



Florida Department of Agriculture and Consumer Services
Division of Consumer Services

STATEMENT OF EXEMPTION

NICOLE "NIKKI" FRIED
COMMISSIONER

Section 604.16, Florida Statutes
Rule 5J-25.009, Florida Administrative Code
Phone (850) 617-7150; Fax (850) 410-3804

The undersigned authority, _____
(Name of person making statement)

whose title is _____ of _____
(Name of Business)

located at _____
(Complete street address, City, State, & Zip Code)

States the following:

This business is exempt from the requirements of §§604.15-604.34 [except for §604.22(2)], Florida Statutes, because it meets the requirements of the following exemption(s):

§604.16(1), Florida Statutes, exempts farmers or groups of farmers in the sale of agricultural products grown by themselves.

§604.16(2), Florida Statutes, exempts a dealer in agricultural products who pays at the time of purchase with United States cash currency or a cash equivalent, such as a money order, cashier's check, wire transfer, electronic funds transfer, or PIN-based debit transaction, or who pays with a credit card as defined in §658.995(2)(a), Florida Statutes. **[For purposes of this exemption personal or company checks and drafts are not considered to be "cash or cash equivalents".]**

§604.16(3), Florida Statutes, exempts a dealer who operates as a bonded licensee under the federal Packers and Stockyard Act.

§604.16(4), Florida Statutes, exempts a dealer who purchases less than \$1,000 worth of agricultural products from Florida producers or their agents or representatives during the peak month of such purchases within the calendar year.

§604.16(5), Florida Statutes, exempts a dealer in agricultural products to the extent that the dealer purchases agricultural products from a producer that is owned by the same person who owns the dealer, a producer that is owned solely by the dealer, or a producer that solely owns the dealer.

This statement is made to claim an exemption from the licensing requirements of §604.15-604.34, Florida Statutes, in order that the business may operate as an agricultural dealer under one of the statutory exemptions.

I understand that §604.17, Florida Statutes, provides it is unlawful for any dealer in agricultural products who comes within the terms of this law to engage in such business in this the State of Florida without a state license issued by the Florida Department of Agriculture and Consumer Services (department).

I understand that §604.30, Florida Statutes, provides that any dealer in agricultural products who engages in non-exempt activities without a license is guilty of a misdemeanor of the second degree and for a second or subsequent offense is guilty of a misdemeanor of the first degree. In addition, §604.30, Florida Statutes, provides for fines of up to \$2,500 per violation and a fine of up to \$100 per day for continued violation after the department has entered a Final Order.

I understand that §604.23, Florida Statutes, provides that my claim for an exemption is subject to verification by the department.

Should the nature of this business' activities change, the department will be notified immediately of the change so that a new determination of the applicability of the law can be made at that time.

(Signature)

(Date)

(Print Name)

(Telephone Number)

Mail completed form to: **FDACS
Agricultural Dealer's Licenses
2005 Apalachee Parkway
Tallahassee, Florida 32399-6500**