

602.085 Venue for administrative proceedings.—

All administrative proceedings shall be held in the county in which the citrus nursery plants were destroyed, unless otherwise ordered by the administrative law judge for good cause.

*History.—*s. B, ch. 89-91, s. 262, ch. 96-410.

CHAPTER 604**GENERAL AGRICULTURAL LAWS****604.21 Complaint; investigation; hearing.****604.21 Complaint; investigation; hearing.—**

(1) Any person claiming himself to be damaged by any breach of the conditions of a bond or certificate of deposit assignment or agreement given by a licensed dealer in agricultural products as hereinbefore provided may enter complaint thereof against the dealer and against the surety, if any, to the department, which complaint shall be a written statement of the facts constituting the complaint. Such complaint shall be filed within 6 months from the date of sale in instances involving direct sales or from the date on which the agricultural product was received by the dealer in agricultural products, as agent, to be sold for the producer. No complaint shall be filed pursuant to this section unless the transactions involved total at least \$250 and occurred in a single license year.

(2) Upon the filing of such complaint in the manner herein provided, the department shall investigate the matters complained of; whereupon, if, in the opinion of the department, the facts contained in the complaint warrant such action, the department shall send to the dealer in question, by certified mail, notice of the filing of the complaint. Such notice shall be accompanied by a true copy of the complaint. A copy of such notice and complaint shall also be sent to the surety company, if any, that provided the bond for the dealer, which surety company shall become party to the action. Such notice of the complaint shall inform the dealer of a reasonable time within which to answer the complaint by advising the department in writing that the allegations in the complaint are admitted or denied or that the complaint has been satisfied. Such notice shall also inform the dealer and the surety, if any, of a right to a hearing on the complaint, if requested.

(3) If the dealer admits the allegations of the complaint but fails to satisfy same within the time fixed by the department, the department shall thereupon order payment by the dealer of the amount found owed.

(4) If the dealer, in his answer, denies the allegations of the complaint and waives a hearing, the department may order a hearing or enter an order based on the facts and circumstances set forth in the complaint and the respondent's answer thereto. If the department determines the complaint has not been established, the order shall, among other things, dismiss the proceedings. If the department determines that the allegations of the complaint have been established, it shall enter its findings of fact accordingly and thereupon enter its order adjudicating the amount of indebtedness due to be paid by the dealer to the complainant.

(5) Any order entered by the department pursuant to this section shall become final 14 days after issue if neither the department nor a party whose material interest is affected by the order requests a hearing on the order within 14 days following the date of issue.

(6) Any party whose material interest is affected by a proceeding pursuant to this section shall be granted a hearing upon request. Such hearing shall be conducted pursuant to chapter 120. The order of the department, when issued pursuant to the recommended order of an administrative law judge, shall be final upon issuance.

(7) Any indebtedness set forth in a departmental order against a dealer shall be paid by the dealer within 15 days after such order becomes final.

(8) Upon the failure by a dealer to comply with an order of the department directing payment, the department shall, in instances involving bonds, call upon the surety company to pay over to the department out of the bond posted by the surety for such dealer or, in instances involving certificates of deposit, call upon the financial institution issuing such certificate to pay over to the department out of the certificate under the conditions of the assignment or agreement, the amount called for in the order of the department, not exceeding the amount of the bond or the principal of the certificate of deposit. If the bond or the principal of the certificate of deposit is insufficient to pay in full the amount due each complainant as set forth in the order of the department, the department shall distribute the proceeds pro rata among such complainants. The proceeds from a bond or the principal from a certificate of deposit shall be paid directly to the department to be distributed by it to successful complainants, except the accrued interest on a certificate of deposit shall be paid to the dealer. Such funds shall be considered trust funds in the hands of the department for the exclusive purpose of satisfying duly established complaints. Payments made to the department pursuant to this section shall be considered payments made upon demand and may not be considered voluntary payments.

(9) Nothing in this section may be construed as relieving a surety company from responsibility for payment on properly established complaints against dealers involved in a federal bankruptcy proceeding and against whom the department is prohibited from entering an order.

(10) Upon the failure of a surety company to comply with a demand for payment of the proceeds on a bond for a dealer in agricultural products, a complainant who is entitled to such proceeds, in total or in part, may, within a reasonable time, file in the circuit court a petition or complaint setting forth the administrative proceeding before the department and ask for final order of the court directing the surety company to pay the bond proceeds to the department for distribution to the complainants. If in such suit the complainant is successful and the court affirms the demand of the department for payment, the complainant shall be awarded all court costs incurred therein and also a reasonable attorney's fee to be fixed and collected as part of the costs of the suit. In lieu of such suit, the department may enforce its final agency action in the manner provided in s. 120.69.

History.—s. 7, ch. 20678, 1941; s. 3, ch. 57-139; s. 4, ch. 61-412; s. 2, ch. 67-109; ss. 14, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 6, ch. 78-95; ss. 8, 12, 14, ch. 79-238; ss. 2, 3, ch. 81-318; s. 3, ch. 83-6; ss. 3, 9, 10, ch. 90-161; s. 4, ch. 91-429; s. 263, ch. 96-410.

CHAPTER 607

CORPORATIONS

- 607.0122 Fees for filing documents and issuing certificates.
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607.0122 Fees for filing documents and issuing certificates.—The Department of State shall collect the following fees when the documents described in this section are delivered to the department for filing:

- (1) Articles of incorporation: \$35.
- (2) Application for reserved name: \$35.
- (3) Notice of transfer of reserved name: \$35.
- (4) Application for registered name: \$87.50.
- (5) Application for renewal of registered name: \$87.50.
- (6) Corporation's statement of change of registered agent or registered office or both if not included on the annual report: \$35.
- (7) Designation of and acceptance by registered agent: \$35.
- (8) Agent's statement of resignation from active corporation: \$87.50.
- (9) Agent's statement of resignation from administratively dissolved corporation: \$35.
- (10) Amendment of articles of incorporation: \$35.
- (11) Restatement of articles of incorporation with amendment of articles: \$35.
- (12) Articles of merger or share exchange for each party thereto: \$35.
- (13) Articles of dissolution: \$35.
- (14) Articles of revocation of dissolution: \$35.
- (15) Application for reinstatement following administrative dissolution: \$585.
- (16) Application for certificate of authority to transact business in this state by a foreign corporation: \$35.
- (17) Application for amended certificate of authority: \$35.
- (18) Application for certificate of withdrawal by a foreign corporation: \$35.
- (19) Annual report: \$61.25.
- (20) Articles of correction: \$35.
- (21) Application for certificate of status: \$8.75.
- (22) Certificate of domestication of a foreign corporation: \$50.
- (23) Certified copy of document: \$52.50.
- (24) Serving as agent for substitute service of process: \$87.50.

¹(25) Supplemental corporate fee: \$103.75.

(26) Any other document required or permitted to be filed by this act: \$35.

History.—s. 5, ch. 89-154; s. 63, ch. 90-132; s. 134, ch. 90-179; s. 25, ch. 92-319; ss. 1, 2, 3, ch. 96-212.

Note.—Section 2, ch. 96-212, amended subsections (15) and (25), effective January 1, 1998, to read:

(15) Application for reinstatement following administrative dissolution: \$600.

(25) Supplemental corporate fee: \$88.75.

607.0502 Change of registered office or registered agent; resignation of registered agent.—

(1) A corporation may change its registered office or its registered agent upon filing with the Department of State a statement of change setting forth:

- (a) The name of the corporation;
- (b) The street address of its current registered office;

- (c) If the current registered office is to be changed, the street address of the new registered office;

- (d) The name of its current registered agent;

- (e) If its current registered agent is to be changed, the name of the new registered agent and the new agent's written consent (either on the statement or attached to it) to the appointment;

- (f) That the street address of its registered office and the street address of the business office of its registered agent, as changed, will be identical;

- (g) That such change was authorized by resolution duly adopted by its board of directors or by an officer of the corporation so authorized by the board of directors.

(2) Any registered agent may resign his agency appointment by signing and delivering for filing with the Department of State a statement of resignation and mailing a copy of such statement to the corporation at its principal office address shown in its most recent annual report or, if none, filed in the articles of incorporation or other most recently filed document. The statement of resignation shall state that a copy of such statement has been mailed to the corporation at the address so stated. The agency is terminated as of the 31st day after the date on which the statement was filed and unless otherwise provided in the statement, termination of the agency acts as a termination of the registered office.

(3) If a registered agent changes his business name or business address, he may change such name or address and the address of the registered office of any corporation for which he is the registered agent by:

- (a) Notifying all such corporations in writing of the change,

- (b) Signing (either manually or in facsimile) and delivering to the Department of State for filing a statement that substantially complies with the requirements of paragraphs (1)(a) through (f), setting forth the names of all such corporations represented by the registered agent, and

- (c) Reciting that each corporation has been notified of the change.

- (4) Changes of the registered office or registered agent may be made by a change on the corporation's annual report form filed with the Department of State.