

Bill No. HB 7075, 2nd Eng.

Barcode 231462

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Smith moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsections (7) and (12) of section 482.021, Florida Statutes, are amended to read:

482.021 Definitions.--For the purposes of this chapter, and unless otherwise required by the context, the term:

(7) "Employee" means a person who is employed by a licensee that provides that person with necessary training, supervision, pesticides, equipment, and insurance and who receives compensation from and is under the personal supervision and direct control of the licensee's certified operator in charge and licensee from whose ~~which~~ compensation ~~of~~ the licensee regularly deducts and matches federal insurance contributions and federal income and Social Security taxes.

(12) "Independent contractor" means an entity separate

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1 from the licensee that:

2 (a) Receives moneys from a customer which are  
3 deposited in a bank account other than that of the licensee;

4 (b) Owns or supplies its own service vehicle,  
5 equipment, and pesticides; ~~or~~

6 (c) Maintains a business operation, office, or support  
7 staff independent of the licensee's direct control;

8 (d) Pays its own operating expenses such as fuel,  
9 equipment, pesticides, and materials; or

10 (e)(c) Pays its own workers' ~~worker's~~ compensation as  
11 an independent contractor.

12 Section 2. Subsection (5) of section 482.051, Florida  
13 Statutes, is amended to read:

14 482.051 Rules.--The department has authority to adopt  
15 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
16 provisions of this chapter. Prior to proposing the adoption of  
17 a rule, the department shall counsel with members of the pest  
18 control industry concerning the proposed rule. The department  
19 shall adopt rules for the protection of the health, safety,  
20 and welfare of pest control employees and the general public  
21 which require:

22 (5) That any pesticide used as the primary preventive  
23 treatment for ~~preconstruction treatments for the prevention of~~  
24 subterranean termites in new construction be applied in the  
25 amount, concentration, and treatment area in accordance with  
26 the label; that a copy of the label of the registered  
27 pesticide being applied be carried in a vehicle at the site  
28 where the pesticide is being applied; and that the licensee  
29 maintain for 3 years the record of each preconstruction  
30 treatment, indicating the date of treatment, the location or  
31 address of the property treated, the total square footage of

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1 the structure treated, the type of pesticide applied, the  
2 concentration of each substance in the mixture applied, and  
3 the total amount of pesticide applied.

4 Section 3. Paragraph (a) of subsection (2) of section  
5 482.091, Florida Statutes, is amended to read:

6 482.091 Employee identification cards.--

7 (2)(a) An identification cardholder must be an  
8 employee of the licensee and work under the direction and  
9 supervision of the licensee's certified operator in charge and  
10 shall ~~may~~ not be an independent contractor. An identification  
11 cardholder shall operate ~~may perform~~ only ~~pest control~~  
12 ~~services~~ out of, and ~~or~~ for customers assigned ~~arising~~ from,  
13 the licensee's licensed business location. An identification  
14 cardholder shall ~~may~~ not perform any pest control  
15 independently of and without the knowledge of the licensee and  
16 the licensee's certified operator in charge and shall ~~may~~  
17 perform pest control only for the licensee's customers.

18 Section 4. Subsections (1), (2), and (3) of section  
19 482.156, Florida Statutes, are amended to read:

20 482.156 Limited certification for commercial landscape  
21 maintenance personnel.--

22 (1) The department shall establish a limited  
23 certification category for individual commercial landscape  
24 maintenance personnel to authorize them to apply herbicides  
25 for controlling weeds in plant beds and to perform integrated  
26 pest management on ornamental plants using ~~the following~~  
27 ~~materials~~ insecticides and fungicides having the signal word  
28 "caution" but not having the word "warning" or "danger" on the  
29 label, ~~insecticidal soaps, horticultural oils, and bacillus~~  
30 ~~thuringiensis formulations~~. The application equipment that may  
31 be used by a person certified pursuant to this section is

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1 limited to portable, handheld 3-gallon compressed air sprayers  
 2 or backpack sprayers having no more than a 5-gallon capacity  
 3 and does not include power equipment.

4           (2)(a) A person seeking limited certification under  
 5 this section must pass an examination given by the department.  
 6 Each application for examination must be accompanied by an  
 7 examination fee set by rule of the department, in an amount of  
 8 not more than \$150 or less than \$50; ~~however, until a rule~~  
 9 ~~setting this fee is adopted by the department, the examination~~  
 10 ~~fee is \$50. Prior to the department's issuing a limited~~  
 11 ~~certification under this section, each person applying making~~  
 12 ~~application for the certification under this section must~~  
 13 furnish proof of having a certificate of insurance which  
 14 states that the employer meets the requirements for minimum  
 15 financial responsibility for bodily injury and property damage  
 16 required by s. 482.071(4).

17           **(b)** To be eligible to take the examination, an  
 18 applicant must have completed 6 & classroom hours of plant bed  
 19 and ornamental continuing education training approved by the  
 20 department and provide sufficient proof, according to criteria  
 21 established by department rule, ~~that the applicant has been in~~  
 22 ~~the landscape maintenance business for at least 3 years.~~

23           ~~(b)~~ The department shall provide the appropriate  
 24 reference materials for the examination and make the  
 25 examination readily accessible and available to applicants at  
 26 least quarterly or as necessary in each county.

27           (3) An application for recertification under this  
 28 section must be made annually and be accompanied by a  
 29 recertification fee set by rule of the department, in an  
 30 amount of not more than \$75 or less than \$25; ~~however, until a~~  
 31 ~~rule setting this fee is adopted by the department, the fee~~

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1 ~~for recertification is \$25.~~ The application must also be  
 2 accompanied by proof of having completed 4 classroom hours of  
 3 acceptable continuing education and the same proof of having a  
 4 certificate of insurance as is required for issuance of this  
 5 ~~initial~~ certification. After a grace period not exceeding 30  
 6 calendar days following the annual date that recertification  
 7 is due, a late renewal charge of \$50 shall be assessed and  
 8 must be paid in addition to the renewal fee. Unless timely  
 9 recertified, a certificate automatically expires 180 calendar  
 10 days after the anniversary recertification date. Subsequent to  
 11 such expiration, a certificate may be issued only upon  
 12 successful reexamination and upon payment of the examination  
 13 fees due.

14 Section 5. Subsection (7) of section 482.211, Florida  
 15 Statutes, is amended to read:

16 482.211 Exemptions.--This chapter does not apply to:

17 (7) ~~Area~~ Mosquito control activities conducted by a  
 18 local government or district established under chapter 388 or  
 19 by special act or by a contractor of the local government or  
 20 district.

21 Section 6. Section 500.033, Florida Statutes, is  
 22 amended to read:

23 500.033 Florida Food Safety and Food ~~Defense Security~~  
 24 Advisory Council.--

25 (1) There is created the Florida Food Safety and Food  
 26 ~~Defense Security~~ Advisory Council for the purpose of serving  
 27 as a forum for presenting, investigating, and evaluating  
 28 issues of current importance to the assurance of a safe and  
 29 secure food supply to the citizens of Florida. The Florida  
 30 Food Safety and Food ~~Defense Security~~ Advisory Council shall  
 31 consist of, but not be limited to: the Commissioner of

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1 Agriculture or his or her designee; the Secretary of Health or  
 2 his or her designee; the Secretary of Business and  
 3 Professional Regulation or his or her designee; the person  
 4 responsible for domestic security with the ~~Florida~~ Department  
 5 of Law Enforcement; members representing the production,  
 6 processing, distribution, and sale of foods; consumers or  
 7 ~~and/or~~ members of citizens groups; representatives of ~~or~~ food  
 8 industry groups; scientists or other experts in aspects of  
 9 food safety from state universities; representatives from  
 10 local, state, and federal agencies that are charged with  
 11 responsibilities for food safety or food defense ~~security~~; the  
 12 chairs of the Agriculture Committees of the Senate and the  
 13 House of Representatives or their designees; and the chairs of  
 14 the committees of the Senate and the House of Representatives  
 15 with jurisdictional oversight of home defense issues or their  
 16 designees. The Commissioner of Agriculture shall appoint the  
 17 remaining members. The council shall make periodic reports to  
 18 the Department of Agriculture and Consumer Services concerning  
 19 findings and recommendations in the area of food safety and  
 20 food defense ~~security~~.

21 (2) The council shall consider the development of  
 22 appropriate advice or recommendations on food safety or food  
 23 defense ~~security~~ issues. In the discharge of their duties, the  
 24 council members may receive for review confidential data  
 25 exempt from the provisions of s. 119.07(1); however, it is  
 26 unlawful for any member of the council to use the data for his  
 27 or her advantage or reveal the data to the general public.

28 Section 7. Section 570.954, Florida Statutes, is  
 29 created to read:

30 570.954 Farm-to-fuel initiative.--

31 (1) The department may develop a farm-to-fuel

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1 initiative to enhance the market for and promote the  
 2 production and distribution of renewable energy from  
 3 Florida-grown crops, agricultural wastes and residues, and  
 4 other biomass and to enhance the value of agricultural  
 5 products or expand agribusiness in the state.

6       (2) The department may conduct a statewide  
 7 comprehensive information and education program aimed at  
 8 educating the general public about the benefits of renewable  
 9 energy and the use of alternative fuels.

10       (3) The department shall coordinate with and solicit  
 11 the expertise of the state energy office within the Department  
 12 of Environmental Protection when developing and implementing  
 13 this initiative.

14       Section 8. Paragraphs (b) and (c) of subsection (1) of  
 15 section 582.06, Florida Statutes, are amended to read:

16       582.06 Soil and Water Conservation Council; powers and  
 17 duties.--

18       (1) COMPOSITION.--The Soil and Water Conservation  
 19 Council is created in the Department of Agriculture and  
 20 Consumer Services and shall be composed of 23 members as  
 21 follows:

22       (b) Twelve ~~nonvoting ex officio~~ members shall include  
 23 one representative each from the Department of Environmental  
 24 Protection, the five water management districts, the Institute  
 25 of Food and Agricultural Sciences at the University of  
 26 Florida, the United States Department of Agriculture Natural  
 27 Resources Conservation Service, the Florida Association of  
 28 Counties, and the Florida League of Cities, and two  
 29 representatives of environmental interests.

30       (c) All members shall be appointed by the  
 31 commissioner. ~~Ex officio~~ Members appointed pursuant to

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1 paragraph (b) shall be appointed by the commissioner from  
2 recommendations provided by the organization or interest  
3 represented.

4 Section 9. Subsection (3) of section 828.30, Florida  
5 Statutes, is amended to read:

6 828.30 Rabies vaccination of dogs, cats, and  
7 ferrets.--

8 (3) Upon vaccination against rabies, the licensed  
9 veterinarian shall provide the animal's owner and the animal  
10 control authority with a rabies vaccination certificate. Each  
11 animal control authority and veterinarian shall use the Form  
12 51, "Rabies Vaccination Certificate," of the National  
13 Association of State Public Health Veterinarians (NASPHV) or  
14 an equivalent form approved by the local government that  
15 contains all the information required by the NASPHV Rabies  
16 Vaccination Certificate Form 51. The veterinarian who  
17 administers the rabies vaccine to an animal as required under  
18 this section may affix his or her signature stamp in lieu of  
19 an actual signature.

20 Section 10. Paragraph (c) of subsection (7) and  
21 subsection (11) of section 403.067, Florida Statutes, are  
22 amended to read:

23 403.067 Establishment and implementation of total  
24 maximum daily loads.--

25 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
26 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.--

27 (c) Best management practices.--

28 1. The department, in cooperation with the water  
29 management districts and other interested parties, as  
30 appropriate, may develop suitable interim measures, best  
31 management practices, or other measures necessary to achieve



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1 the level of pollution reduction established by the department  
 2 for nonagricultural nonpoint pollutant sources in allocations  
 3 developed pursuant to subsection (6) and this subsection.  
 4 These practices and measures may be adopted by rule by the  
 5 department and the water management districts pursuant to ss.  
 6 120.536(1) and 120.54, and, where adopted by rule, shall be  
 7 implemented by those parties responsible for nonagricultural  
 8 nonpoint source pollution.

9         2. The Department of Agriculture and Consumer Services  
 10 may develop and adopt by rule pursuant to ss. 120.536(1) and  
 11 120.54 suitable interim measures, best management practices,  
 12 or other measures necessary to achieve the level of pollution  
 13 reduction established by the department for agricultural  
 14 pollutant sources in allocations developed pursuant to  
 15 subsection (6) and this subsection or for programs implemented  
 16 pursuant to paragraph (11)(b). These practices and measures  
 17 may be implemented by those parties responsible for  
 18 agricultural pollutant sources and the department, the water  
 19 management districts, and the Department of Agriculture and  
 20 Consumer Services shall assist with implementation. In the  
 21 process of developing and adopting rules for interim measures,  
 22 best management practices, or other measures, the Department  
 23 of Agriculture and Consumer Services shall consult with the  
 24 department, the Department of Health, the water management  
 25 districts, representatives from affected farming groups, and  
 26 environmental group representatives. Such rules shall also  
 27 incorporate provisions for a notice of intent to implement the  
 28 practices and a system to assure the implementation of the  
 29 practices, including recordkeeping requirements.

30         3. Where interim measures, best management practices,  
 31 or other measures are adopted by rule, the effectiveness of

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1 such practices in achieving the levels of pollution reduction  
2 established in allocations developed by the department  
3 pursuant to subsection (6) and this subsection or in programs  
4 implemented pursuant to paragraph (11)(b) shall be verified at  
5 representative sites by the department. The department shall  
6 use best professional judgment in making the initial  
7 verification that the best management practices are reasonably  
8 expected to be effective and, where applicable, shall notify  
9 the appropriate water management district or ~~and~~ the  
10 Department of Agriculture and Consumer Services of its initial  
11 verification prior to the adoption of a rule proposed pursuant  
12 to this paragraph. Implementation, in accordance with rules  
13 adopted under this paragraph, of practices that have been  
14 initially verified to be effective, or verified to be  
15 effective by monitoring at representative sites, by the  
16 department, shall provide a presumption of compliance with  
17 state water quality standards and release from the provisions  
18 of s. 376.307(5) for those pollutants addressed by the  
19 practices, and the department is not authorized to institute  
20 proceedings against the owner of the source of pollution to  
21 recover costs or damages associated with the contamination of  
22 surface water or groundwater caused by those pollutants.  
23 Research projects funded by the department, a water management  
24 district, or the Department of Agriculture and Consumer  
25 Services to develop or demonstrate interim measures or best  
26 management practices shall be granted a presumption of  
27 compliance with state water quality standards and a release  
28 from the provisions of s. 376.307(5). The presumption of  
29 compliance and release shall be limited to the research site  
30 and only for those pollutants addressed by the interim  
31 measures or best management practices. Eligibility for the

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1 presumption of compliance and release shall be limited to  
 2 research projects on sites where the owner or operator of the  
 3 research site and the department, a water management district,  
 4 or the Department of Agriculture and Consumer Services have  
 5 entered into a contract or other agreement that, at a minimum,  
 6 specifies the research objectives, the cost-share  
 7 responsibilities of the parties, and a schedule that details  
 8 the beginning and ending dates of the project.

9           4. Where water quality problems are demonstrated,  
 10 despite the appropriate implementation, operation, and  
 11 maintenance of best management practices and other measures  
 12 according to rules adopted under this paragraph, the  
 13 department, a water management district, or the Department of  
 14 Agriculture and Consumer Services, in consultation with the  
 15 department, shall institute a reevaluation of the best  
 16 management practice or other measure. Should the reevaluation  
 17 determine that the best management practice or other measure  
 18 requires modification, the department, a water management  
 19 district, or the Department of Agriculture and Consumer  
 20 Services, as appropriate, shall revise the rule to require  
 21 implementation of the modified practice within a reasonable  
 22 time period as specified in the rule.

23           5. Individual agricultural records relating to  
 24 processes or methods of production, or relating to costs of  
 25 production, profits, or other financial information which are  
 26 otherwise not public records, which are reported to the  
 27 Department of Agriculture and Consumer Services pursuant to  
 28 subparagraphs 3. and 4. or pursuant to any rule adopted  
 29 pursuant to subparagraph 2. shall be confidential and exempt  
 30 from s. 119.07(1) and s. 24(a), Art. I of the State  
 31 Constitution. Upon request of the department or any water

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1 management district, the Department of Agriculture and  
 2 Consumer Services shall make such individual agricultural  
 3 records available to that agency, provided that the  
 4 confidentiality specified by this subparagraph for such  
 5 records is maintained. This subparagraph is subject to the  
 6 Open Government Sunset Review Act of 1995 in accordance with  
 7 s. 119.15, and shall stand repealed on October 2, 2006, unless  
 8 reviewed and saved from repeal through reenactment by the  
 9 Legislature.

10           6. The provisions of subparagraphs 1. and 2. shall not  
 11 preclude the department or water management district from  
 12 requiring compliance with water quality standards or with  
 13 current best management practice requirements set forth in any  
 14 applicable regulatory program authorized by law for the  
 15 purpose of protecting water quality. Additionally,  
 16 subparagraphs 1. and 2. are applicable only to the extent that  
 17 they do not conflict with any rules adopted by the department  
 18 that are necessary to maintain a federally delegated or  
 19 approved program.

20           (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

21           (a) The department shall not implement, without prior  
 22 legislative approval, any additional regulatory authority  
 23 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part  
 24 130, if such implementation would result in water quality  
 25 discharge regulation of activities not currently subject to  
 26 regulation.

27           (b) Interim measures, best management practices, or  
 28 other measures may be developed and voluntarily implemented  
 29 pursuant to paragraph ~~subparagraphs~~ (7)(c)1. ~~and 2.~~ for any  
 30 water body or segment for which a total maximum daily load or  
 31 allocation has not been established. The implementation of

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1 such pollution control programs may be considered by the  
2 department in the determination made pursuant to subsection  
3 (4).

4 Section 11. Austin Dewey Gay Agricultural Inspection  
5 Station designated; department to erect suitable markers.--

6 (1) The agricultural inspection station located at or  
7 near mile marker 1 on Interstate Highway 10 in Escambia County  
8 is designated as "Austin Dewey Gay Memorial Agricultural  
9 Inspection Station."

10 (2) The Department of Agriculture and Consumer  
11 Services is directed to erect suitable markers designating the  
12 Austin Dewey Gay Memorial Agricultural Inspection Station as  
13 described in subsection (1).

14 Section 12. Paragraph (a) of subsection (1) of section  
15 500.12, Florida Statutes, is amended to read:

16 500.12 Food permits; building permits.--

17 (1)(a) A food permit from the department is required  
18 of any person who operates a food establishment or retail food  
19 store, except:

20 1. Persons operating minor food outlets, including,  
21 but not limited to, video stores, that sell commercially  
22 prepackaged, nonpotentially hazardous candy, chewing gum,  
23 soda, or popcorn, provided the shelf space for those items  
24 does not exceed 12 linear feet and no other food is sold by  
25 the minor food outlet.

26 2. Persons subject to continuous, onsite federal or  
27 state inspection.

28 3. Persons selling only legumes in the shell, either  
29 parched, roasted, or boiled.

30 4. Persons selling sugar cane or sorghum syrup that  
31 has been boiled and bottled on a premise located within the

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1 state. Such bottles must contain a label listing the  
 2 producer's name and street address, all added ingredients, the  
 3 net weight or volume of product, and a statement that reads  
 4 "This product has not been produced in a facility permitted by  
 5 the Florida Department of Agriculture and Consumer Services."

6 Section 13. Subsection (1) of section 570.249, Florida  
 7 Statutes, is amended to read:

8 570.249 Agricultural Economic Development Program  
 9 disaster loans and grants and aid.--

10 (1) USE OF LOAN FUNDS.--

11 (a) Loan funds to agricultural producers who have  
 12 experienced ~~crop~~ losses from a natural disaster or a  
 13 socioeconomic condition or event may be used to:

14 1. Restore or replace essential physical property or  
 15 remove debris from essential physical property., ~~such as~~  
 16 ~~animals, fences, equipment, structural production facilities,~~  
 17 ~~and orchard trees;~~

18 2. Pay all or part of production costs associated with  
 19 the disaster year.~~†~~

20 3. Pay essential family living expenses.~~† and~~

21 4. Restructure farm debts.

22 (b) To be eligible, agricultural producers must have a  
 23 parcel or parcels of land in production not exceeding 300  
 24 acres.

25 (c) Funds may be issued as direct loans, or as loan  
 26 guarantees for up to 90 percent of the total loan, in amounts  
 27 not less than \$30,000 nor more than ~~\$300,000~~ ~~\$250,000~~.  
 28 Applicants must provide at least 10 percent equity.

29 (d) For purposes of this subsection, the term:

30 1. "Losses" means loss or damage to crops,  
 31 agricultural products, agricultural facilities,

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1 infrastructure, or farmworker housing.

2           2. "Essential physical property" means fences,  
3 equipment, structural production facilities such as shade  
4 houses and greenhouses, other agricultural facilities,  
5 infrastructure, or farmworker housing.

6           Section 14. Paragraph (h) is added to subsection (2)  
7 of section 810.09, Florida Statutes, to read:

8           810.09 Trespass on property other than structure or  
9 conveyance.--

10           (2)

11           (h) The offender commits a felony of the third degree,  
12 punishable as provided in s. 775.082, s. 775.083, or s.  
13 775.084, if the property trespassed upon is an agricultural  
14 chemicals manufacturing facility that is legally posted and  
15 identified in substantially the following manner: "THIS AREA  
16 IS A DESIGNATED AGRICULTURAL CHEMICALS MANUFACTURING FACILITY,  
17 AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

18           Section 15. Subsection (12) is added to section  
19 810.011, Florida Statutes, to read:

20           810.011 Definitions.--As used in this chapter:

21           (12) "Agricultural chemicals manufacturing facility"  
22 means any facility, and any properties or structures  
23 associated with the facility, used for the manufacture,  
24 processing, or storage of agricultural chemicals classified in  
25 Industry Group 287 contained in the Standard Industrial  
26 Classification Manual, 1987, as published by the Office of  
27 Management and Budget, Executive Office of the President.

28           Section 16. Assessment of obsolete agricultural  
29 equipment.--

30           (1) For purposes of ad valorem property taxation,  
31 agricultural equipment that is located on property classified

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1 as agricultural under s. 193.461, Florida Statutes, and that  
2 is no longer usable for its intended purpose shall be deemed  
3 to have a market value no greater than its value for salvage.

4 (2) This section shall take effect January 1, 2007.

5 Section 17. Section 601.992, Florida Statutes, is  
6 amended to read:

7 601.992 Collection of dues and other payments on  
8 behalf of certain nonprofit corporations engaged in market  
9 news and grower education.--The Florida Department of Citrus  
10 or the Department of Agriculture and Consumer Services or  
11 their successors ~~its successor~~ may collect or compel the  
12 entities regulated by the department to collect dues,  
13 contributions, or any other financial payment upon request by,  
14 and on behalf of, any not-for-profit corporation, and its  
15 related not-for-profit corporations, located in this state  
16 which receives payments or dues from its members. Such  
17 not-for-profit corporation must be engaged, to the exclusion  
18 of agricultural commodities other than citrus, in market news  
19 and grower education solely for citrus growers, and must have  
20 at least 5,000 members who are engaged in growing citrus in  
21 this state for commercial sale. The department may adopt rules  
22 pursuant to ss. 120.536(1) and 120.54 to implement this  
23 section. The rules may establish indemnity requirements for  
24 the requesting corporation and for fees to be charged to the  
25 corporation which are sufficient but do not exceed the amount  
26 necessary to ensure that any direct costs incurred by the  
27 department in implementing this section are borne by the  
28 requesting corporation and not by the department.

29 Section 18. Subsection (3) of section 212.0501,  
30 Florida Statutes, is amended to read:

31 212.0501 Tax on diesel fuel for business purposes;



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1 purchase, storage, and use.--

2 (3) For purposes of this section, "consumption, use,  
3 or storage by a trade or business" does not include those uses  
4 of diesel fuel specifically exempt on account of residential  
5 purposes, or in any tractor, vehicle, or other equipment used  
6 exclusively on a farm or for processing farm products on the  
7 farm, no part of which diesel fuel is used in any licensed  
8 motor vehicle on the public highways of this state ~~on account~~  
9 ~~of agricultural purposes as defined in s. 212.08(5),~~ or the  
10 purchase or storage of diesel fuel held for resale.

11 Section 19. Paragraph (e) of subsection (5) of section  
12 212.08, Florida Statutes, is amended to read:

13 212.08 Sales, rental, use, consumption, distribution,  
14 and storage tax; specified exemptions.--The sale at retail,  
15 the rental, the use, the consumption, the distribution, and  
16 the storage to be used or consumed in this state of the  
17 following are hereby specifically exempt from the tax imposed  
18 by this chapter.

19 (5) EXEMPTIONS; ACCOUNT OF USE.--

20 (e)1. Gas used for certain agricultural  
21 purposes.--Butane gas, propane gas, natural gas, and all other  
22 forms of liquefied petroleum gases are exempt from the tax  
23 imposed by this chapter if used in any tractor, vehicle, or  
24 other farm equipment which is used exclusively on a farm or  
25 for processing farm products on the farm and no part of which  
26 gas is used in any vehicle or equipment driven or operated on  
27 the public highways of this state. This restriction does not  
28 apply to the movement of farm vehicles or farm equipment  
29 between farms. The transporting of bees by water and the  
30 operating of equipment used in the apiary of a beekeeper is  
31 also deemed an exempt use.

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1           2. Electricity used for certain agricultural  
2 purposes.--Electricity used directly and exclusively for  
3 production or processing of agricultural products on the farm  
4 is exempt from the tax imposed by this chapter. This exemption  
5 applies only if the electricity used for the exempt purposes  
6 is separately metered. If the electricity is not separately  
7 metered, it is conclusively presumed that some portion of the  
8 electricity is used for a nonexempt purpose, and all of the  
9 electricity used for such purposes is taxable.

10           Section 20. Except as otherwise expressly provided in  
11 this act, this act shall take effect July 1, 2006.

12

13

14 ===== T I T L E   A M E N D M E N T =====

15 And the title is amended as follows:

16           Delete everything before the enacting clause

17

18 and insert:

19

A bill to be entitled

20

An act relating to the Department of

21

Agriculture and Consumer Services; amending s.

22

482.021, F.S.; revising the definitions of the

23

terms "employee" and "independent contractor"

24

for purposes of pest control regulation;

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amending s. 482.051, F.S.; revising certain

26

requirements of the department to adopt rules

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relating to the use of pesticides for

28

preventing subterranean termites in new

29

construction; amending s. 482.091, F.S.;

30

clarifying provisions governing the performance

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of pest control services; amending s. 482.156,

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1 F.S.; requiring certification of individual  
2 commercial landscape maintenance personnel;  
3 revising the types of materials such personnel  
4 may use; removing obsolete provisions relating  
5 to fees; revising criteria for eligibility to  
6 take the commercial landscape maintenance  
7 personnel examination; clarifying requirements  
8 relating to proof of education and insurance;  
9 amending s. 482.211, F.S.; clarifying exemption  
10 of certain mosquito-control activities from  
11 regulation; amending s. 500.033, F.S.; renaming  
12 the Florida Food Safety and Food Security  
13 Advisory Council as the Florida Food Safety and  
14 Food Defense Advisory Council and revising  
15 duties accordingly; creating s. 570.954, F.S.;  
16 creating the Farm-to-Fuel Initiative; providing  
17 the purpose of the initiative and authorizing  
18 the department to conduct an education program;  
19 providing for coordination between the  
20 department and the Department of Environmental  
21 Protection; amending s. 582.06, F.S.; revising  
22 the membership of the Soil and Water  
23 Conservation Council; amending s. 828.30, F.S.;  
24 updating references to the Rabies Vaccination  
25 Certificate; amending s. 403.067, F.S.;  
26 clarifying rules adopted by the department  
27 relating to best-management practices;  
28 clarifying the authority for certain measures  
29 to be implemented by the Department of  
30 Environmental Protection for certain water  
31 bodies; limiting eligibility for presumption of

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1 compliance and release; designating the "Austin  
2 Dewey Gay Agricultural Inspection Station" in  
3 Escambia County; amending s. 500.12, F.S.;  
4 exempting certain producers of sugar cane or  
5 sorghum syrup from permitting requirements;  
6 amending s. 570.249, F.S.; expanding the  
7 conditions under which loan funds to certain  
8 agricultural producers may be granted;  
9 increasing the maximum amount of a loan;  
10 providing definitions; amending s. 810.09,  
11 F.S.; providing criminal penalties for  
12 trespassing on certain property; requiring  
13 warning signage; amending s. 810.011, F.S.;  
14 defining the term "agricultural chemicals  
15 manufacturing facility"; providing for certain  
16 ad valorem taxation for agricultural equipment  
17 under certain circumstances; amending s.  
18 601.992, F.S.; authorizing the Department of  
19 Citrus or the Department of Agriculture and  
20 Consumer Services to collect or require the  
21 collection of certain financial payments for  
22 certain not-for-profit entities under certain  
23 circumstances; authorizing fees and rulemaking;  
24 amending s. 212.0501, F.S.; excluding from  
25 application of the sales and use tax diesel  
26 fuel used in certain farming vehicles or for  
27 certain farming purposes; amending s. 212.08,  
28 F.S.; exempting from the sales and use tax  
29 electricity used for specified agricultural  
30 purposes; providing application; providing a  
31 conclusive presumption of taxable use under

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1           certain circumstances; providing effective  
2           dates.  
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