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Requirements for Grain Dealers

State of Florida

Licensing

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Requirements for Grain Dealers

STATE OF FLORIDA

Current through the 2014 Reg. Sess. And Sp. "A" Sess. Of the Twenty-Third Legislature

West's F.S.A. § 604.17 **604.17. License required**

It shall be unlawful for any dealer in agricultural products who comes within the terms of this law to engage in such business in this state without a state license issued by the department.

West's F.S.A. § 604.18 **604.18. Application; form; contents**

Every dealer in agricultural products desiring to transact business within the state directly with a Florida producer, a producer's agent or representative, or a negotiating broker shall, prior to transacting any business as such, file an application for such license with the department. The license shall be renewed annually on its anniversary date. The application shall be on a form furnished by the department and, together with such other information as the department shall require, shall state:

- (1) The kind or kinds of agricultural products the applicant proposes to handle.
- (2) The full name or title of the person, partnership, corporation, or other business entity and the name and mailing address of each owner, partner, officer, or managing agent.
- (3) The names of buyers or other local agents of the applicant, if any.
- (4) The cities and towns within which places of business of the applicant will be located, together with the street or mailing address of each.
- (5) The federal employer's identification number of the applicant, if any.
- (6) The primary mailing address and physical address for each place of business. A dealer in agricultural products must have on file with the department the address of the dealer's primary place of business prior to engaging in business as a dealer in agricultural products in this state. Prior to changing the address of the primary place of business, the dealer must notify the department of the address of the new primary place of business. All documents relating to the provisions of ss. 604.15-604.34 and chapter 120 shall be served to the last address of record; to a corporation's registered agent or the registered agent's substitute; in the absence of a registered agent, to an owner, officer, partner, employee, or managing agent of the business entity; or as designated by the applicant in the applicant's application.
- (7) The dollar amount of business done by a renewal applicant with Florida producers and their agents or representatives during the month in which the maximum dollar amount of agricultural products was purchased or handled as a dealer in agricultural products or the dollar amount of business estimated to be done by a first-time applicant with Florida producers and their agents or representatives during the month in which the estimated maximum dollar amount of agricultural products will be purchased or handled as a dealer in agricultural products.

West's F.S.A. § 604.19
604.19. License; fee; bond; certificate of deposit; penalty

Unless the department refuses the application on one or more of the grounds provided in this section, it shall issue to an applicant, upon the payment of required fees and the execution and delivery of a bond or certificate of deposit as provided in this section, a state license entitling the applicant to conduct business as a dealer in agricultural products for a 1-year period to coincide with the effective period of the bond or certificate of deposit furnished by the applicant. During the 1-year period covered by a license, if the supporting surety bond or certificate of deposit is canceled for any reason, the license shall automatically expire on the date the surety bond or certificate of deposit terminates, unless an acceptable replacement is in effect before the date of termination so that continual coverage occurs for the remaining period of the license. A surety company shall give the department a 30-day written notice of cancellation by certified mail in order to cancel a bond. Cancellation of a bond or certificate of deposit shall not relieve a surety company or financial institution of liability for purchases or sales occurring while the bond or certificate of deposit was in effect. The license fee, which must be paid for the principal place of business for a dealer in agricultural products, shall be based upon the amount of the dealer's surety bond or certificate of deposit furnished by each dealer under the provisions of s. 604.20 and may not exceed \$500. For each additional place in which the applicant desires to conduct business and which the applicant names in the application, the additional license fee must be paid but may not exceed \$100 annually. Should any dealer in agricultural products fail, refuse, or neglect to apply and qualify for the renewal of a license on or before the date of expiration thereof, a penalty not to exceed \$100 shall apply to and be added to the original license fee and shall be paid by the applicant before the renewal license may be issued. The department by rule shall prescribe fee amounts sufficient to fund ss. 604.15-604.34.

West's F.S.A. § 604.25
604.25. Refusal to grant, or suspension or revocation of, license

- (1) The department may decline to grant a license or may suspend or revoke a license already granted if the applicant or licensee has:
- (a) Suffered a monetary judgment entered against the applicant or licensee upon which execution has been returned unsatisfied;
 - (b) Made false charges for handling or services rendered;
 - (c) Failed to account promptly and properly or to make settlements with any producer;
 - (d) Made any false statement or statements as to condition, quality, or quantity of goods received or held for sale when the true condition, quality, or quantity could have been ascertained by reasonable inspection;
 - (e) Made any false or misleading statement or statements as to market conditions or service rendered;
 - (f) Been guilty of a fraud in the attempt to procure, or the procurement of, a license;
 - (g) Directly or indirectly sold agricultural products received on consignment or on a net return basis for her or his own account, without prior authority from the producer consigning the same, or without notifying such producer;
 - (h) Employed in a responsible position a person, or an officer of a corporation, who has failed to fully comply with an order of the department at any time within 1 year after issuance;
 - (i) Violated any statute or rule relating to the purchase or sale of any agricultural product,

whether or not such transaction is subject to the provisions of this chapter; or

(j) Failed to submit to the department an application, appropriate license fees, and an acceptable surety bond or certificate of deposit.

(2) If a licensee fails or refuses to comply in full with an order of the department, her or his license may be suspended or revoked, in which case she or he shall not be eligible for license for a period of 1 year or until she or he has fully complied with the order of the department.

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