

**SB 1092** by **Simpson**; (Compare to CS/H 0537) Commercial Motor Vehicle Review Board

570956 D S RCS AG, Grimsley Delete everything after 03/18 08:27 AM

**SB 1138** by **Evers**; (Similar to H 1135) Civil Liability of Farmers

788862 A S RCS AG, Grimsley btw L.28 - 29: 03/18 08:27 AM

**SB 1342** by **Dean**; (Similar to H 1147) Nonresidential Farm Buildings

322240 A S RCS AG, Grimsley Delete L.19: 03/18 08:29 AM

**SB 1630** by **Montford**; (Similar to H 7091) Department of Agriculture and Consumer Services

670548 PCS S RCS AG 03/18 09:22 AM  
271836 PCS:A S RCS AG, Brandes btw L.906 - 907: 03/18 09:22 AM  
928912 PCS:A S RCS AG, Montford Delete L.2066: 03/18 09:22 AM  
752580 PCS:A S RCS AG, Montford Delete L.2240 - 2259. 03/18 09:22 AM  
859354 PCS:A S RCS AG, Montford Delete L.2275 - 2277: 03/18 09:22 AM  
416934 PCS:A S RCS AG, Montford Delete L.2684 - 2685: 03/18 09:22 AM  
415224 PCS:A S RCS AG, Montford Delete L.3254: 03/18 09:22 AM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**AGRICULTURE**  
**Senator Montford, Chair**  
**Senator Bullard, Vice Chair**

**MEETING DATE:** Monday, March 17, 2014  
**TIME:** 4:30 —6:00 p.m.  
**PLACE:** 301 Senate Office Building

**MEMBERS:** Senator Montford, Chair; Senator Bullard, Vice Chair; Senators Brandes, Galvano, Garcia, Grimsley, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 1092</b> Simpson (Compare CS/H 537)	Commercial Motor Vehicle Review Board; Transferring the board from the Department of Transportation to the Department of Agriculture and Consumer Services; revising membership of the board; requiring appointment of additional members; providing qualifications for such members; directing the Governor to make appointments to the board by a certain date, etc.  AG 03/17/2014 Fav/CS TR AP	Fav/CS Yeas 7 Nays 0
2	<b>SB 1138</b> Evers (Similar H 1135)	Civil Liability of Farmers; Expanding an existing exemption from civil liability for farmers who gratuitously allow a person to enter upon their land for the purpose of removing farm produce or crops left in the field after harvesting to include farmers who gratuitously allow a person to enter upon their land to remove any farm produce or crops, etc.  AG 03/17/2014 Fav/CS JU	Fav/CS Yeas 7 Nays 0
3	<b>SB 1342</b> Dean (Similar H 1147)	Nonresidential Farm Buildings; Exempting nonresidential farm buildings, farm fences, and farm signs that are located on lands used for bona fide agricultural purposes from any county or municipal assessment, etc.  AG 03/17/2014 Fav/CS CA AP	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Agriculture

Monday, March 17, 2014, 4:30 —6:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1630</b> Montford (Similar H 7091)	Department of Agriculture and Consumer Services; Providing for appointment of a department representative to the Joint Task Force on State Agency Law Enforcement Communications; authorizing the department to impose certain civil penalties for violations relating to private security, investigative, and repossession services; providing for the inspection of food records for certain purposes; repealing provisions relating to the Florida Consumer Services Act; authorizing specified uses of funds from the Conservation and Recreation Lands Program Trust Fund, etc.  AG 03/17/2014 Fav/CS AGG AP	Fav/CS Yeas 7 Nays 0
5	Presentation by the Future Farmers of America		Presented
Other Related Meeting Documents			

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: CS/SB 1092

INTRODUCER: Agriculture Committee and Senator Simpson

SUBJECT: Commercial Motor Vehicle Review Board

DATE: March 18, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	<b>Fav/CS</b>
2.	_____	_____	TR	_____
3.	_____	_____	AP	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1092 revises the membership of the Commercial Motor Vehicle Review Board, within the Florida Department of Transportation, by adding three additional members. The Governor is authorized to appoint a member from the road construction industry and one from the trucking industry. It authorizes the Commissioner of Agriculture to appoint a member from the agriculture industry. The appointments must be made by September 1, 2014, for terms beginning October 1, 2014.

**II. Present Situation:**

The Commercial Motor Vehicle Review Board (Board) was created in 1963 by s. 316.545(7), F.S., and consists of three permanent members: the Secretary of the Department of Transportation, the Executive Director of the Department of Highway Safety and Motor Vehicles, and the Commissioner of Agriculture, or their authorized representatives. The Board may review any penalty imposed upon any vehicle or person under the provisions of ch. 316, F.S., relating to weights imposed on the highways by the axles and wheels of motor vehicles, to special fuel and motor tax compliance, or to violations of safety regulations. Rule 14A-1.001, F.A.C., provides that the Board may modify, cancel, revoke or sustain any civil penalty imposed pursuant to ss. 316.540, 316.545, or 316.3025, F.S. Commercial motor vehicle citation forms have a written statement that explains to the violator the opportunity to protest the violation before the Board. The Board reviews penalties imposed primarily by the Office of Motor Carrier and Compliance field staff of the Department of Transportation. Individuals may request a

formal administrative hearing pursuant to s. 120.57, F.S., if they are not satisfied with the Board’s decisions.<sup>1</sup>

In order to protest a citation, the total amount of the citation must be paid and a written explanation of the ground for protest must be provided within sixty days of the receipt of the citation. The document must contain sufficient information to enable the Board to give adequate consideration to the case. In addition to the letter of protest, a copy of the citation being protested must be provided along with any additional pertinent documentation and evidence.<sup>2</sup>

The following chart represents case volumes and outcomes for the Board during the preceding two fiscal years:

<b>Commercial Motor Vehicle Review Board<sup>3</sup></b>				
<b>Year</b>	<b>Number of Citations Considered</b>	<b>Number of Cases Granted Relief</b>	<b>Number of Cases Granted Full Relief</b>	<b>Number of Cases Granted Partial Relief</b>
<b>FY 2011-12</b>	862	283	103	180
<b>FY 2012-13</b>	813	308	133	175

In FY 2012/2013, the Board heard 813 cases that represented a total of \$751,184.85 in fines. Out of these 813 cases, relief was granted on 308 of the cases, or 38 percent, for a total refunded amount of \$247,390.74, or 33 percent.<sup>4</sup> All of the funds received for the penalties associated with commercial motor vehicle compliance are deposited in the State Transportation Trust Fund.<sup>5</sup>

**III. Effect of Proposed Changes:**

**Section 1** amends s. 316.545, F.S., to revise the membership of the Commercial Motor Vehicle Review Board by adding three additional members. The Governor shall appoint a member from the road construction industry and one from the trucking industry. The Commissioner of Agriculture shall appoint a member from the agriculture industry. The bill provides for qualifications and terms for the appointees. It also specifies quorum requirements.

**Section 2** provides for appointments to be made to the board no later than September 1, 2014, for terms beginning on October 1, 2014.

**Section 3** provides that this act shall take effect July 1, 2014, except as otherwise expressly provided in this act.

<sup>1</sup> State of Florida Office of the Auditor General, “Performance Audit of the Commercial Motor Vehicle Review Board Located Within the Department of Transportation,” *Report Number 11677*, (July 8, 1991).

<sup>2</sup> Traffic Engineering and Operations Office, Commercial Motor Vehicle Review Board, [http://www.dot.state.fl.us/trafficoperations/traf\\_incident/CMVRB/CMVRB.shtm](http://www.dot.state.fl.us/trafficoperations/traf_incident/CMVRB/CMVRB.shtm), (last visited February 21, 2014).

<sup>3</sup> Information received from Florida Department of Transportation, (on file with the Senate Agriculture Committee).

<sup>4</sup> Florida Department of Transportation, *Senate Bill 1092 Agency Analysis* (January 8, 2014).

<sup>5</sup> Section 316.545(6), F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Indeterminate.

## C. Government Sector Impact:

It is unknown whether this bill will result in changes to the number of citations heard by the board or in changes in the amount of funds received from commercial motor vehicle compliance penalties.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 316.545 of the Florida Statutes.

**IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Agriculture on March 17, 2014:**

The committee substitute:

- Retains the Commercial Motor Vehicle Review Board within the Florida Department of Transportation instead of moving it to the Florida Department of Agriculture and Consumer Services;
- Changes the membership of the board by directing the Governor to appoint a member from the road construction industry and one from the trucking industry and the Commissioner of Agriculture to appoint a member from the agriculture industry;
- Specifies that the members appointed by the Governor and Commissioner of Agriculture shall serve a 2-year term;
- Provides that members of the board may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office;
- Requires an oath of office before entering official duties;
- Deletes the right to per diem and travel expenses; and
- Provides that a quorum of four members must be present for any action to be taken by the board.

B. Amendments:

None.



570956

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
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The Committee on Agriculture (Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Effective October 1, 2014, subsection (7) of  
section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor  
fuel tax enforcement; inspection; penalty; review.—

(7) There is created within the Department of  
Transportation the Commercial Motor Vehicle Review Board,





570956

11 consisting of three permanent members who shall be the Secretary  
12 of the Department of Transportation, the executive director of  
13 the Department of Highway Safety and Motor Vehicles, and the  
14 Commissioner of Agriculture, or their authorized  
15 representatives, and three additional members appointed pursuant  
16 to paragraph (b), which may review any penalty imposed upon any  
17 vehicle or person under the provisions of this chapter relating  
18 to weights imposed on the highways by the axles and wheels of  
19 motor vehicles, to special fuel and motor fuel tax compliance,  
20 or to violations of safety regulations.

21 (a) The Secretary of ~~the Department of~~ Transportation or  
22 his or her authorized representative shall be the chair of the  
23 review board.

24 (b) The Governor shall appoint a fourth member from the  
25 road construction industry and a fifth member from the trucking  
26 industry, and the Commissioner of Agriculture shall appoint a  
27 sixth member from the agriculture industry. Each member  
28 appointed under this paragraph must be a registered voter and  
29 citizen of the state and must possess business experience in the  
30 private sector. Members appointed pursuant to this paragraph  
31 shall each serve a 2-year term. A vacancy occurring during the  
32 term of a member appointed under this paragraph shall be filled  
33 only for the balance of the unexpired term. Members of the board  
34 appointed under this paragraph may be removed from office by the  
35 Governor for misconduct, malfeasance, misfeasance, or  
36 nonfeasance in office ~~Each permanent member of the review board~~  
37 ~~may designate one additional person to be a member of the review~~  
38 ~~board.~~

39 (c) Each member, before entering upon his or her official



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40 duties, shall take and subscribe to an oath before an official  
41 authorized by law to administer oaths that he or she will  
42 honestly, faithfully, and impartially perform the duties  
43 devolving upon him or her in office as a member of the review  
44 board and that he or she will not neglect any duties imposed  
45 upon him or her by s. 316.3025, s. 316.550, or this section ~~The~~  
46 ~~review board may execute its responsibilities by meeting as a~~  
47 ~~single group or as subgroups consisting of one authorized~~  
48 ~~representative of each permanent member.~~

49 (d) The chair of the review board is responsible for the  
50 administrative functions of the review board.

51 (e) Four members of the board shall constitute a quorum,  
52 and the vote of three members including the chair, or otherwise  
53 four members, shall be necessary for any action taken by the  
54 board. A vacancy on the board shall not impair the right of a  
55 quorum of the board to exercise all of the rights and perform  
56 all of the duties of the board.

57 (f) ~~(e)~~ The review board may hold sessions and conduct  
58 proceedings at any place within the state.

59 Section 2. The appointment of additional members to the  
60 Commercial Motor Vehicle Review Board in accordance with changes  
61 made by this act to s. 316.545, Florida Statutes, shall be made  
62 no later than September 1, 2014, for terms beginning October 1,  
63 2014.

64 Section 3. Except as otherwise expressly provided in this  
65 act, this act shall take effect July 1, 2014.

66  
67 ===== T I T L E A M E N D M E N T =====

68 And the title is amended as follows:



570956

69           Delete everything before the enacting clause  
70 and insert:

71                               A bill to be entitled  
72           An act relating to the Commercial Motor Vehicle Review  
73           Board; amending s. 316.545, F.S.; revising membership  
74           of the board; providing for appointment of additional  
75           members by the Governor and the Commissioner of  
76           Agriculture; providing for terms of the additional  
77           members; providing qualifications for such members;  
78           providing for removal of members by the Governor under  
79           certain circumstances; providing for action by a  
80           quorum of the board; requiring that the additional  
81           appointments be made by a specified date; providing  
82           effective dates.

By Senator Simpson

18-00964A-14

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A bill to be entitled

An act relating to the Commercial Motor Vehicle Review Board; transferring the board from the Department of Transportation to the Department of Agriculture and Consumer Services; amending s. 316.545, F.S.; revising membership of the board; requiring appointment of additional members; providing qualifications for such members; directing the Governor to make appointments to the board by a certain date; providing effective dates.

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

Section 1. Effective October 1, 2014, the powers, duties, functions, records, personnel, property, pending issues, existing contracts, administrative authority, pending review proceedings, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Commercial Motor Vehicle Review Board within the Department of Transportation are transferred by a type two transfer as defined in s. 20.06(2), Florida Statutes, to the Department of Agriculture and Consumer Services.

Section 2. Effective October 1, 2014, subsection (7) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(7) There is created within the Department of Agriculture and Consumer Services ~~Department of Transportation~~ the Commercial Motor Vehicle Review Board, consisting of two ~~three~~

Page 1 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

18-00964A-14

20141092\_\_

permanent members who shall be the ~~Secretary of the Department of Transportation, the executive director of the Department of Highway Safety and Motor Vehicles, and the Commissioner of Agriculture and the executive director of the Department of Law Enforcement~~, or their authorized representatives, and three members appointed by the Governor. The board which may review any penalty imposed upon any vehicle or person under the provisions of this chapter relating to weights imposed on the highways by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations. The Department of Highway Safety and Motor Vehicles and the Department of Transportation shall provide the board with such assistance, information, and documents as requested by the board to enable the board to fulfill its duties and responsibilities.

(a) The Commissioner of Agriculture ~~Secretary of the Department of Transportation~~ or his or her authorized representative shall be the chair of the review board.

(b) Members of the board appointed by the Governor shall each serve a 4-year term. Each appointed member must be a registered voter and a citizen of this state and must possess business experience in the private sector. There must be one appointed member each from the agriculture industry, the trucking industry, and the road construction industry ~~Each permanent member of the review board may designate one additional person to be a member of the review board.~~

(c) Members of the board shall serve without compensation; however, appointed members are entitled to per diem and travel expenses pursuant to s. 112.061 ~~The review board may execute its~~

Page 2 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

18-00964A-14

20141092\_\_

59 ~~responsibilities by meeting as a single group or as subgroups~~  
60 ~~consisting of one authorized representative of each permanent~~  
61 ~~member.~~

62 (d) The chair of the review board is responsible for the  
63 administrative functions of the review board.

64 (e) The review board may hold sessions and conduct  
65 proceedings at any place within the state.

66 Section 3. The appointments by the Governor to the  
67 Commercial Motor Vehicle Review Board, in accordance with the  
68 changes made by this act to s. 316.545, Florida Statutes, shall  
69 be made no later than September 1, 2014, for terms beginning on  
70 October 1, 2014.

71 Section 4. Except as otherwise expressly provided in this  
72 act, this act shall take effect July 1, 2014.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR WILTON SIMPSON**  
18th District

**COMMITTEES:**  
Community Affairs, *Chair*  
Appropriations Subcommittee on General  
Government  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Commerce and Tourism  
Communications, Energy, and Public Utilities  
Environmental Preservation and Conservation

**JOINT COMMITTEE:**  
Joint Legislative Auditing Committee

March 17, 2014

Senator Bill Montford, Chair  
Senate Committee on Agriculture  
335 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Senator Montford,

Please allow my legislative assistant Patrick Weightman to present SB1092 on my behalf during today's Committee on Agriculture meeting. I will be presenting a bill in another committee and will be unable to attend.

Please contact my office with any questions.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson  
Senator, 18<sup>th</sup> District

**REPLY TO:**

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic Commercial Motor Vehicle

Bill Number 1092

Name Adam Basford

(if applicable)

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title \_\_\_\_\_

Address 315 S Monroe 850

Phone \_\_\_\_\_

Tallahassee FL 32301

E-mail \_\_\_\_\_

City State Zip

Speaking:  For  Against  Information

Representing Florida Farm Bureau

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/17/14

Meeting Date

Topic \_\_\_\_\_

Bill Number 1092  
*(if applicable)*

Name Jim Spratt

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address PO Box 10011

Phone 850-228-1296

*Street*  
TALAHASSEE FL 32302  
*City State Zip*

E-mail Jim@magnoliastrategiesllc.com

Speaking:  For  Against  Information

Representing Florida Forestry Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: CS/SB 1138

INTRODUCER: Agriculture Committee and Senator Evers

SUBJECT: Civil Liability of Farmers

DATE: March 17, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Weidenbenner</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	_____	_____	<u>JU</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1138 exempts a farmer from civil liability if he gratuitously allows a person to come onto his land to remove farm produce or crops at any time. Presently the exemption applies only when that activity takes place after harvesting. It also removes the requirement that the farmer must disclose known dangerous conditions to be entitled to this exemption.

**II. Present Situation:**

Gleaning is defined as the gathering of grain after the reapers, or of grain left ungathered by reapers.<sup>1</sup> In everyday terms, gleaning is the practice of going over a field or area that has just been harvested and gather by hand any usable parts of the crop that remain. It raises liability questions, especially with respect to the quality of the food gathered and donated and any harmful effects that may come from donated foods. Prior to 1990, every state and the District of Columbia had some form of statutory protection from liability for charitable food donation and distribution. Because of the inconsistency of state laws, Congress passed federal legislation providing uniform protection to gleaners, citizens, businesses, and nonprofit organizations that act in good faith to donate, recover, and distribute excess food.<sup>2</sup> Even though the federal law takes precedence over individual states' laws on the subject, it does not supersede state or local health regulations and does not limit liability in the case of injury or death due to gross neglect or intentional misconduct.

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<sup>1</sup> See <http://thelawdictionary.org/letter/g/page/20>. (last visited Mar 12, 2014).

<sup>2</sup> Pub. Law No. 104-210, H.R. 2428, 104th Cong. (Oct. 1, 1996).

While the federal law was aimed at gleaning where the food was ultimately distributed to the needy, Florida passed a more protective law for farmers by exempting them from civil liability if they gratuitously allow a person to enter onto their land to remove any farm produce or crops remaining in the fields after harvesting unless injury or death resulted from gross negligence or intentional act of the farmer.<sup>3</sup> Some farmers have indicated that there are circumstances where they would allow gleaning before harvesting but are reluctant to do so because of a concern about exposure to legal liability.<sup>4</sup>

Prior to 1992 there was no specific statutory law governing the liability of farmers who gratuitously allow others to come onto their land to gather crops that remain after harvest. The legislature essentially imposed the common law standard of care owed to a licensee or invitee by passing a bill that said the exemption from civil liability would not apply if injury or death resulted from the gross negligence, intention act, or from known dangerous conditions not disclosed by the farmer.<sup>5</sup> It has long been the case that a landowner has a duty to exercise reasonable care for the protection of invitees. This duty is broken down into two specific duties: (1) to use reasonable care in maintaining the property in a reasonably safe condition; and (2) to warn of dangers of which the owner knew, or should have known, and which are unknown to the invitee and cannot be discovered through the use of reasonable care.<sup>6</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 768.137, F.S., to exempt a farmer from civil liability if he gratuitously allows a person to come onto his land to remove farm produce or crops. It deletes language that requires the farmer to disclose known dangerous conditions to be entitled to this exemption.

**Section 2** provides an effective date of July 1, 2014.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>3</sup> Chapter 92-151, L.O.F.

<sup>4</sup> Telephone conversation with Adam Basford, Director of State Legislative Affairs, Florida Farm Bureau (Mar. 11, 2014).

<sup>5</sup> Chapter 92-85, s. 1, and ch. 92-151, s. 3, L.O.F.

<sup>6</sup> Benjamin Jiled, Attorney, *The "Open and Obvious" Defense and Summary Judgment in Premises Liability Claims*, Trial Advocate Quarterly (25 No. 4, Fall 2006); *Hall v. Holland*, 47 So. 2d 889 (Fla. 1950); and *Hickory House v. Brown*, 77 So. 2d 249 (Fla 1955).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The exemption from civil liability for a farmer who allows a person to enter onto his land to glean produce or crops has been expanded to include both before and after harvesting. It also shifts the cost of damages from injury or death of an invitee from the farmer or his insurer to the injured invitee or his insurer in circumstances where the farmer did not disclose known dangerous conditions.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The provisions of the bill removing the requirement to warn invitees of known dangerous conditions are in conflict with established case law, and therefore, may make judicial resolution necessary.

**VIII. Statutes Affected:**

This bill substantially amends section 768.137 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Agriculture on March 17, 2014:**

The committee substitute removes the requirement that the farmer must disclose known dangerous conditions to be exempt from civil liability for injury to invitees who come onto his land to remove farm produce or crops.

**B. Amendments:**

None.



788862

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
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The Committee on Agriculture (Grimsley) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 28 and 29  
insert:

(3) The exemption from civil liability provided for in this section does ~~shall~~ not apply if injury or death directly results from the gross negligence or intentional act of, ~~or from known dangerous conditions not disclosed by~~ the farmer.

=====  
D I R E C T O R Y C L A U S E A M E N D M E N T  
=====



788862

11 And the directory clause is amended as follows:

12 Delete lines 14 - 15

13 and insert:

14 Section 1. Subsections (2) and (3) of section 768.137,  
15 Florida Statutes, are amended to read:

16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete line 9

20 and insert:

21 to remove any farm produce or crops; revising  
22 exceptions to the exemption from civil liability;  
23 providing an

By Senator Evers

2-00640-14

20141138\_\_

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A bill to be entitled

An act relating to the civil liability of farmers;  
amending s. 768.137, F.S.; expanding an existing  
exemption from civil liability for farmers who  
gratuitously allow a person to enter upon their land  
for the purpose of removing farm produce or crops left  
in the field after harvesting to include farmers who  
gratuitously allow a person to enter upon their land  
to remove any farm produce or crops; providing an  
effective date.

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

Section 1. Subsection (2) of section 768.137, Florida  
Statutes, is amended to read:

768.137 Definition; limitation of civil liability for  
certain farmers; exception.—

(2) A ~~Any~~ farmer who gratuitously allows a person ~~persons~~  
to enter upon the farmer's ~~her or his own~~ land for the purpose  
of removing any farm produce or crops is remaining in the fields  
~~following the harvesting thereof,~~ shall be exempt from civil  
liability:

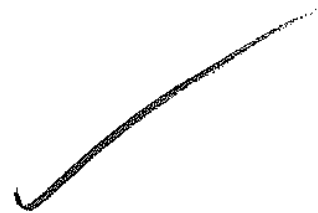
(a) Arising out of any injury or the death of such person  
due to ~~resulting from~~ the nature or condition of the ~~such~~ land;  
or

(b) Arising out of any injury or death due to the nature,  
age, or condition of the ~~any such~~ farm produce or crops removed  
by such person ~~crop~~.

Section 2. This act shall take effect July 1, 2014.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



Meeting Date \_\_\_\_\_

Topic Civil Liability Bill Number 1138

Name Adam Busford Amendment Barcode 786862  
(if applicable)

Job Title \_\_\_\_\_

Address 315 S Calhoun St 850 Phone \_\_\_\_\_  
Street

Tallahassee FL 32301 E-mail \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information

Representing Florida Farm Bureau

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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Meeting Date \_\_\_\_\_

Topic CIVIL LIABILITY OF FARMERS

Bill Number 1138  
(if applicable)

Name TODD BOWLARRON

Amendment Barcode 7888862  
(if applicable)

Job Title LEGISLATIVE AFFAIRS DIRECTOR

Address 301 N. OLIVE AVE

Phone (561) 310-7832

Street

WEST PALM BEACH FL 33401

City

State

Zip

E-mail tbowlarr@pbcgov.org

Speaking:  For  Against  Information

Representing PALM BEACH COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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17 MAR 2014

Meeting Date

Topic \_\_\_\_\_

Bill Number 1138  
(if applicable)

Name PAUL JESS

Amendment Barcode 788862  
(if applicable)

Job Title \_\_\_\_\_

Address 218 S. MONROE ST

Phone 850-224-9403

Street

TALLAHASSEE FL 32301

City

State

Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information AMENDMENT 788862

Representing FLORIDA JUSTICE ASSOCIATION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/17/14  
Meeting Date

Topic Civil Liability

Bill Number SB 1138  
*(if applicable)*

Name Butch Calhoun

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 119 S. Monroe Suite 300

Phone 521-0455

Tallahassee FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FFVA

Appearing at request of Chair:  Yes  No

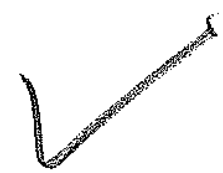
Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



3/17/2014  
*Meeting Date*

Topic Civil Liability of Farmers

Bill Number SB 1138  
*(if applicable)*

Name REBECCA BRISLAW

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title EXECUTIVE DIRECTOR

Address 3760 Fowler St  
*Street*

Phone 239-281-7758

FORT MYERS FL 33901  
*City State Zip*

E-mail rebecca@HungerFreeFlorida.org

Speaking:  For  Against  Information

Representing Florida Association of Food Banks

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



3-17-14

Meeting Date

Topic FARMERS Viability

Bill Number SB 1138  
(if applicable)

Name Doug Mann

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address 310 W. College Ave.

Phone 222-7535

Tallahassee FL 32301  
Street City State Zip

E-mail doug@leg.state.fl.us

Speaking:  For  Against  Information

Representing AIF - Waive in Support

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: CS/SB 1342

INTRODUCER: Agriculture Committee and Senator Dean

SUBJECT: Nonresidential Farm Buildings

DATE: March 17, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Becker	AG	<b>Fav/CS</b>
2.	_____	_____	CA	_____
3.	_____	_____	AP	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1342 exempts nonresidential farm buildings from county or municipal assessments, including assessments by a dependent special district, except those arising from floodplain management regulations.

**II. Present Situation:**

**Nonresidential Farm Building Exemptions**

Currently nonresidential<sup>1</sup> farm buildings located on lands used for bona fide agricultural purposes, as that term is defined in s. 193.461(3)(b), F.S., are exempt from any county or municipal code or fee except for code provisions implementing floodplain management regulations.<sup>2</sup> This exemption evolved from an exemption from building codes in 1998<sup>3</sup> to the inclusion of an exemption from fees except for floodplain management in 2011.<sup>4</sup> There currently is not an exemption for these buildings from assessments.

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<sup>1</sup> Section 604.50(2)(d), F.S. Examples, not all inclusive, are a barn, greenhouse, shade house, farm office, storage building, or poultry house.

<sup>2</sup> Section 604.50(1), F.S.

<sup>3</sup> Chapter 98-396, L.O. F.

<sup>4</sup> Chapter 2011-7, L.O.F.

## Special Districts

Special districts have existed in Florida for a long time. To reform and consolidate some of the laws relating to special districts, the Legislature passed the Uniform Special District Accountability Act of 1989.<sup>5</sup> Other statutes provide for the creation and operation of specific types of special districts. There are two basic types of special districts, dependent and independent. Dependent districts functionally operate as an arm of either a city, county, or state agency. Independent special districts have an independent board which establishes its own budget and collects taxes, assessments, or fees and spends its revenue without oversight of a city or county. As of 2011, there were 1006 independent special districts and 627 special districts in Florida.<sup>6</sup> The number of special districts is only slightly higher today. Special districts generate revenue by the issuance of bonds and the levy and collection of ad valorem and non-ad valorem taxes, fees, and assessments.<sup>7</sup>

## Revenue Sources Based on Home Rule Authority

The Florida Constitution provides local governments with expansive home rule powers. Given these powers, local governments may impose proprietary fees, regulatory fees, and special assessments to pay the cost of providing a facility or service or regulating an activity. The validity of these fees and assessments depend on the context of requirements established in Florida case law.<sup>8</sup>

## Special Assessments

Counties and municipalities utilize special assessments as a home rule revenue source to fund certain services and to construct and maintain capital facilities. Section 125.01(1)(r), F.S., authorizes the levy of special assessments for county government. Chapter 170, F.S., authorizes the levy of special assessments for municipal governments. Section 125.271, F.S., authorizes the levy of special assessments for county emergency medical services. Special districts derive their authority to levy special assessments through general law or special act creating the district.<sup>9</sup>

As established by case law, two requirements exist for the imposition of a valid special assessment: 1) the property assessed must derive a special benefit from the improvement of service provided; and 2) the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit.<sup>10</sup> The test to be applied in evaluating whether a special benefit is conferred on property by the provision of a service is whether there is a “logical relationship” between the services provided and the benefit to real property.<sup>11</sup> Many assessed services and improvements have been upheld as providing the requisite special benefit. Such

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<sup>5</sup> Chapter 89-169, L.O.F.

<sup>6</sup> Website of Florida Association of Special Districts, *FASD PowerPoint about Special Districts*, <http://fasd.com>. (Last visited Feb. 5, 2014)

<sup>7</sup> Florida Special Districts Review, <http://www.flspecialdistrictreview.state.fl.us/>. (last visited Feb. 7, 2014).

<sup>8</sup> See Office of Economic and Demographic Research, *Local Government Financial Information Handbook*, at 9-15 (2013).

<sup>9</sup> For example, Section 153.73, F.S. for county water and sewer districts; s. 163.514, F.S., for neighborhood improvement districts; s. 190.021, F.S., for community development districts; and s. 191.009, F.S., for independent special fire control districts.

<sup>10</sup> See *City of Boca Raton v. State of Florida*, 595 So. 2d 25 (Fla. 1992).

<sup>11</sup> See *Whisnant v. Stringfellow*, 50 So. 2d 885 (Fla. 1951).

services and improvements include: garbage disposal (*Harris v. Wilson*, 693 So. 2d 945 (Fla. 1997)); fire protection (*South Trail Fire Control District, Sarasota County v. State*, 273 So. 2d 380 (Fla. 1973)); fire and rescue services (*Lake County v. Water Oak Management Corporation*, 695 So. 2d 667 (Fla. 1997)); and stormwater management services (*Sarasota County v. Sarasota Church of Christ*, 667 So. 2d 180 (Fla. 1995)).

Once an identified service or capital facility satisfies the special benefit test, the assessed amount is required to be fairly apportioned among the benefited property in a manner consistent with the logical relationship embodied in the special benefit requirement. Generally a special assessment, whether imposed for capital projects or services, is collected on an annual ad valorem tax bill. Under statutory collection procedures, the special assessment is characterized as a “non-ad valorem assessment.”<sup>12</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 604.50, F.S., to exempt nonresidential farm buildings from county or municipal assessments, including a dependent special district assessment, in addition to the presently existing exemption from county or municipal codes or fees except those arising from floodplain management regulations. It also makes technical changes which do not change the meaning of s. 604.50, F.S.

**Section 2** provides an effective date of July 1, 2014.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

This bill reduces the authority of counties and municipalities to collect assessments on certain nonresidential agricultural buildings. Article VII, section 18(b) of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature in order to enact a general law that reduces the authority of municipalities and counties to raise revenues in the aggregate. Article VII, section 18(d) of the Florida Constitution provides an exemption if the law is determined to have an insignificant fiscal impact. An insignificant fiscal impact means an amount not greater than the average statewide population for the applicable fiscal year times ten cents.<sup>13</sup> A fiscal estimate is not available for this bill. If it is determined that this bill has more than an insignificant fiscal impact, the bill will require a two-thirds vote of the membership of each house of the Legislature for passage.

#### B. Public Records/Open Meetings Issues:

None.

<sup>12</sup> Section 197.3632(1)(d), F.S.

<sup>13</sup> As of April 1, 2013, the total state population is estimated to be 19,259,543. University of Florida, Bureau of Economic and Business Research, *Florida Estimates of Population 2013* (Apr. 1, 2013), at p. 21.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The bill reduces revenue to counties and municipalities by providing an exemption from assessments for qualified agricultural buildings. An estimate of the extent of revenue reduction will not be available until the Revenue Estimating Conference has analyzed the bill.

B. Private Sector Impact:

Owners of nonresidential farm buildings used for bona fide agricultural purposes will benefit monetarily by being exempt from county and municipal assessments in an amount unknown at this time.

C. Government Sector Impact:

The bill will eliminate the ability of counties and municipalities to collect assessments on qualified agricultural buildings which assessments will vary between assessing authorities.

**VI. Technical Deficiencies:**

The bill as drafted exempts assessments by a county or municipality on non-residential farm buildings. It is not clear if it is intended to exempt assessments based on a measurement other than the value of a non-residential farm building such as an assessment based on the front or square footage of a parcel of land. Also, it is not clear if the bill is intended to exempt assessments by special districts, dependent or independent, as authorized in Chapter 189, F.S. Even if it is intended to apply to special districts, it is not clear if it would apply to independent special districts which are not a creature of a county or municipality.

This issue was addressed in the Agriculture Committee's amendment barcode 322240.

**VII. Related Issues:**

The provisions of the bill are in direct conflict with numerous existing statutes and the home rule powers of local governments, and therefore, would likely require judicial resolution.

**VIII. Statutes Affected:**

This bill substantially amends section 604.50 of the Florida Statutes.



**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Agriculture on March 17, 2014:**

The committee substitute clarifies that the assessments being exempted includes assessments by dependent special districts and thereby excludes assessments by independent special districts.

- B. **Amendments:**

None.



322240

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
	.	
	.	
	.	

---

The Committee on Agriculture (Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 19

and insert:

municipal code, ~~or~~ fee, or assessment, including a dependent special district assessment, except for code provisions

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:



322240

11           Delete line 6  
12 and insert:  
13           purposes from certain county or municipal assessments;

By Senator Dean

5-01134-14

20141342\_\_

1 A bill to be entitled  
 2 An act relating to nonresidential farm buildings;  
 3 amending s. 604.50, F.S.; exempting nonresidential  
 4 farm buildings, farm fences, and farm signs that are  
 5 located on lands used for bona fide agricultural  
 6 purposes from any county or municipal assessment;  
 7 providing an effective date.  
 8  
 9 Be It Enacted by the Legislature of the State of Florida:  
 10  
 11 Section 1. Section 604.50, Florida Statutes, is amended to  
 12 read:  
 13 604.50 Nonresidential farm buildings; farm fences; farm  
 14 signs.-  
 15 (1) Notwithstanding any provision of law to the contrary, a  
 16 ~~any~~ nonresidential farm building, farm fence, or farm sign that  
 17 is located on lands used for bona fide agricultural purposes is  
 18 exempt from the Florida Building Code and any county or  
 19 municipal code, assessment, or fee, except for code provisions  
 20 implementing local, state, or federal floodplain management  
 21 regulations. A farm sign located on a public road may not be  
 22 erected, used, operated, or maintained in a manner that violates  
 23 any of the standards provided in s. 479.11(4), (5)(a), and (6)-  
 24 (8).  
 25 (2) As used in this section, the term:  
 26 (a) "Bona fide agricultural purposes" has the same meaning  
 27 as provided in s. 193.461(3)(b).  
 28 (b) "Farm" has the same meaning as provided in s. 823.14.  
 29 (c) "Farm sign" means a sign erected, used, or maintained

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

5-01134-14

20141342\_\_

30 on a farm by the owner or lessee of the farm which relates  
 31 solely to farm produce, merchandise, or services sold, produced,  
 32 manufactured, or furnished on the farm.  
 33 (d) "Nonresidential farm building" means a ~~any~~ temporary or  
 34 permanent building or support structure that is classified as a  
 35 nonresidential farm building on a farm under s. 553.73(10)(c) or  
 36 that is used primarily for agricultural purposes, is located on  
 37 land that is an integral part of a farm operation or is  
 38 classified as agricultural land under s. 193.461, and is not  
 39 intended to be used as a residential dwelling. The term may  
 40 include, but is not limited to, a barn, greenhouse, shade house,  
 41 farm office, storage building, or poultry house.  
 42 Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR CHARLES S. DEAN, SR.**  
5th District

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Criminal Justice  
Gaming  
Military Affairs, Space, and Domestic Security

March 4, 2014

The Honorable Bill Montford  
214 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Montford,

I respectfully request you place Senate Bill 1342, relating to Nonresidential Farm Buildings, on your Agriculture Committee agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in cursive script that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Katherine Halley, Staff Director

**REPLY TO:**

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



3-17-14

Meeting Date

Topic Nonresidential Farm Bldgs.

Bill Number SB 1342  
*(if applicable)*

Name Herb Sheheane (Sheehan)

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 1455 Cone Creek Rd  
*Street*

Phone 850-566-1100

Quincy FL 32351  
*City State Zip*

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Lone Star Milk Producers

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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Meeting Date \_\_\_\_\_

Topic Farm Bldgs Bill Number 1342  
(if applicable)

Name Adam Bastford Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_  
Street

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Florida Farm Bureau

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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3/17/14

Meeting Date



Topic NONRESIDENTIAL FARM BUILDINGS

Bill Number 1342  
*(if applicable)*

Name STEPHEN JAMES

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 100 S. MONROE  
*Street*

Phone (850) 922-4300

TALLAHASSEE, FL 32301  
*City State Zip*

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FLA. ASSOC. OF COUNTIES

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

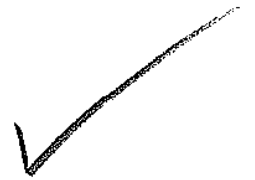
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THE FLORIDA SENATE  
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3/17/14  
Meeting Date

Topic Nonresidential Farm Buildings

Bill Number 1342  
*(if applicable)*

Name Amber Hughes

Amendment Barcode —  
*(if applicable)*

Job Title Legislative Advocate

Address PO Box 1757  
*Street*

Phone 850-701-3621

Tallahassee FL 32301  
*City State Zip*

E-mail ahughes@flcities.com

Speaking:  For  Against  Information

Representing FL League of Cities

Appearing at request of Chair:  Yes  No

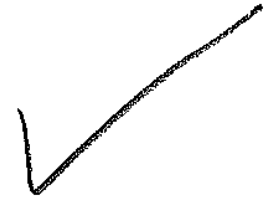
Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/17/14  
Meeting Date

Topic Farm Buildings

Bill Number SB 1342  
*(if applicable)*

Name Butch Calhoun

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 1195 Monroe Suite 300  
*Street*  
Tallahassee FL 32301  
*City State Zip*

Phone 521-0455

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FFVA

Appearing at request of Chair:  Yes  No

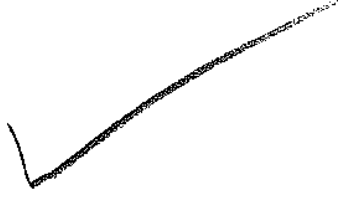
Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3-17-14  
Meeting Date

Topic FARM Building

Bill Number SB 1342  
*(if applicable)*

Name DOUG MAND

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 310 W. College Ave.

Phone 222-7535

W/Abassce, FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing ATF - Waive in Support

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: PCS/SB 1630 (670548)

INTRODUCER: Committee on Agriculture

SUBJECT: Department of Agriculture and Consumer Services

DATE: March 14, 2014      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhvein	Becker	AG	<b>Pre-meeting</b>
2.			AGG	
3.			AP	

**I. Summary:**

PCS/SB 1630 addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). It:

- Reorganizes Chapter 570, F.S., the department’s general authorizing statute, into five separate parts;
- Standardizes penalty language in the new part V which is cross referenced in the various statutes enforced by the department;
- Removes obsolete language to ensure accuracy;
- Adds a representative of the department to the Joint Task Force on State Agency Law Enforcement Communications;
- Revises requirements for registration and distribution of discontinued pesticides;
- Updates the department’s certification and licensure processes to include applying online;
- Expands the authority of the Florida Forest Service, under certain conditions, to grant leases, permits, privileges, and concessions for the use of state forest lands to include *any lands* leased by or assigned to the Florida Forest Service for management purposes;
- Authorizes the department to impose civil penalties for violations relating to private security, investigative, and repossession services;
- Removes security bond and certificate of deposit requirements for fertilizer license applicants, since the department has sufficient authority to impose fines or to revoke licensure for licensees who do not pay inspection fees;
- Adds additional criteria to determine whether commercial feed is adulterated;
- Simplifies the information required to register as a seed dealer;
- Revises food permit requirements, associated fees, and renewal procedures;
- Exempts manually operated vending stands serviced by the Department of Education’s Division of Blind Services from permitting requirements;
- Authorizes the department to close a food facility if it finds it poses an immediate danger or threat to public health, safety, and welfare;

- Authorizes the department to inspect aquaculture facilities and to analyze their food samples;
- Repeals a pilot program and permit for the use of Australian pine trees as windbreaks for citrus groves; and
- Creates new requirements for qualifying as a “non-dealer” in limited sales of dressed poultry.

## **II. Present Situation:**

### **Chapter 570, F.S., Revision**

Chapter 570, F.S., is the primary authorizing chapter for the Department of Agriculture and Consumer Services (department). This chapter establishes the functions, powers, and duties of the department, as well as the Commissioner of Agriculture. It creates the divisions and offices within the department and their functions and duties. Over the years, ch. 570, F.S., has become a general “catch-all” for statutory language that does not clearly fall within another chapter. This bill reorganizes ch. 570, F.S., to promote accuracy and efficiency throughout the department.

### ***Penalty Consolidation***

Currently, penalties are located within specific statutory sections that contain the regulation being enforced. In an effort to be more consistent, as well as consumer friendly, the department has recommended consolidating its fines and penalties into one part of the statute and placing cross-references within the specific subject matter statutes to standardize penalty language.

### ***Agricultural Water Policy***

The Office of Agricultural Water Policy was established in 1995, in s. 570.074, F.S. The purpose of the office is to facilitate communications among federal, state, local agencies, and the agricultural industry on water quantity and water quality issues involving agriculture. The bill requires the office to enforce and implement the provisions of Chapter 582, F.S., which establishes the soil and water conservation districts. This duty is currently performed by the department’s Division of Agricultural Environmental Services.

### ***Division of Food Safety***

The Division of Food Safety is responsible for assuring the public of a safe, wholesome and properly represented food supply. This is accomplished through permitting and inspection of food establishments, inspection of food products, and through specialized laboratory analyses on a variety of food products sold or produced in the state. The division monitors food from farm gate through processing and distribution to the retail point of purchase.

The division is charged with administration and enforcement of the food and poultry and egg laws, and also provides support in the enforcement of other food safety laws. In addition to regulatory surveillance and enforcement, the division evaluates consumer complaints related to food. The bill would authorize the division to also inspect aquaculture facilities and to analyze food samples from these facilities.

### ***Office of Energy***

The Office of Energy is the primary organization for state energy and climate change programs and policies. The office works cooperatively with other state entities, including the Florida Public Service Commission and the Florida Energy Consortium, to develop state energy and climate change policies and programs. During the 2011 Legislative Session, the Office of Energy was transferred from the Governor's Office to the department. However, the Office of Energy was never specifically established in ch. 570, F.S.

### ***Conservation Easements and Agreements***

A conservation easement is a perpetual, undivided interest in property that may be created in a variety of ways. Section 570.71(12), F.S., authorizes the department to use funds from the following sources to implement certain conservation easements and agreements:

- State funds;
- Federal funds;
- Other governmental entities;
- Nongovernmental organizations; and
- Private individuals.

The bill specifies that the funds described above can be used for administrative and operating expenses related to appraisals, mapping, title process, personnel, and other real estate expenses.

### ***Pesticide Regulation***

The Bureau of Pesticides provides comprehensive pesticide regulatory programs that respond to state needs by ensuring the protection of public health and the environment. The bureau is responsible for registering pesticide products sold and distributed in Florida. The bureau also conducts scientific reviews to determine whether human health and the environment may be adversely affected when pesticides are used under Florida conditions and in accordance with label directions and applicable regulations.

The Pesticide Registration Section registers federally accepted pesticides that are distributed, sold, or offered for sale in Florida as stipulated in ch. 487, F.S., and ch. 5E-2, Florida Administrative Code. The law requires biennial registration renewal for each pesticide product sold or distributed in Florida.

### ***Agricultural Fertilizers, Feed, and Seed***

The Bureau of Compliance Monitoring ensures the more than 3,000 distributors of feed, seed, and fertilizer products in Florida are registered or licensed and that their products meet current regulatory standards and label guarantees. The Agricultural Feed, Seed, and Fertilizer Advisory Council is a 15 member statutorily charged stakeholder advisory council to the department which was created in 2012 and convened in 2013. The council advises the department regarding actions to be taken with respect to the regulation and enforcement of agricultural feed, seed, and fertilizer. Stakeholders include the department, the University of Florida's Institute of Food and Agricultural Sciences, and the aquaculture, dairy production, citrus, seed, feed, fertilizer, beef cattle, poultry, field/row crops, and vegetable industries.

### ***Plant Industry***

The Division of Plant Industry works to detect, intercept, and control plant and honey bee pests that threaten Florida's native and commercially grown plants and agricultural resources. In 2008, the Legislature established a five-year pilot program within the department to permit the planting of *Casuarina cunninghamiana* (Australian pine trees) as a windbreak for commercial citrus groves growing fresh fruit in Indian River, St. Lucie, and Martin counties. The purpose of the pilot program was to determine if the use of the trees as an agricultural pest and disease windbreak poses any adverse environmental consequences. The five-year pilot project ended in 2012. A final report was issued that indicated that *Casuarina cunninghamiana* used as windbreaks did not demonstrate any invasive tendencies.

### ***Florida Forest Service***

The Florida Forest Service's mission is to protect and manage the forest resources of Florida. Wildfire prevention and suppression are key components of its efforts to protect homeowners from the threat of damage in a natural, fire-dependent environment. In addition to managing over one million acres of state forests for multiple public uses including timber, recreation, and wildlife habitat, the service also provides services to landowners throughout the state with technical information and grant programs.

### ***Goethe and Withlacoochee State Forests***

Section 589.081, F.S., requires the Florida Forest Service to pay 15 percent of the gross receipts from Withlacoochee State Forest and the Goethe State Forest to each fiscally constrained county within these forests. The funds must be equally divided between the board of county commissioners and the school board of each fiscally-constrained county. The bill transfers this language to s. 589.08, F.S., in the department's statutory reorganization and deletes reference to the Withlacoochee State Forest because it is not located in any fiscally constrained counties.

### ***Classification and Sale of Eggs and Poultry***

Section 583.01, F.S., currently defines the term "dealer" to mean any person, firm, or corporation, including a producer, processor, retailer, or wholesaler, that sells, offers for sale, or holds for the purpose of sale in this state 30 dozen or more eggs or its equivalent in any one week, or in excess of 100 pounds of dressed poultry in any one week. Egg and poultry dealers are regulated under this chapter and are required to possess a valid food permit. The bill creates limited sale poultry requirements to benefit operators of small poultry farms by correcting a long-standing discrepancy between state law and federal law regarding what constitutes a "dealer." For the past several years, the department has been working with small farmers to provide a level of economic and regulatory relief relative to production and sale of limited poultry. This change will establish more realistic numbers for a "non-dealer."

## **III. Effect of Proposed Changes:**

**Section 1** amends s. 282.709, F.S., to add a representative of the department to the Joint Task Force on State Agency Law Enforcement Communications. This task force advises the Department of Management Services of member-agency needs relating to the planning, designing, and establishment of the statewide radio communication system.

**Section 2** transfers and renumbers s. 570.0741, F.S., pertaining to the department's Office of Energy, as s. 377.805, F.S. It also deletes an obsolete web posting date.

**Section 3** amends s. 379.361, F.S., to require a person to retake an educational seminar when renewing an Apalachicola Bay oyster harvesting license.

**Section 4** amends s. 487.041, F.S., to revise requirements for registration and distribution of discontinued pesticides.

**Section 5** amends s. 487.046, F.S., to update methods for filing pesticide applicator license applications.

**Section 6** amends s. 487.048, F.S., to update methods for filing pesticide dealer's license applications.

**Section 7** amends s. 487.159, F.S., to delete requirements for filing statements claiming damages and injuries from pesticide applications. It updates reporting requirements for pesticide applicators who observe unreasonable adverse effects of restricted-use pesticides.

**Section 8** amends s. 487.160, F.S., to revise recordkeeping requirements for licensed private applicators.

**Section 9** amends s. 487.2031, F.S., to revise the definition of "Material Safety Data Sheet" to "Safety Data Sheet."

**Section 10** amends s. 487.2051, F.S., to revise requirements for pesticide fact sheets and safety data sheets.

**Section 11** amends s. 493.6120, F.S., pertaining to private investigative, security, and repossession services. It authorizes the department to impose certain civil penalties for violations and provides a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 12** transfers and renumbers s. 570.545, F.S., as s. 501.0113, F.S.

**Section 13** amends s. 500.03, F.S., to add a cross reference to the definition of "food establishment." This will exempt the Department of Education's Division of Blind Services from obtaining permits from the department for vending machines it services at Department of Transportation rest areas. It will also exempt the Department of Transportation.

**Section 14** amends s. 500.12, F.S., to revise criteria for certain food permit exemptions. It requires food establishments and retail food stores to obtain a food permit before beginning operation and clarifies that such permits are not transferable. It requires the department to adopt a food permit fee schedule by rule and updates terminology (occupational license to business tax certificate).



**Section 15** amends s. 500.121, F.S., to conform it to changes made by this bill to the Florida Food Safety Act. It:

- clarifies that the fine for violating the provisions of ch. 500, F.S., is an administrative fine to make it consistent with the newly created penalty section of the bill, s. 570.971, F.S.;
- reduces a fine for mislabeling the country of origin of a food from \$10,000 per violation to \$5,000;
- revises the time limit for payment of fines from 15 days to 21 days;
- provides for permit revocation for failure to pay a fine;
- authorizes the department to immediately close food establishments that fail to comply with ch. 500, FS., and are deemed a severe and immediate threat to public health;
- provides a procedure for the department to follow after issuing a final order to close a food establishment;
- provides penalties if a person defaces or removes a closed-for-operation sign or if the owner or operator resists closure; and
- authorizes the department to adopt rules to administer this section.

**Section 16** amends s. 500.147, F.S., to authorize the department to inspect and have free access to any food establishment's food records. This will allow the department to trace food products in the event of a food-borne illness outbreak or to identify an adulterated or misbranded food item.

**Section 17** amends s. 500.165, F.S., pertaining to shipments of food items, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 18** amends s. 500.172, F.S., to allow department employees access to food-processing or food storage areas if there has been probable cause of a food safety violation.

**Section 19** amends s. 501.019, F.S., pertaining to penalties imposed for violations of health studio laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 20** amends s. 501.059, F.S., pertaining to telephone solicitation, to provide cross references to penalties in the newly created s. 570.971, F.S. It also authorizes the department to adopt rules to implement this section.

**Section 21** amends s. 501.922, F.S., pertaining to violations of the Antifreeze Act of 1978, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 22** transfers and renumbers s. 570.42, F.S., pertaining to the Dairy Technical Council, as s. 502.301, F.S. It amends the new section to make technical changes and to correct a cross reference.

**Section 23** creates part I of ch. 570, F.S., entitled "General Provisions."

**Section 24** renumbers s. 570.14, F.S., pertaining to the official seal that the department uses in official acts, as s. 570.031, F.S.

**Section 25** renumbers s. 570.18, F.S., pertaining to the authority of the department to organize its work and to create maximum efficiency, as s. 570.041, F.S.

**Section 26** renumbers s. 570.16, F.S., pertaining to penalties for interfering with department employees in the performance of their duties, as s. 570.051, F.S.

**Section 27** amends s. 570.07, F.S., pertaining to the duties and responsibilities of the department, to correct a cross reference.

**Section 28** renumbers s. 570.17, F.S., pertaining to responsibilities between the department and the University of Florida's extension service and experiment stations, as s. 570.081, F.S.

**Section 29** renumbers s. 570.531, F.S., pertaining to the Marketing Improvements Working Capital Trust Fund, as s. 570.209, F.S.

**Section 30** amends s. 570.23, F.S., pertaining to the State Agricultural Advisory Council, to correct a cross reference and to delete an obsolete date.

**Section 31** renumbers s. 570.0705, F.S., pertaining to advisory committees, as s. 570.232, F.S.

**Section 32** creates part II of ch. 570, F.S., entitled "Program Services."

**Section 33** amends s. 570.36, F.S., to change "laboratories" to "laboratory" since there is currently only one laboratory.

**Section 34** amends s. 570.44, F.S., to delete a reference to the Pesticide Review Council which was abolished in 2013. It also removes responsibilities over the soil and water conservation districts from the Division of Agricultural Environmental Services, as Section 61 of the bill directs the Office of Agricultural Water Policy to enforce and implement the provisions of ch. 582, F.S., and any rules relating to soil and water conservation.

**Section 35** amends s. 570.45, F.S., to delete a cross reference. This amendment removes the duties of overseeing soil and water conservation districts from the director of the Division of Agricultural Environmental Services.

**Section 36** amends s. 570.451, F.S., to correct a cross reference and establish that the meetings, powers and duties, procedures, and recordkeeping of the Agricultural Feed, Seed, and Fertilizer Advisory Council be kept pursuant to s. 570.232, F.S.

**Section 37** amends s. 570.50, F.S., to add aquaculture products to the list of items the Division of Food Safety may inspect and analyze. It also provides enforcement authority for aquaculture regulations.

**Section 38** amends s. 570.51, F.S., to add ch. 597, F.S., (aquaculture) to the chapters that the Division of Food Safety has the authority to enforce.

**Section 39** amends s. 570.543, F.S., to remove a reference to s. 570.0705, F.S., and establish that the meetings, powers and duties, procedures, and recordkeeping of the Florida Consumers' Council must be kept pursuant to s. 570.232, F.S.

**Section 40** renumbers s. 570.073, F.S., pertaining to the Office of Agricultural Law Enforcement, as s. 570.65, F.S.

**Section 41** renumbers s. 570.074, pertaining to the Office of Agricultural Water Policy, as s. 570.66, F.S. It also directs the office to provide oversight of the soil and water conservation districts, provisions of ch. 582, F.S., and rules relating to soil and water conservation.

**Section 42** creates s. 570.67, F.S., to create the Office of Energy within the department. It provides for a senior manager, to be appointed by the Commissioner of Agriculture, and provides for duties of the office.

**Section 43** renumbers s. 570.951, F.S., pertaining to the Florida Agriculture Center and Horse Park, as s. 570.681, F.S.

**Section 44** renumbers s. 570.952, F.S., pertaining to the Florida Agriculture Center and Horse Park Authority, as s. 570.685, F.S. It amends the new section to correct cross references and to remove obsolete dates.

**Section 45** renumbers s. 570.953, F.S., pertaining to confidentiality of donors to the Agriculture Center and Horse Park Authority, as s. 570.686, F.S.

**Section 46** renumbers s. 570.902, F.S., pertaining to definitions for the purpose of the department's direct-support organizations, as s. 570.69, F.S. It amends the new section to correct cross references.

**Section 47** renumbers s. 570.903, F.S., pertaining to direct-support organizations, as s. 570.691, F.S.

**Section 48** renumbers s. 570.901, F.S., pertaining to the Florida Agricultural Museum, as s. 570.692, F.S.

**Section 49** renumbers s. 570.91, F.S., pertaining to the Florida Agriculture in the Classroom program, as s. 570.693, F.S.

**Section 50** creates part III of ch. 570, F.S., entitled "Agricultural Development."

**Section 51** amends s. 570.71, F.S., to remove an obsolete date for the initiation of the conservation easements and agreements program. It authorizes funds to be charged to the Conservation and Recreation Lands Program Trust Fund and used for all related real estate costs, including administrative and operating expenses related to appraisals, mapping, title process, personnel, and other real estate expenses.

**Section 52** transfers and renumbers s. 570.241, F.S., pertaining to the Agricultural Economic Development Act, as s. 570.73, F.S.

**Section 53** renumbers s. 570.242, F.S., pertaining to definitions relating to the Agricultural Economic Development Act, as s. 570.74, F.S. It amends the new section to delete the terms “Commissioner” and “Department.”

**Section 54** renumbers s. 570.243, F.S., pertaining to the department’s Agricultural Economic Development Program, as s. 570.75, F.S.

**Section 55** renumbers s. 570.244, F.S., pertaining to the powers and duties of the department, as s. 570.76, F.S.

**Section 56** renumbers s. 570.245, F.S., pertaining to the department’s interaction with other economic development agencies and groups, as s. 570.77, F.S.

**Section 57** renumbers s. 570.246, F.S., pertaining to funds appropriated to agricultural economic development, as s. 570.78, F.S.

**Section 58** renumbers s. 570.247, F.S., pertaining to promulgation of rules to implement the agricultural economic development program, as s. 570.79, F.S. It amends the new section to remove an obsolete date.

**Section 59** renumbers s. 570.248, F.S., pertaining to the Agricultural Economic Development Project Review Committee, as s. 570.81, F.S.

**Section 60** renumbers s. 570.249, F.S., pertaining to Agricultural Economic Development Program disaster loans, grants, and aid, as s. 570.82, F.S.

**Section 61** renumbers s. 570.9135, F.S., pertaining to the Beef Market Development Act, as s. 570.83, F.S. It amends the new section to correct cross references.

**Section 62** renumbers s. 570.954, F.S., pertaining to the farm-to-fuel initiative, as s. 570.841, F.S.

**Section 63** renumbers s. 570.96, F.S., pertaining to agritourism, as s. 570.85, F.S.

**Section 64** renumbers s. 570.961, F.S., pertaining to definitions clarifying agritourism, as s. 570.86, F.S. It amends the new section to correct a cross reference.

**Section 65** renumbers s. 570.962, F.S., pertaining to the impact of agritourism activities on land classification for purposes of ad valorem taxation, as s. 570.87, F.S.

**Section 66** renumbers s. 570.963, F.S., pertaining to liability for agritourism operators, as s. 570.88, F.S. It amends the new section to correct a cross reference.

**Section 67** renumbers s. 570.964, F.S., pertaining to notice requirements and the notice language that must be posted and given to patrons when engaging in agritourism activities, as s. 570.89, F.S. It makes technical revisions to the new section.

**Section 68** creates part IV of ch. 570, F.S., entitled “Agricultural Water Policy.”

**Section 69** renumbers s. 570.075, F.S., pertaining to water supply agreements with landowners in rural areas, as s. 570.916, F.S.

**Section 70** renumbers s. 570.076, F.S., pertaining to the department’s Environmental Stewardship Certification Program, as s. 570.921, F.S. It also corrects a cross reference.

**Section 71** renumbers s. 570.085, F.S., pertaining to the department’s agricultural water conservation program and agricultural water supply planning, as s. 570.93, F.S.

**Section 72** renumbers s. 570.087, F.S., pertaining to best management practices for wildlife, as s. 570.94, F.S.

**Section 73** creates part V of ch. 570, F.S., entitled “Penalties.”

**Section 74** creates s. 570.971, F.S., to establish levels of administrative and civil penalties for violations of department regulations. It provides applicability and authorizes the department to adopt rules.

**Section 75** amends s. 576.021, F.S., to revise procedures for filing applications to distribute fertilizer. The change would allow for online certification and licensure.

**Section 76** amends s. 576.031, F.S., to reduce the number of labels from five to two which registrants would have to provide a purchaser in order to distribute bulk fertilizer.

**Section 77** amends s. 576.041, F.S., to delete a requirement that fertilizer license applicants provide surety bonds or certificates of deposit to ensure payment of inspection fees.

**Section 78** amends s. 576.051, F.S., to revise the period of time a fertilizer sample must be retained from 90 days to 60 days.

**Section 79** amends s. 576.061, F.S., pertaining to plant nutrient investigational allowances, deficiencies, and penalties, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 80** amends s. 576.071, F.S., to revise criteria for determining the commercial value of fertilizer nutrients. This change allows the department to utilize additional data sources, such as surveys of the Florida fertilizer industry, to obtain commercial values.

**Section 81** amends s. 576.087, F.S., to revise antisiphon requirements for irrigation systems in response to constant changes in technology of these devices.

**Section 82** amends s. 576.101, F.S., to remove the probationary status of fertilizer licensees whose fertilizer samples fail to meet minimum performance level requirements.

**Section 83** amends s. 578.08, F.S., to revise application requirements and registration requirements for the sale of feed. It allows registrants to apply online or by paper application. It also adds categories in the fees section for businesses that sell the least amount of seed to make the process of registration easier and to entice more small businesses to register with the department.

**Section 84** amends s. 580.036, F.S., to re-insert a reference to the Commercial Feed Technical Council which a statutory revisers bill mistakenly removed in the 2013 Session.

**Section 85** amends s. 580.041, F.S., to provide the option for online license applications for distributors of commercial feed and feedstuff.

**Section 86** amends s. 580.071, F.S., to revise criteria for adulteration of commercial feed and feedstuff to include national standards established by the Association of American Feed Control Officials. This will make the definition of adulteration more consistent with national standards.

**Section 87** amends s. 581.091, F.S., to delete a program for Australian pines used as windbreaks in citrus groves. The five-year pilot project ended in 2012 and a final report was issued.

**Section 88** amends s. 581.131, F.S., to revise the timeframe from 60 days to 30 days before the annual renewal date in which the department must provide notices for registration renewal to nurserymen, stock dealers, agents, or plant brokers. This will bring the notice of need to renew into alignment with standards for billing used in the private sector.

**Section 89** amends s. 583.01, F.S., to revise the definition of “dealer” to create limited sale poultry requirements. This change will make state law closer to federal laws for a “non-dealer.”

**Section 90** transfers and renumbers s. 570.38, F.S., pertaining to the Animal Industry Technical Council, as s. 585.008, F.S. It amends the new section to make technical changes and to correct a cross reference.

**Section 91** amends s. 589.08, F.S., to clarify the distribution of 15 percent of the gross receipts received by the Florida Forest Service from Goethe State Forest to fiscally constrained counties.

**Section 92** amends s. 589.011, F.S., to provide conditions under which the Florida Forest Service is authorized to grant the use of certain lands. It limits liability for lessees of specified lands and provides criteria by which the Florida Forest Service determines certain fees, rentals, and charges.

**Section 93** amends s. 589.20, F.S., to authorize the Florida Forest Service to cooperate with water management districts, municipalities, and other governmental entities in the designation and dedication of lands suitable for forestry purposes.

**Section 94** amends s. 590.02, F.S., to rename the Florida Center for Wildfire and Forest Resources Management Training as the Withlacoochee Training Center.

**Section 95** amends s. 590.125, F.S., to clarify requirements for non-certified burning and smoldering.

**Section 96** transfers and renumbers s. 570.0725, F.S., pertaining to food recovery, as s. 595.420, F.S.

**Section 97** amends s. 597.003, F.S., to authorize the department to provide training as necessary to lessees of certain lands.

**Section 98** amends s. 597.004, F.S., to require an applicant for an aquaculture certificate to submit a certificate of training, if required.

**Section 99** amends s. 597.020, F.S., to authorize the department to adopt training requirements for shellfish processors, by rule.

**Section 100** transfers and renumbers s. 570.481, F.S., pertaining to fruit and vegetable inspection fees and penalties, as s. 603.011, F.S.

**Section 101** transfers and renumbers s. 570.55, F.S., pertaining to the Florida Tropical or Subtropical Fruit and Vegetables Sales Law, as s. 603.211, F.S.

**Section 102** amends s. 604.16, F.S., to provide an exemption from the provisions of ss. 604.15 – 604.34, F.S., for dealers who purchase agricultural products from a producer owned by the exact same person as the dealer, owned solely by the dealer, or who solely owns the dealer. The dealer is not exempt from the recordkeeping requirements of s. 604.22(2), F.S.

**Section 103** amends s. 604.22, F.S., to revise penalties for dealers in agricultural products.

**Section 104** repeals the following sections:

**s. 487.172, F.S.**

This section requires an educational program for organotin anti-fouling paints. It is obsolete since these products are now restricted-use pesticides, which are rarely used, and education is covered in the certification process.

**s. 500.301, F.S.**

This section pertains to standards of enrichment for grain products. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

**s. 500.302, F.S.**

This section clarifies what constitutes an unlawful retail sale of a grain product. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

**s. 500.303, F.S.**

This section requires the department to establish by rule a state standard for each grain product. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

**s. 500.304, F.S.**

This section provides for enforcement of provisions found in ss. 500.301 – 500.306, F.S. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

**s. 500.305, F.S.**

This section provides the department with the authority to inspect, take samples and investigate grain products for compliance with ss. 500.301-500.306, F.S. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

**s. 500.306, F.S.**

This section provides penalties for violations of ss. 500.301-500.306, F.S., which Section 36 of the bill repeals.

**s. 500.601, F.S.**

This section regulates the retail sale of meat. The department no longer carries out this function, because it falls under the jurisdiction of the United States Department of Agriculture.

**s. 570.345, F.S.**

This section pertains to the Interstate Pest Control Compact. With the dissolution of the Compact in 2013, the statutory authority in this section is obsolete.

**s. 570.542, F.S.**

This section creates the short title of the Florida Consumer's Council and is not necessary.

**s. 570.72, F.S.**

This section is a redundant definition of "department."

**s. 570.92, F.S.**

This section pertains to the department's equestrian educational sports program which is an inactive program.

**s. 589.081, F.S.**

This section details the payment of 15 percent of gross receipts received by the Florida Forest Service from the Goethe and Withlacoochee State Forests to the fiscally constrained counties within these forests. This statutory distribution has been moved to s. 589.08, F.S., in Section 90 of the bill.

**s. 590.091, F.S.**

This section pertains to the designation of railroad rights-of-way as wildfire hazard areas. It is no longer needed due to underground pipelines and communications lines that run along railroad tracks.



**Section 105** amends s. 193.461, F.S., pertaining to assessments of agricultural lands, to make grammatical changes and to correct a cross reference.

**Section 106** amends s. 253.74, F.S., pertaining to certain aquaculture violations, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 107** amends s. 288.1175, F.S., pertaining to an agriculture education and promotion facility, to correct a cross reference.

**Section 108** amends s. 320.08058, F.S., pertaining to Florida agricultural license plates, to correct cross references.

**Section 109** amends s. 373.621, F.S., pertaining to water conservation, to correct a cross reference.

**Section 110** amends s. 373.709, F.S., pertaining to regional water supply planning, to correct a cross reference.

**Section 111** amends s. 381.0072, F.S., pertaining to food service protection, to correct cross references.

**Section 112** amends s. 388.46, pertaining to the Florida Coordinating Council on Mosquito Control, to remove an obsolete reference to the Pesticide Review Council.

**Section 113** amends s. 472.0351, F.S., pertaining to land surveyors and mappers, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 114** amends s. 472.036, F.S., pertaining to unlicensed practice of professional surveying and mapping, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 115** amends s. 482.161, F.S., pertaining to pest control, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 116** amends s. 482.165, F.S., pertaining to unlicensed practice of pest control, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 117** amends s. 482.243, F.S., pertaining to the Pest Control Enforcement Advisory Council, to correct a cross reference.

**Section 118** amends s. 487.047, F.S., to revise provisions for filing pesticide applicator license applications to allow for on-line certification and licensure.

**Section 119** amends s. 487.091, F.S., pertaining to penalties relating to pesticide regulation and safety, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 120** amends s. 487.175, F.S., pertaining to violations of pesticide application, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 121** amends s. 493.6118, F.S., pertaining to administrative fines for offenses by private investigative, security, and repossession services, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 122** amends s. 496.420, F.S., pertaining to the solicitation of persons for donations, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 123** amends s. 500.70, F.S., pertaining to tomato food safety standards, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 124** amends s. 501.612, F.S., pertaining to commercial telephone sellers or salespersons, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 125** amends s. 501.619, F.S., pertaining to consumer protection, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 126** amends s. 502.231, F.S., pertaining to penalties for violations of regulatory laws governing the production, processing, and distribution of milk, milk products, frozen desserts, and frozen dessert mix. It provides cross references to penalties in the newly created s. 570.971, F.S.

**Section 127** amends s. 507.09, F.S., pertaining to household moving services, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 128** amends s. 507.10, F.S., pertaining to civil penalties and remedies for violations concerning household moving services, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 129** amends s. 509.032, F.S., pertaining to the department's duties during the inspection of food service establishments, to correct cross references.

**Section 130** amends s. 525.16, F.S., pertaining to penalties for gasoline and oil inspection violations, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 131** amends s. 526.311, F.S., pertaining to penalties for violations in the sale of liquid fuels, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 132** amends s. 526.55, F.S., pertaining to penalties for violations in the sale of brake fluid, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 133** amends s. 527.13, F.S., pertaining to penalties for violations in the sale of liquefied petroleum gas, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 134** amends s. 531.50, F.S., pertaining to penalties for violations of the Weights and Measures Act of 1971, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 135** amends s. 534.52, F.S., pertaining to penalties for violations of livestock market laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 136** amends s. 539.001, F.S., pertaining to penalties for violations of the Florida Pawnbroking Act, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 137** amends s. 559.921, F.S., pertaining to penalties for violations of the Florida Motor Vehicle Repair Act, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 138** amends s. 559.9355, pertaining to administrative remedies for violations of the Florida Sellers of Travel Act, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 139** amends s. 559.936, F.S., pertaining to civil penalties for violations of the Florida Sellers of Travel Act, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 140** amends s. 571.11, F.S., pertaining to seal of quality for eggs and poultry, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 141** amends s. 571.28, F.S., pertaining to the Florida Agricultural Promotional Campaign Advisory Council, to correct a cross reference.

**Section 142** amends s. 571.29, F.S., pertaining to unlawful use of logos of the Florida Agricultural Promotional Campaign, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 143** amends s. 578.181, F.S., pertaining to notice of infected plants and their destruction, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 144** amends s. 580.121, F.S., pertaining to penalties for violations of commercial feed and feedstuff laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 145** amends s. 581.141, F.S., pertaining to violations regarding certificates of registration or plant industry inspections, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 146** amends s. 581.186, F.S., pertaining to the Endangered Plant Advisory Council, to correct a cross reference.

**Section 147** amends s. 581.211, F.S., pertaining to penalties for violations of plant industry laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 148** amends s. 582.06, F.S., pertaining to the Soil and Water Conservation Council, to correct a cross reference.

**Section 149** amends s. 585.007, F.S., pertaining to violations of rules or laws governing the animal industry, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 150** amends s. 586.15, F.S., pertaining to violations of honey certification and honey bees, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 151** amends s. 586.161, pertaining to the Honeybee Technical Council, to correct a cross reference.

**Section 152** amends s. 590.14, F.S., pertaining to violations of forest protection, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 153** amends s. 595.701, F.S., pertaining to the Healthy Schools for Healthy Lives Council, to correct a cross reference.

**Section 154** amends s. 597.0041, F.S., pertaining to violations of prohibited acts relating to aquaculture, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 155** amends s. 597.020, F.S., pertaining to regulation of shellfish processors, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 156** amends s. 599.002, F.S., pertaining to the Viticulture Advisory Council, to correct a cross reference.

**Section 157** amends s. 601.67, F.S., pertaining to disciplinary actions against citrus fruit dealers, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 158** amends s. 604.30, F.S., pertaining to violations of general agricultural laws, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 159** amends s. 616.242, F.S., pertaining to violations of safety standards for amusement rides at public fairs and expositions, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 160** provides that this act shall take effect July 1, 2014.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Refer to Private Sector Impact.

B. Private Sector Impact:

**Section 5 of PCB/SB 1630** (s. 487.046, F.S.), **Section 6** (s. 487.048, F.S.), **Section 75** (s.576.021, F.S.) and **Section 116** (487.047, F.S.), allow online registration, thus saving time and the cost of postage.

**Section 14** (s. 500.12, F.S.) provides that persons who operate a minor food outlet selling non-potentially hazardous food whose shelf space does not exceed 20 linear feet are no longer require to obtain and pay for a food permit.

**Section 77** (s. 576.041, F.S.) no longer requires licensees for agricultural fertilizers to post a surety bond with the department or to sign a certificate of deposit.

**Section 83** (s.578.08, F.S.) establishes two new lower registration fees for distributors of small amounts of seed (\$10/year for annual sales under \$500 and \$25/year for annual sales under \$1,000). This will reduce the fees these small distributors will have to pay, resulting in lower costs. The department estimates that a savings will be recognized by approximately 200 seed dealers.

**Section 87** (s. 581.091, F.S.) simplifies the regulatory process for using Australian pines for windbreaks in commercial citrus groves. Nurseries wanting to obtain a permit to propagate Australian pines will continue the current process of submitting an application accompanied by a fee of \$200, adhering to permit requirements, and renewing the application and fee annually. Growers wanting to plant Australian pines for windbreaks must continue to submit an application accompanied by a fee not to exceed \$500 to receive a special permit valid for five years.

**Section 88** (s. 581.131, F.S.) benefits nurserymen, stock dealers, agents, and plant brokers by allowing billing to be more in alignment with established business practices using a thirty-day notice.

**Section 89** (s. 583.01, F.S.) allows small farmers to be permitted as limited poultry and egg farm operations under department rule, resulting in a savings in reduced regulation and lower permit fees.

**C. Government Sector Impact:**

The reduction of fines and registrations that would result from passage of this bill are not anticipated to affect the department because these figures were never recognized by the department as a source of revenue.

**Section 87 of PCB/SB 1630** (s. 581.091, F.S.) terminates the Australian pine pilot program and moves it into a process with reduced regulation and increased areas where the pines can be planted. The department does not anticipate a significant increase in permits issued, but it could result in a potential indeterminate increase in permitting revenues.

**Section 83** (s. 578.08, F.S.) reduces registration fees for seed dealers. The anticipated total reduction in registration fees is \$13,725.

The Division of Food Safety conducted a review of the penalty provisions provided in chapters 500 and 502, F.S. Because trend analysis indicated the division has not assessed fines for these types of violations in several years, the division decided to lower the fine amounts. It is expected that the division will not experience any fiscal impact as a result of reducing the fine amounts, since the penalties for violations were never recognized by the division as a source of financial revenue.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 193.461, 253.74, 282.709, 288.1175, 320.08058, 373.621, 379.361, 373.709, 381.0072, 388.46, 472.0351, 472.036, 482.161, 482.165, 482.243, 487.041, 487.046, 487.047, 487.048, 487.091, 487.159, 487.160, 487.175, 487.2031, 487.2051, 493.6118, 493.6120, 496.420, 500.03, 500.12, 500.121, 500.147, 500.165, 500.172, 500.70, 501.019, 501.059, 501.612, 501.619, 507.09, 501.922, 507.10, 509.032, 525.16, 526.311, 526.55, 527.13, 531.50, 534.52, 539.001, 559.921, 559.9355, 559.936, 570.42, 570.14, 570.07, 570.23, 570.242, 570.36, 570.38, 570.44, 570.45, 570.451, 570.50, 570.51, 570.543, 570.074, 570.952, 570.902, 570.71, 570.247, 570.9135, 570.961, 570.963, 570.076, 571.11, 571.28, 571.29, 576.021, 576.031, 576.041, 576.051, 576.061, 576.071, 576.087, 576.101, 578.08, 578.181, 580.036, 580.041, 580.071, 580.091, 580.121, 581.091, 581.131, 581.141, 581.186, 581.211, 582.06, 583.01, 585.007, 586.15, 586.161, 589.08, 589.011, 589.20, 590.02, 590.125, 590.14, 595.701, 597.003, 597.004, 597.0041, 597.020, 599.002, 601.67, 604.16, 604.22, 604.30, 616.242.

This bill transfers and renumbers the following sections of the Florida Statutes: 507.545, 570.0741, 570.17, 570.531, 570.0725, 570.241, 570.481, 570.55.

This bill renumbers the following sections of the Florida Statutes: 570.16, 570.18, 570.0705, 570.073, 570.17, 570.951, 570.953, 570.901, 570.903, 570.91, 570.243, 570.244, 570.245, 570.246, 570.248, 570.249, 570.954, 570.96, 570.962, 570.964, 570.075, 570.085, 570.087.

This bill creates the following sections of the Florida Statutes: parts I, II, III, IV, and V of ch. 570, 570.67, 570.971.

This bill repeals the following sections of the Florida Statutes: 487.172, 500.301, 500.302, 500.303, 500.304, 500.305, 500.306, 500.601, 570.345, 570.542, 570.72, 570.92, 589.081, 590.091.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



271836

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
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The Committee on Agriculture (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 906 and 907

insert:

Section 22. Section 501.977, Florida Statutes, is created to read:

501.977 Actionable, unfair, or deceptive regulatory acts or practices.—It is an unfair or deceptive regulatory act or practice, actionable under the Florida Deceptive and Unfair Trade Practices Act, for a special district, whether dependent





271836

11 or independent, as defined in s. 189.403, to:

12 (1) Restrict the right of the public to freely bargain for  
13 lawful livery transit services, excluding metered taxi services  
14 that accept street hails, by establishing a minimum or maximum  
15 fare, or by imposing a minimum wait time between the reservation  
16 and delivery of the livery transit service.

17 (2) Create classifications within each type of livery  
18 service, and to fix or approve zones, rates, or fares for such  
19 classifications, which apply differently to individuals and  
20 businesses that compete or attempt to compete with each other to  
21 provide similar services.

22

23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete line 65

26 and insert:

27 provisions to changes made by the act; creating s.  
28 501.977, F.S.; providing that certain acts relating to  
29 livery services are unfair or deceptive regulatory  
30 acts or practices; amending s.



928912

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
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The Committee on Agriculture (Montford) recommended the following:

**Senate Amendment**

Delete line 2066  
and insert:  
Section 92. Subsections (1) and (3) of section 589.011,  
Florida



752580

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
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The Committee on Agriculture (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 2240 - 2259.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 259 - 261

and insert:

transferring and renumbering ss.



859354

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
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The Committee on Agriculture (Montford) recommended the following:

**Senate Amendment**

Delete lines 2275 - 2277  
and insert:

(5) A dealer in agricultural products to the extent that the dealer purchases agricultural products from a producer owned by the exact same person as the dealer, owned solely by the dealer, or who solely



416934

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
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The Committee on Agriculture (Montford) recommended the following:

**Senate Amendment**

Delete lines 2684 - 2685  
and insert:  
deemed to be misbranded and subject to a penalty ~~as established~~  
~~by rule~~ in the Class III category pursuant to s. 570.971 for



415224

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
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The Committee on Agriculture (Montford) recommended the following:

**Senate Amendment**

Delete line 3254  
and insert:  
specifications, training requirements, and codes relating to  
sanitary practices for



670548

575-02561-14

Proposed Committee Substitute by the Committee on Agriculture

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 282.709, F.S.; adding a representative to the Joint Task Force on State Agency Law Enforcement Communications, to be appointed by the Commissioner of Agriculture; transferring, renumbering, and amending s. 570.0741, F.S., relating to the energy efficiency and conservation clearinghouse; deleting an obsolete provision; amending s. 379.361, F.S.; requiring a person to retake an educational seminar when renewing an Apalachicola Bay oyster harvesting license; amending s. 487.041, F.S.; requiring a registrant to continue the registration of a brand of pesticide that continues to remain on retailers' shelves in this state under certain circumstances; amending ss. 487.046 and 487.048, F.S.; authorizing applications for certain licenses to be submitted through the department's website; amending s. 487.159, F.S.; deleting the requirements for filing statements claiming damages and injuries from pesticide application; amending s. 487.160, F.S.; requiring all licensed private applicators to keep the same records as licensed public applicators and licensed commercial applicators with respect to the application of restricted pesticides; amending s. 487.2031, F.S.; revising the term "material safety data sheet"; amending s. 487.2051, F.S.; revising requirements for



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575-02561-14

pesticide fact sheets and safety data sheets; amending s. 493.6120, F.S.; authorizing the department to impose certain civil penalties for violations relating to private security, investigative, and repossession services; transferring and renumbering s. 570.545, F.S., relating to unsolicited goods; amending s. 500.03, F.S.; revising the definition of the term "food establishment"; amending s. 500.12, F.S.; revising the exemption from permit requirements for minor food outlets; requiring an establishment to apply for and receive a permit prior to the commencement of operations; requiring the department to adopt a schedule of fees to be paid by each food establishment and retail food store; providing that food permits are not transferable; updating terminology; amending s. 500.121, F.S.; authorizing the department to order the immediate closure of certain establishments upon determination that the establishment presents a severe and immediate threat to the public health, safety, and welfare; specifying the procedure the department must use in ordering immediate closure; conforming provisions to changes made by the act; providing criminal penalties; authorizing the department to adopt rules; amending s. 500.147, F.S.; authorizing the department to inspect food records to facilitate tracing of food products in certain circumstances; amending s. 500.165, F.S.; revising the administrative fine amount for violating provisions relating to transporting shipments of food



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58 items; amending s. 500.172, F.S.; authorizing the  
59 department to issue and enforce a stop-sale, stop-use,  
60 removal, or hold order for certain food-processing or  
61 food storage areas; amending s. 501.019, F.S.;  
62 revising the administrative fine amount for violations  
63 relating to health studios; amending s. 501.059, F.S.;  
64 authorizing the department to adopt rules; conforming  
65 provisions to changes made by the act; amending s.  
66 501.922, F.S.; revising the administrative fine amount  
67 for certain violations relating to the "Antifreeze  
68 Act"; transferring, renumbering, and amending s.  
69 570.42, F.S., relating to the Dairy Industry Technical  
70 Council; conforming a cross-reference; creating part I  
71 of ch. 570, F.S., entitled "General Provisions";  
72 renumbering and amending s. 570.14, F.S., relating to  
73 the seal of the department; restricting the seal of  
74 the department from being used without written  
75 approval by the department; renumbering ss. 570.18 and  
76 570.16, F.S., relating to organization of departmental  
77 work and the interference with department employees,  
78 respectively; amending s. 570.07, F.S.; conforming a  
79 cross-reference; transferring and renumbering ss.  
80 570.17 and 570.531, F.S., relating to the regulatory  
81 work of the state relating to the protection of  
82 agricultural interests and the Market Improvements  
83 Working Capital Trust Fund, respectively; amending s.  
84 570.23, F.S.; conforming a cross-reference;  
85 renumbering s. 570.0705, F.S., relating to advisory  
86 committees; creating part II of ch. 570, F.S.,



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87 entitled "Program Services"; amending s. 570.36, F.S.;  
88 making a technical change; amending s. 570.44, F.S.;  
89 revising the duties of the Division of Agricultural  
90 Environmental Services; amending s. 570.45, F.S.;  
91 conforming provisions to changes made by the act;  
92 amending s. 570.451, F.S.; conforming a cross-  
93 reference; amending ss. 570.50 and 570.51, F.S.;  
94 conforming provisions to changes made by the act;  
95 amending s. 570.543, F.S.; conforming a cross-  
96 reference; renumbering s. 570.073, F.S., relating to  
97 the Office of Agricultural Law Enforcement;  
98 renumbering and amending s. 570.074, F.S.; requiring  
99 the Office of Agricultural and Water Policy to enforce  
100 and implement ch. 582, F.S., and rules relating to  
101 soil and water conservation; creating s. 570.67, F.S.;  
102 codifying the creation of the Office of Energy;  
103 providing for management and specifying duties;  
104 renumbering s. 570.951, F.S., relating to the Florida  
105 Agriculture Center and Horse Park; renumbering and  
106 amending s. 570.952, F.S., relating to the Florida  
107 Agriculture Center and Horse Park Authority;  
108 conforming provisions to changes made by the act;  
109 deleting obsolete provisions; renumbering s. 570.953,  
110 F.S., relating to the identity of donors to the  
111 Florida Agriculture Center and Horse Park Authority;  
112 renumbering and amending s. 570.902, F.S., relating to  
113 definitions; conforming provisions to changes made by  
114 the act; renumbering ss. 570.903, 570.901, and 570.91,  
115 F.S., relating to direct-support organizations, the





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116 Florida Agricultural Museum, and Florida agriculture  
117 in the classroom, respectively; creating part III of  
118 ch. 570, F.S., entitled "Agricultural Development";  
119 amending s. 570.71, F.S.; authorizing the department  
120 to use certain funds for administrative and operating  
121 expenses related to appraisals, mapping, title  
122 process, personnel, and other real estate expenses;  
123 renumbering s. 570.241, F.S., relating to the  
124 Agricultural Economic Development Act; renumbering and  
125 amending s. 570.242, F.S., relating to the  
126 Agricultural Economic Development Act; removing the  
127 definition of the terms "commissioner" and  
128 "department"; renumbering ss. 570.243, 570.244,  
129 570.245, 570.246, F.S., relating to the Agricultural  
130 Economic Development Program, the powers of the  
131 department, interaction with other economic  
132 development agencies and groups, and agricultural  
133 economic development funding, respectively;  
134 renumbering and amending s. 570.247, F.S., relating to  
135 certain department rules; deleting obsolete  
136 provisions; renumbering ss. 570.248 and 570.249, F.S.,  
137 relating to the Agricultural Economic Development and  
138 Project Review Committee and disaster loans and grants  
139 and aid, respectively; renumbering and amending s.  
140 570.9135, F.S., relating to the Beef Market  
141 Development Act; conforming cross-references; making  
142 technical changes; renumbering ss. 570.954 and 570.96,  
143 F.S., relating to the farm-to-fuel initiative and  
144 agritourism, respectively; renumbering and amending s.



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145 570.961, F.S., relating to definitions; conforming  
146 cross-references; renumbering s. 570.962, F.S.,  
147 relating to agritourism participation impact on land  
148 classification; renumbering and amending s. 570.963,  
149 F.S., relating to liability; conforming a cross-  
150 reference; renumbering and amending s. 570.964, F.S.,  
151 relating to posting and notification requirements for  
152 agritourism operators; conforming provisions to  
153 changes made by the act; creating part IV of ch. 570,  
154 F.S., entitled "Agricultural Water Policy";  
155 renumbering s. 570.075, F.S., relating to water supply  
156 agreements; renumbering and amending s. 570.076, F.S.,  
157 relating to Environmental Stewardship Certification;  
158 conforming a cross-reference; renumbering ss. 570.085  
159 and 570.087, F.S., relating to agricultural water  
160 conservation and agricultural water supply planning  
161 and best management practices for wildlife,  
162 respectively; creating part V of ch. 570, F.S.,  
163 entitled "Penalties"; creating s. 570.971, F.S.;  
164 providing administrative fines and civil penalties;  
165 authorizing the department to refuse to issue or renew  
166 a license, permit, authorization, certificate, or  
167 registration under certain circumstances; authorizing  
168 the department to adopt rules; amending s. 576.021,  
169 F.S.; updating terminology; authorizing applications  
170 for registration for specialty fertilizers to be  
171 submitted using the department's website; making  
172 technical changes; amending s. 576.031, F.S.; revising  
173 labeling requirements for distribution of fertilizer



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174 in bulk; amending s. 576.041, F.S.; removing surety  
175 bond and certificate of deposit requirements for  
176 fertilizer license applicants; amending s. 576.051,  
177 F.S.; extending the period of retention for an  
178 official check sample; amending s. 576.061, F.S.;  
179 deleting the penalty imposed when it is determined by  
180 the department that a fertilizer has been distributed  
181 without being licensed or registered, or without  
182 labeling; conforming provisions to changes made by the  
183 act; making technical changes; amending s. 576.071,  
184 F.S.; requiring the department to survey the  
185 fertilizer industry of this state to determine the  
186 commercial value used in assessing penalties for a  
187 deficiency; amending s. 576.087, F.S.; deleting  
188 certain requirements relating to antisiphon devices;  
189 amending s. 576.101, F.S.; deleting the department's  
190 authorization to place a licensee on probationary  
191 status under certain circumstances; amending s.  
192 578.08, F.S.; deleting the requirement that the  
193 application for registration as a seed dealer include  
194 the name and location of each place of business at  
195 which the seed is sold, distributed, offered, exposed,  
196 or handled for sale; requiring the application to be  
197 made by submitting a form prescribed by department  
198 rule or using the department's website; establishing a  
199 registration fee for receipts of certain amounts;  
200 amending s. 580.036, F.S.; requiring that standards  
201 for the sale, use, and distribution of commercial feed  
202 or feedstuff, if adopted, be developed in consultation



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203 with the Agricultural Feed, Seed, and Fertilizer  
204 Advisory Council; amending s. 580.041, F.S.; removing  
205 the requirement that the master registration form for  
206 each distributor of commercial feed identify the  
207 manufacturer's or guarantor's name and place of  
208 business and the location of each manufacturing  
209 facility; revising the requirement that the department  
210 must mail a copy of the master registration in order  
211 to signify that the administrative requirements have  
212 been met; amending s. 580.071, F.S.; providing  
213 additional factors that would make a commercial feed  
214 or feedstuff be deemed adulterated; amending s.  
215 581.091, F.S.; deleting the definition of the term  
216 "commercial citrus grove"; deleting provisions  
217 relating to special permits authorizing a person to  
218 plant Casuarina cunninghamiana as part of a pilot  
219 program; eliminating a requirement that the department  
220 develop and implement a monitoring protocol to  
221 determine invasiveness of Casuarina cunninghamiana;  
222 amending s. 581.131, F.S.; revising the time in which  
223 the department must provide certain notice and  
224 certificate renewal forms; amending s. 583.01, F.S.;  
225 redefining the term "dealer"; transferring,  
226 renumbering, and amending s. 570.38, F.S., relating to  
227 the Animal Industry Technical Council; conforming a  
228 cross-reference; amending s. 589.08, F.S.; requiring  
229 the Florida Forest Service to pay a certain percentage  
230 of the gross receipts from the Goethe State Forest to  
231 each fiscally constrained county; requiring such funds



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232 to be equally divided between the board of county  
233 commissioners and the school board; amending s.  
234 589.011, F.S.; providing conditions under which the  
235 Florida Forest Service is authorized to grant use of  
236 certain lands; limiting liability for lessees of  
237 specified lands; providing criteria by which the  
238 Florida Forest Service determines certain fees,  
239 rentals, and charges; amending s. 589.20, F.S.;

240 authorizing the Florida Forest Service to cooperate  
241 with water management districts, municipalities, and  
242 other governmental entities; amending s. 590.02, F.S.;

243 renaming the Florida Center for Wildfire and Forest  
244 Resources Management Training as the Withlacoochee  
245 Training Center; making technical changes; amending s.  
246 590.125, F.S.; providing that new authorization is not  
247 required for smoldering that occurs within the  
248 authorized burn area unless new ignitions are  
249 conducted by certain persons; providing that  
250 monitoring the smoldering activity of a burn does not  
251 require an additional authorization; transferring and  
252 renumbering s. 570.0725, F.S., relating to food  
253 recovery; amending s. 597.003, F.S.; amending the  
254 powers and duties of the department to include  
255 providing training as necessary to lessees of certain  
256 lands for aquaculture use; amending s. 597.004, F.S.;

257 requiring an applicant for an aquaculture certificate  
258 to submit a certificate of training if required;  
259 amending s. 597.020, F.S.; authorizing the department  
260 to adopt training requirements for shellfish



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261 processors by rule; transferring and renumbering ss.  
262 570.481 and 570.55, F.S., relating to food recovery,  
263 fruit and vegetable inspection fees, and  
264 identification of sellers or handlers of tropical or  
265 subtropical fruit and vegetables, respectively;  
266 amending s. 604.16, F.S.; providing an exemption for  
267 certain dealers in agricultural products from certain  
268 requirements; amending s. 604.22, F.S.; revising  
269 certain penalties for dealers in agricultural  
270 products; repealing s. 487.172, F.S., relating to an  
271 educational program for organotin compounds in  
272 antifouling paints; repealing ss. 500.301, 500.302,  
273 500.303, 500.304, 500.305, 500.306, F.S., relating to  
274 the standards of enrichment, sales, enforcement, and  
275 inspection of certain grain products; repealing s.  
276 500.601, F.S., relating to the retail sale of meat;  
277 repealing s. 570.345, F.S., relating to the Pest  
278 Control Compact; repealing s. 570.542, F.S., relating  
279 to the Florida Consumer Services Act; repealing s.  
280 570.72, F.S., relating to a definition; repealing s.  
281 570.92, F.S., relating to an equestrian educational  
282 sports program; repealing s. 589.081, F.S., relating  
283 to the Withlacoochee State Forest and Goethe State  
284 Forest; repealing s. 590.091, F.S., relating to the  
285 designation of railroad rights-of-way as wildfire  
286 hazard areas; amending ss. 193.461, 253.74, 288.1175,  
287 320.08058, 373.621, 373.709, 381.0072, 388.46,  
288 472.0351, 472.036, 482.161, 482.165, 482.243, 487.047,  
289 487.091, 487.175, 493.6118, 496.420, 500.70, 501.612,



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290 501.619, 502.231, 507.09, 507.10, 509.032, 525.16,  
291 526.311, 526.55, 527.13, 531.50, 534.52, 539.001,  
292 559.921, 559.9355, 559.936, 571.11, 571.28, 571.29,  
293 578.181, 580.121, 581.141, 581.186, 581.211, 582.06,  
294 585.007, 586.15, 586.161, 590.14, 595.701, 597.0041,  
295 597.020, 599.002, 601.67, 604.30, 616.242, F.S.;  
296 conforming provisions to changes made by the act;  
297 providing an effective date.

298  
299 Be It Enacted by the Legislature of the State of Florida:

300  
301 Section 1. Paragraph (a) of subsection (2) of section  
302 282.709, Florida Statutes, is amended to read:

303 282.709 State agency law enforcement radio system and  
304 interoperability network.-

305 (2) The Joint Task Force on State Agency Law Enforcement  
306 Communications is created adjunct to the department to advise  
307 the department of member-agency needs relating to the planning,  
308 designing, and establishment of the statewide communication  
309 system.

310 (a) The Joint Task Force on State Agency Law Enforcement  
311 Communications shall consist of the following members:

312 1. A representative of the Division of Alcoholic Beverages  
313 and Tobacco of the Department of Business and Professional  
314 Regulation who shall be appointed by the secretary of the  
315 department.

316 2. A representative of the Division of Florida Highway  
317 Patrol of the Department of Highway Safety and Motor Vehicles  
318 who shall be appointed by the executive director of the



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319 department.

320 3. A representative of the Department of Law Enforcement  
321 who shall be appointed by the executive director of the  
322 department.

323 4. A representative of the Fish and Wildlife Conservation  
324 Commission who shall be appointed by the executive director of  
325 the commission.

326 5. A representative of the Department of Corrections who  
327 shall be appointed by the secretary of the department.

328 6. A representative of the Division of State Fire Marshal  
329 of the Department of Financial Services who shall be appointed  
330 by the State Fire Marshal.

331 7. A representative of the Department of Transportation who  
332 shall be appointed by the secretary of the department.

333 8. A representative of the Department of Agriculture and  
334 Consumer Services who shall be appointed by the Commissioner of  
335 Agriculture.

336 Section 2. Section 570.0741, Florida Statutes, is  
337 transferred, renumbered as section 377.805, Florida Statutes,  
338 and amended to read:

339 377.805 ~~570.0741~~ Energy efficiency and conservation  
340 clearinghouse.-The Office of Energy within the Department of  
341 Agriculture and Consumer Services, in consultation with the  
342 Public Service Commission, the Florida Building Commission, and  
343 the Florida Energy Systems Consortium, shall develop a  
344 clearinghouse of information regarding cost savings associated  
345 with various energy efficiency and conservation measures. The  
346 Department of Agriculture and Consumer Services shall post the  
347 information on its website ~~by July 1, 2013.~~



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348 Section 3. Paragraph (e) of subsection (5) of section  
349 379.361, Florida Statutes, is amended to read:

350 379.361 Licenses.—

351 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

352 (e) Each person who applies for an Apalachicola Bay oyster  
353 harvesting license shall, ~~before receiving the license for the~~  
354 ~~first time,~~ attend an educational seminar of not more than 16  
355 hours length, developed and conducted jointly by the Department  
356 of Environmental Protection's Apalachicola National Estuarine  
357 Research Reserve, the Division of Law Enforcement of the Fish  
358 and Wildlife Conservation Commission, and the Department of  
359 Agriculture and Consumer Services' Apalachicola District  
360 Shellfish Environmental Assessment Laboratory. The seminar shall  
361 address, among other things, oyster biology, conservation of the  
362 Apalachicola Bay, sanitary care of oysters, small business  
363 management, and water safety. The seminar shall be offered five  
364 times per year, and each person attending shall receive a  
365 certificate of participation to present when obtaining an  
366 Apalachicola Bay oyster harvesting license. ~~The educational~~  
367 ~~seminar is not required for renewal of an Apalachicola Bay~~  
368 ~~oyster harvesting license.~~

369 Section 4. Paragraph (d) of subsection (3) of section  
370 487.041, Florida Statutes, is amended to read:

371 487.041 Registration.—

372 (3) The department, in addition to its other duties under  
373 this section, has the power to:

374 (d) Require a registrant to continue the registration of a  
375 brand of pesticide that remains on retailers' shelves in the  
376 state unless the department receives the registrant's written



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377 notification that it is discontinuing the distribution of the  
378 brand of pesticide and the registrant then maintains the  
379 registration of that brand for a minimum of 2 years. The  
380 discontinued brand of pesticide may remain on retailers' shelves  
381 without further registration if the brand of pesticide is not  
382 distributed by the registrant in the state during or after the  
383 minimum 2-year period who discontinues the distribution of a  
384 brand of pesticide in this state to continue the registration of  
385 the brand of the pesticide for a minimum of 2 years or until no  
386 more remains on retailers' shelves if such continued  
387 registration or sale is not specifically prohibited by the  
388 department or the United States Environmental Protection Agency.

389 Section 5. Subsection (1) of section 487.046, Florida  
390 Statutes, is amended to read:

391 487.046 Application; licensure.—

392 (1) An application for a license shall be filed with made  
393 in writing to the department by using ~~on~~ a form prescribed  
394 furnished by the department or by using the department's  
395 website. Each application shall contain information regarding  
396 the applicant's qualifications, proposed operations, and license  
397 classification or subclassifications, as prescribed by rule.

398 Section 6. Subsection (1) of section 487.048, Florida  
399 Statutes, is amended to read:

400 487.048 Dealer's license; records.—

401 (1) Each person holding or offering for sale, selling, or  
402 distributing restricted-use pesticides must shall obtain a  
403 dealer's license from the department. An application for a ~~the~~  
404 license shall be filed with the department by using ~~made on~~ a  
405 form prescribed by the department or by using the department's



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406 ~~website.~~ The license must be obtained before entering into  
407 business or transferring ownership of a business. The department  
408 may require examination or other proof of competency of  
409 individuals to whom licenses are issued or of individuals  
410 employed by persons to whom licenses are issued. Demonstration  
411 of continued competency may be required for license renewal, as  
412 set by rule. The license shall be renewed annually as provided  
413 by rule. An annual license fee not exceeding \$250 shall be  
414 established by rule. However, a user of a restricted-use  
415 pesticide may distribute unopened containers of a properly  
416 labeled pesticide to another user who is legally entitled to use  
417 that restricted-use pesticide without obtaining a pesticide  
418 dealer's license. The exclusive purpose of distribution of the  
419 restricted-use pesticide is to keep it from becoming a hazardous  
420 waste as defined in s. 403.703(13).

421 Section 7. Section 487.159, Florida Statutes, is amended to  
422 read:

423 487.159 Damage or injury to property, animal, or person;  
424 mandatory report of damage or injury; ~~time for filing; failure~~  
425 ~~to file.-~~

426 ~~(1) The person claiming damage or injury to property,~~  
427 ~~animal, or human beings from application of a pesticide shall~~  
428 ~~file with the department a written statement claiming damages,~~  
429 ~~on a form prescribed by the department, within 48 hours after~~  
430 ~~the damage or injury becomes apparent. The statement shall~~  
431 ~~contain, but shall not be limited to, the name of the person~~  
432 ~~responsible for the application of the pesticide, the name of~~  
433 ~~the owner or lessee of the land on which the crop is grown and~~  
434 ~~for which the damages are claimed, and the date on which it is~~



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435 ~~alleged that the damages occurred. The department shall~~  
436 ~~investigate the alleged damages and notify all concerned parties~~  
437 ~~of its findings. If the findings reveal a violation of the~~  
438 ~~provisions of this part, the department shall determine an~~  
439 ~~appropriate penalty, as provided in this part. The filing of a~~  
440 ~~statement or the failure to file such a statement need not be~~  
441 ~~alleged in any complaint which might be filed in a court of law,~~  
442 ~~and the failure to file the statement shall not be considered~~  
443 ~~any bar to the maintenance of any criminal or civil action.~~

444 (1)(2) A ~~It is the duty of any licensee shall to~~ report  
445 unreasonable adverse effects on the environment or damage to  
446 property or injury to human beings, animals, plants, or other  
447 property a person as the result of the application of a  
448 restricted-use pesticide by the licensee or by an applicator or  
449 mixer-loader under the licensee's direct supervision, if and  
450 when the licensee has knowledge of such damage or injury. ~~It is~~  
451 ~~also the express intent of this section to require all~~  
452 Physicians shall to report all pesticide-related illnesses or  
453 injuries to the nearest county health department, which shall  
454 will notify the department so that the department may establish  
455 a pesticide incident monitoring system within the Division of  
456 Agricultural Environmental Services.

457 (2)(3) When damage or injury to human beings, animals,  
458 plants, or other property as the result of the application of a  
459 restricted-use pesticide is alleged ~~to have been done~~, the  
460 person claiming such damage or injury elaimant shall allow  
461 permit the licensee and the licensee's representatives to  
462 observe within a reasonable amount of time hours the alleged  
463 damage or injury in order that the damage or injury may be



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464 examined. The failure of the person claiming such damage or  
465 injury claimant to allow permit observation and examination of  
466 the alleged damage or injury shall automatically bar the claim  
467 against the licensee.

468 Section 8. Section 487.160, Florida Statutes, is amended to  
469 read:

470 487.160 Records.—Licensed private applicators, ~~supervising~~  
471 ~~15 or more unlicensed applicators or mixer-loaders and~~ licensed  
472 public applicators, and licensed commercial applicators shall  
473 maintain records as the department may determine by rule with  
474 respect to the application of restricted pesticides, including,  
475 but not limited to, the type and quantity of pesticide, method  
476 of application, crop treated, and dates and location of  
477 application. ~~Other licensed private applicators shall maintain~~  
478 ~~records as the department may determine by rule with respect to~~  
479 ~~the date, type, and quantity of restricted-use pesticides used.~~  
480 Licensees shall keep records for a period of 2 years from the  
481 date of the application of the pesticide to which the records  
482 refer, and ~~shall~~ furnish to the department a copy of the records  
483 upon written request by the department.

484 Section 9. Present subsection (8) of section 487.2031,  
485 Florida Statutes, is redesignated as subsection (7), and present  
486 subsection (7) of that section is amended to read:

487 487.2031 Definitions.—For the purposes of this part, the  
488 term:

489 (8)(7) "Material Safety data sheet" means written,  
490 electronic, or printed material concerning an agricultural  
491 pesticide that sets forth the following information:

492 (a) The chemical name and the common name of the



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493 agricultural pesticide.

494 (b) The hazards or other risks in the use of the  
495 agricultural pesticide, including:

496 1. The potential for fire, explosions, corrosivity, and  
497 reactivity.

498 2. The known acute health effects and chronic health  
499 effects of exposure to the agricultural pesticide, including  
500 those medical conditions that are generally recognized as being  
501 aggravated by exposure to the agricultural pesticide.

502 3. The primary routes of entry and symptoms of  
503 overexposure.

504 (c) The proper handling practices, necessary personal  
505 protective equipment, and other proper or necessary safety  
506 precautions in circumstances that involve the use of or exposure  
507 to the agricultural pesticide, including appropriate emergency  
508 treatment in case of overexposure.

509 (d) The emergency procedures for spills, fire, disposal,  
510 and first aid.

511 (e) A description of the known specific potential health  
512 risks posed by the agricultural pesticide, which is written in  
513 lay terms and is intended to alert a any person who reads the  
514 information.

515 (f) The year and month, if available, that the information  
516 was compiled and the name, address, and emergency telephone  
517 number of the manufacturer responsible for preparing the  
518 information.

519 Section 10. Section 487.2051, Florida Statutes, is amended  
520 to read:

521 487.2051 Availability of agricultural pesticide information



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522 to workers and medical personnel.-

523 (1) An agricultural employer shall make available  
524 agricultural pesticide information concerning any agricultural  
525 pesticide to a ~~any~~ worker:

526 (a) Who enters an agricultural-pesticide-treated area on an  
527 agricultural establishment where:

528 1. An agricultural pesticide has been applied within 30  
529 days of that entry; or

530 2. A restricted-entry interval has been in effect; or

531 (b) Who may be exposed to the agricultural pesticide during  
532 normal conditions of use or in a foreseeable emergency.

533 (2) The agricultural pesticide information provided  
534 pursuant to subsection (1) must be in the form of a fact sheet  
535 or a ~~material~~ safety data sheet. The agricultural employer shall  
536 provide a written copy of the information provided pursuant to  
537 subsection (1) within 2 working days after a request for the  
538 information by a worker or a designated representative. In the  
539 case of a pesticide-related medical emergency, the agricultural  
540 employer shall provide a written copy of the information  
541 promptly upon the request of the worker, the designated  
542 representative, or medical personnel treating the worker.

543 (3) Upon the initial purchase of a product and with the  
544 first purchase after the fact sheet or material safety data  
545 sheet is updated, the distributor, manufacturer, or importer of  
546 agricultural pesticides shall obtain or develop and provide each  
547 direct purchaser of an agricultural pesticide with a fact sheet  
548 or material safety data sheet. If the fact sheet or material  
549 safety data sheet ~~or fact sheet~~ for the agricultural pesticide  
550 is not available when the agricultural pesticide is purchased,



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551 the agricultural employer shall take appropriate and timely  
552 steps to obtain the fact sheet or material safety data sheet ~~or~~  
553 ~~fact sheet~~ from the distributor, the manufacturer, the  
554 department, a federal agency, or another distribution source.

555 (4) The department shall produce and make available to a  
556 trainer a one-page general agricultural pesticide safety sheet.  
557 The pesticide safety sheet must be in a language understandable  
558 to the worker and must include, but need not be limited to,  
559 illustrated instructions on preventing agricultural pesticide  
560 exposure and toll-free telephone numbers to the Florida Poison  
561 Control Centers. The trainer shall provide the pesticide safety  
562 sheet to the worker pursuant to the United States Environmental  
563 Protection Agency Worker Protection Standard, 40 C.F.R. s.  
564 170.130.

565 Section 11. Subsections (3) and (5) of section 493.6120,  
566 Florida Statutes, are amended to read:

567 493.6120 Violations; penalty.-

568 (3) Except as otherwise provided in this chapter, a person  
569 who violates any provision of this chapter except subsection (7)  
570 commits a misdemeanor of the first degree, punishable as  
571 provided in s. 775.082 or s. 775.083. The department may also  
572 seek the imposition of a civil penalty in the Class II category  
573 pursuant to s. 570.971 upon a withholding of adjudication of  
574 guilt or an adjudication of guilt in a criminal case.

575 (5) A person who violates or disregards a cease and desist  
576 order issued by the department commits a misdemeanor of the  
577 first degree, punishable as provided in s. 775.082 or s.  
578 775.083. In addition, the department may seek the imposition of  
579 a civil penalty in the Class II category pursuant to s. 570.971





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580 ~~not to exceed \$5,000.~~

581 Section 12. Section 570.545, Florida Statutes, is  
582 transferred and renumbered as section 501.0113, Florida  
583 Statutes.

584 Section 13. Paragraph (p) of subsection (1) of section  
585 500.03, Florida Statutes, is amended to read:

586 500.03 Definitions; construction; applicability.-

587 (1) For the purpose of this chapter, the term:

588 (p) "Food establishment" means a ~~any~~ factory, food outlet,  
589 ~~or any~~ other facility manufacturing, processing, packing,  
590 holding, or preparing food or selling food at wholesale or  
591 retail. The term does not include any business or activity that  
592 is regulated under s. 413.051, s. 500.80, chapter 509, or  
593 chapter 601. The term includes tomato packinghouses and  
594 repackers but does not include any other establishments that  
595 pack fruits and vegetables in their raw or natural states,  
596 including those fruits or vegetables that are washed, colored,  
597 or otherwise treated in their unpeeled, natural form before they  
598 are marketed.

599 Section 14. Paragraphs (a) and (b) of subsection (1) and  
600 subsection (8) of section 500.12, Florida Statutes, are amended  
601 to read:

602 500.12 Food permits; building permits.-

603 (1) (a) A food permit from the department is required of a  
604 ~~any~~ person who operates a food establishment or retail food  
605 store, except:

606 1. Persons operating minor food outlets, ~~including, but not~~  
607 ~~limited to, video stores,~~ that sell food that is commercially  
608 prepackaged, not potentially hazardous, and not time or



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609 temperature controlled for safety if, nonpotentially hazardous  
610 candy, chewing gum, soda, or popcorn, provided the shelf space  
611 for those items does not exceed 12 total linear feet and no  
612 other food is sold by the minor food outlet.

613 2. Persons subject to continuous, onsite federal or state  
614 inspection.

615 3. Persons selling only legumes in the shell, either  
616 parched, roasted, or boiled.

617 4. Persons selling sugar cane or sorghum syrup that has  
618 been boiled and bottled on a premise located within the state.  
619 Such bottles must contain a label listing the producer's name  
620 and street address, all added ingredients, the net weight or  
621 volume of the product, and a statement that reads: "This product  
622 has not been produced in a facility permitted by the Florida  
623 Department of Agriculture and Consumer Services."

624 (b) Each food establishment and retail food store regulated  
625 under this chapter must apply for and receive a food permit  
626 before operation begins. An application for a food permit from  
627 the department must be accompanied by a fee in an amount  
628 determined by department rule. The department shall adopt by  
629 rule a schedule of fees, which may not exceed \$650, to be paid  
630 by each food establishment and retail food store as a condition  
631 of issuance or renewal of a food permit. Such fees and shall be  
632 used solely for the recovery of costs for the services provided,  
633 except that the fee accompanying an application for a food  
634 permit for operating a bottled water plant may not exceed \$1,000  
635 and the fee accompanying an application for a food permit for  
636 operating a packaged ice plant may not exceed \$250. The fee for  
637 operating a bottled water plant or a packaged ice plant shall be



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638 set by rule of the department. Food permits are not transferable  
639 from one person or physical location to another. Food permits  
640 must be renewed annually on or before January 1. If an  
641 application for renewal of a food permit is not received by the  
642 department within 30 days after its due date, a late fee, ~~in an~~  
643 ~~amount~~ not exceeding \$100, must be paid in addition to the food  
644 permit fee before the department may issue the food permit. The  
645 moneys collected shall be deposited in the General Inspection  
646 Trust Fund.

647 (8) ~~A~~ Any person who, after October 1, 2000, applies for or  
648 renews a local business tax certificate occupational license to  
649 engage in business as a food establishment or retail food store  
650 must exhibit a current food permit or an active letter of  
651 exemption from the department before the local business tax  
652 certificate occupational license may be issued or renewed.

653 Section 15. Subsections (1) through (3) of section 500.121,  
654 Florida Statutes, are amended, and subsection (7) is added to  
655 that section, to read:

656 500.121 Disciplinary procedures.—

657 (1) In addition to the suspension procedures provided in s.  
658 500.12, if applicable, the department may impose an  
659 administrative fine in the Class II category pursuant to s.  
660 570.971 a fine not to exceed \$5,000 against any retail food  
661 store, food establishment, or cottage food operation that  
662 violates this chapter, which fine, when imposed and paid, shall  
663 be deposited by the department into the General Inspection Trust  
664 Fund. The department may revoke or suspend the permit of ~~any~~  
665 such retail food store or food establishment if it is satisfied  
666 that the retail food store or food establishment has:



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667 (a) Violated ~~any of the provisions of~~ this chapter.

668 (b) Violated, or aided or abetted in the violation of, any  
669 law of this state or department rule relating governing or  
670 applicable to retail food stores or food establishments or any  
671 lawful rules of the department.

672 (c) Knowingly committed, or been a party to, any material  
673 fraud, misrepresentation, conspiracy, collusion, trick, scheme,  
674 or device whereby another any other person, lawfully relying  
675 upon the word, representation, or conduct of a retail food store  
676 or food establishment, acts to her or his injury or damage.

677 (d) Committed any act or conduct of the same or different  
678 character than that enumerated which constitutes fraudulent or  
679 dishonest dealing.

680 (2) ~~A~~ Any manufacturer, processor, packer, or distributor  
681 who misrepresents or mislabels the country of origin of any food  
682 may, in addition to any penalty provided in this chapter, be  
683 subject to an additional administrative fine in the Class II  
684 category pursuant to s. 570.971 for each of up to \$10,000 per  
685 violation.

686 (3) ~~An~~ Any administrative order made and entered by the  
687 department imposing a fine pursuant to this section shall  
688 specify the amount of the fine and the time limit for payment  
689 thereof, not exceeding 21 15 days, and, upon failure of the  
690 permitholder to pay the fine within that time, the permit is  
691 subject to suspension or revocation.

692 (7) The department may determine that a food establishment  
693 regulated under this chapter requires immediate closure when the  
694 food establishment fails to comply with this chapter or rules  
695 adopted under this chapter and presents an imminent threat to



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696 the public health, safety, and welfare. The department may  
697 accept inspection results from other state and local building  
698 officials and other regulatory agencies as justification for  
699 such action. The department shall, upon such a determination,  
700 issue an immediate final order to close a food establishment as  
701 follows:

702 (a) The division director or designee shall determine that  
703 the continued operation of a food establishment presents an  
704 immediate danger to the public health, safety, and welfare.

705 (b) Upon such determination, the department shall issue an  
706 immediate final order directing the owner or operator of the  
707 food establishment to cease operation and close the food  
708 establishment. The department shall serve the order upon the  
709 owner or operator of the food establishment, or agent thereof.  
710 The department may attach a closed-for-operation sign to the  
711 food establishment while the order remains in place.

712 (c) The department shall inspect the food establishment  
713 within 24 hours after the issuance of the order. Upon a  
714 determination that the food establishment has met the applicable  
715 requirements to resume operations, the department shall serve a  
716 release upon the owner or operator of the food establishment, or  
717 agent thereof.

718 (d) A food establishment ordered by the department to cease  
719 operation and close under this section shall remain closed until  
720 released by the department or by a judicial order to reopen.

721 (e) It is a misdemeanor of the second degree, punishable as  
722 provided in s. 775.082 or s. 775.083, for a person to deface or  
723 remove a closed-for-operation sign placed on a food  
724 establishment by the department or for the owner or operator of



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725 a food establishment to resist closure of the establishment by  
726 the department. The department may impose administrative  
727 sanctions for violations of this paragraph.

728 (f) The department may adopt rules to administer this  
729 subsection.

730 Section 16. Subsection (1) of section 500.147, Florida  
731 Statutes, is amended to read:

732 500.147 Inspection of food establishments, food records,  
733 and vehicles.-

734 (1) The department or its duly authorized agent shall have  
735 free access at all reasonable hours to a any food establishment,  
736 food record, or any vehicle being used to transport or hold food  
737 in commerce for the purpose of inspecting such establishment,  
738 record, or vehicle to determine whether if any provision of this  
739 chapter or any rule adopted under this the chapter is being  
740 violated; to secure a sample or a specimen of any food after  
741 paying or offering to pay for such sample; to see that all  
742 sanitary rules adopted by the department are complied with; to  
743 facilitate tracing of food products in the event of a food-borne  
744 illness outbreak or the identification of an adulterated or  
745 misbranded food item; or to enforce the special-occupancy  
746 provisions of the Florida Building Code which apply to food  
747 establishments.

748 Section 17. Subsection (3) of section 500.165, Florida  
749 Statutes, is amended to read:

750 500.165 Transporting shipments of food items; rules;  
751 penalty.-

752 (3) A Any person who violates subsection (1) or the rules  
753 adopted under subsection (2) is subject to an administrative



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754 fine in the class III category pursuant to s. 570.971 for each  
755 ~~not to exceed \$50,000 per violation.~~ In addition, ~~a any~~ person  
756 who violates subsection (1) ~~commits is guilty of~~ a misdemeanor  
757 of the first degree, punishable as provided in s. 775.082 or s.  
758 775.083.

759 Section 18. Section 500.172, Florida Statutes, is amended  
760 to read:

761 500.172 Embargoing, detaining, destroying of food, ~~or~~ food-  
762 processing equipment, food-processing areas, or food storage  
763 areas that are ~~is~~ in violation.-

764 (1) ~~If when~~ the department or its duly authorized agent  
765 finds, or has probable cause to believe, that any food article,  
766 ~~or~~ food-processing equipment, food-processing area, or food  
767 storage area is in violation of this chapter or any rule adopted  
768 under this chapter so as to be dangerous, unwholesome,  
769 fraudulent, or insanitary within the meaning of this chapter, an  
770 agent of the department may issue and enforce a stop-sale, stop-  
771 use, removal, or hold order, which ~~order~~ gives notice that such  
772 article, or processing equipment, processing area, or storage  
773 area is, or is suspected of being, in violation and has been  
774 detained or embargoed and ~~which order~~ warns all persons not to  
775 remove, use, or dispose of such article, or processing  
776 equipment, processing area, or storage area by sale or otherwise  
777 until permission for removal, use, or disposal is given by the  
778 department or the court. ~~A It is unlawful for any person may not~~  
779 ~~to~~ remove, use, or dispose of such detained or embargoed  
780 article, or processing equipment, processing area, or storage  
781 area by sale or otherwise without such permission.

782 (2) If an article, or processing equipment, processing



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783 area, or storage area detained or embargoed under subsection (1)  
784 has been found by the department to be in violation of law or  
785 rule, the department may, within a reasonable period of time  
786 after the issuance of such notice, petition the circuit court,  
787 in the jurisdiction of which the article, or processing  
788 equipment, processing area, or storage area is detained or  
789 embargoed, for an order for condemnation of such article, or  
790 processing equipment, processing area, or storage area. When the  
791 department has found that an article, or processing equipment,  
792 processing area, or storage area so detained or embargoed is not  
793 in violation, the department shall rescind the stop-sale, stop-  
794 use, removal, or hold order.

795 (3) If the court finds that the detained or embargoed  
796 article, or processing equipment, processing area, or storage  
797 area is in violation, such article, or processing equipment,  
798 processing area, or storage area shall, after entry of the  
799 decree, be destroyed or made sanitary at the expense of the  
800 claimant thereof under the supervision of the department, ~~and~~  
801 all court costs, fees, and storage and other proper expenses  
802 shall be taxed against the claimant of such article, or  
803 processing equipment, processing area, or storage area or her or  
804 his agent. However, if the violation can be corrected by proper  
805 labeling of the article or sanitizing of the processing  
806 equipment, processing area, or storage area, and after such  
807 costs, fees, and expenses have been paid and a good and  
808 sufficient bond, conditioned that such article be so labeled or  
809 processed or such processing equipment, processing area, or  
810 storage area so sanitized, has been executed, the court may by  
811 order direct that such article, or processing equipment,



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812 processing area, or storage area be made available ~~delivered~~ to  
813 the claimant thereof for such labeling, processing, or  
814 sanitizing under the supervision of the department. The expense  
815 of such supervision shall be paid by the claimant. Such bond  
816 shall be returned to the claimant of the article or processing  
817 equipment, processing area, or storage area, on representation  
818 to the court by the department that the article, ~~or~~ processing  
819 equipment, processing area, or storage area is no longer in  
820 violation of this chapter and that the expenses of such  
821 supervision have been paid.

822 (4) When the department or any of its authorized agents  
823 finds in any room, building, vehicle, or other structure any  
824 meat, seafood, poultry, vegetable, fruit, or other perishable  
825 articles which are unsound or contain any filthy, decomposed, or  
826 putrid substances, or which may be poisonous or deleterious to  
827 health or otherwise unsafe, the same is being hereby declared to  
828 be a nuisance, and the department, ~~or~~ its authorized agent,  
829 shall ~~forthwith~~ condemn or destroy the same, ~~or~~ in any other  
830 manner render the same unsalable as human food.

831 Section 19. Subsection (3) and paragraph (b) of subsection  
832 (4) of section 501.019, Florida Statutes, are amended to read:

833 501.019 Health studios; penalties.—

834 (3) The department may institute proceedings in the  
835 appropriate circuit court to recover any penalties or damages  
836 allowed in this section and for injunctive relief to enforce  
837 compliance with ss. 501.012-501.019 or any rule or order of the  
838 department. The department may seek a civil penalty in the Class  
839 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each  
840 violation of this section.



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841 (4)  
842 (b) Upon a finding as set forth in paragraph (a), the  
843 department may enter an order doing one or more of the  
844 following:  
845 1. Issuing a notice of noncompliance pursuant to s.  
846 120.695.  
847 2. For a violation of s. 501.015 or s. 501.016, imposing an  
848 administrative fine in the Class II category pursuant to s.  
849 570.971 for each ~~not to exceed \$5,000 per~~ violation.  
850 ~~3. For a violation of s. 501.013, s. 501.017, or s.~~  
851 ~~501.018, imposing an administrative fine not to exceed \$500 per~~  
852 ~~violation.~~  
853 ~~3.4.~~ Directing that the health studio cease and desist  
854 specified activities.  
855 ~~4.5.~~ Refusing to register or revoking or suspending a  
856 registration.  
857 ~~5.6.~~ Placing the registrant on probation for a period of 5  
858 years, subject to such conditions as the department may specify  
859 by rule.

860 Section 20. Subsection (9) of section 501.059, Florida  
861 Statutes, is amended, and subsection (12) is added to that  
862 section, to read:

863 501.059 Telephone solicitation.—

864 (9)(a) The department shall investigate any complaints  
865 received concerning violations of this section. If, after  
866 investigating a ~~any~~ complaint, the department finds that there  
867 has been a violation of this section, the department or the  
868 Department of Legal Affairs may bring an action to impose a  
869 civil penalty and to seek other relief, including injunctive



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870 relief, as the court deems appropriate against the telephone  
871 solicitor. The civil penalty shall be in the Class III category  
872 pursuant to s. 570.971 for each ~~may not exceed \$10,000 per~~  
873 violation and shall be deposited in the General Inspection Trust  
874 Fund if the action or proceeding was brought by the department,  
875 or the Legal Affairs Revolving Trust Fund if the action or  
876 proceeding was brought by the Department of Legal Affairs. This  
877 civil penalty may be recovered in any action brought under this  
878 part by the department, or the department may terminate any  
879 investigation or action upon agreement by the person to pay a  
880 stipulated civil penalty. The department or the court may waive  
881 any civil penalty if the person has previously made full  
882 restitution or reimbursement or has paid actual damages to the  
883 consumers who have been injured by the violation.

884 (b) The department may, as an alternative to the civil  
885 penalties provided in paragraph (a), impose an administrative  
886 fine in the Class I category pursuant to s. 570.971 ~~not to~~  
887 ~~exceed \$1,000~~ for each act or omission that constitutes a  
888 violation of this section. An administrative proceeding that  
889 could result in the entry of an order imposing an administrative  
890 penalty must be conducted pursuant to ~~in accordance with~~ chapter  
891 120.

892 (12) The department may adopt rules to implement this  
893 section.

894 Section 21. Paragraph (a) of subsection (1) of section  
895 501.922, Florida Statutes, is amended to read:

896 501.922 Violation.—

897 (1) The department may enter an order imposing one or more  
898 of the following penalties against any person who violates ss.



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899 501.91-501.923 or who impedes, obstructs, or hinders the  
900 department in performing its duties under those sections:

901 (a) Imposition of an administrative fine in the Class II  
902 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~  
903 ~~per violation for a first-time offender. For a second-time or~~  
904 ~~repeat offender, or any person who willfully and intentionally~~  
905 ~~violates ss. 501.91-501.923, the administrative fine may not~~  
906 ~~exceed \$5,000 per violation.~~

907 Section 22. Section 570.42, Florida Statutes, is  
908 transferred, renumbered as section 502.301, Florida Statutes,  
909 and amended to read:

910 502.301 ~~570.42~~ Dairy Industry Technical Council.—

911 (1) COMPOSITION.—The Dairy Industry Technical Council is  
912 ~~hereby~~ created within ~~in~~ the department and shall be composed of  
913 seven members as follows:

914 (a) Two citizens of the state, one of whom shall be  
915 associated with the Agricultural Extension Service of the  
916 University of Florida and the other with the College of  
917 Agricultural and Life Sciences ~~Agriculture~~ of the University of  
918 Florida.

919 (b) An employee of the Department of Health.

920 (c) Two dairy farmers who are actively engaged in the  
921 production of milk in this state and who earn a major portion of  
922 their income from the production of milk. The commissioner shall  
923 appoint the two members ~~provided for in this paragraph~~ from no  
924 fewer than four nor more than six nominees submitted by the  
925 recognized statewide organizations representing this group. In  
926 the absence of nominations, the commissioner shall appoint other  
927 persons qualified under ~~the provisions of~~ this paragraph.



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928 (d) Two distributors of milk. "Distributor" means any milk  
929 dealer who operates a milk gathering station or processing plant  
930 where milk is collected and bottled or otherwise processed and  
931 prepared for sale. The commissioner shall appoint the two  
932 members ~~provided for in this paragraph~~ from no fewer than four  
933 nor more than six nominees submitted by the recognized statewide  
934 organizations representing this group. In the absence of  
935 nominations, the commissioner shall appoint other persons  
936 qualified under the ~~provisions of this paragraph~~.

937 (e) All members shall serve 4-year terms or until their  
938 successors are duly qualified and appointed. If a vacancy  
939 occurs, it shall be filled for the remainder of the term in the  
940 manner of an initial appointment.

941 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The  
942 meetings, powers and duties, procedures, and recordkeeping of  
943 the Dairy Industry Technical Council shall be pursuant to s.  
944 570.232 governed by the provisions of s. 570.0705 relating to  
945 advisory committees established within the department.

946 Section 23. Part I of chapter 570, Florida Statutes,  
947 consisting of ss. 570.01-570.232, Florida Statutes, is created  
948 and entitled "General Provisions."

949 Section 24. Section 570.14, Florida Statutes, is renumbered  
950 as section 570.031, Florida Statutes, and amended to read:

951 570.031 ~~570.14~~ Seal of department.—The department shall  
952 have an official seal which shall be used for the authentication  
953 of the orders and proceedings of the department and for such  
954 other purposes as the department may prescribe. Use of the seal  
955 or any likeness thereof requires written approval of the  
956 department.



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957 Section 25. Section 570.18, Florida Statutes, is renumbered  
958 as section 570.041, Florida Statutes.

959 Section 26. Section 570.16, Florida Statutes, is renumbered  
960 as section 570.051, Florida Statutes.

961 Section 27. Subsection (33) of section 570.07, Florida  
962 Statutes, is amended to read:

963 570.07 Department of Agriculture and Consumer Services;  
964 functions, powers, and duties.—The department shall have and  
965 exercise the following functions, powers, and duties:

966 (33) To assist local volunteer and nonprofit organizations  
967 in soliciting, collecting, packaging, or delivering surplus  
968 fresh fruit and vegetables for distribution pursuant to s.  
969 595.420 in accordance with s. 570.0725. The department also may  
970 coordinate the development of food recovery programs in the  
971 production areas of the state using local volunteer and  
972 nonprofit organizations.

973 Section 28. Section 570.17, Florida Statutes, is renumbered  
974 as section 570.081, Florida Statutes.

975 Section 29. Section 570.531, Florida Statutes, is  
976 renumbered as section 570.209, Florida Statutes.

977 Section 30. Paragraph (d) of subsection (1) and subsection  
978 (2) of section 570.23, Florida Statutes, are amended to read:

979 570.23 State Agricultural Advisory Council.—

980 (1) COMPOSITION.—The State Agricultural Advisory Council is  
981 hereby created in the department.

982 (d) ~~On or after January 15, 1988,~~ Alternates shall be  
983 appointed for each member and shall serve as alternates for the  
984 remainder of the corresponding members' terms. As terms of  
985 current members expire, members and their alternates shall be



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986 appointed for 4-year terms and shall serve until their  
987 successors are duly qualified and appointed. A vacancy shall be  
988 filled for the remainder of an unexpired term in the same manner  
989 as an initial appointment.

990 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The  
991 meetings, powers and duties, procedures, and recordkeeping of  
992 the State Agricultural Advisory Council shall be pursuant to s.  
993 570.232 governed by the provisions of s. 570.0705 relating to  
994 advisory committees established within the department.

995 Section 31. Section 570.0705, Florida Statutes, is  
996 renumbered as section 570.232, Florida Statutes.

997 Section 32. Part II of chapter 570, Florida Statutes,  
998 consisting of ss. 570.30-570.693, Florida Statutes, is created  
999 and entitled "Program Services."

1000 Section 33. Subsection (5) of section 570.36, Florida  
1001 Statutes, is amended to read:

1002 570.36 Division of Animal Industry; powers and duties.—The  
1003 duties of the Division of Animal Industry include, but are not  
1004 limited to:

1005 (5) Operating and managing the animal disease diagnostic  
1006 laboratory laboratories provided for in chapter 585.

1007 Section 34. Subsections (3) and (4) of section 570.44,  
1008 Florida Statutes, are amended to read:

1009 570.44 Division of Agricultural Environmental Services;  
1010 powers and duties.—The duties of the Division of Agricultural  
1011 Environmental Services include, but are not limited to:

1012 (3) ~~Supporting the Pesticide Review Council and Reviewing~~  
1013 ~~and evaluating technical and scientific data associated with the~~  
1014 ~~production, manufacture, storage, transportation, sale, or use~~



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1015 of any article or product with respect to any statutory  
1016 authority ~~which is~~ conferred on the department. The department  
1017 ~~may is authorized to~~ establish positions within the division for  
1018 the employment of experts in the fields of toxicology,  
1019 hydrology, and biology to conduct such reviews and evaluations  
1020 ~~and may. The department is also authorized to~~ establish  
1021 appropriate clerical support positions to implement the duties  
1022 and responsibilities of the division.

1023 ~~(4) Enforcing and implementing the responsibilities of~~  
1024 ~~chapter 582, and the rules relating to soil and water~~  
1025 ~~conservation.~~

1026 Section 35. Subsection (2) of section 570.45, Florida  
1027 Statutes, is amended to read:

1028 570.45 Director; duties.—

1029 (2) The director shall supervise, direct, and coordinate  
1030 the activities of the division and enforce ~~the provisions of~~  
1031 ~~chapters 388, 482, 487, 501, 504, 531, 570, 576, 578, and 580,~~  
1032 ~~and 582~~ and any other chapter necessary to carry out the  
1033 responsibilities of the division.

1034 Section 36. Paragraph (d) of subsection (3) of section  
1035 570.451, Florida Statutes, is amended to read:

1036 570.451 Agricultural Feed, Seed, and Fertilizer Advisory  
1037 Council.—

1038 (3)

1039 (d) The meetings, powers and duties, procedures, and  
1040 recordkeeping of the council shall be pursuant to s. 570.232 in  
1041 ~~accordance with the provisions of s. 570.0705 relating to~~  
1042 ~~advisory committees established within the department.~~

1043 Section 37. Subsections (2) and (3) of section 570.50,





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1044 Florida Statutes, are amended to read:

1045 570.50 Division of Food Safety; powers and duties.—The  
1046 duties of the Division of Food Safety include, but are not  
1047 limited to:

1048 (2) Conducting those general inspection activities relating  
1049 to food and food products being processed, held, or offered for  
1050 sale in this state and enforcing those provisions of chapters  
1051 500, 501, 502, 531, 583, 585, 586, 597, and 601 relating to  
1052 foods as authorized by the department.

1053 (3) Analyzing samples of foods offered for sale in this  
1054 state as required under chapters 500, 501, 502, 585, 586, 597,  
1055 and 601.

1056 Section 38. Subsection (2) of section 570.51, Florida  
1057 Statutes, is amended to read:

1058 570.51 Director; qualifications; duties.—

1059 (2) The director shall supervise, direct, and coordinate  
1060 the activities of the division and enforce the provisions of  
1061 chapters 500, 501, 502, 531, 583, 585, 597, and 601 and any  
1062 other chapter necessary to carry out the responsibilities of the  
1063 division.

1064 Section 39. Subsection (2) of section 570.543, Florida  
1065 Statutes, is amended to read:

1066 570.543 Florida Consumers' Council.—The Florida Consumers'  
1067 Council in the department is created to advise and assist the  
1068 department in carrying out its duties.

1069 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The  
1070 meetings, powers and duties, procedures, and recordkeeping of  
1071 the Florida Consumers' Council shall be pursuant to s. 570.232  
1072 governed by the provisions of s. 570.0705 relating to advisory



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1073 ~~committees established within the department.~~ The council  
1074 members or chair may call no more than two meetings.

1075 Section 40. Section 570.073, Florida Statutes, is  
1076 renumbered as section 570.65, Florida Statutes.

1077 Section 41. Section 570.074, Florida Statutes, is  
1078 renumbered as section 570.66, Florida Statutes, and amended to  
1079 read:

1080 570.66 570.074 Department of Agriculture and Consumer  
1081 Services; Water Policy.—The commissioner may create an Office of  
1082 Agricultural Water Policy under the supervision of a senior  
1083 manager exempt under s. 110.205 in the Senior Management  
1084 Service. The commissioner may designate the bureaus and  
1085 positions in the various organizational divisions of the  
1086 department that report to ~~the~~ this office relating to any matter  
1087 over which the department has jurisdiction in matters relating  
1088 to water policy affecting agriculture, application of such  
1089 policies, and coordination of such matters with state and  
1090 federal agencies. The office shall enforce and implement chapter  
1091 582 and rules relating to soil and water conservation.

1092 Section 42. Section 570.67, Florida Statutes, is created to  
1093 read:

1094 570.67 Office of Energy.—The Office of Energy is created  
1095 within the department. The office shall be under the supervision  
1096 of a senior manager, appointed by the commissioner, exempt under  
1097 s. 110.205 in the Senior Management Service. The duties of the  
1098 office must include, but are not limited to, administering and  
1099 enforcing parts II and III of chapter 377, the rules adopted  
1100 under those parts, and any other duties authorized by the  
1101 commissioner.



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1102 Section 43. Section 570.951, Florida Statutes, is  
1103 renumbered as section 570.681, Florida Statutes.

1104 Section 44. Section 570.952, Florida Statutes, is  
1105 renumbered as section 570.685, Florida Statutes, and amended to  
1106 read:

1107 570.685 ~~570.952~~ Florida Agriculture Center and Horse Park  
1108 Authority.-

1109 (1) There is created within the Department of Agriculture  
1110 and Consumer Services the Florida Agriculture Center and Horse  
1111 Park Authority which shall be governed by this section and s.  
1112 570.691 ~~s. 570.903~~.

1113 (2) The authority shall be composed of 21 members appointed  
1114 by the commissioner.

1115 (a) Initially, the commissioner shall appoint 11 members  
1116 for 4-year terms and 10 members for 2-year terms. Thereafter,  
1117 each member shall be appointed for a term of 4 years from the  
1118 date of appointment, except that a vacancy shall be filled by  
1119 appointment for the remainder of the term.

1120 (b) ~~A~~ Any member of the authority who fails to attend three  
1121 consecutive authority meetings without good cause shall be  
1122 deemed to have resigned from the authority.

1123 ~~(c) Terms for members appointed prior to July 1, 2005,~~  
1124 ~~shall expire on July 1, 2005.~~

1125 (3) The Florida Agriculture Center and Horse Park Authority  
1126 shall ~~have the power and duty to:~~

1127 (a) Appoint, with approval from the commissioner, an  
1128 executive director for the Florida Agriculture Center and Horse  
1129 Park.

1130 (b) Establish rules of procedure for conducting its



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1131 meetings and approving matters before the authority pursuant to  
1132 s. 570.691 ~~that are consistent with s. 570.903.~~

1133 (c) Develop, document, and implement strategies for the  
1134 planning, construction, and operation of the Florida Agriculture  
1135 Center and Horse Park.

1136 (d) Advise and consult with the commissioner on matters  
1137 related to the Florida Agriculture Center and Horse Park.

1138 (e) Consider all matters submitted to the authority by the  
1139 commissioner.

1140 (4) The authority shall meet at least semiannually and  
1141 elect a chair ~~chairperson~~, a vice chair ~~chairperson~~, and a  
1142 secretary for 1-year terms.

1143 (a) The authority shall meet at the call of its chair  
1144 ~~chairperson~~, at the request of a majority of its membership, at  
1145 the request of the commissioner, or at such times as may be  
1146 prescribed by its rules of procedure.

1147 (b) The department shall be responsible for providing  
1148 administrative and staff support services relating to the  
1149 meetings of the authority and shall provide suitable space in  
1150 the offices of the department for the meetings and the storage  
1151 of records of the authority.

1152 (c) In conducting its meetings, the authority shall use  
1153 accepted rules of procedure. The secretary shall keep a complete  
1154 record of the proceedings of each meeting, which record shall  
1155 show the names of the members present and the actions taken.  
1156 These records shall be kept on file with the department, and  
1157 such records and other documents regarding matters within the  
1158 jurisdiction of the authority shall be subject to inspection by  
1159 members of the authority.



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1160 Section 45. Section 570.953, Florida Statutes, is  
1161 renumbered as section 570.686, Florida Statutes.

1162 Section 46. Section 570.902, Florida Statutes, is  
1163 renumbered as section 570.69, Florida Statutes, and amended to  
1164 read:

1165 570.69 ~~570.902~~ Definitions, ~~ss. 570.902 and 570.903.~~ For  
1166 the purpose of this section and s. 570.691 ~~s. 570.903~~:

1167 (1) "Designated program" means the departmental program  
1168 which a direct-support organization has been created to support.

1169 (2) "Direct-support organization" or "organization" means  
1170 an organization which is a Florida corporation not for profit  
1171 incorporated under ~~the provisions of~~ chapter 617 and approved by  
1172 the department to operate for the benefit of a museum or a  
1173 designated program.

1174 (3) "Museum" means the Florida Agricultural Museum which is  
1175 designated as the museum for agriculture and rural history of  
1176 the State of Florida.

1177 Section 47. Section 570.903, Florida Statutes, is  
1178 renumbered as section 570.691, Florida Statutes.

1179 Section 48. Section 570.901, Florida Statutes, is  
1180 renumbered as section 570.692, Florida Statutes.

1181 Section 49. Section 570.91, Florida Statutes, is renumbered  
1182 as section 570.693, Florida Statutes.

1183 Section 50. Part III of chapter 570, Florida Statutes,  
1184 consisting of ss. 570.70-570.89, Florida Statutes, is created  
1185 and entitled "Agricultural Development."

1186 Section 51. Subsections (2) and (12) of section 570.71,  
1187 Florida Statutes, are amended to read:

1188 570.71 Conservation easements and agreements.—



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1189 (2) To achieve the purposes of this section act, ~~beginning~~  
1190 ~~no sooner than July 1, 2002, and every year thereafter,~~ the  
1191 department may accept applications for project proposals to  
1192 ~~that~~:

1193 (a) Purchase conservation easements, as defined in s.  
1194 704.06.

1195 (b) Purchase rural-lands-protection easements pursuant to  
1196 this section act.

1197 (c) Fund resource conservation agreements pursuant to this  
1198 section act.

1199 (d) Fund agricultural protection agreements pursuant to  
1200 this section act.

1201 (12) The department ~~may is authorized to~~ use funds from the  
1202 following sources to implement this section act:

1203 (a) State funds;

1204 (b) Federal funds;

1205 (c) Other governmental entities;

1206 (d) Nongovernmental organizations; or

1207 (e) Private individuals.

1208  
1209 Any such funds provided shall be deposited into the Conservation  
1210 and Recreation Lands Program Trust Fund within the Department of  
1211 Agriculture and Consumer Services and used for the purposes of  
1212 this section, including administrative and operating expenses  
1213 related to appraisals, mapping, title process, personnel, and  
1214 other real estate-related expenses act.

1215 Section 52. Section 570.241, Florida Statutes, is  
1216 transferred and renumbered as section 570.73, Florida Statutes.

1217 Section 53. Section 570.242, Florida Statutes, is



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1218 renumbered as section 570.74, and amended to read:

1219 570.74 ~~570.242~~ Definitions relating to Agricultural  
1220 Economic Development Act.—For purposes of this act, the term  
1221 ~~following terms shall have the following meanings:~~

1222 (1) "Agriculturally depressed area" means a rural area that  
1223 ~~which~~ has declining profitability from agricultural enterprises  
1224 and one or more of the following characteristics:

1225 (a) A stable or declining population.

1226 (b) A stable or declining real per capita income.

1227 (c) A traditional economy based on agriculture or  
1228 extraction of solid minerals.

1229 (d) A low ad valorem tax base.

1230 (e) A need for agribusiness and leadership training.

1231 (f) Crop losses or economic depression resulting from a  
1232 natural disaster or socioeconomic conditions or events that  
1233 ~~which~~ negatively impact a crop.

1234 (2) "Assistance" means financial or nonfinancial assistance  
1235 issued pursuant to ~~the provisions of~~ this act.

1236 ~~(3) "Commissioner" means the Commissioner of Agriculture.~~

1237 ~~(4) "Department" means the Department of Agriculture and~~  
1238 ~~Consumer Services.~~

1239 ~~(3)(5)~~ "Financial assistance" means the providing of funds  
1240 to an agribusiness.

1241 ~~(4)(6)~~ "Nonfinancial assistance" means the providing of  
1242 personnel to work with an agribusiness to establish an  
1243 infrastructure, including, but not limited to, the development  
1244 of an accounting system, management procedures, and a marketing  
1245 plan. Nonfinancial assistance includes ~~shall also include~~ the  
1246 providing of equipment.



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1247 Section 54. Section 570.243, Florida Statutes, is  
1248 renumbered as section 570.75, Florida Statutes.

1249 Section 55. Section 570.244, Florida Statutes, is  
1250 renumbered as section 570.76, Florida Statutes.

1251 Section 56. Section 570.245, Florida Statutes, is  
1252 renumbered as section 570.77, Florida Statutes.

1253 Section 57. Section 570.246, Florida Statutes, is  
1254 renumbered as section 570.78, Florida Statutes.

1255 Section 58. Section 570.247, Florida Statutes, is  
1256 renumbered as section 570.79, Florida Statutes, and amended to  
1257 read:

1258 570.79 ~~570.247~~ Adoption ~~Promulgation~~ of rules.—In  
1259 ~~conjunction with funds specifically appropriated for the~~  
1260 ~~purposes specified in this act,~~ The department shall adopt begin  
1261 ~~to promulgate~~ rules no later than January 1, 1992, pursuant to  
1262 ~~s. 120.54,~~ pertaining to:

1263 (1) Formal notification procedures for the availability of  
1264 assistance, including publication in the Florida Administrative  
1265 Register pursuant to s. 120.55.

1266 (2) Written evaluation criteria for selecting project  
1267 proposals to receive assistance. The criteria for eligibility of  
1268 assistance shall include a written business plan delineating the  
1269 economic viability of the proposed project, including the  
1270 financial commitment by project participants and a schedule for  
1271 repayment of agricultural economic development funds.

1272 (3) Procedures for repayment of financial assistance by an  
1273 assisted agribusiness into the General Inspection Trust Fund  
1274 within the department. Repayment of financial assistance shall  
1275 be based upon a percentage of future profits until repayment is



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1276 complete.

1277 (4) Funding procedures for projects eligible for  
1278 assistance. These procedures shall include the amount of  
1279 funding, the limits and requirements for the objects of  
1280 expenditure, and the duration of assistance.

1281 (5) Other subject matter pertaining to the implementation  
1282 of this act.

1283 Section 59. Section 570.248, Florida Statutes, is  
1284 renumbered as section 570.81, Florida Statutes.

1285 Section 60. Section 570.249, Florida Statutes, is  
1286 renumbered as section 570.82, Florida Statutes.

1287 Section 61. Section 570.9135, Florida Statutes, is  
1288 renumbered as section 570.83, Florida Statutes, and subsection  
1289 (6) of that section is amended, to read:

1290 570.83 ~~570.9135~~ Beef Market Development Act; definitions;  
1291 Florida Beef Council, Inc., creation, purposes, governing board,  
1292 powers, and duties; referendum on assessments imposed on gross  
1293 receipts from cattle sales; payments to organizations for  
1294 services; collecting and refunding assessments; vote on  
1295 continuing the act; council bylaws.—

1296 (6) REFERENDUM ON ASSESSMENTS.—All producers in this state  
1297 shall have the opportunity to vote in a referendum to determine  
1298 whether the council shall be authorized to impose an assessment  
1299 of not more than \$1 per head on cattle sold in the state. The  
1300 referendum shall pose the question: "Do you approve of an  
1301 assessment program, up to \$1 per head of cattle pursuant to  
1302 section 570.83 ~~section 570.9135~~, Florida Statutes, to be funded  
1303 through specific contributions that are mandatory and refundable  
1304 upon request?"



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1305 (a) A referendum held under this section must be conducted  
1306 by secret ballot at extension offices of the Institute of Food  
1307 and Agricultural Sciences of the University of Florida or at  
1308 offices of the United States Department of Agriculture with the  
1309 cooperation of the department.

1310 (b) Notice of a referendum to be held under this act must  
1311 be given at least once in trade publications, the public press,  
1312 and statewide newspapers at least 30 days before the referendum  
1313 is held.

1314 (c) Additional referenda may be held to authorize the  
1315 council to increase the assessment to more than \$1 per head of  
1316 cattle. Such referendum shall pose the question: "Do you approve  
1317 of granting the Florida Beef Council, Inc., authority to  
1318 increase the per-head-of-cattle assessment pursuant to section  
1319 570.83 ~~section 570.9135~~, Florida Statutes, from ... (present  
1320 rate)... to up to a maximum of ... (proposed rate)... per head?"  
1321 Referenda may not be held more often than once every 3 years.

1322 (d) Each cattle producer is entitled to only one vote in a  
1323 referendum held under this section ~~act~~. Proof of identification  
1324 and cattle ownership must be presented before voting.

1325 (e) A simple majority of those casting ballots determines  
1326 ~~shall determine~~ any issue that requires a referendum under this  
1327 section ~~act~~.

1328 Section 62. Section 570.954, Florida Statutes, is  
1329 renumbered as section 570.841, Florida Statutes.

1330 Section 63. Section 570.96, Florida Statutes, is renumbered  
1331 as section 570.85, Florida Statutes.

1332 Section 64. Section 570.961, Florida Statutes, is  
1333 renumbered as section 570.86, Florida Statutes, and amended to



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1334 read:

1335 570.86 ~~570.961~~ Definitions.—As used in ss. 570.85-570.89  
1336 ~~570.96-570.964~~, the term:

1337 (1) "Agritourism activity" means any agricultural related  
1338 activity consistent with a bona fide farm or ranch or in a  
1339 working forest which allows members of the general public, for  
1340 recreational, entertainment, or educational purposes, to view or  
1341 enjoy activities, including farming, ranching, historical,  
1342 cultural, or harvest-your-own activities and attractions. An  
1343 agritourism activity does not include the construction of new or  
1344 additional structures or facilities intended primarily to house,  
1345 shelter, transport, or otherwise accommodate members of the  
1346 general public. An activity is an agritourism activity  
1347 regardless of whether or not the participant paid to participate  
1348 in the activity.

1349 (2) "Agritourism operator" means a any person who is  
1350 engaged in the business of providing one or more agritourism  
1351 activities, whether for compensation or not for compensation.

1352 (3) "Farm" means the land, buildings, support facilities,  
1353 machinery, and other appurtenances used in the production of  
1354 farm or aquaculture products, including land used to display  
1355 plants, animals, farm products, or farm equipment to the public.

1356 (4) "Farm operation" has the same meaning as ~~defined~~ in s.  
1357 823.14.

1358 (5) "Inherent risks of agritourism activity" means those  
1359 dangers or conditions that are an integral part of an  
1360 agritourism activity including certain hazards, such as surface  
1361 and subsurface conditions; natural conditions of land,  
1362 vegetation, and waters; the behavior of wild or domestic



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1363 animals; and the ordinary dangers of structures or equipment  
1364 ordinarily used in farming and ranching operations. The term  
1365 also includes the potential of a participant to act in a  
1366 negligent manner that may contribute to the injury of the  
1367 participant or others, including failing to follow the  
1368 instructions given by the agritourism operator or failing to  
1369 exercise reasonable caution while engaging in the agritourism  
1370 activity.

1371 Section 65. Section 570.962, Florida Statutes, is  
1372 renumbered as section 570.87, Florida Statutes.

1373 Section 66. Section 570.963, Florida Statutes, is  
1374 renumbered as section 570.88, Florida Statutes, and subsection  
1375 (1) of that section is amended, to read:

1376 570.88 ~~570.963~~ Liability.—

1377 (1) Except as provided in subsection (2), an agritourism  
1378 operator, his or her employer or employee, or the owner of the  
1379 underlying land on which the agritourism occurs is not liable  
1380 for injury or death of, or damage or loss to, a participant  
1381 resulting from the inherent risks of agritourism activities if  
1382 the notice of risk required under s. 570.89 ~~s. 570.964~~ is posted  
1383 as required. Except as provided in subsection (2), a  
1384 participant, or a participant's representative, may not maintain  
1385 an action against or recover from an agritourism operator, his  
1386 or her employer or employee, or the owner of the underlying land  
1387 on which the agritourism occurs for the injury or death of, or  
1388 damage or loss to, an agritourism participant resulting  
1389 exclusively from any of the inherent risks of agritourism  
1390 activities.

1391 Section 67. Section 570.964, Florida Statutes, is



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1392 renumbered as section 570.89, Florida Statutes, and subsection  
1393 (3) of that section is amended, to read:

1394 570.89 ~~570.964~~ Posting and notification.—

1395 (3) Failure to comply with ~~the requirements of this section~~  
1396 ~~subsection~~ prevents an agritourism operator, his or her employer  
1397 or employee, or the owner of the underlying land on which the  
1398 agritourism occurs from invoking the privileges of immunity  
1399 provided by this section.

1400 Section 68. Part IV of chapter 570, Florida Statutes,  
1401 consisting of ss. 570.916-570.94, Florida Statutes, is created  
1402 and entitled "Agricultural Water Policy."

1403 Section 69. Section 570.075, Florida Statutes, is  
1404 renumbered as section 570.916, Florida Statutes.

1405 Section 70. Section 570.076, Florida Statutes, is  
1406 renumbered as section 570.921, Florida Statutes, and paragraph  
1407 (c) of subsection (2) of that section is amended to read:

1408 570.921 ~~570.076~~ Environmental Stewardship Certification  
1409 Program.—The department may, by rule, establish the  
1410 Environmental Stewardship Certification Program consistent with  
1411 this section. A rule adopted under this section must be  
1412 developed in consultation with state universities, agricultural  
1413 organizations, and other interested parties.

1414 (2) The department shall provide an agricultural  
1415 certification under this program for implementation of one or  
1416 more of the following criteria:

1417 (c) Best management practices adopted by rule pursuant to  
1418 s. 403.067(7) (c) or s. 570.93(1) (b) ~~s. 570.085(1) (b)~~.

1419 Section 71. Section 570.085, Florida Statutes, is  
1420 renumbered as section 570.93, Florida Statutes.



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1421 Section 72. Section 570.087, Florida Statutes, is  
1422 renumbered as section 570.94, Florida Statutes.

1423 Section 73. Part V of chapter 570, Florida Statutes,  
1424 consisting of s. 570.971, Florida Statutes, is created and  
1425 entitled "Penalties."

1426 Section 74. Section 570.971, Florida Statutes, is created  
1427 to read:

1428 570.971 Penalties; administrative and civil.—

1429 (1) The department or enforcing authority may impose the  
1430 following fine amount for the class category specified in the  
1431 chapter or section of law violated:

1432 (a) Class I.—For each violation in the Class I category, a  
1433 fine not to exceed \$1,000 may be imposed.

1434 (b) Class II.—For each violation in the Class II category,  
1435 a fine not to exceed \$5,000 may be imposed.

1436 (c) Class III.—For each violation in the Class III  
1437 category, a fine not to exceed \$10,000 may be imposed.

1438 (d) Class IV.—For each violation in the Class IV category,  
1439 a fine of \$10,000 or more may be imposed.

1440 (2) (a) This section does not supersede a chapter or section  
1441 of law or rule that limits the total fine amount that may be  
1442 imposed for a violation.

1443 (b) The class categories under this section also apply to  
1444 penalties provided by rule.

1445 (c) The penalties under this section are in addition to any  
1446 other remedy provided by law.

1447 (3) A person who violates this chapter or any rule adopted  
1448 under this chapter is subject to an administrative or civil fine  
1449 in the Class II category in addition to any other penalty



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1450 provided by law.

1451 (4) The department may refuse to issue or renew any  
1452 license, permit, authorization, certificate, or registration to  
1453 a person who has not satisfied a penalty imposed by the  
1454 department.

1455 (5) The department may adopt rules to implement this  
1456 section or any section that references this section.

1457 Section 75. Subsection (1) and paragraph (a) of subsection  
1458 (2) of section 576.021, Florida Statutes, are amended to read:  
1459 576.021 Registration and licensing.—

1460 (1) A company the person whose name and address of which  
1461 appears upon a label and which ~~who~~ guarantees a fertilizer may  
1462 not distribute that fertilizer to a nonlicensee until a license  
1463 to distribute has been obtained by the company that person from  
1464 the department upon payment of a \$100 fee. All licenses shall  
1465 expire on June 30 each year. An application for license shall  
1466 include the following information:

1467 (a) The name and address of the applicant.

1468 (b) The name and address of the distribution point. The  
1469 name and address shown on the license shall be shown on all  
1470 labels, pertinent invoices, and storage facilities for  
1471 fertilizer distributed by the licensee in this state.

1472 (2) (a) A company the name and address of which appear upon  
1473 a label and which guarantees a fertilizer person may not  
1474 distribute a specialty fertilizer in this state until it is  
1475 registered with the department by the licensee whose name  
1476 appears on the label. An application for registration of each  
1477 brand and grade of specialty fertilizer shall be filed with the  
1478 department by using ~~made on~~ a form prescribed ~~furnished~~ by the



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1479 department or by using the department's website and shall be  
1480 accompanied by an annual fee of \$100 for each specialty  
1481 fertilizer that is registered. All specialty fertilizer  
1482 registrations expire June 30 each year. All licensing and  
1483 registration fees paid to the department under this section  
1484 shall be deposited into the State Treasury to be placed in the  
1485 General Inspection Trust Fund to be used for the sole purpose of  
1486 funding the fertilizer inspection program.

1487 Section 76. Subsection (2) of section 576.031, Florida  
1488 Statutes, is amended to read:

1489 576.031 Labeling.—

1490 (2) If distributed in bulk, two five labels containing the  
1491 information required in paragraphs (1)(a)-(f) shall accompany  
1492 delivery and be supplied to the purchaser at time of delivery  
1493 with the delivery ticket, which shall show the certified net  
1494 weight.

1495 Section 77. Subsections (3), (4), (6), and (7) of section  
1496 576.041, Florida Statutes, are amended to read:

1497 576.041 Inspection fees; records; ~~bond.~~—

1498 (3) In addition to any other penalty provided by this  
1499 chapter, a any licensee who fails to timely pay the inspection  
1500 tonnage fee shall be assessed a penalty of 1.5 percent for each  
1501 month or part of a month that the fee or portion of the fee is  
1502 not paid.

1503 (4) If the report is not filed and the inspection fee is  
1504 not paid on the date due or if the report of tonnage is false,  
1505 the amount of the inspection fee due is subject to a penalty of  
1506 10 percent or \$25, whichever is greater. ~~The penalty shall be~~  
1507 ~~added to the inspection fee due and constitutes a debt and~~





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1508 ~~becomes a claim and lien against the surety bond or certificate~~  
1509 ~~of deposit required by this chapter.~~

1510 ~~(6) In order to guarantee faithful performance of the~~  
1511 ~~provisions of subsection (2), the applicant for license shall~~  
1512 ~~post with the department a surety bond, or assign a certificate~~  
1513 ~~of deposit, in an amount required by rule of the department to~~  
1514 ~~cover fees for any reporting period. The amount shall not be~~  
1515 ~~less than \$1,000. The surety bond shall be executed by a~~  
1516 ~~corporate surety company authorized to do business in this~~  
1517 ~~state. The certificate of deposit shall be issued by any~~  
1518 ~~recognized financial institution doing business in the United~~  
1519 ~~States. The department shall establish, by rule, whether an~~  
1520 ~~annual or continuous surety bond or certificate of deposit will~~  
1521 ~~be required and shall approve each surety bond or certificate of~~  
1522 ~~deposit before acceptance. The department shall examine and~~  
1523 ~~approve as to sufficiency all such bonds and certificates of~~  
1524 ~~deposit before acceptance. When the licensee ceases operation,~~  
1525 ~~said bond or certificate of deposit shall be returned, provided~~  
1526 ~~there are no outstanding fees due and payable.~~

1527 ~~(6)(7)~~ In order to obtain information that will facilitate  
1528 the collection of inspection fees and serve other useful  
1529 purposes relating to fertilizer, the department may, by rule,  
1530 require licensees, manufacturers, registrants, and dealers to  
1531 report movements of fertilizer.

1532 Section 78. Subsection (3) of section 576.051, Florida  
1533 Statutes, is amended to read:

1534 576.051 Inspection, sampling, analysis.—

1535 (3) The official analysis shall be made from the official  
1536 sample. The department, before making the official analysis,



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1537 shall take a sufficient portion from the official sample for  
1538 check analysis and place that portion in a bottle sealed and  
1539 identified by number, date, and the preparer's initials. The  
1540 official check sample shall be kept until the analysis of the  
1541 official sample is completed. However, the licensee may obtain  
1542 upon request a portion of the official check sample. Upon  
1543 completion of the analysis of the official sample, a true copy  
1544 of the fertilizer analysis report shall be mailed to the  
1545 licensee of the fertilizer from whom the official sample was  
1546 taken and to the dealer or agent, if any, and purchaser, if  
1547 known. This fertilizer analysis report shall show all  
1548 determinations of plant nutrients ~~nutrient~~ and pesticides. If  
1549 the official analysis conforms with ~~the provisions of this~~  
1550 ~~section law~~, the official check sample may be destroyed. If the  
1551 official analysis does not conform with ~~the provisions of this~~  
1552 ~~section law~~, the official check sample shall be retained for 60  
1553 ~~a period of 90 days after from~~ the date of the fertilizer  
1554 analysis report of the official sample. If, within that time,  
1555 the licensee of the fertilizer from whom the official sample was  
1556 taken, upon receipt of the fertilizer analysis report, makes  
1557 written demand for analysis of the official check sample by a  
1558 referee chemist, a portion of the official check sample  
1559 sufficient for analysis shall be sent to a referee chemist who  
1560 is mutually acceptable to the department and the licensee for  
1561 analysis at the expense of the licensee. The referee chemist,  
1562 upon completion of the analysis, shall forward to the department  
1563 and to the licensee a fertilizer analysis report bearing a  
1564 proper identification mark or number, ~~and~~ and the fertilizer  
1565 analysis report shall be verified by an affidavit of the person



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1566 making the analysis. If the results reported on the fertilizer  
1567 analysis report agree within the matching criteria defined in  
1568 department rule with the department's analysis on each element  
1569 for which analysis was made, the mean average of the two  
1570 analyses shall be accepted as final and binding on all  
1571 concerned. However, if the referee's fertilizer analysis report  
1572 results do not agree within the matching criteria defined in  
1573 department rule with the department's analysis in any one or  
1574 more elements for which an analysis was made, upon demand of  
1575 either the department or the licensee from whom the official  
1576 sample was taken, a portion of the official check sample  
1577 sufficient for analysis shall be submitted to a second referee  
1578 chemist who is mutually acceptable to the department and to the  
1579 licensee from whom the official sample was taken, at the expense  
1580 of the party or parties requesting the referee analysis. If no  
1581 demand is made for an analysis by a second referee chemist, the  
1582 department's fertilizer analysis report shall be accepted as  
1583 final and binding on all concerned. The second referee chemist,  
1584 upon completion of the analysis, shall make a fertilizer  
1585 analysis report as provided in this subsection for the first  
1586 referee chemist. The mean average of the two analyses nearest in  
1587 conformity to each other shall be accepted as final and binding  
1588 on all concerned.

1589 Section 79. Subsections (4) and (5) of section 576.061,  
1590 Florida Statutes, are amended to read:

1591 576.061 Plant nutrient investigational allowances,  
1592 deficiencies, and penalties.—

1593 ~~(4) When it is determined by the department that a~~  
1594 ~~fertilizer has been distributed without being licensed or~~



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1595 ~~registered, or without labeling, the department shall require~~  
1596 ~~the licensee to pay a penalty in the amount of \$100. The~~  
1597 ~~proceeds from any penalty payments shall be deposited by the~~  
1598 ~~department in the General Inspection Trust Fund to be used for~~  
1599 ~~the sole purpose of funding the fertilizer inspection program.~~

1600 ~~(4)(5)~~ The department may enter an order imposing one or  
1601 more of the following penalties against a any person who  
1602 violates ~~any of the provisions of~~ this chapter or the rules  
1603 adopted under this chapter hereunder or who impedes, obstructs,  
1604 or hinders shall ~~impede, obstruct, hinder, or otherwise prevent~~  
1605 ~~or attempt to prevent~~ the department in performing the  
1606 performance of its duties under duty in connection with the  
1607 ~~provisions of~~ this chapter:

1608 (a) Issuance of a warning letter.

1609 (b) Imposition of an administrative fine in the Class I  
1610 category pursuant to s. 570.971 for each of not more than \$1,000  
1611 ~~per~~ occurrence after the issuance of a warning letter.

1612 (c) Cancellation, revocation, or suspension of any license  
1613 issued by the department.

1614 Section 80. Section 576.071, Florida Statutes, is amended  
1615 to read:

1616 576.071 Commercial value.—The commercial value used in  
1617 assessing penalties for a any deficiency shall be determined by  
1618 surveying the fertilizer industry in the state and using  
1619 annualized plant nutrient values contained in one or more  
1620 generally recognized journals.

1621 Section 81. Subsections (3) and (4) of section 576.087,  
1622 Florida Statutes, are amended to read:

1623 576.087 Antisiphon requirements for irrigation systems.—



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1624 ~~(3) The department shall establish specific requirements~~  
1625 ~~for antisiphon devices.~~

1626 ~~(4) Any governmental agency which requires antisiphon~~  
1627 ~~devices on irrigation systems used for the application of~~  
1628 ~~fertilizer shall use the specific antisiphon device requirements~~  
1629 ~~adopted by the department.~~

1630 Section 82. Section 576.101, Florida Statutes, is amended  
1631 to read:

1632 576.101 Cancellation, revocation, and suspension~~r~~  
1633 ~~probationary status.-~~

1634 ~~(1) The department may deny, suspend, or revoke a any~~  
1635 ~~license issued by the department for a any violation of the~~  
1636 ~~provisions of this chapter, the rules adopted under this chapter~~  
1637 ~~thereunder, or any lawful order of the department.~~

1638 ~~(2) The department may place any licensee on a probationary~~  
1639 ~~status when the deficiency levels of samples taken from that~~  
1640 ~~licensee do not meet minimum performance levels established by~~  
1641 ~~statute within the investigational allowances provided in s.~~  
1642 ~~576.061.~~

1643 Section 83. Subsection (1) of section 578.08, Florida  
1644 Statutes, is amended to read:

1645 578.08 Registrations.-

1646 (1) Every person, except as provided in subsection (4) and  
1647 s. 578.14, before selling, distributing for sale, offering for  
1648 sale, exposing for sale, handling for sale, or soliciting orders  
1649 for the purchase of an any agricultural, vegetable, flower, or  
1650 forest tree seed, or mixture thereof, shall first register with  
1651 the department as a seed dealer. ~~The application for~~  
1652 ~~registration shall include the name and location of each place~~



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1653 ~~of business at which the seed is sold, distributed for sale,~~  
1654 ~~offered for sale, exposed for sale, or handled for sale.~~ The  
1655 application for registration shall be filed with the department  
1656 by using a form prescribed by the department or by using the  
1657 department's website and shall be accompanied by an annual  
1658 registration fee for each such place of business based on the  
1659 gross receipts from the sale of such seed for the last preceding  
1660 license year as follows:

1661 (a)1. Receipts of less than \$500, a fee of.....\$10.

1662 2. Receipts of \$500 or more but less than \$1,000, a fee of\$25.

1663 3.1- Receipts of \$1,000 or more but less than \$2,500  
1664 \$2,500.01, a fee of.....\$100.

1665 4.2- Receipts of more than \$2,500 or more but and less than  
1666 \$5,000 \$5,000.01, a fee of.....\$200.

1667 5.3- Receipts of more than \$5,000 or more but and less than  
1668 \$10,000 \$10,000.01, a fee of.....\$350.

1669 6.4- Receipts of more than \$10,000 or more but and less  
1670 than \$20,000 \$20,000.01, a fee of.....\$800.

1671 7.5- Receipts of more than \$20,000 or more but and less  
1672 than \$40,000 \$40,000.01, a fee of.....\$1,000.

1673 8.6- Receipts of more than \$40,000 or more but and less  
1674 than \$70,000 \$70,000.01, a fee of.....\$1,200.

1675 9.7- Receipts of more than \$70,000 or more but and less  
1676 than \$150,000 \$150,000.01, a fee of.....\$1,600.

1677 10.8- Receipts of more than \$150,000 or more but and less  
1678 than \$400,000 \$400,000.01, a fee of.....\$2,400.

1679 11.9- Receipts of more than \$400,000 or more, a fee of\$4,600.

1680 (b) For places of business not previously in operation, the  
1681 fee shall be based on anticipated receipts for the first license



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1682 year.

1683 Section 84. Paragraph (g) of subsection (2) of section

1684 580.036, Florida Statutes, is amended to read:

1685 580.036 Powers and duties.—

1686 (2) The department is authorized to adopt rules pursuant to

1687 ss. 120.536(1) and 120.54 to enforce the provisions of this

1688 chapter. These rules shall be consistent with the rules and

1689 standards of the United States Food and Drug Administration and

1690 the United States Department of Agriculture, when applicable,

1691 and shall include:

1692 (g) Establishing standards for the sale, use, and

1693 distribution of commercial feed or feedstuff to ensure usage

1694 that is consistent with animal safety and well-being and, to the

1695 extent that meat, poultry, and other animal products for human

1696 consumption may be affected by commercial feed or feedstuff, to

1697 ensure that these products are safe for human consumption. Such

1698 standards, if adopted, must be developed in consultation with

1699 the Agricultural Feed, Seed, and Fertilizer Advisory Council

1700 created under s. 570.451.

1701 Section 85. Paragraphs (a), (b), and (d) of subsection (1)

1702 of section 580.041, Florida Statutes, are amended to read:

1703 580.041 Master registration; fee; refusal or cancellation

1704 of registration; reporting.—

1705 (1)(a) Each distributor of commercial feed must annually

1706 obtain a master registration before her or his brands are

1707 distributed in this state. Upon initial registration, The

1708 department shall furnish the registration forms requiring the

1709 distributor shall agree to state that the distributor will

1710 comply with all provisions of this chapter and applicable rules.



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1711 ~~The registration form shall identify the manufacturer's or~~

1712 ~~guarantor's name and place of business and the location of each~~

1713 ~~manufacturing facility in the state and shall be signed by the~~

1714 ~~owner, by a partner, if a partnership, or by an authorized~~

1715 ~~officer or agent, if a corporation.~~ All registrations expire on

1716 June 30 of each year.

1717 (b) The application for registration form shall be filed

1718 with the department by using a form prescribed by the department

1719 or by using the department's website and shall be accompanied by

1720 a fee that shall be based on tons of feed distributed in this

1721 state during the previous year. If a distributor has been in

1722 business less than 1 year, the tonnage shall be estimated by the

1723 distributor for the first year and based on actual tonnage

1724 thereafter. These fees shall be as follows:

1725 SALES IN TONS	1725 FEE
1726 Zero, up to and including 25.....	1726 \$40
1727 More than 25, up to and including 50.....	1727 \$75
1728 More than 50, up to and including 100.....	1728 \$150
1729 More than 100, up to and including 300.....	1729 \$375
1730 More than 300, up to and including 600.....	1730 \$600
1731 More than 600, up to and including 1,000.....	1731 \$900
1732 More than 1,000, up to and including	
1733 2,000.....	1733 \$1,250
1734 More than 2,000, up to and including	
1735 5,000.....	1735 \$2,000
1736 More than 5,000.....	1736 \$3,500
1737 (d) The department shall <u>provide mail</u> a copy of the master	



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1740 registration to the registrant to signify that administrative  
1741 requirements have been met.

1742 Section 86. Subsection (1) of section 580.071, Florida  
1743 Statutes, is amended to read:

1744 580.071 Adulteration.—No person shall distribute an  
1745 adulterated commercial feed or feedstuff. A commercial feed or  
1746 feedstuff shall be deemed to be adulterated:

1747 (1) (a) If it bears or contains any poisonous, deleterious,  
1748 or nonnutritive substance that may render it injurious to animal  
1749 or human health. However, if the substance is not an additive,  
1750 the feed shall not be considered adulterated if the quantity of  
1751 the substance does not ordinarily render it injurious to animal  
1752 or human health;

1753 (b) If it bears or contains any food additive or added  
1754 poisonous, deleterious, or nonnutritive substance that is unsafe  
1755 within the meaning of s. 406 of the Federal Food, Drug, and  
1756 Cosmetic Act, other than a pesticide chemical in or on a raw  
1757 agricultural commodity;

1758 (c) If it is, or it bears or contains, any food additive or  
1759 color additive that is unsafe within the meaning of s. 409 or s.  
1760 512 of the Federal Food, Drug, and Cosmetic Act, respectively;

1761 (d) If it is a raw agricultural commodity and it bears or  
1762 contains a pesticide chemical that is unsafe within the meaning  
1763 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act;  
1764 however, if where a pesticide chemical has been used in or on a  
1765 raw agricultural commodity in conformity with an exemption  
1766 granted or a tolerance prescribed under s. 408 of the Federal  
1767 Food, Drug, and Cosmetic Act and that raw agricultural commodity  
1768 has been subjected to processing such as canning, cooking,



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1769 freezing, dehydrating, or milling, the processed feed will  
1770 result, or is likely to result, in pesticide residue in the  
1771 edible product of the animal which is unsafe within the meaning  
1772 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act; ~~or~~

1773 (e) If it is, or it bears or contains, a ~~any~~ new animal  
1774 drug that is unsafe within the meaning of s. 512 of the Federal  
1775 Food, Drug, and Cosmetic Act;—

1776 (f) If it consists, in whole or in part, of a filthy,  
1777 putrid, or decomposed substance, or if it is otherwise unfit for  
1778 feed;

1779 (g) If it is prepared, packaged, or held under unsanitary  
1780 conditions whereby it may have become contaminated with filth,  
1781 or may have been rendered injurious to health; or

1782 (h) If it is, in whole or in part, the product of a  
1783 diseased animal or of an animal that died by a means other than  
1784 slaughter which is unsafe within the meaning of s. 402(a)(1) or  
1785 (2) of the Federal Food, Drug, and Cosmetic Act.

1786 Section 87. Subsection (5) of section 581.091, Florida  
1787 Statutes, is amended to read:

1788 581.091 Noxious weeds and infected plants or regulated  
1789 articles; sale or distribution; receipt; information to  
1790 department; withholding information.—

1791 (5) (a) Notwithstanding any other ~~provision of state law~~ or  
1792 rule, a person may obtain a special permit from the department  
1793 to plant *Casuarina cunninghamiana* as a windbreak for a  
1794 commercial citrus grove if provided the plants are produced in  
1795 an authorized registered nursery and certified by the department  
1796 as being vegetatively propagated from male plants. ~~A "commercial~~  
1797 ~~citrus grove" means a contiguous planting of 100 or more citrus~~



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1798 ~~trees where citrus fruit is produced for sale.~~  
1799       ~~(b) For a 5-year period, special permits authorizing a~~  
1800 ~~person to plant *Casuarina cunninghamiana* shall be issued only as~~  
1801 ~~part of a pilot program for fresh fruit groves in areas of~~  
1802 ~~Indian River, St. Lucie, and Martin Counties where citrus canker~~  
1803 ~~is determined by the department to be widespread. The pilot~~  
1804 ~~program shall be reevaluated annually, and a comprehensive~~  
1805 ~~review shall be conducted in 2013. The purpose of the annual and~~  
1806 ~~5-year reviews is to determine if the use of *Casuarina*~~  
1807 ~~*cunninghamiana* as an agricultural pest and disease windbreak~~  
1808 ~~poses any adverse environmental consequences. At the end of the~~  
1809 ~~5-year pilot program, if the Noxious Weed and Invasive Plant~~  
1810 ~~Review Committee, created by the department, and the Department~~  
1811 ~~of Environmental Protection, in consultation with a~~  
1812 ~~representative of the citrus industry who has a *Casuarina*~~  
1813 ~~*cunninghamiana* windbreak, determine that the potential is low~~  
1814 ~~for adverse environmental impacts from planting *Casuarina*~~  
1815 ~~*cunninghamiana* as windbreaks, the department may, by rule, allow~~  
1816 ~~the use of *Casuarina cunninghamiana* windbreaks for commercial~~  
1817 ~~citrus groves in other areas of the state. If it is determined~~  
1818 ~~at the end of the 5-year pilot program that additional time is~~  
1819 ~~needed to further evaluate *Casuarina cunninghamiana*, the~~  
1820 ~~department will remain the lead agency.~~  
1821       ~~(b)(c)~~ Each application for a special permit must shall be  
1822 accompanied by a fee in an amount determined by ~~the~~ department,  
1823 ~~by rule, not to exceed \$500. A special permit is shall be~~  
1824 required for each noncontiguous commercial citrus grove and  
1825 shall be renewed every 5 years. The property owner shall  
1826 maintain and produce ~~is responsible for maintaining and~~



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1827 ~~producing~~ for inspection the original nursery invoice with  
1828 certification documentation. If ownership of the property is  
1829 transferred, the seller shall must notify the department and  
1830 provide the buyer with a copy of the special permit and copies  
1831 of all invoices and certification documentation before prior to  
1832 the closing of the sale.  
1833       ~~(c)(d)~~ Each application must shall include a baseline  
1834 survey of all lands within 500 feet of the proposed *Casuarina*  
1835 *cunninghamiana* windbreak showing the location and identifying  
1836 the identification to species of all existing *Casuarina spp.*  
1837       ~~(d)(e)~~ Nurseries authorized to produce *Casuarina*  
1838 *cunninghamiana* shall must obtain a special permit from the  
1839 department certifying that the plants have been vegetatively  
1840 propagated from sexually mature male source trees currently  
1841 grown in the state. The importation of *Casuarina cunninghamiana*  
1842 from any area outside the state for use to be used as a  
1843 propagation source tree is prohibited. Each male source tree  
1844 must be registered by the department as being a horticulturally  
1845 true-to-type male plant and be labeled with a source tree  
1846 registration number. Each nursery application for a special  
1847 permit must shall be accompanied by a fee in an amount  
1848 determined by ~~the~~ department, ~~by rule, not to exceed \$200.~~  
1849 Special permits shall be renewed annually. The department shall,  
1850 by rule, set the amount of an annual fee, not to exceed \$50, for  
1851 each *Casuarina cunninghamiana* registered as a source tree.  
1852 ~~Nurseries may only sell *Casuarina cunninghamiana* to a person~~  
1853 ~~with a special permit as specified in paragraphs (a) and (b).~~  
1854 The source tree registration numbers of the parent plants must  
1855 be documented on each invoice or other certification



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1856 documentation provided to the buyer.

1857 ~~(e)-(f)~~ All *Casuarina cunninghamiana* shall ~~must~~ be destroyed  
1858 by the property owner within 6 months after:

1859 1. The property owner takes permanent action to no longer  
1860 use the site for commercial citrus production;

1861 2. The site has not been used for commercial citrus  
1862 production for a period of 5 years; or

1863 3. The department determines that the *Casuarina*  
1864 *cunninghamiana* on the site has become invasive. This  
1865 determination shall be based on, but not limited to, the  
1866 recommendation of the Noxious Weed and Invasive Plant Review  
1867 Committee and the Department of Environmental Protection and  
1868 made in consultation with a representative of the citrus  
1869 industry who has a *Casuarina cunninghamiana* windbreak.

1870  
1871 If the owner or person in charge refuses or neglects to comply,  
1872 the director or her or his authorized representative may, under  
1873 authority of the department, ~~proceed to~~ destroy the plants. The  
1874 expense of the destruction shall be assessed, collected, and  
1875 enforced against the owner by the department. If the owner does  
1876 not pay the assessed cost, the department may record a lien  
1877 against the property.

1878 ~~(f)-(g)~~ The use of *Casuarina cunninghamiana* for windbreaks  
1879 ~~does shall~~ not preclude the department from issuing permits for  
1880 the research or release of biological control agents to control  
1881 *Casuarina* spp. as provided in in accordance with s. 581.083.

1882 ~~(g)-(h)~~ The use of *Casuarina cunninghamiana* for windbreaks  
1883 may shall not restrict or interfere with any other agency or  
1884 local government effort to manage or control noxious weeds or



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1885 invasive plants, including *Casuarina cunninghamiana*. ~~An~~ ~~nor~~  
1886 ~~shall any other~~ agency or local government may not remove any  
1887 *Casuarina cunninghamiana* planted as a windbreak under special  
1888 permit issued by the department.

1889 ~~(i) The department shall develop and implement a monitoring~~  
1890 ~~protocol to determine invasiveness of Casuarina cunninghamiana.~~  
1891 ~~The monitoring protocol shall, at a minimum, require:~~

1892 1. Inspection of the planting site by department inspectors  
1893 within 30 days following initial planting or any subsequent  
1894 planting of *Casuarina cunninghamiana* to ensure the criteria of  
1895 the special permit have been met.

1896 2. Annual site inspections of planting sites and all lands  
1897 within 500 feet of the planted windbreak by department  
1898 inspectors who have been trained to identify *Casuarina* spp. and  
1899 to make determinations of whether *Casuarina cunninghamiana* has  
1900 spread beyond the permitted windbreak location.

1901 3. Any new seedlings found within 500 feet of the planted  
1902 windbreak to be removed, identified to the species level, and  
1903 evaluated to determine if hybridization has occurred.

1904 4. ~~The department to submit an annual report and a final 5-~~  
1905 ~~year evaluation identifying any adverse effects resulting from~~  
1906 ~~the planting of Casuarina cunninghamiana for windbreaks and~~  
1907 ~~documenting all inspections and the results of those inspections~~  
1908 ~~to the Noxious Weed and Invasive Plant Review Committee, the~~  
1909 ~~Department of Environmental Protection, and a designated~~  
1910 ~~representative of the citrus industry who has a Casuarina~~  
1911 ~~cunninghamiana windbreak.~~

1912 ~~(j) If the department determines that female flowers or~~  
1913 ~~cones have been produced on any Casuarina cunninghamiana that~~



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1914 ~~have been planted under a special permit issued by the~~  
1915 ~~department, the property owner shall be responsible for~~  
1916 ~~destroying the trees. The department shall notify the property~~  
1917 ~~owner of the timeframe and method of destruction.~~

1918 ~~(k) If at any time the department determines that~~  
1919 ~~hybridization has occurred during the pilot program between~~  
1920 ~~Casuarina cunninghamiana planted as a windbreak and other~~  
1921 ~~Casuarina spp., the department shall expeditiously initiate~~  
1922 ~~research to determine the invasiveness of the hybrid. The~~  
1923 ~~information obtained from this research shall be evaluated by~~  
1924 ~~the Noxious Weed and Invasive Plant Review Committee, the~~  
1925 ~~Department of Environmental Protection, and a designated~~  
1926 ~~representative of the citrus industry who has a Casuarina~~  
1927 ~~cunninghamiana windbreak. If the department determines that the~~  
1928 ~~hybrids have a high potential to become invasive, based on, but~~  
1929 ~~not limited to, the recommendation of the Noxious Weed and~~  
1930 ~~Invasive Plant Review Committee, the Department of Environmental~~  
1931 ~~Protection, and a designated representative of the citrus~~  
1932 ~~industry who has a Casuarina cunninghamiana windbreak, this~~  
1933 ~~pilot program shall be permanently suspended.~~

1934 ~~(l) Each application for a special permit must be~~  
1935 ~~accompanied by a fee as described in paragraph (e) and an~~  
1936 ~~agreement that the property owner will abide by all permit~~  
1937 ~~conditions including the removal of Casuarina cunninghamiana if~~  
1938 ~~invasive populations or other adverse environmental factors are~~  
1939 ~~determined to be present by the department as a result of the~~  
1940 ~~use of Casuarina cunninghamiana as windbreaks. The application~~  
1941 ~~must include, on a form provided by the department, the name of~~  
1942 ~~the applicant and the applicant's address or the address of the~~



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1943 ~~applicant's principal place of business; a statement of the~~  
1944 ~~estimated cost of removing and destroying the Casuarina~~  
1945 ~~cunninghamiana that is the subject of the special permit; and~~  
1946 ~~the basis for calculating or determining that estimate. If the~~  
1947 ~~applicant is a corporation, partnership, or other business~~  
1948 ~~entity, the applicant must also provide in the application the~~  
1949 ~~name and address of each officer, partner, or managing agent.~~  
1950 ~~The applicant shall notify the department within 30 business~~  
1951 ~~days of any change of address or change in the principal place~~  
1952 ~~of business. The department shall mail all notices to the~~  
1953 ~~applicant's last known address.~~

1954 1. Upon obtaining a permit, the permitholder must annually  
1955 maintain the *Casuarina cunninghamiana* authorized by a special  
1956 permit as required in the permit. If the permitholder ceases to  
1957 maintain the *Casuarina cunninghamiana* as required by the special  
1958 permit, if the permit expires, or if the permitholder ceases to  
1959 abide by the conditions of the special permit, the permitholder  
1960 ~~must shall~~ remove and destroy the *Casuarina cunninghamiana* in a  
1961 timely manner as specified in the permit.

1962 2. If the department:

1963 a. Determines that the permitholder is no longer  
1964 maintaining the *Casuarina cunninghamiana* subject to the special  
1965 permit and has not removed and destroyed the *Casuarina*  
1966 *cunninghamiana* authorized by the special permit;

1967 b. Determines that the continued use of *Casuarina*  
1968 *cunninghamiana* as windbreaks presents an imminent danger to  
1969 public health, safety, or welfare; or

1970 c. Determines that the permitholder has exceeded the  
1971 conditions of the authorized special permit.†





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1972  
1973 the department may issue an immediate final order, which is  
1974 ~~shall be~~ immediately appealable or enjoicable pursuant to ~~as~~  
1975 ~~provided by~~ chapter 120, directing the permitholder to  
1976 immediately remove and destroy the *Casuarina cunninghamiana*  
1977 authorized to be planted under the special permit. A copy of the  
1978 immediate final order shall be provided ~~mailed~~ to the  
1979 permitholder.

1980 3. If, upon issuance by the department of an immediate  
1981 final order to the permitholder, the permitholder fails to  
1982 remove and destroy the *Casuarina cunninghamiana* subject to the  
1983 special permit within 60 days after issuance of the order, or  
1984 such shorter period as is designated in the order as public  
1985 health, safety, or welfare requires, the department may remove  
1986 and destroy the *Casuarina cunninghamiana* that are the subject of  
1987 the special permit. If the permitholder makes a written request  
1988 to the department for an extension of time to remove and destroy  
1989 the *Casuarina cunninghamiana* that demonstrates specific facts  
1990 showing why the *Casuarina cunninghamiana* could not reasonably be  
1991 removed and destroyed in the applicable timeframe, the  
1992 department may extend the time for removing and destroying  
1993 *Casuarina cunninghamiana* subject to a special permit. The  
1994 reasonable costs and expenses incurred by the department for  
1995 removing and destroying *Casuarina cunninghamiana* subject to a  
1996 special permit shall be paid out of the Citrus Inspection Trust  
1997 Fund and shall be reimbursed by the party to which the immediate  
1998 final order is issued. If the party to which the immediate final  
1999 order has been issued fails to reimburse the state within 60  
2000 days, the department may record a lien on the property. The lien



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2001 shall be enforced by the department.

2002 4. In order to carry out the purposes of this paragraph,  
2003 the department or its agents may require a permitholder to  
2004 provide verified statements of the planted acreage subject to  
2005 the special permit and may review the permitholder's business or  
2006 planting records at her or his place of business during normal  
2007 business hours in order to determine the acreage planted. The  
2008 failure of a permitholder to furnish such statement or to make  
2009 such records available is cause for suspension of the special  
2010 permit. If the department finds such failure to be willful, the  
2011 special permit may be revoked.

2012 Section 88. Subsection (8) of section 581.131, Florida  
2013 Statutes, is amended to read:

2014 581.131 Certificate of registration.—

2015 (8) The department shall provide to each person subject to  
2016 this section written notice and renewal forms 30 60 days before  
2017 ~~prior to~~ the annual renewal date informing the person of the  
2018 certificate of registration renewal date and the applicable fee.

2019 Section 89. Subsection (4) of section 583.01, Florida  
2020 Statutes, is amended to read:

2021 583.01 Definitions.—For the purpose of this chapter, unless  
2022 elsewhere indicated, the term:

2023 (4) "Dealer" means a ~~any~~ person, firm, or corporation,  
2024 including a producer, processor, retailer, or wholesaler, that  
2025 sells, offers for sale, or holds for the purpose of sale in this  
2026 state 30 dozen or more eggs or its equivalent in any one week,  
2027 or more than 384 ~~in excess of 100 pounds of~~ dressed birds  
2028 ~~poultry~~ in any one week.

2029 Section 90. Section 570.38, Florida Statutes, is



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2030 transferred, renumbered as section 585.008, Florida Statutes,  
2031 and amended to read:

2032 ~~585.008 570.38~~ Animal Industry Technical Council.—

2033 (1) COMPOSITION.—The Animal Industry Technical Council is  
2034 hereby created in the department and shall be composed of 14  
2035 members as follows:

2036 (a) The beef cattle, swine, dairy, horse, independent  
2037 agricultural ~~market markets~~, meat processing and packing  
2038 ~~establishment establishments~~, veterinary medicine, and poultry  
2039 representatives who serve on the State Agricultural Advisory  
2040 Council and three additional representatives from the beef  
2041 cattle industry, as well as three at-large members representing  
2042 other animal industries in the state, who shall be appointed by  
2043 the commissioner for 4-year terms or until their successors are  
2044 duly qualified and appointed.

2045 (b) Each additional beef cattle representative shall be  
2046 appointed subject to the qualifications and by the procedure as  
2047 prescribed in s. 570.23 for membership to the council by the  
2048 beef cattle representative. If a vacancy occurs in these three  
2049 positions, it shall be filled for the remainder of the term in  
2050 the same manner as an initial appointment.

2051 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The  
2052 meetings, powers and duties, procedures, and recordkeeping of  
2053 the Animal Industry Technical Council shall be pursuant to s.  
2054 570.232 governed by the provisions of s. 570.0705 relating to  
2055 advisory committees established within the department.

2056 Section 91. Subsection (3) is added to section 589.08,  
2057 Florida Statutes, to read:

2058 589.08 Land acquisition restrictions.—



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2059 (3) The Florida Forest Service shall pay 15 percent of the  
2060 gross receipts from the Goethe State Forest to each fiscally  
2061 constrained county as described in s. 218.67(1) in which a  
2062 portion of the Goethe State Forest is located in proportion to  
2063 the forest acreage located in such county. The funds must be  
2064 equally divided between the board of county commissioners and  
2065 the school board of each fiscally constrained county.

2066 Section 92. Subsections (1) and (3) of section, Florida  
2067 Statutes, are amended to read:

2068 589.011 Use of state forest lands; fees; rules.—

2069 (1) (a) If authorized by a land management plan approved  
2070 pursuant to chapter 253 or by an interim assignment letter that  
2071 identifies the interim management activities issued by the  
2072 Department of Environmental Protection pursuant to chapter 259,  
2073 the Florida Forest Service of the Department of Agriculture and  
2074 Consumer Services may grant privileges, permits, leases, and  
2075 concessions for the use of state forest lands or any land leased  
2076 by or otherwise assigned to the Florida Forest Service for  
2077 management purposes, timber, and forest products pursuant to ~~for~~  
2078 purposes not inconsistent with the provisions of this chapter.

2079 (b) Lessees of such lands that are open to the public for  
2080 recreational purposes, where such lease or agreement recognizes  
2081 that the state is responsible for personal injury, loss, or  
2082 damage resulting in whole or in part from the public's use of  
2083 the area under the terms of the lease or agreement, subject to  
2084 the limitations and conditions specified in s. 768.28, owe no  
2085 duty of care to keep the area safe for entry or use by others or  
2086 to give warning to a person entering or going into the area of  
2087 any hazardous conditions, structures, or activities thereon.



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2088 (c) Lessees who lease property from the Florida Forest  
2089 Service that is open to the public for recreational purposes:  
2090 1. Are not presumed to extend any assurance that the leased  
2091 area is safe for any purpose.  
2092 2. Do not incur any duty of care toward a person who goes  
2093 into the area that is subject to the lease or agreement.  
2094 3. Are not liable or responsible for any injury to persons  
2095 or property caused by the act or omission of a person who goes  
2096 into the area that is subject to the lease or agreement.  
2097 (d) This subsection:  
2098 1. Applies to all persons going into the leased area,  
2099 including invitees, licensees, and trespassers.  
2100 2. Does not relieve a person of liability that would  
2101 otherwise exist for deliberate, willful, or malicious injury to  
2102 persons or property.  
2103 3. Does not create or increase liability of a person.  
2104 (3) The Florida Forest Service may ~~shall~~ have the power to  
2105 set and collect ~~charge~~ reasonable fees, rentals, or charges ~~or~~  
2106 ~~rent~~ for the use or operation of facilities and concessions on  
2107 state forests or any lands leased by or otherwise assigned to  
2108 the Florida Forest Service for management purposes based on  
2109 factors such as the cost and extent of recreational facilities  
2110 and services, geographical location, seasonal public demand,  
2111 fees charged by other governmental and private entities for  
2112 comparable services and activities, and market value and demand  
2113 for forest products. Moneys collected from such fees, rentals,  
2114 and charges ~~rent~~ shall be deposited into the Incidental Trust  
2115 Fund of the Florida Forest Service.  
2116 Section 93. Section 589.20, Florida Statutes, is amended to



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2117 read:  
2118 589.20 Cooperation by Florida Forest Service.—The Florida  
2119 Forest Service may cooperate with other state agencies, water  
2120 management districts, municipalities, or other governmental  
2121 entities who are custodians of lands which are suitable for  
2122 forestry purposes, in the designation and dedication of such  
2123 lands that are suitable for forestry purposes when in the  
2124 opinion of the state agencies concerned such lands are suitable  
2125 for these purposes and can be so administered. Lands designated  
2126 and dedicated by a state agency, water management district,  
2127 municipality, or other government entity Upon the designation  
2128 and dedication of said lands for forestry these purposes by the  
2129 agencies concerned, said lands shall be administered by the  
2130 Florida Forest Service.  
2131 Section 94. Subsection (7) of section 590.02, Florida  
2132 Statutes, is amended to read:  
2133 590.02 Florida Forest Service; powers, authority, and  
2134 duties; liability; building structures; Withlacoochee Training  
2135 Florida Center for Wildfire and Forest Resources Management  
2136 Training.—  
2137 (7) The Florida Forest Service may organize, staff, equip,  
2138 and operate the Withlacoochee Florida Forest Training Center.  
2139 The center shall serve as a site where fire and forest resource  
2140 managers can obtain current knowledge, techniques, skills, and  
2141 theory as they relate to their respective disciplines.  
2142 (a) The center may establish cooperative efforts involving  
2143 federal, state, and local entities; hire appropriate personnel;  
2144 and engage others by contract or agreement with or without  
2145 compensation to assist in carrying out the training and



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2146 operations of the center.

2147 (b) The center shall provide wildfire suppression training  
2148 opportunities for rural fire departments, volunteer fire  
2149 departments, and other local fire response units.

2150 (c) The center shall ~~will~~ focus on curriculum related ~~to~~,  
2151 but not limited to, fuel reduction, an incident management  
2152 system, prescribed burning certification, multiple-use land  
2153 management, water quality, forest health, environmental  
2154 education, and wildfire suppression training for structural  
2155 firefighters.

2156 (d) The center may assess appropriate fees for food,  
2157 lodging, travel, course materials, and supplies in order to meet  
2158 its operational costs and may grant free meals, room, and  
2159 scholarships to persons and other entities in exchange for  
2160 instructional assistance.

2161 Section 95. Subsection (2) of section 590.125, Florida  
2162 Statutes, is amended to read:

2163 590.125 Open burning authorized by the Florida Forest  
2164 Service.—

2165 (2) NONCERTIFIED BURNING.—

2166 (a) Persons may ~~be authorized to~~ broadcast burn or pile  
2167 burn pursuant to in accordance with this subsection if:

2168 1. There is specific consent of the landowner or his or her  
2169 designee;

2170 2. Authorization has been obtained from the Florida Forest  
2171 Service or its designated agent before starting the burn;

2172 3. There are adequate firebreaks at the burn site and  
2173 sufficient personnel and firefighting equipment for the  
2174 containment of the fire;



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2175 4. The fire remains within the boundary of the authorized  
2176 area;

2177 5. The person named responsible in the burn authorization  
2178 or a designee is present at the burn site until the fire is  
2179 completed;

2180 6. The Florida Forest Service does not cancel the  
2181 authorization; and

2182 7. The Florida Forest Service determines that air quality  
2183 and fire danger are favorable for safe burning.

2184 (b) A new authorization is not required for smoldering that  
2185 occurs within the authorized burn area unless new ignitions are  
2186 conducted by the person named responsible in the burn  
2187 authorization or a designee.

2188 (c) Monitoring the smoldering activity of a burn does not  
2189 require an additional authorization even if flames begin to  
2190 spread within the authorized burn site due to ongoing smoldering  
2191 activity.

2192 (d) ~~(b)~~ A person who broadcast burns or pile burns in a  
2193 manner that violates ~~any requirement of~~ this subsection commits  
2194 a misdemeanor of the second degree, punishable as provided in s.  
2195 775.082 or s. 775.083.

2196 Section 96. Section 570.0725, Florida Statutes, is  
2197 transferred and renumbered as section 595.420, Florida Statutes.

2198 Section 97. Paragraph (k) of subsection (1) of section  
2199 597.003, Florida Statutes, is amended to read:

2200 597.003 Powers and duties of Department of Agriculture and  
2201 Consumer Services.—

2202 (1) The department is hereby designated as the lead agency  
2203 in encouraging the development of aquaculture in the state and



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2204 shall have and exercise the following functions, powers, and  
2205 duties with regard to aquaculture:

2206 (k) Make available state lands and the water column for the  
2207 purpose of producing aquaculture products when the aquaculture  
2208 activity is compatible with state resource management goals,  
2209 environmental protection, and proprietary interest and when such  
2210 state lands and waters are determined to be suitable for  
2211 aquaculture development by the Board of Trustees of the Internal  
2212 Improvement Trust Fund pursuant to s. 253.68; provide training  
2213 as necessary to lessees; and be responsible for all saltwater  
2214 aquaculture activities located on sovereignty submerged land or  
2215 in the water column above such land and adjacent facilities  
2216 directly related to the aquaculture activity.

2217 1. The department shall act in cooperation with other state  
2218 and local agencies and programs to identify and designate  
2219 sovereignty lands and waters that would be suitable for  
2220 aquaculture development.

2221 2. The department shall identify and evaluate specific  
2222 tracts of sovereignty submerged lands and water columns in  
2223 various areas of the state to determine where such lands and  
2224 waters are suitable for leasing for aquaculture purposes.  
2225 Nothing in this subparagraph or subparagraph 1. shall preclude  
2226 the applicant from applying for sites identified by the  
2227 applicant.

2228 3. The department shall provide assistance in developing  
2229 technologies applicable to aquaculture activities, evaluate  
2230 practicable production alternatives, and provide agreements to  
2231 develop innovative culture practices.

2232 Section 98. Paragraph (j) is added to subsection (1) of



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2233 section 597.004, Florida Statutes, to read:

2234 597.004 Aquaculture certificate of registration.—

2235 (1) CERTIFICATION.—Any person engaging in aquaculture must  
2236 be certified by the department. The applicant for a certificate  
2237 of registration shall submit the following to the department:

2238 (j) A certificate of training, if required under the best  
2239 management practices adopted pursuant to this section.

2240 Section 99. Subsection (1) of section 597.020, Florida  
2241 Statutes, is amended to read:

2242 597.020 Shellfish processors; regulation.—

2243 (1) The department is authorized to adopt by rule  
2244 regulations, specifications, training requirements, and codes  
2245 relating to sanitary practices for catching, cultivating,  
2246 handling, processing, packaging, preserving, canning, smoking,  
2247 and storing of oysters, clams, mussels, scallops, and crabs. The  
2248 department is also authorized to license shellfish processors  
2249 who handle oysters, clams, mussels, scallops, and crabs when  
2250 such activities relate to quality control, sanitary, and public  
2251 health practices pursuant to this section and chapter 500. The  
2252 department is also authorized to license or certify, for a fee  
2253 determined by rule, facilities used for processing oysters,  
2254 clams, mussels, scallops, and crabs, to levy an administrative  
2255 fine of up to \$1,000 per violation per day or to suspend or  
2256 revoke such licenses or certificates upon satisfactory evidence  
2257 of any violation of rules adopted pursuant to this section, and  
2258 to seize and destroy any adulterated or misbranded shellfish  
2259 products as defined by rule.

2260 Section 100. Section 570.481, Florida Statutes, is  
2261 transferred and renumbered as section 603.011, Florida Statutes.



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2262 Section 101. Section 570.55, Florida Statutes, is  
2263 transferred and renumbered as section 603.211, Florida Statutes.

2264 Section 102. Subsection (2) of section 604.16, Florida  
2265 Statutes, is amended, and subsection (5) is added to that  
2266 section, to read:

2267 604.16 Exceptions to provisions of ss. 604.15-604.34.—  
2268 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do  
2269 not apply to:

2270 (2) A dealer in agricultural products who pays at the time  
2271 of purchase with United States cash currency or a cash  
2272 equivalent, such as a money order, cashier's check, wire  
2273 transfer, electronic funds transfer, or PIN debit transaction  
2274 debit card.

2275 (5) A dealer in agricultural products who purchases  
2276 agricultural products from a producer owned by the exact same  
2277 person as the dealer, owned solely by the dealer, or who solely  
2278 owns the dealer.

2279 Section 103. Section 604.22, Florida Statutes, is amended  
2280 to read:

2281 604.22 Dealers to keep records; contents.—

2282 (1) (a) Each licensee, while acting as agent for a producer,  
2283 shall make and preserve for at least 1 year a record of each  
2284 transaction, specifying the name and address of the producer for  
2285 whom she or he acts as agent; the date of receipt; the kind,  
2286 quality, and quantity of agricultural products received; the  
2287 name and address of the purchaser of each package of  
2288 agricultural products; the price for which each package was  
2289 sold; the amount of any additional charges necessary to  
2290 effectuate the sale; the amount and explanation of any



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2291 adjustments given; and the net amount due from each purchaser.

2292 (b) An account of sales shall be furnished to each producer  
2293 within 48 hours after the sale of such agricultural products  
2294 unless otherwise agreed to in a written contract or verifiable  
2295 oral agreement. Such account of sales shall clearly show the  
2296 sale price of each lot of agricultural products sold; all  
2297 adjustments to the original price, along with an explanation of  
2298 such adjustments; and an itemized showing of all marketing costs  
2299 deducted by the licensee, along with the net amount due the  
2300 producer.

2301 (c) The licensee shall make the payment to the producer  
2302 within 5 days after ~~of~~ the licensee's receipt of payment unless  
2303 otherwise agreed to in a written contract or verifiable oral  
2304 agreement.

2305 (2) (a) ~~Notwithstanding The provisions of s. 604.16(2), (3),~~  
2306 ~~and (4) notwithstanding, a~~ any person, partnership, corporation,  
2307 or other business entity, except a person described in s.  
2308 604.16(1), who possesses and offers for sale agricultural  
2309 products is required to possess and display, upon the request of  
2310 a ~~any~~ department representative or state, county, or local law  
2311 enforcement officer, an invoice, bill of sale, manifest, or  
2312 other written document showing the date of sale, the name and  
2313 address of the seller, and the kind and quantity of products for  
2314 all such agricultural products.

2315 (b) A ~~Any~~ person who violates ~~the provisions of this~~  
2316 section is subject to s. 604.30(2) and (3) subsection is guilty  
2317 of a misdemeanor of the second degree, punishable as provided in  
2318 s. 775.082 or s. 775.083.

2319 Section 104. Sections 487.172, 500.301, 500.302, 500.303,



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2320 500.304, 500.305, 500.306, 500.601, 570.345, 570.542, 570.72,  
2321 570.92, 589.081, and 590.091, Florida Statutes, are repealed.

2322 Section 105. Paragraph (c) of subsection (6) of section  
2323 193.461, Florida Statutes, is amended to read:

2324 193.461 Agricultural lands; classification and assessment;  
2325 mandated eradication or quarantine program.—

2326 (6)

2327 (c)1. For purposes of the income methodology approach to  
2328 assessment of property used for agricultural purposes,  
2329 irrigation systems, including pumps and motors, physically  
2330 attached to the land ~~are shall be~~ considered a part of the  
2331 average yields per acre and ~~shall~~ have no separately assessable  
2332 contributory value.

2333 2. Litter containment structures located on producing  
2334 poultry farms and animal waste nutrient containment structures  
2335 located on producing dairy farms shall be assessed by the  
2336 methodology described in subparagraph 1.

2337 3. Structures or improvements used in horticultural  
2338 production for frost or freeze protection, ~~which structures or~~  
2339 ~~improvements~~ are consistent with the interim measures or best  
2340 management practices adopted by the Department of Agriculture  
2341 and Consumer Services Services' interim measures or best  
2342 ~~management practices adopted~~ pursuant to s. 570.93 s. 570.085 or  
2343 s. 403.067(7)(c), ~~shall~~ be assessed by the methodology described  
2344 in subparagraph 1.

2345 Section 106. Subsection (1) of section 253.74, Florida  
2346 Statutes, is amended to read:

2347 253.74 Penalties.—

2348 (1) A ~~Any~~ person who conducts aquaculture activities in



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2349 excess of those authorized by the board or who conducts such  
2350 activities on state-owned submerged lands without having  
2351 previously obtained an authorization from the board commits a  
2352 misdemeanor of the second degree, punishable as provided in s.  
2353 775.082, is and shall be subject to a civil fine in the Class I  
2354 category pursuant to s. 570.971 imprisonment for not more than 6  
2355 ~~months or fine of not more than \$1,000, or both.~~ In addition to  
2356 such fine and imprisonment, all works, improvements, and animal  
2357 and plant life involved in the project, ~~may be~~ forfeited to the  
2358 state.

2359 Section 107. Paragraph (c) of subsection (5) of section  
2360 288.1175, Florida Statutes, is amended to read:

2361 288.1175 Agriculture education and promotion facility.—

2362 (5) The Department of Agriculture and Consumer Services  
2363 shall competitively evaluate applications for funding of an  
2364 agriculture education and promotion facility. If the number of  
2365 applicants exceeds three, the Department of Agriculture and  
2366 Consumer Services shall rank the applications based upon  
2367 criteria developed by the Department of Agriculture and Consumer  
2368 Services, with priority given in descending order to the  
2369 following items:

2370 (c) The location of the facility in a brownfield site as  
2371 defined in s. 376.79(3), a rural enterprise zone as defined in  
2372 s. 290.004, an agriculturally depressed area as defined in s.  
2373 570.74 s. 570.242(1), or a county that has lost its agricultural  
2374 land to environmental restoration projects.

2375 Section 108. Paragraph (b) of subsection (14) and paragraph  
2376 (b) of subsection (77) of section 320.08058, Florida Statutes,  
2377 are amended to read:



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2378 320.08058 Specialty license plates.-  
2379 (14) FLORIDA AGRICULTURAL LICENSE PLATES.-  
2380 (b) The proceeds of the Florida Agricultural license plate  
2381 annual use fee must be forwarded to the direct-support  
2382 organization created pursuant to s. 570.691 ~~in s. 570.903~~. The  
2383 funds must be used for the sole purpose of funding and promoting  
2384 the Florida agriculture in the classroom program established  
2385 within the Department of Agriculture and Consumer Services  
2386 pursuant to s. 570.693 ~~s. 570.91~~.  
2387 (77) FLORIDA HORSE PARK LICENSE PLATES.-  
2388 (b) The annual use fees shall be distributed to the Florida  
2389 Agriculture Center and Horse Park Authority created by s.  
2390 570.685 ~~s. 570.952~~, which shall retain all proceeds until all  
2391 startup costs for developing and establishing the plate have  
2392 been recovered. Thereafter, the proceeds shall be used as  
2393 follows:  
2394 1. A maximum of 5 percent of the proceeds from the annual  
2395 use fees may be used for the administration of the Florida Horse  
2396 Park license plate program.  
2397 2. A maximum of 5 percent of the proceeds may be used to  
2398 promote and market the license plate.  
2399 3. The remaining proceeds shall be used by the authority to  
2400 promote the Florida Agriculture Center and Horse Park located in  
2401 Marion County; to support continued development of the park,  
2402 including the construction of additional educational facilities,  
2403 barns, and other structures; to provide improvements to the  
2404 existing infrastructure at the park; and to provide for  
2405 operational expenses of the Florida Agriculture Center and Horse  
2406 Park.



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2407 Section 109. Section 373.621, Florida Statutes, is amended  
2408 to read:  
2409 373.621 Water conservation.-The Legislature recognizes the  
2410 significant value of water conservation in the protection and  
2411 efficient use of water resources. Accordingly, consideration in  
2412 the administration of ss. 373.223, 373.233, and 373.236 shall be  
2413 given to applicants who implement water conservation practices  
2414 pursuant to s. 570.93 ~~s. 570.085~~ or other applicable water  
2415 conservation measures as determined by the department or a water  
2416 management district.  
2417 Section 110. Paragraph (a) of subsection (2) of section  
2418 373.709, Florida Statutes, is amended to read:  
2419 373.709 Regional water supply planning.-  
2420 (2) Each regional water supply plan must be based on at  
2421 least a 20-year planning period and must include, but need not  
2422 be limited to:  
2423 (a) A water supply development component for each water  
2424 supply planning region identified by the district which  
2425 includes:  
2426 1. A quantification of the water supply needs for all  
2427 existing and future reasonable-beneficial uses within the  
2428 planning horizon. The level-of-certainty planning goal  
2429 associated with identifying the water supply needs of existing  
2430 and future reasonable-beneficial uses must be based upon meeting  
2431 those needs for a 1-in-10-year drought event.  
2432 a. Population projections used for determining public water  
2433 supply needs must be based upon the best available data. In  
2434 determining the best available data, the district shall consider  
2435 the University of Florida's Bureau of Economic and Business





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2436 Research (BEER) medium population projections and population  
2437 projection data and analysis submitted by a local government  
2438 pursuant to the public workshop described in subsection (1) if  
2439 the data and analysis support the local government's  
2440 comprehensive plan. Any adjustment of or deviation from the BEER  
2441 projections must be fully described, and the original BEER data  
2442 must be presented along with the adjusted data.

2443       b. Agricultural demand projections used for determining the  
2444 needs of agricultural self-suppliers must be based upon the best  
2445 available data. In determining the best available data for  
2446 agricultural self-supplied water needs, the district shall  
2447 consider the data indicative of future water supply demands  
2448 provided by the Department of Agriculture and Consumer Services  
2449 pursuant to s. 570.93 ~~s. 570.085~~ and agricultural demand  
2450 projection data and analysis submitted by a local government  
2451 pursuant to the public workshop described in subsection (1), if  
2452 the data and analysis support the local government's  
2453 comprehensive plan. Any adjustment of or deviation from the data  
2454 provided by the Department of Agriculture and Consumer Services  
2455 must be fully described, and the original data must be presented  
2456 along with the adjusted data.

2457       2. A list of water supply development project options,  
2458 including traditional and alternative water supply project  
2459 options, from which local government, government-owned and  
2460 privately owned utilities, regional water supply authorities,  
2461 multijurisdictional water supply entities, self-suppliers, and  
2462 others may choose for water supply development. In addition to  
2463 projects listed by the district, such users may propose specific  
2464 projects for inclusion in the list of alternative water supply



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2465 projects. If such users propose a project to be listed as an  
2466 alternative water supply project, the district shall determine  
2467 whether it meets the goals of the plan, and, if so, it shall be  
2468 included in the list. The total capacity of the projects  
2469 included in the plan must exceed the needs identified in  
2470 subparagraph 1. and take into account water conservation and  
2471 other demand management measures, as well as water resources  
2472 constraints, including adopted minimum flows and levels and  
2473 water reservations. Where the district determines it is  
2474 appropriate, the plan should specifically identify the need for  
2475 multijurisdictional approaches to project options that, based on  
2476 planning level analysis, are appropriate to supply the intended  
2477 uses and that, based on such analysis, appear to be permissible  
2478 and financially and technically feasible. The list of water  
2479 supply development options must contain provisions that  
2480 recognize that alternative water supply options for agricultural  
2481 self-suppliers are limited.

2482       3. For each project option identified in subparagraph 2.,  
2483 the following must be provided:

2484       a. An estimate of the amount of water to become available  
2485 through the project.

2486       b. The timeframe in which the project option should be  
2487 implemented and the estimated planning-level costs for capital  
2488 investment and operating and maintaining the project.

2489       c. An analysis of funding needs and sources of possible  
2490 funding options. For alternative water supply projects, the  
2491 water management districts shall provide funding pursuant to  
2492 assistance in accordance with s. 373.707(8).

2493       d. Identification of the entity that should implement each



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2494 project option and the current status of project implementation.

2495 Section 111. Paragraph (d) of subsection (2) of section  
2496 381.0072, Florida Statutes, is amended to read:

2497 381.0072 Food service protection.—It shall be the duty of  
2498 the Department of Health to adopt and enforce sanitation rules  
2499 consistent with law to ensure the protection of the public from  
2500 food-borne illness. These rules shall provide the standards and  
2501 requirements for the storage, preparation, serving, or display  
2502 of food in food service establishments as defined in this  
2503 section and which are not permitted or licensed under chapter  
2504 500 or chapter 509.

2505 (2) DUTIES.—

2506 (d) The department shall inspect each food service  
2507 establishment as often as necessary to ensure compliance with  
2508 applicable laws and rules. The department shall have the right  
2509 of entry and access to these food service establishments at any  
2510 reasonable time. In inspecting food service establishments ~~as~~  
2511 ~~provided~~ under this section, the department shall provide each  
2512 inspected establishment with the food recovery brochure  
2513 developed under s. 595.420 ~~s. 570.0725~~.

2514 Section 112. Paragraph (c) of subsection (2) of section  
2515 388.46, Florida Statutes, is amended to read:

2516 388.46 Florida Coordinating Council on Mosquito Control;  
2517 establishment; membership; organization; responsibilities.—

2518 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

2519 (c) *Responsibilities*.—The council shall:

2520 1. Develop and implement guidelines to assist the  
2521 department in resolving disputes arising over the control of  
2522 arthropods on publicly owned lands.



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2523 2. Develop and recommend to the department a request for  
2524 proposal process for arthropod control research.

2525 3. Identify potential funding sources for research or  
2526 implementation projects and evaluate and prioritize proposals  
2527 upon request by the funding source.

2528 4. Prepare and present reports, as needed, on arthropod  
2529 control activities in the state to ~~the Pesticide Review Council~~  
2530 ~~and other~~ governmental organizations, as appropriate.

2531 Section 113. Paragraph (c) of subsection (2) of section  
2532 472.0351, Florida Statutes, is amended to read:

2533 472.0351 Grounds for discipline; penalties; enforcement.—

2534 (2) If the board finds a surveyor or mapper guilty of any  
2535 of the grounds set forth in subsection (1) or a violation of  
2536 this chapter which occurred before obtaining a license, the  
2537 board may enter an order imposing one or more of the following  
2538 penalties:

2539 (c) Imposition of an administrative fine in the Class I  
2540 category pursuant to s. 570.971 ~~not to exceed \$1,000~~ for each  
2541 count or separate offense.

2542 Section 114. Subsections (1) and (2) and paragraph (a) of  
2543 subsection (3) of section 472.036, Florida Statutes, are amended  
2544 to read:

2545 472.036 Unlicensed practice of professional surveying and  
2546 mapping; cease and desist notice; civil penalty; enforcement;  
2547 citations; allocation of moneys collected.—

2548 (1) When the department has probable cause to believe that  
2549 a ~~any~~ person not licensed by the department or the board has  
2550 violated ~~any provision of~~ this chapter, or any rule adopted  
2551 pursuant to this chapter, the department may issue and deliver



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2552 to such person a notice to cease and desist from such violation.  
2553 In addition, the department may issue and deliver a notice to  
2554 cease and desist to a any person who aids and abets the  
2555 unlicensed practice of surveying and mapping by employing such  
2556 unlicensed person. The issuance of a notice to cease and desist  
2557 ~~does shall~~ not constitute agency action for which a hearing  
2558 under ss. 120.569 and 120.57 may be sought. For the purpose of  
2559 enforcing a cease and desist order, the department may file a  
2560 proceeding in the name of the state seeking issuance of an  
2561 injunction or a writ of mandamus against a any person who  
2562 violates ~~any provisions of~~ such order. In addition to the  
2563 foregoing remedies, the department may impose an administrative  
2564 fine in the Class II category pursuant to s. 570.971 for each  
2565 ~~penalty not to exceed \$5,000 per~~ incident pursuant to ~~the~~  
2566 ~~provisions of~~ chapter 120 or may issue a citation pursuant to  
2567 ~~the provisions of~~ subsection (3). If the department is required  
2568 to seek enforcement of the order for a penalty pursuant to s.  
2569 120.569, it shall be entitled to collect its attorney attorney's  
2570 fees and costs, together with any cost of collection.

2571 (2) In addition to or in lieu of any remedy provided in  
2572 subsection (1), the department may seek the imposition of a  
2573 civil penalty through the circuit court for any violation for  
2574 which the department may issue a notice to cease and desist  
2575 under subsection (1). The civil penalty shall be a fine in the  
2576 Class II category pursuant to s. 570.971 no less than \$500 and  
2577 ~~no more than \$5,000~~ for each offense. The court may also award  
2578 to the prevailing party court costs and reasonable attorney fees  
2579 and, in the event the department prevails, may also award  
2580 reasonable costs of investigation.



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2581 (3) (a) Notwithstanding ~~the provisions of~~ s. 472.033, the  
2582 department shall adopt rules for to permit the issuance of  
2583 citations for unlicensed practice of a profession. The citation  
2584 shall be issued to the subject and shall contain the subject's  
2585 name and any other information the department determines to be  
2586 necessary to identify the subject, a brief factual statement,  
2587 the sections of the law allegedly violated, and the penalty  
2588 imposed. The citation must clearly state that the subject may  
2589 choose, in lieu of accepting the citation, to follow the  
2590 procedure under s. 472.033. If the subject disputes the matter  
2591 in the citation, the procedures set forth in s. 472.033 must be  
2592 followed. However, if the subject does not dispute the matter in  
2593 the citation with the department within 30 days after the  
2594 citation is served, the citation shall become a final order of  
2595 the department upon filing with the agency clerk. The penalty  
2596 shall be a fine in the Class II category pursuant to s. 570.971  
2597 ~~of not less than \$500 or more than \$5,000~~ or other conditions as  
2598 established by rule.

2599 Section 115. Subsection (7) of section 482.161, Florida  
2600 Statutes, is amended to read:

2601 482.161 Disciplinary grounds and actions; reinstatement.—

2602 (7) The department, pursuant to chapter 120, in addition to  
2603 or in lieu of any other remedy provided by state or local law,  
2604 may impose an administrative fine in the Class II category  
2605 pursuant to s. 570.971, in an amount not exceeding \$5,000, for a  
2606 ~~the violation of any of the provisions of~~ this chapter or of the  
2607 rules adopted pursuant to this chapter. In determining the  
2608 amount of fine to be levied for a violation, the following  
2609 factors shall be considered:



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2610 (a) The severity of the violation, including the  
2611 probability that the death, or serious harm to the health or  
2612 safety, of any person will result or has resulted; the severity  
2613 of the actual or potential harm; and the extent to which ~~the~~  
2614 ~~provisions of~~ this chapter or of the rules adopted pursuant to  
2615 this chapter were violated;

2616 (b) Any actions taken by the licensee or certified operator  
2617 in charge, or limited certificateholder, to correct the  
2618 violation or to remedy complaints;

2619 (c) Any previous violations of this chapter or of the rules  
2620 adopted pursuant to this chapter; and

2621 (d) The cost to the department of investigating the  
2622 violation.

2623 Section 116. Subsections (3) and (5) of section 482.165,  
2624 Florida Statutes, are amended to read:

2625 482.165 Unlicensed practice of pest control; cease and  
2626 desist order; injunction; civil suit and penalty.—

2627 (3) In addition to or in lieu of any remedy provided under  
2628 subsection (2), the department may institute a civil suit in  
2629 circuit court to recover a civil penalty for ~~a any~~ violation for  
2630 which the department may issue a notice to cease and desist  
2631 under subsection (2). The civil penalty shall be in Class II  
2632 category pursuant to s. 570.971 ~~may not be less than \$500 or~~  
2633 ~~more than \$5,000 for each offense~~. The court may also award to  
2634 the prevailing party court costs and reasonable attorney  
2635 attorney's fees.

2636 (5) In addition to or in lieu of any remedy provided under  
2637 subsections (2) and (3), the department may, even in the case of  
2638 a first offense, impose a fine not less than twice the cost of a



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2639 pest control business license, but not more than a fine in the  
2640 Class II category pursuant to s. 570.971 ~~\$5,000~~, upon a  
2641 determination by the department that a person is in violation of  
2642 subsection (1). For the purposes of this subsection, the lapse  
2643 of a previously issued license for a period of less than 1 year  
2644 ~~is shall~~ not be considered a violation.

2645 Section 117. Subsection (6) of section 482.243, Florida  
2646 Statutes, is amended to read:

2647 482.243 Pest Control Enforcement Advisory Council.—

2648 (6) The meetings, powers and duties, procedures, and  
2649 recordkeeping of the council shall be pursuant to s. 570.232 in  
2650 ~~accordance with the provisions of s. 570.0705 relating to~~  
2651 ~~advisory committees established within the department~~.

2652 Section 118. Subsection (3) of section 487.047, Florida  
2653 Statutes, is amended to read:

2654 487.047 Nonresident license; reciprocal agreement;  
2655 authorized purchase.—

2656 (3) Restricted-use pesticides may be purchased by a any  
2657 person who holds a valid applicator's license or who holds a  
2658 valid purchase authorization card issued by the department or by  
2659 a licensee under chapter 388 or chapter 482. A nonlicensed  
2660 person may apply restricted-use pesticides under the direct  
2661 supervision of a licensed applicator. An applicator's license  
2662 shall be issued by the department pursuant to on a form supplied  
2663 ~~by it in accordance with the requirements of this part~~.

2664 Section 119. Subsections (2) and (3) of section 487.091,  
2665 Florida Statutes, are amended to read:

2666 487.091 Tolerances, deficiencies, and penalties.—

2667 (2) If a pesticide is found by analysis to be deficient in



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2668 an active ingredient beyond the tolerance as provided in this  
2669 part, the registrant is subject to a penalty for the deficiency  
2670 in the Class III category pursuant to s. 570.971 for each, not  
2671 to exceed \$10,000 per violation. However, a no penalty may not  
2672 shall be assessed when the official sample was taken from a  
2673 pesticide that was in the possession of a consumer for more than  
2674 45 days after from the date of purchase by that consumer, or  
2675 when the product label specifies that the product should be used  
2676 by an expiration date that has passed. Procedures for assessing  
2677 penalties shall be established by rule, based on the degree of  
2678 the deficiency. Penalties assessed shall be paid to the consumer  
2679 or, in the absence of a known consumer, the department. If the  
2680 penalty is not paid within the prescribed period of time as  
2681 established by rule, the department may deny, suspend, or revoke  
2682 the registration of any pesticide.

2683 (3) If a pesticide is found to be ineffective, it shall be  
2684 deemed to be misbranded and subject to a penalty as established  
2685 by rule in the Class III category pursuant to s. 570.971 for  
2686 each, not to exceed \$10,000 per violation.

2687 Section 120. Paragraph (e) of subsection (1) of section  
2688 487.175, Florida Statutes, is amended to read:

2689 487.175 Penalties; administrative fine; injunction.-

2690 (1) In addition to any other penalty provided in this part,  
2691 when the department finds any person, applicant, or licensee has  
2692 violated any provision of this part or rule adopted under this  
2693 part, it may enter an order imposing any one or more of the  
2694 following penalties:

2695 (e) Imposition of an administrative fine in the Class III  
2696 category pursuant to s. 570.971 not to exceed \$10,000 for each



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2697 violation. When imposing a any fine under this paragraph, the  
2698 department shall consider the degree and extent of harm caused  
2699 by the violation, the cost of rectifying the damage, the amount  
2700 of money the violator benefited from by noncompliance, whether  
2701 the violation was committed willfully, and the compliance record  
2702 of the violator.

2703 Section 121. Paragraph (c) of subsection (2) of section  
2704 493.6118, Florida Statutes, is amended to read:

2705 493.6118 Grounds for disciplinary action.-

2706 (2) When the department finds any violation of subsection  
2707 (1), it may do one or more of the following:

2708 (c) Impose an administrative fine in the Class I category  
2709 pursuant to s. 570.971 not to exceed \$1,000 for every count or  
2710 separate offense.

2711 Section 122. Subsection (1) of section 496.420, Florida  
2712 Statutes, is amended to read:

2713 496.420 Civil remedies and enforcement.-

2714 (1) In addition to other remedies authorized by law, the  
2715 department may bring a civil action in circuit court to enforce  
2716 ss. 496.401-496.424 or s. 496.426. Upon a finding that any  
2717 person has violated any of these sections, a court may make any  
2718 necessary order or enter a judgment including, but not limited  
2719 to, a temporary or permanent injunction, a declaratory judgment,  
2720 the appointment of a general or special magistrate or receiver,  
2721 the sequestration of assets, the reimbursement of persons from  
2722 whom contributions have been unlawfully solicited, the  
2723 distribution of contributions pursuant to in accordance with the  
2724 charitable or sponsor purpose expressed in the registration  
2725 statement or pursuant to in accordance with the representations



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2726 made to the person solicited, the reimbursement of the  
2727 department for investigative costs, ~~and attorney attorney's~~ fees  
2728 and costs, and any other equitable relief the court finds  
2729 appropriate. Upon a finding that ~~a any~~ person has violated any  
2730 provision of ss. 496.401-496.424 or s. 496.426 with actual  
2731 knowledge or knowledge fairly implied on the basis of objective  
2732 circumstances, a court may enter an order imposing a civil fine  
2733 in the Class III category pursuant to s. 570.971 for each  
2734 penalty in an amount not to exceed \$10,000 per violation.

2735 Section 123. Paragraph (b) of subsection (3) of section  
2736 500.70, Florida Statutes, is amended to read:

2737 500.70 Tomato food safety standards; inspections;  
2738 penalties; tomato good agricultural practices; tomato best  
2739 management practices.-

2740 (3)

2741 (b) The department may impose an administrative fine in the  
2742 Class II category pursuant to s. 570.971 for each not to exceed  
2743 \$5,000 per violation, or issue a written notice or warning under  
2744 s. 500.179, against a person who violates ~~any applicable~~  
2745 ~~provision of~~ this section or any rule adopted under this  
2746 section.

2747 Section 124. Paragraph (b) of subsection (2) of section  
2748 501.612, Florida Statutes, is amended to read:

2749 501.612 Grounds for departmental action against licensure  
2750 applicants or licensees.-

2751 (2) Upon a finding as set forth in subsection (1), the  
2752 department may enter an order:

2753 (b) Imposing an administrative fine in the Class III  
2754 category pursuant to s. 570.971 not to exceed \$10,000 for each



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2755 act or omission which constitutes a violation under this part.

2756 Section 125. Section 501.619, Florida Statutes, is amended  
2757 to read:

2758 501.619 Civil penalties.-~~A Any~~ person who engages in any  
2759 act or practice declared in this part to be unlawful is liable  
2760 for a civil penalty in the Class III category pursuant to s.  
2761 570.971 of not more than \$10,000 for each such violation. This  
2762 civil penalty may be recovered in any action brought under this  
2763 part by the department, or the department may terminate any  
2764 investigation or action upon agreement by the person to pay a  
2765 stipulated civil penalty. The department or the court may waive  
2766 any such civil penalty or other fines or costs if the person has  
2767 previously made full restitution or reimbursement or has paid  
2768 actual damages to the purchasers who have been injured by the  
2769 unlawful act or practice.

2770 Section 126. Paragraph (b) of subsection (1) of section  
2771 502.231, Florida Statutes, is amended to read:

2772 502.231 Penalty and injunction.-

2773 (1) The department may enter an order imposing one or more  
2774 of the following penalties against any person who violates any  
2775 provision of this chapter:

2776 (b) Imposition of an administrative fine ~~not to exceed:~~

2777 1. In the Class II category pursuant s. 570.971 for each  
2778 Ten thousand dollars per violation in the case of a frozen  
2779 dessert licensee;

2780 2. Not to exceed ten percent of the license fee or \$100,  
2781 whichever is greater, for failure to report the information  
2782 described in s. 502.053(3) (d); or

2783 3. In the Class I category pursuant to s. 570.971 for each



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2784 ~~One thousand dollars per~~ occurrence for any other violation.

2785

2786 When imposing a fine under this paragraph, the department must  
2787 consider the degree and extent of harm caused by the violation,  
2788 the cost of rectifying the damage, the benefit to the violator,  
2789 whether the violation was committed willfully, and the  
2790 violator's compliance record.

2791 Section 127. Subsection (1) of section 507.09, Florida  
2792 Statutes, is amended to read:

2793 507.09 Administrative remedies; penalties.—

2794 (1) The department may enter an order doing one or more of  
2795 the following if the department finds that a mover or moving  
2796 broker, or a person employed or contracted by a mover or broker,  
2797 has violated or is operating in violation of this chapter or the  
2798 rules or orders issued pursuant to ~~in accordance with~~ this  
2799 chapter:

2800 (a) Issuing a notice of noncompliance under s. 120.695.

2801 (b) Imposing an administrative fine in the Class II  
2802 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each  
2803 act or omission.

2804 (c) Directing that the person cease and desist specified  
2805 activities.

2806 (d) Refusing to register or revoking or suspending a  
2807 registration.

2808 (e) Placing the registrant on probation ~~for a period of~~  
2809 ~~time~~, subject to the conditions specified by the department.

2810 Section 128. Subsection (2) of section 507.10, Florida  
2811 Statutes, is amended to read:

2812 507.10 Civil penalties; remedies.—



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2813 (2) The department may seek a civil penalty in the Class II  
2814 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each  
2815 violation of this chapter.

2816 Section 129. Paragraph (g) of subsection (2) and paragraph  
2817 (c) of subsection (3) of section 509.032, Florida Statutes, are  
2818 amended to read:

2819 509.032 Duties.—

2820 (2) INSPECTION OF PREMISES.—

2821 (g) In inspecting public food service establishments, the  
2822 department shall provide each inspected establishment with the  
2823 food-recovery brochure developed under s. 595.420 ~~s. 570.0725~~.

2824 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE  
2825 EVENTS.—The division shall:

2826 (c) Administer a public notification process for temporary  
2827 food service events and distribute educational materials that  
2828 address safe food storage, preparation, and service procedures.

2829 1. Sponsors of temporary food service events shall notify  
2830 the division not less than 3 days before ~~prior to~~ the scheduled  
2831 event of the type of food service proposed, the time and  
2832 location of the event, a complete list of food service vendors  
2833 participating in the event, the number of individual food  
2834 service facilities each vendor will operate at the event, and  
2835 the identification number of each food service vendor's current  
2836 license as a public food service establishment or temporary food  
2837 service event licensee. Notification may be completed orally, by  
2838 telephone, in person, or in writing. A public food service  
2839 establishment or food service vendor may not use this  
2840 notification process to circumvent the license requirements of  
2841 this chapter.



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2842 2. The division shall keep a record of all notifications  
2843 received for proposed temporary food service events and shall  
2844 provide appropriate educational materials to the event sponsors,  
2845 including the food-recovery brochure developed under s. 595.420  
2846 ~~s. 570.0725~~.

2847 3.a. A public food service establishment or other food  
2848 service vendor must obtain one of the following classes of  
2849 license from the division: an individual license, for a fee of  
2850 no more than \$105, for each temporary food service event in  
2851 which it participates; or an annual license, for a fee of no  
2852 more than \$1,000, that entitles the licensee to participate in  
2853 an unlimited number of food service events during the license  
2854 period. The division shall establish license fees, by rule, and  
2855 may limit the number of food service facilities a licensee may  
2856 operate at a particular temporary food service event under a  
2857 single license.

2858 b. Public food service establishments holding current  
2859 licenses from the division may operate under the regulations of  
2860 such a license at temporary food service events of 3 days or  
2861 less in duration.

2862 Section 130. Paragraph (a) of subsection (1) of section  
2863 525.16, Florida Statutes, is amended to read:

2864 525.16 Administrative fine; penalties; prosecution of cases  
2865 by state attorney.-

2866 (1) (a) The department may enter an order imposing one or  
2867 more of the following penalties against a any person who  
2868 violates ~~any of the provisions of~~ this chapter or the rules  
2869 adopted under this chapter or impedes, obstructs, or hinders the  
2870 department in the performance of its duty in connection with ~~the~~



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2871 ~~provisions of~~ this chapter:

2872 1. Issuance of a warning letter.

2873 2. Imposition of an administrative fine in the Class II  
2874 category pursuant to s. 570.971 for each of not more than \$1,000  
2875 ~~per violation for a first-time offender. For a second-time or~~  
2876 ~~repeat offender, or any person who is shown to have willfully~~  
2877 ~~and intentionally violated any provision of this chapter, the~~  
2878 ~~administrative fine shall not exceed \$5,000 per violation.~~ When  
2879 imposing any fine under this section, the department shall  
2880 consider the degree and extent of harm caused by the violation,  
2881 the cost of rectifying the damage, the amount of money the  
2882 violator benefited from by noncompliance, whether the violation  
2883 was committed willfully, and the compliance record of the  
2884 violator.

2885 3. Revocation or suspension of any registration issued by  
2886 the department.

2887 Section 131. Subsection (1) of section 526.311, Florida  
2888 Statutes, is amended to read:

2889 526.311 Enforcement; civil penalties; injunctive relief.-

2890 (1) A ~~Any~~ person who knowingly violates this act shall be  
2891 subject to a civil penalty in the Class III category pursuant to  
2892 s. 570.971 for each not to exceed \$10,000 per violation. Each  
2893 day that a violation of this act occurs shall be considered a  
2894 separate violation, but a ~~no~~ civil penalty may not shall exceed  
2895 \$250,000. ~~Any~~ Such a person shall also be liable for attorney  
2896 ~~attorney's~~ fees and shall be subject to an action for injunctive  
2897 relief.

2898 Section 132. Subsection (2) of section 526.55, Florida  
2899 Statutes, is amended to read:





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2900 526.55 Violation and penalties.—

2901 (2) If the department finds that a person has violated or  
2902 is operating in violation of ss. 526.50–526.56 or the rules or  
2903 orders adopted thereunder, the department may, by order:

2904 (a) Issue a notice of noncompliance pursuant to s. 120.695;

2905 (b) Impose an administrative fine in the Class II category  
2906 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each violation;

2907 (c) Direct that the person cease and desist specified  
2908 activities;

2909 (d) Revoke or suspend a registration, or refuse to register  
2910 a product; or

2911 (e) Place the registrant on probation for a period of time,  
2912 subject to conditions as the department may specify.

2913 Section 133. Subsection (1) of section 527.13, Florida  
2914 Statutes, is amended to read:

2915 527.13 Administrative fines and warning letters.—

2916 (1) If a any person violates any provision of this chapter  
2917 or any rule adopted under this chapter pursuant thereto or a  
2918 cease and desist order, the department may impose civil or  
2919 administrative penalties in the Class II category pursuant to s.  
2920 570.971, not to exceed \$3,000 for each offense, suspend or  
2921 revoke the license or qualification issued to such person, or  
2922 any of the foregoing. The cost of the proceedings to enforce  
2923 this chapter may be added to any penalty imposed. The department  
2924 may allow the licensee a reasonable period, not to exceed 90  
2925 days, within which to pay to the department the amount of the  
2926 penalty so imposed. If the licensee fails to pay the penalty in  
2927 its entirety to the department at its office at Tallahassee  
2928 within the period so allowed, the licenses of the licensee shall



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2929 stand revoked upon expiration of such period.

2930 Section 134. Subsection (1) of section 531.50, Florida  
2931 Statutes, is amended to read:

2932 531.50 Administrative fine, penalties, and offenses.—

2933 (1) The department may enter an order imposing one or more  
2934 of the following penalties against a any person who violates any  
2935 provision of this chapter or rule adopted under this chapter or  
2936 impedes, obstructs, or hinders the department in performing the  
2937 performance of its duties under in connection with the  
2938 provisions of this chapter:

2939 (a) Issuance of a warning letter or notice.

2940 (b) Imposition of an administrative fine in the Class II  
2941 category pursuant to s. 570.971 for each off+

2942 1. Up to \$1,000 for a first violation;

2943 2. Up to \$2,500 for a second violation within 2 years after  
2944 the first violation; or

2945 3. Up to \$5,000 for a third violation within 2 years after  
2946 the first violation.

2947  
2948 When imposing any fine under this section, the department shall  
2949 consider the degree and extent of potential harm caused by the  
2950 violation, the amount of money by which the violator benefited  
2951 from noncompliance, whether the violation was committed  
2952 willfully, and the compliance record of the violator. All fines,  
2953 monetary penalties, and costs received by the department shall  
2954 be deposited in the General Inspection Trust Fund for the  
2955 purpose of administering the provisions of this chapter.

2956 Section 135. Subsection (2) of section 534.52, Florida  
2957 Statutes, is amended to read:



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2958 534.52 Violations; refusal, suspension, revocation;  
2959 penalties.-  
2960 (2) In addition, or as an alternative to refusing,  
2961 suspending, or revoking a license in cases involving violations,  
2962 the department may impose an administrative a fine in the Class  
2963 I category pursuant to s. 570.971 not to exceed \$500 for the  
2964 first offense and not to exceed \$1,000 for the second or  
2965 subsequent violations. When imposed and paid, such fines shall  
2966 be deposited in the General Inspection Trust Fund.  
2967 Section 136. Paragraphs (b) and (d) of subsection (7) of  
2968 section 539.001, Florida Statutes, are amended to read:  
2969 539.001 The Florida Pawnbroking Act.-  
2970 (7) ORDERS IMPOSING PENALTIES.-  
2971 (b) Upon a finding as set forth in paragraph (a), the  
2972 agency may enter an order doing one or more of the following:  
2973 1. Issuing a notice of noncompliance pursuant to s.  
2974 120.695.  
2975 2. Imposing an administrative fine in the Class II category  
2976 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each act which  
2977 constitutes a violation of this section or a rule or an order.  
2978 3. Directing that the pawnbroker cease and desist specified  
2979 activities.  
2980 4. Refusing to license or revoking or suspending a license.  
2981 5. Placing the licensee on probation ~~for a period of time,~~  
2982 subject to such conditions as the agency may specify.  
2983 (d)1. When the agency, if a violation of this section  
2984 occurs, has reasonable cause to believe that a person is  
2985 operating in violation of this section, the agency may bring a  
2986 civil action in the appropriate court for temporary or permanent



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2987 injunctive relief and may seek other appropriate civil relief,  
2988 including a civil penalty in the Class II category pursuant to  
2989 s. 570.971 ~~not to exceed \$5,000 for each violation,~~ restitution  
2990 and damages for injured customers, court costs, and reasonable  
2991 attorney attorney's fees.  
2992 2. The agency may terminate any investigation or action  
2993 upon agreement by the offender to pay a stipulated civil  
2994 penalty, to make restitution or pay damages to customers, or to  
2995 satisfy ~~any~~ other relief authorized herein and requested by the  
2996 agency.  
2997 Section 137. Paragraph (b) of subsection (4) and paragraph  
2998 (a) of subsection (5) of section 559.921, Florida Statutes, are  
2999 amended to read:  
3000 559.921 Remedies.-  
3001 (4)  
3002 (b) Upon a finding as set forth in paragraph (a), the  
3003 department may enter an order doing one or more of the  
3004 following:  
3005 1. Issuing a notice of noncompliance pursuant to s.  
3006 120.695.  
3007 2. Imposing an administrative fine in the Class I category  
3008 pursuant to s. 570.971 ~~not to exceed \$1,000 per violation~~ for  
3009 each act which constitutes a violation of this part or a rule or  
3010 order.  
3011 3. Directing that the motor vehicle repair shop cease and  
3012 desist specified activities.  
3013 4. Refusing to register or revoking or suspending a  
3014 registration.  
3015 5. Placing the registrant on probation ~~for a period of~~



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3016 ~~time~~, subject to such conditions as the department may specify.

3017 (5) (a) The department or the state attorney, if a violation  
3018 of this part occurs in his or her judicial circuit, ~~is shall be~~  
3019 the enforcing authority for purposes of this part and may bring  
3020 a civil action in circuit court for temporary or permanent  
3021 injunctive relief and may seek other appropriate civil relief,  
3022 including a civil penalty in the Class I category pursuant to s.  
3023 570.971 not to exceed \$1,000 for each violation, restitution and  
3024 damages for injured customers, court costs, and reasonable  
3025 attorney attorney's fees.

3026 Section 138. Subsection (1) of section 559.9355, Florida  
3027 Statutes, is amended to read:

3028 559.9355 Administrative remedies; penalties.—

3029 (1) The department may enter an order doing one or more of  
3030 the following if the department finds that a person has violated  
3031 or is operating in violation of ~~any of the provisions of~~ this  
3032 part or the rules or orders issued thereunder:

3033 (a) Issuing a notice of noncompliance pursuant to s.  
3034 120.695.

3035 (b) Imposing an administrative fine in the Class II  
3036 category pursuant to s. 570.971 not to exceed \$5,000 for each  
3037 act or omission.

3038 ~~(c) Imposing an administrative fine not to exceed \$10,000~~  
3039 ~~for each act or omission in violation of s. 559.9335(22) or~~  
3040 ~~(23).~~

3041 ~~(c) (d)~~ Directing that the person cease and desist specified  
3042 activities.

3043 ~~(d) (e)~~ Refusing to register or canceling or suspending a  
3044 registration.



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3045 ~~(e) (f)~~ Placing the registrant on probation ~~for a period of~~  
3046 ~~time~~, subject to such conditions as the department may specify.

3047 ~~(f) (g)~~ Canceling an exemption granted under s. 559.935.

3048 Section 139. Subsections (2) and (3) of section 559.936,  
3049 Florida Statutes, are amended to read:

3050 559.936 Civil penalties; remedies.—

3051 (2) The department may seek a civil penalty in the Class II  
3052 category pursuant to s. 570.971 of up to \$5,000 for each  
3053 violation of this part.

3054 (3) The department may seek a civil penalty in the Class  
3055 III category pursuant to s. 570.971 of up to \$10,000 for each  
3056 act or omission in violation of s. 559.9335(22) or (23).

3057 Section 140. Subsection (1) of section 571.11, Florida  
3058 Statutes, is amended to read:

3059 571.11 Eggs and poultry; Seal of quality violations;  
3060 administrative penalties.—

3061 (1) The Department of Agriculture and Consumer Services may  
3062 impose an administrative a fine in the Class II category  
3063 pursuant to s. 570.971 not exceeding \$5,000 against any dealer,  
3064 as defined ~~in under~~ s. 583.01(4), in violation of the guidelines  
3065 for the Florida seal of quality for eggs or poultry programs.  
3066 All fines, when imposed and paid, shall be deposited by the  
3067 department into the General Inspection Trust Fund.

3068 Section 141. Subsection (2) of section 571.28, Florida  
3069 Statutes, is amended to read:

3070 571.28 Florida Agricultural Promotional Campaign Advisory  
3071 Council.—

3072 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The  
3073 meetings, powers and duties, procedures, and recordkeeping of



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3074 the Florida Agricultural Promotional Campaign Advisory Council  
3075 shall be pursuant to s. 570.232 ~~governed by the provisions of s.~~  
3076 ~~570.0705 relating to advisory committees established within the~~  
3077 ~~department.~~

3078 Section 142. Paragraph (b) of subsection (3) of section  
3079 571.29, Florida Statutes, is amended to read:

3080 571.29 Unlawful acts; administrative remedies; criminal  
3081 penalties.-

3082 (3) The department may enter an order imposing one or more  
3083 of the following penalties against any person who violates any  
3084 of the provisions of this part or any rules adopted under this  
3085 part:

3086 (b) Imposition of an administrative fine in the Class I  
3087 category pursuant to s. 570.971 for each of not more than \$1,000  
3088 ~~per~~ violation for a first-time first time offender. For a  
3089 second-time second time offender, or a any person who is shown  
3090 to have willfully and intentionally violated ~~any provision of~~  
3091 this part or any rules adopted under this part, the  
3092 administrative fine shall be in the Class II category pursuant  
3093 to s. 570.971 for each may not exceed \$5,000 per violation. The  
3094 term "~~each per~~ violation" means each incident in which a logo of  
3095 the Florida Agricultural Promotional Campaign has been used,  
3096 reproduced, or distributed in any manner inconsistent with ~~the~~  
3097 ~~provisions of~~ this part or the rules adopted under this part.

3098  
3099 The administrative proceedings that could result in the entry of  
3100 an order imposing any of the penalties specified in paragraphs  
3101 (a)-(c) shall be conducted in accordance with chapter 120.

3102 Section 143. Subsection (1) of section 578.181, Florida



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3103 Statutes, is amended to read:

3104 578.181 Penalties; administrative fine.-

3105 (1) The department may enter an order imposing one or more  
3106 of the following penalties against a any person who violates any  
3107 of the provisions of this chapter or the rules adopted under  
3108 this chapter promulgated hereunder or who impedes, obstructs, or  
3109 hinders, ~~or otherwise prevents or attempts to prevent~~ the  
3110 department in performing the performance of its duties under  
3111 duty in connection with the provisions of this chapter:

3112 (a) Issuance of a warning letter.

3113 (b) Imposition of an administrative fine in the Class I  
3114 category pursuant to s. 570.971 for each of not more than \$1,000  
3115 ~~per~~ occurrence after the issuance of a warning letter.

3116 (c) Revocation or suspension of the registration as a seed  
3117 dealer.

3118 Section 144. Paragraph (b) of subsection (1) of section  
3119 580.121, Florida Statutes, is amended to read:

3120 580.121 Penalties; duties of law enforcement officers;  
3121 injunctive relief.-

3122 (1) The department may impose one or more of the following  
3123 penalties against any person who violates any provision of this  
3124 chapter:

3125 (b) Imposition of an administrative fine in the Class I  
3126 category pursuant to s. 570.971 for each, by the department, of  
3127 not more than \$1,000 per occurrence.

3128  
3129 However, the severity of the penalty imposed shall be  
3130 commensurate with the degree of risk to human or animal safety  
3131 or the level of financial harm to the consumer that is created



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3132 by the violation.

3133 Section 145. Paragraph (a) of subsection (2) of section  
3134 581.141, Florida Statutes, is amended to read:

3135 581.141 Certificate of registration or of inspection;  
3136 revocation and suspension; fines.-

3137 (2) FINES; PROBATION.-

3138 (a)1. The department may, after notice and hearing, impose  
3139 an administrative a fine in the Class II category pursuant to s.  
3140 570.971 not exceeding \$5,000 or probation not exceeding 12  
3141 months, or both, for a the violation of any of the provisions of  
3142 this chapter or the rules adopted under this chapter upon a any  
3143 person, nurseryman, stock dealer, agent, or plant broker. The  
3144 fine, when paid, shall be deposited in the Plant Industry Trust  
3145 Fund.

3146 2. The imposition of a fine or probation pursuant to this  
3147 subsection may be in addition to or in lieu of the suspension or  
3148 revocation of a certificate of registration or certificate of  
3149 inspection.

3150 Section 146. Subsection (2) of section 581.186, Florida  
3151 Statutes, is amended to read:

3152 581.186 Endangered Plant Advisory Council; organization;  
3153 meetings; powers and duties.-

3154 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.-The  
3155 meetings, powers and duties, procedures, and recordkeeping of  
3156 the Endangered Plant Advisory Council shall be pursuant to s.  
3157 570.232 governed by the provisions of s. 570.0705 relating to  
3158 advisory committees established within the department.

3159 Section 147. Paragraph (a) of subsection (3) of section  
3160 581.211, Florida Statutes, is amended to read:



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3161 581.211 Penalties for violations.-

3162 (3) (a)1. In addition to any other ~~provision of law~~, the  
3163 department may, after notice and hearing, impose an  
3164 administrative fine in the Class II category pursuant to s.  
3165 570.971 not exceeding \$5,000 for each violation of this chapter,  
3166 upon a any person, nurseryman, stock dealer, agent, or plant  
3167 broker. The fine, when paid, shall be deposited in the Plant  
3168 Industry Trust Fund. In addition, the department may place the  
3169 violator on probation for up to 1 year, with conditions.

3170 2. The imposition of a fine or probation pursuant to this  
3171 subsection may be in addition to or in lieu of the suspension or  
3172 revocation of a certificate of registration or certificate of  
3173 inspection.

3174 Section 148. Subsection (2) of section 582.06, Florida  
3175 Statutes, is amended to read:

3176 582.06 Soil and Water Conservation Council; powers and  
3177 duties.-

3178 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.-The  
3179 meetings, powers and duties, procedures, and recordkeeping of  
3180 the Soil and Water Conservation Council shall be pursuant to s.  
3181 570.232 governed by the provisions of s. 570.0705 relating to  
3182 advisory committees established within the department.

3183 Section 149. Subsection (1) of section 585.007, Florida  
3184 Statutes, is amended to read:

3185 585.007 Violation of rules; violation of chapter.-

3186 (1) A Any person who violates ~~the provisions of this~~  
3187 chapter or any rule of the department shall be subject to the  
3188 imposition of an administrative fine in the Class III category  
3189 pursuant to s. 570.971 of up to \$10,000 for each offense. Upon



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3190 repeated violation, the department may seek enforcement pursuant  
3191 to s. 120.69.

3192 Section 150. Paragraph (a) of subsection (2) of section  
3193 586.15, Florida Statutes, is amended to read:

3194 586.15 Penalty for violation.—

3195 (2) (a) The department may, after notice and hearing, impose  
3196 an administrative a fine in the Class II category pursuant to s.  
3197 570.971 not exceeding \$5,000 for a the violation of any of the  
3198 provisions of this chapter or the rules adopted under this  
3199 chapter upon any person. The fine, when paid, shall be deposited  
3200 in the Plant Industry Trust Fund. The imposition of a fine  
3201 pursuant to this subsection may be in addition to or in lieu of  
3202 the suspension or revocation of a permit or a certificate of  
3203 inspection or registration.

3204 Section 151. Subsection (3) of section 586.161, Florida  
3205 Statutes, is amended to read:

3206 586.161 Honeybee Technical Council.—

3207 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The  
3208 meetings, powers and duties, procedures, and recordkeeping of  
3209 the Honeybee Technical Council shall be pursuant to s. 570.232  
3210 governed by the provisions of s. 570.0705 relating to advisory  
3211 committees established within the department.

3212 Section 152. Subsection (3) of section 590.14, Florida  
3213 Statutes, is amended to read:

3214 590.14 Notice of violation; penalties; legislative intent.—

3215 (3) The department may also impose an administrative fine  
3216 in the Class I category pursuant to s. 570.971 for each, not to  
3217 exceed \$1,000 per violation of any section of chapter 589 or  
3218 this chapter or violation of any rule adopted by the Florida



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3219 Forest Service to administer ~~provisions of~~ law conferring duties  
3220 upon the Florida Forest Service. The fine shall be based upon  
3221 the degree of damage, the prior violation record of the person,  
3222 and whether the person knowingly provided false information to  
3223 obtain an authorization. The fines shall be deposited in the  
3224 Incidental Trust Fund of the Florida Forest Service.

3225 Section 153. Subsection (2) of section 595.701, Florida  
3226 Statutes, is amended to read:

3227 595.701 Healthy Schools for Healthy Lives Council.—

3228 (2) The meetings, powers, duties, procedures, and  
3229 recordkeeping of the Healthy Schools for Healthy Lives Council  
3230 shall be pursuant to s. 570.232 governed by s. 570.0705,  
3231 relating to advisory committees established within the  
3232 department.

3233 Section 154. Subsection (2) of section 597.0041, Florida  
3234 Statutes, is amended to read:

3235 597.0041 Prohibited acts; penalties.—

3236 (2) (a) A Any person who violates any provision of this  
3237 chapter or any rule adopted under this chapter promulgated  
3238 hereunder is subject to a suspension or revocation of his or her  
3239 certificate of registration or license under this chapter. The  
3240 department may, in lieu of, or in addition to the suspension or  
3241 revocation, impose on the violator an administrative fine in the  
3242 Class I category pursuant to s. 570.971 for each violation, for  
3243 each day the violation exists in an amount not to exceed \$1,000  
3244 per violation per day.

3245 (b) Except as provided in subsection (4), a any person who  
3246 violates any provision of this chapter, or any rule adopted  
3247 under this chapter hereunder, commits a misdemeanor of the first



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3248 degree, punishable as provided in s. 775.082 or s. 775.083.  
3249 Section 155. Subsection (1) of section 597.020, Florida  
3250 Statutes, is amended to read:  
3251 597.020 Shellfish processors; regulation.—  
3252 (1) The department may:  
3253 ~~(a) is authorized to~~ Adopt by rule regulations,  
3254 specifications, and codes relating to sanitary practices for  
3255 catching, cultivating, handling, processing, packaging,  
3256 preserving, canning, smoking, and storing ~~of~~ oysters, clams,  
3257 mussels, scallops, and crabs.  
3258 ~~(b) The department is also authorized to~~ License shellfish  
3259 processors who handle oysters, clams, mussels, scallops, and  
3260 crabs when such activities relate to quality control, sanitary,  
3261 and public health practices pursuant to this section and chapter  
3262 500.  
3263 ~~(c) The department is also authorized to~~ License or  
3264 certify, for a fee determined by rule, facilities used for  
3265 processing oysters, clams, mussels, scallops, and crabs; ~~to~~  
3266 levy an administrative fine in the Class I category pursuant to  
3267 s. 570.971 for each violation, for each day the violation exists  
3268 ~~of up to \$1,000 per violation per day~~ or ~~to~~ suspend or revoke  
3269 such licenses or certificates upon satisfactory evidence of a  
3270 ~~any~~ violation of rules adopted pursuant to this section, ~~and to~~  
3271 seize and destroy any adulterated or misbranded shellfish  
3272 products as defined by rule.  
3273 Section 156. Subsection (2) of section 599.002, Florida  
3274 Statutes, is amended to read:  
3275 599.002 Viticulture Advisory Council.—  
3276 (2) The meetings, powers and duties, procedures, and



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3277 recordkeeping of the Viticulture Advisory Council shall be  
3278 ~~pursuant to s. 570.232 governed by the provisions of s. 570.0705~~  
3279 ~~relating to advisory committees established within the~~  
3280 ~~department.~~  
3281 Section 157. Section 601.67, Florida Statutes, is amended  
3282 to read:  
3283 601.67 Disciplinary action by Department of Agriculture  
3284 against citrus fruit dealers.—  
3285 (1) The Department of Agriculture may impose an  
3286 administrative a fine in the Class IV category pursuant to s.  
3287 570.971 not to exceed exceeding \$50,000 for each per violation  
3288 against a any licensed citrus fruit dealer who violates for  
3289 violation of any provision of this chapter and, in lieu of, or  
3290 in addition to, such fine, may revoke or suspend the license of  
3291 any such a dealer when it has been satisfactorily shown that  
3292 such dealer, in her or his activities as a citrus fruit dealer,  
3293 has:  
3294 (a) Obtained a license by means of fraud,  
3295 misrepresentation, or concealment;  
3296 (b) Violated or aided or abetted in the violation of any  
3297 law of this state governing or applicable to citrus fruit  
3298 dealers or any lawful rules of the Department of Citrus;  
3299 (c) Been guilty of a crime against the laws of this or any  
3300 other state or government involving moral turpitude or dishonest  
3301 dealing or has become legally incompetent to contract or be  
3302 contracted with;  
3303 (d) Made, printed, published, distributed, or caused,  
3304 authorized, or knowingly permitted the making, printing,  
3305 publication, or distribution of false statements, descriptions,



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3306 or promises of such a character as to reasonably induce any  
3307 person to act to her or his damage or injury, if such citrus  
3308 fruit dealer then knew, or by the exercise of reasonable care  
3309 and inquiry could have known, of the falsity of such statements,  
3310 descriptions, or promises;

3311 (e) Knowingly committed or been a party to any material  
3312 fraud, misrepresentation, concealment, conspiracy, collusion,  
3313 trick, scheme, or device whereby another ~~any other~~ person  
3314 lawfully relying upon the word, representation, or conduct of  
3315 the citrus fruit dealer has acted to her or his injury or  
3316 damage;

3317 (f) Committed any act or conduct of the same or different  
3318 character than ~~of that hereinabove~~ enumerated which constitutes  
3319 fraudulent or dishonest dealing; or

3320 (g) Violated ~~any of the provisions of ss. 506.19-506.28,~~  
3321 ~~both sections inclusive.~~

3322 (2) The Department of Agriculture may impose an  
3323 administrative ~~a~~ fine in the Class IV category pursuant to s.  
3324 570.971 not to exceed ~~exceeding~~ \$100,000 for each ~~per~~ violation  
3325 against a ~~any~~ person who operates as a citrus fruit dealer  
3326 without a current citrus fruit dealer license issued by the  
3327 Department of Agriculture pursuant to s. 601.60. In addition,  
3328 the Department of Agriculture may order such person to cease and  
3329 desist operating as a citrus fruit dealer without a license. An  
3330 administrative order entered by the Department of Agriculture  
3331 under this subsection may be enforced pursuant to s. 601.73.

3332 (3) The Department of Agriculture shall impose an  
3333 administrative ~~a~~ fine in the Class IV category pursuant to s.  
3334 570.971 not to exceed ~~of not less than \$10,000 nor more than~~



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3335 \$100,000 for each ~~per~~ violation against a ~~any~~ licensed citrus  
3336 fruit dealer and shall suspend, for 60 days during the first  
3337 available period between September 1 and May 31, the license of  
3338 a ~~any~~ citrus fruit dealer who:

3339 (a) Falsely labels or otherwise misrepresents that a fresh  
3340 citrus fruit was grown in a specific production area specified  
3341 in s. 601.091; or

3342 (b) Knowingly, falsely labels or otherwise misrepresents  
3343 that a processed citrus fruit product was prepared solely with  
3344 citrus fruit grown in a specific production area specified in s.  
3345 601.091.

3346 (4) A ~~Any~~ fine imposed pursuant to subsection (1),  
3347 subsection (2), or subsection (3), when paid, shall be deposited  
3348 by the Department of Agriculture into its General Inspection  
3349 Trust Fund.

3350 (5) Whenever an ~~any~~ administrative order has been made and  
3351 entered by the Department of Agriculture that imposes a fine  
3352 pursuant to this section, such order shall specify a time limit  
3353 for payment of the fine, not exceeding 15 days. The failure of  
3354 the citrus fruit ~~dealer involved~~ to pay the fine within that  
3355 time shall result in the immediate suspension of such citrus  
3356 fruit dealer's current license, or any subsequently issued  
3357 license, until ~~such time as~~ the order has been fully satisfied.  
3358 An ~~Any~~ order suspending a citrus fruit dealer's license shall  
3359 include a provision that the ~~such~~ suspension shall be for a  
3360 specified period ~~of time~~ not to exceed 60 days, and such period  
3361 of suspension may begin ~~commence~~ at any designated date within  
3362 the current license period or subsequent license period.  
3363 Whenever an order has been entered that suspends a citrus fruit





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3364 dealer's license for a definite period ~~of time~~ and that license,  
3365 by law, expires during the period of suspension, the suspension  
3366 order shall continue automatically and shall be effective  
3367 against any subsequent citrus fruit ~~dealer~~ ~~dealer's~~ license  
3368 issued to such dealer until ~~such time as~~ the entire period of  
3369 suspension has elapsed. Whenever any such administrative order  
3370 of the Department of Agriculture is sought to be reviewed by the  
3371 offending dealer involved in a court of competent jurisdiction,  
3372 if such court proceedings should finally terminate in such  
3373 administrative order being upheld or not quashed, such order  
3374 shall ~~thereupon~~, upon the filing with the Department of  
3375 Agriculture of a certified copy of the mandate or other order of  
3376 the last court having to do with the matter in the judicial  
3377 process, become immediately effective and shall then be carried  
3378 out and enforced notwithstanding such time will be during a new  
3379 and subsequent shipping season from that during which the  
3380 administrative order was first originally entered by the  
3381 Department of Agriculture.

3382 Section 158. Paragraph (a) of subsection (3) of section  
3383 604.30, Florida Statutes, is amended to read:

3384 604.30 Penalties; injunctive relief; administrative fines.-

3385 (3) (a) In addition to the penalties provided in this  
3386 section, the department may, after notice and hearing, impose an  
3387 administrative a fine in the Class II category pursuant to s.  
3388 570.971, not to exceed ~~exceeding~~ \$2,500 for a ~~the~~ violation of  
3389 any of the provisions of ss. 604.15-604.34 or the rules adopted  
3390 thereunder against a ~~any~~ dealer in agricultural products. Such  
3391 fine, when imposed and paid, shall be deposited by the  
3392 department into the General Inspection Trust Fund.



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3393 Section 159. Paragraph (a) of subsection (19) of section  
3394 616.242, Florida Statutes, is amended to read:

3395 616.242 Safety standards for amusement rides.-

3396 (19) ENFORCEMENT AND PENALTIES.-

3397 (a) The department may deny, suspend for a period not to  
3398 exceed 1 year, or revoke a ~~any~~ permit or inspection certificate.  
3399 In addition to denial, suspension, or revocation, the department  
3400 may impose an administrative fine in the Class II category  
3401 pursuant to s. 570.971, not to exceed ~~of up to~~ \$2,500 for each  
3402 ~~per~~ violation, for each day the violation exists ~~per day~~,  
3403 against the owner of the amusement ride if it finds that:

3404 1. An amusement ride has operated or is operating:

3405 a. With a mechanical, structural, or electrical defect that  
3406 affects patron safety, of which the owner or manager has  
3407 knowledge, or, through the exercise of reasonable diligence,  
3408 should have knowledge;

3409 b. In a manner or circumstance that presents a risk of  
3410 serious injury to patrons;

3411 c. At a speed in excess of its maximum safe operating  
3412 speed;

3413 d. In violation of this section or any rule adopted under  
3414 this section; or

3415 e. In violation of an ~~any~~ order of the department or order  
3416 of any court; ~~or-~~

3417 2. A ~~Any~~ manager in the course of his or her duties is  
3418 under the influence of drugs or alcohol.

3419 Section 160. This act shall take effect July 1, 2014.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: CS/SB 1630

INTRODUCER: Agriculture Committee and Senator Montford

SUBJECT: Department of Agriculture and Consumer Services

DATE: March 18, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	<b>Fav/CS</b>
2.			AGG	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1630 addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). It:

- Reorganizes Chapter 570, F.S., the department's general authorizing statute, into five separate parts;
- Standardizes penalty language in the new part V which is cross referenced in the various statutes enforced by the department;
- Removes obsolete language to ensure accuracy;
- Adds a representative of the department to the Joint Task Force on State Agency Law Enforcement Communications;
- Provides that certain acts relating to livery services are unfair or deceptive regulatory acts or practices;
- Revises requirements for registration and distribution of discontinued pesticides;
- Updates the department's certification and licensure processes to include applying online;
- Expands the authority of the Florida Forest Service, under certain conditions, to grant leases, permits, privileges, and concessions for the use of state forest lands to include *any lands* leased by or assigned to the Florida Forest Service for management purposes;
- Authorizes the department to impose civil penalties for violations relating to private security, investigative, and repossession services;

- Removes security bond and certificate of deposit requirements for fertilizer license applicants, since the department has sufficient authority to impose fines or to revoke licensure for licensees who do not pay inspection fees;
- Adds additional criteria to determine whether commercial feed is adulterated;
- Simplifies the information required to register as a seed dealer;
- Revises food permit requirements, associated fees, and renewal procedures;
- Exempts manually operated vending stands serviced by the Department of Education's Division of Blind Services from permitting requirements;
- Authorizes the department to close a food facility if it finds it poses an immediate danger or threat to public health, safety, and welfare;
- Authorizes the department to inspect aquaculture facilities and to analyze their food samples;
- Repeals a pilot program and permit for the use of Australian pine trees as windbreaks for citrus groves; and
- Creates new requirements for qualifying as a "non-dealer" in limited sales of dressed poultry.

## II. Present Situation:

### *Chapter 570, F.S., Revision*

Chapter 570, F.S., is the primary authorizing chapter for the Department of Agriculture and Consumer Services (department). This chapter establishes the functions, powers, and duties of the department, as well as the Commissioner of Agriculture. It creates the divisions and offices within the department and their functions and duties. Over the years, ch. 570, F.S., has become a general "catch-all" for statutory language that does not clearly fall within another chapter. This bill reorganizes ch. 570, F.S., to promote accuracy and efficiency throughout the department.

### *Penalty Consolidation*

Currently, penalties are located within specific statutory sections that contain the regulation being enforced. In an effort to be more consistent, as well as consumer friendly, the department has recommended consolidating its fines and penalties into one part of the statute and placing cross-references within the specific subject matter statutes to standardize penalty language.

### *Agricultural Water Policy*

The Office of Agricultural Water Policy was established in 1995, in s. 570.074, F.S. The purpose of the office is to facilitate communications among federal, state, local agencies, and the agricultural industry on water quantity and water quality issues involving agriculture.<sup>1</sup> The bill requires the office to enforce and implement the provisions of Chapter 582, F.S., which establishes the soil and water conservation districts. This duty is currently performed by the department's Division of Agricultural Environmental Services.

### *Division of Food Safety*

The Division of Food Safety is responsible for assuring the public of a safe, wholesome and properly represented food supply. This is accomplished through permitting and inspection of food establishments, inspection of food products, and through specialized laboratory analyses on

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<sup>1</sup> <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy>

a variety of food products sold or produced in the state. The division monitors food from farm gate through processing and distribution to the retail point of purchase.

The division is charged with administration and enforcement of the food and poultry and egg laws, and also provides support in the enforcement of other food safety laws. In addition to regulatory surveillance and enforcement, the division evaluates consumer complaints related to food.<sup>2</sup> The bill would authorize the division to also inspect aquaculture facilities and to analyze food samples from these facilities.

### ***Office of Energy***

The Office of Energy is the primary organization for state energy and climate change programs and policies. The office works cooperatively with other state entities, including the Florida Public Service Commission and the Florida Energy Consortium, to develop state energy and climate change policies and programs.<sup>3</sup> During the 2011 Legislative Session, the Office of Energy was transferred from the Governor's Office to the department. However, the Office of Energy was never specifically established in ch. 570, F.S.

### ***Conservation Easements and Agreements***

A conservation easement is a perpetual, undivided interest in property that may be created in a variety of ways. Section 570.71(12), F.S., authorizes the department to use funds from the following sources to implement certain conservation easements and agreements:

- State funds;
- Federal funds;
- Other governmental entities;
- Nongovernmental organizations; and
- Private individuals.

The bill specifies that the funds described above can be used for administrative and operating expenses related to appraisals, mapping, title process, personnel, and other real estate expenses.

### ***Pesticide Regulation***

The Bureau of Pesticides provides comprehensive pesticide regulatory programs that respond to state needs by ensuring the protection of public health and the environment. The bureau is responsible for registering pesticide products sold and distributed in Florida. The bureau also conducts scientific reviews to determine whether human health and the environment may be adversely affected when pesticides are used under Florida conditions and in accordance with label directions and applicable regulations.<sup>4</sup>

The Pesticide Registration Section registers federally accepted pesticides that are distributed, sold, or offered for sale in Florida as stipulated in ch. 487, F.S., and ch. 5E-2, Florida

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<sup>2</sup> <http://www.freshfromflorida.com/Divisions-Offices/Food-Safety>

<sup>3</sup> <http://www.freshfromflorida.com/Divisions-Offices/Energy>

<sup>4</sup> <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services>

Administrative Code. The law requires biennial registration renewal for each pesticide product sold or distributed in Florida.<sup>5</sup>

### ***Agricultural Fertilizers, Feed, and Seed***

The Bureau of Compliance Monitoring ensures the more than 3,000 distributors of feed, seed, and fertilizer products in Florida are registered or licensed and that their products meet current regulatory standards and label guarantees.<sup>6</sup> The Agricultural Feed, Seed, and Fertilizer Advisory Council is a 15 member statutorily charged stakeholder advisory council to the department which was created in 2012 and convened in 2013. The council advises the department regarding actions to be taken with respect to the regulation and enforcement of agricultural feed, seed, and fertilizer. Stakeholders include the department, the University of Florida's Institute of Food and Agricultural Sciences, and the aquaculture, dairy production, citrus, seed, feed, fertilizer, beef cattle, poultry, field/row crops, and vegetable industries.<sup>7</sup>

### ***Plant Industry***

The Division of Plant Industry works to detect, intercept, and control plant and honey bee pests that threaten Florida's native and commercially grown plants and agricultural resources.<sup>8</sup> In 2008, the Legislature established a five-year pilot program within the department to permit the planting of *Casuarina cunninghamiana* (Australian pine trees) as a windbreak for commercial citrus groves growing fresh fruit in Indian River, St. Lucie, and Martin counties.<sup>9</sup> The purpose of the pilot program was to determine if the use of the trees as an agricultural pest and disease windbreak poses any adverse environmental consequences. The five-year pilot project ended in 2012. A final report was issued that indicated that *Casuarina cunninghamiana* used as windbreaks did not demonstrate any invasive tendencies.

### ***Florida Forest Service***

The Florida Forest Service's mission is to protect and manage the forest resources of Florida. Wildfire prevention and suppression are key components of its efforts to protect homeowners from the threat of damage in a natural, fire-dependent environment. In addition to managing over one million acres of state forests for multiple public uses including timber, recreation, and wildlife habitat, the service also provides services to landowner throughout the state with technical information and grant programs.<sup>10</sup>

### ***Goethe and Withlacoochee State Forests***

Section 589.081, F.S., requires the Florida Forest Service to pay 15 percent of the gross receipts from Withlacoochee State Forest and the Goethe State Forest to each fiscally constrained county within these forests. The funds must be equally divided between the board of county

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<sup>5</sup> <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services/Bureaus-and-Sections2/Bureau-of-Pesticides/Product-Registration-Procedures>

<sup>6</sup> <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services/Bureaus-and-Sections2/Bureau-of-Compliance-Monitoring>

<sup>7</sup> <http://consensus.fsu.edu/AFSFAC/index.html>

<sup>8</sup> <http://www.freshfromflorida.com/Divisions-Offices/Plant-Industry>

<sup>9</sup> Section 581.091(5), F.S.

<sup>10</sup> <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service>

commissioners and the school board of each fiscally-constrained county. The bill transfers this language to s. 589.08, F.S., in the department's statutory reorganization and deletes reference to the Withlacoochee State Forest because it is not located in any fiscally constrained counties.

### *Classification and Sale of Eggs and Poultry*

Section 583.01, F.S., currently defines the term "dealer" to mean any person, firm, or corporation, including a producer, processor, retailer, or wholesaler, that sells, offers for sale, or holds for the purpose of sale in this state 30 dozen or more eggs or its equivalent in any one week, or in excess of 100 pounds of dressed poultry in any one week. Egg and poultry dealers are regulated under this chapter and are required to possess a valid food permit. The bill creates limited sale poultry requirements to benefit operators of small poultry farms by correcting a long-standing discrepancy between state law and federal law regarding what constitutes a "dealer." For the past several years, the department has been working with small farmers to provide a level of economic and regulatory relief relative to production and sale of limited poultry. This change will establish more realistic numbers for a "non-dealer."

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 282.709, F.S., to add a representative of the department to the Joint Task Force on State Agency Law Enforcement Communications. This task force advises the Department of Management Services of member-agency needs relating to the planning, designing, and establishment of the statewide radio communication system.

**Section 2** transfers and renumbers s. 570.0741, F.S., pertaining to the department's Office of Energy, as s. 377.805, F.S. It also deletes an obsolete web posting date.

**Section 3** amends s. 379.361, F.S., to require a person to retake an educational seminar when renewing an Apalachicola Bay oyster harvesting license.

**Section 4** amends s. 487.041, F.S., to revise requirements for registration and distribution of discontinued pesticides.

**Section 5** amends s. 487.046, F.S., to update methods for filing pesticide applicator license applications.

**Section 6** amends s. 487.048, F.S., to update methods for filing pesticide dealer's license applications.

**Section 7** amends s. 487.159, F.S., to delete requirements for filing statements claiming damages and injuries from pesticide applications. It updates reporting requirements for pesticide applicators who observe unreasonable adverse effects of restricted-use pesticides.

**Section 8** amends s. 487.160, F.S., to revise recordkeeping requirements for licensed private applicators.

**Section 9** amends s. 487.2031, F.S., to revise the definition of "Material Safety Data Sheet" to "Safety Data Sheet."

**Section 10** amends s. 487.2051, F.S., to revise requirements for pesticide fact sheets and safety data sheets.

**Section 11** amends s. 493.6120, F.S., pertaining to private investigative, security, and repossession services. It authorizes the department to impose certain civil penalties for violations and provides a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 12** transfers and renumbers s. 570.545, F.S., pertaining to unsolicited goods, as s. 501.0113, F.S.

**Section 13** amends s. 500.03, F.S., to add a cross reference to the definition of “food establishment.” This will exempt the Department of Education’s Division of Blind Services from obtaining permits from the department for vending machines it services at Department of Transportation rest areas. It will also exempt the Department of Transportation.

**Section 14** amends s. 500.12, F.S., to revise criteria for certain food permit exemptions. It requires food establishments and retail food stores to obtain a food permit before beginning operation and clarifies that such permits are not transferable. It requires the department to adopt a food permit fee schedule by rule and updates terminology (occupational license to business tax certificate).

**Section 15** amends s. 500.121, F.S., to conform it to changes made by this bill to the Florida Food Safety Act. It:

- clarifies that the fine for violating the provisions of ch. 500, F.S., is an administrative fine to make it consistent with the newly created penalty section of the bill, s. 570.971, F.S.;
- reduces a fine for mislabeling the country of origin of a food from \$10,000 per violation to \$5,000;
- revises the time limit for payment of fines from 15 days to 21 days;
- provides for permit revocation for failure to pay a fine;
- authorizes the department to immediately close food establishments that fail to comply with ch. 500, FS., and are deemed a severe and immediate threat to public health;
- provides a procedure for the department to follow after issuing a final order to close a food establishment;
- provides penalties if a person defaces or removes a closed-for-operation sign or if the owner or operator to resists closure; and
- authorizes the department to adopt rules to administer this section.

**Section 16** amends s. 500.147, F.S., to authorize the department to inspect and have free access to any food establishment’s food records. This will allow the department to trace food products in the event of a food-borne illness outbreak or to identify an adulterated or misbranded food item.

**Section 17** amends s. 500.165, F.S., pertaining to shipments of food items, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 18** amends s. 500.172, F.S., to allow department employees access to food-processing or food storage areas if there has been probable cause of a food safety violation.

**Section 19** amends s. 501.019, F.S., pertaining to penalties imposed for violations of health studio laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 20** amends s. 501.059, F.S., pertaining to telephone solicitation, to provide cross references to penalties in the newly created s. 570.971, F.S. It also authorizes the department to adopt rules to implement this section.

**Section 21** amends s. 501.922, F.S., pertaining to violations of the Antifreeze Act of 1978, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 22** creates s. 501.977, F.S., to provide that it is an unfair or deceptive regulatory act or practice for a special district to:

- restrict the right of the public to freely bargain for lawful livery transit services, or to
- create classifications within each type of livery service, and to fix or approve zones, rates, or fares for such classifications, which apply differently to individuals and businesses that compete with each other to provide similar services.

**Section 23** transfers and renumbers s. 570.42, F.S., pertaining to the Dairy Technical Council, as s. 502.301, F.S. It amends the new section to make technical changes and to correct a cross reference.

**Section 24** creates part I of ch. 570, F.S., entitled “General Provisions.”

**Section 25** renumbers s. 570.14, F.S., pertaining to the official seal that the department uses in official acts, as s. 570.031, F.S.

**Section 26** renumbers s. 570.18, F.S., pertaining to the authority of the department to organize its work and to create maximum efficiency, as s. 570.041, F.S.

**Section 27** renumbers s. 570.16, F.S., pertaining to penalties for interfering with department employees in the performance of their duties, as s. 570.051, F.S.

**Section 28** amends s. 570.07, F.S., pertaining to the duties and responsibilities of the department, to correct a cross reference.

**Section 29** renumbers s. 570.17, F.S., pertaining to responsibilities between the department and the University of Florida’s extension service and experiment stations, as s. 570.081, F.S.

**Section 30** renumbers s. 570.531, F.S., pertaining to the Marketing Improvements Working Capital Trust Fund, as s. 570.209, F.S.

**Section 31** amends s. 570.23, F.S., pertaining to the State Agricultural Advisory Council, to correct a cross reference and to delete an obsolete date.



**Section 32** renumbers s. 570.0705, F.S., pertaining to advisory committees, as s. 570.232, F.S.

**Section 33** creates part II of ch. 570, F.S., entitled “Program Services.”

**Section 34** amends s. 570.36, F.S., to change “laboratories” to “laboratory” since there is currently only one laboratory.

**Section 35** amends s. 570.44, F.S., to delete a reference to the Pesticide Review Council which was abolished in 2013. It also removes responsibilities over the soil and water conservation districts from the Division of Agricultural Environmental Services, as Section 61 of the bill directs the Office of Agricultural Water Policy to enforce and implement the provisions of ch. 582, F.S., and any rules relating to soil and water conservation.

**Section 36** amends s. 570.45, F.S., to delete a cross reference. This amendment removes the duties of overseeing soil and water conservation districts from the director of the Division of Agricultural Environmental Services.

**Section 37** amends s. 570.451, F.S., to correct a cross reference and establish that the meetings, powers and duties, procedures, and recordkeeping of the Agricultural Feed, Seed, and Fertilizer Advisory Council be kept pursuant to s. 570.232, F.S.

**Section 38** amends s. 570.50, F.S., to add aquaculture products to the list of items the Division of Food Safety may inspect and analyze. It also provides enforcement authority for aquaculture regulations.

**Section 39** amends s. 570.51, F.S., to add ch. 597, F.S., (aquaculture) to the chapters that the Division of Food Safety has the authority to enforce.

**Section 40** amends s. 570.543, F.S., to remove a reference to s. 570.0705, F.S., and establish that the meetings, powers and duties, procedures, and recordkeeping of the Florida Consumers’ Council must be kept pursuant to s. 570.232, F.S.

**Section 41** renumbers s. 570.073, F.S., pertaining to the Office of Agricultural Law Enforcement, as s. 570.65, F.S.

**Section 42** renumbers s. 570.074, pertaining to the Office of Agricultural Water Policy, as s. 570.66, F.S. It also directs the office to provide oversight of the soil and water conservation districts, provisions of ch. 582, F.S., and rules relating to soil and water conservation.

**Section 43** creates s. 570.67, F.S., to create the Office of Energy within the department. It provides for a senior manager, to be appointed by the Commissioner of Agriculture, and provides for duties of the office.

**Section 44** renumbers s. 570.951, F.S., pertaining to the Florida Agriculture Center and Horse Park, as s. 570.681, F.S.

**Section 45** renumbers s. 570.952, F.S., pertaining to the Florida Agriculture Center and Horse Park Authority, as s. 570.685, F.S. It amends the new section to correct cross references and to remove obsolete dates.

**Section 46** renumbers s. 570.953, F.S., pertaining to confidentiality of donors to the Agriculture Center and Horse Park Authority, as s. 570.686, F.S.

**Section 47** renumbers s. 570.902, F.S., pertaining to definitions for the purpose of the department's direct-support organizations, as s. 570.69, F.S. It amends the new section to correct cross references.

**Section 48** renumbers s. 570.903, F.S., pertaining to direct-support organizations, as s. 570.691, F.S.

**Section 49** renumbers s. 570.901, F.S., pertaining to the Florida Agricultural Museum, as s. 570.692, F.S.

**Section 50** renumbers s. 570.91, F.S., pertaining to the Florida Agriculture in the Classroom program, as s. 570.693, F.S.

**Section 51** creates part III of ch. 570, F.S., entitled "Agricultural Development."

**Section 52** amends s. 570.71, F.S., to remove an obsolete date for the initiation of the conservation easements and agreements program. It authorizes funds to be charged to the Conservation and Recreation Lands Program Trust Fund and used for all related real estate costs, including administrative and operating expenses related to appraisals, mapping, title process, personnel, and other real estate expenses.

**Section 53** transfers and renumbers s. 570.241, F.S., pertaining to the Agricultural Economic Development Act, as s. 570.73, F.S.

**Section 54** renumbers s. 570.242, F.S., pertaining to definitions relating to the Agricultural Economic Development Act, as s. 570.74, F.S. It amends the new section to delete the terms "Commissioner" and "Department."

**Section 55** renumbers s. 570.243, F.S., pertaining to the department's Agricultural Economic Development Program, as s. 570.75, F.S.

**Section 56** renumbers s. 570.244, F.S., pertaining to the powers and duties of the department, as s. 570.76, F.S.

**Section 57** renumbers s. 570.245, F.S., pertaining to the department's interaction with other economic development agencies and groups, as s. 570.77, F.S.

**Section 58** renumbers s. 570.246, F.S., pertaining to funds appropriated to agricultural economic development, as s. 570.78, F.S.

**Section 59** renumbers s. 570.247, F.S., pertaining to promulgation of rules to implement the agricultural economic development program, as s. 570.79, F.S. It amends the new section to remove an obsolete date.

**Section 60** renumbers s. 570.248, F.S., pertaining to the Agricultural Economic Development Project Review Committee, as s. 570.81, F.S.

**Section 61** renumbers s. 570.249, F.S., pertaining to Agricultural Economic Development Program disaster loans, grants, and aid, as s. 570.82, F.S.

**Section 62** renumbers s. 570.9135, F.S., pertaining to the Beef Market Development Act, as s. 570.83, F.S. It amends the new section to correct cross references.

**Section 63** renumbers s. 570.954, F.S., pertaining to the farm-to-fuel initiative, as s. 570.841, F.S.

**Section 64** renumbers s. 570.96, F.S., pertaining to agritourism, as s. 570.85, F.S.

**Section 65** renumbers s. 570.961, F.S., pertaining to definitions clarifying agritourism, as s. 570.86, F.S. It amends the new section to correct a cross reference.

**Section 66** renumbers s. 570.962, F.S., pertaining to the impact of agritourism activities on land classification for purposes of ad valorem taxation, as s. 570.87, F.S.

**Section 67** renumbers s. 570.963, F.S., pertaining to liability for agritourism operators, as s. 570.88, F.S. It amends the new section to correct a cross reference.

**Section 68** renumbers s. 570.964, F.S., pertaining to notice requirements and the notice language that must be posted and given to patrons when engaging in agritourism activities, as s. 570.89, F.S. It makes technical revisions to the new section.

**Section 69** creates part IV of ch. 570, F.S., entitled “Agricultural Water Policy.”

**Section 70** renumbers s. 570.075, F.S., pertaining to water supply agreements with landowners in rural areas, as s. 570.916, F.S.

**Section 71** renumbers s. 570.076, F.S., pertaining to the department’s Environmental Stewardship Certification Program, as s. 570.921, F.S. It also corrects a cross reference.

**Section 72** renumbers s. 570.085, F.S., pertaining to the department’s agricultural water conservation program and agricultural water supply planning, as s. 570.93, F.S.

**Section 73** renumbers s. 570.087, F.S., pertaining to best management practices for wildlife, as s. 570.94, F.S.

**Section 74** creates part V of ch. 570, F.S., entitled “Penalties.”

**Section 75** creates s. 570.971, F.S., to establish levels of administrative and civil penalties for violations of department regulations. It provides applicability and authorizes the department to adopt rules.

**Section 76** amends s. 576.021, F.S., to revise procedures for filing applications to distribute fertilizer. The change would allow for online certification and licensure.

**Section 77** amends s. 576.031, F.S., to reduce the number of labels from five to two which registrants would have to provide a purchaser in order to distribute bulk fertilizer.

**Section 78** amends s. 576.041, F.S., to delete a requirement that fertilizer license applicants provide surety bonds or certificates of deposit to ensure payment of inspection fees.

**Section 79** amends s. 576.051, F.S., to revise the period of time a fertilizer sample must be retained from 90 days to 60 days.

**Section 80** amends s. 576.061, F.S., pertaining to plant nutrient investigational allowances, deficiencies, and penalties, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 81** amends s. 576.071, F.S., to revise criteria for determining the commercial value of fertilizer nutrients. This change allows the department to utilize additional data sources, such as surveys of the Florida fertilizer industry, to obtain commercial values.

**Section 82** amends s. 576.087, F.S., to revise antisiphon requirements for irrigation systems in response to constant changes in technology of these devices.

**Section 83** amends s. 576.101, F.S., to remove the probationary status of fertilizer licensees whose fertilizer samples fail to meet minimum performance level requirements.

**Section 84** amends s. 578.08, F.S., to revise application requirements and registration requirements for the sale of feed. It allows registrants to apply online or by paper application. It also adds categories in the fees section for businesses that sell the least amount of seed to make the process of registration easier and to entice more small businesses to register with the department.

**Section 85** amends s. 580.036, F.S., to re-insert a reference to the Commercial Feed Technical Council which a statutory revisers bill mistakenly removed in the 2013 Session.

**Section 86** amends s. 580.041, F.S., to provide the option for online license applications for distributors of commercial feed and feedstuff.

**Section 87** amends s. 580.071, F.S., to revise criteria for adulteration of commercial feed and feedstuff to include national standards established by the Association of American Feed Control Officials. This will make the definition of adulteration more consistent with national standards.

**Section 88** amends s. 581.091, F.S., to delete a program for Australian pines used as windbreaks in citrus groves. The five-year pilot project ended in 2012 and a final report was issued.

**Section 89** amends s. 581.131, F.S., to revise the timeframe from 60 days to 30 days before the annual renewal date in which the department must provide notices for registration renewal to nurserymen, stock dealers, agents, or plant brokers. This will bring the notice of need to renew into alignment with standards for billing used in the private sector.

**Section 90** amends s. 583.01, F.S., to revise the definition of “dealer” to create limited sale poultry requirements. This change will make state law closer to federal laws for a “non-dealer.”

**Section 91** transfers and renumbers s. 570.38, F.S., pertaining to the Animal Industry Technical Council, as s. 585.008, F.S. It amends the new section to make technical changes and to correct a cross reference.

**Section 92** amends s. 589.08, F.S., to clarify the distribution of 15 percent of the gross receipts received by the Florida Forest Service from Goethe State Forest to fiscally constrained counties.

**Section 93** amends s. 589.011, F.S., to provide conditions under which the Florida Forest Service is authorized to grant the use of certain lands. It limits liability for lessees of specified lands and provides criteria by which the Florida Forest Service determines certain fees, rentals, and charges.

**Section 94** amends s. 589.20, F.S., to authorize the Florida Forest Service to cooperate with water management districts, municipalities, and other governmental entities in the designation and dedication of lands suitable for forestry purposes.

**Section 95** amends s. 590.02, F.S., to rename the Florida Center for Wildfire and Forest Resources Management Training as the Withlacoochee Training Center.

**Section 96** amends s. 590.125, F.S., to clarify requirements for non-certified burning and smoldering.

**Section 97** transfers and renumbers s. 570.0725, F.S., pertaining to food recovery, as s. 595.420, F.S.

**Section 98** amends s. 597.003, F.S., to authorize the department to provide training as necessary to lessees of certain lands.

**Section 99** amends s. 597.004, F.S., to require an applicant for an aquaculture certificate to submit a certificate of training, if required.

**Section 100** amends s. 597.020, F.S., to authorize the department to adopt training requirements for shellfish processors, by rule. It also provides a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 101** transfers and renumbers s. 570.481, F.S., pertaining to fruit and vegetable inspection fees and penalties, as s. 603.011, F.S.

**Section 102** transfers and renumbers s. 570.55, F.S., pertaining to the Florida Tropical or Subtropical Fruit and Vegetables Sales Law, as s. 603.211, F.S.

**Section 103** amends s. 604.16, F.S., to provide an exemption from the provisions of ss. 604.15 – 604.34, F.S., for a dealer in agricultural products to the extent that the dealer purchases agricultural products from a producer owned by the exact same person as the dealer, owned solely by the dealer, or who solely owns the dealer. The dealer is not exempt from the recordkeeping requirements of s. 604.22(2), F.S.

**Section 104** amends s. 604.22, F.S., pertaining to penalties for dealers in agricultural products, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 105** repeals the following sections:

**s. 487.172, F.S.**

This section requires an educational program for organotin anti-fouling paints. It is obsolete since these products are now restricted-use pesticides, which are rarely used, and education is covered in the certification process.

**s. 500.301, F.S.**

This section pertains to standards of enrichment for grain products. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

**s. 500.302, F.S.**

This section clarifies what constitutes an unlawful retail sale of a grain product. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

**s. 500.303, F.S.**

This section requires the department to establish by rule a state standard for each grain product. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

**s. 500.304, F.S.**

This section provides for enforcement of provisions found in ss. 500.301 – 500.306, F.S. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

**s. 500.305, F.S.**

This section provides the department with the authority to inspect, take samples and investigate grain products for compliance with ss. 500.301-500.306, F.S. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

**s. 500.306, F.S.**

This section provides penalties for violations of ss. 500.301-500.306, F.S., which Section 36 of the bill repeals.

**s. 500.601, F.S.**

This section regulates the retail sale of meat. The department no longer carries out this function, because it falls under the jurisdiction of the United States Department of Agriculture.

**s. 570.345, F.S.**

This section pertains to the Interstate Pest Control Compact. With the dissolution of the Compact in 2013, the statutory authority in this section is obsolete.

**s. 570.542, F.S.**

This section creates the short title of the Florida Consumer's Council and is not necessary.

**s. 570.72, F.S.**

This section is a redundant definition of "department."

**s. 570.92, F.S.**

This section pertains to the department's equestrian educational sports program which is an inactive program.

**s. 589.081, F.S.**

This section details the payment of 15 percent of gross receipts received by the Florida Forest Service from the Goethe and Withlacoochee State Forests to the fiscally constrained counties within these forests. This statutory distribution has been moved to s. 589.08, F.S., in Section 92 of the bill.

**s. 590.091, F.S.**

This section pertains to the designation of railroad rights-of-way as wildfire hazard areas. It is no longer needed due to underground pipelines and communications lines that run along railroad tracks.

**Section 106** amends s. 193.461, F.S., pertaining to assessments of agricultural lands, to make grammatical changes and to correct a cross reference.

**Section 107** amends s. 253.74, F.S., pertaining to certain aquaculture violations, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 108** amends s. 288.1175, F.S., pertaining to an agriculture education and promotion facility, to correct a cross reference.

**Section 109** amends s. 320.08058, F.S., pertaining to Florida agricultural license plates, to correct cross references.

**Section 110** amends s. 373.621, F.S., pertaining to water conservation, to correct a cross reference.

**Section 111** amends s. 373.709, F.S., pertaining to regional water supply planning, to correct a cross reference.

**Section 112** amends s. 381.0072, F.S., pertaining to food service protection, to correct a cross reference.

**Section 113** amends s. 388.46, pertaining to the Florida Coordinating Council on Mosquito Control, to remove an obsolete reference to the Pesticide Review Council.

**Section 114** amends s. 472.0351, F.S., pertaining to land surveyors and mappers, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 115** amends s. 472.036, F.S., pertaining to unlicensed practice of professional surveying and mapping, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 116** amends s. 482.161, F.S., pertaining to pest control, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 117** amends s. 482.165, F.S., pertaining to unlicensed practice of pest control, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 118** amends s. 482.243, F.S., pertaining to the Pest Control Enforcement Advisory Council, to correct a cross reference.

**Section 119** amends s. 487.047, F.S., to revise provisions for filing pesticide applicator license applications to allow for on-line certification and licensure.

**Section 120** amends s. 487.091, F.S., pertaining to penalties relating to pesticide regulation and safety, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 121** amends s. 487.175, F.S., pertaining to violations of pesticide application, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 122** amends s. 493.6118, F.S., pertaining to administrative fines for offenses by private investigative, security, and repossession services, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 123** amends s. 496.420, F.S., pertaining to the solicitation of persons for donations, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 124** amends s. 500.70, F.S., pertaining to tomato food safety standards, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 125** amends s. 501.612, F.S., pertaining to commercial telephone sellers or salespersons, to provide a cross reference to penalties in the newly created s. 570.971, F.S.



**Section 126** amends s. 501.619, F.S., pertaining to consumer protection, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 127** amends s. 502.231, F.S., pertaining to penalties for violations of regulatory laws governing the production, processing, and distribution of milk, milk products, frozen desserts, and frozen dessert mix. It provides cross references to penalties in the newly created s. 570.971, F.S.

**Section 128** amends s. 507.09, F.S., pertaining to household moving services, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 129** amends s. 507.10, F.S., pertaining to civil penalties and remedies for violations concerning household moving services, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 130** amends s. 509.032, F.S., pertaining to the department's duties during the inspection of food service establishments, to correct cross references.

**Section 131** amends s. 525.16, F.S., pertaining to penalties for gasoline and oil inspection violations, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 132** amends s. 526.311, F.S., pertaining to penalties for violations in the sale of liquid fuels, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 133** amends s. 526.55, F.S., pertaining to penalties for violations in the sale of brake fluid, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 134** amends s. 527.13, F.S., pertaining to penalties for violations in the sale of liquefied petroleum gas, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 135** amends s. 531.50, F.S., pertaining to penalties for violations of the Weights and Measures Act of 1971, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 136** amends s. 534.52, F.S., pertaining to penalties for violations of livestock market laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 137** amends s. 539.001, F.S., pertaining to penalties for violations of the Florida Pawnbroking Act, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 138** amends s. 559.921, F.S., pertaining to penalties for violations of the Florida Motor Vehicle Repair Act, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 139** amends s. 559.9355, pertaining to administrative remedies for violations of the Florida Sellers of Travel Act, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 140** amends s. 559.936, F.S., pertaining to civil penalties for violations of the Florida Sellers of Travel Act, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 141** amends s. 571.11, F.S., pertaining to seal of quality for eggs and poultry, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 142** amends s. 571.28, F.S., pertaining to the Florida Agricultural Promotional Campaign Advisory Council, to correct a cross reference.

**Section 143** amends s. 571.29, F.S., pertaining to unlawful use of logos of the Florida Agricultural Promotional Campaign, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 144** amends s. 578.181, F.S., pertaining to notice of infected plants and their destruction, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 145** amends s. 580.121, F.S., pertaining to penalties for violations of commercial feed and feedstuff laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 146** amends s. 581.141, F.S., pertaining to violations regarding certificates of registration or plant industry inspections, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 147** amends s. 581.186, F.S., pertaining to the Endangered Plant Advisory Council, to correct a cross reference.

**Section 148** amends s. 581.211, F.S., pertaining to penalties for violations of plant industry laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 149** amends s. 582.06, F.S., pertaining to the Soil and Water Conservation Council, to correct a cross reference.

**Section 150** amends s. 585.007, F.S., pertaining to violations of rules or laws governing the animal industry, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 151** amends s. 586.15, F.S., pertaining to violations of honey certification and honey bees, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 152** amends s. 586.161, pertaining to the Honeybee Technical Council, to correct a cross reference.

**Section 153** amends s. 590.14, F.S., pertaining to violations of forest protection, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 154** amends s. 595.701, F.S., pertaining to the Healthy Schools for Healthy Lives Council, to correct a cross reference.

**Section 155** amends s. 597.0041, F.S., pertaining to violations of prohibited acts relating to aquaculture, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 156** amends s. 599.002, F.S., pertaining to the Viticulture Advisory Council, to correct a cross reference.

**Section 157** amends s. 601.67, F.S., pertaining to disciplinary actions against citrus fruit dealers, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 158** amends s. 604.30, F.S., pertaining to violations of general agricultural laws, to provide cross references to penalties in the newly created s. 570.971, F.S.

**Section 159** amends s. 616.242, F.S., pertaining to violations of safety standards for amusement rides at public fairs and expositions, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

**Section 160** provides that this act shall take effect July 1, 2014.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

Refer to Private Sector Impact.

B. Private Sector Impact:

**Section 5 of CS/SB 1630** (s. 487.046, F.S.), **Section 6** (s. 487.048, F.S.), **Section 76** (s.576.021, F.S.) and **Section 119** (487.047, F.S.), allow online registration, thus saving time and the cost of postage.

**Section 14** (s. 500.12, F.S.) provides that persons who operate a minor food outlet selling non-potentially hazardous food whose shelf space does not exceed 20 linear feet are no longer require to obtain and pay for a food permit.

**Section 78** (s. 576.041, F.S.) no longer requires licensees for agricultural fertilizers to post a surety bond with the department or to sign a certificate of deposit.

**Section 84** (s.578.08, F.S.) establishes two new lower registration fees for distributors of small amounts of seed (\$10/year for annual sales under \$500 and \$25/year for annual sales under \$1,000). This will reduce the fees these small distributors will have to pay, resulting in lower costs. The department estimates that a savings will be recognized by approximately 200 seed dealers.

**Section 88** (s. 581.091, F.S.) simplifies the regulatory process for using Australian pines for windbreaks in commercial citrus groves. Nurseries wanting to obtain a permit to propagate Australian pines will continue the current process of submitting an application accompanied by a fee of \$200, adhering to permit requirements, and renewing the application and fee annually. Growers wanting to plant Australian pines for windbreaks must continue to submit an application accompanied by a fee not to exceed \$500 to receive a special permit valid for five years.

**Section 89** (s. 581.131, F.S.) benefits nurserymen, stock dealers, agents, and plant brokers by allowing billing to be more in alignment with established business practices using a thirty-day notice.

**Section 90** (s. 583.01, F.S.) allows small farmers to be permitted as limited poultry and egg farm operations under department rule, resulting in a savings in reduced regulation and lower permit fees.

C. Government Sector Impact:

The reduction of fines and registrations that would result from passage of this bill are not anticipated to affect the department because these figures were never recognized by the department as a source of revenue.

**Section 88 of CS/SB 1630** (s. 581.091, F.S.) terminates the Australian pine pilot program and moves it into a process with reduced regulation and increased areas where the pines can be planted. The department does not anticipate a significant increase in permits issued, but it could result in a potential indeterminate increase in permitting revenues.

**Section 84** (s. 578.08, F.S.) reduces registration fees for seed dealers. The anticipated total reduction in registration fees is \$13,725.<sup>11</sup>

The Division of Food Safety conducted a review of the penalty provisions provided in chapters 500 and 502, F.S. Because trend analysis indicated the division has not assessed fines for these types of violations in several years, the division decided to lower the fine

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<sup>11</sup> Department of Agriculture and Consumer Services, *CS/SB 1630 Agency Analysis* (March 6, 2014) (on file with the Senate Agriculture Committee).

amounts. It is expected that the division will not experience any fiscal impact as a result of reducing the fine amounts, since the penalties for violations were never recognized by the division as a source of financial revenue.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 193.461, 253.74, 282.709, 288.1175, 320.08058, 373.621, 379.361, 373.709, 381.0072, 388.46, 472.0351, 472.036, 482.161, 482.165, 482.243, 487.041, 487.046, 487.047, 487.048, 487.091, 487.159, 487.160, 487.175, 487.2031, 487.2051, 493.6118, 493.6120, 496.420, 500.03, 500.12, 500.121, 500.147, 500.165, 500.172, 500.70, 501.019, 501.059, 501.612, 501.619, 507.09, 501.922, 507.10, 509.032, 525.16, 526.311, 526.55, 527.13, 531.50, 534.52, 539.001, 559.921, 559.9355, 559.936, 570.42, 570.14, 570.07, 570.23, 570.242, 570.36, 570.38, 570.44, 570.45, 570.451, 570.50, 570.51, 570.543, 570.074, 570.952, 570.902, 570.71, 570.247, 570.9135, 570.961, 570.963, 570.076, 571.11, 571.28, 571.29, 576.021, 576.031, 576.041, 576.051, 576.061, 576.071, 576.087, 576.101, 578.08, 578.181, 580.036, 580.041, 580.071, 580.091, 580.121, 581.091, 581.131, 581.141, 581.186, 581.211, 582.06, 583.01, 585.007, 586.15, 586.161, 589.08, 589.011, 589.20, 590.02, 590.125, 590.14, 595.701, 597.003, 597.004, 597.0041, 597.020, 599.002, 601.67, 604.16, 604.22, 604.30, 616.242.

This bill transfers and renumbers the following sections of the Florida Statutes: 507.545, 570.0741, 570.17, 570.531, 570.0725, 570.241, 570.481, 570.55.

This bill renumbers the following sections of the Florida Statutes: 570.16, 570.18, 570.0705, 570.073, 570.17, 570.951, 570.953, 570.901, 570.903, 570.91, 570.243, 570.244, 570.245, 570.246, 570.248, 570.249, 570.954, 570.96, 570.962, 570.964, 570.075, 570.085, 570.087.

This bill creates the following sections of the Florida Statutes: 501.977, parts I, II, III, IV, and V of ch. 570, 570.67, 570.971.

This bill repeals the following sections of the Florida Statutes: 487.172, 500.301, 500.302, 500.303, 500.304, 500.305, 500.306, 500.601, 570.345, 570.542, 570.72, 570.92, 589.081, 590.091

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Agriculture on March 17, 2014:**

- Makes technical and organizational changes.
- Provides that it is an unfair or deceptive regulatory act or practice for a special district to restrict the right of the public to freely bargain for lawful livery transit services, to create classifications within each type of livery service, or to fix or approve zones, rates, or fares for such classifications, which apply differently to individuals and businesses that compete with each other to provide similar services.
- Authorizes the department to adopt by rule training requirements for shellfish processors.

B. Amendments:

None.

By Senator Montford

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1 A bill to be entitled  
 2 An act relating to the Department of Agriculture  
 3 and Consumer Services; designating parts I-V of ch.  
 4 570, F.S., relating to the Department of Agriculture  
 5 and Consumer Services; amending s. 282.709, F.S.;  
 6 providing for appointment of a department  
 7 representative to the Joint Task Force on State Agency  
 8 Law Enforcement Communications; amending s. 487.041,  
 9 F.S.; revising requirements for registration and  
 10 distribution of discontinued pesticides; amending s.  
 11 487.046, F.S.; revising provisions for filing  
 12 pesticide applicator license applications; amending s.  
 13 487.047, F.S.; revising provisions for issuance of  
 14 pesticide applicator licenses; amending s. 487.048,  
 15 F.S.; revising provisions for filing pesticide dealer  
 16 license applications; amending s. 487.159, F.S.;  
 17 deleting requirements for filing statements claiming  
 18 damages and injuries from pesticide application;  
 19 amending s. 487.160, F.S.; revising recordkeeping  
 20 requirements for licensed private applicators;  
 21 repealing s. 487.172, F.S., relating to an antifouling  
 22 paint educational program; amending s. 487.2031, F.S.;  
 23 revising the term "material safety data sheet";  
 24 amending s. 487.2051, F.S.; revising requirements for  
 25 pesticide fact sheets and safety data sheets; amending  
 26 s. 493.6120, F.S.; authorizing the department to  
 27 impose certain civil penalties for violations relating  
 28 to private security, investigative, and repossession  
 29 services; amending s. 500.03, F.S.; revising the

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30 definition of the term "food establishment"; amending  
 31 s. 500.12, F.S.; revising criteria for certain food  
 32 permit exemptions; requiring the department to adopt a  
 33 permit fee schedule; requiring food permits as a  
 34 condition of operating a food establishment; providing  
 35 that such permits are not transferable; amending s.  
 36 500.121, F.S.; conforming provisions to changes made  
 37 by the act; revising the time limit for payment of  
 38 fines; providing for permit revocation for failure to  
 39 pay a fine; authorizing the department to immediately  
 40 close certain food establishments; providing  
 41 requirements and procedures for such closure;  
 42 providing penalties for violations; authorizing the  
 43 department to adopt rules; amending s. 500.147, F.S.;  
 44 providing for the inspection of food records for  
 45 certain purposes; amending s. 500.172, F.S.; providing  
 46 for embargoing, detaining, or destroying food  
 47 processing and storage areas; repealing ss. 500.301,  
 48 500.302, 500.303, 500.304, 500.305, and 500.306, F.S.,  
 49 relating to standards of enrichment, sales,  
 50 enforcement, and inspection of certain grain products;  
 51 repealing s. 500.601, F.S., relating to retail sale of  
 52 meat; amending s. 501.059, F.S.; authorizing the  
 53 department to adopt rules; amending s. 570.074, F.S.;  
 54 providing for the duties of the Office of Agricultural  
 55 Water Policy; amending s. 570.14, F.S.; requiring  
 56 written approval for use of the department seal;  
 57 amending s. 570.247, F.S.; clarifying provisions  
 58 directing the department to adopt certain rules;

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59 repealing s. 570.345, F.S., relating to the Pest  
60 Control Compact; amending s. 570.36, F.S.; clarifying  
61 provisions relating to the duties of the Division of  
62 Animal Industry; repealing s. 570.542, F.S., relating  
63 to the Florida Consumer Services Act; creating s.  
64 570.67, F.S.; establishing the Office of Energy within  
65 the department; providing for supervision and duties;  
66 amending s. 570.71, F.S.; authorizing specified uses  
67 of funds from the Conservation and Recreation Lands  
68 Program Trust Fund; repealing s. 570.72, F.S.,  
69 relating to a definition; repealing s. 570.92, F.S.,  
70 relating to an equestrian educational sports program;  
71 amending s. 570.952, F.S.; deleting an obsolete  
72 provision relating to membership terms for the Florida  
73 Agriculture Center and Horse Park Authority;  
74 conforming cross-references; amending s. 570.964,  
75 F.S.; clarifying compliance required for privileges of  
76 immunity; creating s. 570.971, F.S.; establishing  
77 administrative and civil penalties for certain  
78 violations; providing applicability; authorizing the  
79 department to adopt rules; amending s. 576.021, F.S.;  
80 revising provisions for filing applications to  
81 distribute fertilizer; amending s. 576.031, F.S.;  
82 revising labeling requirements for distribution of  
83 fertilizer in bulk; amending s. 576.041, F.S.;  
84 removing surety bond and certificate of deposit  
85 requirements for fertilizer license applicants;  
86 amending s. 576.051, F.S.; revising the period for  
87 which a fertilizer sample must be retained for

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88 analysis; amending s. 576.071, F.S.; revising criteria  
89 for determining the commercial value of certain  
90 penalties; amending s. 576.087, F.S.; revising  
91 antisiphon requirements for irrigation systems;  
92 amending s. 576.101, F.S.; removing provisions  
93 relating to probationary status of a fertilizer  
94 licensee; amending s. 578.08, F.S.; revising  
95 application requirements and registration fees for the  
96 sale of seed; amending s. 580.036, F.S.; directing the  
97 department to consult with the Agricultural Feed,  
98 Seed, and Fertilizer Advisory Council when developing  
99 certain standards; amending s. 580.041, F.S.; revising  
100 application requirements for master registration of  
101 commercial feed; amending s. 580.071, F.S.; revising  
102 criteria for adulterated commercial feed or feedstuff;  
103 amending s. 581.091, F.S.; deleting provisions  
104 relating to noxious weed and invasive plant pilot and  
105 monitoring programs; amending s. 581.131, F.S.;  
106 revising the time in which the department must provide  
107 certain notice and certificate renewal forms; amending  
108 s. 583.01, F.S.; revising the definition of the term  
109 "dealer"; amending s. 589.08, F.S.; directing the  
110 Florida Forest Service to distribute certain funds to  
111 fiscally constrained counties; repealing s. 589.081,  
112 F.S., relating to payment of certain gross receipts  
113 from the Withlacoochee State Forest and Goethe State  
114 Forest; amending s. 589.011, F.S.; providing  
115 conditions under which the Florida Forest Service is  
116 authorized to grant use of certain lands; limiting



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117 liability for lessees of specified lands; providing  
 118 criteria by which the Florida Forest Service  
 119 determines certain fees, rentals, and charges;  
 120 amending s. 589.20, F.S.; authorizing the Florida  
 121 Forest Service to cooperate with water management  
 122 districts, municipalities, and other government  
 123 entities in the designation and dedication of certain  
 124 lands; repealing s. 590.091, F.S., relating to the  
 125 designation of railroad rights-of-way as wildfire  
 126 hazard areas; amending s. 590.125, F.S.; revising  
 127 requirements for noncertified burning; amending ss.  
 128 253.74, 388.46, 472.0351, 472.036, 482.161, 482.165,  
 129 482.243, 487.091, 487.175, 493.6118, 496.420, 500.165,  
 130 500.70, 501.019, 501.612, 501.619, 501.922, 502.231,  
 131 507.09, 507.10, 526.311, 526.55, 527.13, 531.50,  
 132 534.52, 539.001, 559.921, 559.9355, 559.936, 570.0741,  
 133 570.23, 570.242, 570.38, 570.42, 570.44, 570.45,  
 134 570.451, 570.50, 570.51, 570.543, 571.11, 571.28,  
 135 571.29, 576.061, 578.181, 580.121, 581.141, 581.186,  
 136 581.211, 582.06, 585.007, 586.15, 586.161, 590.02,  
 137 590.14, 595.701, 597.0041, 597.020, 599.002, 601.67,  
 138 604.22, 604.30, and 616.242, F.S.; conforming  
 139 provisions to changes made by the act; amending ss.  
 140 193.461, 288.1175, 320.08058, 373.621, 373.709,  
 141 381.0072, 509.032, 525.16, 570.07, 570.076, 570.902,  
 142 570.9135, 570.961, and 570.963, F.S.; conforming  
 143 cross-references; providing an effective date.

144  
 145 Be It Enacted by the Legislature of the State of Florida:

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146  
 147 Section 1. Chapter 570, Florida Statutes, as amended by  
 148 this act, shall be divided into the following parts:  
 149 (1) Part I, consisting of sections 570.01 through 570.232,  
 150 Florida Statutes, entitled "General Provisions";  
 151 (2) Part II, consisting of sections 570.30 through 570.693,  
 152 Florida Statutes, entitled "Program Services";  
 153 (3) Part III, consisting of sections 570.70 through 570.89,  
 154 Florida Statutes, entitled "Agricultural Development";  
 155 (4) Part IV, consisting of sections 570.916 through 570.94,  
 156 Florida Statutes, entitled "Agricultural Water Policy"; and  
 157 (5) Part V, consisting of section 570.971, Florida  
 158 Statutes, entitled "Penalties".  
 159 Section 2. Paragraph (c) of subsection (6) of section  
 160 193.461, Florida Statutes, is amended to read:  
 161 193.461 Agricultural lands; classification and assessment;  
 162 mandated eradication or quarantine program.—  
 163 (6)  
 164 (c)1. For purposes of the income methodology approach to  
 165 assessment of property used for agricultural purposes,  
 166 irrigation systems, including pumps and motors, physically  
 167 attached to the land shall be considered a part of the average  
 168 yields per acre and shall have no separately assessable  
 169 contributory value.  
 170 2. Litter containment structures located on producing  
 171 poultry farms and animal waste nutrient containment structures  
 172 located on producing dairy farms shall be assessed by the  
 173 methodology described in subparagraph 1.  
 174 3. Structures or improvements used in horticultural

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 175 production for frost or freeze protection, which ~~structures or~~  
 176 ~~improvements~~ are consistent with the interim measures or best  
 177 management practices adopted by the Department of Agriculture  
 178 and Consumer Services ~~Services' interim measures or best~~  
 179 ~~management practices adopted~~ pursuant to s. ~~570.93 570.085~~ or s.  
 180 403.067(7)(c), shall be assessed by the methodology described in  
 181 subparagraph 1.

Section 3. Subsection (1) of section 253.74, Florida  
 Statutes, is amended to read:

253.74 Penalties.—

(1) ~~A~~ Any person who conducts aquaculture activities in  
 excess of those authorized by the board or who conducts such  
 activities on state-owned submerged lands without having  
 previously obtained an authorization from the board commits a  
 misdemeanor of the second degree, punishable as provided in s.  
 190 775.082, is subject to a civil fine in the Class I category  
 191 pursuant to s. 570.971 and shall be subject to imprisonment for  
 192 ~~not more than 6 months or fine of not more than \$1,000, or both.~~  
 193 In addition to such fine and imprisonment, all works,  
 194 improvements, and animal and plant life involved in the project,  
 195 may be forfeited to the state.

Section 4. Paragraph (a) of subsection (2) of section  
 282.709, Florida Statutes, is amended to read:

282.709 State agency law enforcement radio system and  
 interoperability network.—

(2) The Joint Task Force on State Agency Law Enforcement  
 Communications is created adjunct to the department to advise  
 the department of member-agency needs relating to the planning,  
 designing, and establishment of the statewide communication

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 204 system.

(a) The Joint Task Force on State Agency Law Enforcement  
 Communications shall consist of the following members:

1. A representative of the Division of Alcoholic Beverages  
 and Tobacco of the Department of Business and Professional  
 Regulation who shall be appointed by the secretary of the  
 department.

2. A representative of the Division of Florida Highway  
 Patrol of the Department of Highway Safety and Motor Vehicles  
 who shall be appointed by the executive director of the  
 department.

3. A representative of the Department of Law Enforcement  
 who shall be appointed by the executive director of the  
 department.

4. A representative of the Fish and Wildlife Conservation  
 Commission who shall be appointed by the executive director of  
 the commission.

5. A representative of the Department of Corrections who  
 shall be appointed by the secretary of the department.

6. A representative of the Division of State Fire Marshal  
 of the Department of Financial Services who shall be appointed  
 by the State Fire Marshal.

7. A representative of the Department of Transportation who  
 shall be appointed by the secretary of the department.

8. A representative of the Department of Agriculture and  
Consumer Services who shall be appointed by the Commissioner of  
Agriculture.

Section 5. Paragraph (c) of subsection (5) of section  
 288.1175, Florida Statutes, is amended to read:

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233 288.1175 Agriculture education and promotion facility.-

234 (5) The Department of Agriculture and Consumer Services  
235 shall competitively evaluate applications for funding of an  
236 agriculture education and promotion facility. If the number of  
237 applicants exceeds three, the Department of Agriculture and  
238 Consumer Services shall rank the applications based upon  
239 criteria developed by the Department of Agriculture and Consumer  
240 Services, with priority given in descending order to the  
241 following items:

242 (c) The location of the facility in a brownfield site as  
243 defined in s. 376.79(3), a rural enterprise zone as defined in  
244 s. 290.004, an agriculturally depressed area as defined in s.  
245 570.74 ~~570.242(1)~~, or a county that has lost its agricultural  
246 land to environmental restoration projects.

247 Section 6. Paragraph (b) of subsection (14) and paragraph  
248 (b) of subsection (77) of section 320.08058, Florida Statutes,  
249 are amended to read:

250 320.08058 Specialty license plates.-

251 (14) FLORIDA AGRICULTURAL LICENSE PLATES.-

252 (b) The proceeds of the Florida Agricultural license plate  
253 annual use fee must be forwarded to the direct-support  
254 organization created pursuant to ~~in~~ s. 570.691 ~~570.903~~. The  
255 funds must be used for the sole purpose of funding and promoting  
256 the Florida agriculture in the classroom program established  
257 within the Department of Agriculture and Consumer Services  
258 pursuant to s. 570.693 ~~570.91~~.

259 (77) FLORIDA HORSE PARK LICENSE PLATES.-

260 (b) The annual use fees shall be distributed to the Florida  
261 Agriculture Center and Horse Park Authority created by s.

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262 570.685 ~~570.952~~, which shall retain all proceeds until all  
263 startup costs for developing and establishing the plate have  
264 been recovered. Thereafter, the proceeds shall be used as  
265 follows:

266 1. A maximum of 5 percent of the proceeds from the annual  
267 use fees may be used for the administration of the Florida Horse  
268 Park license plate program.

269 2. A maximum of 5 percent of the proceeds may be used to  
270 promote and market the license plate.

271 3. The remaining proceeds shall be used by the authority to  
272 promote the Florida Agriculture Center and Horse Park located in  
273 Marion County; to support continued development of the park,  
274 including the construction of additional educational facilities,  
275 barns, and other structures; to provide improvements to the  
276 existing infrastructure at the park; and to provide for  
277 operational expenses of the Florida Agriculture Center and Horse  
278 Park.

279 Section 7. Section 373.621, Florida Statutes, is amended to  
280 read:

281 373.621 Water conservation.-The Legislature recognizes the  
282 significant value of water conservation in the protection and  
283 efficient use of water resources. Accordingly, consideration in  
284 the administration of ss. 373.223, 373.233, and 373.236 shall be  
285 given to applicants who implement water conservation practices  
286 pursuant to s. 570.93 ~~570.085~~ or other applicable water  
287 conservation measures as determined by the department or a water  
288 management district.

289 Section 8. Paragraph (a) of subsection (2) of section  
290 373.709, Florida Statutes, is amended to read:

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291 373.709 Regional water supply planning.-

292 (2) Each regional water supply plan must be based on at  
293 least a 20-year planning period and must include, but need not  
294 be limited to:

295 (a) A water supply development component for each water  
296 supply planning region identified by the district which  
297 includes:

298 1. A quantification of the water supply needs for all  
299 existing and future reasonable-beneficial uses within the  
300 planning horizon. The level-of-certainty planning goal  
301 associated with identifying the water supply needs of existing  
302 and future reasonable-beneficial uses must be based upon meeting  
303 those needs for a 1-in-10-year drought event.

304 a. Population projections used for determining public water  
305 supply needs must be based upon the best available data. In  
306 determining the best available data, the district shall consider  
307 the University of Florida's Bureau of Economic and Business  
308 Research (BEBR) medium population projections and population  
309 projection data and analysis submitted by a local government  
310 pursuant to the public workshop described in subsection (1) if  
311 the data and analysis support the local government's  
312 comprehensive plan. Any adjustment of or deviation from the BEBR  
313 projections must be fully described, and the original BEBR data  
314 must be presented along with the adjusted data.

315 b. Agricultural demand projections used for determining the  
316 needs of agricultural self-suppliers must be based upon the best  
317 available data. In determining the best available data for  
318 agricultural self-supplied water needs, the district shall  
319 consider the data indicative of future water supply demands

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320 provided by the Department of Agriculture and Consumer Services  
321 pursuant to s. 570.93 ~~570.085~~ and agricultural demand projection  
322 data and analysis submitted by a local government pursuant to  
323 the public workshop described in subsection (1), if the data and  
324 analysis support the local government's comprehensive plan. Any  
325 adjustment of or deviation from the data provided by the  
326 Department of Agriculture and Consumer Services must be fully  
327 described, and the original data must be presented along with  
328 the adjusted data.

329 2. A list of water supply development project options,  
330 including traditional and alternative water supply project  
331 options, from which local government, government-owned and  
332 privately owned utilities, regional water supply authorities,  
333 multijurisdictional water supply entities, self-suppliers, and  
334 others may choose for water supply development. In addition to  
335 projects listed by the district, such users may propose specific  
336 projects for inclusion in the list of alternative water supply  
337 projects. If such users propose a project to be listed as an  
338 alternative water supply project, the district shall determine  
339 whether it meets the goals of the plan, and, if so, it shall be  
340 included in the list. The total capacity of the projects  
341 included in the plan must exceed the needs identified in  
342 subparagraph 1. and take into account water conservation and  
343 other demand management measures, as well as water resources  
344 constraints, including adopted minimum flows and levels and  
345 water reservations. Where the district determines it is  
346 appropriate, the plan should specifically identify the need for  
347 multijurisdictional approaches to project options that, based on  
348 planning level analysis, are appropriate to supply the intended

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349 uses and that, based on such analysis, appear to be permissible  
 350 and financially and technically feasible. The list of water  
 351 supply development options must contain provisions that  
 352 recognize that alternative water supply options for agricultural  
 353 self-suppliers are limited.

354 3. For each project option identified in subparagraph 2.,  
 355 the following must be provided:

356 a. An estimate of the amount of water to become available  
 357 through the project.

358 b. The timeframe in which the project option should be  
 359 implemented and the estimated planning-level costs for capital  
 360 investment and operating and maintaining the project.

361 c. An analysis of funding needs and sources of possible  
 362 funding options. For alternative water supply projects, the  
 363 water management districts shall provide funding assistance  
 364 pursuant to in accordance with s. 373.707(8).

365 d. Identification of the entity that should implement each  
 366 project option and the current status of project implementation.

367 Section 9. Paragraph (d) of subsection (2) of section  
 368 381.0072, Florida Statutes, is amended to read:

369 381.0072 Food service protection.—It shall be the duty of  
 370 the Department of Health to adopt and enforce sanitation rules  
 371 consistent with law to ensure the protection of the public from  
 372 food-borne illness. These rules shall provide the standards and  
 373 requirements for the storage, preparation, serving, or display  
 374 of food in food service establishments as defined in this  
 375 section and which are not permitted or licensed under chapter  
 376 500 or chapter 509.

377 (2) DUTIES.—

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378 (d) The department shall inspect each food service  
 379 establishment as often as necessary to ensure compliance with  
 380 applicable laws and rules. The department shall have the right  
 381 of entry and access to these food service establishments at any  
 382 reasonable time. In inspecting food service establishments ~~as~~  
 383 ~~provided~~ under this section, the department shall provide each  
 384 inspected establishment with the food recovery brochure  
 385 developed under s. 595.420 ~~570.0725~~.

386 Section 10. Paragraph (c) of subsection (2) of section  
 387 388.46, Florida Statutes, is amended to read:

388 388.46 Florida Coordinating Council on Mosquito Control;  
 389 establishment; membership; organization; responsibilities.—

390 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

391 (c) *Responsibilities*.—The council shall:

392 1. Develop and implement guidelines to assist the  
 393 department in resolving disputes arising over the control of  
 394 arthropods on publicly owned lands.

395 2. Develop and recommend to the department a request for  
 396 proposal process for arthropod control research.

397 3. Identify potential funding sources for research or  
 398 implementation projects and evaluate and prioritize proposals  
 399 upon request by the funding source.

400 4. Prepare and present reports, as needed, on arthropod  
 401 control activities in the state to ~~the Pesticide Review Council~~  
 402 ~~and other~~ governmental organizations, as appropriate.

403 Section 11. Paragraph (c) of subsection (2) of section  
 404 472.0351, Florida Statutes, is amended to read:

405 472.0351 Grounds for discipline; penalties; enforcement.—

406 (2) If the board finds a surveyor or mapper guilty of any

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407 of the grounds set forth in subsection (1) or a violation of  
 408 this chapter which occurred before obtaining a license, the  
 409 board may enter an order imposing one or more of the following  
 410 penalties:

411 (c) Imposition of an administrative fine in the Class I  
 412 category pursuant to s. 570.971 ~~not to exceed \$1,000~~ for each  
 413 count or separate offense.

414 Section 12. Subsections (1) and (2) and paragraph (a) of  
 415 subsection (3) of section 472.036, Florida Statutes, are amended  
 416 to read:

417 472.036 Unlicensed practice of professional surveying and  
 418 mapping; cease and desist notice; civil penalty; enforcement;  
 419 citations; allocation of moneys collected.-

420 (1) When the department has probable cause to believe that  
 421 a ~~any~~ person not licensed by the department or the board has  
 422 violated ~~any provision of~~ this chapter, or any rule adopted  
 423 pursuant to this chapter, the department may issue and deliver  
 424 to such person a notice to cease and desist from such violation.  
 425 In addition, the department may issue and deliver a notice to  
 426 cease and desist to a ~~any~~ person who aids and abets the  
 427 unlicensed practice of surveying and mapping by employing such  
 428 unlicensed person. The issuance of a notice to cease and desist  
 429 ~~does shall~~ not constitute agency action for which a hearing  
 430 under ss. 120.569 and 120.57 may be sought. For the purpose of  
 431 enforcing a cease and desist order, the department may file a  
 432 proceeding in the name of the state seeking issuance of an  
 433 injunction or a writ of mandamus against a ~~any~~ person who  
 434 violates ~~any provisions of~~ such order. In addition to the  
 435 foregoing remedies, the department may impose an administrative

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436 fine in the Class II category pursuant to s. 570.971 for each  
 437 ~~penalty not to exceed \$5,000 per~~ incident pursuant to ~~the~~  
 438 ~~provisions of~~ chapter 120 or may issue a citation pursuant to  
 439 ~~the provisions of~~ subsection (3). If the department is required  
 440 to seek enforcement of the order for a penalty pursuant to s.  
 441 120.569, it shall be entitled to collect its ~~attorney~~ attorney's  
 442 fees and costs, together with any cost of collection.

443 (2) In addition to or in lieu of any remedy provided in  
 444 subsection (1), the department may seek the imposition of a  
 445 civil penalty through the circuit court for any violation for  
 446 which the department may issue a notice to cease and desist  
 447 under subsection (1). The civil penalty shall be a fine in the  
 448 Class II category pursuant to s. 570.971 ~~no less than \$500 and~~  
 449 ~~no more than \$5,000~~ for each offense. The court may also award  
 450 to the prevailing party court costs and reasonable attorney fees  
 451 and, in the event the department prevails, may also award  
 452 reasonable costs of investigation.

453 (3) (a) Notwithstanding ~~the provisions of~~ s. 472.033, the  
 454 department shall adopt rules for ~~to permit~~ the issuance of  
 455 citations for unlicensed practice of a profession. The citation  
 456 shall be issued to the subject and shall contain the subject's  
 457 name and any other information the department determines to be  
 458 necessary to identify the subject, a brief factual statement,  
 459 the sections of the law allegedly violated, and the penalty  
 460 imposed. The citation must clearly state that the subject may  
 461 choose, in lieu of accepting the citation, to follow the  
 462 procedure under s. 472.033. If the subject disputes the matter  
 463 in the citation, the procedures set forth in s. 472.033 must be  
 464 followed. However, if the subject does not dispute the matter in

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465 the citation with the department within 30 days after the  
 466 citation is served, the citation shall become a final order of  
 467 the department upon filing with the agency clerk. The penalty  
 468 shall be a fine in the Class II category pursuant to s. 570.971  
 469 ~~of not less than \$500 or more than \$5,000~~ or other conditions as  
 470 established by rule.

471 Section 13. Subsection (7) of section 482.161, Florida  
 472 Statutes, is amended to read:

473 482.161 Disciplinary grounds and actions; reinstatement.-

474 (7) The department, pursuant to chapter 120, in addition to  
 475 or in lieu of any other remedy provided by state or local law,  
 476 may impose an administrative fine in the Class II category  
 477 pursuant to s. 570.971, in an amount not exceeding \$5,000, for a  
 478 violation of any of the provisions of this chapter or of the  
 479 rules adopted pursuant to this chapter. In determining the  
 480 amount of fine to be levied for a violation, the following  
 481 factors shall be considered:

482 (a) The severity of the violation, including the  
 483 probability that the death, or serious harm to the health or  
 484 safety, of any person will result or has resulted; the severity  
 485 of the actual or potential harm; and the extent to which ~~the~~  
 486 ~~provisions of~~ this chapter or of the rules adopted pursuant to  
 487 this chapter were violated;

488 (b) Any actions taken by the licensee or certified operator  
 489 in charge, or limited certificateholder, to correct the  
 490 violation or to remedy complaints;

491 (c) Any previous violations of this chapter or of the rules  
 492 adopted pursuant to this chapter; and

493 (d) The cost to the department of investigating the

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494 violation.

495 Section 14. Subsections (3) and (5) of section 482.165,  
 496 Florida Statutes, are amended to read:

497 482.165 Unlicensed practice of pest control; cease and  
 498 desist order; injunction; civil suit and penalty.-

499 (3) In addition to or in lieu of any remedy provided under  
 500 subsection (2), the department may institute a civil suit in  
 501 circuit court to recover a civil penalty for any violation for  
 502 which the department may issue a notice to cease and desist  
 503 under subsection (2). The civil penalty shall be in the Class II  
 504 category pursuant to s. 570.971 ~~may not be less than \$500 or~~  
 505 ~~more than \$5,000~~ for each offense. The court may also award to  
 506 the prevailing party court costs and reasonable attorney  
 507 attorney's fees.

508 (5) In addition to or in lieu of any remedy provided under  
 509 subsections (2) and (3), the department may, even in the case of  
 510 a first offense, impose a fine not less than twice the cost of a  
 511 pest control business license, but not more than a fine in the  
 512 Class II category pursuant to s. 570.971 ~~\$5,000~~, upon a  
 513 determination by the department that a person is in violation of  
 514 subsection (1). For the purposes of this subsection, the lapse  
 515 of a previously issued license for a period of less than 1 year  
 516 ~~is shall~~ not be considered a violation.

517 Section 15. Subsection (6) of section 482.243, Florida  
 518 Statutes, is amended to read:

519 482.243 Pest Control Enforcement Advisory Council.-

520 (6) The meetings, powers and duties, procedures, and  
 521 recordkeeping of the council shall be pursuant to in accordance  
 522 ~~with the provisions of s. 570.232 570.0705 relating to advisory~~

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523 ~~committees established within the department.~~

524 Section 16. Paragraph (d) of subsection (3) of section  
525 487.041, Florida Statutes, is amended to read:

526 487.041 Registration.—

527 (3) The department, in addition to its other duties under  
528 this section, has the power to:

529 (d) Require a registrant to continue the registration of a  
530 brand of pesticide that remains on retailer's shelves in the  
531 state unless the department receives the registrant's written  
532 notification that it is discontinuing the distribution of a  
533 brand of pesticide and the registrant then maintains the  
534 registration of that brand for a minimum of 2 years. The  
535 discontinued brand of pesticide may remain on retailer's shelves  
536 without further registration if the brand of pesticide is not  
537 distributed by the registrant in the state during or after the  
538 minimum 2-year period who discontinues the distribution of a  
539 brand of pesticide in this state to continue the registration of  
540 the brand of the pesticide for a minimum of 2 years or until no  
541 more remains on retailers' shelves if such continued  
542 registration or sale is not specifically prohibited by the  
543 department or the United States Environmental Protection Agency.

544 Section 17. Subsection (1) of section 487.046, Florida  
545 Statutes, is amended to read:

546 487.046 Application; licensure.—

547 (1) Application for license shall be filed with ~~made in~~  
548 ~~writing to~~ the department by using ~~on~~ a form prescribed  
549 ~~furnished~~ by the department or by using the department's  
550 website. Each application shall contain information regarding  
551 the applicant's qualifications, proposed operations, and license

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552 classification or subclassifications, as prescribed by rule.

553 Section 18. Subsection (3) of section 487.047, Florida  
554 Statutes, is amended to read:

555 487.047 Nonresident license; reciprocal agreement;  
556 authorized purchase.—

557 (3) Restricted-use pesticides may be purchased by a ~~any~~  
558 person who holds a valid applicator's license or who holds a  
559 valid purchase authorization card issued by the department or by  
560 a licensee under chapter 388 or chapter 482. A nonlicensed  
561 person may apply restricted-use pesticides under the direct  
562 supervision of a licensed applicator. An applicator's license  
563 shall be issued by the department pursuant to ~~on a form supplied~~  
564 ~~by it in accordance with the requirements of this part.~~

565 Section 19. Subsection (1) of section 487.048, Florida  
566 Statutes, is amended to read:

567 487.048 Dealer's license; records.—

568 (1) Each person holding or offering for sale, selling, or  
569 distributing restricted-use pesticides must ~~shall~~ obtain a  
570 dealer's license from the department. Application for the  
571 license shall be filed with the department by using ~~made on~~ a  
572 form prescribed by the department or by using the department's  
573 website. The license must be obtained before entering into  
574 business or transferring ownership of a business. The department  
575 may require examination or other proof of competency of  
576 individuals to whom licenses are issued or of individuals  
577 employed by persons to whom licenses are issued. Demonstration  
578 of continued competency may be required for license renewal, as  
579 set by rule. The license shall be renewed annually as provided  
580 by rule. An annual license fee not exceeding \$250 shall be

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581 established by rule. However, a user of a restricted-use  
 582 pesticide may distribute unopened containers of a properly  
 583 labeled pesticide to another user who is legally entitled to use  
 584 that restricted-use pesticide without obtaining a pesticide  
 585 ~~dealer dealer's~~ license. The exclusive purpose of distribution  
 586 of the restricted-use pesticide is to keep it from becoming a  
 587 hazardous waste as defined in s. 403.703(13).

588 Section 20. Subsections (2) and (3) of section 487.091,  
 589 Florida Statutes, are amended to read:

590 487.091 Tolerances, deficiencies, and penalties.-

591 (2) If a pesticide is found by analysis to be deficient in  
 592 an active ingredient beyond the tolerance as provided in this  
 593 part, the registrant is subject to a penalty for the deficiency  
 594 in the Class III category pursuant to s. 570.971, not to exceed  
 595 \$10,000 per violation. However, no penalty shall be assessed  
 596 when the official sample was taken from a pesticide that was in  
 597 the possession of a consumer for more than 45 days after from  
 598 the date of purchase by that consumer, or when the product label  
 599 specifies that the product should be used by an expiration date  
 600 that has passed. Procedures for assessing penalties shall be  
 601 established by rule, based on the degree of the deficiency.  
 602 Penalties assessed shall be paid to the consumer or, in the  
 603 absence of a known consumer, the department. If the penalty is  
 604 not paid within the prescribed period ~~of time~~ as established by  
 605 rule, the department may deny, suspend, or revoke the  
 606 registration of any pesticide.

607 (3) If a pesticide is found to be ineffective, it shall be  
 608 deemed to be misbranded and subject to a penalty in the Class  
 609 III category pursuant to s. 570.971 for each as established by

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610 ~~rule, not to exceed \$10,000 per violation.~~

611 Section 21. Section 487.159, Florida Statutes, is amended  
 612 to read:

613 487.159 Damage or injury to property, animal, or person;  
 614 mandatory report of damage or injury, ~~time for filing, failure~~  
 615 ~~to file.-~~

616 ~~(1) The person claiming damage or injury to property,~~  
 617 ~~animal, or human beings from application of a pesticide shall~~  
 618 ~~file with the department a written statement claiming damages,~~  
 619 ~~on a form prescribed by the department, within 48 hours after~~  
 620 ~~the damage or injury becomes apparent. The statement shall~~  
 621 ~~contain, but shall not be limited to, the name of the person~~  
 622 ~~responsible for the application of the pesticide, the name of~~  
 623 ~~the owner or lessee of the land on which the crop is grown and~~  
 624 ~~for which the damages are claimed, and the date on which it is~~  
 625 ~~alleged that the damages occurred. The department shall~~  
 626 ~~investigate the alleged damages and notify all concerned parties~~  
 627 ~~of its findings. If the findings reveal a violation of the~~  
 628 ~~provisions of this part, the department shall determine an~~  
 629 ~~appropriate penalty, as provided in this part. The filing of a~~  
 630 ~~statement or the failure to file such a statement need not be~~  
 631 ~~alleged in any complaint which might be filed in a court of law,~~  
 632 ~~and the failure to file the statement shall not be considered~~  
 633 ~~any bar to the maintenance of any criminal or civil action.~~

634 (1)(2) A ~~It is the duty of any licensee shall~~ ~~to~~ report  
 635 unreasonable adverse effects on the environment or damage to  
 636 property or injury to human beings, animals, plants, or other  
 637 property ~~a person~~ as the result of the application of a  
 638 restricted-use pesticide by the licensee or by an applicator or

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 639 mixer-loader under the licensee's direct supervision, if and  
 640 when the licensee has knowledge of such damage or injury. ~~It is~~  
 641 ~~also the express intent of this section to require all~~  
 642 Physicians shall ~~to~~ report all pesticide-related illnesses or  
 643 injuries to the nearest county health department, which shall  
 644 ~~will~~ notify the department so that the department may establish  
 645 a pesticide incident monitoring system within the Division of  
 646 Agricultural Environmental Services.

~~(2)(3)~~ When damage or injury to human beings, animals,  
 647 plants, or other property as the result of the application of a  
 648 restricted-use pesticide is alleged ~~to have been done~~, the  
 649 person claiming such damage or injury ~~claimant~~ shall allow  
 650 ~~permit~~ the licensee and the licensee's representatives to  
 651 observe within reasonable hours the alleged damage or injury in  
 652 order that the damage or injury may be examined. The failure of  
 653 the person claiming such damage or injury ~~claimant~~ to allow  
 654 ~~permit~~ observation and examination of the alleged damage or  
 655 injury shall automatically bar the claim against the licensee.

657 Section 22. Section 487.160, Florida Statutes, is amended  
 658 to read:

659 487.160 Records.—Licensed private applicators, supervising  
 660 ~~15 or more unlicensed applicators or mixer-loaders and licensed~~  
 661 public applicators, and licensed commercial applicators shall  
 662 maintain records as the department may determine by rule with  
 663 respect to the application of restricted pesticides, including,  
 664 but not limited to, the type and quantity of pesticide, method  
 665 of application, crop treated, and dates and location of  
 666 application. ~~Other licensed private applicators shall maintain~~  
 667 ~~records as the department may determine by rule with respect to~~

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 668 ~~the date, type, and quantity of restricted-use pesticides used.~~  
 669 Licensees shall keep records for a ~~period of 2 years from the~~  
 670 date of the application of the pesticide to which the records  
 671 refer, and ~~shall~~ furnish to the department a copy of the records  
 672 upon written request by the department.

673 Section 23. Section 487.172, Florida Statutes, is repealed.

674 Section 24. Paragraph (e) of subsection (1) of section  
 675 487.175, Florida Statutes, is amended to read:

676 487.175 Penalties; administrative fine; injunction.—

677 (1) In addition to any other penalty provided in this part,  
 678 when the department finds any person, applicant, or licensee has  
 679 violated any provision of this part or rule adopted under this  
 680 part, it may enter an order imposing any one or more of the  
 681 following penalties:

682 (e) Imposition of an administrative fine in the Class III  
 683 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each  
 684 violation. When imposing a any fine under this paragraph, the  
 685 department shall consider the degree and extent of harm caused  
 686 by the violation, the cost of rectifying the damage, the amount  
 687 of money the violator benefited from by noncompliance, whether  
 688 the violation was committed willfully, and the compliance record  
 689 of the violator.

690 Section 25. Subsection (8) of section 487.2031, Florida  
 691 Statutes, is renumbered as subsection (7), and present  
 692 subsection (7) of that section, is amended to read:

693 487.2031 Definitions.—For the purposes of this part, the  
 694 term:

695 ~~(8)(7)~~ "Material Safety data sheet" means written,  
 696 electronic, or printed material concerning an agricultural

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697 pesticide that sets forth the following information:

698 (a) The chemical name and the common name of the  
699 agricultural pesticide.

700 (b) The hazards or other risks in the use of the  
701 agricultural pesticide, including:

702 1. The potential for fire, explosions, corrosivity, and  
703 reactivity.

704 2. The known acute health effects and chronic health  
705 effects of exposure to the agricultural pesticide, including  
706 those medical conditions that are generally recognized as being  
707 aggravated by exposure to the agricultural pesticide.

708 3. The primary routes of entry and symptoms of  
709 overexposure.

710 (c) The proper handling practices, necessary personal  
711 protective equipment, and other proper or necessary safety  
712 precautions in circumstances that involve the use of or exposure  
713 to the agricultural pesticide, including appropriate emergency  
714 treatment in case of overexposure.

715 (d) The emergency procedures for spills, fire, disposal,  
716 and first aid.

717 (e) A description of the known specific potential health  
718 risks posed by the agricultural pesticide, which is written in  
719 lay terms and is intended to alert a ~~any~~ person who reads the  
720 information.

721 (f) The year and month, if available, that the information  
722 was compiled and the name, address, and emergency telephone  
723 number of the manufacturer responsible for preparing the  
724 information.

725 Section 26. Section 487.2051, Florida Statutes, is amended

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726 to read:

727 487.2051 Availability of agricultural pesticide information  
728 to workers and medical personnel.—

729 (1) An agricultural employer shall make available  
730 agricultural pesticide information concerning any agricultural  
731 pesticide to a ~~any~~ worker:

732 (a) Who enters an agricultural-pesticide-treated area on an  
733 agricultural establishment where:

734 1. An agricultural pesticide has been applied within 30  
735 days of that entry; or

736 2. A restricted-entry interval has been in effect; or

737 (b) Who may be exposed to the agricultural pesticide during  
738 normal conditions of use or in a foreseeable emergency.

739 (2) The agricultural pesticide information provided  
740 pursuant to subsection (1) must be in the form of a fact sheet  
741 or a ~~material~~ safety data sheet. The agricultural employer shall  
742 provide a written copy of the information provided pursuant to  
743 subsection (1) within 2 working days after a request for the  
744 information by a worker or a designated representative. In the  
745 case of a pesticide-related medical emergency, the agricultural  
746 employer shall provide a written copy of the information  
747 promptly upon the request of the worker, the designated  
748 representative, or medical personnel treating the worker.

749 (3) Upon the initial purchase of a product and with the  
750 first purchase after the fact sheet or ~~material~~ safety data  
751 sheet is updated, the distributor, manufacturer, or importer of  
752 agricultural pesticides shall obtain or develop and provide each  
753 direct purchaser of an agricultural pesticide with a fact sheet  
754 or ~~material~~ safety data sheet. If the fact sheet or ~~material~~

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755 safety data sheet ~~or fact sheet~~ for the agricultural pesticide  
 756 is not available when the agricultural pesticide is purchased,  
 757 the agricultural employer shall take appropriate and timely  
 758 steps to obtain the fact sheet or material safety data sheet ~~or~~  
 759 ~~fact sheet~~ from the distributor, the manufacturer, the  
 760 department, a federal agency, or another distribution source.

761 (4) The department shall produce and make available to a  
 762 trainer a one-page general agricultural pesticide safety sheet.  
 763 The pesticide safety sheet must be in a language understandable  
 764 to the worker and must include, but need not be limited to,  
 765 illustrated instructions on preventing agricultural pesticide  
 766 exposure and toll-free telephone numbers to the Florida Poison  
 767 Control Centers. The trainer shall provide the pesticide safety  
 768 sheet to the worker pursuant to the United States Environmental  
 769 Protection Agency Worker Protection Standard, 40 C.F.R. s.  
 770 170.130.

771 Section 27. Paragraph (c) of subsection (2) of section  
 772 493.6118, Florida Statutes, is amended to read:

773 493.6118 Grounds for disciplinary action.—

774 (2) When the department finds any violation of subsection  
 775 (1), it may do one or more of the following:

776 (c) Impose an administrative fine in the Class I category  
 777 pursuant to s. 570.971 ~~not to exceed \$1,000~~ for every count or  
 778 separate offense.

779 Section 28. Subsections (3) and (5) of section 493.6120,  
 780 Florida Statutes, are amended to read:

781 493.6120 Violations; penalty.—

782 (3) Except as otherwise provided in this chapter, a person  
 783 who violates any provision of this chapter except subsection (7)

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784 commits a misdemeanor of the first degree, punishable as  
 785 provided in s. 775.082 or s. 775.083. The department may also  
 786 seek the imposition of a civil penalty in the Class II category  
 787 pursuant to s. 570.971 upon a withhold of adjudication of guilt  
 788 or an adjudication of guilt in a criminal case.

789 (5) A person who violates or disregards a cease and desist  
 790 order issued by the department commits a misdemeanor of the  
 791 first degree, punishable as provided in s. 775.082 or s.  
 792 775.083. In addition, the department may seek the imposition of  
 793 a civil penalty in the Class II category pursuant to s. 570.971  
 794 ~~not to exceed \$5,000.~~

795 Section 29. Subsection (1) of section 496.420, Florida  
 796 Statutes, is amended to read:

797 496.420 Civil remedies and enforcement.—

798 (1) In addition to other remedies authorized by law, the  
 799 department may bring a civil action in circuit court to enforce  
 800 ss. 496.401-496.424 or s. 496.426. Upon a finding that any  
 801 person has violated any of these sections, a court may make any  
 802 necessary order or enter a judgment, including, but not limited  
 803 to, a temporary or permanent injunction, a declaratory judgment,  
 804 the appointment of a general or special magistrate or receiver,  
 805 the sequestration of assets, the reimbursement of persons from  
 806 whom contributions have been unlawfully solicited, the  
 807 distribution of contributions pursuant to in accordance with the  
 808 charitable or sponsor purpose expressed in the registration  
 809 statement or pursuant to in accordance with the representations  
 810 made to the person solicited, the reimbursement of the  
 811 department for investigative costs and attorney, ~~attorney's~~ fees  
 812 and costs, and any other equitable relief the court finds

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813 appropriate. Upon a finding that a ~~any~~ person has violated any  
 814 provision of ss. 496.401-496.424 or s. 496.426 with actual  
 815 knowledge or knowledge fairly implied on the basis of objective  
 816 circumstances, a court may enter an order imposing a civil fine  
 817 in the Class III category pursuant to s. 570.971 for each  
 818 ~~penalty in an amount not to exceed \$10,000 per~~ violation.

819 Section 30. Paragraph (p) of subsection (1) of section  
 820 500.03, Florida Statutes, is amended to read:

821 500.03 Definitions; construction; applicability.-

822 (1) For the purpose of this chapter, the term:

823 (p) "Food establishment" means a ~~any~~ factory, food outlet,  
 824 or ~~any~~ other facility manufacturing, processing, packing,  
 825 holding, or preparing food or selling food at wholesale or  
 826 retail. The term does not include a ~~any~~ business or activity  
 827 that is regulated under s. 413.051, s. 500.80, chapter 509, or  
 828 chapter 601. The term includes tomato packinghouses and  
 829 repackers but does not include any other establishments that  
 830 pack fruits and vegetables in their raw or natural states,  
 831 including those fruits or vegetables that are washed, colored,  
 832 or otherwise treated in their unpeeled, natural form before they  
 833 are marketed.

834 Section 31. Paragraphs (a) and (b) of subsection (1) and  
 835 subsection (8) of section 500.12, Florida Statutes, are amended  
 836 to read:

837 500.12 Food permits; building permits.-

838 (1) (a) A food permit from the department is required of a  
 839 ~~any~~ person who operates a food establishment or retail food  
 840 store, except:

841 1. Persons operating minor food outlets, ~~including, but not~~

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842 ~~limited to, video stores,~~ that sell food that is commercially  
 843 prepackaged, not potentially hazardous, and not time or  
 844 temperature controlled for safety, if ~~nonpotentially hazardous~~  
 845 ~~candy, chewing gum, soda, or popcorn,~~ provided the shelf space  
 846 for those items does not exceed 12 total linear feet and no  
 847 other food is sold by the minor food outlet.

848 2. Persons subject to continuous, onsite federal or state  
 849 inspection.

850 3. Persons selling only legumes in the shell, either  
 851 parched, roasted, or boiled.

852 4. Persons selling sugar cane or sorghum syrup that has  
 853 been boiled and bottled on a premise located within the state.  
 854 Such bottles must contain a label listing the producer's name  
 855 and street address, all added ingredients, the net weight or  
 856 volume of the product, and a statement that reads, "This product  
 857 has not been produced in a facility permitted by the Florida  
 858 Department of Agriculture and Consumer Services."

859 (b) Each food establishment and retail food store regulated  
 860 under this chapter must apply for and receive a food permit  
 861 before operation begins. An application for a food permit from  
 862 the department must be accompanied by a fee in an amount  
 863 determined by department rule. The department shall adopt by  
 864 rule a schedule of fees to be paid by each food establishment  
 865 and retail food store as a condition of issuance or renewal of a  
 866 food permit. Such fees, ~~which~~ may not exceed \$650 and shall be  
 867 used solely for the recovery of costs for the services provided,  
 868 except that the fee accompanying an application for a food  
 869 permit for operating a bottled water plant may not exceed \$1,000  
 870 and the fee accompanying an application for a food permit for

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871 operating a packaged ice plant may not exceed \$250. The fee for  
 872 operating a bottled water plant or a packaged ice plant shall be  
 873 set by rule of the department. Food permits are not transferable  
 874 from one person or physical location to another. Food permits  
 875 must be renewed annually on or before January 1. If an  
 876 application for renewal of a food permit is not received by the  
 877 department within 30 days after its due date, a late fee, ~~in an~~  
 878 ~~amount~~ not exceeding \$100, must be paid in addition to the food  
 879 permit fee before the department may issue the food permit. The  
 880 moneys collected shall be deposited in the General Inspection  
 881 Trust Fund.

882 (8) ~~A~~ Any person who, after October 1, 2000, applies for or  
 883 renews a local business tax certificate occupational license to  
 884 engage in business as a food establishment or retail food store  
 885 must exhibit a current food permit or an active letter of  
 886 exemption from the department before the local business tax  
 887 certificate occupational license may be issued or renewed.

888 Section 32. Subsections (1), (2), and (3) of section  
 889 500.121, Florida Statutes, are amended, and subsection (7) is  
 890 added to that section, to read:

891 500.121 Disciplinary procedures.—

892 (1) In addition to the suspension procedures provided in s.  
 893 500.12, if applicable, the department may impose an  
 894 administrative fine in the Class II category pursuant to s.  
 895 570.971 a fine not to exceed \$5,000 against any retail food  
 896 store, food establishment, or cottage food operation that  
 897 violates this chapter, which fine, when imposed and paid, shall  
 898 be deposited by the department into the General Inspection Trust  
 899 Fund. The department may revoke or suspend the permit of ~~any~~

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900 such retail food store or food establishment if it is satisfied  
 901 that the retail food store or food establishment has:

902 (a) Violated ~~any of the provisions of~~ this chapter.

903 (b) Violated or aided or abetted in the violation of any  
 904 law of this state governing or applicable to retail food stores  
 905 or food establishments or any lawful rules of the department.

906 (c) Knowingly committed, or been a party to, any material  
 907 fraud, misrepresentation, conspiracy, collusion, trick, scheme,  
 908 or device whereby another ~~any other~~ person, lawfully relying  
 909 upon the word, representation, or conduct of a retail food store  
 910 or food establishment, acts to her or his injury or damage.

911 (d) Committed any act or conduct of the same or different  
 912 character than that enumerated which constitutes fraudulent or  
 913 dishonest dealing.

914 (2) ~~A~~ Any manufacturer, processor, packer, or distributor  
 915 who misrepresents or mislabels the country of origin of any food  
 916 may, in addition to any penalty provided in this chapter, be  
 917 subject to an additional administrative fine in the Class II  
 918 category pursuant to s. 570.971 for each of up to \$10,000 per  
 919 violation.

920 (3) Any administrative order made and entered by the  
 921 department imposing a fine pursuant to this section shall  
 922 specify the amount of the fine and the time limit for payment  
 923 thereof, not exceeding 21 ~~15~~ days, and, upon failure of the  
 924 permitholder to pay the fine within that time, the permit is  
 925 subject to suspension or revocation.

926 (7) The department may determine that a food establishment  
 927 regulated under this chapter requires immediate closure when the  
 928 food establishment fails to comply with this chapter or rules

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932 adopted under this chapter and presents an imminent threat to  
 933 the public health, safety, and welfare. The department may  
 934 accept inspection results from other state and local building  
 935 officials and other regulatory agencies as justification for  
 936 such action. The department shall, upon such a determination,  
 937 issue an immediate final order to close a food establishment as  
 938 follows:

939 (a) The division director or designee shall determine that  
 940 the continued operation of a food establishment presents an  
 941 immediate danger to the public health, safety, and welfare.

942 (b) Upon such determination, the department shall issue an  
 943 immediate final order directing the owner or operator of the  
 944 food establishment to cease operation and close the food  
 945 establishment. The department shall serve the order upon the  
 946 owner, operator, or agent thereof of the food establishment. The  
 947 department may attach a closed-for-operation sign to the food  
 948 establishment while the order remains in place.

949 (c) The department shall inspect the food establishment  
 950 within 24 hours after the issuance of the order. Upon a  
 951 determination that the food establishment has met the applicable  
 952 requirements to resume operations, the department shall serve a  
 953 release upon the owner, operator, or agent thereof of the food  
 954 establishment.

955 (d) A food establishment ordered by the department to cease  
 956 operation and close under this section shall remain closed until  
 957 released by the department or by a judicial order to reopen.

958 (e) It is a misdemeanor of the second degree, punishable as  
 959 provided in s. 775.082 or s. 775.083, for a person to deface or  
 960 remove a closed-for-operation sign placed on a food

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932 establishment by the department or for the owner or operator of  
 933 a food establishment to resist closure of the establishment by  
 934 the department. The department may impose administrative  
 935 sanctions for violations of this paragraph.

936 (f) The department may adopt rules to administer this  
 937 subsection.

938 Section 33. Subsection (1) of section 500.147, Florida  
 939 Statutes, is amended to read:

940 500.147 Inspection of food establishments, food records,  
 941 and vehicles.-

942 (1) The department or its duly authorized agent shall have  
 943 free access at all reasonable hours to any food establishment,  
 944 any food records, or any vehicle being used to transport or hold  
 945 food in commerce for the purpose of inspecting such  
 946 establishment, records, or vehicle to determine whether ~~if any~~  
 947 provision of this chapter or any rule adopted under ~~this the~~  
 948 chapter is being violated; to secure a sample or a specimen of  
 949 any food after paying or offering to pay for such sample; to see  
 950 that all sanitary rules adopted by the department are complied  
 951 with; to facilitate tracing of food products in the event of a  
 952 food-borne illness outbreak or identification of an adulterated  
 953 or misbranded food item; or to enforce the special-occupancy  
 954 provisions of the Florida Building Code which apply to food  
 955 establishments.

956 Section 34. Subsection (3) of section 500.165, Florida  
 957 Statutes, is amended to read:

958 500.165 Transporting shipments of food items; rules;  
 959 penalty.-

960 (3) A Any person who violates subsection (1) or the rules

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987 adopted under subsection (2) is subject to an administrative  
 988 fine in the Class III category pursuant to s. 570.971 for each  
 989 ~~not to exceed \$50,000 per~~ violation. In addition, a any person  
 990 who violates subsection (1) ~~commits is guilty of~~ a misdemeanor  
 991 of the first degree, punishable as provided in s. 775.082 or s.  
 992 775.083.

993 Section 35. Section 500.172, Florida Statutes, is amended  
 994 to read:

995 500.172 Embargoing, detaining, destroying of food or food-  
 996 processing equipment, or areas that are ~~is~~ in violation.-

997 (1) When the department or its duly authorized agent finds,  
 998 or has probable cause to believe, that any food, ~~or~~ food-  
 999 processing equipment, food-processing area, or food storage area  
 1000 is in violation of this chapter or any rule adopted under this  
 1001 chapter so as to be dangerous, unwholesome, fraudulent, or  
 1002 insanitary within the meaning of this chapter, an agent of the  
 1003 department may issue and enforce a stop-sale, stop-use, removal,  
 1004 or hold order, which ~~order~~ gives notice that such article, ~~or~~  
 1005 processing equipment, processing area, or storage area is, or is  
 1006 suspected of being, in violation and has been detained or  
 1007 embargoed and ~~which order~~ warns all persons not to remove, use,  
 1008 or dispose of such article, ~~or~~ processing equipment, processing  
 1009 area, or storage area by sale or otherwise until permission for  
 1010 removal, use, or disposal is given by the department or the  
 1011 court. ~~A person may not It is unlawful for any person to~~ remove,  
 1012 use, or dispose of such detained or embargoed article, ~~or~~  
 1013 processing equipment, processing area, or storage area by sale  
 1014 or otherwise without such permission.

1015 (2) If an article, ~~or~~ processing equipment, a processing

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1016 area, or a storage area detained or embargoed under subsection  
 1017 (1) has been found by the department to be in violation of law  
 1018 or rule, the department may, within a reasonable period ~~of time~~  
 1019 after the issuance of such notice, petition the circuit court,  
 1020 in the jurisdiction of which the article, ~~or~~ processing  
 1021 equipment, processing area, or storage area is detained or  
 1022 embargoed, for an order for condemnation of such article, ~~or~~  
 1023 processing equipment, processing area, or storage area. When the  
 1024 department has found that an article, ~~or~~ processing equipment, a  
 1025 processing area, or a storage area so detained or embargoed is  
 1026 not in violation, the department shall rescind the stop-sale,  
 1027 stop-use, removal, or hold order.

1028 (3) If the court finds that the detained or embargoed  
 1029 article, ~~or~~ processing equipment, processing area, or storage  
 1030 area is in violation, such article, ~~or~~ processing equipment, a  
 1031 processing area, or storage area shall, after entry of the  
 1032 decree, be destroyed or made sanitary at the expense of the  
 1033 claimant thereof under the supervision of the department, ~~and~~  
 1034 all court costs, fees, and storage and other proper expenses  
 1035 shall be taxed against the claimant of such article, ~~or~~  
 1036 processing equipment, processing area, or storage area or her or  
 1037 his agent. However, if the violation can be corrected by proper  
 1038 labeling of the article or sanitizing of the processing  
 1039 equipment, processing area, or storage area, and after such  
 1040 costs, fees, and expenses have been paid and a good and  
 1041 sufficient bond, conditioned that such article be so labeled or  
 1042 processed or such processing equipment, processing area, or  
 1043 storage area so sanitized, has been executed, the court may by  
 1044 order direct that such article, ~~or~~ processing equipment,

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 1045 processing area, or storage area be made available ~~delivered~~ to  
 1046 the claimant thereof for such labeling, processing, or  
 1047 sanitizing under the supervision of the department. The expense  
 1048 of such supervision shall be paid by the claimant. Such bond  
 1049 shall be returned to the claimant of the article, ~~or~~ processing  
 1050 equipment, processing area, or storage area, on representation  
 1051 to the court by the department that the article, ~~or~~ processing  
 1052 equipment, processing area, or storage area is no longer in  
 1053 violation of this chapter and that the expenses of such  
 1054 supervision have been paid.

(4) When the department or any of its authorized agents  
 1055 finds in any room, building, vehicle, or other structure any  
 1056 meat, seafood, poultry, vegetable, fruit, or other perishable  
 1057 articles which are unsound or contain any filthy, decomposed, or  
 1058 putrid substances, or which may be poisonous or deleterious to  
 1059 health or otherwise unsafe, the same is being hereby declared to  
 1060 be a nuisance, and the department, ~~or~~ its authorized agent,  
 1061 shall ~~forthwith~~ condemn or destroy the same, ~~or~~ in any other  
 1062 manner render the same unsalable as human food.

Section 36. Sections 500.301, 500.302, 500.303, 500.304,  
 1064 500.305, 500.306, and 500.601, Florida Statutes, are repealed.

Section 37. Paragraph (b) of subsection (3) of section  
 1066 500.70, Florida Statutes, is amended to read:

500.70 Tomato food safety standards; inspections;  
 1068 penalties; tomato good agricultural practices; tomato best  
 1069 management practices.-

(3)

(b) The department may impose an administrative fine in the  
 1072 Class II category pursuant to s. 570.971 for each not to exceed  
 1073

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 1074 ~~\$5,000 per~~ violation, or issue a written notice or warning under  
 1075 s. 500.179, against a person who violates any applicable  
 1076 provision of this section or any rule adopted under this  
 1077 section.

Section 38. Subsection (3) and paragraph (b) of subsection  
 1078 (4) of section 501.019, Florida Statutes, are amended to read:  
 1079 501.019 Health studios; penalties.-

(3) The department may institute proceedings in the  
 1081 appropriate circuit court to recover any penalties or damages  
 1082 allowed in this section and for injunctive relief to enforce  
 1083 compliance with ss. 501.012-501.019 or any rule or order of the  
 1084 department. The department may seek a civil penalty in the Class  
 1085 II category pursuant to s. 570.971 of up to \$5,000 for each  
 1086 violation of this section.

(4)

(b) Upon a finding as set forth in paragraph (a), the  
 1089 department may enter an order doing one or more of the  
 1090 following:

1. Issuing a notice of noncompliance pursuant to s.  
 1092 120.695.

2. For a violation of s. 501.015 or s. 501.016, imposing an  
 1094 administrative fine in the Class II category pursuant to s.  
 1095 570.971 for each not to exceed \$5,000 per violation.

~~3. For a violation of s. 501.013, s. 501.017, or s.~~  
 1097 ~~501.018, imposing an administrative fine not to exceed \$500 per~~  
 1098 ~~violation.-~~

~~3.4-~~ Directing that the health studio cease and desist  
 1100 specified activities.

~~4.5-~~ Refusing to register or revoking or suspending a

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1103 registration.

1104 ~~5.6-~~ Placing the registrant on probation for a period of 5  
1105 years, subject to such conditions as the department may specify  
1106 by rule.

1107 Section 39. Subsection (9) of section 501.059, Florida  
1108 Statutes, is amended, and subsection (12) is added to that  
1109 section, to read:

1110 501.059 Telephone solicitation.—

1111 (9) (a) The department shall investigate any complaints  
1112 received concerning violations of this section. If, after  
1113 investigating a ~~any~~ complaint, the department finds that there  
1114 has been a violation of this section, the department or the  
1115 Department of Legal Affairs may bring an action to impose a  
1116 civil penalty and to seek other relief, including injunctive  
1117 relief, as the court deems appropriate against the telephone  
1118 solicitor. The civil penalty shall be in the Class III category  
1119 pursuant to s. 570.971 for each ~~may not exceed \$10,000 per~~  
1120 violation and shall be deposited in the General Inspection Trust  
1121 Fund if the action or proceeding was brought by the department,  
1122 or the Legal Affairs Revolving Trust Fund if the action or  
1123 proceeding was brought by the Department of Legal Affairs. This  
1124 civil penalty may be recovered in any action brought under this  
1125 part by the department, or the department may terminate any  
1126 investigation or action upon agreement by the person to pay a  
1127 stipulated civil penalty. The department or the court may waive  
1128 any civil penalty if the person has previously made full  
1129 restitution or reimbursement or has paid actual damages to the  
1130 consumers who have been injured by the violation.

1131 (b) The department may, as an alternative to the civil

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1132 penalties provided in paragraph (a), impose an administrative  
1133 fine in the Class I category pursuant to s. 570.971 ~~not to~~  
1134 ~~exceed \$1,000~~ for each act or omission that constitutes a  
1135 violation of this section. An administrative proceeding that  
1136 could result in the entry of an order imposing an administrative  
1137 penalty must be conducted pursuant to ~~in accordance with~~ chapter  
1138 120.

1139 (12) The department may adopt rules to implement this  
1140 section.

1141 Section 40. Paragraph (b) of subsection (2) of section  
1142 501.612, Florida Statutes, is amended to read:

1143 501.612 Grounds for departmental action against licensure  
1144 applicants or licensees.—

1145 (2) Upon a finding as set forth in subsection (1), the  
1146 department may enter an order:

1147 (b) Imposing an administrative fine in the Class III  
1148 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each  
1149 act or omission which constitutes a violation under this part.

1150 Section 41. Section 501.619, Florida Statutes, is amended  
1151 to read:

1152 501.619 Civil penalties.—~~A~~ Any person who engages in any  
1153 act or practice declared in this part to be unlawful is liable  
1154 for a civil penalty in the Class III category pursuant to s.  
1155 570.971 ~~of not more than \$10,000~~ for each such violation. This  
1156 civil penalty may be recovered in any action brought under this  
1157 part by the department, or the department may terminate any  
1158 investigation or action upon agreement by the person to pay a  
1159 stipulated civil penalty. The department or the court may waive  
1160 any such civil penalty or other fines or costs if the person has

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1161 previously made full restitution or reimbursement or has paid  
 1162 actual damages to the purchasers who have been injured by the  
 1163 unlawful act or practice.

1164 Section 42. Paragraph (a) of subsection (1) of section  
 1165 501.922, Florida Statutes, is amended to read:  
 1166 501.922 Violation.—

1167 (1) The department may enter an order imposing one or more  
 1168 of the following penalties against any person who violates ss.  
 1169 501.91-501.923 or who impedes, obstructs, or hinders the  
 1170 department in performing its duties under those sections:

1171 (a) Imposition of an administrative fine in the Class II  
 1172 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~  
 1173 ~~per violation for a first time offender. For a second time or~~  
 1174 ~~repeat offender, or any person who willfully and intentionally~~  
 1175 ~~violates ss. 501.91-501.923, the administrative fine may not~~  
 1176 ~~exceed \$5,000 per violation.~~

1177 Section 43. Paragraph (b) of subsection (1) of section  
 1178 502.231, Florida Statutes, is amended to read:  
 1179 502.231 Penalty and injunction.—

1180 (1) The department may enter an order imposing one or more  
 1181 of the following penalties against any person who violates any  
 1182 provision of this chapter:

1183 (b) Imposition of an administrative fine ~~not to exceed:~~

1184 1. In the Class II category pursuant to s. 570.971 for each  
 1185 ~~Ten thousand dollars per~~ violation in the case of a frozen  
 1186 dessert licensee;

1187 2. Ten percent of the license fee or \$100, whichever is  
 1188 greater, for failure to report the information described in s.  
 1189 502.053(3)(d); or

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1190 3. In the Class I category pursuant to s. 570.971 for each  
 1191 ~~One thousand dollars per~~ occurrence for any other violation.  
 1192

1193 When imposing a fine under this paragraph, the department must  
 1194 consider the degree and extent of harm caused by the violation,  
 1195 the cost of rectifying the damage, the benefit to the violator,  
 1196 whether the violation was committed willfully, and the  
 1197 violator's compliance record.

1198 Section 44. Subsection (1) of section 507.09, Florida  
 1199 Statutes, is amended to read:  
 1200 507.09 Administrative remedies; penalties.—

1201 (1) The department may enter an order doing one or more of  
 1202 the following if the department finds that a mover or moving  
 1203 broker, or a person employed or contracted by a mover or broker,  
 1204 has violated or is operating in violation of this chapter or the  
 1205 rules or orders issued pursuant to ~~in accordance with~~ this  
 1206 chapter:

1207 (a) Issuing a notice of noncompliance under s. 120.695.  
 1208 (b) Imposing an administrative fine in the Class II  
 1209 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each  
 1210 act or omission.

1211 (c) Directing that the person cease and desist specified  
 1212 activities.

1213 (d) Refusing to register or revoking or suspending a  
 1214 registration.

1215 (e) Placing the registrant on probation ~~for a period of~~  
 1216 ~~time~~, subject to the conditions specified by the department.

1217 Section 45. Subsection (2) of section 507.10, Florida  
 1218 Statutes, is amended to read:

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1219 507.10 Civil penalties; remedies.—

1220 (2) The department may seek a civil penalty in the Class II  
 1221 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each  
 1222 violation of this chapter.

1223 Section 46. Paragraph (g) of subsection (2) and paragraph  
 1224 (c) of subsection (3) of section 509.032, Florida Statutes, are  
 1225 amended to read:

1226 509.032 Duties.—

1227 (2) INSPECTION OF PREMISES.—

1228 (g) In inspecting public food service establishments, the  
 1229 department shall provide each inspected establishment with the  
 1230 food-recovery brochure developed under s. 595.420 ~~570.0725~~.

1231 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE  
 1232 EVENTS.—The division shall:

1233 (c) Administer a public notification process for temporary  
 1234 food service events and distribute educational materials that  
 1235 address safe food storage, preparation, and service procedures.

1236 1. Sponsors of temporary food service events shall notify  
 1237 the division not less than 3 days before ~~prior to~~ the scheduled  
 1238 event of the type of food service proposed, the time and  
 1239 location of the event, a complete list of food service vendors  
 1240 participating in the event, the number of individual food  
 1241 service facilities each vendor will operate at the event, and  
 1242 the identification number of each food service vendor's current  
 1243 license as a public food service establishment or temporary food  
 1244 service event licensee. Notification may be completed orally, by  
 1245 telephone, in person, or in writing. A public food service  
 1246 establishment or food service vendor may not use this  
 1247 notification process to circumvent the license requirements of

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1248 this chapter.

1249 2. The division shall keep a record of all notifications  
 1250 received for proposed temporary food service events and shall  
 1251 provide appropriate educational materials to the event sponsors,  
 1252 including the food-recovery brochure developed under s. 595.420  
 1253 ~~570.0725~~.

1254 3.a. A public food service establishment or other food  
 1255 service vendor must obtain one of the following classes of  
 1256 license from the division: an individual license, for a fee of  
 1257 no more than \$105, for each temporary food service event in  
 1258 which it participates; or an annual license, for a fee of no  
 1259 more than \$1,000, that entitles the licensee to participate in  
 1260 an unlimited number of food service events during the license  
 1261 period. The division shall establish license fees, by rule, and  
 1262 may limit the number of food service facilities a licensee may  
 1263 operate at a particular temporary food service event under a  
 1264 single license.

1265 b. Public food service establishments holding current  
 1266 licenses from the division may operate under the regulations of  
 1267 such a license at temporary food service events of 3 days or  
 1268 less in duration.

1269 Section 47. Paragraph (a) of subsection (1) of section  
 1270 525.16, Florida Statutes, is amended to read:

1271 525.16 Administrative fine; penalties; prosecution of cases  
 1272 by state attorney.—

1273 (1)(a) The department may enter an order imposing one or  
 1274 more of the following penalties against a ~~any~~ person who  
 1275 violates ~~any of the provisions of~~ this chapter or the rules  
 1276 adopted under this chapter or impedes, obstructs, or hinders the

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1277 department in the performance of its duty in connection with ~~the~~  
 1278 ~~provisions of this chapter:~~

1279 1. Issuance of a warning letter.

1280 2. Imposition of an administrative fine in the Class II  
 1281 category pursuant to s. 570.971 for each of not more than \$1,000  
 1282 per violation for a first-time offender. For a second-time or  
 1283 repeat offender, or any person who is shown to have willfully  
 1284 and intentionally violated any provision of this chapter, the  
 1285 administrative fine shall not exceed \$5,000 per violation. When  
 1286 imposing any fine under this section, the department shall  
 1287 consider the degree and extent of harm caused by the violation,  
 1288 the cost of rectifying the damage, the amount of money the  
 1289 violator benefited from by noncompliance, whether the violation  
 1290 was committed willfully, and the compliance record of the  
 1291 violator.

1292 3. Revocation or suspension of any registration issued by  
 1293 the department.

1294 Section 48. Subsection (1) of section 526.311, Florida  
 1295 Statutes, is amended to read:

1296 526.311 Enforcement; civil penalties; injunctive relief.—  
 1297 (1) A Any person who knowingly violates this act shall be  
 1298 subject to a civil penalty in the Class III category pursuant to  
 1299 s. 570.971 for each not to exceed \$10,000 per violation. Each  
 1300 day that a violation of this act occurs shall be considered a  
 1301 separate violation, but the ~~no~~ civil penalty may not shall  
 1302 exceed \$250,000. ~~Any~~ Such a person shall also be liable for  
 1303 attorney ~~attorney's~~ fees and shall be subject to an action for  
 1304 injunctive relief.

1305 Section 49. Paragraph (b) of subsection (2) of section

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1306 526.55, Florida Statutes, is amended to read:

1307 526.55 Violation and penalties.—

1308 (2) If the department finds that a person has violated or  
 1309 is operating in violation of ss. 526.50-526.56 or the rules or  
 1310 orders adopted thereunder, the department may, by order:

1311 (b) Impose an administrative fine in the Class II category  
 1312 pursuant to s. 570.971 not to exceed \$5,000 for each violation;

1313 Section 50. Subsection (1) of section 527.13, Florida  
 1314 Statutes, is amended to read:

1315 527.13 Administrative fines and warning letters.—

1316 (1) If a ~~any~~ person violates ~~any provision of this chapter~~  
 1317 or any rule adopted under this chapter pursuant thereto or a  
 1318 cease and desist order, the department may impose civil or  
 1319 administrative penalties in the Class II category pursuant to s.  
 1320 570.971 not to exceed \$3,000 for each offense, suspend or revoke  
 1321 the license or qualification issued to such person, or any of  
 1322 the foregoing. The cost of the proceedings to enforce this  
 1323 chapter may be added to any penalty imposed. The department may  
 1324 allow the licensee a reasonable period, not to exceed 90 days,  
 1325 within which to pay to the department the amount of the penalty  
 1326 so imposed. If the licensee fails to pay the penalty in its  
 1327 entirety to the department at its office at Tallahassee within  
 1328 the period so allowed, the licenses of the licensee shall stand  
 1329 revoked upon expiration of such period.

1330 Section 51. Subsection (1) of section 531.50, Florida  
 1331 Statutes, is amended to read:

1332 531.50 Administrative fine, penalties, and offenses.—  
 1333 (1) The department may enter an order imposing one or more  
 1334 of the following penalties against a ~~any~~ person who violates ~~any~~

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1335 ~~provision of~~ this chapter or any rule adopted under this chapter  
 1336 or impedes, obstructs, or hinders the department in performing  
 1337 ~~the performance of~~ its duties under ~~in connection with the~~  
 1338 ~~provisions of~~ this chapter:

1339 (a) Issuance of a warning letter or notice.

1340 (b) Imposition of an administrative fine in the Class II  
 1341 category pursuant to s. 570.971 for each of

1342 ~~1. Up to \$1,000 for a first violation;~~  
 1343 ~~2. Up to \$2,500 for a second violation within 2 years after~~  
 1344 ~~the first violation; or~~  
 1345 ~~3. Up to \$5,000 for a third violation within 2 years after~~  
 1346 ~~the first violation.~~

1347

1348 When imposing any fine under this section, the department shall  
 1349 consider the degree and extent of potential harm caused by the  
 1350 violation, the amount of money by which the violator benefited  
 1351 from noncompliance, whether the violation was committed  
 1352 willfully, and the compliance record of the violator. All fines,  
 1353 monetary penalties, and costs received by the department shall  
 1354 be deposited in the General Inspection Trust Fund for the  
 1355 purpose of administering the provisions of this chapter.

1356 Section 52. Subsection (2) of section 534.52, Florida  
 1357 Statutes, is amended to read:

1358 534.52 Violations; refusal, suspension, revocation;  
 1359 penalties.—

1360 (2) In addition, or as an alternative to refusing,  
 1361 suspending, or revoking a license in cases involving violations,  
 1362 the department may impose an administrative a fine in the Class  
 1363 I category pursuant to s. 570.971 not to exceed \$500 for the

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1364 first offense and not to exceed \$1,000 for the second or  
 1365 subsequent violations. When imposed and paid, such fines shall  
 1366 be deposited in the General Inspection Trust Fund.

1367 Section 53. Paragraphs (b) and (d) of subsection (7) of  
 1368 section 539.001, Florida Statutes, are amended to read:

1369 539.001 The Florida Pawnbroking Act.—

1370 (7) ORDERS IMPOSING PENALTIES.—

1371 (b) Upon a finding as set forth in paragraph (a), the  
 1372 agency may enter an order doing one or more of the following:

1373 1. Issuing a notice of noncompliance pursuant to s.  
 1374 120.695.

1375 2. Imposing an administrative fine in the Class II category  
 1376 pursuant to s. 570.971 not to exceed \$5,000 for each act which  
 1377 constitutes a violation of this section or a rule or an order.

1378 3. Directing that the pawnbroker cease and desist specified  
 1379 activities.

1380 4. Refusing to license or revoking or suspending a license.

1381 5. Placing the licensee on probation ~~for a period of time,~~  
 1382 subject to such conditions as the agency may specify.

1383 (d)1. When the agency, if a violation of this section  
 1384 occurs, has reasonable cause to believe that a person is  
 1385 operating in violation of this section, the agency may bring a  
 1386 civil action in the appropriate court for temporary or permanent  
 1387 injunctive relief and may seek other appropriate civil relief,  
 1388 including a civil penalty in the Class II category pursuant to  
 1389 s. 570.971 not to exceed \$5,000 for each violation, restitution  
 1390 and damages for injured customers, court costs, and reasonable  
 1391 attorney attorney's fees.

1392 2. The agency may terminate any investigation or action

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1393 upon agreement by the offender to pay a stipulated civil  
 1394 penalty, to make restitution or pay damages to customers, or to  
 1395 satisfy ~~any~~ other relief authorized herein and requested by the  
 1396 agency.

1397 Section 54. Paragraph (b) of subsection (4) and paragraph  
 1398 (a) of subsection (5) of section 559.921, Florida Statutes, are  
 1399 amended to read:

1400 559.921 Remedies.—

1401 (4)

1402 (b) Upon a finding as set forth in paragraph (a), the  
 1403 department may enter an order doing one or more of the  
 1404 following:

1405 1. Issuing a notice of noncompliance pursuant to s.  
 1406 120.695.

1407 2. Imposing an administrative fine in the Class I category  
 1408 pursuant to s. 570.971 for each ~~not to exceed \$1,000 per~~  
 1409 violation for each act which constitutes a violation of this  
 1410 part or a rule or order.

1411 3. Directing that the motor vehicle repair shop cease and  
 1412 desist specified activities.

1413 4. Refusing to register or revoking or suspending a  
 1414 registration.

1415 5. Placing the registrant on probation ~~for a period of~~  
 1416 ~~time~~, subject to such conditions as the department may specify.

1417 (5) (a) The department or the state attorney, if a violation  
 1418 of this part occurs in his or her judicial circuit, shall be the  
 1419 enforcing authority for purposes of this part and may bring a  
 1420 civil action in circuit court for temporary or permanent  
 1421 injunctive relief and may seek other appropriate civil relief,

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1422 including a civil penalty in the Class I category pursuant to s.  
 1423 570.971 ~~not to exceed \$1,000~~ for each violation, restitution and  
 1424 damages for injured customers, court costs, and reasonable  
 1425 attorney ~~attorney's~~ fees.

1426 Section 55. Subsection (1) of section 559.9355, Florida  
 1427 Statutes, is amended to read:

1428 559.9355 Administrative remedies; penalties.—

1429 (1) The department may enter an order doing one or more of  
 1430 the following if the department finds that a person has violated  
 1431 or is operating in violation of ~~any of the provisions of~~ this  
 1432 part or the rules or orders issued thereunder:

1433 (a) Issuing a notice of noncompliance pursuant to s.  
 1434 120.695.

1435 (b) Imposing an administrative fine in the Class II  
 1436 category pursuant to s. 570.971 ~~not to exceed \$5,000 for each~~  
 1437 ~~act or omission.~~

1438 ~~(c) Imposing an administrative fine not to exceed \$10,000~~  
 1439 ~~for each act or omission in violation of s. 559.9335(22) or~~  
 1440 ~~(23).~~

1441 (c) ~~(d)~~ Directing that the person cease and desist specified  
 1442 activities.

1443 (d) ~~(e)~~ Refusing to register or canceling or suspending a  
 1444 registration.

1445 (e) ~~(f)~~ Placing the registrant on probation for a period of  
 1446 time, subject to such conditions as the department may specify.

1447 (f) ~~(g)~~ Canceling an exemption granted under s. 559.935.

1448 Section 56. Subsections (2) and (3) of section 559.936,  
 1449 Florida Statutes, are amended to read:

1450 559.936 Civil penalties; remedies.—

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1451 (2) The department may seek a civil penalty in the Class II  
 1452 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each  
 1453 violation of this part.

1454 (3) The department may seek a civil penalty in the Class  
 1455 III category pursuant to s. 570.971 ~~of up to \$10,000~~ for each  
 1456 act or omission in violation of s. 559.9335(22) or (23).

1457 Section 57. Subsection (33) of section 570.07, Florida  
 1458 Statutes, is amended to read:

1459 570.07 Department of Agriculture and Consumer Services;  
 1460 functions, powers, and duties.—The department shall have and  
 1461 exercise the following functions, powers, and duties:

1462 (33) To assist local volunteer and nonprofit organizations  
 1463 in soliciting, collecting, packaging, or delivering surplus  
 1464 fresh fruit and vegetables for distribution pursuant to ~~in~~  
 1465 ~~accordance with s. 595.420~~ 570.0725. The department also may  
 1466 coordinate the development of food recovery programs in the  
 1467 production areas of the state using local volunteer and  
 1468 nonprofit organizations.

1469 Section 58. Section 570.0705, Florida Statutes, is  
 1470 renumbered as section 570.232, Florida Statutes.

1471 Section 59. Section 570.0725, Florida Statutes, is  
 1472 transferred and renumbered as section 595.420, Florida Statutes.

1473 Section 60. Section 570.073, Florida Statutes, is  
 1474 renumbered as section 570.65, Florida Statutes.

1475 Section 61. Section 570.074, Florida Statutes, is  
 1476 transferred, renumbered as section 570.66, Florida Statutes, and  
 1477 amended to read:

1478 570.66 ~~570.074~~ Department of Agriculture and Consumer  
 1479 Services; water policy.—The commissioner may create an Office of

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1480 Agricultural Water Policy under the supervision of a senior  
 1481 manager exempt under s. 110.205 in the Senior Management  
 1482 Service. The commissioner may designate the bureaus and  
 1483 positions in the various organizational divisions of the  
 1484 department that report to ~~the~~ this office relating to any matter  
 1485 over which the department has jurisdiction in matters relating  
 1486 to water policy affecting agriculture, application of such  
 1487 policies, and coordination of such matters with state and  
 1488 federal agencies. The office shall enforce and implement the  
 1489 provisions of chapter 582 and rules relating to soil and water  
 1490 conservation.

1491 Section 62. Section 570.0741, Florida Statutes, is  
 1492 transferred, renumbered as section 377.805, Florida Statutes,  
 1493 and amended to read:

1494 377.805 ~~570.0741~~ Energy efficiency and conservation  
 1495 clearinghouse.—The Office of Energy within the Department of  
 1496 Agriculture and Consumer Services, in consultation with the  
 1497 Public Service Commission, the Florida Building Commission, and  
 1498 the Florida Energy Systems Consortium, shall develop a  
 1499 clearinghouse of information regarding cost savings associated  
 1500 with various energy efficiency and conservation measures. The  
 1501 Department of Agriculture and Consumer Services shall post the  
 1502 information on its website ~~by July 1, 2013~~.

1503 Section 63. Section 570.075, Florida Statutes, is  
 1504 renumbered as section 570.916, Florida Statutes.

1505 Section 64. Section 570.076, Florida Statutes, is  
 1506 renumbered as section 570.921, Florida Statutes, and paragraph  
 1507 (c) of subsection (2) of that section is amended to read:

1508 570.921 ~~570.076~~ Environmental Stewardship Certification



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1509 Program.—The department may, by rule, establish the  
 1510 Environmental Stewardship Certification Program consistent with  
 1511 this section. A rule adopted under this section must be  
 1512 developed in consultation with state universities, agricultural  
 1513 organizations, and other interested parties.

1514 (2) The department shall provide an agricultural  
 1515 certification under this program for implementation of one or  
 1516 more of the following criteria:

1517 (c) Best management practices adopted by rule pursuant to  
 1518 s. 403.067(7)(c) or s. 570.93(1)(b) ~~570.085(1)(b)~~.

1519 Section 65. Section 570.085, Florida Statutes, is  
 1520 renumbered as section 570.93, Florida Statutes.

1521 Section 66. Section 570.087, Florida Statutes, is  
 1522 renumbered as section 570.94, Florida Statutes.

1523 Section 67. Section 570.14, Florida Statutes, is  
 1524 transferred, renumbered as section 570.031, Florida Statutes,  
 1525 and amended to read:

1526 570.031 ~~570.14~~ Seal of department.—The department shall  
 1527 have an official seal which shall be used for the authentication  
 1528 of the orders and proceedings of the department and for such  
 1529 other purposes as the department may prescribe. Use of the seal  
 1530 or any likeness thereof requires written approval of the  
 1531 department.

1532 Section 68. Section 570.16, Florida Statutes, is renumbered  
 1533 as section 570.051, Florida Statutes.

1534 Section 69. Section 570.17, Florida Statutes, is renumbered  
 1535 as section 570.081, Florida Statutes.

1536 Section 70. Section 570.18, Florida Statutes, is renumbered  
 1537 as section 570.041, Florida Statutes.

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1538 Section 71. Paragraph (d) of subsection (1) and subsection  
 1539 (2) of section 570.23, Florida Statutes, are amended to read:  
 1540 570.23 State Agricultural Advisory Council.—

1541 (1) COMPOSITION.—The State Agricultural Advisory Council is  
 1542 hereby created in the department.

1543 (d) ~~On or after January 15, 1988,~~ Alternates shall be  
 1544 appointed for each member and shall serve as alternates for the  
 1545 remainder of the corresponding members' terms. As terms of  
 1546 current members expire, members and their alternates shall be  
 1547 appointed for 4-year terms and shall serve until their  
 1548 successors are duly qualified and appointed. A vacancy shall be  
 1549 filled for the remainder of an unexpired term in the same manner  
 1550 as an initial appointment.

1551 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The  
 1552 meetings, powers and duties, procedures, and recordkeeping of  
 1553 the State Agricultural Advisory Council shall be pursuant to  
 1554 governed by the provisions of s. 570.232 ~~570.0705 relating to~~  
 1555 ~~advisory committees established within the department.~~

1556 Section 72. Section 570.241, Florida Statutes, is  
 1557 renumbered as section 570.73, Florida Statutes.

1558 Section 73. Section 570.242, Florida Statutes, is  
 1559 renumbered as section 570.74, Florida Statutes, and amended to  
 1560 read:

1561 570.74 ~~570.242~~ Definitions relating to Agricultural  
 1562 Economic Development Act.—For purposes of this act, the term  
 1563 ~~following terms shall have the following meanings:~~

1564 (1) "Agriculturally depressed area" means a rural area that  
 1565 ~~which~~ has declining profitability from agricultural enterprises  
 1566 and one or more of the following characteristics:

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- 1567 (a) A stable or declining population.
- 1568 (b) A stable or declining real per capita income.
- 1569 (c) A traditional economy based on agriculture or
- 1570 extraction of solid minerals.
- 1571 (d) A low ad valorem tax base.
- 1572 (e) A need for agribusiness and leadership training.
- 1573 (f) Crop losses or economic depression resulting from a
- 1574 natural disaster or socioeconomic conditions or events that
- 1575 ~~which~~ negatively impact a crop.
- 1576 (2) "Assistance" means financial or nonfinancial assistance
- 1577 issued pursuant to ~~the provisions of this act.~~
- 1578 ~~(3) "Commissioner" means the Commissioner of Agriculture.~~
- 1579 ~~(4) "Department" means the Department of Agriculture and~~
- 1580 ~~Consumer Services.~~
- 1581 (3)(5) "Financial assistance" means the providing of funds
- 1582 to an agribusiness.
- 1583 (4)(6) "Nonfinancial assistance" means the providing of
- 1584 personnel to work with an agribusiness to establish an
- 1585 infrastructure, including, but not limited to, the development
- 1586 of an accounting system, management procedures, and a marketing
- 1587 plan. Nonfinancial assistance ~~shall~~ includes ~~include~~ the
- 1588 providing of equipment.
- 1589 Section 74. Section 570.243, Florida Statutes, is
- 1590 renumbered as section 570.75, Florida Statutes.
- 1591 Section 75. Section 570.244, Florida Statutes, is
- 1592 renumbered as section 570.76, Florida Statutes.
- 1593 Section 76. Section 570.245, Florida Statutes, is
- 1594 renumbered as section 570.77, Florida Statutes.
- 1595 Section 77. Section 570.246, Florida Statutes, is

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- 1596 renumbered as section 570.78, Florida Statutes.
- 1597 Section 78. Section 570.247, Florida Statutes, is
- 1598 renumbered as section 570.79, Florida Statutes, and amended to
- 1599 read:
- 1600 570.79 ~~570.247~~ Adoption ~~Promulgation~~ of rules. ~~In~~
- 1601 ~~conjunction with funds specifically appropriated for the~~
- 1602 ~~purposes specified in this act,~~ The department shall adopt ~~begin~~
- 1603 ~~to promulgate rules no later than January 1, 1992, pursuant to~~
- 1604 ~~s. 120.54,~~ pertaining to:
- 1605 (1) Formal notification procedures for the availability of
- 1606 assistance, including publication in the Florida Administrative
- 1607 Register pursuant to s. 120.55.
- 1608 (2) Written evaluation criteria for selecting project
- 1609 proposals to receive assistance. The criteria for eligibility of
- 1610 assistance shall include a written business plan delineating the
- 1611 economic viability of the proposed project, including the
- 1612 financial commitment by project participants and a schedule for
- 1613 repayment of agricultural economic development funds.
- 1614 (3) Procedures for repayment of financial assistance by an
- 1615 assisted agribusiness into the General Inspection Trust Fund
- 1616 within the department. Repayment of financial assistance shall
- 1617 be based upon a percentage of future profits until repayment is
- 1618 complete.
- 1619 (4) Funding procedures for projects eligible for
- 1620 assistance. These procedures shall include the amount of
- 1621 funding, the limits and requirements for the objects of
- 1622 expenditure, and the duration of assistance.
- 1623 (5) Other subject matter pertaining to the implementation
- 1624 of this act.

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1625 Section 79. Section 570.248, Florida Statutes, is  
 1626 renumbered as section 570.81, Florida Statutes.  
 1627 Section 80. Section 570.249, Florida Statutes, is  
 1628 renumbered as section 570.82, Florida Statutes.  
 1629 Section 81. Section 570.345, Florida Statutes, is repealed.  
 1630 Section 82. Subsection (5) of section 570.36, Florida  
 1631 Statutes, is amended to read:  
 1632 570.36 Division of Animal Industry; powers and duties.—The  
 1633 duties of the Division of Animal Industry include, but are not  
 1634 limited to:  
 1635 (5) Operating and managing the animal disease diagnostic  
 1636 laboratory laboratories provided for in chapter 585.  
 1637 Section 83. Section 570.38, Florida Statutes, is  
 1638 transferred, renumbered as section 585.008, Florida Statutes,  
 1639 and amended to read:  
 1640 585.008 ~~570.38~~ Animal Industry Technical Council.—  
 1641 (1) COMPOSITION.—The Animal Industry Technical Council is  
 1642 hereby created in the department and shall be composed of 14  
 1643 members as follows:  
 1644 (a) The beef cattle, swine, dairy, horse, independent  
 1645 agricultural market markets, meat processing and packing  
 1646 establishment establishments, veterinary medicine, and poultry  
 1647 representatives who serve on the State Agricultural Advisory  
 1648 Council and three additional representatives from the beef  
 1649 cattle industry, as well as three at-large members representing  
 1650 other animal industries in the state, who shall be appointed by  
 1651 the commissioner for 4-year terms or until their successors are  
 1652 duly qualified and appointed.  
 1653 (b) Each additional beef cattle representative shall be

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1654 appointed subject to the qualifications and by the procedure as  
 1655 prescribed in s. 570.23 for membership to the council by the  
 1656 beef cattle representative. If a vacancy occurs in these three  
 1657 positions, it shall be filled for the remainder of the term in  
 1658 the same manner as an initial appointment.  
 1659 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The  
 1660 meetings, powers and duties, procedures, and recordkeeping of  
 1661 the Animal Industry Technical Council shall be pursuant to  
 1662 ~~governed by the provisions of s. 570.232 570.0705 relating to~~  
 1663 ~~advisory committees established within the department.~~  
 1664 Section 84. Section 570.42, Florida Statutes, is  
 1665 transferred, renumbered as section 502.301, Florida Statutes,  
 1666 and amended to read:  
 1667 502.301 ~~570.42~~ Dairy Industry Technical Council.—  
 1668 (1) COMPOSITION.—The Dairy Industry Technical Council is  
 1669 ~~hereby~~ created within in the department and shall be composed of  
 1670 seven members as follows:  
 1671 (a) Two citizens of the state, one of whom shall be  
 1672 associated with the Agricultural Extension Service of the  
 1673 University of Florida and the other with the College of  
 1674 Agricultural and Life Science Agriculture of the University of  
 1675 Florida.  
 1676 (b) An employee of the Department of Health.  
 1677 (c) Two dairy farmers who are actively engaged in the  
 1678 production of milk in this state and who earn a major portion of  
 1679 their income from the production of milk. The commissioner shall  
 1680 appoint the two members ~~provided for in this paragraph~~ from no  
 1681 fewer than four nor more than six nominees submitted by the  
 1682 recognized statewide organizations representing this group. In

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1683 the absence of nominations, the commissioner shall appoint other  
1684 persons qualified under ~~the provisions of~~ this paragraph.

1685 (d) Two distributors of milk. "Distributor" means a any  
1686 milk dealer who operates a milk gathering station or processing  
1687 plant where milk is collected and bottled or otherwise processed  
1688 and prepared for sale. The commissioner shall appoint the two  
1689 members ~~provided for in this paragraph~~ from no fewer than four  
1690 nor more than six nominees submitted by the recognized statewide  
1691 organizations representing this group. In the absence of  
1692 nominations, the commissioner shall appoint other persons  
1693 qualified under ~~the provisions of~~ this paragraph.

1694 (e) All members shall serve 4-year terms or until their  
1695 successors are duly qualified and appointed. If a vacancy  
1696 occurs, it shall be filled for the remainder of the term in the  
1697 manner of an initial appointment.

1698 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The  
1699 meetings, powers and duties, procedures, and recordkeeping of  
1700 the Dairy Industry Technical Council shall be pursuant to  
1701 ~~governed by the provisions of s. 570.232 570.0705 relating to~~  
1702 ~~advisory committees established within the department.~~

1703 Section 85. Subsections (5) through (9) of section 570.44,  
1704 Florida Statutes, are renumbered as subsections (4) through (8),  
1705 respectively, and subsections (3) and (4) of that section, are  
1706 amended to read:

1707 570.44 Division of Agricultural Environmental Services;  
1708 powers and duties.—The duties of the Division of Agricultural  
1709 Environmental Services include, but are not limited to:

1710 (3) ~~Supporting the Pesticide Review Council and Reviewing~~  
1711 ~~and evaluating technical and scientific data associated with the~~

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1712 production, manufacture, storage, transportation, sale, or use  
1713 of any article or product with respect to any statutory  
1714 authority ~~which is~~ conferred on the department. The department  
1715 ~~may be authorized to~~ establish positions within the division for  
1716 the employment of experts in the fields of toxicology,  
1717 hydrology, and biology to conduct such reviews and evaluations  
1718 ~~and may. The department is also authorized to~~ establish  
1719 appropriate clerical support positions to implement the duties  
1720 and responsibilities of the division.

1721 ~~(4) Enforcing and implementing the responsibilities of~~  
1722 ~~chapter 582, and the rules relating to soil and water~~  
1723 ~~conservation.~~

1724 Section 86. Subsection (2) of section 570.45, Florida  
1725 Statutes, is amended to read:

1726 570.45 Director; duties.—

1727 (2) The director shall supervise, direct, and coordinate  
1728 the activities of the division and enforce ~~the provisions of~~  
1729 chapters 388, 482, 487, 501, 504, 531, 570, 576, 578, and 580,  
1730 ~~and 582~~ and any other chapter necessary to carry out the  
1731 responsibilities of the division.

1732 Section 87. Paragraph (d) of subsection (3) of section  
1733 570.451, Florida Statutes, is amended to read:

1734 570.451 Agricultural Feed, Seed, and Fertilizer Advisory  
1735 Council.—

1736 (3)

1737 (d) The meetings, powers and duties, procedures, and  
1738 recordkeeping of the council shall be pursuant to in accordance  
1739 ~~with the provisions of s. 570.232 570.0705 relating to advisory~~  
1740 ~~committees established within the department.~~

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1741 Section 88. Section 570.481, Florida Statutes, is  
 1742 transferred and renumbered as section 603.011, Florida Statutes.

1743 Section 89. Subsections (2) and (3) of section 570.50,  
 1744 Florida Statutes, are amended to read:

1745 570.50 Division of Food Safety; powers and duties.—The  
 1746 duties of the Division of Food Safety include, but are not  
 1747 limited to:

1748 (2) Conducting those general inspection activities relating  
 1749 to food and food products being processed, held, or offered for  
 1750 sale in this state and enforcing those provisions of chapters  
 1751 500, 501, 502, 531, 583, 585, 586, 597, and 601 relating to  
 1752 foods as authorized by the department.

1753 (3) Analyzing samples of foods offered for sale in this  
 1754 state as required under chapters 500, 501, 502, 585, 586, 597,  
 1755 and 601.

1756 Section 90. Subsection (2) of section 570.51, Florida  
 1757 Statutes, is amended to read:

1758 570.51 Director; qualifications; duties.—

1759 (2) The director shall supervise, direct, and coordinate  
 1760 the activities of the division and enforce the provisions of  
 1761 chapters 500, 501, 502, 531, 583, 585, 597, and 601 and any  
 1762 other chapter necessary to carry out the responsibilities of the  
 1763 division.

1764 Section 91. Section 570.531, Florida Statutes, is  
 1765 renumbered as section 570.209, Florida Statutes.

1766 Section 92. Section 570.542, Florida Statutes, is repealed.

1767 Section 93. Subsection (2) of section 570.543, Florida  
 1768 Statutes, is amended to read:

1769 570.543 Florida Consumers' Council.—The Florida Consumers'

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1770 Council in the department is created to advise and assist the  
 1771 department in carrying out its duties.

1772 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The  
 1773 meetings, powers and duties, procedures, and recordkeeping of  
 1774 the Florida Consumers' Council shall be pursuant to ~~governed by~~  
 1775 ~~the provisions of s. 570.232 570.0705 relating to advisory~~  
 1776 ~~committees established within the department.~~ The council  
 1777 members or chair may call no more than two meetings.

1778 Section 94. Section 570.545, Florida Statutes, is  
 1779 transferred and renumbered as section 501.0113, Florida  
 1780 Statutes.

1781 Section 95. Section 570.55, Florida Statutes, is  
 1782 transferred and renumbered as section 603.211, Florida Statutes.

1783 Section 96. Section 570.67, Florida Statutes, is created to  
 1784 read:

1785 570.67 Office of Energy.—The Office of Energy is created  
 1786 within the department. The office shall be under the supervision  
 1787 of a senior manager exempt under s. 110.205 in the Senior  
 1788 Management Service appointed by the commissioner. The duties of  
 1789 the office shall include, but are not limited to, administering  
 1790 and enforcing chapter 377, the rules adopted under that chapter,  
 1791 and any other duties authorized by the commissioner.

1792 Section 97. Subsections (2) and (12) of section 570.71,  
 1793 Florida Statutes, are amended to read:

1794 570.71 Conservation easements and agreements.—

1795 (2) To achieve the purposes of this section act, beginning  
 1796 ~~no sooner than July 1, 2002, and every year thereafter,~~ the  
 1797 department may accept applications for project proposals that:

1798 (a) Purchase conservation easements, as defined in s.

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1799 704.06.

1800 (b) Purchase rural-lands-protection easements pursuant to

1801 this section ~~act~~.

1802 (c) Fund resource conservation agreements pursuant to this

1803 section ~~act~~.

1804 (d) Fund agricultural protection agreements pursuant to

1805 this section ~~act~~.

1806 (12) The department ~~may is authorized to~~ use funds from the

1807 following sources to implement this section ~~act~~:

1808 (a) State funds;

1809 (b) Federal funds;

1810 (c) Other governmental entities;

1811 (d) Nongovernmental organizations; or

1812 (e) Private individuals.

1813

1814 Any such funds provided shall be deposited into the Conservation

1815 and Recreation Lands Program Trust Fund within the Department of

1816 Agriculture and Consumer Services and used for the purposes of

1817 this section, including administrative and operating expenses

1818 related to appraisals, mapping, title process, personnel, and

1819 other real estate expenses ~~act~~.

1820 Section 98. Section 570.72, Florida Statutes, is repealed.

1821 Section 99. Section 570.901, Florida Statutes, is

1822 renumbered as section 570.692, Florida Statutes.

1823 Section 100. Section 570.902, Florida Statutes, is

1824 renumbered as section 570.69, Florida Statutes, and amended to

1825 read:

1826 570.69 ~~570.902~~ Definitions; ss. 570.69 and 570.691 ~~570.902~~

1827 ~~and 570.903~~.—For the purpose of this section and s. 570.691

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1828 ~~570.903~~:

1829 (1) "Designated program" means the departmental program

1830 which a direct-support organization has been created to support.

1831 (2) "Direct-support organization" or "organization" means

1832 an organization which is a Florida corporation not for profit

1833 incorporated under ~~the provisions of~~ chapter 617 and approved by

1834 the department to operate for the benefit of a museum or a

1835 designated program.

1836 (3) "Museum" means the Florida Agricultural Museum which is

1837 designated as the museum for agriculture and rural history of

1838 the State of Florida.

1839 Section 101. Section 570.903, Florida Statutes, is

1840 renumbered as section 570.691, Florida Statutes.

1841 Section 102. Section 570.91, Florida Statutes, is

1842 renumbered as section 570.693, Florida Statutes.

1843 Section 103. Section 570.9135, Florida Statutes, is

1844 renumbered as section 570.83, Florida Statutes, and subsection

1845 (6) of that section is amended, to read:

1846 570.83 ~~570.9135~~ Beef Market Development Act; definitions;

1847 Florida Beef Council, Inc., creation, purposes, governing board,

1848 powers, and duties; referendum on assessments imposed on gross

1849 receipts from cattle sales; payments to organizations for

1850 services; collecting and refunding assessments; vote on

1851 continuing the act; council bylaws.—

1852 (6) REFERENDUM ON ASSESSMENTS.—All producers in this state

1853 shall have the opportunity to vote in a referendum to determine

1854 whether the council shall be authorized to impose an assessment

1855 of not more than \$1 per head on cattle sold in the state. The

1856 referendum shall pose the question: "Do you approve of an

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1857 assessment program, up to \$1 per head of cattle pursuant to  
 1858 section 570.83 ~~570.9135~~, Florida Statutes, to be funded through  
 1859 specific contributions that are mandatory and refundable upon  
 1860 request?"

1861 (a) A referendum held under this section must be conducted  
 1862 by secret ballot at extension offices of the Institute of Food  
 1863 and Agricultural Sciences of the University of Florida or at  
 1864 offices of the United States Department of Agriculture with the  
 1865 cooperation of the department.

1866 (b) Notice of a referendum to be held under this act must  
 1867 be given at least once in trade publications, the public press,  
 1868 and statewide newspapers at least 30 days before the referendum  
 1869 is held.

1870 (c) Additional referenda may be held to authorize the  
 1871 council to increase the assessment to more than \$1 per head of  
 1872 cattle. Such referendum shall pose the question: "Do you approve  
 1873 of granting the Florida Beef Council, Inc., authority to  
 1874 increase the per-head-of-cattle assessment pursuant to section  
 1875 570.83 ~~570.9135~~, Florida Statutes, from ...(present rate)... to  
 1876 up to a maximum of ...(proposed rate)... per head?" Referenda  
 1877 may not be held more often than once every 3 years.

1878 (d) Each cattle producer is entitled to only one vote in a  
 1879 referendum held under this section act. Proof of identification  
 1880 and cattle ownership must be presented before voting.

1881 (e) A simple majority of those casting ballots shall  
 1882 determine any issue that requires a referendum under this  
 1883 section act.

1884 Section 104. Section 570.92, Florida Statutes, is repealed.  
 1885 Section 105. Section 570.951, Florida Statutes, is

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1886 renumbered as section 570.681, Florida Statutes.  
 1887 Section 106. Section 570.952, Florida Statutes, is  
 1888 renumbered as section 570.685, Florida Statutes, and amended to  
 1889 read:  
 1890 570.685 ~~570.952~~ Florida Agriculture Center and Horse Park  
 1891 Authority.-

1892 (1) There is created within the Department of Agriculture  
 1893 and Consumer Services the Florida Agriculture Center and Horse  
 1894 Park Authority which shall be governed by this section and s.  
 1895 570.232 ~~570.903~~.

1896 (2) The authority shall be composed of 21 members appointed  
 1897 by the commissioner.

1898 (a) Initially, the commissioner shall appoint 11 members  
 1899 for 4-year terms and 10 members for 2-year terms. Thereafter,  
 1900 each member shall be appointed for a term of 4 years from the  
 1901 date of appointment, except that a vacancy shall be filled by  
 1902 appointment for the remainder of the term.

1903 (b) A ~~Any~~ member of the authority who fails to attend three  
 1904 consecutive authority meetings without good cause shall be  
 1905 deemed to have resigned from the authority.

1906 ~~(c) Terms for members appointed prior to July 1, 2005,~~  
 1907 ~~shall expire on July 1, 2005.~~

1908 (3) The Florida Agriculture Center and Horse Park Authority  
 1909 shall ~~have the power and duty to:~~

1910 (a) Appoint, with approval from the commissioner, an  
 1911 executive director for the Florida Agriculture Center and Horse  
 1912 Park.

1913 (b) Establish rules of procedure for conducting its  
 1914 meetings and approving matters before the authority pursuant to

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1915 ~~that are consistent with s. 570.232 570.903.~~

1916 (c) Develop, document, and implement strategies for the  
1917 planning, construction, and operation of the Florida Agriculture  
1918 Center and Horse Park.

1919 (d) Advise and consult with the commissioner on matters  
1920 related to the Florida Agriculture Center and Horse Park.

1921 (e) Consider all matters submitted to the authority by the  
1922 commissioner.

1923 (4) The authority shall meet at least semiannually and  
1924 elect a chair ~~chairperson~~, a vice chair ~~chairperson~~, and a  
1925 secretary for 1-year terms.

1926 (a) The authority shall meet at the call of its chair  
1927 ~~chairperson~~, at the request of a majority of its membership, at  
1928 the request of the commissioner, or at such times as may be  
1929 prescribed by its rules of procedure.

1930 (b) The department shall be responsible for providing  
1931 administrative and staff support services relating to the  
1932 meetings of the authority and shall provide suitable space in  
1933 the offices of the department for the meetings and the storage  
1934 of records of the authority.

1935 (c) In conducting its meetings, the authority shall use  
1936 accepted rules of procedure. The secretary shall keep a complete  
1937 record of the proceedings of each meeting, which record shall  
1938 show the names of the members present and the actions taken.  
1939 These records shall be kept on file with the department, and  
1940 such records and other documents regarding matters within the  
1941 jurisdiction of the authority shall be subject to inspection by  
1942 members of the authority.

1943 Section 107. Section 570.953, Florida Statutes, is

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1944 renumbered as section 570.686, Florida Statutes.

1945 Section 108. Section 570.954, Florida Statutes, is  
1946 renumbered as section 570.841, Florida Statutes.

1947 Section 109. Section 570.96, Florida Statutes, is  
1948 renumbered as section 570.85, Florida Statutes.

1949 Section 110. Section 570.961, Florida Statutes, is  
1950 renumbered as section 570.86, Florida Statutes, and amended to  
1951 read:

1952 570.86 570.961 Definitions.—As used in ss. 570.85-570.89  
1953 570.96-570.964, the term:

1954 (1) "Agritourism activity" means any agricultural related  
1955 activity consistent with a bona fide farm or ranch or in a  
1956 working forest which allows members of the general public, for  
1957 recreational, entertainment, or educational purposes, to view or  
1958 enjoy activities, including farming, ranching, historical,  
1959 cultural, or harvest-your-own activities and attractions. An  
1960 agritourism activity does not include the construction of new or  
1961 additional structures or facilities intended primarily to house,  
1962 shelter, transport, or otherwise accommodate members of the  
1963 general public. An activity is an agritourism activity  
1964 regardless of whether ~~or not~~ the participant paid to participate  
1965 in the activity.

1966 (2) "Agritourism operator" means a ~~any~~ person who is  
1967 engaged in the business of providing one or more agritourism  
1968 activities, whether for compensation or not for compensation.

1969 (3) "Farm" means the land, buildings, support facilities,  
1970 machinery, and other appurtenances used in the production of  
1971 farm or aquaculture products, including land used to display  
1972 plants, animals, farm products, or farm equipment to the public.

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1973 (4) "Farm operation" has the same meaning as ~~defined~~ in s.  
1974 823.14.

1975 (5) "Inherent risks of agritourism activity" means those  
1976 dangers or conditions that are an integral part of an  
1977 agritourism activity including certain hazards, such as surface  
1978 and subsurface conditions; natural conditions of land,  
1979 vegetation, and waters; the behavior of wild or domestic  
1980 animals; and the ordinary dangers of structures or equipment  
1981 ordinarily used in farming and ranching operations. The term  
1982 also includes the potential of a participant to act in a  
1983 negligent manner that may contribute to the injury of the  
1984 participant or others, including failing to follow the  
1985 instructions given by the agritourism operator or failing to  
1986 exercise reasonable caution while engaging in the agritourism  
1987 activity.

1988 Section 111. Section 570.962, Florida Statutes, is  
1989 renumbered as section 570.87, Florida Statutes.

1990 Section 112. Section 570.963, Florida Statutes, is  
1991 renumbered as section 570.88, Florida Statutes, and subsection  
1992 (1) of that section is amended, to read:

1993 570.88 ~~570.963~~ Liability.—

1994 (1) Except as provided in subsection (2), an agritourism  
1995 operator, his or her employer or employee, or the owner of the  
1996 underlying land on which the agritourism occurs is not liable  
1997 for injury or death of, or damage or loss to, a participant  
1998 resulting from the inherent risks of agritourism activities if  
1999 the notice of risk required under s. 570.89 ~~570.964~~ is posted as  
2000 required. Except as provided in subsection (2), a participant,  
2001 or a participant's representative, may not maintain an action

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2002 against or recover from an agritourism operator, his or her  
2003 employer or employee, or the owner of the underlying land on  
2004 which the agritourism occurs for the injury or death of, or  
2005 damage or loss to, an agritourism participant resulting  
2006 exclusively from any of the inherent risks of agritourism  
2007 activities.

2008 Section 113. Section 570.964, Florida Statutes, is  
2009 renumbered as section 570.89, Florida Statutes, and subsection  
2010 (3) of that section is amended, to read:

2011 570.89 ~~570.964~~ Posting and notification.—

2012 (3) Failure to comply with ~~the requirements of this section~~  
2013 ~~subsection~~ prevents an agritourism operator, his or her employer  
2014 or employee, or the owner of the underlying land on which the  
2015 agritourism occurs from invoking the privileges of immunity  
2016 provided by this section.

2017 Section 114. Section 570.971, Florida Statutes, is created  
2018 to read:

2019 570.971 Penalties; administrative and civil.—

2020 (1) The department or enforcing authority may impose the  
2021 following fine amount for the class category specified in the  
2022 chapter or section of law violated:

2023 (a) Class I.—For each violation in the Class I category, a  
2024 fine not to exceed \$1,000 may be imposed.

2025 (b) Class II.—For each violation in the Class II category,  
2026 a fine not to exceed \$5,000 may be imposed.

2027 (c) Class III.—For each violation in the Class III  
2028 category, a fine not to exceed \$10,000 may be imposed.

2029 (d) Class IV.—For each violation in the Class IV category,  
2030 a fine of \$10,000 or more may be imposed.

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2031 (2) (a) This section does not supersede a chapter or section  
 2032 of law or rule that limits the total fine amount that may be  
 2033 imposed for a violation.

2034 (b) The class categories under this section also apply to  
 2035 penalties provided by law.

2036 (c) The penalties under this section are in addition to any  
 2037 other remedy provided by law.

2038 (3) A person who violates this chapter or any rule adopted  
 2039 under this chapter is subject to an administrative or civil fine  
 2040 in the Class II category in addition to any other penalty  
 2041 provided by law.

2042 (4) The department may refuse to issue or renew any  
 2043 license, permit, authorization, certificate, or registration to  
 2044 a person who has not satisfied a penalty imposed by the  
 2045 department.

2046 (5) The department may adopt rules to implement this  
 2047 section or any section that references this section.

2048 Section 115. Subsection (1) of section 571.11, Florida  
 2049 Statutes, is amended to read:

2050 571.11 Eggs and poultry; seal of quality violations;  
 2051 administrative penalties.-

2052 (1) The Department of Agriculture and Consumer Services may  
 2053 impose an administrative a fine in the Class II category  
 2054 pursuant to s. 570.971 not exceeding \$5,000 against any dealer,  
 2055 as defined in under s. 583.01(4), in violation of the guidelines  
 2056 for the Florida seal of quality for eggs or poultry programs.  
 2057 All fines, when imposed and paid, shall be deposited by the  
 2058 department into the General Inspection Trust Fund.

2059 Section 116. Subsection (2) of section 571.28, Florida

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2060 Statutes, is amended to read:

2061 571.28 Florida Agricultural Promotional Campaign Advisory  
 2062 Council.-

2063 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.-The  
 2064 meetings, powers and duties, procedures, and recordkeeping of  
 2065 the Florida Agricultural Promotional Campaign Advisory Council  
 2066 shall be pursuant to ~~governed by the provisions of~~ s. 570.232  
 2067 ~~570.0705 relating to advisory committees established within the~~  
 2068 ~~department.~~

2069 Section 117. Paragraph (b) of subsection (3) of section  
 2070 571.29, Florida Statutes, is amended to read:

2071 571.29 Unlawful acts; administrative remedies; criminal  
 2072 penalties.-

2073 (3) The department may enter an order imposing one or more  
 2074 of the following penalties against any person who violates any  
 2075 of the provisions of this part or any rules adopted under this  
 2076 part:

2077 (b) Imposition of an administrative fine in the Class I  
 2078 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~  
 2079 ~~per~~ violation for a first-time ~~first-time~~ offender. For a  
 2080 second-time ~~second-time~~ offender, or a ~~any~~ person who is shown  
 2081 to have willfully and intentionally violated ~~any provision of~~  
 2082 this part or any rules adopted under this part, the  
 2083 administrative fine shall be in the Class II category pursuant  
 2084 to s. 570.971 for each ~~may not exceed \$5,000 per~~ violation. The  
 2085 term "each ~~per~~ violation" means each incident in which a logo of  
 2086 the Florida Agricultural Promotional Campaign has been used,  
 2087 reproduced, or distributed in any manner inconsistent with ~~the~~  
 2088 ~~provisions of~~ this part or the rules adopted under this part.

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2089

The administrative proceedings that could result in the entry of an order imposing any of the penalties specified in paragraphs (a)-(c) shall be conducted pursuant to ~~in accordance with~~ chapter 120.

2094

Section 118. Subsection (1) and paragraph (a) of subsection (2) of section 576.021, Florida Statutes, are amended to read:

2095

576.021 Registration and licensing.—

2096

(1) A company, the person whose name and address of which appears upon a label and ~~that who~~ guarantees a fertilizer, may not distribute that fertilizer to a nonlicensee until a license to distribute has been obtained by the company ~~that person~~ from the department upon payment of a \$100 fee. All licenses shall expire on June 30 each year. An application for license shall include the following information:

2104

(a) The name and address of the applicant.

2105

(b) The name and address of the distribution point. The name and address shown on the license shall be shown on all labels, pertinent invoices, and storage facilities for fertilizer distributed by the licensee in this state.

2109

(2) (a) A company, the name and address of which appears upon a label and that guarantees a fertilizer, ~~person~~ may not distribute a specialty fertilizer in this state until it is registered with the department ~~by the licensee whose name appears on the label~~. An application for registration of each brand and grade of specialty fertilizer shall be filed with the department by using a form prescribed by the department or by using the department's website made on a form furnished by the department and shall be accompanied by an annual fee of \$100 for

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each specialty fertilizer that is registered. All specialty fertilizer registrations expire June 30 each year. All licensing and registration fees paid to the department under this section shall be deposited into the State Treasury to be placed in the General Inspection Trust Fund to be used for the sole purpose of funding the fertilizer inspection program.

2124

Section 119. Subsection (2) of section 576.031, Florida Statutes, is amended to read:

2126

576.031 Labeling.—

2127

(2) If distributed in bulk, two ~~five~~ labels containing the information required in paragraphs (1)(a)-(f) shall accompany delivery and be supplied to the purchaser at time of delivery with the delivery ticket, which shall show the certified net weight.

2132

Section 120. Subsections (3), (4), (6), and (7) of section 576.041, Florida Statutes, are amended to read:

2134

576.041 Inspection fees; records; ~~bond~~.—

2135

(3) In addition to any other penalty provided by this chapter, a any licensee who fails to timely pay the inspection tonnage fee shall be assessed a penalty of 1.5 percent for each month or part of a month that the fee or portion of the fee is not paid.

2140

(4) If the report is not filed and the inspection fee is not paid on the date due or if the report of tonnage is false, the amount of the inspection fee due is subject to a penalty of 10 percent or \$25, whichever is greater. ~~The penalty shall be added to the inspection fee due and constitutes a debt and becomes a claim and lien against the surety bond or certificate of deposit required by this chapter.~~

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2147 ~~(6) In order to guarantee faithful performance of the~~  
 2148 ~~provisions of subsection (2), the applicant for license shall~~  
 2149 ~~post with the department a surety bond, or assign a certificate~~  
 2150 ~~of deposit, in an amount required by rule of the department to~~  
 2151 ~~cover fees for any reporting period. The amount shall not be~~  
 2152 ~~less than \$1,000. The surety bond shall be executed by a~~  
 2153 ~~corporate surety company authorized to do business in this~~  
 2154 ~~state. The certificate of deposit shall be issued by any~~  
 2155 ~~recognized financial institution doing business in the United~~  
 2156 ~~States. The department shall establish, by rule, whether an~~  
 2157 ~~annual or continuous surety bond or certificate of deposit will~~  
 2158 ~~be required and shall approve each surety bond or certificate of~~  
 2159 ~~deposit before acceptance. The department shall examine and~~  
 2160 ~~approve as to sufficiency all such bonds and certificates of~~  
 2161 ~~deposit before acceptance. When the licensee ceases operation,~~  
 2162 ~~said bond or certificate of deposit shall be returned, provided~~  
 2163 ~~there are no outstanding fees due and payable.~~

2164 ~~(6)(7)~~ In order to obtain information that will facilitate  
 2165 the collection of inspection fees and serve other useful  
 2166 purposes relating to fertilizer, the department may, by rule,  
 2167 require licensees, manufacturers, registrants, and dealers to  
 2168 report movements of fertilizer.

2169 Section 121. Subsection (3) of section 576.051, Florida  
 2170 Statutes, is amended to read:

2171 576.051 Inspection, sampling, analysis.-

2172 (3) The official analysis shall be made from the official  
 2173 sample. The department, before making the official analysis,  
 2174 shall take a sufficient portion from the official sample for  
 2175 check analysis and place that portion in a bottle sealed and

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2176 identified by number, date, and the preparer's initials. The  
 2177 official check sample shall be kept until the analysis of the  
 2178 official sample is completed. However, the licensee may obtain  
 2179 upon request a portion of the official check sample. Upon  
 2180 completion of the analysis of the official sample, a true copy  
 2181 of the fertilizer analysis report shall be mailed to the  
 2182 licensee of the fertilizer from whom the official sample was  
 2183 taken and to the dealer or agent, if any, and purchaser, if  
 2184 known. This fertilizer analysis report shall show all  
 2185 determinations of plant nutrient and pesticides. If the official  
 2186 analysis conforms with ~~the provisions of this section law~~, the  
 2187 official check sample may be destroyed. If the official analysis  
 2188 does not conform with ~~the provisions of this section law~~, the  
 2189 official check sample shall be retained for 60 a period of 90  
 2190 days from the date of the fertilizer analysis report of the  
 2191 official sample. If, within that time, the licensee of the  
 2192 fertilizer from whom the official sample was taken, upon receipt  
 2193 of the fertilizer analysis report, makes written demand for  
 2194 analysis of the official check sample by a referee chemist, a  
 2195 portion of the official check sample sufficient for analysis  
 2196 shall be sent to a referee chemist who is mutually acceptable to  
 2197 the department and the licensee for analysis at the expense of  
 2198 the licensee. The referee chemist, upon completion of the  
 2199 analysis, shall forward to the department and to the licensee a  
 2200 fertilizer analysis report bearing a proper identification mark  
 2201 or number, ~~+~~ and the fertilizer analysis report shall be verified  
 2202 by an affidavit of the person making the analysis. If the  
 2203 results reported on the fertilizer analysis report agree within  
 2204 the matching criteria defined in department rule with the

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2205 department's analysis on each element for which analysis was  
 2206 made, the mean average of the two analyses shall be accepted as  
 2207 final and binding on all concerned. However, if the referee's  
 2208 fertilizer analysis report results do not agree within the  
 2209 matching criteria defined in department rule with the  
 2210 department's analysis in any one or more elements for which an  
 2211 analysis was made, upon demand of either the department or the  
 2212 licensee from whom the official sample was taken, a portion of  
 2213 the official check sample sufficient for analysis shall be  
 2214 submitted to a second referee chemist who is mutually acceptable  
 2215 to the department and to the licensee from whom the official  
 2216 sample was taken, at the expense of the party or parties  
 2217 requesting the referee analysis. If no demand is made for an  
 2218 analysis by a second referee chemist, the department's  
 2219 fertilizer analysis report shall be accepted as final and  
 2220 binding on all concerned. The second referee chemist, upon  
 2221 completion of the analysis, shall make a fertilizer analysis  
 2222 report as provided in this subsection for the first referee  
 2223 chemist. The mean average of the two analyses nearest in  
 2224 conformity to each other shall be accepted as final and binding  
 2225 on all concerned.

2226 Section 122. Subsections (4) and (5) of section 576.061,  
 2227 Florida Statutes, are amended to read:

2228 576.061 Plant nutrient investigational allowances,  
 2229 deficiencies, and penalties.—

2230 ~~(4) When it is determined by the department that a~~  
 2231 ~~fertilizer has been distributed without being licensed or~~  
 2232 ~~registered, or without labeling, the department shall require~~  
 2233 ~~the licensee to pay a penalty in the amount of \$100. The~~

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2234 ~~proceeds from any penalty payments shall be deposited by the~~  
 2235 ~~department in the General Inspection Trust Fund to be used for~~  
 2236 ~~the sole purpose of funding the fertilizer inspection program.~~

2237 (4)-(5) The department may enter an order imposing one or  
 2238 more of the following penalties against a ~~any~~ person who  
 2239 violates any of the provisions of this chapter or the rules  
 2240 adopted under this chapter hereunder or who impedes, obstructs,  
 2241 or hinders ~~shall impede, obstruct, hinder, or otherwise prevent~~  
 2242 ~~or attempt to prevent~~ the department in performing the  
 2243 performance of its duties under duty in connection with the  
 2244 provisions of this chapter:

2245 (a) Issuance of a warning letter.

2246 (b) Imposition of an administrative fine in the Class I  
 2247 category pursuant to s. 570.971 for each of not more than \$1,000  
 2248 ~~per~~ occurrence after the issuance of a warning letter.

2249 (c) Cancellation, revocation, or suspension of any license  
 2250 issued by the department.

2251 Section 123. Section 576.071, Florida Statutes, is amended  
 2252 to read:

2253 576.071 Commercial value.—The commercial value used in  
 2254 assessing penalties for any deficiency shall be determined by  
 2255 surveying the fertilizer industry in the state using annualized  
 2256 plant nutrient values contained in one or more generally  
 2257 recognized journals.

2258 Section 124. Subsections (3) and (4) of section 576.087,  
 2259 Florida Statutes, are amended to read:

2260 576.087 Antisiphon requirements for irrigation systems.—

2261 ~~(3) The department shall establish specific requirements~~  
 2262 ~~for antisiphon devices.~~

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2263 ~~(4) Any governmental agency which requires antisiphon~~  
 2264 ~~devices on irrigation systems used for the application of~~  
 2265 ~~fertilizer shall use the specific antisiphon device requirements~~  
 2266 ~~adopted by the department.~~

2267 Section 125. Section 576.101, Florida Statutes, is amended  
 2268 to read:

2269 576.101 Cancellation, revocation, and suspension ~~+~~  
 2270 ~~probationary status.-~~

2271 ~~(1)~~ The department may deny, suspend, or revoke any license  
 2272 issued by the department for any violation of the ~~provisions of~~  
 2273 this chapter, the rules adopted under this chapter thereunder,  
 2274 or any lawful order of the department.

2275 ~~(2) The department may place any licensee on a probationary~~  
 2276 ~~status when the deficiency levels of samples taken from that~~  
 2277 ~~licensee do not meet minimum performance levels established by~~  
 2278 ~~statute within the investigational allowances provided in s.~~  
 2279 ~~576.061.~~

2280 Section 126. Subsection (1) of section 578.08, Florida  
 2281 Statutes, is amended to read:

2282 578.08 Registrations.-

2283 (1) Every person, except as provided in subsection (4) and  
 2284 s. 578.14, before selling, distributing for sale, offering for  
 2285 sale, exposing for sale, handling for sale, or soliciting orders  
 2286 for the purchase of any agricultural, vegetable, flower, or  
 2287 forest tree seed or mixture thereof, shall first register with  
 2288 the department as a seed dealer. ~~The application for~~  
 2289 ~~registration shall include the name and location of each place~~  
 2290 ~~of business at which the seed is sold, distributed for sale,~~  
 2291 ~~offered for sale, exposed for sale, or handled for sale. The~~

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2292 application for registration shall be filed with the department  
 2293 by using a form prescribed by the department or by using the  
 2294 department's website and shall be accompanied by an annual  
 2295 registration fee for each such place of business based on the  
 2296 gross receipts from the sale of such seed for the last preceding  
 2297 license year as follows:

2298 (a) 1. Receipts of less than \$500, a fee of.....\$10.

2299 2. Receipts of \$500 or more but less than \$1,000, a fee of  
 2300 \$25.

2301 3.1. Receipts of \$1,000 or more but less than \$2,500  
 2302 \$2,500.01, a fee of.....\$100.

2303 4.2. Receipts of more than \$2,500 or more but and less than  
 2304 \$5,000 \$5,000.01, a fee of.....\$200.

2305 5.3. Receipts of more than \$5,000 or more but and less than  
 2306 \$10,000 \$10,000.01, a fee of.....\$350.

2307 6.4. Receipts of more than \$10,000 or more but and less  
 2308 than \$20,000 \$20,000.01, a fee of.....\$800.

2309 7.5. Receipts of more than \$20,000 or more but and less  
 2310 than \$40,000 \$40,000.01, a fee of.....\$1,000.

2311 8.6. Receipts of more than \$40,000 or more but and less  
 2312 than \$70,000 \$70,000.01, a fee of.....\$1,200.

2313 9.7. Receipts of more than \$70,000 or more but and less  
 2314 than \$150,000 \$150,000.01, a fee of.....\$1,600.

2315 10.8. Receipts of more than \$150,000 or more but and less  
 2316 than \$400,000 \$400,000.01, a fee of.....\$2,400.

2317 11.9. Receipts of more than \$400,000 or more, a fee of  
 2318 \$4,600.

2319 (b) For places of business not previously in operation, the  
 2320 fee shall be based on anticipated receipts for the first license

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2321 year.

2322 Section 127. Subsection (1) of section 578.181, Florida  
2323 Statutes, is amended to read:

2324 578.181 Penalties; administrative fine.—

2325 (1) The department may enter an order imposing one or more  
2326 of the following penalties against a any person who violates any  
2327 of the provisions of this chapter or the rules adopted under  
2328 this chapter promulgated hereunder or who impedes, obstructs, or  
2329 hinders, or otherwise prevents or attempts to prevent the  
2330 department in performing the performance of its duties under  
2331 duty in connection with the provisions of this chapter:

2332 (a) Issuance of a warning letter.

2333 (b) Imposition of an administrative fine in the Class I  
2334 category pursuant to s. 570.971 for each of not more than \$1,000  
2335 per occurrence after the issuance of a warning letter.

2336 (c) Revocation or suspension of the registration as a seed  
2337 dealer.

2338 Section 128. Paragraph (g) of subsection (2) of section  
2339 580.036, Florida Statutes, is amended to read:

2340 580.036 Powers and duties.—

2341 (2) The department is authorized to adopt rules pursuant to  
2342 ss. 120.536(1) and 120.54 to enforce the provisions of this  
2343 chapter. These rules shall be consistent with the rules and  
2344 standards of the United States Food and Drug Administration and  
2345 the United States Department of Agriculture, when applicable,  
2346 and shall include:

2347 (g) Establishing standards for the sale, use, and  
2348 distribution of commercial feed or feedstuff to ensure usage  
2349 that is consistent with animal safety and well-being and, to the

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2350 extent that meat, poultry, and other animal products for human  
2351 consumption may be affected by commercial feed or feedstuff, to  
2352 ensure that these products are safe for human consumption. Such  
2353 standards, if adopted, must be developed in consultation with  
2354 the Agricultural Feed, Seed, and Fertilizer Advisory Council  
2355 created under s. 570.451.

2356 Section 129. Paragraphs (a), (b), and (d) of subsection (1)  
2357 of section 580.041, Florida Statutes, are amended to read:

2358 580.041 Master registration; fee; refusal or cancellation  
2359 of registration; reporting.—

2360 (1) (a) Each distributor of commercial feed must annually  
2361 obtain a master registration before her or his brands are  
2362 distributed in this state. Upon initial registration, The  
2363 department shall furnish the registration forms requiring the  
2364 distributor to state that the distributor shall agree to will  
2365 comply with all provisions of this chapter and applicable rules.  
2366 The registration form shall identify the manufacturer's or  
2367 guarantor's name and place of business and the location of each  
2368 manufacturing facility in the state and shall be signed by the  
2369 owner, by a partner, if a partnership, or by an authorized  
2370 officer or agent, if a corporation. All registrations expire on  
2371 June 30 of each year.

2372 (b) The application for registration ~~form~~ shall be filed  
2373 with the department by using a form prescribed by the department  
2374 or by using the department's website and shall be accompanied by  
2375 a fee that shall be based on tons of feed distributed in this  
2376 state during the previous year. If a distributor has been in  
2377 business less than 1 year, the tonnage shall be estimated by the  
2378 distributor for the first year and based on actual tonnage

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2379 thereafter. These fees shall be as follows:  
 2380  
 2381 SALES IN TONS FEE  
 2382  
 2383 Zero, up to and including 25.....\$40  
 2384 More than 25, up to and including 50.....\$75  
 2385 More than 50, up to and including 100.....\$150  
 2386 More than 100, up to and including 300.....\$375  
 2387 More than 300, up to and including 600.....\$600  
 2388 More than 600, up to and including 1,000.....\$900  
 2389 More than 1,000, up to and including  
 2390 2,000.....\$1,250  
 2391 More than 2,000, up to and including  
 2392 5,000.....\$2,000  
 2393 More than 5,000 \$3,500  
 2394 (d) The department shall provide mail a copy of the master  
 2395 registration to the registrant to signify that administrative  
 2396 requirements have been met.  
 2397 Section 130. Paragraphs (d) and (e) of subsection (1) of  
 2398 section 580.071, Florida Statutes, are amended, and paragraphs  
 2399 (f), (g), and (h) are added to that subsection, to read:  
 2400 580.071 Adulteration.—No person shall distribute an  
 2401 adulterated commercial feed or feedstuff. A commercial feed or  
 2402 feedstuff shall be deemed to be adulterated:  
 2403 (1)  
 2404 (d) If it is a raw agricultural commodity and it bears or  
 2405 contains a pesticide chemical that is unsafe within the meaning  
 2406 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act;  
 2407 however, where a pesticide chemical has been used in or on a raw

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2408 agricultural commodity in conformity with an exemption granted  
 2409 or a tolerance prescribed under s. 408 of the Federal Food,  
 2410 Drug, and Cosmetic Act and that raw agricultural commodity has  
 2411 been subjected to processing such as canning, cooking, freezing,  
 2412 dehydrating, or milling, the processed feed will result, or is  
 2413 likely to result, in pesticide residue in the edible product of  
 2414 the animal which is unsafe within the meaning of s. 408(a) of  
 2415 the Federal Food, Drug, and Cosmetic Act; ~~or~~  
 2416 (e) If it is, or it bears or contains, any new animal drug  
 2417 that is unsafe within the meaning of s. 512 of the Federal Food,  
 2418 Drug, and Cosmetic Act;  
 2419 (f) If it consists, in whole or in part, of any filthy,  
 2420 putrid, or decomposed substance or is otherwise unfit for feed;  
 2421 (g) If it is prepared, packaged, or held under unsanitary  
 2422 conditions in which it may have become contaminated with filth  
 2423 or rendered injurious to health; or  
 2424 (h) If it is, in whole or in part, the product of a  
 2425 diseased animal or of an animal that has died by a means other  
 2426 than slaughter which is unsafe within the meaning of s.  
 2427 402(a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act.  
 2428 Section 131. Paragraph (b) of subsection (1) of section  
 2429 580.121, Florida Statutes, is amended to read:  
 2430 580.121 Penalties; duties of law enforcement officers;  
 2431 injunctive relief.—  
 2432 (1) The department may impose one or more of the following  
 2433 penalties against any person who violates any provision of this  
 2434 chapter:  
 2435 (b) Imposition of an administrative fine in the Class I  
 2436 category pursuant to s. 570.971 for each, by the department, of



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2437 ~~not more than \$1,000 per occurrence.~~

2438

2439 However, the severity of the penalty imposed shall be  
2440 commensurate with the degree of risk to human or animal safety  
2441 or the level of financial harm to the consumer that is created  
2442 by the violation.

2443 Section 132. Subsection (5) of section 581.091, Florida  
2444 Statutes, is amended to read:

2445 581.091 Noxious weeds and infected plants or regulated  
2446 articles; sale or distribution; receipt; information to  
2447 department; withholding information.-

2448 (5) (a) Notwithstanding any other ~~provision of state law~~ or  
2449 rule, a person may obtain a special permit from the department  
2450 to plant *Casuarina cunninghamiana* as a windbreak for a  
2451 commercial citrus grove if provided the plants are produced in  
2452 an authorized registered nursery and certified by the department  
2453 as being vegetatively propagated from male plants. A ~~"commercial~~  
2454 ~~citrus grove"~~ means a contiguous planting of 100 or more citrus  
2455 trees where citrus fruit is produced for sale.

2456 ~~(b) For a 5-year period, special permits authorizing a~~  
2457 ~~person to plant *Casuarina cunninghamiana* shall be issued only as~~  
2458 ~~part of a pilot program for fresh fruit groves in areas of~~  
2459 ~~Indian River, St. Lucie, and Martin Counties where citrus canker~~  
2460 ~~is determined by the department to be widespread. The pilot~~  
2461 ~~program shall be reevaluated annually, and a comprehensive~~  
2462 ~~review shall be conducted in 2013. The purpose of the annual and~~  
2463 ~~5-year reviews is to determine if the use of *Casuarina*~~  
2464 ~~*cunninghamiana* as an agricultural pest and disease windbreak~~  
2465 ~~poses any adverse environmental consequences. At the end of the~~

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2466 ~~5-year pilot program, if the Noxious Weed and Invasive Plant~~  
2467 ~~Review Committee, created by the department, and the Department~~  
2468 ~~of Environmental Protection, in consultation with a~~  
2469 ~~representative of the citrus industry who has a *Casuarina*~~  
2470 ~~*cunninghamiana* windbreak, determine that the potential is low~~  
2471 ~~for adverse environmental impacts from planting *Casuarina*~~  
2472 ~~*cunninghamiana* as windbreaks, the department may, by rule, allow~~  
2473 ~~the use of *Casuarina cunninghamiana* windbreaks for commercial~~  
2474 ~~citrus groves in other areas of the state. If it is determined~~  
2475 ~~at the end of the 5-year pilot program that additional time is~~  
2476 ~~needed to further evaluate *Casuarina cunninghamiana*, the~~  
2477 ~~department will remain the lead agency.~~

2478 (b)(e) Each application for a special permit shall be  
2479 accompanied by a fee in an amount determined by the department,  
2480 by rule, not to exceed \$500. A special permit shall be required  
2481 for each noncontiguous commercial citrus grove and shall be  
2482 renewed every 5 years. The property owner is responsible for  
2483 maintaining and producing for inspection the original nursery  
2484 invoice with certification documentation. If ownership of the  
2485 property is transferred, the seller must notify the department  
2486 and provide the buyer with a copy of the special permit and  
2487 copies of all invoices and certification documentation before  
2488 prior to the closing of the sale.

2489 (c)(d) Each application shall include a baseline survey of  
2490 all lands within 500 feet of the proposed *Casuarina*  
2491 *cunninghamiana* windbreak showing the location and identification  
2492 to species of all existing *Casuarina spp.*

2493 (d)(e) Nurseries authorized to produce *Casuarina*  
2494 *cunninghamiana* must obtain a special permit from the department

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2495 certifying that the plants have been vegetatively propagated  
 2496 from sexually mature male source trees currently grown in the  
 2497 state. The importation of *Casuarina cunninghamiana* from ~~any area~~  
 2498 outside the state to be used as a propagation source tree is  
 2499 prohibited. Each male source tree must be registered by the  
 2500 department as being a horticulturally true-to-type male plant  
 2501 and be labeled with a source tree registration number. Each  
 2502 nursery application for a special permit shall be accompanied by  
 2503 a fee in an amount determined by the department, by rule, not to  
 2504 exceed \$200. Special permits shall be renewed annually. The  
 2505 department shall, by rule, set the amount of an annual fee, not  
 2506 to exceed \$50, for each *Casuarina cunninghamiana* registered as a  
 2507 source tree. Nurseries ~~may only sell *Casuarina cunninghamiana* to~~  
 2508 ~~a person with a special permit as specified in paragraphs (a)~~  
 2509 ~~and (b)~~. The source tree registration numbers of the parent  
 2510 plants must be documented on each invoice or other certification  
 2511 documentation provided to the buyer.

2512 (e) ~~(f)~~ All *Casuarina cunninghamiana* must be destroyed by  
 2513 the property owner within 6 months after:

2514 1. The property owner takes permanent action to no longer  
 2515 use the site for commercial citrus production;

2516 2. The site has not been used for commercial citrus  
 2517 production for a period of 5 years; or

2518 3. The department determines that the *Casuarina*  
 2519 *cunninghamiana* on the site has become invasive. This  
 2520 determination shall be based on, but not limited to, the  
 2521 recommendation of the Noxious Weed and Invasive Plant Review  
 2522 Committee and the Department of Environmental Protection and in  
 2523 consultation with a representative of the citrus industry who

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2524 has a *Casuarina cunninghamiana* windbreak.

2525  
 2526 If the owner or person in charge refuses or neglects to comply,  
 2527 the director or her or his authorized representative may, under  
 2528 authority of the department, proceed to destroy the plants. The  
 2529 expense of the destruction shall be assessed, collected, and  
 2530 enforced against the owner by the department. If the owner does  
 2531 not pay the assessed cost, the department may record a lien  
 2532 against the property.

2533 (f) ~~(g)~~ The use of *Casuarina cunninghamiana* for windbreaks  
 2534 does ~~shall~~ not preclude the department from issuing permits for  
 2535 the research or release of biological control agents to control  
 2536 *Casuarina spp.* pursuant to in accordance with s. 581.083.

2537 (g) ~~(h)~~ The use of *Casuarina cunninghamiana* for windbreaks  
 2538 may ~~shall~~ not restrict or interfere with any other agency or  
 2539 local government effort to manage or control noxious weeds or  
 2540 invasive plants, including *Casuarina cunninghamiana*. An, ~~not~~  
 2541 ~~shall any other~~ agency or local government may not remove any  
 2542 *Casuarina cunninghamiana* planted as a windbreak under special  
 2543 permit issued by the department.

2544 ~~(i) The department shall develop and implement a monitoring~~  
 2545 ~~protocol to determine invasiveness of *Casuarina cunninghamiana*.~~  
 2546 ~~The monitoring protocol shall, at a minimum, require:~~

2547 ~~1. Inspection of the planting site by department inspectors~~  
 2548 ~~within 30 days following initial planting or any subsequent~~  
 2549 ~~planting of *Casuarina cunninghamiana* to ensure the criteria of~~  
 2550 ~~the special permit have been met.~~

2551 ~~2. Annual site inspections of planting sites and all lands~~  
 2552 ~~within 500 feet of the planted windbreak by department~~

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2553 inspectors who have been trained to identify *Casuarina spp.* and  
 2554 to make determinations of whether *Casuarina cunninghamiana* has  
 2555 spread beyond the permitted windbreak location.

2556 ~~3. Any new seedlings found within 500 feet of the planted~~  
 2557 ~~windbreak to be removed, identified to the species level, and~~  
 2558 ~~evaluated to determine if hybridization has occurred.~~

2559 ~~4. The department to submit an annual report and a final 5-~~  
 2560 ~~year evaluation identifying any adverse effects resulting from~~  
 2561 ~~the planting of *Casuarina cunninghamiana* for windbreaks and~~  
 2562 ~~documenting all inspections and the results of those inspections~~  
 2563 ~~to the Noxious Weed and Invasive Plant Review Committee, the~~  
 2564 ~~Department of Environmental Protection, and a designated~~  
 2565 ~~representative of the citrus industry who has a *Casuarina*~~  
 2566 ~~*cunninghamiana* windbreak.~~

2567 (j) If the department determines that female flowers or  
 2568 cones have been produced on any *Casuarina cunninghamiana* that  
 2569 have been planted under a special permit issued by the  
 2570 department, the property owner shall be responsible for  
 2571 destroying the trees. The department shall notify the property  
 2572 owner of the timeframe and method of destruction.

2573 (k) If at any time the department determines that  
 2574 hybridization has occurred during the pilot program between  
 2575 *Casuarina cunninghamiana* planted as a windbreak and other  
 2576 *Casuarina spp.*, the department shall expeditiously initiate  
 2577 research to determine the invasiveness of the hybrid. The  
 2578 information obtained from this research shall be evaluated by  
 2579 the Noxious Weed and Invasive Plant Review Committee, the  
 2580 Department of Environmental Protection, and a designated  
 2581 representative of the citrus industry who has a *Casuarina*

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2582 ~~*cunninghamiana* windbreak. If the department determines that the~~  
 2583 ~~hybrids have a high potential to become invasive, based on, but~~  
 2584 ~~not limited to, the recommendation of the Noxious Weed and~~  
 2585 ~~Invasive Plant Review Committee, the Department of Environmental~~  
 2586 ~~Protection, and a designated representative of the citrus~~  
 2587 ~~industry who has a *Casuarina cunninghamiana* windbreak, this~~  
 2588 ~~pilot program shall be permanently suspended.~~

2589 (l) Each application for a special permit must be  
 2590 accompanied by a fee as described in paragraph (c) and an  
 2591 agreement that the property owner will abide by all permit  
 2592 conditions including the removal of *Casuarina cunninghamiana* if  
 2593 invasive populations or other adverse environmental factors are  
 2594 determined to be present by the department as a result of the  
 2595 use of *Casuarina cunninghamiana* as windbreaks. The application  
 2596 must include, on a form provided by the department, the name of  
 2597 the applicant and the applicant's address or the address of the  
 2598 applicant's principal place of business; a statement of the  
 2599 estimated cost of removing and destroying the *Casuarina*  
 2600 ~~*cunninghamiana*~~ that is the subject of the special permit; and  
 2601 the basis for calculating or determining that estimate. If the  
 2602 applicant is a corporation, partnership, or other business  
 2603 entity, the applicant must also provide in the application the  
 2604 name and address of each officer, partner, or managing agent.  
 2605 The applicant shall notify the department within 30 business  
 2606 days of any change of address or change in the principal place  
 2607 of business. The department shall mail all notices to the  
 2608 applicant's last known address.

2609 1. Upon obtaining a permit, the permitholder must annually  
 2610 maintain the *Casuarina cunninghamiana* authorized by a special

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2611 permit as required in the permit. If the permit holder ceases to  
 2612 maintain the *Casuarina cunninghamiana* as required by the special  
 2613 permit, if the permit expires, or if the permit holder ceases to  
 2614 abide by the conditions of the special permit, the permit holder  
 2615 ~~must shall~~ remove and destroy the *Casuarina cunninghamiana* in a  
 2616 timely manner as specified in the permit.

2617 2. If the department:

2618 a. Determines that the permit holder is no longer  
 2619 maintaining the *Casuarina cunninghamiana* subject to the special  
 2620 permit and has not removed and destroyed the *Casuarina*  
 2621 *cunninghamiana* authorized by the special permit;

2622 b. Determines that the continued use of *Casuarina*  
 2623 *cunninghamiana* as windbreaks presents an imminent danger to  
 2624 public health, safety, or welfare; or

2625 c. Determines that the permit holder has exceeded the  
 2626 conditions of the authorized special permit,<sup>r</sup>

2627 the department may issue an immediate final order, which shall  
 2628 be immediately appealable or enjoined pursuant to as provided  
 2629 ~~by~~ chapter 120, directing the permit holder to immediately remove  
 2630 and destroy the *Casuarina cunninghamiana* authorized to be  
 2631 planted under the special permit. A copy of the immediate final  
 2632 order shall be mailed to the permit holder.

2633 3. If, upon issuance by the department of an immediate  
 2634 final order to the permit holder, the permit holder fails to  
 2635 remove and destroy the *Casuarina cunninghamiana* subject to the  
 2636 special permit within 60 days after issuance of the order, or  
 2637 such shorter period as is designated in the order as public  
 2638 health, safety, or welfare requires, the department may remove  
 2639

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2640 and destroy the *Casuarina cunninghamiana* that are the subject of  
 2641 the special permit. If the permit holder makes a written request  
 2642 to the department for an extension of time to remove and destroy  
 2643 the *Casuarina cunninghamiana* that demonstrates specific facts  
 2644 showing why the *Casuarina cunninghamiana* could not reasonably be  
 2645 removed and destroyed in the applicable timeframe, the  
 2646 department may extend the time for removing and destroying  
 2647 *Casuarina cunninghamiana* subject to a special permit. The  
 2648 reasonable costs and expenses incurred by the department for  
 2649 removing and destroying *Casuarina cunninghamiana* subject to a  
 2650 special permit shall be paid out of the Citrus Inspection Trust  
 2651 Fund and shall be reimbursed by the party to which the immediate  
 2652 final order is issued. If the party to which the immediate final  
 2653 order has been issued fails to reimburse the state within 60  
 2654 days, the department may record a lien on the property. The lien  
 2655 shall be enforced by the department.

2656 4. In order to carry out the purposes of this paragraph,  
 2657 the department or its agents may require a permit holder to  
 2658 provide verified statements of the planted acreage subject to  
 2659 the special permit and may review the permit holder's business or  
 2660 planting records at her or his place of business during normal  
 2661 business hours in order to determine the acreage planted. The  
 2662 failure of a permit holder to furnish such statement or to make  
 2663 such records available is cause for suspension of the special  
 2664 permit. If the department finds such failure to be willful, the  
 2665 special permit may be revoked.

2666 Section 133. Subsection (8) of section 581.131, Florida  
 2667 Statutes, is amended to read:

2668 581.131 Certificate of registration.—

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2669 (8) The department shall provide to each person subject to  
 2670 this section written notice and renewal forms 30 60 days before  
 2671 ~~prior to~~ the annual renewal date informing the person of the  
 2672 certificate of registration renewal date and the applicable fee.

2673 Section 134. Paragraph (a) of subsection (2) of section  
 2674 581.141, Florida Statutes, is amended to read:

2675 581.141 Certificate of registration or of inspection;  
 2676 revocation and suspension; fines.—

2677 (2) FINES; PROBATION.—

2678 (a)1. The department may, after notice and hearing, impose  
 2679 an administrative a fine in the Class II category pursuant to s.  
 2680 570.971 not exceeding \$5,000 or probation not exceeding 12  
 2681 months, or both, for a the violation of any of the provisions of  
 2682 this chapter or the rules adopted under this chapter upon a any  
 2683 person, nurseryman, stock dealer, agent, or plant broker. The  
 2684 fine, when paid, shall be deposited in the Plant Industry Trust  
 2685 Fund.

2686 2. The imposition of a fine or probation pursuant to this  
 2687 subsection may be in addition to or in lieu of the suspension or  
 2688 revocation of a certificate of registration or certificate of  
 2689 inspection.

2690 Section 135. Subsection (2) of section 581.186, Florida  
 2691 Statutes, is amended to read:

2692 581.186 Endangered Plant Advisory Council; organization;  
 2693 meetings; powers and duties.—

2694 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The  
 2695 meetings, powers and duties, procedures, and recordkeeping of  
 2696 the Endangered Plant Advisory Council shall be pursuant to  
 2697 governed by the provisions of s. 570.232 570.0705 relating to

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2698 ~~advisory committees established within the department.~~

2699 Section 136. Paragraph (a) of subsection (3) of section  
 2700 581.211, Florida Statutes, is amended to read:

2701 581.211 Penalties for violations.—

2702 (3) (a)1. In addition to any other provision of law, the  
 2703 department may, after notice and hearing, impose an  
 2704 administrative fine in the Class II category pursuant to s.  
 2705 570.971 not exceeding \$5,000 for each violation of this chapter,  
 2706 upon a any person, nurseryman, stock dealer, agent, or plant  
 2707 broker. The fine, when paid, shall be deposited in the Plant  
 2708 Industry Trust Fund. In addition, the department may place the  
 2709 violator on probation for up to 1 year, with conditions.

2710 2. The imposition of a fine or probation pursuant to this  
 2711 subsection may be in addition to or in lieu of the suspension or  
 2712 revocation of a certificate of registration or certificate of  
 2713 inspection.

2714 Section 137. Subsection (2) of section 582.06, Florida  
 2715 Statutes, is amended to read:

2716 582.06 Soil and Water Conservation Council; powers and  
 2717 duties.—

2718 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The  
 2719 meetings, powers and duties, procedures, and recordkeeping of  
 2720 the Soil and Water Conservation Council shall be pursuant to  
 2721 governed by the provisions of s. 570.232 570.0705 relating to  
 2722 advisory committees established within the department.

2723 Section 138. Subsection (4) of section 583.01, Florida  
 2724 Statutes, is amended to read:

2725 583.01 Definitions.—For the purpose of this chapter, unless  
 2726 elsewhere indicated, the term:

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2727 (4) "Dealer" means a any person, firm, or corporation,  
 2728 including a producer, processor, retailer, or wholesaler, that  
 2729 sells, offers for sale, or holds for the purpose of sale in this  
 2730 state 30 dozen or more eggs or its equivalent in any one week,  
 2731 or ~~more than 384 in excess of 100 pounds of~~ dressed birds  
 2732 ~~poultry~~ in any one week.

2733 Section 139. Subsection (1) of section 585.007, Florida  
 2734 Statutes, is amended to read:

2735 585.007 Violation of rules; violation of chapter.—

2736 (1) A ~~Any~~ person who violates ~~the provisions of~~ this  
 2737 chapter or any rule of the department shall be subject to the  
 2738 imposition of an administrative fine in the Class III category  
 2739 pursuant to s. 570.971 ~~of up to \$10,000~~ for each offense. Upon  
 2740 repeated violation, the department may seek enforcement pursuant  
 2741 to s. 120.69.

2742 Section 140. Paragraph (a) of subsection (2) of section  
 2743 586.15, Florida Statutes, is amended to read:

2744 586.15 Penalty for violation.—

2745 (2) (a) The department may, after notice and hearing, impose  
 2746 an administrative a fine in the Class II category pursuant to s.  
 2747 570.971 ~~not exceeding \$5,000 for a the violation of any of the~~  
 2748 ~~provisions of~~ this chapter or the rules adopted under this  
 2749 chapter upon any person. The fine, when paid, shall be deposited  
 2750 in the Plant Industry Trust Fund. The imposition of a fine  
 2751 pursuant to this subsection may be in addition to or in lieu of  
 2752 the suspension or revocation of a permit or a certificate of  
 2753 inspection or registration.

2754 Section 141. Subsection (3) of section 586.161, Florida  
 2755 Statutes, is amended to read:

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2756 586.161 Honeybee Technical Council.—

2757 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The  
 2758 meetings, powers and duties, procedures, and recordkeeping of  
 2759 the Honeybee Technical Council shall be pursuant to governed by  
 2760 ~~the provisions of s. 570.232 570.0705 relating to advisory~~  
 2761 ~~committees established within the department.~~

2762 Section 142. Subsection (3) is added to section 589.08,  
 2763 Florida Statutes, to read:

2764 589.08 Land acquisition restrictions.—

2765 (3) The Florida Forest Service shall pay 15 percent of the  
 2766 gross receipts from the Goethe State Forest to each fiscally  
 2767 constrained county, as described in s. 218.67(1), in which a  
 2768 portion of the respective forest is located in proportion to the  
 2769 forest acreage located in such county. The funds must be equally  
 2770 divided between the board of county commissioners and the school  
 2771 board of each fiscally constrained county.

2772 Section 143. Section 589.081, Florida Statutes, is  
 2773 repealed.

2774 Section 144. Subsections (1) and (3) of section 589.011,  
 2775 Florida Statutes, are amended to read:

2776 589.011 Use of state forest lands; fees; rules.—

2777 (1) (a) If authorized by a land management plan approved  
 2778 pursuant to chapter 253 or by an interim assignment letter that  
 2779 identifies the interim management activities issued by the  
 2780 Department of Environmental Protection pursuant to chapter 259,  
 2781 the Florida Forest Service of the Department of Agriculture and  
 2782 Consumer Services may grant privileges, permits, leases, and  
 2783 concessions for the use of state forest lands or any lands  
 2784 leased by or otherwise assigned to the Florida Forest Service

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2785 for management purposes, timber, and forest products pursuant to  
 2786 ~~for purposes not inconsistent with the provisions of this~~  
 2787 chapter.

2788 (b) Lessees of such lands that are open to the public for  
 2789 recreational purposes, where such lease or agreement recognizes  
 2790 that the state is responsible for personal injury, loss, or  
 2791 damage resulting in whole or in part from public use of the area  
 2792 under the terms of the lease or agreement, subject to the  
 2793 limitations and conditions specified in s. 768.28, owe no duty  
 2794 of care to keep the area safe for entry or use by others or to  
 2795 give warning to persons entering or going into the area of any  
 2796 hazardous conditions, structures, or activities thereon.

2797 (c) Lessees who lease property from the Florida Forest  
 2798 Service which is open to the public for recreational purposes:

2799 1. Are not presumed to extend any assurance that the leased  
 2800 area is safe for any purpose.

2801 2. Do not incur any duty of care toward a person who goes  
 2802 into the area that is subject to the lease or agreement.

2803 3. Are not liable or responsible for any injury to persons  
 2804 or property caused by the act or omission of a person who goes  
 2805 into the area that is subject to the lease or agreement.

2806 (d) This subsection:

2807 1. Applies to all persons going into the leased area,  
 2808 including invitees, licensees, and trespassers.

2809 2. Does not relieve a person of liability that would  
 2810 otherwise exist for deliberate, willful, or malicious injury to  
 2811 persons or property.

2812 3. Does not create or increase liability of a person.

2813 (3) The Florida Forest Service ~~may shall have the power to~~

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2814 set and charge reasonable fees, rentals, or charges ~~rent~~ for the  
 2815 use or operation of facilities and concessions on state forests  
 2816 or any lands leased by or otherwise assigned to the Florida  
 2817 Forest Service for management purposes based on factors such as  
 2818 the cost and extent of recreational facilities and services,  
 2819 geographic location, seasonal public demand, fees charged by  
 2820 other governmental and private entities for comparable services  
 2821 and activities, and market value and demand for forest products.  
 2822 Moneys collected from such fees, rentals, and charges ~~rent~~ shall  
 2823 be deposited into the Incidental Trust Fund of the Florida  
 2824 Forest Service.

2825 Section 145. Section 589.20, Florida Statutes, is amended  
 2826 to read:

2827 589.20 Cooperation by Florida Forest Service.—The Florida  
 2828 Forest Service may cooperate with other state agencies, water  
 2829 management districts, municipalities, and other government  
 2830 entities who are custodians of lands which are suitable for  
 2831 ~~forestry purposes,~~ in the designation and dedication of ~~such~~  
 2832 lands that are suitable for forestry purposes when in the  
 2833 ~~opinion of the state agencies concerned such lands are suitable~~  
 2834 ~~for these purposes and can be so administered. Lands designated~~  
 2835 and dedicated by a state agency, water management district,  
 2836 municipality, or other government entity ~~Upon the designation~~  
 2837 ~~and dedication of said lands for forestry these purposes by the~~  
 2838 ~~agencies concerned, said lands~~ shall be administered by the  
 2839 Florida Forest Service.

2840 Section 146. Subsection (7) of section 590.02, Florida  
 2841 Statutes, is amended to read:

2842 590.02 Florida Forest Service; powers, authority, and

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2843 duties; liability; building structures; Withlacoochee Training  
 2844 ~~Florida Center for Wildfire and Forest Resources Management~~  
 2845 ~~Training.~~-

2846 (7) The Florida Forest Service may organize, staff, equip,  
 2847 and operate the Withlacoochee Florida Forest Training Center.  
 2848 The center shall serve as a site where fire and forest resource  
 2849 managers can obtain current knowledge, techniques, skills, and  
 2850 theory as they relate to their respective disciplines.

2851 (a) The center may establish cooperative efforts involving  
 2852 federal, state, and local entities; hire appropriate personnel;  
 2853 and engage others by contract or agreement with or without  
 2854 compensation to assist in carrying out the training and  
 2855 operations of the center.

2856 (b) The center shall provide wildfire suppression training  
 2857 opportunities for rural fire departments, volunteer fire  
 2858 departments, and other local fire response units.

2859 (c) The center shall ~~will~~ focus on curriculum related ~~to~~,  
 2860 but not limited to, fuel reduction, an incident management  
 2861 system, prescribed burning certification, multiple-use land  
 2862 management, water quality, forest health, environmental  
 2863 education, and wildfire suppression training for structural  
 2864 firefighters.

2865 (d) The center may assess appropriate fees for food,  
 2866 lodging, travel, course materials, and supplies in order to meet  
 2867 its operational costs and may grant free meals, room, and  
 2868 scholarships to persons and other entities in exchange for  
 2869 instructional assistance.

2870 Section 147. Section 590.091, Florida Statutes, is  
 2871 repealed.

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2872 Section 148. Subsection (2) of section 590.125, Florida  
 2873 Statutes, is amended to read:

2874 590.125 Open burning authorized by the Florida Forest  
 2875 Service.-

2876 (2) NONCERTIFIED BURNING.-

2877 (a) Persons may ~~be authorized to~~ broadcast burn or pile  
 2878 burn pursuant to in accordance with this subsection if:

2879 1. There is specific consent of the landowner or his or her  
 2880 designee;

2881 2. Authorization has been obtained from the Florida Forest  
 2882 Service or its designated agent before starting the burn;

2883 3. There are adequate firebreaks at the burn site and  
 2884 sufficient personnel and firefighting equipment for the  
 2885 containment of the fire;

2886 4. The fire remains within the boundary of the authorized  
 2887 area;

2888 5. The person named responsible in the burn authorization  
 2889 or a designee is present at the burn site until the fire is  
 2890 completed;

2891 6. The Florida Forest Service does not cancel the  
 2892 authorization; and

2893 7. The Florida Forest Service determines that air quality  
 2894 and fire danger are favorable for safe burning.

2895 (b) A new authorization is not required for smoldering that  
 2896 occurs within the authorized burn area unless new ignitions are  
 2897 conducted by the person named responsible in the burn  
 2898 authorization or a designee.

2899 (c) Monitoring the smoldering activity of a burn does not  
 2900 require an additional authorization even if flames begin to



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2901 spread within the authorized burn area due to ongoing  
2902 smoldering.

2903 ~~(d)(b)~~ A person who broadcast burns or pile burns in a  
2904 manner that violates ~~any requirement of~~ this subsection commits  
2905 a misdemeanor of the second degree, punishable as provided in s.  
2906 775.082 or s. 775.083.

2907 Section 149. Subsection (3) of section 590.14, Florida  
2908 Statutes, is amended to read:

2909 590.14 Notice of violation; penalties; legislative intent.—

2910 (3) The department may also impose an administrative fine  
2911 in the Class I category pursuant to s. 570.971 for each, ~~not to~~  
2912 ~~exceed \$1,000 per violation of any section of~~ chapter 589 or  
2913 this chapter or violation of any rule adopted by the Florida  
2914 Forest Service to administer ~~provisions of~~ law conferring duties  
2915 upon the Florida Forest Service. The fine shall be based upon  
2916 the degree of damage, the prior violation record of the person,  
2917 and whether the person knowingly provided false information to  
2918 obtain an authorization. The fines shall be deposited in the  
2919 Incidental Trust Fund of the Florida Forest Service.

2920 Section 150. Subsection (2) of section 595.701, Florida  
2921 Statutes, is amended to read:

2922 595.701 Healthy Schools for Healthy Lives Council.—

2923 (2) The meetings, powers, duties, procedures, and  
2924 recordkeeping of the Healthy Schools for Healthy Lives Council  
2925 shall be pursuant to ~~governed by~~ s. 570.232 ~~570.0705,~~ relating  
2926 ~~to advisory committees established within the department.~~

2927 Section 151. Subsection (2) of section 597.0041, Florida  
2928 Statutes, is amended to read:

2929 597.0041 Prohibited acts; penalties.—

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2930 (2) (a) A ~~Any~~ person who violates ~~any provision of~~ this  
2931 chapter or any rule adopted under this chapter promulgated  
2932 ~~hereunder~~ is subject to a suspension or revocation of his or her  
2933 certificate of registration or license under this chapter. The  
2934 department may, in lieu of, or in addition to the suspension or  
2935 revocation, impose on the violator an administrative fine in the  
2936 Class I category pursuant to s. 570.971 for each violation, for  
2937 each day the violation exists in an amount not to exceed \$1,000  
2938 per violation per day.

2939 (b) Except as provided in subsection (4), a ~~any~~ person who  
2940 violates ~~any provision of~~ this chapter, or any rule adopted  
2941 under this chapter hereunder, commits a misdemeanor of the first  
2942 degree, punishable as provided in s. 775.082 or s. 775.083.

2943 Section 152. Subsection (1) of section 597.020, Florida  
2944 Statutes, is amended to read:

2945 597.020 Shellfish processors; regulation.—

2946 (1) The department may:

2947 (a) ~~is authorized to~~ Adopt by rule regulations,  
2948 specifications, and codes relating to sanitary practices for  
2949 catching, cultivating, handling, processing, packaging,  
2950 preserving, canning, smoking, and storing ~~of~~ oysters, clams,  
2951 mussels, scallops, and crabs.

2952 (b) ~~The department is also authorized to~~ License shellfish  
2953 processors who handle oysters, clams, mussels, scallops, and  
2954 crabs when such activities relate to quality control, sanitary,  
2955 and public health practices pursuant to this section and chapter  
2956 500.

2957 (c) ~~The department is also authorized to~~ License or  
2958 certify, for a fee determined by rule, facilities used for

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 2959 processing oysters, clams, mussels, scallops, and crabs; ~~to~~  
 2960 levy an administrative fine in the Class I category pursuant to  
 2961 s. 570.971 for each violation, for each day the violation  
 2962 exists, of up to \$1,000 per violation per day or ~~to~~ suspend or  
 2963 revoke such licenses or certificates upon satisfactory evidence  
 2964 of ~~a any~~ violation of rules adopted pursuant to this section; ~~to~~  
 2965 and ~~to~~ seize and destroy any adulterated or misbranded shellfish  
 2966 products as defined by rule.

Section 153. Subsection (2) of section 599.002, Florida  
 Statutes, is amended to read:

599.002 Viticulture Advisory Council.—

(2) The meetings, powers and duties, procedures, and  
 recordkeeping of the Viticulture Advisory Council shall be  
 pursuant to governed by the provisions of s. 570.232 570.0705  
~~relating to advisory committees established within the~~  
~~department.~~

Section 154. Section 601.67, Florida Statutes, is amended  
 to read:

601.67 Disciplinary action by Department of Agriculture  
 against citrus fruit dealers.—

(1) The Department of Agriculture may impose an  
~~administrative~~ a fine in the Class IV category pursuant to s.  
~~570.971 not to exceed exceeding~~ \$50,000 for each per violation  
 against ~~a any~~ licensed citrus fruit dealer who violates for  
~~violation of any provision of~~ this chapter and, in lieu of ~~or~~  
 in addition to ~~or~~ such fine, may revoke or suspend the license of  
~~any~~ such a dealer when it has been satisfactorily shown that  
 such dealer, in her or his activities as a citrus fruit dealer,  
 has:

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 2988 (a) Obtained a license by means of fraud,  
 2989 misrepresentation, or concealment;  
 2990 (b) Violated or aided or abetted in the violation of any  
 2991 law of this state governing or applicable to citrus fruit  
 2992 dealers or any lawful rules of the Department of Citrus;  
 2993 (c) Been guilty of a crime against the laws of this or any  
 2994 other state or government involving moral turpitude or dishonest  
 2995 dealing or has become legally incompetent to contract or be  
 2996 contracted with;  
 2997 (d) Made, printed, published, distributed, or caused,  
 2998 authorized, or knowingly permitted the making, printing,  
 2999 publication, or distribution of false statements, descriptions,  
 3000 or promises of such a character as to reasonably induce any  
 3001 person to act to her or his damage or injury, if such citrus  
 3002 fruit dealer then knew, or by the exercise of reasonable care  
 3003 and inquiry could have known, of the falsity of such statements,  
 3004 descriptions, or promises;  
 3005 (e) Knowingly committed or been a party to any material  
 3006 fraud, misrepresentation, concealment, conspiracy, collusion,  
 3007 trick, scheme, or device whereby another any other person  
 3008 lawfully relying upon the word, representation, or conduct of  
 3009 the citrus fruit dealer has acted to her or his injury or  
 3010 damage;  
 3011 (f) Committed any act or conduct of the same or different  
 3012 character than of that ~~hereinabove~~ enumerated which constitutes  
 3013 fraudulent or dishonest dealing; or  
 3014 (g) Violated ~~any of the provisions of~~ ss. 506.19-506.28;  
 3015 ~~both sections inclusive.~~  
 3016 (2) The Department of Agriculture may impose an

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3017 administrative a fine in the Class IV category pursuant to s.  
 3018 570.971 not to exceed ~~exceeding~~ \$100,000 for each ~~per~~ violation  
 3019 against a ~~any~~ person who operates as a citrus fruit dealer  
 3020 without a current citrus fruit dealer license issued by the  
 3021 Department of Agriculture pursuant to s. 601.60. In addition,  
 3022 the Department of Agriculture may order such person to cease and  
 3023 desist operating as a citrus fruit dealer without a license. An  
 3024 administrative order entered by the Department of Agriculture  
 3025 under this subsection may be enforced pursuant to s. 601.73.

3026 (3) The Department of Agriculture shall impose an  
 3027 administrative a fine in the Class IV category pursuant to s.  
 3028 570.971 not to exceed ~~of not less than \$10,000 nor more than~~  
 3029 \$100,000 for each ~~per~~ violation against a ~~any~~ licensed citrus  
 3030 fruit dealer and shall suspend, for 60 days during the first  
 3031 available period between September 1 and May 31, the license of  
 3032 a ~~any~~ citrus fruit dealer who:

3033 (a) Falsely labels or otherwise misrepresents that a fresh  
 3034 citrus fruit was grown in a specific production area specified  
 3035 in s. 601.091; or

3036 (b) Knowingly, falsely labels or otherwise misrepresents  
 3037 that a processed citrus fruit product was prepared solely with  
 3038 citrus fruit grown in a specific production area specified in s.  
 3039 601.091.

3040 (4) A ~~Any~~ fine imposed pursuant to subsection (1),  
 3041 subsection (2), or subsection (3), when paid, shall be deposited  
 3042 by the Department of Agriculture into its General Inspection  
 3043 Trust Fund.

3044 (5) Whenever an ~~any~~ administrative order has been made and  
 3045 entered by the Department of Agriculture that imposes a fine

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3046 pursuant to this section, such order shall specify a time limit  
 3047 for payment of the fine, not exceeding 15 days. The failure of  
 3048 the citrus fruit ~~dealer involved~~ to pay the fine within that  
 3049 time shall result in the immediate suspension of such citrus  
 3050 fruit dealer's current license, or any subsequently issued  
 3051 license, until ~~such time as~~ the order has been fully satisfied.  
 3052 An ~~Any~~ order suspending a citrus fruit dealer's license shall  
 3053 include a provision that ~~the~~ ~~such~~ suspension shall be for a  
 3054 specified period ~~of time~~ not to exceed 60 days, and such period  
 3055 of suspension may begin ~~commence~~ at any designated date within  
 3056 the current license period or subsequent license period.  
 3057 Whenever an order has been entered that suspends a citrus fruit  
 3058 dealer's license for a definite period ~~of time~~ and that license,  
 3059 by law, expires during the period of suspension, the suspension  
 3060 order shall continue automatically and shall be effective  
 3061 against any subsequent citrus fruit dealer ~~dealer's~~ license  
 3062 issued to such dealer until ~~such time as~~ the entire period of  
 3063 suspension has elapsed. Whenever any such administrative order  
 3064 of the Department of Agriculture is sought to be reviewed by the  
 3065 offending dealer involved in a court of competent jurisdiction,  
 3066 if such court proceedings should finally terminate in such  
 3067 administrative order being upheld or not quashed, such order  
 3068 shall ~~thereupon~~, upon the filing with the Department of  
 3069 Agriculture of a certified copy of the mandate or other order of  
 3070 the last court having to do with the matter in the judicial  
 3071 process, become immediately effective and shall then be carried  
 3072 out and enforced notwithstanding such time will be during a new  
 3073 and subsequent shipping season from that during which the  
 3074 administrative order was first originally entered by the

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3075 Department of Agriculture.

3076 Section 155. Section 604.22, Florida Statutes, is amended  
3077 to read:

3078 604.22 Dealers to keep records; contents.—

3079 (1) (a) Each licensee, while acting as agent for a producer,  
3080 shall make and preserve for at least 1 year a record of each  
3081 transaction, specifying the name and address of the producer for  
3082 whom she or he acts as agent; the date of receipt; the kind,  
3083 quality, and quantity of agricultural products received; the  
3084 name and address of the purchaser of each package of  
3085 agricultural products; the price for which each package was  
3086 sold; the amount of any additional charges necessary to  
3087 effectuate the sale; the amount and explanation of any  
3088 adjustments given; and the net amount due from each purchaser.

3089 (b) An account of sales shall be furnished to each producer  
3090 within 48 hours after the sale of such agricultural products  
3091 unless otherwise agreed to in a written contract or verifiable  
3092 oral agreement. Such account of sales shall clearly show the  
3093 sale price of each lot of agricultural products sold; all  
3094 adjustments to the original price, along with an explanation of  
3095 such adjustments; and an itemized showing of all marketing costs  
3096 deducted by the licensee, along with the net amount due the  
3097 producer.

3098 (c) The licensee shall make the payment to the producer  
3099 within 5 days after ~~of~~ the licensee's receipt of payment unless  
3100 otherwise agreed to in a written contract or verifiable oral  
3101 agreement.

3102 (2) (a) Notwithstanding ~~The provisions of~~ s. 604.16(2), (3),  
3103 and (4) ~~notwithstanding~~, a any person, partnership, corporation,

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3104 or other business entity, except a person described in s.  
3105 604.16(1), who possesses and offers for sale agricultural  
3106 products is required to possess and display, upon the request of  
3107 a ~~any~~ department representative or state, county, or local law  
3108 enforcement officer, an invoice, bill of sale, manifest, or  
3109 other written document showing the date of sale, the name and  
3110 address of the seller, and the kind and quantity of products for  
3111 all such agricultural products.

3112 (b) A ~~Any~~ person who violates ~~the provisions of this~~  
3113 section is subject to s. 604.30(2) and (3) subsection is guilty  
3114 of a misdemeanor of the second degree, punishable as provided in  
3115 s. 775.082 or s. 775.083.

3116 Section 156. Paragraph (a) of subsection (3) of section  
3117 604.30, Florida Statutes, is amended to read:

3118 604.30 Penalties; injunctive relief; administrative fines.—

3119 (3) (a) In addition to the penalties provided in this  
3120 section, the department may, after notice and hearing, impose an  
3121 administrative ~~a~~ fine in the Class II category pursuant to s.  
3122 570.971, not to exceed ~~exceeding~~ \$2,500, for a ~~the~~ violation of  
3123 ~~any of the provisions of~~ ss. 604.15-604.34 or the rules adopted  
3124 thereunder against a ~~any~~ dealer in agricultural products. ~~+~~ Such  
3125 fine, when imposed and paid, shall be deposited by the  
3126 department into the General Inspection Trust Fund.

3127 Section 157. Paragraph (a) of subsection (19) of section  
3128 616.242, Florida Statutes, is amended to read:

3129 616.242 Safety standards for amusement rides.—

3130 (19) ENFORCEMENT AND PENALTIES.—

3131 (a) The department may deny, suspend for a period not to  
3132 exceed 1 year, or revoke any permit or inspection certificate.

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3133 In addition to denial, suspension, or revocation, the department  
3134 may impose an administrative fine in the Class II category  
3135 pursuant to s. 570.971, not to exceed ~~of up to~~ \$2,500 for each  
3136 ~~per~~ violation, for each day the violation exists per day,  
3137 against the owner of the amusement ride if it finds that:  
3138 1. An amusement ride has operated or is operating:  
3139 a. With a mechanical, structural, or electrical defect that  
3140 affects patron safety, of which the owner or manager has  
3141 knowledge, or, through the exercise of reasonable diligence,  
3142 should have knowledge;  
3143 b. In a manner or circumstance that presents a risk of  
3144 serious injury to patrons;  
3145 c. At a speed in excess of its maximum safe operating  
3146 speed;  
3147 d. In violation of this section or any rule adopted under  
3148 this section; or  
3149 e. In violation of an ~~any~~ order of the department or order  
3150 of any court; ~~or-~~  
3151 2. A ~~Any~~ manager in the course of his or her duties is  
3152 under the influence of drugs or alcohol.  
3153 Section 158. This act shall take effect July 1, 2014.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic \_\_\_\_\_

Bill Number 1630  
(if applicable)

Name Amy Datz

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Retired Environmental Scientist

Address 1130 Crestview Ave

Phone 850 322-7599

Street  
Tallahassee FL 32303  
City State Zip

E-mail amalie.datz@mac.com

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/17/14

Meeting Date

Topic Department of Agriculture and Consumer Services Bill Number SB 1630  
(if applicable)

Name Grace Lovett Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Director of Legislative Affairs

Address 400 S. Monroe St.

Street

Tallahassee

City

FL

State

32379

Zip

Phone (850) 617-7700

E-mail Grace.Lovett@  
FreshFromFlorida.com

Speaking:  For  Against  Information

Representing Florida Department of Agriculture and Consumer Services

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

*Meeting Date* \_\_\_\_\_

Topic National FFA Organi

Bill Number \_\_\_\_\_  
*(if applicable)*

Name Wally Martin

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title State FFA Secretary

Address 3114 NW Hwy 72

Phone \_\_\_\_\_

*Street*  
Arcadie  
*City*

FL 34240  
*State* *Zip*

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/17/14  
Meeting Date

Topic Future Farmers of America

Bill Number \_\_\_\_\_  
(if applicable)

Name Megan Stein

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title State President

Address 220 Revson Avenue

Phone (863) 214-7458

Street

Sebring  
City

FL  
State

33874  
Zip

E-mail megan.stein@flaffa.org

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**



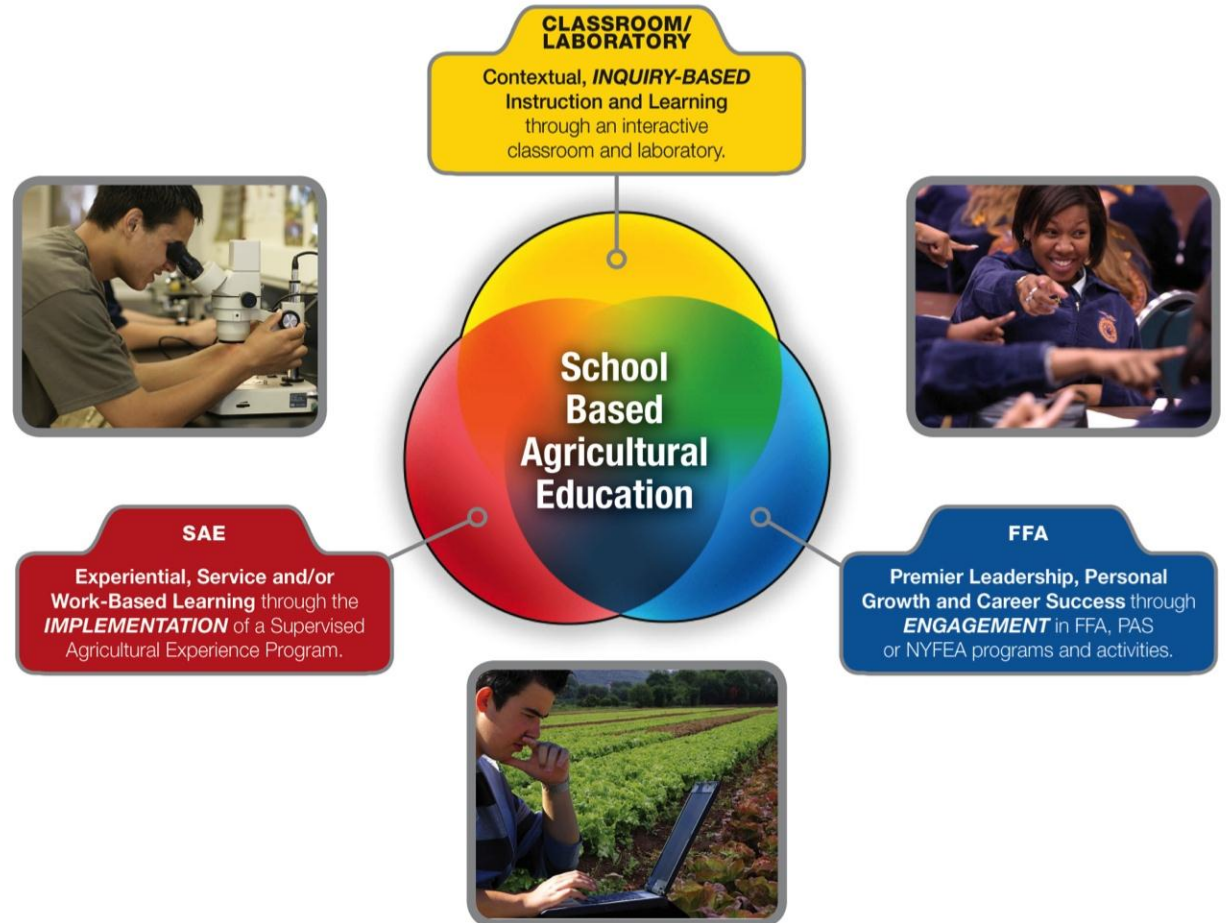
# Agricultural Education in Florida

Megan Stein and Wally Martin  
Florida FFA Association



# Agricultural Education

- Classroom/Laboratory Instruction
- Work-based Learning (Supervised Agricultural Experience)
- Leadership Development (





# Florida's Agriculture Education at a glance

- 60,000 high school and middle students currently enrolled in Agriculture education programs from Pensacola to Miami.
- DOE currently recognizes 9 agriculture programs as STEM programs.
- Agriculture programs offer a variety of topics such as vet assisting, food safety, agriculture biotechnology, horticulture science, and technical agriculture operations.





# Classroom/Laboratory Instruction

- Integrates academic concepts with technical agriculture skills
- Prepares students for work and postsecondary education in more than 300 careers
  - Animal Systems
  - Plant Systems
  - Food Products and Processing Systems
  - Power, Structural and Technical Systems
  - Natural Resource Systems
  - Environmental Service Systems
  - Agribusiness Systems
  - Biotechnology





# Supervised Agricultural Experience

- Practical application of classroom/laboratory concepts conducted outside of class time
- Explore careers
  - Research
  - Placement
  - Ownership
- Earn money
- Learn work place skills
  - Team work
  - Responsibility
  - Communication skills
- Last year over 200 student were able to earn FFA State Degrees because of there work with SAE projects.





# National FFA Organization

- Founded in 1928
- Chartered by U.S. Congress
- Approximately 540,379 members nationwide
  - 34% Urban and Suburban
  - 39% Rural, Non-Farm
  - 27% Rural, Farm
- Integral part of a school's agricultural education program
- Florida has had a total of 22 national officers, 6 national presidents





# FFA Values

- Builds leadership skills for life
- Reinforces instruction
- Recognizes excellence
- Gives students opportunities to make a positive difference in their schools and communities







## FFA Mission

FFA makes a positive difference in the lives of students by developing their potential for *premier leadership, personal growth,* and *career success* through agricultural education.





# Florida FFA by the numbers

- Nearly 17,000 middle and high school members across the state
- Over 400 agriculture educators around the state
- Over 300 chapters





# Challenges of Growth

- *Record* numbers of participation in all activities
- *Record* membership
- The organization is at capacity regarding services offered
- Recruiting and retaining certified, quality agriculture educators
- Financial resources do not support classroom size



# Thank You

- On behalf of every Florida FFA member and agriculture student, thank you for all that you do for Florida FFA and agriculture education.



# CourtSmart Tag Report

Room: SB 301  
Caption: Agriculture Committee

Case:  
Judge:

Type:

Started: 3/17/2014 4:31:47 PM

Ends: 3/17/2014 5:14:49 PM

Length: 00:43:03

4:31:51 PM Meeting called to order by Chairman Montford  
4:32:03 PM Roll call by Administrative Assistant, Joyce Butler  
4:32:15 PM Comments from Chairman Montford  
4:32:32 PM Tab 1 SB 1092 introduced by Chairman Montford  
4:33:15 PM Explanation of SB 1138 - Amendment 570956 by Patrick Weightman  
4:33:32 PM Closure waived  
4:33:51 PM Amendment 570956 passed  
4:33:58 PM Jim Spratt waives in support  
4:34:07 PM Adam Basford waives in support  
4:34:17 PM Closure waived on CS/SB1092  
4:34:35 PM CS/SB 1092 passes favorably  
4:34:52 PM Tab 2 - SB 1138 introduced by Chairman Montford  
4:35:39 PM Explanation of SB 1138 - Amendment 788862 by Dave Murzin of Senator Evers office  
4:36:18 PM Speaker Adam Basford, Florida Farm Bureau in support of Amendment  
4:37:06 PM Speaker Todd Bonlarron, Legislative Affairs Director, Palm Beach County in support of Amendment  
4:37:48 PM Question from Senator Sachs  
4:37:53 PM Response from Todd Bonlarron  
4:38:14 PM Speaker Paul Jess, Florida Justice Association in opposition of Amendment  
4:40:39 PM Question from Senator Sachs  
4:40:45 PM Response from Paul Jess  
4:40:55 PM Follow-up question from Senator Sachs  
4:41:37 PM Response from Paul Jess  
4:42:06 PM Question from Senator Galvano  
4:42:15 PM Response from Paul Jess  
4:42:54 PM Comments from Senator Galvano  
4:43:31 PM Closure by Dave Murzin from Senator Evers office  
4:44:07 PM Amendment passes favorably  
4:44:28 PM Doug Mann, AIF waives in support  
4:44:40 PM Rebecca Brislaw, Executive Director, Florida Association of Food Banks  
4:44:53 PM Butch Calhoun waives in support  
4:45:02 PM Comments from Senator Sachs  
4:46:18 PM Comments from Senator Galvano  
4:46:33 PM Closure waived  
4:46:41 PM Senator Grimsley moves for CS  
4:46:48 PM Roll call by Administrative Assistant  
4:46:58 PM CS/SB 1138 reported favorably  
4:47:07 PM Tab 3 SB 1342 introduced by Chairman Montford  
4:47:39 PM Explanation of Amendment 322240 by Chase Daniel, of Senator Dean's office  
4:47:44 PM Closure waived on the Amendment  
4:47:48 PM Amendment adopted  
4:47:59 PM Doug Mann waives in support  
4:48:05 PM Butch Calhoun, FIVA waives in support  
4:48:34 PM Speaker Amber Hughes, Legislative Advocate, Florida League of Cities in opposition of Bill  
4:49:33 PM Speaker Stephen James, Florida Association of Counties in opposition of Bill  
4:50:24 PM Adam Basford, Florida Farm Bureau waives in support  
4:50:31 PM Herb Sheheane, Lone Star Milk Producers waives in support  
4:50:43 PM Closure waived  
4:50:49 PM Senator Galvano moves for Committee Substitute  
4:51:00 PM Roll call by Administrative Assistant, Joyce Butler  
4:51:10 PM CS/SB 1342 reported favorably  
4:51:27 PM Senator Bullard reported favorably on CS/SB 1092 and CS/SB 1138  
4:51:38 PM Senator Brandes votes in the affirmative for CS/SB1092 and CS/SB1138

4:51:49 PM Chair turned over to Senator Bullard  
4:52:09 PM Explanation of SB 1630 by Chairman Montford  
4:53:29 PM Amendment 670548 explained by Chairman Montford  
4:53:54 PM Amendment 928912 explained by Chairman Montford  
4:54:09 PM Amendment 928912 passes  
4:54:22 PM Amendment 416934 explained by Chairman Montford  
4:54:37 PM Amendment 416934 passes  
4:54:51 PM Amendment 752580 explained by Chairman Montford  
4:55:07 PM Amendment 752580 passes  
4:55:24 PM Amendment 859354 explained by Chairman Montford  
4:55:40 PM Amendment 859354 passes  
4:55:55 PM Amendment 415224 explained by Chairman Montford  
4:56:16 PM Amendment 415224 passes  
4:56:34 PM Explanation of 271836 explained by Senator Brandes  
4:57:05 PM Amendment 271836 passes favorably  
4:57:21 PM Comments from Senator Bullard regarding PCS  
4:57:57 PM Speaker Amy Datz, Retired Environmental Scientist  
4:59:39 PM Grace Lovett, Director of Legislative Affairs, Florida Department of Agriculture and Consumer Services waives in support  
4:59:54 PM Closure waived  
5:00:04 PM Senator Montford moves for CS  
5:00:13 PM Roll call by Administrative Assistant, Joyce Butler  
5:00:34 PM Chair returned to Chairman Montford  
5:01:28 PM Introduction of Future Farmers of America, Megan Stein and Wally Martin by Chairman Montford  
5:02:13 PM Presentation by Megan Stein, FL FFA President  
5:08:12 PM Comments from Chairman Montford  
5:09:03 PM Comments from Senator Bullard  
5:09:13 PM Comments from Senator Galvano  
5:09:20 PM Response from Megan Stein  
5:10:13 PM Introduction of Wally Martin by Chairman Montford  
5:10:48 PM Speaker Wally Martin, FL FFA Secretary  
5:11:26 PM Comments from Senator Sachs  
5:12:22 PM Introduction of FFA members from Manatee County by Wally Martin  
5:12:40 PM Comments from Senator Bullard  
5:13:10 PM Comments from Senator Galvano  
5:14:01 PM Comments from Chairman Montford  
5:14:36 PM Senator Sachs moves to rise