

By the Committee on Security, Select and Representatives
 Goodlette, Gelber, Ball, Green, Cusack, Cantens and Machek

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 to the
 23 aerial application industry; 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. Paragraphs (d) and (e) are added to
 29 subsection (1) of section 487.051, Florida Statutes, to read:
 30 487.051 Administration; rules; procedure.--
 31 (1) The department may by rule:

1 (d) Establish requirements governing aircraft used for
2 the aerial application of pesticides, including requirements
3 for recordkeeping, annual aircraft registration, secure
4 storage when not in use, area-of-application information, and
5 reporting any sale, lease, purchase, rental, or transfer of
6 such aircraft to another person.

7 (e) Establish requirements governing the secure
8 storage and distribution of pesticides used by aerial
9 pesticide applicators.

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

12 570.07 Department of Agriculture and Consumer
13 Services; functions, powers, and duties.--The department shall
14 have and exercise the following functions, powers, and duties:

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

22 (40) To adopt by rule requirements governing an aerial
23 applicator's secure storage of pesticides and fertilizers.
24 Except as provided in chapters 373, 376, and 403, the
25 regulation of the commercial storage and distribution of
26 pesticides and fertilizers is expressly preempted to the
27 department.

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

30 576.181 Administration; rules; procedure.--

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1 (3) The department may establish by rule requirements
2 governing aircraft used for the aerial application of
3 fertilizers, including requirements for recordkeeping, annual
4 aircraft registration, secure storage when not in use,
5 area-of-application information, and reporting any sale,
6 lease, purchase, rental, or transfer of such aircraft to
7 another person.

8 (4) The department may establish by rule requirements
9 governing the secure storage and distribution of fertilizers
10 used by aerial fertilizer applicators.

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

13 578.11 Duties, authority, and rules of the
14 department.--

15 (2) The department is authorized:

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

22 Section 5. By January 1, 2003, the Department of
23 Agriculture and Consumer Services shall report to the
24 President of the Senate and the Speaker of the House of
25 Representatives on the implementation of any rule adopted by
26 the department as authorized by this act.

27 Section 6. The Office of Program Policy Analysis and
28 Government Accountability is directed to review the cost
29 impact to the aerial application industry of the
30 implementation of any rules adopted by the Department of
31 Agriculture and Consumer Services pursuant to this act and to

1 report its findings to the President of the Senate and the
2 Speaker of the House of Representatives by January 1, 2003.

3 Section 7. This act shall take effect upon becoming a
4 law.

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7 HOUSE SUMMARY

8 Authorizes the Department of Agriculture and Consumer
9 Services to adopt rules establishing requirements
10 governing aircraft used for the aerial application of
11 pesticides and fertilizers and requirements governing the
12 storage and distribution thereof. Authorizes the
13 department to adopt rules establishing requirements
14 governing aircraft used for the aerial application of
15 seed. Requires the department to report to the
16 Legislature on the implementation of any rule adopted as
17 authorized by the act. Requires the review of the cost
18 impact to the aerial application industry.
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