

By Senator Cowin

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A bill to be entitled
An act relating to agricultural products;
amending s. 570.55, F.S.; defining the term
"tropical or subtropical fruit" to include Saw
Palmetto; amending s. 604.22, F.S.; requiring
certain agricultural product transporters to
keep certain records; amending s. 812.014,
F.S.; providing penalties for the theft of Saw
Palmetto berries; providing an effective date.

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

Section 1. Paragraph (h) of subsection (3) of section
570.55, Florida Statutes, 1998 Supplement, is amended to read:

570.55 Identification of sellers or handlers of
tropical or subtropical fruit and vegetables; containers
specified; penalties.--

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

(h) "Tropical or subtropical fruit" means avocados,
bananas, calamondins, carambolas, guavas, kumquats, limes,
longans, loquats, lychees, mameys, mangoes, papayas, passion
fruit, sapodillas, Saw Palmetto (Serenoa repens), and fruit
that must be grown in tropical or semitropical regions, except
citrus fruit as defined in s. 601.03(7).

Section 2. Section 604.22, Florida Statutes, is
amended to read:

604.22 Dealers and transporters to keep records;
contents.--

(1) Each licensee, while acting as agent for a
producer, shall make and preserve for at least 1 year a record
of each transaction, specifying the name and address of the

1 producer for whom she or he acts as agent; the date of
2 receipt; the kind, quality, and quantity of agricultural
3 products received; the name and address of the purchaser of
4 each package of agricultural products; the price for which
5 each package was sold; the amount and explanation of any
6 adjustments given; and the net amount due from each purchaser.
7 An account of sales shall be furnished each producer within 48
8 hours after the sale of such agricultural products. Such
9 account of sales shall clearly show the sale price of each lot
10 of agricultural products sold; all adjustments to the original
11 price, along with an explanation of such adjustments; and an
12 itemized showing of all marketing costs deducted by the
13 licensee, along with the net amount due the producer. The
14 licensee shall make the payment to the producer within 5 days
15 of the licensee's receipt of payment.

16 (2)(a) The provisions of s. 604.16(2), (3), and (4)
17 notwithstanding, any person, except a person described in s.
18 604.16(1), who purchases, possesses and offers for sale
19 agricultural products or who transports such products is
20 required to possess and display, upon the request of any
21 department representative or state, county, or local law
22 enforcement officer, an invoice, bill of sale, manifest, or
23 other written document showing the date of sale, the name and
24 address of the seller, and the kind and quantity of products
25 for all such agricultural products.

26 (b) Any person who violates the provisions of this
27 subsection is guilty of a misdemeanor of the second degree,
28 punishable as provided in s. 775.082 or s. 775.083.

29 Section 3. Paragraph (c) of subsection (2) of section
30 812.014, Florida Statutes, is amended to read:

31 812.014 Theft.--

- 1 (2)
- 2 (c) It is grand theft of the third degree and a felony
- 3 of the third degree, punishable as provided in s. 775.082, s.
- 4 775.083, or s. 775.084, if the property stolen is:
- 5 1. Valued at \$300 or more, but less than \$5,000.
- 6 2. Valued at \$5,000 or more, but less than \$10,000.
- 7 3. Valued at \$10,000 or more, but less than \$20,000.
- 8 4. A will, codicil, or other testamentary instrument.
- 9 5. A firearm.
- 10 6. A motor vehicle, except as provided in subparagraph
- 11 (2)(a).
- 12 7. Any commercially farmed animal, including any
- 13 animal of the equine, bovine, or swine class, or other grazing
- 14 animal, and including aquaculture species raised at a
- 15 certified aquaculture facility. If the property stolen is
- 16 aquaculture species raised at a certified aquaculture
- 17 facility, then a \$10,000 fine shall be imposed.
- 18 8. Any fire extinguisher.
- 19 9. Any amount of citrus fruit consisting of 2,000 or
- 20 more individual pieces of fruit.
- 21 10. Taken from a designated construction site
- 22 identified by the posting of a sign as provided for in s.
- 23 810.09(2)(d).
- 24 11. An amount of Saw Palmetto berries (*Serenoa repens*)
- 25 weighing 100 pounds or more.

26 Section 4. This act shall take effect July 1, 1999.

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28 SENATE SUMMARY

29 Provides that the Saw Palmetto is a tropical or

30 subtropical fruit and provides penalties for theft of

31 such fruit. Requires certain transporters of agricultural products to keep certain records.