

Amendment No.

CHAMBER ACTION

Senate

House

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The Conference Committee on HB 5401 offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 487.041, Florida Statutes, are amended to read:

487.041 Registration.—

(1)(a) Effective January 1, 2009, each brand of pesticide, as defined in s. 487.021, which is distributed, sold, or offered for sale, except as provided in this section, within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state must be registered in the office of the

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14 department, and such registration shall be renewed biennially.
15 Emergency exemptions from registration may be authorized in
16 accordance with the rules of the department. The registrant
17 shall file with the department a statement including:

18 1. The name, business mailing address, and street address
19 of the registrant.

20 2. The name of the brand of pesticide.

21 3. An ingredient statement and a complete current copy of
22 the labeling accompanying the brand of pesticide, which must
23 conform to the registration, and a statement of all claims to be
24 made for it, including directions for use and a guaranteed
25 analysis showing the names and percentages by weight of each
26 active ingredient, the total percentage of inert ingredients,
27 and the names and percentages by weight of each "added
28 ingredient."

29 (b) Effective January 1, 2009, for the purpose of
30 defraying expenses of the department in connection with carrying
31 out the provisions of this part, each registrant shall pay a
32 biennial registration fee for each registered brand of
33 pesticide. The registration of each brand of pesticide shall
34 cover a designated 2-year period beginning on January 1 of each
35 odd-numbered year and expiring on December 31 of the following
36 year.

37 (c) Each registration issued by the department to a
38 registrant for a period beginning in an odd-numbered year shall

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39 | be assessed a fee of \$700 per brand of pesticide and a fee of
40 | \$200 for each special local need label and experimental use
41 | permit, and the registration shall expire on December 31 of the
42 | following year. Each registration issued by the department to a
43 | registrant for a period beginning in an even-numbered year shall
44 | be assessed a fee of \$350 per brand of pesticide and fee of \$100
45 | for each special local need label and experimental use permit,
46 | and the registration shall expire on December 31 of that year.

47 | ~~(d)1. Effective January 1, 2009, in addition to the fees~~
48 | ~~assessed pursuant to paragraphs (b) and (c), for the purpose of~~
49 | ~~defraying the expenses of the department for testing pesticides~~
50 | ~~for food safety, each registrant shall pay a supplemental~~
51 | ~~biennial registration fee for each registered brand of pesticide~~
52 | ~~that contains an active ingredient for which the United States~~
53 | ~~Environmental Protection Agency has established a food tolerance~~
54 | ~~limit in 40 C.F.R. part 180. The department shall biennially~~
55 | ~~publish by rule a list of the pesticide active ingredients for~~
56 | ~~which a brand of pesticide is subject to the supplemental~~
57 | ~~registration fee.~~

58 | ~~2. Each registration issued by the department to a~~
59 | ~~registrant for a period beginning in an odd-numbered year shall~~
60 | ~~be assessed a supplemental registration fee of \$630 per brand of~~
61 | ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~
62 | ~~Each registration issued by the department to a registrant for a~~
63 | ~~period beginning in an even-numbered year shall be assessed a~~

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64 ~~supplemental registration fee of \$315 per brand of pesticide~~
65 ~~that is subject to the fee pursuant to subparagraph 1. The~~
66 ~~department shall retroactively assess the supplemental~~
67 ~~registration fee for each brand of pesticide that registered on~~
68 ~~or after January 1, 2009, and that is subject to the fee~~
69 ~~pursuant to subparagraph 1.~~

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

77 (e)~~(f)~~ If the renewal of a brand of pesticide, including
78 the special local need label and experimental use permit, is not
79 filed by January 31 of the renewal year, an additional fee of
80 \$25 per brand of pesticide shall be assessed per month and added
81 to the original fee. This additional fee may not exceed \$250 per
82 brand of pesticide. The additional fee must be paid by the
83 registrant before the renewal certificate for the registration
84 of the brand of pesticide is issued. The additional fee shall be
85 deposited into the General Inspection Trust Fund.

86 (f)~~(g)~~ This subsection does not apply to distributors or
87 retail dealers selling brands of pesticide if such brands of
88 pesticide are registered by another person.

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89 ~~(g)-(h)~~ All registration fees, including ~~supplemental fees~~
90 ~~and~~ late fees, are nonrefundable.

91 ~~(h)-(i)~~ For any currently registered pesticide product
92 brand that undergoes labeling revisions during the registration
93 period, the registrant shall submit to the department a copy of
94 the revised labeling along with a cover letter detailing such
95 revisions before the sale or distribution in this state of the
96 product brand with the revised labeling. If the labeling
97 revisions require notification of an amendment review by the
98 United States Environmental Protection Agency, the registrant
99 shall submit an additional copy of the labeling marked to
100 identify those revisions.

101 ~~(i)-(j)~~ Effective January 1, 2013, all payments of any
102 pesticide registration fees, including ~~supplemental fees and~~
103 late fees, shall be submitted electronically using the
104 department's Internet website for registration of pesticide
105 product brands.

106 (2) The department shall adopt rules governing the
107 procedures for the registration of a brand of pesticide ~~and,~~ for
108 the review of data submitted by an applicant for registration of
109 the brand of pesticide, ~~and for biennially publishing the list~~
110 ~~of active ingredients for which a brand of pesticide is subject~~
111 ~~to the supplemental registration fee pursuant to subparagraph~~
112 ~~(1)-(d)1.~~ The department shall determine whether the brand of
113 pesticide should be registered, registered with conditions, or

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114 tested under field conditions in this state. The department
115 shall determine whether each request for registration of a brand
116 of pesticide meets the requirements of current state and federal
117 law. The department, whenever it deems it necessary in the
118 administration of this part, may require the manufacturer or
119 registrant to submit the complete formula, quantities shipped
120 into or manufactured in the state for distribution and sale,
121 evidence of the efficacy and the safety of any pesticide, and
122 other relevant data. The department may review and evaluate a
123 registered pesticide if new information is made available that
124 indicates that use of the pesticide has caused an unreasonable
125 adverse effect on public health or the environment. Such review
126 shall be conducted upon the request of the State Surgeon General
127 in the event of an unreasonable adverse effect on public health
128 or the Secretary of Environmental Protection in the event of an
129 unreasonable adverse effect on the environment. Such review may
130 result in modifications, revocation, cancellation, or suspension
131 of the registration of a brand of pesticide. The department, for
132 reasons of adulteration, misbranding, or other good cause, may
133 refuse or revoke the registration of the brand of any pesticide
134 after notice to the applicant or registrant giving the reason
135 for the decision. The applicant may then request a hearing,
136 pursuant to chapter 120, on the intention of the department to
137 refuse or revoke registration, and, upon his or her failure to
138 do so, the refusal or revocation shall become final without

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139 further procedure. The registration of a brand of pesticide may
140 not be construed as a defense for the commission of any offense
141 prohibited under this part.

142 Section 2. This act shall take effect July 1, 2017.

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145 **T I T L E A M E N D M E N T**

146 Remove everything before the enacting clause and insert:

147 A bill to be entitled

148 An act relating to pesticide registration; amending s.

149 487.041, F.S.; removing provisions relating to

150 supplemental registration fees for certain pesticides

151 that contain active ingredients for which the United

152 States Environmental Protection Agency has established

153 food tolerance limits; providing an effective date.

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