

By the Committees on Transportation; and Agriculture; and
Senator Montford

596-03275-14

20141630c2

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

596-03275-14

20141630c2

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

596-03275-14

20141630c2

59 department to issue and enforce a stop-sale, stop-use,
60 removal, or hold order for certain food-processing or
61 food storage areas; amending s. 501.019, F.S.;
62 revising the administrative fine amount for violations
63 relating to health studios; amending s. 501.059, F.S.;
64 authorizing the department to adopt rules; conforming
65 provisions to changes made by the act; amending s.
66 501.922, F.S.; revising the administrative fine amount
67 for certain violations relating to the "Antifreeze
68 Act"; transferring, renumbering, and amending s.
69 570.42, F.S., relating to the Dairy Industry Technical
70 Council; conforming a cross-reference; creating part I
71 of ch. 570, F.S., entitled "General Provisions";
72 renumbering and amending s. 570.14, F.S., relating to
73 the seal of the department; restricting the seal of
74 the department from being used without written
75 approval by the department; renumbering ss. 570.18 and
76 570.16, F.S., relating to organization of departmental
77 work and the interference with department employees,
78 respectively; amending s. 570.07, F.S.; conforming a
79 cross-reference; transferring and renumbering ss.
80 570.17 and 570.531, F.S., relating to the regulatory
81 work of the state relating to the protection of
82 agricultural interests and the Market Improvements
83 Working Capital Trust Fund, respectively; amending s.
84 570.23, F.S.; conforming a cross-reference;
85 renumbering s. 570.0705, F.S., relating to advisory
86 committees; creating part II of ch. 570, F.S.,
87 entitled "Program Services"; amending s. 570.36, F.S.;

596-03275-14

20141630c2

88 making a technical change; amending s. 570.44, F.S.;

89 revising the duties of the Division of Agricultural

90 Environmental Services; amending s. 570.45, F.S.;

91 conforming provisions to changes made by the act;

92 amending s. 570.451, F.S.; conforming a cross-

93 reference; amending ss. 570.50 and 570.51, F.S.;

94 conforming provisions to changes made by the act;

95 amending s. 570.543, F.S.; conforming a cross-

96 reference; renumbering s. 570.073, F.S., relating to

97 the Office of Agricultural Law Enforcement;

98 renumbering and amending s. 570.074, F.S.; requiring

99 the Office of Agricultural and Water Policy to enforce

100 and implement ch. 582, F.S., and rules relating to

101 soil and water conservation; creating s. 570.67, F.S.;

102 codifying the creation of the Office of Energy;

103 providing for management and specifying duties;

104 renumbering s. 570.951, F.S., relating to the Florida

105 Agriculture Center and Horse Park; renumbering and

106 amending s. 570.952, F.S., relating to the Florida

107 Agricultural Center and Horse Park Authority;

108 conforming provisions to changes made by the act;

109 deleting obsolete provisions; renumbering s. 570.953,

110 F.S., relating to the identity of donors to the

111 Florida Agriculture Center and Horse Park Authority;

112 renumbering and amending s. 570.902, F.S., relating to

113 definitions; conforming provisions to changes made by

114 the act; renumbering ss. 570.903, 570.901, and 570.91,

115 F.S., relating to direct-support organizations, the

116 Florida Agricultural Museum, and Florida agriculture

596-03275-14

20141630c2

117 in the classroom, respectively; creating part III of
118 ch. 570, F.S., entitled "Agricultural Development";
119 amending s. 570.71, F.S.; authorizing the department
120 to use certain funds for administrative and operating
121 expenses related to appraisals, mapping, title
122 process, personnel, and other real estate expenses;
123 renumbering s. 570.241, F.S., relating to the
124 Agricultural Economic Development Act; renumbering and
125 amending s. 570.242, F.S., relating to the
126 Agricultural Economic Development Act; removing the
127 definition of the terms "commissioner" and
128 "department"; renumbering ss. 570.243, 570.244,
129 570.245, 570.246, F.S., relating to the Agricultural
130 Economic Development Program, the powers of the
131 department, interaction with other economic
132 development agencies and groups, and agricultural
133 economic development funding, respectively;
134 renumbering and amending s. 570.247, F.S., relating to
135 certain department rules; deleting obsolete
136 provisions; renumbering ss. 570.248 and 570.249, F.S.,
137 relating to the Agricultural Economic Development and
138 Project Review Committee and disaster loans and grants
139 and aid, respectively; renumbering and amending s.
140 570.9135, F.S., relating to the Beef Market
141 Development Act; conforming cross-references; making
142 technical changes; renumbering ss. 570.954 and 570.96,
143 F.S., relating to the farm-to-fuel initiative and
144 agritourism, respectively; renumbering and amending s.
145 570.961, F.S., relating to definitions; conforming

596-03275-14

20141630c2

146 cross-references; renumbering s. 570.962, F.S.,
147 relating to agritourism participation impact on land
148 classification; renumbering and amending s. 570.963,
149 F.S., relating to liability; conforming a cross-
150 reference; renumbering and amending s. 570.964, F.S.,
151 relating to posting and notification requirements for
152 agritourism operators; conforming provisions to
153 changes made by the act; creating part IV of ch. 570,
154 F.S., entitled "Agricultural Water Policy";
155 renumbering s. 570.075, F.S., relating to water supply
156 agreements; renumbering and amending s. 570.076, F.S.,
157 relating to Environmental Stewardship Certification;
158 conforming a cross-reference; renumbering ss. 570.085
159 and 570.087, F.S., relating to agricultural water
160 conservation and agricultural water supply planning
161 and best management practices for wildlife,
162 respectively; creating part V of ch. 570, F.S.,
163 entitled "Penalties"; creating s. 570.971, F.S.;
164 providing administrative fines and civil penalties;
165 authorizing the department to refuse to issue or renew
166 a license, permit, authorization, certificate, or
167 registration under certain circumstances; authorizing
168 the department to adopt rules; amending s. 576.021,
169 F.S.; updating terminology; authorizing applications
170 for registration for specialty fertilizers to be
171 submitted using the department's website; making
172 technical changes; amending s. 576.031, F.S.; revising
173 labeling requirements for distribution of fertilizer
174 in bulk; amending s. 576.041, F.S.; removing surety

596-03275-14

20141630c2

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

596-03275-14

20141630c2

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

596-03275-14

20141630c2

233 commissioners and the school board; amending s.
234 589.011, F.S.; providing conditions under which the
235 Florida Forest Service is authorized to grant use of
236 certain lands; providing criteria by which the Florida
237 Forest Service determines certain fees, rentals, and
238 charges; amending s. 589.20, F.S.; authorizing the
239 Florida Forest Service to cooperate with water
240 management districts, municipalities, and other
241 governmental entities; amending s. 590.02, F.S.;
242 renaming the Florida Center for Wildfire and Forest
243 Resources Management Training as the Withlacoochee
244 Training Center; making technical changes; amending s.
245 590.125, F.S.; providing that new authorization is not
246 required for smoldering that occurs within the
247 authorized burn area unless new ignitions are
248 conducted by certain persons; providing that
249 monitoring the smoldering activity of a burn does not
250 require an additional authorization; transferring and
251 renumbering s. 570.0725, F.S., relating to food
252 recovery; amending s. 597.003, F.S.; amending the
253 powers and duties of the department to include
254 providing training as necessary to lessees of certain
255 lands for aquaculture use; amending s. 597.004, F.S.;
256 requiring an applicant for an aquaculture certificate
257 to submit a certificate of training if required;
258 amending s. 597.020, F.S.; authorizing the department
259 to adopt training requirements for shellfish
260 processors by rule; transferring and renumbering ss.
261 570.481 and 570.55, F.S., relating to food recovery,

596-03275-14

20141630c2

262 fruit and vegetable inspection fees, and
263 identification of sellers or handlers of tropical or
264 subtropical fruit and vegetables, respectively;
265 amending s. 604.16, F.S.; providing an exemption for
266 certain dealers in agricultural products from certain
267 requirements; amending s. 604.22, F.S.; revising
268 certain penalties for dealers in agricultural
269 products; repealing s. 487.172, F.S., relating to an
270 educational program for organotin compounds in
271 antifouling paints; repealing ss. 500.301, 500.302,
272 500.303, 500.304, 500.305, 500.306, F.S., relating to
273 the standards of enrichment, sales, enforcement, and
274 inspection of certain grain products; repealing s.
275 500.601, F.S., relating to the retail sale of meat;
276 repealing s. 570.345, F.S., relating to the Pest
277 Control Compact; repealing s. 570.542, F.S., relating
278 to the Florida Consumer Services Act; repealing s.
279 570.72, F.S., relating to a definition; repealing s.
280 570.92, F.S., relating to an equestrian educational
281 sports program; repealing s. 589.081, F.S., relating
282 to the Withlacoochee State Forest and Goethe State
283 Forest; repealing s. 590.091, F.S., relating to the
284 designation of railroad rights-of-way as wildfire
285 hazard areas; amending ss. 193.461, 253.74, 288.1175,
286 320.08058, 373.621, 373.709, 381.0072, 388.46,
287 472.0351, 472.036, 482.161, 482.165, 482.243, 487.047,
288 487.091, 487.175, 493.6118, 496.420, 500.70, 501.612,
289 501.619, 502.231, 507.09, 507.10, 509.032, 525.16,
290 526.311, 526.55, 527.13, 531.50, 534.52, 539.001,

596-03275-14

20141630c2

291 559.921, 559.9355, 559.936, 571.11, 571.28, 571.29,
292 578.181, 580.121, 581.141, 581.186, 581.211, 582.06,
293 585.007, 586.15, 586.161, 590.14, 595.701, 597.0041,
294 599.002, 601.67, 604.30, 616.242, F.S.; conforming
295 provisions to changes made by the act; providing an
296 effective date.

297

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

299

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

302 282.709 State agency law enforcement radio system and
303 interoperability network.—

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

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

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

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

319 3. A representative of the Department of Law Enforcement

596-03275-14

20141630c2

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

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

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

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

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

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

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

338 377.805 ~~570.0741~~ Energy efficiency and conservation
339 clearinghouse.—The Office of Energy within the Department of
340 Agriculture and Consumer Services, in consultation with the
341 Public Service Commission, the Florida Building Commission, and
342 the Florida Energy Systems Consortium, shall develop a
343 clearinghouse of information regarding cost savings associated
344 with various energy efficiency and conservation measures. The
345 Department of Agriculture and Consumer Services shall post the
346 information on its website ~~by July 1, 2013~~.

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

596-03275-14

20141630c2

349 379.361 Licenses.—

350 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

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

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

370 487.041 Registration.—

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

373 (d) Require a registrant to continue the registration of a
374 brand of pesticide that remains on retailers' shelves in the
375 state unless the department receives the registrant's written
376 notification that it is discontinuing the distribution of the
377 brand of pesticide and the registrant then maintains the

596-03275-14

20141630c2

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

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

390 487.046 Application; licensure.—

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

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

399 487.048 Dealer's license; records.—

400 (1) Each person holding or offering for sale, selling, or
401 distributing restricted-use pesticides must ~~shall~~ obtain a
402 dealer's license from the department. An application for a ~~the~~
403 license shall be filed with the department by using ~~made on~~ a
404 form prescribed by the department or by using the department's
405 website. The license must be obtained before entering into
406 business or transferring ownership of a business. The department

596-03275-14

20141630c2

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

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

422 487.159 Damage or injury to property, animal, or person;
423 mandatory report of damage or injury; ~~time for filing; failure~~
424 ~~to file.~~-

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

596-03275-14

20141630c2

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

443 ~~(1)(2) A~~ It is the duty of any licensee shall to report
444 unreasonable adverse effects on the environment or damage to
445 property or injury to human beings, animals, plants, or other
446 property ~~a person~~ as the result of the application of a
447 restricted-use pesticide by the licensee or by an applicator or
448 mixer-loader under the licensee's direct supervision, if and
449 when the licensee has knowledge of such damage or injury. ~~It is~~
450 ~~also the express intent of this section to require all~~
451 Physicians shall to report all pesticide-related illnesses or
452 injuries to the nearest county health department, which shall
453 will notify the department so that the department may establish
454 a pesticide incident monitoring system within the Division of
455 Agricultural Environmental Services.

456 ~~(2)(3)~~ When damage or injury to human beings, animals,
457 plants, or other property as the result of the application of a
458 restricted-use pesticide is alleged to have been done, the
459 person claiming such damage or injury claimant shall allow
460 permit the licensee and the licensee's representatives to
461 observe within a reasonable amount of time ~~hours~~ the alleged
462 damage or injury in order that the damage or injury may be
463 examined. The failure of the person claiming such damage or
464 injury claimant to allow permit observation and examination of

596-03275-14

20141630c2

465 the alleged damage or injury shall automatically bar the claim
466 against the licensee.

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

469 487.160 Records.—Licensed private applicators, supervising
470 ~~15 or more unlicensed applicators or mixer-loaders~~ and licensed
471 public applicators, and licensed commercial applicators shall
472 maintain records as the department may determine by rule with
473 respect to the application of restricted pesticides, including,
474 but not limited to, the type and quantity of pesticide, method
475 of application, crop treated, and dates and location of
476 application. ~~Other licensed private applicators shall maintain~~
477 ~~records as the department may determine by rule with respect to~~
478 ~~the date, type, and quantity of restricted-use pesticides used.~~
479 Licensees shall keep records for a ~~period of 2 years~~ from the
480 date of the application of the pesticide to which the records
481 refer, and ~~shall~~ furnish to the department a copy of the records
482 upon written request by the department.

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

486 487.2031 Definitions.—For the purposes of this part, the
487 term:

488 (8) ~~(7)~~ "Material Safety data sheet" means written,
489 electronic, or printed material concerning an agricultural
490 pesticide that sets forth the following information:

491 (a) The chemical name and the common name of the
492 agricultural pesticide.

493 (b) The hazards or other risks in the use of the

596-03275-14

20141630c2

494 agricultural pesticide, including:

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

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

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

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

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

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

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

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

520 487.2051 Availability of agricultural pesticide information
521 to workers and medical personnel.—

522 (1) An agricultural employer shall make available

596-03275-14

20141630c2

523 agricultural pesticide information concerning any agricultural
524 pesticide to a ~~any~~ worker:

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

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

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

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

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

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

596-03275-14

20141630c2

552 ~~fact sheet~~ from the distributor, the manufacturer, the
553 department, a federal agency, or another distribution source.

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

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

566 493.6120 Violations; penalty.—

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

574 (5) A person who violates or disregards a cease and desist
575 order issued by the department commits a misdemeanor of the
576 first degree, punishable as provided in s. 775.082 or s.
577 775.083. In addition, the department may seek the imposition of
578 a civil penalty in the Class II category pursuant to s. 570.971
579 ~~not to exceed \$5,000.~~

580 Section 12. Section 570.545, Florida Statutes, is

596-03275-14

20141630c2

581 transferred and renumbered as section 501.0113, Florida
582 Statutes.

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

585 500.03 Definitions; construction; applicability.-

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

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

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

601 500.12 Food permits; building permits.-

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

605 1. Persons operating minor food outlets, ~~including, but not~~
606 ~~limited to, video stores,~~ that sell food that is commercially
607 prepackaged, not potentially hazardous, and not time or
608 temperature controlled for safety if, ~~nonpotentially hazardous~~
609 ~~candy, chewing gum, soda, or popcorn,~~ provided the shelf space

596-03275-14

20141630c2

610 for those items does not exceed 12 total ~~linear~~ feet and no
611 other food is sold by the minor food outlet.

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

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

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

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

596-03275-14

20141630c2

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

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

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

655 500.121 Disciplinary procedures.-

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

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

667 (b) Violated, or aided or abetted in the violation of, any

596-03275-14

20141630c2

668 law of this state or department rule relating governing or
669 applicable to retail food stores or food establishments ~~or any~~
670 ~~lawful rules of the department.~~

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

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

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

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

691 (7) The department may determine that a food establishment
692 regulated under this chapter requires immediate closure when the
693 food establishment fails to comply with this chapter or rules
694 adopted under this chapter and presents an imminent threat to
695 the public health, safety, and welfare. The department may
696 accept inspection results from other state and local building

596-03275-14

20141630c2

697 officials and other regulatory agencies as justification for
698 such action. The department shall, upon such a determination,
699 issue an immediate final order to close a food establishment as
700 follows:

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

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

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

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

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

596-03275-14

20141630c2

726 sanctions for violations of this paragraph.

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

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

731 500.147 Inspection of food establishments, food records,
732 and vehicles.-

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

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

749 500.165 Transporting shipments of food items; rules;
750 penalty.-

751 (3) A Any person who violates subsection (1) or the rules
752 adopted under subsection (2) is subject to an administrative
753 fine in the class III category pursuant to s. 570.971 for each
754 ~~not to exceed \$50,000 per~~ violation. In addition, a any person

596-03275-14

20141630c2

755 who violates subsection (1) commits ~~is guilty of~~ a misdemeanor
756 of the first degree, punishable as provided in s. 775.082 or s.
757 775.083.

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

760 500.172 Embargoing, detaining, destroying of food, ~~or~~ food-
761 processing equipment, food-processing areas, or food storage
762 areas that are ~~is~~ in violation.-

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

781 (2) If an article, or processing equipment, processing
782 area, or storage area detained or embargoed under subsection (1)
783 has been found by the department to be in violation of law or

596-03275-14

20141630c2

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

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

596-03275-14

20141630c2

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

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

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

832 501.019 Health studios; penalties.—

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

840 (4)

841 (b) Upon a finding as set forth in paragraph (a), the

596-03275-14

20141630c2

842 department may enter an order doing one or more of the
843 following:

844 1. Issuing a notice of noncompliance pursuant to s.
845 120.695.

846 2. For a violation of s. 501.015 or s. 501.016, imposing an
847 administrative fine in the Class II category pursuant to s.
848 570.971 for each ~~not to exceed \$5,000 per~~ violation.

849 ~~3. For a violation of s. 501.013, s. 501.017, or s.~~
850 ~~501.018, imposing an administrative fine not to exceed \$500 per~~
851 ~~violation.~~

852 3.4. Directing that the health studio cease and desist
853 specified activities.

854 4.5. Refusing to register or revoking or suspending a
855 registration.

856 5.6. Placing the registrant on probation for a period of 5
857 years, subject to such conditions as the department may specify
858 by rule.

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

862 501.059 Telephone solicitation.—

863 (9) (a) The department shall investigate any complaints
864 received concerning violations of this section. If, after
865 investigating a ~~any~~ complaint, the department finds that there
866 has been a violation of this section, the department or the
867 Department of Legal Affairs may bring an action to impose a
868 civil penalty and to seek other relief, including injunctive
869 relief, as the court deems appropriate against the telephone
870 solicitor. The civil penalty shall be in the Class III category

596-03275-14

20141630c2

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

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

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

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

895 501.922 Violation.—

896 (1) The department may enter an order imposing one or more
897 of the following penalties against any person who violates ss.
898 501.91-501.923 or who impedes, obstructs, or hinders the
899 department in performing its duties under those sections:

596-03275-14

20141630c2

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

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

909 502.301 ~~570.42~~ Dairy Industry Technical Council.—

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

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

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

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

927 (d) Two distributors of milk. "Distributor" means any milk
928 dealer who operates a milk gathering station or processing plant

596-03275-14

20141630c2

929 where milk is collected and bottled or otherwise processed and
930 prepared for sale. The commissioner shall appoint the two
931 members ~~provided for in this paragraph~~ from no fewer than four
932 nor more than six nominees submitted by the recognized statewide
933 organizations representing this group. In the absence of
934 nominations, the commissioner shall appoint other persons
935 qualified under ~~the provisions of~~ this paragraph.

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

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

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

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

950 570.031 ~~570.14~~ Seal of department.—The department shall
951 have an official seal which shall be used for the authentication
952 of the orders and proceedings of the department and for such
953 other purposes as the department may prescribe. Use of the seal
954 or any likeness thereof requires written approval of the
955 department.

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

596-03275-14

20141630c2

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

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

962 570.07 Department of Agriculture and Consumer Services;
963 functions, powers, and duties.—The department shall have and
964 exercise the following functions, powers, and duties:

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

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

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

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

978 570.23 State Agricultural Advisory Council.—

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

981 (d) ~~On or after January 15, 1988,~~ Alternates shall be
982 appointed for each member and shall serve as alternates for the
983 remainder of the corresponding members' terms. As terms of
984 current members expire, members and their alternates shall be
985 appointed for 4-year terms and shall serve until their
986 successors are duly qualified and appointed. A vacancy shall be

596-03275-14

20141630c2

987 filled for the remainder of an unexpired term in the same manner
988 as an initial appointment.

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

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

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

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

1001 570.36 Division of Animal Industry; powers and duties.—The
1002 duties of the Division of Animal Industry include, but are not
1003 limited to:

1004 (5) Operating and managing the animal disease diagnostic
1005 laboratory ~~laboratories~~ provided for in chapter 585.

1006 Section 34. Subsections (3) and (4) of section 570.44,
1007 Florida Statutes, are amended to read:

1008 570.44 Division of Agricultural Environmental Services;
1009 powers and duties.—The duties of the Division of Agricultural
1010 Environmental Services include, but are not limited to:

1011 (3) ~~Supporting the Pesticide Review Council and Reviewing~~
1012 ~~and evaluating technical and scientific data associated with the~~
1013 ~~production, manufacture, storage, transportation, sale, or use~~
1014 ~~of any article or product with respect to any statutory~~
1015 ~~authority which is conferred on the department. The department~~

596-03275-14

20141630c2

1016 ~~may is authorized to~~ establish positions within the division for
1017 the employment of experts in the fields of toxicology,
1018 hydrology, and biology to conduct such reviews and evaluations
1019 ~~and may. The department is also authorized to~~ establish
1020 appropriate clerical support positions to implement the duties
1021 and responsibilities of the division.

1022 ~~(4) Enforcing and implementing the responsibilities of~~
1023 ~~chapter 582, and the rules relating to soil and water~~
1024 ~~conservation.~~

1025 Section 35. Subsection (2) of section 570.45, Florida
1026 Statutes, is amended to read:

1027 570.45 Director; duties.—

1028 (2) The director shall supervise, direct, and coordinate
1029 the activities of the division and enforce ~~the provisions of~~
1030 chapters 388, 482, 487, 501, 504, 531, 570, 576, 578, and 580,
1031 ~~and 582~~ and any other chapter necessary to carry out the
1032 responsibilities of the division.

1033 Section 36. Paragraph (d) of subsection (3) of section
1034 570.451, Florida Statutes, is amended to read:

1035 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
1036 Council.—

1037 (3)

1038 (d) The meetings, powers and duties, procedures, and
1039 recordkeeping of the council shall be pursuant to s. 570.232 in
1040 ~~accordance with the provisions of s. 570.0705 relating to~~
1041 ~~advisory committees established within the department.~~

1042 Section 37. Subsections (2) and (3) of section 570.50,
1043 Florida Statutes, are amended to read:

1044 570.50 Division of Food Safety; powers and duties.—The

596-03275-14

20141630c2

1045 duties of the Division of Food Safety include, but are not
1046 limited to:

1047 (2) Conducting those general inspection activities relating
1048 to food and food products being processed, held, or offered for
1049 sale in this state and enforcing those provisions of chapters
1050 500, 501, 502, 531, 583, 585, 586, 597, and 601 relating to
1051 foods as authorized by the department.

1052 (3) Analyzing samples of foods offered for sale in this
1053 state as required under chapters 500, 501, 502, 585, 586, 597,
1054 and 601.

1055 Section 38. Subsection (2) of section 570.51, Florida
1056 Statutes, is amended to read:

1057 570.51 Director; qualifications; duties.—

1058 (2) The director shall supervise, direct, and coordinate
1059 the activities of the division and enforce the provisions of
1060 chapters 500, 501, 502, 531, 583, 585, 597, and 601 and any
1061 other chapter necessary to carry out the responsibilities of the
1062 division.

1063 Section 39. Subsection (2) of section 570.543, Florida
1064 Statutes, is amended to read:

1065 570.543 Florida Consumers' Council.—The Florida Consumers'
1066 Council in the department is created to advise and assist the
1067 department in carrying out its duties.

1068 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1069 meetings, powers and duties, procedures, and recordkeeping of
1070 the Florida Consumers' Council shall be pursuant to s. 570.232
1071 ~~governed by the provisions of s. 570.0705 relating to advisory~~
1072 ~~committees established within the department.~~ The council
1073 members or chair may call no more than two meetings.

596-03275-14

20141630c2

1074 Section 40. Section 570.073, Florida Statutes, is
1075 renumbered as section 570.65, Florida Statutes.

1076 Section 41. Section 570.074, Florida Statutes, is
1077 renumbered as section 570.66, Florida Statutes, and amended to
1078 read:

1079 570.66 ~~570.074~~ Department of Agriculture and Consumer
1080 Services; Water Policy.—The commissioner may create an Office of
1081 Agricultural Water Policy under the supervision of a senior
1082 manager exempt under s. 110.205 in the Senior Management
1083 Service. The commissioner may designate the bureaus and
1084 positions in the various organizational divisions of the
1085 department that report to the ~~this~~ office relating to any matter
1086 over which the department has jurisdiction in matters relating
1087 to water policy affecting agriculture, application of such
1088 policies, and coordination of such matters with state and
1089 federal agencies. The office shall enforce and implement chapter
1090 582 and rules relating to soil and water conservation.

1091 Section 42. Section 570.67, Florida Statutes, is created to
1092 read:

1093 570.67 Office of Energy.—The Office of Energy is created
1094 within the department. The office shall be under the supervision
1095 of a senior manager, appointed by the commissioner, exempt under
1096 s. 110.205 in the Senior Management Service. The duties of the
1097 office must include, but are not limited to, administering and
1098 enforcing parts II and III of chapter 377, the rules adopted
1099 under those parts, and any other duties authorized by the
1100 commissioner.

1101 Section 43. Section 570.951, Florida Statutes, is
1102 renumbered as section 570.681, Florida Statutes.

596-03275-14

20141630c2

1103 Section 44. Section 570.952, Florida Statutes, is
1104 renumbered as section 570.685, Florida Statutes, and amended to
1105 read:

1106 570.685 ~~570.952~~ Florida Agriculture Center and Horse Park
1107 Authority.—

1108 (1) There is created within the Department of Agriculture
1109 and Consumer Services the Florida Agriculture Center and Horse
1110 Park Authority which shall be governed by this section and s.
1111 570.691 ~~s. 570.903~~.

1112 (2) The authority shall be composed of 21 members appointed
1113 by the commissioner.

1114 (a) Initially, the commissioner shall appoint 11 members
1115 for 4-year terms and 10 members for 2-year terms. Thereafter,
1116 each member shall be appointed for a term of 4 years from the
1117 date of appointment, except that a vacancy shall be filled by
1118 appointment for the remainder of the term.

1119 (b) A ~~Any~~ member of the authority who fails to attend three
1120 consecutive authority meetings without good cause shall be
1121 deemed to have resigned from the authority.

1122 ~~(c) Terms for members appointed prior to July 1, 2005,~~
1123 ~~shall expire on July 1, 2005.~~

1124 (3) The Florida Agriculture Center and Horse Park Authority
1125 shall ~~have the power and duty to:~~

1126 (a) Appoint, with approval from the commissioner, an
1127 executive director for the Florida Agriculture Center and Horse
1128 Park.

1129 (b) Establish rules of procedure for conducting its
1130 meetings and approving matters before the authority pursuant to
1131 s. 570.691 ~~that are consistent with s. 570.903.~~

596-03275-14

20141630c2

1132 (c) Develop, document, and implement strategies for the
1133 planning, construction, and operation of the Florida Agriculture
1134 Center and Horse Park.

1135 (d) Advise and consult with the commissioner on matters
1136 related to the Florida Agriculture Center and Horse Park.

1137 (e) Consider all matters submitted to the authority by the
1138 commissioner.

1139 (4) The authority shall meet at least semiannually and
1140 elect a chair ~~chairperson~~, a vice chair ~~chairperson~~, and a
1141 secretary for 1-year terms.

1142 (a) The authority shall meet at the call of its chair
1143 ~~chairperson~~, at the request of a majority of its membership, at
1144 the request of the commissioner, or at such times as may be
1145 prescribed by its rules of procedure.

1146 (b) The department shall be responsible for providing
1147 administrative and staff support services relating to the
1148 meetings of the authority and shall provide suitable space in
1149 the offices of the department for the meetings and the storage
1150 of records of the authority.

1151 (c) In conducting its meetings, the authority shall use
1152 accepted rules of procedure. The secretary shall keep a complete
1153 record of the proceedings of each meeting, which record shall
1154 show the names of the members present and the actions taken.
1155 These records shall be kept on file with the department, and
1156 such records and other documents regarding matters within the
1157 jurisdiction of the authority shall be subject to inspection by
1158 members of the authority.

1159 Section 45. Section 570.953, Florida Statutes, is
1160 renumbered as section 570.686, Florida Statutes.

596-03275-14

20141630c2

1161 Section 46. Section 570.902, Florida Statutes, is
1162 renumbered as section 570.69, Florida Statutes, and amended to
1163 read:

1164 570.69 ~~570.902~~ Definitions; ~~ss. 570.902 and 570.903.~~—For
1165 the purpose of this section and s. 570.691 ~~s. 570.903~~:

1166 (1) "Designated program" means the departmental program
1167 which a direct-support organization has been created to support.

1168 (2) "Direct-support organization" or "organization" means
1169 an organization which is a Florida corporation not for profit
1170 incorporated under ~~the provisions of~~ chapter 617 and approved by
1171 the department to operate for the benefit of a museum or a
1172 designated program.

1173 (3) "Museum" means the Florida Agricultural Museum which is
1174 designated as the museum for agriculture and rural history of
1175 the State of Florida.

1176 Section 47. Section 570.903, Florida Statutes, is
1177 renumbered as section 570.691, Florida Statutes.

1178 Section 48. Section 570.901, Florida Statutes, is
1179 renumbered as section 570.692, Florida Statutes.

1180 Section 49. Section 570.91, Florida Statutes, is renumbered
1181 as section 570.693, Florida Statutes.

1182 Section 50. Part III of chapter 570, Florida Statutes,
1183 consisting of ss. 570.70-570.89, Florida Statutes, is created
1184 and entitled "Agricultural Development."

1185 Section 51. Subsections (2) and (12) of section 570.71,
1186 Florida Statutes, are amended to read:

1187 570.71 Conservation easements and agreements.—

1188 (2) To achieve the purposes of this section act, ~~beginning~~
1189 ~~no sooner than July 1, 2002, and every year thereafter,~~ the

596-03275-14

20141630c2

1190 department may accept applications for project proposals to
 1191 ~~that~~:

1192 (a) Purchase conservation easements, as defined in s.
 1193 704.06.

1194 (b) Purchase rural-lands-protection easements pursuant to
 1195 this section ~~act~~.

1196 (c) Fund resource conservation agreements pursuant to this
 1197 section ~~act~~.

1198 (d) Fund agricultural protection agreements pursuant to
 1199 this section ~~act~~.

1200 (12) The department may ~~is authorized to~~ use funds from the
 1201 following sources to implement this section ~~act~~:

1202 (a) State funds;

1203 (b) Federal funds;

1204 (c) Other governmental entities;

1205 (d) Nongovernmental organizations; or

1206 (e) Private individuals.

1207

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

1214 Section 52. Section 570.241, Florida Statutes, is
 1215 transferred and renumbered as section 570.73, Florida Statutes.

1216 Section 53. Section 570.242, Florida Statutes, is
 1217 renumbered as section 570.74, and amended to read:

1218 570.74 ~~570.242~~ Definitions relating to Agricultural

596-03275-14

20141630c2

1219 Economic Development Act.—For purposes of this act, the term
1220 ~~following terms shall have the following meanings:~~

1221 (1) "Agriculturally depressed area" means a rural area that
1222 ~~which~~ has declining profitability from agricultural enterprises
1223 and one or more of the following characteristics:

1224 (a) A stable or declining population.

1225 (b) A stable or declining real per capita income.

1226 (c) A traditional economy based on agriculture or
1227 extraction of solid minerals.

1228 (d) A low ad valorem tax base.

1229 (e) A need for agribusiness and leadership training.

1230 (f) Crop losses or economic depression resulting from a
1231 natural disaster or socioeconomic conditions or events that
1232 ~~which~~ negatively impact a crop.

1233 (2) "Assistance" means financial or nonfinancial assistance
1234 issued pursuant to ~~the provisions of~~ this act.

1235 ~~(3) "Commissioner" means the Commissioner of Agriculture.~~

1236 ~~(4) "Department" means the Department of Agriculture and
1237 Consumer Services.~~

1238 (3)~~(5)~~ "Financial assistance" means the providing of funds
1239 to an agribusiness.

1240 (4)~~(6)~~ "Nonfinancial assistance" means the providing of
1241 personnel to work with an agribusiness to establish an
1242 infrastructure, including, but not limited to, the development
1243 of an accounting system, management procedures, and a marketing
1244 plan. Nonfinancial assistance includes ~~shall also include~~ the
1245 providing of equipment.

1246 Section 54. Section 570.243, Florida Statutes, is
1247 renumbered as section 570.75, Florida Statutes.

596-03275-14

20141630c2

1248 Section 55. Section 570.244, Florida Statutes, is
1249 renumbered as section 570.76, Florida Statutes.

1250 Section 56. Section 570.245, Florida Statutes, is
1251 renumbered as section 570.77, Florida Statutes.

1252 Section 57. Section 570.246, Florida Statutes, is
1253 renumbered as section 570.78, Florida Statutes.

1254 Section 58. Section 570.247, Florida Statutes, is
1255 renumbered as section 570.79, Florida Statutes, and amended to
1256 read:

1257 570.79 ~~570.247~~ Adoption ~~Promulgation~~ of rules.—~~In~~
1258 ~~conjunction with funds specifically appropriated for the~~
1259 ~~purposes specified in this act,~~ The department shall adopt ~~begin~~
1260 ~~to promulgate rules no later than January 1, 1992, pursuant to~~
1261 ~~s. 120.54,~~ pertaining to:

1262 (1) Formal notification procedures for the availability of
1263 assistance, including publication in the Florida Administrative
1264 Register pursuant to s. 120.55.

1265 (2) Written evaluation criteria for selecting project
1266 proposals to receive assistance. The criteria for eligibility of
1267 assistance shall include a written business plan delineating the
1268 economic viability of the proposed project, including the
1269 financial commitment by project participants and a schedule for
1270 repayment of agricultural economic development funds.

1271 (3) Procedures for repayment of financial assistance by an
1272 assisted agribusiness into the General Inspection Trust Fund
1273 within the department. Repayment of financial assistance shall
1274 be based upon a percentage of future profits until repayment is
1275 complete.

1276 (4) Funding procedures for projects eligible for

596-03275-14

20141630c2

1277 assistance. These procedures shall include the amount of
1278 funding, the limits and requirements for the objects of
1279 expenditure, and the duration of assistance.

1280 (5) Other subject matter pertaining to the implementation
1281 of this act.

1282 Section 59. Section 570.248, Florida Statutes, is
1283 renumbered as section 570.81, Florida Statutes.

1284 Section 60. Section 570.249, Florida Statutes, is
1285 renumbered as section 570.82, Florida Statutes.

1286 Section 61. Section 570.9135, Florida Statutes, is
1287 renumbered as section 570.83, Florida Statutes, and subsection
1288 (6) of that section is amended, to read:

1289 570.83 ~~570.9135~~ Beef Market Development Act; definitions;
1290 Florida Beef Council, Inc., creation, purposes, governing board,
1291 powers, and duties; referendum on assessments imposed on gross
1292 receipts from cattle sales; payments to organizations for
1293 services; collecting and refunding assessments; vote on
1294 continuing the act; council bylaws.—

1295 (6) REFERENDUM ON ASSESSMENTS.—All producers in this state
1296 shall have the opportunity to vote in a referendum to determine
1297 whether the council shall be authorized to impose an assessment
1298 of not more than \$1 per head on cattle sold in the state. The
1299 referendum shall pose the question: "Do you approve of an
1300 assessment program, up to \$1 per head of cattle pursuant to
1301 section 570.83 ~~section 570.9135~~, Florida Statutes, to be funded
1302 through specific contributions that are mandatory and refundable
1303 upon request?"

1304 (a) A referendum held under this section must be conducted
1305 by secret ballot at extension offices of the Institute of Food

596-03275-14

20141630c2

1306 and Agricultural Sciences of the University of Florida or at
1307 offices of the United States Department of Agriculture with the
1308 cooperation of the department.

1309 (b) Notice of a referendum to be held under this act must
1310 be given at least once in trade publications, the public press,
1311 and statewide newspapers at least 30 days before the referendum
1312 is held.

1313 (c) Additional referenda may be held to authorize the
1314 council to increase the assessment to more than \$1 per head of
1315 cattle. Such referendum shall pose the question: "Do you approve
1316 of granting the Florida Beef Council, Inc., authority to
1317 increase the per-head-of-cattle assessment pursuant to section
1318 570.83 ~~section 570.9135~~, Florida Statutes, from ... (present
1319 rate)... to up to a maximum of ... (proposed rate)... per head?"
1320 Referenda may not be held more often than once every 3 years.

1321 (d) Each cattle producer is entitled to only one vote in a
1322 referendum held under this section ~~act~~. Proof of identification
1323 and cattle ownership must be presented before voting.

1324 (e) A simple majority of those casting ballots determines
1325 ~~shall determine~~ any issue that requires a referendum under this
1326 section ~~act~~.

1327 Section 62. Section 570.954, Florida Statutes, is
1328 renumbered as section 570.841, Florida Statutes.

1329 Section 63. Section 570.96, Florida Statutes, is renumbered
1330 as section 570.85, Florida Statutes.

1331 Section 64. Section 570.961, Florida Statutes, is
1332 renumbered as section 570.86, Florida Statutes, and amended to
1333 read:

1334 570.86 ~~570.961~~ Definitions.—As used in ss. 570.85-570.89

596-03275-14

20141630c2

1335 570.96-570.964, the term:

1336 (1) "Agritourism activity" means any agricultural related
1337 activity consistent with a bona fide farm or ranch or in a
1338 working forest which allows members of the general public, for
1339 recreational, entertainment, or educational purposes, to view or
1340 enjoy activities, including farming, ranching, historical,
1341 cultural, or harvest-your-own activities and attractions. An
1342 agritourism activity does not include the construction of new or
1343 additional structures or facilities intended primarily to house,
1344 shelter, transport, or otherwise accommodate members of the
1345 general public. An activity is an agritourism activity
1346 regardless of whether ~~or not~~ the participant paid to participate
1347 in the activity.

1348 (2) "Agritourism operator" means a ~~any~~ person who is
1349 engaged in the business of providing one or more agritourism
1350 activities, whether for compensation or not for compensation.

1351 (3) "Farm" means the land, buildings, support facilities,
1352 machinery, and other appurtenances used in the production of
1353 farm or aquaculture products, including land used to display
1354 plants, animals, farm products, or farm equipment to the public.

1355 (4) "Farm operation" has the same meaning as ~~defined~~ in s.
1356 823.14.

1357 (5) "Inherent risks of agritourism activity" means those
1358 dangers or conditions that are an integral part of an
1359 agritourism activity including certain hazards, such as surface
1360 and subsurface conditions; natural conditions of land,
1361 vegetation, and waters; the behavior of wild or domestic
1362 animals; and the ordinary dangers of structures or equipment
1363 ordinarily used in farming and ranching operations. The term

596-03275-14

20141630c2

1364 also includes the potential of a participant to act in a
1365 negligent manner that may contribute to the injury of the
1366 participant or others, including failing to follow the
1367 instructions given by the agritourism operator or failing to
1368 exercise reasonable caution while engaging in the agritourism
1369 activity.

1370 Section 65. Section 570.962, Florida Statutes, is
1371 renumbered as section 570.87, Florida Statutes.

1372 Section 66. Section 570.963, Florida Statutes, is
1373 renumbered as section 570.88, Florida Statutes, and subsection
1374 (1) of that section is amended, to read:

1375 570.88 ~~570.963~~ Liability.—

1376 (1) Except as provided in subsection (2), an agritourism
1377 operator, his or her employer or employee, or the owner of the
1378 underlying land on which the agritourism occurs is not liable
1379 for injury or death of, or damage or loss to, a participant
1380 resulting from the inherent risks of agritourism activities if
1381 the notice of risk required under s. 570.89 ~~s. 570.964~~ is posted
1382 as required. Except as provided in subsection (2), a
1383 participant, or a participant's representative, may not maintain
1384 an action against or recover from an agritourism operator, his
1385 or her employer or employee, or the owner of the underlying land
1386 on which the agritourism occurs for the injury or death of, or
1387 damage or loss to, an agritourism participant resulting
1388 exclusively from any of the inherent risks of agritourism
1389 activities.

1390 Section 67. Section 570.964, Florida Statutes, is
1391 renumbered as section 570.89, Florida Statutes, and subsection
1392 (3) of that section is amended, to read:

596-03275-14

20141630c2

1393 570.89 ~~570.964~~ Posting and notification.—

1394 (3) Failure to comply with ~~the requirements of this section~~
1395 ~~subsection~~ prevents an agritourism operator, his or her employer
1396 or employee, or the owner of the underlying land on which the
1397 agritourism occurs from invoking the privileges of immunity
1398 provided by this section.

1399 Section 68. Part IV of chapter 570, Florida Statutes,
1400 consisting of ss. 570.916-570.94, Florida Statutes, is created
1401 and entitled "Agricultural Water Policy."

1402 Section 69. Section 570.075, Florida Statutes, is
1403 renumbered as section 570.916, Florida Statutes.

1404 Section 70. Section 570.076, Florida Statutes, is
1405 renumbered as section 570.921, Florida Statutes, and paragraph
1406 (c) of subsection (2) of that section is amended to read:

1407 570.921 ~~570.076~~ Environmental Stewardship Certification
1408 Program.—The department may, by rule, establish the
1409 Environmental Stewardship Certification Program consistent with
1410 this section. A rule adopted under this section must be
1411 developed in consultation with state universities, agricultural
1412 organizations, and other interested parties.

1413 (2) The department shall provide an agricultural
1414 certification under this program for implementation of one or
1415 more of the following criteria:

1416 (c) Best management practices adopted by rule pursuant to
1417 s. 403.067(7)(c) or s. 570.93(1)(b) ~~s. 570.085(1)(b)~~.

1418 Section 71. Section 570.085, Florida Statutes, is
1419 renumbered as section 570.93, Florida Statutes.

1420 Section 72. Section 570.087, Florida Statutes, is
1421 renumbered as section 570.94, Florida Statutes.

596-03275-14

20141630c2

1422 Section 73. Part V of chapter 570, Florida Statutes,
1423 consisting of s. 570.971, Florida Statutes, is created and
1424 entitled "Penalties."

1425 Section 74. Section 570.971, Florida Statutes, is created
1426 to read:

1427 570.971 Penalties; administrative and civil.—

1428 (1) The department or enforcing authority may impose the
1429 following fine amount for the class category specified in the
1430 chapter or section of law violated:

1431 (a) Class I.—For each violation in the Class I category, a
1432 fine not to exceed \$1,000 may be imposed.

1433 (b) Class II.—For each violation in the Class II category,
1434 a fine not to exceed \$5,000 may be imposed.

1435 (c) Class III.—For each violation in the Class III
1436 category, a fine not to exceed \$10,000 may be imposed.

1437 (d) Class IV.—For each violation in the Class IV category,
1438 a fine of \$10,000 or more may be imposed.

1439 (2) (a) This section does not supersede a chapter or section
1440 of law or rule that limits the total fine amount that may be
1441 imposed for a violation.

1442 (b) The class categories under this section also apply to
1443 penalties provided by rule.

1444 (c) The penalties under this section are in addition to any
1445 other remedy provided by law.

1446 (3) A person who violates this chapter or any rule adopted
1447 under this chapter is subject to an administrative or civil fine
1448 in the Class II category in addition to any other penalty
1449 provided by law.

1450 (4) The department may refuse to issue or renew any

596-03275-14

20141630c2

1451 license, permit, authorization, certificate, or registration to
1452 a person who has not satisfied a penalty imposed by the
1453 department.

1454 (5) The department may adopt rules to implement this
1455 section or any section that references this section.

1456 Section 75. Subsection (1) and paragraph (a) of subsection
1457 (2) of section 576.021, Florida Statutes, are amended to read:

1458 576.021 Registration and licensing.—

1459 (1) A company the ~~person whose name and address of which~~
1460 appears upon a label and which ~~who~~ guarantees a fertilizer may
1461 not distribute that fertilizer to a nonlicensee until a license
1462 to distribute has been obtained by the company ~~that person~~ from
1463 the department upon payment of a \$100 fee. All licenses shall
1464 expire on June 30 each year. An application for license shall
1465 include the following information:

1466 (a) The name and address of the applicant.

1467 (b) The name and address of the distribution point. The
1468 name and address shown on the license shall be shown on all
1469 labels, pertinent invoices, and storage facilities for
1470 fertilizer distributed by the licensee in this state.

1471 (2) (a) A company the name and address of which appear upon
1472 a label and which guarantees a fertilizer ~~person~~ may not
1473 distribute a specialty fertilizer in this state until it is
1474 registered with the department ~~by the licensee whose name~~
1475 ~~appears on the label~~. An application for registration of each
1476 brand and grade of specialty fertilizer shall be filed with the
1477 department by using ~~made on~~ a form prescribed ~~furnished~~ by the
1478 department or by using the department's website and shall be
1479 accompanied by an annual fee of \$100 for each specialty

596-03275-14

20141630c2

1480 fertilizer that is registered. All specialty fertilizer
1481 registrations expire June 30 each year. All licensing and
1482 registration fees paid to the department under this section
1483 shall be deposited into the State Treasury to be placed in the
1484 General Inspection Trust Fund to be used for the sole purpose of
1485 funding the fertilizer inspection program.

1486 Section 76. Subsection (2) of section 576.031, Florida
1487 Statutes, is amended to read:

1488 576.031 Labeling.—

1489 (2) If distributed in bulk, two ~~five~~ labels containing the
1490 information required in paragraphs (1)(a)-(f) shall accompany
1491 delivery and be supplied to the purchaser at time of delivery
1492 with the delivery ticket, which shall show the certified net
1493 weight.

1494 Section 77. Subsections (3), (4), (6), and (7) of section
1495 576.041, Florida Statutes, are amended to read:

1496 576.041 Inspection fees; records; ~~bond~~.—

1497 (3) In addition to any other penalty provided by this
1498 chapter, a ~~any~~ licensee who fails to timely pay the inspection
1499 ~~tonnage~~ fee shall be assessed a penalty of 1.5 percent for each
1500 month or part of a month that the fee or portion of the fee is
1501 not paid.

1502 (4) If the report is not filed and the inspection fee is
1503 not paid on the date due or if the report of tonnage is false,
1504 the amount of the inspection fee due is subject to a penalty of
1505 10 percent or \$25, whichever is greater. ~~The penalty shall be~~
1506 ~~added to the inspection fee due and constitutes a debt and~~
1507 ~~becomes a claim and lien against the surety bond or certificate~~
1508 ~~of deposit required by this chapter.~~

596-03275-14

20141630c2

1509 ~~(6) In order to guarantee faithful performance of the~~
1510 ~~provisions of subsection (2), the applicant for license shall~~
1511 ~~post with the department a surety bond, or assign a certificate~~
1512 ~~of deposit, in an amount required by rule of the department to~~
1513 ~~cover fees for any reporting period. The amount shall not be~~
1514 ~~less than \$1,000. The surety bond shall be executed by a~~
1515 ~~corporate surety company authorized to do business in this~~
1516 ~~state. The certificate of deposit shall be issued by any~~
1517 ~~recognized financial institution doing business in the United~~
1518 ~~States. The department shall establish, by rule, whether an~~
1519 ~~annual or continuous surety bond or certificate of deposit will~~
1520 ~~be required and shall approve each surety bond or certificate of~~
1521 ~~deposit before acceptance. The department shall examine and~~
1522 ~~approve as to sufficiency all such bonds and certificates of~~
1523 ~~deposit before acceptance. When the licensee ceases operation,~~
1524 ~~said bond or certificate of deposit shall be returned, provided~~
1525 ~~there are no outstanding fees due and payable.~~

1526 (6)~~(7)~~ In order to obtain information that will facilitate
1527 the collection of inspection fees and serve other useful
1528 purposes relating to fertilizer, the department may, by rule,
1529 require licensees, manufacturers, registrants, and dealers to
1530 report movements of fertilizer.

1531 Section 78. Subsection (3) of section 576.051, Florida
1532 Statutes, is amended to read:

1533 576.051 Inspection, sampling, analysis.—

1534 (3) The official analysis shall be made from the official
1535 sample. The department, before making the official analysis,
1536 shall take a sufficient portion from the official sample for
1537 check analysis and place that portion in a bottle sealed and

596-03275-14

20141630c2

1538 identified by number, date, and the preparer's initials. The
1539 official check sample shall be kept until the analysis of the
1540 official sample is completed. However, the licensee may obtain
1541 upon request a portion of the official check sample. Upon
1542 completion of the analysis of the official sample, a true copy
1543 of the fertilizer analysis report shall be mailed to the
1544 licensee of the fertilizer from whom the official sample was
1545 taken and to the dealer or agent, if any, and purchaser, if
1546 known. This fertilizer analysis report shall show all
1547 determinations of plant nutrients ~~nutrient~~ and pesticides. If
1548 the official analysis conforms with ~~the provisions of this~~
1549 section law, the official check sample may be destroyed. If the
1550 official analysis does not conform with ~~the provisions of this~~
1551 section law, the official check sample shall be retained for 60
1552 ~~a period of 90 days after~~ from the date of the fertilizer
1553 analysis report of the official sample. If, within that time,
1554 the licensee of the fertilizer from whom the official sample was
1555 taken, upon receipt of the fertilizer analysis report, makes
1556 written demand for analysis of the official check sample by a
1557 referee chemist, a portion of the official check sample
1558 sufficient for analysis shall be sent to a referee chemist who
1559 is mutually acceptable to the department and the licensee for
1560 analysis at the expense of the licensee. The referee chemist,
1561 upon completion of the analysis, shall forward to the department
1562 and to the licensee a fertilizer analysis report bearing a
1563 proper identification mark or number, † and the fertilizer
1564 analysis report shall be verified by an affidavit of the person
1565 making the analysis. If the results reported on the fertilizer
1566 analysis report agree within the matching criteria defined in

596-03275-14

20141630c2

1567 department rule with the department's analysis on each element
1568 for which analysis was made, the mean average of the two
1569 analyses shall be accepted as final and binding on all
1570 concerned. However, if the referee's fertilizer analysis report
1571 results do not agree within the matching criteria defined in
1572 department rule with the department's analysis in any one or
1573 more elements for which an analysis was made, upon demand of
1574 either the department or the licensee from whom the official
1575 sample was taken, a portion of the official check sample
1576 sufficient for analysis shall be submitted to a second referee
1577 chemist who is mutually acceptable to the department and to the
1578 licensee from whom the official sample was taken, at the expense
1579 of the party or parties requesting the referee analysis. If no
1580 demand is made for an analysis by a second referee chemist, the
1581 department's fertilizer analysis report shall be accepted as
1582 final and binding on all concerned. The second referee chemist,
1583 upon completion of the analysis, shall make a fertilizer
1584 analysis report as provided in this subsection for the first
1585 referee chemist. The mean average of the two analyses nearest in
1586 conformity to each other shall be accepted as final and binding
1587 on all concerned.

1588 Section 79. Subsections (4) and (5) of section 576.061,
1589 Florida Statutes, are amended to read:

1590 576.061 Plant nutrient investigational allowances,
1591 deficiencies, and penalties.—

1592 ~~(4) When it is determined by the department that a~~
1593 ~~fertilizer has been distributed without being licensed or~~
1594 ~~registered, or without labeling, the department shall require~~
1595 ~~the licensee to pay a penalty in the amount of \$100. The~~

596-03275-14

20141630c2

1596 ~~proceeds from any penalty payments shall be deposited by the~~
1597 ~~department in the General Inspection Trust Fund to be used for~~
1598 ~~the sole purpose of funding the fertilizer inspection program.~~

1599 (4)~~(5)~~ The department may enter an order imposing one or
1600 more of the following penalties against a ~~any~~ person who
1601 violates ~~any of the provisions of~~ this chapter or the rules
1602 adopted under this chapter hereunder or who impedes, obstructs,
1603 or hinders ~~shall impede, obstruct, hinder, or otherwise prevent~~
1604 ~~or attempt to prevent~~ the department in performing the
1605 ~~performance of its duties under duty in connection with the~~
1606 ~~provisions of~~ this chapter:

1607 (a) Issuance of a warning letter.

1608 (b) Imposition of an administrative fine in the Class I
1609 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
1610 ~~per~~ occurrence after the issuance of a warning letter.

1611 (c) Cancellation, revocation, or suspension of any license
1612 issued by the department.

1613 Section 80. Section 576.071, Florida Statutes, is amended
1614 to read:

1615 576.071 Commercial value.—The commercial value used in
1616 assessing penalties for a ~~any~~ deficiency shall be determined by
1617 surveying the fertilizer industry in the state and using
1618 annualized plant nutrient values contained in one or more
1619 generally recognized journals.

1620 Section 81. Subsections (3) and (4) of section 576.087,
1621 Florida Statutes, are amended to read:

1622 576.087 Antisiphon requirements for irrigation systems.—
1623 ~~(3) The department shall establish specific requirements~~
1624 ~~for antisiphon devices.~~

596-03275-14

20141630c2

1625 ~~(4) Any governmental agency which requires antisiphon~~
1626 ~~devices on irrigation systems used for the application of~~
1627 ~~fertilizer shall use the specific antisiphon device requirements~~
1628 ~~adopted by the department.~~

1629 Section 82. Section 576.101, Florida Statutes, is amended
1630 to read:

1631 576.101 Cancellation, revocation, and suspension;
1632 ~~probationary status.~~

1633 ~~(1) The department may deny, suspend, or revoke a~~ any
1634 ~~license issued by the department for a~~ any ~~violation of the~~
1635 ~~provisions of this chapter, the rules adopted~~ under this chapter
1636 ~~thereunder, or any lawful order of the department.~~

1637 ~~(2) The department may place any licensee on a probationary~~
1638 ~~status when the deficiency levels of samples taken from that~~
1639 ~~licensee do not meet minimum performance levels established by~~
1640 ~~statute within the investigational allowances provided in s.~~
1641 ~~576.061.~~

1642 Section 83. Subsection (1) of section 578.08, Florida
1643 Statutes, is amended to read:

1644 578.08 Registrations.—

1645 (1) Every person, except as provided in subsection (4) and
1646 s. 578.14, before selling, distributing for sale, offering for
1647 sale, exposing for sale, handling for sale, or soliciting orders
1648 for the purchase of an ~~any~~ agricultural, vegetable, flower, or
1649 forest tree seed, or mixture thereof, shall first register with
1650 the department as a seed dealer. ~~The application for~~
1651 ~~registration shall include the name and location of each place~~
1652 ~~of business at which the seed is sold, distributed for sale,~~
1653 ~~offered for sale, exposed for sale, or handled for sale. The~~

596-03275-14

20141630c2

1654 application for registration shall be filed with the department
 1655 by using a form prescribed by the department or by using the
 1656 department's website and shall be accompanied by an annual
 1657 registration fee for each such place of business based on the
 1658 gross receipts from the sale of such seed for the last preceding
 1659 license year as follows:

1660 (a) 1. Receipts of less than \$500, a fee of.....\$10.

1661 2. Receipts of \$500 or more but less than \$1,000, a fee
 1662 of.....\$25.

1663 3.1. Receipts of \$1,000 or more but less than \$2,500
 1664 \$2,500.01, a fee of.....\$100.

1665 4.2. Receipts of ~~more than~~ \$2,500 or more but ~~and~~ less than
 1666 \$5,000 \$5,000.01, a fee of.....\$200.

1667 5.3. Receipts of ~~more than~~ \$5,000 or more but ~~and~~ less than
 1668 \$10,000 \$10,000.01, a fee of.....\$350.

1669 6.4. Receipts of ~~more than~~ \$10,000 or more but ~~and~~ less
 1670 than \$20,000 \$20,000.01, a fee of.....\$800.

1671 7.5. Receipts of ~~more than~~ \$20,000 or more but ~~and~~ less
 1672 than \$40,000 \$40,000.01, a fee of.....\$1,000.

1673 8.6. Receipts of ~~more than~~ \$40,000 or more but ~~and~~ less
 1674 than \$70,000 \$70,000.01, a fee of.....\$1,200.

1675 9.7. Receipts of ~~more than~~ \$70,000 or more but ~~and~~ less
 1676 than \$150,000 \$150,000.01, a fee of.....\$1,600.

1677 10.8. Receipts of ~~more than~~ \$150,000 or more but ~~and~~ less
 1678 than \$400,000 \$400,000.01, a fee of.....\$2,400.

1679 11.9. Receipts of ~~more than~~ \$400,000 or more, a fee
 1680 of.....\$4,600.

1681 (b) For places of business not previously in operation, the
 1682 fee shall be based on anticipated receipts for the first license

596-03275-14

20141630c2

1683 year.

1684 Section 84. Paragraph (g) of subsection (2) of section
1685 580.036, Florida Statutes, is amended to read:

1686 580.036 Powers and duties.—

1687 (2) The department is authorized to adopt rules pursuant to
1688 ss. 120.536(1) and 120.54 to enforce the provisions of this
1689 chapter. These rules shall be consistent with the rules and
1690 standards of the United States Food and Drug Administration and
1691 the United States Department of Agriculture, when applicable,
1692 and shall include:

1693 (g) Establishing standards for the sale, use, and
1694 distribution of commercial feed or feedstuff to ensure usage
1695 that is consistent with animal safety and well-being and, to the
1696 extent that meat, poultry, and other animal products for human
1697 consumption may be affected by commercial feed or feedstuff, to
1698 ensure that these products are safe for human consumption. Such
1699 standards, if adopted, must be developed in consultation with
1700 the Agricultural Feed, Seed, and Fertilizer Advisory Council
1701 created under s. 570.451.

1702 Section 85. Paragraphs (a), (b), and (d) of subsection (1)
1703 of section 580.041, Florida Statutes, are amended to read:

1704 580.041 Master registration; fee; refusal or cancellation
1705 of registration; reporting.—

1706 (1) (a) Each distributor of commercial feed must annually
1707 obtain a master registration before her or his brands are
1708 distributed in this state. Upon initial registration, ~~The~~
1709 ~~department shall furnish the registration forms requiring the~~
1710 ~~distributor shall agree to state that the distributor will~~
1711 comply with ~~all provisions of~~ this chapter and applicable rules.

596-03275-14

20141630c2

1712 ~~The registration form shall identify the manufacturer's or~~
 1713 ~~guarantor's name and place of business and the location of each~~
 1714 ~~manufacturing facility in the state and shall be signed by the~~
 1715 ~~owner; by a partner, if a partnership; or by an authorized~~
 1716 ~~officer or agent, if a corporation.~~ All registrations expire on
 1717 June 30 of each year.

1718 (b) The application for registration form shall be filed
 1719 with the department by using a form prescribed by the department
 1720 or by using the department's website and shall be accompanied by
 1721 a fee ~~that shall be~~ based on tons of feed distributed in this
 1722 state during the previous year. If a distributor has been in
 1723 business less than 1 year, the tonnage shall be estimated by the
 1724 distributor for the first year and based on actual tonnage
 1725 thereafter. These fees shall be as follows:

SALES IN TONS	FEE
Zero, up to and including 25.....	\$40
More than 25, up to and including 50.....	\$75
More than 50, up to and including 100.....	\$150
More than 100, up to and including 300.....	\$375
More than 300, up to and including 600.....	\$600
More than 600, up to and including 1,000.....	\$900
More than 1,000, up to and including 2,000.....	\$1,250
More than 2,000, up to and including 5,000.....	\$2,000
More than 5,000.....	\$3,500

1740 (d) The department shall provide ~~mail~~ a copy of the master

596-03275-14

20141630c2

1741 registration to the registrant to signify that administrative
1742 requirements have been met.

1743 Section 86. Subsection (1) of section 580.071, Florida
1744 Statutes, is amended to read:

1745 580.071 Adulteration.—No person shall distribute an
1746 adulterated commercial feed or feedstuff. A commercial feed or
1747 feedstuff shall be deemed to be adulterated:

1748 (1) (a) If it bears or contains any poisonous, deleterious,
1749 or nonnutritive substance that may render it injurious to animal
1750 or human health. However, if the substance is not an additive,
1751 the feed shall not be considered adulterated if the quantity of
1752 the substance does not ordinarily render it injurious to animal
1753 or human health;

1754 (b) If it bears or contains any food additive or added
1755 poisonous, deleterious, or nonnutritive substance that is unsafe
1756 within the meaning of s. 406 of the Federal Food, Drug, and
1757 Cosmetic Act, other than a pesticide chemical in or on a raw
1758 agricultural commodity;

1759 (c) If it is, or it bears or contains, any food additive or
1760 color additive that is unsafe within the meaning of s. 409 or s.
1761 512 of the Federal Food, Drug, and Cosmetic Act, respectively;

1762 (d) If it is a raw agricultural commodity and it bears or
1763 contains a pesticide chemical that is unsafe within the meaning
1764 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act;
1765 however, if ~~where~~ a pesticide chemical has been used in or on a
1766 raw agricultural commodity in conformity with an exemption
1767 granted or a tolerance prescribed under s. 408 of the Federal
1768 Food, Drug, and Cosmetic Act and that raw agricultural commodity
1769 has been subjected to processing such as canning, cooking,

596-03275-14

20141630c2

1770 freezing, dehydrating, or milling, the processed feed will
1771 result, or is likely to result, in pesticide residue in the
1772 edible product of the animal which is unsafe within the meaning
1773 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act; ~~or~~

1774 (e) If it is, or it bears or contains, a ~~any~~ new animal
1775 drug that is unsafe within the meaning of s. 512 of the Federal
1776 Food, Drug, and Cosmetic Act; ~~-~~

1777 (f) If it consists, in whole or in part, of a filthy,
1778 putrid, or decomposed substance, or if it is otherwise unfit for
1779 feed;

1780 (g) If it is prepared, packaged, or held under unsanitary
1781 conditions whereby it may have become contaminated with filth,
1782 or may have been rendered injurious to health; or

1783 (h) If it is, in whole or in part, the product of a
1784 diseased animal or of an animal that died by a means other than
1785 slaughter which is unsafe within the meaning of s. 402(a)(1) or
1786 (2) of the Federal Food, Drug, and Cosmetic Act.

1787 Section 87. Subsection (5) of section 581.091, Florida
1788 Statutes, is amended to read:

1789 581.091 Noxious weeds and infected plants or regulated
1790 articles; sale or distribution; receipt; information to
1791 department; withholding information.-

1792 (5) (a) Notwithstanding any other ~~provision of state law or~~
1793 rule, a person may obtain a special permit from the department
1794 to plant *Casuarina cunninghamiana* as a windbreak for a
1795 commercial citrus grove if ~~provided~~ the plants are produced in
1796 an authorized registered nursery and certified by the department
1797 as being vegetatively propagated from male plants. ~~A "commercial~~
1798 ~~citrus grove" means a contiguous planting of 100 or more citrus~~

596-03275-14

20141630c2

1799 ~~trees where citrus fruit is produced for sale.~~

1800 ~~(b) For a 5-year period, special permits authorizing a~~
1801 ~~person to plant *Casuarina cunninghamiana* shall be issued only as~~
1802 ~~part of a pilot program for fresh fruit groves in areas of~~
1803 ~~Indian River, St. Lucie, and Martin Counties where citrus canker~~
1804 ~~is determined by the department to be widespread. The pilot~~
1805 ~~program shall be reevaluated annually, and a comprehensive~~
1806 ~~review shall be conducted in 2013. The purpose of the annual and~~
1807 ~~5-year reviews is to determine if the use of *Casuarina*~~
1808 ~~*cunninghamiana* as an agricultural pest and disease windbreak~~
1809 ~~poses any adverse environmental consequences. At the end of the~~
1810 ~~5-year pilot program, if the Noxious Weed and Invasive Plant~~
1811 ~~Review Committee, created by the department, and the Department~~
1812 ~~of Environmental Protection, in consultation with a~~
1813 ~~representative of the citrus industry who has a *Casuarina*~~
1814 ~~*cunninghamiana* windbreak, determine that the potential is low~~
1815 ~~for adverse environmental impacts from planting *Casuarina*~~
1816 ~~*cunninghamiana* as windbreaks, the department may, by rule, allow~~
1817 ~~the use of *Casuarina cunninghamiana* windbreaks for commercial~~
1818 ~~citrus groves in other areas of the state. If it is determined~~
1819 ~~at the end of the 5-year pilot program that additional time is~~
1820 ~~needed to further evaluate *Casuarina cunninghamiana*, the~~
1821 ~~department will remain the lead agency.~~

1822 ~~(b)(e)~~ Each application for a special permit must ~~shall~~ be
1823 accompanied by a fee in an amount determined by ~~the~~ department,
1824 by rule, not to exceed \$500. A special permit is ~~shall be~~
1825 required for each noncontiguous commercial citrus grove and
1826 shall be renewed every 5 years. The property owner shall
1827 maintain and produce ~~is responsible for maintaining and~~

596-03275-14

20141630c2

1828 ~~producing~~ for inspection the original nursery invoice with
1829 certification documentation. If ownership of the property is
1830 transferred, the seller shall ~~must~~ notify the department and
1831 provide the buyer with a copy of the special permit and copies
1832 of all invoices and certification documentation before ~~prior to~~
1833 the closing of the sale.

1834 (c) ~~(d)~~ Each application must ~~shall~~ include a baseline
1835 survey of all lands within 500 feet of the proposed *Casuarina*
1836 *cunninghamiana* windbreak showing the location and identifying
1837 the identification to ~~species of all~~ existing *Casuarina spp.*

1838 (d) ~~(e)~~ Nurseries authorized to produce *Casuarina*
1839 *cunninghamiana* shall ~~must~~ obtain a special permit from the
1840 department certifying that the plants have been vegetatively
1841 propagated from sexually mature male source trees currently
1842 grown in the state. The importation of *Casuarina cunninghamiana*
1843 from any area outside the state for use ~~to be used~~ as a
1844 propagation source tree is prohibited. Each male source tree
1845 must be registered by the department as being a horticulturally
1846 true-to-type male plant and be labeled with a source tree
1847 registration number. Each nursery application for a special
1848 permit must ~~shall~~ be accompanied by a fee in an amount
1849 determined by ~~the~~ department, ~~by~~ rule, not to exceed \$200.
1850 Special permits shall be renewed annually. The department shall,
1851 by rule, set the amount of an annual fee, not to exceed \$50, for
1852 each *Casuarina cunninghamiana* registered as a source tree.
1853 ~~Nurseries may only sell *Casuarina cunninghamiana* to a person~~
1854 ~~with a special permit as specified in paragraphs (a) and (b).~~
1855 The source tree registration numbers of the parent plants must
1856 be documented on each invoice or other certification

596-03275-14

20141630c2

1857 documentation provided to the buyer.

1858 (e)~~(f)~~ All *Casuarina cunninghamiana* shall ~~must~~ be destroyed
1859 by the property owner within 6 months after:

1860 1. The property owner takes permanent action to no longer
1861 use the site for commercial citrus production;

1862 2. The site has not been used for commercial citrus
1863 production for a period of 5 years; or

1864 3. The department determines that the *Casuarina*
1865 *cunninghamiana* on the site has become invasive. This
1866 determination shall be based on, but not limited to, the
1867 recommendation of the Noxious Weed and Invasive Plant Review
1868 Committee and the Department of Environmental Protection and
1869 made in consultation with a representative of the citrus
1870 industry who has a *Casuarina cunninghamiana* windbreak.

1871
1872 If the owner or person in charge refuses or neglects to comply,
1873 the director or her or his authorized representative may, under
1874 authority of the department, ~~proceed to~~ destroy the plants. The
1875 expense of the destruction shall be assessed, collected, and
1876 enforced against the owner by the department. If the owner does
1877 not pay the assessed cost, the department may record a lien
1878 against the property.

1879 (f)~~(g)~~ The use of *Casuarina cunninghamiana* for windbreaks
1880 does ~~shall~~ not preclude the department from issuing permits for
1881 the research or release of biological control agents to control
1882 *Casuarina spp.* as provided in ~~in accordance with~~ s. 581.083.

1883 (g)~~(h)~~ The use of *Casuarina cunninghamiana* for windbreaks
1884 may ~~shall~~ not restrict or interfere with any other agency or
1885 local government effort to manage or control noxious weeds or

596-03275-14

20141630c2

1886 invasive plants, including *Casuarina cunninghamiana*. ~~An, nor~~
1887 ~~shall any other~~ agency or local government may not remove any
1888 *Casuarina cunninghamiana* planted as a windbreak under special
1889 permit issued by the department.

1890 ~~(i) The department shall develop and implement a monitoring~~
1891 ~~protocol to determine invasiveness of *Casuarina cunninghamiana*.~~
1892 ~~The monitoring protocol shall, at a minimum, require:~~

1893 1. ~~Inspection of the planting site by department inspectors~~
1894 ~~within 30 days following initial planting or any subsequent~~
1895 ~~planting of *Casuarina cunninghamiana* to ensure the criteria of~~
1896 ~~the special permit have been met.~~

1897 2. ~~Annual site inspections of planting sites and all lands~~
1898 ~~within 500 feet of the planted windbreak by department~~
1899 ~~inspectors who have been trained to identify *Casuarina spp.* and~~
1900 ~~to make determinations of whether *Casuarina cunninghamiana* has~~
1901 ~~spread beyond the permitted windbreak location.~~

1902 3. ~~Any new seedlings found within 500 feet of the planted~~
1903 ~~windbreak to be removed, identified to the species level, and~~
1904 ~~evaluated to determine if hybridization has occurred.~~

1905 4. ~~The department to submit an annual report and a final 5-~~
1906 ~~year evaluation identifying any adverse effects resulting from~~
1907 ~~the planting of *Casuarina cunninghamiana* for windbreaks and~~
1908 ~~documenting all inspections and the results of those inspections~~
1909 ~~to the Noxious Weed and Invasive Plant Review Committee, the~~
1910 ~~Department of Environmental Protection, and a designated~~
1911 ~~representative of the citrus industry who has a *Casuarina*~~
1912 ~~*cunninghamiana* windbreak.~~

1913 ~~(j) If the department determines that female flowers or~~
1914 ~~cones have been produced on any *Casuarina cunninghamiana* that~~

596-03275-14

20141630c2

1915 ~~have been planted under a special permit issued by the~~
1916 ~~department, the property owner shall be responsible for~~
1917 ~~destroying the trees. The department shall notify the property~~
1918 ~~owner of the timeframe and method of destruction.~~

1919 ~~(k) If at any time the department determines that~~
1920 ~~hybridization has occurred during the pilot program between~~
1921 ~~*Casuarina cunninghamiana* planted as a windbreak and other~~
1922 ~~*Casuarina spp.*, the department shall expeditiously initiate~~
1923 ~~research to determine the invasiveness of the hybrid. The~~
1924 ~~information obtained from this research shall be evaluated by~~
1925 ~~the Noxious Weed and Invasive Plant Review Committee, the~~
1926 ~~Department of Environmental Protection, and a designated~~
1927 ~~representative of the citrus industry who has a *Casuarina*~~
1928 ~~*cunninghamiana* windbreak. If the department determines that the~~
1929 ~~hybrids have a high potential to become invasive, based on, but~~
1930 ~~not limited to, the recommendation of the Noxious Weed and~~
1931 ~~Invasive Plant Review Committee, the Department of Environmental~~
1932 ~~Protection, and a designated representative of the citrus~~
1933 ~~industry who has a *Casuarina cunninghamiana* windbreak, this~~
1934 ~~pilot program shall be permanently suspended.~~

1935 ~~(l) Each application for a special permit must be~~
1936 ~~accompanied by a fee as described in paragraph (c) and an~~
1937 ~~agreement that the property owner will abide by all permit~~
1938 ~~conditions including the removal of *Casuarina cunninghamiana* if~~
1939 ~~invasive populations or other adverse environmental factors are~~
1940 ~~determined to be present by the department as a result of the~~
1941 ~~use of *Casuarina cunninghamiana* as windbreaks. The application~~
1942 ~~must include, on a form provided by the department, the name of~~
1943 ~~the applicant and the applicant's address or the address of the~~

596-03275-14

20141630c2

1944 ~~applicant's principal place of business; a statement of the~~
1945 ~~estimated cost of removing and destroying the *Casuarina*~~
1946 ~~*cunninghamiana* that is the subject of the special permit; and~~
1947 ~~the basis for calculating or determining that estimate. If the~~
1948 ~~applicant is a corporation, partnership, or other business~~
1949 ~~entity, the applicant must also provide in the application the~~
1950 ~~name and address of each officer, partner, or managing agent.~~
1951 ~~The applicant shall notify the department within 30 business~~
1952 ~~days of any change of address or change in the principal place~~
1953 ~~of business. The department shall mail all notices to the~~
1954 ~~applicant's last known address.~~

1955 1. Upon obtaining a permit, the permitholder must annually
1956 maintain the *Casuarina cunninghamiana* authorized by a special
1957 permit as required in the permit. If the permitholder ceases to
1958 maintain the *Casuarina cunninghamiana* as required by the special
1959 permit, if the permit expires, or if the permitholder ceases to
1960 abide by the conditions of the special permit, the permitholder
1961 must ~~shall~~ remove and destroy the *Casuarina cunninghamiana* in a
1962 timely manner as specified in the permit.

1963 2. If the department:

1964 a. Determines that the permitholder is no longer
1965 maintaining the *Casuarina cunninghamiana* subject to the special
1966 permit and has not removed and destroyed the *Casuarina*
1967 *cunninghamiana* authorized by the special permit;

1968 b. Determines that the continued use of *Casuarina*
1969 *cunninghamiana* as windbreaks presents an imminent danger to
1970 public health, safety, or welfare; or

1971 c. Determines that the permitholder has exceeded the
1972 conditions of the authorized special permit. †

596-03275-14

20141630c2

1973
1974 the department may issue an immediate final order, which is
1975 ~~shall be~~ immediately appealable or enjoinable pursuant to as
1976 ~~provided by~~ chapter 120, directing the permitholder to
1977 immediately remove and destroy the *Casuarina cunninghamiana*
1978 authorized to be planted under the special permit. A copy of the
1979 immediate final order shall be provided ~~mailed~~ to the
1980 permitholder.

1981 3. If, upon issuance by the department of an immediate
1982 final order to the permitholder, the permitholder fails to
1983 remove and destroy the *Casuarina cunninghamiana* subject to the
1984 special permit within 60 days after issuance of the order, or
1985 such shorter period as is designated in the order as public
1986 health, safety, or welfare requires, the department may remove
1987 and destroy the *Casuarina cunninghamiana* that are the subject of
1988 the special permit. If the permitholder makes a written request
1989 to the department for an extension of time to remove and destroy
1990 the *Casuarina cunninghamiana* that demonstrates specific facts
1991 showing why the *Casuarina cunninghamiana* could not reasonably be
1992 removed and destroyed in the applicable timeframe, the
1993 department may extend the time for removing and destroying
1994 *Casuarina cunninghamiana* subject to a special permit. The
1995 reasonable costs and expenses incurred by the department for
1996 removing and destroying *Casuarina cunninghamiana* subject to a
1997 special permit shall be paid out of the Citrus Inspection Trust
1998 Fund and shall be reimbursed by the party to which the immediate
1999 final order is issued. If the party to which the immediate final
2000 order has been issued fails to reimburse the state within 60
2001 days, the department may record a lien on the property. The lien

596-03275-14

20141630c2

2002 shall be enforced by the department.

2003 4. In order to carry out the purposes of this paragraph,
2004 the department or its agents may require a permitholder to
2005 provide verified statements of the planted acreage subject to
2006 the special permit and may review the permitholder's business or
2007 planting records at her or his place of business during normal
2008 business hours in order to determine the acreage planted. The
2009 failure of a permitholder to furnish such statement or to make
2010 such records available is cause for suspension of the special
2011 permit. If the department finds such failure to be willful, the
2012 special permit may be revoked.

2013 Section 88. Subsection (8) of section 581.131, Florida
2014 Statutes, is amended to read:

2015 581.131 Certificate of registration.—

2016 (8) The department shall provide to each person subject to
2017 this section written notice and renewal forms 30 ~~60~~ days before
2018 ~~prior to~~ the annual renewal date informing the person of the
2019 certificate of registration renewal date and the applicable fee.

2020 Section 89. Subsection (4) of section 583.01, Florida
2021 Statutes, is amended to read:

2022 583.01 Definitions.—For the purpose of this chapter, unless
2023 elsewhere indicated, the term:

2024 (4) "Dealer" means a ~~any~~ person, firm, or corporation,
2025 including a producer, processor, retailer, or wholesaler, that
2026 sells, offers for sale, or holds for the purpose of sale in this
2027 state 30 dozen or more eggs or its equivalent in any one week,
2028 or more than 384 ~~in excess of 100 pounds of dressed~~ birds
2029 ~~poultry~~ in any one week.

2030 Section 90. Section 570.38, Florida Statutes, is

596-03275-14

20141630c2

2031 transferred, renumbered as section 585.008, Florida Statutes,
2032 and amended to read:

2033 585.008 ~~570.38~~ Animal Industry Technical Council.—

2034 (1) COMPOSITION.—The Animal Industry Technical Council is
2035 hereby created in the department and shall be composed of 14
2036 members as follows:

2037 (a) The beef cattle, swine, dairy, horse, independent
2038 agricultural market ~~markets~~, meat processing and packing
2039 establishment ~~establishments~~, veterinary medicine, and poultry
2040 representatives who serve on the State Agricultural Advisory
2041 Council and three additional representatives from the beef
2042 cattle industry, as well as three at-large members representing
2043 other animal industries in the state, who shall be appointed by
2044 the commissioner for 4-year terms or until their successors are
2045 duly qualified and appointed.

2046 (b) Each additional beef cattle representative shall be
2047 appointed subject to the qualifications and by the procedure as
2048 prescribed in s. 570.23 for membership to the council by the
2049 beef cattle representative. If a vacancy occurs in these three
2050 positions, it shall be filled for the remainder of the term in
2051 the same manner as an initial appointment.

2052 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
2053 meetings, powers and duties, procedures, and recordkeeping of
2054 the Animal Industry Technical Council shall be pursuant to s.
2055 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
2056 ~~advisory committees established within the department.~~

2057 Section 91. Subsection (3) is added to section 589.08,
2058 Florida Statutes, to read:

2059 589.08 Land acquisition restrictions.—

596-03275-14

20141630c2

2060 (3) The Florida Forest Service shall pay 15 percent of the
 2061 gross receipts from the Goethe State Forest to each fiscally
 2062 constrained county as described in s. 218.67(1) in which a
 2063 portion of the Goethe State Forest is located in proportion to
 2064 the forest acreage located in such county. The funds must be
 2065 equally divided between the board of county commissioners and
 2066 the school board of each fiscally constrained county.

2067 Section 92. Subsections (1) and (3) of section 589.011,
 2068 Florida Statutes, are amended to read:

2069 589.011 Use of state forest lands; fees; rules.-

2070 (1) If authorized by a land management plan approved
 2071 pursuant to chapter 253 or by an interim assignment letter that
 2072 identifies the interim management activities issued by the
 2073 Department of Environmental Protection pursuant to chapter 259,
 2074 the Florida Forest Service of the Department of Agriculture and
 2075 Consumer Services may grant privileges, permits, leases, and
 2076 concessions for the use of state forest lands or any land leased
 2077 by or otherwise assigned to the Florida Forest Service for
 2078 management purposes, timber, and forest products pursuant to ~~for~~
 2079 purposes not inconsistent with the provisions of this chapter.

2080 (3) The Florida Forest Service ~~may~~ ~~shall have the power to~~
 2081 ~~set and collect~~ charge reasonable fees, rentals, or charges ~~or~~
 2082 ~~rent~~ for the use or operation of facilities and concessions on
 2083 state forests or any lands leased by or otherwise assigned to
 2084 the Florida Forest Service for management purposes based on
 2085 factors such as the cost and extent of recreational facilities
 2086 and services, geographical location, seasonal public demand,
 2087 fees charged by other governmental and private entities for
 2088 comparable services and activities, and market value and demand

596-03275-14

20141630c2

2089 for forest products. Moneys collected from such fees, rentals,
2090 and charges ~~rent~~ shall be deposited into the Incidental Trust
2091 Fund of the Florida Forest Service.

2092 Section 93. Section 589.20, Florida Statutes, is amended to
2093 read:

2094 589.20 Cooperation by Florida Forest Service.—The Florida
2095 Forest Service may cooperate with other state agencies, water
2096 management districts, municipalities, or other governmental
2097 entities ~~who are custodians of lands which are suitable for~~
2098 ~~forestry purposes,~~ in the designation and dedication of ~~such~~
2099 lands that are suitable for forestry purposes ~~when in the~~
2100 ~~opinion of the state agencies concerned such lands are suitable~~
2101 ~~for these purposes and can be so administered.~~ Lands designated
2102 and dedicated by a state agency, water management district,
2103 municipality, or other government entity ~~Upon the designation~~
2104 ~~and dedication of said lands for forestry~~ these purposes ~~by the~~
2105 ~~agencies concerned, said lands~~ shall be administered by the
2106 Florida Forest Service.

2107 Section 94. Subsection (7) of section 590.02, Florida
2108 Statutes, is amended to read:

2109 590.02 Florida Forest Service; powers, authority, and
2110 duties; liability; building structures; Withlacoochee Training
2111 ~~Florida Center for Wildfire and Forest Resources Management~~
2112 ~~Training.~~—

2113 (7) The Florida Forest Service may organize, staff, equip,
2114 and operate the Withlacoochee ~~Florida Forest~~ Training Center.
2115 The center shall serve as a site where fire and forest resource
2116 managers can obtain current knowledge, techniques, skills, and
2117 theory as they relate to their respective disciplines.

596-03275-14

20141630c2

2118 (a) The center may establish cooperative efforts involving
2119 federal, state, and local entities; hire appropriate personnel;
2120 and engage others by contract or agreement with or without
2121 compensation to assist in carrying out the training and
2122 operations of the center.

2123 (b) The center shall provide wildfire suppression training
2124 opportunities for rural fire departments, volunteer fire
2125 departments, and other local fire response units.

2126 (c) The center shall ~~will~~ focus on curriculum related ~~to~~,
2127 but not limited to, fuel reduction, an incident management
2128 system, prescribed burning certification, multiple-use land
2129 management, water quality, forest health, environmental
2130 education, and wildfire suppression training for structural
2131 firefighters.

2132 (d) The center may assess appropriate fees for food,
2133 lodging, travel, course materials, and supplies in order to meet
2134 its operational costs and may grant free meals, room, and
2135 scholarships to persons and other entities in exchange for
2136 instructional assistance.

2137 Section 95. Subsection (2) of section 590.125, Florida
2138 Statutes, is amended to read:

2139 590.125 Open burning authorized by the Florida Forest
2140 Service.—

2141 (2) NONCERTIFIED BURNING.—

2142 (a) Persons may ~~be authorized to~~ broadcast burn or pile
2143 burn pursuant to ~~in accordance with~~ this subsection if:

2144 1. There is specific consent of the landowner or his or her
2145 designee;

2146 2. Authorization has been obtained from the Florida Forest

596-03275-14

20141630c2

2147 Service or its designated agent before starting the burn;

2148 3. There are adequate firebreaks at the burn site and
2149 sufficient personnel and firefighting equipment for the
2150 containment of the fire;

2151 4. The fire remains within the boundary of the authorized
2152 area;

2153 5. The person named responsible in the burn authorization
2154 or a designee is present at the burn site until the fire is
2155 completed;

2156 6. The Florida Forest Service does not cancel the
2157 authorization; and

2158 7. The Florida Forest Service determines that air quality
2159 and fire danger are favorable for safe burning.

2160 (b) A new authorization is not required for smoldering that
2161 occurs within the authorized burn area unless new ignitions are
2162 conducted by the person named responsible in the burn
2163 authorization or a designee.

2164 (c) Monitoring the smoldering activity of a burn does not
2165 require an additional authorization even if flames begin to
2166 spread within the authorized burn site due to ongoing smoldering
2167 activity.

2168 (d) ~~(b)~~ A person who broadcast burns or pile burns in a
2169 manner that violates ~~any requirement of~~ this subsection commits
2170 a misdemeanor of the second degree, punishable as provided in s.
2171 775.082 or s. 775.083.

2172 Section 96. Section 570.0725, Florida Statutes, is
2173 transferred and renumbered as section 595.420, Florida Statutes.

2174 Section 97. Paragraph (k) of subsection (1) of section
2175 597.003, Florida Statutes, is amended to read:

596-03275-14

20141630c2

2176 597.003 Powers and duties of Department of Agriculture and
2177 Consumer Services.—

2178 (1) The department is hereby designated as the lead agency
2179 in encouraging the development of aquaculture in the state and
2180 shall have and exercise the following functions, powers, and
2181 duties with regard to aquaculture:

2182 (k) Make available state lands and the water column for the
2183 purpose of producing aquaculture products when the aquaculture
2184 activity is compatible with state resource management goals,
2185 environmental protection, and proprietary interest and when such
2186 state lands and waters are determined to be suitable for
2187 aquaculture development by the Board of Trustees of the Internal
2188 Improvement Trust Fund pursuant to s. 253.68; provide training
2189 as necessary to lessees; and be responsible for all saltwater
2190 aquaculture activities located on sovereignty submerged land or
2191 in the water column above such land and adjacent facilities
2192 directly related to the aquaculture activity.

2193 1. The department shall act in cooperation with other state
2194 and local agencies and programs to identify and designate
2195 sovereignty lands and waters that would be suitable for
2196 aquaculture development.

2197 2. The department shall identify and evaluate specific
2198 tracts of sovereignty submerged lands and water columns in
2199 various areas of the state to determine where such lands and
2200 waters are suitable for leasing for aquaculture purposes.
2201 Nothing in this subparagraph or subparagraph 1. shall preclude
2202 the applicant from applying for sites identified by the
2203 applicant.

2204 3. The department shall provide assistance in developing

596-03275-14

20141630c2

2205 technologies applicable to aquaculture activities, evaluate
 2206 practicable production alternatives, and provide agreements to
 2207 develop innovative culture practices.

2208 Section 98. Paragraph (j) is added to subsection (1) of
 2209 section 597.004, Florida Statutes, to read:

2210 597.004 Aquaculture certificate of registration.—

2211 (1) CERTIFICATION.—Any person engaging in aquaculture must
 2212 be certified by the department. The applicant for a certificate
 2213 of registration shall submit the following to the department:

2214 (j) A certificate of training, if required under the best
 2215 management practices adopted pursuant to this section.

2216 Section 99. Subsection (1) of section 597.020, Florida
 2217 Statutes, is amended to read:

2218 597.020 Shellfish processors; regulation.—

2219 (1) The department may:

2220 (a) is authorized to Adopt by rule regulations,
 2221 specifications, training requirements, and codes relating to
 2222 sanitary practices for catching, cultivating, handling,
 2223 processing, packaging, preserving, canning, smoking, and storing
 2224 of oysters, clams, mussels, scallops, and crabs.

2225 (b) The department is also authorized to License shellfish
 2226 processors who handle oysters, clams, mussels, scallops, and
 2227 crabs when such activities relate to quality control, sanitary,
 2228 and public health practices pursuant to this section and chapter
 2229 500.

2230 (c) The department is also authorized to License or
 2231 certify, for a fee determined by rule, facilities used for
 2232 processing oysters, clams, mussels, scallops, and crabs; ~~to~~
 2233 levy an administrative fine in the Class I category pursuant to

596-03275-14

20141630c2

2234 s. 570.971 for each violation, for each day the violation exists
 2235 ~~of up to \$1,000 per violation per day or to suspend or revoke~~
 2236 such licenses or certificates upon satisfactory evidence of a
 2237 ~~any~~ violation of rules adopted pursuant to this section;; ~~and to~~
 2238 seize and destroy any adulterated or misbranded shellfish
 2239 products as defined by rule.

2240 Section 100. Section 570.481, Florida Statutes, is
 2241 transferred and renumbered as section 603.011, Florida Statutes.

2242 Section 101. Section 570.55, Florida Statutes, is
 2243 transferred and renumbered as section 603.211, Florida Statutes.

2244 Section 102. Subsection (2) of section 604.16, Florida
 2245 Statutes, is amended, and subsection (5) is added to that
 2246 section, to read:

2247 604.16 Exceptions to provisions of ss. 604.15-604.34.-
 2248 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
 2249 not apply to:

2250 (2) A dealer in agricultural products who pays at the time
 2251 of purchase with United States cash currency or a cash
 2252 equivalent, such as a money order, cashier's check, wire
 2253 transfer, electronic funds transfer, or PIN debit transaction
 2254 ~~debit card.~~

2255 (5) A dealer in agricultural products to the extent that
 2256 the dealer purchases agricultural products from a producer owned
 2257 by the exact same person as the dealer, owned solely by the
 2258 dealer, or who solely owns the dealer.

2259 Section 103. Section 604.22, Florida Statutes, is amended
 2260 to read:

2261 604.22 Dealers to keep records; contents.-

2262 (1) (a) Each licensee, while acting as agent for a producer,

596-03275-14

20141630c2

2263 shall make and preserve for at least 1 year a record of each
2264 transaction, specifying the name and address of the producer for
2265 whom she or he acts as agent; the date of receipt; the kind,
2266 quality, and quantity of agricultural products received; the
2267 name and address of the purchaser of each package of
2268 agricultural products; the price for which each package was
2269 sold; the amount of any additional charges necessary to
2270 effectuate the sale; the amount and explanation of any
2271 adjustments given; and the net amount due from each purchaser.

2272 (b) An account of sales shall be furnished to each producer
2273 within 48 hours after the sale of such agricultural products
2274 unless otherwise agreed to in a written contract or verifiable
2275 oral agreement. Such account of sales shall clearly show the
2276 sale price of each lot of agricultural products sold; all
2277 adjustments to the original price, along with an explanation of
2278 such adjustments; and an itemized showing of all marketing costs
2279 deducted by the licensee, along with the net amount due the
2280 producer.

2281 (c) The licensee shall make the payment to the producer
2282 within 5 days after ~~of~~ the licensee's receipt of payment unless
2283 otherwise agreed to in a written contract or verifiable oral
2284 agreement.

2285 (2) (a) Notwithstanding ~~The provisions of~~ s. 604.16(2), (3),
2286 and (4) ~~notwithstanding~~, a any person, partnership, corporation,
2287 or other business entity, except a person described in s.
2288 604.16(1), who possesses and offers for sale agricultural
2289 products is required to possess and display, upon the request of
2290 a ~~any~~ department representative or state, county, or local law
2291 enforcement officer, an invoice, bill of sale, manifest, or

596-03275-14

20141630c2

2292 other written document showing the date of sale, the name and
 2293 address of the seller, and the kind and quantity of products for
 2294 all such agricultural products.

2295 (b) A ~~Any~~ person who violates ~~the provisions of this~~
 2296 ~~section is subject to s. 604.30(2) and (3) subsection is guilty~~
 2297 ~~of a misdemeanor of the second degree, punishable as provided in~~
 2298 ~~s. 775.082 or s. 775.083.~~

2299 Section 104. Sections 487.172, 500.301, 500.302, 500.303,
 2300 500.304, 500.305, 500.306, 500.601, 570.345, 570.542, 570.72,
 2301 570.92, 589.081, and 590.091, Florida Statutes, are repealed.

2302 Section 105. Paragraph (c) of subsection (6) of section
 2303 193.461, Florida Statutes, is amended to read:

2304 193.461 Agricultural lands; classification and assessment;
 2305 mandated eradication or quarantine program.-

2306 (6)

2307 (c)1. For purposes of the income methodology approach to
 2308 assessment of property used for agricultural purposes,
 2309 irrigation systems, including pumps and motors, physically
 2310 attached to the land are ~~shall be~~ considered a part of the
 2311 average yields per acre and ~~shall~~ have no separately assessable
 2312 contributory value.

2313 2. Litter containment structures located on producing
 2314 poultry farms and animal waste nutrient containment structures
 2315 located on producing dairy farms shall be assessed by the
 2316 methodology described in subparagraph 1.

2317 3. Structures or improvements used in horticultural
 2318 production for frost or freeze protection, ~~which structures or~~
 2319 ~~improvements~~ are consistent with the interim measures or best
 2320 management practices adopted by the Department of Agriculture

596-03275-14

20141630c2

2321 and Consumer Services ~~Services'~~ ~~interim measures or best~~
2322 ~~management practices adopted~~ pursuant to s. 570.93 ~~s. 570.085~~ or
2323 s. 403.067(7)(c), shall be assessed by the methodology described
2324 in subparagraph 1.

2325 Section 106. Subsection (1) of section 253.74, Florida
2326 Statutes, is amended to read:

2327 253.74 Penalties.—

2328 (1) A ~~Any~~ person who conducts aquaculture activities in
2329 excess of those authorized by the board or who conducts such
2330 activities on state-owned submerged lands without having
2331 previously obtained an authorization from the board commits a
2332 misdemeanor of the second degree, punishable as provided in s.
2333 775.082, is ~~and shall be~~ subject to a civil fine in the Class I
2334 category pursuant to s. 570.971 ~~imprisonment for not more than 6~~
2335 ~~months or fine of not more than \$1,000, or both.~~ In addition to
2336 such fine and imprisonment, all works, improvements, and animal
2337 and plant life involved in the project, may be forfeited to the
2338 state.

2339 Section 107. Paragraph (c) of subsection (5) of section
2340 288.1175, Florida Statutes, is amended to read:

2341 288.1175 Agriculture education and promotion facility.—

2342 (5) The Department of Agriculture and Consumer Services
2343 shall competitively evaluate applications for funding of an
2344 agriculture education and promotion facility. If the number of
2345 applicants exceeds three, the Department of Agriculture and
2346 Consumer Services shall rank the applications based upon
2347 criteria developed by the Department of Agriculture and Consumer
2348 Services, with priority given in descending order to the
2349 following items:

596-03275-14

20141630c2

2350 (c) The location of the facility in a brownfield site as
2351 defined in s. 376.79(3), a rural enterprise zone as defined in
2352 s. 290.004, an agriculturally depressed area as defined in s.
2353 570.74 ~~s. 570.242(1)~~, or a county that has lost its agricultural
2354 land to environmental restoration projects.

2355 Section 108. Paragraph (b) of subsection (14) and paragraph
2356 (b) of subsection (77) of section 320.08058, Florida Statutes,
2357 are amended to read:

2358 320.08058 Specialty license plates.—

2359 (14) FLORIDA AGRICULTURAL LICENSE PLATES.—

2360 (b) The proceeds of the Florida Agricultural license plate
2361 annual use fee must be forwarded to the direct-support
2362 organization created pursuant to s. 570.691 ~~in s. 570.903~~. The
2363 funds must be used for the sole purpose of funding and promoting
2364 the Florida agriculture in the classroom program established
2365 within the Department of Agriculture and Consumer Services
2366 pursuant to s. 570.693 ~~s. 570.91~~.

2367 (77) FLORIDA HORSE PARK LICENSE PLATES.—

2368 (b) The annual use fees shall be distributed to the Florida
2369 Agriculture Center and Horse Park Authority created by s.
2370 570.685 ~~s. 570.952~~, which shall retain all proceeds until all
2371 startup costs for developing and establishing the plate have
2372 been recovered. Thereafter, the proceeds shall be used as
2373 follows:

2374 1. A maximum of 5 percent of the proceeds from the annual
2375 use fees may be used for the administration of the Florida Horse
2376 Park license plate program.

2377 2. A maximum of 5 percent of the proceeds may be used to
2378 promote and market the license plate.

596-03275-14

20141630c2

2379 3. The remaining proceeds shall be used by the authority to
2380 promote the Florida Agriculture Center and Horse Park located in
2381 Marion County; to support continued development of the park,
2382 including the construction of additional educational facilities,
2383 barns, and other structures; to provide improvements to the
2384 existing infrastructure at the park; and to provide for
2385 operational expenses of the Florida Agriculture Center and Horse
2386 Park.

2387 Section 109. Section 373.621, Florida Statutes, is amended
2388 to read:

2389 373.621 Water conservation.—The Legislature recognizes the
2390 significant value of water conservation in the protection and
2391 efficient use of water resources. Accordingly, consideration in
2392 the administration of ss. 373.223, 373.233, and 373.236 shall be
2393 given to applicants who implement water conservation practices
2394 pursuant to s. 570.93 ~~s. 570.085~~ or other applicable water
2395 conservation measures as determined by the department or a water
2396 management district.

2397 Section 110. Paragraph (a) of subsection (2) of section
2398 373.709, Florida Statutes, is amended to read:

2399 373.709 Regional water supply planning.—

2400 (2) Each regional water supply plan must be based on at
2401 least a 20-year planning period and must include, but need not
2402 be limited to:

2403 (a) A water supply development component for each water
2404 supply planning region identified by the district which
2405 includes:

2406 1. A quantification of the water supply needs for all
2407 existing and future reasonable-beneficial uses within the

596-03275-14

20141630c2

2408 planning horizon. The level-of-certainty planning goal
2409 associated with identifying the water supply needs of existing
2410 and future reasonable-beneficial uses must be based upon meeting
2411 those needs for a 1-in-10-year drought event.

2412 a. Population projections used for determining public water
2413 supply needs must be based upon the best available data. In
2414 determining the best available data, the district shall consider
2415 the University of Florida's Bureau of Economic and Business
2416 Research (BEBR) medium population projections and population
2417 projection data and analysis submitted by a local government
2418 pursuant to the public workshop described in subsection (1) if
2419 the data and analysis support the local government's
2420 comprehensive plan. Any adjustment of or deviation from the BEBR
2421 projections must be fully described, and the original BEBR data
2422 must be presented along with the adjusted data.

2423 b. Agricultural demand projections used for determining the
2424 needs of agricultural self-suppliers must be based upon the best
2425 available data. In determining the best available data for
2426 agricultural self-supplied water needs, the district shall
2427 consider the data indicative of future water supply demands
2428 provided by the Department of Agriculture and Consumer Services
2429 pursuant to s. 570.93 ~~s. 570.085~~ and agricultural demand
2430 projection data and analysis submitted by a local government
2431 pursuant to the public workshop described in subsection (1), if
2432 the data and analysis support the local government's
2433 comprehensive plan. Any adjustment of or deviation from the data
2434 provided by the Department of Agriculture and Consumer Services
2435 must be fully described, and the original data must be presented
2436 along with the adjusted data.

596-03275-14

20141630c2

2437 2. A list of water supply development project options,
2438 including traditional and alternative water supply project
2439 options, from which local government, government-owned and
2440 privately owned utilities, regional water supply authorities,
2441 multijurisdictional water supply entities, self-suppliers, and
2442 others may choose for water supply development. In addition to
2443 projects listed by the district, such users may propose specific
2444 projects for inclusion in the list of alternative water supply
2445 projects. If such users propose a project to be listed as an
2446 alternative water supply project, the district shall determine
2447 whether it meets the goals of the plan, and, if so, it shall be
2448 included in the list. The total capacity of the projects
2449 included in the plan must exceed the needs identified in
2450 subparagraph 1. and take into account water conservation and
2451 other demand management measures, as well as water resources
2452 constraints, including adopted minimum flows and levels and
2453 water reservations. Where the district determines it is
2454 appropriate, the plan should specifically identify the need for
2455 multijurisdictional approaches to project options that, based on
2456 planning level analysis, are appropriate to supply the intended
2457 uses and that, based on such analysis, appear to be permissible
2458 and financially and technically feasible. The list of water
2459 supply development options must contain provisions that
2460 recognize that alternative water supply options for agricultural
2461 self-suppliers are limited.

2462 3. For each project option identified in subparagraph 2.,
2463 the following must be provided:

2464 a. An estimate of the amount of water to become available
2465 through the project.

596-03275-14

20141630c2

2466 b. The timeframe in which the project option should be
2467 implemented and the estimated planning-level costs for capital
2468 investment and operating and maintaining the project.

2469 c. An analysis of funding needs and sources of possible
2470 funding options. For alternative water supply projects, the
2471 water management districts shall provide funding pursuant to
2472 ~~assistance in accordance with~~ s. 373.707(8).

2473 d. Identification of the entity that should implement each
2474 project option and the current status of project implementation.

2475 Section 111. Paragraph (d) of subsection (2) of section
2476 381.0072, Florida Statutes, is amended to read:

2477 381.0072 Food service protection.—It shall be the duty of
2478 the Department of Health to adopt and enforce sanitation rules
2479 consistent with law to ensure the protection of the public from
2480 food-borne illness. These rules shall provide the standards and
2481 requirements for the storage, preparation, serving, or display
2482 of food in food service establishments as defined in this
2483 section and which are not permitted or licensed under chapter
2484 500 or chapter 509.

2485 (2) DUTIES.—

2486 (d) The department shall inspect each food service
2487 establishment as often as necessary to ensure compliance with
2488 applicable laws and rules. The department shall have the right
2489 of entry and access to these food service establishments at any
2490 reasonable time. In inspecting food service establishments ~~as~~
2491 ~~provided~~ under this section, the department shall provide each
2492 inspected establishment with the food recovery brochure
2493 developed under s. 595.420 ~~s. 570.0725~~.

2494 Section 112. Paragraph (c) of subsection (2) of section

596-03275-14

20141630c2

2495 388.46, Florida Statutes, is amended to read:

2496 388.46 Florida Coordinating Council on Mosquito Control;
2497 establishment; membership; organization; responsibilities.-

2498 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.-

2499 (c) *Responsibilities*.—The council shall:

2500 1. Develop and implement guidelines to assist the
2501 department in resolving disputes arising over the control of
2502 arthropods on publicly owned lands.

2503 2. Develop and recommend to the department a request for
2504 proposal process for arthropod control research.

2505 3. Identify potential funding sources for research or
2506 implementation projects and evaluate and prioritize proposals
2507 upon request by the funding source.

2508 4. Prepare and present reports, as needed, on arthropod
2509 control activities in the state to ~~the Pesticide Review Council~~
2510 ~~and other~~ governmental organizations, as appropriate.

2511 Section 113. Paragraph (c) of subsection (2) of section
2512 472.0351, Florida Statutes, is amended to read:

2513 472.0351 Grounds for discipline; penalties; enforcement.-

2514 (2) If the board finds a surveyor or mapper guilty of any
2515 of the grounds set forth in subsection (1) or a violation of
2516 this chapter which occurred before obtaining a license, the
2517 board may enter an order imposing one or more of the following
2518 penalties:

2519 (c) Imposition of an administrative fine in the Class I
2520 category pursuant to s. 570.971 ~~not to exceed \$1,000~~ for each
2521 count or separate offense.

2522 Section 114. Subsections (1) and (2) and paragraph (a) of
2523 subsection (3) of section 472.036, Florida Statutes, are amended

596-03275-14

20141630c2

2524 to read:

2525 472.036 Unlicensed practice of professional surveying and
2526 mapping; cease and desist notice; civil penalty; enforcement;
2527 citations; allocation of moneys collected.-

2528 (1) When the department has probable cause to believe that
2529 a ~~any~~ person not licensed by the department or the board has
2530 violated ~~any provision of~~ this chapter, or any rule adopted
2531 pursuant to this chapter, the department may issue and deliver
2532 to such person a notice to cease and desist from such violation.
2533 In addition, the department may issue and deliver a notice to
2534 cease and desist to a ~~any~~ person who aids and abets the
2535 unlicensed practice of surveying and mapping by employing such
2536 unlicensed person. The issuance of a notice to cease and desist
2537 does ~~shall~~ not constitute agency action for which a hearing
2538 under ss. 120.569 and 120.57 may be sought. For the purpose of
2539 enforcing a cease and desist order, the department may file a
2540 proceeding in the name of the state seeking issuance of an
2541 injunction or a writ of mandamus against a ~~any~~ person who
2542 violates ~~any provisions of~~ such order. In addition to the
2543 foregoing remedies, the department may impose an administrative
2544 fine in the Class II category pursuant to s. 570.971 for each
2545 ~~penalty not to exceed \$5,000 per~~ incident pursuant to ~~the~~
2546 ~~provisions of~~ chapter 120 or may issue a citation pursuant to
2547 ~~the provisions of~~ subsection (3). If the department is required
2548 to seek enforcement of the order for a penalty pursuant to s.
2549 120.569, it shall be entitled to collect its attorney ~~attorney's~~
2550 fees and costs, together with any cost of collection.

2551 (2) In addition to or in lieu of any remedy provided in
2552 subsection (1), the department may seek the imposition of a

596-03275-14

20141630c2

2553 civil penalty through the circuit court for any violation for
2554 which the department may issue a notice to cease and desist
2555 under subsection (1). The civil penalty shall be a fine in the
2556 Class II category pursuant to s. 570.971 ~~no less than \$500 and~~
2557 ~~no more than \$5,000~~ for each offense. The court may also award
2558 to the prevailing party court costs and reasonable attorney fees
2559 and, in the event the department prevails, may also award
2560 reasonable costs of investigation.

2561 (3) (a) Notwithstanding ~~the provisions of~~ s. 472.033, the
2562 department shall adopt rules for ~~to permit~~ the issuance of
2563 citations for unlicensed practice of a profession. The citation
2564 shall be issued to the subject and shall contain the subject's
2565 name and any other information the department determines to be
2566 necessary to identify the subject, a brief factual statement,
2567 the sections of the law allegedly violated, and the penalty
2568 imposed. The citation must clearly state that the subject may
2569 choose, in lieu of accepting the citation, to follow the
2570 procedure under s. 472.033. If the subject disputes the matter
2571 in the citation, the procedures set forth in s. 472.033 must be
2572 followed. However, if the subject does not dispute the matter in
2573 the citation with the department within 30 days after the
2574 citation is served, the citation shall become a final order of
2575 the department upon filing with the agency clerk. The penalty
2576 shall be a fine in the Class II category pursuant to s. 570.971
2577 ~~of not less than \$500 or more than \$5,000~~ or other conditions as
2578 established by rule.

2579 Section 115. Subsection (7) of section 482.161, Florida
2580 Statutes, is amended to read:

2581 482.161 Disciplinary grounds and actions; reinstatement.—

596-03275-14

20141630c2

2582 (7) The department, pursuant to chapter 120, in addition to
2583 or in lieu of any other remedy provided by state or local law,
2584 may impose an administrative fine in the Class II category
2585 pursuant to s. 570.971, ~~in an amount not exceeding \$5,000~~, for a
2586 ~~the violation of any of the provisions~~ of this chapter or of the
2587 rules adopted pursuant to this chapter. In determining the
2588 amount of fine to be levied for a violation, the following
2589 factors shall be considered:

2590 (a) The severity of the violation, including the
2591 probability that the death, or serious harm to the health or
2592 safety, of any person will result or has resulted; the severity
2593 of the actual or potential harm; and the extent to which ~~the~~
2594 ~~provisions of~~ this chapter or of the rules adopted pursuant to
2595 this chapter were violated;

2596 (b) Any actions taken by the licensee or certified operator
2597 in charge, or limited certificateholder, to correct the
2598 violation or to remedy complaints;

2599 (c) Any previous violations of this chapter or of the rules
2600 adopted pursuant to this chapter; and

2601 (d) The cost to the department of investigating the
2602 violation.

2603 Section 116. Subsections (3) and (5) of section 482.165,
2604 Florida Statutes, are amended to read:

2605 482.165 Unlicensed practice of pest control; cease and
2606 desist order; injunction; civil suit and penalty.—

2607 (3) In addition to or in lieu of any remedy provided under
2608 subsection (2), the department may institute a civil suit in
2609 circuit court to recover a civil penalty for a ~~any~~ violation for
2610 which the department may issue a notice to cease and desist

596-03275-14

20141630c2

2611 under subsection (2). The civil penalty shall be in Class II
2612 category pursuant to s. 570.971 ~~may not be less than \$500 or~~
2613 ~~more than \$5,000 for each offense.~~ The court may also award to
2614 the prevailing party court costs and reasonable attorney
2615 ~~attorney's~~ fees.

2616 (5) In addition to or in lieu of any remedy provided under
2617 subsections (2) and (3), the department may, even in the case of
2618 a first offense, impose a fine not less than twice the cost of a
2619 pest control business license, but not more than a fine in the
2620 Class II category pursuant to s. 570.971 ~~\$5,000~~, upon a
2621 determination by the department that a person is in violation of
2622 subsection (1). For the purposes of this subsection, the lapse
2623 of a previously issued license for a period of less than 1 year
2624 is ~~shall~~ not be considered a violation.

2625 Section 117. Subsection (6) of section 482.243, Florida
2626 Statutes, is amended to read:

2627 482.243 Pest Control Enforcement Advisory Council.—

2628 (6) The meetings, powers and duties, procedures, and
2629 recordkeeping of the council shall be pursuant to s. 570.232 ~~in~~
2630 ~~accordance with the provisions of s. 570.0705 relating to~~
2631 ~~advisory committees established within the department.~~

2632 Section 118. Subsection (3) of section 487.047, Florida
2633 Statutes, is amended to read:

2634 487.047 Nonresident license; reciprocal agreement;
2635 authorized purchase.—

2636 (3) Restricted-use pesticides may be purchased by a ~~any~~
2637 person who holds a valid applicator's license or who holds a
2638 valid purchase authorization card issued by the department or by
2639 a licensee under chapter 388 or chapter 482. A nonlicensed

596-03275-14

20141630c2

2640 person may apply restricted-use pesticides under the direct
2641 supervision of a licensed applicator. An applicator's license
2642 shall be issued by the department pursuant to ~~on a form supplied~~
2643 ~~by it in accordance with the requirements of~~ this part.

2644 Section 119. Subsections (2) and (3) of section 487.091,
2645 Florida Statutes, are amended to read:

2646 487.091 Tolerances, deficiencies, and penalties.—

2647 (2) If a pesticide is found by analysis to be deficient in
2648 an active ingredient beyond the tolerance as provided in this
2649 part, the registrant is subject to a penalty for the deficiency
2650 in the Class III category pursuant to s. 570.971 for each, ~~not~~
2651 ~~to exceed \$10,000 per~~ violation. However, a no penalty may not
2652 ~~shall~~ be assessed when the official sample was taken from a
2653 pesticide that was in the possession of a consumer for more than
2654 45 days after ~~from~~ the date of purchase by that consumer, or
2655 when the product label specifies that the product should be used
2656 by an expiration date that has passed. Procedures for assessing
2657 penalties shall be established by rule, based on the degree of
2658 the deficiency. Penalties assessed shall be paid to the consumer
2659 or, in the absence of a known consumer, the department. If the
2660 penalty is not paid within the prescribed period ~~of time~~ as
2661 established by rule, the department may deny, suspend, or revoke
2662 the registration of any pesticide.

2663 (3) If a pesticide is found to be ineffective, it shall be
2664 deemed to be misbranded and subject to a penalty in the Class
2665 III category pursuant to s. 570.971 for each ~~as established by~~
2666 ~~rule, not to exceed \$10,000 per~~ violation.

2667 Section 120. Paragraph (e) of subsection (1) of section
2668 487.175, Florida Statutes, is amended to read:

596-03275-14

20141630c2

2669 487.175 Penalties; administrative fine; injunction.-

2670 (1) In addition to any other penalty provided in this part,
2671 when the department finds any person, applicant, or licensee has
2672 violated any provision of this part or rule adopted under this
2673 part, it may enter an order imposing any one or more of the
2674 following penalties:

2675 (e) Imposition of an administrative fine in the Class III
2676 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
2677 violation. When imposing a ~~any~~ fine under this paragraph, the
2678 department shall consider the degree and extent of harm caused
2679 by the violation, the cost of rectifying the damage, the amount
2680 of money the violator benefited from by noncompliance, whether
2681 the violation was committed willfully, and the compliance record
2682 of the violator.

2683 Section 121. Paragraph (c) of subsection (2) of section
2684 493.6118, Florida Statutes, is amended to read:

2685 493.6118 Grounds for disciplinary action.-

2686 (2) When the department finds any violation of subsection
2687 (1), it may do one or more of the following:

2688 (c) Impose an administrative fine in the Class I category
2689 pursuant to s. 570.971 ~~not to exceed \$1,000~~ for every count or
2690 separate offense.

2691 Section 122. Subsection (1) of section 496.420, Florida
2692 Statutes, is amended to read:

2693 496.420 Civil remedies and enforcement.-

2694 (1) In addition to other remedies authorized by law, the
2695 department may bring a civil action in circuit court to enforce
2696 ss. 496.401-496.424 or s. 496.426. Upon a finding that any
2697 person has violated any of these sections, a court may make any

596-03275-14

20141630c2

2698 necessary order or enter a judgment including, but not limited
2699 to, a temporary or permanent injunction, a declaratory judgment,
2700 the appointment of a general or special magistrate or receiver,
2701 the sequestration of assets, the reimbursement of persons from
2702 whom contributions have been unlawfully solicited, the
2703 distribution of contributions pursuant to ~~in accordance with~~ the
2704 charitable or sponsor purpose expressed in the registration
2705 statement or pursuant to ~~in accordance with~~ the representations
2706 made to the person solicited, the reimbursement of the
2707 department for investigative costs, and attorney ~~attorney's~~ fees
2708 and costs, and any other equitable relief the court finds
2709 appropriate. Upon a finding that a ~~any~~ person has violated any
2710 provision of ss. 496.401-496.424 or s. 496.426 with actual
2711 knowledge or knowledge fairly implied on the basis of objective
2712 circumstances, a court may enter an order imposing a civil fine
2713 in the Class III category pursuant to s. 570.971 for each
2714 ~~penalty in an amount not to exceed \$10,000 per~~ violation.

2715 Section 123. Paragraph (b) of subsection (3) of section
2716 500.70, Florida Statutes, is amended to read:

2717 500.70 Tomato food safety standards; inspections;
2718 penalties; tomato good agricultural practices; tomato best
2719 management practices.-

2720 (3)

2721 (b) The department may impose an administrative fine in the
2722 Class II category pursuant to s. 570.971 for each ~~not to exceed~~
2723 ~~\$5,000 per~~ violation, or issue a written notice or warning under
2724 s. 500.179, against a person who violates ~~any applicable~~
2725 ~~provision of~~ this section or any rule adopted under this
2726 section.

596-03275-14

20141630c2

2727 Section 124. Paragraph (b) of subsection (2) of section
2728 501.612, Florida Statutes, is amended to read:

2729 501.612 Grounds for departmental action against licensure
2730 applicants or licensees.—

2731 (2) Upon a finding as set forth in subsection (1), the
2732 department may enter an order:

2733 (b) Imposing an administrative fine in the Class III
2734 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
2735 act or omission which constitutes a violation under this part.

2736 Section 125. Section 501.619, Florida Statutes, is amended
2737 to read:

2738 501.619 Civil penalties.—A ~~Any~~ person who engages in any
2739 act or practice declared in this part to be unlawful is liable
2740 for a civil penalty in the Class III category pursuant to s.
2741 570.971 ~~of not more than \$10,000~~ for each such violation. This
2742 civil penalty may be recovered in any action brought under this
2743 part by the department, or the department may terminate any
2744 investigation or action upon agreement by the person to pay a
2745 stipulated civil penalty. The department or the court may waive
2746 any such civil penalty or other fines or costs if the person has
2747 previously made full restitution or reimbursement or has paid
2748 actual damages to the purchasers who have been injured by the
2749 unlawful act or practice.

2750 Section 126. Paragraph (b) of subsection (1) of section
2751 502.231, Florida Statutes, is amended to read:

2752 502.231 Penalty and injunction.—

2753 (1) The department may enter an order imposing one or more
2754 of the following penalties against any person who violates any
2755 provision of this chapter:

596-03275-14

20141630c2

- 2756 (b) Imposition of an administrative fine ~~not to exceed:~~
2757 1. In the Class II category pursuant s. 570.971 for each
2758 ~~Ten thousand dollars per~~ violation in the case of a frozen
2759 dessert licensee;
2760 2. Not to exceed ten percent of the license fee or \$100,
2761 whichever is greater, for failure to report the information
2762 described in s. 502.053(3) (d); or
2763 3. In the Class I category pursuant to s. 570.971 for each
2764 ~~One thousand dollars per~~ occurrence for any other violation.

2765
2766 When imposing a fine under this paragraph, the department must
2767 consider the degree and extent of harm caused by the violation,
2768 the cost of rectifying the damage, the benefit to the violator,
2769 whether the violation was committed willfully, and the
2770 violator's compliance record.

2771 Section 127. Subsection (1) of section 507.09, Florida
2772 Statutes, is amended to read:

2773 507.09 Administrative remedies; penalties.—

2774 (1) The department may enter an order doing one or more of
2775 the following if the department finds that a mover or moving
2776 broker, or a person employed or contracted by a mover or broker,
2777 has violated or is operating in violation of this chapter or the
2778 rules or orders issued pursuant to ~~in accordance with~~ this
2779 chapter:

2780 (a) Issuing a notice of noncompliance under s. 120.695.

2781 (b) Imposing an administrative fine in the Class II
2782 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
2783 act or omission.

2784 (c) Directing that the person cease and desist specified

596-03275-14

20141630c2

2785 activities.

2786 (d) Refusing to register or revoking or suspending a
2787 registration.

2788 (e) Placing the registrant on probation ~~for a period of~~
2789 ~~time~~, subject to the conditions specified by the department.

2790 Section 128. Subsection (2) of section 507.10, Florida
2791 Statutes, is amended to read:

2792 507.10 Civil penalties; remedies.—

2793 (2) The department may seek a civil penalty in the Class II
2794 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
2795 violation of this chapter.

2796 Section 129. Paragraph (g) of subsection (2) and paragraph
2797 (c) of subsection (3) of section 509.032, Florida Statutes, are
2798 amended to read:

2799 509.032 Duties.—

2800 (2) INSPECTION OF PREMISES.—

2801 (g) In inspecting public food service establishments, the
2802 department shall provide each inspected establishment with the
2803 food-recovery brochure developed under s. 595.420 ~~s. 570.0725~~.

2804 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE
2805 EVENTS.—The division shall:

2806 (c) Administer a public notification process for temporary
2807 food service events and distribute educational materials that
2808 address safe food storage, preparation, and service procedures.

2809 1. Sponsors of temporary food service events shall notify
2810 the division not less than 3 days before ~~prior to~~ the scheduled
2811 event of the type of food service proposed, the time and
2812 location of the event, a complete list of food service vendors
2813 participating in the event, the number of individual food

596-03275-14

20141630c2

2814 service facilities each vendor will operate at the event, and
2815 the identification number of each food service vendor's current
2816 license as a public food service establishment or temporary food
2817 service event licensee. Notification may be completed orally, by
2818 telephone, in person, or in writing. A public food service
2819 establishment or food service vendor may not use this
2820 notification process to circumvent the license requirements of
2821 this chapter.

2822 2. The division shall keep a record of all notifications
2823 received for proposed temporary food service events and shall
2824 provide appropriate educational materials to the event sponsors,
2825 including the food-recovery brochure developed under s. 595.420
2826 ~~s. 570.0725~~.

2827 3.a. A public food service establishment or other food
2828 service vendor must obtain one of the following classes of
2829 license from the division: an individual license, for a fee of
2830 no more than \$105, for each temporary food service event in
2831 which it participates; or an annual license, for a fee of no
2832 more than \$1,000, that entitles the licensee to participate in
2833 an unlimited number of food service events during the license
2834 period. The division shall establish license fees, by rule, and
2835 may limit the number of food service facilities a licensee may
2836 operate at a particular temporary food service event under a
2837 single license.

2838 b. Public food service establishments holding current
2839 licenses from the division may operate under the regulations of
2840 such a license at temporary food service events of 3 days or
2841 less in duration.

2842 Section 130. Paragraph (a) of subsection (1) of section

596-03275-14

20141630c2

2843 525.16, Florida Statutes, is amended to read:

2844 525.16 Administrative fine; penalties; prosecution of cases
2845 by state attorney.-

2846 (1) (a) The department may enter an order imposing one or
2847 more of the following penalties against a ~~any~~ person who
2848 violates ~~any of the provisions of~~ this chapter or the rules
2849 adopted under this chapter or impedes, obstructs, or hinders the
2850 department in the performance of its duty in connection with ~~the~~
2851 ~~provisions of~~ this chapter:

2852 1. Issuance of a warning letter.

2853 2. Imposition of an administrative fine in the Class II
2854 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
2855 ~~per violation for a first-time offender. For a second-time or~~
2856 ~~repeat offender, or any person who is shown to have willfully~~
2857 ~~and intentionally violated any provision of this chapter, the~~
2858 ~~administrative fine shall not exceed \$5,000 per violation. When~~
2859 imposing any fine under this section, the department shall
2860 consider the degree and extent of harm caused by the violation,
2861 the cost of rectifying the damage, the amount of money the
2862 violator benefited from by noncompliance, whether the violation
2863 was committed willfully, and the compliance record of the
2864 violator.

2865 3. Revocation or suspension of any registration issued by
2866 the department.

2867 Section 131. Subsection (1) of section 526.311, Florida
2868 Statutes, is amended to read:

2869 526.311 Enforcement; civil penalties; injunctive relief.-

2870 (1) A ~~Any~~ person who knowingly violates this act shall be
2871 subject to a civil penalty in the Class III category pursuant to

596-03275-14

20141630c2

2872 s. 570.971 for each ~~not to exceed \$10,000 per~~ violation. Each
2873 day that a violation of this act occurs shall be considered a
2874 separate violation, but a ~~no~~ civil penalty may not ~~shall~~ exceed
2875 \$250,000. ~~Any~~ Such a person shall also be liable for attorney
2876 ~~attorney's~~ fees and shall be subject to an action for injunctive
2877 relief.

2878 Section 132. Subsection (2) of section 526.55, Florida
2879 Statutes, is amended to read:

2880 526.55 Violation and penalties.—

2881 (2) If the department finds that a person has violated or
2882 is operating in violation of ss. 526.50-526.56 or the rules or
2883 orders adopted thereunder, the department may, by order:

2884 (a) Issue a notice of noncompliance pursuant to s. 120.695;

2885 (b) Impose an administrative fine in the Class II category
2886 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each violation;

2887 (c) Direct that the person cease and desist specified
2888 activities;

2889 (d) Revoke or suspend a registration, or refuse to register
2890 a product; or

2891 (e) Place the registrant on probation for a period of time,
2892 subject to conditions as the department may specify.

2893 Section 133. Subsection (1) of section 527.13, Florida
2894 Statutes, is amended to read:

2895 527.13 Administrative fines and warning letters.—

2896 (1) If a ~~any~~ person violates ~~any provision of~~ this chapter
2897 or any rule adopted under this chapter ~~pursuant thereto~~ or a
2898 cease and desist order, the department may impose civil or
2899 administrative penalties in the Class II category pursuant to s.
2900 570.971, not to exceed \$3,000 for each offense, suspend or

596-03275-14

20141630c2

2901 revoke the license or qualification issued to such person, or
2902 any of the foregoing. The cost of the proceedings to enforce
2903 this chapter may be added to any penalty imposed. The department
2904 may allow the licensee a reasonable period, not to exceed 90
2905 days, within which to pay to the department the amount of the
2906 penalty so imposed. If the licensee fails to pay the penalty in
2907 its entirety to the department at its office at Tallahassee
2908 within the period so allowed, the licenses of the licensee shall
2909 stand revoked upon expiration of such period.

2910 Section 134. Subsection (1) of section 531.50, Florida
2911 Statutes, is amended to read:

2912 531.50 Administrative fine, penalties, and offenses.—

2913 (1) The department may enter an order imposing one or more
2914 of the following penalties against a ~~any~~ person who violates ~~any~~
2915 ~~provision of~~ this chapter or rule adopted under this chapter or
2916 impedes, obstructs, or hinders the department in performing ~~the~~
2917 ~~performance of~~ its duties under ~~in connection with the~~
2918 ~~provisions of~~ this chapter:

2919 (a) Issuance of a warning letter or notice.

2920 (b) Imposition of an administrative fine in the Class II
2921 category pursuant to s. 570.971 for each of:

2922 1. ~~Up to \$1,000 for a first violation;~~

2923 2. ~~Up to \$2,500 for a second violation within 2 years after~~
2924 ~~the first violation; or~~

2925 3. ~~Up to \$5,000 for a third violation within 2 years after~~
2926 ~~the first violation.~~

2927

2928 When imposing any fine under this section, the department shall
2929 consider the degree and extent of potential harm caused by the

596-03275-14

20141630c2

2930 violation, the amount of money by which the violator benefited
2931 from noncompliance, whether the violation was committed
2932 willfully, and the compliance record of the violator. All fines,
2933 monetary penalties, and costs received by the department shall
2934 be deposited in the General Inspection Trust Fund for the
2935 purpose of administering the provisions of this chapter.

2936 Section 135. Subsection (2) of section 534.52, Florida
2937 Statutes, is amended to read:

2938 534.52 Violations; refusal, suspension, revocation;
2939 penalties.—

2940 (2) In addition, or as an alternative to refusing,
2941 suspending, or revoking a license in cases involving violations,
2942 the department may impose an administrative a fine in the Class
2943 I category pursuant to s. 570.971 not to exceed \$500 for the
2944 first offense and not to exceed \$1,000 for the second or
2945 subsequent violations. When imposed and paid, such fines shall
2946 be deposited in the General Inspection Trust Fund.

2947 Section 136. Paragraphs (b) and (d) of subsection (7) of
2948 section 539.001, Florida Statutes, are amended to read:

2949 539.001 The Florida Pawnbroking Act.—

2950 (7) ORDERS IMPOSING PENALTIES.—

2951 (b) Upon a finding as set forth in paragraph (a), the
2952 agency may enter an order doing one or more of the following:

2953 1. Issuing a notice of noncompliance pursuant to s.
2954 120.695.

2955 2. Imposing an administrative fine in the Class II category
2956 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each act which
2957 constitutes a violation of this section or a rule or an order.

2958 3. Directing that the pawnbroker cease and desist specified

596-03275-14

20141630c2

2959 activities.

2960 4. Refusing to license or revoking or suspending a license.

2961 5. Placing the licensee on probation ~~for a period of time,~~
2962 subject to such conditions as the agency may specify.

2963 (d)1. When the agency, if a violation of this section
2964 occurs, has reasonable cause to believe that a person is
2965 operating in violation of this section, the agency may bring a
2966 civil action in the appropriate court for temporary or permanent
2967 injunctive relief and may seek other appropriate civil relief,
2968 including a civil penalty in the Class II category pursuant to
2969 s. 570.971 ~~not to exceed \$5,000 for each violation,~~ restitution
2970 and damages for injured customers, court costs, and reasonable
2971 attorney ~~attorney's~~ fees.

2972 2. The agency may terminate any investigation or action
2973 upon agreement by the offender to pay a stipulated civil
2974 penalty, to make restitution or pay damages to customers, or to
2975 satisfy ~~any~~ other relief authorized herein and requested by the
2976 agency.

2977 Section 137. Paragraph (b) of subsection (4) and paragraph
2978 (a) of subsection (5) of section 559.921, Florida Statutes, are
2979 amended to read:

2980 559.921 Remedies.—

2981 (4)

2982 (b) Upon a finding as set forth in paragraph (a), the
2983 department may enter an order doing one or more of the
2984 following:

2985 1. Issuing a notice of noncompliance pursuant to s.
2986 120.695.

2987 2. Imposing an administrative fine in the Class I category

596-03275-14

20141630c2

2988 pursuant to s. 570.971 ~~not to exceed \$1,000 per violation~~ for
2989 each act which constitutes a violation of this part or a rule or
2990 order.

2991 3. Directing that the motor vehicle repair shop cease and
2992 desist specified activities.

2993 4. Refusing to register or revoking or suspending a
2994 registration.

2995 5. Placing the registrant on probation ~~for a period of~~
2996 ~~time~~, subject to such conditions as the department may specify.

2997 (5) (a) The department or the state attorney, if a violation
2998 of this part occurs in his or her judicial circuit, is ~~shall be~~
2999 the enforcing authority for purposes of this part and may bring
3000 a civil action in circuit court for temporary or permanent
3001 injunctive relief and may seek other appropriate civil relief,
3002 including a civil penalty in the Class I category pursuant to s.
3003 570.971 ~~not to exceed \$1,000~~ for each violation, restitution and
3004 damages for injured customers, court costs, and reasonable
3005 attorney ~~attorney's~~ fees.

3006 Section 138. Subsection (1) of section 559.9355, Florida
3007 Statutes, is amended to read:

3008 559.9355 Administrative remedies; penalties.—

3009 (1) The department may enter an order doing one or more of
3010 the following if the department finds that a person has violated
3011 or is operating in violation of ~~any of the provisions of this~~
3012 part or the rules or orders issued thereunder:

3013 (a) Issuing a notice of noncompliance pursuant to s.
3014 120.695.

3015 (b) Imposing an administrative fine in the Class II
3016 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each

596-03275-14

20141630c2

3017 act or omission.

3018 ~~(c) Imposing an administrative fine not to exceed \$10,000~~
 3019 ~~for each act or omission in violation of s. 559.9335(22) or~~
 3020 ~~(23).~~

3021 (c)~~(d)~~ Directing that the person cease and desist specified
 3022 activities.

3023 (d)~~(e)~~ Refusing to register or canceling or suspending a
 3024 registration.

3025 (e)~~(f)~~ Placing the registrant on probation ~~for a period of~~
 3026 ~~time~~, subject to such conditions as the department may specify.

3027 (f)~~(g)~~ Canceling an exemption granted under s. 559.935.

3028 Section 139. Subsections (2) and (3) of section 559.936,
 3029 Florida Statutes, are amended to read:

3030 559.936 Civil penalties; remedies.—

3031 (2) The department may seek a civil penalty in the Class II
 3032 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
 3033 violation of this part.

3034 (3) The department may seek a civil penalty in the Class
 3035 III category pursuant to s. 570.971 ~~of up to \$10,000~~ for each
 3036 act or omission in violation of s. 559.9335(22) or (23).

3037 Section 140. Subsection (1) of section 571.11, Florida
 3038 Statutes, is amended to read:

3039 571.11 Eggs and poultry; Seal of quality violations;
 3040 administrative penalties.—

3041 (1) The Department of Agriculture and Consumer Services may
 3042 impose an administrative ~~a~~ fine in the Class II category
 3043 pursuant to s. 570.971 ~~not exceeding \$5,000~~ against any dealer,
 3044 as defined in ~~under~~ s. 583.01(4), in violation of the guidelines
 3045 for the Florida seal of quality for eggs or poultry programs.

596-03275-14

20141630c2

3046 All fines, when imposed and paid, shall be deposited by the
3047 department into the General Inspection Trust Fund.

3048 Section 141. Subsection (2) of section 571.28, Florida
3049 Statutes, is amended to read:

3050 571.28 Florida Agricultural Promotional Campaign Advisory
3051 Council.—

3052 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
3053 meetings, powers and duties, procedures, and recordkeeping of
3054 the Florida Agricultural Promotional Campaign Advisory Council
3055 shall be pursuant to s. 570.232 ~~governed by the provisions of s.~~
3056 ~~570.0705 relating to advisory committees established within the~~
3057 ~~department.~~

3058 Section 142. Paragraph (b) of subsection (3) of section
3059 571.29, Florida Statutes, is amended to read:

3060 571.29 Unlawful acts; administrative remedies; criminal
3061 penalties.—

3062 (3) The department may enter an order imposing one or more
3063 of the following penalties against any person who violates any
3064 of the provisions of this part or any rules adopted under this
3065 part:

3066 (b) Imposition of an administrative fine in the Class I
3067 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
3068 ~~per~~ violation for a first-time ~~first-time~~ offender. For a
3069 second-time ~~second-time~~ offender, or a ~~any~~ person who is shown
3070 to have willfully and intentionally violated ~~any provision of~~
3071 this part or any rules adopted under this part, the
3072 administrative fine shall be in the Class II category pursuant
3073 to s. 570.971 for each ~~may not exceed \$5,000 per~~ violation. The
3074 term "each ~~per~~ violation" means each incident in which a logo of

596-03275-14

20141630c2

3075 the Florida Agricultural Promotional Campaign has been used,
3076 reproduced, or distributed in any manner inconsistent with ~~the~~
3077 ~~provisions of~~ this part or the rules adopted under this part.

3078
3079 The administrative proceedings that could result in the entry of
3080 an order imposing any of the penalties specified in paragraphs
3081 (a)-(c) shall be conducted in accordance with chapter 120.

3082 Section 143. Subsection (1) of section 578.181, Florida
3083 Statutes, is amended to read:

3084 578.181 Penalties; administrative fine.—

3085 (1) The department may enter an order imposing one or more
3086 of the following penalties against a any person who violates any
3087 ~~of the provisions of~~ this chapter or the rules adopted under
3088 this chapter promulgated hereunder or who impedes, obstructs, or
3089 ~~hinders, or otherwise prevents or attempts to prevent~~ the
3090 department in performing ~~the performance of~~ its duties under
3091 ~~duty in connection with the provisions of~~ this chapter:

3092 (a) Issuance of a warning letter.

3093 (b) Imposition of an administrative fine in the Class I
3094 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
3095 ~~per~~ occurrence after the issuance of a warning letter.

3096 (c) Revocation or suspension of the registration as a seed
3097 dealer.

3098 Section 144. Paragraph (b) of subsection (1) of section
3099 580.121, Florida Statutes, is amended to read:

3100 580.121 Penalties; duties of law enforcement officers;
3101 injunctive relief.—

3102 (1) The department may impose one or more of the following
3103 penalties against any person who violates any provision of this

596-03275-14

20141630c2

3104 chapter:

3105 (b) Imposition of an administrative fine in the Class I
3106 category pursuant to s. 570.971 for each, by the department, of
3107 ~~not more than \$1,000 per~~ occurrence.

3108

3109 However, the severity of the penalty imposed shall be
3110 commensurate with the degree of risk to human or animal safety
3111 or the level of financial harm to the consumer that is created
3112 by the violation.

3113 Section 145. Paragraph (a) of subsection (2) of section
3114 581.141, Florida Statutes, is amended to read:

3115 581.141 Certificate of registration or of inspection;
3116 revocation and suspension; fines.—

3117 (2) FINES; PROBATION.—

3118 (a)1. The department may, after notice and hearing, impose
3119 an administrative a fine in the Class II category pursuant to s.
3120 570.971 not exceeding \$5,000 or probation not exceeding 12
3121 months, or both, for a ~~the~~ violation of ~~any of the provisions of~~
3122 this chapter or the rules adopted under this chapter upon a ~~any~~
3123 person, nurseryman, stock dealer, agent, or plant broker. The
3124 fine, when paid, shall be deposited in the Plant Industry Trust
3125 Fund.

3126 2. The imposition of a fine or probation pursuant to this
3127 subsection may be in addition to or in lieu of the suspension or
3128 revocation of a certificate of registration or certificate of
3129 inspection.

3130 Section 146. Subsection (2) of section 581.186, Florida
3131 Statutes, is amended to read:

3132 581.186 Endangered Plant Advisory Council; organization;

596-03275-14

20141630c2

3133 meetings; powers and duties.-

3134 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.-The
3135 meetings, powers and duties, procedures, and recordkeeping of
3136 the Endangered Plant Advisory Council shall be pursuant to s.
3137 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
3138 ~~advisory committees established within the department.~~

3139 Section 147. Paragraph (a) of subsection (3) of section
3140 581.211, Florida Statutes, is amended to read:

3141 581.211 Penalties for violations.-

3142 (3) (a) 1. In addition to any other ~~provision of~~ law, the
3143 department may, after notice and hearing, impose an
3144 administrative fine in the Class II category pursuant to s.
3145 570.971 ~~not exceeding \$5,000~~ for each violation of this chapter,
3146 upon a ~~any~~ person, nurseryman, stock dealer, agent, or plant
3147 broker. The fine, when paid, shall be deposited in the Plant
3148 Industry Trust Fund. In addition, the department may place the
3149 violator on probation for up to 1 year, with conditions.

3150 2. The imposition of a fine or probation pursuant to this
3151 subsection may be in addition to or in lieu of the suspension or
3152 revocation of a certificate of registration or certificate of
3153 inspection.

3154 Section 148. Subsection (2) of section 582.06, Florida
3155 Statutes, is amended to read:

3156 582.06 Soil and Water Conservation Council; powers and
3157 duties.-

3158 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.-The
3159 meetings, powers and duties, procedures, and recordkeeping of
3160 the Soil and Water Conservation Council shall be pursuant to s.
3161 570.232 ~~governed by the provisions of s. 570.0705 relating to~~

596-03275-14

20141630c2

3162 ~~advisory committees established within the department.~~

3163 Section 149. Subsection (1) of section 585.007, Florida
3164 Statutes, is amended to read:

3165 585.007 Violation of rules; violation of chapter.—

3166 (1) A ~~Any~~ person who violates ~~the provisions of this~~
3167 chapter or any rule of the department shall be subject to the
3168 imposition of an administrative fine in the Class III category
3169 pursuant to s. 570.971 ~~of up to \$10,000~~ for each offense. Upon
3170 repeated violation, the department may seek enforcement pursuant
3171 to s. 120.69.

3172 Section 150. Paragraph (a) of subsection (2) of section
3173 586.15, Florida Statutes, is amended to read:

3174 586.15 Penalty for violation.—

3175 (2) (a) The department may, after notice and hearing, impose
3176 an administrative a fine in the Class II category pursuant to s.
3177 570.971 ~~not exceeding \$5,000~~ for a ~~the~~ violation of ~~any of the~~
3178 ~~provisions of~~ this chapter or the rules adopted under this
3179 chapter upon any person. The fine, when paid, shall be deposited
3180 in the Plant Industry Trust Fund. The imposition of a fine
3181 pursuant to this subsection may be in addition to or in lieu of
3182 the suspension or revocation of a permit or a certificate of
3183 inspection or registration.

3184 Section 151. Subsection (3) of section 586.161, Florida
3185 Statutes, is amended to read:

3186 586.161 Honeybee Technical Council.—

3187 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
3188 meetings, powers and duties, procedures, and recordkeeping of
3189 the Honeybee Technical Council shall be pursuant to s. 570.232
3190 ~~governed by the provisions of s. 570.0705 relating to advisory~~

596-03275-14

20141630c2

3191 ~~committees established within the department.~~

3192 Section 152. Subsection (3) of section 590.14, Florida
3193 Statutes, is amended to read:

3194 590.14 Notice of violation; penalties; legislative intent.-

3195 (3) The department may also impose an administrative fine
3196 in the Class I category pursuant to s. 570.971 for each, ~~not to~~
3197 ~~exceed \$1,000 per violation of any section of chapter 589 or~~
3198 ~~this chapter or violation of any rule adopted by the Florida~~
3199 ~~Forest Service to administer provisions of law conferring duties~~
3200 ~~upon the Florida Forest Service. The fine shall be based upon~~
3201 ~~the degree of damage, the prior violation record of the person,~~
3202 ~~and whether the person knowingly provided false information to~~
3203 ~~obtain an authorization. The fines shall be deposited in the~~
3204 ~~Incidental Trust Fund of the Florida Forest Service.~~

3205 Section 153. Subsection (2) of section 595.701, Florida
3206 Statutes, is amended to read:

3207 595.701 Healthy Schools for Healthy Lives Council.-

3208 (2) The meetings, powers, duties, procedures, and
3209 recordkeeping of the Healthy Schools for Healthy Lives Council
3210 shall be pursuant to s. 570.232 ~~governed by s. 570.0705,~~
3211 ~~relating to advisory committees established within the~~
3212 ~~department.~~

3213 Section 154. Subsection (2) of section 597.0041, Florida
3214 Statutes, is amended to read:

3215 597.0041 Prohibited acts; penalties.-

3216 (2) (a) A ~~Any~~ person who violates ~~any provision of this~~
3217 ~~chapter or any rule adopted under this chapter promulgated~~
3218 ~~hereunder~~ is subject to a suspension or revocation of his or her
3219 certificate of registration or license under this chapter. The

596-03275-14

20141630c2

3220 department may, in lieu of~~7~~ or in addition to the suspension or
3221 revocation, impose on the violator an administrative fine in the
3222 Class I category pursuant to s. 570.971 for each violation, for
3223 each day the violation exists ~~in an amount not to exceed \$1,000~~
3224 ~~per violation per day.~~

3225 (b) Except as provided in subsection (4), a ~~any~~ person who
3226 violates ~~any provision of this chapter7~~ or any rule adopted
3227 under this chapter hereunder7, commits a misdemeanor of the first
3228 degree, punishable as provided in s. 775.082 or s. 775.083.

3229 Section 155. Subsection (2) of section 599.002, Florida
3230 Statutes, is amended to read:

3231 599.002 Viticulture Advisory Council.—

3232 (2) The meetings, powers and duties, procedures, and
3233 recordkeeping of the Viticulture Advisory Council shall be
3234 pursuant to s. 570.232 governed by the provisions of s. 570.0705
3235 ~~relating to advisory committees established within the~~
3236 ~~department.~~

3237 Section 156. Section 601.67, Florida Statutes, is amended
3238 to read:

3239 601.67 Disciplinary action by Department of Agriculture
3240 against citrus fruit dealers.—

3241 (1) The Department of Agriculture may impose an
3242 administrative a fine in the Class IV category pursuant to s.
3243 570.971 not to exceed exceeding \$50,000 for each per violation
3244 against a any licensed citrus fruit dealer who violates for
3245 ~~violation of any provision of this chapter and, in lieu of7 or~~
3246 in addition to~~7~~ such fine, may revoke or suspend the license of
3247 ~~any~~ such a dealer when it has been satisfactorily shown that
3248 such dealer, in her or his activities as a citrus fruit dealer,

596-03275-14

20141630c2

3249 has:

3250 (a) Obtained a license by means of fraud,
3251 misrepresentation, or concealment;

3252 (b) Violated or aided or abetted in the violation of any
3253 law of this state governing or applicable to citrus fruit
3254 dealers or any lawful rules of the Department of Citrus;

3255 (c) Been guilty of a crime against the laws of this or any
3256 other state or government involving moral turpitude or dishonest
3257 dealing or has become legally incompetent to contract or be
3258 contracted with;

3259 (d) Made, printed, published, distributed, or caused,
3260 authorized, or knowingly permitted the making, printing,
3261 publication, or distribution of false statements, descriptions,
3262 or promises of such a character as to reasonably induce any
3263 person to act to her or his damage or injury, if such citrus
3264 fruit dealer then knew, or by the exercise of reasonable care
3265 and inquiry could have known, of the falsity of such statements,
3266 descriptions, or promises;

3267 (e) Knowingly committed or been a party to any material
3268 fraud, misrepresentation, concealment, conspiracy, collusion,
3269 trick, scheme, or device whereby another ~~any other~~ person
3270 lawfully relying upon the word, representation, or conduct of
3271 the citrus fruit dealer has acted to her or his injury or
3272 damage;

3273 (f) Committed any act or conduct of the same or different
3274 character than ~~of~~ that ~~hereinabove~~ enumerated which constitutes
3275 fraudulent or dishonest dealing; or

3276 (g) Violated ~~any of the provisions of~~ ss. 506.19-506.28,
3277 ~~both sections inclusive.~~

596-03275-14

20141630c2

3278 (2) The Department of Agriculture may impose an
3279 administrative a fine in the Class IV category pursuant to s.
3280 570.971 not to exceed exceeding \$100,000 for each per violation
3281 against a any person who operates as a citrus fruit dealer
3282 without a current citrus fruit dealer license issued by the
3283 Department of Agriculture pursuant to s. 601.60. In addition,
3284 the Department of Agriculture may order such person to cease and
3285 desist operating as a citrus fruit dealer without a license. An
3286 administrative order entered by the Department of Agriculture
3287 under this subsection may be enforced pursuant to s. 601.73.

3288 (3) The Department of Agriculture shall impose an
3289 administrative a fine in the Class IV category pursuant to s.
3290 570.971 not to exceed of not less than \$10,000 nor more than
3291 \$100,000 for each per violation against a any licensed citrus
3292 fruit dealer and shall suspend, for 60 days during the first
3293 available period between September 1 and May 31, the license of
3294 a any citrus fruit dealer who:

3295 (a) Falsely labels or otherwise misrepresents that a fresh
3296 citrus fruit was grown in a specific production area specified
3297 in s. 601.091; or

3298 (b) Knowingly, falsely labels or otherwise misrepresents
3299 that a processed citrus fruit product was prepared solely with
3300 citrus fruit grown in a specific production area specified in s.
3301 601.091.

3302 (4) A Any fine imposed pursuant to subsection (1),
3303 subsection (2), or subsection (3), when paid, shall be deposited
3304 by the Department of Agriculture into its General Inspection
3305 Trust Fund.

3306 (5) Whenever an any administrative order has been made and

596-03275-14

20141630c2

3307 entered by the Department of Agriculture that imposes a fine
3308 pursuant to this section, such order shall specify a time limit
3309 for payment of the fine, not exceeding 15 days. The failure of
3310 the citrus fruit dealer ~~involved~~ to pay the fine within that
3311 time shall result in the immediate suspension of such citrus
3312 fruit dealer's current license, or any subsequently issued
3313 license, until ~~such time as~~ the order has been fully satisfied.
3314 An ~~Any~~ order suspending a citrus fruit dealer's license shall
3315 include a provision that the ~~such~~ suspension shall be for a
3316 specified period ~~of time~~ not to exceed 60 days, and such period
3317 of suspension may begin ~~commence~~ at any designated date within
3318 the current license period or subsequent license period.
3319 Whenever an order has been entered that suspends a citrus fruit
3320 dealer's license for a definite period ~~of time~~ and that license,
3321 by law, expires during the period of suspension, the suspension
3322 order shall continue automatically and shall be effective
3323 against any subsequent citrus fruit dealer ~~dealer's~~ license
3324 issued to such dealer until ~~such time as~~ the entire period of
3325 suspension has elapsed. Whenever any such administrative order
3326 of the Department of Agriculture is sought to be reviewed by the
3327 offending dealer involved in a court of competent jurisdiction,
3328 if such court proceedings should finally terminate in such
3329 administrative order being upheld or not quashed, such order
3330 shall ~~thereupon~~, upon the filing with the Department of
3331 Agriculture of a certified copy of the mandate or other order of
3332 the last court having to do with the matter in the judicial
3333 process, become immediately effective and shall then be carried
3334 out and enforced notwithstanding such time will be during a new
3335 and subsequent shipping season from that during which the

596-03275-14

20141630c2

3336 administrative order was first originally entered by the
3337 Department of Agriculture.

3338 Section 157. Paragraph (a) of subsection (3) of section
3339 604.30, Florida Statutes, is amended to read:

3340 604.30 Penalties; injunctive relief; administrative fines.—

3341 (3) (a) In addition to the penalties provided in this
3342 section, the department may, after notice and hearing, impose an
3343 administrative ~~a~~ fine in the Class II category pursuant to s.
3344 570.971, not to exceed ~~exceeding~~ \$2,500 for a ~~the~~ violation of
3345 ~~any of the provisions of~~ ss. 604.15-604.34 or the rules adopted
3346 thereunder against a ~~any~~ dealer in agricultural products. ~~†~~ Such
3347 fine, when imposed and paid, shall be deposited by the
3348 department into the General Inspection Trust Fund.

3349 Section 158. Paragraph (a) of subsection (19) of section
3350 616.242, Florida Statutes, is amended to read:

3351 616.242 Safety standards for amusement rides.—

3352 (19) ENFORCEMENT AND PENALTIES.—

3353 (a) The department may deny, suspend for a period not to
3354 exceed 1 year, or revoke a ~~any~~ permit or inspection certificate.
3355 In addition to denial, suspension, or revocation, the department
3356 may impose an administrative fine in the Class II category
3357 pursuant to s. 570.971, not to exceed ~~of up to~~ \$2,500 for each
3358 per violation, for each day the violation exists ~~per day~~,
3359 against the owner of the amusement ride if it finds that:

3360 1. An amusement ride has operated or is operating:

3361 a. With a mechanical, structural, or electrical defect that
3362 affects patron safety, of which the owner or manager has
3363 knowledge, or, through the exercise of reasonable diligence,
3364 should have knowledge;

596-03275-14

20141630c2

- 3365 b. In a manner or circumstance that presents a risk of
3366 serious injury to patrons;
- 3367 c. At a speed in excess of its maximum safe operating
3368 speed;
- 3369 d. In violation of this section or any rule adopted under
3370 this section; or
- 3371 e. In violation of an ~~any~~ order of the department or order
3372 of any court; ~~or-~~
- 3373 2. A ~~Any~~ manager in the course of his or her duties is
3374 under the influence of drugs or alcohol.
- 3375 Section 159. This act shall take effect July 1, 2014.