

By Senator Perry

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1                   A bill to be entitled  
2       An act relating to agricultural practices; amending s.  
3       212.08, F.S.; exempting prescription and  
4       nonprescription animal health products used to treat  
5       poultry or livestock from sales, rental, use,  
6       consumption, distribution, and storage taxes; amending  
7       s. 320.08, F.S.; revising the circumstances under  
8       which a truck tractor or heavy truck engaged in  
9       transporting certain agricultural or horticultural  
10      products is eligible for a restricted license plate  
11      for a fee; amending s. 487.041, F.S.; deleting a  
12      requirement that registrants pay a supplemental fee  
13      for pesticides that contain an active ingredient for  
14      which the United States Environmental Protection  
15      Agency has established a food tolerance limit;  
16      conforming provisions to changes made by the act;  
17      deleting obsolete provisions; amending s. 801.011,  
18      F.S.; redefining the term "posted land" to include  
19      those lands with boundaries marked by a specified  
20      vertical line at specified intervals; amending s.  
21      823.14, F.S.; revising the term "farm product";  
22      providing effective dates.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Paragraph (a) of subsection (5) of section  
27       212.08, Florida Statutes, is amended to read:

28       212.08 Sales, rental, use, consumption, distribution, and  
29       storage tax; specified exemptions.—The sale at retail, the

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30 rental, the use, the consumption, the distribution, and the  
31 storage to be used or consumed in this state of the following  
32 are hereby specifically exempt from the tax imposed by this  
33 chapter.

34 (5) EXEMPTIONS; ACCOUNT OF USE.—

35 (a) *Items in agricultural use and certain nets.*—There are  
36 exempt from the tax imposed by this chapter nets designed and  
37 used exclusively by commercial fisheries; disinfectants,  
38 fertilizers, insecticides, pesticides, herbicides, fungicides,  
39 and weed killers used for application on crops or groves,  
40 including commercial nurseries and home vegetable gardens, used  
41 in dairy barns or on poultry farms for the purpose of protecting  
42 poultry or livestock, or used directly on poultry or livestock;  
43 prescription and nonprescription animal health products used to  
44 treat poultry or livestock; portable containers or movable  
45 receptacles in which portable containers are placed, used for  
46 processing farm products; field and garden seeds, including  
47 flower seeds; nursery stock, seedlings, cuttings, or other  
48 propagative material purchased for growing stock; seeds,  
49 seedlings, cuttings, and plants used to produce food for human  
50 consumption; cloth, plastic, and other similar materials used  
51 for shade, mulch, or protection from frost or insects on a farm;  
52 stakes used by a farmer to support plants during agricultural  
53 production; generators used on poultry farms; and liquefied  
54 petroleum gas or other fuel used to heat a structure in which  
55 started pullets or broilers are raised; however, such exemption  
56 is not allowed unless the purchaser or lessee signs a  
57 certificate stating that the item to be exempted is for the  
58 exclusive use designated herein. Also exempt are cellophane

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59 wrappers, glue for tin and glass (apiarists), mailing cases for  
60 honey, shipping cases, window cartons, and baling wire and twine  
61 used for baling hay, when used by a farmer to contain, produce,  
62 or process an agricultural commodity.

63 Section 2. Paragraph (n) of subsection (4) of section  
64 320.08, Florida Statutes, is amended to read:

65 320.08 License taxes.—Except as otherwise provided herein,  
66 there are hereby levied and imposed annual license taxes for the  
67 operation of motor vehicles, mopeds, motorized bicycles as  
68 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
69 and mobile homes as defined in s. 320.01, which shall be paid to  
70 and collected by the department or its agent upon the  
71 registration or renewal of registration of the following:

72 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
73 VEHICLE WEIGHT.—

74 (n) A truck tractor or heavy truck, not operated as a for-  
75 hire vehicle, which is engaged exclusively in transporting raw,  
76 unprocessed, and nonmanufactured agricultural or horticultural  
77 products within the state ~~a 150-mile radius of its home address,~~  
78 is eligible for a restricted license plate for a fee of:

79 1. If such vehicle's declared gross vehicle weight is less  
80 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
81 deposited into the General Revenue Fund.

82 2. If such vehicle's declared gross vehicle weight is  
83 44,000 pounds or more and such vehicle only transports from the  
84 point of production to the point of primary manufacture; to the  
85 point of assembling the same; or to a shipping point of a rail,  
86 water, or motor transportation company, \$324 flat, of which \$84  
87 shall be deposited into the General Revenue Fund.

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89 Such not-for-hire truck tractors and heavy trucks used  
90 exclusively in transporting raw, unprocessed, and  
91 nonmanufactured agricultural or horticultural products may be  
92 incidentally used to haul farm implements and fertilizers  
93 delivered direct to the growers. The department may require any  
94 documentation deemed necessary to determine eligibility prior to  
95 issuance of this license plate. For the purpose of this  
96 paragraph, "not-for-hire" means the owner of the motor vehicle  
97 must also be the owner of the raw, unprocessed, and  
98 nonmanufactured agricultural or horticultural product, or the  
99 user of the farm implements and fertilizer being delivered.

100 Section 3. Paragraphs (d) through (j) of subsection (1) and  
101 subsection (2) of section 487.041, Florida Statutes, are amended  
102 to read:

103 487.041 Registration.—

104 (1)

105 ~~(d)1. Effective January 1, 2009, in addition to the fees~~  
106 ~~assessed pursuant to paragraphs (b) and (c), for the purpose of~~  
107 ~~defraying the expenses of the department for testing pesticides~~  
108 ~~for food safety, each registrant shall pay a supplemental~~  
109 ~~biennial registration fee for each registered brand of pesticide~~  
110 ~~that contains an active ingredient for which the United States~~  
111 ~~Environmental Protection Agency has established a food tolerance~~  
112 ~~limit in 40 C.F.R. part 180. The department shall biennially~~  
113 ~~publish by rule a list of the pesticide active ingredients for~~  
114 ~~which a brand of pesticide is subject to the supplemental~~  
115 ~~registration fee.~~

116 ~~2. Each registration issued by the department to a~~

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117 ~~registrant for a period beginning in an odd-numbered year shall~~  
118 ~~be assessed a supplemental registration fee of \$630 per brand of~~  
119 ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~  
120 ~~Each registration issued by the department to a registrant for a~~  
121 ~~period beginning in an even-numbered year shall be assessed a~~  
122 ~~supplemental registration fee of \$315 per brand of pesticide~~  
123 ~~that is subject to the fee pursuant to subparagraph 1. The~~  
124 ~~department shall retroactively assess the supplemental~~  
125 ~~registration fee for each brand of pesticide that registered on~~  
126 ~~or after January 1, 2009, and that is subject to the fee~~  
127 ~~pursuant to subparagraph 1.~~

128 (d) ~~(e)~~ All revenues collected, less those costs determined  
129 by the department to be nonrecurring or one-time costs, shall be  
130 deferred over the 2-year registration period, deposited in the  
131 General Inspection Trust Fund, and used by the department in  
132 carrying out the provisions of this chapter. ~~Revenues collected~~  
133 ~~from the supplemental registration fee may also be used by the~~  
134 ~~department for testing pesticides for food safety.~~

135 (e) ~~(f)~~ If the renewal of a brand of pesticide, including  
136 the special local need label and experimental use permit, is not  
137 filed by January 31 of the renewal year, an additional fee of  
138 \$25 per brand of pesticide shall be assessed per month and added  
139 to the original fee. This additional fee may not exceed \$250 per  
140 brand of pesticide. The additional fee must be paid by the  
141 registrant before the renewal certificate for the registration  
142 of the brand of pesticide is issued. The additional fee shall be  
143 deposited into the General Inspection Trust Fund.

144 (f) ~~(g)~~ This subsection does not apply to distributors or  
145 retail dealers selling brands of pesticide if such brands of

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146 pesticide are registered by another person.

147 (g)~~(h)~~ All registration fees, including ~~supplemental fees~~  
148 ~~and~~ late fees, are nonrefundable.

149 (h)~~(i)~~ For any currently registered pesticide product brand  
150 that undergoes labeling revisions during the registration  
151 period, the registrant shall submit to the department a copy of  
152 the revised labeling along with a cover letter detailing such  
153 revisions before the sale or distribution in this state of the  
154 product brand with the revised labeling. If the labeling  
155 revisions require notification of an amendment review by the  
156 United States Environmental Protection Agency, the registrant  
157 shall submit an additional copy of the labeling marked to  
158 identify those revisions.

159 (i)~~(j)~~ ~~Effective January 1, 2013,~~ All payments of any  
160 pesticide registration fees, including ~~supplemental fees and~~  
161 late fees, shall be submitted electronically using the  
162 department's Internet website for registration of pesticide  
163 product brands.

164 (2) The department shall adopt rules governing the  
165 procedures for the registration of a brand of pesticide and, for  
166 the review of data submitted by an applicant for registration of  
167 the brand of pesticide, ~~and for biennially publishing the list~~  
168 ~~of active ingredients for which a brand of pesticide is subject~~  
169 ~~to the supplemental registration fee pursuant to subparagraph~~  
170 ~~(1)(d)1.~~ The department shall determine whether the brand of  
171 pesticide should be registered, registered with conditions, or  
172 tested under field conditions in this state. The department  
173 shall determine whether each request for registration of a brand  
174 of pesticide meets the requirements of current state and federal

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175 law. The department, whenever it deems it necessary in the  
176 administration of this part, may require the manufacturer or  
177 registrant to submit the complete formula, quantities shipped  
178 into or manufactured in the state for distribution and sale,  
179 evidence of the efficacy and the safety of any pesticide, and  
180 other relevant data. The department may review and evaluate a  
181 registered pesticide if new information is made available that  
182 indicates that use of the pesticide has caused an unreasonable  
183 adverse effect on public health or the environment. Such review  
184 shall be conducted upon the request of the State Surgeon General  
185 in the event of an unreasonable adverse effect on public health  
186 or the Secretary of Environmental Protection in the event of an  
187 unreasonable adverse effect on the environment. Such review may  
188 result in modifications, revocation, cancellation, or suspension  
189 of the registration of a brand of pesticide. The department, for  
190 reasons of adulteration, misbranding, or other good cause, may  
191 refuse or revoke the registration of the brand of any pesticide  
192 after notice to the applicant or registrant giving the reason  
193 for the decision. The applicant may then request a hearing,  
194 pursuant to chapter 120, on the intention of the department to  
195 refuse or revoke registration, and, upon his or her failure to  
196 do so, the refusal or revocation shall become final without  
197 further procedure. The registration of a brand of pesticide may  
198 not be construed as a defense for the commission of any offense  
199 prohibited under this part.

200 Section 4. Effective October 1, 2017, subsection (5) of  
201 section 810.011, Florida Statutes, is amended to read:

202 810.011 Definitions.—As used in this chapter:

203 (5) (a) "Posted land" is that land upon which:

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204 1. Signs are placed not more than 500 feet apart along, and  
205 at each corner of, the boundaries of the land, upon which signs  
206 there appears prominently, in letters of not less than 2 inches  
207 in height, the words "no trespassing" and in addition thereto  
208 the name of the owner, lessee, or occupant of said land. Said  
209 signs shall be placed along the boundary line of posted land in  
210 a manner and in such position as to be clearly noticeable from  
211 outside the boundary line; or

212 2.a. Conspicuous no trespassing notice is painted on trees  
213 or posts on the property, provided that the notice is:

214 (I) Painted in an international orange color and displaying  
215 the stenciled words "No Trespassing" in letters no less than 2  
216 inches high and 1 inch wide either vertically or horizontally;

217 (II) Placed so that the bottom of the painted notice is not  
218 less than 3 feet from the ground or more than 5 feet from the  
219 ground; and

220 (III) Placed at locations that are readily visible to any  
221 person approaching the property and no more than 500 feet apart  
222 on agricultural land.

223 b. ~~Beginning October 1, 2007,~~ When a landowner uses the  
224 painted no trespassing posting to identify a "no trespassing"  
225 area, such these painted notices must ~~shall~~ be accompanied by  
226 signs complying with subparagraph 1. and placed conspicuously at  
227 all places where entry to the property is normally expected or  
228 known to occur.

229 3. Conspicuous no trespassing notice is painted on trees or  
230 posts on the property, provided that the notice is:

231 a. Painted as a vertical line not less than 8 inches in  
232 length and not less than 1 inch in width in an international



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233 orange color;

234 b. Placed so that the bottom of the painted notice is not  
235 less than 3 feet from the ground or more than 5 feet from the  
236 ground; and

237 c. Placed at locations that are readily visible to any  
238 person approaching the property and no more than 100 feet apart  
239 on agricultural land.

240 (b) It is ~~shall~~ not ~~be~~ necessary to give notice by posting  
241 on any enclosed land or place not exceeding 5 acres in area on  
242 which there is a dwelling house in order to obtain the benefits  
243 of ss. 810.09 and 810.12 pertaining to trespass on enclosed  
244 lands.

245 Section 5. Paragraph (c) of subsection (3) of section  
246 823.14, Florida Statutes, is amended to read:

247 823.14 Florida Right to Farm Act.—

248 (3) DEFINITIONS.—As used in this section:

249 (c) "Farm product" means any plant, as defined in s.  
250 581.011, ~~or animal or insect~~ useful to humans; livestock, as  
251 defined in s. 468.382(6); poultry; aquatic plants and animals  
252 cultivated using aquaculture; and bees and includes, but is not  
253 limited to, any product derived therefrom.

254 Section 6. Except as otherwise expressly provided in this  
255 act, this act shall take effect July 1, 2017.