

By the Committee on Agriculture and Senator Gutman

303-1751-98

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

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

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

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

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

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

(3) DEFINITIONS.--As used in this section:

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, except citrus fruit as
15 defined in s. 601.03(7).

16 (i) "Vegetables" means tomatoes, peppers, squash,
17 cucumbers, leafy greens, green beans, eggplant, sweet corn,
18 and cabbage. The Department of Agriculture and Consumer
19 Services may by rule include additional vegetables.

20 (4) IDENTIFICATION OF HANDLER.--At the time of each
21 transaction involving the handling or sale of 55 pounds or
22 more of tropical or subtropical fruit or vegetables ~~avocados,~~
23 ~~mangoes, limes, or tomatoes~~ in the primary channel of trade,
24 the buyer or receiver of the tropical or subtropical fruit or
25 vegetables ~~avocados, mangoes, limes, or tomatoes~~ shall demand
26 a bill of sale, invoice, sales memorandum, or other document
27 listing the date of the transaction, the quantity of the
28 tropical or subtropical fruit or vegetables ~~avocados, mangoes,~~
29 ~~limes, or tomatoes~~ involved in the transaction, and the
30 identification of the seller or handler as it appears on the
31 driver's license of the seller or handler, including the

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

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

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

22 (7)~~(6)~~ PENALTY.--In addition to confiscation of
23 tropical or subtropical fruit or vegetables ~~avocados, mangoes,~~
24 ~~limes, or tomatoes~~ as provided in subsection (5), whoever
25 knowingly, willfully, and intentionally violates the
26 provisions of subsection (4) shall be guilty of a misdemeanor
27 of the first ~~second~~ degree, punishable as provided in s.
28 775.082 or s. 775.083.

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

31

1 603.161 Sales certificates, work orders to accompany
2 certain fruit.--

3 (1) This section applies to tropical or semitropical
4 fruit. "Tropical or semitropical fruit" means avocados,
5 bananas, calamondins, carambolas, guavas, kumquats, limes,
6 longans, loquats, lychees, mameys, mangoes, papayas,
7 passionfruit, sapodillas and fruit that must be grown in
8 tropical or semitropical regions, except citrus fruit as
9 defined in s. 601.03(7).

10 (5) Violation of the provisions of this section shall
11 constitute a misdemeanor of the first ~~second~~ degree,
12 punishable as provided in s. 775.082 or s. 775.083.

13 Section 3. This act shall take effect October 1 of the
14 year in which enacted.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 1294

19 Specifically excludes citrus fruit as defined in s. 601.03(7),
20 F.S., from the definition of "tropical or subtropical fruit."

21 Revises the definition of "vegetables" to include "sweet
22 corn."

22 Provides that the Department of Agriculture and Consumer
23 Services may, by rule, include additional vegetables in the
24 definition of vegetables.

24 Specifically excludes citrus fruit as defined in s. 601.03(7),
25 F.S., from the definition of "tropical or semitropical fruit."