

CHAPTER 2018-84

Committee Substitute for Committee Substitute for Senate Bill No. 740

An act relating to the Department of Agriculture and Consumer Services; amending s. 193.461, F.S.; specifying the methodology for the assessment of certain structures in horticultural production; specifying, subject to certain conditions, that land classified as agricultural remains classified as such for a specified period if such lands are damaged by certain natural disasters and agricultural production is halted or reduced; providing for retroactive application; creating s. 252.3569, F.S.; providing a legislative finding; establishing a state agricultural response team within the department; specifying the responsibilities of the team in coordination with the Division of Emergency Management; requiring, during emergency and disaster situations, the division to coordinate with the department for specified purposes; amending s. 316.565, F.S.; revising the Governor's authority, to include agricultural products instead of only perishable food, in declaring an emergency relating to the transport of such products when there is a breakdown in the normal public transportation facilities necessary to move such products; authorizing the Department of Transportation to issue, and specifying that certain law enforcement officers must accept, electronic verification of permits during a declared state of emergency; providing that such permits are valid for up to a specified period, but no longer than the duration of the declared state of emergency or any extension thereof; requiring the Department of Transportation to consult with the Department of Agriculture and Consumer Services and stakeholders in the agricultural industry in implementing emergency transportation assistance for agricultural products; amending s. 379.361, F.S.; transferring authority to issue licenses for oyster harvesting in Apalachicola Bay from the department to the City of Apalachicola; revising the disposition and permitted uses of license proceeds; amending s. 487.041, F.S.; deleting obsolete provisions; deleting a requirement that all pesticide registration fees be submitted electronically; amending s. 496.415, F.S.; prohibiting the commingling of funds in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion; amending s. 496.418, F.S.; revising recordkeeping and accounting requirements for solicitations of funds; specifying a rebuttable presumption under certain circumstances; amending s. 500.459, F.S.; revising permitting requirements and operating standards for water vending machines; amending s. 501.059, F.S.; revising the term "telephonic sales call" to include voicemail transmissions; defining the term "voicemail transmission"; prohibiting the transmission of voicemails to specified persons who communicate to a telephone solicitor that they would not like to receive certain voicemail solicitations or requests for donations; requiring a solicitor to ensure that if a telephone number is available through a caller identification system, that telephone number must be capable of receiving calls and must connect the original

call recipient to the solicitor; revising civil penalties; creating s. 501.6175, F.S.; specifying recordkeeping requirements for commercial telephone sellers; amending s. 501.912, F.S.; revising terms; amending s. 501.913, F.S.; authorizing antifreeze brands to be registered for a specified period; deleting a provision relating to the registration of brands that are no longer in production; specifying a certified report requirement for first-time applications; amending s. 501.917, F.S.; revising department sampling and analysis requirements for antifreeze; specifying that the certificate of analysis is prima facie evidence of the facts stated therein; amending s. 501.92, F.S.; revising when the department may require an antifreeze formula for analysis; amending s. 525.07, F.S.; authorizing the department to seize skimming devices without a warrant; amending s. 526.51, F.S.; revising application requirements and fees for brake fluid brands; deleting a provision relating to the registration of brands that are no longer in production; amending s. 526.53, F.S.; revising department sampling and analysis requirements for brake fluid; specifying that the certificate of analysis is prima facie evidence of the facts stated therein; amending s. 527.01, F.S.; revising terms; amending s. 527.02, F.S.; revising the persons subject to liquefied petroleum business licensing provisions; revising such licensing fees and requirements; revising reporting and fee requirements for certain material changes to license information; deleting a provision authorizing license transfers; amending s. 527.0201, F.S.; revising the persons subject to liquefied petroleum qualifier competency examination, registry, supervisory, and employment requirements; revising the expiration of qualifier registrations; revising the persons subject to master qualifier requirements; revising master qualifier application requirements; deleting provisions specifying that a failure to replace master qualifiers within certain periods constitutes grounds for license revocation; deleting a provision relating to facsimile transmission of duplicate licenses; amending s. 527.021, F.S.; revising the circumstances under which liquefied petroleum gas bulk delivery vehicles must be registered with the department; amending s. 527.03, F.S.; authorizing certain liquefied petroleum gas registrations to be renewed for 2 or 3 years; deleting certain renewal period requirements; amending s. 527.04, F.S.; revising the persons required to provide the department with proof of insurance; revising the required payee for a bond in lieu of such insurance; amending s. 527.0605, F.S.; deleting provisions requiring licensees to submit a site plan and review fee for liquefied petroleum bulk storage container locations; amending s. 527.065, F.S.; revising the circumstances under which a liquefied petroleum gas licensee must notify the department of an accident; amending s. 527.067, F.S.; requiring certain liquefied petroleum gas dealers to provide notice within a specified period before rendering a consumer's liquefied petroleum gas equipment or system inoperable or discontinuing service; providing an exception; amending ss. 527.10 and 527.21, F.S.; conforming provisions to changes made by the act; amending s. 527.22, F.S.; deleting an obsolete provision; amending s. 531.67, F.S.; extending the expiration date of certain provisions relating to permits for commercially operated or tested weights or measures instruments or devices; amending s. 534.47, F.S.; revising

and providing definitions; amending s. 534.49, F.S.; conforming provisions to changes made by the act; repealing s. 534.50, F.S., relating to reporting and notice requirements for dishonored checks and drafts for payment of livestock purchases; amending s. 534.501, F.S.; providing that delaying or failing to make payment for certain livestock is an unfair and deceptive act; repealing s. 534.51, F.S., relating to the prohibition of the filing of complaints by certain livestock markets; amending s. 534.54, F.S.; providing that purchasers who delay or fail to render payment for purchased livestock are liable for certain fees, costs, and expenses; conforming provisions to changes made by the act; amending s. 570.07, F.S.; authorizing the department to waive certain fees during a state of emergency; amending s. 573.111, F.S.; revising the required posting location for the issuance of an agricultural commodity marketing order; amending s. 578.011, F.S.; revising and defining terms; creating s. 578.012, F.S.; providing legislative intent; creating a preemption of local law relating to regulation of seed; amending s. 578.08, F.S.; revising application requirements for the registration of seed dealers; conforming provisions to changes made by the act; specifying that a receipt from the department need not be written to constitute a permit; deleting an exception to registration requirements for certain experiment stations; requiring the payment of fees when packet seed is placed into commerce; amending s. 578.09, F.S.; revising labeling requirements for agricultural, vegetable, flower, tree, and shrub seeds; conforming a cross-reference; repealing s. 578.091, F.S., relating to labeling of forest tree seed; amending s. 578.10, F.S.; revising exemptions to seed labeling, sale, and solicitation requirements; amending s. 578.11, F.S.; conforming provisions to changes made by the act; making technical changes; amending s. 578.12, F.S.; conforming provisions to changes made by the act; amending s. 578.13, F.S.; conforming provisions to changes made by the act; specifying that it is unlawful to move, handle, or dispose of seeds or tags under a stop-sale notice or order without permission from the department; specifying that it is unlawful to represent seed as certified except under specified conditions or to label seed with a variety name under certain conditions; repealing s. 578.14, F.S., relating to packet vegetable and flower seed; amending s. 578.181, F.S.; revising penalties; amending s. 578.23, F.S.; revising recordkeeping requirements relating to seed labeling; amending s. 578.26, F.S.; conforming provisions to changes made by the act; specifying that certain persons may not commence legal proceedings or make certain claims against a seed dealer before certain findings and recommendations are transmitted by the seed investigation and conciliation council to the complainant and dealer; deleting a requirement that the department transmit such findings and recommendations to complainants and dealers; requiring the department to mail a copy of the council's procedures to both parties upon receipt of a complaint; amending s. 578.27, F.S.; removing alternate membership from the seed investigation and conciliation council; revising the terms of members of the council; conforming provisions to changes made by the act; revising the purpose of the council; revising the council's investigatory process; renumbering and amending s. 578.28, F.S.; making a technical change; creating s. 578.29, F.S.;

prohibiting certain noxious weed seed from being offered or exposed for sale; amending s. 590.02, F.S.; authorizing the Florida Forest Service to pay certain employees' initial commercial driver license examination fees; creating s. 817.417, F.S.; providing a short title; defining terms; specifying department duties and responsibilities relating to government impostor and deceptive advertisements; requiring rulemaking by the department; specifying that it is a violation to disseminate certain misleading or confusing advertisements, to make certain misleading or confusing representations, to use content implying or leading to confusion that such content is from a governmental entity when such is not true, to fail to provide certain disclosures, and to fail to provide certain responses and answers to the department; requiring a person offering documents that are available free of charge or at a lesser price from a governmental entity to provide a certain disclosure; providing penalties; amending s. 489.105, F.S.; conforming provisions to changes made by the act; reenacting s. 527.06(3), F.S., relating to published standards of the National Fire Protection Association; providing an effective date.

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

Section 1. Section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—

(1) The property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural.

(2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the value adjustment board. The property appraiser shall notify the landowner in writing of the denial of agricultural classification on or before July 1 of the year for which the application was filed. The notification shall advise the landowner of his or her right to appeal to the value adjustment board and of the filing deadline. The property appraiser shall have available at his or her office a list by ownership of all applications received showing the acreage, the full valuation under s. 193.011, the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.

(3)(a) Lands may not be classified as agricultural lands unless a return is filed on or before March 1 of each year. Before classifying such lands as agricultural lands, the property appraiser may require the taxpayer or the taxpayer's representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 constitutes a waiver for 1 year of the privilege granted in this section for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 must file an application for the classification with the

property appraiser on or before the 25th day after the mailing by the property appraiser of the notice required under s. 194.011(1). Upon receipt of sufficient evidence, as determined by the property appraiser, that demonstrates that the applicant was unable to apply for the classification in a timely manner or that otherwise demonstrates extenuating circumstances that warrant the granting of the classification, the property appraiser may grant the classification. If the applicant files an application for the classification and fails to provide sufficient evidence to the property appraiser as required, the applicant may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding s. 194.013, the applicant must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the value adjustment board to warrant granting the classification, the value adjustment board may grant the classification for the current year. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted by the property appraiser. Such waiver may be revoked by a majority vote of the governing body of the county.

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term “bona fide agricultural purposes” means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

- a. The length of time the land has been so used.
- b. Whether the use has been continuous.
- c. The purchase price paid.
- d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural

practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.

f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.

g. Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.

(c) The maintenance of a dwelling on part of the lands used for agricultural purposes does ~~shall~~ not in itself preclude an agricultural classification.

(d) When property receiving an agricultural classification contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, to qualify for the assessment limitation set forth in s. 193.155. The remaining property may be classified under the provisions of paragraphs (a) and (b).

(e) Notwithstanding the provisions of paragraph (a), land that has received an agricultural classification from the value adjustment board or a court of competent jurisdiction pursuant to this section is entitled to receive such classification in any subsequent year until such agricultural use of the land is abandoned or discontinued, the land is diverted to a nonagricultural use, or the land is reclassified as nonagricultural pursuant to subsection (4). The property appraiser must, no later than January 31 of each year, provide notice to the owner of land that was classified agricultural in the previous year informing the owner of the requirements of this paragraph and requiring the owner to certify that neither the ownership nor the use of the land has changed. The department shall, by administrative rule, prescribe the form of the notice to be used by the property appraiser under this paragraph. If a county has waived the requirement that an annual application or statement be made for classification of property pursuant to paragraph (a), the county may, by a majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner with the same notification provided to owners of land granted an agricultural classification by the property appraiser. Such waiver may be revoked by a majority vote of the county's governing body. This paragraph does not apply to any property if the agricultural classification of that property is the subject of current litigation.

(4) The property appraiser shall reclassify the following lands as nonagricultural:

- (a) Land diverted from an agricultural to a nonagricultural use.
- (b) Land no longer being utilized for agricultural purposes.

(5) For the purpose of this section, the term “agricultural purposes” includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture, including algaculture; sod farming; and all forms of farm products as defined in s. 823.14(3) and farm production.

(6)(a) In years in which proper application for agricultural assessment has been made and granted pursuant to this section, the assessment of land shall be based solely on its agricultural use. The property appraiser shall consider the following use factors only:

- 1. The quantity and size of the property;
- 2. The condition of the property;
- 3. The present market value of the property as agricultural land;
- 4. The income produced by the property;
- 5. The productivity of land in its present use;
- 6. The economic merchantability of the agricultural product; and

7. Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.

(b) Notwithstanding any provision relating to annual assessment found in s. 192.042, the property appraiser shall rely on 5-year moving average data when utilizing the income methodology approach in an assessment of property used for agricultural purposes.

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

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

3. Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be assessed by the methodology described in subparagraph 1.

4. Screened enclosed structures used in horticultural production for protection from pests and diseases or to comply with state or federal eradication or compliance agreements shall be assessed by the methodology described in subparagraph 1.

(d) In years in which proper application for agricultural assessment has not been made, the land shall be assessed under the provisions of s. 193.011.

(7)(a) Lands classified for assessment purposes as agricultural lands which are taken out of production by a state or federal eradication or quarantine program, including the Citrus Health Response Program, shall continue to be classified as agricultural lands for 5 years after the date of execution of a compliance agreement between the landowner and the Department of Agriculture and Consumer Services or a federal agency, as applicable, pursuant to such program or successor programs. Lands under these programs which are converted to fallow or otherwise nonincome-producing uses shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to \$50 per acre on a single-year assessment methodology while fallow or otherwise used for nonincome-producing purposes. Lands under these programs which are replanted in citrus pursuant to the requirements of the compliance agreement shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to \$50 per acre, on a single-year assessment methodology, during the 5-year term of agreement. However, lands converted to other income-producing agricultural uses permissible under such programs shall be assessed pursuant to this section. Land under a mandated eradication or quarantine program which is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(b) Lands classified for assessment purposes as agricultural lands that participate in a dispersed water storage program pursuant to a contract with the Department of Environmental Protection or a water management district which requires flooding of land shall continue to be classified as agricultural lands for the duration of the inclusion of the lands in such program or successor programs and shall be assessed as nonproductive agricultural lands. Land that participates in a dispersed water storage program that is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(c) Lands classified for assessment purposes as agricultural lands which are not being used for agricultural production as a result of a natural disaster for which a state of emergency is declared pursuant to s. 252.36, when such disaster results in the halting of agricultural production, must continue to be classified as agricultural lands for 5 years after termination of the emergency declaration. However, if such lands are diverted from agricultural use to nonagricultural use during or after the 5-year recovery period, such lands must be assessed under s. 193.011. This paragraph applies retroactively to natural disasters that occurred on or after July 1, 2017.

Section 2. Section 252.3569, Florida Statutes, is created to read:

252.3569 Florida state agricultural response team; emergency response to animal, agricultural, and vector issues.—The Legislature finds that the Department of Agriculture and Consumer Services is the lead agency for animal, agricultural, and vector issues in the state. Pursuant to this responsibility, there is established within the Department of Agriculture and Consumer Services a state agricultural response team.

(1) The state agricultural response team, in coordination with the division, is responsible for the development, training, and support of county agricultural response teams and other nonemergency support functions.

(2) During emergency or disaster situations, as described by the Florida Comprehensive Emergency Management Plan, the division shall coordinate with the Department of Agriculture and Consumer Services for the purposes of:

(a) Oversight of the emergency management functions of preparedness, recovery, mitigation, and response with all agencies and organizations that are involved with the state's response activities to animal, agricultural, and vector issues; and

(b) Staffing the Emergency Support Function 17 at the State Emergency Operations Center and staffing, as necessary, at county emergency operations centers.

Section 3. Section 316.565, Florida Statutes, is amended to read:

316.565 Emergency transportation, ~~agricultural products~~ perishable food; establishment of weight loads, etc.—

(1) The Governor may declare an emergency to exist when there is a breakdown in the normal public transportation facilities necessary in moving ~~agricultural products~~, as defined in s. 604.60, ~~perishable food crops~~ grown in the state. The Department of Transportation is authorized during such emergency to establish such weight loads for hauling over the highways ~~from the fields or packinghouses to the nearest available public transportation facility~~ as circumstances demand. ~~The Department of Transportation may issue, and any law enforcement officer authorized to enforce the traffic laws of this state must accept, electronic verification of permits during such an emergency. A permit issued pursuant to this section is valid for up to 60 days; however, the validity of the permit may not exceed the period of the declared state of emergency or any extension thereof.~~ The Department of Transportation shall designate special highway routes, excluding the interstate highway system, to facilitate the trucking and render any other assistance needed to expedite moving the agricultural products ~~perishables~~.

(2) It is the intent of the Legislature in this chapter to supersede any existing laws when necessary to protect and save any agricultural products

~~perishable food crops grown in the state and give authority for agencies to provide necessary temporary assistance requested during any such emergency. The department shall consult with the Department of Agriculture and Consumer Services and stakeholders in the agricultural industry in implementing this section.~~

Section 4. Paragraphs (b), (d), and (i) of subsection (5) of section 379.361, Florida Statutes, are amended to read:

379.361 Licenses.—

(5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

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

(d) ~~The City of Apalachicola Department of Agriculture and Consumer Services shall collect an annual fee of \$100 from state residents and \$500 from nonresidents for the issuance of an Apalachicola Bay oyster harvesting license. The license year shall begin on July 1 of each year and end on June 30 of the following year. The license shall be valid only for the licensee. Only bona fide residents of the state Florida may obtain a resident license pursuant to this subsection.~~

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

1. ~~An Apalachicola Bay oyster shell recycling program Relaying and transplanting live oysters.~~
2. Shell planting to construct or rehabilitate oyster bars.
3. Education programs for licensed oyster harvesters on oyster biology, aquaculture, boating and water safety, sanitation, resource conservation, small business management, marketing, and other relevant subjects.
4. Research directed toward the enhancement of oyster production in the bay and the water management needs of the bay.

Section 5. Paragraphs (a), (b), and (i) of subsection (1) of section 487.041, Florida Statutes, are amended to read:

487.041 Registration.—

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

1. The name, business mailing address, and street address of the registrant.
2. The name of the brand of pesticide.
3. An ingredient statement and a complete current copy of the labeling accompanying the brand of pesticide, which must conform to the registration, and a statement of all claims to be made for it, including directions for use and a guaranteed analysis showing the names and percentages by weight of each active ingredient, the total percentage of inert ingredients, and the names and percentages by weight of each “added ingredient.”

(b) ~~Effective January 1, 2009,~~ For the purpose of defraying expenses of the department in connection with carrying out the provisions of this part, each registrant shall pay a biennial registration fee for each registered brand of pesticide. The registration of each brand of pesticide shall cover a designated 2-year period beginning on January 1 of each odd-numbered year and expiring on December 31 of the following year.

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

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

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

(19) Commingle charitable contributions with noncharitable funds.

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

496.418 Recordkeeping and accounting Records.—

(1) Each charitable organization, sponsor, professional fundraising consultant, and professional solicitor that collects or takes control or possession of contributions made for a charitable purpose must keep records to permit accurate reporting and auditing as required by law, must not commingle contributions with noncharitable funds as specified in s.

496.415(19), and must be able to account for the funds. When expenditures are not properly documented and disclosed by records, there exists a rebuttable presumption that the charitable organization, sponsor, professional fundraising consultant, or professional solicitor did not properly expend such funds. Noncharitable funds include any funds that are not used or intended to be used for the operation of the charity or for charitable purposes.

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

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

500.459 Water vending machines.—

(3) PERMITTING REQUIREMENTS.—

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

(5) OPERATING STANDARDS.—

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

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

501.059 Telephone solicitation.—

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

(g) “Telephonic sales call” means a telephone call, ~~or text message, or voicemail transmission~~ to a consumer for the purpose of soliciting a sale of any consumer goods or services, soliciting an extension of credit for

consumer goods or services, or obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.

(i) “Voicemail transmission” means technologies that deliver a voice message directly to a voicemail application, service, or device.

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

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

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

(8)

(c) It shall be unlawful for any person who makes a telephonic sales call or causes a telephonic sales call to be made to fail to transmit or cause not to be transmitted the originating telephone number and, when made available by the telephone solicitor’s carrier, the name of the telephone solicitor to any caller identification service in use by a recipient of a telephonic sales call. However, it shall not be a violation to substitute, for the name and telephone number used in or billed for making the call, the name of the seller on behalf of which a telephonic sales call is placed and the seller’s customer service telephone number, which is answered during regular business hours. If a telephone number is made available through a caller identification service as a result of a telephonic sales call, the solicitor must ensure that telephone number is capable of receiving telephone calls and must connect the original call recipient, upon calling such number, to the telephone solicitor or to the seller on behalf of which a telephonic sales call was placed. For purposes of this section, the term “caller identification service” means a service that allows a telephone subscriber to have the telephone number and, where available, the name of the calling party transmitted contemporaneously with the telephone call and displayed on a device in or connected to the subscriber’s telephone.

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

Revolving Trust Fund if the action or proceeding was brought by the Department of Legal Affairs. This civil penalty may be recovered in any action brought under this part by the department, or the department may terminate any investigation or action upon agreement by the person to pay a stipulated civil penalty. The department or the court may waive any civil penalty if the person has previously made full restitution or reimbursement or has paid actual damages to the consumers who have been injured by the violation.

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

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

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

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

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

(3) Any script, outline, or presentation the applicant requires or suggests a salesperson use when soliciting; sales information or literature to be provided by the commercial telephone seller to a salesperson; and sales information or literature to be provided by the commercial telephone seller to a consumer in connection with any solicitation.

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

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

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

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

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

(b) To raise the boiling point of water or for the prevention of engine overheating, whether or not the liquid is used as a year-round cooling system fluid.

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

~~(2)(3)~~ “Department” means the Department of Agriculture and Consumer Services.

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

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

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

~~(6)(7)~~ “Labeling” means the labels and any other written, printed, or graphic matter accompanying a package.

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

501.913 Registration.—

(1) Each brand of antifreeze to be distributed in this state must ~~shall~~ be registered with the department before distribution. The person whose name appears on the label, the manufacturer, or the packager shall make application annually or biennially to the department on forms provided by the department. The registration certificate expires ~~shall expire~~ 12 or 24 months after the date of issue, as indicated on the registration certificate. The registrant assumes, by application to register the brand, full responsibility for the registration, quality, and quantity of the product sold, offered, or exposed for sale in this state. ~~If a registered brand is not in production for distribution in this state and to ensure any remaining product that is still available for sale in the state is properly registered, the registrant must~~

~~submit a notarized affidavit on company letterhead to the department certifying that:~~

- ~~(a) The stated brand is no longer in production;~~
- ~~(b) The stated brand will not be distributed in this state; and~~
- ~~(c) All existing product of the stated brand will be removed by the registrant from the state within 30 days after expiration of the registration or the registrant will reregister the brand for two subsequent registration periods.~~

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

- (2) The completed application shall be accompanied by:
 - (a) Specimens or copies faesimiles of the label for each brand of antifreeze;
 - (b) An application fee of \$200 for a 12-month registration or \$400 for a 24-month registration for each brand of antifreeze; and
 - (c) For first-time applications, a certified report from an independent testing laboratory, dated no more than 6 months before the registration application, providing analysis showing that the antifreeze conforms to minimum standards required for antifreeze by this part or rules of the department and is not adulterated ~~A properly labeled sample of between 1 and 2 gallons for each brand of antifreeze.~~
- (3) The department may analyze or inspect the antifreeze to ensure that it:
 - (a) Meets the labeling claims;
 - (b) Conforms to minimum standards required for antifreeze by this part ~~chapter~~ or rules of the department; and
 - (c) Is not adulterated as prescribed for antifreeze by this part ~~chapter~~.
- (4)(a) If the registration requirements are met, and, if the antifreeze meets the minimum standards, is not adulterated, and meets the labeling claims, the department shall issue a certificate of registration authorizing the distribution of that antifreeze in the state for the permit period ~~year~~.
- (b) If registration requirements are not met, or, if the antifreeze fails to meet the minimum standards, is adulterated, or fails to meet the labeling claims, the department shall refuse to register the antifreeze.

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

501.917 Inspection by department; sampling and analysis.—The department ~~has~~ shall have the right to have access at reasonable hours to all places and property where antifreeze is stored, distributed, or offered or intended to be offered for sale, including the right to inspect and examine all antifreeze and to take reasonable samples of antifreeze for analysis together with specimens of labeling. Collected samples must be analyzed by the department. The certificate of analysis by the department shall be prima facie evidence of the facts stated therein in any legal proceeding in this state All samples taken shall be properly sealed and sent to a laboratory designated by the department for examination together with all labeling pertaining to such samples. It shall be the duty of said laboratory to examine promptly all samples received in connection with the administration and enforcement of this act.

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

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

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

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

(10)

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

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

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

(1)(a) Application for registration of each brand of brake fluid shall be made on forms supplied by the department. The applicant shall give his or her name and address and the brand name of the brake fluid, state that he or she owns the brand name and has complete control over the product sold thereunder in this state, and provide the name and address of the resident agent in this state. If the applicant does not own the brand name but wishes to register the product with the department, a notarized affidavit that gives the applicant full authorization to register the brand name and that is

signed by the owner of the brand name must accompany the application for registration. The affidavit must include all affected brand names, the owner's company or corporate name and address, the applicant's company or corporate name and address, and a statement from the owner authorizing the applicant to register the product with the department. The owner of the brand name shall maintain complete control over each product sold under that brand name in this state.

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

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

2. An application fee of \$50 for a 12-month registration or \$100 for a 24-month registration for each brand of brake fluid.

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

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

~~(c)(b) Each applicant shall pay a fee of \$100 with each application. A permit may be renewed by application to the department, accompanied by a renewal fee of \$50 for a 12-month registration, or \$100 for a 24-month registration, on or before the expiration of the previously issued permit. To reregister a previously registered brand and formula combination, an applicant must submit a completed application and all materials as required in this section to the department before the expiration of the previously issued permit. A brand and formula combination for which a completed application and all materials required in this section are not received before the expiration of the previously issued permit may not be registered with the department until a completed application and all materials required in this section have been received and approved. If the brand and formula combination was previously registered with the department and a fee, application, or materials required in this section are received after the expiration of the previously issued permit, a penalty of \$25 accrues, which shall be added to the fee. Renewals shall be accepted only on brake fluids that have no change in formula, composition, or brand name. Any change in~~

formula, composition, or brand name of a brake fluid constitutes a new product that must be registered in accordance with this part.

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

- ~~1. The stated brand and formula combination is no longer in production;~~
- ~~2. The stated brand and formula combination will not be distributed in this state; and~~
- ~~3. Either all existing product of the stated brand and formula combination will be removed by the registrant from the state within 30 days after the expiration of the registration or that the registrant will reregister the brand and formula combination for 2 subsequent years.~~

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

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

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

(1) The department shall enforce ~~the provisions of this part through the department, and may sample, inspect, analyze, and test any brake fluid manufactured, packed, or sold within this state. Collected samples must be analyzed by the department. The certificate of analysis by the department shall be prima facie evidence of the facts stated therein in any legal proceeding in this state.~~ The department has ~~shall~~ have free access during business hours to all premises, buildings, vehicles, cars, or vessels used in the manufacture, packing, storage, sale, or transportation of brake fluid, and may open any box, carton, parcel, or container of brake fluid and take samples for inspection and analysis or for evidence.

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

527.01 Definitions.—As used in this chapter:

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

(2) “Person” means any individual, firm, partnership, corporation, company, association, organization, or cooperative.

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

(4) “Department” means the Department of Agriculture and Consumer Services.

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

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

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

~~(c) LP gas installer.~~

~~(d) Specialty installer.~~

~~(e) Requalifier of cylinders.~~

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

~~(g) Category IV liquefied petroleum gas dispensing unit operator and recreational vehicle servicer.~~

~~(h) Category V liquefied petroleum gases dealer for industrial uses only.~~

(6) “Category I liquefied petroleum gas dealer” means any person selling or offering to sell by delivery or at a stationary location any liquefied petroleum gas to the ~~ultimate~~ consumer for industrial, commercial, or domestic use; any person leasing or offering to lease, or exchanging or offering to exchange, any apparatus, appliances, and equipment for the use of liquefied petroleum gas; any person installing, servicing, altering, or modifying apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas; any person installing carburetion equipment; or any person requalifying cylinders.

(7) “Category II liquefied petroleum gas dispenser” means any person engaging in the business of operating a liquefied petroleum gas dispensing unit for the purpose of serving liquid products to the ~~ultimate~~ consumer for industrial, commercial, or domestic use, and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas, including maintaining a cylinder storage rack at the licensed business location for the purpose of storing cylinders filled by the licensed business for sale or use at a later date.

(8) “Category III liquefied petroleum gas cylinder exchange operator” means any person operating a storage facility used for the purpose of storing filled propane cylinders of not more than 43.5 pounds propane capacity or

104 pounds water capacity, while awaiting sale to the ultimate consumer, or a facility used for the storage of empty or filled containers which have been offered for exchange.

(9) “~~Category IV dealer in appliances and equipment liquefied petroleum gas dispenser and recreational vehicle service~~” means any person selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas engaging in the business of operating a liquefied petroleum gas dispensing unit for the purpose of serving liquid product to the ultimate consumer for industrial, commercial, or domestic use, and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas, and whose services include the installation, service, or repair of recreational vehicle liquefied petroleum gas appliances and equipment.

(10) “Category V LP gas installer” means any person who is engaged in the liquefied petroleum gas business and whose services include the installation, servicing, altering, or modifying of apparatus, piping, tubing, tanks, and equipment for the use of liquefied petroleum or natural gas and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum or natural gas.

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

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

~~(12)~~(13) “Manufacturer of liquefied petroleum gas appliances and equipment” means any person in this state manufacturing and offering for sale or selling tanks, cylinders, or other containers and necessary appurtenances for use in the storage, transportation, or delivery of such gas to the ultimate consumer, or manufacturing and offering for sale or selling apparatus, appliances, and equipment for the use of liquefied petroleum gas to the ultimate consumer.

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

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

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

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

~~(16)~~(18) “Pipeline system operator” means any person who owns or operates a liquefied petroleum gas pipeline system that is used to transmit liquefied petroleum gas from a common source to the ultimate customer and that serves 10 or more customers.

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

~~(17)~~(20) “License period year” means the period 1 to 3 years from the issuance of the license from September 1 through the following August 31, or April 1 through the following March 31, depending upon the type of license.

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

527.02 License; penalty; fees.—

(1) It is unlawful for any person to engage in this state in the activities defined in s. 527.01(6) through (11) of a pipeline system operator, category I liquefied petroleum gas dealer, category II liquefied petroleum gas dispenser, category III liquefied petroleum gas cylinder exchange operator, category IV liquefied petroleum gas dispenser and recreational vehicle servicer, category V liquefied petroleum gas dealer for industrial uses only, LP gas installer, specialty installer, dealer in liquefied petroleum gas appliances and equipment, manufacturer of liquefied petroleum gas appliances and equipment, requalifier of cylinders, or fabricator, repairer, and tester of vehicles and cargo tanks without first obtaining from the department a license to engage in one or more of these businesses. The sale of liquefied petroleum gas cylinders with a volume of 10 pounds water capacity or 4.2 pounds liquefied petroleum gas capacity or less is exempt from the requirements of this chapter. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to intentionally or willfully engage in any of said activities without first obtaining appropriate licensure from the department.

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

License Category	<u>License Original Application Fee</u> Per Year	<u>Renewal Fee</u>
Category I liquefied petroleum gas dealer	<u>\$400</u> \$525	<u>\$425</u>
Category II liquefied petroleum gas dispenser	<u>\$400</u> 525	<u>375</u>
Category III liquefied petroleum gas cylinder exchange unit operator	<u>\$65</u> 100	<u>65</u>
Category IV <u>dealer in appliances and equipment</u> liquefied petroleum gas dispenser and recreational vehicle servicer	<u>\$65</u> 525	<u>400</u>
Category V <u>LP gas installer</u> liquefied petroleum gases dealer for industrial uses only	<u>\$200</u> 300	<u>200</u>
Category VI <u>miscellaneous operator</u> LP gas installer	<u>\$200</u> 300	<u>200</u>
Specialty installer	<u>300</u>	<u>200</u>
Dealer in appliances and equipment for use of liquefied petroleum gas	<u>50</u>	<u>45</u>

License Category	<u>License Original</u> Application Fee <u>Per Year</u>	Renewal Fee
Manufacturer of liquefied petroleum gas appliances and equipment	525	375
Requalifier of cylinders	525	375
Fabricator, repairer, and tester of vehicles and cargo tanks	525	375

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

(b) The department shall waive the initial license fee for 1 year for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran’s discharge from any branch of the United States Armed Forces. To qualify for the waiver, a veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense or another acceptable form of identification as specified by the Department of Veterans’ Affairs; the spouse of a veteran must provide to the department a copy of the veteran’s DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans’ Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or a business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran’s DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans’ Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

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

~~(5) The license fee for a pipeline system operator shall be \$100 per system owned or operated by the person, not to exceed \$400 per license year. Such license fee applies only to a pipeline system operator who owns or operates a liquefied petroleum gas pipeline system that is used to transmit liquefied petroleum gas from a common source to the ultimate customer and that serves 10 or more customers.~~

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

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

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

527.0201 Qualifiers; master qualifiers; examinations.—

(1) In addition to the requirements of s. 527.02, any person applying for a license to engage in category I, category II, or category V the activities of a pipeline system operator, ~~category I liquefied petroleum gas dealer, category II liquefied petroleum gas dispenser, category IV liquefied petroleum gas dispenser and recreational vehicle servicer, category V liquefied petroleum gas dealer for industrial uses only, LP gas installer, specialty installer, requalifier of cylinders, or fabricator, repairer, and tester of vehicles and cargo tanks~~ must prove competency by passing a written examination administered by the department or its agent with a grade of 70 ~~75~~ percent or above in each area tested. Each applicant for examination shall submit a \$20 nonrefundable fee. The department shall by rule specify the general areas of competency to be covered by each examination and the relative weight to be assigned in grading each area tested.

(2) Application for examination for competency may be made by an individual or by an owner, a partner, or any person employed by the license

applicant. Upon successful completion of the competency examination, the department shall register ~~issue a qualifier identification card to the~~ examinee.

(a) ~~Qualifier registration automatically expires if identification cards, except those issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers, shall remain in effect as long as the individual shows to the department proof of active employment in the area of examination and all continuing education requirements are met. Should the individual terminates terminate active employment in the area of examination for a period exceeding 24 months, or fails fail to provide documentation of continuing education, the individual's qualifier status shall automatically expire. If the qualifier registration status has expired, the individual must apply for and successfully complete an examination by the department in order to reestablish qualifier status.~~

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

(3) ~~Qualifier registration expires cards issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers shall expire 3 years after the date of issuance. All category I liquefied petroleum gas dealer qualifiers and liquefied petroleum gas installer qualifiers holding a valid qualifier card upon the effective date of this act shall retain their qualifier status until July 1, 2003, and may sit for the master qualifier examination at any time during that time period. All such category I liquefied petroleum gas dealer qualifiers and liquefied petroleum gas installer qualifiers may renew their qualification on or before July 1, 2003, upon application to the department, payment of a \$20 renewal fee, and documentation of the completion of a minimum of 16 hours of approved continuing education courses, as defined by department rule, during the previous 3-year period. Applications for renewal must be made 30 calendar days before expiration. Persons failing to renew before the expiration date must reapply and take a qualifier competency examination in order to reestablish category I liquefied petroleum gas dealer qualifier and liquefied petroleum gas installer qualifier status. If a category I liquefied petroleum gas qualifier or liquefied petroleum gas installer qualifier becomes a master qualifier at any time during the effective date of the qualifier card, the card shall remain in effect until expiration of the master qualifier certification.~~

(4) A qualifier for a business organization involved in installation, repair, maintenance, or service of liquefied petroleum gas appliances, equipment, or systems must actually function in a supervisory capacity of other company employees performing licensed activities installing, repairing, maintaining, or servicing liquefied petroleum gas appliances, equipment, or systems. A separate qualifier shall be required for every 10 such employees. ~~Additional qualifiers are required for those business~~

organizations employing more than 10 employees that install, repair, maintain, or service liquefied petroleum gas equipment and systems.

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

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

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

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

(d) ~~Each category I liquefied petroleum gas dealer or liquefied petroleum gas installer licensed as of August 31, 2000, shall identify to the department one current category I liquefied petroleum gas dealer~~ ~~qualifier or liquefied petroleum gas installer~~ qualifier who will be the designated master qualifier for the licenseholder. Such individual must provide proof of employment for 3 years or more within the liquefied petroleum gas industry, and shall, upon

~~approval of the department, be granted a master qualifier certificate. All other requirements with regard to master qualifier certificate expiration, renewal, and continuing education shall apply.~~

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

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

(b) Any category I ~~or category V licensee~~ liquefied petroleum gas dealer ~~or LP gas installer~~ who no longer possesses a master qualifier but currently employs a ~~category I liquefied petroleum gas dealer or LP gas installer~~ qualifier as required by this section; has ~~shall have~~ 60 days within which to replace the master qualifier. If the company fails to replace the master qualifier within the 60-day time period, the license of the company shall be suspended by order of the department. The license shall remain suspended until a competent master qualifier has been employed, the order of suspension has been terminated by the department, and the license reinstated. ~~Failure to obtain a replacement master qualifier within 90 days after the vacancy occurs shall be grounds for revocation of licensure or eligibility for licensure.~~

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

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

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

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

(8) Any individual having competency qualifications on file with the department may request the transfer of such qualifications to any existing licenseholder by making a written request to the department for such transfer. Any individual having a competency examination on file with the department may use such examination for a new license application after

making application in writing to the department. All examinations are confidential and exempt from the provisions of s. 119.07(1).

(9) If a duplicate license, qualifier ~~card~~, or master qualifier registration certificate is requested by the licensee, a fee of \$10 must be received before issuance of the duplicate license or certificate ~~card~~. If a facsimile transmission of an original license is requested, upon completion of the transmission a fee of \$10 must be received by the department before the original license may be mailed to the requester.

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

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

527.021 Registration of transport vehicles.—

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

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

(3) ~~Vehicle registrations shall be submitted by the vehicle owner or lessee in conjunction with the annual renewal of his or her liquefied petroleum gas license, but no later than August 31 of each year. A dealer who fails to register a vehicle with the department does not submit the required vehicle registration by August 31 of each year is subject to the penalties in s. 527.13.~~

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

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

527.03 Annual Renewal of license.—All licenses required under this chapter shall be renewed annually, biennially, or triennially, as elected by the licensee, subject to the license fees prescribed in s. 527.02. All renewals must meet the same requirements and conditions as an annual license for each licensed year ~~All licenses, except Category III Liquefied Petroleum Gas Cylinder Exchange Unit Operator licenses and Dealer in Appliances and Equipment for Use of Liquefied Petroleum Gas licenses, shall be renewed for the period beginning September 1 and shall expire on the following August~~

~~31 unless sooner suspended, revoked, or otherwise terminated. Category III Liquefied Petroleum Gas Cylinder Exchange Unit Operator licenses and Dealer in Appliances and Equipment for Use of Liquefied Petroleum Gas licenses shall be renewed for the period beginning April 1 and shall expire on the following March 31 unless sooner suspended, revoked, or otherwise terminated. Any license allowed to expire will shall become inoperative because of failure to renew. The fee for restoration of a license is equal to the original license fee and must be paid before the licensee may resume operations.~~

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

527.04 Proof of insurance required.—

(1) Before any license is issued, except to a category IV dealer in appliances and equipment ~~for use of liquefied petroleum gas~~ or a category III liquefied petroleum gas cylinder exchange operator, the applicant must deliver to the department satisfactory evidence that the applicant is covered by a primary policy of bodily injury liability and property damage liability insurance that covers the products and operations with respect to such business and is issued by an insurer authorized to do business in this state for an amount not less than \$1 million and that the premium on such insurance is paid. An insurance certificate, affidavit, or other satisfactory evidence of acceptable insurance coverage shall be accepted as proof of insurance. In lieu of an insurance policy, the applicant may deliver a good and sufficient bond in the amount of \$1 million, payable to the Commissioner of Agriculture ~~Governor of Florida~~, with the applicant as principal and a surety company authorized to do business in this state as surety. The bond must be conditioned upon the applicant's compliance with this chapter and the rules of the department with respect to the conduct of such business and shall indemnify and hold harmless all persons from loss or damage by reason of the applicant's failure to comply. However, the aggregated liability of the surety may not exceed \$1 million. If the insurance policy is canceled or otherwise terminated or the bond becomes insufficient, the department may require new proof of insurance or a new bond to be filed, and if the licenseholder fails to comply, the department shall cancel the license issued and give the licenseholder written notice that it is unlawful to engage in business without a license. A new bond is not required as long as the original bond remains sufficient and in force. If the licenseholder's insurance coverage as required by this subsection is canceled or otherwise terminated, the insurer must notify the department within 30 days after the cancellation or termination.

(2) Before any license is issued to a category class III liquefied petroleum gas cylinder exchange operator, the applicant must deliver to the department satisfactory evidence that the applicant is covered by a primary policy of bodily injury liability and property damage liability insurance that covers the products and operations with respect to the business and is issued by an insurer authorized to do business in this state for an amount not less than \$300,000 and that the premium on the insurance is paid. An insurance

certificate, affidavit, or other satisfactory evidence of acceptable insurance coverage shall be accepted as proof of insurance. In lieu of an insurance policy, the applicant may deliver a good and sufficient bond in the amount of \$300,000, payable to the Commissioner of Agriculture Governor, with the applicant as principal and a surety company authorized to do business in this state as surety. The bond must be conditioned upon the applicant's compliance with this chapter and the rules of the department with respect to the conduct of such business and must indemnify and hold harmless all persons from loss or damage by reason of the applicant's failure to comply. However, the aggregated liability of the surety may not exceed \$300,000. If the insurance policy is canceled or otherwise terminated or the bond becomes insufficient, the department may require new proof of insurance or a new bond to be filed, and if the licenseholder fails to comply, the department shall cancel the license issued and give the licenseholder written notice that it is unlawful to engage in business without a license. A new bond is not required as long as the original bond remains sufficient and in force. If the licenseholder's insurance coverage required by this subsection is canceled or otherwise terminated, the insurer must notify the department within 30 days after the cancellation or termination.

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

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

527.0605 Liquefied petroleum gas bulk storage locations; jurisdiction.

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

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

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

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

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

~~(3) A fee of \$200 shall be assessed for each site plan reviewed by the division. The review shall include preconstruction inspection of the proposed site, plan review, and final inspection of the completed facility.~~

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

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

527.065 Notification of accidents; leak calls.—

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

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

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

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

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

527.067 Responsibilities of persons engaged in servicing liquefied petroleum gas equipment and systems and consumers, end users, or owners of liquefied petroleum gas equipment or systems.—

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

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

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

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

527.21 Definitions relating to Florida Propane Gas Education, Safety, and Research Act.—As used in ss. 527.20-527.23, the term:

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

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

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

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

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

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

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

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

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

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

~~(2)(1)~~ “Department” means the Department of Agriculture and Consumer Services.

(3) “Livestock” has the same meaning as in s. 585.01(13).

~~(4)(2)~~ “Livestock market” means any location in the state where livestock is assembled and sold at public auction or on a commission basis during regularly scheduled or special sales. The term “livestock market” does shall

not include private farms or ranches or sales made at livestock shows, fairs, exhibitions, or special breed association sales.

(5) “Packer” means a person engaged in the business of buying livestock in commerce for purposes of slaughter, or of manufacturing or preparing meats or meat food products for sale or shipment in commerce, or of marketing meats, meat food products, or livestock products in an unmanufactured form acting as a wholesaler broker, dealer, or distributor in commerce.

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

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

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

(9) “Stockyards Act” means the Packers and Stockyards Act of 1921, 7 U.S.C. ss. 181–229 and the regulations promulgated pursuant to that act under 9 C.F.R. part 201.

~~(3) “Buyer” means the party to whom title of livestock passes or who is responsible for the purchase price of livestock, including, but not limited to, producers, dealers, meat packers, or order buyers.~~

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

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

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

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

534.501 ~~Livestock draft; Unlawful to delay or failure in payment.~~—It is shall be unlawful for the purchaser of livestock to delay or fail in rendering payment for livestock to a seller of cattle as provided in s. 534.54. A person

~~who violates this section commits an unfair or deceptive act or practice as specified in s. 501.204 payment of the livestock draft upon presentation of said draft at the payor's bank. Nothing contained in this section shall be construed to preclude a payor's right to refuse payment of an unauthorized draft.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(3)(4)(a) A seller that~~ Any person, partnership, firm, corporation, or other organization which sells livestock to a purchaser shall have a lien on such animal and its carcass, all products therefrom, and all proceeds thereof to secure all or a part of its sales price.

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

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

Section 37. Subsection (46) 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:

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

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

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

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

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

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

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

(2) “Agricultural seed” includes the seed of grass, forage, cereal and fiber crops, and chufas and any other seed commonly recognized within the state as agricultural seed, lawn seed, and combinations of such seed, and may include identified noxious weed seed when the department determines that such seed is being used as agricultural seed or field seed and mixtures of such seed.

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

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

(5) “Brand” means a distinguishing word, name, symbol, number, or design used to identify seed produced, packaged, advertised, or offered for sale by a particular person.

~~(6)~~(3) “Breeder seed” means a class of certified seed directly controlled by the originating or sponsoring plant breeding institution or person, or designee thereof, and is the source for the production of seed of the other classes of certified seed that are released directly from the breeder or experiment station that develops the seed. These seed are one class above foundation seed.

~~(7)~~(4) “Certified seed,” means a class of seed which is the progeny of breeder, foundation, or registered seed ~~“registered seed,” and “foundation seed” mean seed that have been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of any agency authorized by the laws of this state or the laws of another state.~~

(8) “Certifying agency” means:

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

(b) An agency of a foreign country that the United States Secretary of Agriculture has determined as adhering to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under paragraph (a).

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

(10)(5) “Date of test” means the month and year the percentage of germination appearing on the label was obtained by laboratory test.

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

(12)(7) “Department” means the Department of Agriculture and Consumer Services or its authorized representative.

(13)(8) “Dormant seed” refers to viable seed, other than hard seed, which neither germinate nor decay during the prescribed test period and under the prescribed test conditions.

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

~~(10) “Forest tree seed” includes seed of woody plants commonly known and sold as forest tree seed.~~

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

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

(17)(12) “Hard seed” means seeds that remain hard at the end of a prescribed test period because they have not absorbed water due to an impermeable seed coat the percentage of seed which because of hardness or impermeability did not absorb moisture or germinate under prescribed tests

but remain hard during the period prescribed for germination of the kind of seed concerned.

(18)(13) “Hybrid” means the first generation seed of a cross produced by controlling the pollination and by combining:

- (a) Two or more inbred lines;
- (b) One inbred or a single cross with an open-pollinated variety; or
- (c) Two varieties or species, except open-pollinated varieties of corn (*Zea mays*).

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

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

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

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

(22)(16) “Labeling” includes all labels and other written, printed, or graphic representations, in any form, accompanying and pertaining to any seed, whether in bulk or in containers, and includes invoices and other bills of shipment when sold in bulk.

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

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

(25) “Mulch” means a protective covering of any suitable substance placed with seed which acts to retain sufficient moisture to support seed germination and sustain early seedling growth and aid in the prevention of

the evaporation of soil moisture, the control of weeds, and the prevention of erosion.

(26) “Noxious weed seed” means seed in one of two classes of seed:

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

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

~~(27)(19) “Origin” means the state, District of Columbia, Puerto Rico, or possession of the United States, or the foreign country where the seed were grown, except for native species, where the term means the county or collection zone and the state where the seed were grown for forest tree seed, with respect to which the term “origin” means the county or state forest service seed collection zone and the state where the seed were grown.~~

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

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

(30)(21) “Processing” means conditioning, cleaning, scarifying, or blending to obtain uniform quality and other operations which would change the purity or germination of the seed and, therefore, require retesting to determine the quality of the seed.

~~(22) “Prohibited noxious weed seed” means the seed and bulblets of perennial weeds such as not only reproduce by seed or bulblets, but also spread by underground roots or stems and which, when established, are highly destructive and difficult to control in this state by ordinary good cultural practice.~~

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

(32)(24) “Record” includes the symbol identifying the seed as to origin, amount, processing, testing, labeling, and distribution, file sample of the seed, and any other document or instrument pertaining to the purchase, sale, or handling of agricultural, vegetable, flower, or forest tree, or shrub

seed. Such information includes seed samples and records of declarations, labels, purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests, and examinations.

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

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

(34) “Shrub seed” means seed of a woody plant that is smaller than a tree and has several main stems arising at or near the ground.

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

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

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

~~(38)~~(28) “Type” means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

~~(39)~~(29) “Variety” means a subdivision of a kind which is distinct in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge; uniform in the sense that the variations in essential and distinctive characteristics are describable; and stable in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted characterized by growth, plant fruit, seed, or other characteristics by which it can be differentiated from other sorts of the same kind; e.g., Whatley’s Prolific corn, Bountiful beans, Kobe lespedeza.

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

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

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

578.012 Preemption.—

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

(2) The authority to regulate seed or matters relating to seed in this state is preempted to the state. A local government or political subdivision of the state may not enact or enforce an ordinance that regulates seed, including the power to assess any penalties provided for violation of this chapter.

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

578.08 Registrations.—

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

- (a)1. Receipts of less than \$500, a fee of \$10.
2. Receipts of \$500 or more but less than \$1,000, a fee of \$25.
3. Receipts of \$1,000 or more but less than \$2,500, a fee of \$100.
4. Receipts of \$2,500 or more but less than \$5,000, a fee of \$200.
5. Receipts of \$5,000 or more but less than \$10,000, a fee of \$350.
6. Receipts of \$10,000 or more but less than \$20,000, a fee of \$800.
7. Receipts of \$20,000 or more but less than \$40,000, a fee of \$1,000.

8. Receipts of \$40,000 or more but less than \$70,000, a fee of \$1,200.
9. Receipts of \$70,000 or more but less than \$150,000, a fee of \$1,600.
10. Receipts of \$150,000 or more but less than \$400,000, a fee of \$2,400.
11. Receipts of \$400,000 or more, a fee of \$4,600.

(b) For places of business not previously in operation, the fee shall be based on anticipated receipts for the first license year.

(2) A ~~written~~ receipt from the department of the registration and payment of the fee shall constitute a sufficient permit for the dealer to engage in or continue in the business of selling, distributing for sale, offering or exposing for sale, handling for sale, or soliciting orders for the purchase of any agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed within the state. However, the department has ~~shall have~~ authority to suspend or revoke any permit for the violation of any provision of this law or of any rule adopted under authority hereof. The registration shall expire on June 30 of the next calendar year and shall be renewed on July 1 of each year. If any person subject to the requirements of this section fails to comply, the department may issue a stop-sale notice or order which shall prohibit the person from selling or causing to be sold any agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed until the requirements of this section are met.

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

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

(5) When packet seed is sold, offered for sale, or exposed for sale, the company who packs seed for retail sale must register and pay fees as provided under subsection (1).

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

578.09 Label requirements for agricultural, vegetable, flower, tree, or shrub seeds.—Each container of agricultural, vegetable, ~~or flower, tree, or shrub~~ seed which is sold, offered for sale, exposed for sale, or distributed for sale within this state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or have attached thereto, in a conspicuous place, a label ~~or labels~~ containing all information required under this section, plainly written or printed label or tag in the English language, ~~in Century type.~~ All data

pertaining to analysis ~~must~~ shall appear on a single label. Language setting forth the requirements for filing and serving complaints as described in s. 578.26(1)(c) ~~must s. 578.26(1)(b)~~ shall be included on the analysis label or be otherwise attached to the package, except for packages containing less than 1,000 seeds by count.

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

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

(b) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used and the words “poison treated” in red letters, in not less than $\frac{1}{4}$ -inch type.

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

~~(d)—Rate of application or statement “Treated at manufacturer’s recommended rate.”~~

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

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

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

(a) ~~Commonly accepted~~ The name of the kind and variety of each agricultural seed component present in excess of 5 percent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word “mixed,” “mixture,” or “blend” must the word “mixed” shall be shown conspicuously on the label. Hybrids must be labeled as hybrids.

(b) Lot number or other lot identification.

(c) Net weight or seed count.

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

(e) Percentage by weight of all weed seed.

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

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

(h) Percentage by weight of inert matter.

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

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

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

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

(j) Name and address of the person who labeled said seed or who sells, distributes, offers, or exposes said seed for sale within this state.

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

(3) For seed that is coated:

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

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

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

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

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

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

~~(d) Percentage of germination.~~

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

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

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

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

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

(a) The word “combination” followed, as appropriate, by the words “mulch – seed – fertilizer” must appear prominently on the principal display panel of the package.

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

1. Product name.
2. Lot number or other lot identification.
3. Percentage by weight of pure seed of each kind and variety named which may be less than 5 percent of the whole.
4. Percentage by weight of other crop seed.
5. Percentage by weight of inert matter.
6. Percentage by weight of weed seed.
7. Name and number of noxious weed seeds per pound, if present.
8. Percentage of germination, and hard or dormant seed if appropriate, of each kind or kind and variety named. The germination test must have been completed within the previous 12 months exclusive of the calendar month of test.
9. The calendar month and year the test was completed to determine such percentages.

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

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

(5) For vegetable seed in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices: FOR VEGETABLE SEED IN

CONTAINERS OF LESS THAN 8 OUNCES.—

- (a) Name of kind and variety of seed. Hybrids must be labeled as hybrids.
- (b) Lot number or other lot identification.
- (c) Germination test date identified in the following manner:
1. The calendar month and year the germination test was completed and the statement “Sell by ...(month/year)...”, which may be no more than 12 months from the date of test, beginning with the month after the test date;
 2. The month and year the germination test was completed, provided that the germination test must have been completed within the previous 12 months, exclusive of the calendar month of test; or
 3. The year for which the seed was packaged for sale as “Packed for ... (year)...” and the statement “Sell by ...(year)...” which shall be one year after the seed was packaged for sale.
- (d)(b) Name and address of the person who labeled the seed or who sells, distributes, offers, or exposes said seed for sale within this state.
- (e)(e) For seed which germinate less than standard last established by the department, ~~the additional information must be shown:~~
- Percentage of germination, exclusive of hard or dormant seed.
 - Percentage of hard or dormant seed when present, if present desired.
 - ~~Calendar month and year the test was completed to determine such percentages.~~
 - ~~3.4. The words “Below Standard” prominently displayed in not less than 8-point type.~~
- (f)(d) No seed marked “below standard” ~~may shall be sold that falls which~~ fall more than 20 percent below the established standard for such seed. For seeds that do not have an established standard, the minimum germination standard shall be 50 percent, and no such seed may be sold that is 20 percent below this standard.
- (g) For seed placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.
- (6) For vegetable seed in containers, other than packets prepared for use in home gardens or household plantings, and other than preplanted containers, mats, tapes, or other planting devices:

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

(b) Net weight or seed count.

(c) Lot number or other lot identification.

(d) For each named vegetable seed:

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

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

3. Listed below the requirements of subparagraphs 1. and 2., the “total germination and hard or dormant seed” may be stated as such, if desired; and

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

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

(f) For seed which germinate less than the standard last established by the department, the words “Below Standard” prominently displayed.

1. No seed marked “Below Standard” may be sold if the seed is more than 20 percent below the established standard for such seed.

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

(7)(5) For flower seed in packets prepared for use in home gardens or household plantings or flower seed in preplanted containers, mats, tapes, or other planting devices: FOR FLOWER SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES, OR OTHER PLANTING DEVICES.—

(a) For all kinds of flower seed:

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

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

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

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

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

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

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

(b) For seed of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the provisions of this chapter:

1. The percentage of germination exclusive of hard or dormant seed.

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

3. The words “Below Standard” prominently displayed in not less than 8-point type.

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

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

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

(b) Net weight or seed count.

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

(d) For flower seed with a pure seed percentage of less than 90 percent:

1. Percentage, by weight, of each component listed in order of its predominance.

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

3. Percentage by weight of other crop seed.

4. Percentage by weight of inert matter.

(e) For those kinds of seed for which standard testing procedures are prescribed:

1. Percentage germination exclusive of hard or dormant seed.

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

3.(e) The calendar month and year that the test was completed. The germination test must have been completed within the previous 9 months, exclusive of the calendar month of test.

~~(f) For those kinds of seed for which standard testing procedures are not available, the year of production or collection seed were tested or the year for which the seed were packaged.~~

~~(g)(d) The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this state.~~

~~(e) For those kinds of seed for which standard testing procedures are prescribed:~~

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

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

~~(h)(f) For those seeds which germinate less than the standard last established by the department, the words "Below Standard" prominently displayed in not less than 8-point type must be printed or written in ink on the face of the tag.~~

(9) For tree or shrub seed:

(a) Common name of the species of seed and, if appropriate, subspecies.

(b) The scientific name of the genus, species, and, if appropriate, subspecies.

(c) Lot number or other lot identification.

(d) Net weight or seed count.

(e) Origin, indicated in the following manner:

1. For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude or geographic description, or political subdivision, such as state or county.

2. For seed collected from other than a predominantly indigenous stand, the area of collection and the origin of the stand or the statement "Origin not Indigenous".

3. The elevation or the upper and lower limits of elevations within which the seed was collected.

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

(g) For those species for which standard germination testing procedures are prescribed by the department:

1. Percentage germination exclusive of hard or dormant seed.

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

3. The calendar month and year test was completed, provided that the germination test must have been completed within the previous 12 months, exclusive of the calendar month of test.

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

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

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

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

The information required by this section to be placed on labels attached to seed containers may not be modified or denied in the labeling or on another label attached to the container. However, labeling of seed supplied under a contractual agreement may be by invoice accompanying the shipment or by an analysis tag attached to the invoice if each bag or other container is clearly identified by a lot number displayed on the bag or other container. Each bag or container that is not so identified must carry complete labeling.

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

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

578.10 Exemptions.—

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

(a) ~~Te~~ Seed or grain not intended for sowing or planting purposes.

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

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

(3) If seeds cannot be identified by examination thereof, a person is not subject to the criminal penalties of this chapter for having sold or offered for sale seeds subject to this chapter which were incorrectly labeled or represented as to kind, species, and, if appropriate, subspecies, variety, type, or origin, elevation, and, if required, year of collection unless he or she has failed to obtain an invoice, genuine grower's or tree seed collector's declaration, or other labeling information and to take such other precautions as may be reasonable to ensure the identity of the seeds to be as stated by the grower. A genuine grower's declaration of variety must affirm that the grower holds records of proof of identity concerning parent seed, such as invoice and labels ~~No person shall be subject to the criminal penalties of this law for having sold, offered, exposed, or distributed for sale in this state any agricultural, vegetable, or forest tree seed which were incorrectly labeled or represented as to kind and variety or origin, which seed cannot be identified by examination thereof, unless she or he has failed to obtain an invoice or grower's declaration giving kind and variety and origin.~~

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

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

(1) The duty of administering this law and enforcing its provisions and requirements shall be vested in the Department of Agriculture and Consumer Services, which is hereby authorized to employ such agents and persons as in its judgment shall be necessary therefor. It shall be the duty of the department, which may act through its authorized agents, to sample, inspect, make analyses of, and test agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed transported, sold, offered or exposed for sale, or distributed within this state for sowing or planting purposes, at such time and place and to such extent as it may deem necessary to determine whether said agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed are in compliance with the provisions of this law, and to notify promptly the person who transported, distributed, sold, offered or exposed the seed for sale, of any violation.

(2) The department is authorized to:

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

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

(c) To Prescribe uniform labels.

(d) To Adopt prohibited and restricted noxious weed seed lists.

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

(f) To Make commercial tests of seed and to fix and collect charges for such tests.

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

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

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

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

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

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

(b) To Issue and enforce a stop-sale notice or order to the owner or custodian of any lot of agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed, which the department finds or has good reason to believe is in violation of any provisions of this law, which shall prohibit further sale, barter, exchange, or distribution of such seed until the department is satisfied that the law has been complied with and has issued a written release or notice to

the owner or custodian of such seed. After a stop-sale notice or order has been issued against or attached to any lot of seed and the owner or custodian of such seed has received confirmation that the seed does not comply with this law, she or he has ~~shall have~~ 15 days beyond the normal test period within which to comply with the law and obtain a written release of the seed. ~~The provisions of This paragraph may shall~~ not be construed as limiting the right of the department to proceed as authorized by other sections of this law.

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

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

578.12 Stop-sale, stop-use, removal, or hold orders.—When agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed is being offered or exposed for sale or held in violation of any of the provisions of this chapter, the department, through its authorized representative, may issue and enforce a stop-sale, stop-use, removal, or hold order to the owner or custodian of said seed ordering it to be held at a designated place until the law has been complied with and said seed is released in writing by the department or its authorized representative. If seed is not brought into compliance with this law it shall be destroyed within 30 days or disposed of by the department in such a manner as it shall by regulation prescribe.

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

578.13 Prohibitions.—

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

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

(b) Not labeled in accordance with ~~the provisions of this law,~~ or having false or misleading labeling.

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

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

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

(f) ~~Unless such seed conforms to the definition of a “lot of seed.”~~

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

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

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

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

(d) ~~To Fail to comply with a stop-sale order or to move, handle, or dispose of any lot of seed, or tags attached to such seed, held under a “stop-sale” order, except with express permission of the department and for the purpose specified by the department or seizure order.~~

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

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

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

(f) Label, by variety name, seed not certified by an official seed-certifying agency when it is a variety for which a certificate of plant variety protection under the United States Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies sale only as a class of certified seed, except that seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the written approval of, the owner of the variety. To sell, distribute for sale, offer for sale, expose for sale, handle for sale, or solicit orders for the purchase of any agricultural, vegetable, flower, or forest tree seed labeled “certified seed,” “registered seed,” “foundation seed,” “breeder seed,” or similar terms, unless it has been produced and labeled under seal in compliance with the rules and regulations of any agency authorized by law.

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

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

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

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

578.181 Penalties; administrative fine.—

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

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

(b) For violations other than a minor violation:

1. Imposition of an administrative fine in the Class I category pursuant to s. 570.971 for each occurrence ~~after the issuance of a warning letter.~~

2.(e) Revocation or suspension of the registration as a seed dealer.

Section 50. Section 578.23, Florida Statutes, is amended to read:

578.23 Dealers' Records to be kept available.—Each person who allows his or her name or brand to appear on the label as handling agricultural, vegetable, flower, tree, or shrub seeds subject to this chapter must keep, for 2 years, complete records of each lot of agricultural, vegetable, flower, tree, or shrub seed handled, and keep for 1 year after final disposition a file sample of each lot of seed. All such records and samples pertaining to the shipment or shipments involved must be accessible for inspection by the department or its authorized representative during normal business hours Every seed dealer shall make and keep for a period of 3 years satisfactory records of all agricultural, vegetable, flower, or forest tree seed bought or handled to be sold, which records shall at all times be made readily available for inspection, examination, or audit by the department. Such records shall also be maintained by persons who purchase seed for production of plants for resale.

Section 51. Section 578.26, Florida Statutes, is amended to read:

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

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

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

~~(c)(b)~~ Language setting forth the requirement for filing and serving the complaint shall be legibly typed or printed on the analysis label or be attached to the package containing the seed at the time of purchase by the buyer farmer.

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

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

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

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

(b) Hearings, including the deliberations of the seed investigation and conciliation council, must shall be open to the public.

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

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

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

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

(1) The Commissioner of Agriculture shall appoint a seed investigation and conciliation council composed of seven members ~~and seven alternate members~~, one member ~~and one alternate~~ to be appointed upon the recommendation of each of the following: the deans of extension and research, Institute of Food and Agricultural Sciences, University of Florida; president of the Florida Seed Seedsmen and Garden Supply Association; president of the Florida Farm Bureau Federation; and the president of the Florida Fruit and Vegetable Association. The Commissioner of Agriculture shall appoint a representative ~~and an alternate~~ from the agriculture industry at large and from the Department of Agriculture and Consumer Services. Each member shall be appointed for a term of 4 years or less and shall serve until his or her successor is appointed ~~Initially, three members and their alternates shall be appointed for 4-year terms and four members and their alternates shall be appointed for 2-year terms. Thereafter, members and alternates shall be appointed for 4-year terms. Each alternate member shall serve only in the absence of the member for whom she or he is an alternate.~~ A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. The council shall annually elect a chair from its membership. It shall be the duty of the chair to conduct all meetings and deliberations held by the council and to direct all other activities of the council. The department representative shall serve as secretary of the council. It shall be the duty of the secretary to keep accurate and correct records on all meetings and deliberations and perform other duties for the council as directed by the chair.

(2) The purpose of the seed investigation and conciliation council is to assist buyers farmers ~~and agricultural~~ seed dealers in determining the validity of seed complaints made by buyers farmers against dealers and recommend a settlement, when appropriate, cost damages resulting from the alleged failure of the seed to produce or perform as represented by the label of such ~~on the seed package.~~

(4)(a) When the department refers to the seed investigation and conciliation council any complaint made by a buyer farmer against a dealer,

the said council must shall make a full and complete investigation of the matters complained of and at the conclusion of the said investigation must shall report its findings and make its recommendation of cost damages and file same with the department.

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

(c) Any investigation made by less than the whole membership of the council must shall be by authority of a written directive by the department or by the chair, and such investigation must shall be summarized in writing and considered by the council in reporting its findings and making its recommendation.

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

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

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

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

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

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

(a) *Hermetically sealed packages or containers.*—A container, to be acceptable under the provisions of this section, shall not allow water vapor penetration through any wall, including the wall seals, greater than 0.05 gram of water per 24 hours per 100 square inches of surface at 100 °F. with a relative humidity on one side of 90 percent and on the other of 0 percent. Water vapor penetration (WVP) is measured by the standards of

the National Institute of Standards and Technology as: gm H₂O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent RH.

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

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

- (a) Seed has been preconditioned as to moisture content.
- (b) Container is hermetically sealed.
- (c) “Germination test valid until (month, year)” may be used. (Not to exceed 24 months from date of test).

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

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

Section 55. Subsection (1) 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.—

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

- (a) ~~To~~ Enforce the provisions of this chapter;
- (b) ~~To~~ Prevent, detect, and suppress wildfires wherever they may occur on public or private land in this state and to do all things necessary in the exercise of such powers, authority, and duties;
- (c) ~~To~~ Provide firefighting crews, who shall be under the control and direction of the Florida Forest Service and its designated agents;
- (d) ~~To~~ Appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau chief, a forest protection assistant bureau chief, a field operations bureau chief, deputy chiefs of field operations, district managers, forest operations administrators, senior forest rangers, investigators, forest rangers, firefighter rotorcraft pilots, and other employees who may, at the Florida Forest Service’s discretion, be certified as forestry firefighters pursuant to s. 633.408(8). Other law notwithstanding, center managers, district managers, forest protection

assistant bureau chief, and deputy chiefs of field operations have ~~shall have~~ Selected Exempt Service status in the state personnel designation;

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

(f) Pay the cost of the initial commercial driver license examination fee for those employees whose position requires them to operate equipment requiring a license. This paragraph is intended to be an authorization to the department to pay such costs, not an obligation ~~To make rules to accomplish the purposes of this chapter;~~

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

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

(i) ~~To~~ Authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of this chapter and the rules adopted thereunder; ~~and~~

(j) Make rules to accomplish the purposes of this chapter.

Section 56. Section 817.417, Florida Statutes, is created to read:

817.417 Government Impostor and Deceptive Advertisement Act.—

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

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

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

(b) “Department” means the Department of Agriculture and Consumer Services.

(c) “Governmental entity” means a political subdivision or agency of any state, possession, or territory of the United States, or the Federal Government, including, but not limited to, a board, a department, an office, an agency, a military veteran entity, or a military or veteran service organization by whatever name known.

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

(a) Investigate potential violations of this section.

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

(c) Seek compliance with this section.

(d) Enforce this section.

(e) Adopt rules necessary to administer this section.

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

(a) Disseminating an advertisement that:

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

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

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

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

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

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

(5) NOTICE REGARDING DOCUMENT AVAILABILITY.—

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

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

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

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

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

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

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

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

“IMPORTANT NOTICE:

The documents offered by this advertisement are available to Florida consumers free of charge or for a lesser price from ...(insert name, telephone number, and mailing address of the applicable governmental entity)... You are NOT required to purchase anything from this company and the company is NOT affiliated, endorsed, or approved by any governmental entity. The item offered in this advertisement has NOT been approved or endorsed by any governmental agency, and this offer is NOT being made by an agency of the government.”

(6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.—

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

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

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

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

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

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

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

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

“IMPORTANT NOTICE:

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

(7) PENALTIES.—

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

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

1. A civil action in circuit court for:

a. Temporary or permanent injunctive relief to enforce this section.

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

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

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

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

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

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

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

(d) In addition to any remedies or penalties set forth in this section, any person who violates paragraphs (4) (a)-(d) also commits an unfair or deceptive trade practice in violation of part II of chapter 501 and is subject to the penalties and remedies imposed for such violation.

Section 57. Paragraph (m) of subsection (3) of section 489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part:

(3) “Contractor” means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term “demolish” applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(m) “Plumbing contractor” means a contractor whose services are unlimited in the plumbing trade and includes contracting business consisting of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, if not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, if not prohibited by law, design the following without obtaining an additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities, water and sewer plants and substations, venting systems, public or private water

supply systems, septic tanks, drainage and supply wells, swimming pool piping, irrigation systems, and solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas, liquefied petroleum gas and related venting, and storm and sanitary sewer lines. The scope of work of the plumbing contractor also includes the design, if not prohibited by law, and installation, maintenance, repair, alteration, or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers if authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in a manner that complies with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor applies to private property and public property, including any excavation work incidental thereto, and includes the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified as being the work of a trade other than that of a plumbing contractor. This definition does not limit the scope of work of any specialty contractor certified pursuant to s. 489.113(6) and does not require certification or registration under this part as a category I liquefied petroleum gas dealer, or category V LP gas installer, as defined in s. 527.01, or specialty installer who is licensed under chapter 527 or an authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater. A plumbing contractor may perform drain cleaning and clearing and install or repair rainwater catchment systems; however, a mandatory licensing requirement is not established for the performance of these specific services.

Section 58. Subsection (3) of section 527.06, Florida Statutes, is reenacted to read:

527.06 Rules.—

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

Section 59. This act shall take effect July 1, 2018.

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.