

27 | impose certain civil penalties for violations relating
28 | to private security, investigative, and repossession
29 | services; amending s. 500.03, F.S.; revising the
30 | definition of the term "food establishment"; amending
31 | s. 500.12, F.S.; revising criteria for certain food
32 | permit exemptions; requiring the department to adopt a
33 | permit fee schedule; requiring food permits as a
34 | condition of operating a food establishment; providing
35 | that such permits are not transferable; amending s.
36 | 500.121, F.S.; conforming provisions to changes made
37 | by the act; revising the time limit for payment of
38 | fines; providing for permit revocation for failure to
39 | pay a fine; authorizing the department to immediately
40 | close certain food establishments; providing
41 | requirements and procedures for such closure;
42 | providing penalties for violations; authorizing the
43 | department to adopt rules; amending s. 500.147, F.S.;
44 | providing for the inspection of food records for
45 | certain purposes; amending s. 500.172, F.S.; providing
46 | for embargoing, detaining, or destroying food
47 | processing and storage areas; repealing ss. 500.301,
48 | 500.302, 500.303, 500.304, 500.305, and 500.306, F.S.,
49 | relating to standards of enrichment, sales,
50 | enforcement, and inspection of certain grain products;
51 | repealing s. 500.601, F.S., relating to retail sale of
52 | meat; amending s. 501.059, F.S.; authorizing the

53 department to adopt rules; amending s. 570.074, F.S.;
54 providing for the duties of the Office of Agricultural
55 Water Policy; amending s. 570.14, F.S.; requiring
56 written approval for use of the department seal;
57 amending s. 570.247, F.S.; clarifying provisions
58 directing the department to adopt certain rules;
59 repealing s. 570.345, F.S., relating to the Pest
60 Control Compact; amending s. 570.36, F.S.; clarifying
61 provisions relating to the duties of the Division of
62 Animal Industry; repealing s. 570.542, F.S., relating
63 to the Florida Consumer Services Act; creating s.
64 570.67, F.S.; establishing the Office of Energy within
65 the department; providing for supervision and duties;
66 amending s. 570.71, F.S.; authorizing specified uses
67 of funds from the Conservation and Recreation Lands
68 Program Trust Fund; repealing s. 570.72, F.S.,
69 relating to a definition; repealing s. 570.92, F.S.,
70 relating to an equestrian educational sports program;
71 amending s. 570.952, F.S.; deleting an obsolete
72 provision relating to membership terms for the Florida
73 Agriculture Center and Horse Park Authority;
74 conforming cross-references; amending s. 570.964,
75 F.S.; clarifying compliance required for privileges of
76 immunity; creating s. 570.971, F.S.; establishing
77 administrative and civil penalties for certain
78 violations; providing applicability; authorizing the

79 department to adopt rules; amending s. 576.021, F.S.;

80 revising provisions for filing applications to

81 distribute fertilizer; amending s. 576.031, F.S.;

82 revising labeling requirements for distribution of

83 fertilizer in bulk; amending s. 576.041, F.S.;

84 removing surety bond and certificate of deposit

85 requirements for fertilizer license applicants;

86 amending s. 576.051, F.S.; revising the period for

87 which a fertilizer sample must be retained for

88 analysis; amending s. 576.071, F.S.; revising criteria

89 for determining the commercial value of certain

90 penalties; amending s. 576.087, F.S.; revising

91 antisiphon requirements for irrigation systems;

92 amending s. 576.101, F.S.; removing provisions

93 relating to probationary status of a fertilizer

94 licensee; amending s. 578.08, F.S.; revising

95 application requirements and registration fees for the

96 sale of seed; amending s. 580.036, F.S.; directing the

97 department to consult with the Agricultural Feed,

98 Seed, and Fertilizer Advisory Council when developing

99 certain standards; amending s. 580.041, F.S.; revising

100 application requirements for master registration of

101 commercial feed; amending s. 580.071, F.S.; revising

102 criteria for adulterated commercial feed and

103 feedstuff; amending s. 581.091, F.S.; deleting

104 provisions relating to noxious weed and invasive plant

105 pilot and monitoring programs; amending s. 581.131,
106 F.S.; revising the time in which the department must
107 provide certain certificate renewal forms; amending s.
108 583.01, F.S.; revising the definition of the term
109 "dealer"; amending s. 589.08, F.S.; directing the
110 Florida Forest Service to distribute certain funds to
111 fiscally constrained counties; repealing s. 589.081,
112 F.S., relating to payment of certain gross receipts
113 from the Withlacoochee State Forest and Goethe State
114 Forest; amending s. 589.011, F.S.; providing
115 conditions under which the Florida Forest Service is
116 authorized to grant use of certain lands; limiting
117 liability for lessees of specified lands; providing
118 criteria by which the Florida Forest Service
119 determines certain fees, rentals, and charges;
120 amending s. 589.20, F.S.; authorizing the Florida
121 Forest Service to cooperate with water management
122 districts, municipalities, and other government
123 entities in the designation and dedication of certain
124 lands; repealing s. 590.091, F.S., relating to
125 designation of railroad rights-of-way as wildfire
126 hazard areas; amending s. 590.125, F.S.; revising
127 requirements for noncertified burning; amending ss.
128 253.74, 388.46, 472.0351, 472.036, 482.161, 482.165,
129 482.243, 487.091, 487.175, 493.6118, 496.420, 500.165,
130 500.70, 501.019, 501.612, 501.619, 501.922, 502.231,

131 507.09, 507.10, 526.311, 526.55, 527.13, 531.50,
 132 534.52, 539.001, 559.921, 559.9355, 559.936, 570.0741,
 133 570.23, 570.242, 570.38, 570.42, 570.44, 570.45,
 134 570.451, 570.50, 570.51, 570.543, 571.11, 571.28,
 135 571.29, 576.061, 578.181, 580.121, 581.141, 581.186,
 136 581.211, 582.06, 585.007, 586.15, 586.161, 590.02,
 137 590.14, 595.701, 597.0041, 597.020, 599.002, 601.67,
 138 604.22, 604.30, and 616.242, F.S.; conforming
 139 provisions to changes made by the act; amending ss.
 140 193.461, 288.1175, 320.08058, 373.621, 373.709,
 141 381.0072, 509.032, 525.16, 570.07, 570.076, 570.902,
 142 570.9135, 570.961, and 570.963, F.S.; conforming
 143 cross-references; providing an effective date.
 144

145 Be It Enacted by the Legislature of the State of Florida:
 146

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

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

151 (2) Part II, consisting of sections 570.30 through
 152 570.693, Florida Statutes, entitled "Program Services";

153 (3) Part III, consisting of sections 570.70 through
 154 570.89, Florida Statutes, entitled "Agricultural Development";

155 (4) Part IV, consisting of sections 570.916 through
 156 570.94, Florida Statutes, entitled "Agricultural Water Policy";

157 | and

158 | (5) Part V, consisting of section 570.971, Florida
 159 | Statutes, entitled "Penalties."

160 | Section 2. Paragraph (c) of subsection (6) of section
 161 | 193.461, Florida Statutes, is amended to read:

162 | 193.461 Agricultural lands; classification and assessment;
 163 | mandated eradication or quarantine program.—

164 | (6)

165 | (c)1. For purposes of the income methodology approach to
 166 | assessment of property used for agricultural purposes,
 167 | irrigation systems, including pumps and motors, physically
 168 | attached to the land shall be considered a part of the average
 169 | yields per acre and shall have no separately assessable
 170 | contributory value.

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

175 | 3. Structures or improvements used in horticultural
 176 | production for frost or freeze protection, which ~~structures or~~
 177 | ~~improvements~~ are consistent with the interim measures or best
 178 | management practices adopted by the Department of Agriculture
 179 | and Consumer Services ~~Services' interim measures or best~~
 180 | ~~management practices adopted pursuant to s. 570.93 570.085 or s.~~
 181 | 403.067(7)(c), shall be assessed by the methodology described in
 182 | subparagraph 1.

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

185 253.74 Penalties.—

186 (1) A ~~Any~~ person who conducts aquaculture activities in
 187 excess of those authorized by the board or who conducts such
 188 activities on state-owned submerged lands without having
 189 previously obtained an authorization from the board commits a
 190 misdemeanor of the second degree, punishable as provided in s.
 191 775.082, is subject to a civil fine in the Class I category
 192 pursuant to s. 570.971 ~~and shall be subject to imprisonment for~~
 193 ~~not more than 6 months or fine of not more than \$1,000, or both.~~
 194 In addition to such fine and imprisonment, all works,
 195 improvements, and animal and plant life involved in the project,
 196 may be forfeited to the state.

197 Section 4. Paragraph (a) of subsection (2) of section
 198 282.709, Florida Statutes, is amended to read:

199 282.709 State agency law enforcement radio system and
 200 interoperability network.—

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

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

208 1. A representative of the Division of Alcoholic Beverages

209 and Tobacco of the Department of Business and Professional
 210 Regulation who shall be appointed by the secretary of the
 211 department.

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

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

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

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

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

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

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

232 Section 5. Paragraph (c) of subsection (5) of section
 233 288.1175, Florida Statutes, is amended to read:

234 288.1175 Agriculture education and promotion facility.—

235 (5) The Department of Agriculture and Consumer Services
 236 shall competitively evaluate applications for funding of an
 237 agriculture education and promotion facility. If the number of
 238 applicants exceeds three, the Department of Agriculture and
 239 Consumer Services shall rank the applications based upon
 240 criteria developed by the Department of Agriculture and Consumer
 241 Services, with priority given in descending order to the
 242 following items:

243 (c) The location of the facility in a brownfield site as
 244 defined in s. 376.79(3), a rural enterprise zone as defined in
 245 s. 290.004, an agriculturally depressed area as defined in s.
 246 570.74 ~~570.242(1)~~, or a county that has lost its agricultural
 247 land to environmental restoration projects.

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

251 320.08058 Specialty license plates.—

252 (14) FLORIDA AGRICULTURAL LICENSE PLATES.—

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

260 (77) FLORIDA HORSE PARK LICENSE PLATES.—

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

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

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

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

280 Section 7. Section 373.621, Florida Statutes, is amended
281 to read:

282 373.621 Water conservation.—The Legislature recognizes the
283 significant value of water conservation in the protection and
284 efficient use of water resources. Accordingly, consideration in
285 the administration of ss. 373.223, 373.233, and 373.236 shall be
286 given to applicants who implement water conservation practices

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287 pursuant to s. 570.93 ~~570.085~~ or other applicable water
288 conservation measures as determined by the department or a water
289 management district.

290 Section 8. Paragraph (a) of subsection (2) of section
291 373.709, Florida Statutes, is amended to read:

292 373.709 Regional water supply planning.—

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

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

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

305 a. Population projections used for determining public
306 water supply needs must be based upon the best available data.
307 In determining the best available data, the district shall
308 consider the University of Florida's Bureau of Economic and
309 Business Research (BEBR) medium population projections and
310 population projection data and analysis submitted by a local
311 government pursuant to the public workshop described in
312 subsection (1) if the data and analysis support the local

313 government's comprehensive plan. Any adjustment of or deviation
314 from the BEBR projections must be fully described, and the
315 original BEBR data must be presented along with the adjusted
316 data.

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

331 2. A list of water supply development project options,
332 including traditional and alternative water supply project
333 options, from which local government, government-owned and
334 privately owned utilities, regional water supply authorities,
335 multijurisdictional water supply entities, self-suppliers, and
336 others may choose for water supply development. In addition to
337 projects listed by the district, such users may propose specific
338 projects for inclusion in the list of alternative water supply

339 projects. If such users propose a project to be listed as an
340 alternative water supply project, the district shall determine
341 whether it meets the goals of the plan, and, if so, it shall be
342 included in the list. The total capacity of the projects
343 included in the plan must exceed the needs identified in
344 subparagraph 1. and take into account water conservation and
345 other demand management measures, as well as water resources
346 constraints, including adopted minimum flows and levels and
347 water reservations. Where the district determines it is
348 appropriate, the plan should specifically identify the need for
349 multijurisdictional approaches to project options that, based on
350 planning level analysis, are appropriate to supply the intended
351 uses and that, based on such analysis, appear to be permissible
352 and financially and technically feasible. The list of water
353 supply development options must contain provisions that
354 recognize that alternative water supply options for agricultural
355 self-suppliers are limited.

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

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

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

363 c. An analysis of funding needs and sources of possible
364 funding options. For alternative water supply projects, the

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365 water management districts shall provide funding assistance
366 pursuant to ~~in accordance with~~ s. 373.707(8).

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

369 Section 9. Paragraph (d) of subsection (2) of section
370 381.0072, Florida Statutes, is amended to read:

371 381.0072 Food service protection.—It shall be the duty of
372 the Department of Health to adopt and enforce sanitation rules
373 consistent with law to ensure the protection of the public from
374 food-borne illness. These rules shall provide the standards and
375 requirements for the storage, preparation, serving, or display
376 of food in food service establishments as defined in this
377 section and which are not permitted or licensed under chapter
378 500 or chapter 509.

379 (2) DUTIES.—

380 (d) The department shall inspect each food service
381 establishment as often as necessary to ensure compliance with
382 applicable laws and rules. The department shall have the right
383 of entry and access to these food service establishments at any
384 reasonable time. In inspecting food service establishments ~~as~~
385 ~~provided~~ under this section, the department shall provide each
386 inspected establishment with the food recovery brochure
387 developed under s. 595.420 ~~570.0725~~.

388 Section 10. Paragraph (c) of subsection (2) of section
389 388.46, Florida Statutes, is amended to read:

390 388.46 Florida Coordinating Council on Mosquito Control;

391 establishment; membership; organization; responsibilities.-

392 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.-

393 (c) Responsibilities.-The council shall:

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

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

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

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

405 Section 11. Paragraph (c) of subsection (2) of section
 406 472.0351, Florida Statutes, is amended to read:

407 472.0351 Grounds for discipline; penalties; enforcement.-

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

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

416 Section 12. Subsections (1) and (2) and paragraph (a) of

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417 subsection (3) of section 472.036, Florida Statutes, are amended
418 to read:

419 472.036 Unlicensed practice of professional surveying and
420 mapping; cease and desist notice; civil penalty; enforcement;
421 citations; allocation of moneys collected.-

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

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443 120.569, it shall be entitled to collect its attorney ~~attorney's~~
444 fees and costs, together with any cost of collection.

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

455 (3) (a) Notwithstanding ~~the provisions of~~ s. 472.033, the
456 department shall adopt rules for ~~to permit~~ the issuance of
457 citations for unlicensed practice of a profession. The citation
458 shall be issued to the subject and shall contain the subject's
459 name and any other information the department determines to be
460 necessary to identify the subject, a brief factual statement,
461 the sections of the law allegedly violated, and the penalty
462 imposed. The citation must clearly state that the subject may
463 choose, in lieu of accepting the citation, to follow the
464 procedure under s. 472.033. If the subject disputes the matter
465 in the citation, the procedures set forth in s. 472.033 must be
466 followed. However, if the subject does not dispute the matter in
467 the citation with the department within 30 days after the
468 citation is served, the citation shall become a final order of

469 the department upon filing with the agency clerk. The penalty
 470 shall be a fine in the Class II category pursuant to s. 570.971
 471 ~~of not less than \$500 or more than \$5,000~~ or other conditions as
 472 established by rule.

473 Section 13. Subsection (7) of section 482.161, Florida
 474 Statutes, is amended to read:

475 482.161 Disciplinary grounds and actions; reinstatement.-

476 (7) The department, pursuant to chapter 120, in addition
 477 to or in lieu of any other remedy provided by state or local
 478 law, may impose an administrative fine in the Class II category
 479 pursuant to s. 570.971, ~~in an amount not exceeding \$5,000~~, for a
 480 ~~the violation of any of the provisions of~~ this chapter or of the
 481 rules adopted pursuant to this chapter. In determining the
 482 amount of fine to be levied for a violation, the following
 483 factors shall be considered:

484 (a) The severity of the violation, including the
 485 probability that the death, or serious harm to the health or
 486 safety, of any person will result or has resulted; the severity
 487 of the actual or potential harm; and the extent to which ~~the~~
 488 ~~provisions of~~ this chapter or of the rules adopted pursuant to
 489 this chapter were violated;

490 (b) Any actions taken by the licensee or certified
 491 operator in charge, or limited certificateholder, to correct the
 492 violation or to remedy complaints;

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

495 (d) The cost to the department of investigating the
 496 violation.

497 Section 14. Subsections (3) and (5) of section 482.165,
 498 Florida Statutes, are amended to read:

499 482.165 Unlicensed practice of pest control; cease and
 500 desist order; injunction; civil suit and penalty.—

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

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

519 Section 15. Subsection (6) of section 482.243, Florida
 520 Statutes, is amended to read:

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521 482.243 Pest Control Enforcement Advisory Council.—

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

526 Section 16. Paragraph (d) of subsection (3) of section
527 487.041, Florida Statutes, is amended to read:

528 487.041 Registration.—

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

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

546 Section 17. Subsection (1) of section 487.046, Florida

547 Statutes, is amended to read:

548 487.046 Application; licensure.—

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

555 Section 18. Subsection (3) of section 487.047, Florida
 556 Statutes, is amended to read:

557 487.047 Nonresident license; reciprocal agreement;
 558 authorized purchase.—

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

567 Section 19. Subsection (1) of section 487.048, Florida
 568 Statutes, is amended to read:

569 487.048 Dealer's license; records.—

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

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

590 Section 20. Subsections (2) and (3) of section 487.091,
591 Florida Statutes, are amended to read:

592 487.091 Tolerances, deficiencies, and penalties.—

593 (2) If a pesticide is found by analysis to be deficient in
594 an active ingredient beyond the tolerance as provided in this
595 part, the registrant is subject to a penalty for the deficiency
596 in the Class III category pursuant to s. 570.971, ~~not to exceed~~
597 ~~\$10,000~~ per violation. However, no penalty shall be assessed
598 when the official sample was taken from a pesticide that was in

599 the possession of a consumer for more than 45 days after ~~from~~
 600 the date of purchase by that consumer, or when the product label
 601 specifies that the product should be used by an expiration date
 602 that has passed. Procedures for assessing penalties shall be
 603 established by rule, based on the degree of the deficiency.
 604 Penalties assessed shall be paid to the consumer or, in the
 605 absence of a known consumer, the department. If the penalty is
 606 not paid within the prescribed period ~~of time~~ as established by
 607 rule, the department may deny, suspend, or revoke the
 608 registration of any pesticide.

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

613 Section 21. Section 487.159, Florida Statutes, is amended
 614 to read:

615 487.159 Damage or injury to property, animal, or person;
 616 mandatory report of damage or injury; ~~time for filing; failure~~
 617 ~~to file.-~~

618 ~~(1) The person claiming damage or injury to property,~~
 619 ~~animal, or human beings from application of a pesticide shall~~
 620 ~~file with the department a written statement claiming damages,~~
 621 ~~on a form prescribed by the department, within 48 hours after~~
 622 ~~the damage or injury becomes apparent. The statement shall~~
 623 ~~contain, but shall not be limited to, the name of the person~~
 624 ~~responsible for the application of the pesticide, the name of~~

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625 ~~the owner or lessee of the land on which the crop is grown and~~
626 ~~for which the damages are claimed, and the date on which it is~~
627 ~~alleged that the damages occurred. The department shall~~
628 ~~investigate the alleged damages and notify all concerned parties~~
629 ~~of its findings. If the findings reveal a violation of the~~
630 ~~provisions of this part, the department shall determine an~~
631 ~~appropriate penalty, as provided in this part. The filing of a~~
632 ~~statement or the failure to file such a statement need not be~~
633 ~~alleged in any complaint which might be filed in a court of law,~~
634 ~~and the failure to file the statement shall not be considered~~
635 ~~any bar to the maintenance of any criminal or civil action.~~

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

649 (2)~~(3)~~ When damage or injury to human beings, animals,
650 plants, or other property as the result of the application of a

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651 restricted-use pesticide is alleged to have been done, the
652 person claiming such damage or injury claimant shall allow
653 ~~permit~~ the licensee and the licensee's representatives to
654 observe within reasonable hours the alleged damage or injury in
655 order that the damage or injury may be examined. The failure of
656 the person claiming such damage or injury claimant to allow
657 ~~permit~~ observation and examination of the alleged damage or
658 injury shall automatically bar the claim against the licensee.

659 Section 22. Section 487.160, Florida Statutes, is amended
660 to read:

661 487.160 Records.—Licensed private applicators, supervising
662 ~~15 or more unlicensed applicators or mixer-loaders and~~ licensed
663 public applicators, and licensed commercial applicators shall
664 maintain records as the department may determine by rule with
665 respect to the application of restricted pesticides, including,
666 but not limited to, the type and quantity of pesticide, method
667 of application, crop treated, and dates and location of
668 application. ~~Other licensed private applicators shall maintain~~
669 ~~records as the department may determine by rule with respect to~~
670 ~~the date, type, and quantity of restricted-use pesticides used.~~
671 Licensees shall keep records for ~~a period of 2 years from~~ the
672 date of the application of the pesticide to which the records
673 refer, ~~and~~ shall furnish to the department a copy of the records
674 upon written request by the department.

675 Section 23. Section 487.172, Florida Statutes, is
676 repealed.

677 Section 24. Paragraph (e) of subsection (1) of section
 678 487.175, Florida Statutes, is amended to read:

679 487.175 Penalties; administrative fine; injunction.—

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

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

693 Section 25. Subsection (8) of section 487.2031, Florida
 694 Statutes, is renumbered as subsection (7), and present
 695 subsection (7) of that section is amended to read:

696 487.2031 Definitions.—For the purposes of this part, the
 697 term:

698 (8)(7) ~~"Material~~ Safety data sheet" means written,
 699 electronic, or printed material concerning an agricultural
 700 pesticide that sets forth the following information:

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

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

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

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

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

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

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

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

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

728 Section 26. Section 487.2051, Florida Statutes, is amended

729 to read:

730 487.2051 Availability of agricultural pesticide
731 information to workers and medical personnel.—

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

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

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

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

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

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

752 (3) Upon the initial purchase of a product and with the
753 first purchase after the fact sheet or ~~material~~ safety data
754 sheet is updated, the distributor, manufacturer, or importer of

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755 agricultural pesticides shall obtain or develop and provide each
756 direct purchaser of an agricultural pesticide with a fact sheet
757 or material safety data sheet. If the fact sheet or material
758 safety data sheet ~~or fact sheet~~ for the agricultural pesticide
759 is not available when the agricultural pesticide is purchased,
760 the agricultural employer shall take appropriate and timely
761 steps to obtain the fact sheet or material safety data sheet ~~or~~
762 ~~fact sheet~~ from the distributor, the manufacturer, the
763 department, a federal agency, or another distribution source.

764 (4) The department shall produce and make available to a
765 trainer a one-page general agricultural pesticide safety sheet.
766 The pesticide safety sheet must be in a language understandable
767 to the worker and must include, but need not be limited to,
768 illustrated instructions on preventing agricultural pesticide
769 exposure and toll-free telephone numbers to the Florida Poison
770 Control Centers. The trainer shall provide the pesticide safety
771 sheet to the worker pursuant to the United States Environmental
772 Protection Agency Worker Protection Standard, 40 C.F.R. s.
773 170.130.

774 Section 27. Paragraph (c) of subsection (2) of section
775 493.6118, Florida Statutes, is amended to read:

776 493.6118 Grounds for disciplinary action.—

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

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

781 separate offense.

782 Section 28. Subsections (3) and (5) of section 493.6120,
783 Florida Statutes, are amended to read:

784 493.6120 Violations; penalty.—

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

792 (5) A person who violates or disregards a cease and desist
793 order issued by the department commits a misdemeanor of the
794 first degree, punishable as provided in s. 775.082 or s.
795 775.083. In addition, the department may seek the imposition of
796 a civil penalty in the Class II category pursuant to s. 570.971
797 ~~not to exceed \$5,000.~~

798 Section 29. Subsection (1) of section 496.420, Florida
799 Statutes, is amended to read:

800 496.420 Civil remedies and enforcement.—

801 (1) In addition to other remedies authorized by law, the
802 department may bring a civil action in circuit court to enforce
803 ss. 496.401-496.424 or s. 496.426. Upon a finding that a ~~any~~
804 person has violated any of these sections, a court may make any
805 necessary order or enter a judgment including, but not limited
806 to, a temporary or permanent injunction, a declaratory judgment,

807 the appointment of a general or special magistrate or receiver,
 808 the sequestration of assets, the reimbursement of persons from
 809 whom contributions have been unlawfully solicited, the
 810 distribution of contributions pursuant to ~~in accordance with~~ the
 811 charitable or sponsor purpose expressed in the registration
 812 statement or pursuant to ~~in accordance with~~ the representations
 813 made to the person solicited, the reimbursement of the
 814 department for investigative costs and attorney, ~~attorney's~~ fees
 815 and costs, and any other equitable relief the court finds
 816 appropriate. Upon a finding that a ~~any~~ person has violated any
 817 provision of ss. 496.401-496.424 or s. 496.426 with actual
 818 knowledge or knowledge fairly implied on the basis of objective
 819 circumstances, a court may enter an order imposing a civil fine
 820 in the Class III category pursuant to s. 570.971 for each
 821 ~~penalty in an amount not to exceed \$10,000 per~~ violation.

822 Section 30. Paragraph (p) of subsection (1) of section
 823 500.03, Florida Statutes, is amended to read:

824 500.03 Definitions; construction; applicability.—

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

826 (p) "Food establishment" means a ~~any~~ factory, food outlet,
 827 or ~~any~~ other facility manufacturing, processing, packing,
 828 holding, or preparing food or selling food at wholesale or
 829 retail. The term does not include a ~~any~~ business or activity
 830 that is regulated under s. 413.051, s. 500.80, chapter 509, or
 831 chapter 601. The term includes tomato packinghouses and
 832 repackers but does not include any other establishments that

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833 pack fruits and vegetables in their raw or natural states,
834 including those fruits or vegetables that are washed, colored,
835 or otherwise treated in their unpeeled, natural form before they
836 are marketed.

837 Section 31. Paragraphs (a) and (b) of subsection (1) and
838 subsection (8) of section 500.12, Florida Statutes, are amended
839 to read:

840 500.12 Food permits; building permits.—

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

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

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

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

855 4. Persons selling sugar cane or sorghum syrup that has
856 been boiled and bottled on a premise located within the state.
857 Such bottles must contain a label listing the producer's name
858 and street address, all added ingredients, the net weight or

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859 volume of the product, and a statement that reads, "This product
860 has not been produced in a facility permitted by the Florida
861 Department of Agriculture and Consumer Services."

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

891 Section 32. Subsections (1), (2), and (3) of section
 892 500.121, Florida Statutes, are amended, and subsection (7) is
 893 added to that section, to read:

894 500.121 Disciplinary procedures.—

895 (1) In addition to the suspension procedures provided in
 896 s. 500.12, if applicable, the department may impose an
 897 administrative fine in the Class II category pursuant to s.
 898 570.971 ~~a fine not to exceed \$5,000~~ against any retail food
 899 store, food establishment, or cottage food operation that
 900 violates this chapter, which fine, when imposed and paid, shall
 901 be deposited by the department into the General Inspection Trust
 902 Fund. The department may revoke or suspend the permit of any
 903 such retail food store or food establishment if it is satisfied
 904 that the retail food store or food establishment has:

- 905 (a) ~~Violated any of the provisions of this chapter.~~
- 906 (b) Violated or aided or abetted in the violation of any
 907 law of this state governing or applicable to retail food stores
 908 or food establishments or any lawful rules of the department.
- 909 (c) Knowingly committed, or been a party to, any material
 910 fraud, misrepresentation, conspiracy, collusion, trick, scheme,

911 or device whereby another ~~any other~~ person, lawfully relying
 912 upon the word, representation, or conduct of a retail food store
 913 or food establishment, acts to her or his injury or damage.

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

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

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

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

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937 issue an immediate final order to close a food establishment as
938 follows:

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

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

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

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

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

963 a food establishment to resist closure of the establishment by
 964 the department. The department may impose administrative
 965 sanctions for violations of this paragraph.

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

968 Section 33. Subsection (1) of section 500.147, Florida
 969 Statutes, is amended to read:

970 500.147 Inspection of food establishments, food records,
 971 and vehicles.-

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

986 Section 34. Subsection (3) of section 500.165, Florida
 987 Statutes, is amended to read:

988 500.165 Transporting shipments of food items; rules;

989 penalty.-

990 (3) A ~~Any~~ person who violates subsection (1) or the rules
 991 adopted under subsection (2) is subject to an administrative
 992 fine in the Class III category pursuant to s. 570.971 for each
 993 ~~not to exceed \$50,000 per~~ violation. In addition, a ~~any~~ person
 994 who violates subsection (1) commits ~~is guilty of~~ a misdemeanor
 995 of the first degree, punishable as provided in s. 775.082 or s.
 996 775.083.

997 Section 35. Section 500.172, Florida Statutes, is amended
 998 to read:

999 500.172 Embargoing, detaining, destroying of food, ~~or~~
 1000 food-processing equipment, or areas that are ~~is~~ in violation.-

1001 (1) When the department or its duly authorized agent
 1002 finds, or has probable cause to believe, that any food, ~~or~~ food-
 1003 processing equipment, food-processing area, or food storage area
 1004 is in violation of this chapter or any rule adopted under this
 1005 chapter so as to be dangerous, unwholesome, fraudulent, or
 1006 insanitary within the meaning of this chapter, an agent of the
 1007 department may issue and enforce a stop-sale, stop-use, removal,
 1008 or hold order, which order gives notice that such article, ~~or~~
 1009 processing equipment, processing area, or storage area is, or is
 1010 suspected of being, in violation and has been detained or
 1011 embargoed and which order warns all persons not to remove, use,
 1012 or dispose of such article, ~~or~~ processing equipment, processing
 1013 area, or storage area by sale or otherwise until permission for
 1014 removal, use, or disposal is given by the department or the

1015 court. A person may not ~~It is unlawful for any person to~~ remove,
 1016 use, or dispose of such detained or embargoed article, ~~or~~
 1017 processing equipment, processing area, or storage area by sale
 1018 or otherwise without such permission.

1019 (2) If an article, ~~or~~ processing equipment, a processing
 1020 area, or a storage area detained or embargoed under subsection
 1021 (1) has been found by the department to be in violation of law
 1022 or rule, the department may, within a reasonable period ~~of time~~
 1023 after the issuance of such notice, petition the circuit court,
 1024 in the jurisdiction of which the article, ~~or~~ processing
 1025 equipment, processing area, or storage area is detained or
 1026 embargoed, for an order for condemnation of such article, ~~or~~
 1027 processing equipment, processing area, or storage area. When the
 1028 department has found that an article, ~~or~~ processing equipment,
 1029 a processing area, or a storage area so detained or embargoed is
 1030 not in violation, the department shall rescind the stop-sale,
 1031 stop-use, removal, or hold order.

1032 (3) If the court finds that the detained or embargoed
 1033 article, ~~or~~ processing equipment, processing area, or storage
 1034 area is in violation, such article, ~~or~~ processing equipment,
 1035 processing area, or storage area shall, after entry of the
 1036 decree, be destroyed or made sanitary at the expense of the
 1037 claimant thereof under the supervision of the department, ~~and~~
 1038 all court costs, fees, and storage and other proper expenses
 1039 shall be taxed against the claimant of such article, ~~or~~
 1040 processing equipment, processing area, or storage area or her or

1041 his agent. However, if the violation can be corrected by proper
 1042 labeling of the article or sanitizing of the processing
 1043 equipment, processing area, or storage area, and after such
 1044 costs, fees, and expenses have been paid and a good and
 1045 sufficient bond, conditioned that such article be so labeled or
 1046 processed or such processing equipment, processing area, or
 1047 storage area so sanitized, has been executed, the court may by
 1048 order direct that such article, ~~or~~ processing equipment,
 1049 processing area, or storage area be made available ~~delivered~~ to
 1050 the claimant thereof for such labeling, processing, or
 1051 sanitizing under the supervision of the department. The expense
 1052 of such supervision shall be paid by the claimant. Such bond
 1053 shall be returned to the claimant of the article, ~~or~~ processing
 1054 equipment, processing area, or storage area on representation to
 1055 the court by the department that the article, ~~or~~ processing
 1056 equipment, processing area, or storage area is no longer in
 1057 violation of this chapter and that the expenses of such
 1058 supervision have been paid.

1059 (4) When the department or any of its authorized agents
 1060 finds in any room, building, vehicle, or other structure any
 1061 meat, seafood, poultry, vegetable, fruit, or other perishable
 1062 articles which are unsound or contain any filthy, decomposed, or
 1063 putrid substances, or which may be poisonous or deleterious to
 1064 health or otherwise unsafe, the same is ~~being hereby~~ declared to
 1065 be a nuisance, and the department, ~~or~~ its authorized agent,
 1066 shall ~~forthwith~~ condemn or destroy the same, ~~or~~ in any other

1067 manner render the same unsalable as human food.

1068 Section 36. Sections 500.301, 500.302, 500.303, 500.304,
 1069 500.305, 500.306, and 500.601, Florida Statutes, are repealed.

1070 Section 37. Paragraph (b) of subsection (3) of section
 1071 500.70, Florida Statutes, is amended to read:

1072 500.70 Tomato food safety standards; inspections;
 1073 penalties; tomato good agricultural practices; tomato best
 1074 management practices.—

1075 (3)

1076 (b) The department may impose an administrative fine in
 1077 the Class II category pursuant to s. 570.971 for each ~~not to~~
 1078 ~~exceed \$5,000 per~~ violation, or issue a written notice or
 1079 warning under s. 500.179, against a person who violates any
 1080 applicable provision of this section or any rule adopted under
 1081 this section.

1082 Section 38. Subsection (3) and paragraph (b) of subsection
 1083 (4) of section 501.019, Florida Statutes, are amended to read:

1084 501.019 Health studios; penalties.—

1085 (3) The department may institute proceedings in the
 1086 appropriate circuit court to recover any penalties or damages
 1087 allowed in this section and for injunctive relief to enforce
 1088 compliance with ss. 501.012-501.019 or any rule or order of the
 1089 department. The department may seek a civil penalty in the Class
 1090 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
 1091 violation of this section.

1092 (4)

1093 (b) Upon a finding as set forth in paragraph (a), the
 1094 department may enter an order doing one or more of the
 1095 following:

1096 1. Issuing a notice of noncompliance pursuant to s.
 1097 120.695.

1098 2. For a violation of s. 501.015 or s. 501.016, imposing
 1099 an administrative fine in the Class II category pursuant to s.
 1100 570.971 for each ~~not to exceed \$5,000 per~~ violation.

1101 ~~3. For a violation of s. 501.013, s. 501.017, or s.~~
 1102 ~~501.018, imposing an administrative fine not to exceed \$500 per~~
 1103 ~~violation.~~

1104 3.4. Directing that the health studio cease and desist
 1105 specified activities.

1106 ~~4.5.~~ Refusing to register or revoking or suspending a
 1107 registration.

1108 ~~5.6.~~ Placing the registrant on probation for a period of 5
 1109 years, subject to such conditions as the department may specify
 1110 by rule.

1111 Section 39. Subsection (9) of section 501.059, Florida
 1112 Statutes, is amended, and subsection (12) is added to that
 1113 section, to read:

1114 501.059 Telephone solicitation.-

1115 (9) (a) The department shall investigate any complaints
 1116 received concerning violations of this section. If, after
 1117 investigating a ~~any~~ complaint, the department finds that there
 1118 has been a violation of this section, the department or the

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1119 Department of Legal Affairs may bring an action to impose a
1120 civil penalty and to seek other relief, including injunctive
1121 relief, as the court deems appropriate against the telephone
1122 solicitor. The civil penalty shall be in the Class III category
1123 pursuant to s. 570.971 for each ~~may not exceed \$10,000 per~~
1124 violation and shall be deposited in the General Inspection Trust
1125 Fund if the action or proceeding was brought by the department,
1126 or the Legal Affairs Revolving Trust Fund if the action or
1127 proceeding was brought by the Department of Legal Affairs. This
1128 civil penalty may be recovered in any action brought under this
1129 part by the department, or the department may terminate any
1130 investigation or action upon agreement by the person to pay a
1131 stipulated civil penalty. The department or the court may waive
1132 any civil penalty if the person has previously made full
1133 restitution or reimbursement or has paid actual damages to the
1134 consumers who have been injured by the violation.

1135 (b) The department may, as an alternative to the civil
1136 penalties provided in paragraph (a), impose an administrative
1137 fine in the Class I category pursuant to s. 570.971 ~~not to~~
1138 ~~exceed \$1,000~~ for each act or omission that constitutes a
1139 violation of this section. An administrative proceeding that
1140 could result in the entry of an order imposing an administrative
1141 penalty must be conducted pursuant to ~~in accordance with~~ chapter
1142 120.

1143 (12) The department may adopt rules to implement this
1144 section.

1145 Section 40. Paragraph (b) of subsection (2) of section
 1146 501.612, Florida Statutes, is amended to read:

1147 501.612 Grounds for departmental action against licensure
 1148 applicants or licensees.—

1149 (2) Upon a finding as set forth in subsection (1), the
 1150 department may enter an order:

1151 (b) Imposing an administrative fine in the Class III
 1152 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
 1153 act or omission which constitutes a violation under this part.

1154 Section 41. Section 501.619, Florida Statutes, is amended
 1155 to read:

1156 501.619 Civil penalties.—~~A~~ Any person who engages in any
 1157 act or practice declared in this part to be unlawful is liable
 1158 for a civil penalty in the Class III category pursuant to s.
 1159 570.971 ~~of not more than \$10,000~~ for each such violation. This
 1160 civil penalty may be recovered in any action brought under this
 1161 part by the department, or the department may terminate any
 1162 investigation or action upon agreement by the person to pay a
 1163 stipulated civil penalty. The department or the court may waive
 1164 any such civil penalty or other fines or costs if the person has
 1165 previously made full restitution or reimbursement or has paid
 1166 actual damages to the purchasers who have been injured by the
 1167 unlawful act or practice.

1168 Section 42. Paragraph (a) of subsection (1) of section
 1169 501.922, Florida Statutes, is amended to read:

1170 501.922 Violation.—

1171 (1) The department may enter an order imposing one or more
 1172 of the following penalties against any person who violates ss.
 1173 501.91-501.923 or who impedes, obstructs, or hinders the
 1174 department in performing its duties under those sections:

1175 (a) Imposition of an administrative fine in the Class II
 1176 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 1177 ~~per violation for a first-time offender. For a second-time or~~
 1178 ~~repeat offender, or any person who willfully and intentionally~~
 1179 ~~violates ss. 501.91-501.923, the administrative fine may not~~
 1180 ~~exceed \$5,000 per violation.~~

1181 Section 43. Paragraph (b) of subsection (1) of section
 1182 502.231, Florida Statutes, is amended to read:

1183 502.231 Penalty and injunction.—

1184 (1) The department may enter an order imposing one or more
 1185 of the following penalties against any person who violates any
 1186 provision of this chapter:

1187 (b) Imposition of an administrative fine ~~not to exceed:~~

1188 1. In the Class II category pursuant to s. 570.971 for
 1189 each ~~Ten thousand dollars per~~ violation in the case of a frozen
 1190 dessert licensee;

1191 2. Ten percent of the license fee or \$100, whichever is
 1192 greater, for failure to report the information described in s.
 1193 502.053(3)(d); or

1194 3. In the Class I category pursuant to s. 570.971 for each
 1195 ~~One thousand dollars per~~ occurrence for any other violation.

1196

1197 When imposing a fine under this paragraph, the department must
 1198 consider the degree and extent of harm caused by the violation,
 1199 the cost of rectifying the damage, the benefit to the violator,
 1200 whether the violation was committed willfully, and the
 1201 violator's compliance record.

1202 Section 44. Subsection (1) of section 507.09, Florida
 1203 Statutes, is amended to read:

1204 507.09 Administrative remedies; penalties.—

1205 (1) The department may enter an order doing one or more of
 1206 the following if the department finds that a mover or moving
 1207 broker, or a person employed or contracted by a mover or broker,
 1208 has violated or is operating in violation of this chapter or the
 1209 rules or orders issued pursuant to ~~in accordance with~~ this
 1210 chapter:

1211 (a) Issuing a notice of noncompliance under s. 120.695.

1212 (b) Imposing an administrative fine in the Class II
 1213 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
 1214 act or omission.

1215 (c) Directing that the person cease and desist specified
 1216 activities.

1217 (d) Refusing to register or revoking or suspending a
 1218 registration.

1219 (e) Placing the registrant on probation ~~for a period of~~
 1220 ~~time~~, subject to the conditions specified by the department.

1221 Section 45. Subsection (2) of section 507.10, Florida
 1222 Statutes, is amended to read:

1223 507.10 Civil penalties; remedies.—

1224 (2) The department may seek a civil penalty in the Class
 1225 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
 1226 violation of this chapter.

1227 Section 46. Paragraph (g) of subsection (2) and paragraph
 1228 (c) of subsection (3) of section 509.032, Florida Statutes, are
 1229 amended to read:

1230 509.032 Duties.—

1231 (2) INSPECTION OF PREMISES.—

1232 (g) In inspecting public food service establishments, the
 1233 department shall provide each inspected establishment with the
 1234 food-recovery brochure developed under s. 595.420 ~~570.0725~~.

1235 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD
 1236 SERVICE EVENTS.—The division shall:

1237 (c) Administer a public notification process for temporary
 1238 food service events and distribute educational materials that
 1239 address safe food storage, preparation, and service procedures.

1240 1. Sponsors of temporary food service events shall notify
 1241 the division not less than 3 days before ~~prior to~~ the scheduled
 1242 event of the type of food service proposed, the time and
 1243 location of the event, a complete list of food service vendors
 1244 participating in the event, the number of individual food
 1245 service facilities each vendor will operate at the event, and
 1246 the identification number of each food service vendor's current
 1247 license as a public food service establishment or temporary food
 1248 service event licensee. Notification may be completed orally, by

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1249 telephone, in person, or in writing. A public food service
1250 establishment or food service vendor may not use this
1251 notification process to circumvent the license requirements of
1252 this chapter.

1253 2. The division shall keep a record of all notifications
1254 received for proposed temporary food service events and shall
1255 provide appropriate educational materials to the event sponsors,
1256 including the food-recovery brochure developed under s. 595.420
1257 ~~570.0725~~.

1258 3.a. A public food service establishment or other food
1259 service vendor must obtain one of the following classes of
1260 license from the division: an individual license, for a fee of
1261 no more than \$105, for each temporary food service event in
1262 which it participates; or an annual license, for a fee of no
1263 more than \$1,000, that entitles the licensee to participate in
1264 an unlimited number of food service events during the license
1265 period. The division shall establish license fees, by rule, and
1266 may limit the number of food service facilities a licensee may
1267 operate at a particular temporary food service event under a
1268 single license.

1269 b. Public food service establishments holding current
1270 licenses from the division may operate under the regulations of
1271 such a license at temporary food service events of 3 days or
1272 less in duration.

1273 Section 47. Paragraph (a) of subsection (1) of section
1274 525.16, Florida Statutes, is amended to read:

1275 525.16 Administrative fine; penalties; prosecution of
 1276 cases by state attorney.—

1277 (1) (a) The department may enter an order imposing one or
 1278 more of the following penalties against a ~~any~~ person who
 1279 violates ~~any of the provisions of~~ this chapter or the rules
 1280 adopted under this chapter or impedes, obstructs, or hinders the
 1281 department in the performance of its duty in connection with ~~the~~
 1282 ~~provisions of~~ this chapter:

- 1283 1. Issuance of a warning letter.
- 1284 2. Imposition of an administrative fine in the Class II
 1285 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 1286 ~~per violation for a first-time offender. For a second-time or~~
 1287 ~~repeat offender, or any person who is shown to have willfully~~
 1288 ~~and intentionally violated any provision of this chapter, the~~
 1289 ~~administrative fine shall not exceed \$5,000 per~~ violation. When
 1290 imposing any fine under this section, the department shall
 1291 consider the degree and extent of harm caused by the violation,
 1292 the cost of rectifying the damage, the amount of money the
 1293 violator benefited from by noncompliance, whether the violation
 1294 was committed willfully, and the compliance record of the
 1295 violator.
- 1296 3. Revocation or suspension of any registration issued by
 1297 the department.

1298 Section 48. Subsection (1) of section 526.311, Florida
 1299 Statutes, is amended to read:

1300 526.311 Enforcement; civil penalties; injunctive relief.—

1301 (1) A ~~Any~~ person who knowingly violates this act shall be
 1302 subject to a civil penalty in the Class III category pursuant to
 1303 s. 570.971 for each ~~not to exceed \$10,000 per~~ violation. Each
 1304 day that a violation of this act occurs shall be considered a
 1305 separate violation, but the ~~no~~ civil penalty may not ~~shall~~
 1306 exceed \$250,000. ~~Any~~ Such a person shall also be liable for
 1307 attorney ~~attorney's~~ fees and shall be subject to an action for
 1308 injunctive relief.

1309 Section 49. Paragraph (b) of subsection (2) of section
 1310 526.55, Florida Statutes, is amended to read:

1311 526.55 Violation and penalties.—

1312 (2) If the department finds that a person has violated or
 1313 is operating in violation of ss. 526.50–526.56 or the rules or
 1314 orders adopted thereunder, the department may, by order:

1315 (b) Impose an administrative fine in the Class II category
 1316 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each violation;

1317 Section 50. Subsection (1) of section 527.13, Florida
 1318 Statutes, is amended to read:

1319 527.13 Administrative fines and warning letters.—

1320 (1) If a ~~any~~ person violates ~~any provision of~~ this chapter
 1321 or any rule adopted under this chapter ~~pursuant thereto~~ or a
 1322 cease and desist order, the department may impose civil or
 1323 administrative penalties in the Class II category pursuant to s.
 1324 570.971 not to exceed \$3,000 for each offense, suspend or revoke
 1325 the license or qualification issued to such person, or any of
 1326 the foregoing. The cost of the proceedings to enforce this

1327 chapter may be added to any penalty imposed. The department may
 1328 allow the licensee a reasonable period, not to exceed 90 days,
 1329 within which to pay to the department the amount of the penalty
 1330 so imposed. If the licensee fails to pay the penalty in its
 1331 entirety to the department at its office at Tallahassee within
 1332 the period so allowed, the licenses of the licensee shall stand
 1333 revoked upon expiration of such period.

1334 Section 51. Subsection (1) of section 531.50, Florida
 1335 Statutes, is amended to read:

1336 531.50 Administrative fine, penalties, and offenses.—

1337 (1) The department may enter an order imposing one or more
 1338 of the following penalties against a ~~any~~ person who violates ~~any~~
 1339 ~~provision of~~ this chapter or any rule adopted under this chapter
 1340 or impedes, obstructs, or hinders the department in performing
 1341 ~~the performance of~~ its duties under ~~in connection with the~~
 1342 ~~provisions of~~ this chapter:

1343 (a) Issuance of a warning letter or notice.

1344 (b) Imposition of an administrative fine in the Class II
 1345 category pursuant to s. 570.971 for each of:

1346 1. ~~Up to \$1,000 for a first violation;~~

1347 2. ~~Up to \$2,500 for a second violation within 2 years~~
 1348 ~~after the first violation; or~~

1349 3. ~~Up to \$5,000 for a third violation within 2 years after~~
 1350 ~~the first violation.~~

1351
 1352 When imposing any fine under this section, the department shall

1353 consider the degree and extent of potential harm caused by the
 1354 violation, the amount of money by which the violator benefited
 1355 from noncompliance, whether the violation was committed
 1356 willfully, and the compliance record of the violator. All fines,
 1357 monetary penalties, and costs received by the department shall
 1358 be deposited in the General Inspection Trust Fund for the
 1359 purpose of administering ~~the provisions of~~ this chapter.

1360 Section 52. Subsection (2) of section 534.52, Florida
 1361 Statutes, is amended to read:

1362 534.52 Violations; refusal, suspension, revocation;
 1363 penalties.—

1364 (2) In addition, or as an alternative to refusing,
 1365 suspending, or revoking a license in cases involving violations,
 1366 the department may impose an administrative ~~a~~ fine in the Class
 1367 I category pursuant to s. 570.971 not to exceed \$500 for the
 1368 first offense and not to exceed \$1,000 for the second or
 1369 subsequent violations. When imposed and paid, such fines shall
 1370 be deposited in the General Inspection Trust Fund.

1371 Section 53. Paragraphs (b) and (d) of subsection (7) of
 1372 section 539.001, Florida Statutes, are amended to read:

1373 539.001 The Florida Pawnbroking Act.—

1374 (7) ORDERS IMPOSING PENALTIES.—

1375 (b) Upon a finding as set forth in paragraph (a), the
 1376 agency may enter an order doing one or more of the following:

- 1377 1. Issuing a notice of noncompliance pursuant to s.
 1378 120.695.

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1379 2. Imposing an administrative fine in the Class II
 1380 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
 1381 act which constitutes a violation of this section or a rule or
 1382 an order.

1383 3. Directing that the pawnbroker cease and desist
 1384 specified activities.

1385 4. Refusing to license or revoking or suspending a
 1386 license.

1387 5. Placing the licensee on probation ~~for a period of time,~~
 1388 subject to such conditions as the agency may specify.

1389 (d)1. When the agency, if a violation of this section
 1390 occurs, has reasonable cause to believe that a person is
 1391 operating in violation of this section, the agency may bring a
 1392 civil action in the appropriate court for temporary or permanent
 1393 injunctive relief and may seek other appropriate civil relief,
 1394 including a civil penalty in the Class II category pursuant to
 1395 s. 570.971 ~~not to exceed \$5,000~~ for each violation, restitution
 1396 and damages for injured customers, court costs, and reasonable
 1397 attorney ~~attorney's~~ fees.

1398 2. The agency may terminate any investigation or action
 1399 upon agreement by the offender to pay a stipulated civil
 1400 penalty, to make restitution or pay damages to customers, or to
 1401 satisfy any other relief authorized herein and requested by the
 1402 agency.

1403 Section 54. Paragraph (b) of subsection (4) and paragraph
 1404 (a) of subsection (5) of section 559.921, Florida Statutes, are

1405 amended to read:

1406 559.921 Remedies.—

1407 (4)

1408 (b) Upon a finding as set forth in paragraph (a), the
 1409 department may enter an order doing one or more of the
 1410 following:

1411 1. Issuing a notice of noncompliance pursuant to s.
 1412 120.695.

1413 2. Imposing an administrative fine in the Class I category
 1414 pursuant to s. 570.971 for each ~~not to exceed \$1,000 per~~
 1415 violation for each act which constitutes a violation of this
 1416 part or a rule or order.

1417 3. Directing that the motor vehicle repair shop cease and
 1418 desist specified activities.

1419 4. Refusing to register or revoking or suspending a
 1420 registration.

1421 5. Placing the registrant on probation ~~for a period of~~
 1422 ~~time~~, subject to such conditions as the department may specify.

1423 (5) (a) The department or the state attorney, if a
 1424 violation of this part occurs in his or her judicial circuit,
 1425 shall be the enforcing authority for purposes of this part and
 1426 may bring a civil action in circuit court for temporary or
 1427 permanent injunctive relief and may seek other appropriate civil
 1428 relief, including a civil penalty in the Class I category
 1429 pursuant to s. 570.971 ~~not to exceed \$1,000~~ for each violation,
 1430 restitution and damages for injured customers, court costs, and

1431 reasonable attorney ~~attorney's~~ fees.

1432 Section 55. Subsection (1) of section 559.9355, Florida
 1433 Statutes, is amended to read:

1434 559.9355 Administrative remedies; penalties.—

1435 (1) The department may enter an order doing one or more of
 1436 the following if the department finds that a person has violated
 1437 or is operating in violation of ~~any of the provisions of~~ this
 1438 part or the rules or orders issued thereunder:

1439 (a) Issuing a notice of noncompliance pursuant to s.
 1440 120.695.

1441 (b) Imposing an administrative fine in the Class II
 1442 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
 1443 act or omission.

1444 ~~(c) Imposing an administrative fine not to exceed \$10,000~~
 1445 ~~for each act or omission in violation of s. 559.9335(22) or~~
 1446 ~~(23).~~

1447 (c) ~~(d)~~ Directing that the person cease and desist
 1448 specified activities.

1449 (d) ~~(e)~~ Refusing to register or canceling or suspending a
 1450 registration.

1451 (e) ~~(f)~~ Placing the registrant on probation ~~for a period of~~
 1452 ~~time~~, subject to such conditions as the department may specify.

1453 (f) ~~(g)~~ Canceling an exemption granted under s. 559.935.

1454 Section 56. Subsections (2) and (3) of section 559.936,
 1455 Florida Statutes, are amended to read:

1456 559.936 Civil penalties; remedies.—

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1457 (2) The department may seek a civil penalty in the Class
1458 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
1459 violation of this part.

1460 (3) The department may seek a civil penalty in the Class
1461 III category pursuant to s. 570.971 ~~of up to \$10,000~~ for each
1462 act or omission in violation of s. 559.9335(22) or (23).

1463 Section 57. Subsection (33) of section 570.07, Florida
1464 Statutes, is amended to read:

1465 570.07 Department of Agriculture and Consumer Services;
1466 functions, powers, and duties.—The department shall have and
1467 exercise the following functions, powers, and duties:

1468 (33) To assist local volunteer and nonprofit organizations
1469 in soliciting, collecting, packaging, or delivering surplus
1470 fresh fruit and vegetables for distribution pursuant to ~~in~~
1471 ~~accordance with~~ s. 595.420 ~~570.0725~~. The department also may
1472 coordinate the development of food recovery programs in the
1473 production areas of the state using local volunteer and
1474 nonprofit organizations.

1475 Section 58. Section 570.0705, Florida Statutes, is
1476 renumbered as section 570.232, Florida Statutes.

1477 Section 59. Section 570.0725, Florida Statutes, is
1478 transferred and renumbered as section 595.420, Florida Statutes.

1479 Section 60. Section 570.073, Florida Statutes, is
1480 renumbered as section 570.65, Florida Statutes.

1481 Section 61. Section 570.074, Florida Statutes, is
1482 renumbered as section 570.66, Florida Statutes, and amended to

1483 read:

1484 570.66 ~~570.074~~ Department of Agriculture and Consumer
 1485 Services; water policy.—The commissioner may create an Office of
 1486 Agricultural Water Policy under the supervision of a senior
 1487 manager exempt under s. 110.205 in the Senior Management
 1488 Service. The commissioner may designate the bureaus and
 1489 positions in the various organizational divisions of the
 1490 department that report to the ~~this~~ office relating to any matter
 1491 over which the department has jurisdiction in matters relating
 1492 to water policy affecting agriculture, application of such
 1493 policies, and coordination of such matters with state and
 1494 federal agencies. The office shall enforce and implement the
 1495 provisions of chapter 582 and rules relating to soil and water
 1496 conservation.

1497 Section 62. Section 570.0741, Florida Statutes, is
 1498 transferred, renumbered as section 377.805, Florida Statutes,
 1499 and amended to read:

1500 377.805 ~~570.0741~~ Energy efficiency and conservation
 1501 clearinghouse.—The Office of Energy within the Department of
 1502 Agriculture and Consumer Services, in consultation with the
 1503 Public Service Commission, the Florida Building Commission, and
 1504 the Florida Energy Systems Consortium, shall develop a
 1505 clearinghouse of information regarding cost savings associated
 1506 with various energy efficiency and conservation measures. The
 1507 Department of Agriculture and Consumer Services shall post the
 1508 information on its website ~~by July 1, 2013.~~

1509 Section 63. Section 570.075, Florida Statutes, is
 1510 renumbered as section 570.916, Florida Statutes.

1511 Section 64. Section 570.076, Florida Statutes, is
 1512 renumbered as section 570.921, Florida Statutes, and paragraph
 1513 (c) of subsection (2) of that section is amended to read:

1514 570.921 ~~570.076~~ Environmental Stewardship Certification
 1515 Program.—The department may, by rule, establish the
 1516 Environmental Stewardship Certification Program consistent with
 1517 this section. A rule adopted under this section must be
 1518 developed in consultation with state universities, agricultural
 1519 organizations, and other interested parties.

1520 (2) The department shall provide an agricultural
 1521 certification under this program for implementation of one or
 1522 more of the following criteria:

1523 (c) Best management practices adopted by rule pursuant to
 1524 s. 403.067(7)(c) or s. 570.93(1)(b) ~~570.085(1)(b)~~.

1525 Section 65. Section 570.085, Florida Statutes, is
 1526 renumbered as section 570.93, Florida Statutes.

1527 Section 66. Section 570.087, Florida Statutes, is
 1528 renumbered as section 570.94, Florida Statutes.

1529 Section 67. Section 570.14, Florida Statutes, is
 1530 renumbered as section 570.031, Florida Statutes, and amended to
 1531 read:

1532 570.031 ~~570.14~~ Seal of department.—The department shall
 1533 have an official seal which shall be used for the authentication
 1534 of the orders and proceedings of the department and for such

1535 other purposes as the department may prescribe. Use of the seal
1536 or any likeness thereof requires written approval of the
1537 department.

1538 Section 68. Section 570.16, Florida Statutes, is
1539 renumbered as section 570.051, Florida Statutes.

1540 Section 69. Section 570.17, Florida Statutes, is
1541 renumbered as section 570.081, Florida Statutes.

1542 Section 70. Section 570.18, Florida Statutes, is
1543 renumbered as section 570.041, Florida Statutes.

1544 Section 71. Paragraph (d) of subsection (1) and subsection
1545 (2) of section 570.23, Florida Statutes, are amended to read:

1546 570.23 State Agricultural Advisory Council.—

1547 (1) COMPOSITION.—The State Agricultural Advisory Council
1548 is hereby created in the department.

1549 (d) ~~On or after January 15, 1988,~~ Alternates shall be
1550 appointed for each member and shall serve as alternates for the
1551 remainder of the corresponding members' terms. As terms of
1552 current members expire, members and their alternates shall be
1553 appointed for 4-year terms and shall serve until their
1554 successors are duly qualified and appointed. A vacancy shall be
1555 filled for the remainder of an unexpired term in the same manner
1556 as an initial appointment.

1557 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
1558 meetings, powers and duties, procedures, and recordkeeping of
1559 the State Agricultural Advisory Council shall be pursuant to
1560 ~~governed by the provisions of s. 570.232 570.0705 relating to~~

1561 ~~advisory committees established within the department.~~

1562 Section 72. Section 570.241, Florida Statutes, is
 1563 renumbered as section 570.73, Florida Statutes.

1564 Section 73. Section 570.242, Florida Statutes, is
 1565 renumbered as section 570.74, Florida Statutes, and amended to
 1566 read:

1567 570.74 ~~570.242~~ Definitions relating to Agricultural
 1568 Economic Development Act.—For purposes of this act, the term
 1569 ~~following terms shall have the following meanings:~~

1570 (1) "Agriculturally depressed area" means a rural area
 1571 that ~~which~~ has declining profitability from agricultural
 1572 enterprises and one or more of the following characteristics:

1573 (a) A stable or declining population.

1574 (b) A stable or declining real per capita income.

1575 (c) A traditional economy based on agriculture or
 1576 extraction of solid minerals.

1577 (d) A low ad valorem tax base.

1578 (e) A need for agribusiness and leadership training.

1579 (f) Crop losses or economic depression resulting from a
 1580 natural disaster or socioeconomic conditions or events that
 1581 ~~which~~ negatively impact a crop.

1582 (2) "Assistance" means financial or nonfinancial
 1583 assistance issued pursuant to ~~the provisions of~~ this act.

1584 ~~(3) "Commissioner" means the Commissioner of Agriculture.~~

1585 ~~(4) "Department" means the Department of Agriculture and~~
 1586 ~~Consumer Services.~~

1587 (3)~~(5)~~ "Financial assistance" means the providing of funds
 1588 to an agribusiness.

1589 (4)~~(6)~~ "Nonfinancial assistance" means the providing of
 1590 personnel to work with an agribusiness to establish an
 1591 infrastructure, including, but not limited to, the development
 1592 of an accounting system, management procedures, and a marketing
 1593 plan. Nonfinancial assistance ~~shall~~ also includes ~~include~~ the
 1594 providing of equipment.

1595 Section 74. Section 570.243, Florida Statutes, is
 1596 renumbered as section 570.75, Florida Statutes.

1597 Section 75. Section 570.244, Florida Statutes, is
 1598 renumbered as section 570.76, Florida Statutes.

1599 Section 76. Section 570.245, Florida Statutes, is
 1600 renumbered as section 570.77, Florida Statutes.

1601 Section 77. Section 570.246, Florida Statutes, is
 1602 renumbered as section 570.78, Florida Statutes.

1603 Section 78. Section 570.247, Florida Statutes, is
 1604 renumbered as section 570.79, Florida Statutes, and amended to
 1605 read:

1606 570.79 ~~570.247~~ Adoption ~~Promulgation~~ of rules.—~~In~~
 1607 ~~conjunction with funds specifically appropriated for the~~
 1608 ~~purposes specified in this act,~~ The department shall adopt ~~shall~~
 1609 ~~begin to promulgate~~ rules no later than January 1, 1992,
 1610 ~~pursuant to s. 120.54,~~ pertaining to:

1611 (1) Formal notification procedures for the availability of
 1612 assistance, including publication in the Florida Administrative

1613 Register pursuant to s. 120.55.

1614 (2) Written evaluation criteria for selecting project
1615 proposals to receive assistance. The criteria for eligibility of
1616 assistance shall include a written business plan delineating the
1617 economic viability of the proposed project, including the
1618 financial commitment by project participants and a schedule for
1619 repayment of agricultural economic development funds.

1620 (3) Procedures for repayment of financial assistance by an
1621 assisted agribusiness into the General Inspection Trust Fund
1622 within the department. Repayment of financial assistance shall
1623 be based upon a percentage of future profits until repayment is
1624 complete.

1625 (4) Funding procedures for projects eligible for
1626 assistance. These procedures shall include the amount of
1627 funding, the limits and requirements for the objects of
1628 expenditure, and the duration of assistance.

1629 (5) Other subject matter pertaining to the implementation
1630 of this act.

1631 Section 79. Section 570.248, Florida Statutes, is
1632 renumbered as section 570.81, Florida Statutes.

1633 Section 80. Section 570.249, Florida Statutes, is
1634 renumbered as section 570.82, Florida Statutes.

1635 Section 81. Section 570.345, Florida Statutes, is
1636 repealed.

1637 Section 82. Subsection (5) of section 570.36, Florida
1638 Statutes, is amended to read:

1639 570.36 Division of Animal Industry; powers and duties.—The
 1640 duties of the Division of Animal Industry include, but are not
 1641 limited to:

1642 (5) Operating and managing the animal disease diagnostic
 1643 laboratory ~~laboratories~~ provided for in chapter 585.

1644 Section 83. Section 570.38, Florida Statutes, is
 1645 transferred, renumbered as section 585.008, Florida Statutes,
 1646 and amended to read:

1647 585.008 ~~570.38~~ Animal Industry Technical Council.—

1648 (1) COMPOSITION.—The Animal Industry Technical Council is
 1649 hereby created in the department and shall be composed of 14
 1650 members as follows:

1651 (a) The beef cattle, swine, dairy, horse, independent
 1652 agricultural market ~~markets~~, meat processing and packing
 1653 establishment ~~establishments~~, veterinary medicine, and poultry
 1654 representatives who serve on the State Agricultural Advisory
 1655 Council and three additional representatives from the beef
 1656 cattle industry, as well as three at-large members representing
 1657 other animal industries in the state, who shall be appointed by
 1658 the commissioner for 4-year terms or until their successors are
 1659 duly qualified and appointed.

1660 (b) Each additional beef cattle representative shall be
 1661 appointed subject to the qualifications and by the procedure as
 1662 prescribed in s. 570.23 for membership to the council by the
 1663 beef cattle representative. If a vacancy occurs in these three
 1664 positions, it shall be filled for the remainder of the term in

1665 the same manner as an initial appointment.

1666 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 1667 meetings, powers and duties, procedures, and recordkeeping of
 1668 the Animal Industry Technical Council shall be pursuant to
 1669 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
 1670 ~~advisory committees established within the department.~~

1671 Section 84. Section 570.42, Florida Statutes, is
 1672 transferred, renumbered as section 502.301, Florida Statutes,
 1673 and amended to read:

1674 502.301 ~~570.42~~ Dairy Industry Technical Council.—

1675 (1) COMPOSITION.—The Dairy Industry Technical Council is
 1676 ~~hereby~~ created within ~~in~~ the department and shall be composed of
 1677 seven members as follows:

1678 (a) Two citizens of the state, one of whom shall be
 1679 associated with the Agricultural Extension Service of the
 1680 University of Florida and the other with the College of
 1681 Agricultural and Life Science ~~Agriculture~~ of the University of
 1682 Florida.

1683 (b) An employee of the Department of Health.

1684 (c) Two dairy farmers who are actively engaged in the
 1685 production of milk in this state and who earn a major portion of
 1686 their income from the production of milk. The commissioner shall
 1687 appoint the two members ~~provided for in this paragraph~~ from no
 1688 fewer than four nor more than six nominees submitted by the
 1689 recognized statewide organizations representing this group. In
 1690 the absence of nominations, the commissioner shall appoint other

1691 persons qualified under ~~the provisions of~~ this paragraph.

1692 (d) Two distributors of milk. "Distributor" means a ~~any~~
 1693 milk dealer who operates a milk gathering station or processing
 1694 plant where milk is collected and bottled or otherwise processed
 1695 and prepared for sale. The commissioner shall appoint the two
 1696 members ~~provided for in this paragraph~~ from no fewer than four
 1697 nor more than six nominees submitted by the recognized statewide
 1698 organizations representing this group. In the absence of
 1699 nominations, the commissioner shall appoint other persons
 1700 qualified under ~~the provisions of~~ this paragraph.

1701 (e) All members shall serve 4-year terms or until their
 1702 successors are duly qualified and appointed. If a vacancy
 1703 occurs, it shall be filled for the remainder of the term in the
 1704 manner of an initial appointment.

1705 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 1706 meetings, powers and duties, procedures, and recordkeeping of
 1707 the Dairy Industry Technical Council shall be pursuant to
 1708 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
 1709 ~~advisory committees established within the department.~~

1710 Section 85. Subsections (5) through (9) of section 570.44,
 1711 Florida Statutes, are renumbered as subsections (4) through (8),
 1712 respectively, and subsections (3) and (4) of that section are
 1713 amended to read:

1714 570.44 Division of Agricultural Environmental Services;
 1715 powers and duties.—The duties of the Division of Agricultural
 1716 Environmental Services include, but are not limited to:

1717 (3) ~~Supporting the Pesticide Review Council and~~ Reviewing
 1718 and evaluating technical and scientific data associated with the
 1719 production, manufacture, storage, transportation, sale, or use
 1720 of any article or product with respect to any statutory
 1721 authority ~~which is~~ conferred on the department. The department
 1722 may ~~is authorized to~~ establish positions within the division for
 1723 the employment of experts in the fields of toxicology,
 1724 hydrology, and biology to conduct such reviews and evaluations
 1725 and may. ~~The department is also authorized to~~ establish
 1726 appropriate clerical support positions to implement the duties
 1727 and responsibilities of the division.

1728 ~~(4) Enforcing and implementing the responsibilities of~~
 1729 ~~chapter 582, and the rules relating to soil and water~~
 1730 ~~conservation.~~

1731 Section 86. Subsection (2) of section 570.45, Florida
 1732 Statutes, is amended to read:

1733 570.45 Director; duties.—

1734 (2) The director shall supervise, direct, and coordinate
 1735 the activities of the division and enforce ~~the provisions of~~
 1736 chapters 388, 482, 487, 501, 504, 531, 570, 576, 578, and 580~~7~~
 1737 ~~and 582~~ and any other chapter necessary to carry out the
 1738 responsibilities of the division.

1739 Section 87. Paragraph (d) of subsection (3) of section
 1740 570.451, Florida Statutes, is amended to read:

1741 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
 1742 Council.—

1743 (3)

1744 (d) The meetings, powers and duties, procedures, and

1745 recordkeeping of the council shall be pursuant to ~~in accordance~~

1746 ~~with the provisions of s. 570.232 ~~570.0705~~ relating to advisory~~

1747 ~~committees established within the department.~~

1748 Section 88. Section 570.481, Florida Statutes, is

1749 transferred and renumbered as section 603.011, Florida Statutes.

1750 Section 89. Subsections (2) and (3) of section 570.50,

1751 Florida Statutes, are amended to read:

1752 570.50 Division of Food Safety; powers and duties.—The

1753 duties of the Division of Food Safety include, but are not

1754 limited to:

1755 (2) Conducting those general inspection activities

1756 relating to food and food products being processed, held, or

1757 offered for sale in this state and enforcing those provisions of

1758 chapters 500, 501, 502, 531, 583, 585, 586, 597, and 601

1759 relating to foods as authorized by the department.

1760 (3) Analyzing samples of foods offered for sale in this

1761 state as required under chapters 500, 501, 502, 585, 586, 597,

1762 and 601.

1763 Section 90. Subsection (2) of section 570.51, Florida

1764 Statutes, is amended to read:

1765 570.51 Director; qualifications; duties.—

1766 (2) The director shall supervise, direct, and coordinate

1767 the activities of the division and enforce the provisions of

1768 chapters 500, 501, 502, 531, 583, 585, 597, and 601 and any

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1769 other chapter necessary to carry out the responsibilities of the
 1770 division.

1771 Section 91. Section 570.531, Florida Statutes, is
 1772 renumbered as section 570.209, Florida Statutes.

1773 Section 92. Section 570.542, Florida Statutes, is
 1774 repealed.

1775 Section 93. Subsection (2) of section 570.543, Florida
 1776 Statutes, is amended to read:

1777 570.543 Florida Consumers' Council.—The Florida Consumers'
 1778 Council in the department is created to advise and assist the
 1779 department in carrying out its duties.

1780 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 1781 meetings, powers and duties, procedures, and recordkeeping of
 1782 the Florida Consumers' Council shall be pursuant to ~~governed by~~
 1783 ~~the provisions of s. 570.232 570.0705 relating to advisory~~
 1784 ~~committees established within the department.~~ The council
 1785 members or chair may call no more than two meetings.

1786 Section 94. Section 570.545, Florida Statutes, is
 1787 transferred and renumbered as section 501.0113, Florida
 1788 Statutes.

1789 Section 95. Section 570.55, Florida Statutes, is
 1790 transferred and renumbered as section 603.211, Florida Statutes.

1791 Section 96. Section 570.67, Florida Statutes, is created
 1792 to read:

1793 570.67 Office of Energy.—The Office of Energy is created
 1794 within the department. The office shall be under the supervision

1795 of a senior manager exempt under s. 110.205 in the Senior
 1796 Management Service appointed by the commissioner. The duties of
 1797 the office shall include, but are not limited to, administering
 1798 and enforcing chapter 377, the rules adopted under that chapter,
 1799 and any other duties authorized by the commissioner.

1800 Section 97. Subsections (2) and (12) of section 570.71,
 1801 Florida Statutes, are amended to read:

1802 570.71 Conservation easements and agreements.—

1803 (2) To achieve the purposes of this section act, ~~beginning~~
 1804 ~~no sooner than July 1, 2002, and every year thereafter,~~ the
 1805 department may accept applications for project proposals that:

1806 (a) Purchase conservation easements, as defined in s.
 1807 704.06.

1808 (b) Purchase rural-lands-protection easements pursuant to
 1809 this section act.

1810 (c) Fund resource conservation agreements pursuant to this
 1811 section act.

1812 (d) Fund agricultural protection agreements pursuant to
 1813 this section act.

1814 (12) The department may ~~is authorized to~~ use funds from
 1815 the following sources to implement this section act:

1816 (a) State funds;

1817 (b) Federal funds;

1818 (c) Other governmental entities;

1819 (d) Nongovernmental organizations; or

1820 (e) Private individuals.

1821
 1822 Any such funds provided shall be deposited into the Conservation
 1823 and Recreation Lands Program Trust Fund within the Department of
 1824 Agriculture and Consumer Services and used for the purposes of
 1825 this section, including administrative and operating expenses
 1826 related to appraisals, mapping, title process, personnel, and
 1827 other real estate expenses ~~act.~~

1828 Section 98. Section 570.72, Florida Statutes, is repealed.

1829 Section 99. Section 570.901, Florida Statutes, is
 1830 renumbered as section 570.692, Florida Statutes.

1831 Section 100. Section 570.902, Florida Statutes, is
 1832 renumbered as section 570.69, Florida Statutes, and amended to
 1833 read:

1834 570.69 ~~570.902~~ Definitions; ss. 570.69 and 570.691 ~~570.902~~
 1835 ~~and 570.903.~~—For the purpose of this section and s. 570.691
 1836 ~~570.903~~:

1837 (1) "Designated program" means the departmental program
 1838 which a direct-support organization has been created to support.

1839 (2) "Direct-support organization" or "organization" means
 1840 an organization which is a Florida corporation not for profit
 1841 incorporated under ~~the provisions of~~ chapter 617 and approved by
 1842 the department to operate for the benefit of a museum or a
 1843 designated program.

1844 (3) "Museum" means the Florida Agricultural Museum, which
 1845 is designated as the museum for agriculture and rural history of
 1846 the State of Florida.

1847 Section 101. Section 570.903, Florida Statutes, is
 1848 renumbered as section 570.691, Florida Statutes.

1849 Section 102. Section 570.91, Florida statutes, is
 1850 renumbered as section 570.693, Florida Statutes.

1851 Section 103. Section 570.9135, Florida Statutes, is
 1852 renumbered as section 570.83, Florida Statutes, and subsection
 1853 (6) of that section is amended to read:

1854 570.83 ~~570.9135~~ Beef Market Development Act; definitions;
 1855 Florida Beef Council, Inc., creation, purposes, governing board,
 1856 powers, and duties; referendum on assessments imposed on gross
 1857 receipts from cattle sales; payments to organizations for
 1858 services; collecting and refunding assessments; vote on
 1859 continuing the act; council bylaws.—

1860 (6) REFERENDUM ON ASSESSMENTS.—All producers in this state
 1861 shall have the opportunity to vote in a referendum to determine
 1862 whether the council shall be authorized to impose an assessment
 1863 of not more than \$1 per head on cattle sold in the state. The
 1864 referendum shall pose the question: "Do you approve of an
 1865 assessment program, up to \$1 per head of cattle pursuant to
 1866 section 570.83 ~~570.9135~~, Florida Statutes, to be funded through
 1867 specific contributions that are mandatory and refundable upon
 1868 request?"

1869 (a) A referendum held under this section must be conducted
 1870 by secret ballot at extension offices of the Institute of Food
 1871 and Agricultural Sciences of the University of Florida or at
 1872 offices of the United States Department of Agriculture with the

1873 cooperation of the department.

1874 (b) Notice of a referendum to be held under this act must
 1875 be given at least once in trade publications, the public press,
 1876 and statewide newspapers at least 30 days before the referendum
 1877 is held.

1878 (c) Additional referenda may be held to authorize the
 1879 council to increase the assessment to more than \$1 per head of
 1880 cattle. Such referendum shall pose the question: "Do you approve
 1881 of granting the Florida Beef Council, Inc., authority to
 1882 increase the per-head-of-cattle assessment pursuant to section
 1883 570.83 ~~570.9135~~, Florida Statutes, from ...(present rate)... to
 1884 up to a maximum of ...(proposed rate)... per head?" Referenda
 1885 may not be held more often than once every 3 years.

1886 (d) Each cattle producer is entitled to only one vote in a
 1887 referendum held under this section ~~act~~. Proof of identification
 1888 and cattle ownership must be presented before voting.

1889 (e) A simple majority of those casting ballots shall
 1890 determine any issue that requires a referendum under this
 1891 section ~~act~~.

1892 Section 104. Section 570.92, Florida Statutes, is
 1893 repealed.

1894 Section 105. Section 570.951, Florida Statutes, is
 1895 renumbered as section 570.681, Florida Statutes.

1896 Section 106. Section 570.952, Florida Statutes, is
 1897 renumbered as section 570.685, Florida Statutes, and amended to
 1898 read:

1899 | 570.685 ~~570.952~~ Florida Agriculture Center and Horse Park
 1900 | Authority.—

1901 | (1) There is created within the Department of Agriculture
 1902 | and Consumer Services the Florida Agriculture Center and Horse
 1903 | Park Authority which shall be governed by this section and s.
 1904 | 570.232 ~~570.903~~.

1905 | (2) The authority shall be composed of 21 members
 1906 | appointed by the commissioner.

1907 | (a) Initially, the commissioner shall appoint 11 members
 1908 | for 4-year terms and 10 members for 2-year terms. Thereafter,
 1909 | each member shall be appointed for a term of 4 years from the
 1910 | date of appointment, except that a vacancy shall be filled by
 1911 | appointment for the remainder of the term.

1912 | (b) A ~~Any~~ member of the authority who fails to attend
 1913 | three consecutive authority meetings without good cause shall be
 1914 | deemed to have resigned from the authority.

1915 | ~~(c) Terms for members appointed prior to July 1, 2005,~~
 1916 | ~~shall expire on July 1, 2005.~~

1917 | (3) The Florida Agriculture Center and Horse Park
 1918 | Authority shall ~~have the power and duty to:~~

1919 | (a) Appoint, with approval from the commissioner, an
 1920 | executive director for the Florida Agriculture Center and Horse
 1921 | Park.

1922 | (b) Establish rules of procedure for conducting its
 1923 | meetings and approving matters before the authority pursuant to
 1924 | ~~that are consistent with s. 570.232 570.903.~~

1925 (c) Develop, document, and implement strategies for the
 1926 planning, construction, and operation of the Florida Agriculture
 1927 Center and Horse Park.

1928 (d) Advise and consult with the commissioner on matters
 1929 related to the Florida Agriculture Center and Horse Park.

1930 (e) Consider all matters submitted to the authority by the
 1931 commissioner.

1932 (4) The authority shall meet at least semiannually and
 1933 elect a chair ~~chairperson~~, a vice chair ~~chairperson~~, and a
 1934 secretary for 1-year terms.

1935 (a) The authority shall meet at the call of its chair
 1936 ~~chairperson~~, at the request of a majority of its membership, at
 1937 the request of the commissioner, or at such times as may be
 1938 prescribed by its rules of procedure.

1939 (b) The department shall be responsible for providing
 1940 administrative and staff support services relating to the
 1941 meetings of the authority and shall provide suitable space in
 1942 the offices of the department for the meetings and the storage
 1943 of records of the authority.

1944 (c) In conducting its meetings, the authority shall use
 1945 accepted rules of procedure. The secretary shall keep a complete
 1946 record of the proceedings of each meeting, which record shall
 1947 show the names of the members present and the actions taken.
 1948 These records shall be kept on file with the department, and
 1949 such records and other documents regarding matters within the
 1950 jurisdiction of the authority shall be subject to inspection by

1951 members of the authority.

1952 Section 107. Section 570.953, Florida Statutes, is
 1953 renumbered as section 570.686, Florida Statutes.

1954 Section 108. Section 570.954, Florida Statutes, is
 1955 renumbered as section 570.841, Florida Statutes.

1956 Section 109. Section 570.96, Florida Statutes, is
 1957 renumbered as section 570.85, Florida Statutes.

1958 Section 110. Section 570.961, Florida Statutes, is
 1959 renumbered as section 570.86, Florida Statutes, and amended to
 1960 read:

1961 570.86 ~~570.961~~ Definitions.—As used in ss. 570.85-570.89
 1962 ~~570.96-570.964~~, the term:

1963 (1) "Agritourism activity" means any agricultural related
 1964 activity consistent with a bona fide farm or ranch or in a
 1965 working forest which allows members of the general public, for
 1966 recreational, entertainment, or educational purposes, to view or
 1967 enjoy activities, including farming, ranching, historical,
 1968 cultural, or harvest-your-own activities and attractions. An
 1969 agritourism activity does not include the construction of new or
 1970 additional structures or facilities intended primarily to house,
 1971 shelter, transport, or otherwise accommodate members of the
 1972 general public. An activity is an agritourism activity
 1973 regardless of whether ~~or not~~ the participant paid to participate
 1974 in the activity.

1975 (2) "Agritourism operator" means a ~~any~~ person who is
 1976 engaged in the business of providing one or more agritourism

1977 activities, whether for compensation or not for compensation.

1978 (3) "Farm" means the land, buildings, support facilities,
 1979 machinery, and other appurtenances used in the production of
 1980 farm or aquaculture products, including land used to display
 1981 plants, animals, farm products, or farm equipment to the public.

1982 (4) "Farm operation" has the same meaning as ~~defined~~ in s.
 1983 823.14.

1984 (5) "Inherent risks of agritourism activity" means those
 1985 dangers or conditions that are an integral part of an
 1986 agritourism activity including certain hazards, such as surface
 1987 and subsurface conditions; natural conditions of land,
 1988 vegetation, and waters; the behavior of wild or domestic
 1989 animals; and the ordinary dangers of structures or equipment
 1990 ordinarily used in farming and ranching operations. The term
 1991 also includes the potential of a participant to act in a
 1992 negligent manner that may contribute to the injury of the
 1993 participant or others, including failing to follow the
 1994 instructions given by the agritourism operator or failing to
 1995 exercise reasonable caution while engaging in the agritourism
 1996 activity.

1997 Section 111. Section 570.962, Florida Statutes, is
 1998 renumbered as section 570.87, Florida Statutes.

1999 Section 112. Section 570.963, Florida Statutes, is
 2000 renumbered as section 570.88, Florida Statutes, and subsection
 2001 (1) of that section is amended to read:

2002 570.88 ~~570.963~~ Liability.—

2003 (1) Except as provided in subsection (2), an agritourism
 2004 operator, his or her employer or employee, or the owner of the
 2005 underlying land on which the agritourism occurs is not liable
 2006 for injury or death of, or damage or loss to, a participant
 2007 resulting from the inherent risks of agritourism activities if
 2008 the notice of risk required under s. 570.89 ~~570.964~~ is posted as
 2009 required. Except as provided in subsection (2), a participant,
 2010 or a participant's representative, may not maintain an action
 2011 against or recover from an agritourism operator, his or her
 2012 employer or employee, or the owner of the underlying land on
 2013 which the agritourism occurs for the injury or death of, or
 2014 damage or loss to, an agritourism participant resulting
 2015 exclusively from any of the inherent risks of agritourism
 2016 activities.

2017 Section 113. Section 570.964, Florida Statutes, is
 2018 renumbered as section 570.89, Florida Statutes, and subsection
 2019 (3) of that section is amended to read:

2020 570.89 ~~570.964~~ Posting and notification.—

2021 (3) Failure to comply with ~~the requirements of this~~
 2022 section subsection prevents an agritourism operator, his or her
 2023 employer or employee, or the owner of the underlying land on
 2024 which the agritourism occurs from invoking the privileges of
 2025 immunity provided by this section.

2026 Section 114. Section 570.971, Florida Statutes, is created
 2027 to read:

2028 570.971 Penalties; administrative and civil.—

2029 (1) The department or enforcing authority may impose the
 2030 following fine amount for the class category specified in the
 2031 chapter or section of law violated:

2032 (a) Class I.—For each violation in the Class I category, a
 2033 fine not to exceed \$1,000 may be imposed.

2034 (b) Class II.—For each violation in the Class II category,
 2035 a fine not to exceed \$5,000 may be imposed.

2036 (c) Class III.—For each violation in the Class III
 2037 category, a fine not to exceed \$10,000 may be imposed.

2038 (d) Class IV.—For each violation in the Class IV category,
 2039 a fine of \$10,000 or more may be imposed.

2040 (2) (a) This section does not supersede a chapter or
 2041 section of law or rule that limits the total fine amount that
 2042 may be imposed for a violation.

2043 (b) The class categories under this section also apply to
 2044 penalties provided by rule.

2045 (c) The penalties under this section are in addition to
 2046 any other remedy provided by law.

2047 (3) A person who violates this chapter or any rule adopted
 2048 under this chapter is subject to an administrative or civil fine
 2049 in the Class II category in addition to any other penalty
 2050 provided by law.

2051 (4) The department may refuse to issue or renew any
 2052 license, permit, authorization, certificate, or registration to
 2053 a person who has not satisfied a penalty imposed by the
 2054 department.

2055 (5) The department may adopt rules to implement this
 2056 section or any section that references this section.

2057 Section 115. Subsection (1) of section 571.11, Florida
 2058 Statutes, is amended to read:

2059 571.11 Eggs and poultry; seal of quality violations;
 2060 administrative penalties.—

2061 (1) The Department of Agriculture and Consumer Services
 2062 may impose an administrative a fine in the Class II category
 2063 pursuant to s. 570.971 ~~not exceeding \$5,000~~ against any dealer,
 2064 as defined in ~~under~~ s. 583.01(4), in violation of the guidelines
 2065 for the Florida seal of quality for eggs or poultry programs.
 2066 All fines, when imposed and paid, shall be deposited by the
 2067 department into the General Inspection Trust Fund.

2068 Section 116. Subsection (2) of section 571.28, Florida
 2069 Statutes, is amended to read:

2070 571.28 Florida Agricultural Promotional Campaign Advisory
 2071 Council.—

2072 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
 2073 meetings, powers and duties, procedures, and recordkeeping of
 2074 the Florida Agricultural Promotional Campaign Advisory Council
 2075 shall be pursuant to ~~governed by the provisions of s. 570.232~~
 2076 ~~570.0705 relating to advisory committees established within the~~
 2077 ~~department.~~

2078 Section 117. Paragraph (b) of subsection (3) of section
 2079 571.29, Florida Statutes, is amended to read:

2080 571.29 Unlawful acts; administrative remedies; criminal

2081 penalties.—

2082 (3) The department may enter an order imposing one or more
 2083 of the following penalties against any person who violates any
 2084 of the provisions of this part or any rules adopted under this
 2085 part:

2086 (b) Imposition of an administrative fine in the Class I
 2087 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 2088 ~~per~~ violation for a first-time ~~first-time~~ offender. For a
 2089 second-time ~~second-time~~ offender, or a any person who is shown
 2090 to have willfully and intentionally violated ~~any provision of~~
 2091 this part or any rules adopted under this part, the
 2092 administrative fine shall be in the Class II category pursuant
 2093 to s. 570.971 for each ~~may not exceed \$5,000 per~~ violation. The
 2094 term "each ~~per~~ violation" means each incident in which a logo of
 2095 the Florida Agricultural Promotional Campaign has been used,
 2096 reproduced, or distributed in any manner inconsistent with ~~the~~
 2097 ~~provisions of~~ this part or the rules adopted under this part.

2098
 2099 The administrative proceedings that could result in the entry of
 2100 an order imposing any of the penalties specified in paragraphs
 2101 (a)-(c) shall be conducted pursuant to ~~in accordance with~~
 2102 chapter 120.

2103 Section 118. Subsection (1) and paragraph (a) of
 2104 subsection (2) of section 576.021, Florida Statutes, are amended
 2105 to read:

2106 576.021 Registration and licensing.—

2107 (1) A company the ~~person whose~~ name and address of which
 2108 appears upon a label and that ~~who~~ guarantees a fertilizer may
 2109 not distribute that fertilizer to a nonlicensee until a license
 2110 to distribute has been obtained by the company ~~that person~~ from
 2111 the department upon payment of a \$100 fee. All licenses shall
 2112 expire on June 30 each year. An application for license shall
 2113 include the following information:

2114 (a) The name and address of the applicant.

2115 (b) The name and address of the distribution point. The
 2116 name and address shown on the license shall be shown on all
 2117 labels, pertinent invoices, and storage facilities for
 2118 fertilizer distributed by the licensee in this state.

2119 (2) (a) A company the name and address of which appears
 2120 upon a label and that guarantees a fertilizer ~~person~~ may not
 2121 distribute a specialty fertilizer in this state until it is
 2122 registered with the department ~~by the licensee whose name~~
 2123 ~~appears on the label~~. An application for registration of each
 2124 brand and grade of specialty fertilizer shall be filed with the
 2125 department by using a form prescribed by the department or by
 2126 using the department's website ~~made on a form furnished by the~~
 2127 ~~department~~ and shall be accompanied by an annual fee of \$100 for
 2128 each specialty fertilizer that is registered. All specialty
 2129 fertilizer registrations expire June 30 each year. All licensing
 2130 and registration fees paid to the department under this section
 2131 shall be deposited into the State Treasury to be placed in the
 2132 General Inspection Trust Fund to be used for the sole purpose of

2133 funding the fertilizer inspection program.

2134 Section 119. Subsection (2) of section 576.031, Florida
2135 Statutes, is amended to read:

2136 576.031 Labeling.—

2137 (2) If distributed in bulk, two ~~five~~ labels containing the
2138 information required in paragraphs (1)(a)-(f) shall accompany
2139 delivery and be supplied to the purchaser at time of delivery
2140 with the delivery ticket, which shall show the certified net
2141 weight.

2142 Section 120. Subsections (3), (4), (6), and (7) of section
2143 576.041, Florida Statutes, are amended to read:

2144 576.041 Inspection fees; records; ~~bond~~.—

2145 (3) In addition to any other penalty provided by this
2146 chapter, a ~~any~~ licensee who fails to timely pay the inspection
2147 ~~tonnage~~ fee shall be assessed a penalty of 1.5 percent for each
2148 month or part of a month that the fee or portion of the fee is
2149 not paid.

2150 (4) If the report is not filed and the inspection fee is
2151 not paid on the date due, or if the report of tonnage is false,
2152 the amount of the inspection fee due is subject to a penalty of
2153 10 percent or \$25, whichever is greater. ~~The penalty shall be~~
2154 ~~added to the inspection fee due and constitutes a debt and~~
2155 ~~becomes a claim and lien against the surety bond or certificate~~
2156 ~~of deposit required by this chapter.~~

2157 ~~(6) In order to guarantee faithful performance of the~~
2158 ~~provisions of subsection (2), the applicant for license shall~~

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2159 ~~post with the department a surety bond, or assign a certificate~~
2160 ~~of deposit, in an amount required by rule of the department to~~
2161 ~~cover fees for any reporting period. The amount shall not be~~
2162 ~~less than \$1,000. The surety bond shall be executed by a~~
2163 ~~corporate surety company authorized to do business in this~~
2164 ~~state. The certificate of deposit shall be issued by any~~
2165 ~~recognized financial institution doing business in the United~~
2166 ~~States. The department shall establish, by rule, whether an~~
2167 ~~annual or continuous surety bond or certificate of deposit will~~
2168 ~~be required and shall approve each surety bond or certificate of~~
2169 ~~deposit before acceptance. The department shall examine and~~
2170 ~~approve as to sufficiency all such bonds and certificates of~~
2171 ~~deposit before acceptance. When the licensee ceases operation,~~
2172 ~~said bond or certificate of deposit shall be returned, provided~~
2173 ~~there are no outstanding fees due and payable.~~

2174 (6)~~(7)~~ In order to obtain information that will facilitate
2175 the collection of inspection fees and serve other useful
2176 purposes relating to fertilizer, the department may, by rule,
2177 require licensees, manufacturers, registrants, and dealers to
2178 report movements of fertilizer.

2179 Section 121. Subsection (3) of section 576.051, Florida
2180 Statutes, is amended to read:

2181 576.051 Inspection, sampling, analysis.—

2182 (3) The official analysis shall be made from the official
2183 sample. The department, before making the official analysis,
2184 shall take a sufficient portion from the official sample for

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2185 check analysis and place that portion in a bottle sealed and
2186 identified by number, date, and the preparer's initials. The
2187 official check sample shall be kept until the analysis of the
2188 official sample is completed. However, the licensee may obtain
2189 upon request a portion of the official check sample. Upon
2190 completion of the analysis of the official sample, a true copy
2191 of the fertilizer analysis report shall be mailed to the
2192 licensee of the fertilizer from whom the official sample was
2193 taken and to the dealer or agent, if any, and purchaser, if
2194 known. This fertilizer analysis report shall show all
2195 determinations of plant nutrient and pesticides. If the official
2196 analysis conforms with ~~the provisions of this section law~~, the
2197 official check sample may be destroyed. If the official analysis
2198 does not conform with ~~the provisions of this section law~~, the
2199 official check sample shall be retained for 60 ~~a period of 90~~
2200 days from the date of the fertilizer analysis report of the
2201 official sample. If within that time the licensee of the
2202 fertilizer from whom the official sample was taken, upon receipt
2203 of the fertilizer analysis report, makes written demand for
2204 analysis of the official check sample by a referee chemist, a
2205 portion of the official check sample sufficient for analysis
2206 shall be sent to a referee chemist who is mutually acceptable to
2207 the department and the licensee for analysis at the expense of
2208 the licensee. The referee chemist, upon completion of the
2209 analysis, shall forward to the department and to the licensee a
2210 fertilizer analysis report bearing a proper identification mark

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2211 or number, ~~+~~ and the fertilizer analysis report shall be verified
2212 by an affidavit of the person making the analysis. If the
2213 results reported on the fertilizer analysis report agree within
2214 the matching criteria defined in department rule with the
2215 department's analysis on each element for which analysis was
2216 made, the mean average of the two analyses shall be accepted as
2217 final and binding on all concerned. However, if the referee's
2218 fertilizer analysis report results do not agree within the
2219 matching criteria defined in department rule with the
2220 department's analysis in any one or more elements for which an
2221 analysis was made, upon demand of either the department or the
2222 licensee from whom the official sample was taken, a portion of
2223 the official check sample sufficient for analysis shall be
2224 submitted to a second referee chemist who is mutually acceptable
2225 to the department and to the licensee from whom the official
2226 sample was taken, at the expense of the party or parties
2227 requesting the referee analysis. If no demand is made for an
2228 analysis by a second referee chemist, the department's
2229 fertilizer analysis report shall be accepted as final and
2230 binding on all concerned. The second referee chemist, upon
2231 completion of the analysis, shall make a fertilizer analysis
2232 report as provided in this subsection for the first referee
2233 chemist. The mean average of the two analyses nearest in
2234 conformity to each other shall be accepted as final and binding
2235 on all concerned.

2236 Section 122. Subsections (4) and (5) of section 576.061,

2237 Florida Statutes, are amended to read:

2238 576.061 Plant nutrient investigational allowances,
2239 deficiencies, and penalties.—

2240 ~~(4) When it is determined by the department that a~~
2241 ~~fertilizer has been distributed without being licensed or~~
2242 ~~registered, or without labeling, the department shall require~~
2243 ~~the licensee to pay a penalty in the amount of \$100. The~~
2244 ~~proceeds from any penalty payments shall be deposited by the~~
2245 ~~department in the General Inspection Trust Fund to be used for~~
2246 ~~the sole purpose of funding the fertilizer inspection program.~~

2247 (4)~~(5)~~ The department may enter an order imposing one or
2248 more of the following penalties against a ~~any~~ person who
2249 violates ~~any of the provisions of this chapter or the rules~~
2250 ~~adopted under this chapter hereunder~~ or who impedes, obstructs,
2251 or hinders ~~shall impede, obstruct, hinder, or otherwise prevent~~
2252 ~~or attempt to prevent~~ the department in performing the
2253 ~~performance of its duties under duty in connection with the~~
2254 ~~provisions of this chapter:~~

2255 (a) Issuance of a warning letter.

2256 (b) Imposition of an administrative fine in the Class I
2257 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
2258 ~~per~~ occurrence after the issuance of a warning letter.

2259 (c) Cancellation, revocation, or suspension of any license
2260 issued by the department.

2261 Section 123. Section 576.071, Florida Statutes, is amended
2262 to read:

2263 576.071 Commercial value.—The commercial value used in
 2264 assessing penalties for any deficiency shall be determined by
 2265 surveying the fertilizer industry in the state using annualized
 2266 plant nutrient values contained in one or more generally
 2267 recognized journals.

2268 Section 124. Subsections (3) and (4) of section 576.087,
 2269 Florida Statutes, are amended to read:

2270 576.087 Antisiphon requirements for irrigation systems.—

2271 ~~(3) The department shall establish specific requirements~~
 2272 ~~for antisiphon devices.~~

2273 ~~(4) Any governmental agency which requires antisiphon~~
 2274 ~~devices on irrigation systems used for the application of~~
 2275 ~~fertilizer shall use the specific antisiphon device requirements~~
 2276 ~~adopted by the department.~~

2277 Section 125. Section 576.101, Florida Statutes, is amended
 2278 to read:

2279 576.101 Cancellation, revocation, and suspension;
 2280 ~~probationary status.—~~

2281 ~~(1) The department may deny, suspend, or revoke any~~
 2282 ~~license issued by the department for any violation of the~~
 2283 ~~provisions of this chapter, the rules adopted under this chapter~~
 2284 ~~thereunder, or any lawful order of the department.~~

2285 ~~(2) The department may place any licensee on a~~
 2286 ~~probationary status when the deficiency levels of samples taken~~
 2287 ~~from that licensee do not meet minimum performance levels~~
 2288 ~~established by statute within the investigational allowances~~

2289 ~~provided in s. 576.061.~~

2290 Section 126. Subsection (1) of section 578.08, Florida
 2291 Statutes, is amended to read:

2292 578.08 Registrations.—

2293 (1) Every person, except as provided in subsection (4) and
 2294 s. 578.14, before selling, distributing for sale, offering for
 2295 sale, exposing for sale, handling for sale, or soliciting orders
 2296 for the purchase of any agricultural, vegetable, flower, or
 2297 forest tree seed or mixture thereof, shall first register with
 2298 the department as a seed dealer. ~~The application for~~
 2299 ~~registration shall include the name and location of each place~~
 2300 ~~of business at which the seed is sold, distributed for sale,~~
 2301 ~~offered for sale, exposed for sale, or handled for sale.~~ The
 2302 application for registration shall be filed with department by
 2303 using a form prescribed by the department or by using the
 2304 department's website and shall be accompanied by an annual
 2305 registration fee for each such place of business based on the
 2306 gross receipts from the sale of such seed for the last preceding
 2307 license year as follows:

2308 (a) 1. Receipts of less than \$500, a fee of \$10.

2309 2. Receipts of \$500 or more but less than \$1,000, a fee of
 2310 \$25.

2311 ~~3.1. Receipts of \$1,000 or more but less than \$2,500~~
 2312 ~~\$2,500.01, a~~ fee
 2313 of \$100.

2314 ~~4.2. Receipts of more than \$2,500 or more but and less~~

2315 than \$5,000 ~~\$5,000.01~~, a fee of \$200.

2316 5.3. Receipts of more than \$5,000 or more but ~~and~~ less

2317 than \$10,000 ~~\$10,000.01~~, a fee of \$350.

2318 6.4. Receipts of more than \$10,000 or more but ~~and~~ less

2319 than \$20,000 ~~\$20,000.01~~, a fee of \$800.

2320 7.5. Receipts of more than \$20,000 or more but ~~and~~ less

2321 than \$40,000 ~~\$40,000.01~~, a fee of \$1,000.

2322 8.6. Receipts of more than \$40,000 or more but ~~and~~ less

2323 than \$70,000 ~~\$70,000.01~~, a fee of \$1,200.

2324 9.7. Receipts of more than \$70,000 or more but ~~and~~ less

2325 than \$150,000 ~~\$150,000.01~~, a fee of \$1,600.

2326 10.8. Receipts of more than \$150,000 or more but ~~and~~ less

2327 than \$400,000 ~~\$400,000.01~~, a fee of \$2,400.

2328 11.9. Receipts of more than \$400,000 or more, a fee

2329 of \$4,600.

2330 (b) For places of business not previously in operation,

2331 the fee shall be based on anticipated receipts for the first

2332 license year.

2333 Section 127. Subsection (1) of section 578.181, Florida

2334 Statutes, is amended to read:

2335 578.181 Penalties; administrative fine.—

2336 (1) The department may enter an order imposing one or more

2337 of the following penalties against a ~~any~~ person who violates ~~any~~

2338 ~~of the provisions of~~ this chapter or the rules adopted under

2339 this chapter promulgated hereunder or who impedes, obstructs, or

2340 ~~hinders, or otherwise prevents or attempts to prevent the~~

2341 department in performing ~~the performance~~ of its duties under
 2342 ~~duty in connection with the provisions of~~ this chapter:

2343 (a) Issuance of a warning letter.

2344 (b) Imposition of an administrative fine in the Class I
 2345 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 2346 ~~per~~ occurrence after the issuance of a warning letter.

2347 (c) Revocation or suspension of the registration as a seed
 2348 dealer.

2349 Section 128. Paragraph (g) of subsection (2) of section
 2350 580.036, Florida Statutes, is amended to read:

2351 580.036 Powers and duties.—

2352 (2) The department is authorized to adopt rules pursuant
 2353 to ss. 120.536(1) and 120.54 to enforce the provisions of this
 2354 chapter. These rules shall be consistent with the rules and
 2355 standards of the United States Food and Drug Administration and
 2356 the United States Department of Agriculture, when applicable,
 2357 and shall include:

2358 (g) Establishing standards for the sale, use, and
 2359 distribution of commercial feed or feedstuff to ensure usage
 2360 that is consistent with animal safety and well-being and, to the
 2361 extent that meat, poultry, and other animal products for human
 2362 consumption may be affected by commercial feed or feedstuff, to
 2363 ensure that these products are safe for human consumption. Such
 2364 standards, if adopted, must be developed in consultation with
 2365 the Agricultural Feed, Seed, and Fertilizer Advisory Council
 2366 under s. 570.451.

2367 Section 129. Paragraphs (a), (b), and (d) of subsection
 2368 (1) of section 580.041, Florida Statutes, are amended to read:
 2369 580.041 Master registration; fee; refusal or cancellation
 2370 of registration; reporting.-

2371 (1) (a) Each distributor of commercial feed must annually
 2372 obtain a master registration before her or his brands are
 2373 distributed in this state. Upon initial registration, ~~The~~
 2374 ~~department shall furnish the registration forms requiring the~~
 2375 ~~distributor to state that the distributor shall agree to will~~
 2376 comply with ~~all provisions of~~ this chapter and applicable rules.
 2377 ~~The registration form shall identify the manufacturer's or~~
 2378 ~~guarantor's name and place of business and the location of each~~
 2379 ~~manufacturing facility in the state and shall be signed by the~~
 2380 ~~owner; by a partner, if a partnership; or by an authorized~~
 2381 ~~officer or agent, if a corporation.~~ All registrations expire on
 2382 June 30 of each year.

2383 (b) The application for registration ~~form~~ shall be filed
 2384 with department by using a form prescribed by the department or
 2385 by using the department's website and shall be accompanied by a
 2386 fee ~~that shall be~~ based on tons of feed distributed in this
 2387 state during the previous year. If a distributor has been in
 2388 business less than 1 year, the tonnage shall be estimated by the
 2389 distributor for the first year and based on actual tonnage
 2390 thereafter. These fees shall be as follows:

2391 SALES IN TONS	FEE
2392 Zero, up to and including 25.....	\$40

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2393 More than 25, up to and including 50.....\$75
 2394 More than 50, up to and including 100.....\$150
 2395 More than 100, up to and including 300.....\$375
 2396 More than 300, up to and including 600.....\$600
 2397 More than 600, up to and including 1,000.....\$900
 2398 More than 1,000, up to and including
 2399 2,000.....\$1,250
 2400 More than 2,000, up to and including
 2401 5,000.....\$2,000
 2402 More than 5,000.....\$3,500
 2403 (d) The department shall provide ~~mail~~ a copy of the master
 2404 registration to the registrant to signify that administrative
 2405 requirements have been met.
 2406 Section 130. Paragraphs (d) and (e) of subsection (1) of
 2407 section 580.071, Florida Statutes, are amended, and paragraphs
 2408 (f), (g), and (h) are added to that subsection, to read:
 2409 580.071 Adulteration.—No person shall distribute an
 2410 adulterated commercial feed or feedstuff. A commercial feed or
 2411 feedstuff shall be deemed to be adulterated:
 2412 (1)
 2413 (d) If it is a raw agricultural commodity and it bears or
 2414 contains a pesticide chemical that is unsafe within the meaning
 2415 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act;
 2416 however, where a pesticide chemical has been used in or on a raw
 2417 agricultural commodity in conformity with an exemption granted
 2418 or a tolerance prescribed under s. 408 of the Federal Food,

2419 Drug, and Cosmetic Act and that raw agricultural commodity has
 2420 been subjected to processing such as canning, cooking, freezing,
 2421 dehydrating, or milling, the processed feed will result, or is
 2422 likely to result, in pesticide residue in the edible product of
 2423 the animal which is unsafe within the meaning of s. 408(a) of
 2424 the Federal Food, Drug, and Cosmetic Act; ~~or~~

2425 (e) If it is, or it bears or contains, any new animal drug
 2426 that is unsafe within the meaning of s. 512 of the Federal Food,
 2427 Drug, and Cosmetic Act;

2428 (f) If it consists in whole or in part of any filthy,
 2429 putrid, or decomposed substance or is otherwise unfit for feed;

2430 (g) If it is prepared, packaged, or held under unsanitary
 2431 conditions in which it may have become contaminated with filth
 2432 or rendered injurious to health; or

2433 (h) If it is, in whole or in part, the product of a
 2434 diseased animal or of an animal that has died by a means other
 2435 than slaughter which is unsafe within the meaning of s.
 2436 402(a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act.

2437 Section 131. Paragraph (b) of subsection (1) of section
 2438 580.121, Florida Statutes, is amended to read:

2439 580.121 Penalties; duties of law enforcement officers;
 2440 injunctive relief.—

2441 (1) The department may impose one or more of the following
 2442 penalties against any person who violates any provision of this
 2443 chapter:

2444 (b) Imposition of an administrative fine in the Class I

2445 ~~category pursuant to s. 570.971 for each, by the department, of~~
 2446 ~~not more than \$1,000 per occurrence.~~

2447
 2448 However, the severity of the penalty imposed shall be
 2449 commensurate with the degree of risk to human or animal safety
 2450 or the level of financial harm to the consumer that is created
 2451 by the violation.

2452 Section 132. Subsection (5) of section 581.091, Florida
 2453 Statutes, is amended to read:

2454 581.091 Noxious weeds and infected plants or regulated
 2455 articles; sale or distribution; receipt; information to
 2456 department; withholding information.-

2457 (5) (a) Notwithstanding any other ~~provision of state law or~~
 2458 rule, a person may obtain a special permit from the department
 2459 to plant Casuarina cunninghamiana as a windbreak for a
 2460 commercial citrus grove if ~~provided~~ the plants are produced in
 2461 an authorized registered nursery and certified by the department
 2462 as being vegetatively propagated from male plants. ~~A "commercial~~
 2463 ~~citrus grove" means a contiguous planting of 100 or more citrus~~
 2464 ~~trees where citrus fruit is produced for sale.~~

2465 ~~(b) For a 5-year period, special permits authorizing a~~
 2466 ~~person to plant Casuarina cunninghamiana shall be issued only as~~
 2467 ~~part of a pilot program for fresh fruit groves in areas of~~
 2468 ~~Indian River, St. Lucie, and Martin Counties where citrus canker~~
 2469 ~~is determined by the department to be widespread. The pilot~~
 2470 ~~program shall be reevaluated annually, and a comprehensive~~

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2471 ~~review shall be conducted in 2013. The purpose of the annual and~~
2472 ~~5-year reviews is to determine if the use of Casuarina~~
2473 ~~cunninghamiana as an agricultural pest and disease windbreak~~
2474 ~~poses any adverse environmental consequences. At the end of the~~
2475 ~~5-year pilot program, if the Noxious Weed and Invasive Plant~~
2476 ~~Review Committee, created by the department, and the Department~~
2477 ~~of Environmental Protection, in consultation with a~~
2478 ~~representative of the citrus industry who has a Casuarina~~
2479 ~~cunninghamiana windbreak, determine that the potential is low~~
2480 ~~for adverse environmental impacts from planting Casuarina~~
2481 ~~cunninghamiana as windbreaks, the department may, by rule, allow~~
2482 ~~the use of Casuarina cunninghamiana windbreaks for commercial~~
2483 ~~citrus groves in other areas of the state. If it is determined~~
2484 ~~at the end of the 5-year pilot program that additional time is~~
2485 ~~needed to further evaluate Casuarina cunninghamiana, the~~
2486 ~~department will remain the lead agency.~~

2487 (b) ~~(e)~~ Each application for a special permit shall be
2488 accompanied by a fee in an amount determined by the department,
2489 by rule, not to exceed \$500. A special permit shall be required
2490 for each noncontiguous commercial citrus grove and shall be
2491 renewed every 5 years. The property owner is responsible for
2492 maintaining and producing for inspection the original nursery
2493 invoice with certification documentation. If ownership of the
2494 property is transferred, the seller must notify the department
2495 and provide the buyer with a copy of the special permit and
2496 copies of all invoices and certification documentation before

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2497 ~~prior to~~ the closing of the sale.

2498 (c)~~(d)~~ Each application shall include a baseline survey of
2499 all lands within 500 feet of the proposed Casuarina
2500 cunninghamiana windbreak showing the location and identification
2501 to species of all existing Casuarina spp.

2502 (d)~~(e)~~ Nurseries authorized to produce Casuarina
2503 cunninghamiana must obtain a special permit from the department
2504 certifying that the plants have been vegetatively propagated
2505 from sexually mature male source trees currently grown in the
2506 state. The importation of Casuarina cunninghamiana from any area
2507 outside the state to be used as a propagation source tree is
2508 prohibited. Each male source tree must be registered by the
2509 department as being a horticulturally true-to-type male plant
2510 and be labeled with a source tree registration number. Each
2511 nursery application for a special permit shall be accompanied by
2512 a fee in an amount determined by the department, by rule, not to
2513 exceed \$200. Special permits shall be renewed annually. The
2514 department shall, by rule, set the amount of an annual fee, not
2515 to exceed \$50, for each Casuarina cunninghamiana registered as a
2516 source tree. ~~Nurseries may only sell Casuarina cunninghamiana to
2517 a person with a special permit as specified in paragraphs (a)
2518 and (b).~~ The source tree registration numbers of the parent
2519 plants must be documented on each invoice or other certification
2520 documentation provided to the buyer.

2521 (e)~~(f)~~ All Casuarina cunninghamiana must be destroyed by
2522 the property owner within 6 months after:

2523 1. The property owner takes permanent action to no longer
 2524 use the site for commercial citrus production;

2525 2. The site has not been used for commercial citrus
 2526 production for a period of 5 years; or

2527 3. The department determines that the Casuarina
 2528 cunninghamiana on the site has become invasive. This
 2529 determination shall be based on, but not limited to, the
 2530 recommendation of the Noxious Weed and Invasive Plant Review
 2531 Committee and the Department of Environmental Protection and in
 2532 consultation with a representative of the citrus industry who
 2533 has a Casuarina cunninghamiana windbreak.

2534
 2535 If the owner or person in charge refuses or neglects to comply,
 2536 the director or her or his authorized representative may, under
 2537 authority of the department, proceed to destroy the plants. The
 2538 expense of the destruction shall be assessed, collected, and
 2539 enforced against the owner by the department. If the owner does
 2540 not pay the assessed cost, the department may record a lien
 2541 against the property.

2542 (f) ~~(g)~~ The use of Casuarina cunninghamiana for windbreaks
 2543 does ~~shall~~ not preclude the department from issuing permits for
 2544 the research or release of biological control agents to control
 2545 Casuarina spp. pursuant to ~~in accordance with~~ s. 581.083.

2546 (g) ~~(h)~~ The use of Casuarina cunninghamiana for windbreaks
 2547 may ~~shall~~ not restrict or interfere with any other agency or
 2548 local government effort to manage or control noxious weeds or

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2549 invasive plants, including *Casuarina cunninghamiana*. An, ~~nor~~
2550 ~~shall any other~~ agency or local government may not remove any
2551 *Casuarina cunninghamiana* planted as a windbreak under special
2552 permit issued by the department.

2553 ~~(i) The department shall develop and implement a~~
2554 ~~monitoring protocol to determine invasiveness of *Casuarina*~~
2555 ~~*cunninghamiana*. The monitoring protocol shall, at a minimum,~~
2556 ~~require:~~

2557 ~~1. Inspection of the planting site by department~~
2558 ~~inspectors within 30 days following initial planting or any~~
2559 ~~subsequent planting of *Casuarina cunninghamiana* to ensure the~~
2560 ~~criteria of the special permit have been met.~~

2561 ~~2. Annual site inspections of planting sites and all lands~~
2562 ~~within 500 feet of the planted windbreak by department~~
2563 ~~inspectors who have been trained to identify *Casuarina* spp. and~~
2564 ~~to make determinations of whether *Casuarina cunninghamiana* has~~
2565 ~~spread beyond the permitted windbreak location.~~

2566 ~~3. Any new seedlings found within 500 feet of the planted~~
2567 ~~windbreak to be removed, identified to the species level, and~~
2568 ~~evaluated to determine if hybridization has occurred.~~

2569 ~~4. The department to submit an annual report and a final~~
2570 ~~5-year evaluation identifying any adverse effects resulting from~~
2571 ~~the planting of *Casuarina cunninghamiana* for windbreaks and~~
2572 ~~documenting all inspections and the results of those inspections~~
2573 ~~to the Noxious Weed and Invasive Plant Review Committee, the~~
2574 ~~Department of Environmental Protection, and a designated~~

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2575 ~~representative of the citrus industry who has a Casuarina~~
2576 ~~cunninghamiana windbreak.~~

2577 ~~(j) If the department determines that female flowers or~~
2578 ~~cones have been produced on any Casuarina cunninghamiana that~~
2579 ~~have been planted under a special permit issued by the~~
2580 ~~department, the property owner shall be responsible for~~
2581 ~~destroying the trees. The department shall notify the property~~
2582 ~~owner of the timeframe and method of destruction.~~

2583 ~~(k) If at any time the department determines that~~
2584 ~~hybridization has occurred during the pilot program between~~
2585 ~~Casuarina cunninghamiana planted as a windbreak and other~~
2586 ~~Casuarina spp., the department shall expeditiously initiate~~
2587 ~~research to determine the invasiveness of the hybrid. The~~
2588 ~~information obtained from this research shall be evaluated by~~
2589 ~~the Noxious Weed and Invasive Plant Review Committee, the~~
2590 ~~Department of Environmental Protection, and a designated~~
2591 ~~representative of the citrus industry who has a Casuarina~~
2592 ~~cunninghamiana windbreak. If the department determines that the~~
2593 ~~hybrids have a high potential to become invasive, based on, but~~
2594 ~~not limited to, the recommendation of the Noxious Weed and~~
2595 ~~Invasive Plant Review Committee, the Department of Environmental~~
2596 ~~Protection, and a designated representative of the citrus~~
2597 ~~industry who has a Casuarina cunninghamiana windbreak, this~~
2598 ~~pilot program shall be permanently suspended.~~

2599 ~~(l) Each application for a special permit must be~~
2600 ~~accompanied by a fee as described in paragraph (c) and an~~

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2601 ~~agreement that the property owner will abide by all permit~~
2602 ~~conditions including the removal of Casuarina cunninghamiana if~~
2603 ~~invasive populations or other adverse environmental factors are~~
2604 ~~determined to be present by the department as a result of the~~
2605 ~~use of Casuarina cunninghamiana as windbreaks. The application~~
2606 ~~must include, on a form provided by the department, the name of~~
2607 ~~the applicant and the applicant's address or the address of the~~
2608 ~~applicant's principal place of business; a statement of the~~
2609 ~~estimated cost of removing and destroying the Casuarina~~
2610 ~~cunninghamiana that is the subject of the special permit; and~~
2611 ~~the basis for calculating or determining that estimate. If the~~
2612 ~~applicant is a corporation, partnership, or other business~~
2613 ~~entity, the applicant must also provide in the application the~~
2614 ~~name and address of each officer, partner, or managing agent.~~
2615 ~~The applicant shall notify the department within 30 business~~
2616 ~~days of any change of address or change in the principal place~~
2617 ~~of business. The department shall mail all notices to the~~
2618 ~~applicant's last known address.~~

2619 1. Upon obtaining a permit, the permit holder must annually
2620 maintain the Casuarina cunninghamiana authorized by a special
2621 permit as required in the permit. If the permit holder ceases to
2622 maintain the Casuarina cunninghamiana as required by the special
2623 permit, if the permit expires, or if the permit holder ceases to
2624 abide by the conditions of the special permit, the permit holder
2625 must ~~shall~~ remove and destroy the Casuarina cunninghamiana in a
2626 timely manner as specified in the permit.

2627 2. If the department:

2628 a. Determines that the permitholder is no longer

2629 maintaining the Casuarina cunninghamiana subject to the special

2630 permit and has not removed and destroyed the Casuarina

2631 cunninghamiana authorized by the special permit;

2632 b. Determines that the continued use of Casuarina

2633 cunninghamiana as windbreaks presents an imminent danger to

2634 public health, safety, or welfare; or

2635 c. Determines that the permitholder has exceeded the

2636 conditions of the authorized special permit,⁺

2637

2638 the department may issue an immediate final order, which shall

2639 be immediately appealable or enjoicable pursuant to ~~as provided~~

2640 ~~by~~ chapter 120, directing the permitholder to immediately remove

2641 and destroy the Casuarina cunninghamiana authorized to be

2642 planted under the special permit. A copy of the immediate final

2643 order shall be mailed to the permitholder.

2644 3. If, upon issuance by the department of an immediate

2645 final order to the permitholder, the permitholder fails to

2646 remove and destroy the Casuarina cunninghamiana subject to the

2647 special permit within 60 days after issuance of the order, or

2648 such shorter period as is designated in the order as public

2649 health, safety, or welfare requires, the department may remove

2650 and destroy the Casuarina cunninghamiana that are the subject of

2651 the special permit. If the permitholder makes a written request

2652 to the department for an extension of time to remove and destroy

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2653 the Casuarina cunninghamiana that demonstrates specific facts
2654 showing why the Casuarina cunninghamiana could not reasonably be
2655 removed and destroyed in the applicable timeframe, the
2656 department may extend the time for removing and destroying
2657 Casuarina cunninghamiana subject to a special permit. The
2658 reasonable costs and expenses incurred by the department for
2659 removing and destroying Casuarina cunninghamiana subject to a
2660 special permit shall be paid out of the Citrus Inspection Trust
2661 Fund and shall be reimbursed by the party to which the immediate
2662 final order is issued. If the party to which the immediate final
2663 order has been issued fails to reimburse the state within 60
2664 days, the department may record a lien on the property. The lien
2665 shall be enforced by the department.

2666 4. In order to carry out the purposes of this paragraph,
2667 the department or its agents may require a permitholder to
2668 provide verified statements of the planted acreage subject to
2669 the special permit and may review the permitholder's business or
2670 planting records at her or his place of business during normal
2671 business hours in order to determine the acreage planted. The
2672 failure of a permitholder to furnish such statement or to make
2673 such records available is cause for suspension of the special
2674 permit. If the department finds such failure to be willful, the
2675 special permit may be revoked.

2676 Section 133. Subsection (8) of section 581.131, Florida
2677 Statutes, is amended to read:

2678 581.131 Certificate of registration.—

2679 (8) The department shall provide to each person subject to
 2680 this section written notice and renewal forms 30 ~~60~~ days before
 2681 ~~prior to~~ the annual renewal date informing the person of the
 2682 certificate of registration renewal date and the applicable fee.

2683 Section 134. Paragraph (a) of subsection (2) of section
 2684 581.141, Florida Statutes, is amended to read:

2685 581.141 Certificate of registration or of inspection;
 2686 revocation and suspension; fines.—

2687 (2) FINES; PROBATION.—

2688 (a)1. The department may, after notice and hearing, impose
 2689 an administrative a fine in the Class II category pursuant to s.
 2690 570.971 not exceeding \$5,000 or probation not exceeding 12
 2691 months, or both, for a ~~the~~ violation of ~~any of the provisions of~~
 2692 this chapter or the rules adopted under this chapter upon a ~~any~~
 2693 person, nurseryman, stock dealer, agent, or plant broker. The
 2694 fine, when paid, shall be deposited in the Plant Industry Trust
 2695 Fund.

2696 2. The imposition of a fine or probation pursuant to this
 2697 subsection may be in addition to or in lieu of the suspension or
 2698 revocation of a certificate of registration or certificate of
 2699 inspection.

2700 Section 135. Section 581.186, Florida Statutes, is amended
 2701 to read:

2702 581.186 Endangered Plant Advisory Council; organization;
 2703 meetings; powers and duties.—

2704 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The

2705 meetings, powers and duties, procedures, and recordkeeping of
 2706 the Endangered Plant Advisory Council shall be pursuant to
 2707 ~~governed by the provisions of s. 570.232 570.0705 relating to~~
 2708 ~~advisory committees established within the department.~~

2709 Section 136. Paragraph (a) of subsection (3) of section
 2710 581.211, Florida Statutes, is amended to read:

2711 581.211 Penalties for violations.—

2712 (3) (a) 1. In addition to any other provision of law, the
 2713 department may, after notice and hearing, impose an
 2714 administrative fine pursuant to s. 570.971 in the Class II
 2715 category ~~not exceeding \$5,000~~ for each violation of this
 2716 chapter, upon a ~~any~~ person, nurseryman, stock dealer, agent, or
 2717 plant broker. The fine, when paid, shall be deposited in the
 2718 Plant Industry Trust Fund. In addition, the department may place
 2719 the violator on probation for up to 1 year, with conditions.

2720 2. The imposition of a fine or probation pursuant to this
 2721 subsection may be in addition to or in lieu of the suspension or
 2722 revocation of a certificate of registration or certificate of
 2723 inspection.

2724 Section 137. Subsection (2) of section 582.06, Florida
 2725 Statutes, is amended to read:

2726 582.06 Soil and Water Conservation Council; powers and
 2727 duties.—

2728 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 2729 meetings, powers and duties, procedures, and recordkeeping of
 2730 the Soil and Water Conservation Council shall be pursuant to

2731 ~~governed by the provisions of s. 570.232 ~~570.0705~~ relating to~~
 2732 ~~advisory committees established within the department.~~

2733 Section 138. Subsection (4) of section 583.01, Florida
 2734 Statutes, is amended to read:

2735 583.01 Definitions.—For the purpose of this chapter,
 2736 unless elsewhere indicated, the term:

2737 (4) "Dealer" means a ~~any~~ person, firm, or corporation,
 2738 including a producer, processor, retailer, or wholesaler, that
 2739 sells, offers for sale, or holds for the purpose of sale in this
 2740 state 30 dozen or more eggs or its equivalent in any one week,
 2741 or more than 384 ~~in excess of 100 pounds of dressed birds~~
 2742 ~~poultry~~ in any one week.

2743 Section 139. Subsection (1) of section 585.007, Florida
 2744 Statutes, is amended to read:

2745 585.007 Violation of rules; violation of chapter.—

2746 (1) A ~~Any~~ person who violates ~~the provisions of this~~
 2747 chapter or any rule of the department shall be subject to the
 2748 imposition of an administrative fine in the Class III category
 2749 pursuant to s. 570.971 ~~of up to \$10,000~~ for each offense. Upon
 2750 repeated violation, the department may seek enforcement pursuant
 2751 to s. 120.69.

2752 Section 140. Paragraph (a) of subsection (2) of section
 2753 586.15, Florida Statutes, is amended to read:

2754 586.15 Penalty for violation.—

2755 (2) (a) The department may, after notice and hearing,
 2756 impose an administrative ~~a~~ fine in the Class II category

2757 pursuant to s. 570.971 ~~not exceeding \$5,000~~ for a the violation
 2758 ~~of any of the provisions~~ of this chapter or the rules adopted
 2759 under this chapter upon any person. The fine, when paid, shall
 2760 be deposited in the Plant Industry Trust Fund. The imposition of
 2761 a fine pursuant to this subsection may be in addition to or in
 2762 lieu of the suspension or revocation of a permit or a
 2763 certificate of inspection or registration.

2764 Section 141. Subsection (3) of section 586.161, Florida
 2765 Statutes, is amended to read:

2766 586.161 Honeybee Technical Council.—

2767 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
 2768 meetings, powers and duties, procedures, and recordkeeping of
 2769 the Honeybee Technical Council shall be pursuant to ~~governed by~~
 2770 ~~the provisions of s. 570.232 570.0705 relating to advisory~~
 2771 ~~committees established within the department.~~

2772 Section 142. Subsection (3) is added to section 589.08,
 2773 Florida Statutes, to read:

2774 589.08 Land acquisition restrictions.—

2775 (3) The Florida Forest Service shall pay 15 percent of the
 2776 gross receipts from the Goethe State Forest to each fiscally
 2777 constrained county, as described in s. 218.67(1), in which a
 2778 portion of the respective forest is located in proportion to the
 2779 forest acreage located in such county. The funds must be equally
 2780 divided between the board of county commissioners and the school
 2781 board of each fiscally constrained county.

2782 Section 143. Section 589.081, Florida Statutes, is

2783 repealed.

2784 Section 144. Subsections (1) and (3) of section 589.011,
2785 Florida Statutes, are amended to read:

2786 589.011 Use of state forest lands; fees; rules.—

2787 (1) (a) If authorized by a land management plan approved
2788 pursuant to chapter 253 or by an interim assignment letter which
2789 identifies the interim management activities issued by the
2790 Department of Environmental Protection pursuant to chapter 259,
2791 the Florida Forest Service of the Department of Agriculture and
2792 Consumer Services may grant privileges, permits, leases, and
2793 concessions for the use of state forest lands or any lands
2794 leased by or otherwise assigned to the Florida Forest Service
2795 for management purposes, timber, and forest products pursuant to
2796 ~~for purposes not inconsistent with the provisions of this~~
2797 ~~chapter.~~

2798 (b) Lessees of such lands that are open to the public for
2799 recreational purposes, where such lease or agreement recognizes
2800 that the state is responsible for personal injury, loss, or
2801 damage resulting in whole or in part from public use of the area
2802 under the terms of the lease or agreement, subject to the
2803 limitations and conditions specified in s. 768.28, owe no duty
2804 of care to keep the area safe for entry or use by others or to
2805 give warning to persons entering or going into the area of any
2806 hazardous conditions, structures, or activities thereon.

2807 (c) Lessees who lease property from the Florida Forest
2808 Service that is open to the public for recreational purposes:

2809 1. Are not presumed to extend any assurance that the
 2810 leased area is safe for any purpose.

2811 2. Do not incur any duty of care toward a person who goes
 2812 into the area that is subject to the lease or agreement.

2813 3. Are not liable or responsible for any injury to persons
 2814 or property caused by the act or omission of a person who goes
 2815 into the area that is subject to the lease or agreement.

2816 (d) This subsection:

2817 1. Applies to all persons going into the leased area,
 2818 including invitees, licensees, and trespassers.

2819 2. Does not relieve a person of liability that would
 2820 otherwise exist for deliberate, willful, or malicious injury to
 2821 persons or property.

2822 3. Does not create or increase liability of a person.

2823 (3) The Florida Forest Service may ~~shall~~ ~~have the power to~~
 2824 ~~set and charge reasonable fees, rentals, or charges~~ ~~rent~~ for the
 2825 use or operation of facilities and concessions on state forests
 2826 or any lands leased by or otherwise assigned to the Florida
 2827 Forest Service for management purposes based on factors such as
 2828 the cost and extent of recreational facilities and services,
 2829 geographic location, seasonal public demand, fees charged by
 2830 other governmental and private entities for comparable services
 2831 and activities, and market value and demand for forest products.
 2832 Moneys collected from such fees, rentals, and charges ~~rent~~ shall
 2833 be deposited into the Incidental Trust Fund of the Florida
 2834 Forest Service.

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2835 Section 145. Section 589.20, Florida Statutes, is amended
 2836 to read:

2837 589.20 Cooperation by Florida Forest Service.—The Florida
 2838 Forest Service may cooperate with other state agencies, water
 2839 management districts, municipalities, and other government
 2840 entities ~~who are custodians of lands which are suitable for~~
 2841 ~~forestry purposes,~~ in the designation and dedication of ~~such~~
 2842 lands that are suitable for forestry purposes ~~when in the~~
 2843 ~~opinion of the state agencies concerned such lands are suitable~~
 2844 ~~for these purposes and can be so administered.~~ Lands designated
 2845 and dedicated by a state agency, water management district,
 2846 municipality, or other government entity ~~Upon the designation~~
 2847 ~~and dedication of said lands for forestry these purposes by the~~
 2848 ~~agencies concerned, said lands shall be administered by the~~
 2849 Florida Forest Service.

2850 Section 146. Subsection (7) of section 590.02, Florida
 2851 Statutes, is amended to read:

2852 590.02 Florida Forest Service; powers, authority, and
 2853 duties; liability; building structures; Withlacoochee Training
 2854 ~~Florida Center for Wildfire and Forest Resources Management~~
 2855 ~~Training.~~—

2856 (7) The Florida Forest Service may organize, staff, equip,
 2857 and operate the Withlacoochee ~~Florida Forest~~ Training Center.
 2858 The center shall serve as a site where fire and forest resource
 2859 managers can obtain current knowledge, techniques, skills, and
 2860 theory as they relate to their respective disciplines.

2861 (a) The center may establish cooperative efforts involving
 2862 federal, state, and local entities; hire appropriate personnel;
 2863 and engage others by contract or agreement with or without
 2864 compensation to assist in carrying out the training and
 2865 operations of the center.

2866 (b) The center shall provide wildfire suppression training
 2867 opportunities for rural fire departments, volunteer fire
 2868 departments, and other local fire response units.

2869 (c) The center shall ~~will~~ focus on curriculum related to,
 2870 but not limited to, fuel reduction, an incident management
 2871 system, prescribed burning certification, multiple-use land
 2872 management, water quality, forest health, environmental
 2873 education, and wildfire suppression training for structural
 2874 firefighters.

2875 (d) The center may assess appropriate fees for food,
 2876 lodging, travel, course materials, and supplies in order to meet
 2877 its operational costs and may grant free meals, room, and
 2878 scholarships to persons and other entities in exchange for
 2879 instructional assistance.

2880 Section 147. Section 590.091, Florida Statutes, is
 2881 repealed.

2882 Section 148. Subsection (2) of section 590.125, Florida
 2883 Statutes, is amended to read:

2884 590.125 Open burning authorized by the Florida Forest
 2885 Service.—

2886 (2) NONCERTIFIED BURNING.—

2887 (a) Persons may be authorized to broadcast burn or pile
 2888 burn pursuant to ~~in accordance with~~ this subsection if:

- 2889 1. There is specific consent of the landowner or his or
 2890 her designee;
- 2891 2. Authorization has been obtained from the Florida Forest
 2892 Service or its designated agent before starting the burn;
- 2893 3. There are adequate firebreaks at the burn site and
 2894 sufficient personnel and firefighting equipment for the
 2895 containment of the fire;
- 2896 4. The fire remains within the boundary of the authorized
 2897 area;
- 2898 5. The person named responsible in the burn authorization
 2899 or a designee is present at the burn site until the fire is
 2900 completed;
- 2901 6. The Florida Forest Service does not cancel the
 2902 authorization; and
- 2903 7. The Florida Forest Service determines that air quality
 2904 and fire danger are favorable for safe burning.

2905 (b) A new authorization is not required for smoldering
 2906 that occurs within the authorized burn area unless new ignitions
 2907 are conducted by the person named responsible in the burn
 2908 authorization or a designee.

2909 (c) Monitoring the smoldering activity of a burn does not
 2910 require an additional authorization even if flames begin to
 2911 spread within the authorized burn area due to ongoing
 2912 smoldering.

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2913 (d) ~~(b)~~ A person who broadcast burns or pile burns in a
 2914 manner that violates ~~any requirement of~~ this subsection commits
 2915 a misdemeanor of the second degree, punishable as provided in s.
 2916 775.082 or s. 775.083.

2917 Section 149. Subsection (3) of section 590.14, Florida
 2918 Statutes, is amended to read:

2919 590.14 Notice of violation; penalties; legislative
 2920 intent.—

2921 (3) The department may also impose an administrative fine
 2922 in the Class I category pursuant to s. 570.971 for each, ~~not to~~
 2923 ~~exceed \$1,000 per~~ violation of ~~any section of~~ chapter 589 or
 2924 this chapter or violation of any rule adopted by the Florida
 2925 Forest Service to administer ~~provisions of~~ law conferring duties
 2926 upon the Florida Forest Service. The fine shall be based upon
 2927 the degree of damage, the prior violation record of the person,
 2928 and whether the person knowingly provided false information to
 2929 obtain an authorization. The fines shall be deposited in the
 2930 Incidental Trust Fund of the Florida Forest Service.

2931 Section 150. Subsection (2) of section 595.701, Florida
 2932 Statutes, is amended to read:

2933 595.701 Healthy Schools for Healthy Lives Council.—

2934 (2) The meetings, powers, duties, procedures, and
 2935 recordkeeping of the Healthy Schools for Healthy Lives Council
 2936 shall be pursuant to ~~governed by~~ s. 570.232 ~~570.0705,~~ relating
 2937 ~~to advisory committees established within the department.~~

2938 Section 151. Subsection (2) of section 597.0041, Florida

2939 Statutes, is amended to read:

2940 597.0041 Prohibited acts; penalties.-

2941 (2) (a) A ~~Any~~ person who violates ~~any provision of this~~
 2942 chapter or any rule adopted under this chapter ~~promulgated~~
 2943 ~~hereunder~~ is subject to a suspension or revocation of his or her
 2944 certificate of registration or license under this chapter. The
 2945 department may, in lieu of~~7~~ or in addition to the suspension or
 2946 revocation, impose on the violator an administrative fine in the
 2947 Class I category pursuant to s. 570.971 for each violation, for
 2948 each day the violation exists ~~in an amount not to exceed \$1,000~~
 2949 ~~per violation per day.~~

2950 (b) Except as provided in subsection (4), a ~~any~~ person who
 2951 violates ~~any provision of this chapter7~~ or any rule adopted
 2952 under this chapter hereunder7, commits a misdemeanor of the first
 2953 degree, punishable as provided in s. 775.082 or s. 775.083.

2954 Section 152. Subsection (1) of section 597.020, Florida
 2955 Statutes, is amended to read:

2956 597.020 Shellfish processors; regulation.-

2957 (1) The department may:

2958 (a) ~~is authorized to~~ Adopt by rule regulations,
 2959 specifications, and codes relating to sanitary practices for
 2960 catching, cultivating, handling, processing, packaging,
 2961 preserving, canning, smoking, and storing ~~of~~ oysters, clams,
 2962 mussels, scallops, and crabs.

2963 (b) ~~The department is also authorized to~~ License shellfish
 2964 processors who handle oysters, clams, mussels, scallops, and

2965 crabs when such activities relate to quality control, sanitary,
 2966 and public health practices pursuant to this section and chapter
 2967 500.

2968 (c) ~~The department is also authorized to~~ License or
 2969 certify, for a fee determined by rule, facilities used for
 2970 processing oysters, clams, mussels, scallops, and crabs, to levy
 2971 an administrative fine in the Class I category pursuant to s.
 2972 570.971 for each violation for each day the violation exists ~~of~~
 2973 ~~up to \$1,000 per violation per day~~ or to suspend or revoke such
 2974 licenses or certificates upon satisfactory evidence of a ~~any~~
 2975 violation of rules adopted pursuant to this section, and to
 2976 seize and destroy any adulterated or misbranded shellfish
 2977 products as defined by rule.

2978 Section 153. Subsection (2) of section 599.002, Florida
 2979 Statutes, is amended to read:

2980 599.002 Viticulture Advisory Council.—

2981 (2) The meetings, powers and duties, procedures, and
 2982 recordkeeping of the Viticulture Advisory Council shall be
 2983 pursuant to ~~governed by the provisions of s. 570.232 570.0705~~
 2984 ~~relating to advisory committees established within the~~
 2985 ~~department.~~

2986 Section 154. Section 601.67, Florida Statutes, is amended
 2987 to read:

2988 601.67 Disciplinary action by Department of Agriculture
 2989 against citrus fruit dealers.—

2990 (1) The Department of Agriculture may impose an

2991 administrative a fine in the Class IV category pursuant to s.
 2992 570.971 not to exceed ~~exceeding~~ \$50,000 for each ~~per~~ violation
 2993 against a ~~any~~ licensed citrus fruit dealer who violates ~~for~~
 2994 ~~violation of any provision of~~ this chapter and, in lieu of~~7~~ or
 2995 in addition to~~7~~ such fine, may revoke or suspend the license of
 2996 ~~any~~ such a dealer when it has been satisfactorily shown that
 2997 such dealer, in her or his activities as a citrus fruit dealer,
 2998 has:

2999 (a) Obtained a license by means of fraud,
 3000 misrepresentation, or concealment;

3001 (b) Violated or aided or abetted in the violation of any
 3002 law of this state governing or applicable to citrus fruit
 3003 dealers or any lawful rules of the Department of Citrus;

3004 (c) Been guilty of a crime against the laws of this or any
 3005 other state or government involving moral turpitude or dishonest
 3006 dealing or has become legally incompetent to contract or be
 3007 contracted with;

3008 (d) Made, printed, published, distributed, or caused,
 3009 authorized, or knowingly permitted the making, printing,
 3010 publication, or distribution of false statements, descriptions,
 3011 or promises of such a character as to reasonably induce a ~~any~~
 3012 person to act to her or his damage or injury, if such citrus
 3013 fruit dealer then knew, or by the exercise of reasonable care
 3014 and inquiry could have known, of the falsity of such statements,
 3015 descriptions, or promises;

3016 (e) Knowingly committed or been a party to any material

3017 fraud, misrepresentation, concealment, conspiracy, collusion,
 3018 trick, scheme, or device whereby another ~~any other~~ person
 3019 lawfully relying upon the word, representation, or conduct of
 3020 the citrus fruit dealer has acted to her or his injury or
 3021 damage;

3022 (f) Committed any act or conduct of the same or different
 3023 character than ~~of that hereinabove~~ enumerated which constitutes
 3024 fraudulent or dishonest dealing; or

3025 (g) Violated ~~any of the provisions of ss. 506.19-506.28,~~
 3026 ~~both sections inclusive.~~

3027 (2) The Department of Agriculture may impose an
 3028 administrative a fine in the Class IV category pursuant to s.
 3029 570.971 not to exceed ~~exceeding~~ \$100,000 for each ~~per~~ violation
 3030 against a ~~any~~ person who operates as a citrus fruit dealer
 3031 without a current citrus fruit dealer license issued by the
 3032 Department of Agriculture pursuant to s. 601.60. In addition,
 3033 the Department of Agriculture may order such person to cease and
 3034 desist operating as a citrus fruit dealer without a license. An
 3035 administrative order entered by the Department of Agriculture
 3036 under this subsection may be enforced pursuant to s. 601.73.

3037 (3) The Department of Agriculture shall impose an
 3038 administrative a fine in the Class IV category pursuant to s.
 3039 570.971 not exceed ~~of not less than \$10,000 nor more than~~
 3040 \$100,000 for each ~~per~~ violation against a ~~any~~ licensed citrus
 3041 fruit dealer and shall suspend, for 60 days during the first
 3042 available period between September 1 and May 31, the license of

3043 | a ~~any~~ citrus fruit dealer who:

3044 | (a) Falsely labels or otherwise misrepresents that a fresh
3045 | citrus fruit was grown in a specific production area specified
3046 | in s. 601.091; or

3047 | (b) Knowingly, falsely labels or otherwise misrepresents
3048 | that a processed citrus fruit product was prepared solely with
3049 | citrus fruit grown in a specific production area specified in s.
3050 | 601.091.

3051 | (4) A ~~Any~~ fine imposed pursuant to subsection (1),
3052 | subsection (2), or subsection (3), when paid, shall be deposited
3053 | by the Department of Agriculture into its General Inspection
3054 | Trust Fund.

3055 | (5) Whenever an ~~any~~ administrative order has been made and
3056 | entered by the Department of Agriculture that imposes a fine
3057 | pursuant to this section, such order shall specify a time limit
3058 | for payment of the fine, not exceeding 15 days. The failure of
3059 | the citrus fruit dealer ~~involved~~ to pay the fine within that
3060 | time shall result in the immediate suspension of such citrus
3061 | fruit dealer's current license, or any subsequently issued
3062 | license, until ~~such time as~~ the order has been fully satisfied.

3063 | An ~~Any~~ order suspending a citrus fruit dealer's license shall
3064 | include a provision that the ~~such~~ suspension shall be for a
3065 | specified period ~~of time~~ not to exceed 60 days, and such period
3066 | of suspension may begin ~~commence~~ at any designated date within
3067 | the current license period or subsequent license period.

3068 | Whenever an order has been entered that suspends a citrus fruit

3069 dealer's license for a definite period ~~of time~~ and that license,
 3070 by law, expires during the period of suspension, the suspension
 3071 order shall continue automatically and shall be effective
 3072 against any subsequent citrus fruit dealer ~~dealer's~~ license
 3073 issued to such dealer until ~~such time as~~ the entire period of
 3074 suspension has elapsed. Whenever any such administrative order
 3075 of the Department of Agriculture is sought to be reviewed by the
 3076 offending dealer involved in a court of competent jurisdiction,
 3077 if such court proceedings should finally terminate in such
 3078 administrative order being upheld or not quashed, such order
 3079 shall ~~thereupon~~, upon the filing with the Department of
 3080 Agriculture of a certified copy of the mandate or other order of
 3081 the last court having to do with the matter in the judicial
 3082 process, become immediately effective and shall then be carried
 3083 out and enforced notwithstanding such time will be during a new
 3084 and subsequent shipping season from that during which the
 3085 administrative order was first originally entered by the
 3086 Department of Agriculture.

3087 Section 155. Section 604.22, Florida Statutes, is amended
 3088 to read:

3089 604.22 Dealers to keep records; contents.-

3090 (1) (a) Each licensee, while acting as agent for a
 3091 producer, shall make and preserve for at least 1 year a record
 3092 of each transaction, specifying the name and address of the
 3093 producer for whom she or he acts as agent; the date of receipt;
 3094 the kind, quality, and quantity of agricultural products

3095 received; the name and address of the purchaser of each package
 3096 of agricultural products; the price for which each package was
 3097 sold; the amount of any additional charges necessary to
 3098 effectuate the sale; the amount and explanation of any
 3099 adjustments given; and the net amount due from each purchaser.

3100 (b) An account of sales shall be furnished to each
 3101 producer within 48 hours after the sale of such agricultural
 3102 products unless otherwise agreed to in a written contract or
 3103 verifiable oral agreement. Such account of sales shall clearly
 3104 show the sale price of each lot of agricultural products sold;
 3105 all adjustments to the original price, along with an explanation
 3106 of such adjustments; and an itemized showing of all marketing
 3107 costs deducted by the licensee, along with the net amount due
 3108 the producer.

3109 (c) The licensee shall make the payment to the producer
 3110 within 5 days after ~~of~~ the licensee's receipt of payment unless
 3111 otherwise agreed to in a written contract or verifiable oral
 3112 agreement.

3113 (2) (a) Notwithstanding ~~The provisions of~~ s. 604.16(2),
 3114 (3), and (4) ~~notwithstanding~~, a any person, partnership,
 3115 corporation, or other business entity, except a person described
 3116 in s. 604.16(1), who possesses and offers for sale agricultural
 3117 products is required to possess and display, upon the request of
 3118 a any department representative or state, county, or local law
 3119 enforcement officer, an invoice, bill of sale, manifest, or
 3120 other written document showing the date of sale, the name and

3121 address of the seller, and the kind and quantity of products for
 3122 all such agricultural products.

3123 (b) A ~~Any~~ person who violates ~~the provisions of this~~
 3124 section is subject to s. 604.30(2) and (3) ~~subsection is guilty~~
 3125 ~~of a misdemeanor of the second degree, punishable as provided in~~
 3126 ~~s. 775.082 or s. 775.083.~~

3127 Section 156. Paragraph (a) of subsection (3) of section
 3128 604.30, Florida Statutes, is amended to read:

3129 604.30 Penalties; injunctive relief; administrative
 3130 fines.—

3131 (3) (a) In addition to the penalties provided in this
 3132 section, the department may, after notice and hearing, impose an
 3133 administrative ~~a~~ fine in the Class II category pursuant to s.
 3134 570.971 not to exceed ~~exceeding~~ \$2,500 for a ~~the~~ violation of
 3135 ~~any of the provisions of~~ ss. 604.15-604.34 or the rules adopted
 3136 thereunder against a ~~any~~ dealer in agricultural products.† Such
 3137 fine, when imposed and paid, shall be deposited by the
 3138 department into the General Inspection Trust Fund.

3139 Section 157. Paragraph (a) of subsection (19) of section
 3140 616.242, Florida Statutes, is amended to read:

3141 616.242 Safety standards for amusement rides.—

3142 (19) ENFORCEMENT AND PENALTIES.—

3143 (a) The department may deny, suspend for a period not to
 3144 exceed 1 year, or revoke any permit or inspection certificate.
 3145 In addition to denial, suspension, or revocation, the department
 3146 may impose an administrative fine in the Class II category

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3147 pursuant to s. 570.971 not to exceed ~~of up to~~ \$2,500 for each
 3148 ~~per~~ violation, for each day the violation exists ~~per day~~,
 3149 against the owner of the amusement ride if it finds that:
 3150 1. An amusement ride has operated or is operating:
 3151 a. With a mechanical, structural, or electrical defect
 3152 that affects patron safety, of which the owner or manager has
 3153 knowledge, or, through the exercise of reasonable diligence,
 3154 should have knowledge;
 3155 b. In a manner or circumstance that presents a risk of
 3156 serious injury to patrons;
 3157 c. At a speed in excess of its maximum safe operating
 3158 speed;
 3159 d. In violation of this section or any rule adopted under
 3160 this section; or
 3161 e. In violation of an ~~any~~ order of the department or order
 3162 of any court; ~~or~~.
 3163 2. A ~~Any~~ manager in the course of his or her duties is
 3164 under the influence of drugs or alcohol.
 3165 Section 158. This act shall take effect July 1, 2014.