

1 A bill to be entitled

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

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

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

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

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

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

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

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

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

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

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

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

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

183 570.94, Florida Statutes, entitled "Agricultural Water Policy";  
 184 and  
 185 (5) Part V, consisting of section 570.971, Florida  
 186 Statutes, entitled "Penalties."

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

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

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

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

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

244 (6)

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

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

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

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

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

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

287 assessed under s. 193.011.

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

290 253.74 Penalties.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

339 288.1175 Agriculture education and promotion facility.—

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

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

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

356 320.08058 Specialty license plates.—

357 (14) FLORIDA AGRICULTURAL LICENSE PLATES.—

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

365 (77) FLORIDA HORSE PARK LICENSE PLATES.—

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

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

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

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

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

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

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

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

417 to read:

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

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

428           373.709 Regional water supply planning.—

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

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

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

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

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

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

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

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

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

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

495 through the project.

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

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

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

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

507 379.361 Licenses.—

508 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

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

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

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

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

536 (2) DUTIES.—

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

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

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

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

550 (c) Responsibilities.—The council shall:

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

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

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

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

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

564 472.0351 Grounds for discipline; penalties; enforcement.—

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

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

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

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

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

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

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

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

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

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

632 482.161 Disciplinary grounds and actions; reinstatement.-

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

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

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

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

651 rules adopted pursuant to this chapter; and

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

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

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

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

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

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

677 Statutes, is amended to read:

678 482.243 Pest Control Enforcement Advisory Council.—

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

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

685 487.041 Registration.—

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

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

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

705 487.046 Application; licensure.—

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

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

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

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

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

726 487.048 Dealer's license; records.—

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

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

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

749 487.091 Tolerances, deficiencies, and penalties.—

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

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

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

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

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

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

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

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

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

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

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

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

832 |       Section 25. Section 487.172, Florida Statutes, is

833 repealed.

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

836 487.175 Penalties; administrative fine; injunction.—

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

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

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

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

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

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

859 agricultural pesticide.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

933 493.6118 Grounds for disciplinary action.—

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

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

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

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

941 493.6120 Violations; penalty.—

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

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

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

957 496.420 Civil remedies and enforcement.—

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

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

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

981 500.03 Definitions; construction; applicability.—

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

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

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

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

997 500.12 Food permits; building permits.—

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

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

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

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

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

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

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

1041 Trust Fund.

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

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

1051 500.121 Disciplinary procedures.—

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

- 1062 (a) ~~Violated any of the provisions of this chapter.~~
- 1063 (b) Violated or aided or abetted in the violation of any  
 1064 law of this state governing or applicable to retail food stores  
 1065 or food establishments or any lawful rules of the department.
- 1066 (c) Knowingly committed, or been a party to, any material

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1234 (3)

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

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

1243 501.019 Health studios; penalties.—

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

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

1251 (4)

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

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

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

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

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

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

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

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

1273 501.059 Telephone solicitation.—

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

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

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

1301 120.

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

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

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

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

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

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

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

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

1329 501.922 Violation.—

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

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

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

1342 502.231 Penalty and injunction.—

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

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

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

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

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

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

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

1363           507.09 Administrative remedies; penalties.-

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

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

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

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

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

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

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

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

1382 507.10 Civil penalties; remedies.—

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

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

1389 509.032 Duties.—

1390 (2) INSPECTION OF PREMISES.—

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

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

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

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

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

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

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

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

1431 less in duration.

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

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

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

1442 1. Issuance of a warning letter.

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

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

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

1459 526.311 Enforcement; civil penalties; injunctive relief.—

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

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

1470 526.55 Violation and penalties.—

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

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

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

1478 527.13 Administrative fines and warning letters.—

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

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

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

1495 531.50 Administrative fine, penalties, and offenses.—

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

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

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

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

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

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

1509 ~~the first~~ violation.

1510

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

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

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

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

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

1532 539.001 The Florida Pawnbroking Act.—

1533 (7) ORDERS IMPOSING PENALTIES.—

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

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

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

1537 120.695.

1538 2. Imposing an administrative fine in the Class II

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

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

1541 an order.

1542 3. Directing that the pawnbroker cease and desist

1543 specified activities.

1544 4. Refusing to license or revoking or suspending a

1545 license.

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

1547 subject to such conditions as the agency may specify.

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

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

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

1551 civil action in the appropriate court for temporary or permanent

1552 injunctive relief and may seek other appropriate civil relief,

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

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

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

1556 attorney ~~attorney's~~ fees.

1557 2. The agency may terminate any investigation or action

1558 upon agreement by the offender to pay a stipulated civil

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

1560 satisfy any other relief authorized herein and requested by the

1561 agency.

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

1565 559.921 Remedies.—

1566 (4)

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

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

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

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

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

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

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

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

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

1593 559.9355 Administrative remedies; penalties.—

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

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

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

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

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

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

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

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

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

1615 559.936 Civil penalties; remedies.—

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

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

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

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

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

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

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

1638 Section 62. Section 570.073, Florida Statutes, is

1639 renumbered as section 570.65, Florida Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1705           570.23 State Agricultural Advisory Council.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1794 Section 83. Section 570.345, Florida Statutes, is

1795 repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1892           570.45 Director; duties.—

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

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

1899 570.451, Florida Statutes, is amended to read:

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

1902 (3)

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

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

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

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

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

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

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

1924 570.51 Director; qualifications; duties.—

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

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

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

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

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

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

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

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

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

1951 to read:

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

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

1962 570.71 Conservation easements and agreements.—

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

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

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

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

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

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

1976 (a) State funds;

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

1981

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2029 request?"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2158 Section 113. Section 570.962, Florida Statutes, is

2159 renumbered as section 570.87, Florida Statutes.

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

2163 570.88 ~~570.963~~ Liability.—

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

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

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

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

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

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

2189 570.971 Penalties; administrative and civil.—

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

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

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

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

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

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

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

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

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

2211 provided by law.

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

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

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

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

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

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

2231 571.28 Florida Agricultural Promotional Campaign Advisory  
 2232 Council.—

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

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

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

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

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

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

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

2263 chapter 120.

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

2267 576.021 Registration and licensing.—

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

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

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

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

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

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

2297 576.031 Labeling.—

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

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

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

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

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

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

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

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

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

2341 Statutes, is amended to read:

2342 576.051 Inspection, sampling, analysis.—

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

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

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

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

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

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

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

2416 (a) Issuance of a warning letter.

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

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

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

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

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

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

2431 576.087 Antisiphon requirements for irrigation systems.—

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

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

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

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

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

2445 thereunder, or any lawful order of the department.

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

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

2453 578.08 Registrations.—

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

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

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

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

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

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

2496 578.181 Penalties; administrative fine.—

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

2504 (a) Issuance of a warning letter.

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

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

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

2512 580.036 Powers and duties.—

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

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

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

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

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

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

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

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

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

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

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

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

2573 (1)

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

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

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

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

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

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

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

2600 580.121 Penalties; duties of law enforcement officers;

2601 injunctive relief.-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CS/HB 7091

2014

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2788 2. If the department:

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

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

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

2798  
 2799 the department may issue an immediate final order, which shall  
 2800 be immediately appealable or enjoicable pursuant to ~~as provided~~  
 2801 ~~by~~ chapter 120, directing the permitholder to immediately remove  
 2802 and destroy the Casuarina cunninghamiana authorized to be  
 2803 planted under the special permit. A copy of the immediate final  
 2804 order shall be mailed to the permitholder.

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

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

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

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

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

2839 581.131 Certificate of registration.—

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

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

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

2848 (2) FINES; PROBATION.—

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

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

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

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

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

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

2872 581.211 Penalties for violations.—

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

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

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

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

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

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

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

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

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

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

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

2913 Section 142. Paragraph (a) of subsection (2) of section  
 2914 586.15, Florida Statutes, is amended to read:

2915 586.15 Penalty for violation.—

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

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

2927 586.161 Honeybee Technical Council.—

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

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

2935 589.08 Land acquisition restrictions.—

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

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

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

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

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

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

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

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

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

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

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

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

2991 ~~Training.~~—

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

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

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

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

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

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

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

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

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

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

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

3037 (2) NONCERTIFIED BURNING.—

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

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

3042 2. Authorization has been obtained from the Florida Forest

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

3069 Statutes, is amended to read:

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

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

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

3084 595.701 Healthy Schools for Healthy Lives Council.—

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

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

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

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

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

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

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

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

3120 3. The department shall provide assistance in developing

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

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

3126 597.004 Aquaculture certificate of registration.—

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

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

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

3134 597.0041 Prohibited acts; penalties.—

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

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

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

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

3150 597.020 Shellfish processors; regulation.—

3151 (1) The department may:

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

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

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

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

3173 Statutes, is amended to read:

3174 599.002 Viticulture Advisory Council.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3299 604.22 Dealers to keep records; contents.—

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

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

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

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

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

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

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

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

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

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

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

3351 616.242 Safety standards for amusement rides.—

3352 (19) ENFORCEMENT AND PENALTIES.—

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

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

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

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

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