

## CHAPTER 2014-150

### Committee Substitute for House Bill No. 7091

An act relating to the Department of Agriculture and Consumer Services; designating parts I-V of chapter 570, F.S., relating to the Department of Agriculture and Consumer Services; amending s. 193.461, F.S.; authorizing a property appraiser to grant an agricultural classification for land under certain circumstances; providing for lands participating in certain dispersed water storage programs to be classified as agricultural lands for the duration of inclusion in such program or successor programs; amending s. 282.709, F.S.; providing for appointment of a department representative to the Joint Task Force on State Agency Law Enforcement Communications; amending s. 373.4591, F.S.; authorizing landowners who have entered into an agreement with the department to implement specified best management practices before making improvements; amending s. 379.361, F.S.; revising application and renewal requirements for Apalachicola Bay oyster harvesting licenses; amending s. 487.041, F.S.; revising requirements for registration and distribution of discontinued pesticides; amending s. 487.046, F.S.; revising provisions for filing pesticide applicator license applications; amending s. 487.047, F.S.; revising provisions for issuance of pesticide applicator licenses; amending s. 487.048, F.S.; revising provisions for filing pesticide dealer license applications; amending s. 487.159, F.S.; deleting requirements for filing statements claiming damages and injuries from pesticide application; amending s. 487.160, F.S.; revising recordkeeping requirements for licensed private applicators; repealing s. 487.172, F.S., relating to an antifouling paint educational program; amending s. 487.2031, F.S.; revising the term “material safety data sheet”; amending s. 487.2051, F.S.; revising requirements for pesticide fact sheets and safety data sheets; amending s. 493.6120, F.S.; authorizing the department to impose certain civil penalties for violations relating to private security, investigative, and repossession services; amending s. 500.03, F.S.; revising the definition of the term “food establishment”; amending s. 500.12, F.S.; revising criteria for certain food permit exemptions; requiring the department to adopt a permit fee schedule; requiring food permits as a condition of operating a food establishment; providing that such permits are not transferable; amending s. 500.121, F.S.; conforming provisions to changes made by the act; revising the time limit for payment of fines; providing for permit revocation for failure to pay a fine; authorizing the department to immediately close certain food establishments; providing requirements and procedures for such closure; providing penalties for violations; authorizing the department to adopt rules; amending s. 500.147, F.S.; providing for the inspection of food records for certain purposes; amending s. 500.172, F.S.; providing for embargoing, detaining, or destroying food processing and storage areas; repealing ss. 500.301, 500.302, 500.303, 500.304, 500.305, and 500.306, F.S., relating to standards of enrichment, sales, enforcement, and inspection of certain grain products; repealing s.

500.601, F.S., relating to retail sale of meat; amending s. 501.059, F.S.; authorizing the department to adopt rules; amending s. 570.074, F.S.; providing for the duties of the Office of Agricultural Water Policy; amending s. 570.14, F.S.; requiring written approval for use of the department seal; amending s. 570.247, F.S.; clarifying provisions directing the department to adopt certain rules; repealing s. 570.345, F.S., relating to the Pest Control Compact; amending s. 570.36, F.S.; clarifying provisions relating to the duties of the Division of Animal Industry; repealing s. 570.542, F.S., relating to the Florida Consumer Services Act; creating s. 570.67, F.S.; establishing the Office of Energy within the department; providing for supervision and duties; amending s. 570.71, F.S.; authorizing specified uses of funds from the Conservation and Recreation Lands Program Trust Fund; repealing s. 570.72, F.S., relating to a definition; repealing s. 570.92, F.S., relating to an equestrian educational sports program; amending s. 570.952, F.S.; deleting an obsolete provision relating to membership terms for the Florida Agriculture Center and Horse Park Authority; conforming cross-references; amending s. 570.964, F.S.; clarifying compliance required for privileges of immunity; creating s. 570.971, F.S.; establishing administrative and civil penalties for certain violations; providing applicability; authorizing the department to adopt rules; amending s. 576.021, F.S.; revising provisions for filing applications to distribute fertilizer; amending s. 576.031, F.S.; revising labeling requirements for distribution of fertilizer in bulk; amending s. 576.041, F.S.; removing surety bond and certificate of deposit requirements for fertilizer license applicants; amending s. 576.051, F.S.; revising the period for which a fertilizer sample must be retained for analysis; amending s. 576.071, F.S.; revising criteria for determining the commercial value of certain penalties; amending s. 576.087, F.S.; revising antisiphon requirements for irrigation systems; amending s. 576.101, F.S.; removing provisions relating to probationary status of a fertilizer licensee; amending s. 578.08, F.S.; revising application requirements and registration fees for the sale of seed; amending s. 580.036, F.S.; directing the department to consult with the Agricultural Feed, Seed, and Fertilizer Advisory Council when developing certain standards; amending s. 580.041, F.S.; revising application requirements for master registration of commercial feed; amending s. 580.071, F.S.; revising criteria for adulterated commercial feed and feedstuff; amending s. 581.091, F.S.; deleting provisions relating to noxious weed and invasive plant pilot and monitoring programs; amending s. 581.131, F.S.; revising the time in which the department must provide certain notice and certificate renewal forms; amending s. 583.01, F.S.; revising the definition of the term "dealer"; amending s. 589.08, F.S.; directing the Florida Forest Service to distribute certain funds to fiscally constrained counties; repealing s. 589.081, F.S., relating to payment of certain gross receipts from the Withlacoochee State Forest and Goethe State Forest; amending s. 589.011, F.S.; providing conditions under which the Florida Forest Service is authorized to grant use of certain lands; providing criteria by which the Florida Forest Service determines certain fees, rentals, and charges; amending s. 589.20, F.S.; authorizing the Florida Forest Service to

cooperate with water management districts, municipalities, and other government entities in the designation and dedication of certain lands; amending s. 590.02, F.S.; renaming the Florida Forest Training Center and the Madison Forestry Station; repealing s. 590.091, F.S., relating to the designation of railroad rights-of-way as wildfire hazard areas; amending s. 590.125, F.S.; revising requirements for noncertified burning; amending s. 597.003, F.S.; revising the powers and duties of the department regarding aquaculture to include training for lessees of sovereign submerged lands; amending s. 597.004, F.S.; revising application requirements for aquaculture certificates of registration; amending s. 597.020, F.S.; authorizing the department to adopt by rule training requirements for shellfish processors; conforming provisions to changes made by the act; amending s. 604.16, F.S.; exempting certain dealers in agricultural products from provisions relating to license and bond requirements, consignment limitations, examination of records, penalties, and administrative fines; amending ss. 253.74, 388.46, 472.0351, 472.036, 482.161, 482.165, 482.243, 487.091, 487.175, 493.6118, 496.420, 500.165, 500.70, 501.019, 501.612, 501.619, 501.922, 502.231, 507.09, 507.10, 526.311, 526.55, 527.13, 531.50, 534.52, 539.001, 559.921, 559.9355, 559.936, 570.0741, 570.23, 570.242, 570.38, 570.42, 570.44, 570.45, 570.451, 570.50, 570.51, 570.543, 571.11, 571.28, 571.29, 576.061, 578.181, 580.121, 581.141, 581.186, 581.211, 582.06, 585.007, 586.15, 586.161, 590.14, 595.701, 597.0041, 599.002, 601.67, 604.22, 604.30, and 616.242, F.S.; conforming provisions to changes made by the act; amending ss. 193.461, 288.1175, 320.08058, 373.621, 373.709, 381.0072, 509.032, 525.16, 570.07, 570.076, 570.902, 570.9135, 570.961, and 570.963, F.S.; conforming cross-references; providing an effective date.

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

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

(1) Part I, consisting of sections 570.01 through 570.232, Florida Statutes, entitled “General Provisions”;

(2) Part II, consisting of sections 570.30 through 570.693, Florida Statutes, entitled “Program Services”;

(3) Part III, consisting of sections 570.70 through 570.89, Florida Statutes, entitled “Agricultural Development”;

(4) Part IV, consisting of sections 570.916 through 570.94, Florida Statutes, entitled “Agricultural Water Policy”; and

(5) Part V, consisting of section 570.971, Florida Statutes, entitled “Penalties.”

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

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

(3)(a) ~~No~~ Lands ~~may not~~ shall be classified as agricultural lands unless a return is filed on or before March 1 of each year. ~~The property appraiser, Before so~~ classifying such lands as agricultural lands, the property appraiser may require the taxpayer or the taxpayer's representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 constitutes ~~shall constitute~~ a waiver for 1 year of the privilege herein granted in this section for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 ~~must~~ may file an application for the classification with the property appraiser on or before the 25th day after the mailing by the property appraiser of the notice required under s. 194.011(1). Upon receipt of sufficient evidence, as determined by the property appraiser, that demonstrates that the applicant was unable to apply for the classification in a timely manner or that otherwise demonstrates extenuating circumstances that warrant the granting of the classification, the property appraiser may grant the classification. If the applicant files an application for the classification and fails to provide sufficient evidence to the property appraiser as required, the applicant ~~and~~ may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding the ~~provisions of~~ s. 194.013, the applicant must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the ~~property appraiser or~~ the value adjustment board to warrant granting the classification, ~~the property appraiser or~~ the value adjustment board may grant the classification for the current year. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted by the property appraiser. Such waiver may be revoked by a majority vote of the governing body of the county.

(6)

(c)1. For purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps

and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value.

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

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

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

(b) Lands classified for assessment purposes as agricultural lands that participate in a dispersed water storage program pursuant to a contract with the Department of Environmental Protection or a water management district which requires flooding of land shall continue to be classified as agricultural lands for the duration of the inclusion of the lands in such program or successor programs and shall be assessed as nonproductive agricultural lands. Land that participates in a dispersed water storage program that is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

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

253.74 Penalties.—

(1) A Any person who conducts aquaculture activities in excess of those authorized by the board or who conducts such activities on state-owned submerged lands without having previously obtained an authorization from the board commits a misdemeanor of the second degree, punishable as provided in s. 775.082, is subject to a civil fine in the Class I category pursuant to s. 570.971 and ~~shall be subject to imprisonment for not more~~

~~than 6 months or fine of not more than \$1,000, or both.~~ In addition to such fine and imprisonment, all works, improvements, and animal and plant life involved in the project, may be forfeited to the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

288.1175 Agriculture education and promotion facility.—

(5) The Department of Agriculture and Consumer Services shall competitively evaluate applications for funding of an agriculture education and

promotion facility. If the number of applicants exceeds three, the Department of Agriculture and Consumer Services shall rank the applications based upon criteria developed by the Department of Agriculture and Consumer Services, with priority given in descending order to the following items:

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

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

320.08058 Specialty license plates.—

(14) FLORIDA AGRICULTURAL LICENSE PLATES.—

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

(77) FLORIDA HORSE PARK LICENSE PLATES.—

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

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

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

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

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

373.4591 Improvements on private agricultural lands.—The Legislature encourages public-private partnerships to accomplish water storage and water quality improvements on private agricultural lands. When an

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

Section 8. Section 373.621, Florida Statutes, is amended to read:

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

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

373.709 Regional water supply planning.—

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

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

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



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

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

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

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

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

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

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

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

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

379.361 Licenses.—

(5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

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

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

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

(2) DUTIES.—

(d) The department shall inspect each food service establishment as often as necessary to ensure compliance with applicable laws and rules. The department shall have the right of entry and access to these food service establishments at any reasonable time. In inspecting food service establishments as ~~provided~~ under this section, the department shall provide each

inspected establishment with the food recovery brochure developed under s. 595.420 ~~570.0725~~.

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

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

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

(c) Responsibilities.—The council shall:

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

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

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

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

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

472.0351 Grounds for discipline; penalties; enforcement.—

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

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

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

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

(1) When the department has probable cause to believe that ~~a any~~ person not licensed by the department or the board has violated ~~any provision of this chapter~~, or any rule adopted pursuant to this chapter, the department may issue and deliver to such person a notice to cease and desist from such

violation. In addition, the department may issue and deliver a notice to cease and desist to a any person who aids and abets the unlicensed practice of surveying and mapping by employing such unlicensed person. The issuance of a notice to cease and desist ~~does shall~~ not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against a any person who violates any provisions of such order. In addition to the foregoing remedies, the department may impose an administrative fine in the Class II category pursuant to s. 570.971 for each penalty not to exceed \$5,000 per incident pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the order for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney attorney's fees and costs, together with any cost of collection.

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

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

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

482.161 Disciplinary grounds and actions; reinstatement.—

(7) The department, pursuant to chapter 120, in addition to or in lieu of any other remedy provided by state or local law, may impose an administrative fine in the Class II category pursuant to s. 570.971, in an amount not exceeding \$5,000, for a the violation of any of the provisions of this chapter or

of the rules adopted pursuant to this chapter. In determining the amount of fine to be levied for a violation, the following factors shall be considered:

- (a) The severity of the violation, including the probability that the death, or serious harm to the health or safety, of any person will result or has resulted; the severity of the actual or potential harm; and the extent to which ~~the provisions of this chapter or of the rules adopted pursuant to this chapter were violated;~~
- (b) Any actions taken by the licensee or certified operator in charge, or limited certificateholder, to correct the violation or to remedy complaints;
- (c) Any previous violations of this chapter or of the rules adopted pursuant to this chapter; and
- (d) The cost to the department of investigating the violation.

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

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

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

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

Section 17. Subsection (6) of section 482.243, Florida Statutes, is amended to read:

482.243 Pest Control Enforcement Advisory Council.—

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

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

## 487.041 Registration.—

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

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

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

## 487.046 Application; licensure.—

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

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

## 487.047 Nonresident license; reciprocal agreement; authorized purchase.

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

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

## 487.048 Dealer's license; records.—

(1) Each person holding or offering for sale, selling, or distributing restricted-use pesticides must ~~shall~~ obtain a dealer's license from the department. Application for the license shall be filed with the department

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

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

487.091 Tolerances, deficiencies, and penalties.—

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

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

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

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

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

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

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

~~(2)(3)~~ When damage or injury to human beings, animals, plants, or other property as the result of the application of a restricted-use pesticide is alleged to have been done, the person claiming such damage or injury claimant shall allow permit the licensee and the licensee's representatives to observe within reasonable hours the alleged damage or injury in order that the damage or injury may be examined. The failure of the person claiming such damage or injury claimant to allow permit observation and examination of the alleged damage or injury shall automatically bar the claim against the licensee.

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

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

Section 25. Section 487.172, Florida Statutes, is repealed.

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



487.175 Penalties; administrative fine; injunction.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Upon the initial purchase of a product and with the first purchase after the fact sheet or ~~material~~ safety data sheet is updated, the distributor, manufacturer, or importer of agricultural pesticides shall obtain or develop and provide each direct purchaser of an agricultural pesticide with a fact sheet or ~~material~~ safety data sheet. If the fact sheet or ~~material~~ safety data sheet ~~or fact sheet~~ for the agricultural pesticide is not available when the agricultural pesticide is purchased, the agricultural employer shall take appropriate and timely steps to obtain the fact sheet or ~~material~~ safety data sheet ~~or fact sheet~~ from the distributor, the manufacturer, the department, a federal agency, or another distribution source.

(4) The department shall produce and make available to a trainer a one-page general agricultural pesticide safety sheet. The pesticide safety sheet must be in a language understandable to the worker and must include, but need not be limited to, illustrated instructions on preventing agricultural pesticide exposure and toll-free telephone numbers to the Florida Poison Control Centers. The trainer shall provide the pesticide safety sheet to the

worker pursuant to the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.130.

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

493.6118 Grounds for disciplinary action.—

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

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

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

493.6120 Violations; penalty.—

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

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

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

496.420 Civil remedies and enforcement.—

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

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

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

500.03 Definitions; construction; applicability.—

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

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

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

500.12 Food permits; building permits.—

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

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

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

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

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

(b) Each food establishment and retail food store regulated under this chapter must apply for and receive a food permit before operation begins. An

application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment and retail food store as a condition of issuance or renewal of a food permit. Such fees, which may not exceed \$650 and shall be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed \$1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed \$250. The fee for operating a bottled water plant or a packaged ice plant shall be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed annually on or before January 1. If an application for renewal of a food permit is not received by the department within 30 days after its due date, a late fee, ~~in an amount not exceeding \$100,~~ must be paid in addition to the food permit fee before the department may issue the food permit. The moneys collected shall be deposited in the General Inspection Trust Fund.

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

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

500.121 Disciplinary procedures.—

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

- (a) ~~Violated any of the provisions of this chapter.~~
- (b) Violated or aided or abetted in the violation of any law of this state governing or applicable to retail food stores or food establishments or any lawful rules of the department.
- (c) Knowingly committed, or been a party to, any material fraud, misrepresentation, conspiracy, collusion, trick, scheme, or device whereby another ~~any other~~ person, lawfully relying upon the word, representation, or conduct of a retail food store or food establishment, acts to her or his injury or damage.

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

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

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

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

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

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

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

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

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

department. The department may impose administrative sanctions for violations of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

(3) If the court finds that the detained or embargoed article, ~~or~~ processing equipment, processing area, or storage area is in violation, such article, ~~or~~ processing equipment, processing area, or storage area shall, after entry of the decree, be destroyed or made sanitary at the expense of the claimant thereof under the supervision of the department, ~~and~~; all court costs, fees, and storage and other proper expenses shall be taxed against the claimant of such article, ~~or~~ processing equipment, processing area, or storage area or her or his agent. However, if the violation can be corrected by proper labeling of the article or sanitizing of the processing equipment, processing area, or storage area, and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article be so labeled or processed or such processing equipment, processing area, or storage area so sanitized, has been executed, the court may by order direct that such article, ~~or~~ processing equipment, processing area, or storage area be made available delivered to the claimant thereof for such labeling, processing, or sanitizing under the supervision of the department. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article, ~~or~~ processing equipment, processing area, or storage area on representation to the court by the department that the article, ~~or~~ processing equipment, processing area, or storage area is no longer in violation of this chapter and that the expenses of such supervision have been paid.

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



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

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

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

(3)

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

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

501.019 Health studios; penalties.—

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

(4)

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

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

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

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

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

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

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

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

## 501.059 Telephone solicitation.—

(9)(a) The department shall investigate any complaints received concerning violations of this section. If, after investigating ~~a any~~ a complaint, the department 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 relief, as the court deems appropriate against the telephone solicitor. The civil penalty shall be in the Class III category pursuant to s. 570.971 for each ~~may not exceed \$10,000 per violation~~ and shall be deposited in the General Inspection Trust Fund if the action or proceeding was brought by the department, or the Legal Affairs Revolving Trust Fund if the action or proceeding was brought by the Department of Legal Affairs. This civil penalty may be recovered in any action brought under this part by the department, or the department may terminate any investigation or action upon agreement by the person to pay a stipulated civil penalty. The department or the court may waive any civil penalty if the person has previously made full restitution or reimbursement or has paid actual damages to the consumers who have been injured by the violation.

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

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

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

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

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

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

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

501.619 Civil penalties.—~~A Any~~ A person who engages in any act or practice declared in this part to be unlawful is liable for a civil penalty in the Class III category pursuant to s. 570.971 ~~of not more than \$10,000~~ for each such violation. This civil penalty may be recovered in any action brought under this part by the department, or the department may terminate any investigation or action upon agreement by the person to pay a stipulated civil penalty. The department or the court may waive any such civil penalty or

other fines or costs if the person has previously made full restitution or reimbursement or has paid actual damages to the purchasers who have been injured by the unlawful act or practice.

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

501.922 Violation.—

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

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

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

502.231 Penalty and injunction.—

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

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

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

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

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

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

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

507.09 Administrative remedies; penalties.—

(1) The department may enter an order doing one or more of the following if the department finds that a mover or moving broker, or a person employed

or contracted by a mover or broker, has violated or is operating in violation of this chapter or the rules or orders issued pursuant to ~~in accordance with~~ this chapter:

- (a) Issuing a notice of noncompliance under s. 120.695.
- (b) Imposing an administrative fine in the Class II category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each act or omission.
- (c) Directing that the person cease and desist specified activities.
- (d) Refusing to register or revoking or suspending a registration.
- (e) Placing the registrant on probation ~~for a period of time~~, subject to the conditions specified by the department.

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

507.10 Civil penalties; remedies.—

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

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

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

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

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

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

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

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

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

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

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

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

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

1. Issuance of a warning letter.

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

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

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

526.311 Enforcement; civil penalties; injunctive relief.—

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

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

526.55 Violation and penalties.—

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

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

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

527.13 Administrative fines and warning letters.—

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

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

531.50 Administrative fine, penalties, and offenses.—

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

(a) Issuance of a warning letter or notice.

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

- 1. ~~Up to \$1,000 for a first violation;~~
- 2. ~~Up to \$2,500 for a second violation within 2 years after the first violation; or~~
- 3. ~~Up to \$5,000 for a third violation within 2 years after the first violation.~~

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

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

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

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

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

539.001 The Florida Pawnbroking Act.—

(7) ORDERS IMPOSING PENALTIES.—

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

- 1. Issuing a notice of noncompliance pursuant to s. 120.695.
- 2. Imposing an administrative fine in the Class II category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each act which constitutes a violation of this section or a rule or an order.
- 3. Directing that the pawnbroker cease and desist specified activities.
- 4. Refusing to license or revoking or suspending a license.
- 5. Placing the licensee on probation ~~for a period of time~~, subject to such conditions as the agency may specify.

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

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

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

559.921 Remedies.—

(4)

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

1. Issuing a notice of noncompliance pursuant to s. 120.695.
2. Imposing an administrative fine in the Class I category pursuant to s. 570.971 for each ~~not to exceed \$1,000 per~~ violation for each act which constitutes a violation of this part or a rule or order.
3. Directing that the motor vehicle repair shop cease and desist specified activities.
4. Refusing to register or revoking or suspending a registration.
5. Placing the registrant on probation ~~for a period of time~~, subject to such conditions as the department may specify.

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

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

559.9355 Administrative remedies; penalties.—



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

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

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

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

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

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

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

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

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

559.936 Civil penalties; remedies.—

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

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

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

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

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

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

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

Section 62. Section 570.073, Florida Statutes, is renumbered as section 570.65, Florida Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

570.23 State Agricultural Advisory Council.—

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

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

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

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

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

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

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

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

(2) “Assistance” means financial or nonfinancial assistance issued pursuant to ~~the provisions of~~ this act.

~~(3) “Commissioner” means the Commissioner of Agriculture.~~

~~(4) “Department” means the Department of Agriculture and Consumer Services.~~

~~(3)(5)~~ “Financial assistance” means the providing of funds to an agribusiness.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 83. Section 570.345, Florida Statutes, is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

(a) Two citizens of the state, one of whom shall be associated with the Agricultural Extension Service of the University of Florida and the other with the College of Agricultural and Life Science ~~Agriecture~~ of the University of Florida.

(b) An employee of the Department of Health.

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

(d) Two distributors of milk. “Distributor” means a ~~any~~ milk dealer who operates a milk gathering station or processing plant where milk is collected and bottled or otherwise processed and prepared for sale. The commissioner shall appoint the two members ~~provided for in this paragraph~~ from no fewer

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

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

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

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

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

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

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

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

570.45 Director; duties.—

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

Section 89. Paragraph (d) of subsection (3) of section 570.451, Florida Statutes, is amended to read:

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

(3)

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

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

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

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

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

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

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

570.51 Director; qualifications; duties.—

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

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

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

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

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

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



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

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

Section 98. Section 570.67, Florida Statutes, is created to read:

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

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

570.71 Conservation easements and agreements.—

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

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

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

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

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

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

(a) State funds;

(b) Federal funds;

(c) Other governmental entities;

(d) Nongovernmental organizations; or

(e) Private individuals.

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

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

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

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

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

(1) “Designated program” means the departmental program which a direct-support organization has been created to support.

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

(3) “Museum” means the Florida Agricultural Museum, which is designated as the museum for agriculture and rural history of the State of Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

570.685 ~~570.952~~ Florida Agriculture Center and Horse Park Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) “Farm operation” has the same meaning as ~~defined~~ in s. 823.14.

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

Section 113. Section 570.962, Florida Statutes, is renumbered as section 570.87, Florida Statutes.

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

570.88 ~~570.963~~ Liability.—

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

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

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

570.89 570.964 Posting and notification.—

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

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

570.971 Penalties; administrative and civil.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

571.28 Florida Agricultural Promotional Campaign Advisory Council.

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

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

571.29 Unlawful acts; administrative remedies; criminal penalties.—

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

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

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

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

576.021 Registration and licensing.—

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

(a) The name and address of the applicant.

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

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

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

576.031 Labeling.—

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

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

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

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



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

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

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

Section 123. Subsection (3) of section 576.051, Florida Statutes, is amended to read:

576.051 Inspection, sampling, analysis.—

(3) The official analysis shall be made from the official sample. The department, before making the official analysis, shall take a sufficient portion from the official sample for check analysis and place that portion in a bottle sealed and identified by number, date, and the preparer's initials. The official check sample shall be kept until the analysis of the official sample is completed. However, the licensee may obtain upon request a portion of the official check sample. Upon completion of the analysis of the official sample, a true copy of the fertilizer analysis report shall be mailed to the licensee of the fertilizer from whom the official sample was taken and to the dealer or agent, if any, and purchaser, if known. This fertilizer analysis report shall show all determinations of plant nutrient and pesticides. If the official analysis conforms with the provisions of this section law, the official check sample may be destroyed. If the official analysis does not conform with the provisions of this section law, the official check sample shall be retained for 60 a period of 90 days from the date of the fertilizer analysis report of the official sample. If, within that time, the licensee of the fertilizer from whom the official sample was taken, upon receipt of the fertilizer analysis report, makes written demand for analysis of the official check sample by a referee chemist,

a portion of the official check sample sufficient for analysis shall be sent to a referee chemist who is mutually acceptable to the department and the licensee for analysis at the expense of the licensee. The referee chemist, upon completion of the analysis, shall forward to the department and to the licensee a fertilizer analysis report bearing a proper identification mark or number,<sup>3</sup> and the fertilizer analysis report shall be verified by an affidavit of the person making the analysis. If the results reported on the fertilizer analysis report agree within the matching criteria defined in department rule with the department's analysis on each element for which analysis was made, the mean average of the two analyses shall be accepted as final and binding on all concerned. However, if the referee's fertilizer analysis report results do not agree within the matching criteria defined in department rule with the department's analysis in any one or more elements for which an analysis was made, upon demand of either the department or the licensee from whom the official sample was taken, a portion of the official check sample sufficient for analysis shall be submitted to a second referee chemist who is mutually acceptable to the department and to the licensee from whom the official sample was taken, at the expense of the party or parties requesting the referee analysis. If no demand is made for an analysis by a second referee chemist, the department's fertilizer analysis report shall be accepted as final and binding on all concerned. The second referee chemist, upon completion of the analysis, shall make a fertilizer analysis report as provided in this subsection for the first referee chemist. The mean average of the two analyses nearest in conformity to each other shall be accepted as final and binding on all concerned.

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

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

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

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

- (a) Issuance of a warning letter.

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

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

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

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

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

576.087 Antisiphon requirements for irrigation systems.—

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

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

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

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

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

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

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

578.08 Registrations.—

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

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

- (a)1. Receipts of less than \$500, a fee of \$10.
- 2. Receipts of \$500 or more but less than \$1,000, a fee of \$25.
- 3.1. Receipts of \$1,000 or more but less than \$2,500 ~~\$2,500.01~~, a fee of \$100.
- 4.2. Receipts of ~~more than~~ \$2,500 or more but and less than \$5,000 ~~\$5,000.01~~, a fee of \$200.
- 5.3. Receipts of ~~more than~~ \$5,000 or more but and less than \$10,000 ~~\$10,000.01~~, a fee of \$350.
- 6.4. Receipts of ~~more than~~ \$10,000 or more but and less than \$20,000 ~~\$20,000.01~~, a fee of \$800.
- 7.5. Receipts of ~~more than~~ \$20,000 or more but and less than \$40,000 ~~\$40,000.01~~, a fee of \$1,000.
- 8.6. Receipts of ~~more than~~ \$40,000 or more but and less than \$70,000 ~~\$70,000.01~~, a fee of \$1,200.
- 9.7. Receipts of ~~more than~~ \$70,000 or more but and less than \$150,000 ~~\$150,000.01~~, a fee of \$1,600.
- 10.8. Receipts of ~~more than~~ \$150,000 or more but and less than \$400,000 ~~\$400,000.01~~, a fee of \$2,400.
- 11.9. Receipts of ~~more than~~ \$400,000 or more, a fee of \$4,600.

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

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

578.181 Penalties; administrative fine.—

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

(a) Issuance of a warning letter.

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

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

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

580.036 Powers and duties.—

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

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

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

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

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

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

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

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

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

(1)

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

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

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

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

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

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

580.121 Penalties; duties of law enforcement officers; injunctive relief.

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

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

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

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

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

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

~~(b) For a 5-year period, special permits authorizing a person to plant Casuarina cunninghamiana shall be issued only as part of a pilot program for fresh fruit groves in areas of Indian River, St. Lucie, and Martin Counties where citrus canker is determined by the department to be widespread. The pilot program shall be reevaluated annually, and a comprehensive review shall be conducted in 2013. The purpose of the annual and 5-year reviews is to determine if the use of Casuarina cunninghamiana as an agricultural pest and disease windbreak poses any adverse environmental consequences. At the end of the 5-year pilot program, if the Noxious Weed and Invasive Plant Review Committee, created by the department, and the Department of Environmental Protection, in consultation with a representative of the citrus industry who has a Casuarina cunninghamiana windbreak, determine that the potential is low for adverse environmental impacts from planting~~

~~Casuarina cunninghamiana as windbreaks, the department may, by rule, allow the use of Casuarina cunninghamiana windbreaks for commercial citrus groves in other areas of the state. If it is determined at the end of the 5-year pilot program that additional time is needed to further evaluate Casuarina cunninghamiana, the department will remain the lead agency.~~

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

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

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

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

1. The property owner takes permanent action to no longer use the site for commercial citrus production;
2. The site has not been used for commercial citrus production for a period of 5 years; or
3. The department determines that the Casuarina cunninghamiana on the site has become invasive. This determination shall be based on, but not limited to, the recommendation of the Noxious Weed and Invasive Plant Review Committee and the Department of Environmental Protection and in



consultation with a representative of the citrus industry who has a *Casuarina cunninghamiana* windbreak.

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

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

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

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

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

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

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

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

~~(j)~~ If the department determines that female flowers or cones have been produced on any *Casuarina cunninghamiana* that have been planted under a special permit issued by the department, the property owner shall be

~~responsible for destroying the trees. The department shall notify the property owner of the timeframe and method of destruction.~~

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

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

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

2. If the department:

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

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

c. Determines that the permit holder has exceeded the conditions of the authorized special permit;

the department may issue an immediate final order, which shall be immediately appealable or enjoined pursuant to ~~as provided by~~ chapter 120, directing the permit holder to immediately remove and destroy the *Casuarina cunninghamiana* authorized to be planted under the special permit. A copy of the immediate final order shall be mailed to the permit holder.

3. If, upon issuance by the department of an immediate final order to the permit holder, the permit holder fails to remove and destroy the *Casuarina cunninghamiana* subject to the special permit within 60 days after issuance of the order, or such shorter period as is designated in the order as public health, safety, or welfare requires, the department may remove and destroy the *Casuarina cunninghamiana* that are the subject of the special permit. If the permit holder makes a written request to the department for an extension of time to remove and destroy the *Casuarina cunninghamiana* that demonstrates specific facts showing why the *Casuarina cunninghamiana* could not reasonably be removed and destroyed in the applicable timeframe, the department may extend the time for removing and destroying *Casuarina cunninghamiana* subject to a special permit. The reasonable costs and expenses incurred by the department for removing and destroying *Casuarina cunninghamiana* subject to a special permit shall be paid out of the Citrus Inspection Trust Fund and shall be reimbursed by the party to which the immediate final order is issued. If the party to which the immediate final order has been issued fails to reimburse the state within 60 days, the department may record a lien on the property. The lien shall be enforced by the department.

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

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

581.131 Certificate of registration.—

(8) The department shall provide to each person subject to this section written notice and renewal forms 30 ~~60~~ days before ~~prior to~~ the annual

renewal date informing the person of the certificate of registration renewal date and the applicable fee.

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

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

(2) FINES; PROBATION.—

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

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

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

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

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

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

581.211 Penalties for violations.—

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

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

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

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

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

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

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

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

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

585.007 Violation of rules; violation of chapter.—

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

Section 142. Paragraph (a) of subsection (2) of section 586.15, Florida Statutes, is amended to read:

586.15 Penalty for violation.—

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

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

586.161 Honeybee Technical Council.—

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

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

589.08 Land acquisition restrictions.—

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

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

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

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

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

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

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

589.20 Cooperation by Florida Forest Service.—The Florida Forest Service may cooperate with other state agencies, water management districts, municipalities, and other government entities who are custodians

~~of lands which are suitable for forestry purposes, in the designation and dedication of such lands that are suitable for forestry purposes when in the opinion of the state agencies concerned such lands are suitable for these purposes and can be so administered. Lands designated and dedicated by a state agency, water management district, municipality, or other government entity Upon the designation and dedication of said lands for forestry these purposes by the agencies concerned, said lands shall be administered by the Florida Forest Service.~~

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

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

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

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

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

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

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

(8)(a) The Cross City Work Center shall be named the L. Earl Peterson Forestry Station. This is to honor Mr. L. Earl Peterson, Florida’s sixth state forester, whose distinguished career in state government has spanned 44 years, and who is a native of Dixie County.

(b) The Madison Forestry Station shall be named the Harvey Greene, Sr. Forestry Station. This is to honor Mr. Harvey Greene, Sr., a World War I veteran and pioneer in forestry in Madison County. In 1947, Mr. Harvey Greene, Sr., offered to give the land on which the forestry station is located to the state; however, at that time, the state could not accept donations of land.

Instead, Mr. Harvey Greene, Sr., sold the land to the state and, with the proceeds of the sale, purchased forestry equipment to be used by the citizens of Madison County to plant trees and fight wildfires.

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

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

590.125 Open burning authorized by the Florida Forest Service.—

(2) NONCERTIFIED BURNING.—

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

1. There is specific consent of the landowner or his or her designee;
2. Authorization has been obtained from the Florida Forest Service or its designated agent before starting the burn;
3. There are adequate firebreaks at the burn site and sufficient personnel and firefighting equipment for the containment of the fire;
4. The fire remains within the boundary of the authorized area;
5. The person named responsible in the burn authorization or a designee is present at the burn site until the fire is completed;
6. The Florida Forest Service does not cancel the authorization; and
7. The Florida Forest Service determines that air quality and fire danger are favorable for safe burning.

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

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

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

Section 151. Subsection (3) of section 590.14, Florida Statutes, is amended to read:

590.14 Notice of violation; penalties; legislative intent.—



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

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

595.701 Healthy Schools for Healthy Lives Council.—

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

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

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

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

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

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

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

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

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

597.004 Aquaculture certificate of registration.—

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

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

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

597.0041 Prohibited acts; penalties.—

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

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

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

597.020 Shellfish processors; regulation.—

(1) The department may:

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

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

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

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

599.002 Viticulture Advisory Council.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Whenever an any administrative order has been made and entered by the Department of Agriculture that imposes a fine pursuant to this section, such order shall specify a time limit for payment of the fine, not exceeding 15 days. The failure of the citrus fruit dealer ~~involved~~ to pay the fine within that time shall result in the immediate suspension of such citrus fruit dealer's current license, or any subsequently issued license, until ~~such time as~~ the order has been fully satisfied. An Any order suspending a citrus fruit dealer's license shall include a provision that the ~~such~~ suspension shall be for a specified period ~~of time~~ not to exceed 60 days, and such period of suspension

may ~~begin~~ commence at any designated date within the current license period or subsequent license period. Whenever an order has been entered that suspends a citrus fruit dealer's license for a definite period of time and that license, by law, expires during the period of suspension, the suspension order shall continue automatically and shall be effective against any subsequent citrus fruit ~~dealer~~ dealer's license issued to such dealer until ~~such time as~~ the entire period of suspension has elapsed. Whenever any such administrative order of the Department of Agriculture is sought to be reviewed by the offending dealer involved in a court of competent jurisdiction, if such court proceedings should finally terminate in such administrative order being upheld or not quashed, such order shall ~~thereupon~~, upon the filing with the Department of Agriculture of a certified copy of the mandate or other order of the last court having to do with the matter in the judicial process, become immediately effective and shall then be carried out and enforced notwithstanding such time will be during a new and subsequent shipping season from that during which the administrative order was first originally entered by the Department of Agriculture.

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

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

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

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

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

604.22 Dealers to keep records; contents.—

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

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

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

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

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

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

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

604.30 Penalties; injunctive relief; administrative fines.—

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

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

616.242 Safety standards for amusement rides.—

(19) ENFORCEMENT AND PENALTIES.—

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

1. An amusement ride has operated or is operating:

- a. With a mechanical, structural, or electrical defect that affects patron safety, of which the owner or manager has knowledge, or, through the exercise of reasonable diligence, should have knowledge;
  - b. In a manner or circumstance that presents a risk of serious injury to patrons;
  - c. At a speed in excess of its maximum safe operating speed;
  - d. In violation of this section or any rule adopted under this section; or
  - e. In violation of an any order of the department or order of any court; ~~or~~.
2. ~~A~~ Any manager in the course of his or her duties is under the influence of drugs or alcohol.

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

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.