

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 403.9336, F.S.; revising a
4 reference to the Model Ordinance for Florida-Friendly
5 Fertilizer Use on Urban Landscapes; amending s. 403.9337,
6 F.S.; specifying a certain edition of the model ordinance
7 for adoption by certain counties and municipalities;
8 authorizing the Department of Environmental Protection to
9 adopt rules updating the model ordinance; revising the
10 criteria for a local government's adoption of additional
11 or more stringent standards; exempting lands used for
12 certain research from provisions regulating fertilizer use
13 on urban landscapes; amending s. 493.6102, F.S.;
14 specifying that provisions regulating security officers do
15 not apply to certain law enforcement, correctional, and
16 probation officers performing off-duty activities;
17 amending s. 493.6105, F.S.; revising the application
18 requirements and procedures for certain private
19 investigative, private security, recovery agent, and
20 firearm licenses; specifying application requirements for
21 firearms instructor licenses; amending s. 493.6106, F.S.;
22 revising citizenship requirements and documentation for
23 certain private investigative, private security, and
24 recovery agent licenses; prohibiting the licensure of
25 applicants for a statewide firearm license or firearms
26 instructor license who are prohibited from purchasing or
27 possessing firearms; requiring that private investigative,
28 security, and recovery agencies notify the Department of

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29 | Agriculture and Consumer Services of changes to their
30 | branch office locations; amending s. 493.6107, F.S.;
31 | requiring the department to accept certain methods of
32 | payment for certain fees; amending s. 493.6108, F.S.;
33 | revising requirements for criminal history checks of
34 | license applicants whose fingerprints are not legible;
35 | requiring the investigation of the mental and emotional
36 | fitness of applicants for firearms instructor licenses;
37 | amending s. 493.6111, F.S.; requiring a security officer
38 | school or recovery agent school to obtain the department's
39 | approval for use of a fictitious name; specifying that a
40 | licensee may not conduct business under more than one
41 | fictitious name; amending s. 493.6113, F.S.; revising
42 | application renewal procedures and requirements; amending
43 | s. 493.6115, F.S.; conforming cross-references; amending
44 | s. 493.6118, F.S.; authorizing disciplinary action against
45 | statewide firearm licensees and firearms instructor
46 | licensees who are prohibited from purchasing or possessing
47 | firearms; amending s. 493.6121, F.S.; deleting provisions
48 | for the department's access to certain criminal history
49 | records provided to licensed gun dealers, manufacturers,
50 | and exporters; amending s. 493.6202, F.S.; requiring the
51 | department to accept certain methods of payment for
52 | certain fees; amending s. 493.6203, F.S.; prohibiting
53 | bodyguard services from being credited toward certain
54 | license requirements; revising the training requirements
55 | for private investigator intern license applicants;
56 | requiring the automatic suspension of an intern's license

57 | under certain circumstances; providing an exception;
58 | amending s. 493.6302, F.S.; requiring the department to
59 | accept certain methods of payment for certain fees;
60 | amending s. 493.6303, F.S.; revising the training
61 | requirements for security officer license applicants;
62 | amending s. 493.6304, F.S.; revising application
63 | requirements and procedures for security officer school
64 | licenses; amending s. 493.6401, F.S.; revising terminology
65 | for recovery agent schools and training facilities;
66 | amending s. 493.6402, F.S.; revising terminology for
67 | recovery agent schools and training facilities; requiring
68 | the department to accept certain methods of payment for
69 | certain fees; amending s. 493.6406, F.S.; revising
70 | terminology; requiring recovery agent school and
71 | instructor licenses; providing license application
72 | requirements and procedures; amending ss. 501.605 and
73 | 501.607, F.S.; revising application requirements for
74 | commercial telephone seller and salesperson licenses;
75 | amending s. 501.913, F.S.; specifying the sample size
76 | required for antifreeze registration application; amending
77 | s. 525.01, F.S.; revising requirements for petroleum fuel
78 | affidavits; amending s. 525.09, F.S.; imposing an
79 | inspection fee on certain alternative fuels containing
80 | alcohol; amending s. 526.50, F.S.; defining terms
81 | applicable to regulation of the sale of brake fluid;
82 | amending s. 526.51, F.S.; revising brake fluid permit
83 | application requirements; deleting permit renewal
84 | requirements; providing for reregistration of brake fluid;

85 | establishing fees; amending s. 526.52, F.S.; revising
86 | requirements for printed statements on brake fluid
87 | containers; amending s. 526.53, F.S.; revising
88 | requirements and procedures for brake fluid stop-sale
89 | orders; authorizing businesses to dispose of unregistered
90 | brake fluid under certain circumstances; amending s.
91 | 527.0201, F.S.; revising requirements for liquefied
92 | petroleum gas qualifying examinations; increasing
93 | continuing education requirements for certain liquefied
94 | petroleum gas qualifiers; amending s. 527.12, F.S.;
95 | providing for the issuance of certain stop orders;
96 | amending ss. 559.805 and 559.928, F.S.; deleting social
97 | security numbers as a listing requirement on registration
98 | affidavits for independent agents of sellers of business
99 | opportunities; amending s. 570.0725, F.S.; revising
100 | provisions for public information about food banks and
101 | similar food recovery programs; authorizing the department
102 | to adopt rules; amending ss. 570.53 and 570.54, F.S.;
103 | conforming cross-references; amending s. 570.55, F.S.;
104 | revising requirements for identifying sellers or handlers
105 | of tropical or subtropical fruit or vegetables; amending
106 | s. 570.902, F.S.; conforming terminology to the repeal by
107 | the act of provisions establishing the Florida
108 | Agricultural Museum; amending s. 570.903, F.S.; revising
109 | provisions for direct-support organizations for certain
110 | agricultural programs to conform to the repeal by the act
111 | of provisions establishing the Florida Agricultural
112 | Museum; deleting provisions for a direct-support

113 organization for the Florida State Collection of
114 Arthropods; amending s. 573.118, F.S.; requiring the
115 department to maintain records of marketing orders;
116 requiring an audit at the request of an advisory council;
117 requiring that the advisory council receive a copy of the
118 audit within a specified time; amending s. 581.011, F.S.;
119 deleting terminology relating to the Florida State
120 Collection of Arthropods; revising the term "nursery" for
121 purposes of plant industry regulations; amending s.
122 581.211, F.S.; increasing the maximum fine for violations
123 of plant industry regulations; amending s. 583.13, F.S.;
124 deleting a prohibition on the sale of poultry without
125 displaying the poultry grade; amending s. 590.125, F.S.;
126 revising terminology for open burning authorizations;
127 specifying purposes of certified prescribed burning;
128 requiring the authorization of the Division of Forestry
129 for certified pile burning; providing pile burning
130 requirements; limiting the liability of property owners or
131 agents engaged in pile burning; providing for the
132 certification of pile burners; providing penalties for
133 violations by certified pile burners; requiring rules;
134 authorizing the division to adopt rules regulating
135 certified pile burning; revising notice requirements for
136 wildfire hazard reduction treatments; providing for
137 approval of local government open burning authorization
138 programs; providing program requirements; authorizing the
139 division to close local government programs under certain
140 circumstances; providing penalties for violations of local

141 government open burning requirements; amending s. 590.14,
142 F.S.; authorizing fines for violations of any division
143 rule; providing penalties for certain violations;
144 providing legislative intent; amending s. 599.004, F.S.;
145 revising standards that a winery must meet to qualify as a
146 certified Florida Farm Winery; amending s. 604.15, F.S.;
147 revising the term "agricultural products" to make tropical
148 foliage exempt from regulation under provisions relating
149 to dealers in agricultural products; defining the term
150 "responsible position"; amending s. 604.19, F.S.; revising
151 requirements for late fees on agricultural products dealer
152 applications; amending s. 604.20, F.S.; revising the
153 minimum amount of the surety bond or certificate of
154 deposit required for agricultural products dealer
155 licenses; providing conditions for the payment of bond or
156 certificate of deposit proceeds; requiring additional
157 documentation for issuance of a conditional license;
158 amending s. 604.25, F.S.; revising conditions under which
159 the department may deny, refuse to renew, suspend, or
160 revoke agricultural products dealer licenses; deleting a
161 provision prohibiting certain persons from holding a
162 responsible position with a licensee; amending s. 686.201,
163 F.S.; exempting contracts involving a seller of travel
164 from requirements for certain sales representative
165 contracts; amending s. 790.06, F.S.; authorizing a
166 concealed firearm license applicant to submit fingerprints
167 administered by the Division of Licensing; repealing ss.
168 570.071 and 570.901, F.S., relating to the Florida

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169 Agricultural Exposition and the Florida Agricultural
 170 Museum; providing an effective date.

171
 172 Be It Enacted by the Legislature of the State of Florida:

173
 174 Section 1. Section 403.9336, Florida Statutes, is amended
 175 to read:

176 403.9336 Legislative findings.—The Legislature finds that
 177 ~~the implementation of the Model Ordinance for Florida-Friendly~~
 178 ~~Fertilizer Use on Urban Landscapes (2008), which was developed~~
 179 ~~by the department in conjunction with the Florida Consumer~~
 180 ~~Fertilizer Task Force, the Department of Agriculture and~~
 181 ~~Consumer Services, and the University of Florida Institute of~~
 182 ~~Food and Agricultural Sciences,~~ will assist in protecting the
 183 quality of Florida's surface water and groundwater resources.
 184 The Legislature further finds that local conditions, including
 185 variations in the types and quality of water bodies, site-
 186 specific soils and geology, and urban or rural densities and
 187 characteristics, may necessitate ~~the implementation of~~
 188 additional or more stringent fertilizer management practices at
 189 the local government level.

190 Section 2. Section 403.9337, Florida Statutes, is amended
 191 to read:

192 403.9337 Model Ordinance for Florida-Friendly Fertilizer
 193 Use on Urban Landscapes.—

194 (1) All county and municipal governments are encouraged to
 195 adopt and enforce the Model Ordinance for Florida-Friendly
 196 Fertilizer Use on Urban Landscapes (2009) as developed by the

197 department in conjunction with the Florida Consumer Fertilizer
 198 Task Force, the Department of Agriculture and Consumer Services,
 199 and the University of Florida's Institute of Food and
 200 Agricultural Sciences, which the department may periodically
 201 update and adopt by rule, or an equivalent requirement as a
 202 mechanism for protecting local surface and groundwater quality.

203 (2) Each county and municipal government located within
 204 the watershed of a water body or water segment that is listed as
 205 impaired by nutrients pursuant to s. 403.067, must ~~shall~~, at a
 206 minimum, adopt the most recent version of the department's Model
 207 Ordinance for Florida-Friendly Fertilizer Use on Urban
 208 Landscapes. A local government may adopt additional or more
 209 stringent standards than the model ordinance if, before
 210 adoption, the following criteria are met:

211 (a) The local government has implemented ~~demonstrated,~~ as
 212 ~~part of~~ a comprehensive program to address nonpoint sources of
 213 nutrient pollution but ~~which is science-based, and economically~~
 214 ~~and technically feasible,~~ that additional or more stringent
 215 standards than the model ordinance are necessary in order to
 216 adequately address ~~urban fertilizer contributions to~~ nonpoint
 217 source nutrient loading to a water body. A comprehensive program
 218 may include:

- 219 1. Nonpoint source activities adopted as part of a basin
 220 management plan developed pursuant to s. 403.067(7);
- 221 2. Adoption of Florida-friendly landscaping requirements,
 222 as provided in s. 373.185, into the local government's
 223 development code; or
- 224 3. The requirement for and enforcement of the

225 implementation of low-impact development practices.

226 (b) The local government has convened a workgroup composed
 227 of: a representative of the local government appointed by its
 228 governing body; a representative of the fertilizer applicator
 229 industry appointed by the Florida Nursery, Growers, and
 230 Landscape Association, Inc.; a representative of a retail
 231 business that sells fertilizer appointed by the Florida Retail
 232 Federation, Inc.; a representative of the Department of
 233 Environmental Protection; and a representative of the Department
 234 of Agriculture and Consumer Services, and the committee has
 235 conducted a review and provided a report that addresses the
 236 economical and technical feasibility of enforcing the proposed
 237 additional or more stringent standards.

238 (c) ~~(b)~~ The local government documents in the public record
 239 the need for more stringent standards, including the
 240 scientifically documented vulnerability of waters within the
 241 local government's jurisdiction to nutrient enrichment due to
 242 landforms, soils, hydrology, climate, or geology, and the local
 243 government documents that it has requested and considered all
 244 relevant scientific information, including input from the
 245 department, ~~the institute,~~ the Department of Agriculture and
 246 Consumer Services, and the University of ~~Florida's Florida~~
 247 Institute of Food and Agricultural Sciences, if provided, on the
 248 need for additional or more stringent provisions to address
 249 fertilizer use as a contributor to water quality degradation. If
 250 two or more entities providing such input question the
 251 scientific basis of the proposed standards, the local government
 252 shall, before adoption of the standards, address their specific

253 concerns to the maximum extent practicable. All documentation
 254 must become part of the public record before adoption of the
 255 additional or more stringent criteria.

256 (3) Any county or municipal government that adopted its
 257 own fertilizer use ordinance before January 1, 2009, is exempt
 258 from this section. Ordinances adopted or amended on or after
 259 January 1, 2009, must substantively conform to the most recent
 260 version of the model fertilizer ordinance and are subject to
 261 subsections (1) and (2), as applicable.

262 (4) This section does not apply to the use of fertilizer:

263 (a) On farm operations as defined in s. 823.14; ~~or~~

264 (b) On lands classified as agricultural lands pursuant to
 265 s. 193.461; or

266 (c) On lands currently used or identified for use as part
 267 of urban stormwater, water quality, agronomic, or horticultural
 268 research.

269 Section 3. Subsection (1) of section 493.6102, Florida
 270 Statutes, is amended to read:

271 493.6102 Inapplicability of this chapter.—This chapter
 272 shall not apply to:

273 (1) Any individual who is an "officer" as defined in s.
 274 943.10(14), or is a law enforcement officer of the United States
 275 Government, while the ~~such~~ local, state, or federal officer is
 276 engaged in her or his official duties or, if approved by the
 277 officer's supervisors, when performing off-duty activities as a
 278 security officer ~~activities approved by her or his superiors.~~

279 Section 4. Section 493.6105, Florida Statutes, is amended
 280 to read:

281 493.6105 Initial application for license.-

282 (1) Each individual, partner, or principal officer in a
 283 corporation, shall file with the department a complete
 284 application accompanied by an application fee not to exceed \$60,
 285 except that the applicant for a Class "D" or Class "G" license
 286 is shall not ~~be~~ required to submit an application fee. The
 287 application fee is shall not ~~be~~ refundable.

288 (a) The application submitted by any individual, partner,
 289 or corporate officer must shall be approved by the department
 290 before the ~~prior to that~~ individual, partner, or corporate
 291 officer assumes ~~assuming~~ his or her duties.

292 (b) Individuals who invest in the ownership of a licensed
 293 agency, but do not participate in, direct, or control the
 294 operations of the agency are shall not ~~be~~ required to file an
 295 application.

296 (2) Each application must shall be signed and verified by
 297 the individual under oath as provided in s. 92.525 ~~and shall be~~
 298 ~~notarized~~.

299 (3) The application must shall contain the following
 300 information concerning the individual signing the application
 301 ~~same~~:

302 (a) Name and any aliases.

303 (b) Age and date of birth.

304 (c) Place of birth.

305 (d) Social security number or alien registration number,
 306 whichever is applicable.

307 (e) Current ~~Present~~ residence address and ~~his or her~~
 308 ~~residence addresses within the 5 years immediately preceding the~~

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309 ~~submission of the application.~~

310 ~~(f) Occupations held presently and within the 5 years~~
311 ~~immediately preceding the submission of the application.~~

312 (f)(g) A statement of all criminal convictions, findings
313 of guilt, and pleas of guilty or nolo contendere, regardless of
314 adjudication of guilt.

315 (g) One passport-type color photograph taken within the 6
316 months immediately preceding submission of the application.

317 (h) A statement whether he or she has ever been
318 adjudicated incompetent under chapter 744.

319 (i) A statement whether he or she has ever been committed
320 to a mental institution under chapter 394.

321 (j) A full set of fingerprints on a card provided by the
322 department and a fingerprint fee to be established by rule of
323 the department based upon costs determined by state and federal
324 agency charges and department processing costs. An applicant who
325 has, within the immediately preceding 6 months, submitted a
326 fingerprint card and fee for licensing purposes under this
327 chapter shall not be required to submit another fingerprint card
328 or fee.

329 (k) A personal inquiry waiver which allows the department
330 to conduct necessary investigations to satisfy the requirements
331 of this chapter.

332 (l) Such further facts as may be required by the
333 department to show that the individual signing the application
334 is of good moral character and qualified by experience and
335 training to satisfy the requirements of this chapter.

336 ~~(4) In addition to the application requirements outlined~~

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337 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~
338 ~~Class "E," Class "EE," or Class "G" license shall submit two~~
339 ~~color photographs taken within the 6 months immediately~~
340 ~~preceding the submission of the application, which meet~~
341 ~~specifications prescribed by rule of the department. All other~~
342 ~~applicants shall submit one photograph taken within the 6 months~~
343 ~~immediately preceding the submission of the application.~~

344 (4)~~(5)~~ In addition to the application requirements
345 outlined under subsection (3), the applicant for a Class "C,"
346 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"
347 license shall include a statement on a form provided by the
348 department of the experience which he or she believes will
349 qualify him or her for such license.

350 (5)~~(6)~~ In addition to the requirements outlined in
351 subsection (3), an applicant for a Class "G" license shall
352 satisfy minimum training criteria for firearms established by
353 rule of the department, which training criteria shall include,
354 but is not limited to, 28 hours of range and classroom training
355 taught and administered by a Class "K" licensee; however, no
356 more than 8 hours of such training shall consist of range
357 training. If the applicant can show proof that he or she is an
358 active law enforcement officer currently certified under the
359 Criminal Justice Standards and Training Commission or has
360 completed the training required for that certification within
361 the last 12 months, or if the applicant submits one of the
362 certificates specified in paragraph (6)(a) ~~(7)(a)~~, the
363 department may waive the foregoing firearms training
364 requirement.

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365 (6)~~(7)~~ In addition to the requirements under subsection
 366 (3), an applicant for a Class "K" license shall:

367 (a) Submit one of the following certificates:

368 1. The Florida Criminal Justice Standards and Training
 369 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
 370 the commission that the applicant is authorized to provide
 371 firearms instruction.

372 2. The National Rifle Association Law Enforcement ~~Police~~
 373 Firearms Instructor's Certificate.

374 ~~3. The National Rifle Association Security Firearms~~
 375 ~~Instructor's Certificate.~~

376 ~~3.4.~~ A firearms instructor's training certificate issued
 377 by any branch of the United States Armed Forces, from a federal
 378 law enforcement academy or agency, state, county, or a law
 379 enforcement ~~municipal police~~ academy or agency in this state
 380 recognized as such by the Criminal Justice Standards and
 381 Training Commission ~~or by the Department of Education.~~

382 (b) Pay the fee for and pass an examination administered
 383 by the department which shall be based upon, but is not
 384 necessarily limited to, a firearms instruction manual provided
 385 by the department.

386 (7)~~(8)~~ In addition to the application requirements for
 387 individuals, partners, or officers outlined under subsection
 388 (3), the application for an agency license shall contain the
 389 following information:

390 (a) The proposed name under which the agency intends to
 391 operate.

392 (b) The street address, mailing address, and telephone

393 numbers of the principal location at which business is to be
 394 conducted in this state.

395 (c) The street address, mailing address, and telephone
 396 numbers of all branch offices within this state.

397 (d) The names and titles of all partners or, in the case
 398 of a corporation, the names and titles of its principal
 399 officers.

400 ~~(8)-(9)~~ Upon submission of a complete application, a Class
 401 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
 402 Class "MA," Class "MB," or Class "MR" applicant may commence
 403 employment or appropriate duties for a licensed agency or branch
 404 office. However, the Class "C" or Class "E" applicant must work
 405 under the direction and control of a sponsoring licensee while
 406 his or her application is being processed. If the department
 407 denies application for licensure, the employment of the
 408 applicant must be terminated immediately, unless he or she
 409 performs only unregulated duties.

410 Section 5. Paragraph (f) of subsection (1) and paragraph
 411 (a) of subsection (2) of section 493.6106, Florida Statutes, are
 412 amended, and paragraph (g) is added to subsection (1) of that
 413 section, to read:

414 493.6106 License requirements; posting.—

415 (1) Each individual licensed by the department must:

416 (f) Be a citizen or permanent legal resident alien of the
 417 United States or have appropriate ~~been granted~~ authorization
 418 issued to seek employment in this country by the United States
 419 Bureau of Citizenship and Immigration Services of the United
 420 States Department of Homeland Security.

421 1. An applicant for a Class "C," Class "CC," Class "D,"
422 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
423 "MB," Class "MR," or Class "RI" license who is not a United
424 States citizen must submit proof of current employment
425 authorization issued by the United States Bureau of Citizenship
426 and Immigration Services or proof that she or he is deemed a
427 permanent legal resident alien by the United States Bureau of
428 Citizenship and Immigration Services.

429 2. An applicant for a Class "G" or Class "K" license who
430 is not a United States citizen must submit proof that she or he
431 is deemed a permanent legal resident alien by the United States
432 Bureau of Citizenship and Immigration Services, together with
433 additional documentation establishing that she or he has resided
434 in the state of residence shown on the application for at least
435 90 consecutive days before the date that the application is
436 submitted.

437 3. An applicant for an agency or school license who is not
438 a United States citizen or permanent legal resident alien must
439 submit documentation issued by the United States Bureau of
440 Citizenship and Immigration Services stating that she or he is
441 lawfully in the United States and is authorized to own and
442 operate the type of agency or school for which she or he is
443 applying. An employment authorization card issued by the United
444 States Bureau of Citizenship and Immigration Services is not
445 sufficient documentation.

446 (g) Not be prohibited from purchasing or possessing a
447 firearm by state or federal law if the individual is applying
448 for a Class "G" license or a Class "K" license.

449 (2) Each agency shall have a minimum of one physical
 450 location within this state from which the normal business of the
 451 agency is conducted, and this location shall be considered the
 452 primary office for that agency in this state.

453 (a) If an agency or branch office desires to change the
 454 physical location of the business, as it appears on the ~~agency~~
 455 license, the department must be notified within 10 days of the
 456 change, and, except upon renewal, the fee prescribed in s.
 457 493.6107 must be submitted for each license requiring revision.
 458 Each license requiring revision must be returned with such
 459 notification.

460 Section 6. Subsection (3) of section 493.6107, Florida
 461 Statutes, is amended to read:

462 493.6107 Fees.—

463 (3) The fees set forth in this section must be paid by
 464 ~~certified check or money order or, at the discretion of the~~
 465 ~~department, by agency check~~ at the time the application is
 466 approved, except that the applicant for a Class "G" or Class "M"
 467 license must pay the license fee at the time the application is
 468 made. If a license is revoked or denied or if the application is
 469 withdrawn, the license fee shall not be refunded.

470 Section 7. Paragraph (a) of subsection (1) and subsection
 471 (3) of section 493.6108, Florida Statutes, are amended to read:

472 493.6108 Investigation of applicants by Department of
 473 Agriculture and Consumer Services.—

474 (1) Except as otherwise provided, prior to the issuance of
 475 a license under this chapter, the department shall make an
 476 investigation of the applicant for a license. The investigation

477 shall include:

478 (a)1. An examination of fingerprint records and police
 479 records. When a criminal history analysis of any applicant under
 480 this chapter is performed by means of fingerprint card
 481 identification, the time limitations prescribed by s. 120.60(1)
 482 shall be tolled during the time the applicant's fingerprint card
 483 is under review by the Department of Law Enforcement or the
 484 United States Department of Justice, Federal Bureau of
 485 Investigation.

486 2. If a legible set of fingerprints, as determined by the
 487 Department of Law Enforcement or the Federal Bureau of
 488 Investigation, cannot be obtained after two attempts, the
 489 Department of Agriculture and Consumer Services may determine
 490 the applicant's eligibility based upon a criminal history record
 491 check under the applicant's name conducted by the Department of
 492 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
 493 ~~A set of fingerprints~~ are taken by a law enforcement agency or
 494 the department and the applicant submits a written statement
 495 signed by the fingerprint technician or a licensed physician
 496 stating that there is a physical condition that precludes
 497 obtaining a legible set of fingerprints or that the fingerprints
 498 taken are the best that can be obtained ~~is sufficient to meet~~
 499 ~~this requirement.~~

500 (3) The department shall also investigate the mental
 501 history and current mental and emotional fitness of any Class
 502 "G" or Class "K" applicant, and may deny a Class "G" or Class
 503 "K" license to anyone who has a history of mental illness or
 504 drug or alcohol abuse.

505 Section 8. Subsection (4) of section 493.6111, Florida
 506 Statutes, is amended to read:

507 493.6111 License; contents; identification card.—

508 (4) Notwithstanding the existence of a valid Florida
 509 corporate registration, an ~~no~~ agency or school licensee may not
 510 conduct activities regulated under this chapter under any
 511 fictitious name without prior written authorization from the
 512 department to use that name in the conduct of activities
 513 regulated under this chapter. The department may not authorize
 514 the use of a name which is so similar to that of a public
 515 officer or agency, or of that used by another licensee, that the
 516 public may be confused or misled thereby. The authorization for
 517 the use of a fictitious name shall require, as a condition
 518 precedent to the use of such name, the filing of a certificate
 519 of engaging in business under a fictitious name under s. 865.09.
 520 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
 521 under more than one fictitious name except as separately
 522 licensed nor shall the license be valid to protect any licensee
 523 who is engaged in ~~the~~ business under any name other than that
 524 specified in the license. An agency desiring to change its
 525 licensed name shall notify the department and, except upon
 526 renewal, pay a fee not to exceed \$30 for each license requiring
 527 revision including those of all licensed employees except Class
 528 "D" or Class "G" licensees. Upon the return of such licenses to
 529 the department, revised licenses shall be provided.

530 Section 9. Subsection (2) and paragraph (a) of subsection
 531 (3) of section 493.6113, Florida Statutes, are amended to read:

532 493.6113 Renewal application for licensure.—

533 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
 534 expiration date of the license, the department shall mail a
 535 written notice to the last known mailing ~~residence~~ address of
 536 the licensee ~~for individual licensees and to the last known~~
 537 ~~agency address for agencies.~~

538 (3) Each licensee shall be responsible for renewing his or
 539 her license on or before its expiration by filing with the
 540 department an application for renewal accompanied by payment of
 541 the prescribed license fee.

542 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~
 543 licensee shall additionally submit on a form prescribed by the
 544 department a certification of insurance which evidences that the
 545 licensee maintains coverage as required under s. 493.6110.

546 Section 10. Subsection (8), paragraph (d) of subsection
 547 (12), and subsection (16) of section 493.6115, Florida Statutes,
 548 are amended to read:

549 493.6115 Weapons and firearms.—

550 (8) A Class "G" applicant must satisfy the minimum
 551 training criteria as set forth in s. 493.6105(5)~~(6)~~ and as
 552 established by rule of the department.

553 (12) The department may issue a temporary Class "G"
 554 license, on a case-by-case basis, if:

555 (d) The applicant has received approval from the
 556 department subsequent to its conduct of a criminal history
 557 record check as authorized in s. 493.6108(1)(a)1. ~~493.6121(6).~~

558 (16) If the criminal history record check program
 559 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
 560 department may issue a temporary "G" license on a case-by-case

561 basis, provided that the applicant has met all statutory
 562 requirements for the issuance of a temporary "G" license as
 563 specified in subsection (12), excepting the criminal history
 564 record check stipulated there; provided, that the department
 565 requires that the licensed employer of the applicant conduct a
 566 criminal history record check of the applicant pursuant to
 567 standards set forth in rule by the department, and provide to
 568 the department an affidavit containing such information and
 569 statements as required by the department, including a statement
 570 that the criminal history record check did not indicate the
 571 existence of any criminal history that would prohibit licensure.
 572 Failure to properly conduct such a check, or knowingly providing
 573 incorrect or misleading information or statements in the
 574 affidavit shall constitute grounds for disciplinary action
 575 against the licensed agency, including revocation of license.

576 Section 11. Paragraph (u) of subsection (1) of section
 577 493.6118, Florida Statutes, is redesignated as paragraph (v),
 578 and a new paragraph (u) is added to that subsection to read:

579 493.6118 Grounds for disciplinary action.—

580 (1) The following constitute grounds for which
 581 disciplinary action specified in subsection (2) may be taken by
 582 the department against any licensee, agency, or applicant
 583 regulated by this chapter, or any unlicensed person engaged in
 584 activities regulated under this chapter.

585 (u) For a Class "G" or a Class "K" applicant or licensee,
 586 being prohibited from purchasing or possessing a firearm by
 587 state or federal law.

588 Section 12. Subsections (7) and (8) of section 493.6121,

589 Florida Statutes, are renumbered as subsections (6) and (7),
 590 respectively, and present subsection (6) of that section is
 591 amended, to read:

592 493.6121 Enforcement; investigation.—

593 ~~(6) The department shall be provided access to the program~~
 594 ~~that is operated by the Department of Law Enforcement, pursuant~~
 595 ~~to s. 790.065, for providing criminal history record information~~
 596 ~~to licensed gun dealers, manufacturers, and exporters. The~~
 597 ~~department may make inquiries, and shall receive responses in~~
 598 ~~the same fashion as provided under s. 790.065. The department~~
 599 ~~shall be responsible for payment to the Department of Law~~
 600 ~~Enforcement of the same fees as charged to others afforded~~
 601 ~~access to the program.~~

602 Section 13. Subsection (3) of section 493.6202, Florida
 603 Statutes, is amended to read:

604 493.6202 Fees.—

605 (3) The fees set forth in this section must be paid by
 606 ~~certified~~ check or money order ~~or, at the discretion of the~~
 607 ~~department, by agency check~~ at the time the application is
 608 approved, except that the applicant for a Class "G," Class "C,"
 609 Class "CC," Class "M," or Class "MA" license must pay the
 610 license fee at the time the application is made. If a license is
 611 revoked or denied or if the application is withdrawn, the
 612 license fee shall not be refunded.

613 Section 14. Subsections (2), (4), and (6) of section
 614 493.6203, Florida Statutes, are amended to read:

615 493.6203 License requirements.—In addition to the license
 616 requirements set forth elsewhere in this chapter, each

617 individual or agency shall comply with the following additional
 618 requirements:

619 (2) An applicant for a Class "MA" license shall have 2
 620 years of lawfully gained, verifiable, full-time experience, or
 621 training in:

622 (a) Private investigative work or related fields of work
 623 that provided equivalent experience or training;

624 (b) Work as a Class "CC" licensed intern;

625 (c) Any combination of paragraphs (a) and (b);

626 (d) Experience described in paragraph (a) for 1 year and
 627 experience described in paragraph (e) for 1 year;

628 (e) No more than 1 year using:

629 1. College coursework related to criminal justice,
 630 criminology, or law enforcement administration; or

631 2. Successfully completed law enforcement-related training
 632 received from any federal, state, county, or municipal agency;

633 or

634 (f) Experience described in paragraph (a) for 1 year and
 635 work in a managerial or supervisory capacity for 1 year.

636

637 However, experience in performing bodyguard services is not
 638 creditable toward the requirements of this subsection.

639 (4) An applicant for a Class "C" license shall have 2
 640 years of lawfully gained, verifiable, full-time experience, or
 641 training in one, or a combination of more than one, of the
 642 following:

643 (a) Private investigative work or related fields of work
 644 that provided equivalent experience or training.

645 (b) College coursework related to criminal justice,
 646 criminology, or law enforcement administration, or successful
 647 completion of any law enforcement-related training received from
 648 any federal, state, county, or municipal agency, except that no
 649 more than 1 year may be used from this category.

650 (c) Work as a Class "CC" licensed intern.

651
 652 However, experience in performing bodyguard services is not
 653 creditable toward the requirements of this subsection.

654 (6) (a) A Class "CC" licensee shall serve an internship
 655 under the direction and control of a designated sponsor, who is
 656 a Class "C," Class "MA," or Class "M" licensee.

657 (b) Effective July 1, 2010 ~~September 1, 2008~~, before
 658 submission of an application to the department, the ~~an~~ applicant
 659 for a Class "CC" license must have completed a minimum of 40 ~~at~~
 660 ~~least 24~~ hours of professional training ~~a 40-hour course~~
 661 pertaining to general investigative techniques and this chapter,
 662 which course is offered by a state university or by a school,
 663 community college, college, or university under the purview of
 664 the Department of Education, and the applicant must pass an
 665 examination. The training must be provided in two parts, one 24-
 666 hour course and one 16-hour course. The certificate evidencing
 667 satisfactory completion of the 40 ~~at least 24~~ hours of
 668 professional training ~~a 40-hour course~~ must be submitted with
 669 the application for a Class "CC" license. ~~The remaining 16 hours~~
 670 ~~must be completed and an examination passed within 180 days. If~~
 671 ~~documentation of completion of the required training is not~~
 672 ~~submitted within the specified timeframe, the individual's~~

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673 ~~license is automatically suspended or his or her authority to~~
674 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
675 ~~until such time as proof of certificate of completion is~~
676 ~~provided to the department.~~ The training ~~course~~ specified in
677 this paragraph may be provided by face-to-face presentation,
678 online technology, or a home study course in accordance with
679 rules and procedures of the Department of Education. The
680 administrator of the examination must verify the identity of
681 each applicant taking the examination.

682 1. Upon an applicant's successful completion of each part
683 of the approved training ~~course~~ and passage of any required
684 examination, the school, community college, college, or
685 university shall issue a certificate of completion to the
686 applicant. The certificates must be on a form established by
687 rule of the department.

688 2. The department shall establish by rule the general
689 content of the professional training ~~course~~ and the examination
690 criteria.

691 3. If the license of an applicant for relicensure is ~~has~~
692 ~~been~~ invalid for more than 1 year, the applicant must complete
693 the required training and pass any required examination.

694 (c) An individual who submits an application for a Class
695 "CC" license on or after September 1, 2008, through June 30,
696 2010, who has not completed the 16-hour course must submit proof
697 of successful completion of the course within 180 days after the
698 date the application is submitted. If documentation of
699 completion of the required training is not submitted by that
700 date, the individual's license is automatically suspended until

701 proof of the required training is submitted to the department.
 702 An individual licensed on or before August 31, 2008, is not
 703 required to complete additional training hours in order to renew
 704 an active license beyond the required total amount of training,
 705 and within the timeframe, in effect at the time he or she was
 706 licensed.

707 Section 15. Subsection (3) of section 493.6302, Florida
 708 Statutes, is amended to read:

709 493.6302 Fees.—

710 (3) The fees set forth in this section must be paid by
 711 ~~certified check or money order or, at the discretion of the~~
 712 ~~department, by agency check~~ at the time the application is
 713 approved, except that the applicant for a Class "D," Class "G,"
 714 Class "M," or Class "MB" license must pay the license fee at the
 715 time the application is made. If a license is revoked or denied
 716 or if the application is withdrawn, the license fee shall not be
 717 refunded.

718 Section 16. Subsection (4) of section 493.6303, Florida
 719 Statutes, is amended to read:

720 493.6303 License requirements.—In addition to the license
 721 requirements set forth elsewhere in this chapter, each
 722 individual or agency shall comply with the following additional
 723 requirements:

724 (4) (a) Effective July 1, 2010, an applicant for a Class
 725 "D" license must submit proof of successful completion of
 726 ~~complete~~ a minimum of 40 hours of professional training at a
 727 school or training facility licensed by the department. The
 728 training must be provided in two parts, one 24-hour course and

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729 one 16-hour course. The department shall by rule establish the
730 general content and number of hours of each subject area to be
731 taught.

732 (b) An individual who submits an application for a Class
733 "D" license on or after January 1, 2007, through June 30, 2010,
734 who has not completed the 16-hour course must submit proof of
735 successful completion of the course within 180 days after the
736 date the application is submitted. If documentation of
737 completion of the required training is not submitted by that
738 date, the individual's license is automatically suspended until
739 proof of the required training is submitted to the department.
740 This section does not require a person licensed before January
741 1, 2007, to complete additional training hours in order to renew
742 an active license beyond the required total amount of training
743 within the timeframe prescribed by law at the time he or she was
744 licensed. An applicant may fulfill the training requirement
745 prescribed in paragraph (a) by submitting proof of:

746 1. ~~Successful completion of the total number of required~~
747 ~~hours of training before initial application for a Class "D"~~
748 ~~license; or~~

749 2. ~~Successful completion of 24 hours of training before~~
750 ~~initial application for a Class "D" license and successful~~
751 ~~completion of the remaining 16 hours of training within 180 days~~
752 ~~after the date that the application is submitted. If~~
753 ~~documentation of completion of the required training is not~~
754 ~~submitted within the specified timeframe, the individual's~~
755 ~~license is automatically suspended until such time as proof of~~
756 ~~the required training is provided to the department.~~

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757 (c) An individual ~~However, any person~~ whose license is
758 suspended or has been revoked, ~~suspended~~ pursuant to paragraph
759 (b) subparagraph 2., or is expired for at least 1 year, ~~or~~
760 ~~longer~~ is considered, upon reapplication for a license, an
761 initial applicant and must submit proof of successful completion
762 of 40 hours of professional training at a school or training
763 facility licensed by the department as provided ~~prescribed~~ in
764 paragraph (a) before a license is ~~will be~~ issued. ~~Any person~~
765 ~~whose license was issued before January 1, 2007, and whose~~
766 ~~license has been expired for less than 1 year must, upon~~
767 ~~reapplication for a license, submit documentation of completion~~
768 ~~of the total number of hours of training prescribed by law at~~
769 ~~the time her or his initial license was issued before another~~
770 ~~license will be issued. This subsection does not require an~~
771 ~~individual licensed before January 1, 2007, to complete~~
772 ~~additional training hours in order to renew an active license,~~
773 ~~beyond the required total amount of training within the~~
774 ~~timeframe prescribed by law at the time she or he was licensed.~~

775 Section 17. Subsection (2) of section 493.6304, Florida
776 Statutes, is amended to read:

777 493.6304 Security officer school or training facility.—

778 (2) The application shall be signed and verified by the
779 applicant under oath as provided in s. 92.525 ~~notarized~~ and
780 shall contain, at a minimum, the following information:

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

784 (b) The street address of the place at which the training

785 is to be conducted.

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

788 Section 18. Subsections (7) and (8) of section 493.6401,
789 Florida Statutes, are amended to read:

790 493.6401 Classes of licenses.—

791 (7) Any person who operates a recovery agent ~~repossessor~~
792 school or training facility or who conducts an Internet-based
793 training course or a correspondence training course must have a
794 Class "RS" license.

795 (8) Any individual who teaches or instructs at a Class
796 "RS" recovery agent ~~repossessor~~ school or training facility
797 shall have a Class "RI" license.

798 Section 19. Paragraphs (f) and (g) of subsection (1) and
799 subsection (3) of section 493.6402, Florida Statutes, are
800 amended to read:

801 493.6402 Fees.—

802 (1) The department shall establish by rule biennial
803 license fees which shall not exceed the following:

804 (f) Class "RS" license ~~recovery agent~~ ~~repossessor~~ school
805 or training facility: \$60.

806 (g) Class "RI" license ~~recovery agent~~ ~~repossessor~~ school
807 or training facility instructor: \$60.

808 (3) The fees set forth in this section must be paid by
809 ~~certified check or money order, or, at the discretion of the~~
810 ~~department, by agency check~~ at the time the application is
811 approved, except that the applicant for a Class "E," Class "EE,"
812 or Class "MR" license must pay the license fee at the time the

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813 application is made. If a license is revoked or denied, or if an
 814 application is withdrawn, the license fee shall not be refunded.

815 Section 20. Subsections (1) and (2) of section 493.6406,
 816 Florida Statutes, are amended to read:

817 493.6406 Recovery agent ~~Repossession services~~ school or
 818 training facility.-

819 (1) Any school, training facility, or instructor who
 820 offers the training outlined in s. 493.6403(2) for Class "E" or
 821 Class "EE" applicants shall, before licensure of such school,
 822 training facility, or instructor, file with the department an
 823 application accompanied by an application fee in an amount to be
 824 determined by rule, not to exceed \$60. The fee shall not be
 825 refundable. This training may be offered as face-to-face
 826 training, Internet-based training, or correspondence training.

827 (2) The application shall be signed and verified by the
 828 applicant under oath as provided in s. 92.525 ~~notarized~~ and
 829 shall contain, at a minimum, the following information:

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

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

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

838 Section 21. Paragraph (a) of subsection (2) of section
 839 501.605, Florida Statutes, is amended to read:

840 501.605 Licensure of commercial telephone sellers.-

841 (2) An applicant for a license as a commercial telephone
 842 seller must submit to the department, in such form as it
 843 prescribes, a written application for the license. The
 844 application must set forth the following information:

845 (a) The true name, date of birth, driver's license number,
 846 ~~social security number,~~ and home address of the applicant,
 847 including each name under which he or she intends to do
 848 business.

849
 850 The application shall be accompanied by a copy of any: Script,
 851 outline, or presentation the applicant will require or suggest a
 852 salesperson to use when soliciting, or, if no such document is
 853 used, a statement to that effect; sales information or
 854 literature to be provided by the applicant to a salesperson; and
 855 sales information or literature to be provided by the applicant
 856 to a purchaser in connection with any solicitation.

857 Section 22. Paragraph (a) of subsection (1) of section
 858 501.607, Florida Statutes, is amended to read:

859 501.607 Licensure of salespersons.—

860 (1) An applicant for a license as a salesperson must
 861 submit to the department, in such form as it prescribes, a
 862 written application for a license. The application must set
 863 forth the following information:

864 (a) The true name, date of birth, driver's license number,
 865 ~~social security number,~~ and home address of the applicant.

866 Section 23. Subsection (2) of section 501.913, Florida
 867 Statutes, is amended to read:

868 501.913 Registration.—

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- 869 (2) The completed application shall be accompanied by:
 870 (a) Specimens or facsimiles of the label for each brand of
 871 antifreeze;
 872 (b) An application fee of \$200 for each brand; and
 873 (c) A properly labeled sample of at least 1 gallon, but
 874 not more than 2 gallons, of each brand of antifreeze.

875 Section 24. Subsection (2) of section 525.01, Florida
 876 Statutes, is amended to read:

877 525.01 Gasoline and oil to be inspected.—

- 878 (2) All petroleum fuels are ~~shall be~~ subject to inspection
 879 and analysis by the department. Before selling or offering for
 880 sale in this state any petroleum fuel, all manufacturers,
 881 terminal suppliers, wholesalers, and importers as defined in s.
 882 206.01 jobbers shall file with the department:

883 (a) An affidavit that they desire to do business in this
 884 state, and the name and address of the manufacturer of the
 885 petroleum fuel.

886 (b) An affidavit stating that the petroleum fuel is in
 887 conformity with the standards prescribed by department rule.

888 Section 25. Subsections (1) and (3) of section 525.09,
 889 Florida Statutes, are amended to read:

890 525.09 Inspection fee.—

- 891 (1) For the purpose of defraying the expenses incident to
 892 inspecting, testing, and analyzing petroleum fuels in this
 893 state, there shall be paid to the department a charge of one-
 894 eighth cent per gallon on all gasoline, alternative fuel
 895 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
 896 kerosene (except when used as aviation turbine fuel), and #1

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897 fuel oil for sale or use in this state. This inspection fee
 898 shall be imposed in the same manner as the motor fuel tax
 899 pursuant to s. 206.41. Payment shall be made on or before the
 900 25th day of each month.

901 (3) All remittances to the department for the inspection
 902 tax herein provided shall be accompanied by a detailed report
 903 under oath showing the number of gallons of gasoline,
 904 alternative fuel containing alcohol as defined in s.
 905 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
 906 in each county.

907 Section 26. Section 526.50, Florida Statutes, is amended
 908 to read:

909 526.50 Definition of terms.—As used in this part:

910 (1) "Brake fluid" means the fluid intended for use as the
 911 liquid medium through which force is transmitted in the
 912 hydraulic brake system of a vehicle operated upon the highways.

913 (2) "Brand" means the product name appearing on the label
 914 of a container of brake fluid.

915 (3)~~(5)~~ "Container" means any receptacle in which brake
 916 fluid is immediately contained when sold, but does not mean a
 917 carton or wrapping in which a number of such receptacles are
 918 shipped or stored or a tank car or truck.

919 (4)~~(2)~~ "Department" means the Department of Agriculture
 920 and Consumer Services.

921 (5) "Formula" means the name of the chemical mixture or
 922 composition of the brake fluid product.

923 (6)~~(4)~~ "Labeling" includes all written, printed or graphic
 924 representations, in any form whatsoever, imprinted upon or

925 affixed to any container of brake fluid.

926 (7)~~(6)~~ "Permit year" means a period of 12 months
 927 commencing July 1 and ending on the next succeeding June 30.

928 (8)~~(7)~~ "Registrant" means any manufacturer, packer,
 929 distributor, seller, or other person who has registered a brake
 930 fluid with the department.

931 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,
 932 trade, keep for sale, offer for sale or expose for sale, in any
 933 of their variant forms.

934 Section 27. Section 526.51, Florida Statutes, is amended
 935 to read:

936 526.51 Registration;~~renewal and fees~~; departmental
 937 expenses; cancellation or refusal to issue or renew.-

938 (1) (a) Application for registration of each brand of brake
 939 fluid shall be made on forms to be supplied by the department.
 940 The applicant shall give his or her name and address and the
 941 brand name of the brake fluid, state that he or she owns the
 942 brand name and has complete control over the product sold
 943 thereunder in Florida, and provide the name and address of the
 944 resident agent in Florida. If the applicant does not own the
 945 brand name but wishes to register the product with the
 946 department, a notarized affidavit that gives the applicant full
 947 authorization to register the brand name and that is signed by
 948 the owner of the brand name must accompany the application for
 949 registration. The affidavit must include all affected brand
 950 names, the owner's company or corporate name and address, the
 951 applicant's company or corporate name and address, and a
 952 statement from the owner authorizing the applicant to register

953 the product with the department. The owner of the brand name
 954 shall maintain complete control over each product sold under
 955 that brand name in this state. All first-time brand-formula
 956 combination ~~new product~~ applications must be accompanied by a
 957 certified report from an independent testing laboratory, setting
 958 forth the analysis of the brake fluid which shall show its
 959 quality to be not less than the specifications established by
 960 the department for brake fluids. A sample of not less than 24
 961 fluid ounces of brake fluid shall be submitted, in a container
 962 or containers, with labels representing exactly how the
 963 containers of brake fluid will be labeled when sold, and the
 964 sample and container shall be analyzed and inspected by the
 965 Division of Standards in order that compliance with the
 966 department's specifications and labeling requirements may be
 967 verified. Upon approval of the application, the department shall
 968 register the brand name of the brake fluid and issue to the
 969 applicant a permit authorizing the registrant to sell the brake
 970 fluid in this state during the permit year specified in the
 971 permit.

972 (b) Each applicant shall pay a fee of \$100 with each
 973 application. An applicant seeking reregistration of a previously
 974 registered brand-formula combination must submit a completed
 975 application and all materials required under this subsection to
 976 the department before the first day of the permit year. A brand-
 977 formula combination for which a completed application and all
 978 materials required under this subsection are not received before
 979 the first day of the permit year ceases to be registered with
 980 the department until a completed application and all materials

981 required under this subsection are received and approved. Any
 982 fee, application, or materials received after the first day of
 983 the permit year, if the brand-formula combination was previously
 984 registered with the department, A permit may be renewed by
 985 application to the department, accompanied by a renewal fee of
 986 \$50 on or before the last day of the permit year immediately
 987 preceding the permit year for which application is made for
 988 renewal of registration. To any fee not paid when due, there
 989 shall accrue a penalty of \$25, which shall be added to the
 990 renewal fee. Renewals will be accepted only on brake fluids that
 991 have no change in formula, composition, or brand name. Any
 992 change in formula, composition, or brand name of any brake fluid
 993 constitutes a new product that must be registered in accordance
 994 with this part.

995 (2) All fees collected under the provisions of this
 996 section shall be credited to the General Inspection Trust Fund
 997 of the department and all expenses incurred in the enforcement
 998 of this part shall be paid from said fund.

999 (3) The department may cancel or, refuse to issue ~~or~~
 1000 ~~refuse to renew~~ any registration and permit after due notice and
 1001 opportunity to be heard if it finds that the brake fluid is
 1002 adulterated or misbranded or that the registrant has failed to
 1003 comply with the provisions of this part or the rules and
 1004 regulations promulgated thereunder.

1005 Section 28. Paragraph (a) of subsection (3) of section
 1006 526.52, Florida Statutes, is amended to read:

1007 526.52 Specifications; adulteration and misbranding.—

1008 (3) Brake fluid is deemed to be misbranded:

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1009 (a) If its container does not bear on its side or top a
 1010 label on which is printed the name and place of business of the
 1011 registrant of the product, the words "brake fluid," and a
 1012 statement that the product therein equals or exceeds the minimum
 1013 specification of the Society of Automotive Engineers for heavy-
 1014 duty-type brake fluid or equals or exceeds Federal Motor Vehicle
 1015 Safety Standard No. 116 adopted by the United States Department
 1016 of Transportation, ~~heavy-duty-type~~. By regulation the department
 1017 may require that the duty-type classification appear on the
 1018 label.

1019 Section 29. Subsection (2) of section 526.53, Florida
 1020 Statutes, is amended to read:

1021 526.53 Enforcement; inspection and analysis, stop-sale and
 1022 disposition, regulations.—

1023 (2) (a) When any brake fluid is sold in violation of any of
 1024 the provisions of this part, all such affected brake fluid of
 1025 the same brand name ~~on the same premises on which the violation~~
 1026 ~~occurred~~ shall be placed under a stop-sale order by the
 1027 department by serving the owner of the brand name, distributor,
 1028 or other entity responsible for selling or distributing the
 1029 product in the state with the stop-sale order. The department
 1030 shall withdraw its stop-sale order upon the removal of the
 1031 violation or upon voluntary destruction of the product, or other
 1032 disposal approved by the department, under the supervision of
 1033 the department.

1034 (b) In addition to being subject to the stop-sale
 1035 procedures above, unregistered brake fluid shall be held by the
 1036 department or its representative, at a place to be designated in

1037 the stop-sale order, until properly registered and released in
 1038 writing by the department or its representative. If application
 1039 is ~~has~~ not ~~been~~ made for registration of the ~~such~~ product within
 1040 30 days after issue of the stop-sale order, such product shall
 1041 be disposed of by the department, or, with the department's
 1042 consent, by the business, to any tax-supported institution or
 1043 agency of the state if the brake fluid meets legal
 1044 specifications or by other disposal authorized by rule of the
 1045 department if it fails to meet legal specifications.

1046 Section 30. Subsections (1) and (3) and paragraphs (a) and
 1047 (c) of subsection (5) of section 527.0201, Florida Statutes, are
 1048 amended to read:

1049 527.0201 Qualifiers; master qualifiers; examinations.—

1050 (1) In addition to the requirements of s. 527.02, any
 1051 person applying for a license to engage in the activities of a
 1052 pipeline system operator, category I liquefied petroleum gas
 1053 dealer, category II liquefied petroleum gas dispenser, category
 1054 IV liquefied petroleum gas dispenser and recreational vehicle
 1055 servicer, category V liquefied petroleum gases dealer for
 1056 industrial uses only, LP gas installer, specialty installer,
 1057 requalifier ~~requalification~~ of cylinders, or fabricator,
 1058 repairer, and tester of vehicles and cargo tanks must prove
 1059 competency by passing a written examination administered by the
 1060 department or its agent with a grade of at least 75 percent in
 1061 each area tested ~~or above~~. Each applicant for examination shall
 1062 submit a \$20 nonrefundable fee. The department shall by rule
 1063 specify the general areas of competency to be covered by each

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1064 examination and the relative weight to be assigned in grading
1065 each area tested.

1066 (3) Qualifier cards issued to category I liquefied
1067 petroleum gas dealers and liquefied petroleum gas installers
1068 shall expire 3 years after the date of issuance. All category I
1069 liquefied petroleum gas dealer qualifiers and liquefied
1070 petroleum gas installer qualifiers holding a valid qualifier
1071 card upon the effective date of this act shall retain their
1072 qualifier status until July 1, 2003, and may sit for the master
1073 qualifier examination at any time during that time period. All
1074 such category I liquefied petroleum gas dealer qualifiers and
1075 liquefied petroleum gas installer qualifiers may renew their
1076 qualification on or before July 1, 2003, upon application to the
1077 department, payment of a \$20 renewal fee, and documentation of
1078 the completion of a minimum of 16 ~~12~~ hours of approved
1079 continuing education courses, as defined by department rule,
1080 during the previous 3-year period. Applications for renewal must
1081 be made 30 calendar days prior to expiration. Persons failing to
1082 renew prior to the expiration date must reapply and take a
1083 qualifier competency examination in order to reestablish
1084 category I liquefied petroleum gas dealer qualifier and
1085 liquefied petroleum gas installer qualifier status. If a
1086 category I liquefied petroleum gas qualifier or liquefied
1087 petroleum gas installer qualifier becomes a master qualifier at
1088 any time during the effective date of the qualifier card, the
1089 card shall remain in effect until expiration of the master
1090 qualifier certification.

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1091 (5) In addition to all other licensing requirements, each
1092 category I liquefied petroleum gas dealer and liquefied
1093 petroleum gas installer must, at the time of application for
1094 licensure, identify to the department one master qualifier who
1095 is a full-time employee at the licensed location. This person
1096 shall be a manager, owner, or otherwise primarily responsible
1097 for overseeing the operations of the licensed location and must
1098 provide documentation to the department as provided by rule. The
1099 master qualifier requirement shall be in addition to the
1100 requirements of subsection (1).

1101 (a) In order to apply for certification as a master
1102 qualifier, each applicant must be a category I liquefied
1103 petroleum gas dealer qualifier or liquefied petroleum gas
1104 installer qualifier, must be employed by a licensed category I
1105 liquefied petroleum gas dealer, liquefied petroleum gas
1106 installer, or applicant for such license, must provide
1107 documentation of a minimum of 1 year's work experience in the
1108 gas industry, and must pass a master qualifier competency
1109 examination. Master qualifier examinations shall be based on
1110 Florida's laws, rules, and adopted codes governing liquefied
1111 petroleum gas safety, general industry safety standards, and
1112 administrative procedures. The examination must be successfully
1113 passed ~~completed~~ by the applicant with a grade of at least 75
1114 percent ~~or more~~. Each applicant for master qualifier status
1115 shall submit to the department a nonrefundable \$30 examination
1116 fee prior to the examination.

1117 (c) Master qualifier status shall expire 3 years after the
1118 date of issuance of the certificate and may be renewed by

1119 submission to the department of documentation of completion of
 1120 at least 16 ~~12~~ hours of approved continuing education courses
 1121 during the 3-year period; proof of employment with a licensed
 1122 category I liquefied petroleum gas dealer, liquefied petroleum
 1123 gas installer, or applicant; and a \$30 certificate renewal fee.
 1124 The department shall define, by rule, approved courses of
 1125 continuing education.

1126 Section 31. Section 527.12, Florida Statutes, is amended
 1127 to read:

1128 527.12 Cease and desist orders; stop-use orders; stop-
 1129 operation orders; stop-sale orders; administrative fines.—

1130 (1) Whenever the department has ~~shall have~~ reason to
 1131 believe that any person is violating or has violated ~~been~~
 1132 ~~violating provisions of~~ this chapter or any rules adopted under
 1133 this chapter pursuant thereto, the department ~~it~~ may issue a
 1134 cease and desist order, ~~or~~ impose a civil penalty, or do both
 1135 ~~may issue such cease and desist order and impose a civil~~
 1136 ~~penalty.~~

1137 (2) Whenever a person or liquefied petroleum gas system or
 1138 storage facility, or any part or component thereof, fails to
 1139 comply with this chapter or any rules adopted under this
 1140 chapter, the department may issue a stop-use order, stop-
 1141 operation order, or stop-sale order.

1142 Section 32. Subsection (1) of section 559.805, Florida
 1143 Statutes, is amended to read:

1144 559.805 Filings with the department; disclosure of
 1145 advertisement identification number.—

1146 (1) Every seller of a business opportunity shall annually

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1147 | file with the department a copy of the disclosure statement
1148 | required by s. 559.803 before ~~prior to~~ placing an advertisement
1149 | or making any other representation designed to offer to, sell
1150 | to, or solicit an offer to buy a business opportunity from a
1151 | prospective purchaser in this state and shall update this filing
1152 | by reporting any material change in the required information
1153 | within 30 days after the material change occurs. An
1154 | advertisement is not placed in the state merely because the
1155 | publisher circulates, or there is circulated on his or her
1156 | behalf in the state, any bona fide newspaper or other
1157 | publication of general, regular, and paid circulation which has
1158 | had more than two-thirds of its circulation during the past 12
1159 | months outside the state or because a radio or television
1160 | program originating outside the state is received in the state.
1161 | If the seller is required by s. 559.807 to provide a bond or
1162 | establish a trust account or guaranteed letter of credit, he or
1163 | she shall contemporaneously file with the department a copy of
1164 | the bond, a copy of the formal notification by the depository
1165 | that the trust account is established, or a copy of the
1166 | guaranteed letter of credit. Every seller of a business
1167 | opportunity shall file with the department a list of independent
1168 | agents who will engage in the offer or sale of business
1169 | opportunities on behalf of the seller in this state. This list
1170 | must be kept current and shall include the following
1171 | information: name, home and business address, telephone number,
1172 | present employer, ~~social security number,~~ and birth date. A ~~No~~
1173 | person may not ~~shall be allowed to~~ offer or sell business
1174 | opportunities unless the required information is ~~has been~~

1175 provided to the department.

1176 Section 33. Subsection (3) of section 559.928, Florida
 1177 Statutes, is amended to read:

1178 559.928 Registration.—

1179 (3) Each independent agent shall annually file an
 1180 affidavit with the department before ~~prior to~~ engaging in
 1181 business in this state. This affidavit must include the
 1182 independent agent's full name, legal business or trade name,
 1183 mailing address, business address, telephone number, ~~social~~
 1184 ~~security number,~~ and the name or names and addresses of each
 1185 seller of travel represented by the independent agent. A letter
 1186 evidencing proof of filing must be issued by the department and
 1187 must be prominently displayed in the independent agent's primary
 1188 place of business. Each independent agent must also submit an
 1189 annual registration fee of \$50. All moneys collected pursuant to
 1190 the imposition of the fee shall be deposited by the Chief
 1191 Financial Officer into the General Inspection Trust Fund of the
 1192 Department of Agriculture and Consumer Services for the sole
 1193 purpose of administrating this part. As used in this subsection,
 1194 the term "independent agent" means a person who represents a
 1195 seller of travel by soliciting persons on its behalf; who has a
 1196 written contract with a seller of travel which is operating in
 1197 compliance with this part and any rules adopted thereunder; who
 1198 does not receive a fee, commission, or other valuable
 1199 consideration directly from the purchaser for the seller of
 1200 travel; who does not at any time have any unissued ticket stock
 1201 or travel documents in his or her possession; and who does not
 1202 have the ability to issue tickets, vacation certificates, or any

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1203 other travel document. The term "independent agent" does not
 1204 include an affiliate of the seller of travel, as that term is
 1205 used in s. 559.935(3), or the employees of the seller of travel
 1206 or of such affiliates.

1207 Section 34. Subsection (7) of section 570.0725, Florida
 1208 Statutes, is amended to read:

1209 570.0725 Food recovery; legislative intent; department
 1210 functions.—

1211 (7) For public information purposes, the department may
 1212 ~~shall~~ develop and provide a public information brochure
 1213 detailing the need for food banks and similar ~~of~~ food recovery
 1214 programs, the benefit of such ~~food recovery~~ programs, the manner
 1215 in which ~~such~~ organizations may become involved in such ~~food~~
 1216 ~~recovery~~ programs, and the protection afforded to such programs
 1217 under s. 768.136, ~~and the food recovery entities or food banks~~
 1218 ~~that exist in the state. This brochure must be updated annually.~~
 1219 A food bank or similar food recovery organization seeking to be
 1220 included on a list of such organizations must notify the
 1221 department and provide the information required by rule of the
 1222 department. Such organizations are responsible for updating the
 1223 information and providing the updated information to the
 1224 department. The department may adopt rules to implement this
 1225 section.

1226 Section 35. Paragraph (e) of subsection (6) of section
 1227 570.53, Florida Statutes, is amended to read:

1228 570.53 Division of Marketing and Development; powers and
 1229 duties.—The powers and duties of the Division of Marketing and
 1230 Development include, but are not limited to:

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1231 (6)
 1232 (e) Extending in every practicable way the distribution
 1233 and sale of Florida agricultural products throughout the markets
 1234 of the world as required of the department by s. ~~ss.~~ 570.07(7),
 1235 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1236 Section 36. Subsection (2) of section 570.54, Florida
 1237 Statutes, is amended to read:

1238 570.54 Director; duties.—

1239 (2) It shall be the duty of the director of this division
 1240 to supervise, direct, and coordinate the activities authorized
 1241 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
 1242 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
 1243 chapters 504, 571, 573, and 574 and to exercise other powers and
 1244 authority as authorized by the department.

1245 Section 37. Subsection (4) of section 570.55, Florida
 1246 Statutes, is amended to read:

1247 570.55 Identification of sellers or handlers of tropical
 1248 or subtropical fruit and vegetables; containers specified;
 1249 penalties.—

1250 (4) IDENTIFICATION OF HANDLER.—At the time of each
 1251 transaction involving the handling or sale of 55 pounds or more
 1252 of tropical or subtropical fruit or vegetables in the primary
 1253 channel of trade, the buyer or receiver of the tropical or
 1254 subtropical fruit or vegetables shall demand a bill of sale,
 1255 invoice, sales memorandum, or other document listing the date of
 1256 the transaction, the quantity of the tropical or subtropical
 1257 fruit or vegetables involved in the transaction, and the
 1258 identification of the seller or handler as it appears on the

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1259 driver's license of the seller or handler, including the
 1260 driver's license number. If the seller or handler does not
 1261 possess a driver's license, the buyer or receiver shall use any
 1262 other acceptable means of identification, which may include, but
 1263 is not limited to, i.e., voter's registration card and number,
 1264 draft card, ~~social security card,~~ or other identification.
 1265 However, no less than two identification documents shall be
 1266 used. The identification of the seller or handler shall be
 1267 recorded on the bill of sale, sales memorandum, invoice, or
 1268 voucher, which shall be retained by the buyer or receiver for a
 1269 period of not less than 1 year from the date of the transaction.

1270 Section 38. Subsection (3) of section 570.902, Florida
 1271 Statutes, is amended to read:

1272 570.902 Definitions; ss. 570.902 and 570.903.—For the
 1273 purpose of ss. 570.902 and 570.903:

1274 ~~(3) "Museum" means the Florida Agricultural Museum which~~
 1275 ~~is designated as the museum for agriculture and rural history of~~
 1276 ~~the State of Florida.~~

1277 Section 39. Section 570.903, Florida Statutes, is amended
 1278 to read:

1279 570.903 Direct-support organization.—

1280 (1) When the Legislature authorizes the establishment of a
 1281 direct-support organization to provide assistance for ~~the~~
 1282 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~
 1283 ~~Florida State Collection of Arthropods,~~ the Friends of the
 1284 Florida State Forests Program of the Division of Forestry, and
 1285 the Forestry Arson Alert Program, and other programs of the
 1286 department, the following provisions shall govern the creation,

1287 use, powers, and duties of the direct-support organization.

1288 (a) The department shall enter into a memorandum or letter
 1289 of agreement with the direct-support organization, which shall
 1290 specify the approval of the department, the powers and duties of
 1291 the direct-support organization, and rules with which the
 1292 direct-support organization shall comply.

1293 (b) The department may permit, without charge, appropriate
 1294 use of property, facilities, and personnel of the department by
 1295 a direct-support organization, subject to the provisions of ss.
 1296 570.902 and 570.903. The use shall be directly in keeping with
 1297 the approved purposes of the direct-support organization and
 1298 shall not be made at times or places that would unreasonably
 1299 interfere with opportunities for the general public to use
 1300 department facilities for established purposes.

1301 (c) The department shall prescribe by contract or by rule
 1302 conditions with which a direct-support organization shall comply
 1303 in order to use property, facilities, or personnel of the
 1304 department ~~or museum~~. Such rules shall provide for budget and
 1305 audit review and oversight by the department.

1306 (d) The department shall not permit the use of property,
 1307 facilities, or personnel of the ~~museum~~ department, or
 1308 designated program by a direct-support organization which does
 1309 not provide equal employment opportunities to all persons
 1310 regardless of race, color, religion, sex, age, or national
 1311 origin.

1312 (2) (a) The direct-support organization shall be empowered
 1313 to conduct programs and activities; raise funds; request and
 1314 receive grants, gifts, and bequests of money; acquire, receive,

1315 hold, invest, and administer, in its own name, securities,
 1316 funds, objects of value, or other property, real or personal;
 1317 and make expenditures to or for the direct or indirect benefit
 1318 of the ~~museum or~~ designated program.

1319 (b) Notwithstanding the provisions of s. 287.057, the
 1320 direct-support organization may enter into contracts or
 1321 agreements with or without competitive bidding for the
 1322 ~~restoration of objects, historical buildings, and other~~
 1323 ~~historical materials or for the purchase of objects, historical~~
 1324 ~~buildings, and other historical materials which are to be added~~
 1325 ~~to the collections of the museum, or benefit of~~ of the designated
 1326 program. However, before the direct-support organization may
 1327 enter into a contract or agreement without competitive bidding,
 1328 the direct-support organization shall file a certification of
 1329 conditions and circumstances with the internal auditor of the
 1330 department justifying each contract or agreement.

1331 (c) Notwithstanding the provisions of s. 287.025(1)(e),
 1332 the direct-support organization may enter into contracts to
 1333 insure property of the ~~museum or~~ designated programs ~~and may~~
 1334 ~~insure objects or collections on loan from others in satisfying~~
 1335 ~~security terms of the lender.~~

1336 (3) The direct-support organization shall provide for an
 1337 annual financial audit in accordance with s. 215.981.

1338 (4) Neither a designated program ~~or a museum,~~ nor a
 1339 nonprofit corporation trustee or employee may:

1340 (a) Receive a commission, fee, or financial benefit in
 1341 connection with the sale or exchange of property ~~historical~~
 1342 ~~objects or properties~~ to the direct-support organization, ~~the~~

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1343 ~~museum,~~ or the designated program; or

1344 (b) Be a business associate of any individual, firm, or
 1345 organization involved in the sale or exchange of property to the
 1346 direct-support organization, ~~the museum,~~ or the designated
 1347 program.

1348 (5) All moneys received by the direct-support organization
 1349 shall be deposited into an account of the direct-support
 1350 organization and shall be used by the organization in a manner
 1351 consistent with the goals of the ~~museum or~~ designated program.

1352 (6) The identity of a donor or prospective donor who
 1353 desires to remain anonymous and all information identifying such
 1354 donor or prospective donor are confidential and exempt from the
 1355 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1356 Constitution.

1357 (7) The Commissioner of Agriculture, or the commissioner's
 1358 designee, may serve on the board of trustees and the executive
 1359 committee of any direct-support organization established to
 1360 benefit ~~the museum or~~ any designated program.

1361 ~~(8) The department shall establish by rule archival~~
 1362 ~~procedures relating to museum artifacts and records. The rules~~
 1363 ~~shall provide procedures which protect the museum's artifacts~~
 1364 ~~and records equivalent to those procedures which have been~~
 1365 ~~established by the Department of State under chapters 257 and~~
 1366 ~~267.~~

1367 Section 40. Subsection (4) of section 573.118, Florida
 1368 Statutes, is amended to read:

1369 573.118 Assessment; funds; audit; loans.—

1370 (4) In the event of levying and collecting of assessments,

1371 for each fiscal year in which assessment funds are received by
 1372 the department, the department shall maintain records of
 1373 collections and expenditures for each marketing order separately
 1374 within the state's accounting system. If requested by an
 1375 advisory council, department staff shall cause to be made a
 1376 thorough ~~annual~~ audit of the ~~books and accounts by a certified~~
 1377 ~~public accountant~~, such audit to be completed within 60 days
 1378 after the request is received ~~end of the fiscal year~~. The
 1379 advisory council ~~department and all producers and handlers~~
 1380 ~~covered by the marketing order~~ shall be provided a copy of the
 1381 ~~properly advised of the details of the annual official~~ audit of
 1382 the accounts ~~as shown by the certified public accountant~~ within
 1383 30 days after completion of the audit.

1384 Section 41. Subsections (18) through (30) of section
 1385 581.011, Florida Statutes, are renumbered as subsections (17)
 1386 through (29), respectively, and present subsections (17) and
 1387 (20) of that section are amended to read:

1388 581.011 Definitions.—As used in this chapter:

1389 ~~(17) "Museum" means the Florida State Collection of~~
 1390 ~~Arthropods.~~

1391 ~~(19) (20)~~ "Nursery" means any grounds or premises on or in
 1392 which nursery stock is grown, propagated, or held for sale or
 1393 distribution, including ~~except where~~ aquatic plant species ~~are~~
 1394 tended for harvest in the natural environment.

1395 Section 42. Paragraph (a) of subsection (3) of section
 1396 581.211, Florida Statutes, is amended to read:

1397 581.211 Penalties for violations.—

1398 (3) (a) 1. In addition to any other provision of law, the

1399 department may, after notice and hearing, impose an
 1400 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
 1401 violation of this chapter, upon any person, nurseryman, stock
 1402 dealer, agent or plant broker. The fine, when paid, shall be
 1403 deposited in the Plant Industry Trust Fund. In addition, the
 1404 department may place the violator on probation for up to 1 year,
 1405 with conditions.

1406 2. The imposition of a fine or probation pursuant to this
 1407 subsection may be in addition to or in lieu of the suspension or
 1408 revocation of a certificate of registration or certificate of
 1409 inspection.

1410 Section 43. Section 583.13, Florida Statutes, is amended
 1411 to read:

1412 583.13 Labeling and advertising requirements for dressed
 1413 poultry; unlawful acts.—

1414 (1) It is unlawful for any dealer or broker to sell, offer
 1415 for sale, or hold for the purpose of sale in the state any
 1416 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
 1417 is packed in a container clearly bearing a label, not less than
 1418 3 inches by 5 inches, on which shall be plainly and legibly
 1419 printed, in letters of not less than 1/4 inch high ~~in height~~,
 1420 ~~the grade and the part name or whole-bird statement of such~~
 1421 ~~poultry. The grade may be expressed in the term "premium,"~~
 1422 ~~"good," or "standard," or as the grade of another state or~~
 1423 ~~federal agency the standards of quality of which, by law, are~~
 1424 ~~equal to the standards of quality provided by this law and rules~~
 1425 ~~promulgated hereunder.~~

1426 (2) It is unlawful to sell unpackaged dressed or ready-to-

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1427 cook poultry at retail unless such poultry is labeled by a
1428 placard immediately adjacent to the poultry or unless each bird
1429 is individually labeled to show ~~the grade and~~ the part name or
1430 whole-bird statement. The placard shall be no smaller than 7
1431 inches by 7 inches in size, and the required labeling
1432 information shall be legibly and plainly printed on the placard
1433 in letters not smaller than 1 inch in height.

1434 (3) It is unlawful to sell packaged dressed or ready-to-
1435 cook poultry at retail unless such poultry is labeled to show
1436 ~~the grade,~~ the part name or whole-bird statement, the net weight
1437 of the poultry, and the name and address of the dealer. The size
1438 of the type on the label must be one-eighth inch or larger. A
1439 placard immediately adjacent to such poultry may be used to
1440 indicate ~~the grade and~~ the part name or whole-bird statement,
1441 but not the net weight of the poultry or the name and address of
1442 the dealer.

1443 (4) It is unlawful to use dressed or ready-to-cook poultry
1444 in bulk in the preparation of food served to the public, or to
1445 hold such poultry for the purpose of such use, unless the
1446 poultry when received was packed in a container clearly bearing
1447 a label, not less than 3 inches by 5 inches, on which was
1448 plainly and legibly printed, in letters not less than 1/4 ~~one-~~
1449 ~~fourth~~ inch high ~~in height,~~ ~~the grade and~~ the part name or
1450 whole-bird statement of such poultry. ~~The grade may be expressed~~
1451 ~~in the term "premium," "good," or "standard," or as the grade of~~
1452 ~~another state or federal agency the standards of quality of~~
1453 ~~which, by law, are equal to the standards of quality provided by~~
1454 ~~this law and rules promulgated hereunder.~~

1455 (5) It is unlawful to offer dressed or ready-to-cook
 1456 poultry for sale in any advertisement in a newspaper or
 1457 circular, on radio or television, or in any other form of
 1458 advertising without plainly designating in such advertisement
 1459 ~~the grade and~~ the part name or whole-bird statement of such
 1460 poultry.

1461 Section 44. Subsections (4) and (5) of section 590.125,
 1462 Florida Statutes, are renumbered as subsections (5) and (6),
 1463 respectively, subsection (1), paragraph (b) of subsection (3),
 1464 and paragraph (c) of present subsection (4) are amended, and new
 1465 subsections (4) and (7) are added to that section, to read:

1466 590.125 Open burning authorized by the division.—

1467 (1) DEFINITIONS.—As used in this section, the term:

1468 (a) "Certified pile burner" means an individual who
 1469 successfully completes the division's pile burning certification
 1470 program and possesses a valid pile burner certification number.

1471 (b) "Certified prescribed burn manager" means an
 1472 individual who successfully completes the certified prescribed
 1473 burning certification program of the division and possesses a
 1474 valid certification number.

1475 (c) ~~(d)~~ "Extinguished" means:

1476 1. that no spreading flame For wild land burning or
 1477 certified prescribed burning, that no spreading flames exist.

1478 2. and no visible flame, smoke, or emissions For
 1479 vegetative land-clearing debris burning or pile burning, that no
 1480 visible flames exist.

1481 3. For vegetative land-clearing debris burning or pile
 1482 burning in an area designated as smoke sensitive by the

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1483 division, that no visible flames, smoke, or emissions exist.

1484 (d) "Land-clearing operation" means the uprooting or
 1485 clearing of vegetation in connection with the construction of
 1486 buildings and rights-of-way, land development, and mineral
 1487 operations. The term does not include the clearing of yard
 1488 trash.

1489 (e) "Pile burning" means the burning of silvicultural,
 1490 agricultural, or land-clearing and tree-cutting debris
 1491 originating onsite, which is stacked together in a round or
 1492 linear fashion, including, but not limited to, a windrow.

1493 (f) ~~(a)~~ "Prescribed burning" means the controlled
 1494 application of fire in accordance with a written prescription
 1495 for vegetative fuels under specified environmental conditions
 1496 while following appropriate precautionary measures that ensure
 1497 that the fire is confined to a predetermined area to accomplish
 1498 the planned fire or land-management objectives.

1499 (g) ~~(e)~~ "Prescription" means a written plan establishing
 1500 the criteria necessary for starting, controlling, and
 1501 extinguishing a prescribed burn.

1502 (h) "Yard trash" means vegetative matter resulting from
 1503 landscaping and yard maintenance operations and other such
 1504 routine property cleanup activities. The term includes materials
 1505 such as leaves, shrub trimmings, grass clippings, brush, and
 1506 palm fronds.

1507 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 1508 PURPOSE.—

1509 (b) Certified prescribed burning pertains only to
 1510 broadcast burning for purposes of silviculture, wildlife

1511 management, ecological maintenance and restoration, and range
 1512 and pasture management. It must be conducted in accordance with
 1513 this subsection and:

1514 1. May be accomplished only when a certified prescribed
 1515 burn manager is present on site with a copy of the prescription
 1516 from ignition of the burn to its completion.

1517 2. Requires that a written prescription be prepared before
 1518 receiving authorization to burn from the division.

1519 3. Requires that the specific consent of the landowner or
 1520 his or her designee be obtained before requesting an
 1521 authorization.

1522 4. Requires that an authorization to burn be obtained from
 1523 the division before igniting the burn.

1524 5. Requires that there be adequate firebreaks at the burn
 1525 site and sufficient personnel and firefighting equipment for the
 1526 control of the fire.

1527 6. Is considered to be in the public interest and does not
 1528 constitute a public or private nuisance when conducted under
 1529 applicable state air pollution statutes and rules.

1530 7. Is considered to be a property right of the property
 1531 owner if vegetative fuels are burned as required in this
 1532 subsection.

1533 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
 1534 PURPOSE.—

1535 (a) Pile burning is a tool that benefits current and
 1536 future generations in Florida by disposing of naturally
 1537 occurring vegetative debris through burning rather than
 1538 disposing of the debris in landfills.

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1539 (b) Certified pile burning pertains to the disposal of
1540 piled, naturally occurring debris from an agricultural,
1541 silvicultural, or temporary land-clearing operation. A land-
1542 clearing operation is temporary if it operates for 6 months or
1543 less. Certified pile burning must be conducted in accordance
1544 with this subsection, and:

1545 1. A certified pile burner must ensure, before ignition,
1546 that the piles are properly placed and that the content of the
1547 piles is conducive to efficient burning.

1548 2. A certified pile burner must ensure that the piles are
1549 properly extinguished no later than 1 hour after sunset. If the
1550 burn is conducted in an area designated by the division as smoke
1551 sensitive, a certified pile burner must ensure that the piles
1552 are properly extinguished at least 1 hour before sunset.

1553 3. A written pile burn plan must be prepared before
1554 receiving authorization from the division to burn.

1555 4. The specific consent of the landowner or his or her
1556 agent must be obtained before requesting authorization to burn.

1557 5. An authorization to burn must be obtained from the
1558 division or its designated agent before igniting the burn.

1559 6. There must be adequate firebreaks and sufficient
1560 personnel and firefighting equipment at the burn site to control
1561 the fire.

1562 (c) If a burn is conducted in accordance with this
1563 subsection, the property owner and his or her agent are not
1564 liable under s. 590.13 for damage or injury caused by the fire
1565 or resulting smoke, and are not in violation of subsection (2),
1566 unless gross negligence is proven.

1567 (d) A certified pile burner who violates this section
 1568 commits a misdemeanor of the second degree, punishable as
 1569 provided in s. 775.082 or s. 775.083.

1570 (e) The division shall adopt rules regulating certified
 1571 pile burning. The rules shall include procedures and criteria
 1572 for certifying and decertifying certified pile burn managers
 1573 based on past experience, training, and record of compliance
 1574 with this section.

1575 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
 1576 DIVISION.—The division may conduct fuel reduction initiatives,
 1577 including, but not limited to, burning and mechanical and
 1578 chemical treatment, on any area of wild land within the state
 1579 which is reasonably determined to be in danger of wildfire in
 1580 accordance with the following procedures:

1581 (c) Prepare, and send the county tax collector shall
 1582 include with the annual tax statement, a notice to be sent to
 1583 all landowners in each area township designated by the division
 1584 as a wildfire hazard area. The notice must describe particularly
 1585 the area to be treated and the tentative date or dates of the
 1586 treatment and must list the reasons for and the expected
 1587 benefits from the wildfire hazard reduction.

1588 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
 1589 AUTHORIZATION PROGRAMS.—

1590 (a) A county or municipality may exercise the division's
 1591 authority, if delegated by the division under this subsection,
 1592 to issue authorizations for the burning of yard trash or debris
 1593 from land-clearing operations. A county's or municipality's
 1594 existing or proposed open burning authorization program must:

1595 1. Be approved by the division. The division shall not
 1596 approve a program if it fails to meet the requirements of
 1597 subsections (2) and (4) and any rules adopted under those
 1598 subsections.

1599 2. Provide by ordinance or local law the requirements for
 1600 obtaining and performing a burn authorization that comply with
 1601 subsections (2) and (4) and any rules adopted under those
 1602 subsections.

1603 3. Provide for the enforcement of the program's
 1604 requirements.

1605 4. Provide financial, personnel, and other resources
 1606 needed to carry out the program.

1607 (b) If the division determines that a county's or
 1608 municipality's open burning authorization program does not
 1609 comply with subsections (2) and (4) and any rules adopted under
 1610 those subsections, the division shall require the county or
 1611 municipality to take necessary corrective actions within a
 1612 reasonable period, not to exceed 90 days.

1613 1. If the county or municipality fails to take the
 1614 necessary corrective actions within the required period, the
 1615 division shall resume administration of the open burning
 1616 authorization program in the county or municipality and the
 1617 county or municipality shall cease administration of its
 1618 program.

1619 2. Each county and municipality administering an open
 1620 burning authorization program must cooperate with and assist the
 1621 division in carrying out the division's powers, duties, and
 1622 functions.

1623 3. A person who violates the requirements of a county's or
 1624 municipality's open burning authorization program, as provided
 1625 by ordinance or local law enacted pursuant to this section,
 1626 commits a violation of this chapter, punishable as provided in
 1627 s. 590.14.

1628 Section 45. Section 590.14, Florida Statutes, is amended
 1629 to read:

1630 590.14 Notice of violation; penalties.—

1631 (1) If a division employee determines that a person has
 1632 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
 1633 the division to administer provisions of law conferring duties
 1634 upon the division, the division employee ~~he or she~~ may issue a
 1635 notice of violation indicating the statute violated. This notice
 1636 will be filed with the division and a copy forwarded to the
 1637 appropriate law enforcement entity for further action if
 1638 necessary.

1639 (2) In addition to any penalties provided by law, any
 1640 person who causes a wildfire or permits any authorized fire to
 1641 escape the boundaries of the authorization or to burn past the
 1642 time of the authorization is liable for the payment of all
 1643 reasonable costs and expenses incurred in suppressing the fire
 1644 or \$150, whichever is greater. All costs and expenses incurred
 1645 by the division shall be payable to the division. When such
 1646 costs and expenses are not paid within 30 days after demand, the
 1647 division may take proper legal proceedings for the collection of
 1648 the costs and expenses. Those costs incurred by an agency acting
 1649 at the division's direction are recoverable by that agency.

1650 (3) The department may also impose an administrative fine,

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1651 not to exceed \$1,000 per violation of any section of chapter 589
 1652 or this chapter or violation of any rule adopted by the division
 1653 to administer provisions of law conferring duties upon the
 1654 division. The fine shall be based upon the degree of damage, the
 1655 prior violation record of the person, and whether the person
 1656 knowingly provided false information to obtain an authorization.
 1657 The fines shall be deposited in the Incidental Trust Fund of the
 1658 division.

1659 (4) A person may not:

1660 (a) Fail to comply with any rule or order adopted by the
 1661 division to administer provisions of law conferring duties upon
 1662 the division; or

1663 (b) Knowingly make any false statement or representation
 1664 in any application, record, plan, or other document required by
 1665 this chapter or any rules adopted under this chapter.

1666 (5) A person who violates paragraph (4) (a) or paragraph
 1667 (4) (b) commits a misdemeanor of the second degree, punishable as
 1668 provided in s. 775.082 or s. 775.083.

1669 (6) It is the intent of the Legislature that a penalty
 1670 imposed by a court under subsection (5) be of a severity that
 1671 ensures immediate and continued compliance with this section.

1672 (7)-(4)- The penalties provided in this section shall extend
 1673 to both the actual violator and the person or persons, firm, or
 1674 corporation causing, directing, or permitting the violation.

1675 Section 46. Paragraph (a) of subsection (1) of section
 1676 599.004, Florida Statutes, is amended to read:

1677 599.004 Florida Farm Winery Program; registration; logo;
 1678 fees.—

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1679 (1) The Florida Farm Winery Program is established within
 1680 the Department of Agriculture and Consumer Services. Under this
 1681 program, a winery may qualify as a tourist attraction only if it
 1682 is registered with and certified by the department as a Florida
 1683 Farm Winery. A winery may not claim to be certified unless it
 1684 has received written approval from the department.

1685 (a) To qualify as a certified Florida Farm Winery, a
 1686 winery shall meet the following standards:

1687 1. Produce or sell less than 250,000 gallons of wine
 1688 annually.

1689 2. Maintain a minimum of 10 acres of owned or managed land
 1690 ~~vineyards~~ in Florida which produces commodities used in the
 1691 production of wine.

1692 3. Be open to the public for tours, tastings, and sales at
 1693 least 30 hours each week.

1694 4. Make annual application to the department for
 1695 recognition as a Florida Farm Winery, on forms provided by the
 1696 department.

1697 5. Pay an annual application and registration fee of \$100.

1698 Section 47. Subsection (1) of section 604.15, Florida
 1699 Statutes, is amended, and subsection (11) is added to that
 1700 section, to read:

1701 604.15 Dealers in agricultural products; definitions.—For
 1702 the purpose of ss. 604.15-604.34, the following words and terms,
 1703 when used, shall be construed to mean:

1704 (1) "Agricultural products" means the natural products of
 1705 the farm, nursery, grove, orchard, vineyard, garden, and apiary
 1706 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;

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1707 livestock; milk and milk products; poultry and poultry products;
 1708 the fruit of the saw palmetto (meaning the fruit of the Serenoa
 1709 repens); limes (meaning the fruit Citrus aurantifolia, variety
 1710 Persian, Tahiti, Bearss, or Florida Key limes); and any other
 1711 nonexempt agricultural products produced in the state, except
 1712 tobacco, sugarcane, tropical foliage, timber and timber
 1713 byproducts, forest products as defined in s. 591.17, and citrus
 1714 other than limes.

1715 (11) "Responsible position" means a position within the
 1716 business of a dealer in agricultural products that has the
 1717 authority to negotiate or make the purchase of agricultural
 1718 products on behalf of the dealer's business or has principal
 1719 active management authority over the business decisions,
 1720 actions, and activities of the dealer's business in this state.

1721 Section 48. Section 604.19, Florida Statutes, is amended
 1722 to read:

1723 604.19 License; fee; bond; certificate of deposit;
 1724 penalty.—Unless the department refuses the application on one or
 1725 more of the grounds provided in this section, it shall issue to
 1726 an applicant, upon the payment of required fees and the
 1727 execution and delivery of a bond or certificate of deposit as
 1728 provided in this section, a state license entitling the
 1729 applicant to conduct business as a dealer in agricultural
 1730 products for a 1-year period to coincide with the effective
 1731 period of the bond or certificate of deposit furnished by the
 1732 applicant. During the 1-year period covered by a license, if the
 1733 supporting surety bond or certificate of deposit is canceled for
 1734 any reason, the license shall automatically expire on the date

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1735 the surety bond or certificate of deposit terminates, unless an
 1736 acceptable replacement is in effect before the date of
 1737 termination so that continual coverage occurs for the remaining
 1738 period of the license. A surety company shall give the
 1739 department a 30-day written notice of cancellation by certified
 1740 mail in order to cancel a bond. Cancellation of a bond or
 1741 certificate of deposit does ~~shall~~ not relieve a surety company
 1742 or financial institution of liability for purchases or sales
 1743 occurring while the bond or certificate of deposit was in
 1744 effect. The license fee, which must be paid for the principal
 1745 place of business for a dealer in agricultural products, shall
 1746 be based upon the amount of the dealer's surety bond or
 1747 certificate of deposit furnished by each dealer under the
 1748 provisions of s. 604.20 and may not exceed \$500. For each
 1749 additional place in which the applicant desires to conduct
 1750 business and which the applicant names in the application, the
 1751 additional license fee must be paid but may not exceed \$100
 1752 annually. If a ~~Should any~~ dealer in agricultural products fails,
 1753 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
 1754 qualify for the renewal of a license on or before its ~~the~~ date
 1755 ~~of~~ expiration date ~~thereof~~, a penalty not to exceed \$100 shall
 1756 apply to and be added to the ~~original~~ license fee for the
 1757 principal place of business and to the license fee for each
 1758 additional place of business named in the application and shall
 1759 be paid by the applicant before the renewal license may be
 1760 issued. The department by rule shall prescribe fee amounts
 1761 sufficient to fund ss. 604.15-604.34.

1762 Section 49. Subsections (1) and (4) of section 604.20,

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1763 Florida Statutes, are amended to read:
 1764 604.20 Bond or certificate of deposit prerequisite;
 1765 amount; form.—
 1766 (1) Before any license is issued, the applicant therefor
 1767 shall make and deliver to the department a surety bond or
 1768 certificate of deposit in the amount of at least \$5,000 or in
 1769 such greater amount as the department may determine. No bond or
 1770 certificate of deposit may be in an amount less than \$5,000. The
 1771 penal sum of the bond or certificate of deposit to be furnished
 1772 to the department by an applicant for license as a dealer in
 1773 agricultural products shall be in an amount equal to twice the
 1774 average of the monthly dollar amounts ~~amount~~ of agricultural
 1775 products handled for a Florida producer or a producer's agent or
 1776 representative, by purchase or otherwise, ~~during the month of~~
 1777 ~~maximum transaction in such products~~ during the preceding 12-
 1778 month period. Only those months in which the applicant handled,
 1779 by purchase or otherwise, amounts equal to or greater than
 1780 \$1,000 shall be used to calculate the penal sum of the required
 1781 bond or certificate of deposit. An applicant for license who has
 1782 not handled agricultural products for a Florida producer or a
 1783 producer's agent or representative, by purchase or otherwise,
 1784 during the preceding 12-month period shall furnish a bond or
 1785 certificate of deposit in an amount equal to twice the estimated
 1786 average of the monthly dollar amounts ~~amount~~ of such
 1787 agricultural products to be handled, by purchase or otherwise,
 1788 ~~during the month of maximum transaction~~ during the next
 1789 immediate 12 months. Only those months in which the applicant
 1790 anticipates handling, by purchase or otherwise, amounts equal to

1791 or greater than \$1,000 shall be used to calculate the penal sum
 1792 of the required bond or certificate of deposit. Such bond or
 1793 certificate of deposit shall be provided or assigned in the
 1794 exact name in which the dealer will conduct business subject to
 1795 the provisions of ss. 604.15-604.34. Such bond must be executed
 1796 by a surety company authorized to transact business in the
 1797 state. For the purposes of ss. 604.19-604.21, the term
 1798 "certificate of deposit" means a certificate of deposit at any
 1799 recognized financial institution doing business in the United
 1800 States. No certificate of deposit may be accepted in connection
 1801 with an application for a dealer's license unless the issuing
 1802 institution is properly insured by either the Federal Deposit
 1803 Insurance Corporation or the Federal Savings and Loan Insurance
 1804 Corporation. Such bond or any certificate of deposit assignment
 1805 or agreement shall be upon a form prescribed or approved by the
 1806 department and shall be conditioned to secure the faithful
 1807 accounting for and payment, in the manner prescribed by s.
 1808 604.21(9), to producers or their agents or representatives of
 1809 the proceeds of all agricultural products handled or purchased
 1810 by such dealer, ~~and~~ to secure payment to dealers who sell
 1811 agricultural products to such dealer, and to pay any claims or
 1812 costs ordered under s. 604.21 as the result of a complaint. Such
 1813 bond or certificate of deposit assignment or agreement shall
 1814 include terms binding the instrument to the Commissioner of
 1815 Agriculture. A certificate of deposit shall be presented with an
 1816 assignment of applicant's rights in the certificate in favor of
 1817 the Commissioner of Agriculture on a form prescribed by the
 1818 department and with a letter from the issuing institution

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1819 acknowledging that the assignment has been properly recorded on
1820 the books of the issuing institution and will be honored by the
1821 issuing institution. Such assignment shall be irrevocable while
1822 the dealer's license is in effect and for an additional period
1823 of 6 months after the termination or expiration of the dealer's
1824 license, provided no complaint is pending against the licensee.
1825 If a complaint is pending, the assignment shall remain in effect
1826 until all actions on the complaint have been finalized. The
1827 certificate of deposit may be released by the assignee of the
1828 financial institution to the licensee or the licensee's
1829 successors, assignee, or heirs if no claims are pending against
1830 the licensee before the department at the conclusion of 6 months
1831 after the last effective date of the license. No certificate of
1832 deposit shall be accepted that contains any provision that would
1833 give the issuing institution any prior rights or claim on the
1834 proceeds or principal of such certificate of deposit. The
1835 department shall determine by rule the maximum amount of bond or
1836 certificate of deposit required of a dealer and whether an
1837 annual bond or certificate of deposit will be required.

1838 (4) The department may issue a conditional license to an
1839 applicant who is unable to provide a single bond or certificate
1840 of deposit in the full amount required by the calculation in
1841 subsection (1). The conditional license shall remain in effect
1842 for a 1-year period to coincide with the effective period of the
1843 bond or certificate of deposit furnished by the applicant. The
1844 applicant must provide at least the minimum \$5,000 bond or
1845 certificate of deposit as provided in subsection (1) together
1846 with documentation from each of three separate bonding companies

1847 denying the applicant's request for a surety bond in the full
 1848 amount required in subsection (1) and one of the following:

1849 (a) A notarized affidavit limiting the handling of
 1850 agricultural products, by purchase or otherwise, during their
 1851 largest month to a minimum of one-half the amount of the bond or
 1852 certificate of deposit provided by the applicant;

1853 (b) A notarized affidavit stating that any subject
 1854 agricultural products, handled by purchase or otherwise,
 1855 exceeding one-half of the amount of the bond or certificate of
 1856 deposit will be handled under the exemption provisions set forth
 1857 in s. 604.16(2); or

1858 (c) A second bond or certificate of deposit in such an
 1859 amount that, when the penal sum of the second bond or
 1860 certificate of deposit is added to the penal sum of the first
 1861 bond or certificate of deposit, the combined penal sum will
 1862 equal twice the dollar amount of agricultural products handled
 1863 for a Florida producer or a producer's agent or representative,
 1864 by purchase or otherwise, during the month of maximum
 1865 transaction in such products during the preceding 12-month
 1866 period.

1867
 1868 The department or its agents may require from any licensee who
 1869 is issued a conditional license verified statements of the
 1870 volume of the licensee's business or may review the licensee's
 1871 records at the licensee's place of business during normal
 1872 business hours to determine the licensee's adherence to the
 1873 conditions of the license. The failure of a licensee to furnish
 1874 such statement or to make such records available shall be cause

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1875 for suspension of the licensee's conditional license. If the
 1876 department finds such failure to be willful, the conditional
 1877 license may be revoked.

1878 Section 50. Section 604.25, Florida Statutes, is amended
 1879 to read:

1880 604.25 Denial of, refusal to renew ~~grant~~, or suspension or
 1881 revocation of ~~7~~ license.-

1882 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
 1883 ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~
 1884 ~~granted~~ if the applicant or licensee has:

1885 (1) ~~(a)~~ Suffered a monetary judgment entered against the
 1886 applicant or licensee ~~upon which is execution has been returned~~
 1887 unsatisfied;

1888 (2) ~~(b)~~ Made false charges for handling or services
 1889 rendered;

1890 (3) ~~(c)~~ Failed to account promptly and properly or to make
 1891 settlements with any producer;

1892 (4) ~~(d)~~ Made any false statement or statements as to
 1893 condition, quality, or quantity of goods received or held for
 1894 sale when the true condition, quality, or quantity could have
 1895 been ascertained by reasonable inspection;

1896 (5) ~~(e)~~ Made any false or misleading statement or
 1897 statements as to market conditions or service rendered;

1898 (6) ~~(f)~~ Been guilty of a fraud in the attempt to procure,
 1899 or the procurement of, a license;

1900 (7) ~~(g)~~ Directly or indirectly sold agricultural products
 1901 received on consignment or on a net return basis for her or his
 1902 own account, without prior authority from the producer

1903 consigning the same, or without notifying such producer;
 1904 (8)-(h) Failed to prevent a person from holding a position
 1905 as the applicant's or licensee's owner, officer, director,
 1906 general or managing partner, or employee ~~Employed~~ in a
 1907 responsible position ~~a person~~, or holding any other similarly
 1908 situated position, if the person holds or has held a similar
 1909 position with any entity that an officer of a corporation, who
 1910 has failed to fully comply with an order of the department, has
 1911 not satisfied a civil judgment held by the department, has
 1912 pending any administrative or civil enforcement action by the
 1913 department, or has pending any criminal charges pursuant to s.
 1914 604.30 at any time within 1 year after issuance;

1915 (9)-(i) Violated any statute or rule relating to the
 1916 purchase or sale of any agricultural product, whether or not
 1917 such transaction is subject to the provisions of this chapter;
 1918 ~~or~~

1919 (10)-(j) Failed to submit to the department an application,
 1920 appropriate license fees, and an acceptable surety bond or
 1921 certificate of deposit; or-

1922 (11)-(2) Failed If a licensee fails or refused ~~refuses~~ to
 1923 comply in full with an order of the department or failed to
 1924 satisfy a civil judgment owed to the department, ~~her or his~~
 1925 ~~license may be suspended or revoked, in which case she or he~~
 1926 ~~shall not be eligible for license for a period of 1 year or~~
 1927 ~~until she or he has fully complied with the order of the~~
 1928 ~~department.~~

1929 ~~(3) No person, or officer of a corporation, whose license~~
 1930 ~~has been suspended or revoked for failure to comply with an~~

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1931 ~~order of the department may hold a responsible position with a~~
 1932 ~~licensee for a period of 1 year or until the order of the~~
 1933 ~~department has been fully complied with.~~

1934 Section 51. Subsection (4) of section 686.201, Florida
 1935 Statutes, is amended to read:

1936 686.201 Sales representative contracts involving
 1937 commissions; requirements; termination of agreement; civil
 1938 remedies.—

1939 (4) This section does not apply to:

1940 (a) Persons licensed pursuant to chapter 475 who are
 1941 performing services within the scope of their license.

1942 (b) Contracts to which a seller of travel as defined in s.
 1943 559.927 is a party.

1944 Section 52. Paragraph (c) of subsection (5) of section
 1945 790.06, Florida Statutes, is amended to read:

1946 790.06 License to carry concealed weapon or firearm.—

1947 (5) The applicant shall submit to the Department of
 1948 Agriculture and Consumer Services:

1949 (c) A full set of fingerprints of the applicant
 1950 administered by a law enforcement agency or the Division of
 1951 Licensing of the Department of Agriculture and Consumer
 1952 Services.

1953 Section 53. Sections 570.071 and 570.901, Florida
 1954 Statutes, are repealed.

1955 Section 54. This act shall take effect July 1, 2010.