~ subject to this law.

1993 (c) Seed under development or maintained exclusively for
1994 research purposes.

1995 (3) If seeds cannot be identified by examination thereof, a
1996 person is not subject to the criminal penalties of this chapter
1997 for having sold or offered for sale seeds subject to this
1998 chapter which were incorrectly labeled or represented as to
1999 kind, species, and, if appropriate, subspecies, variety, type,
2000 or origin, elevation, and, if required, year of collection
2001 unless he or she has failed to obtain an invoice, genuine
2002 grower's or tree seed collector's declaration, or other labeling
2003 information and to take such other precautions as may be
2004 reasonable to ensure the identity of the seeds to be as stated
2005 by the grower. A genuine grower's declaration of variety must
2006 affirm that the grower holds records of proof of identity
2007 concerning parent seed, such as invoice and labels ~~No person~~
2008 ~~shall be subject to the criminal penalties of this law for~~
2009 ~~having sold, offered, exposed, or distributed for sale in this~~
2010 ~~state any agricultural, vegetable, or forest tree seed which~~
2011 ~~were incorrectly labeled or represented as to kind and variety~~
2012 ~~or origin, which seed cannot be identified by examination~~
2013 ~~thereof, unless she or he has failed to obtain an invoice or~~

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2014 ~~grower's declaration giving kind and variety and origin.~~

2015 Section 37. Section 578.11, Florida Statutes, is amended to
2016 read:

2017 578.11 Duties, authority, and rules of the department.—

2018 (1) The duty of administering this law and enforcing its
2019 provisions and requirements shall be vested in the Department of
2020 Agriculture and Consumer Services, which is hereby authorized to
2021 employ such agents and persons as in its judgment shall be
2022 necessary therefor. It shall be the duty of the department,
2023 which may act through its authorized agents, to sample, inspect,
2024 make analyses of, and test agricultural, vegetable, flower, ~~or~~
2025 ~~forest tree~~, or shrub seed transported, sold, offered or exposed
2026 for sale, or distributed within this state for sowing or
2027 planting purposes, at such time and place and to such extent as
2028 it may deem necessary to determine whether said agricultural,
2029 vegetable, flower, ~~or forest tree~~, or shrub seed are in
2030 compliance with the provisions of this law, and to notify
2031 promptly the person who transported, distributed, sold, offered
2032 or exposed the seed for sale, of any violation.

2033 (2) The department is authorized to:

2034 (a) ~~To~~ Enforce this chapter ~~act~~ and prescribe the methods
2035 of sampling, inspecting, testing, and examining agricultural,
2036 vegetable, flower, ~~or forest tree~~, or shrub seed.

2037 (b) ~~To~~ Establish standards and tolerances to be followed in
2038 the administration of this law, which shall be in general accord
2039 with officially prescribed practices in interstate commerce.

2040 (c) ~~To~~ Prescribe uniform labels.

2041 (d) ~~To~~ Adopt prohibited and restricted noxious weed seed
2042 lists.

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2043 (e) ~~To~~ Prescribe limitations for each restricted noxious
2044 weed to be used in enforcement of this chapter act and to add or
2045 subtract therefrom from time to time as the need may arise.

2046 (f) ~~To~~ Make commercial tests of seed and to fix and collect
2047 charges for such tests.

2048 (g) ~~To~~ List the kinds of flower, and forest tree, and shrub
2049 seed subject to this law.

2050 (h) ~~To~~ Analyze samples, as requested by a consumer. The
2051 department shall establish, by rule, a fee schedule for
2052 analyzing samples at the request of a consumer. The fees shall
2053 be sufficient to cover the costs to the department for taking
2054 the samples and performing the analysis, not to exceed \$150 per
2055 sample.

2056 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to
2057 implement ~~the provisions of this chapter act~~.

2058 (j) ~~To~~ Establish, by rule, requirements governing aircraft
2059 used for the aerial application of seed, including requirements
2060 for recordkeeping, annual aircraft registration, secure storage
2061 when not in use, area-of-application information, and reporting
2062 any sale, lease, purchase, rental, or transfer of such aircraft
2063 to another person.

2064 (3) For the purpose of carrying out ~~the provisions of this~~
2065 law, the department, through its authorized agents, is
2066 authorized to:

2067 (a) ~~To~~ Enter upon any public or private premises, where
2068 agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed
2069 is sold, offered, exposed, or distributed for sale during
2070 regular business hours, in order to have access to seed subject
2071 to this law and the rules and regulations hereunder.

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2072 (b) ~~To~~ Issue and enforce a stop-sale notice or order to the
2073 owner or custodian of any lot of agricultural, vegetable,
2074 flower, ~~or forest tree,~~ or shrub seed, which the department
2075 finds or has good reason to believe is in violation of any
2076 provisions of this law, which shall prohibit further sale,
2077 barter, exchange, or distribution of such seed until the
2078 department is satisfied that the law has been complied with and
2079 has issued a written release or notice to the owner or custodian
2080 of such seed. After a stop-sale notice or order has been issued
2081 against or attached to any lot of seed and the owner or
2082 custodian of such seed has received confirmation that the seed
2083 does not comply with this law, she or he has ~~shall have~~ 15 days
2084 beyond the normal test period within which to comply with the
2085 law and obtain a written release of the seed. ~~The provisions of~~
2086 This paragraph may ~~shall~~ not be construed as limiting the right
2087 of the department to proceed as authorized by other sections of
2088 this law.

2089 (c) ~~To~~ Establish and maintain a seed laboratory, employ
2090 seed analysts and other personnel, and incur such other expenses
2091 as may be necessary to comply with these provisions.

2092 Section 38. Section 578.12, Florida Statutes, is amended to
2093 read:

2094 578.12 Stop-sale, stop-use, removal, or hold orders.—When
2095 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed
2096 is being offered or exposed for sale or held in violation of any
2097 of the provisions of this chapter, the department, through its
2098 authorized representative, may issue and enforce a stop-sale,
2099 stop-use, removal, or hold order to the owner or custodian of
2100 said seed ordering it to be held at a designated place until the

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2101 law has been complied with and said seed is released in writing
2102 by the department or its authorized representative. If seed is
2103 not brought into compliance with this law it shall be destroyed
2104 within 30 days or disposed of by the department in such a manner
2105 as it shall by regulation prescribe.

2106 Section 39. Section 578.13, Florida Statutes, is amended to
2107 read:

2108 578.13 Prohibitions.—

2109 (1) It shall be unlawful for any person to sell, distribute
2110 for sale, offer for sale, expose for sale, handle for sale, or
2111 solicit orders for the purchase of any agricultural, vegetable,
2112 flower, ~~or forest tree,~~ or shrub, seed within this state:

2113 (a) Unless the test to determine the percentage of
2114 germination required by s. 578.09 has ~~shall have~~ been completed
2115 ~~within a period of 7 months, exclusive of the calendar month in~~
2116 ~~which the test was completed,~~ immediately prior to sale,
2117 exposure for sale, offering for sale, or transportation, except
2118 for a germination test for seed in hermetically sealed
2119 containers which is provided for in s. 579.092 ~~s. 578.28~~.

2120 (b) Not labeled in accordance with ~~the provisions of~~ this
2121 law, or having false or misleading labeling.

2122 (c) Pertaining to which there has been a false or
2123 misleading advertisement.

2124 (d) Containing noxious weed seeds subject to tolerances and
2125 methods of determination prescribed in the rules and regulations
2126 under this law.

2127 (e) Unless a seed license has been obtained in accordance
2128 with ~~the provisions of~~ this law.

2129 (f) Unless such seed conforms to the definition of a "lot

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2130 ~~of seed."~~

2131 (2) It shall be unlawful for a any person within this state
2132 to:

2133 (a) ~~To~~ Detach, deface, destroy, or use a second time any
2134 label or tag provided for in this law or in the rules and
2135 regulations made and promulgated hereunder or to alter or
2136 substitute seed in a manner that may defeat the purpose of this
2137 law.

2138 (b) ~~To~~ Disseminate any false or misleading advertisement
2139 concerning agricultural, vegetable, flower, ~~or forest~~ tree ,or
2140 shrub seed in any manner or by any means.

2141 (c) ~~To~~ Hinder or obstruct in any way any authorized person
2142 in the performance of her or his duties under this law.

2143 (d) ~~To~~ Fail to comply with a stop-sale order or to move,
2144 handle, or dispose of any lot of seed, or tags attached to such
2145 seed, held under a "stop-sale" order, except with express
2146 permission of the department and for the purpose specified by
2147 the department ~~or seizure order.~~

2148 (e) Label, advertise, or otherwise represent seed subject
2149 to this chapter to be certified seed or any class thereof,
2150 including classes such as "registered seed," "foundation seed,"
2151 "breeder seed" or similar representations, unless:

2152 1. A seed certifying agency determines that such seed
2153 conformed to standards of purity and identify as to the kind,
2154 variety, or species and, if appropriate, subspecies and the seed
2155 certifying agency also determines that tree or shrub seed was
2156 found to be of the origin and elevation claimed, in compliance
2157 with the rules and regulations of such agency pertaining to such
2158 seed; and

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2159 2. The seed bears an official label issued for such seed by
2160 a seed certifying agency certifying that the seed is of a
2161 specified class and specified to the kind, variety, or species
2162 and, if appropriate, subspecies.

2163 (f) Label, by variety name, seed not certified by an
2164 official seed-certifying agency when it is a variety for which a
2165 certificate of plant variety protection under the United States
2166 Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies
2167 sale only as a class of certified seed, except that seed from a
2168 certified lot may be labeled as to variety name when used in a
2169 mixture by, or with the written approval of, the owner of the
2170 variety. To sell, distribute for sale, offer for sale, expose
2171 for sale, handle for sale, or solicit orders for the purchase of
2172 any agricultural, vegetable, flower, or forest tree seed labeled
2173 "certified seed," "registered seed," "foundation seed," "breeder
2174 seed," or similar terms, unless it has been produced and labeled
2175 under seal in compliance with the rules and regulations of any
2176 agency authorized by law.

2177 (g) ~~(f)~~ To Fail to keep a complete record, including a file
2178 sample which shall be retained for 1 year after seed is sold, of
2179 each lot of seed and to make available for inspection such
2180 records to the department or its duly authorized agents.

2181 (h) ~~(g)~~ To Use the name of the Department of Agriculture and
2182 Consumer Services or Florida State Seed Laboratory in connection
2183 with analysis tag, labeling advertisement, or sale of any seed
2184 in any manner whatsoever.

2185 Section 40. Section 578.14, Florida Statutes, is repealed.

2186 Section 41. Subsection (1) of section 578.181, Florida
2187 Statutes, is amended to read:

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2188 578.181 Penalties; administrative fine.—

2189 (1) The department may enter an order imposing one or more
2190 of the following penalties against a person who violates this
2191 chapter or the rules adopted under this chapter or who impedes,
2192 obstructs, ~~or~~ hinders, or otherwise attempts to prevent the
2193 department from performing its duty in connection with
2194 ~~performing its duties under~~ this chapter:

2195 (a) For a minor violation, issuance of a warning letter.

2196 (b) For violations other than a minor violation:

2197 1. Imposition of an administrative fine in the Class I
2198 category pursuant to s. 570.971 for each occurrence ~~after the~~
2199 ~~issuance of a warning letter.~~

2200 2. ~~(e)~~ Revocation or suspension of the registration as a
2201 seed dealer.

2202 Section 42. Section 578.23, Florida Statutes, is amended to
2203 read:

2204 578.23 ~~Dealers'~~ Records to be kept available.—Each person
2205 who allows his or her name or brand to appear on the label as
2206 handling agricultural, vegetable, flower, tree, or shrub seeds
2207 subject to this chapter must keep, for 2 years, complete records
2208 of each lot of agricultural, vegetable, flower, tree, or shrub
2209 seed handled, and keep for 1 year after final disposition a file
2210 sample of each lot of seed. All such records and samples
2211 pertaining to the shipment or shipments involved must be
2212 accessible for inspection by the department or its authorized
2213 representative during normal business hours ~~Every seed dealer~~
2214 ~~shall make and keep for a period of 3 years satisfactory records~~
2215 ~~of all agricultural, vegetable, flower, or forest tree seed~~
2216 ~~bought or handled to be sold, which records shall at all times~~

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2217 ~~be made readily available for inspection, examination, or audit~~
2218 ~~by the department. Such records shall also be maintained by~~
2219 ~~persons who purchase seed for production of plants for resale.~~

2220 Section 43. Section 578.26, Florida Statutes, is amended to
2221 read:

2222 578.26 Complaint, investigation, hearings, findings, and
2223 recommendation prerequisite to legal action.—

2224 (1) (a) When any buyer ~~farmer~~ is damaged by the failure of
2225 agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed
2226 planted in this state to produce or perform as represented by
2227 the labeling of such label attached to the seed as required by
2228 s. 578.09, as a prerequisite to her or his right to maintain a
2229 legal action against the dealer from whom the seed was
2230 purchased, the buyer must ~~farmer shall~~ make a sworn complaint
2231 against the dealer alleging damages sustained. The complaint
2232 shall be filed with the department, and a copy of the complaint
2233 shall be served by the department on the dealer by certified
2234 mail, within such time as to permit inspection of the property,
2235 crops, plants, or trees referenced in, or related to, the
2236 buyer's complaint by the seed investigation and conciliation
2237 council or its representatives and by the dealer from whom the
2238 seed was purchased.

2239 (b) For types of claims specified in paragraph (a), the
2240 buyer may not commence legal proceedings against the dealer or
2241 assert such a claim as a counterclaim or defense in any action
2242 brought by the dealer until the findings and recommendations of
2243 the seed investigation and conciliation council are transmitted
2244 to the complainant and the dealer.

2245 (c) ~~(b)~~ Language setting forth the requirement for filing

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2246 and serving the complaint shall be legibly typed or printed on
2247 the analysis label or be attached to the package containing the
2248 seed at the time of purchase by the buyer ~~farmer~~.

2249 (d)~~(e)~~ A nonrefundable filing fee of \$100 shall be paid to
2250 the department with each complaint filed. However, the
2251 complainant may recover the filing fee cost from the dealer upon
2252 the recommendation of the seed investigation and conciliation
2253 council.

2254 (2) Within 15 days after receipt of a copy of the
2255 complaint, the dealer shall file with the department her or his
2256 answer to the complaint and serve a copy of the answer on the
2257 buyer ~~farmer~~ by certified mail. ~~Upon receipt of the findings and~~
2258 ~~recommendation of the arbitration council, the department shall~~
2259 ~~transmit them to the farmer and to the dealer by certified mail.~~

2260 (3) The department shall refer the complaint and the answer
2261 thereto to the seed investigation and conciliation council
2262 provided in s. 578.27 for investigation, informal hearing,
2263 findings, and recommendation on the matters complained of.

2264 (a) Each party must ~~shall~~ be allowed to present its side of
2265 the dispute at an informal hearing before the seed investigation
2266 and conciliation council. Attorneys may be present at the
2267 hearing to confer with their clients. However, no attorney may
2268 participate directly in the proceeding.

2269 (b) Hearings, including the deliberations of the seed
2270 investigation and conciliation council, must ~~shall~~ be open to
2271 the public.

2272 (c) Within 30 days after completion of a hearing, the seed
2273 investigation and conciliation council shall transmit its
2274 findings and recommendations to the department. Upon receipt of

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2275 the findings and recommendation of the seed investigation and
2276 conciliation council, the department shall transmit them to the
2277 buyer ~~farmer~~ and to the dealer by certified mail.

2278 (4) The department shall provide administrative support for
2279 the seed investigation and conciliation council and shall mail a
2280 copy of the council's procedures to each party upon receipt of a
2281 complaint by the department.

2282 Section 44. Subsections (1), (2), and (4) of section
2283 578.27, Florida Statutes, are amended to read:

2284 578.27 Seed investigation and conciliation council;
2285 composition; purpose; meetings; duties; expenses.—

2286 (1) The Commissioner of Agriculture shall appoint a seed
2287 investigation and conciliation council composed of seven members
2288 ~~and seven alternate members~~, one member ~~and one alternate~~ to be
2289 appointed upon the recommendation of each of the following: the
2290 deans of extension and research, Institute of Food and
2291 Agricultural Sciences, University of Florida; president of the
2292 Florida Seed ~~Seedsman and Garden Supply~~ Association; president
2293 of the Florida Farm Bureau Federation; and the president of the
2294 Florida Fruit and Vegetable Association. The Commissioner of
2295 Agriculture shall appoint a representative ~~and an alternate~~ from
2296 the agriculture industry at large and from the Department of
2297 Agriculture and Consumer Services. Each member shall be
2298 appointed for a term of 4 years or less and shall serve until
2299 his or her successor is appointed ~~Initially, three members and~~
2300 ~~their alternates shall be appointed for 4-year terms and four~~
2301 ~~members and their alternates shall be appointed for 2-year~~
2302 ~~terms. Thereafter, members and alternates shall be appointed for~~
2303 ~~4-year terms. Each alternate member shall serve only in the~~

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2304 ~~absence of the member for whom she or he is an alternate. A~~
2305 vacancy shall be filled for the remainder of the unexpired term
2306 in the same manner as the original appointment. The council
2307 shall annually elect a chair from its membership. It shall be
2308 the duty of the chair to conduct all meetings and deliberations
2309 held by the council and to direct all other activities of the
2310 council. The department representative shall serve as secretary
2311 of the council. It shall be the duty of the secretary to keep
2312 accurate and correct records on all meetings and deliberations
2313 and perform other duties for the council as directed by the
2314 chair.

2315 (2) The purpose of the seed investigation and conciliation
2316 council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed
2317 dealers in determining the validity of seed complaints made by
2318 buyers ~~farmers~~ against dealers and recommend a settlement, when
2319 appropriate, cost-damages resulting from the alleged failure of
2320 the seed to produce or perform as represented by the label of
2321 such ~~on the~~ seed package.

2322 (4) (a) When the department refers to the seed investigation
2323 and conciliation council any complaint made by a buyer ~~farmer~~
2324 against a dealer, the said council must ~~shall~~ make a full and
2325 complete investigation of the matters complained of and at the
2326 conclusion of the said investigation must ~~shall~~ report its
2327 findings and make its recommendation ~~of cost-damages~~ and file
2328 same with the department.

2329 (b) In conducting its investigation, the seed investigation
2330 and conciliation council or any representative, member, or
2331 members thereof are authorized to examine the buyer's property,
2332 crops, plants, or trees referenced in or relating to the

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2333 ~~complaint farmer on her or his farming operation of which she or~~
 2334 ~~he complains~~ and the dealer on her or his packaging, labeling,
 2335 and selling operation of the seed alleged to be faulty; to grow
 2336 to production a representative sample of the alleged faulty seed
 2337 through the facilities of the state, under the supervision of
 2338 the department when such action is deemed to be necessary; to
 2339 hold informal hearings at a time and place directed by the
 2340 department or by the chair of the council upon reasonable notice
 2341 to the buyer ~~farmer~~ and the dealer.

2342 (c) Any investigation made by less than the whole
 2343 membership of the council must ~~shall~~ be by authority of a
 2344 written directive by the department or by the chair, and such
 2345 investigation must ~~shall~~ be summarized in writing and considered
 2346 by the council in reporting its findings and making its
 2347 recommendation.

2348 Section 45. Section 578.28, Florida Statutes, is renumbered
 2349 as section 578.092, Florida Statutes, and amended to read:

2350 578.092 ~~578.28~~ Seed in hermetically sealed containers.—The
 2351 period of validity of germination tests is extended to the
 2352 following periods for seed packaged in hermetically sealed
 2353 containers, under conditions and label requirements set forth in
 2354 this section:

2355 (1) GERMINATION TESTS.—The germination test for
 2356 agricultural and vegetable seed must ~~shall~~ have been completed
 2357 within the following periods, exclusive of the calendar month in
 2358 which the test was completed, immediately prior to shipment,
 2359 delivery, transportation, or sale:

2360 (a) In the case of agricultural or vegetable seed shipped,
 2361 delivered, transported, or sold to a dealer for resale, 18

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2362 months;

2363 (b) In the case of agricultural or vegetable seed for sale
2364 or sold at retail, 24 months.

2365 (2) CONDITIONS OF PACKAGING.—The following conditions are
2366 considered as minimum:

2367 (a) *Hermetically sealed packages or containers.*—A
2368 container, to be acceptable under the provisions of this
2369 section, shall not allow water vapor penetration through any
2370 wall, including the wall seals, greater than 0.05 gram of water
2371 per 24 hours per 100 square inches of surface at 100 °F. with a
2372 relative humidity on one side of 90 percent and on the other of
2373 0 percent. Water vapor penetration (WVP) is measured by the
2374 standards of the National Institute of Standards and Technology
2375 as: gm H₂O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent
2376 RH.

2377 (b) *Moisture of seed packaged.*—The moisture of agricultural
2378 or vegetable seed subject to the provisions of this section
2379 shall be established by rule of the department.

2380 (3) LABELING REQUIRED.—In addition to the labeling required
2381 by s. 578.09, seed packaged under the provisions of this section
2382 shall be labeled with the following information:

2383 (a) Seed has been preconditioned as to moisture content.

2384 (b) Container is hermetically sealed.

2385 (c) "Germination test valid until (month, year)" may be
2386 used. (Not to exceed 24 months from date of test).

2387 Section 46. Section 578.29, Florida Statutes, is created to
2388 read:

2389 578.29 Prohibited noxious weed seed.—Seeds meeting the
2390 definition of prohibited noxious weed seed under s. 578.011, may

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2391 not be present in agricultural, vegetable, flower, tree, or
2392 shrub seed offered or exposed for sale in this state.

2393 Section 47. Subsection (1) of section 590.02, Florida
2394 Statutes, is amended to read:

2395 590.02 Florida Forest Service; powers, authority, and
2396 duties; liability; building structures; Withlacoochee Training
2397 Center.—

2398 (1) The Florida Forest Service has the following powers,
2399 authority, and duties to:

2400 (a) ~~To~~ Enforce the provisions of this chapter;

2401 (b) ~~To~~ Prevent, detect, and suppress wildfires wherever
2402 they may occur on public or private land in this state and to do
2403 all things necessary in the exercise of such powers, authority,
2404 and duties;

2405 (c) ~~To~~ Provide firefighting crews, who shall be under the
2406 control and direction of the Florida Forest Service and its
2407 designated agents;

2408 (d) ~~To~~ Appoint center managers, forest area supervisors,
2409 forestry program administrators, a forest protection bureau
2410 chief, a forest protection assistant bureau chief, a field
2411 operations bureau chief, deputy chiefs of field operations,
2412 district managers, forest operations administrators, senior
2413 forest rangers, investigators, forest rangers, firefighter
2414 rotorcraft pilots, and other employees who may, at the Florida
2415 Forest Service's discretion, be certified as forestry
2416 firefighters pursuant to s. 633.408(8). Other law
2417 notwithstanding, center managers, district managers, forest
2418 protection assistant bureau chief, and deputy chiefs of field
2419 operations have ~~shall have~~ Selected Exempt Service status in the

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2420 state personnel designation;

2421 (e) ~~To~~ Develop a training curriculum for forestry
2422 firefighters which must contain the basic volunteer structural
2423 fire training course approved by the Florida State Fire College
2424 of the Division of State Fire Marshal and a minimum of 250 hours
2425 of wildfire training;

2426 (f) Pay the cost of the initial commercial driver license
2427 examination fee for those employees whose position requires them
2428 to operate equipment requiring a license. This paragraph is
2429 intended to be an authorization to the department to pay such
2430 costs, not an obligation;

2431 ~~(f) To make rules to accomplish the purposes of this~~
2432 ~~chapter;~~

2433 (g) ~~To~~ Provide fire management services and emergency
2434 response assistance and to set and charge reasonable fees for
2435 performance of those services. Moneys collected from such fees
2436 shall be deposited into the Incidental Trust Fund of the Florida
2437 Forest Service;

2438 (h) ~~To~~ Require all state, regional, and local government
2439 agencies operating aircraft in the vicinity of an ongoing
2440 wildfire to operate in compliance with the applicable state
2441 Wildfire Aviation Plan; ~~and~~

2442 (i) ~~To~~ Authorize broadcast burning, prescribed burning,
2443 pile burning, and land clearing debris burning to carry out the
2444 duties of this chapter and the rules adopted thereunder; and

2445 (j) Make rules to accomplish the purposes of this chapter.
2446 Section 48. Paragraph (c) of subsection (6) and subsection
2447 (9) of section 790.06, Florida Statutes, are amended to read:
2448 790.06 License to carry concealed weapon or firearm.-

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2449 (6)

2450 (c) The Department of Agriculture and Consumer Services

2451 shall, within 90 days after the date of receipt of the items

2452 listed in subsection (5):

2453 1. Issue the license; or

2454 2. Deny the application based solely on the ground that the

2455 applicant fails to qualify under the criteria listed in

2456 subsection (2) or subsection (3). If the Department of

2457 Agriculture and Consumer Services denies the application, it

2458 shall notify the applicant in writing, stating the ground for

2459 denial and informing the applicant of any right to a hearing

2460 pursuant to chapter 120.

2461 3. In the event the department receives incomplete criminal

2462 history information or ~~with~~ no final disposition on a crime

2463 which may disqualify the applicant, the Department of

2464 Agriculture and Consumer Services must expedite efforts to

2465 acquire the final disposition or proof of restoration of civil

2466 and firearm rights, or confirmation that clarifying records are

2467 not available from the jurisdiction where the criminal history

2468 originated. Ninety days after the date of receipt of the

2469 completed application, if the department has not acquired final

2470 disposition or proof of restoration of civil and firearm rights,

2471 or confirmation that clarifying records are not available from

2472 the jurisdiction where the criminal history originated, the

2473 department shall issue the license in the absence of

2474 disqualifying information. However, such license must be

2475 immediately suspended and revoked upon receipt of disqualifying

2476 information pursuant to this section ~~time limitation prescribed~~

2477 ~~by this paragraph may be suspended until receipt of the final~~

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2478 ~~disposition or proof of restoration of civil and firearm rights.~~

2479 (9) In the event that a concealed weapon or firearm license
2480 is lost or destroyed, the license shall be automatically
2481 invalid, and the person to whom the same was issued may, upon
2482 payment of \$15 to the Department of Agriculture and Consumer
2483 Services, obtain a duplicate, or substitute thereof, upon
2484 furnishing a ~~notarized~~ statement under oath to the Department of
2485 Agriculture and Consumer Services that such license has been
2486 lost or destroyed.

2487 Section 49. Subsections (5) and (8) of section 790.0625,
2488 Florida Statutes, are amended, and sections (9) and (10) are
2489 added to that section, to read:

2490 790.0625 Appointment of tax collectors to accept
2491 applications for a concealed weapon or firearm license; fees;
2492 penalties.—

2493 (5) A tax collector appointed under this section shall
2494 collect and remit weekly to the department the license fees
2495 pursuant to s. 790.06 for deposit in the Division of Licensing
2496 Trust Fund and may collect and retain a convenience fees for the
2497 following: fee of \$22 for each new application and \$12 for each
2498 renewal application and shall remit weekly to the department the
2499 license fees pursuant to s. 790.06 for deposit in the Division
2500 of Licensing Trust Fund.

2501 (a) Twenty-two dollars for each new application.

2502 (b) Twelve dollars for each renewal application.

2503 (c) Twelve dollars for each duplicate license issued to
2504 replace a lost or destroyed license.

2505 (d) Six dollars for fingerprinting.

2506 (e) Six dollars for photographing services associated with

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2507 the completion of an application submitted online.

2508 (8) Upon receipt of a completed renewal application, a new
2509 color photograph, and ~~appropriate~~ payment of required fees, a
2510 tax collector authorized to accept renewal applications for
2511 concealed weapon or firearm licenses under this section may,
2512 upon approval and confirmation of license issuance by the
2513 department, print and deliver a concealed weapon or firearm
2514 license to a licensee renewing his or her license at the tax
2515 collector's office.

2516 (9) Upon receipt of a statement under oath to the
2517 department, and the payment of required fees, a tax collector
2518 authorized to accept applications for concealed weapon or
2519 firearm licenses under this section may, upon approval and
2520 confirmation from the department that a license is in good
2521 standing, print and deliver a concealed weapon or firearm
2522 license to a licensee whose license has been lost or destroyed.

2523 (10) Tax collectors authorized to accept applications for
2524 concealed weapon or firearm licenses under this section may
2525 provide fingerprinting and photographing services to aid
2526 concealed weapon and firearm applicants and licensees with
2527 online initial and renewal applications.

2528 Section 50. Section 817.417, Florida Statutes, is created
2529 to read:

2530 817.417 Government Impostor and Deceptive Advertisement
2531 Act.—

2532 (1) SHORT TITLE.—This act may be cited as the "Government
2533 Impostor and Deceptive Advertisements Act."

2534 (2) DEFINITIONS.—As used in this section:

2535 (a) "Advertisement" means any representation disseminated

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2536 in any manner or by any means, other than by a label, for the
2537 purpose of inducing, or which is reasonably likely to induce,
2538 directly or indirectly, a purchase.

2539 (b) "Department" means the Department of Agriculture and
2540 Consumer Services.

2541 (c) "Governmental entity" means a political subdivision or
2542 agency of any state, possession, or territory of the United
2543 States, or the Federal Government, including, but not limited
2544 to, a board, a department, an office, an agency, a military
2545 veteran entity, or a military or veteran service organization by
2546 whatever name known.

2547 (3) DUTIES AND RESPONSIBILITIES.—The department has the
2548 duty and responsibility to:

2549 (a) Investigate potential violations of this section.

2550 (b) Request and obtain information regarding potential
2551 violations of this section.

2552 (c) Seek compliance with this section.

2553 (d) Enforce this section.

2554 (e) Adopt rules necessary to administer this section.

2555 (4) VIOLATIONS.—Each occurrence of the following acts or
2556 practices constitute a violation of this section:

2557 (a) Disseminating an advertisement that:

2558 1. Simulates a summons, complaint, jury notice, or other
2559 court, judicial, or administrative process of any kind.

2560 2. Represents, implies, or otherwise engages in an action
2561 that may reasonably cause confusion that the person using or
2562 employing the advertisement is a part of or associated with a
2563 governmental entity, when such is not true.

2564 (b) Representing, implying, or otherwise reasonably causing

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2565 confusion that goods, services, an advertisement, or an offer
2566 was disseminated by or has been approved, authorized, or
2567 endorsed, in whole or in part, by a governmental entity, when
2568 such is not true.

2569 (c) Using or employing language, symbols, logos,
2570 representations, statements, titles, names, seals, emblems,
2571 insignia, trade or brand names, business or control tracking
2572 numbers, website or e-mail addresses, or any other term, symbol,
2573 or other content that represents or implies or otherwise
2574 reasonably causes confusion that goods, services, an
2575 advertisement, or an offer is from a governmental entity, when
2576 such is not true.

2577 (d) Failing to provide the disclosures as required in
2578 subsections (5) or (6).

2579 (e) Failing to timely submit to the department written
2580 responses and answers to its inquiries concerning alleged
2581 practices inconsistent with, or in violation of, this section.
2582 Responses or answers may include, but are not limited to, copies
2583 of customer lists, invoices, receipts, or other business
2584 records.

2585 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.-

2586 (a) Any person offering documents that are available free
2587 of charge or at a lesser price from a governmental entity must
2588 provide the notice specified in paragraph (b) on advertisements
2589 as follows:

2590 1. For printed or written advertisements, notice must be in
2591 the same font size, color, style, and visibility as primarily
2592 used elsewhere on the page or envelope and displayed as follows:

2593 a. On the outside front of any mailing envelope used in

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2594 disseminating the advertisement.

2595 b. At the top of each printed or written page used in the
2596 advertisement.

2597 2. For electronic advertisements, notice must be in the
2598 same font size, color, style, and visibility as the body text
2599 primarily used in the e-mail or web page and displayed as
2600 follows:

2601 a. At the beginning of each e-mail message, before any
2602 offer or other substantive information.

2603 b. In a prominent location on each web page, such as the
2604 top of each page or immediately following the offer or other
2605 substantive information on the page.

2606 (b) Advertisements specified in paragraph (a) must include
2607 the following disclosure:

2608
2609 "IMPORTANT NOTICE:

2610
2611 The documents offered by this advertisement are available to
2612 Florida consumers free of charge or for a lesser price from
2613 ...(insert name, telephone number, and mailing address of the
2614 applicable governmental entity).... You are NOT required to
2615 purchase anything from this company and the company is NOT
2616 affiliated, endorsed, or approved by any governmental entity.
2617 The item offered in this advertisement has NOT been approved or
2618 endorsed by any governmental agency, and this offer is NOT being
2619 made by an agency of the government."

2620

2621 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.-

2622 (a) Any person disseminating an advertisement that includes

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2623 a form or template to be completed by the consumer with the
2624 claim that such form or template will assist the consumer in
2625 complying with a legal filing or record retention requirement
2626 must provide the notice specified in paragraph (b) on
2627 advertisements as follows:

2628 1. For printed or written advertisements, the notice must
2629 be in the same font size, color, style, and visibility as
2630 primarily used elsewhere on the page or envelope and displayed
2631 as follows:

2632 a. On the outside front of any mailing envelope used in
2633 disseminating the advertisement.

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

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

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

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

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

2647
2648 "IMPORTANT NOTICE:

2649
2650 You are NOT required to purchase anything from this company and
2651 the company is NOT affiliated, endorsed, or approved by any

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2652 governmental entity. The item offered in this advertisement has
2653 NOT been approved or endorsed by any governmental agency, and
2654 this offer is NOT being made by an agency of the government."

2655
2656 (7) PENALTIES.—

2657 (a) Any person substantially affected by a violation of
2658 this section may bring an action in a court of proper
2659 jurisdiction to enforce the provisions of this section. A person
2660 prevailing in a civil action for a violation of this section
2661 shall be awarded costs, including reasonable attorney fees, and
2662 may be awarded punitive damages in addition to actual damages
2663 proven. This provision is in addition to any other remedies
2664 prescribed by law.

2665 (b) The department may bring one or more of the following
2666 for a violation of this section:

2667 1. A civil action in circuit court for:

2668 a. Temporary or permanent injunctive relief to enforce this
2669 section.

2670 b. For printed advertisements and e-mail, a fine of up to
2671 \$1,000 for each separately addressed advertisement or message
2672 containing content in violation of paragraphs (4) (a)-(d)
2673 received by or addressed to a state resident.

2674 c. For websites, a fine of up to \$5,000 for each day a
2675 website, with content in violation of paragraphs (4) (a)-(d), is
2676 published and made available to the general public.

2677 d. For violations of paragraph (4) (e), a fine of up to
2678 \$5,000 for each violation.

2679 e. Recovery of restitution and damages on behalf of persons
2680 substantially affected by a violation of this section.

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2681 f. The recovery of court costs and reasonable attorney
2682 fees.

2683 2. An action for an administrative fine in the Class III
2684 category pursuant to s. 570.971 for each act or omission which
2685 constitutes a violation under this section.

2686 (c) The department may terminate any investigation or
2687 action upon agreement by the alleged offender to pay a
2688 stipulated fine, make restitution, pay damages to customers, or
2689 satisfy any other relief authorized by this section.

2690 (d) Any person who violates paragraphs (4) (a)-(d) also
2691 commits an unfair and deceptive trade practice in violation of
2692 part II of chapter 501 and is subject to the penalties and
2693 remedies imposed for such violation.

2694 Section 51. Paragraph (m) of subsection (3) of section
2695 489.105, Florida Statutes, is amended to read:

2696 489.105 Definitions.—As used in this part:

2697 (3) "Contractor" means the person who is qualified for, and
2698 is only responsible for, the project contracted for and means,
2699 except as exempted in this part, the person who, for
2700 compensation, undertakes to, submits a bid to, or does himself
2701 or herself or by others construct, repair, alter, remodel, add
2702 to, demolish, subtract from, or improve any building or
2703 structure, including related improvements to real estate, for
2704 others or for resale to others; and whose job scope is
2705 substantially similar to the job scope described in one of the
2706 paragraphs of this subsection. For the purposes of regulation
2707 under this part, the term "demolish" applies only to demolition
2708 of steel tanks more than 50 feet in height; towers more than 50
2709 feet in height; other structures more than 50 feet in height;

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2710 and all buildings or residences. Contractors are subdivided into
2711 two divisions, Division I, consisting of those contractors
2712 defined in paragraphs (a)-(c), and Division II, consisting of
2713 those contractors defined in paragraphs (d)-(q):

2714 (m) "Plumbing contractor" means a contractor whose services
2715 are unlimited in the plumbing trade and includes contracting
2716 business consisting of the execution of contracts requiring the
2717 experience, financial means, knowledge, and skill to install,
2718 maintain, repair, alter, extend, or, if not prohibited by law,
2719 design plumbing. A plumbing contractor may install, maintain,
2720 repair, alter, extend, or, if not prohibited by law, design the
2721 following without obtaining an additional local regulatory
2722 license, certificate, or registration: sanitary drainage or
2723 storm drainage facilities, water and sewer plants and
2724 substations, venting systems, public or private water supply
2725 systems, septic tanks, drainage and supply wells, swimming pool
2726 piping, irrigation systems, and solar heating water systems and
2727 all appurtenances, apparatus, or equipment used in connection
2728 therewith, including boilers and pressure process piping and
2729 including the installation of water, natural gas, liquefied
2730 petroleum gas and related venting, and storm and sanitary sewer
2731 lines. The scope of work of the plumbing contractor also
2732 includes the design, if not prohibited by law, and installation,
2733 maintenance, repair, alteration, or extension of air-piping,
2734 vacuum line piping, oxygen line piping, nitrous oxide piping,
2735 and all related medical gas systems; fire line standpipes and
2736 fire sprinklers if authorized by law; ink and chemical lines;
2737 fuel oil and gasoline piping and tank and pump installation,
2738 except bulk storage plants; and pneumatic control piping

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2739 systems, all in a manner that complies with all plans,
2740 specifications, codes, laws, and regulations applicable. The
2741 scope of work of the plumbing contractor applies to private
2742 property and public property, including any excavation work
2743 incidental thereto, and includes the work of the specialty
2744 plumbing contractor. Such contractor shall subcontract, with a
2745 qualified contractor in the field concerned, all other work
2746 incidental to the work but which is specified as being the work
2747 of a trade other than that of a plumbing contractor. This
2748 definition does not limit the scope of work of any specialty
2749 contractor certified pursuant to s. 489.113(6) and does not
2750 require certification or registration under this part as a
2751 category I liquefied petroleum gas dealer, or category V LP gas
2752 installer, as defined in s. 527.01, ~~or specialty installer~~ who
2753 is licensed under chapter 527 or an authorized employee of a
2754 public natural gas utility or of a private natural gas utility
2755 regulated by the Public Service Commission when disconnecting
2756 and reconnecting water lines in the servicing or replacement of
2757 an existing water heater. A plumbing contractor may perform
2758 drain cleaning and clearing and install or repair rainwater
2759 catchment systems; however, a mandatory licensing requirement is
2760 not established for the performance of these specific services.

2761 Section 52. Subsection (3) of section 527.06, Florida
2762 Statutes, is reenacted to read:

2763 527.06 Rules.—

2764 (3) Rules in substantial conformity with the published
2765 standards of the National Fire Protection Association (NFPA) are
2766 deemed to be in substantial conformity with the generally
2767 accepted standards of safety concerning the same subject matter.

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Section 53. This act shall take effect July 1, 2018.