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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 the methodology for the assessment of  
5     certain structures in horticultural production;  
6     specifying, subject to certain conditions, that land  
7     classified as agricultural remains classified as such  
8     for a specified period if such lands are damaged by  
9     certain natural disasters and agricultural production  
10    is halted or reduced; providing for retroactive  
11    application; creating s. 252.3569, F.S.; providing a  
12    legislative finding; establishing a state agricultural  
13    response team within the department; specifying the  
14    responsibilities of the team in coordination with the  
15    Division of Emergency Management; requiring, during  
16    emergency and disaster situations, the division to  
17    coordinate with the department for specified purposes;  
18    amending s. 316.565, F.S.; revising the Governor's  
19    authority, to include agricultural products instead of  
20    only perishable food, in declaring an emergency  
21    relating to the transport of such products when there  
22    is a breakdown in the normal public transportation  
23    facilities necessary to move such products;  
24    authorizing the Department of Transportation to issue,  
25    and specifying that certain law enforcement officers  
26    must accept, electronic verification of permits during  
27    a declared state of emergency; providing that such  
28    permits are valid for up to a specified period, but no  
29    longer than the duration of the declared state of

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30 emergency or any extension thereof; requiring the  
31 Department of Transportation to consult with the  
32 Department of Agriculture and Consumer Services and  
33 stakeholders in the agricultural industry in  
34 implementing emergency transportation assistance for  
35 agricultural products; amending s. 379.361, F.S.;  
36 transferring authority to issue licenses for oyster  
37 harvesting in Apalachicola Bay from the department to  
38 the City of Apalachicola; revising the disposition and  
39 permitted uses of license proceeds; amending s.  
40 487.041, F.S.; deleting obsolete provisions; deleting  
41 a requirement that all pesticide registration fees be  
42 submitted electronically; amending s. 496.415, F.S.;  
43 prohibiting the commingling of funds in connection  
44 with the planning, conduct, or execution of any  
45 solicitation or charitable or sponsor sales promotion;  
46 amending s. 496.418, F.S.; revising recordkeeping and  
47 accounting requirements for solicitations of funds;  
48 specifying a rebuttable presumption under certain  
49 circumstances; amending s. 500.459, F.S.; revising  
50 permitting requirements and operating standards for  
51 water vending machines; amending s. 501.059, F.S.;  
52 revising the term "telephonic sales call" to include  
53 voicemail transmissions; defining the term "voicemail  
54 transmission"; prohibiting the transmission of  
55 voicemails to specified persons who communicate to a  
56 telephone solicitor that they would not like to  
57 receive certain voicemail solicitations or requests  
58 for donations; requiring a solicitor to ensure that if

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59 a telephone number is available through a caller  
60 identification system, that telephone number must be  
61 capable of receiving calls and must connect the  
62 original call recipient to the solicitor; revising  
63 civil penalties; creating s. 501.6175, F.S.;  
64 specifying recordkeeping requirements for commercial  
65 telephone sellers; amending s. 501.912, F.S.; revising  
66 terms; amending s. 501.913, F.S.; authorizing  
67 antifreeze brands to be registered for a specified  
68 period; deleting a provision relating to the  
69 registration of brands that are no longer in  
70 production; specifying a certified report requirement  
71 for first-time applications; amending s. 501.917,  
72 F.S.; revising department sampling and analysis  
73 requirements for antifreeze; specifying that the  
74 certificate of analysis is prima facie evidence of the  
75 facts stated therein; amending s. 501.92, F.S.;  
76 revising when the department may require an antifreeze  
77 formula for analysis; amending s. 525.07, F.S.;  
78 authorizing the department to seize skimming devices  
79 without a warrant; amending s. 526.51, F.S.; revising  
80 application requirements and fees for brake fluid  
81 brands; deleting a provision relating to the  
82 registration of brands that are no longer in  
83 production; amending s. 526.53, F.S.; revising  
84 department sampling and analysis requirements for  
85 brake fluid; specifying that the certificate of  
86 analysis is prima facie evidence of the facts stated  
87 therein; amending s. 527.01, F.S.; revising terms;

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88 amending s. 527.02, F.S.; revising the persons subject  
89 to liquefied petroleum business licensing provisions;  
90 revising such licensing fees and requirements;  
91 revising reporting and fee requirements for certain  
92 material changes to license information; deleting a  
93 provision authorizing license transfers; amending s.  
94 527.0201, F.S.; revising the persons subject to  
95 liquefied petroleum qualifier competency examination,  
96 registry, supervisory, and employment requirements;  
97 revising the expiration of qualifier registrations;  
98 revising the persons subject to master qualifier  
99 requirements; revising master qualifier application  
100 requirements; deleting provisions specifying that a  
101 failure to replace master qualifiers within certain  
102 periods constitutes grounds for license revocation;  
103 deleting a provision relating to facsimile  
104 transmission of duplicate licenses; amending s.  
105 527.021, F.S.; revising the circumstances under which  
106 liquefied petroleum gas bulk delivery vehicles must be  
107 registered with the department; amending s. 527.03,  
108 F.S.; authorizing certain liquefied petroleum gas  
109 registrations to be renewed for 2 or 3 years; deleting  
110 certain renewal period requirements; amending s.  
111 527.04, F.S.; revising the persons required to provide  
112 the department with proof of insurance; revising the  
113 required payee for a bond in lieu of such insurance;  
114 amending s. 527.0605, F.S.; deleting provisions  
115 requiring licensees to submit a site plan and review  
116 fee for liquefied petroleum bulk storage container

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117 locations; amending s. 527.065, F.S.; revising the  
118 circumstances under which a liquefied petroleum gas  
119 licensee must notify the department of an accident;  
120 amending s. 527.067, F.S.; requiring certain liquefied  
121 petroleum gas dealers to provide notice within a  
122 specified period before rendering a consumer's  
123 liquefied petroleum gas equipment or system inoperable  
124 or discontinuing service; providing an exception;  
125 amending ss. 527.10 and 527.21, F.S.; conforming  
126 provisions to changes made by the act; amending s.  
127 527.22, F.S.; deleting an obsolete provision; amending  
128 s. 531.67, F.S.; extending the expiration date of  
129 certain provisions relating to permits for  
130 commercially operated or tested weights or measures  
131 instruments or devices; amending s. 534.47, F.S.;  
132 revising and providing definitions; amending s.  
133 534.49, F.S.; conforming provisions to changes made by  
134 the act; repealing s. 534.50, F.S., relating to  
135 reporting and notice requirements for dishonored  
136 checks and drafts for payment of livestock purchases;  
137 amending s. 534.501, F.S.; providing that delaying or  
138 failing to make payment for certain livestock is an  
139 unfair and deceptive act; repealing s. 534.51, F.S.,  
140 relating to the prohibition of the filing of  
141 complaints by certain livestock markets; amending s.  
142 534.54, F.S.; providing that purchasers who delay or  
143 fail to render payment for purchased livestock are  
144 liable for certain fees, costs, and expenses;  
145 conforming provisions to changes made by the act;

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146 amending s. 570.07, F.S.; authorizing the department  
147 to waive certain fees during a state of emergency;  
148 amending s. 573.111, F.S.; revising the required  
149 posting location for the issuance of an agricultural  
150 commodity marketing order; amending s. 578.011, F.S.;  
151 revising and defining terms; creating s. 578.012,  
152 F.S.; providing legislative intent; creating a  
153 preemption of local law relating to regulation of  
154 seed; amending s. 578.08, F.S.; revising application  
155 requirements for the registration of seed dealers;  
156 conforming provisions to changes made by the act;  
157 specifying that a receipt from the department need not  
158 be written to constitute a permit; deleting an  
159 exception to registration requirements for certain  
160 experiment stations; requiring the payment of fees  
161 when packet seed is placed into commerce; amending s.  
162 578.09, F.S.; revising labeling requirements for  
163 agricultural, vegetable, flower, tree, and shrub  
164 seeds; conforming a cross-reference; repealing s.  
165 578.091, F.S., relating to labeling of forest tree  
166 seed; amending s. 578.10, F.S.; revising exemptions to  
167 seed labeling, sale, and solicitation requirements;  
168 amending s. 578.11, F.S.; conforming provisions to  
169 changes made by the act; making technical changes;  
170 amending s. 578.12, F.S.; conforming provisions to  
171 changes made by the act; amending s. 578.13, F.S.;  
172 conforming provisions to changes made by the act;  
173 specifying that it is unlawful to move, handle, or  
174 dispose of seeds or tags under a stop-sale notice or

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175 order without permission from the department;  
176 specifying that it is unlawful to represent seed as  
177 certified except under specified conditions or to  
178 label seed with a variety name under certain  
179 conditions; repealing s. 578.14, F.S., relating to  
180 packet vegetable and flower seed; amending s. 578.181,  
181 F.S.; revising penalties; amending s. 578.23, F.S.;  
182 revising recordkeeping requirements relating to seed  
183 labeling; amending s. 578.26, F.S.; conforming  
184 provisions to changes made by the act; specifying that  
185 certain persons may not commence legal proceedings or  
186 make certain claims against a seed dealer before  
187 certain findings and recommendations are transmitted  
188 by the seed investigation and conciliation council to  
189 the complainant and dealer; deleting a requirement  
190 that the department transmit such findings and  
191 recommendations to complainants and dealers; requiring  
192 the department to mail a copy of the council's  
193 procedures to both parties upon receipt of a  
194 complaint; amending s. 578.27, F.S.; removing  
195 alternate membership from the seed investigation and  
196 conciliation council; revising the terms of members of  
197 the council; conforming provisions to changes made by  
198 the act; revising the purpose of the council; revising  
199 the council's investigatory process; renumbering and  
200 amending s. 578.28, F.S.; making a technical change;  
201 creating s. 578.29, F.S.; prohibiting certain noxious  
202 weed seed from being offered or exposed for sale;  
203 amending s. 590.02, F.S.; authorizing the Florida

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204 Forest Service to pay certain employees' initial  
205 commercial driver license examination fees; creating  
206 s. 817.417, F.S.; providing a short title; defining  
207 terms; specifying department duties and  
208 responsibilities relating to government impostor and  
209 deceptive advertisements; requiring rulemaking by the  
210 department; specifying that it is a violation to  
211 disseminate certain misleading or confusing  
212 advertisements, to make certain misleading or  
213 confusing representations, to use content implying or  
214 leading to confusion that such content is from a  
215 governmental entity when such is not true, to fail to  
216 provide certain disclosures, and to fail to provide  
217 certain responses and answers to the department;  
218 requiring a person offering documents that are  
219 available free of charge or at a lesser price from a  
220 governmental entity to provide a certain disclosure;  
221 providing penalties; amending s. 489.105, F.S.;  
222 conforming provisions to changes made by the act;  
223 reenacting s. 527.06(3), F.S., relating to published  
224 standards of the National Fire Protection Association;  
225 providing an effective date.

226  
227 Be It Enacted by the Legislature of the State of Florida:

228  
229 Section 1. Section 193.461, Florida Statutes, is amended to  
230 read:

231 193.461 Agricultural lands; classification and assessment;  
232 mandated eradication or quarantine program; natural disasters.-



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233 (1) The property appraiser shall, on an annual basis,  
234 classify for assessment purposes all lands within the county as  
235 either agricultural or nonagricultural.

236 (2) Any landowner whose land is denied agricultural  
237 classification by the property appraiser may appeal to the value  
238 adjustment board. The property appraiser shall notify the  
239 landowner in writing of the denial of agricultural  
240 classification on or before July 1 of the year for which the  
241 application was filed. The notification shall advise the  
242 landowner of his or her right to appeal to the value adjustment  
243 board and of the filing deadline. The property appraiser shall  
244 have available at his or her office a list by ownership of all  
245 applications received showing the acreage, the full valuation  
246 under s. 193.011, the valuation of the land under the provisions  
247 of this section, and whether or not the classification requested  
248 was granted.

249 (3) (a) Lands may not be classified as agricultural lands  
250 unless a return is filed on or before March 1 of each year.  
251 Before classifying such lands as agricultural lands, the  
252 property appraiser may require the taxpayer or the taxpayer's  
253 representative to furnish the property appraiser such  
254 information as may reasonably be required to establish that such  
255 lands were actually used for a bona fide agricultural purpose.  
256 Failure to make timely application by March 1 constitutes a  
257 waiver for 1 year of the privilege granted in this section for  
258 agricultural assessment. However, an applicant who is qualified  
259 to receive an agricultural classification who fails to file an  
260 application by March 1 must file an application for the  
261 classification with the property appraiser on or before the 25th

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262 day after the mailing by the property appraiser of the notice  
263 required under s. 194.011(1). Upon receipt of sufficient  
264 evidence, as determined by the property appraiser, that  
265 demonstrates that the applicant was unable to apply for the  
266 classification in a timely manner or that otherwise demonstrates  
267 extenuating circumstances that warrant the granting of the  
268 classification, the property appraiser may grant the  
269 classification. If the applicant files an application for the  
270 classification and fails to provide sufficient evidence to the  
271 property appraiser as required, the applicant may file, pursuant  
272 to s. 194.011(3), a petition with the value adjustment board  
273 requesting that the classification be granted. The petition may  
274 be filed at any time during the taxable year on or before the  
275 25th day following the mailing of the notice by the property  
276 appraiser as provided in s. 194.011(1). Notwithstanding s.  
277 194.013, the applicant must pay a nonrefundable fee of \$15 upon  
278 filing the petition. Upon reviewing the petition, if the person  
279 is qualified to receive the classification and demonstrates  
280 particular extenuating circumstances judged by the value  
281 adjustment board to warrant granting the classification, the  
282 value adjustment board may grant the classification for the  
283 current year. The owner of land that was classified agricultural  
284 in the previous year and whose ownership or use has not changed  
285 may reapply on a short form as provided by the department. The  
286 lessee of property may make original application or reapply  
287 using the short form if the lease, or an affidavit executed by  
288 the owner, provides that the lessee is empowered to make  
289 application for the agricultural classification on behalf of the  
290 owner and a copy of the lease or affidavit accompanies the

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291 application. A county may, at the request of the property  
292 appraiser and by a majority vote of its governing body, waive  
293 the requirement that an annual application or statement be made  
294 for classification of property within the county after an  
295 initial application is made and the classification granted by  
296 the property appraiser. Such waiver may be revoked by a majority  
297 vote of the governing body of the county.

298 (b) Subject to the restrictions specified in this section,  
299 only lands that are used primarily for bona fide agricultural  
300 purposes shall be classified agricultural. The term "bona fide  
301 agricultural purposes" means good faith commercial agricultural  
302 use of the land.

303 1. In determining whether the use of the land for  
304 agricultural purposes is bona fide, the following factors may be  
305 taken into consideration:

306 a. The length of time the land has been so used.

307 b. Whether the use has been continuous.

308 c. The purchase price paid.

309 d. Size, as it relates to specific agricultural use, but a  
310 minimum acreage may not be required for agricultural assessment.

311 e. Whether an indicated effort has been made to care  
312 sufficiently and adequately for the land in accordance with  
313 accepted commercial agricultural practices, including, without  
314 limitation, fertilizing, liming, tilling, mowing, reforesting,  
315 and other accepted agricultural practices.

316 f. Whether the land is under lease and, if so, the  
317 effective length, terms, and conditions of the lease.

318 g. Such other factors as may become applicable.

319 2. Offering property for sale does not constitute a primary

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320 use of land and may not be the basis for denying an agricultural  
321 classification if the land continues to be used primarily for  
322 bona fide agricultural purposes while it is being offered for  
323 sale.

324 (c) The maintenance of a dwelling on part of the lands used  
325 for agricultural purposes does ~~shall~~ not in itself preclude an  
326 agricultural classification.

327 (d) When property receiving an agricultural classification  
328 contains a residence under the same ownership, the portion of  
329 the property consisting of the residence and curtilage must be  
330 assessed separately, pursuant to s. 193.011, to qualify for the  
331 assessment limitation set forth in s. 193.155. The remaining  
332 property may be classified under the provisions of paragraphs  
333 (a) and (b).

334 (e) Notwithstanding the provisions of paragraph (a), land  
335 that has received an agricultural classification from the value  
336 adjustment board or a court of competent jurisdiction pursuant  
337 to this section is entitled to receive such classification in  
338 any subsequent year until such agricultural use of the land is  
339 abandoned or discontinued, the land is diverted to a  
340 nonagricultural use, or the land is reclassified as  
341 nonagricultural pursuant to subsection (4). The property  
342 appraiser must, no later than January 31 of each year, provide  
343 notice to the owner of land that was classified agricultural in  
344 the previous year informing the owner of the requirements of  
345 this paragraph and requiring the owner to certify that neither  
346 the ownership nor the use of the land has changed. The  
347 department shall, by administrative rule, prescribe the form of  
348 the notice to be used by the property appraiser under this

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349 paragraph. If a county has waived the requirement that an annual  
350 application or statement be made for classification of property  
351 pursuant to paragraph (a), the county may, by a majority vote of  
352 its governing body, waive the notice and certification  
353 requirements of this paragraph and shall provide the property  
354 owner with the same notification provided to owners of land  
355 granted an agricultural classification by the property  
356 appraiser. Such waiver may be revoked by a majority vote of the  
357 county's governing body. This paragraph does not apply to any  
358 property if the agricultural classification of that property is  
359 the subject of current litigation.

360 (4) The property appraiser shall reclassify the following  
361 lands as nonagricultural:

362 (a) Land diverted from an agricultural to a nonagricultural  
363 use.

364 (b) Land no longer being utilized for agricultural  
365 purposes.

366 (5) For the purpose of this section, the term "agricultural  
367 purposes" includes, but is not limited to, horticulture;  
368 floriculture; viticulture; forestry; dairy; livestock; poultry;  
369 bee; pisciculture, if the land is used principally for the  
370 production of tropical fish; aquaculture, including algaculture;  
371 sod farming; and all forms of farm products as defined in s.  
372 823.14(3) and farm production.

373 (6) (a) In years in which proper application for  
374 agricultural assessment has been made and granted pursuant to  
375 this section, the assessment of land shall be based solely on  
376 its agricultural use. The property appraiser shall consider the  
377 following use factors only:

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- 378 1. The quantity and size of the property;  
379 2. The condition of the property;  
380 3. The present market value of the property as agricultural  
381 land;  
382 4. The income produced by the property;  
383 5. The productivity of land in its present use;  
384 6. The economic merchantability of the agricultural  
385 product; and  
386 7. Such other agricultural factors as may from time to time  
387 become applicable, which are reflective of the standard present  
388 practices of agricultural use and production.

389 (b) Notwithstanding any provision relating to annual  
390 assessment found in s. 192.042, the property appraiser shall  
391 rely on 5-year moving average data when utilizing the income  
392 methodology approach in an assessment of property used for  
393 agricultural purposes.

394 (c)1. For purposes of the income methodology approach to  
395 assessment of property used for agricultural purposes,  
396 irrigation systems, including pumps and motors, physically  
397 attached to the land shall be considered a part of the average  
398 yields per acre and shall have no separately assessable  
399 contributory value.

400 2. Litter containment structures located on producing  
401 poultry farms and animal waste nutrient containment structures  
402 located on producing dairy farms shall be assessed by the  
403 methodology described in subparagraph 1.

404 3. Structures or improvements used in horticultural  
405 production for frost or freeze protection, which are consistent  
406 with the interim measures or best management practices adopted

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407 by the Department of Agriculture and Consumer Services pursuant  
408 to s. 570.93 or s. 403.067(7)(c), shall be assessed by the  
409 methodology described in subparagraph 1.

410 4. Screened enclosed structures used in horticultural  
411 production for protection from pests and diseases or to comply  
412 with state or federal eradication or compliance agreements shall  
413 be assessed by the methodology described in subparagraph 1.

414 (d) In years in which proper application for agricultural  
415 assessment has not been made, the land shall be assessed under  
416 the provisions of s. 193.011.

417 (7)(a) Lands classified for assessment purposes as  
418 agricultural lands which are taken out of production by a state  
419 or federal eradication or quarantine program, including the  
420 Citrus Health Response Program, shall continue to be classified  
421 as agricultural lands for 5 years after the date of execution of  
422 a compliance agreement between the landowner and the Department  
423 of Agriculture and Consumer Services or a federal agency, as  
424 applicable, pursuant to such program or successor programs.  
425 Lands under these programs which are converted to fallow or  
426 otherwise nonincome-producing uses shall continue to be  
427 classified as agricultural lands and shall be assessed at a de  
428 minimis value of up to \$50 per acre on a single-year assessment  
429 methodology while fallow or otherwise used for nonincome-  
430 producing purposes. Lands under these programs which are  
431 replanted in citrus pursuant to the requirements of the  
432 compliance agreement shall continue to be classified as  
433 agricultural lands and shall be assessed at a de minimis value  
434 of up to \$50 per acre, on a single-year assessment methodology,  
435 during the 5-year term of agreement. However, lands converted to

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436 other income-producing agricultural uses permissible under such  
437 programs shall be assessed pursuant to this section. Land under  
438 a mandated eradication or quarantine program which is diverted  
439 from an agricultural to a nonagricultural use shall be assessed  
440 under s. 193.011.

441 (b) Lands classified for assessment purposes as  
442 agricultural lands that participate in a dispersed water storage  
443 program pursuant to a contract with the Department of  
444 Environmental Protection or a water management district which  
445 requires flooding of land shall continue to be classified as  
446 agricultural lands for the duration of the inclusion of the  
447 lands in such program or successor programs and shall be  
448 assessed as nonproductive agricultural lands. Land that  
449 participates in a dispersed water storage program that is  
450 diverted from an agricultural to a nonagricultural use shall be  
451 assessed under s. 193.011.

452 (c) Lands classified for assessment purposes as  
453 agricultural lands which are not being used for agricultural  
454 production as a result of a natural disaster for which a state  
455 of emergency is declared pursuant to s. 252.36, when such  
456 disaster results in the halting of agricultural production, must  
457 continue to be classified as agricultural lands for 5 years  
458 after termination of the emergency declaration. However, if such  
459 lands are diverted from agricultural use to nonagricultural use  
460 during or after the 5-year recovery period, such lands must be  
461 assessed under s. 193.011. This paragraph applies retroactively  
462 to natural disasters that occurred on or after July 1, 2017.

463 Section 2. Section 252.3569, Florida Statutes, is created  
464 to read:



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465 252.3569 Florida state agricultural response team;  
466 emergency response to animal, agricultural, and vector issues.-  
467 The Legislature finds that the Department of Agriculture and  
468 Consumer Services is the lead agency for animal, agricultural,  
469 and vector issues in the state. Pursuant to this responsibility,  
470 there is established within the Department of Agriculture and  
471 Consumer Services a state agricultural response team.

472 (1) The state agricultural response team, in coordination  
473 with the division, is responsible for the development, training,  
474 and support of county agricultural response teams and other  
475 nonemergency support functions.

476 (2) During emergency or disaster situations, as described  
477 by the Florida Comprehensive Emergency Management Plan, the  
478 division shall coordinate with the Department of Agriculture and  
479 Consumer Services for the purposes of:

480 (a) Oversight of the emergency management functions of  
481 preparedness, recovery, mitigation, and response with all  
482 agencies and organizations that are involved with the state's  
483 response activities to animal, agricultural, and vector issues;  
484 and

485 (b) Staffing the Emergency Support Function 17 at the State  
486 Emergency Operations Center and staffing, as necessary, at  
487 county emergency operations centers.

488 Section 3. Section 316.565, Florida Statutes, is amended to  
489 read:

490 316.565 Emergency transportation, agricultural products  
491 ~~perishable food~~; establishment of weight loads, etc.-

492 (1) The Governor may declare an emergency to exist when  
493 there is a breakdown in the normal public transportation

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494 facilities necessary in moving agricultural products, as defined  
495 in s. 604.60, ~~perishable food crops~~ grown in the state. The  
496 Department of Transportation is authorized during such emergency  
497 to establish such weight loads for hauling over the highways  
498 ~~from the fields or packinghouses to the nearest available public~~  
499 ~~transportation facility~~ as circumstances demand. The Department  
500 of Transportation may issue, and any law enforcement officer  
501 authorized to enforce the traffic laws of this state must  
502 accept, electronic verification of permits during such an  
503 emergency. A permit issued pursuant to this section is valid for  
504 up to 60 days; however, the validity of the permit may not  
505 exceed the period of the declared state of emergency or any  
506 extension thereof. The Department of Transportation shall  
507 designate special highway routes, excluding the interstate  
508 highway system, to facilitate the trucking and render any other  
509 assistance needed to expedite moving the agricultural products  
510 ~~perishables.~~

511 (2) It is the intent of the Legislature in this chapter to  
512 supersede any existing laws when necessary to protect and save  
513 any agricultural products ~~perishable food crops~~ grown in the  
514 state and give authority for agencies to provide necessary  
515 temporary assistance requested during any such emergency. The  
516 department shall consult with the Department of Agriculture and  
517 Consumer Services and stakeholders in the agricultural industry  
518 in implementing this section.

519 Section 4. Paragraphs (b), (d), and (i) of subsection (5)  
520 of section 379.361, Florida Statutes, are amended to read:

521 379.361 Licenses.—

522 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

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523 (b) ~~A No~~ person may not ~~shall~~ harvest oysters from the  
524 Apalachicola Bay without a valid Apalachicola Bay oyster  
525 harvesting license issued by the City of Apalachicola ~~Department~~  
526 ~~of Agriculture and Consumer Services~~. This requirement does  
527 ~~shall~~ not apply to anyone harvesting noncommercial quantities of  
528 oysters in accordance with commission rules, or to any person  
529 less than 18 years old.

530 (d) The City of Apalachicola ~~Department of Agriculture and~~  
531 ~~Consumer Services~~ shall collect an annual fee of \$100 from state  
532 residents and \$500 from nonresidents for the issuance of an  
533 Apalachicola Bay oyster harvesting license. The license year  
534 shall begin on July 1 of each year and end on June 30 of the  
535 following year. The license shall be valid only for the  
536 licensee. Only bona fide residents of the state ~~Florida~~ may  
537 obtain a resident license pursuant to this subsection.

538 (i) The proceeds from Apalachicola Bay oyster harvesting  
539 license fees shall be deposited by the City of Apalachicola into  
540 a trust account ~~in the General Inspection Trust Fund~~ and, less  
541 reasonable administrative costs, must ~~shall~~ be used or  
542 distributed by the City of Apalachicola ~~Department of~~  
543 ~~Agriculture and Consumer Services~~ for the following purposes in  
544 Apalachicola Bay:

- 545 1. An Apalachicola Bay oyster shell recycling program  
546 ~~Relaying and transplanting live oysters.~~
- 547 2. Shell planting to construct or rehabilitate oyster bars.
- 548 3. Education programs for licensed oyster harvesters on  
549 oyster biology, aquaculture, boating and water safety,  
550 sanitation, resource conservation, small business management,  
551 marketing, and other relevant subjects.

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

554 Section 5. Paragraphs (a), (b), and (i) of subsection (1)  
555 of section 487.041, Florida Statutes, are amended to read:

556 487.041 Registration.—

557 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,  
558 as defined in s. 487.021, which is distributed, sold, or offered  
559 for sale, except as provided in this section, within this state  
560 or delivered for transportation or transported in intrastate  
561 commerce or between points within this state through any point  
562 outside this state must be registered in the office of the  
563 department, and such registration shall be renewed biennially.  
564 Emergency exemptions from registration may be authorized in  
565 accordance with the rules of the department. The registrant  
566 shall file with the department a statement including:

567 1. The name, business mailing address, and street address  
568 of the registrant.

569 2. The name of the brand of pesticide.

570 3. An ingredient statement and a complete current copy of  
571 the labeling accompanying the brand of pesticide, which must  
572 conform to the registration, and a statement of all claims to be  
573 made for it, including directions for use and a guaranteed  
574 analysis showing the names and percentages by weight of each  
575 active ingredient, the total percentage of inert ingredients,  
576 and the names and percentages by weight of each "added  
577 ingredient."

578 (b) ~~Effective January 1, 2009,~~ For the purpose of defraying  
579 expenses of the department in connection with carrying out the  
580 provisions of this part, each registrant shall pay a biennial

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581 registration fee for each registered brand of pesticide. The  
582 registration of each brand of pesticide shall cover a designated  
583 2-year period beginning on January 1 of each odd-numbered year  
584 and expiring on December 31 of the following year.

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

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

591 496.415 Prohibited acts.—It is unlawful for any person in  
592 connection with the planning, conduct, or execution of any  
593 solicitation or charitable or sponsor sales promotion to:

594 (19) Commingle charitable contributions with noncharitable  
595 funds.

596 Section 7. Section 496.418, Florida Statutes, is amended to  
597 read:

598 496.418 Recordkeeping and accounting Records.—

599 (1) Each charitable organization, sponsor, professional  
600 fundraising consultant, and professional solicitor that collects  
601 or takes control or possession of contributions made for a  
602 charitable purpose must keep records to permit accurate  
603 reporting and auditing as required by law, must not commingle  
604 contributions with noncharitable funds as specified in s.  
605 496.415(19), and must be able to account for the funds. When  
606 expenditures are not properly documented and disclosed by  
607 records, there exists a rebuttable presumption that the  
608 charitable organization, sponsor, professional fundraising  
609 consultant, or professional solicitor did not properly expend

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610 such funds. Noncharitable funds include any funds that are not  
611 used or intended to be used for the operation of the charity or  
612 for charitable purposes.

613 (2) Each charitable organization, sponsor, professional  
614 fundraising consultant, and professional solicitor must keep for  
615 a period of at least 3 years true and accurate records as to its  
616 activities in this state which are covered by ss. 496.401-  
617 496.424. The records must be made available, without subpoena,  
618 to the department for inspection and must be furnished no later  
619 than 10 working days after requested.

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

623 500.459 Water vending machines.—

624 (3) PERMITTING REQUIREMENTS.—

625 (b) An application for an operating permit must be made ~~in~~  
626 ~~writing~~ to the department on forms provided by the department  
627 and must be accompanied by a fee as provided in subsection (4).  
628 The application must state the location of each water vending  
629 machine, the source of the water to be vended, the treatment the  
630 water will receive prior to being vended, and any other  
631 information considered necessary by the department.

632 (5) OPERATING STANDARDS.—

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

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639 that may be called for obtaining further information, reporting  
640 problems, or making complaints.

641 Section 9. Paragraph (g) of subsection (1) of section  
642 501.059, Florida Statutes, is amended, and paragraph (i) is  
643 added to that subsection, and subsection (5), paragraph (c) of  
644 subsection (8), and subsection (9) of that section are amended,  
645 to read:

646 501.059 Telephone solicitation.—

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

648 (g) "Telephonic sales call" means a telephone call, ~~or~~ text  
649 message, or voicemail transmission to a consumer for the purpose  
650 of soliciting a sale of any consumer goods or services,  
651 soliciting an extension of credit for consumer goods or  
652 services, or obtaining information that will or may be used for  
653 the direct solicitation of a sale of consumer goods or services  
654 or an extension of credit for such purposes.

655 (i) "Voicemail transmission" means technologies that  
656 deliver a voice message directly to a voicemail application,  
657 service, or device.

658 (5) A telephone solicitor or other person may not initiate  
659 an outbound telephone call, ~~or~~ text message, or voicemail  
660 transmission to a consumer, business, or donor or potential  
661 donor who has previously communicated to the telephone solicitor  
662 or other person that he or she does not wish to receive an  
663 outbound telephone call, ~~or~~ text message, or voicemail  
664 transmission:

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

667 (b) Made on behalf of a charitable organization for which a

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668 charitable contribution is being solicited.

669 (8)

670 (c) It shall be unlawful for any person who makes a  
671 telephonic sales call or causes a telephonic sales call to be  
672 made to fail to transmit or cause not to be transmitted the  
673 originating telephone number and, when made available by the  
674 telephone solicitor's carrier, the name of the telephone  
675 solicitor to any caller identification service in use by a  
676 recipient of a telephonic sales call. However, it shall not be a  
677 violation to substitute, for the name and telephone number used  
678 in or billed for making the call, the name of the seller on  
679 behalf of which a telephonic sales call is placed and the  
680 seller's customer service telephone number, which is answered  
681 during regular business hours. If a telephone number is made  
682 available through a caller identification service as a result of  
683 a telephonic sales call, the solicitor must ensure that  
684 telephone number is capable of receiving telephone calls and  
685 must connect the original call recipient, upon calling such  
686 number, to the telephone solicitor or to the seller on behalf of  
687 which a telephonic sales call was placed. For purposes of this  
688 section, the term "caller identification service" means a  
689 service that allows a telephone subscriber to have the telephone  
690 number and, where available, the name of the calling party  
691 transmitted contemporaneously with the telephone call and  
692 displayed on a device in or connected to the subscriber's  
693 telephone.

694 (9) (a) The department shall investigate any complaints  
695 received concerning violations of this section. If, after  
696 investigating a complaint, the department finds that there has



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697 been a violation of this section, the department or the  
698 Department of Legal Affairs may bring an action to impose a  
699 civil penalty and to seek other relief, including injunctive  
700 relief, as the court deems appropriate against the telephone  
701 solicitor. The civil penalty shall be in the Class IV ~~III~~  
702 category pursuant to s. 570.971 for each violation and shall be  
703 deposited in the General Inspection Trust Fund if the action or  
704 proceeding was brought by the department, or the Legal Affairs  
705 Revolving Trust Fund if the action or proceeding was brought by  
706 the Department of Legal Affairs. This civil penalty may be  
707 recovered in any action brought under this part by the  
708 department, or the department may terminate any investigation or  
709 action upon agreement by the person to pay a stipulated civil  
710 penalty. The department or the court may waive any civil penalty  
711 if the person has previously made full restitution or  
712 reimbursement or has paid actual damages to the consumers who  
713 have been injured by the violation.

714 (b) The department may, as an alternative to the civil  
715 penalties provided in paragraph (a), impose an administrative  
716 fine in the Class III ~~II~~ category pursuant to s. 570.971 for each  
717 act or omission that constitutes a violation of this section. An  
718 administrative proceeding that could result in the entry of an  
719 order imposing an administrative penalty must be conducted  
720 pursuant to chapter 120.

721 Section 10. Section 501.6175, Florida Statutes, is created  
722 to read:

723 501.6175 Recordkeeping.—A commercial telephone seller shall  
724 keep all of the following information for 2 years after the date  
725 the information first becomes part of the seller's business

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726 records:

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

729 (2) All express requests authorizing the telephone  
730 solicitor to contact the consumer.

731 (3) Any script, outline, or presentation the applicant  
732 requires or suggests a salesperson use when soliciting; sales  
733 information or literature to be provided by the commercial  
734 telephone seller to a salesperson; and sales information or  
735 literature to be provided by the commercial telephone seller to  
736 a consumer in connection with any solicitation.

737  
738 Within 10 days of an oral or written request by the department,  
739 including a written request transmitted by electronic mail, a  
740 commercial telephone seller must make the records it keeps  
741 pursuant to this section available for inspection and copying by  
742 the department during the department's normal business hours.  
743 This section does not limit the department's ability to inspect  
744 and copy material pursuant to any other law.

745 Section 11. Section 501.912, Florida Statutes, is amended  
746 to read:

747 501.912 Definitions.—As used in ss. 501.91–501.923:

748 (1) "Antifreeze" means any substance or preparation,  
749 including, but not limited to, antifreeze-coolant, antifreeze  
750 and summer coolant, or summer coolant, that is sold,  
751 distributed, or intended for use;

752 (a) As the cooling liquid, or to be added to the cooling  
753 liquid, in the cooling system of internal combustion engines of  
754 motor vehicles to prevent freezing of the cooling liquid or to

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755 lower its freezing point; or

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

759 ~~(2) "Antifreeze coolant," "antifreeze and summer coolant,"~~  
760 ~~or "summer coolant" means any substance as defined in subsection~~  
761 ~~(1) which also is sold, distributed, or intended for raising the~~  
762 ~~boiling point of water or for the prevention of engine~~  
763 ~~overheating whether or not used as a year-round cooling system~~  
764 ~~fluid. Unless otherwise stated, the term "antifreeze" includes~~  
765 ~~"antifreeze," "antifreeze coolant," "antifreeze and summer~~  
766 ~~coolant," and "summer coolant."~~

767 (2)~~(3)~~ "Department" means the Department of Agriculture and  
768 Consumer Services.

769 (3)~~(4)~~ "Distribute" means to hold with an intent to sell,  
770 offer for sale, sell, barter, or otherwise supply to the  
771 consumer.

772 (4)~~(5)~~ "Package" means a sealed, tamperproof retail  
773 package, drum, or other container designed for the sale of  
774 antifreeze directly to the consumer or a container from which  
775 the antifreeze may be installed directly by the seller into the  
776 cooling system. However, this term, ~~but~~ does not include  
777 shipping containers containing properly labeled inner  
778 containers.

779 (5)~~(6)~~ "Label" means any display of written, printed, or  
780 graphic matter on, or attached to, a package or to the outside  
781 individual container or wrapper of the package.

782 (6)~~(7)~~ "Labeling" means the labels and any other written,  
783 printed, or graphic matter accompanying a package.

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784 Section 12. Section 501.913, Florida Statutes, is amended  
785 to read:

786 501.913 Registration.—

787 (1) Each brand of antifreeze to be distributed in this  
788 state must ~~shall~~ be registered with the department before  
789 distribution. The person whose name appears on the label, the  
790 manufacturer, or the packager shall make application annually or  
791 biennially to the department on forms provided by the  
792 department. The registration certificate expires ~~shall expire~~ 12  
793 or 24 months after the date of issue, as indicated on the  
794 registration certificate. The registrant assumes, by application  
795 to register the brand, full responsibility for the registration,  
796 quality, and quantity of the product sold, offered, or exposed  
797 for sale in this state. ~~If a registered brand is not in~~  
798 ~~production for distribution in this state and to ensure any~~  
799 ~~remaining product that is still available for sale in the state~~  
800 ~~is properly registered, the registrant must submit a notarized~~  
801 ~~affidavit on company letterhead to the department certifying~~  
802 ~~that:~~

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

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

805 and

806 ~~(c) All existing product of the stated brand will be~~  
807 ~~removed by the registrant from the state within 30 days after~~  
808 ~~expiration of the registration or the registrant will reregister~~  
809 ~~the brand for two subsequent registration periods.~~

810

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

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- 813 (2) The completed application shall be accompanied by:
- 814 (a) Specimens or copies ~~facsimiles~~ of the label for each
- 815 brand of antifreeze;
- 816 (b) An application fee of \$200 for a 12-month registration
- 817 or \$400 for a 24-month registration for each brand of
- 818 antifreeze; and
- 819 (c) For first-time applications, a certified report from an
- 820 independent testing laboratory, dated no more than 6 months
- 821 before the registration application, providing analysis showing
- 822 that the antifreeze conforms to minimum standards required for
- 823 antifreeze by this part or rules of the department and is not
- 824 adulterated ~~A properly labeled sample of between 1 and 2 gallons~~
- 825 ~~for each brand of antifreeze.~~
- 826 (3) The department may analyze or inspect the antifreeze to
- 827 ensure that it:
- 828 (a) Meets the labeling claims;
- 829 (b) Conforms to minimum standards required for antifreeze
- 830 by this part ~~chapter~~ or rules of the department; and
- 831 (c) Is not adulterated as prescribed for antifreeze by this
- 832 part ~~chapter~~.
- 833 (4) (a) If the registration requirements are met, and, if
- 834 the antifreeze meets the minimum standards, is not adulterated,
- 835 and meets the labeling claims, the department shall issue a
- 836 certificate of registration authorizing the distribution of that
- 837 antifreeze in the state for the permit period ~~year~~.
- 838 (b) If registration requirements are not met, or, if the
- 839 antifreeze fails to meet the minimum standards, is adulterated,
- 840 or fails to meet the labeling claims, the department shall
- 841 refuse to register the antifreeze.

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842 Section 13. Section 501.917, Florida Statutes, is amended  
843 to read:

844 501.917 Inspection by department; sampling and analysis.—  
845 The department has ~~shall have~~ the right to have access at  
846 reasonable hours to all places and property where antifreeze is  
847 stored, distributed, or offered or intended to be offered for  
848 sale, including the right to inspect and examine all antifreeze  
849 and to take reasonable samples of antifreeze for analysis  
850 together with specimens of labeling. Collected samples must be  
851 analyzed by the department. The certificate of analysis by the  
852 department shall be prima facie evidence of the facts stated  
853 therein in any legal proceeding in this state ~~All samples taken~~  
854 ~~shall be properly sealed and sent to a laboratory designated by~~  
855 ~~the department for examination together with all labeling~~  
856 ~~pertaining to such samples. It shall be the duty of said~~  
857 ~~laboratory to examine promptly all samples received in~~  
858 ~~connection with the administration and enforcement of this act.~~

859 Section 14. Section 501.92, Florida Statutes, is amended to  
860 read:

861 501.92 Formula may be required.—The department may, if  
862 required for the analysis of antifreeze by ~~the laboratory~~  
863 ~~designated by the department for the purpose of registration,~~  
864 require the applicant to furnish a statement of the formula of  
865 such antifreeze, unless the applicant can furnish other  
866 satisfactory evidence that such antifreeze is not adulterated or  
867 misbranded. Such statement need not include inhibitor or other  
868 minor ingredients which total less than 5 percent by weight of  
869 the antifreeze; and, if over 5 percent, the composition of the  
870 inhibitor and such other ingredients may be given in generic

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871 terms.

872 Section 15. Paragraph (e) of subsection (10) of section  
873 525.07, Florida Statutes, is redesignated as paragraph (f), and  
874 a new paragraph (e) is added to that subsection, to read:

875 525.07 Powers and duties of department; inspections;  
876 unlawful acts.—

877 (10)

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

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

882 526.51 Registration; renewal and fees; departmental  
883 expenses; cancellation or refusal to issue or renew.—

884 (1) (a) Application for registration of each brand of brake  
885 fluid shall be made on forms supplied by the department. The  
886 applicant shall give his or her name and address and the brand  
887 name of the brake fluid, state that he or she owns the brand  
888 name and has complete control over the product sold thereunder  
889 in this state, and provide the name and address of the resident  
890 agent in this state. If the applicant does not own the brand  
891 name but wishes to register the product with the department, a  
892 notarized affidavit that gives the applicant full authorization  
893 to register the brand name and that is signed by the owner of  
894 the brand name must accompany the application for registration.  
895 The affidavit must include all affected brand names, the owner's  
896 company or corporate name and address, the applicant's company  
897 or corporate name and address, and a statement from the owner  
898 authorizing the applicant to register the product with the  
899 department. The owner of the brand name shall maintain complete

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900 control over each product sold under that brand name in this  
901 state.

902 (b) The completed application must be accompanied by the  
903 following:

904 1. Specimens or copies of the label for each brand of brake  
905 fluid.

906 2. An application fee of \$50 for a 12-month registration or  
907 \$100 for a 24-month registration for each brand of brake fluid.

908 3. For All first-time applications for a brand and formula  
909 combination, ~~must be accompanied by~~ a certified report from an  
910 independent testing laboratory, dated no more than 6 months  
911 before the registration application, setting forth the analysis  
912 of the brake fluid which shows its quality to be not less than  
913 the specifications established by the department for brake  
914 fluids. ~~A sample of not less than 24 fluid ounces of brake fluid~~  
915 ~~shall be submitted, in a container with a label printed in the~~  
916 ~~same manner that it will be labeled when sold, and the sample~~  
917 ~~and container shall be analyzed and inspected by the department~~  
918 ~~in order that compliance with the department's specifications~~  
919 ~~and labeling requirements may be verified.~~

920  
921 Upon approval of the application, the department shall register  
922 the brand name of the brake fluid and issue to the applicant a  
923 permit authorizing the registrant to sell the brake fluid in  
924 this state. The registration certificate expires ~~shall expire~~ 12  
925 or 24 months after the date of issue, as indicated on the  
926 registration certificate.

927 (c) ~~(b)~~ ~~Each applicant shall pay a fee of \$100 with each~~  
928 ~~application.~~ A permit may be renewed by application to the



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929 department, accompanied by a renewal fee of \$50 for a 12-month  
930 registration, or \$100 for a 24-month registration, on or before  
931 the expiration of the previously issued permit. To reregister a  
932 previously registered brand and formula combination, an  
933 applicant must submit a completed application and all materials  
934 as required in this section to the department before the  
935 expiration of the previously issued permit. A brand and formula  
936 combination for which a completed application and all materials  
937 required in this section are not received before the expiration  
938 of the previously issued permit may not be registered with the  
939 department until a completed application and all materials  
940 required in this section have been received and approved. If the  
941 brand and formula combination was previously registered with the  
942 department and a fee, application, or materials required in this  
943 section are received after the expiration of the previously  
944 issued permit, a penalty of \$25 accrues, which shall be added to  
945 the fee. Renewals shall be accepted only on brake fluids that  
946 have no change in formula, composition, or brand name. Any  
947 change in formula, composition, or brand name of a brake fluid  
948 constitutes a new product that must be registered in accordance  
949 with this part.

950 ~~(c) If a registered brand and formula combination is no~~  
951 ~~longer in production for distribution in this state, in order to~~  
952 ~~ensure that any remaining product still available for sale in~~  
953 ~~this state is properly registered, the registrant must submit a~~  
954 ~~notarized affidavit on company letterhead to the department~~  
955 ~~certifying that:~~

956 ~~1. The stated brand and formula combination is no longer in~~  
957 ~~production;~~

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

960           ~~3. Either all existing product of the stated brand and~~  
961 ~~formula combination will be removed by the registrant from the~~  
962 ~~state within 30 days after the expiration of the registration or~~  
963 ~~that the registrant will reregister the brand and formula~~  
964 ~~combination for 2 subsequent years.~~

965  
966 ~~If production resumes, the brand and formula combination must be~~  
967 ~~reregistered before it is again distributed in this state.~~

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

970           526.53 Enforcement; inspection and analysis, stop-sale and  
971 disposition, regulations.—

972           (1) The department shall enforce ~~the provisions of this~~  
973 ~~part through the department, and may sample, inspect, analyze,~~  
974 ~~and test any brake fluid manufactured, packed, or sold within~~  
975 ~~this state. Collected samples must be analyzed by the~~  
976 ~~department. The certificate of analysis by the department shall~~  
977 ~~be prima facie evidence of the facts stated therein in any legal~~  
978 ~~proceeding in this state.~~ The department ~~has~~ shall have free  
979 access during business hours to all premises, buildings,  
980 vehicles, cars, or vessels used in the manufacture, packing,  
981 storage, sale, or transportation of brake fluid, and may open  
982 any box, carton, parcel, or container of brake fluid and take  
983 samples for inspection and analysis or for evidence.

984           Section 18. Section 527.01, Florida Statutes, is amended to  
985 read:

986           527.01 Definitions.—As used in this chapter:

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

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

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

996 (4) "Department" means the Department of Agriculture and  
997 Consumer Services.

998 (5) "Qualifier" means any person who has passed a  
999 competency examination administered by the department and is  
1000 employed by a licensed category I, category II, or category V  
1001 business. ~~in one or more of the following classifications:~~

1002 ~~(a) Category I liquefied petroleum gas dealer.~~

1003 ~~(b) Category II liquefied petroleum gas dispenser.~~

1004 ~~(c) LP gas installer.~~

1005 ~~(d) Specialty installer.~~

1006 ~~(e) Requalifier of cylinders.~~

1007 ~~(f) Fabricator, repairer, and tester of vehicles and cargo~~  
1008 ~~tanks.~~

1009 ~~(g) Category IV liquefied petroleum gas dispensing unit~~  
1010 ~~operator and recreational vehicle service.~~

1011 ~~(h) Category V liquefied petroleum gases dealer for~~  
1012 ~~industrial uses only.~~

1013 (6) "Category I liquefied petroleum gas dealer" means any  
1014 person selling or offering to sell by delivery or at a  
1015 stationary location any liquefied petroleum gas to the ~~ultimate~~

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1016 consumer for industrial, commercial, or domestic use; any person  
1017 leasing or offering to lease, or exchanging or offering to  
1018 exchange, any apparatus, appliances, and equipment for the use  
1019 of liquefied petroleum gas; any person installing, servicing,  
1020 altering, or modifying apparatus, piping, tubing, appliances,  
1021 and equipment for the use of liquefied petroleum or natural gas;  
1022 any person installing carburetion equipment; or any person  
1023 requalifying cylinders.

1024 (7) "Category II liquefied petroleum gas dispenser" means  
1025 any person engaging in the business of operating a liquefied  
1026 petroleum gas dispensing unit for the purpose of serving liquid  
1027 products to the ~~ultimate~~ consumer for industrial, commercial, or  
1028 domestic use, and selling or offering to sell, or leasing or  
1029 offering to lease, apparatus, appliances, and equipment for the  
1030 use of liquefied petroleum gas, including maintaining a cylinder  
1031 storage rack at the licensed business location for the purpose  
1032 of storing cylinders filled by the licensed business for sale or  
1033 use at a later date.

1034 (8) "Category III liquefied petroleum gas cylinder exchange  
1035 operator" means any person operating a storage facility used for  
1036 the purpose of storing filled propane cylinders of not more than  
1037 43.5 pounds propane capacity or 104 pounds water capacity, while  
1038 awaiting sale to the ~~ultimate~~ consumer, or a facility used for  
1039 the storage of empty or filled containers which have been  
1040 offered for exchange.

1041 (9) "Category IV dealer in appliances and equipment  
1042 ~~liquefied petroleum gas dispenser and recreational vehicle~~  
1043 ~~servicer~~" means any person selling or offering to sell, or  
1044 leasing or offering to lease, apparatus, appliances, and

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1045 ~~equipment for the use of liquefied petroleum gas engaging in the~~  
1046 ~~business of operating a liquefied petroleum gas dispensing unit~~  
1047 ~~for the purpose of serving liquid product to the ultimate~~  
1048 ~~consumer for industrial, commercial, or domestic use, and~~  
1049 ~~selling or offering to sell, or leasing or offering to lease,~~  
1050 ~~apparatus, appliances, and equipment for the use of liquefied~~  
1051 ~~petroleum gas, and whose services include the installation,~~  
1052 ~~service, or repair of recreational vehicle liquefied petroleum~~  
1053 ~~gas appliances and equipment.~~

1054 (10) “Category V LP gas installer” means any person who is  
1055 engaged in the liquefied petroleum gas business and whose  
1056 services include the installation, servicing, altering, or  
1057 modifying of apparatus, piping, tubing, tanks, and equipment for  
1058 the use of liquefied petroleum or natural gas and selling or  
1059 offering to sell, or leasing or offering to lease, apparatus,  
1060 appliances, and equipment for the use of liquefied petroleum or  
1061 natural gas.

1062 (11) “Category VI miscellaneous operator” means any person  
1063 who is engaged in operation as a manufacturer of LP gas  
1064 appliances and equipment; a fabricator, repairer, and tester of  
1065 vehicles and cargo tanks; a requalifier of LP gas cylinders; or  
1066 a pipeline system operator ~~Specialty installer”~~ means any person  
1067 ~~involved in the installation, service, or repair of liquefied~~  
1068 ~~petroleum or natural gas appliances and equipment, and selling~~  
1069 ~~or offering to sell, or leasing or offering to lease, apparatus,~~  
1070 ~~appliances, and equipment for the use of liquefied petroleum~~  
1071 ~~gas, whose activities are limited to specific types of~~  
1072 ~~appliances and equipment as designated by department rule.~~

1073 ~~(12) “Dealer in appliances and equipment for use of~~

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1074 ~~liquefied petroleum gas" means any person selling or offering to~~  
1075 ~~sell, or leasing or offering to lease, apparatus, appliances,~~  
1076 ~~and equipment for the use of liquefied petroleum gas.~~

1077 (12)~~(13)~~ "Manufacturer of liquefied petroleum gas  
1078 appliances and equipment" means any person in this state  
1079 manufacturing and offering for sale or selling tanks, cylinders,  
1080 or other containers and necessary appurtenances for use in the  
1081 storage, transportation, or delivery of such gas to the ~~ultimate~~  
1082 consumer, or manufacturing and offering for sale or selling  
1083 apparatus, appliances, and equipment for the use of liquefied  
1084 petroleum gas to the ~~ultimate~~ consumer.

1085 (13)~~(14)~~ "Wholesaler" means any person, as defined by  
1086 subsection (2), selling or offering to sell any liquefied  
1087 petroleum gas for industrial, commercial, or domestic use to any  
1088 person except the ~~ultimate~~ consumer.

1089 (14)~~(15)~~ "Requalifier of cylinders" means any person  
1090 involved in the retesting, repair, qualifying, or requalifying  
1091 of liquefied petroleum gas tanks or cylinders manufactured under  
1092 specifications of the United States Department of Transportation  
1093 ~~or former Interstate Commerce Commission.~~

1094 (15)~~(16)~~ "Fabricator, repairer, and tester of vehicles and  
1095 cargo tanks" means any person involved in the hydrostatic  
1096 testing, fabrication, repair, or requalifying of any motor  
1097 vehicles or cargo tanks used for the transportation of liquefied  
1098 petroleum gases, when such tanks are permanently attached to or  
1099 forming a part of the motor vehicle.

1100 ~~(17) "Recreational vehicle" means a motor vehicle designed~~  
1101 ~~to provide temporary living quarters for recreational, camping,~~  
1102 ~~or travel use, which has its own propulsion or is mounted on or~~

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1103 ~~towed by another motor vehicle.~~

1104 (16)~~(18)~~ "Pipeline system operator" means any person who  
1105 owns or operates a liquefied petroleum gas pipeline system that  
1106 is used to transmit liquefied petroleum gas from a common source  
1107 to the ~~ultimate~~ customer and that serves 10 or more customers.

1108 ~~(19) "Category V liquefied petroleum gases dealer for~~  
1109 ~~industrial uses only" means any person engaged in the business~~  
1110 ~~of filling, selling, and transporting liquefied petroleum gas~~  
1111 ~~containers for use in welding, forklifts, or other industrial~~  
1112 ~~applications.~~

1113 (17)~~(20)~~ "License period year" means the period 1 to 3  
1114 years from the issuance of the license from September 1 through  
1115 the following August 31, or April 1 through the following March  
1116 31, depending upon the type of license.

1117 Section 19. Section 527.02, Florida Statutes, is amended to  
1118 read:

1119 527.02 License; penalty; fees.—

1120 (1) It is unlawful for any person to engage in this state  
1121 in the activities defined in s. 527.01(6) through (11) ~~of a~~  
1122 ~~pipeline system operator, category I liquefied petroleum gas~~  
1123 ~~dealer, category II liquefied petroleum gas dispenser, category~~  
1124 ~~III liquefied petroleum gas cylinder exchange operator, category~~  
1125 ~~IV liquefied petroleum gas dispenser and recreational vehicle~~  
1126 ~~servicer, category V liquefied petroleum gas dealer for~~  
1127 ~~industrial uses only, LP gas installer, specialty installer,~~  
1128 ~~dealer in liquefied petroleum gas appliances and equipment,~~  
1129 ~~manufacturer of liquefied petroleum gas appliances and~~  
1130 ~~equipment, regualifier of cylinders, or fabricator, repairer,~~  
1131 ~~and tester of vehicles and cargo tanks without first obtaining~~

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1132 from the department a license to engage in one or more of these  
 1133 businesses. The sale of liquefied petroleum gas cylinders with a  
 1134 volume of 10 pounds water capacity or 4.2 pounds liquefied  
 1135 petroleum gas capacity or less is exempt from the requirements  
 1136 of this chapter. It is a felony of the third degree, punishable  
 1137 as provided in s. 775.082, s. 775.083, or s. 775.084, to  
 1138 intentionally or willfully engage in any of said activities  
 1139 without first obtaining appropriate licensure from the  
 1140 department.

1141 (2) Each business location of a person having multiple  
 1142 locations must ~~shall~~ be separately licensed and must meet the  
 1143 requirements of this section. Such license shall be granted to  
 1144 any applicant determined by the department to be competent,  
 1145 qualified, and trustworthy who files with the department a  
 1146 surety bond, insurance affidavit, or other proof of insurance,  
 1147 as hereinafter specified, and pays for such license the  
 1148 following annual license ~~original application fee for new~~  
 1149 ~~licenses and annual renewal fees for existing licenses:~~

License Category	<u>License</u> <del>Original</del>	<u>Renewal</u>
	<u>Application Fee</u> <u>Per Year</u>	Fee
1151 Category I liquefied petroleum gas dealer	<u>\$400</u> <del>\$525</del>	<del>\$425</del>
1152 Category II liquefied	<u>\$400</u> <del>525</del>	<del>375</del>



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1153	petroleum gas dispenser		
	Category III	<u>\$65</u> <del>100</del>	<del>65</del>
	liquefied petroleum gas cylinder exchange unit operator		
1154			
	Category IV	<u>\$65</u> <del>525</del>	400
	<u>dealer in</u> <u>appliances and</u> <u>equipment</u> liquefied <del>petroleum</del> gas dispenser and recreational vehicle servicer		
1155			
	Category V <u>LP gas</u>	<u>\$200</u> <del>300</del>	<del>200</del>
	<u>installer</u> <del>liquefied</del> petroleum gases dealer for industrial uses only		
1156			

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1157	<u>Category VI</u> <u>miscellaneous</u> <u>operator LP-gas</u> installer	<u>\$200</u> <del>300</del>	200
1158	Specialty installer	300	200
1159	<del>Dealer in</del> <del>appliances</del> and equipment for use of liquefied petroleum gas	50	45
1160	<del>Manufacturer of</del> liquefied petroleum gas appliances and equipment	525	375
1161	<del>Requalifier of</del> cylinders	525	375
	<del>Fabricator,</del> <del>repairer,</del> and tester of vehicles and cargo tanks	525	375

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

(b) The department shall waive the initial license fee for 1 year for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver, a veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense or another acceptable form of identification as specified by the Department of Veterans' Affairs; the spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans'

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1191 Affairs, and a copy of a valid marriage license or certificate  
1192 verifying that he or she was lawfully married to the veteran at  
1193 the time of discharge; or a business entity must provide to the  
1194 department proof that a veteran or the spouse of a veteran holds  
1195 a majority ownership in the business, a copy of the veteran's DD  
1196 Form 214, as issued by the United States Department of Defense,  
1197 or another acceptable form of identification as specified by the  
1198 Department of Veterans' Affairs, and, if applicable, a copy of a  
1199 valid marriage license or certificate verifying that the spouse  
1200 of the veteran was lawfully married to the veteran at the time  
1201 of discharge.

1202       (4) Any licensee submitting a material change in their  
1203 information for licensing, before the date for renewal, must  
1204 submit such change to the department in the manner prescribed by  
1205 the department, along with a fee in the amount of \$10 Any person  
1206 ~~applying for a liquefied petroleum gas license as a specialty~~  
1207 ~~installer, as defined by s. 527.01(11), shall upon application~~  
1208 ~~to the department identify the specific area of work to be~~  
1209 ~~performed. Upon completion of all license requirements set forth~~  
1210 ~~in this chapter, the department shall issue the applicant a~~  
1211 ~~license specifying the scope of work, as identified by the~~  
1212 ~~applicant and defined by rule of the department, for which the~~  
1213 ~~person is authorized.~~

1214       (5) ~~The license fee for a pipeline system operator shall be~~  
1215 ~~\$100 per system owned or operated by the person, not to exceed~~  
1216 ~~\$400 per license year. Such license fee applies only to a~~  
1217 ~~pipeline system operator who owns or operates a liquefied~~  
1218 ~~petroleum gas pipeline system that is used to transmit liquefied~~  
1219 ~~petroleum gas from a common source to the ultimate customer and~~

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1220 ~~that serves 10 or more customers.~~

1221 ~~(5)~~(6) The department shall adopt ~~promulgate~~ rules  
1222 specifying acts deemed by the department to demonstrate a lack  
1223 of trustworthiness to engage in activities requiring a license  
1224 or qualifier identification card under this section.

1225 ~~(7) Any license issued by the department may be transferred~~  
1226 ~~to any person, firm, or corporation for the remainder of the~~  
1227 ~~current license year upon written request to the department by~~  
1228 ~~the original licenseholder. Prior to approval of any transfer,~~  
1229 ~~all licensing requirements of this chapter must be met by the~~  
1230 ~~transferee. A license transfer fee of \$50 shall be charged for~~  
1231 ~~each such transfer.~~

1232 Section 20. Section 527.0201, Florida Statutes, is amended  
1233 to read:

1234 527.0201 Qualifiers; master qualifiers; examinations.-

1235 (1) In addition to the requirements of s. 527.02, any  
1236 person applying for a license to engage in category I, category  
1237 II, or category V ~~the activities of a pipeline system operator,~~  
1238 ~~category I liquefied petroleum gas dealer, category II liquefied~~  
1239 ~~petroleum gas dispenser, category IV liquefied petroleum gas~~  
1240 ~~dispenser and recreational vehicle servicer, category V~~  
1241 ~~liquefied petroleum gases dealer for industrial uses only, LP~~  
1242 ~~gas installer, specialty installer, requalifier of cylinders, or~~  
1243 ~~fabricator, repairer, and tester of vehicles and cargo tanks~~  
1244 must prove competency by passing a written examination  
1245 administered by the department or its agent with a grade of 70  
1246 75 percent or above in each area tested. Each applicant for  
1247 examination shall submit a \$20 nonrefundable fee. The department  
1248 shall by rule specify the general areas of competency to be

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1249 covered by each examination and the relative weight to be  
1250 assigned in grading each area tested.

1251 (2) Application for examination for competency may be made  
1252 by an individual or by an owner, a partner, or any person  
1253 employed by the license applicant. Upon successful completion of  
1254 the competency examination, the department shall register ~~issue~~  
1255 ~~a qualifier identification card~~ to the examinee.

1256 (a) Qualifier registration automatically expires if  
1257 ~~identification cards, except those issued to category I~~  
1258 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~  
1259 ~~installers, shall remain in effect as long as the individual~~  
1260 ~~shows to the department proof of active employment in the area~~  
1261 ~~of examination and all continuing education requirements are~~  
1262 ~~met. Should the individual terminates terminate active~~  
1263 ~~employment in the area of examination for a period exceeding 24~~  
1264 ~~months, or fails fail to provide documentation of continuing~~  
1265 ~~education, the individual's qualifier status shall automatically~~  
1266 ~~expire. If the qualifier registration status has expired, the~~  
1267 ~~individual must apply for and successfully complete an~~  
1268 ~~examination by the department in order to reestablish qualifier~~  
1269 ~~status.~~

1270 (b) Every business organization in license category I,  
1271 category II, or category V shall employ at all times a full-time  
1272 qualifier who has successfully completed an examination in the  
1273 corresponding category of the license held by the business  
1274 organization. A person may not act as a qualifier for more than  
1275 one licensed location.

1276 (3) Qualifier registration expires ~~cards issued to category~~  
1277 ~~I liquefied petroleum gas dealers and liquefied petroleum gas~~

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1278 ~~installers shall expire 3 years after the date of issuance. All~~  
1279 ~~category I liquefied petroleum gas dealer qualifiers and~~  
1280 ~~liquefied petroleum gas installer qualifiers holding a valid~~  
1281 ~~qualifier card upon the effective date of this act shall retain~~  
1282 ~~their qualifier status until July 1, 2003, and may sit for the~~  
1283 ~~master qualifier examination at any time during that time~~  
1284 ~~period. All such category I liquefied petroleum gas dealer~~  
1285 ~~qualifiers and liquefied petroleum gas installer qualifiers may~~  
1286 ~~renew their qualification on or before July 1, 2003, upon~~  
1287 ~~application to the department, payment of a \$20 renewal fee, and~~  
1288 ~~documentation of the completion of a minimum of 16 hours of~~  
1289 ~~approved continuing education courses, as defined by department~~  
1290 ~~rule, during the previous 3-year period. Applications for~~  
1291 ~~renewal must be made 30 calendar days before expiration. Persons~~  
1292 ~~failing to renew before the expiration date must reapply and~~  
1293 ~~take a qualifier competency examination in order to reestablish~~  
1294 ~~category I liquefied petroleum gas dealer qualifier and~~  
1295 ~~liquefied petroleum gas installer qualifier status. If a~~  
1296 ~~category I liquefied petroleum gas qualifier or liquefied~~  
1297 ~~petroleum gas installer qualifier becomes a master qualifier at~~  
1298 ~~any time during the effective date of the qualifier card, the~~  
1299 ~~card shall remain in effect until expiration of the master~~  
1300 ~~qualifier certification.~~

1301 (4) A qualifier for a business ~~organization involved in~~  
1302 ~~installation, repair, maintenance, or service of liquefied~~  
1303 ~~petroleum gas appliances, equipment, or systems must actually~~  
1304 ~~function in a supervisory capacity of other company employees~~  
1305 performing licensed activities ~~installing, repairing,~~  
1306 ~~maintaining, or servicing liquefied petroleum gas appliances,~~

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1307 ~~equipment, or systems. A separate qualifier shall be required~~  
1308 ~~for every 10 such employees. Additional qualifiers are required~~  
1309 ~~for those business organizations employing more than 10~~  
1310 ~~employees that install, repair, maintain, or service liquefied~~  
1311 ~~petroleum gas equipment and systems.~~

1312 (5) In addition to all other licensing requirements, each  
1313 category I and category V licensee ~~liquefied petroleum gas~~  
1314 ~~dealer and liquefied petroleum gas installer~~ must, at the time  
1315 of application for licensure, identify to the department one  
1316 master qualifier who is a full-time employee at the licensed  
1317 location. This person shall be a manager, owner, or otherwise  
1318 primarily responsible for overseeing the operations of the  
1319 licensed location and must provide documentation to the  
1320 department as provided by rule. The master qualifier requirement  
1321 shall be in addition to the requirements of subsection (1).

1322 (a) In order to apply for certification as a master  
1323 qualifier, each applicant must have been a registered ~~be a~~  
1324 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~  
1325 ~~petroleum gas installer~~ qualifier for a minimum of 3 years  
1326 immediately preceding submission of the application, must be  
1327 employed by a licensed category I or category V licensee  
1328 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~  
1329 ~~installer,~~ or applicant for such license, ~~must provide~~  
1330 ~~documentation of a minimum of 1 year's work experience in the~~  
1331 ~~gas industry,~~ and must pass a master qualifier competency  
1332 examination. Master qualifier examinations shall be based on  
1333 Florida's laws, rules, and adopted codes governing liquefied  
1334 petroleum gas safety, general industry safety standards, and  
1335 administrative procedures. The applicant must successfully pass



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1336 the examination with a grade of 70 ~~75~~ percent or above. Each  
1337 applicant for master qualifier registration ~~status~~ must submit  
1338 to the department a nonrefundable \$30 examination fee before the  
1339 examination.

1340 (b) Upon successful completion of the master qualifier  
1341 examination, the department shall issue the examinee a  
1342 ~~certificate of master qualifier~~ registration ~~status~~ which shall  
1343 ~~include the name of the licensed company for which the master~~  
1344 ~~qualifier is employed.~~ A master qualifier may transfer from one  
1345 licenseholder to another upon becoming employed by the company  
1346 and providing a written request to the department.

1347 (c) A master qualifier registration expires ~~status~~ shall  
1348 ~~expire~~ 3 years after the date of issuance ~~of the certificate~~ and  
1349 may be renewed by submission to the department of documentation  
1350 of completion of at least 16 hours of approved continuing  
1351 education courses during the 3-year period; proof of employment  
1352 ~~with a licensed category I liquefied petroleum gas dealer,~~  
1353 ~~liquefied petroleum gas installer, or applicant;~~ and a \$30  
1354 certificate renewal fee. The department shall define, by rule, ~~by rule,~~  
1355 approved courses of continuing education.

1356 (d) ~~Each category I liquefied petroleum gas dealer or~~  
1357 ~~liquefied petroleum gas installer licensed as of August 31,~~  
1358 ~~2000, shall identify to the department one current category I~~  
1359 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~  
1360 ~~gas installer qualifier who will be the designated master~~  
1361 ~~qualifier for the licenseholder. Such individual must provide~~  
1362 ~~proof of employment for 3 years or more within the liquefied~~  
1363 ~~petroleum gas industry, and shall, upon approval of the~~  
1364 ~~department, be granted a master qualifier certificate. All other~~

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1365 ~~requirements with regard to master qualifier certificate~~  
1366 ~~expiration, renewal, and continuing education shall apply.~~

1367 (6) A vacancy in a qualifier or master qualifier position  
1368 in a business organization which results from the departure of  
1369 the qualifier or master qualifier shall be immediately reported  
1370 to the department by the departing qualifier or master qualifier  
1371 and the licensed company.

1372 (a) If a business organization no longer possesses a duly  
1373 designated qualifier, as required by this section, its liquefied  
1374 petroleum gas licenses shall be suspended by order of the  
1375 department after 20 working days. The license shall remain  
1376 suspended until a competent qualifier has been employed, the  
1377 order of suspension terminated by the department, and the  
1378 license reinstated. A vacancy in the qualifier position for a  
1379 period of more than 20 working days shall be deemed to  
1380 constitute an immediate threat to the public health, safety, and  
1381 welfare. ~~Failure to obtain a replacement qualifier within 60~~  
1382 ~~days after the vacancy occurs shall be grounds for revocation of~~  
1383 ~~licensure or eligibility for licensure.~~

1384 (b) Any category I or category V licensee ~~liquefied~~  
1385 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses  
1386 a master qualifier but currently employs a ~~category I liquefied~~  
1387 ~~petroleum gas dealer or LP gas installer~~ qualifier as required  
1388 by this section, has ~~shall have~~ 60 days within which to replace  
1389 the master qualifier. If the company fails to replace the master  
1390 qualifier within the 60-day ~~time~~ period, the license of the  
1391 company shall be suspended by order of the department. The  
1392 license shall remain suspended until a competent master  
1393 qualifier has been employed, the order of suspension has been

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1394 terminated by the department, and the license reinstated.  
1395 ~~Failure to obtain a replacement master qualifier within 90 days~~  
1396 ~~after the vacancy occurs shall be grounds for revocation of~~  
1397 ~~licensure or eligibility for licensure.~~

1398 (7) The department may deny, refuse to renew, suspend, or  
1399 revoke any qualifier ~~card~~ or master qualifier registration  
1400 ~~certificate~~ for any of the following causes:

1401 (a) Violation of any provision of this chapter or any rule  
1402 or order of the department;

1403 (b) Falsification of records relating to the qualifier ~~card~~  
1404 or master qualifier registration ~~certificate~~; or

1405 (c) Failure to meet any of the renewal requirements.

1406 (8) Any individual having competency qualifications on file  
1407 with the department may request the transfer of such  
1408 qualifications to any existing licenseholder by making a written  
1409 request to the department for such transfer. Any individual  
1410 having a competency examination on file with the department may  
1411 use such examination for a new license application after making  
1412 application in writing to the department. All examinations are  
1413 confidential and exempt from the provisions of s. 119.07(1).

1414 (9) If a duplicate license, qualifier ~~card~~, or master  
1415 qualifier registration certificate is requested by the licensee,  
1416 a fee of \$10 must be received before issuance of the duplicate  
1417 license or certificate ~~card~~. ~~If a facsimile transmission of an~~  
1418 ~~original license is requested, upon completion of the~~  
1419 ~~transmission a fee of \$10 must be received by the department~~  
1420 ~~before the original license may be mailed to the requester.~~

1421 (10) All revenues collected herein shall be deposited in  
1422 the General Inspection Trust Fund for the purpose of

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1423 administering the provisions of this chapter.

1424 Section 21. Section 527.021, Florida Statutes, is amended  
1425 to read:

1426 527.021 Registration of transport vehicles.—

1427 (1) Each liquefied petroleum gas bulk delivery vehicle  
1428 owned or leased by a liquefied petroleum gas licensee must be  
1429 registered with the department as part of the licensing  
1430 application or when placed into service annually.

1431 (2) For the purposes of this section, a "liquefied  
1432 petroleum gas bulk delivery vehicle" means any vehicle that is  
1433 used to transport liquefied petroleum gas on any public street  
1434 or highway as liquid cargo in a cargo tank, which tank is  
1435 mounted on a conventional truck chassis or is an integral part  
1436 of a transporting vehicle in which the tank constitutes, in  
1437 whole or in part, the stress member used as a frame and is a  
1438 permanent part of the transporting vehicle.

1439 (3) ~~Vehicle registrations shall be submitted by the vehicle~~  
1440 ~~owner or lessee in conjunction with the annual renewal of his or~~  
1441 ~~her liquefied petroleum gas license, but no later than August 31~~  
1442 ~~of each year. A dealer who fails to register a vehicle with the~~  
1443 ~~department does not submit the required vehicle registration by~~  
1444 ~~August 31 of each year~~ is subject to the penalties in s. 527.13.

1445 (4) The department shall issue a decal to be placed on each  
1446 vehicle that is inspected by the department and found to be in  
1447 compliance with applicable codes.

1448 Section 22. Section 527.03, Florida Statutes, is amended to  
1449 read:

1450 527.03 ~~Annual~~ Renewal of license.—All licenses required  
1451 under this chapter shall be renewed annually, biennially, or

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1452 triennially, as elected by the licensee, subject to the license  
1453 fees prescribed in s. 527.02. All renewals must meet the same  
1454 requirements and conditions as an annual license for each  
1455 licensed year ~~All licenses, except Category III Liquefied~~  
1456 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~  
1457 ~~Dealer in Appliances and Equipment for Use of Liquefied~~  
1458 ~~Petroleum Gas licenses, shall be renewed for the period~~  
1459 ~~beginning September 1 and shall expire on the following August~~  
1460 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~  
1461 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~  
1462 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~  
1463 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~  
1464 ~~period beginning April 1 and shall expire on the following March~~  
1465 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~  
1466 Any license allowed to expire will ~~shall~~ become inoperative  
1467 because of failure to renew. The fee for restoration of a  
1468 license is equal to the original license fee and must be paid  
1469 before the licensee may resume operations.

1470 Section 23. Section 527.04, Florida Statutes, is amended to  
1471 read:

1472 527.04 Proof of insurance required.—

1473 (1) Before any license is issued, except to a category IV  
1474 ~~dealer in appliances and equipment for use of liquefied~~  
1475 ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder  
1476 exchange operator, the applicant must deliver to the department  
1477 satisfactory evidence that the applicant is covered by a primary  
1478 policy of bodily injury liability and property damage liability  
1479 insurance that covers the products and operations with respect  
1480 to such business and is issued by an insurer authorized to do

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1481 business in this state for an amount not less than \$1 million  
1482 and that the premium on such insurance is paid. An insurance  
1483 certificate, affidavit, or other satisfactory evidence of  
1484 acceptable insurance coverage shall be accepted as proof of  
1485 insurance. In lieu of an insurance policy, the applicant may  
1486 deliver a good and sufficient bond in the amount of \$1 million,  
1487 payable to the Commissioner of Agriculture ~~Governor of Florida~~,  
1488 with the applicant as principal and a surety company authorized  
1489 to do business in this state as surety. The bond must be  
1490 conditioned upon the applicant's compliance with this chapter  
1491 and the rules of the department with respect to the conduct of  
1492 such business and shall indemnify and hold harmless all persons  
1493 from loss or damage by reason of the applicant's failure to  
1494 comply. However, the aggregated liability of the surety may not  
1495 exceed \$1 million. If the insurance policy is canceled or  
1496 otherwise terminated or the bond becomes insufficient, the  
1497 department may require new proof of insurance or a new bond to  
1498 be filed, and if the licenseholder fails to comply, the  
1499 department shall cancel the license issued and give the  
1500 licenseholder written notice that it is unlawful to engage in  
1501 business without a license. A new bond is not required as long  
1502 as the original bond remains sufficient and in force. If the  
1503 licenseholder's insurance coverage as required by this  
1504 subsection is canceled or otherwise terminated, the insurer must  
1505 notify the department within 30 days after the cancellation or  
1506 termination.

1507 (2) Before any license is issued to a category ~~class~~ III  
1508 liquefied petroleum gas cylinder exchange operator, the  
1509 applicant must deliver to the department satisfactory evidence

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1510 that the applicant is covered by a primary policy of bodily  
1511 injury liability and property damage liability insurance that  
1512 covers the products and operations with respect to the business  
1513 and is issued by an insurer authorized to do business in this  
1514 state for an amount not less than \$300,000 and that the premium  
1515 on the insurance is paid. An insurance certificate, affidavit,  
1516 or other satisfactory evidence of acceptable insurance coverage  
1517 shall be accepted as proof of insurance. In lieu of an insurance  
1518 policy, the applicant may deliver a good and sufficient bond in  
1519 the amount of \$300,000, payable to the Commissioner of  
1520 Agriculture ~~Governor~~, with the applicant as principal and a  
1521 surety company authorized to do business in this state as  
1522 surety. The bond must be conditioned upon the applicant's  
1523 compliance with this chapter and the rules of the department  
1524 with respect to the conduct of such business and must indemnify  
1525 and hold harmless all persons from loss or damage by reason of  
1526 the applicant's failure to comply. However, the aggregated  
1527 liability of the surety may not exceed \$300,000. If the  
1528 insurance policy is canceled or otherwise terminated or the bond  
1529 becomes insufficient, the department may require new proof of  
1530 insurance or a new bond to be filed, and if the licenseholder  
1531 fails to comply, the department shall cancel the license issued  
1532 and give the licenseholder written notice that it is unlawful to  
1533 engage in business without a license. A new bond is not required  
1534 as long as the original bond remains sufficient and in force. If  
1535 the licenseholder's insurance coverage required by this  
1536 subsection is canceled or otherwise terminated, the insurer must  
1537 notify the department within 30 days after the cancellation or  
1538 termination.

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1539 (3) Any person having a cause of action on the bond may  
1540 bring suit against the principal and surety, and a copy of such  
1541 bond duly certified by the department shall be received in  
1542 evidence in the courts of this state without further proof. The  
1543 department shall furnish a certified copy of the ~~such~~ bond upon  
1544 payment to it of its lawful fee for making and certifying such  
1545 copy.

1546 Section 24. Section 527.0605, Florida Statutes, is amended  
1547 to read:

1548 527.0605 Liquefied petroleum gas bulk storage locations;  
1549 jurisdiction.—

1550 (1) The provisions of this chapter ~~shall~~ apply to liquefied  
1551 petroleum gas bulk storage locations when:

1552 (a) A single container in the bulk storage location has a  
1553 capacity of 2,000 gallons or more;

1554 (b) The aggregate container capacity of the bulk storage  
1555 location is 4,000 gallons or more; or

1556 (c) A container or containers are installed for the purpose  
1557 of serving the public the liquid product.

1558 ~~(2) Prior to the installation of any bulk storage  
1559 container, the licensee must submit to the department a site  
1560 plan of the facility which shows the proposed location of the  
1561 container and must obtain written approval of such location from  
1562 the department.~~

1563 ~~(3) A fee of \$200 shall be assessed for each site plan  
1564 reviewed by the division. The review shall include  
1565 preconstruction inspection of the proposed site, plan review,  
1566 and final inspection of the completed facility.~~

1567 (2) ~~(4)~~ No newly installed container may be placed in



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1568 operation until it has been inspected and approved by the  
1569 department.

1570 Section 25. Subsection (1) of section 527.065, Florida  
1571 Statutes, is amended to read:

1572 527.065 Notification of accidents; leak calls.—

1573 (1) Immediately upon discovery, all liquefied petroleum gas  
1574 licensees shall notify the department of any liquefied petroleum  
1575 gas-related accident involving a liquefied petroleum gas  
1576 licensee or customer account:

1577 (a) Which caused a death or personal injury requiring  
1578 professional medical treatment;

1579 (b) Where uncontrolled ignition of liquefied petroleum gas  
1580 resulted in death, personal injury, or property damage exceeding  
1581 \$3,000 ~~\$1,000~~; or

1582 (c) Which caused estimated damage to property exceeding  
1583 \$3,000 ~~\$1,000~~.

1584 Section 26. Subsection (3) is added to section 527.067,  
1585 Florida Statutes, to read:

1586 527.067 Responsibilities of persons engaged in servicing  
1587 liquefied petroleum gas equipment and systems and consumers, end  
1588 users, or owners of liquefied petroleum gas equipment or  
1589 systems.—

1590 (3) A category I liquefied petroleum gas dealer may not  
1591 render a consumer's liquefied petroleum gas equipment or system  
1592 inoperable or discontinue service without providing written or  
1593 electronic notification to the consumer at least 5 business days  
1594 before rendering the liquefied petroleum gas equipment or system  
1595 inoperable or discontinuing service. This notification does not  
1596 apply in the event of a hazardous condition known to the

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1597 category I liquefied petroleum gas dealer.

1598 Section 27. Section 527.10, Florida Statutes, is amended to  
1599 read:

1600 527.10 Restriction on use of unsafe container or system.—No  
1601 liquefied petroleum gas shall be introduced into or removed from  
1602 any container or system in this state that has been identified  
1603 by the department or its duly authorized inspectors as not  
1604 complying with the rules pertaining to such container or system,  
1605 until such violations as specified have been satisfactorily  
1606 corrected and authorization for continued service or removal  
1607 granted by the department. A statement of violations of the  
1608 rules that render such a system unsafe for use shall be  
1609 furnished in writing by the department to the ~~ultimate~~ consumer  
1610 or dealer in liquefied petroleum gas.

1611 Section 28. Subsections (3) and (17) of section 527.21,  
1612 Florida Statutes, are amended to read:

1613 527.21 Definitions relating to Florida Propane Gas  
1614 Education, Safety, and Research Act.—As used in ss. 527.20-  
1615 527.23, the term:

1616 (3) "Dealer" means a business engaged primarily in selling  
1617 propane gas and its appliances and equipment to the ~~ultimate~~  
1618 consumer or to retail propane gas dispensers.

1619 (17) "Wholesaler" or "reseller" means a seller of propane  
1620 gas who is not a producer and who does not sell propane gas to  
1621 the ~~ultimate~~ consumer.

1622 Section 29. Paragraph (a) of subsection (2) of section  
1623 527.22, Florida Statutes, is amended to read:

1624 527.22 Florida Propane Gas Education, Safety, and Research  
1625 Council established; membership; duties and responsibilities.—

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1626           (2) (a) ~~Within 90 days after the effective date of this act,~~  
1627 ~~the commissioner shall make a call to qualified industry~~  
1628 ~~organizations for nominees to the council.~~ The commissioner  
1629 shall appoint members of the council from a list of nominees  
1630 submitted by qualified industry organizations. The commissioner  
1631 may require such reports or documentation as is necessary to  
1632 document the nomination process for members of the council.  
1633 Qualified industry organizations, in making nominations, and the  
1634 commissioner, in making appointments, shall give due regard to  
1635 selecting a council that is representative of the industry and  
1636 the geographic regions of the state. Other than the public  
1637 member, council members must be full-time employees or owners of  
1638 propane gas producers or dealers doing business in this state.

1639           Section 30. Section 531.67, Florida Statutes, is amended to  
1640 read:

1641           531.67 Expiration of sections.—Sections 531.60, 531.61,  
1642 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,  
1643 2025 ~~2020~~.

1644           Section 31. Section 534.47, Florida Statutes, is amended to  
1645 read:

1646           534.47 Definitions.—As used in ss. 534.48-534.54, the term  
1647 ~~ss. 534.48-534.53~~:

1648           (1) "Dealer" means a person, not a market agency, engaged  
1649 in the business of buying or selling in commerce livestock  
1650 either on his or her own account or as the employee or agent of  
1651 a vendor or purchaser.

1652           (2)~~(1)~~ "Department" means the Department of Agriculture and  
1653 Consumer Services.

1654           (3) "Livestock" has the same meaning as in s. 585.01(13).

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1655        (4)~~(2)~~ "Livestock market" means any location in the state  
1656 where livestock is assembled and sold at public auction or on a  
1657 commission basis during regularly scheduled or special sales.  
1658 The term "livestock market" does ~~shall~~ not include private farms  
1659 or ranches or sales made at livestock shows, fairs, exhibitions,  
1660 or special breed association sales.

1661        (5) "Packer" means a person engaged in the business of  
1662 buying livestock in commerce for purposes of slaughter, or of  
1663 manufacturing or preparing meats or meat food products for sale  
1664 or shipment in commerce, or of marketing meats, meat food  
1665 products, or livestock products in an unmanufactured form acting  
1666 as a wholesaler broker, dealer, or distributor in commerce.

1667        (6) "Purchaser" means a person, partnership, firm,  
1668 corporation, or other organization owning, managing, producing,  
1669 or dealing in livestock, including, but not limited to, a packer  
1670 or dealer, that buys livestock for breeding, feeding, reselling,  
1671 slaughter, or other purpose.

1672        (7) "Registered and approved livestock market" means a  
1673 livestock market fully registered, bonded, and approved as a  
1674 market agency pursuant to the Stockyards Act and governing  
1675 regulations of the United States Department of Agriculture Grain  
1676 Inspection, Packers and Stockyards Administration.

1677        (8) "Seller" means a person, partnership, firm,  
1678 corporation, or other organization owning, managing, producing,  
1679 financing, or dealing in livestock, including, but not limited  
1680 to, a registered and approved livestock market as consignee or a  
1681 dealer, that sells livestock for breeding, feeding, reselling,  
1682 slaughter, or other purpose.

1683        (9) "Stockyards Act" means the Packers and Stockyards Act

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1684 of 1921, 7 U.S.C. ss. 181-229 and the regulations promulgated  
1685 pursuant to that act under 9 C.F.R. part 201.

1686 ~~(3) "Buyer" means the party to whom title of livestock~~  
1687 ~~passes or who is responsible for the purchase price of~~  
1688 ~~livestock, including, but not limited to, producers, dealers,~~  
1689 ~~meat packers, or order buyers.~~

1690 Section 32. Section 534.49, Florida Statutes, is amended to  
1691 read:

1692 534.49 Livestock drafts; effect.—For the purposes of this  
1693 section, a livestock draft given as payment at a livestock  
1694 auction market for a livestock purchase shall not be deemed an  
1695 express extension of credit to the purchaser ~~buyer~~ and shall not  
1696 defeat the creation of a lien on such ~~an~~ animal and its carcass,  
1697 ~~and~~ all products therefrom, and all proceeds thereof, to secure  
1698 all or a part of its sales price, as provided in s. 534.54(3) ~~s.~~  
1699 ~~534.54(4).~~

1700 Section 33. Section 534.50, Florida Statutes, is repealed.

1701 Section 34. Section 534.501, Florida Statutes, is amended  
1702 to read:

1703 534.501 ~~Livestock draft;~~ Unlawful to delay or failure in  
1704 payment.—It is shall be unlawful for the purchaser of livestock  
1705 to delay or fail in rendering payment for livestock to a seller  
1706 of cattle as provided in s. 534.54. A person who violates this  
1707 section commits an unfair or deceptive act or practice as  
1708 specified in s. 501.204 ~~payment of the livestock draft upon~~  
1709 ~~presentation of said draft at the payor's bank. Nothing~~  
1710 ~~contained in this section shall be construed to preclude a~~  
1711 ~~payor's right to refuse payment of an unauthorized draft.~~

1712 Section 35. Section 534.51, Florida Statutes, is repealed.

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1713 Section 36. Section 534.54, Florida Statutes, is amended to  
1714 read:

1715 534.54 Cattle or hog processors; prompt payment; penalty;  
1716 lien.—

1717 ~~(1) As used in this section:~~

1718 ~~(a) "Livestock" means cattle or hogs.~~

1719 ~~(b) "Meat processor" means a person, corporation,~~  
1720 ~~association, or other legal entity engaged in the business of~~  
1721 ~~slaughtering cattle or hogs.~~

1722 (1)(2) (a) A purchaser that ~~meat processor who~~ purchases  
1723 livestock from a seller, ~~or any person, corporation,~~  
1724 ~~association, or other legal entity who purchases livestock from~~  
1725 ~~a seller for slaughter,~~ shall make payment by cash or check for  
1726 the purchase price of the livestock and actually deliver the  
1727 cash or check to the seller or her or his representative at the  
1728 location where the purchaser takes physical possession of the  
1729 livestock on the day the transfer of possession occurs or by  
1730 ~~shall~~ wire transfer of funds on the business day within which  
1731 the possession of the ~~said~~ livestock is transferred. However, if  
1732 the transfer of possession is accomplished after normal banking  
1733 hours, ~~said~~ payment shall be made in the manner ~~herein~~ provided  
1734 in this subsection no not later than the close of the first  
1735 business day following the ~~said~~ transfer of possession. In the  
1736 case of "grade and yield" selling, the purchaser shall make  
1737 payment by wire transfer of funds or by personal or cashier's  
1738 check by registered mail postmarked no not later than the close  
1739 of the first business day following determination of "grade and  
1740 yield."

1741 (b) All instruments issued in payment as required by this

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1742 section hereunder shall be drawn on banking institutions which  
1743 are so located as not artificially to delay collection of funds  
1744 through the mail or otherwise cause an undue lapse of time in  
1745 the clearance process.

1746 ~~(2)-(3) In all cases in which~~ A purchaser of who purchases  
1747 livestock that for slaughter from a seller fails to comply with  
1748 subsection (1) ~~make payment for the livestock as required by~~  
1749 ~~this section~~ or artificially delays collection of funds for the  
1750 payment of the livestock, ~~the purchaser~~ shall be liable to pay  
1751 the seller owner of the livestock, in addition to the price of  
1752 the livestock:

1753 (a) Twelve percent damages on the amount of the price.

1754 (b) Interest on the purchase price of the livestock at the  
1755 highest legal rate from and after the transfer of possession  
1756 until payment is made as required by this section.

1757 (c) ~~A Reasonable~~ attorney fees, court costs, and expenses  
1758 ~~attorney's fee~~ for the prosecution of collection of the payment.

1759 ~~(3)-(4)~~ (a) A seller that ~~Any person, partnership, firm,~~  
1760 ~~corporation, or other organization which~~ sells livestock to a  
1761 purchaser shall have a lien on such animal and its carcass, all  
1762 products therefrom, and all proceeds thereof to secure all or a  
1763 part of its sales price.

1764 (b) The lien provided in this subsection shall be deemed to  
1765 have attached and to be perfected upon delivery of the livestock  
1766 to the purchaser without further action, and such lien shall  
1767 continue in the livestock and its carcass, all products  
1768 therefrom, and all proceeds thereof without regard to possession  
1769 thereof by the party entitled to such lien without further  
1770 perfection.

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1771 (c) If the livestock or its carcass or products therefrom  
1772 are so commingled with other livestock, carcasses, or products  
1773 so that the identity thereof is lost, then the lien granted in  
1774 this subsection shall extend to the same effect as if same had  
1775 been perfected originally in all such animals, carcasses, and  
1776 products with which it has become commingled. However, all liens  
1777 so extended under this paragraph to such commingled livestock,  
1778 carcasses, and products shall be on a parity with one another,  
1779 and, with respect to such commingled carcasses or products upon  
1780 which a lien or liens have been so extended under this  
1781 paragraph, no such lien shall be enforceable as against any  
1782 purchaser without actual knowledge thereof purchasing one or  
1783 more of such carcasses or products in the ordinary course of  
1784 trade or business from the party having commingled such  
1785 carcasses or products or against any subsequent transferee from  
1786 such purchaser, but in the event of such sale, such lien shall  
1787 instead extend to the proceeds of such sale.

1788 Section 37. Subsection (46) is added to section 570.07,  
1789 Florida Statutes, to read:

1790 570.07 Department of Agriculture and Consumer Services;  
1791 functions, powers, and duties.—The department shall have and  
1792 exercise the following functions, powers, and duties:

1793 (46) During a state of emergency declared pursuant to s.  
1794 252.36, to waive fees by emergency order for duplicate copies or  
1795 renewal of permits, licenses, certifications, or other similar  
1796 types of authorizations during a period specified by the  
1797 commissioner.

1798 Section 38. Section 573.111, Florida Statutes, is amended  
1799 to read:



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1800           573.111 Notice of effective date of marketing order.—Before  
1801 the issuance of any marketing order, or any suspension,  
1802 amendment, or termination thereof, a notice must ~~shall~~ be posted  
1803 ~~on a public bulletin board to be maintained by the department in~~  
1804 ~~the Division of Marketing and Development of the department in~~  
1805 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~  
1806 ~~of the notice shall be posted on the department website the same~~  
1807 ~~date that the notice is posted on the bulletin board. A No~~  
1808 marketing order, or any suspension, amendment, or termination  
1809 thereof, may not ~~shall~~ become effective until ~~the termination of~~  
1810 ~~a period of 5 days~~ after ~~from~~ the date of posting and  
1811 publication.

1812           Section 39. Section 578.011, Florida Statutes, is amended  
1813 to read:

1814           578.011 Definitions; Florida Seed Law.—When used in this  
1815 chapter, the term:

1816           (1) "Advertisement" means all representations, other than  
1817 those on the label, disseminated in any manner or by any means,  
1818 relating to seed within the scope of this law.

1819           (2) "Agricultural seed" includes the seed of grass, forage,  
1820 cereal and fiber crops, and chufas and any other seed commonly  
1821 recognized within the state as agricultural seed, lawn seed, and  
1822 combinations of such seed, and may include identified noxious  
1823 weed seed when the department determines that such seed is being  
1824 used as agricultural seed ~~or field seed and mixtures of such~~  
1825 ~~seed.~~

1826           (3) "Blend" means seed consisting of more than one variety  
1827 of one kind, each present in excess of 5 percent by weight of  
1828 the whole.

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1829 (4) "Buyer" means a person who purchases agricultural,  
1830 vegetable, flower, tree, or shrub seed in packaging of 1,000  
1831 seeds or more by count.

1832 (5) "Brand" means a distinguishing word, name, symbol,  
1833 number, or design used to identify seed produced, packaged,  
1834 advertised, or offered for sale by a particular person.

1835 (6)~~(3)~~ "Breeder seed" means a class of certified seed  
1836 directly controlled by the originating or sponsoring plant  
1837 breeding institution or person, or designee thereof, and is the  
1838 source for the production of seed of the other classes of  
1839 certified seed that are released directly from the breeder or  
1840 experiment station that develops the seed. These seed are one  
1841 class above foundation seed.

1842 (7)~~(4)~~ "Certified seed," means a class of seed which is the  
1843 progeny of breeder, foundation, or registered seed "registered  
1844 seed," and "foundation seed" mean seed that have been produced  
1845 and labeled in accordance with the procedures and in compliance  
1846 with the rules and regulations of any agency authorized by the  
1847 laws of this state or the laws of another state.

1848 (8) "Certifying agency" means:

1849 (a) An agency authorized under the laws of a state,  
1850 territory, or possession of the United States to officially  
1851 certify seed and which has standards and procedures approved by  
1852 the United States Secretary of Agriculture to assure the genetic  
1853 purity and identity of the seed certified; or

1854 (b) An agency of a foreign country that the United States  
1855 Secretary of Agriculture has determined as adhering to  
1856 procedures and standards for seed certification comparable to  
1857 those adhered to generally by seed certifying agencies under

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1858 paragraph (a).

1859 (9) "Coated seed" means seed that has been covered by a  
1860 layer of materials that obscures the original shape and size of  
1861 the seed and substantially increases the weight of the product.  
1862 The addition of biologicals, pesticides, identifying colorants  
1863 or dyes, or other active ingredients including polymers may be  
1864 included in this process.

1865 (10)~~(5)~~ "Date of test" means the month and year the  
1866 percentage of germination appearing on the label was obtained by  
1867 laboratory test.

1868 (11)~~(6)~~ "Dealer" means any person who sells or offers for  
1869 sale any agricultural, vegetable, flower, ~~or forest tree,~~ or  
1870 shrub seed for seeding purposes, and includes farmers who sell  
1871 cleaned, processed, packaged, and labeled seed.

1872 (12)~~(7)~~ "Department" means the Department of Agriculture  
1873 and Consumer Services or its authorized representative.

1874 (13)~~(8)~~ "Dormant seed" refers to viable seed, other than  
1875 hard seed, which neither germinate nor decay during the  
1876 prescribed test period and under the prescribed test conditions.

1877 (14)~~(9)~~ "Flower seed" includes seed of herbaceous plants  
1878 grown for blooms, ornamental foliage, or other ornamental parts,  
1879 and commonly known and sold under the name of flower or  
1880 wildflower seed in this state.

1881 ~~(10) "Forest tree seed" includes seed of woody plants~~  
1882 ~~commonly known and sold as forest tree seed.~~

1883 (15) "Foundation seed" means a class of certified seed  
1884 which is the progeny of breeder or other foundation seed and is  
1885 produced and handled under procedures established by the  
1886 certifying agency, in accordance with this part, for producing

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1887 foundation seed, for the purpose of maintaining genetic purity  
1888 and identity.

1889 (16)-(11) "Germination" means the emergence and development  
1890 from the seed embryo of those essential structures which, for  
1891 the kind of seed in question, are indicative of the ability to  
1892 produce a normal plant under favorable conditions ~~percentage of~~  
1893 ~~seed capable of producing normal seedlings under ordinarily~~  
1894 ~~favorable conditions. Broken seedlings and weak, malformed and~~  
1895 ~~obviously abnormal seedlings shall not be considered to have~~  
1896 ~~germinated.~~

1897 (17)-(12) "Hard seed" means seeds that remain hard at the  
1898 end of a prescribed test period because they have not absorbed  
1899 water due to an impermeable seed coat ~~the percentage of seed~~  
1900 ~~which because of hardness or impermeability did not absorb~~  
1901 ~~moisture or germinate under prescribed tests but remain hard~~  
1902 ~~during the period prescribed for germination of the kind of seed~~  
1903 ~~concerned.~~

1904 (18)-(13) "Hybrid" means the first generation seed of a  
1905 cross produced by controlling the pollination and by combining:

1906 (a) Two or more inbred lines;

1907 (b) One inbred or a single cross with an open-pollinated  
1908 variety; or

1909 (c) Two varieties or species, except open-pollinated  
1910 varieties of corn (*Zea mays*).

1911  
1912 The second generation or subsequent generations from such  
1913 crosses may ~~shall~~ not be regarded as hybrids. Hybrid  
1914 designations shall be treated as variety names.

1915 (19)-(14) "Inert matter" means all matter that is not a full

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1916 ~~seed includes broken seed when one half in size or less; seed of~~  
1917 ~~legumes or crucifers with the seed coats removed; undeveloped~~  
1918 ~~and badly injured weed seed such as sterile dodder which, upon~~  
1919 ~~visual examination, are clearly incapable of growth; empty~~  
1920 ~~glumes of grasses; attached sterile glumes of grasses (which~~  
1921 ~~must be removed from the fertile glumes except in Rhodes grass);~~  
1922 ~~dirt, stone, chaff, nematode, fungus bodies, and any matter~~  
1923 ~~other than seed.~~

1924 (20)~~(15)~~ "Kind" means one or more related species or  
1925 subspecies which singly or collectively is known by one common  
1926 name; e.g., corn, beans, lespedeza.

1927 (21) "Label" means the display or displays of written or  
1928 printed material upon or attached to a container of seed.

1929 (22)~~(16)~~ "Labeling" includes all labels and other written,  
1930 printed, or graphic representations, in any form, accompanying  
1931 and pertaining to any seed, whether in bulk or in containers,  
1932 and includes invoices and other bills of shipment when sold in  
1933 bulk.

1934 (23)~~(17)~~ "Lot of seed" means a definite quantity of seed  
1935 identified by a lot number or other mark identification, every  
1936 portion or bag of which is uniform within recognized tolerances  
1937 for the factors that appear in the labeling, ~~for the factors~~  
1938 ~~which appear in the labeling, within permitted tolerances.~~

1939 (24)~~(18)~~ "Mix," "mixed," or "mixture" means seed consisting  
1940 of more than one kind ~~or variety~~, each present in excess of 5  
1941 percent by weight of the whole.

1942 (25) "Mulch" means a protective covering of any suitable  
1943 substance placed with seed which acts to retain sufficient  
1944 moisture to support seed germination and sustain early seedling

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1945 growth and aid in the prevention of the evaporation of soil  
1946 moisture, the control of weeds, and the prevention of erosion.

1947 (26) "Noxious weed seed" means seed in one of two classes  
1948 of seed:

1949 (a) "Prohibited noxious weed seed" means the seed of weeds  
1950 that are highly destructive and difficult to control by good  
1951 cultural practices and the use of herbicides.

1952 (b) "Restricted noxious weed seed" means weed seeds that  
1953 are objectionable in agricultural crops, lawns, and gardens of  
1954 this state and which can be controlled by good agricultural  
1955 practices or the use of herbicides.

1956 (27)~~(19)~~ "Origin" means the state, District of Columbia,  
1957 Puerto Rico, or possession of the United States, or the foreign  
1958 country where the seed were grown, except for native species,  
1959 where the term means the county or collection zone and the state  
1960 where the seed were grown ~~for forest tree seed, with respect to~~  
1961 ~~which the term "origin" means the county or state forest service~~  
1962 ~~seed collection zone and the state where the seed were grown.~~

1963 (28)~~(20)~~ "Other crop seed" includes all seed of plants  
1964 grown in this state as crops, other than the kind or kind and  
1965 variety included in the pure seed, when not more than 5 percent  
1966 of the whole of a single kind or variety is present, unless  
1967 designated as weed seed.

1968 (29) "Packet seed" means seed prepared for use in home  
1969 gardens and household plantings packaged in labeled, sealed  
1970 containers of less than 8 ounces and typically sold from seed  
1971 racks or displays in retail establishments, via the Internet, or  
1972 through mail order.

1973 (30)~~(21)~~ "Processing" means conditioning, cleaning,

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1974 scarifying, or blending to obtain uniform quality and other  
1975 operations which would change the purity or germination of the  
1976 seed and, therefore, require retesting to determine the quality  
1977 of the seed.

1978 ~~(22) "Prohibited noxious weed seed" means the seed and~~  
1979 ~~bulblets of perennial weeds such as not only reproduce by seed~~  
1980 ~~or bulblets, but also spread by underground roots or stems and~~  
1981 ~~which, when established, are highly destructive and difficult to~~  
1982 ~~control in this state by ordinary good cultural practice.~~

1983 (31) ~~(23)~~ "Pure seed" means the seed, exclusive of inert  
1984 matter, of the kind or kind and variety of seed declared on the  
1985 label or tag ~~includes all seed of the kind or kind and variety~~  
1986 ~~or strain under consideration, whether shriveled, cracked, or~~  
1987 ~~otherwise injured, and pieces of broken seed larger than one-~~  
1988 ~~half the original size.~~

1989 (32) ~~(24)~~ "Record" includes the symbol identifying the seed  
1990 as to origin, amount, processing, testing, labeling, and  
1991 distribution, ~~file sample of the seed,~~ and any other document or  
1992 instrument pertaining to the purchase, sale, or handling of  
1993 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed.  
1994 Such information includes seed samples and records of  
1995 declarations, labels, purchases, sales, conditioning, bulking,  
1996 treatment, handling, storage, analyses, tests, and examinations.

1997 (33) "Registered seed" means a class of certified seed  
1998 which is the progeny of breeder or foundation seed and is  
1999 produced and handled under procedures established by the  
2000 certifying agency, in accordance with this part, for the purpose  
2001 of maintaining genetic purity and identity.

2002 ~~(25) "Restricted noxious weed seed" means the seed of such~~

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2003 ~~weeds as are very objectionable in fields, lawns, or gardens of~~  
2004 ~~this state, but can be controlled by good cultural practice.~~  
2005 ~~Seed of poisonous plants may be included.~~

2006 (34) "Shrub seed" means seed of a woody plant that is  
2007 smaller than a tree and has several main stems arising at or  
2008 near the ground.

2009 (35)~~(26)~~ "Stop-sale" means any written or printed notice or  
2010 order issued by the department to the owner or custodian of any  
2011 lot of agricultural, vegetable, flower, ~~or forest~~ tree, or shrub  
2012 seed in the state, directing the owner or custodian not to sell  
2013 or offer for sale seed designated by the order within the state  
2014 until the requirements of this law are complied with and a  
2015 written release has been issued; except that the seed may be  
2016 released to be sold for feed.

2017 (36)~~(27)~~ "Treated" means that the seed has been given an  
2018 application of a material or subjected to a process designed to  
2019 control or repel disease organisms, insects, or other pests  
2020 attacking seed or seedlings grown therefrom to improve its  
2021 planting value or to serve any other purpose.

2022 (37) "Tree seed" means seed of a woody perennial plant  
2023 typically having a single stem or trunk growing to a  
2024 considerable height and bearing lateral branches at some  
2025 distance from the ground.

2026 (38)~~(28)~~ "Type" means a group of varieties so nearly  
2027 similar that the individual varieties cannot be clearly  
2028 differentiated except under special conditions.

2029 (39)~~(29)~~ "Variety" means a subdivision of a kind which is  
2030 distinct in the sense that the variety can be differentiated by  
2031 one or more identifiable morphological, physiological, or other



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2032 characteristics from all other varieties of public knowledge;  
2033 uniform in the sense that the variations in essential and  
2034 distinctive characteristics are describable; and stable in the  
2035 sense that the variety will remain unchanged in its essential  
2036 and distinctive characteristics and its uniformity when  
2037 reproduced or reconstituted ~~characterized by growth, plant~~  
2038 ~~fruit, seed, or other characteristics by which it can be~~  
2039 ~~differentiated from other sorts of the same kind; e.g.,~~  
2040 ~~Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.~~

2041 (40) ~~(30)~~ "Vegetable seed" means the seed of those crops  
2042 that ~~which~~ are grown in gardens or on truck farms, and are  
2043 generally known and sold under the name of vegetable seed or  
2044 herb seed in this state.

2045 (41) ~~(31)~~ "Weed seed" includes the seed of all plants  
2046 generally recognized as weeds within this state, and includes  
2047 prohibited and restricted noxious weed seed, bulblets, ~~and~~  
2048 tubers, and any other vegetative propagules.

2049 Section 40. Section 578.012, Florida Statutes, is created  
2050 to read:

2051 578.012 Preemption.—

2052 (1) It is the intent of the Legislature to eliminate  
2053 duplication of regulation of seed. As such, this chapter is  
2054 intended as comprehensive and exclusive and occupies the whole  
2055 field of regulation of seed.

2056 (2) The authority to regulate seed or matters relating to  
2057 seed in this state is preempted to the state. A local government  
2058 or political subdivision of the state may not enact or enforce  
2059 an ordinance that regulates seed, including the power to assess  
2060 any penalties provided for violation of this chapter.

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2061 Section 41. Section 578.08, Florida Statutes, is amended to  
2062 read:

2063 578.08 Registrations.—

2064 (1) Every person, except as provided in subsection (4) ~~and~~  
2065 ~~s. 578.14~~, before selling, distributing for sale, offering for  
2066 sale, exposing for sale, handling for sale, or soliciting orders  
2067 for the purchase of any agricultural, vegetable, flower, ~~or~~  
2068 forest tree, or shrub seed or mixture thereof, shall first  
2069 register with the department as a seed dealer. The application  
2070 for registration must include the name and location of each  
2071 place of business at which the seed is sold, distributed for  
2072 sale, offered for sale, exposed for sale, or handled for sale.  
2073 The application must ~~for registration shall~~ be filed with the  
2074 department by using a form prescribed by the department or by  
2075 using the department's website and shall be accompanied by an  
2076 annual registration fee for each such place of business based on  
2077 the gross receipts from the sale of such seed for the last  
2078 preceding license year as follows:

2079 (a)1. Receipts of less than \$500, a fee of \$10.

2080 2. Receipts of \$500 or more but less than \$1,000, a fee of  
2081 \$25.

2082 3. Receipts of \$1,000 or more but less than \$2,500, a fee  
2083 of \$100.

2084 4. Receipts of \$2,500 or more but less than \$5,000, a fee  
2085 of \$200.

2086 5. Receipts of \$5,000 or more but less than \$10,000, a fee  
2087 of \$350.

2088 6. Receipts of \$10,000 or more but less than \$20,000, a fee  
2089 of \$800.

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2090 7. Receipts of \$20,000 or more but less than \$40,000, a fee  
2091 of \$1,000.

2092 8. Receipts of \$40,000 or more but less than \$70,000, a fee  
2093 of \$1,200.

2094 9. Receipts of \$70,000 or more but less than \$150,000, a  
2095 fee of \$1,600.

2096 10. Receipts of \$150,000 or more but less than \$400,000, a  
2097 fee of \$2,400.

2098 11. Receipts of \$400,000 or more, a fee of \$4,600.

2099 (b) For places of business not previously in operation, the  
2100 fee shall be based on anticipated receipts for the first license  
2101 year.

2102 (2) A ~~written~~ receipt from the department of the  
2103 registration and payment of the fee shall constitute a  
2104 sufficient permit for the dealer to engage in or continue in the  
2105 business of selling, distributing for sale, offering or exposing  
2106 for sale, handling for sale, or soliciting orders for the  
2107 purchase of any agricultural, vegetable, flower, ~~or forest~~ tree,  
2108 or shrub seed within the state. However, the department has  
2109 ~~shall have~~ authority to suspend or revoke any permit for the  
2110 violation of any provision of this law or of any rule adopted  
2111 under authority hereof. The registration shall expire on June 30  
2112 of the next calendar year and shall be renewed on July 1 of each  
2113 year. If any person subject to the requirements of this section  
2114 fails to comply, the department may issue a stop-sale notice or  
2115 order which shall prohibit the person from selling or causing to  
2116 be sold any agricultural, vegetable, flower, ~~or forest~~ tree, or  
2117 shrubs seed until the requirements of this section are met.

2118 (3) Every person selling, distributing for sale, offering

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2119 for sale, exposing for sale, handling for sale, or soliciting  
2120 orders for the purchase of any agricultural, vegetable, flower,  
2121 ~~or forest tree, or shrub~~ seed in the state other than as  
2122 provided in subsection (4) s. 578.14, shall be subject to the  
2123 requirements of this section; ~~except that agricultural~~  
2124 ~~experiment stations of the State University System shall not be~~  
2125 ~~subject to the requirements of this section.~~

2126 (4) ~~The provisions of This chapter~~ does shall not apply to  
2127 farmers who sell only uncleaned, unprocessed, unpackaged, and  
2128 unlabeled seed, but shall apply to farmers who sell cleaned,  
2129 processed, packaged, and labeled seed in amounts in excess of  
2130 \$10,000 in any one year.

2131 (5) When packet seed is sold, offered for sale, or exposed  
2132 for sale, the company who packs seed for retail sale must  
2133 register and pay fees as provided under subsection (1).

2134 Section 42. Section 578.09, Florida Statutes, is amended to  
2135 read:

2136 578.09 Label requirements for agricultural, vegetable,  
2137 flower, tree, or shrub seeds.—Each container of agricultural,  
2138 vegetable, ~~or flower, tree, or shrub~~ seed which is sold, offered  
2139 for sale, exposed for sale, or distributed for sale within this  
2140 state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or  
2141 have attached thereto, in a conspicuous place, ~~a label or labels~~  
2142 ~~containing all information required under this section,~~ plainly  
2143 written or printed label or tag in the English language, ~~in~~  
2144 ~~Century type.~~ All data pertaining to analysis must ~~shall~~ appear  
2145 on a single label. Language setting forth the requirements for  
2146 filing and serving complaints as described in s. 578.26(1)(c)  
2147 must ~~s. 578.26(1)(b) shall~~ be included on the analysis label or

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2148 be otherwise attached to the package, except for packages  
2149 containing less than 1,000 seeds by count.

2150 (1) ~~FOR TREATED SEED.—~~ For all treated agricultural,  
2151 vegetable, ~~or flower,~~ tree, or shrub seed ~~treated~~ as defined in  
2152 this chapter:

2153 (a) A word or statement indicating that the seed has been  
2154 treated ~~or description of process used.~~

2155 (b) The commonly accepted coined, chemical, or abbreviated  
2156 chemical (generic) name of the applied substance or description  
2157 of the process used ~~and the words "poison treated" in red~~  
2158 ~~letters, in not less than 1/4-inch type.~~

2159 (c) If the substance in the amount present with the seed is  
2160 harmful to humans or other vertebrate animals, a caution  
2161 statement such as "Do not use for food, feed, or oil purposes."  
2162 The caution for mercurials, Environmental Protection Agency  
2163 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and  
2164 similarly toxic substances shall be designated by a poison  
2165 statement or symbol.

2166 ~~(d) Rate of application or statement "Treated at~~  
2167 ~~manufacturer's recommended rate."~~

2168 ~~(d)(e)~~ If the seed is treated with an inoculant, the date  
2169 beyond which the inoculant is not to be considered effective  
2170 (date of expiration).

2171  
2172 A label separate from other labels required by this section or  
2173 other law may be used to identify seed treatments as required by  
2174 this subsection.

2175 (2) For agricultural seed, including lawn and turf grass  
2176 seed and mixtures thereof: ~~AGRICULTURAL SEED.—~~

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2177 (a) ~~Commonly accepted~~ The name of the kind and variety of  
2178 each agricultural seed component present in excess of 5 percent  
2179 of the whole, and the percentage by weight of each in the order  
2180 of its predominance. Where more than one component is required  
2181 to be named, the word "mixed," "mixture," or "blend" ~~must the~~  
2182 ~~word "mixed"~~ shall be shown conspicuously on the label. Hybrids  
2183 must be labeled as hybrids.

2184 (b) Lot number or other lot identification.

2185 (c) Net weight or seed count.

2186 (d) Origin, if known. If the origin is ~~;~~ ~~if~~ unknown, that  
2187 fact must ~~shall~~ be stated.

2188 (e) Percentage by weight of all weed seed.

2189 (f) ~~The Name and number~~ of noxious weed seed per pound, if  
2190 present per pound of each kind of restricted noxious weed seed.

2191 (g) Percentage by weight of agricultural seed which may be  
2192 designated as other crop seed, other than those required to be  
2193 named on the label.

2194 (h) Percentage by weight of inert matter.

2195 (i) For each named agricultural seed, including lawn and  
2196 turf grass seed:

2197 1. Percentage of germination, exclusive of hard or dormant  
2198 seed;

2199 2. Percentage of hard or dormant seed, if ~~when present,~~ ~~if~~  
2200 ~~desired;~~ and

2201 3. The calendar month and year the test was completed to  
2202 determine such percentages, provided that the germination test  
2203 must have been completed within the previous 9 months, exclusive  
2204 of the calendar month of test.

2205 (j) Name and address of the person who labeled said seed or

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2206 who sells, distributes, offers, or exposes said seed for sale  
2207 within this state.

2208  
2209 The sum total of the percentages listed pursuant to paragraphs  
2210 (a), (e), (g), and (h) must be equal to 100 percent.

2211 (3) For seed that is coated:

2212 (a) Percentage by weight of pure seed with coating material  
2213 removed. The percentage of coating material may be included with  
2214 the inert matter percentage or may be listed separately.

2215 (b) Percentage of germination. This percentage must be  
2216 determined based on an examination of 400 coated units with or  
2217 without seed.

2218  
2219 In addition to the requirements of this subsection, labeling of  
2220 coated seed must also comply with the requirements of any other  
2221 subsection pertaining to that type of seed. ~~FOR VEGETABLE SEED~~  
2222 ~~IN CONTAINERS OF 8 OUNCES OR MORE.~~

2223 ~~(a) Name of kind and variety of seed.~~

2224 ~~(b) Net weight or seed count.~~

2225 ~~(c) Lot number or other lot identification.~~

2226 ~~(d) Percentage of germination.~~

2227 ~~(e) Calendar month and year the test was completed to~~  
2228 ~~determine such percentages.~~

2229 ~~(f) Name and address of the person who labeled said seed or~~  
2230 ~~who sells, distributes, offers or exposes said seed for sale~~  
2231 ~~within this state.~~

2232 ~~(g) For seed which germinate less than the standard last~~  
2233 ~~established by the department the words "below standard," in not~~  
2234 ~~less than 8 point type, must be printed or written in ink on the~~

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2235 ~~face of the tag, in addition to the other information required.~~  
2236 ~~Provided, that no seed marked "below standard" shall be sold~~  
2237 ~~which falls more than 20 percent below the standard for such~~  
2238 ~~seed which has been established by the department, as authorized~~  
2239 ~~by this law.~~

2240 ~~(h) The name and number of restricted noxious weed seed per~~  
2241 ~~pound.~~

2242 (4) For combination mulch, seed, and fertilizer products:

2243 (a) The word "combination" followed, as appropriate, by the  
2244 words "mulch - seed - fertilizer" must appear prominently on the  
2245 principal display panel of the package.

2246 (b) If the product is an agricultural seed placed in a  
2247 germination medium, mat, tape, or other device or is mixed with  
2248 mulch or fertilizer, it must also be labeled with all of the  
2249 following:

2250 1. Product name.

2251 2. Lot number or other lot identification.

2252 3. Percentage by weight of pure seed of each kind and  
2253 variety named which may be less than 5 percent of the whole.

2254 4. Percentage by weight of other crop seed.

2255 5. Percentage by weight of inert matter.

2256 6. Percentage by weight of weed seed.

2257 7. Name and number of noxious weed seeds per pound, if  
2258 present.

2259 8. Percentage of germination, and hard or dormant seed if  
2260 appropriate, of each kind or kind and variety named. The  
2261 germination test must have been completed within the previous 12  
2262 months exclusive of the calendar month of test.

2263 9. The calendar month and year the test was completed to



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2264 determine such percentages.

2265 10. Name and address of the person who labeled the seed, or  
2266 who sells, offers, or exposes the seed for sale within the  
2267 state.

2268

2269 The sum total of the percentages listed pursuant to  
2270 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.

2271 (5) For vegetable seed in packets as prepared for use in  
2272 home gardens or household plantings or vegetable seeds in  
2273 preplanted containers, mats, tapes, or other planting devices:  
2274 ~~FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—~~

2275 (a) Name of kind and variety of seed. Hybrids must be  
2276 labeled as hybrids.

2277 (b) Lot number or other lot identification.

2278 (c) Germination test date identified in the following  
2279 manner:

2280 1. The calendar month and year the germination test was  
2281 completed and the statement "Sell by ...(month/year)...", which  
2282 may be no more than 12 months from the date of test, beginning  
2283 with the month after the test date;

2284 2. The month and year the germination test was completed,  
2285 provided that the germination test must have been completed  
2286 within the previous 12 months, exclusive of the calendar month  
2287 of test; or

2288 3. The year for which the seed was packaged for sale as  
2289 "Packed for ...(year)..." and the statement "Sell by  
2290 ...(year)..." which shall be one year after the seed was  
2291 packaged for sale.

2292 (d) ~~(b)~~ Name and address of the person who labeled the seed

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2293 or who sells, ~~distributes~~, offers, or exposes said seed for sale  
2294 within this state.

2295 (e)~~(e)~~ For seed which germinate less than standard last  
2296 established by the department,~~the additional information must~~  
2297 ~~be shown:~~

2298 1. Percentage of germination, exclusive of hard or dormant  
2299 seed.

2300 2. Percentage of hard or dormant seed ~~when present~~, if  
2301 present desired.

2302 ~~3. Calendar month and year the test was completed to~~  
2303 ~~determine such percentages.~~

2304 ~~3.4.~~ The words "Below Standard" prominently displayed in  
2305 ~~not less than 8-point type.~~

2306  
2307 (f)~~(d)~~ No seed marked "below standard" may ~~shall~~ be sold  
2308 that falls ~~which fall~~ more than 20 percent below the established  
2309 standard for such seed. For seeds that do not have an  
2310 established standard, the minimum germination standard shall be  
2311 50 percent, and no such seed may be sold that is 20 percent  
2312 below this standard.

2313 (g) For seed placed in a germination medium, mat, tape, or  
2314 other device in such a way as to make it difficult to determine  
2315 the quantity of seed without removing the seeds from the medium,  
2316 mat, tape or device, a statement to indicate the minimum number  
2317 of seeds in the container.

2318 (6) For vegetable seed in containers, other than packets  
2319 prepared for use in home gardens or household plantings, and  
2320 other than preplanted containers, mats, tapes, or other planting  
2321 devices:

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2322 (a) The name of each kind and variety present of any seed  
2323 in excess of 5 percent of the total weight in the container, and  
2324 the percentage by weight of each type of seed in order of its  
2325 predominance. Hybrids must be labeled as hybrids.

2326 (b) Net weight or seed count.

2327 (c) Lot number or other lot identification.

2328 (d) For each named vegetable seed:

2329 1. Percentage germination, exclusive of hard or dormant  
2330 seed;

2331 2. Percentage of hard or dormant seed, if present;

2332 3. Listed below the requirements of subparagraphs 1. and  
2333 2., the "total germination and hard or dormant seed" may be  
2334 stated as such, if desired; and

2335 4. The calendar month and year the test was completed to  
2336 determine the percentages specified in subparagraphs 1. and 2.,  
2337 provided that the germination test must have been completed  
2338 within 9 months, exclusive of the calendar month of test.

2339 (e) Name and address of the person who labeled the seed, or  
2340 who sells, offers, or exposes the seed for sale within this  
2341 state.

2342 (f) For seed which germinate less than the standard last  
2343 established by the department, the words "Below Standard"  
2344 prominently displayed.

2345 1. No seed marked "Below Standard" may be sold if the seed  
2346 is more than 20 percent below the established standard for such  
2347 seed.

2348 2. For seeds that do not have an established standard, the  
2349 minimum germination standard shall be 50 percent, and no such  
2350 seed may be sold that is 20 percent below this standard.

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2351 (7)-(5) For flower seed in packets prepared for use in home  
2352 gardens or household plantings or flower seed in preplanted  
2353 containers, mats, tapes, or other planting devices: FOR FLOWER  
2354 SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD  
2355 PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,  
2356 OR OTHER PLANTING DEVICES.—

2357 (a) For all kinds of flower seed:

2358 1. The name of the kind and variety or a statement of type  
2359 and performance characteristics as prescribed in the rules and  
2360 regulations adopted ~~promulgated~~ under the provisions of this  
2361 chapter.

2362 2. Germination test date, identified in the following  
2363 manner:

2364 a. The calendar month and year the germination test was  
2365 completed and the statement "Sell by ...(month/year)..." The  
2366 sell by date must be no more than 12 months from the date of  
2367 test, beginning with the month after the test date;

2368 b. The year for which the seed was packed for sale as  
2369 "Packed for ...(year)..." and the statement "Sell by  
2370 ...(year)..." which shall be for a calendar year; or

2371 c. The calendar month and year the test was completed,  
2372 provided that the germination test must have been completed  
2373 within the previous 12 months, exclusive of the calendar month  
2374 of test.

2375 ~~2. The calendar month and year the seed was tested or the~~  
2376 ~~year for which the seed was packaged.~~

2377 3. The name and address of the person who labeled said  
2378 seed, or who sells, offers, or exposes said seed for sale within  
2379 this state.

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2380 (b) For seed of those kinds for which standard testing  
2381 procedures are prescribed and which germinate less than the  
2382 germination standard last established under the provisions of  
2383 this chapter:

2384 1. The percentage of germination exclusive of hard or  
2385 dormant seed.

2386 2. Percentage of hard or dormant seed, if present.

2387 3. The words "Below Standard" prominently displayed ~~in not~~  
2388 ~~less than 8 point type.~~

2389 (c) For seed placed in a germination medium, mat, tape, or  
2390 other device in such a way as to make it difficult to determine  
2391 the quantity of seed without removing the seed from the medium,  
2392 mat, tape, or device, a statement to indicate the minimum number  
2393 of seed in the container.

2394 (8)(6) For flower seed in containers other than packets and  
2395 other than preplanted containers, mats, tapes, or other planting  
2396 devices and not prepared for use in home flower gardens or  
2397 household plantings: FOR FLOWER SEED IN CONTAINERS OTHER THAN  
2398 PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD  
2399 PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR  
2400 OTHER PLANTING DEVICES.—

2401 (a) The name of the kind and variety, and for wildflowers,  
2402 the genus and species and subspecies, if appropriate ~~or a~~  
2403 ~~statement of type and performance characteristics as prescribed~~  
2404 ~~in rules and regulations promulgated under the provisions of~~  
2405 ~~this chapter.~~

2406 (b) Net weight or seed count.

2407 (c)(b) The Lot number or other lot identification.

2408 (d) For flower seed with a pure seed percentage of less

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2409 than 90 percent:

2410 1. Percentage, by weight, of each component listed in order  
2411 of its predominance.

2412 2. Percentage by weight of weed seed, if present.

2413 3. Percentage by weight of other crop seed.

2414 4. Percentage by weight of inert matter.

2415 (e) For those kinds of seed for which standard testing  
2416 procedures are prescribed:

2417 1. Percentage germination exclusive of hard or dormant  
2418 seed.

2419 2. Percentage of hard or dormant seed, if present.

2420 3. ~~(e)~~ The calendar month and year that the test was  
2421 completed. The germination test must have been completed within  
2422 the previous 9 months, exclusive of the calendar month of test.

2423 (f) For those kinds of seed for which standard testing  
2424 procedures are not available, the year of production or  
2425 collection ~~seed were tested or the year for which the seed were~~  
2426 packaged.

2427 (g) ~~(d)~~ The name and address of the person who labeled said  
2428 seed or who sells, offers, or exposes said seed for sale within  
2429 this state.

2430 ~~(e) For those kinds of seed for which standard testing~~  
2431 ~~procedures are prescribed:~~

2432 ~~1. The percentage germination exclusive of hard seed.~~

2433 ~~2. The percentage of hard seed, if present.~~

2434 (h) ~~(f)~~ For ~~those seeds~~ which germinate less than the  
2435 standard last established by the department, the words "Below  
2436 Standard" prominently displayed ~~in not less than 8-point type~~  
2437 must be printed or written in ink on the face of the tag.

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- 2438       (9) For tree or shrub seed:
- 2439       (a) Common name of the species of seed and, if appropriate,  
2440 subspecies.
- 2441       (b) The scientific name of the genus, species, and, if  
2442 appropriate, subspecies.
- 2443       (c) Lot number or other lot identification.
- 2444       (d) Net weight or seed count.
- 2445       (e) Origin, indicated in the following manner:
- 2446       1. For seed collected from a predominantly indigenous  
2447 stand, the area of collection given by latitude and longitude or  
2448 geographic description, or political subdivision, such as state  
2449 or county.
- 2450       2. For seed collected from other than a predominantly  
2451 indigenous stand, the area of collection and the origin of the  
2452 stand or the statement "Origin not Indigenous".
- 2453       3. The elevation or the upper and lower limits of  
2454 elevations within which the seed was collected.
- 2455       (f) Purity as a percentage of pure seed by weight.
- 2456       (g) For those species for which standard germination  
2457 testing procedures are prescribed by the department:
- 2458       1. Percentage germination exclusive of hard or dormant  
2459 seed.
- 2460       2. Percentage of hard or dormant seed, if present.
- 2461       3. The calendar month and year test was completed, provided  
2462 that the germination test must have been completed within the  
2463 previous 12 months, exclusive of the calendar month of test.
- 2464       (h) In lieu of subparagraphs (g)1., 2., and 3., the seed  
2465 may be labeled "Test is in progress; results will be supplied  
2466 upon request."

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2467 (i) For those species for which standard germination  
2468 testing procedures have not been prescribed by the department,  
2469 the calendar year in which the seed was collected.

2470 (j) The name and address of the person who labeled the seed  
2471 or who sells, offers, or exposes the seed for sale within this  
2472 state.

2473 ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG. The~~  
2474 ~~department shall have the authority to prescribe a uniform~~  
2475 ~~analysis tag required by this section.~~

2476  
2477 The information required by this section to be placed on labels  
2478 attached to seed containers may not be modified or denied in the  
2479 labeling or on another label attached to the container. However,  
2480 labeling of seed supplied under a contractual agreement may be  
2481 by invoice accompanying the shipment or by an analysis tag  
2482 attached to the invoice if each bag or other container is  
2483 clearly identified by a lot number displayed on the bag or other  
2484 container. Each bag or container that is not so identified must  
2485 carry complete labeling.

2486 Section 43. Section 578.091, Florida Statutes, is repealed.

2487 Section 44. Subsections (2) and (3) of section 578.10,  
2488 Florida Statutes, are amended to read:

2489 578.10 Exemptions.—

2490 (2) The provisions of ss. 578.09 and 578.13 do not apply  
2491 to:

2492 (a) ~~To~~ Seed or grain not intended for sowing or planting  
2493 purposes.

2494 (b) ~~To~~ Seed stored in storage in, consigned to, or being  
2495 transported to seed cleaning or processing establishments for



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2496 cleaning or processing only. Any labeling or other  
2497 representation which may be made with respect to the unclean  
2498 seed is ~~shall be~~ subject to this law.

2499 (c) Seed under development or maintained exclusively for  
2500 research purposes.

2501 (3) If seeds cannot be identified by examination thereof, a  
2502 person is not subject to the criminal penalties of this chapter  
2503 for having sold or offered for sale seeds subject to this  
2504 chapter which were incorrectly labeled or represented as to  
2505 kind, species, and, if appropriate, subspecies, variety, type,  
2506 or origin, elevation, and, if required, year of collection  
2507 unless he or she has failed to obtain an invoice, genuine  
2508 grower's or tree seed collector's declaration, or other labeling  
2509 information and to take such other precautions as may be  
2510 reasonable to ensure the identity of the seeds to be as stated  
2511 by the grower. A genuine grower's declaration of variety must  
2512 affirm that the grower holds records of proof of identity  
2513 concerning parent seed, such as invoice and labels ~~No person~~  
2514 ~~shall be subject to the criminal penalties of this law for~~  
2515 ~~having sold, offered, exposed, or distributed for sale in this~~  
2516 ~~state any agricultural, vegetable, or forest tree seed which~~  
2517 ~~were incorrectly labeled or represented as to kind and variety~~  
2518 ~~or origin, which seed cannot be identified by examination~~  
2519 ~~thereof, unless she or he has failed to obtain an invoice or~~  
2520 ~~grower's declaration giving kind and variety and origin.~~

2521 Section 45. Section 578.11, Florida Statutes, is amended to  
2522 read:

2523 578.11 Duties, authority, and rules of the department.—

2524 (1) The duty of administering this law and enforcing its

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2525 provisions and requirements shall be vested in the Department of  
2526 Agriculture and Consumer Services, which is hereby authorized to  
2527 employ such agents and persons as in its judgment shall be  
2528 necessary therefor. It shall be the duty of the department,  
2529 which may act through its authorized agents, to sample, inspect,  
2530 make analyses of, and test agricultural, vegetable, flower, ~~or~~  
2531 ~~forest tree, or shrub~~ seed transported, sold, offered or exposed  
2532 for sale, or distributed within this state for sowing or  
2533 planting purposes, at such time and place and to such extent as  
2534 it may deem necessary to determine whether said agricultural,  
2535 vegetable, flower, ~~or forest tree, or shrub~~ seed are in  
2536 compliance with the provisions of this law, and to notify  
2537 promptly the person who transported, distributed, sold, offered  
2538 or exposed the seed for sale, of any violation.

2539 (2) The department is authorized to:

2540 (a) ~~To~~ Enforce this chapter act and prescribe the methods  
2541 of sampling, inspecting, testing, and examining agricultural,  
2542 vegetable, flower, ~~or forest tree, or shrub~~ seed.

2543 (b) ~~To~~ Establish standards and tolerances to be followed in  
2544 the administration of this law, which shall be in general accord  
2545 with officially prescribed practices in interstate commerce.

2546 (c) ~~To~~ Prescribe uniform labels.

2547 (d) ~~To~~ Adopt prohibited and restricted noxious weed seed  
2548 lists.

2549 (e) ~~To~~ Prescribe limitations for each restricted noxious  
2550 weed to be used in enforcement of this chapter act and to add or  
2551 subtract therefrom from time to time as the need may arise.

2552 (f) ~~To~~ Make commercial tests of seed and to fix and collect  
2553 charges for such tests.

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2554 (g) ~~To~~ List the kinds of flower, and forest tree, and shrub  
2555 seed subject to this law.

2556 (h) ~~To~~ Analyze samples, as requested by a consumer. The  
2557 department shall establish, by rule, a fee schedule for  
2558 analyzing samples at the request of a consumer. The fees shall  
2559 be sufficient to cover the costs to the department for taking  
2560 the samples and performing the analysis, not to exceed \$150 per  
2561 sample.

2562 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
2563 implement ~~the provisions of this chapter act~~.

2564 (j) ~~To~~ Establish, by rule, requirements governing aircraft  
2565 used for the aerial application of seed, including requirements  
2566 for recordkeeping, annual aircraft registration, secure storage  
2567 when not in use, area-of-application information, and reporting  
2568 any sale, lease, purchase, rental, or transfer of such aircraft  
2569 to another person.

2570 (3) For the purpose of carrying out ~~the provisions of this~~  
2571 law, the department, through its authorized agents, is  
2572 authorized to:

2573 (a) ~~To~~ Enter upon any public or private premises, where  
2574 agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed  
2575 is sold, offered, exposed, or distributed for sale during  
2576 regular business hours, in order to have access to seed subject  
2577 to this law and the rules and regulations hereunder.

2578 (b) ~~To~~ Issue and enforce a stop-sale notice or order to the  
2579 owner or custodian of any lot of agricultural, vegetable,  
2580 flower, ~~or forest tree, or shrub~~ seed, which the department  
2581 finds or has good reason to believe is in violation of any  
2582 provisions of this law, which shall prohibit further sale,

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2583 barter, exchange, or distribution of such seed until the  
2584 department is satisfied that the law has been complied with and  
2585 has issued a written release or notice to the owner or custodian  
2586 of such seed. After a stop-sale notice or order has been issued  
2587 against or attached to any lot of seed and the owner or  
2588 custodian of such seed has received confirmation that the seed  
2589 does not comply with this law, she or he has ~~shall have~~ 15 days  
2590 beyond the normal test period within which to comply with the  
2591 law and obtain a written release of the seed. ~~The provisions of~~  
2592 This paragraph may ~~shall~~ not be construed as limiting the right  
2593 of the department to proceed as authorized by other sections of  
2594 this law.

2595 (c) ~~To~~ Establish and maintain a seed laboratory, employ  
2596 seed analysts and other personnel, and incur such other expenses  
2597 as may be necessary to comply with these provisions.

2598 Section 46. Section 578.12, Florida Statutes, is amended to  
2599 read:

2600 578.12 Stop-sale, stop-use, removal, or hold orders.—When  
2601 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed  
2602 is being offered or exposed for sale or held in violation of any  
2603 of the provisions of this chapter, the department, through its  
2604 authorized representative, may issue and enforce a stop-sale,  
2605 stop-use, removal, or hold order to the owner or custodian of  
2606 said seed ordering it to be held at a designated place until the  
2607 law has been complied with and said seed is released in writing  
2608 by the department or its authorized representative. If seed is  
2609 not brought into compliance with this law it shall be destroyed  
2610 within 30 days or disposed of by the department in such a manner  
2611 as it shall by regulation prescribe.

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2612 Section 47. Section 578.13, Florida Statutes, is amended to  
2613 read:

2614 578.13 Prohibitions.—

2615 (1) It shall be unlawful for any person to sell, distribute  
2616 for sale, offer for sale, expose for sale, handle for sale, or  
2617 solicit orders for the purchase of any agricultural, vegetable,  
2618 flower, ~~or forest tree, or shrub,~~ seed within this state:

2619 (a) Unless the test to determine the percentage of  
2620 germination required by s. 578.09 has ~~shall have~~ been completed  
2621 ~~within a period of 7 months, exclusive of the calendar month in~~  
2622 ~~which the test was completed,~~ immediately prior to sale,  
2623 exposure for sale, offering for sale, or transportation, except  
2624 for a germination test for seed in hermetically sealed  
2625 containers which is provided for in s. 578.092 ~~s. 578.28~~.

2626 (b) Not labeled in accordance with ~~the provisions of~~ this  
2627 law, or having false or misleading labeling.

2628 (c) Pertaining to which there has been a false or  
2629 misleading advertisement.

2630 (d) Containing noxious weed seeds subject to tolerances and  
2631 methods of determination prescribed in the rules and regulations  
2632 under this law.

2633 (e) Unless a seed license has been obtained in accordance  
2634 with ~~the provisions of~~ this law.

2635 (f) Unless such seed conforms to the definition of a "lot  
2636 ~~of seed.~~"

2637 (2) It shall be unlawful for a ~~any~~ person within this state  
2638 to:

2639 (a) ~~To~~ Detach, deface, destroy, or use a second time any  
2640 label or tag provided for in this law or in the rules and

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2641 regulations made and promulgated hereunder or to alter or  
2642 substitute seed in a manner that may defeat the purpose of this  
2643 law.

2644 (b) ~~To~~ Disseminate any false or misleading advertisement  
2645 concerning agricultural, vegetable, flower, ~~or forest tree~~ , or  
2646 shrub seed in any manner or by any means.

2647 (c) ~~To~~ Hinder or obstruct in any way any authorized person  
2648 in the performance of her or his duties under this law.

2649 (d) ~~To~~ Fail to comply with a stop-sale order or to move,  
2650 handle, or dispose of any lot of seed, or tags attached to such  
2651 seed, held under a "stop-sale" order, except with express  
2652 permission of the department and for the purpose specified by  
2653 the department ~~or seizure order.~~

2654 (e) Label, advertise, or otherwise represent seed subject  
2655 to this chapter to be certified seed or any class thereof,  
2656 including classes such as "registered seed," "foundation seed,"  
2657 "breeder seed" or similar representations, unless:

2658 1. A seed certifying agency determines that such seed  
2659 conformed to standards of purity and identify as to the kind,  
2660 variety, or species and, if appropriate, subspecies and the seed  
2661 certifying agency also determines that tree or shrub seed was  
2662 found to be of the origin and elevation claimed, in compliance  
2663 with the rules and regulations of such agency pertaining to such  
2664 seed; and

2665 2. The seed bears an official label issued for such seed by  
2666 a seed certifying agency certifying that the seed is of a  
2667 specified class and specified to the kind, variety, or species  
2668 and, if appropriate, subspecies.

2669 (f) Label, by variety name, seed not certified by an

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2670 official seed-certifying agency when it is a variety for which a  
2671 certificate of plant variety protection under the United States  
2672 Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies  
2673 sale only as a class of certified seed, except that seed from a  
2674 certified lot may be labeled as to variety name when used in a  
2675 mixture by, or with the written approval of, the owner of the  
2676 variety. To sell, distribute for sale, offer for sale, expose  
2677 for sale, handle for sale, or solicit orders for the purchase of  
2678 any agricultural, vegetable, flower, or forest tree seed labeled  
2679 "certified seed," "registered seed," "foundation seed," "breeder  
2680 seed," or similar terms, unless it has been produced and labeled  
2681 under seal in compliance with the rules and regulations of any  
2682 agency authorized by law.

2683 (g)(f) To Fail to keep a complete record, including a file  
2684 sample which shall be retained for 1 year after seed is sold, of  
2685 each lot of seed and to make available for inspection such  
2686 records to the department or its duly authorized agents.

2687 (h)(g) To Use the name of the Department of Agriculture and  
2688 Consumer Services or Florida State Seed Laboratory in connection  
2689 with analysis tag, labeling advertisement, or sale of any seed  
2690 in any manner whatsoever.

2691 Section 48. Section 578.14, Florida Statutes, is repealed.

2692 Section 49. Subsection (1) of section 578.181, Florida  
2693 Statutes, is amended to read:

2694 578.181 Penalties; administrative fine.—

2695 (1) The department may enter an order imposing one or more  
2696 of the following penalties against a person who violates this  
2697 chapter or the rules adopted under this chapter or who impedes,  
2698 obstructs, ~~or~~ hinders, or otherwise attempts to prevent the

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2699 department from performing its duty in connection with  
2700 ~~performing its duties under~~ this chapter:

2701 (a) For a minor violation, issuance of a warning letter.

2702 (b) For violations other than a minor violation:

2703 1. Imposition of an administrative fine in the Class I  
2704 category pursuant to s. 570.971 for each occurrence ~~after the~~  
2705 ~~issuance of a warning letter.~~

2706 2. ~~(e)~~ Revocation or suspension of the registration as a  
2707 seed dealer.

2708 Section 50. Section 578.23, Florida Statutes, is amended to  
2709 read:

2710 578.23 ~~Dealers'~~ Records ~~to be kept available.~~ Each person  
2711 who allows his or her name or brand to appear on the label as  
2712 handling agricultural, vegetable, flower, tree, or shrub seeds  
2713 subject to this chapter must keep, for 2 years, complete records  
2714 of each lot of agricultural, vegetable, flower, tree, or shrub  
2715 seed handled, and keep for 1 year after final disposition a file  
2716 sample of each lot of seed. All such records and samples  
2717 pertaining to the shipment or shipments involved must be  
2718 accessible for inspection by the department or its authorized  
2719 representative during normal business hours ~~Every seed dealer~~  
2720 ~~shall make and keep for a period of 3 years satisfactory records~~  
2721 ~~of all agricultural, vegetable, flower, or forest tree seed~~  
2722 ~~bought or handled to be sold, which records shall at all times~~  
2723 ~~be made readily available for inspection, examination, or audit~~  
2724 ~~by the department. Such records shall also be maintained by~~  
2725 ~~persons who purchase seed for production of plants for resale.~~

2726 Section 51. Section 578.26, Florida Statutes, is amended to  
2727 read:



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2728 578.26 Complaint, investigation, hearings, findings, and  
2729 recommendation prerequisite to legal action.—

2730 (1) (a) When any buyer ~~farmer~~ is damaged by the failure of  
2731 agricultural, vegetable, flower, ~~or forest tree~~, or shrub seed  
2732 planted in this state to produce or perform as represented by  
2733 the labeling of such ~~label attached to the~~ seed as required by  
2734 s. 578.09, as a prerequisite to her or his right to maintain a  
2735 legal action against the dealer from whom the seed was  
2736 purchased, the buyer must ~~farmer shall~~ make a sworn complaint  
2737 against the dealer alleging damages sustained. The complaint  
2738 shall be filed with the department, and a copy of the complaint  
2739 shall be served by the department on the dealer by certified  
2740 mail, within such time as to permit inspection of the property,  
2741 crops, plants, or trees referenced in, or related to, the  
2742 buyer's complaint by the seed investigation and conciliation  
2743 council or its representatives and by the dealer from whom the  
2744 seed was purchased.

2745 (b) For types of claims specified in paragraph (a), the  
2746 buyer may not commence legal proceedings against the dealer or  
2747 assert such a claim as a counterclaim or defense in any action  
2748 brought by the dealer until the findings and recommendations of  
2749 the seed investigation and conciliation council are transmitted  
2750 to the complainant and the dealer.

2751 (c) ~~(b)~~ Language setting forth the requirement for filing  
2752 and serving the complaint shall be legibly typed or printed on  
2753 the analysis label or be attached to the package containing the  
2754 seed at the time of purchase by the buyer ~~farmer~~.

2755 (d) ~~(e)~~ A nonrefundable filing fee of \$100 shall be paid to  
2756 the department with each complaint filed. However, the

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2757 complainant may recover the filing fee cost from the dealer upon  
2758 the recommendation of the seed investigation and conciliation  
2759 council.

2760 (2) Within 15 days after receipt of a copy of the  
2761 complaint, the dealer shall file with the department her or his  
2762 answer to the complaint and serve a copy of the answer on the  
2763 buyer farmer by certified mail. ~~Upon receipt of the findings and~~  
2764 ~~recommendation of the arbitration council, the department shall~~  
2765 ~~transmit them to the farmer and to the dealer by certified mail.~~

2766 (3) The department shall refer the complaint and the answer  
2767 thereto to the seed investigation and conciliation council  
2768 provided in s. 578.27 for investigation, informal hearing,  
2769 findings, and recommendation on the matters complained of.

2770 (a) Each party must ~~shall~~ be allowed to present its side of  
2771 the dispute at an informal hearing before the seed investigation  
2772 and conciliation council. Attorneys may be present at the  
2773 hearing to confer with their clients. However, no attorney may  
2774 participate directly in the proceeding.

2775 (b) Hearings, including the deliberations of the seed  
2776 investigation and conciliation council, must ~~shall~~ be open to  
2777 the public.

2778 (c) Within 30 days after completion of a hearing, the seed  
2779 investigation and conciliation council shall transmit its  
2780 findings and recommendations to the department. Upon receipt of  
2781 the findings and recommendation of the seed investigation and  
2782 conciliation council, the department shall transmit them to the  
2783 buyer farmer and to the dealer by certified mail.

2784 (4) The department shall provide administrative support for  
2785 the seed investigation and conciliation council and shall mail a

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2786 copy of the council's procedures to each party upon receipt of a  
2787 complaint by the department.

2788 Section 52. Subsections (1), (2), and (4) of section  
2789 578.27, Florida Statutes, are amended to read:

2790 578.27 Seed investigation and conciliation council;  
2791 composition; purpose; meetings; duties; expenses.—

2792 (1) The Commissioner of Agriculture shall appoint a seed  
2793 investigation and conciliation council composed of seven members  
2794 ~~and seven alternate members~~, one member ~~and one alternate~~ to be  
2795 appointed upon the recommendation of each of the following: the  
2796 deans of extension and research, Institute of Food and  
2797 Agricultural Sciences, University of Florida; president of the  
2798 Florida Seed ~~Seedsmen and Garden Supply~~ Association; president  
2799 of the Florida Farm Bureau Federation; and the president of the  
2800 Florida Fruit and Vegetable Association. The Commissioner of  
2801 Agriculture shall appoint a representative ~~and an alternate~~ from  
2802 the agriculture industry at large and from the Department of  
2803 Agriculture and Consumer Services. Each member shall be  
2804 appointed for a term of 4 years or less and shall serve until  
2805 his or her successor is appointed ~~Initially, three members and~~  
2806 ~~their alternates shall be appointed for 4-year terms and four~~  
2807 ~~members and their alternates shall be appointed for 2-year~~  
2808 ~~terms. Thereafter, members and alternates shall be appointed for~~  
2809 ~~4-year terms. Each alternate member shall serve only in the~~  
2810 ~~absence of the member for whom she or he is an alternate. A~~  
2811 vacancy shall be filled for the remainder of the unexpired term  
2812 in the same manner as the original appointment. The council  
2813 shall annually elect a chair from its membership. It shall be  
2814 the duty of the chair to conduct all meetings and deliberations

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2815 held by the council and to direct all other activities of the  
2816 council. The department representative shall serve as secretary  
2817 of the council. It shall be the duty of the secretary to keep  
2818 accurate and correct records on all meetings and deliberations  
2819 and perform other duties for the council as directed by the  
2820 chair.

2821 (2) The purpose of the seed investigation and conciliation  
2822 council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed  
2823 dealers in determining the validity of seed complaints made by  
2824 buyers ~~farmers~~ against dealers and recommend a settlement, when  
2825 appropriate, cost-damages resulting from the alleged failure of  
2826 the seed to produce or perform as represented by the label of  
2827 such ~~on the~~ seed package.

2828 (4) (a) When the department refers to the seed investigation  
2829 and conciliation council any complaint made by a buyer ~~farmer~~  
2830 against a dealer, the ~~said~~ council must ~~shall~~ make a full and  
2831 complete investigation of the matters complained of and at the  
2832 conclusion of the ~~said~~ investigation must ~~shall~~ report its  
2833 findings and make its recommendation ~~of cost-damages~~ and file  
2834 same with the department.

2835 (b) In conducting its investigation, the seed investigation  
2836 and conciliation council or any representative, member, or  
2837 members thereof are authorized to examine the buyer's property,  
2838 crops, plants, or trees referenced in or relating to the  
2839 complaint ~~farmer on her or his farming operation of which she or~~  
2840 ~~he complains~~ and the dealer on her or his packaging, labeling,  
2841 and selling operation of the seed alleged to be faulty; to grow  
2842 to production a representative sample of the alleged faulty seed  
2843 through the facilities of the state, under the supervision of

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2844 the department when such action is deemed to be necessary; to  
2845 hold informal hearings at a time and place directed by the  
2846 department or by the chair of the council upon reasonable notice  
2847 to the buyer ~~farmer~~ and the dealer.

2848 (c) Any investigation made by less than the whole  
2849 membership of the council must ~~shall~~ be by authority of a  
2850 written directive by the department or by the chair, and such  
2851 investigation must ~~shall~~ be summarized in writing and considered  
2852 by the council in reporting its findings and making its  
2853 recommendation.

2854 Section 53. Section 578.28, Florida Statutes, is renumbered  
2855 as section 578.092, Florida Statutes, and amended to read:

2856 578.092 ~~578.28~~ Seed in hermetically sealed containers.—The  
2857 period of validity of germination tests is extended to the  
2858 following periods for seed packaged in hermetically sealed  
2859 containers, under conditions and label requirements set forth in  
2860 this section:

2861 (1) GERMINATION TESTS.—The germination test for  
2862 agricultural and vegetable seed must ~~shall~~ have been completed  
2863 within the following periods, exclusive of the calendar month in  
2864 which the test was completed, immediately prior to shipment,  
2865 delivery, transportation, or sale:

2866 (a) In the case of agricultural or vegetable seed shipped,  
2867 delivered, transported, or sold to a dealer for resale, 18  
2868 months;

2869 (b) In the case of agricultural or vegetable seed for sale  
2870 or sold at retail, 24 months.

2871 (2) CONDITIONS OF PACKAGING.—The following conditions are  
2872 considered as minimum:

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2873 (a) *Hermetically sealed packages or containers.*—A  
2874 container, to be acceptable under the provisions of this  
2875 section, shall not allow water vapor penetration through any  
2876 wall, including the wall seals, greater than 0.05 gram of water  
2877 per 24 hours per 100 square inches of surface at 100 °F. with a  
2878 relative humidity on one side of 90 percent and on the other of  
2879 0 percent. Water vapor penetration (WVP) is measured by the  
2880 standards of the National Institute of Standards and Technology  
2881 as: gm H<sub>2</sub>O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent  
2882 RH.

2883 (b) *Moisture of seed packaged.*—The moisture of agricultural  
2884 or vegetable seed subject to the provisions of this section  
2885 shall be established by rule of the department.

2886 (3) LABELING REQUIRED.—In addition to the labeling required  
2887 by s. 578.09, seed packaged under the provisions of this section  
2888 shall be labeled with the following information:

2889 (a) Seed has been preconditioned as to moisture content.

2890 (b) Container is hermetically sealed.

2891 (c) "Germination test valid until (month, year)" may be  
2892 used. (Not to exceed 24 months from date of test).

2893 Section 54. Section 578.29, Florida Statutes, is created to  
2894 read:

2895 578.29 Prohibited noxious weed seed.—Seeds meeting the  
2896 definition of prohibited noxious weed seed under s. 578.011, may  
2897 not be present in agricultural, vegetable, flower, tree, or  
2898 shrub seed offered or exposed for sale in this state.

2899 Section 55. Subsection (1) of section 590.02, Florida  
2900 Statutes, is amended to read:

2901 590.02 Florida Forest Service; powers, authority, and

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2902 duties; liability; building structures; Withlacoochee Training  
2903 Center.—

2904 (1) The Florida Forest Service has the following powers,  
2905 authority, and duties to:

2906 (a) ~~To~~ Enforce the provisions of this chapter;

2907 (b) ~~To~~ Prevent, detect, and suppress wildfires wherever  
2908 they may occur on public or private land in this state and to do  
2909 all things necessary in the exercise of such powers, authority,  
2910 and duties;

2911 (c) ~~To~~ Provide firefighting crews, who shall be under the  
2912 control and direction of the Florida Forest Service and its  
2913 designated agents;

2914 (d) ~~To~~ Appoint center managers, forest area supervisors,  
2915 forestry program administrators, a forest protection bureau  
2916 chief, a forest protection assistant bureau chief, a field  
2917 operations bureau chief, deputy chiefs of field operations,  
2918 district managers, forest operations administrators, senior  
2919 forest rangers, investigators, forest rangers, firefighter  
2920 rotorcraft pilots, and other employees who may, at the Florida  
2921 Forest Service's discretion, be certified as forestry  
2922 firefighters pursuant to s. 633.408(8). Other law  
2923 notwithstanding, center managers, district managers, forest  
2924 protection assistant bureau chief, and deputy chiefs of field  
2925 operations have ~~shall have~~ Selected Exempt Service status in the  
2926 state personnel designation;

2927 (e) ~~To~~ Develop a training curriculum for forestry  
2928 firefighters which must contain the basic volunteer structural  
2929 fire training course approved by the Florida State Fire College  
2930 of the Division of State Fire Marshal and a minimum of 250 hours

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2931 of wildfire training;

2932 (f) Pay the cost of the initial commercial driver license  
2933 examination fee for those employees whose position requires them  
2934 to operate equipment requiring a license. This paragraph is  
2935 intended to be an authorization to the department to pay such  
2936 costs, not an obligation ~~To make rules to accomplish the~~  
2937 ~~purposes of this chapter;~~

2938 (g) ~~To~~ Provide fire management services and emergency  
2939 response assistance and to set and charge reasonable fees for  
2940 performance of those services. Moneys collected from such fees  
2941 shall be deposited into the Incidental Trust Fund of the Florida  
2942 Forest Service;

2943 (h) ~~To~~ Require all state, regional, and local government  
2944 agencies operating aircraft in the vicinity of an ongoing  
2945 wildfire to operate in compliance with the applicable state  
2946 Wildfire Aviation Plan; ~~and~~

2947 (i) ~~To~~ Authorize broadcast burning, prescribed burning,  
2948 pile burning, and land clearing debris burning to carry out the  
2949 duties of this chapter and the rules adopted thereunder; and

2950 (j) Make rules to accomplish the purposes of this chapter.

2951 Section 56. Section 817.417, Florida Statutes, is created  
2952 to read:

2953 817.417 Government Impostor and Deceptive Advertisement  
2954 Act.—

2955 (1) SHORT TITLE.—This act may be cited as the "Government  
2956 Impostor and Deceptive Advertisements Act."

2957 (2) DEFINITIONS.—As used in this section:

2958 (a) "Advertisement" means any representation disseminated  
2959 in any manner or by any means, other than by a label, for the



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2960 purpose of inducing, or which is reasonably likely to induce,  
2961 directly or indirectly, a purchase.

2962 (b) "Department" means the Department of Agriculture and  
2963 Consumer Services.

2964 (c) "Governmental entity" means a political subdivision or  
2965 agency of any state, possession, or territory of the United  
2966 States, or the Federal Government, including, but not limited  
2967 to, a board, a department, an office, an agency, a military  
2968 veteran entity, or a military or veteran service organization by  
2969 whatever name known.

2970 (3) DUTIES AND RESPONSIBILITIES.—The department has the  
2971 duty and responsibility to:

2972 (a) Investigate potential violations of this section.

2973 (b) Request and obtain information regarding potential  
2974 violations of this section.

2975 (c) Seek compliance with this section.

2976 (d) Enforce this section.

2977 (e) Adopt rules necessary to administer this section.

2978 (4) VIOLATIONS.—Each occurrence of the following acts or  
2979 practices constitute a violation of this section:

2980 (a) Disseminating an advertisement that:

2981 1. Simulates a summons, complaint, jury notice, or other  
2982 court, judicial, or administrative process of any kind.

2983 2. Represents, implies, or otherwise engages in an action  
2984 that may reasonably cause confusion that the person using or  
2985 employing the advertisement is a part of or associated with a  
2986 governmental entity, when such is not true.

2987 (b) Representing, implying, or otherwise reasonably causing  
2988 confusion that goods, services, an advertisement, or an offer

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2989 was disseminated by or has been approved, authorized, or  
2990 endorsed, in whole or in part, by a governmental entity, when  
2991 such is not true.

2992 (c) Using or employing language, symbols, logos,  
2993 representations, statements, titles, names, seals, emblems,  
2994 insignia, trade or brand names, business or control tracking  
2995 numbers, website or e-mail addresses, or any other term, symbol,  
2996 or other content that represents or implies or otherwise  
2997 reasonably causes confusion that goods, services, an  
2998 advertisement, or an offer is from a governmental entity, when  
2999 such is not true.

3000 (d) Failing to provide the disclosures as required in  
3001 subsections (5) or (6).

3002 (e) Failing to timely submit to the department written  
3003 responses and answers to its inquiries concerning alleged  
3004 practices inconsistent with, or in violation of, this section.  
3005 Responses or answers may include, but are not limited to, copies  
3006 of customer lists, invoices, receipts, or other business  
3007 records.

3008 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.—

3009 (a) Any person offering documents that are available free  
3010 of charge or at a lesser price from a governmental entity must  
3011 provide the notice specified in paragraph (b) on advertisements  
3012 as follows:

3013 1. For printed or written advertisements, notice must be in  
3014 the same font size, color, style, and visibility as primarily  
3015 used elsewhere on the page or envelope and displayed as follows:

3016 a. On the outside front of any mailing envelope used in  
3017 disseminating the advertisement.

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3018 b. At the top of each printed or written page used in the  
3019 advertisement.

3020 2. For electronic advertisements, notice must be in the  
3021 same font size, color, style, and visibility as the body text  
3022 primarily used in the e-mail or web page and displayed as  
3023 follows:

3024 a. At the beginning of each e-mail message, before any  
3025 offer or other substantive information.

3026 b. In a prominent location on each web page, such as the  
3027 top of each page or immediately following the offer or other  
3028 substantive information on the page.

3029 (b) Advertisements specified in paragraph (a) must include  
3030 the following disclosure:

3031  
3032 "IMPORTANT NOTICE:

3033  
3034 The documents offered by this advertisement are available to  
3035 Florida consumers free of charge or for a lesser price from  
3036 ...(insert name, telephone number, and mailing address of the  
3037 applicable governmental entity).... You are NOT required to  
3038 purchase anything from this company and the company is NOT  
3039 affiliated, endorsed, or approved by any governmental entity.  
3040 The item offered in this advertisement has NOT been approved or  
3041 endorsed by any governmental agency, and this offer is NOT being  
3042 made by an agency of the government."

3043  
3044 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.-

3045 (a) Any person disseminating an advertisement that includes  
3046 a form or template to be completed by the consumer with the

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3047 claim that such form or template will assist the consumer in  
3048 complying with a legal filing or record retention requirement  
3049 must provide the notice specified in paragraph (b) on  
3050 advertisements as follows:

3051 1. For printed or written advertisements, the notice must  
3052 be in the same font size, color, style, and visibility as  
3053 primarily used elsewhere on the page or envelope and displayed  
3054 as follows:

3055 a. On the outside front of any mailing envelope used in  
3056 disseminating the advertisement.

3057 b. At the top of each printed or written page used in the  
3058 advertisement.

3059 2. For electronic advertisements, the notice must be in the  
3060 same font size, color, style, and visibility as the body text  
3061 primarily used in the e-mail or web page and displayed as  
3062 follows:

3063 a. At the beginning of each e-mail message, before any  
3064 offer or other substantive information.

3065 b. In a prominent location on each web page, such as the  
3066 top of each page or immediately following the offer or other  
3067 substantive information on the page.

3068 (b) Advertisements specified in paragraph (a) must include  
3069 the following disclosure:

3070

3071 "IMPORTANT NOTICE:

3072

3073 You are NOT required to purchase anything from this company and  
3074 the company is NOT affiliated, endorsed, or approved by any  
3075 governmental entity. The item offered in this advertisement has

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3076 NOT been approved or endorsed by any governmental agency, and  
3077 this offer is NOT being made by an agency of the government."

3078  
3079 (7) PENALTIES.—

3080 (a) Any person substantially affected by a violation of  
3081 this section may bring an action in a court of proper  
3082 jurisdiction to enforce the provisions of this section. A person  
3083 prevailing in a civil action for a violation of this section  
3084 shall be awarded costs, including reasonable attorney fees, and  
3085 may be awarded punitive damages in addition to actual damages  
3086 proven. This provision is in addition to any other remedies  
3087 prescribed by law.

3088 (b) The department may bring one or more of the following  
3089 for a violation of this section:

3090 1. A civil action in circuit court for:

3091 a. Temporary or permanent injunctive relief to enforce this  
3092 section.

3093 b. For printed advertisements and e-mail, a fine of up to  
3094 \$1,000 for each separately addressed advertisement or message  
3095 containing content in violation of paragraphs (4) (a)-(d)  
3096 received by or addressed to a state resident.

3097 c. For websites, a fine of up to \$5,000 for each day a  
3098 website, with content in violation of paragraphs (4) (a)-(d), is  
3099 published and made available to the general public.

3100 d. For violations of paragraph (4) (e), a fine of up to  
3101 \$5,000 for each violation.

3102 e. Recovery of restitution and damages on behalf of persons  
3103 substantially affected by a violation of this section.

3104 f. The recovery of court costs and reasonable attorney

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3105 fees.

3106 2. An action for an administrative fine in the Class III  
3107 category pursuant to s. 570.971 for each act or omission which  
3108 constitutes a violation under this section.

3109 (c) The department may terminate any investigation or  
3110 action upon agreement by the alleged offender to pay a  
3111 stipulated fine, make restitution, pay damages to customers, or  
3112 satisfy any other relief authorized by this section.

3113 (d) In addition to any remedies or penalties set forth in  
3114 this section, any person who violates paragraphs (4) (a)-(d)  
3115 also commits an unfair or deceptive trade practice in violation  
3116 of part II of chapter 501 and is subject to the penalties and  
3117 remedies imposed for such violation.

3118 Section 57. Paragraph (m) of subsection (3) of section  
3119 489.105, Florida Statutes, is amended to read:

3120 489.105 Definitions.—As used in this part:

3121 (3) "Contractor" means the person who is qualified for, and  
3122 is only responsible for, the project contracted for and means,  
3123 except as exempted in this part, the person who, for  
3124 compensation, undertakes to, submits a bid to, or does himself  
3125 or herself or by others construct, repair, alter, remodel, add  
3126 to, demolish, subtract from, or improve any building or  
3127 structure, including related improvements to real estate, for  
3128 others or for resale to others; and whose job scope is  
3129 substantially similar to the job scope described in one of the  
3130 paragraphs of this subsection. For the purposes of regulation  
3131 under this part, the term "demolish" applies only to demolition  
3132 of steel tanks more than 50 feet in height; towers more than 50  
3133 feet in height; other structures more than 50 feet in height;

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3134 and all buildings or residences. Contractors are subdivided into  
3135 two divisions, Division I, consisting of those contractors  
3136 defined in paragraphs (a)-(c), and Division II, consisting of  
3137 those contractors defined in paragraphs (d)-(q):

3138 (m) "Plumbing contractor" means a contractor whose services  
3139 are unlimited in the plumbing trade and includes contracting  
3140 business consisting of the execution of contracts requiring the  
3141 experience, financial means, knowledge, and skill to install,  
3142 maintain, repair, alter, extend, or, if not prohibited by law,  
3143 design plumbing. A plumbing contractor may install, maintain,  
3144 repair, alter, extend, or, if not prohibited by law, design the  
3145 following without obtaining an additional local regulatory  
3146 license, certificate, or registration: sanitary drainage or  
3147 storm drainage facilities, water and sewer plants and  
3148 substations, venting systems, public or private water supply  
3149 systems, septic tanks, drainage and supply wells, swimming pool  
3150 piping, irrigation systems, and solar heating water systems and  
3151 all appurtenances, apparatus, or equipment used in connection  
3152 therewith, including boilers and pressure process piping and  
3153 including the installation of water, natural gas, liquefied  
3154 petroleum gas and related venting, and storm and sanitary sewer  
3155 lines. The scope of work of the plumbing contractor also  
3156 includes the design, if not prohibited by law, and installation,  
3157 maintenance, repair, alteration, or extension of air-piping,  
3158 vacuum line piping, oxygen line piping, nitrous oxide piping,  
3159 and all related medical gas systems; fire line standpipes and  
3160 fire sprinklers if authorized by law; ink and chemical lines;  
3161 fuel oil and gasoline piping and tank and pump installation,  
3162 except bulk storage plants; and pneumatic control piping

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3163 systems, all in a manner that complies with all plans,  
3164 specifications, codes, laws, and regulations applicable. The  
3165 scope of work of the plumbing contractor applies to private  
3166 property and public property, including any excavation work  
3167 incidental thereto, and includes the work of the specialty  
3168 plumbing contractor. Such contractor shall subcontract, with a  
3169 qualified contractor in the field concerned, all other work  
3170 incidental to the work but which is specified as being the work  
3171 of a trade other than that of a plumbing contractor. This  
3172 definition does not limit the scope of work of any specialty  
3173 contractor certified pursuant to s. 489.113(6) and does not  
3174 require certification or registration under this part as a  
3175 category I liquefied petroleum gas dealer, or category V LP gas  
3176 installer, as defined in s. 527.01, ~~or specialty installer~~ who  
3177 is licensed under chapter 527 or an authorized employee of a  
3178 public natural gas utility or of a private natural gas utility  
3179 regulated by the Public Service Commission when disconnecting  
3180 and reconnecting water lines in the servicing or replacement of  
3181 an existing water heater. A plumbing contractor may perform  
3182 drain cleaning and clearing and install or repair rainwater  
3183 catchment systems; however, a mandatory licensing requirement is  
3184 not established for the performance of these specific services.

3185 Section 58. Subsection (3) of section 527.06, Florida  
3186 Statutes, is reenacted to read:

3187 527.06 Rules.—

3188 (3) Rules in substantial conformity with the published  
3189 standards of the National Fire Protection Association (NFPA) are  
3190 deemed to be in substantial conformity with the generally  
3191 accepted standards of safety concerning the same subject matter.



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