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

(1) The Department of Agriculture and Consumer Services may impose an administrative fine in the Class II category pursuant to s. 570.971 against any dealer, as defined in s. 583.01(4), in violation of the guidelines for the Florida seal of quality for eggs or poultry programs. All fines, when imposed and paid, shall be deposited by the department into the General Inspection Trust Fund.

(2) Whenever any administrative order has been made and entered by the department imposing a fine pursuant to this section, the order shall specify the amount of fine and time limit for payment thereof, not exceeding 15 days, and, upon failure of the dealer to pay the fine within that time, the permit of the dealer issued under s. 500.12 shall be subject to suspension.

History.—s. 3, ch. 86-215; s. 37, ch. 92-180; s. 117, ch. 2014-150.

PART II
FLORIDA AGRICULTURAL PROMOTIONAL CAMPAIGN ACT

571.21 Short title. — This part may be cited as the “Florida Agricultural Promotional Campaign Act.”
History.—s. 16, ch. 90-323.

571.22 Legislative intent. — The Legislature finds that there is a need for a Florida Agricultural Promotional Campaign to increase consumer awareness and expand the market for Florida’s agricultural products. The Legislature further finds that the Florida Agricultural Promotional Campaign is a partnership between industry and the state to efficiently promote and advertise such products.
History.—s. 16, ch. 90-323.

571.23 Definitions. — For purposes of this part, the following terms shall have the following meanings:

1) “Department” means the Department of Agriculture and Consumer Services.

2) “Person” means an individual, firm, partnership, corporation, association, business, trust, legal representative, or any other business unit.

3) “Reproduce” means to stencil, emboss, print, engrave, impress, imprint, lithograph, or duplicate in any manner or to cause any such acts to be done.

4) “Agricultural product” means any fresh or processed horticultural, aquacultural, viticultural, fish or seafood, dairy, poultry, apicultural, or other farm or garden product.

5) “Division” means the Division of Marketing and Development of the Department of Agriculture and Consumer Services.
History.—s. 16, ch. 90-323; s. 43, ch. 92-291; s. 40, ch. 93-169.

571.24 Purpose; duties of the department. — The purpose of this part is to authorize the department to establish and coordinate the Florida Agricultural Promotional Campaign. The Legislature intends for the Florida Agricultural Promotional Campaign to serve as a marketing program to promote Florida agricultural commodities, value-added
products, and agricultural-related businesses and not as a food safety or traceability program. The duties of the department shall include, but are not limited to:

1. Developing logos and authorizing the use of logos as provided by rule.
2. Registering participants.
3. Assessing and collecting fees.
4. Collecting rental receipts for industry promotions.
5. Developing in-kind advertising programs.
6. Contracting with media representatives for the purpose of dispersing promotional materials.
7. Assisting the representative of the department who serves on the Florida Agricultural Promotional Campaign Advisory Council.
8. Adopting rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.
9. Enforcing and administering the provisions of this part, including measures ensuring that only Florida agricultural or agricultural based products are marketed under the “Fresh From Florida” or “From Florida” logos or other logos of the Florida Agricultural Promotional Campaign.

History.—s. 16, ch. 90-323; s. 189, ch. 98-200; s. 10, ch. 99-391; s. 76, ch. 2000-158; s. 11, ch. 2014-43; s. 16, ch. 2016-61; s. 37, ch. 2017-3.

571.25 Registration and fees.—
(1) Any person who participates in the Florida Agricultural Promotional Campaign shall register annually with the department in a form and manner as required by the department. Each person shall renew his or her registration on the anniversary date of his or her original membership.
(2) The department is hereby authorized to establish by rule, registration and renewal fees sufficient to cover the cost of administering the Florida Agricultural Promotional Campaign, including all personnel costs. Fees shall be deposited in the Florida Agricultural Promotional Campaign Trust Fund.

History.—s. 16, ch. 90-323; s. 8, ch. 98-396.

571.26 Florida Agricultural Promotional Campaign Trust Fund.—There is hereby created the Florida Agricultural Promotional Campaign Trust Fund within the Department of Agriculture and Consumer Services to receive all moneys related to the Florida Agricultural Promotional Campaign. Moneys deposited in the trust fund shall be appropriated for the sole purpose of implementing the Florida Agricultural Promotional Campaign.

History.—s. 16, ch. 90-323.

571.27 Rules.—The department is authorized to adopt rules that implement, make specific, and interpret the provisions of this part. The department is further authorized to determine, by rule, the logos or product identifiers to be depicted for use in advertising, publicizing, and promoting the sale of Florida agricultural products or agricultural-based products in the Florida Agricultural Promotional Campaign. The department may also adopt rules consistent with the provisions of this part as in its judgment may be necessary for participant registration, renewal of registration, classes of membership, application forms, and other forms and enforcement measures ensuring compliance with this part.

History.—s. 16, ch. 90-323; s. 11, ch. 99-391; s. 17, ch. 2016-61.

571.28 Florida Agricultural Promotional Campaign Advisory Council.—
(1) ORGANIZATION.—There is created within the department the Florida Agricultural Promotional Campaign Advisory Council, to consist of 15 members appointed by the Commissioner of Agriculture for 4-year staggered terms. The membership shall include: 13 members representing agricultural producers, shippers, packers, retailers, agricultural associations, and wholesalers of agricultural products, one member representing consumers, and one member representing the department. Initial appointment of the council members shall be four members to a term of 4 years, four members to a term of 3 years, four members to a term of 2 years, and three members to a term of 1 year.
(2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The meetings, powers and duties, procedures, and recordkeeping of the Florida Agricultural Promotional Campaign Advisory Council shall be pursuant to s. 570.232.
571.29 Unlawful acts; administrative remedies; criminal penalties.—

(1) It is unlawful for any person to use, reproduce, or distribute the “Fresh From Florida” or “From Florida” logos or other logos of the Florida Agricultural Promotional Campaign without being registered with the department, or to otherwise violate the provisions of this part or any rules adopted under this part.

(2) It is unlawful for any person to use, reproduce, or distribute the “Fresh From Florida” or “From Florida” logos or other logos of the Florida Agricultural Promotional Campaign on any agricultural or agricultural-based products that are not Florida products.

(3) The department may enter an order imposing one or more of the following penalties against any person who violates any of the provisions of this part or any rules adopted under this part:
   (a) Issuance of a warning letter.
   (b) Imposition of an administrative fine in the Class I category pursuant to s. 570.971 for each violation for a first-time offender. For a second-time offender or a person who is shown to have willfully and intentionally violated this part or any rules adopted under this part, the administrative fine shall be in the Class II category pursuant to s. 570.971 for each violation. The term “each violation” means each incident in which a logo of the Florida Agricultural Promotional Campaign has been used, reproduced, or distributed in any manner inconsistent with this part or the rules adopted under this part.
   (c) Revocation or suspension of any registration issued by the department.

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

(4) Any person who commits a violation of the provisions of this part or rules adopted under this part is, for the first offense, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and is, for each succeeding offense, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 16, ch. 90-323; s. 5, ch. 91-429; s. 44, ch. 93-169; s. 21, ch. 94-335; s. 47, ch. 2011-206; s. 118, ch. 2014-150; s. 18, ch. 2016-61.

571.301 Injunction.—In addition to the remedies provided in this part and notwithstanding the existence of any adequate remedy at law, the department is authorized to make application for injunction to a circuit judge, and such circuit judge shall have jurisdiction upon a hearing for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any provisions of this part or from failing or refusing to comply with the requirements of this part or any rule adopted hereunder, such injunction to be issued without bond.

History.—s. 13, ch. 99-391.