

By Representatives Goodlette, Harrell, Green, Cusack,
Gelber, Ball, Machek and Bullard

1 A bill to be entitled
2 An act relating to the Department of
3 Agriculture and Consumer Services; amending s.
4 487.051, F.S.; authorizing the department to
5 adopt rules establishing requirements governing
6 aircraft used for the aerial application of
7 pesticides and requirements governing the
8 storage and distribution of pesticides;
9 amending s. 570.07, F.S.; conforming
10 provisions; amending s. 576.181, F.S.;
11 authorizing the department to adopt rules
12 establishing requirements governing aircraft
13 used for the aerial application of fertilizers
14 and requirements governing the storage and
15 distribution of fertilizers; amending s.
16 578.11, F.S.; authorizing the department to
17 adopt rules establishing requirements governing
18 aircraft used for the aerial application of
19 seed; requiring that the department report to
20 the Legislature on the implementation of any
21 rule adopted as authorized by the act; creating
22 s. 119.106, F.S.; requiring a person requesting
23 certain public records to provide personal
24 identification; providing an effective date.

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

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28 Section 1. Subsection (1) of section 487.051, Florida
29 Statutes, is amended to read:

30 487.051 Administration; rules; procedure.--

31 (1) The department may by rule:

1 (a) Declare as a pest any form of plant or animal life
2 or virus which is injurious to plants, humans, domestic
3 animals, articles, or substances.

4 (b) Establish procedures for the taking and handling
5 of samples and establish tolerances and deficiencies where not
6 specifically provided for in this chapter; assess penalties;
7 and prohibit the sale or use of pesticides or devices shown to
8 be detrimental to human beings, the environment, or
9 agriculture or to be otherwise of questionable value.

10 (c) Determine whether pesticides, and quantities of
11 substances contained in pesticides, are injurious to the
12 environment. The department shall be guided by the United
13 States Environmental Protection Agency regulations in this
14 determination.

15 (d) Establish requirements governing aircraft used for
16 the aerial application of pesticides, including requirements
17 for recordkeeping, annual aircraft registration, secure
18 storage when not in use, area-of-application information, and
19 reporting any sale, lease, purchase, rental, or transfer of
20 such aircraft to another person.

21 (e) Establish requirements governing the secure
22 storage and distribution of pesticides used by aerial
23 pesticide applicators.

24 Section 2. Subsections (39) and (40) are added to
25 section 570.07, Florida Statutes, to read:

26 570.07 Department of Agriculture and Consumer
27 Services; functions, powers, and duties.--The department shall
28 have and exercise the following functions, powers, and duties:

29 (39) To adopt by rule requirements governing aircraft
30 used for the aerial application of pesticides, fertilizers, or
31 seed, including requirements for recordkeeping, annual

1 aircraft registration, secure storage when not in use,
2 area-of-application information, and reporting any sale,
3 lease, purchase, rental, or transfer of such aircraft to
4 another person.

5 (40) To adopt by rule, requirements governing the
6 secure storage and distribution of pesticides and fertilizers
7 used by aerial pesticide and fertilizer applicators.
8 Regulation of the commercial storage and distribution of
9 pesticides and fertilizers is expressly preempted to the
10 department.

11 Section 3. Subsections (3) and (4) are added to
12 section 576.181, Florida Statutes, to read:

13 576.181 Administration; rules; procedure.--

14 (3) The department may establish by rule requirements
15 governing aircraft used for the aerial application of
16 fertilizers, including requirements for recordkeeping, annual
17 aircraft registration, secure storage when not in use,
18 area-of-application information, and reporting any sale,
19 lease, purchase, rental, or transfer of such aircraft to
20 another person.

21 (4) The department may establish by rule requirements
22 governing the secure storage and distribution of fertilizers
23 used by aerial fertilizer applicators.

24 Section 4. Paragraph (j) is added to subsection (2) of
25 section 578.11, Florida Statutes, to read:

26 578.11 Duties, authority, and rules of the
27 department.--

28 (2) The department is authorized:

29 (j) To establish, by rule, requirements governing
30 aircraft used for the aerial application of seed, including
31 requirements for recordkeeping, annual aircraft registration,

1 secure storage when not in use, area-of-application
2 information, and reporting any sale, lease, purchase, rental,
3 or transfer of such aircraft to another person.

4 Section 5. By January 1, 2003, the Department of
5 Agriculture and Consumer Services shall report to the
6 President of the Senate and the Speaker of the House of
7 Representatives on the implementation of any rule adopted by
8 the department as authorized by this act.

9 Section 6. Section 119.106, Florida Statutes, is
10 created to read:

11 119.106 Identification required.--Public record
12 requests for information under chapter 487, chapter 570,
13 chapter 576, or chapter 578 must be made in writing, and the
14 person making the request must submit at least two forms of
15 personal identification. Such request may be given to any law
16 enforcement agency for purposes of identity verification. Once
17 the identity of the person making the request is verified, the
18 agency must satisfy the request in a reasonable time.

19 Section 7. This act shall take effect upon becoming a
20 law.

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23 LEGISLATIVE SUMMARY

24 Authorizes the Department of Agriculture and Consumer
25 Services to adopt rules establishing requirements
26 governing aircraft used for the aerial application of
pesticides and fertilizers and requirements governing the
27 storage and distribution thereof. Authorizes the
department to adopt rules establishing requirements
28 governing aircraft used for the aerial application of
seed. Requires the department to report to the
Legislature on the implementation of any rule adopted as
29 authorized by the act. Requires a person requesting
certain public records to provide personal
30 identification.
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