



LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2012	.	
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	.	

The Committee on Budget Subcommittee on Finance and Tax (Norman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 349 - 366
and insert:

Section 7. Paragraph (c) of subsection (16) and paragraph (a) of subsection (41) of section 570.07, Florida Statutes, are amended to read:

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

(16) To enforce the state laws and rules relating to:

(c) Registration, labeling, inspection, sale, use,



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13 composition, formulation, wholesale and retail distribution, and
14 analysis of commercial stock feeds and registration, labeling,
15 inspection, and analysis of commercial fertilizers;

16
17 In order to ensure uniform health and safety standards, the
18 adoption of standards and fines in the subject areas of
19 paragraphs (a)-(n) is expressly preempted to the state and the
20 department. Any local government enforcing the subject areas of
21 paragraphs (a)-(n) must use the standards and fines set forth in
22 the pertinent statutes or any rules adopted by the department
23 pursuant to those statutes.

24 (41) (a) Except as otherwise provided in paragraph (b), to
25 exercise the exclusive authority to regulate the sale,
26 composition, packaging, labeling, wholesale and retail
27 distribution, nutrient application rates, and formulation,
28 including nutrient content level and release rates, of
29 fertilizer under chapter 576. This subsection expressly preempts
30 such regulation of fertilizer to the state and precludes the
31 adoption or enforcement of any local ordinance that regulates
32 the application of fertilizer based upon the fertilizer's
33 composition or formulation, including nutrient content level and
34 release rates.

35 Section 8. Paragraph (a) of subsection (5) of section
36 576.181, Florida Statutes, is amended to read:

37 576.181 Administration; rules; procedure.-

38 (5) (a) Except as otherwise provided in paragraph (b), the
39 department has exclusive authority to regulate the sale,
40 composition, packaging, labeling, wholesale and retail
41 distribution, nutrient application rates, and formulation,



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42 including nutrient content level and release rates, of
43 fertilizer. This subsection expressly preempts such regulation
44 of fertilizer to the state and precludes the adoption or
45 enforcement of any local ordinance that regulates the
46 application of fertilizer based upon the fertilizer's
47 composition or formulation, including nutrient content level and
48 release rates.

49
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete line 73

53 and insert:

54 of commercial stock feeds; preempting the regulation
55 of fertilizer nutrient application rates to the state;
56 providing for applicability of certain provisions
57 preempting fertilizer regulations to the state;
58 amending s. 576.181, F.S.; preempting the regulation
59 of fertilizer nutrient application rates to the state;
60 providing for applicability of certain provisions
61 preempting fertilizer regulations to the state;
62 amending s. 580.036, F.S.;