

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 193.461, F.S.;
4 specifying a methodology for the assessment of certain
5 structures used in citrus production; amending s.
6 379.361, F.S.; transferring authority to issue
7 licenses for oyster harvesting in Apalachicola Bay
8 from the department to the City of Apalachicola;
9 revising the disposition and permitted uses of license
10 proceeds; amending s. 487.041, F.S.; deleting obsolete
11 provisions; deleting a requirement that all pesticide
12 registration fees be submitted electronically;
13 amending s. 493.6105, F.S.; revising the submission
14 requirements for a Class "K" firearm license
15 application; amending s. 493.6113, F.S.; revising
16 submission requirements for a Class "K" firearm
17 license renewal; amending s. 496.415, F.S.;
18 prohibiting the comingling of funds in connection with
19 the planning, conduct, or execution of any
20 solicitation or charitable or sponsor sales promotion;
21 amending s. 496.418, F.S.; revising recordkeeping and
22 accounting requirements for solicitations of funds;
23 amending s. 500.459, F.S.; revising permitting
24 requirements and operating standards for water vending
25 machines; amending s. 501.059, F.S.; revising the term

26 "telephonic sales call" to include voicemail
27 transmissions; defining the term "voicemail
28 transmission"; prohibiting the transmission of
29 voicemails to specified persons who communicate to a
30 telephone solicitor that they would not like to
31 receive certain voicemail solicitations or requests
32 for donations; requiring a solicitor to ensure that if
33 a telephone number is available through a caller
34 identification system, that telephone number must be
35 capable of receiving calls and must connect the
36 original call recipient to the solicitor; revising
37 civil penalties; creating s. 501.6175, F.S.;
38 specifying recordkeeping requirements for commercial
39 telephone sellers; amending s. 501.912, F.S.; revising
40 terms; amending s. 501.913, F.S.; authorizing
41 antifreeze brands to be registered for a specified
42 period; deleting a provision relating to the
43 registration of brands that are no longer in
44 production; specifying a certified report requirement
45 for first-time applications; amending s. 501.917,
46 F.S.; revising department sampling and analysis
47 requirements for antifreeze; specifying that the
48 certificate of analysis is prima facie evidence of the
49 facts stated therein; amending s. 501.92, F.S.;
50 revising when the department may require an antifreeze

51 formula for analysis; amending s. 525.07, F.S.;

52 authorizing the department to seize skimming devices

53 without a warrant; amending s. 526.51, F.S.; revising

54 application requirements and fees for brake fluid

55 brands; deleting a provision relating to the

56 registration of brands that are no longer in

57 production; amending s. 526.53, F.S.; revising

58 department sampling and analysis requirements for

59 brake fluid; specifying that the certificate of

60 analysis is prima facie evidence of the facts stated

61 therein; amending s. 527.01, F.S.; revising terms;

62 amending s. 527.02, F.S.; revising the persons subject

63 to liquefied petroleum business licensing provisions;

64 revising such licensing fees and requirements;

65 revising reporting and fee requirements for certain

66 material changes to license information; deleting a

67 provision authorizing license transfers; amending s.

68 527.0201, F.S.; revising the persons subject to

69 liquefied petroleum qualifier competency examination,

70 registry, supervisory, and employment requirements;

71 revising the expiration of qualifier registrations;

72 revising the persons subject to master qualifier

73 requirements; revising master qualifier application

74 requirements; deleting provisions specifying that a

75 failure to replace master qualifiers within certain

76 | periods constitutes grounds for license revocation;
77 | deleting a provision relating to facsimile
78 | transmission of duplicate licenses; amending s.
79 | 527.021, F.S.; revising the circumstances under which
80 | liquefied petroleum gas bulk delivery vehicles must be
81 | registered with the department; amending s. 527.03,
82 | F.S.; authorizing certain liquefied petroleum gas
83 | registrations to be renewed for 2 or 3 years; deleting
84 | certain renewal period requirements; amending s.
85 | 527.04, F.S.; revising the persons required to provide
86 | the department with proof of insurance; revising the
87 | required payee for a bond in lieu of such insurance;
88 | amending s. 527.0605, F.S.; deleting provisions
89 | requiring licensees to submit a site plan and review
90 | fee for liquefied petroleum bulk storage container
91 | locations; amending s. 527.065, F.S.; revising the
92 | circumstances under which a liquefied petroleum gas
93 | licensee must notify the department of an accident;
94 | amending s. 527.067, F.S.; requiring certain liquefied
95 | petroleum gas dealers to provide notice within a
96 | specified period before rendering a consumer's
97 | liquefied petroleum gas equipment or system inoperable
98 | or discontinuing service; providing an exception;
99 | amending ss. 527.10 and 527.21, F.S.; conforming
100 | provisions to changes made by the act; amending s.

101 527.22, F.S.; deleting an obsolete provision; amending
102 s. 531.67, F.S.; extending the expiration date of
103 certain provisions relating to permits for
104 commercially operated or tested weights or measures
105 instruments or devices; amending s. 534.47, F.S.;
106 revising and providing definitions; amending s.
107 534.49, F.S.; conforming provisions to changes made by
108 the act; repealing s. 534.50, F.S., relating to
109 reporting and notice requirements for dishonored
110 checks and drafts for payment of livestock purchases;
111 amending s. 534.501, F.S.; providing that delaying or
112 failing to make payment for certain livestock is an
113 unfair and deceptive act; repealing s. 534.51, F.S.,
114 relating to the prohibition of the filing of
115 complaints by certain livestock markets; amending s.
116 534.54, F.S.; providing that purchasers who delay or
117 fail to render payment for purchased livestock are
118 liable for certain fees, costs, and expenses;
119 conforming provisions to changes made by the act;
120 amending s. 570.07, F.S.; authorizing the department
121 to waive certain fees and suspend specified provisions
122 during a state of emergency; amending s. 573.111,
123 F.S.; revising the required posting location for the
124 issuance of an agricultural commodity marketing order;
125 amending s. 578.011, F.S.; revising and defining

126 terms; creating s. 578.012, F.S.; providing
127 legislative intent; creating a preemption of local law
128 relating to regulation of seed; amending s. 578.08,
129 F.S.; revising application requirements for the
130 registration of seed dealers; conforming provisions to
131 changes made by the act; specifying that a receipt
132 from the department need not be written to constitute
133 a permit; deleting an exception to registration
134 requirements for certain experiment stations;
135 requiring the payment of fees when packet seed is
136 placed into commerce; amending s. 578.09, F.S.;
137 revising labeling requirements for agricultural,
138 vegetable, flower, tree, and shrub seeds; conforming a
139 cross-reference; repealing s. 578.091, F.S., relating
140 to labeling of forest tree seed; amending s. 578.10,
141 F.S.; revising exemptions to seed labeling, sale, and
142 solicitation requirements; amending s. 578.11, F.S.;
143 conforming provisions to changes made by the act;
144 making technical changes; amending s. 578.12, F.S.;
145 conforming provisions to changes made by the act;
146 amending s. 578.13, F.S.; conforming provisions to
147 changes made by the act; specifying that it is
148 unlawful to move, handle, or dispose of seeds or tags
149 under a stop-sale notice or order without permission
150 from the department; specifying that it is unlawful to

151 represent seed as certified except under specified
152 conditions or to label seed with a variety name under
153 certain conditions; repealing s. 578.14, F.S.,
154 relating to packet vegetable and flower seed; amending
155 s. 578.181, F.S.; revising penalties; amending s.
156 578.23, F.S.; revising recordkeeping requirements
157 relating to seed labeling; amending s. 578.26, F.S.;
158 conforming provisions to changes made by the act;
159 specifying that certain persons may not commence legal
160 proceedings or make certain claims against a seed
161 dealer before certain findings and recommendations are
162 transmitted by the seed investigation and conciliation
163 council to the complainant and dealer; deleting a
164 requirement that the department transmit such findings
165 and recommendations to complainants and dealers;
166 requiring the department to mail a copy of the
167 council's procedures to both parties upon receipt of a
168 complaint; amending s. 578.27, F.S.; removing
169 alternate membership from the seed investigation and
170 conciliation council; revising the terms of members of
171 the council; conforming provisions to changes made by
172 the act; revising the purpose of the council; revising
173 the council's investigatory process; renumbering and
174 amending s. 578.28, F.S.; making a technical change;
175 creating s. 578.29, F.S.; prohibiting certain noxious

176 weed seed from being offered or exposed for sale;
177 amending s. 590.02, F.S.; authorizing the Florida
178 Forest Service to pay certain employees' initial
179 commercial driver license examination fees; amending
180 s. 790.06, F.S.; revising required department handling
181 of incomplete criminal history information in relation
182 to licensure to carry concealed firearms; revising the
183 required furnished statement to obtain a duplicate or
184 substitute concealed weapon or firearm license;
185 amending s. 790.0625, F.S.; revising required tax
186 collector collection and remittance of firearm license
187 fees; revising the fees which a tax collector may
188 retain; authorizing certain tax collectors to print
189 and deliver certain replacement licenses under certain
190 conditions; authorizing certain tax collectors to
191 offer fingerprinting and photographing services to aid
192 license applicants; creating s. 817.417, F.S.;
193 providing a short title; defining terms; specifying
194 department duties and responsibilities relating to
195 government impostor and deceptive advertisements;
196 requiring rulemaking by the department; specifying
197 that it is a violation to disseminate certain
198 misleading or confusing advertisements, to make
199 certain misleading or confusing representations, to
200 use content implying or leading to confusion that such

201 content is from a governmental entity when such is not
202 true, to fail to provide certain disclosures, and to
203 fail to provide certain responses and answers to the
204 department; requiring a person offering documents that
205 are available free of charge or at a lesser price from
206 a governmental entity to provide a certain disclosure;
207 providing penalties; amending s. 489.105, F.S.;
208 conforming provisions to changes made by the act;
209 reenacting s. 527.06(3), F.S., relating to published
210 standards of the National Fire Protection Association;
211 providing an effective date.

212
213 Be It Enacted by the Legislature of the State of Florida:

214
215 Section 1. Paragraph (c) of subsection (6) of section
216 193.461, Florida Statutes, is amended to read:

217 193.461 Agricultural lands; classification and assessment;
218 mandated eradication or quarantine program.—

219 (6)

220 (c)1. For purposes of the income methodology approach to
221 assessment of property used for agricultural purposes,
222 irrigation systems, including pumps and motors, physically
223 attached to the land shall be considered a part of the average
224 yields per acre and shall have no separately assessable
225 contributory value.

226 2. Litter containment structures located on producing
 227 poultry farms and animal waste nutrient containment structures
 228 located on producing dairy farms shall be assessed by the
 229 methodology described in subparagraph 1.

230 3. Structures or improvements used in horticultural
 231 production for frost or freeze protection and screen enclosed
 232 structures used in citrus production for pest exclusion, which
 233 are consistent with the interim measures or best management
 234 practices adopted by the Department of Agriculture and Consumer
 235 Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be
 236 assessed by the methodology described in subparagraph 1.

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

239 379.361 Licenses.—

240 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

241 (b) A ~~No~~ person may not ~~shall~~ harvest oysters from the
 242 Apalachicola Bay without a valid Apalachicola Bay oyster
 243 harvesting license issued by the City of Apalachicola ~~Department~~
 244 ~~of Agriculture and Consumer Services~~. This requirement does
 245 ~~shall~~ not apply to anyone harvesting noncommercial quantities of
 246 oysters in accordance with commission rules, or to any person
 247 less than 18 years old.

248 (d) The City of Apalachicola ~~Department of Agriculture and~~
 249 ~~Consumer Services~~ shall collect an annual fee of \$100 from state
 250 residents and \$500 from nonresidents for the issuance of an

251 Apalachicola Bay oyster harvesting license. The license year
252 shall begin on July 1 of each year and end on June 30 of the
253 following year. The license shall be valid only for the
254 licensee. Only bona fide residents of the state ~~Florida~~ may
255 obtain a resident license pursuant to this subsection.

256 (i) The proceeds from Apalachicola Bay oyster harvesting
257 license fees shall be deposited by the City of Apalachicola into
258 a trust account ~~in the General Inspection Trust Fund~~ and, less
259 reasonable administrative costs, must ~~shall~~ be used or
260 distributed by the City of Apalachicola ~~Department of~~
261 ~~Agriculture and Consumer Services~~ for the following purposes in
262 Apalachicola Bay:

263 1. An Apalachicola Bay oyster shell recycling program
264 ~~Relaying and transplanting live oysters.~~

265 2. Shell planting to construct or rehabilitate oyster
266 bars.

267 3. Education programs for licensed oyster harvesters on
268 oyster biology, aquaculture, boating and water safety,
269 sanitation, resource conservation, small business management,
270 marketing, and other relevant subjects.

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

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

275 487.041 Registration.—

276 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,
277 as defined in s. 487.021, which is distributed, sold, or offered
278 for sale, except as provided in this section, within this state
279 or delivered for transportation or transported in intrastate
280 commerce or between points within this state through any point
281 outside this state must be registered in the office of the
282 department, and such registration shall be renewed biennially.
283 Emergency exemptions from registration may be authorized in
284 accordance with the rules of the department. The registrant
285 shall file with the department a statement including:

286 1. The name, business mailing address, and street address
287 of the registrant.

288 2. The name of the brand of pesticide.

289 3. An ingredient statement and a complete current copy of
290 the labeling accompanying the brand of pesticide, which must
291 conform to the registration, and a statement of all claims to be
292 made for it, including directions for use and a guaranteed
293 analysis showing the names and percentages by weight of each
294 active ingredient, the total percentage of inert ingredients,
295 and the names and percentages by weight of each "added
296 ingredient."

297 (b) ~~Effective January 1, 2009,~~ For the purpose of
298 defraying expenses of the department in connection with carrying
299 out the provisions of this part, each registrant shall pay a
300 biennial registration fee for each registered brand of

301 pesticide. The registration of each brand of pesticide shall
 302 cover a designated 2-year period beginning on January 1 of each
 303 odd-numbered year and expiring on December 31 of the following
 304 year.

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

309 Section 4. Paragraph (a) of subsection (6) of section
 310 493.6105, Florida Statutes, is amended to read:

311 493.6105 Initial application for license.-

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

314 (a) Submit one of the following:

315 1. The Florida Criminal Justice Standards and Training
 316 Commission Instructor Certificate and written confirmation by
 317 the commission that the applicant possesses an active firearms
 318 certification.

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

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

325 4. A valid DD form 214 issued by the United States

326 Department of Defense, an acceptable form as specified by the
327 Department of Veterans' Affairs, or other official military
328 documentation. Such form or documentation must be issued not
329 more than 3 years before the submission of the applicant's Class
330 "K" application, indicating that the applicant has been
331 honorably discharged and has served as a military firearms
332 instructor within the last 3 years of service.

333 Section 5. Paragraph (d) of subsection (3) of section
334 493.6113, Florida Statutes, is amended to read:

335 493.6113 Renewal application for licensure.—

336 (3) Each licensee is responsible for renewing his or her
337 license on or before its expiration by filing with the
338 department an application for renewal accompanied by payment of
339 the renewal fee and the fingerprint retention fee to cover the
340 cost of ongoing retention in the statewide automated biometric
341 identification system established in s. 943.05(2)(b). Upon the
342 first renewal of a license issued under this chapter before
343 January 1, 2017, the licensee shall submit a full set of
344 fingerprints and fingerprint processing fees to cover the cost
345 of entering the fingerprints into the statewide automated
346 biometric identification system pursuant to s. 493.6108(4)(a)
347 and the cost of enrollment in the Federal Bureau of
348 Investigation's national retained print arrest notification
349 program. Subsequent renewals may be completed without submission
350 of a new set of fingerprints.

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

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

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

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

361 496.415 Prohibited acts.—It is unlawful for any person in
362 connection with the planning, conduct, or execution of any
363 solicitation or charitable or sponsor sales promotion to:

364 (19) Comingle charitable contributions with noncharitable
365 funds.

366 Section 7. Section 496.418, Florida Statutes, is amended
367 to read:

368 496.418 Recordkeeping and accounting Records.—

369 (1) Each charitable organization, sponsor, professional
370 fundraising consultant, and professional solicitor that collects
371 or takes control or possession of contributions made for a
372 charitable purpose must keep records to permit accurate
373 reporting and auditing as required by law, must not commingle
374 contributions with noncharitable funds as specified in s.
375 496.415(19), and must be able to account for the funds. When

376 expenditures are not properly documented and disclosed by
 377 records, there exists a rebuttable presumption that the
 378 charitable organization, sponsor, professional fundraising
 379 consultant, or professional solicitor did not properly expend
 380 such funds. Noncharitable funds include any funds that are not
 381 used or intended to be used for the operation of the charity or
 382 for charitable purposes.

383 (2) Each charitable organization, sponsor, professional
 384 fundraising consultant, and professional solicitor must keep for
 385 a period of at least 3 years true and accurate records as to its
 386 activities in this state which are covered by ss. 496.401-
 387 496.424. The records must be made available, without subpoena,
 388 to the department for inspection and must be furnished no later
 389 than 10 working days after requested.

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

393 500.459 Water vending machines.—

394 (3) PERMITTING REQUIREMENTS.—

395 (b) An application for an operating permit must be made ~~in~~
 396 ~~writing~~ to the department on forms provided by the department
 397 and must be accompanied by a fee as provided in subsection (4).
 398 The application must state the location of each water vending
 399 machine, the source of the water to be vended, the treatment the
 400 water will receive prior to being vended, and any other

401 information considered necessary by the department.

402 (5) OPERATING STANDARDS.—

403 (i) The operator shall place on each water vending
404 machine, in a position clearly visible to customers, the
405 following information: the name and address of the operator; ~~the~~
406 ~~operating permit number;~~ the fact that the water is obtained
407 from a public water supply; the method of treatment used; the
408 method of postdisinfection used; and a local or toll-free
409 telephone number that may be called for obtaining further
410 information, reporting problems, or making complaints.

411 Section 9. Paragraph (g) of subsection (1) of section
412 501.059, Florida Statutes, is amended, a new paragraph (i) is
413 added to that subsection, and subsection (5), paragraph (c) of
414 subsection (8), and subsection (9) of that section are amended,
415 to read:

416 501.059 Telephone solicitation.—

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

418 (g) "Telephonic sales call" means a telephone call, ~~or~~
419 text message, or voicemail transmission to a consumer for the
420 purpose of soliciting a sale of any consumer goods or services,
421 soliciting an extension of credit for consumer goods or
422 services, or obtaining information that will or may be used for
423 the direct solicitation of a sale of consumer goods or services
424 or an extension of credit for such purposes.

425 (i) "Voicemail transmission" means technologies that

426 | deliver a voice message directly to a voicemail application,
427 | service, or device.

428 | (5) A telephone solicitor or other person may not initiate
429 | an outbound telephone call, ~~or~~ text message, or voicemail
430 | transmission to a consumer, business, or donor or potential
431 | donor who has previously communicated to the telephone solicitor
432 | or other person that he or she does not wish to receive an
433 | outbound telephone call, ~~or~~ text message, or voicemail
434 | transmission:

435 | (a) Made by or on behalf of the seller whose goods or
436 | services are being offered; or

437 | (b) Made on behalf of a charitable organization for which
438 | a charitable contribution is being solicited.

439 | (8)

440 | (c) It shall be unlawful for any person who makes a
441 | telephonic sales call or causes a telephonic sales call to be
442 | made to fail to transmit or cause not to be transmitted the
443 | originating telephone number and, when made available by the
444 | telephone solicitor's carrier, the name of the telephone
445 | solicitor to any caller identification service in use by a
446 | recipient of a telephonic sales call. However, it shall not be a
447 | violation to substitute, for the name and telephone number used
448 | in or billed for making the call, the name of the seller on
449 | behalf of which a telephonic sales call is placed and the
450 | seller's customer service telephone number, which is answered

451 during regular business hours. If a telephone number is made
 452 available through a caller identification service as a result of
 453 a telephonic sales call, the solicitor must ensure that
 454 telephone number is capable of receiving phone calls and must
 455 connect the original call recipient, upon calling such number,
 456 to the telephone solicitor or to the seller on behalf of which a
 457 telephonic sales call was placed. For purposes of this section,
 458 the term "caller identification service" means a service that
 459 allows a telephone subscriber to have the telephone number and,
 460 where available, the name of the calling party transmitted
 461 contemporaneously with the telephone call and displayed on a
 462 device in or connected to the subscriber's telephone.

463 (9) (a) The department shall investigate any complaints
 464 received concerning violations of this section. If, after
 465 investigating a complaint, the department finds that there has
 466 been a violation of this section, the department or the
 467 Department of Legal Affairs may bring an action to impose a
 468 civil penalty and to seek other relief, including injunctive
 469 relief, as the court deems appropriate against the telephone
 470 solicitor. The civil penalty shall be in the Class IV ~~III~~
 471 category pursuant to s. 570.971 for each violation and shall be
 472 deposited in the General Inspection Trust Fund if the action or
 473 proceeding was brought by the department, or the Legal Affairs
 474 Revolving Trust Fund if the action or proceeding was brought by
 475 the Department of Legal Affairs. This civil penalty may be

476 recovered in any action brought under this part by the
477 department, or the department may terminate any investigation or
478 action upon agreement by the person to pay a stipulated civil
479 penalty. The department or the court may waive any civil penalty
480 if the person has previously made full restitution or
481 reimbursement or has paid actual damages to the consumers who
482 have been injured by the violation.

483 (b) The department may, as an alternative to the civil
484 penalties provided in paragraph (a), impose an administrative
485 fine in the Class III category pursuant to s. 570.971 for each
486 act or omission that constitutes a violation of this section. An
487 administrative proceeding that could result in the entry of an
488 order imposing an administrative penalty must be conducted
489 pursuant to chapter 120.

490 Section 10. Section 501.6175, Florida Statutes, is created
491 to read:

492 501.6175 Recordkeeping.—A commercial telephone seller
493 shall keep all of the following information for 2 years after
494 the date the information first becomes part of the seller's
495 business records:

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

498 (2) All express requests authorizing the telephone
499 solicitor to contact the consumer.

500 (3) Any script, outline, or presentation the applicant

501 requires or suggests a salesperson use when soliciting; sales
 502 information or literature to be provided by the commercial
 503 telephone seller to a salesperson; and sales information or
 504 literature to be provided by the commercial telephone seller to
 505 a consumer in connection with any solicitation.

506
 507 Within 10 days of an oral or written request by the department,
 508 including a written request transmitted by electronic mail, a
 509 commercial telephone seller must make the records it keeps
 510 pursuant to this section available for inspection and copying by
 511 the department during the department's normal business hours.
 512 This section does not limit the department's ability to inspect
 513 and copy material pursuant to any other law.

514 Section 11. Section 501.912, Florida Statutes, is amended
 515 to read:

516 501.912 Definitions.—As used in ss. 501.91-501.923:

517 (1) "Antifreeze" means any substance or preparation,
 518 including, but not limited to, antifreeze-coolant, antifreeze
 519 and summer coolant, or summer coolant, that is sold,
 520 distributed, or intended for use;

521 (a) As the cooling liquid, or to be added to the cooling
 522 liquid, in the cooling system of internal combustion engines of
 523 motor vehicles to prevent freezing of the cooling liquid or to
 524 lower its freezing point; or

525 (b) To raise the boiling point of water or for the

526 prevention of engine overheating, whether or not the liquid is
527 used as a year-round cooling system fluid.

528 ~~(2) "Antifreeze-coolant," "antifreeze and summer coolant,"~~
529 ~~or "summer coolant" means any substance as defined in subsection~~
530 ~~(1) which also is sold, distributed, or intended for raising the~~
531 ~~boiling point of water or for the prevention of engine~~
532 ~~overheating whether or not used as a year-round cooling system~~
533 ~~fluid. Unless otherwise stated, the term "antifreeze" includes~~
534 ~~"antifreeze," "antifreeze-coolant," "antifreeze and summer~~
535 ~~coolant," and "summer coolant."~~

536 (2)~~(3)~~ "Department" means the Department of Agriculture
537 and Consumer Services.

538 (3)~~(4)~~ "Distribute" means to hold with an intent to sell,
539 offer for sale, sell, barter, or otherwise supply to the
540 consumer.

541 (4)~~(5)~~ "Package" means a sealed, tamperproof retail
542 package, drum, or other container designed for the sale of
543 antifreeze directly to the consumer or a container from which
544 the antifreeze may be installed directly by the seller into the
545 cooling system. However, this term, ~~but~~ does not include
546 shipping containers containing properly labeled inner
547 containers.

548 (5)~~(6)~~ "Label" means any display of written, printed, or
549 graphic matter on, or attached to, a package or to the outside
550 individual container or wrapper of the package.

551 ~~(6)-(7)~~ "Labeling" means the labels and any other written,
552 printed, or graphic matter accompanying a package.

553 Section 12. Section 501.913, Florida Statutes, is amended
554 to read:

555 501.913 Registration.—

556 (1) Each brand of antifreeze to be distributed in this
557 state must ~~shall~~ be registered with the department before
558 distribution. The person whose name appears on the label, the
559 manufacturer, or the packager shall make application annually or
560 biennially to the department on forms provided by the
561 department. The registration certificate expires ~~shall expire~~ 12
562 or 24 months after the date of issue, as indicated on the
563 registration certificate. The registrant assumes, by application
564 to register the brand, full responsibility for the registration,
565 quality, and quantity of the product sold, offered, or exposed
566 for sale in this state. ~~If a registered brand is not in~~
567 ~~production for distribution in this state and to ensure any~~
568 ~~remaining product that is still available for sale in the state~~
569 ~~is properly registered, the registrant must submit a notarized~~
570 ~~affidavit on company letterhead to the department certifying~~
571 ~~that:~~

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

573 ~~(b) The stated brand will not be distributed in this~~
574 ~~state; and~~

575 ~~(c) All existing product of the stated brand will be~~

576 ~~removed by the registrant from the state within 30 days after~~
577 ~~expiration of the registration or the registrant will reregister~~
578 ~~the brand for two subsequent registration periods.~~

579
580 ~~If production resumes, the brand must be reregistered before it~~
581 ~~is distributed in this state.~~

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

583 (a) Specimens or copies ~~faesimiles~~ of the label for each
584 brand of antifreeze;

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

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

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

597 (a) Meets the labeling claims;

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

600 (c) Is not adulterated as prescribed for antifreeze by

601 this part ~~chapter~~.

602 (4) (a) If the registration requirements are met, and, if
603 the antifreeze meets the minimum standards, is not adulterated,
604 and meets the labeling claims, the department shall issue a
605 certificate of registration authorizing the distribution of that
606 antifreeze in the state for the permit period ~~year~~.

607 (b) If registration requirements are not met, or, if the
608 antifreeze fails to meet the minimum standards, is adulterated,
609 or fails to meet the labeling claims, the department shall
610 refuse to register the antifreeze.

611 Section 13. Section 501.917, Florida Statutes, is amended
612 to read:

613 501.917 Inspection by department; sampling and analysis.-
614 The department has ~~shall have~~ the right to have access at
615 reasonable hours to all places and property where antifreeze is
616 stored, distributed, or offered or intended to be offered for
617 sale, including the right to inspect and examine all antifreeze
618 and to take reasonable samples of antifreeze for analysis
619 together with specimens of labeling. Collected samples must be
620 analyzed by the department. The certificate of analysis by the
621 department shall be prima facie evidence of the facts stated
622 therein in any legal proceeding in this state ~~All samples taken~~
623 ~~shall be properly sealed and sent to a laboratory designated by~~
624 ~~the department for examination together with all labeling~~
625 ~~pertaining to such samples. It shall be the duty of said~~

626 ~~laboratory to examine promptly all samples received in~~
 627 ~~connection with the administration and enforcement of this act.~~

628 Section 14. Section 501.92, Florida Statutes, is amended
 629 to read:

630 501.92 Formula may be required.—The department may, if
 631 required for the analysis of antifreeze by ~~the laboratory~~
 632 ~~designated by the department for the purpose of registration,~~
 633 require the applicant to furnish a statement of the formula of
 634 such antifreeze, unless the applicant can furnish other
 635 satisfactory evidence that such antifreeze is not adulterated or
 636 misbranded. Such statement need not include inhibitor or other
 637 minor ingredients which total less than 5 percent by weight of
 638 the antifreeze; and, if over 5 percent, the composition of the
 639 inhibitor and such other ingredients may be given in generic
 640 terms.

641 Section 15. Paragraph (e) of subsection (10) of section
 642 525.07, Florida Statutes, is redesignated as paragraph (f), and
 643 a new paragraph (e) is added to that subsection, to read:

644 525.07 Powers and duties of department; inspections;
 645 unlawful acts.—

646 (10)

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

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

651 526.51 Registration; renewal and fees; departmental
652 expenses; cancellation or refusal to issue or renew.—

653 (1) (a) Application for registration of each brand of brake
654 fluid shall be made on forms supplied by the department. The
655 applicant shall give his or her name and address and the brand
656 name of the brake fluid, state that he or she owns the brand
657 name and has complete control over the product sold thereunder
658 in this state, and provide the name and address of the resident
659 agent in this state. If the applicant does not own the brand
660 name but wishes to register the product with the department, a
661 notarized affidavit that gives the applicant full authorization
662 to register the brand name and that is signed by the owner of
663 the brand name must accompany the application for registration.
664 The affidavit must include all affected brand names, the owner's
665 company or corporate name and address, the applicant's company
666 or corporate name and address, and a statement from the owner
667 authorizing the applicant to register the product with the
668 department. The owner of the brand name shall maintain complete
669 control over each product sold under that brand name in this
670 state.

671 (b) The completed application must be accompanied by the
672 following:

673 1. Specimens or copies of the label for each brand of
674 brake fluid.

675 2. An application fee of \$50 for a 12-month registration

676 or \$100 for a 24-month registration for each brand of brake
677 fluid.

678 3. For ~~All~~ first-time applications for a brand and formula
679 combination, ~~must be accompanied by~~ a certified report from an
680 independent testing laboratory, dated no more than 6 months
681 before the registration application, setting forth the analysis
682 of the brake fluid which shows its quality to be not less than
683 the specifications established by the department for brake
684 fluids. ~~A sample of not less than 24 fluid ounces of brake fluid~~
685 ~~shall be submitted, in a container with a label printed in the~~
686 ~~same manner that it will be labeled when sold, and the sample~~
687 ~~and container shall be analyzed and inspected by the department~~
688 ~~in order that compliance with the department's specifications~~
689 ~~and labeling requirements may be verified.~~

690
691 Upon approval of the application, the department shall register
692 the brand name of the brake fluid and issue to the applicant a
693 permit authorizing the registrant to sell the brake fluid in
694 this state. The registration certificate expires ~~shall expire~~ 12
695 or 24 months after the date of issue, as indicated on the
696 registration certificate.

697 (c) (b) ~~Each applicant shall pay a fee of \$100 with each~~
698 ~~application.~~ A permit may be renewed by application to the
699 department, accompanied by a renewal fee of \$50 for a 12-month
700 registration, or \$100 for a 24-month registration, on or before

701 the expiration of the previously issued permit. To reregister a
702 previously registered brand and formula combination, an
703 applicant must submit a completed application and all materials
704 as required in this section to the department before the
705 expiration of the previously issued permit. A brand and formula
706 combination for which a completed application and all materials
707 required in this section are not received before the expiration
708 of the previously issued permit may not be registered with the
709 department until a completed application and all materials
710 required in this section have been received and approved. If the
711 brand and formula combination was previously registered with the
712 department and a fee, application, or materials required in this
713 section are received after the expiration of the previously
714 issued permit, a penalty of \$25 accrues, which shall be added to
715 the fee. Renewals shall be accepted only on brake fluids that
716 have no change in formula, composition, or brand name. Any
717 change in formula, composition, or brand name of a brake fluid
718 constitutes a new product that must be registered in accordance
719 with this part.

720 ~~(c) If a registered brand and formula combination is no~~
721 ~~longer in production for distribution in this state, in order to~~
722 ~~ensure that any remaining product still available for sale in~~
723 ~~this state is properly registered, the registrant must submit a~~
724 ~~notarized affidavit on company letterhead to the department~~
725 ~~certifying that:~~

726 ~~1. The stated brand and formula combination is no longer~~
727 ~~in production;~~

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

730 ~~3. Either all existing product of the stated brand and~~
731 ~~formula combination will be removed by the registrant from the~~
732 ~~state within 30 days after the expiration of the registration or~~
733 ~~that the registrant will reregister the brand and formula~~
734 ~~combination for 2 subsequent years.~~

735

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

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

740 526.53 Enforcement; inspection and analysis, stop-sale and
741 disposition, regulations.—

742 (1) The department shall enforce ~~the provisions of this~~
743 ~~part through the department, and may sample, inspect, analyze,~~
744 ~~and test any brake fluid manufactured, packed, or sold within~~
745 ~~this state. Collected samples must be analyzed by the~~
746 ~~department. The certificate of analysis by the department shall~~
747 ~~be prima facie evidence of the facts stated therein in any legal~~
748 ~~proceeding in this state.~~ The department has ~~shall have~~ free
749 access during business hours to all premises, buildings,
750 vehicles, cars, or vessels used in the manufacture, packing,

751 storage, sale, or transportation of brake fluid, and may open
 752 any box, carton, parcel, or container of brake fluid and take
 753 samples for inspection and analysis or for evidence.

754 Section 18. Section 527.01, Florida Statutes, is amended
 755 to read:

756 527.01 Definitions.—As used in this chapter:

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

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

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

766 (4) "Department" means the Department of Agriculture and
 767 Consumer Services.

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

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

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

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

775 ~~(d) Specialty installer.~~

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

777 ~~(f) Fabricator, repairer, and tester of vehicles and cargo~~

778 ~~tanks.~~

779 ~~(g) Category IV liquefied petroleum gas dispensing unit~~

780 ~~operator and recreational vehicle servicer.~~

781 ~~(h) Category V liquefied petroleum gases dealer for~~

782 ~~industrial uses only.~~

783 (6) "Category I liquefied petroleum gas dealer" means any

784 person selling or offering to sell by delivery or at a

785 stationary location any liquefied petroleum gas to the ultimate

786 consumer for industrial, commercial, or domestic use; any person

787 leasing or offering to lease, or exchanging or offering to

788 exchange, any apparatus, appliances, and equipment for the use

789 of liquefied petroleum gas; any person installing, servicing,

790 altering, or modifying apparatus, piping, tubing, appliances,

791 and equipment for the use of liquefied petroleum or natural gas;

792 any person installing carburetion equipment; or any person

793 requalifying cylinders.

794 (7) "Category II liquefied petroleum gas dispenser" means

795 any person engaging in the business of operating a liquefied

796 petroleum gas dispensing unit for the purpose of serving liquid

797 products to the ultimate consumer for industrial, commercial, or

798 domestic use, and selling or offering to sell, or leasing or

799 offering to lease, apparatus, appliances, and equipment for the

800 use of liquefied petroleum gas, including maintaining a cylinder

801 storage rack at the licensed business location for the purpose
802 of storing cylinders filled by the licensed business for sale or
803 use at a later date.

804 (8) "Category III liquefied petroleum gas cylinder
805 exchange operator" means any person operating a storage facility
806 used for the purpose of storing filled propane cylinders of not
807 more than 43.5 pounds propane capacity or 104 pounds water
808 capacity, while awaiting sale to the ~~ultimate~~ consumer, or a
809 facility used for the storage of empty or filled containers
810 which have been offered for exchange.

811 (9) "Category IV dealer in appliances and equipment
812 ~~liquefied petroleum gas dispenser and recreational vehicle~~
813 ~~servicer~~" means any person selling or offering to sell, or
814 leasing or offering to lease, apparatus, appliances, and
815 equipment for the use of liquefied petroleum gas ~~engaging in the~~
816 ~~business of operating a liquefied petroleum gas dispensing unit~~
817 ~~for the purpose of serving liquid product to the ultimate~~
818 ~~consumer for industrial, commercial, or domestic use, and~~
819 ~~selling or offering to sell, or leasing or offering to lease,~~
820 ~~apparatus, appliances, and equipment for the use of liquefied~~
821 ~~petroleum gas, and whose services include the installation,~~
822 ~~service, or repair of recreational vehicle liquefied petroleum~~
823 ~~gas appliances and equipment.~~

824 (10) "Category V LP gas installer" means any person who is
825 engaged in the liquefied petroleum gas business and whose

826 services include the installation, servicing, altering, or
827 modifying of apparatus, piping, tubing, tanks, and equipment for
828 the use of liquefied petroleum or natural gas and selling or
829 offering to sell, or leasing or offering to lease, apparatus,
830 appliances, and equipment for the use of liquefied petroleum or
831 natural gas.

832 (11) "Category VI miscellaneous operator" means any person
833 who is engaged in operation as a manufacturer of LP gas
834 appliances and equipment; a fabricator, repairer, and tester of
835 vehicles and cargo tanks; a requalifier of LP gas cylinders; or
836 a pipeline system operator ~~Specialty installer" means any person~~
837 ~~involved in the installation, service, or repair of liquefied~~
838 ~~petroleum or natural gas appliances and equipment, and selling~~
839 ~~or offering to sell, or leasing or offering to lease, apparatus,~~
840 ~~appliances, and equipment for the use of liquefied petroleum~~
841 ~~gas, whose activities are limited to specific types of~~
842 ~~appliances and equipment as designated by department rule.~~

843 ~~(12) "Dealer in appliances and equipment for use of~~
844 ~~liquefied petroleum gas" means any person selling or offering to~~
845 ~~sell, or leasing or offering to lease, apparatus, appliances,~~
846 ~~and equipment for the use of liquefied petroleum gas.~~

847 (12) ~~(13)~~ "Manufacturer of liquefied petroleum gas
848 appliances and equipment" means any person in this state
849 manufacturing and offering for sale or selling tanks, cylinders,
850 or other containers and necessary appurtenances for use in the

851 storage, transportation, or delivery of such gas to the ~~ultimate~~
852 consumer, or manufacturing and offering for sale or selling
853 apparatus, appliances, and equipment for the use of liquefied
854 petroleum gas to the ~~ultimate~~ consumer.

855 (13)~~(14)~~ "Wholesaler" means any person, as defined by
856 subsection (2), selling or offering to sell any liquefied
857 petroleum gas for industrial, commercial, or domestic use to any
858 person except the ~~ultimate~~ consumer.

859 (14)~~(15)~~ "Requalifier of cylinders" means any person
860 involved in the retesting, repair, qualifying, or requalifying
861 of liquefied petroleum gas tanks or cylinders manufactured under
862 specifications of the United States Department of Transportation
863 ~~or former Interstate Commerce Commission.~~

864 (15)~~(16)~~ "Fabricator, repairer, and tester of vehicles and
865 cargo tanks" means any person involved in the hydrostatic
866 testing, fabrication, repair, or requalifying of any motor
867 vehicles or cargo tanks used for the transportation of liquefied
868 petroleum gases, when such tanks are permanently attached to or
869 forming a part of the motor vehicle.

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

874 (16)~~(18)~~ "Pipeline system operator" means any person who
875 owns or operates a liquefied petroleum gas pipeline system that

876 is used to transmit liquefied petroleum gas from a common source
877 to the ~~ultimate~~ customer and that serves 10 or more customers.

878 ~~(19) "Category V liquefied petroleum gases dealer for~~
879 ~~industrial uses only" means any person engaged in the business~~
880 ~~of filling, selling, and transporting liquefied petroleum gas~~
881 ~~containers for use in welding, forklifts, or other industrial~~
882 ~~applications.~~

883 ~~(17)-(20)~~ "License period year" means the period 1 to 3
884 years from the issuance of the license ~~from September 1 through~~
885 ~~the following August 31, or April 1 through the following March~~
886 ~~31, depending upon the type of license.~~

887 Section 19. Section 527.02, Florida Statutes, is amended
888 to read:

889 527.02 License; penalty; fees.—

890 (1) It is unlawful for any person to engage in this state
891 in the activities defined in s. 527.01(6) through (11) ~~of a~~
892 ~~pipeline system operator, category I liquefied petroleum gas~~
893 ~~dealer, category II liquefied petroleum gas dispenser, category~~
894 ~~III liquefied petroleum gas cylinder exchange operator, category~~
895 ~~IV liquefied petroleum gas dispenser and recreational vehicle~~
896 ~~servicer, category V liquefied petroleum gas dealer for~~
897 ~~industrial uses only, LP gas installer, specialty installer,~~
898 ~~dealer in liquefied petroleum gas appliances and equipment,~~
899 ~~manufacturer of liquefied petroleum gas appliances and~~
900 ~~equipment, requalifier of cylinders, or fabricator, repairer,~~

901 ~~and tester of vehicles and cargo tanks~~ without first obtaining
 902 from the department a license to engage in one or more of these
 903 businesses. The sale of liquefied petroleum gas cylinders with a
 904 volume of 10 pounds water capacity or 4.2 pounds liquefied
 905 petroleum gas capacity or less is exempt from the requirements
 906 of this chapter. It is a felony of the third degree, punishable
 907 as provided in s. 775.082, s. 775.083, or s. 775.084, to
 908 intentionally or willfully engage in any of said activities
 909 without first obtaining appropriate licensure from the
 910 department.

911 (2) Each business location of a person having multiple
 912 locations must ~~shall~~ be separately licensed and must meet the
 913 requirements of this section. Such license shall be granted to
 914 any applicant determined by the department to be competent,
 915 qualified, and trustworthy who files with the department a
 916 surety bond, insurance affidavit, or other proof of insurance,
 917 as hereinafter specified, and pays for such license the
 918 following annual license ~~original application fee for new~~
 919 ~~licenses and annual renewal fees for existing licenses:~~

License Category	<u>License Original</u> Application Fee <u>Per Year</u>	<u>Renewal</u> Fee
Category I liquefied petroleum gas	<u>\$400</u> \$525	\$425

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2018

922	dealer		
	Category II liquefied petroleum gas dispenser	<u>\$400</u> 525	375
923	Category III liquefied petroleum gas cylinder exchange unit operator	<u>\$65</u> 100	65
924	Category IV <u>dealer in appliances and equipment</u> liquefied petroleum gas dispenser and recreational vehicle servicer	<u>\$65</u> 525	400
925	Category V <u>LP gas installer</u> liquefied petroleum gases dealer for industrial uses only	<u>\$200</u> 300	200
926			

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2018

	<u>Category VI miscellaneous operator LP</u>		
	gas		
927	installer	<u>\$200</u> 300	200
	Specialty		
928	installer	300	200
	Dealer in appliances		
	and equipment		
	for use of liquefied		
929	petroleum gas	50	45
	Manufacturer of		
	liquefied petroleum		
	gas appliances and		
930	equipment	525	375
	Requalifier of		
931	cylinders	525	375
	Fabricator, repairer,		
	and tester of		
	vehicles and		
932	cargo tanks	525	375

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

944 (b) The department shall waive the initial license fee for
945 1 year for an honorably discharged veteran of the United States
946 Armed Forces, the spouse of such a veteran, or a business entity
947 that has a majority ownership held by such a veteran or spouse
948 if the department receives an application, in a format
949 prescribed by the department, within 60 months after the date of
950 the veteran's discharge from any branch of the United States
951 Armed Forces. To qualify for the waiver, a veteran must provide
952 to the department a copy of his or her DD Form 214, as issued by
953 the United States Department of Defense or another acceptable
954 form of identification as specified by the Department of
955 Veterans' Affairs; the spouse of a veteran must provide to the
956 department a copy of the veteran's DD Form 214, as issued by the
957 United States Department of Defense, or another acceptable form

958 of identification as specified by the Department of Veterans'
959 Affairs, and a copy of a valid marriage license or certificate
960 verifying that he or she was lawfully married to the veteran at
961 the time of discharge; or a business entity must provide to the
962 department proof that a veteran or the spouse of a veteran holds
963 a majority ownership in the business, a copy of the veteran's DD
964 Form 214, as issued by the United States Department of Defense,
965 or another acceptable form of identification as specified by the
966 Department of Veterans' Affairs, and, if applicable, a copy of a
967 valid marriage license or certificate verifying that the spouse
968 of the veteran was lawfully married to the veteran at the time
969 of discharge.

970 (4) Any licensee submitting a material change in their
971 information for licensing, before the date for renewal, must
972 submit such change to the department in the manner prescribed by
973 the department, along with a fee in the amount of \$10 ~~Any person~~
974 ~~applying for a liquefied petroleum gas license as a specialty~~
975 ~~installer, as defined by s. 527.01(11), shall upon application~~
976 ~~to the department identify the specific area of work to be~~
977 ~~performed. Upon completion of all license requirements set forth~~
978 ~~in this chapter, the department shall issue the applicant a~~
979 ~~license specifying the scope of work, as identified by the~~
980 ~~applicant and defined by rule of the department, for which the~~
981 ~~person is authorized.~~

982 (5) ~~The license fee for a pipeline system operator shall~~

983 ~~be \$100 per system owned or operated by the person, not to~~
984 ~~exceed \$400 per license year. Such license fee applies only to a~~
985 ~~pipeline system operator who owns or operates a liquefied~~
986 ~~petroleum gas pipeline system that is used to transmit liquefied~~
987 ~~petroleum gas from a common source to the ultimate customer and~~
988 ~~that serves 10 or more customers.~~

989 (5)~~(6)~~ The department shall adopt ~~promulgate~~ rules
990 specifying acts deemed by the department to demonstrate a lack
991 of trustworthiness to engage in activities requiring a license
992 or qualifier identification card under this section.

993 ~~(7) Any license issued by the department may be~~
994 ~~transferred to any person, firm, or corporation for the~~
995 ~~remainder of the current license year upon written request to~~
996 ~~the department by the original licenseholder. Prior to approval~~
997 ~~of any transfer, all licensing requirements of this chapter must~~
998 ~~be met by the transferee. A license transfer fee of \$50 shall be~~
999 ~~charged for each such transfer.~~

1000 Section 20. Section 527.0201, Florida Statutes, is amended
1001 to read:

1002 527.0201 Qualifiers; master qualifiers; examinations.—

1003 (1) In addition to the requirements of s. 527.02, any
1004 person applying for a license to engage in category I, category
1005 II, or category V ~~the activities of a pipeline system operator,~~
1006 ~~category I liquefied petroleum gas dealer, category II liquefied~~
1007 ~~petroleum gas dispenser, category IV liquefied petroleum gas~~

1008 ~~dispenser and recreational vehicle servicer, category V~~
1009 ~~liquefied petroleum gases dealer for industrial uses only, LP~~
1010 ~~gas installer, specialty installer, requalifier of cylinders, or~~
1011 ~~fabricator, repairer, and tester of vehicles and cargo tanks~~
1012 must prove competency by passing a written examination
1013 administered by the department or its agent with a grade of 70
1014 ~~75~~ percent or above in each area tested. Each applicant for
1015 examination shall submit a \$20 nonrefundable fee. The department
1016 shall by rule specify the general areas of competency to be
1017 covered by each examination and the relative weight to be
1018 assigned in grading each area tested.

1019 (2) Application for examination for competency may be made
1020 by an individual or by an owner, a partner, or any person
1021 employed by the license applicant. Upon successful completion of
1022 the competency examination, the department shall register ~~issue~~
1023 ~~a qualifier identification card to~~ the examinee.

1024 (a) Qualifier registration automatically expires if
1025 ~~identification cards, except those issued to category I~~
1026 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~
1027 ~~installers, shall remain in effect as long as the individual~~
1028 ~~shows to the department proof of active employment in the area~~
1029 ~~of examination and all continuing education requirements are~~
1030 ~~met. Should the individual terminates ~~terminate~~ active~~
1031 ~~employment in the area of examination for a period exceeding 24~~
1032 ~~months, or fails ~~fail~~ to provide documentation of continuing~~

1033 | ~~education, the individual's qualifier status shall automatically~~
1034 | ~~expire.~~ If the qualifier registration status has expired, the
1035 | individual must apply for and successfully complete an
1036 | examination by the department in order to reestablish qualifier
1037 | status.

1038 | (b) Every business organization in license category I,
1039 | category II, or category V shall employ at all times a full-time
1040 | qualifier who has successfully completed an examination in the
1041 | corresponding category of the license held by the business
1042 | organization. A person may not act as a qualifier for more than
1043 | one licensed location.

1044 | (3) Qualifier registration expires ~~cards issued to~~
1045 | ~~category I liquefied petroleum gas dealers and liquefied~~
1046 | ~~petroleum gas installers shall expire~~ 3 years after the date of
1047 | issuance. All ~~category I liquefied petroleum gas dealer~~
1048 | ~~qualifiers and liquefied petroleum gas installer qualifiers~~
1049 | ~~holding a valid qualifier card upon the effective date of this~~
1050 | ~~act shall retain their qualifier status until July 1, 2003, and~~
1051 | ~~may sit for the master qualifier examination at any time during~~
1052 | ~~that time period.~~ All such ~~category I liquefied petroleum gas~~
1053 | ~~dealer qualifiers and liquefied petroleum gas installer~~
1054 | ~~qualifiers may renew their qualification on or before July 1,~~
1055 | ~~2003,~~ upon application to the department, payment of a \$20
1056 | renewal fee, and documentation of the completion of a minimum of
1057 | 16 hours of approved continuing education courses, as defined by

1058 department rule, during the previous 3-year period. Applications
1059 for renewal must be made 30 calendar days before expiration.
1060 Persons failing to renew before the expiration date must reapply
1061 and take a qualifier competency examination in order to
1062 reestablish ~~category I liquefied petroleum gas dealer qualifier~~
1063 ~~and liquefied petroleum gas installer~~ qualifier status. ~~If a~~
1064 ~~category I liquefied petroleum gas qualifier or liquefied~~
1065 ~~petroleum gas installer qualifier becomes a master qualifier at~~
1066 ~~any time during the effective date of the qualifier card, the~~
1067 ~~card shall remain in effect until expiration of the master~~
1068 ~~qualifier certification.~~

1069 (4) A qualifier for a business ~~organization involved in~~
1070 ~~installation, repair, maintenance, or service of liquefied~~
1071 ~~petroleum gas appliances, equipment, or systems~~ must actually
1072 function in a supervisory capacity of other company employees
1073 performing licensed activities ~~installing, repairing,~~
1074 ~~maintaining, or servicing liquefied petroleum gas appliances,~~
1075 ~~equipment, or systems.~~ A separate qualifier shall be required
1076 for every 10 such employees. ~~Additional qualifiers are required~~
1077 ~~for those business organizations employing more than 10~~
1078 ~~employees that install, repair, maintain, or service liquefied~~
1079 ~~petroleum gas equipment and systems.~~

1080 (5) In addition to all other licensing requirements, each
1081 category I and category V licensee ~~liquefied petroleum gas~~
1082 ~~dealer and liquefied petroleum gas installer~~ must, at the time

1083 of application for licensure, identify to the department one
1084 master qualifier who is a full-time employee at the licensed
1085 location. This person shall be a manager, owner, or otherwise
1086 primarily responsible for overseeing the operations of the
1087 licensed location and must provide documentation to the
1088 department as provided by rule. The master qualifier requirement
1089 shall be in addition to the requirements of subsection (1).

1090 (a) In order to apply for certification as a master
1091 qualifier, each applicant must have been a registered ~~be a~~
1092 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~
1093 ~~petroleum gas installer~~ qualifier for a minimum of 3 years
1094 immediately preceding submission of the application, must be
1095 employed by a licensed category I or category V licensee
1096 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~
1097 ~~installer,~~ or applicant for such license, ~~must provide~~
1098 ~~documentation of a minimum of 1 year's work experience in the~~
1099 ~~gas industry,~~ and must pass a master qualifier competency
1100 examination. Master qualifier examinations shall be based on
1101 Florida's laws, rules, and adopted codes governing liquefied
1102 petroleum gas safety, general industry safety standards, and
1103 administrative procedures. The applicant must successfully pass
1104 the examination with a grade of 70 ~~75~~ percent or above. Each
1105 applicant for master qualifier registration ~~status~~ must submit
1106 to the department a nonrefundable \$30 examination fee before the
1107 examination.

1108 (b) Upon successful completion of the master qualifier
1109 examination, the department shall issue the examinee a
1110 ~~certificate of master qualifier registration status which shall~~
1111 ~~include the name of the licensed company for which the master~~
1112 ~~qualifier is employed.~~ A master qualifier may transfer from one
1113 licenseholder to another upon becoming employed by the company
1114 and providing a written request to the department.

1115 (c) A master qualifier registration expires status shall
1116 ~~expire~~ 3 years after the date of issuance ~~of the certificate~~ and
1117 may be renewed by submission to the department of documentation
1118 of completion of at least 16 hours of approved continuing
1119 education courses during the 3-year period; proof of employment
1120 ~~with a licensed category I liquefied petroleum gas dealer,~~
1121 ~~liquefied petroleum gas installer, or applicant;~~ and a \$30
1122 certificate renewal fee. The department shall define, by rule,
1123 approved courses of continuing education.

1124 ~~(d) Each category I liquefied petroleum gas dealer or~~
1125 ~~liquefied petroleum gas installer licensed as of August 31,~~
1126 ~~2000, shall identify to the department one current category I~~
1127 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~
1128 ~~gas installer qualifier who will be the designated master~~
1129 ~~qualifier for the licenseholder. Such individual must provide~~
1130 ~~proof of employment for 3 years or more within the liquefied~~
1131 ~~petroleum gas industry, and shall, upon approval of the~~
1132 ~~department, be granted a master qualifier certificate. All other~~

1133 ~~requirements with regard to master qualifier certificate~~
 1134 ~~expiration, renewal, and continuing education shall apply.~~

1135 (6) A vacancy in a qualifier or master qualifier position
 1136 in a business organization which results from the departure of
 1137 the qualifier or master qualifier shall be immediately reported
 1138 to the department by the departing qualifier or master qualifier
 1139 and the licensed company.

1140 (a) If a business organization no longer possesses a duly
 1141 designated qualifier, as required by this section, its liquefied
 1142 petroleum gas licenses shall be suspended by order of the
 1143 department after 20 working days. The license shall remain
 1144 suspended until a competent qualifier has been employed, the
 1145 order of suspension terminated by the department, and the
 1146 license reinstated. A vacancy in the qualifier position for a
 1147 period of more than 20 working days shall be deemed to
 1148 constitute an immediate threat to the public health, safety, and
 1149 welfare. ~~Failure to obtain a replacement qualifier within 60~~
 1150 ~~days after the vacancy occurs shall be grounds for revocation of~~
 1151 ~~licensure or eligibility for licensure.~~

1152 (b) Any category I or category V licensee ~~liquefied~~
 1153 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses
 1154 a master qualifier but currently employs a ~~category I liquefied~~
 1155 ~~petroleum gas dealer or LP gas installer~~ qualifier as required
 1156 by this section, has ~~shall have~~ 60 days within which to replace
 1157 the master qualifier. If the company fails to replace the master

1158 | qualifier within the 60-day ~~time~~ period, the license of the
1159 | company shall be suspended by order of the department. The
1160 | license shall remain suspended until a competent master
1161 | qualifier has been employed, the order of suspension has been
1162 | terminated by the department, and the license reinstated.
1163 | ~~Failure to obtain a replacement master qualifier within 90 days~~
1164 | ~~after the vacancy occurs shall be grounds for revocation of~~
1165 | ~~licensure or eligibility for licensure.~~

1166 | (7) The department may deny, refuse to renew, suspend, or
1167 | revoke any qualifier ~~card~~ or master qualifier registration
1168 | ~~certificate~~ for any of the following causes:

1169 | (a) Violation of any provision of this chapter or any rule
1170 | or order of the department;

1171 | (b) Falsification of records relating to the qualifier
1172 | ~~card~~ or master qualifier registration ~~certificate~~; or

1173 | (c) Failure to meet any of the renewal requirements.

1174 | (8) Any individual having competency qualifications on
1175 | file with the department may request the transfer of such
1176 | qualifications to any existing licenseholder by making a written
1177 | request to the department for such transfer. Any individual
1178 | having a competency examination on file with the department may
1179 | use such examination for a new license application after making
1180 | application in writing to the department. All examinations are
1181 | confidential and exempt from the provisions of s. 119.07(1).

1182 | (9) If a duplicate license, qualifier ~~card~~, or master

1183 | qualifier registration certificate is requested by the licensee,
 1184 | a fee of \$10 must be received before issuance of the duplicate
 1185 | license or certificate card. ~~If a facsimile transmission of an~~
 1186 | ~~original license is requested, upon completion of the~~
 1187 | ~~transmission a fee of \$10 must be received by the department~~
 1188 | ~~before the original license may be mailed to the requester.~~

1189 | (10) All revenues collected herein shall be deposited in
 1190 | the General Inspection Trust Fund for the purpose of
 1191 | administering the provisions of this chapter.

1192 | Section 21. Section 527.021, Florida Statutes, is amended
 1193 | to read:

1194 | 527.021 Registration of transport vehicles.—

1195 | (1) Each liquefied petroleum gas bulk delivery vehicle
 1196 | owned or leased by a liquefied petroleum gas licensee must be
 1197 | registered with the department as part of the licensing
 1198 | application or when placed into service annually.

1199 | (2) For the purposes of this section, a "liquefied
 1200 | petroleum gas bulk delivery vehicle" means any vehicle that is
 1201 | used to transport liquefied petroleum gas on any public street
 1202 | or highway as liquid cargo in a cargo tank, which tank is
 1203 | mounted on a conventional truck chassis or is an integral part
 1204 | of a transporting vehicle in which the tank constitutes, in
 1205 | whole or in part, the stress member used as a frame and is a
 1206 | permanent part of the transporting vehicle.

1207 | (3) ~~Vehicle registrations shall be submitted by the~~

1208 ~~vehicle owner or lessee in conjunction with the annual renewal~~
 1209 ~~of his or her liquefied petroleum gas license, but no later than~~
 1210 ~~August 31 of each year.~~ A dealer who fails to register a vehicle
 1211 with the department does not submit the required vehicle
 1212 registration by August 31 of each year is subject to the
 1213 penalties in s. 527.13.

1214 (4) The department shall issue a decal to be placed on
 1215 each vehicle that is inspected by the department and found to be
 1216 in compliance with applicable codes.

1217 Section 22. Section 527.03, Florida Statutes, is amended
 1218 to read:

1219 527.03 ~~Annual~~ Renewal of license.—All licenses required
 1220 under this chapter shall be renewed annually, biennially, or
 1221 triennially, as elected by the licensee, subject to the license
 1222 fees prescribed in s. 527.02. All renewals must meet the same
 1223 requirements and conditions as an annual license for each
 1224 licensed year ~~All licenses, except Category III Liquefied~~
 1225 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~
 1226 ~~Dealer in Appliances and Equipment for Use of Liquefied~~
 1227 ~~Petroleum Gas licenses, shall be renewed for the period~~
 1228 ~~beginning September 1 and shall expire on the following August~~
 1229 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
 1230 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~
 1231 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~
 1232 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~

1233 ~~period beginning April 1 and shall expire on the following March~~
1234 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
1235 Any license allowed to expire will ~~shall~~ become inoperative
1236 because of failure to renew. The fee for restoration of a
1237 license is equal to the original license fee and must be paid
1238 before the licensee may resume operations.

1239 Section 23. Section 527.04, Florida Statutes, is amended
1240 to read:

1241 527.04 Proof of insurance required.—

1242 (1) Before any license is issued, except to a category IV
1243 dealer in appliances and equipment ~~for use of liquefied~~
1244 ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder
1245 exchange operator, the applicant must deliver to the department
1246 satisfactory evidence that the applicant is covered by a primary
1247 policy of bodily injury liability and property damage liability
1248 insurance that covers the products and operations with respect
1249 to such business and is issued by an insurer authorized to do
1250 business in this state for an amount not less than \$1 million
1251 and that the premium on such insurance is paid. An insurance
1252 certificate, affidavit, or other satisfactory evidence of
1253 acceptable insurance coverage shall be accepted as proof of
1254 insurance. In lieu of an insurance policy, the applicant may
1255 deliver a good and sufficient bond in the amount of \$1 million,
1256 payable to the Commissioner of Agriculture ~~Governor of Florida~~,
1257 with the applicant as principal and a surety company authorized

1258 to do business in this state as surety. The bond must be
1259 conditioned upon the applicant's compliance with this chapter
1260 and the rules of the department with respect to the conduct of
1261 such business and shall indemnify and hold harmless all persons
1262 from loss or damage by reason of the applicant's failure to
1263 comply. However, the aggregated liability of the surety may not
1264 exceed \$1 million. If the insurance policy is canceled or
1265 otherwise terminated or the bond becomes insufficient, the
1266 department may require new proof of insurance or a new bond to
1267 be filed, and if the licenseholder fails to comply, the
1268 department shall cancel the license issued and give the
1269 licenseholder written notice that it is unlawful to engage in
1270 business without a license. A new bond is not required as long
1271 as the original bond remains sufficient and in force. If the
1272 licenseholder's insurance coverage as required by this
1273 subsection is canceled or otherwise terminated, the insurer must
1274 notify the department within 30 days after the cancellation or
1275 termination.

1276 (2) Before any license is issued to a category ~~class~~ III
1277 liquefied petroleum gas cylinder exchange operator, the
1278 applicant must deliver to the department satisfactory evidence
1279 that the applicant is covered by a primary policy of bodily
1280 injury liability and property damage liability insurance that
1281 covers the products and operations with respect to the business
1282 and is issued by an insurer authorized to do business in this

1283 state for an amount not less than \$300,000 and that the premium
1284 on the insurance is paid. An insurance certificate, affidavit,
1285 or other satisfactory evidence of acceptable insurance coverage
1286 shall be accepted as proof of insurance. In lieu of an insurance
1287 policy, the applicant may deliver a good and sufficient bond in
1288 the amount of \$300,000, payable to the Commissioner of
1289 Agriculture ~~Governor~~, with the applicant as principal and a
1290 surety company authorized to do business in this state as
1291 surety. The bond must be conditioned upon the applicant's
1292 compliance with this chapter and the rules of the department
1293 with respect to the conduct of such business and must indemnify
1294 and hold harmless all persons from loss or damage by reason of
1295 the applicant's failure to comply. However, the aggregated
1296 liability of the surety may not exceed \$300,000. If the
1297 insurance policy is canceled or otherwise terminated or the bond
1298 becomes insufficient, the department may require new proof of
1299 insurance or a new bond to be filed, and if the licenseholder
1300 fails to comply, the department shall cancel the license issued
1301 and give the licenseholder written notice that it is unlawful to
1302 engage in business without a license. A new bond is not required
1303 as long as the original bond remains sufficient and in force. If
1304 the licenseholder's insurance coverage required by this
1305 subsection is canceled or otherwise terminated, the insurer must
1306 notify the department within 30 days after the cancellation or
1307 termination.

1308 (3) Any person having a cause of action on the bond may
 1309 bring suit against the principal and surety, and a copy of such
 1310 bond duly certified by the department shall be received in
 1311 evidence in the courts of this state without further proof. The
 1312 department shall furnish a certified copy of the ~~such~~ bond upon
 1313 payment to it of its lawful fee for making and certifying such
 1314 copy.

1315 Section 24. Section 527.0605, Florida Statutes, is amended
 1316 to read:

1317 527.0605 Liquefied petroleum gas bulk storage locations;
 1318 jurisdiction.—

1319 (1) The provisions of this chapter ~~shall~~ apply to
 1320 liquefied petroleum gas bulk storage locations when:

1321 (a) A single container in the bulk storage location has a
 1322 capacity of 2,000 gallons or more;

1323 (b) The aggregate container capacity of the bulk storage
 1324 location is 4,000 gallons or more; or

1325 (c) A container or containers are installed for the
 1326 purpose of serving the public the liquid product.

1327 ~~(2) Prior to the installation of any bulk storage~~
 1328 ~~container, the licensee must submit to the department a site~~
 1329 ~~plan of the facility which shows the proposed location of the~~
 1330 ~~container and must obtain written approval of such location from~~
 1331 ~~the department.~~

1332 ~~(3) A fee of \$200 shall be assessed for each site plan~~

1333 ~~reviewed by the division. The review shall include~~
 1334 ~~preconstruction inspection of the proposed site, plan review,~~
 1335 ~~and final inspection of the completed facility.~~

1336 (2)~~(4)~~ No newly installed container may be placed in
 1337 operation until it has been inspected and approved by the
 1338 department.

1339 Section 25. Subsection (1) of section 527.065, Florida
 1340 Statutes, is amended to read:

1341 527.065 Notification of accidents; leak calls.-

1342 (1) Immediately upon discovery, all liquefied petroleum
 1343 gas licensees shall notify the department of any liquefied
 1344 petroleum gas-related accident involving a liquefied petroleum
 1345 gas licensee or customer account:

1346 (a) Which caused a death or personal injury requiring
 1347 professional medical treatment;

1348 (b) Where uncontrolled ignition of liquefied petroleum gas
 1349 resulted in death, personal injury, or property damage exceeding
 1350 \$3,000 ~~\$1,000~~; or

1351 (c) Which caused estimated damage to property exceeding
 1352 \$3,000 ~~\$1,000~~.

1353 Section 26. Subsection (3) is added to section 527.067,
 1354 Florida Statutes, to read:

1355 527.067 Responsibilities of persons engaged in servicing
 1356 liquefied petroleum gas equipment and systems and consumers, end
 1357 users, or owners of liquefied petroleum gas equipment or

1358 systems.—

1359 (3) A category I liquefied petroleum gas dealer may not
1360 render a consumer's liquefied petroleum gas equipment or system
1361 inoperable or discontinue service without providing written or
1362 electronic notification to the consumer at least 5 business days
1363 before rendering the liquefied petroleum gas equipment or system
1364 inoperable or discontinuing service. This notification does not
1365 apply in the event of a hazardous condition known to the
1366 category I liquefied petroleum gas dealer.

1367 Section 27. Section 527.10, Florida Statutes, is amended
1368 to read:

1369 527.10 Restriction on use of unsafe container or system.—
1370 No liquefied petroleum gas shall be introduced into or removed
1371 from any container or system in this state that has been
1372 identified by the department or its duly authorized inspectors
1373 as not complying with the rules pertaining to such container or
1374 system, until such violations as specified have been
1375 satisfactorily corrected and authorization for continued service
1376 or removal granted by the department. A statement of violations
1377 of the rules that render such a system unsafe for use shall be
1378 furnished in writing by the department to the ~~ultimate~~ consumer
1379 or dealer in liquefied petroleum gas.

1380 Section 28. Subsections (3) and (17) of section 527.21,
1381 Florida Statutes, are amended to read:

1382 527.21 Definitions relating to Florida Propane Gas

1383 Education, Safety, and Research Act.—As used in ss. 527.20-
1384 527.23, the term:

1385 (3) "Dealer" means a business engaged primarily in selling
1386 propane gas and its appliances and equipment to the ~~ultimate~~
1387 consumer or to retail propane gas dispensers.

1388 (17) "Wholesaler" or "reseller" means a seller of propane
1389 gas who is not a producer and who does not sell propane gas to
1390 the ~~ultimate~~ consumer.

1391 Section 29. Paragraph (a) of subsection (2) of section
1392 527.22, Florida Statutes, is amended to read:

1393 527.22 Florida Propane Gas Education, Safety, and Research
1394 Council established; membership; duties and responsibilities.—

1395 (2) (a) ~~Within 90 days after the effective date of this~~
1396 ~~act, the commissioner shall make a call to qualified industry~~
1397 ~~organizations for nominees to the council.~~ The commissioner
1398 shall appoint members of the council from a list of nominees
1399 submitted by qualified industry organizations. The commissioner
1400 may require such reports or documentation as is necessary to
1401 document the nomination process for members of the council.
1402 Qualified industry organizations, in making nominations, and the
1403 commissioner, in making appointments, shall give due regard to
1404 selecting a council that is representative of the industry and
1405 the geographic regions of the state. Other than the public
1406 member, council members must be full-time employees or owners of
1407 propane gas producers or dealers doing business in this state.

1408 Section 30. Section 531.67, Florida Statutes, is amended
1409 to read:

1410 531.67 Expiration of sections.—Sections 531.60, 531.61,
1411 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,
1412 2025 ~~2020~~.

1413 Section 31. Section 534.47, Florida Statutes, is amended
1414 to read:

1415 534.47 Definitions.—As used in ss. 534.48-534.54, the term
1416 ~~ss. 534.48-534.53~~:

1417 (1) "Dealer" means a person, not a market agency, engaged
1418 in the business of buying or selling in commerce livestock
1419 either on his or her own account or as the employee or agent of
1420 a vendor or purchaser.

1421 (2) ~~(1)~~ "Department" means the Department of Agriculture
1422 and Consumer Services.

1423 (3) "Livestock" has the same meaning as in s. 585.01(13).

1424 (4) ~~(2)~~ "Livestock market" means any location in the state
1425 where livestock is assembled and sold at public auction or on a
1426 commission basis during regularly scheduled or special sales.
1427 The term "livestock market" does ~~shall~~ not include private farms
1428 or ranches or sales made at livestock shows, fairs, exhibitions,
1429 or special breed association sales.

1430 (5) "Packer" means a person engaged in the business of
1431 buying livestock in commerce for purposes of slaughter, or of
1432 manufacturing or preparing meats or meat food products for sale

1433 or shipment in commerce, or of marketing meats, meat food
 1434 products, or livestock products in an unmanufactured form acting
 1435 as a wholesaler broker, dealer, or distributor in commerce.

1436 (6) "Purchaser" means a person, partnership, firm,
 1437 corporation, or other organization owning, managing, producing,
 1438 or dealing in livestock, including, but not limited to, a packer
 1439 or dealer, that buys livestock for breeding, feeding, reselling,
 1440 slaughter, or other purpose.

1441 (7) "Registered and approved livestock market" means a
 1442 livestock market fully registered, bonded, and approved as a
 1443 market agency pursuant to the Stockyards Act and governing
 1444 regulations of the United States Department of Agriculture Grain
 1445 Inspection, Packers and Stockyards Administration.

1446 (8) "Seller" means a person, partnership, firm,
 1447 corporation, or other organization owning, managing, producing,
 1448 financing, or dealing in livestock, including, but not limited
 1449 to, a registered and approved livestock market as consignee or a
 1450 dealer, that sells livestock for breeding, feeding, reselling,
 1451 slaughter, or other purpose.

1452 (9) "Stockyards Act" means the Packers and Stockyards Act
 1453 of 1921, 7 U.S.C. ss. 181-229 and the regulations promulgated
 1454 pursuant to that act under 9 C.F.R. part 201.

1455 ~~(3) "Buyer" means the party to whom title of livestock~~
 1456 ~~passes or who is responsible for the purchase price of~~

1457 ~~livestock, including, but not limited to, producers, dealers,~~
 1458 ~~meat packers, or order buyers.~~

1459 Section 32. Section 534.49, Florida Statutes, is amended
 1460 to read:

1461 534.49 Livestock drafts; effect.—For the purposes of this
 1462 section, a livestock draft given as payment at a livestock
 1463 auction market for a livestock purchase shall not be deemed an
 1464 express extension of credit to the purchaser ~~buyer~~ and shall not
 1465 defeat the creation of a lien on such ~~an~~ animal and its carcass,
 1466 ~~and~~ all products therefrom, and all proceeds thereof, to secure
 1467 all or a part of its sales price, as provided in s. 534.54(3) ~~s.~~
 1468 ~~534.54(4)~~.

1469 Section 33. Section 534.50, Florida Statutes, is repealed.

1470 Section 34. Section 534.501, Florida Statutes, is amended
 1471 to read:

1472 534.501 ~~Livestock draft; Unlawful to delay or failure in~~
 1473 ~~payment.—It is shall be~~ unlawful for the purchaser of livestock
 1474 to delay or fail in rendering payment for livestock to a seller
 1475 of cattle as provided in s. 534.54. A person who violates this
 1476 section commits an unfair or deceptive act or practice as
 1477 specified in s. 501.204 ~~payment of the livestock draft upon~~
 1478 ~~presentation of said draft at the payor's bank. Nothing~~
 1479 ~~contained in this section shall be construed to preclude a~~
 1480 ~~payor's right to refuse payment of an unauthorized draft.~~

1481 Section 35. Section 534.51, Florida Statutes, is repealed.

1482 Section 36. Section 534.54, Florida Statutes, is amended
 1483 to read:

1484 534.54 Cattle or hog processors; prompt payment; penalty;
 1485 lien.—

1486 ~~(1) As used in this section:~~

1487 ~~(a) "Livestock" means cattle or hogs.~~

1488 ~~(b) "Meat processor" means a person, corporation,~~
 1489 ~~association, or other legal entity engaged in the business of~~
 1490 ~~slaughtering cattle or hogs.~~

1491 (1)(2)(a) A purchaser that ~~meat processor who~~ purchases
 1492 livestock from a seller, ~~or any person, corporation,~~
 1493 ~~association, or other legal entity who purchases livestock from~~
 1494 ~~a seller for slaughter,~~ shall make payment by cash or check for
 1495 the purchase price of the livestock and actually deliver the
 1496 cash or check to the seller or her or his representative at the
 1497 location where the purchaser takes physical possession of the
 1498 livestock on the day the transfer of possession occurs or by
 1499 ~~shall~~ wire transfer of funds on the business day within which
 1500 the possession of the ~~said~~ livestock is transferred. However, if
 1501 the transfer of possession is accomplished after normal banking
 1502 hours, ~~said~~ payment shall be made in the manner ~~herein~~ provided
 1503 in this subsection no ~~not~~ later than the close of the first
 1504 business day following the ~~said~~ transfer of possession. In the
 1505 case of "grade and yield" selling, the purchaser shall make
 1506 payment by wire transfer of funds or by personal or cashier's

1507 check by registered mail postmarked no ~~not~~ later than the close
 1508 of the first business day following determination of "grade and
 1509 yield."

1510 (b) All instruments issued in payment as required by this
 1511 section hereunder shall be drawn on banking institutions which
 1512 are so located as not artificially to delay collection of funds
 1513 through the mail or otherwise cause an undue lapse of time in
 1514 the clearance process.

1515 ~~(2)-(3)~~ ~~In all cases in which~~ A purchaser of ~~who purchases~~
 1516 livestock that ~~for slaughter from a seller~~ fails to comply with
 1517 subsection (1) ~~make payment for the livestock as required by~~
 1518 ~~this section~~ or artificially delays collection of funds for the
 1519 payment of the livestock, ~~the purchaser~~ shall be liable to pay
 1520 the seller ~~owner~~ of the livestock, in addition to the price of
 1521 the livestock:

1522 (a) Twelve percent damages on the amount of the price.

1523 (b) Interest on the purchase price of the livestock at the
 1524 highest legal rate from and after the transfer of possession
 1525 until payment is made as required by this section.

1526 (c) ~~A~~ Reasonable attorney fees, court costs, and expenses
 1527 ~~attorney's fee~~ for the prosecution of collection of the payment.

1528 ~~(3)-(4)~~ (a) A seller that ~~Any person, partnership, firm,~~
 1529 ~~corporation, or other organization which~~ sells livestock to a
 1530 purchaser shall have a lien on such animal and its carcass, all
 1531 products therefrom, and all proceeds thereof to secure all or a

1532 part of its sales price.

1533 (b) The lien provided in this subsection shall be deemed
1534 to have attached and to be perfected upon delivery of the
1535 livestock to the purchaser without further action, and such lien
1536 shall continue in the livestock and its carcass, all products
1537 therefrom, and all proceeds thereof without regard to possession
1538 thereof by the party entitled to such lien without further
1539 perfection.

1540 (c) If the livestock or its carcass or products therefrom
1541 are so commingled with other livestock, carcasses, or products
1542 so that the identity thereof is lost, then the lien granted in
1543 this subsection shall extend to the same effect as if same had
1544 been perfected originally in all such animals, carcasses, and
1545 products with which it has become commingled. However, all liens
1546 so extended under this paragraph to such commingled livestock,
1547 carcasses, and products shall be on a parity with one another,
1548 and, with respect to such commingled carcasses or products upon
1549 which a lien or liens have been so extended under this
1550 paragraph, no such lien shall be enforceable as against any
1551 purchaser without actual knowledge thereof purchasing one or
1552 more of such carcasses or products in the ordinary course of
1553 trade or business from the party having commingled such
1554 carcasses or products or against any subsequent transferee from
1555 such purchaser, but in the event of such sale, such lien shall
1556 instead extend to the proceeds of such sale.

1557 Section 37. Subsections (46) and (47) are added to section
 1558 570.07, Florida Statutes, to read:

1559 570.07 Department of Agriculture and Consumer Services;
 1560 functions, powers, and duties.—The department shall have and
 1561 exercise the following functions, powers, and duties:

1562 (46) During a state of emergency declared pursuant to s.
 1563 252.36, to waive fees by emergency order for duplicate copies or
 1564 renewal of permits, licenses, certifications, or other similar
 1565 types of authorizations during a period specified by the
 1566 commissioner.

1567 (47) During a state of emergency declared pursuant to s.
 1568 252.36, to issue an emergency order temporarily suspending ss.
 1569 526.304 and 526.305 in recognition of motor fuel as an essential
 1570 commodity necessary to effectuate emergency plans and aid in
 1571 recovery.

1572 Section 38. Section 573.111, Florida Statutes, is amended
 1573 to read:

1574 573.111 Notice of effective date of marketing order.—
 1575 Before the issuance of any marketing order, or any suspension,
 1576 amendment, or termination thereof, a notice must ~~shall~~ be posted
 1577 ~~on a public bulletin board to be maintained by the department in~~
 1578 ~~the Division of Marketing and Development of the department in~~
 1579 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~
 1580 ~~of the notice shall be posted on the department website the same~~
 1581 ~~date that the notice is posted on the bulletin board. A No~~

1582 marketing order, or any suspension, amendment, or termination
 1583 thereof, may not ~~shall~~ become effective until ~~the termination of~~
 1584 ~~a period of 5 days~~ after ~~from~~ the date of posting and
 1585 publication.

1586 Section 39. Section 578.011, Florida Statutes, is amended
 1587 to read:

1588 578.011 Definitions; Florida Seed Law.—When used in this
 1589 chapter, the term:

1590 (1) "Advertisement" means all representations, other than
 1591 those on the label, disseminated in any manner or by any means,
 1592 relating to seed within the scope of this law.

1593 (2) "Agricultural seed" includes the seed of grass,
 1594 forage, cereal and fiber crops, and chufas and any other seed
 1595 commonly recognized within the state as agricultural seed, lawn
 1596 seed, and combinations of such seed, and may include identified
 1597 noxious weed seed when the department determines that such seed
 1598 is being used as agricultural seed ~~or field seed and mixtures of~~
 1599 ~~such seed.~~

1600 (3) "Blend" means seed consisting of more than one variety
 1601 of one kind, each present in excess of 5 percent by weight of
 1602 the whole.

1603 (4) "Buyer" means a person who purchases agricultural,
 1604 vegetable, flower, tree, or shrub seed in packaging of 1,000
 1605 seeds or more by count.

1606 (5) "Brand" means a distinguishing word, name, symbol,

1607 number, or design used to identify seed produced, packaged,
1608 advertised, or offered for sale by a particular person.

1609 (6)-(3) "Breeder seed" means a class of certified seed
1610 directly controlled by the originating or sponsoring plant
1611 breeding institution or person, or designee thereof, and is the
1612 source for the production of seed of the other classes of
1613 certified seed that are released directly from the breeder or
1614 experiment station that develops the seed. These seed are one
1615 class above foundation seed.

1616 (7)-(4) "Certified seed," means a class of seed which is
1617 the progeny of breeder, foundation, or registered seed
1618 "registered seed," and "foundation seed" mean seed that have
1619 been produced and labeled in accordance with the procedures and
1620 in compliance with the rules and regulations of any agency
1621 authorized by the laws of this state or the laws of another
1622 state.

1623 (8) "Certifying agency" means:

1624 (a) An agency authorized under the laws of a state,
1625 territory, or possession of the United States to officially
1626 certify seed and which has standards and procedures approved by
1627 the United States Secretary of Agriculture to assure the genetic
1628 purity and identity of the seed certified; or

1629 (b) An agency of a foreign country that the United States
1630 Secretary of Agriculture has determined as adhering to
1631 procedures and standards for seed certification comparable to

1632 those adhered to generally by seed certifying agencies under
1633 paragraph (a).

1634 (9) "Coated seed" means seed that has been covered by a
1635 layer of materials that obscures the original shape and size of
1636 the seed and substantially increases the weight of the product.
1637 The addition of biologicals, pesticides, identifying colorants
1638 or dyes, or other active ingredients including polymers may be
1639 included in this process.

1640 (10)-(5) "Date of test" means the month and year the
1641 percentage of germination appearing on the label was obtained by
1642 laboratory test.

1643 (11)-(6) "Dealer" means any person who sells or offers for
1644 sale any agricultural, vegetable, flower, ~~or forest tree,~~ or
1645 shrub seed for seeding purposes, and includes farmers who sell
1646 cleaned, processed, packaged, and labeled seed.

1647 (12)-(7) "Department" means the Department of Agriculture
1648 and Consumer Services or its authorized representative.

1649 (13)-(8) "Dormant seed" refers to viable seed, other than
1650 hard seed, which neither germinate nor decay during the
1651 prescribed test period and under the prescribed test conditions.

1652 (14)-(9) "Flower seed" includes seed of herbaceous plants
1653 grown for blooms, ornamental foliage, or other ornamental parts,
1654 and commonly known and sold under the name of flower or
1655 wildflower seed in this state.

1656 ~~(10) "Forest tree seed" includes seed of woody plants~~

1657 ~~commonly known and sold as forest tree seed.~~

1658 (15) "Foundation seed" means a class of certified seed
1659 which is the progeny of breeder or other foundation seed and is
1660 produced and handled under procedures established by the
1661 certifying agency, in accordance with this part, for producing
1662 foundation seed, for the purpose of maintaining genetic purity
1663 and identity.

1664 (16)~~(11)~~ "Germination" means the emergence and development
1665 from the seed embryo of those essential structures which, for
1666 the kind of seed in question, are indicative of the ability to
1667 produce a normal plant under favorable conditions ~~percentage of~~
1668 ~~seed capable of producing normal seedlings under ordinarily~~
1669 ~~favorable conditions. Broken seedlings and weak, malformed and~~
1670 ~~obviously abnormal seedlings shall not be considered to have~~
1671 ~~germinated.~~

1672 (17)~~(12)~~ "Hard seed" means seeds that remain hard at the
1673 end of a prescribed test period because they have not absorbed
1674 water due to an impermeable seed coat ~~the percentage of seed~~
1675 ~~which because of hardness or impermeability did not absorb~~
1676 ~~moisture or germinate under prescribed tests but remain hard~~
1677 ~~during the period prescribed for germination of the kind of seed~~
1678 ~~concerned.~~

1679 (18)~~(13)~~ "Hybrid" means the first generation seed of a
1680 cross produced by controlling the pollination and by combining:

1681 (a) Two or more inbred lines;

1682 (b) One inbred or a single cross with an open-pollinated
 1683 variety; or

1684 (c) Two varieties or species, except open-pollinated
 1685 varieties of corn (*Zea mays*).

1686

1687 The second generation or subsequent generations from such
 1688 crosses may ~~shall~~ not be regarded as hybrids. Hybrid
 1689 designations shall be treated as variety names.

1690 (19)-(14) "Inert matter" means all matter that is not a
 1691 full seed includes broken seed when one-half in size or less;
 1692 seed of legumes or crucifers with the seed coats removed;
 1693 undeveloped and badly injured weed seed such as sterile dodder
 1694 which, upon visual examination, are clearly incapable of growth;
 1695 empty glumes of grasses; attached sterile glumes of grasses
 1696 (which must be removed from the fertile glumes except in Rhodes
 1697 grass); dirt, stone, chaff, nematode, fungus bodies, and any
 1698 matter other than seed.

1699 (20)-(15) "Kind" means one or more related species or
 1700 subspecies which singly or collectively is known by one common
 1701 name; e.g., corn, beans, lespedeza.

1702 (21) "Label" means the display or displays of written or
 1703 printed material upon or attached to a container of seed.

1704 (22)-(16) "Labeling" includes all labels and other written,
 1705 printed, or graphic representations, in any form, accompanying
 1706 and pertaining to any seed, whether in bulk or in containers,

1707 and includes invoices and other bills of shipment when sold in
1708 bulk.

1709 (23)~~(17)~~ "Lot ~~of seed~~" means a definite quantity of seed
1710 identified by a lot number or other mark identification, every
1711 portion or bag of which is uniform within recognized tolerances
1712 for the factors that appear in the labeling, ~~for the factors~~
1713 ~~which appear in the labeling~~, within permitted tolerances.

1714 (24)~~(18)~~ "Mix," "mixed," or "mixture" means seed
1715 consisting of more than one kind ~~or variety~~, each present in
1716 excess of 5 percent by weight of the whole.

1717 (25) "Mulch" means a protective covering of any suitable
1718 substance placed with seed which acts to retain sufficient
1719 moisture to support seed germination and sustain early seedling
1720 growth and aid in the prevention of the evaporation of soil
1721 moisture, the control of weeds, and the prevention of erosion.

1722 (26) "Noxious weed seed" means seed in one of two classes
1723 of seed:

1724 (a) "Prohibited noxious weed seed" means the seed of weeds
1725 that are highly destructive and difficult to control by good
1726 cultural practices and the use of herbicides.

1727 (b) "Restricted noxious weed seed" means weed seeds that
1728 are objectionable in agricultural crops, lawns, and gardens of
1729 this state and which can be controlled by good agricultural
1730 practices or the use of herbicides.

1731 (27)~~(19)~~ "Origin" means the state, District of Columbia,

1732 Puerto Rico, or possession of the United States, or the foreign
1733 country where the seed were grown, except for native species,
1734 where the term means the county or collection zone and the state
1735 where the seed were grown ~~for forest tree seed, with respect to~~
1736 ~~which the term "origin" means the county or state forest service~~
1737 ~~seed collection zone and the state where the seed were grown.~~

1738 (28) ~~(20)~~ "Other crop seed" includes all seed of plants
1739 grown in this state as crops, other than the kind or kind and
1740 variety included in the pure seed, when not more than 5 percent
1741 of the whole of a single kind or variety is present, unless
1742 designated as weed seed.

1743 (29) "Packet seed" means seed prepared for use in home
1744 gardens and household plantings packaged in labeled, sealed
1745 containers of less than 8 ounces and typically sold from seed
1746 racks or displays in retail establishments, via the Internet, or
1747 through mail order.

1748 (30) ~~(21)~~ "Processing" means conditioning, cleaning,
1749 scarifying, or blending to obtain uniform quality and other
1750 operations which would change the purity or germination of the
1751 seed and, therefore, require retesting to determine the quality
1752 of the seed.

1753 ~~(22)~~ ~~"Prohibited noxious weed seed" means the seed and~~
1754 ~~bulblets of perennial weeds such as not only reproduce by seed~~
1755 ~~or bulblets, but also spread by underground roots or stems and~~
1756 ~~which, when established, are highly destructive and difficult to~~

1757 ~~control in this state by ordinary good cultural practice.~~

1758 (31)-(23) "Pure seed" means the seed, exclusive of inert
1759 matter, of the kind or kind and variety of seed declared on the
1760 label or tag ~~includes all seed of the kind or kind and variety~~
1761 ~~or strain under consideration, whether shriveled, cracked, or~~
1762 ~~otherwise injured, and pieces of broken seed larger than one-~~
1763 ~~half the original size.~~

1764 (32)-(24) "Record" includes the symbol identifying the seed
1765 as to origin, amount, processing, testing, labeling, and
1766 distribution, file sample of the seed, and any other document or
1767 instrument pertaining to the purchase, sale, or handling of
1768 agricultural, vegetable, flower, or forest tree, or shrub seed.
1769 Such information includes seed samples and records of
1770 declarations, labels, purchases, sales, conditioning, bulking,
1771 treatment, handling, storage, analyses, tests, and examinations.

1772 (33) "Registered seed" means a class of certified seed
1773 which is the progeny of breeder or foundation seed and is
1774 produced and handled under procedures established by the
1775 certifying agency, in accordance with this part, for the purpose
1776 of maintaining genetic purity and identity.

1777 ~~(25) "Restricted noxious weed seed" means the seed of such~~
1778 ~~weeds as are very objectionable in fields, lawns, or gardens of~~
1779 ~~this state, but can be controlled by good cultural practice.~~
1780 ~~Seed of poisonous plants may be included.~~

1781 (34) "Shrub seed" means seed of a woody plant that is

1782 smaller than a tree and has several main stems arising at or
1783 near the ground.

1784 (35)-(26) "Stop-sale" means any written or printed notice
1785 or order issued by the department to the owner or custodian of
1786 any lot of agricultural, vegetable, flower, ~~or forest~~ tree, or
1787 shrub seed in the state, directing the owner or custodian not to
1788 sell or offer for sale seed designated by the order within the
1789 state until the requirements of this law are complied with and a
1790 written release has been issued; except that the seed may be
1791 released to be sold for feed.

1792 (36)-(27) "Treated" means that the seed has been given an
1793 application of a material or subjected to a process designed to
1794 control or repel disease organisms, insects, or other pests
1795 attacking seed or seedlings grown therefrom to improve its
1796 planting value or to serve any other purpose.

1797 (37) "Tree seed" means seed of a woody perennial plant
1798 typically having a single stem or trunk growing to a
1799 considerable height and bearing lateral branches at some
1800 distance from the ground.

1801 (38)-(28) "Type" means a group of varieties so nearly
1802 similar that the individual varieties cannot be clearly
1803 differentiated except under special conditions.

1804 (39)-(29) "Variety" means a subdivision of a kind which is
1805 distinct in the sense that the variety can be differentiated by
1806 one or more identifiable morphological, physiological, or other

1807 characteristics from all other varieties of public knowledge;
 1808 uniform in the sense that the variations in essential and
 1809 distinctive characteristics are describable; and stable in the
 1810 sense that the variety will remain unchanged in its essential
 1811 and distinctive characteristics and its uniformity when
 1812 reproduced or reconstituted ~~characterized by growth, plant~~
 1813 ~~fruit, seed, or other characteristics by which it can be~~
 1814 ~~differentiated from other sorts of the same kind; e.g.,~~
 1815 ~~Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.~~

1816 (40) ~~(30)~~ "Vegetable seed" means the seed of those crops
 1817 that ~~which~~ are grown in gardens or on truck farms, and are
 1818 generally known and sold under the name of vegetable seed or
 1819 herb seed in this state.

1820 (41) ~~(31)~~ "Weed seed" includes the seed of all plants
 1821 generally recognized as weeds within this state, and includes
 1822 prohibited and restricted noxious weed seed, bulblets, ~~and~~
 1823 tubers, and any other vegetative propagules.

1824 Section 40. Section 578.012, Florida Statutes, is created
 1825 to read:

1826 578.012 Preemption.—

1827 (1) It is the intent of the Legislature to eliminate
 1828 duplication of regulation of seed. As such, this chapter is
 1829 intended as comprehensive and exclusive and occupies the whole
 1830 field of regulation of seed.

1831 (2) The authority to regulate seed or matters relating to

1832 seed in this state is preempted to the state. A local government
1833 or political subdivision of the state may not enact or enforce
1834 an ordinance that regulates seed, including the power to assess
1835 any penalties provided for violation of this chapter.

1836 Section 41. Section 578.08, Florida Statutes, is amended
1837 to read:

1838 578.08 Registrations.—

1839 (1) Every person, except as provided in subsection (4) ~~and~~
1840 ~~s. 578.14~~, before selling, distributing for sale, offering for
1841 sale, exposing for sale, handling for sale, or soliciting orders
1842 for the purchase of any agricultural, vegetable, flower, ~~or~~
1843 ~~forest~~ tree, or shrub seed or mixture thereof, shall first
1844 register with the department as a seed dealer. The application
1845 for registration must include the name and location of each
1846 place of business at which the seed is sold, distributed for
1847 sale, offered for sale, exposed for sale, or handled for sale.
1848 The application must ~~for registration shall~~ be filed with the
1849 department by using a form prescribed by the department or by
1850 using the department's website and shall be accompanied by an
1851 annual registration fee for each such place of business based on
1852 the gross receipts from the sale of such seed for the last
1853 preceding license year as follows:

1854 (a)1. Receipts of less than \$500, a fee of \$10.

1855 2. Receipts of \$500 or more but less than \$1,000, a fee of
1856 \$25.

- 1857 3. Receipts of \$1,000 or more but less than \$2,500, a fee
 1858 of \$100.
- 1859 4. Receipts of \$2,500 or more but less than \$5,000, a fee
 1860 of \$200.
- 1861 5. Receipts of \$5,000 or more but less than \$10,000, a fee
 1862 of \$350.
- 1863 6. Receipts of \$10,000 or more but less than \$20,000, a
 1864 fee of \$800.
- 1865 7. Receipts of \$20,000 or more but less than \$40,000, a
 1866 fee of \$1,000.
- 1867 8. Receipts of \$40,000 or more but less than \$70,000, a
 1868 fee of \$1,200.
- 1869 9. Receipts of \$70,000 or more but less than \$150,000, a
 1870 fee of \$1,600.
- 1871 10. Receipts of \$150,000 or more but less than \$400,000, a
 1872 fee of \$2,400.
- 1873 11. Receipts of \$400,000 or more, a fee of \$4,600.
- 1874 (b) For places of business not previously in operation,
 1875 the fee shall be based on anticipated receipts for the first
 1876 license year.
- 1877 (2) A ~~written~~ receipt from the department of the
 1878 registration and payment of the fee shall constitute a
 1879 sufficient permit for the dealer to engage in or continue in the
 1880 business of selling, distributing for sale, offering or exposing
 1881 for sale, handling for sale, or soliciting orders for the

1882 purchase of any agricultural, vegetable, flower, ~~or forest tree,~~
 1883 or shrub seed within the state. However, the department has
 1884 ~~shall have~~ authority to suspend or revoke any permit for the
 1885 violation of any provision of this law or of any rule adopted
 1886 under authority hereof. The registration shall expire on June 30
 1887 of the next calendar year and shall be renewed on July 1 of each
 1888 year. If any person subject to the requirements of this section
 1889 fails to comply, the department may issue a stop-sale notice or
 1890 order which shall prohibit the person from selling or causing to
 1891 be sold any agricultural, vegetable, flower, ~~or forest tree,~~ or
 1892 shrub seed until the requirements of this section are met.

1893 (3) Every person selling, distributing for sale, offering
 1894 for sale, exposing for sale, handling for sale, or soliciting
 1895 orders for the purchase of any agricultural, vegetable, flower,
 1896 ~~or forest tree,~~ or shrub seed in the state other than as
 1897 provided in subsection (4) ~~s. 578.14~~, shall be subject to the
 1898 requirements of this section; ~~except that agricultural~~
 1899 ~~experiment stations of the State University System shall not be~~
 1900 ~~subject to the requirements of this section.~~

1901 (4) ~~The provisions of~~ This chapter does ~~shall~~ not apply to
 1902 farmers who sell only uncleaned, unprocessed, unpackaged, and
 1903 unlabeled seed, but shall apply to farmers who sell cleaned,
 1904 processed, packaged, and labeled seed in amounts in excess of
 1905 \$10,000 in any one year.

1906 (5) When packet seed is sold, offered for sale, or exposed

1907 for sale, the company who packs seed for retail sale must
 1908 register and pay fees as provided under subsection (1).

1909 Section 42. Section 578.09, Florida Statutes, is amended
 1910 to read:

1911 578.09 Label requirements for agricultural, vegetable,
 1912 flower, tree, or shrub seeds.—Each container of agricultural,
 1913 vegetable, ~~or flower, tree, or shrub~~ seed which is sold, offered
 1914 for sale, exposed for sale, or distributed for sale within this
 1915 state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or
 1916 have attached thereto, in a conspicuous place, ~~a label or labels~~
 1917 ~~containing all information required under this section,~~ plainly
 1918 written or printed label or tag in the English language, ~~in~~
 1919 ~~Century type.~~ All data pertaining to analysis shall appear on a
 1920 single label. Language setting forth the requirements for filing
 1921 and serving complaints as described in s. 578.26(1)(c) ~~must~~ ~~or~~
 1922 ~~578.26(1)(b)~~ ~~shall~~ be included on the analysis label or be
 1923 otherwise attached to the package, except for packages
 1924 containing less than 1,000 seeds by count.

1925 (1) ~~FOR TREATED SEED.~~— For all treated agricultural,
 1926 vegetable, ~~or flower, tree, or shrub~~ seed ~~treated~~ as defined in
 1927 this chapter:

1928 (a) A word or statement indicating that the seed has been
 1929 treated ~~or description of process used.~~

1930 (b) The commonly accepted coined, chemical, or abbreviated
 1931 chemical (generic) name of the applied substance or description

1932 of the process used and ~~the words "poison treated" in red~~
 1933 ~~letters, in not less than 1/4-inch type.~~

1934 (c) If the substance in the amount present with the seed
 1935 is harmful to humans or other vertebrate animals, a caution
 1936 statement such as "Do not use for food, feed, or oil purposes."
 1937 The caution for mercurials, Environmental Protection Agency
 1938 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and
 1939 similarly toxic substances shall be designated by a poison
 1940 statement or symbol.

1941 ~~(d) Rate of application or statement "Treated at~~
 1942 ~~manufacturer's recommended rate."~~

1943 (d) ~~(e)~~ If the seed is treated with an inoculant, the date
 1944 beyond which the inoculant is not to be considered effective
 1945 (date of expiration).

1946
 1947 A label separate from other labels required by this section or
 1948 other law may be used to identify seed treatments as required by
 1949 this subsection.

1950 (2) For agricultural seed, including lawn and turf grass
 1951 seed and mixtures thereof: AGRICULTURAL SEED.—

1952 (a) ~~Commonly accepted~~ The name of the kind and variety of
 1953 each agricultural seed component present in excess of 5 percent
 1954 of the whole, and the percentage by weight of each in the order
 1955 of its predominance. Where more than one component is required
 1956 to be named, the word "mixed," "mixture," or "blend" must ~~the~~

1957 | ~~word "mixed" shall~~ be shown conspicuously on the label. Hybrids
 1958 | must be labeled as hybrids.

1959 | (b) Lot number or other lot identification.

1960 | (c) Net weight or seed count.

1961 | (d) Origin, if known. If the origin is ~~;~~ if unknown, that
 1962 | fact must ~~shall~~ be stated.

1963 | (e) Percentage by weight of all weed seed.

1964 | (f) ~~The~~ Name and number of noxious weed seed per pound, if
 1965 | present per pound of each kind of restricted noxious weed seed.

1966 | (g) Percentage by weight of agricultural seed which may be
 1967 | designated as other crop seed, other than those required to be
 1968 | named on the label.

1969 | (h) Percentage by weight of inert matter.

1970 | (i) For each named agricultural seed, including lawn and
 1971 | turf grass seed:

1972 | 1. Percentage of germination, exclusive of hard or dormant
 1973 | seed;

1974 | 2. Percentage of hard or dormant seed, if when present, ~~if~~
 1975 | ~~desired;~~ and

1976 | 3. The calendar month and year the test was completed to
 1977 | determine such percentages, provided that the germination test
 1978 | must have been completed within the previous 9 months, exclusive
 1979 | of the calendar month of test.

1980 | (j) Name and address of the person who labeled said seed
 1981 | or who sells, distributes, offers, or exposes said seed for sale

1982 | within this state.

1983 |

1984 | The sum total of the percentages listed pursuant to paragraphs
 1985 | (a), (e), (g), and (h) must be equal to 100 percent.

1986 | (3) For seed that is coated:

1987 | (a) Percentage by weight of pure seed with coating
 1988 | material removed. The percentage of coating material may be
 1989 | included with the inert matter percentage or may be listed
 1990 | separately.

1991 | (b) Percentage of germination. This percentage must be
 1992 | determined based on an examination of 400 coated units with or
 1993 | without seed.

1994 |

1995 | In addition to the requirements of this subsection, labeling of
 1996 | coated seed must also comply with the requirements of any other
 1997 | subsection pertaining to that type of seed. ~~FOR VEGETABLE SEED~~
 1998 | ~~IN CONTAINERS OF 8 OUNCES OR MORE.~~

1999 | ~~(a) Name of kind and variety of seed.~~

2000 | ~~(b) Net weight or seed count.~~

2001 | ~~(c) Lot number or other lot identification.~~

2002 | ~~(d) Percentage of germination.~~

2003 | ~~(e) Calendar month and year the test was completed to~~
 2004 | ~~determine such percentages.~~

2005 | ~~(f) Name and address of the person who labeled said seed~~
 2006 | ~~or who sells, distributes, offers or exposes said seed for sale~~

2007 ~~within this state.~~

2008 ~~(g) For seed which germinate less than the standard last~~
 2009 ~~established by the department the words "below standard," in not~~
 2010 ~~less than 8-point type, must be printed or written in ink on the~~
 2011 ~~face of the tag, in addition to the other information required.~~
 2012 ~~Provided, that no seed marked "below standard" shall be sold~~
 2013 ~~which falls more than 20 percent below the standard for such~~
 2014 ~~seed which has been established by the department, as authorized~~
 2015 ~~by this law.~~

2016 ~~(h) The name and number of restricted noxious weed seed~~
 2017 ~~per pound.~~

2018 (4) For combination mulch, seed, and fertilizer products:

2019 (a) The word "combination" followed, as appropriate, by
 2020 the words "mulch - seed - fertilizer" must appear prominently on
 2021 the principal display panel of the package.

2022 (b) If the product is an agricultural seed placed in a
 2023 germination medium, mat, tape, or other device or is mixed with
 2024 mulch or fertilizer, it must also be labeled with all of the
 2025 following:

- 2026 1. Product name.
- 2027 2. Lot number or other lot identification.
- 2028 3. Percentage by weight of pure seed of each kind and
 2029 variety named which may be less than 5 percent of the whole.
- 2030 4. Percentage by weight of other crop seed.
- 2031 5. Percentage by weight of inert matter.

2032 6. Percentage by weight of weed seed.

2033 7. Name and number of noxious weed seeds per pound, if
 2034 present.

2035 8. Percentage of germination, and hard or dormant seed if
 2036 appropriate, of each kind or kind and variety named. The
 2037 germination test must have been completed within the previous 12
 2038 months exclusive of the calendar month of test.

2039 9. The calendar month and year the test was completed to
 2040 determine such percentages.

2041 10. Name and address of the person who labeled the seed,
 2042 or who sells, offers, or exposes the seed for sale within the
 2043 state.

2044

2045 The sum total of the percentages listed pursuant to
 2046 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.

2047 (5) For vegetable seed in packets as prepared for use in
 2048 home gardens or household plantings or vegetable seeds in
 2049 preplanted containers, mats, tapes, or other planting devices:
 2050 ~~FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—~~

2051 (a) Name of kind and variety of seed. Hybrids must be
 2052 labeled as hybrids.

2053 (b) Lot number or other lot identification.

2054 (c) Germination test date identified in the following
 2055 manner:

2056 1. The calendar month and year the germination test was

2057 completed and the statement "Sell by ...(month/year)...", which
2058 may be no more than 12 months from the date of test, beginning
2059 with the month after the test date;

2060 2. The month and year the germination test was completed,
2061 provided that the germination test must have been completed
2062 within the previous 12 months, exclusive of the calendar month
2063 of test; or

2064 3. The year for which the seed was packaged for sale as
2065 "Packed for ...(year)..." and the statement "Sell by
2066 ...(year)..." which shall be one year after the seed was
2067 packaged for sale.

2068 (d) ~~(b)~~ Name and address of the person who labeled the seed
2069 or who sells, ~~distributes,~~ offers, or exposes said seed for sale
2070 within this state.

2071 (e) ~~(e)~~ For seed which germinate less than standard last
2072 established by the department, ~~the additional information must~~
2073 ~~be shown:~~

2074 1. Percentage of germination, exclusive of hard or dormant
2075 seed.

2076 2. Percentage of hard or dormant seed ~~when present,~~ if
2077 present desired.

2078 ~~3. Calendar month and year the test was completed to~~
2079 ~~determine such percentages.~~

2080 ~~3.4.~~ The words "Below Standard" prominently displayed in
2081 ~~not less than 8-point type.~~

2082
 2083 (f)~~(d)~~ No seed marked "below standard" may ~~shall~~ be sold
 2084 that falls ~~which fall~~ more than 20 percent below the established
 2085 standard for such seed. For seeds that do not have an
 2086 established standard, the minimum germination standard shall be
 2087 50 percent, and no such seed may be sold that is 20 percent
 2088 below this standard.

2089 (g) For seed placed in a germination medium, mat, tape, or
 2090 other device in such a way as to make it difficult to determine
 2091 the quantity of seed without removing the seeds from the medium,
 2092 mat, tape or device, a statement to indicate the minimum number
 2093 of seeds in the container.

2094 (6) For vegetable seed in containers, other than packets
 2095 prepared for use in home gardens or household plantings, and
 2096 other than preplanted containers, mats, tapes, or other planting
 2097 devices:

2098 (a) The name of each kind and variety present of any seed
 2099 in excess of 5 percent of the total weight in the container, and
 2100 the percentage by weight of each type of seed in order of its
 2101 predominance. Hybrids must be labeled as hybrids.

2102 (b) Net weight or seed count.

2103 (c) Lot number or other lot identification.

2104 (d) For each named vegetable seed:

2105 1. Percentage germination, exclusive of hard or dormant
 2106 seed;

2107 2. Percentage of hard or dormant seed, if present;
 2108 3. Listed below the requirements of subparagraphs 1. and
 2109 2., the "total germination and hard or dormant seed" may be
 2110 stated as such, if desired; and

2111 4. The calendar month and year the test was completed to
 2112 determine the percentages specified in subparagraphs 1. and 2.,
 2113 provided that the germination test must have been completed
 2114 within 9 months, exclusive of the calendar month of test.

2115 (e) Name and address of the person who labeled the seed,
 2116 or who sells, offers, or exposes the seed for sale within this
 2117 state.

2118 (f) For seed which germinate less than the standard last
 2119 established by the department, the words "Below Standard"
 2120 prominently displayed.

2121 1. No seed marked "Below Standard" may be sold if the seed
 2122 is more than 20 percent below the established standard for such
 2123 seed.

2124 2. For seeds that do not have an established standard, the
 2125 minimum germination standard shall be 50 percent, and no such
 2126 seed may be sold that is 20 percent below this standard.

2127 (7)-(5) For flower seed in packets prepared for use in home
 2128 gardens or household plantings or flower seed in preplanted
 2129 containers, mats, tapes, or other planting devices: FOR FLOWER
 2130 SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD
 2131 PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,

2132 ~~OR OTHER PLANTING DEVICES.~~

2133 (a) For all kinds of flower seed:

2134 1. The name of the kind and variety or a statement of type
 2135 and performance characteristics as prescribed in the rules and
 2136 regulations adopted ~~promulgated~~ under the provisions of this
 2137 chapter.

2138 2. Germination test date, identified in the following
 2139 manner:

2140 a. The calendar month and year the germination test was
 2141 completed and the statement "Sell by ...(month/year)...". The
 2142 sell by date must be no more than 12 months from the date of
 2143 test, beginning with the month after the test date;

2144 b. The year for which the seed was packed for sale as
 2145 "Packed for ...(year)..." and the statement "Sell by
 2146 ...(year)..." which shall be for a calendar year; or

2147 c. The calendar month and year the test was completed,
 2148 provided that the germination test must have been completed
 2149 within the previous 12 months, exclusive of the calendar month
 2150 of test.

2151 ~~2. The calendar month and year the seed was tested or the~~
 2152 ~~year for which the seed was packaged.~~

2153 3. The name and address of the person who labeled said
 2154 seed, or who sells, offers, or exposes said seed for sale within
 2155 this state.

2156 (b) For seed of those kinds for which standard testing

2157 | procedures are prescribed and which germinate less than the
 2158 | germination standard last established under the provisions of
 2159 | this chapter:

2160 | 1. The percentage of germination exclusive of hard or
 2161 | dormant seed.

2162 | 2. Percentage of hard or dormant seed, if present.

2163 | 3. The words "Below Standard" prominently displayed ~~in not~~
 2164 | ~~less than 8 point type.~~

2165 | (c) For seed placed in a germination medium, mat, tape, or
 2166 | other device in such a way as to make it difficult to determine
 2167 | the quantity of seed without removing the seed from the medium,
 2168 | mat, tape, or device, a statement to indicate the minimum number
 2169 | of seed in the container.

2170 | ~~(8)-(6)~~ For flower seed in containers other than packets
 2171 | and other than preplanted containers, mats, tapes, or other
 2172 | planting devices and not prepared for use in home flower gardens
 2173 | or household plantings: ~~FOR FLOWER SEED IN CONTAINERS OTHER THAN~~
 2174 | ~~PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD~~
 2175 | ~~PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR~~
 2176 | ~~OTHER PLANTING DEVICES.—~~

2177 | (a) The name of the kind and variety, and for wildflowers,
 2178 | the genus and species and subspecies, if appropriate ~~or a~~
 2179 | ~~statement of type and performance characteristics as prescribed~~
 2180 | ~~in rules and regulations promulgated under the provisions of~~
 2181 | ~~this chapter.~~

2182 (b) Net weight or seed count.

2183 (c) ~~(b)~~ The Lot number or other lot identification.

2184 (d) For flower seed with a pure seed percentage of less

2185 than 90 percent:

2186 1. Percentage, by weight, of each component listed in

2187 order of its predominance.

2188 2. Percentage by weight of weed seed, if present.

2189 3. Percentage by weight of other crop seed.

2190 4. Percentage by weight of inert matter.

2191 (e) For those kinds of seed for which standard testing

2192 procedures are prescribed:

2193 1. Percentage germination exclusive of hard or dormant

2194 seed.

2195 2. Percentage of hard or dormant seed, if present.

2196 3. ~~(e)~~ The calendar month and year that the test was

2197 completed. The germination test must have been completed within

2198 the previous 9 months, exclusive of the calendar month of test.

2199 (f) For those kinds of seed for which standard testing

2200 procedures are not available, the year of production or

2201 collection seed were tested or the year for which the seed were

2202 packaged.

2203 (g) ~~(d)~~ The name and address of the person who labeled said

2204 seed or who sells, offers, or exposes said seed for sale within

2205 this state.

2206 ~~(e) For those kinds of seed for which standard testing~~

2207 ~~procedures are prescribed:~~

2208 1. ~~The percentage germination exclusive of hard seed.~~

2209 2. ~~The percentage of hard seed, if present.~~

2210 (h) (f) For ~~these seeds~~ which germinate less than the

2211 standard last established by the department, the words "Below

2212 Standard" prominently displayed ~~in not less than 8-point type~~

2213 ~~must be printed or written in ink on the face of the tag.~~

2214 (9) For tree or shrub seed:

2215 (a) Common name of the species of seed and, if

2216 appropriate, subspecies.

2217 (b) The scientific name of the genus, species, and, if

2218 appropriate, subspecies.

2219 (c) Lot number or other lot identification.

2220 (d) Net weight or seed count.

2221 (e) Origin, indicated in the following manner:

2222 1. For seed collected from a predominantly indigenous

2223 stand, the area of collection given by latitude and longitude or

2224 geographic description, or political subdivision, such as state

2225 or county.

2226 2. For seed collected from other than a predominantly

2227 indigenous stand, the area of collection and the origin of the

2228 stand or the statement "Origin not Indigenous".

2229 3. The elevation or the upper and lower limits of

2230 elevations within which the seed was collected.

2231 (f) Purity as a percentage of pure seed by weight.

2232 (g) For those species for which standard germination
 2233 testing procedures are prescribed by the department:
 2234 1. Percentage germination exclusive of hard or dormant
 2235 seed.
 2236 2. Percentage of hard or dormant seed, if present.
 2237 3. The calendar month and year test was completed,
 2238 provided that the germination test must have been completed
 2239 within the previous 12 months, exclusive of the calendar month
 2240 of test.

2241 (h) In lieu of subparagraphs (g)1., 2., and 3., the seed
 2242 may be labeled "Test is in progress; results will be supplied
 2243 upon request."

2244 (i) For those species for which standard germination
 2245 testing procedures have not been prescribed by the department,
 2246 the calendar year in which the seed was collected.

2247 (j) The name and address of the person who labeled the
 2248 seed or who sells, offers, or exposes the seed for sale within
 2249 this state.

2250 ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG. The~~
 2251 ~~department shall have the authority to prescribe a uniform~~
 2252 ~~analysis tag required by this section.~~

2254 The information required by this section to be placed on labels
 2255 attached to seed containers may not be modified or denied in the
 2256 labeling or on another label attached to the container. However,

2257 labeling of seed supplied under a contractual agreement may be
 2258 by invoice accompanying the shipment or by an analysis tag
 2259 attached to the invoice if each bag or other container is
 2260 clearly identified by a lot number displayed on the bag or other
 2261 container. Each bag or container that is not so identified must
 2262 carry complete labeling.

2263 Section 43. Section 578.091, Florida Statutes, is
 2264 repealed.

2265 Section 44. Subsections (2) and (3) of section 578.10,
 2266 Florida Statutes, are amended to read:

2267 578.10 Exemptions.—

2268 (2) The provisions of ss. 578.09 and 578.13 do not apply
 2269 to:

2270 (a) ~~The~~ Seed or grain not intended for sowing or planting
 2271 purposes.

2272 (b) ~~The~~ Seed stored ~~in storage~~ in, consigned to, or being
 2273 transported to seed cleaning or processing establishments for
 2274 cleaning or processing only. Any labeling or other
 2275 representation which may be made with respect to the unclean
 2276 seed is ~~shall be~~ subject to this law.

2277 (c) Seed under development or maintained exclusively for
 2278 research purposes.

2279 (3) If seeds cannot be identified by examination thereof,
 2280 a person is not subject to the criminal penalties of this
 2281 chapter for having sold or offered for sale seeds subject to

2282 this chapter which were incorrectly labeled or represented as to
 2283 kind, species, and, if appropriate, subspecies, variety, type,
 2284 or origin, elevation, and, if required, year of collection
 2285 unless he or she has failed to obtain an invoice, genuine
 2286 grower's or tree seed collector's declaration, or other labeling
 2287 information and to take such other precautions as may be
 2288 reasonable to ensure the identity of the seeds to be as stated
 2289 by the grower. A genuine grower's declaration of variety must
 2290 affirm that the grower holds records of proof of identity
 2291 concerning parent seed, such as invoice and labels ~~No person~~
 2292 ~~shall be subject to the criminal penalties of this law for~~
 2293 ~~having sold, offered, exposed, or distributed for sale in this~~
 2294 ~~state any agricultural, vegetable, or forest tree seed which~~
 2295 ~~were incorrectly labeled or represented as to kind and variety~~
 2296 ~~or origin, which seed cannot be identified by examination~~
 2297 ~~thereof, unless she or he has failed to obtain an invoice or~~
 2298 ~~grower's declaration giving kind and variety and origin.~~

2299 Section 45. Section 578.11, Florida Statutes, is amended
 2300 to read:

2301 578.11 Duties, authority, and rules of the department.—

2302 (1) The duty of administering this law and enforcing its
 2303 provisions and requirements shall be vested in the Department of
 2304 Agriculture and Consumer Services, which is hereby authorized to
 2305 employ such agents and persons as in its judgment shall be
 2306 necessary therefor. It shall be the duty of the department,

2307 | which may act through its authorized agents, to sample, inspect,
 2308 | make analyses of, and test agricultural, vegetable, flower, ~~or~~
 2309 | ~~forest~~ tree, or shrub seed transported, sold, offered or exposed
 2310 | for sale, or distributed within this state for sowing or
 2311 | planting purposes, at such time and place and to such extent as
 2312 | it may deem necessary to determine whether said agricultural,
 2313 | vegetable, flower, ~~or forest~~ tree, or shrub seed are in
 2314 | compliance with the provisions of this law, and to notify
 2315 | promptly the person who transported, distributed, sold, offered
 2316 | or exposed the seed for sale, of any violation.

2317 | (2) The department is authorized to:

2318 | (a) ~~To~~ Enforce this chapter ~~act~~ and prescribe the methods
 2319 | of sampling, inspecting, testing, and examining agricultural,
 2320 | vegetable, flower, ~~or forest~~ tree, or shrub seed.

2321 | (b) ~~To~~ Establish standards and tolerances to be followed
 2322 | in the administration of this law, which shall be in general
 2323 | accord with officially prescribed practices in interstate
 2324 | commerce.

2325 | (c) ~~To~~ Prescribe uniform labels.

2326 | (d) ~~To~~ Adopt prohibited and restricted noxious weed seed
 2327 | lists.

2328 | (e) ~~To~~ Prescribe limitations for each restricted noxious
 2329 | weed to be used in enforcement of this chapter ~~act~~ and to add or
 2330 | subtract therefrom from time to time as the need may arise.

2331 | (f) ~~To~~ Make commercial tests of seed and to fix and

2332 collect charges for such tests.

2333 (g) ~~To~~ List the kinds of flower, and forest tree, and
 2334 shrub seed subject to this law.

2335 (h) ~~To~~ Analyze samples, as requested by a consumer. The
 2336 department shall establish, by rule, a fee schedule for
 2337 analyzing samples at the request of a consumer. The fees shall
 2338 be sufficient to cover the costs to the department for taking
 2339 the samples and performing the analysis, not to exceed \$150 per
 2340 sample.

2341 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
 2342 to implement ~~the provisions of this chapter act~~.

2343 (j) ~~To~~ Establish, by rule, requirements governing aircraft
 2344 used for the aerial application of seed, including requirements
 2345 for recordkeeping, annual aircraft registration, secure storage
 2346 when not in use, area-of-application information, and reporting
 2347 any sale, lease, purchase, rental, or transfer of such aircraft
 2348 to another person.

2349 (3) For the purpose of carrying out ~~the provisions of this~~
 2350 law, the department, through its authorized agents, is
 2351 authorized to:

2352 (a) ~~To~~ Enter upon any public or private premises, where
 2353 agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed
 2354 is sold, offered, exposed, or distributed for sale during
 2355 regular business hours, in order to have access to seed subject
 2356 to this law and the rules and regulations hereunder.

2357 (b) ~~To~~ Issue and enforce a stop-sale notice or order to
 2358 the owner or custodian of any lot of agricultural, vegetable,
 2359 flower, ~~or forest tree,~~ or shrub seed, which the department
 2360 finds or has good reason to believe is in violation of any
 2361 provisions of this law, which shall prohibit further sale,
 2362 barter, exchange, or distribution of such seed until the
 2363 department is satisfied that the law has been complied with and
 2364 has issued a written release or notice to the owner or custodian
 2365 of such seed. After a stop-sale notice or order has been issued
 2366 against or attached to any lot of seed and the owner or
 2367 custodian of such seed has received confirmation that the seed
 2368 does not comply with this law, she or he has ~~shall have~~ 15 days
 2369 beyond the normal test period within which to comply with the
 2370 law and obtain a written release of the seed. ~~The provisions of~~
 2371 This paragraph may ~~shall~~ not be construed as limiting the right
 2372 of the department to proceed as authorized by other sections of
 2373 this law.

2374 (c) ~~To~~ Establish and maintain a seed laboratory, employ
 2375 seed analysts and other personnel, and incur such other expenses
 2376 as may be necessary to comply with these provisions.

2377 Section 46. Section 578.12, Florida Statutes, is amended
 2378 to read:

2379 578.12 Stop-sale, stop-use, removal, or hold orders.—When
 2380 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed
 2381 is being offered or exposed for sale or held in violation of any

2382 of the provisions of this chapter, the department, through its
 2383 authorized representative, may issue and enforce a stop-sale,
 2384 stop-use, removal, or hold order to the owner or custodian of
 2385 said seed ordering it to be held at a designated place until the
 2386 law has been complied with and said seed is released in writing
 2387 by the department or its authorized representative. If seed is
 2388 not brought into compliance with this law it shall be destroyed
 2389 within 30 days or disposed of by the department in such a manner
 2390 as it shall by regulation prescribe.

2391 Section 47. Section 578.13, Florida Statutes, is amended
 2392 to read:

2393 578.13 Prohibitions.—

2394 (1) It shall be unlawful for any person to sell,
 2395 distribute for sale, offer for sale, expose for sale, handle for
 2396 sale, or solicit orders for the purchase of any agricultural,
 2397 vegetable, flower, ~~or forest tree~~, or shrub, seed within this
 2398 state:

2399 (a) Unless the test to determine the percentage of
 2400 germination required by s. 578.09 has ~~shall have~~ been completed
 2401 ~~within a period of 7 months, exclusive of the calendar month in~~
 2402 ~~which the test was completed~~, immediately prior to sale,
 2403 exposure for sale, offering for sale, or transportation, except
 2404 for a germination test for seed in hermetically sealed
 2405 containers which is provided for in s. 578.092 ~~s. 578.28~~.

2406 (b) Not labeled in accordance with ~~the provisions of this~~

2407 law, or having false or misleading labeling.

2408 (c) Pertaining to which there has been a false or
2409 misleading advertisement.

2410 (d) Containing noxious weed seeds subject to tolerances
2411 and methods of determination prescribed in the rules and
2412 regulations under this law.

2413 (e) Unless a seed license has been obtained in accordance
2414 with ~~the provisions of~~ this law.

2415 (f) Unless such seed conforms to the definition of a "lot
2416 ~~of seed.~~"

2417 (2) It shall be unlawful for a ~~any~~ person within this
2418 state to:

2419 (a) ~~To~~ Detach, deface, destroy, or use a second time any
2420 label or tag provided for in this law or in the rules and
2421 regulations made and promulgated hereunder or to alter or
2422 substitute seed in a manner that may defeat the purpose of this
2423 law.

2424 (b) ~~To~~ Disseminate any false or misleading advertisement
2425 concerning agricultural, vegetable, flower, ~~or forest tree~~ ,or
2426 shrub seed in any manner or by any means.

2427 (c) ~~To~~ Hinder or obstruct in any way any authorized person
2428 in the performance of her or his duties under this law.

2429 (d) ~~To~~ Fail to comply with a stop-sale order or to move,
2430 handle, or dispose of any lot of seed, or tags attached to such
2431 seed, held under a "stop-sale" order, except with express

2432 permission of the department and for the purpose specified by
2433 the department ~~or seizure order.~~

2434 (e) Label, advertise, or otherwise represent seed subject
2435 to this chapter to be certified seed or any class thereof,
2436 including classes such as "registered seed," "foundation seed,"
2437 "breeder seed" or similar representations, unless:

2438 1. A seed certifying agency determines that such seed
2439 conformed to standards of purity and identify as to the kind,
2440 variety, or species and, if appropriate, subspecies and the seed
2441 certifying agency also determines that tree or shrub seed was
2442 found to be of the origin and elevation claimed, in compliance
2443 with the rules and regulations of such agency pertaining to such
2444 seed; and

2445 2. The seed bears an official label issued for such seed
2446 by a seed certifying agency certifying that the seed is of a
2447 specified class and specified to the kind, variety, or species
2448 and, if appropriate, subspecies.

2449 (f) Label, by variety name, seed not certified by an
2450 official seed-certifying agency when it is a variety for which a
2451 certificate of plant variety protection under the United States
2452 Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies
2453 sale only as a class of certified seed, except that seed from a
2454 certified lot may be labeled as to variety name when used in a
2455 mixture by, or with the written approval of, the owner of the
2456 variety. ~~To sell, distribute for sale, offer for sale, expose~~

2457 ~~for sale, handle for sale, or solicit orders for the purchase of~~
2458 ~~any agricultural, vegetable, flower, or forest tree seed labeled~~
2459 ~~"certified seed," "registered seed," "foundation seed," "breeder~~
2460 ~~seed," or similar terms, unless it has been produced and labeled~~
2461 ~~under seal in compliance with the rules and regulations of any~~
2462 ~~agency authorized by law.~~

2463 (g) ~~(f)~~ ~~To~~ Fail to keep a complete record, including a file
2464 sample which shall be retained for 1 year after seed is sold, of
2465 each lot of seed and to make available for inspection such
2466 records to the department or its duly authorized agents.

2467 (h) ~~(g)~~ ~~To~~ Use the name of the Department of Agriculture
2468 and Consumer Services or Florida State Seed Laboratory in
2469 connection with analysis tag, labeling advertisement, or sale of
2470 any seed in any manner whatsoever.

2471 Section 48. Section 578.14, Florida Statutes, is repealed.

2472 Section 49. Subsection (1) of section 578.181, Florida
2473 Statutes, is amended to read:

2474 578.181 Penalties; administrative fine.—

2475 (1) The department may enter an order imposing one or more
2476 of the following penalties against a person who violates this
2477 chapter or the rules adopted under this chapter or who impedes,
2478 obstructs, ~~or~~ hinders, or otherwise attempts to prevent the
2479 department from performing its duty in connection with
2480 ~~performing its duties under~~ this chapter:

2481 (a) For a minor violation, issuance of a warning letter.

2482 (b) For violations other than a minor violation:
 2483 1. Imposition of an administrative fine in the Class I
 2484 category pursuant to s. 570.971 for each occurrence ~~after the~~
 2485 ~~issuance of a warning letter.~~
 2486 2.(e) Revocation or suspension of the registration as a
 2487 seed dealer.
 2488 Section 50. Section 578.23, Florida Statutes, is amended
 2489 to read:
 2490 578.23 ~~Dealers' Records to be kept available.~~ Each person
 2491 who allows his or her name or brand to appear on the label as
 2492 handling agricultural, vegetable, flower, tree, or shrub seeds
 2493 subject to this chapter must keep, for 2 years, complete records
 2494 of each lot of agricultural, vegetable, flower, tree, or shrub
 2495 seed handled, and keep for 1 year after final disposition a file
 2496 sample of each lot of seed. All such records and samples
 2497 pertaining to the shipment or shipments involved must be
 2498 accessible for inspection by the department or its authorized
 2499 representative during normal business hours ~~Every seed dealer~~
 2500 ~~shall make and keep for a period of 3 years satisfactory records~~
 2501 ~~of all agricultural, vegetable, flower, or forest tree seed~~
 2502 ~~bought or handled to be sold, which records shall at all times~~
 2503 ~~be made readily available for inspection, examination, or audit~~
 2504 ~~by the department. Such records shall also be maintained by~~
 2505 ~~persons who purchase seed for production of plants for resale.~~
 2506 Section 51. Section 578.26, Florida Statutes, is amended

2507 to read:

2508 578.26 Complaint, investigation, hearings, findings, and
 2509 recommendation prerequisite to legal action.—

2510 (1) (a) When any buyer ~~farmer~~ is damaged by the failure of
 2511 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed
 2512 planted in this state to produce or perform as represented by
 2513 the labeling of such ~~label attached to the~~ seed as required by
 2514 s. 578.09, as a prerequisite to her or his right to maintain a
 2515 legal action against the dealer from whom the seed was
 2516 purchased, the buyer must ~~farmer shall~~ make a sworn complaint
 2517 against the dealer alleging damages sustained. The complaint
 2518 shall be filed with the department, and a copy of the complaint
 2519 shall be served by the department on the dealer by certified
 2520 mail, within such time as to permit inspection of the property,
 2521 crops, plants, or trees referenced in, or related to, the
 2522 buyer's complaint by the seed investigation and conciliation
 2523 council or its representatives and by the dealer from whom the
 2524 seed was purchased.

2525 (b) For types of claims specified in paragraph (a), the
 2526 buyer may not commence legal proceedings against the dealer or
 2527 assert such a claim as a counterclaim or defense in any action
 2528 brought by the dealer until the findings and recommendations of
 2529 the seed investigation and conciliation council are transmitted
 2530 to the complainant and the dealer.

2531 (c) ~~(b)~~ Language setting forth the requirement for filing

2532 and serving the complaint shall be legibly typed or printed on
2533 the analysis label or be attached to the package containing the
2534 seed at the time of purchase by the buyer ~~farmer~~.

2535 ~~(d)-(e)~~ A nonrefundable filing fee of \$100 shall be paid to
2536 the department with each complaint filed. However, the
2537 complainant may recover the filing fee cost from the dealer upon
2538 the recommendation of the seed investigation and conciliation
2539 council.

2540 (2) Within 15 days after receipt of a copy of the
2541 complaint, the dealer shall file with the department her or his
2542 answer to the complaint and serve a copy of the answer on the
2543 buyer ~~farmer~~ by certified mail. ~~Upon receipt of the findings and~~
2544 ~~recommendation of the arbitration council, the department shall~~
2545 ~~transmit them to the farmer and to the dealer by certified mail.~~

2546 (3) The department shall refer the complaint and the
2547 answer thereto to the seed investigation and conciliation
2548 council provided in s. 578.27 for investigation, informal
2549 hearing, findings, and recommendation on the matters complained
2550 of.

2551 (a) Each party must ~~shall~~ be allowed to present its side
2552 of the dispute at an informal hearing before the seed
2553 investigation and conciliation council. Attorneys may be present
2554 at the hearing to confer with their clients. However, no
2555 attorney may participate directly in the proceeding.

2556 (b) Hearings, including the deliberations of the seed

2557 investigation and conciliation council, must ~~shall~~ be open to
 2558 the public.

2559 (c) Within 30 days after completion of a hearing, the seed
 2560 investigation and conciliation council shall transmit its
 2561 findings and recommendations to the department. Upon receipt of
 2562 the findings and recommendation of the seed investigation and
 2563 conciliation council, the department shall transmit them to the
 2564 buyer ~~farmer~~ and to the dealer by certified mail.

2565 (4) The department shall provide administrative support
 2566 for the seed investigation and conciliation council and shall
 2567 mail a copy of the council's procedures to each party upon
 2568 receipt of a complaint by the department.

2569 Section 52. Subsections (1), (2), and (4) of section
 2570 578.27, Florida Statutes, are amended to read:

2571 578.27 Seed investigation and conciliation council;
 2572 composition; purpose; meetings; duties; expenses.—

2573 (1) The Commissioner of Agriculture shall appoint a seed
 2574 investigation and conciliation council composed of seven members
 2575 ~~and seven alternate members~~, one member ~~and one alternate~~ to be
 2576 appointed upon the recommendation of each of the following: the
 2577 deans of extension and research, Institute of Food and
 2578 Agricultural Sciences, University of Florida; president of the
 2579 Florida Seed ~~Seedsmen and Garden Supply~~ Association; president
 2580 of the Florida Farm Bureau Federation; and the president of the
 2581 Florida Fruit and Vegetable Association. The Commissioner of

2582 Agriculture shall appoint a representative ~~and an alternate~~ from
2583 the agriculture industry at large and from the Department of
2584 Agriculture and Consumer Services. Each member shall be
2585 appointed for a term of 4 years or less and shall serve until
2586 his or her successor is appointed ~~Initially, three members and~~
2587 ~~their alternates shall be appointed for 4-year terms and four~~
2588 ~~members and their alternates shall be appointed for 2-year~~
2589 ~~terms. Thereafter, members and alternates shall be appointed for~~
2590 ~~4-year terms. Each alternate member shall serve only in the~~
2591 ~~absence of the member for whom she or he is an alternate. A~~
2592 vacancy shall be filled for the remainder of the unexpired term
2593 in the same manner as the original appointment. The council
2594 shall annually elect a chair from its membership. It shall be
2595 the duty of the chair to conduct all meetings and deliberations
2596 held by the council and to direct all other activities of the
2597 council. The department representative shall serve as secretary
2598 of the council. It shall be the duty of the secretary to keep
2599 accurate and correct records on all meetings and deliberations
2600 and perform other duties for the council as directed by the
2601 chair.

2602 (2) The purpose of the seed investigation and conciliation
2603 council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed
2604 dealers in determining the validity of seed complaints made by
2605 buyers ~~farmers~~ against dealers and recommend a settlement, when
2606 appropriate, ~~cost damages~~ resulting from the alleged failure of

2607 the seed to produce or perform as represented by the label of
 2608 such ~~on the~~ seed ~~package~~.

2609 (4) (a) When the department refers to the seed
 2610 investigation and conciliation council any complaint made by a
 2611 buyer farmer against a dealer, the ~~said~~ council must ~~shall~~ make
 2612 a full and complete investigation of the matters complained of
 2613 and at the conclusion of the ~~said~~ investigation must ~~shall~~
 2614 report its findings and make its recommendation ~~of cost damages~~
 2615 and file same with the department.

2616 (b) In conducting its investigation, the seed
 2617 investigation and conciliation council or any representative,
 2618 member, or members thereof are authorized to examine the buyer's
 2619 property, crops, plants, or trees referenced in or relating to
 2620 the complaint farmer on her or his farming operation of which
 2621 ~~she or he complains~~ and the dealer on her or his packaging,
 2622 labeling, and selling operation of the seed alleged to be
 2623 faulty; to grow to production a representative sample of the
 2624 alleged faulty seed through the facilities of the state, under
 2625 the supervision of the department when such action is deemed to
 2626 be necessary; to hold informal hearings at a time and place
 2627 directed by the department or by the chair of the council upon
 2628 reasonable notice to the buyer farmer and the dealer.

2629 (c) Any investigation made by less than the whole
 2630 membership of the council must ~~shall~~ be by authority of a
 2631 written directive by the department or by the chair, and such

2632 investigation must ~~shall~~ be summarized in writing and considered
 2633 by the council in reporting its findings and making its
 2634 recommendation.

2635 Section 53. Section 578.28, Florida Statutes, is
 2636 renumbered as section 578.092, Florida Statutes, and amended to
 2637 read:

2638 578.092 ~~578.28~~ Seed in hermetically sealed containers.—The
 2639 period of validity of germination tests is extended to the
 2640 following periods for seed packaged in hermetically sealed
 2641 containers, under conditions and label requirements set forth in
 2642 this section:

2643 (1) GERMINATION TESTS.—The germination test for
 2644 agricultural and vegetable seed must ~~shall~~ have been completed
 2645 within the following periods, exclusive of the calendar month in
 2646 which the test was completed, immediately prior to shipment,
 2647 delivery, transportation, or sale:

2648 (a) In the case of agricultural or vegetable seed shipped,
 2649 delivered, transported, or sold to a dealer for resale, 18
 2650 months;

2651 (b) In the case of agricultural or vegetable seed for sale
 2652 or sold at retail, 24 months.

2653 (2) CONDITIONS OF PACKAGING.—The following conditions are
 2654 considered as minimum:

2655 (a) *Hermetically sealed packages or containers.*—A
 2656 container, to be acceptable under the provisions of this

2657 section, shall not allow water vapor penetration through any
 2658 wall, including the wall seals, greater than 0.05 gram of water
 2659 per 24 hours per 100 square inches of surface at 100 °F. with a
 2660 relative humidity on one side of 90 percent and on the other of
 2661 0 percent. Water vapor penetration (WVP) is measured by the
 2662 standards of the National Institute of Standards and Technology
 2663 as: gm H₂O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent
 2664 RH.

2665 (b) *Moisture of seed packaged.*—The moisture of
 2666 agricultural or vegetable seed subject to the provisions of this
 2667 section shall be established by rule of the department.

2668 (3) LABELING REQUIRED.—In addition to the labeling
 2669 required by s. 578.09, seed packaged under the provisions of
 2670 this section shall be labeled with the following information:

2671 (a) Seed has been preconditioned as to moisture content.

2672 (b) Container is hermetically sealed.

2673 (c) "Germination test valid until (month, year)" may be
 2674 used. (Not to exceed 24 months from date of test).

2675 Section 54. Section 578.29, Florida Statutes, is created
 2676 to read:

2677 578.29 Prohibited noxious weed seed.—Seeds meeting the
 2678 definition of prohibited noxious weed seed under s. 578.011, may
 2679 not be present in agricultural, vegetable, flower, tree, or
 2680 shrub seed offered or exposed for sale in this state.

2681 Section 55. Subsection (1) of section 590.02, Florida

2682 Statutes, is amended to read:

2683 590.02 Florida Forest Service; powers, authority, and
 2684 duties; liability; building structures; Withlacoochee Training
 2685 Center.—

2686 (1) The Florida Forest Service has the following powers,
 2687 authority, and duties to:

2688 (a) ~~Te~~ Enforce the provisions of this chapter;

2689 (b) ~~Te~~ Prevent, detect, and suppress wildfires wherever
 2690 they may occur on public or private land in this state and to do
 2691 all things necessary in the exercise of such powers, authority,
 2692 and duties;

2693 (c) ~~Te~~ Provide firefighting crews, who shall be under the
 2694 control and direction of the Florida Forest Service and its
 2695 designated agents;

2696 (d) ~~Te~~ Appoint center managers, forest area supervisors,
 2697 forestry program administrators, a forest protection bureau
 2698 chief, a forest protection assistant bureau chief, a field
 2699 operations bureau chief, deputy chiefs of field operations,
 2700 district managers, forest operations administrators, senior
 2701 forest rangers, investigators, forest rangers, firefighter
 2702 rotorcraft pilots, and other employees who may, at the Florida
 2703 Forest Service's discretion, be certified as forestry
 2704 firefighters pursuant to s. 633.408(8). Other law
 2705 notwithstanding, center managers, district managers, forest
 2706 protection assistant bureau chief, and deputy chiefs of field

2707 operations have ~~shall have~~ Selected Exempt Service status in the
 2708 state personnel designation;

2709 (e) ~~To~~ Develop a training curriculum for forestry
 2710 firefighters which must contain the basic volunteer structural
 2711 fire training course approved by the Florida State Fire College
 2712 of the Division of State Fire Marshal and a minimum of 250 hours
 2713 of wildfire training;

2714 (f) Pay the cost of the initial commercial driver license
 2715 examination fee for those employees whose position requires them
 2716 to operate equipment requiring a license. This paragraph is
 2717 intended to be an authorization to the department to pay such
 2718 costs, not an obligation;

2719 ~~(f) To make rules to accomplish the purposes of this~~
 2720 ~~chapter;~~

2721 (g) ~~To~~ Provide fire management services and emergency
 2722 response assistance and to set and charge reasonable fees for
 2723 performance of those services. Moneys collected from such fees
 2724 shall be deposited into the Incidental Trust Fund of the Florida
 2725 Forest Service;

2726 (h) ~~To~~ Require all state, regional, and local government
 2727 agencies operating aircraft in the vicinity of an ongoing
 2728 wildfire to operate in compliance with the applicable state
 2729 Wildfire Aviation Plan; ~~and~~

2730 (i) ~~To~~ Authorize broadcast burning, prescribed burning,
 2731 pile burning, and land clearing debris burning to carry out the

2732 duties of this chapter and the rules adopted thereunder; and
2733 (j) Make rules to accomplish the purposes of this chapter.
2734 Section 56. Paragraph (c) of subsection (6) and subsection
2735 (9) of section 790.06, Florida Statutes, are amended to read:
2736 790.06 License to carry concealed weapon or firearm.—
2737 (6)
2738 (c) The Department of Agriculture and Consumer Services
2739 shall, within 90 days after the date of receipt of the items
2740 listed in subsection (5):
2741 1. Issue the license; or
2742 2. Deny the application based solely on the ground that
2743 the applicant fails to qualify under the criteria listed in
2744 subsection (2) or subsection (3). If the Department of
2745 Agriculture and Consumer Services denies the application, it
2746 shall notify the applicant in writing, stating the ground for
2747 denial and informing the applicant of any right to a hearing
2748 pursuant to chapter 120.
2749 3. In the event the department receives incomplete
2750 criminal history information or ~~with~~ no final disposition on a
2751 crime which may disqualify the applicant, the Department of
2752 Agriculture and Consumer Services must expedite efforts to
2753 acquire the final disposition or proof of restoration of civil
2754 and firearm rights, or confirmation that clarifying records are
2755 not available from the jurisdiction where the criminal history
2756 originated. Ninety days after the date of receipt of the

2757 completed application, if the department has not acquired final
2758 disposition or proof of restoration of civil and firearm rights,
2759 or confirmation that clarifying records are not available from
2760 the jurisdiction where the criminal history originated, the
2761 department shall issue the license in the absence of
2762 disqualifying information. However, such license must be
2763 immediately suspended and revoked upon receipt of disqualifying
2764 information pursuant to this section ~~time limitation prescribed~~
2765 ~~by this paragraph may be suspended until receipt of the final~~
2766 ~~disposition or proof of restoration of civil and firearm rights.~~

2767 (9) In the event that a concealed weapon or firearm
2768 license is lost or destroyed, the license shall be automatically
2769 invalid, and the person to whom the same was issued may, upon
2770 payment of \$15 to the Department of Agriculture and Consumer
2771 Services, obtain a duplicate, or substitute thereof, upon
2772 furnishing a ~~notarized~~ statement under oath to the Department of
2773 Agriculture and Consumer Services that such license has been
2774 lost or destroyed.

2775 Section 57. Subsections (5) and (8) of section 790.0625,
2776 Florida Statutes, are amended, and sections (9) and (10) are
2777 added to that section, to read:

2778 790.0625 Appointment of tax collectors to accept
2779 applications for a concealed weapon or firearm license; fees;
2780 penalties.—

2781 (5) A tax collector appointed under this section shall

2782 collect and remit weekly to the department the license fees
2783 pursuant to s. 790.06 for deposit in the Division of Licensing
2784 Trust Fund and may collect and retain a convenience fees for the
2785 following: fee of \$22 for each new application and \$12 for each
2786 renewal application and shall remit weekly to the department the
2787 license fees pursuant to s. 790.06 for deposit in the Division
2788 of Licensing Trust Fund.

2789 (a) Twenty-two dollars for each new application.

2790 (b) Twelve dollars for each renewal application.

2791 (c) Twelve dollars for each duplicate license issued to
2792 replace a lost or destroyed license.

2793 (d) Six dollars for fingerprinting.

2794 (e) Six dollars for photographing services associated with
2795 the completion of an application submitted online.

2796 (8) Upon receipt of a completed renewal application, a new
2797 color photograph, and ~~appropriate~~ payment of required fees, a
2798 tax collector authorized to accept renewal applications for
2799 concealed weapon or firearm licenses under this section may,
2800 upon approval and confirmation of license issuance by the
2801 department, print and deliver a concealed weapon or firearm
2802 license to a licensee renewing his or her license at the tax
2803 collector's office.

2804 (9) Upon receipt of a statement under oath to the
2805 department, and the payment of required fees, a tax collector
2806 authorized to accept applications for concealed weapon or

2807 firearm licenses under this section may, upon approval and
2808 confirmation from the department that a license is in good
2809 standing, print and deliver a concealed weapon or firearm
2810 license to a licensee whose license has been lost or destroyed.

2811 (10) Tax collectors authorized to accept applications for
2812 concealed weapon or firearm licenses under this section may
2813 provide fingerprinting and photographing services to aid
2814 concealed weapon and firearm applicants and licensees with
2815 online initial and renewal applications.

2816 Section 58. Section 817.417, Florida Statutes, is created
2817 to read:

2818 817.417 Government Impostor and Deceptive Advertisement
2819 Act.—

2820 (1) SHORT TITLE.—This act may be cited as the "Government
2821 Impostor and Deceptive Advertisements Act."

2822 (2) DEFINITIONS.—As used in this section:

2823 (a) "Advertisement" means any representation disseminated
2824 in any manner or by any means, other than by a label, for the
2825 purpose of inducing, or which is reasonably likely to induce,
2826 directly or indirectly, a purchase.

2827 (b) "Department" means the Department of Agriculture and
2828 Consumer Services.

2829 (c) "Governmental entity" means a political subdivision or
2830 agency of any state, possession, or territory of the United
2831 States, or the Federal Government, including, but not limited

2832 to, a board, a department, an office, an agency, a military
 2833 veteran entity, or a military or veteran service organization by
 2834 whatever name known.

2835 (3) DUTIES AND RESPONSIBILITIES.—The department has the
 2836 duty and responsibility to:

2837 (a) Investigate potential violations of this section.

2838 (b) Request and obtain information regarding potential
 2839 violations of this section.

2840 (c) Seek compliance with this section.

2841 (d) Enforce this section.

2842 (e) Adopt rules necessary to administer this section.

2843 (4) VIOLATIONS.—Each occurrence of the following acts or
 2844 practices constitute a violation of this section:

2845 (a) Disseminating an advertisement that:

2846 1. Simulates a summons, complaint, jury notice, or other
 2847 court, judicial, or administrative process of any kind.

2848 2. Represents, implies, or otherwise engages in an action
 2849 that may reasonably cause confusion that the person using or
 2850 employing the advertisement is a part of or associated with a
 2851 governmental entity, when such is not true.

2852 (b) Representing, implying, or otherwise reasonably
 2853 causing confusion that goods, services, an advertisement, or an
 2854 offer was disseminated by or has been approved, authorized, or
 2855 endorsed, in whole or in part, by a governmental entity, when
 2856 such is not true.

2857 (c) Using or employing language, symbols, logos,
2858 representations, statements, titles, names, seals, emblems,
2859 insignia, trade or brand names, business or control tracking
2860 numbers, website or e-mail addresses, or any other term, symbol,
2861 or other content that represents or implies or otherwise
2862 reasonably causes confusion that goods, services, an
2863 advertisement, or an offer is from a governmental entity, when
2864 such is not true.

2865 (d) Failing to provide the disclosures as required in
2866 subsections (5) or (6).

2867 (e) Failing to timely submit to the department written
2868 responses and answers to its inquiries concerning alleged
2869 practices inconsistent with, or in violation of, this section.
2870 Responses or answers may include, but are not limited to, copies
2871 of customer lists, invoices, receipts, or other business
2872 records.

2873 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.—

2874 (a) Any person offering documents that are available free
2875 of charge or at a lesser price from a governmental entity must
2876 provide the notice specified in paragraph (b) on advertisements
2877 as follows:

2878 1. For printed or written advertisements, notice must be
2879 in the same font size, color, style, and visibility as primarily
2880 used elsewhere on the page or envelope and displayed as follows:

2881 a. On the outside front of any mailing envelope used in

2882 disseminating the advertisement.

2883 b. At the top of each printed or written page used in the
2884 advertisement.

2885 2. For electronic advertisements, notice must be in the
2886 same font size, color, style, and visibility as the body text
2887 primarily used in the e-mail or web page and displayed as
2888 follows:

2889 a. At the beginning of each e-mail message, before any
2890 offer or other substantive information.

2891 b. In a prominent location on each web page, such as the
2892 top of each page or immediately following the offer or other
2893 substantive information on the page.

2894 (b) Advertisements specified in paragraph (a) must include
2895 the following disclosure:

2896

2897 "IMPORTANT NOTICE:

2898

2899 The documents offered by this advertisement are available to
2900 Florida consumers free of charge or for a lesser price from
2901 ...(insert name, telephone number, and mailing address of the
2902 applicable governmental entity).... You are NOT required to
2903 purchase anything from this company and the company is NOT
2904 affiliated, endorsed, or approved by any governmental entity.

2905 The item offered in this advertisement has NOT been approved or
2906 endorsed by any governmental agency, and this offer is NOT being

2907 made by an agency of the government."

2908
2909 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.—

2910 (a) Any person disseminating an advertisement that
2911 includes a form or template to be completed by the consumer with
2912 the claim that such form or template will assist the consumer in
2913 complying with a legal filing or record retention requirement
2914 must provide the notice specified in paragraph (b) on
2915 advertisements as follows:

2916 1. For printed or written advertisements, the notice must
2917 be in the same font size, color, style, and visibility as
2918 primarily used elsewhere on the page or envelope and displayed
2919 as follows:

2920 a. On the outside front of any mailing envelope used in
2921 disseminating the advertisement.

2922 b. At the top of each printed or written page used in the
2923 advertisement.

2924 2. For electronic advertisements, the notice must be in
2925 the same font size, color, style, and visibility as the body
2926 text primarily used in the e-mail or web page and displayed as
2927 follows:

2928 a. At the beginning of each e-mail message, before any
2929 offer or other substantive information.

2930 b. In a prominent location on each web page, such as the
2931 top of each page or immediately following the offer or other

2932 substantive information on the page.

2933 (b) Advertisements specified in paragraph (a) must include
 2934 the following disclosure:

2936 "IMPORTANT NOTICE:

2937
 2938 You are NOT required to purchase anything from this company and
 2939 the company is NOT affiliated, endorsed, or approved by any
 2940 governmental entity. The item offered in this advertisement has
 2941 NOT been approved or endorsed by any governmental agency, and
 2942 this offer is NOT being made by an agency of the government."

2944 (7) PENALTIES.—

2945 (a) Any person substantially affected by a violation of
 2946 this section may bring an action in a court of proper
 2947 jurisdiction to enforce the provisions of this section. A person
 2948 prevailing in a civil action for a violation of this section
 2949 shall be awarded costs, including reasonable attorney fees, and
 2950 may be awarded punitive damages in addition to actual damages
 2951 proven. This provision is in addition to any other remedies
 2952 prescribed by law.

2953 (b) The department may bring one or more of the following
 2954 for a violation of this section:

2955 1. A civil action in circuit court for:

2956 a. Temporary or permanent injunctive relief to enforce

2957 this section.

2958 b. For printed advertisements and e-mail, a fine of up to
2959 \$1,000 for each separately addressed advertisement or message
2960 containing content in violation of paragraphs (4) (a)-(d)
2961 received by or addressed to a state resident.

2962 c. For websites, a fine of up to \$5,000 for each day a
2963 website, with content in violation of paragraphs (4) (a)-(d), is
2964 published and made available to the general public.

2965 d. For violations of paragraph (4) (e), a fine of up to
2966 \$5,000 for each violation.

2967 e. Recovery of restitution and damages on behalf of
2968 persons substantially affected by a violation of this section.

2969 f. The recovery of court costs and reasonable attorney
2970 fees.

2971 2. An action for an administrative fine in the Class III
2972 category pursuant to s. 570.971 for each act or omission which
2973 constitutes a violation under this section.

2974 (c) The department may terminate any investigation or
2975 action upon agreement by the alleged offender to pay a
2976 stipulated fine, make restitution, pay damages to customers, or
2977 satisfy any other relief authorized by this section.

2978 (d) Any person who violates paragraphs (4) (a)-(d) also
2979 commits an unfair and deceptive trade practice in violation of
2980 part II of chapter 501 and is subject to the penalties and
2981 remedies imposed for such violation.

2982 Section 59. Paragraph (m) of subsection (3) of section
 2983 489.105, Florida Statutes, is amended to read:
 2984 489.105 Definitions.—As used in this part:
 2985 (3) "Contractor" means the person who is qualified for,
 2986 and is only responsible for, the project contracted for and
 2987 means, except as exempted in this part, the person who, for
 2988 compensation, undertakes to, submits a bid to, or does himself
 2989 or herself or by others construct, repair, alter, remodel, add
 2990 to, demolish, subtract from, or improve any building or
 2991 structure, including related improvements to real estate, for
 2992 others or for resale to others; and whose job scope is
 2993 substantially similar to the job scope described in one of the
 2994 paragraphs of this subsection. For the purposes of regulation
 2995 under this part, the term "demolish" applies only to demolition
 2996 of steel tanks more than 50 feet in height; towers more than 50
 2997 feet in height; other structures more than 50 feet in height;
 2998 and all buildings or residences. Contractors are subdivided into
 2999 two divisions, Division I, consisting of those contractors
 3000 defined in paragraphs (a)-(c), and Division II, consisting of
 3001 those contractors defined in paragraphs (d)-(q):
 3002 (m) "Plumbing contractor" means a contractor whose
 3003 services are unlimited in the plumbing trade and includes
 3004 contracting business consisting of the execution of contracts
 3005 requiring the experience, financial means, knowledge, and skill
 3006 to install, maintain, repair, alter, extend, or, if not

3007 prohibited by law, design plumbing. A plumbing contractor may
3008 install, maintain, repair, alter, extend, or, if not prohibited
3009 by law, design the following without obtaining an additional
3010 local regulatory license, certificate, or registration: sanitary
3011 drainage or storm drainage facilities, water and sewer plants
3012 and substations, venting systems, public or private water supply
3013 systems, septic tanks, drainage and supply wells, swimming pool
3014 piping, irrigation systems, and solar heating water systems and
3015 all appurtenances, apparatus, or equipment used in connection
3016 therewith, including boilers and pressure process piping and
3017 including the installation of water, natural gas, liquefied
3018 petroleum gas and related venting, and storm and sanitary sewer
3019 lines. The scope of work of the plumbing contractor also
3020 includes the design, if not prohibited by law, and installation,
3021 maintenance, repair, alteration, or extension of air-piping,
3022 vacuum line piping, oxygen line piping, nitrous oxide piping,
3023 and all related medical gas systems; fire line standpipes and
3024 fire sprinklers if authorized by law; ink and chemical lines;
3025 fuel oil and gasoline piping and tank and pump installation,
3026 except bulk storage plants; and pneumatic control piping
3027 systems, all in a manner that complies with all plans,
3028 specifications, codes, laws, and regulations applicable. The
3029 scope of work of the plumbing contractor applies to private
3030 property and public property, including any excavation work
3031 incidental thereto, and includes the work of the specialty

3032 plumbing contractor. Such contractor shall subcontract, with a
 3033 qualified contractor in the field concerned, all other work
 3034 incidental to the work but which is specified as being the work
 3035 of a trade other than that of a plumbing contractor. This
 3036 definition does not limit the scope of work of any specialty
 3037 contractor certified pursuant to s. 489.113(6) and does not
 3038 require certification or registration under this part as a
 3039 category I liquefied petroleum gas dealer, or category V LP gas
 3040 installer, as defined in s. 527.01, ~~or specialty installer~~ who
 3041 is licensed under chapter 527 or an authorized employee of a
 3042 public natural gas utility or of a private natural gas utility
 3043 regulated by the Public Service Commission when disconnecting
 3044 and reconnecting water lines in the servicing or replacement of
 3045 an existing water heater. A plumbing contractor may perform
 3046 drain cleaning and clearing and install or repair rainwater
 3047 catchment systems; however, a mandatory licensing requirement is
 3048 not established for the performance of these specific services.

3049 Section 60. Subsection (3) of section 527.06, Florida
 3050 Statutes, is reenacted to read:

3051 527.06 Rules.—

3052 (3) Rules in substantial conformity with the published
 3053 standards of the National Fire Protection Association (NFPA) are
 3054 deemed to be in substantial conformity with the generally
 3055 accepted standards of safety concerning the same subject matter.

3056 Section 61. This act shall take effect July 1, 2018.