

HB 5401

2017

1                   A bill to be entitled  
2           An act relating to pesticide registration; amending s.  
3           487.041, F.S.; removing provisions relating to  
4           supplemental registration fees for certain pesticides  
5           that contain active ingredients for which the United  
6           States Environmental Protection Agency has established  
7           food tolerance limits; providing an effective date.  
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9   Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Subsections (1) and (2) of section 487.041,  
12   Florida Statutes, are amended to read:

13           487.041 Registration.—

14           (1)(a) Effective January 1, 2009, each brand of pesticide,  
15   as defined in s. 487.021, which is distributed, sold, or offered  
16   for sale, except as provided in this section, within this state  
17   or delivered for transportation or transported in intrastate  
18   commerce or between points within this state through any point  
19   outside this state must be registered in the office of the  
20   department, and such registration shall be renewed biennially.  
21   Emergency exemptions from registration may be authorized in  
22   accordance with the rules of the department. The registrant  
23   shall file with the department a statement including:

24           1. The name, business mailing address, and street address  
25   of the registrant.

26           2. The name of the brand of pesticide.

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

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

43           (c) Each registration issued by the department to a  
44 registrant for a period beginning in an odd-numbered year shall  
45 be assessed a fee of \$700 per brand of pesticide and a fee of  
46 \$200 for each special local need label and experimental use  
47 permit, and the registration shall expire on December 31 of the  
48 following year. Each registration issued by the department to a  
49 registrant for a period beginning in an even-numbered year shall  
50 be assessed a fee of \$350 per brand of pesticide and fee of \$100

51 for each special local need label and experimental use permit,  
52 and the registration shall expire on December 31 of that year.

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

64 ~~2. Each registration issued by the department to a~~  
65 ~~registrant for a period beginning in an odd-numbered year shall~~  
66 ~~be assessed a supplemental registration fee of \$630 per brand of~~  
67 ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~  
68 ~~Each registration issued by the department to a registrant for a~~  
69 ~~period beginning in an even-numbered year shall be assessed a~~  
70 ~~supplemental registration fee of \$315 per brand of pesticide~~  
71 ~~that is subject to the fee pursuant to subparagraph 1. The~~  
72 ~~department shall retroactively assess the supplemental~~  
73 ~~registration fee for each brand of pesticide that registered on~~  
74 ~~or after January 1, 2009, and that is subject to the fee~~  
75 ~~pursuant to subparagraph 1.~~

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

83        (e)~~(f)~~ If the renewal of a brand of pesticide, including  
84 the special local need label and experimental use permit, is not  
85 filed by January 31 of the renewal year, an additional fee of  
86 \$25 per brand of pesticide shall be assessed per month and added  
87 to the original fee. This additional fee may not exceed \$250 per  
88 brand of pesticide. The additional fee must be paid by the  
89 registrant before the renewal certificate for the registration  
90 of the brand of pesticide is issued. The additional fee shall be  
91 deposited into the General Inspection Trust Fund.

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

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

97        (h)~~(i)~~ For any currently registered pesticide product  
98 brand that undergoes labeling revisions during the registration  
99 period, the registrant shall submit to the department a copy of  
100 the revised labeling along with a cover letter detailing such

101 revisions before the sale or distribution in this state of the  
102 product brand with the revised labeling. If the labeling  
103 revisions require notification of an amendment review by the  
104 United States Environmental Protection Agency, the registrant  
105 shall submit an additional copy of the labeling marked to  
106 identify those revisions.

107 (i)~~(j)~~ Effective January 1, 2013, all payments of any  
108 pesticide registration fees, including ~~supplemental fees and~~  
109 late fees, shall be submitted electronically using the  
110 department's Internet website for registration of pesticide  
111 product brands.

112 (2) The department shall adopt rules governing the  
113 procedures for the registration of a brand of pesticide and, for  
114 the review of data submitted by an applicant for registration of  
115 the brand of pesticide, ~~and for biennially publishing the list~~  
116 ~~of active ingredients for which a brand of pesticide is subject~~  
117 ~~to the supplemental registration fee pursuant to subparagraph~~  
118 ~~(1)(d)1~~. The department shall determine whether the brand of  
119 pesticide should be registered, registered with conditions, or  
120 tested under field conditions in this state. The department  
121 shall determine whether each request for registration of a brand  
122 of pesticide meets the requirements of current state and federal  
123 law. The department, whenever it deems it necessary in the  
124 administration of this part, may require the manufacturer or  
125 registrant to submit the complete formula, quantities shipped

126 into or manufactured in the state for distribution and sale,  
127 evidence of the efficacy and the safety of any pesticide, and  
128 other relevant data. The department may review and evaluate a  
129 registered pesticide if new information is made available that  
130 indicates that use of the pesticide has caused an unreasonable  
131 adverse effect on public health or the environment. Such review  
132 shall be conducted upon the request of the State Surgeon General  
133 in the event of an unreasonable adverse effect on public health  
134 or the Secretary of Environmental Protection in the event of an  
135 unreasonable adverse effect on the environment. Such review may  
136 result in modifications, revocation, cancellation, or suspension  
137 of the registration of a brand of pesticide. The department, for  
138 reasons of adulteration, misbranding, or other good cause, may  
139 refuse or revoke the registration of the brand of any pesticide  
140 after notice to the applicant or registrant giving the reason  
141 for the decision. The applicant may then request a hearing,  
142 pursuant to chapter 120, on the intention of the department to  
143 refuse or revoke registration, and, upon his or her failure to  
144 do so, the refusal or revocation shall become final without  
145 further procedure. The registration of a brand of pesticide may  
146 not be construed as a defense for the commission of any offense  
147 prohibited under this part.

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