

By Senator Gutman

34-1334-98

See HB

1 A bill to be entitled
2 An act relating to agricultural sales; amending
3 s. 570.55, F.S.; revising the "Florida Avocado,
4 Mango, Lime, and Tomato Sales Law" to the
5 "Florida Tropical or Subtropical Fruit and
6 Vegetables Sales Law"; revising provisions to
7 apply to tropical or subtropical fruit and
8 vegetables; prescribing use of certain
9 containers in shipping or distribution;
10 providing an exception; increasing a penalty;
11 amending s. 603.161, F.S.; revising a
12 definition; increasing a penalty; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 570.55, Florida Statutes, is
18 amended to read:

19 570.55 Identification of sellers or handlers of
20 tropical or subtropical fruit and vegetables ~~avocados,~~
21 ~~mangoes, limes, or tomatoes;~~ containers specified;
22 penalties.--

23 (1) SHORT TITLE.--This section may be known and cited
24 as the "Florida Tropical or Subtropical Fruit and Vegetables
25 ~~Avocado, Mango, Lime, and Tomato~~ Sales Law."

26 (2) ENFORCEMENT AGENCY.--This section shall be
27 administered by the Office of Agricultural Law Enforcement and
28 may be enforced by any law enforcement officer as defined in
29 chapter 943.

30 (3) DEFINITIONS.--As used in this section:
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1 ~~(a) "Avocados" means all varieties and types of~~
2 ~~avocados, Persea americana.~~

3 (a)~~(b)~~ "Department" means the Department of
4 Agriculture and Consumer Services.

5 (b)~~(c)~~ "Distribute" means to engage in the business of
6 selling, marketing, or distributing, in the primary channel of
7 trade, tropical or subtropical fruit or vegetables ~~avocados,~~
8 ~~mangoes, limes, or tomatoes~~ produced, purchased, or acquired
9 from a producer, or being marketed on behalf of a producer,
10 whether by the owner, agent, employee, broker, or otherwise,
11 but shall not include such activity by a person engaged in the
12 business of retailing.

13 (c)~~(d)~~ "Handle" means to produce, distribute, retail,
14 or transport tropical or subtropical fruit or vegetables
15 ~~avocados, mangoes, limes, or tomatoes~~ in the primary channel
16 of trade.

17 (d)~~(e)~~ "Handler" means any person engaged in growing,
18 distributing, retailing, or transporting tropical or
19 subtropical fruit or vegetables ~~avocados, mangoes, limes, or~~
20 ~~tomatoes~~ in the primary channel of trade.

21 (e)~~(f)~~ "Inspector" means an inspector or agent of the
22 department.

23 ~~(g) "Limes" means all varieties and types of limes,~~
24 ~~Citrus aurantifolia or Citrus latifolia.~~

25 ~~(h) "Mangoes" means all varieties of mangoes,~~
26 ~~Mangifera indica.~~

27 (f)~~(i)~~ "Primary channel of trade" means that period of
28 time when tropical or subtropical fruit or vegetables
29 ~~avocados, mangoes, limes, or tomatoes~~ are cut, gathered from
30 the ground, or otherwise harvested for commercial purposes.

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1 However, these commodities shall cease to be in the "primary
2 channel of trade" if and when they leave intrastate commerce.

3 (g)(j) "Retail" means to engage in the business of
4 purchasing or acquiring tropical or subtropical fruit or
5 vegetables ~~avocados, mangoes, limes, or tomatoes~~ for resale at
6 retail to the general public, but does not include such
7 activity by a person engaged in the business of distributing.

8 ~~(k) "Tomatoes" means all varieties of the edible~~
9 ~~fruit, Lycopersicon esculentum.~~

10 (h) "Tropical or subtropical fruit" means avocados,
11 bananas, calamondins, carambolas, guavas, kumquats, limes,
12 longans, loquats, lychees, mameys, mangoes, papayas,
13 passionfruit, sapodillas, and fruit that must be grown in
14 tropical or semitropical regions.

15 (i) "Vegetables" means tomatoes, peppers, squash,
16 cucumbers, leafy greens, green beans, eggplant, corn, and
17 cabbage.

18 (4) IDENTIFICATION OF HANDLER.--At the time of each
19 transaction involving the handling or sale of 55 pounds or
20 more of tropical or subtropical fruit or vegetables ~~avocados,~~
21 ~~mangoes, limes, or tomatoes~~ in the primary channel of trade,
22 the buyer or receiver of the tropical or subtropical fruit or
23 vegetables ~~avocados, mangoes, limes, or tomatoes~~ shall demand
24 a bill of sale, invoice, sales memorandum, or other document
25 listing the date of the transaction, the quantity of the
26 tropical or subtropical fruit or vegetables ~~avocados, mangoes,~~
27 ~~limes, or tomatoes~~ involved in the transaction, and the
28 identification of the seller or handler as it appears on the
29 driver's license of the seller or handler, including the
30 driver's license number. If the seller or handler does not
31 possess a driver's license, the buyer or receiver shall use

1 any other acceptable means of identification, i.e., voter's
2 registration card and number, draft card, social security
3 card, or other identification. However, no less than two
4 identification documents shall be used. The identification of
5 the seller or handler shall be recorded on the bill of sale,
6 sales memorandum, invoice, or voucher, which shall be retained
7 by the buyer or receiver for a period of not less than 1 year
8 from the date of the transaction.

9 (5) CONFISCATION.--When any person is in violation of
10 subsection (4), an inspector or any law enforcement officer as
11 defined in chapter 943 shall confiscate any and all tropical
12 or subtropical fruit or vegetables ~~avocados, mangoes, limes,~~
13 ~~or tomatoes~~ in the possession of that person.

14 (6) Each person engaged in the business of packing or
15 shipping tropical or subtropical fruit or vegetables for
16 resale or distribution, except growers or grower's agents
17 transporting their own tropical or subtropical fruit or
18 vegetables, shall accept such fruit or vegetables delivered
19 only in a standard industry field container.

20 (7)~~(6)~~ PENALTY.--In addition to confiscation of
21 tropical or subtropical fruit or vegetables ~~avocados, mangoes,~~
22 ~~limes, or tomatoes~~ as provided in subsection (5), whoever
23 knowingly, willfully, and intentionally violates the
24 provisions of subsection (4) shall be guilty of a misdemeanor
25 of the first ~~second~~ degree, punishable as provided in s.
26 775.082 or s. 775.083.

27 Section 2. Subsections (1) and (5) of section 603.161,
28 Florida Statutes, are amended to read:

29 603.161 Sales certificates, work orders to accompany
30 certain fruit.--

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