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CS/CS/HB 467

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1
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 288.1175, F.S.;
4 specifying that applications for funding for certain
5 agriculture education and promotion facilities be
6 postmarked or electronically submitted by a certain
7 date; amending s. 472.003, F.S.; specifying that
8 certain persons under contract with registered or
9 certified surveyors and mappers are not subject to the
10 provisions of ch. 472, F.S.; amending s. 472.005,
11 F.S.; redefining the terms "practice of surveying and
12 mapping" and "subordinate"; amending s. 472.013, F.S.;
13 revising the standards for when an applicant is
14 eligible to take the licensure examination to practice
15 as a surveyor and mapper; amending s. 472.015, F.S.;
16 revising the qualifications for licensure by
17 endorsement for surveyors and mappers; amending s.
18 472.018, F.S.; revising the continuing education
19 requirements for new surveyor and mapper licensees and
20 renewal of surveyor and mapper licenses; authorizing
21 the board to provide by rule the method of delivery
22 of, criteria for, and provisions to carryover hours
23 for continuing education requirements; deleting a
24 requirement that the board approve courses; requiring
25 the board to issue cease and desist orders and enact

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26 | certain penalties for continuing education providers
27 | failing to conform to board rules; requiring the
28 | department to establish a system for the
29 | administration of continuing education requirements
30 | adopted by the board; amending s. 472.025, F.S.;
31 | deleting a requirement that registrant seals be of
32 | impression-type metal; amending s. 472.0366, F.S.;
33 | revising the requirements for copies of evaluation
34 | certificates that must be submitted to the Division of
35 | Emergency Management within the Executive Office of
36 | the Governor; requiring that certain copies of
37 | evaluation certificates be retained in the surveyor
38 | and mapper's records; amending s. 487.2041, F.S.;
39 | requiring the department to adopt by rule certain
40 | United States Environmental Protection Agency
41 | regulations relating to labeling requirements for
42 | pesticides and devices; amending s. 493.6101, F.S.;
43 | specifying that a manager of a private investigative
44 | agency may manage up to three offices, subject to
45 | certain requirements; amending s. 493.6105, F.S.;
46 | exempting certain partners and corporate officers from
47 | fingerprint retention requirements; revising the
48 | submission requirements for applications for Class "K"
49 | licenses; amending s. 493.6107, F.S.; deleting a
50 | specification that license fees are biennial; amending

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51 s. 493.6108, F.S.; providing an authorization to the
52 Department of Law Enforcement to release certain
53 mental health and substance abuse history of
54 applicants and licensees for the purpose of
55 determining licensure eligibility; requiring licensees
56 to notify their employer of an arrest within a
57 specified period; amending s. 493.6112, F.S.; revising
58 the notification requirements for changes of certain
59 partners, officers, and employees of private
60 investigative, security, and recovery agencies;
61 amending s. 493.6113, F.S.; specifying that Class "G"
62 licensees must complete requalification training for
63 each type and caliber of firearm carried in the course
64 of performing regulated duties; conforming
65 terminology; amending s. 493.6115, F.S.; correcting a
66 cross-reference regarding the conditions under which a
67 Class "G" licensee may carry a concealed weapon;
68 revising the conditions under which the department may
69 issue a temporary Class "G" license; amending s.
70 493.6118, F.S.; providing that failure of a licensee
71 to timely notify his or her employer of an arrest is
72 grounds for disciplinary action by the Department of
73 Agriculture and Consumer Services; requiring the
74 department to suspend specified licenses of a licensee
75 arrested or formally charged with certain crimes until

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76 disposition of the case; requiring the department to
77 notify a licensee of administrative hearing rights;
78 specifying that any hearing must be limited to a
79 determination as to whether the licensee has been
80 arrested or charged with a disqualifying crime;
81 providing that the suspension may be lifted under
82 certain circumstances; requiring the department to
83 proceed with revocation under certain circumstances;
84 amending s. 493.6202, F.S.; deleting a specification
85 that license fees are biennial; amending s. 493.6203,
86 F.S.; deleting a requirement that certain training be
87 provided in two parts; deleting obsolete provisions;
88 amending s. 493.6302, F.S.; deleting a specification
89 that license fees are biennial; amending s. 493.6303,
90 F.S.; deleting a requirement that certain training
91 must be provided in two parts; deleting obsolete
92 provisions; making technical changes; amending s.
93 493.6304, F.S.; making technical changes; amending s.
94 493.6402, F.S.; deleting a specification that license
95 fees are biennial; amending s. 493.6403, F.S.;
96 requiring that applicants for Class "E" and "EE"
97 licenses submit proof of successful completion of
98 certain training, not just complete such training;
99 deleting an obsolete provision; amending s. 501.013,
100 F.S.; exempting certain programs and facilities from

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101 health studio regulations; amending s. 501.059, F.S.;
102 removing a limitation on the length of time for which
103 the department must place certain persons on a no-
104 solicitation list; amending s. 507.04, F.S.; making a
105 technical change; amending s. 531.37, F.S.; revising a
106 definition; amending s. 531.61, F.S.; removing an
107 exemption from commercial use permit requirements for
108 taximeters and transportation measurement systems;
109 amending s. 531.63, F.S.; removing a limitation on
110 annual commercial use permit fees for taximeters;
111 amending s. 534.021, F.S.; specifying that a detailed
112 drawing, rather than a facsimile, must accompany an
113 application for the recording of certain marks and
114 brands; amending s. 534.041, F.S.; extending the
115 renewal period for certain mark or brand certificates;
116 eliminating a renewal fee; repealing s. 534.061, F.S.,
117 relating to the transfer of ownership of cattle;
118 amending s. 570.07, F.S.; authorizing the department
119 to perform certain food safety inspection services
120 relating to raw agricultural commodities; amending s.
121 573.118, F.S.; specifying that the Division of Fruit
122 and Vegetables, rather than the Division of Marketing
123 and Development, must file a specified certification;
124 amending s. 590.02, F.S.; specifying that the
125 department has exclusive authority to enforce the

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126 Florida Building Code as it relates to Florida Forest
 127 Service facilities under the jurisdiction of the
 128 department; amending s. 597.004, F.S.; authorizing
 129 certain saltwater products dealers to sell certain
 130 aquaculture products without restriction under a
 131 specified circumstance; amending s. 604.16, F.S.;
 132 specifying that dealers in agricultural products who
 133 pay by credit card are exempt from certain dealer
 134 requirements; amending s. 790.06, F.S.; revising the
 135 requirements to obtain a license to carry a concealed
 136 weapon or firearm; revising the requirements of the
 137 application form; reducing the fees for concealed
 138 weapon or firearm licenses; providing an effective
 139 date.

140

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

142

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

145 288.1175 Agriculture education and promotion facility.—

146 (8) Applications must be postmarked or electronically
 147 submitted by October 1 of each year. The Department of
 148 Agriculture and Consumer Services may not recommend funding for
 149 less than the requested amount to any applicant certified as an
 150 agriculture education and promotion facility; however, funding

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151 of certified applicants shall be subject to the amount provided
152 by the Legislature in the General Appropriations Act for this
153 program.

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

156 472.003 Persons not affected by ss. 472.001-472.037.—
157 Sections 472.001-472.037 do not apply to:

158 (5)

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

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

167 472.005 Definitions.—As used in ss. 472.001-472.037:

168 (4) (a) "Practice of surveying and mapping" means, among
169 other things, any professional service or work, the adequate
170 performance of which involves the application of special
171 knowledge of the principles of mathematics, the related physical
172 and applied sciences, and the relevant requirements of law for
173 adequate evidence of the act of measuring, locating,
174 establishing, or reestablishing lines, angles, elevations,
175 natural and manmade features in the air, on the surface and

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176 immediate subsurface of the earth, within underground workings,
 177 and on the beds or surface of bodies of water, for the purpose
 178 of determining, establishing, describing, displaying, or
 179 interpreting the facts of size, volume, shape, topography, tidal
 180 datum planes, and legal or geodetic location or relocation, ~~and~~
 181 ~~orientation of improved or unimproved real property and~~
 182 ~~appurtenances thereto, including acreage and condominiums.~~

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

199 (10) "Subordinate" means a person ~~an employee~~ who performs
 200 work under the direction, supervision, and responsible charge of

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201 a person who is registered under this chapter.

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

204 472.013 Examinations, prerequisites.—

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

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

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226 | construed as experience in responsible charge.

227 | (b) The applicant has received a bachelor's degree, its
228 | equivalent, or higher in a ~~is a graduate of a 4-year~~ course of
229 | study, other than in surveying and mapping, at an accredited
230 | college or university and has a specific experience record of 6
231 | or more years as a subordinate to a registered surveyor and
232 | mapper in the active practice of surveying and mapping, 5 years
233 | of which shall be of a nature indicating that the applicant was
234 | in responsible charge of the accuracy and correctness of the
235 | surveying and mapping work performed. ~~The course of study in~~
236 | ~~disciplines other than surveying and mapping must have included~~
237 | ~~not fewer than 32 semester hours of study or its academic~~
238 | ~~equivalent.~~ The applicant must have completed a minimum of 25
239 | semester hours from a college or university approved by the
240 | board in surveying and mapping subjects or in any combination of
241 | courses in civil engineering, surveying, mapping, mathematics,
242 | photogrammetry, forestry, or land law and the physical sciences.
243 | Any of the required 25 semester hours of study completed not as
244 | a part of the bachelor's degree, its equivalent, or higher may
245 | ~~4-year course of study shall~~ be approved at the discretion of
246 | the board. Work experience acquired as a part of the education
247 | requirement may ~~shall~~ not be construed as experience in
248 | responsible charge.

249 | (3) A person shall be entitled to take an examination for
250 | the purpose of determining whether he or she is qualified ~~to~~

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251 ~~practice in this state~~ as a surveyor and mapper intern if:

252 (a) The person is in good standing in, or is a graduate
253 of, a bachelor degree program, its equivalent or higher, at an
254 accredited college or university and has obtained a minimum of
255 25 semester hours in surveying, mapping, mathematics,
256 photogrammetry, forestry, civil engineering, or land law and the
257 physical sciences, or any combination thereof; or

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

265
266 This subsection may not be construed as a substitute for the
267 degree requirement to take the exams for licensure as outlined
268 in subsection (2) ~~the person is in the final year, or is a~~
269 ~~graduate, of an approved surveying and mapping curriculum in a~~
270 ~~school that has been approved by the board.~~

271 Section 5. Paragraph (a) of subsection (5) of section
272 472.015, Florida Statutes, is amended to read:

273 472.015 Licensure.—

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

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276 1. Holds a valid license to practice surveying and mapping
 277 issued before ~~prior to~~ July 1, 1999, by another state or
 278 territory of the United States; has passed a national, regional,
 279 state, or territorial licensing examination that is
 280 substantially equivalent to the examination required by s.
 281 472.013; and has a specific experience record of at least 8
 282 years as a subordinate to a registered surveyor and mapper in
 283 the active practice of surveying and mapping, 6 years of which
 284 must be of a nature indicating that the applicant was in
 285 responsible charge of the accuracy and correctness of the
 286 surveying and mapping work performed; or

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

292 ~~3. Is a practicing photogrammetrist who holds the~~
 293 ~~Certified Photogrammetrist designation of the American Society~~
 294 ~~for Photogrammetry and Remote Sensing and held such designation~~
 295 ~~on or before July 1, 2005; is a graduate of a 4-year course of~~
 296 ~~study at an accredited college or university; and has a specific~~
 297 ~~experience record of 6 or more years as a subordinate to a~~
 298 ~~Certified Photogrammetrist of the American Society for~~
 299 ~~Photogrammetry and Remote Sensing in the active practice of~~
 300 ~~surveying and mapping, 5 years of which shall be of a nature~~

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301 ~~indicating that the applicant was in responsible charge of the~~
302 ~~accuracy and correctness of the surveying and mapping work~~
303 ~~performed. The course of study must have included not fewer than~~
304 ~~32 semester hours of study or its academic equivalent. The~~
305 ~~applicant must have completed a minimum of 25 semester hours~~
306 ~~from a college or university approved by the board in surveying~~
307 ~~and mapping subjects or in any combination of courses in civil~~
308 ~~engineering, surveying, mapping, mathematics, photogrammetry,~~
309 ~~forestry, or land law and the physical sciences. Any of the~~
310 ~~required 25 semester hours of study completed not as a part of~~
311 ~~the 4 year course of study shall be approved at the discretion~~
312 ~~of the board. Work experience acquired as a part of the~~
313 ~~education requirement shall not be construed as experience in~~
314 ~~responsible charge. The applicant must have applied to the~~
315 ~~department for licensure on or before July 1, 2007.~~

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

318 472.018 Continuing education.—The department may not renew
319 a license until the licensee submits proof satisfactory to the
320 board that during the 2 years before her or his application for
321 renewal the licensee has completed at least 24 hours of
322 continuing education. The board may provide by rule for
323 continuing education hours carryover for each renewal cycle not
324 to exceed 12 hours.

325 (1) The board shall adopt rules to establish the criteria

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326 ~~and course content~~ for continuing education providers ~~courses~~.
327 The rules may provide that up to a maximum of 25 percent of the
328 required continuing education hours may be fulfilled by the
329 performance of pro bono services to the indigent or to
330 underserved populations or in areas of critical need within the
331 state where the licensee practices. The board must require that
332 any pro bono services be approved in advance in order to receive
333 credit for continuing education under this section. The board
334 shall use the standard recognized by the Federal Poverty Income
335 Guidelines produced by the United States Department of Health
336 and Human Services in determining indigency. The board may adopt
337 rules that may provide that a part of the continuing education
338 hours may be fulfilled by performing research in critical need
339 areas or for training leading to advanced professional
340 certification. The board may adopt rules to define underserved
341 and critical need areas. The department shall adopt rules for
342 the administration of continuing education requirements adopted
343 by the board.

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

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

349 (a) For new licensees:

350 1. By requiring half of the required continuing education

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351 hours for any applicant who becomes licensed with more than half
 352 the renewal period remaining and no continuing education for any
 353 applicant who becomes licensed with half or less than half of
 354 the renewal period remaining; or

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

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

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

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

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

371 (7) For the purpose of determining which persons or
 372 entities must meet the reporting, recordkeeping, and access
 373 provisions of this section, the board by rule shall adopt a
 374 definition of the term "continuing education provider"
 375 applicable to the profession's continuing education

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376 requirements. The intent of the rule is to ensure that all
377 records and information necessary to carry out the requirements
378 of this section are maintained and transmitted accordingly and
379 to minimize disputes as to what person or entity is responsible
380 for maintaining and reporting such records and information.

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

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

393 (10) The board shall issue an order requiring a person or
394 entity to cease and desist from offering any continuing
395 education programs for licensees, and fining, suspending, or
396 revoking any approval of the provider previously granted by the
397 board if the board determines that the person or entity failed
398 to provide appropriate continuing education services ~~that~~
399 ~~conform to approved course material~~. The fine may not exceed
400 \$500 per violation. Investigations and prosecutions of a

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401 provider's failure to comply with its duties under this section
402 shall be conducted under s. 472.033.

403 (11) The board may establish, by rule, a fee not to exceed
404 \$250 for anyone seeking approval to provide continuing education
405 courses and may establish, by rule, a biennial fee not to exceed
406 \$250 for the renewal of providership of such courses. Such
407 postlicensure education courses are subject to the reporting,
408 monitoring, and compliance provisions of this section.

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

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

423 (14) The department shall establish a system to monitor
424 licensee compliance with continuing education requirements and
425 to determine the continuing education status of each licensee.

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426 As used in this subsection, the term "monitor" means the act of
 427 determining, for each licensee, whether the licensee is in full
 428 compliance with applicable continuing education requirements as
 429 of the date of the licensee's application for license renewal.

430 (15) The department may refuse to renew a license until
 431 the licensee has satisfied all applicable continuing education
 432 requirements. This subsection does not preclude the department
 433 or board from imposing additional penalties pursuant to this
 434 chapter or rules adopted pursuant this chapter.

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

437 472.025 Seals.—

438 (1) The board shall adopt, by rule, a form of seal to be
 439 used by all registrants holding valid certificates of
 440 registration, whether the registrants are corporations,
 441 partnerships, or individuals. Each registrant shall obtain a ~~an~~
 442 ~~impression-type metal~~ seal in that form; and all final drawings,
 443 plans, specifications, plats, or reports prepared or issued by
 444 the registrant in accordance with the standards of practice
 445 established by the board shall be signed by the registrant,
 446 dated, and stamped with his or her seal. This signature, date,
 447 and seal shall be evidence of the authenticity of that to which
 448 they are affixed. Each registrant may in addition register his
 449 or her seal electronically in accordance with ss. 668.001-
 450 668.006. Drawings, plans, specifications, reports, or documents

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451 prepared or issued by a registrant may be transmitted
 452 electronically and may be signed by the registrant, dated, and
 453 stamped electronically with such seal in accordance with ss.
 454 668.001-668.006.

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

457 472.0366 Elevation certificates; requirements for
 458 surveyors and mappers.—

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

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

469 487.2041 Enforcement of federal worker protection
 470 regulations.—The department shall, to the extent that resources
 471 are available, continue to operate under the United States
 472 Environmental Protection Agency regulations regarding the
 473 Labeling Requirement for Pesticides and Devices, 40 C.F.R. part
 474 156, and the Worker Protection Standard, 40 C.F.R. part 170,
 475 which the department shall adopt ~~adopted~~ by rule ~~during the~~

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476 ~~1995-1996 fiscal year and published in the Florida~~
477 ~~Administrative Code.~~ Any provision of this part not preempted by
478 federal law shall continue to apply.

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

481 493.6101 Definitions.—

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

491 (a) The location listed on the agency's Class "A" license
492 and up to two branch offices; or

493 (b) Up to three branch offices.

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

497 493.6105 Initial application for license.—

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

500 (j) A full set of fingerprints, a fingerprint processing

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501 fee, and a fingerprint retention fee. The fingerprint processing
502 and retention fees shall be established by rule of the
503 department based upon costs determined by state and federal
504 agency charges and department processing costs, which must
505 include the cost of retaining the fingerprints in the statewide
506 automated biometric identification system established in s.
507 943.05(2)(b) and the cost of enrolling the fingerprints in the
508 national retained print arrest notification program as required
509 under s. 493.6108. An applicant who has, within the immediately
510 preceding 6 months, submitted such fingerprints and fees for
511 licensing purposes under this chapter and who still holds a
512 valid license is not required to submit another set of
513 fingerprints or another fingerprint processing fee. An applicant
514 who holds multiple licenses issued under this chapter is
515 required to pay only a single fingerprint retention fee.
516 Partners and corporate officers who do not possess licenses
517 subject to renewal under s. 493.6113 are exempt from the
518 fingerprint retention requirements of this chapter.

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

521 (a) Submit one of the following:

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

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

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

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

534 493.6107 Fees.—

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

537 (a) Class "M" license—manager Class "AB" agency: \$75.

538 (b) Class "G" license—statewide firearm license: \$150.

539 (c) Class "K" license—firearms instructor: \$100.

540 (d) Fee for the examination for firearms instructor: \$75.

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

543 493.6108 Investigation of applicants by Department of
 544 Agriculture and Consumer Services.—

545 (3) The department must also investigate the mental
 546 history and current mental and emotional fitness of any Class
 547 "G" or Class "K" applicant and may deny a Class "G" or Class "K"
 548 license to anyone who has a history of mental illness or drug or
 549 alcohol abuse. Notwithstanding s. 790.065(2)(a)4.f., the
 550 Department of Law Enforcement is authorized, for the limited

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551 purpose of determining eligibility of Class "G" or Class "K"
 552 applicants and licensees under this chapter, to provide the
 553 department with mental health and substance abuse data of
 554 individuals who are prohibited from purchasing a firearm.

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

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

565 493.6112 Notification to Department of Agriculture and
 566 Consumer Services of changes of partner or officer or
 567 employees.—

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

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

583 Section 15. Paragraph (b) of subsection (3) of section
584 493.6113, Florida Statutes, is amended to read:

585 493.6113 Renewal application for licensure.—

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

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601 (b) Each Class "G" licensee shall additionally submit
 602 proof that he or she has received during each year of the
 603 license period a minimum of 4 hours of firearms requalification
 604 ~~recertification~~ training taught by a Class "K" licensee and has
 605 complied with such other health and training requirements that
 606 the department shall adopt by rule. Proof of completion of
 607 firearms requalification ~~recertification~~ training shall be
 608 submitted to the department upon completion of the training. A
 609 Class "G" licensee must successfully complete this
 610 requalification training for each type and caliber of firearm
 611 carried in the course of performing his or her regulated duties.
 612 If the licensee fails to complete the required 4 hours of annual
 613 training during the first year of the 2-year term of the
 614 license, the license shall be automatically suspended. The
 615 licensee must complete the minimum number of hours of range and
 616 classroom training required at the time of initial licensure and
 617 submit proof of completion of such training to the department
 618 before the license may be reinstated. If the licensee fails to
 619 complete the required 4 hours of annual training during the
 620 second year of the 2-year term of the license, the licensee must
 621 complete the minimum number of hours of range and classroom
 622 training required at the time of initial licensure and submit
 623 proof of completion of such training to the department before
 624 the license may be renewed. The department may waive the
 625 firearms training requirement if:

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

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

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

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

646 493.6115 Weapons and firearms.—

647 (4) A Class "C" or Class "CC" licensee who is 21 years of
 648 age or older and ~~who~~ has also been issued a Class "G" license
 649 may carry, in the performance of her or his duties, a concealed
 650 firearm. A Class "D" licensee who is 21 years of age or older

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651 and ~~who~~ has also been issued a Class "G" license may carry a
 652 concealed firearm in the performance of her or his duties under
 653 the conditions specified in s. 493.6305(3) and (4) ~~493.6305(2)~~.
 654 The Class "G" license must ~~shall~~ clearly indicate such
 655 authority. The authority of any such licensee to carry a
 656 concealed firearm is ~~shall be~~ valid in any location throughout
 657 the state, ~~in any location,~~ while performing services within the
 658 scope of the license.

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

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

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

669 493.6118 Grounds for disciplinary action.—

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

675 (a) Fraud or willful misrepresentation in applying for or

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676 obtaining a license.

677 (b) Use of any fictitious or assumed name by an agency
 678 unless the agency has department approval and qualifies under s.
 679 865.09.

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

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

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

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

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

700 (h) Failure of the licensee to maintain in full force and

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701 effect the commercial general liability insurance coverage
702 required by s. 493.6110.

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

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

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

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

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

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

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

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

738 (q) Failure of any licensee to have his or her license in
 739 his or her possession while on duty, as specified in s.
 740 493.6111(1).

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

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

748 (t) Violating any provision of this chapter.

749 (u) For a Class "G" licensee, failing to timely complete
 750 requalification ~~recertification~~ training as required in s.

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751 493.6113(3) (b) .

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

754 (w) For a Class "G" or a Class "K" applicant or licensee,
755 being prohibited from purchasing or possessing a firearm by
756 state or federal law.

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

761 1. Recovering a motor vehicle, mobile home, motorboat,
762 aircraft, personal watercraft, all-terrain vehicle, farm
763 equipment, or industrial equipment that has been sold under a
764 conditional sales agreement or under the terms of a chattel
765 mortgage before authorization has been received from the legal
766 owner or mortgagee.

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

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

775 4. Selling property recovered under the provisions of this

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776 | chapter, except with written authorization from the legal owner
 777 | or the mortgagee thereof.

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

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

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

788 | 8. Falsifying, altering, or failing to maintain any
 789 | required inventory or records regarding disposal of personal
 790 | property contained in or on repossessed property pursuant to s.
 791 | 493.6404(1).

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

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

800 | 11. Wearing, presenting, or displaying a badge in the

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801 course of performing a repossession regulated by this chapter.

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

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

806 (8) (a) Upon notification by a law enforcement agency, a
807 court, or the Department of Law Enforcement and upon subsequent
808 written verification, the department shall temporarily suspend a
809 Class "G" or Class "K" license if the licensee is arrested or
810 charged with a firearms-related crime that would disqualify such
811 person from licensure under this chapter. The department shall
812 notify the licensee suspended under this section of his or her
813 right to a hearing pursuant to chapter 120. A hearing conducted
814 regarding the temporary suspension must be for the limited
815 purpose of determining whether the licensee has been arrested or
816 charged with a disqualifying firearms-related crime.

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

821 (c) If the criminal case results in a disqualifying
822 disposition, the suspension remains in effect and the department
823 shall proceed with revocation proceedings pursuant to chapter
824 120.

825 (9) (a) Upon notification by a law enforcement agency, a

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826 court, or the Department of Law Enforcement and upon subsequent
 827 written verification, the department shall temporarily suspend a
 828 license if the licensee is arrested or charged with a forcible
 829 felony as defined in s. 776.08. The department shall notify the
 830 licensee suspended under this section of his or her right to a
 831 hearing pursuant to chapter 120. A hearing conducted regarding
 832 the temporary suspension must be for the limited purpose of
 833 determining whether the licensee has been arrested or charged
 834 with a forcible felony.

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

839 (c) If the criminal case results in a disqualifying
 840 disposition, the suspension remains in effect and the department
 841 shall proceed with revocation proceedings pursuant to chapter
 842 120.

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

845 493.6202 Fees.—

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

848 (a) Class "A" license—private investigative agency: \$450.

849 (b) Class "AA" or "AB" license—branch office: \$125.

850 (c) Class "MA" license—private investigative agency

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851 manager: \$75.

852 (d) Class "C" license-private investigator: \$75.

853 (e) Class "CC" license-private investigator intern: \$60.

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

857 493.6203 License requirements.—In addition to the license
 858 requirements set forth elsewhere in this chapter, each
 859 individual or agency shall comply with the following additional
 860 requirements:

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

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

874 (b) Notwithstanding the exemption provided in paragraph
 875 (a), if the license of an applicant for relicensure has been

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876 | invalid for more than 1 year, the applicant must take and pass
877 | the examination.

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

881 | (6)

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

899 | 1. Upon an applicant's successful completion of each part
900 | of the approved training and passage of any required

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901 examination, the school, community college, college, or
902 university shall issue a certificate of completion to the
903 applicant. The certificates must be on a form established by
904 rule of the department.

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

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

911 (c) ~~An individual who submits an application for a Class~~
912 ~~"CC" license on or after September 1, 2008, through December 31,~~
913 ~~2011, who has not completed the 16-hour course must submit proof~~
914 ~~of successful completion of the course within 180 days after the~~
915 ~~date the application is submitted. If documentation of~~
916 ~~completion of the required training is not submitted by that~~
917 ~~date, the individual's license shall be automatically suspended~~
918 ~~until proof of the required training is submitted to the~~
919 ~~department.~~ An individual licensed on or before August 31, 2008,
920 is not required to complete additional training hours in order
921 to renew an active license beyond the total required hours, and
922 the timeframe for completion in effect at the time he or she was
923 licensed applies.

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

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926 493.6302 Fees.—

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

929 (a) Class "B" license—security agency: \$450.

930 (b) Class "BB" or Class "AB" license—branch office: \$125.

931 (c) Class "MB" license—security agency manager: \$75.

932 (d) Class "D" license—security officer: \$45.

933 (e) Class "DS" license—security officer school or training
 934 facility: \$60.

935 (f) Class "DI" license—security officer school or training
 936 facility instructor: \$60.

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

939 493.6303 License requirements.—In addition to the license
 940 requirements set forth elsewhere in this chapter, each
 941 individual or agency must comply with the following additional
 942 requirements:

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

950 (b) ~~An individual who submits an application for a Class~~

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951 ~~"D" license on or after January 1, 2007, through December 31,~~
952 ~~2011, who has not completed the 16-hour course must submit proof~~
953 ~~of successful completion of the course within 180 days after the~~
954 ~~date the application is submitted. If documentation of~~
955 ~~completion of the required training is not submitted by that~~
956 ~~date, the individual's license shall be automatically suspended~~
957 ~~until proof of the required training is submitted to the~~
958 ~~department. A person licensed before January 1, 2007, is not~~
959 ~~required to complete additional training hours in order to renew~~
960 ~~an active license beyond the total required hours, and the~~
961 ~~timeframe for completion in effect at the time he or she was~~
962 ~~licensed applies.~~

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

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

973 493.6304 Security officer school or training facility.—

974 (1) Any school, training facility, or instructor who
975 offers the training specified ~~outlined~~ in s. 493.6303(4) for

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976 Class "D" applicants shall, before licensure of such school,
 977 training facility, or instructor, file with the department an
 978 application accompanied by an application fee in an amount to be
 979 determined by rule, not to exceed \$60. The fee is ~~shall~~ not ~~be~~
 980 refundable.

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

983 493.6402 Fees.—

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

- 986 (a) Class "R" license—recovery agency: \$450.
- 987 (b) Class "RR" license—branch office: \$125.
- 988 (c) Class "MR" license—recovery agency manager: \$75.
- 989 (d) Class "E" license—recovery agent: \$75.
- 990 (e) Class "EE" license—recovery agent intern: \$60.
- 991 (f) Class "RS" license—recovery agent school or training
 992 facility: \$60.
- 993 (g) Class "RI" license—recovery agent school or training
 994 facility instructor: \$60.

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

997 493.6403 License requirements.—

998 (2) ~~Beginning October 1, 1994,~~ An applicant for a Class
 999 "E" or a Class "EE" license must submit proof of successful
 1000 completion ~~have completed a minimum~~ of 40 hours of professional

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1001 training at a school or training facility licensed by the
 1002 department. The department shall by rule establish the general
 1003 content for the training.

1004 Section 25. Subsection (6) is added to section 501.013,
 1005 Florida Statutes, to read:

1006 501.013 Health studios; exemptions.—The following
 1007 businesses or activities may be declared exempt from the
 1008 provisions of ss. 501.012-501.019 upon the filing of an
 1009 affidavit with the department establishing that the stated
 1010 qualifications are met:

1011 (6) A program or facility that is offered by an
 1012 organization for the exclusive use of its employees and their
 1013 family members.

1014 Section 26. Paragraph (a) of subsection (3) of section
 1015 501.059, Florida Statutes, is amended to read:

1016 501.059 Telephone solicitation.—

1017 (3)(a) If any residential, mobile, or telephonic paging
 1018 device telephone subscriber notifies the department of his or
 1019 her desire to be placed on a "no sales solicitation calls"
 1020 listing indicating that the subscriber does not wish to receive
 1021 unsolicited telephonic sales calls, the department shall place
 1022 the subscriber on that listing ~~for 5 years~~.

1023 Section 27. Paragraph (a) of subsection (1) and subsection
 1024 (3) of section 507.04, Florida Statutes, are amended to read:

1025 507.04 Required insurance coverages; liability

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1026 | limitations; valuation coverage.—

1027 | (1) LIABILITY INSURANCE.—

1028 | (a)1. Except as provided in paragraph (b), each mover
 1029 | operating in this state must maintain current and valid
 1030 | liability insurance coverage of at least \$10,000 per shipment
 1031 | for the loss or damage of household goods resulting from the
 1032 | negligence of the mover or its employees or agents.

1033 | 2. The mover must provide the department with evidence of
 1034 | liability insurance coverage before the mover is registered with
 1035 | the department under s. 507.03. All insurance coverage
 1036 | maintained by a mover must remain in effect throughout the
 1037 | mover's registration period. A mover's failure to maintain
 1038 | insurance coverage in accordance with this paragraph constitutes
 1039 | an immediate threat to the public health, safety, and welfare.
 1040 | ~~If a mover fails to maintain insurance coverage, the department~~
 1041 | ~~may immediately suspend the mover's registration or eligibility~~
 1042 | ~~for registration, and the mover must immediately cease operating~~
 1043 | ~~as a mover in this state. In addition, and notwithstanding the~~
 1044 | ~~availability of any administrative relief pursuant to chapter~~
 1045 | ~~120, the department may seek from the appropriate circuit court~~
 1046 | ~~an immediate injunction prohibiting the mover from operating in~~
 1047 | ~~this state until the mover complies with this paragraph, a civil~~
 1048 | ~~penalty not to exceed \$5,000, and court costs.~~

1049 | (3) INSURANCE COVERAGES.—The insurance coverages required
 1050 | under paragraph (1) (a) and subsection (2) must be issued by an

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1051 insurance company or carrier licensed to transact business in
 1052 this state under the Florida Insurance Code as designated in s.
 1053 624.01. The department shall require a mover to present a
 1054 certificate of insurance of the required coverages before
 1055 issuance or renewal of a registration certificate under s.
 1056 507.03. The department shall be named as a certificateholder in
 1057 the certificate and must be notified at least 10 days before
 1058 cancellation of insurance coverage. If a mover fails to maintain
 1059 insurance coverage, the department may immediately suspend the
 1060 mover's registration or eligibility for registration, and the
 1061 mover must immediately cease operating as a mover in this state.
 1062 In addition, and notwithstanding the availability of any
 1063 administrative relief pursuant to chapter 120, the department
 1064 may seek from the appropriate circuit court an immediate
 1065 injunction prohibiting the mover from operating in this state
 1066 until the mover complies with this section, a civil penalty not
 1067 to exceed \$5,000, and court costs.

1068 Section 28. Subsection (1) of section 531.37, Florida
 1069 Statutes, is amended to read:

1070 531.37 Definitions.—As used in this chapter:

1071 (1) "Weights and measures" means all weights and measures
 1072 of every kind, instruments, and devices for weighing and
 1073 measuring, and any appliance and accessories associated with any
 1074 or all such instruments and devices, excluding taximeters,
 1075 transportation measurement systems, and those weights and

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1076 | measures used for the purpose of inspecting the accuracy of
 1077 | devices used in conjunction with aviation fuel.

1078 | Section 29. Subsection (1) of section 531.61, Florida
 1079 | Statutes, is amended to read:

1080 | 531.61 Exemptions from permit requirement.—Commercial
 1081 | weights or measures instruments or devices are exempt from the
 1082 | requirements of ss. 531.60–531.66 if:

1083 | ~~(1) The device is a taximeter that is licensed, permitted,~~
 1084 | ~~or registered by a municipality, county, or other local~~
 1085 | ~~government and is tested for accuracy and compliance with state~~
 1086 | ~~standards by the local government in cooperation with the state~~
 1087 | ~~as authorized in s. 531.421.~~

1088 | Section 30. Paragraph (g) of subsection (2) of section
 1089 | 531.63, Florida Statutes, is amended to read:

1090 | 531.63 Maximum permit fees.—The commercial use permit fees
 1091 | established for weights or measures instruments or devices shall
 1092 | be in an amount necessary to administer this chapter but may not
 1093 | exceed the amounts provided in this section.

1094 | (2) For other measuring devices, the annual permit fees
 1095 | per device may not exceed the following:

1096 | ~~(g) Taximeters — \$50.~~

1097 | Section 31. Section 534.021, Florida Statutes, is amended
 1098 | to read:

1099 | 534.021 Recording of marks or brands.—The department shall
 1100 | be the recorder of livestock marks or brands, and the marks or

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1101 brands may not be recorded elsewhere in the state. Any livestock
1102 owner who uses a mark or brand to identify her or his livestock
1103 must register the mark or brand by applying to the department.
1104 The application must be made on a form prescribed by the
1105 department and must be accompanied by a detailed drawing
1106 ~~facsimile~~ of the brand applied for and a statement identifying
1107 the county in which the applicant has or expects to have
1108 livestock bearing the mark or brand to be recorded. The
1109 department shall, upon its satisfaction that the application
1110 meets the requirements of this chapter, record the mark or brand
1111 for exclusive statewide use by the applicant. If an application
1112 is made to record a mark or brand previously recorded, the
1113 department shall determine whether the county in which the mark
1114 or brand will be used is near enough to another county in which
1115 the previously recorded mark or brand is used to cause confusion
1116 or to aid theft or dishonesty, and if so, the department must
1117 decline to admit to record the mark or brand. If a conflict
1118 arises between the owner of any recorded mark or brand and
1119 another claiming the right to record the same mark or brand, the
1120 department must give preference to the present owner. The
1121 department shall charge and collect at the time of recording a
1122 fee of \$10 for each mark or brand. A person may not use any mark
1123 or brand to which another has a prior right of record. It is
1124 unlawful to brand any animal with a brand not registered with
1125 the department.

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1126 Section 32. Section 534.041, Florida Statutes, is amended
 1127 to read:
 1128 534.041 Renewal of certificate of mark or brand.—The
 1129 registration of a mark or brand entitles the registered owner to
 1130 exclusive ownership and use of the mark or brand for a period
 1131 ending at midnight on the last day of the month 10 ~~5~~ years after
 1132 ~~from~~ the date of registration. Upon application, registration
 1133 may be renewed, ~~upon application and payment of a renewal fee of~~
 1134 ~~\$5,~~ for successive 10-year ~~5-year~~ periods, each ending at
 1135 midnight on the last day of the month 10 ~~5~~ years after ~~from~~ the
 1136 date of renewal. At least 60 days before ~~prior to~~ the expiration
 1137 of a registration, the department shall notify by letter the
 1138 registered owner of the mark or brand that, upon application for
 1139 renewal and payment of the renewal fee, the department will
 1140 issue a renewal certificate granting the registered owner
 1141 exclusive ownership and use of the mark or brand for another 10-
 1142 year ~~5-year~~ period ending at midnight on the last day of the
 1143 month 10 ~~5~~ years after ~~from~~ the date of renewal. Failure to make
 1144 application for renewal within the month of expiration of a
 1145 registration will cause the department to send a second notice
 1146 to the registered owner by mail at her or his last known
 1147 address. Failure of the registered owner to make application for
 1148 renewal within 30 days after receipt of the second notice will
 1149 cause the owner's mark or brand to be placed on an inactive list
 1150 for a period of 12 months, after which it will be canceled and

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1151 | become subject to registration by another person.

1152 | Section 33. Section 534.061, Florida Statutes, is
 1153 | repealed.

1154 | Section 34. Subsection (45) is added to section 570.07,
 1155 | Florida Statutes, to read:

1156 | 570.07 Department of Agriculture and Consumer Services;
 1157 | functions, powers, and duties.—The department shall have and
 1158 | exercise the following functions, powers, and duties:

1159 | (45) To perform food safety inspection services where raw
 1160 | agricultural commodities are grown, produced, harvested, held,
 1161 | packed, or repacked.

1162 | Section 35. Subsection (1) of section 573.118, Florida
 1163 | Statutes, is amended to read:

1164 | 573.118 Assessment; funds; review of accounts; loans.—

1165 | (1) To provide funds to defray the necessary expenses
 1166 | incurred by the department in the formulation, issuance,
 1167 | administration, and enforcement of any marketing order, every
 1168 | person engaged in the production, distributing, or handling of
 1169 | agricultural commodities within this state, and directly
 1170 | affected by any marketing order, shall pay to the department, at
 1171 | such times and in such installments as the department may
 1172 | prescribe, such person's pro rata share of necessary expenses.
 1173 | Each person's share of expenses shall be that proportion which
 1174 | the total volume of agricultural commodities produced,
 1175 | distributed, or handled by the person during the current

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1176 marketing season, or part thereof covered by such marketing
 1177 order, is of the total volume of the commodities produced,
 1178 distributed, or handled by all such persons during the same
 1179 current marketing season or part thereof. The department, after
 1180 receiving the recommendations of the advisory council, shall fix
 1181 the rate of assessment on the volume of agricultural commodities
 1182 sold or some other equitable basis. For convenience of
 1183 collection, upon request of the department, handlers of the
 1184 commodities shall pay any producer assessments. Handlers paying
 1185 assessments for and on behalf of any producers may collect the
 1186 producer assessments from any moneys owed by the handlers to the
 1187 producers. The collected assessments shall be deposited into the
 1188 appropriate trust fund and used for the sole purpose of
 1189 implementing the marketing order for which the assessment was
 1190 collected. The department is not subject to s. 287.057 in the
 1191 expenditure of these funds. However, the director of the
 1192 Division of Fruit and Vegetables ~~Marketing and Development~~ shall
 1193 file with the internal auditor of the department a certification
 1194 of conditions and circumstances justifying each contract or
 1195 agreement entered into without competitive bidding.

1196 Section 36. Paragraph (b) of subsection (4) of section
 1197 590.02, Florida Statutes, is amended to read:

1198 590.02 Florida Forest Service; powers, authority, and
 1199 duties; liability; building structures; Withlacoochee Training
 1200 Center.—

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1201 (4)

1202 (b) Notwithstanding s. 553.80(1), the department shall

1203 exclusively enforce the Florida Building Code as it pertains to

1204 wildfire, ~~and law enforcement,~~ and other Florida Forest Service

1205 facilities under the jurisdiction of the department.

1206 Section 37. Paragraph (a) of subsection (5) of section

1207 597.004, Florida Statutes, is amended to read:

1208 597.004 Aquaculture certificate of registration.—

1209 (5) SALE OF AQUACULTURE PRODUCTS.—

1210 (a) Aquaculture products, except shellfish, snook, and any

1211 fish of the genus *Micropterus*, and prohibited and restricted

1212 freshwater and marine species identified by rules of the Fish

1213 and Wildlife Conservation Commission, may be sold by an

1214 aquaculture producer certified pursuant to this section or by a

1215 dealer licensed pursuant to part VII of chapter 379 without

1216 restriction so long as the product origin can be identified.

1217 Section 38. Subsection (2) of section 604.16, Florida

1218 Statutes, is amended to read:

1219 604.16 Exceptions to provisions of ss. 604.15-604.34.—

1220 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do

1221 not apply to:

1222 (2) A dealer in agricultural products who pays at the time

1223 of purchase with United States cash currency or a cash

1224 equivalent, such as a money order, cashier's check, wire

1225 transfer, electronic funds transfer, or PIN-based debit

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1226 transaction, or who pays with a credit card as defined in s.
 1227 658.995(2)(a).

1228 Section 39. Subsections (2) and (4) and paragraph (b) of
 1229 subsection (5) of section 790.06, Florida Statutes, are amended
 1230 to read:

1231 790.06 License to carry concealed weapon or firearm.—

1232 (2) The Department of Agriculture and Consumer Services
 1233 shall issue a license if the applicant:

1234 (a) Is a resident of the United States and a citizen of
 1235 the United States or a permanent resident alien of the United
 1236 States, as determined by the United States Bureau of Citizenship
 1237 and Immigration Services, or is a consular security official of
 1238 a foreign government that maintains diplomatic relations and
 1239 treaties of commerce, friendship, and navigation with the United
 1240 States and is certified as such by the foreign government and by
 1241 the appropriate embassy in this country;

1242 (b) Is 21 years of age or older;

1243 (c) Does not suffer from a physical infirmity which
 1244 prevents the safe handling of a weapon or firearm;

1245 (d) Is not ineligible to possess a firearm pursuant to s.
 1246 790.23 by virtue of having been convicted of a felony;

1247 (e) Has not been: ~~committed for the abuse of a controlled~~
 1248 ~~substance or been~~

1249 1. Found guilty of a crime under the provisions of chapter
 1250 893 or similar laws of any other state relating to controlled

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1251 substances within a 3-year period immediately preceding the date
 1252 on which the application is submitted; or

1253 2. Committed for the abuse of a controlled substance under
 1254 chapter 397 or under the provisions of former chapter 396 or
 1255 similar laws of any other state. An applicant who has been
 1256 granted relief from firearms disabilities pursuant to s.
 1257 790.065(2)(a)4.d. or pursuant to the law of the state in which
 1258 the commitment occurred is deemed not to be committed for the
 1259 abuse of a controlled substance under this subparagraph;

1260 (f) Does not chronically and habitually use alcoholic
 1261 beverages or other substances to the extent that his or her
 1262 normal faculties are impaired. It shall be presumed that an
 1263 applicant chronically and habitually uses alcoholic beverages or
 1264 other substances to the extent that his or her normal faculties
 1265 are impaired if the applicant has been ~~committed under chapter~~
 1266 ~~397 or under the provisions of former chapter 396 or has been~~
 1267 convicted under s. 790.151 or has been deemed a habitual
 1268 offender under s. 856.011(3), or has had two or more convictions
 1269 under s. 316.193 or similar laws of any other state, within the
 1270 3-year period immediately preceding the date on which the
 1271 application is submitted;

1272 (g) Desires a legal means to carry a concealed weapon or
 1273 firearm for lawful self-defense;

1274 (h) Demonstrates competence with a firearm by any one of
 1275 the following:

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- 1276 1. Completion of any hunter education or hunter safety
 1277 course approved by the Fish and Wildlife Conservation Commission
 1278 or a similar agency of another state;
- 1279 2. Completion of any National Rifle Association firearms
 1280 safety or training course;
- 1281 3. Completion of any firearms safety or training course or
 1282 class available to the general public offered by a law
 1283 enforcement agency, junior college, college, or private or
 1284 public institution or organization or firearms training school,
 1285 using instructors certified by the National Rifle Association,
 1286 Criminal Justice Standards and Training Commission, or the
 1287 Department of Agriculture and Consumer Services;
- 1288 4. Completion of any law enforcement firearms safety or
 1289 training course or class offered for security guards,
 1290 investigators, special deputies, or any division or subdivision
 1291 of a law enforcement agency or security enforcement;
- 1292 5. Presents evidence of equivalent experience with a
 1293 firearm through participation in organized shooting competition
 1294 or military service;
- 1295 6. Is licensed or has been licensed to carry a firearm in
 1296 this state or a county or municipality of this state, unless
 1297 such license has been revoked for cause; or
- 1298 7. Completion of any firearms training or safety course or
 1299 class conducted by a state-certified or National Rifle
 1300 Association certified firearms instructor;

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1301
 1302 A photocopy of a certificate of completion of any of the courses
 1303 or classes; an affidavit from the instructor, school, club,
 1304 organization, or group that conducted or taught such course or
 1305 class attesting to the completion of the course or class by the
 1306 applicant; or a copy of any document that shows completion of
 1307 the course or class or evidences participation in firearms
 1308 competition shall constitute evidence of qualification under
 1309 this paragraph. A person who conducts a course pursuant to
 1310 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
 1311 an instructor, attests to the completion of such courses, must
 1312 maintain records certifying that he or she observed the student
 1313 safely handle and discharge the firearm in his or her physical
 1314 presence and that the discharge of the firearm included live
 1315 fire using a firearm and ammunition as defined in s. 790.001;
 1316 (i) Has not been adjudicated an incapacitated person under
 1317 s. 744.331, or similar laws of any other state. An applicant who
 1318 has been granted relief from firearms disabilities pursuant to
 1319 s. 790.065(2)(a)4.d. or pursuant to the law of the state in
 1320 which the adjudication occurred is deemed not to have been
 1321 adjudicated an incapacitated person under this paragraph, ~~unless~~
 1322 ~~5 years have elapsed since the applicant's restoration to~~
 1323 ~~capacity by court order;~~
 1324 (j) Has not been committed to a mental institution under
 1325 chapter 394, or similar laws of any other state. An applicant

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1326 who has been granted relief from firearms disabilities pursuant
 1327 to s. 790.065(2)(a)4.d. or pursuant to the law of the state in
 1328 which the commitment occurred is deemed not to have been
 1329 committed in a mental institution under this paragraph, unless
 1330 ~~the applicant produces a certificate from a licensed~~
 1331 ~~psychiatrist that he or she has not suffered from disability for~~
 1332 ~~at least 5 years before the date of submission of the~~
 1333 ~~application;~~

1334 (k) Has not had adjudication of guilt withheld or
 1335 imposition of sentence suspended on any felony unless 3 years
 1336 have elapsed since probation or any other conditions set by the
 1337 court have been fulfilled, or expunction has occurred;

1338 (l) Has not had adjudication of guilt withheld or
 1339 imposition of sentence suspended on any misdemeanor crime of
 1340 domestic violence unless 3 years have elapsed since probation or
 1341 any other conditions set by the court have been fulfilled, or
 1342 the record has been expunged;

1343 (m) Has not been issued an injunction that is currently in
 1344 force and effect and that restrains the applicant from
 1345 committing acts of domestic violence or acts of repeat violence;
 1346 and

1347 (n) Is not prohibited from purchasing or possessing a
 1348 firearm by any other provision of Florida or federal law.

1349 (4) The application shall be completed, under oath, on a
 1350 form adopted by the Department of Agriculture and Consumer

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1351 Services and shall include:

1352 (a) The name, address, place of birth, date of birth, and
 1353 race of the applicant;

1354 (b) A statement that the applicant is in compliance with
 1355 criteria contained within subsections (2) and (3);

1356 (c) A statement that the applicant has been furnished a
 1357 copy of or a website link to this chapter and is knowledgeable
 1358 of its provisions;

1359 (d) A conspicuous warning that the application is executed
 1360 under oath and that a false answer to any question, or the
 1361 submission of any false document by the applicant, subjects the
 1362 applicant to criminal prosecution under s. 837.06;

1363 (e) A statement that the applicant desires a concealed
 1364 weapon or firearms license as a means of lawful self-defense;
 1365 and

1366 (f) Directions for an applicant who is a servicemember, as
 1367 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
 1368 request expedited processing of his or her application.

1369 (5) The applicant shall submit to the Department of
 1370 Agriculture and Consumer Services or an approved tax collector
 1371 pursuant to s. 790.0625:

1372 (b) A nonrefundable license fee of up to \$55 ~~\$60~~ if he or
 1373 she has not previously been issued a statewide license or of up
 1374 to \$45 ~~\$50~~ for renewal of a statewide license. The cost of
 1375 processing fingerprints as required in paragraph (c) shall be

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1376 borne by the applicant. However, an individual holding an active
1377 certification from the Criminal Justice Standards and Training
1378 Commission as a law enforcement officer, correctional officer,
1379 or correctional probation officer as defined in s. 943.10(1),
1380 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
1381 requirements of this section. If such individual wishes to
1382 receive a concealed weapon or firearm license, he or she is
1383 exempt from the background investigation and all background
1384 investigation fees but must pay the current license fees
1385 regularly required to be paid by nonexempt applicants. Further,
1386 a law enforcement officer, a correctional officer, or a
1387 correctional probation officer as defined in s. 943.10(1), (2),
1388 or (3) is exempt from the required fees and background
1389 investigation for 1 year after his or her retirement.

1390 Section 40. This act shall take effect July 1, 2017.