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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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29 pesticide fact sheets and safety data sheets; amending
30 s. 493.6120, F.S.; authorizing the department to
31 impose certain civil penalties for violations relating
32 to private security, investigative, and repossession
33 services; transferring and renumbering s. 570.545,
34 F.S., relating to unsolicited goods; amending s.
35 500.03, F.S.; revising the definition of the term
36 "food establishment"; amending s. 500.12, F.S.;
37 revising the exemption from permit requirements for
38 minor food outlets; requiring an establishment to
39 apply for and receive a permit prior to the
40 commencement of operations; requiring the department
41 to adopt a schedule of fees to be paid by each food
42 establishment and retail food store; providing that
43 food permits are not transferable; updating
44 terminology; amending s. 500.121, F.S.; authorizing
45 the department to order the immediate closure of
46 certain establishments upon determination that the
47 establishment presents a severe and immediate threat
48 to the public health, safety, and welfare; specifying
49 the procedure the department must use in ordering
50 immediate closure; conforming provisions to changes
51 made by the act; providing criminal penalties;
52 authorizing the department to adopt rules; amending s.
53 500.147, F.S.; authorizing the department to inspect
54 food records to facilitate tracing of food products in
55 certain circumstances; amending s. 500.165, F.S.;
56 revising the administrative fine amount for violating
57 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 Agricultural 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 claimant 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 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~~;~~
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

1726 SALES IN TONS	FEE
1727	
1728 Zero, up to and including 25.....	\$40
1729 More than 25, up to and including 50.....	\$75
1730 More than 50, up to and including 100.....	\$150
1731 More than 100, up to and including 300.....	\$375
1732 More than 300, up to and including 600.....	\$600
1733 More than 600, up to and including 1,000.....	\$900
1734 More than 1,000, up to and including	
1735 2,000.....	\$1,250
1736 More than 2,000, up to and including	
1737 5,000.....	\$2,000
1738 More than 5,000.....	\$3,500

1739 (d) The department shall provide ~~mail~~ 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)(e)~~ 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 (c) 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 enjoinable 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 permit holder to
2004 provide verified statements of the planted acreage subject to
2005 the special permit and may review the permit holder'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 permit holder 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 (BEBR) 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 BEBR
2441 projections must be fully described, and the original BEBR 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, ~~7~~ or issue a written notice or warning under
2744 s. 500.179 ~~7~~ 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 of:

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~~7~~ 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~~7~~ or any rule adopted
3247 under this chapter hereunder~~7~~, 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~~7~~ or
3290 in addition to~~7~~ 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.