

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senators Ingoglia and Hutson

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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. 493.6105, F.S.; making
4 a technical change; revising requirements for
5 applicants for a Class "K" license; amending s.
6 493.6113, F.S.; revising the circumstances under which
7 the Department of Agriculture and Consumer Affairs may
8 waive firearms training requirements; revising
9 requirements for applicants for a Class "K" license;
10 requiring the Division of Licensing of the department
11 to establish a specified late fee by rule; amending s.
12 493.6123, F.S.; authorizing the department to publish
13 certain information online in lieu of using a paper
14 format; amending ss. 493.6304 and 493.6406, F.S.;
15 making technical changes; amending s. 496.405, F.S.;
16 revising requirements relating to registration fees
17 for certain charitable organizations, sponsors, and
18 parent organizations; amending s. 496.406, F.S.;
19 conforming provisions to changes made by the act;
20 amending s. 527.01, F.S.; revising the definitions of
21 the terms "Category I liquefied petroleum gas dealer"
22 and "Category V LP gas installer"; creating s.
23 812.0151, F.S.; defining the term "fuel"; providing
24 criminal penalties for certain actions relating to
25 retail fuel theft; requiring law enforcement agencies
26 to remove and reclaim, recycle, or dispose of fuel in
27 a specified manner; requiring judges to enter a
28 specified order for persons convicted of violating
29 specified provisions; specifying that convicted

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30 persons are responsible for certain costs and
31 payments; reenacting ss. 366.032(1)(e) and
32 489.105(3)(m), F.S., relating to preemption over
33 utility service restrictions and definitions,
34 respectively, to incorporate the amendments made by
35 this act to s. 527.01, F.S., in references thereto;
36 providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Subsection (2) and paragraph (a) of subsection
41 (6) of section 493.6105, Florida Statutes, are amended to read:
42 493.6105 Initial application for license.—

43 (2) Each application must be signed and verified by the
44 applicant individual ~~under oath~~ as provided in s. 92.525.

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

47 (a) Submit one of the following:

48 1. The Florida Criminal Justice Standards and Training
49 Commission Instructor Certificate and written confirmation by
50 the commission that the applicant possesses an active firearms
51 certification.

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

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

58 4. A valid DD Form 214 issued not more than 3 years before

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59 the submission of the applicant's Class "K" application,
60 indicating that the applicant has been honorably discharged and
61 served no less than 3 years in the military as a firearms
62 instructor.

63 Section 2. Paragraphs (b) and (d) of subsection (3) and
64 subsection (4) of section 493.6113, Florida Statutes, are
65 amended to read:

66 493.6113 Renewal application for licensure.—

67 (3) Each licensee is responsible for renewing his or her
68 license on or before its expiration by filing with the
69 department an application for renewal accompanied by payment of
70 the renewal fee and the fingerprint retention fee to cover the
71 cost of ongoing retention in the statewide automated biometric
72 identification system established in s. 943.05(2)(b). Upon the
73 first renewal of a license issued under this chapter before
74 January 1, 2017, the licensee shall submit a full set of
75 fingerprints and fingerprint processing fees to cover the cost
76 of entering the fingerprints into the statewide automated
77 biometric identification system pursuant to s. 493.6108(4)(a)
78 and the cost of enrollment in the Federal Bureau of
79 Investigation's national retained print arrest notification
80 program. Subsequent renewals may be completed without submission
81 of a new set of fingerprints.

82 (b) Each Class "G" licensee shall additionally submit proof
83 that he or she has received during each year of the license
84 period a minimum of 4 hours of firearms requalification training
85 taught by a Class "K" licensee and has complied with such other
86 health and training requirements that the department shall adopt
87 by rule. Proof of completion of firearms requalification

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88 training shall be submitted to the department upon completion of
89 the training. A Class "G" licensee must successfully complete
90 this requalification training for each type and caliber of
91 firearm carried in the course of performing his or her regulated
92 duties. If the licensee fails to complete the required 4 hours
93 of annual training during the first year of the 2-year term of
94 the license, the license shall be automatically suspended. The
95 licensee must complete the minimum number of hours of range and
96 classroom training required at the time of initial licensure and
97 submit proof of completion of such training to the department
98 before the license may be reinstated. If the licensee fails to
99 complete the required 4 hours of annual training during the
100 second year of the 2-year term of the license, the licensee must
101 complete the minimum number of hours of range and classroom
102 training required at the time of initial licensure and submit
103 proof of completion of such training to the department before
104 the license may be renewed. The department may waive the
105 firearms training requirement if:

106 1. The applicant provides proof that he or she is currently
107 certified as a law enforcement officer or correctional officer
108 under the Criminal Justice Standards and Training Commission and
109 has completed law enforcement firearms requalification training
110 annually during the previous 2 years of the licensure period;

111 2. The applicant provides proof that he or she is currently
112 certified as a federal law enforcement officer and has received
113 law enforcement firearms training administered by a federal law
114 enforcement agency annually during the previous 2 years of the
115 licensure period; ~~or~~

116 3. The applicant submits a valid firearm certificate among

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117 those specified in s. 493.6105(6) (a) and provides proof of
118 having completed requalification training during the previous 2
119 years of the licensure period; or

120 4. The applicant provides proof that he or she has
121 completed annual firearms training in accordance with the
122 requirements of the federal Law Enforcement Officers Safety Act
123 under 18 U.S.C. ss. 926B-926C.

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

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

128 2. Proof of having taught at least six 28-hour firearms
129 instruction courses to Class "G" applicants during the previous
130 3-year license period.

131 (4) A licensee who fails to file a renewal application on
132 or before its expiration must renew his or her license by
133 fulfilling the applicable requirements of subsection (3) and may
134 be required to pay by paying a late fee equal to the amount of
135 the license fee. The division shall establish the amount of the
136 late fee authorized under this subsection by rule; however, such
137 late fee may not exceed the amount of the license fee.

138 Section 3. Subsection (3) is added to section 493.6123,
139 Florida Statutes, to read:

140 493.6123 Publication to industry.—

141 (3) The department may publish all information required by
142 this section online in lieu of using a paper format.

143 Section 4. Subsection (2) of section 493.6304, Florida
144 Statutes, is amended to read:

145 493.6304 Security officer school or training facility.—

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146 (2) The application must ~~shall~~ be signed and verified by
147 the applicant ~~under oath~~ as provided in s. 92.525 and must
148 contain, at a minimum, the following information:

149 (a) The name and address of the school or training facility
150 and, if the applicant is an individual, her or his name,
151 address, and social security or alien registration number.

152 (b) The street address of the place at which the training
153 is to be conducted.

154 (c) A copy of the training curriculum and final examination
155 to be administered.

156 Section 5. Subsection (2) of section 493.6406, Florida
157 Statutes, is amended to read:

158 493.6406 Recovery agent school or training facility.—

159 (2) The application must be signed and verified by the
160 applicant ~~under oath~~ as provided in s. 92.525 and must ~~shall~~
161 contain, at a minimum, the following information:

162 (a) The name and address of the school or training facility
163 and, if the applicant is an individual, his or her name,
164 address, and social security or alien registration number.

165 (b) The street address of the place at which the training
166 is to be conducted or the street address of the Class "RS"
167 school offering Internet-based or correspondence training.

168 (c) A copy of the training curriculum and final examination
169 to be administered.

170 Section 6. Paragraph (a) of subsection (4) of section
171 496.405, Florida Statutes, is amended to read:

172 496.405 Registration statements by charitable organizations
173 and sponsors.—

174 (4) (a) Every charitable organization, sponsor, or parent

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175 organization filing on behalf of one or more chapters, branches,
176 or affiliates that is required to register under this section
177 must pay a single registration fee. A parent organization filing
178 on behalf of one or more chapters, branches, or affiliates shall
179 total all contributions received by the chapters, branches, or
180 affiliates included in the registration statement to determine
181 registration fees. Fees shall be assessed as follows:

182 1.a. Ten dollars, if the contributions received for the
183 last fiscal or calendar year were less than \$5,000; or

184 b. Ten dollars, if the contributions actually raised or
185 received from the public during the immediately preceding fiscal
186 year by such organization or sponsor are no more than \$50,000
187 ~~\$25,000~~ and the fundraising activities of such organization or
188 sponsor are carried on by volunteers, members, officers, or
189 permanent employees, who are not compensated, primarily to
190 solicit such contributions, provided no part of the assets or
191 income of such organization or sponsor inures to the benefit of
192 or is paid to any officer or member of such organization or
193 sponsor or to any professional fundraising consultant,
194 professional solicitor, or commercial co-venturer;

195 2. Seventy-five dollars, if the contributions received for
196 the last fiscal year were \$5,000 or more, but less than
197 \$100,000;

198 3. One hundred twenty-five dollars, if the contributions
199 received for the last fiscal year were \$100,000 or more, but
200 less than \$200,000;

201 4. Two hundred dollars, if the contributions received for
202 the last fiscal year were \$200,000 or more, but less than
203 \$500,000;

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204 5. Three hundred dollars, if the contributions received for
205 the last fiscal year were \$500,000 or more, but less than \$1
206 million;

207 6. Three hundred fifty dollars, if the contributions
208 received for the last fiscal year were \$1 million or more, but
209 less than \$10 million;

210 7. Four hundred dollars, if the contributions received for
211 the last fiscal year were \$10 million or more.

212 Section 7. Paragraph (d) of subsection (1) of section
213 496.406, Florida Statutes, is amended to read:

214 496.406 Exemption from registration.—

215 (1) The following charitable organizations and sponsors are
216 exempt from the requirements of s. 496.405:

217 (d) A charitable organization or sponsor that has less than
218 \$50,000 ~~\$25,000~~ in total revenue during a fiscal year if the
219 fundraising activities of such organization or sponsor are
220 carried on by volunteers, members, or officers who are not
221 compensated and no part of the assets or income of such
222 organization or sponsor inures to the benefit of or is paid to
223 any officer or member of such organization or sponsor or to any
224 professional fundraising consultant, professional solicitor, or
225 commercial co-venturer. If a charitable organization or sponsor
226 that has less than \$50,000 ~~\$25,000~~ in total revenue during a
227 fiscal year actually acquires total revenue equal to or in
228 excess of \$50,000 ~~\$25,000~~, the charitable organization or
229 sponsor must register with the department as required by s.
230 496.405 within 30 days after the date the revenue reaches
231 \$50,000 ~~\$25,000~~.

232 Section 8. Subsections (6) and (10) of section 527.01,

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233 Florida Statutes, are amended to read:

234 527.01 Definitions.—As used in this chapter:

235 (6) "Category I liquefied petroleum gas dealer" means any
236 person selling or offering to sell by delivery or at a
237 stationary location any liquefied petroleum gas to the consumer
238 for industrial, commercial, or domestic use; any person leasing
239 or offering to lease, or exchanging or offering to exchange, any
240 apparatus, appliances, and equipment for the use of liquefied
241 petroleum gas; any person designing, installing, servicing,
242 altering, or modifying apparatus, piping, tubing, appliances,
243 and equipment for the use of liquefied petroleum or natural gas;
244 any person installing carburetion equipment; or any person
245 requalifying cylinders.

246 (10) "Category V LP gas installer" means any person who is
247 engaged in the liquefied petroleum gas business and whose
248 services include the design, installation, servicing, altering,
249 or modifying of apparatus, piping, tubing, tanks, and equipment
250 for the use of liquefied petroleum or natural gas and selling or
251 offering to sell, or leasing or offering to lease, apparatus,
252 appliances, and equipment for the use of liquefied petroleum or
253 natural gas.

254 Section 9. Section 812.0151, Florida Statutes, is created
255 to read:

256 812.0151 Retail fuel theft.—

257 (1) As used in this section, the term "fuel" has the same
258 meaning as in s. 163.3206(2).

259 (2) (a) A person commits a felony of the third degree,
260 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
261 if he or she willfully, knowingly, and without authorization:

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- 262 1. Breaches a retail fuel dispenser or accesses any
263 internal portion of a retail fuel dispenser; or
- 264 2. Possesses any device constructed for the purpose of
265 fraudulently altering, manipulating, or interrupting the normal
266 functioning of a retail fuel dispenser.
- 267 (b) A person commits a felony of the second degree,
268 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
269 if he or she willfully, knowingly, and without authorization:
- 270 1. Physically tampers with, manipulates, removes, replaces,
271 or interrupts any mechanical or electronic component located
272 within the internal portion of a retail fuel dispenser; or
- 273 2. Uses any form of electronic communication to
274 fraudulently alter, manipulate, or interrupt the normal
275 functioning of a retail fuel dispenser.
- 276 (c) A person commits a felony of the third degree,
277 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
278 if he or she:
- 279 1. Obtains fuel as a result of violating paragraph (a) or
280 paragraph (b); or
- 281 2. Modifies a vehicle's factory-installed fuel tank or
282 possesses any item used to hold fuel which was not fitted to a
283 vehicle or conveyance at the time of manufacture with the intent
284 to use such fuel tank or item to hold or transport fuel obtained
285 as a result of violating paragraph (a) or paragraph (b).
- 286 (3) Any person who aids, abets, or assists a person in
287 committing a violation of this section commits a felony of the
288 third degree, punishable as provided in s. 775.082, s. 775.083,
289 or s. 775.084.
- 290 (4) Any conveyances, vehicles, fuel tanks, and other

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291 equipment used or intended to be used in a violation of this
292 section, and any fuel acquired in a violation of this section,
293 are subject to seizure and forfeiture as provided by the Florida
294 Contraband Forfeiture Act.

295 (5) A law enforcement agency that seizes fuel under this
296 section must remove and reclaim, recycle, or dispose of all the
297 fuel as soon as practicable in a safe and proper manner.

298 (6) Upon conviction of a person arrested for a violation of
299 this section, the judge must issue an order adjudging and
300 declaring that all conveyances, vehicles, fuel tanks, and other
301 equipment used or intended to be used in a violation of this
302 section are forfeited and directing their destruction, with the
303 exception of the conveyance or vehicle.

304 (7) Any person convicted of a violation of this section is
305 responsible for both of the following:

306 (a) All reasonable costs incurred by the investigating law
307 enforcement agency, including, but not limited to, the costs for
308 the towing and storage of the conveyance or vehicle, the removal
309 and disposal of the fuel, and the storage and destruction of all
310 fuel tanks and other equipment described and used or intended to
311 be used in a violation of this section.

312 (b) Payment, to the party from whom it was fraudulently
313 obtained, for the retail value of any associated fuel at the
314 time of the underlying act.

315 Section 10. For the purpose of incorporating the amendments
316 made by this act to section 527.01, Florida Statutes, in a
317 reference thereto, paragraph (e) of subsection (1) of section
318 366.032, Florida Statutes, is reenacted to read:

319 366.032 Preemption over utility service restrictions.—

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320 (1) A municipality, county, special district, or other
321 political subdivision of the state may not enact or enforce a
322 resolution, ordinance, rule, code, or policy or take any action
323 that restricts or prohibits or has the effect of restricting or
324 prohibiting the types or fuel sources of energy production which
325 may be used, delivered, converted, or supplied by the following
326 entities to serve customers that such entities are authorized to
327 serve:

328 (e) A Category I liquefied petroleum gas dealer or Category
329 II liquefied petroleum gas dispenser or Category III liquefied
330 petroleum gas cylinder exchange operator as defined in s.
331 527.01.

332 Section 11. For the purpose of incorporating the amendments
333 made by this act to section 527.01, Florida Statutes, in a
334 reference thereto, paragraph (m) of subsection (3) of section
335 489.105, Florida Statutes, is reenacted to read:

336 489.105 Definitions.—As used in this part:

337 (3) "Contractor" means the person who is qualified for, and
338 is only responsible for, the project contracted for and means,
339 except as exempted in this part, the person who, for
340 compensation, undertakes to, submits a bid to, or does himself
341 or herself or by others construct, repair, alter, remodel, add
342 to, demolish, subtract from, or improve any building or
343 structure, including related improvements to real estate, for
344 others or for resale to others; and whose job scope is
345 substantially similar to the job scope described in one of the
346 paragraphs of this subsection. For the purposes of regulation
347 under this part, the term "demolish" applies only to demolition
348 of steel tanks more than 50 feet in height; towers more than 50

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349 feet in height; other structures more than 50 feet in height;
350 and all buildings or residences. Contractors are subdivided into
351 two divisions, Division I, consisting of those contractors
352 defined in paragraphs (a)-(c), and Division II, consisting of
353 those contractors defined in paragraphs (d)-(q):

354 (m) "Plumbing contractor" means a contractor whose services
355 are unlimited in the plumbing trade and includes contracting
356 business consisting of the execution of contracts requiring the
357 experience, financial means, knowledge, and skill to install,
358 maintain, repair, alter, extend, or, if not prohibited by law,
359 design plumbing. A plumbing contractor may install, maintain,
360 repair, alter, extend, or, if not prohibited by law, design the
361 following without obtaining an additional local regulatory
362 license, certificate, or registration: sanitary drainage or
363 storm drainage facilities, water and sewer plants and
364 substations, venting systems, public or private water supply
365 systems, septic tanks, drainage and supply wells, swimming pool
366 piping, irrigation systems, and solar heating water systems and
367 all appurtenances, apparatus, or equipment used in connection
368 therewith, including boilers and pressure process piping and
369 including the installation of water, natural gas, liquefied
370 petroleum gas and related venting, and storm and sanitary sewer
371 lines. The scope of work of the plumbing contractor also
372 includes the design, if not prohibited by law, and installation,
373 maintenance, repair, alteration, or extension of air-piping,
374 vacuum line piping, oxygen line piping, nitrous oxide piping,
375 and all related medical gas systems; fire line standpipes and
376 fire sprinklers if authorized by law; ink and chemical lines;
377 fuel oil and gasoline piping and tank and pump installation,

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378 except bulk storage plants; and pneumatic control piping
379 systems, all in a manner that complies with all plans,
380 specifications, codes, laws, and regulations applicable. The
381 scope of work of the plumbing contractor applies to private
382 property and public property, including any excavation work
383 incidental thereto, and includes the work of the specialty
384 plumbing contractor. Such contractor shall subcontract, with a
385 qualified contractor in the field concerned, all other work
386 incidental to the work but which is specified as being the work
387 of a trade other than that of a plumbing contractor. This
388 definition does not limit the scope of work of any specialty
389 contractor certified pursuant to s. 489.113(6) and does not
390 require certification or registration under this part as a
391 category I liquefied petroleum gas dealer, or category V LP gas
392 installer, as defined in s. 527.01, who is licensed under
393 chapter 527 or an authorized employee of a public natural gas
394 utility or of a private natural gas utility regulated by the
395 Public Service Commission when disconnecting and reconnecting
396 water lines in the servicing or replacement of an existing water
397 heater. A plumbing contractor may perform drain cleaning and
398 clearing and install or repair rainwater catchment systems;
399 however, a mandatory licensing requirement is not established
400 for the performance of these specific services.

401 Section 12. This act shall take effect July 1, 2023.