

CHAPTER 2017-85

Committee Substitute for Committee Substitute for House Bill No. 467

An act relating to the Department of Agriculture and Consumer Services; amending s. 288.1175, F.S.; specifying that applications for funding for certain agriculture education and promotion facilities be postmarked or electronically submitted by a certain date; amending s. 472.003, F.S.; specifying that certain persons under contract with registered or certified surveyors and mappers are not subject to the provisions of ch. 472, F.S.; amending s. 472.005, F.S.; redefining the terms “practice of surveying and mapping” and “subordinate”; amending s. 472.013, F.S.; revising the standards for when an applicant is eligible to take the licensure examination to practice as a surveyor and mapper; amending s. 472.015, F.S.; revising the qualifications for licensure by endorsement for surveyors and mappers; amending s. 472.018, F.S.; revising the continuing education requirements for new surveyor and mapper licensees and renewal of surveyor and mapper licenses; authorizing the board to provide by rule the method of delivery of, criteria for, and provisions to carryover hours for continuing education requirements; deleting a requirement that the board approve courses; requiring the board to issue cease and desist orders and enact certain penalties for continuing education providers failing to conform to board rules; requiring the department to establish a system for the administration of continuing education requirements adopted by the board; amending s. 472.025, F.S.; deleting a requirement that registrant seals be of impression-type metal; amending s. 472.0366, F.S.; revising the requirements for copies of evaluation certificates that must be submitted to the Division of Emergency Management within the Executive Office of the Governor; requiring that certain copies of evaluation certificates be retained in the surveyor and mapper’s records; amending s. 487.2041, F.S.; requiring the department to adopt by rule certain United States Environmental Protection Agency regulations relating to labeling requirements for pesticides and devices; amending s. 493.6101, F.S.; specifying that a manager of a private investigative agency may manage up to three offices, subject to certain requirements; amending s. 493.6105, F.S.; exempting certain partners and corporate officers from fingerprint retention requirements; revising the submission requirements for applications for Class “K” licenses; amending s. 493.6107, F.S.; deleting a specification that license fees are biennial; amending s. 493.6108, F.S.; providing an authorization to the Department of Law Enforcement to release certain mental health and substance abuse history of applicants and licensees for the purpose of determining licensure eligibility; requiring licensees to notify their employer of an arrest within a specified period; amending s. 493.6112, F.S.; revising the notification requirements for changes of certain partners, officers, and employees of private investigative, security, and recovery agencies; amending s. 493.6113, F.S.; specifying that Class

“G” licensees must complete requalification training for each type and caliber of firearm carried in the course of performing regulated duties; conforming terminology; amending s. 493.6115, F.S.; correcting a cross-reference regarding the conditions under which a Class “G” licensee may carry a concealed weapon; revising the conditions under which the department may issue a temporary Class “G” license; amending s. 493.6118, F.S.; providing that failure of a licensee to timely notify his or her employer of an arrest is grounds for disciplinary action by the Department of Agriculture and Consumer Services; requiring the department to suspend specified licenses of a licensee arrested or formally charged with certain crimes until disposition of the case; requiring the department to notify a licensee of administrative hearing rights; specifying that any hearing must be limited to a determination as to whether the licensee has been arrested or charged with a disqualifying crime; providing that the suspension may be lifted under certain circumstances; requiring the department to proceed with revocation under certain circumstances; amending s. 493.6202, F.S.; deleting a specification that license fees are biennial; amending s. 493.6203, F.S.; deleting a requirement that certain training be provided in two parts; deleting obsolete provisions; amending s. 493.6302, F.S.; deleting a specification that license fees are biennial; amending s. 493.6303, F.S.; deleting a requirement that certain training must be provided in two parts; deleting obsolete provisions; making technical changes; amending s. 493.6304, F.S.; making technical changes; amending s. 493.6402, F.S.; deleting a specification that license fees are biennial; amending s. 493.6403, F.S.; requiring that applicants for Class “E” and “EE” licenses submit proof of successful completion of certain training, not just complete such training; deleting an obsolete provision; amending s. 501.013, F.S.; exempting certain programs and facilities from health studio regulations; amending s. 501.059, F.S.; removing a limitation on the length of time for which the department must place certain persons on a no-solicitation list; amending s. 507.04, F.S.; making a technical change; amending s. 531.37, F.S.; revising a definition; amending s. 531.61, F.S.; removing an exemption from commercial use permit requirements for taximeters and transportation measurement systems; amending s. 531.63, F.S.; removing a limitation on annual commercial use permit fees for taximeters; amending s. 534.021, F.S.; specifying that a detailed drawing, rather than a facsimile, must accompany an application for the recording of certain marks and brands; amending s. 534.041, F.S.; extending the renewal period for certain mark or brand certificates; eliminating a renewal fee; repealing s. 534.061, F.S., relating to the transfer of ownership of cattle; amending s. 570.07, F.S.; authorizing the department to perform certain food safety inspection services relating to raw agricultural commodities; amending s. 573.118, F.S.; specifying that the Division of Fruit and Vegetables, rather than the Division of Marketing and Development, must file a specified certification; amending s. 590.02, F.S.; specifying that the department has exclusive authority to enforce the Florida Building Code as it relates to Florida Forest Service facilities under the jurisdiction of the department; amending s. 597.004, F.S.; authorizing certain saltwater products dealers

to sell certain aquaculture products without restriction under a specified circumstance; amending s. 604.16, F.S.; specifying that dealers in agricultural products who pay by credit card are exempt from certain dealer requirements; amending s. 790.06, F.S.; revising the requirements to obtain a license to carry a concealed weapon or firearm; revising the requirements of the application form; reducing the fees for concealed weapon or firearm licenses; providing an effective date.

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

Section 1. Subsection (8) of section 288.1175, Florida Statutes, is amended to read:

288.1175 Agriculture education and promotion facility.—

(8) Applications must be postmarked or electronically submitted by October 1 of each year. The Department of Agriculture and Consumer Services may not recommend funding for less than the requested amount to any applicant certified as an agriculture education and promotion facility; however, funding of certified applicants shall be subject to the amount provided by the Legislature in the General Appropriations Act for this program.

Section 2. Paragraph (d) is added to subsection (5) of section 472.003, Florida Statutes, to read:

472.003 Persons not affected by ss. 472.001-472.037.—Sections 472.001-472.037 do not apply to:

(5)

(d) Persons who are under contract with an individual registered or legal entity certified under this chapter and who are under the supervision of and subordinate to a person in responsible charge registered under this chapter, to the extent that such supervision meets standards adopted by rule by the board.

Section 3. Subsections (4) and (10) of section 472.005, Florida Statutes, are amended to read:

472.005 Definitions.—As used in ss. 472.001-472.037:

(4)(a) “Practice of surveying and mapping” means, among other things, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, establishing, describing,

displaying, or interpreting the facts of size, volume, shape, topography, tidal datum planes, and legal or geodetic location or relocation, ~~and orientation of improved or unimproved real property and appurtenances thereto, including acreage and condominiums.~~

(b) The practice of surveying and mapping also includes, but is not limited to, photogrammetric control; orientation of improved or unimproved real property and appurtenances and personal property attached thereto, including acreage and condominiums; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats, as provided for in chapter 177; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

(10) “Subordinate” means a person ~~an employee~~ who performs work under the direction, supervision, and responsible charge of a person who is registered under this chapter.

Section 4. Subsections (2) and (3) of section 472.013, Florida Statutes, are amended to read:

472.013 Examinations, prerequisites.—

(2) An applicant shall be entitled to take the licensure examination to practice in this state as a surveyor and mapper if the applicant is of good moral character and has satisfied one of the following requirements:

(a) The applicant has received a bachelor’s degree, its equivalent, or higher in surveying and mapping or a similarly titled program, including, but not limited to, geomatics, geomatics engineering, and land surveying, of 4 years or more in a surveying and mapping degree program from a college or university recognized by the board and has a specific experience record of 4 or more years as a subordinate to a professional surveyor and mapper in the active practice of surveying and mapping, which experience is of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed. ~~The completed surveying and mapping degree of 4 years or more in a surveying and mapping degree program must have included not fewer than 32 semester hours of study, or its academic equivalent, in the science of surveying and mapping or in board-approved surveying and mapping-related courses.~~ Work experience acquired as a part of the education requirement may shall not be construed as experience in responsible charge.

(b) ~~The applicant has received a bachelor's degree, its equivalent, or higher in a~~ is a graduate of a 4-year course of study, other than in surveying and mapping, at an accredited college or university and has a specific experience record of 6 or more years as a subordinate to a registered surveyor and mapper in the active practice of surveying and mapping, 5 years of which shall be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed. The course of study in disciplines other than surveying and mapping must have included not fewer than 32 semester hours of study or its academic equivalent. The applicant must have completed a minimum of 25 semester hours from a college or university approved by the board in surveying and mapping subjects or in any combination of courses in civil engineering, surveying, mapping, mathematics, photogrammetry, forestry, or land law and the physical sciences. Any of the required 25 semester hours of study completed not as a part of the ~~bachelor's degree, its equivalent, or higher~~ may 4-year course of study shall be approved at the discretion of the board. Work experience acquired as a part of the education requirement ~~may shall~~ not be construed as experience in responsible charge.

(3) A person shall be entitled to take an examination for the purpose of determining whether he or she is qualified ~~to practice in this state as a~~ surveyor and mapper intern if:

(a) ~~The person is in good standing in, or is a graduate of, a bachelor degree program, its equivalent or higher, at an accredited college or university and has obtained a minimum of 25 semester hours in surveying, mapping, mathematics, photogrammetry, forestry, civil engineering, or land law and the physical sciences, or any combination thereof; or~~

(b) ~~The person has obtained, from an accredited college or university, a minimum of 15 semester hours in surveying, mapping, mathematics, photogrammetry, forestry, civil engineering, or land law and the physical sciences, or any combination thereof, and has a specific surveying and mapping experience record of 2 or more years as a subordinate to a registered surveyor and mapper.~~

~~This subsection may not be construed as a substitute for the degree requirement to take the exams for licensure as outlined in subsection (2) the person is in the final year, or is a graduate, of an approved surveying and mapping curriculum in a school that has been approved by the board.~~

Section 5. Paragraph (a) of subsection (5) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(5)(a) The board shall certify as qualified (for a license by endorsement an applicant who, at the time of application:

1. Holds a valid license to practice surveying and mapping issued before ~~prior to~~ July 1, 1999, by another state or territory of the United States; has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 472.013; and has a specific experience record of at least 8 years as a subordinate to a registered surveyor and mapper in the active practice of surveying and mapping, 6 years of which must be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed; or

2. Holds a valid license to practice surveying and mapping issued by another state or territory of the United States if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in Florida at the time the license was issued;~~;~~ ~~or~~

~~3. Is a practicing photogrammetrist who holds the Certified Photogrammetrist designation of the American Society for Photogrammetry and Remote Sensing and held such designation on or before July 1, 2005; is a graduate of a 4-year course of study at an accredited college or university; and has a specific experience record of 6 or more years as a subordinate to a Certified Photogrammetrist of the American Society for Photogrammetry and Remote Sensing in the active practice of surveying and mapping, 5 years of which shall be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the surveying and mapping work performed. The course of study must have included not fewer than 32 semester hours of study or its academic equivalent. The applicant must have completed a minimum of 25 semester hours from a college or university approved by the board in surveying and mapping subjects or in any combination of courses in civil engineering, surveying, mapping, mathematics, photogrammetry, forestry, or land law and the physical sciences. Any of the required 25 semester hours of study completed not as a part of the 4-year course of study shall be approved at the discretion of the board. Work experience acquired as a part of the education requirement shall not be construed as experience in responsible charge. The applicant must have applied to the department for licensure on or before July 1, 2007.~~

Section 6. Section 472.018, Florida Statutes, is amended to read:

472.018 Continuing education.—The department may not renew a license until the licensee submits proof satisfactory to the board that during the 2 years before her or his application for renewal the licensee has completed at least 24 hours of continuing education. The board may provide by rule for continuing education hours carryover for each renewal cycle not to exceed 12 hours.

(1) The board shall adopt rules to establish the criteria ~~and course content~~ for continuing education ~~providers courses~~. The rules may provide that up to a maximum of 25 percent of the required continuing education hours may be fulfilled by the performance of pro bono services to the indigent or to underserved populations or in areas of critical need within the state

where the licensee practices. The board must require that any pro bono services be approved in advance in order to receive credit for continuing education under this section. The board shall use the standard recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services in determining indigency. The board may adopt rules that may provide that a part of the continuing education hours may be fulfilled by performing research in critical need areas or for training leading to advanced professional certification. The board may adopt rules to define underserved and critical need areas. The department shall adopt rules for the administration of continuing education requirements adopted by the board.

(2) The board may provide by rule the method of delivery and criteria that distance learning may be used to satisfy continuing education requirements.

(3) The board may prorate the required continuing education hours in the following circumstances:

(a) For new licensees:

1. By requiring half of the required continuing education hours for any applicant who becomes licensed with more than half the renewal period remaining and no continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or

2. Requiring no continuing education hours until the first full renewal cycle of the licensee.

(b) When the number of hours required is increased by law or the board.

(4) Upon the request of a licensee, the provider must also furnish to the department information regarding courses completed by the licensee, in an electronic format required by rule of the department.

(5) Each continuing education provider shall retain all records relating to a licensee's completion of continuing education courses for at least 4 years after completion of a course.

(6) A continuing education provider may not be approved, and the approval may not be renewed, unless the provider agrees in writing to provide such cooperation under this section as required by the department.

(7) For the purpose of determining which persons or entities must meet the reporting, recordkeeping, and access provisions of this section, the board by rule shall adopt a definition of the term "continuing education provider" applicable to the profession's continuing education requirements. The intent of the rule is to ensure that all records and information necessary to carry out the requirements of this section are maintained and transmitted accordingly and to minimize disputes as to what person or entity is responsible for maintaining and reporting such records and information.

(8) The board shall approve the providers of continuing education. The approval of continuing education providers ~~and courses~~ must be for a specified period of time, not to exceed 4 years. An approval that does not include such a time limitation may remain in effect under this chapter or the rules adopted under this chapter.

(9) The department may fine, suspend, or revoke approval of any continuing education provider that fails to comply with its duties under this section. The fine may not exceed \$500 per violation. Investigations and prosecutions of a provider's failure to comply with its duties under this section shall be conducted pursuant to s. 472.033.

(10) The board shall issue an order requiring a person or entity to cease and desist from offering any continuing education programs for licensees, and fining, suspending, or revoking any approval of the provider previously granted by the board if the board determines that the person or entity failed to provide appropriate continuing education services ~~that conform to approved course material~~. The fine may not exceed \$500 per violation. Investigations and prosecutions of a provider's failure to comply with its duties under this section shall be conducted under s. 472.033.

(11) The board may establish, by rule, a fee not to exceed \$250 for anyone seeking approval to provide continuing education courses and may establish, by rule, a biennial fee not to exceed \$250 for the renewal of providership of such courses. Such postlicensure education courses are subject to the reporting, monitoring, and compliance provisions of this section.

(12) The department and the board may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

(13) Each continuing education provider shall provide to the department, in an electronic format determined by the department, information regarding the continuing education status of licensees which the department determines is necessary to carry out its duties under this chapter. After a licensee completes a course, the information must be submitted electronically by the continuing education provider to the department within 30 calendar days after completion. However, beginning on the 30th day before the renewal deadline or before the renewal date, whichever occurs sooner, the continuing education provider shall electronically report such information to the department within 10 business days after completion.

(14) The department shall establish a system to monitor licensee compliance with continuing education requirements and to determine the continuing education status of each licensee. As used in this subsection, the term "monitor" means the act of determining, for each licensee, whether the licensee is in full compliance with applicable continuing education requirements as of the date of the licensee's application for license renewal.

(15) The department may refuse to renew a license until the licensee has satisfied all applicable continuing education requirements. This subsection

does not preclude the department or board from imposing additional penalties pursuant to this chapter or rules adopted pursuant this chapter.

Section 7. Subsection (1) of section 472.025, Florida Statutes, is amended to read:

472.025 Seals.—

(1) The board shall adopt, by rule, a form of seal to be used by all registrants holding valid certificates of registration, whether the registrants are corporations, partnerships, or individuals. Each registrant shall obtain a ~~an impression-type metal seal~~ in that form; and all final drawings, plans, specifications, plats, or reports prepared or issued by the registrant in accordance with the standards of practice established by the board shall be signed by the registrant, dated, and stamped with his or her seal. This signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Each registrant may in addition register his or her seal electronically in accordance with ss. 668.001-668.006. Drawings, plans, specifications, reports, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with such seal in accordance with ss. 668.001-668.006.

Section 8. Subsection (2) of section 472.0366, Florida Statutes, is amended to read:

472.0366 Elevation certificates; requirements for surveyors and mappers.—

(2) Beginning January 1, 2017, a surveyor and mapper shall, within 30 days after completion, submit to the division a copy of each elevation certificate that he or she completes. The copy must be unaltered, except that the surveyor and mapper may redact the name of the property owner. The copy need not be signed and sealed when submitted to the division; however, an original signed and sealed copy must be retained in the surveyor and mapper's records as prescribed by rule of the board.

Section 9. Section 487.2041, Florida Statutes, is amended to read:

487.2041 Enforcement of federal worker protection regulations.—The department shall, to the extent that resources are available, continue to operate under the United States Environmental Protection Agency regulations regarding the Labeling Requirement for Pesticides and Devices, 40 C.F.R. part 156, and the Worker Protection Standard, 40 C.F.R. part 170, which the department ~~shall adopt~~ adopted by rule ~~during the 1995-1996 fiscal year and published in the Florida Administrative Code~~. Any provision of this part not preempted by federal law shall continue to apply.

Section 10. Subsection (13) of section 493.6101, Florida Statutes, is amended to read:

493.6101 Definitions.—

(13) “Manager” means any licensee who directs the activities of licensees at any agency or branch office. The manager shall be assigned to and shall primarily operate from the agency or branch office location for which he or she has been designated as manager. The manager of a private investigative agency may, however, manage up to three offices within a 150-mile radius of the location listed on the agency’s Class “A” license, provided that these three offices consist of either:

(a) The location listed on the agency’s Class “A” license and up to two branch offices; or

(b) Up to three branch offices.

Section 11. Paragraph (j) of subsection (3) and paragraph (a) of subsection (6) of section 493.6105, Florida Statutes, are amended to read:

493.6105 Initial application for license.—

(3) The application must contain the following information concerning the individual signing the application:

(j) A full set of fingerprints, a fingerprint processing fee, and a fingerprint retention fee. The fingerprint processing and retention fees shall be established by rule of the department based upon costs determined by state and federal agency charges and department processing costs, which must include the cost of retaining the fingerprints in the statewide automated biometric identification system established in s. 943.05(2)(b) and the cost of enrolling the fingerprints in the national retained print arrest notification program as required under s. 493.6108. An applicant who has, within the immediately preceding 6 months, submitted such fingerprints and fees for licensing purposes under this chapter and who still holds a valid license is not required to submit another set of fingerprints or another fingerprint processing fee. An applicant who holds multiple licenses issued under this chapter is required to pay only a single fingerprint retention fee. Partners and corporate officers who do not possess licenses subject to renewal under s. 493.6113 are exempt from the fingerprint retention requirements of this chapter.

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

(a) Submit one of the following:

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

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

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

Section 12. Subsection (1) of section 493.6107, Florida Statutes, is amended to read:

493.6107 Fees.—

(1) The department shall establish by rule examination and ~~biennial~~ license fees ~~which shall not to~~ exceed the following:

- (a) Class "M" license—manager Class "AB" agency: \$75.
- (b) Class "G" license—statewide firearm license: \$150.
- (c) Class "K" license—firearms instructor: \$100.
- (d) Fee for the examination for firearms instructor: \$75.

Section 13. Subsections (3) and (5) of section 493.6108, Florida Statutes, are amended to read:

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

(3) The department must also investigate the mental history and current mental and emotional fitness of any Class "G" or Class "K" applicant and may deny a Class "G" or Class "K" license to anyone who has a history of mental illness or drug or alcohol abuse. Notwithstanding s. 790.065(2)(a)4.f., the Department of Law Enforcement is authorized, for the limited purpose of determining eligibility of Class "G" or Class "K" applicants and licensees under this chapter, to provide the department with mental health and substance abuse data of individuals who are prohibited from purchasing a firearm.

(5) A person licensed under this chapter must notify his or her employer within 3 calendar days if he or she is arrested for any offense. If the department receives information about an arrest within the state of a person who holds a valid license issued under this chapter for a crime that could potentially disqualify the person from holding such a license, the department must provide the arrest information to the agency that employs the licensee.

Section 14. Section 493.6112, Florida Statutes, is amended to read:

493.6112 Notification to Department of Agriculture and Consumer Services of changes of partner or officer or employees.—

(1) After filing the application, unless the department declines to issue the license or revokes it after issuance, an agency ~~or school~~ shall, within 5 working days of the withdrawal, removal, replacement, or addition of any or all partners or officers, notify and file with the department complete applications for such individuals. The agency's ~~or school's~~ good standing under this chapter shall be contingent upon the department's approval of any new partner or officer.

(2) Each agency ~~or school~~ shall, upon the employment or termination of employment of a licensee, report such employment or termination within 15 calendar days ~~immediately~~ to the department and, in the case of a termination, report the reason or reasons therefor. The report shall be submitted electronically in a manner ~~on a form~~ prescribed by the department.

Section 15. Paragraph (b) of subsection (3) of section 493.6113, Florida Statutes, is amended to read:

493.6113 Renewal application for licensure.—

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

(b) Each Class "G" licensee shall additionally submit proof that he or she has received during each year of the license period a minimum of 4 hours of firearms requalification ~~recertification~~ training taught by a Class "K" licensee and has complied with such other health and training requirements that the department shall adopt by rule. Proof of completion of firearms requalification ~~recertification~~ training shall be submitted to the department upon completion of the training. A Class "G" licensee must successfully complete this requalification training for each type and caliber of firearm carried in the course of performing his or her regulated duties. If the licensee fails to complete the required 4 hours of annual training during the first year of the 2-year term of the license, the license shall be automatically suspended. The licensee must complete the minimum number of hours of range and classroom training required at the time of initial licensure and submit proof of completion of such training to the department before the license may be reinstated. If the licensee fails to complete the required 4 hours of annual training during the second year of the 2-year term of the license, the licensee must complete the minimum number of hours of range

and classroom training required at the time of initial licensure and submit proof of completion of such training to the department before the license may be renewed. The department may waive the firearms training requirement if:

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

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

3. The applicant submits a valid firearm certificate among those specified in s. 493.6105(6)(a) and provides proof of having completed requalification training during the previous 2 years of the licensure period.

Section 16. Subsection (4) of section 493.6115, Florida Statutes, is amended, present paragraphs (b), (c), and (d) of subsection (12) of that section are redesignated as paragraphs (c), (d), and (e), respectively, and a new paragraph (b) is added to that subsection, to read:

493.6115 Weapons and firearms.—

(4) A Class “C” or Class “CC” licensee who is 21 years of age or older and who has also been issued a Class “G” license may carry, in the performance of her or his duties, a concealed firearm. A Class “D” licensee who is 21 years of age or older and who has also been issued a Class “G” license may carry a concealed firearm in the performance of her or his duties under the conditions specified in s. 493.6305(3) and (4) 493.6305(2). The Class “G” license must shall clearly indicate such authority. The authority of any such licensee to carry a concealed firearm is shall be valid in any location throughout the state, in any location, while performing services within the scope of the license.

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

(b) The department has reviewed the mental health and substance abuse data provided by the Department of Law Enforcement as authorized in s. 493.6108(3) and has determined the applicant is not prohibited from licensure based upon this data.

Section 17. Subsection (1) of section 493.6118, Florida Statutes, is amended, and subsections (8) and (9) are added to that section, to read:

493.6118 Grounds for disciplinary action.—

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

(a) Fraud or willful misrepresentation in applying for or obtaining a license.

(b) Use of any fictitious or assumed name by an agency unless the agency has department approval and qualifies under s. 865.09.

(c) Being found guilty of or entering a plea of guilty or nolo contendere to, regardless of adjudication, or being convicted of a crime that directly relates to the business for which the license is held or sought. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges, and the department shall allow the individual being disciplined or denied an application for a license to present any mitigating circumstances surrounding his or her plea.

(d) A false statement by the licensee that any individual is or has been in his or her employ.

(e) A finding that the licensee or any employee is guilty of willful betrayal of a professional secret or any unauthorized release of information acquired as a result of activities regulated under this chapter.

(f) Proof that the applicant or licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of the activities regulated under this chapter.

(g) Conducting activities regulated under this chapter without a license or with a revoked or suspended license.

(h) Failure of the licensee to maintain in full force and effect the commercial general liability insurance coverage required by s. 493.6110.

(i) Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer or an employee of the state, the United States, or any political subdivision thereof by identifying himself or herself as a federal, state, county, or municipal law enforcement officer or official representative, by wearing a uniform or presenting or displaying a badge or credentials that would cause a reasonable person to believe that he or she is a law enforcement officer or that he or she has official authority, by displaying any flashing or warning vehicular lights other than amber colored, or by committing any act that is intended to falsely convey official status.

(j) Commission of an act of violence or the use of force on any person except in the lawful protection of one's self or another from physical harm.

(k) Knowingly violating, advising, encouraging, or assisting the violation of any statute, court order, capias, warrant, injunction, or cease and desist order, in the course of business regulated under this chapter.

(l) Soliciting business for an attorney in return for compensation.

(m) Transferring or attempting to transfer a license issued pursuant to this chapter.

(n) Employing or contracting with any unlicensed or improperly licensed person or agency to conduct activities regulated under this chapter, or performing any act that assists, aids, or abets a person or business entity in engaging in unlicensed activity, when the licensure status was known or could have been ascertained by reasonable inquiry.

(o) Failure or refusal to cooperate with or refusal of access to an authorized representative of the department engaged in an official investigation pursuant to this chapter.

(p) Failure of any partner, principal corporate officer, or licensee to have his or her identification card in his or her possession while on duty.

(q) Failure of any licensee to have his or her license in his or her possession while on duty, as specified in s. 493.6111(1).

(r) Failure or refusal by a sponsor to certify a biannual written report on an intern or to certify completion or termination of an internship to the department within 15 working days.

(s) Failure to report to the department any person whom the licensee knows to be in violation of this chapter or the rules of the department.

(t) Violating any provision of this chapter.

(u) For a Class “G” licensee, failing to timely complete requelification ~~reertification~~ training as required in s. 493.6113(3)(b).

(v) For a Class “K” licensee, failing to maintain active certification specified under s. 493.6105(6).

(w) For a Class “G” or a Class “K” applicant or licensee, being prohibited from purchasing or possessing a firearm by state or federal law.

(x) In addition to the grounds for disciplinary action prescribed in paragraphs (a)-(t), Class “R” recovery agencies, Class “E” recovery agents, and Class “EE” recovery agent interns are prohibited from committing the following acts:

1. Recovering a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment that has been sold under a conditional sales agreement or

under the terms of a chattel mortgage before authorization has been received from the legal owner or mortgagee.

2. Charging for expenses not actually incurred in connection with the recovery, transportation, storage, or disposal of repossessed property or personal property obtained in a repossession.

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

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

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

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

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

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

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

10. Soliciting from the legal owner the recovery of property subject to repossession after such property has been seen or located on public or private property if the amount charged or requested for such recovery is more than the amount normally charged for such a recovery.

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

(y) Installation of a tracking device or tracking application in violation of s. 934.425.

(z) Failure of any licensee to notify his or her employer within 3 calendar days if he or she is arrested for any offense.

(8)(a) Upon notification by a law enforcement agency, a court, or the Department of Law Enforcement and upon subsequent written verification, the department shall temporarily suspend a Class "G" or Class "K" license if the licensee is arrested or charged with a firearms-related crime that would

disqualify such person from licensure under this chapter. The department shall notify the licensee suspended under this section of his or her right to a hearing pursuant to chapter 120. A hearing conducted regarding the temporary suspension must be for the limited purpose of determining whether the licensee has been arrested or charged with a disqualifying firearms-related crime.

(b) If the criminal case results in a nondisqualifying disposition, the department shall issue an order lifting the suspension upon the licensee's submission of a certified copy of the final resolution to the department.

(c) If the criminal case results in a disqualifying disposition, the suspension remains in effect and the department shall proceed with revocation proceedings pursuant to chapter 120.

(9)(a) Upon notification by a law enforcement agency, a court, or the Department of Law Enforcement and upon subsequent written verification, the department shall temporarily suspend a license if the licensee is arrested or charged with a forcible felony as defined in s. 776.08. The department shall notify the licensee suspended under this section of his or her right to a hearing pursuant to chapter 120. A hearing conducted regarding the temporary suspension must be for the limited purpose of determining whether the licensee has been arrested or charged with a forcible felony.

(b) If the criminal case results in a nondisqualifying disposition, the department shall issue an order lifting the suspension upon the licensee's submission of a certified copy of the final resolution to the department.

(c) If the criminal case results in a disqualifying disposition, the suspension remains in effect and the department shall proceed with revocation proceedings pursuant to chapter 120.

Section 18. Subsection (1) of section 493.6202, Florida Statutes, is amended to read:

493.6202 Fees.—

(1) The department shall establish by rule examination and ~~biennial~~ license fees, ~~which shall not to~~ exceed the following:

- (a) Class “A” license—private investigative agency: \$450.
- (b) Class “AA” or “AB” license—branch office: \$125.
- (c) Class “MA” license—private investigative agency manager: \$75.
- (d) Class “C” license—private investigator: \$75.
- (e) Class “CC” license—private investigator intern: \$60.

Section 19. Subsection (5) and paragraphs (b) and (c) of subsection (6) of section 493.6203, Florida Statutes, are amended to read:

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

(5) ~~Effective January 1, 2008,~~ An applicant for a Class “MA,” Class “M,” or Class “C” license must pass an examination that covers the provisions of this chapter and is administered by the department or by a provider approved by the department. The applicant must pass the examination before applying for licensure and must submit proof with the license application on a form approved by rule of the department that he or she has passed the examination. The administrator of the examination shall verify the identity of each applicant taking the examination.

(a) The examination requirement in this subsection does not apply to an individual who holds a valid Class “CC,” Class “C,” Class “MA,” or Class “M” license.

(b) Notwithstanding the exemption provided in paragraph (a), if the license of an applicant for relicensure has been invalid for more than 1 year, the applicant must take and pass the examination.

(c) The department shall establish by rule the content of the examination, the manner and procedure of its administration, and an examination fee that may not exceed \$100.

(6)

(b) ~~Effective January 1, 2012,~~ Before submission of an application to the department, the applicant for a Class “CC” license must have completed a minimum of 40 hours of professional training pertaining to general investigative techniques and this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. ~~The training must be provided in two parts, one 24-hour course and one 16-hour course.~~ The certificate evidencing satisfactory completion of the 40 hours of professional training must be submitted with the application for a Class “CC” license. The training specified in this paragraph may be provided by face-to-face presentation, online technology, or a home study course in accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.

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

2. The department shall establish by rule the general content of the professional training and the examination criteria.

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

~~(c) An individual who submits an application for a Class “CC” license on or after September 1, 2008, through December 31, 2011, who has not completed the 16-hour course must submit proof of successful completion of the course within 180 days after the date the application is submitted. If documentation of completion of the required training is not submitted by that date, the individual’s license shall be automatically suspended until proof of the required training is submitted to the department. An individual licensed on or before August 31, 2008, is not required to complete additional training hours in order to renew an active license beyond the total required hours, and the timeframe for completion in effect at the time he or she was licensed applies.~~

Section 20. Subsection (1) of section 493.6302, Florida Statutes, is amended to read:

493.6302 Fees.—

(1) The department shall establish by rule ~~biennial~~ license fees, ~~which shall not to~~ exceed the following:

- (a) Class “B” license—security agency: \$450.
- (b) Class “BB” or Class “AB” license—branch office: \$125.
- (c) Class “MB” license—security agency manager: \$75.
- (d) Class “D” license—security officer: \$45.
- (e) Class “DS” license—security officer school or training facility: \$60.
- (f) Class “DI” license—security officer school or training facility instructor: \$60.

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

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

(4)(a) ~~Effective January 1, 2012,~~ An applicant for a Class “D” license must submit proof of successful completion of a minimum of 40 hours of professional training at a school or training facility licensed by the department. ~~The training must be provided in two parts, one 24-hour course and one 16-hour course.~~ The department shall by rule establish the general content and number of hours of each subject area to be taught.

(b) ~~An individual who submits an application for a Class “D” license on or after January 1, 2007, through December 31, 2011, who has not completed the 16-hour course must submit proof of successful completion of the course within 180 days after the date the application is submitted. If documentation of completion of the required training is not submitted by that date, the individual’s license shall be automatically suspended until proof of the required training is submitted to the department. A person licensed before January 1, 2007, is not required to complete additional training hours in order to renew an active license beyond the total required hours, and the timeframe for completion in effect at the time he or she was licensed applies.~~

(e) ~~Upon reapplication for a license, an individual whose license has been is suspended or revoked pursuant to paragraph (b), or is expired for at least 1 year or more, is considered, upon reapplication for a license, an initial applicant and must submit proof of successful completion of 40 hours of professional training at a school or training facility licensed by the department as provided in paragraph (a) before a license is issued.~~

Section 22. Subsection (1) of section 493.6304, Florida Statutes, is amended to read:

493.6304 Security officer school or training facility.—

(1) Any school, training facility, or instructor who offers the training specified ~~outlined~~ in s. 493.6303(4) for Class “D” applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed \$60. The fee is ~~shall not be~~ refundable.

Section 23. Subsection (1) of section 493.6402, Florida Statutes, is amended to read:

493.6402 Fees.—

(1) The department shall establish by rule ~~biennial~~ license fees that shall not exceed the following:

- (a) Class “R” license—recovery agency: \$450.
- (b) Class “RR” license—branch office: \$125.
- (c) Class “MR” license—recovery agency manager: \$75.
- (d) Class “E” license—recovery agent: \$75.
- (e) Class “EE” license—recovery agent intern: \$60.
- (f) Class “RS” license—recovery agent school or training facility: \$60.
- (g) Class “RI” license—recovery agent school or training facility instructor: \$60.

Section 24. Subsection (2) of section 493.6403, Florida Statutes, is amended to read:

493.6403 License requirements.—

(2) ~~Beginning October 1, 1994,~~ An applicant for a Class “E” or a Class “EE” license must submit proof of successful completion ~~have completed a minimum~~ of 40 hours of professional training at a school or training facility licensed by the department. The department shall by rule establish the general content for the training.

Section 25. Subsection (6) is added to section 501.013, Florida Statutes, to read:

501.013 Health studios; exemptions.—The following businesses or activities may be declared exempt from the provisions of ss. 501.012-501.019 upon the filing of an affidavit with the department establishing that the stated qualifications are met:

(6) A program or facility that is offered by an organization for the exclusive use of its employees and their family members.

Section 26. Paragraph (a) of subsection (3) of section 501.059, Florida Statutes, is amended to read:

501.059 Telephone solicitation.—

(3)(a) If any residential, mobile, or telephonic paging device telephone subscriber notifies the department of his or her desire to be placed on a “no sales solicitation calls” listing indicating that the subscriber does not wish to receive unsolicited telephonic sales calls, the department shall place the subscriber on that listing ~~for 5 years~~.

Section 27. Paragraph (a) of subsection (1) and subsection (3) of section 507.04, Florida Statutes, are amended to read:

507.04 Required insurance coverages; liability limitations; valuation coverage.—

(1) LIABILITY INSURANCE.—

(a)1. Except as provided in paragraph (b), each mover operating in this state must maintain current and valid liability insurance coverage of at least \$10,000 per shipment for the loss or damage of household goods resulting from the negligence of the mover or its employees or agents.

2. The mover must provide the department with evidence of liability insurance coverage before the mover is registered with the department under s. 507.03. All insurance coverage maintained by a mover must remain in effect throughout the mover’s registration period. A mover’s failure to maintain insurance coverage in accordance with this paragraph constitutes

~~an immediate threat to the public health, safety, and welfare. If a mover fails to maintain insurance coverage, the department may immediately suspend the mover's registration or eligibility for registration, and the mover must immediately cease operating as a mover in this state. In addition, and notwithstanding the availability of any administrative relief pursuant to chapter 120, the department may seek from the appropriate circuit court an immediate injunction prohibiting the mover from operating in this state until the mover complies with this paragraph, a civil penalty not to exceed \$5,000, and court costs.~~

(3) INSURANCE COVERAGES.—The insurance coverages required under paragraph (1)(a) and subsection (2) must be issued by an insurance company or carrier licensed to transact business in this state under the Florida Insurance Code as designated in s. 624.01. The department shall require a mover to present a certificate of insurance of the required coverages before issuance or renewal of a registration certificate under s. 507.03. The department shall be named as a certificateholder in the certificate and must be notified at least 10 days before cancellation of insurance coverage. If a mover fails to maintain insurance coverage, the department may immediately suspend the mover's registration or eligibility for registration, and the mover must immediately cease operating as a mover in this state. In addition, and notwithstanding the availability of any administrative relief pursuant to chapter 120, the department may seek from the appropriate circuit court an immediate injunction prohibiting the mover from operating in this state until the mover complies with this section, a civil penalty not to exceed \$5,000, and court costs.

Section 28. Subsection (1) of section 531.37, Florida Statutes, is amended to read:

531.37 Definitions.—As used in this chapter:

(1) “Weights and measures” means all weights and measures of every kind, instruments, and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices, excluding taximeters, transportation measurement systems, and those weights and measures used for the purpose of inspecting the accuracy of devices used in conjunction with aviation fuel.

Section 29. Subsection (1) of section 531.61, Florida Statutes, is amended to read:

531.61 Exemptions from permit requirement.—Commercial weights or measures instruments or devices are exempt from the requirements of ss. 531.60-531.66 if:

~~(1) The device is a taximeter that is licensed, permitted, or registered by a municipality, county, or other local government and is tested for accuracy and compliance with state standards by the local government in cooperation with the state as authorized in s. 531.421.~~

Section 30. Paragraph (g) of subsection (2) of section 531.63, Florida Statutes, is amended to read:

531.63 Maximum permit fees.—The commercial use permit fees established for weights or measures instruments or devices shall be in an amount necessary to administer this chapter but may not exceed the amounts provided in this section.

(2) For other measuring devices, the annual permit fees per device may not exceed the following:

(g) ~~Taximeters~~.....\$50.

Section 31. Section 534.021, Florida Statutes, is amended to read:

534.021 Recording of marks or brands.—The department shall be the recorder of livestock marks or brands, and the marks or brands may not be recorded elsewhere in the state. Any livestock owner who uses a mark or brand to identify her or his livestock must register the mark or brand by applying to the department. The application must be made on a form prescribed by the department and must be accompanied by a detailed drawing facsimile of the brand applied for and a statement identifying the county in which the applicant has or expects to have livestock bearing the mark or brand to be recorded. The department shall, upon its satisfaction that the application meets the requirements of this chapter, record the mark or brand for exclusive statewide use by the applicant. If an application is made to record a mark or brand previously recorded, the department shall determine whether the county in which the mark or brand will be used is near enough to another county in which the previously recorded mark or brand is used to cause confusion or to aid theft or dishonesty, and if so, the department must decline to admit to record the mark or brand. If a conflict arises between the owner of any recorded mark or brand and another claiming the right to record the same mark or brand, the department must give preference to the present owner. The department shall charge and collect at the time of recording a fee of \$10 for each mark or brand. A person may not use any mark or brand to which another has a prior right of record. It is unlawful to brand any animal with a brand not registered with the department.

Section 32. Section 534.041, Florida Statutes, is amended to read:

534.041 Renewal of certificate of mark or brand.—The registration of a mark or brand entitles the registered owner to exclusive ownership and use of the mark or brand for a period ending at midnight on the last day of the month 10 5 years after ~~from~~ the date of registration. Upon application, registration may be renewed, ~~upon application and payment of a renewal fee of \$5,~~ for successive 10-year 5-year periods, each ending at midnight on the last day of the month 10 5 years after ~~from~~ the date of renewal. At least 60 days before ~~prior to~~ the expiration of a registration, the department shall notify by letter the registered owner of the mark or brand that, upon

application for renewal and payment of the renewal fee, the department will issue a renewal certificate granting the registered owner exclusive ownership and use of the mark or brand for another 10-year ~~5-year~~ period ending at midnight on the last day of the month 10 ~~5~~ years after ~~from~~ the date of renewal. Failure to make application for renewal within the month of expiration of a registration will cause the department to send a second notice to the registered owner by mail at her or his last known address. Failure of the registered owner to make application for renewal within 30 days after receipt of the second notice will cause the owner's mark or brand to be placed on an inactive list for a period of 12 months, after which it will be canceled and become subject to registration by another person.

Section 33. Section 534.061, Florida Statutes, is repealed.

Section 34. Subsection (45) is added to section 570.07, Florida Statutes, to read:

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

(45) To perform food safety inspection services where raw agricultural commodities are grown, produced, harvested, held, packed, or repacked.

Section 35. Subsection (1) of section 573.118, Florida Statutes, is amended to read:

573.118 Assessment; funds; review of accounts; loans.—

(1) To provide funds to defray the necessary expenses incurred by the department in the formulation, issuance, administration, and enforcement of any marketing order, every person engaged in the production, distributing, or handling of agricultural commodities within this state, and directly affected by any marketing order, shall pay to the department, at such times and in such installments as the department may prescribe, such person's pro rata share of necessary expenses. Each person's share of expenses shall be that proportion which the total volume of agricultural commodities produced, distributed, or handled by the person during the current marketing season, or part thereof covered by such marketing order, is of the total volume of the commodities produced, distributed, or handled by all such persons during the same current marketing season or part thereof. The department, after receiving the recommendations of the advisory council, shall fix the rate of assessment on the volume of agricultural commodities sold or some other equitable basis. For convenience of collection, upon request of the department, handlers of the commodities shall pay any producer assessments. Handlers paying assessments for and on behalf of any producers may collect the producer assessments from any moneys owed by the handlers to the producers. The collected assessments shall be deposited into the appropriate trust fund and used for the sole purpose of implementing the marketing order for which the assessment was collected.

The department is not subject to s. 287.057 in the expenditure of these funds. However, the director of the Division of Fruit and Vegetables Marketing and Development shall file with the internal auditor of the department a certification of conditions and circumstances justifying each contract or agreement entered into without competitive bidding.

Section 36. Paragraph (b) of subsection (4) of section 590.02, Florida Statutes, is amended to read:

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

(4)

(b) Notwithstanding s. 553.80(1), the department shall exclusively enforce the Florida Building Code as it pertains to wildfire, ~~and law enforcement, and other Florida Forest Service~~ facilities under the jurisdiction of the department.

Section 37. Paragraph (a) of subsection (5) of section 597.004, Florida Statutes, is amended to read:

597.004 Aquaculture certificate of registration.—

(5) SALE OF AQUACULTURE PRODUCTS.—

(a) Aquaculture products, except shellfish, snook, and any fish of the genus *Micropterus*, and prohibited and restricted freshwater and marine species identified by rules of the Fish and Wildlife Conservation Commission, may be sold by an aquaculture producer certified pursuant to this section ~~or by a dealer licensed pursuant to part VII of chapter 379~~ without restriction so long as the product origin can be identified.

Section 38. Subsection (2) of section 604.16, Florida Statutes, is amended to read:

604.16 Exceptions to provisions of ss. 604.15-604.34.—Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do not apply to:

(2) A dealer in agricultural products who pays at the time of purchase with United States cash currency or a cash equivalent, such as a money order, cashier's check, wire transfer, electronic funds transfer, or PIN-based debit transaction, or who pays with a credit card as defined in s. 658.995(2)(a).

Section 39. Subsections (2) and (4) and paragraph (b) of subsection (5) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(a) Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been: ~~committed for the abuse of a controlled substance or been~~

1. Found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted; or

2. Committed for the abuse of a controlled substance under chapter 397 or under the provisions of former chapter 396 or similar laws of any other state. An applicant who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the commitment occurred is deemed not to be committed for the abuse of a controlled substance under this subparagraph;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been ~~committed under chapter 397 or under the provisions of former chapter 396~~ or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;
3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;
4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement;
5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;
6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or
7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live fire using a firearm and ammunition as defined in s. 790.001;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state. An applicant who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the adjudication occurred is deemed not to have been adjudicated an incapacitated person under this paragraph, unless 5 years have elapsed since the applicant's restoration to capacity by court order;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state. An applicant who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the commitment occurred is deemed not to have

~~been committed in a mental institution under this paragraph, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years before the date of submission of the application;~~

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or expunction has occurred;

(l) Has not had adjudication of guilt withheld or imposition of sentence suspended on any misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been expunged;

(m) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and

(n) Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

(4) The application shall be completed, under oath, on a form adopted by the Department of Agriculture and Consumer Services and shall include:

(a) The name, address, place of birth, date of birth, and race of the applicant;

(b) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3);

(c) A statement that the applicant has been furnished a copy of or a website link to this chapter and is knowledgeable of its provisions;

(d) A conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under s. 837.06;

(e) A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense; and

(f) Directions for an applicant who is a servicemember, as defined in s. 250.01, or a veteran, as defined in s. 1.01, to request expedited processing of his or her application.

(5) The applicant shall submit to the Department of Agriculture and Consumer Services or an approved tax collector pursuant to s. 790.0625:

(b) A nonrefundable license fee of up to ~~\$55~~ \$60 if he or she has not previously been issued a statewide license or of up to ~~\$45~~ \$50 for renewal of a

statewide license. The cost of processing fingerprints as required in paragraph (c) shall be borne by the applicant. However, an individual holding an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) is exempt from the licensing requirements of this section. If such individual wishes to receive a concealed weapon or firearm license, he or she is exempt from the background investigation and all background investigation fees but must pay the current license fees regularly required to be paid by nonexempt applicants. Further, a law enforcement officer, a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), or (3) is exempt from the required fees and background investigation for 1 year after his or her retirement.

Section 40. This act shall take effect July 1, 2017.

Approved by the Governor June 9, 2017.

Filed in Office Secretary of State June 9, 2017.