



518122

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/20/2023	.	
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The Committee on Rules (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 133 - 135  
and insert:

(8) (a) The Department of Agriculture and Consumer Services shall investigate any complaints received concerning violations of this section. If, after investigating a complaint, the Department of Agriculture and Consumer Services finds that there has been a violation of this section, the department or the Department of Legal Affairs may bring an action to impose a civil penalty and to seek other relief, including injunctive



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12 relief, as the court deems appropriate against the party in  
13 violation. The civil penalty shall be in the Class III category  
14 pursuant to s. 570.971 for the advertisement found in violation  
15 and shall be deposited in the General Inspection Trust Fund if  
16 the action or proceeding was brought by the Department of  
17 Agriculture and Consumer Services, or the Legal Affairs  
18 Revolving Trust Fund if the action or proceeding was brought by  
19 the Department of Legal Affairs. This civil penalty may be  
20 recovered in any action brought under this part by the  
21 Department of Agriculture and Consumer Services, or the  
22 department may terminate any investigation or action upon  
23 agreement by the person to pay a stipulated civil penalty. The  
24 Department of Agriculture and Consumer Services or the court may  
25 waive any civil penalty.

26 (b) The Department of Agriculture and Consumer Services  
27 may, as an alternative to the civil penalties provided in  
28 paragraph (a), impose an administrative fine in the Class II  
29 category pursuant to s. 570.971 for the advertisement that  
30 constitutes a violation of this section. An administrative  
31 proceeding that could result in the entry of an order imposing  
32 an administrative penalty must be conducted pursuant to chapter  
33 120.

34 (9) As a prerequisite to any action available under this  
35 section, the Department of Agriculture and Consumer Services  
36 must provide written notice of the alleged violation to the  
37 person or entity that issued the advertisement. The person or  
38 entity that issued the advertisement has 30 days after receipt  
39 of the notice to cure the violation or discontinue publishing  
40 the advertisement. If the person or entity that issued the



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41 advertisement cures the violation or discontinues publication of  
42 the advertisement within this 30-day period, an action against  
43 such person or entity may not arise from the noticed violation.

44 (10) This section may not be construed to create a private  
45 right of action.

46  
47 ===== T I T L E A M E N D M E N T =====

48 And the title is amended as follows:

49 Delete lines 21 - 23

50 and insert:

51 providing an exception; requiring the Department of  
52 Agriculture and Consumer Services to investigate  
53 complaints of violations of the act; providing for  
54 civil penalties; providing for the disposition of  
55 collected penalties; providing for administrative  
56 penalties as an alternative to civil penalties;  
57 requiring the department to provide written notice of  
58 alleged violations to the person or entity that issued  
59 the related advertisement; providing such persons or  
60 entities 30 days to cure the violation or discontinue  
61 its publication; providing that an action may not  
62 arise from the noticed violation if such person or  
63 entity cures the violation or removes the publication  
64 within the specified timeframe; providing  
65 construction; providing an