

By the Committee on Agriculture and Representative Bronson

1 A bill to be entitled
2 An act relating to the Department of
3 Agriculture and Consumer Services; amending s.
4 216.181, F.S., relating to approved budgets;
5 exempting the department from certain
6 restrictions on lump-sum salary bonuses;
7 amending s. 500.09, F.S.; authorizing the
8 department to perform certain laboratory
9 services relating to food safety and establish
10 fees therefor; amending s. 500.121, F.S.;
11 adding new disciplinary procedures for food
12 establishments operating without a permit or
13 with a suspended or revoked permit; providing a
14 penalty; amending s. 525.07, F.S.; providing
15 for the repair and adjustment of petroleum fuel
16 measuring devices by meter mechanics; providing
17 for notification of the department; amending s.
18 570.07, F.S.; authorizing an employees' benefit
19 fund; amending s. 570.952, F.S.; revising
20 membership of the Florida Agriculture Center
21 and Horse Park Authority; amending s. 571.25,
22 F.S.; changing the registration date for
23 membership in the Florida Agricultural
24 Promotional Campaign; amending s. 581.131,
25 F.S.; raising the cap on nursery and nursery
26 stock dealer certificate of registration and
27 renewal fees; repealing s. 102, ch. 92-291,
28 Laws of Florida, relating to review and repeal
29 of ss. 500.12 and 500.121, F.S.; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Paragraph (b) of subsection (10) of section
4 216.181, Florida Statutes, is amended to read:

5 216.181 Approved budgets for operations and fixed
6 capital outlay.--

7 (10)

8 (b) Lump-sum salary bonuses may be provided only if
9 specifically appropriated. This paragraph shall not apply to
10 the Department of Agriculture and Consumer Services.

11 Section 2. Subsections (6) and (7) are added to
12 section 500.09, Florida Statutes, to read:

13 500.09 Rulemaking; analytical work; fees.--

14 (6) The department may perform laboratory services
15 relating to, or having potential impact on, food safety or the
16 compliance of food with the requirements of this chapter for
17 any person or public agency.

18 (7) The department may establish and collect
19 reasonable fees for laboratory services performed pursuant to
20 subsection (6). Such fees shall be deposited in the
21 department's General Inspection Trust Fund and shall be used
22 solely for the recovery of costs for the services provided.

23 Section 3. Subsection (5) is added to section 500.121,
24 Florida Statutes, to read:

25 500.121 Disciplinary procedures.--

26 (5) The department shall post a prominent
27 closed-for-operation sign on any food establishment that has
28 had its permit suspended or revoked. The department shall also
29 post such a sign on any establishment judicially or
30 administratively determined to be operating without a permit.
31 It is a misdemeanor of the second degree, punishable as

1 provided in s. 775.082 or s. 775.083, for any person to deface
2 or remove such closed-for-operation sign or for any food
3 establishment to open for operation without a permit or to
4 open for operation while its permit is suspended or revoked.
5 The department may impose administrative sanctions for
6 violations of this subsection.

7 Section 4. Subsection (7) of section 525.07, Florida
8 Statutes, is amended to read:

9 525.07 Powers and duties of department; inspections;
10 unlawful acts.--

11 (7) It is ~~shall be~~ unlawful for any person to break,
12 cut, or remove any seal applied by the department to a
13 petroleum fuel measuring device or container. When it becomes
14 necessary to repair and adjust a petroleum fuel measuring
15 device during the absence of an inspector of the department,
16 the seal on the meter adjustment may be broken by a person who
17 is registered with the department as a meter mechanic. After
18 repairs and adjustments have been made, the adjusting
19 mechanism must immediately be resealed by the registered meter
20 mechanic with a seal clasp bearing the name of the company or
21 the name or initials of the registered mechanic. The
22 registered mechanic shall immediately notify the department of
23 this action.

24 Section 5. Subsection (34) is added to section 570.07,
25 Florida Statutes, to read:

26 570.07 Department of Agriculture and Consumer
27 Services; functions, powers, and duties.--The department shall
28 have and exercise the following functions, powers, and duties:

29 (34) To adopt policies creating, and providing for the
30 operation of, an employees' benefit fund.

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1 Section 6. Paragraph (a) of subsection (2) of section
2 570.952, Florida Statutes, is amended to read:

3 570.952 Florida Agriculture Center and Horse Park
4 Authority.--

5 (2) The authority shall be composed of 23 members
6 appointed by the commissioner.

7 (a) Members shall include:

8 1. One citizen-at-large, who shall represent the views
9 of the general public toward agriculture and equine activities
10 in the state.

11 2. One representative from the Department of
12 Agriculture and Consumer Services.

13 3. One representative from Enterprise Florida, Inc ~~the~~
14 ~~Department of Commerce.~~

15 4. One representative from the Department of
16 Environmental Protection, Office of Greenways Management.

17 5. One member of the Ocala/Marion County Chamber of
18 Commerce.

19 6. One public/private partnership expert.

20 7. One member of a private environmental organization.

21 8. One fruit and vegetable grower.

22 9. One citrus grower.

23 10. One commercial feed producer.

24 11. One livestock/cattle breeder.

25 12. One quarter horse breeder.

26 13. One thoroughbred horse breeder.

27 14. One standardbred horse breeder.

28 15. One Arabian horse breeder.

29 16. One color breeds ~~Appaloosa~~ horse breeder.

30 17. One licensed veterinarian.

31 18. One Paso Fino ~~paint~~ horse breeder.

- 1 19. One ornamental or nursery stock grower.
2 20. One representative from the horse show industry.
3 21. One representative from the horse sport industry.
4 22. One representative from the horse trailriders
5 industry.
6 23. One representative from the Board of County
7 Commissioners of Marion County.

8 Section 7. Subsection (1) of section 571.25, Florida
9 Statutes, is amended to read:

10 571.25 Registration and fees.--

11 (1) Any person who participates in the Florida
12 Agricultural Promotional Campaign shall register annually with
13 the department in a form and manner as required by the
14 department. Each person shall renew his or her ~~their~~
15 registration on the anniversary date of his or her original
16 membership ~~by July 1 of each year.~~

17 Section 8. Subsection (6) of section 581.131, Florida
18 Statutes, is amended to read:

19 581.131 Certificate of registration.--

20 (6) Neither the certificate of registration fee nor
21 the annual renewal fee shall exceed ~~\$600~~ \$460. The department
22 may exempt from the payment of a certificate fee those
23 governmental agency nurseries whose nursery stock is used
24 exclusively for planting on their own property.

25 Section 9. Section 102 of chapter 92-291, Laws of
26 Florida, is repealed.

27 Section 10. This act shall take effect upon becoming a
28 law.

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HOUSE SUMMARY

Provides the following with respect to the Department of Agriculture and Consumer Services: exempts the department from certain restrictions on lump sum salary bonuses; authorizes the department to perform certain laboratory services relating to food safety and establish fees therefor; adds new disciplinary procedures and penalties relating to food establishments operating without a permit or with a suspended or revoked permit; provides for the repair and adjustment of petroleum fuel measuring devices by meter mechanics and notification of the department; authorizes an employees' benefit fund; revises membership of the Florida Agriculture Center and Horse Park Authority; changes certain registration dates; and raises the cap on nursery and nursery stock dealer certificate of registration and renewal fees. Repeals provisions relating to review and repeal of certain food permit provisions.