

1                                   A bill to be entitled  
2           An act relating to migrant and alien labor;  
3           providing a short title; amending s. 450.191,  
4           F.S.; authorizing the Executive Office of the  
5           Governor to advise and consult concerning  
6           improvements in the working conditions of  
7           migrant workers; authorizing the Executive  
8           Office of the Governor to provide coordination  
9           for farm labor registration, cooperate with the  
10          Department of Business and Professional  
11          Regulation on enforcing labor laws, and  
12          cooperate with the Agency for Workforce  
13          Innovation in recruiting migrant laborers;  
14          amending s. 450.201, F.S.; requiring the  
15          Legislative Commission on Migrant and Seasonal  
16          Labor to make appointments and hold its first  
17          meeting; amending s. 450.231, F.S.; specifying  
18          when the commission must report to the  
19          Legislature; amending s. 450.27, F.S.; renaming  
20          part III of ch. 450, F.S.; amending s. 450.271,  
21          F.S.; substituting the Department of Business  
22          and Professional Regulation for the Department  
23          of Labor and Employment Security as the entity  
24          authorized to administer the federal Migrant  
25          and Seasonal Agricultural Worker Protection  
26          Act; amending s. 450.28, F.S.; defining major  
27          and minor violations; amending s. 450.30, F.S.;  
28          requiring an applicant for renewal of a  
29          certificate of registration as a farm labor  
30          contractor to retake the competency examination  
31          when convicted of or penalized for committing a

1 major violation within a specified time;  
2 depositing certain fees received from  
3 applicants for a certificate of registration  
4 into the Professional Regulation Trust Fund;  
5 amending s. 450.31, F.S.; increasing the  
6 application fee for a certificate of  
7 registration; revising payment requirements;  
8 requiring an applicant for a certificate of  
9 registration to designate an agent to receive  
10 service of process and documents; authorizing  
11 the department to revoke, suspend, or deny a  
12 certificate of registration under certain  
13 circumstances; providing that receipt of a  
14 certification of registration constitutes  
15 permission by the farm labor contractor for  
16 department personnel to inspect certain  
17 documents; creating s. 450.321, F.S.;  
18 authorizing the department to develop and  
19 implement a best practices incentive program  
20 for farm labor contractors; authorizing the  
21 department to enter a partnership agreement  
22 with a contractor regarding such designation;  
23 authorizing use of the designation to solicit  
24 business; authorizing revocation of designation  
25 and requiring cessation of use; prohibiting  
26 characterization of the designation as an  
27 endorsement by the department; exempting the  
28 department from civil liability; authorizing  
29 the department to establish an incentive  
30 program for contractors holding a valid  
31 designation; amending s. 450.33, F.S.; revising

1 the powers of the department regarding  
2 revocation of a contractor's certificate of  
3 registration; adding maintenance of certain  
4 employee field records to the duties a  
5 contractor must perform; amending s. 450.34,  
6 F.S.; prohibiting a contractor from taking  
7 retaliatory action and from contracting with or  
8 employing certain persons who lack a valid  
9 certificate; amending s. 450.35, F.S.;  
10 prohibiting a person from contracting with or  
11 employing a farm labor contractor without a  
12 certificate of registration; providing  
13 penalties; amending s. 450.37, F.S.;  
14 authorizing the department to cooperate and  
15 enter into agreements with other state  
16 agencies; amending s. 450.38, F.S.; revising  
17 the penalties imposed for violations of part  
18 III of ch. 450, F.S.; clarifying applicability  
19 of penalties to a firm, association, or  
20 corporation; increasing the maximum civil  
21 penalty; authorizing civil penalties or the  
22 revocation of registration if a contractor  
23 commits one or more minor violations; creating  
24 s. 450.39, F.S.; prohibiting a farm labor  
25 contractor from requiring a farmworker to make  
26 certain purchases; prohibiting a contractor  
27 from charging a farmworker more than the  
28 reasonable cost for a commodity; amending s.  
29 381.0087, F.S.; clarifying that a person who  
30 willfully refuses a citation commits a  
31 second-degree misdemeanor; requiring the

1 Department of Health to notify the enforcing  
2 entity of suspected violations; amending s.  
3 381.008, F.S.; defining the term "residential  
4 migrant housing" to include structures rented  
5 or reserved for occupancy by seasonal workers;  
6 excluding from that definition a single-family  
7 residence or mobile home that is occupied only  
8 by a single family; amending s. 381.0086, F.S.;  
9 requiring the Department of Health to include  
10 certain provisions relative to plan review of  
11 residential migrant housing in rules;  
12 prohibiting a structural variance for the  
13 purpose of filing an interstate clearance order  
14 with the Agency for Workforce Innovation;  
15 amending ss. 487.011, 487.012, 487.021,  
16 487.025, 487.031, 487.041, 487.0435, 487.045,  
17 487.046, 487.047, 487.049, 487.051, 487.0615,  
18 487.071, 487.081, 487.091, 487.101, 487.111,  
19 487.13, 487.156, 487.159, 487.161, 487.163,  
20 487.171, 487.175, 403.088, 482.242, 500.03, and  
21 570.44, F.S.; changing the term "chapter" to  
22 "part" to conform to changes made by the act;  
23 creating part II of ch. 487, F.S.; providing a  
24 short title; providing for administration by  
25 the Department of Agriculture and Consumer  
26 Services; declaring legislative intent;  
27 defining terms; requiring the department to  
28 continue to operate under specified federal  
29 worker protection regulations; providing for  
30 application unless exempted by federal law;  
31 requiring an agricultural employer to make

1 pesticide information available to an  
2 agricultural worker; authorizing requests by  
3 the worker, a designated representative, or  
4 medical personnel treating the worker;  
5 requiring the manufacturer of an agricultural  
6 pesticide to prepare a material safety data  
7 sheet; requiring provision of the data sheet to  
8 each direct purchaser; requiring the department  
9 to produce and make available a general  
10 agricultural pesticide safety sheet;  
11 prohibiting an agricultural employer from  
12 failing to provide required pesticide  
13 information or taking retaliatory action;  
14 providing penalties for an agricultural  
15 employer who violates part II of ch. 487, F.S.;  
16 allowing a worker who seeks relief for  
17 retaliatory action to file a complaint with the  
18 department; requiring that the department  
19 monitor complaints of retaliation and report  
20 findings to the President of the Senate and the  
21 Speaker of the House of Representatives;  
22 amending s. 440.16, F.S.; deleting a provision  
23 granting workers' compensation to certain  
24 dependents of a deceased alien; requesting the  
25 Division of Statutory Revision to designate  
26 parts I and II of ch. 487, F.S.; providing an  
27 appropriation and authorizing positions;  
28 providing an effective date.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

1           Section 1. This act may be cited as the "Alfredo  
2 Bahena Act."

3           Section 2. Subsection (1) of section 450.191, Florida  
4 Statutes, is amended to read:

5           450.191 Executive Office of the Governor; powers and  
6 duties.--

7           (1) The Executive Office of the Governor is authorized  
8 and directed to:

9           (a) Advise and consult with ~~employers of~~ migrant and  
10 seasonal workers and their employers as to the ways and means  
11 of improving living and working conditions of migrant and  
12 seasonal workers;

13           (b) Cooperate with the Department of Health in  
14 establishing minimum standards of preventive and curative  
15 health and of housing and sanitation in migrant labor camps  
16 and in making surveys to determine the adequacy of preventive  
17 and curative health services available to occupants of migrant  
18 labor camps;

19           (c) Provide coordination for the enforcement of ss.  
20 381.008-381.0088 and ss. 450.27-450.38;

21           (d) Cooperate with the Department of Business and  
22 Professional Regulation ~~other departments of government~~ in  
23 coordinating and enforcing all applicable labor laws,  
24 including, but not limited to, those relating to private  
25 employment agencies, child labor, wage payments, wage claims,  
26 and farm labor contractors ~~crew leaders~~;

27           (e) Cooperate with the Department of Education to  
28 provide educational facilities for the children of migrant  
29 laborers;

30

31

1 (f) Cooperate with the Department of Highway Safety  
2 and Motor Vehicles to establish minimum standards for the  
3 transporting of migrant laborers;

4 (g) Cooperate with the Department of Agriculture and  
5 Consumer Services to conduct an education program for  
6 employers of migrant laborers pertaining to the standards,  
7 methods, and objectives of the office;

8 (h) Cooperate with the Department of Children and  
9 Family Services in coordinating all public assistance programs  
10 as they may apply to migrant laborers;

11 (i) Coordinate all federal, state, and local programs  
12 pertaining to migrant laborers;

13 (j) Cooperate with the Agency for Workforce Innovation  
14 ~~farm labor office of the Department of Business and~~  
15 ~~Professional Regulation~~ in the recruitment and referral of  
16 migrant laborers and other persons for the planting,  
17 cultivation, and harvesting of agricultural crops in Florida.

18 Section 3. Section 450.201, Florida Statutes, is  
19 amended to read:

20 450.201 Legislative Commission on Migrant and Seasonal  
21 Labor; membership; filling vacancies.--

22 (1) There is created a permanent joint committee of  
23 the Florida Legislature to be known as the Legislative  
24 Commission on Migrant and Seasonal Labor, to be composed of  
25 three members of the Senate, appointed by the President of the  
26 Senate, and three members of the House of Representatives,  
27 appointed by the Speaker of the House. One member from each  
28 house shall be a member of the minority party. Any vacancy in  
29 the commission shall be filled by the respective presiding  
30 officer from the membership of the legislative body from which  
31 the vacancy occurred. However, a member who ceases to be a

1 member of the legislative body from which appointed shall  
2 continue to be a member of the commission until the next  
3 succeeding regular session of the Legislature, at which the  
4 commission shall render its report to the Legislature.

5 (2) Initial appointments must be made no later than  
6 March 1, 2005.

7 (3) The commission shall hold its first meeting no  
8 later than July 1, 2005.

9 Section 4. Section 450.231, Florida Statutes, is  
10 amended to read:

11 450.231 Annual reports to Legislature.--The commission  
12 shall report its findings, recommendations, and proposed  
13 legislation to each regular session of the Legislature no  
14 later than February 1 of each year, beginning in 2006.

15 Section 5. Section 450.27, Florida Statutes, is  
16 amended to read:

17 450.27 Short title.--This part may be cited as the  
18 "Farm Labor Contractor Registration Law."

19 Section 6. Section 450.271, Florida Statutes, is  
20 amended to read:

21 450.271 State administration of the Migrant and  
22 Seasonal Agricultural Worker Protection Act.--The Department  
23 of Business and Professional Regulation ~~Labor and Employment~~  
24 ~~Security~~ may enter into agreements with the Secretary of Labor  
25 of the United States to authorize the department to administer  
26 within the State of Florida the provisions of the Migrant and  
27 Seasonal Agricultural Worker Protection Act of 1983, as  
28 amended.

29 Section 7. Subsections (5) and (6) are added to  
30 section 450.28, Florida Statutes, to read:

31 450.28 Definitions.--



1       (5) "Minor violation" means a violation of a specific  
2 state or federal statute or rule which does not result in  
3 economic or physical harm to any person recruited,  
4 transported, supplied, or hired by a farm labor contractor or  
5 create a significant threat of such harm.

6       (6) "Major violation" means a violation of a specific  
7 state or federal statute or rule which results in economic or  
8 physical harm to any person recruited, transported, supplied,  
9 or hired by a farm labor contractor or creates a significant  
10 threat of such harm.

11       Section 8. Subsections (6) and (7) of section 450.30,  
12 Florida Statutes, are amended to read:

13       450.30 Requirement of certificate of registration;  
14 education and examination program.--

15       (6) The department shall require an applicant for  
16 renewal of a certificate of registration to retake the  
17 examination only if:

18       (a) During the prior certification period, the  
19 department issued a final order assessing a civil monetary  
20 penalty for a major violation of this part or revoked or  
21 refused to renew or issue a certificate of registration; or

22       (b) The department determines that new requirements  
23 related to the duties and responsibilities of a farm labor  
24 contractor necessitate a new examination.

25       (7) The department shall charge each applicant a \$35  
26 fee for the education and examination program. Such fees shall  
27 be deposited in the Professional Regulation Crew Chief  
28 ~~Registration~~ Trust Fund.

29       Section 9. Subsections (1) and (2) of section 450.31,  
30 Florida Statutes, are amended and subsections (5) and (6) are  
31 added to that section, to read:

1           450.31 Issuance, revocation, and suspension of, and  
2 refusal to issue or renew, certificate of registration.--

3           (1) The department shall not issue to any person a  
4 certificate of registration as a farm labor contractor, nor  
5 shall it renew such certificate, until:

6           (a) Such person has executed a written application  
7 therefor in a form and pursuant to regulations prescribed by  
8 the department and has submitted such information as the  
9 department may prescribe.

10          (b) Such person has obtained and holds a valid federal  
11 certificate of registration as a farm labor contractor, or a  
12 farm labor contractor employee, unless exempt by federal law.

13          (c) Such person pays to the department, by cashier's  
14 check in cash, certified check, or money order, a  
15 nonrefundable application fee of ~~\$125~~\$75. Fees collected by  
16 the department under this subsection shall be deposited in the  
17 State Treasury into the Professional Regulation Crew Chief  
18 Registration Trust Fund, ~~which is hereby created~~, and shall be  
19 used ~~utilized~~ for administration of this part.

20          (d) Such person has successfully taken and passed the  
21 farm labor contractor examination.

22          (e) Such person has designated an agent to receive  
23 service of process and other official or legal documents. The  
24 agent must be available during regular business hours, Monday  
25 through Friday, to accept service on behalf of the farm labor  
26 contractor.

27          (2) The department may revoke, suspend, or refuse to  
28 issue or renew any certificate of registration when it is  
29 shown that the farm labor contractor has:

30  
31

- 1 (a) Violated or failed to comply with any provision of  
2 this part or the rules adopted pursuant to this part; ~~s-~~  
3 ~~450.36.~~
- 4 (b) Made any misrepresentation or false statement in  
5 his or her application for a certificate of registration;~~i-~~
- 6 (c) Given false or misleading information concerning  
7 terms, conditions, or existence of employment to persons who  
8 are recruited or hired to work on a farm;~~i-~~
- 9 (d) Been assessed, by the department, a civil fine for  
10 which payment is overdue;
- 11 (e) Failed to pay unemployment compensation taxes as  
12 determined by the Agency for Workforce Innovation;
- 13 (f) Been denied, or had suspended or revoked, a  
14 federal certificate of registration as a farm labor  
15 contractor; or
- 16 (g) Failed to pay federal employee taxes as determined  
17 by the Internal Revenue Service.
- 18 (5) The department may permanently revoke or refuse to  
19 issue or renew a certificate of registration if the applicant  
20 or certificate holder has been convicted within the preceding  
21 5 years of:
- 22 (a) A crime under state or federal law:
- 23 1. Relating to gambling or the sale, distribution, or  
24 possession of alcoholic beverages; and
- 25 2. Committed in connection with, or incident to, any  
26 activities involving farm labor contracting; or
- 27 (b) A felony under state or federal law involving  
28 robbery, bribery, extortion, embezzlement, grand larceny,  
29 burglary, arson, violation of narcotics laws, murder, rape,  
30 assault with intent to kill, assault that inflicts grievous  
31

1 bodily injury, prostitution, peonage, or smuggling or  
2 harboring individuals who have entered the country illegally.

3 (6) Receipt and acceptance of a certificate of  
4 registration as a farm labor contractor constitutes  
5 unconditional permission and acquiescence by the contractor to  
6 the inspection by department personnel of books, ledgers, and  
7 all other documents related to the performance of the  
8 contractor's farm labor activities.

9 Section 10. Section 450.321, Florida Statutes, is  
10 created to read:

11 450.321 Best practices incentive program for farm  
12 labor contractors.--

13 (1) To promote compliance with this part, and to help  
14 the public identify farm labor contractors who have  
15 demonstrated a firm commitment to responsible and safe labor  
16 practices, the department shall develop and implement a best  
17 practices incentive program for farm labor contractors.

18 (2) Farm labor contractors who seek designation as a  
19 best practices farm labor contractor must meet the  
20 requirements set by the department. A farm labor contractor  
21 may not transfer or use without authorization a designation as  
22 a best practices employer.

23 (3) The department may enter into a partnership  
24 agreement with a farm labor contractor which states the  
25 responsibilities of each party to the agreement regarding the  
26 requirements to receive and maintain a best practices  
27 designation. Recipients of a designation as a best practices  
28 farm labor contractor may use the designation when soliciting  
29 business as long as the designation remains in effect.

30 (4) A designation as a best practices farm labor  
31 contractor may be revoked when the department determines that

1 the recipient has failed to comply with a requirement  
 2 established pursuant to subsection (2). When a designation is  
 3 revoked, the prior recipient shall cease all use of the best  
 4 practices farm labor contractor designation when soliciting  
 5 business.

6 (5) The grant of a designation as a best practices  
 7 employer is not an endorsement of the recipient by the  
 8 department, and may not be characterized as such an  
 9 endorsement.

10 (6) The department may not be held liable in a civil  
 11 action for damages resulting from the granting, denying,  
 12 suspending, or revoking of a designation as a best practices  
 13 farm labor contractor.

14 (7) The department shall establish an incentive  
 15 program for farm labor contractors who hold a valid best  
 16 practices designation.

17 Section 11. Subsection (10) of section 450.33, Florida  
 18 Statutes, is amended and subsection (11) is added to that  
 19 section, to read:

20 450.33 Duties of farm labor contractor.--Every farm  
 21 labor contractor must:

22 (10) Comply with all applicable statutes, rules, and  
 23 regulations of the United States and of the State of Florida  
 24 for the protection or benefit of labor, including, but not  
 25 limited to, those providing for wages, hours, fair labor  
 26 standards, social security, workers' compensation,  
 27 unemployment compensation, child labor, and transportation.

28 ~~The department shall not suspend or revoke a certificate of~~  
 29 ~~registration pursuant to this subsection unless:~~

30 ~~(a) A court or agency of competent jurisdiction~~  
 31 ~~renders a judgment or other final decision that a violation of~~

1 ~~one of the laws, rules, or regulations has occurred and, if~~  
2 ~~invoked, the appellate process is exhausted;~~

3 ~~(b) An administrative hearing pursuant to ss. 120.569~~  
4 ~~and 120.57 is held on the suspension or revocation and the~~  
5 ~~administrative law judge finds that a violation of one of the~~  
6 ~~laws, rules, or regulations has occurred and, if invoked, the~~  
7 ~~appellate process is exhausted; or~~

8 ~~(c) The holder of a certificate of registration~~  
9 ~~stipulates that a violation has occurred or defaults in the~~  
10 ~~administrative proceedings brought to suspend or revoke his or~~  
11 ~~her registration.~~

12 (11) Maintain accurate daily field records for each  
13 employee actually paid by the farm labor contractor reflecting  
14 the hours worked for the farm labor contractor and, if paid by  
15 unit, the number of units harvested and the amount paid per  
16 unit.

17 Section 12. Subsections (4) and (5) are added to  
18 section 450.34, Florida Statutes, to read:

19 450.34 Prohibited acts of farm labor contractor.--A  
20 licensee may not:

21 (4) Retaliate against any person that has filed a  
22 complaint or aided an investigation pursuant to this part.

23 (5) Contract with or employ any person acting in the  
24 capacity of a farm labor contractor, or performing activities  
25 defined in s. 450.28(1), when that person does not have a  
26 current certificate of registration issued by the department  
27 pursuant to the requirements of this part.

28 Section 13. Section 450.35, Florida Statutes, is  
29 amended to read:

30 450.35 Certain contracts prohibited.--It is unlawful  
31 for any person to contract with or employ ~~for the employment~~

1 ~~of farm workers with~~ any farm labor contractor as defined in  
 2 this act, for matters relating to farm labor, until the labor  
 3 contractor displays to him or her a current certificate of  
 4 registration issued by the department pursuant to the  
 5 requirements of this part. A violation of this section is  
 6 subject to the penalties provided for violations in s.  
 7 450.38(1).

8 Section 14. Section 450.37, Florida Statutes, is  
 9 amended to read:

10 450.37 Cooperation with state and federal  
 11 agencies.--The department shall, whenever appropriate,  
 12 cooperate with any federal agency. The department may  
 13 cooperate with and enter into agreements with any other state  
 14 agency to administer this chapter or secure uniform rules.

15 Section 15. Section 450.38, Florida Statutes, is  
 16 amended to read:

17 450.38 Enforcement of farm labor contractor laws.--

18 (1) Any person, firm, association, or corporation not  
 19 excluded under s. 450.29 which commits a minor violation ~~who~~  
 20 ~~violates any provision~~ of this part and, upon conviction, is  
 21 guilty of ~~commits~~ a misdemeanor of the second degree, is  
 22 punishable as provided in s. 775.082, or s. 775.083.

23 (2) Any person, firm, association, or corporation  
 24 which commits a major violation of this part, and upon  
 25 conviction, is guilty of a felony of the third degree, is  
 26 punishable as provided in s. 775.082, s. 775.083, or s.  
 27 775.084.

28 (3)~~(2)~~ Any person, firm, association, or corporation  
 29 that ~~who, on or after June 19, 1985,~~ commits a violation of  
 30 this part or of any rule adopted thereunder may be assessed a  
 31 civil penalty of not more than ~~\$2,500~~ \$1,000 for each such

1 violation. Such assessed penalties shall be paid by cashier's  
2 check in cash, certified check, or money order and shall be  
3 deposited into the General Revenue Fund. The department shall  
4 not institute or maintain any administrative proceeding to  
5 assess a civil penalty under this subsection when the  
6 violation is the subject of a criminal indictment or  
7 information under this section which results in a criminal  
8 penalty being imposed, or of a criminal, civil, or  
9 administrative proceeding by the United States government or  
10 an agency thereof which results in a criminal or civil penalty  
11 being imposed. The department may adopt rules prescribing the  
12 criteria to be used to determine the amount of the civil  
13 penalty and to provide notification to persons assessed a  
14 civil penalty under this section.

15 ~~(4)(3)~~ Upon a complaint of the department being filed  
16 in the circuit court of the county in which the farm labor  
17 contractor resides or may be doing business, any farm labor  
18 contractor who fails to obtain a certificate of registration  
19 as required by this part may, in addition to such penalties,  
20 be enjoined from engaging in any activity which requires the  
21 farm labor contractor to possess a certificate of  
22 registration.

23 ~~(5)(4)~~ For the purpose of any investigation or  
24 proceeding conducted by the department, the secretary of the  
25 department or the secretary's designee shall have the power to  
26 administer oaths, take depositions, make inspections when  
27 authorized by statute, issue subpoenas which shall be  
28 supported by affidavit, serve subpoenas and other process, and  
29 compel the attendance of witnesses and the production of  
30 books, papers, documents, and other evidence. The secretary of  
31



1 the department or the secretary's designee shall exercise this  
2 power on the secretary's own initiative.

3 (6) A farm labor contractor who commits a minor  
4 violation of this part shall be issued a warning for the first  
5 violation. A civil penalty in increments of \$250 may be  
6 assessed for each successive violation of a specific statute  
7 or rule of this part up to a maximum of \$2,500.

8 (7) A farm labor contractor who commits a major  
9 violation of a specific statute or rule of this part shall be  
10 assessed a civil money penalty of up to \$2,500 in accordance  
11 with the criteria established by the department pursuant to s.  
12 450.38.

13 Section 16. Section 450.39, Florida Statutes, is  
14 created to read:

15 450.39 Prohibition against required purchase;  
16 prohibition against excessive charges.--

17 (1) A farm labor contractor may not require that a  
18 farmworker purchase goods or services solely from that farm  
19 labor contractor or from a person acting as an agent for that  
20 farm labor contractor.

21 (2) A farm labor contractor may not charge a  
22 farmworker more than a reasonable cost for any commodity,  
23 including housing, food, water, or other consumables in  
24 accordance with 29 C.F.R. s. 531.3. As used in this  
25 subsection, the term "reasonable cost" does not include a  
26 profit to the farm labor contractor or to any other person  
27 acting as an agent for the farm labor contractor.

28 Section 17. Subsections (1) and (6) of section  
29 381.0087, Florida Statutes, are amended, and subsection (9) is  
30 added to that section, to read:

31 381.0087 Enforcement; citations.--

1           (1) Department personnel ~~or crew chief compliance~~  
2 ~~officers employed by the Bureau of Compliance of the Florida~~  
3 ~~Department of Labor and Employment Security~~ may issue  
4 citations that contain an order of correction or an order to  
5 pay a fine, or both, for violations of ss. 381.008-381.00895  
6 or the field sanitation facility rules adopted by the  
7 department when a violation of those sections or rules is  
8 enforceable by an administrative or civil remedy, or when a  
9 violation of those sections or rules is a misdemeanor of the  
10 second degree. A citation issued under this section  
11 constitutes a notice of proposed agency action. The recipient  
12 of a citation for a major deficiency, as defined by rule of  
13 the department, will be given a maximum of 48 hours to make  
14 satisfactory correction or demonstrate that provisions for  
15 correction are satisfactory.

16           (6) Any person who willfully refuses to sign and  
17 accept a citation issued by the department commits ~~or the~~  
18 ~~Department of Labor and Employment Security is guilty of a~~  
19 misdemeanor of the second degree, punishable as provided in s.  
20 775.082 or s. 775.083.

21           (9) When the department suspects that a law has been  
22 violated it shall notify the entity that enforces that law.

23           Section 18. Subsection (8) of section 381.008, Florida  
24 Statutes, is amended to read:

25           381.008 Definitions of terms used in ss.  
26 381.008-381.00897.--As used in ss. 381.008-381.00897, the  
27 following words and phrases mean:

28           (8) "Residential migrant housing"--A building,  
29 structure, mobile home, barracks, or dormitory, and any  
30 combination thereof on adjacent property which is under the  
31 same ownership, management, or control, and the land

1 appertaining thereto, that is rented or reserved for occupancy  
2 by five or more seasonal or migrant farmworkers, except:

3 (a) Housing furnished as an incident of employment.

4 (b) A single-family residence or mobile home dwelling  
5 unit that is occupied only by a single family and that is not  
6 under the same ownership, management, or control as other  
7 farmworker housing to which it is adjacent or contiguous.

8 (c) A hotel, motel, or resort condominium, as defined  
9 in chapter 509, that is furnished for transient occupancy.

10 (d) Any housing owned or operated by a public housing  
11 authority except for housing which is specifically provided  
12 for persons whose principal income is derived from  
13 agriculture.

14 Section 19. Subsections (1) and (2) of section  
15 381.0086, Florida Statutes, are amended, and subsection (6) is  
16 added to that section, to read:

17 381.0086 Rules; variances; penalties.--

18 (1) The department shall adopt rules necessary to  
19 protect the health and safety of migrant farm workers and  
20 other migrant labor camp or residential migrant housing  
21 occupants, including rules governing field sanitation  
22 facilities. These rules must include definitions of terms,  
23 provisions relating to plan review of the construction of new,  
24 expanded, or remodeled camps or residential migrant housing,  
25 sites, buildings and structures, personal hygiene facilities,  
26 lighting, sewage disposal, safety, minimum living space per  
27 occupant, bedding, food equipment, food storage and  
28 preparation, insect and rodent control, garbage, heating  
29 equipment, water supply, maintenance and operation of the  
30 camp, housing, or roads, and such other matters as the  
31 department finds to be appropriate or necessary to protect the

1 life and health of the occupants. Housing operated by a public  
2 housing authority is exempt from the provisions of any  
3 administrative rule that conflicts with or is more stringent  
4 than the federal standards applicable to the housing.

5 (2) Except when prohibited as specified in subsection  
6 (6), an owner or operator may apply for a permanent structural  
7 variance from the department's rules by filing a written  
8 application and paying a fee set by the department, not to  
9 exceed \$100. This application must:

10 (a) Clearly specify the standard from which the  
11 variance is desired;

12 (b) Provide adequate justification that the variance  
13 is necessary to obtain a beneficial use of an existing  
14 facility and to prevent a practical difficulty or unnecessary  
15 hardship; and

16 (c) Clearly set forth the specific alternative  
17 measures that the owner or operator has taken to protect the  
18 health and safety of occupants and adequately show that the  
19 alternative measures have achieved the same result as the  
20 standard from which the variance is sought.

21 (6) For the purpose of filing an interstate clearance  
22 order with the Agency for Workforce Innovation, if the housing  
23 is covered by 20 C.F.R., part 654, subpart E, the structural  
24 variance referred to in subsection (2) is prohibited.

25 Section 20. Section 487.011, Florida Statutes, is  
26 amended to read:

27 487.011 Short title; administration.--This part  
28 ~~chapter~~ may be cited as the "Florida Pesticide Law" and shall  
29 be administered by the Department of Agriculture and Consumer  
30 Services.

31

1           Section 21. Section 487.012, Florida Statutes, is  
2 amended to read:

3           487.012 Declaration of purpose.--The purpose of this  
4 part chapter is to regulate the distribution, sale, and use of  
5 pesticides, except as provided in chapters 388 and 482, and to  
6 protect people and the environment from the adverse effects of  
7 pesticides.

8           Section 22. Subsections (31), (45), and (57) of  
9 section 487.021, Florida Statutes, are amended to read:

10          487.021 Definitions.--For the purpose of this chapter:

11          (31) "Highly toxic" means any highly poisonous  
12 pesticide as determined by the rules promulgated pursuant to  
13 this part chapter.

14          (45) "Official sample" means any sample of a pesticide  
15 taken by the department in accordance with the provisions of  
16 this part chapter or rules adopted under this part chapter,  
17 and designated as official by the department.

18          (57) "Registrant" means the person registering any  
19 pesticide pursuant to the provisions of this part chapter.

20          Section 23. Subsection (2) of section 487.025, Florida  
21 Statutes, is amended to read:

22          487.025 Misbranding.--

23          (2) A pesticide is misbranded if:

24          (a) It is an imitation of, or is offered for sale  
25 under the name of, another pesticide.

26          (b) Its labeling bears any reference to registration  
27 under this part chapter.

28          (c) The labeling accompanying it does not contain  
29 instructions for use which are necessary and, if complied  
30 with, adequate for the protection of the public.

31

1 (d) The label does not contain a warning or caution  
2 statement which may be necessary and, if complied with,  
3 adequate to prevent injury to living humans and other  
4 vertebrate animals.

5 (e) The label does not bear an ingredient statement on  
6 that part of the immediate container, and on the outside  
7 container or wrapper, if there is one, through which the  
8 ingredient statement on the immediate container cannot be  
9 clearly read, of the retail package which is presented or  
10 displayed under customary conditions of purchase.

11 (f) Any word, statement, or other information required  
12 by or under authority of this part ~~chapter~~ to appear on the  
13 labeling is not prominently placed thereon with such  
14 conspicuousness, as compared with other words, statements,  
15 designs, or graphic matter in the labeling, and in such terms  
16 as to render it likely to be read and understood by the  
17 ordinary individual under customary conditions of purchase and  
18 use.

19 (g) It is injurious to living humans or other  
20 vertebrate animals or vegetation, except weeds, to which it is  
21 applied, or to the person applying such pesticide as directed  
22 or in accordance with commonly recognized practice.

23 (h) In the case of a plant regulator, defoliant, or  
24 desiccant, when used as directed, it is injurious to living  
25 humans or other vertebrate animals, or vegetation, to which it  
26 is applied, or to the person applying such pesticide.  
27 However, physical or physiological effects on plants or parts  
28 thereof shall not be deemed to be injury when this is the  
29 purpose for which the plant regulator, defoliant, or desiccant  
30 was applied in accordance with the label claims and  
31 recommendations.

1 (i) Any ingredient which is present in amounts which  
2 are not likely to be effective when used according to  
3 directions is given undue prominence or conspicuousness, as  
4 compared with ingredients which are present in effective  
5 amounts, in its labeling. Such ingredient shall appear only  
6 in the ingredient statement.

7 (j) It is found to be ineffective when tested in the  
8 laboratory.

9 (k) It is found by the department to be of short  
10 measure.

11 Section 24. Subsections (2), (4), (5), and (13) of  
12 section 487.031, are amended to read:

13 487.031 Prohibited acts.--It is unlawful:

14 (2) To distribute, sell, or offer for sale within this  
15 state any pesticide or product which has not been registered  
16 pursuant to the provisions of this part chapter, except  
17 pesticides distributed, sold, offered for sale, or used in  
18 accordance with the provisions of federal or state  
19 restriction, supervision, or cancellation orders or other  
20 existing stock agreements.

21 (4) To detach, alter, deface, or destroy, in whole or  
22 in part, any label or labeling provided for in this part  
23 ~~chapter~~ or rules promulgated under this part chapter, or to  
24 add any substance to, or take any substance from, any  
25 pesticide in a manner that may defeat the purpose of this part  
26 ~~chapter~~.

27 (5) For any person to use for his or her own advantage  
28 or to reveal any information relative to formulas of products  
29 acquired by authority of this part chapter, other than to: the  
30 department, proper officials, or employees of the state; the  
31 courts of this state in response to a subpoena; physicians,

1 pharmacists, and other qualified persons, in an emergency, for  
2 use in the preparation of antidotes. The information relative  
3 to formulas of products is confidential and exempt from the  
4 provisions of s. 119.07(1).

5 (13) For any person to:

6 (a) Make a false or fraudulent claim through any  
7 medium, misrepresenting the effect of materials or methods  
8 used;

9 (b) Make a pesticide recommendation or application not  
10 in accordance with the label, except as provided in this  
11 section, or not in accordance with recommendations of the  
12 United States Environmental Protection Agency or not in  
13 accordance with the specifications of a special local need  
14 registration;

15 (c) Operate faulty or unsafe equipment;

16 (d) Operate in a faulty, careless, or negligent  
17 manner;

18 (e) Apply any pesticide directly to, or in any manner  
19 cause any pesticide to drift onto, any person or area not  
20 intended to receive the pesticide;

21 (f) Fail to disclose to an agricultural crop grower,  
22 prior to the time pesticides are applied to a crop, full  
23 information regarding the possible harmful effects to human  
24 beings or animals and the earliest safe time for workers or  
25 animals to reenter the treated field;

26 (g) Refuse or, after notice, neglect to comply with  
27 the provisions of this part ~~chapter~~, the rules adopted under  
28 this part ~~chapter~~, or any lawful order of the department;

29 (h) Refuse or neglect to keep and maintain the records  
30 required by this part ~~chapter~~ or to submit reports when and as  
31 required;



- 1 (i) Make false or fraudulent records, invoices, or  
2 reports;
- 3 (j) Use fraud or misrepresentation in making an  
4 application for a license or license renewal;
- 5 (k) Refuse or neglect to comply with any limitations  
6 or restrictions on or in a duly issued license;
- 7 (l) Aid or abet a licensed or unlicensed person to  
8 evade the provisions of this part ~~chapter~~, or combine or  
9 conspire with a licensed or unlicensed person to evade the  
10 provisions of this part ~~chapter~~, or allow a license to be used  
11 by an unlicensed person;
- 12 (m) Make false or misleading statements during or  
13 after an inspection concerning any infestation or infection of  
14 pests found on land;
- 15 (n) Make false or misleading statements, or fail to  
16 report, pursuant to this part ~~chapter~~, any suspected or known  
17 damage to property or illness or injury to persons caused by  
18 the application of pesticides;
- 19 (o) Impersonate any state, county, or city inspector  
20 or official;
- 21 (p) Fail to maintain a current liability insurance  
22 policy or surety bond as provided for in this part ~~chapter~~;
- 23 (q) Fail to adequately train, as provided for in this  
24 part ~~chapter~~, unlicensed applicators or mixer-loaders applying  
25 restricted-use pesticides under the direct supervision of a  
26 licensed applicator; or
- 27 (r) Fail to provide authorized representatives of the  
28 department with records required by this part ~~chapter~~ or with  
29 free access for inspection and sampling of any pesticide,  
30 areas treated with or impacted by these materials, and  
31 equipment used in their application.

1           Section 25. Subsections (2), (3), and (8) of section  
2 487.041, Florida Statutes, are amended to read:

3           487.041 Registration.--

4           (2) For the purpose of defraying expenses of the  
5 department in connection with carrying out the provisions of  
6 this part ~~chapter~~, each person shall pay an annual  
7 registration fee of \$250 for each registered pesticide. The  
8 annual registration fee for each special local need label and  
9 experimental use permit shall be \$100. All registrations  
10 expire on December 31 of each year. Nothing in this section  
11 shall be construed as applying to distributors or retail  
12 dealers selling pesticides when such pesticides are registered  
13 by another person.

14           (3) The department shall adopt rules governing the  
15 procedures for pesticide registration and for the review of  
16 data submitted by an applicant for registration of a  
17 pesticide. The department shall determine whether a pesticide  
18 should be registered, registered with conditions, or tested  
19 under field conditions in this state. The department shall  
20 determine that all requests for pesticide registrations meet  
21 the requirements of current state and federal law. The  
22 department, whenever it deems it necessary in the  
23 administration of this part ~~chapter~~, may require the  
24 manufacturer or registrant to submit the complete formula,  
25 quantities shipped into or manufactured in the state for  
26 distribution and sale, evidence of the efficacy and the safety  
27 of any pesticide, and other relevant data. The department may  
28 review and evaluate a registered pesticide if new information  
29 is made available which indicates that use of the pesticide  
30 has caused an unreasonable adverse effect on public health or  
31 the environment. Such review shall be conducted upon the

1 request of the secretary of the Department of Health in the  
2 event of an unreasonable adverse effect on public health or  
3 the secretary of the Department of Environmental Protection in  
4 the event of an unreasonable adverse effect on the  
5 environment. Such review may result in modifications,  
6 revocation, cancellation, or suspension of a pesticide  
7 registration. The department, for reasons of adulteration,  
8 misbranding, or other good cause, may refuse or revoke the  
9 registration of any pesticide, after notice to the applicant  
10 or registrant giving the reason for the decision. The  
11 applicant may then request a hearing, pursuant to chapter 120,  
12 on the intention of the department to refuse or revoke  
13 registration, and, upon his or her failure to do so, the  
14 refusal or revocation shall become final without further  
15 procedure. In no event shall registration of a pesticide be  
16 construed as a defense for the commission of any offense  
17 prohibited under this part ~~chapter~~.

18 (8) Nothing in this section affects the authority of  
19 the department to administer the pesticide registration  
20 program under this part ~~chapter~~ or the authority of the  
21 Commissioner of Agriculture to approve the registration of a  
22 pesticide.

23 Section 26. Section 487.0435, Florida Statutes, is  
24 amended to read:

25 487.0435 License classification.--The department shall  
26 issue certified applicator licenses in the following  
27 classifications: certified public applicator; certified  
28 private applicator; and certified commercial applicator. In  
29 addition, separate classifications and subclassifications may  
30 be specified by the department in rule as deemed necessary to  
31 carry out the provisions of this part ~~chapter~~. Each

1 classification shall be subject to requirements or testing  
2 procedures to be set forth by rule of the department and shall  
3 be restricted to the activities within the scope of the  
4 respective classification as established in statute or by  
5 rule. In specifying classifications, the department may  
6 consider, but is not limited to, the following:

7 (1) Whether the license sought is for commercial,  
8 public, or private applicator status.

9 (2) The method of applying the restricted-use  
10 pesticide.

11 (3) The specific crops upon which restricted-use  
12 pesticides are applied.

13 (4) The proximity of populated areas to the land upon  
14 which restricted-use pesticides are applied.

15 (5) The acreage under the control of the licensee.

16 (6) The pounds of technical restricted toxicant  
17 applied per acre per year by the licensee.

18 Section 27. Section 487.045, Florida Statutes, is  
19 amended to read:

20 487.045 Fees.--

21 (1) The department shall establish applicable fees by  
22 rule. The fees shall not exceed \$250 for commercial  
23 applicators or \$100 for private applicators and public  
24 applicators, for initial licensing and for each subsequent  
25 license renewal. The fees shall be determined annually and  
26 shall represent department costs associated with enforcement  
27 of the provisions of this part ~~chapter~~.

28 (2) Fees collected under the provisions of this part  
29 ~~chapter~~ shall be deposited into the General Inspection Trust  
30 Fund and shall be used to defray expenses in the  
31 administration of this chapter.

1           Section 28. Subsection (2) of section 487.046, Florida  
2 Statutes, is amended to read:

3           487.046 Application; licensure.--

4           (2) If the department finds the applicant qualified in  
5 the classification for which the applicant has applied, and if  
6 the applicant applying for a license to engage in aerial  
7 application of pesticides has met all of the requirements of  
8 the Federal Aviation Agency and the Department of  
9 Transportation of this state to operate the equipment  
10 described in the application and has shown proof of liability  
11 insurance or posted a surety bond in an amount to be set forth  
12 by rule of the department, the department shall issue a  
13 certified applicator's license, limited to the classifications  
14 for which the applicant is qualified. The license shall expire  
15 as required by rules promulgated under this part ~~chapter~~,  
16 unless it has been revoked or suspended by the department  
17 prior to expiration, for cause as provided in this part  
18 ~~chapter~~. The license or authorization card issued by the  
19 department verifying licensure shall be kept on the person of  
20 the licensee while performing work as a licensed applicator.

21           Section 29. Section 487.047, Florida Statutes, is  
22 amended to read:

23           487.047 Nonresident license; reciprocal agreement;  
24 authorized purchase.--

25           (1) The department may waive all or part of the  
26 examination requirements provided for in this part ~~chapter~~ on  
27 a reciprocal basis with any other state or agency, or an  
28 Indian tribe, that has substantially the same or better  
29 standards.

30           (2) Any nonresident applying for a license under this  
31 part ~~chapter~~ to operate in the state shall file a Designation

1 of Registered Agent naming the Secretary of State as the agent  
2 of the nonresident, upon whom process may be served in the  
3 event of any suit against the nonresident. The designation  
4 shall be prepared on a form provided by the department and  
5 shall render effective the jurisdiction of the courts of this  
6 state over the nonresident applicant. However, any nonresident  
7 who has a duly appointed registered agent upon whom process  
8 may be served as provided by law shall not be required to  
9 designate the Secretary of State as registered agent. The  
10 Secretary of State shall be allowed the registered-agent fees  
11 as provided by law for designating registered agents. The  
12 department shall be furnished with a copy of the designation  
13 of the Secretary of State or of a registered agent which is  
14 certified by the Secretary of State. The Secretary of State  
15 shall notify the department of any service of process it  
16 receives as registered agent for persons licensed under this  
17 part ~~chapter~~.

18 (3) Restricted-use pesticides may be purchased by any  
19 person who holds a valid applicator's license or who holds a  
20 valid purchase authorization card issued by the department or  
21 by a licensee under chapter 482 or chapter 388. A nonlicensed  
22 person may apply restricted-use pesticides under the direct  
23 supervision of a licensed applicator. An applicator's license  
24 shall be issued by the department on a form supplied by it in  
25 accordance with the requirements of this part ~~chapter~~.

26 Section 30. Subsection (1) of section 487.049, Florida  
27 Statutes, is amended to read:

28 487.049 Renewal; late fee; recertification.--

29 (1) The department shall require renewal of a  
30 certified applicator's license at 4-year intervals from the  
31 date of issuance. If the application for renewal of any

1 license provided for in this part ~~chapter~~ is not filed on  
2 time, a late fee shall be assessed not to exceed \$50. However,  
3 the penalty shall not apply if the renewal application is  
4 filed within 60 days after the renewal date, provided the  
5 applicant furnishes an affidavit certifying that he or she has  
6 not engaged in business subsequent to the expiration of the  
7 license for a period not exceeding 60 days. A license may be  
8 renewed without taking another examination unless the  
9 department determines that new knowledge related to the  
10 classification for which the applicant has applied makes a new  
11 examination necessary; however, the department may require the  
12 applicant to provide evidence of continued competency, as  
13 determined by rule. If the license is not renewed within 60  
14 days of the expiration date, then the licensee may again be  
15 required to take another examination, unless there is some  
16 unavoidable circumstance which results in the delay of the  
17 renewal of any license issued under this part ~~chapter~~ which  
18 was not under the applicant's control.

19 Section 31. Section 487.051, Florida Statutes, is  
20 amended to read:

21 487.051 Administration; rules; procedure.--

22 (1) The department may by rule:

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

26 (b) Establish procedures for the taking and handling  
27 of samples and establish tolerances and deficiencies where not  
28 specifically provided for in this part ~~chapter~~; assess  
29 penalties; and prohibit the sale or use of pesticides or  
30 devices shown to be detrimental to human beings, the  
31

1 environment, or agriculture or to be otherwise of questionable  
2 value.

3 (c) Determine whether pesticides, and quantities of  
4 substances contained in pesticides, are injurious to the  
5 environment. The department shall be guided by the United  
6 States Environmental Protection Agency regulations in this  
7 determination.

8 (d) Establish requirements governing aircraft used for  
9 the aerial application of pesticides, including requirements  
10 for recordkeeping, annual aircraft registration, secure  
11 storage when not in use, area-of-application information, and  
12 reporting any sale, lease, purchase, rental, or transfer of  
13 such aircraft to another person.

14 (e) Establish requirements governing the secure  
15 storage of pesticides used by aerial pesticide applicators.

16 (2) The department is authorized to adopt by rule the  
17 primary standards established by the United States  
18 Environmental Protection Agency with respect to pesticides. If  
19 the provisions of this part ~~chapter~~ are preempted in part by  
20 federal law, those provisions not preempted shall apply. This  
21 part ~~chapter~~ is intended as comprehensive and exclusive  
22 regulation of pesticides in this state. Except as provided in  
23 chapters 373, 376, 388, 403, and 482, or as otherwise provided  
24 by law, no agency, commission, department, county,  
25 municipality, or other political subdivision of the state may  
26 adopt laws, regulations, rules, or policies pertaining to  
27 pesticides, including their registration, packaging, labeling,  
28 distribution, sale, or use, except that local jurisdictions  
29 may adopt or enforce an ordinance pertaining to pesticides if  
30 that ordinance is in the area of occupational license taxes,  
31 building and zoning regulations, disposal or spillage of



1 pesticides within a water well zone, or pesticide safety  
2 regulations relating to containment at the storage site.

3 Section 32. Subsection (4) of section 487.0615,  
4 Florida Statutes, is amended to read:

5 487.0615 Pesticide Review Council.--

6 (4) The council is defined as a "substantially  
7 interested person" and has standing under chapter 120 in any  
8 proceeding conducted by the department relating to the  
9 registration of a pesticide under this part ~~chapter~~. The  
10 standing of the council shall in no way prevent individual  
11 members of the council from exercising standing in these  
12 matters.

13 Section 33. Subsections (1), (2), (3), (4), (6), and  
14 (7) of section 487.071, Florida Statutes, are amended to read:

15 487.071 Enforcement, inspection, sampling, and  
16 analysis.--

17 (1) The department is authorized to enter upon any  
18 public or private premises or carrier where pesticides are  
19 known or thought to be distributed, sold, offered for sale,  
20 held, stored, or applied, during regular business hours in the  
21 performance of its duties relating to pesticides and records  
22 pertaining to pesticides. No person shall deny or refuse  
23 access to the department when it seeks to enter upon any  
24 public or private premises or carrier during business hours in  
25 performance of its duties under this part ~~chapter~~.

26 (2) The department is authorized and directed to  
27 sample, test, inspect, and make analyses of pesticides sold,  
28 offered for sale, distributed, or used within this state, at a  
29 time and place and to such an extent as it may deem necessary,  
30 to determine whether the pesticides or persons exercising  
31 control over the pesticides are in compliance with the

1 provisions of this part ~~chapter~~, the rules adopted under this  
2 part ~~chapter~~, and the provisions of the pesticide label or  
3 labeling.

4 (3) The official analysis shall be made from the  
5 official sample. A sealed and identified sample, herein called  
6 "official check sample" shall be kept until the analysis on  
7 the official sample is completed. However, the registrant may  
8 obtain upon request a portion of the official sample. Upon  
9 completion of the analysis of the official sample, a true copy  
10 of the certificate of analysis shall be mailed to the  
11 registrant of the pesticide from whom the official sample was  
12 taken and also to the dealer or agent, if any, and consumer,  
13 if known. If the official analysis conforms with the  
14 provisions of this part ~~chapter~~, the official check sample may  
15 be destroyed. If the official analysis does not conform with  
16 the provisions of this part ~~chapter~~, the rules adopted under  
17 this part ~~chapter~~, and the provisions of the pesticide label  
18 or labeling, the official check sample shall be retained for a  
19 period of 90 days from the date of the certificate of analysis  
20 of the official sample. If within that time the registrant of  
21 the pesticide from whom the official sample was taken makes  
22 demand for analysis by a referee chemist, a portion of the  
23 official check sample sufficient for analysis shall be sent to  
24 a referee chemist who is mutually acceptable to the department  
25 and the registrant for analysis at the expense of the  
26 registrant. Upon completion of the analysis, the referee  
27 chemist shall forward to the department and to the registrant  
28 a certificate of analysis bearing a proper identification mark  
29 or number; and such certificate of analysis shall be verified  
30 by an affidavit of the person or laboratory making the  
31 analysis. If the certificate of analysis checks within 3

1 percent of the department's analysis on each active ingredient  
2 for which analysis was made, the mean average of the two  
3 analyses shall be accepted as final and binding on all  
4 concerned. However, if the referee's certificate of analysis  
5 shows a variation of greater than 3 percent from the  
6 department's analysis in any one or more of the active  
7 ingredients for which an analysis was made, upon demand of  
8 either the department or the registrant from whom the official  
9 sample was taken, a portion of the official check sample  
10 sufficient for analysis shall be submitted to a second referee  
11 chemist who is mutually acceptable to the department and the  
12 registrant, at the expense of the party or parties requesting  
13 the referee analysis. Upon completion of the analysis, the  
14 second referee chemist shall make a certificate and report as  
15 provided in this subsection for the first referee chemist. The  
16 mean average of the two analyses nearest in conformity shall  
17 be accepted as final and binding on all concerned. If no  
18 demand is made for an analysis by a second referee chemist,  
19 the department's certificate of analysis shall be accepted as  
20 final and binding on all concerned.

21 (4) If a pesticide or device fails to comply with the  
22 provisions of this part ~~chapter~~ with reference to the  
23 ingredient statement reflecting the composition of the  
24 product, as required on the registration and labeling, and the  
25 department contemplates possible criminal proceedings against  
26 the person responsible because of this violation, the  
27 department shall, after due notice, accord the person an  
28 informal hearing or an opportunity to present evidence and  
29 opinions, either orally or in writing, with regard to such  
30 contemplated proceedings. If in the opinion of the department  
31 the facts warrant, the department may refer the facts to the

1 state attorney for the county in which the violation occurred,  
2 with a copy of the results of the analysis or the examination  
3 of such article; provided that nothing in this part ~~chapter~~  
4 shall be construed as requiring the department to report for  
5 prosecution minor violations whenever it believes that the  
6 public interest will be subserved by a suitable notice of  
7 warning in writing.

8 (6) The department shall, by publication in such  
9 manner as it may prescribe, give notice of all judgments  
10 entered in actions instituted under the authority of this part  
11 ~~chapter~~.

12 (7)(a) The department may analyze pesticide samples  
13 upon request in a manner consistent with this part ~~chapter~~.

14 (b) The department shall establish by rule a fee  
15 schedule for pesticide samples analyzed upon request. The  
16 fees shall be sufficient to cover the costs to the department  
17 for taking the samples and performing the analysis. However,  
18 no fee shall exceed \$400 per test.

19 (c) The department shall keep separate records with  
20 respect to requested pesticide analyses, including the  
21 pesticide analyzed, tests performed, fees collected, the name  
22 and address of the person who requested the analysis, and the  
23 name and address of the registrant.

24 (d) All fees collected pursuant to this subsection  
25 shall be deposited into the General Inspection Trust Fund and  
26 shall be used by the department to implement this subsection.

27 (e) In addition to any other penalty provided by this  
28 part ~~chapter~~, the registrant of any pesticide found to be  
29 adulterated, misbranded, or otherwise deficient shall  
30 reimburse the person requesting the pesticide analysis under  
31

1 this subsection for all fees assessed by and paid to the  
2 department.

3 Section 34. Subsections (2), (3), and (4) of section  
4 487.081, Florida Statutes, are amended to read:

5 487.081 Exemptions.--

6 (2) No article shall be deemed in violation of this  
7 ~~part chapter~~ when intended solely for export to a foreign  
8 country and when prepared or packed according to the  
9 specifications or directions of the purchaser.

10 (3) Notwithstanding any other provision of this part  
11 ~~chapter~~, registration required under this part ~~chapter~~ is not  
12 required in the case of a pesticide stored or shipped from one  
13 manufacturing plant within this state to another manufacturing  
14 plant within this state operated by the same person.

15 (4) Nothing in this part ~~chapter~~ shall be construed to  
16 apply to persons duly licensed or certified under chapter 388  
17 or chapter 482 performing any pest control or other operation  
18 for which they are licensed or certified under those chapters.

19 Section 35. Subsection (2) of section 487.091, Florida  
20 Statutes, is amended to read:

21 487.091 Tolerances, deficiencies, and penalties.--

22 (2) If a pesticide is found by analysis to be  
23 deficient in an active ingredient beyond the tolerance as  
24 provided in this part ~~chapter~~, the registrant is subject to a  
25 penalty for the deficiency, not to exceed \$10,000 per  
26 violation. However, no penalty shall be assessed when the  
27 official sample was taken from a pesticide that was in the  
28 possession of a consumer for more than 45 days from the date  
29 of purchase by that consumer, or when the product label  
30 specifies that the product should be used by an expiration  
31 date that has passed. Procedures for assessing penalties shall

1 be established by rule, based on the degree of the deficiency.  
2 Penalties assessed shall be paid to the consumer or, in the  
3 absence of a known consumer, the department. If the penalty is  
4 not paid within the prescribed period of time as established  
5 by rule, the department may deny, suspend, or revoke the  
6 registration of any pesticide.

7 Section 36. Section 487.101, Florida Statutes, is  
8 amended to read:

9 487.101 Stop-sale, stop-use, removal, or hold  
10 orders.--

11 (1) When a pesticide or device is being offered or  
12 exposed for sale, used, or held in violation of any of the  
13 provisions of this part ~~chapter~~, the department may issue and  
14 enforce a stop-sale, stop-use, removal, or hold order, in  
15 writing, to the owner or custodian of the pesticide or device,  
16 ordering that the pesticide or device be held at a designated  
17 place until the part ~~chapter~~ has been complied with and the  
18 pesticide or device is released, in writing, by the department  
19 or the violation has been disposed of by court order.

20 (2) The written notice is warning to all persons,  
21 including, but not limited to, the owner or custodian of the  
22 pesticide or the owner's or custodian's agents or employees,  
23 to scrupulously refrain from moving, bothering, altering, or  
24 interfering with the pesticide or device or from altering,  
25 defacing, or in any way interfering with the written notice or  
26 permitting the same to be done. The willful violation of these  
27 provisions is a misdemeanor, subjecting the violator to the  
28 penalty provisions of this part ~~chapter~~.

29 (3) The department shall release the pesticide or  
30 device under a stop-sale, stop-use, removal, or hold order  
31

1 when the owner or custodian complies with the provisions of  
2 this part ~~chapter~~.

3 (4) The owner or custodian, with authorization and  
4 supervision of the department, may relabel the pesticide or  
5 device so that the label will conform to the product, or  
6 transfer and return the product to the manufacturer or  
7 supplier for the purpose of bringing the product in compliance  
8 with the provisions of this part ~~chapter~~.

9 Section 37. Subsection (1) of section 487.111, Florida  
10 Statutes, is amended to read:

11 487.111 Seizure, condemnation, and sale.--

12 (1) Any lot of pesticide or device not in compliance  
13 with the provisions of this part ~~chapter~~ is subject to seizure  
14 on complaint of the department to the circuit court in the  
15 county in which the pesticide or device is located. In the  
16 event the court finds the pesticide or device in violation of  
17 this part ~~chapter~~ and orders it condemned, it shall be  
18 disposed of as the court may direct; provided that in no  
19 instance shall the disposition of the pesticide or device be  
20 ordered by the court without first giving the owner or  
21 custodian an opportunity to apply to the court for release of  
22 the pesticide or device or for permission to process or  
23 relabel it to bring it into compliance with this part ~~chapter~~.

24 Section 38. Section 487.13, Florida Statutes, is  
25 amended to read:

26 487.13 Cooperation.--The department is authorized and  
27 empowered to cooperate with and enter into agreements with any  
28 other agency of this state, the United States Department of  
29 Agriculture, the United States Environmental Protection  
30 Agency, and any other state or federal agency for the purpose  
31

1 of carrying out the provisions of this part ~~chapter~~ and  
2 securing uniformity of regulations.

3 Section 39. Section 487.156, Florida Statutes, is  
4 amended to read:

5 487.156 Governmental agencies.--All governmental  
6 agencies shall be subject to the provisions of this part  
7 ~~chapter~~ and rules adopted under this part ~~chapter~~. Public  
8 applicators using or supervising the use of restricted-use  
9 pesticides shall be subject to examination as provided in s.  
10 487.044.

11 Section 40. Subsection (1) of section 487.159, Florida  
12 Statutes, is amended to read:

13 487.159 Damage or injury to property, animal, or  
14 person; mandatory report of damage or injury; time for filing;  
15 failure to file.--

16 (1) The person claiming damage or injury to property,  
17 animal, or human beings from application of a pesticide shall  
18 file with the department a written statement claiming damages,  
19 on a form prescribed by the department, within 48 hours after  
20 the damage or injury becomes apparent. The statement shall  
21 contain, but shall not be limited to, the name of the person  
22 responsible for the application of the pesticide, the name of  
23 the owner or lessee of the land on which the crop is grown and  
24 for which the damages are claimed, and the date on which it is  
25 alleged that the damages occurred. The department shall  
26 investigate the alleged damages and notify all concerned  
27 parties of its findings. If the findings reveal a violation of  
28 the provisions of this part ~~chapter~~, the department shall  
29 determine an appropriate penalty, as provided in this part  
30 ~~chapter~~. The filing of a statement or the failure to file such  
31 a statement need not be alleged in any complaint which might



1 be filed in a court of law, and the failure to file the  
2 statement shall not be considered any bar to the maintenance  
3 of any criminal or civil action.

4 Section 41. Section 487.161, Florida Statutes, is  
5 amended to read:

6 487.161 Exemptions, nonagricultural pest control and  
7 research.--

8 (1) Any person duly licensed or certified under  
9 chapter 482, or under the supervision of chapter 388, is  
10 exempted from the licensing provisions of this part ~~chapter~~.

11 (2) The use of the antibiotic oxytetracycline  
12 hydrochloride for the purpose of controlling lethal yellowing  
13 is exempted from the licensing provisions of this part  
14 ~~chapter~~.

15 (3) The personnel of governmental, university, or  
16 industrial research agencies are exempted from the provisions  
17 of this part ~~chapter~~ when doing applied research within a  
18 laboratory, but shall comply with all the provisions of this  
19 part ~~chapter~~ when applying restricted-use pesticides to  
20 experimental or demonstration plots.

21 Section 42. Section 487.163, Florida Statutes, is  
22 amended to read:

23 487.163 Information; interagency cooperation.--

24 (1) The department may, in cooperation with the  
25 University of Florida or other agencies of government, publish  
26 information and conduct short courses of instruction in the  
27 safe use and application of pesticides for the purpose of  
28 carrying out the provisions of this part ~~chapter~~.

29 (2) The department may cooperate or enter into formal  
30 agreements with any other agency or educational institution of  
31 this state or its subdivisions or with any agency of any other

1 state or of the Federal Government for the purpose of carrying  
2 out the provisions of this part ~~chapter~~ and of securing  
3 uniformity of regulations.

4 Section 43. Subsections (1), (2), and (3) of section  
5 487.171, Florida Statutes, are amended to read:

6 487.171 Classification of antifouling paint containing  
7 organotin compounds as restricted-use pesticides; prohibition  
8 of distribution and sale.--

9 (1) The department shall classify antifouling paints  
10 containing organotin compounds having an acceptable release  
11 rate as restricted-use pesticides subject to the requirements  
12 of this part ~~chapter~~. Antifouling paints containing organotin  
13 having acceptable release rates and sold in spray cans of 16  
14 ounces avoirdupois weight or less for outboard motor or lower  
15 unit use are exempt from the restricted-use pesticide  
16 classification requirement.

17 (2) The department shall initiate action under chapter  
18 120, to deny or cancel the registration of antifouling paints  
19 containing organotin compounds which do not have an acceptable  
20 release rate or do not meet other criteria established by the  
21 department in accordance with this part ~~chapter~~.

22 (3) Distribution, sale, and use of antifouling paints  
23 containing organotin compounds with acceptable release rates  
24 shall be limited to dealers and applicators licensed by the  
25 department in accordance with this part ~~chapter~~, to  
26 distribute, sell, or use restricted-use pesticides. Such paint  
27 may be applied only by licensed applicators and may be applied  
28 only to vessels which exceed 25 meters in length or which have  
29 aluminum hulls.

30 Section 44. Section 487.175, Florida Statutes, is  
31 amended to read:

1           487.175 Penalties; administrative fine; injunction.--  
2           (1) In addition to any other penalty provided in this  
3 ~~part chapter~~, when the department finds any person, applicant,  
4 or licensee has violated any provision of this part chapter or  
5 rule adopted under this part chapter, it may enter an order  
6 imposing any one or more of the following penalties:  
7           (a) Denial of an application for licensure.  
8           (b) Revocation or suspension of a license.  
9           (c) Issuance of a warning letter.  
10          (d) Placement of the licensee on probation for a  
11 specified period of time and subject to conditions the  
12 department may specify by rule, including requiring the  
13 licensee to attend continuing education courses, to  
14 demonstrate competency through a written or practical  
15 examination, or to work under the direct supervision of  
16 another licensee.  
17          (e) Imposition of an administrative fine not to exceed  
18 \$10,000 for each violation. When imposing any fine under this  
19 paragraph, the department shall consider the degree and extent  
20 of harm caused by the violation, the cost of rectifying the  
21 damage, the amount of money the violator benefited from by  
22 noncompliance, whether the violation was committed willfully,  
23 and the compliance record of the violator.  
24          (2) Any person who violates any provision of this part  
25 ~~chapter~~ or rules adopted pursuant thereto commits a  
26 misdemeanor of the second degree and upon conviction is  
27 punishable as provided in ss. 775.082 and 775.083. For a  
28 subsequent violation, such person commits a misdemeanor of the  
29 first degree and upon conviction is punishable as provided in  
30 ss. 775.082 and 775.083.  
31

1           (3) In addition to the remedies provided in this part  
2 ~~chapter~~ and notwithstanding the existence of any adequate  
3 remedy at law, the department may bring an action to enjoin  
4 the violation or threatened violation of any provision of this  
5 part ~~chapter~~, or rule adopted under this part ~~chapter~~, in the  
6 circuit court of the county in which the violation occurred or  
7 is about to occur. Upon the department's presentation of  
8 competent and substantial evidence to the court of the  
9 violation or threatened violation, the court shall immediately  
10 issue the temporary or permanent injunction sought by the  
11 department. The injunction shall be issued without bond. A  
12 single act in violation of any provision of this part ~~chapter~~  
13 shall be sufficient to authorize the issuance of an  
14 injunction.

15           Section 45. Subsection (1) of section 403.088, Florida  
16 Statutes, is amended to read:

17           403.088 Water pollution operation permits;  
18 conditions.--

19           (1) No person, without written authorization of the  
20 department, shall discharge into waters within the state any  
21 waste which, by itself or in combination with the wastes of  
22 other sources, reduces the quality of the receiving waters  
23 below the classification established for them. However, this  
24 section shall not be deemed to prohibit the application of  
25 pesticides to waters in the state for the control of insects,  
26 aquatic weeds, or algae, provided the application is performed  
27 pursuant to a program approved by the Department of Health, in  
28 the case of insect control, or the department, in the case of  
29 aquatic weed or algae control. The department is directed to  
30 enter into interagency agreements to establish the procedures  
31 for program approval. Such agreements shall provide for public

1 health, welfare, and safety, as well as environmental factors.  
2 Approved programs must provide that only chemicals approved  
3 for the particular use by the United States Environmental  
4 Protection Agency or by the Department of Agriculture and  
5 Consumer Services may be employed and that they be applied in  
6 accordance with registered label instructions, state standards  
7 for such application, and the provisions of the Florida  
8 Pesticide Law, part I of chapter 487.

9 Section 46. Subsection (1) of section 482.242, Florida  
10 Statutes, is amended to read:

11 482.242 Preemption.--

12 (1) This chapter is intended as comprehensive and  
13 exclusive regulation of pest control in this state. The  
14 provisions of this chapter preempt to the state all regulation  
15 of the activities and operations of pest control services,  
16 including the pesticides used pursuant to labeling and  
17 registration approved under part I of chapter 487. No local  
18 government or political subdivision of the state may enact or  
19 enforce an ordinance that regulates pest control, except that  
20 the preemption in this section does not prohibit a local  
21 government or political subdivision from enacting an ordinance  
22 regarding any of the following:

23 (a) Local occupational licenses adopted pursuant to  
24 chapter 205.

25 (b) Land development regulations adopted pursuant to  
26 chapter 163 which include regulation of any aspect of  
27 development, including a subdivision, building construction,  
28 sign regulation or any other regulation concerning the  
29 development of land, or landscaping or tree protection  
30 ordinances which do not include pesticide application  
31 restrictions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

(c) Regulations that:

1. Require, for multicomplex dwellings in excess of 10 units, annual termite inspections for termite activity or damage, including Formosan termites, which must be performed by a person licensed under this chapter.

2. Require pest control treatments of structures that have termite activity or damage which must be performed by a person licensed under this chapter.

3. Require property owners or other persons to obtain inspections or pest control treatments performed by a person licensed under this chapter.

An ordinance by a local government or political subdivision which requires an annual inspection or pest control treatment must conform to current law.

(d) Protection of wellhead protection areas and high recharge areas.

(e) Hazardous materials reporting as set forth in part II of chapter 252, storage, and containment including as relating to stormwater management.

(f) Hazardous material unlawful discharge and disposal.

(g) Hazardous materials remediation.

Section 47. Paragraph (x) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.--

(1) For the purpose of this chapter, the term:

(x) "Pesticide chemical" means any substance which,

alone, in chemical combination, or in formulation with one or more other substances is a "pesticide" within the meaning of the Florida Pesticide Law, part I of chapter 487, and which is

1 used in the production, storage, or transportation of raw  
2 agricultural commodities.

3 Section 48. Subsections (1) and (6) of section 570.44,  
4 Florida Statutes, are amended to read:

5 570.44 Division of Agricultural Environmental  
6 Services; powers and duties.--The duties of the Division of  
7 Agricultural Environmental Services include, but are not  
8 limited to:

9 (1) Inspecting and drawing samples of: commercial  
10 feeds offered for sale in this state and enforcing those  
11 provisions of chapter 580 authorized by the department; seeds  
12 offered for sale in this state and enforcing those provisions  
13 of chapter 578 authorized by the department; certified seed  
14 grown in this state; fertilizers offered for sale in this  
15 state and enforcing those provisions of chapter 576 authorized  
16 by the department; and pesticides offered for sale in this  
17 state, and soil and water in this state for the presence of  
18 pesticides, and enforcing those provisions of part I of  
19 chapter 487 authorized by the department.

20 (6) Analyzing samples of pesticide formulations  
21 offered for sale in this state and tank mix, soil, water, and  
22 other environmental samples related to pesticide use  
23 investigations, as required under part I of chapter 487.

24 Section 49. Part II of chapter 487, Florida Statutes,  
25 consisting of sections 487.2011, 487.2021, 487.2031, 487.2041,  
26 487.2051, 487.2061, and 487.2071, is created to read:

27 487.2011 Part title; administration.--This part may be  
28 cited as the "Florida Agricultural Worker Safety Act" and  
29 shall be administered by the Department of Agriculture and  
30 Consumer Services.

31

1           487.2021 Legislative intent.--It is the intent of the  
2 Legislature to ensure that agricultural workers employed in  
3 the state receive protection from agricultural pesticides. The  
4 Legislature intends to ensure that agricultural workers be  
5 given information concerning agricultural pesticides.

6           487.2031 Definitions.--As used in this part, the term:

7           (1) "Agricultural employer" means any person who hires  
8 or contracts for the services of workers to perform activities  
9 related to the production of agricultural plants, or any  
10 person who is an owner of, or is responsible for, the  
11 management or condition of an agricultural establishment that  
12 uses such workers.

13           (2) "Agricultural establishment" means any farm,  
14 forest, nursery, or greenhouse.

15           (3) "Agricultural plant" means any plant grown or  
16 maintained for commercial or research purposes and includes,  
17 but is not limited to, food, feed, fiber plants, trees,  
18 turfgrass, flowers, shrubs, ornamentals, and seedlings.

19           (4) "Department" means the Department of Agriculture  
20 and Consumer Services.

21           (5) "Designated representative" means any organization  
22 or person to whom a worker gives written authorization to  
23 exercise the right to request agricultural pesticide  
24 information pursuant to this part.

25           (6) "Fact sheet" means an agricultural pesticide fact  
26 sheet approved by the state or federal government which  
27 provides information about the impacts of the use of an  
28 agricultural pesticide.

29           (7) "Material safety data sheet" means written or  
30 printed material concerning an agricultural pesticide which  
31 states:



1       (a) The chemical name and the common name of the  
2 agricultural pesticide.

3       (b) The hazards or other risks in the use of the  
4 agricultural pesticide, including:

5           1. The potential for fire, explosion, corrosivity, or  
6 reactivity.

7           2. The known acute health effects and chronic health  
8 effects, of exposure to the agricultural pesticide, including  
9 those medical conditions which are generally recognized as  
10 being aggravated by exposure to the agricultural pesticide.

11           3. The primary routes of entry and the symptoms of  
12 overexposure.

13       (c) The proper handling practices, necessary personal  
14 protective equipment, and other proper or necessary safety  
15 precautions in circumstances that involve the use of or  
16 exposure to the agricultural pesticide, including appropriate  
17 emergency treatment in case of overexposure.

18       (d) The emergency procedures for spills, fire,  
19 disposal, and first aid.

20       (e) A description of the known specific potential  
21 health risks posed by the agricultural pesticide, which is  
22 written in lay terms and intended to alert any person who  
23 reads the information.

24       (f) The year and month, if available, that the  
25 information was compiled and the name, address, and emergency  
26 telephone number of any manufacturer responsible for preparing  
27 the sheet.

28       (8) "Retaliatory action" means an action, such as  
29 dismissal, demotion, harassment, blacklisting with other  
30 employers, reducing pay or work hours, or taking away company  
31 housing, which is taken by an agricultural employer against a

1 worker who exercises any right under the provisions of the  
2 United States Environmental Protection Agency Worker  
3 Protection Standard, 40 C.F.R. s. 170.7(b), or this part.

4 (9) "Trainer" means any person who qualifies to train  
5 workers under the pesticide safety training requirements of  
6 the United States Environmental Protection Agency Worker  
7 Protection Standard, 40 C.F.R. s. 170.130.

8 (10) "Worker" means any person, including a farmworker  
9 or a self-employed person, who receives any type of  
10 compensation for employment that involves tasks relating to  
11 the production of agricultural plants on an agricultural  
12 establishment. The term does not include any person employed  
13 by a commercial pesticide handling establishment to perform  
14 tasks as a crop advisor.

15 487.2041 Enforcement of federal worker protection  
16 regulations.--The department shall, to the extent that  
17 resources are available, continue to operate under the United  
18 States Environmental Protection Agency regulations regarding  
19 the Labeling Requirement for Pesticides and Devices, 40 C.F.R.  
20 part 156, and the Worker Protection Standard, 40 C.F.R. part  
21 170, which the department adopted by rule during the 1995-1996  
22 fiscal year and published in the Florida Administrative Code.  
23 Any provision of this part not preempted by federal law shall  
24 continue to apply.

25 487.2051 Availability of agricultural pesticide  
26 information to workers and medical personnel.--

27 (1) An agricultural employer shall make available  
28 agricultural pesticide information concerning any agricultural  
29 pesticide to any worker:

30 (a) Who enters an agricultural-pesticide-treated area  
31 on an agricultural establishment where:

1           1. An agricultural pesticide has been applied within  
2 30 days of that entry; or

3           2. A restricted-entry interval has been in effect; or  
4           (b) Who may be exposed to the agricultural pesticide  
5 during normal conditions of use or in a foreseeable emergency.

6           (2) The agricultural pesticide information provided  
7 pursuant to subsection (1) must be in the form of a fact sheet  
8 or a material safety data sheet. The agricultural employer  
9 shall provide a written copy of the information provided  
10 pursuant to subsection (1) within 2 working days after a  
11 request for the information by a worker or a designated  
12 representative. In the case of a pesticide-related medical  
13 emergency, the agricultural employer shall provide a written  
14 copy of the information promptly on the request of the worker,  
15 the designated representative, or medical personnel treating  
16 the worker.

17           (3) Upon the initial purchase of a product and with  
18 the first purchase after the material safety data sheet is  
19 updated, the distributor, manufacturer, or importer of any  
20 agricultural pesticide shall obtain or develop and provide  
21 each direct purchaser of an agricultural pesticide with a  
22 material safety data sheet. If the material safety data sheet  
23 or fact sheet for the agricultural pesticide is not available  
24 when the agricultural pesticide is purchased, the agricultural  
25 employer shall take appropriate and timely steps to obtain the  
26 material safety data sheet or fact sheet from the distributor,  
27 the manufacturer, the department, a federal agency, or another  
28 distribution source.

29           (4) The department shall produce and make available to  
30 a trainer a one-page general agricultural pesticide safety  
31 sheet. The safety sheet must be in a language understandable

1 to the worker and must include, but need not be limited to,  
2 illustrated instructions on preventing agricultural pesticide  
3 exposure and toll-free telephone numbers to the Florida Poison  
4 Control Centers. The trainer shall provide the safety sheet  
5 to the worker pursuant to the United States Environmental  
6 Protection Agency Worker Protection Standard, 40 C.F.R. s.  
7 170.130.

8 487.2061 Prohibited acts.--Any person covered by this  
9 part may not:

10 (1) Fail to provide agricultural pesticide information  
11 as required in this part; or

12 (2) Take retaliatory action.

13 487.2071 Penalties against violators; worker relief;  
14 monitoring complaints of retaliation.--

15 (1) Penalties set forth in this part shall be applied  
16 to any person who violates this part. A person who violates  
17 this part is subject to federal penalties as provided in the  
18 United States Environmental Protection Agency Worker  
19 Protection Standard, 40 C.F.R. s. 170.9(b).

20 (2) A worker who has been subject to retaliatory  
21 action and seeks relief under this section may file a  
22 complaint with the department.

23 (3) In any action brought under this section which  
24 involves retaliatory action, if retaliatory action is  
25 predicated on the disclosure by a worker of an illegal action,  
26 policy, or practice of any person covered by this part to an  
27 appropriate governmental agency, the worker may not be  
28 required to show that the disclosure was under oath or in  
29 writing or that the worker notified the employer in writing of  
30 the illegal action, policy, or practice.

31

1       (4) The department shall monitor all complaints of  
2 retaliation which it receives and report its findings to the  
3 President of the Senate and the Speaker of the House of  
4 Representatives on or before October 1, 2008. The report  
5 shall include the number of complaints received, the  
6 circumstances surrounding the complaints, and the action taken  
7 concerning the complaints.

8           Section 50. Subsection (7) of section 440.16, Florida  
9 Statutes, is amended to read:

10           440.16 Compensation for death.--

11       ~~(7) Compensation under this chapter to aliens not~~  
12 ~~residents (or about to become nonresidents) of the United~~  
13 ~~States or Canada shall be the same in amount as provided for~~  
14 ~~residents, except that dependents in any foreign country shall~~  
15 ~~be limited to surviving spouse and child or children, or if~~  
16 ~~there be no surviving spouse or child or children, to~~  
17 ~~surviving father or mother whom the employee has supported,~~  
18 ~~either wholly or in part, for the period of 1 year prior to~~  
19 ~~the date of the injury, and except that the judge of~~  
20 ~~compensation claims may, at the option of the judge of~~  
21 ~~compensation claims, or upon the application of the insurance~~  
22 ~~carrier, commute all future installments of compensation to be~~  
23 ~~paid to such aliens by paying or causing to be paid to them~~  
24 ~~one half of the commuted amount of such future installments of~~  
25 ~~compensation as determined by the judge of compensation~~  
26 ~~claims, and provided further that compensation to dependents~~  
27 ~~referred to in this subsection shall in no case exceed~~  
28 ~~\$75,000.~~

29           Section 51. The Division of Statutory Revision is  
30 requested to designate sections 487.011-487.175, Florida  
31 Statutes, as part I of chapter 487, entitled the "Florida

1 Pesticide Law," and sections 487.2011-487.2071, Florida  
2 Statutes, as created by this act, as part II of that chapter,  
3 entitled the "Florida Agricultural Worker Safety Act."

4           Section 52. For the 2004-2005 fiscal year, the sum of  
5 \$300,000 is appropriated from the General Revenue Fund, and  
6 four positions are authorized, to the Department of  
7 Agriculture and Consumer Services for the purpose of  
8 conducting regulatory, training, and outreach activities  
9 related to migrant labor.

10           Section 53. This act shall take effect July 1, 2004.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31