

AGRICULTURE

HB 565 — Farm Labor Contractors

by Rep. Peterman and others (CS/SB 168 by Agriculture & Consumer Services Committee and Senator Miller)

This bill addresses a concern affecting farm workers that have been employed by farm labor contractors. It prohibits a farm labor contractor from making a charge or deduction from wages for tools, equipment, transportation, or recruiting fees that are for the benefit of the employer unless it is in compliance with the federal Fair Labor Standards Act. This may result in employers or farm labor contractors absorbing some costs that are presently passed on to farm workers.

If approved by the Governor, these provisions take effect July 1, 2002.

Vote: Senate 33-0; House 110-0

CS/SB 1002 — Cruelty to Animals

by Criminal Justice Committee and Senators King and Posey

This bill addresses a link that has been demonstrated by research to exist between animal cruelty and human violence. The American Society for the Prevention of Cruelty to Animals, the Humane Society of the United States and the American Humane Association all report that studies in psychology, sociology, and criminology show that violence directed against animals is often a foreshadowing clue to violence directed at people. This bill expands the authority of the court when dealing with persons who have committed an intentional act of cruelty against animals. For a first time violation of animal cruelty laws where the finder of fact determines that the torture of an animal was knowing and intentional, this bill mandates a minimum fine of \$2,500 and requires psychological counseling or completion of an anger management program. For second or subsequent violations, the minimum mandatory fine is increased to \$5,000 and is accompanied by a minimum mandatory period of incarceration of 6 months without any possibility of parole or any form of early release. A plea of nolo contendere shall be treated as a conviction.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 116-0

CS/SB 1772 — Agriculture/Crop Damage/Destruction

by Agriculture & Consumer Services Committee and Senator Smith

This bill clarifies the definition of agricultural products and adds damage to land, building, or equipment as an item that can be recovered in a civil action. It also increases the amount of damages that can be recovered from double to triple the value of the damage suffered.

If approved by the Governor, these provisions take effect October 1, 2002.

Vote: Senate 34-0; House 118-0

CS/SB 1926 — Citrus Canker

by Criminal Justice Committee and Senators Posey, Cowin, Futch, Sullivan, Wise, Saunders, Miller, Peaden, Carlton, Smith, Lawson, Pruitt, and Laurent

This bill (Chapter 2002-11, L.O.F.) addresses the state's ongoing citrus canker eradication efforts. Citrus canker is a highly contagious bacterial disease which infects citrus plants, including oranges, sour oranges, grapefruit, tangerines, lemons, and limes. Scientific studies indicate that eradication of citrus canker requires destruction of all citrus trees located within 1900 feet of an infected tree. The Department of Agriculture and Consumer Services (department) has been removing and destroying trees within this 1900-foot zone based upon language in the preamble to Chapter 2000-308, L.O.F., that cited the scientific study. This bill provides the department with the specific statutory authority to remove and destroy citrus trees located within 1900 feet of an infected tree. It also provides for issuance of an immediate final order (IFO) authorizing destruction of the trees and provides for a method for property owners to appeal the IFO. Simultaneously with delivery of the IFO, the property owner is to be given information about the infected tree that is the cause of destruction of the exposed trees. The bill also provides for issuance of search warrants relating to the spread of citrus canker. It authorizes the department to obtain a search warrant for an area that may include all of the county in which the search warrant is issued. Prior to issuance of a warrant, a judge must hold a court hearing at which objections of property owners are received, heard, and determined.

These provisions were approved by the Governor and take effect upon becoming a law.

Vote: Senate 22-13; House 89-26

CS/HB 1681 — Agriculture and Consumer Services

by Competitive Commerce Council; Agriculture & Consumer Affairs Committee; and Rep. Spratt and others (CS/CS/SB 2072 by Finance & Taxation Committee; Agriculture & Consumer Services Committee; and Senator Geller)

This bill contains a number of major provisions relating to Florida's agricultural industry and other related issues. It makes the following changes in the statutes to the functions of the Department of Agriculture and Consumer Services (department):

- Increases the Commissioner of Agriculture's authority to address animal infectious diseases caused by mosquitoes or arthropods and revises state assistance and matching fund requirements for county and district mosquito and arthropod control.
- Creates the Pest Control Enforcement Advisory Council.
- Increases the annual registration fees for registered pesticides from \$225 to \$250.
- Allows condemnation and destruction of any animal that is liable to spread contagious, infectious, or communicable disease when a state or agricultural emergency is declared.
- Revises requirements relating to guarantees and warranties in contracts for treatment of wood-destroying organisms; requires that for each new contract for the treatment of wood-destroying organisms issued after October 1, 2003, the contract must specify one of the following: 1) that it is offered for repair and re-treatment; 2) that it is offered for re-treatment only; or 3) that no warranty or guarantee is offered.
- Allows cooperation with and payment for services rendered by the United States Department of Agriculture accredited veterinarians.
- Reclassifies forgery of certain marketing orders or failure to produce certain marketing orders from a second degree misdemeanor to a third degree felony.
- Provides for all aquaculture licenses and certificates to expire annually.
- Transfers the Sturgeon Production Working Group from the Department of Environmental Protection to the Department of Agriculture and Consumer Services.
- Requires that the Commissioner of Agriculture appoint a member of a private, nonprofit organization involved in sturgeon production work to the Sturgeon Production Working Group.
- Requires specific actions for continued violations of nutritional claims on food labeling.
- Authorizes the department to keep the official list for noxious weeds and invasive plants.
- Allows Brazilian pepper and other invasive exotic plant species to be processed at permitted construction and demolition debris recycling facilities or disposed of at permitted construction and demolition debris disposal facilities or Class III facilities.
- Creates the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act.

- Requires all government aircraft to abide by the state Wildfire Aviation Plan while operating near wildfires.
- Provides penalties for leaving recreational fires unattended.
- Provides that certain managerial positions within the Division of Forestry be classified as Selected Exempt Service.
- Provides an exemption from amusement ride set-up inspections for kiddie rides, provided that no more than three rides are operated at the event, none of which exceed a capacity of 12 persons, and the ride has been inspected within the past six months.
- Revises reporting requirements for fair ride accidents.
- Permits best management practices to be developed and voluntarily implemented for any water body, regardless of whether a total maximum daily load has been established.
- Revises provisions relating to conservation easements and rural land protection easements.
- Allows the Department of Agriculture and Consumer Services, as well as the office of the state attorney and the Department of Legal Affairs, to enforce price-gouging laws.
- Authorizes farm equipment to be stored, maintained, or repaired by the owner within the boundaries of the owner's farm and at least 50 feet away from any public road without limitation.
- Revises the types of equipment authorized for transporting farm products to include cotton module movers; includes "cotton" as a farm product to be transported.
- Clarifies the definition of a "nonresidential farm building."
- Designates the USDA Service Center Building in Bartow, Florida as the John W. Hunt Building.
- Renames the Cross City Work Center as the L. Earl Peterson Forestry Station.
- Expands the jurisdiction and duties of the Office of Agricultural Law Enforcement to include violation of laws that threaten the overall security and safety of Florida's agriculture and consumer services and specifies that such officers have the full powers granted to other peace officers of the state. Authorizes the commissioner to appoint part-time, reserve, or auxiliary law enforcement officers.

- Transfers the Division of Licensing of the Department of State to the Department of Agriculture and Consumer Services, including the Concealed Weapons Permit Program.
- Revises the Florida Interlocal Cooperation Act of 1969. Expands the types of local and regional projects that local governments can undertake.
- Appropriates \$73,671 and one position to the Department of Agriculture and Consumer Services from the General Inspection Trust Fund of the Division of Food Safety, to carry out the provisions of this act.
- Appropriates \$10,000 to the Department of Agriculture and Consumer Services from the General Inspection Trust Fund of the Division of Agricultural Environmental Services, to provide for the cost of per diem for the members of the Pest Control Enforcement Advisory Council.

If approved by the Governor, these provisions take effect July 1, 2002.

Vote: Senate 38-0; House 117-0

CS/HB 1611 — Agriculture Education and Promotion Facilities

by Competitive Commerce Council and Rep. Brummer (CS/SB 2276 by Agriculture & Consumer Services Committee and Senator Lawson)

This bill designates the Department of Agriculture and Consumer Services as the state agency responsible for developing rules and processing applications from local government units for the funding of agriculture education and promotion facilities, as defined in the bill. It sets forth qualification and evaluation criteria and places restrictions on the use of funds.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 116-0

CONSUMER SERVICES

SB 2094 — Misbranded Food Products

by Senators Geller and Crist

This bill requires the Department of Agriculture and Consumer Services (department) to take certain actions when it has determined that a food offered in a food establishment has been labeled with nutrient claims that have repeatedly been in violation of ch. 500, F.S., the Florida Food Safety Act. The department's Food and Residue Laboratories test products to determine if the nutritional claims on food labels are accurate. False claims could cause either a consumer to pay premium prices for what is claimed to be a specialty diet product for weight loss or a person

with diabetes to suffer serious health problems. When it has been determined that a violation of food labeling laws has occurred, the department has had the authority to impose several sanctions. However, this authority is permissive rather than mandatory. The bill requires the department to retest or reexamine a product that has been misbranded after giving the manufacturer or vendor sufficient notice to correct the violation. If the product is found in violation again, the department shall test or examine the product for the third time after sufficient notice has been given. If the product is found in violation for the third time, the department shall issue a stop-sale or stop-use order, and impose additional sanctions. If a third test or examination is needed, the manufacturer must reimburse the department for the cost of the test or examination.

If approved by the Governor, these provisions take effect July 1, 2002.

Vote: Senate 36-0; House 113-0