

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;  
22          directing the review of the cost impact of  
23          aerial application of pesticides; providing an  
24          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 rules, requirements governing the  
6 aerial applicator's secure storage of pesticides and  
7 fertilizers. Except as provided in chapters 373, 376, and  
8 403, the regulation of the commercial storage of and  
9 distribution of pesticides and fertilizers is expressly  
10 preempted to the 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. The Office of Program Policy Analysis and  
10 Government Accountability is directed to review the cost  
11 impact to the aerial application industry of the  
12 implementation of any rules adopted by the Department of  
13 Agriculture and Consumer Services pursuant to this act and  
14 report its findings to the President of the Senate and the  
15 Speaker of the House of Representatives by January 1, 2003.

16 Section 7. This act shall take effect upon becoming a  
17 law.