

By Senator Montford

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1 A bill to be entitled

2 An act relating to the Department of Agriculture
3 and Consumer Services; designating parts I-V of ch.
4 570, F.S., relating to the Department of Agriculture
5 and Consumer Services; amending s. 282.709, F.S.;
6 providing for appointment of a department
7 representative to the Joint Task Force on State Agency
8 Law Enforcement Communications; amending s. 487.041,
9 F.S.; revising requirements for registration and
10 distribution of discontinued pesticides; amending s.
11 487.046, F.S.; revising provisions for filing
12 pesticide applicator license applications; amending s.
13 487.047, F.S.; revising provisions for issuance of
14 pesticide applicator licenses; amending s. 487.048,
15 F.S.; revising provisions for filing pesticide dealer
16 license applications; amending s. 487.159, F.S.;
17 deleting requirements for filing statements claiming
18 damages and injuries from pesticide application;
19 amending s. 487.160, F.S.; revising recordkeeping
20 requirements for licensed private applicators;
21 repealing s. 487.172, F.S., relating to an antifouling
22 paint educational program; amending s. 487.2031, F.S.;
23 revising the term "material safety data sheet";
24 amending s. 487.2051, F.S.; revising requirements for
25 pesticide fact sheets and safety data sheets; amending
26 s. 493.6120, F.S.; authorizing the department to
27 impose certain civil penalties for violations relating
28 to private security, investigative, and repossession
29 services; amending s. 500.03, F.S.; revising the

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30 definition of the term "food establishment"; amending
31 s. 500.12, F.S.; revising criteria for certain food
32 permit exemptions; requiring the department to adopt a
33 permit fee schedule; requiring food permits as a
34 condition of operating a food establishment; providing
35 that such permits are not transferable; amending s.
36 500.121, F.S.; conforming provisions to changes made
37 by the act; revising the time limit for payment of
38 fines; providing for permit revocation for failure to
39 pay a fine; authorizing the department to immediately
40 close certain food establishments; providing
41 requirements and procedures for such closure;
42 providing penalties for violations; authorizing the
43 department to adopt rules; amending s. 500.147, F.S.;
44 providing for the inspection of food records for
45 certain purposes; amending s. 500.172, F.S.; providing
46 for embargoing, detaining, or destroying food
47 processing and storage areas; repealing ss. 500.301,
48 500.302, 500.303, 500.304, 500.305, and 500.306, F.S.,
49 relating to standards of enrichment, sales,
50 enforcement, and inspection of certain grain products;
51 repealing s. 500.601, F.S., relating to retail sale of
52 meat; amending s. 501.059, F.S.; authorizing the
53 department to adopt rules; amending s. 570.074, F.S.;
54 providing for the duties of the Office of Agricultural
55 Water Policy; amending s. 570.14, F.S.; requiring
56 written approval for use of the department seal;
57 amending s. 570.247, F.S.; clarifying provisions
58 directing the department to adopt certain rules;

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59 repealing s. 570.345, F.S., relating to the Pest
60 Control Compact; amending s. 570.36, F.S.; clarifying
61 provisions relating to the duties of the Division of
62 Animal Industry; repealing s. 570.542, F.S., relating
63 to the Florida Consumer Services Act; creating s.
64 570.67, F.S.; establishing the Office of Energy within
65 the department; providing for supervision and duties;
66 amending s. 570.71, F.S.; authorizing specified uses
67 of funds from the Conservation and Recreation Lands
68 Program Trust Fund; repealing s. 570.72, F.S.,
69 relating to a definition; repealing s. 570.92, F.S.,
70 relating to an equestrian educational sports program;
71 amending s. 570.952, F.S.; deleting an obsolete
72 provision relating to membership terms for the Florida
73 Agriculture Center and Horse Park Authority;
74 conforming cross-references; amending s. 570.964,
75 F.S.; clarifying compliance required for privileges of
76 immunity; creating s. 570.971, F.S.; establishing
77 administrative and civil penalties for certain
78 violations; providing applicability; authorizing the
79 department to adopt rules; amending s. 576.021, F.S.;
80 revising provisions for filing applications to
81 distribute fertilizer; amending s. 576.031, F.S.;
82 revising labeling requirements for distribution of
83 fertilizer in bulk; amending s. 576.041, F.S.;
84 removing surety bond and certificate of deposit
85 requirements for fertilizer license applicants;
86 amending s. 576.051, F.S.; revising the period for
87 which a fertilizer sample must be retained for

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88 analysis; amending s. 576.071, F.S.; revising criteria
89 for determining the commercial value of certain
90 penalties; amending s. 576.087, F.S.; revising
91 antisiphon requirements for irrigation systems;
92 amending s. 576.101, F.S.; removing provisions
93 relating to probationary status of a fertilizer
94 licensee; amending s. 578.08, F.S.; revising
95 application requirements and registration fees for the
96 sale of seed; amending s. 580.036, F.S.; directing the
97 department to consult with the Agricultural Feed,
98 Seed, and Fertilizer Advisory Council when developing
99 certain standards; amending s. 580.041, F.S.; revising
100 application requirements for master registration of
101 commercial feed; amending s. 580.071, F.S.; revising
102 criteria for adulterated commercial feed or feedstuff;
103 amending s. 581.091, F.S.; deleting provisions
104 relating to noxious weed and invasive plant pilot and
105 monitoring programs; amending s. 581.131, F.S.;
106 revising the time in which the department must provide
107 certain notice and certificate renewal forms; amending
108 s. 583.01, F.S.; revising the definition of the term
109 "dealer"; amending s. 589.08, F.S.; directing the
110 Florida Forest Service to distribute certain funds to
111 fiscally constrained counties; repealing s. 589.081,
112 F.S., relating to payment of certain gross receipts
113 from the Withlacoochee State Forest and Goethe State
114 Forest; amending s. 589.011, F.S.; providing
115 conditions under which the Florida Forest Service is
116 authorized to grant use of certain lands; limiting

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117 liability for lessees of specified lands; providing
118 criteria by which the Florida Forest Service
119 determines certain fees, rentals, and charges;
120 amending s. 589.20, F.S.; authorizing the Florida
121 Forest Service to cooperate with water management
122 districts, municipalities, and other government
123 entities in the designation and dedication of certain
124 lands; repealing s. 590.091, F.S., relating to the
125 designation of railroad rights-of-way as wildfire
126 hazard areas; amending s. 590.125, F.S.; revising
127 requirements for noncertified burning; amending ss.
128 253.74, 388.46, 472.0351, 472.036, 482.161, 482.165,
129 482.243, 487.091, 487.175, 493.6118, 496.420, 500.165,
130 500.70, 501.019, 501.612, 501.619, 501.922, 502.231,
131 507.09, 507.10, 526.311, 526.55, 527.13, 531.50,
132 534.52, 539.001, 559.921, 559.9355, 559.936, 570.0741,
133 570.23, 570.242, 570.38, 570.42, 570.44, 570.45,
134 570.451, 570.50, 570.51, 570.543, 571.11, 571.28,
135 571.29, 576.061, 578.181, 580.121, 581.141, 581.186,
136 581.211, 582.06, 585.007, 586.15, 586.161, 590.02,
137 590.14, 595.701, 597.0041, 597.020, 599.002, 601.67,
138 604.22, 604.30, and 616.242, F.S.; conforming
139 provisions to changes made by the act; amending ss.
140 193.461, 288.1175, 320.08058, 373.621, 373.709,
141 381.0072, 509.032, 525.16, 570.07, 570.076, 570.902,
142 570.9135, 570.961, and 570.963, F.S.; conforming
143 cross-references; providing an effective date.

144

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

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146
147 Section 1. Chapter 570, Florida Statutes, as amended by
148 this act, shall be divided into the following parts:

149 (1) Part I, consisting of sections 570.01 through 570.232,
150 Florida Statutes, entitled "General Provisions";

151 (2) Part II, consisting of sections 570.30 through 570.693,
152 Florida Statutes, entitled "Program Services";

153 (3) Part III, consisting of sections 570.70 through 570.89,
154 Florida Statutes, entitled "Agricultural Development";

155 (4) Part IV, consisting of sections 570.916 through 570.94,
156 Florida Statutes, entitled "Agricultural Water Policy"; and

157 (5) Part V, consisting of section 570.971, Florida
158 Statutes, entitled "Penalties".

159 Section 2. Paragraph (c) of subsection (6) of section
160 193.461, Florida Statutes, is amended to read:

161 193.461 Agricultural lands; classification and assessment;
162 mandated eradication or quarantine program.-

163 (6)

164 (c)1. For purposes of the income methodology approach to
165 assessment of property used for agricultural purposes,
166 irrigation systems, including pumps and motors, physically
167 attached to the land shall be considered a part of the average
168 yields per acre and shall have no separately assessable
169 contributory value.

170 2. Litter containment structures located on producing
171 poultry farms and animal waste nutrient containment structures
172 located on producing dairy farms shall be assessed by the
173 methodology described in subparagraph 1.

174 3. Structures or improvements used in horticultural

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175 production for frost or freeze protection, which ~~structures or~~
176 ~~improvements~~ are consistent with the interim measures or best
177 management practices adopted by the Department of Agriculture
178 and Consumer Services Services' ~~interim measures or best~~
179 ~~management practices adopted~~ pursuant to s. 570.93 ~~570.085~~ or s.
180 403.067(7)(c), shall be assessed by the methodology described in
181 subparagraph 1.

182 Section 3. Subsection (1) of section 253.74, Florida
183 Statutes, is amended to read:

184 253.74 Penalties.—

185 (1) A ~~Any~~ person who conducts aquaculture activities in
186 excess of those authorized by the board or who conducts such
187 activities on state-owned submerged lands without having
188 previously obtained an authorization from the board commits a
189 misdemeanor of the second degree, punishable as provided in s.
190 775.082, is subject to a civil fine in the Class I category
191 pursuant to s. 570.971 ~~and shall be subject to imprisonment for~~
192 ~~not more than 6 months or fine of not more than \$1,000, or both.~~
193 In addition to such fine and imprisonment, all works,
194 improvements, and animal and plant life involved in the project,
195 may be forfeited to the state.

196 Section 4. Paragraph (a) of subsection (2) of section
197 282.709, Florida Statutes, is amended to read:

198 282.709 State agency law enforcement radio system and
199 interoperability network.—

200 (2) The Joint Task Force on State Agency Law Enforcement
201 Communications is created adjunct to the department to advise
202 the department of member-agency needs relating to the planning,
203 designing, and establishment of the statewide communication

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204 system.

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

207 1. A representative of the Division of Alcoholic Beverages
208 and Tobacco of the Department of Business and Professional
209 Regulation who shall be appointed by the secretary of the
210 department.

211 2. A representative of the Division of Florida Highway
212 Patrol of the Department of Highway Safety and Motor Vehicles
213 who shall be appointed by the executive director of the
214 department.

215 3. A representative of the Department of Law Enforcement
216 who shall be appointed by the executive director of the
217 department.

218 4. A representative of the Fish and Wildlife Conservation
219 Commission who shall be appointed by the executive director of
220 the commission.

221 5. A representative of the Department of Corrections who
222 shall be appointed by the secretary of the department.

223 6. A representative of the Division of State Fire Marshal
224 of the Department of Financial Services who shall be appointed
225 by the State Fire Marshal.

226 7. A representative of the Department of Transportation who
227 shall be appointed by the secretary of the department.

228 8. A representative of the Department of Agriculture and
229 Consumer Services who shall be appointed by the Commissioner of
230 Agriculture.

231 Section 5. Paragraph (c) of subsection (5) of section
232 288.1175, Florida Statutes, is amended to read:

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233 288.1175 Agriculture education and promotion facility.—

234 (5) The Department of Agriculture and Consumer Services
235 shall competitively evaluate applications for funding of an
236 agriculture education and promotion facility. If the number of
237 applicants exceeds three, the Department of Agriculture and
238 Consumer Services shall rank the applications based upon
239 criteria developed by the Department of Agriculture and Consumer
240 Services, with priority given in descending order to the
241 following items:

242 (c) The location of the facility in a brownfield site as
243 defined in s. 376.79(3), a rural enterprise zone as defined in
244 s. 290.004, an agriculturally depressed area as defined in s.
245 570.74 ~~570.242(1)~~, or a county that has lost its agricultural
246 land to environmental restoration projects.

247 Section 6. Paragraph (b) of subsection (14) and paragraph
248 (b) of subsection (77) of section 320.08058, Florida Statutes,
249 are amended to read:

250 320.08058 Specialty license plates.—

251 (14) FLORIDA AGRICULTURAL LICENSE PLATES.—

252 (b) The proceeds of the Florida Agricultural license plate
253 annual use fee must be forwarded to the direct-support
254 organization created pursuant to ~~in~~ s. 570.691 ~~570.903~~. The
255 funds must be used for the sole purpose of funding and promoting
256 the Florida agriculture in the classroom program established
257 within the Department of Agriculture and Consumer Services
258 pursuant to s. 570.693 ~~570.91~~.

259 (77) FLORIDA HORSE PARK LICENSE PLATES.—

260 (b) The annual use fees shall be distributed to the Florida
261 Agriculture Center and Horse Park Authority created by s.

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262 570.685 ~~570.952~~, which shall retain all proceeds until all
263 startup costs for developing and establishing the plate have
264 been recovered. Thereafter, the proceeds shall be used as
265 follows:

266 1. A maximum of 5 percent of the proceeds from the annual
267 use fees may be used for the administration of the Florida Horse
268 Park license plate program.

269 2. A maximum of 5 percent of the proceeds may be used to
270 promote and market the license plate.

271 3. The remaining proceeds shall be used by the authority to
272 promote the Florida Agriculture Center and Horse Park located in
273 Marion County; to support continued development of the park,
274 including the construction of additional educational facilities,
275 barns, and other structures; to provide improvements to the
276 existing infrastructure at the park; and to provide for
277 operational expenses of the Florida Agriculture Center and Horse
278 Park.

279 Section 7. Section 373.621, Florida Statutes, is amended to
280 read:

281 373.621 Water conservation.—The Legislature recognizes the
282 significant value of water conservation in the protection and
283 efficient use of water resources. Accordingly, consideration in
284 the administration of ss. 373.223, 373.233, and 373.236 shall be
285 given to applicants who implement water conservation practices
286 pursuant to s. 570.93 ~~570.085~~ or other applicable water
287 conservation measures as determined by the department or a water
288 management district.

289 Section 8. Paragraph (a) of subsection (2) of section
290 373.709, Florida Statutes, is amended to read:

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291 373.709 Regional water supply planning.—

292 (2) Each regional water supply plan must be based on at
293 least a 20-year planning period and must include, but need not
294 be limited to:

295 (a) A water supply development component for each water
296 supply planning region identified by the district which
297 includes:

298 1. A quantification of the water supply needs for all
299 existing and future reasonable-beneficial uses within the
300 planning horizon. The level-of-certainty planning goal
301 associated with identifying the water supply needs of existing
302 and future reasonable-beneficial uses must be based upon meeting
303 those needs for a 1-in-10-year drought event.

304 a. Population projections used for determining public water
305 supply needs must be based upon the best available data. In
306 determining the best available data, the district shall consider
307 the University of Florida's Bureau of Economic and Business
308 Research (BEBR) medium population projections and population
309 projection data and analysis submitted by a local government
310 pursuant to the public workshop described in subsection (1) if
311 the data and analysis support the local government's
312 comprehensive plan. Any adjustment of or deviation from the BEBR
313 projections must be fully described, and the original BEBR data
314 must be presented along with the adjusted data.

315 b. Agricultural demand projections used for determining the
316 needs of agricultural self-suppliers must be based upon the best
317 available data. In determining the best available data for
318 agricultural self-supplied water needs, the district shall
319 consider the data indicative of future water supply demands

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320 provided by the Department of Agriculture and Consumer Services
321 pursuant to s. 570.93 ~~570.085~~ and agricultural demand projection
322 data and analysis submitted by a local government pursuant to
323 the public workshop described in subsection (1), if the data and
324 analysis support the local government's comprehensive plan. Any
325 adjustment of or deviation from the data provided by the
326 Department of Agriculture and Consumer Services must be fully
327 described, and the original data must be presented along with
328 the adjusted data.

329 2. A list of water supply development project options,
330 including traditional and alternative water supply project
331 options, from which local government, government-owned and
332 privately owned utilities, regional water supply authorities,
333 multijurisdictional water supply entities, self-suppliers, and
334 others may choose for water supply development. In addition to
335 projects listed by the district, such users may propose specific
336 projects for inclusion in the list of alternative water supply
337 projects. If such users propose a project to be listed as an
338 alternative water supply project, the district shall determine
339 whether it meets the goals of the plan, and, if so, it shall be
340 included in the list. The total capacity of the projects
341 included in the plan must exceed the needs identified in
342 subparagraph 1. and take into account water conservation and
343 other demand management measures, as well as water resources
344 constraints, including adopted minimum flows and levels and
345 water reservations. Where the district determines it is
346 appropriate, the plan should specifically identify the need for
347 multijurisdictional approaches to project options that, based on
348 planning level analysis, are appropriate to supply the intended

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349 uses and that, based on such analysis, appear to be permittable
350 and financially and technically feasible. The list of water
351 supply development options must contain provisions that
352 recognize that alternative water supply options for agricultural
353 self-suppliers are limited.

354 3. For each project option identified in subparagraph 2.,
355 the following must be provided:

356 a. An estimate of the amount of water to become available
357 through the project.

358 b. The timeframe in which the project option should be
359 implemented and the estimated planning-level costs for capital
360 investment and operating and maintaining the project.

361 c. An analysis of funding needs and sources of possible
362 funding options. For alternative water supply projects, the
363 water management districts shall provide funding assistance
364 pursuant to ~~in accordance with~~ s. 373.707(8).

365 d. Identification of the entity that should implement each
366 project option and the current status of project implementation.

367 Section 9. Paragraph (d) of subsection (2) of section
368 381.0072, Florida Statutes, is amended to read:

369 381.0072 Food service protection.—It shall be the duty of
370 the Department of Health to adopt and enforce sanitation rules
371 consistent with law to ensure the protection of the public from
372 food-borne illness. These rules shall provide the standards and
373 requirements for the storage, preparation, serving, or display
374 of food in food service establishments as defined in this
375 section and which are not permitted or licensed under chapter
376 500 or chapter 509.

377 (2) DUTIES.—

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378 (d) The department shall inspect each food service
 379 establishment as often as necessary to ensure compliance with
 380 applicable laws and rules. The department shall have the right
 381 of entry and access to these food service establishments at any
 382 reasonable time. In inspecting food service establishments ~~as~~
 383 ~~provided~~ under this section, the department shall provide each
 384 inspected establishment with the food recovery brochure
 385 developed under s. 595.420 ~~570.0725~~.

386 Section 10. Paragraph (c) of subsection (2) of section
 387 388.46, Florida Statutes, is amended to read:

388 388.46 Florida Coordinating Council on Mosquito Control;
 389 establishment; membership; organization; responsibilities.-

390 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.-

391 (c) *Responsibilities*.-The council shall:

392 1. Develop and implement guidelines to assist the
 393 department in resolving disputes arising over the control of
 394 arthropods on publicly owned lands.

395 2. Develop and recommend to the department a request for
 396 proposal process for arthropod control research.

397 3. Identify potential funding sources for research or
 398 implementation projects and evaluate and prioritize proposals
 399 upon request by the funding source.

400 4. Prepare and present reports, as needed, on arthropod
 401 control activities in the state to ~~the Pesticide Review Council~~
 402 ~~and other~~ governmental organizations, as appropriate.

403 Section 11. Paragraph (c) of subsection (2) of section
 404 472.0351, Florida Statutes, is amended to read:

405 472.0351 Grounds for discipline; penalties; enforcement.-

406 (2) If the board finds a surveyor or mapper guilty of any

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407 of the grounds set forth in subsection (1) or a violation of
408 this chapter which occurred before obtaining a license, the
409 board may enter an order imposing one or more of the following
410 penalties:

411 (c) Imposition of an administrative fine in the Class I
412 category pursuant to s. 570.971 ~~not to exceed \$1,000~~ for each
413 count or separate offense.

414 Section 12. Subsections (1) and (2) and paragraph (a) of
415 subsection (3) of section 472.036, Florida Statutes, are amended
416 to read:

417 472.036 Unlicensed practice of professional surveying and
418 mapping; cease and desist notice; civil penalty; enforcement;
419 citations; allocation of moneys collected.-

420 (1) When the department has probable cause to believe that
421 a ~~any~~ person not licensed by the department or the board has
422 violated ~~any provision of~~ this chapter, or any rule adopted
423 pursuant to this chapter, the department may issue and deliver
424 to such person a notice to cease and desist from such violation.
425 In addition, the department may issue and deliver a notice to
426 cease and desist to a ~~any~~ person who aids and abets the
427 unlicensed practice of surveying and mapping by employing such
428 unlicensed person. The issuance of a notice to cease and desist
429 does ~~shall~~ not constitute agency action for which a hearing
430 under ss. 120.569 and 120.57 may be sought. For the purpose of
431 enforcing a cease and desist order, the department may file a
432 proceeding in the name of the state seeking issuance of an
433 injunction or a writ of mandamus against a ~~any~~ person who
434 violates ~~any provisions of~~ such order. In addition to the
435 foregoing remedies, the department may impose an administrative

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436 fine in the Class II category pursuant to s. 570.971 for each
437 ~~penalty not to exceed \$5,000 per incident pursuant to the~~
438 ~~provisions of chapter 120 or may issue a citation pursuant to~~
439 ~~the provisions of subsection (3).~~ If the department is required
440 to seek enforcement of the order for a penalty pursuant to s.
441 120.569, it shall be entitled to collect its attorney ~~attorney's~~
442 fees and costs, together with any cost of collection.

443 (2) In addition to or in lieu of any remedy provided in
444 subsection (1), the department may seek the imposition of a
445 civil penalty through the circuit court for any violation for
446 which the department may issue a notice to cease and desist
447 under subsection (1). The civil penalty shall be a fine in the
448 Class II category pursuant to s. 570.971 ~~no less than \$500 and~~
449 ~~no more than \$5,000~~ for each offense. The court may also award
450 to the prevailing party court costs and reasonable attorney fees
451 and, in the event the department prevails, may also award
452 reasonable costs of investigation.

453 (3) (a) Notwithstanding ~~the provisions of~~ s. 472.033, the
454 department shall adopt rules for ~~to permit~~ the issuance of
455 citations for unlicensed practice of a profession. The citation
456 shall be issued to the subject and shall contain the subject's
457 name and any other information the department determines to be
458 necessary to identify the subject, a brief factual statement,
459 the sections of the law allegedly violated, and the penalty
460 imposed. The citation must clearly state that the subject may
461 choose, in lieu of accepting the citation, to follow the
462 procedure under s. 472.033. If the subject disputes the matter
463 in the citation, the procedures set forth in s. 472.033 must be
464 followed. However, if the subject does not dispute the matter in

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465 the citation with the department within 30 days after the
466 citation is served, the citation shall become a final order of
467 the department upon filing with the agency clerk. The penalty
468 shall be a fine in the Class II category pursuant to s. 570.971
469 ~~of not less than \$500 or more than \$5,000~~ or other conditions as
470 established by rule.

471 Section 13. Subsection (7) of section 482.161, Florida
472 Statutes, is amended to read:

473 482.161 Disciplinary grounds and actions; reinstatement.—

474 (7) The department, pursuant to chapter 120, in addition to
475 or in lieu of any other remedy provided by state or local law,
476 may impose an administrative fine in the Class II category
477 pursuant to s. 570.971, ~~in an amount not exceeding \$5,000~~, for a
478 ~~the violation of any of the provisions~~ of this chapter or of the
479 rules adopted pursuant to this chapter. In determining the
480 amount of fine to be levied for a violation, the following
481 factors shall be considered:

482 (a) The severity of the violation, including the
483 probability that the death, or serious harm to the health or
484 safety, of any person will result or has resulted; the severity
485 of the actual or potential harm; and the extent to which ~~the~~
486 ~~provisions of this chapter or of the rules adopted pursuant to~~
487 this chapter were violated;

488 (b) Any actions taken by the licensee or certified operator
489 in charge, or limited certificateholder, to correct the
490 violation or to remedy complaints;

491 (c) Any previous violations of this chapter or of the rules
492 adopted pursuant to this chapter; and

493 (d) The cost to the department of investigating the

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494 violation.

495 Section 14. Subsections (3) and (5) of section 482.165,
496 Florida Statutes, are amended to read:

497 482.165 Unlicensed practice of pest control; cease and
498 desist order; injunction; civil suit and penalty.—

499 (3) In addition to or in lieu of any remedy provided under
500 subsection (2), the department may institute a civil suit in
501 circuit court to recover a civil penalty for any violation for
502 which the department may issue a notice to cease and desist
503 under subsection (2). The civil penalty shall be in the Class II
504 category pursuant to s. 570.971 ~~may not be less than \$500 or~~
505 ~~more than \$5,000~~ for each offense. The court may also award to
506 the prevailing party court costs and reasonable attorney
507 ~~attorney's~~ fees.

508 (5) In addition to or in lieu of any remedy provided under
509 subsections (2) and (3), the department may, even in the case of
510 a first offense, impose a fine not less than twice the cost of a
511 pest control business license, but not more than a fine in the
512 Class II category pursuant to s. 570.971 ~~\$5,000~~, upon a
513 determination by the department that a person is in violation of
514 subsection (1). For the purposes of this subsection, the lapse
515 of a previously issued license for a period of less than 1 year
516 is ~~shall~~ not be considered a violation.

517 Section 15. Subsection (6) of section 482.243, Florida
518 Statutes, is amended to read:

519 482.243 Pest Control Enforcement Advisory Council.—

520 (6) The meetings, powers and duties, procedures, and
521 recordkeeping of the council shall be pursuant to ~~in accordance~~
522 ~~with the provisions of s. 570.232 570.0705 relating to advisory~~

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523 ~~committees established within the department.~~

524 Section 16. Paragraph (d) of subsection (3) of section
525 487.041, Florida Statutes, is amended to read:

526 487.041 Registration.—

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

529 (d) Require a registrant to continue the registration of a
530 brand of pesticide that remains on retailer's shelves in the
531 state unless the department receives the registrant's written
532 notification that it is discontinuing the distribution of a
533 brand of pesticide and the registrant then maintains the
534 registration of that brand for a minimum of 2 years. The
535 discontinued brand of pesticide may remain on retailer's shelves
536 without further registration if the brand of pesticide is not
537 distributed by the registrant in the state during or after the
538 minimum 2-year period ~~who discontinues the distribution of a~~
539 ~~brand of pesticide in this state to continue the registration of~~
540 ~~the brand of the pesticide for a minimum of 2 years or until no~~
541 ~~more remains on retailers' shelves if such continued~~
542 ~~registration or sale is not specifically prohibited by the~~
543 ~~department or the United States Environmental Protection Agency.~~

544 Section 17. Subsection (1) of section 487.046, Florida
545 Statutes, is amended to read:

546 487.046 Application; licensure.—

547 (1) Application for license shall be filed with ~~made in~~
548 ~~writing to~~ the department by using ~~on~~ a form prescribed
549 ~~furnished~~ by the department or by using the department's
550 website. Each application shall contain information regarding
551 the applicant's qualifications, proposed operations, and license

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552 classification or subclassifications, as prescribed by rule.

553 Section 18. Subsection (3) of section 487.047, Florida
554 Statutes, is amended to read:

555 487.047 Nonresident license; reciprocal agreement;
556 authorized purchase.—

557 (3) Restricted-use pesticides may be purchased by a ~~any~~
558 person who holds a valid applicator's license or who holds a
559 valid purchase authorization card issued by the department or by
560 a licensee under chapter 388 or chapter 482. A nonlicensed
561 person may apply restricted-use pesticides under the direct
562 supervision of a licensed applicator. An applicator's license
563 shall be issued by the department pursuant to ~~on a form supplied~~
564 ~~by it in accordance with the requirements of~~ this part.

565 Section 19. Subsection (1) of section 487.048, Florida
566 Statutes, is amended to read:

567 487.048 Dealer's license; records.—

568 (1) Each person holding or offering for sale, selling, or
569 distributing restricted-use pesticides must ~~shall~~ obtain a
570 dealer's license from the department. Application for the
571 license shall be filed with the department by using ~~made on a~~
572 form prescribed by the department ~~or by using the department's~~
573 website. The license must be obtained before entering into
574 business or transferring ownership of a business. The department
575 may require examination or other proof of competency of
576 individuals to whom licenses are issued or of individuals
577 employed by persons to whom licenses are issued. Demonstration
578 of continued competency may be required for license renewal, as
579 set by rule. The license shall be renewed annually as provided
580 by rule. An annual license fee not exceeding \$250 shall be

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581 established by rule. However, a user of a restricted-use
582 pesticide may distribute unopened containers of a properly
583 labeled pesticide to another user who is legally entitled to use
584 that restricted-use pesticide without obtaining a pesticide
585 dealer ~~dealer's~~ license. The exclusive purpose of distribution
586 of the restricted-use pesticide is to keep it from becoming a
587 hazardous waste as defined in s. 403.703(13).

588 Section 20. Subsections (2) and (3) of section 487.091,
589 Florida Statutes, are amended to read:

590 487.091 Tolerances, deficiencies, and penalties.—

591 (2) If a pesticide is found by analysis to be deficient in
592 an active ingredient beyond the tolerance as provided in this
593 part, the registrant is subject to a penalty for the deficiency
594 in the Class III category pursuant to s. 570.971, ~~not to exceed~~
595 ~~\$10,000~~ per violation. However, no penalty shall be assessed
596 when the official sample was taken from a pesticide that was in
597 the possession of a consumer for more than 45 days after ~~from~~
598 the date of purchase by that consumer, or when the product label
599 specifies that the product should be used by an expiration date
600 that has passed. Procedures for assessing penalties shall be
601 established by rule, based on the degree of the deficiency.
602 Penalties assessed shall be paid to the consumer or, in the
603 absence of a known consumer, the department. If the penalty is
604 not paid within the prescribed period ~~of time~~ as established by
605 rule, the department may deny, suspend, or revoke the
606 registration of any pesticide.

607 (3) If a pesticide is found to be ineffective, it shall be
608 deemed to be misbranded and subject to a penalty in the Class
609 III category pursuant to s. 570.971 for each ~~as established by~~

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610 ~~rule, not to exceed \$10,000 per violation.~~

611 Section 21. Section 487.159, Florida Statutes, is amended
612 to read:

613 487.159 Damage or injury to property, animal, or person;
614 mandatory report of damage or injury; ~~time for filing; failure~~
615 ~~to file.~~

616 ~~(1) The person claiming damage or injury to property,~~
617 ~~animal, or human beings from application of a pesticide shall~~
618 ~~file with the department a written statement claiming damages,~~
619 ~~on a form prescribed by the department, within 48 hours after~~
620 ~~the damage or injury becomes apparent. The statement shall~~
621 ~~contain, but shall not be limited to, the name of the person~~
622 ~~responsible for the application of the pesticide, the name of~~
623 ~~the owner or lessee of the land on which the crop is grown and~~
624 ~~for which the damages are claimed, and the date on which it is~~
625 ~~alleged that the damages occurred. The department shall~~
626 ~~investigate the alleged damages and notify all concerned parties~~
627 ~~of its findings. If the findings reveal a violation of the~~
628 ~~provisions of this part, the department shall determine an~~
629 ~~appropriate penalty, as provided in this part. The filing of a~~
630 ~~statement or the failure to file such a statement need not be~~
631 ~~alleged in any complaint which might be filed in a court of law,~~
632 ~~and the failure to file the statement shall not be considered~~
633 ~~any bar to the maintenance of any criminal or civil action.~~

634 ~~(1)(2) A~~ It is the duty of any licensee shall to report
635 unreasonable adverse effects on the environment or damage to
636 property or injury to human beings, animals, plants, or other
637 property ~~a person~~ as the result of the application of a
638 restricted-use pesticide by the licensee or by an applicator or

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639 mixer-loader under the licensee's direct supervision, if and
640 when the licensee has knowledge of such damage or injury. ~~It is~~
641 ~~also the express intent of this section to require all~~
642 Physicians shall ~~to~~ report all pesticide-related illnesses or
643 injuries to the nearest county health department, which shall
644 ~~will~~ notify the department so that the department may establish
645 a pesticide incident monitoring system within the Division of
646 Agricultural Environmental Services.

647 (2) ~~(3)~~ When damage or injury to human beings, animals,
648 plants, or other property as the result of the application of a
649 restricted-use pesticide is alleged ~~to have been done~~, the
650 person claiming such damage or injury claimant shall allow
651 ~~permit~~ the licensee and the licensee's representatives to
652 observe within reasonable hours the alleged damage or injury in
653 order that the damage or injury may be examined. The failure of
654 the person claiming such damage or injury claimant to allow
655 ~~permit~~ observation and examination of the alleged damage or
656 injury shall automatically bar the claim against the licensee.

657 Section 22. Section 487.160, Florida Statutes, is amended
658 to read:

659 487.160 Records.—Licensed private applicators, supervising
660 ~~15 or more unlicensed applicators or mixer-loaders and~~ licensed
661 public applicators, and licensed commercial applicators shall
662 maintain records as the department may determine by rule with
663 respect to the application of restricted pesticides, including,
664 but not limited to, the type and quantity of pesticide, method
665 of application, crop treated, and dates and location of
666 application. ~~Other licensed private applicators shall maintain~~
667 ~~records as the department may determine by rule with respect to~~

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668 ~~the date, type, and quantity of restricted use pesticides used.~~
669 Licensees shall keep records for ~~a period of 2 years from the~~
670 date of the application of the pesticide to which the records
671 refer, ~~and shall~~ furnish to the department a copy of the records
672 upon written request by the department.

673 Section 23. Section 487.172, Florida Statutes, is repealed.

674 Section 24. Paragraph (e) of subsection (1) of section
675 487.175, Florida Statutes, is amended to read:

676 487.175 Penalties; administrative fine; injunction.—

677 (1) In addition to any other penalty provided in this part,
678 when the department finds any person, applicant, or licensee has
679 violated any provision of this part or rule adopted under this
680 part, it may enter an order imposing any one or more of the
681 following penalties:

682 (e) Imposition of an administrative fine in the Class III
683 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
684 violation. When imposing a any fine under this paragraph, the
685 department shall consider the degree and extent of harm caused
686 by the violation, the cost of rectifying the damage, the amount
687 of money the violator benefited from by noncompliance, whether
688 the violation was committed willfully, and the compliance record
689 of the violator.

690 Section 25. Subsection (8) of section 487.2031, Florida
691 Statutes, is renumbered as subsection (7), and present
692 subsection (7) of that section, is amended to read:

693 487.2031 Definitions.—For the purposes of this part, the
694 term:

695 (8) ~~(7)~~ "Material Safety data sheet" means written,
696 electronic, or printed material concerning an agricultural

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697 pesticide that sets forth the following information:

698 (a) The chemical name and the common name of the
699 agricultural pesticide.

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

702 1. The potential for fire, explosions, corrosivity, and
703 reactivity.

704 2. The known acute health effects and chronic health
705 effects of exposure to the agricultural pesticide, including
706 those medical conditions that are generally recognized as being
707 aggravated by exposure to the agricultural pesticide.

708 3. The primary routes of entry and symptoms of
709 overexposure.

710 (c) The proper handling practices, necessary personal
711 protective equipment, and other proper or necessary safety
712 precautions in circumstances that involve the use of or exposure
713 to the agricultural pesticide, including appropriate emergency
714 treatment in case of overexposure.

715 (d) The emergency procedures for spills, fire, disposal,
716 and first aid.

717 (e) A description of the known specific potential health
718 risks posed by the agricultural pesticide, which is written in
719 lay terms and is intended to alert a ~~any~~ person who reads the
720 information.

721 (f) The year and month, if available, that the information
722 was compiled and the name, address, and emergency telephone
723 number of the manufacturer responsible for preparing the
724 information.

725 Section 26. Section 487.2051, Florida Statutes, is amended

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726 to read:

727 487.2051 Availability of agricultural pesticide information
728 to workers and medical personnel.—

729 (1) An agricultural employer shall make available
730 agricultural pesticide information concerning any agricultural
731 pesticide to a ~~any~~ worker:

732 (a) Who enters an agricultural-pesticide-treated area on an
733 agricultural establishment where:

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

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

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

739 (2) The agricultural pesticide information provided
740 pursuant to subsection (1) must be in the form of a fact sheet
741 or ~~a material~~ safety data sheet. The agricultural employer shall
742 provide a written copy of the information provided pursuant to
743 subsection (1) within 2 working days after a request for the
744 information by a worker or a designated representative. In the
745 case of a pesticide-related medical emergency, the agricultural
746 employer shall provide a written copy of the information
747 promptly upon the request of the worker, the designated
748 representative, or medical personnel treating the worker.

749 (3) Upon the initial purchase of a product and with the
750 first purchase after the fact sheet or ~~material~~ safety data
751 sheet is updated, the distributor, manufacturer, or importer of
752 agricultural pesticides shall obtain or develop and provide each
753 direct purchaser of an agricultural pesticide with a fact sheet
754 or ~~material~~ safety data sheet. If the fact sheet or ~~material~~

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755 safety data sheet ~~or fact sheet~~ for the agricultural pesticide
756 is not available when the agricultural pesticide is purchased,
757 the agricultural employer shall take appropriate and timely
758 steps to obtain the fact sheet or material safety data sheet ~~or~~
759 ~~fact sheet~~ from the distributor, the manufacturer, the
760 department, a federal agency, or another distribution source.

761 (4) The department shall produce and make available to a
762 trainer a one-page general agricultural pesticide safety sheet.
763 The pesticide safety sheet must be in a language understandable
764 to the worker and must include, but need not be limited to,
765 illustrated instructions on preventing agricultural pesticide
766 exposure and toll-free telephone numbers to the Florida Poison
767 Control Centers. The trainer shall provide the pesticide safety
768 sheet to the worker pursuant to the United States Environmental
769 Protection Agency Worker Protection Standard, 40 C.F.R. s.
770 170.130.

771 Section 27. Paragraph (c) of subsection (2) of section
772 493.6118, Florida Statutes, is amended to read:

773 493.6118 Grounds for disciplinary action.—

774 (2) When the department finds any violation of subsection
775 (1), it may do one or more of the following:

776 (c) Impose an administrative fine in the Class I category
777 pursuant to s. 570.971 ~~not to exceed \$1,000~~ for every count or
778 separate offense.

779 Section 28. Subsections (3) and (5) of section 493.6120,
780 Florida Statutes, are amended to read:

781 493.6120 Violations; penalty.—

782 (3) Except as otherwise provided in this chapter, a person
783 who violates any provision of this chapter except subsection (7)

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784 commits a misdemeanor of the first degree, punishable as
785 provided in s. 775.082 or s. 775.083. The department may also
786 seek the imposition of a civil penalty in the Class II category
787 pursuant to s. 570.971 upon a withhold of adjudication of guilt
788 or an adjudication of guilt in a criminal case.

789 (5) A person who violates or disregards a cease and desist
790 order issued by the department commits a misdemeanor of the
791 first degree, punishable as provided in s. 775.082 or s.
792 775.083. In addition, the department may seek the imposition of
793 a civil penalty in the Class II category pursuant to s. 570.971
794 ~~not to exceed \$5,000.~~

795 Section 29. Subsection (1) of section 496.420, Florida
796 Statutes, is amended to read:

797 496.420 Civil remedies and enforcement.—

798 (1) In addition to other remedies authorized by law, the
799 department may bring a civil action in circuit court to enforce
800 ss. 496.401-496.424 or s. 496.426. Upon a finding that any
801 person has violated any of these sections, a court may make any
802 necessary order or enter a judgment, including, but not limited
803 to, a temporary or permanent injunction, a declaratory judgment,
804 the appointment of a general or special magistrate or receiver,
805 the sequestration of assets, the reimbursement of persons from
806 whom contributions have been unlawfully solicited, the
807 distribution of contributions pursuant to ~~in accordance with~~ the
808 charitable or sponsor purpose expressed in the registration
809 statement or pursuant to ~~in accordance with~~ the representations
810 made to the person solicited, the reimbursement of the
811 department for investigative costs and attorney, ~~attorney's~~ fees
812 and costs, and any other equitable relief the court finds

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813 appropriate. Upon a finding that a ~~any~~ person has violated any
814 provision of ss. 496.401-496.424 or s. 496.426 with actual
815 knowledge or knowledge fairly implied on the basis of objective
816 circumstances, a court may enter an order imposing a civil fine
817 in the Class III category pursuant to s. 570.971 for each
818 ~~penalty in an amount not to exceed \$10,000 per~~ violation.

819 Section 30. Paragraph (p) of subsection (1) of section
820 500.03, Florida Statutes, is amended to read:

821 500.03 Definitions; construction; applicability.-

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

823 (p) "Food establishment" means a ~~any~~ factory, food outlet,
824 or ~~any~~ other facility manufacturing, processing, packing,
825 holding, or preparing food or selling food at wholesale or
826 retail. The term does not include a ~~any~~ business or activity
827 that is regulated under s. 413.051, s. 500.80, chapter 509, or
828 chapter 601. The term includes tomato packinghouses and
829 repackers but does not include any other establishments that
830 pack fruits and vegetables in their raw or natural states,
831 including those fruits or vegetables that are washed, colored,
832 or otherwise treated in their unpeeled, natural form before they
833 are marketed.

834 Section 31. Paragraphs (a) and (b) of subsection (1) and
835 subsection (8) of section 500.12, Florida Statutes, are amended
836 to read:

837 500.12 Food permits; building permits.-

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

841 1. Persons operating minor food outlets, ~~including, but not~~

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842 ~~limited to, video stores,~~ that sell food that is commercially
843 prepackaged, not potentially hazardous, and not time or
844 temperature controlled for safety, if ~~non~~potentially hazardous
845 ~~candy, chewing gum, soda, or popcorn,~~ provided the shelf space
846 for those items does not exceed 12 total linear feet and no
847 other food is sold by the minor food outlet.

848 2. Persons subject to continuous, onsite federal or state
849 inspection.

850 3. Persons selling only legumes in the shell, either
851 parched, roasted, or boiled.

852 4. Persons selling sugar cane or sorghum syrup that has
853 been boiled and bottled on a premise located within the state.
854 Such bottles must contain a label listing the producer's name
855 and street address, all added ingredients, the net weight or
856 volume of the product, and a statement that reads, "This product
857 has not been produced in a facility permitted by the Florida
858 Department of Agriculture and Consumer Services."

859 (b) Each food establishment and retail food store regulated
860 under this chapter must apply for and receive a food permit
861 before operation begins. An application for a food permit from
862 the department must be accompanied by a fee in an amount
863 determined by department rule. The department shall adopt by
864 rule a schedule of fees to be paid by each food establishment
865 and retail food store as a condition of issuance or renewal of a
866 food permit. Such fees, ~~which~~ may not exceed \$650 and shall be
867 used solely for the recovery of costs for the services provided,
868 except that the fee accompanying an application for a food
869 permit for operating a bottled water plant may not exceed \$1,000
870 and the fee accompanying an application for a food permit for

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871 operating a packaged ice plant may not exceed \$250. The fee for
872 operating a bottled water plant or a packaged ice plant shall be
873 set by rule of the department. Food permits are not transferable
874 from one person or physical location to another. Food permits
875 must be renewed annually on or before January 1. If an
876 application for renewal of a food permit is not received by the
877 department within 30 days after its due date, a late fee, ~~in an~~
878 ~~amount~~ not exceeding \$100, must be paid in addition to the food
879 permit fee before the department may issue the food permit. The
880 moneys collected shall be deposited in the General Inspection
881 Trust Fund.

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

888 Section 32. Subsections (1), (2), and (3) of section
889 500.121, Florida Statutes, are amended, and subsection (7) is
890 added to that section, to read:

891 500.121 Disciplinary procedures.—

892 (1) In addition to the suspension procedures provided in s.
893 500.12, if applicable, the department may impose an
894 administrative fine in the Class II category pursuant to s.
895 570.971 ~~a fine not to exceed \$5,000~~ against any retail food
896 store, food establishment, or cottage food operation that
897 violates this chapter, which fine, when imposed and paid, shall
898 be deposited by the department into the General Inspection Trust
899 Fund. The department may revoke or suspend the permit of ~~any~~

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900 such retail food store or food establishment if it is satisfied
901 that the retail food store or food establishment has:

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

903 (b) Violated or aided or abetted in the violation of any
904 law of this state governing or applicable to retail food stores
905 or food establishments or any lawful rules of the department.

906 (c) Knowingly committed, or been a party to, any material
907 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
908 or device whereby another ~~any other~~ person, lawfully relying
909 upon the word, representation, or conduct of a retail food store
910 or food establishment, acts to her or his injury or damage.

911 (d) Committed any act or conduct of the same or different
912 character than that enumerated which constitutes fraudulent or
913 dishonest dealing.

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

920 (3) Any administrative order made and entered by the
921 department imposing a fine pursuant to this section shall
922 specify the amount of the fine and the time limit for payment
923 thereof, not exceeding 21 ~~15~~ days, and, upon failure of the
924 permit holder to pay the fine within that time, the permit is
925 subject to suspension or revocation.

926 (7) The department may determine that a food establishment
927 regulated under this chapter requires immediate closure when the
928 food establishment fails to comply with this chapter or rules

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929 adopted under this chapter and presents an imminent threat to
930 the public health, safety, and welfare. The department may
931 accept inspection results from other state and local building
932 officials and other regulatory agencies as justification for
933 such action. The department shall, upon such a determination,
934 issue an immediate final order to close a food establishment as
935 follows:

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

939 (b) Upon such determination, the department shall issue an
940 immediate final order directing the owner or operator of the
941 food establishment to cease operation and close the food
942 establishment. The department shall serve the order upon the
943 owner, operator, or agent thereof of the food establishment. The
944 department may attach a closed-for-operation sign to the food
945 establishment while the order remains in place.

946 (c) The department shall inspect the food establishment
947 within 24 hours after the issuance of the order. Upon a
948 determination that the food establishment has met the applicable
949 requirements to resume operations, the department shall serve a
950 release upon the owner, operator, or agent thereof of the food
951 establishment.

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

955 (e) It is a misdemeanor of the second degree, punishable as
956 provided in s. 775.082 or s. 775.083, for a person to deface or
957 remove a closed-for-operation sign placed on a food

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958 establishment by the department or for the owner or operator of
959 a food establishment to resist closure of the establishment by
960 the department. The department may impose administrative
961 sanctions for violations of this paragraph.

962 (f) The department may adopt rules to administer this
963 subsection.

964 Section 33. Subsection (1) of section 500.147, Florida
965 Statutes, is amended to read:

966 500.147 Inspection of food establishments, food records,
967 and vehicles.—

968 (1) The department or its duly authorized agent shall have
969 free access at all reasonable hours to any food establishment,
970 any food records, or ~~any~~ vehicle being used to transport or hold
971 food in commerce for the purpose of inspecting such
972 establishment, records, or vehicle to determine whether ~~if any~~
973 ~~provision of~~ this chapter or any rule adopted under this ~~the~~
974 chapter is being violated; to secure a sample or a specimen of
975 any food after paying or offering to pay for such sample; to see
976 that all sanitary rules adopted by the department are complied
977 with; to facilitate tracing of food products in the event of a
978 food-borne illness outbreak or identification of an adulterated
979 or misbranded food item; or to enforce the special-occupancy
980 provisions of the Florida Building Code which apply to food
981 establishments.

982 Section 34. Subsection (3) of section 500.165, Florida
983 Statutes, is amended to read:

984 500.165 Transporting shipments of food items; rules;
985 penalty.—

986 (3) A ~~Any~~ person who violates subsection (1) or the rules

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987 adopted under subsection (2) is subject to an administrative
 988 fine in the Class III category pursuant to s. 570.971 for each
 989 ~~not to exceed \$50,000 per~~ violation. In addition, a any person
 990 who violates subsection (1) commits ~~is guilty of~~ a misdemeanor
 991 of the first degree, punishable as provided in s. 775.082 or s.
 992 775.083.

993 Section 35. Section 500.172, Florida Statutes, is amended
 994 to read:

995 500.172 Embargoing, detaining, destroying of food or food-
 996 processing equipment, or areas that are ~~is~~ in violation.-

997 (1) When the department or its duly authorized agent finds,
 998 or has probable cause to believe, that any food, ~~or~~ food-
 999 processing equipment, food-processing area, or food storage area
 1000 is in violation of this chapter or any rule adopted under this
 1001 chapter so as to be dangerous, unwholesome, fraudulent, or
 1002 insanitary within the meaning of this chapter, an agent of the
 1003 department may issue and enforce a stop-sale, stop-use, removal,
 1004 or hold order, which ~~order~~ gives notice that such article, ~~or~~
 1005 processing equipment, processing area, or storage area is, or is
 1006 suspected of being, in violation and has been detained or
 1007 embargoed and ~~which order~~ warns all persons not to remove, use,
 1008 or dispose of such article, ~~or~~ processing equipment, processing
 1009 area, or storage area by sale or otherwise until permission for
 1010 removal, use, or disposal is given by the department or the
 1011 court. A person may not ~~It is unlawful for any person to~~ remove,
 1012 use, or dispose of such detained or embargoed article, ~~or~~
 1013 processing equipment, processing area, or storage area by sale
 1014 or otherwise without such permission.

1015 (2) If an article, ~~or~~ processing equipment, a processing

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1016 area, or a storage area detained or embargoed under subsection
1017 (1) has been found by the department to be in violation of law
1018 or rule, the department may, within a reasonable period ~~of time~~
1019 after the issuance of such notice, petition the circuit court,
1020 in the jurisdiction of which the article, ~~or~~ processing
1021 equipment, processing area, or storage area is detained or
1022 embargoed, for an order for condemnation of such article, ~~or~~
1023 processing equipment, processing area, or storage area. When the
1024 department has found that an article, ~~or~~ processing equipment, a
1025 processing area, or a storage area so detained or embargoed is
1026 not in violation, the department shall rescind the stop-sale,
1027 stop-use, removal, or hold order.

1028 (3) If the court finds that the detained or embargoed
1029 article, ~~or~~ processing equipment, processing area, or storage
1030 area is in violation, such article, ~~or~~ processing equipment,
1031 processing area, or storage area shall, after entry of the
1032 decree, be destroyed or made sanitary at the expense of the
1033 claimant thereof under the supervision of the department, ~~and~~
1034 all court costs, fees, and storage and other proper expenses
1035 shall be taxed against the claimant of such article, ~~or~~
1036 processing equipment, processing area, or storage area or her or
1037 his agent. However, if the violation can be corrected by proper
1038 labeling of the article or sanitizing of the processing
1039 equipment, processing area, or storage area, and after such
1040 costs, fees, and expenses have been paid and a good and
1041 sufficient bond, conditioned that such article be so labeled or
1042 processed or such processing equipment, processing area, or
1043 storage area so sanitized, has been executed, the court may by
1044 order direct that such article, ~~or~~ processing equipment,

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1045 processing area, or storage area be made available ~~delivered~~ to
1046 the claimant thereof for such labeling, processing, or
1047 sanitizing under the supervision of the department. The expense
1048 of such supervision shall be paid by the claimant. Such bond
1049 shall be returned to the claimant of the article, ~~or~~ processing
1050 equipment, processing area, or storage area, on representation
1051 to the court by the department that the article, ~~or~~ processing
1052 equipment, processing area, or storage area is no longer in
1053 violation of this chapter and that the expenses of such
1054 supervision have been paid.

1055 (4) When the department or any of its authorized agents
1056 finds in any room, building, vehicle, or other structure any
1057 meat, seafood, poultry, vegetable, fruit, or other perishable
1058 articles which are unsound or contain any filthy, decomposed, or
1059 putrid substances, or which may be poisonous or deleterious to
1060 health or otherwise unsafe, the same is ~~being hereby~~ declared to
1061 be a nuisance, and the department, ~~or~~ its authorized agent, ~~or~~
1062 shall ~~forthwith~~ condemn or destroy the same, ~~or~~ in any other
1063 manner render the same unsalable as human food.

1064 Section 36. Sections 500.301, 500.302, 500.303, 500.304,
1065 500.305, 500.306, and 500.601, Florida Statutes, are repealed.

1066 Section 37. Paragraph (b) of subsection (3) of section
1067 500.70, Florida Statutes, is amended to read:

1068 500.70 Tomato food safety standards; inspections;
1069 penalties; tomato good agricultural practices; tomato best
1070 management practices.—

1071 (3)

1072 (b) The department may impose an administrative fine in the
1073 Class II category pursuant to s. 570.971 for each ~~not to exceed~~

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1074 ~~\$5,000~~ per violation, or issue a written notice or warning under
1075 s. 500.179, against a person who violates any applicable
1076 provision of this section or any rule adopted under this
1077 section.

1078 Section 38. Subsection (3) and paragraph (b) of subsection
1079 (4) of section 501.019, Florida Statutes, are amended to read:
1080 501.019 Health studios; penalties.—

1081 (3) The department may institute proceedings in the
1082 appropriate circuit court to recover any penalties or damages
1083 allowed in this section and for injunctive relief to enforce
1084 compliance with ss. 501.012-501.019 or any rule or order of the
1085 department. The department may seek a civil penalty in the Class
1086 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
1087 violation of this section.

1088 (4)

1089 (b) Upon a finding as set forth in paragraph (a), the
1090 department may enter an order doing one or more of the
1091 following:

1092 1. Issuing a notice of noncompliance pursuant to s.
1093 120.695.

1094 2. For a violation of s. 501.015 or s. 501.016, imposing an
1095 administrative fine in the Class II category pursuant to s.
1096 570.971 for each ~~not to exceed \$5,000 per~~ violation.

1097 ~~3. For a violation of s. 501.013, s. 501.017, or s.~~
1098 ~~501.018, imposing an administrative fine not to exceed \$500 per~~
1099 ~~violation.~~

1100 ~~3.4.~~ Directing that the health studio cease and desist
1101 specified activities.

1102 ~~4.5.~~ Refusing to register or revoking or suspending a

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1103 registration.

1104 ~~5.6.~~ Placing the registrant on probation for a period of 5
1105 years, subject to such conditions as the department may specify
1106 by rule.

1107 Section 39. Subsection (9) of section 501.059, Florida
1108 Statutes, is amended, and subsection (12) is added to that
1109 section, to read:

1110 501.059 Telephone solicitation.—

1111 (9) (a) The department shall investigate any complaints
1112 received concerning violations of this section. If, after
1113 investigating a ~~any~~ complaint, the department finds that there
1114 has been a violation of this section, the department or the
1115 Department of Legal Affairs may bring an action to impose a
1116 civil penalty and to seek other relief, including injunctive
1117 relief, as the court deems appropriate against the telephone
1118 solicitor. The civil penalty shall be in the Class III category
1119 pursuant to s. 570.971 for each ~~may not exceed \$10,000 per~~
1120 violation and shall be deposited in the General Inspection Trust
1121 Fund if the action or proceeding was brought by the department,
1122 or the Legal Affairs Revolving Trust Fund if the action or
1123 proceeding was brought by the Department of Legal Affairs. This
1124 civil penalty may be recovered in any action brought under this
1125 part by the department, or the department may terminate any
1126 investigation or action upon agreement by the person to pay a
1127 stipulated civil penalty. The department or the court may waive
1128 any civil penalty if the person has previously made full
1129 restitution or reimbursement or has paid actual damages to the
1130 consumers who have been injured by the violation.

1131 (b) The department may, as an alternative to the civil

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1132 penalties provided in paragraph (a), impose an administrative
1133 fine in the Class I category pursuant to s. 570.971 ~~not to~~
1134 ~~exceed \$1,000~~ for each act or omission that constitutes a
1135 violation of this section. An administrative proceeding that
1136 could result in the entry of an order imposing an administrative
1137 penalty must be conducted pursuant to ~~in accordance with~~ chapter
1138 120.

1139 (12) The department may adopt rules to implement this
1140 section.

1141 Section 40. Paragraph (b) of subsection (2) of section
1142 501.612, Florida Statutes, is amended to read:

1143 501.612 Grounds for departmental action against licensure
1144 applicants or licensees.—

1145 (2) Upon a finding as set forth in subsection (1), the
1146 department may enter an order:

1147 (b) Imposing an administrative fine in the Class III
1148 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
1149 act or omission which constitutes a violation under this part.

1150 Section 41. Section 501.619, Florida Statutes, is amended
1151 to read:

1152 501.619 Civil penalties.—A ~~Any~~ person who engages in any
1153 act or practice declared in this part to be unlawful is liable
1154 for a civil penalty in the Class III category pursuant to s.
1155 570.971 ~~of not more than \$10,000~~ for each such violation. This
1156 civil penalty may be recovered in any action brought under this
1157 part by the department, or the department may terminate any
1158 investigation or action upon agreement by the person to pay a
1159 stipulated civil penalty. The department or the court may waive
1160 any such civil penalty or other fines or costs if the person has

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1161 previously made full restitution or reimbursement or has paid
1162 actual damages to the purchasers who have been injured by the
1163 unlawful act or practice.

1164 Section 42. Paragraph (a) of subsection (1) of section
1165 501.922, Florida Statutes, is amended to read:

1166 501.922 Violation.—

1167 (1) The department may enter an order imposing one or more
1168 of the following penalties against any person who violates ss.
1169 501.91-501.923 or who impedes, obstructs, or hinders the
1170 department in performing its duties under those sections:

1171 (a) Imposition of an administrative fine in the Class II
1172 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
1173 ~~per violation for a first-time offender. For a second-time or~~
1174 ~~repeat offender, or any person who willfully and intentionally~~
1175 ~~violates ss. 501.91-501.923, the administrative fine may not~~
1176 ~~exceed \$5,000 per violation.~~

1177 Section 43. Paragraph (b) of subsection (1) of section
1178 502.231, Florida Statutes, is amended to read:

1179 502.231 Penalty and injunction.—

1180 (1) The department may enter an order imposing one or more
1181 of the following penalties against any person who violates any
1182 provision of this chapter:

1183 (b) Imposition of an administrative fine ~~not to exceed:~~

1184 1. In the Class II category pursuant to s. 570.971 for each
1185 ~~Ten thousand dollars per violation~~ in the case of a frozen
1186 dessert licensee;

1187 2. Ten percent of the license fee or \$100, whichever is
1188 greater, for failure to report the information described in s.
1189 502.053(3)(d); or

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1190 3. In the Class I category pursuant to s. 570.971 for each
1191 ~~One thousand dollars per~~ occurrence for any other violation.

1192
1193 When imposing a fine under this paragraph, the department must
1194 consider the degree and extent of harm caused by the violation,
1195 the cost of rectifying the damage, the benefit to the violator,
1196 whether the violation was committed willfully, and the
1197 violator's compliance record.

1198 Section 44. Subsection (1) of section 507.09, Florida
1199 Statutes, is amended to read:

1200 507.09 Administrative remedies; penalties.-

1201 (1) The department may enter an order doing one or more of
1202 the following if the department finds that a mover or moving
1203 broker, or a person employed or contracted by a mover or broker,
1204 has violated or is operating in violation of this chapter or the
1205 rules or orders issued pursuant to ~~in accordance with~~ this
1206 chapter:

1207 (a) Issuing a notice of noncompliance under s. 120.695.

1208 (b) Imposing an administrative fine in the Class II
1209 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
1210 act or omission.

1211 (c) Directing that the person cease and desist specified
1212 activities.

1213 (d) Refusing to register or revoking or suspending a
1214 registration.

1215 (e) Placing the registrant on probation ~~for a period of~~
1216 ~~time~~, subject to the conditions specified by the department.

1217 Section 45. Subsection (2) of section 507.10, Florida
1218 Statutes, is amended to read:

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1219 507.10 Civil penalties; remedies.—

1220 (2) The department may seek a civil penalty in the Class II
1221 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
1222 violation of this chapter.

1223 Section 46. Paragraph (g) of subsection (2) and paragraph
1224 (c) of subsection (3) of section 509.032, Florida Statutes, are
1225 amended to read:

1226 509.032 Duties.—

1227 (2) INSPECTION OF PREMISES.—

1228 (g) In inspecting public food service establishments, the
1229 department shall provide each inspected establishment with the
1230 food-recovery brochure developed under s. 595.420 ~~570.0725~~.

1231 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE
1232 EVENTS.—The division shall:

1233 (c) Administer a public notification process for temporary
1234 food service events and distribute educational materials that
1235 address safe food storage, preparation, and service procedures.

1236 1. Sponsors of temporary food service events shall notify
1237 the division not less than 3 days before ~~prior to~~ the scheduled
1238 event of the type of food service proposed, the time and
1239 location of the event, a complete list of food service vendors
1240 participating in the event, the number of individual food
1241 service facilities each vendor will operate at the event, and
1242 the identification number of each food service vendor's current
1243 license as a public food service establishment or temporary food
1244 service event licensee. Notification may be completed orally, by
1245 telephone, in person, or in writing. A public food service
1246 establishment or food service vendor may not use this
1247 notification process to circumvent the license requirements of

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1248 this chapter.

1249 2. The division shall keep a record of all notifications
1250 received for proposed temporary food service events and shall
1251 provide appropriate educational materials to the event sponsors,
1252 including the food-recovery brochure developed under s. 595.420
1253 ~~570.0725~~.

1254 3.a. A public food service establishment or other food
1255 service vendor must obtain one of the following classes of
1256 license from the division: an individual license, for a fee of
1257 no more than \$105, for each temporary food service event in
1258 which it participates; or an annual license, for a fee of no
1259 more than \$1,000, that entitles the licensee to participate in
1260 an unlimited number of food service events during the license
1261 period. The division shall establish license fees, by rule, and
1262 may limit the number of food service facilities a licensee may
1263 operate at a particular temporary food service event under a
1264 single license.

1265 b. Public food service establishments holding current
1266 licenses from the division may operate under the regulations of
1267 such a license at temporary food service events of 3 days or
1268 less in duration.

1269 Section 47. Paragraph (a) of subsection (1) of section
1270 525.16, Florida Statutes, is amended to read:

1271 525.16 Administrative fine; penalties; prosecution of cases
1272 by state attorney.—

1273 (1)(a) The department may enter an order imposing one or
1274 more of the following penalties against a ~~any~~ person who
1275 violates ~~any of the provisions of~~ this chapter or the rules
1276 adopted under this chapter or impedes, obstructs, or hinders the

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1277 department in the performance of its duty in connection with ~~the~~
1278 ~~provisions of this chapter:~~

1279 1. Issuance of a warning letter.

1280 2. Imposition of an administrative fine in the Class II
1281 category pursuant to s. 570.971 for each of not more than \$1,000
1282 ~~per violation for a first-time offender. For a second-time or~~
1283 ~~repeat offender, or any person who is shown to have willfully~~
1284 ~~and intentionally violated any provision of this chapter, the~~
1285 ~~administrative fine shall not exceed \$5,000 per violation. When~~
1286 imposing any fine under this section, the department shall
1287 consider the degree and extent of harm caused by the violation,
1288 the cost of rectifying the damage, the amount of money the
1289 violator benefited from by noncompliance, whether the violation
1290 was committed willfully, and the compliance record of the
1291 violator.

1292 3. Revocation or suspension of any registration issued by
1293 the department.

1294 Section 48. Subsection (1) of section 526.311, Florida
1295 Statutes, is amended to read:

1296 526.311 Enforcement; civil penalties; injunctive relief.—

1297 (1) A ~~Any~~ person who knowingly violates this act shall be
1298 subject to a civil penalty in the Class III category pursuant to
1299 s. 570.971 for each not to exceed \$10,000 per violation. Each
1300 day that a violation of this act occurs shall be considered a
1301 separate violation, but the ~~no~~ civil penalty may not ~~shall~~
1302 exceed \$250,000. ~~Any~~ Such a person shall also be liable for
1303 attorney ~~attorney's~~ fees and shall be subject to an action for
1304 injunctive relief.

1305 Section 49. Paragraph (b) of subsection (2) of section

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1306 526.55, Florida Statutes, is amended to read:

1307 526.55 Violation and penalties.—

1308 (2) If the department finds that a person has violated or
1309 is operating in violation of ss. 526.50-526.56 or the rules or
1310 orders adopted thereunder, the department may, by order:

1311 (b) Impose an administrative fine in the Class II category
1312 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each violation;

1313 Section 50. Subsection (1) of section 527.13, Florida
1314 Statutes, is amended to read:

1315 527.13 Administrative fines and warning letters.—

1316 (1) If a ~~any~~ person violates ~~any provision of~~ this chapter
1317 or any rule adopted under this chapter pursuant thereto or a
1318 cease and desist order, the department may impose civil or
1319 administrative penalties in the Class II category pursuant to s.
1320 570.971 not to exceed \$3,000 for each offense, suspend or revoke
1321 the license or qualification issued to such person, or any of
1322 the foregoing. The cost of the proceedings to enforce this
1323 chapter may be added to any penalty imposed. The department may
1324 allow the licensee a reasonable period, not to exceed 90 days,
1325 within which to pay to the department the amount of the penalty
1326 so imposed. If the licensee fails to pay the penalty in its
1327 entirety to the department at its office at Tallahassee within
1328 the period so allowed, the licenses of the licensee shall stand
1329 revoked upon expiration of such period.

1330 Section 51. Subsection (1) of section 531.50, Florida
1331 Statutes, is amended to read:

1332 531.50 Administrative fine, penalties, and offenses.—

1333 (1) The department may enter an order imposing one or more
1334 of the following penalties against a ~~any~~ person who violates ~~any~~

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1335 ~~provision of~~ this chapter or any rule adopted under this chapter
1336 or impedes, obstructs, or hinders the department in performing
1337 ~~the performance of~~ its duties under ~~in connection with the~~
1338 ~~provisions of~~ this chapter:

1339 (a) Issuance of a warning letter or notice.

1340 (b) Imposition of an administrative fine in the Class II
1341 category pursuant to s. 570.971 for each of:

1342 1. ~~Up to \$1,000 for a first violation;~~

1343 2. ~~Up to \$2,500 for a second violation within 2 years after~~
1344 ~~the first violation; or~~

1345 3. ~~Up to \$5,000 for a third violation within 2 years after~~
1346 ~~the first violation.~~

1347
1348 When imposing any fine under this section, the department shall
1349 consider the degree and extent of potential harm caused by the
1350 violation, the amount of money by which the violator benefited
1351 from noncompliance, whether the violation was committed
1352 willfully, and the compliance record of the violator. All fines,
1353 monetary penalties, and costs received by the department shall
1354 be deposited in the General Inspection Trust Fund for the
1355 purpose of administering the provisions of this chapter.

1356 Section 52. Subsection (2) of section 534.52, Florida
1357 Statutes, is amended to read:

1358 534.52 Violations; refusal, suspension, revocation;
1359 penalties.—

1360 (2) In addition, or as an alternative to refusing,
1361 suspending, or revoking a license in cases involving violations,
1362 the department may impose an administrative ~~a~~ fine in the Class
1363 I category pursuant to s. 570.971 not to exceed \$500 for the

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1364 first offense and not to exceed \$1,000 for the second or
1365 subsequent violations. When imposed and paid, such fines shall
1366 be deposited in the General Inspection Trust Fund.

1367 Section 53. Paragraphs (b) and (d) of subsection (7) of
1368 section 539.001, Florida Statutes, are amended to read:

1369 539.001 The Florida Pawnbroking Act.—

1370 (7) ORDERS IMPOSING PENALTIES.—

1371 (b) Upon a finding as set forth in paragraph (a), the
1372 agency may enter an order doing one or more of the following:

1373 1. Issuing a notice of noncompliance pursuant to s.
1374 120.695.

1375 2. Imposing an administrative fine in the Class II category
1376 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each act which
1377 constitutes a violation of this section or a rule or an order.

1378 3. Directing that the pawnbroker cease and desist specified
1379 activities.

1380 4. Refusing to license or revoking or suspending a license.

1381 5. Placing the licensee on probation ~~for a period of time~~,
1382 subject to such conditions as the agency may specify.

1383 (d)1. When the agency, if a violation of this section
1384 occurs, has reasonable cause to believe that a person is
1385 operating in violation of this section, the agency may bring a
1386 civil action in the appropriate court for temporary or permanent
1387 injunctive relief and may seek other appropriate civil relief,
1388 including a civil penalty in the Class II category pursuant to
1389 s. 570.971 ~~not to exceed \$5,000~~ for each violation, restitution
1390 and damages for injured customers, court costs, and reasonable
1391 attorney ~~attorney's~~ fees.

1392 2. The agency may terminate any investigation or action

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1393 upon agreement by the offender to pay a stipulated civil
1394 penalty, to make restitution or pay damages to customers, or to
1395 satisfy ~~any~~ other relief authorized herein and requested by the
1396 agency.

1397 Section 54. Paragraph (b) of subsection (4) and paragraph
1398 (a) of subsection (5) of section 559.921, Florida Statutes, are
1399 amended to read:

1400 559.921 Remedies.—

1401 (4)

1402 (b) Upon a finding as set forth in paragraph (a), the
1403 department may enter an order doing one or more of the
1404 following:

1405 1. Issuing a notice of noncompliance pursuant to s.
1406 120.695.

1407 2. Imposing an administrative fine in the Class I category
1408 pursuant to s. 570.971 for each ~~not to exceed \$1,000 per~~
1409 violation for each act which constitutes a violation of this
1410 part or a rule or order.

1411 3. Directing that the motor vehicle repair shop cease and
1412 desist specified activities.

1413 4. Refusing to register or revoking or suspending a
1414 registration.

1415 5. Placing the registrant on probation ~~for a period of~~
1416 ~~time~~, subject to such conditions as the department may specify.

1417 (5) (a) The department or the state attorney, if a violation
1418 of this part occurs in his or her judicial circuit, shall be the
1419 enforcing authority for purposes of this part and may bring a
1420 civil action in circuit court for temporary or permanent
1421 injunctive relief and may seek other appropriate civil relief,

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1422 including a civil penalty in the Class I category pursuant to s.
1423 570.971 ~~not to exceed \$1,000~~ for each violation, restitution and
1424 damages for injured customers, court costs, and reasonable
1425 attorney ~~attorney's~~ fees.

1426 Section 55. Subsection (1) of section 559.9355, Florida
1427 Statutes, is amended to read:

1428 559.9355 Administrative remedies; penalties.—

1429 (1) The department may enter an order doing one or more of
1430 the following if the department finds that a person has violated
1431 or is operating in violation of ~~any of the provisions of~~ this
1432 part or the rules or orders issued thereunder:

1433 (a) Issuing a notice of noncompliance pursuant to s.
1434 120.695.

1435 (b) Imposing an administrative fine in the Class II
1436 category pursuant to s. 570.971 ~~not to exceed \$5,000 for each~~
1437 ~~act or omission.~~

1438 ~~(c) Imposing an administrative fine not to exceed \$10,000~~
1439 ~~for each act or omission in violation of s. 559.9335(22) or~~
1440 ~~(23).~~

1441 (c) ~~(d)~~ Directing that the person cease and desist specified
1442 activities.

1443 (d) ~~(e)~~ Refusing to register or canceling or suspending a
1444 registration.

1445 (e) ~~(f)~~ Placing the registrant on probation for a period of
1446 time, subject to such conditions as the department may specify.

1447 (f) ~~(g)~~ Canceling an exemption granted under s. 559.935.

1448 Section 56. Subsections (2) and (3) of section 559.936,
1449 Florida Statutes, are amended to read:

1450 559.936 Civil penalties; remedies.—

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1451 (2) The department may seek a civil penalty in the Class II
1452 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
1453 violation of this part.

1454 (3) The department may seek a civil penalty in the Class
1455 III category pursuant to s. 570.971 ~~of up to \$10,000~~ for each
1456 act or omission in violation of s. 559.9335(22) or (23).

1457 Section 57. Subsection (33) of section 570.07, Florida
1458 Statutes, is amended to read:

1459 570.07 Department of Agriculture and Consumer Services;
1460 functions, powers, and duties.—The department shall have and
1461 exercise the following functions, powers, and duties:

1462 (33) To assist local volunteer and nonprofit organizations
1463 in soliciting, collecting, packaging, or delivering surplus
1464 fresh fruit and vegetables for distribution pursuant to ~~in~~
1465 ~~accordance with s. 595.420~~ 570.0725. The department also may
1466 coordinate the development of food recovery programs in the
1467 production areas of the state using local volunteer and
1468 nonprofit organizations.

1469 Section 58. Section 570.0705, Florida Statutes, is
1470 renumbered as section 570.232, Florida Statutes.

1471 Section 59. Section 570.0725, Florida Statutes, is
1472 transferred and renumbered as section 595.420, Florida Statutes.

1473 Section 60. Section 570.073, Florida Statutes, is
1474 renumbered as section 570.65, Florida Statutes.

1475 Section 61. Section 570.074, Florida Statutes, is
1476 transferred, renumbered as section 570.66, Florida Statutes, and
1477 amended to read:

1478 570.66 ~~570.074~~ Department of Agriculture and Consumer
1479 Services; water policy.—The commissioner may create an Office of

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1480 Agricultural Water Policy under the supervision of a senior
1481 manager exempt under s. 110.205 in the Senior Management
1482 Service. The commissioner may designate the bureaus and
1483 positions in the various organizational divisions of the
1484 department that report to the ~~this~~ office relating to any matter
1485 over which the department has jurisdiction in matters relating
1486 to water policy affecting agriculture, application of such
1487 policies, and coordination of such matters with state and
1488 federal agencies. The office shall enforce and implement the
1489 provisions of chapter 582 and rules relating to soil and water
1490 conservation.

1491 Section 62. Section 570.0741, Florida Statutes, is
1492 transferred, renumbered as section 377.805, Florida Statutes,
1493 and amended to read:

1494 377.805 ~~570.0741~~ Energy efficiency and conservation
1495 clearinghouse.—The Office of Energy within the Department of
1496 Agriculture and Consumer Services, in consultation with the
1497 Public Service Commission, the Florida Building Commission, and
1498 the Florida Energy Systems Consortium, shall develop a
1499 clearinghouse of information regarding cost savings associated
1500 with various energy efficiency and conservation measures. The
1501 Department of Agriculture and Consumer Services shall post the
1502 information on its website ~~by July 1, 2013~~.

1503 Section 63. Section 570.075, Florida Statutes, is
1504 renumbered as section 570.916, Florida Statutes.

1505 Section 64. Section 570.076, Florida Statutes, is
1506 renumbered as section 570.921, Florida Statutes, and paragraph
1507 (c) of subsection (2) of that section is amended to read:

1508 570.921 ~~570.076~~ Environmental Stewardship Certification

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1509 Program.—The department may, by rule, establish the
1510 Environmental Stewardship Certification Program consistent with
1511 this section. A rule adopted under this section must be
1512 developed in consultation with state universities, agricultural
1513 organizations, and other interested parties.

1514 (2) The department shall provide an agricultural
1515 certification under this program for implementation of one or
1516 more of the following criteria:

1517 (c) Best management practices adopted by rule pursuant to
1518 s. 403.067(7)(c) or s. 570.93(1)(b) ~~570.085(1)(b)~~.

1519 Section 65. Section 570.085, Florida Statutes, is
1520 renumbered as section 570.93, Florida Statutes.

1521 Section 66. Section 570.087, Florida Statutes, is
1522 renumbered as section 570.94, Florida Statutes.

1523 Section 67. Section 570.14, Florida Statutes, is
1524 transferred, renumbered as section 570.031, Florida Statutes,
1525 and amended to read:

1526 570.031 ~~570.14~~ Seal of department.—The department shall
1527 have an official seal which shall be used for the authentication
1528 of the orders and proceedings of the department and for such
1529 other purposes as the department may prescribe. Use of the seal
1530 or any likeness thereof requires written approval of the
1531 department.

1532 Section 68. Section 570.16, Florida Statutes, is renumbered
1533 as section 570.051, Florida Statutes.

1534 Section 69. Section 570.17, Florida Statutes, is renumbered
1535 as section 570.081, Florida Statutes.

1536 Section 70. Section 570.18, Florida Statutes, is renumbered
1537 as section 570.041, Florida Statutes.

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1538 Section 71. Paragraph (d) of subsection (1) and subsection
1539 (2) of section 570.23, Florida Statutes, are amended to read:

1540 570.23 State Agricultural Advisory Council.—

1541 (1) COMPOSITION.—The State Agricultural Advisory Council is
1542 hereby created in the department.

1543 (d) ~~On or after January 15, 1988,~~ Alternates shall be
1544 appointed for each member and shall serve as alternates for the
1545 remainder of the corresponding members' terms. As terms of
1546 current members expire, members and their alternates shall be
1547 appointed for 4-year terms and shall serve until their
1548 successors are duly qualified and appointed. A vacancy shall be
1549 filled for the remainder of an unexpired term in the same manner
1550 as an initial appointment.

1551 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1552 meetings, powers and duties, procedures, and recordkeeping of
1553 the State Agricultural Advisory Council shall be pursuant to
1554 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
1555 ~~advisory committees established within the department.~~

1556 Section 72. Section 570.241, Florida Statutes, is
1557 renumbered as section 570.73, Florida Statutes.

1558 Section 73. Section 570.242, Florida Statutes, is
1559 renumbered as section 570.74, Florida Statutes, and amended to
1560 read:

1561 570.74 570.242 Definitions relating to Agricultural
1562 Economic Development Act.—For purposes of this act, the term
1563 ~~following terms shall have the following meanings:~~

1564 (1) "Agriculturally depressed area" means a rural area that
1565 ~~which~~ has declining profitability from agricultural enterprises
1566 and one or more of the following characteristics:

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- 1567 (a) A stable or declining population.
- 1568 (b) A stable or declining real per capita income.
- 1569 (c) A traditional economy based on agriculture or
1570 extraction of solid minerals.
- 1571 (d) A low ad valorem tax base.
- 1572 (e) A need for agribusiness and leadership training.
- 1573 (f) Crop losses or economic depression resulting from a
1574 natural disaster or socioeconomic conditions or events that
1575 ~~which~~ negatively impact a crop.
- 1576 (2) "Assistance" means financial or nonfinancial assistance
1577 issued pursuant to ~~the provisions of~~ this act.
- 1578 ~~(3) "Commissioner" means the Commissioner of Agriculture.~~
- 1579 ~~(4) "Department" means the Department of Agriculture and~~
1580 ~~Consumer Services.~~
- 1581 (3)~~(5)~~ "Financial assistance" means the providing of funds
1582 to an agribusiness.
- 1583 (4)~~(6)~~ "Nonfinancial assistance" means the providing of
1584 personnel to work with an agribusiness to establish an
1585 infrastructure, including, but not limited to, the development
1586 of an accounting system, management procedures, and a marketing
1587 plan. Nonfinancial assistance ~~shall~~ also includes ~~include~~ the
1588 providing of equipment.
- 1589 Section 74. Section 570.243, Florida Statutes, is
1590 renumbered as section 570.75, Florida Statutes.
- 1591 Section 75. Section 570.244, Florida Statutes, is
1592 renumbered as section 570.76, Florida Statutes.
- 1593 Section 76. Section 570.245, Florida Statutes, is
1594 renumbered as section 570.77, Florida Statutes.
- 1595 Section 77. Section 570.246, Florida Statutes, is

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1596 renumbered as section 570.78, Florida Statutes.

1597 Section 78. Section 570.247, Florida Statutes, is
1598 renumbered as section 570.79, Florida Statutes, and amended to
1599 read:

1600 570.79 ~~570.247~~ Adoption ~~Promulgation~~ of rules. ~~In~~
1601 ~~conjunction with funds specifically appropriated for the~~
1602 ~~purposes specified in this act,~~ The department shall adopt ~~begin~~
1603 ~~to promulgate~~ rules no later than January 1, 1992, pursuant to
1604 ~~s. 120.54,~~ pertaining to:

1605 (1) Formal notification procedures for the availability of
1606 assistance, including publication in the Florida Administrative
1607 Register pursuant to s. 120.55.

1608 (2) Written evaluation criteria for selecting project
1609 proposals to receive assistance. The criteria for eligibility of
1610 assistance shall include a written business plan delineating the
1611 economic viability of the proposed project, including the
1612 financial commitment by project participants and a schedule for
1613 repayment of agricultural economic development funds.

1614 (3) Procedures for repayment of financial assistance by an
1615 assisted agribusiness into the General Inspection Trust Fund
1616 within the department. Repayment of financial assistance shall
1617 be based upon a percentage of future profits until repayment is
1618 complete.

1619 (4) Funding procedures for projects eligible for
1620 assistance. These procedures shall include the amount of
1621 funding, the limits and requirements for the objects of
1622 expenditure, and the duration of assistance.

1623 (5) Other subject matter pertaining to the implementation
1624 of this act.

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1625 Section 79. Section 570.248, Florida Statutes, is
1626 renumbered as section 570.81, Florida Statutes.

1627 Section 80. Section 570.249, Florida Statutes, is
1628 renumbered as section 570.82, Florida Statutes.

1629 Section 81. Section 570.345, Florida Statutes, is repealed.

1630 Section 82. Subsection (5) of section 570.36, Florida
1631 Statutes, is amended to read:

1632 570.36 Division of Animal Industry; powers and duties.—The
1633 duties of the Division of Animal Industry include, but are not
1634 limited to:

1635 (5) Operating and managing the animal disease diagnostic
1636 laboratory ~~laboratories~~ provided for in chapter 585.

1637 Section 83. Section 570.38, Florida Statutes, is
1638 transferred, renumbered as section 585.008, Florida Statutes,
1639 and amended to read:

1640 585.008 ~~570.38~~ Animal Industry Technical Council.—

1641 (1) COMPOSITION.—The Animal Industry Technical Council is
1642 hereby created in the department and shall be composed of 14
1643 members as follows:

1644 (a) The beef cattle, swine, dairy, horse, independent
1645 agricultural market ~~markets~~, meat processing and packing
1646 establishment ~~establishments~~, veterinary medicine, and poultry
1647 representatives who serve on the State Agricultural Advisory
1648 Council and three additional representatives from the beef
1649 cattle industry, as well as three at-large members representing
1650 other animal industries in the state, who shall be appointed by
1651 the commissioner for 4-year terms or until their successors are
1652 duly qualified and appointed.

1653 (b) Each additional beef cattle representative shall be

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1654 appointed subject to the qualifications and by the procedure as
1655 prescribed in s. 570.23 for membership to the council by the
1656 beef cattle representative. If a vacancy occurs in these three
1657 positions, it shall be filled for the remainder of the term in
1658 the same manner as an initial appointment.

1659 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1660 meetings, powers and duties, procedures, and recordkeeping of
1661 the Animal Industry Technical Council shall be pursuant to
1662 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
1663 ~~advisory committees established within the department.~~

1664 Section 84. Section 570.42, Florida Statutes, is
1665 transferred, renumbered as section 502.301, Florida Statutes,
1666 and amended to read:

1667 502.301 ~~570.42~~ Dairy Industry Technical Council.—

1668 (1) COMPOSITION.—The Dairy Industry Technical Council is
1669 ~~hereby~~ created within ~~in~~ the department and shall be composed of
1670 seven members as follows:

1671 (a) Two citizens of the state, one of whom shall be
1672 associated with the Agricultural Extension Service of the
1673 University of Florida and the other with the College of
1674 Agricultural and Life Science ~~Agriculture~~ of the University of
1675 Florida.

1676 (b) An employee of the Department of Health.

1677 (c) Two dairy farmers who are actively engaged in the
1678 production of milk in this state and who earn a major portion of
1679 their income from the production of milk. The commissioner shall
1680 appoint the two members ~~provided for in this paragraph~~ from no
1681 fewer than four nor more than six nominees submitted by the
1682 recognized statewide organizations representing this group. In

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1683 the absence of nominations, the commissioner shall appoint other
1684 persons qualified under ~~the provisions of~~ this paragraph.

1685 (d) Two distributors of milk. "Distributor" means a ~~any~~
1686 milk dealer who operates a milk gathering station or processing
1687 plant where milk is collected and bottled or otherwise processed
1688 and prepared for sale. The commissioner shall appoint the two
1689 members ~~provided for in this paragraph~~ from no fewer than four
1690 nor more than six nominees submitted by the recognized statewide
1691 organizations representing this group. In the absence of
1692 nominations, the commissioner shall appoint other persons
1693 qualified under ~~the provisions of~~ this paragraph.

1694 (e) All members shall serve 4-year terms or until their
1695 successors are duly qualified and appointed. If a vacancy
1696 occurs, it shall be filled for the remainder of the term in the
1697 manner of an initial appointment.

1698 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1699 meetings, powers and duties, procedures, and recordkeeping of
1700 the Dairy Industry Technical Council shall be pursuant to
1701 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
1702 ~~advisory committees established within the department.~~

1703 Section 85. Subsections (5) through (9) of section 570.44,
1704 Florida Statutes, are renumbered as subsections (4) through (8),
1705 respectively, and subsections (3) and (4) of that section, are
1706 amended to read:

1707 570.44 Division of Agricultural Environmental Services;
1708 powers and duties.—The duties of the Division of Agricultural
1709 Environmental Services include, but are not limited to:

1710 (3) ~~Supporting the Pesticide Review Council and~~ Reviewing
1711 and evaluating technical and scientific data associated with the

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1712 production, manufacture, storage, transportation, sale, or use
1713 of any article or product with respect to any statutory
1714 authority ~~which is~~ conferred on the department. The department
1715 may ~~is authorized to~~ establish positions within the division for
1716 the employment of experts in the fields of toxicology,
1717 hydrology, and biology to conduct such reviews and evaluations
1718 and may. ~~The department is also authorized to~~ establish
1719 appropriate clerical support positions to implement the duties
1720 and responsibilities of the division.

1721 ~~(4) Enforcing and implementing the responsibilities of~~
1722 ~~chapter 582, and the rules relating to soil and water~~
1723 ~~conservation.~~

1724 Section 86. Subsection (2) of section 570.45, Florida
1725 Statutes, is amended to read:

1726 570.45 Director; duties.—

1727 (2) The director shall supervise, direct, and coordinate
1728 the activities of the division and enforce ~~the provisions of~~
1729 chapters 388, 482, 487, 501, 504, 531, 570, 576, 578, and 580,
1730 ~~and 582~~ and any other chapter necessary to carry out the
1731 responsibilities of the division.

1732 Section 87. Paragraph (d) of subsection (3) of section
1733 570.451, Florida Statutes, is amended to read:

1734 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
1735 Council.—

1736 (3)

1737 (d) The meetings, powers and duties, procedures, and
1738 recordkeeping of the council shall be pursuant to ~~in accordance~~
1739 ~~with the provisions of s. 570.232 570.0705 relating to advisory~~
1740 ~~committees established within the department.~~

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1741 Section 88. Section 570.481, Florida Statutes, is
1742 transferred and renumbered as section 603.011, Florida Statutes.

1743 Section 89. Subsections (2) and (3) of section 570.50,
1744 Florida Statutes, are amended to read:

1745 570.50 Division of Food Safety; powers and duties.—The
1746 duties of the Division of Food Safety include, but are not
1747 limited to:

1748 (2) Conducting those general inspection activities relating
1749 to food and food products being processed, held, or offered for
1750 sale in this state and enforcing those provisions of chapters
1751 500, 501, 502, 531, 583, 585, 586, 597, and 601 relating to
1752 foods as authorized by the department.

1753 (3) Analyzing samples of foods offered for sale in this
1754 state as required under chapters 500, 501, 502, 585, 586, 597,
1755 and 601.

1756 Section 90. Subsection (2) of section 570.51, Florida
1757 Statutes, is amended to read:

1758 570.51 Director; qualifications; duties.—

1759 (2) The director shall supervise, direct, and coordinate
1760 the activities of the division and enforce the provisions of
1761 chapters 500, 501, 502, 531, 583, 585, 597, and 601 and any
1762 other chapter necessary to carry out the responsibilities of the
1763 division.

1764 Section 91. Section 570.531, Florida Statutes, is
1765 renumbered as section 570.209, Florida Statutes.

1766 Section 92. Section 570.542, Florida Statutes, is repealed.

1767 Section 93. Subsection (2) of section 570.543, Florida
1768 Statutes, is amended to read:

1769 570.543 Florida Consumers' Council.—The Florida Consumers'

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1770 Council in the department is created to advise and assist the
1771 department in carrying out its duties.

1772 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1773 meetings, powers and duties, procedures, and recordkeeping of
1774 the Florida Consumers' Council shall be pursuant to ~~governed by~~
1775 ~~the provisions of s. 570.232 570.0705 relating to advisory~~
1776 ~~committees established within the department.~~ The council
1777 members or chair may call no more than two meetings.

1778 Section 94. Section 570.545, Florida Statutes, is
1779 transferred and renumbered as section 501.0113, Florida
1780 Statutes.

1781 Section 95. Section 570.55, Florida Statutes, is
1782 transferred and renumbered as section 603.211, Florida Statutes.

1783 Section 96. Section 570.67, Florida Statutes, is created to
1784 read:

1785 570.67 Office of Energy.—The Office of Energy is created
1786 within the department. The office shall be under the supervision
1787 of a senior manager exempt under s. 110.205 in the Senior
1788 Management Service appointed by the commissioner. The duties of
1789 the office shall include, but are not limited to, administering
1790 and enforcing chapter 377, the rules adopted under that chapter,
1791 and any other duties authorized by the commissioner.

1792 Section 97. Subsections (2) and (12) of section 570.71,
1793 Florida Statutes, are amended to read:

1794 570.71 Conservation easements and agreements.—

1795 (2) To achieve the purposes of this section act, ~~beginning~~
1796 ~~no sooner than July 1, 2002, and every year thereafter,~~ the
1797 department may accept applications for project proposals that:

1798 (a) Purchase conservation easements, as defined in s.

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(b) Purchase rural-lands-protection easements pursuant to this section ~~aet.~~

(c) Fund resource conservation agreements pursuant to this section ~~aet.~~

(d) Fund agricultural protection agreements pursuant to this section ~~aet.~~

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

- (a) State funds;
- (b) Federal funds;
- (c) Other governmental entities;
- (d) Nongovernmental organizations; or
- (e) Private individuals.

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this section, including administrative and operating expenses related to appraisals, mapping, title process, personnel, and other real estate expenses ~~aet.~~

Section 98. Section 570.72, Florida Statutes, is repealed.

Section 99. Section 570.901, Florida Statutes, is renumbered as section 570.692, Florida Statutes.

Section 100. Section 570.902, Florida Statutes, is renumbered as section 570.69, Florida Statutes, and amended to read:

570.69 ~~570.902~~ Definitions; ss. 570.69 and 570.691 ~~570.902~~ and ~~570.903~~.—For the purpose of this section and s. 570.691

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1828 ~~570.903:~~

1829 (1) "Designated program" means the departmental program
1830 which a direct-support organization has been created to support.

1831 (2) "Direct-support organization" or "organization" means
1832 an organization which is a Florida corporation not for profit
1833 incorporated under ~~the provisions of~~ chapter 617 and approved by
1834 the department to operate for the benefit of a museum or a
1835 designated program.

1836 (3) "Museum" means the Florida Agricultural Museum which is
1837 designated as the museum for agriculture and rural history of
1838 the State of Florida.

1839 Section 101. Section 570.903, Florida Statutes, is
1840 renumbered as section 570.691, Florida Statutes.

1841 Section 102. Section 570.91, Florida Statutes, is
1842 renumbered as section 570.693, Florida Statutes.

1843 Section 103. Section 570.9135, Florida Statutes, is
1844 renumbered as section 570.83, Florida Statutes, and subsection
1845 (6) of that section is amended, to read:

1846 570.83 ~~570.9135~~ Beef Market Development Act; definitions;
1847 Florida Beef Council, Inc., creation, purposes, governing board,
1848 powers, and duties; referendum on assessments imposed on gross
1849 receipts from cattle sales; payments to organizations for
1850 services; collecting and refunding assessments; vote on
1851 continuing the act; council bylaws.-

1852 (6) REFERENDUM ON ASSESSMENTS.-All producers in this state
1853 shall have the opportunity to vote in a referendum to determine
1854 whether the council shall be authorized to impose an assessment
1855 of not more than \$1 per head on cattle sold in the state. The
1856 referendum shall pose the question: "Do you approve of an

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1857 assessment program, up to \$1 per head of cattle pursuant to
1858 section 570.83 ~~570.9135~~, Florida Statutes, to be funded through
1859 specific contributions that are mandatory and refundable upon
1860 request?"

1861 (a) A referendum held under this section must be conducted
1862 by secret ballot at extension offices of the Institute of Food
1863 and Agricultural Sciences of the University of Florida or at
1864 offices of the United States Department of Agriculture with the
1865 cooperation of the department.

1866 (b) Notice of a referendum to be held under this act must
1867 be given at least once in trade publications, the public press,
1868 and statewide newspapers at least 30 days before the referendum
1869 is held.

1870 (c) Additional referenda may be held to authorize the
1871 council to increase the assessment to more than \$1 per head of
1872 cattle. Such referendum shall pose the question: "Do you approve
1873 of granting the Florida Beef Council, Inc., authority to
1874 increase the per-head-of-cattle assessment pursuant to section
1875 570.83 ~~570.9135~~, Florida Statutes, from ... (present rate)... to
1876 up to a maximum of ... (proposed rate)... per head?" Referenda
1877 may not be held more often than once every 3 years.

1878 (d) Each cattle producer is entitled to only one vote in a
1879 referendum held under this section ~~act~~. Proof of identification
1880 and cattle ownership must be presented before voting.

1881 (e) A simple majority of those casting ballots shall
1882 determine any issue that requires a referendum under this
1883 section ~~act~~.

1884 Section 104. Section 570.92, Florida Statutes, is repealed.

1885 Section 105. Section 570.951, Florida Statutes, is

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1886 renumbered as section 570.681, Florida Statutes.

1887 Section 106. Section 570.952, Florida Statutes, is
1888 renumbered as section 570.685, Florida Statutes, and amended to
1889 read:

1890 570.685 ~~570.952~~ Florida Agriculture Center and Horse Park
1891 Authority.—

1892 (1) There is created within the Department of Agriculture
1893 and Consumer Services the Florida Agriculture Center and Horse
1894 Park Authority which shall be governed by this section and s.
1895 570.232 ~~570.903~~.

1896 (2) The authority shall be composed of 21 members appointed
1897 by the commissioner.

1898 (a) Initially, the commissioner shall appoint 11 members
1899 for 4-year terms and 10 members for 2-year terms. Thereafter,
1900 each member shall be appointed for a term of 4 years from the
1901 date of appointment, except that a vacancy shall be filled by
1902 appointment for the remainder of the term.

1903 (b) A ~~Any~~ member of the authority who fails to attend three
1904 consecutive authority meetings without good cause shall be
1905 deemed to have resigned from the authority.

1906 ~~(c) Terms for members appointed prior to July 1, 2005,~~
1907 ~~shall expire on July 1, 2005.~~

1908 (3) The Florida Agriculture Center and Horse Park Authority
1909 shall ~~have the power and duty to:~~

1910 (a) Appoint, with approval from the commissioner, an
1911 executive director for the Florida Agriculture Center and Horse
1912 Park.

1913 (b) Establish rules of procedure for conducting its
1914 meetings and approving matters before the authority pursuant to

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1915 ~~that are consistent with s. 570.232 ~~570.903~~.~~

1916 (c) Develop, document, and implement strategies for the
1917 planning, construction, and operation of the Florida Agriculture
1918 Center and Horse Park.

1919 (d) Advise and consult with the commissioner on matters
1920 related to the Florida Agriculture Center and Horse Park.

1921 (e) Consider all matters submitted to the authority by the
1922 commissioner.

1923 (4) The authority shall meet at least semiannually and
1924 elect a chair ~~chairperson~~, a vice chair ~~chairperson~~, and a
1925 secretary for 1-year terms.

1926 (a) The authority shall meet at the call of its chair
1927 ~~chairperson~~, at the request of a majority of its membership, at
1928 the request of the commissioner, or at such times as may be
1929 prescribed by its rules of procedure.

1930 (b) The department shall be responsible for providing
1931 administrative and staff support services relating to the
1932 meetings of the authority and shall provide suitable space in
1933 the offices of the department for the meetings and the storage
1934 of records of the authority.

1935 (c) In conducting its meetings, the authority shall use
1936 accepted rules of procedure. The secretary shall keep a complete
1937 record of the proceedings of each meeting, which record shall
1938 show the names of the members present and the actions taken.
1939 These records shall be kept on file with the department, and
1940 such records and other documents regarding matters within the
1941 jurisdiction of the authority shall be subject to inspection by
1942 members of the authority.

1943 Section 107. Section 570.953, Florida Statutes, is

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1944 renumbered as section 570.686, Florida Statutes.

1945 Section 108. Section 570.954, Florida Statutes, is
1946 renumbered as section 570.841, Florida Statutes.

1947 Section 109. Section 570.96, Florida Statutes, is
1948 renumbered as section 570.85, Florida Statutes.

1949 Section 110. Section 570.961, Florida Statutes, is
1950 renumbered as section 570.86, Florida Statutes, and amended to
1951 read:

1952 570.86 ~~570.961~~ Definitions.—As used in ss. 570.85-570.89
1953 ~~570.96-570.964~~, the term:

1954 (1) "Agritourism activity" means any agricultural related
1955 activity consistent with a bona fide farm or ranch or in a
1956 working forest which allows members of the general public, for
1957 recreational, entertainment, or educational purposes, to view or
1958 enjoy activities, including farming, ranching, historical,
1959 cultural, or harvest-your-own activities and attractions. An
1960 agritourism activity does not include the construction of new or
1961 additional structures or facilities intended primarily to house,
1962 shelter, transport, or otherwise accommodate members of the
1963 general public. An activity is an agritourism activity
1964 regardless of whether ~~or not~~ the participant paid to participate
1965 in the activity.

1966 (2) "Agritourism operator" means a ~~any~~ person who is
1967 engaged in the business of providing one or more agritourism
1968 activities, whether for compensation or not for compensation.

1969 (3) "Farm" means the land, buildings, support facilities,
1970 machinery, and other appurtenances used in the production of
1971 farm or aquaculture products, including land used to display
1972 plants, animals, farm products, or farm equipment to the public.

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1973 (4) "Farm operation" has the same meaning as ~~defined~~ in s.
1974 823.14.

1975 (5) "Inherent risks of agritourism activity" means those
1976 dangers or conditions that are an integral part of an
1977 agritourism activity including certain hazards, such as surface
1978 and subsurface conditions; natural conditions of land,
1979 vegetation, and waters; the behavior of wild or domestic
1980 animals; and the ordinary dangers of structures or equipment
1981 ordinarily used in farming and ranching operations. The term
1982 also includes the potential of a participant to act in a
1983 negligent manner that may contribute to the injury of the
1984 participant or others, including failing to follow the
1985 instructions given by the agritourism operator or failing to
1986 exercise reasonable caution while engaging in the agritourism
1987 activity.

1988 Section 111. Section 570.962, Florida Statutes, is
1989 renumbered as section 570.87, Florida Statutes.

1990 Section 112. Section 570.963, Florida Statutes, is
1991 renumbered as section 570.88, Florida Statutes, and subsection
1992 (1) of that section is amended, to read:

1993 570.88 ~~570.963~~ Liability.—

1994 (1) Except as provided in subsection (2), an agritourism
1995 operator, his or her employer or employee, or the owner of the
1996 underlying land on which the agritourism occurs is not liable
1997 for injury or death of, or damage or loss to, a participant
1998 resulting from the inherent risks of agritourism activities if
1999 the notice of risk required under s. 570.89 ~~570.964~~ is posted as
2000 required. Except as provided in subsection (2), a participant,
2001 or a participant's representative, may not maintain an action

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2002 against or recover from an agritourism operator, his or her
 2003 employer or employee, or the owner of the underlying land on
 2004 which the agritourism occurs for the injury or death of, or
 2005 damage or loss to, an agritourism participant resulting
 2006 exclusively from any of the inherent risks of agritourism
 2007 activities.

2008 Section 113. Section 570.964, Florida Statutes, is
 2009 renumbered as section 570.89, Florida Statutes, and subsection
 2010 (3) of that section is amended, to read:

2011 570.89 ~~570.964~~ Posting and notification.—

2012 (3) Failure to comply with ~~the requirements of this section~~
 2013 ~~subsection~~ prevents an agritourism operator, his or her employer
 2014 or employee, or the owner of the underlying land on which the
 2015 agritourism occurs from invoking the privileges of immunity
 2016 provided by this section.

2017 Section 114. Section 570.971, Florida Statutes, is created
 2018 to read:

2019 570.971 Penalties; administrative and civil.—

2020 (1) The department or enforcing authority may impose the
 2021 following fine amount for the class category specified in the
 2022 chapter or section of law violated:

2023 (a) Class I.—For each violation in the Class I category, a
 2024 fine not to exceed \$1,000 may be imposed.

2025 (b) Class II.—For each violation in the Class II category,
 2026 a fine not to exceed \$5,000 may be imposed.

2027 (c) Class III.—For each violation in the Class III
 2028 category, a fine not to exceed \$10,000 may be imposed.

2029 (d) Class IV.—For each violation in the Class IV category,
 2030 a fine of \$10,000 or more may be imposed.

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2031 (2) (a) This section does not supersede a chapter or section
2032 of law or rule that limits the total fine amount that may be
2033 imposed for a violation.

2034 (b) The class categories under this section also apply to
2035 penalties provided by rule.

2036 (c) The penalties under this section are in addition to any
2037 other remedy provided by law.

2038 (3) A person who violates this chapter or any rule adopted
2039 under this chapter is subject to an administrative or civil fine
2040 in the Class II category in addition to any other penalty
2041 provided by law.

2042 (4) The department may refuse to issue or renew any
2043 license, permit, authorization, certificate, or registration to
2044 a person who has not satisfied a penalty imposed by the
2045 department.

2046 (5) The department may adopt rules to implement this
2047 section or any section that references this section.

2048 Section 115. Subsection (1) of section 571.11, Florida
2049 Statutes, is amended to read:

2050 571.11 Eggs and poultry; seal of quality violations;
2051 administrative penalties.—

2052 (1) The Department of Agriculture and Consumer Services may
2053 impose an administrative a fine in the Class II category
2054 pursuant to s. 570.971 ~~not exceeding \$5,000~~ against any dealer,
2055 as defined in ~~under~~ s. 583.01(4), in violation of the guidelines
2056 for the Florida seal of quality for eggs or poultry programs.
2057 All fines, when imposed and paid, shall be deposited by the
2058 department into the General Inspection Trust Fund.

2059 Section 116. Subsection (2) of section 571.28, Florida

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2060 Statutes, is amended to read:

2061 571.28 Florida Agricultural Promotional Campaign Advisory
2062 Council.—

2063 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
2064 meetings, powers and duties, procedures, and recordkeeping of
2065 the Florida Agricultural Promotional Campaign Advisory Council
2066 shall be pursuant to ~~governed by the provisions of s. 570.232~~
2067 ~~570.0705 relating to advisory committees established within the~~
2068 ~~department.~~

2069 Section 117. Paragraph (b) of subsection (3) of section
2070 571.29, Florida Statutes, is amended to read:

2071 571.29 Unlawful acts; administrative remedies; criminal
2072 penalties.—

2073 (3) The department may enter an order imposing one or more
2074 of the following penalties against any person who violates any
2075 of the provisions of this part or any rules adopted under this
2076 part:

2077 (b) Imposition of an administrative fine in the Class I
2078 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
2079 ~~per~~ violation for a first-time ~~first-time~~ offender. For a
2080 second-time ~~second-time~~ offender, or a ~~any~~ person who is shown
2081 to have willfully and intentionally violated ~~any provision of~~
2082 this part or any rules adopted under this part, the
2083 administrative fine shall be in the Class II category pursuant
2084 to s. 570.971 for each ~~may not exceed \$5,000 per~~ violation. The
2085 term "each ~~per~~ violation" means each incident in which a logo of
2086 the Florida Agricultural Promotional Campaign has been used,
2087 reproduced, or distributed in any manner inconsistent with ~~the~~
2088 ~~provisions of~~ this part or the rules adopted under this part.

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2089

2090 The administrative proceedings that could result in the entry of
2091 an order imposing any of the penalties specified in paragraphs
2092 (a)-(c) shall be conducted pursuant to ~~in accordance with~~
2093 chapter 120.

2094 Section 118. Subsection (1) and paragraph (a) of subsection
2095 (2) of section 576.021, Florida Statutes, are amended to read:

2096 576.021 Registration and licensing.—

2097 (1) A company, the ~~person whose~~ name and address of which
2098 appears upon a label and that ~~who~~ guarantees a fertilizer, may
2099 not distribute that fertilizer to a nonlicensee until a license
2100 to distribute has been obtained by the company ~~that person~~ from
2101 the department upon payment of a \$100 fee. All licenses shall
2102 expire on June 30 each year. An application for license shall
2103 include the following information:

2104 (a) The name and address of the applicant.

2105 (b) The name and address of the distribution point. The
2106 name and address shown on the license shall be shown on all
2107 labels, pertinent invoices, and storage facilities for
2108 fertilizer distributed by the licensee in this state.

2109 (2) (a) A company, the name and address of which appears
2110 upon a label and that guarantees a fertilizer, ~~person~~ may not
2111 distribute a specialty fertilizer in this state until it is
2112 registered with the department ~~by the licensee whose name~~
2113 ~~appears on the label~~. An application for registration of each
2114 brand and grade of specialty fertilizer shall be filed with the
2115 department by using a form prescribed by the department or by
2116 using the department's website ~~made on a form furnished by the~~
2117 ~~department~~ and shall be accompanied by an annual fee of \$100 for

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2118 each specialty fertilizer that is registered. All specialty
2119 fertilizer registrations expire June 30 each year. All licensing
2120 and registration fees paid to the department under this section
2121 shall be deposited into the State Treasury to be placed in the
2122 General Inspection Trust Fund to be used for the sole purpose of
2123 funding the fertilizer inspection program.

2124 Section 119. Subsection (2) of section 576.031, Florida
2125 Statutes, is amended to read:

2126 576.031 Labeling.—

2127 (2) If distributed in bulk, two ~~five~~ labels containing the
2128 information required in paragraphs (1)(a)-(f) shall accompany
2129 delivery and be supplied to the purchaser at time of delivery
2130 with the delivery ticket, which shall show the certified net
2131 weight.

2132 Section 120. Subsections (3), (4), (6), and (7) of section
2133 576.041, Florida Statutes, are amended to read:

2134 576.041 Inspection fees; records; ~~bond~~.—

2135 (3) In addition to any other penalty provided by this
2136 chapter, a ~~any~~ licensee who fails to timely pay the inspection
2137 ~~tonnage~~ fee shall be assessed a penalty of 1.5 percent for each
2138 month or part of a month that the fee or portion of the fee is
2139 not paid.

2140 (4) If the report is not filed and the inspection fee is
2141 not paid on the date due or if the report of tonnage is false,
2142 the amount of the inspection fee due is subject to a penalty of
2143 10 percent or \$25, whichever is greater. ~~The penalty shall be~~
2144 ~~added to the inspection fee due and constitutes a debt and~~
2145 ~~becomes a claim and lien against the surety bond or certificate~~
2146 ~~of deposit required by this chapter.~~

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2147 ~~(6) In order to guarantee faithful performance of the~~
2148 ~~provisions of subsection (2), the applicant for license shall~~
2149 ~~post with the department a surety bond, or assign a certificate~~
2150 ~~of deposit, in an amount required by rule of the department to~~
2151 ~~cover fees for any reporting period. The amount shall not be~~
2152 ~~less than \$1,000. The surety bond shall be executed by a~~
2153 ~~corporate surety company authorized to do business in this~~
2154 ~~state. The certificate of deposit shall be issued by any~~
2155 ~~recognized financial institution doing business in the United~~
2156 ~~States. The department shall establish, by rule, whether an~~
2157 ~~annual or continuous surety bond or certificate of deposit will~~
2158 ~~be required and shall approve each surety bond or certificate of~~
2159 ~~deposit before acceptance. The department shall examine and~~
2160 ~~approve as to sufficiency all such bonds and certificates of~~
2161 ~~deposit before acceptance. When the licensee ceases operation,~~
2162 ~~said bond or certificate of deposit shall be returned, provided~~
2163 ~~there are no outstanding fees due and payable.~~

2164 (6)~~(7)~~ In order to obtain information that will facilitate
2165 the collection of inspection fees and serve other useful
2166 purposes relating to fertilizer, the department may, by rule,
2167 require licensees, manufacturers, registrants, and dealers to
2168 report movements of fertilizer.

2169 Section 121. Subsection (3) of section 576.051, Florida
2170 Statutes, is amended to read:

2171 576.051 Inspection, sampling, analysis.—

2172 (3) The official analysis shall be made from the official
2173 sample. The department, before making the official analysis,
2174 shall take a sufficient portion from the official sample for
2175 check analysis and place that portion in a bottle sealed and

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2176 identified by number, date, and the preparer's initials. The
2177 official check sample shall be kept until the analysis of the
2178 official sample is completed. However, the licensee may obtain
2179 upon request a portion of the official check sample. Upon
2180 completion of the analysis of the official sample, a true copy
2181 of the fertilizer analysis report shall be mailed to the
2182 licensee of the fertilizer from whom the official sample was
2183 taken and to the dealer or agent, if any, and purchaser, if
2184 known. This fertilizer analysis report shall show all
2185 determinations of plant nutrient and pesticides. If the official
2186 analysis conforms with ~~the provisions of this section law~~, the
2187 official check sample may be destroyed. If the official analysis
2188 does not conform with ~~the provisions of this section law~~, the
2189 official check sample shall be retained for 60 ~~a period of 90~~
2190 days from the date of the fertilizer analysis report of the
2191 official sample. If, within that time, the licensee of the
2192 fertilizer from whom the official sample was taken, upon receipt
2193 of the fertilizer analysis report, makes written demand for
2194 analysis of the official check sample by a referee chemist, a
2195 portion of the official check sample sufficient for analysis
2196 shall be sent to a referee chemist who is mutually acceptable to
2197 the department and the licensee for analysis at the expense of
2198 the licensee. The referee chemist, upon completion of the
2199 analysis, shall forward to the department and to the licensee a
2200 fertilizer analysis report bearing a proper identification mark
2201 or number, + and the fertilizer analysis report shall be verified
2202 by an affidavit of the person making the analysis. If the
2203 results reported on the fertilizer analysis report agree within
2204 the matching criteria defined in department rule with the

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2205 department's analysis on each element for which analysis was
2206 made, the mean average of the two analyses shall be accepted as
2207 final and binding on all concerned. However, if the referee's
2208 fertilizer analysis report results do not agree within the
2209 matching criteria defined in department rule with the
2210 department's analysis in any one or more elements for which an
2211 analysis was made, upon demand of either the department or the
2212 licensee from whom the official sample was taken, a portion of
2213 the official check sample sufficient for analysis shall be
2214 submitted to a second referee chemist who is mutually acceptable
2215 to the department and to the licensee from whom the official
2216 sample was taken, at the expense of the party or parties
2217 requesting the referee analysis. If no demand is made for an
2218 analysis by a second referee chemist, the department's
2219 fertilizer analysis report shall be accepted as final and
2220 binding on all concerned. The second referee chemist, upon
2221 completion of the analysis, shall make a fertilizer analysis
2222 report as provided in this subsection for the first referee
2223 chemist. The mean average of the two analyses nearest in
2224 conformity to each other shall be accepted as final and binding
2225 on all concerned.

2226 Section 122. Subsections (4) and (5) of section 576.061,
2227 Florida Statutes, are amended to read:

2228 576.061 Plant nutrient investigational allowances,
2229 deficiencies, and penalties.—

2230 ~~(4) When it is determined by the department that a~~
2231 ~~fertilizer has been distributed without being licensed or~~
2232 ~~registered, or without labeling, the department shall require~~
2233 ~~the licensee to pay a penalty in the amount of \$100. The~~

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2234 ~~proceeds from any penalty payments shall be deposited by the~~
2235 ~~department in the General Inspection Trust Fund to be used for~~
2236 ~~the sole purpose of funding the fertilizer inspection program.~~

2237 (4)~~(5)~~ The department may enter an order imposing one or
2238 more of the following penalties against a ~~any~~ person who
2239 violates ~~any of the provisions of~~ this chapter or the rules
2240 adopted under this chapter hereunder or who impedes, obstructs,
2241 or hinders ~~shall impede, obstruct, hinder, or otherwise prevent~~
2242 ~~or attempt to prevent~~ the department in performing the
2243 ~~performance of its~~ duties under ~~duty in connection with the~~
2244 ~~provisions of~~ this chapter:

2245 (a) Issuance of a warning letter.

2246 (b) Imposition of an administrative fine in the Class I
2247 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
2248 ~~per~~ occurrence after the issuance of a warning letter.

2249 (c) Cancellation, revocation, or suspension of any license
2250 issued by the department.

2251 Section 123. Section 576.071, Florida Statutes, is amended
2252 to read:

2253 576.071 Commercial value.—The commercial value used in
2254 assessing penalties for any deficiency shall be determined by
2255 surveying the fertilizer industry in the state using annualized
2256 plant nutrient values contained in one or more generally
2257 recognized journals.

2258 Section 124. Subsections (3) and (4) of section 576.087,
2259 Florida Statutes, are amended to read:

2260 576.087 Antisiphon requirements for irrigation systems.—

2261 ~~(3) The department shall establish specific requirements~~
2262 ~~for antisiphon devices.~~

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2263 ~~(4) Any governmental agency which requires antisiphon~~
2264 ~~devices on irrigation systems used for the application of~~
2265 ~~fertilizer shall use the specific antisiphon device requirements~~
2266 ~~adopted by the department.~~

2267 Section 125. Section 576.101, Florida Statutes, is amended
2268 to read:

2269 576.101 Cancellation, revocation, and suspension;
2270 ~~probationary status.~~

2271 ~~(1)~~ The department may deny, suspend, or revoke any license
2272 issued by the department for any violation of ~~the provisions of~~
2273 this chapter, the rules adopted under this chapter ~~thereunder~~,
2274 or any lawful order of the department.

2275 ~~(2) The department may place any licensee on a probationary~~
2276 ~~status when the deficiency levels of samples taken from that~~
2277 ~~licensee do not meet minimum performance levels established by~~
2278 ~~statute within the investigational allowances provided in s.~~
2279 ~~576.061.~~

2280 Section 126. Subsection (1) of section 578.08, Florida
2281 Statutes, is amended to read:

2282 578.08 Registrations.—

2283 (1) Every person, except as provided in subsection (4) and
2284 s. 578.14, before selling, distributing for sale, offering for
2285 sale, exposing for sale, handling for sale, or soliciting orders
2286 for the purchase of any agricultural, vegetable, flower, or
2287 forest tree seed or mixture thereof, shall first register with
2288 the department as a seed dealer. ~~The application for~~
2289 ~~registration shall include the name and location of each place~~
2290 ~~of business at which the seed is sold, distributed for sale,~~
2291 ~~offered for sale, exposed for sale, or handled for sale. The~~

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2292 application for registration shall be filed with the department
 2293 by using a form prescribed by the department or by using the
 2294 department's website and shall be accompanied by an annual
 2295 registration fee for each such place of business based on the
 2296 gross receipts from the sale of such seed for the last preceding
 2297 license year as follows:

2298 (a) 1. Receipts of less than \$500, a fee of.....\$10.
 2299 2. Receipts of \$500 or more but less than \$1,000, a fee of
 2300 \$25.
 2301 3.1. Receipts of \$1,000 or more but less than \$2,500
 2302 \$2,500.01, a fee of.....\$100.
 2303 4.2. Receipts of ~~more than~~ \$2,500 or more but ~~and~~ less than
 2304 \$5,000 ~~\$5,000.01~~, a fee of.....\$200.
 2305 5.3. Receipts of ~~more than~~ \$5,000 or more but ~~and~~ less than
 2306 \$10,000 ~~\$10,000.01~~, a fee of.....\$350.
 2307 6.4. Receipts of ~~more than~~ \$10,000 or more but ~~and~~ less
 2308 than \$20,000 ~~\$20,000.01~~, a fee of.....\$800.
 2309 7.5. Receipts of ~~more than~~ \$20,000 or more but ~~and~~ less
 2310 than \$40,000 ~~\$40,000.01~~, a fee of.....\$1,000.
 2311 8.6. Receipts of ~~more than~~ \$40,000 or more but ~~and~~ less
 2312 than \$70,000 ~~\$70,000.01~~, a fee of.....\$1,200.
 2313 9.7. Receipts of ~~more than~~ \$70,000 or more but ~~and~~ less
 2314 than \$150,000 ~~\$150,000.01~~, a fee of.....\$1,600.
 2315 10.8. Receipts of ~~more than~~ \$150,000 or more but ~~and~~ less
 2316 than \$400,000 ~~\$400,000.01~~, a fee of.....\$2,400.
 2317 11.9. Receipts of ~~more than~~ \$400,000 or more, a fee of
 2318 \$4,600.

2319 (b) For places of business not previously in operation, the
 2320 fee shall be based on anticipated receipts for the first license

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2321 year.

2322 Section 127. Subsection (1) of section 578.181, Florida
2323 Statutes, is amended to read:

2324 578.181 Penalties; administrative fine.—

2325 (1) The department may enter an order imposing one or more
2326 of the following penalties against a ~~any~~ person who violates ~~any~~
2327 ~~of the provisions of this chapter or the rules adopted under~~
2328 this chapter promulgated hereunder or who impedes, obstructs, or
2329 ~~hinders, or otherwise prevents or attempts to prevent~~ the
2330 department in performing the performance of its duties under
2331 ~~duty in connection with the provisions of~~ this chapter:

2332 (a) Issuance of a warning letter.

2333 (b) Imposition of an administrative fine in the Class I
2334 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
2335 ~~per~~ occurrence after the issuance of a warning letter.

2336 (c) Revocation or suspension of the registration as a seed
2337 dealer.

2338 Section 128. Paragraph (g) of subsection (2) of section
2339 580.036, Florida Statutes, is amended to read:

2340 580.036 Powers and duties.—

2341 (2) The department is authorized to adopt rules pursuant to
2342 ss. 120.536(1) and 120.54 to enforce the provisions of this
2343 chapter. These rules shall be consistent with the rules and
2344 standards of the United States Food and Drug Administration and
2345 the United States Department of Agriculture, when applicable,
2346 and shall include:

2347 (g) Establishing standards for the sale, use, and
2348 distribution of commercial feed or feedstuff to ensure usage
2349 that is consistent with animal safety and well-being and, to the

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2350 extent that meat, poultry, and other animal products for human
2351 consumption may be affected by commercial feed or feedstuff, to
2352 ensure that these products are safe for human consumption. Such
2353 standards, if adopted, must be developed in consultation with
2354 the Agricultural Feed, Seed, and Fertilizer Advisory Council
2355 created under s. 570.451.

2356 Section 129. Paragraphs (a), (b), and (d) of subsection (1)
2357 of section 580.041, Florida Statutes, are amended to read:

2358 580.041 Master registration; fee; refusal or cancellation
2359 of registration; reporting.-

2360 (1) (a) Each distributor of commercial feed must annually
2361 obtain a master registration before her or his brands are
2362 distributed in this state. Upon initial registration, The
2363 ~~department shall furnish the registration forms requiring the~~
2364 ~~distributor to state that the distributor shall agree to will~~
2365 ~~comply with all provisions of this chapter and applicable rules.~~
2366 ~~The registration form shall identify the manufacturer's or~~
2367 ~~guarantor's name and place of business and the location of each~~
2368 ~~manufacturing facility in the state and shall be signed by the~~
2369 ~~owner; by a partner, if a partnership; or by an authorized~~
2370 ~~officer or agent, if a corporation. All registrations expire on~~
2371 June 30 of each year.

2372 (b) The application for registration form shall be filed
2373 with the department by using a form prescribed by the department
2374 or by using the department's website and shall be accompanied by
2375 a fee ~~that shall be~~ based on tons of feed distributed in this
2376 state during the previous year. If a distributor has been in
2377 business less than 1 year, the tonnage shall be estimated by the
2378 distributor for the first year and based on actual tonnage

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2379 thereafter. These fees shall be as follows:

2380

2381 SALES IN TONS	2381 FEE
2382	
2383 Zero, up to and including 25.....	\$40
2384 More than 25, up to and including 50.....	\$75
2385 More than 50, up to and including 100.....	\$150
2386 More than 100, up to and including 300.....	\$375
2387 More than 300, up to and including 600.....	\$600
2388 More than 600, up to and including 1,000.....	\$900
2389 More than 1,000, up to and including	
2390 2,000.....	\$1,250
2391 More than 2,000, up to and including	
2392 5,000.....	\$2,000
2393 More than 5,000 \$3,500	

2394 (d) The department shall provide ~~mail~~ a copy of the master
 2395 registration to the registrant to signify that administrative
 2396 requirements have been met.

2397 Section 130. Paragraphs (d) and (e) of subsection (1) of
 2398 section 580.071, Florida Statutes, are amended, and paragraphs
 2399 (f), (g), and (h) are added to that subsection, to read:

2400 580.071 Adulteration.—No person shall distribute an
 2401 adulterated commercial feed or feedstuff. A commercial feed or
 2402 feedstuff shall be deemed to be adulterated:

2403 (1)

2404 (d) If it is a raw agricultural commodity and it bears or
 2405 contains a pesticide chemical that is unsafe within the meaning
 2406 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act;
 2407 however, where a pesticide chemical has been used in or on a raw

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2408 agricultural commodity in conformity with an exemption granted
2409 or a tolerance prescribed under s. 408 of the Federal Food,
2410 Drug, and Cosmetic Act and that raw agricultural commodity has
2411 been subjected to processing such as canning, cooking, freezing,
2412 dehydrating, or milling, the processed feed will result, or is
2413 likely to result, in pesticide residue in the edible product of
2414 the animal which is unsafe within the meaning of s. 408(a) of
2415 the Federal Food, Drug, and Cosmetic Act; ~~or~~

2416 (e) If it is, or it bears or contains, any new animal drug
2417 that is unsafe within the meaning of s. 512 of the Federal Food,
2418 Drug, and Cosmetic Act;

2419 (f) If it consists, in whole or in part, of any filthy,
2420 putrid, or decomposed substance or is otherwise unfit for feed;

2421 (g) If it is prepared, packaged, or held under unsanitary
2422 conditions in which it may have become contaminated with filth
2423 or rendered injurious to health; or

2424 (h) If it is, in whole or in part, the product of a
2425 diseased animal or of an animal that has died by a means other
2426 than slaughter which is unsafe within the meaning of s.
2427 402(a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act.

2428 Section 131. Paragraph (b) of subsection (1) of section
2429 580.121, Florida Statutes, is amended to read:

2430 580.121 Penalties; duties of law enforcement officers;
2431 injunctive relief.—

2432 (1) The department may impose one or more of the following
2433 penalties against any person who violates any provision of this
2434 chapter:

2435 (b) Imposition of an administrative fine in the Class I
2436 category pursuant to s. 570.971 for each, by the department, of

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2437 ~~not more than \$1,000 per occurrence.~~

2438
2439 However, the severity of the penalty imposed shall be
2440 commensurate with the degree of risk to human or animal safety
2441 or the level of financial harm to the consumer that is created
2442 by the violation.

2443 Section 132. Subsection (5) of section 581.091, Florida
2444 Statutes, is amended to read:

2445 581.091 Noxious weeds and infected plants or regulated
2446 articles; sale or distribution; receipt; information to
2447 department; withholding information.-

2448 (5) (a) Notwithstanding any other ~~provision of state law or~~
2449 ~~rule,~~ a person may obtain a special permit from the department
2450 to plant *Casuarina cunninghamiana* as a windbreak for a
2451 commercial citrus grove if ~~provided~~ the plants are produced in
2452 an authorized registered nursery and certified by the department
2453 as being vegetatively propagated from male plants. ~~A "commercial~~
2454 ~~citrus grove" means a contiguous planting of 100 or more citrus~~
2455 ~~trees where citrus fruit is produced for sale.~~

2456 ~~(b) For a 5-year period, special permits authorizing a~~
2457 ~~person to plant *Casuarina cunninghamiana* shall be issued only as~~
2458 ~~part of a pilot program for fresh fruit groves in areas of~~
2459 ~~Indian River, St. Lucie, and Martin Counties where citrus canker~~
2460 ~~is determined by the department to be widespread. The pilot~~
2461 ~~program shall be reevaluated annually, and a comprehensive~~
2462 ~~review shall be conducted in 2013. The purpose of the annual and~~
2463 ~~5-year reviews is to determine if the use of *Casuarina*~~
2464 ~~*cunninghamiana* as an agricultural pest and disease windbreak~~
2465 ~~poses any adverse environmental consequences. At the end of the~~

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2466 ~~5-year pilot program, if the Noxious Weed and Invasive Plant~~
2467 ~~Review Committee, created by the department, and the Department~~
2468 ~~of Environmental Protection, in consultation with a~~
2469 ~~representative of the citrus industry who has a *Casuarina*~~
2470 ~~*cunninghamiana* windbreak, determine that the potential is low~~
2471 ~~for adverse environmental impacts from planting *Casuarina*~~
2472 ~~*cunninghamiana* as windbreaks, the department may, by rule, allow~~
2473 ~~the use of *Casuarina cunninghamiana* windbreaks for commercial~~
2474 ~~citrus groves in other areas of the state. If it is determined~~
2475 ~~at the end of the 5-year pilot program that additional time is~~
2476 ~~needed to further evaluate *Casuarina cunninghamiana*, the~~
2477 ~~department will remain the lead agency.~~

2478 (b) ~~(e)~~ Each application for a special permit shall be
2479 accompanied by a fee in an amount determined by the department,
2480 by rule, not to exceed \$500. A special permit shall be required
2481 for each noncontiguous commercial citrus grove and shall be
2482 renewed every 5 years. The property owner is responsible for
2483 maintaining and producing for inspection the original nursery
2484 invoice with certification documentation. If ownership of the
2485 property is transferred, the seller must notify the department
2486 and provide the buyer with a copy of the special permit and
2487 copies of all invoices and certification documentation before
2488 ~~prior to~~ the closing of the sale.

2489 (c) ~~(d)~~ Each application shall include a baseline survey of
2490 all lands within 500 feet of the proposed *Casuarina*
2491 *cunninghamiana* windbreak showing the location and identification
2492 to species of all existing *Casuarina spp.*

2493 (d) ~~(e)~~ Nurseries authorized to produce *Casuarina*
2494 *cunninghamiana* must obtain a special permit from the department

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2495 certifying that the plants have been vegetatively propagated
2496 from sexually mature male source trees currently grown in the
2497 state. The importation of *Casuarina cunninghamiana* from ~~any area~~
2498 outside the state to be used as a propagation source tree is
2499 prohibited. Each male source tree must be registered by the
2500 department as being a horticulturally true-to-type male plant
2501 and be labeled with a source tree registration number. Each
2502 nursery application for a special permit shall be accompanied by
2503 a fee in an amount determined by the department, by rule, not to
2504 exceed \$200. Special permits shall be renewed annually. The
2505 department shall, by rule, set the amount of an annual fee, not
2506 to exceed \$50, for each *Casuarina cunninghamiana* registered as a
2507 source tree. ~~Nurseries may only sell *Casuarina cunninghamiana* to~~
2508 ~~a person with a special permit as specified in paragraphs (a)~~
2509 ~~and (b).~~ The source tree registration numbers of the parent
2510 plants must be documented on each invoice or other certification
2511 documentation provided to the buyer.

2512 (e)~~(f)~~ All *Casuarina cunninghamiana* must be destroyed by
2513 the property owner within 6 months after:

2514 1. The property owner takes permanent action to no longer
2515 use the site for commercial citrus production;

2516 2. The site has not been used for commercial citrus
2517 production for a period of 5 years; or

2518 3. The department determines that the *Casuarina*
2519 *cunninghamiana* on the site has become invasive. This
2520 determination shall be based on, but not limited to, the
2521 recommendation of the Noxious Weed and Invasive Plant Review
2522 Committee and the Department of Environmental Protection and in
2523 consultation with a representative of the citrus industry who

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2524 has a *Casuarina cunninghamiana* windbreak.

2525
2526 If the owner or person in charge refuses or neglects to comply,
2527 the director or her or his authorized representative may, under
2528 authority of the department, proceed to destroy the plants. The
2529 expense of the destruction shall be assessed, collected, and
2530 enforced against the owner by the department. If the owner does
2531 not pay the assessed cost, the department may record a lien
2532 against the property.

2533 ~~(f)~~(g) The use of *Casuarina cunninghamiana* for windbreaks
2534 does ~~shall~~ not preclude the department from issuing permits for
2535 the research or release of biological control agents to control
2536 *Casuarina spp.* pursuant to ~~in accordance with~~ s. 581.083.

2537 ~~(g)~~(h) The use of *Casuarina cunninghamiana* for windbreaks
2538 may ~~shall~~ not restrict or interfere with any other agency or
2539 local government effort to manage or control noxious weeds or
2540 invasive plants, including *Casuarina cunninghamiana*. An, ~~nor~~
2541 ~~shall any other~~ agency or local government may not remove any
2542 *Casuarina cunninghamiana* planted as a windbreak under special
2543 permit issued by the department.

2544 ~~(i) The department shall develop and implement a monitoring~~
2545 ~~protocol to determine invasiveness of *Casuarina cunninghamiana*.~~
2546 ~~The monitoring protocol shall, at a minimum, require:~~

2547 1. ~~Inspection of the planting site by department inspectors~~
2548 ~~within 30 days following initial planting or any subsequent~~
2549 ~~planting of *Casuarina cunninghamiana* to ensure the criteria of~~
2550 ~~the special permit have been met.~~

2551 2. ~~Annual site inspections of planting sites and all lands~~
2552 ~~within 500 feet of the planted windbreak by department~~

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2553 ~~inspectors who have been trained to identify *Casuarina spp.* and~~
2554 ~~to make determinations of whether *Casuarina cunninghamiana* has~~
2555 ~~spread beyond the permitted windbreak location.~~

2556 ~~3. Any new seedlings found within 500 feet of the planted~~
2557 ~~windbreak to be removed, identified to the species level, and~~
2558 ~~evaluated to determine if hybridization has occurred.~~

2559 ~~4. The department to submit an annual report and a final 5-~~
2560 ~~year evaluation identifying any adverse effects resulting from~~
2561 ~~the planting of *Casuarina cunninghamiana* for windbreaks and~~
2562 ~~documenting all inspections and the results of those inspections~~
2563 ~~to the Noxious Weed and Invasive Plant Review Committee, the~~
2564 ~~Department of Environmental Protection, and a designated~~
2565 ~~representative of the citrus industry who has a *Casuarina*~~
2566 ~~*cunninghamiana* windbreak.~~

2567 ~~(j) If the department determines that female flowers or~~
2568 ~~cones have been produced on any *Casuarina cunninghamiana* that~~
2569 ~~have been planted under a special permit issued by the~~
2570 ~~department, the property owner shall be responsible for~~
2571 ~~destroying the trees. The department shall notify the property~~
2572 ~~owner of the timeframe and method of destruction.~~

2573 ~~(k) If at any time the department determines that~~
2574 ~~hybridization has occurred during the pilot program between~~
2575 ~~*Casuarina cunninghamiana* planted as a windbreak and other~~
2576 ~~*Casuarina spp.*, the department shall expeditiously initiate~~
2577 ~~research to determine the invasiveness of the hybrid. The~~
2578 ~~information obtained from this research shall be evaluated by~~
2579 ~~the Noxious Weed and Invasive Plant Review Committee, the~~
2580 ~~Department of Environmental Protection, and a designated~~
2581 ~~representative of the citrus industry who has a *Casuarina*~~

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2582 ~~cunninghamiana~~ windbreak. If the department determines that the
2583 hybrids have a high potential to become invasive, based on, but
2584 not limited to, the recommendation of the Noxious Weed and
2585 Invasive Plant Review Committee, the Department of Environmental
2586 Protection, and a designated representative of the citrus
2587 industry who has a *Casuarina cunninghamiana* windbreak, this
2588 pilot program shall be permanently suspended.

2589 (1) ~~Each application for a special permit must be~~
2590 ~~accompanied by a fee as described in paragraph (c) and an~~
2591 ~~agreement that the property owner will abide by all permit~~
2592 ~~conditions including the removal of *Casuarina cunninghamiana* if~~
2593 ~~invasive populations or other adverse environmental factors are~~
2594 ~~determined to be present by the department as a result of the~~
2595 ~~use of *Casuarina cunninghamiana* as windbreaks. The application~~
2596 ~~must include, on a form provided by the department, the name of~~
2597 ~~the applicant and the applicant's address or the address of the~~
2598 ~~applicant's principal place of business; a statement of the~~
2599 ~~estimated cost of removing and destroying the *Casuarina*~~
2600 ~~*cunninghamiana* that is the subject of the special permit; and~~
2601 ~~the basis for calculating or determining that estimate. If the~~
2602 ~~applicant is a corporation, partnership, or other business~~
2603 ~~entity, the applicant must also provide in the application the~~
2604 ~~name and address of each officer, partner, or managing agent.~~
2605 ~~The applicant shall notify the department within 30 business~~
2606 ~~days of any change of address or change in the principal place~~
2607 ~~of business. The department shall mail all notices to the~~
2608 ~~applicant's last known address.~~

2609 1. Upon obtaining a permit, the permitholder must annually
2610 maintain the *Casuarina cunninghamiana* authorized by a special

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2611 permit as required in the permit. If the permitholder ceases to
2612 maintain the *Casuarina cunninghamiana* as required by the special
2613 permit, if the permit expires, or if the permitholder ceases to
2614 abide by the conditions of the special permit, the permitholder
2615 must ~~shall~~ remove and destroy the *Casuarina cunninghamiana* in a
2616 timely manner as specified in the permit.

2617 2. If the department:

2618 a. Determines that the permitholder is no longer
2619 maintaining the *Casuarina cunninghamiana* subject to the special
2620 permit and has not removed and destroyed the *Casuarina*
2621 *cunninghamiana* authorized by the special permit;

2622 b. Determines that the continued use of *Casuarina*
2623 *cunninghamiana* as windbreaks presents an imminent danger to
2624 public health, safety, or welfare; or

2625 c. Determines that the permitholder has exceeded the
2626 conditions of the authorized special permit,†

2627
2628 the department may issue an immediate final order, which shall
2629 be immediately appealable or enjoicable pursuant to ~~as provided~~
2630 ~~by~~ chapter 120, directing the permitholder to immediately remove
2631 and destroy the *Casuarina cunninghamiana* authorized to be
2632 planted under the special permit. A copy of the immediate final
2633 order shall be mailed to the permitholder.

2634 3. If, upon issuance by the department of an immediate
2635 final order to the permitholder, the permitholder fails to
2636 remove and destroy the *Casuarina cunninghamiana* subject to the
2637 special permit within 60 days after issuance of the order, or
2638 such shorter period as is designated in the order as public
2639 health, safety, or welfare requires, the department may remove

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2640 and destroy the *Casuarina cunninghamiana* that are the subject of
2641 the special permit. If the permitholder makes a written request
2642 to the department for an extension of time to remove and destroy
2643 the *Casuarina cunninghamiana* that demonstrates specific facts
2644 showing why the *Casuarina cunninghamiana* could not reasonably be
2645 removed and destroyed in the applicable timeframe, the
2646 department may extend the time for removing and destroying
2647 *Casuarina cunninghamiana* subject to a special permit. The
2648 reasonable costs and expenses incurred by the department for
2649 removing and destroying *Casuarina cunninghamiana* subject to a
2650 special permit shall be paid out of the Citrus Inspection Trust
2651 Fund and shall be reimbursed by the party to which the immediate
2652 final order is issued. If the party to which the immediate final
2653 order has been issued fails to reimburse the state within 60
2654 days, the department may record a lien on the property. The lien
2655 shall be enforced by the department.

2656 4. In order to carry out the purposes of this paragraph,
2657 the department or its agents may require a permitholder to
2658 provide verified statements of the planted acreage subject to
2659 the special permit and may review the permitholder's business or
2660 planting records at her or his place of business during normal
2661 business hours in order to determine the acreage planted. The
2662 failure of a permitholder to furnish such statement or to make
2663 such records available is cause for suspension of the special
2664 permit. If the department finds such failure to be willful, the
2665 special permit may be revoked.

2666 Section 133. Subsection (8) of section 581.131, Florida
2667 Statutes, is amended to read:

2668 581.131 Certificate of registration.—

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2669 (8) The department shall provide to each person subject to
 2670 this section written notice and renewal forms 30 ~~60~~ days before
 2671 ~~prior to~~ the annual renewal date informing the person of the
 2672 certificate of registration renewal date and the applicable fee.

2673 Section 134. Paragraph (a) of subsection (2) of section
 2674 581.141, Florida Statutes, is amended to read:

2675 581.141 Certificate of registration or of inspection;
 2676 revocation and suspension; fines.-

2677 (2) FINES; PROBATION.-

2678 (a)1. The department may, after notice and hearing, impose
 2679 an administrative a fine in the Class II category pursuant to s.
 2680 570.971 ~~not exceeding \$5,000~~ or probation not exceeding 12
 2681 months, or both, for a ~~the~~ violation of ~~any of the provisions of~~
 2682 this chapter or the rules adopted under this chapter upon a ~~any~~
 2683 person, nurseryman, stock dealer, agent, or plant broker. The
 2684 fine, when paid, shall be deposited in the Plant Industry Trust
 2685 Fund.

2686 2. The imposition of a fine or probation pursuant to this
 2687 subsection may be in addition to or in lieu of the suspension or
 2688 revocation of a certificate of registration or certificate of
 2689 inspection.

2690 Section 135. Subsection (2) of section 581.186, Florida
 2691 Statutes, is amended to read:

2692 581.186 Endangered Plant Advisory Council; organization;
 2693 meetings; powers and duties.-

2694 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.-The
 2695 meetings, powers and duties, procedures, and recordkeeping of
 2696 the Endangered Plant Advisory Council shall be pursuant to
 2697 ~~governed by the provisions of s. 570.232 570.0705 relating to~~

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2698 ~~advisory committees established within the department.~~

2699 Section 136. Paragraph (a) of subsection (3) of section
2700 581.211, Florida Statutes, is amended to read:

2701 581.211 Penalties for violations.—

2702 (3) (a) 1. In addition to any other provision of law, the
2703 department may, after notice and hearing, impose an
2704 administrative fine in the Class II category pursuant to s.
2705 570.971 ~~not exceeding \$5,000~~ for each violation of this chapter,
2706 upon a ~~any~~ person, nurseryman, stock dealer, agent, or plant
2707 broker. The fine, when paid, shall be deposited in the Plant
2708 Industry Trust Fund. In addition, the department may place the
2709 violator on probation for up to 1 year, with conditions.

2710 2. The imposition of a fine or probation pursuant to this
2711 subsection may be in addition to or in lieu of the suspension or
2712 revocation of a certificate of registration or certificate of
2713 inspection.

2714 Section 137. Subsection (2) of section 582.06, Florida
2715 Statutes, is amended to read:

2716 582.06 Soil and Water Conservation Council; powers and
2717 duties.—

2718 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
2719 meetings, powers and duties, procedures, and recordkeeping of
2720 the Soil and Water Conservation Council shall be pursuant to
2721 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
2722 ~~advisory committees established within the department.~~

2723 Section 138. Subsection (4) of section 583.01, Florida
2724 Statutes, is amended to read:

2725 583.01 Definitions.—For the purpose of this chapter, unless
2726 elsewhere indicated, the term:

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2727 (4) "Dealer" means a ~~any~~ person, firm, or corporation,
2728 including a producer, processor, retailer, or wholesaler, that
2729 sells, offers for sale, or holds for the purpose of sale in this
2730 state 30 dozen or more eggs or its equivalent in any one week,
2731 or more than 384 ~~in excess of 100 pounds of dressed birds~~
2732 ~~poultry~~ in any one week.

2733 Section 139. Subsection (1) of section 585.007, Florida
2734 Statutes, is amended to read:

2735 585.007 Violation of rules; violation of chapter.—

2736 (1) A ~~Any~~ person who violates ~~the provisions of~~ this
2737 chapter or any rule of the department shall be subject to the
2738 imposition of an administrative fine in the Class III category
2739 pursuant to s. 570.971 ~~of up to \$10,000~~ for each offense. Upon
2740 repeated violation, the department may seek enforcement pursuant
2741 to s. 120.69.

2742 Section 140. Paragraph (a) of subsection (2) of section
2743 586.15, Florida Statutes, is amended to read:

2744 586.15 Penalty for violation.—

2745 (2) (a) The department may, after notice and hearing, impose
2746 an administrative a fine in the Class II category pursuant to s.
2747 570.971 ~~not exceeding \$5,000~~ for a ~~the~~ violation of ~~any of the~~
2748 ~~provisions of~~ this chapter or the rules adopted under this
2749 chapter upon any person. The fine, when paid, shall be deposited
2750 in the Plant Industry Trust Fund. The imposition of a fine
2751 pursuant to this subsection may be in addition to or in lieu of
2752 the suspension or revocation of a permit or a certificate of
2753 inspection or registration.

2754 Section 141. Subsection (3) of section 586.161, Florida
2755 Statutes, is amended to read:

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2756 586.161 Honeybee Technical Council.—

2757 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
2758 meetings, powers and duties, procedures, and recordkeeping of
2759 the Honeybee Technical Council shall be pursuant to ~~governed by~~
2760 ~~the provisions of s. 570.232 570.0705 relating to advisory~~
2761 ~~committees established within the department.~~

2762 Section 142. Subsection (3) is added to section 589.08,
2763 Florida Statutes, to read:

2764 589.08 Land acquisition restrictions.—

2765 (3) The Florida Forest Service shall pay 15 percent of the
2766 gross receipts from the Goethe State Forest to each fiscally
2767 constrained county, as described in s. 218.67(1), in which a
2768 portion of the respective forest is located in proportion to the
2769 forest acreage located in such county. The funds must be equally
2770 divided between the board of county commissioners and the school
2771 board of each fiscally constrained county.

2772 Section 143. Section 589.081, Florida Statutes, is
2773 repealed.

2774 Section 144. Subsections (1) and (3) of section 589.011,
2775 Florida Statutes, are amended to read:

2776 589.011 Use of state forest lands; fees; rules.—

2777 (1)(a) If authorized by a land management plan approved
2778 pursuant to chapter 253 or by an interim assignment letter that
2779 identifies the interim management activities issued by the
2780 Department of Environmental Protection pursuant to chapter 259,
2781 the Florida Forest Service of the Department of Agriculture and
2782 Consumer Services may grant privileges, permits, leases, and
2783 concessions for the use of state forest lands or any lands
2784 leased by or otherwise assigned to the Florida Forest Service

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2785 for management purposes, timber, and forest products pursuant to
2786 ~~for purposes not inconsistent with the provisions of this~~
2787 chapter.

2788 (b) Lessees of such lands that are open to the public for
2789 recreational purposes, where such lease or agreement recognizes
2790 that the state is responsible for personal injury, loss, or
2791 damage resulting in whole or in part from public use of the area
2792 under the terms of the lease or agreement, subject to the
2793 limitations and conditions specified in s. 768.28, owe no duty
2794 of care to keep the area safe for entry or use by others or to
2795 give warning to persons entering or going into the area of any
2796 hazardous conditions, structures, or activities thereon.

2797 (c) Lessees who lease property from the Florida Forest
2798 Service which is open to the public for recreational purposes:

2799 1. Are not presumed to extend any assurance that the leased
2800 area is safe for any purpose.

2801 2. Do not incur any duty of care toward a person who goes
2802 into the area that is subject to the lease or agreement.

2803 3. Are not liable or responsible for any injury to persons
2804 or property caused by the act or omission of a person who goes
2805 into the area that is subject to the lease or agreement.

2806 (d) This subsection:

2807 1. Applies to all persons going into the leased area,
2808 including invitees, licensees, and trespassers.

2809 2. Does not relieve a person of liability that would
2810 otherwise exist for deliberate, willful, or malicious injury to
2811 persons or property.

2812 3. Does not create or increase liability of a person.

2813 (3) The Florida Forest Service may ~~shall have the power to~~

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2814 set and charge reasonable fees, rentals, or charges ~~rent~~ for the
 2815 use or operation of facilities and concessions on state forests
 2816 or any lands leased by or otherwise assigned to the Florida
 2817 Forest Service for management purposes based on factors such as
 2818 the cost and extent of recreational facilities and services,
 2819 geographic location, seasonal public demand, fees charged by
 2820 other governmental and private entities for comparable services
 2821 and activities, and market value and demand for forest products.
 2822 Moneys collected from such fees, rentals, and charges ~~rent~~ shall
 2823 be deposited into the Incidental Trust Fund of the Florida
 2824 Forest Service.

2825 Section 145. Section 589.20, Florida Statutes, is amended
 2826 to read:

2827 589.20 Cooperation by Florida Forest Service.—The Florida
 2828 Forest Service may cooperate with other state agencies, water
 2829 management districts, municipalities, and other government
 2830 entities ~~who are custodians of lands which are suitable for~~
 2831 ~~forestry purposes,~~ in the designation and dedication of ~~such~~
 2832 lands that are suitable for forestry purposes ~~when in the~~
 2833 ~~opinion of the state agencies concerned such lands are suitable~~
 2834 ~~for these purposes and can be so administered.~~ Lands designated
 2835 and dedicated by a state agency, water management district,
 2836 municipality, or other government entity ~~Upon the designation~~
 2837 ~~and dedication of said lands for forestry~~ these purposes by the
 2838 ~~agencies concerned, said lands shall be administered by the~~
 2839 Florida Forest Service.

2840 Section 146. Subsection (7) of section 590.02, Florida
 2841 Statutes, is amended to read:

2842 590.02 Florida Forest Service; powers, authority, and

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2843 duties; liability; building structures; Withlacoochee Training
2844 ~~Florida Center for Wildfire and Forest Resources Management~~
2845 ~~Training.~~—

2846 (7) The Florida Forest Service may organize, staff, equip,
2847 and operate the Withlacoochee ~~Florida Forest~~ Training Center.
2848 The center shall serve as a site where fire and forest resource
2849 managers can obtain current knowledge, techniques, skills, and
2850 theory as they relate to their respective disciplines.

2851 (a) The center may establish cooperative efforts involving
2852 federal, state, and local entities; hire appropriate personnel;
2853 and engage others by contract or agreement with or without
2854 compensation to assist in carrying out the training and
2855 operations of the center.

2856 (b) The center shall provide wildfire suppression training
2857 opportunities for rural fire departments, volunteer fire
2858 departments, and other local fire response units.

2859 (c) The center shall ~~will~~ focus on curriculum related ~~to~~,
2860 but not limited to, fuel reduction, an incident management
2861 system, prescribed burning certification, multiple-use land
2862 management, water quality, forest health, environmental
2863 education, and wildfire suppression training for structural
2864 firefighters.

2865 (d) The center may assess appropriate fees for food,
2866 lodging, travel, course materials, and supplies in order to meet
2867 its operational costs and may grant free meals, room, and
2868 scholarships to persons and other entities in exchange for
2869 instructional assistance.

2870 Section 147. Section 590.091, Florida Statutes, is
2871 repealed.

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2872 Section 148. Subsection (2) of section 590.125, Florida
2873 Statutes, is amended to read:

2874 590.125 Open burning authorized by the Florida Forest
2875 Service.—

2876 (2) NONCERTIFIED BURNING.—

2877 (a) Persons may ~~be authorized to~~ broadcast burn or pile
2878 burn pursuant to ~~in accordance with~~ this subsection if:

2879 1. There is specific consent of the landowner or his or her
2880 designee;

2881 2. Authorization has been obtained from the Florida Forest
2882 Service or its designated agent before starting the burn;

2883 3. There are adequate firebreaks at the burn site and
2884 sufficient personnel and firefighting equipment for the
2885 containment of the fire;

2886 4. The fire remains within the boundary of the authorized
2887 area;

2888 5. The person named responsible in the burn authorization
2889 or a designee is present at the burn site until the fire is
2890 completed;

2891 6. The Florida Forest Service does not cancel the
2892 authorization; and

2893 7. The Florida Forest Service determines that air quality
2894 and fire danger are favorable for safe burning.

2895 (b) A new authorization is not required for smoldering that
2896 occurs within the authorized burn area unless new ignitions are
2897 conducted by the person named responsible in the burn
2898 authorization or a designee.

2899 (c) Monitoring the smoldering activity of a burn does not
2900 require an additional authorization even if flames begin to

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2901 spread within the authorized burn area due to ongoing
2902 smoldering.

2903 (d)~~(b)~~ A person who broadcast burns or pile burns in a
2904 manner that violates ~~any requirement of~~ this subsection commits
2905 a misdemeanor of the second degree, punishable as provided in s.
2906 775.082 or s. 775.083.

2907 Section 149. Subsection (3) of section 590.14, Florida
2908 Statutes, is amended to read:

2909 590.14 Notice of violation; penalties; legislative intent.-

2910 (3) The department may also impose an administrative fine
2911 in the Class I category pursuant to s. 570.971 for each, ~~not to~~
2912 ~~exceed \$1,000 per~~ violation of ~~any section of~~ chapter 589 or
2913 this chapter or violation of any rule adopted by the Florida
2914 Forest Service to administer ~~provisions of~~ law conferring duties
2915 upon the Florida Forest Service. The fine shall be based upon
2916 the degree of damage, the prior violation record of the person,
2917 and whether the person knowingly provided false information to
2918 obtain an authorization. The fines shall be deposited in the
2919 Incidental Trust Fund of the Florida Forest Service.

2920 Section 150. Subsection (2) of section 595.701, Florida
2921 Statutes, is amended to read:

2922 595.701 Healthy Schools for Healthy Lives Council.-

2923 (2) The meetings, powers, duties, procedures, and
2924 recordkeeping of the Healthy Schools for Healthy Lives Council
2925 shall be pursuant to ~~governed by~~ s. 570.232 ~~570.0705,~~ relating
2926 ~~to advisory committees established within the department.~~

2927 Section 151. Subsection (2) of section 597.0041, Florida
2928 Statutes, is amended to read:

2929 597.0041 Prohibited acts; penalties.-

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2930 (2) (a) A ~~Any~~ person who violates ~~any provision of~~ this
2931 chapter or any rule adopted under this chapter ~~promulgated~~
2932 ~~hereunder~~ is subject to a suspension or revocation of his or her
2933 certificate of registration or license under this chapter. The
2934 department may, in lieu of, or in addition to the suspension or
2935 revocation, impose on the violator an administrative fine in the
2936 Class I category pursuant to s. 570.971 for each violation, for
2937 each day the violation exists ~~in an amount not to exceed \$1,000~~
2938 ~~per violation per day.~~

2939 (b) Except as provided in subsection (4), a ~~any~~ person who
2940 violates ~~any provision of~~ this chapter, or any rule adopted
2941 under this chapter hereunder, commits a misdemeanor of the first
2942 degree, punishable as provided in s. 775.082 or s. 775.083.

2943 Section 152. Subsection (1) of section 597.020, Florida
2944 Statutes, is amended to read:

2945 597.020 Shellfish processors; regulation.—

2946 (1) The department may:

2947 (a) ~~is authorized to~~ Adopt by rule regulations,
2948 specifications, and codes relating to sanitary practices for
2949 catching, cultivating, handling, processing, packaging,
2950 preserving, canning, smoking, and storing ~~of~~ oysters, clams,
2951 mussels, scallops, and crabs.

2952 (b) ~~The department is also authorized to~~ License shellfish
2953 processors who handle oysters, clams, mussels, scallops, and
2954 crabs when such activities relate to quality control, sanitary,
2955 and public health practices pursuant to this section and chapter
2956 500.

2957 (c) ~~The department is also authorized to~~ License or
2958 certify, for a fee determined by rule, facilities used for

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2959 processing oysters, clams, mussels, scallops, and crabs;~~;~~~~to~~
 2960 levy an administrative fine in the Class I category pursuant to
 2961 s. 570.971 for each violation, for each day the violation
 2962 exists, of up to \$1,000 per violation per day or ~~to~~ suspend or
 2963 revoke such licenses or certificates upon satisfactory evidence
 2964 of a ~~any~~ violation of rules adopted pursuant to this section;~~;~~
 2965 and ~~to~~ seize and destroy any adulterated or misbranded shellfish
 2966 products as defined by rule.

2967 Section 153. Subsection (2) of section 599.002, Florida
 2968 Statutes, is amended to read:

2969 599.002 Viticulture Advisory Council.—

2970 (2) The meetings, powers and duties, procedures, and
 2971 recordkeeping of the Viticulture Advisory Council shall be
 2972 pursuant to ~~governed by the provisions of s. 570.232 570.0705~~
 2973 ~~relating to advisory committees established within the~~
 2974 ~~department.~~

2975 Section 154. Section 601.67, Florida Statutes, is amended
 2976 to read:

2977 601.67 Disciplinary action by Department of Agriculture
 2978 against citrus fruit dealers.—

2979 (1) The Department of Agriculture may impose an
 2980 administrative a fine in the Class IV category pursuant to s.
 2981 570.971 not to exceed ~~exceeding~~ \$50,000 for each ~~per~~ violation
 2982 against a ~~any~~ licensed citrus fruit dealer who violates ~~for~~
 2983 ~~violation of any provision of this chapter and, in lieu of,~~ or
 2984 in addition to~~,~~ such fine, may revoke or suspend the license of
 2985 ~~any~~ such a dealer when it has been satisfactorily shown that
 2986 such dealer, in her or his activities as a citrus fruit dealer,
 2987 has:

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2988 (a) Obtained a license by means of fraud,
2989 misrepresentation, or concealment;

2990 (b) Violated or aided or abetted in the violation of any
2991 law of this state governing or applicable to citrus fruit
2992 dealers or any lawful rules of the Department of Citrus;

2993 (c) Been guilty of a crime against the laws of this or any
2994 other state or government involving moral turpitude or dishonest
2995 dealing or has become legally incompetent to contract or be
2996 contracted with;

2997 (d) Made, printed, published, distributed, or caused,
2998 authorized, or knowingly permitted the making, printing,
2999 publication, or distribution of false statements, descriptions,
3000 or promises of such a character as to reasonably induce any
3001 person to act to her or his damage or injury, if such citrus
3002 fruit dealer then knew, or by the exercise of reasonable care
3003 and inquiry could have known, of the falsity of such statements,
3004 descriptions, or promises;

3005 (e) Knowingly committed or been a party to any material
3006 fraud, misrepresentation, concealment, conspiracy, collusion,
3007 trick, scheme, or device whereby another ~~any other~~ person
3008 lawfully relying upon the word, representation, or conduct of
3009 the citrus fruit dealer has acted to her or his injury or
3010 damage;

3011 (f) Committed any act or conduct of the same or different
3012 character than ~~of~~ that ~~hereinabove~~ enumerated which constitutes
3013 fraudulent or dishonest dealing; or

3014 (g) ~~Violated any of the provisions of ss. 506.19-506.28,~~
3015 ~~both sections inclusive.~~

3016 (2) The Department of Agriculture may impose an

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3017 administrative a fine in the Class IV category pursuant to s.
 3018 570.971 not to exceed ~~exceeding~~ \$100,000 for each ~~per~~ violation
 3019 against a ~~any~~ person who operates as a citrus fruit dealer
 3020 without a current citrus fruit dealer license issued by the
 3021 Department of Agriculture pursuant to s. 601.60. In addition,
 3022 the Department of Agriculture may order such person to cease and
 3023 desist operating as a citrus fruit dealer without a license. An
 3024 administrative order entered by the Department of Agriculture
 3025 under this subsection may be enforced pursuant to s. 601.73.

3026 (3) The Department of Agriculture shall impose an
 3027 administrative a fine in the Class IV category pursuant to s.
 3028 570.971 not to exceed ~~of not less than \$10,000 nor more than~~
 3029 \$100,000 for each ~~per~~ violation against a ~~any~~ licensed citrus
 3030 fruit dealer and shall suspend, for 60 days during the first
 3031 available period between September 1 and May 31, the license of
 3032 a ~~any~~ citrus fruit dealer who:

3033 (a) Falsely labels or otherwise misrepresents that a fresh
 3034 citrus fruit was grown in a specific production area specified
 3035 in s. 601.091; or

3036 (b) Knowingly, falsely labels or otherwise misrepresents
 3037 that a processed citrus fruit product was prepared solely with
 3038 citrus fruit grown in a specific production area specified in s.
 3039 601.091.

3040 (4) A ~~Any~~ fine imposed pursuant to subsection (1),
 3041 subsection (2), or subsection (3), when paid, shall be deposited
 3042 by the Department of Agriculture into its General Inspection
 3043 Trust Fund.

3044 (5) Whenever an ~~any~~ administrative order has been made and
 3045 entered by the Department of Agriculture that imposes a fine

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3046 pursuant to this section, such order shall specify a time limit
3047 for payment of the fine, not exceeding 15 days. The failure of
3048 the citrus fruit dealer ~~involved~~ to pay the fine within that
3049 time shall result in the immediate suspension of such citrus
3050 fruit dealer's current license, or any subsequently issued
3051 license, until ~~such time as~~ the order has been fully satisfied.
3052 An ~~Any~~ order suspending a citrus fruit dealer's license shall
3053 include a provision that the ~~such~~ suspension shall be for a
3054 specified period ~~of time~~ not to exceed 60 days, and such period
3055 of suspension may begin ~~commence~~ at any designated date within
3056 the current license period or subsequent license period.
3057 Whenever an order has been entered that suspends a citrus fruit
3058 dealer's license for a definite period ~~of time~~ and that license,
3059 by law, expires during the period of suspension, the suspension
3060 order shall continue automatically and shall be effective
3061 against any subsequent citrus fruit dealer ~~dealer's~~ license
3062 issued to such dealer until ~~such time as~~ the entire period of
3063 suspension has elapsed. Whenever any such administrative order
3064 of the Department of Agriculture is sought to be reviewed by the
3065 offending dealer involved in a court of competent jurisdiction,
3066 if such court proceedings should finally terminate in such
3067 administrative order being upheld or not quashed, such order
3068 shall ~~thereupon~~, upon the filing with the Department of
3069 Agriculture of a certified copy of the mandate or other order of
3070 the last court having to do with the matter in the judicial
3071 process, become immediately effective and shall then be carried
3072 out and enforced notwithstanding such time will be during a new
3073 and subsequent shipping season from that during which the
3074 administrative order was first originally entered by the

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3075 Department of Agriculture.

3076 Section 155. Section 604.22, Florida Statutes, is amended
3077 to read:

3078 604.22 Dealers to keep records; contents.—

3079 (1) (a) Each licensee, while acting as agent for a producer,
3080 shall make and preserve for at least 1 year a record of each
3081 transaction, specifying the name and address of the producer for
3082 whom she or he acts as agent; the date of receipt; the kind,
3083 quality, and quantity of agricultural products received; the
3084 name and address of the purchaser of each package of
3085 agricultural products; the price for which each package was
3086 sold; the amount of any additional charges necessary to
3087 effectuate the sale; the amount and explanation of any
3088 adjustments given; and the net amount due from each purchaser.

3089 (b) An account of sales shall be furnished to each producer
3090 within 48 hours after the sale of such agricultural products
3091 unless otherwise agreed to in a written contract or verifiable
3092 oral agreement. Such account of sales shall clearly show the
3093 sale price of each lot of agricultural products sold; all
3094 adjustments to the original price, along with an explanation of
3095 such adjustments; and an itemized showing of all marketing costs
3096 deducted by the licensee, along with the net amount due the
3097 producer.

3098 (c) The licensee shall make the payment to the producer
3099 within 5 days after ~~of~~ the licensee's receipt of payment unless
3100 otherwise agreed to in a written contract or verifiable oral
3101 agreement.

3102 (2) (a) Notwithstanding ~~The provisions of~~ s. 604.16(2), (3),
3103 and (4) ~~notwithstanding~~, a any person, partnership, corporation,

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3104 or other business entity, except a person described in s.
 3105 604.16(1), who possesses and offers for sale agricultural
 3106 products is required to possess and display, upon the request of
 3107 a any department representative or state, county, or local law
 3108 enforcement officer, an invoice, bill of sale, manifest, or
 3109 other written document showing the date of sale, the name and
 3110 address of the seller, and the kind and quantity of products for
 3111 all such agricultural products.

3112 (b) A Any person who violates ~~the provisions of this~~
 3113 section is subject to s. 604.30(2) and (3) subsection is guilty
 3114 ~~of a misdemeanor of the second degree, punishable as provided in~~
 3115 ~~s. 775.082 or s. 775.083.~~

3116 Section 156. Paragraph (a) of subsection (3) of section
 3117 604.30, Florida Statutes, is amended to read:

3118 604.30 Penalties; injunctive relief; administrative fines.—

3119 (3) (a) In addition to the penalties provided in this
 3120 section, the department may, after notice and hearing, impose an
 3121 administrative a fine in the Class II category pursuant to s.
 3122 570.971, not to exceed exceeding \$2,500, for a the violation of
 3123 ~~any of the provisions of ss. 604.15-604.34 or the rules adopted~~
 3124 ~~thereunder against a any~~ dealer in agricultural products. ~~†~~ Such
 3125 fine, when imposed and paid, shall be deposited by the
 3126 department into the General Inspection Trust Fund.

3127 Section 157. Paragraph (a) of subsection (19) of section
 3128 616.242, Florida Statutes, is amended to read:

3129 616.242 Safety standards for amusement rides.—

3130 (19) ENFORCEMENT AND PENALTIES.—

3131 (a) The department may deny, suspend for a period not to
 3132 exceed 1 year, or revoke any permit or inspection certificate.

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3133 In addition to denial, suspension, or revocation, the department
3134 may impose an administrative fine in the Class II category
3135 pursuant to s. 570.971, not to exceed ~~of up to~~ \$2,500 for each
3136 per violation, for each day the violation exists ~~per day~~,
3137 against the owner of the amusement ride if it finds that:

3138 1. An amusement ride has operated or is operating:

3139 a. With a mechanical, structural, or electrical defect that
3140 affects patron safety, of which the owner or manager has
3141 knowledge, or, through the exercise of reasonable diligence,
3142 should have knowledge;

3143 b. In a manner or circumstance that presents a risk of
3144 serious injury to patrons;

3145 c. At a speed in excess of its maximum safe operating
3146 speed;

3147 d. In violation of this section or any rule adopted under
3148 this section; or

3149 e. In violation of an ~~any~~ order of the department or order
3150 of any court; or-

3151 2. A ~~Any~~ manager in the course of his or her duties is
3152 under the influence of drugs or alcohol.

3153 Section 158. This act shall take effect July 1, 2014.