

1                   A bill to be entitled  
2           An act relating to agriculture; creating s. 15.0455, F.S.;  
3           designating the Florida Agricultural Museum in Flagler  
4           County as the official state agricultural museum; amending  
5           s. 369.20, F.S.; authorizing the Fish and Wildlife  
6           Conservation Commission to enter into an agreement with  
7           the Department of Environmental Protection for the uniform  
8           regulation of pesticides applied to the waters of the  
9           state; revising exemptions from water pollution permits;  
10          amending s. 373.1391, F.S.; requiring water management  
11          districts to give priority to the agricultural use of  
12          certain parcels for purposes of management of such  
13          parcels; amending s. 403.088, F.S.; providing permits for  
14          applying pesticides to the waters of the state; requiring  
15          the Department of Environmental Protection to enter into  
16          agreements with the Department of Agriculture and Consumer  
17          Services and the commission for the uniform regulation of  
18          pesticides applied to the waters of the state; authorizing  
19          temporary deviations from certain rule provisions adopted  
20          by the Department of Environmental Protection for certain  
21          pesticides under certain conditions; amending s. 403.9336,  
22          F.S.; revising a reference to the Model Ordinance for  
23          Florida-Friendly Fertilizer Use on Urban Landscapes;  
24          amending s. 403.9337, F.S.; providing for amendment of the  
25          model ordinance by the Department of Environmental  
26          Protection; revising the criteria for a local government's  
27          adoption of additional or more stringent standards;  
28          providing exemptions; amending s. 487.163, F.S.; requiring

29 | the Department of Agriculture and Consumer Services to  
 30 | enter into an agreement with the Department of  
 31 | Environmental Protection for the uniform regulation of  
 32 | pesticides applied to the waters of the state; amending s.  
 33 | 493.6102, F.S.; specifying that provisions regulating  
 34 | security officers do not apply to certain law enforcement,  
 35 | correctional, and probation officers performing off-duty  
 36 | activities; amending s. 493.6105, F.S.; revising the  
 37 | application requirements and procedures for certain  
 38 | private investigative, private security, recovery agent,  
 39 | and firearm licenses; specifying application requirements  
 40 | for firearms instructor licenses; amending s. 493.6106,  
 41 | F.S.; revising citizenship requirements and documentation  
 42 | for certain private investigative, private security, and  
 43 | recovery agent licenses; prohibiting the licensure of  
 44 | applicants for a statewide firearm license or firearms  
 45 | instructor license who are prohibited from purchasing or  
 46 | possessing firearms; requiring that private investigative,  
 47 | security, and recovery agencies notify the Department of  
 48 | Agriculture and Consumer Services of changes to their  
 49 | branch office locations; amending s. 493.6107, F.S.;  
 50 | requiring the department to accept certain methods of  
 51 | payment for certain fees; amending s. 493.6108, F.S.;  
 52 | revising requirements for criminal history checks of  
 53 | license applicants whose fingerprints are not legible;  
 54 | requiring the investigation of the mental and emotional  
 55 | fitness of applicants for firearms instructor licenses;  
 56 | amending s. 493.6111, F.S.; requiring a security officer

57 | school or recovery agent school to obtain the department's  
58 | approval for use of a fictitious name; specifying that a  
59 | licensee may not conduct business under more than one  
60 | fictitious name; amending s. 493.6113, F.S.; revising  
61 | application renewal procedures and requirements; amending  
62 | s. 493.6115, F.S.; conforming cross-references; amending  
63 | s. 493.6118, F.S.; authorizing disciplinary action against  
64 | statewide firearm licensees and firearms instructor  
65 | licensees who are prohibited from purchasing or possessing  
66 | firearms; conforming a cross-reference; amending s.  
67 | 493.6121, F.S.; deleting provisions for the department's  
68 | access to certain criminal history records provided to  
69 | licensed gun dealers, manufacturers, and exporters;  
70 | amending s. 493.6202, F.S.; requiring the department to  
71 | accept certain methods of payment for certain fees;  
72 | amending s. 493.6203, F.S.; prohibiting bodyguard services  
73 | from being credited toward certain license requirements;  
74 | revising the training requirements for private  
75 | investigator intern license applicants; requiring the  
76 | automatic suspension of an intern's license under certain  
77 | circumstances; providing an exception; amending s.  
78 | 493.6302, F.S.; requiring the department to accept certain  
79 | methods of payment for certain fees; amending s. 493.6303,  
80 | F.S.; revising the training requirements for security  
81 | officer license applicants; amending s. 493.6304, F.S.;  
82 | revising application requirements and procedures for  
83 | security officer school licenses; amending s. 493.6401,  
84 | F.S.; revising terminology for recovery agent schools and

85 training facilities; amending s. 493.6402, F.S.; revising  
86 terminology for recovery agent schools and training  
87 facilities; requiring the department to accept certain  
88 methods of payment for certain fees; amending s. 493.6406,  
89 F.S.; revising terminology; requiring the licensure of  
90 recovery agent schools and instructors; providing license  
91 application requirements and procedures; requiring license  
92 fees; amending s. 500.033, F.S.; revising the membership  
93 of the Florida Food Safety and Food Defense Advisory  
94 Council; amending ss. 501.605 and 501.607, F.S.; revising  
95 application requirements for commercial telephone seller  
96 and salesperson licenses; amending s. 501.913, F.S.;  
97 specifying the sample size required for an antifreeze  
98 registration application; amending s. 525.01, F.S.;  
99 revising requirements for petroleum fuel affidavits;  
100 amending s. 525.09, F.S.; imposing an inspection fee on  
101 certain alternative fuels containing alcohol; amending s.  
102 526.50, F.S.; defining terms applicable to regulation of  
103 the sale of brake fluid; amending s. 526.51, F.S.;  
104 revising brake fluid permit application requirements;  
105 amending s. 526.52, F.S.; revising requirements for  
106 printed statements on brake fluid containers; amending s.  
107 526.53, F.S.; revising requirements and procedures for  
108 brake fluid stop-sale orders; authorizing businesses to  
109 dispose of unregistered brake fluid under certain  
110 circumstances; amending s. 527.0201, F.S.; revising  
111 requirements for liquefied petroleum gas qualifying  
112 examinations; increasing continuing education requirements

113 | for certain liquefied petroleum gas qualifiers; amending  
114 | s. 527.12, F.S.; providing for the issuance of certain  
115 | stop orders; amending ss. 559.805 and 559.928, F.S.;  
116 | deleting social security numbers as a listing requirement  
117 | on registration affidavits for independent agents of  
118 | sellers of business opportunities; amending s. 570.07,  
119 | F.S.; revising the department's authority to enforce laws  
120 | and rules relating to commercial stock feeds and  
121 | commercial fertilizers; amending s. 570.0725, F.S.;  
122 | revising provisions for public information about food  
123 | banks and similar food recovery programs; authorizing the  
124 | department to adopt rules; amending ss. 570.53 and 570.54,  
125 | F.S.; conforming cross-references; amending s. 570.55,  
126 | F.S.; revising requirements for identifying sellers or  
127 | handlers of tropical or subtropical fruit or vegetables;  
128 | amending s. 570.902, F.S.; conforming terminology to the  
129 | repeal by the act of provisions establishing the Florida  
130 | Agricultural Museum; amending s. 570.903, F.S.; revising  
131 | provisions for direct-support organizations for certain  
132 | agricultural programs to conform to the repeal by the act  
133 | of provisions establishing the Florida Agricultural  
134 | Museum; deleting provisions for a direct-support  
135 | organization for the Florida State Collection of  
136 | Arthropods; amending s. 573.118, F.S.; requiring the  
137 | department to maintain records of marketing orders;  
138 | requiring an audit at the request of an advisory council;  
139 | requiring that the advisory council receive a copy of the  
140 | audit within a specified time; amending s. 581.011, F.S.;

141 deleting terminology relating to the Florida State  
142 Collection of Arthropods; revising the term "nursery" for  
143 purposes of plant industry regulations; amending s.  
144 581.211, F.S.; increasing the maximum fine for violations  
145 of plant industry regulations; amending s. 583.13, F.S.;  
146 deleting a prohibition on the sale of poultry without  
147 displaying the poultry grade; amending s. 585.61, F.S.;  
148 designating an animal disease diagnostic laboratory  
149 complex in Osceola County as the "Bronson Animal Disease  
150 Diagnostic Laboratory"; amending s. 590.125, F.S.;  
151 revising terminology for open burning authorizations;  
152 specifying purposes of certified prescribed burning;  
153 requiring the authorization of the Division of Forestry  
154 for certified pile burning; providing pile burning  
155 requirements; limiting the liability of property owners or  
156 agents engaged in pile burning; providing for the  
157 certification of pile burners; providing penalties for  
158 violations by certified pile burners; requiring rules;  
159 authorizing the division to adopt rules regulating  
160 certified pile burning; revising notice requirements for  
161 wildfire hazard reduction treatments; providing for  
162 approval of local government open burning authorization  
163 programs; providing program requirements; authorizing the  
164 division to close local government programs under certain  
165 circumstances; providing penalties for violations of local  
166 government open burning requirements; amending s. 590.14,  
167 F.S.; authorizing fines for violations of any division  
168 rule; providing penalties for certain violations;

169 providing legislative intent; amending s. 599.004, F.S.;

170 revising standards that a winery must meet to qualify as a

171 certified Florida Farm Winery; amending s. 604.15, F.S.;

172 revising the term "agricultural products" to make tropical

173 foliage exempt from regulation under provisions relating

174 to dealers in agricultural products; defining the term

175 "responsible position"; amending s. 604.19, F.S.; revising

176 requirements for late fees on agricultural products dealer

177 applications; amending s. 604.25, F.S.; revising

178 conditions under which the department may deny, refuse to

179 renew, suspend, or revoke agricultural products dealer

180 licenses; deleting a provision prohibiting certain persons

181 from holding a responsible position with a licensee;

182 amending s. 616.242, F.S.; authorizing the issuance of

183 stop-operation orders for amusement rides under certain

184 circumstances; amending s. 624.4095, F.S.; requiring that

185 gross written premiums for certain crop insurance not be

186 included when calculating the insurer's gross writing

187 ratio; requiring that liabilities for ceded reinsurance

188 premiums be netted against the asset for amounts

189 recoverable from reinsurers; requiring that insurers who

190 write other insurance products disclose a breakout of the

191 gross written premiums for crop insurance; amending s.

192 686.201, F.S.; exempting contracts involving a seller of

193 travel from requirements for certain sales representative

194 contracts; amending s. 790.06, F.S.; authorizing a

195 concealed firearm license applicant to submit fingerprints

196 administered by the Division of Licensing; creating s.

CS/CS/CS/HB 1445

2010

197 828.126, F.S.; defining the term "sexual activities";  
 198 prohibiting a person from knowingly engaging in sexual  
 199 activities with an animal; prohibiting certain acts  
 200 related to sexual activities with animals; providing  
 201 penalties; providing exemptions; repealing ss. 570.071 and  
 202 570.901, F.S., relating to the Florida Agricultural  
 203 Exposition and the Florida Agricultural Museum; providing  
 204 an effective date.

205  
 206 Be It Enacted by the Legislature of the State of Florida:

207  
 208 Section 1. Section 15.0455, Florida Statutes, is created  
 209 to read:

210 15.0455 Official state agricultural museum.—The Florida  
 211 Agricultural Museum in Flagler County is designated as the  
 212 official state agricultural museum.

213 Section 2. Subsections (4) and (9) of section 369.20,  
 214 Florida Statutes, are amended to read:

215 369.20 Florida Aquatic Weed Control Act.—

216 (4) The commission shall also promote, develop, and  
 217 support research activities directed toward the more effective  
 218 and efficient control of aquatic plants. In the furtherance of  
 219 this purpose, the commission may ~~is authorized to~~:

220 (a) Accept donations and grants of funds and services from  
 221 both public and private sources;

222 (b) Contract or enter into agreements with public or  
 223 private agencies or corporations for research and development of  
 224 aquatic plant control methods or for the performance of aquatic



225 | plant control activities. The commission may enter into an  
 226 | agreement with the Department of Environmental Protection to  
 227 | ensure that pesticides applied to the waters of the state are  
 228 | regulated uniformly, including provisions for the coordination  
 229 | of agency staff and resources, through the implementation of  
 230 | permitting, compliance, and enforcement activities under ss.  
 231 | 403.088 and 403.0885;

232 | (c) Construct, acquire, operate, and maintain facilities  
 233 | and equipment; and

234 | (d) Enter upon, or authorize the entry upon, private  
 235 | property for purposes of making surveys and examinations and to  
 236 | engage in aquatic plant control activities; and such entry shall  
 237 | not be deemed a trespass.

238 | (9) ~~A permit issued pursuant to this section for~~ The  
 239 | application of herbicides to waters of ~~in~~ the state for the  
 240 | control of aquatic plants, algae, or invasive exotic plants is  
 241 | exempt from the requirement to obtain a water pollution  
 242 | operation permit except as provided in ss. ~~pursuant to s.~~  
 243 | 403.088 and 403.0885.

244 | Section 3. Paragraph (d) of subsection (1) of section  
 245 | 373.1391, Florida Statutes, is amended to read:

246 | 373.1391 Management of real property.—

247 | (1)

248 | (d) For any fee simple acquisition of a parcel which is or  
 249 | will be leased back for agricultural purposes, or for any  
 250 | acquisition of a less-than-fee interest in lands that is or will  
 251 | be used for agricultural purposes, the district governing board  
 252 | shall first consider having a soil and water conservation

253 district created pursuant to chapter 582 manage and monitor such  
 254 interest. Priority shall be given to the agricultural use  
 255 present at the time of fee simple acquisition of the parcel.

256 Section 4. Subsection (1) of section 403.088, Florida  
 257 Statutes, is amended to read:

258 403.088 Water pollution operation permits; conditions.—

259 (1) ~~No person,~~ Without the written authorization of the  
 260 department, a person may not ~~shall~~ discharge any waste into the  
 261 waters of ~~within~~ the state ~~any waste~~ which, by itself or in  
 262 combination with the wastes of other sources, reduces the  
 263 quality of the receiving waters below the classification  
 264 established for such waters ~~them~~. However, this section does  
 265 ~~shall not be deemed to~~ prohibit the application of pesticides to  
 266 such waters ~~in the state~~ for the control of insects, aquatic  
 267 weeds, ~~or~~ algae, or other pests if ~~provided~~ the application is  
 268 performed in accordance with this section.

269 (a) Upon execution of the agreement required in s.  
 270 487.163(3), the department may develop a permit or other  
 271 authorization as required by 33 U.S.C. s. 1342 for the  
 272 application of pesticides. A person must obtain such permit or  
 273 other authorization before applying pesticides to the waters of  
 274 the state.

275 (b) In consultation with the Department of Agriculture and  
 276 Consumer Services and the Fish and Wildlife Conservation  
 277 Commission, the department shall also develop a general permit  
 278 under s. 403.0885(2), for the application of pesticides.

279 (c) The department shall also enter into agreements with  
 280 the Department of Agriculture and Consumer Services ~~pursuant to~~

CS/CS/CS/HB 1445

2010

281 ~~a program approved by the Department of Health,~~ in the case of  
282 insect or other pest control, and with ~~or~~ the Fish and Wildlife  
283 ~~Conservation Commission,~~ in the case of aquatic weed, other  
284 aquatic pests, or algae control. ~~The department is directed to~~  
285 ~~enter into interagency agreements to establish the procedures~~  
286 ~~for program approval.~~ Such agreements must ~~shall~~ provide for  
287 public health, welfare, and safety, as well as environmental  
288 factors, and must ensure that pesticides applied to waters of  
289 the state are regulated uniformly, including provisions for the  
290 coordination of agency staff and resources, through the  
291 implementation of permitting, compliance, and enforcement  
292 activities under s. 403.0885 and this section. Pesticides that  
293 are ~~Approved programs must provide that only chemicals~~ approved  
294 for a ~~the~~ particular use by the United States Environmental  
295 Protection Agency or by the Department of Agriculture and  
296 Consumer Services ~~may be employed and that they be~~ applied in  
297 accordance with registered label instructions, state standards  
298 for such application, including any permit or other  
299 authorization required by this subsection, and the provisions of  
300 the Florida Pesticide Law, part I of chapter 487, are allowed a  
301 temporary deviation from the acute toxicity provisions of the  
302 department's rule establishing surface water quality standards,  
303 not to exceed the time necessary to control the target pests and  
304 only if the application does not reduce the quality of the  
305 receiving waters below the classification for such waters and is  
306 not likely to adversely affect any threatened or endangered  
307 species.

308 Section 5. Section 403.9336, Florida Statutes, is amended

309 to read:

310 403.9336 Legislative findings.—The Legislature finds that  
 311 ~~the implementation of the Model Ordinance for Florida-Friendly~~  
 312 ~~Fertilizer Use on Urban Landscapes (2008), which was developed~~  
 313 ~~by the department in conjunction with the Florida Consumer~~  
 314 ~~Fertilizer Task Force, the Department of Agriculture and~~  
 315 ~~Consumer Services, and the University of Florida Institute of~~  
 316 ~~Food and Agricultural Sciences,~~ will assist in protecting the  
 317 quality of Florida's surface water and groundwater resources.  
 318 The Legislature further finds that local conditions, including  
 319 variations in the types and quality of water bodies, site-  
 320 specific soils and geology, and urban or rural densities and  
 321 characteristics, may necessitate ~~the implementation of~~  
 322 additional or more stringent fertilizer management practices at  
 323 the local government level.

324 Section 6. Section 403.9337, Florida Statutes, is amended  
 325 to read:

326 403.9337 Model Ordinance for Florida-Friendly Fertilizer  
 327 Use on Urban Landscapes.—

328 (1) The department may amend its Model Ordinance for  
 329 Florida-Friendly Fertilizer Use on Urban Landscapes (2009).  
 330 However, any amendment of the model ordinance after July 1,  
 331 2010, must be adopted by order of the department. Before  
 332 adopting an amendment to the model ordinance, the department  
 333 must hold at least one public workshop to discuss and receive  
 334 comments on the proposed amendment. The department, at a  
 335 minimum, must notify interested stakeholders of the public  
 336 workshop, including representatives of the nursery and landscape

337 industry, the pest control industry, the Department of  
338 Agriculture and Consumer Services, the University of Florida's  
339 Institute of Food and Agricultural Sciences, environmental  
340 groups, and county and local governments. Such an order amending  
341 the model ordinance is subject to challenge under chapter 120.

342 (2)-(1) All county and municipal governments are encouraged  
343 to adopt and enforce the Model Ordinance for Florida-Friendly  
344 Fertilizer Use on Urban Landscapes or an equivalent requirement  
345 as a mechanism for protecting local surface and groundwater  
346 quality.

347 (3)-(2) Each county and municipal government located within  
348 the watershed of a water body or water segment that is listed as  
349 impaired by nutrients pursuant to s. 403.067, must shall, at a  
350 minimum, adopt the most recent version of the department's Model  
351 Ordinance for Florida-Friendly Fertilizer Use on Urban  
352 Landscapes.

353 (4) A local government may adopt additional or more  
354 stringent standards than the model ordinance if, before  
355 adoption, one of the following criteria are met:

356 (a) The local government has implemented demonstrated, as  
357 part of a comprehensive program to address nonpoint sources of  
358 nutrient pollution but which is science-based, and economically  
359 and technically feasible, that additional or more stringent  
360 standards than the model ordinance are necessary in order to  
361 adequately address urban fertilizer contributions to nonpoint  
362 source nutrient loading to a water body. In any such instance,  
363 the comprehensive program must be scientifically based and  
364 economically and technically feasible. The comprehensive program

365 may include, but is not limited to:

366 1. Nonpoint source activities adopted as part of a basin  
 367 management plan developed pursuant to s. 403.067(7);

368 2. Adoption of Florida-friendly landscaping requirements,  
 369 as provided in s. 373.185, into the local government's  
 370 development code; and

371 3. The requirement for and enforcement of the  
 372 implementation of low-impact development practices; or

373 (b) The local government documents in the public record  
 374 the need for more stringent standards, including the  
 375 scientifically documented impairment of waters within the local  
 376 government's jurisdiction by nutrient enrichment due to  
 377 landforms, soils, hydrology, climate, or geology.

378 (5) If the local government proposes more stringent  
 379 standards, it must document ~~documents~~ that it has requested and  
 380 considered all relevant scientific information, including input  
 381 from the department, ~~the institute,~~ the Department of  
 382 Agriculture and Consumer Services, and the University of  
 383 Florida's ~~Florida~~ Institute of Food and Agricultural Sciences,  
 384 if provided, on the need for additional or more stringent  
 385 provisions to address fertilizer use as a contributor to water  
 386 quality degradation. All documentation must become part of the  
 387 public record before adoption of the additional or more  
 388 stringent criteria.

389 (6)~~(3)~~ Any county or municipal government that adopted its  
 390 own fertilizer use ordinance before January 1, 2009, is exempt  
 391 from this section. Ordinances adopted or amended on or after  
 392 January 1, 2009, must substantively conform to the most recent

393 version of the model fertilizer ordinance and are subject to  
 394 subsections (2)-(5) ~~(1) and (2)~~, as applicable.

395 (7) A fertilizer ordinance adopted by a county or  
 396 municipal government may not prohibit an individual certified  
 397 pursuant to s. 482.1562 from applying fertilizer during any  
 398 specified period of the calendar year. However, a county or  
 399 municipal government may require a certified applicator to  
 400 perform a soil test or leaf tissue analysis to demonstrate the  
 401 need for nutrient application during any specified period of the  
 402 calendar year when the use of fertilizer is restricted or  
 403 prohibited by local ordinance. Notwithstanding subsection (6), a  
 404 county or municipal government exempt from this section pursuant  
 405 to subsection (6) remains exempt if it amends its fertilizer  
 406 ordinance on or after January 1, 2009, to comply with this  
 407 subsection.

408 ~~(8)-(4)~~ This section does not apply to the use of  
 409 fertilizer:

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

411 (b) On lands classified as agricultural lands pursuant to  
 412 s. 193.461; or

413 (c) On any lands used for scientific research, including,  
 414 but not limited to, research on the effects of fertilizer use on  
 415 urban stormwater, water quality, agronomics, or horticulture.

416 Section 7. Subsection (3) is added to section 487.163,  
 417 Florida Statutes, to read:

418 487.163 Information; interagency cooperation.—

419 (3) The department shall enter into an agreement with the  
 420 Department of Environmental Protection to ensure that pesticides

421 applied to waters of the state are regulated uniformly,  
 422 including provisions for the coordination of agency staff and  
 423 resources, through the implementation of permitting, compliance,  
 424 and enforcement activities under ss. 403.088 and 403.0885.

425 Section 8. Subsection (1) of section 493.6102, Florida  
 426 Statutes, is amended to read:

427 493.6102 Inapplicability of this chapter.—This chapter  
 428 shall not apply to:

429 (1) Any individual who is an "officer" as defined in s.  
 430 943.10(14), or is a law enforcement officer of the United States  
 431 Government, while the ~~such~~ local, state, or federal officer is  
 432 engaged in her or his official duties or, if approved by the  
 433 officer's supervisors, when performing off-duty activities as a  
 434 security officer ~~activities approved by her or his superiors.~~

435 Section 9. Section 493.6105, Florida Statutes, is amended  
 436 to read:

437 493.6105 Initial application for license.—

438 (1) Each individual, partner, or principal officer in a  
 439 corporation, shall file with the department a complete  
 440 application accompanied by an application fee not to exceed \$60,  
 441 except that the applicant for a Class "D" or Class "G" license  
 442 is ~~shall~~ not ~~be~~ required to submit an application fee. The  
 443 application fee is ~~shall~~ not ~~be~~ refundable.

444 (a) The application submitted by any individual, partner,  
 445 or corporate officer must ~~shall~~ be approved by the department  
 446 before the ~~prior to that~~ individual, partner, or corporate  
 447 officer assumes ~~assuming~~ his or her duties.

448 (b) Individuals who invest in the ownership of a licensed



CS/CS/CS/HB 1445

2010

449 agency, but do not participate in, direct, or control the  
450 operations of the agency are ~~shall~~ not ~~be~~ required to file an  
451 application.

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

455 (3) The application must ~~shall~~ contain the following  
456 information concerning the individual signing the application  
457 ~~same~~:

458 (a) Name and any aliases.

459 (b) Age and date of birth.

460 (c) Place of birth.

461 (d) Social security number or alien registration number,  
462 whichever is applicable.

463 (e) Current ~~Present~~ residence address and ~~his or her~~  
464 ~~residence addresses within the 5 years immediately preceding the~~  
465 ~~submission of the application.~~

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

468 ~~(f)(g)~~ A statement of all criminal convictions, findings  
469 of guilt, and pleas of guilty or nolo contendere, regardless of  
470 adjudication of guilt.

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

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

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

477 (j) A full set of fingerprints on a card provided by the  
478 department and a fingerprint fee to be established by rule of  
479 the department based upon costs determined by state and federal  
480 agency charges and department processing costs. An applicant who  
481 has, within the immediately preceding 6 months, submitted a  
482 fingerprint card and fee for licensing purposes under this  
483 chapter shall not be required to submit another fingerprint card  
484 or fee.

485 (k) A personal inquiry waiver which allows the department  
486 to conduct necessary investigations to satisfy the requirements  
487 of this chapter.

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

492 ~~(4) In addition to the application requirements outlined~~  
493 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~  
494 ~~Class "E," Class "EE," or Class "G" license shall submit two~~  
495 ~~color photographs taken within the 6 months immediately~~  
496 ~~preceding the submission of the application, which meet~~  
497 ~~specifications prescribed by rule of the department. All other~~  
498 ~~applicants shall submit one photograph taken within the 6 months~~  
499 ~~immediately preceding the submission of the application.~~

500 (4) ~~(5)~~ In addition to the application requirements  
501 outlined under subsection (3), the applicant for a Class "C,"  
502 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"  
503 license shall include a statement on a form provided by the  
504 department of the experience which he or she believes will

CS/CS/CS/HB 1445

2010

505 qualify him or her for such license.

506 ~~(5)-(6)~~ In addition to the requirements outlined in  
 507 subsection (3), an applicant for a Class "G" license shall  
 508 satisfy minimum training criteria for firearms established by  
 509 rule of the department, which training criteria shall include,  
 510 but is not limited to, 28 hours of range and classroom training  
 511 taught and administered by a Class "K" licensee; however, no  
 512 more than 8 hours of such training shall consist of range  
 513 training. If the applicant can show proof that he or she is an  
 514 active law enforcement officer currently certified under the  
 515 Criminal Justice Standards and Training Commission or has  
 516 completed the training required for that certification within  
 517 the last 12 months, or if the applicant submits one of the  
 518 certificates specified in paragraph (6) (a) ~~(7) (a)~~, the  
 519 department may waive the foregoing firearms training  
 520 requirement.

521 ~~(6)-(7)~~ In addition to the requirements under subsection  
 522 (3), an applicant for a Class "K" license shall:

523 (a) Submit one of the following certificates:

524 1. The Florida Criminal Justice Standards and Training  
 525 Commission ~~Firearms~~ Instructor's Certificate and confirmation by  
 526 the commission that the applicant is authorized to provide  
 527 firearms instruction.

528 2. The National Rifle Association Law Enforcement ~~Police~~  
 529 Firearms Instructor's Certificate.

530 ~~3. The National Rifle Association Security Firearms~~  
 531 ~~Instructor's Certificate.~~

532 ~~3.4.~~ A firearms instructor's training certificate issued

533 by any branch of the United States Armed Forces, ~~from~~ a federal  
534 law enforcement academy or agency, ~~state, county,~~ or a law  
535 enforcement municipal police academy or agency in this state  
536 recognized as such by the Criminal Justice Standards and  
537 Training Commission ~~or by the Department of Education.~~

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

542 ~~(7)-(8)~~ In addition to the application requirements for  
543 individuals, partners, or officers outlined under subsection  
544 (3), the application for an agency license shall contain the  
545 following information:

546 (a) The proposed name under which the agency intends to  
547 operate.

548 (b) The street address, mailing address, and telephone  
549 numbers of the principal location at which business is to be  
550 conducted in this state.

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

553 (d) The names and titles of all partners or, in the case  
554 of a corporation, the names and titles of its principal  
555 officers.

556 ~~(8)-(9)~~ Upon submission of a complete application, a Class  
557 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"  
558 Class "MA," Class "MB," or Class "MR" applicant may commence  
559 employment or appropriate duties for a licensed agency or branch  
560 office. However, the Class "C" or Class "E" applicant must work

561 under the direction and control of a sponsoring licensee while  
562 his or her application is being processed. If the department  
563 denies application for licensure, the employment of the  
564 applicant must be terminated immediately, unless he or she  
565 performs only unregulated duties.

566 Section 10. Paragraph (f) of subsection (1) and paragraph  
567 (a) of subsection (2) of section 493.6106, Florida Statutes, are  
568 amended, and paragraph (g) is added to subsection (1) of that  
569 section, to read:

570 493.6106 License requirements; posting.—

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

572 (f) Be a citizen or permanent legal resident alien of the  
573 United States or have appropriate ~~been granted~~ authorization  
574 issued to seek employment in this country by the ~~United States~~  
575 Bureau of Citizenship and Immigration Services of the United  
576 States Department of Homeland Security.

577 1. An applicant for a Class "C," Class "CC," Class "D,"  
578 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class  
579 "MB," Class "MR," or Class "RI" license who is not a United  
580 States citizen must submit proof of current employment  
581 authorization issued by the United States Bureau of Citizenship  
582 and Immigration Services or proof that she or he is deemed a  
583 permanent legal resident alien by the United States Bureau of  
584 Citizenship and Immigration Services.

585 2. An applicant for a Class "G" or Class "K" license who  
586 is not a United States citizen must submit proof that she or he  
587 is deemed a permanent legal resident alien by the United States  
588 Bureau of Citizenship and Immigration Services, together with

589 additional documentation establishing that she or he has resided  
590 in the state of residence shown on the application for at least  
591 90 consecutive days before the date that the application is  
592 submitted.

593 3. An applicant for an agency or school license who is not  
594 a United States citizen or permanent legal resident alien must  
595 submit documentation issued by the United States Bureau of  
596 Citizenship and Immigration Services stating that she or he is  
597 lawfully in the United States and is authorized to own and  
598 operate the type of agency or school for which she or he is  
599 applying. An employment authorization card issued by the United  
600 States Bureau of Citizenship and Immigration Services is not  
601 sufficient documentation.

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

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

609 (a) If an agency or branch office desires to change the  
610 physical location of the business, as it appears on the ~~agency~~  
611 license, the department must be notified within 10 days of the  
612 change, and, except upon renewal, the fee prescribed in s.  
613 493.6107 must be submitted for each license requiring revision.  
614 Each license requiring revision must be returned with such  
615 notification.

616 Section 11. Subsection (3) of section 493.6107, Florida

CS/CS/CS/HB 1445

2010

617 Statutes, is amended to read:

618 493.6107 Fees.—

619 (3) The fees set forth in this section must be paid by  
 620 ~~certified~~ check or money order ~~or, at the discretion of the~~  
 621 ~~department, by agency check~~ at the time the application is  
 622 approved, except that the applicant for a Class "G" or Class "M"  
 623 license must pay the license fee at the time the application is  
 624 made. If a license is revoked or denied or if the application is  
 625 withdrawn, the license fee shall not be refunded.

626 Section 12. Paragraph (a) of subsection (1) and subsection  
 627 (3) of section 493.6108, Florida Statutes, are amended to read:

628 493.6108 Investigation of applicants by Department of  
 629 Agriculture and Consumer Services.—

630 (1) Except as otherwise provided, prior to the issuance of  
 631 a license under this chapter, the department shall make an  
 632 investigation of the applicant for a license. The investigation  
 633 shall include:

634 (a)1. An examination of fingerprint records and police  
 635 records. When a criminal history analysis of any applicant under  
 636 this chapter is performed by means of fingerprint card  
 637 identification, the time limitations prescribed by s. 120.60(1)  
 638 shall be tolled during the time the applicant's fingerprint card  
 639 is under review by the Department of Law Enforcement or the  
 640 United States Department of Justice, Federal Bureau of  
 641 Investigation.

642 2. If a legible set of fingerprints, as determined by the  
 643 Department of Law Enforcement or the Federal Bureau of  
 644 Investigation, cannot be obtained after two attempts, the

645 Department of Agriculture and Consumer Services may determine  
 646 the applicant's eligibility based upon a criminal history record  
 647 check under the applicant's name conducted by the Department of  
 648 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~  
 649 ~~A set of fingerprints~~ are taken by a law enforcement agency or  
 650 the department and the applicant submits a written statement  
 651 signed by the fingerprint technician or a licensed physician  
 652 stating that there is a physical condition that precludes  
 653 obtaining a legible set of fingerprints or that the fingerprints  
 654 taken are the best that can be obtained ~~is sufficient to meet~~  
 655 ~~this requirement.~~

656 (3) The department shall also investigate the mental  
 657 history and current mental and emotional fitness of any Class  
 658 "G" or Class "K" applicant, and may deny a Class "G" or Class  
 659 "K" license to anyone who has a history of mental illness or  
 660 drug or alcohol abuse.

661 Section 13. Subsection (4) of section 493.6111, Florida  
 662 Statutes, is amended to read:

663 493.6111 License; contents; identification card.—

664 (4) Notwithstanding the existence of a valid Florida  
 665 corporate registration, an ~~an~~ agency or school licensee may not  
 666 conduct activities regulated under this chapter under any  
 667 fictitious name without prior written authorization from the  
 668 department to use that name in the conduct of activities  
 669 regulated under this chapter. The department may not authorize  
 670 the use of a name which is so similar to that of a public  
 671 officer or agency, or of that used by another licensee, that the  
 672 public may be confused or misled thereby. The authorization for



673 the use of a fictitious name shall require, as a condition  
 674 precedent to the use of such name, the filing of a certificate  
 675 of engaging in business under a fictitious name under s. 865.09.  
 676 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business  
 677 under more than one fictitious name except as separately  
 678 licensed nor shall the license be valid to protect any licensee  
 679 who is engaged in ~~the~~ business under any name other than that  
 680 specified in the license. An agency desiring to change its  
 681 licensed name shall notify the department and, except upon  
 682 renewal, pay a fee not to exceed \$30 for each license requiring  
 683 revision including those of all licensed employees except Class  
 684 "D" or Class "G" licensees. Upon the return of such licenses to  
 685 the department, revised licenses shall be provided.

686 Section 14. Subsection (2) and paragraph (a) of subsection  
 687 (3) of section 493.6113, Florida Statutes, are amended to read:  
 688 493.6113 Renewal application for licensure.—

689 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the  
 690 expiration date of the license, the department shall mail a  
 691 written notice to the last known mailing ~~residence~~ address of  
 692 the licensee ~~for individual licensees and to the last known~~  
 693 ~~agency address for agencies.~~

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

698 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~  
 699 licensee shall additionally submit on a form prescribed by the  
 700 department a certification of insurance which evidences that the

701 licensee maintains coverage as required under s. 493.6110.

702 Section 15. Subsection (8), paragraph (d) of subsection  
 703 (12), and subsection (16) of section 493.6115, Florida Statutes,  
 704 are amended to read:

705 493.6115 Weapons and firearms.—

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

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

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

714 (16) If the criminal history record check program  
 715 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the  
 716 department may issue a temporary "G" license on a case-by-case  
 717 basis, provided that the applicant has met all statutory  
 718 requirements for the issuance of a temporary "G" license as  
 719 specified in subsection (12), excepting the criminal history  
 720 record check stipulated there; provided, that the department  
 721 requires that the licensed employer of the applicant conduct a  
 722 criminal history record check of the applicant pursuant to  
 723 standards set forth in rule by the department, and provide to  
 724 the department an affidavit containing such information and  
 725 statements as required by the department, including a statement  
 726 that the criminal history record check did not indicate the  
 727 existence of any criminal history that would prohibit licensure.  
 728 Failure to properly conduct such a check, or knowingly providing

729 incorrect or misleading information or statements in the  
 730 affidavit shall constitute grounds for disciplinary action  
 731 against the licensed agency, including revocation of license.

732 Section 16. Paragraph (u) of subsection (1) of section  
 733 493.6118, Florida Statutes, is redesignated as paragraph (v) and  
 734 amended, and a new paragraph (u) is added to that subsection, to  
 735 read:

736 493.6118 Grounds for disciplinary action.-

737 (1) The following constitute grounds for which  
 738 disciplinary action specified in subsection (2) may be taken by  
 739 the department against any licensee, agency, or applicant  
 740 regulated by this chapter, or any unlicensed person engaged in  
 741 activities regulated under this chapter.

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

745 (v)~~(u)~~ In addition to the grounds for disciplinary action  
 746 prescribed in paragraphs (a)-(u) ~~(a)-(t)~~, Class "R" recovery  
 747 agencies, Class "E" recovery agents, and Class "EE" recovery  
 748 agent interns are prohibited from committing the following acts:

749 1. Recovering a motor vehicle, mobile home, motorboat,  
 750 aircraft, personal watercraft, all-terrain vehicle, farm  
 751 equipment, or industrial equipment that has been sold under a  
 752 conditional sales agreement or under the terms of a chattel  
 753 mortgage before authorization has been received from the legal  
 754 owner or mortgagee.

755 2. Charging for expenses not actually incurred in  
 756 connection with the recovery, transportation, storage, or

757 disposal of repossessed property or personal property obtained  
 758 in a repossession.

759 3. Using any repossessed property or personal property  
 760 obtained in a repossession for the personal benefit of a  
 761 licensee or an officer, director, partner, manager, or employee  
 762 of a licensee.

763 4. Selling property recovered under the provisions of this  
 764 chapter, except with written authorization from the legal owner  
 765 or the mortgagee thereof.

766 5. Failing to notify the police or sheriff's department of  
 767 the jurisdiction in which the repossessed property is recovered  
 768 within 2 hours after recovery.

769 6. Failing to remit moneys collected in lieu of recovery  
 770 of a motor vehicle, mobile home, motorboat, aircraft, personal  
 771 watercraft, all-terrain vehicle, farm equipment, or industrial  
 772 equipment to the client within 10 working days.

773 7. Failing to deliver to the client a negotiable  
 774 instrument that is payable to the client, within 10 working days  
 775 after receipt of such instrument.

776 8. Falsifying, altering, or failing to maintain any  
 777 required inventory or records regarding disposal of personal  
 778 property contained in or on repossessed property pursuant to s.  
 779 493.6404(1).

780 9. Carrying any weapon or firearm when he or she is on  
 781 private property and performing duties under his or her license  
 782 whether or not he or she is licensed pursuant to s. 790.06.

783 10. Soliciting from the legal owner the recovery of  
 784 property subject to repossession after such property has been

785 | seen or located on public or private property if the amount  
 786 | charged or requested for such recovery is more than the amount  
 787 | normally charged for such a recovery.

788 | 11. Wearing, presenting, or displaying a badge in the  
 789 | course of performing a repossession regulated by this chapter.

790 | Section 17. Subsections (7) and (8) of section 493.6121,  
 791 | Florida Statutes, are renumbered as subsections (6) and (7),  
 792 | respectively, and present subsection (6) of that section is  
 793 | amended, to read:

794 | 493.6121 Enforcement; investigation.—

795 | ~~(6) The department shall be provided access to the program~~  
 796 | ~~that is operated by the Department of Law Enforcement, pursuant~~  
 797 | ~~to s. 790.065, for providing criminal history record information~~  
 798 | ~~to licensed gun dealers, manufacturers, and exporters. The~~  
 799 | ~~department may make inquiries, and shall receive responses in~~  
 800 | ~~the same fashion as provided under s. 790.065. The department~~  
 801 | ~~shall be responsible for payment to the Department of Law~~  
 802 | ~~Enforcement of the same fees as charged to others afforded~~  
 803 | ~~access to the program.~~

804 | Section 18. Subsection (3) of section 493.6202, Florida  
 805 | Statutes, is amended to read:

806 | 493.6202 Fees.—

807 | (3) The fees set forth in this section must be paid by  
 808 | ~~certified~~ check or money order ~~or, at the discretion of the~~  
 809 | ~~department, by agency check~~ at the time the application is  
 810 | approved, except that the applicant for a Class "G," Class "C,"  
 811 | Class "CC," Class "M," or Class "MA" license must pay the  
 812 | license fee at the time the application is made. If a license is

813 | revoked or denied or if the application is withdrawn, the  
 814 | license fee shall not be refunded.

815 |         Section 19. Subsections (2), (4), and (6) of section  
 816 | 493.6203, Florida Statutes, are amended to read:

817 |         493.6203 License requirements.—In addition to the license  
 818 | requirements set forth elsewhere in this chapter, each  
 819 | individual or agency shall comply with the following additional  
 820 | requirements:

821 |             (2) An applicant for a Class "MA" license shall have 2  
 822 | years of lawfully gained, verifiable, full-time experience, or  
 823 | training in:

824 |             (a) Private investigative work or related fields of work  
 825 | that provided equivalent experience or training;

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

827 |             (c) Any combination of paragraphs (a) and (b);

828 |             (d) Experience described in paragraph (a) for 1 year and  
 829 | experience described in paragraph (e) for 1 year;

830 |             (e) No more than 1 year using:

831 |                 1. College coursework related to criminal justice,  
 832 | criminology, or law enforcement administration; or

833 |                 2. Successfully completed law enforcement-related training  
 834 | received from any federal, state, county, or municipal agency;  
 835 | or

836 |             (f) Experience described in paragraph (a) for 1 year and  
 837 | work in a managerial or supervisory capacity for 1 year.

838 |

839 | However, experience in performing bodyguard services is not  
 840 | creditable toward the requirements of this subsection.

CS/CS/CS/HB 1445

2010

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

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

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

852 (c) Work as a Class "CC" licensed intern.  
853

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

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

859 (b) Effective July 1, 2010 ~~September 1, 2008~~, before  
860 submission of an application to the department, the an applicant  
861 for a Class "CC" license must have completed a minimum of 40 at  
862 least 24 hours of professional training a 40-hour course  
863 pertaining to general investigative techniques and this chapter,  
864 which course is offered by a state university or by a school,  
865 community college, college, or university under the purview of  
866 the Department of Education, and the applicant must pass an  
867 examination. The training must be provided in two parts, one 24-  
868 hour course and one 16-hour course. The certificate evidencing

869 satisfactory completion of the 40 ~~at least 24~~ hours of  
870 professional training ~~a 40-hour course~~ must be submitted with  
871 the application for a Class "CC" license. ~~The remaining 16 hours~~  
872 ~~must be completed and an examination passed within 180 days. If~~  
873 ~~documentation of completion of the required training is not~~  
874 ~~submitted within the specified timeframe, the individual's~~  
875 ~~license is automatically suspended or his or her authority to~~  
876 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~  
877 ~~until such time as proof of certificate of completion is~~  
878 ~~provided to the department.~~ The training ~~course~~ specified in  
879 this paragraph may be provided by face-to-face presentation,  
880 online technology, or a home study course in accordance with  
881 rules and procedures of the Department of Education. The  
882 administrator of the examination must verify the identity of  
883 each applicant taking the examination.

884 1. Upon an applicant's successful completion of each part  
885 of the approved training ~~course~~ and passage of any required  
886 examination, the school, community college, college, or  
887 university shall issue a certificate of completion to the  
888 applicant. The certificates must be on a form established by  
889 rule of the department.

890 2. The department shall establish by rule the general  
891 content of the professional training ~~course~~ and the examination  
892 criteria.

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

896 (c) An individual who submits an application for a Class



CS/CS/CS/HB 1445

2010

897 "CC" license on or after September 1, 2008, through June 30,  
898 2010, who has not completed the 16-hour course must submit proof  
899 of successful completion of the course within 180 days after the  
900 date the application is submitted. If documentation of  
901 completion of the required training is not submitted by that  
902 date, the individual's license is automatically suspended until  
903 proof of the required training is submitted to the department.  
904 An individual licensed on or before August 31, 2008, is not  
905 required to complete additional training hours in order to renew  
906 an active license beyond the required total amount of training,  
907 and within the timeframe, in effect at the time he or she was  
908 licensed.

909 Section 20. Subsection (3) of section 493.6302, Florida  
910 Statutes, is amended to read:

911 493.6302 Fees.—

912 (3) The fees set forth in this section must be paid by  
913 ~~certified check or money order or, at the discretion of the~~  
914 ~~department, by agency check~~ at the time the application is  
915 approved, except that the applicant for a Class "D," Class "G,"  
916 Class "M," or Class "MB" license must pay the license fee at the  
917 time the application is made. If a license is revoked or denied  
918 or if the application is withdrawn, the license fee shall not be  
919 refunded.

920 Section 21. Subsection (4) of section 493.6303, Florida  
921 Statutes, is amended to read:

922 493.6303 License requirements.—In addition to the license  
923 requirements set forth elsewhere in this chapter, each  
924 individual or agency shall comply with the following additional

925 requirements:

926 (4) (a) Effective July 1, 2010, an applicant for a Class  
 927 "D" license must submit proof of successful completion of  
 928 ~~complete~~ a minimum of 40 hours of professional training at a  
 929 school or training facility licensed by the department. The  
 930 training must be provided in two parts, one 24-hour course and  
 931 one 16-hour course. The department shall by rule establish the  
 932 general content and number of hours of each subject area to be  
 933 taught.

934 (b) An individual who submits an application for a Class  
 935 "D" license on or after January 1, 2007, through June 30, 2010,  
 936 who has not completed the 16-hour course must submit proof of  
 937 successful completion of the course within 180 days after the  
 938 date the application is submitted. If documentation of  
 939 completion of the required training is not submitted by that  
 940 date, the individual's license is automatically suspended until  
 941 proof of the required training is submitted to the department.  
 942 This section does not require a person licensed before January  
 943 1, 2007, to complete additional training hours in order to renew  
 944 an active license beyond the required total amount of training  
 945 within the timeframe prescribed by law at the time he or she was  
 946 licensed. An applicant may fulfill the training requirement  
 947 prescribed in paragraph (a) by submitting proof of:

948 1. ~~Successful completion of the total number of required~~  
 949 ~~hours of training before initial application for a Class "D"~~  
 950 ~~license; or~~

951 2. ~~Successful completion of 24 hours of training before~~  
 952 ~~initial application for a Class "D" license and successful~~

953 ~~completion of the remaining 16 hours of training within 180 days~~  
 954 ~~after the date that the application is submitted. If~~  
 955 ~~documentation of completion of the required training is not~~  
 956 ~~submitted within the specified timeframe, the individual's~~  
 957 ~~license is automatically suspended until such time as proof of~~  
 958 ~~the required training is provided to the department.~~

959 (c) An individual ~~However, any person whose license is~~  
 960 ~~suspended or has been revoked, suspended pursuant to paragraph~~  
 961 ~~(b) subparagraph 2., or is expired for at least 1 year, or~~  
 962 ~~longer is considered, upon reapplication for a license, an~~  
 963 ~~initial applicant and must submit proof of successful completion~~  
 964 ~~of 40 hours of professional training at a school or training~~  
 965 ~~facility licensed by the department as provided prescribed in~~  
 966 ~~paragraph (a) before a license is will be issued. Any person~~  
 967 ~~whose license was issued before January 1, 2007, and whose~~  
 968 ~~license has been expired for less than 1 year must, upon~~  
 969 ~~reapplication for a license, submit documentation of completion~~  
 970 ~~of the total number of hours of training prescribed by law at~~  
 971 ~~the time her or his initial license was issued before another~~  
 972 ~~license will be issued. This subsection does not require an~~  
 973 ~~individual licensed before January 1, 2007, to complete~~  
 974 ~~additional training hours in order to renew an active license,~~  
 975 ~~beyond the required total amount of training within the~~  
 976 ~~timeframe prescribed by law at the time she or he was licensed.~~

977 Section 22. Subsection (2) of section 493.6304, Florida  
 978 Statutes, is amended to read:

979 493.6304 Security officer school or training facility.—  
 980 (2) The application shall be signed and verified by the

981 applicant under oath as provided in s. 92.525 ~~notarized~~ and  
 982 shall contain, at a minimum, the following information:

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

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

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

990 Section 23. Subsections (7) and (8) of section 493.6401,  
 991 Florida Statutes, are amended to read:

992 493.6401 Classes of licenses.—

993 (7) Any person who operates a recovery agent ~~repossessor~~  
 994 school or training facility or who conducts an Internet-based  
 995 training course or a correspondence training course must have a  
 996 Class "RS" license.

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

1000 Section 24. Paragraphs (f) and (g) of subsection (1) and  
 1001 subsection (3) of section 493.6402, Florida Statutes, are  
 1002 amended to read:

1003 493.6402 Fees.—

1004 (1) The department shall establish by rule biennial  
 1005 license fees which shall not exceed the following:

1006 (f) Class "RS" license—recovery agent ~~repossessor~~ school  
 1007 or training facility: \$60.

1008 (g) Class "RI" license—recovery agent ~~repossessor~~ school

1009 or training facility instructor: \$60.

1010 (3) The fees set forth in this section must be paid by  
 1011 ~~certified check or money order, or, at the discretion of the~~  
 1012 ~~department, by agency check~~ at the time the application is  
 1013 approved, except that the applicant for a Class "E," Class "EE,"  
 1014 or Class "MR" license must pay the license fee at the time the  
 1015 application is made. If a license is revoked or denied, or if an  
 1016 application is withdrawn, the license fee shall not be refunded.

1017 Section 25. Subsections (1) and (2) of section 493.6406,  
 1018 Florida Statutes, are amended to read:

1019 493.6406 Recovery agent ~~Repossession services~~ school or  
 1020 training facility.-

1021 (1) Any school, training facility, or instructor who  
 1022 offers the training outlined in s. 493.6403(2) for Class "E" or  
 1023 Class "EE" applicants shall, before licensure of such school,  
 1024 training facility, or instructor, file with the department an  
 1025 application accompanied by an application fee in an amount to be  
 1026 determined by rule, not to exceed \$60. The fee shall not be  
 1027 refundable. This training may be offered as face-to-face  
 1028 training, Internet-based training, or correspondence training.

1029 (2) The application shall be signed and verified by the  
 1030 applicant under oath as provided in s. 92.525 ~~notarized~~ and  
 1031 shall contain, at a minimum, the following information:

1032 (a) The name and address of the school or training  
 1033 facility and, if the applicant is an individual, his or her  
 1034 name, address, and social security or alien registration number.

1035 (b) The street address of the place at which the training  
 1036 is to be conducted or the street address of the Class "RS"

1037 school offering Internet-based or correspondence training.

1038 (c) A copy of the training curriculum and final  
 1039 examination to be administered.

1040 Section 26. Subsection (1) of section 500.033, Florida  
 1041 Statutes, is amended to read:

1042 500.033 Florida Food Safety and Food Defense Advisory  
 1043 Council.—

1044 (1) There is created the Florida Food Safety and Food  
 1045 Defense Advisory Council for the purpose of serving as a forum  
 1046 for presenting, investigating, and evaluating issues of current  
 1047 importance to the assurance of a safe and secure food supply to  
 1048 the citizens of Florida. The Florida Food Safety and Food  
 1049 Defense Advisory Council shall consist of, but not be limited  
 1050 to: the Commissioner of Agriculture or his or her designee; the  
 1051 State Surgeon General or his or her designee; the Secretary of  
 1052 Business and Professional Regulation or his or her designee; the  
 1053 person responsible for domestic security with the Department of  
 1054 Law Enforcement; members representing the production,  
 1055 processing, distribution, and sale of foods; members  
 1056 representing small farmers; consumers or members of citizens  
 1057 groups; representatives of food industry groups; scientists or  
 1058 other experts in aspects of food safety from state universities;  
 1059 representatives from local, state, and federal agencies that are  
 1060 charged with responsibilities for food safety or food defense;  
 1061 the chairs of the Agriculture Committees of the Senate and the  
 1062 House of Representatives or their designees; and the chairs of  
 1063 the committees of the Senate and the House of Representatives  
 1064 with jurisdictional oversight of home defense issues or their

CS/CS/CS/HB 1445

2010

1065 designees. The Commissioner of Agriculture shall appoint the  
 1066 remaining members. The council shall make periodic reports to  
 1067 the Department of Agriculture and Consumer Services concerning  
 1068 findings and recommendations in the area of food safety and food  
 1069 defense.

1070 Section 27. Paragraph (a) of subsection (2) of section  
 1071 501.605, Florida Statutes, is amended to read:

1072 501.605 Licensure of commercial telephone sellers.—

1073 (2) An applicant for a license as a commercial telephone  
 1074 seller must submit to the department, in such form as it  
 1075 prescribes, a written application for the license. The  
 1076 application must set forth the following information:

1077 (a) The true name, date of birth, driver's license number,  
 1078 ~~social security number~~, and home address of the applicant,  
 1079 including each name under which he or she intends to do  
 1080 business.

1081  
 1082 The application shall be accompanied by a copy of any: Script,  
 1083 outline, or presentation the applicant will require or suggest a  
 1084 salesperson to use when soliciting, or, if no such document is  
 1085 used, a statement to that effect; sales information or  
 1086 literature to be provided by the applicant to a salesperson; and  
 1087 sales information or literature to be provided by the applicant  
 1088 to a purchaser in connection with any solicitation.

1089 Section 28. Paragraph (a) of subsection (1) of section  
 1090 501.607, Florida Statutes, is amended to read:

1091 501.607 Licensure of salespersons.—

1092 (1) An applicant for a license as a salesperson must

CS/CS/CS/HB 1445

2010

1093 submit to the department, in such form as it prescribes, a  
 1094 written application for a license. The application must set  
 1095 forth the following information:

1096 (a) The true name, date of birth, driver's license number,  
 1097 ~~social security number,~~ and home address of the applicant.

1098 Section 29. Subsection (2) of section 501.913, Florida  
 1099 Statutes, is amended to read:

1100 501.913 Registration.—

1101 (2) The completed application shall be accompanied by:

1102 (a) Specimens or facsimiles of the label for each brand of  
 1103 antifreeze;

1104 (b) An application fee of \$200 for each brand; and

1105 (c) A properly labeled sample of at least 1 gallon, but  
 1106 not more than 2 gallons, of each brand of antifreeze.

1107 Section 30. Subsection (2) of section 525.01, Florida  
 1108 Statutes, is amended to read:

1109 525.01 Gasoline and oil to be inspected.—

1110 (2) All petroleum fuels are ~~shall be~~ subject to inspection  
 1111 and analysis by the department. Before selling or offering for  
 1112 sale in this state any petroleum fuel, all manufacturers,  
 1113 terminal suppliers, wholesalers, and importers as defined in s.

1114 206.01 ~~jobbers~~ shall file with the department:

1115 (a) An affidavit that they desire to do business in this  
 1116 state, and the name and address of the manufacturer of the  
 1117 petroleum fuel.

1118 (b) An affidavit stating that the petroleum fuel is in  
 1119 conformity with the standards prescribed by department rule.

1120 Section 31. Subsections (1) and (3) of section 525.09,



CS/CS/CS/HB 1445

2010

1121 Florida Statutes, are amended to read:

1122 525.09 Inspection fee.—

1123 (1) For the purpose of defraying the expenses incident to  
 1124 inspecting, testing, and analyzing petroleum fuels in this  
 1125 state, there shall be paid to the department a charge of one-  
 1126 eighth cent per gallon on all gasoline, alternative fuel  
 1127 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,  
 1128 kerosene (except when used as aviation turbine fuel), and #1  
 1129 fuel oil for sale or use in this state. This inspection fee  
 1130 shall be imposed in the same manner as the motor fuel tax  
 1131 pursuant to s. 206.41. Payment shall be made on or before the  
 1132 25th day of each month.

1133 (3) All remittances to the department for the inspection  
 1134 tax herein provided shall be accompanied by a detailed report  
 1135 under oath showing the number of gallons of gasoline,  
 1136 alternative fuel containing alcohol as defined in s.  
 1137 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered  
 1138 in each county.

1139 Section 32. Section 526.50, Florida Statutes, is amended  
 1140 to read:

1141 526.50 Definition of terms.—As used in this part:

1142 (1) "Brake fluid" means the fluid intended for use as the  
 1143 liquid medium through which force is transmitted in the  
 1144 hydraulic brake system of a vehicle operated upon the highways.

1145 (2) "Brand" means the product name appearing on the label  
 1146 of a container of brake fluid.

1147 (3) ~~(5)~~ "Container" means any receptacle in which brake  
 1148 fluid is immediately contained when sold, but does not mean a

CS/CS/CS/HB 1445

2010

1149 carton or wrapping in which a number of such receptacles are  
 1150 shipped or stored or a tank car or truck.

1151 ~~(4)-(2)~~ "Department" means the Department of Agriculture  
 1152 and Consumer Services.

1153 (5) "Formula" means the name of the chemical mixture or  
 1154 composition of the brake fluid product.

1155 ~~(6)-(4)~~ "Labeling" includes all written, printed or graphic  
 1156 representations, in any form whatsoever, imprinted upon or  
 1157 affixed to any container of brake fluid.

1158 ~~(7)-(6)~~ "Permit year" means a period of 12 months  
 1159 commencing July 1 and ending on the next succeeding June 30.

1160 ~~(8)-(7)~~ "Registrant" means any manufacturer, packer,  
 1161 distributor, seller, or other person who has registered a brake  
 1162 fluid with the department.

1163 ~~(9)-(3)~~ "Sell" includes give, distribute, barter, exchange,  
 1164 trade, keep for sale, offer for sale or expose for sale, in any  
 1165 of their variant forms.

1166 Section 33. Paragraph (a) of subsection (1) of section  
 1167 526.51, Florida Statutes, is amended to read:

1168 526.51 Registration; renewal and fees; departmental  
 1169 expenses; cancellation or refusal to issue or renew.-

1170 (1) (a) Application for registration of each brand of brake  
 1171 fluid shall be made on forms to be supplied by the department.  
 1172 The applicant shall give his or her name and address and the  
 1173 brand name of the brake fluid, state that he or she owns the  
 1174 brand name and has complete control over the product sold  
 1175 thereunder in Florida, and provide the name and address of the  
 1176 resident agent in Florida. If the applicant does not own the

1177 brand name but wishes to register the product with the  
 1178 department, a notarized affidavit that gives the applicant full  
 1179 authorization to register the brand name and that is signed by  
 1180 the owner of the brand name must accompany the application for  
 1181 registration. The affidavit must include all affected brand  
 1182 names, the owner's company or corporate name and address, the  
 1183 applicant's company or corporate name and address, and a  
 1184 statement from the owner authorizing the applicant to register  
 1185 the product with the department. The owner of the brand name  
 1186 shall maintain complete control over each product sold under  
 1187 that brand name in this state. All first-time brand-formula  
 1188 combination ~~new-product~~ applications must be accompanied by a  
 1189 certified report from an independent testing laboratory, setting  
 1190 forth the analysis of the brake fluid which shall show its  
 1191 quality to be not less than the specifications established by  
 1192 the department for brake fluids. A sample of not less than 24  
 1193 fluid ounces of brake fluid shall be submitted, in a container  
 1194 or containers, with labels representing exactly how the  
 1195 containers of brake fluid will be labeled when sold, and the  
 1196 sample and container shall be analyzed and inspected by the  
 1197 Division of Standards in order that compliance with the  
 1198 department's specifications and labeling requirements may be  
 1199 verified. Upon approval of the application, the department shall  
 1200 register the brand name of the brake fluid and issue to the  
 1201 applicant a permit authorizing the registrant to sell the brake  
 1202 fluid in this state during the permit year specified in the  
 1203 permit.

1204 Section 34. Paragraph (a) of subsection (3) of section

CS/CS/CS/HB 1445

2010

1205 526.52, Florida Statutes, is amended to read:

1206 526.52 Specifications; adulteration and misbranding.—

1207 (3) Brake fluid is deemed to be misbranded:

1208 (a) If its container does not bear on its side or top a  
 1209 label on which is printed the name and place of business of the  
 1210 registrant of the product, the words "brake fluid," and a  
 1211 statement that the product therein equals or exceeds the minimum  
 1212 specification of the Society of Automotive Engineers for heavy-  
 1213 duty-type brake fluid or equals or exceeds Federal Motor Vehicle  
 1214 Safety Standard No. 116 adopted by the United States Department  
 1215 of Transportation, ~~heavy-duty-type~~. By regulation the department  
 1216 may require that the duty-type classification appear on the  
 1217 label.

1218 Section 35. Subsection (2) of section 526.53, Florida  
 1219 Statutes, is amended to read:

1220 526.53 Enforcement; inspection and analysis, stop-sale and  
 1221 disposition, regulations.—

1222 (2) (a) When any brake fluid is sold in violation of any of  
 1223 the provisions of this part, all such affected brake fluid of  
 1224 the same brand name ~~on the same premises on which the violation~~  
 1225 ~~occurred~~ shall be placed under a stop-sale order by the  
 1226 department by serving the owner of the brand name, distributor,  
 1227 or other entity responsible for selling or distributing the  
 1228 product in the state with the stop-sale order. The department  
 1229 shall withdraw its stop-sale order upon the removal of the  
 1230 violation or upon voluntary destruction of the product, or other  
 1231 disposal approved by the department, under the supervision of  
 1232 the department.

1233 (b) In addition to being subject to the stop-sale  
 1234 procedures above, unregistered brake fluid shall be held by the  
 1235 department or its representative, at a place to be designated in  
 1236 the stop-sale order, until properly registered and released in  
 1237 writing by the department or its representative. If application  
 1238 is ~~has~~ not ~~been~~ made for registration of the ~~such~~ product within  
 1239 30 days after issue of the stop-sale order, such product shall  
 1240 be disposed of by the department, or, with the department's  
 1241 consent, by the business, to any tax-supported institution or  
 1242 agency of the state if the brake fluid meets legal  
 1243 specifications or by other disposal authorized by rule of the  
 1244 department if it fails to meet legal specifications.

1245 Section 36. Subsections (1) and (3) and paragraphs (a) and  
 1246 (c) of subsection (5) of section 527.0201, Florida Statutes, are  
 1247 amended to read:

1248 527.0201 Qualifiers; master qualifiers; examinations.—

1249 (1) In addition to the requirements of s. 527.02, any  
 1250 person applying for a license to engage in the activities of a  
 1251 pipeline system operator, category I liquefied petroleum gas  
 1252 dealer, category II liquefied petroleum gas dispenser, category  
 1253 IV liquefied petroleum gas dispenser and recreational vehicle  
 1254 servicer, category V liquefied petroleum gases dealer for  
 1255 industrial uses only, LP gas installer, specialty installer,  
 1256 requalifier ~~requalification~~ of cylinders, or fabricator,  
 1257 repairer, and tester of vehicles and cargo tanks must prove  
 1258 competency by passing a written examination administered by the  
 1259 department or its agent with a grade of at least 75 percent in  
 1260 each area tested ~~or above~~. Each applicant for examination shall

CS/CS/CS/HB 1445

2010

1261 submit a \$20 nonrefundable fee. The department shall by rule  
1262 specify the general areas of competency to be covered by each  
1263 examination and the relative weight to be assigned in grading  
1264 each area tested.

1265 (3) Qualifier cards issued to category I liquefied  
1266 petroleum gas dealers and liquefied petroleum gas installers  
1267 shall expire 3 years after the date of issuance. All category I  
1268 liquefied petroleum gas dealer qualifiers and liquefied  
1269 petroleum gas installer qualifiers holding a valid qualifier  
1270 card upon the effective date of this act shall retain their  
1271 qualifier status until July 1, 2003, and may sit for the master  
1272 qualifier examination at any time during that time period. All  
1273 such category I liquefied petroleum gas dealer qualifiers and  
1274 liquefied petroleum gas installer qualifiers may renew their  
1275 qualification on or before July 1, 2003, upon application to the  
1276 department, payment of a \$20 renewal fee, and documentation of  
1277 the completion of a minimum of 16 ~~12~~ hours of approved  
1278 continuing education courses, as defined by department rule,  
1279 during the previous 3-year period. Applications for renewal must  
1280 be made 30 calendar days prior to expiration. Persons failing to  
1281 renew prior to the expiration date must reapply and take a  
1282 qualifier competency examination in order to reestablish  
1283 category I liquefied petroleum gas dealer qualifier and  
1284 liquefied petroleum gas installer qualifier status. If a  
1285 category I liquefied petroleum gas qualifier or liquefied  
1286 petroleum gas installer qualifier becomes a master qualifier at  
1287 any time during the effective date of the qualifier card, the  
1288 card shall remain in effect until expiration of the master

Page 46 of 76

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1445-03-c3

1289 | qualifier certification.

1290 |         (5) In addition to all other licensing requirements, each  
 1291 | category I liquefied petroleum gas dealer and liquefied  
 1292 | petroleum gas installer must, at the time of application for  
 1293 | licensure, identify to the department one master qualifier who  
 1294 | is a full-time employee at the licensed location. This person  
 1295 | shall be a manager, owner, or otherwise primarily responsible  
 1296 | for overseeing the operations of the licensed location and must  
 1297 | provide documentation to the department as provided by rule. The  
 1298 | master qualifier requirement shall be in addition to the  
 1299 | requirements of subsection (1).

1300 |         (a) In order to apply for certification as a master  
 1301 | qualifier, each applicant must be a category I liquefied  
 1302 | petroleum gas dealer qualifier or liquefied petroleum gas  
 1303 | installer qualifier, must be employed by a licensed category I  
 1304 | liquefied petroleum gas dealer, liquefied petroleum gas  
 1305 | installer, or applicant for such license, must provide  
 1306 | documentation of a minimum of 1 year's work experience in the  
 1307 | gas industry, and must pass a master qualifier competency  
 1308 | examination. Master qualifier examinations shall be based on  
 1309 | Florida's laws, rules, and adopted codes governing liquefied  
 1310 | petroleum gas safety, general industry safety standards, and  
 1311 | administrative procedures. The examination must be successfully  
 1312 | passed ~~completed~~ by the applicant with a grade of at least 75  
 1313 | percent ~~or more~~. Each applicant for master qualifier status  
 1314 | shall submit to the department a nonrefundable \$30 examination  
 1315 | fee prior to the examination.

1316 |         (c) Master qualifier status shall expire 3 years after the

CS/CS/CS/HB 1445

2010

1317 date of issuance of the certificate and may be renewed by  
 1318 submission to the department of documentation of completion of  
 1319 at least 16 ~~12~~ hours of approved continuing education courses  
 1320 during the 3-year period; proof of employment with a licensed  
 1321 category I liquefied petroleum gas dealer, liquefied petroleum  
 1322 gas installer, or applicant; and a \$30 certificate renewal fee.  
 1323 The department shall define, by rule, approved courses of  
 1324 continuing education.

1325 Section 37. Section 527.12, Florida Statutes, is amended  
 1326 to read:

1327 527.12 Cease and desist orders; stop-use orders; stop-  
 1328 operation orders; stop-sale orders; administrative fines.-

1329 (1) Whenever the department has ~~shall have~~ reason to  
 1330 believe that any person is violating or has violated ~~been~~  
 1331 ~~violating provisions of this chapter or any rules adopted under~~  
 1332 this chapter pursuant thereto, the department ~~it~~ may issue a  
 1333 cease and desist order, or impose a civil penalty, or do both  
 1334 ~~may issue such cease and desist order and impose a civil~~  
 1335 ~~penalty.~~

1336 (2) Whenever a person or liquefied petroleum gas system or  
 1337 storage facility, or any part or component thereof, fails to  
 1338 comply with this chapter or any rules adopted under this  
 1339 chapter, the department may issue a stop-use order, stop-  
 1340 operation order, or stop-sale order.

1341 Section 38. Subsection (1) of section 559.805, Florida  
 1342 Statutes, is amended to read:

1343 559.805 Filings with the department; disclosure of  
 1344 advertisement identification number.-



1345 (1) Every seller of a business opportunity shall annually  
 1346 file with the department a copy of the disclosure statement  
 1347 required by s. 559.803 before ~~prior to~~ placing an advertisement  
 1348 or making any other representation designed to offer to, sell  
 1349 to, or solicit an offer to buy a business opportunity from a  
 1350 prospective purchaser in this state and shall update this filing  
 1351 by reporting any material change in the required information  
 1352 within 30 days after the material change occurs. An  
 1353 advertisement is not placed in the state merely because the  
 1354 publisher circulates, or there is circulated on his or her  
 1355 behalf in the state, any bona fide newspaper or other  
 1356 publication of general, regular, and paid circulation which has  
 1357 had more than two-thirds of its circulation during the past 12  
 1358 months outside the state or because a radio or television  
 1359 program originating outside the state is received in the state.  
 1360 If the seller is required by s. 559.807 to provide a bond or  
 1361 establish a trust account or guaranteed letter of credit, he or  
 1362 she shall contemporaneously file with the department a copy of  
 1363 the bond, a copy of the formal notification by the depository  
 1364 that the trust account is established, or a copy of the  
 1365 guaranteed letter of credit. Every seller of a business  
 1366 opportunity shall file with the department a list of independent  
 1367 agents who will engage in the offer or sale of business  
 1368 opportunities on behalf of the seller in this state. This list  
 1369 must be kept current and shall include the following  
 1370 information: name, home and business address, telephone number,  
 1371 present employer, ~~social security number,~~ and birth date. A ~~No~~  
 1372 person may not ~~shall be allowed to~~ offer or sell business

1373 | opportunities unless the required information is ~~has been~~  
 1374 | provided to the department.

1375 |         Section 39. Subsection (3) of section 559.928, Florida  
 1376 | Statutes, is amended to read:

1377 |             559.928 Registration.—

1378 |         (3) Each independent agent shall annually file an  
 1379 | affidavit with the department before ~~prior to~~ engaging in  
 1380 | business in this state. This affidavit must include the  
 1381 | independent agent's full name, legal business or trade name,  
 1382 | mailing address, business address, telephone number, ~~social~~  
 1383 | ~~security number,~~ and the name or names and addresses of each  
 1384 | seller of travel represented by the independent agent. A letter  
 1385 | evidencing proof of filing must be issued by the department and  
 1386 | must be prominently displayed in the independent agent's primary  
 1387 | place of business. Each independent agent must also submit an  
 1388 | annual registration fee of \$50. All moneys collected pursuant to  
 1389 | the imposition of the fee shall be deposited by the Chief  
 1390 | Financial Officer into the General Inspection Trust Fund of the  
 1391 | Department of Agriculture and Consumer Services for the sole  
 1392 | purpose of administrating this part. As used in this subsection,  
 1393 | the term "independent agent" means a person who represents a  
 1394 | seller of travel by soliciting persons on its behalf; who has a  
 1395 | written contract with a seller of travel which is operating in  
 1396 | compliance with this part and any rules adopted thereunder; who  
 1397 | does not receive a fee, commission, or other valuable  
 1398 | consideration directly from the purchaser for the seller of  
 1399 | travel; who does not at any time have any unissued ticket stock  
 1400 | or travel documents in his or her possession; and who does not

CS/CS/CS/HB 1445

2010

1401 have the ability to issue tickets, vacation certificates, or any  
 1402 other travel document. The term "independent agent" does not  
 1403 include an affiliate of the seller of travel, as that term is  
 1404 used in s. 559.935(3), or the employees of the seller of travel  
 1405 or of such affiliates.

1406 Section 40. Paragraph (c) of subsection (16) of section  
 1407 570.07, Florida Statutes, is amended to read:

1408 570.07 Department of Agriculture and Consumer Services;  
 1409 functions, powers, and duties.—The department shall have and  
 1410 exercise the following functions, powers, and duties:

1411 (16) To enforce the state laws and rules relating to:

1412 (c) Registration, labeling, inspection, sale, and analysis  
 1413 of commercial stock feeds and commercial fertilizers;

1414  
 1415 In order to ensure uniform health and safety standards, the  
 1416 adoption of standards and fines in the subject areas of  
 1417 paragraphs (a)-(n) is expressly preempted to the state and the  
 1418 department. Any local government enforcing the subject areas of  
 1419 paragraphs (a)-(n) must use the standards and fines set forth in  
 1420 the pertinent statutes or any rules adopted by the department  
 1421 pursuant to those statutes.

1422 Section 41. Subsection (7) of section 570.0725, Florida  
 1423 Statutes, is amended to read:

1424 570.0725 Food recovery; legislative intent; department  
 1425 functions.—

1426 (7) For public information purposes, the department may  
 1427 ~~shall~~ develop and provide a public information ~~brochure~~  
 1428 detailing the need for food banks and similar ~~of~~ food recovery

1429 programs, the benefit of such ~~food recovery~~ programs, the manner  
 1430 in which ~~such~~ organizations may become involved in such ~~food~~  
 1431 ~~recovery~~ programs, and the protection afforded to such programs  
 1432 under s. 768.136, ~~and the food recovery entities or food banks~~  
 1433 ~~that exist in the state. This brochure must be updated annually.~~  
 1434 A food bank or similar food recovery organization seeking to be  
 1435 included on a list of such organizations must notify the  
 1436 department and provide the information required by rule of the  
 1437 department. Such organizations are responsible for updating the  
 1438 information and providing the updated information to the  
 1439 department. The department may adopt rules to implement this  
 1440 section.

1441 Section 42. Paragraph (e) of subsection (6) of section  
 1442 570.53, Florida Statutes, is amended to read:

1443 570.53 Division of Marketing and Development; powers and  
 1444 duties.—The powers and duties of the Division of Marketing and  
 1445 Development include, but are not limited to:

1446 (6)

1447 (e) Extending in every practicable way the distribution  
 1448 and sale of Florida agricultural products throughout the markets  
 1449 of the world as required of the department by s. ss. 570.07(7),  
 1450 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1451 Section 43. Subsection (2) of section 570.54, Florida  
 1452 Statutes, is amended to read:

1453 570.54 Director; duties.—

1454 (2) It shall be the duty of the director of this division  
 1455 to supervise, direct, and coordinate the activities authorized  
 1456 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and

CS/CS/CS/HB 1445

2010

1457 (20), ~~570.071,~~ 570.21, 534.47-534.53, and 604.15-604.34 and  
 1458 chapters 504, 571, 573, and 574 and to exercise other powers and  
 1459 authority as authorized by the department.

1460 Section 44. Subsection (4) of section 570.55, Florida  
 1461 Statutes, is amended to read:

1462 570.55 Identification of sellers or handlers of tropical  
 1463 or subtropical fruit and vegetables; containers specified;  
 1464 penalties.—

1465 (4) IDENTIFICATION OF HANDLER.—At the time of each  
 1466 transaction involving the handling or sale of 55 pounds or more  
 1467 of tropical or subtropical fruit or vegetables in the primary  
 1468 channel of trade, the buyer or receiver of the tropical or  
 1469 subtropical fruit or vegetables shall demand a bill of sale,  
 1470 invoice, sales memorandum, or other document listing the date of  
 1471 the transaction, the quantity of the tropical or subtropical  
 1472 fruit or vegetables involved in the transaction, and the  
 1473 identification of the seller or handler as it appears on the  
 1474 driver's license of the seller or handler, including the  
 1475 driver's license number. If the seller or handler does not  
 1476 possess a driver's license, the buyer or receiver shall use any  
 1477 other acceptable means of identification, which may include, but  
 1478 is not limited to, i.e., voter's registration card and number,  
 1479 draft card, ~~social security card,~~ or other identification.  
 1480 However, no less than two identification documents shall be  
 1481 used. The identification of the seller or handler shall be  
 1482 recorded on the bill of sale, sales memorandum, invoice, or  
 1483 voucher, which shall be retained by the buyer or receiver for a  
 1484 period of not less than 1 year from the date of the transaction.

CS/CS/CS/HB 1445

2010

1485 Section 45. Subsection (3) of section 570.902, Florida  
 1486 Statutes, is amended to read:

1487 570.902 Definitions; ss. 570.902 and 570.903.—For the  
 1488 purpose of ss. 570.902 and 570.903:

1489 ~~(3) "Museum" means the Florida Agricultural Museum which~~  
 1490 ~~is designated as the museum for agriculture and rural history of~~  
 1491 ~~the State of Florida.~~

1492 Section 46. Section 570.903, Florida Statutes, is amended  
 1493 to read:

1494 570.903 Direct-support organization.—

1495 (1) When the Legislature authorizes the establishment of a  
 1496 direct-support organization to provide assistance for ~~the~~  
 1497 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~  
 1498 ~~Florida State Collection of Arthropods,~~ the Friends of the  
 1499 Florida State Forests Program of the Division of Forestry, and  
 1500 the Forestry Arson Alert Program, and other programs of the  
 1501 department, the following provisions shall govern the creation,  
 1502 use, powers, and duties of the direct-support organization.

1503 (a) The department shall enter into a memorandum or letter  
 1504 of agreement with the direct-support organization, which shall  
 1505 specify the approval of the department, the powers and duties of  
 1506 the direct-support organization, and rules with which the  
 1507 direct-support organization shall comply.

1508 (b) The department may permit, without charge, appropriate  
 1509 use of property, facilities, and personnel of the department by  
 1510 a direct-support organization, subject to the provisions of ss.  
 1511 570.902 and 570.903. The use shall be directly in keeping with  
 1512 the approved purposes of the direct-support organization and

1513 shall not be made at times or places that would unreasonably  
 1514 interfere with opportunities for the general public to use  
 1515 department facilities for established purposes.

1516 (c) The department shall prescribe by contract or by rule  
 1517 conditions with which a direct-support organization shall comply  
 1518 in order to use property, facilities, or personnel of the  
 1519 department ~~or museum~~. Such rules shall provide for budget and  
 1520 audit review and oversight by the department.

1521 (d) The department shall not permit the use of property,  
 1522 facilities, or personnel of the ~~museum, department,~~ or  
 1523 designated program by a direct-support organization which does  
 1524 not provide equal employment opportunities to all persons  
 1525 regardless of race, color, religion, sex, age, or national  
 1526 origin.

1527 (2) (a) The direct-support organization shall be empowered  
 1528 to conduct programs and activities; raise funds; request and  
 1529 receive grants, gifts, and bequests of money; acquire, receive,  
 1530 hold, invest, and administer, in its own name, securities,  
 1531 funds, objects of value, or other property, real or personal;  
 1532 and make expenditures to or for the direct or indirect benefit  
 1533 of the ~~museum or~~ designated program.

1534 (b) Notwithstanding the provisions of s. 287.057, the  
 1535 direct-support organization may enter into contracts or  
 1536 agreements with or without competitive bidding for the  
 1537 ~~restoration of objects, historical buildings, and other~~  
 1538 ~~historical materials or for the purchase of objects, historical~~  
 1539 ~~buildings, and other historical materials which are to be added~~  
 1540 ~~to the collections of the museum, or~~ benefit of the designated

1541 program. However, before the direct-support organization may  
 1542 enter into a contract or agreement without competitive bidding,  
 1543 the direct-support organization shall file a certification of  
 1544 conditions and circumstances with the internal auditor of the  
 1545 department justifying each contract or agreement.

1546 (c) Notwithstanding the provisions of s. 287.025(1)(e),  
 1547 the direct-support organization may enter into contracts to  
 1548 insure property of the ~~museum or~~ designated programs ~~and may~~  
 1549 ~~insure objects or collections on loan from others in satisfying~~  
 1550 ~~security terms of the lender.~~

1551 (3) The direct-support organization shall provide for an  
 1552 annual financial audit in accordance with s. 215.981.

1553 (4) Neither a designated program ~~or a museum,~~ nor a  
 1554 nonprofit corporation trustee or employee may:

1555 (a) Receive a commission, fee, or financial benefit in  
 1556 connection with the sale or exchange of property historical  
 1557 ~~objects or properties~~ to the direct-support organization, ~~the~~  
 1558 ~~museum,~~ or the designated program; or

1559 (b) Be a business associate of any individual, firm, or  
 1560 organization involved in the sale or exchange of property to the  
 1561 direct-support organization, ~~the museum,~~ or the designated  
 1562 program.

1563 (5) All moneys received by the direct-support organization  
 1564 shall be deposited into an account of the direct-support  
 1565 organization and shall be used by the organization in a manner  
 1566 consistent with the goals of the ~~museum or~~ designated program.

1567 (6) The identity of a donor or prospective donor who  
 1568 desires to remain anonymous and all information identifying such



1569 donor or prospective donor are confidential and exempt from the  
 1570 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 1571 Constitution.

1572 (7) The Commissioner of Agriculture, or the commissioner's  
 1573 designee, may serve on the board of trustees and the executive  
 1574 committee of any direct-support organization established to  
 1575 benefit ~~the museum or~~ any designated program.

1576 ~~(8) The department shall establish by rule archival~~  
 1577 ~~procedures relating to museum artifacts and records. The rules~~  
 1578 ~~shall provide procedures which protect the museum's artifacts~~  
 1579 ~~and records equivalent to those procedures which have been~~  
 1580 ~~established by the Department of State under chapters 257 and~~  
 1581 ~~267.~~

1582 Section 47. Subsection (4) of section 573.118, Florida  
 1583 Statutes, is amended to read:

1584 573.118 Assessment; funds; audit; loans.-

1585 (4) In the event of levying and collecting of assessments,  
 1586 for each fiscal year in which assessment funds are received by  
 1587 the department, the department shall maintain records of  
 1588 collections and expenditures for each marketing order separately  
 1589 within the state's accounting system. If requested by an  
 1590 advisory council, department staff shall cause to be made a  
 1591 thorough ~~annual~~ audit of the ~~books and accounts by a certified~~  
 1592 ~~public accountant~~, such audit to be completed within 60 days  
 1593 after the request is received ~~end of the fiscal year~~. The  
 1594 advisory council ~~department and all producers and handlers~~  
 1595 ~~covered by the marketing order~~ shall be provided a copy of the  
 1596 ~~properly advised of the details of the annual official~~ audit of

1597 the accounts ~~as shown by the certified public accountant~~ within  
 1598 30 days after completion of the audit.

1599 Section 48. Subsections (18) through (30) of section  
 1600 581.011, Florida Statutes, are renumbered as subsections (17)  
 1601 through (29), respectively, and present subsections (17) and  
 1602 (20) of that section are amended to read:

1603 581.011 Definitions.—As used in this chapter:

1604 ~~(17) "Museum" means the Florida State Collection of~~  
 1605 ~~Arthropods.~~

1606 (19)~~(20)~~ "Nursery" means any grounds or premises on or in  
 1607 which nursery stock is grown, propagated, or held for sale or  
 1608 distribution, including ~~except where~~ aquatic plant species are  
 1609 tended for harvest in the natural environment.

1610 Section 49. Paragraph (a) of subsection (3) of section  
 1611 581.211, Florida Statutes, is amended to read:

1612 581.211 Penalties for violations.—

1613 (3) (a) 1. In addition to any other provision of law, the  
 1614 department may, after notice and hearing, impose an  
 1615 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each  
 1616 violation of this chapter, upon any person, nurseryman, stock  
 1617 dealer, agent or plant broker. The fine, when paid, shall be  
 1618 deposited in the Plant Industry Trust Fund. In addition, the  
 1619 department may place the violator on probation for up to 1 year,  
 1620 with conditions.

1621 2. The imposition of a fine or probation pursuant to this  
 1622 subsection may be in addition to or in lieu of the suspension or  
 1623 revocation of a certificate of registration or certificate of  
 1624 inspection.

1625 Section 50. Section 583.13, Florida Statutes, is amended  
 1626 to read:

1627 583.13 Labeling and advertising requirements for dressed  
 1628 poultry; unlawful acts.—

1629 (1) It is unlawful for any dealer or broker to sell, offer  
 1630 for sale, or hold for the purpose of sale in the state any  
 1631 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry  
 1632 is packed in a container clearly bearing a label, not less than  
 1633 3 inches by 5 inches, on which shall be plainly and legibly  
 1634 printed, in letters of not less than 1/4 inch high ~~in height,~~  
 1635 ~~the grade and the part name or whole-bird statement of such~~  
 1636 ~~poultry. The grade may be expressed in the term "premium,"~~  
 1637 ~~"good," or "standard," or as the grade of another state or~~  
 1638 ~~federal agency the standards of quality of which, by law, are~~  
 1639 ~~equal to the standards of quality provided by this law and rules~~  
 1640 ~~promulgated hereunder.~~

1641 (2) It is unlawful to sell unpackaged dressed or ready-to-  
 1642 cook poultry at retail unless such poultry is labeled by a  
 1643 placard immediately adjacent to the poultry or unless each bird  
 1644 is individually labeled to show ~~the grade and the part name or~~  
 1645 ~~whole-bird statement.~~ The placard shall be no smaller than 7  
 1646 inches by 7 inches in size, and the required labeling  
 1647 information shall be legibly and plainly printed on the placard  
 1648 in letters not smaller than 1 inch in height.

1649 (3) It is unlawful to sell packaged dressed or ready-to-  
 1650 cook poultry at retail unless such poultry is labeled to show  
 1651 ~~the grade,~~ the part name or whole-bird statement, the net weight  
 1652 of the poultry, and the name and address of the dealer. The size

CS/CS/CS/HB 1445

2010

1653 of the type on the label must be one-eighth inch or larger. A  
 1654 placard immediately adjacent to such poultry may be used to  
 1655 indicate ~~the grade and~~ the part name or whole-bird statement,  
 1656 but not the net weight of the poultry or the name and address of  
 1657 the dealer.

1658 (4) It is unlawful to use dressed or ready-to-cook poultry  
 1659 in bulk in the preparation of food served to the public, or to  
 1660 hold such poultry for the purpose of such use, unless the  
 1661 poultry when received was packed in a container clearly bearing  
 1662 a label, not less than 3 inches by 5 inches, on which was  
 1663 plainly and legibly printed, in letters not less than 1/4 ~~one-~~  
 1664 ~~fourth~~ inch high ~~in height,~~ the grade and the part name or  
 1665 whole-bird statement of such poultry. ~~The grade may be expressed~~  
 1666 ~~in the term "premium," "good," or "standard," or as the grade of~~  
 1667 ~~another state or federal agency the standards of quality of~~  
 1668 ~~which, by law, are equal to the standards of quality provided by~~  
 1669 ~~this law and rules promulgated hereunder.~~

1670 (5) It is unlawful to offer dressed or ready-to-cook  
 1671 poultry for sale in any advertisement in a newspaper or  
 1672 circular, on radio or television, or in any other form of  
 1673 advertising without plainly designating in such advertisement  
 1674 ~~the grade and~~ the part name or whole-bird statement of such  
 1675 poultry.

1676 Section 51. Subsection (1) of section 585.61, Florida  
 1677 Statutes, is amended to read:

1678 585.61 Animal disease diagnostic laboratories.-

1679 (1) There is hereby created and established an animal  
 1680 disease diagnostic laboratory in Osceola County and Suwannee

1681 County. The laboratory complex in Osceola County is designated  
 1682 as the "Bronson Animal Disease Diagnostic Laboratory."

1683 Section 52. Subsections (4) and (5) of section 590.125,  
 1684 Florida Statutes, are renumbered as subsections (5) and (6),  
 1685 respectively, subsection (1), paragraph (b) of subsection (3),  
 1686 and paragraph (c) of present subsection (4) are amended, and new  
 1687 subsections (4) and (7) are added to that section, to read:

1688 590.125 Open burning authorized by the division.—

1689 (1) DEFINITIONS.—As used in this section, the term:

1690 (a) "Certified pile burner" means an individual who  
 1691 successfully completes the division's pile burning certification  
 1692 program and possesses a valid pile burner certification number.

1693 (b) "Certified prescribed burn manager" means an  
 1694 individual who successfully completes the certified prescribed  
 1695 burning ~~certification~~ program of the division and possesses a  
 1696 valid certification number.

1697 (c) ~~(d)~~ "Extinguished" means:

1698 1. that no spreading flame For wild land burning or  
 1699 certified prescribed burning, that no spreading flames exist.

1700 2. and no visible flame, smoke, or emissions For  
 1701 vegetative land-clearing debris burning or pile burning, that no  
 1702 visible flames exist.

1703 3. For vegetative land-clearing debris burning or pile  
 1704 burning in an area designated as smoke sensitive by the  
 1705 division, that no visible flames, smoke, or emissions exist.

1706 (d) "Land-clearing operation" means the uprooting or  
 1707 clearing of vegetation in connection with the construction of  
 1708 buildings and rights-of-way, land development, and mineral

CS/CS/CS/HB 1445

2010

1709 operations. The term does not include the clearing of yard  
1710 trash.

1711 (e) "Pile burning" means the burning of silvicultural,  
1712 agricultural, or land-clearing and tree-cutting debris  
1713 originating onsite, which is stacked together in a round or  
1714 linear fashion, including, but not limited to, a windrow.

1715 (f)(a) "Prescribed burning" means the controlled  
1716 application of fire in accordance with a written prescription  
1717 for vegetative fuels under specified environmental conditions  
1718 while following appropriate precautionary measures that ensure  
1719 that the fire is confined to a predetermined area to accomplish  
1720 the planned fire or land-management objectives.

1721 (g)(e) "Prescription" means a written plan establishing  
1722 the criteria necessary for starting, controlling, and  
1723 extinguishing a prescribed burn.

1724 (h) "Yard trash" means vegetative matter resulting from  
1725 landscaping and yard maintenance operations and other such  
1726 routine property cleanup activities. The term includes materials  
1727 such as leaves, shrub trimmings, grass clippings, brush, and  
1728 palm fronds.

1729 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
1730 PURPOSE.—

1731 (b) Certified prescribed burning pertains only to  
1732 broadcast burning for purposes of silviculture, wildlife  
1733 management, ecological maintenance and restoration, and range  
1734 and pasture management. It must be conducted in accordance with  
1735 this subsection and:

1736 1. May be accomplished only when a certified prescribed

1737 burn manager is present on site with a copy of the prescription  
 1738 from ignition of the burn to its completion.

1739 2. Requires that a written prescription be prepared before  
 1740 receiving authorization to burn from the division.

1741 3. Requires that the specific consent of the landowner or  
 1742 his or her designee be obtained before requesting an  
 1743 authorization.

1744 4. Requires that an authorization to burn be obtained from  
 1745 the division before igniting the burn.

1746 5. Requires that there be adequate firebreaks at the burn  
 1747 site and sufficient personnel and firefighting equipment for the  
 1748 control of the fire.

1749 6. Is considered to be in the public interest and does not  
 1750 constitute a public or private nuisance when conducted under  
 1751 applicable state air pollution statutes and rules.

1752 7. Is considered to be a property right of the property  
 1753 owner if vegetative fuels are burned as required in this  
 1754 subsection.

1755 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND  
 1756 PURPOSE.—

1757 (a) Pile burning is a tool that benefits current and  
 1758 future generations in Florida by disposing of naturally  
 1759 occurring vegetative debris through burning rather than  
 1760 disposing of the debris in landfills.

1761 (b) Certified pile burning pertains to the disposal of  
 1762 piled, naturally occurring debris from an agricultural,  
 1763 silvicultural, or temporary land-clearing operation. A land-  
 1764 clearing operation is temporary if it operates for 6 months or

CS/CS/CS/HB 1445

2010

1765 less. Certified pile burning must be conducted in accordance  
1766 with this subsection, and:

1767 1. A certified pile burner must ensure, before ignition,  
1768 that the piles are properly placed and that the content of the  
1769 piles is conducive to efficient burning.

1770 2. A certified pile burner must ensure that the piles are  
1771 properly extinguished no later than 1 hour after sunset. If the  
1772 burn is conducted in an area designated by the division as smoke  
1773 sensitive, a certified pile burner must ensure that the piles  
1774 are properly extinguished at least 1 hour before sunset.

1775 3. A written pile burn plan must be prepared before  
1776 receiving authorization from the division to burn.

1777 4. The specific consent of the landowner or his or her  
1778 agent must be obtained before requesting authorization to burn.

1779 5. An authorization to burn must be obtained from the  
1780 division or its designated agent before igniting the burn.

1781 6. There must be adequate firebreaks and sufficient  
1782 personnel and firefighting equipment at the burn site to control  
1783 the fire.

1784 (c) If a burn is conducted in accordance with this  
1785 subsection, the property owner and his or her agent are not  
1786 liable under s. 590.13 for damage or injury caused by the fire  
1787 or resulting smoke, and are not in violation of subsection (2),  
1788 unless gross negligence is proven.

1789 (d) A certified pile burner who violates this section  
1790 commits a misdemeanor of the second degree, punishable as  
1791 provided in s. 775.082 or s. 775.083.

1792 (e) The division shall adopt rules regulating certified



1793 pile burning. The rules shall include procedures and criteria  
 1794 for certifying and decertifying certified pile burn managers  
 1795 based on past experience, training, and record of compliance  
 1796 with this section.

1797 (5)(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE  
 1798 DIVISION.—The division may conduct fuel reduction initiatives,  
 1799 including, but not limited to, burning and mechanical and  
 1800 chemical treatment, on any area of wild land within the state  
 1801 which is reasonably determined to be in danger of wildfire in  
 1802 accordance with the following procedures:

1803 (c) Prepare, and send the county tax collector shall  
 1804 include with the annual tax statement, a notice to be sent to  
 1805 all landowners in each area township designated by the division  
 1806 as a wildfire hazard area. The notice must describe particularly  
 1807 the area to be treated and the tentative date or dates of the  
 1808 treatment and must list the reasons for and the expected  
 1809 benefits from the wildfire hazard reduction.

1810 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING  
 1811 AUTHORIZATION PROGRAMS.—

1812 (a) A county or municipality may exercise the division's  
 1813 authority, if delegated by the division under this subsection,  
 1814 to issue authorizations for the burning of yard trash or debris  
 1815 from land-clearing operations. A county's or municipality's  
 1816 existing or proposed open burning authorization program must:

1817 1. Be approved by the division. The division shall not  
 1818 approve a program if it fails to meet the requirements of  
 1819 subsections (2) and (4) and any rules adopted under those  
 1820 subsections.

CS/CS/CS/HB 1445

2010

1821 2. Provide by ordinance or local law the requirements for  
1822 obtaining and performing a burn authorization that comply with  
1823 subsections (2) and (4) and any rules adopted under those  
1824 subsections.

1825 3. Provide for the enforcement of the program's  
1826 requirements.

1827 4. Provide financial, personnel, and other resources  
1828 needed to carry out the program.

1829 (b) If the division determines that a county's or  
1830 municipality's open burning authorization program does not  
1831 comply with subsections (2) and (4) and any rules adopted under  
1832 those subsections, the division shall require the county or  
1833 municipality to take necessary corrective actions within a  
1834 reasonable period, not to exceed 90 days.

1835 1. If the county or municipality fails to take the  
1836 necessary corrective actions within the required period, the  
1837 division shall resume administration of the open burning  
1838 authorization program in the county or municipality and the  
1839 county or municipality shall cease administration of its  
1840 program.

1841 2. Each county and municipality administering an open  
1842 burning authorization program must cooperate with and assist the  
1843 division in carrying out the division's powers, duties, and  
1844 functions.

1845 3. A person who violates the requirements of a county's or  
1846 municipality's open burning authorization program, as provided  
1847 by ordinance or local law enacted pursuant to this section,  
1848 commits a violation of this chapter, punishable as provided in

1849 s. 590.14.

1850 Section 53. Section 590.14, Florida Statutes, is amended  
1851 to read:

1852 590.14 Notice of violation; penalties.—

1853 (1) If a division employee determines that a person has  
1854 violated chapter 589, ~~or~~ this chapter, or any rule adopted by  
1855 the division to administer provisions of law conferring duties  
1856 upon the division, the division employee ~~he or she~~ may issue a  
1857 notice of violation indicating the statute violated. This notice  
1858 will be filed with the division and a copy forwarded to the  
1859 appropriate law enforcement entity for further action if  
1860 necessary.

1861 (2) In addition to any penalties provided by law, any  
1862 person who causes a wildfire or permits any authorized fire to  
1863 escape the boundaries of the authorization or to burn past the  
1864 time of the authorization is liable for the payment of all  
1865 reasonable costs and expenses incurred in suppressing the fire  
1866 or \$150, whichever is greater. All costs and expenses incurred  
1867 by the division shall be payable to the division. When such  
1868 costs and expenses are not paid within 30 days after demand, the  
1869 division may take proper legal proceedings for the collection of  
1870 the costs and expenses. Those costs incurred by an agency acting  
1871 at the division's direction are recoverable by that agency.

1872 (3) The department may also impose an administrative fine,  
1873 not to exceed \$1,000 per violation of any section of chapter 589  
1874 or this chapter or violation of any rule adopted by the division  
1875 to administer provisions of law conferring duties upon the  
1876 division. The fine shall be based upon the degree of damage, the

1877 prior violation record of the person, and whether the person  
 1878 knowingly provided false information to obtain an authorization.  
 1879 The fines shall be deposited in the Incidental Trust Fund of the  
 1880 division.

1881 (4) A person may not:

1882 (a) Fail to comply with any rule or order adopted by the  
 1883 division to administer provisions of law conferring duties upon  
 1884 the division; or

1885 (b) Knowingly make any false statement or representation  
 1886 in any application, record, plan, or other document required by  
 1887 this chapter or any rules adopted under this chapter.

1888 (5) A person who violates paragraph (4) (a) or paragraph  
 1889 (4) (b) commits a misdemeanor of the second degree, punishable as  
 1890 provided in s. 775.082 or s. 775.083.

1891 (6) It is the intent of the Legislature that a penalty  
 1892 imposed by a court under subsection (5) be of a severity that  
 1893 ensures immediate and continued compliance with this section.

1894 (7)~~(4)~~ The penalties provided in this section shall extend  
 1895 to both the actual violator and the person or persons, firm, or  
 1896 corporation causing, directing, or permitting the violation.

1897 Section 54. Paragraph (a) of subsection (1) of section  
 1898 599.004, Florida Statutes, is amended to read:

1899 599.004 Florida Farm Winery Program; registration; logo;  
 1900 fees.—

1901 (1) The Florida Farm Winery Program is established within  
 1902 the Department of Agriculture and Consumer Services. Under this  
 1903 program, a winery may qualify as a tourist attraction only if it  
 1904 is registered with and certified by the department as a Florida

CS/CS/CS/HB 1445

2010

1905 Farm Winery. A winery may not claim to be certified unless it  
 1906 has received written approval from the department.

1907 (a) To qualify as a certified Florida Farm Winery, a  
 1908 winery shall meet the following standards:

1909 1. Produce or sell less than 250,000 gallons of wine  
 1910 annually.

1911 2. Maintain a minimum of 10 acres of owned or managed land  
 1912 ~~vineyards~~ in Florida which produces commodities used in the  
 1913 production of wine.

1914 3. Be open to the public for tours, tastings, and sales at  
 1915 least 30 hours each week.

1916 4. Make annual application to the department for  
 1917 recognition as a Florida Farm Winery, on forms provided by the  
 1918 department.

1919 5. Pay an annual application and registration fee of \$100.

1920 Section 55. Subsection (1) of section 604.15, Florida  
 1921 Statutes, is amended, and subsection (11) is added to that  
 1922 section, to read:

1923 604.15 Dealers in agricultural products; definitions.—For  
 1924 the purpose of ss. 604.15-604.34, the following words and terms,  
 1925 when used, shall be construed to mean:

1926 (1) "Agricultural products" means the natural products of  
 1927 the farm, nursery, grove, orchard, vineyard, garden, and apiary  
 1928 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;  
 1929 livestock; milk and milk products; poultry and poultry products;  
 1930 the fruit of the saw palmetto (meaning the fruit of the Serenoa  
 1931 repens); limes (meaning the fruit Citrus aurantifolia, variety  
 1932 Persian, Tahiti, Bearss, or Florida Key limes); and any other

1933 nonexempt agricultural products produced in the state, except  
 1934 tobacco, sugarcane, tropical foliage, timber and timber  
 1935 byproducts, forest products as defined in s. 591.17, and citrus  
 1936 other than limes.

1937 (11) "Responsible position" means a position within the  
 1938 business of a dealer in agricultural products that has the  
 1939 authority to negotiate or make the purchase of agricultural  
 1940 products on behalf of the dealer's business or has principal  
 1941 active management authority over the business decisions,  
 1942 actions, and activities of the dealer's business in this state.

1943 Section 56. Section 604.19, Florida Statutes, is amended  
 1944 to read:

1945 604.19 License; fee; bond; certificate of deposit;  
 1946 penalty.—Unless the department refuses the application on one or  
 1947 more of the grounds provided in this section, it shall issue to  
 1948 an applicant, upon the payment of required fees and the  
 1949 execution and delivery of a bond or certificate of deposit as  
 1950 provided in this section, a state license entitling the  
 1951 applicant to conduct business as a dealer in agricultural  
 1952 products for a 1-year period to coincide with the effective  
 1953 period of the bond or certificate of deposit furnished by the  
 1954 applicant. During the 1-year period covered by a license, if the  
 1955 supporting surety bond or certificate of deposit is canceled for  
 1956 any reason, the license shall automatically expire on the date  
 1957 the surety bond or certificate of deposit terminates, unless an  
 1958 acceptable replacement is in effect before the date of  
 1959 termination so that continual coverage occurs for the remaining  
 1960 period of the license. A surety company shall give the

CS/CS/CS/HB 1445

2010

1961 department a 30-day written notice of cancellation by certified  
 1962 mail in order to cancel a bond. Cancellation of a bond or  
 1963 certificate of deposit does ~~shall~~ not relieve a surety company  
 1964 or financial institution of liability for purchases or sales  
 1965 occurring while the bond or certificate of deposit was in  
 1966 effect. The license fee, which must be paid for the principal  
 1967 place of business for a dealer in agricultural products, shall  
 1968 be based upon the amount of the dealer's surety bond or  
 1969 certificate of deposit furnished by each dealer under the  
 1970 provisions of s. 604.20 and may not exceed \$500. For each  
 1971 additional place in which the applicant desires to conduct  
 1972 business and which the applicant names in the application, the  
 1973 additional license fee must be paid but may not exceed \$100  
 1974 annually. If a ~~Should any~~ dealer in agricultural products fails,  
 1975 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and  
 1976 qualify for the renewal of a license on or before its ~~the date~~  
 1977 ~~of expiration~~ date ~~thereof~~, a penalty not to exceed \$100 shall  
 1978 apply to and be added to the ~~original~~ license fee for the  
 1979 principal place of business and to the license fee for each  
 1980 additional place of business named in the application and shall  
 1981 be paid by the applicant before the renewal license may be  
 1982 issued. The department by rule shall prescribe fee amounts  
 1983 sufficient to fund ss. 604.15-604.34.

1984 Section 57. Section 604.25, Florida Statutes, is amended  
 1985 to read:

1986 604.25 Denial of, refusal to renew ~~grant~~, or suspension or  
 1987 revocation of ~~7~~ license.-

1988 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~

1989 ~~grant a license or may~~ suspend or revoke a license ~~already~~  
 1990 ~~granted~~ if the applicant or licensee has:

1991       (1)~~(a)~~ Suffered a monetary judgment entered against the  
 1992 applicant or licensee ~~upon which is execution has been returned~~  
 1993 unsatisfied;

1994       (2)~~(b)~~ Made false charges for handling or services  
 1995 rendered;

1996       (3)~~(c)~~ Failed to account promptly and properly or to make  
 1997 settlements with any producer;

1998       (4)~~(d)~~ Made any false statement or statements as to  
 1999 condition, quality, or quantity of goods received or held for  
 2000 sale when the true condition, quality, or quantity could have  
 2001 been ascertained by reasonable inspection;

2002       (5)~~(e)~~ Made any false or misleading statement or  
 2003 statements as to market conditions or service rendered;

2004       (6)~~(f)~~ Been guilty of a fraud in the attempt to procure,  
 2005 or the procurement of, a license;

2006       (7)~~(g)~~ Directly or indirectly sold agricultural products  
 2007 received on consignment or on a net return basis for her or his  
 2008 own account, without prior authority from the producer  
 2009 consigning the same, or without notifying such producer;

2010       (8)~~(h)~~ Failed to prevent a person from holding a position  
 2011 as the applicant's or licensee's owner, officer, director,  
 2012 general or managing partner, or employee ~~Employed~~ in a  
 2013 responsible position ~~a person~~, or holding any other similarly  
 2014 situated position, if the person holds or has held a similar  
 2015 position with any entity that ~~an officer of a corporation, who~~  
 2016 has failed to fully comply with an order of the department, has



CS/CS/CS/HB 1445

2010

2017 not satisfied a civil judgment held by the department, has  
 2018 pending any administrative or civil enforcement action by the  
 2019 department, or has pending any criminal charges pursuant to s.  
 2020 604.30 at any time within 1 year after issuance;

2021 (9)(i) Violated any statute or rule relating to the  
 2022 purchase or sale of any agricultural product, whether or not  
 2023 such transaction is subject to the provisions of this chapter;  
 2024 ~~or~~

2025 (10)(j) Failed to submit to the department an application,  
 2026 appropriate license fees, and an acceptable surety bond or  
 2027 certificate of deposit; or-

2028 (11)(2) Failed ~~If a licensee fails or refused~~ refuses to  
 2029 comply in full with an order of the department or failed to  
 2030 satisfy a civil judgment owed to the department, ~~her or his~~  
 2031 ~~license may be suspended or revoked, in which case she or he~~  
 2032 ~~shall not be eligible for license for a period of 1 year or~~  
 2033 ~~until she or he has fully complied with the order of the~~  
 2034 ~~department.~~

2035 ~~(3) No person, or officer of a corporation, whose license~~  
 2036 ~~has been suspended or revoked for failure to comply with an~~  
 2037 ~~order of the department may hold a responsible position with a~~  
 2038 ~~licensee for a period of 1 year or until the order of the~~  
 2039 ~~department has been fully complied with.~~

2040 Section 58. Subsections (18) and (19) of section 616.242,  
 2041 Florida Statutes, are renumbered as subsections (19) and (20),  
 2042 respectively, and a new subsection (18) is added to that section  
 2043 to read:

2044 616.242 Safety standards for amusement rides.-

2045           (18) STOP-OPERATION ORDERS.—If an owner or amusement ride  
 2046 fails to comply with this chapter or any rule adopted under this  
 2047 chapter, the department may issue a stop-operation order.

2048           Section 59. Subsection (7) is added to section 624.4095,  
 2049 Florida Statutes, to read:

2050           624.4095 Premiums written; restrictions.—

2051           (7) For purposes of this section and s. 624.407, with  
 2052 regard to capital and surplus required, gross written premiums  
 2053 for federal multiple-peril crop insurance that is ceded to the  
 2054 Federal Crop Insurance Corporation and authorized reinsurers  
 2055 shall not be included when calculating the insurer's gross  
 2056 writing ratio. The liabilities for ceded reinsurance premiums  
 2057 payable for federal multiple-peril crop insurance ceded to the  
 2058 Federal Crop Insurance Corporation and authorized reinsurers  
 2059 shall be netted against the asset for amounts recoverable from  
 2060 reinsurers. Each insurer that writes other insurance products  
 2061 together with federal multiple-peril crop insurance shall  
 2062 disclose in the notes to the annual and quarterly financial  
 2063 statement, or file a supplement to the financial statement that  
 2064 discloses, a breakout of the gross written premiums for federal  
 2065 multiple-peril crop insurance.

2066           Section 60. Subsection (4) of section 686.201, Florida  
 2067 Statutes, is amended to read:

2068           686.201 Sales representative contracts involving  
 2069 commissions; requirements; termination of agreement; civil  
 2070 remedies.—

2071           (4) This section does not apply to:

2072           (a) Persons licensed pursuant to chapter 475 who are

2073 performing services within the scope of their license.

2074 (b) Contracts to which a seller of travel as defined in s.  
 2075 559.927 is a party.

2076 Section 61. Paragraph (c) of subsection (5) of section  
 2077 790.06, Florida Statutes, is amended to read:

2078 790.06 License to carry concealed weapon or firearm.—

2079 (5) The applicant shall submit to the Department of  
 2080 Agriculture and Consumer Services:

2081 (c) A full set of fingerprints of the applicant  
 2082 administered by a law enforcement agency or the Division of  
 2083 Licensing of the Department of Agriculture and Consumer  
 2084 Services.

2085 Section 62. Section 828.126, Florida Statutes, is created  
 2086 to read:

2087 828.126 Sexual activities involving animals.—

2088 (1) As used in this section, the term "sexual activities"  
 2089 means oral, anal, or vaginal penetration by, or union with, the  
 2090 sexual organ of an animal or the anal or vaginal penetration of  
 2091 any animal by any object.

2092 (2) A person may not:

2093 (a) Knowingly engage in sexual activities with an animal.

2094 (b) Knowingly cause, aid, or abet another person to engage  
 2095 in sexual activities with an animal.

2096 (c) Knowingly permit any sexual activities with an animal  
 2097 to be conducted on any premises under his or her control.

2098 (d) Knowingly organize, promote, conduct, advertise, aid,  
 2099 abet, participate as an observer, or perform any service in the  
 2100 furtherance of an act involving any sexual activities with an

CS/CS/CS/HB 1445

2010

2101 animal for a commercial or recreational purpose.

2102 (3) A person who violates this section commits a  
2103 misdemeanor of the first degree, punishable as provided in s.  
2104 775.082 or s. 775.083.

2105 (4) This section does not apply to normal and ordinary  
2106 animal husbandry practices, conformation judging practices, or  
2107 accepted veterinary medical practices.

2108 Section 63. Sections 570.071 and 570.901, Florida  
2109 Statutes, are repealed.

2110 Section 64. This act shall take effect July 1, 2010.