

By the Committee on Criminal Justice; and Senator Geller

307-736-02

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 of pesticides; amending s. 570.07,
9 F.S.; conforming provisions; amending s.
10 576.181, F.S.; authorizing the department to
11 adopt rules establishing requirements governing
12 aircraft used for the aerial application of
13 fertilizers and requirements governing the
14 storage of fertilizers; amending s. 578.11,
15 F.S.; authorizing the department to adopt rules
16 establishing requirements governing aircraft
17 used for the aerial application of seed;
18 requiring that the department report to the
19 Legislature on the implementation of any rule
20 adopted as authorized by the act; directing the
21 review of the cost impact of aerial application
22 of pesticides; providing an effective date.

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

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

28 487.051 Administration; rules; procedure.--

29 (1) The department may by rule:
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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 of pesticides used by aerial pesticide applicators.

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

25 570.07 Department of Agriculture and Consumer
26 Services; functions, powers, and duties.--The department shall
27 have and exercise the following functions, powers, and duties:

28 (39) To adopt by rule requirements governing aircraft
29 used for the aerial application of pesticides, fertilizers, or
30 seed, including requirements for recordkeeping, annual
31 aircraft registration, secure storage when not in use,

1 area-of-application information, and reporting any sale,
2 lease, purchase, rental, or transfer of such aircraft to
3 another person.

4 (40) To adopt by rule requirements governing the
5 aerial applicator's secure storage of pesticides and
6 fertilizers. Except as provided in chapters 373, 376, and
7 403, regulation of the use of pesticides and fertilizers for
8 aerial applicators is expressly preempted to the department.

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

11 576.181 Administration; rules; procedure.--

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

19 (4) The department may establish by rule requirements
20 governing the secure storage of fertilizers used by aerial
21 fertilizer applicators.

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

24 578.11 Duties, authority, and rules of the
25 department.--

26 (2) The department is authorized:

27 (j) To establish, by rule, requirements governing
28 aircraft used for the aerial application of seed, including
29 requirements for recordkeeping, annual aircraft registration,
30 secure storage when not in use, area-of-application
31

1 information, and reporting any sale, lease, purchase, rental,
2 or transfer of such aircraft to another person.

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

8 Section 6. The Office of Program Policy Analysis and
9 Government Accountability is directed to review the cost
10 impact to the aerial-application industry of the
11 implementation of any rules adopted by the Department of
12 Agriculture and Consumer Services pursuant to this act and
13 report its findings to the President of the Senate and the
14 Speaker of the House of Representatives by January 1, 2003.

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

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 14-C

21 Provides, with certain exceptions, that regulation of the use
22 of pesticides and fertilizers for aerial applicators is
23 expressly preempted by the Department of Agriculture and
24 Consumer Services.
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