

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

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 193.461, F.S.;
4 authorizing a property appraiser to grant an
5 agricultural classification after the application
6 deadline upon a showing of extenuating circumstances;
7 providing that participation in certain dispersed
8 water storage programs does not change a land's
9 agricultural classification for assessment purposes;
10 amending s. 282.709, F.S.; adding a representative to
11 the Joint Task Force on State Agency Law Enforcement
12 Communications, to be appointed by the Commissioner of
13 Agriculture; amending s. 373.4591, F.S.; authorizing
14 agricultural landowners to establish baseline wetland
15 and surface water conditions before implementing
16 certain best management practice implementation
17 agreements; requiring establishment of a process for
18 review of proposed baseline condition determinations;
19 transferring, renumbering, and amending s. 570.0741,
20 F.S., relating to the energy efficiency and
21 conservation clearinghouse; deleting an obsolete
22 provision; amending s. 379.361, F.S.; requiring a
23 person to retake an educational seminar when renewing
24 an Apalachicola Bay oyster harvesting license;
25 amending s. 487.041, F.S.; requiring a registrant to
26 continue the registration of a brand of pesticide that
27 continues to remain on retailers' shelves in this
28 state under certain circumstances; amending ss.
29 487.046 and 487.048, F.S.; authorizing applications

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30 for certain licenses to be submitted through the
31 department's website; amending s. 487.159, F.S.;
32 deleting the requirements for filing statements
33 claiming damages and injuries from pesticide
34 application; amending s. 487.160, F.S.; requiring all
35 licensed private applicators to keep the same records
36 as licensed public applicators and licensed commercial
37 applicators with respect to the application of
38 restricted pesticides; amending s. 487.2031, F.S.;
39 revising the term "material safety data sheet";
40 amending s. 487.2051, F.S.; revising requirements for
41 pesticide fact sheets and safety data sheets; amending
42 s. 493.6120, F.S.; authorizing the department to
43 impose certain civil penalties for violations relating
44 to private security, investigative, and repossession
45 services; transferring and renumbering s. 570.545,
46 F.S., relating to unsolicited goods; amending s.
47 500.03, F.S.; revising the definition of the term
48 "food establishment"; amending s. 500.12, F.S.;
49 revising the exemption from permit requirements for
50 minor food outlets; requiring an establishment to
51 apply for and receive a permit prior to the
52 commencement of operations; requiring the department
53 to adopt a schedule of fees to be paid by each food
54 establishment and retail food store; providing that
55 food permits are not transferable; updating
56 terminology; amending s. 500.121, F.S.; authorizing
57 the department to order the immediate closure of
58 certain establishments upon determination that the

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59 establishment presents a severe and immediate threat
60 to the public health, safety, and welfare; specifying
61 the procedure the department must use in ordering
62 immediate closure; conforming provisions to changes
63 made by the act; providing criminal penalties;
64 authorizing the department to adopt rules; amending s.
65 500.147, F.S.; authorizing the department to inspect
66 food records to facilitate tracing of food products in
67 certain circumstances; amending s. 500.165, F.S.;
68 revising the administrative fine amount for violating
69 provisions relating to transporting shipments of food
70 items; amending s. 500.172, F.S.; authorizing the
71 department to issue and enforce a stop-sale, stop-use,
72 removal, or hold order for certain food-processing or
73 food storage areas; amending s. 501.019, F.S.;
74 revising the administrative fine amount for violations
75 relating to health studios; amending s. 501.059, F.S.;
76 authorizing the department to adopt rules; conforming
77 provisions to changes made by the act; amending s.
78 501.922, F.S.; revising the administrative fine amount
79 for certain violations relating to the "Antifreeze
80 Act"; transferring, renumbering, and amending s.
81 570.42, F.S., relating to the Dairy Industry Technical
82 Council; conforming a cross-reference; creating part I
83 of ch. 570, F.S., entitled "General Provisions";
84 renumbering and amending s. 570.14, F.S., relating to
85 the seal of the department; restricting the seal of
86 the department from being used without written
87 approval by the department; renumbering ss. 570.18 and

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88 570.16, F.S., relating to organization of departmental
89 work and the interference with department employees,
90 respectively; amending s. 570.07, F.S.; conforming a
91 cross-reference; transferring and renumbering ss.
92 570.17 and 570.531, F.S., relating to the regulatory
93 work of the state relating to the protection of
94 agricultural interests and the Market Improvements
95 Working Capital Trust Fund, respectively; amending s.
96 570.23, F.S.; conforming a cross-reference;
97 renumbering s. 570.0705, F.S., relating to advisory
98 committees; creating part II of ch. 570, F.S.,
99 entitled "Program Services"; amending s. 570.36, F.S.;
100 making a technical change; amending s. 570.44, F.S.;
101 revising the duties of the Division of Agricultural
102 Environmental Services; amending s. 570.45, F.S.;
103 conforming provisions to changes made by the act;
104 amending s. 570.451, F.S.; conforming a cross-
105 reference; amending ss. 570.50 and 570.51, F.S.;
106 conforming provisions to changes made by the act;
107 amending s. 570.543, F.S.; conforming a cross-
108 reference; renumbering s. 570.073, F.S., relating to
109 the Office of Agricultural Law Enforcement;
110 renumbering and amending s. 570.074, F.S.; requiring
111 the Office of Agricultural and Water Policy to enforce
112 and implement ch. 582, F.S., and rules relating to
113 soil and water conservation; creating s. 570.67, F.S.;
114 codifying the creation of the Office of Energy;
115 providing for management and specifying duties;
116 renumbering s. 570.951, F.S., relating to the Florida

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117 Agriculture Center and Horse Park; renumbering and
118 amending s. 570.952, F.S., relating to the Florida
119 Agricultural Center and Horse Park Authority;
120 conforming provisions to changes made by the act;
121 deleting obsolete provisions; renumbering s. 570.953,
122 F.S., relating to the identity of donors to the
123 Florida Agriculture Center and Horse Park Authority;
124 renumbering and amending s. 570.902, F.S., relating to
125 definitions; conforming provisions to changes made by
126 the act; renumbering ss. 570.903, 570.901, and 570.91,
127 F.S., relating to direct-support organizations, the
128 Florida Agricultural Museum, and Florida agriculture
129 in the classroom, respectively; creating part III of
130 ch. 570, F.S., entitled "Agricultural Development";
131 amending s. 570.71, F.S.; authorizing the department
132 to use certain funds for administrative and operating
133 expenses related to appraisals, mapping, title
134 process, personnel, and other real estate expenses;
135 renumbering s. 570.241, F.S., relating to the
136 Agricultural Economic Development Act; renumbering and
137 amending s. 570.242, F.S., relating to the
138 Agricultural Economic Development Act; removing the
139 definition of the terms "commissioner" and
140 "department"; renumbering ss. 570.243, 570.244,
141 570.245, and 570.246, F.S., relating to the
142 Agricultural Economic Development Program, the powers
143 of the department, interaction with other economic
144 development agencies and groups, and agricultural
145 economic development funding, respectively;

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146 renumbering and amending s. 570.247, F.S., relating to
147 certain department rules; deleting obsolete
148 provisions; renumbering ss. 570.248 and 570.249, F.S.,
149 relating to the Agricultural Economic Development and
150 Project Review Committee and disaster loans and grants
151 and aid, respectively; renumbering and amending s.
152 570.9135, F.S., relating to the Beef Market
153 Development Act; conforming cross-references; making
154 technical changes; renumbering ss. 570.954 and 570.96,
155 F.S., relating to the farm-to-fuel initiative and
156 agritourism, respectively; renumbering and amending s.
157 570.961, F.S., relating to definitions; conforming
158 cross-references; renumbering s. 570.962, F.S.,
159 relating to agritourism participation impact on land
160 classification; renumbering and amending s. 570.963,
161 F.S., relating to liability; conforming a cross-
162 reference; renumbering and amending s. 570.964, F.S.,
163 relating to posting and notification requirements for
164 agritourism operators; conforming provisions to
165 changes made by the act; creating part IV of ch. 570,
166 F.S., entitled "Agricultural Water Policy";
167 renumbering s. 570.075, F.S., relating to water supply
168 agreements; renumbering and amending s. 570.076, F.S.,
169 relating to Environmental Stewardship Certification;
170 conforming a cross-reference; renumbering ss. 570.085
171 and 570.087, F.S., relating to agricultural water
172 conservation and agricultural water supply planning
173 and best management practices for wildlife,
174 respectively; creating part V of ch. 570, F.S.,

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175 entitled "Penalties"; creating s. 570.971, F.S.;

176 providing administrative fines and civil penalties;

177 authorizing the department to refuse to issue or renew

178 a license, permit, authorization, certificate, or

179 registration under certain circumstances; authorizing

180 the department to adopt rules; amending s. 576.021,

181 F.S.; updating terminology; authorizing applications

182 for registration for specialty fertilizers to be

183 submitted using the department's website; making

184 technical changes; amending s. 576.031, F.S.; revising

185 labeling requirements for distribution of fertilizer

186 in bulk; amending s. 576.041, F.S.; removing surety

187 bond and certificate of deposit requirements for

188 fertilizer license applicants; amending s. 576.051,

189 F.S.; extending the period of retention for an

190 official check sample; amending s. 576.061, F.S.;

191 deleting the penalty imposed when it is determined by

192 the department that a fertilizer has been distributed

193 without being licensed or registered, or without

194 labeling; conforming provisions to changes made by the

195 act; making technical changes; amending s. 576.071,

196 F.S.; requiring the department to survey the

197 fertilizer industry of this state to determine the

198 commercial value used in assessing penalties for a

199 deficiency; amending s. 576.087, F.S.; deleting

200 certain requirements relating to antisiphon devices;

201 amending s. 576.101, F.S.; deleting the department's

202 authorization to place a licensee on probationary

203 status under certain circumstances; amending s.

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204 578.08, F.S.; deleting the requirement that the
205 application for registration as a seed dealer include
206 the name and location of each place of business at
207 which the seed is sold, distributed, offered, exposed,
208 or handled for sale; requiring the application to be
209 made by submitting a form prescribed by department
210 rule or using the department's website; establishing a
211 registration fee for receipts of certain amounts;
212 amending s. 580.036, F.S.; requiring that standards
213 for the sale, use, and distribution of commercial feed
214 or feedstuff, if adopted, be developed in consultation
215 with the Agricultural Feed, Seed, and Fertilizer
216 Advisory Council; amending s. 580.041, F.S.; removing
217 the requirement that the master registration form for
218 each distributor of commercial feed identify the
219 manufacturer's or guarantor's name and place of
220 business and the location of each manufacturing
221 facility; revising the requirement that the department
222 must mail a copy of the master registration in order
223 to signify that the administrative requirements have
224 been met; amending s. 580.071, F.S.; providing
225 additional factors that would make a commercial feed
226 or feedstuff be deemed adulterated; amending s.
227 581.091, F.S.; deleting the definition of the term
228 "commercial citrus grove"; deleting provisions
229 relating to special permits authorizing a person to
230 plant *Casuarina cunninghamiana* as part of a pilot
231 program; eliminating a requirement that the department
232 develop and implement a monitoring protocol to

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233 determine invasiveness of Casuarina cunninghamiana;
234 amending s. 581.131, F.S.; revising the time in which
235 the department must provide certain notice and
236 certificate renewal forms; amending s. 583.01, F.S.;
237 redefining the term "dealer"; transferring,
238 renumbering, and amending s. 570.38, F.S., relating to
239 the Animal Industry Technical Council; conforming a
240 cross-reference; amending s. 589.08, F.S.; requiring
241 the Florida Forest Service to pay a certain percentage
242 of the gross receipts from the Goethe State Forest to
243 each fiscally constrained county; requiring such funds
244 to be equally divided between the board of county
245 commissioners and the school board; amending s.
246 589.011, F.S.; providing conditions under which the
247 Florida Forest Service is authorized to grant use of
248 certain lands; providing criteria by which the Florida
249 Forest Service determines certain fees, rentals, and
250 charges; amending s. 589.20, F.S.; authorizing the
251 Florida Forest Service to cooperate with water
252 management districts, municipalities, and other
253 governmental entities; amending s. 590.02, F.S.;
254 renaming the Florida Center for Wildfire and Forest
255 Resources Management Training as the Withlacoochee
256 Training Center; making technical changes; amending s.
257 590.125, F.S.; providing that new authorization is not
258 required for smoldering that occurs within the
259 authorized burn area unless new ignitions are
260 conducted by certain persons; providing that
261 monitoring the smoldering activity of a burn does not

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262 require an additional authorization; transferring and
263 renumbering s. 570.0725, F.S., relating to food
264 recovery; amending s. 597.003, F.S.; amending the
265 powers and duties of the department to include
266 providing training as necessary to lessees of certain
267 lands for aquaculture use; amending s. 597.004, F.S.;
268 requiring an applicant for an aquaculture certificate
269 to submit a certificate of training if required;
270 amending s. 597.020, F.S.; authorizing the department
271 to adopt training requirements for shellfish
272 processors by rule; transferring and renumbering ss.
273 570.481 and 570.55, F.S., relating to food recovery,
274 fruit and vegetable inspection fees, and
275 identification of sellers or handlers of tropical or
276 subtropical fruit and vegetables, respectively;
277 amending s. 604.16, F.S.; providing an exemption for
278 certain dealers in agricultural products from certain
279 requirements; amending s. 604.22, F.S.; revising
280 certain penalties for dealers in agricultural
281 products; repealing s. 487.172, F.S., relating to an
282 educational program for organotin compounds in
283 antifouling paints; repealing ss. 500.301, 500.302,
284 500.303, 500.304, 500.305, and 500.306, F.S., relating
285 to the standards of enrichment, sales, enforcement,
286 and inspection of certain grain products; repealing s.
287 500.601, F.S., relating to the retail sale of meat;
288 repealing s. 570.345, F.S., relating to the Pest
289 Control Compact; repealing s. 570.542, F.S., relating
290 to the Florida Consumer Services Act; repealing s.

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291 570.72, F.S., relating to a definition; repealing s.
 292 570.92, F.S., relating to an equestrian educational
 293 sports program; repealing s. 589.081, F.S., relating
 294 to the Withlacoochee State Forest and Goethe State
 295 Forest; repealing s. 590.091, F.S., relating to the
 296 designation of railroad rights-of-way as wildfire
 297 hazard areas; amending ss. 193.461, 253.74, 288.1175,
 298 320.08058, 373.621, 373.709, 381.0072, 388.46,
 299 472.0351, 472.036, 482.161, 482.165, 482.243, 487.047,
 300 487.091, 487.175, 493.6118, 496.420, 500.70, 501.612,
 301 501.619, 502.231, 507.09, 507.10, 509.032, 525.16,
 302 526.311, 526.55, 527.13, 531.50, 534.52, 539.001,
 303 559.921, 559.9355, 559.936, 571.11, 571.28, 571.29,
 304 578.181, 580.121, 581.141, 581.186, 581.211, 582.06,
 305 585.007, 586.15, 586.161, 590.14, 595.701, 597.0041,
 306 599.002, 601.67, 604.30, and 616.242, F.S.; conforming
 307 provisions to changes made by the act; providing an
 308 effective date.

309

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

311

312 Section 1. Paragraph (a) of subsection (3) and subsection
 313 (7) of section 193.461, Florida Statutes, are amended to read:

314 193.461 Agricultural lands; classification and assessment;
 315 mandated eradication or quarantine program.—

316 (3) (a) ~~No~~ Lands may not ~~shall~~ be classified as agricultural
 317 lands unless a return is filed on or before March 1 of each
 318 year. The property appraiser, before so classifying such lands,
 319 may require the taxpayer or the taxpayer's representative to

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320 furnish the property appraiser such information as may
321 reasonably be required to establish that such lands were
322 actually used for a bona fide agricultural purpose. Failure to
323 make timely application by March 1 shall constitute a waiver for
324 1 year of the privilege herein granted for agricultural
325 assessment. However, an applicant who is qualified to receive an
326 agricultural classification who fails to file an application by
327 March 1 must ~~may~~ file an application for the classification with
328 the property appraiser within 25 days after the property
329 appraiser mails the notices required under s. 194.011(1). Upon
330 receipt of sufficient evidence, as determined by the property
331 appraiser, demonstrating that the applicant was unable to apply
332 for the classification in a timely manner or otherwise
333 demonstrating extenuating circumstances judged by the property
334 appraiser to warrant granting the classification, the property
335 appraiser may grant the classification. If the applicant fails
336 to produce sufficient evidence demonstrating that the applicant
337 was unable to apply for the classification in a timely manner or
338 otherwise demonstrating extenuating circumstances as judged by
339 the property appraiser, the applicant ~~and~~ may file, pursuant to
340 s. 194.011(3), a petition with the value adjustment board
341 requesting that the classification be granted. The petition may
342 be filed at any time during the taxable year on or before the
343 25th day following the mailing of the notice by the property
344 appraiser as provided in s. 194.011(1). Notwithstanding ~~the~~
345 ~~provisions of~~ s. 194.013, the applicant must pay a nonrefundable
346 fee of \$15 upon filing the petition. Upon reviewing the
347 petition, if the person is qualified to receive the
348 classification and demonstrates particular extenuating

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349 circumstances judged by the ~~property appraiser or the~~ value
350 adjustment board to warrant granting the classification, ~~the~~
351 ~~property appraiser or the~~ value adjustment board may grant the
352 classification for the current year. The owner of land that was
353 classified agricultural in the previous year and whose ownership
354 or use has not changed may reapply on a short form as provided
355 by the department. The lessee of property may make original
356 application or reapply using the short form if the lease, or an
357 affidavit executed by the owner, provides that the lessee is
358 empowered to make application for the agricultural
359 classification on behalf of the owner and a copy of the lease or
360 affidavit accompanies the application. A county may, at the
361 request of the property appraiser and by a majority vote of its
362 governing body, waive the requirement that an annual application
363 or statement be made for classification of property within the
364 county after an initial application is made and the
365 classification granted by the property appraiser. Such waiver
366 may be revoked by a majority vote of the governing body of the
367 county.

368 (7) (a) Lands classified for assessment purposes as
369 agricultural lands which are taken out of production by a ~~any~~
370 state or federal eradication or quarantine program shall
371 continue to be classified as agricultural lands for the duration
372 of such program or successor programs. Lands under these
373 programs which are converted to fallow~~r~~ or otherwise nonincome-
374 producing uses shall continue to be classified as agricultural
375 lands and shall be assessed at a de minimis value of up to ~~no~~
376 ~~more than~~ \$50 per acre, on a single year assessment methodology;
377 however, lands converted to other income-producing agricultural

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378 uses permissible under such programs shall be assessed pursuant
379 to this section. Land under a mandated eradication or quarantine
380 program which is diverted from an agricultural to a
381 nonagricultural use shall be assessed under s. 193.011.

382 (b) Lands classified for assessment purposes as
383 agricultural lands which participate in a dispersed water
384 storage program pursuant to a contract with the Department of
385 Environmental Protection or a water management district which
386 requires flooding of land shall continue to be classified as
387 agricultural lands for the duration of the inclusion of the
388 lands in such program or successor programs and shall be
389 assessed as nonproductive agricultural lands. Land under a
390 dispersed water storage program which is diverted to a
391 nonagricultural use shall be assessed under s. 193.011.

392 Section 2. Paragraph (a) of subsection (2) of section
393 282.709, Florida Statutes, is amended to read:

394 282.709 State agency law enforcement radio system and
395 interoperability network.—

396 (2) The Joint Task Force on State Agency Law Enforcement
397 Communications is created adjunct to the department to advise
398 the department of member-agency needs relating to the planning,
399 designing, and establishment of the statewide communication
400 system.

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

403 1. A representative of the Division of Alcoholic Beverages
404 and Tobacco of the Department of Business and Professional
405 Regulation who shall be appointed by the secretary of the
406 department.

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407 2. A representative of the Division of Florida Highway
408 Patrol of the Department of Highway Safety and Motor Vehicles
409 who shall be appointed by the executive director of the
410 department.

411 3. A representative of the Department of Law Enforcement
412 who shall be appointed by the executive director of the
413 department.

414 4. A representative of the Fish and Wildlife Conservation
415 Commission who shall be appointed by the executive director of
416 the commission.

417 5. A representative of the Department of Corrections who
418 shall be appointed by the secretary of the department.

419 6. A representative of the Division of State Fire Marshal
420 of the Department of Financial Services who shall be appointed
421 by the State Fire Marshal.

422 7. A representative of the Department of Transportation who
423 shall be appointed by the secretary of the department.

424 8. A representative of the Department of Agriculture and
425 Consumer Services who shall be appointed by the Commissioner of
426 Agriculture.

427 Section 3. Section 373.4591, Florida Statutes, is amended
428 to read:

429 373.4591 Improvements on private agricultural lands.—The
430 Legislature encourages public-private partnerships to accomplish
431 water storage and water quality improvements on private
432 agricultural lands. When an agreement is entered into between a
433 water management district or the department and a private
434 landowner to establish such a partnership, a baseline condition
435 determining the extent of wetlands and other surface waters on

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436 the property shall be established and documented in the
437 agreement before improvements are constructed. When an agreement
438 is entered into between the Department of Agriculture and
439 Consumer Services and a private landowner to implement best
440 management practices pursuant to s. 403.067(7)(c), a baseline
441 condition determining the extent of wetlands and other surface
442 waters on the property may be established at the option and
443 expense of the private landowner and documented in the agreement
444 before improvements are constructed. The Department of
445 Agriculture and Consumer Services shall submit the landowner's
446 proposed baseline condition documentation to the lead agency for
447 review and approval, and the agency shall make every effort to
448 complete the review within 45 days. The Department of
449 Agriculture and Consumer Services, the department, and the water
450 management districts shall coordinate on a process for reviewing
451 such requests. The determination of a ~~for the~~ baseline condition
452 shall be conducted using the methods set forth in the rules
453 adopted pursuant to s. 373.421. The baseline condition
454 documented in an ~~the~~ agreement shall be considered the extent of
455 wetlands and other surface waters on the property for the
456 purpose of regulation under this chapter for the duration of the
457 agreement and after its expiration.

458 Section 4. Section 570.0741, Florida Statutes, is
459 transferred, renumbered as section 377.805, Florida Statutes,
460 and amended to read:

461 377.805 ~~570.0741~~ Energy efficiency and conservation
462 clearinghouse.—The Office of Energy within the Department of
463 Agriculture and Consumer Services, in consultation with the
464 Public Service Commission, the Florida Building Commission, and

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465 the Florida Energy Systems Consortium, shall develop a
466 clearinghouse of information regarding cost savings associated
467 with various energy efficiency and conservation measures. The
468 Department of Agriculture and Consumer Services shall post the
469 information on its website ~~by July 1, 2013.~~

470 Section 5. Paragraph (e) of subsection (5) of section
471 379.361, Florida Statutes, is amended to read:

472 379.361 Licenses.—

473 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

474 (e) Each person who applies for an Apalachicola Bay oyster
475 harvesting license shall, ~~before receiving the license for the~~
476 ~~first time,~~ attend an educational seminar of not more than 16
477 hours length, developed and conducted jointly by the Department
478 of Environmental Protection's Apalachicola National Estuarine
479 Research Reserve, the Division of Law Enforcement of the Fish
480 and Wildlife Conservation Commission, and the Department of
481 Agriculture and Consumer Services' Apalachicola District
482 Shellfish Environmental Assessment Laboratory. The seminar shall
483 address, among other things, oyster biology, conservation of the
484 Apalachicola Bay, sanitary care of oysters, small business
485 management, and water safety. The seminar shall be offered five
486 times per year, and each person attending shall receive a
487 certificate of participation to present when obtaining an
488 Apalachicola Bay oyster harvesting license. ~~The educational~~
489 ~~seminar is not required for renewal of an Apalachicola Bay~~
490 ~~oyster harvesting license.~~

491 Section 6. Paragraph (d) of subsection (3) of section
492 487.041, Florida Statutes, is amended to read:

493 487.041 Registration.—

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

496 (d) Require a registrant to continue the registration of a
497 brand of pesticide that remains on retailers' shelves in the
498 state unless the department receives the registrant's written
499 notification that it is discontinuing the distribution of the
500 brand of pesticide and the registrant then maintains the
501 registration of that brand for a minimum of 2 years. The
502 discontinued brand of pesticide may remain on retailers' shelves
503 without further registration if the brand of pesticide is not
504 distributed by the registrant in the state during or after the
505 minimum 2-year period ~~who discontinues the distribution of a~~
506 ~~brand of pesticide in this state to continue the registration of~~
507 ~~the brand of the pesticide for a minimum of 2 years or until no~~
508 ~~more remains on retailers' shelves if such continued~~
509 ~~registration or sale is not specifically prohibited by the~~
510 ~~department or the United States Environmental Protection Agency.~~

511 Section 7. Subsection (1) of section 487.046, Florida
512 Statutes, is amended to read:

513 487.046 Application; licensure.—

514 (1) An application for a license shall be filed with ~~made~~
515 ~~in writing to the department by using~~ on a form prescribed
516 ~~furnished~~ by the department or by using the department's
517 website. Each application shall contain information regarding
518 the applicant's qualifications, proposed operations, and license
519 classification or subclassifications, as prescribed by rule.

520 Section 8. Subsection (1) of section 487.048, Florida
521 Statutes, is amended to read:

522 487.048 Dealer's license; records.—

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523 (1) Each person holding or offering for sale, selling, or
524 distributing restricted-use pesticides must ~~shall~~ obtain a
525 dealer's license from the department. An application for a ~~the~~
526 license shall be filed with the department by using ~~made on a~~
527 form prescribed by the department or by using the department's
528 website. The license must be obtained before entering into
529 business or transferring ownership of a business. The department
530 may require examination or other proof of competency of
531 individuals to whom licenses are issued or of individuals
532 employed by persons to whom licenses are issued. Demonstration
533 of continued competency may be required for license renewal, as
534 set by rule. The license shall be renewed annually as provided
535 by rule. An annual license fee not exceeding \$250 shall be
536 established by rule. However, a user of a restricted-use
537 pesticide may distribute unopened containers of a properly
538 labeled pesticide to another user who is legally entitled to use
539 that restricted-use pesticide without obtaining a pesticide
540 dealer's license. The exclusive purpose of distribution of the
541 restricted-use pesticide is to keep it from becoming a hazardous
542 waste as defined in s. 403.703(13).

543 Section 9. Section 487.159, Florida Statutes, is amended to
544 read:

545 487.159 Damage or injury to property, animal, or person;
546 mandatory report of damage or injury; ~~time for filing; failure~~
547 ~~to file.~~

548 ~~(1) The person claiming damage or injury to property,~~
549 ~~animal, or human beings from application of a pesticide shall~~
550 ~~file with the department a written statement claiming damages,~~
551 ~~on a form prescribed by the department, within 48 hours after~~

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552 ~~the damage or injury becomes apparent. The statement shall~~
553 ~~contain, but shall not be limited to, the name of the person~~
554 ~~responsible for the application of the pesticide, the name of~~
555 ~~the owner or lessee of the land on which the crop is grown and~~
556 ~~for which the damages are claimed, and the date on which it is~~
557 ~~alleged that the damages occurred. The department shall~~
558 ~~investigate the alleged damages and notify all concerned parties~~
559 ~~of its findings. If the findings reveal a violation of the~~
560 ~~provisions of this part, the department shall determine an~~
561 ~~appropriate penalty, as provided in this part. The filing of a~~
562 ~~statement or the failure to file such a statement need not be~~
563 ~~alleged in any complaint which might be filed in a court of law,~~
564 ~~and the failure to file the statement shall not be considered~~
565 ~~any bar to the maintenance of any criminal or civil action.~~

566 (1)~~(2)~~ A ~~It is the duty of any licensee shall to~~ report
567 unreasonable adverse effects on the environment or damage to
568 property or injury to human beings, animals, plants, or other
569 property ~~a person~~ as the result of the application of a
570 restricted-use pesticide by the licensee or by an applicator or
571 mixer-loader under the licensee's direct supervision, if and
572 when the licensee has knowledge of such damage or injury. ~~It is~~
573 ~~also the express intent of this section to require all~~
574 Physicians shall ~~to~~ report all pesticide-related illnesses or
575 injuries to the nearest county health department, which shall
576 ~~will~~ notify the department so that the department may establish
577 a pesticide incident monitoring system within the Division of
578 Agricultural Environmental Services.

579 (2)~~(3)~~ When damage or injury to human beings, animals,
580 plants, or other property as the result of the application of a

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581 restricted-use pesticide is alleged ~~to have been done~~, the
582 person claiming such damage or injury claimant shall allow
583 ~~permit~~ the licensee and the licensee's representatives to
584 observe within a reasonable amount of time ~~hours~~ the alleged
585 damage or injury in order that the damage or injury may be
586 examined. The failure of the person claiming such damage or
587 injury claimant to allow ~~permit~~ observation and examination of
588 the alleged damage or injury shall automatically bar the claim
589 against the licensee.

590 Section 10. Section 487.160, Florida Statutes, is amended
591 to read:

592 487.160 Records.—Licensed private applicators, supervising
593 ~~15 or more unlicensed applicators or mixer-loaders~~ and licensed
594 public applicators, and licensed commercial applicators shall
595 maintain records as the department may determine by rule with
596 respect to the application of restricted pesticides, including,
597 but not limited to, the type and quantity of pesticide, method
598 of application, crop treated, and dates and location of
599 application. ~~Other licensed private applicators shall maintain~~
600 ~~records as the department may determine by rule with respect to~~
601 ~~the date, type, and quantity of restricted-use pesticides used.~~
602 Licensees shall keep records for ~~a period of~~ 2 years from the
603 date of the application of the pesticide to which the records
604 refer, ~~and shall~~ furnish to the department a copy of the records
605 upon written request by the department.

606 Section 11. Present subsection (8) of section 487.2031,
607 Florida Statutes, is redesignated as subsection (7), and present
608 subsection (7) of that section is amended to read:

609 487.2031 Definitions.—For the purposes of this part, the

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610 term:

611 (8)~~(7)~~ "Material Safety data sheet" means written,
612 electronic, or printed material concerning an agricultural
613 pesticide that sets forth the following information:

614 (a) The chemical name and the common name of the
615 agricultural pesticide.

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

618 1. The potential for fire, explosions, corrosivity, and
619 reactivity.

620 2. The known acute health effects and chronic health
621 effects of exposure to the agricultural pesticide, including
622 those medical conditions that are generally recognized as being
623 aggravated by exposure to the agricultural pesticide.

624 3. The primary routes of entry and symptoms of
625 overexposure.

626 (c) The proper handling practices, necessary personal
627 protective equipment, and other proper or necessary safety
628 precautions in circumstances that involve the use of or exposure
629 to the agricultural pesticide, including appropriate emergency
630 treatment in case of overexposure.

631 (d) The emergency procedures for spills, fire, disposal,
632 and first aid.

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

637 (f) The year and month, if available, that the information
638 was compiled and the name, address, and emergency telephone

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639 number of the manufacturer responsible for preparing the
640 information.

641 Section 12. Section 487.2051, Florida Statutes, is amended
642 to read:

643 487.2051 Availability of agricultural pesticide information
644 to workers and medical personnel.—

645 (1) An agricultural employer shall make available
646 agricultural pesticide information concerning any agricultural
647 pesticide to a ~~any~~ worker:

648 (a) Who enters an agricultural-pesticide-treated area on an
649 agricultural establishment where:

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

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

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

655 (2) The agricultural pesticide information provided
656 pursuant to subsection (1) must be in the form of a fact sheet
657 or a ~~material~~ safety data sheet. The agricultural employer shall
658 provide a written copy of the information provided pursuant to
659 subsection (1) within 2 working days after a request for the
660 information by a worker or a designated representative. In the
661 case of a pesticide-related medical emergency, the agricultural
662 employer shall provide a written copy of the information
663 promptly upon the request of the worker, the designated
664 representative, or medical personnel treating the worker.

665 (3) Upon the initial purchase of a product and with the
666 first purchase after the fact sheet or ~~material~~ safety data
667 sheet is updated, the distributor, manufacturer, or importer of

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668 agricultural pesticides shall obtain or develop and provide each
669 direct purchaser of an agricultural pesticide with a fact sheet
670 or material safety data sheet. If the fact sheet or material
671 safety data sheet ~~or fact sheet~~ for the agricultural pesticide
672 is not available when the agricultural pesticide is purchased,
673 the agricultural employer shall take appropriate and timely
674 steps to obtain the fact sheet or material safety data sheet ~~or~~
675 ~~fact sheet~~ from the distributor, the manufacturer, the
676 department, a federal agency, or another distribution source.

677 (4) The department shall produce and make available to a
678 trainer a one-page general agricultural pesticide safety sheet.
679 The pesticide safety sheet must be in a language understandable
680 to the worker and must include, but need not be limited to,
681 illustrated instructions on preventing agricultural pesticide
682 exposure and toll-free telephone numbers to the Florida Poison
683 Control Centers. The trainer shall provide the pesticide safety
684 sheet to the worker pursuant to the United States Environmental
685 Protection Agency Worker Protection Standard, 40 C.F.R. s.
686 170.130.

687 Section 13. Subsections (3) and (5) of section 493.6120,
688 Florida Statutes, are amended to read:

689 493.6120 Violations; penalty.—

690 (3) Except as otherwise provided in this chapter, a person
691 who violates any provision of this chapter except subsection (7)
692 commits a misdemeanor of the first degree, punishable as
693 provided in s. 775.082 or s. 775.083. The department may also
694 seek the imposition of a civil penalty in the Class II category
695 pursuant to s. 570.971 upon a withholding of adjudication of
696 guilt or an adjudication of guilt in a criminal case.

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697 (5) A person who violates or disregards a cease and desist
698 order issued by the department commits a misdemeanor of the
699 first degree, punishable as provided in s. 775.082 or s.
700 775.083. In addition, the department may seek the imposition of
701 a civil penalty in the Class II category pursuant to s. 570.971
702 ~~not to exceed \$5,000.~~

703 Section 14. Section 570.545, Florida Statutes, is
704 transferred and renumbered as section 501.0113, Florida
705 Statutes.

706 Section 15. Paragraph (p) of subsection (1) of section
707 500.03, Florida Statutes, is amended to read:

708 500.03 Definitions; construction; applicability.—

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

710 (p) "Food establishment" means a ~~any~~ factory, food outlet,
711 or ~~any~~ other facility manufacturing, processing, packing,
712 holding, or preparing food or selling food at wholesale or
713 retail. The term does not include any business or activity that
714 is regulated under s. 413.051, s. 500.80, chapter 509, or
715 chapter 601. The term includes tomato packinghouses and
716 repackers but does not include any other establishments that
717 pack fruits and vegetables in their raw or natural states,
718 including those fruits or vegetables that are washed, colored,
719 or otherwise treated in their unpeeled, natural form before they
720 are marketed.

721 Section 16. Paragraphs (a) and (b) of subsection (1) and
722 subsection (8) of section 500.12, Florida Statutes, are amended
723 to read:

724 500.12 Food permits; building permits.—

725 (1) (a) A food permit from the department is required of a

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726 any person who operates a food establishment or retail food
727 store, except:

728 1. Persons operating minor food outlets, ~~including, but not~~
729 ~~limited to, video stores,~~ that sell food that is commercially
730 prepackaged, not potentially hazardous, and not time or
731 temperature controlled for safety if, ~~nonpotentially hazardous~~
732 ~~candy, chewing gum, soda, or popcorn,~~ provided the shelf space
733 for those items does not exceed 12 total linear feet and no
734 other food is sold by the minor food outlet.

735 2. Persons subject to continuous, onsite federal or state
736 inspection.

737 3. Persons selling only legumes in the shell, either
738 parched, roasted, or boiled.

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

746 (b) Each food establishment and retail food store regulated
747 under this chapter must apply for and receive a food permit
748 before operation begins. An application for a food permit from
749 the department must be accompanied by a fee in an amount
750 determined by department rule. The department shall adopt by
751 rule a schedule of fees, which may not exceed \$650, to be paid
752 by each food establishment and retail food store as a condition
753 of issuance or renewal of a food permit. Such fees ~~and~~ shall be
754 used solely for the recovery of costs for the services provided,

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755 except that the fee accompanying an application for a food
756 permit for operating a bottled water plant may not exceed \$1,000
757 and the fee accompanying an application for a food permit for
758 operating a packaged ice plant may not exceed \$250. The fee for
759 operating a bottled water plant or a packaged ice plant shall be
760 set by rule of the department. Food permits are not transferable
761 from one person or physical location to another. Food permits
762 must be renewed annually on or before January 1. If an
763 application for renewal of a food permit is not received by the
764 department within 30 days after its due date, a late fee, ~~in an~~
765 ~~amount~~ not exceeding \$100, must be paid in addition to the food
766 permit fee before the department may issue the food permit. The
767 moneys collected shall be deposited in the General Inspection
768 Trust Fund.

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

775 Section 17. Subsections (1) through (3) of section 500.121,
776 Florida Statutes, are amended, and subsection (7) is added to
777 that section, to read:

778 500.121 Disciplinary procedures.—

779 (1) In addition to the suspension procedures provided in s.
780 500.12, if applicable, the department may impose an
781 administrative fine in the Class II category pursuant to s.
782 570.971 ~~a fine not to exceed \$5,000~~ against any retail food
783 store, food establishment, or cottage food operation that

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784 violates this chapter, which fine, when imposed and paid, shall
785 be deposited by the department into the General Inspection Trust
786 Fund. The department may revoke or suspend the permit of ~~any~~
787 such retail food store or food establishment if it is satisfied
788 that the retail food store or food establishment has:

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

790 (b) Violated, or aided or abetted in the violation of, any
791 law of this state or department rule relating governing or
792 ~~applicable~~ to retail food stores or food establishments ~~or any~~
793 ~~lawful rules of the department.~~

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

799 (d) Committed any act or conduct of the same or different
800 character than that enumerated which constitutes fraudulent or
801 dishonest dealing.

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

808 (3) An ~~Any~~ administrative order made and entered by the
809 department imposing a fine pursuant to this section shall
810 specify the amount of the fine and the time limit for payment
811 thereof, not exceeding 21 ~~15~~ days, and, upon failure of the
812 permitholder to pay the fine within that time, the permit is

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813 subject to suspension or revocation.

814 (7) The department may determine that a food establishment
815 regulated under this chapter requires immediate closure when the
816 food establishment fails to comply with this chapter or rules
817 adopted under this chapter and presents an imminent threat to
818 the public health, safety, and welfare. The department may
819 accept inspection results from other state and local building
820 officials and other regulatory agencies as justification for
821 such action. The department shall, upon such a determination,
822 issue an immediate final order to close a food establishment as
823 follows:

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

827 (b) Upon such determination, the department shall issue an
828 immediate final order directing the owner or operator of the
829 food establishment to cease operation and close the food
830 establishment. The department shall serve the order upon the
831 owner or operator of the food establishment, or agent thereof.
832 The department may attach a closed-for-operation sign to the
833 food establishment while the order remains in place.

834 (c) The department shall inspect the food establishment
835 within 24 hours after the issuance of the order. Upon a
836 determination that the food establishment has met the applicable
837 requirements to resume operations, the department shall serve a
838 release upon the owner or operator of the food establishment, or
839 agent thereof.

840 (d) A food establishment ordered by the department to cease
841 operation and close under this section shall remain closed until

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842 released by the department or by a judicial order to reopen.

843 (e) It is a misdemeanor of the second degree, punishable as
844 provided in s. 775.082 or s. 775.083, for a person to deface or
845 remove a closed-for-operation sign placed on a food
846 establishment by the department or for the owner or operator of
847 a food establishment to resist closure of the establishment by
848 the department. The department may impose administrative
849 sanctions for violations of this paragraph.

850 (f) The department may adopt rules to administer this
851 subsection.

852 Section 18. Subsection (1) of section 500.147, Florida
853 Statutes, is amended to read:

854 500.147 Inspection of food establishments, food records,
855 and vehicles.-

856 (1) The department or its duly authorized agent shall have
857 free access at all reasonable hours to a ~~any~~ food establishment,
858 food record, or ~~any~~ vehicle being used to transport or hold food
859 in commerce for the purpose of inspecting such establishment,
860 record, or vehicle to determine whether ~~if any provision of this~~
861 chapter or any rule adopted under this ~~the~~ chapter is being
862 violated; to secure a sample or a specimen of any food after
863 paying or offering to pay for such sample; to see that all
864 sanitary rules adopted by the department are complied with; to
865 facilitate tracing of food products in the event of a food-borne
866 illness outbreak or the identification of an adulterated or
867 misbranded food item; or to enforce the special-occupancy
868 provisions of the Florida Building Code which apply to food
869 establishments.

870 Section 19. Subsection (3) of section 500.165, Florida

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871 Statutes, is amended to read:

872 500.165 Transporting shipments of food items; rules;
873 penalty.-

874 (3) A ~~Any~~ person who violates subsection (1) or the rules
875 adopted under subsection (2) is subject to an administrative
876 fine in the class III category pursuant to s. 570.971 for each
877 ~~not to exceed \$50,000 per violation.~~ In addition, a ~~any~~ person
878 who violates subsection (1) commits ~~is guilty of~~ a misdemeanor
879 of the first degree, punishable as provided in s. 775.082 or s.
880 775.083.

881 Section 20. Section 500.172, Florida Statutes, is amended
882 to read:

883 500.172 Embargoing, detaining, destroying of food, ~~or~~ food-
884 processing equipment, food-processing areas, or food storage
885 areas that are ~~is~~ in violation.-

886 (1) If ~~When~~ the department or its duly authorized agent
887 finds, or has probable cause to believe, that any food article,
888 ~~or~~ food-processing equipment, food-processing area, or food
889 storage area is in violation of this chapter or any rule adopted
890 under this chapter so as to be dangerous, unwholesome,
891 fraudulent, or insanitary within the meaning of this chapter, an
892 agent of the department may issue and enforce a stop-sale, stop-
893 use, removal, or hold order, which ~~order~~ gives notice that such
894 article, or processing equipment, processing area, or storage
895 area is, or is suspected of being, in violation and has been
896 detained or embargoed and ~~which order~~ warns all persons not to
897 remove, use, or dispose of such article, or processing
898 equipment, processing area, or storage area by sale or otherwise
899 until permission for removal, use, or disposal is given by the

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900 department or the court. A ~~It is unlawful for any person~~ may not
901 ~~to~~ remove, use, or dispose of such detained or embargoed
902 article, ~~or~~ processing equipment, processing area, or storage
903 area by sale or otherwise without such permission.

904 (2) If an article, ~~or~~ processing equipment, processing
905 area, or storage area detained or embargoed under subsection (1)
906 has been found by the department to be in violation of law or
907 rule, the department may, within a reasonable period of time
908 after the issuance of such notice, petition the circuit court,
909 in the jurisdiction of which the article, ~~or~~ processing
910 equipment, processing area, or storage area is detained or
911 embargoed, for an order for condemnation of such article, ~~or~~
912 processing equipment, processing area, or storage area. When the
913 department has found that an article, ~~or~~ processing equipment,
914 processing area, or storage area so detained or embargoed is not
915 in violation, the department shall rescind the stop-sale, stop-
916 use, removal, or hold order.

917 (3) If the court finds that the detained or embargoed
918 article, ~~or~~ processing equipment, processing area, or storage
919 area is in violation, such article, ~~or~~ processing equipment,
920 processing area, or storage area shall, after entry of the
921 decree, be destroyed or made sanitary at the expense of the
922 claimant thereof under the supervision of the department, ~~and~~
923 all court costs, fees, and storage and other proper expenses
924 shall be taxed against the claimant of such article, ~~or~~
925 processing equipment, processing area, or storage area or her or
926 his agent. However, if the violation can be corrected by proper
927 labeling of the article or sanitizing of the processing
928 equipment, processing area, or storage area, and after such

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929 costs, fees, and expenses have been paid and a good and
930 sufficient bond, conditioned that such article be so labeled or
931 processed or such processing equipment, processing area, or
932 storage area so sanitized, has been executed, the court may by
933 order direct that such article, ~~or~~ processing equipment,
934 processing area, or storage area be made available ~~delivered~~ to
935 the claimant thereof for such labeling, processing, or
936 sanitizing under the supervision of the department. The expense
937 of such supervision shall be paid by the claimant. Such bond
938 shall be returned to the claimant of the article or processing
939 equipment, processing area, or storage area, on representation
940 to the court by the department that the article, ~~or~~ processing
941 equipment, processing area, or storage area is no longer in
942 violation of this chapter and that the expenses of such
943 supervision have been paid.

944 (4) When the department or any of its authorized agents
945 finds in any room, building, vehicle, or other structure any
946 meat, seafood, poultry, vegetable, fruit, or other perishable
947 articles which are unsound or contain any filthy, decomposed, or
948 putrid substances, or which may be poisonous or deleterious to
949 health or otherwise unsafe, the same is ~~being hereby~~ declared to
950 be a nuisance, and the department, ~~or~~ its authorized agent, ~~or~~
951 shall ~~forthwith~~ condemn or destroy the same, ~~or~~ in any other
952 manner render the same unsalable as human food.

953 Section 21. Subsection (3) and paragraph (b) of subsection
954 (4) of section 501.019, Florida Statutes, are amended to read:

955 501.019 Health studios; penalties.—

956 (3) The department may institute proceedings in the
957 appropriate circuit court to recover any penalties or damages

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958 allowed in this section and for injunctive relief to enforce
959 compliance with ss. 501.012-501.019 or any rule or order of the
960 department. The department may seek a civil penalty in the Class
961 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
962 violation of this section.

963 (4)

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

967 1. Issuing a notice of noncompliance pursuant to s.
968 120.695.

969 2. For a violation of s. 501.015 or s. 501.016, imposing an
970 administrative fine in the Class II category pursuant to s.
971 570.971 for each ~~not to exceed \$5,000 per~~ violation.

972 ~~3. For a violation of s. 501.013, s. 501.017, or s.~~
973 ~~501.018, imposing an administrative fine not to exceed \$500 per~~
974 ~~violation.~~

975 ~~3.4.~~ Directing that the health studio cease and desist
976 specified activities.

977 ~~4.5.~~ Refusing to register or revoking or suspending a
978 registration.

979 ~~5.6.~~ Placing the registrant on probation for a period of 5
980 years, subject to such conditions as the department may specify
981 by rule.

982 Section 22. Subsection (9) of section 501.059, Florida
983 Statutes, is amended, and subsection (12) is added to that
984 section, to read:

985 501.059 Telephone solicitation.—

986 (9) (a) The department shall investigate any complaints

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987 received concerning violations of this section. If, after
988 investigating a ~~any~~ complaint, the department finds that there
989 has been a violation of this section, the department or the
990 Department of Legal Affairs may bring an action to impose a
991 civil penalty and to seek other relief, including injunctive
992 relief, as the court deems appropriate against the telephone
993 solicitor. The civil penalty shall be in the Class III category
994 pursuant to s. 570.971 for each ~~may not exceed \$10,000 per~~
995 violation and shall be deposited in the General Inspection Trust
996 Fund if the action or proceeding was brought by the department,
997 or the Legal Affairs Revolving Trust Fund if the action or
998 proceeding was brought by the Department of Legal Affairs. This
999 civil penalty may be recovered in any action brought under this
1000 part by the department, or the department may terminate any
1001 investigation or action upon agreement by the person to pay a
1002 stipulated civil penalty. The department or the court may waive
1003 any civil penalty if the person has previously made full
1004 restitution or reimbursement or has paid actual damages to the
1005 consumers who have been injured by the violation.

1006 (b) The department may, as an alternative to the civil
1007 penalties provided in paragraph (a), impose an administrative
1008 fine in the Class I category pursuant to s. 570.971 ~~not to~~
1009 ~~exceed \$1,000~~ for each act or omission that constitutes a
1010 violation of this section. An administrative proceeding that
1011 could result in the entry of an order imposing an administrative
1012 penalty must be conducted pursuant to ~~in accordance with~~ chapter
1013 120.

1014 (12) The department may adopt rules to implement this
1015 section.

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1016 Section 23. Paragraph (a) of subsection (1) of section
 1017 501.922, Florida Statutes, is amended to read:

1018 501.922 Violation.—

1019 (1) The department may enter an order imposing one or more
 1020 of the following penalties against any person who violates ss.
 1021 501.91-501.923 or who impedes, obstructs, or hinders the
 1022 department in performing its duties under those sections:

1023 (a) Imposition of an administrative fine in the Class II
 1024 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 1025 ~~per violation for a first-time offender. For a second-time or~~
 1026 ~~repeat offender, or any person who willfully and intentionally~~
 1027 ~~violates ss. 501.91-501.923, the administrative fine may not~~
 1028 ~~exceed \$5,000 per violation.~~

1029 Section 24. Section 570.42, Florida Statutes, is
 1030 transferred, renumbered as section 502.301, Florida Statutes,
 1031 and amended to read:

1032 502.301 ~~570.42~~ Dairy Industry Technical Council.—

1033 (1) COMPOSITION.—The Dairy Industry Technical Council is
 1034 ~~hereby~~ created within ~~in~~ the department and shall be composed of
 1035 seven members as follows:

1036 (a) Two citizens of the state, one of whom shall be
 1037 associated with the Agricultural Extension Service of the
 1038 University of Florida and the other with the College of
 1039 Agricultural and Life Sciences ~~Agriculture~~ of the University of
 1040 Florida.

1041 (b) An employee of the Department of Health.

1042 (c) Two dairy farmers who are actively engaged in the
 1043 production of milk in this state and who earn a major portion of
 1044 their income from the production of milk. The commissioner shall

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1045 appoint the two members ~~provided for in this paragraph~~ from no
1046 fewer than four nor more than six nominees submitted by the
1047 recognized statewide organizations representing this group. In
1048 the absence of nominations, the commissioner shall appoint other
1049 persons qualified under ~~the provisions of~~ this paragraph.

1050 (d) Two distributors of milk. "Distributor" means any milk
1051 dealer who operates a milk gathering station or processing plant
1052 where milk is collected and bottled or otherwise processed and
1053 prepared for sale. The commissioner shall appoint the two
1054 members ~~provided for in this paragraph~~ from no fewer than four
1055 nor more than six nominees submitted by the recognized statewide
1056 organizations representing this group. In the absence of
1057 nominations, the commissioner shall appoint other persons
1058 qualified under ~~the provisions of~~ this paragraph.

1059 (e) All members shall serve 4-year terms or until their
1060 successors are duly qualified and appointed. If a vacancy
1061 occurs, it shall be filled for the remainder of the term in the
1062 manner of an initial appointment.

1063 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1064 meetings, powers and duties, procedures, and recordkeeping of
1065 the Dairy Industry Technical Council shall be pursuant to s.
1066 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
1067 ~~advisory committees established within the department.~~

1068 Section 25. Part I of chapter 570, Florida Statutes,
1069 consisting of ss. 570.01-570.232, Florida Statutes, is created
1070 and entitled "General Provisions."

1071 Section 26. Section 570.14, Florida Statutes, is renumbered
1072 as section 570.031, Florida Statutes, and amended to read:

1073 570.031 ~~570.14~~ Seal of department.—The department shall

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1074 have an official seal which shall be used for the authentication
1075 of the orders and proceedings of the department and for such
1076 other purposes as the department may prescribe. Use of the seal
1077 or any likeness thereof requires written approval of the
1078 department.

1079 Section 27. Section 570.18, Florida Statutes, is renumbered
1080 as section 570.041, Florida Statutes.

1081 Section 28. Section 570.16, Florida Statutes, is renumbered
1082 as section 570.051, Florida Statutes.

1083 Section 29. Subsection (33) of section 570.07, Florida
1084 Statutes, is amended to read:

1085 570.07 Department of Agriculture and Consumer Services;
1086 functions, powers, and duties.—The department shall have and
1087 exercise the following functions, powers, and duties:

1088 (33) To assist local volunteer and nonprofit organizations
1089 in soliciting, collecting, packaging, or delivering surplus
1090 fresh fruit and vegetables for distribution pursuant to s.
1091 595.420 ~~in accordance with s. 570.0725~~. The department also may
1092 coordinate the development of food recovery programs in the
1093 production areas of the state using local volunteer and
1094 nonprofit organizations.

1095 Section 30. Section 570.17, Florida Statutes, is renumbered
1096 as section 570.081, Florida Statutes.

1097 Section 31. Section 570.531, Florida Statutes, is
1098 renumbered as section 570.209, Florida Statutes.

1099 Section 32. Paragraph (d) of subsection (1) and subsection
1100 (2) of section 570.23, Florida Statutes, are amended to read:

1101 570.23 State Agricultural Advisory Council.—

1102 (1) COMPOSITION.—The State Agricultural Advisory Council is

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1103 hereby created in the department.

1104 (d) ~~On or after January 15, 1988,~~ Alternates shall be
1105 appointed for each member and shall serve as alternates for the
1106 remainder of the corresponding members' terms. As terms of
1107 current members expire, members and their alternates shall be
1108 appointed for 4-year terms and shall serve until their
1109 successors are duly qualified and appointed. A vacancy shall be
1110 filled for the remainder of an unexpired term in the same manner
1111 as an initial appointment.

1112 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1113 meetings, powers and duties, procedures, and recordkeeping of
1114 the State Agricultural Advisory Council shall be pursuant to s.
1115 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
1116 ~~advisory committees established within the department.~~

1117 Section 33. Section 570.0705, Florida Statutes, is
1118 renumbered as section 570.232, Florida Statutes.

1119 Section 34. Part II of chapter 570, Florida Statutes,
1120 consisting of ss. 570.30-570.693, Florida Statutes, is created
1121 and entitled "Program Services."

1122 Section 35. Subsection (5) of section 570.36, Florida
1123 Statutes, is amended to read:

1124 570.36 Division of Animal Industry; powers and duties.—The
1125 duties of the Division of Animal Industry include, but are not
1126 limited to:

1127 (5) Operating and managing the animal disease diagnostic
1128 laboratory ~~laboratories~~ provided for in chapter 585.

1129 Section 36. Subsections (3) and (4) of section 570.44,
1130 Florida Statutes, are amended to read:

1131 570.44 Division of Agricultural Environmental Services;

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1132 powers and duties.—The duties of the Division of Agricultural
1133 Environmental Services include, but are not limited to:

1134 ~~(3) Supporting the Pesticide Review Council and~~ Reviewing
1135 and evaluating technical and scientific data associated with the
1136 production, manufacture, storage, transportation, sale, or use
1137 of any article or product with respect to any statutory
1138 authority ~~which is~~ conferred on the department. The department
1139 may ~~is authorized to~~ establish positions within the division for
1140 the employment of experts in the fields of toxicology,
1141 hydrology, and biology to conduct such reviews and evaluations
1142 and may. ~~The department is also authorized to~~ establish
1143 appropriate clerical support positions to implement the duties
1144 and responsibilities of the division.

1145 ~~(4) Enforcing and implementing the responsibilities of~~
1146 ~~chapter 582, and the rules relating to soil and water~~
1147 ~~conservation.~~

1148 Section 37. Subsection (2) of section 570.45, Florida
1149 Statutes, is amended to read:

1150 570.45 Director; duties.—

1151 (2) The director shall supervise, direct, and coordinate
1152 the activities of the division and enforce ~~the provisions of~~
1153 chapters 388, 482, 487, 501, 504, 531, 570, 576, 578, and 580,
1154 ~~and 582~~ and any other chapter necessary to carry out the
1155 responsibilities of the division.

1156 Section 38. Paragraph (d) of subsection (3) of section
1157 570.451, Florida Statutes, is amended to read:

1158 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
1159 Council.—

1160 (3)

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1161 (d) The meetings, powers and duties, procedures, and
1162 recordkeeping of the council shall be pursuant to s. 570.232 ~~in~~
1163 ~~accordance with the provisions of s. 570.0705 relating to~~
1164 ~~advisory committees established within the department.~~

1165 Section 39. Subsections (2) and (3) of section 570.50,
1166 Florida Statutes, are amended to read:

1167 570.50 Division of Food Safety; powers and duties.—The
1168 duties of the Division of Food Safety include, but are not
1169 limited to:

1170 (2) Conducting those general inspection activities relating
1171 to food and food products being processed, held, or offered for
1172 sale in this state and enforcing those provisions of chapters
1173 500, 501, 502, 531, 583, 585, 586, 597, and 601 relating to
1174 foods as authorized by the department.

1175 (3) Analyzing samples of foods offered for sale in this
1176 state as required under chapters 500, 501, 502, 585, 586, 597,
1177 and 601.

1178 Section 40. Subsection (2) of section 570.51, Florida
1179 Statutes, is amended to read:

1180 570.51 Director; qualifications; duties.—

1181 (2) The director shall supervise, direct, and coordinate
1182 the activities of the division and enforce the provisions of
1183 chapters 500, 501, 502, 531, 583, 585, 597, and 601 and any
1184 other chapter necessary to carry out the responsibilities of the
1185 division.

1186 Section 41. Subsection (2) of section 570.543, Florida
1187 Statutes, is amended to read:

1188 570.543 Florida Consumers' Council.—The Florida Consumers'
1189 Council in the department is created to advise and assist the

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1190 department in carrying out its duties.

1191 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1192 meetings, powers and duties, procedures, and recordkeeping of
1193 the Florida Consumers' Council shall be pursuant to s. 570.232
1194 ~~governed by the provisions of s. 570.0705 relating to advisory~~
1195 ~~committees established within the department.~~ The council
1196 members or chair may call no more than two meetings.

1197 Section 42. Section 570.073, Florida Statutes, is
1198 renumbered as section 570.65, Florida Statutes.

1199 Section 43. Section 570.074, Florida Statutes, is
1200 renumbered as section 570.66, Florida Statutes, and amended to
1201 read:

1202 570.66 ~~570.074~~ Department of Agriculture and Consumer
1203 Services; Water Policy.—The commissioner may create an Office of
1204 Agricultural Water Policy under the supervision of a senior
1205 manager exempt under s. 110.205 in the Senior Management
1206 Service. The commissioner may designate the bureaus and
1207 positions in the various organizational divisions of the
1208 department that report to the ~~this~~ office relating to any matter
1209 over which the department has jurisdiction in matters relating
1210 to water policy affecting agriculture, application of such
1211 policies, and coordination of such matters with state and
1212 federal agencies. The office shall enforce and implement chapter
1213 582 and rules relating to soil and water conservation.

1214 Section 44. Section 570.67, Florida Statutes, is created to
1215 read:

1216 570.67 Office of Energy.—The Office of Energy is created
1217 within the department. The office shall be under the supervision
1218 of a senior manager, appointed by the commissioner, exempt under

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1219 s. 110.205 in the Senior Management Service. The duties of the
1220 office must include, but are not limited to, administering and
1221 enforcing parts II and III of chapter 377, the rules adopted
1222 under those parts, and any other duties authorized by the
1223 commissioner.

1224 Section 45. Section 570.951, Florida Statutes, is
1225 renumbered as section 570.681, Florida Statutes.

1226 Section 46. Section 570.952, Florida Statutes, is
1227 renumbered as section 570.685, Florida Statutes, and amended to
1228 read:

1229 570.685 ~~570.952~~ Florida Agriculture Center and Horse Park
1230 Authority.—

1231 (1) There is created within the Department of Agriculture
1232 and Consumer Services the Florida Agriculture Center and Horse
1233 Park Authority which shall be governed by this section and s.
1234 570.691 ~~s. 570.903~~.

1235 (2) The authority shall be composed of 21 members appointed
1236 by the commissioner.

1237 (a) Initially, the commissioner shall appoint 11 members
1238 for 4-year terms and 10 members for 2-year terms. Thereafter,
1239 each member shall be appointed for a term of 4 years from the
1240 date of appointment, except that a vacancy shall be filled by
1241 appointment for the remainder of the term.

1242 (b) A ~~Any~~ member of the authority who fails to attend three
1243 consecutive authority meetings without good cause shall be
1244 deemed to have resigned from the authority.

1245 ~~(c) Terms for members appointed prior to July 1, 2005,~~
1246 ~~shall expire on July 1, 2005.~~

1247 (3) The Florida Agriculture Center and Horse Park Authority

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1248 shall ~~have the power and duty to:~~

1249 (a) Appoint, with approval from the commissioner, an
1250 executive director for the Florida Agriculture Center and Horse
1251 Park.

1252 (b) Establish rules of procedure for conducting its
1253 meetings and approving matters before the authority pursuant to
1254 s. 570.691 ~~that are consistent with s. 570.903.~~

1255 (c) Develop, document, and implement strategies for the
1256 planning, construction, and operation of the Florida Agriculture
1257 Center and Horse Park.

1258 (d) Advise and consult with the commissioner on matters
1259 related to the Florida Agriculture Center and Horse Park.

1260 (e) Consider all matters submitted to the authority by the
1261 commissioner.

1262 (4) The authority shall meet at least semiannually and
1263 elect a chair ~~chairperson~~, a vice chair ~~chairperson~~, and a
1264 secretary for 1-year terms.

1265 (a) The authority shall meet at the call of its chair
1266 ~~chairperson~~, at the request of a majority of its membership, at
1267 the request of the commissioner, or at such times as may be
1268 prescribed by its rules of procedure.

1269 (b) The department shall be responsible for providing
1270 administrative and staff support services relating to the
1271 meetings of the authority and shall provide suitable space in
1272 the offices of the department for the meetings and the storage
1273 of records of the authority.

1274 (c) In conducting its meetings, the authority shall use
1275 accepted rules of procedure. The secretary shall keep a complete
1276 record of the proceedings of each meeting, which record shall

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1277 show the names of the members present and the actions taken.
1278 These records shall be kept on file with the department, and
1279 such records and other documents regarding matters within the
1280 jurisdiction of the authority shall be subject to inspection by
1281 members of the authority.

1282 Section 47. Section 570.953, Florida Statutes, is
1283 renumbered as section 570.686, Florida Statutes.

1284 Section 48. Section 570.902, Florida Statutes, is
1285 renumbered as section 570.69, Florida Statutes, and amended to
1286 read:

1287 570.69 ~~570.902~~ Definitions; ~~ss. 570.902 and 570.903.~~—For
1288 the purpose of this section and s. 570.691 ~~s. 570.903~~:

1289 (1) "Designated program" means the departmental program
1290 which a direct-support organization has been created to support.

1291 (2) "Direct-support organization" or "organization" means
1292 an organization which is a Florida corporation not for profit
1293 incorporated under ~~the provisions of~~ chapter 617 and approved by
1294 the department to operate for the benefit of a museum or a
1295 designated program.

1296 (3) "Museum" means the Florida Agricultural Museum which is
1297 designated as the museum for agriculture and rural history of
1298 the State of Florida.

1299 Section 49. Section 570.903, Florida Statutes, is
1300 renumbered as section 570.691, Florida Statutes.

1301 Section 50. Section 570.901, Florida Statutes, is
1302 renumbered as section 570.692, Florida Statutes.

1303 Section 51. Section 570.91, Florida Statutes, is renumbered
1304 as section 570.693, Florida Statutes.

1305 Section 52. Part III of chapter 570, Florida Statutes,

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1306 consisting of ss. 570.70-570.89, Florida Statutes, is created
1307 and entitled "Agricultural Development."

1308 Section 53. Subsections (2) and (12) of section 570.71,
1309 Florida Statutes, are amended to read:

1310 570.71 Conservation easements and agreements.—

1311 (2) To achieve the purposes of this section act, ~~beginning~~
1312 ~~no sooner than July 1, 2002, and every year thereafter,~~ the
1313 department may accept applications for project proposals to
1314 ~~that~~:

1315 (a) Purchase conservation easements, as defined in s.
1316 704.06.

1317 (b) Purchase rural-lands-protection easements pursuant to
1318 this section act.

1319 (c) Fund resource conservation agreements pursuant to this
1320 section act.

1321 (d) Fund agricultural protection agreements pursuant to
1322 this section act.

1323 (12) The department may ~~is authorized to~~ use funds from the
1324 following sources to implement this section act:

1325 (a) State funds;

1326 (b) Federal funds;

1327 (c) Other governmental entities;

1328 (d) Nongovernmental organizations; or

1329 (e) Private individuals.

1330

1331 Any such funds provided shall be deposited into the Conservation
1332 and Recreation Lands Program Trust Fund within the Department of
1333 Agriculture and Consumer Services and used for the purposes of
1334 this section, including administrative and operating expenses

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1335 related to appraisals, mapping, title process, personnel, and
 1336 other real estate-related expenses ~~act.~~

1337 Section 54. Section 570.241, Florida Statutes, is
 1338 transferred and renumbered as section 570.73, Florida Statutes.

1339 Section 55. Section 570.242, Florida Statutes, is
 1340 renumbered as section 570.74, and amended to read:

1341 570.74 ~~570.242~~ Definitions relating to Agricultural
 1342 Economic Development Act.—For purposes of this act, the term
 1343 ~~following terms shall have the following meanings:~~

1344 (1) "Agriculturally depressed area" means a rural area that
 1345 ~~which~~ has declining profitability from agricultural enterprises
 1346 and one or more of the following characteristics:

1347 (a) A stable or declining population.

1348 (b) A stable or declining real per capita income.

1349 (c) A traditional economy based on agriculture or
 1350 extraction of solid minerals.

1351 (d) A low ad valorem tax base.

1352 (e) A need for agribusiness and leadership training.

1353 (f) Crop losses or economic depression resulting from a
 1354 natural disaster or socioeconomic conditions or events that
 1355 ~~which~~ negatively impact a crop.

1356 (2) "Assistance" means financial or nonfinancial assistance
 1357 issued pursuant to ~~the provisions of~~ this act.

1358 ~~(3) "Commissioner" means the Commissioner of Agriculture.~~

1359 ~~(4) "Department" means the Department of Agriculture and~~
 1360 ~~Consumer Services.~~

1361 (3) ~~(5)~~ "Financial assistance" means the providing of funds
 1362 to an agribusiness.

1363 (4) ~~(6)~~ "Nonfinancial assistance" means the providing of

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1364 personnel to work with an agribusiness to establish an
1365 infrastructure, including, but not limited to, the development
1366 of an accounting system, management procedures, and a marketing
1367 plan. Nonfinancial assistance includes ~~shall also include~~ the
1368 providing of equipment.

1369 Section 56. Section 570.243, Florida Statutes, is
1370 renumbered as section 570.75, Florida Statutes.

1371 Section 57. Section 570.244, Florida Statutes, is
1372 renumbered as section 570.76, Florida Statutes.

1373 Section 58. Section 570.245, Florida Statutes, is
1374 renumbered as section 570.77, Florida Statutes.

1375 Section 59. Section 570.246, Florida Statutes, is
1376 renumbered as section 570.78, Florida Statutes.

1377 Section 60. Section 570.247, Florida Statutes, is
1378 renumbered as section 570.79, Florida Statutes, and amended to
1379 read:

1380 570.79 ~~570.247~~ Adoption ~~Promulgation~~ of rules.—~~In~~
1381 ~~conjunction with funds specifically appropriated for the~~
1382 ~~purposes specified in this act,~~ The department shall adopt ~~begin~~
1383 ~~to promulgate~~ rules no later than January 1, 1992, pursuant to
1384 ~~s. 120.54,~~ pertaining to:

1385 (1) Formal notification procedures for the availability of
1386 assistance, including publication in the Florida Administrative
1387 Register pursuant to s. 120.55.

1388 (2) Written evaluation criteria for selecting project
1389 proposals to receive assistance. The criteria for eligibility of
1390 assistance shall include a written business plan delineating the
1391 economic viability of the proposed project, including the
1392 financial commitment by project participants and a schedule for

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1393 repayment of agricultural economic development funds.

1394 (3) Procedures for repayment of financial assistance by an
1395 assisted agribusiness into the General Inspection Trust Fund
1396 within the department. Repayment of financial assistance shall
1397 be based upon a percentage of future profits until repayment is
1398 complete.

1399 (4) Funding procedures for projects eligible for
1400 assistance. These procedures shall include the amount of
1401 funding, the limits and requirements for the objects of
1402 expenditure, and the duration of assistance.

1403 (5) Other subject matter pertaining to the implementation
1404 of this act.

1405 Section 61. Section 570.248, Florida Statutes, is
1406 renumbered as section 570.81, Florida Statutes.

1407 Section 62. Section 570.249, Florida Statutes, is
1408 renumbered as section 570.82, Florida Statutes.

1409 Section 63. Section 570.9135, Florida Statutes, is
1410 renumbered as section 570.83, Florida Statutes, and subsection
1411 (6) of that section is amended, to read:

1412 570.83 ~~570.9135~~ Beef Market Development Act; definitions;
1413 Florida Beef Council, Inc., creation, purposes, governing board,
1414 powers, and duties; referendum on assessments imposed on gross
1415 receipts from cattle sales; payments to organizations for
1416 services; collecting and refunding assessments; vote on
1417 continuing the act; council bylaws.—

1418 (6) REFERENDUM ON ASSESSMENTS.—All producers in this state
1419 shall have the opportunity to vote in a referendum to determine
1420 whether the council shall be authorized to impose an assessment
1421 of not more than \$1 per head on cattle sold in the state. The

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1422 referendum shall pose the question: "Do you approve of an
1423 assessment program, up to \$1 per head of cattle pursuant to
1424 section 570.83 ~~section 570.9135~~, Florida Statutes, to be funded
1425 through specific contributions that are mandatory and refundable
1426 upon request?"

1427 (a) A referendum held under this section must be conducted
1428 by secret ballot at extension offices of the Institute of Food
1429 and Agricultural Sciences of the University of Florida or at
1430 offices of the United States Department of Agriculture with the
1431 cooperation of the department.

1432 (b) Notice of a referendum to be held under this act must
1433 be given at least once in trade publications, the public press,
1434 and statewide newspapers at least 30 days before the referendum
1435 is held.

1436 (c) Additional referenda may be held to authorize the
1437 council to increase the assessment to more than \$1 per head of
1438 cattle. Such referendum shall pose the question: "Do you approve
1439 of granting the Florida Beef Council, Inc., authority to
1440 increase the per-head-of-cattle assessment pursuant to section
1441 570.83 ~~section 570.9135~~, Florida Statutes, from ... (present
1442 rate)... to up to a maximum of ... (proposed rate)... per head?"
1443 Referenda may not be held more often than once every 3 years.

1444 (d) Each cattle producer is entitled to only one vote in a
1445 referendum held under this section ~~act~~. Proof of identification
1446 and cattle ownership must be presented before voting.

1447 (e) A simple majority of those casting ballots determines
1448 ~~shall determine~~ any issue that requires a referendum under this
1449 section ~~act~~.

1450 Section 64. Section 570.954, Florida Statutes, is

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1451 renumbered as section 570.841, Florida Statutes.

1452 Section 65. Section 570.96, Florida Statutes, is renumbered
1453 as section 570.85, Florida Statutes.

1454 Section 66. Section 570.961, Florida Statutes, is
1455 renumbered as section 570.86, Florida Statutes, and amended to
1456 read:

1457 570.86 ~~570.961~~ Definitions.—As used in ss. 570.85-570.89
1458 ~~570.96-570.964~~, the term:

1459 (1) "Agritourism activity" means any agricultural related
1460 activity consistent with a bona fide farm or ranch or in a
1461 working forest which allows members of the general public, for
1462 recreational, entertainment, or educational purposes, to view or
1463 enjoy activities, including farming, ranching, historical,
1464 cultural, or harvest-your-own activities and attractions. An
1465 agritourism activity does not include the construction of new or
1466 additional structures or facilities intended primarily to house,
1467 shelter, transport, or otherwise accommodate members of the
1468 general public. An activity is an agritourism activity
1469 regardless of whether ~~or not~~ the participant paid to participate
1470 in the activity.

1471 (2) "Agritourism operator" means a ~~any~~ person who is
1472 engaged in the business of providing one or more agritourism
1473 activities, whether for compensation or not for compensation.

1474 (3) "Farm" means the land, buildings, support facilities,
1475 machinery, and other appurtenances used in the production of
1476 farm or aquaculture products, including land used to display
1477 plants, animals, farm products, or farm equipment to the public.

1478 (4) "Farm operation" has the same meaning as ~~defined~~ in s.
1479 823.14.

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1480 (5) "Inherent risks of agritourism activity" means those
1481 dangers or conditions that are an integral part of an
1482 agritourism activity including certain hazards, such as surface
1483 and subsurface conditions; natural conditions of land,
1484 vegetation, and waters; the behavior of wild or domestic
1485 animals; and the ordinary dangers of structures or equipment
1486 ordinarily used in farming and ranching operations. The term
1487 also includes the potential of a participant to act in a
1488 negligent manner that may contribute to the injury of the
1489 participant or others, including failing to follow the
1490 instructions given by the agritourism operator or failing to
1491 exercise reasonable caution while engaging in the agritourism
1492 activity.

1493 Section 67. Section 570.962, Florida Statutes, is
1494 renumbered as section 570.87, Florida Statutes.

1495 Section 68. Section 570.963, Florida Statutes, is
1496 renumbered as section 570.88, Florida Statutes, and subsection
1497 (1) of that section is amended, to read:

1498 570.88 ~~570.963~~ Liability.—

1499 (1) Except as provided in subsection (2), an agritourism
1500 operator, his or her employer or employee, or the owner of the
1501 underlying land on which the agritourism occurs is not liable
1502 for injury or death of, or damage or loss to, a participant
1503 resulting from the inherent risks of agritourism activities if
1504 the notice of risk required under s. 570.89 ~~s. 570.964~~ is posted
1505 as required. Except as provided in subsection (2), a
1506 participant, or a participant's representative, may not maintain
1507 an action against or recover from an agritourism operator, his
1508 or her employer or employee, or the owner of the underlying land

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1509 on which the agritourism occurs for the injury or death of, or
1510 damage or loss to, an agritourism participant resulting
1511 exclusively from any of the inherent risks of agritourism
1512 activities.

1513 Section 69. Section 570.964, Florida Statutes, is
1514 renumbered as section 570.89, Florida Statutes, and subsection
1515 (3) of that section is amended, to read:

1516 570.89 ~~570.964~~ Posting and notification.—

1517 (3) Failure to comply with ~~the requirements of this section~~
1518 ~~subsection~~ prevents an agritourism operator, his or her employer
1519 or employee, or the owner of the underlying land on which the
1520 agritourism occurs from invoking the privileges of immunity
1521 provided by this section.

1522 Section 70. Part IV of chapter 570, Florida Statutes,
1523 consisting of ss. 570.916-570.94, Florida Statutes, is created
1524 and entitled "Agricultural Water Policy."

1525 Section 71. Section 570.075, Florida Statutes, is
1526 renumbered as section 570.916, Florida Statutes.

1527 Section 72. Section 570.076, Florida Statutes, is
1528 renumbered as section 570.921, Florida Statutes, and paragraph
1529 (c) of subsection (2) of that section is amended to read:

1530 570.921 ~~570.076~~ Environmental Stewardship Certification
1531 Program.—The department may, by rule, establish the
1532 Environmental Stewardship Certification Program consistent with
1533 this section. A rule adopted under this section must be
1534 developed in consultation with state universities, agricultural
1535 organizations, and other interested parties.

1536 (2) The department shall provide an agricultural
1537 certification under this program for implementation of one or

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1538 more of the following criteria:

1539 (c) Best management practices adopted by rule pursuant to
1540 s. 403.067(7)(c) or s. 570.93(1)(b) ~~s. 570.085(1)(b)~~.

1541 Section 73. Section 570.085, Florida Statutes, is
1542 renumbered as section 570.93, Florida Statutes.

1543 Section 74. Section 570.087, Florida Statutes, is
1544 renumbered as section 570.94, Florida Statutes.

1545 Section 75. Part V of chapter 570, Florida Statutes,
1546 consisting of s. 570.971, Florida Statutes, is created and
1547 entitled "Penalties."

1548 Section 76. Section 570.971, Florida Statutes, is created
1549 to read:

1550 570.971 Penalties; administrative and civil.—

1551 (1) The department or enforcing authority may impose the
1552 following fine amount for the class category specified in the
1553 chapter or section of law violated:

1554 (a) Class I.—For each violation in the Class I category, a
1555 fine not to exceed \$1,000 may be imposed.

1556 (b) Class II.—For each violation in the Class II category,
1557 a fine not to exceed \$5,000 may be imposed.

1558 (c) Class III.—For each violation in the Class III
1559 category, a fine not to exceed \$10,000 may be imposed.

1560 (d) Class IV.—For each violation in the Class IV category,
1561 a fine of \$10,000 or more may be imposed.

1562 (2) (a) This section does not supersede a chapter or section
1563 of law or rule that limits the total fine amount that may be
1564 imposed for a violation.

1565 (b) The class categories under this section also apply to
1566 penalties provided by rule.

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1567 (c) The penalties under this section are in addition to any
1568 other remedy provided by law.

1569 (3) A person who violates this chapter or any rule adopted
1570 under this chapter is subject to an administrative or civil fine
1571 in the Class II category in addition to any other penalty
1572 provided by law.

1573 (4) The department may refuse to issue or renew any
1574 license, permit, authorization, certificate, or registration to
1575 a person who has not satisfied a penalty imposed by the
1576 department.

1577 (5) The department may adopt rules to implement this
1578 section or any section that references this section.

1579 Section 77. Subsection (1) and paragraph (a) of subsection
1580 (2) of section 576.021, Florida Statutes, are amended to read:
1581 576.021 Registration and licensing.—

1582 (1) A company the ~~person whose~~ name and address of which
1583 appears upon a label and which ~~who~~ guarantees a fertilizer may
1584 not distribute that fertilizer to a nonlicensee until a license
1585 to distribute has been obtained by the company ~~that person~~ from
1586 the department upon payment of a \$100 fee. All licenses shall
1587 expire on June 30 each year. An application for license shall
1588 include the following information:

1589 (a) The name and address of the applicant.

1590 (b) The name and address of the distribution point. The
1591 name and address shown on the license shall be shown on all
1592 labels, pertinent invoices, and storage facilities for
1593 fertilizer distributed by the licensee in this state.

1594 (2) (a) A company the name and address of which appear upon
1595 a label and which guarantees a fertilizer ~~person~~ may not

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1596 distribute a specialty fertilizer in this state until it is
1597 registered with the department ~~by the licensee whose name~~
1598 ~~appears on the label~~. An application for registration of each
1599 brand and grade of specialty fertilizer shall be filed with the
1600 department by using ~~made on~~ a form prescribed ~~furnished~~ by the
1601 department or by using the department's website and shall be
1602 accompanied by an annual fee of \$100 for each specialty
1603 fertilizer that is registered. All specialty fertilizer
1604 registrations expire June 30 each year. All licensing and
1605 registration fees paid to the department under this section
1606 shall be deposited into the State Treasury to be placed in the
1607 General Inspection Trust Fund to be used for the sole purpose of
1608 funding the fertilizer inspection program.

1609 Section 78. Subsection (2) of section 576.031, Florida
1610 Statutes, is amended to read:

1611 576.031 Labeling.—

1612 (2) If distributed in bulk, two ~~five~~ labels containing the
1613 information required in paragraphs (1)(a)-(f) shall accompany
1614 delivery and be supplied to the purchaser at time of delivery
1615 with the delivery ticket, which shall show the certified net
1616 weight.

1617 Section 79. Subsections (3), (4), (6), and (7) of section
1618 576.041, Florida Statutes, are amended to read:

1619 576.041 Inspection fees; records; ~~bond~~.—

1620 (3) In addition to any other penalty provided by this
1621 chapter, a ~~any~~ licensee who fails to timely pay the inspection
1622 ~~tonnage~~ fee shall be assessed a penalty of 1.5 percent for each
1623 month or part of a month that the fee or portion of the fee is
1624 not paid.

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1625 (4) If the report is not filed and the inspection fee is
1626 not paid on the date due or if the report of tonnage is false,
1627 the amount of the inspection fee due is subject to a penalty of
1628 10 percent or \$25, whichever is greater. ~~The penalty shall be~~
1629 ~~added to the inspection fee due and constitutes a debt and~~
1630 ~~becomes a claim and lien against the surety bond or certificate~~
1631 ~~of deposit required by this chapter.~~

1632 ~~(6) In order to guarantee faithful performance of the~~
1633 ~~provisions of subsection (2), the applicant for license shall~~
1634 ~~post with the department a surety bond, or assign a certificate~~
1635 ~~of deposit, in an amount required by rule of the department to~~
1636 ~~cover fees for any reporting period. The amount shall not be~~
1637 ~~less than \$1,000. The surety bond shall be executed by a~~
1638 ~~corporate surety company authorized to do business in this~~
1639 ~~state. The certificate of deposit shall be issued by any~~
1640 ~~recognized financial institution doing business in the United~~
1641 ~~States. The department shall establish, by rule, whether an~~
1642 ~~annual or continuous surety bond or certificate of deposit will~~
1643 ~~be required and shall approve each surety bond or certificate of~~
1644 ~~deposit before acceptance. The department shall examine and~~
1645 ~~approve as to sufficiency all such bonds and certificates of~~
1646 ~~deposit before acceptance. When the licensee ceases operation,~~
1647 ~~said bond or certificate of deposit shall be returned, provided~~
1648 ~~there are no outstanding fees due and payable.~~

1649 (6)~~(7)~~ In order to obtain information that will facilitate
1650 the collection of inspection fees and serve other useful
1651 purposes relating to fertilizer, the department may, by rule,
1652 require licensees, manufacturers, registrants, and dealers to
1653 report movements of fertilizer.

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1654 Section 80. Subsection (3) of section 576.051, Florida
1655 Statutes, is amended to read:

1656 576.051 Inspection, sampling, analysis.—

1657 (3) The official analysis shall be made from the official
1658 sample. The department, before making the official analysis,
1659 shall take a sufficient portion from the official sample for
1660 check analysis and place that portion in a bottle sealed and
1661 identified by number, date, and the preparer's initials. The
1662 official check sample shall be kept until the analysis of the
1663 official sample is completed. However, the licensee may obtain
1664 upon request a portion of the official check sample. Upon
1665 completion of the analysis of the official sample, a true copy
1666 of the fertilizer analysis report shall be mailed to the
1667 licensee of the fertilizer from whom the official sample was
1668 taken and to the dealer or agent, if any, and purchaser, if
1669 known. This fertilizer analysis report shall show all
1670 determinations of plant nutrients ~~nutrient~~ and pesticides. If
1671 the official analysis conforms with ~~the provisions of this~~
1672 section law, the official check sample may be destroyed. If the
1673 official analysis does not conform with ~~the provisions of this~~
1674 section law, the official check sample shall be retained for 60
1675 ~~a period of 90 days after~~ from the date of the fertilizer
1676 analysis report of the official sample. If, within that time,
1677 the licensee of the fertilizer from whom the official sample was
1678 taken, upon receipt of the fertilizer analysis report, makes
1679 written demand for analysis of the official check sample by a
1680 referee chemist, a portion of the official check sample
1681 sufficient for analysis shall be sent to a referee chemist who
1682 is mutually acceptable to the department and the licensee for

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1683 analysis at the expense of the licensee. The referee chemist,
1684 upon completion of the analysis, shall forward to the department
1685 and to the licensee a fertilizer analysis report bearing a
1686 proper identification mark or number, + and the fertilizer
1687 analysis report shall be verified by an affidavit of the person
1688 making the analysis. If the results reported on the fertilizer
1689 analysis report agree within the matching criteria defined in
1690 department rule with the department's analysis on each element
1691 for which analysis was made, the mean average of the two
1692 analyses shall be accepted as final and binding on all
1693 concerned. However, if the referee's fertilizer analysis report
1694 results do not agree within the matching criteria defined in
1695 department rule with the department's analysis in any one or
1696 more elements for which an analysis was made, upon demand of
1697 either the department or the licensee from whom the official
1698 sample was taken, a portion of the official check sample
1699 sufficient for analysis shall be submitted to a second referee
1700 chemist who is mutually acceptable to the department and to the
1701 licensee from whom the official sample was taken, at the expense
1702 of the party or parties requesting the referee analysis. If no
1703 demand is made for an analysis by a second referee chemist, the
1704 department's fertilizer analysis report shall be accepted as
1705 final and binding on all concerned. The second referee chemist,
1706 upon completion of the analysis, shall make a fertilizer
1707 analysis report as provided in this subsection for the first
1708 referee chemist. The mean average of the two analyses nearest in
1709 conformity to each other shall be accepted as final and binding
1710 on all concerned.

1711 Section 81. Subsections (4) and (5) of section 576.061,

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1712 Florida Statutes, are amended to read:

1713 576.061 Plant nutrient investigational allowances,
1714 deficiencies, and penalties.—

1715 ~~(4) When it is determined by the department that a~~
1716 ~~fertilizer has been distributed without being licensed or~~
1717 ~~registered, or without labeling, the department shall require~~
1718 ~~the licensee to pay a penalty in the amount of \$100. The~~
1719 ~~proceeds from any penalty payments shall be deposited by the~~
1720 ~~department in the General Inspection Trust Fund to be used for~~
1721 ~~the sole purpose of funding the fertilizer inspection program.~~

1722 (4)~~(5)~~ The department may enter an order imposing one or
1723 more of the following penalties against a any person who
1724 violates ~~any of the provisions of this chapter or the rules~~
1725 adopted under this chapter hereunder or who impedes, obstructs,
1726 or hinders ~~shall impede, obstruct, hinder, or otherwise prevent~~
1727 ~~or attempt to prevent~~ the department in performing the
1728 performance of its duties under duty in connection with the
1729 ~~provisions of this chapter:~~

1730 (a) Issuance of a warning letter.

1731 (b) Imposition of an administrative fine in the Class I
1732 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
1733 ~~per~~ occurrence after the issuance of a warning letter.

1734 (c) Cancellation, revocation, or suspension of any license
1735 issued by the department.

1736 Section 82. Section 576.071, Florida Statutes, is amended
1737 to read:

1738 576.071 Commercial value.—The commercial value used in
1739 assessing penalties for a any deficiency shall be determined by
1740 surveying the fertilizer industry in the state and using

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1741 annualized plant nutrient values contained in one or more
1742 generally recognized journals.

1743 Section 83. Subsections (3) and (4) of section 576.087,
1744 Florida Statutes, are amended to read:

1745 576.087 Antisiphon requirements for irrigation systems.—

1746 ~~(3) The department shall establish specific requirements~~
1747 ~~for antisiphon devices.~~

1748 ~~(4) Any governmental agency which requires antisiphon~~
1749 ~~devices on irrigation systems used for the application of~~
1750 ~~fertilizer shall use the specific antisiphon device requirements~~
1751 ~~adopted by the department.~~

1752 Section 84. Section 576.101, Florida Statutes, is amended
1753 to read:

1754 576.101 Cancellation, revocation, and suspension~~+~~
1755 ~~probationary status.—~~

1756 ~~(1) The department may deny, suspend, or revoke a~~ any
1757 ~~license issued by the department for a~~ any ~~violation of the~~
1758 ~~provisions of this chapter, the rules adopted~~ under this chapter
1759 ~~thereunder, or any lawful order of the department.~~

1760 ~~(2) The department may place any licensee on a probationary~~
1761 ~~status when the deficiency levels of samples taken from that~~
1762 ~~licensee do not meet minimum performance levels established by~~
1763 ~~statute within the investigational allowances provided in s.~~
1764 ~~576.061.~~

1765 Section 85. Subsection (1) of section 578.08, Florida
1766 Statutes, is amended to read:

1767 578.08 Registrations.—

1768 (1) Every person, except as provided in subsection (4) and
1769 s. 578.14, before selling, distributing for sale, offering for

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1770 sale, exposing for sale, handling for sale, or soliciting orders
 1771 for the purchase of an ~~any~~ agricultural, vegetable, flower, or
 1772 forest tree seed, or mixture thereof, shall first register with
 1773 the department as a seed dealer. ~~The application for~~
 1774 ~~registration shall include the name and location of each place~~
 1775 ~~of business at which the seed is sold, distributed for sale,~~
 1776 ~~offered for sale, exposed for sale, or handled for sale.~~ The
 1777 application for registration shall be filed with the department
 1778 by using a form prescribed by the department or by using the
 1779 department's website and shall be accompanied by an annual
 1780 registration fee for each such place of business based on the
 1781 gross receipts from the sale of such seed for the last preceding
 1782 license year as follows:

- 1783 (a) 1. Receipts of less than \$500, a fee of.....\$10.
- 1784 2. Receipts of \$500 or more but less than \$1,000, a fee
- 1785 of.....\$25.
- 1786 3.1. Receipts of \$1,000 or more but less than \$2,500
- 1787 \$2,500.01, a fee of.....\$100.
- 1788 4.2. Receipts of ~~more than~~ \$2,500 or more but and less than
- 1789 \$5,000 ~~\$5,000.01~~, a fee of.....\$200.
- 1790 5.3. Receipts of ~~more than~~ \$5,000 or more but and less than
- 1791 \$10,000 ~~\$10,000.01~~, a fee of.....\$350.
- 1792 6.4. Receipts of ~~more than~~ \$10,000 or more but and less
- 1793 than \$20,000 ~~\$20,000.01~~, a fee of.....\$800.
- 1794 7.5. Receipts of ~~more than~~ \$20,000 or more but and less
- 1795 than \$40,000 ~~\$40,000.01~~, a fee of.....\$1,000.
- 1796 8.6. Receipts of ~~more than~~ \$40,000 or more but and less
- 1797 than \$70,000 ~~\$70,000.01~~, a fee of.....\$1,200.
- 1798 9.7. Receipts of ~~more than~~ \$70,000 or more but and less

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1799 than \$150,000 ~~\$150,000.01~~, a fee of.....\$1,600.

1800 ~~10.8.~~ Receipts of more than \$150,000 or more but and less
1801 than \$400,000 ~~\$400,000.01~~, a fee of.....\$2,400.

1802 ~~11.9.~~ Receipts of more than \$400,000 or more, a fee
1803 of.....\$4,600.

1804 (b) For places of business not previously in operation, the
1805 fee shall be based on anticipated receipts for the first license
1806 year.

1807 Section 86. Paragraph (g) of subsection (2) of section
1808 580.036, Florida Statutes, is amended to read:

1809 580.036 Powers and duties.-

1810 (2) The department is authorized to adopt rules pursuant to
1811 ss. 120.536(1) and 120.54 to enforce the provisions of this
1812 chapter. These rules shall be consistent with the rules and
1813 standards of the United States Food and Drug Administration and
1814 the United States Department of Agriculture, when applicable,
1815 and shall include:

1816 (g) Establishing standards for the sale, use, and
1817 distribution of commercial feed or feedstuff to ensure usage
1818 that is consistent with animal safety and well-being and, to the
1819 extent that meat, poultry, and other animal products for human
1820 consumption may be affected by commercial feed or feedstuff, to
1821 ensure that these products are safe for human consumption. Such
1822 standards, if adopted, must be developed in consultation with
1823 the Agricultural Feed, Seed, and Fertilizer Advisory Council
1824 created under s. 570.451.

1825 Section 87. Paragraphs (a), (b), and (d) of subsection (1)
1826 of section 580.041, Florida Statutes, are amended to read:

1827 580.041 Master registration; fee; refusal or cancellation

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1828 of registration; reporting.-

1829 (1) (a) Each distributor of commercial feed must annually
 1830 obtain a master registration before her or his brands are
 1831 distributed in this state. Upon initial registration, ~~The~~
 1832 ~~department shall furnish the registration forms requiring the~~
 1833 ~~distributor shall agree to state that the distributor will~~
 1834 ~~comply with all provisions of this chapter and applicable rules.~~
 1835 ~~The registration form shall identify the manufacturer's or~~
 1836 ~~guarantor's name and place of business and the location of each~~
 1837 ~~manufacturing facility in the state and shall be signed by the~~
 1838 ~~owner; by a partner, if a partnership; or by an authorized~~
 1839 ~~officer or agent, if a corporation.~~ All registrations expire on
 1840 June 30 of each year.

1841 (b) The application for registration form shall be filed
 1842 with the department by using a form prescribed by the department
 1843 or by using the department's website and shall be accompanied by
 1844 a fee ~~that shall be~~ based on tons of feed distributed in this
 1845 state during the previous year. If a distributor has been in
 1846 business less than 1 year, the tonnage shall be estimated by the
 1847 distributor for the first year and based on actual tonnage
 1848 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

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1857 More than 600, up to and including 1,000.....\$900
 1858 More than 1,000, up to and including
 1859 2,000.....\$1,250
 1860 More than 2,000, up to and including
 1861 5,000.....\$2,000
 1862 More than 5,000.....\$3,500

1863 (d) The department shall provide ~~mail~~ a copy of the master
 1864 registration to the registrant to signify that administrative
 1865 requirements have been met.

1866 Section 88. Subsection (1) of section 580.071, Florida
 1867 Statutes, is amended to read:

1868 580.071 Adulteration.—No person shall distribute an
 1869 adulterated commercial feed or feedstuff. A commercial feed or
 1870 feedstuff shall be deemed to be adulterated:

1871 (1) (a) If it bears or contains any poisonous, deleterious,
 1872 or nonnutritive substance that may render it injurious to animal
 1873 or human health. However, if the substance is not an additive,
 1874 the feed shall not be considered adulterated if the quantity of
 1875 the substance does not ordinarily render it injurious to animal
 1876 or human health;

1877 (b) If it bears or contains any food additive or added
 1878 poisonous, deleterious, or nonnutritive substance that is unsafe
 1879 within the meaning of s. 406 of the Federal Food, Drug, and
 1880 Cosmetic Act, other than a pesticide chemical in or on a raw
 1881 agricultural commodity;

1882 (c) If it is, or it bears or contains, any food additive or
 1883 color additive that is unsafe within the meaning of s. 409 or s.
 1884 512 of the Federal Food, Drug, and Cosmetic Act, respectively;

1885 (d) If it is a raw agricultural commodity and it bears or

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1886 contains a pesticide chemical that is unsafe within the meaning
1887 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act;
1888 however, if ~~where~~ a pesticide chemical has been used in or on a
1889 raw agricultural commodity in conformity with an exemption
1890 granted or a tolerance prescribed under s. 408 of the Federal
1891 Food, Drug, and Cosmetic Act and that raw agricultural commodity
1892 has been subjected to processing such as canning, cooking,
1893 freezing, dehydrating, or milling, the processed feed will
1894 result, or is likely to result, in pesticide residue in the
1895 edible product of the animal which is unsafe within the meaning
1896 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act; ~~or~~

1897 (e) If it is, or it bears or contains, a ~~any~~ new animal
1898 drug that is unsafe within the meaning of s. 512 of the Federal
1899 Food, Drug, and Cosmetic Act; -

1900 (f) If it consists, in whole or in part, of a filthy,
1901 putrid, or decomposed substance, or if it is otherwise unfit for
1902 feed;

1903 (g) If it is prepared, packaged, or held under unsanitary
1904 conditions whereby it may have become contaminated with filth,
1905 or may have been rendered injurious to health; or

1906 (h) If it is, in whole or in part, the product of a
1907 diseased animal or of an animal that died by a means other than
1908 slaughter which is unsafe within the meaning of s. 402(a)(1) or
1909 (2) of the Federal Food, Drug, and Cosmetic Act.

1910 Section 89. Subsection (5) of section 581.091, Florida
1911 Statutes, is amended to read:

1912 581.091 Noxious weeds and infected plants or regulated
1913 articles; sale or distribution; receipt; information to
1914 department; withholding information.-

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1915 (5) (a) Notwithstanding any other ~~provision of state law or~~
1916 rule, a person may obtain a special permit from the department
1917 to plant *Casuarina cunninghamiana* as a windbreak for a
1918 commercial citrus grove if ~~provided~~ the plants are produced in
1919 an authorized registered nursery and certified by the department
1920 as being vegetatively propagated from male plants. A ~~“commercial~~
1921 ~~citrus grove”~~ means a contiguous planting of 100 or more citrus
1922 trees where citrus fruit is produced for sale.

1923 (b) ~~For a 5-year period, special permits authorizing a~~
1924 ~~person to plant *Casuarina cunninghamiana* shall be issued only as~~
1925 ~~part of a pilot program for fresh fruit groves in areas of~~
1926 ~~Indian River, St. Lucie, and Martin Counties where citrus canker~~
1927 ~~is determined by the department to be widespread. The pilot~~
1928 ~~program shall be reevaluated annually, and a comprehensive~~
1929 ~~review shall be conducted in 2013. The purpose of the annual and~~
1930 ~~5-year reviews is to determine if the use of *Casuarina*~~
1931 ~~*cunninghamiana* as an agricultural pest and disease windbreak~~
1932 ~~poses any adverse environmental consequences. At the end of the~~
1933 ~~5-year pilot program, if the Noxious Weed and Invasive Plant~~
1934 ~~Review Committee, created by the department, and the Department~~
1935 ~~of Environmental Protection, in consultation with a~~
1936 ~~representative of the citrus industry who has a *Casuarina*~~
1937 ~~*cunninghamiana* windbreak, determine that the potential is low~~
1938 ~~for adverse environmental impacts from planting *Casuarina*~~
1939 ~~*cunninghamiana* as windbreaks, the department may, by rule, allow~~
1940 ~~the use of *Casuarina cunninghamiana* windbreaks for commercial~~
1941 ~~citrus groves in other areas of the state. If it is determined~~
1942 ~~at the end of the 5-year pilot program that additional time is~~
1943 ~~needed to further evaluate *Casuarina cunninghamiana*, the~~

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1944 ~~department will remain the lead agency.~~

1945 **(b)**~~(e)~~ Each application for a special permit must ~~shall~~ be
1946 accompanied by a fee in an amount determined by ~~the~~ department,
1947 ~~by~~ rule, not to exceed \$500. A special permit is ~~shall~~ be
1948 required for each noncontiguous commercial citrus grove and
1949 shall be renewed every 5 years. The property owner shall
1950 maintain and produce ~~is responsible for maintaining and~~
1951 ~~producing~~ for inspection the original nursery invoice with
1952 certification documentation. If ownership of the property is
1953 transferred, the seller shall ~~must~~ notify the department and
1954 provide the buyer with a copy of the special permit and copies
1955 of all invoices and certification documentation before ~~prior to~~
1956 the closing of the sale.

1957 **(c)**~~(d)~~ Each application must ~~shall~~ include a baseline
1958 survey of all lands within 500 feet of the proposed *Casuarina*
1959 *cunninghamiana* windbreak showing the location and identifying
1960 the identification to ~~species of all~~ existing *Casuarina spp.*

1961 **(d)**~~(e)~~ Nurseries authorized to produce *Casuarina*
1962 *cunninghamiana* shall ~~must~~ obtain a special permit from the
1963 department certifying that the plants have been vegetatively
1964 propagated from sexually mature male source trees currently
1965 grown in the state. The importation of *Casuarina cunninghamiana*
1966 from any area outside the state for use ~~to be used~~ as a
1967 propagation source tree is prohibited. Each male source tree
1968 must be registered by the department as being a horticulturally
1969 true-to-type male plant and be labeled with a source tree
1970 registration number. Each nursery application for a special
1971 permit must ~~shall~~ be accompanied by a fee in an amount
1972 determined by ~~the~~ department, ~~by~~ rule, not to exceed \$200.

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1973 Special permits shall be renewed annually. The department shall,
 1974 by rule, set the amount of an annual fee, not to exceed \$50, for
 1975 each *Casuarina cunninghamiana* registered as a source tree.

1976 ~~Nurseries may only sell *Casuarina cunninghamiana* to a person
 1977 with a special permit as specified in paragraphs (a) and (b).~~

1978 The source tree registration numbers of the parent plants must
 1979 be documented on each invoice or other certification
 1980 documentation provided to the buyer.

1981 (e) ~~(f)~~ All *Casuarina cunninghamiana* shall ~~must~~ be destroyed
 1982 by the property owner within 6 months after:

1983 1. The property owner takes permanent action to no longer
 1984 use the site for commercial citrus production;

1985 2. The site has not been used for commercial citrus
 1986 production for a period of 5 years; or

1987 3. The department determines that the *Casuarina*
 1988 *cunninghamiana* on the site has become invasive. This
 1989 determination shall be based on, but not limited to, the
 1990 recommendation of the Noxious Weed and Invasive Plant Review
 1991 Committee and the Department of Environmental Protection and
 1992 made in consultation with a representative of the citrus
 1993 industry who has a *Casuarina cunninghamiana* windbreak.

1994

1995 If the owner or person in charge refuses or neglects to comply,
 1996 the director or her or his authorized representative may, under
 1997 authority of the department, ~~proceed to~~ destroy the plants. The
 1998 expense of the destruction shall be assessed, collected, and
 1999 enforced against the owner by the department. If the owner does
 2000 not pay the assessed cost, the department may record a lien
 2001 against the property.

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2002 (f)~~(g)~~ The use of *Casuarina cunninghamiana* for windbreaks
2003 does ~~shall~~ not preclude the department from issuing permits for
2004 the research or release of biological control agents to control
2005 *Casuarina spp.* as provided in ~~in accordance with~~ s. 581.083.

2006 (g)~~(h)~~ The use of *Casuarina cunninghamiana* for windbreaks
2007 may ~~shall~~ not restrict or interfere with any other agency or
2008 local government effort to manage or control noxious weeds or
2009 invasive plants, including *Casuarina cunninghamiana*. An, ~~nor~~
2010 ~~shall any other~~ agency or local government may not remove any
2011 *Casuarina cunninghamiana* planted as a windbreak under special
2012 permit issued by the department.

2013 ~~(i) The department shall develop and implement a monitoring~~
2014 ~~protocol to determine invasiveness of *Casuarina cunninghamiana*.~~
2015 ~~The monitoring protocol shall, at a minimum, require:~~

2016 1. ~~Inspection of the planting site by department inspectors~~
2017 ~~within 30 days following initial planting or any subsequent~~
2018 ~~planting of *Casuarina cunninghamiana* to ensure the criteria of~~
2019 ~~the special permit have been met.~~

2020 2. ~~Annual site inspections of planting sites and all lands~~
2021 ~~within 500 feet of the planted windbreak by department~~
2022 ~~inspectors who have been trained to identify *Casuarina spp.* and~~
2023 ~~to make determinations of whether *Casuarina cunninghamiana* has~~
2024 ~~spread beyond the permitted windbreak location.~~

2025 3. ~~Any new seedlings found within 500 feet of the planted~~
2026 ~~windbreak to be removed, identified to the species level, and~~
2027 ~~evaluated to determine if hybridization has occurred.~~

2028 4. ~~The department to submit an annual report and a final 5-~~
2029 ~~year evaluation identifying any adverse effects resulting from~~
2030 ~~the planting of *Casuarina cunninghamiana* for windbreaks and~~

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2031 ~~documenting all inspections and the results of those inspections~~
2032 ~~to the Noxious Weed and Invasive Plant Review Committee, the~~
2033 ~~Department of Environmental Protection, and a designated~~
2034 ~~representative of the citrus industry who has a *Casuarina*~~
2035 ~~*cunninghamiana* windbreak.~~

2036 ~~(j) If the department determines that female flowers or~~
2037 ~~cones have been produced on any *Casuarina cunninghamiana* that~~
2038 ~~have been planted under a special permit issued by the~~
2039 ~~department, the property owner shall be responsible for~~
2040 ~~destroying the trees. The department shall notify the property~~
2041 ~~owner of the timeframe and method of destruction.~~

2042 ~~(k) If at any time the department determines that~~
2043 ~~hybridization has occurred during the pilot program between~~
2044 ~~*Casuarina cunninghamiana* planted as a windbreak and other~~
2045 ~~*Casuarina spp.*, the department shall expeditiously initiate~~
2046 ~~research to determine the invasiveness of the hybrid. The~~
2047 ~~information obtained from this research shall be evaluated by~~
2048 ~~the Noxious Weed and Invasive Plant Review Committee, the~~
2049 ~~Department of Environmental Protection, and a designated~~
2050 ~~representative of the citrus industry who has a *Casuarina*~~
2051 ~~*cunninghamiana* windbreak. If the department determines that the~~
2052 ~~hybrids have a high potential to become invasive, based on, but~~
2053 ~~not limited to, the recommendation of the Noxious Weed and~~
2054 ~~Invasive Plant Review Committee, the Department of Environmental~~
2055 ~~Protection, and a designated representative of the citrus~~
2056 ~~industry who has a *Casuarina cunninghamiana* windbreak, this~~
2057 ~~pilot program shall be permanently suspended.~~

2058 ~~(l) Each application for a special permit must be~~
2059 ~~accompanied by a fee as described in paragraph (c) and an~~

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2060 ~~agreement that the property owner will abide by all permit~~
2061 ~~conditions including the removal of *Casuarina cunninghamiana* if~~
2062 ~~invasive populations or other adverse environmental factors are~~
2063 ~~determined to be present by the department as a result of the~~
2064 ~~use of *Casuarina cunninghamiana* as windbreaks. The application~~
2065 ~~must include, on a form provided by the department, the name of~~
2066 ~~the applicant and the applicant's address or the address of the~~
2067 ~~applicant's principal place of business; a statement of the~~
2068 ~~estimated cost of removing and destroying the *Casuarina*~~
2069 ~~*cunninghamiana* that is the subject of the special permit; and~~
2070 ~~the basis for calculating or determining that estimate. If the~~
2071 ~~applicant is a corporation, partnership, or other business~~
2072 ~~entity, the applicant must also provide in the application the~~
2073 ~~name and address of each officer, partner, or managing agent.~~
2074 ~~The applicant shall notify the department within 30 business~~
2075 ~~days of any change of address or change in the principal place~~
2076 ~~of business. The department shall mail all notices to the~~
2077 ~~applicant's last known address.~~

2078 1. Upon obtaining a permit, the permitholder must annually
2079 maintain the *Casuarina cunninghamiana* authorized by a special
2080 permit as required in the permit. If the permitholder ceases to
2081 maintain the *Casuarina cunninghamiana* as required by the special
2082 permit, if the permit expires, or if the permitholder ceases to
2083 abide by the conditions of the special permit, the permitholder
2084 must ~~shall~~ remove and destroy the *Casuarina cunninghamiana* in a
2085 timely manner as specified in the permit.

2086 2. If the department:

2087 a. Determines that the permitholder is no longer
2088 maintaining the *Casuarina cunninghamiana* subject to the special

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2089 permit and has not removed and destroyed the *Casuarina*
2090 *cunninghamiana* authorized by the special permit;

2091 b. Determines that the continued use of *Casuarina*
2092 *cunninghamiana* as windbreaks presents an imminent danger to
2093 public health, safety, or welfare; or

2094 c. Determines that the permitholder has exceeded the
2095 conditions of the authorized special permit,[†]

2096
2097 the department may issue an immediate final order, which is
2098 ~~shall be~~ immediately appealable or enjoicable pursuant to as
2099 ~~provided by~~ chapter 120, directing the permitholder to
2100 immediately remove and destroy the *Casuarina cunninghamiana*
2101 authorized to be planted under the special permit. A copy of the
2102 immediate final order shall be provided ~~mailed~~ to the
2103 permitholder.

2104 3. If, upon issuance by the department of an immediate
2105 final order to the permitholder, the permitholder fails to
2106 remove and destroy the *Casuarina cunninghamiana* subject to the
2107 special permit within 60 days after issuance of the order,[†] or
2108 such shorter period as is designated in the order as public
2109 health, safety, or welfare requires, the department may remove
2110 and destroy the *Casuarina cunninghamiana* that are the subject of
2111 the special permit. If the permitholder makes a written request
2112 to the department for an extension of time to remove and destroy
2113 the *Casuarina cunninghamiana* that demonstrates specific facts
2114 showing why the *Casuarina cunninghamiana* could not reasonably be
2115 removed and destroyed in the applicable timeframe, the
2116 department may extend the time for removing and destroying
2117 *Casuarina cunninghamiana* subject to a special permit. The

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2118 reasonable costs and expenses incurred by the department for
2119 removing and destroying *Casuarina cunninghamiana* subject to a
2120 special permit shall be paid out of the Citrus Inspection Trust
2121 Fund and shall be reimbursed by the party to which the immediate
2122 final order is issued. If the party to which the immediate final
2123 order has been issued fails to reimburse the state within 60
2124 days, the department may record a lien on the property. The lien
2125 shall be enforced by the department.

2126 4. In order to carry out the purposes of this paragraph,
2127 the department or its agents may require a permitholder to
2128 provide verified statements of the planted acreage subject to
2129 the special permit and may review the permitholder's business or
2130 planting records at her or his place of business during normal
2131 business hours in order to determine the acreage planted. The
2132 failure of a permitholder to furnish such statement or to make
2133 such records available is cause for suspension of the special
2134 permit. If the department finds such failure to be willful, the
2135 special permit may be revoked.

2136 Section 90. Subsection (8) of section 581.131, Florida
2137 Statutes, is amended to read:

2138 581.131 Certificate of registration.—

2139 (8) The department shall provide to each person subject to
2140 this section written notice and renewal forms 30 ~~60~~ days before
2141 ~~prior to~~ the annual renewal date informing the person of the
2142 certificate of registration renewal date and the applicable fee.

2143 Section 91. Subsection (4) of section 583.01, Florida
2144 Statutes, is amended to read:

2145 583.01 Definitions.—For the purpose of this chapter, unless
2146 elsewhere indicated, the term:

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2147 (4) "Dealer" means a ~~any~~ person, firm, or corporation,
2148 including a producer, processor, retailer, or wholesaler, that
2149 sells, offers for sale, or holds for the purpose of sale in this
2150 state 30 dozen or more eggs or its equivalent in any one week,
2151 or more than 384 ~~in excess of 100 pounds of dressed birds~~
2152 ~~poultry~~ in any one week.

2153 Section 92. Section 570.38, Florida Statutes, is
2154 transferred, renumbered as section 585.008, Florida Statutes,
2155 and amended to read:

2156 585.008 ~~570.38~~ Animal Industry Technical Council.—

2157 (1) COMPOSITION.—The Animal Industry Technical Council is
2158 hereby created in the department and shall be composed of 14
2159 members as follows:

2160 (a) The beef cattle, swine, dairy, horse, independent
2161 agricultural market ~~markets~~, meat processing and packing
2162 establishment ~~establishments~~, veterinary medicine, and poultry
2163 representatives who serve on the State Agricultural Advisory
2164 Council and three additional representatives from the beef
2165 cattle industry, as well as three at-large members representing
2166 other animal industries in the state, who shall be appointed by
2167 the commissioner for 4-year terms or until their successors are
2168 duly qualified and appointed.

2169 (b) Each additional beef cattle representative shall be
2170 appointed subject to the qualifications and by the procedure as
2171 prescribed in s. 570.23 for membership to the council by the
2172 beef cattle representative. If a vacancy occurs in these three
2173 positions, it shall be filled for the remainder of the term in
2174 the same manner as an initial appointment.

2175 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The

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2176 meetings, powers and duties, procedures, and recordkeeping of
 2177 the Animal Industry Technical Council shall be pursuant to s.
 2178 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
 2179 ~~advisory committees established within the department.~~

2180 Section 93. Subsection (3) is added to section 589.08,
 2181 Florida Statutes, to read:

2182 589.08 Land acquisition restrictions.-

2183 (3) The Florida Forest Service shall pay 15 percent of the
 2184 gross receipts from the Goethe State Forest to each fiscally
 2185 constrained county as described in s. 218.67(1) in which a
 2186 portion of the Goethe State Forest is located in proportion to
 2187 the forest acreage located in such county. The funds must be
 2188 equally divided between the board of county commissioners and
 2189 the school board of each fiscally constrained county.

2190 Section 94. Subsections (1) and (3) of section 589.011,
 2191 Florida Statutes, are amended to read:

2192 589.011 Use of state forest lands; fees; rules.-

2193 (1) If authorized by a land management plan approved
 2194 pursuant to chapter 253 or by an interim assignment letter that
 2195 identifies the interim management activities issued by the
 2196 Department of Environmental Protection pursuant to chapter 259,
 2197 the Florida Forest Service of the Department of Agriculture and
 2198 Consumer Services may grant privileges, permits, leases, and
 2199 concessions for the use of state forest lands or any land leased
 2200 by or otherwise assigned to the Florida Forest Service for
 2201 management purposes, timber, and forest products pursuant to ~~for~~
 2202 purposes not inconsistent with the provisions of this chapter.

2203 (3) The Florida Forest Service may ~~shall have the power to~~
 2204 set and collect charge reasonable fees, rentals, or charges ~~or~~

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2205 ~~rent~~ for the use or operation of facilities and concessions on
2206 state forests or any lands leased by or otherwise assigned to
2207 the Florida Forest Service for management purposes based on
2208 factors such as the cost and extent of recreational facilities
2209 and services, geographical location, seasonal public demand,
2210 fees charged by other governmental and private entities for
2211 comparable services and activities, and market value and demand
2212 for forest products. Moneys collected from such fees, rentals,
2213 and charges ~~rent~~ shall be deposited into the Incidental Trust
2214 Fund of the Florida Forest Service.

2215 Section 95. Section 589.20, Florida Statutes, is amended to
2216 read:

2217 589.20 Cooperation by Florida Forest Service.—The Florida
2218 Forest Service may cooperate with other state agencies, water
2219 management districts, municipalities, or other governmental
2220 entities ~~who are custodians of lands which are suitable for~~
2221 ~~forestry purposes,~~ in the designation and dedication of ~~such~~
2222 lands that are suitable for forestry purposes ~~when in the~~
2223 ~~opinion of the state agencies concerned such lands are suitable~~
2224 ~~for these purposes and can be so administered.~~ Lands designated
2225 and dedicated by a state agency, water management district,
2226 municipality, or other government entity ~~Upon the designation~~
2227 ~~and dedication of said lands for forestry these purposes by the~~
2228 ~~agencies concerned, said lands shall be administered by the~~
2229 Florida Forest Service.

2230 Section 96. Subsection (7) of section 590.02, Florida
2231 Statutes, is amended to read:

2232 590.02 Florida Forest Service; powers, authority, and
2233 duties; liability; building structures; Withlacoochee Training

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2234 ~~Florida Center for Wildfire and Forest Resources Management~~
2235 ~~Training.~~—

2236 (7) The Florida Forest Service may organize, staff, equip,
2237 and operate the Withlacoochee ~~Florida Forest~~ Training Center.
2238 The center shall serve as a site where fire and forest resource
2239 managers can obtain current knowledge, techniques, skills, and
2240 theory as they relate to their respective disciplines.

2241 (a) The center may establish cooperative efforts involving
2242 federal, state, and local entities; hire appropriate personnel;
2243 and engage others by contract or agreement with or without
2244 compensation to assist in carrying out the training and
2245 operations of the center.

2246 (b) The center shall provide wildfire suppression training
2247 opportunities for rural fire departments, volunteer fire
2248 departments, and other local fire response units.

2249 (c) The center shall ~~will~~ focus on curriculum related ~~to~~,
2250 but not limited to, fuel reduction, an incident management
2251 system, prescribed burning certification, multiple-use land
2252 management, water quality, forest health, environmental
2253 education, and wildfire suppression training for structural
2254 firefighters.

2255 (d) The center may assess appropriate fees for food,
2256 lodging, travel, course materials, and supplies in order to meet
2257 its operational costs and may grant free meals, room, and
2258 scholarships to persons and other entities in exchange for
2259 instructional assistance.

2260 Section 97. Subsection (2) of section 590.125, Florida
2261 Statutes, is amended to read:

2262 590.125 Open burning authorized by the Florida Forest

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2263 Service.—

2264 (2) NONCERTIFIED BURNING.—

2265 (a) Persons may ~~be authorized to~~ broadcast burn or pile
2266 burn pursuant to ~~in accordance with~~ this subsection if:2267 1. There is specific consent of the landowner or his or her
2268 designee;2269 2. Authorization has been obtained from the Florida Forest
2270 Service or its designated agent before starting the burn;2271 3. There are adequate firebreaks at the burn site and
2272 sufficient personnel and firefighting equipment for the
2273 containment of the fire;2274 4. The fire remains within the boundary of the authorized
2275 area;2276 5. The person named responsible in the burn authorization
2277 or a designee is present at the burn site until the fire is
2278 completed;2279 6. The Florida Forest Service does not cancel the
2280 authorization; and2281 7. The Florida Forest Service determines that air quality
2282 and fire danger are favorable for safe burning.2283 (b) A new authorization is not required for smoldering that
2284 occurs within the authorized burn area unless new ignitions are
2285 conducted by the person named responsible in the burn
2286 authorization or a designee.2287 (c) Monitoring the smoldering activity of a burn does not
2288 require an additional authorization even if flames begin to
2289 spread within the authorized burn site due to ongoing smoldering
2290 activity.2291 (d) ~~(b)~~ A person who broadcast burns or pile burns in a

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2292 manner that violates ~~any requirement of~~ this subsection commits
2293 a misdemeanor of the second degree, punishable as provided in s.
2294 775.082 or s. 775.083.

2295 Section 98. Section 570.0725, Florida Statutes, is
2296 transferred and renumbered as section 595.420, Florida Statutes.

2297 Section 99. Paragraph (k) of subsection (1) of section
2298 597.003, Florida Statutes, is amended to read:

2299 597.003 Powers and duties of Department of Agriculture and
2300 Consumer Services.—

2301 (1) The department is hereby designated as the lead agency
2302 in encouraging the development of aquaculture in the state and
2303 shall have and exercise the following functions, powers, and
2304 duties with regard to aquaculture:

2305 (k) Make available state lands and the water column for the
2306 purpose of producing aquaculture products when the aquaculture
2307 activity is compatible with state resource management goals,
2308 environmental protection, and proprietary interest and when such
2309 state lands and waters are determined to be suitable for
2310 aquaculture development by the Board of Trustees of the Internal
2311 Improvement Trust Fund pursuant to s. 253.68; provide training
2312 as necessary to lessees; and be responsible for all saltwater
2313 aquaculture activities located on sovereignty submerged land or
2314 in the water column above such land and adjacent facilities
2315 directly related to the aquaculture activity.

2316 1. The department shall act in cooperation with other state
2317 and local agencies and programs to identify and designate
2318 sovereignty lands and waters that would be suitable for
2319 aquaculture development.

2320 2. The department shall identify and evaluate specific

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2321 tracts of sovereignty submerged lands and water columns in
2322 various areas of the state to determine where such lands and
2323 waters are suitable for leasing for aquaculture purposes.
2324 Nothing in this subparagraph or subparagraph 1. shall preclude
2325 the applicant from applying for sites identified by the
2326 applicant.

2327 3. The department shall provide assistance in developing
2328 technologies applicable to aquaculture activities, evaluate
2329 practicable production alternatives, and provide agreements to
2330 develop innovative culture practices.

2331 Section 100. Paragraph (j) is added to subsection (1) of
2332 section 597.004, Florida Statutes, to read:

2333 597.004 Aquaculture certificate of registration.—

2334 (1) CERTIFICATION.—Any person engaging in aquaculture must
2335 be certified by the department. The applicant for a certificate
2336 of registration shall submit the following to the department:

2337 (j) A certificate of training, if required under the best
2338 management practices adopted pursuant to this section.

2339 Section 101. Subsection (1) of section 597.020, Florida
2340 Statutes, is amended to read:

2341 597.020 Shellfish processors; regulation.—

2342 (1) The department may:

2343 (a) is authorized to Adopt by rule regulations,
2344 specifications, training requirements, and codes relating to
2345 sanitary practices for catching, cultivating, handling,
2346 processing, packaging, preserving, canning, smoking, and storing
2347 ~~of~~ oysters, clams, mussels, scallops, and crabs.

2348 (b) The department is also authorized to License shellfish
2349 processors who handle oysters, clams, mussels, scallops, and

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2350 crabs when such activities relate to quality control, sanitary,
2351 and public health practices pursuant to this section and chapter
2352 500.

2353 (c) ~~The department is also authorized to~~ License or
2354 certify, for a fee determined by rule, facilities used for
2355 processing oysters, clams, mussels, scallops, and crabs; ~~to~~
2356 levy an administrative fine in the Class I category pursuant to
2357 s. 570.971 for each violation, for each day the violation exists
2358 ~~of up to \$1,000 per violation per day or to~~ suspend or revoke
2359 such licenses or certificates upon satisfactory evidence of a
2360 ~~any~~ violation of rules adopted pursuant to this section; ~~and to~~
2361 seize and destroy any adulterated or misbranded shellfish
2362 products as defined by rule.

2363 Section 102. Section 570.481, Florida Statutes, is
2364 transferred and renumbered as section 603.011, Florida Statutes.

2365 Section 103. Section 570.55, Florida Statutes, is
2366 transferred and renumbered as section 603.211, Florida Statutes.

2367 Section 104. Subsection (2) of section 604.16, Florida
2368 Statutes, is amended, and subsection (5) is added to that
2369 section, to read:

2370 604.16 Exceptions to provisions of ss. 604.15-604.34.-
2371 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
2372 not apply to:

2373 (2) A dealer in agricultural products who pays at the time
2374 of purchase with United States cash currency or a cash
2375 equivalent, such as a money order, cashier's check, wire
2376 transfer, electronic funds transfer, or PIN debit transaction
2377 ~~debit card.~~

2378 (5) A dealer in agricultural products to the extent that

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2379 the dealer purchases agricultural products from a producer owned
2380 by the exact same person as the dealer, owned solely by the
2381 dealer, or who solely owns the dealer.

2382 Section 105. Section 604.22, Florida Statutes, is amended
2383 to read:

2384 604.22 Dealers to keep records; contents.—

2385 (1) (a) Each licensee, while acting as agent for a producer,
2386 shall make and preserve for at least 1 year a record of each
2387 transaction, specifying the name and address of the producer for
2388 whom she or he acts as agent; the date of receipt; the kind,
2389 quality, and quantity of agricultural products received; the
2390 name and address of the purchaser of each package of
2391 agricultural products; the price for which each package was
2392 sold; the amount of any additional charges necessary to
2393 effectuate the sale; the amount and explanation of any
2394 adjustments given; and the net amount due from each purchaser.

2395 (b) An account of sales shall be furnished to each producer
2396 within 48 hours after the sale of such agricultural products
2397 unless otherwise agreed to in a written contract or verifiable
2398 oral agreement. Such account of sales shall clearly show the
2399 sale price of each lot of agricultural products sold; all
2400 adjustments to the original price, along with an explanation of
2401 such adjustments; and an itemized showing of all marketing costs
2402 deducted by the licensee, along with the net amount due the
2403 producer.

2404 (c) The licensee shall make the payment to the producer
2405 within 5 days after ~~of~~ the licensee's receipt of payment unless
2406 otherwise agreed to in a written contract or verifiable oral
2407 agreement.

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2408 (2) (a) Notwithstanding ~~The provisions of~~ s. 604.16(2), (3),
2409 and (4) ~~notwithstanding~~, a any person, partnership, corporation,
2410 or other business entity, except a person described in s.
2411 604.16(1), who possesses and offers for sale agricultural
2412 products is required to possess and display, upon the request of
2413 a ~~any~~ department representative or state, county, or local law
2414 enforcement officer, an invoice, bill of sale, manifest, or
2415 other written document showing the date of sale, the name and
2416 address of the seller, and the kind and quantity of products for
2417 all such agricultural products.

2418 (b) A ~~Any~~ person who violates ~~the provisions of~~ this
2419 section is subject to s. 604.30(2) and (3) ~~subsection is guilty~~
2420 ~~of a misdemeanor of the second degree, punishable as provided in~~
2421 ~~s. 775.082 or s. 775.083.~~

2422 Section 106. Sections 487.172, 500.301, 500.302, 500.303,
2423 500.304, 500.305, 500.306, 500.601, 570.345, 570.542, 570.72,
2424 570.92, 589.081, and 590.091, Florida Statutes, are repealed.

2425 Section 107. Paragraph (c) of subsection (6) of section
2426 193.461, Florida Statutes, is amended to read:

2427 193.461 Agricultural lands; classification and assessment;
2428 mandated eradication or quarantine program.-

2429 (6)

2430 (c)1. For purposes of the income methodology approach to
2431 assessment of property used for agricultural purposes,
2432 irrigation systems, including pumps and motors, physically
2433 attached to the land are ~~shall be~~ considered a part of the
2434 average yields per acre and ~~shall~~ have no separately assessable
2435 contributory value.

2436 2. Litter containment structures located on producing

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2437 poultry farms and animal waste nutrient containment structures
2438 located on producing dairy farms shall be assessed by the
2439 methodology described in subparagraph 1.

2440 3. Structures or improvements used in horticultural
2441 production for frost or freeze protection, ~~which structures or~~
2442 ~~improvements~~ are consistent with the interim measures or best
2443 management practices adopted by the Department of Agriculture
2444 and Consumer Services ~~Services' interim measures or best~~
2445 ~~management practices adopted pursuant to s. 570.93 s. 570.085 or~~
2446 ~~s. 403.067(7)(c),~~ shall be assessed by the methodology described
2447 in subparagraph 1.

2448 Section 108. Subsection (1) of section 253.74, Florida
2449 Statutes, is amended to read:

2450 253.74 Penalties.—

2451 (1) A ~~Any~~ person who conducts aquaculture activities in
2452 excess of those authorized by the board or who conducts such
2453 activities on state-owned submerged lands without having
2454 previously obtained an authorization from the board commits a
2455 misdemeanor of the second degree, punishable as provided in s.
2456 775.082, is and shall be subject to a civil fine in the Class I
2457 category pursuant to s. 570.971 ~~imprisonment for not more than 6~~
2458 ~~months or fine of not more than \$1,000, or both.~~ In addition to
2459 such fine and imprisonment, all works, improvements, and animal
2460 and plant life involved in the project, may be forfeited to the
2461 state.

2462 Section 109. Paragraph (c) of subsection (5) of section
2463 288.1175, Florida Statutes, is amended to read:

2464 288.1175 Agriculture education and promotion facility.—

2465 (5) The Department of Agriculture and Consumer Services

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2466 shall competitively evaluate applications for funding of an
2467 agriculture education and promotion facility. If the number of
2468 applicants exceeds three, the Department of Agriculture and
2469 Consumer Services shall rank the applications based upon
2470 criteria developed by the Department of Agriculture and Consumer
2471 Services, with priority given in descending order to the
2472 following items:

2473 (c) The location of the facility in a brownfield site as
2474 defined in s. 376.79(3), a rural enterprise zone as defined in
2475 s. 290.004, an agriculturally depressed area as defined in s.
2476 570.74 ~~s. 570.242(1)~~, or a county that has lost its agricultural
2477 land to environmental restoration projects.

2478 Section 110. Paragraph (b) of subsection (14) and paragraph
2479 (b) of subsection (77) of section 320.08058, Florida Statutes,
2480 are amended to read:

2481 320.08058 Specialty license plates.—

2482 (14) FLORIDA AGRICULTURAL LICENSE PLATES.—

2483 (b) The proceeds of the Florida Agricultural license plate
2484 annual use fee must be forwarded to the direct-support
2485 organization created pursuant to s. 570.691 ~~in s. 570.903~~. The
2486 funds must be used for the sole purpose of funding and promoting
2487 the Florida agriculture in the classroom program established
2488 within the Department of Agriculture and Consumer Services
2489 pursuant to s. 570.693 ~~s. 570.91~~.

2490 (77) FLORIDA HORSE PARK LICENSE PLATES.—

2491 (b) The annual use fees shall be distributed to the Florida
2492 Agriculture Center and Horse Park Authority created by s.
2493 570.685 ~~s. 570.952~~, which shall retain all proceeds until all
2494 startup costs for developing and establishing the plate have

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2495 been recovered. Thereafter, the proceeds shall be used as
2496 follows:

2497 1. A maximum of 5 percent of the proceeds from the annual
2498 use fees may be used for the administration of the Florida Horse
2499 Park license plate program.

2500 2. A maximum of 5 percent of the proceeds may be used to
2501 promote and market the license plate.

2502 3. The remaining proceeds shall be used by the authority to
2503 promote the Florida Agriculture Center and Horse Park located in
2504 Marion County; to support continued development of the park,
2505 including the construction of additional educational facilities,
2506 barns, and other structures; to provide improvements to the
2507 existing infrastructure at the park; and to provide for
2508 operational expenses of the Florida Agriculture Center and Horse
2509 Park.

2510 Section 111. Section 373.621, Florida Statutes, is amended
2511 to read:

2512 373.621 Water conservation.—The Legislature recognizes the
2513 significant value of water conservation in the protection and
2514 efficient use of water resources. Accordingly, consideration in
2515 the administration of ss. 373.223, 373.233, and 373.236 shall be
2516 given to applicants who implement water conservation practices
2517 pursuant to s. 570.93 ~~s. 570.085~~ or other applicable water
2518 conservation measures as determined by the department or a water
2519 management district.

2520 Section 112. Paragraph (a) of subsection (2) of section
2521 373.709, Florida Statutes, is amended to read:

2522 373.709 Regional water supply planning.—

2523 (2) Each regional water supply plan must be based on at

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2524 least a 20-year planning period and must include, but need not
2525 be limited to:

2526 (a) A water supply development component for each water
2527 supply planning region identified by the district which
2528 includes:

2529 1. A quantification of the water supply needs for all
2530 existing and future reasonable-beneficial uses within the
2531 planning horizon. The level-of-certainty planning goal
2532 associated with identifying the water supply needs of existing
2533 and future reasonable-beneficial uses must be based upon meeting
2534 those needs for a 1-in-10-year drought event.

2535 a. Population projections used for determining public water
2536 supply needs must be based upon the best available data. In
2537 determining the best available data, the district shall consider
2538 the University of Florida's Bureau of Economic and Business
2539 Research (BEBR) medium population projections and population
2540 projection data and analysis submitted by a local government
2541 pursuant to the public workshop described in subsection (1) if
2542 the data and analysis support the local government's
2543 comprehensive plan. Any adjustment of or deviation from the BEBR
2544 projections must be fully described, and the original BEBR data
2545 must be presented along with the adjusted data.

2546 b. Agricultural demand projections used for determining the
2547 needs of agricultural self-suppliers must be based upon the best
2548 available data. In determining the best available data for
2549 agricultural self-supplied water needs, the district shall
2550 consider the data indicative of future water supply demands
2551 provided by the Department of Agriculture and Consumer Services
2552 pursuant to s. 570.93 ~~s. 570.085~~ and agricultural demand

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2553 projection data and analysis submitted by a local government
2554 pursuant to the public workshop described in subsection (1), if
2555 the data and analysis support the local government's
2556 comprehensive plan. Any adjustment of or deviation from the data
2557 provided by the Department of Agriculture and Consumer Services
2558 must be fully described, and the original data must be presented
2559 along with the adjusted data.

2560 2. A list of water supply development project options,
2561 including traditional and alternative water supply project
2562 options, from which local government, government-owned and
2563 privately owned utilities, regional water supply authorities,
2564 multijurisdictional water supply entities, self-suppliers, and
2565 others may choose for water supply development. In addition to
2566 projects listed by the district, such users may propose specific
2567 projects for inclusion in the list of alternative water supply
2568 projects. If such users propose a project to be listed as an
2569 alternative water supply project, the district shall determine
2570 whether it meets the goals of the plan, and, if so, it shall be
2571 included in the list. The total capacity of the projects
2572 included in the plan must exceed the needs identified in
2573 subparagraph 1. and take into account water conservation and
2574 other demand management measures, as well as water resources
2575 constraints, including adopted minimum flows and levels and
2576 water reservations. Where the district determines it is
2577 appropriate, the plan should specifically identify the need for
2578 multijurisdictional approaches to project options that, based on
2579 planning level analysis, are appropriate to supply the intended
2580 uses and that, based on such analysis, appear to be permissible
2581 and financially and technically feasible. The list of water

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2582 supply development options must contain provisions that
2583 recognize that alternative water supply options for agricultural
2584 self-suppliers are limited.

2585 3. For each project option identified in subparagraph 2.,
2586 the following must be provided:

2587 a. An estimate of the amount of water to become available
2588 through the project.

2589 b. The timeframe in which the project option should be
2590 implemented and the estimated planning-level costs for capital
2591 investment and operating and maintaining the project.

2592 c. An analysis of funding needs and sources of possible
2593 funding options. For alternative water supply projects, the
2594 water management districts shall provide funding pursuant to
2595 ~~assistance in accordance with~~ s. 373.707(8).

2596 d. Identification of the entity that should implement each
2597 project option and the current status of project implementation.

2598 Section 113. Paragraph (d) of subsection (2) of section
2599 381.0072, Florida Statutes, is amended to read:

2600 381.0072 Food service protection.—It shall be the duty of
2601 the Department of Health to adopt and enforce sanitation rules
2602 consistent with law to ensure the protection of the public from
2603 food-borne illness. These rules shall provide the standards and
2604 requirements for the storage, preparation, serving, or display
2605 of food in food service establishments as defined in this
2606 section and which are not permitted or licensed under chapter
2607 500 or chapter 509.

2608 (2) DUTIES.—

2609 (d) The department shall inspect each food service
2610 establishment as often as necessary to ensure compliance with

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2611 applicable laws and rules. The department shall have the right
 2612 of entry and access to these food service establishments at any
 2613 reasonable time. In inspecting food service establishments ~~as~~
 2614 ~~provided~~ under this section, the department shall provide each
 2615 inspected establishment with the food recovery brochure
 2616 developed under s. 595.420 ~~s. 570.0725~~.

2617 Section 114. Paragraph (c) of subsection (2) of section
 2618 388.46, Florida Statutes, is amended to read:

2619 388.46 Florida Coordinating Council on Mosquito Control;
 2620 establishment; membership; organization; responsibilities.—

2621 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

2622 (c) *Responsibilities*.—The council shall:

2623 1. Develop and implement guidelines to assist the
 2624 department in resolving disputes arising over the control of
 2625 arthropods on publicly owned lands.

2626 2. Develop and recommend to the department a request for
 2627 proposal process for arthropod control research.

2628 3. Identify potential funding sources for research or
 2629 implementation projects and evaluate and prioritize proposals
 2630 upon request by the funding source.

2631 4. Prepare and present reports, as needed, on arthropod
 2632 control activities in the state to ~~the Pesticide Review Council~~
 2633 ~~and other~~ governmental organizations, as appropriate.

2634 Section 115. Paragraph (c) of subsection (2) of section
 2635 472.0351, Florida Statutes, is amended to read:

2636 472.0351 Grounds for discipline; penalties; enforcement.—

2637 (2) If the board finds a surveyor or mapper guilty of any
 2638 of the grounds set forth in subsection (1) or a violation of
 2639 this chapter which occurred before obtaining a license, the

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2640 board may enter an order imposing one or more of the following
2641 penalties:

2642 (c) Imposition of an administrative fine in the Class I
2643 category pursuant to s. 570.971 ~~not to exceed \$1,000~~ for each
2644 count or separate offense.

2645 Section 116. Subsections (1) and (2) and paragraph (a) of
2646 subsection (3) of section 472.036, Florida Statutes, are amended
2647 to read:

2648 472.036 Unlicensed practice of professional surveying and
2649 mapping; cease and desist notice; civil penalty; enforcement;
2650 citations; allocation of moneys collected.-

2651 (1) When the department has probable cause to believe that
2652 a any person not licensed by the department or the board has
2653 violated ~~any provision of~~ this chapter, or any rule adopted
2654 pursuant to this chapter, the department may issue and deliver
2655 to such person a notice to cease and desist from such violation.
2656 In addition, the department may issue and deliver a notice to
2657 cease and desist to a any person who aids and abets the
2658 unlicensed practice of surveying and mapping by employing such
2659 unlicensed person. The issuance of a notice to cease and desist
2660 does shall not constitute agency action for which a hearing
2661 under ss. 120.569 and 120.57 may be sought. For the purpose of
2662 enforcing a cease and desist order, the department may file a
2663 proceeding in the name of the state seeking issuance of an
2664 injunction or a writ of mandamus against a any person who
2665 violates ~~any provisions of~~ such order. In addition to the
2666 foregoing remedies, the department may impose an administrative
2667 fine in the Class II category pursuant to s. 570.971 for each
2668 ~~penalty not to exceed \$5,000 per~~ incident pursuant to ~~the~~

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2669 ~~provisions of~~ chapter 120 or may issue a citation pursuant to
2670 ~~the provisions of~~ subsection (3). If the department is required
2671 to seek enforcement of the order for a penalty pursuant to s.
2672 120.569, it shall be entitled to collect its attorney ~~attorney's~~
2673 fees and costs, together with any cost of collection.

2674 (2) In addition to or in lieu of any remedy provided in
2675 subsection (1), the department may seek the imposition of a
2676 civil penalty through the circuit court for any violation for
2677 which the department may issue a notice to cease and desist
2678 under subsection (1). The civil penalty shall be a fine in the
2679 Class II category pursuant to s. 570.971 ~~no less than \$500 and~~
2680 ~~no more than \$5,000~~ for each offense. The court may also award
2681 to the prevailing party court costs and reasonable attorney fees
2682 and, in the event the department prevails, may also award
2683 reasonable costs of investigation.

2684 (3) (a) Notwithstanding ~~the provisions of~~ s. 472.033, the
2685 department shall adopt rules for ~~to permit~~ the issuance of
2686 citations for unlicensed practice of a profession. The citation
2687 shall be issued to the subject and shall contain the subject's
2688 name and any other information the department determines to be
2689 necessary to identify the subject, a brief factual statement,
2690 the sections of the law allegedly violated, and the penalty
2691 imposed. The citation must clearly state that the subject may
2692 choose, in lieu of accepting the citation, to follow the
2693 procedure under s. 472.033. If the subject disputes the matter
2694 in the citation, the procedures set forth in s. 472.033 must be
2695 followed. However, if the subject does not dispute the matter in
2696 the citation with the department within 30 days after the
2697 citation is served, the citation shall become a final order of

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2698 the department upon filing with the agency clerk. The penalty
2699 shall be a fine in the Class II category pursuant to s. 570.971
2700 ~~of not less than \$500 or more than \$5,000~~ or other conditions as
2701 established by rule.

2702 Section 117. Subsection (7) of section 482.161, Florida
2703 Statutes, is amended to read:

2704 482.161 Disciplinary grounds and actions; reinstatement.—

2705 (7) The department, pursuant to chapter 120, in addition to
2706 or in lieu of any other remedy provided by state or local law,
2707 may impose an administrative fine in the Class II category
2708 pursuant to s. 570.971, ~~in an amount not exceeding \$5,000~~, for a
2709 ~~the violation of any of the provisions~~ of this chapter or of the
2710 rules adopted pursuant to this chapter. In determining the
2711 amount of fine to be levied for a violation, the following
2712 factors shall be considered:

2713 (a) The severity of the violation, including the
2714 probability that the death, or serious harm to the health or
2715 safety, of any person will result or has resulted; the severity
2716 of the actual or potential harm; and the extent to which ~~the~~
2717 ~~provisions~~ of this chapter or of the rules adopted pursuant to
2718 this chapter were violated;

2719 (b) Any actions taken by the licensee or certified operator
2720 in charge, or limited certificateholder, to correct the
2721 violation or to remedy complaints;

2722 (c) Any previous violations of this chapter or of the rules
2723 adopted pursuant to this chapter; and

2724 (d) The cost to the department of investigating the
2725 violation.

2726 Section 118. Subsections (3) and (5) of section 482.165,

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2727 Florida Statutes, are amended to read:

2728 482.165 Unlicensed practice of pest control; cease and
2729 desist order; injunction; civil suit and penalty.—

2730 (3) In addition to or in lieu of any remedy provided under
2731 subsection (2), the department may institute a civil suit in
2732 circuit court to recover a civil penalty for a any violation for
2733 which the department may issue a notice to cease and desist
2734 under subsection (2). The civil penalty shall be in Class II
2735 category pursuant to s. 570.971 ~~may not be less than \$500 or~~
2736 ~~more than \$5,000 for each offense.~~ The court may also award to
2737 the prevailing party court costs and reasonable attorney
2738 ~~attorney's~~ fees.

2739 (5) In addition to or in lieu of any remedy provided under
2740 subsections (2) and (3), the department may, even in the case of
2741 a first offense, impose a fine not less than twice the cost of a
2742 pest control business license, but not more than a fine in the
2743 Class II category pursuant to s. 570.971 ~~\$5,000~~, upon a
2744 determination by the department that a person is in violation of
2745 subsection (1). For the purposes of this subsection, the lapse
2746 of a previously issued license for a period of less than 1 year
2747 is ~~shall~~ not be considered a violation.

2748 Section 119. Subsection (6) of section 482.243, Florida
2749 Statutes, is amended to read:

2750 482.243 Pest Control Enforcement Advisory Council.—

2751 (6) The meetings, powers and duties, procedures, and
2752 recordkeeping of the council shall be pursuant to s. 570.232 ~~in~~
2753 ~~accordance with the provisions of s. 570.0705 relating to~~
2754 ~~advisory committees established within the department.~~

2755 Section 120. Subsection (3) of section 487.047, Florida

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2756 Statutes, is amended to read:

2757 487.047 Nonresident license; reciprocal agreement;
2758 authorized purchase.—

2759 (3) Restricted-use pesticides may be purchased by a ~~any~~
2760 person who holds a valid applicator's license or who holds a
2761 valid purchase authorization card issued by the department or by
2762 a licensee under chapter 388 or chapter 482. A nonlicensed
2763 person may apply restricted-use pesticides under the direct
2764 supervision of a licensed applicator. An applicator's license
2765 shall be issued by the department pursuant to ~~on a form supplied~~
2766 ~~by it in accordance with the requirements of~~ this part.

2767 Section 121. Subsections (2) and (3) of section 487.091,
2768 Florida Statutes, are amended to read:

2769 487.091 Tolerances, deficiencies, and penalties.—

2770 (2) If a pesticide is found by analysis to be deficient in
2771 an active ingredient beyond the tolerance as provided in this
2772 part, the registrant is subject to a penalty for the deficiency
2773 in the Class III category pursuant to s. 570.971 for each, ~~not~~
2774 ~~to exceed \$10,000 per~~ violation. However, a ~~no~~ penalty may not
2775 ~~shall~~ be assessed when the official sample was taken from a
2776 pesticide that was in the possession of a consumer for more than
2777 45 days after ~~from~~ the date of purchase by that consumer, or
2778 when the product label specifies that the product should be used
2779 by an expiration date that has passed. Procedures for assessing
2780 penalties shall be established by rule, based on the degree of
2781 the deficiency. Penalties assessed shall be paid to the consumer
2782 or, in the absence of a known consumer, the department. If the
2783 penalty is not paid within the prescribed period ~~of time~~ as
2784 established by rule, the department may deny, suspend, or revoke

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2785 the registration of any pesticide.

2786 (3) If a pesticide is found to be ineffective, it shall be
2787 deemed to be misbranded and subject to a penalty in the Class
2788 III category pursuant to s. 570.971 for each ~~as established by~~
2789 ~~rule, not to exceed \$10,000 per~~ violation.

2790 Section 122. Paragraph (e) of subsection (1) of section
2791 487.175, Florida Statutes, is amended to read:

2792 487.175 Penalties; administrative fine; injunction.—

2793 (1) In addition to any other penalty provided in this part,
2794 when the department finds any person, applicant, or licensee has
2795 violated any provision of this part or rule adopted under this
2796 part, it may enter an order imposing any one or more of the
2797 following penalties:

2798 (e) Imposition of an administrative fine in the Class III
2799 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
2800 violation. When imposing a ~~any~~ fine under this paragraph, the
2801 department shall consider the degree and extent of harm caused
2802 by the violation, the cost of rectifying the damage, the amount
2803 of money the violator benefited from by noncompliance, whether
2804 the violation was committed willfully, and the compliance record
2805 of the violator.

2806 Section 123. Paragraph (c) of subsection (2) of section
2807 493.6118, Florida Statutes, is amended to read:

2808 493.6118 Grounds for disciplinary action.—

2809 (2) When the department finds any violation of subsection
2810 (1), it may do one or more of the following:

2811 (c) Impose an administrative fine in the Class I category
2812 pursuant to s. 570.971 ~~not to exceed \$1,000~~ for every count or
2813 separate offense.

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2814 Section 124. Subsection (1) of section 496.420, Florida
2815 Statutes, is amended to read:

2816 496.420 Civil remedies and enforcement.—

2817 (1) In addition to other remedies authorized by law, the
2818 department may bring a civil action in circuit court to enforce
2819 ss. 496.401-496.424 or s. 496.426. Upon a finding that any
2820 person has violated any of these sections, a court may make any
2821 necessary order or enter a judgment including, but not limited
2822 to, a temporary or permanent injunction, a declaratory judgment,
2823 the appointment of a general or special magistrate or receiver,
2824 the sequestration of assets, the reimbursement of persons from
2825 whom contributions have been unlawfully solicited, the
2826 distribution of contributions pursuant to ~~in accordance with~~ the
2827 charitable or sponsor purpose expressed in the registration
2828 statement or pursuant to ~~in accordance with~~ the representations
2829 made to the person solicited, the reimbursement of the
2830 department for investigative costs, and attorney ~~attorney's~~ fees
2831 and costs, and any other equitable relief the court finds
2832 appropriate. Upon a finding that a ~~any~~ person has violated any
2833 provision of ss. 496.401-496.424 or s. 496.426 with actual
2834 knowledge or knowledge fairly implied on the basis of objective
2835 circumstances, a court may enter an order imposing a civil fine
2836 in the Class III category pursuant to s. 570.971 for each
2837 ~~penalty in an amount not to exceed \$10,000 per~~ violation.

2838 Section 125. Paragraph (b) of subsection (3) of section
2839 500.70, Florida Statutes, is amended to read:

2840 500.70 Tomato food safety standards; inspections;
2841 penalties; tomato good agricultural practices; tomato best
2842 management practices.—

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2843 (3)
2844 (b) The department may impose an administrative fine in the
2845 Class II category pursuant to s. 570.971 for each ~~not to exceed~~
2846 ~~\$5,000 per violation,~~ or issue a written notice or warning under
2847 s. 500.179, against a person who violates ~~any applicable~~
2848 ~~provision of~~ this section or any rule adopted under this
2849 section.

2850 Section 126. Paragraph (b) of subsection (2) of section
2851 501.612, Florida Statutes, is amended to read:

2852 501.612 Grounds for departmental action against licensure
2853 applicants or licensees.—

2854 (2) Upon a finding as set forth in subsection (1), the
2855 department may enter an order:

2856 (b) Imposing an administrative fine in the Class III
2857 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
2858 act or omission which constitutes a violation under this part.

2859 Section 127. Section 501.619, Florida Statutes, is amended
2860 to read:

2861 501.619 Civil penalties.—A ~~Any~~ person who engages in any
2862 act or practice declared in this part to be unlawful is liable
2863 for a civil penalty in the Class III category pursuant to s.
2864 570.971 ~~of not more than \$10,000~~ for each such violation. This
2865 civil penalty may be recovered in any action brought under this
2866 part by the department, or the department may terminate any
2867 investigation or action upon agreement by the person to pay a
2868 stipulated civil penalty. The department or the court may waive
2869 any such civil penalty or other fines or costs if the person has
2870 previously made full restitution or reimbursement or has paid
2871 actual damages to the purchasers who have been injured by the

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2872 unlawful act or practice.

2873 Section 128. Paragraph (b) of subsection (1) of section
2874 502.231, Florida Statutes, is amended to read:

2875 502.231 Penalty and injunction.—

2876 (1) The department may enter an order imposing one or more
2877 of the following penalties against any person who violates any
2878 provision of this chapter:

2879 (b) Imposition of an administrative fine ~~not to exceed:~~

2880 1. In the Class II category pursuant s. 570.971 for each
2881 ~~Ten thousand dollars per~~ violation in the case of a frozen
2882 dessert licensee;

2883 2. Not to exceed ten percent of the license fee or \$100,
2884 whichever is greater, for failure to report the information
2885 described in s. 502.053(3) (d); or

2886 3. In the Class I category pursuant to s. 570.971 for each
2887 ~~One thousand dollars per~~ occurrence for any other violation.

2888

2889 When imposing a fine under this paragraph, the department must
2890 consider the degree and extent of harm caused by the violation,
2891 the cost of rectifying the damage, the benefit to the violator,
2892 whether the violation was committed willfully, and the
2893 violator's compliance record.

2894 Section 129. Subsection (1) of section 507.09, Florida
2895 Statutes, is amended to read:

2896 507.09 Administrative remedies; penalties.—

2897 (1) The department may enter an order doing one or more of
2898 the following if the department finds that a mover or moving
2899 broker, or a person employed or contracted by a mover or broker,
2900 has violated or is operating in violation of this chapter or the

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2901 rules or orders issued pursuant to ~~in accordance with~~ this
2902 chapter:

2903 (a) Issuing a notice of noncompliance under s. 120.695.

2904 (b) Imposing an administrative fine in the Class II
2905 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
2906 act or omission.

2907 (c) Directing that the person cease and desist specified
2908 activities.

2909 (d) Refusing to register or revoking or suspending a
2910 registration.

2911 (e) Placing the registrant on probation ~~for a period of~~
2912 ~~time~~, subject to the conditions specified by the department.

2913 Section 130. Subsection (2) of section 507.10, Florida
2914 Statutes, is amended to read:

2915 507.10 Civil penalties; remedies.—

2916 (2) The department may seek a civil penalty in the Class II
2917 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
2918 violation of this chapter.

2919 Section 131. Paragraph (g) of subsection (2) and paragraph
2920 (c) of subsection (3) of section 509.032, Florida Statutes, are
2921 amended to read:

2922 509.032 Duties.—

2923 (2) INSPECTION OF PREMISES.—

2924 (g) In inspecting public food service establishments, the
2925 department shall provide each inspected establishment with the
2926 food-recovery brochure developed under s. 595.420 ~~s. 570.0725~~.

2927 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE
2928 EVENTS.—The division shall:

2929 (c) Administer a public notification process for temporary

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2930 food service events and distribute educational materials that
2931 address safe food storage, preparation, and service procedures.

2932 1. Sponsors of temporary food service events shall notify
2933 the division not less than 3 days before ~~prior to~~ the scheduled
2934 event of the type of food service proposed, the time and
2935 location of the event, a complete list of food service vendors
2936 participating in the event, the number of individual food
2937 service facilities each vendor will operate at the event, and
2938 the identification number of each food service vendor's current
2939 license as a public food service establishment or temporary food
2940 service event licensee. Notification may be completed orally, by
2941 telephone, in person, or in writing. A public food service
2942 establishment or food service vendor may not use this
2943 notification process to circumvent the license requirements of
2944 this chapter.

2945 2. The division shall keep a record of all notifications
2946 received for proposed temporary food service events and shall
2947 provide appropriate educational materials to the event sponsors,
2948 including the food-recovery brochure developed under s. 595.420
2949 ~~s. 570.0725~~.

2950 3.a. A public food service establishment or other food
2951 service vendor must obtain one of the following classes of
2952 license from the division: an individual license, for a fee of
2953 no more than \$105, for each temporary food service event in
2954 which it participates; or an annual license, for a fee of no
2955 more than \$1,000, that entitles the licensee to participate in
2956 an unlimited number of food service events during the license
2957 period. The division shall establish license fees, by rule, and
2958 may limit the number of food service facilities a licensee may

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2959 operate at a particular temporary food service event under a
2960 single license.

2961 b. Public food service establishments holding current
2962 licenses from the division may operate under the regulations of
2963 such a license at temporary food service events of 3 days or
2964 less in duration.

2965 Section 132. Paragraph (a) of subsection (1) of section
2966 525.16, Florida Statutes, is amended to read:

2967 525.16 Administrative fine; penalties; prosecution of cases
2968 by state attorney.—

2969 (1) (a) The department may enter an order imposing one or
2970 more of the following penalties against a ~~any~~ person who
2971 violates ~~any of the provisions of~~ this chapter or the rules
2972 adopted under this chapter or impedes, obstructs, or hinders the
2973 department in the performance of its duty in connection with ~~the~~
2974 ~~provisions of~~ this chapter:

2975 1. Issuance of a warning letter.

2976 2. Imposition of an administrative fine in the Class II
2977 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
2978 ~~per violation for a first-time offender. For a second-time or~~
2979 ~~repeat offender, or any person who is shown to have willfully~~
2980 ~~and intentionally violated any provision of this chapter, the~~
2981 ~~administrative fine shall not exceed \$5,000 per violation.~~ When
2982 imposing any fine under this section, the department shall
2983 consider the degree and extent of harm caused by the violation,
2984 the cost of rectifying the damage, the amount of money the
2985 violator benefited from by noncompliance, whether the violation
2986 was committed willfully, and the compliance record of the
2987 violator.

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2988 3. Revocation or suspension of any registration issued by
2989 the department.

2990 Section 133. Subsection (1) of section 526.311, Florida
2991 Statutes, is amended to read:

2992 526.311 Enforcement; civil penalties; injunctive relief.—

2993 (1) A ~~Any~~ person who knowingly violates this act shall be
2994 subject to a civil penalty in the Class III category pursuant to
2995 s. 570.971 for each ~~not to exceed \$10,000 per~~ violation. Each
2996 day that a violation of this act occurs shall be considered a
2997 separate violation, but a ~~no~~ civil penalty may not ~~shall~~ exceed
2998 \$250,000. ~~Any~~ Such a person shall also be liable for attorney
2999 ~~attorney's~~ fees and shall be subject to an action for injunctive
3000 relief.

3001 Section 134. Subsection (2) of section 526.55, Florida
3002 Statutes, is amended to read:

3003 526.55 Violation and penalties.—

3004 (2) If the department finds that a person has violated or
3005 is operating in violation of ss. 526.50-526.56 or the rules or
3006 orders adopted thereunder, the department may, by order:

3007 (a) Issue a notice of noncompliance pursuant to s. 120.695;

3008 (b) Impose an administrative fine in the Class II category
3009 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each violation;

3010 (c) Direct that the person cease and desist specified
3011 activities;

3012 (d) Revoke or suspend a registration, or refuse to register
3013 a product; or

3014 (e) Place the registrant on probation for a period of time,
3015 subject to conditions as the department may specify.

3016 Section 135. Subsection (1) of section 527.13, Florida

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3017 Statutes, is amended to read:

3018 527.13 Administrative fines and warning letters.—

3019 (1) If a any person violates ~~any provision of~~ this chapter
3020 or any rule adopted under this chapter ~~pursuant thereto~~ or a
3021 cease and desist order, the department may impose civil or
3022 administrative penalties in the Class II category pursuant to s.
3023 570.971, not to exceed \$3,000 for each offense, suspend or
3024 revoke the license or qualification issued to such person, or
3025 any of the foregoing. The cost of the proceedings to enforce
3026 this chapter may be added to any penalty imposed. The department
3027 may allow the licensee a reasonable period, not to exceed 90
3028 days, within which to pay to the department the amount of the
3029 penalty so imposed. If the licensee fails to pay the penalty in
3030 its entirety to the department at its office at Tallahassee
3031 within the period so allowed, the licenses of the licensee shall
3032 stand revoked upon expiration of such period.

3033 Section 136. Subsection (1) of section 531.50, Florida
3034 Statutes, is amended to read:

3035 531.50 Administrative fine, penalties, and offenses.—

3036 (1) The department may enter an order imposing one or more
3037 of the following penalties against a any person who violates ~~any~~
3038 ~~provision of~~ this chapter or rule adopted under this chapter or
3039 impedes, obstructs, or hinders the department in performing the
3040 ~~performance of~~ its duties under ~~in connection with the~~
3041 ~~provisions of~~ this chapter:

3042 (a) Issuance of a warning letter or notice.

3043 (b) Imposition of an administrative fine in the Class II
3044 category pursuant to s. 570.971 for each of:

3045 ~~1. Up to \$1,000 for a first violation;~~

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3046 2. ~~Up to \$2,500 for a second violation within 2 years after~~
3047 ~~the first violation; or~~

3048 3. ~~Up to \$5,000 for a third violation within 2 years after~~
3049 ~~the first violation.~~

3050
3051 When imposing any fine under this section, the department shall
3052 consider the degree and extent of potential harm caused by the
3053 violation, the amount of money by which the violator benefited
3054 from noncompliance, whether the violation was committed
3055 willfully, and the compliance record of the violator. All fines,
3056 monetary penalties, and costs received by the department shall
3057 be deposited in the General Inspection Trust Fund for the
3058 purpose of administering the provisions of this chapter.

3059 Section 137. Subsection (2) of section 534.52, Florida
3060 Statutes, is amended to read:

3061 534.52 Violations; refusal, suspension, revocation;
3062 penalties.—

3063 (2) In addition, or as an alternative to refusing,
3064 suspending, or revoking a license in cases involving violations,
3065 the department may impose an administrative a fine in the Class
3066 I category pursuant to s. 570.971 not to exceed \$500 for the
3067 first offense and not to exceed \$1,000 for the second or
3068 subsequent violations. When imposed and paid, such fines shall
3069 be deposited in the General Inspection Trust Fund.

3070 Section 138. Paragraphs (b) and (d) of subsection (7) of
3071 section 539.001, Florida Statutes, are amended to read:

3072 539.001 The Florida Pawnbroking Act.—

3073 (7) ORDERS IMPOSING PENALTIES.—

3074 (b) Upon a finding as set forth in paragraph (a), the

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3075 agency may enter an order doing one or more of the following:

3076 1. Issuing a notice of noncompliance pursuant to s.
3077 120.695.

3078 2. Imposing an administrative fine in the Class II category
3079 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each act which
3080 constitutes a violation of this section or a rule or an order.

3081 3. Directing that the pawnbroker cease and desist specified
3082 activities.

3083 4. Refusing to license or revoking or suspending a license.

3084 5. Placing the licensee on probation ~~for a period of time,~~
3085 subject to such conditions as the agency may specify.

3086 (d)1. When the agency, if a violation of this section
3087 occurs, has reasonable cause to believe that a person is
3088 operating in violation of this section, the agency may bring a
3089 civil action in the appropriate court for temporary or permanent
3090 injunctive relief and may seek other appropriate civil relief,
3091 including a civil penalty in the Class II category pursuant to
3092 s. 570.971 ~~not to exceed \$5,000 for each violation,~~ restitution
3093 and damages for injured customers, court costs, and reasonable
3094 attorney ~~attorney's~~ fees.

3095 2. The agency may terminate any investigation or action
3096 upon agreement by the offender to pay a stipulated civil
3097 penalty, to make restitution or pay damages to customers, or to
3098 satisfy ~~any~~ other relief authorized herein and requested by the
3099 agency.

3100 Section 139. Paragraph (b) of subsection (4) and paragraph
3101 (a) of subsection (5) of section 559.921, Florida Statutes, are
3102 amended to read:

3103 559.921 Remedies.—

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(4)

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

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

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

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

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

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

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

Section 140. Subsection (1) of section 559.9355, Florida Statutes, is amended to read:

559.9355 Administrative remedies; penalties.—

(1) The department may enter an order doing one or more of

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3133 the following if the department finds that a person has violated
3134 or is operating in violation of ~~any of the provisions of~~ this
3135 part or the rules or orders issued thereunder:

3136 (a) Issuing a notice of noncompliance pursuant to s.
3137 120.695.

3138 (b) Imposing an administrative fine in the Class II
3139 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
3140 act or omission.

3141 ~~(c) Imposing an administrative fine not to exceed \$10,000~~
3142 ~~for each act or omission in violation of s. 559.9335(22) or~~
3143 ~~(23).~~

3144 (c) ~~(d)~~ Directing that the person cease and desist specified
3145 activities.

3146 (d) ~~(e)~~ Refusing to register or canceling or suspending a
3147 registration.

3148 (e) ~~(f)~~ Placing the registrant on probation ~~for a period of~~
3149 ~~time~~, subject to such conditions as the department may specify.

3150 (f) ~~(g)~~ Canceling an exemption granted under s. 559.935.

3151 Section 141. Subsections (2) and (3) of section 559.936,
3152 Florida Statutes, are amended to read:

3153 559.936 Civil penalties; remedies.—

3154 (2) The department may seek a civil penalty in the Class II
3155 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
3156 violation of this part.

3157 (3) The department may seek a civil penalty in the Class
3158 III category pursuant to s. 570.971 ~~of up to \$10,000~~ for each
3159 act or omission in violation of s. 559.9335(22) or (23).

3160 Section 142. Subsection (1) of section 571.11, Florida
3161 Statutes, is amended to read:

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3162 571.11 Eggs and poultry; Seal of quality violations;
3163 administrative penalties.—

3164 (1) The Department of Agriculture and Consumer Services may
3165 impose an administrative a fine in the Class II category
3166 pursuant to s. 570.971 ~~not exceeding \$5,000~~ against any dealer,
3167 as defined in ~~under~~ s. 583.01(4), in violation of the guidelines
3168 for the Florida seal of quality for eggs or poultry programs.
3169 All fines, when imposed and paid, shall be deposited by the
3170 department into the General Inspection Trust Fund.

3171 Section 143. Subsection (2) of section 571.28, Florida
3172 Statutes, is amended to read:

3173 571.28 Florida Agricultural Promotional Campaign Advisory
3174 Council.—

3175 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
3176 meetings, powers and duties, procedures, and recordkeeping of
3177 the Florida Agricultural Promotional Campaign Advisory Council
3178 shall be pursuant to s. 570.232 ~~governed by the provisions of s.~~
3179 ~~570.0705 relating to advisory committees established within the~~
3180 ~~department.~~

3181 Section 144. Paragraph (b) of subsection (3) of section
3182 571.29, Florida Statutes, is amended to read:

3183 571.29 Unlawful acts; administrative remedies; criminal
3184 penalties.—

3185 (3) The department may enter an order imposing one or more
3186 of the following penalties against any person who violates any
3187 of the provisions of this part or any rules adopted under this
3188 part:

3189 (b) Imposition of an administrative fine in the Class I
3190 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~

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3191 ~~per~~ violation for a first-time ~~first-time~~ offender. For a
3192 second-time ~~second-time~~ offender, or a ~~any~~ person who is shown
3193 to have willfully and intentionally violated ~~any provision of~~
3194 this part or any rules adopted under this part, the
3195 administrative fine shall be in the Class II category pursuant
3196 to s. 570.971 for each ~~may not exceed \$5,000 per~~ violation. The
3197 term "each ~~per~~ violation" means each incident in which a logo of
3198 the Florida Agricultural Promotional Campaign has been used,
3199 reproduced, or distributed in any manner inconsistent with ~~the~~
3200 ~~provisions of~~ this part or the rules adopted under this part.

3201
3202 The administrative proceedings that could result in the entry of
3203 an order imposing any of the penalties specified in paragraphs
3204 (a)-(c) shall be conducted in accordance with chapter 120.

3205 Section 145. Subsection (1) of section 578.181, Florida
3206 Statutes, is amended to read:

3207 578.181 Penalties; administrative fine.—

3208 (1) The department may enter an order imposing one or more
3209 of the following penalties against a ~~any~~ person who violates ~~any~~
3210 ~~of the provisions of~~ this chapter or the rules adopted under
3211 this chapter promulgated hereunder or who impedes, obstructs, or
3212 ~~hinders, or otherwise prevents or attempts to prevent~~ the
3213 department in performing ~~the performance of~~ its duties under
3214 ~~duty in connection with the provisions of~~ this chapter:

3215 (a) Issuance of a warning letter.

3216 (b) Imposition of an administrative fine in the Class I
3217 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
3218 ~~per~~ occurrence after the issuance of a warning letter.

3219 (c) Revocation or suspension of the registration as a seed

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3220 dealer.

3221 Section 146. Paragraph (b) of subsection (1) of section
3222 580.121, Florida Statutes, is amended to read:

3223 580.121 Penalties; duties of law enforcement officers;
3224 injunctive relief.—

3225 (1) The department may impose one or more of the following
3226 penalties against any person who violates any provision of this
3227 chapter:

3228 (b) Imposition of an administrative fine in the Class I
3229 category pursuant to s. 570.971 for each, ~~by the department, of~~
3230 ~~not more than \$1,000 per~~ occurrence.

3231
3232 However, the severity of the penalty imposed shall be
3233 commensurate with the degree of risk to human or animal safety
3234 or the level of financial harm to the consumer that is created
3235 by the violation.

3236 Section 147. Paragraph (a) of subsection (2) of section
3237 581.141, Florida Statutes, is amended to read:

3238 581.141 Certificate of registration or of inspection;
3239 revocation and suspension; fines.—

3240 (2) FINES; PROBATION.—

3241 (a)1. The department may, after notice and hearing, impose
3242 an administrative a fine in the Class II category pursuant to s.
3243 570.971 ~~not exceeding \$5,000~~ or probation not exceeding 12
3244 months, or both, for a ~~the~~ violation of ~~any of the provisions of~~
3245 this chapter or the rules adopted under this chapter upon a ~~any~~
3246 person, nurseryman, stock dealer, agent, or plant broker. The
3247 fine, when paid, shall be deposited in the Plant Industry Trust
3248 Fund.

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3249 2. The imposition of a fine or probation pursuant to this
3250 subsection may be in addition to or in lieu of the suspension or
3251 revocation of a certificate of registration or certificate of
3252 inspection.

3253 Section 148. Subsection (2) of section 581.186, Florida
3254 Statutes, is amended to read:

3255 581.186 Endangered Plant Advisory Council; organization;
3256 meetings; powers and duties.—

3257 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
3258 meetings, powers and duties, procedures, and recordkeeping of
3259 the Endangered Plant Advisory Council shall be pursuant to s.
3260 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
3261 ~~advisory committees established within the department.~~

3262 Section 149. Paragraph (a) of subsection (3) of section
3263 581.211, Florida Statutes, is amended to read:

3264 581.211 Penalties for violations.—

3265 (3) (a) 1. In addition to any other ~~provision of law~~, the
3266 department may, after notice and hearing, impose an
3267 administrative fine in the Class II category pursuant to s.
3268 570.971 ~~not exceeding \$5,000~~ for each violation of this chapter,
3269 upon a ~~any~~ person, nurseryman, stock dealer, agent, or plant
3270 broker. The fine, when paid, shall be deposited in the Plant
3271 Industry Trust Fund. In addition, the department may place the
3272 violator on probation for up to 1 year, with conditions.

3273 2. The imposition of a fine or probation pursuant to this
3274 subsection may be in addition to or in lieu of the suspension or
3275 revocation of a certificate of registration or certificate of
3276 inspection.

3277 Section 150. Subsection (2) of section 582.06, Florida

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3278 Statutes, is amended to read:

3279 582.06 Soil and Water Conservation Council; powers and
3280 duties.—

3281 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
3282 meetings, powers and duties, procedures, and recordkeeping of
3283 the Soil and Water Conservation Council shall be pursuant to s.
3284 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
3285 ~~advisory committees established within the department.~~

3286 Section 151. Subsection (1) of section 585.007, Florida
3287 Statutes, is amended to read:

3288 585.007 Violation of rules; violation of chapter.—

3289 (1) A ~~Any~~ person who violates ~~the provisions of~~ this
3290 chapter or any rule of the department shall be subject to the
3291 imposition of an administrative fine in the Class III category
3292 pursuant to s. 570.971 ~~of up to \$10,000~~ for each offense. Upon
3293 repeated violation, the department may seek enforcement pursuant
3294 to s. 120.69.

3295 Section 152. Paragraph (a) of subsection (2) of section
3296 586.15, Florida Statutes, is amended to read:

3297 586.15 Penalty for violation.—

3298 (2) (a) The department may, after notice and hearing, impose
3299 an administrative a fine in the Class II category pursuant to s.
3300 570.971 ~~not exceeding \$5,000~~ for a ~~the~~ violation of ~~any of the~~
3301 ~~provisions of~~ this chapter or the rules adopted under this
3302 chapter upon any person. The fine, when paid, shall be deposited
3303 in the Plant Industry Trust Fund. The imposition of a fine
3304 pursuant to this subsection may be in addition to or in lieu of
3305 the suspension or revocation of a permit or a certificate of
3306 inspection or registration.

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3307 Section 153. Subsection (3) of section 586.161, Florida
3308 Statutes, is amended to read:

3309 586.161 Honeybee Technical Council.—

3310 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
3311 meetings, powers and duties, procedures, and recordkeeping of
3312 the Honeybee Technical Council shall be pursuant to s. 570.232
3313 ~~governed by the provisions of s. 570.0705 relating to advisory~~
3314 ~~committees established within the department.~~

3315 Section 154. Subsection (3) of section 590.14, Florida
3316 Statutes, is amended to read:

3317 590.14 Notice of violation; penalties; legislative intent.—

3318 (3) The department may also impose an administrative fine
3319 in the Class I category pursuant to s. 570.971 for each, not to
3320 ~~exceed \$1,000 per violation of any section of chapter 589 or~~
3321 ~~this chapter or violation of any rule adopted by the Florida~~
3322 ~~Forest Service to administer provisions of law conferring duties~~
3323 ~~upon the Florida Forest Service. The fine shall be based upon~~
3324 ~~the degree of damage, the prior violation record of the person,~~
3325 ~~and whether the person knowingly provided false information to~~
3326 ~~obtain an authorization. The fines shall be deposited in the~~
3327 ~~Incidental Trust Fund of the Florida Forest Service.~~

3328 Section 155. Subsection (2) of section 595.701, Florida
3329 Statutes, is amended to read:

3330 595.701 Healthy Schools for Healthy Lives Council.—

3331 (2) The meetings, powers, duties, procedures, and
3332 recordkeeping of the Healthy Schools for Healthy Lives Council
3333 shall be pursuant to s. 570.232 ~~governed by s. 570.0705,~~
3334 ~~relating to advisory committees established within the~~
3335 ~~department.~~

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3336 Section 156. Subsection (2) of section 597.0041, Florida
3337 Statutes, is amended to read:

3338 597.0041 Prohibited acts; penalties.—

3339 (2) (a) A ~~Any~~ person who violates ~~any provision of this~~
3340 ~~chapter or any rule adopted under this chapter promulgated~~
3341 ~~hereunder~~ is subject to a suspension or revocation of his or her
3342 certificate of registration or license under this chapter. The
3343 department may, in lieu of~~7~~, or in addition to the suspension or
3344 revocation, impose on the violator an administrative fine in the
3345 Class I category pursuant to s. 570.971 for each violation, for
3346 each day the violation exists ~~in an amount not to exceed \$1,000~~
3347 ~~per violation per day.~~

3348 (b) Except as provided in subsection (4), a ~~any~~ person who
3349 violates ~~any provision of this chapter7~~, or any rule adopted
3350 under this chapter hereunder7, commits a misdemeanor of the first
3351 degree, punishable as provided in s. 775.082 or s. 775.083.

3352 Section 157. Subsection (2) of section 599.002, Florida
3353 Statutes, is amended to read:

3354 599.002 Viticulture Advisory Council.—

3355 (2) The meetings, powers and duties, procedures, and
3356 recordkeeping of the Viticulture Advisory Council shall be
3357 pursuant to s. 570.232 governed by the provisions of s. 570.0705
3358 ~~relating to advisory committees established within the~~
3359 ~~department.~~

3360 Section 158. Section 601.67, Florida Statutes, is amended
3361 to read:

3362 601.67 Disciplinary action by Department of Agriculture
3363 against citrus fruit dealers.—

3364 (1) The Department of Agriculture may impose an

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3365 administrative a fine in the Class IV category pursuant to s.
3366 570.971 not to exceed ~~exceeding~~ \$50,000 for each ~~per~~ violation
3367 against a ~~any~~ licensed citrus fruit dealer who violates ~~for~~
3368 ~~violation of any provision of~~ this chapter and, in lieu of~~7~~ or
3369 in addition to~~7~~ such fine, may revoke or suspend the license of
3370 ~~any~~ such a dealer when it has been satisfactorily shown that
3371 such dealer, in her or his activities as a citrus fruit dealer,
3372 has:

3373 (a) Obtained a license by means of fraud,
3374 misrepresentation, or concealment;

3375 (b) Violated or aided or abetted in the violation of any
3376 law of this state governing or applicable to citrus fruit
3377 dealers or any lawful rules of the Department of Citrus;

3378 (c) Been guilty of a crime against the laws of this or any
3379 other state or government involving moral turpitude or dishonest
3380 dealing or has become legally incompetent to contract or be
3381 contracted with;

3382 (d) Made, printed, published, distributed, or caused,
3383 authorized, or knowingly permitted the making, printing,
3384 publication, or distribution of false statements, descriptions,
3385 or promises of such a character as to reasonably induce any
3386 person to act to her or his damage or injury, if such citrus
3387 fruit dealer then knew, or by the exercise of reasonable care
3388 and inquiry could have known, of the falsity of such statements,
3389 descriptions, or promises;

3390 (e) Knowingly committed or been a party to any material
3391 fraud, misrepresentation, concealment, conspiracy, collusion,
3392 trick, scheme, or device whereby another ~~any other~~ person
3393 lawfully relying upon the word, representation, or conduct of

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3394 the citrus fruit dealer has acted to her or his injury or
3395 damage;

3396 (f) Committed any act or conduct of the same or different
3397 character than ~~of that hereinabove~~ enumerated which constitutes
3398 fraudulent or dishonest dealing; or

3399 (g) Violated ~~any of the provisions of~~ ss. 506.19-506.28,
3400 ~~both sections inclusive.~~

3401 (2) The Department of Agriculture may impose an
3402 administrative a fine in the Class IV category pursuant to s.
3403 570.971 not to exceed ~~exceeding~~ \$100,000 for each ~~per~~ violation
3404 against a ~~any~~ person who operates as a citrus fruit dealer
3405 without a current citrus fruit dealer license issued by the
3406 Department of Agriculture pursuant to s. 601.60. In addition,
3407 the Department of Agriculture may order such person to cease and
3408 desist operating as a citrus fruit dealer without a license. An
3409 administrative order entered by the Department of Agriculture
3410 under this subsection may be enforced pursuant to s. 601.73.

3411 (3) The Department of Agriculture shall impose an
3412 administrative a fine in the Class IV category pursuant to s.
3413 570.971 not to exceed ~~of not less than \$10,000 nor more than~~
3414 \$100,000 for each ~~per~~ violation against a ~~any~~ licensed citrus
3415 fruit dealer and shall suspend, for 60 days during the first
3416 available period between September 1 and May 31, the license of
3417 a ~~any~~ citrus fruit dealer who:

3418 (a) Falsely labels or otherwise misrepresents that a fresh
3419 citrus fruit was grown in a specific production area specified
3420 in s. 601.091; or

3421 (b) Knowingly, falsely labels or otherwise misrepresents
3422 that a processed citrus fruit product was prepared solely with

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3423 citrus fruit grown in a specific production area specified in s.
3424 601.091.

3425 (4) A ~~Any~~ fine imposed pursuant to subsection (1),
3426 subsection (2), or subsection (3), when paid, shall be deposited
3427 by the Department of Agriculture into its General Inspection
3428 Trust Fund.

3429 (5) Whenever an ~~any~~ administrative order has been made and
3430 entered by the Department of Agriculture that imposes a fine
3431 pursuant to this section, such order shall specify a time limit
3432 for payment of the fine, not exceeding 15 days. The failure of
3433 the citrus fruit dealer ~~involved~~ to pay the fine within that
3434 time shall result in the immediate suspension of such citrus
3435 fruit dealer's current license, or any subsequently issued
3436 license, until ~~such time as~~ the order has been fully satisfied.
3437 An ~~Any~~ order suspending a citrus fruit dealer's license shall
3438 include a provision that the ~~such~~ suspension shall be for a
3439 specified period ~~of time~~ not to exceed 60 days, and such period
3440 of suspension may begin ~~commence~~ at any designated date within
3441 the current license period or subsequent license period.
3442 Whenever an order has been entered that suspends a citrus fruit
3443 dealer's license for a definite period ~~of time~~ and that license,
3444 by law, expires during the period of suspension, the suspension
3445 order shall continue automatically and shall be effective
3446 against any subsequent citrus fruit dealer ~~dealer's~~ license
3447 issued to such dealer until ~~such time as~~ the entire period of
3448 suspension has elapsed. Whenever any such administrative order
3449 of the Department of Agriculture is sought to be reviewed by the
3450 offending dealer involved in a court of competent jurisdiction,
3451 if such court proceedings should finally terminate in such

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3452 administrative order being upheld or not quashed, such order
3453 shall ~~thereupon~~, upon the filing with the Department of
3454 Agriculture of a certified copy of the mandate or other order of
3455 the last court having to do with the matter in the judicial
3456 process, become immediately effective and shall then be carried
3457 out and enforced notwithstanding such time will be during a new
3458 and subsequent shipping season from that during which the
3459 administrative order was first originally entered by the
3460 Department of Agriculture.

3461 Section 159. Paragraph (a) of subsection (3) of section
3462 604.30, Florida Statutes, is amended to read:

3463 604.30 Penalties; injunctive relief; administrative fines.—

3464 (3) (a) In addition to the penalties provided in this
3465 section, the department may, after notice and hearing, impose an
3466 administrative a fine in the Class II category pursuant to s.
3467 570.971, not to exceed ~~exceeding~~ \$2,500 for a the violation of
3468 any of the provisions of ss. 604.15-604.34 or the rules adopted
3469 thereunder against a ~~any~~ dealer in agricultural products.† Such
3470 fine, when imposed and paid, shall be deposited by the
3471 department into the General Inspection Trust Fund.

3472 Section 160. Paragraph (a) of subsection (19) of section
3473 616.242, Florida Statutes, is amended to read:

3474 616.242 Safety standards for amusement rides.—

3475 (19) ENFORCEMENT AND PENALTIES.—

3476 (a) The department may deny, suspend for a period not to
3477 exceed 1 year, or revoke a ~~any~~ permit or inspection certificate.
3478 In addition to denial, suspension, or revocation, the department
3479 may impose an administrative fine in the Class II category
3480 pursuant to s. 570.971, not to exceed ~~of up to~~ \$2,500 for each

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3481 ~~per~~ violation, for each day the violation exists ~~per day~~,

3482 against the owner of the amusement ride if it finds that:

3483 1. An amusement ride has operated or is operating:

3484 a. With a mechanical, structural, or electrical defect that

3485 affects patron safety, of which the owner or manager has

3486 knowledge, or, through the exercise of reasonable diligence,

3487 should have knowledge;

3488 b. In a manner or circumstance that presents a risk of

3489 serious injury to patrons;

3490 c. At a speed in excess of its maximum safe operating

3491 speed;

3492 d. In violation of this section or any rule adopted under

3493 this section; or

3494 e. In violation of an ~~any~~ order of the department or order

3495 of any court; or.

3496 2. A ~~Any~~ manager in the course of his or her duties is

3497 under the influence of drugs or alcohol.

3498 Section 161. This act shall take effect July 1, 2014.