

By the Committee on Agriculture; and Senator Montford

575-02734-14

20141630c1

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 282.709, F.S.; adding a
4 representative to the Joint Task Force on State Agency
5 Law Enforcement Communications, to be appointed by the
6 Commissioner of Agriculture; transferring,
7 renumbering, and amending s. 570.0741, F.S., relating
8 to the energy efficiency and conservation
9 clearinghouse; deleting an obsolete provision;
10 amending s. 379.361, F.S.; requiring a person to
11 retake an educational seminar when renewing an
12 Apalachicola Bay oyster harvesting license; amending
13 s. 487.041, F.S.; requiring a registrant to continue
14 the registration of a brand of pesticide that
15 continues to remain on retailers' shelves in this
16 state under certain circumstances; amending ss.
17 487.046 and 487.048, F.S.; authorizing applications
18 for certain licenses to be submitted through the
19 department's website; amending s. 487.159, F.S.;
20 deleting the requirements for filing statements
21 claiming damages and injuries from pesticide
22 application; amending s. 487.160, F.S.; requiring all
23 licensed private applicators to keep the same records
24 as licensed public applicators and licensed commercial
25 applicators with respect to the application of
26 restricted pesticides; amending s. 487.2031, F.S.;
27 revising the term "material safety data sheet";
28 amending s. 487.2051, F.S.; revising requirements for
29 pesticide fact sheets and safety data sheets; amending

575-02734-14

20141630c1

30 s. 493.6120, F.S.; authorizing the department to
31 impose certain civil penalties for violations relating
32 to private security, investigative, and repossession
33 services; transferring and renumbering s. 570.545,
34 F.S., relating to unsolicited goods; amending s.
35 500.03, F.S.; revising the definition of the term
36 "food establishment"; amending s. 500.12, F.S.;
37 revising the exemption from permit requirements for
38 minor food outlets; requiring an establishment to
39 apply for and receive a permit prior to the
40 commencement of operations; requiring the department
41 to adopt a schedule of fees to be paid by each food
42 establishment and retail food store; providing that
43 food permits are not transferable; updating
44 terminology; amending s. 500.121, F.S.; authorizing
45 the department to order the immediate closure of
46 certain establishments upon determination that the
47 establishment presents a severe and immediate threat
48 to the public health, safety, and welfare; specifying
49 the procedure the department must use in ordering
50 immediate closure; conforming provisions to changes
51 made by the act; providing criminal penalties;
52 authorizing the department to adopt rules; amending s.
53 500.147, F.S.; authorizing the department to inspect
54 food records to facilitate tracing of food products in
55 certain circumstances; amending s. 500.165, F.S.;
56 revising the administrative fine amount for violating
57 provisions relating to transporting shipments of food
58 items; amending s. 500.172, F.S.; authorizing the

575-02734-14

20141630c1

59 department to issue and enforce a stop-sale, stop-use,
60 removal, or hold order for certain food-processing or
61 food storage areas; amending s. 501.019, F.S.;
62 revising the administrative fine amount for violations
63 relating to health studios; amending s. 501.059, F.S.;
64 authorizing the department to adopt rules; conforming
65 provisions to changes made by the act; amending s.
66 501.922, F.S.; revising the administrative fine amount
67 for certain violations relating to the "Antifreeze
68 Act"; creating s. 501.977, F.S.; providing that
69 certain acts relating to livery services are unfair or
70 deceptive regulatory acts or practices; transferring,
71 renumbering, and amending s. 570.42, F.S., relating to
72 the Dairy Industry Technical Council; conforming a
73 cross-reference; creating part I of ch. 570, F.S.,
74 entitled "General Provisions"; renumbering and
75 amending s. 570.14, F.S., relating to the seal of the
76 department; restricting the seal of the department
77 from being used without written approval by the
78 department; renumbering ss. 570.18 and 570.16, F.S.,
79 relating to organization of departmental work and the
80 interference with department employees, respectively;
81 amending s. 570.07, F.S.; conforming a cross-
82 reference; transferring and renumbering ss. 570.17 and
83 570.531, F.S., relating to the regulatory work of the
84 state relating to the protection of agricultural
85 interests and the Market Improvements Working Capital
86 Trust Fund, respectively; amending s. 570.23, F.S.;
87 conforming a cross-reference; renumbering s. 570.0705,

575-02734-14

20141630c1

88 F.S., relating to advisory committees; creating part
89 II of ch. 570, F.S., entitled "Program Services";
90 amending s. 570.36, F.S.; making a technical change;
91 amending s. 570.44, F.S.; revising the duties of the
92 Division of Agricultural Environmental Services;
93 amending s. 570.45, F.S.; conforming provisions to
94 changes made by the act; amending s. 570.451, F.S.;
95 conforming a cross-reference; amending ss. 570.50 and
96 570.51, F.S.; conforming provisions to changes made by
97 the act; amending s. 570.543, F.S.; conforming a
98 cross-reference; renumbering s. 570.073, F.S.,
99 relating to the Office of Agricultural Law
100 Enforcement; renumbering and amending s. 570.074,
101 F.S.; requiring the Office of Agricultural and Water
102 Policy to enforce and implement ch. 582, F.S., and
103 rules relating to soil and water conservation;
104 creating s. 570.67, F.S.; codifying the creation of
105 the Office of Energy; providing for management and
106 specifying duties; renumbering s. 570.951, F.S.,
107 relating to the Florida Agriculture Center and Horse
108 Park; renumbering and amending s. 570.952, F.S.,
109 relating to the Florida Agricultural Center and Horse
110 Park Authority; conforming provisions to changes made
111 by the act; deleting obsolete provisions; renumbering
112 s. 570.953, F.S., relating to the identity of donors
113 to the Florida Agriculture Center and Horse Park
114 Authority; renumbering and amending s. 570.902, F.S.,
115 relating to definitions; conforming provisions to
116 changes made by the act; renumbering ss. 570.903,

575-02734-14

20141630c1

117 570.901, and 570.91, F.S., relating to direct-support
118 organizations, the Florida Agricultural Museum, and
119 Florida agriculture in the classroom, respectively;
120 creating part III of ch. 570, F.S., entitled
121 "Agricultural Development"; amending s. 570.71, F.S.;
122 authorizing the department to use certain funds for
123 administrative and operating expenses related to
124 appraisals, mapping, title process, personnel, and
125 other real estate expenses; renumbering s. 570.241,
126 F.S., relating to the Agricultural Economic
127 Development Act; renumbering and amending s. 570.242,
128 F.S., relating to the Agricultural Economic
129 Development Act; removing the definition of the terms
130 "commissioner" and "department"; renumbering ss.
131 570.243, 570.244, 570.245, 570.246, F.S., relating to
132 the Agricultural Economic Development Program, the
133 powers of the department, interaction with other
134 economic development agencies and groups, and
135 agricultural economic development funding,
136 respectively; renumbering and amending s. 570.247,
137 F.S., relating to certain department rules; deleting
138 obsolete provisions; renumbering ss. 570.248 and
139 570.249, F.S., relating to the Agricultural Economic
140 Development and Project Review Committee and disaster
141 loans and grants and aid, respectively; renumbering
142 and amending s. 570.9135, F.S., relating to the Beef
143 Market Development Act; conforming cross-references;
144 making technical changes; renumbering ss. 570.954 and
145 570.96, F.S., relating to the farm-to-fuel initiative

575-02734-14

20141630c1

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

575-02734-14

20141630c1

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

575-02734-14

20141630c1

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

575-02734-14

20141630c1

233 each fiscally constrained county; requiring such funds
234 to be equally divided between the board of county
235 commissioners and the school board; amending s.
236 589.011, F.S.; providing conditions under which the
237 Florida Forest Service is authorized to grant use of
238 certain lands; limiting liability for lessees of
239 specified lands; providing criteria by which the
240 Florida Forest Service determines certain fees,
241 rentals, and charges; amending s. 589.20, F.S.;
242 authorizing the Florida Forest Service to cooperate
243 with water management districts, municipalities, and
244 other governmental entities; amending s. 590.02, F.S.;
245 renaming the Florida Center for Wildfire and Forest
246 Resources Management Training as the Withlacoochee
247 Training Center; making technical changes; amending s.
248 590.125, F.S.; providing that new authorization is not
249 required for smoldering that occurs within the
250 authorized burn area unless new ignitions are
251 conducted by certain persons; providing that
252 monitoring the smoldering activity of a burn does not
253 require an additional authorization; transferring and
254 renumbering s. 570.0725, F.S., relating to food
255 recovery; amending s. 597.003, F.S.; amending the
256 powers and duties of the department to include
257 providing training as necessary to lessees of certain
258 lands for aquaculture use; amending s. 597.004, F.S.;
259 requiring an applicant for an aquaculture certificate
260 to submit a certificate of training if required;
261 amending s. 597.020, F.S.; authorizing the department

575-02734-14

20141630c1

262 to adopt training requirements for shellfish
263 processors by rule; transferring and renumbering ss.
264 570.481 and 570.55, F.S., relating to food recovery,
265 fruit and vegetable inspection fees, and
266 identification of sellers or handlers of tropical or
267 subtropical fruit and vegetables, respectively;
268 amending s. 604.16, F.S.; providing an exemption for
269 certain dealers in agricultural products from certain
270 requirements; amending s. 604.22, F.S.; revising
271 certain penalties for dealers in agricultural
272 products; repealing s. 487.172, F.S., relating to an
273 educational program for organotin compounds in
274 antifouling paints; repealing ss. 500.301, 500.302,
275 500.303, 500.304, 500.305, 500.306, F.S., relating to
276 the standards of enrichment, sales, enforcement, and
277 inspection of certain grain products; repealing s.
278 500.601, F.S., relating to the retail sale of meat;
279 repealing s. 570.345, F.S., relating to the Pest
280 Control Compact; repealing s. 570.542, F.S., relating
281 to the Florida Consumer Services Act; repealing s.
282 570.72, F.S., relating to a definition; repealing s.
283 570.92, F.S., relating to an equestrian educational
284 sports program; repealing s. 589.081, F.S., relating
285 to the Withlacoochee State Forest and Goethe State
286 Forest; repealing s. 590.091, F.S., relating to the
287 designation of railroad rights-of-way as wildfire
288 hazard areas; amending ss. 193.461, 253.74, 288.1175,
289 320.08058, 373.621, 373.709, 381.0072, 388.46,
290 472.0351, 472.036, 482.161, 482.165, 482.243, 487.047,

575-02734-14

20141630c1

291 487.091, 487.175, 493.6118, 496.420, 500.70, 501.612,
292 501.619, 502.231, 507.09, 507.10, 509.032, 525.16,
293 526.311, 526.55, 527.13, 531.50, 534.52, 539.001,
294 559.921, 559.9355, 559.936, 571.11, 571.28, 571.29,
295 578.181, 580.121, 581.141, 581.186, 581.211, 582.06,
296 585.007, 586.15, 586.161, 590.14, 595.701, 597.0041,
297 599.002, 601.67, 604.30, 616.242, F.S.; conforming
298 provisions to changes made by the act; providing an
299 effective date.

300

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

302

303 Section 1. Paragraph (a) of subsection (2) of section
304 282.709, Florida Statutes, is amended to read:

305 282.709 State agency law enforcement radio system and
306 interoperability network.—

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

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

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

318 2. A representative of the Division of Florida Highway
319 Patrol of the Department of Highway Safety and Motor Vehicles

575-02734-14

20141630c1

320 who shall be appointed by the executive director of the
321 department.

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

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

328 5. A representative of the Department of Corrections who
329 shall be appointed by the secretary of the department.

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

333 7. A representative of the Department of Transportation who
334 shall be appointed by the secretary of the department.

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

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

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

575-02734-14

20141630c1

349 information on its website ~~by July 1, 2013.~~

350 Section 3. Paragraph (e) of subsection (5) of section
351 379.361, Florida Statutes, is amended to read:

352 379.361 Licenses.—

353 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

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

371 Section 4. Paragraph (d) of subsection (3) of section
372 487.041, Florida Statutes, is amended to read:

373 487.041 Registration.—

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

376 (d) Require a registrant to continue the registration of a
377 brand of pesticide that remains on retailers' shelves in the

575-02734-14

20141630c1

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

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

393 487.046 Application; licensure.—

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

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

402 487.048 Dealer's license; records.—

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

575-02734-14

20141630c1

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

423 Section 7. Section 487.159, Florida Statutes, is amended to
424 read:

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

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

575-02734-14

20141630c1

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

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

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

575-02734-14

20141630c1

465 damage or injury in order that the damage or injury may be
466 examined. The failure of the person claiming such damage or
467 injury claimant to allow permit observation and examination of
468 the alleged damage or injury shall automatically bar the claim
469 against the licensee.

470 Section 8. Section 487.160, Florida Statutes, is amended to
471 read:

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

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

489 487.2031 Definitions.—For the purposes of this part, the
490 term:

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

575-02734-14

20141630c1

494 (a) The chemical name and the common name of the
495 agricultural pesticide.

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

498 1. The potential for fire, explosions, corrosivity, and
499 reactivity.

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

504 3. The primary routes of entry and symptoms of
505 overexposure.

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

511 (d) The emergency procedures for spills, fire, disposal,
512 and first aid.

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

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

521 Section 10. Section 487.2051, Florida Statutes, is amended
522 to read:

575-02734-14

20141630c1

523 487.2051 Availability of agricultural pesticide information
524 to workers and medical personnel.—

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

528 (a) Who enters an agricultural-pesticide-treated area on an
529 agricultural establishment where:

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

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

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

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

545 (3) Upon the initial purchase of a product and with the
546 first purchase after the fact sheet or ~~material~~ safety data
547 sheet is updated, the distributor, manufacturer, or importer of
548 agricultural pesticides shall obtain or develop and provide each
549 direct purchaser of an agricultural pesticide with a fact sheet
550 or ~~material~~ safety data sheet. If the fact sheet or ~~material~~
551 safety data sheet ~~or fact sheet~~ for the agricultural pesticide

575-02734-14

20141630c1

552 is not available when the agricultural pesticide is purchased,
553 the agricultural employer shall take appropriate and timely
554 steps to obtain the fact sheet or material safety data sheet ~~or~~
555 ~~fact sheet~~ from the distributor, the manufacturer, the
556 department, a federal agency, or another distribution source.

557 (4) The department shall produce and make available to a
558 trainer a one-page general agricultural pesticide safety sheet.
559 The pesticide safety sheet must be in a language understandable
560 to the worker and must include, but need not be limited to,
561 illustrated instructions on preventing agricultural pesticide
562 exposure and toll-free telephone numbers to the Florida Poison
563 Control Centers. The trainer shall provide the pesticide safety
564 sheet to the worker pursuant to the United States Environmental
565 Protection Agency Worker Protection Standard, 40 C.F.R. s.
566 170.130.

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

569 493.6120 Violations; penalty.—

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

577 (5) A person who violates or disregards a cease and desist
578 order issued by the department commits a misdemeanor of the
579 first degree, punishable as provided in s. 775.082 or s.
580 775.083. In addition, the department may seek the imposition of

575-02734-14

20141630c1

581 a civil penalty in the Class II category pursuant to s. 570.971
582 ~~not to exceed \$5,000.~~

583 Section 12. Section 570.545, Florida Statutes, is
584 transferred and renumbered as section 501.0113, Florida
585 Statutes.

586 Section 13. Paragraph (p) of subsection (1) of section
587 500.03, Florida Statutes, is amended to read:

588 500.03 Definitions; construction; applicability.-

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

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

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

604 500.12 Food permits; building permits.-

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

608 1. Persons operating minor food outlets, ~~including, but not~~
609 ~~limited to, video stores,~~ that sell food that is commercially

575-02734-14

20141630c1

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

615 2. Persons subject to continuous, onsite federal or state
616 inspection.

617 3. Persons selling only legumes in the shell, either
618 parched, roasted, or boiled.

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

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

575-02734-14

20141630c1

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

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

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

658 500.121 Disciplinary procedures.—

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

575-02734-14

20141630c1

668 that the retail food store or food establishment has:

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

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

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

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

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

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

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

575-02734-14

20141630c1

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

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

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

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

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

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

575-02734-14

20141630c1

726 establishment by the department or for the owner or operator of
727 a food establishment to resist closure of the establishment by
728 the department. The department may impose administrative
729 sanctions for violations of this paragraph.

730 (f) The department may adopt rules to administer this
731 subsection.

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

734 500.147 Inspection of food establishments, food records,
735 and vehicles.—

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

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

752 500.165 Transporting shipments of food items; rules;
753 penalty.—

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

575-02734-14

20141630c1

755 adopted under subsection (2) is subject to an administrative
756 fine in the class III category pursuant to s. 570.971 for each
757 ~~not to exceed \$50,000 per~~ violation. In addition, a any person
758 who violates subsection (1) commits ~~is guilty of~~ a misdemeanor
759 of the first degree, punishable as provided in s. 775.082 or s.
760 775.083.

761 Section 18. Section 500.172, Florida Statutes, is amended
762 to read:

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

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

575-02734-14

20141630c1

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

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

575-02734-14

20141630c1

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

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

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

835 501.019 Health studios; penalties.—

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

575-02734-14

20141630c1

842 violation of this section.

843 (4)

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

847 1. Issuing a notice of noncompliance pursuant to s.
848 120.695.

849 2. For a violation of s. 501.015 or s. 501.016, imposing an
850 administrative fine in the Class II category pursuant to s.
851 570.971 for each ~~not to exceed \$5,000 per~~ violation.

852 ~~3. For a violation of s. 501.013, s. 501.017, or s.~~
853 ~~501.018, imposing an administrative fine not to exceed \$500 per~~
854 ~~violation.~~

855 ~~3.4.~~ Directing that the health studio cease and desist
856 specified activities.

857 ~~4.5.~~ Refusing to register or revoking or suspending a
858 registration.

859 ~~5.6.~~ Placing the registrant on probation for a period of 5
860 years, subject to such conditions as the department may specify
861 by rule.

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

865 501.059 Telephone solicitation.—

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

575-02734-14

20141630c1

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

886 (b) The department may, as an alternative to the civil
887 penalties provided in paragraph (a), impose an administrative
888 fine in the Class I category pursuant to s. 570.971 ~~not to~~
889 ~~exceed \$1,000~~ for each act or omission that constitutes a
890 violation of this section. An administrative proceeding that
891 could result in the entry of an order imposing an administrative
892 penalty must be conducted pursuant to ~~in accordance with~~ chapter
893 120.

894 (12) The department may adopt rules to implement this
895 section.

896 Section 21. Paragraph (a) of subsection (1) of section
897 501.922, Florida Statutes, is amended to read:

898 501.922 Violation.—

899 (1) The department may enter an order imposing one or more

575-02734-14

20141630c1

900 of the following penalties against any person who violates ss.
901 501.91-501.923 or who impedes, obstructs, or hinders the
902 department in performing its duties under those sections:

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

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

911 501.977 Actionable, unfair, or deceptive regulatory acts or
912 practices.—It is an unfair or deceptive regulatory act or
913 practice, actionable under the Florida Deceptive and Unfair
914 Trade Practices Act, for a special district, whether dependent
915 or independent, as defined in s. 189.403, to:

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

921 (2) Create classifications within each type of livery
922 service, and to fix or approve zones, rates, or fares for such
923 classifications, which apply differently to individuals and
924 businesses that compete or attempt to compete with each other to
925 provide similar services.

926 Section 23. Section 570.42, Florida Statutes, is
927 transferred, renumbered as section 502.301, Florida Statutes,
928 and amended to read:

575-02734-14

20141630c1

929 502.301 ~~570.42~~ Dairy Industry Technical Council.—

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

933 (a) Two citizens of the state, one of whom shall be
934 associated with the Agricultural Extension Service of the
935 University of Florida and the other with the College of
936 Agricultural and Life Sciences ~~Agriculture~~ of the University of
937 Florida.

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

939 (c) Two dairy farmers who are actively engaged in the
940 production of milk in this state and who earn a major portion of
941 their income from the production of milk. The commissioner shall
942 appoint the two members ~~provided for in this paragraph~~ from no
943 fewer than four nor more than six nominees submitted by the
944 recognized statewide organizations representing this group. In
945 the absence of nominations, the commissioner shall appoint other
946 persons qualified under ~~the provisions of~~ this paragraph.

947 (d) Two distributors of milk. "Distributor" means any milk
948 dealer who operates a milk gathering station or processing plant
949 where milk is collected and bottled or otherwise processed and
950 prepared for sale. The commissioner shall appoint the two
951 members ~~provided for in this paragraph~~ from no fewer than four
952 nor more than six nominees submitted by the recognized statewide
953 organizations representing this group. In the absence of
954 nominations, the commissioner shall appoint other persons
955 qualified under ~~the provisions of~~ this paragraph.

956 (e) All members shall serve 4-year terms or until their
957 successors are duly qualified and appointed. If a vacancy

575-02734-14

20141630c1

958 occurs, it shall be filled for the remainder of the term in the
959 manner of an initial appointment.

960 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
961 meetings, powers and duties, procedures, and recordkeeping of
962 the Dairy Industry Technical Council shall be pursuant to s.
963 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
964 ~~advisory committees established within the department.~~

965 Section 24. Part I of chapter 570, Florida Statutes,
966 consisting of ss. 570.01-570.232, Florida Statutes, is created
967 and entitled "General Provisions."

968 Section 25. Section 570.14, Florida Statutes, is renumbered
969 as section 570.031, Florida Statutes, and amended to read:

970 570.031 ~~570.14~~ Seal of department.—The department shall
971 have an official seal which shall be used for the authentication
972 of the orders and proceedings of the department and for such
973 other purposes as the department may prescribe. Use of the seal
974 or any likeness thereof requires written approval of the
975 department.

976 Section 26. Section 570.18, Florida Statutes, is renumbered
977 as section 570.041, Florida Statutes.

978 Section 27. Section 570.16, Florida Statutes, is renumbered
979 as section 570.051, Florida Statutes.

980 Section 28. Subsection (33) of section 570.07, Florida
981 Statutes, is amended to read:

982 570.07 Department of Agriculture and Consumer Services;
983 functions, powers, and duties.—The department shall have and
984 exercise the following functions, powers, and duties:

985 (33) To assist local volunteer and nonprofit organizations
986 in soliciting, collecting, packaging, or delivering surplus

575-02734-14

20141630c1

987 fresh fruit and vegetables for distribution pursuant to s.
988 595.420 ~~in accordance with s. 570.0725~~. The department also may
989 coordinate the development of food recovery programs in the
990 production areas of the state using local volunteer and
991 nonprofit organizations.

992 Section 29. Section 570.17, Florida Statutes, is renumbered
993 as section 570.081, Florida Statutes.

994 Section 30. Section 570.531, Florida Statutes, is
995 renumbered as section 570.209, Florida Statutes.

996 Section 31. Paragraph (d) of subsection (1) and subsection
997 (2) of section 570.23, Florida Statutes, are amended to read:
998 570.23 State Agricultural Advisory Council.—

999 (1) COMPOSITION.—The State Agricultural Advisory Council is
1000 hereby created in the department.

1001 (d) ~~On or after January 15, 1988,~~ Alternates shall be
1002 appointed for each member and shall serve as alternates for the
1003 remainder of the corresponding members' terms. As terms of
1004 current members expire, members and their alternates shall be
1005 appointed for 4-year terms and shall serve until their
1006 successors are duly qualified and appointed. A vacancy shall be
1007 filled for the remainder of an unexpired term in the same manner
1008 as an initial appointment.

1009 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1010 meetings, powers and duties, procedures, and recordkeeping of
1011 the State Agricultural Advisory Council shall be pursuant to s.
1012 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
1013 ~~advisory committees established within the department.~~

1014 Section 32. Section 570.0705, Florida Statutes, is
1015 renumbered as section 570.232, Florida Statutes.

575-02734-14

20141630c1

1016 Section 33. Part II of chapter 570, Florida Statutes,
1017 consisting of ss. 570.30-570.693, Florida Statutes, is created
1018 and entitled "Program Services."

1019 Section 34. Subsection (5) of section 570.36, Florida
1020 Statutes, is amended to read:

1021 570.36 Division of Animal Industry; powers and duties.—The
1022 duties of the Division of Animal Industry include, but are not
1023 limited to:

1024 (5) Operating and managing the animal disease diagnostic
1025 laboratory ~~laboratories~~ provided for in chapter 585.

1026 Section 35. Subsections (3) and (4) of section 570.44,
1027 Florida Statutes, are amended to read:

1028 570.44 Division of Agricultural Environmental Services;
1029 powers and duties.—The duties of the Division of Agricultural
1030 Environmental Services include, but are not limited to:

1031 (3) ~~Supporting the Pesticide Review Council and~~ Reviewing
1032 and evaluating technical and scientific data associated with the
1033 production, manufacture, storage, transportation, sale, or use
1034 of any article or product with respect to any statutory
1035 authority ~~which is~~ conferred on the department. The department
1036 ~~may is authorized to~~ establish positions within the division for
1037 the employment of experts in the fields of toxicology,
1038 hydrology, and biology to conduct such reviews and evaluations
1039 ~~and may. The department is also authorized to~~ establish
1040 appropriate clerical support positions to implement the duties
1041 and responsibilities of the division.

1042 (4) ~~Enforcing and implementing the responsibilities of~~
1043 ~~chapter 582, and the rules relating to soil and water~~
1044 ~~conservation.~~

575-02734-14

20141630c1

1045 Section 36. Subsection (2) of section 570.45, Florida
1046 Statutes, is amended to read:

1047 570.45 Director; duties.—

1048 (2) The director shall supervise, direct, and coordinate
1049 the activities of the division and enforce ~~the provisions of~~
1050 chapters 388, 482, 487, 501, 504, 531, 570, 576, 578, and 580~~7~~
1051 ~~and 582~~ and any other chapter necessary to carry out the
1052 responsibilities of the division.

1053 Section 37. Paragraph (d) of subsection (3) of section
1054 570.451, Florida Statutes, is amended to read:

1055 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
1056 Council.—

1057 (3)

1058 (d) The meetings, powers and duties, procedures, and
1059 recordkeeping of the council shall be pursuant to s. 570.232 ~~in~~
1060 ~~accordance with the provisions of s. 570.0705 relating to~~
1061 ~~advisory committees established within the department.~~

1062 Section 38. Subsections (2) and (3) of section 570.50,
1063 Florida Statutes, are amended to read:

1064 570.50 Division of Food Safety; powers and duties.—The
1065 duties of the Division of Food Safety include, but are not
1066 limited to:

1067 (2) Conducting those general inspection activities relating
1068 to food and food products being processed, held, or offered for
1069 sale in this state and enforcing those provisions of chapters
1070 500, 501, 502, 531, 583, 585, 586, 597, and 601 relating to
1071 foods as authorized by the department.

1072 (3) Analyzing samples of foods offered for sale in this
1073 state as required under chapters 500, 501, 502, 585, 586, 597,

575-02734-14

20141630c1

1074 and 601.

1075 Section 39. Subsection (2) of section 570.51, Florida
1076 Statutes, is amended to read:

1077 570.51 Director; qualifications; duties.—

1078 (2) The director shall supervise, direct, and coordinate
1079 the activities of the division and enforce the provisions of
1080 chapters 500, 501, 502, 531, 583, 585, 597, and 601 and any
1081 other chapter necessary to carry out the responsibilities of the
1082 division.

1083 Section 40. Subsection (2) of section 570.543, Florida
1084 Statutes, is amended to read:

1085 570.543 Florida Consumers' Council.—The Florida Consumers'
1086 Council in the department is created to advise and assist the
1087 department in carrying out its duties.

1088 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1089 meetings, powers and duties, procedures, and recordkeeping of
1090 the Florida Consumers' Council shall be pursuant to s. 570.232
1091 ~~governed by the provisions of s. 570.0705 relating to advisory~~
1092 ~~committees established within the department.~~ The council
1093 members or chair may call no more than two meetings.

1094 Section 41. Section 570.073, Florida Statutes, is
1095 renumbered as section 570.65, Florida Statutes.

1096 Section 42. Section 570.074, Florida Statutes, is
1097 renumbered as section 570.66, Florida Statutes, and amended to
1098 read:

1099 570.66 ~~570.074~~ Department of Agriculture and Consumer
1100 Services; Water Policy.—The commissioner may create an Office of
1101 Agricultural Water Policy under the supervision of a senior
1102 manager exempt under s. 110.205 in the Senior Management

575-02734-14

20141630c1

1103 Service. The commissioner may designate the bureaus and
1104 positions in the various organizational divisions of the
1105 department that report to the ~~this~~ office relating to any matter
1106 over which the department has jurisdiction in matters relating
1107 to water policy affecting agriculture, application of such
1108 policies, and coordination of such matters with state and
1109 federal agencies. The office shall enforce and implement chapter
1110 582 and rules relating to soil and water conservation.

1111 Section 43. Section 570.67, Florida Statutes, is created to
1112 read:

1113 570.67 Office of Energy.—The Office of Energy is created
1114 within the department. The office shall be under the supervision
1115 of a senior manager, appointed by the commissioner, exempt under
1116 s. 110.205 in the Senior Management Service. The duties of the
1117 office must include, but are not limited to, administering and
1118 enforcing parts II and III of chapter 377, the rules adopted
1119 under those parts, and any other duties authorized by the
1120 commissioner.

1121 Section 44. Section 570.951, Florida Statutes, is
1122 renumbered as section 570.681, Florida Statutes.

1123 Section 45. Section 570.952, Florida Statutes, is
1124 renumbered as section 570.685, Florida Statutes, and amended to
1125 read:

1126 570.685 ~~570.952~~ Florida Agriculture Center and Horse Park
1127 Authority.—

1128 (1) There is created within the Department of Agriculture
1129 and Consumer Services the Florida Agriculture Center and Horse
1130 Park Authority which shall be governed by this section and s.
1131 570.691 ~~s. 570.903.~~

575-02734-14

20141630c1

1132 (2) The authority shall be composed of 21 members appointed
1133 by the commissioner.

1134 (a) Initially, the commissioner shall appoint 11 members
1135 for 4-year terms and 10 members for 2-year terms. Thereafter,
1136 each member shall be appointed for a term of 4 years from the
1137 date of appointment, except that a vacancy shall be filled by
1138 appointment for the remainder of the term.

1139 (b) A ~~Any~~ member of the authority who fails to attend three
1140 consecutive authority meetings without good cause shall be
1141 deemed to have resigned from the authority.

1142 ~~(c) Terms for members appointed prior to July 1, 2005,~~
1143 ~~shall expire on July 1, 2005.~~

1144 (3) The Florida Agriculture Center and Horse Park Authority
1145 shall ~~have the power and duty to:~~

1146 (a) Appoint, with approval from the commissioner, an
1147 executive director for the Florida Agriculture Center and Horse
1148 Park.

1149 (b) Establish rules of procedure for conducting its
1150 meetings and approving matters before the authority pursuant to
1151 s. 570.691 ~~that are consistent with s. 570.903.~~

1152 (c) Develop, document, and implement strategies for the
1153 planning, construction, and operation of the Florida Agriculture
1154 Center and Horse Park.

1155 (d) Advise and consult with the commissioner on matters
1156 related to the Florida Agriculture Center and Horse Park.

1157 (e) Consider all matters submitted to the authority by the
1158 commissioner.

1159 (4) The authority shall meet at least semiannually and
1160 elect a chair ~~chairperson~~, a vice chair ~~chairperson~~, and a

575-02734-14

20141630c1

1161 secretary for 1-year terms.

1162 (a) The authority shall meet at the call of its chair
1163 ~~chairperson~~, at the request of a majority of its membership, at
1164 the request of the commissioner, or at such times as may be
1165 prescribed by its rules of procedure.

1166 (b) The department shall be responsible for providing
1167 administrative and staff support services relating to the
1168 meetings of the authority and shall provide suitable space in
1169 the offices of the department for the meetings and the storage
1170 of records of the authority.

1171 (c) In conducting its meetings, the authority shall use
1172 accepted rules of procedure. The secretary shall keep a complete
1173 record of the proceedings of each meeting, which record shall
1174 show the names of the members present and the actions taken.
1175 These records shall be kept on file with the department, and
1176 such records and other documents regarding matters within the
1177 jurisdiction of the authority shall be subject to inspection by
1178 members of the authority.

1179 Section 46. Section 570.953, Florida Statutes, is
1180 renumbered as section 570.686, Florida Statutes.

1181 Section 47. Section 570.902, Florida Statutes, is
1182 renumbered as section 570.69, Florida Statutes, and amended to
1183 read:

1184 570.69 ~~570.902~~ Definitions; ~~ss. 570.902 and 570.903.~~ For
1185 the purpose of this section and s. 570.691 ~~s. 570.903~~:

1186 (1) "Designated program" means the departmental program
1187 which a direct-support organization has been created to support.

1188 (2) "Direct-support organization" or "organization" means
1189 an organization which is a Florida corporation not for profit

575-02734-14

20141630c1

1190 incorporated under ~~the provisions of~~ chapter 617 and approved by
1191 the department to operate for the benefit of a museum or a
1192 designated program.

1193 (3) "Museum" means the Florida Agricultural Museum which is
1194 designated as the museum for agriculture and rural history of
1195 the State of Florida.

1196 Section 48. Section 570.903, Florida Statutes, is
1197 renumbered as section 570.691, Florida Statutes.

1198 Section 49. Section 570.901, Florida Statutes, is
1199 renumbered as section 570.692, Florida Statutes.

1200 Section 50. Section 570.91, Florida Statutes, is renumbered
1201 as section 570.693, Florida Statutes.

1202 Section 51. Part III of chapter 570, Florida Statutes,
1203 consisting of ss. 570.70-570.89, Florida Statutes, is created
1204 and entitled "Agricultural Development."

1205 Section 52. Subsections (2) and (12) of section 570.71,
1206 Florida Statutes, are amended to read:

1207 570.71 Conservation easements and agreements.—

1208 (2) To achieve the purposes of this section act, ~~beginning~~
1209 ~~no sooner than July 1, 2002, and every year thereafter,~~ the
1210 department may accept applications for project proposals to
1211 ~~that~~:

1212 (a) Purchase conservation easements, as defined in s.
1213 704.06.

1214 (b) Purchase rural-lands-protection easements pursuant to
1215 this section act.

1216 (c) Fund resource conservation agreements pursuant to this
1217 section act.

1218 (d) Fund agricultural protection agreements pursuant to

575-02734-14

20141630c1

1219 this section ~~act~~.

1220 (12) The department may ~~is authorized to~~ use funds from the
1221 following sources to implement this section ~~act~~:

1222 (a) State funds;

1223 (b) Federal funds;

1224 (c) Other governmental entities;

1225 (d) Nongovernmental organizations; or

1226 (e) Private individuals.

1227

1228 Any such funds provided shall be deposited into the Conservation
1229 and Recreation Lands Program Trust Fund within the Department of
1230 Agriculture and Consumer Services and used for the purposes of
1231 this section, including administrative and operating expenses
1232 related to appraisals, mapping, title process, personnel, and
1233 other real estate-related expenses ~~act~~.

1234 Section 53. Section 570.241, Florida Statutes, is
1235 transferred and renumbered as section 570.73, Florida Statutes.

1236 Section 54. Section 570.242, Florida Statutes, is
1237 renumbered as section 570.74, and amended to read:

1238 570.74 ~~570.242~~ Definitions relating to Agricultural
1239 Economic Development Act.—For purposes of this act, the term
1240 ~~following terms shall have the following meanings:~~

1241 (1) "Agriculturally depressed area" means a rural area that
1242 ~~which~~ has declining profitability from agricultural enterprises
1243 and one or more of the following characteristics:

1244 (a) A stable or declining population.

1245 (b) A stable or declining real per capita income.

1246 (c) A traditional economy based on agriculture or
1247 extraction of solid minerals.

575-02734-14

20141630c1

1248 (d) A low ad valorem tax base.

1249 (e) A need for agribusiness and leadership training.

1250 (f) Crop losses or economic depression resulting from a

1251 natural disaster or socioeconomic conditions or events that

1252 ~~which~~ negatively impact a crop.

1253 (2) "Assistance" means financial or nonfinancial assistance

1254 issued pursuant to ~~the provisions of~~ this act.

1255 ~~(3) "Commissioner" means the Commissioner of Agriculture.~~

1256 ~~(4) "Department" means the Department of Agriculture and~~

1257 ~~Consumer Services.~~

1258 (3)~~(5)~~ "Financial assistance" means the providing of funds

1259 to an agribusiness.

1260 (4)~~(6)~~ "Nonfinancial assistance" means the providing of

1261 personnel to work with an agribusiness to establish an

1262 infrastructure, including, but not limited to, the development

1263 of an accounting system, management procedures, and a marketing

1264 plan. Nonfinancial assistance includes ~~shall also include~~ the

1265 providing of equipment.

1266 Section 55. Section 570.243, Florida Statutes, is

1267 renumbered as section 570.75, Florida Statutes.

1268 Section 56. Section 570.244, Florida Statutes, is

1269 renumbered as section 570.76, Florida Statutes.

1270 Section 57. Section 570.245, Florida Statutes, is

1271 renumbered as section 570.77, Florida Statutes.

1272 Section 58. Section 570.246, Florida Statutes, is

1273 renumbered as section 570.78, Florida Statutes.

1274 Section 59. Section 570.247, Florida Statutes, is

1275 renumbered as section 570.79, Florida Statutes, and amended to

1276 read:

575-02734-14

20141630c1

1277 570.79 ~~570.247~~ Adoption ~~Promulgation~~ of rules. ~~In~~
1278 ~~conjunction with funds specifically appropriated for the~~
1279 ~~purposes specified in this act,~~ The department shall adopt ~~begin~~
1280 ~~to promulgate~~ rules ~~no later than January 1, 1992,~~ pursuant to
1281 ~~s. 120.54,~~ pertaining to:

1282 (1) Formal notification procedures for the availability of
1283 assistance, including publication in the Florida Administrative
1284 Register pursuant to s. 120.55.

1285 (2) Written evaluation criteria for selecting project
1286 proposals to receive assistance. The criteria for eligibility of
1287 assistance shall include a written business plan delineating the
1288 economic viability of the proposed project, including the
1289 financial commitment by project participants and a schedule for
1290 repayment of agricultural economic development funds.

1291 (3) Procedures for repayment of financial assistance by an
1292 assisted agribusiness into the General Inspection Trust Fund
1293 within the department. Repayment of financial assistance shall
1294 be based upon a percentage of future profits until repayment is
1295 complete.

1296 (4) Funding procedures for projects eligible for
1297 assistance. These procedures shall include the amount of
1298 funding, the limits and requirements for the objects of
1299 expenditure, and the duration of assistance.

1300 (5) Other subject matter pertaining to the implementation
1301 of this act.

1302 Section 60. Section 570.248, Florida Statutes, is
1303 renumbered as section 570.81, Florida Statutes.

1304 Section 61. Section 570.249, Florida Statutes, is
1305 renumbered as section 570.82, Florida Statutes.

575-02734-14

20141630c1

1306 Section 62. Section 570.9135, Florida Statutes, is
1307 renumbered as section 570.83, Florida Statutes, and subsection
1308 (6) of that section is amended, to read:

1309 570.83 ~~570.9135~~ Beef Market Development Act; definitions;
1310 Florida Beef Council, Inc., creation, purposes, governing board,
1311 powers, and duties; referendum on assessments imposed on gross
1312 receipts from cattle sales; payments to organizations for
1313 services; collecting and refunding assessments; vote on
1314 continuing the act; council bylaws.—

1315 (6) REFERENDUM ON ASSESSMENTS.—All producers in this state
1316 shall have the opportunity to vote in a referendum to determine
1317 whether the council shall be authorized to impose an assessment
1318 of not more than \$1 per head on cattle sold in the state. The
1319 referendum shall pose the question: "Do you approve of an
1320 assessment program, up to \$1 per head of cattle pursuant to
1321 section 570.83 ~~section 570.9135~~, Florida Statutes, to be funded
1322 through specific contributions that are mandatory and refundable
1323 upon request?"

1324 (a) A referendum held under this section must be conducted
1325 by secret ballot at extension offices of the Institute of Food
1326 and Agricultural Sciences of the University of Florida or at
1327 offices of the United States Department of Agriculture with the
1328 cooperation of the department.

1329 (b) Notice of a referendum to be held under this act must
1330 be given at least once in trade publications, the public press,
1331 and statewide newspapers at least 30 days before the referendum
1332 is held.

1333 (c) Additional referenda may be held to authorize the
1334 council to increase the assessment to more than \$1 per head of

575-02734-14

20141630c1

1335 cattle. Such referendum shall pose the question: "Do you approve
 1336 of granting the Florida Beef Council, Inc., authority to
 1337 increase the per-head-of-cattle assessment pursuant to section
 1338 570.83 ~~section 570.9135~~, Florida Statutes, from ... (present
 1339 rate)... to up to a maximum of ... (proposed rate)... per head?"
 1340 Referenda may not be held more often than once every 3 years.

1341 (d) Each cattle producer is entitled to only one vote in a
 1342 referendum held under this section ~~act~~. Proof of identification
 1343 and cattle ownership must be presented before voting.

1344 (e) A simple majority of those casting ballots determines
 1345 ~~shall determine~~ any issue that requires a referendum under this
 1346 section ~~act~~.

1347 Section 63. Section 570.954, Florida Statutes, is
 1348 renumbered as section 570.841, Florida Statutes.

1349 Section 64. Section 570.96, Florida Statutes, is renumbered
 1350 as section 570.85, Florida Statutes.

1351 Section 65. Section 570.961, Florida Statutes, is
 1352 renumbered as section 570.86, Florida Statutes, and amended to
 1353 read:

1354 570.86 ~~570.961~~ Definitions.—As used in ss. 570.85-570.89
 1355 ~~570.96-570.964~~, the term:

1356 (1) "Agritourism activity" means any agricultural related
 1357 activity consistent with a bona fide farm or ranch or in a
 1358 working forest which allows members of the general public, for
 1359 recreational, entertainment, or educational purposes, to view or
 1360 enjoy activities, including farming, ranching, historical,
 1361 cultural, or harvest-your-own activities and attractions. An
 1362 agritourism activity does not include the construction of new or
 1363 additional structures or facilities intended primarily to house,

575-02734-14

20141630c1

1364 shelter, transport, or otherwise accommodate members of the
1365 general public. An activity is an agritourism activity
1366 regardless of whether ~~or not~~ the participant paid to participate
1367 in the activity.

1368 (2) "Agritourism operator" means a ~~any~~ person who is
1369 engaged in the business of providing one or more agritourism
1370 activities, whether for compensation or not for compensation.

1371 (3) "Farm" means the land, buildings, support facilities,
1372 machinery, and other appurtenances used in the production of
1373 farm or aquaculture products, including land used to display
1374 plants, animals, farm products, or farm equipment to the public.

1375 (4) "Farm operation" has the same meaning as ~~defined~~ in s.
1376 823.14.

1377 (5) "Inherent risks of agritourism activity" means those
1378 dangers or conditions that are an integral part of an
1379 agritourism activity including certain hazards, such as surface
1380 and subsurface conditions; natural conditions of land,
1381 vegetation, and waters; the behavior of wild or domestic
1382 animals; and the ordinary dangers of structures or equipment
1383 ordinarily used in farming and ranching operations. The term
1384 also includes the potential of a participant to act in a
1385 negligent manner that may contribute to the injury of the
1386 participant or others, including failing to follow the
1387 instructions given by the agritourism operator or failing to
1388 exercise reasonable caution while engaging in the agritourism
1389 activity.

1390 Section 66. Section 570.962, Florida Statutes, is
1391 renumbered as section 570.87, Florida Statutes.

1392 Section 67. Section 570.963, Florida Statutes, is

575-02734-14

20141630c1

1393 renumbered as section 570.88, Florida Statutes, and subsection
1394 (1) of that section is amended, to read:

1395 570.88 ~~570.963~~ Liability.—

1396 (1) Except as provided in subsection (2), an agritourism
1397 operator, his or her employer or employee, or the owner of the
1398 underlying land on which the agritourism occurs is not liable
1399 for injury or death of, or damage or loss to, a participant
1400 resulting from the inherent risks of agritourism activities if
1401 the notice of risk required under s. 570.89 ~~s. 570.964~~ is posted
1402 as required. Except as provided in subsection (2), a
1403 participant, or a participant's representative, may not maintain
1404 an action against or recover from an agritourism operator, his
1405 or her employer or employee, or the owner of the underlying land
1406 on which the agritourism occurs for the injury or death of, or
1407 damage or loss to, an agritourism participant resulting
1408 exclusively from any of the inherent risks of agritourism
1409 activities.

1410 Section 68. Section 570.964, Florida Statutes, is
1411 renumbered as section 570.89, Florida Statutes, and subsection
1412 (3) of that section is amended, to read:

1413 570.89 ~~570.964~~ Posting and notification.—

1414 (3) Failure to comply with ~~the requirements of this section~~
1415 ~~subsection~~ prevents an agritourism operator, his or her employer
1416 or employee, or the owner of the underlying land on which the
1417 agritourism occurs from invoking the privileges of immunity
1418 provided by this section.

1419 Section 69. Part IV of chapter 570, Florida Statutes,
1420 consisting of ss. 570.916-570.94, Florida Statutes, is created
1421 and entitled "Agricultural Water Policy."

575-02734-14

20141630c1

1422 Section 70. Section 570.075, Florida Statutes, is
1423 renumbered as section 570.916, Florida Statutes.

1424 Section 71. Section 570.076, Florida Statutes, is
1425 renumbered as section 570.921, Florida Statutes, and paragraph
1426 (c) of subsection (2) of that section is amended to read:

1427 570.921 ~~570.076~~ Environmental Stewardship Certification
1428 Program.—The department may, by rule, establish the
1429 Environmental Stewardship Certification Program consistent with
1430 this section. A rule adopted under this section must be
1431 developed in consultation with state universities, agricultural
1432 organizations, and other interested parties.

1433 (2) The department shall provide an agricultural
1434 certification under this program for implementation of one or
1435 more of the following criteria:

1436 (c) Best management practices adopted by rule pursuant to
1437 s. 403.067(7)(c) or s. 570.93(1)(b) ~~s. 570.085(1)(b)~~.

1438 Section 72. Section 570.085, Florida Statutes, is
1439 renumbered as section 570.93, Florida Statutes.

1440 Section 73. Section 570.087, Florida Statutes, is
1441 renumbered as section 570.94, Florida Statutes.

1442 Section 74. Part V of chapter 570, Florida Statutes,
1443 consisting of s. 570.971, Florida Statutes, is created and
1444 entitled "Penalties."

1445 Section 75. Section 570.971, Florida Statutes, is created
1446 to read:

1447 570.971 Penalties; administrative and civil.—

1448 (1) The department or enforcing authority may impose the
1449 following fine amount for the class category specified in the
1450 chapter or section of law violated:

575-02734-14

20141630c1

1451 (a) Class I.—For each violation in the Class I category, a
1452 fine not to exceed \$1,000 may be imposed.

1453 (b) Class II.—For each violation in the Class II category,
1454 a fine not to exceed \$5,000 may be imposed.

1455 (c) Class III.—For each violation in the Class III
1456 category, a fine not to exceed \$10,000 may be imposed.

1457 (d) Class IV.—For each violation in the Class IV category,
1458 a fine of \$10,000 or more may be imposed.

1459 (2) (a) This section does not supersede a chapter or section
1460 of law or rule that limits the total fine amount that may be
1461 imposed for a violation.

1462 (b) The class categories under this section also apply to
1463 penalties provided by rule.

1464 (c) The penalties under this section are in addition to any
1465 other remedy provided by law.

1466 (3) A person who violates this chapter or any rule adopted
1467 under this chapter is subject to an administrative or civil fine
1468 in the Class II category in addition to any other penalty
1469 provided by law.

1470 (4) The department may refuse to issue or renew any
1471 license, permit, authorization, certificate, or registration to
1472 a person who has not satisfied a penalty imposed by the
1473 department.

1474 (5) The department may adopt rules to implement this
1475 section or any section that references this section.

1476 Section 76. Subsection (1) and paragraph (a) of subsection
1477 (2) of section 576.021, Florida Statutes, are amended to read:
1478 576.021 Registration and licensing.—

1479 (1) A company the ~~person whose~~ name and address of which

575-02734-14

20141630c1

1480 appears upon a label and which ~~who~~ guarantees a fertilizer may
1481 not distribute that fertilizer to a nonlicensee until a license
1482 to distribute has been obtained by the company ~~that person~~ from
1483 the department upon payment of a \$100 fee. All licenses shall
1484 expire on June 30 each year. An application for license shall
1485 include the following information:

1486 (a) The name and address of the applicant.

1487 (b) The name and address of the distribution point. The
1488 name and address shown on the license shall be shown on all
1489 labels, pertinent invoices, and storage facilities for
1490 fertilizer distributed by the licensee in this state.

1491 (2) (a) A company the name and address of which appear upon
1492 a label and which guarantees a fertilizer ~~person~~ may not
1493 distribute a specialty fertilizer in this state until it is
1494 registered with the department ~~by the licensee whose name~~
1495 ~~appears on the label~~. An application for registration of each
1496 brand and grade of specialty fertilizer shall be filed with the
1497 department by using ~~made on~~ a form prescribed ~~furnished~~ by the
1498 department or by using the department's website and shall be
1499 accompanied by an annual fee of \$100 for each specialty
1500 fertilizer that is registered. All specialty fertilizer
1501 registrations expire June 30 each year. All licensing and
1502 registration fees paid to the department under this section
1503 shall be deposited into the State Treasury to be placed in the
1504 General Inspection Trust Fund to be used for the sole purpose of
1505 funding the fertilizer inspection program.

1506 Section 77. Subsection (2) of section 576.031, Florida
1507 Statutes, is amended to read:

1508 576.031 Labeling.-

575-02734-14

20141630c1

1509 (2) If distributed in bulk, two ~~five~~ labels containing the
1510 information required in paragraphs (1)(a)-(f) shall accompany
1511 delivery and be supplied to the purchaser at time of delivery
1512 with the delivery ticket, which shall show the certified net
1513 weight.

1514 Section 78. Subsections (3), (4), (6), and (7) of section
1515 576.041, Florida Statutes, are amended to read:

1516 576.041 Inspection fees; records; ~~bond~~.—

1517 (3) In addition to any other penalty provided by this
1518 chapter, a ~~any~~ licensee who fails to timely pay the inspection
1519 ~~tonnage~~ fee shall be assessed a penalty of 1.5 percent for each
1520 month or part of a month that the fee or portion of the fee is
1521 not paid.

1522 (4) If the report is not filed and the inspection fee is
1523 not paid on the date due or if the report of tonnage is false,
1524 the amount of the inspection fee due is subject to a penalty of
1525 10 percent or \$25, whichever is greater. ~~The penalty shall be~~
1526 ~~added to the inspection fee due and constitutes a debt and~~
1527 ~~becomes a claim and lien against the surety bond or certificate~~
1528 ~~of deposit required by this chapter.~~

1529 ~~(6) In order to guarantee faithful performance of the~~
1530 ~~provisions of subsection (2), the applicant for license shall~~
1531 ~~post with the department a surety bond, or assign a certificate~~
1532 ~~of deposit, in an amount required by rule of the department to~~
1533 ~~cover fees for any reporting period. The amount shall not be~~
1534 ~~less than \$1,000. The surety bond shall be executed by a~~
1535 ~~corporate surety company authorized to do business in this~~
1536 ~~state. The certificate of deposit shall be issued by any~~
1537 ~~recognized financial institution doing business in the United~~

575-02734-14

20141630c1

1538 ~~States. The department shall establish, by rule, whether an~~
1539 ~~annual or continuous surety bond or certificate of deposit will~~
1540 ~~be required and shall approve each surety bond or certificate of~~
1541 ~~deposit before acceptance. The department shall examine and~~
1542 ~~approve as to sufficiency all such bonds and certificates of~~
1543 ~~deposit before acceptance. When the licensee ceases operation,~~
1544 ~~said bond or certificate of deposit shall be returned, provided~~
1545 ~~there are no outstanding fees due and payable.~~

1546 (6)~~(7)~~ In order to obtain information that will facilitate
1547 the collection of inspection fees and serve other useful
1548 purposes relating to fertilizer, the department may, by rule,
1549 require licensees, manufacturers, registrants, and dealers to
1550 report movements of fertilizer.

1551 Section 79. Subsection (3) of section 576.051, Florida
1552 Statutes, is amended to read:

1553 576.051 Inspection, sampling, analysis.—

1554 (3) The official analysis shall be made from the official
1555 sample. The department, before making the official analysis,
1556 shall take a sufficient portion from the official sample for
1557 check analysis and place that portion in a bottle sealed and
1558 identified by number, date, and the preparer's initials. The
1559 official check sample shall be kept until the analysis of the
1560 official sample is completed. However, the licensee may obtain
1561 upon request a portion of the official check sample. Upon
1562 completion of the analysis of the official sample, a true copy
1563 of the fertilizer analysis report shall be mailed to the
1564 licensee of the fertilizer from whom the official sample was
1565 taken and to the dealer or agent, if any, and purchaser, if
1566 known. This fertilizer analysis report shall show all

575-02734-14

20141630c1

1567 determinations of plant nutrients ~~nutrient~~ and pesticides. If
1568 the official analysis conforms with ~~the provisions of this~~
1569 section law, the official check sample may be destroyed. If the
1570 official analysis does not conform with ~~the provisions of this~~
1571 section law, the official check sample shall be retained for 60
1572 ~~a period of 90~~ days after ~~from~~ the date of the fertilizer
1573 analysis report of the official sample. If, within that time,
1574 the licensee of the fertilizer from whom the official sample was
1575 taken, upon receipt of the fertilizer analysis report, makes
1576 written demand for analysis of the official check sample by a
1577 referee chemist, a portion of the official check sample
1578 sufficient for analysis shall be sent to a referee chemist who
1579 is mutually acceptable to the department and the licensee for
1580 analysis at the expense of the licensee. The referee chemist,
1581 upon completion of the analysis, shall forward to the department
1582 and to the licensee a fertilizer analysis report bearing a
1583 proper identification mark or number, ~~+~~ and the fertilizer
1584 analysis report shall be verified by an affidavit of the person
1585 making the analysis. If the results reported on the fertilizer
1586 analysis report agree within the matching criteria defined in
1587 department rule with the department's analysis on each element
1588 for which analysis was made, the mean average of the two
1589 analyses shall be accepted as final and binding on all
1590 concerned. However, if the referee's fertilizer analysis report
1591 results do not agree within the matching criteria defined in
1592 department rule with the department's analysis in any one or
1593 more elements for which an analysis was made, upon demand of
1594 either the department or the licensee from whom the official
1595 sample was taken, a portion of the official check sample

575-02734-14

20141630c1

1596 sufficient for analysis shall be submitted to a second referee
1597 chemist who is mutually acceptable to the department and to the
1598 licensee from whom the official sample was taken, at the expense
1599 of the party or parties requesting the referee analysis. If no
1600 demand is made for an analysis by a second referee chemist, the
1601 department's fertilizer analysis report shall be accepted as
1602 final and binding on all concerned. The second referee chemist,
1603 upon completion of the analysis, shall make a fertilizer
1604 analysis report as provided in this subsection for the first
1605 referee chemist. The mean average of the two analyses nearest in
1606 conformity to each other shall be accepted as final and binding
1607 on all concerned.

1608 Section 80. Subsections (4) and (5) of section 576.061,
1609 Florida Statutes, are amended to read:

1610 576.061 Plant nutrient investigational allowances,
1611 deficiencies, and penalties.—

1612 ~~(4) When it is determined by the department that a~~
1613 ~~fertilizer has been distributed without being licensed or~~
1614 ~~registered, or without labeling, the department shall require~~
1615 ~~the licensee to pay a penalty in the amount of \$100. The~~
1616 ~~proceeds from any penalty payments shall be deposited by the~~
1617 ~~department in the General Inspection Trust Fund to be used for~~
1618 ~~the sole purpose of funding the fertilizer inspection program.~~

1619 (4) ~~(5)~~ The department may enter an order imposing one or
1620 more of the following penalties against a ~~any~~ person who
1621 violates ~~any of the provisions of this chapter or the rules~~
1622 adopted under this chapter hereunder or who impedes, obstructs,
1623 or hinders ~~shall impede, obstruct, hinder, or otherwise prevent~~
1624 ~~or attempt to prevent~~ the department in performing the

575-02734-14

20141630c1

1625 ~~performance of its duties under duty in connection with the~~
1626 ~~provisions of this chapter:~~

1627 (a) Issuance of a warning letter.

1628 (b) Imposition of an administrative fine in the Class I
1629 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
1630 ~~per~~ occurrence after the issuance of a warning letter.

1631 (c) Cancellation, revocation, or suspension of any license
1632 issued by the department.

1633 Section 81. Section 576.071, Florida Statutes, is amended
1634 to read:

1635 576.071 Commercial value.—The commercial value used in
1636 assessing penalties for a ~~any~~ deficiency shall be determined by
1637 surveying the fertilizer industry in the state and using
1638 annualized plant nutrient values contained in one or more
1639 generally recognized journals.

1640 Section 82. Subsections (3) and (4) of section 576.087,
1641 Florida Statutes, are amended to read:

1642 576.087 Antisiphon requirements for irrigation systems.—

1643 ~~(3) The department shall establish specific requirements~~
1644 ~~for antisiphon devices.~~

1645 ~~(4) Any governmental agency which requires antisiphon~~
1646 ~~devices on irrigation systems used for the application of~~
1647 ~~fertilizer shall use the specific antisiphon device requirements~~
1648 ~~adopted by the department.~~

1649 Section 83. Section 576.101, Florida Statutes, is amended
1650 to read:

1651 576.101 Cancellation, revocation, and suspension~~+~~
1652 ~~probationary status.—~~

1653 ~~(1)~~ The department may deny, suspend, or revoke a ~~any~~

575-02734-14

20141630c1

1654 license issued by the department for a any violation of ~~the~~
1655 ~~provisions of~~ this chapter, the rules adopted under this chapter
1656 ~~thereunder~~, or any lawful order of the department.

1657 ~~(2) The department may place any licensee on a probationary~~
1658 ~~status when the deficiency levels of samples taken from that~~
1659 ~~licensee do not meet minimum performance levels established by~~
1660 ~~statute within the investigational allowances provided in s.~~
1661 ~~576.061.~~

1662 Section 84. Subsection (1) of section 578.08, Florida
1663 Statutes, is amended to read:

1664 578.08 Registrations.-

1665 (1) Every person, except as provided in subsection (4) and
1666 s. 578.14, before selling, distributing for sale, offering for
1667 sale, exposing for sale, handling for sale, or soliciting orders
1668 for the purchase of an any agricultural, vegetable, flower, or
1669 forest tree seed, or mixture thereof, shall first register with
1670 the department as a seed dealer. ~~The application for~~
1671 ~~registration shall include the name and location of each place~~
1672 ~~of business at which the seed is sold, distributed for sale,~~
1673 ~~offered for sale, exposed for sale, or handled for sale.~~ The
1674 application for registration shall be filed with the department
1675 by using a form prescribed by the department or by using the
1676 department's website and shall be accompanied by an annual
1677 registration fee for each such place of business based on the
1678 gross receipts from the sale of such seed for the last preceding
1679 license year as follows:

- 1680 (a) 1. Receipts of less than \$500, a fee of.....\$10.
- 1681 2. Receipts of \$500 or more but less than \$1,000, a fee
- 1682 of.....\$25.

575-02734-14

20141630c1

- 1683 3.1. Receipts of \$1,000 or more but less than \$2,500
- 1684 ~~\$2,500.01~~, a fee of.....\$100.
- 1685 4.2. Receipts of more than \$2,500 or more but and less than
- 1686 \$5,000 ~~\$5,000.01~~, a fee of.....\$200.
- 1687 5.3. Receipts of more than \$5,000 or more but and less than
- 1688 \$10,000 ~~\$10,000.01~~, a fee of.....\$350.
- 1689 6.4. Receipts of more than \$10,000 or more but and less
- 1690 than \$20,000 ~~\$20,000.01~~, a fee of.....\$800.
- 1691 7.5. Receipts of more than \$20,000 or more but and less
- 1692 than \$40,000 ~~\$40,000.01~~, a fee of.....\$1,000.
- 1693 8.6. Receipts of more than \$40,000 or more but and less
- 1694 than \$70,000 ~~\$70,000.01~~, a fee of.....\$1,200.
- 1695 9.7. Receipts of more than \$70,000 or more but and less
- 1696 than \$150,000 ~~\$150,000.01~~, a fee of.....\$1,600.
- 1697 10.8. Receipts of more than \$150,000 or more but and less
- 1698 than \$400,000 ~~\$400,000.01~~, a fee of.....\$2,400.
- 1699 11.9. Receipts of more than \$400,000 or more, a fee
- 1700 of.....\$4,600.

1701 (b) For places of business not previously in operation, the

1702 fee shall be based on anticipated receipts for the first license

1703 year.

1704 Section 85. Paragraph (g) of subsection (2) of section

1705 580.036, Florida Statutes, is amended to read:

1706 580.036 Powers and duties.—

1707 (2) The department is authorized to adopt rules pursuant to

1708 ss. 120.536(1) and 120.54 to enforce the provisions of this

1709 chapter. These rules shall be consistent with the rules and

1710 standards of the United States Food and Drug Administration and

1711 the United States Department of Agriculture, when applicable,

575-02734-14

20141630c1

1712 and shall include:

1713 (g) Establishing standards for the sale, use, and
1714 distribution of commercial feed or feedstuff to ensure usage
1715 that is consistent with animal safety and well-being and, to the
1716 extent that meat, poultry, and other animal products for human
1717 consumption may be affected by commercial feed or feedstuff, to
1718 ensure that these products are safe for human consumption. Such
1719 standards, if adopted, must be developed in consultation with
1720 the Agricultural Feed, Seed, and Fertilizer Advisory Council
1721 created under s. 570.451.

1722 Section 86. Paragraphs (a), (b), and (d) of subsection (1)
1723 of section 580.041, Florida Statutes, are amended to read:

1724 580.041 Master registration; fee; refusal or cancellation
1725 of registration; reporting.-

1726 (1) (a) Each distributor of commercial feed must annually
1727 obtain a master registration before her or his brands are
1728 distributed in this state. Upon initial registration, The
1729 ~~department shall furnish the registration forms requiring the~~
1730 ~~distributor shall agree to state that the distributor will~~
1731 ~~comply with all provisions of this chapter and applicable rules.~~
1732 ~~The registration form shall identify the manufacturer's or~~
1733 ~~guarantor's name and place of business and the location of each~~
1734 ~~manufacturing facility in the state and shall be signed by the~~
1735 ~~owner; by a partner, if a partnership; or by an authorized~~
1736 ~~officer or agent, if a corporation. All registrations expire on~~
1737 June 30 of each year.

1738 (b) The application for registration form shall be filed
1739 with the department by using a form prescribed by the department
1740 or by using the department's website and shall be accompanied by

575-02734-14

20141630c1

1741 a fee ~~that shall be~~ based on tons of feed distributed in this
 1742 state during the previous year. If a distributor has been in
 1743 business less than 1 year, the tonnage shall be estimated by the
 1744 distributor for the first year and based on actual tonnage
 1745 thereafter. These fees shall be as follows:

1746	1747 SALES IN TONS	1748 FEE
1749	Zero, up to and including 25.....	\$40
1750	More than 25, up to and including 50.....	\$75
1751	More than 50, up to and including 100.....	\$150
1752	More than 100, up to and including 300.....	\$375
1753	More than 300, up to and including 600.....	\$600
1754	More than 600, up to and including 1,000.....	\$900
1755	More than 1,000, up to and including	
1756	2,000.....	\$1,250
1757	More than 2,000, up to and including	
1758	5,000.....	\$2,000
1759	More than 5,000.....	\$3,500

1760 (d) The department shall provide ~~mail~~ a copy of the master
 1761 registration to the registrant to signify that administrative
 1762 requirements have been met.

1763 Section 87. Subsection (1) of section 580.071, Florida
 1764 Statutes, is amended to read:

1765 580.071 Adulteration.—No person shall distribute an
 1766 adulterated commercial feed or feedstuff. A commercial feed or
 1767 feedstuff shall be deemed to be adulterated:

1768 (1) (a) If it bears or contains any poisonous, deleterious,
 1769 or nonnutritive substance that may render it injurious to animal

575-02734-14

20141630c1

1770 or human health. However, if the substance is not an additive,
1771 the feed shall not be considered adulterated if the quantity of
1772 the substance does not ordinarily render it injurious to animal
1773 or human health;

1774 (b) If it bears or contains any food additive or added
1775 poisonous, deleterious, or nonnutritive substance that is unsafe
1776 within the meaning of s. 406 of the Federal Food, Drug, and
1777 Cosmetic Act, other than a pesticide chemical in or on a raw
1778 agricultural commodity;

1779 (c) If it is, or it bears or contains, any food additive or
1780 color additive that is unsafe within the meaning of s. 409 or s.
1781 512 of the Federal Food, Drug, and Cosmetic Act, respectively;

1782 (d) If it is a raw agricultural commodity and it bears or
1783 contains a pesticide chemical that is unsafe within the meaning
1784 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act;
1785 however, if ~~where~~ a pesticide chemical has been used in or on a
1786 raw agricultural commodity in conformity with an exemption
1787 granted or a tolerance prescribed under s. 408 of the Federal
1788 Food, Drug, and Cosmetic Act and that raw agricultural commodity
1789 has been subjected to processing such as canning, cooking,
1790 freezing, dehydrating, or milling, the processed feed will
1791 result, or is likely to result, in pesticide residue in the
1792 edible product of the animal which is unsafe within the meaning
1793 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act; ~~or~~

1794 (e) If it is, or it bears or contains, a ~~any~~ new animal
1795 drug that is unsafe within the meaning of s. 512 of the Federal
1796 Food, Drug, and Cosmetic Act; ~~or~~

1797 (f) If it consists, in whole or in part, of a filthy,
1798 putrid, or decomposed substance, or if it is otherwise unfit for

575-02734-14

20141630c1

1799 feed;

1800 (g) If it is prepared, packaged, or held under unsanitary
1801 conditions whereby it may have become contaminated with filth,
1802 or may have been rendered injurious to health; or

1803 (h) If it is, in whole or in part, the product of a
1804 diseased animal or of an animal that died by a means other than
1805 slaughter which is unsafe within the meaning of s. 402(a)(1) or
1806 (2) of the Federal Food, Drug, and Cosmetic Act.

1807 Section 88. Subsection (5) of section 581.091, Florida
1808 Statutes, is amended to read:

1809 581.091 Noxious weeds and infected plants or regulated
1810 articles; sale or distribution; receipt; information to
1811 department; withholding information.—

1812 (5) (a) Notwithstanding any other ~~provision of state law or~~
1813 ~~rule,~~ a person may obtain a special permit from the department
1814 to plant *Casuarina cunninghamiana* as a windbreak for a
1815 commercial citrus grove ~~if provided~~ the plants are produced in
1816 an authorized registered nursery and certified by the department
1817 as being vegetatively propagated from male plants. ~~A "commercial~~
1818 ~~citrus grove" means a contiguous planting of 100 or more citrus~~
1819 ~~trees where citrus fruit is produced for sale.~~

1820 ~~(b) For a 5-year period, special permits authorizing a~~
1821 ~~person to plant *Casuarina cunninghamiana* shall be issued only as~~
1822 ~~part of a pilot program for fresh fruit groves in areas of~~
1823 ~~Indian River, St. Lucie, and Martin Counties where citrus canker~~
1824 ~~is determined by the department to be widespread. The pilot~~
1825 ~~program shall be reevaluated annually, and a comprehensive~~
1826 ~~review shall be conducted in 2013. The purpose of the annual and~~
1827 ~~5-year reviews is to determine if the use of *Casuarina*~~

575-02734-14

20141630c1

1828 ~~cunninghamiana as an agricultural pest and disease windbreak~~
1829 ~~poses any adverse environmental consequences. At the end of the~~
1830 ~~5-year pilot program, if the Noxious Weed and Invasive Plant~~
1831 ~~Review Committee, created by the department, and the Department~~
1832 ~~of Environmental Protection, in consultation with a~~
1833 ~~representative of the citrus industry who has a Casuarina~~
1834 ~~cunninghamiana windbreak, determine that the potential is low~~
1835 ~~for adverse environmental impacts from planting Casuarina~~
1836 ~~cunninghamiana as windbreaks, the department may, by rule, allow~~
1837 ~~the use of Casuarina cunninghamiana windbreaks for commercial~~
1838 ~~citrus groves in other areas of the state. If it is determined~~
1839 ~~at the end of the 5-year pilot program that additional time is~~
1840 ~~needed to further evaluate Casuarina cunninghamiana, the~~
1841 ~~department will remain the lead agency.~~

1842 (b) ~~(e)~~ Each application for a special permit must ~~shall~~ be
1843 accompanied by a fee in an amount determined by ~~the~~ department,
1844 ~~by~~ rule, not to exceed \$500. A special permit is ~~shall be~~
1845 required for each noncontiguous commercial citrus grove and
1846 shall be renewed every 5 years. The property owner shall
1847 maintain and produce ~~is responsible for maintaining and~~
1848 ~~producing~~ for inspection the original nursery invoice with
1849 certification documentation. If ownership of the property is
1850 transferred, the seller shall ~~must~~ notify the department and
1851 provide the buyer with a copy of the special permit and copies
1852 of all invoices and certification documentation before ~~prior to~~
1853 the closing of the sale.

1854 (c) ~~(d)~~ Each application must ~~shall~~ include a baseline
1855 survey of all lands within 500 feet of the proposed *Casuarina*
1856 *cunninghamiana* windbreak showing the location and identifying

575-02734-14

20141630c1

1857 ~~the identification to~~ species of all existing *Casuarina* spp.

1858 (d)~~(e)~~ Nurseries authorized to produce *Casuarina*
1859 *cunninghamiana* shall ~~must~~ obtain a special permit from the
1860 department certifying that the plants have been vegetatively
1861 propagated from sexually mature male source trees currently
1862 grown in the state. The importation of *Casuarina cunninghamiana*
1863 from any area outside the state for use ~~to be used~~ as a
1864 propagation source tree is prohibited. Each male source tree
1865 must be registered by the department as being a horticulturally
1866 true-to-type male plant and be labeled with a source tree
1867 registration number. Each nursery application for a special
1868 permit must ~~shall~~ be accompanied by a fee in an amount
1869 determined by ~~the~~ department, ~~by~~ rule, not to exceed \$200.
1870 Special permits shall be renewed annually. The department shall,
1871 by rule, set the amount of an annual fee, not to exceed \$50, for
1872 each *Casuarina cunninghamiana* registered as a source tree.
1873 ~~Nurseries may only sell *Casuarina cunninghamiana* to a person~~
1874 ~~with a special permit as specified in paragraphs (a) and (b).~~
1875 The source tree registration numbers of the parent plants must
1876 be documented on each invoice or other certification
1877 documentation provided to the buyer.

1878 (e)~~(f)~~ All *Casuarina cunninghamiana* shall ~~must~~ be destroyed
1879 by the property owner within 6 months after:

1880 1. The property owner takes permanent action to no longer
1881 use the site for commercial citrus production;

1882 2. The site has not been used for commercial citrus
1883 production for a period of 5 years; or

1884 3. The department determines that the *Casuarina*
1885 *cunninghamiana* on the site has become invasive. This

575-02734-14

20141630c1

1886 determination shall be based on, but not limited to, the
1887 recommendation of the Noxious Weed and Invasive Plant Review
1888 Committee and the Department of Environmental Protection and
1889 made in consultation with a representative of the citrus
1890 industry who has a *Casuarina cunninghamiana* windbreak.

1891
1892 If the owner or person in charge refuses or neglects to comply,
1893 the director or her or his authorized representative may, under
1894 authority of the department, ~~proceed to~~ destroy the plants. The
1895 expense of the destruction shall be assessed, collected, and
1896 enforced against the owner by the department. If the owner does
1897 not pay the assessed cost, the department may record a lien
1898 against the property.

1899 ~~(f)(g)~~ (f) The use of *Casuarina cunninghamiana* for windbreaks
1900 does ~~shall~~ not preclude the department from issuing permits for
1901 the research or release of biological control agents to control
1902 *Casuarina spp.* as provided in ~~in accordance with~~ s. 581.083.

1903 ~~(g)(h)~~ (g) The use of *Casuarina cunninghamiana* for windbreaks
1904 may ~~shall~~ not restrict or interfere with any other agency or
1905 local government effort to manage or control noxious weeds or
1906 invasive plants, including *Casuarina cunninghamiana*. An, ~~nor~~
1907 ~~shall any other~~ agency or local government may not remove any
1908 *Casuarina cunninghamiana* planted as a windbreak under special
1909 permit issued by the department.

1910 ~~(i)~~ (i) ~~The department shall develop and implement a monitoring~~
1911 ~~protocol to determine invasiveness of *Casuarina cunninghamiana*.~~
1912 ~~The monitoring protocol shall, at a minimum, require:~~

1913 ~~1. Inspection of the planting site by department inspectors~~
1914 ~~within 30 days following initial planting or any subsequent~~

575-02734-14

20141630c1

1915 ~~planting of *Casuarina cunninghamiana* to ensure the criteria of~~
1916 ~~the special permit have been met.~~

1917 ~~2. Annual site inspections of planting sites and all lands~~
1918 ~~within 500 feet of the planted windbreak by department~~
1919 ~~inspectors who have been trained to identify *Casuarina spp.* and~~
1920 ~~to make determinations of whether *Casuarina cunninghamiana* has~~
1921 ~~spread beyond the permitted windbreak location.~~

1922 ~~3. Any new seedlings found within 500 feet of the planted~~
1923 ~~windbreak to be removed, identified to the species level, and~~
1924 ~~evaluated to determine if hybridization has occurred.~~

1925 ~~4. The department to submit an annual report and a final 5-~~
1926 ~~year evaluation identifying any adverse effects resulting from~~
1927 ~~the planting of *Casuarina cunninghamiana* for windbreaks and~~
1928 ~~documenting all inspections and the results of those inspections~~
1929 ~~to the Noxious Weed and Invasive Plant Review Committee, the~~
1930 ~~Department of Environmental Protection, and a designated~~
1931 ~~representative of the citrus industry who has a *Casuarina*~~
1932 ~~*cunninghamiana* windbreak.~~

1933 ~~(j) If the department determines that female flowers or~~
1934 ~~cones have been produced on any *Casuarina cunninghamiana* that~~
1935 ~~have been planted under a special permit issued by the~~
1936 ~~department, the property owner shall be responsible for~~
1937 ~~destroying the trees. The department shall notify the property~~
1938 ~~owner of the timeframe and method of destruction.~~

1939 ~~(k) If at any time the department determines that~~
1940 ~~hybridization has occurred during the pilot program between~~
1941 ~~*Casuarina cunninghamiana* planted as a windbreak and other~~
1942 ~~*Casuarina spp.*, the department shall expeditiously initiate~~
1943 ~~research to determine the invasiveness of the hybrid. The~~

575-02734-14

20141630c1

1944 ~~information obtained from this research shall be evaluated by~~
1945 ~~the Noxious Weed and Invasive Plant Review Committee, the~~
1946 ~~Department of Environmental Protection, and a designated~~
1947 ~~representative of the citrus industry who has a *Casuarina*~~
1948 ~~*cunninghamiana* windbreak. If the department determines that the~~
1949 ~~hybrids have a high potential to become invasive, based on, but~~
1950 ~~not limited to, the recommendation of the Noxious Weed and~~
1951 ~~Invasive Plant Review Committee, the Department of Environmental~~
1952 ~~Protection, and a designated representative of the citrus~~
1953 ~~industry who has a *Casuarina cunninghamiana* windbreak, this~~
1954 ~~pilot program shall be permanently suspended.~~

1955 ~~(1) Each application for a special permit must be~~
1956 ~~accompanied by a fee as described in paragraph (c) and an~~
1957 ~~agreement that the property owner will abide by all permit~~
1958 ~~conditions including the removal of *Casuarina cunninghamiana* if~~
1959 ~~invasive populations or other adverse environmental factors are~~
1960 ~~determined to be present by the department as a result of the~~
1961 ~~use of *Casuarina cunninghamiana* as windbreaks. The application~~
1962 ~~must include, on a form provided by the department, the name of~~
1963 ~~the applicant and the applicant's address or the address of the~~
1964 ~~applicant's principal place of business; a statement of the~~
1965 ~~estimated cost of removing and destroying the *Casuarina*~~
1966 ~~*cunninghamiana* that is the subject of the special permit; and~~
1967 ~~the basis for calculating or determining that estimate. If the~~
1968 ~~applicant is a corporation, partnership, or other business~~
1969 ~~entity, the applicant must also provide in the application the~~
1970 ~~name and address of each officer, partner, or managing agent.~~
1971 ~~The applicant shall notify the department within 30 business~~
1972 ~~days of any change of address or change in the principal place~~

575-02734-14

20141630c1

1973 ~~of business. The department shall mail all notices to the~~
1974 ~~applicant's last known address.~~

1975 1. Upon obtaining a permit, the permitholder must annually
1976 maintain the *Casuarina cunninghamiana* authorized by a special
1977 permit as required in the permit. If the permitholder ceases to
1978 maintain the *Casuarina cunninghamiana* as required by the special
1979 permit, if the permit expires, or if the permitholder ceases to
1980 abide by the conditions of the special permit, the permitholder
1981 must ~~shall~~ remove and destroy the *Casuarina cunninghamiana* in a
1982 timely manner as specified in the permit.

1983 2. If the department:

1984 a. Determines that the permitholder is no longer
1985 maintaining the *Casuarina cunninghamiana* subject to the special
1986 permit and has not removed and destroyed the *Casuarina*
1987 *cunninghamiana* authorized by the special permit;

1988 b. Determines that the continued use of *Casuarina*
1989 *cunninghamiana* as windbreaks presents an imminent danger to
1990 public health, safety, or welfare; or

1991 c. Determines that the permitholder has exceeded the
1992 conditions of the authorized special permit, ~~+~~

1993
1994 the department may issue an immediate final order, which is
1995 ~~shall be~~ immediately appealable or enjoicable pursuant to ~~as~~
1996 ~~provided by~~ chapter 120, directing the permitholder to
1997 immediately remove and destroy the *Casuarina cunninghamiana*
1998 authorized to be planted under the special permit. A copy of the
1999 immediate final order shall be provided ~~mailed~~ to the
2000 permitholder.

2001 3. If, upon issuance by the department of an immediate

575-02734-14

20141630c1

2002 final order to the permitholder, the permitholder fails to
2003 remove and destroy the *Casuarina cunninghamiana* subject to the
2004 special permit within 60 days after issuance of the order, or
2005 such shorter period as is designated in the order as public
2006 health, safety, or welfare requires, the department may remove
2007 and destroy the *Casuarina cunninghamiana* that are the subject of
2008 the special permit. If the permitholder makes a written request
2009 to the department for an extension of time to remove and destroy
2010 the *Casuarina cunninghamiana* that demonstrates specific facts
2011 showing why the *Casuarina cunninghamiana* could not reasonably be
2012 removed and destroyed in the applicable timeframe, the
2013 department may extend the time for removing and destroying
2014 *Casuarina cunninghamiana* subject to a special permit. The
2015 reasonable costs and expenses incurred by the department for
2016 removing and destroying *Casuarina cunninghamiana* subject to a
2017 special permit shall be paid out of the Citrus Inspection Trust
2018 Fund and shall be reimbursed by the party to which the immediate
2019 final order is issued. If the party to which the immediate final
2020 order has been issued fails to reimburse the state within 60
2021 days, the department may record a lien on the property. The lien
2022 shall be enforced by the department.

2023 4. In order to carry out the purposes of this paragraph,
2024 the department or its agents may require a permitholder to
2025 provide verified statements of the planted acreage subject to
2026 the special permit and may review the permitholder's business or
2027 planting records at her or his place of business during normal
2028 business hours in order to determine the acreage planted. The
2029 failure of a permitholder to furnish such statement or to make
2030 such records available is cause for suspension of the special

575-02734-14

20141630c1

2031 permit. If the department finds such failure to be willful, the
2032 special permit may be revoked.

2033 Section 89. Subsection (8) of section 581.131, Florida
2034 Statutes, is amended to read:

2035 581.131 Certificate of registration.—

2036 (8) The department shall provide to each person subject to
2037 this section written notice and renewal forms 30 ~~60~~ days before
2038 ~~prior to~~ the annual renewal date informing the person of the
2039 certificate of registration renewal date and the applicable fee.

2040 Section 90. Subsection (4) of section 583.01, Florida
2041 Statutes, is amended to read:

2042 583.01 Definitions.—For the purpose of this chapter, unless
2043 elsewhere indicated, the term:

2044 (4) "Dealer" means a ~~any~~ person, firm, or corporation,
2045 including a producer, processor, retailer, or wholesaler, that
2046 sells, offers for sale, or holds for the purpose of sale in this
2047 state 30 dozen or more eggs or its equivalent in any one week,
2048 or more than 384 ~~in excess of 100 pounds of~~ dressed birds
2049 ~~poultry~~ in any one week.

2050 Section 91. Section 570.38, Florida Statutes, is
2051 transferred, renumbered as section 585.008, Florida Statutes,
2052 and amended to read:

2053 585.008 ~~570.38~~ Animal Industry Technical Council.—

2054 (1) COMPOSITION.—The Animal Industry Technical Council is
2055 hereby created in the department and shall be composed of 14
2056 members as follows:

2057 (a) The beef cattle, swine, dairy, horse, independent
2058 agricultural market ~~markets~~, meat processing and packing
2059 establishment ~~establishments~~, veterinary medicine, and poultry

575-02734-14

20141630c1

2060 representatives who serve on the State Agricultural Advisory
2061 Council and three additional representatives from the beef
2062 cattle industry, as well as three at-large members representing
2063 other animal industries in the state, who shall be appointed by
2064 the commissioner for 4-year terms or until their successors are
2065 duly qualified and appointed.

2066 (b) Each additional beef cattle representative shall be
2067 appointed subject to the qualifications and by the procedure as
2068 prescribed in s. 570.23 for membership to the council by the
2069 beef cattle representative. If a vacancy occurs in these three
2070 positions, it shall be filled for the remainder of the term in
2071 the same manner as an initial appointment.

2072 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
2073 meetings, powers and duties, procedures, and recordkeeping of
2074 the Animal Industry Technical Council shall be pursuant to s.
2075 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
2076 ~~advisory committees established within the department.~~

2077 Section 92. Subsection (3) is added to section 589.08,
2078 Florida Statutes, to read:

2079 589.08 Land acquisition restrictions.—

2080 (3) The Florida Forest Service shall pay 15 percent of the
2081 gross receipts from the Goethe State Forest to each fiscally
2082 constrained county as described in s. 218.67(1) in which a
2083 portion of the Goethe State Forest is located in proportion to
2084 the forest acreage located in such county. The funds must be
2085 equally divided between the board of county commissioners and
2086 the school board of each fiscally constrained county.

2087 Section 93. Subsections (1) and (3) of section 589.011,
2088 Florida Statutes, are amended to read:

575-02734-14

20141630c1

2089 589.011 Use of state forest lands; fees; rules.-

2090 (1) (a) If authorized by a land management plan approved
2091 pursuant to chapter 253 or by an interim assignment letter that
2092 identifies the interim management activities issued by the
2093 Department of Environmental Protection pursuant to chapter 259,
2094 the Florida Forest Service of the Department of Agriculture and
2095 Consumer Services may grant privileges, permits, leases, and
2096 concessions for the use of state forest lands or any land leased
2097 by or otherwise assigned to the Florida Forest Service for
2098 management purposes, timber, and forest products pursuant to ~~for~~
2099 purposes not inconsistent with the provisions of this chapter.

2100 (b) Lessees of such lands that are open to the public for
2101 recreational purposes, where such lease or agreement recognizes
2102 that the state is responsible for personal injury, loss, or
2103 damage resulting in whole or in part from the public's use of
2104 the area under the terms of the lease or agreement, subject to
2105 the limitations and conditions specified in s. 768.28, owe no
2106 duty of care to keep the area safe for entry or use by others or
2107 to give warning to a person entering or going into the area of
2108 any hazardous conditions, structures, or activities thereon.

2109 (c) Lessees who lease property from the Florida Forest
2110 Service that is open to the public for recreational purposes:

2111 1. Are not presumed to extend any assurance that the leased
2112 area is safe for any purpose.

2113 2. Do not incur any duty of care toward a person who goes
2114 into the area that is subject to the lease or agreement.

2115 3. Are not liable or responsible for any injury to persons
2116 or property caused by the act or omission of a person who goes
2117 into the area that is subject to the lease or agreement.

575-02734-14

20141630c1

2118 (d) This subsection:

2119 1. Applies to all persons going into the leased area,
2120 including invitees, licensees, and trespassers.

2121 2. Does not relieve a person of liability that would
2122 otherwise exist for deliberate, willful, or malicious injury to
2123 persons or property.

2124 3. Does not create or increase liability of a person.

2125 (3) The Florida Forest Service ~~may~~ shall have the power to
2126 set and collect ~~charge~~ reasonable fees, rentals, or charges ~~or~~
2127 ~~rent~~ for the use or operation of facilities and concessions on
2128 state forests or any lands leased by or otherwise assigned to
2129 the Florida Forest Service for management purposes based on
2130 factors such as the cost and extent of recreational facilities
2131 and services, geographical location, seasonal public demand,
2132 fees charged by other governmental and private entities for
2133 comparable services and activities, and market value and demand
2134 for forest products. Moneys collected from such fees, rentals,
2135 and charges ~~rent~~ shall be deposited into the Incidental Trust
2136 Fund of the Florida Forest Service.

2137 Section 94. Section 589.20, Florida Statutes, is amended to
2138 read:

2139 589.20 Cooperation by Florida Forest Service.—The Florida
2140 Forest Service may cooperate with other state agencies, water
2141 management districts, municipalities, or other governmental
2142 entities ~~who are custodians of lands which are suitable for~~
2143 ~~forestry purposes,~~ in the designation and dedication of ~~such~~
2144 lands that are suitable for forestry purposes ~~when in the~~
2145 ~~opinion of the state agencies concerned such lands are suitable~~
2146 ~~for these purposes and can be so administered.~~ Lands designated

575-02734-14

20141630c1

2147 and dedicated by a state agency, water management district,
2148 municipality, or other government entity ~~Upon the designation~~
2149 ~~and dedication of said lands for forestry these purposes by the~~
2150 ~~agencies concerned, said lands~~ shall be administered by the
2151 Florida Forest Service.

2152 Section 95. Subsection (7) of section 590.02, Florida
2153 Statutes, is amended to read:

2154 590.02 Florida Forest Service; powers, authority, and
2155 duties; liability; building structures; Withlacoochee Training
2156 ~~Florida Center for Wildfire and Forest Resources Management~~
2157 ~~Training.~~-

2158 (7) The Florida Forest Service may organize, staff, equip,
2159 and operate the Withlacoochee ~~Florida Forest~~ Training Center.
2160 The center shall serve as a site where fire and forest resource
2161 managers can obtain current knowledge, techniques, skills, and
2162 theory as they relate to their respective disciplines.

2163 (a) The center may establish cooperative efforts involving
2164 federal, state, and local entities; hire appropriate personnel;
2165 and engage others by contract or agreement with or without
2166 compensation to assist in carrying out the training and
2167 operations of the center.

2168 (b) The center shall provide wildfire suppression training
2169 opportunities for rural fire departments, volunteer fire
2170 departments, and other local fire response units.

2171 (c) The center shall ~~will~~ focus on curriculum related ~~to~~,
2172 but not limited to, fuel reduction, an incident management
2173 system, prescribed burning certification, multiple-use land
2174 management, water quality, forest health, environmental
2175 education, and wildfire suppression training for structural

575-02734-14

20141630c1

2176 firefighters.

2177 (d) The center may assess appropriate fees for food,
2178 lodging, travel, course materials, and supplies in order to meet
2179 its operational costs and may grant free meals, room, and
2180 scholarships to persons and other entities in exchange for
2181 instructional assistance.

2182 Section 96. Subsection (2) of section 590.125, Florida
2183 Statutes, is amended to read:

2184 590.125 Open burning authorized by the Florida Forest
2185 Service.—

2186 (2) NONCERTIFIED BURNING.—

2187 (a) Persons may ~~be authorized to~~ broadcast burn or pile
2188 burn pursuant to ~~in accordance with~~ this subsection if:

2189 1. There is specific consent of the landowner or his or her
2190 designee;

2191 2. Authorization has been obtained from the Florida Forest
2192 Service or its designated agent before starting the burn;

2193 3. There are adequate firebreaks at the burn site and
2194 sufficient personnel and firefighting equipment for the
2195 containment of the fire;

2196 4. The fire remains within the boundary of the authorized
2197 area;

2198 5. The person named responsible in the burn authorization
2199 or a designee is present at the burn site until the fire is
2200 completed;

2201 6. The Florida Forest Service does not cancel the
2202 authorization; and

2203 7. The Florida Forest Service determines that air quality
2204 and fire danger are favorable for safe burning.

575-02734-14

20141630c1

2205 (b) A new authorization is not required for smoldering that
2206 occurs within the authorized burn area unless new ignitions are
2207 conducted by the person named responsible in the burn
2208 authorization or a designee.

2209 (c) Monitoring the smoldering activity of a burn does not
2210 require an additional authorization even if flames begin to
2211 spread within the authorized burn site due to ongoing smoldering
2212 activity.

2213 (d) ~~(b)~~ A person who broadcast burns or pile burns in a
2214 manner that violates ~~any requirement of~~ this subsection commits
2215 a misdemeanor of the second degree, punishable as provided in s.
2216 775.082 or s. 775.083.

2217 Section 97. Section 570.0725, Florida Statutes, is
2218 transferred and renumbered as section 595.420, Florida Statutes.

2219 Section 98. Paragraph (k) of subsection (1) of section
2220 597.003, Florida Statutes, is amended to read:

2221 597.003 Powers and duties of Department of Agriculture and
2222 Consumer Services.—

2223 (1) The department is hereby designated as the lead agency
2224 in encouraging the development of aquaculture in the state and
2225 shall have and exercise the following functions, powers, and
2226 duties with regard to aquaculture:

2227 (k) Make available state lands and the water column for the
2228 purpose of producing aquaculture products when the aquaculture
2229 activity is compatible with state resource management goals,
2230 environmental protection, and proprietary interest and when such
2231 state lands and waters are determined to be suitable for
2232 aquaculture development by the Board of Trustees of the Internal
2233 Improvement Trust Fund pursuant to s. 253.68; provide training

575-02734-14

20141630c1

2234 as necessary to lessees; and be responsible for all saltwater
2235 aquaculture activities located on sovereignty submerged land or
2236 in the water column above such land and adjacent facilities
2237 directly related to the aquaculture activity.

2238 1. The department shall act in cooperation with other state
2239 and local agencies and programs to identify and designate
2240 sovereignty lands and waters that would be suitable for
2241 aquaculture development.

2242 2. The department shall identify and evaluate specific
2243 tracts of sovereignty submerged lands and water columns in
2244 various areas of the state to determine where such lands and
2245 waters are suitable for leasing for aquaculture purposes.
2246 Nothing in this subparagraph or subparagraph 1. shall preclude
2247 the applicant from applying for sites identified by the
2248 applicant.

2249 3. The department shall provide assistance in developing
2250 technologies applicable to aquaculture activities, evaluate
2251 practicable production alternatives, and provide agreements to
2252 develop innovative culture practices.

2253 Section 99. Paragraph (j) is added to subsection (1) of
2254 section 597.004, Florida Statutes, to read:

2255 597.004 Aquaculture certificate of registration.—

2256 (1) CERTIFICATION.—Any person engaging in aquaculture must
2257 be certified by the department. The applicant for a certificate
2258 of registration shall submit the following to the department:

2259 (j) A certificate of training, if required under the best
2260 management practices adopted pursuant to this section.

2261 Section 100. Subsection (1) of section 597.020, Florida
2262 Statutes, is amended to read:

575-02734-14

20141630c1

2263 597.020 Shellfish processors; regulation.-

2264 (1) The department may:

2265 (a) is authorized to Adopt by rule regulations,
2266 specifications, training requirements, and codes relating to
2267 sanitary practices for catching, cultivating, handling,
2268 processing, packaging, preserving, canning, smoking, and storing
2269 of oysters, clams, mussels, scallops, and crabs.

2270 (b) The department is also authorized to License shellfish
2271 processors who handle oysters, clams, mussels, scallops, and
2272 crabs when such activities relate to quality control, sanitary,
2273 and public health practices pursuant to this section and chapter
2274 500.

2275 (c) The department is also authorized to License or
2276 certify, for a fee determined by rule, facilities used for
2277 processing oysters, clams, mussels, scallops, and crabs; ~~to~~
2278 levy an administrative fine in the Class I category pursuant to
2279 s. 570.971 for each violation, for each day the violation exists
2280 ~~of up to \$1,000 per violation per day~~ or ~~to~~ suspend or revoke
2281 such licenses or certificates upon satisfactory evidence of a
2282 ~~any~~ violation of rules adopted pursuant to this section; ~~and to~~
2283 seize and destroy any adulterated or misbranded shellfish
2284 products as defined by rule.

2285 Section 101. Section 570.481, Florida Statutes, is
2286 transferred and renumbered as section 603.011, Florida Statutes.

2287 Section 102. Section 570.55, Florida Statutes, is
2288 transferred and renumbered as section 603.211, Florida Statutes.

2289 Section 103. Subsection (2) of section 604.16, Florida
2290 Statutes, is amended, and subsection (5) is added to that
2291 section, to read:

575-02734-14

20141630c1

2292 604.16 Exceptions to provisions of ss. 604.15-604.34.-
2293 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
2294 not apply to:

2295 (2) A dealer in agricultural products who pays at the time
2296 of purchase with United States cash currency or a cash
2297 equivalent, such as a money order, cashier's check, wire
2298 transfer, electronic funds transfer, or PIN debit transaction
2299 ~~debit card.~~

2300 (5) A dealer in agricultural products to the extent that
2301 the dealer purchases agricultural products from a producer owned
2302 by the exact same person as the dealer, owned solely by the
2303 dealer, or who solely owns the dealer.

2304 Section 104. Section 604.22, Florida Statutes, is amended
2305 to read:

2306 604.22 Dealers to keep records; contents.-

2307 (1) (a) Each licensee, while acting as agent for a producer,
2308 shall make and preserve for at least 1 year a record of each
2309 transaction, specifying the name and address of the producer for
2310 whom she or he acts as agent; the date of receipt; the kind,
2311 quality, and quantity of agricultural products received; the
2312 name and address of the purchaser of each package of
2313 agricultural products; the price for which each package was
2314 sold; the amount of any additional charges necessary to
2315 effectuate the sale; the amount and explanation of any
2316 adjustments given; and the net amount due from each purchaser.

2317 (b) An account of sales shall be furnished to each producer
2318 within 48 hours after the sale of such agricultural products
2319 unless otherwise agreed to in a written contract or verifiable
2320 oral agreement. Such account of sales shall clearly show the

575-02734-14

20141630c1

2321 sale price of each lot of agricultural products sold; all
 2322 adjustments to the original price, along with an explanation of
 2323 such adjustments; and an itemized showing of all marketing costs
 2324 deducted by the licensee, along with the net amount due the
 2325 producer.

2326 (c) The licensee shall make the payment to the producer
 2327 within 5 days after ~~of~~ the licensee's receipt of payment unless
 2328 otherwise agreed to in a written contract or verifiable oral
 2329 agreement.

2330 (2) (a) ~~Notwithstanding The provisions of~~ s. 604.16(2), (3),
 2331 and (4) ~~notwithstanding~~, a any person, partnership, corporation,
 2332 or other business entity, except a person described in s.
 2333 604.16(1), who possesses and offers for sale agricultural
 2334 products is required to possess and display, upon the request of
 2335 a any department representative or state, county, or local law
 2336 enforcement officer, an invoice, bill of sale, manifest, or
 2337 other written document showing the date of sale, the name and
 2338 address of the seller, and the kind and quantity of products for
 2339 all such agricultural products.

2340 (b) ~~A~~ Any person who violates ~~the provisions of this~~
 2341 section is subject to s. 604.30(2) and (3) ~~subsection is guilty~~
 2342 ~~of a misdemeanor of the second degree, punishable as provided in~~
 2343 ~~s. 775.082 or s. 775.083.~~

2344 Section 105. Sections 487.172, 500.301, 500.302, 500.303,
 2345 500.304, 500.305, 500.306, 500.601, 570.345, 570.542, 570.72,
 2346 570.92, 589.081, and 590.091, Florida Statutes, are repealed.

2347 Section 106. Paragraph (c) of subsection (6) of section
 2348 193.461, Florida Statutes, is amended to read:

2349 193.461 Agricultural lands; classification and assessment;

575-02734-14

20141630c1

2350 mandated eradication or quarantine program.-

2351 (6)

2352 (c)1. For purposes of the income methodology approach to
 2353 assessment of property used for agricultural purposes,
 2354 irrigation systems, including pumps and motors, physically
 2355 attached to the land are ~~shall be~~ considered a part of the
 2356 average yields per acre and ~~shall~~ have no separately assessable
 2357 contributory value.

2358 2. Litter containment structures located on producing
 2359 poultry farms and animal waste nutrient containment structures
 2360 located on producing dairy farms shall be assessed by the
 2361 methodology described in subparagraph 1.

2362 3. Structures or improvements used in horticultural
 2363 production for frost or freeze protection, ~~which structures or~~
 2364 ~~improvements~~ are consistent with the interim measures or best
 2365 management practices adopted by the Department of Agriculture
 2366 and Consumer Services ~~Services' interim measures or best~~
 2367 ~~management practices adopted~~ pursuant to s. 570.93 ~~s. 570.085~~ or
 2368 s. 403.067(7)(c), ~~shall~~ be assessed by the methodology described
 2369 in subparagraph 1.

2370 Section 107. Subsection (1) of section 253.74, Florida
 2371 Statutes, is amended to read:

2372 253.74 Penalties.-

2373 (1) A ~~Any~~ person who conducts aquaculture activities in
 2374 excess of those authorized by the board or who conducts such
 2375 activities on state-owned submerged lands without having
 2376 previously obtained an authorization from the board commits a
 2377 misdemeanor of the second degree, punishable as provided in s.
 2378 775.082, is ~~and shall be~~ subject to a civil fine in the Class I

575-02734-14

20141630c1

2379 category pursuant to s. 570.971 ~~imprisonment for not more than 6~~
2380 ~~months or fine of not more than \$1,000, or both.~~ In addition to
2381 such fine and imprisonment, all works, improvements, and animal
2382 and plant life involved in the project, may be forfeited to the
2383 state.

2384 Section 108. Paragraph (c) of subsection (5) of section
2385 288.1175, Florida Statutes, is amended to read:

2386 288.1175 Agriculture education and promotion facility.—

2387 (5) The Department of Agriculture and Consumer Services
2388 shall competitively evaluate applications for funding of an
2389 agriculture education and promotion facility. If the number of
2390 applicants exceeds three, the Department of Agriculture and
2391 Consumer Services shall rank the applications based upon
2392 criteria developed by the Department of Agriculture and Consumer
2393 Services, with priority given in descending order to the
2394 following items:

2395 (c) The location of the facility in a brownfield site as
2396 defined in s. 376.79(3), a rural enterprise zone as defined in
2397 s. 290.004, an agriculturally depressed area as defined in s.
2398 570.74 ~~s. 570.242(1)~~, or a county that has lost its agricultural
2399 land to environmental restoration projects.

2400 Section 109. Paragraph (b) of subsection (14) and paragraph
2401 (b) of subsection (77) of section 320.08058, Florida Statutes,
2402 are amended to read:

2403 320.08058 Specialty license plates.—

2404 (14) FLORIDA AGRICULTURAL LICENSE PLATES.—

2405 (b) The proceeds of the Florida Agricultural license plate
2406 annual use fee must be forwarded to the direct-support
2407 organization created pursuant to s. 570.691 ~~in s. 570.903~~. The

575-02734-14

20141630c1

2408 funds must be used for the sole purpose of funding and promoting
2409 the Florida agriculture in the classroom program established
2410 within the Department of Agriculture and Consumer Services
2411 pursuant to s. 570.693 ~~s. 570.91~~.

2412 (77) FLORIDA HORSE PARK LICENSE PLATES.—

2413 (b) The annual use fees shall be distributed to the Florida
2414 Agriculture Center and Horse Park Authority created by s.
2415 570.685 ~~s. 570.952~~, which shall retain all proceeds until all
2416 startup costs for developing and establishing the plate have
2417 been recovered. Thereafter, the proceeds shall be used as
2418 follows:

2419 1. A maximum of 5 percent of the proceeds from the annual
2420 use fees may be used for the administration of the Florida Horse
2421 Park license plate program.

2422 2. A maximum of 5 percent of the proceeds may be used to
2423 promote and market the license plate.

2424 3. The remaining proceeds shall be used by the authority to
2425 promote the Florida Agriculture Center and Horse Park located in
2426 Marion County; to support continued development of the park,
2427 including the construction of additional educational facilities,
2428 barns, and other structures; to provide improvements to the
2429 existing infrastructure at the park; and to provide for
2430 operational expenses of the Florida Agriculture Center and Horse
2431 Park.

2432 Section 110. Section 373.621, Florida Statutes, is amended
2433 to read:

2434 373.621 Water conservation.—The Legislature recognizes the
2435 significant value of water conservation in the protection and
2436 efficient use of water resources. Accordingly, consideration in

575-02734-14

20141630c1

2437 the administration of ss. 373.223, 373.233, and 373.236 shall be
2438 given to applicants who implement water conservation practices
2439 pursuant to s. 570.93 ~~s. 570.085~~ or other applicable water
2440 conservation measures as determined by the department or a water
2441 management district.

2442 Section 111. Paragraph (a) of subsection (2) of section
2443 373.709, Florida Statutes, is amended to read:

2444 373.709 Regional water supply planning.—

2445 (2) Each regional water supply plan must be based on at
2446 least a 20-year planning period and must include, but need not
2447 be limited to:

2448 (a) A water supply development component for each water
2449 supply planning region identified by the district which
2450 includes:

2451 1. A quantification of the water supply needs for all
2452 existing and future reasonable-beneficial uses within the
2453 planning horizon. The level-of-certainty planning goal
2454 associated with identifying the water supply needs of existing
2455 and future reasonable-beneficial uses must be based upon meeting
2456 those needs for a 1-in-10-year drought event.

2457 a. Population projections used for determining public water
2458 supply needs must be based upon the best available data. In
2459 determining the best available data, the district shall consider
2460 the University of Florida's Bureau of Economic and Business
2461 Research (BEBR) medium population projections and population
2462 projection data and analysis submitted by a local government
2463 pursuant to the public workshop described in subsection (1) if
2464 the data and analysis support the local government's
2465 comprehensive plan. Any adjustment of or deviation from the BEBR

575-02734-14

20141630c1

2466 projections must be fully described, and the original BEBR data
2467 must be presented along with the adjusted data.

2468 b. Agricultural demand projections used for determining the
2469 needs of agricultural self-suppliers must be based upon the best
2470 available data. In determining the best available data for
2471 agricultural self-supplied water needs, the district shall
2472 consider the data indicative of future water supply demands
2473 provided by the Department of Agriculture and Consumer Services
2474 pursuant to s. 570.93 ~~s. 570.085~~ and agricultural demand
2475 projection data and analysis submitted by a local government
2476 pursuant to the public workshop described in subsection (1), if
2477 the data and analysis support the local government's
2478 comprehensive plan. Any adjustment of or deviation from the data
2479 provided by the Department of Agriculture and Consumer Services
2480 must be fully described, and the original data must be presented
2481 along with the adjusted data.

2482 2. A list of water supply development project options,
2483 including traditional and alternative water supply project
2484 options, from which local government, government-owned and
2485 privately owned utilities, regional water supply authorities,
2486 multijurisdictional water supply entities, self-suppliers, and
2487 others may choose for water supply development. In addition to
2488 projects listed by the district, such users may propose specific
2489 projects for inclusion in the list of alternative water supply
2490 projects. If such users propose a project to be listed as an
2491 alternative water supply project, the district shall determine
2492 whether it meets the goals of the plan, and, if so, it shall be
2493 included in the list. The total capacity of the projects
2494 included in the plan must exceed the needs identified in

575-02734-14

20141630c1

2495 subparagraph 1. and take into account water conservation and
2496 other demand management measures, as well as water resources
2497 constraints, including adopted minimum flows and levels and
2498 water reservations. Where the district determines it is
2499 appropriate, the plan should specifically identify the need for
2500 multijurisdictional approaches to project options that, based on
2501 planning level analysis, are appropriate to supply the intended
2502 uses and that, based on such analysis, appear to be permittable
2503 and financially and technically feasible. The list of water
2504 supply development options must contain provisions that
2505 recognize that alternative water supply options for agricultural
2506 self-suppliers are limited.

2507 3. For each project option identified in subparagraph 2.,
2508 the following must be provided:

2509 a. An estimate of the amount of water to become available
2510 through the project.

2511 b. The timeframe in which the project option should be
2512 implemented and the estimated planning-level costs for capital
2513 investment and operating and maintaining the project.

2514 c. An analysis of funding needs and sources of possible
2515 funding options. For alternative water supply projects, the
2516 water management districts shall provide funding pursuant to
2517 ~~assistance in accordance with~~ s. 373.707(8).

2518 d. Identification of the entity that should implement each
2519 project option and the current status of project implementation.

2520 Section 112. Paragraph (d) of subsection (2) of section
2521 381.0072, Florida Statutes, is amended to read:

2522 381.0072 Food service protection.—It shall be the duty of
2523 the Department of Health to adopt and enforce sanitation rules

575-02734-14

20141630c1

2524 consistent with law to ensure the protection of the public from
2525 food-borne illness. These rules shall provide the standards and
2526 requirements for the storage, preparation, serving, or display
2527 of food in food service establishments as defined in this
2528 section and which are not permitted or licensed under chapter
2529 500 or chapter 509.

2530 (2) DUTIES.—

2531 (d) The department shall inspect each food service
2532 establishment as often as necessary to ensure compliance with
2533 applicable laws and rules. The department shall have the right
2534 of entry and access to these food service establishments at any
2535 reasonable time. In inspecting food service establishments ~~as~~
2536 ~~provided~~ under this section, the department shall provide each
2537 inspected establishment with the food recovery brochure
2538 developed under s. 595.420 ~~s. 570.0725~~.

2539 Section 113. Paragraph (c) of subsection (2) of section
2540 388.46, Florida Statutes, is amended to read:

2541 388.46 Florida Coordinating Council on Mosquito Control;
2542 establishment; membership; organization; responsibilities.—

2543 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

2544 (c) *Responsibilities*.—The council shall:

2545 1. Develop and implement guidelines to assist the
2546 department in resolving disputes arising over the control of
2547 arthropods on publicly owned lands.

2548 2. Develop and recommend to the department a request for
2549 proposal process for arthropod control research.

2550 3. Identify potential funding sources for research or
2551 implementation projects and evaluate and prioritize proposals
2552 upon request by the funding source.

575-02734-14

20141630c1

2553 4. Prepare and present reports, as needed, on arthropod
2554 control activities in the state to ~~the Pesticide Review Council~~
2555 ~~and other~~ governmental organizations, as appropriate.

2556 Section 114. Paragraph (c) of subsection (2) of section
2557 472.0351, Florida Statutes, is amended to read:

2558 472.0351 Grounds for discipline; penalties; enforcement.—

2559 (2) If the board finds a surveyor or mapper guilty of any
2560 of the grounds set forth in subsection (1) or a violation of
2561 this chapter which occurred before obtaining a license, the
2562 board may enter an order imposing one or more of the following
2563 penalties:

2564 (c) Imposition of an administrative fine in the Class I
2565 category pursuant to s. 570.971 ~~not to exceed \$1,000~~ for each
2566 count or separate offense.

2567 Section 115. Subsections (1) and (2) and paragraph (a) of
2568 subsection (3) of section 472.036, Florida Statutes, are amended
2569 to read:

2570 472.036 Unlicensed practice of professional surveying and
2571 mapping; cease and desist notice; civil penalty; enforcement;
2572 citations; allocation of moneys collected.—

2573 (1) When the department has probable cause to believe that
2574 a ~~any~~ person not licensed by the department or the board has
2575 violated ~~any provision of~~ this chapter, or any rule adopted
2576 pursuant to this chapter, the department may issue and deliver
2577 to such person a notice to cease and desist from such violation.
2578 In addition, the department may issue and deliver a notice to
2579 cease and desist to a ~~any~~ person who aids and abets the
2580 unlicensed practice of surveying and mapping by employing such
2581 unlicensed person. The issuance of a notice to cease and desist

575-02734-14

20141630c1

2582 does ~~shall~~ not constitute agency action for which a hearing
2583 under ss. 120.569 and 120.57 may be sought. For the purpose of
2584 enforcing a cease and desist order, the department may file a
2585 proceeding in the name of the state seeking issuance of an
2586 injunction or a writ of mandamus against a ~~any~~ person who
2587 violates ~~any provisions of~~ such order. In addition to the
2588 foregoing remedies, the department may impose an administrative
2589 fine in the Class II category pursuant to s. 570.971 for each
2590 ~~penalty not to exceed \$5,000 per~~ incident pursuant to ~~the~~
2591 ~~provisions of~~ chapter 120 or may issue a citation pursuant to
2592 ~~the provisions of~~ subsection (3). If the department is required
2593 to seek enforcement of the order for a penalty pursuant to s.
2594 120.569, it shall be entitled to collect its attorney ~~attorney's~~
2595 fees and costs, together with any cost of collection.

2596 (2) In addition to or in lieu of any remedy provided in
2597 subsection (1), the department may seek the imposition of a
2598 civil penalty through the circuit court for any violation for
2599 which the department may issue a notice to cease and desist
2600 under subsection (1). The civil penalty shall be a fine in the
2601 Class II category pursuant to s. 570.971 ~~no less than \$500 and~~
2602 ~~no more than \$5,000~~ for each offense. The court may also award
2603 to the prevailing party court costs and reasonable attorney fees
2604 and, in the event the department prevails, may also award
2605 reasonable costs of investigation.

2606 (3) (a) Notwithstanding ~~the provisions of~~ s. 472.033, the
2607 department shall adopt rules for ~~to permit~~ the issuance of
2608 citations for unlicensed practice of a profession. The citation
2609 shall be issued to the subject and shall contain the subject's
2610 name and any other information the department determines to be

575-02734-14

20141630c1

2611 necessary to identify the subject, a brief factual statement,
2612 the sections of the law allegedly violated, and the penalty
2613 imposed. The citation must clearly state that the subject may
2614 choose, in lieu of accepting the citation, to follow the
2615 procedure under s. 472.033. If the subject disputes the matter
2616 in the citation, the procedures set forth in s. 472.033 must be
2617 followed. However, if the subject does not dispute the matter in
2618 the citation with the department within 30 days after the
2619 citation is served, the citation shall become a final order of
2620 the department upon filing with the agency clerk. The penalty
2621 shall be a fine in the Class II category pursuant to s. 570.971
2622 ~~of not less than \$500 or more than \$5,000~~ or other conditions as
2623 established by rule.

2624 Section 116. Subsection (7) of section 482.161, Florida
2625 Statutes, is amended to read:

2626 482.161 Disciplinary grounds and actions; reinstatement.—

2627 (7) The department, pursuant to chapter 120, in addition to
2628 or in lieu of any other remedy provided by state or local law,
2629 may impose an administrative fine in the Class II category
2630 pursuant to s. 570.971, ~~in an amount not exceeding \$5,000~~, for a
2631 ~~the violation of any of the provisions~~ of this chapter or of the
2632 rules adopted pursuant to this chapter. In determining the
2633 amount of fine to be levied for a violation, the following
2634 factors shall be considered:

2635 (a) The severity of the violation, including the
2636 probability that the death, or serious harm to the health or
2637 safety, of any person will result or has resulted; the severity
2638 of the actual or potential harm; and the extent to which ~~the~~
2639 ~~provisions~~ of this chapter or of the rules adopted pursuant to

575-02734-14

20141630c1

2640 this chapter were violated;

2641 (b) Any actions taken by the licensee or certified operator
2642 in charge, or limited certificateholder, to correct the
2643 violation or to remedy complaints;

2644 (c) Any previous violations of this chapter or of the rules
2645 adopted pursuant to this chapter; and

2646 (d) The cost to the department of investigating the
2647 violation.

2648 Section 117. Subsections (3) and (5) of section 482.165,
2649 Florida Statutes, are amended to read:

2650 482.165 Unlicensed practice of pest control; cease and
2651 desist order; injunction; civil suit and penalty.—

2652 (3) In addition to or in lieu of any remedy provided under
2653 subsection (2), the department may institute a civil suit in
2654 circuit court to recover a civil penalty for a any violation for
2655 which the department may issue a notice to cease and desist
2656 under subsection (2). The civil penalty shall be in Class II
2657 category pursuant to s. 570.971 ~~may not be less than \$500 or~~
2658 ~~more than \$5,000 for each offense~~. The court may also award to
2659 the prevailing party court costs and reasonable attorney
2660 ~~attorney's~~ fees.

2661 (5) In addition to or in lieu of any remedy provided under
2662 subsections (2) and (3), the department may, even in the case of
2663 a first offense, impose a fine not less than twice the cost of a
2664 pest control business license, but not more than a fine in the
2665 Class II category pursuant to s. 570.971 ~~\$5,000~~, upon a
2666 determination by the department that a person is in violation of
2667 subsection (1). For the purposes of this subsection, the lapse
2668 of a previously issued license for a period of less than 1 year

575-02734-14

20141630c1

2669 ~~is shall~~ not be considered a violation.

2670 Section 118. Subsection (6) of section 482.243, Florida
2671 Statutes, is amended to read:

2672 482.243 Pest Control Enforcement Advisory Council.—

2673 (6) The meetings, powers and duties, procedures, and
2674 recordkeeping of the council shall be pursuant to s. 570.232 ~~in~~
2675 ~~accordance with the provisions of s. 570.0705 relating to~~
2676 ~~advisory committees established within the department.~~

2677 Section 119. Subsection (3) of section 487.047, Florida
2678 Statutes, is amended to read:

2679 487.047 Nonresident license; reciprocal agreement;
2680 authorized purchase.—

2681 (3) Restricted-use pesticides may be purchased by a ~~any~~
2682 person who holds a valid applicator's license or who holds a
2683 valid purchase authorization card issued by the department or by
2684 a licensee under chapter 388 or chapter 482. A nonlicensed
2685 person may apply restricted-use pesticides under the direct
2686 supervision of a licensed applicator. An applicator's license
2687 shall be issued by the department pursuant to ~~on a form supplied~~
2688 ~~by it in accordance with the requirements of this part.~~

2689 Section 120. Subsections (2) and (3) of section 487.091,
2690 Florida Statutes, are amended to read:

2691 487.091 Tolerances, deficiencies, and penalties.—

2692 (2) If a pesticide is found by analysis to be deficient in
2693 an active ingredient beyond the tolerance as provided in this
2694 part, the registrant is subject to a penalty for the deficiency
2695 in the Class III category pursuant to s. 570.971 for each, ~~not~~
2696 ~~to exceed \$10,000 per violation.~~ However, a ~~no~~ penalty may not
2697 ~~shall~~ be assessed when the official sample was taken from a

575-02734-14

20141630c1

2698 pesticide that was in the possession of a consumer for more than
2699 45 days after ~~from~~ the date of purchase by that consumer, or
2700 when the product label specifies that the product should be used
2701 by an expiration date that has passed. Procedures for assessing
2702 penalties shall be established by rule, based on the degree of
2703 the deficiency. Penalties assessed shall be paid to the consumer
2704 or, in the absence of a known consumer, the department. If the
2705 penalty is not paid within the prescribed period ~~of time~~ as
2706 established by rule, the department may deny, suspend, or revoke
2707 the registration of any pesticide.

2708 (3) If a pesticide is found to be ineffective, it shall be
2709 deemed to be misbranded and subject to a penalty in the Class
2710 III category pursuant to s. 570.971 for each ~~as established by~~
2711 ~~rule, not to exceed \$10,000 per~~ violation.

2712 Section 121. Paragraph (e) of subsection (1) of section
2713 487.175, Florida Statutes, is amended to read:

2714 487.175 Penalties; administrative fine; injunction.-

2715 (1) In addition to any other penalty provided in this part,
2716 when the department finds any person, applicant, or licensee has
2717 violated any provision of this part or rule adopted under this
2718 part, it may enter an order imposing any one or more of the
2719 following penalties:

2720 (e) Imposition of an administrative fine in the Class III
2721 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
2722 violation. When imposing a ~~any~~ fine under this paragraph, the
2723 department shall consider the degree and extent of harm caused
2724 by the violation, the cost of rectifying the damage, the amount
2725 of money the violator benefited from by noncompliance, whether
2726 the violation was committed willfully, and the compliance record

575-02734-14

20141630c1

2727 of the violator.

2728 Section 122. Paragraph (c) of subsection (2) of section
2729 493.6118, Florida Statutes, is amended to read:

2730 493.6118 Grounds for disciplinary action.—

2731 (2) When the department finds any violation of subsection
2732 (1), it may do one or more of the following:

2733 (c) Impose an administrative fine in the Class I category
2734 pursuant to s. 570.971 ~~not to exceed \$1,000~~ for every count or
2735 separate offense.

2736 Section 123. Subsection (1) of section 496.420, Florida
2737 Statutes, is amended to read:

2738 496.420 Civil remedies and enforcement.—

2739 (1) In addition to other remedies authorized by law, the
2740 department may bring a civil action in circuit court to enforce
2741 ss. 496.401-496.424 or s. 496.426. Upon a finding that any
2742 person has violated any of these sections, a court may make any
2743 necessary order or enter a judgment including, but not limited
2744 to, a temporary or permanent injunction, a declaratory judgment,
2745 the appointment of a general or special magistrate or receiver,
2746 the sequestration of assets, the reimbursement of persons from
2747 whom contributions have been unlawfully solicited, the
2748 distribution of contributions pursuant to ~~in accordance with~~ the
2749 charitable or sponsor purpose expressed in the registration
2750 statement or pursuant to ~~in accordance with~~ the representations
2751 made to the person solicited, the reimbursement of the
2752 department for investigative costs, and attorney ~~attorney's~~ fees
2753 and costs, and any other equitable relief the court finds
2754 appropriate. Upon a finding that a ~~any~~ person has violated any
2755 provision of ss. 496.401-496.424 or s. 496.426 with actual

575-02734-14

20141630c1

2756 knowledge or knowledge fairly implied on the basis of objective
2757 circumstances, a court may enter an order imposing a civil fine
2758 in the Class III category pursuant to s. 570.971 for each
2759 ~~penalty in an amount not to exceed \$10,000 per~~ violation.

2760 Section 124. Paragraph (b) of subsection (3) of section
2761 500.70, Florida Statutes, is amended to read:

2762 500.70 Tomato food safety standards; inspections;
2763 penalties; tomato good agricultural practices; tomato best
2764 management practices.-

2765 (3)

2766 (b) The department may impose an administrative fine in the
2767 Class II category pursuant to s. 570.971 for each ~~not to exceed~~
2768 ~~\$5,000 per violation,~~ or issue a written notice or warning under
2769 s. 500.179, against a person who violates ~~any applicable~~
2770 ~~provision of~~ this section or any rule adopted under this
2771 section.

2772 Section 125. Paragraph (b) of subsection (2) of section
2773 501.612, Florida Statutes, is amended to read:

2774 501.612 Grounds for departmental action against licensure
2775 applicants or licensees.-

2776 (2) Upon a finding as set forth in subsection (1), the
2777 department may enter an order:

2778 (b) Imposing an administrative fine in the Class III
2779 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
2780 act or omission which constitutes a violation under this part.

2781 Section 126. Section 501.619, Florida Statutes, is amended
2782 to read:

2783 501.619 Civil penalties.-A ~~Any~~ person who engages in any
2784 act or practice declared in this part to be unlawful is liable

575-02734-14

20141630c1

2785 for a civil penalty in the Class III category pursuant to s.
2786 570.971 ~~of not more than \$10,000~~ for each such violation. This
2787 civil penalty may be recovered in any action brought under this
2788 part by the department, or the department may terminate any
2789 investigation or action upon agreement by the person to pay a
2790 stipulated civil penalty. The department or the court may waive
2791 any such civil penalty or other fines or costs if the person has
2792 previously made full restitution or reimbursement or has paid
2793 actual damages to the purchasers who have been injured by the
2794 unlawful act or practice.

2795 Section 127. Paragraph (b) of subsection (1) of section
2796 502.231, Florida Statutes, is amended to read:

2797 502.231 Penalty and injunction.—

2798 (1) The department may enter an order imposing one or more
2799 of the following penalties against any person who violates any
2800 provision of this chapter:

2801 (b) Imposition of an administrative fine ~~not to exceed:~~

2802 1. In the Class II category pursuant s. 570.971 for each
2803 ~~Ten thousand dollars per~~ violation in the case of a frozen
2804 dessert licensee;

2805 2. Not to exceed ten percent of the license fee or \$100,
2806 whichever is greater, for failure to report the information
2807 described in s. 502.053(3)(d); or

2808 3. In the Class I category pursuant to s. 570.971 for each
2809 ~~One thousand dollars per~~ occurrence for any other violation.

2810
2811 When imposing a fine under this paragraph, the department must
2812 consider the degree and extent of harm caused by the violation,
2813 the cost of rectifying the damage, the benefit to the violator,

575-02734-14

20141630c1

2814 whether the violation was committed willfully, and the
2815 violator's compliance record.

2816 Section 128. Subsection (1) of section 507.09, Florida
2817 Statutes, is amended to read:

2818 507.09 Administrative remedies; penalties.—

2819 (1) The department may enter an order doing one or more of
2820 the following if the department finds that a mover or moving
2821 broker, or a person employed or contracted by a mover or broker,
2822 has violated or is operating in violation of this chapter or the
2823 rules or orders issued pursuant to ~~in accordance with~~ this
2824 chapter:

2825 (a) Issuing a notice of noncompliance under s. 120.695.

2826 (b) Imposing an administrative fine in the Class II
2827 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
2828 act or omission.

2829 (c) Directing that the person cease and desist specified
2830 activities.

2831 (d) Refusing to register or revoking or suspending a
2832 registration.

2833 (e) Placing the registrant on probation ~~for a period of~~
2834 ~~time~~, subject to the conditions specified by the department.

2835 Section 129. Subsection (2) of section 507.10, Florida
2836 Statutes, is amended to read:

2837 507.10 Civil penalties; remedies.—

2838 (2) The department may seek a civil penalty in the Class II
2839 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
2840 violation of this chapter.

2841 Section 130. Paragraph (g) of subsection (2) and paragraph
2842 (c) of subsection (3) of section 509.032, Florida Statutes, are

575-02734-14

20141630c1

2843 amended to read:

2844 509.032 Duties.—

2845 (2) INSPECTION OF PREMISES.—

2846 (g) In inspecting public food service establishments, the
2847 department shall provide each inspected establishment with the
2848 food-recovery brochure developed under s. 595.420 ~~s. 570.0725~~.

2849 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE
2850 EVENTS.—The division shall:

2851 (c) Administer a public notification process for temporary
2852 food service events and distribute educational materials that
2853 address safe food storage, preparation, and service procedures.

2854 1. Sponsors of temporary food service events shall notify
2855 the division not less than 3 days before ~~prior to~~ the scheduled
2856 event of the type of food service proposed, the time and
2857 location of the event, a complete list of food service vendors
2858 participating in the event, the number of individual food
2859 service facilities each vendor will operate at the event, and
2860 the identification number of each food service vendor's current
2861 license as a public food service establishment or temporary food
2862 service event licensee. Notification may be completed orally, by
2863 telephone, in person, or in writing. A public food service
2864 establishment or food service vendor may not use this
2865 notification process to circumvent the license requirements of
2866 this chapter.

2867 2. The division shall keep a record of all notifications
2868 received for proposed temporary food service events and shall
2869 provide appropriate educational materials to the event sponsors,
2870 including the food-recovery brochure developed under s. 595.420
2871 ~~s. 570.0725~~.

575-02734-14

20141630c1

2872 3.a. A public food service establishment or other food
 2873 service vendor must obtain one of the following classes of
 2874 license from the division: an individual license, for a fee of
 2875 no more than \$105, for each temporary food service event in
 2876 which it participates; or an annual license, for a fee of no
 2877 more than \$1,000, that entitles the licensee to participate in
 2878 an unlimited number of food service events during the license
 2879 period. The division shall establish license fees, by rule, and
 2880 may limit the number of food service facilities a licensee may
 2881 operate at a particular temporary food service event under a
 2882 single license.

2883 b. Public food service establishments holding current
 2884 licenses from the division may operate under the regulations of
 2885 such a license at temporary food service events of 3 days or
 2886 less in duration.

2887 Section 131. Paragraph (a) of subsection (1) of section
 2888 525.16, Florida Statutes, is amended to read:

2889 525.16 Administrative fine; penalties; prosecution of cases
 2890 by state attorney.—

2891 (1) (a) The department may enter an order imposing one or
 2892 more of the following penalties against a any person who
 2893 ~~violates any of the provisions of this chapter or the rules~~
 2894 adopted under this chapter or impedes, obstructs, or hinders the
 2895 department in the performance of its duty in connection with ~~the~~
 2896 ~~provisions of this chapter:~~

2897 1. Issuance of a warning letter.

2898 2. Imposition of an administrative fine in the Class II
 2899 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 2900 ~~per violation for a first-time offender. For a second-time or~~

575-02734-14

20141630c1

2901 ~~repeat offender, or any person who is shown to have willfully~~
2902 ~~and intentionally violated any provision of this chapter, the~~
2903 ~~administrative fine shall not exceed \$5,000 per violation.~~ When
2904 imposing any fine under this section, the department shall
2905 consider the degree and extent of harm caused by the violation,
2906 the cost of rectifying the damage, the amount of money the
2907 violator benefited from by noncompliance, whether the violation
2908 was committed willfully, and the compliance record of the
2909 violator.

2910 3. Revocation or suspension of any registration issued by
2911 the department.

2912 Section 132. Subsection (1) of section 526.311, Florida
2913 Statutes, is amended to read:

2914 526.311 Enforcement; civil penalties; injunctive relief.—

2915 (1) A ~~Any~~ person who knowingly violates this act shall be
2916 subject to a civil penalty in the Class III category pursuant to
2917 s. 570.971 for each ~~not to exceed \$10,000 per~~ violation. Each
2918 day that a violation of this act occurs shall be considered a
2919 separate violation, but a ~~no~~ civil penalty may not ~~shall~~ exceed
2920 \$250,000. ~~Any~~ Such a person shall also be liable for attorney
2921 ~~attorney's~~ fees and shall be subject to an action for injunctive
2922 relief.

2923 Section 133. Subsection (2) of section 526.55, Florida
2924 Statutes, is amended to read:

2925 526.55 Violation and penalties.—

2926 (2) If the department finds that a person has violated or
2927 is operating in violation of ss. 526.50-526.56 or the rules or
2928 orders adopted thereunder, the department may, by order:

2929 (a) Issue a notice of noncompliance pursuant to s. 120.695;

575-02734-14

20141630c1

2930 (b) Impose an administrative fine in the Class II category
2931 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each violation;

2932 (c) Direct that the person cease and desist specified
2933 activities;

2934 (d) Revoke or suspend a registration, or refuse to register
2935 a product; or

2936 (e) Place the registrant on probation for a period of time,
2937 subject to conditions as the department may specify.

2938 Section 134. Subsection (1) of section 527.13, Florida
2939 Statutes, is amended to read:

2940 527.13 Administrative fines and warning letters.—

2941 (1) If a any person violates ~~any provision of~~ this chapter
2942 or any rule adopted under this chapter ~~pursuant thereto~~ or a
2943 cease and desist order, the department may impose civil or
2944 administrative penalties in the Class II category pursuant to s.
2945 570.971, not to exceed \$3,000 for each offense, suspend or
2946 revoke the license or qualification issued to such person, or
2947 any of the foregoing. The cost of the proceedings to enforce
2948 this chapter may be added to any penalty imposed. The department
2949 may allow the licensee a reasonable period, not to exceed 90
2950 days, within which to pay to the department the amount of the
2951 penalty so imposed. If the licensee fails to pay the penalty in
2952 its entirety to the department at its office at Tallahassee
2953 within the period so allowed, the licenses of the licensee shall
2954 stand revoked upon expiration of such period.

2955 Section 135. Subsection (1) of section 531.50, Florida
2956 Statutes, is amended to read:

2957 531.50 Administrative fine, penalties, and offenses.—

2958 (1) The department may enter an order imposing one or more

575-02734-14

20141630c1

2959 of the following penalties against a ~~any~~ person who violates ~~any~~
2960 ~~provision of~~ this chapter or rule adopted under this chapter or
2961 impedes, obstructs, or hinders the department in performing ~~the~~
2962 ~~performance of~~ its duties under ~~in connection with the~~
2963 ~~provisions of~~ this chapter:

2964 (a) Issuance of a warning letter or notice.

2965 (b) Imposition of an administrative fine in the Class II
2966 category pursuant to s. 570.971 for each of:

2967 1. ~~Up to \$1,000 for a first violation;~~

2968 2. ~~Up to \$2,500 for a second violation within 2 years after~~
2969 ~~the first violation; or~~

2970 3. ~~Up to \$5,000 for a third violation within 2 years after~~
2971 ~~the first violation.~~

2972

2973 When imposing any fine under this section, the department shall
2974 consider the degree and extent of potential harm caused by the
2975 violation, the amount of money by which the violator benefited
2976 from noncompliance, whether the violation was committed
2977 willfully, and the compliance record of the violator. All fines,
2978 monetary penalties, and costs received by the department shall
2979 be deposited in the General Inspection Trust Fund for the
2980 purpose of administering the provisions of this chapter.

2981 Section 136. Subsection (2) of section 534.52, Florida
2982 Statutes, is amended to read:

2983 534.52 Violations; refusal, suspension, revocation;
2984 penalties.—

2985 (2) In addition, or as an alternative to refusing,
2986 suspending, or revoking a license in cases involving violations,
2987 the department may impose an administrative ~~a~~ fine in the Class

575-02734-14

20141630c1

2988 I category pursuant to s. 570.971 not to exceed \$500 for the
 2989 first offense and not to exceed \$1,000 for the second or
 2990 subsequent violations. When imposed and paid, such fines shall
 2991 be deposited in the General Inspection Trust Fund.

2992 Section 137. Paragraphs (b) and (d) of subsection (7) of
 2993 section 539.001, Florida Statutes, are amended to read:

2994 539.001 The Florida Pawnbroking Act.—

2995 (7) ORDERS IMPOSING PENALTIES.—

2996 (b) Upon a finding as set forth in paragraph (a), the
 2997 agency may enter an order doing one or more of the following:

2998 1. Issuing a notice of noncompliance pursuant to s.
 2999 120.695.

3000 2. Imposing an administrative fine in the Class II category
 3001 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each act which
 3002 constitutes a violation of this section or a rule or an order.

3003 3. Directing that the pawnbroker cease and desist specified
 3004 activities.

3005 4. Refusing to license or revoking or suspending a license.

3006 5. Placing the licensee on probation ~~for a period of time,~~
 3007 subject to such conditions as the agency may specify.

3008 (d)1. When the agency, if a violation of this section
 3009 occurs, has reasonable cause to believe that a person is
 3010 operating in violation of this section, the agency may bring a
 3011 civil action in the appropriate court for temporary or permanent
 3012 injunctive relief and may seek other appropriate civil relief,
 3013 including a civil penalty in the Class II category pursuant to
 3014 s. 570.971 ~~not to exceed \$5,000 for each violation,~~ restitution
 3015 and damages for injured customers, court costs, and reasonable
 3016 attorney ~~attorney's~~ fees.

575-02734-14

20141630c1

3017 2. The agency may terminate any investigation or action
3018 upon agreement by the offender to pay a stipulated civil
3019 penalty, to make restitution or pay damages to customers, or to
3020 satisfy ~~any~~ other relief authorized herein and requested by the
3021 agency.

3022 Section 138. Paragraph (b) of subsection (4) and paragraph
3023 (a) of subsection (5) of section 559.921, Florida Statutes, are
3024 amended to read:

3025 559.921 Remedies.—

3026 (4)

3027 (b) Upon a finding as set forth in paragraph (a), the
3028 department may enter an order doing one or more of the
3029 following:

3030 1. Issuing a notice of noncompliance pursuant to s.
3031 120.695.

3032 2. Imposing an administrative fine in the Class I category
3033 pursuant to s. 570.971 ~~not to exceed \$1,000 per violation~~ for
3034 each act which constitutes a violation of this part or a rule or
3035 order.

3036 3. Directing that the motor vehicle repair shop cease and
3037 desist specified activities.

3038 4. Refusing to register or revoking or suspending a
3039 registration.

3040 5. Placing the registrant on probation ~~for a period of~~
3041 ~~time~~, subject to such conditions as the department may specify.

3042 (5) (a) The department or the state attorney, if a violation
3043 of this part occurs in his or her judicial circuit, is ~~shall be~~
3044 the enforcing authority for purposes of this part and may bring
3045 a civil action in circuit court for temporary or permanent

575-02734-14

20141630c1

3046 injunctive relief and may seek other appropriate civil relief,
3047 including a civil penalty in the Class I category pursuant to s.
3048 570.971 ~~not to exceed \$1,000~~ for each violation, restitution and
3049 damages for injured customers, court costs, and reasonable
3050 attorney ~~attorney's~~ fees.

3051 Section 139. Subsection (1) of section 559.9355, Florida
3052 Statutes, is amended to read:

3053 559.9355 Administrative remedies; penalties.—

3054 (1) The department may enter an order doing one or more of
3055 the following if the department finds that a person has violated
3056 or is operating in violation of ~~any of the provisions of this~~
3057 part or the rules or orders issued thereunder:

3058 (a) Issuing a notice of noncompliance pursuant to s.
3059 120.695.

3060 (b) Imposing an administrative fine in the Class II
3061 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
3062 act or omission.

3063 ~~(c) Imposing an administrative fine not to exceed \$10,000~~
3064 ~~for each act or omission in violation of s. 559.9335(22) or~~
3065 ~~(23).~~

3066 (c) ~~(d)~~ Directing that the person cease and desist specified
3067 activities.

3068 (d) ~~(e)~~ Refusing to register or canceling or suspending a
3069 registration.

3070 (e) ~~(f)~~ Placing the registrant on probation ~~for a period of~~
3071 ~~time~~, subject to such conditions as the department may specify.

3072 (f) ~~(g)~~ Canceling an exemption granted under s. 559.935.

3073 Section 140. Subsections (2) and (3) of section 559.936,
3074 Florida Statutes, are amended to read:

575-02734-14

20141630c1

3075 559.936 Civil penalties; remedies.—

3076 (2) The department may seek a civil penalty in the Class II
3077 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
3078 violation of this part.

3079 (3) The department may seek a civil penalty in the Class
3080 III category pursuant to s. 570.971 ~~of up to \$10,000~~ for each
3081 act or omission in violation of s. 559.9335(22) or (23).

3082 Section 141. Subsection (1) of section 571.11, Florida
3083 Statutes, is amended to read:

3084 571.11 Eggs and poultry; Seal of quality violations;
3085 administrative penalties.—

3086 (1) The Department of Agriculture and Consumer Services may
3087 impose an administrative a fine in the Class II category
3088 pursuant to s. 570.971 ~~not exceeding \$5,000~~ against any dealer,
3089 as defined ~~in~~ under s. 583.01(4), in violation of the guidelines
3090 for the Florida seal of quality for eggs or poultry programs.
3091 All fines, when imposed and paid, shall be deposited by the
3092 department into the General Inspection Trust Fund.

3093 Section 142. Subsection (2) of section 571.28, Florida
3094 Statutes, is amended to read:

3095 571.28 Florida Agricultural Promotional Campaign Advisory
3096 Council.—

3097 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
3098 meetings, powers and duties, procedures, and recordkeeping of
3099 the Florida Agricultural Promotional Campaign Advisory Council
3100 shall be pursuant to s. 570.232 ~~governed by the provisions of s.~~
3101 ~~570.0705 relating to advisory committees established within the~~
3102 ~~department.~~

3103 Section 143. Paragraph (b) of subsection (3) of section

575-02734-14

20141630c1

3104 571.29, Florida Statutes, is amended to read:

3105 571.29 Unlawful acts; administrative remedies; criminal
3106 penalties.—

3107 (3) The department may enter an order imposing one or more
3108 of the following penalties against any person who violates any
3109 of the provisions of this part or any rules adopted under this
3110 part:

3111 (b) Imposition of an administrative fine in the Class I
3112 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
3113 ~~per~~ violation for a first-time ~~first-time~~ offender. For a
3114 second-time ~~second-time~~ offender, or a ~~any~~ person who is shown
3115 to have willfully and intentionally violated ~~any provision of~~
3116 this part or any rules adopted under this part, the
3117 administrative fine shall be in the Class II category pursuant
3118 to s. 570.971 for each ~~may not exceed \$5,000 per~~ violation. The
3119 term "each ~~per~~ violation" means each incident in which a logo of
3120 the Florida Agricultural Promotional Campaign has been used,
3121 reproduced, or distributed in any manner inconsistent with ~~the~~
3122 ~~provisions of~~ this part or the rules adopted under this part.

3123

3124 The administrative proceedings that could result in the entry of
3125 an order imposing any of the penalties specified in paragraphs
3126 (a)-(c) shall be conducted in accordance with chapter 120.

3127 Section 144. Subsection (1) of section 578.181, Florida
3128 Statutes, is amended to read:

3129 578.181 Penalties; administrative fine.—

3130 (1) The department may enter an order imposing one or more
3131 of the following penalties against a ~~any~~ person who violates ~~any~~
3132 ~~of the provisions of~~ this chapter or the rules adopted under

575-02734-14

20141630c1

3133 this chapter ~~promulgated hereunder~~ or who impedes, obstructs, or
3134 ~~hinders, or otherwise prevents or attempts to prevent~~ the
3135 department in performing ~~the performance of its~~ duties under
3136 ~~duty in connection with the provisions of~~ this chapter:

3137 (a) Issuance of a warning letter.

3138 (b) Imposition of an administrative fine in the Class I
3139 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
3140 ~~per~~ occurrence after the issuance of a warning letter.

3141 (c) Revocation or suspension of the registration as a seed
3142 dealer.

3143 Section 145. Paragraph (b) of subsection (1) of section
3144 580.121, Florida Statutes, is amended to read:

3145 580.121 Penalties; duties of law enforcement officers;
3146 injunctive relief.-

3147 (1) The department may impose one or more of the following
3148 penalties against any person who violates any provision of this
3149 chapter:

3150 (b) Imposition of an administrative fine in the Class I
3151 category pursuant to s. 570.971 for each, ~~by the department, of~~
3152 ~~not more than \$1,000 per~~ occurrence.

3153
3154 However, the severity of the penalty imposed shall be
3155 commensurate with the degree of risk to human or animal safety
3156 or the level of financial harm to the consumer that is created
3157 by the violation.

3158 Section 146. Paragraph (a) of subsection (2) of section
3159 581.141, Florida Statutes, is amended to read:

3160 581.141 Certificate of registration or of inspection;
3161 revocation and suspension; fines.-

575-02734-14

20141630c1

3162 (2) FINES; PROBATION.—

3163 (a)1. The department may, after notice and hearing, impose
3164 an administrative a fine in the Class II category pursuant to s.
3165 570.971 ~~not exceeding \$5,000~~ or probation not exceeding 12
3166 months, or both, for a ~~the~~ violation of ~~any of the provisions of~~
3167 this chapter or the rules adopted under this chapter upon a ~~any~~
3168 person, nurseryman, stock dealer, agent, or plant broker. The
3169 fine, when paid, shall be deposited in the Plant Industry Trust
3170 Fund.

3171 2. The imposition of a fine or probation pursuant to this
3172 subsection may be in addition to or in lieu of the suspension or
3173 revocation of a certificate of registration or certificate of
3174 inspection.

3175 Section 147. Subsection (2) of section 581.186, Florida
3176 Statutes, is amended to read:

3177 581.186 Endangered Plant Advisory Council; organization;
3178 meetings; powers and duties.—

3179 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
3180 meetings, powers and duties, procedures, and recordkeeping of
3181 the Endangered Plant Advisory Council shall be pursuant to s.
3182 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
3183 ~~advisory committees established within the department.~~

3184 Section 148. Paragraph (a) of subsection (3) of section
3185 581.211, Florida Statutes, is amended to read:

3186 581.211 Penalties for violations.—

3187 (3) (a)1. In addition to any other ~~provision of~~ law, the
3188 department may, after notice and hearing, impose an
3189 administrative fine in the Class II category pursuant to s.
3190 570.971 ~~not exceeding \$5,000~~ for each violation of this chapter,

575-02734-14

20141630c1

3191 upon a ~~any~~ person, nurseryman, stock dealer, agent, or plant
3192 broker. The fine, when paid, shall be deposited in the Plant
3193 Industry Trust Fund. In addition, the department may place the
3194 violator on probation for up to 1 year, with conditions.

3195 2. The imposition of a fine or probation pursuant to this
3196 subsection may be in addition to or in lieu of the suspension or
3197 revocation of a certificate of registration or certificate of
3198 inspection.

3199 Section 149. Subsection (2) of section 582.06, Florida
3200 Statutes, is amended to read:

3201 582.06 Soil and Water Conservation Council; powers and
3202 duties.—

3203 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
3204 meetings, powers and duties, procedures, and recordkeeping of
3205 the Soil and Water Conservation Council shall be pursuant to s.
3206 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
3207 ~~advisory committees established within the department.~~

3208 Section 150. Subsection (1) of section 585.007, Florida
3209 Statutes, is amended to read:

3210 585.007 Violation of rules; violation of chapter.—

3211 (1) A ~~Any~~ person who violates ~~the provisions of~~ this
3212 chapter or any rule of the department shall be subject to the
3213 imposition of an administrative fine in the Class III category
3214 pursuant to s. 570.971 ~~of up to \$10,000~~ for each offense. Upon
3215 repeated violation, the department may seek enforcement pursuant
3216 to s. 120.69.

3217 Section 151. Paragraph (a) of subsection (2) of section
3218 586.15, Florida Statutes, is amended to read:

3219 586.15 Penalty for violation.—

575-02734-14

20141630c1

3220 (2) (a) The department may, after notice and hearing, impose
3221 an administrative a fine in the Class II category pursuant to s.
3222 570.971 not exceeding \$5,000 for a the violation of any of the
3223 provisions of this chapter or the rules adopted under this
3224 chapter upon any person. The fine, when paid, shall be deposited
3225 in the Plant Industry Trust Fund. The imposition of a fine
3226 pursuant to this subsection may be in addition to or in lieu of
3227 the suspension or revocation of a permit or a certificate of
3228 inspection or registration.

3229 Section 152. Subsection (3) of section 586.161, Florida
3230 Statutes, is amended to read:

3231 586.161 Honeybee Technical Council.—

3232 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
3233 meetings, powers and duties, procedures, and recordkeeping of
3234 the Honeybee Technical Council shall be pursuant to s. 570.232
3235 governed by the provisions of s. 570.0705 relating to advisory
3236 committees established within the department.

3237 Section 153. Subsection (3) of section 590.14, Florida
3238 Statutes, is amended to read:

3239 590.14 Notice of violation; penalties; legislative intent.—

3240 (3) The department may also impose an administrative fine
3241 in the Class I category pursuant to s. 570.971 for each, not to
3242 exceed \$1,000 per violation of any section of chapter 589 or
3243 this chapter or violation of any rule adopted by the Florida
3244 Forest Service to administer provisions of law conferring duties
3245 upon the Florida Forest Service. The fine shall be based upon
3246 the degree of damage, the prior violation record of the person,
3247 and whether the person knowingly provided false information to
3248 obtain an authorization. The fines shall be deposited in the

575-02734-14

20141630c1

3249 Incidental Trust Fund of the Florida Forest Service.

3250 Section 154. Subsection (2) of section 595.701, Florida
3251 Statutes, is amended to read:

3252 595.701 Healthy Schools for Healthy Lives Council.—

3253 (2) The meetings, powers, duties, procedures, and
3254 recordkeeping of the Healthy Schools for Healthy Lives Council
3255 shall be pursuant to s. 570.232 ~~governed by s. 570.0705,~~
3256 ~~relating to advisory committees established within the~~
3257 ~~department.~~

3258 Section 155. Subsection (2) of section 597.0041, Florida
3259 Statutes, is amended to read:

3260 597.0041 Prohibited acts; penalties.—

3261 (2) (a) A ~~Any~~ person who violates ~~any provision of this~~
3262 ~~chapter or any rule adopted under this chapter promulgated~~
3263 ~~hereunder~~ is subject to a suspension or revocation of his or her
3264 certificate of registration or license under this chapter. The
3265 department may, in lieu of~~7~~ or in addition to the suspension or
3266 revocation, impose on the violator an administrative fine in the
3267 Class I category pursuant to s. 570.971 for each violation, for
3268 each day the violation exists ~~in an amount not to exceed \$1,000~~
3269 ~~per violation per day.~~

3270 (b) Except as provided in subsection (4), a ~~any~~ person who
3271 violates ~~any provision of this chapter,~~ or any rule adopted
3272 under this chapter hereunder, commits a misdemeanor of the first
3273 degree, punishable as provided in s. 775.082 or s. 775.083.

3274 Section 156. Subsection (2) of section 599.002, Florida
3275 Statutes, is amended to read:

3276 599.002 Viticulture Advisory Council.—

3277 (2) The meetings, powers and duties, procedures, and

575-02734-14

20141630c1

3278 recordkeeping of the Viticulture Advisory Council shall be
3279 pursuant to s. 570.232 ~~governed by the provisions of s. 570.0705~~
3280 ~~relating to advisory committees established within the~~
3281 ~~department.~~

3282 Section 157. Section 601.67, Florida Statutes, is amended
3283 to read:

3284 601.67 Disciplinary action by Department of Agriculture
3285 against citrus fruit dealers.—

3286 (1) The Department of Agriculture may impose an
3287 administrative a fine in the Class IV category pursuant to s.
3288 570.971 not to exceed ~~exceeding~~ \$50,000 for each ~~per~~ violation
3289 against a any licensed citrus fruit dealer who violates ~~for~~
3290 ~~violation of any provision of~~ this chapter and, in lieu of~~7~~ or
3291 in addition to~~7~~ such fine, may revoke or suspend the license of
3292 ~~any~~ such a dealer when it has been satisfactorily shown that
3293 such dealer, in her or his activities as a citrus fruit dealer,
3294 has:

3295 (a) Obtained a license by means of fraud,
3296 misrepresentation, or concealment;

3297 (b) Violated or aided or abetted in the violation of any
3298 law of this state governing or applicable to citrus fruit
3299 dealers or any lawful rules of the Department of Citrus;

3300 (c) Been guilty of a crime against the laws of this or any
3301 other state or government involving moral turpitude or dishonest
3302 dealing or has become legally incompetent to contract or be
3303 contracted with;

3304 (d) Made, printed, published, distributed, or caused,
3305 authorized, or knowingly permitted the making, printing,
3306 publication, or distribution of false statements, descriptions,

575-02734-14

20141630c1

3307 or promises of such a character as to reasonably induce any
3308 person to act to her or his damage or injury, if such citrus
3309 fruit dealer then knew, or by the exercise of reasonable care
3310 and inquiry could have known, of the falsity of such statements,
3311 descriptions, or promises;

3312 (e) Knowingly committed or been a party to any material
3313 fraud, misrepresentation, concealment, conspiracy, collusion,
3314 trick, scheme, or device whereby another ~~any other~~ person
3315 lawfully relying upon the word, representation, or conduct of
3316 the citrus fruit dealer has acted to her or his injury or
3317 damage;

3318 (f) Committed any act or conduct of the same or different
3319 character than ~~of~~ that ~~hereinabove~~ enumerated which constitutes
3320 fraudulent or dishonest dealing; or

3321 (g) ~~Violated any of the provisions of ss. 506.19-506.28,~~
3322 ~~both sections inclusive.~~

3323 (2) The Department of Agriculture may impose an
3324 administrative a fine in the Class IV category pursuant to s.
3325 570.971 not to exceed ~~exceeding~~ \$100,000 for each ~~per~~ violation
3326 against a ~~any~~ person who operates as a citrus fruit dealer
3327 without a current citrus fruit dealer license issued by the
3328 Department of Agriculture pursuant to s. 601.60. In addition,
3329 the Department of Agriculture may order such person to cease and
3330 desist operating as a citrus fruit dealer without a license. An
3331 administrative order entered by the Department of Agriculture
3332 under this subsection may be enforced pursuant to s. 601.73.

3333 (3) The Department of Agriculture shall impose an
3334 administrative a fine in the Class IV category pursuant to s.
3335 570.971 not to exceed ~~of not less than \$10,000 nor more than~~

575-02734-14

20141630c1

3336 \$100,000 for each ~~per~~ violation against a ~~any~~ licensed citrus
3337 fruit dealer and shall suspend, for 60 days during the first
3338 available period between September 1 and May 31, the license of
3339 a ~~any~~ citrus fruit dealer who:

3340 (a) Falsely labels or otherwise misrepresents that a fresh
3341 citrus fruit was grown in a specific production area specified
3342 in s. 601.091; or

3343 (b) Knowingly, falsely labels or otherwise misrepresents
3344 that a processed citrus fruit product was prepared solely with
3345 citrus fruit grown in a specific production area specified in s.
3346 601.091.

3347 (4) A ~~Any~~ fine imposed pursuant to subsection (1),
3348 subsection (2), or subsection (3), when paid, shall be deposited
3349 by the Department of Agriculture into its General Inspection
3350 Trust Fund.

3351 (5) Whenever an ~~any~~ administrative order has been made and
3352 entered by the Department of Agriculture that imposes a fine
3353 pursuant to this section, such order shall specify a time limit
3354 for payment of the fine, not exceeding 15 days. The failure of
3355 the citrus fruit dealer ~~involved~~ to pay the fine within that
3356 time shall result in the immediate suspension of such citrus
3357 fruit dealer's current license, or any subsequently issued
3358 license, until ~~such time as~~ the order has been fully satisfied.
3359 An ~~Any~~ order suspending a citrus fruit dealer's license shall
3360 include a provision that the ~~such~~ suspension shall be for a
3361 specified period ~~of time~~ not to exceed 60 days, and such period
3362 of suspension may begin ~~commence~~ at any designated date within
3363 the current license period or subsequent license period.

3364 Whenever an order has been entered that suspends a citrus fruit

575-02734-14

20141630c1

3365 dealer's license for a definite period ~~of time~~ and that license,
 3366 by law, expires during the period of suspension, the suspension
 3367 order shall continue automatically and shall be effective
 3368 against any subsequent citrus fruit dealer ~~dealer's~~ license
 3369 issued to such dealer until ~~such time as~~ the entire period of
 3370 suspension has elapsed. Whenever any such administrative order
 3371 of the Department of Agriculture is sought to be reviewed by the
 3372 offending dealer involved in a court of competent jurisdiction,
 3373 if such court proceedings should finally terminate in such
 3374 administrative order being upheld or not quashed, such order
 3375 shall ~~thereupon~~, upon the filing with the Department of
 3376 Agriculture of a certified copy of the mandate or other order of
 3377 the last court having to do with the matter in the judicial
 3378 process, become immediately effective and shall then be carried
 3379 out and enforced notwithstanding such time will be during a new
 3380 and subsequent shipping season from that during which the
 3381 administrative order was first originally entered by the
 3382 Department of Agriculture.

3383 Section 158. Paragraph (a) of subsection (3) of section
 3384 604.30, Florida Statutes, is amended to read:

3385 604.30 Penalties; injunctive relief; administrative fines.-

3386 (3) (a) In addition to the penalties provided in this
 3387 section, the department may, after notice and hearing, impose an
 3388 administrative a fine in the Class II category pursuant to s.
 3389 570.971, not to exceed ~~exceeding~~ \$2,500 for a ~~the~~ violation of
 3390 ~~any of the provisions of~~ ss. 604.15-604.34 or the rules adopted
 3391 thereunder against a ~~any~~ dealer in agricultural products. ~~†~~ Such
 3392 fine, when imposed and paid, shall be deposited by the
 3393 department into the General Inspection Trust Fund.

575-02734-14

20141630c1

3394 Section 159. Paragraph (a) of subsection (19) of section
3395 616.242, Florida Statutes, is amended to read:

3396 616.242 Safety standards for amusement rides.—

3397 (19) ENFORCEMENT AND PENALTIES.—

3398 (a) The department may deny, suspend for a period not to
3399 exceed 1 year, or revoke a ~~any~~ permit or inspection certificate.
3400 In addition to denial, suspension, or revocation, the department
3401 may impose an administrative fine in the Class II category
3402 pursuant to s. 570.971, not to exceed ~~of up to~~ \$2,500 for each
3403 ~~per~~ violation, for each day the violation exists ~~per day~~,
3404 against the owner of the amusement ride if it finds that:

3405 1. An amusement ride has operated or is operating:

3406 a. With a mechanical, structural, or electrical defect that
3407 affects patron safety, of which the owner or manager has
3408 knowledge, or, through the exercise of reasonable diligence,
3409 should have knowledge;

3410 b. In a manner or circumstance that presents a risk of
3411 serious injury to patrons;

3412 c. At a speed in excess of its maximum safe operating
3413 speed;

3414 d. In violation of this section or any rule adopted under
3415 this section; or

3416 e. In violation of an ~~any~~ order of the department or order
3417 of any court; or—

3418 2. A ~~Any~~ manager in the course of his or her duties is
3419 under the influence of drugs or alcohol.

3420 Section 160. This act shall take effect July 1, 2014.