

Regular Session, 2010

SENATE BILL NO. 580

BY SENATOR CLAITOR

HORTICULTURE. Provides relative to fines for cut flower dealer permit violations.
(gov sig)

1 AN ACT

2 To enact R.S. 3:3810.2(C), relative to cut flower dealer permits; to provide relative to civil
3 penalties and fines; to provide relative to minimum distance requirements; to
4 eliminate fines for certain violations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 3:3810.2(C) is hereby enacted to read as follows:

7 §3810.2. Civil penalties and costs

8 * * *

9 C. The provisions of this Section shall not apply to violations of R.S.

10 3:3808(D)(1).

11 Section 2. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Johnson.

DIGEST

Present law authorizes the Horticulture Commission to issue a cut flower dealer permit to sell cut flowers either singly or in bunches, or both.

Proposed law retains present law.

Present law prohibits the holder of a cut flower permit from selling cut flowers within 300 feet of the place of business of another person engaged in the profession of retail florist.

Proposed law retains present law.

Present law authorizes the Horticulture Commission to issue the following fines for violations:

- (1) A civil penalty of not more than \$250 for each violation if the person subject to the civil penalty has not been found guilty of a violation in a prior adjudicatory proceeding held by the commission.
- (2) A civil penalty of not more than \$500 for each violation if the person subject to the civil penalty has been found guilty of a violation in a prior adjudicatory proceeding held by the commission.
- (3) A civil penalty of not more than \$1,000 for each violation if the person subject to the civil penalty has been found guilty of a violation in two or more prior adjudicatory proceedings held by the commission.

Further provides that the commission may assess the cost of the adjudicatory proceeding against any person found to be in violation, which may include the cost of any investigation leading up to or made during the course of an adjudicatory proceeding.

Proposed law retains present law but provides an exemption from the fines and costs for the violation of a cut flower dealer permit holder selling flowers within 300 feet of the place of business of another person engaged in the profession of retail florist.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 3:3810.2(C))