

By the Committee on Agriculture; and Senators Perry, Hutson, Broxson, and Grimsley

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1 A bill to be entitled
2 An act relating to agricultural practices; amending s.
3 212.08, F.S.; increasing the portion of the sales
4 price for certain farm trailers that is exempt from
5 the sales and use tax; exempting certain animal and
6 aquaculture health products, fencing materials, and
7 oxygen products from sales, rental, use, consumption,
8 distribution, and storage taxes; amending s. 320.08,
9 F.S.; revising the circumstances under which a truck
10 tractor or heavy truck engaged in transporting certain
11 agricultural or horticultural products is eligible for
12 a restricted license plate for a fee; amending s.
13 487.041, F.S.; deleting a requirement that registrants
14 pay a supplemental fee for pesticides that contain an
15 active ingredient for which the United States
16 Environmental Protection Agency has established a food
17 tolerance limit; conforming provisions to changes made
18 by the act; deleting obsolete provisions; amending s.
19 801.011, F.S.; deleting an obsolete provision; making
20 technical changes; providing effective dates.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (b) of subsection (3) and paragraph
25 (a) of subsection (5) of section 212.08, Florida Statutes, are
26 amended to read:

27 212.08 Sales, rental, use, consumption, distribution, and
28 storage tax; specified exemptions.—The sale at retail, the
29 rental, the use, the consumption, the distribution, and the

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30 storage to be used or consumed in this state of the following
31 are hereby specifically exempt from the tax imposed by this
32 chapter.

33 (3) EXEMPTIONS; CERTAIN FARM EQUIPMENT.—

34 (b) The tax may not be imposed on that portion of the sales
35 price below \$25,000 ~~\$20,000~~ for a trailer weighing 12,000 pounds
36 or less and purchased by a farmer for exclusive use in
37 agricultural production or to transport farm products from his
38 or her farm to the place where the farmer transfers ownership of
39 the farm products to another. This exemption is not forfeited by
40 using a trailer to transport the farmer's farm equipment. The
41 exemption provided under this paragraph does not apply to the
42 lease or rental of a trailer.

43 (5) EXEMPTIONS; ACCOUNT OF USE.—

44 (a) *Items in agricultural use and certain nets.*—There are
45 exempt from the tax imposed by this chapter nets designed and
46 used exclusively by commercial fisheries; disinfectants,
47 fertilizers, insecticides, pesticides, herbicides, fungicides,
48 and weed killers used for application on crops or groves,
49 including commercial nurseries and home vegetable gardens, used
50 in dairy barns or on poultry farms for the purpose of protecting
51 poultry or livestock, or used directly on poultry or livestock;
52 animal health products which are applied to or consumed by
53 livestock or poultry for alleviation of pain or the cure or
54 prevention of sickness, disease, or suffering, including
55 antiseptics, absorbent cotton, gauze for bandages, lotions,
56 vitamins, and worm remedies; aquaculture health products;
57 portable containers or movable receptacles in which portable
58 containers are placed, used for processing farm products; field

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59 and garden seeds, including flower seeds; nursery stock,
60 seedlings, cuttings, or other propagative material purchased for
61 growing stock; seeds, seedlings, cuttings, and plants used to
62 produce food for human consumption; cloth, plastic, and other
63 similar materials used for shade, mulch, or protection from
64 frost or insects on a farm; hog wire and nylon mesh netting used
65 on a farm for protection from predatory or destructive animals;
66 barbed wire fencing, including gates and materials used to
67 construct or repair such fencing, used on a beef or dairy cattle
68 farm; stakes used by a farmer to support plants during
69 agricultural production; generators used on poultry farms;
70 compressed or liquefied oxygen used in aquaculture production;
71 and liquefied petroleum gas or other fuel used to heat a
72 structure in which started pullets or broilers are raised;
73 however, such exemption is not allowed unless the purchaser or
74 lessee signs a certificate stating that the item to be exempted
75 is for the exclusive use designated herein. Also exempt are
76 cellophane wrappers, glue for tin and glass (apiarists), mailing
77 cases for honey, shipping cases, window cartons, and baling wire
78 and twine used for baling hay, when used by a farmer to contain,
79 produce, or process an agricultural commodity.

80 Section 2. Paragraph (n) of subsection (4) of section
81 320.08, Florida Statutes, is amended to read:

82 320.08 License taxes.—Except as otherwise provided herein,
83 there are hereby levied and imposed annual license taxes for the
84 operation of motor vehicles, mopeds, motorized bicycles as
85 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
86 and mobile homes as defined in s. 320.01, which shall be paid to
87 and collected by the department or its agent upon the

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88 registration or renewal of registration of the following:

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

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

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

99 2. If such vehicle's declared gross vehicle weight is
100 44,000 pounds or more and such vehicle only transports from the
101 point of production to the point of primary manufacture; to the
102 point of assembling the same; or to a shipping point of a rail,
103 water, or motor transportation company, \$324 flat, of which \$84
104 shall be deposited into the General Revenue Fund.

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

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

120 487.041 Registration.—

121 (1)

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

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

145 (d) ~~(e)~~ All revenues collected, less those costs determined

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146 by the department to be nonrecurring or one-time costs, shall be
147 deferred over the 2-year registration period, deposited in the
148 General Inspection Trust Fund, and used by the department in
149 carrying out the provisions of this chapter. ~~Revenues collected~~
150 ~~from the supplemental registration fee may also be used by the~~
151 ~~department for testing pesticides for food safety.~~

152 (e) ~~(f)~~ If the renewal of a brand of pesticide, including
153 the special local need label and experimental use permit, is not
154 filed by January 31 of the renewal year, an additional fee of
155 \$25 per brand of pesticide shall be assessed per month and added
156 to the original fee. This additional fee may not exceed \$250 per
157 brand of pesticide. The additional fee must be paid by the
158 registrant before the renewal certificate for the registration
159 of the brand of pesticide is issued. The additional fee shall be
160 deposited into the General Inspection Trust Fund.

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

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

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

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175 identify those revisions.

176 (i)~~(j)~~ ~~Effective January 1, 2013,~~ All payments of any
177 pesticide registration fees, including ~~supplemental fees and~~
178 late fees, shall be submitted electronically using the
179 department's Internet website for registration of pesticide
180 product brands.

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

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204 unreasonable adverse effect on the environment. Such review may
205 result in modifications, revocation, cancellation, or suspension
206 of the registration of a brand of pesticide. The department, for
207 reasons of adulteration, misbranding, or other good cause, may
208 refuse or revoke the registration of the brand of any pesticide
209 after notice to the applicant or registrant giving the reason
210 for the decision. The applicant may then request a hearing,
211 pursuant to chapter 120, on the intention of the department to
212 refuse or revoke registration, and, upon his or her failure to
213 do so, the refusal or revocation shall become final without
214 further procedure. The registration of a brand of pesticide may
215 not be construed as a defense for the commission of any offense
216 prohibited under this part.

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

219 810.011 Definitions.—As used in this chapter:

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

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

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

231 (I) Painted in an international orange color and displaying
232 the stenciled words "No Trespassing" in letters no less than 2

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233 inches high and 1 inch wide either vertically or horizontally;

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

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

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

251 Section 5. Except as otherwise expressly provided in this
252 act, this act shall take effect July 1, 2017.