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1
2 An act relating to the Department of Agriculture and
3 Consumer Services; designating parts I-V of chapter
4 570, F.S., relating to the Department of Agriculture
5 and Consumer Services; amending s. 193.461, F.S.;
6 authorizing a property appraiser to grant an
7 agricultural classification for land under certain
8 circumstances; providing for lands participating in
9 certain dispersed water storage programs to be
10 classified as agricultural lands for the duration of
11 inclusion in such program or successor programs;
12 amending s. 282.709, F.S.; providing for appointment
13 of a department representative to the Joint Task Force
14 on State Agency Law Enforcement Communications;
15 amending s. 373.4591, F.S.; authorizing landowners who
16 have entered into an agreement with the department to
17 implement specified best management practices before
18 making improvements; amending s. 379.361, F.S.;
19 revising application and renewal requirements for
20 Apalachicola Bay oyster harvesting licenses; amending
21 s. 487.041, F.S.; revising requirements for
22 registration and distribution of discontinued
23 pesticides; amending s. 487.046, F.S.; revising
24 provisions for filing pesticide applicator license
25 applications; amending s. 487.047, F.S.; revising
26 provisions for issuance of pesticide applicator

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27 licenses; amending s. 487.048, F.S.; revising
28 provisions for filing pesticide dealer license
29 applications; amending s. 487.159, F.S.; deleting
30 requirements for filing statements claiming damages
31 and injuries from pesticide application; amending s.
32 487.160, F.S.; revising recordkeeping requirements for
33 licensed private applicators; repealing s. 487.172,
34 F.S., relating to an antifouling paint educational
35 program; amending s. 487.2031, F.S.; revising the term
36 "material safety data sheet"; amending s. 487.2051,
37 F.S.; revising requirements for pesticide fact sheets
38 and safety data sheets; amending s. 493.6120, F.S.;
39 authorizing the department to impose certain civil
40 penalties for violations relating to private security,
41 investigative, and repossession services; amending s.
42 500.03, F.S.; revising the definition of the term
43 "food establishment"; amending s. 500.12, F.S.;
44 revising criteria for certain food permit exemptions;
45 requiring the department to adopt a permit fee
46 schedule; requiring food permits as a condition of
47 operating a food establishment; providing that such
48 permits are not transferable; amending s. 500.121,
49 F.S.; conforming provisions to changes made by the
50 act; revising the time limit for payment of fines;
51 providing for permit revocation for failure to pay a
52 fine; authorizing the department to immediately close

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53 certain food establishments; providing requirements
54 and procedures for such closure; providing penalties
55 for violations; authorizing the department to adopt
56 rules; amending s. 500.147, F.S.; providing for the
57 inspection of food records for certain purposes;
58 amending s. 500.172, F.S.; providing for embargoing,
59 detaining, or destroying food processing and storage
60 areas; repealing ss. 500.301, 500.302, 500.303,
61 500.304, 500.305, and 500.306, F.S., relating to
62 standards of enrichment, sales, enforcement, and
63 inspection of certain grain products; repealing s.
64 500.601, F.S., relating to retail sale of meat;
65 amending s. 501.059, F.S.; authorizing the department
66 to adopt rules; amending s. 570.074, F.S.; providing
67 for the duties of the Office of Agricultural Water
68 Policy; amending s. 570.14, F.S.; requiring written
69 approval for use of the department seal; amending s.
70 570.247, F.S.; clarifying provisions directing the
71 department to adopt certain rules; repealing s.
72 570.345, F.S., relating to the Pest Control Compact;
73 amending s. 570.36, F.S.; clarifying provisions
74 relating to the duties of the Division of Animal
75 Industry; repealing s. 570.542, F.S., relating to the
76 Florida Consumer Services Act; creating s. 570.67,
77 F.S.; establishing the Office of Energy within the
78 department; providing for supervision and duties;

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79 | amending s. 570.71, F.S.; authorizing specified uses
80 | of funds from the Conservation and Recreation Lands
81 | Program Trust Fund; repealing s. 570.72, F.S.,
82 | relating to a definition; repealing s. 570.92, F.S.,
83 | relating to an equestrian educational sports program;
84 | amending s. 570.952, F.S.; deleting an obsolete
85 | provision relating to membership terms for the Florida
86 | Agriculture Center and Horse Park Authority;
87 | conforming cross-references; amending s. 570.964,
88 | F.S.; clarifying compliance required for privileges of
89 | immunity; creating s. 570.971, F.S.; establishing
90 | administrative and civil penalties for certain
91 | violations; providing applicability; authorizing the
92 | department to adopt rules; amending s. 576.021, F.S.;
93 | revising provisions for filing applications to
94 | distribute fertilizer; amending s. 576.031, F.S.;
95 | revising labeling requirements for distribution of
96 | fertilizer in bulk; amending s. 576.041, F.S.;
97 | removing surety bond and certificate of deposit
98 | requirements for fertilizer license applicants;
99 | amending s. 576.051, F.S.; revising the period for
100 | which a fertilizer sample must be retained for
101 | analysis; amending s. 576.071, F.S.; revising criteria
102 | for determining the commercial value of certain
103 | penalties; amending s. 576.087, F.S.; revising
104 | antisiphon requirements for irrigation systems;

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105 amending s. 576.101, F.S.; removing provisions
 106 relating to probationary status of a fertilizer
 107 licensee; amending s. 578.08, F.S.; revising
 108 application requirements and registration fees for the
 109 sale of seed; amending s. 580.036, F.S.; directing the
 110 department to consult with the Agricultural Feed,
 111 Seed, and Fertilizer Advisory Council when developing
 112 certain standards; amending s. 580.041, F.S.; revising
 113 application requirements for master registration of
 114 commercial feed; amending s. 580.071, F.S.; revising
 115 criteria for adulterated commercial feed and
 116 feedstuff; amending s. 581.091, F.S.; deleting
 117 provisions relating to noxious weed and invasive plant
 118 pilot and monitoring programs; amending s. 581.131,
 119 F.S.; revising the time in which the department must
 120 provide certain notice and certificate renewal forms;
 121 amending s. 583.01, F.S.; revising the definition of
 122 the term "dealer"; amending s. 589.08, F.S.; directing
 123 the Florida Forest Service to distribute certain funds
 124 to fiscally constrained counties; repealing s.
 125 589.081, F.S., relating to payment of certain gross
 126 receipts from the Withlacoochee State Forest and
 127 Goethe State Forest; amending s. 589.011, F.S.;
 128 providing conditions under which the Florida Forest
 129 Service is authorized to grant use of certain lands;
 130 providing criteria by which the Florida Forest Service

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131 determines certain fees, rentals, and charges;
 132 amending s. 589.20, F.S.; authorizing the Florida
 133 Forest Service to cooperate with water management
 134 districts, municipalities, and other government
 135 entities in the designation and dedication of certain
 136 lands; amending s. 590.02, F.S.; renaming the Florida
 137 Forest Training Center and the Madison Forestry
 138 Station; repealing s. 590.091, F.S., relating to the
 139 designation of railroad rights-of-way as wildfire
 140 hazard areas; amending s. 590.125, F.S.; revising
 141 requirements for noncertified burning; amending s.
 142 597.003, F.S.; revising the powers and duties of the
 143 department regarding aquaculture to include training
 144 for lessees of sovereign submerged lands; amending s.
 145 597.004, F.S.; revising application requirements for
 146 aquaculture certificates of registration; amending s.
 147 597.020, F.S.; authorizing the department to adopt by
 148 rule training requirements for shellfish processors;
 149 conforming provisions to changes made by the act;
 150 amending s. 604.16, F.S.; exempting certain dealers in
 151 agricultural products from provisions relating to
 152 license and bond requirements, consignment
 153 limitations, examination of records, penalties, and
 154 administrative fines; amending ss. 253.74, 388.46,
 155 472.0351, 472.036, 482.161, 482.165, 482.243, 487.091,
 156 487.175, 493.6118, 496.420, 500.165, 500.70, 501.019,

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157 501.612, 501.619, 501.922, 502.231, 507.09, 507.10,
 158 526.311, 526.55, 527.13, 531.50, 534.52, 539.001,
 159 559.921, 559.9355, 559.936, 570.0741, 570.23, 570.242,
 160 570.38, 570.42, 570.44, 570.45, 570.451, 570.50,
 161 570.51, 570.543, 571.11, 571.28, 571.29, 576.061,
 162 578.181, 580.121, 581.141, 581.186, 581.211, 582.06,
 163 585.007, 586.15, 586.161, 590.14, 595.701, 597.0041,
 164 599.002, 601.67, 604.22, 604.30, and 616.242, F.S.;
 165 conforming provisions to changes made by the act;
 166 amending ss. 193.461, 288.1175, 320.08058, 373.621,
 167 373.709, 381.0072, 509.032, 525.16, 570.07, 570.076,
 168 570.902, 570.9135, 570.961, and 570.963, F.S.;
 169 conforming cross-references; providing an effective
 170 date.

171
 172 Be It Enacted by the Legislature of the State of Florida:

173
 174 Section 1. Chapter 570, Florida Statutes, as amended by
 175 this act, shall be divided into the following parts:

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

178 (2) Part II, consisting of sections 570.30 through
 179 570.693, Florida Statutes, entitled "Program Services";

180 (3) Part III, consisting of sections 570.70 through
 181 570.89, Florida Statutes, entitled "Agricultural Development";

182 (4) Part IV, consisting of sections 570.916 through

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183 570.94, Florida Statutes, entitled "Agricultural Water Policy";
 184 and

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

187 Section 2. Paragraph (a) of subsection (3), paragraph (c)
 188 of subsection (6), and subsection (7) of section 193.461,
 189 Florida Statutes, are amended to read:

190 193.461 Agricultural lands; classification and assessment;
 191 mandated eradication or quarantine program.—

192 (3) (a) ~~No~~ Lands may not ~~shall~~ be classified as
 193 agricultural lands unless a return is filed on or before March 1
 194 of each year. ~~The property appraiser,~~ Before ~~so~~ classifying such
 195 lands as agricultural lands, the property appraiser may require
 196 the taxpayer or the taxpayer's representative to furnish the
 197 property appraiser such information as may reasonably be
 198 required to establish that such lands were actually used for a
 199 bona fide agricultural purpose. Failure to make timely
 200 application by March 1 constitutes ~~shall constitute~~ a waiver for
 201 1 year of the privilege ~~herein~~ granted in this section for
 202 agricultural assessment. However, an applicant who is qualified
 203 to receive an agricultural classification who fails to file an
 204 application by March 1 must ~~may~~ file an application for the
 205 classification with the property appraiser on or before the 25th
 206 day after the mailing by the property appraiser of the notice
 207 required under s. 194.011(1). Upon receipt of sufficient
 208 evidence, as determined by the property appraiser, that

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209 demonstrates that the applicant was unable to apply for the
 210 classification in a timely manner or that otherwise demonstrates
 211 extenuating circumstances that warrant the granting of the
 212 classification, the property appraiser may grant the
 213 classification. If the applicant files an application for the
 214 classification and fails to provide sufficient evidence to the
 215 property appraiser as required, the applicant ~~and~~ may file,
 216 pursuant to s. 194.011(3), a petition with the value adjustment
 217 board requesting that the classification be granted. The
 218 petition may be filed at any time during the taxable year on or
 219 before the 25th day following the mailing of the notice by the
 220 property appraiser as provided in s. 194.011(1). Notwithstanding
 221 ~~the provisions of~~ s. 194.013, the applicant must pay a
 222 nonrefundable fee of \$15 upon filing the petition. Upon
 223 reviewing the petition, if the person is qualified to receive
 224 the classification and demonstrates particular extenuating
 225 circumstances judged by the ~~property appraiser or the value~~
 226 adjustment board to warrant granting the classification, ~~the~~
 227 ~~property appraiser or the value adjustment board~~ may grant the
 228 classification for the current year. The owner of land that was
 229 classified agricultural in the previous year and whose ownership
 230 or use has not changed may reapply on a short form as provided
 231 by the department. The lessee of property may make original
 232 application or reapply using the short form if the lease, or an
 233 affidavit executed by the owner, provides that the lessee is
 234 empowered to make application for the agricultural

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235 classification on behalf of the owner and a copy of the lease or
 236 affidavit accompanies the application. A county may, at the
 237 request of the property appraiser and by a majority vote of its
 238 governing body, waive the requirement that an annual application
 239 or statement be made for classification of property within the
 240 county after an initial application is made and the
 241 classification granted by the property appraiser. Such waiver
 242 may be revoked by a majority vote of the governing body of the
 243 county.

244 (6)

245 (c)1. For purposes of the income methodology approach to
 246 assessment of property used for agricultural purposes,
 247 irrigation systems, including pumps and motors, physically
 248 attached to the land shall be considered a part of the average
 249 yields per acre and shall have no separately assessable
 250 contributory value.

251 2. Litter containment structures located on producing
 252 poultry farms and animal waste nutrient containment structures
 253 located on producing dairy farms shall be assessed by the
 254 methodology described in subparagraph 1.

255 3. Structures or improvements used in horticultural
 256 production for frost or freeze protection, which ~~structures or~~
 257 ~~improvements~~ are consistent with the interim measures or best
 258 management practices adopted by the Department of Agriculture
 259 and Consumer Services ~~Services'~~ ~~interim measures or best~~
 260 ~~management practices adopted~~ pursuant to s. 570.93 ~~570.085~~ or s.

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261 403.067(7)(c), shall be assessed by the methodology described in
 262 subparagraph 1.

263 (7)(a) Lands classified for assessment purposes as
 264 agricultural lands which are taken out of production by a ~~any~~
 265 state or federal eradication or quarantine program shall
 266 continue to be classified as agricultural lands for the duration
 267 of such program or successor programs. Lands under these
 268 programs which are converted to fallow~~r~~ or otherwise nonincome-
 269 producing uses shall continue to be classified as agricultural
 270 lands and shall be assessed at a de minimis value of up to ~~no~~
 271 ~~more than~~ \$50 per acre~~r~~ on a single year assessment methodology;
 272 however, lands converted to other income-producing agricultural
 273 uses permissible under such programs shall be assessed pursuant
 274 to this section. Land under a mandated eradication or quarantine
 275 program which is diverted from an agricultural to a
 276 nonagricultural use shall be assessed under s. 193.011.

277 (b) Lands classified for assessment purposes as
 278 agricultural lands that participate in a dispersed water storage
 279 program pursuant to a contract with the Department of
 280 Environmental Protection or a water management district which
 281 requires flooding of land shall continue to be classified as
 282 agricultural lands for the duration of the inclusion of the
 283 lands in such program or successor programs and shall be
 284 assessed as nonproductive agricultural lands. Land that
 285 participates in a dispersed water storage program that is
 286 diverted from an agricultural to a nonagricultural use shall be

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287 assessed under s. 193.011.

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

290 253.74 Penalties.—

291 (1) A ~~Any~~ person who conducts aquaculture activities in
 292 excess of those authorized by the board or who conducts such
 293 activities on state-owned submerged lands without having
 294 previously obtained an authorization from the board commits a
 295 misdemeanor of the second degree, punishable as provided in s.
 296 775.082, is subject to a civil fine in the Class I category
 297 pursuant to s. 570.971 ~~and shall be subject to imprisonment for~~
 298 ~~not more than 6 months or fine of not more than \$1,000, or both.~~
 299 In addition to such fine and imprisonment, all works,
 300 improvements, and animal and plant life involved in the project,
 301 may be forfeited to the state.

302 Section 4. Paragraph (a) of subsection (2) of section
 303 282.709, Florida Statutes, is amended to read:

304 282.709 State agency law enforcement radio system and
 305 interoperability network.—

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

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

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

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

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

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

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

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

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

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

337 Section 5. Paragraph (c) of subsection (5) of section
 338 288.1175, Florida Statutes, is amended to read:

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339 288.1175 Agriculture education and promotion facility.—

340 (5) The Department of Agriculture and Consumer Services
 341 shall competitively evaluate applications for funding of an
 342 agriculture education and promotion facility. If the number of
 343 applicants exceeds three, the Department of Agriculture and
 344 Consumer Services shall rank the applications based upon
 345 criteria developed by the Department of Agriculture and Consumer
 346 Services, with priority given in descending order to the
 347 following items:

348 (c) The location of the facility in a brownfield site as
 349 defined in s. 376.79(3), a rural enterprise zone as defined in
 350 s. 290.004, an agriculturally depressed area as defined in s.
 351 570.74 ~~570.242(1)~~, or a county that has lost its agricultural
 352 land to environmental restoration projects.

353 Section 6. Paragraph (b) of subsection (14) and paragraph
 354 (b) of subsection (77) of section 320.08058, Florida Statutes,
 355 are amended to read:

356 320.08058 Specialty license plates.—

357 (14) FLORIDA AGRICULTURAL LICENSE PLATES.—

358 (b) The proceeds of the Florida Agricultural license plate
 359 annual use fee must be forwarded to the direct-support
 360 organization created pursuant to ~~in~~ s. 570.691 ~~570.903~~. The
 361 funds must be used for the sole purpose of funding and promoting
 362 the Florida agriculture in the classroom program established
 363 within the Department of Agriculture and Consumer Services
 364 pursuant to s. 570.693 ~~570.91~~.

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365 (77) FLORIDA HORSE PARK LICENSE PLATES.—

366 (b) The annual use fees shall be distributed to the
 367 Florida Agriculture Center and Horse Park Authority created by
 368 s. 570.685 ~~570.952~~, which shall retain all proceeds until all
 369 startup costs for developing and establishing the plate have
 370 been recovered. Thereafter, the proceeds shall be used as
 371 follows:

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

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

377 3. The remaining proceeds shall be used by the authority
 378 to promote the Florida Agriculture Center and Horse Park located
 379 in Marion County; to support continued development of the park,
 380 including the construction of additional educational facilities,
 381 barns, and other structures; to provide improvements to the
 382 existing infrastructure at the park; and to provide for
 383 operational expenses of the Florida Agriculture Center and Horse
 384 Park.

385 Section 7. Section 373.4591, Florida Statutes, is amended
 386 to read:

387 373.4591 Improvements on private agricultural lands.—The
 388 Legislature encourages public-private partnerships to accomplish
 389 water storage and water quality improvements on private
 390 agricultural lands. When an agreement is entered into between a

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391 water management district or the department and a private
 392 landowner to establish such a partnership, a baseline condition
 393 determining the extent of wetlands and other surface waters on
 394 the property shall be established and documented in the
 395 agreement before improvements are constructed. When an agreement
 396 is entered into between the Department of Agriculture and
 397 Consumer Services and a private landowner to implement best
 398 management practices pursuant to s. 403.067(7)(c), a baseline
 399 condition determining the extent of wetlands and other surface
 400 water on the property may be established at the option and
 401 expense of the private landowner and documented in the agreement
 402 before improvements are constructed. The Department of
 403 Agriculture and Consumer Services shall submit the landowner's
 404 proposed baseline condition documentation to the lead agency for
 405 review and approval, and the agency shall use its best efforts
 406 to complete the review within 45 days. The Department of
 407 Agriculture and Consumer Services, the department, and the water
 408 management districts shall provide a process for reviewing these
 409 requests in the timeframe specified. The determination of a ~~for~~
 410 ~~the~~ baseline condition shall be conducted using the methods set
 411 forth in the rules adopted pursuant to s. 373.421. The baseline
 412 condition documented in an ~~the~~ agreement shall be considered the
 413 extent of wetlands and other surface waters on the property for
 414 the purpose of regulation under this chapter for the duration of
 415 the agreement and after its expiration.

416 Section 8. Section 373.621, Florida Statutes, is amended

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417 to read:

418 373.621 Water conservation.—The Legislature recognizes the
 419 significant value of water conservation in the protection and
 420 efficient use of water resources. Accordingly, consideration in
 421 the administration of ss. 373.223, 373.233, and 373.236 shall be
 422 given to applicants who implement water conservation practices
 423 pursuant to s. 570.93 ~~570.085~~ or other applicable water
 424 conservation measures as determined by the department or a water
 425 management district.

426 Section 9. Paragraph (a) of subsection (2) of section
 427 373.709, Florida Statutes, is amended to read:

428 373.709 Regional water supply planning.—

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

432 (a) A water supply development component for each water
 433 supply planning region identified by the district which
 434 includes:

435 1. A quantification of the water supply needs for all
 436 existing and future reasonable-beneficial uses within the
 437 planning horizon. The level-of-certainty planning goal
 438 associated with identifying the water supply needs of existing
 439 and future reasonable-beneficial uses must be based upon meeting
 440 those needs for a 1-in-10-year drought event.

441 a. Population projections used for determining public
 442 water supply needs must be based upon the best available data.

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443 In determining the best available data, the district shall
 444 consider the University of Florida's Bureau of Economic and
 445 Business Research (BEBR) medium population projections and
 446 population projection data and analysis submitted by a local
 447 government pursuant to the public workshop described in
 448 subsection (1) if the data and analysis support the local
 449 government's comprehensive plan. Any adjustment of or deviation
 450 from the BEBR projections must be fully described, and the
 451 original BEBR data must be presented along with the adjusted
 452 data.

453 b. Agricultural demand projections used for determining
 454 the needs of agricultural self-suppliers must be based upon the
 455 best available data. In determining the best available data for
 456 agricultural self-supplied water needs, the district shall
 457 consider the data indicative of future water supply demands
 458 provided by the Department of Agriculture and Consumer Services
 459 pursuant to s. 570.93 ~~570.085~~ and agricultural demand projection
 460 data and analysis submitted by a local government pursuant to
 461 the public workshop described in subsection (1), if the data and
 462 analysis support the local government's comprehensive plan. Any
 463 adjustment of or deviation from the data provided by the
 464 Department of Agriculture and Consumer Services must be fully
 465 described, and the original data must be presented along with
 466 the adjusted data.

467 2. A list of water supply development project options,
 468 including traditional and alternative water supply project

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469 options, from which local government, government-owned and
470 privately owned utilities, regional water supply authorities,
471 multijurisdictional water supply entities, self-suppliers, and
472 others may choose for water supply development. In addition to
473 projects listed by the district, such users may propose specific
474 projects for inclusion in the list of alternative water supply
475 projects. If such users propose a project to be listed as an
476 alternative water supply project, the district shall determine
477 whether it meets the goals of the plan, and, if so, it shall be
478 included in the list. The total capacity of the projects
479 included in the plan must exceed the needs identified in
480 subparagraph 1. and take into account water conservation and
481 other demand management measures, as well as water resources
482 constraints, including adopted minimum flows and levels and
483 water reservations. Where the district determines it is
484 appropriate, the plan should specifically identify the need for
485 multijurisdictional approaches to project options that, based on
486 planning level analysis, are appropriate to supply the intended
487 uses and that, based on such analysis, appear to be permissible
488 and financially and technically feasible. The list of water
489 supply development options must contain provisions that
490 recognize that alternative water supply options for agricultural
491 self-suppliers are limited.

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

494 a. An estimate of the amount of water to become available

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495 through the project.

496 b. The timeframe in which the project option should be
 497 implemented and the estimated planning-level costs for capital
 498 investment and operating and maintaining the project.

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

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

505 Section 10. Paragraph (e) of subsection (5) of section
 506 379.361, Florida Statutes, is amended to read:

507 379.361 Licenses.—

508 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

509 (e) Each person who applies for an Apalachicola Bay oyster
 510 harvesting license shall, ~~before receiving the license for the~~
 511 ~~first time,~~ attend an educational seminar of not more than 16
 512 hours' ~~hours~~ length, developed and conducted jointly by the
 513 Department of Environmental Protection's Apalachicola National
 514 Estuarine Research Reserve, the Division of Law Enforcement of
 515 the Fish and Wildlife Conservation Commission, and the
 516 Department of Agriculture and Consumer Services' Apalachicola
 517 District Shellfish Environmental Assessment Laboratory. The
 518 seminar shall address, among other things, oyster biology,
 519 conservation of the Apalachicola Bay, sanitary care of oysters,
 520 small business management, and water safety. The seminar shall

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521 be offered five times per year, and each person attending shall
 522 receive a certificate of participation to present when obtaining
 523 an Apalachicola Bay oyster harvesting license. ~~The educational~~
 524 ~~seminar is not required for renewal of an Apalachicola Bay~~
 525 ~~oyster harvesting license.~~

526 Section 11. Paragraph (d) of subsection (2) of section
 527 381.0072, Florida Statutes, is amended to read:

528 381.0072 Food service protection.—It shall be the duty of
 529 the Department of Health to adopt and enforce sanitation rules
 530 consistent with law to ensure the protection of the public from
 531 food-borne illness. These rules shall provide the standards and
 532 requirements for the storage, preparation, serving, or display
 533 of food in food service establishments as defined in this
 534 section and which are not permitted or licensed under chapter
 535 500 or chapter 509.

536 (2) DUTIES.—

537 (d) The department shall inspect each food service
 538 establishment as often as necessary to ensure compliance with
 539 applicable laws and rules. The department shall have the right
 540 of entry and access to these food service establishments at any
 541 reasonable time. In inspecting food service establishments ~~as~~
 542 ~~provided~~ under this section, the department shall provide each
 543 inspected establishment with the food recovery brochure
 544 developed under s. 595.420 ~~570.0725~~.

545 Section 12. Paragraph (c) of subsection (2) of section
 546 388.46, Florida Statutes, is amended to read:

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547 388.46 Florida Coordinating Council on Mosquito Control;
 548 establishment; membership; organization; responsibilities.—

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

550 (c) Responsibilities.—The council shall:

551 1. Develop and implement guidelines to assist the
 552 department in resolving disputes arising over the control of
 553 arthropods on publicly owned lands.

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

556 3. Identify potential funding sources for research or
 557 implementation projects and evaluate and prioritize proposals
 558 upon request by the funding source.

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

562 Section 13. Paragraph (c) of subsection (2) of section
 563 472.0351, Florida Statutes, is amended to read:

564 472.0351 Grounds for discipline; penalties; enforcement.—

565 (2) If the board finds a surveyor or mapper guilty of any
 566 of the grounds set forth in subsection (1) or a violation of
 567 this chapter which occurred before obtaining a license, the
 568 board may enter an order imposing one or more of the following
 569 penalties:

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

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573 Section 14. Subsections (1) and (2) and paragraph (a) of
 574 subsection (3) of section 472.036, Florida Statutes, are amended
 575 to read:

576 472.036 Unlicensed practice of professional surveying and
 577 mapping; cease and desist notice; civil penalty; enforcement;
 578 citations; allocation of moneys collected.-

579 (1) When the department has probable cause to believe that
 580 a ~~any~~ person not licensed by the department or the board has
 581 violated ~~any provision of~~ this chapter, or any rule adopted
 582 pursuant to this chapter, the department may issue and deliver
 583 to such person a notice to cease and desist from such violation.
 584 In addition, the department may issue and deliver a notice to
 585 cease and desist to a ~~any~~ person who aids and abets the
 586 unlicensed practice of surveying and mapping by employing such
 587 unlicensed person. The issuance of a notice to cease and desist
 588 does ~~shall~~ not constitute agency action for which a hearing
 589 under ss. 120.569 and 120.57 may be sought. For the purpose of
 590 enforcing a cease and desist order, the department may file a
 591 proceeding in the name of the state seeking issuance of an
 592 injunction or a writ of mandamus against a ~~any~~ person who
 593 violates ~~any provisions of~~ such order. In addition to the
 594 foregoing remedies, the department may impose an administrative
 595 fine in the Class II category pursuant to s. 570.971 for each
 596 ~~penalty not to exceed \$5,000 per~~ incident pursuant to ~~the~~
 597 ~~provisions of~~ chapter 120 or may issue a citation pursuant ~~to~~
 598 ~~the provisions of~~ subsection (3). If the department is required

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599 to seek enforcement of the order for a penalty pursuant to s.
600 120.569, it shall be entitled to collect its attorney ~~attorney's~~
601 fees and costs, together with any cost of collection.

602 (2) In addition to or in lieu of any remedy provided in
603 subsection (1), the department may seek the imposition of a
604 civil penalty through the circuit court for any violation for
605 which the department may issue a notice to cease and desist
606 under subsection (1). The civil penalty shall be a fine in the
607 Class II category pursuant to s. 570.971 ~~no less than \$500 and~~
608 ~~no more than \$5,000~~ for each offense. The court may also award
609 to the prevailing party court costs and reasonable attorney fees
610 and, in the event the department prevails, may also award
611 reasonable costs of investigation.

612 (3) (a) Notwithstanding ~~the provisions of~~ s. 472.033, the
613 department shall adopt rules for ~~to permit~~ the issuance of
614 citations for unlicensed practice of a profession. The citation
615 shall be issued to the subject and shall contain the subject's
616 name and any other information the department determines to be
617 necessary to identify the subject, a brief factual statement,
618 the sections of the law allegedly violated, and the penalty
619 imposed. The citation must clearly state that the subject may
620 choose, in lieu of accepting the citation, to follow the
621 procedure under s. 472.033. If the subject disputes the matter
622 in the citation, the procedures set forth in s. 472.033 must be
623 followed. However, if the subject does not dispute the matter in
624 the citation with the department within 30 days after the

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625 citation is served, the citation shall become a final order of
 626 the department upon filing with the agency clerk. The penalty
 627 shall be a fine in the Class II category pursuant to s. 570.971
 628 ~~of not less than \$500 or more than \$5,000~~ or other conditions as
 629 established by rule.

630 Section 15. Subsection (7) of section 482.161, Florida
 631 Statutes, is amended to read:

632 482.161 Disciplinary grounds and actions; reinstatement.—

633 (7) The department, pursuant to chapter 120, in addition
 634 to or in lieu of any other remedy provided by state or local
 635 law, may impose an administrative fine in the Class II category
 636 pursuant to s. 570.971, ~~in an amount not exceeding \$5,000~~, for a
 637 ~~the violation of any of the provisions of this chapter or of the~~
 638 rules adopted pursuant to this chapter. In determining the
 639 amount of fine to be levied for a violation, the following
 640 factors shall be considered:

641 (a) The severity of the violation, including the
 642 probability that the death, or serious harm to the health or
 643 safety, of any person will result or has resulted; the severity
 644 of the actual or potential harm; and the extent to which ~~the~~
 645 ~~provisions of this chapter or of the rules adopted pursuant to~~
 646 this chapter were violated;

647 (b) Any actions taken by the licensee or certified
 648 operator in charge, or limited certificateholder, to correct the
 649 violation or to remedy complaints;

650 (c) Any previous violations of this chapter or of the

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651 rules adopted pursuant to this chapter; and

652 (d) The cost to the department of investigating the
653 violation.

654 Section 16. Subsections (3) and (5) of section 482.165,
655 Florida Statutes, are amended to read:

656 482.165 Unlicensed practice of pest control; cease and
657 desist order; injunction; civil suit and penalty.—

658 (3) In addition to or in lieu of any remedy provided under
659 subsection (2), the department may institute a civil suit in
660 circuit court to recover a civil penalty for any violation for
661 which the department may issue a notice to cease and desist
662 under subsection (2). The civil penalty shall be in the Class II
663 category pursuant to s. 570.971 ~~may not be less than \$500 or~~
664 ~~more than \$5,000~~ for each offense. The court may also award to
665 the prevailing party court costs and reasonable attorney
666 ~~attorney's~~ fees.

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

676 Section 17. Subsection (6) of section 482.243, Florida

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677 Statutes, is amended to read:

678 482.243 Pest Control Enforcement Advisory Council.—

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

683 Section 18. Paragraph (d) of subsection (3) of section
 684 487.041, Florida Statutes, is amended to read:

685 487.041 Registration.—

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

688 (d) Require a registrant to continue the registration of a
 689 brand of pesticide that remains on retailer's shelves in the
 690 state unless the department receives the registrant's written
 691 notification that it is discontinuing the distribution of a
 692 brand of pesticide and the registrant then maintains the
 693 registration of that brand for a minimum of 2 years. The
 694 discontinued brand of pesticide may remain on retailer's shelves
 695 without further registration if the brand of pesticide is not
 696 distributed by the registrant in the state during or after the
 697 minimum 2-year period ~~who discontinues the distribution of a~~
 698 ~~brand of pesticide in this state to continue the registration of~~
 699 ~~the brand of the pesticide for a minimum of 2 years or until no~~
 700 ~~more remains on retailers' shelves if such continued~~
 701 ~~registration or sale is not specifically prohibited by the~~
 702 ~~department or the United States Environmental Protection Agency.~~

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703 Section 19. Subsection (1) of section 487.046, Florida
 704 Statutes, is amended to read:

705 487.046 Application; licensure.—

706 (1) Application for license shall be filed with ~~made in~~
 707 ~~writing to~~ the department by using ~~on~~ a form prescribed
 708 ~~furnished~~ by the department or by using the department's
 709 website. Each application shall contain information regarding
 710 the applicant's qualifications, proposed operations, and license
 711 classification or subclassifications, as prescribed by rule.

712 Section 20. Subsection (3) of section 487.047, Florida
 713 Statutes, is amended to read:

714 487.047 Nonresident license; reciprocal agreement;
 715 authorized purchase.—

716 (3) Restricted-use pesticides may be purchased by a ~~any~~
 717 person who holds a valid applicator's license or who holds a
 718 valid purchase authorization card issued by the department or by
 719 a licensee under chapter 388 or chapter 482. A nonlicensed
 720 person may apply restricted-use pesticides under the direct
 721 supervision of a licensed applicator. An applicator's license
 722 shall be issued by the department pursuant to ~~on a form supplied~~
 723 ~~by it in accordance with the requirements of this part~~.

724 Section 21. Subsection (1) of section 487.048, Florida
 725 Statutes, is amended to read:

726 487.048 Dealer's license; records.—

727 (1) Each person holding or offering for sale, selling, or
 728 distributing restricted-use pesticides must ~~shall~~ obtain a

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729 dealer's license from the department. Application for the
 730 license shall be filed with the department by using ~~made on~~ a
 731 form prescribed by the department or by using the department's
 732 website. The license must be obtained before entering into
 733 business or transferring ownership of a business. The department
 734 may require examination or other proof of competency of
 735 individuals to whom licenses are issued or of individuals
 736 employed by persons to whom licenses are issued. Demonstration
 737 of continued competency may be required for license renewal, as
 738 set by rule. The license shall be renewed annually as provided
 739 by rule. An annual license fee not exceeding \$250 shall be
 740 established by rule. However, a user of a restricted-use
 741 pesticide may distribute unopened containers of a properly
 742 labeled pesticide to another user who is legally entitled to use
 743 that restricted-use pesticide without obtaining a pesticide
 744 dealer ~~dealer's~~ license. The exclusive purpose of distribution
 745 of the restricted-use pesticide is to keep it from becoming a
 746 hazardous waste as defined in s. 403.703(13).

747 Section 22. Subsections (2) and (3) of section 487.091,
 748 Florida Statutes, are amended to read:

749 487.091 Tolerances, deficiencies, and penalties.—

750 (2) If a pesticide is found by analysis to be deficient in
 751 an active ingredient beyond the tolerance as provided in this
 752 part, the registrant is subject to a penalty for the deficiency
 753 in the Class III category pursuant to s. 570.971, not to exceed
 754 ~~\$10,000~~ per violation. However, no penalty shall be assessed

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755 when the official sample was taken from a pesticide that was in
 756 the possession of a consumer for more than 45 days after ~~from~~
 757 the date of purchase by that consumer, or when the product label
 758 specifies that the product should be used by an expiration date
 759 that has passed. Procedures for assessing penalties shall be
 760 established by rule, based on the degree of the deficiency.
 761 Penalties assessed shall be paid to the consumer or, in the
 762 absence of a known consumer, the department. If the penalty is
 763 not paid within the prescribed period ~~of time~~ as established by
 764 rule, the department may deny, suspend, or revoke the
 765 registration of any pesticide.

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

770 Section 23. Section 487.159, Florida Statutes, is amended
 771 to read:

772 487.159 Damage or injury to property, animal, or person;
 773 mandatory report of damage or injury; ~~time for filing; failure~~
 774 ~~to file.~~

775 ~~(1) The person claiming damage or injury to property,~~
 776 ~~animal, or human beings from application of a pesticide shall~~
 777 ~~file with the department a written statement claiming damages,~~
 778 ~~on a form prescribed by the department, within 48 hours after~~
 779 ~~the damage or injury becomes apparent. The statement shall~~
 780 ~~contain, but shall not be limited to, the name of the person~~

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781 ~~responsible for the application of the pesticide, the name of~~
 782 ~~the owner or lessee of the land on which the crop is grown and~~
 783 ~~for which the damages are claimed, and the date on which it is~~
 784 ~~alleged that the damages occurred. The department shall~~
 785 ~~investigate the alleged damages and notify all concerned parties~~
 786 ~~of its findings. If the findings reveal a violation of the~~
 787 ~~provisions of this part, the department shall determine an~~
 788 ~~appropriate penalty, as provided in this part. The filing of a~~
 789 ~~statement or the failure to file such a statement need not be~~
 790 ~~alleged in any complaint which might be filed in a court of law,~~
 791 ~~and the failure to file the statement shall not be considered~~
 792 ~~any bar to the maintenance of any criminal or civil action.~~

793 (1)~~(2)~~ A ~~It is the duty of any licensee shall to~~ report
 794 unreasonable adverse effects on the environment or damage ~~to~~
 795 property or injury to human beings, animals, plants, or other
 796 property ~~a person~~ as the result of the application of a
 797 restricted-use pesticide by the licensee or by an applicator or
 798 mixer-loader under the licensee's direct supervision, if and
 799 when the licensee has knowledge of such damage or injury. ~~It is~~
 800 ~~also the express intent of this section to require all~~
 801 Physicians shall ~~to~~ report all pesticide-related illnesses or
 802 injuries to the nearest county health department, which shall
 803 ~~will~~ notify the department so that the department may establish
 804 a pesticide incident monitoring system within the Division of
 805 Agricultural Environmental Services.

806 (2)~~(3)~~ When damage or injury to human beings, animals,

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807 plants, or other property as the result of the application of a
 808 restricted-use pesticide is alleged to have been done, the
 809 person claiming such damage or injury claimant shall allow
 810 ~~permit~~ the licensee and the licensee's representatives to
 811 observe within reasonable hours the alleged damage or injury in
 812 order that the damage or injury may be examined. The failure of
 813 the person claiming such damage or injury claimant to allow
 814 ~~permit~~ observation and examination of the alleged damage or
 815 injury shall automatically bar the claim against the licensee.

816 Section 24. Section 487.160, Florida Statutes, is amended
 817 to read:

818 487.160 Records.—Licensed private applicators, supervising
 819 ~~15 or more unlicensed applicators or mixer-loaders and licensed~~
 820 public applicators, and licensed commercial applicators shall
 821 maintain records as the department may determine by rule with
 822 respect to the application of restricted pesticides, including,
 823 but not limited to, the type and quantity of pesticide, method
 824 of application, crop treated, and dates and location of
 825 application. ~~Other licensed private applicators shall maintain~~
 826 ~~records as the department may determine by rule with respect to~~
 827 ~~the date, type, and quantity of restricted-use pesticides used.~~
 828 Licensees shall keep records for ~~a period of 2 years from the~~ the
 829 date of the application of the pesticide to which the records
 830 refer, and shall furnish to the department a copy of the records
 831 upon written request by the department.

832 Section 25. Section 487.172, Florida Statutes, is

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833 repealed.

834 Section 26. Paragraph (e) of subsection (1) of section
835 487.175, Florida Statutes, is amended to read:

836 487.175 Penalties; administrative fine; injunction.—

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

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

850 Section 27. Subsection (8) of section 487.2031, Florida
851 Statutes, is renumbered as subsection (7), and present
852 subsection (7) of that section is amended to read:

853 487.2031 Definitions.—For the purposes of this part, the
854 term:

855 (8) ~~(7)~~ "~~Material~~ Safety data sheet" means written,
856 electronic, or printed material concerning an agricultural
857 pesticide that sets forth the following information:

858 (a) The chemical name and the common name of the

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859 agricultural pesticide.

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

862 1. The potential for fire, explosions, corrosivity, and
863 reactivity.

864 2. The known acute health effects and chronic health
865 effects of exposure to the agricultural pesticide, including
866 those medical conditions that are generally recognized as being
867 aggravated by exposure to the agricultural pesticide.

868 3. The primary routes of entry and symptoms of
869 overexposure.

870 (c) The proper handling practices, necessary personal
871 protective equipment, and other proper or necessary safety
872 precautions in circumstances that involve the use of or exposure
873 to the agricultural pesticide, including appropriate emergency
874 treatment in case of overexposure.

875 (d) The emergency procedures for spills, fire, disposal,
876 and first aid.

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

881 (f) The year and month, if available, that the information
882 was compiled and the name, address, and emergency telephone
883 number of the manufacturer responsible for preparing the
884 information.

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885 Section 28. Section 487.2051, Florida Statutes, is amended
 886 to read:

887 487.2051 Availability of agricultural pesticide
 888 information to workers and medical personnel.—

889 (1) An agricultural employer shall make available
 890 agricultural pesticide information concerning any agricultural
 891 pesticide to a ~~any~~ worker:

892 (a) Who enters an agricultural-pesticide-treated area on
 893 an agricultural establishment where:

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

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

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

899 (2) The agricultural pesticide information provided
 900 pursuant to subsection (1) must be in the form of a fact sheet
 901 or ~~a material~~ safety data sheet. The agricultural employer shall
 902 provide a written copy of the information provided pursuant to
 903 subsection (1) within 2 working days after a request for the
 904 information by a worker or a designated representative. In the
 905 case of a pesticide-related medical emergency, the agricultural
 906 employer shall provide a written copy of the information
 907 promptly upon the request of the worker, the designated
 908 representative, or medical personnel treating the worker.

909 (3) Upon the initial purchase of a product and with the
 910 first purchase after the fact sheet or ~~material~~ safety data

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911 sheet is updated, the distributor, manufacturer, or importer of
 912 agricultural pesticides shall obtain or develop and provide each
 913 direct purchaser of an agricultural pesticide with a fact sheet
 914 or ~~material~~ safety data sheet. If the fact sheet or ~~material~~
 915 safety data sheet ~~or fact sheet~~ for the agricultural pesticide
 916 is not available when the agricultural pesticide is purchased,
 917 the agricultural employer shall take appropriate and timely
 918 steps to obtain the fact sheet or ~~material~~ safety data sheet ~~or~~
 919 ~~fact sheet~~ from the distributor, the manufacturer, the
 920 department, a federal agency, or another distribution source.

921 (4) The department shall produce and make available to a
 922 trainer a one-page general agricultural pesticide safety sheet.
 923 The pesticide safety sheet must be in a language understandable
 924 to the worker and must include, but need not be limited to,
 925 illustrated instructions on preventing agricultural pesticide
 926 exposure and toll-free telephone numbers to the Florida Poison
 927 Control Centers. The trainer shall provide the pesticide safety
 928 sheet to the worker pursuant to the United States Environmental
 929 Protection Agency Worker Protection Standard, 40 C.F.R. s.
 930 170.130.

931 Section 29. Paragraph (c) of subsection (2) of section
 932 493.6118, Florida Statutes, is amended to read:

933 493.6118 Grounds for disciplinary action.—

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

936 (c) Impose an administrative fine in the Class I category

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937 pursuant to s. 570.971 ~~not to exceed \$1,000~~ for every count or
 938 separate offense.

939 Section 30. Subsections (3) and (5) of section 493.6120,
 940 Florida Statutes, are amended to read:

941 493.6120 Violations; penalty.—

942 (3) Except as otherwise provided in this chapter, a person
 943 who violates any provision of this chapter except subsection (7)
 944 commits a misdemeanor of the first degree, punishable as
 945 provided in s. 775.082 or s. 775.083. The department may also
 946 seek the imposition of a civil penalty in the Class II category
 947 pursuant to s. 570.971 upon a withhold of adjudication of guilt
 948 or an adjudication of guilt in a criminal case.

949 (5) A person who violates or disregards a cease and desist
 950 order issued by the department commits a misdemeanor of the
 951 first degree, punishable as provided in s. 775.082 or s.
 952 775.083. In addition, the department may seek the imposition of
 953 a civil penalty in the Class II category pursuant to s. 570.971
 954 ~~not to exceed \$5,000.~~

955 Section 31. Subsection (1) of section 496.420, Florida
 956 Statutes, is amended to read:

957 496.420 Civil remedies and enforcement.—

958 (1) In addition to other remedies authorized by law, the
 959 department may bring a civil action in circuit court to enforce
 960 ss. 496.401-496.424 or s. 496.426. Upon a finding that a any
 961 person has violated any of these sections, a court may make any
 962 necessary order or enter a judgment including, but not limited

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963 to, a temporary or permanent injunction, a declaratory judgment,
 964 the appointment of a general or special magistrate or receiver,
 965 the sequestration of assets, the reimbursement of persons from
 966 whom contributions have been unlawfully solicited, the
 967 distribution of contributions pursuant to ~~in accordance with~~ the
 968 charitable or sponsor purpose expressed in the registration
 969 statement or pursuant to ~~in accordance with~~ the representations
 970 made to the person solicited, the reimbursement of the
 971 department for investigative costs and attorney, ~~attorney's~~ fees
 972 and costs, and any other equitable relief the court finds
 973 appropriate. Upon a finding that a ~~any~~ person has violated any
 974 provision of ss. 496.401-496.424 or s. 496.426 with actual
 975 knowledge or knowledge fairly implied on the basis of objective
 976 circumstances, a court may enter an order imposing a civil fine
 977 in the Class III category pursuant to s. 570.971 for each
 978 ~~penalty in an amount not to exceed \$10,000 per violation.~~

979 Section 32. Paragraph (p) of subsection (1) of section
 980 500.03, Florida Statutes, is amended to read:

981 500.03 Definitions; construction; applicability.—

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

983 (p) "Food establishment" means a ~~any~~ factory, food outlet,
 984 or ~~any~~ other facility manufacturing, processing, packing,
 985 holding, or preparing food or selling food at wholesale or
 986 retail. The term does not include a ~~any~~ business or activity
 987 that is regulated under s. 413.051, s. 500.80, chapter 509, or
 988 chapter 601. The term includes tomato packinghouses and

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989 repackers but does not include any other establishments that
 990 pack fruits and vegetables in their raw or natural states,
 991 including those fruits or vegetables that are washed, colored,
 992 or otherwise treated in their unpeeled, natural form before they
 993 are marketed.

994 Section 33. Paragraphs (a) and (b) of subsection (1) and
 995 subsection (8) of section 500.12, Florida Statutes, are amended
 996 to read:

997 500.12 Food permits; building permits.—

998 (1) (a) A food permit from the department is required of
 999 any person who operates a food establishment or retail food
 1000 store, except:

1001 1. Persons operating minor food outlets, ~~including, but~~
 1002 ~~not limited to, video stores,~~ that sell food that is
 1003 commercially prepackaged, not potentially hazardous, and not
 1004 time or temperature controlled for safety, if nonpotentially
 1005 ~~hazardous candy, chewing gum, soda, or popcorn,~~ provided the
 1006 shelf space for those items does not exceed 12 total linear feet
 1007 and no other food is sold by the minor food outlet.

1008 2. Persons subject to continuous, onsite federal or state
 1009 inspection.

1010 3. Persons selling only legumes in the shell, either
 1011 parched, roasted, or boiled.

1012 4. Persons selling sugar cane or sorghum syrup that has
 1013 been boiled and bottled on a premise located within the state.
 1014 Such bottles must contain a label listing the producer's name

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1015 and street address, all added ingredients, the net weight or
1016 volume of the product, and a statement that reads, "This product
1017 has not been produced in a facility permitted by the Florida
1018 Department of Agriculture and Consumer Services."

1019 (b) Each food establishment and retail food store
1020 regulated under this chapter must apply for and receive a food
1021 permit before operation begins. An application for a food permit
1022 from the department must be accompanied by a fee in an amount
1023 determined by department rule. The department shall adopt by
1024 rule a schedule of fees to be paid by each food establishment
1025 and retail food store as a condition of issuance or renewal of a
1026 food permit. Such fees, ~~which~~ may not exceed \$650 and shall be
1027 used solely for the recovery of costs for the services provided,
1028 except that the fee accompanying an application for a food
1029 permit for operating a bottled water plant may not exceed \$1,000
1030 and the fee accompanying an application for a food permit for
1031 operating a packaged ice plant may not exceed \$250. The fee for
1032 operating a bottled water plant or a packaged ice plant shall be
1033 set by rule of the department. Food permits are not transferable
1034 from one person or physical location to another. Food permits
1035 must be renewed annually on or before January 1. If an
1036 application for renewal of a food permit is not received by the
1037 department within 30 days after its due date, a late fee, ~~in an~~
1038 ~~amount~~ not exceeding \$100, ~~must~~ be paid in addition to the food
1039 permit fee before the department may issue the food permit. The
1040 moneys collected shall be deposited in the General Inspection

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1041 Trust Fund.

1042 (8) A ~~Any person who, after October 1, 2000,~~ applies for
 1043 or renews a local business tax certificate ~~occupational license~~
 1044 to engage in business as a food establishment or retail food
 1045 store must exhibit a current food permit or an active letter of
 1046 exemption from the department before the local business tax
 1047 certificate ~~occupational license~~ may be issued or renewed.

1048 Section 34. Subsections (1), (2), and (3) of section
 1049 500.121, Florida Statutes, are amended, and subsection (7) is
 1050 added to that section, to read:

1051 500.121 Disciplinary procedures.—

1052 (1) In addition to the suspension procedures provided in
 1053 s. 500.12, if applicable, the department may impose an
 1054 administrative fine in the Class II category pursuant to s.
 1055 570.971 ~~a fine not to exceed \$5,000~~ against any retail food
 1056 store, food establishment, or cottage food operation that
 1057 violates this chapter, which fine, when imposed and paid, shall
 1058 be deposited by the department into the General Inspection Trust
 1059 Fund. The department may revoke or suspend the permit of any
 1060 such retail food store or food establishment if it is satisfied
 1061 that the retail food store or food establishment has:

1062 (a) Violated ~~any of the provisions of~~ this chapter.

1063 (b) Violated or aided or abetted in the violation of any
 1064 law of this state governing or applicable to retail food stores
 1065 or food establishments or any lawful rules of the department.

1066 (c) Knowingly committed, or been a party to, any material

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1067 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
1068 or device whereby another ~~any other~~ person, lawfully relying
1069 upon the word, representation, or conduct of a retail food store
1070 or food establishment, acts to her or his injury or damage.

1071 (d) Committed any act or conduct of the same or different
1072 character than that enumerated which constitutes fraudulent or
1073 dishonest dealing.

1074 (2) A ~~Any~~ manufacturer, processor, packer, or distributor
1075 who misrepresents or mislabels the country of origin of any food
1076 may, in addition to any penalty provided in this chapter, be
1077 subject to an additional administrative fine in the Class II
1078 category pursuant to s. 570.971 for each ~~of up to \$10,000 per~~
1079 violation.

1080 (3) Any administrative order made and entered by the
1081 department imposing a fine pursuant to this section shall
1082 specify the amount of the fine and the time limit for payment
1083 thereof, not exceeding 21 ~~15~~ days, and, upon failure of the
1084 permit holder to pay the fine within that time, the permit is
1085 subject to suspension or revocation.

1086 (7) The department may determine that a food establishment
1087 regulated under this chapter requires immediate closure when the
1088 food establishment fails to comply with this chapter or rules
1089 adopted under this chapter and presents an imminent threat to
1090 the public health, safety, and welfare. The department may
1091 accept inspection results from other state and local building
1092 officials and other regulatory agencies as justification for

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1093 such action. The department shall, upon such a determination,
1094 issue an immediate final order to close a food establishment as
1095 follows:

1096 (a) The division director or designee shall determine that
1097 the continued operation of a food establishment presents an
1098 immediate danger to the public health, safety, and welfare.

1099 (b) Upon such determination, the department shall issue an
1100 immediate final order directing the owner or operator of the
1101 food establishment to cease operation and close the food
1102 establishment. The department shall serve the order upon the
1103 owner, operator, or agent thereof of the food establishment. The
1104 department may attach a closed-for-operation sign to the food
1105 establishment while the order remains in place.

1106 (c) The department shall inspect the food establishment
1107 within 24 hours after the issuance of the order. Upon a
1108 determination that the food establishment has met the applicable
1109 requirements to resume operations, the department shall serve a
1110 release upon the owner, operator, or agent thereof of the food
1111 establishment.

1112 (d) A food establishment ordered by the department to
1113 cease operation and close under this section shall remain closed
1114 until released by the department or by a judicial order to
1115 reopen.

1116 (e) It is a misdemeanor of the second degree, punishable
1117 as provided in s. 775.082 or s. 775.083, for a person to deface
1118 or remove a closed-for-operation sign placed on a food

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1119 establishment by the department or for the owner or operator of
 1120 a food establishment to resist closure of the establishment by
 1121 the department. The department may impose administrative
 1122 sanctions for violations of this paragraph.

1123 (f) The department may adopt rules to administer this
 1124 subsection.

1125 Section 35. Subsection (1) of section 500.147, Florida
 1126 Statutes, is amended to read:

1127 500.147 Inspection of food establishments, food records,
 1128 and vehicles.—

1129 (1) The department or its duly authorized agent shall have
 1130 free access at all reasonable hours to any food establishment,
 1131 any food records, or any vehicle being used to transport or hold
 1132 food in commerce for the purpose of inspecting such
 1133 establishment, records, or vehicle to determine whether ~~if any~~
 1134 ~~provision of~~ this chapter or any rule adopted under this ~~the~~
 1135 chapter is being violated; to secure a sample or a specimen of
 1136 any food after paying or offering to pay for such sample; to see
 1137 that all sanitary rules adopted by the department are complied
 1138 with; to facilitate tracing of food products in the event of a
 1139 food-borne illness outbreak or identification of an adulterated
 1140 or misbranded food item; or to enforce the special-occupancy
 1141 provisions of the Florida Building Code which apply to food
 1142 establishments.

1143 Section 36. Subsection (3) of section 500.165, Florida
 1144 Statutes, is amended to read:

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1145 500.165 Transporting shipments of food items; rules;
 1146 penalty.-

1147 (3) A ~~Any~~ person who violates subsection (1) or the rules
 1148 adopted under subsection (2) is subject to an administrative
 1149 fine in the Class III category pursuant to s. 570.971 for each
 1150 ~~not to exceed \$50,000 per~~ violation. In addition, a ~~any~~ person
 1151 who violates subsection (1) commits ~~is guilty of~~ a misdemeanor
 1152 of the first degree, punishable as provided in s. 775.082 or s.
 1153 775.083.

1154 Section 37. Section 500.172, Florida Statutes, is amended
 1155 to read:

1156 500.172 Embargoing, detaining, destroying of food, ~~or~~
 1157 food-processing equipment, or areas that are ~~is~~ in violation.-

1158 (1) When the department, or its duly authorized agent who
 1159 has received appropriate education and training regarding the
 1160 legal requirements of this chapter, finds, ~~or has probable cause~~
 1161 ~~to believe,~~ that any food, ~~or~~ food-processing equipment, food-
 1162 processing area, or food storage area is in violation of this
 1163 chapter or any rule adopted under this chapter so as to be
 1164 dangerous, unwholesome, fraudulent, or insanitary within the
 1165 meaning of this chapter, an agent of the department may issue
 1166 and enforce a stop-sale, stop-use, removal, or hold order, which
 1167 order gives notice that such article, ~~or~~ processing equipment,
 1168 processing area, or storage area is, ~~or is suspected of being,~~
 1169 in violation and has been detained or embargoed and which order
 1170 warns all persons not to remove, use, or dispose of such

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1171 article, ~~or~~ processing equipment, processing area, or storage
 1172 area by sale or otherwise until permission for removal, use, or
 1173 disposal is given by the department or the court. A person may
 1174 not ~~It is unlawful for any person to~~ remove, use, or dispose of
 1175 such detained or embargoed article, ~~or~~ processing equipment,
 1176 processing area, or storage area by sale or otherwise without
 1177 such permission.

1178 (2) If an article, ~~or~~ processing equipment, a processing
 1179 area, or a storage area detained or embargoed under subsection
 1180 (1) has been found by the department to be in violation of law
 1181 or rule, the department may, within a reasonable period ~~of time~~
 1182 after the issuance of such notice, petition the circuit court,
 1183 in the jurisdiction of which the article, ~~or~~ processing
 1184 equipment, processing area, or storage area is detained or
 1185 embargoed, for an order for condemnation of such article, ~~or~~
 1186 processing equipment, processing area, or storage area. When the
 1187 department has found that an article, ~~or~~ processing equipment,
 1188 a processing area, or a storage area so detained or embargoed is
 1189 not in violation, the department shall rescind the stop-sale,
 1190 stop-use, removal, or hold order.

1191 (3) If the court finds that the detained or embargoed
 1192 article, ~~or~~ processing equipment, processing area, or storage
 1193 area is in violation, such article, ~~or~~ processing equipment,
 1194 processing area, or storage area shall, after entry of the
 1195 decree, be destroyed or made sanitary at the expense of the
 1196 claimant thereof under the supervision of the department, ~~and~~

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1197 all court costs, fees, and storage and other proper expenses
 1198 shall be taxed against the claimant of such article, ~~or~~
 1199 processing equipment, processing area, or storage area or her or
 1200 his agent. However, if the violation can be corrected by proper
 1201 labeling of the article or sanitizing of the processing
 1202 equipment, processing area, or storage area, and after such
 1203 costs, fees, and expenses have been paid and a good and
 1204 sufficient bond, conditioned that such article be so labeled or
 1205 processed or such processing equipment, processing area, or
 1206 storage area so sanitized, has been executed, the court may by
 1207 order direct that such article, ~~or~~ processing equipment,
 1208 processing area, or storage area be made available ~~delivered~~ to
 1209 the claimant thereof for such labeling, processing, or
 1210 sanitizing under the supervision of the department. The expense
 1211 of such supervision shall be paid by the claimant. Such bond
 1212 shall be returned to the claimant of the article, ~~or~~ processing
 1213 equipment, processing area, or storage area on representation to
 1214 the court by the department that the article, ~~or~~ processing
 1215 equipment, processing area, or storage area is no longer in
 1216 violation of this chapter and that the expenses of such
 1217 supervision have been paid.

1218 (4) When the department or any of its authorized agents
 1219 finds in any room, building, vehicle, or other structure any
 1220 meat, seafood, poultry, vegetable, fruit, or other perishable
 1221 articles which are unsound or contain any filthy, decomposed, or
 1222 putrid substances, or which may be poisonous or deleterious to

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1223 health or otherwise unsafe, the same is ~~being hereby~~ declared to
 1224 be a nuisance, and the department~~,~~ or its authorized agent~~,~~
 1225 shall ~~forthwith~~ condemn or destroy the same~~,~~ or in any other
 1226 manner render the same unalable as human food.

1227 Section 38. Sections 500.301, 500.302, 500.303, 500.304,
 1228 500.305, 500.306, and 500.601, Florida Statutes, are repealed.

1229 Section 39. Paragraph (b) of subsection (3) of section
 1230 500.70, Florida Statutes, is amended to read:

1231 500.70 Tomato food safety standards; inspections;
 1232 penalties; tomato good agricultural practices; tomato best
 1233 management practices.—

1234 (3)

1235 (b) The department may impose an administrative fine in
 1236 the Class II category pursuant to s. 570.971 for each ~~not to~~
 1237 ~~exceed \$5,000 per~~ violation, or issue a written notice or
 1238 warning under s. 500.179, against a person who violates any
 1239 applicable provision of this section or any rule adopted under
 1240 this section.

1241 Section 40. Subsection (3) and paragraph (b) of subsection
 1242 (4) of section 501.019, Florida Statutes, are amended to read:

1243 501.019 Health studios; penalties.—

1244 (3) The department may institute proceedings in the
 1245 appropriate circuit court to recover any penalties or damages
 1246 allowed in this section and for injunctive relief to enforce
 1247 compliance with ss. 501.012-501.019 or any rule or order of the
 1248 department. The department may seek a civil penalty in the Class

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1249 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
 1250 violation of this section.

1251 (4)

1252 (b) Upon a finding as set forth in paragraph (a), the
 1253 department may enter an order doing one or more of the
 1254 following:

1255 1. Issuing a notice of noncompliance pursuant to s.
 1256 120.695.

1257 2. For a violation of s. 501.015 or s. 501.016, imposing
 1258 an administrative fine in the Class II category pursuant to s.
 1259 570.971 for each ~~not to exceed \$5,000 per~~ violation.

1260 ~~3. For a violation of s. 501.013, s. 501.017, or s.~~
 1261 ~~501.018, imposing an administrative fine not to exceed \$500 per~~
 1262 ~~violation.~~

1263 ~~3.4.~~ Directing that the health studio cease and desist
 1264 specified activities.

1265 ~~4.5.~~ Refusing to register or revoking or suspending a
 1266 registration.

1267 ~~5.6.~~ Placing the registrant on probation for a period of 5
 1268 years, subject to such conditions as the department may specify
 1269 by rule.

1270 Section 41. Subsection (9) of section 501.059, Florida
 1271 Statutes, is amended, and subsection (12) is added to that
 1272 section, to read:

1273 501.059 Telephone solicitation.—

1274 (9) (a) The department shall investigate any complaints

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1275 received concerning violations of this section. If, after
 1276 investigating a ~~any~~ complaint, the department finds that there
 1277 has been a violation of this section, the department or the
 1278 Department of Legal Affairs may bring an action to impose a
 1279 civil penalty and to seek other relief, including injunctive
 1280 relief, as the court deems appropriate against the telephone
 1281 solicitor. The civil penalty shall be in the Class III category
 1282 pursuant to s. 570.971 for each ~~may not exceed \$10,000 per~~
 1283 violation and shall be deposited in the General Inspection Trust
 1284 Fund if the action or proceeding was brought by the department,
 1285 or the Legal Affairs Revolving Trust Fund if the action or
 1286 proceeding was brought by the Department of Legal Affairs. This
 1287 civil penalty may be recovered in any action brought under this
 1288 part by the department, or the department may terminate any
 1289 investigation or action upon agreement by the person to pay a
 1290 stipulated civil penalty. The department or the court may waive
 1291 any civil penalty if the person has previously made full
 1292 restitution or reimbursement or has paid actual damages to the
 1293 consumers who have been injured by the violation.

1294 (b) The department may, as an alternative to the civil
 1295 penalties provided in paragraph (a), impose an administrative
 1296 fine in the Class I category pursuant to s. 570.971 ~~not to~~
 1297 ~~exceed \$1,000~~ for each act or omission that constitutes a
 1298 violation of this section. An administrative proceeding that
 1299 could result in the entry of an order imposing an administrative
 1300 penalty must be conducted pursuant to ~~in accordance with~~ chapter

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1301 120.

1302 (12) The department may adopt rules to implement this
 1303 section.

1304 Section 42. Paragraph (b) of subsection (2) of section
 1305 501.612, Florida Statutes, is amended to read:

1306 501.612 Grounds for departmental action against licensure
 1307 applicants or licensees.—

1308 (2) Upon a finding as set forth in subsection (1), the
 1309 department may enter an order:

1310 (b) Imposing an administrative fine in the Class III
 1311 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
 1312 act or omission which constitutes a violation under this part.

1313 Section 43. Section 501.619, Florida Statutes, is amended
 1314 to read:

1315 501.619 Civil penalties.—~~A~~ Any person who engages in any
 1316 act or practice declared in this part to be unlawful is liable
 1317 for a civil penalty in the Class III category pursuant to s.
 1318 570.971 ~~of not more than \$10,000~~ for each such violation. This
 1319 civil penalty may be recovered in any action brought under this
 1320 part by the department, or the department may terminate any
 1321 investigation or action upon agreement by the person to pay a
 1322 stipulated civil penalty. The department or the court may waive
 1323 any such civil penalty or other fines or costs if the person has
 1324 previously made full restitution or reimbursement or has paid
 1325 actual damages to the purchasers who have been injured by the
 1326 unlawful act or practice.

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1327 Section 44. Paragraph (a) of subsection (1) of section
 1328 501.922, Florida Statutes, is amended to read:

1329 501.922 Violation.—

1330 (1) The department may enter an order imposing one or more
 1331 of the following penalties against any person who violates ss.
 1332 501.91-501.923 or who impedes, obstructs, or hinders the
 1333 department in performing its duties under those sections:

1334 (a) Imposition of an administrative fine in the Class II
 1335 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 1336 ~~per violation for a first-time offender. For a second-time or~~
 1337 ~~repeat offender, or any person who willfully and intentionally~~
 1338 ~~violates ss. 501.91-501.923, the administrative fine may not~~
 1339 ~~exceed \$5,000 per violation.~~

1340 Section 45. Paragraph (b) of subsection (1) of section
 1341 502.231, Florida Statutes, is amended to read:

1342 502.231 Penalty and injunction.—

1343 (1) The department may enter an order imposing one or more
 1344 of the following penalties against any person who violates any
 1345 provision of this chapter:

1346 (b) Imposition of an administrative fine ~~not to exceed:~~

1347 1. In the Class II category pursuant to s. 570.971 for
 1348 each ~~Ten thousand dollars per~~ violation in the case of a frozen
 1349 dessert licensee;

1350 2. Ten percent of the license fee or \$100, whichever is
 1351 greater, for failure to report the information described in s.
 1352 502.053(3) (d); or

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1353 3. In the Class I category pursuant to s. 570.971 for each
 1354 ~~One thousand dollars per~~ occurrence for any other violation.

1355
 1356 When imposing a fine under this paragraph, the department must
 1357 consider the degree and extent of harm caused by the violation,
 1358 the cost of rectifying the damage, the benefit to the violator,
 1359 whether the violation was committed willfully, and the
 1360 violator's compliance record.

1361 Section 46. Subsection (1) of section 507.09, Florida
 1362 Statutes, is amended to read:

1363 507.09 Administrative remedies; penalties.-

1364 (1) The department may enter an order doing one or more of
 1365 the following if the department finds that a mover or moving
 1366 broker, or a person employed or contracted by a mover or broker,
 1367 has violated or is operating in violation of this chapter or the
 1368 rules or orders issued pursuant to ~~in accordance with~~ this
 1369 chapter:

1370 (a) Issuing a notice of noncompliance under s. 120.695.

1371 (b) Imposing an administrative fine in the Class II
 1372 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
 1373 act or omission.

1374 (c) Directing that the person cease and desist specified
 1375 activities.

1376 (d) Refusing to register or revoking or suspending a
 1377 registration.

1378 (e) Placing the registrant on probation ~~for a period of~~

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1379 ~~time~~, subject to the conditions specified by the department.

1380 Section 47. Subsection (2) of section 507.10, Florida
 1381 Statutes, is amended to read:

1382 507.10 Civil penalties; remedies.—

1383 (2) The department may seek a civil penalty in the Class
 1384 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
 1385 violation of this chapter.

1386 Section 48. Paragraph (g) of subsection (2) and paragraph
 1387 (c) of subsection (3) of section 509.032, Florida Statutes, are
 1388 amended to read:

1389 509.032 Duties.—

1390 (2) INSPECTION OF PREMISES.—

1391 (g) In inspecting public food service establishments, the
 1392 department shall provide each inspected establishment with the
 1393 food-recovery brochure developed under s. 595.420 ~~570.0725~~.

1394 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD
 1395 SERVICE EVENTS.—The division shall:

1396 (c) Administer a public notification process for temporary
 1397 food service events and distribute educational materials that
 1398 address safe food storage, preparation, and service procedures.

1399 1. Sponsors of temporary food service events shall notify
 1400 the division not less than 3 days before ~~prior to~~ the scheduled
 1401 event of the type of food service proposed, the time and
 1402 location of the event, a complete list of food service vendors
 1403 participating in the event, the number of individual food
 1404 service facilities each vendor will operate at the event, and

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1405 the identification number of each food service vendor's current
1406 license as a public food service establishment or temporary food
1407 service event licensee. Notification may be completed orally, by
1408 telephone, in person, or in writing. A public food service
1409 establishment or food service vendor may not use this
1410 notification process to circumvent the license requirements of
1411 this chapter.

1412 2. The division shall keep a record of all notifications
1413 received for proposed temporary food service events and shall
1414 provide appropriate educational materials to the event sponsors,
1415 including the food-recovery brochure developed under s. 595.420
1416 ~~570.0725~~.

1417 3.a. A public food service establishment or other food
1418 service vendor must obtain one of the following classes of
1419 license from the division: an individual license, for a fee of
1420 no more than \$105, for each temporary food service event in
1421 which it participates; or an annual license, for a fee of no
1422 more than \$1,000, that entitles the licensee to participate in
1423 an unlimited number of food service events during the license
1424 period. The division shall establish license fees, by rule, and
1425 may limit the number of food service facilities a licensee may
1426 operate at a particular temporary food service event under a
1427 single license.

1428 b. Public food service establishments holding current
1429 licenses from the division may operate under the regulations of
1430 such a license at temporary food service events of 3 days or

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1431 less in duration.

1432 Section 49. Paragraph (a) of subsection (1) of section
 1433 525.16, Florida Statutes, is amended to read:

1434 525.16 Administrative fine; penalties; prosecution of
 1435 cases by state attorney.—

1436 (1)(a) The department may enter an order imposing one or
 1437 more of the following penalties against a ~~any~~ person who
 1438 violates ~~any of the provisions of~~ this chapter or the rules
 1439 adopted under this chapter or impedes, obstructs, or hinders the
 1440 department in the performance of its duty in connection with ~~the~~
 1441 ~~provisions of~~ this chapter:

1442 1. Issuance of a warning letter.

1443 2. Imposition of an administrative fine in the Class II
 1444 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 1445 ~~per violation for a first-time offender. For a second-time or~~
 1446 ~~repeat offender, or any person who is shown to have willfully~~
 1447 ~~and intentionally violated any provision of this chapter, the~~
 1448 ~~administrative fine shall not exceed \$5,000 per violation.~~ When
 1449 imposing any fine under this section, the department shall
 1450 consider the degree and extent of harm caused by the violation,
 1451 the cost of rectifying the damage, the amount of money the
 1452 violator benefited from by noncompliance, whether the violation
 1453 was committed willfully, and the compliance record of the
 1454 violator.

1455 3. Revocation or suspension of any registration issued by
 1456 the department.

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1457 Section 50. Subsection (1) of section 526.311, Florida
 1458 Statutes, is amended to read:

1459 526.311 Enforcement; civil penalties; injunctive relief.—

1460 (1) A ~~Any~~ person who knowingly violates this act shall be
 1461 subject to a civil penalty in the Class III category pursuant to
 1462 s. 570.971 for each ~~not to exceed \$10,000 per~~ violation. Each
 1463 day that a violation of this act occurs shall be considered a
 1464 separate violation, but the ~~no~~ civil penalty may not ~~shall~~
 1465 exceed \$250,000. ~~Any~~ Such a person shall also be liable for
 1466 attorney ~~attorney's~~ fees and shall be subject to an action for
 1467 injunctive relief.

1468 Section 51. Paragraph (b) of subsection (2) of section
 1469 526.55, Florida Statutes, is amended to read:

1470 526.55 Violation and penalties.—

1471 (2) If the department finds that a person has violated or
 1472 is operating in violation of ss. 526.50–526.56 or the rules or
 1473 orders adopted thereunder, the department may, by order:

1474 (b) Impose an administrative fine in the Class II category
 1475 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each violation;

1476 Section 52. Subsection (1) of section 527.13, Florida
 1477 Statutes, is amended to read:

1478 527.13 Administrative fines and warning letters.—

1479 (1) If a ~~any~~ person violates ~~any provision of~~ this chapter
 1480 or any rule adopted under this chapter ~~pursuant thereto~~ or a
 1481 cease and desist order, the department may impose civil or
 1482 administrative penalties in the Class II category pursuant to s.

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1483 570.971 not to exceed \$3,000 for each offense, suspend or revoke
 1484 the license or qualification issued to such person, or any of
 1485 the foregoing. The cost of the proceedings to enforce this
 1486 chapter may be added to any penalty imposed. The department may
 1487 allow the licensee a reasonable period, not to exceed 90 days,
 1488 within which to pay to the department the amount of the penalty
 1489 so imposed. If the licensee fails to pay the penalty in its
 1490 entirety to the department at its office at Tallahassee within
 1491 the period so allowed, the licenses of the licensee shall stand
 1492 revoked upon expiration of such period.

1493 Section 53. Subsection (1) of section 531.50, Florida
 1494 Statutes, is amended to read:

1495 531.50 Administrative fine, penalties, and offenses.—

1496 (1) The department may enter an order imposing one or more
 1497 of the following penalties against a ~~any~~ person who violates ~~any~~
 1498 ~~provision of~~ this chapter or any rule adopted under this chapter
 1499 or impedes, obstructs, or hinders the department in performing
 1500 ~~the performance of its duties~~ under ~~in connection with the~~
 1501 ~~provisions of~~ this chapter:

1502 (a) Issuance of a warning letter or notice.

1503 (b) Imposition of an administrative fine in the Class II
 1504 category pursuant to s. 570.971 for each of:

1505 1. ~~Up to \$1,000 for a first violation;~~

1506 2. ~~Up to \$2,500 for a second violation within 2 years~~
 1507 ~~after the first violation; or~~

1508 3. ~~Up to \$5,000 for a third violation within 2 years after~~

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1509 ~~the first~~ violation.

1510

1511 When imposing any fine under this section, the department shall
 1512 consider the degree and extent of potential harm caused by the
 1513 violation, the amount of money by which the violator benefited
 1514 from noncompliance, whether the violation was committed
 1515 willfully, and the compliance record of the violator. All fines,
 1516 monetary penalties, and costs received by the department shall
 1517 be deposited in the General Inspection Trust Fund for the
 1518 purpose of administering ~~the provisions of~~ this chapter.

1519 Section 54. Subsection (2) of section 534.52, Florida
 1520 Statutes, is amended to read:

1521 534.52 Violations; refusal, suspension, revocation;
 1522 penalties.—

1523 (2) In addition, or as an alternative to refusing,
 1524 suspending, or revoking a license in cases involving violations,
 1525 the department may impose an administrative ~~a~~ fine in the Class
 1526 I category pursuant to s. 570.971 not to exceed \$500 for the
 1527 first offense and not to exceed \$1,000 for the second or
 1528 subsequent violations. When imposed and paid, such fines shall
 1529 be deposited in the General Inspection Trust Fund.

1530 Section 55. Paragraphs (b) and (d) of subsection (7) of
 1531 section 539.001, Florida Statutes, are amended to read:

1532 539.001 The Florida Pawnbroking Act.—

1533 (7) ORDERS IMPOSING PENALTIES.—

1534 (b) Upon a finding as set forth in paragraph (a), the

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1535 agency may enter an order doing one or more of the following:

1536 1. Issuing a notice of noncompliance pursuant to s.

1537 120.695.

1538 2. Imposing an administrative fine in the Class II

1539 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each

1540 act which constitutes a violation of this section or a rule or

1541 an order.

1542 3. Directing that the pawnbroker cease and desist

1543 specified activities.

1544 4. Refusing to license or revoking or suspending a

1545 license.

1546 5. Placing the licensee on probation ~~for a period of time,~~

1547 subject to such conditions as the agency may specify.

1548 (d)1. When the agency, if a violation of this section

1549 occurs, has reasonable cause to believe that a person is

1550 operating in violation of this section, the agency may bring a

1551 civil action in the appropriate court for temporary or permanent

1552 injunctive relief and may seek other appropriate civil relief,

1553 including a civil penalty in the Class II category pursuant to

1554 s. 570.971 ~~not to exceed \$5,000~~ for each violation, restitution

1555 and damages for injured customers, court costs, and reasonable

1556 attorney ~~attorney's~~ fees.

1557 2. The agency may terminate any investigation or action

1558 upon agreement by the offender to pay a stipulated civil

1559 penalty, to make restitution or pay damages to customers, or to

1560 satisfy any other relief authorized herein and requested by the

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1561 agency.

1562 Section 56. Paragraph (b) of subsection (4) and paragraph
 1563 (a) of subsection (5) of section 559.921, Florida Statutes, are
 1564 amended to read:

1565 559.921 Remedies.—

1566 (4)

1567 (b) Upon a finding as set forth in paragraph (a), the
 1568 department may enter an order doing one or more of the
 1569 following:

1570 1. Issuing a notice of noncompliance pursuant to s.
 1571 120.695.

1572 2. Imposing an administrative fine in the Class I category
 1573 pursuant to s. 570.971 for each ~~not to exceed \$1,000 per~~
 1574 violation for each act which constitutes a violation of this
 1575 part or a rule or order.

1576 3. Directing that the motor vehicle repair shop cease and
 1577 desist specified activities.

1578 4. Refusing to register or revoking or suspending a
 1579 registration.

1580 5. Placing the registrant on probation ~~for a period of~~
 1581 ~~time~~, subject to such conditions as the department may specify.

1582 (5) (a) The department or the state attorney, if a
 1583 violation of this part occurs in his or her judicial circuit,
 1584 shall be the enforcing authority for purposes of this part and
 1585 may bring a civil action in circuit court for temporary or
 1586 permanent injunctive relief and may seek other appropriate civil

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1587 relief, including a civil penalty in the Class I category
 1588 pursuant to s. 570.971 ~~not to exceed \$1,000~~ for each violation,
 1589 restitution and damages for injured customers, court costs, and
 1590 reasonable attorney ~~attorney's~~ fees.

1591 Section 57. Subsection (1) of section 559.9355, Florida
 1592 Statutes, is amended to read:

1593 559.9355 Administrative remedies; penalties.—

1594 (1) The department may enter an order doing one or more of
 1595 the following if the department finds that a person has violated
 1596 or is operating in violation of ~~any of the provisions of this~~
 1597 part or the rules or orders issued thereunder:

1598 (a) Issuing a notice of noncompliance pursuant to s.
 1599 120.695.

1600 (b) Imposing an administrative fine in the Class II
 1601 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
 1602 act or omission.

1603 ~~(c) Imposing an administrative fine not to exceed \$10,000~~
 1604 ~~for each act or omission in violation of s. 559.9335(22) or~~
 1605 ~~(23).~~

1606 (c) ~~(d)~~ Directing that the person cease and desist
 1607 specified activities.

1608 (d) ~~(e)~~ Refusing to register or canceling or suspending a
 1609 registration.

1610 (e) ~~(f)~~ Placing the registrant on probation ~~for a period of~~
 1611 ~~time~~, subject to such conditions as the department may specify.

1612 (f) ~~(g)~~ Canceling an exemption granted under s. 559.935.

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1613 Section 58. Subsections (2) and (3) of section 559.936,
 1614 Florida Statutes, are amended to read:

1615 559.936 Civil penalties; remedies.—

1616 (2) The department may seek a civil penalty in the Class
 1617 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
 1618 violation of this part.

1619 (3) The department may seek a civil penalty in the Class
 1620 III category pursuant to s. 570.971 ~~of up to \$10,000~~ for each
 1621 act or omission in violation of s. 559.9335(22) or (23).

1622 Section 59. Subsection (33) of section 570.07, Florida
 1623 Statutes, is amended to read:

1624 570.07 Department of Agriculture and Consumer Services;
 1625 functions, powers, and duties.—The department shall have and
 1626 exercise the following functions, powers, and duties:

1627 (33) To assist local volunteer and nonprofit organizations
 1628 in soliciting, collecting, packaging, or delivering surplus
 1629 fresh fruit and vegetables for distribution pursuant to ~~in~~
 1630 ~~accordance with s. 595.420~~ 570.0725. The department also may
 1631 coordinate the development of food recovery programs in the
 1632 production areas of the state using local volunteer and
 1633 nonprofit organizations.

1634 Section 60. Section 570.0705, Florida Statutes, is
 1635 renumbered as section 570.232, Florida Statutes.

1636 Section 61. Section 570.0725, Florida Statutes, is
 1637 transferred and renumbered as section 595.420, Florida Statutes.

1638 Section 62. Section 570.073, Florida Statutes, is

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1639 renumbered as section 570.65, Florida Statutes.

1640 Section 63. Section 570.074, Florida Statutes, is
 1641 renumbered as section 570.66, Florida Statutes, and amended to
 1642 read:

1643 570.66 ~~570.074~~ Department of Agriculture and Consumer
 1644 Services; water policy.—The commissioner may create an Office of
 1645 Agricultural Water Policy under the supervision of a senior
 1646 manager exempt under s. 110.205 in the Senior Management
 1647 Service. The commissioner may designate the bureaus and
 1648 positions in the various organizational divisions of the
 1649 department that report to the ~~this~~ office relating to any matter
 1650 over which the department has jurisdiction in matters relating
 1651 to water policy affecting agriculture, application of such
 1652 policies, and coordination of such matters with state and
 1653 federal agencies. The office shall enforce and implement the
 1654 provisions of chapter 582 and rules relating to soil and water
 1655 conservation.

1656 Section 64. Section 570.0741, Florida Statutes, is
 1657 transferred, renumbered as section 377.805, Florida Statutes,
 1658 and amended to read:

1659 377.805 ~~570.0741~~ Energy efficiency and conservation
 1660 clearinghouse.—The Office of Energy within the Department of
 1661 Agriculture and Consumer Services, in consultation with the
 1662 Public Service Commission, the Florida Building Commission, and
 1663 the Florida Energy Systems Consortium, shall develop a
 1664 clearinghouse of information regarding cost savings associated

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1665 with various energy efficiency and conservation measures. The
 1666 Department of Agriculture and Consumer Services shall post the
 1667 information on its website ~~by July 1, 2013~~.

1668 Section 65. Section 570.075, Florida Statutes, is
 1669 renumbered as section 570.916, Florida Statutes.

1670 Section 66. Section 570.076, Florida Statutes, is
 1671 renumbered as section 570.921, Florida Statutes, and paragraph
 1672 (c) of subsection (2) of that section is amended to read:

1673 570.921 ~~570.076~~ Environmental Stewardship Certification
 1674 Program.—The department may, by rule, establish the
 1675 Environmental Stewardship Certification Program consistent with
 1676 this section. A rule adopted under this section must be
 1677 developed in consultation with state universities, agricultural
 1678 organizations, and other interested parties.

1679 (2) The department shall provide an agricultural
 1680 certification under this program for implementation of one or
 1681 more of the following criteria:

1682 (c) Best management practices adopted by rule pursuant to
 1683 s. 403.067(7)(c) or s. 570.93(1)(b) ~~570.085(1)(b)~~.

1684 Section 67. Section 570.085, Florida Statutes, is
 1685 renumbered as section 570.93, Florida Statutes.

1686 Section 68. Section 570.087, Florida Statutes, is
 1687 renumbered as section 570.94, Florida Statutes.

1688 Section 69. Section 570.14, Florida Statutes, is
 1689 renumbered as section 570.031, Florida Statutes, and amended to
 1690 read:

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1691 570.031 ~~570.14~~ Seal of department.—The department shall
 1692 have an official seal which shall be used for the authentication
 1693 of the orders and proceedings of the department and for such
 1694 other purposes as the department may prescribe. Use of the seal
 1695 or any likeness thereof requires written approval of the
 1696 department.

1697 Section 70. Section 570.16, Florida Statutes, is
 1698 renumbered as section 570.051, Florida Statutes.

1699 Section 71. Section 570.17, Florida Statutes, is
 1700 renumbered as section 570.081, Florida Statutes.

1701 Section 72. Section 570.18, Florida Statutes, is
 1702 renumbered as section 570.041, Florida Statutes.

1703 Section 73. Paragraph (d) of subsection (1) and subsection
 1704 (2) of section 570.23, Florida Statutes, are amended to read:

1705 570.23 State Agricultural Advisory Council.—

1706 (1) COMPOSITION.—The State Agricultural Advisory Council
 1707 is hereby created in the department.

1708 (d) ~~On or after January 15, 1988,~~ Alternates shall be
 1709 appointed for each member and shall serve as alternates for the
 1710 remainder of the corresponding members' terms. As terms of
 1711 current members expire, members and their alternates shall be
 1712 appointed for 4-year terms and shall serve until their
 1713 successors are duly qualified and appointed. A vacancy shall be
 1714 filled for the remainder of an unexpired term in the same manner
 1715 as an initial appointment.

1716 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The

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1717 meetings, powers and duties, procedures, and recordkeeping of
 1718 the State Agricultural Advisory Council shall be pursuant to
 1719 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
 1720 ~~advisory committees established within the department.~~

1721 Section 74. Section 570.241, Florida Statutes, is
 1722 renumbered as section 570.73, Florida Statutes.

1723 Section 75. Section 570.242, Florida Statutes, is
 1724 renumbered as section 570.74, Florida Statutes, and amended to
 1725 read:

1726 570.74 ~~570.242~~ Definitions relating to Agricultural
 1727 Economic Development Act.—For purposes of this act, the term
 1728 ~~following terms shall have the following meanings:~~

1729 (1) "Agriculturally depressed area" means a rural area
 1730 that ~~which~~ has declining profitability from agricultural
 1731 enterprises and one or more of the following characteristics:

- 1732 (a) A stable or declining population.
- 1733 (b) A stable or declining real per capita income.
- 1734 (c) A traditional economy based on agriculture or
 1735 extraction of solid minerals.
- 1736 (d) A low ad valorem tax base.
- 1737 (e) A need for agribusiness and leadership training.
- 1738 (f) Crop losses or economic depression resulting from a
 1739 natural disaster or socioeconomic conditions or events that
 1740 ~~which~~ negatively impact a crop.

1741 (2) "Assistance" means financial or nonfinancial
 1742 assistance issued pursuant to ~~the provisions of this act.~~

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1743 ~~(3) "Commissioner" means the Commissioner of Agriculture.~~

1744 ~~(4) "Department" means the Department of Agriculture and~~
 1745 ~~Consumer Services.~~

1746 (3)~~(5)~~ "Financial assistance" means the providing of funds
 1747 to an agribusiness.

1748 (4)~~(6)~~ "Nonfinancial assistance" means the providing of
 1749 personnel to work with an agribusiness to establish an
 1750 infrastructure, including, but not limited to, the development
 1751 of an accounting system, management procedures, and a marketing
 1752 plan. Nonfinancial assistance ~~shall~~ also includes ~~include~~ the
 1753 providing of equipment.

1754 Section 76. Section 570.243, Florida Statutes, is
 1755 renumbered as section 570.75, Florida Statutes.

1756 Section 77. Section 570.244, Florida Statutes, is
 1757 renumbered as section 570.76, Florida Statutes.

1758 Section 78. Section 570.245, Florida Statutes, is
 1759 renumbered as section 570.77, Florida Statutes.

1760 Section 79. Section 570.246, Florida Statutes, is
 1761 renumbered as section 570.78, Florida Statutes.

1762 Section 80. Section 570.247, Florida Statutes, is
 1763 renumbered as section 570.79, Florida Statutes, and amended to
 1764 read:

1765 570.79 ~~570.247~~ Adoption ~~Promulgation~~ of rules.—In
 1766 conjunction with funds specifically appropriated for the
 1767 purposes specified in this act, The department shall adopt ~~shall~~
 1768 ~~begin to promulgate rules no later than January 1, 1992,~~

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1769 ~~pursuant to s. 120.54,~~ pertaining to:

1770 (1) Formal notification procedures for the availability of
 1771 assistance, including publication in the Florida Administrative
 1772 Register pursuant to s. 120.55.

1773 (2) Written evaluation criteria for selecting project
 1774 proposals to receive assistance. The criteria for eligibility of
 1775 assistance shall include a written business plan delineating the
 1776 economic viability of the proposed project, including the
 1777 financial commitment by project participants and a schedule for
 1778 repayment of agricultural economic development funds.

1779 (3) Procedures for repayment of financial assistance by an
 1780 assisted agribusiness into the General Inspection Trust Fund
 1781 within the department. Repayment of financial assistance shall
 1782 be based upon a percentage of future profits until repayment is
 1783 complete.

1784 (4) Funding procedures for projects eligible for
 1785 assistance. These procedures shall include the amount of
 1786 funding, the limits and requirements for the objects of
 1787 expenditure, and the duration of assistance.

1788 (5) Other subject matter pertaining to the implementation
 1789 of this act.

1790 Section 81. Section 570.248, Florida Statutes, is
 1791 renumbered as section 570.81, Florida Statutes.

1792 Section 82. Section 570.249, Florida Statutes, is
 1793 renumbered as section 570.82, Florida Statutes.

1794 Section 83. Section 570.345, Florida Statutes, is

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1795 repealed.

1796 Section 84. Subsection (5) of section 570.36, Florida
 1797 Statutes, is amended to read:

1798 570.36 Division of Animal Industry; powers and duties.—The
 1799 duties of the Division of Animal Industry include, but are not
 1800 limited to:

1801 (5) Operating and managing the animal disease diagnostic
 1802 laboratory ~~laboratories~~ provided for in chapter 585.

1803 Section 85. Section 570.38, Florida Statutes, is
 1804 transferred, renumbered as section 585.008, Florida Statutes,
 1805 and amended to read:

1806 585.008 ~~570.38~~ Animal Industry Technical Council.—

1807 (1) COMPOSITION.—The Animal Industry Technical Council is
 1808 hereby created in the department and shall be composed of 14
 1809 members as follows:

1810 (a) The beef cattle, swine, dairy, horse, independent
 1811 agricultural market ~~markets~~, meat processing and packing
 1812 establishment ~~establishments~~, veterinary medicine, and poultry
 1813 representatives who serve on the State Agricultural Advisory
 1814 Council and three additional representatives from the beef
 1815 cattle industry, as well as three at-large members representing
 1816 other animal industries in the state, who shall be appointed by
 1817 the commissioner for 4-year terms or until their successors are
 1818 duly qualified and appointed.

1819 (b) Each additional beef cattle representative shall be
 1820 appointed subject to the qualifications and by the procedure as

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1821 prescribed in s. 570.23 for membership to the council by the
 1822 beef cattle representative. If a vacancy occurs in these three
 1823 positions, it shall be filled for the remainder of the term in
 1824 the same manner as an initial appointment.

1825 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 1826 meetings, powers and duties, procedures, and recordkeeping of
 1827 the Animal Industry Technical Council shall be pursuant to
 1828 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
 1829 ~~advisory committees established within the department.~~

1830 Section 86. Section 570.42, Florida Statutes, is
 1831 transferred, renumbered as section 502.301, Florida Statutes,
 1832 and amended to read:

1833 502.301 ~~570.42~~ Dairy Industry Technical Council.—

1834 (1) COMPOSITION.—The Dairy Industry Technical Council is
 1835 ~~hereby~~ created within ~~in~~ the department and shall be composed of
 1836 seven members as follows:

1837 (a) Two citizens of the state, one of whom shall be
 1838 associated with the Agricultural Extension Service of the
 1839 University of Florida and the other with the College of
 1840 Agricultural and Life Science ~~Agriculture~~ of the University of
 1841 Florida.

1842 (b) An employee of the Department of Health.

1843 (c) Two dairy farmers who are actively engaged in the
 1844 production of milk in this state and who earn a major portion of
 1845 their income from the production of milk. The commissioner shall
 1846 appoint the two members ~~provided for in this paragraph~~ from no

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1847 fewer than four nor more than six nominees submitted by the
 1848 recognized statewide organizations representing this group. In
 1849 the absence of nominations, the commissioner shall appoint other
 1850 persons qualified under ~~the provisions of~~ this paragraph.

1851 (d) Two distributors of milk. "Distributor" means a ~~any~~
 1852 milk dealer who operates a milk gathering station or processing
 1853 plant where milk is collected and bottled or otherwise processed
 1854 and prepared for sale. The commissioner shall appoint the two
 1855 members ~~provided for in this paragraph~~ from no fewer than four
 1856 nor more than six nominees submitted by the recognized statewide
 1857 organizations representing this group. In the absence of
 1858 nominations, the commissioner shall appoint other persons
 1859 qualified under ~~the provisions of~~ this paragraph.

1860 (e) All members shall serve 4-year terms or until their
 1861 successors are duly qualified and appointed. If a vacancy
 1862 occurs, it shall be filled for the remainder of the term in the
 1863 manner of an initial appointment.

1864 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 1865 meetings, powers and duties, procedures, and recordkeeping of
 1866 the Dairy Industry Technical Council shall be pursuant to
 1867 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
 1868 ~~advisory committees established within the department.~~

1869 Section 87. Subsections (5) through (9) of section 570.44,
 1870 Florida Statutes, are renumbered as subsections (4) through (8),
 1871 respectively, and subsections (3) and (4) of that section are
 1872 amended to read:

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1873 570.44 Division of Agricultural Environmental Services;
1874 powers and duties.—The duties of the Division of Agricultural
1875 Environmental Services include, but are not limited to:

1876 (3) ~~Supporting the Pesticide Review Council and~~ Reviewing
1877 and evaluating technical and scientific data associated with the
1878 production, manufacture, storage, transportation, sale, or use
1879 of any article or product with respect to any statutory
1880 authority ~~which is~~ conferred on the department. The department
1881 may ~~is authorized to~~ establish positions within the division for
1882 the employment of experts in the fields of toxicology,
1883 hydrology, and biology to conduct such reviews and evaluations
1884 and may. ~~The department is also authorized to~~ establish
1885 appropriate clerical support positions to implement the duties
1886 and responsibilities of the division.

1887 ~~(4) Enforcing and implementing the responsibilities of~~
1888 ~~chapter 582, and the rules relating to soil and water~~
1889 ~~conservation.~~

1890 Section 88. Subsection (2) of section 570.45, Florida
1891 Statutes, is amended to read:

1892 570.45 Director; duties.—

1893 (2) The director shall supervise, direct, and coordinate
1894 the activities of the division and enforce ~~the provisions of~~
1895 chapters 388, 482, 487, 501, 504, 531, 570, 576, 578, and 580,
1896 ~~and 582~~ and any other chapter necessary to carry out the
1897 responsibilities of the division.

1898 Section 89. Paragraph (d) of subsection (3) of section

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1899 570.451, Florida Statutes, is amended to read:

1900 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
1901 Council.—

1902 (3)

1903 (d) The meetings, powers and duties, procedures, and
1904 recordkeeping of the council shall be pursuant to ~~in accordance~~
1905 ~~with the provisions of s. 570.232 570.0705 relating to advisory~~
1906 ~~committees established within the department.~~

1907 Section 90. Section 570.481, Florida Statutes, is
1908 transferred and renumbered as section 603.011, Florida Statutes.

1909 Section 91. Subsections (2) and (3) of section 570.50,
1910 Florida Statutes, are amended to read:

1911 570.50 Division of Food Safety; powers and duties.—The
1912 duties of the Division of Food Safety include, but are not
1913 limited to:

1914 (2) Conducting those general inspection activities
1915 relating to food and food products being processed, held, or
1916 offered for sale in this state and enforcing those provisions of
1917 chapters 500, 501, 502, 531, 583, 585, 586, 597, and 601
1918 relating to foods as authorized by the department.

1919 (3) Analyzing samples of foods offered for sale in this
1920 state as required under chapters 500, 501, 502, 585, 586, 597,
1921 and 601.

1922 Section 92. Subsection (2) of section 570.51, Florida
1923 Statutes, is amended to read:

1924 570.51 Director; qualifications; duties.—

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1925 (2) The director shall supervise, direct, and coordinate
 1926 the activities of the division and enforce the provisions of
 1927 chapters 500, 501, 502, 531, 583, 585, 597, and 601 and any
 1928 other chapter necessary to carry out the responsibilities of the
 1929 division.

1930 Section 93. Section 570.531, Florida Statutes, is
 1931 renumbered as section 570.209, Florida Statutes.

1932 Section 94. Section 570.542, Florida Statutes, is
 1933 repealed.

1934 Section 95. Subsection (2) of section 570.543, Florida
 1935 Statutes, is amended to read:

1936 570.543 Florida Consumers' Council.—The Florida Consumers'
 1937 Council in the department is created to advise and assist the
 1938 department in carrying out its duties.

1939 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 1940 meetings, powers and duties, procedures, and recordkeeping of
 1941 the Florida Consumers' Council shall be pursuant to ~~governed by~~
 1942 ~~the provisions of s. 570.232 570.0705 relating to advisory~~
 1943 ~~committees established within the department.~~ The council
 1944 members or chair may call no more than two meetings.

1945 Section 96. Section 570.545, Florida Statutes, is
 1946 transferred and renumbered as section 501.0113, Florida
 1947 Statutes.

1948 Section 97. Section 570.55, Florida Statutes, is
 1949 transferred and renumbered as section 603.211, Florida Statutes.

1950 Section 98. Section 570.67, Florida Statutes, is created

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1951 to read:

1952 570.67 Office of Energy.—The Office of Energy is created
 1953 within the department. The office shall be under the supervision
 1954 of a senior manager exempt under s. 110.205 in the Senior
 1955 Management Service appointed by the commissioner. The duties of
 1956 the office shall include, but are not limited to, administering
 1957 and enforcing parts II and III of chapter 377, the rules adopted
 1958 under those parts, and any other duties authorized by the
 1959 commissioner.

1960 Section 99. Subsections (2) and (12) of section 570.71,
 1961 Florida Statutes, are amended to read:

1962 570.71 Conservation easements and agreements.—

1963 (2) To achieve the purposes of this section act, ~~beginning~~
 1964 ~~no sooner than July 1, 2002, and every year thereafter,~~ the
 1965 department may accept applications for project proposals that:

1966 (a) Purchase conservation easements, as defined in s.
 1967 704.06.

1968 (b) Purchase rural-lands-protection easements pursuant to
 1969 this section act.

1970 (c) Fund resource conservation agreements pursuant to this
 1971 section act.

1972 (d) Fund agricultural protection agreements pursuant to
 1973 this section act.

1974 (12) The department may ~~is authorized to~~ use funds from
 1975 the following sources to implement this section act:

1976 (a) State funds;

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- 1977 (b) Federal funds;
- 1978 (c) Other governmental entities;
- 1979 (d) Nongovernmental organizations; or
- 1980 (e) Private individuals.

1981

1982 Any such funds provided shall be deposited into the Conservation
 1983 and Recreation Lands Program Trust Fund within the Department of
 1984 Agriculture and Consumer Services and used for the purposes of
 1985 this section, including administrative and operating expenses
 1986 related to appraisals, mapping, title process, personnel, and
 1987 other real estate expenses ~~act~~.

1988 Section 100. Section 570.72, Florida Statutes, is
 1989 repealed.

1990 Section 101. Section 570.901, Florida Statutes, is
 1991 renumbered as section 570.692, Florida Statutes.

1992 Section 102. Section 570.902, Florida Statutes, is
 1993 renumbered as section 570.69, Florida Statutes, and amended to
 1994 read:

1995 570.69 ~~570.902~~ Definitions; ss. 570.69 and 570.691 ~~570.902~~
 1996 ~~and 570.903~~.—For the purpose of this section and s. 570.691
 1997 ~~570.903~~:

1998 (1) "Designated program" means the departmental program
 1999 which a direct-support organization has been created to support.

2000 (2) "Direct-support organization" or "organization" means
 2001 an organization which is a Florida corporation not for profit
 2002 incorporated under ~~the provisions of~~ chapter 617 and approved by

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2003 the department to operate for the benefit of a museum or a
 2004 designated program.

2005 (3) "Museum" means the Florida Agricultural Museum, which
 2006 is designated as the museum for agriculture and rural history of
 2007 the State of Florida.

2008 Section 103. Section 570.903, Florida Statutes, is
 2009 renumbered as section 570.691, Florida Statutes.

2010 Section 104. Section 570.91, Florida statutes, is
 2011 renumbered as section 570.693, Florida Statutes.

2012 Section 105. Section 570.9135, Florida Statutes, is
 2013 renumbered as section 570.83, Florida Statutes, and subsection
 2014 (6) of that section is amended to read:

2015 570.83 ~~570.9135~~ Beef Market Development Act; definitions;
 2016 Florida Beef Council, Inc., creation, purposes, governing board,
 2017 powers, and duties; referendum on assessments imposed on gross
 2018 receipts from cattle sales; payments to organizations for
 2019 services; collecting and refunding assessments; vote on
 2020 continuing the act; council bylaws.—

2021 (6) REFERENDUM ON ASSESSMENTS.—All producers in this state
 2022 shall have the opportunity to vote in a referendum to determine
 2023 whether the council shall be authorized to impose an assessment
 2024 of not more than \$1 per head on cattle sold in the state. The
 2025 referendum shall pose the question: "Do you approve of an
 2026 assessment program, up to \$1 per head of cattle pursuant to
 2027 section 570.83 ~~570.9135~~, Florida Statutes, to be funded through
 2028 specific contributions that are mandatory and refundable upon

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2029 request?"

2030 (a) A referendum held under this section must be conducted
 2031 by secret ballot at extension offices of the Institute of Food
 2032 and Agricultural Sciences of the University of Florida or at
 2033 offices of the United States Department of Agriculture with the
 2034 cooperation of the department.

2035 (b) Notice of a referendum to be held under this act must
 2036 be given at least once in trade publications, the public press,
 2037 and statewide newspapers at least 30 days before the referendum
 2038 is held.

2039 (c) Additional referenda may be held to authorize the
 2040 council to increase the assessment to more than \$1 per head of
 2041 cattle. Such referendum shall pose the question: "Do you approve
 2042 of granting the Florida Beef Council, Inc., authority to
 2043 increase the per-head-of-cattle assessment pursuant to section
 2044 570.83 ~~570.9135~~, Florida Statutes, from ... (present rate)... to
 2045 up to a maximum of ... (proposed rate)... per head?" Referenda
 2046 may not be held more often than once every 3 years.

2047 (d) Each cattle producer is entitled to only one vote in a
 2048 referendum held under this section ~~act~~. Proof of identification
 2049 and cattle ownership must be presented before voting.

2050 (e) A simple majority of those casting ballots shall
 2051 determine any issue that requires a referendum under this
 2052 section ~~act~~.

2053 Section 106. Section 570.92, Florida Statutes, is
 2054 repealed.

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2055 Section 107. Section 570.951, Florida Statutes, is
 2056 renumbered as section 570.681, Florida Statutes.

2057 Section 108. Section 570.952, Florida Statutes, is
 2058 renumbered as section 570.685, Florida Statutes, and amended to
 2059 read:

2060 570.685 ~~570.952~~ Florida Agriculture Center and Horse Park
 2061 Authority.—

2062 (1) There is created within the Department of Agriculture
 2063 and Consumer Services the Florida Agriculture Center and Horse
 2064 Park Authority which shall be governed by this section and s.
 2065 570.691 ~~570.903~~.

2066 (2) The authority shall be composed of 21 members
 2067 appointed by the commissioner.

2068 (a) Initially, the commissioner shall appoint 11 members
 2069 for 4-year terms and 10 members for 2-year terms. Thereafter,
 2070 each member shall be appointed for a term of 4 years from the
 2071 date of appointment, except that a vacancy shall be filled by
 2072 appointment for the remainder of the term.

2073 (b) A ~~Any~~ member of the authority who fails to attend
 2074 three consecutive authority meetings without good cause shall be
 2075 deemed to have resigned from the authority.

2076 ~~(c) Terms for members appointed prior to July 1, 2005,~~
 2077 ~~shall expire on July 1, 2005.~~

2078 (3) The Florida Agriculture Center and Horse Park
 2079 Authority shall ~~have the power and duty to:~~

2080 (a) Appoint, with approval from the commissioner, an

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2081 executive director for the Florida Agriculture Center and Horse
2082 Park.

2083 (b) Establish rules of procedure for conducting its
2084 meetings and approving matters before the authority pursuant to
2085 ~~that are consistent with~~ s. 570.691 ~~570.903~~.

2086 (c) Develop, document, and implement strategies for the
2087 planning, construction, and operation of the Florida Agriculture
2088 Center and Horse Park.

2089 (d) Advise and consult with the commissioner on matters
2090 related to the Florida Agriculture Center and Horse Park.

2091 (e) Consider all matters submitted to the authority by the
2092 commissioner.

2093 (4) The authority shall meet at least semiannually and
2094 elect a chair ~~chairperson~~, a vice chair ~~chairperson~~, and a
2095 secretary for 1-year terms.

2096 (a) The authority shall meet at the call of its chair
2097 ~~chairperson~~, at the request of a majority of its membership, at
2098 the request of the commissioner, or at such times as may be
2099 prescribed by its rules of procedure.

2100 (b) The department shall be responsible for providing
2101 administrative and staff support services relating to the
2102 meetings of the authority and shall provide suitable space in
2103 the offices of the department for the meetings and the storage
2104 of records of the authority.

2105 (c) In conducting its meetings, the authority shall use
2106 accepted rules of procedure. The secretary shall keep a complete

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2107 record of the proceedings of each meeting, which record shall
 2108 show the names of the members present and the actions taken.
 2109 These records shall be kept on file with the department, and
 2110 such records and other documents regarding matters within the
 2111 jurisdiction of the authority shall be subject to inspection by
 2112 members of the authority.

2113 Section 109. Section 570.953, Florida Statutes, is
 2114 renumbered as section 570.686, Florida Statutes.

2115 Section 110. Section 570.954, Florida Statutes, is
 2116 renumbered as section 570.841, Florida Statutes.

2117 Section 111. Section 570.96, Florida Statutes, is
 2118 renumbered as section 570.85, Florida Statutes.

2119 Section 112. Section 570.961, Florida Statutes, is
 2120 renumbered as section 570.86, Florida Statutes, and amended to
 2121 read:

2122 570.86 ~~570.961~~ Definitions.—As used in ss. 570.85-570.89
 2123 ~~570.96-570.964~~, the term:

2124 (1) "Agritourism activity" means any agricultural related
 2125 activity consistent with a bona fide farm or ranch or in a
 2126 working forest which allows members of the general public, for
 2127 recreational, entertainment, or educational purposes, to view or
 2128 enjoy activities, including farming, ranching, historical,
 2129 cultural, or harvest-your-own activities and attractions. An
 2130 agritourism activity does not include the construction of new or
 2131 additional structures or facilities intended primarily to house,
 2132 shelter, transport, or otherwise accommodate members of the

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2133 general public. An activity is an agritourism activity
2134 regardless of whether ~~or not~~ the participant paid to participate
2135 in the activity.

2136 (2) "Agritourism operator" means a ~~any~~ person who is
2137 engaged in the business of providing one or more agritourism
2138 activities, whether for compensation or not for compensation.

2139 (3) "Farm" means the land, buildings, support facilities,
2140 machinery, and other appurtenances used in the production of
2141 farm or aquaculture products, including land used to display
2142 plants, animals, farm products, or farm equipment to the public.

2143 (4) "Farm operation" has the same meaning as ~~defined~~ in s.
2144 823.14.

2145 (5) "Inherent risks of agritourism activity" means those
2146 dangers or conditions that are an integral part of an
2147 agritourism activity including certain hazards, such as surface
2148 and subsurface conditions; natural conditions of land,
2149 vegetation, and waters; the behavior of wild or domestic
2150 animals; and the ordinary dangers of structures or equipment
2151 ordinarily used in farming and ranching operations. The term
2152 also includes the potential of a participant to act in a
2153 negligent manner that may contribute to the injury of the
2154 participant or others, including failing to follow the
2155 instructions given by the agritourism operator or failing to
2156 exercise reasonable caution while engaging in the agritourism
2157 activity.

2158 Section 113. Section 570.962, Florida Statutes, is

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2159 renumbered as section 570.87, Florida Statutes.

2160 Section 114. Section 570.963, Florida Statutes, is
 2161 renumbered as section 570.88, Florida Statutes, and subsection
 2162 (1) of that section is amended to read:

2163 570.88 ~~570.963~~ Liability.—

2164 (1) Except as provided in subsection (2), an agritourism
 2165 operator, his or her employer or employee, or the owner of the
 2166 underlying land on which the agritourism occurs is not liable
 2167 for injury or death of, or damage or loss to, a participant
 2168 resulting from the inherent risks of agritourism activities if
 2169 the notice of risk required under s. 570.89 ~~570.964~~ is posted as
 2170 required. Except as provided in subsection (2), a participant,
 2171 or a participant's representative, may not maintain an action
 2172 against or recover from an agritourism operator, his or her
 2173 employer or employee, or the owner of the underlying land on
 2174 which the agritourism occurs for the injury or death of, or
 2175 damage or loss to, an agritourism participant resulting
 2176 exclusively from any of the inherent risks of agritourism
 2177 activities.

2178 Section 115. Section 570.964, Florida Statutes, is
 2179 renumbered as section 570.89, Florida Statutes, and subsection
 2180 (3) of that section is amended to read:

2181 570.89 ~~570.964~~ Posting and notification.—

2182 (3) Failure to comply with ~~the requirements of this~~
 2183 section subsection prevents an agritourism operator, his or her
 2184 employer or employee, or the owner of the underlying land on

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2185 which the agritourism occurs from invoking the privileges of
 2186 immunity provided by this section.

2187 Section 116. Section 570.971, Florida Statutes, is created
 2188 to read:

2189 570.971 Penalties; administrative and civil.—

2190 (1) The department or enforcing authority may impose the
 2191 following fine amount for the class category specified in the
 2192 chapter or section of law violated:

2193 (a) Class I.—For each violation in the Class I category, a
 2194 fine not to exceed \$1,000 may be imposed.

2195 (b) Class II.—For each violation in the Class II category,
 2196 a fine not to exceed \$5,000 may be imposed.

2197 (c) Class III.—For each violation in the Class III
 2198 category, a fine not to exceed \$10,000 may be imposed.

2199 (d) Class IV.—For each violation in the Class IV category,
 2200 a fine of \$10,000 or more may be imposed.

2201 (2) (a) This section does not supersede a chapter or
 2202 section of law or rule that limits the total fine amount that
 2203 may be imposed for a violation.

2204 (b) The class categories under this section also apply to
 2205 penalties provided by rule.

2206 (c) The penalties under this section are in addition to
 2207 any other remedy provided by law.

2208 (3) A person who violates this chapter or any rule adopted
 2209 under this chapter is subject to an administrative or civil fine
 2210 in the Class II category in addition to any other penalty

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2211 provided by law.

2212 (4) The department may refuse to issue or renew any
 2213 license, permit, authorization, certificate, or registration to
 2214 a person who has not satisfied a penalty imposed by the
 2215 department.

2216 (5) The department may adopt rules to implement this
 2217 section or any section that references this section.

2218 Section 117. Subsection (1) of section 571.11, Florida
 2219 Statutes, is amended to read:

2220 571.11 Eggs and poultry; seal of quality violations;
 2221 administrative penalties.—

2222 (1) The Department of Agriculture and Consumer Services
 2223 may impose an administrative a fine in the Class II category
 2224 pursuant to s. 570.971 not exceeding \$5,000 against any dealer,
 2225 as defined in ~~under~~ s. 583.01(4), in violation of the guidelines
 2226 for the Florida seal of quality for eggs or poultry programs.
 2227 All fines, when imposed and paid, shall be deposited by the
 2228 department into the General Inspection Trust Fund.

2229 Section 118. Subsection (2) of section 571.28, Florida
 2230 Statutes, is amended to read:

2231 571.28 Florida Agricultural Promotional Campaign Advisory
 2232 Council.—

2233 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
 2234 meetings, powers and duties, procedures, and recordkeeping of
 2235 the Florida Agricultural Promotional Campaign Advisory Council
 2236 shall be pursuant to ~~governed by the provisions of~~ s. 570.232

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2237 ~~570.0705 relating to advisory committees established within the~~
 2238 ~~department.~~

2239 Section 119. Paragraph (b) of subsection (3) of section
 2240 571.29, Florida Statutes, is amended to read:

2241 571.29 Unlawful acts; administrative remedies; criminal
 2242 penalties.—

2243 (3) The department may enter an order imposing one or more
 2244 of the following penalties against any person who violates any
 2245 of the provisions of this part or any rules adopted under this
 2246 part:

2247 (b) Imposition of an administrative fine in the Class I
 2248 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 2249 ~~per~~ violation for a first-time ~~first-time~~ offender. For a
 2250 second-time ~~second-time~~ offender, or a ~~any~~ person who is shown
 2251 to have willfully and intentionally violated ~~any provision of~~
 2252 this part or any rules adopted under this part, the
 2253 administrative fine shall be in the Class II category pursuant
 2254 to s. 570.971 for each ~~may not exceed \$5,000 per~~ violation. The
 2255 term "each ~~per~~ violation" means each incident in which a logo of
 2256 the Florida Agricultural Promotional Campaign has been used,
 2257 reproduced, or distributed in any manner inconsistent with ~~the~~
 2258 ~~provisions of~~ this part or the rules adopted under this part.

2259
 2260 The administrative proceedings that could result in the entry of
 2261 an order imposing any of the penalties specified in paragraphs
 2262 (a)-(c) shall be conducted pursuant to ~~in accordance with~~

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2263 chapter 120.

2264 Section 120. Subsection (1) and paragraph (a) of
 2265 subsection (2) of section 576.021, Florida Statutes, are amended
 2266 to read:

2267 576.021 Registration and licensing.—

2268 (1) A company the ~~person whose~~ name and address of which
 2269 appears upon a label and that ~~who~~ guarantees a fertilizer may
 2270 not distribute that fertilizer to a nonlicensee until a license
 2271 to distribute has been obtained by the company ~~that person~~ from
 2272 the department upon payment of a \$100 fee. All licenses shall
 2273 expire on June 30 each year. An application for license shall
 2274 include the following information:

2275 (a) The name and address of the applicant.

2276 (b) The name and address of the distribution point. The
 2277 name and address shown on the license shall be shown on all
 2278 labels, pertinent invoices, and storage facilities for
 2279 fertilizer distributed by the licensee in this state.

2280 (2) (a) A company the name and address of which appears
 2281 upon a label and that guarantees a fertilizer ~~person~~ may not
 2282 distribute a specialty fertilizer in this state until it is
 2283 registered with the department ~~by the licensee whose name~~
 2284 ~~appears on the label~~. An application for registration of each
 2285 brand and grade of specialty fertilizer shall be filed with the
 2286 department by using a form prescribed by the department or by
 2287 using the department's website ~~made on a form furnished by the~~
 2288 ~~department~~ and shall be accompanied by an annual fee of \$100 for

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2289 each specialty fertilizer that is registered. All specialty
 2290 fertilizer registrations expire June 30 each year. All licensing
 2291 and registration fees paid to the department under this section
 2292 shall be deposited into the State Treasury to be placed in the
 2293 General Inspection Trust Fund to be used for the sole purpose of
 2294 funding the fertilizer inspection program.

2295 Section 121. Subsection (2) of section 576.031, Florida
 2296 Statutes, is amended to read:

2297 576.031 Labeling.—

2298 (2) If distributed in bulk, two ~~five~~ labels containing the
 2299 information required in paragraphs (1)(a)-(f) shall accompany
 2300 delivery and be supplied to the purchaser at time of delivery
 2301 with the delivery ticket, which shall show the certified net
 2302 weight.

2303 Section 122. Subsections (3), (4), (6), and (7) of section
 2304 576.041, Florida Statutes, are amended to read:

2305 576.041 Inspection fees; records; ~~bond~~.—

2306 (3) In addition to any other penalty provided by this
 2307 chapter, a ~~any~~ licensee who fails to timely pay the inspection
 2308 ~~tonnage~~ fee shall be assessed a penalty of 1.5 percent for each
 2309 month or part of a month that the fee or portion of the fee is
 2310 not paid.

2311 (4) If the report is not filed and the inspection fee is
 2312 not paid on the date due, or if the report of tonnage is false,
 2313 the amount of the inspection fee due is subject to a penalty of
 2314 10 percent or \$25, whichever is greater. ~~The penalty shall be~~

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2315 ~~added to the inspection fee due and constitutes a debt and~~
 2316 ~~becomes a claim and lien against the surety bond or certificate~~
 2317 ~~of deposit required by this chapter.~~

2318 ~~(6) In order to guarantee faithful performance of the~~
 2319 ~~provisions of subsection (2), the applicant for license shall~~
 2320 ~~post with the department a surety bond, or assign a certificate~~
 2321 ~~of deposit, in an amount required by rule of the department to~~
 2322 ~~cover fees for any reporting period. The amount shall not be~~
 2323 ~~less than \$1,000. The surety bond shall be executed by a~~
 2324 ~~corporate surety company authorized to do business in this~~
 2325 ~~state. The certificate of deposit shall be issued by any~~
 2326 ~~recognized financial institution doing business in the United~~
 2327 ~~States. The department shall establish, by rule, whether an~~
 2328 ~~annual or continuous surety bond or certificate of deposit will~~
 2329 ~~be required and shall approve each surety bond or certificate of~~
 2330 ~~deposit before acceptance. The department shall examine and~~
 2331 ~~approve as to sufficiency all such bonds and certificates of~~
 2332 ~~deposit before acceptance. When the licensee ceases operation,~~
 2333 ~~said bond or certificate of deposit shall be returned, provided~~
 2334 ~~there are no outstanding fees due and payable.~~

2335 (6)~~(7)~~ In order to obtain information that will facilitate
 2336 the collection of inspection fees and serve other useful
 2337 purposes relating to fertilizer, the department may, by rule,
 2338 require licensees, manufacturers, registrants, and dealers to
 2339 report movements of fertilizer.

2340 Section 123. Subsection (3) of section 576.051, Florida

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2341 Statutes, is amended to read:

2342 576.051 Inspection, sampling, analysis.—

2343 (3) The official analysis shall be made from the official
 2344 sample. The department, before making the official analysis,
 2345 shall take a sufficient portion from the official sample for
 2346 check analysis and place that portion in a bottle sealed and
 2347 identified by number, date, and the preparer's initials. The
 2348 official check sample shall be kept until the analysis of the
 2349 official sample is completed. However, the licensee may obtain
 2350 upon request a portion of the official check sample. Upon
 2351 completion of the analysis of the official sample, a true copy
 2352 of the fertilizer analysis report shall be mailed to the
 2353 licensee of the fertilizer from whom the official sample was
 2354 taken and to the dealer or agent, if any, and purchaser, if
 2355 known. This fertilizer analysis report shall show all
 2356 determinations of plant nutrient and pesticides. If the official
 2357 analysis conforms with ~~the provisions of~~ this section law, the
 2358 official check sample may be destroyed. If the official analysis
 2359 does not conform with ~~the provisions of~~ this section law, the
 2360 official check sample shall be retained for 60 ~~a period of 90~~
 2361 days from the date of the fertilizer analysis report of the
 2362 official sample. If, within that time, the licensee of the
 2363 fertilizer from whom the official sample was taken, upon receipt
 2364 of the fertilizer analysis report, makes written demand for
 2365 analysis of the official check sample by a referee chemist, a
 2366 portion of the official check sample sufficient for analysis

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2367 shall be sent to a referee chemist who is mutually acceptable to
2368 the department and the licensee for analysis at the expense of
2369 the licensee. The referee chemist, upon completion of the
2370 analysis, shall forward to the department and to the licensee a
2371 fertilizer analysis report bearing a proper identification mark
2372 or number, + and the fertilizer analysis report shall be verified
2373 by an affidavit of the person making the analysis. If the
2374 results reported on the fertilizer analysis report agree within
2375 the matching criteria defined in department rule with the
2376 department's analysis on each element for which analysis was
2377 made, the mean average of the two analyses shall be accepted as
2378 final and binding on all concerned. However, if the referee's
2379 fertilizer analysis report results do not agree within the
2380 matching criteria defined in department rule with the
2381 department's analysis in any one or more elements for which an
2382 analysis was made, upon demand of either the department or the
2383 licensee from whom the official sample was taken, a portion of
2384 the official check sample sufficient for analysis shall be
2385 submitted to a second referee chemist who is mutually acceptable
2386 to the department and to the licensee from whom the official
2387 sample was taken, at the expense of the party or parties
2388 requesting the referee analysis. If no demand is made for an
2389 analysis by a second referee chemist, the department's
2390 fertilizer analysis report shall be accepted as final and
2391 binding on all concerned. The second referee chemist, upon
2392 completion of the analysis, shall make a fertilizer analysis

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2393 report as provided in this subsection for the first referee
 2394 chemist. The mean average of the two analyses nearest in
 2395 conformity to each other shall be accepted as final and binding
 2396 on all concerned.

2397 Section 124. Subsections (4) and (5) of section 576.061,
 2398 Florida Statutes, are amended to read:

2399 576.061 Plant nutrient investigational allowances,
 2400 deficiencies, and penalties.—

2401 ~~(4) When it is determined by the department that a~~
 2402 ~~fertilizer has been distributed without being licensed or~~
 2403 ~~registered, or without labeling, the department shall require~~
 2404 ~~the licensee to pay a penalty in the amount of \$100. The~~
 2405 ~~proceeds from any penalty payments shall be deposited by the~~
 2406 ~~department in the General Inspection Trust Fund to be used for~~
 2407 ~~the sole purpose of funding the fertilizer inspection program.~~

2408 (4)(5) The department may enter an order imposing one or
 2409 more of the following penalties against a ~~any~~ person who
 2410 violates ~~any of the provisions of this chapter or the rules~~
 2411 ~~adopted under this chapter hereunder~~ or who impedes, obstructs,
 2412 or hinders ~~shall impede, obstruct, hinder, or otherwise prevent~~
 2413 ~~or attempt to prevent~~ the department in performing the
 2414 ~~performance of its duties under duty in connection with the~~
 2415 ~~provisions of this chapter:~~

2416 (a) Issuance of a warning letter.

2417 (b) Imposition of an administrative fine in the Class I
 2418 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~

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2419 ~~per~~ occurrence after the issuance of a warning letter.

2420 (c) Cancellation, revocation, or suspension of any license
2421 issued by the department.

2422 Section 125. Section 576.071, Florida Statutes, is amended
2423 to read:

2424 576.071 Commercial value.—The commercial value used in
2425 assessing penalties for any deficiency shall be determined by
2426 surveying the fertilizer industry in the state using annualized
2427 plant nutrient values contained in one or more generally
2428 recognized journals.

2429 Section 126. Subsections (3) and (4) of section 576.087,
2430 Florida Statutes, are amended to read:

2431 576.087 Antisiphon requirements for irrigation systems.—

2432 ~~(3) The department shall establish specific requirements
2433 for antisiphon devices.~~

2434 ~~(4) Any governmental agency which requires antisiphon
2435 devices on irrigation systems used for the application of
2436 fertilizer shall use the specific antisiphon device requirements
2437 adopted by the department.~~

2438 Section 127. Section 576.101, Florida Statutes, is amended
2439 to read:

2440 576.101 Cancellation, revocation, and suspension ~~+~~
2441 ~~probationary status.~~—

2442 ~~(1)~~ The department may deny, suspend, or revoke any
2443 license issued by the department for any violation of ~~the~~
2444 ~~provisions of this chapter,~~ the rules adopted under this chapter

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2445 ~~thereunder~~, or any lawful order of the department.

2446 ~~(2) The department may place any licensee on a~~
 2447 ~~probationary status when the deficiency levels of samples taken~~
 2448 ~~from that licensee do not meet minimum performance levels~~
 2449 ~~established by statute within the investigational allowances~~
 2450 ~~provided in s. 576.061.~~

2451 Section 128. Subsection (1) of section 578.08, Florida
 2452 Statutes, is amended to read:

2453 578.08 Registrations.—

2454 (1) Every person, except as provided in subsection (4) and
 2455 s. 578.14, before selling, distributing for sale, offering for
 2456 sale, exposing for sale, handling for sale, or soliciting orders
 2457 for the purchase of any agricultural, vegetable, flower, or
 2458 forest tree seed or mixture thereof, shall first register with
 2459 the department as a seed dealer. ~~The application for~~
 2460 ~~registration shall include the name and location of each place~~
 2461 ~~of business at which the seed is sold, distributed for sale,~~
 2462 ~~offered for sale, exposed for sale, or handled for sale.~~ The
 2463 application for registration shall be filed with the department
 2464 by using a form prescribed by the department or by using the
 2465 department's website and shall be accompanied by an annual
 2466 registration fee for each such place of business based on the
 2467 gross receipts from the sale of such seed for the last preceding
 2468 license year as follows:

2469 (a) 1. Receipts of less than \$500, a fee of \$10.

2470 2. Receipts of \$500 or more but less than \$1,000, a fee of

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2471 \$25.
 2472 3.1. Receipts of \$1,000 or more but less than \$2,500
 2473 ~~\$2,500.01~~, a fee
 2474 of \$100.
 2475 4.2. Receipts of ~~more than~~ \$2,500 or more but and less
 2476 than \$5,000 ~~\$5,000.01~~, a fee of \$200.
 2477 5.3. Receipts of ~~more than~~ \$5,000 or more but and less
 2478 than \$10,000 ~~\$10,000.01~~, a fee of \$350.
 2479 6.4. Receipts of ~~more than~~ \$10,000 or more but and less
 2480 than \$20,000 ~~\$20,000.01~~, a fee of \$800.
 2481 7.5. Receipts of ~~more than~~ \$20,000 or more but and less
 2482 than \$40,000 ~~\$40,000.01~~, a fee of \$1,000.
 2483 8.6. Receipts of ~~more than~~ \$40,000 or more but and less
 2484 than \$70,000 ~~\$70,000.01~~, a fee of \$1,200.
 2485 9.7. Receipts of ~~more than~~ \$70,000 or more but and less
 2486 than \$150,000 ~~\$150,000.01~~, a fee of \$1,600.
 2487 10.8. Receipts of ~~more than~~ \$150,000 or more but and less
 2488 than \$400,000 ~~\$400,000.01~~, a fee of \$2,400.
 2489 11.9. Receipts of ~~more than~~ \$400,000 or more, a fee
 2490 of \$4,600.

2491 (b) For places of business not previously in operation,
 2492 the fee shall be based on anticipated receipts for the first
 2493 license year.

2494 Section 129. Subsection (1) of section 578.181, Florida
 2495 Statutes, is amended to read:

2496 578.181 Penalties; administrative fine.—

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2497 (1) The department may enter an order imposing one or more
 2498 of the following penalties against a ~~any~~ person who violates ~~any~~
 2499 ~~of the provisions of~~ this chapter or the rules adopted under
 2500 this chapter promulgated hereunder or who impedes, obstructs, or
 2501 ~~hinders, or otherwise prevents or attempts to prevent~~ the
 2502 department in performing ~~the performance of~~ its duties under
 2503 ~~duty in connection with the provisions of~~ this chapter:

2504 (a) Issuance of a warning letter.

2505 (b) Imposition of an administrative fine in the Class I
 2506 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 2507 ~~per~~ occurrence after the issuance of a warning letter.

2508 (c) Revocation or suspension of the registration as a seed
 2509 dealer.

2510 Section 130. Paragraph (g) of subsection (2) of section
 2511 580.036, Florida Statutes, is amended to read:

2512 580.036 Powers and duties.—

2513 (2) The department is authorized to adopt rules pursuant
 2514 to ss. 120.536(1) and 120.54 to enforce the provisions of this
 2515 chapter. These rules shall be consistent with the rules and
 2516 standards of the United States Food and Drug Administration and
 2517 the United States Department of Agriculture, when applicable,
 2518 and shall include:

2519 (g) Establishing standards for the sale, use, and
 2520 distribution of commercial feed or feedstuff to ensure usage
 2521 that is consistent with animal safety and well-being and, to the
 2522 extent that meat, poultry, and other animal products for human

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2523 consumption may be affected by commercial feed or feedstuff, to
 2524 ensure that these products are safe for human consumption. Such
 2525 standards, if adopted, must be developed in consultation with
 2526 the Agricultural Feed, Seed, and Fertilizer Advisory Council
 2527 created under s. 570.451.

2528 Section 131. Paragraphs (a), (b), and (d) of subsection
 2529 (1) of section 580.041, Florida Statutes, are amended to read:

2530 580.041 Master registration; fee; refusal or cancellation
 2531 of registration; reporting.-

2532 (1) (a) Each distributor of commercial feed must annually
 2533 obtain a master registration before her or his brands are
 2534 distributed in this state. Upon initial registration, The
 2535 ~~department shall furnish the registration forms requiring the~~
 2536 ~~distributor to state that the distributor shall agree to will~~
 2537 ~~comply with all provisions of this chapter and applicable rules.~~
 2538 ~~The registration form shall identify the manufacturer's or~~
 2539 ~~guarantor's name and place of business and the location of each~~
 2540 ~~manufacturing facility in the state and shall be signed by the~~
 2541 ~~owner; by a partner, if a partnership; or by an authorized~~
 2542 ~~officer or agent, if a corporation.~~ All registrations expire on
 2543 June 30 of each year.

2544 (b) The application for registration form shall be filed
 2545 with the department by using a form prescribed by the department
 2546 or by using the department's website and shall be accompanied by
 2547 a fee ~~that shall be based on tons of feed distributed in this~~
 2548 state during the previous year. If a distributor has been in

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2549 business less than 1 year, the tonnage shall be estimated by the
 2550 distributor for the first year and based on actual tonnage
 2551 thereafter. These fees shall be as follows:

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

2564 (d) The department shall provide ~~mail~~ a copy of the master
 2565 registration to the registrant to signify that administrative
 2566 requirements have been met.

2567 Section 132. Paragraphs (d) and (e) of subsection (1) of
 2568 section 580.071, Florida Statutes, are amended, and paragraphs
 2569 (f), (g), and (h) are added to that subsection, to read:

2570 580.071 Adulteration.—No person shall distribute an
 2571 adulterated commercial feed or feedstuff. A commercial feed or
 2572 feedstuff shall be deemed to be adulterated:

2573 (1)

2574 (d) If it is a raw agricultural commodity and it bears or

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2575 contains a pesticide chemical that is unsafe within the meaning
 2576 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act;
 2577 however, where a pesticide chemical has been used in or on a raw
 2578 agricultural commodity in conformity with an exemption granted
 2579 or a tolerance prescribed under s. 408 of the Federal Food,
 2580 Drug, and Cosmetic Act and that raw agricultural commodity has
 2581 been subjected to processing such as canning, cooking, freezing,
 2582 dehydrating, or milling, the processed feed will result, or is
 2583 likely to result, in pesticide residue in the edible product of
 2584 the animal which is unsafe within the meaning of s. 408(a) of
 2585 the Federal Food, Drug, and Cosmetic Act; ~~or~~

2586 (e) If it is, or it bears or contains, any new animal drug
 2587 that is unsafe within the meaning of s. 512 of the Federal Food,
 2588 Drug, and Cosmetic Act;

2589 (f) If it consists, in whole or in part, of any filthy,
 2590 putrid, or decomposed substance or is otherwise unfit for feed;

2591 (g) If it is prepared, packaged, or held under unsanitary
 2592 conditions in which it may have become contaminated with filth
 2593 or rendered injurious to health; or

2594 (h) If it is, in whole or in part, the product of a
 2595 diseased animal or of an animal that has died by a means other
 2596 than slaughter which is unsafe within the meaning of s.
 2597 402(a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act.

2598 Section 133. Paragraph (b) of subsection (1) of section
 2599 580.121, Florida Statutes, is amended to read:

2600 580.121 Penalties; duties of law enforcement officers;

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2601 injunctive relief.-

2602 (1) The department may impose one or more of the following
 2603 penalties against any person who violates any provision of this
 2604 chapter:

2605 (b) Imposition of an administrative fine in the Class I
 2606 category pursuant to s. 570.971 for each, ~~by the department, of~~
 2607 ~~not more than \$1,000 per~~ occurrence.

2608
 2609 However, the severity of the penalty imposed shall be
 2610 commensurate with the degree of risk to human or animal safety
 2611 or the level of financial harm to the consumer that is created
 2612 by the violation.

2613 Section 134. Subsection (5) of section 581.091, Florida
 2614 Statutes, is amended to read:

2615 581.091 Noxious weeds and infected plants or regulated
 2616 articles; sale or distribution; receipt; information to
 2617 department; withholding information.-

2618 (5) (a) Notwithstanding any other ~~provision of state law or~~
 2619 ~~rule,~~ a person may obtain a special permit from the department
 2620 to plant Casuarina cunninghamiana as a windbreak for a
 2621 commercial citrus grove if ~~provided~~ the plants are produced in
 2622 an authorized registered nursery and certified by the department
 2623 as being vegetatively propagated from male plants. ~~A "commercial~~
 2624 ~~citrus grove" means a contiguous planting of 100 or more citrus~~
 2625 ~~trees where citrus fruit is produced for sale.~~

2626 ~~(b) For a 5-year period, special permits authorizing a~~

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2627 ~~person to plant Casuarina cunninghamiana shall be issued only as~~
2628 ~~part of a pilot program for fresh fruit groves in areas of~~
2629 ~~Indian River, St. Lucie, and Martin Counties where citrus canker~~
2630 ~~is determined by the department to be widespread. The pilot~~
2631 ~~program shall be reevaluated annually, and a comprehensive~~
2632 ~~review shall be conducted in 2013. The purpose of the annual and~~
2633 ~~5-year reviews is to determine if the use of Casuarina~~
2634 ~~cunninghamiana as an agricultural pest and disease windbreak~~
2635 ~~poses any adverse environmental consequences. At the end of the~~
2636 ~~5-year pilot program, if the Noxious Weed and Invasive Plant~~
2637 ~~Review Committee, created by the department, and the Department~~
2638 ~~of Environmental Protection, in consultation with a~~
2639 ~~representative of the citrus industry who has a Casuarina~~
2640 ~~cunninghamiana windbreak, determine that the potential is low~~
2641 ~~for adverse environmental impacts from planting Casuarina~~
2642 ~~cunninghamiana as windbreaks, the department may, by rule, allow~~
2643 ~~the use of Casuarina cunninghamiana windbreaks for commercial~~
2644 ~~citrus groves in other areas of the state. If it is determined~~
2645 ~~at the end of the 5-year pilot program that additional time is~~
2646 ~~needed to further evaluate Casuarina cunninghamiana, the~~
2647 ~~department will remain the lead agency.~~

2648 (b)(e) Each application for a special permit shall be
2649 accompanied by a fee in an amount determined by the department,
2650 by rule, not to exceed \$500. A special permit shall be required
2651 for each noncontiguous commercial citrus grove and shall be
2652 renewed every 5 years. The property owner is responsible for

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2653 maintaining and producing for inspection the original nursery
 2654 invoice with certification documentation. If ownership of the
 2655 property is transferred, the seller must notify the department
 2656 and provide the buyer with a copy of the special permit and
 2657 copies of all invoices and certification documentation before
 2658 ~~prior to~~ the closing of the sale.

2659 (c) ~~(d)~~ Each application shall include a baseline survey of
 2660 all lands within 500 feet of the proposed Casuarina
 2661 cunninghamiana windbreak showing the location and identification
 2662 to species of all existing Casuarina spp.

2663 (d) ~~(e)~~ Nurseries authorized to produce Casuarina
 2664 cunninghamiana must obtain a special permit from the department
 2665 certifying that the plants have been vegetatively propagated
 2666 from sexually mature male source trees currently grown in the
 2667 state. The importation of Casuarina cunninghamiana from any area
 2668 outside the state to be used as a propagation source tree is
 2669 prohibited. Each male source tree must be registered by the
 2670 department as being a horticulturally true-to-type male plant
 2671 and be labeled with a source tree registration number. Each
 2672 nursery application for a special permit shall be accompanied by
 2673 a fee in an amount determined by the department, by rule, not to
 2674 exceed \$200. Special permits shall be renewed annually. The
 2675 department shall, by rule, set the amount of an annual fee, not
 2676 to exceed \$50, for each Casuarina cunninghamiana registered as a
 2677 source tree. ~~Nurseries may only sell Casuarina cunninghamiana to~~
 2678 ~~a person with a special permit as specified in paragraphs (a)~~

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2679 ~~and (b)~~. The source tree registration numbers of the parent
 2680 plants must be documented on each invoice or other certification
 2681 documentation provided to the buyer.

2682 (e)~~(f)~~ All *Casuarina cunninghamiana* must be destroyed by
 2683 the property owner within 6 months after:

2684 1. The property owner takes permanent action to no longer
 2685 use the site for commercial citrus production;

2686 2. The site has not been used for commercial citrus
 2687 production for a period of 5 years; or

2688 3. The department determines that the *Casuarina*
 2689 *cunninghamiana* on the site has become invasive. This
 2690 determination shall be based on, but not limited to, the
 2691 recommendation of the Noxious Weed and Invasive Plant Review
 2692 Committee and the Department of Environmental Protection and in
 2693 consultation with a representative of the citrus industry who
 2694 has a *Casuarina cunninghamiana* windbreak.

2695
 2696 If the owner or person in charge refuses or neglects to comply,
 2697 the director or her or his authorized representative may, under
 2698 authority of the department, proceed to destroy the plants. The
 2699 expense of the destruction shall be assessed, collected, and
 2700 enforced against the owner by the department. If the owner does
 2701 not pay the assessed cost, the department may record a lien
 2702 against the property.

2703 (f)~~(g)~~ The use of *Casuarina cunninghamiana* for windbreaks
 2704 does ~~shall~~ not preclude the department from issuing permits for

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2705 the research or release of biological control agents to control
 2706 Casuarina spp. pursuant to ~~in accordance with~~ s. 581.083.

2707 (g) ~~(h)~~ The use of Casuarina cunninghamiana for windbreaks
 2708 may ~~shall~~ not restrict or interfere with any other agency or
 2709 local government effort to manage or control noxious weeds or
 2710 invasive plants, including Casuarina cunninghamiana. An, ~~nor~~
 2711 ~~shall any other~~ agency or local government may not remove any
 2712 Casuarina cunninghamiana planted as a windbreak under special
 2713 permit issued by the department.

2714 ~~(i) The department shall develop and implement a~~
 2715 ~~monitoring protocol to determine invasiveness of Casuarina~~
 2716 ~~cunninghamiana. The monitoring protocol shall, at a minimum,~~
 2717 ~~require:~~

2718 ~~1. Inspection of the planting site by department~~
 2719 ~~inspectors within 30 days following initial planting or any~~
 2720 ~~subsequent planting of Casuarina cunninghamiana to ensure the~~
 2721 ~~criteria of the special permit have been met.~~

2722 ~~2. Annual site inspections of planting sites and all lands~~
 2723 ~~within 500 feet of the planted windbreak by department~~
 2724 ~~inspectors who have been trained to identify Casuarina spp. and~~
 2725 ~~to make determinations of whether Casuarina cunninghamiana has~~
 2726 ~~spread beyond the permitted windbreak location.~~

2727 ~~3. Any new seedlings found within 500 feet of the planted~~
 2728 ~~windbreak to be removed, identified to the species level, and~~
 2729 ~~evaluated to determine if hybridization has occurred.~~

2730 ~~4. The department to submit an annual report and a final~~

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2731 ~~5-year evaluation identifying any adverse effects resulting from~~
2732 ~~the planting of Casuarina cunninghamiana for windbreaks and~~
2733 ~~documenting all inspections and the results of those inspections~~
2734 ~~to the Noxious Weed and Invasive Plant Review Committee, the~~
2735 ~~Department of Environmental Protection, and a designated~~
2736 ~~representative of the citrus industry who has a Casuarina~~
2737 ~~cunninghamiana windbreak.~~

2738 ~~(j) If the department determines that female flowers or~~
2739 ~~cones have been produced on any Casuarina cunninghamiana that~~
2740 ~~have been planted under a special permit issued by the~~
2741 ~~department, the property owner shall be responsible for~~
2742 ~~destroying the trees. The department shall notify the property~~
2743 ~~owner of the timeframe and method of destruction.~~

2744 ~~(k) If at any time the department determines that~~
2745 ~~hybridization has occurred during the pilot program between~~
2746 ~~Casuarina cunninghamiana planted as a windbreak and other~~
2747 ~~Casuarina spp., the department shall expeditiously initiate~~
2748 ~~research to determine the invasiveness of the hybrid. The~~
2749 ~~information obtained from this research shall be evaluated by~~
2750 ~~the Noxious Weed and Invasive Plant Review Committee, the~~
2751 ~~Department of Environmental Protection, and a designated~~
2752 ~~representative of the citrus industry who has a Casuarina~~
2753 ~~cunninghamiana windbreak. If the department determines that the~~
2754 ~~hybrids have a high potential to become invasive, based on, but~~
2755 ~~not limited to, the recommendation of the Noxious Weed and~~
2756 ~~Invasive Plant Review Committee, the Department of Environmental~~

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2757 ~~Protection, and a designated representative of the citrus~~
2758 ~~industry who has a Casuarina cunninghamiana windbreak, this~~
2759 ~~pilot program shall be permanently suspended.~~

2760 ~~(1) Each application for a special permit must be~~
2761 ~~accompanied by a fee as described in paragraph (c) and an~~
2762 ~~agreement that the property owner will abide by all permit~~
2763 ~~conditions including the removal of Casuarina cunninghamiana if~~
2764 ~~invasive populations or other adverse environmental factors are~~
2765 ~~determined to be present by the department as a result of the~~
2766 ~~use of Casuarina cunninghamiana as windbreaks. The application~~
2767 ~~must include, on a form provided by the department, the name of~~
2768 ~~the applicant and the applicant's address or the address of the~~
2769 ~~applicant's principal place of business; a statement of the~~
2770 ~~estimated cost of removing and destroying the Casuarina~~
2771 ~~cunninghamiana that is the subject of the special permit; and~~
2772 ~~the basis for calculating or determining that estimate. If the~~
2773 ~~applicant is a corporation, partnership, or other business~~
2774 ~~entity, the applicant must also provide in the application the~~
2775 ~~name and address of each officer, partner, or managing agent.~~
2776 ~~The applicant shall notify the department within 30 business~~
2777 ~~days of any change of address or change in the principal place~~
2778 ~~of business. The department shall mail all notices to the~~
2779 ~~applicant's last known address.~~

2780 ~~1. Upon obtaining a permit, the permitholder must annually~~
2781 ~~maintain the Casuarina cunninghamiana authorized by a special~~
2782 ~~permit as required in the permit. If the permitholder ceases to~~

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2783 maintain the Casuarina cunninghamiana as required by the special
2784 permit, if the permit expires, or if the permitholder ceases to
2785 abide by the conditions of the special permit, the permitholder
2786 must ~~shall~~ remove and destroy the Casuarina cunninghamiana in a
2787 timely manner as specified in the permit.

2788 2. If the department:

2789 a. Determines that the permitholder is no longer
2790 maintaining the Casuarina cunninghamiana subject to the special
2791 permit and has not removed and destroyed the Casuarina
2792 cunninghamiana authorized by the special permit;

2793 b. Determines that the continued use of Casuarina
2794 cunninghamiana as windbreaks presents an imminent danger to
2795 public health, safety, or welfare; or

2796 c. Determines that the permitholder has exceeded the
2797 conditions of the authorized special permit,⁺

2798

2799 the department may issue an immediate final order, which shall
2800 be immediately appealable or enjoicable pursuant to ~~as provided~~
2801 ~~by~~ chapter 120, directing the permitholder to immediately remove
2802 and destroy the Casuarina cunninghamiana authorized to be
2803 planted under the special permit. A copy of the immediate final
2804 order shall be mailed to the permitholder.

2805 3. If, upon issuance by the department of an immediate
2806 final order to the permitholder, the permitholder fails to
2807 remove and destroy the Casuarina cunninghamiana subject to the
2808 special permit within 60 days after issuance of the order, or

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2809 such shorter period as is designated in the order as public
2810 health, safety, or welfare requires, the department may remove
2811 and destroy the *Casuarina cunninghamiana* that are the subject of
2812 the special permit. If the permitholder makes a written request
2813 to the department for an extension of time to remove and destroy
2814 the *Casuarina cunninghamiana* that demonstrates specific facts
2815 showing why the *Casuarina cunninghamiana* could not reasonably be
2816 removed and destroyed in the applicable timeframe, the
2817 department may extend the time for removing and destroying
2818 *Casuarina cunninghamiana* subject to a special permit. The
2819 reasonable costs and expenses incurred by the department for
2820 removing and destroying *Casuarina cunninghamiana* subject to a
2821 special permit shall be paid out of the Citrus Inspection Trust
2822 Fund and shall be reimbursed by the party to which the immediate
2823 final order is issued. If the party to which the immediate final
2824 order has been issued fails to reimburse the state within 60
2825 days, the department may record a lien on the property. The lien
2826 shall be enforced by the department.

2827 4. In order to carry out the purposes of this paragraph,
2828 the department or its agents may require a permitholder to
2829 provide verified statements of the planted acreage subject to
2830 the special permit and may review the permitholder's business or
2831 planting records at her or his place of business during normal
2832 business hours in order to determine the acreage planted. The
2833 failure of a permitholder to furnish such statement or to make
2834 such records available is cause for suspension of the special

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2835 permit. If the department finds such failure to be willful, the
 2836 special permit may be revoked.

2837 Section 135. Subsection (8) of section 581.131, Florida
 2838 Statutes, is amended to read:

2839 581.131 Certificate of registration.—

2840 (8) The department shall provide to each person subject to
 2841 this section written notice and renewal forms 30 ~~60~~ days before
 2842 ~~prior to~~ the annual renewal date informing the person of the
 2843 certificate of registration renewal date and the applicable fee.

2844 Section 136. Paragraph (a) of subsection (2) of section
 2845 581.141, Florida Statutes, is amended to read:

2846 581.141 Certificate of registration or of inspection;
 2847 revocation and suspension; fines.—

2848 (2) FINES; PROBATION.—

2849 (a)1. The department may, after notice and hearing, impose
 2850 an administrative a fine in the Class II category pursuant to s.
 2851 570.971 ~~not exceeding \$5,000~~ or probation not exceeding 12
 2852 months, or both, for a ~~the~~ violation of ~~any of the provisions of~~
 2853 this chapter or the rules adopted under this chapter upon a ~~any~~
 2854 person, nurseryman, stock dealer, agent, or plant broker. The
 2855 fine, when paid, shall be deposited in the Plant Industry Trust
 2856 Fund.

2857 2. The imposition of a fine or probation pursuant to this
 2858 subsection may be in addition to or in lieu of the suspension or
 2859 revocation of a certificate of registration or certificate of
 2860 inspection.

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2861 Section 137. Subsection (2) of section 581.186, Florida
 2862 Statutes, is amended to read:

2863 581.186 Endangered Plant Advisory Council; organization;
 2864 meetings; powers and duties.—

2865 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 2866 meetings, powers and duties, procedures, and recordkeeping of
 2867 the Endangered Plant Advisory Council shall be pursuant to
 2868 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
 2869 ~~advisory committees established within the department.~~

2870 Section 138. Paragraph (a) of subsection (3) of section
 2871 581.211, Florida Statutes, is amended to read:

2872 581.211 Penalties for violations.—

2873 (3) (a) 1. In addition to any other provision of law, the
 2874 department may, after notice and hearing, impose an
 2875 administrative fine pursuant to s. 570.971 in the Class II
 2876 category ~~not exceeding \$5,000~~ for each violation of this
 2877 chapter, upon a ~~any~~ person, nurseryman, stock dealer, agent, or
 2878 plant broker. The fine, when paid, shall be deposited in the
 2879 Plant Industry Trust Fund. In addition, the department may place
 2880 the violator on probation for up to 1 year, with conditions.

2881 2. The imposition of a fine or probation pursuant to this
 2882 subsection may be in addition to or in lieu of the suspension or
 2883 revocation of a certificate of registration or certificate of
 2884 inspection.

2885 Section 139. Subsection (2) of section 582.06, Florida
 2886 Statutes, is amended to read:

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2887 | 582.06 Soil and Water Conservation Council; powers and
 2888 | duties.—

2889 | (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 2890 | meetings, powers and duties, procedures, and recordkeeping of
 2891 | the Soil and Water Conservation Council shall be pursuant to
 2892 | ~~governed by the provisions of s. 570.232 570.0705 relating to~~
 2893 | ~~advisory committees established within the department.~~

2894 | Section 140. Subsection (4) of section 583.01, Florida
 2895 | Statutes, is amended to read:

2896 | 583.01 Definitions.—For the purpose of this chapter,
 2897 | unless elsewhere indicated, the term:

2898 | (4) "Dealer" means a ~~any~~ person, firm, or corporation,
 2899 | including a producer, processor, retailer, or wholesaler, that
 2900 | sells, offers for sale, or holds for the purpose of sale in this
 2901 | state 30 dozen or more eggs or its equivalent in any one week,
 2902 | or more than 384 ~~in excess of 100 pounds of dressed birds~~
 2903 | ~~poultry~~ in any one week.

2904 | Section 141. Subsection (1) of section 585.007, Florida
 2905 | Statutes, is amended to read:

2906 | 585.007 Violation of rules; violation of chapter.—

2907 | (1) A ~~Any~~ person who violates ~~the provisions of this~~
 2908 | chapter or any rule of the department shall be subject to the
 2909 | imposition of an administrative fine in the Class III category
 2910 | pursuant to s. 570.971 ~~of up to \$10,000~~ for each offense. Upon
 2911 | repeated violation, the department may seek enforcement pursuant
 2912 | to s. 120.69.

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2913 Section 142. Paragraph (a) of subsection (2) of section
 2914 586.15, Florida Statutes, is amended to read:
 2915 586.15 Penalty for violation.—
 2916 (2) (a) The department may, after notice and hearing,
 2917 impose an administrative a fine in the Class II category
 2918 pursuant to s. 570.971 not exceeding \$5,000 for a the violation
 2919 ~~of any of the provisions~~ of this chapter or the rules adopted
 2920 under this chapter upon any person. The fine, when paid, shall
 2921 be deposited in the Plant Industry Trust Fund. The imposition of
 2922 a fine pursuant to this subsection may be in addition to or in
 2923 lieu of the suspension or revocation of a permit or a
 2924 certificate of inspection or registration.

2925 Section 143. Subsection (3) of section 586.161, Florida
 2926 Statutes, is amended to read:

2927 586.161 Honeybee Technical Council.—

2928 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
 2929 meetings, powers and duties, procedures, and recordkeeping of
 2930 the Honeybee Technical Council shall be pursuant to ~~governed by~~
 2931 ~~the provisions of s. 570.232 570.0705 relating to advisory~~
 2932 ~~committees established within the department.~~

2933 Section 144. Subsection (3) is added to section 589.08,
 2934 Florida Statutes, to read:

2935 589.08 Land acquisition restrictions.—

2936 (3) The Florida Forest Service shall pay 15 percent of the
 2937 gross receipts from the Goethe State Forest to each fiscally
 2938 constrained county, as described in s. 218.67(1), in which a

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2939 portion of the respective forest is located in proportion to the
 2940 forest acreage located in such county. The funds must be equally
 2941 divided between the board of county commissioners and the school
 2942 board of each fiscally constrained county.

2943 Section 145. Section 589.081, Florida Statutes, is
 2944 repealed.

2945 Section 146. Subsections (1) and (3) of section 589.011,
 2946 Florida Statutes, are amended to read:

2947 589.011 Use of state forest lands; fees; rules.—

2948 (1) If authorized by a land management plan approved
 2949 pursuant to chapter 253 or by an interim assignment letter which
 2950 identifies the interim management activities issued by the
 2951 Department of Environmental Protection pursuant to chapter 259,
 2952 the Florida Forest Service of the Department of Agriculture and
 2953 Consumer Services may grant privileges, permits, leases, and
 2954 concessions for the use of state forest lands or any lands
 2955 leased by or otherwise assigned to the Florida Forest Service
 2956 for management purposes, timber, and forest products pursuant to
 2957 ~~for purposes not inconsistent with the provisions of this~~
 2958 chapter.

2959 (3) The Florida Forest Service may ~~shall have the power to~~
 2960 set and impose ~~charge~~ reasonable fees, rentals, or charges ~~rent~~
 2961 for the use or operation of facilities and concessions on state
 2962 forests or any lands leased by or otherwise assigned to the
 2963 Florida Forest Service for management purposes based on factors
 2964 such as the cost and extent of recreational facilities and

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2965 services, geographic location, seasonal public demand, fees
 2966 charged by other governmental and private entities for
 2967 comparable services and activities, and market value and demand
 2968 for forest products. Moneys collected from such fees, rentals,
 2969 and charges ~~rent~~ shall be deposited into the Incidental Trust
 2970 Fund of the Florida Forest Service.

2971 Section 147. Section 589.20, Florida Statutes, is amended
 2972 to read:

2973 589.20 Cooperation by Florida Forest Service.—The Florida
 2974 Forest Service may cooperate with other state agencies, water
 2975 management districts, municipalities, and other government
 2976 entities ~~who are custodians of lands which are suitable for~~
 2977 ~~forestry purposes,~~ in the designation and dedication of ~~such~~
 2978 lands that are suitable for forestry purposes ~~when in the~~
 2979 ~~opinion of the state agencies concerned such lands are suitable~~
 2980 ~~for these purposes and can be so administered.~~ Lands designated
 2981 and dedicated by a state agency, water management district,
 2982 municipality, or other government entity ~~Upon the designation~~
 2983 ~~and dedication of said lands for forestry these purposes by the~~
 2984 ~~agencies concerned, said lands shall be administered by the~~
 2985 Florida Forest Service.

2986 Section 148. Subsections (7) and (8) of section 590.02,
 2987 Florida Statutes, are amended to read:

2988 590.02 Florida Forest Service; powers, authority, and
 2989 duties; liability; building structures; Withlacoochee Training
 2990 ~~Florida Center for Wildfire and Forest Resources Management~~

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2991 ~~Training.~~—

2992 (7) The Florida Forest Service may organize, staff, equip,
 2993 and operate the Withlacoochee ~~Florida Forest~~ Training Center.
 2994 The center shall serve as a site where fire and forest resource
 2995 managers can obtain current knowledge, techniques, skills, and
 2996 theory as they relate to their respective disciplines.

2997 (a) The center may establish cooperative efforts involving
 2998 federal, state, and local entities; hire appropriate personnel;
 2999 and engage others by contract or agreement with or without
 3000 compensation to assist in carrying out the training and
 3001 operations of the center.

3002 (b) The center shall provide wildfire suppression training
 3003 opportunities for rural fire departments, volunteer fire
 3004 departments, and other local fire response units.

3005 (c) The center shall ~~will~~ focus on curriculum related to,
 3006 but not limited to, fuel reduction, an incident management
 3007 system, prescribed burning certification, multiple-use land
 3008 management, water quality, forest health, environmental
 3009 education, and wildfire suppression training for structural
 3010 firefighters.

3011 (d) The center may assess appropriate fees for food,
 3012 lodging, travel, course materials, and supplies in order to meet
 3013 its operational costs and may grant free meals, room, and
 3014 scholarships to persons and other entities in exchange for
 3015 instructional assistance.

3016 (8) (a) The Cross City Work Center shall be named the L.

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3017 Earl Peterson Forestry Station. This is to honor Mr. L. Earl
 3018 Peterson, Florida's sixth state forester, whose distinguished
 3019 career in state government has spanned 44 years, and who is a
 3020 native of Dixie County.

3021 (b) The Madison Forestry Station shall be named the Harvey
 3022 Greene, Sr. Forestry Station. This is to honor Mr. Harvey
 3023 Greene, Sr., a World War I veteran and pioneer in forestry in
 3024 Madison County. In 1947, Mr. Harvey Greene, Sr., offered to give
 3025 the land on which the forestry station is located to the state;
 3026 however, at that time, the state could not accept donations of
 3027 land. Instead, Mr. Harvey Greene, Sr., sold the land to the
 3028 state and, with the proceeds of the sale, purchased forestry
 3029 equipment to be used by the citizens of Madison County to plant
 3030 trees and fight wildfires.

3031 Section 149. Section 590.091, Florida Statutes, is
 3032 repealed.

3033 Section 150. Subsection (2) of section 590.125, Florida
 3034 Statutes, is amended to read:

3035 590.125 Open burning authorized by the Florida Forest
 3036 Service.—

3037 (2) NONCERTIFIED BURNING.—

3038 (a) Persons may be authorized to broadcast burn or pile
 3039 burn pursuant to ~~in accordance with~~ this subsection if:

3040 1. There is specific consent of the landowner or his or
 3041 her designee;

3042 2. Authorization has been obtained from the Florida Forest

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3043 Service or its designated agent before starting the burn;
 3044 3. There are adequate firebreaks at the burn site and
 3045 sufficient personnel and firefighting equipment for the
 3046 containment of the fire;
 3047 4. The fire remains within the boundary of the authorized
 3048 area;
 3049 5. The person named responsible in the burn authorization
 3050 or a designee is present at the burn site until the fire is
 3051 completed;
 3052 6. The Florida Forest Service does not cancel the
 3053 authorization; and
 3054 7. The Florida Forest Service determines that air quality
 3055 and fire danger are favorable for safe burning.
 3056 (b) A new authorization is not required for smoldering
 3057 that occurs within the authorized burn area unless new ignitions
 3058 are conducted by the person named responsible in the burn
 3059 authorization or a designee.
 3060 (c) Monitoring the smoldering activity of a burn does not
 3061 require an additional authorization even if flames begin to
 3062 spread within the authorized burn area due to ongoing
 3063 smoldering.
 3064 (d) ~~(b)~~ A person who broadcast burns or pile burns in a
 3065 manner that violates ~~any requirement of~~ this subsection commits
 3066 a misdemeanor of the second degree, punishable as provided in s.
 3067 775.082 or s. 775.083.
 3068 Section 151. Subsection (3) of section 590.14, Florida

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3069 Statutes, is amended to read:

3070 590.14 Notice of violation; penalties; legislative
3071 intent.—

3072 (3) The department may also impose an administrative fine
3073 in the Class I category pursuant to s. 570.971 for each, ~~not to~~
3074 ~~exceed \$1,000 per violation of any section of~~ chapter 589 or
3075 this chapter or violation of any rule adopted by the Florida
3076 Forest Service to administer ~~provisions of~~ law conferring duties
3077 upon the Florida Forest Service. The fine shall be based upon
3078 the degree of damage, the prior violation record of the person,
3079 and whether the person knowingly provided false information to
3080 obtain an authorization. The fines shall be deposited in the
3081 Incidental Trust Fund of the Florida Forest Service.

3082 Section 152. Subsection (2) of section 595.701, Florida
3083 Statutes, is amended to read:

3084 595.701 Healthy Schools for Healthy Lives Council.—

3085 (2) The meetings, powers, duties, procedures, and
3086 recordkeeping of the Healthy Schools for Healthy Lives Council
3087 shall be pursuant to ~~governed by~~ s. 570.232 ~~570.0705,~~ relating
3088 ~~to advisory committees established within the department.~~

3089 Section 153. Paragraph (k) of subsection (1) of section
3090 597.003, Florida Statutes, is amended to read:

3091 597.003 Powers and duties of Department of Agriculture and
3092 Consumer Services.—

3093 (1) The department is hereby designated as the lead agency
3094 in encouraging the development of aquaculture in the state and

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3095 shall have and exercise the following functions, powers, and
3096 duties with regard to aquaculture:

3097 (k) Make available state lands and the water column for
3098 the purpose of producing aquaculture products when the
3099 aquaculture activity is compatible with state resource
3100 management goals, environmental protection, and proprietary
3101 interest and when such state lands and waters are determined to
3102 be suitable for aquaculture development by the Board of Trustees
3103 of the Internal Improvement Trust Fund pursuant to s. 253.68;
3104 provide training as necessary to lessees; and be responsible for
3105 all saltwater aquaculture activities located on sovereignty
3106 submerged land or in the water column above such land and
3107 adjacent facilities directly related to the aquaculture
3108 activity.

3109 1. The department shall act in cooperation with other
3110 state and local agencies and programs to identify and designate
3111 sovereignty lands and waters that would be suitable for
3112 aquaculture development.

3113 2. The department shall identify and evaluate specific
3114 tracts of sovereignty submerged lands and water columns in
3115 various areas of the state to determine where such lands and
3116 waters are suitable for leasing for aquaculture purposes.
3117 Nothing in this subparagraph or subparagraph 1. shall preclude
3118 the applicant from applying for sites identified by the
3119 applicant.

3120 3. The department shall provide assistance in developing

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3121 technologies applicable to aquaculture activities, evaluate
 3122 practicable production alternatives, and provide agreements to
 3123 develop innovative culture practices.

3124 Section 154. Paragraph (j) is added to subsection (1) of
 3125 section 597.004, Florida Statutes, to read:

3126 597.004 Aquaculture certificate of registration.—

3127 (1) CERTIFICATION.—Any person engaging in aquaculture must
 3128 be certified by the department. The applicant for a certificate
 3129 of registration shall submit the following to the department:

3130 (j) A certificate of training, if required under the best
 3131 management practices adopted pursuant to this section.

3132 Section 155. Subsection (2) of section 597.0041, Florida
 3133 Statutes, is amended to read:

3134 597.0041 Prohibited acts; penalties.—

3135 (2) (a) A ~~Any~~ person who violates ~~any provision of this~~
 3136 ~~chapter or any rule adopted under this chapter promulgated~~
 3137 ~~hereunder~~ is subject to a suspension or revocation of his or her
 3138 certificate of registration or license under this chapter. The
 3139 department may, in lieu of~~7~~ or in addition to the suspension or
 3140 revocation, impose on the violator an administrative fine in the
 3141 Class I category pursuant to s. 570.971 for each violation, for
 3142 each day the violation exists in an amount not to exceed \$1,000
 3143 per violation per day.

3144 (b) Except as provided in subsection (4), a ~~any~~ person who
 3145 violates ~~any provision of this chapter7~~ or any rule adopted
 3146 under this chapter hereunder7 commits a misdemeanor of the first

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3147 degree, punishable as provided in s. 775.082 or s. 775.083.

3148 Section 156. Subsection (1) of section 597.020, Florida
 3149 Statutes, is amended to read:

3150 597.020 Shellfish processors; regulation.—

3151 (1) The department may:

3152 (a) ~~is authorized to~~ Adopt by rule regulations,
 3153 specifications, training requirements, and codes relating to
 3154 sanitary practices for catching, cultivating, handling,
 3155 processing, packaging, preserving, canning, smoking, and storing
 3156 ~~of~~ oysters, clams, mussels, scallops, and crabs.

3157 (b) ~~The department is also authorized to~~ License shellfish
 3158 processors who handle oysters, clams, mussels, scallops, and
 3159 crabs when such activities relate to quality control, sanitary,
 3160 and public health practices pursuant to this section and chapter
 3161 500.

3162 (c) ~~The department is also authorized to~~ License or
 3163 certify, for a fee determined by rule, facilities used for
 3164 processing oysters, clams, mussels, scallops, and crabs, and may
 3165 ~~to~~ levy an administrative fine in the Class I category pursuant
 3166 to s. 570.971 for each violation, for each day the violation
 3167 exists ~~of up to \$1,000 per violation per day~~ or to suspend or
 3168 revoke such licenses or certificates upon satisfactory evidence
 3169 of a ~~any~~ violation of rules adopted pursuant to this section,
 3170 and to seize and destroy any adulterated or misbranded shellfish
 3171 products as defined by rule.

3172 Section 157. Subsection (2) of section 599.002, Florida

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3173 Statutes, is amended to read:

3174 599.002 Viticulture Advisory Council.—

3175 (2) The meetings, powers and duties, procedures, and
 3176 recordkeeping of the Viticulture Advisory Council shall be
 3177 pursuant to ~~governed by the provisions of s. 570.232 570.0705~~
 3178 ~~relating to advisory committees established within the~~
 3179 ~~department.~~

3180 Section 158. Section 601.67, Florida Statutes, is amended
 3181 to read:

3182 601.67 Disciplinary action by Department of Agriculture
 3183 against citrus fruit dealers.—

3184 (1) The Department of Agriculture may impose an
 3185 administrative ~~a~~ fine in the Class IV category pursuant to s.
 3186 570.971 not to exceed ~~exceeding~~ \$50,000 for each ~~per~~ violation
 3187 against a ~~any~~ licensed citrus fruit dealer who violates ~~for~~
 3188 ~~violation of any provision of this chapter and, in lieu of,~~ or
 3189 in addition to, such fine, may revoke or suspend the license of
 3190 ~~any such~~ a dealer when it has been satisfactorily shown that
 3191 such dealer, in her or his activities as a citrus fruit dealer,
 3192 has:

3193 (a) Obtained a license by means of fraud,
 3194 misrepresentation, or concealment;

3195 (b) Violated or aided or abetted in the violation of any
 3196 law of this state governing or applicable to citrus fruit
 3197 dealers or any lawful rules of the Department of Citrus;

3198 (c) Been guilty of a crime against the laws of this or any

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3199 other state or government involving moral turpitude or dishonest
 3200 dealing or has become legally incompetent to contract or be
 3201 contracted with;

3202 (d) Made, printed, published, distributed, or caused,
 3203 authorized, or knowingly permitted the making, printing,
 3204 publication, or distribution of false statements, descriptions,
 3205 or promises of such a character as to reasonably induce a ~~any~~
 3206 person to act to her or his damage or injury, if such citrus
 3207 fruit dealer then knew, or by the exercise of reasonable care
 3208 and inquiry could have known, of the falsity of such statements,
 3209 descriptions, or promises;

3210 (e) Knowingly committed or been a party to any material
 3211 fraud, misrepresentation, concealment, conspiracy, collusion,
 3212 trick, scheme, or device whereby another ~~any other~~ person
 3213 lawfully relying upon the word, representation, or conduct of
 3214 the citrus fruit dealer has acted to her or his injury or
 3215 damage;

3216 (f) Committed any act or conduct of the same or different
 3217 character than ~~of~~ that ~~hereinabove~~ enumerated which constitutes
 3218 fraudulent or dishonest dealing; or

3219 (g) ~~Violated any of the provisions of ss. 506.19-506.28,~~
 3220 ~~both sections inclusive.~~

3221 (2) The Department of Agriculture may impose an
 3222 administrative ~~a~~ fine in the Class IV category pursuant to s.
 3223 570.971 ~~not to exceed~~ exceeding \$100,000 for each ~~per~~ violation
 3224 against a ~~any~~ person who operates as a citrus fruit dealer

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3225 without a current citrus fruit dealer license issued by the
 3226 Department of Agriculture pursuant to s. 601.60. In addition,
 3227 the Department of Agriculture may order such person to cease and
 3228 desist operating as a citrus fruit dealer without a license. An
 3229 administrative order entered by the Department of Agriculture
 3230 under this subsection may be enforced pursuant to s. 601.73.

3231 (3) The Department of Agriculture shall impose an
 3232 administrative ~~a~~ fine in the Class IV category pursuant to s.
 3233 570.971 not to exceed ~~of not less than \$10,000 nor more than~~
 3234 \$100,000 for each ~~per~~ violation against a ~~any~~ licensed citrus
 3235 fruit dealer and shall suspend, for 60 days during the first
 3236 available period between September 1 and May 31, the license of
 3237 a ~~any~~ citrus fruit dealer who:

3238 (a) Falsely labels or otherwise misrepresents that a fresh
 3239 citrus fruit was grown in a specific production area specified
 3240 in s. 601.091; or

3241 (b) Knowingly, falsely labels or otherwise misrepresents
 3242 that a processed citrus fruit product was prepared solely with
 3243 citrus fruit grown in a specific production area specified in s.
 3244 601.091.

3245 (4) A ~~Any~~ fine imposed pursuant to subsection (1),
 3246 subsection (2), or subsection (3), when paid, shall be deposited
 3247 by the Department of Agriculture into its General Inspection
 3248 Trust Fund.

3249 (5) Whenever an ~~any~~ administrative order has been made and
 3250 entered by the Department of Agriculture that imposes a fine

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3251 pursuant to this section, such order shall specify a time limit
 3252 for payment of the fine, not exceeding 15 days. The failure of
 3253 the citrus fruit dealer ~~involved~~ to pay the fine within that
 3254 time shall result in the immediate suspension of such citrus
 3255 fruit dealer's current license, or any subsequently issued
 3256 license, until ~~such time as~~ the order has been fully satisfied.
 3257 An ~~Any~~ order suspending a citrus fruit dealer's license shall
 3258 include a provision that the ~~such~~ suspension shall be for a
 3259 specified period ~~of time~~ not to exceed 60 days, and such period
 3260 of suspension may begin ~~commence~~ at any designated date within
 3261 the current license period or subsequent license period.
 3262 Whenever an order has been entered that suspends a citrus fruit
 3263 dealer's license for a definite period ~~of time~~ and that license,
 3264 by law, expires during the period of suspension, the suspension
 3265 order shall continue automatically and shall be effective
 3266 against any subsequent citrus fruit dealer ~~dealer's~~ license
 3267 issued to such dealer until ~~such time as~~ the entire period of
 3268 suspension has elapsed. Whenever any such administrative order
 3269 of the Department of Agriculture is sought to be reviewed by the
 3270 offending dealer involved in a court of competent jurisdiction,
 3271 if such court proceedings should finally terminate in such
 3272 administrative order being upheld or not quashed, such order
 3273 shall ~~thereupon~~, upon the filing with the Department of
 3274 Agriculture of a certified copy of the mandate or other order of
 3275 the last court having to do with the matter in the judicial
 3276 process, become immediately effective and shall then be carried

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3277 out and enforced notwithstanding such time will be during a new
 3278 and subsequent shipping season from that during which the
 3279 administrative order was first originally entered by the
 3280 Department of Agriculture.

3281 Section 159. Subsection (2) of section 604.16, Florida
 3282 Statutes, is amended, and subsection (5) is added to that
 3283 section, to read:

3284 604.16 Exceptions to provisions of ss. 604.15-604.34.—
 3285 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
 3286 not apply to:

3287 (2) A dealer in agricultural products who pays at the time
 3288 of purchase with United States cash currency or a cash
 3289 equivalent, such as a money order, cashier's check, wire
 3290 transfer, electronic funds transfer, or PIN-based debit
 3291 transaction card.

3292 (5) A dealer in agricultural products to the extent that
 3293 the dealer purchases agricultural products from a producer that
 3294 is owned by the same person who owns the dealer, a producer that
 3295 is owned solely by the dealer, or a producer that solely owns
 3296 the dealer.

3297 Section 160. Section 604.22, Florida Statutes, is amended
 3298 to read:

3299 604.22 Dealers to keep records; contents.—

3300 (1) (a) Each licensee, while acting as agent for a
 3301 producer, shall make and preserve for at least 1 year a record
 3302 of each transaction, specifying the name and address of the

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3303 producer for whom she or he acts as agent; the date of receipt;
 3304 the kind, quality, and quantity of agricultural products
 3305 received; the name and address of the purchaser of each package
 3306 of agricultural products; the price for which each package was
 3307 sold; the amount of any additional charges necessary to
 3308 effectuate the sale; the amount and explanation of any
 3309 adjustments given; and the net amount due from each purchaser.

3310 (b) An account of sales shall be furnished to each
 3311 producer within 48 hours after the sale of such agricultural
 3312 products unless otherwise agreed to in a written contract or
 3313 verifiable oral agreement. Such account of sales shall clearly
 3314 show the sale price of each lot of agricultural products sold;
 3315 all adjustments to the original price, along with an explanation
 3316 of such adjustments; and an itemized showing of all marketing
 3317 costs deducted by the licensee, along with the net amount due
 3318 the producer.

3319 (c) The licensee shall make the payment to the producer
 3320 within 5 days after ~~of~~ the licensee's receipt of payment unless
 3321 otherwise agreed to in a written contract or verifiable oral
 3322 agreement.

3323 (2) (a) Notwithstanding ~~The provisions of~~ s. 604.16(2),
 3324 (3), and (4) ~~notwithstanding~~, a any person, partnership,
 3325 corporation, or other business entity, except a person described
 3326 in s. 604.16(1), who possesses and offers for sale agricultural
 3327 products is required to possess and display, upon the request of
 3328 a any department representative or state, county, or local law

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3329 enforcement officer, an invoice, bill of sale, manifest, or
 3330 other written document showing the date of sale, the name and
 3331 address of the seller, and the kind and quantity of products for
 3332 all such agricultural products.

3333 (b) A ~~Any~~ person who violates ~~the provisions of this~~
 3334 section is subject to s. 604.30(2) and (3) ~~subsection is guilty~~
 3335 ~~of a misdemeanor of the second degree, punishable as provided in~~
 3336 ~~s. 775.082 or s. 775.083.~~

3337 Section 161. Paragraph (a) of subsection (3) of section
 3338 604.30, Florida Statutes, is amended to read:

3339 604.30 Penalties; injunctive relief; administrative
 3340 fines.—

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

3349 Section 162. Paragraph (a) of subsection (19) of section
 3350 616.242, Florida Statutes, is amended to read:

3351 616.242 Safety standards for amusement rides.—

3352 (19) ENFORCEMENT AND PENALTIES.—

3353 (a) The department may deny, suspend for a period not to
 3354 exceed 1 year, or revoke any permit or inspection certificate.

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3355 In addition to denial, suspension, or revocation, the department
 3356 may impose an administrative fine in the Class II category
 3357 pursuant to s. 570.971 not to exceed ~~of up to~~ \$2,500 for each
 3358 ~~per~~ violation, for each day the violation exists ~~per day~~,
 3359 against the owner of the amusement ride if it finds that:

- 3360 1. An amusement ride has operated or is operating:
- 3361 a. With a mechanical, structural, or electrical defect
 3362 that affects patron safety, of which the owner or manager has
 3363 knowledge, or, through the exercise of reasonable diligence,
 3364 should have knowledge;
- 3365 b. In a manner or circumstance that presents a risk of
 3366 serious injury to patrons;
- 3367 c. At a speed in excess of its maximum safe operating
 3368 speed;
- 3369 d. In violation of this section or any rule adopted under
 3370 this section; or
- 3371 e. In violation of an ~~any~~ order of the department or order
 3372 of any court; ~~or-~~

3373 2. A ~~Any~~ manager in the course of his or her duties is
 3374 under the influence of drugs or alcohol.

3375 Section 163. This act shall take effect July 1, 2014.