

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Pigman offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

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

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

10 (2) Part II, consisting of sections 570.30 through
 11 570.693, Florida Statutes, entitled "Program Services";

12 (3) Part III, consisting of sections 570.70 through
 13 570.89, Florida Statutes, entitled "Agricultural Development";

14 (4) Part IV, consisting of sections 570.916 through
 15 570.94, Florida Statutes, entitled "Agricultural Water Policy";

16 and

Amendment No. 1

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

19 Section 2. Section 193.461, Florida Statutes, is amended
20 to read:

21 193.461 Agricultural lands; classification and assessment;
22 mandated eradication or quarantine program.-

23 (3) (a) ~~No~~ Lands may not shall be classified as
24 agricultural lands unless a return is filed on or before March 1
25 of each year. ~~The property appraiser,~~ Before ~~so~~ classifying such
26 lands as agricultural lands, the property appraiser may require
27 the taxpayer or the taxpayer's representative to furnish the
28 property appraiser such information as may reasonably be
29 required to establish that such lands were actually used for a
30 bona fide agricultural purpose. Failure to make timely
31 application by March 1 constitutes shall constitute a waiver for
32 1 year of the privilege ~~herein~~ granted in this section for
33 agricultural assessment. However, an applicant who is qualified
34 to receive an agricultural classification who fails to file an
35 application by March 1 must may file an application for the
36 classification with the property appraiser on or before the 25th
37 day after the mailing by the property appraiser of the notice
38 required under s. 194.011(1). Upon receipt of sufficient
39 evidence, as determined by the property appraiser, that
40 demonstrates that the applicant was unable to apply for the
41 classification in a timely manner or that otherwise demonstrates
42 extenuating circumstances that warrant the granting of the

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

43 classification, the property appraiser may grant the
44 classification. If the applicant files an application for the
45 classification and fails to provide sufficient evidence to the
46 property appraiser as required, the applicant and may file,
47 pursuant to s. 194.011(3), a petition with the value adjustment
48 board requesting that the classification be granted. The
49 petition may be filed at any time during the taxable year on or
50 before the 25th day following the mailing of the notice by the
51 property appraiser as provided in s. 194.011(1). Notwithstanding
52 ~~the provisions of s. 194.013,~~ the applicant must pay a
53 nonrefundable fee of \$15 upon filing the petition. Upon
54 reviewing the petition, if the person is qualified to receive
55 the classification and demonstrates particular extenuating
56 circumstances judged by the ~~property appraiser or the value~~
57 adjustment board to warrant granting the classification, ~~the~~
58 ~~property appraiser or the value adjustment board~~ may grant the
59 classification for the current year. The owner of land that was
60 classified agricultural in the previous year and whose ownership
61 or use has not changed may reapply on a short form as provided
62 by the department. The lessee of property may make original
63 application or reapply using the short form if the lease, or an
64 affidavit executed by the owner, provides that the lessee is
65 empowered to make application for the agricultural
66 classification on behalf of the owner and a copy of the lease or
67 affidavit accompanies the application. A county may, at the
68 request of the property appraiser and by a majority vote of its

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

69 governing body, waive the requirement that an annual application
70 or statement be made for classification of property within the
71 county after an initial application is made and the
72 classification granted by the property appraiser. Such waiver
73 may be revoked by a majority vote of the governing body of the
74 county.

75 (6)

76 (c)1. For purposes of the income methodology approach to
77 assessment of property used for agricultural purposes,
78 irrigation systems, including pumps and motors, physically
79 attached to the land shall be considered a part of the average
80 yields per acre and shall have no separately assessable
81 contributory value.

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

86 3. Structures or improvements used in horticultural
87 production for frost or freeze protection, which ~~structures or~~
88 ~~improvements~~ are consistent with the interim measures or best
89 management practices adopted by the Department of Agriculture
90 and Consumer Services Services' ~~interim measures or best~~
91 ~~management practices adopted~~ pursuant to s. 570.93 ~~570.085~~ or s.
92 403.067(7)(c), shall be assessed by the methodology described in
93 subparagraph 1.

94 (7)(a) Lands classified for assessment purposes as

Amendment No. 1

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

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

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

Amendment No. 1

121 253.74 Penalties.—

122 (1) A ~~Any~~ person who conducts aquaculture activities in
123 excess of those authorized by the board or who conducts such
124 activities on state-owned submerged lands without having
125 previously obtained an authorization from the board commits a
126 misdemeanor of the second degree, punishable as provided in s.
127 775.082, is subject to a civil fine in the Class I category
128 pursuant to s. 570.971 ~~and shall be subject to imprisonment for~~
129 ~~not more than 6 months or fine of not more than \$1,000, or both.~~
130 In addition to such fine and imprisonment, all works,
131 improvements, and animal and plant life involved in the project,
132 may be forfeited to the state.

133 Section 4. Paragraph (a) of subsection (2) of section
134 282.709, Florida Statutes, is amended to read:

135 282.709 State agency law enforcement radio system and
136 interoperability network.—

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

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

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

Amendment No. 1

147 department.

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

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

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

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

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

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

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

168 Section 5. Paragraph (c) of subsection (5) of section
169 288.1175, Florida Statutes, is amended to read:

170 288.1175 Agriculture education and promotion facility.—

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

Amendment No. 1

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

179 (c) The location of the facility in a brownfield site as
180 defined in s. 376.79(3), a rural enterprise zone as defined in
181 s. 290.004, an agriculturally depressed area as defined in s.
182 570.74 ~~570.242(1)~~, or a county that has lost its agricultural
183 land to environmental restoration projects.

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

187 320.08058 Specialty license plates.—

188 (14) FLORIDA AGRICULTURAL LICENSE PLATES.—

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

196 (77) FLORIDA HORSE PARK LICENSE PLATES.—

197 (b) The annual use fees shall be distributed to the
198 Florida Agriculture Center and Horse Park Authority created by

Amendment No. 1

199 s. 570.685 ~~570.952~~, which shall retain all proceeds until all
200 startup costs for developing and establishing the plate have
201 been recovered. Thereafter, the proceeds shall be used as
202 follows:

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

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

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

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

218 373.4591 Improvements on private agricultural lands.—The
219 Legislature encourages public-private partnerships to accomplish
220 water storage and water quality improvements on private
221 agricultural lands. When an agreement is entered into between a
222 water management district or the department and a private
223 landowner to establish such a partnership, a baseline condition
224 determining the extent of wetlands and other surface waters on

Amendment No. 1

225 the property shall be established and documented in the
226 agreement before improvements are constructed. When an agreement
227 is entered into between the Department of Agriculture and
228 Consumer Services and a private landowner to implement best
229 management practices pursuant to s. 403.067(7)(c), a baseline
230 condition determining the extent of wetlands and other surface
231 water on the property may be established at the option and
232 expense of the private landowner and documented in the agreement
233 before improvements are constructed. The Department of
234 Agriculture and Consumer Services shall submit the landowner's
235 proposed baseline condition documentation to the lead agency for
236 review and approval, and the agency will utilize its best
237 efforts to complete review within 45 days. The Department of
238 Agriculture and Consumer Services, the department, and the water
239 management districts will provide a process for reviewing these
240 requests in the timeframe specified. The determination of a ~~for~~
241 the baseline condition shall be conducted using the methods set
242 forth in the rules adopted pursuant to s. 373.421. The baseline
243 condition documented in an ~~the~~ agreement shall be considered the
244 extent of wetlands and other surface waters on the property for
245 the purpose of regulation under this chapter for the duration of
246 the agreement and after its expiration.

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

249 373.621 Water conservation.—The Legislature recognizes the
250 significant value of water conservation in the protection and

Amendment No. 1

251 efficient use of water resources. Accordingly, consideration in
252 the administration of ss. 373.223, 373.233, and 373.236 shall be
253 given to applicants who implement water conservation practices
254 pursuant to s. 570.93 ~~570.085~~ or other applicable water
255 conservation measures as determined by the department or a water
256 management district.

257 Section 9. Paragraph (a) of subsection (2) of section
258 373.709, Florida Statutes, is amended to read:

259 373.709 Regional water supply planning.—

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

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

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

272 a. Population projections used for determining public
273 water supply needs must be based upon the best available data.
274 In determining the best available data, the district shall
275 consider the University of Florida's Bureau of Economic and
276 Business Research (BEBR) medium population projections and

Amendment No. 1

277 population projection data and analysis submitted by a local
278 government pursuant to the public workshop described in
279 subsection (1) if the data and analysis support the local
280 government's comprehensive plan. Any adjustment of or deviation
281 from the BEBR projections must be fully described, and the
282 original BEBR data must be presented along with the adjusted
283 data.

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

298 2. A list of water supply development project options,
299 including traditional and alternative water supply project
300 options, from which local government, government-owned and
301 privately owned utilities, regional water supply authorities,
302 multijurisdictional water supply entities, self-suppliers, and

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

303 others may choose for water supply development. In addition to
304 projects listed by the district, such users may propose specific
305 projects for inclusion in the list of alternative water supply
306 projects. If such users propose a project to be listed as an
307 alternative water supply project, the district shall determine
308 whether it meets the goals of the plan, and, if so, it shall be
309 included in the list. The total capacity of the projects
310 included in the plan must exceed the needs identified in
311 subparagraph 1. and take into account water conservation and
312 other demand management measures, as well as water resources
313 constraints, including adopted minimum flows and levels and
314 water reservations. Where the district determines it is
315 appropriate, the plan should specifically identify the need for
316 multijurisdictional approaches to project options that, based on
317 planning level analysis, are appropriate to supply the intended
318 uses and that, based on such analysis, appear to be permissible
319 and financially and technically feasible. The list of water
320 supply development options must contain provisions that
321 recognize that alternative water supply options for agricultural
322 self-suppliers are limited.

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

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

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

Amendment No. 1

329 investment and operating and maintaining the project.

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

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

336 Section 10. Paragraph (e) of subsection (5) of section
337 379.361, Florida Statutes, is amended to read:

338 379.361 Licenses.—

339 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

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

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

355 ~~seminar is not required for renewal of an Apalachicola Bay~~
356 ~~oyster harvesting license.~~

357
358 Section 11. Paragraph (d) of subsection (2) of section
359 381.0072, Florida Statutes, is amended to read:

360 381.0072 Food service protection.—It shall be the duty of
361 the Department of Health to adopt and enforce sanitation rules
362 consistent with law to ensure the protection of the public from
363 food-borne illness. These rules shall provide the standards and
364 requirements for the storage, preparation, serving, or display
365 of food in food service establishments as defined in this
366 section and which are not permitted or licensed under chapter
367 500 or chapter 509.

368 (2) DUTIES.—

369 (d) The department shall inspect each food service
370 establishment as often as necessary to ensure compliance with
371 applicable laws and rules. The department shall have the right
372 of entry and access to these food service establishments at any
373 reasonable time. In inspecting food service establishments ~~as~~
374 ~~provided~~ under this section, the department shall provide each
375 inspected establishment with the food recovery brochure
376 developed under s. 595.420 ~~570.0725~~.

377 Section 12. Paragraph (c) of subsection (2) of section
378 388.46, Florida Statutes, is amended to read:

379 388.46 Florida Coordinating Council on Mosquito Control;
380 establishment; membership; organization; responsibilities.—

Amendment No. 1

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

382 (c) Responsibilities.—The council shall:

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

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

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

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

394 Section 13. Paragraph (c) of subsection (2) of section
395 472.0351, Florida Statutes, is amended to read:

396 472.0351 Grounds for discipline; penalties; enforcement.—

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

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

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

Amendment No. 1

407 to read:

408 472.036 Unlicensed practice of professional surveying and
409 mapping; cease and desist notice; civil penalty; enforcement;
410 citations; allocation of moneys collected.-

411 (1) When the department has probable cause to believe that
412 a ~~any~~ person not licensed by the department or the board has
413 violated ~~any provision of~~ this chapter, or any rule adopted
414 pursuant to this chapter, the department may issue and deliver
415 to such person a notice to cease and desist from such violation.
416 In addition, the department may issue and deliver a notice to
417 cease and desist to a ~~any~~ person who aids and abets the
418 unlicensed practice of surveying and mapping by employing such
419 unlicensed person. The issuance of a notice to cease and desist
420 does ~~shall~~ not constitute agency action for which a hearing
421 under ss. 120.569 and 120.57 may be sought. For the purpose of
422 enforcing a cease and desist order, the department may file a
423 proceeding in the name of the state seeking issuance of an
424 injunction or a writ of mandamus against a ~~any~~ person who
425 violates ~~any provisions of~~ such order. In addition to the
426 foregoing remedies, the department may impose an administrative
427 fine in the Class II category pursuant to s. 570.971 for each
428 ~~penalty not to exceed \$5,000 per~~ incident pursuant to ~~the~~
429 ~~provisions of~~ chapter 120 or may issue a citation pursuant ~~to~~
430 ~~the provisions of~~ subsection (3). If the department is required
431 to seek enforcement of the order for a penalty pursuant to s.
432 120.569, it shall be entitled to collect its attorney ~~attorney's~~

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

433 fees and costs, together with any cost of collection.

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

444 (3) (a) Notwithstanding ~~the provisions of~~ s. 472.033, the
445 department shall adopt rules for ~~to permit~~ the issuance of
446 citations for unlicensed practice of a profession. The citation
447 shall be issued to the subject and shall contain the subject's
448 name and any other information the department determines to be
449 necessary to identify the subject, a brief factual statement,
450 the sections of the law allegedly violated, and the penalty
451 imposed. The citation must clearly state that the subject may
452 choose, in lieu of accepting the citation, to follow the
453 procedure under s. 472.033. If the subject disputes the matter
454 in the citation, the procedures set forth in s. 472.033 must be
455 followed. However, if the subject does not dispute the matter in
456 the citation with the department within 30 days after the
457 citation is served, the citation shall become a final order of
458 the department upon filing with the agency clerk. The penalty

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

459 shall be a fine in the Class II category pursuant to s. 570.971
460 ~~of not less than \$500 or more than \$5,000~~ or other conditions as
461 established by rule.

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

464 482.161 Disciplinary grounds and actions; reinstatement.-

465 (7) The department, pursuant to chapter 120, in addition
466 to or in lieu of any other remedy provided by state or local
467 law, may impose an administrative fine in the Class II category
468 pursuant to s. 570.971, ~~in an amount not exceeding \$5,000~~, for a
469 ~~the~~ violation of ~~any of the provisions of~~ this chapter or of the
470 rules adopted pursuant to this chapter. In determining the
471 amount of fine to be levied for a violation, the following
472 factors shall be considered:

473 (a) The severity of the violation, including the
474 probability that the death, or serious harm to the health or
475 safety, of any person will result or has resulted; the severity
476 of the actual or potential harm; and the extent to which ~~the~~
477 ~~provisions of~~ this chapter or of the rules adopted pursuant to
478 this chapter were violated;

479 (b) Any actions taken by the licensee or certified
480 operator in charge, or limited certificateholder, to correct the
481 violation or to remedy complaints;

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

484 (d) The cost to the department of investigating the

Amendment No. 1

485 violation.

486 Section 16. Subsections (3) and (5) of section 482.165,
487 Florida Statutes, are amended to read:488 482.165 Unlicensed practice of pest control; cease and
489 desist order; injunction; civil suit and penalty.—490 (3) In addition to or in lieu of any remedy provided under
491 subsection (2), the department may institute a civil suit in
492 circuit court to recover a civil penalty for any violation for
493 which the department may issue a notice to cease and desist
494 under subsection (2). The civil penalty shall be in the Class II
495 category pursuant to s. 570.971 ~~may not be less than \$500 or~~
496 ~~more than \$5,000~~ for each offense. The court may also award to
497 the prevailing party court costs and reasonable attorney
498 ~~attorney's~~ fees.499 (5) In addition to or in lieu of any remedy provided under
500 subsections (2) and (3), the department may, even in the case of
501 a first offense, impose a fine not less than twice the cost of a
502 pest control business license, but not more than a fine in the
503 Class II category pursuant to s. 570.971 ~~\$5,000~~, upon a
504 determination by the department that a person is in violation of
505 subsection (1). For the purposes of this subsection, the lapse
506 of a previously issued license for a period of less than 1 year
507 is ~~shall~~ not be considered a violation.508 Section 17. Subsection (6) of section 482.243, Florida
509 Statutes, is amended to read:

510 482.243 Pest Control Enforcement Advisory Council.—

Amendment No. 1

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

515 Section 18. Paragraph (d) of subsection (3) of section
516 487.041, Florida Statutes, is amended to read:

517 487.041 Registration.—

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

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

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

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

537 487.046 Application; licensure.—

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

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

546 487.047 Nonresident license; reciprocal agreement;
547 authorized purchase.—

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

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

558 487.048 Dealer's license; records.—

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

Amendment No. 1

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

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

581 487.091 Tolerances, deficiencies, and penalties.—

582 (2) If a pesticide is found by analysis to be deficient in
583 an active ingredient beyond the tolerance as provided in this
584 part, the registrant is subject to a penalty for the deficiency
585 in the Class III category pursuant to s. 570.971, not to exceed
586 \$10,000 per violation. However, no penalty shall be assessed
587 when the official sample was taken from a pesticide that was in
588 the possession of a consumer for more than 45 days after ~~from~~

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

589 the date of purchase by that consumer, or when the product label
590 specifies that the product should be used by an expiration date
591 that has passed. Procedures for assessing penalties shall be
592 established by rule, based on the degree of the deficiency.
593 Penalties assessed shall be paid to the consumer or, in the
594 absence of a known consumer, the department. If the penalty is
595 not paid within the prescribed period ~~of time~~ as established by
596 rule, the department may deny, suspend, or revoke the
597 registration of any pesticide.

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

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

604 487.159 Damage or injury to property, animal, or person;
605 mandatory report of damage or injury; ~~time for filing; failure~~
606 ~~to file.~~

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

Amendment No. 1

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

625 ~~(1)(2)~~ A ~~It is the duty of any licensee shall to~~ report
626 unreasonable adverse effects on the environment or damage to
627 ~~property~~ or injury to human beings, animals, plants, or other
628 property ~~a person~~ as the result of the application of a
629 restricted-use pesticide by the licensee or by an applicator or
630 mixer-loader under the licensee's direct supervision, if and
631 when the licensee has knowledge of such damage or injury. ~~It is~~
632 ~~also the express intent of this section to require all~~
633 Physicians shall ~~to~~ report all pesticide-related illnesses or
634 injuries to the nearest county health department, which shall
635 ~~will~~ notify the department so that the department may establish
636 a pesticide incident monitoring system within the Division of
637 Agricultural Environmental Services.

638 ~~(2)(3)~~ When damage or injury to human beings, animals,
639 plants, or other property as the result of the application of a
640 restricted-use pesticide is alleged to have been done, the

Amendment No. 1

641 person claiming such damage or injury claimant shall allow
642 ~~permit~~ the licensee and the licensee's representatives to
643 observe within reasonable hours the alleged damage or injury in
644 order that the damage or injury may be examined. The failure of
645 the person claiming such damage or injury claimant to allow
646 ~~permit~~ observation and examination of the alleged damage or
647 injury shall automatically bar the claim against the licensee.

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

650 487.160 Records.—Licensed private applicators, supervising
651 ~~15 or more unlicensed applicators or mixer-loaders and~~ licensed
652 public applicators, and licensed commercial applicators shall
653 maintain records as the department may determine by rule with
654 respect to the application of restricted pesticides, including,
655 but not limited to, the type and quantity of pesticide, method
656 of application, crop treated, and dates and location of
657 application. ~~Other licensed private applicators shall maintain~~
658 ~~records as the department may determine by rule with respect to~~
659 ~~the date, type, and quantity of restricted-use pesticides used.~~
660 Licensees shall keep records for ~~a period of~~ 2 years from the
661 date of the application of the pesticide to which the records
662 refer, and shall furnish to the department a copy of the records
663 upon written request by the department.

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

666 Section 26. Paragraph (e) of subsection (1) of section

Amendment No. 1

667 487.175, Florida Statutes, is amended to read:

668 487.175 Penalties; administrative fine; injunction.-

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

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

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

685 487.2031 Definitions.-For the purposes of this part, the
686 term:

687 (8) ~~(7)~~ "~~Material~~ Safety data sheet" means written,
688 electronic, or printed material concerning an agricultural
689 pesticide that sets forth the following information:

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

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

Amendment No. 1

693 agricultural pesticide, including:

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

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

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

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

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

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

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

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

Amendment No. 1

719 487.2051 Availability of agricultural pesticide

720 information to workers and medical personnel.—

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

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

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

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

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

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

741 (3) Upon the initial purchase of a product and with the
742 first purchase after the fact sheet or ~~material~~ safety data
743 sheet is updated, the distributor, manufacturer, or importer of
744 agricultural pesticides shall obtain or develop and provide each

Amendment No. 1

745 direct purchaser of an agricultural pesticide with a fact sheet
746 or material safety data sheet. If the fact sheet or material
747 safety data sheet ~~or fact sheet~~ for the agricultural pesticide
748 is not available when the agricultural pesticide is purchased,
749 the agricultural employer shall take appropriate and timely
750 steps to obtain the fact sheet or material safety data sheet ~~or~~
751 ~~fact sheet~~ from the distributor, the manufacturer, the
752 department, a federal agency, or another distribution source.

753 (4) The department shall produce and make available to a
754 trainer a one-page general agricultural pesticide safety sheet.
755 The pesticide safety sheet must be in a language understandable
756 to the worker and must include, but need not be limited to,
757 illustrated instructions on preventing agricultural pesticide
758 exposure and toll-free telephone numbers to the Florida Poison
759 Control Centers. The trainer shall provide the pesticide safety
760 sheet to the worker pursuant to the United States Environmental
761 Protection Agency Worker Protection Standard, 40 C.F.R. s.
762 170.130.

763 Section 29. Paragraph (c) of subsection (2) of section
764 493.6118, Florida Statutes, is amended to read:

765 493.6118 Grounds for disciplinary action.—

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

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

Amendment No. 1

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

773 493.6120 Violations; penalty.—

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

781 (5) A person who violates or disregards a cease and desist
782 order issued by the department commits a misdemeanor of the
783 first degree, punishable as provided in s. 775.082 or s.
784 775.083. In addition, the department may seek the imposition of
785 a civil penalty in the Class II category pursuant to s. 570.971
786 ~~not to exceed \$5,000.~~

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

789 496.420 Civil remedies and enforcement.—

790 (1) In addition to other remedies authorized by law, the
791 department may bring a civil action in circuit court to enforce
792 ss. 496.401-496.424 or s. 496.426. Upon a finding that a ~~any~~
793 person has violated any of these sections, a court may make any
794 necessary order or enter a judgment including, but not limited
795 to, a temporary or permanent injunction, a declaratory judgment,
796 the appointment of a general or special magistrate or receiver,

Amendment No. 1

797 the sequestration of assets, the reimbursement of persons from
798 whom contributions have been unlawfully solicited, the
799 distribution of contributions pursuant to ~~in accordance with~~ the
800 charitable or sponsor purpose expressed in the registration
801 statement or pursuant to ~~in accordance with~~ the representations
802 made to the person solicited, the reimbursement of the
803 department for investigative costs and attorney, ~~attorney's~~ fees
804 and costs, and any other equitable relief the court finds
805 appropriate. Upon a finding that a ~~any~~ person has violated any
806 provision of ss. 496.401-496.424 or s. 496.426 with actual
807 knowledge or knowledge fairly implied on the basis of objective
808 circumstances, a court may enter an order imposing a civil fine
809 in the Class III category pursuant to s. 570.971 for each
810 ~~penalty in an amount not to exceed \$10,000 per violation.~~

811 Section 32. Paragraph (p) of subsection (1) of section
812 500.03, Florida Statutes, is amended to read:

813 500.03 Definitions; construction; applicability.—

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

815 (p) "Food establishment" means a ~~any~~ factory, food outlet,
816 or ~~any~~ other facility manufacturing, processing, packing,
817 holding, or preparing food or selling food at wholesale or
818 retail. The term does not include a ~~any~~ business or activity
819 that is regulated under s. 413.051, s. 500.80, chapter 509, or
820 chapter 601. The term includes tomato packinghouses and
821 repackers but does not include any other establishments that
822 pack fruits and vegetables in their raw or natural states,

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

823 including those fruits or vegetables that are washed, colored,
824 or otherwise treated in their unpeeled, natural form before they
825 are marketed.

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

829 500.12 Food permits; building permits.—

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

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

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

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

844 4. Persons selling sugar cane or sorghum syrup that has
845 been boiled and bottled on a premise located within the state.
846 Such bottles must contain a label listing the producer's name
847 and street address, all added ingredients, the net weight or
848 volume of the product, and a statement that reads, "This product

Amendment No. 1

849 has not been produced in a facility permitted by the Florida
850 Department of Agriculture and Consumer Services."

851 (b) Each food establishment and retail food store
852 regulated under this chapter must apply for and receive a food
853 permit before operation begins. An application for a food permit
854 from the department must be accompanied by a fee in an amount
855 determined by department rule. The department shall adopt by
856 rule a schedule of fees to be paid by each food establishment
857 and retail food store as a condition of issuance or renewal of a
858 food permit. Such fees, ~~which~~ may not exceed \$650 and shall be
859 used solely for the recovery of costs for the services provided,
860 except that the fee accompanying an application for a food
861 permit for operating a bottled water plant may not exceed \$1,000
862 and the fee accompanying an application for a food permit for
863 operating a packaged ice plant may not exceed \$250. The fee for
864 operating a bottled water plant or a packaged ice plant shall be
865 set by rule of the department. Food permits are not transferable
866 from one person or physical location to another. Food permits
867 must be renewed annually on or before January 1. If an
868 application for renewal of a food permit is not received by the
869 department within 30 days after its due date, a late fee, ~~in an~~
870 ~~amount~~ not exceeding \$100, ~~must~~ be paid in addition to the food
871 permit fee before the department may issue the food permit. The
872 moneys collected shall be deposited in the General Inspection
873 Trust Fund.

874 (8) A ~~Any person who, after October 1, 2000,~~ applies for

Amendment No. 1

875 or renews a local business tax certificate ~~occupational license~~
876 to engage in business as a food establishment or retail food
877 store must exhibit a current food permit or an active letter of
878 exemption from the department before the local business tax
879 certificate ~~occupational license~~ may be issued or renewed.

880 Section 34. Subsections (1), (2), and (3) of section
881 500.121, Florida Statutes, are amended, and subsection (7) is
882 added to that section, to read:

883 500.121 Disciplinary procedures.—

884 (1) In addition to the suspension procedures provided in
885 s. 500.12, if applicable, the department may impose an
886 administrative fine in the Class II category pursuant to s.
887 570.971 ~~a fine not to exceed \$5,000~~ against any retail food
888 store, food establishment, or cottage food operation that
889 violates this chapter, which fine, when imposed and paid, shall
890 be deposited by the department into the General Inspection Trust
891 Fund. The department may revoke or suspend the permit of any
892 such retail food store or food establishment if it is satisfied
893 that the retail food store or food establishment has:

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

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

898 (c) Knowingly committed, or been a party to, any material
899 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
900 or device whereby another ~~any other~~ person, lawfully relying

Amendment No. 1

901 upon the word, representation, or conduct of a retail food store
902 or food establishment, acts to her or his injury or damage.

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

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

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

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

Amendment No. 1

927 follows:

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

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

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

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

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

Amendment No. 1

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

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

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

959 500.147 Inspection of food establishments, food records,
960 and vehicles.—

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

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

977 500.165 Transporting shipments of food items; rules;
978 penalty.—

Amendment No. 1

979 (3) A ~~Any~~ person who violates subsection (1) or the rules
980 adopted under subsection (2) is subject to an administrative
981 fine in the Class III category pursuant to s. 570.971 for each
982 ~~not to exceed \$50,000 per~~ violation. In addition, a ~~any~~ person
983 who violates subsection (1) commits ~~is guilty of~~ a misdemeanor
984 of the first degree, punishable as provided in s. 775.082 or s.
985 775.083.

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

988 500.172 Embargoing, detaining, destroying of food, ~~or~~
989 food-processing equipment, or areas that are ~~is~~ in violation.-

990 (1) When the department or its duly authorized agent, that
991 has been properly educated and trained on legal requirements,
992 finds, or has probable cause to believe, that any food, ~~or~~ food-
993 processing equipment, food-processing area, or food storage area
994 is in violation of this chapter or any rule adopted under this
995 chapter so as to be dangerous, unwholesome, fraudulent, or
996 insanitary within the meaning of this chapter, an agent of the
997 department may issue and enforce a stop-sale, stop-use, removal,
998 or hold order, which order gives notice that such article, ~~or~~
999 processing equipment, processing area, or storage area is, or is
1000 suspected of being, in violation and has been detained or
1001 embargoed and which order warns all persons not to remove, use,
1002 or dispose of such article, ~~or~~ processing equipment, processing
1003 area, or storage area by sale or otherwise until permission for
1004 removal, use, or disposal is given by the department or the

Amendment No. 1

1005 court. A person may not ~~It is unlawful for any person to~~ remove,
1006 use, or dispose of such detained or embargoed article, ~~or~~
1007 processing equipment, processing area, or storage area by sale
1008 or otherwise without such permission.

1009 (2) If an article, ~~or~~ processing equipment, a processing
1010 area, or a storage area detained or embargoed under subsection
1011 (1) has been found by the department to be in violation of law
1012 or rule, the department may, within a reasonable period ~~of time~~
1013 after the issuance of such notice, petition the circuit court, ~~or~~
1014 in the jurisdiction of which the article, ~~or~~ processing
1015 equipment, processing area, or storage area is detained or
1016 embargoed, ~~or~~ for an order for condemnation of such article, ~~or~~
1017 processing equipment, processing area, or storage area. When the
1018 department has found that an article, ~~or~~ processing equipment, a
1019 processing area, or a storage area so detained or embargoed is
1020 not in violation, the department shall rescind the stop-sale,
1021 stop-use, removal, or hold order.

1022 (3) If the court finds that the detained or embargoed
1023 article, ~~or~~ processing equipment, processing area, or storage
1024 area is in violation, such article, ~~or~~ processing equipment, processing
1025 area, or storage area shall, after entry of the
1026 decree, be destroyed or made sanitary at the expense of the
1027 claimant thereof under the supervision of the department, ~~and~~
1028 all court costs, fees, and storage and other proper expenses
1029 shall be taxed against the claimant of such article, ~~or~~
1030 processing equipment, processing area, or storage area or her or

Amendment No. 1

1031 his agent. However, if the violation can be corrected by proper
1032 labeling of the article or sanitizing of the processing
1033 equipment, processing area, or storage area, and after such
1034 costs, fees, and expenses have been paid and a good and
1035 sufficient bond, conditioned that such article be so labeled or
1036 processed or such processing equipment, processing area, or
1037 storage area so sanitized, has been executed, the court may by
1038 order direct that such article, ~~or~~ processing equipment,
1039 processing area, or storage area be made available ~~delivered~~ to
1040 the claimant thereof for such labeling, processing, or
1041 sanitizing under the supervision of the department. The expense
1042 of such supervision shall be paid by the claimant. Such bond
1043 shall be returned to the claimant of the article, ~~or~~ processing
1044 equipment, processing area, or storage area on representation to
1045 the court by the department that the article, ~~or~~ processing
1046 equipment, processing area, or storage area is no longer in
1047 violation of this chapter and that the expenses of such
1048 supervision have been paid.

1049 (4) When the department or any of its authorized agents
1050 finds in any room, building, vehicle, or other structure any
1051 meat, seafood, poultry, vegetable, fruit, or other perishable
1052 articles which are unsound or contain any filthy, decomposed, or
1053 putrid substances, or which may be poisonous or deleterious to
1054 health or otherwise unsafe, the same is ~~being hereby~~ declared to
1055 be a nuisance, and the department~~,~~ or its authorized agent~~,~~
1056 shall ~~forthwith~~ condemn or destroy the same~~,~~ or in any other

Amendment No. 1

1057 manner render the same unsalable as human food.

1058 Section 38. Sections 500.301, 500.302, 500.303, 500.304,
1059 500.305, 500.306, and 500.601, Florida Statutes, are repealed.

1060 Section 39. Paragraph (b) of subsection (3) of section
1061 500.70, Florida Statutes, is amended to read:

1062 500.70 Tomato food safety standards; inspections;
1063 penalties; tomato good agricultural practices; tomato best
1064 management practices.—

1065 (3)

1066 (b) The department may impose an administrative fine in
1067 the Class II category pursuant to s. 570.971 for each ~~not to~~
1068 ~~exceed \$5,000 per~~ violation, or issue a written notice or
1069 warning under s. 500.179, against a person who violates any
1070 applicable provision of this section or any rule adopted under
1071 this section.

1072 Section 40. Subsection (3) and paragraph (b) of subsection
1073 (4) of section 501.019, Florida Statutes, are amended to read:

1074 501.019 Health studios; penalties.—

1075 (3) The department may institute proceedings in the
1076 appropriate circuit court to recover any penalties or damages
1077 allowed in this section and for injunctive relief to enforce
1078 compliance with ss. 501.012-501.019 or any rule or order of the
1079 department. The department may seek a civil penalty in the Class
1080 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
1081 violation of this section.

1082 (4)

Amendment No. 1

1083 (b) Upon a finding as set forth in paragraph (a), the
1084 department may enter an order doing one or more of the
1085 following:

1086 1. Issuing a notice of noncompliance pursuant to s.
1087 120.695.

1088 2. For a violation of s. 501.015 or s. 501.016, imposing
1089 an administrative fine in the Class II category pursuant to s.
1090 570.971 for each ~~not to exceed \$5,000 per~~ violation.

1091 ~~3. For a violation of s. 501.013, s. 501.017, or s.~~
1092 ~~501.018, imposing an administrative fine not to exceed \$500 per~~
1093 ~~violation.~~

1094 ~~3.4.~~ Directing that the health studio cease and desist
1095 specified activities.

1096 ~~4.5.~~ Refusing to register or revoking or suspending a
1097 registration.

1098 ~~5.6.~~ Placing the registrant on probation for a period of 5
1099 years, subject to such conditions as the department may specify
1100 by rule.

1101 Section 41. Subsection (9) of section 501.059, Florida
1102 Statutes, is amended, and subsection (12) is added to that
1103 section, to read:

1104 501.059 Telephone solicitation.-

1105 (9) (a) The department shall investigate any complaints
1106 received concerning violations of this section. If, after
1107 investigating a any complaint, the department finds that there
1108 has been a violation of this section, the department or the

Amendment No. 1

1109 Department of Legal Affairs may bring an action to impose a
1110 civil penalty and to seek other relief, including injunctive
1111 relief, as the court deems appropriate against the telephone
1112 solicitor. The civil penalty shall be in the Class III category
1113 pursuant to s. 570.971 for each ~~may not exceed \$10,000 per~~
1114 violation and shall be deposited in the General Inspection Trust
1115 Fund if the action or proceeding was brought by the department,
1116 or the Legal Affairs Revolving Trust Fund if the action or
1117 proceeding was brought by the Department of Legal Affairs. This
1118 civil penalty may be recovered in any action brought under this
1119 part by the department, or the department may terminate any
1120 investigation or action upon agreement by the person to pay a
1121 stipulated civil penalty. The department or the court may waive
1122 any civil penalty if the person has previously made full
1123 restitution or reimbursement or has paid actual damages to the
1124 consumers who have been injured by the violation.

1125 (b) The department may, as an alternative to the civil
1126 penalties provided in paragraph (a), impose an administrative
1127 fine in the Class I category pursuant to s. 570.971 ~~not to~~
1128 ~~exceed \$1,000~~ for each act or omission that constitutes a
1129 violation of this section. An administrative proceeding that
1130 could result in the entry of an order imposing an administrative
1131 penalty must be conducted pursuant to ~~in accordance with~~ chapter
1132 120.

1133 (12) The department may adopt rules to implement this
1134 section.

Amendment No. 1

1135 Section 42. Paragraph (b) of subsection (2) of section
1136 501.612, Florida Statutes, is amended to read:

1137 501.612 Grounds for departmental action against licensure
1138 applicants or licensees.—

1139 (2) Upon a finding as set forth in subsection (1), the
1140 department may enter an order:

1141 (b) Imposing an administrative fine in the Class III
1142 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
1143 act or omission which constitutes a violation under this part.

1144 Section 43. Section 501.619, Florida Statutes, is amended
1145 to read:

1146 501.619 Civil penalties.—A ~~Any~~ person who engages in any
1147 act or practice declared in this part to be unlawful is liable
1148 for a civil penalty in the Class III category pursuant to s.
1149 570.971 ~~of not more than \$10,000~~ for each such violation. This
1150 civil penalty may be recovered in any action brought under this
1151 part by the department, or the department may terminate any
1152 investigation or action upon agreement by the person to pay a
1153 stipulated civil penalty. The department or the court may waive
1154 any such civil penalty or other fines or costs if the person has
1155 previously made full restitution or reimbursement or has paid
1156 actual damages to the purchasers who have been injured by the
1157 unlawful act or practice.

1158 Section 44. Paragraph (a) of subsection (1) of section
1159 501.922, Florida Statutes, is amended to read:

1160 501.922 Violation.—

Amendment No. 1

1161 (1) The department may enter an order imposing one or more
1162 of the following penalties against any person who violates ss.
1163 501.91-501.923 or who impedes, obstructs, or hinders the
1164 department in performing its duties under those sections:

1165 (a) Imposition of an administrative fine in the Class II
1166 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
1167 ~~per violation for a first-time offender. For a second-time or~~
1168 ~~repeat offender, or any person who willfully and intentionally~~
1169 ~~violates ss. 501.91-501.923, the administrative fine may not~~
1170 ~~exceed \$5,000 per violation.~~

1171 Section 45. Paragraph (b) of subsection (1) of section
1172 502.231, Florida Statutes, is amended to read:

1173 502.231 Penalty and injunction.—

1174 (1) The department may enter an order imposing one or more
1175 of the following penalties against any person who violates any
1176 provision of this chapter:

1177 (b) Imposition of an administrative fine ~~not to exceed:~~

1178 1. In the Class II category pursuant to s. 570.971 for
1179 each ~~Ten thousand dollars per~~ violation in the case of a frozen
1180 dessert licensee;

1181 2. Ten percent of the license fee or \$100, whichever is
1182 greater, for failure to report the information described in s.
1183 502.053(3)(d); or

1184 3. In the Class I category pursuant to s. 570.971 for each
1185 ~~One thousand dollars per~~ occurrence for any other violation.
1186

Amendment No. 1

1187 When imposing a fine under this paragraph, the department must
1188 consider the degree and extent of harm caused by the violation,
1189 the cost of rectifying the damage, the benefit to the violator,
1190 whether the violation was committed willfully, and the
1191 violator's compliance record.

1192 Section 46. Subsection (1) of section 507.09, Florida
1193 Statutes, is amended to read:

1194 507.09 Administrative remedies; penalties.—

1195 (1) The department may enter an order doing one or more of
1196 the following if the department finds that a mover or moving
1197 broker, or a person employed or contracted by a mover or broker,
1198 has violated or is operating in violation of this chapter or the
1199 rules or orders issued pursuant to ~~in accordance with~~ this
1200 chapter:

1201 (a) Issuing a notice of noncompliance under s. 120.695.

1202 (b) Imposing an administrative fine in the Class II
1203 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
1204 act or omission.

1205 (c) Directing that the person cease and desist specified
1206 activities.

1207 (d) Refusing to register or revoking or suspending a
1208 registration.

1209 (e) Placing the registrant on probation ~~for a period of~~
1210 ~~time~~, subject to the conditions specified by the department.

1211 Section 47. Subsection (2) of section 507.10, Florida
1212 Statutes, is amended to read:

Amendment No. 1

1213 507.10 Civil penalties; remedies.—

1214 (2) The department may seek a civil penalty in the Class
1215 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
1216 violation of this chapter.

1217 Section 48. Paragraph (g) of subsection (2) and paragraph
1218 (c) of subsection (3) of section 509.032, Florida Statutes, are
1219 amended to read:

1220 509.032 Duties.—

1221 (2) INSPECTION OF PREMISES.—

1222 (g) In inspecting public food service establishments, the
1223 department shall provide each inspected establishment with the
1224 food-recovery brochure developed under s. 595.420 ~~570.0725~~.

1225 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD
1226 SERVICE EVENTS.—The division shall:

1227 (c) Administer a public notification process for temporary
1228 food service events and distribute educational materials that
1229 address safe food storage, preparation, and service procedures.

1230 1. Sponsors of temporary food service events shall notify
1231 the division not less than 3 days before ~~prior to~~ the scheduled
1232 event of the type of food service proposed, the time and
1233 location of the event, a complete list of food service vendors
1234 participating in the event, the number of individual food
1235 service facilities each vendor will operate at the event, and
1236 the identification number of each food service vendor's current
1237 license as a public food service establishment or temporary food
1238 service event licensee. Notification may be completed orally, by

Amendment No. 1

1239 telephone, in person, or in writing. A public food service
1240 establishment or food service vendor may not use this
1241 notification process to circumvent the license requirements of
1242 this chapter.

1243 2. The division shall keep a record of all notifications
1244 received for proposed temporary food service events and shall
1245 provide appropriate educational materials to the event sponsors,
1246 including the food-recovery brochure developed under s. 595.420
1247 ~~570.0725~~.

1248 3.a. A public food service establishment or other food
1249 service vendor must obtain one of the following classes of
1250 license from the division: an individual license, for a fee of
1251 no more than \$105, for each temporary food service event in
1252 which it participates; or an annual license, for a fee of no
1253 more than \$1,000, that entitles the licensee to participate in
1254 an unlimited number of food service events during the license
1255 period. The division shall establish license fees, by rule, and
1256 may limit the number of food service facilities a licensee may
1257 operate at a particular temporary food service event under a
1258 single license.

1259 b. Public food service establishments holding current
1260 licenses from the division may operate under the regulations of
1261 such a license at temporary food service events of 3 days or
1262 less in duration.

1263 Section 49. Paragraph (a) of subsection (1) of section
1264 525.16, Florida Statutes, is amended to read:

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

1265 525.16 Administrative fine; penalties; prosecution of
1266 cases by state attorney.—

1267 (1) (a) The department may enter an order imposing one or
1268 more of the following penalties against a any person who
1269 violates ~~any of the provisions of~~ this chapter or the rules
1270 adopted under this chapter or impedes, obstructs, or hinders the
1271 department in the performance of its duty in connection with ~~the~~
1272 ~~provisions of~~ this chapter:

1273 1. Issuance of a warning letter.

1274 2. Imposition of an administrative fine in the Class II
1275 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
1276 ~~per violation for a first time offender. For a second time or~~
1277 ~~repeat offender, or any person who is shown to have willfully~~
1278 ~~and intentionally violated any provision of this chapter, the~~
1279 ~~administrative fine shall not exceed \$5,000 per violation.~~ When
1280 imposing any fine under this section, the department shall
1281 consider the degree and extent of harm caused by the violation,
1282 the cost of rectifying the damage, the amount of money the
1283 violator benefited from by noncompliance, whether the violation
1284 was committed willfully, and the compliance record of the
1285 violator.

1286 3. Revocation or suspension of any registration issued by
1287 the department.

1288 Section 50. Subsection (1) of section 526.311, Florida
1289 Statutes, is amended to read:

1290 526.311 Enforcement; civil penalties; injunctive relief.—

Amendment No. 1

1291 (1) A ~~Any~~ person who knowingly violates this act shall be
1292 subject to a civil penalty in the Class III category pursuant to
1293 s. 570.971 for each ~~not to exceed \$10,000 per~~ violation. Each
1294 day that a violation of this act occurs shall be considered a
1295 separate violation, but the ~~no~~ civil penalty may not ~~shall~~
1296 exceed \$250,000. ~~Any~~ Such a person shall also be liable for
1297 attorney ~~attorney's~~ fees and shall be subject to an action for
1298 injunctive relief.

1299 Section 51. Paragraph (b) of subsection (2) of section
1300 526.55, Florida Statutes, is amended to read:

1301 526.55 Violation and penalties.—

1302 (2) If the department finds that a person has violated or
1303 is operating in violation of ss. 526.50-526.56 or the rules or
1304 orders adopted thereunder, the department may, by order:

1305 (b) Impose an administrative fine in the Class II category
1306 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each violation;

1307 Section 52. Subsection (1) of section 527.13, Florida
1308 Statutes, is amended to read:

1309 527.13 Administrative fines and warning letters.—

1310 (1) If a ~~any~~ person violates ~~any provision of~~ this chapter
1311 or any rule adopted under this chapter ~~pursuant thereto~~ or a
1312 cease and desist order, the department may impose civil or
1313 administrative penalties in the Class II category pursuant to s.
1314 570.971 not to exceed \$3,000 for each offense, suspend or revoke
1315 the license or qualification issued to such person, or any of
1316 the foregoing. The cost of the proceedings to enforce this

Amendment No. 1

1317 chapter may be added to any penalty imposed. The department may
1318 allow the licensee a reasonable period, not to exceed 90 days,
1319 within which to pay to the department the amount of the penalty
1320 so imposed. If the licensee fails to pay the penalty in its
1321 entirety to the department at its office at Tallahassee within
1322 the period so allowed, the licenses of the licensee shall stand
1323 revoked upon expiration of such period.

1324 Section 53. Subsection (1) of section 531.50, Florida
1325 Statutes, is amended to read:

1326 531.50 Administrative fine, penalties, and offenses.—

1327 (1) The department may enter an order imposing one or more
1328 of the following penalties against a any person who violates any
1329 ~~provision of~~ this chapter or any rule adopted under this chapter
1330 or impedes, obstructs, or hinders the department in performing
1331 ~~the performance of~~ its duties under ~~in connection with the~~
1332 ~~provisions of~~ this chapter:

1333 (a) Issuance of a warning letter or notice.

1334 (b) Imposition of an administrative fine in the Class II
1335 category pursuant to s. 570.971 for each of:

1336 ~~1. Up to \$1,000 for a first violation;~~

1337 ~~2. Up to \$2,500 for a second violation within 2 years~~
1338 ~~after the first violation; or~~

1339 ~~3. Up to \$5,000 for a third violation within 2 years after~~
1340 ~~the first violation.~~

1341
1342 When imposing any fine under this section, the department shall

Amendment No. 1

1343 consider the degree and extent of potential harm caused by the
1344 violation, the amount of money by which the violator benefited
1345 from noncompliance, whether the violation was committed
1346 willfully, and the compliance record of the violator. All fines,
1347 monetary penalties, and costs received by the department shall
1348 be deposited in the General Inspection Trust Fund for the
1349 purpose of administering ~~the provisions of~~ this chapter.

1350 Section 54. Subsection (2) of section 534.52, Florida
1351 Statutes, is amended to read:

1352 534.52 Violations; refusal, suspension, revocation;
1353 penalties.—

1354 (2) In addition, or as an alternative to refusing,
1355 suspending, or revoking a license in cases involving violations,
1356 the department may impose an administrative a fine in the Class
1357 I category pursuant to s. 570.971 not to exceed \$500 for the
1358 first offense and not to exceed \$1,000 for the second or
1359 subsequent violations. When imposed and paid, such fines shall
1360 be deposited in the General Inspection Trust Fund.

1361 Section 55. Paragraphs (b) and (d) of subsection (7) of
1362 section 539.001, Florida Statutes, are amended to read:

1363 539.001 The Florida Pawnbroking Act.—

1364 (7) ORDERS IMPOSING PENALTIES.—

1365 (b) Upon a finding as set forth in paragraph (a), the
1366 agency may enter an order doing one or more of the following:

1367 1. Issuing a notice of noncompliance pursuant to s.
1368 120.695.

Amendment No. 1

1369 2. Imposing an administrative fine in the Class II
1370 category pursuant to s. 570.971 not to exceed \$5,000 for each
1371 act which constitutes a violation of this section or a rule or
1372 an order.

1373 3. Directing that the pawnbroker cease and desist
1374 specified activities.

1375 4. Refusing to license or revoking or suspending a
1376 license.

1377 5. Placing the licensee on probation ~~for a period of time,~~
1378 subject to such conditions as the agency may specify.

1379 (d)1. When the agency, if a violation of this section
1380 occurs, has reasonable cause to believe that a person is
1381 operating in violation of this section, the agency may bring a
1382 civil action in the appropriate court for temporary or permanent
1383 injunctive relief and may seek other appropriate civil relief,
1384 including a civil penalty in the Class II category pursuant to
1385 s. 570.971 not to exceed \$5,000 for each violation, restitution
1386 and damages for injured customers, court costs, and reasonable
1387 attorney attorney's fees.

1388 2. The agency may terminate any investigation or action
1389 upon agreement by the offender to pay a stipulated civil
1390 penalty, to make restitution or pay damages to customers, or to
1391 satisfy any other relief authorized herein and requested by the
1392 agency.

1393 Section 56. Paragraph (b) of subsection (4) and paragraph
1394 (a) of subsection (5) of section 559.921, Florida Statutes, are

Amendment No. 1

1395 amended to read:

1396 559.921 Remedies.—

1397 (4)

1398 (b) Upon a finding as set forth in paragraph (a), the
1399 department may enter an order doing one or more of the
1400 following:

1401 1. Issuing a notice of noncompliance pursuant to s.
1402 120.695.

1403 2. Imposing an administrative fine in the Class I category
1404 pursuant to s. 570.971 for each ~~not to exceed \$1,000 per~~
1405 violation for each act which constitutes a violation of this
1406 part or a rule or order.

1407 3. Directing that the motor vehicle repair shop cease and
1408 desist specified activities.

1409 4. Refusing to register or revoking or suspending a
1410 registration.

1411 5. Placing the registrant on probation ~~for a period of~~
1412 ~~time~~, subject to such conditions as the department may specify.

1413 (5) (a) The department or the state attorney, if a
1414 violation of this part occurs in his or her judicial circuit,
1415 shall be the enforcing authority for purposes of this part and
1416 may bring a civil action in circuit court for temporary or
1417 permanent injunctive relief and may seek other appropriate civil
1418 relief, including a civil penalty in the Class I category
1419 pursuant to s. 570.971 ~~not to exceed \$1,000~~ for each violation,
1420 restitution and damages for injured customers, court costs, and

Amendment No. 1

1421 reasonable attorney ~~attorney's~~ fees.

1422 Section 57. Subsection (1) of section 559.9355, Florida
1423 Statutes, is amended to read:

1424 559.9355 Administrative remedies; penalties.—

1425 (1) The department may enter an order doing one or more of
1426 the following if the department finds that a person has violated
1427 or is operating in violation of ~~any of the provisions of~~ this
1428 part or the rules or orders issued thereunder:

1429 (a) Issuing a notice of noncompliance pursuant to s.
1430 120.695.

1431 (b) Imposing an administrative fine in the Class II
1432 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
1433 act or omission.

1434 ~~(c) Imposing an administrative fine not to exceed \$10,000~~
1435 ~~for each act or omission in violation of s. 559.9335(22) or~~
1436 ~~(23).~~

1437 ~~(c)(d)~~ Directing that the person cease and desist
1438 specified activities.

1439 ~~(d)(e)~~ Refusing to register or canceling or suspending a
1440 registration.

1441 ~~(e)(f)~~ Placing the registrant on probation ~~for a period of~~
1442 ~~time~~, subject to such conditions as the department may specify.

1443 ~~(f)(g)~~ Canceling an exemption granted under s. 559.935.

1444 Section 58. Subsections (2) and (3) of section 559.936,
1445 Florida Statutes, are amended to read:

1446 559.936 Civil penalties; remedies.—

Amendment No. 1

1447 (2) The department may seek a civil penalty in the Class
1448 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
1449 violation of this part.

1450 (3) The department may seek a civil penalty in the Class
1451 III category pursuant to s. 570.971 ~~of up to \$10,000~~ for each
1452 act or omission in violation of s. 559.9335(22) or (23).

1453 Section 59. Subsection (33) of section 570.07, Florida
1454 Statutes, is amended to read:

1455 570.07 Department of Agriculture and Consumer Services;
1456 functions, powers, and duties.—The department shall have and
1457 exercise the following functions, powers, and duties:

1458 (33) To assist local volunteer and nonprofit organizations
1459 in soliciting, collecting, packaging, or delivering surplus
1460 fresh fruit and vegetables for distribution pursuant to ~~in~~
1461 ~~accordance with~~ s. 595.420 ~~570.0725~~. The department also may
1462 coordinate the development of food recovery programs in the
1463 production areas of the state using local volunteer and
1464 nonprofit organizations.

1465 Section 60. Section 570.0705, Florida Statutes, is
1466 renumbered as section 570.232, Florida Statutes.

1467 Section 61. Section 570.0725, Florida Statutes, is
1468 transferred and renumbered as section 595.420, Florida Statutes.

1469 Section 62. Section 570.073, Florida Statutes, is
1470 renumbered as section 570.65, Florida Statutes.

1471 Section 63. Section 570.074, Florida Statutes, is
1472 renumbered as section 570.66, Florida Statutes, and amended to

Amendment No. 1

1473 read:

1474 570.66 ~~570.074~~ Department of Agriculture and Consumer
1475 Services; water policy.—The commissioner may create an Office of
1476 Agricultural Water Policy under the supervision of a senior
1477 manager exempt under s. 110.205 in the Senior Management
1478 Service. The commissioner may designate the bureaus and
1479 positions in the various organizational divisions of the
1480 department that report to the ~~this~~ office relating to any matter
1481 over which the department has jurisdiction in matters relating
1482 to water policy affecting agriculture, application of such
1483 policies, and coordination of such matters with state and
1484 federal agencies. The office shall enforce and implement the
1485 provisions of chapter 582 and rules relating to soil and water
1486 conservation.

1487 Section 64. Section 570.0741, Florida Statutes, is
1488 transferred, renumbered as section 377.805, Florida Statutes,
1489 and amended to read:

1490 377.805 ~~570.0741~~ Energy efficiency and conservation
1491 clearinghouse.—The Office of Energy within the Department of
1492 Agriculture and Consumer Services, in consultation with the
1493 Public Service Commission, the Florida Building Commission, and
1494 the Florida Energy Systems Consortium, shall develop a
1495 clearinghouse of information regarding cost savings associated
1496 with various energy efficiency and conservation measures. The
1497 Department of Agriculture and Consumer Services shall post the
1498 information on its website ~~by July 1, 2013.~~

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

1499 Section 65. Section 570.075, Florida Statutes, is
1500 renumbered as section 570.916, Florida Statutes.

1501 Section 66. Section 570.076, Florida Statutes, is
1502 renumbered as section 570.921, Florida Statutes, and paragraph
1503 (c) of subsection (2) of that section is amended to read:

1504 570.921 ~~570.076~~ Environmental Stewardship Certification
1505 Program.—The department may, by rule, establish the
1506 Environmental Stewardship Certification Program consistent with
1507 this section. A rule adopted under this section must be
1508 developed in consultation with state universities, agricultural
1509 organizations, and other interested parties.

1510 (2) The department shall provide an agricultural
1511 certification under this program for implementation of one or
1512 more of the following criteria:

1513 (c) Best management practices adopted by rule pursuant to
1514 s. 403.067(7)(c) or s. 570.93(1)(b) ~~570.085(1)(b)~~.

1515 Section 67. Section 570.085, Florida Statutes, is
1516 renumbered as section 570.93, Florida Statutes.

1517 Section 68. Section 570.087, Florida Statutes, is
1518 renumbered as section 570.94, Florida Statutes.

1519 Section 69. Section 570.14, Florida Statutes, is
1520 renumbered as section 570.031, Florida Statutes, and amended to
1521 read:

1522 570.031 ~~570.14~~ Seal of department.—The department shall
1523 have an official seal which shall be used for the authentication
1524 of the orders and proceedings of the department and for such

Amendment No. 1

1525 other purposes as the department may prescribe. Use of the seal
1526 or any likeness thereof requires written approval of the
1527 department.

1528 Section 70. Section 570.16, Florida Statutes, is
1529 renumbered as section 570.051, Florida Statutes.

1530 Section 71. Section 570.17, Florida Statutes, is
1531 renumbered as section 570.081, Florida Statutes.

1532 Section 72. Section 570.18, Florida Statutes, is
1533 renumbered as section 570.041, Florida Statutes.

1534 Section 73. Paragraph (d) of subsection (1) and subsection
1535 (2) of section 570.23, Florida Statutes, are amended to read:

1536 570.23 State Agricultural Advisory Council.—

1537 (1) COMPOSITION.—The State Agricultural Advisory Council
1538 is hereby created in the department.

1539 (d) ~~On or after January 15, 1988,~~ Alternates shall be
1540 appointed for each member and shall serve as alternates for the
1541 remainder of the corresponding members' terms. As terms of
1542 current members expire, members and their alternates shall be
1543 appointed for 4-year terms and shall serve until their
1544 successors are duly qualified and appointed. A vacancy shall be
1545 filled for the remainder of an unexpired term in the same manner
1546 as an initial appointment.

1547 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1548 meetings, powers and duties, procedures, and recordkeeping of
1549 the State Agricultural Advisory Council shall be pursuant to
1550 governed by the provisions of s. 570.232 ~~570.0705 relating to~~

Amendment No. 1

1551 ~~advisory committees established within the department.~~

1552 Section 74. Section 570.241, Florida Statutes, is
1553 renumbered as section 570.73, Florida Statutes.

1554 Section 75. Section 570.242, Florida Statutes, is
1555 renumbered as section 570.74, Florida Statutes, and amended to
1556 read:

1557 570.74 ~~570.242~~ Definitions relating to Agricultural
1558 Economic Development Act.—For purposes of this act, the term
1559 ~~following terms shall have the following meanings:~~

1560 (1) "Agriculturally depressed area" means a rural area
1561 that ~~which~~ has declining profitability from agricultural
1562 enterprises and one or more of the following characteristics:

1563 (a) A stable or declining population.

1564 (b) A stable or declining real per capita income.

1565 (c) A traditional economy based on agriculture or
1566 extraction of solid minerals.

1567 (d) A low ad valorem tax base.

1568 (e) A need for agribusiness and leadership training.

1569 (f) Crop losses or economic depression resulting from a
1570 natural disaster or socioeconomic conditions or events that
1571 ~~which~~ negatively impact a crop.

1572 (2) "Assistance" means financial or nonfinancial
1573 assistance issued pursuant to ~~the provisions of~~ this act.

1574 ~~(3) "Commissioner" means the Commissioner of Agriculture.~~

1575 ~~(4) "Department" means the Department of Agriculture and~~
1576 ~~Consumer Services.~~

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

1577 (3)~~(5)~~ "Financial assistance" means the providing of funds
1578 to an agribusiness.

1579 (4)~~(6)~~ "Nonfinancial assistance" means the providing of
1580 personnel to work with an agribusiness to establish an
1581 infrastructure, including, but not limited to, the development
1582 of an accounting system, management procedures, and a marketing
1583 plan. Nonfinancial assistance ~~shall~~ also includes ~~include~~ the
1584 providing of equipment.

1585 Section 76. Section 570.243, Florida Statutes, is
1586 renumbered as section 570.75, Florida Statutes.

1587 Section 77. Section 570.244, Florida Statutes, is
1588 renumbered as section 570.76, Florida Statutes.

1589 Section 78. Section 570.245, Florida Statutes, is
1590 renumbered as section 570.77, Florida Statutes.

1591 Section 79. Section 570.246, Florida Statutes, is
1592 renumbered as section 570.78, Florida Statutes.

1593 Section 80. Section 570.247, Florida Statutes, is
1594 renumbered as section 570.79, Florida Statutes, and amended to
1595 read:

1596 570.79 ~~570.247~~ Adoption ~~Promulgation~~ of rules.—~~In~~
1597 ~~conjunction with funds specifically appropriated for the~~
1598 ~~purposes specified in this act,~~ The department shall adopt ~~shall~~
1599 ~~begin to promulgate~~ rules ~~no later than January 1, 1992,~~
1600 ~~pursuant to s. 120.54,~~ pertaining to:

1601 (1) Formal notification procedures for the availability of
1602 assistance, including publication in the Florida Administrative

Amendment No. 1

1603 Register pursuant to s. 120.55.

1604 (2) Written evaluation criteria for selecting project
1605 proposals to receive assistance. The criteria for eligibility of
1606 assistance shall include a written business plan delineating the
1607 economic viability of the proposed project, including the
1608 financial commitment by project participants and a schedule for
1609 repayment of agricultural economic development funds.

1610 (3) Procedures for repayment of financial assistance by an
1611 assisted agribusiness into the General Inspection Trust Fund
1612 within the department. Repayment of financial assistance shall
1613 be based upon a percentage of future profits until repayment is
1614 complete.

1615 (4) Funding procedures for projects eligible for
1616 assistance. These procedures shall include the amount of
1617 funding, the limits and requirements for the objects of
1618 expenditure, and the duration of assistance.

1619 (5) Other subject matter pertaining to the implementation
1620 of this act.

1621 Section 81. Section 570.248, Florida Statutes, is
1622 renumbered as section 570.81, Florida Statutes.

1623 Section 82. Section 570.249, Florida Statutes, is
1624 renumbered as section 570.82, Florida Statutes.

1625 Section 83. Section 570.345, Florida Statutes, is
1626 repealed.

1627 Section 84. Subsection (5) of section 570.36, Florida
1628 Statutes, is amended to read:

Amendment No. 1

1629 570.36 Division of Animal Industry; powers and duties.—The
1630 duties of the Division of Animal Industry include, but are not
1631 limited to:

1632 (5) Operating and managing the animal disease diagnostic
1633 laboratory ~~laboratories~~ provided for in chapter 585.

1634 Section 85. Section 570.38, Florida Statutes, is
1635 transferred, renumbered as section 585.008, Florida Statutes,
1636 and amended to read:

1637 585.008 ~~570.38~~ Animal Industry Technical Council.—

1638 (1) COMPOSITION.—The Animal Industry Technical Council is
1639 hereby created in the department and shall be composed of 14
1640 members as follows:

1641 (a) The beef cattle, swine, dairy, horse, independent
1642 agricultural market ~~markets~~, meat processing and packing
1643 establishment ~~establishments~~, veterinary medicine, and poultry
1644 representatives who serve on the State Agricultural Advisory
1645 Council and three additional representatives from the beef
1646 cattle industry, as well as three at-large members representing
1647 other animal industries in the state, who shall be appointed by
1648 the commissioner for 4-year terms or until their successors are
1649 duly qualified and appointed.

1650 (b) Each additional beef cattle representative shall be
1651 appointed subject to the qualifications and by the procedure as
1652 prescribed in s. 570.23 for membership to the council by the
1653 beef cattle representative. If a vacancy occurs in these three
1654 positions, it shall be filled for the remainder of the term in

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7091 (2014)

Amendment No. 1

1655 the same manner as an initial appointment.

1656 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1657 meetings, powers and duties, procedures, and recordkeeping of
1658 the Animal Industry Technical Council shall be pursuant to
1659 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
1660 ~~advisory committees established within the department.~~

1661 Section 86. Section 570.42, Florida Statutes, is
1662 transferred, renumbered as section 502.301, Florida Statutes,
1663 and amended to read:

1664 502.301 ~~570.42~~ Dairy Industry Technical Council.—

1665 (1) COMPOSITION.—The Dairy Industry Technical Council is
1666 ~~hereby~~ created within ~~in~~ the department and shall be composed of
1667 seven members as follows:

1668 (a) Two citizens of the state, one of whom shall be
1669 associated with the Agricultural Extension Service of the
1670 University of Florida and the other with the College of
1671 Agricultural and Life Science ~~Agriculture~~ of the University of
1672 Florida.

1673 (b) An employee of the Department of Health.

1674 (c) Two dairy farmers who are actively engaged in the
1675 production of milk in this state and who earn a major portion of
1676 their income from the production of milk. The commissioner shall
1677 appoint the two members ~~provided for in this paragraph~~ from no
1678 fewer than four nor more than six nominees submitted by the
1679 recognized statewide organizations representing this group. In
1680 the absence of nominations, the commissioner shall appoint other

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

1681 persons qualified under ~~the provisions of~~ this paragraph.

1682 (d) Two distributors of milk. "Distributor" means a ~~any~~
1683 milk dealer who operates a milk gathering station or processing
1684 plant where milk is collected and bottled or otherwise processed
1685 and prepared for sale. The commissioner shall appoint the two
1686 members ~~provided for in this paragraph~~ from no fewer than four
1687 nor more than six nominees submitted by the recognized statewide
1688 organizations representing this group. In the absence of
1689 nominations, the commissioner shall appoint other persons
1690 qualified under ~~the provisions of~~ this paragraph.

1691 (e) All members shall serve 4-year terms or until their
1692 successors are duly qualified and appointed. If a vacancy
1693 occurs, it shall be filled for the remainder of the term in the
1694 manner of an initial appointment.

1695 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1696 meetings, powers and duties, procedures, and recordkeeping of
1697 the Dairy Industry Technical Council shall be pursuant to
1698 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
1699 ~~advisory committees established within the department.~~

1700 Section 87. Subsections (5) through (9) of section 570.44,
1701 Florida Statutes, are renumbered as subsections (4) through (8),
1702 respectively, and subsections (3) and (4) of that section are
1703 amended to read:

1704 570.44 Division of Agricultural Environmental Services;
1705 powers and duties.—The duties of the Division of Agricultural
1706 Environmental Services include, but are not limited to:

Amendment No. 1

1707 (3) ~~Supporting the Pesticide Review Council and~~ Reviewing
1708 and evaluating technical and scientific data associated with the
1709 production, manufacture, storage, transportation, sale, or use
1710 of any article or product with respect to any statutory
1711 authority ~~which is~~ conferred on the department. The department
1712 ~~may is authorized to~~ establish positions within the division for
1713 the employment of experts in the fields of toxicology,
1714 hydrology, and biology to conduct such reviews and evaluations
1715 ~~and may. The department is also authorized to~~ establish
1716 appropriate clerical support positions to implement the duties
1717 and responsibilities of the division.

1718 ~~(4) Enforcing and implementing the responsibilities of~~
1719 ~~chapter 582, and the rules relating to soil and water~~
1720 ~~conservation.~~

1721 Section 88. Subsection (2) of section 570.45, Florida
1722 Statutes, is amended to read:

1723 570.45 Director; duties.—

1724 (2) The director shall supervise, direct, and coordinate
1725 the activities of the division and enforce ~~the provisions of~~
1726 chapters 388, 482, 487, 501, 504, 531, 570, 576, 578, and 580~~7~~
1727 ~~and 582~~ and any other chapter necessary to carry out the
1728 responsibilities of the division.

1729 Section 89. Paragraph (d) of subsection (3) of section
1730 570.451, Florida Statutes, is amended to read:

1731 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
1732 Council.—

Amendment No. 1

1733 (3)
1734 (d) The meetings, powers and duties, procedures, and
1735 recordkeeping of the council shall be pursuant to ~~in accordance~~
1736 ~~with the provisions of s. 570.232 570.0705 relating to advisory~~
1737 ~~committees established within the department.~~

1738 Section 90. Section 570.481, Florida Statutes, is
1739 transferred and renumbered as section 603.011, Florida Statutes.

1740 Section 91. Subsections (2) and (3) of section 570.50,
1741 Florida Statutes, are amended to read:

1742 570.50 Division of Food Safety; powers and duties.—The
1743 duties of the Division of Food Safety include, but are not
1744 limited to:

1745 (2) Conducting those general inspection activities
1746 relating to food and food products being processed, held, or
1747 offered for sale in this state and enforcing those provisions of
1748 chapters 500, 501, 502, 531, 583, 585, 586, 597, and 601
1749 relating to foods as authorized by the department.

1750 (3) Analyzing samples of foods offered for sale in this
1751 state as required under chapters 500, 501, 502, 585, 586, 597,
1752 and 601.

1753 Section 92. Subsection (2) of section 570.51, Florida
1754 Statutes, is amended to read:

1755 570.51 Director; qualifications; duties.—

1756 (2) The director shall supervise, direct, and coordinate
1757 the activities of the division and enforce the provisions of
1758 chapters 500, 501, 502, 531, 583, 585, 597, and 601 and any

Amendment No. 1

1759 other chapter necessary to carry out the responsibilities of the
1760 division.

1761 Section 93. Section 570.531, Florida Statutes, is
1762 renumbered as section 570.209, Florida Statutes.

1763 Section 94. Section 570.542, Florida Statutes, is
1764 repealed.

1765 Section 95. Subsection (2) of section 570.543, Florida
1766 Statutes, is amended to read:

1767 570.543 Florida Consumers' Council.—The Florida Consumers'
1768 Council in the department is created to advise and assist the
1769 department in carrying out its duties.

1770 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1771 meetings, powers and duties, procedures, and recordkeeping of
1772 the Florida Consumers' Council shall be pursuant to ~~governed by~~
1773 ~~the provisions of s. 570.232 570.0705 relating to advisory~~
1774 ~~committees established within the department.~~ The council
1775 members or chair may call no more than two meetings.

1776 Section 96. Section 570.545, Florida Statutes, is
1777 transferred and renumbered as section 501.0113, Florida
1778 Statutes.

1779 Section 97. Section 570.55, Florida Statutes, is
1780 transferred and renumbered as section 603.211, Florida Statutes.

1781 Section 98. Section 570.67, Florida Statutes, is created
1782 to read:

1783 570.67 Office of Energy.—The Office of Energy is created
1784 within the department. The office shall be under the supervision

Amendment No. 1

1785 of a senior manager exempt under s. 110.205 in the Senior
1786 Management Service appointed by the commissioner. The duties of
1787 the office shall include, but are not limited to, administering
1788 and enforcing parts II and III of chapter 377, the rules adopted
1789 under those parts, and any other duties authorized by the
1790 commissioner.

1791 Section 99. Subsections (2) and (12) of section 570.71,
1792 Florida Statutes, are amended to read:

1793 570.71 Conservation easements and agreements.—

1794 (2) To achieve the purposes of this section act, ~~beginning~~
1795 ~~no sooner than July 1, 2002, and every year thereafter,~~ the
1796 department may accept applications for project proposals that:

1797 (a) Purchase conservation easements, as defined in s.
1798 704.06.

1799 (b) Purchase rural-lands-protection easements pursuant to
1800 this section act.

1801 (c) Fund resource conservation agreements pursuant to this
1802 section act.

1803 (d) Fund agricultural protection agreements pursuant to
1804 this section act.

1805 (12) The department may ~~is authorized to~~ use funds from
1806 the following sources to implement this section act:

1807 (a) State funds;

1808 (b) Federal funds;

1809 (c) Other governmental entities;

1810 (d) Nongovernmental organizations; or

Amendment No. 1

1811 (e) Private individuals.

1812
1813 Any such funds provided shall be deposited into the Conservation
1814 and Recreation Lands Program Trust Fund within the Department of
1815 Agriculture and Consumer Services and used for the purposes of
1816 this section, including administrative and operating expenses
1817 related to appraisals, mapping, title process, personnel, and
1818 other real estate expenses ~~act~~.

1819 Section 100. Section 570.72, Florida Statutes, is
1820 repealed.

1821 Section 101. Section 570.901, Florida Statutes, is
1822 renumbered as section 570.692, Florida Statutes.

1823 Section 102. Section 570.902, Florida Statutes, is
1824 renumbered as section 570.69, Florida Statutes, and amended to
1825 read:

1826 570.69 ~~570.902~~ Definitions; ss. 570.69 and 570.691 ~~570.902~~
1827 ~~and 570.903.~~—For the purpose of this section and s. 570.691
1828 ~~570.903~~:

1829 (1) "Designated program" means the departmental program
1830 which a direct-support organization has been created to support.

1831 (2) "Direct-support organization" or "organization" means
1832 an organization which is a Florida corporation not for profit
1833 incorporated under ~~the provisions of~~ chapter 617 and approved by
1834 the department to operate for the benefit of a museum or a
1835 designated program.

1836 (3) "Museum" means the Florida Agricultural Museum, which

Amendment No. 1

1837 is designated as the museum for agriculture and rural history of
1838 the State of Florida.

1839 Section 103. Section 570.903, Florida Statutes, is
1840 renumbered as section 570.691, Florida Statutes.

1841 Section 104. Section 570.91, Florida Statutes, is
1842 renumbered as section 570.693, Florida Statutes.

1843 Section 105. Section 570.9135, Florida Statutes, is
1844 renumbered as section 570.83, Florida Statutes, and subsection
1845 (6) of that section is amended to read:

1846 570.83 ~~570.9135~~ Beef Market Development Act; definitions;
1847 Florida Beef Council, Inc., creation, purposes, governing board,
1848 powers, and duties; referendum on assessments imposed on gross
1849 receipts from cattle sales; payments to organizations for
1850 services; collecting and refunding assessments; vote on
1851 continuing the act; council bylaws.-

1852 (6) REFERENDUM ON ASSESSMENTS.-All producers in this state
1853 shall have the opportunity to vote in a referendum to determine
1854 whether the council shall be authorized to impose an assessment
1855 of not more than \$1 per head on cattle sold in the state. The
1856 referendum shall pose the question: "Do you approve of an
1857 assessment program, up to \$1 per head of cattle pursuant to
1858 section 570.83 ~~570.9135~~, Florida Statutes, to be funded through
1859 specific contributions that are mandatory and refundable upon
1860 request?"

1861 (a) A referendum held under this section must be conducted
1862 by secret ballot at extension offices of the Institute of Food

Amendment No. 1

1863 and Agricultural Sciences of the University of Florida or at
1864 offices of the United States Department of Agriculture with the
1865 cooperation of the department.

1866 (b) Notice of a referendum to be held under this act must
1867 be given at least once in trade publications, the public press,
1868 and statewide newspapers at least 30 days before the referendum
1869 is held.

1870 (c) Additional referenda may be held to authorize the
1871 council to increase the assessment to more than \$1 per head of
1872 cattle. Such referendum shall pose the question: "Do you approve
1873 of granting the Florida Beef Council, Inc., authority to
1874 increase the per-head-of-cattle assessment pursuant to section
1875 570.83 ~~570.9135~~, Florida Statutes, from ... (present rate)... to
1876 up to a maximum of ... (proposed rate)... per head?" Referenda
1877 may not be held more often than once every 3 years.

1878 (d) Each cattle producer is entitled to only one vote in a
1879 referendum held under this section ~~act~~. Proof of identification
1880 and cattle ownership must be presented before voting.

1881 (e) A simple majority of those casting ballots shall
1882 determine any issue that requires a referendum under this
1883 section ~~act~~.

1884 Section 106. Section 570.92, Florida Statutes, is
1885 repealed.

1886 Section 107. Section 570.951, Florida Statutes, is
1887 renumbered as section 570.681, Florida Statutes.

1888 Section 108. Section 570.952, Florida Statutes, is

Amendment No. 1

1889 renumbered as section 570.685, Florida Statutes, and amended to
1890 read:

1891 570.685 ~~570.952~~ Florida Agriculture Center and Horse Park
1892 Authority.—

1893 (1) There is created within the Department of Agriculture
1894 and Consumer Services the Florida Agriculture Center and Horse
1895 Park Authority which shall be governed by this section and s.
1896 570.691 ~~570.903~~.

1897 (2) The authority shall be composed of 21 members
1898 appointed by the commissioner.

1899 (a) Initially, the commissioner shall appoint 11 members
1900 for 4-year terms and 10 members for 2-year terms. Thereafter,
1901 each member shall be appointed for a term of 4 years from the
1902 date of appointment, except that a vacancy shall be filled by
1903 appointment for the remainder of the term.

1904 (b) A ~~Any~~ member of the authority who fails to attend
1905 three consecutive authority meetings without good cause shall be
1906 deemed to have resigned from the authority.

1907 ~~(c) Terms for members appointed prior to July 1, 2005,~~
1908 ~~shall expire on July 1, 2005.~~

1909 (3) The Florida Agriculture Center and Horse Park
1910 Authority shall ~~have the power and duty to:~~

1911 (a) Appoint, with approval from the commissioner, an
1912 executive director for the Florida Agriculture Center and Horse
1913 Park.

1914 (b) Establish rules of procedure for conducting its

Amendment No. 1

1915 meetings and approving matters before the authority pursuant to
1916 ~~that are consistent with s. 570.691 570.903.~~

1917 (c) Develop, document, and implement strategies for the
1918 planning, construction, and operation of the Florida Agriculture
1919 Center and Horse Park.

1920 (d) Advise and consult with the commissioner on matters
1921 related to the Florida Agriculture Center and Horse Park.

1922 (e) Consider all matters submitted to the authority by the
1923 commissioner.

1924 (4) The authority shall meet at least semiannually and
1925 elect a chair ~~chairperson~~, a vice chair ~~chairperson~~, and a
1926 secretary for 1-year terms.

1927 (a) The authority shall meet at the call of its chair
1928 ~~chairperson~~, at the request of a majority of its membership, at
1929 the request of the commissioner, or at such times as may be
1930 prescribed by its rules of procedure.

1931 (b) The department shall be responsible for providing
1932 administrative and staff support services relating to the
1933 meetings of the authority and shall provide suitable space in
1934 the offices of the department for the meetings and the storage
1935 of records of the authority.

1936 (c) In conducting its meetings, the authority shall use
1937 accepted rules of procedure. The secretary shall keep a complete
1938 record of the proceedings of each meeting, which record shall
1939 show the names of the members present and the actions taken.
1940 These records shall be kept on file with the department, and

Amendment No. 1

1941 such records and other documents regarding matters within the
1942 jurisdiction of the authority shall be subject to inspection by
1943 members of the authority.

1944 Section 109. Section 570.953, Florida Statutes, is
1945 renumbered as section 570.686, Florida Statutes.

1946 Section 110. Section 570.954, Florida Statutes, is
1947 renumbered as section 570.841, Florida Statutes.

1948 Section 111. Section 570.96, Florida Statutes, is
1949 renumbered as section 570.85, Florida Statutes.

1950 Section 112. Section 570.961, Florida Statutes, is
1951 renumbered as section 570.86, Florida Statutes, and amended to
1952 read:

1953 570.86 ~~570.961~~ Definitions.—As used in ss. 570.85–570.89
1954 ~~570.96–570.964~~, the term:

1955 (1) "Agritourism activity" means any agricultural related
1956 activity consistent with a bona fide farm or ranch or in a
1957 working forest which allows members of the general public, for
1958 recreational, entertainment, or educational purposes, to view or
1959 enjoy activities, including farming, ranching, historical,
1960 cultural, or harvest-your-own activities and attractions. An
1961 agritourism activity does not include the construction of new or
1962 additional structures or facilities intended primarily to house,
1963 shelter, transport, or otherwise accommodate members of the
1964 general public. An activity is an agritourism activity
1965 regardless of whether or not the participant paid to participate
1966 in the activity.

Amendment No. 1

1967 (2) "Agritourism operator" means a ~~any~~ person who is
1968 engaged in the business of providing one or more agritourism
1969 activities, whether for compensation or not for compensation.

1970 (3) "Farm" means the land, buildings, support facilities,
1971 machinery, and other appurtenances used in the production of
1972 farm or aquaculture products, including land used to display
1973 plants, animals, farm products, or farm equipment to the public.

1974 (4) "Farm operation" has the same meaning as ~~defined~~ in s.
1975 823.14.

1976 (5) "Inherent risks of agritourism activity" means those
1977 dangers or conditions that are an integral part of an
1978 agritourism activity including certain hazards, such as surface
1979 and subsurface conditions; natural conditions of land,
1980 vegetation, and waters; the behavior of wild or domestic
1981 animals; and the ordinary dangers of structures or equipment
1982 ordinarily used in farming and ranching operations. The term
1983 also includes the potential of a participant to act in a
1984 negligent manner that may contribute to the injury of the
1985 participant or others, including failing to follow the
1986 instructions given by the agritourism operator or failing to
1987 exercise reasonable caution while engaging in the agritourism
1988 activity.

1989 Section 113. Section 570.962, Florida Statutes, is
1990 renumbered as section 570.87, Florida Statutes.

1991 Section 114. Section 570.963, Florida Statutes, is
1992 renumbered as section 570.88, Florida Statutes, and subsection

Amendment No. 1

1993 (1) of that section is amended to read:

1994 570.88 ~~570.963~~ Liability.—

1995 (1) Except as provided in subsection (2), an agritourism
1996 operator, his or her employer or employee, or the owner of the
1997 underlying land on which the agritourism occurs is not liable
1998 for injury or death of, or damage or loss to, a participant
1999 resulting from the inherent risks of agritourism activities if
2000 the notice of risk required under s. 570.89 ~~570.964~~ is posted as
2001 required. Except as provided in subsection (2), a participant,
2002 or a participant's representative, may not maintain an action
2003 against or recover from an agritourism operator, his or her
2004 employer or employee, or the owner of the underlying land on
2005 which the agritourism occurs for the injury or death of, or
2006 damage or loss to, an agritourism participant resulting
2007 exclusively from any of the inherent risks of agritourism
2008 activities.

2009 Section 115. Section 570.964, Florida Statutes, is
2010 renumbered as section 570.89, Florida Statutes, and subsection
2011 (3) of that section is amended to read:

2012 570.89 ~~570.964~~ Posting and notification.—

2013 (3) Failure to comply with ~~the requirements of this~~
2014 section ~~subsection~~ prevents an agritourism operator, his or her
2015 employer or employee, or the owner of the underlying land on
2016 which the agritourism occurs from invoking the privileges of
2017 immunity provided by this section.

2018 Section 116. Section 570.971, Florida Statutes, is created

Amendment No. 1

2019 to read:

2020 570.971 Penalties; administrative and civil.-

2021 (1) The department or enforcing authority may impose the
2022 following fine amount for the class category specified in the
2023 chapter or section of law violated:

2024 (a) Class I.-For each violation in the Class I category, a
2025 fine not to exceed \$1,000 may be imposed.

2026 (b) Class II.-For each violation in the Class II category,
2027 a fine not to exceed \$5,000 may be imposed.

2028 (c) Class III.-For each violation in the Class III
2029 category, a fine not to exceed \$10,000 may be imposed.

2030 (d) Class IV.-For each violation in the Class IV category,
2031 a fine of \$10,000 or more may be imposed.

2032 (2) (a) This section does not supersede a chapter or
2033 section of law or rule that limits the total fine amount that
2034 may be imposed for a violation.

2035 (b) The class categories under this section also apply to
2036 penalties provided by rule.

2037 (c) The penalties under this section are in addition to
2038 any other remedy provided by law.

2039 (3) A person who violates this chapter or any rule adopted
2040 under this chapter is subject to an administrative or civil fine
2041 in the Class II category in addition to any other penalty
2042 provided by law.

2043 (4) The department may refuse to issue or renew any
2044 license, permit, authorization, certificate, or registration to

Amendment No. 1

2045 a person who has not satisfied a penalty imposed by the
2046 department.

2047 (5) The department may adopt rules to implement this
2048 section or any section that references this section.

2049 Section 117. Subsection (1) of section 571.11, Florida
2050 Statutes, is amended to read:

2051 571.11 Eggs and poultry; seal of quality violations;
2052 administrative penalties.—

2053 (1) The Department of Agriculture and Consumer Services
2054 may impose an administrative a fine in the Class II category
2055 pursuant to s. 570.971 not exceeding \$5,000 against any dealer,
2056 as defined in ~~under~~ s. 583.01(4), in violation of the guidelines
2057 for the Florida seal of quality for eggs or poultry programs.
2058 All fines, when imposed and paid, shall be deposited by the
2059 department into the General Inspection Trust Fund.

2060 Section 118. Subsection (2) of section 571.28, Florida
2061 Statutes, is amended to read:

2062 571.28 Florida Agricultural Promotional Campaign Advisory
2063 Council.—

2064 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
2065 meetings, powers and duties, procedures, and recordkeeping of
2066 the Florida Agricultural Promotional Campaign Advisory Council
2067 shall be pursuant to ~~governed by the provisions of s. 570.232~~
2068 ~~570.0705 relating to advisory committees established within the~~
2069 ~~department.~~

2070 Section 119. Paragraph (b) of subsection (3) of section

Amendment No. 1

2071 571.29, Florida Statutes, is amended to read:

2072 571.29 Unlawful acts; administrative remedies; criminal
2073 penalties.—

2074 (3) The department may enter an order imposing one or more
2075 of the following penalties against any person who violates any
2076 of the provisions of this part or any rules adopted under this
2077 part:

2078 (b) Imposition of an administrative fine in the Class I
2079 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
2080 ~~per~~ violation for a first-time ~~first-time~~ offender. For a
2081 second-time ~~second-time~~ offender, or a ~~any~~ person who is shown
2082 to have willfully and intentionally violated ~~any provision of~~
2083 this part or any rules adopted under this part, the
2084 administrative fine shall be in the Class II category pursuant
2085 to s. 570.971 for each ~~may not exceed \$5,000 per~~ violation. The
2086 term "each ~~per~~ violation" means each incident in which a logo of
2087 the Florida Agricultural Promotional Campaign has been used,
2088 reproduced, or distributed in any manner inconsistent with ~~the~~
2089 ~~provisions of~~ this part or the rules adopted under this part.

2090

2091 The administrative proceedings that could result in the entry of
2092 an order imposing any of the penalties specified in paragraphs
2093 (a)-(c) shall be conducted pursuant to ~~in accordance with~~
2094 chapter 120.

2095 Section 120. Subsection (1) and paragraph (a) of
2096 subsection (2) of section 576.021, Florida Statutes, are amended

Amendment No. 1

2097 to read:

2098 576.021 Registration and licensing.-

2099 (1) A company the person whose name and address of which
2100 appears upon a label and that ~~who~~ guarantees a fertilizer may
2101 not distribute that fertilizer to a nonlicensee until a license
2102 to distribute has been obtained by the company ~~that person~~ from
2103 the department upon payment of a \$100 fee. All licenses shall
2104 expire on June 30 each year. An application for license shall
2105 include the following information:

2106 (a) The name and address of the applicant.

2107 (b) The name and address of the distribution point. The
2108 name and address shown on the license shall be shown on all
2109 labels, pertinent invoices, and storage facilities for
2110 fertilizer distributed by the licensee in this state.

2111 (2) (a) A company the name and address of which appears
2112 upon a label and that guarantees a fertilizer ~~person~~ may not
2113 distribute a specialty fertilizer in this state until it is
2114 registered with the department ~~by the licensee whose name~~
2115 ~~appears on the label~~. An application for registration of each
2116 brand and grade of specialty fertilizer shall be filed with the
2117 department by using a form prescribed by the department or by
2118 using the department's website ~~made on a form furnished by the~~
2119 ~~department~~ and shall be accompanied by an annual fee of \$100 for
2120 each specialty fertilizer that is registered. All specialty
2121 fertilizer registrations expire June 30 each year. All licensing
2122 and registration fees paid to the department under this section

Amendment No. 1

2123 shall be deposited into the State Treasury to be placed in the
2124 General Inspection Trust Fund to be used for the sole purpose of
2125 funding the fertilizer inspection program.

2126 Section 121. Subsection (2) of section 576.031, Florida
2127 Statutes, is amended to read:

2128 576.031 Labeling.—

2129 (2) If distributed in bulk, two ~~five~~ labels containing the
2130 information required in paragraphs (1)(a)-(f) shall accompany
2131 delivery and be supplied to the purchaser at time of delivery
2132 with the delivery ticket, which shall show the certified net
2133 weight.

2134 Section 122. Subsections (3), (4), (6), and (7) of section
2135 576.041, Florida Statutes, are amended to read:

2136 576.041 Inspection fees; records; ~~bond~~.—

2137 (3) In addition to any other penalty provided by this
2138 chapter, a ~~any~~ licensee who fails to timely pay the inspection
2139 ~~tonnage~~ fee shall be assessed a penalty of 1.5 percent for each
2140 month or part of a month that the fee or portion of the fee is
2141 not paid.

2142 (4) If the report is not filed and the inspection fee is
2143 not paid on the date due, or if the report of tonnage is false,
2144 the amount of the inspection fee due is subject to a penalty of
2145 10 percent or \$25, whichever is greater. ~~The penalty shall be~~
2146 ~~added to the inspection fee due and constitutes a debt and~~
2147 ~~becomes a claim and lien against the surety bond or certificate~~
2148 ~~of deposit required by this chapter.~~

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

2149 ~~(6) In order to guarantee faithful performance of the~~
2150 ~~provisions of subsection (2), the applicant for license shall~~
2151 ~~post with the department a surety bond, or assign a certificate~~
2152 ~~of deposit, in an amount required by rule of the department to~~
2153 ~~cover fees for any reporting period. The amount shall not be~~
2154 ~~less than \$1,000. The surety bond shall be executed by a~~
2155 ~~corporate surety company authorized to do business in this~~
2156 ~~state. The certificate of deposit shall be issued by any~~
2157 ~~recognized financial institution doing business in the United~~
2158 ~~States. The department shall establish, by rule, whether an~~
2159 ~~annual or continuous surety bond or certificate of deposit will~~
2160 ~~be required and shall approve each surety bond or certificate of~~
2161 ~~deposit before acceptance. The department shall examine and~~
2162 ~~approve as to sufficiency all such bonds and certificates of~~
2163 ~~deposit before acceptance. When the licensee ceases operation,~~
2164 ~~said bond or certificate of deposit shall be returned, provided~~
2165 ~~there are no outstanding fees due and payable.~~

2166 (6)~~(7)~~ In order to obtain information that will facilitate
2167 the collection of inspection fees and serve other useful
2168 purposes relating to fertilizer, the department may, by rule,
2169 require licensees, manufacturers, registrants, and dealers to
2170 report movements of fertilizer.

2171 Section 123. Subsection (3) of section 576.051, Florida
2172 Statutes, is amended to read:

2173 576.051 Inspection, sampling, analysis.—

2174 (3) The official analysis shall be made from the official

Amendment No. 1

2175 sample. The department, before making the official analysis,
2176 shall take a sufficient portion from the official sample for
2177 check analysis and place that portion in a bottle sealed and
2178 identified by number, date, and the preparer's initials. The
2179 official check sample shall be kept until the analysis of the
2180 official sample is completed. However, the licensee may obtain
2181 upon request a portion of the official check sample. Upon
2182 completion of the analysis of the official sample, a true copy
2183 of the fertilizer analysis report shall be mailed to the
2184 licensee of the fertilizer from whom the official sample was
2185 taken and to the dealer or agent, if any, and purchaser, if
2186 known. This fertilizer analysis report shall show all
2187 determinations of plant nutrient and pesticides. If the official
2188 analysis conforms with ~~the provisions of this section law~~, the
2189 official check sample may be destroyed. If the official analysis
2190 does not conform with ~~the provisions of this section law~~, the
2191 official check sample shall be retained for 60 ~~a period of 90~~
2192 days from the date of the fertilizer analysis report of the
2193 official sample. If, within that time, the licensee of the
2194 fertilizer from whom the official sample was taken, upon receipt
2195 of the fertilizer analysis report, makes written demand for
2196 analysis of the official check sample by a referee chemist, a
2197 portion of the official check sample sufficient for analysis
2198 shall be sent to a referee chemist who is mutually acceptable to
2199 the department and the licensee for analysis at the expense of
2200 the licensee. The referee chemist, upon completion of the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7091 (2014)

Amendment No. 1

2201 analysis, shall forward to the department and to the licensee a
2202 fertilizer analysis report bearing a proper identification mark
2203 or number, ~~and~~ and the fertilizer analysis report shall be verified
2204 by an affidavit of the person making the analysis. If the
2205 results reported on the fertilizer analysis report agree within
2206 the matching criteria defined in department rule with the
2207 department's analysis on each element for which analysis was
2208 made, the mean average of the two analyses shall be accepted as
2209 final and binding on all concerned. However, if the referee's
2210 fertilizer analysis report results do not agree within the
2211 matching criteria defined in department rule with the
2212 department's analysis in any one or more elements for which an
2213 analysis was made, upon demand of either the department or the
2214 licensee from whom the official sample was taken, a portion of
2215 the official check sample sufficient for analysis shall be
2216 submitted to a second referee chemist who is mutually acceptable
2217 to the department and to the licensee from whom the official
2218 sample was taken, at the expense of the party or parties
2219 requesting the referee analysis. If no demand is made for an
2220 analysis by a second referee chemist, the department's
2221 fertilizer analysis report shall be accepted as final and
2222 binding on all concerned. The second referee chemist, upon
2223 completion of the analysis, shall make a fertilizer analysis
2224 report as provided in this subsection for the first referee
2225 chemist. The mean average of the two analyses nearest in
2226 conformity to each other shall be accepted as final and binding

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

2227 on all concerned.

2228 Section 124. Subsections (4) and (5) of section 576.061,
2229 Florida Statutes, are amended to read:

2230 576.061 Plant nutrient investigational allowances,
2231 deficiencies, and penalties.—

2232 ~~(4) When it is determined by the department that a~~
2233 ~~fertilizer has been distributed without being licensed or~~
2234 ~~registered, or without labeling, the department shall require~~
2235 ~~the licensee to pay a penalty in the amount of \$100. The~~
2236 ~~proceeds from any penalty payments shall be deposited by the~~
2237 ~~department in the General Inspection Trust Fund to be used for~~
2238 ~~the sole purpose of funding the fertilizer inspection program.~~

2239 (4)(5) The department may enter an order imposing one or
2240 more of the following penalties against a any person who
2241 violates ~~any of the provisions of~~ this chapter or the rules
2242 adopted under this chapter hereunder or who impedes, obstructs,
2243 or hinders ~~shall impede, obstruct, hinder, or otherwise prevent~~
2244 ~~or attempt to prevent~~ the department in performing the
2245 ~~performance of its~~ duties under ~~duty in connection with the~~
2246 ~~provisions of~~ this chapter:

2247 (a) Issuance of a warning letter.

2248 (b) Imposition of an administrative fine in the Class I
2249 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
2250 ~~per~~ occurrence after the issuance of a warning letter.

2251 (c) Cancellation, revocation, or suspension of any license
2252 issued by the department.

Amendment No. 1

2253 Section 125. Section 576.071, Florida Statutes, is amended
2254 to read:

2255 576.071 Commercial value.—The commercial value used in
2256 assessing penalties for any deficiency shall be determined by
2257 surveying the fertilizer industry in the state using annualized
2258 plant nutrient values contained in one or more generally
2259 recognized journals.

2260 Section 126. Subsections (3) and (4) of section 576.087,
2261 Florida Statutes, are amended to read:

2262 576.087 Antisiphon requirements for irrigation systems.—

2263 ~~(3) The department shall establish specific requirements~~
2264 ~~for antisiphon devices.~~

2265 ~~(4) Any governmental agency which requires antisiphon~~
2266 ~~devices on irrigation systems used for the application of~~
2267 ~~fertilizer shall use the specific antisiphon device requirements~~
2268 ~~adopted by the department.~~

2269 Section 127. Section 576.101, Florida Statutes, is amended
2270 to read:

2271 576.101 Cancellation, revocation, and suspension ~~+~~
2272 ~~probationary status.~~

2273 ~~(1)~~ The department may deny, suspend, or revoke any
2274 license issued by the department for any violation of ~~the~~
2275 ~~provisions of this chapter, the rules adopted under this chapter~~
2276 ~~thereunder, or any lawful order of the department.~~

2277 ~~(2) The department may place any licensee on a~~
2278 ~~probationary status when the deficiency levels of samples taken~~

Amendment No. 1

2279 ~~from that licensee do not meet minimum performance levels~~
2280 ~~established by statute within the investigational allowances~~
2281 ~~provided in s. 576.061.~~

2282 Section 128. Subsection (1) of section 578.08, Florida
2283 Statutes, is amended to read:

2284 578.08 Registrations.—

2285 (1) Every person, except as provided in subsection (4) and
2286 s. 578.14, before selling, distributing for sale, offering for
2287 sale, exposing for sale, handling for sale, or soliciting orders
2288 for the purchase of any agricultural, vegetable, flower, or
2289 forest tree seed or mixture thereof, shall first register with
2290 the department as a seed dealer. ~~The application for~~
2291 ~~registration shall include the name and location of each place~~
2292 ~~of business at which the seed is sold, distributed for sale,~~
2293 ~~offered for sale, exposed for sale, or handled for sale.~~ The
2294 application for registration shall be filed with the department
2295 by using a form prescribed by the department or by using the
2296 department's website and shall be accompanied by an annual
2297 registration fee for each such place of business based on the
2298 gross receipts from the sale of such seed for the last preceding
2299 license year as follows:

2300 (a) 1. Receipts of less than \$500, a fee of \$10.

2301 2. Receipts of \$500 or more but less than \$1,000, a fee of
2302 \$25.

2303 ~~3.1. Receipts of \$1,000 or more but less than \$2,500~~
2304 ~~\$2,500.01, a fee~~

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

2305 of \$100.

2306 ~~4.2.~~ Receipts of more than \$2,500 or more but and less

2307 than ~~\$5,000~~ ~~\$5,000.01~~, a fee of \$200.

2308 ~~5.3.~~ Receipts of more than \$5,000 or more but and less

2309 than ~~\$10,000~~ ~~\$10,000.01~~, a fee of \$350.

2310 ~~6.4.~~ Receipts of more than \$10,000 or more but and less

2311 than ~~\$20,000~~ ~~\$20,000.01~~, a fee of \$800.

2312 ~~7.5.~~ Receipts of more than \$20,000 or more but and less

2313 than ~~\$40,000~~ ~~\$40,000.01~~, a fee of \$1,000.

2314 ~~8.6.~~ Receipts of more than \$40,000 or more but and less

2315 than ~~\$70,000~~ ~~\$70,000.01~~, a fee of \$1,200.

2316 ~~9.7.~~ Receipts of more than \$70,000 or more but and less

2317 than ~~\$150,000~~ ~~\$150,000.01~~, a fee of \$1,600.

2318 ~~10.8.~~ Receipts of more than \$150,000 or more but and less

2319 than ~~\$400,000~~ ~~\$400,000.01~~, a fee of \$2,400.

2320 ~~11.9.~~ Receipts of more than \$400,000 or more, a fee

2321 of \$4,600.

2322 (b) For places of business not previously in operation,

2323 the fee shall be based on anticipated receipts for the first

2324 license year.

2325 Section 129. Subsection (1) of section 578.181, Florida

2326 Statutes, is amended to read:

2327 578.181 Penalties; administrative fine.—

2328 (1) The department may enter an order imposing one or more

2329 of the following penalties against a any person who violates any

2330 of the provisions of this chapter or the rules adopted under

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

2331 ~~this chapter promulgated hereunder~~ or who impedes, obstructs, or
2332 ~~hinders, or otherwise prevents or attempts to prevent~~ the
2333 department in performing the performance of its duties under
2334 ~~duty in connection with the provisions of~~ this chapter:

2335 (a) Issuance of a warning letter.

2336 (b) Imposition of an administrative fine in the Class I
2337 category pursuant to s. 570.971 for each of not more than \$1,000
2338 ~~per~~ occurrence after the issuance of a warning letter.

2339 (c) Revocation or suspension of the registration as a seed
2340 dealer.

2341 Section 130. Paragraph (g) of subsection (2) of section
2342 580.036, Florida Statutes, is amended to read:

2343 580.036 Powers and duties.—

2344 (2) The department is authorized to adopt rules pursuant
2345 to ss. 120.536(1) and 120.54 to enforce the provisions of this
2346 chapter. These rules shall be consistent with the rules and
2347 standards of the United States Food and Drug Administration and
2348 the United States Department of Agriculture, when applicable,
2349 and shall include:

2350 (g) Establishing standards for the sale, use, and
2351 distribution of commercial feed or feedstuff to ensure usage
2352 that is consistent with animal safety and well-being and, to the
2353 extent that meat, poultry, and other animal products for human
2354 consumption may be affected by commercial feed or feedstuff, to
2355 ensure that these products are safe for human consumption. Such
2356 standards, if adopted, must be developed in consultation with

Amendment No. 1

2357 the Agricultural Feed, Seed, and Fertilizer Advisory Council
2358 created under s. 570.451.

2359 Section 131. Paragraphs (a), (b), and (d) of subsection
2360 (1) of section 580.041, Florida Statutes, are amended to read:
2361 580.041 Master registration; fee; refusal or cancellation
2362 of registration; reporting.-

2363 (1) (a) Each distributor of commercial feed must annually
2364 obtain a master registration before her or his brands are
2365 distributed in this state. Upon initial registration, The
2366 ~~department shall furnish the registration forms requiring the~~
2367 ~~distributor to state that the distributor shall agree to will~~
2368 ~~comply with all provisions of this chapter and applicable rules.~~
2369 ~~The registration form shall identify the manufacturer's or~~
2370 ~~guarantor's name and place of business and the location of each~~
2371 ~~manufacturing facility in the state and shall be signed by the~~
2372 ~~owner; by a partner, if a partnership; or by an authorized~~
2373 ~~officer or agent, if a corporation.~~ All registrations expire on
2374 June 30 of each year.

2375 (b) The application for registration form shall be filed
2376 with the department by using a form prescribed by the department
2377 or by using the department's website and shall be accompanied by
2378 ~~a fee that shall be~~ based on tons of feed distributed in this
2379 state during the previous year. If a distributor has been in
2380 business less than 1 year, the tonnage shall be estimated by the
2381 distributor for the first year and based on actual tonnage
2382 thereafter. These fees shall be as follows:

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7091 (2014)

Amendment No. 1

	SALES IN TONS	FEE
2383		
2384	Zero, up to and including 25.....	\$40
2385	More than 25, up to and including 50.....	\$75
2386	More than 50, up to and including 100.....	\$150
2387	More than 100, up to and including 300.....	\$375
2388	More than 300, up to and including 600.....	\$600
2389	More than 600, up to and including 1,000.....	\$900
2390	More than 1,000, up to and including	
2391	2,000.....	\$1,250
2392	More than 2,000, up to and including	
2393	5,000.....	\$2,000
2394	More than 5,000.....	\$3,500
2395	(d) The department shall <u>provide</u> mail a copy of the master	
2396	registration to the registrant to signify that administrative	
2397	requirements have been met.	
2398	Section 132. Paragraphs (d) and (e) of subsection (1) of	
2399	section 580.071, Florida Statutes, are amended, and paragraphs	
2400	(f), (g), and (h) are added to that subsection, to read:	
2401	580.071 Adulteration.—No person shall distribute an	
2402	adulterated commercial feed or feedstuff. A commercial feed or	
2403	feedstuff shall be deemed to be adulterated:	
2404	(1)	
2405	(d) If it is a raw agricultural commodity and it bears or	
2406	contains a pesticide chemical that is unsafe within the meaning	
2407	of s. 408(a) of the Federal Food, Drug, and Cosmetic Act;	
2408	however, where a pesticide chemical has been used in or on a raw	

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

2409 agricultural commodity in conformity with an exemption granted
2410 or a tolerance prescribed under s. 408 of the Federal Food,
2411 Drug, and Cosmetic Act and that raw agricultural commodity has
2412 been subjected to processing such as canning, cooking, freezing,
2413 dehydrating, or milling, the processed feed will result, or is
2414 likely to result, in pesticide residue in the edible product of
2415 the animal which is unsafe within the meaning of s. 408(a) of
2416 the Federal Food, Drug, and Cosmetic Act; ~~or~~

2417 (e) If it is, or it bears or contains, any new animal drug
2418 that is unsafe within the meaning of s. 512 of the Federal Food,
2419 Drug, and Cosmetic Act;

2420 (f) If it consists, in whole or in part, of any filthy,
2421 putrid, or decomposed substance or is otherwise unfit for feed;

2422 (g) If it is prepared, packaged, or held under unsanitary
2423 conditions in which it may have become contaminated with filth
2424 or rendered injurious to health; or

2425 (h) If it is, in whole or in part, the product of a
2426 diseased animal or of an animal that has died by a means other
2427 than slaughter which is unsafe within the meaning of s.
2428 402(a) (1) or (2) of the Federal Food, Drug, and Cosmetic Act.

2429 Section 133. Paragraph (b) of subsection (1) of section
2430 580.121, Florida Statutes, is amended to read:

2431 580.121 Penalties; duties of law enforcement officers;
2432 injunctive relief.—

2433 (1) The department may impose one or more of the following
2434 penalties against any person who violates any provision of this

Amendment No. 1

2435 chapter:

2436 (b) Imposition of an administrative fine in the Class I
2437 category pursuant to s. 570.971 for each, by the department, of
2438 not more than \$1,000 per occurrence.

2439
2440 However, the severity of the penalty imposed shall be
2441 commensurate with the degree of risk to human or animal safety
2442 or the level of financial harm to the consumer that is created
2443 by the violation.

2444 Section 134. Subsection (5) of section 581.091, Florida
2445 Statutes, is amended to read:

2446 581.091 Noxious weeds and infected plants or regulated
2447 articles; sale or distribution; receipt; information to
2448 department; withholding information.—

2449 (5) (a) Notwithstanding any other ~~provision of state law or~~
2450 ~~rule~~, a person may obtain a special permit from the department
2451 to plant Casuarina cunninghamiana as a windbreak for a
2452 commercial citrus grove if provided the plants are produced in
2453 an authorized registered nursery and certified by the department
2454 as being vegetatively propagated from male plants. ~~A "commercial~~
2455 ~~citrus grove" means a contiguous planting of 100 or more citrus~~
2456 ~~trees where citrus fruit is produced for sale.~~

2457 ~~(b) For a 5-year period, special permits authorizing a~~
2458 ~~person to plant Casuarina cunninghamiana shall be issued only as~~
2459 ~~part of a pilot program for fresh fruit groves in areas of~~
2460 ~~Indian River, St. Lucie, and Martin Counties where citrus canker~~

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

2461 ~~is determined by the department to be widespread. The pilot~~
2462 ~~program shall be reevaluated annually, and a comprehensive~~
2463 ~~review shall be conducted in 2013. The purpose of the annual and~~
2464 ~~5-year reviews is to determine if the use of Casuarina~~
2465 ~~cunninghamiana as an agricultural pest and disease windbreak~~
2466 ~~poses any adverse environmental consequences. At the end of the~~
2467 ~~5-year pilot program, if the Noxious Weed and Invasive Plant~~
2468 ~~Review Committee, created by the department, and the Department~~
2469 ~~of Environmental Protection, in consultation with a~~
2470 ~~representative of the citrus industry who has a Casuarina~~
2471 ~~cunninghamiana windbreak, determine that the potential is low~~
2472 ~~for adverse environmental impacts from planting Casuarina~~
2473 ~~cunninghamiana as windbreaks, the department may, by rule, allow~~
2474 ~~the use of Casuarina cunninghamiana windbreaks for commercial~~
2475 ~~citrus groves in other areas of the state. If it is determined~~
2476 ~~at the end of the 5-year pilot program that additional time is~~
2477 ~~needed to further evaluate Casuarina cunninghamiana, the~~
2478 ~~department will remain the lead agency.~~

2479 (b)(e) Each application for a special permit shall be
2480 accompanied by a fee in an amount determined by the department,
2481 by rule, not to exceed \$500. A special permit shall be required
2482 for each noncontiguous commercial citrus grove and shall be
2483 renewed every 5 years. The property owner is responsible for
2484 maintaining and producing for inspection the original nursery
2485 invoice with certification documentation. If ownership of the
2486 property is transferred, the seller must notify the department

Amendment No. 1

2487 and provide the buyer with a copy of the special permit and
2488 copies of all invoices and certification documentation before
2489 ~~prior to~~ the closing of the sale.

2490 (c)~~(d)~~ Each application shall include a baseline survey of
2491 all lands within 500 feet of the proposed Casuarina
2492 cunninghamiana windbreak showing the location and identification
2493 to species of all existing Casuarina spp.

2494 (d)~~(e)~~ Nurseries authorized to produce Casuarina
2495 cunninghamiana must obtain a special permit from the department
2496 certifying that the plants have been vegetatively propagated
2497 from sexually mature male source trees currently grown in the
2498 state. The importation of Casuarina cunninghamiana from any area
2499 outside the state to be used as a propagation source tree is
2500 prohibited. Each male source tree must be registered by the
2501 department as being a horticulturally true-to-type male plant
2502 and be labeled with a source tree registration number. Each
2503 nursery application for a special permit shall be accompanied by
2504 a fee in an amount determined by the department, by rule, not to
2505 exceed \$200. Special permits shall be renewed annually. The
2506 department shall, by rule, set the amount of an annual fee, not
2507 to exceed \$50, for each Casuarina cunninghamiana registered as a
2508 source tree. ~~Nurseries may only sell Casuarina cunninghamiana to~~
2509 ~~a person with a special permit as specified in paragraphs (a)~~
2510 ~~and (b).~~ The source tree registration numbers of the parent
2511 plants must be documented on each invoice or other certification
2512 documentation provided to the buyer.

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

2513 (e)~~(f)~~ All *Casuarina cunninghamiana* must be destroyed by
2514 the property owner within 6 months after:

2515 1. The property owner takes permanent action to no longer
2516 use the site for commercial citrus production;

2517 2. The site has not been used for commercial citrus
2518 production for a period of 5 years; or

2519 3. The department determines that the *Casuarina*
2520 *cunninghamiana* on the site has become invasive. This
2521 determination shall be based on, but not limited to, the
2522 recommendation of the Noxious Weed and Invasive Plant Review
2523 Committee and the Department of Environmental Protection and in
2524 consultation with a representative of the citrus industry who
2525 has a *Casuarina cunninghamiana* windbreak.
2526

2527 If the owner or person in charge refuses or neglects to comply,
2528 the director or her or his authorized representative may, under
2529 authority of the department, proceed to destroy the plants. The
2530 expense of the destruction shall be assessed, collected, and
2531 enforced against the owner by the department. If the owner does
2532 not pay the assessed cost, the department may record a lien
2533 against the property.

2534 (f)~~(g)~~ The use of *Casuarina cunninghamiana* for windbreaks
2535 does ~~shall~~ not preclude the department from issuing permits for
2536 the research or release of biological control agents to control
2537 *Casuarina* spp. pursuant to ~~in accordance with~~ s. 581.083.

2538 (g)~~(h)~~ The use of *Casuarina cunninghamiana* for windbreaks

Amendment No. 1

2539 ~~may shall~~ not restrict or interfere with any other agency or
2540 local government effort to manage or control noxious weeds or
2541 invasive plants, including *Casuarina cunninghamiana*. ~~An, nor~~
2542 ~~shall any other~~ agency or local government may not remove any
2543 *Casuarina cunninghamiana* planted as a windbreak under special
2544 permit issued by the department.

2545 ~~(i) The department shall develop and implement a~~
2546 ~~monitoring protocol to determine invasiveness of *Casuarina*~~
2547 ~~*cunninghamiana*. The monitoring protocol shall, at a minimum,~~
2548 ~~require:~~

2549 ~~1. Inspection of the planting site by department~~
2550 ~~inspectors within 30 days following initial planting or any~~
2551 ~~subsequent planting of *Casuarina cunninghamiana* to ensure the~~
2552 ~~criteria of the special permit have been met.~~

2553 ~~2. Annual site inspections of planting sites and all lands~~
2554 ~~within 500 feet of the planted windbreak by department~~
2555 ~~inspectors who have been trained to identify *Casuarina* spp. and~~
2556 ~~to make determinations of whether *Casuarina cunninghamiana* has~~
2557 ~~spread beyond the permitted windbreak location.~~

2558 ~~3. Any new seedlings found within 500 feet of the planted~~
2559 ~~windbreak to be removed, identified to the species level, and~~
2560 ~~evaluated to determine if hybridization has occurred.~~

2561 ~~4. The department to submit an annual report and a final~~
2562 ~~5-year evaluation identifying any adverse effects resulting from~~
2563 ~~the planting of *Casuarina cunninghamiana* for windbreaks and~~
2564 ~~documenting all inspections and the results of those inspections~~

Amendment No. 1

2565 ~~to the Noxious Weed and Invasive Plant Review Committee, the~~
2566 ~~Department of Environmental Protection, and a designated~~
2567 ~~representative of the citrus industry who has a Casuarina~~
2568 ~~cunninghamiana windbreak.~~

2569 ~~(j) If the department determines that female flowers or~~
2570 ~~cones have been produced on any Casuarina cunninghamiana that~~
2571 ~~have been planted under a special permit issued by the~~
2572 ~~department, the property owner shall be responsible for~~
2573 ~~destroying the trees. The department shall notify the property~~
2574 ~~owner of the timeframe and method of destruction.~~

2575 ~~(k) If at any time the department determines that~~
2576 ~~hybridization has occurred during the pilot program between~~
2577 ~~Casuarina cunninghamiana planted as a windbreak and other~~
2578 ~~Casuarina spp., the department shall expeditiously initiate~~
2579 ~~research to determine the invasiveness of the hybrid. The~~
2580 ~~information obtained from this research shall be evaluated by~~
2581 ~~the Noxious Weed and Invasive Plant Review Committee, the~~
2582 ~~Department of Environmental Protection, and a designated~~
2583 ~~representative of the citrus industry who has a Casuarina~~
2584 ~~cunninghamiana windbreak. If the department determines that the~~
2585 ~~hybrids have a high potential to become invasive, based on, but~~
2586 ~~not limited to, the recommendation of the Noxious Weed and~~
2587 ~~Invasive Plant Review Committee, the Department of Environmental~~
2588 ~~Protection, and a designated representative of the citrus~~
2589 ~~industry who has a Casuarina cunninghamiana windbreak, this~~
2590 ~~pilot program shall be permanently suspended.~~

Amendment No. 1

2591 ~~(1) Each application for a special permit must be~~
2592 ~~accompanied by a fee as described in paragraph (c) and an~~
2593 ~~agreement that the property owner will abide by all permit~~
2594 ~~conditions including the removal of Casuarina cunninghamiana if~~
2595 ~~invasive populations or other adverse environmental factors are~~
2596 ~~determined to be present by the department as a result of the~~
2597 ~~use of Casuarina cunninghamiana as windbreaks. The application~~
2598 ~~must include, on a form provided by the department, the name of~~
2599 ~~the applicant and the applicant's address or the address of the~~
2600 ~~applicant's principal place of business; a statement of the~~
2601 ~~estimated cost of removing and destroying the Casuarina~~
2602 ~~cunninghamiana that is the subject of the special permit; and~~
2603 ~~the basis for calculating or determining that estimate. If the~~
2604 ~~applicant is a corporation, partnership, or other business~~
2605 ~~entity, the applicant must also provide in the application the~~
2606 ~~name and address of each officer, partner, or managing agent.~~
2607 ~~The applicant shall notify the department within 30 business~~
2608 ~~days of any change of address or change in the principal place~~
2609 ~~of business. The department shall mail all notices to the~~
2610 ~~applicant's last known address.~~

2611 1. Upon obtaining a permit, the permit holder must annually
2612 maintain the Casuarina cunninghamiana authorized by a special
2613 permit as required in the permit. If the permit holder ceases to
2614 maintain the Casuarina cunninghamiana as required by the special
2615 permit, if the permit expires, or if the permit holder ceases to
2616 abide by the conditions of the special permit, the permit holder

Amendment No. 1

2617 must ~~shall~~ remove and destroy the Casuarina cunninghamiana in a
2618 timely manner as specified in the permit.

2619 2. If the department:

2620 a. Determines that the permitholder is no longer
2621 maintaining the Casuarina cunninghamiana subject to the special
2622 permit and has not removed and destroyed the Casuarina
2623 cunninghamiana authorized by the special permit;

2624 b. Determines that the continued use of Casuarina
2625 cunninghamiana as windbreaks presents an imminent danger to
2626 public health, safety, or welfare; or

2627 c. Determines that the permitholder has exceeded the
2628 conditions of the authorized special permit,[†]

2629

2630 the department may issue an immediate final order, which shall
2631 be immediately appealable or enjoinable pursuant to ~~as provided~~
2632 ~~by~~ chapter 120, directing the permitholder to immediately remove
2633 and destroy the Casuarina cunninghamiana authorized to be
2634 planted under the special permit. A copy of the immediate final
2635 order shall be mailed to the permitholder.

2636 3. If, upon issuance by the department of an immediate
2637 final order to the permitholder, the permitholder fails to
2638 remove and destroy the Casuarina cunninghamiana subject to the
2639 special permit within 60 days after issuance of the order, or
2640 such shorter period as is designated in the order as public
2641 health, safety, or welfare requires, the department may remove
2642 and destroy the Casuarina cunninghamiana that are the subject of

Amendment No. 1

2643 the special permit. If the permit holder makes a written request
2644 to the department for an extension of time to remove and destroy
2645 the *Casuarina cunninghamiana* that demonstrates specific facts
2646 showing why the *Casuarina cunninghamiana* could not reasonably be
2647 removed and destroyed in the applicable timeframe, the
2648 department may extend the time for removing and destroying
2649 *Casuarina cunninghamiana* subject to a special permit. The
2650 reasonable costs and expenses incurred by the department for
2651 removing and destroying *Casuarina cunninghamiana* subject to a
2652 special permit shall be paid out of the Citrus Inspection Trust
2653 Fund and shall be reimbursed by the party to which the immediate
2654 final order is issued. If the party to which the immediate final
2655 order has been issued fails to reimburse the state within 60
2656 days, the department may record a lien on the property. The lien
2657 shall be enforced by the department.

2658 4. In order to carry out the purposes of this paragraph,
2659 the department or its agents may require a permit holder to
2660 provide verified statements of the planted acreage subject to
2661 the special permit and may review the permit holder's business or
2662 planting records at her or his place of business during normal
2663 business hours in order to determine the acreage planted. The
2664 failure of a permit holder to furnish such statement or to make
2665 such records available is cause for suspension of the special
2666 permit. If the department finds such failure to be willful, the
2667 special permit may be revoked.

2668 Section 135. Subsection (8) of section 581.131, Florida

Amendment No. 1

2669 Statutes, is amended to read:

2670 581.131 Certificate of registration.-

2671 (8) The department shall provide to each person subject to
2672 this section written notice and renewal forms 30 ~~60~~ days before
2673 ~~prior to~~ the annual renewal date informing the person of the
2674 certificate of registration renewal date and the applicable fee.

2675 Section 136. Paragraph (a) of subsection (2) of section
2676 581.141, Florida Statutes, is amended to read:

2677 581.141 Certificate of registration or of inspection;
2678 revocation and suspension; fines.-

2679 (2) FINES; PROBATION.-

2680 (a)1. The department may, after notice and hearing, impose
2681 an administrative a fine in the Class II category pursuant to s.
2682 570.971 not exceeding \$5,000 or probation not exceeding 12
2683 months, or both, for a ~~the~~ violation of ~~any of the provisions of~~
2684 this chapter or the rules adopted under this chapter upon a ~~any~~
2685 person, nurseryman, stock dealer, agent, or plant broker. The
2686 fine, when paid, shall be deposited in the Plant Industry Trust
2687 Fund.

2688 2. The imposition of a fine or probation pursuant to this
2689 subsection may be in addition to or in lieu of the suspension or
2690 revocation of a certificate of registration or certificate of
2691 inspection.

2692 Section 137. Subsection (2) of section 581.186, Florida
2693 Statutes, is amended to read:

2694 581.186 Endangered Plant Advisory Council; organization;

Amendment No. 1

2695 meetings; powers and duties.—

2696 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
2697 meetings, powers and duties, procedures, and recordkeeping of
2698 the Endangered Plant Advisory Council shall be pursuant to
2699 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
2700 ~~advisory committees established within the department.~~

2701 Section 138. Paragraph (a) of subsection (3) of section
2702 581.211, Florida Statutes, is amended to read:

2703 581.211 Penalties for violations.—

2704 (3) (a) 1. In addition to any other provision of law, the
2705 department may, after notice and hearing, impose an
2706 administrative fine pursuant to s. 570.971 in the Class II
2707 category not exceeding \$5,000 for each violation of this
2708 chapter, upon a ~~any~~ person, nurseryman, stock dealer, agent, or
2709 plant broker. The fine, when paid, shall be deposited in the
2710 Plant Industry Trust Fund. In addition, the department may place
2711 the violator on probation for up to 1 year, with conditions.

2712 2. The imposition of a fine or probation pursuant to this
2713 subsection may be in addition to or in lieu of the suspension or
2714 revocation of a certificate of registration or certificate of
2715 inspection.

2716 Section 139. Subsection (2) of section 582.06, Florida
2717 Statutes, is amended to read:

2718 582.06 Soil and Water Conservation Council; powers and
2719 duties.—

2720 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The

Amendment No. 1

2721 meetings, powers and duties, procedures, and recordkeeping of
2722 the Soil and Water Conservation Council shall be pursuant to
2723 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
2724 ~~advisory committees established within the department.~~

2725 Section 140. Subsection (4) of section 583.01, Florida
2726 Statutes, is amended to read:

2727 583.01 Definitions.—For the purpose of this chapter,
2728 unless elsewhere indicated, the term:

2729 (4) "Dealer" means a any person, firm, or corporation,
2730 including a producer, processor, retailer, or wholesaler, that
2731 sells, offers for sale, or holds for the purpose of sale in this
2732 state 30 dozen or more eggs or its equivalent in any one week,
2733 or more than 384 ~~in excess of 100 pounds of dressed birds~~
2734 ~~poultry~~ in any one week.

2735 Section 141. Subsection (1) of section 585.007, Florida
2736 Statutes, is amended to read:

2737 585.007 Violation of rules; violation of chapter.—

2738 (1) A Any person who violates ~~the provisions of~~ this
2739 chapter or any rule of the department shall be subject to the
2740 imposition of an administrative fine in the Class III category
2741 pursuant to s. 570.971 ~~of up to \$10,000~~ for each offense. Upon
2742 repeated violation, the department may seek enforcement pursuant
2743 to s. 120.69.

2744 Section 142. Paragraph (a) of subsection (2) of section
2745 586.15, Florida Statutes, is amended to read:

2746 586.15 Penalty for violation.—

Amendment No. 1

2747 (2) (a) The department may, after notice and hearing,
2748 impose an administrative a fine in the Class II category
2749 pursuant to s. 570.971 ~~not exceeding \$5,000~~ for a ~~the~~ violation
2750 ~~of any of the provisions~~ of this chapter or the rules adopted
2751 under this chapter upon any person. The fine, when paid, shall
2752 be deposited in the Plant Industry Trust Fund. The imposition of
2753 a fine pursuant to this subsection may be in addition to or in
2754 lieu of the suspension or revocation of a permit or a
2755 certificate of inspection or registration.

2756 Section 143. Subsection (3) of section 586.161, Florida
2757 Statutes, is amended to read:

2758 586.161 Honeybee Technical Council.—

2759 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
2760 meetings, powers and duties, procedures, and recordkeeping of
2761 the Honeybee Technical Council shall be pursuant to ~~governed by~~
2762 ~~the provisions of s. 570.232 570.0705 relating to advisory~~
2763 ~~committees established within the department.~~

2764 Section 144. Subsection (3) is added to section 589.08,
2765 Florida Statutes, to read:

2766 589.08 Land acquisition restrictions.—

2767 (3) The Florida Forest Service shall pay 15 percent of the
2768 gross receipts from the Goethe State Forest to each fiscally
2769 constrained county, as described in s. 218.67(1), in which a
2770 portion of the respective forest is located in proportion to the
2771 forest acreage located in such county. The funds must be equally
2772 divided between the board of county commissioners and the school

Amendment No. 1

2773 board of each fiscally constrained county.

2774 Section 145. Section 589.081, Florida Statutes, is
2775 repealed.

2776 Section 146. Subsections (1) and (3) of section 589.011,
2777 Florida Statutes, are amended to read:

2778 589.011 Use of state forest lands; fees; rules.-

2779 (1) If authorized by a land management plan approved
2780 pursuant to chapter 253 or by an interim assignment letter which
2781 identifies the interim management activities issued by the
2782 Department of Environmental Protection pursuant to chapter 259,
2783 the Florida Forest Service of the Department of Agriculture and
2784 Consumer Services may grant privileges, permits, leases, and
2785 concessions for the use of state forest lands or any lands
2786 leased by or otherwise assigned to the Florida Forest Service
2787 for management purposes, timber, and forest products pursuant to
2788 for purposes not inconsistent with the provisions of this
2789 chapter.

2790 (3) The Florida Forest Service ~~may shall have the power to~~
2791 ~~set and impose charge~~ reasonable fees, rentals, or charges rent
2792 for the use or operation of facilities and concessions on state
2793 forests or any lands leased by or otherwise assigned to the
2794 Florida Forest Service for management purposes based on factors
2795 such as the cost and extent of recreational facilities and
2796 services, geographic location, seasonal public demand, fees
2797 charged by other governmental and private entities for
2798 comparable services and activities, and market value and demand

Amendment No. 1

2799 for forest products. Moneys collected from such fees, rentals,
2800 and charges ~~rent~~ shall be deposited into the Incidental Trust
2801 Fund of the Florida Forest Service.

2802 Section 147. Section 589.20, Florida Statutes, is amended
2803 to read:

2804 589.20 Cooperation by Florida Forest Service.—The Florida
2805 Forest Service may cooperate with other state agencies, water
2806 management districts, municipalities, and other government
2807 entities ~~who are custodians of lands which are suitable for~~
2808 ~~forestry purposes,~~ in the designation and dedication of ~~such~~
2809 lands that are suitable for forestry purposes ~~when in the~~
2810 ~~opinion of the state agencies concerned such lands are suitable~~
2811 ~~for these purposes and can be so administered.~~ Lands designated
2812 and dedicated by a state agency, water management district,
2813 municipality, or other government entity ~~Upon the designation~~
2814 ~~and dedication of said lands for forestry~~ these purposes ~~by the~~
2815 ~~agencies concerned,~~ said lands shall be administered by the
2816 Florida Forest Service.

2817 Section 148. Section 590.02, Florida Statutes, is amended
2818 to read:

2819 590.02 Florida Forest Service; powers, authority, and
2820 duties; liability; building structures; Withlacochee Training
2821 ~~Florida Center for Wildfire and Forest Resources Management~~
2822 ~~Training.~~—

2823 (7) The Florida Forest Service may organize, staff, equip,
2824 and operate the Withlacochee ~~Florida Forest~~ Training Center.

Amendment No. 1

2825 The center shall serve as a site where fire and forest resource
2826 managers can obtain current knowledge, techniques, skills, and
2827 theory as they relate to their respective disciplines.

2828 (a) The center may establish cooperative efforts involving
2829 federal, state, and local entities; hire appropriate personnel;
2830 and engage others by contract or agreement with or without
2831 compensation to assist in carrying out the training and
2832 operations of the center.

2833 (b) The center shall provide wildfire suppression training
2834 opportunities for rural fire departments, volunteer fire
2835 departments, and other local fire response units.

2836 (c) The center shall ~~will~~ focus on curriculum related to,
2837 but not limited to, fuel reduction, an incident management
2838 system, prescribed burning certification, multiple-use land
2839 management, water quality, forest health, environmental
2840 education, and wildfire suppression training for structural
2841 firefighters.

2842 (d) The center may assess appropriate fees for food,
2843 lodging, travel, course materials, and supplies in order to meet
2844 its operational costs and may grant free meals, room, and
2845 scholarships to persons and other entities in exchange for
2846 instructional assistance.

2847 (11) The Madison Forestry Station shall be named the
2848 Harvey Greene Sr. Forestry Station. This is to honor Mr. Harvey
2849 Greene Sr., a World War I veteran and pioneer in forestry in
2850 Madison County. In 1947, Mr. Harvey Greene Sr. offered to give

Amendment No. 1

2851 the land where the forestry station is located to the state at a
2852 time when land donations were not accepted. Mr. Harvey Greene
2853 Sr. utilized the \$350 proceeds from the sale of the land to
2854 purchase forestry equipment for use by private citizens in
2855 Madison County for planting trees and fighting wildfires.

2856 Section 149. Section 590.091, Florida Statutes, is
2857 repealed.

2858 Section 150. Subsection (2) of section 590.125, Florida
2859 Statutes, is amended to read:

2860 590.125 Open burning authorized by the Florida Forest
2861 Service.—

2862 (2) NONCERTIFIED BURNING.—

2863 (a) Persons may be authorized to broadcast burn or pile
2864 burn pursuant to ~~in accordance with~~ this subsection if:

2865 1. There is specific consent of the landowner or his or
2866 her designee;

2867 2. Authorization has been obtained from the Florida Forest
2868 Service or its designated agent before starting the burn;

2869 3. There are adequate firebreaks at the burn site and
2870 sufficient personnel and firefighting equipment for the
2871 containment of the fire;

2872 4. The fire remains within the boundary of the authorized
2873 area;

2874 5. The person named responsible in the burn authorization
2875 or a designee is present at the burn site until the fire is
2876 completed;

Amendment No. 1

2877 6. The Florida Forest Service does not cancel the
2878 authorization; and

2879 7. The Florida Forest Service determines that air quality
2880 and fire danger are favorable for safe burning.

2881 (b) A new authorization is not required for smoldering
2882 that occurs within the authorized burn area unless new ignitions
2883 are conducted by the person named responsible in the burn
2884 authorization or a designee.

2885 (c) Monitoring the smoldering activity of a burn does not
2886 require an additional authorization even if flames begin to
2887 spread within the authorized burn area due to ongoing
2888 smoldering.

2889 (d) ~~(b)~~ A person who broadcast burns or pile burns in a
2890 manner that violates ~~any requirement of~~ this subsection commits
2891 a misdemeanor of the second degree, punishable as provided in s.
2892 775.082 or s. 775.083.

2893 Section 151. Subsection (3) of section 590.14, Florida
2894 Statutes, is amended to read:

2895 590.14 Notice of violation; penalties; legislative
2896 intent.-

2897 (3) The department may also impose an administrative fine
2898 in the Class I category pursuant to s. 570.971 for each, not to
2899 exceed \$1,000 per violation of ~~any section of~~ chapter 589 or
2900 this chapter or violation of any rule adopted by the Florida
2901 Forest Service to administer ~~provisions of~~ law conferring duties
2902 upon the Florida Forest Service. The fine shall be based upon

Amendment No. 1

2903 the degree of damage, the prior violation record of the person,
2904 and whether the person knowingly provided false information to
2905 obtain an authorization. The fines shall be deposited in the
2906 Incidental Trust Fund of the Florida Forest Service.

2907 Section 152. Subsection (2) of section 595.701, Florida
2908 Statutes, is amended to read:

2909 595.701 Healthy Schools for Healthy Lives Council.—

2910 (2) The meetings, powers, duties, procedures, and
2911 recordkeeping of the Healthy Schools for Healthy Lives Council
2912 shall be pursuant to ~~governed by s. 570.232 570.0705, relating~~
2913 ~~to advisory committees established within the department.~~

2914 Section 153. Paragraph (k) of subsection (1) of section
2915 597.003, Florida Statutes, is amended to read:

2916 597.003 Powers and duties of Department of Agriculture and
2917 Consumer Services.—

2918 (1) The department is hereby designated as the lead agency
2919 in encouraging the development of aquaculture in the state and
2920 shall have and exercise the following functions, powers, and
2921 duties with regard to aquaculture:

2922 (k) Make available state lands and the water column for
2923 the purpose of producing aquaculture products when the
2924 aquaculture activity is compatible with state resource
2925 management goals, environmental protection, and proprietary
2926 interest and when such state lands and waters are determined to
2927 be suitable for aquaculture development by the Board of Trustees
2928 of the Internal Improvement Trust Fund pursuant to s. 253.68;

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

2929 provide training as necessary to lessees; and be responsible for
2930 all saltwater aquaculture activities located on sovereignty
2931 submerged land or in the water column above such land and
2932 adjacent facilities directly related to the aquaculture
2933 activity.

2934 1. The department shall act in cooperation with other
2935 state and local agencies and programs to identify and designate
2936 sovereignty lands and waters that would be suitable for
2937 aquaculture development.

2938 2. The department shall identify and evaluate specific
2939 tracts of sovereignty submerged lands and water columns in
2940 various areas of the state to determine where such lands and
2941 waters are suitable for leasing for aquaculture purposes.
2942 Nothing in this subparagraph or subparagraph 1. shall preclude
2943 the applicant from applying for sites identified by the
2944 applicant.

2945 3. The department shall provide assistance in developing
2946 technologies applicable to aquaculture activities, evaluate
2947 practicable production alternatives, and provide agreements to
2948 develop innovative culture practices.

2949 Section 154. Paragraph (j) is added to subsection (1) of
2950 section 597.004, Florida Statutes, to read:

2951 597.004 Aquaculture certificate of registration.—

2952 (1) CERTIFICATION.—Any person engaging in aquaculture must
2953 be certified by the department. The applicant for a certificate
2954 of registration shall submit the following to the department:

Amendment No. 1

2955 (j) A certificate of training, if required under the best
2956 management practices adopted pursuant to this section.

2957 Section 155. Subsection (2) of section 597.0041, Florida
2958 Statutes, is amended to read:

2959 597.0041 Prohibited acts; penalties.—

2960 (2) (a) A ~~Any~~ person who violates ~~any provision of this~~
2961 ~~chapter or any rule adopted under this chapter promulgated~~
2962 ~~hereunder~~ is subject to a suspension or revocation of his or her
2963 certificate of registration or license under this chapter. The
2964 department may, in lieu of ~~7~~ or in addition to the suspension or
2965 revocation, impose on the violator an administrative fine in the
2966 Class I category pursuant to s. 570.971 for each violation, for
2967 each day the violation exists ~~in an amount not to exceed \$1,000~~
2968 ~~per violation per day.~~

2969 (b) Except as provided in subsection (4), a ~~any~~ person who
2970 violates ~~any provision of this chapter,~~ or any rule adopted
2971 under this chapter hereunder, commits a misdemeanor of the first
2972 degree, punishable as provided in s. 775.082 or s. 775.083.

2973 Section 156. Subsection (1) of section 597.020, Florida
2974 Statutes, is amended to read:

2975 597.020 Shellfish processors; regulation.—

2976 (1) The department may:

2977 (a) is authorized to Adopt by rule regulations,
2978 specifications, training requirements, and codes relating to
2979 sanitary practices for catching, cultivating, handling,
2980 processing, packaging, preserving, canning, smoking, and storing

Amendment No. 1

2981 ~~of~~ oysters, clams, mussels, scallops, and crabs.

2982 (b) ~~The department is also authorized to~~ License shellfish
2983 processors who handle oysters, clams, mussels, scallops, and
2984 crabs when such activities relate to quality control, sanitary,
2985 and public health practices pursuant to this section and chapter
2986 500.

2987 (c) ~~The department is also authorized to~~ License or
2988 certify, for a fee determined by rule, facilities used for
2989 processing oysters, clams, mussels, scallops, and crabs, and may
2990 ~~to~~ levy an administrative fine in the Class I category pursuant
2991 to s. 570.971 for each violation, for each day the violation
2992 exists ~~of up to \$1,000 per violation per day or to~~ suspend or
2993 revoke such licenses or certificates upon satisfactory evidence
2994 of a ~~any~~ violation of rules adopted pursuant to this section,
2995 and to seize and destroy any adulterated or misbranded shellfish
2996 products as defined by rule.

2997 Section 157. Subsection (2) of section 599.002, Florida
2998 Statutes, is amended to read:

2999 599.002 Viticulture Advisory Council.-

3000 (2) The meetings, powers and duties, procedures, and
3001 recordkeeping of the Viticulture Advisory Council shall be
3002 pursuant to ~~governed by the provisions of s. 570.232 570.0705~~
3003 ~~relating to advisory committees established within the~~
3004 ~~department.~~

3005 Section 158. Section 601.67, Florida Statutes, is amended
3006 to read:

Amendment No. 1

3007 601.67 Disciplinary action by Department of Agriculture
3008 against citrus fruit dealers.—

3009 (1) The Department of Agriculture may impose an
3010 administrative a fine in the Class IV category pursuant to s.
3011 570.971 not to exceed exceeding \$50,000 for each per violation
3012 against a any licensed citrus fruit dealer who violates for
3013 ~~violation of any provision of~~ this chapter and, in lieu of~~7~~ or
3014 in addition to~~7~~ such fine, may revoke or suspend the license of
3015 ~~any~~ such a dealer when it has been satisfactorily shown that
3016 such dealer, in her or his activities as a citrus fruit dealer,
3017 has:

3018 (a) Obtained a license by means of fraud,
3019 misrepresentation, or concealment;

3020 (b) Violated or aided or abetted in the violation of any
3021 law of this state governing or applicable to citrus fruit
3022 dealers or any lawful rules of the Department of Citrus;

3023 (c) Been guilty of a crime against the laws of this or any
3024 other state or government involving moral turpitude or dishonest
3025 dealing or has become legally incompetent to contract or be
3026 contracted with;

3027 (d) Made, printed, published, distributed, or caused,
3028 authorized, or knowingly permitted the making, printing,
3029 publication, or distribution of false statements, descriptions,
3030 or promises of such a character as to reasonably induce a any
3031 person to act to her or his damage or injury, if such citrus
3032 fruit dealer then knew, or by the exercise of reasonable care

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

3033 and inquiry could have known, of the falsity of such statements,
3034 descriptions, or promises;

3035 (e) Knowingly committed or been a party to any material
3036 fraud, misrepresentation, concealment, conspiracy, collusion,
3037 trick, scheme, or device whereby another ~~any other~~ person
3038 lawfully relying upon the word, representation, or conduct of
3039 the citrus fruit dealer has acted to her or his injury or
3040 damage;

3041 (f) Committed any act or conduct of the same or different
3042 character than ~~of that hereinabove~~ enumerated which constitutes
3043 fraudulent or dishonest dealing; or

3044 (g) Violated ~~any of the provisions of ss. 506.19-506.28,~~
3045 ~~both sections inclusive.~~

3046 (2) The Department of Agriculture may impose an
3047 administrative a fine in the Class IV category pursuant to s.
3048 570.971 not to exceed ~~exceeding~~ \$100,000 for each ~~per~~ violation
3049 against a ~~any~~ person who operates as a citrus fruit dealer
3050 without a current citrus fruit dealer license issued by the
3051 Department of Agriculture pursuant to s. 601.60. In addition,
3052 the Department of Agriculture may order such person to cease and
3053 desist operating as a citrus fruit dealer without a license. An
3054 administrative order entered by the Department of Agriculture
3055 under this subsection may be enforced pursuant to s. 601.73.

3056 (3) The Department of Agriculture shall impose an
3057 administrative a fine in the Class IV category pursuant to s.
3058 570.971 not to exceed ~~of not less than \$10,000 nor more than~~

Amendment No. 1

3059 \$100,000 for each ~~per~~ violation against a ~~any~~ licensed citrus
3060 fruit dealer and shall suspend, for 60 days during the first
3061 available period between September 1 and May 31, the license of
3062 a ~~any~~ citrus fruit dealer who:

3063 (a) Falsely labels or otherwise misrepresents that a fresh
3064 citrus fruit was grown in a specific production area specified
3065 in s. 601.091; or

3066 (b) Knowingly, falsely labels or otherwise misrepresents
3067 that a processed citrus fruit product was prepared solely with
3068 citrus fruit grown in a specific production area specified in s.
3069 601.091.

3070 (4) A ~~Any~~ fine imposed pursuant to subsection (1),
3071 subsection (2), or subsection (3), when paid, shall be deposited
3072 by the Department of Agriculture into its General Inspection
3073 Trust Fund.

3074 (5) Whenever an ~~any~~ administrative order has been made and
3075 entered by the Department of Agriculture that imposes a fine
3076 pursuant to this section, such order shall specify a time limit
3077 for payment of the fine, not exceeding 15 days. The failure of
3078 the citrus fruit dealer ~~involved~~ to pay the fine within that
3079 time shall result in the immediate suspension of such citrus
3080 fruit dealer's current license, or any subsequently issued
3081 license, until ~~such time as~~ the order has been fully satisfied.
3082 An ~~Any~~ order suspending a citrus fruit dealer's license shall
3083 include a provision that the ~~such~~ suspension shall be for a
3084 specified period ~~of time~~ not to exceed 60 days, and such period

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

3085 of suspension may begin ~~commence~~ at any designated date within
3086 the current license period or subsequent license period.
3087 Whenever an order has been entered that suspends a citrus fruit
3088 dealer's license for a definite period ~~of time~~ and that license,
3089 by law, expires during the period of suspension, the suspension
3090 order shall continue automatically and shall be effective
3091 against any subsequent citrus fruit dealer ~~dealer's~~ license
3092 issued to such dealer until ~~such time as~~ the entire period of
3093 suspension has elapsed. Whenever any such administrative order
3094 of the Department of Agriculture is sought to be reviewed by the
3095 offending dealer involved in a court of competent jurisdiction,
3096 if such court proceedings should finally terminate in such
3097 administrative order being upheld or not quashed, such order
3098 shall ~~thereupon~~, upon the filing with the Department of
3099 Agriculture of a certified copy of the mandate or other order of
3100 the last court having to do with the matter in the judicial
3101 process, become immediately effective and shall then be carried
3102 out and enforced notwithstanding such time will be during a new
3103 and subsequent shipping season from that during which the
3104 administrative order was first originally entered by the
3105 Department of Agriculture.

3106 Section 159. Section 604.16, Florida Statutes, is amended
3107 to read:

3108 604.16 Exceptions to provisions of ss. 604.15-604.34.—
3109 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
3110 not apply to:

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

Amendment No. 1

3111 (2) A dealer in agricultural products who pays at the time
3112 of purchase with United States cash currency or a cash
3113 equivalent, such as a money order, cashier's check, wire
3114 transfer, electronic funds transfer, or PIN debit transaction
3115 ~~debit card~~.

3116 (5) A dealer in agricultural products to the extent that
3117 the dealer purchases agricultural products from a producer owned
3118 by the exact same persons as the dealer, owned solely by the
3119 dealer, or who solely owns the dealer.

3120 Section 160. Section 604.22, Florida Statutes, is amended
3121 to read:

3122 604.22 Dealers to keep records; contents.-

3123 (1) (a) Each licensee, while acting as agent for a
3124 producer, shall make and preserve for at least 1 year a record
3125 of each transaction, specifying the name and address of the
3126 producer for whom she or he acts as agent; the date of receipt;
3127 the kind, quality, and quantity of agricultural products
3128 received; the name and address of the purchaser of each package
3129 of agricultural products; the price for which each package was
3130 sold; the amount of any additional charges necessary to
3131 effectuate the sale; the amount and explanation of any
3132 adjustments given; and the net amount due from each purchaser.

3133 (b) An account of sales shall be furnished to each
3134 producer within 48 hours after the sale of such agricultural
3135 products unless otherwise agreed to in a written contract or
3136 verifiable oral agreement. Such account of sales shall clearly

Amendment No. 1

3137 show the sale price of each lot of agricultural products sold;
3138 all adjustments to the original price, along with an explanation
3139 of such adjustments; and an itemized showing of all marketing
3140 costs deducted by the licensee, along with the net amount due
3141 the producer.

3142 (c) The licensee shall make the payment to the producer
3143 within 5 days after ~~of~~ the licensee's receipt of payment unless
3144 otherwise agreed to in a written contract or verifiable oral
3145 agreement.

3146 (2) (a) ~~Notwithstanding The provisions of s. 604.16(2),~~
3147 ~~(3), and (4) notwithstanding, a~~ any person, partnership,
3148 corporation, or other business entity, except a person described
3149 in s. 604.16(1), who possesses and offers for sale agricultural
3150 products is required to possess and display, upon the request of
3151 a ~~any~~ department representative or state, county, or local law
3152 enforcement officer, an invoice, bill of sale, manifest, or
3153 other written document showing the date of sale, the name and
3154 address of the seller, and the kind and quantity of products for
3155 all such agricultural products.

3156 (b) ~~A~~ Any person who violates ~~the provisions of this~~
3157 section is subject to s. 604.30(2) and (3) ~~subsection is guilty~~
3158 ~~of a misdemeanor of the second degree, punishable as provided in~~
3159 ~~s. 775.082 or s. 775.083.~~

3160 Section 161. Paragraph (a) of subsection (3) of section
3161 604.30, Florida Statutes, is amended to read:

3162 604.30 Penalties; injunctive relief; administrative

Amendment No. 1

3163 fines.-

3164 (3) (a) In addition to the penalties provided in this
3165 section, the department may, after notice and hearing, impose an
3166 administrative a fine in the Class II category pursuant to s.
3167 570.971, not to exceed ~~exceeding~~ \$2,500 for a ~~the~~ violation of
3168 ~~any of the provisions of~~ ss. 604.15-604.34 or the rules adopted
3169 thereunder against a ~~any~~ dealer in agricultural products.† Such
3170 fine, when imposed and paid, shall be deposited by the
3171 department into the General Inspection Trust Fund.

3172 Section 162. Paragraph (a) of subsection (19) of section
3173 616.242, Florida Statutes, is amended to read:

3174 616.242 Safety standards for amusement rides.-

3175 (19) ENFORCEMENT AND PENALTIES.-

3176 (a) The department may deny, suspend for a period not to
3177 exceed 1 year, or revoke any permit or inspection certificate.
3178 In addition to denial, suspension, or revocation, the department
3179 may impose an administrative fine in the Class II category
3180 pursuant to s. 570.971 not to exceed ~~of up to~~ \$2,500 for each
3181 ~~per~~ violation, for each day the violation exists ~~per day~~,
3182 against the owner of the amusement ride if it finds that:

3183 1. An amusement ride has operated or is operating:

3184 a. With a mechanical, structural, or electrical defect
3185 that affects patron safety, of which the owner or manager has
3186 knowledge, or, through the exercise of reasonable diligence,
3187 should have knowledge;

3188 b. In a manner or circumstance that presents a risk of

Amendment No. 1

3189 serious injury to patrons;

3190 c. At a speed in excess of its maximum safe operating
3191 speed;

3192 d. In violation of this section or any rule adopted under
3193 this section; or

3194 e. In violation of an ~~any~~ order of the department or order
3195 of any court; or ~~or~~.

3196 2. A ~~Any~~ manager in the course of his or her duties is
3197 under the influence of drugs or alcohol.

3198

3199 Section 163. This act shall take effect July 1, 2014.

3200

3201

3202 -----

3203

T I T L E A M E N D M E N T

3204

Remove everything before the enacting clause and insert:

3205

An act relating to the Department of Agriculture and Consumer

3206

Services; designating parts I-V of ch. 570, F.S., relating to

3207

the Department of Agriculture and Consumer Services; amending s.

3208

193.461, F.S.; authorizing a property appraiser to grant an

3209

agricultural classification for land under certain

3210

circumstances; providing that participation in certain dispersed

3211

water storage programs does not change a land's agricultural

3212

classification for assessment purposes unless the land is

3213

diverted to a nonagricultural use; amending s. 282.709, F.S.;

3214

providing for appointment of a department representative to the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7091 (2014)

Amendment No. 1

3215 Joint Task Force on State Agency Law Enforcement Communications;
3216 amending s. 373.4591, F.S.; authorizing private landowners who
3217 have entered into an agreement with the Department of
3218 Agriculture and Consumer Services to implement specified best
3219 management practices to establish a baseline condition of
3220 wetlands and other surface waters before making improvements;
3221 amending s. 379.361, F.S.; amending requirements for obtaining
3222 an Apalachicola Bay oyster harvesting license; amending s.
3223 487.041, F.S.; revising requirements for registration and
3224 distribution of discontinued pesticides; amending s. 487.046,
3225 F.S.; revising provisions for filing pesticide applicator
3226 license applications; amending s. 487.047, F.S.; revising
3227 provisions for issuance of pesticide applicator licenses;
3228 amending s. 487.048, F.S.; revising provisions for filing
3229 pesticide dealer license applications; amending s. 487.159,
3230 F.S.; deleting requirements for filing statements claiming
3231 damages and injuries from pesticide application; amending s.
3232 487.160, F.S.; revising recordkeeping requirements for licensed
3233 private applicators; repealing s. 487.172, F.S., relating to an
3234 antifouling paint educational program; amending s. 487.2031,
3235 F.S.; revising the term "material safety data sheet"; amending
3236 s. 487.2051, F.S.; revising requirements for pesticide fact
3237 sheets and safety data sheets; amending s. 493.6120, F.S.;
3238 authorizing the department to impose certain civil penalties for
3239 violations relating to private security, investigative, and
3240 repossession services; amending s. 500.03, F.S.; revising the

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7091 (2014)

Amendment No. 1

3241 definition of the term "food establishment"; amending s. 500.12,
3242 F.S.; revising criteria for certain food permit exemptions;
3243 requiring the department to adopt a permit fee schedule;
3244 requiring food permits as a condition of operating a food
3245 establishment; providing that such permits are not transferable;
3246 amending s. 500.121, F.S.; conforming provisions to changes made
3247 by the act; revising the time limit for payment of fines;
3248 providing for permit revocation for failure to pay a fine;
3249 authorizing the department to immediately close certain food
3250 establishments; providing requirements and procedures for such
3251 closure; providing penalties for violations; authorizing the
3252 department to adopt rules; amending s. 500.147, F.S.; providing
3253 for the inspection of food records for certain purposes;
3254 amending s. 500.172, F.S.; providing for embargoing, detaining,
3255 or destroying food processing and storage areas; repealing ss.
3256 500.301, 500.302, 500.303, 500.304, 500.305, and 500.306, F.S.,
3257 relating to standards of enrichment, sales, enforcement, and
3258 inspection of certain grain products; repealing s. 500.601,
3259 F.S., relating to retail sale of meat; amending s. 501.059,
3260 F.S.; authorizing the department to adopt rules; amending s.
3261 570.074, F.S.; providing for the duties of the Office of
3262 Agricultural Water Policy; amending s. 570.14, F.S.; requiring
3263 written approval for use of the department seal; amending s.
3264 570.247, F.S.; clarifying provisions directing the department to
3265 adopt certain rules; repealing s. 570.345, F.S., relating to the
3266 Pest Control Compact; amending s. 570.36, F.S.; clarifying

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7091 (2014)

Amendment No. 1

3267 provisions relating to the duties of the Division of Animal
3268 Industry; repealing s. 570.542, F.S., relating to the Florida
3269 Consumer Services Act; creating s. 570.67, F.S.; establishing
3270 the Office of Energy within the department; providing for
3271 supervision and duties; amending s. 570.71, F.S.; authorizing
3272 specified uses of funds from the Conservation and Recreation
3273 Lands Program Trust Fund; repealing s. 570.72, F.S., relating to
3274 a definition; repealing s. 570.92, F.S., relating to an
3275 equestrian educational sports program; amending s. 570.952,
3276 F.S.; deleting an obsolete provision relating to membership
3277 terms for the Florida Agriculture Center and Horse Park
3278 Authority; conforming cross-references; amending s. 570.964,
3279 F.S.; clarifying compliance required for privileges of immunity;
3280 creating s. 570.971, F.S.; establishing administrative and civil
3281 penalties for certain violations; providing applicability;
3282 authorizing the department to adopt rules; amending s. 576.021,
3283 F.S.; revising provisions for filing applications to distribute
3284 fertilizer; amending s. 576.031, F.S.; revising labeling
3285 requirements for distribution of fertilizer in bulk; amending s.
3286 576.041, F.S.; removing surety bond and certificate of deposit
3287 requirements for fertilizer license applicants; amending s.
3288 576.051, F.S.; revising the period for which a fertilizer sample
3289 must be retained for analysis; amending s. 576.071, F.S.;
3290 revising criteria for determining the commercial value of
3291 certain penalties; amending s. 576.087, F.S.; revising
3292 antisiphon requirements for irrigation systems; amending s.

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7091 (2014)

Amendment No. 1

3293 576.101, F.S.; removing provisions relating to probationary
3294 status of a fertilizer licensee; amending s. 578.08, F.S.;
3295 revising application requirements and registration fees for the
3296 sale of seed; amending s. 580.036, F.S.; directing the
3297 department to consult with the Agricultural Feed, Seed, and
3298 Fertilizer Advisory Council when developing certain standards;
3299 amending s. 580.041, F.S.; revising application requirements for
3300 master registration of commercial feed; amending s. 580.071,
3301 F.S.; revising criteria for adulterated commercial feed and
3302 feedstuff; amending s. 581.091, F.S.; deleting provisions
3303 relating to noxious weed and invasive plant pilot and monitoring
3304 programs; amending s. 581.131, F.S.; revising the time in which
3305 the department must provide certain certificate renewal forms;
3306 amending s. 583.01, F.S.; revising the definition of the term
3307 "dealer"; amending s. 589.08, F.S.; directing the Florida Forest
3308 Service to distribute certain funds to fiscally constrained
3309 counties; repealing s. 589.081, F.S., relating to payment of
3310 certain gross receipts from the Withlacoochee State Forest and
3311 Goethe State Forest; amending s. 589.011, F.S.; providing
3312 conditions under which the Florida Forest Service is authorized
3313 to grant use of certain lands; providing criteria by which the
3314 Florida Forest Service determines certain fees, rentals, and
3315 charges; amending s. 589.20, F.S.; authorizing the Florida
3316 Forest Service to cooperate with water management districts,
3317 municipalities, and other government entities in the designation
3318 and dedication of certain lands; amending s. 590.02, F.S.;

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7091 (2014)

Amendment No. 1

3319 renaming the Florida Forest Training Center; renaming the
3320 Madison Forestry Station; repealing s. 590.091, F.S., relating
3321 to designation of railroad rights-of-way as wildfire hazard
3322 areas; amending s. 590.125, F.S.; revising requirements for
3323 noncertified burning; amending s. 597.003, F.S.; amending the
3324 powers and duties of the department to include training lessees
3325 of sovereign submerged lands for aquaculture activities;
3326 amending s. 597.004, F.S.; amending information that must be
3327 submitted to the department to obtain an aquaculture certificate
3328 of registration; amending s. 604.16, F.S.; revising exceptions
3329 for dealers in agricultural products; amending ss. 253.74,
3330 388.46, 472.0351, 472.036, 482.161, 482.165, 482.243, 487.091,
3331 487.175, 493.6118, 496.420, 500.165, 500.70, 501.019, 501.612,
3332 501.619, 501.922, 502.231, 507.09, 507.10, 526.311, 526.55,
3333 527.13, 531.50, 534.52, 539.001, 559.921, 559.9355, 559.936,
3334 570.0741, 570.23, 570.242, 570.38, 570.42, 570.44, 570.45,
3335 570.451, 570.50, 570.51, 570.543, 571.11, 571.28, 571.29,
3336 576.061, 578.181, 580.121, 581.141, 581.186, 581.211, 582.06,
3337 585.007, 586.15, 586.161, 590.02, 590.14, 595.701, 597.0041,
3338 597.020, 599.002, 601.67, 604.22, 604.30, and 616.242, F.S.;
3339 conforming provisions to changes made by the act; amending ss.
3340 193.461, 288.1175, 320.08058, 373.621, 373.709, 381.0072,
3341 509.032, 525.16, 570.07, 570.076, 570.902, 570.9135, 570.961,
3342 and 570.963, F.S.; conforming cross-references; providing an
3343 effective date.

333737 - Strikeall amendment SA.docx

Published On: 4/10/2014 3:55:47 PM