

By the Committee on Agriculture and Representatives  
Heyman, Bronson, Spratt, D. Prewitt, Wasserman Schultz and  
Cosgrove

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; providing penalties;  
11          amending s. 603.161, F.S.; revising a  
12          definition; increasing a penalty; providing an  
13          effective date.

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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.  
31

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.

16 (i) "Vegetables" means tomatoes, peppers, squash,  
17 cucumbers, leafy greens, green beans, eggplant, sweet corn,  
18 and cabbage, or any other vegetable as defined and included by  
19 rule of the Department of Agriculture and Consumer Services.

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

17 (6)(5) CONFISCATION.--When any person is in violation  
18 of subsection (4) or subsection (5), an inspector or any law  
19 enforcement officer as defined in chapter 943 shall confiscate  
20 any and all tropical or subtropical fruit or vegetables  
21 ~~avocados, mangoes, limes, or tomatoes~~ in the possession of  
22 that person.

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

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

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

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

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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