

By the Committee on Agriculture; and 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. 193.461, F.S.;
4 specifying a methodology for the assessment of certain
5 structures in citrus production; amending s. 379.361,
6 F.S.; transferring authority to issue licenses for
7 oyster harvesting in Apalachicola Bay from the
8 department to the City of Apalachicola; revising the
9 disposition and permitted uses of license proceeds;
10 amending s. 487.041, F.S.; deleting obsolete
11 provisions; deleting a requirement that all pesticide
12 registration fees be submitted electronically;
13 amending s. 493.6105, F.S.; revising the submission
14 requirements for a Class "K" firearm license
15 application; amending s. 493.6113, F.S.; revising
16 submission requirements for a Class "K" firearm
17 license renewal; amending s. 496.415, F.S.;
18 prohibiting the comingling of funds in connection with
19 the planning, conduct, or execution of any
20 solicitation or charitable or sponsor sales promotion;
21 amending s. 496.418, F.S.; revising recordkeeping and
22 accounting requirements for solicitations of funds;
23 amending s. 500.459, F.S.; revising permitting
24 requirements and operating standards for water vending
25 machines; amending s. 501.059, F.S.; revising the term
26 "telephonic sales call"; prohibiting telephone
27 solicitors from initiating certain contact with
28 businesses who previously communicated that they did
29 not wish to be so contacted; creating s. 501.6175,

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30 F.S.; specifying recordkeeping requirements for
31 commercial telephone sellers; amending s. 501.912,
32 F.S.; revising terms; amending s. 501.913, F.S.;
33 authorizing antifreeze brands to be registered for a
34 specified period; deleting a provision relating to the
35 registration of brands that are no longer in
36 production; specifying a certified report requirement
37 for first-time applications; amending s. 501.917,
38 F.S.; revising department sampling and analysis
39 requirements for antifreeze; specifying that the
40 certificate of analysis is prima facie evidence of the
41 facts stated therein; amending s. 501.92, F.S.;
42 revising when the department may require an antifreeze
43 formula for analysis; amending s. 525.07, F.S.;
44 authorizing the department to seize skimming devices
45 without a warrant; amending s. 526.51, F.S.; revising
46 application requirements and fees for brake fluid
47 brands; deleting a provision relating to the
48 registration of brands that are no longer in
49 production; amending s. 526.53, F.S.; revising
50 department sampling and analysis requirements for
51 brake fluid; specifying that the certificate of
52 analysis is prima facie evidence of the facts stated
53 therein; amending s. 527.01, F.S.; revising terms;
54 amending s. 527.02, F.S.; revising the persons subject
55 to liquefied petroleum business licensing provisions;
56 revising such licensing fees and requirements;
57 revising reporting and fee requirements for certain
58 material changes to license information; deleting a

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59 provision authorizing license transfers; amending s.
60 527.0201, F.S.; revising the persons subject to
61 liquefied petroleum qualifier competency examination,
62 registry, supervisory, and employment requirements;
63 revising the expiration of qualifier registrations;
64 revising the persons subject to master qualifier
65 requirements; revising master qualifier application
66 requirements; deleting provisions specifying that a
67 failure to replace master qualifiers within certain
68 periods constitutes grounds for license revocation;
69 deleting a provision relating to facsimile
70 transmission of duplicate licenses; amending s.
71 527.021, F.S.; revising the circumstances under which
72 liquefied petroleum gas bulk delivery vehicles must be
73 registered with the department; amending s. 527.03,
74 F.S.; authorizing certain liquefied petroleum gas
75 registrations to be renewed for 2 or 3 years; deleting
76 certain renewal period requirements; amending s.
77 527.04, F.S.; revising the persons required to provide
78 the department with proof of insurance; revising the
79 required payee for a bond in lieu of such insurance;
80 amending s. 527.0605, F.S.; deleting provisions
81 requiring licensees to submit a site plan and review
82 fee for liquefied petroleum bulk storage container
83 locations; amending s. 527.065, F.S.; revising the
84 circumstances under which a liquefied petroleum gas
85 licensee must notify the department of an accident;
86 amending ss. 527.10 and 527.21, F.S.; conforming
87 provisions to changes made by the act; amending s.

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88 527.22, F.S.; deleting an obsolete provision; amending
89 s. 531.67, F.S.; extending the expiration date of
90 certain provisions relating to permits for
91 commercially operated or tested weights or measures
92 instruments or devices; amending s. 570.07, F.S.;
93 authorizing the department to waive certain fees
94 during a state of emergency; amending s. 573.111,
95 F.S.; revising the required posting location for the
96 issuance of an agricultural commodity marketing order;
97 amending s. 578.011, F.S.; revising and defining
98 terms; creating s. 578.012, F.S.; providing
99 legislative intent; creating a preemption of local law
100 relating to regulation of seed; amending s. 578.08,
101 F.S.; revising application requirements for the
102 registration of seed dealers; conforming provisions to
103 changes made by the act; specifying that a receipt
104 from the department need not be written to constitute
105 a permit; deleting an exception to registration
106 requirements for certain experiment stations;
107 requiring the payment of fees when packet seed is
108 placed into commerce; amending s. 578.09, F.S.;
109 revising labeling requirements for agricultural,
110 vegetable, flower, tree, and shrub seeds; conforming a
111 cross-reference; repealing s. 578.091, F.S., relating
112 to labeling of forest tree seed; amending s. 578.10,
113 F.S.; revising exemptions to seed labeling, sale, and
114 solicitation requirements; amending s. 578.11, F.S.;
115 conforming provisions to changes made by the act;
116 making technical changes; amending s. 578.12, F.S.;

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117 conforming provisions to changes made by the act;
118 amending s. 578.13, F.S.; conforming provisions to
119 changes made by the act; specifying that it is
120 unlawful to move, handle, or dispose of seeds or tags
121 under a stop-sale notice or order without permission
122 from the department; specifying that it is unlawful to
123 represent seed as certified except under specified
124 conditions or to label seed with a variety name under
125 certain conditions; repealing s. 578.14, F.S.,
126 relating to packet vegetable and flower seed; amending
127 s. 578.181, F.S.; revising penalties; amending s.
128 578.23, F.S.; revising recordkeeping requirements
129 relating to seed labeling; amending s. 578.26, F.S.;
130 conforming provisions to changes made by the act;
131 specifying that certain persons may not commence legal
132 proceedings or make certain claims against a seed
133 dealer before certain findings and recommendations are
134 transmitted by the seed investigation and conciliation
135 council to the complainant and dealer; deleting a
136 requirement that the department transmit such findings
137 and recommendations to complainants and dealers;
138 requiring the department to mail a copy of the
139 council's procedures to both parties upon receipt of a
140 complaint; amending s. 578.27, F.S.; removing
141 alternate membership from the seed investigation and
142 conciliation council; revising the terms of members of
143 the council; conforming provisions to changes made by
144 the act; revising the purpose of the council; revising
145 the council's investigatory process; renumbering and

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146 amending s. 578.28, F.S.; making a technical change;
147 creating s. 578.29, F.S.; prohibiting certain noxious
148 weed seed from being offered or exposed for sale;
149 amending s. 590.02, F.S.; authorizing the Florida
150 Forest Service to pay certain employees' initial
151 commercial driver license examination fees; amending
152 s. 790.06, F.S.; revising required department handling
153 of incomplete criminal history information in relation
154 to licensure to carry concealed firearms; revising the
155 required furnished statement to obtain a duplicate or
156 substitute concealed weapon or firearm license;
157 amending s. 790.0625, F.S.; revising required tax
158 collector collection and remittance of firearm license
159 fees; revising the fees which a tax collector may
160 retain; authorizing certain tax collectors to print
161 and deliver certain replacement licenses under certain
162 conditions; authorizing certain tax collectors to
163 offer fingerprinting and photographing services to aid
164 license applicants; creating s. 817.417, F.S.;
165 providing a short title; defining terms; specifying
166 department duties and responsibilities relating to
167 government impostor and deceptive advertisements;
168 requiring rulemaking by the department; specifying
169 that it is a violation to disseminate certain
170 misleading or confusing advertisements, to make
171 certain misleading or confusing representations, to
172 use content implying or leading to confusion that such
173 content is from a governmental entity when such is not
174 true, to fail to provide certain disclosures, and to

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

184
185 Be It Enacted by the Legislature of the State of Florida:

186
187 Section 1. Paragraph (c) of subsection (6) of section
188 193.461, Florida Statutes, is amended to read:

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

191 (6)

192 (c)1. For purposes of the income methodology approach to
193 assessment of property used for agricultural purposes,
194 irrigation systems, including pumps and motors, which are
195 physically attached to the land are ~~shall be~~ considered a part
196 of the average yields per acre and do not ~~shall~~ have any ~~ne~~
197 separately assessable contributory value.

198 2. Litter containment structures located on producing
199 poultry farms and animal waste nutrient containment structures
200 located on producing dairy farms must ~~shall~~ be assessed by the
201 methodology described in subparagraph 1.

202 3. Structures or improvements used in horticultural
203 production for frost or freeze protection and screen enclosed

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204 structures used in citrus production for pest exclusion, which
205 are consistent with the interim measures or best management
206 practices adopted by the Department of Agriculture and Consumer
207 Services pursuant to s. 570.93 or s. 403.067(7)(c), must ~~shall~~
208 be assessed by the methodology described in subparagraph 1.

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

211 379.361 Licenses.—

212 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

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

220 (d) The City of Apalachicola ~~Department of Agriculture and~~
221 ~~Consumer Services~~ shall collect an annual fee of \$100 from state
222 residents and \$500 from nonresidents for the issuance of an
223 Apalachicola Bay oyster harvesting license. The license year
224 shall begin on July 1 of each year and end on June 30 of the
225 following year. The license shall be valid only for the
226 licensee. Only bona fide residents of the state ~~Florida~~ may
227 obtain a resident license pursuant to this subsection.

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

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233 ~~Agriculture and Consumer Services~~ for the following purposes in
234 Apalachicola Bay:

- 235 1. An Apalachicola Bay oyster shell recycling program
236 ~~Relaying and transplanting live oysters.~~
- 237 2. Shell planting to construct or rehabilitate oyster bars.
- 238 3. Education programs for licensed oyster harvesters on
239 oyster biology, aquaculture, boating and water safety,
240 sanitation, resource conservation, small business management,
241 marketing, and other relevant subjects.
- 242 4. Research directed toward the enhancement of oyster
243 production in the bay and the water management needs of the bay.

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

246 487.041 Registration.—

247 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,
248 as defined in s. 487.021, which is distributed, sold, or offered
249 for sale, except as provided in this section, within this state
250 or delivered for transportation or transported in intrastate
251 commerce or between points within this state through any point
252 outside this state must be registered in the office of the
253 department, and such registration shall be renewed biennially.
254 Emergency exemptions from registration may be authorized in
255 accordance with the rules of the department. The registrant
256 shall file with the department a statement including:

- 257 1. The name, business mailing address, and street address
258 of the registrant.
- 259 2. The name of the brand of pesticide.
- 260 3. An ingredient statement and a complete current copy of
261 the labeling accompanying the brand of pesticide, which must

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262 conform to the registration, and a statement of all claims to be
263 made for it, including directions for use and a guaranteed
264 analysis showing the names and percentages by weight of each
265 active ingredient, the total percentage of inert ingredients,
266 and the names and percentages by weight of each "added
267 ingredient."

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

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

279 Section 4. Paragraph (a) of subsection (6) of section
280 493.6105, Florida Statutes, is amended to read:

281 493.6105 Initial application for license.—

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

284 (a) Submit one of the following:

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

289 2. A valid National Rifle Association Private Security
290 Firearm Instructor Certificate issued not more than 3 years

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291 before the submission of the applicant's Class "K" application.

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

295 4. A valid DD form 214 issued by the United States
296 Department of Defense, an acceptable form as specified by the
297 Department of Veterans' Affairs, or other official military
298 documentation. Such form or documentation must be issued not
299 more than 3 years before the submission of the applicant's Class
300 "K" application, indicating that the applicant has been
301 honorably discharged and has served as a military firearms
302 instructor within the last 3 years of service.

303 Section 5. Paragraph (d) of subsection (3) of section
304 493.6113, Florida Statutes, is amended to read:

305 493.6113 Renewal application for licensure.—

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

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320 of a new set of fingerprints.

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

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

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

328 Section 6. Subsection (19) is added to section 496.415,
329 Florida Statutes, to read:

330 496.415 Prohibited acts.—It is unlawful for any person in
331 connection with the planning, conduct, or execution of any
332 solicitation or charitable or sponsor sales promotion to:

333 (19) Commingle charitable contributions with noncharitable
334 funds.

335 Section 7. Section 496.418, Florida Statutes, is amended to
336 read:

337 496.418 Recordkeeping and accounting Records.—

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

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349 Noncharitable funds include any funds that are not used or
350 intended to be used for the operation of the charity or for
351 charitable purposes.

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

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

362 500.459 Water vending machines.—

363 (3) PERMITTING REQUIREMENTS.—

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

371 (5) OPERATING STANDARDS.—

372 (i) The operator shall place on each water vending machine,
373 in a position clearly visible to customers, the following
374 information: the name and address of the operator; ~~the operating~~
375 ~~permit number~~; the fact that the water is obtained from a public
376 water supply; the method of treatment used; the method of
377 postdisinfection used; and a local or toll-free telephone number

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378 that may be called for obtaining further information, reporting
379 problems, or making complaints.

380 Section 9. Paragraph (g) of subsection (1) and subsection
381 (5) of section 501.059, Florida Statutes, are amended to read:
382 501.059 Telephone solicitation.—

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

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

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

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

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

401 Section 10. Section 501.6175, Florida Statutes, is created
402 to read:

403 501.6175 Recordkeeping.—A commercial telephone seller shall
404 keep all of the following information for 2 years after the date
405 the information first becomes part of the seller's business
406 records:

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

409 (2) All express requests authorizing the telephone
 410 solicitor to contact the consumer.

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

417
 418 Within 10 days of an oral or written request by the department,
 419 including a written request transmitted by electronic mail, a
 420 commercial telephone seller must make the records it keeps
 421 pursuant to this section available for inspection and copying by
 422 the department during the department's normal business hours.
 423 This section does not limit the department's ability to inspect
 424 and copy material pursuant to any other law.

425 Section 11. Section 501.912, Florida Statutes, is amended
 426 to read:

427 501.912 Definitions.—As used in ss. 501.91-501.923:

428 (1) "Antifreeze" means any substance or preparation,
 429 including, but not limited to, antifreeze-coolant, antifreeze
 430 and summer coolant, or summer coolant, that is sold,
 431 distributed, or intended for use;

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

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

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

447 (2)~~(3)~~ "Department" means the Department of Agriculture and
448 Consumer Services.

449 (3)~~(4)~~ "Distribute" means to hold with an intent to sell,
450 offer for sale, sell, barter, or otherwise supply to the
451 consumer.

452 (4)~~(5)~~ "Package" means a sealed, tamperproof retail
453 package, drum, or other container designed for the sale of
454 antifreeze directly to the consumer or a container from which
455 the antifreeze may be installed directly by the seller into the
456 cooling system. However, this term, ~~but~~ does not include
457 shipping containers containing properly labeled inner
458 containers.

459 (5)~~(6)~~ "Label" means any display of written, printed, or
460 graphic matter on, or attached to, a package or to the outside
461 individual container or wrapper of the package.

462 (6)~~(7)~~ "Labeling" means the labels and any other written,
463 printed, or graphic matter accompanying a package.

464 Section 12. Section 501.913, Florida Statutes, is amended

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465 to read:

466 501.913 Registration.—

467 (1) Each brand of antifreeze to be distributed in this
468 state must ~~shall~~ be registered with the department before
469 distribution. The person whose name appears on the label, the
470 manufacturer, or the packager shall make application annually or
471 biennially to the department on forms provided by the
472 department. The registration certificate expires ~~shall expire~~ 12
473 or 24 months after the date of issue, as indicated on the
474 registration certificate. The registrant assumes, by application
475 to register the brand, full responsibility for the registration,
476 quality, and quantity of the product sold, offered, or exposed
477 for sale in this state. ~~If a registered brand is not in~~
478 ~~production for distribution in this state and to ensure any~~
479 ~~remaining product that is still available for sale in the state~~
480 ~~is properly registered, the registrant must submit a notarized~~
481 ~~affidavit on company letterhead to the department certifying~~
482 ~~that:~~

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

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

485 and

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

490
491 ~~If production resumes, the brand must be reregistered before it~~
492 ~~is distributed in this state.~~

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

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

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

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

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

508 (a) Meets the labeling claims;

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

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

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

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

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

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523 to read:

524 501.917 Inspection by department; sampling and analysis.—
525 The department has ~~shall have~~ the right to have access at
526 reasonable hours to all places and property where antifreeze is
527 stored, distributed, or offered or intended to be offered for
528 sale, including the right to inspect and examine all antifreeze
529 and to take reasonable samples of antifreeze for analysis
530 together with specimens of labeling. Collected samples must be
531 analyzed by the department. The certificate of analysis by the
532 department shall be prima facie evidence of the facts stated
533 therein in any legal proceeding in this state ~~All samples taken~~
534 ~~shall be properly sealed and sent to a laboratory designated by~~
535 ~~the department for examination together with all labeling~~
536 ~~pertaining to such samples. It shall be the duty of said~~
537 ~~laboratory to examine promptly all samples received in~~
538 ~~connection with the administration and enforcement of this act.~~

539 Section 14. Section 501.92, Florida Statutes, is amended to
540 read:

541 501.92 Formula may be required.—The department may, if
542 required for the analysis of antifreeze by ~~the laboratory~~
543 ~~designated by the department for the purpose of registration,~~
544 require the applicant to furnish a statement of the formula of
545 such antifreeze, unless the applicant can furnish other
546 satisfactory evidence that such antifreeze is not adulterated or
547 misbranded. Such statement need not include inhibitor or other
548 minor ingredients which total less than 5 percent by weight of
549 the antifreeze; and, if over 5 percent, the composition of the
550 inhibitor and such other ingredients may be given in generic
551 terms.

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552 Section 15. Paragraph (e) of subsection (10) of section
553 525.07, Florida Statutes, is redesignated as paragraph (f), and
554 a new paragraph (e) is added to that subsection, to read:

555 525.07 Powers and duties of department; inspections;
556 unlawful acts.—

557 (10)

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

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

562 526.51 Registration; renewal and fees; departmental
563 expenses; cancellation or refusal to issue or renew.—

564 (1) (a) Application for registration of each brand of brake
565 fluid shall be made on forms supplied by the department. The
566 applicant shall give his or her name and address and the brand
567 name of the brake fluid, state that he or she owns the brand
568 name and has complete control over the product sold thereunder
569 in this state, and provide the name and address of the resident
570 agent in this state. If the applicant does not own the brand
571 name but wishes to register the product with the department, a
572 notarized affidavit that gives the applicant full authorization
573 to register the brand name and that is signed by the owner of
574 the brand name must accompany the application for registration.
575 The affidavit must include all affected brand names, the owner's
576 company or corporate name and address, the applicant's company
577 or corporate name and address, and a statement from the owner
578 authorizing the applicant to register the product with the
579 department. The owner of the brand name shall maintain complete
580 control over each product sold under that brand name in this

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581 state.

582 (b) The completed application must be accompanied by the
583 following:

584 1. Specimens or copies of the label for each brand of brake
585 fluid.

586 2. An application fee of \$50 for a 12-month registration or
587 \$100 for a 24-month registration for each brand of brake fluid.

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

600
601 Upon approval of the application, the department shall register
602 the brand name of the brake fluid and issue to the applicant a
603 permit authorizing the registrant to sell the brake fluid in
604 this state. The registration certificate expires shall expire 12
605 or 24 months after the date of issue, as indicated on the
606 registration certificate.

607 (c)(b) Each applicant shall pay a fee of \$100 with each
608 application. A permit may be renewed by application to the
609 department, accompanied by a renewal fee of \$50 for a 12-month

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610 registration, or \$100 for a 24-month registration, on or before
611 the expiration of the previously issued permit. To reregister a
612 previously registered brand and formula combination, an
613 applicant must submit a completed application and all materials
614 as required in this section to the department before the
615 expiration of the previously issued permit. A brand and formula
616 combination for which a completed application and all materials
617 required in this section are not received before the expiration
618 of the previously issued permit may not be registered with the
619 department until a completed application and all materials
620 required in this section have been received and approved. If the
621 brand and formula combination was previously registered with the
622 department and a fee, application, or materials required in this
623 section are received after the expiration of the previously
624 issued permit, a penalty of \$25 accrues, which shall be added to
625 the fee. Renewals shall be accepted only on brake fluids that
626 have no change in formula, composition, or brand name. Any
627 change in formula, composition, or brand name of a brake fluid
628 constitutes a new product that must be registered in accordance
629 with this part.

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

636 ~~1. The stated brand and formula combination is no longer in~~
637 ~~production;~~

638 ~~2. The stated brand and formula combination will not be~~

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639 ~~distributed in this state; and~~

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

645

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

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

650 526.53 Enforcement; inspection and analysis, stop-sale and
651 disposition, regulations.—

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

664 Section 18. Section 527.01, Florida Statutes, is amended to
665 read:

666 527.01 Definitions.—As used in this chapter:

667 (1) "Liquefied petroleum gas" means any material which is

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668 composed predominantly of any of the following hydrocarbons, or
669 mixtures of the same: propane, propylene, butanes (normal butane
670 or isobutane), and butylenes.

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

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

676 (4) "Department" means the Department of Agriculture and
677 Consumer Services.

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

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

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

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

685 ~~(d) Specialty installer.~~

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

687 ~~(f) Fabricator, repairer, and tester of vehicles and cargo
688 tanks.~~

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

691 ~~(h) Category V liquefied petroleum gases dealer for
692 industrial uses only.~~

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

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

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

714 (8) "Category III liquefied petroleum gas cylinder exchange
715 operator" means any person operating a storage facility used for
716 the purpose of storing filled propane cylinders of not more than
717 43.5 pounds propane capacity or 104 pounds water capacity, while
718 awaiting sale to the ~~ultimate~~ consumer, or a facility used for
719 the storage of empty or filled containers which have been
720 offered for exchange.

721 (9) "Category IV dealer in appliances and equipment
722 ~~liquefied petroleum gas dispenser and recreational vehicle~~
723 ~~servicer~~" means any person selling or offering to sell, or
724 leasing or offering to lease, apparatus, appliances, and
725 equipment for the use of liquefied petroleum gas ~~engaging in the~~

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

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

742 (11) "Category VI miscellaneous operator" means any person
743 who is engaged in operation as a manufacturer of LP gas
744 appliances and equipment; a fabricator, repairer, and tester of
745 vehicles and cargo tanks; a requalifier of LP gas cylinders; or
746 a pipeline system operator ~~Specialty installer~~" means any person
747 ~~involved in the installation, service, or repair of liquefied~~
748 ~~petroleum or natural gas appliances and equipment, and selling~~
749 ~~or offering to sell, or leasing or offering to lease, apparatus,~~
750 ~~appliances, and equipment for the use of liquefied petroleum~~
751 ~~gas, whose activities are limited to specific types of~~
752 ~~appliances and equipment as designated by department rule.~~

753 ~~(12) "Dealer in appliances and equipment for use of~~
754 ~~liquefied petroleum gas" means any person selling or offering to~~

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755 ~~sell, or leasing or offering to lease, apparatus, appliances,~~
756 ~~and equipment for the use of liquefied petroleum gas.~~

757 (12)~~(13)~~ "Manufacturer of liquefied petroleum gas
758 appliances and equipment" means any person in this state
759 manufacturing and offering for sale or selling tanks, cylinders,
760 or other containers and necessary appurtenances for use in the
761 storage, transportation, or delivery of such gas to the ~~ultimate~~
762 consumer, or manufacturing and offering for sale or selling
763 apparatus, appliances, and equipment for the use of liquefied
764 petroleum gas to the ~~ultimate~~ consumer.

765 (13)~~(14)~~ "Wholesaler" means any person, as defined by
766 subsection (2), selling or offering to sell any liquefied
767 petroleum gas for industrial, commercial, or domestic use to any
768 person except the ~~ultimate~~ consumer.

769 (14)~~(15)~~ "Requalifier of cylinders" means any person
770 involved in the retesting, repair, qualifying, or requalifying
771 of liquefied petroleum gas tanks or cylinders manufactured under
772 specifications of the United States Department of Transportation
773 ~~or former Interstate Commerce Commission.~~

774 (15)~~(16)~~ "Fabricator, repairer, and tester of vehicles and
775 cargo tanks" means any person involved in the hydrostatic
776 testing, fabrication, repair, or requalifying of any motor
777 vehicles or cargo tanks used for the transportation of liquefied
778 petroleum gases, when such tanks are permanently attached to or
779 forming a part of the motor vehicle.

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

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784 (16)~~(18)~~ "Pipeline system operator" means any person who
785 owns or operates a liquefied petroleum gas pipeline system that
786 is used to transmit liquefied petroleum gas from a common source
787 to the ultimate customer and that serves 10 or more customers.

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

793 (17)~~(20)~~ "License period year" means the period 1 to 3
794 years from the issuance of the license ~~from September 1 through~~
795 ~~the following August 31, or April 1 through the following March~~
796 ~~31, depending upon the type of license.~~

797 Section 19. Section 527.02, Florida Statutes, is amended to
798 read:

799 527.02 License; penalty; fees.—

800 (1) It is unlawful for any person to engage in this state
801 in the activities defined in s. 527.01(6) through (11) ~~of a~~
802 ~~pipeline system operator, category I liquefied petroleum gas~~
803 ~~dealer, category II liquefied petroleum gas dispenser, category~~
804 ~~III liquefied petroleum gas cylinder exchange operator, category~~
805 ~~IV liquefied petroleum gas dispenser and recreational vehicle~~
806 ~~servicer, category V liquefied petroleum gas dealer for~~
807 ~~industrial uses only, LP gas installer, specialty installer,~~
808 ~~dealer in liquefied petroleum gas appliances and equipment,~~
809 ~~manufacturer of liquefied petroleum gas appliances and~~
810 ~~equipment, requalifier of cylinders, or fabricator, repairer,~~
811 ~~and tester of vehicles and cargo tanks without first obtaining~~
812 from the department a license to engage in one or more of these

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813 businesses. The sale of liquefied petroleum gas cylinders with a
 814 volume of 10 pounds water capacity or 4.2 pounds liquefied
 815 petroleum gas capacity or less is exempt from the requirements
 816 of this chapter. It is a felony of the third degree, punishable
 817 as provided in s. 775.082, s. 775.083, or s. 775.084, to
 818 intentionally or willfully engage in any of said activities
 819 without first obtaining appropriate licensure from the
 820 department.

821 (2) Each business location of a person having multiple
 822 locations must ~~shall~~ be separately licensed and must meet the
 823 requirements of this section. Such license shall be granted to
 824 any applicant determined by the department to be competent,
 825 qualified, and trustworthy who files with the department a
 826 surety bond, insurance affidavit, or other proof of insurance,
 827 as hereinafter specified, and pays for such license the
 828 following annual license ~~original application~~ fee for new
 829 ~~licenses and annual renewal fees for existing licenses:~~

| License Category | <u>License Original</u> <u>Application Fee Per</u> | <u>Renewal</u> |
|---|---|------------------|
| | <u>Year</u> | <u>Fee</u> |
| 831 Category I liquefied petroleum gas dealer | <u>\$400</u> \$525 | \$425 |
| 832 Category II liquefied petroleum gas dispenser | <u>\$400</u> 525 | 375 |

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833

Category III
 liquefied petroleum
 gas cylinder
 exchange unit
 operator

\$65 100

~~65~~

834

Category IV
dealer in appliances
and equipment~~liquefied~~
~~petroleum~~
~~gas dispenser and~~
~~recreational vehicle~~
~~servicer~~

\$65 525

400

835

Category V LP gas
installer ~~liquefied~~
~~petroleum gases~~
~~dealer for industrial~~
~~uses only~~

\$200 300

200

836

Category VI
miscellaneous operator
~~LP gas~~
~~installer~~

\$200 300

200

837

~~Specialty~~
~~installer~~

300

200

838

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~~Dealer in appliances
and equipment
for use of liquefied
petroleum gas~~ 50 45

839

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

840

~~Requalifier of
cylinders~~ 525 375

841

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

842

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

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854 (b) The department shall waive the initial license fee for
855 1 year for an honorably discharged veteran of the United States
856 Armed Forces, the spouse of such a veteran, or a business entity
857 that has a majority ownership held by such a veteran or spouse
858 if the department receives an application, in a format
859 prescribed by the department, within 60 months after the date of
860 the veteran's discharge from any branch of the United States
861 Armed Forces. To qualify for the waiver, a veteran must provide
862 to the department a copy of his or her DD Form 214, as issued by
863 the United States Department of Defense or another acceptable
864 form of identification as specified by the Department of
865 Veterans' Affairs; the spouse of a veteran must provide to the
866 department a copy of the veteran's DD Form 214, as issued by the
867 United States Department of Defense, or another acceptable form
868 of identification as specified by the Department of Veterans'
869 Affairs, and a copy of a valid marriage license or certificate
870 verifying that he or she was lawfully married to the veteran at
871 the time of discharge; or a business entity must provide to the
872 department proof that a veteran or the spouse of a veteran holds
873 a majority ownership in the business, a copy of the veteran's DD
874 Form 214, as issued by the United States Department of Defense,
875 or another acceptable form of identification as specified by the
876 Department of Veterans' Affairs, and, if applicable, a copy of a
877 valid marriage license or certificate verifying that the spouse
878 of the veteran was lawfully married to the veteran at the time
879 of discharge.

880 (4) Any licensee submitting a material change in their
881 information for licensing, before the date for renewal, must
882 submit such change to the department in the manner prescribed by

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883 ~~the department, along with a fee in the amount of \$10 Any person~~
884 ~~applying for a liquefied petroleum gas license as a specialty~~
885 ~~installer, as defined by s. 527.01(11), shall upon application~~
886 ~~to the department identify the specific area of work to be~~
887 ~~performed. Upon completion of all license requirements set forth~~
888 ~~in this chapter, the department shall issue the applicant a~~
889 ~~license specifying the scope of work, as identified by the~~
890 ~~applicant and defined by rule of the department, for which the~~
891 ~~person is authorized.~~

892 ~~(5) The license fee for a pipeline system operator shall be~~
893 ~~\$100 per system owned or operated by the person, not to exceed~~
894 ~~\$400 per license year. Such license fee applies only to a~~
895 ~~pipeline system operator who owns or operates a liquefied~~
896 ~~petroleum gas pipeline system that is used to transmit liquefied~~
897 ~~petroleum gas from a common source to the ultimate customer and~~
898 ~~that serves 10 or more customers.~~

899 ~~(5)(6)~~ (5) The department shall adopt ~~promulgate~~ rules
900 specifying acts deemed by the department to demonstrate a lack
901 of trustworthiness to engage in activities requiring a license
902 or qualifier identification card under this section.

903 ~~(7) Any license issued by the department may be transferred~~
904 ~~to any person, firm, or corporation for the remainder of the~~
905 ~~current license year upon written request to the department by~~
906 ~~the original licenseholder. Prior to approval of any transfer,~~
907 ~~all licensing requirements of this chapter must be met by the~~
908 ~~transferee. A license transfer fee of \$50 shall be charged for~~
909 ~~each such transfer.~~

910 Section 20. Section 527.0201, Florida Statutes, is amended
911 to read:

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912 527.0201 Qualifiers; master qualifiers; examinations.-

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

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

934 (a) Qualifier registration ~~automatically expires if~~
935 ~~identification cards, except those issued to category I~~
936 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~
937 ~~installers, shall remain in effect as long as the individual~~
938 ~~shows to the department proof of active employment in the area~~
939 ~~of examination and all continuing education requirements are~~
940 ~~met. Should the individual terminates ~~terminate~~ active~~

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941 employment in the area of examination for a period exceeding 24
942 months, or fails ~~fail~~ to provide documentation of continuing
943 education, ~~the individual's qualifier status shall automatically~~
944 ~~expire~~. If the qualifier registration status has expired, the
945 individual must apply for and successfully complete an
946 examination by the department in order to reestablish qualifier
947 status.

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

954 (3) Qualifier registration expires ~~cards issued to category~~
955 ~~I liquefied petroleum gas dealers and liquefied petroleum gas~~
956 ~~installers shall expire~~ 3 years after the date of issuance. ~~All~~
957 ~~category I liquefied petroleum gas dealer qualifiers and~~
958 ~~liquefied petroleum gas installer qualifiers holding a valid~~
959 ~~qualifier card upon the effective date of this act shall retain~~
960 ~~their qualifier status until July 1, 2003, and may sit for the~~
961 ~~master qualifier examination at any time during that time~~
962 ~~period.~~ All such ~~category I liquefied petroleum gas dealer~~
963 ~~qualifiers and liquefied petroleum gas installer qualifiers~~ may
964 renew their qualification ~~on or before July 1, 2003,~~ upon
965 application to the department, payment of a \$20 renewal fee, and
966 documentation of the completion of a minimum of 16 hours of
967 approved continuing education courses, as defined by department
968 rule, during the previous 3-year period. Applications for
969 renewal must be made 30 calendar days before expiration. Persons

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970 failing to renew before the expiration date must reapply and
971 take a qualifier competency examination in order to reestablish
972 ~~category I liquefied petroleum gas dealer qualifier and~~
973 ~~liquefied petroleum gas installer qualifier status. If a~~
974 ~~category I liquefied petroleum gas qualifier or liquefied~~
975 ~~petroleum gas installer qualifier becomes a master qualifier at~~
976 ~~any time during the effective date of the qualifier card, the~~
977 ~~card shall remain in effect until expiration of the master~~
978 ~~qualifier certification.~~

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

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

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999 shall be in addition to the requirements of subsection (1).

1000 (a) In order to apply for certification as a master
1001 qualifier, each applicant must have been a registered ~~be a~~
1002 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~
1003 ~~petroleum gas installer~~ qualifier for a minimum of 3 years
1004 immediately preceding submission of the application, must be
1005 employed by a licensed category I or category V licensee
1006 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~
1007 ~~installer, or applicant for such license, must provide~~
1008 ~~documentation of a minimum of 1 year's work experience in the~~
1009 ~~gas industry~~, and must pass a master qualifier competency
1010 examination. Master qualifier examinations shall be based on
1011 Florida's laws, rules, and adopted codes governing liquefied
1012 petroleum gas safety, general industry safety standards, and
1013 administrative procedures. The applicant must successfully pass
1014 the examination with a grade of 70 ~~75~~ percent or above. Each
1015 applicant for master qualifier registration status ~~status~~ must submit
1016 to the department a nonrefundable \$30 examination fee before the
1017 examination.

1018 (b) Upon successful completion of the master qualifier
1019 examination, the department shall issue the examinee a
1020 ~~certificate of master qualifier registration status which shall~~
1021 ~~include the name of the licensed company for which the master~~
1022 ~~qualifier is employed~~. A master qualifier may transfer from one
1023 licenseholder to another upon becoming employed by the company
1024 and providing a written request to the department.

1025 (c) A master qualifier registration expires ~~status shall~~
1026 ~~expire~~ 3 years after the date of issuance ~~of the certificate~~ and
1027 may be renewed by submission to the department of documentation

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1028 of completion of at least 16 hours of approved continuing
1029 education courses during the 3-year period; proof of employment
1030 ~~with a licensed category I liquefied petroleum gas dealer,~~
1031 ~~liquefied petroleum gas installer, or applicant;~~ and a \$30
1032 certificate renewal fee. The department shall define~~7~~ by rule~~7~~
1033 approved courses of continuing education.

1034 ~~(d) Each category I liquefied petroleum gas dealer or~~
1035 ~~liquefied petroleum gas installer licensed as of August 31,~~
1036 ~~2000, shall identify to the department one current category I~~
1037 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~
1038 ~~gas installer qualifier who will be the designated master~~
1039 ~~qualifier for the licenseholder. Such individual must provide~~
1040 ~~proof of employment for 3 years or more within the liquefied~~
1041 ~~petroleum gas industry, and shall, upon approval of the~~
1042 ~~department, be granted a master qualifier certificate. All other~~
1043 ~~requirements with regard to master qualifier certificate~~
1044 ~~expiration, renewal, and continuing education shall apply.~~

1045 (6) A vacancy in a qualifier or master qualifier position
1046 in a business organization which results from the departure of
1047 the qualifier or master qualifier shall be immediately reported
1048 to the department by the departing qualifier or master qualifier
1049 and the licensed company.

1050 (a) If a business organization no longer possesses a duly
1051 designated qualifier, as required by this section, its liquefied
1052 petroleum gas licenses shall be suspended by order of the
1053 department after 20 working days. The license shall remain
1054 suspended until a competent qualifier has been employed, the
1055 order of suspension terminated by the department, and the
1056 license reinstated. A vacancy in the qualifier position for a

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1057 period of more than 20 working days shall be deemed to
1058 constitute an immediate threat to the public health, safety, and
1059 welfare. ~~Failure to obtain a replacement qualifier within 60~~
1060 ~~days after the vacancy occurs shall be grounds for revocation of~~
1061 ~~licensure or eligibility for licensure.~~

1062 (b) Any category I or category V licensee liquefied
1063 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses
1064 a master qualifier but currently employs a ~~category I liquefied~~
1065 ~~petroleum gas dealer or LP gas installer~~ qualifier as required
1066 by this section, has ~~shall have~~ 60 days within which to replace
1067 the master qualifier. If the company fails to replace the master
1068 qualifier within the 60-day ~~time~~ period, the license of the
1069 company shall be suspended by order of the department. The
1070 license shall remain suspended until a competent master
1071 qualifier has been employed, the order of suspension has been
1072 terminated by the department, and the license reinstated.
1073 ~~Failure to obtain a replacement master qualifier within 90 days~~
1074 ~~after the vacancy occurs shall be grounds for revocation of~~
1075 ~~licensure or eligibility for licensure.~~

1076 (7) The department may deny, refuse to renew, suspend, or
1077 revoke any qualifier ~~card~~ or master qualifier registration
1078 ~~certificate~~ for any of the following causes:

1079 (a) Violation of any provision of this chapter or any rule
1080 or order of the department;

1081 (b) Falsification of records relating to the qualifier ~~card~~
1082 or master qualifier registration ~~certificate~~; or

1083 (c) Failure to meet any of the renewal requirements.

1084 (8) Any individual having competency qualifications on file
1085 with the department may request the transfer of such

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1086 qualifications to any existing licenseholder by making a written
1087 request to the department for such transfer. Any individual
1088 having a competency examination on file with the department may
1089 use such examination for a new license application after making
1090 application in writing to the department. All examinations are
1091 confidential and exempt from the provisions of s. 119.07(1).

1092 (9) If a duplicate license, qualifier ~~card~~, or master
1093 qualifier registration certificate is requested by the licensee,
1094 a fee of \$10 must be received before issuance of the duplicate
1095 license or certificate ~~card~~. ~~If a facsimile transmission of an~~
1096 ~~original license is requested, upon completion of the~~
1097 ~~transmission a fee of \$10 must be received by the department~~
1098 ~~before the original license may be mailed to the requester.~~

1099 (10) All revenues collected herein shall be deposited in
1100 the General Inspection Trust Fund for the purpose of
1101 administering the provisions of this chapter.

1102 Section 21. Section 527.021, Florida Statutes, is amended
1103 to read:

1104 527.021 Registration of transport vehicles.-

1105 (1) Each liquefied petroleum gas bulk delivery vehicle
1106 owned or leased by a liquefied petroleum gas licensee must be
1107 registered with the department as part of the licensing
1108 application or when placed into service ~~annually~~.

1109 (2) For the purposes of this section, a "liquefied
1110 petroleum gas bulk delivery vehicle" means any vehicle that is
1111 used to transport liquefied petroleum gas on any public street
1112 or highway as liquid cargo in a cargo tank, which tank is
1113 mounted on a conventional truck chassis or is an integral part
1114 of a transporting vehicle in which the tank constitutes, in

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1115 whole or in part, the stress member used as a frame and is a
1116 permanent part of the transporting vehicle.

1117 ~~(3) Vehicle registrations shall be submitted by the vehicle~~
1118 ~~owner or lessee in conjunction with the annual renewal of his or~~
1119 ~~her liquefied petroleum gas license, but no later than August 31~~
1120 ~~of each year. A dealer who fails to register a vehicle with the~~
1121 ~~department does not submit the required vehicle registration by~~
1122 ~~August 31 of each year is subject to the penalties in s. 527.13.~~

1123 (4) The department shall issue a decal to be placed on each
1124 vehicle that is inspected by the department and found to be in
1125 compliance with applicable codes.

1126 Section 22. Section 527.03, Florida Statutes, is amended to
1127 read:

1128 527.03 ~~Annual~~ Renewal of license.—All licenses required
1129 under this chapter shall be renewed annually, biennially, or
1130 triennially, as elected by the licensee, subject to the license
1131 fees prescribed in s. 527.02. All renewals must meet the same
1132 requirements and conditions as an annual license for each
1133 licensed year ~~All licenses, except Category III Liquefied~~
1134 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~
1135 ~~Dealer in Appliances and Equipment for Use of Liquefied~~
1136 ~~Petroleum Gas licenses, shall be renewed for the period~~
1137 ~~beginning September 1 and shall expire on the following August~~
1138 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
1139 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~
1140 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~
1141 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~
1142 ~~period beginning April 1 and shall expire on the following March~~
1143 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~

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1144 Any license allowed to expire will ~~shall~~ become inoperative
1145 because of failure to renew. The fee for restoration of a
1146 license is equal to the original license fee and must be paid
1147 before the licensee may resume operations.

1148 Section 23. Section 527.04, Florida Statutes, is amended to
1149 read:

1150 527.04 Proof of insurance required.—

1151 (1) Before any license is issued, except to a category IV
1152 dealer in appliances and equipment ~~for use of liquefied~~
1153 ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder
1154 exchange operator, the applicant must deliver to the department
1155 satisfactory evidence that the applicant is covered by a primary
1156 policy of bodily injury liability and property damage liability
1157 insurance that covers the products and operations with respect
1158 to such business and is issued by an insurer authorized to do
1159 business in this state for an amount not less than \$1 million
1160 and that the premium on such insurance is paid. An insurance
1161 certificate, affidavit, or other satisfactory evidence of
1162 acceptable insurance coverage shall be accepted as proof of
1163 insurance. In lieu of an insurance policy, the applicant may
1164 deliver a good and sufficient bond in the amount of \$1 million,
1165 payable to the Commissioner of Agriculture ~~Governor of Florida~~,
1166 with the applicant as principal and a surety company authorized
1167 to do business in this state as surety. The bond must be
1168 conditioned upon the applicant's compliance with this chapter
1169 and the rules of the department with respect to the conduct of
1170 such business and shall indemnify and hold harmless all persons
1171 from loss or damage by reason of the applicant's failure to
1172 comply. However, the aggregated liability of the surety may not

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1173 exceed \$1 million. If the insurance policy is canceled or
1174 otherwise terminated or the bond becomes insufficient, the
1175 department may require new proof of insurance or a new bond to
1176 be filed, and if the licenseholder fails to comply, the
1177 department shall cancel the license issued and give the
1178 licenseholder written notice that it is unlawful to engage in
1179 business without a license. A new bond is not required as long
1180 as the original bond remains sufficient and in force. If the
1181 licenseholder's insurance coverage as required by this
1182 subsection is canceled or otherwise terminated, the insurer must
1183 notify the department within 30 days after the cancellation or
1184 termination.

1185 (2) Before any license is issued to a category ~~class~~ III
1186 liquefied petroleum gas cylinder exchange operator, the
1187 applicant must deliver to the department satisfactory evidence
1188 that the applicant is covered by a primary policy of bodily
1189 injury liability and property damage liability insurance that
1190 covers the products and operations with respect to the business
1191 and is issued by an insurer authorized to do business in this
1192 state for an amount not less than \$300,000 and that the premium
1193 on the insurance is paid. An insurance certificate, affidavit,
1194 or other satisfactory evidence of acceptable insurance coverage
1195 shall be accepted as proof of insurance. In lieu of an insurance
1196 policy, the applicant may deliver a good and sufficient bond in
1197 the amount of \$300,000, payable to the Commissioner of
1198 Agriculture ~~Governor~~, with the applicant as principal and a
1199 surety company authorized to do business in this state as
1200 surety. The bond must be conditioned upon the applicant's
1201 compliance with this chapter and the rules of the department

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1202 with respect to the conduct of such business and must indemnify
1203 and hold harmless all persons from loss or damage by reason of
1204 the applicant's failure to comply. However, the aggregated
1205 liability of the surety may not exceed \$300,000. If the
1206 insurance policy is canceled or otherwise terminated or the bond
1207 becomes insufficient, the department may require new proof of
1208 insurance or a new bond to be filed, and if the licenseholder
1209 fails to comply, the department shall cancel the license issued
1210 and give the licenseholder written notice that it is unlawful to
1211 engage in business without a license. A new bond is not required
1212 as long as the original bond remains sufficient and in force. If
1213 the licenseholder's insurance coverage required by this
1214 subsection is canceled or otherwise terminated, the insurer must
1215 notify the department within 30 days after the cancellation or
1216 termination.

1217 (3) Any person having a cause of action on the bond may
1218 bring suit against the principal and surety, and a copy of such
1219 bond duly certified by the department shall be received in
1220 evidence in the courts of this state without further proof. The
1221 department shall furnish a certified copy of the ~~such~~ bond upon
1222 payment to it of its lawful fee for making and certifying such
1223 copy.

1224 Section 24. Section 527.0605, Florida Statutes, is amended
1225 to read:

1226 527.0605 Liquefied petroleum gas bulk storage locations;
1227 jurisdiction.—

1228 (1) The provisions of this chapter ~~shall~~ apply to liquefied
1229 petroleum gas bulk storage locations when:

1230 (a) A single container in the bulk storage location has a

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1231 capacity of 2,000 gallons or more;

1232 (b) The aggregate container capacity of the bulk storage
1233 location is 4,000 gallons or more; or

1234 (c) A container or containers are installed for the purpose
1235 of serving the public the liquid product.

1236 ~~(2) Prior to the installation of any bulk storage~~
1237 ~~container, the licensee must submit to the department a site~~
1238 ~~plan of the facility which shows the proposed location of the~~
1239 ~~container and must obtain written approval of such location from~~
1240 ~~the department.~~

1241 ~~(3) A fee of \$200 shall be assessed for each site plan~~
1242 ~~reviewed by the division. The review shall include~~
1243 ~~preconstruction inspection of the proposed site, plan review,~~
1244 ~~and final inspection of the completed facility.~~

1245 (2)~~(4)~~ No newly installed container may be placed in
1246 operation until it has been inspected and approved by the
1247 department.

1248 Section 25. Subsection (1) of section 527.065, Florida
1249 Statutes, is amended to read:

1250 527.065 Notification of accidents; leak calls.—

1251 (1) Immediately upon discovery, all liquefied petroleum gas
1252 licensees shall notify the department of any liquefied petroleum
1253 gas-related accident involving a liquefied petroleum gas
1254 licensee or customer account:

1255 (a) Which caused a death or personal injury requiring
1256 professional medical treatment;

1257 (b) Where uncontrolled ignition of liquefied petroleum gas
1258 resulted in death, personal injury, or property damage exceeding
1259 \$3,000 ~~\$1,000~~; or

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1260 (c) Which caused estimated damage to property exceeding
1261 \$3,000 ~~\$1,000~~.

1262 Section 26. Section 527.10, Florida Statutes, is amended to
1263 read:

1264 527.10 Restriction on use of unsafe container or system.—No
1265 liquefied petroleum gas shall be introduced into or removed from
1266 any container or system in this state that has been identified
1267 by the department or its duly authorized inspectors as not
1268 complying with the rules pertaining to such container or system,
1269 until such violations as specified have been satisfactorily
1270 corrected and authorization for continued service or removal
1271 granted by the department. A statement of violations of the
1272 rules that render such a system unsafe for use shall be
1273 furnished in writing by the department to the ~~ultimate~~ consumer
1274 or dealer in liquefied petroleum gas.

1275 Section 27. Subsections (3) and (17) of section 527.21,
1276 Florida Statutes, are amended to read:

1277 527.21 Definitions relating to Florida Propane Gas
1278 Education, Safety, and Research Act.—As used in ss. 527.20-
1279 527.23, the term:

1280 (3) "Dealer" means a business engaged primarily in selling
1281 propane gas and its appliances and equipment to the ~~ultimate~~
1282 consumer or to retail propane gas dispensers.

1283 (17) "Wholesaler" or "reseller" means a seller of propane
1284 gas who is not a producer and who does not sell propane gas to
1285 the ~~ultimate~~ consumer.

1286 Section 28. Paragraph (a) of subsection (2) of section
1287 527.22, Florida Statutes, is amended to read:

1288 527.22 Florida Propane Gas Education, Safety, and Research

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1289 Council established; membership; duties and responsibilities.—

1290 (2) (a) ~~Within 90 days after the effective date of this act,~~
1291 ~~the commissioner shall make a call to qualified industry~~
1292 ~~organizations for nominees to the council.~~ The commissioner
1293 shall appoint members of the council from a list of nominees
1294 submitted by qualified industry organizations. The commissioner
1295 may require such reports or documentation as is necessary to
1296 document the nomination process for members of the council.
1297 Qualified industry organizations, in making nominations, and the
1298 commissioner, in making appointments, shall give due regard to
1299 selecting a council that is representative of the industry and
1300 the geographic regions of the state. Other than the public
1301 member, council members must be full-time employees or owners of
1302 propane gas producers or dealers doing business in this state.

1303 Section 29. Section 531.67, Florida Statutes, is amended to
1304 read:

1305 531.67 Expiration of sections.—Sections 531.60, 531.61,
1306 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,
1307 2025 ~~2020~~.

1308 Section 30. Subsection (46) is added to section 570.07,
1309 Florida Statutes, to read:

1310 570.07 Department of Agriculture and Consumer Services;
1311 functions, powers, and duties.—The department shall have and
1312 exercise the following functions, powers, and duties:

1313 (46) During a state of emergency declared pursuant to s.
1314 252.36, to waive fees by emergency order for duplicate copies or
1315 renewal of permits, licenses, certifications, or other similar
1316 types of authorizations during a period specified by the
1317 commissioner.

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1318 Section 31. Section 573.111, Florida Statutes, is amended
1319 to read:

1320 573.111 Notice of effective date of marketing order.—Before
1321 the issuance of any marketing order, or any suspension,
1322 amendment, or termination thereof, a notice must ~~shall~~ be posted
1323 ~~on a public bulletin board to be maintained by the department in~~
1324 ~~the Division of Marketing and Development of the department in~~
1325 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~
1326 ~~of the notice shall be posted on the department website the same~~
1327 ~~date that the notice is posted on the bulletin board. A No~~
1328 ~~marketing order, or any suspension, amendment, or termination~~
1329 ~~thereof, may not ~~shall~~ become effective until ~~the termination of~~~~
1330 ~~a period of 5 days after ~~from~~ the date of posting and~~
1331 ~~publication.~~

1332 Section 32. Section 578.011, Florida Statutes, is amended
1333 to read:

1334 578.011 Definitions; Florida Seed Law.—When used in this
1335 chapter, the term:

1336 (1) "Advertisement" means all representations, other than
1337 those on the label, disseminated in any manner or by any means,
1338 relating to seed within the scope of this law.

1339 (2) "Agricultural seed" includes the seed of grass, forage,
1340 cereal and fiber crops, and chufas and any other seed commonly
1341 recognized within the state as agricultural seed, lawn seed, and
1342 combinations of such seed, and may include identified noxious
1343 weed seed when the department determines that such seed is being
1344 used as agricultural seed ~~or field seed and mixtures of such~~
1345 ~~seed.~~

1346 (3) "Blend" means seed consisting of more than one variety

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1347 of one kind, each present in excess of 5 percent by weight of
1348 the whole.

1349 (4) "Buyer" means a person who purchases agricultural,
1350 vegetable, flower, tree, or shrub seed in packaging of 1,000
1351 seeds or more by count.

1352 (5) "Brand" means a distinguishing word, name, symbol,
1353 number, or design used to identify seed produced, packaged,
1354 advertised, or offered for sale by a particular person.

1355 (6)~~(3)~~ "Breeder seed" means a class of certified seed
1356 directly controlled by the originating or sponsoring plant
1357 breeding institution or person, or designee thereof, and is the
1358 source for the production of seed of the other classes of
1359 certified seed that are released directly from the breeder or
1360 experiment station that develops the seed. These seed are one
1361 class above foundation seed.

1362 (7)~~(4)~~ "Certified seed," means a class of seed which is the
1363 progeny of breeder, foundation, or registered seed "registered
1364 seed," and "foundation seed" mean seed that have been produced
1365 and labeled in accordance with the procedures and in compliance
1366 with the rules and regulations of any agency authorized by the
1367 laws of this state or the laws of another state.

1368 (8) "Certifying agency" means:

1369 (a) An agency authorized under the laws of a state,
1370 territory, or possession of the United States to officially
1371 certify seed and which has standards and procedures approved by
1372 the United States Secretary of Agriculture to assure the genetic
1373 purity and identity of the seed certified; or

1374 (b) An agency of a foreign country that the United States
1375 Secretary of Agriculture has determined as adhering to

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1376 procedures and standards for seed certification comparable to
1377 those adhered to generally by seed certifying agencies under
1378 paragraph (a).

1379 (9) "Coated seed" means seed that has been covered by a
1380 layer of materials that obscures the original shape and size of
1381 the seed and substantially increases the weight of the product.
1382 The addition of biologicals, pesticides, identifying colorants
1383 or dyes, or other active ingredients including polymers may be
1384 included in this process.

1385 (10)~~(5)~~ "Date of test" means the month and year the
1386 percentage of germination appearing on the label was obtained by
1387 laboratory test.

1388 (11)~~(6)~~ "Dealer" means any person who sells or offers for
1389 sale any agricultural, vegetable, flower, ~~or forest tree,~~ or
1390 shrub seed for seeding purposes, and includes farmers who sell
1391 cleaned, processed, packaged, and labeled seed.

1392 (12)~~(7)~~ "Department" means the Department of Agriculture
1393 and Consumer Services or its authorized representative.

1394 (13)~~(8)~~ "Dormant seed" refers to viable seed, other than
1395 hard seed, which neither germinate nor decay during the
1396 prescribed test period and under the prescribed test conditions.

1397 (14)~~(9)~~ "Flower seed" includes seed of herbaceous plants
1398 grown for blooms, ornamental foliage, or other ornamental parts,
1399 and commonly known and sold under the name of flower or
1400 wildflower seed in this state.

1401 ~~(10) "Forest tree seed" includes seed of woody plants~~
1402 ~~commonly known and sold as forest tree seed.~~

1403 (15) "Foundation seed" means a class of certified seed
1404 which is the progeny of breeder or other foundation seed and is

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1405 produced and handled under procedures established by the
1406 certifying agency, in accordance with this part, for producing
1407 foundation seed, for the purpose of maintaining genetic purity
1408 and identity.

1409 (16)~~(11)~~ "Germination" means the emergence and development
1410 from the seed embryo of those essential structures which, for
1411 the kind of seed in question, are indicative of the ability to
1412 produce a normal plant under favorable conditions ~~percentage of~~
1413 ~~seed capable of producing normal seedlings under ordinarily~~
1414 ~~favorable conditions. Broken seedlings and weak, malformed and~~
1415 ~~obviously abnormal seedlings shall not be considered to have~~
1416 ~~germinated.~~

1417 (17)~~(12)~~ "Hard seed" means seeds that remain hard at the
1418 end of a prescribed test period because they have not absorbed
1419 water due to an impermeable seed coat ~~the percentage of seed~~
1420 ~~which because of hardness or impermeability did not absorb~~
1421 ~~moisture or germinate under prescribed tests but remain hard~~
1422 ~~during the period prescribed for germination of the kind of seed~~
1423 ~~concerned.~~

1424 (18)~~(13)~~ "Hybrid" means the first generation seed of a
1425 cross produced by controlling the pollination and by combining:

1426 (a) Two or more inbred lines;

1427 (b) One inbred or a single cross with an open-pollinated
1428 variety; or

1429 (c) Two varieties or species, except open-pollinated
1430 varieties of corn (*Zea mays*).

1431

1432 The second generation or subsequent generations from such
1433 crosses may ~~shall~~ not be regarded as hybrids. Hybrid

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1434 designations shall be treated as variety names.

1435 (19)~~(14)~~ "Inert matter" means all matter that is not a full
1436 seed includes broken seed when one-half in size or less; seed of
1437 legumes or crucifers with the seed coats removed; undeveloped
1438 and badly injured weed seed such as sterile dodder which, upon
1439 visual examination, are clearly incapable of growth; empty
1440 glumes of grasses; attached sterile glumes of grasses (which
1441 must be removed from the fertile glumes except in Rhodes grass);
1442 dirt, stone, chaff, nematode, fungus bodies, and any matter
1443 other than seed.

1444 (20)~~(15)~~ "Kind" means one or more related species or
1445 subspecies which singly or collectively is known by one common
1446 name; e.g., corn, beans, lespedeza.

1447 (21) "Label" means the display or displays of written or
1448 printed material upon or attached to a container of seed.

1449 (22)~~(16)~~ "Labeling" includes all labels and other written,
1450 printed, or graphic representations, in any form, accompanying
1451 and pertaining to any seed, whether in bulk or in containers,
1452 and includes invoices and other bills of shipment when sold in
1453 bulk.

1454 (23)~~(17)~~ "Lot ~~of seed~~" means a definite quantity of seed
1455 identified by a lot number or other mark identification, every
1456 portion or bag of which is uniform within recognized tolerances
1457 for the factors that appear in the labeling, for the factors
1458 which appear in the labeling, within permitted tolerances.

1459 (24)~~(18)~~ "Mix," "mixed," or "mixture" means seed consisting
1460 of more than one kind ~~or variety~~, each present in excess of 5
1461 percent by weight of the whole.

1462 (25) "Mulch" means a protective covering of any suitable

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1463 substance placed with seed which acts to retain sufficient
1464 moisture to support seed germination and sustain early seedling
1465 growth and aid in the prevention of the evaporation of soil
1466 moisture, the control of weeds, and the prevention of erosion.

1467 (26) "Noxious weed seed" means seed in one of two classes
1468 of seed:

1469 (a) "Prohibited noxious weed seed" means the seed of weeds
1470 that are highly destructive and difficult to control by good
1471 cultural practices and the use of herbicides.

1472 (b) "Restricted noxious weed seed" means weed seeds that
1473 are objectionable in agricultural crops, lawns, and gardens of
1474 this state and which can be controlled by good agricultural
1475 practices or the use of herbicides.

1476 (27)~~(19)~~ "Origin" means the state, District of Columbia,
1477 Puerto Rico, or possession of the United States, or the foreign
1478 country where the seed were grown, except for native species,
1479 where the term means the county or collection zone and the state
1480 where the seed were grown ~~for forest tree seed, with respect to~~
1481 ~~which the term "origin" means the county or state forest service~~
1482 ~~seed collection zone and the state where the seed were grown.~~

1483 (28)~~(20)~~ "Other crop seed" includes all seed of plants
1484 grown in this state as crops, other than the kind or kind and
1485 variety included in the pure seed, when not more than 5 percent
1486 of the whole of a single kind or variety is present, unless
1487 designated as weed seed.

1488 (29) "Packet seed" means seed prepared for use in home
1489 gardens and household plantings packaged in labeled, sealed
1490 containers of less than 8 ounces and typically sold from seed
1491 racks or displays in retail establishments, via the Internet, or

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1492 through mail order.

1493 ~~(30)-(21)~~ "Processing" means conditioning, cleaning,
1494 scarifying, or blending to obtain uniform quality and other
1495 operations which would change the purity or germination of the
1496 seed and, therefore, require retesting to determine the quality
1497 of the seed.

1498 ~~(22)~~ "Prohibited noxious weed seed" means the seed and
1499 bulblets of perennial weeds such as not only reproduce by seed
1500 or bulblets, but also spread by underground roots or stems and
1501 which, when established, are highly destructive and difficult to
1502 control in this state by ordinary good cultural practice.

1503 ~~(31)-(23)~~ "Pure seed" means the seed, exclusive of inert
1504 matter, of the kind or kind and variety of seed declared on the
1505 label or tag includes all seed of the kind or kind and variety
1506 or strain under consideration, whether shriveled, cracked, or
1507 otherwise injured, and pieces of broken seed larger than one-
1508 half the original size.

1509 ~~(32)-(24)~~ "Record" includes the symbol identifying the seed
1510 as to origin, amount, processing, testing, labeling, and
1511 distribution, ~~file sample of the seed,~~ and any other document or
1512 instrument pertaining to the purchase, sale, or handling of
1513 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed.
1514 Such information includes seed samples and records of
1515 declarations, labels, purchases, sales, conditioning, bulking,
1516 treatment, handling, storage, analyses, tests, and examinations.

1517 (33) "Registered seed" means a class of certified seed
1518 which is the progeny of breeder or foundation seed and is
1519 produced and handled under procedures established by the
1520 certifying agency, in accordance with this part, for the purpose

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1521 of maintaining genetic purity and identity.

1522 ~~(25) "Restricted noxious weed seed" means the seed of such~~
1523 ~~weeds as are very objectionable in fields, lawns, or gardens of~~
1524 ~~this state, but can be controlled by good cultural practice.~~
1525 ~~Seed of poisonous plants may be included.~~

1526 (34) "Shrub seed" means seed of a woody plant that is
1527 smaller than a tree and has several main stems arising at or
1528 near the ground.

1529 ~~(35)-(26)~~ "Stop-sale" means any written or printed notice or
1530 order issued by the department to the owner or custodian of any
1531 lot of agricultural, vegetable, flower, ~~or forest tree,~~ or shrub
1532 seed in the state, directing the owner or custodian not to sell
1533 or offer for sale seed designated by the order within the state
1534 until the requirements of this law are complied with and a
1535 written release has been issued; except that the seed may be
1536 released to be sold for feed.

1537 ~~(36)-(27)~~ "Treated" means that the seed has been given an
1538 application of a material or subjected to a process designed to
1539 control or repel disease organisms, insects, or other pests
1540 attacking seed or seedlings grown therefrom to improve its
1541 planting value or to serve any other purpose.

1542 (37) "Tree seed" means seed of a woody perennial plant
1543 typically having a single stem or trunk growing to a
1544 considerable height and bearing lateral branches at some
1545 distance from the ground.

1546 ~~(38)-(28)~~ "Type" means a group of varieties so nearly
1547 similar that the individual varieties cannot be clearly
1548 differentiated except under special conditions.

1549 ~~(39)-(29)~~ "Variety" means a subdivision of a kind which is

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1550 distinct in the sense that the variety can be differentiated by
1551 one or more identifiable morphological, physiological, or other
1552 characteristics from all other varieties of public knowledge;
1553 uniform in the sense that the variations in essential and
1554 distinctive characteristics are describable; and stable in the
1555 sense that the variety will remain unchanged in its essential
1556 and distinctive characteristics and its uniformity when
1557 reproduced or reconstituted ~~characterized by growth, plant~~
1558 ~~fruit, seed, or other characteristics by which it can be~~
1559 ~~differentiated from other sorts of the same kind; e.g.,~~
1560 ~~Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.~~

1561 ~~(40)~~(30) "Vegetable seed" means the seed of those crops
1562 that ~~which~~ are grown in gardens or on truck farms, and are
1563 generally known and sold under the name of vegetable seed or
1564 herb seed in this state.

1565 ~~(41)~~(31) "Weed seed" includes the seed of all plants
1566 generally recognized as weeds within this state, and includes
1567 prohibited and restricted noxious weed seed, bulblets, ~~and~~
1568 tubers, and any other vegetative propagules.

1569 Section 33. Section 578.012, Florida Statutes, is created
1570 to read:

1571 578.012 Preemption.—

1572 (1) It is the intent of the Legislature to eliminate
1573 duplication of regulation of seed. As such, this chapter is
1574 intended as comprehensive and exclusive and occupies the whole
1575 field of regulation of seed.

1576 (2) The authority to regulate seed or matters relating to
1577 seed in this state is preempted to the state. A local government
1578 or political subdivision of the state may not enact or enforce

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1579 an ordinance that regulates seed, including the power to assess
1580 any penalties provided for violation of this chapter.

1581 Section 34. Section 578.08, Florida Statutes, is amended to
1582 read:

1583 578.08 Registrations.—

1584 (1) Every person, except as provided in subsection (4) ~~and~~
1585 ~~s. 578.14~~, before selling, distributing for sale, offering for
1586 sale, exposing for sale, handling for sale, or soliciting orders
1587 for the purchase of any agricultural, vegetable, flower, ~~or~~
1588 ~~forest tree~~, or shrub seed or mixture thereof, shall first
1589 register with the department as a seed dealer. The application
1590 for registration must include the name and location of each
1591 place of business at which the seed is sold, distributed for
1592 sale, offered for sale, exposed for sale, or handled for sale.

1593 The application must ~~for registration shall~~ be filed with the
1594 department by using a form prescribed by the department or by
1595 using the department's website and shall be accompanied by an
1596 annual registration fee for each such place of business based on
1597 the gross receipts from the sale of such seed for the last
1598 preceding license year as follows:

1599 (a)1. Receipts of less than \$500, a fee of \$10.

1600 2. Receipts of \$500 or more but less than \$1,000, a fee of
1601 \$25.

1602 3. Receipts of \$1,000 or more but less than \$2,500, a fee
1603 of \$100.

1604 4. Receipts of \$2,500 or more but less than \$5,000, a fee
1605 of \$200.

1606 5. Receipts of \$5,000 or more but less than \$10,000, a fee
1607 of \$350.

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1608 6. Receipts of \$10,000 or more but less than \$20,000, a fee
1609 of \$800.

1610 7. Receipts of \$20,000 or more but less than \$40,000, a fee
1611 of \$1,000.

1612 8. Receipts of \$40,000 or more but less than \$70,000, a fee
1613 of \$1,200.

1614 9. Receipts of \$70,000 or more but less than \$150,000, a
1615 fee of \$1,600.

1616 10. Receipts of \$150,000 or more but less than \$400,000, a
1617 fee of \$2,400.

1618 11. Receipts of \$400,000 or more, a fee of \$4,600.

1619 (b) For places of business not previously in operation, the
1620 fee shall be based on anticipated receipts for the first license
1621 year.

1622 (2) A ~~written~~ receipt from the department of the
1623 registration and payment of the fee shall constitute a
1624 sufficient permit for the dealer to engage in or continue in the
1625 business of selling, distributing for sale, offering or exposing
1626 for sale, handling for sale, or soliciting orders for the
1627 purchase of any agricultural, vegetable, flower, ~~or forest tree,~~
1628 or shrub seed within the state. However, the department has
1629 ~~shall have~~ authority to suspend or revoke any permit for the
1630 violation of any provision of this law or of any rule adopted
1631 under authority hereof. The registration shall expire on June 30
1632 of the next calendar year and shall be renewed on July 1 of each
1633 year. If any person subject to the requirements of this section
1634 fails to comply, the department may issue a stop-sale notice or
1635 order which shall prohibit the person from selling or causing to
1636 be sold any agricultural, vegetable, flower, ~~or forest tree,~~ or

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1637 shrub seed until the requirements of this section are met.

1638 (3) Every person selling, distributing for sale, offering
1639 for sale, exposing for sale, handling for sale, or soliciting
1640 orders for the purchase of any agricultural, vegetable, flower,
1641 ~~or forest tree~~, or shrub seed in the state other than as
1642 provided in subsection (4) ~~s. 578.14~~, shall be subject to the
1643 requirements of this section; ~~except that agricultural~~
1644 ~~experiment stations of the State University System shall not be~~
1645 ~~subject to the requirements of this section.~~

1646 (4) ~~The provisions of~~ This chapter does ~~shall~~ not apply to
1647 farmers who sell only uncleaned, unprocessed, unpackaged, and
1648 unlabeled seed, but shall apply to farmers who sell cleaned,
1649 processed, packaged, and labeled seed in amounts in excess of
1650 \$10,000 in any one year.

1651 (5) When packet seed is sold, offered for sale, or exposed
1652 for sale, the company who packs seed for retail sale must
1653 register and pay fees as provided under subsection (1).

1654 Section 35. Section 578.09, Florida Statutes, is amended to
1655 read:

1656 578.09 Label requirements for agricultural, vegetable,
1657 flower, tree, or shrub seeds.—Each container of agricultural,
1658 vegetable, ~~or flower, tree, or shrub~~ seed which is sold, offered
1659 for sale, exposed for sale, or distributed for sale within this
1660 state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or
1661 have attached thereto, in a conspicuous place, ~~a label or labels~~
1662 ~~containing all information required under this section~~, plainly
1663 written or printed label or tag in the English language, in
1664 Century type. All data pertaining to analysis must ~~shall~~ appear
1665 on a single label. Language setting forth the requirements for

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1666 filing and serving complaints as described in s. 578.26(1)(c)
1667 must ~~s. 578.26(1)(b)~~ shall be included on the analysis label or
1668 be otherwise attached to the package, except for packages
1669 containing less than 1,000 seeds by count.

1670 (1) ~~FOR TREATED SEED.~~ For all treated agricultural,
1671 vegetable, ~~or~~ flower, tree, or shrub seed ~~treated~~ as defined in
1672 this chapter:

1673 (a) A word or statement indicating that the seed has been
1674 treated ~~or description of process used~~.

1675 (b) The commonly accepted coined, chemical, or abbreviated
1676 chemical (generic) name of the applied substance or description
1677 of the process used ~~and the words "poison treated" in red~~
1678 ~~letters, in not less than 1/4-inch type~~.

1679 (c) If the substance in the amount present with the seed is
1680 harmful to humans or other vertebrate animals, a caution
1681 statement such as "Do not use for food, feed, or oil purposes."
1682 The caution for mercurials, Environmental Protection Agency
1683 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and
1684 similarly toxic substances shall be designated by a poison
1685 statement or symbol.

1686 ~~(d) Rate of application or statement "Treated at~~
1687 ~~manufacturer's recommended rate."~~

1688 ~~(d)(e)~~ If the seed is treated with an inoculant, the date
1689 beyond which the inoculant is not to be considered effective
1690 (date of expiration).

1691
1692 A label separate from other labels required by this section or
1693 other law may be used to identify seed treatments as required by
1694 this subsection.

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1695 (2) For agricultural seed, including lawn and turf grass
1696 seed and mixtures thereof: AGRICULTURAL SEED.

1697 (a) ~~Commonly accepted~~ The name of the kind and variety of
1698 each agricultural seed component present in excess of 5 percent
1699 of the whole, and the percentage by weight of each in the order
1700 of its predominance. Where more than one component is required
1701 to be named, the word "mixed," "mixture," or "blend" ~~the word~~
1702 "mixed" shall be shown conspicuously on the label. Hybrids must
1703 be labeled as hybrids.

1704 (b) Lot number or other lot identification.

1705 (c) Net weight or seed count.

1706 (d) Origin, if known. If the origin is ~~;~~ if unknown, that
1707 fact must shall be stated.

1708 (e) Percentage by weight of all weed seed.

1709 (f) ~~The Name and number of noxious weed seed per pound, if~~
1710 present per pound of each kind of restricted noxious weed seed.

1711 (g) Percentage by weight of agricultural seed which may be
1712 designated as other crop seed, other than those required to be
1713 named on the label.

1714 (h) Percentage by weight of inert matter.

1715 (i) For each named agricultural seed, including lawn and
1716 turf grass seed:

1717 1. Percentage of germination, exclusive of hard or dormant
1718 seed;

1719 2. Percentage of hard or dormant seed, if when present, ~~if~~
1720 desired; and

1721 3. The calendar month and year the test was completed to
1722 determine such percentages, provided that the germination test
1723 must have been completed within the previous 9 months, exclusive

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1724 of the calendar month of test.

1725 (j) Name and address of the person who labeled said seed or
1726 who sells, distributes, offers, or exposes said seed for sale
1727 within this state.

1728

1729 The sum total of the percentages listed pursuant to paragraphs
1730 (a), (e), (g), and (h) must be equal to 100 percent.

1731 (3) For seed that is coated:

1732 (a) Percentage by weight of pure seed with coating material
1733 removed. The percentage of coating material may be included with
1734 the inert matter percentage or may be listed separately.

1735 (b) Percentage of germination. This percentage must be
1736 determined based on an examination of 400 coated units with or
1737 without seed.

1738

1739 In addition to the requirements of this subsection, labeling of
1740 coated seed must also comply with the requirements of any other
1741 subsection pertaining to that type of seed. FOR VEGETABLE SEED
1742 IN CONTAINERS OF 8 OUNCES OR MORE.—

1743 ~~(a) Name of kind and variety of seed.~~

1744 ~~(b) Net weight or seed count.~~

1745 ~~(c) Lot number or other lot identification.~~

1746 ~~(d) Percentage of germination.~~

1747 ~~(e) Calendar month and year the test was completed to~~
1748 ~~determine such percentages.~~

1749 ~~(f) Name and address of the person who labeled said seed or~~
1750 ~~who sells, distributes, offers or exposes said seed for sale~~
1751 ~~within this state.~~

1752 ~~(g) For seed which germinate less than the standard last~~

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1753 ~~established by the department the words "below standard," in not~~
1754 ~~less than 8-point type, must be printed or written in ink on the~~
1755 ~~face of the tag, in addition to the other information required.~~
1756 ~~Provided, that no seed marked "below standard" shall be sold~~
1757 ~~which falls more than 20 percent below the standard for such~~
1758 ~~seed which has been established by the department, as authorized~~
1759 ~~by this law.~~

1760 ~~(h) The name and number of restricted noxious weed seed per~~
1761 ~~pound.~~

1762 (4) For combination mulch, seed, and fertilizer products:

1763 (a) The word "combination" followed, as appropriate, by the
1764 words "mulch - seed - fertilizer" must appear prominently on the
1765 principal display panel of the package.

1766 (b) If the product is an agricultural seed placed in a
1767 germination medium, mat, tape, or other device or is mixed with
1768 mulch or fertilizer, it must also be labeled with all of the
1769 following:

1770 1. Product name.

1771 2. Lot number or other lot identification.

1772 3. Percentage by weight of pure seed of each kind and
1773 variety named which may be less than 5 percent of the whole.

1774 4. Percentage by weight of other crop seed.

1775 5. Percentage by weight of inert matter.

1776 6. Percentage by weight of weed seed.

1777 7. Name and number of noxious weed seeds per pound, if
1778 present.

1779 8. Percentage of germination, and hard or dormant seed if
1780 appropriate, of each kind or kind and variety named. The
1781 germination test must have been completed within the previous 12

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1782 months exclusive of the calendar month of test.

1783 9. The calendar month and year the test was completed to
1784 determine such percentages.

1785 10. Name and address of the person who labeled the seed, or
1786 who sells, offers, or exposes the seed for sale within the
1787 state.

1788
1789 The sum total of the percentages listed pursuant to
1790 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.

1791 (5) For vegetable seed in packets as prepared for use in
1792 home gardens or household plantings or vegetable seeds in
1793 preplanted containers, mats, tapes, or other planting devices:
1794 ~~FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—~~

1795 (a) Name of kind and variety of seed. Hybrids must be
1796 labeled as hybrids.

1797 (b) Lot number or other lot identification.

1798 (c) Germination test date identified in the following
1799 manner:

1800 1. The calendar month and year the germination test was
1801 completed and the statement "Sell by ...(month/year)...", which
1802 may be no more than 12 months from the date of test, beginning
1803 with the month after the test date;

1804 2. The month and year the germination test was completed,
1805 provided that the germination test must have been completed
1806 within the previous 12 months, exclusive of the calendar month
1807 of test; or

1808 3. The year for which the seed was packaged for sale as
1809 "Packed for ...(year)..." and the statement "Sell by
1810 ...(year)..." which shall be one year after the seed was

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1811 packaged for sale.

1812 (d) ~~(b)~~ Name and address of the person who labeled the seed
1813 or who sells, ~~distributes,~~ offers, or exposes said seed for sale
1814 within this state.

1815 (e) ~~(e)~~ For seed which germinate less than standard last
1816 established by the department, ~~the additional information must~~
1817 ~~be shown:~~

1818 1. Percentage of germination, exclusive of hard or dormant
1819 seed.

1820 2. Percentage of hard or dormant seed ~~when present,~~ if
1821 present desired.

1822 ~~3. Calendar month and year the test was completed to~~
1823 ~~determine such percentages.~~

1824 ~~3.4.~~ The words "Below Standard" prominently displayed in
1825 ~~not less than 8 point type.~~

1826
1827 (f) ~~(d)~~ No seed marked "below standard" may shall be sold
1828 that falls which fall more than 20 percent below the established
1829 standard for such seed. For seeds that do not have an
1830 established standard, the minimum germination standard shall be
1831 50 percent, and no such seed may be sold that is 20 percent
1832 below this standard.

1833 (g) For seed placed in a germination medium, mat, tape, or
1834 other device in such a way as to make it difficult to determine
1835 the quantity of seed without removing the seeds from the medium,
1836 mat, tape or device, a statement to indicate the minimum number
1837 of seeds in the container.

1838 (6) For vegetable seed in containers, other than packets
1839 prepared for use in home gardens or household plantings, and

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1840 other than preplanted containers, mats, tapes, or other planting
1841 devices:

1842 (a) The name of each kind and variety present of any seed
1843 in excess of 5 percent of the total weight in the container, and
1844 the percentage by weight of each type of seed in order of its
1845 predominance. Hybrids must be labeled as hybrids.

1846 (b) Net weight or seed count.

1847 (c) Lot number or other lot identification.

1848 (d) For each named vegetable seed:

1849 1. Percentage germination, exclusive of hard or dormant
1850 seed;

1851 2. Percentage of hard or dormant seed, if present;

1852 3. Listed below the requirements of subparagraphs 1. and
1853 2., the "total germination and hard or dormant seed" may be
1854 stated as such, if desired; and

1855 4. The calendar month and year the test was completed to
1856 determine the percentages specified in subparagraphs 1. and 2.,
1857 provided that the germination test must have been completed
1858 within 9 months, exclusive of the calendar month of test.

1859 (e) Name and address of the person who labeled the seed, or
1860 who sells, offers, or exposes the seed for sale within this
1861 state.

1862 (f) For seed which germinate less than the standard last
1863 established by the department, the words "Below Standard"
1864 prominently displayed.

1865 1. No seed marked "Below Standard" may be sold if the seed
1866 is more than 20 percent below the established standard for such
1867 seed.

1868 2. For seeds that do not have an established standard, the

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1869 minimum germination standard shall be 50 percent, and no such
1870 seed may be sold that is 20 percent below this standard.

1871 (7)(5) For flower seed in packets prepared for use in home
1872 gardens or household plantings or flower seed in preplanted
1873 containers, mats, tapes, or other planting devices: FOR FLOWER
1874 SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD
1875 PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,
1876 OR OTHER PLANTING DEVICES.—

1877 (a) For all kinds of flower seed:

1878 1. The name of the kind and variety or a statement of type
1879 and performance characteristics as prescribed in the rules and
1880 regulations adopted ~~promulgated~~ under the provisions of this
1881 chapter.

1882 2. Germination test date, identified in the following
1883 manner:

1884 a. The calendar month and year the germination test was
1885 completed and the statement "Sell by ...(month/year)...". The
1886 sell by date must be no more than 12 months from the date of
1887 test, beginning with the month after the test date;

1888 b. The year for which the seed was packed for sale as
1889 "Packed for ...(year)..." and the statement "Sell by
1890 ...(year)..." which shall be for a calendar year; or

1891 c. The calendar month and year the test was completed,
1892 provided that the germination test must have been completed
1893 within the previous 12 months, exclusive of the calendar month
1894 of test.

1895 ~~2. The calendar month and year the seed was tested or the~~
1896 ~~year for which the seed was packaged.~~

1897 3. The name and address of the person who labeled said

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1898 seed, or who sells, offers, or exposes said seed for sale within
1899 this state.

1900 (b) For seed of those kinds for which standard testing
1901 procedures are prescribed and which germinate less than the
1902 germination standard last established under the provisions of
1903 this chapter:

1904 1. The percentage of germination exclusive of hard or
1905 dormant seed.

1906 2. Percentage of hard or dormant seed, if present.

1907 3. The words "Below Standard" prominently displayed ~~in not~~
1908 ~~less than 8-point type.~~

1909 (c) For seed placed in a germination medium, mat, tape, or
1910 other device in such a way as to make it difficult to determine
1911 the quantity of seed without removing the seed from the medium,
1912 mat, tape, or device, a statement to indicate the minimum number
1913 of seed in the container.

1914 (8)-(6) For flower seed in containers other than packets and
1915 other than preplanted containers, mats, tapes, or other planting
1916 devices and not prepared for use in home flower gardens or
1917 household plantings: FOR FLOWER SEED IN CONTAINERS OTHER THAN
1918 ~~PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD~~
1919 ~~PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR~~
1920 ~~OTHER PLANTING DEVICES.—~~

1921 (a) The name of the kind and variety, and for wildflowers,
1922 the genus and species and subspecies, if appropriate ~~or a~~
1923 ~~statement of type and performance characteristics as prescribed~~
1924 ~~in rules and regulations promulgated under the provisions of~~
1925 ~~this chapter.~~

1926 (b) Net weight or seed count.

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- 1927 (c)~~(b)~~ The Lot number or other lot identification.
- 1928 (d) For flower seed with a pure seed percentage of less
- 1929 than 90 percent:
- 1930 1. Percentage, by weight, of each component listed in order
- 1931 of its predominance.
- 1932 2. Percentage by weight of weed seed, if present.
- 1933 3. Percentage by weight of other crop seed.
- 1934 4. Percentage by weight of inert matter.
- 1935 (e) For those kinds of seed for which standard testing
- 1936 procedures are prescribed:
- 1937 1. Percentage germination exclusive of hard or dormant
- 1938 seed.
- 1939 2. Percentage of hard or dormant seed, if present.
- 1940 3.~~(e)~~ The calendar month and year that the test was
- 1941 completed. The germination test must have been completed within
- 1942 the previous 9 months, exclusive of the calendar month of test.
- 1943 (f) For those kinds of seed for which standard testing
- 1944 procedures are not available, the year of production or
- 1945 collection ~~seed were tested or the year for which the seed were~~
- 1946 ~~packaged.~~
- 1947 (g)~~(d)~~ The name and address of the person who labeled said
- 1948 seed or who sells, offers, or exposes said seed for sale within
- 1949 this state.
- 1950 ~~(e) For those kinds of seed for which standard testing~~
- 1951 ~~procedures are prescribed:~~
- 1952 ~~1. The percentage germination exclusive of hard seed.~~
- 1953 ~~2. The percentage of hard seed, if present.~~
- 1954 (h)~~(f)~~ For ~~those seeds~~ which germinate less than the
- 1955 standard last established by the department, the words "Below

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Standard" prominently displayed ~~in not less than 8 point type~~
~~must be printed or written in ink on the face of the tag.~~

(9) For tree or shrub seed:

(a) Common name of the species of seed and, if appropriate,
subspecies.

(b) The scientific name of the genus, species, and, if
appropriate, subspecies.

(c) Lot number or other lot identification.

(d) Net weight or seed count.

(e) Origin, indicated in the following manner:

1. For seed collected from a predominantly indigenous
stand, the area of collection given by latitude and longitude or
geographic description, or political subdivision, such as state
or county.

2. For seed collected from other than a predominantly
indigenous stand, the area of collection and the origin of the
stand or the statement "Origin not Indigenous".

3. The elevation or the upper and lower limits of
elevations within which the seed was collected.

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

(g) For those species for which standard germination
testing procedures are prescribed by the department:

1. Percentage germination exclusive of hard or dormant
seed.

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

3. The calendar month and year test was completed, provided
that the germination test must have been completed within the
previous 12 months, exclusive of the calendar month of test.

(h) In lieu of subparagraphs (g)1., 2., and 3., the seed

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1985 may be labeled "Test is in progress; results will be supplied
1986 upon request."

1987 (i) For those species for which standard germination
1988 testing procedures have not been prescribed by the department,
1989 the calendar year in which the seed was collected.

1990 (j) The name and address of the person who labeled the seed
1991 or who sells, offers, or exposes the seed for sale within this
1992 state.

1993 ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG. The~~
1994 ~~department shall have the authority to prescribe a uniform~~
1995 ~~analysis tag required by this section.~~

1996
1997 The information required by this section to be placed on labels
1998 attached to seed containers may not be modified or denied in the
1999 labeling or on another label attached to the container. However,
2000 labeling of seed supplied under a contractual agreement may be
2001 by invoice accompanying the shipment or by an analysis tag
2002 attached to the invoice if each bag or other container is
2003 clearly identified by a lot number displayed on the bag or other
2004 container. Each bag or container that is not so identified must
2005 carry complete labeling.

2006 Section 36. Section 578.091, Florida Statutes, is repealed.

2007 Section 37. Subsections (2) and (3) of section 578.10,
2008 Florida Statutes, are amended to read:

2009 578.10 Exemptions.—

2010 (2) The provisions of ss. 578.09 and 578.13 do not apply
2011 to:

2012 (a) ~~To~~ Seed or grain not intended for sowing or planting
2013 purposes.

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2014 (b) ~~To~~ Seed stored in storage in, consigned to, or being
2015 transported to seed cleaning or processing establishments for
2016 cleaning or processing only. Any labeling or other
2017 representation which may be made with respect to the unclean
2018 seed is ~~shall be~~ subject to this law.

2019 (c) Seed under development or maintained exclusively for
2020 research purposes.

2021 (3) If seeds cannot be identified by examination thereof, a
2022 person is not subject to the criminal penalties of this chapter
2023 for having sold or offered for sale seeds subject to this
2024 chapter which were incorrectly labeled or represented as to
2025 kind, species, and, if appropriate, subspecies, variety, type,
2026 or origin, elevation, and, if required, year of collection
2027 unless he or she has failed to obtain an invoice, genuine
2028 grower's or tree seed collector's declaration, or other labeling
2029 information and to take such other precautions as may be
2030 reasonable to ensure the identity of the seeds to be as stated
2031 by the grower. A genuine grower's declaration of variety must
2032 affirm that the grower holds records of proof of identity
2033 concerning parent seed, such as invoice and labels ~~No person~~
2034 ~~shall be subject to the criminal penalties of this law for~~
2035 ~~having sold, offered, exposed, or distributed for sale in this~~
2036 ~~state any agricultural, vegetable, or forest tree seed which~~
2037 ~~were incorrectly labeled or represented as to kind and variety~~
2038 ~~or origin, which seed cannot be identified by examination~~
2039 ~~thereof, unless she or he has failed to obtain an invoice or~~
2040 ~~grower's declaration giving kind and variety and origin.~~

2041 Section 38. Section 578.11, Florida Statutes, is amended to
2042 read:

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2043 578.11 Duties, authority, and rules of the department.—

2044 (1) The duty of administering this law and enforcing its
2045 provisions and requirements shall be vested in the Department of
2046 Agriculture and Consumer Services, which is hereby authorized to
2047 employ such agents and persons as in its judgment shall be
2048 necessary therefor. It shall be the duty of the department,
2049 which may act through its authorized agents, to sample, inspect,
2050 make analyses of, and test agricultural, vegetable, flower, ~~or~~
2051 ~~forest tree, or shrub~~ seed transported, sold, offered or exposed
2052 for sale, or distributed within this state for sowing or
2053 planting purposes, at such time and place and to such extent as
2054 it may deem necessary to determine whether said agricultural,
2055 vegetable, flower, ~~or forest tree, or shrub~~ seed are in
2056 compliance with the provisions of this law, and to notify
2057 promptly the person who transported, distributed, sold, offered
2058 or exposed the seed for sale, of any violation.

2059 (2) The department is authorized to:

2060 (a) ~~To~~ Enforce this chapter act and prescribe the methods
2061 of sampling, inspecting, testing, and examining agricultural,
2062 vegetable, flower, ~~or forest tree, or shrub~~ seed.

2063 (b) ~~To~~ Establish standards and tolerances to be followed in
2064 the administration of this law, which shall be in general accord
2065 with officially prescribed practices in interstate commerce.

2066 (c) ~~To~~ Prescribe uniform labels.

2067 (d) ~~To~~ Adopt prohibited and restricted noxious weed seed
2068 lists.

2069 (e) ~~To~~ Prescribe limitations for each restricted noxious
2070 weed to be used in enforcement of this chapter act and to add or
2071 subtract therefrom from time to time as the need may arise.

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2072 (f) ~~To~~ Make commercial tests of seed and to fix and collect
2073 charges for such tests.

2074 (g) ~~To~~ List the kinds of flower, and forest tree, and shrub
2075 seed subject to this law.

2076 (h) ~~To~~ Analyze samples, as requested by a consumer. The
2077 department shall establish, by rule, a fee schedule for
2078 analyzing samples at the request of a consumer. The fees shall
2079 be sufficient to cover the costs to the department for taking
2080 the samples and performing the analysis, not to exceed \$150 per
2081 sample.

2082 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to
2083 implement ~~the provisions of this chapter act.~~

2084 (j) ~~To~~ Establish, by rule, requirements governing aircraft
2085 used for the aerial application of seed, including requirements
2086 for recordkeeping, annual aircraft registration, secure storage
2087 when not in use, area-of-application information, and reporting
2088 any sale, lease, purchase, rental, or transfer of such aircraft
2089 to another person.

2090 (3) For the purpose of carrying out ~~the provisions of this~~
2091 law, the department, through its authorized agents, is
2092 authorized to:

2093 (a) ~~To~~ Enter upon any public or private premises, where
2094 agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed
2095 is sold, offered, exposed, or distributed for sale during
2096 regular business hours, in order to have access to seed subject
2097 to this law and the rules and regulations hereunder.

2098 (b) ~~To~~ Issue and enforce a stop-sale notice or order to the
2099 owner or custodian of any lot of agricultural, vegetable,
2100 flower, ~~or forest tree, or shrub~~ seed, which the department

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2101 finds or has good reason to believe is in violation of any
2102 provisions of this law, which shall prohibit further sale,
2103 barter, exchange, or distribution of such seed until the
2104 department is satisfied that the law has been complied with and
2105 has issued a written release or notice to the owner or custodian
2106 of such seed. After a stop-sale notice or order has been issued
2107 against or attached to any lot of seed and the owner or
2108 custodian of such seed has received confirmation that the seed
2109 does not comply with this law, she or he has ~~shall have~~ 15 days
2110 beyond the normal test period within which to comply with the
2111 law and obtain a written release of the seed. ~~The provisions of~~
2112 This paragraph may ~~shall~~ not be construed as limiting the right
2113 of the department to proceed as authorized by other sections of
2114 this law.

2115 (c) ~~To~~ Establish and maintain a seed laboratory, employ
2116 seed analysts and other personnel, and incur such other expenses
2117 as may be necessary to comply with these provisions.

2118 Section 39. Section 578.12, Florida Statutes, is amended to
2119 read:

2120 578.12 Stop-sale, stop-use, removal, or hold orders.—When
2121 agricultural, vegetable, flower, ~~or forest~~ tree, or shrub seed
2122 is being offered or exposed for sale or held in violation of any
2123 of the provisions of this chapter, the department, through its
2124 authorized representative, may issue and enforce a stop-sale,
2125 stop-use, removal, or hold order to the owner or custodian of
2126 said seed ordering it to be held at a designated place until the
2127 law has been complied with and said seed is released in writing
2128 by the department or its authorized representative. If seed is
2129 not brought into compliance with this law it shall be destroyed

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2130 within 30 days or disposed of by the department in such a manner
2131 as it shall by regulation prescribe.

2132 Section 40. Section 578.13, Florida Statutes, is amended to
2133 read:

2134 578.13 Prohibitions.—

2135 (1) It shall be unlawful for any person to sell, distribute
2136 for sale, offer for sale, expose for sale, handle for sale, or
2137 solicit orders for the purchase of any agricultural, vegetable,
2138 flower, ~~or forest tree, or shrub,~~ seed within this state:

2139 (a) Unless the test to determine the percentage of
2140 germination required by s. 578.09 has ~~shall have~~ been completed
2141 ~~within a period of 7 months, exclusive of the calendar month in~~
2142 ~~which the test was completed,~~ immediately prior to sale,
2143 exposure for sale, offering for sale, or transportation, except
2144 for a germination test for seed in hermetically sealed
2145 containers which is provided for in s. 578.092 ~~s. 578.28~~.

2146 (b) Not labeled in accordance with ~~the provisions of~~ this
2147 law, or having false or misleading labeling.

2148 (c) Pertaining to which there has been a false or
2149 misleading advertisement.

2150 (d) Containing noxious weed seeds subject to tolerances and
2151 methods of determination prescribed in the rules and regulations
2152 under this law.

2153 (e) Unless a seed license has been obtained in accordance
2154 with ~~the provisions of~~ this law.

2155 (f) Unless such seed conforms to the definition of a "lot
2156 ~~of seed.~~"

2157 (2) It shall be unlawful for a ~~any~~ person within this state
2158 to:

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2159 (a) ~~To~~ Detach, deface, destroy, or use a second time any
2160 label or tag provided for in this law or in the rules and
2161 regulations made and promulgated hereunder or to alter or
2162 substitute seed in a manner that may defeat the purpose of this
2163 law.

2164 (b) ~~To~~ Disseminate any false or misleading advertisement
2165 concerning agricultural, vegetable, flower, ~~or forest~~ tree ,or
2166 shrub seed in any manner or by any means.

2167 (c) ~~To~~ Hinder or obstruct in any way any authorized person
2168 in the performance of her or his duties under this law.

2169 (d) ~~To~~ Fail to comply with a stop-sale order or to move,
2170 handle, or dispose of any lot of seed, or tags attached to such
2171 seed, held under a "stop-sale" order, except with express
2172 permission of the department and for the purpose specified by
2173 the department ~~or seizure order.~~

2174 (e) Label, advertise, or otherwise represent seed subject
2175 to this chapter to be certified seed or any class thereof,
2176 including classes such as "registered seed," "foundation seed,"
2177 "breeder seed" or similar representations, unless:

2178 1. A seed certifying agency determines that such seed
2179 conformed to standards of purity and identify as to the kind,
2180 variety, or species and, if appropriate, subspecies and the seed
2181 certifying agency also determines that tree or shrub seed was
2182 found to be of the origin and elevation claimed, in compliance
2183 with the rules and regulations of such agency pertaining to such
2184 seed; and

2185 2. The seed bears an official label issued for such seed by
2186 a seed certifying agency certifying that the seed is of a
2187 specified class and specified to the kind, variety, or species

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2188 and, if appropriate, subspecies.

2189 (f) Label, by variety name, seed not certified by an
2190 official seed-certifying agency when it is a variety for which a
2191 certificate of plant variety protection under the United States
2192 Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies
2193 sale only as a class of certified seed, except that seed from a
2194 certified lot may be labeled as to variety name when used in a
2195 mixture by, or with the written approval of, the owner of the
2196 variety. To sell, distribute for sale, offer for sale, expose
2197 for sale, handle for sale, or solicit orders for the purchase of
2198 any agricultural, vegetable, flower, or forest tree seed labeled
2199 "certified seed," "registered seed," "foundation seed," "breeder
2200 seed," or similar terms, unless it has been produced and labeled
2201 under seal in compliance with the rules and regulations of any
2202 agency authorized by law.

2203 (g) ~~(f)~~ ~~To~~ Fail to keep a complete record, including a file
2204 sample which shall be retained for 1 year after seed is sold, of
2205 each lot of seed and to make available for inspection such
2206 records to the department or its duly authorized agents.

2207 (h) ~~(g)~~ ~~To~~ Use the name of the Department of Agriculture and
2208 Consumer Services or Florida State Seed Laboratory in connection
2209 with analysis tag, labeling advertisement, or sale of any seed
2210 in any manner whatsoever.

2211 Section 41. Section 578.14, Florida Statutes, is repealed.

2212 Section 42. Subsection (1) of section 578.181, Florida
2213 Statutes, is amended to read:

2214 578.181 Penalties; administrative fine.—

2215 (1) The department may enter an order imposing one or more
2216 of the following penalties against a person who violates this

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2217 chapter or the rules adopted under this chapter or who impedes,
2218 obstructs, ~~or~~ hinders, or otherwise attempts to prevent the
2219 department from performing its duty in connection with
2220 ~~performing its duties under~~ this chapter:

2221 (a) For a minor violation, issuance of a warning letter.

2222 (b) For violations other than a minor violation:

2223 1. Imposition of an administrative fine in the Class I
2224 category pursuant to s. 570.971 for each occurrence ~~after the~~
2225 ~~issuance of a warning letter.~~

2226 2. ~~(e)~~ Revocation or suspension of the registration as a
2227 seed dealer.

2228 Section 43. Section 578.23, Florida Statutes, is amended to
2229 read:

2230 578.23 ~~Dealers' Records to be kept available.~~ Each person
2231 who allows his or her name or brand to appear on the label as
2232 handling agricultural, vegetable, flower, tree, or shrub seeds
2233 subject to this chapter must keep, for 2 years, complete records
2234 of each lot of agricultural, vegetable, flower, tree, or shrub
2235 seed handled, and keep for 1 year after final disposition a file
2236 sample of each lot of seed. All such records and samples
2237 pertaining to the shipment or shipments involved must be
2238 accessible for inspection by the department or its authorized
2239 representative during normal business hours ~~Every seed dealer~~
2240 ~~shall make and keep for a period of 3 years satisfactory records~~
2241 ~~of all agricultural, vegetable, flower, or forest tree seed~~
2242 ~~bought or handled to be sold, which records shall at all times~~
2243 ~~be made readily available for inspection, examination, or audit~~
2244 ~~by the department. Such records shall also be maintained by~~
2245 ~~persons who purchase seed for production of plants for resale.~~

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2246 Section 44. Section 578.26, Florida Statutes, is amended to
2247 read:

2248 578.26 Complaint, investigation, hearings, findings, and
2249 recommendation prerequisite to legal action.—

2250 (1) (a) When any buyer ~~farmer~~ is damaged by the failure of
2251 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed
2252 planted in this state to produce or perform as represented by
2253 the labeling of such label attached to the seed as required by
2254 s. 578.09, as a prerequisite to her or his right to maintain a
2255 legal action against the dealer from whom the seed was
2256 purchased, the buyer must ~~farmer shall~~ make a sworn complaint
2257 against the dealer alleging damages sustained. The complaint
2258 shall be filed with the department, and a copy of the complaint
2259 shall be served by the department on the dealer by certified
2260 mail, within such time as to permit inspection of the property,
2261 crops, plants, or trees referenced in, or related to, the
2262 buyer's complaint by the seed investigation and conciliation
2263 council or its representatives and by the dealer from whom the
2264 seed was purchased.

2265 (b) For types of claims specified in paragraph (a), the
2266 buyer may not commence legal proceedings against the dealer or
2267 assert such a claim as a counterclaim or defense in any action
2268 brought by the dealer until the findings and recommendations of
2269 the seed investigation and conciliation council are transmitted
2270 to the complainant and the dealer.

2271 (c) ~~(b)~~ Language setting forth the requirement for filing
2272 and serving the complaint shall be legibly typed or printed on
2273 the analysis label or be attached to the package containing the
2274 seed at the time of purchase by the buyer ~~farmer~~.

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2275 (d)~~(e)~~ A nonrefundable filing fee of \$100 shall be paid to
2276 the department with each complaint filed. However, the
2277 complainant may recover the filing fee cost from the dealer upon
2278 the recommendation of the seed investigation and conciliation
2279 council.

2280 (2) Within 15 days after receipt of a copy of the
2281 complaint, the dealer shall file with the department her or his
2282 answer to the complaint and serve a copy of the answer on the
2283 buyer ~~farmer~~ by certified mail. ~~Upon receipt of the findings and~~
2284 ~~recommendation of the arbitration council, the department shall~~
2285 ~~transmit them to the farmer and to the dealer by certified mail.~~

2286 (3) The department shall refer the complaint and the answer
2287 thereto to the seed investigation and conciliation council
2288 provided in s. 578.27 for investigation, informal hearing,
2289 findings, and recommendation on the matters complained of.

2290 (a) Each party must ~~shall~~ be allowed to present its side of
2291 the dispute at an informal hearing before the seed investigation
2292 and conciliation council. Attorneys may be present at the
2293 hearing to confer with their clients. However, no attorney may
2294 participate directly in the proceeding.

2295 (b) Hearings, including the deliberations of the seed
2296 investigation and conciliation council, must ~~shall~~ be open to
2297 the public.

2298 (c) Within 30 days after completion of a hearing, the seed
2299 investigation and conciliation council shall transmit its
2300 findings and recommendations to the department. Upon receipt of
2301 the findings and recommendation of the seed investigation and
2302 conciliation council, the department shall transmit them to the
2303 buyer ~~farmer~~ and to the dealer by certified mail.

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2304 (4) The department shall provide administrative support for
2305 the seed investigation and conciliation council and shall mail a
2306 copy of the council's procedures to each party upon receipt of a
2307 complaint by the department.

2308 Section 45. Subsections (1), (2), and (4) of section
2309 578.27, Florida Statutes, are amended to read:

2310 578.27 Seed investigation and conciliation council;
2311 composition; purpose; meetings; duties; expenses.—

2312 (1) The Commissioner of Agriculture shall appoint a seed
2313 investigation and conciliation council composed of seven members
2314 ~~and seven alternate members~~, one member ~~and one alternate~~ to be
2315 appointed upon the recommendation of each of the following: the
2316 deans of extension and research, Institute of Food and
2317 Agricultural Sciences, University of Florida; president of the
2318 Florida Seed Seedsmen and Garden Supply Association; president
2319 of the Florida Farm Bureau Federation; and the president of the
2320 Florida Fruit and Vegetable Association. The Commissioner of
2321 Agriculture shall appoint a representative ~~and an alternate~~ from
2322 the agriculture industry at large and from the Department of
2323 Agriculture and Consumer Services. Each member shall be
2324 appointed for a term of 4 years or less and shall serve until
2325 his or her successor is appointed ~~Initially, three members and~~
2326 ~~their alternates shall be appointed for 4-year terms and four~~
2327 ~~members and their alternates shall be appointed for 2-year~~
2328 ~~terms. Thereafter, members and alternates shall be appointed for~~
2329 ~~4-year terms. Each alternate member shall serve only in the~~
2330 ~~absence of the member for whom she or he is an alternate. A~~
2331 ~~vacancy shall be filled for the remainder of the unexpired term~~
2332 ~~in the same manner as the original appointment. The council~~

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2333 shall annually elect a chair from its membership. It shall be
2334 the duty of the chair to conduct all meetings and deliberations
2335 held by the council and to direct all other activities of the
2336 council. The department representative shall serve as secretary
2337 of the council. It shall be the duty of the secretary to keep
2338 accurate and correct records on all meetings and deliberations
2339 and perform other duties for the council as directed by the
2340 chair.

2341 (2) The purpose of the seed investigation and conciliation
2342 council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed
2343 dealers in determining the validity of seed complaints made by
2344 buyers ~~farmers~~ against dealers and recommend a settlement, when
2345 appropriate, cost-damages resulting from the alleged failure of
2346 the seed to produce or perform as represented by the label of
2347 such ~~on the~~ seed package.

2348 (4) (a) When the department refers to the seed investigation
2349 and conciliation council any complaint made by a buyer ~~farmer~~
2350 against a dealer, the ~~said~~ council must ~~shall~~ make a full and
2351 complete investigation of the matters complained of and at the
2352 conclusion of the ~~said~~ investigation must ~~shall~~ report its
2353 findings and make its recommendation ~~of cost-damages~~ and file
2354 same with the department.

2355 (b) In conducting its investigation, the seed investigation
2356 and conciliation council or any representative, member, or
2357 members thereof are authorized to examine the buyer's property,
2358 crops, plants, or trees referenced in or relating to the
2359 complaint ~~farmer on her or his farming operation of which she or~~
2360 ~~he complains~~ and the dealer on her or his packaging, labeling,
2361 and selling operation of the seed alleged to be faulty; to grow

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2362 to production a representative sample of the alleged faulty seed
2363 through the facilities of the state, under the supervision of
2364 the department when such action is deemed to be necessary; to
2365 hold informal hearings at a time and place directed by the
2366 department or by the chair of the council upon reasonable notice
2367 to the buyer ~~farmer~~ and the dealer.

2368 (c) Any investigation made by less than the whole
2369 membership of the council must ~~shall~~ be by authority of a
2370 written directive by the department or by the chair, and such
2371 investigation must ~~shall~~ be summarized in writing and considered
2372 by the council in reporting its findings and making its
2373 recommendation.

2374 Section 46. Section 578.28, Florida Statutes, is renumbered
2375 as section 578.092, Florida Statutes, and amended to read:

2376 578.092 ~~578.28~~ Seed in hermetically sealed containers.—The
2377 period of validity of germination tests is extended to the
2378 following periods for seed packaged in hermetically sealed
2379 containers, under conditions and label requirements set forth in
2380 this section:

2381 (1) GERMINATION TESTS.—The germination test for
2382 agricultural and vegetable seed must ~~shall~~ have been completed
2383 within the following periods, exclusive of the calendar month in
2384 which the test was completed, immediately prior to shipment,
2385 delivery, transportation, or sale:

2386 (a) In the case of agricultural or vegetable seed shipped,
2387 delivered, transported, or sold to a dealer for resale, 18
2388 months;

2389 (b) In the case of agricultural or vegetable seed for sale
2390 or sold at retail, 24 months.

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2391 (2) CONDITIONS OF PACKAGING.—The following conditions are
2392 considered as minimum:

2393 (a) *Hermetically sealed packages or containers.*—A
2394 container, to be acceptable under the provisions of this
2395 section, shall not allow water vapor penetration through any
2396 wall, including the wall seals, greater than 0.05 gram of water
2397 per 24 hours per 100 square inches of surface at 100 °F. with a
2398 relative humidity on one side of 90 percent and on the other of
2399 0 percent. Water vapor penetration (WVP) is measured by the
2400 standards of the National Institute of Standards and Technology
2401 as: gm H₂O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent
2402 RH.

2403 (b) *Moisture of seed packaged.*—The moisture of agricultural
2404 or vegetable seed subject to the provisions of this section
2405 shall be established by rule of the department.

2406 (3) LABELING REQUIRED.—In addition to the labeling required
2407 by s. 578.09, seed packaged under the provisions of this section
2408 shall be labeled with the following information:

2409 (a) Seed has been preconditioned as to moisture content.

2410 (b) Container is hermetically sealed.

2411 (c) "Germination test valid until (month, year)" may be
2412 used. (Not to exceed 24 months from date of test).

2413 Section 47. Section 578.29, Florida Statutes, is created to
2414 read:

2415 578.29 Prohibited noxious weed seed.—Seeds meeting the
2416 definition of prohibited noxious weed seed under s. 578.011, may
2417 not be present in agricultural, vegetable, flower, tree, or
2418 shrub seed offered or exposed for sale in this state.

2419 Section 48. Subsection (1) of section 590.02, Florida

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2420 Statutes, is amended to read:

2421 590.02 Florida Forest Service; powers, authority, and
2422 duties; liability; building structures; Withlacoochee Training
2423 Center.—

2424 (1) The Florida Forest Service has the following powers,
2425 authority, and duties to:

2426 (a) ~~To~~ Enforce the provisions of this chapter;

2427 (b) ~~To~~ Prevent, detect, and suppress wildfires wherever
2428 they may occur on public or private land in this state and to do
2429 all things necessary in the exercise of such powers, authority,
2430 and duties;

2431 (c) ~~To~~ Provide firefighting crews, who shall be under the
2432 control and direction of the Florida Forest Service and its
2433 designated agents;

2434 (d) ~~To~~ Appoint center managers, forest area supervisors,
2435 forestry program administrators, a forest protection bureau
2436 chief, a forest protection assistant bureau chief, a field
2437 operations bureau chief, deputy chiefs of field operations,
2438 district managers, forest operations administrators, senior
2439 forest rangers, investigators, forest rangers, firefighter
2440 rotorcraft pilots, and other employees who may, at the Florida
2441 Forest Service's discretion, be certified as forestry
2442 firefighters pursuant to s. 633.408(8). Other law
2443 notwithstanding, center managers, district managers, forest
2444 protection assistant bureau chief, and deputy chiefs of field
2445 operations have ~~shall have~~ Selected Exempt Service status in the
2446 state personnel designation;

2447 (e) ~~To~~ Develop a training curriculum for forestry
2448 firefighters which must contain the basic volunteer structural

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2449 fire training course approved by the Florida State Fire College
2450 of the Division of State Fire Marshal and a minimum of 250 hours
2451 of wildfire training;

2452 (f) Pay the cost of the initial commercial driver license
2453 examination fee for those employees whose position requires them
2454 to operate equipment requiring a license. This paragraph is
2455 intended to be an authorization to the department to pay such
2456 costs, not an obligation;

2457 ~~(f) To make rules to accomplish the purposes of this~~
2458 ~~chapter;~~

2459 (g) ~~To~~ Provide fire management services and emergency
2460 response assistance and to set and charge reasonable fees for
2461 performance of those services. Moneys collected from such fees
2462 shall be deposited into the Incidental Trust Fund of the Florida
2463 Forest Service;

2464 (h) ~~To~~ Require all state, regional, and local government
2465 agencies operating aircraft in the vicinity of an ongoing
2466 wildfire to operate in compliance with the applicable state
2467 Wildfire Aviation Plan; ~~and~~

2468 (i) ~~To~~ Authorize broadcast burning, prescribed burning,
2469 pile burning, and land clearing debris burning to carry out the
2470 duties of this chapter and the rules adopted thereunder; and

2471 (j) Make rules to accomplish the purposes of this chapter.

2472 Section 49. Paragraph (c) of subsection (6) and subsection
2473 (9) of section 790.06, Florida Statutes, are amended to read:

2474 790.06 License to carry concealed weapon or firearm.—

2475 (6)

2476 (c) The Department of Agriculture and Consumer Services
2477 shall, within 90 days after the date of receipt of the items

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2478 listed in subsection (5):

2479 1. Issue the license; or

2480 2. Deny the application based solely on the ground that the
2481 applicant fails to qualify under the criteria listed in
2482 subsection (2) or subsection (3). If the Department of
2483 Agriculture and Consumer Services denies the application, it
2484 shall notify the applicant in writing, stating the ground for
2485 denial and informing the applicant of any right to a hearing
2486 pursuant to chapter 120.

2487 3. In the event the department receives incomplete criminal
2488 history information ~~or with~~ no final disposition on a crime
2489 which may disqualify the applicant, the Department of
2490 Agriculture and Consumer Services must expedite efforts to
2491 acquire the final disposition or proof of restoration of civil
2492 and firearm rights, or confirmation that clarifying records are
2493 not available from the jurisdiction where the criminal history
2494 originated. Ninety days after the date of receipt of the
2495 completed application, if the department has not acquired final
2496 disposition or proof of restoration of civil and firearm rights,
2497 or confirmation that clarifying records are not available from
2498 the jurisdiction where the criminal history originated, the
2499 department shall issue the license in the absence of
2500 disqualifying information. However, such license must be
2501 immediately suspended and revoked upon receipt of disqualifying
2502 information pursuant to this section ~~time limitation prescribed~~
2503 ~~by this paragraph may be suspended until receipt of the final~~
2504 ~~disposition or proof of restoration of civil and firearm rights.~~

2505 (9) In the event that a concealed weapon or firearm license
2506 is lost or destroyed, the license shall be automatically

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2507 invalid, and the person to whom the same was issued may, upon
2508 payment of \$15 to the Department of Agriculture and Consumer
2509 Services, obtain a duplicate, or substitute thereof, upon
2510 furnishing a ~~notarized~~ statement under oath to the Department of
2511 Agriculture and Consumer Services that such license has been
2512 lost or destroyed.

2513 Section 50. Subsections (5) and (8) of section 790.0625,
2514 Florida Statutes, are amended, and sections (9) and (10) are
2515 added to that section, to read:

2516 790.0625 Appointment of tax collectors to accept
2517 applications for a concealed weapon or firearm license; fees;
2518 penalties.—

2519 (5) A tax collector appointed under this section shall
2520 collect and remit weekly to the department the license fees
2521 pursuant to s. 790.06 for deposit in the Division of Licensing
2522 Trust Fund and may collect and retain a convenience fees for the
2523 following: fee of \$22 for each new application and \$12 for each
2524 renewal application and shall remit weekly to the department the
2525 license fees pursuant to s. 790.06 for deposit in the Division
2526 of Licensing Trust Fund.

2527 (a) Twenty-two dollars for each new application.

2528 (b) Twelve dollars for each renewal application.

2529 (c) Twelve dollars for each duplicate license issued to
2530 replace a lost or destroyed license.

2531 (d) Six dollars for fingerprinting.

2532 (e) Six dollars for photographing services associated with
2533 the completion of an application submitted online.

2534 (8) Upon receipt of a completed renewal application, a new
2535 color photograph, and ~~appropriate~~ payment of required fees, a

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2536 tax collector authorized to accept renewal applications for
2537 concealed weapon or firearm licenses under this section may,
2538 upon approval and confirmation of license issuance by the
2539 department, print and deliver a concealed weapon or firearm
2540 license to a licensee renewing his or her license at the tax
2541 collector's office.

2542 (9) Upon receipt of a statement under oath to the
2543 department, and the payment of required fees, a tax collector
2544 authorized to accept applications for concealed weapon or
2545 firearm licenses under this section may, upon approval and
2546 confirmation from the department that a license is in good
2547 standing, print and deliver a concealed weapon or firearm
2548 license to a licensee whose license has been lost or destroyed.

2549 (10) Tax collectors authorized to accept applications for
2550 concealed weapon or firearm licenses under this section may
2551 provide fingerprinting and photographing services to aid
2552 concealed weapon and firearm applicants and licensees with
2553 online initial and renewal applications.

2554 Section 51. Section 817.417, Florida Statutes, is created
2555 to read:

2556 817.417 Government Impostor and Deceptive Advertisement
2557 Act.—

2558 (1) SHORT TITLE.—This act may be cited as the "Government
2559 Impostor and Deceptive Advertisements Act."

2560 (2) DEFINITIONS.—As used in this section:

2561 (a) "Advertisement" means any representation disseminated
2562 in any manner or by any means, other than by a label, for the
2563 purpose of inducing, or which is reasonably likely to induce,
2564 directly or indirectly, a purchase.

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2565 (b) "Department" means the Department of Agriculture and
2566 Consumer Services.

2567 (c) "Governmental entity" means a political subdivision or
2568 agency of any state, possession, or territory of the United
2569 States, or the Federal Government, including, but not limited
2570 to, a board, a department, an office, an agency, a military
2571 veteran entity, or a military or veteran service organization by
2572 whatever name known.

2573 (3) DUTIES AND RESPONSIBILITIES.—The department has the
2574 duty and responsibility to:

2575 (a) Investigate potential violations of this section.

2576 (b) Request and obtain information regarding potential
2577 violations of this section.

2578 (c) Seek compliance with this section.

2579 (d) Enforce this section.

2580 (e) Adopt rules necessary to administer this section.

2581 (4) VIOLATIONS.—Each occurrence of the following acts or
2582 practices constitute a violation of this section:

2583 (a) Disseminating an advertisement that:

2584 1. Simulates a summons, complaint, jury notice, or other
2585 court, judicial, or administrative process of any kind.

2586 2. Represents, implies, or otherwise engages in an action
2587 that may reasonably cause confusion that the person using or
2588 employing the advertisement is a part of or associated with a
2589 governmental entity, when such is not true.

2590 (b) Representing, implying, or otherwise reasonably causing
2591 confusion that goods, services, an advertisement, or an offer
2592 was disseminated by or has been approved, authorized, or
2593 endorsed, in whole or in part, by a governmental entity, when

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2594 such is not true.

2595 (c) Using or employing language, symbols, logos,
2596 representations, statements, titles, names, seals, emblems,
2597 insignia, trade or brand names, business or control tracking
2598 numbers, website or e-mail addresses, or any other term, symbol,
2599 or other content that represents or implies or otherwise
2600 reasonably causes confusion that goods, services, an
2601 advertisement, or an offer is from a governmental entity, when
2602 such is not true.

2603 (d) Failing to provide the disclosures as required in
2604 subsections (5) or (6).

2605 (e) Failing to timely submit to the department written
2606 responses and answers to its inquiries concerning alleged
2607 practices inconsistent with, or in violation of, this section.
2608 Responses or answers may include, but are not limited to, copies
2609 of customer lists, invoices, receipts, or other business
2610 records.

2611 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.—

2612 (a) Any person offering documents that are available free
2613 of charge or at a lesser price from a governmental entity must
2614 provide the notice specified in paragraph (b) on advertisements
2615 as follows:

2616 1. For printed or written advertisements, notice must be in
2617 the same font size, color, style, and visibility as primarily
2618 used elsewhere on the page or envelope and displayed as follows:

2619 a. On the outside front of any mailing envelope used in
2620 disseminating the advertisement.

2621 b. At the top of each printed or written page used in the
2622 advertisement.

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2623 2. For electronic advertisements, notice must be in the
2624 same font size, color, style, and visibility as the body text
2625 primarily used in the e-mail or web page and displayed as
2626 follows:

2627 a. At the beginning of each e-mail message, before any
2628 offer or other substantive information.

2629 b. In a prominent location on each web page, such as the
2630 top of each page or immediately following the offer or other
2631 substantive information on the page.

2632 (b) Advertisements specified in paragraph (a) must include
2633 the following disclosure:

2634
2635 "IMPORTANT NOTICE:

2636
2637 The documents offered by this advertisement are available to
2638 Florida consumers free of charge or for a lesser price from
2639 ...(insert name, telephone number, and mailing address of the
2640 applicable governmental entity).... You are NOT required to
2641 purchase anything from this company and the company is NOT
2642 affiliated, endorsed, or approved by any governmental entity.
2643 The item offered in this advertisement has NOT been approved or
2644 endorsed by any governmental agency, and this offer is NOT being
2645 made by an agency of the government."

2646
2647 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.-

2648 (a) Any person disseminating an advertisement that includes
2649 a form or template to be completed by the consumer with the
2650 claim that such form or template will assist the consumer in
2651 complying with a legal filing or record retention requirement

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2652 must provide the notice specified in paragraph (b) on
2653 advertisements as follows:

2654 1. For printed or written advertisements, the notice must
2655 be in the same font size, color, style, and visibility as
2656 primarily used elsewhere on the page or envelope and displayed
2657 as follows:

2658 a. On the outside front of any mailing envelope used in
2659 disseminating the advertisement.

2660 b. At the top of each printed or written page used in the
2661 advertisement.

2662 2. For electronic advertisements, the notice must be in the
2663 same font size, color, style, and visibility as the body text
2664 primarily used in the e-mail or web page and displayed as
2665 follows:

2666 a. At the beginning of each e-mail message, before any
2667 offer or other substantive information.

2668 b. In a prominent location on each web page, such as the
2669 top of each page or immediately following the offer or other
2670 substantive information on the page.

2671 (b) Advertisements specified in paragraph (a) must include
2672 the following disclosure:

2673
2674 "IMPORTANT NOTICE:

2675
2676 You are NOT required to purchase anything from this company and
2677 the company is NOT affiliated, endorsed, or approved by any
2678 governmental entity. The item offered in this advertisement has
2679 NOT been approved or endorsed by any governmental agency, and
2680 this offer is NOT being made by an agency of the government."

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(7) PENALTIES.—

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

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

1. A civil action in circuit court for:

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

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

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

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

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

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

2. An action for an administrative fine in the Class III

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2710 category pursuant to s. 570.971 for each act or omission which
2711 constitutes a violation under this section.

2712 (c) The department may terminate any investigation or
2713 action upon agreement by the alleged offender to pay a
2714 stipulated fine, make restitution, pay damages to customers, or
2715 satisfy any other relief authorized by this section.

2716 (d) Any person who violates paragraphs (4) (a)-(d) also
2717 commits an unfair and deceptive trade practice in violation of
2718 part II of chapter 501 and is subject to the penalties and
2719 remedies imposed for such violation.

2720 Section 52. Paragraph (m) of subsection (3) of section
2721 489.105, Florida Statutes, is amended to read:

2722 489.105 Definitions.—As used in this part:

2723 (3) "Contractor" means the person who is qualified for, and
2724 is only responsible for, the project contracted for and means,
2725 except as exempted in this part, the person who, for
2726 compensation, undertakes to, submits a bid to, or does himself
2727 or herself or by others construct, repair, alter, remodel, add
2728 to, demolish, subtract from, or improve any building or
2729 structure, including related improvements to real estate, for
2730 others or for resale to others; and whose job scope is
2731 substantially similar to the job scope described in one of the
2732 paragraphs of this subsection. For the purposes of regulation
2733 under this part, the term "demolish" applies only to demolition
2734 of steel tanks more than 50 feet in height; towers more than 50
2735 feet in height; other structures more than 50 feet in height;
2736 and all buildings or residences. Contractors are subdivided into
2737 two divisions, Division I, consisting of those contractors
2738 defined in paragraphs (a)-(c), and Division II, consisting of

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2739 those contractors defined in paragraphs (d)-(q):

2740 (m) "Plumbing contractor" means a contractor whose services
2741 are unlimited in the plumbing trade and includes contracting
2742 business consisting of the execution of contracts requiring the
2743 experience, financial means, knowledge, and skill to install,
2744 maintain, repair, alter, extend, or, if not prohibited by law,
2745 design plumbing. A plumbing contractor may install, maintain,
2746 repair, alter, extend, or, if not prohibited by law, design the
2747 following without obtaining an additional local regulatory
2748 license, certificate, or registration: sanitary drainage or
2749 storm drainage facilities, water and sewer plants and
2750 substations, venting systems, public or private water supply
2751 systems, septic tanks, drainage and supply wells, swimming pool
2752 piping, irrigation systems, and solar heating water systems and
2753 all appurtenances, apparatus, or equipment used in connection
2754 therewith, including boilers and pressure process piping and
2755 including the installation of water, natural gas, liquefied
2756 petroleum gas and related venting, and storm and sanitary sewer
2757 lines. The scope of work of the plumbing contractor also
2758 includes the design, if not prohibited by law, and installation,
2759 maintenance, repair, alteration, or extension of air-piping,
2760 vacuum line piping, oxygen line piping, nitrous oxide piping,
2761 and all related medical gas systems; fire line standpipes and
2762 fire sprinklers if authorized by law; ink and chemical lines;
2763 fuel oil and gasoline piping and tank and pump installation,
2764 except bulk storage plants; and pneumatic control piping
2765 systems, all in a manner that complies with all plans,
2766 specifications, codes, laws, and regulations applicable. The
2767 scope of work of the plumbing contractor applies to private

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2768 property and public property, including any excavation work
2769 incidental thereto, and includes the work of the specialty
2770 plumbing contractor. Such contractor shall subcontract, with a
2771 qualified contractor in the field concerned, all other work
2772 incidental to the work but which is specified as being the work
2773 of a trade other than that of a plumbing contractor. This
2774 definition does not limit the scope of work of any specialty
2775 contractor certified pursuant to s. 489.113(6) and does not
2776 require certification or registration under this part as a
2777 category I liquefied petroleum gas dealer, or category V LP gas
2778 installer, as defined in s. 527.01, ~~or specialty installer~~ who
2779 is licensed under chapter 527 or an authorized employee of a
2780 public natural gas utility or of a private natural gas utility
2781 regulated by the Public Service Commission when disconnecting
2782 and reconnecting water lines in the servicing or replacement of
2783 an existing water heater. A plumbing contractor may perform
2784 drain cleaning and clearing and install or repair rainwater
2785 catchment systems; however, a mandatory licensing requirement is
2786 not established for the performance of these specific services.

2787 Section 53. Subsection (3) of section 527.06, Florida
2788 Statutes, is reenacted to read:

2789 527.06 Rules.—

2790 (3) Rules in substantial conformity with the published
2791 standards of the National Fire Protection Association (NFPA) are
2792 deemed to be in substantial conformity with the generally
2793 accepted standards of safety concerning the same subject matter.

2794 Section 54. This act shall take effect July 1, 2018.