

1 A bill to be entitled
2 An act relating to agricultural practices; amending s.
3 193.461, F.S.; redefining the term "agricultural
4 purposes" to exclude specified farm products; amending
5 s. 212.08, F.S.; exempting prescription and
6 nonprescription animal health products used to treat
7 poultry or livestock from sales, rental, use,
8 consumption, distribution, and storage taxes; amending
9 s. 320.08, F.S.; revising the circumstances under
10 which a truck tractor or heavy truck engaged in
11 transporting certain agricultural or horticultural
12 products is eligible for a restricted license plate
13 for a fee; amending s. 487.041, F.S.; deleting a
14 requirement that registrants pay a supplemental fee
15 for pesticides that contain an active ingredient for
16 which the United States Environmental Protection
17 Agency has established a food tolerance limit;
18 conforming provisions to changes made by the act;
19 deleting obsolete provisions; amending s. 801.011,
20 F.S.; redefining the term "posted land" to include
21 those lands with boundaries marked by a specified
22 vertical line at specified intervals; providing
23 effective dates.

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25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (5) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program.—

(5) For the purpose of this section, the term "agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture, including algaculture; sod farming; ~~and all forms of farm products as defined in s. 823.14(3)~~ and farm production.

Section 2. Paragraph (a) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(a) *Items in agricultural use and certain nets.*—There are exempt from the tax imposed by this chapter nets designed and used exclusively by commercial fisheries; disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides,

51 and weed killers used for application on crops or groves,
52 including commercial nurseries and home vegetable gardens, used
53 in dairy barns or on poultry farms for the purpose of protecting
54 poultry or livestock, or used directly on poultry or livestock;
55 prescription and nonprescription animal health products used to
56 treat poultry or livestock; portable containers or movable
57 receptacles in which portable containers are placed, used for
58 processing farm products; field and garden seeds, including
59 flower seeds; nursery stock, seedlings, cuttings, or other
60 propagative material purchased for growing stock; seeds,
61 seedlings, cuttings, and plants used to produce food for human
62 consumption; cloth, plastic, and other similar materials used
63 for shade, mulch, or protection from frost or insects on a farm;
64 stakes used by a farmer to support plants during agricultural
65 production; generators used on poultry farms; and liquefied
66 petroleum gas or other fuel used to heat a structure in which
67 started pullets or broilers are raised; however, such exemption
68 is not allowed unless the purchaser or lessee signs a
69 certificate stating that the item to be exempted is for the
70 exclusive use designated herein. Also exempt are cellophane
71 wrappers, glue for tin and glass (apiarists), mailing cases for
72 honey, shipping cases, window cartons, and baling wire and twine
73 used for baling hay, when used by a farmer to contain, produce,
74 or process an agricultural commodity.

75 Section 3. Paragraph (n) of subsection (4) of section

76 | 320.08, Florida Statutes, is amended to read:

77 | 320.08 License taxes.—Except as otherwise provided herein,
 78 | there are hereby levied and imposed annual license taxes for the
 79 | operation of motor vehicles, mopeds, motorized bicycles as
 80 | defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 81 | and mobile homes as defined in s. 320.01, which shall be paid to
 82 | and collected by the department or its agent upon the
 83 | registration or renewal of registration of the following:

84 | (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
 85 | VEHICLE WEIGHT.—

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

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

94 | 2. If such vehicle's declared gross vehicle weight is
 95 | 44,000 pounds or more and such vehicle only transports from the
 96 | point of production to the point of primary manufacture; to the
 97 | point of assembling the same; or to a shipping point of a rail,
 98 | water, or motor transportation company, \$324 flat, of which \$84
 99 | shall be deposited into the General Revenue Fund.

100 |

101 Such not-for-hire truck tractors and heavy trucks used
 102 exclusively in transporting raw, unprocessed, and
 103 nonmanufactured agricultural or horticultural products may be
 104 incidentally used to haul farm implements and fertilizers
 105 delivered direct to the growers. The department may require any
 106 documentation deemed necessary to determine eligibility prior to
 107 issuance of this license plate. For the purpose of this
 108 paragraph, "not-for-hire" means the owner of the motor vehicle
 109 must also be the owner of the raw, unprocessed, and
 110 nonmanufactured agricultural or horticultural product, or the
 111 user of the farm implements and fertilizer being delivered.

112 Section 4. Paragraphs (d) through (j) of subsection (1)
 113 and subsection (2) of section 487.041, Florida Statutes, are
 114 amended to read:

115 487.041 Registration.—

116 (1)

117 ~~(d)1. Effective January 1, 2009, in addition to the fees~~
 118 ~~assessed pursuant to paragraphs (b) and (c), for the purpose of~~
 119 ~~defraying the expenses of the department for testing pesticides~~
 120 ~~for food safety, each registrant shall pay a supplemental~~
 121 ~~biennial registration fee for each registered brand of pesticide~~
 122 ~~that contains an active ingredient for which the United States~~
 123 ~~Environmental Protection Agency has established a food tolerance~~
 124 ~~limit in 40 C.F.R. part 180. The department shall biennially~~
 125 ~~publish by rule a list of the pesticide active ingredients for~~

126 | ~~which a brand of pesticide is subject to the supplemental~~
127 | ~~registration fee.~~

128 | ~~2. Each registration issued by the department to a~~
129 | ~~registrant for a period beginning in an odd-numbered year shall~~
130 | ~~be assessed a supplemental registration fee of \$630 per brand of~~
131 | ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~
132 | ~~Each registration issued by the department to a registrant for a~~
133 | ~~period beginning in an even-numbered year shall be assessed a~~
134 | ~~supplemental registration fee of \$315 per brand of pesticide~~
135 | ~~that is subject to the fee pursuant to subparagraph 1. The~~
136 | ~~department shall retroactively assess the supplemental~~
137 | ~~registration fee for each brand of pesticide that registered on~~
138 | ~~or after January 1, 2009, and that is subject to the fee~~
139 | ~~pursuant to subparagraph 1.~~

140 | ~~(d)~~(e) All revenues collected, less those costs determined
141 | by the department to be nonrecurring or one-time costs, shall be
142 | deferred over the 2-year registration period, deposited in the
143 | General Inspection Trust Fund, and used by the department in
144 | carrying out the provisions of this chapter. ~~Revenues collected~~
145 | ~~from the supplemental registration fee may also be used by the~~
146 | ~~department for testing pesticides for food safety.~~

147 | ~~(e)~~(f) If the renewal of a brand of pesticide, including
148 | the special local need label and experimental use permit, is not
149 | filed by January 31 of the renewal year, an additional fee of
150 | \$25 per brand of pesticide shall be assessed per month and added

151 to the original fee. This additional fee may not exceed \$250 per
152 brand of pesticide. The additional fee must be paid by the
153 registrant before the renewal certificate for the registration
154 of the brand of pesticide is issued. The additional fee shall be
155 deposited into the General Inspection Trust Fund.

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

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

161 (h)~~(i)~~ For any currently registered pesticide product
162 brand that undergoes labeling revisions during the registration
163 period, the registrant shall submit to the department a copy of
164 the revised labeling along with a cover letter detailing such
165 revisions before the sale or distribution in this state of the
166 product brand with the revised labeling. If the labeling
167 revisions require notification of an amendment review by the
168 United States Environmental Protection Agency, the registrant
169 shall submit an additional copy of the labeling marked to
170 identify those revisions.

171 (i)~~(j)~~ ~~Effective January 1, 2013,~~ All payments of any
172 pesticide registration fees, including ~~supplemental fees and~~
173 late fees, shall be submitted electronically using the
174 department's Internet website for registration of pesticide
175 product brands.

176 (2) The department shall adopt rules governing the
177 procedures for the registration of a brand of pesticide and, for
178 the review of data submitted by an applicant for registration of
179 the brand of pesticide, ~~and for biennially publishing the list~~
180 ~~of active ingredients for which a brand of pesticide is subject~~
181 ~~to the supplemental registration fee pursuant to subparagraph~~
182 ~~(1)(d)1~~. The department shall determine whether the brand of
183 pesticide should be registered, registered with conditions, or
184 tested under field conditions in this state. The department
185 shall determine whether each request for registration of a brand
186 of pesticide meets the requirements of current state and federal
187 law. The department, whenever it deems it necessary in the
188 administration of this part, may require the manufacturer or
189 registrant to submit the complete formula, quantities shipped
190 into or manufactured in the state for distribution and sale,
191 evidence of the efficacy and the safety of any pesticide, and
192 other relevant data. The department may review and evaluate a
193 registered pesticide if new information is made available that
194 indicates that use of the pesticide has caused an unreasonable
195 adverse effect on public health or the environment. Such review
196 shall be conducted upon the request of the State Surgeon General
197 in the event of an unreasonable adverse effect on public health
198 or the Secretary of Environmental Protection in the event of an
199 unreasonable adverse effect on the environment. Such review may
200 result in modifications, revocation, cancellation, or suspension

201 of the registration of a brand of pesticide. The department, for
202 reasons of adulteration, misbranding, or other good cause, may
203 refuse or revoke the registration of the brand of any pesticide
204 after notice to the applicant or registrant giving the reason
205 for the decision. The applicant may then request a hearing,
206 pursuant to chapter 120, on the intention of the department to
207 refuse or revoke registration, and, upon his or her failure to
208 do so, the refusal or revocation shall become final without
209 further procedure. The registration of a brand of pesticide may
210 not be construed as a defense for the commission of any offense
211 prohibited under this part.

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

214 810.011 Definitions.—As used in this chapter:

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

216 1. Signs are placed not more than 500 feet apart along,
217 and at each corner of, the boundaries of the land, upon which
218 signs there appears prominently, in letters of not less than 2
219 inches in height, the words "no trespassing" and in addition
220 thereto the name of the owner, lessee, or occupant of said land.
221 Said signs shall be placed along the boundary line of posted
222 land in a manner and in such position as to be clearly
223 noticeable from outside the boundary line; or

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

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

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

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

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

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

244 a. Painted as a vertical line not less than 8 inches in
 245 length and not less than 1 inch in width in an international
 246 orange color;

247 b. Placed so that the bottom of the painted notice is not
 248 less than 3 feet from the ground or more than 5 feet from the
 249 ground; and

250 c. Placed at locations that are readily visible to any

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251 person approaching the property and no more than 100 feet apart
252 on agricultural land.

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

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