

By Representative Goodlette

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, the regulation of the commercial storage of pesticides  
8 and fertilizers 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  
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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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19 SENATE SUMMARY

20 Authorizes the Department of Agriculture and Consumer  
21 Services to adopt rules establishing requirements  
22 governing aircraft used for the aerial application of  
23 pesticides. Authorizes the department to adopt rules  
24 establishing requirements governing aircraft used for the  
25 aerial application of pesticides, fertilizers, or seed.  
26 Requires that the department report to the Legislature on  
the implementation of any rule adopted as authorized by  
the act. Requires that the Office of Program Policy  
Analysis and Government Accountability review the cost to  
the aerial-application industry of implementing a rule  
adopted under the act and report to the Legislature.

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