

support organization and shall be used by the organization in a manner consistent with the goals of the museum or designated program.

(6) The identity of a donor or prospective donor who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(7) The Commissioner of Agriculture, or the commissioner's designee, may serve on the board of trustees and the executive committee of any direct-support organization established to benefit the museum or any designated program.

(8) The department shall establish by rule archival procedures relating to museum artifacts and records. The rules shall provide procedures which protect the museum's artifacts and records equivalent to those procedures which have been established by the Department of State under chapters 257 and 267.

History.—s. 13, ch. 92-151; s. 37, ch. 93-169; s. 1, ch. 95-126; s. 350, ch. 96-406.

570.953 Agriculture Center and Horse Park Authority; donor identity; records; confidentiality.—The identity of a donor to the Florida Agriculture Center and Horse Park Authority, if so requested by the donor in writing, is confidential and exempt from s. 24(a), Art. I of the State Constitution and the provisions of s. 119.07(1). All other records of the authority are public records for the purposes of chapter 119. This exemption is necessary to protect the privacy of the donor and to encourage donors to make donations without being subjected to requests for moneys from other persons.

History.—s. 1, ch. 94-283; s. 351, ch. 96-406.

(2) Information that, if disclosed, would reveal a trade secret, as defined in s. 812.081, of any person subject to a marketing order is confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except to an attorney who provides legal advice to the division about enforcing a market order or by court order. A person who receives confidential information under this subsection shall maintain the confidentiality of that information.

(3) The department or its duly authorized or designated representative or representatives may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas for the production of books, records, or documents relevant and material to the subject matter of the hearings.

(4) No person shall be excused from attending and testifying or from producing documentary evidence before the department, or its duly authorized or designated representative or representatives, in obedience to the subpoena of the department on the ground or the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may be so required to testify, or to produce evidence, documentary or otherwise, before the department in obedience to a subpoena issued, provided no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

History.—ss. 23, 26, ch. 87-171; s. 4, ch. 91-429; s. 5, ch. 92-4; s. 352, ch. 96-406.

CHAPTER 573

MARKETING OF AGRICULTURAL COMMODITIES

- 573.105 Petition of producers.
573.123 Maintenance and production of records.

573.105 Petition of producers.—Upon the application or petition of 10 percent of the affected producers who state they have reason to believe that the issuance of a marketing order will tend to effectuate the declared policy of ss. 573.101-573.124, the department may give due notice of, and an opportunity for, a public hearing upon a proposed marketing order.

History.—ss. 5, 26, ch. 87-171; s. 4, ch. 91-429; s. 7, ch. 96-231.

573.123 Maintenance and production of records.

(1) The department may require any and all persons directly affected by and subject to the provisions of any marketing order to maintain books and records reflecting their operations under the marketing order, to furnish to the department or its duly authorized or designated representative or representatives any information as may be from time to time requested by them relating to operations under the marketing order, and to permit the inspection by the department or its duly authorized or designated representative or representatives of such portions of the books and records as relate to operations under the marketing order.

CHAPTER 575

CERTIFICATION SEED LAW

- 575.01 Definitions.
575.02 Certification of seed, seedlings, vegetative propagating materials, and plants.
575.03 Fees for certification.
575.04 Unlawful labeling.
575.05 Rules.
575.06 Employees.
575.07 Penalties; administrative fine.
575.09 Short title.
575.10 Purpose.

575.01 Definitions.—[Repealed by s. 3, ch. 96-231, and s. 10, ch. 96-407.]

575.02 Certification of seed, seedlings, vegetative propagating materials, and plants.—[Repealed by s. 3, ch. 96-231, and s. 10, ch. 96-407.]

575.03 Fees for certification.—[Repealed by s. 3, ch. 96-231, and s. 10, ch. 96-407.]

575.04 Unlawful labeling.—[Repealed by s. 3, ch. 96-231, and s. 10, ch. 96-407.]

575.05 Rules.—[Repealed by s. 3, ch. 96-231, and s. 10, ch. 96-407.]

575.06 Employees.—[Repealed by s. 3, ch. 96-231, and s. 10, ch. 96-407.]

575.07 Penalties; administrative fine.—[Repealed by s. 3, ch. 96-231, and s. 10, ch. 96-407.]

575.09 Short title.—[Repealed by s. 3, ch. 96-231, and s. 10, ch. 96-407.]

575.10 Purpose.—[Repealed by s. 3, ch. 96-231, and s. 10, ch. 96-407.]

CHAPTER 578

SEED

578.13 Prohibitions.

578.30 Seed Technical Council.

578.13 Prohibitions.—

(1) It shall be unlawful for any person to sell, distribute for sale, offer for sale, expose for sale, handle for sale, or solicit orders for the purchase of any agricultural, vegetable, flower, or forest tree seed within this state:

(a) Unless the test to determine the percentage of germination required by s. 578.09 shall have been completed within a period of 7 months, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, offering for sale, or transportation, except for germination test for seed in hermetically sealed containers which is provided for in s. 578.28.

(b) Not labeled in accordance with the provisions of this law, or having false or misleading labeling.

(c) Pertaining to which there has been a false or misleading advertisement.

(d) Containing noxious weed seeds subject to tolerances and methods of determination prescribed in the rules and regulations under this law.

(e) Unless a seed license has been obtained in accordance with the provisions of this law.

(f) Unless such seed conforms to the definition of a "lot of seed."

(2) It shall be unlawful for any person within this state:

(a) To detach, deface, destroy, or use a second time any label or tag provided for in this law or in the rules and regulations made and promulgated hereunder or to alter or substitute seed in a manner that may defeat the purpose of this law.

(b) To disseminate any false or misleading advertisement concerning agricultural, vegetable, flower, or forest tree seed in any manner or by any means.

(c) To hinder or obstruct in any way any authorized person in the performance of his duties under this law.

(d) To fail to comply with a stop-sale order or seizure order.

(e) To sell, distribute for sale, offer for sale, expose for sale, handle for sale, or solicit orders for the purchase of any agricultural, vegetable, flower, or forest tree seed labeled "certified seed," "registered seed," "foundation seed," "breeder seed," or similar terms, unless it has

been produced and labeled under seal in compliance with the rules and regulations of any agency authorized by law.

(f) To fail to keep a complete record, including a file sample which shall be retained for 1 year after seed is sold, of each lot of seed and to make available for inspection such records to the department or its duly authorized agents.

(g) To use the name of the Department of Agriculture and Consumer Services or Florida State Seed Laboratory in connection with analysis tag, labeling advertisement, or sale of any seed in any manner whatsoever.

History.—s. 4, ch. 20251, 1941; s. 4, ch. 21942, 1943; s. 4, ch. 22694, 1945; s. 6, ch. 57-199; s. 5, ch. 61-436; ss. 14, 35, ch. 69-106; s. 10, ch. 69-144; s. 13, ch. 96-407.

578.30 Seed Technical Council.—

(1) **COMPOSITION.**—The Seed Technical Council is created within the Department of Agriculture and Consumer Services and shall be composed of 11 members to be appointed by the Commissioner of Agriculture as follows:

(a) Two representatives of the department; one member representing the certified seed growers; one member representing the registered seed dealers; two members representing the vegetable industry; two members representing the agronomic industry; one member representing the greenhouse plant growers; one member representing field seed growers or processors; and one member representing the University of Florida Institute of Food and Agriculture Science.

(b) For the initial appointments, three members shall be appointed for 4-year terms, two members shall be appointed for 3-year terms, two members shall be appointed for 2-year terms, and two members and the department representatives shall be appointed for 1-year terms. Thereafter, all members shall be appointed for a 4-year term, except the two department representatives who shall be appointed each year.

(c) If a vacancy occurs, it shall be filled for the remainder of the term in the same manner as an initial appointment.

(2) **POWERS AND DUTIES.**—The Seed Technical Council shall:

(a) Consider and study all issues involving seed, seedlings, vegetative propagating materials, and plants.

(b) Review and make recommendations to the department on any seed matter.

(c) Advise and consult with the Commissioner of Agriculture and the directors of the divisions responsible for conducting the seed inspection program, at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to inspection, regulation, and certification.

(d) Consider all matters submitted to it by the Commissioner of Agriculture, the division directors, or other members of the council.

(e) Submit proposed legislation and rules to the Commissioner of Agriculture.

(f) Suggest policies and practices for the administration of this chapter to the Commissioner of Agriculture and the division directors, which they shall duly consider.