

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 482.021, F.S.; revising the
4 definitions of the terms "employee" and "independent
5 contractor" for purposes of pest control regulation;
6 amending s. 482.051, F.S.; revising certain requirements
7 of the department to adopt rules relating to the use of
8 pesticides for preventing subterranean termites in new
9 construction; amending s. 482.091, F.S.; clarifying
10 provisions governing the performance of pest control
11 services; amending s. 482.156, F.S.; requiring
12 certification of individual commercial landscape
13 maintenance personnel; revising the types of materials
14 such personnel may use; removing obsolete provisions
15 relating to fees; revising criteria for eligibility to
16 take the commercial landscape maintenance personnel
17 examination; clarifying requirements relating to proof of
18 education and insurance; amending s. 482.211, F.S.;
19 clarifying exemption of certain mosquito-control
20 activities from regulation; amending s. 500.033, F.S.;
21 renaming the Florida Food Safety and Food Security
22 Advisory Council as the Florida Food Safety and Food
23 Defense Advisory Council and revising duties accordingly;
24 creating s. 570.954, F.S.; creating the Farm-to-Fuel
25 Initiative; providing the purpose of the initiative and
26 authorizing the department to conduct an education
27 program; providing for coordination between the department

28 and the Department of Environmental Protection; amending
29 s. 582.06, F.S.; revising the membership of the Soil and
30 Water Conservation Council; amending s. 828.30, F.S.;
31 updating references to the Rabies Vaccination Certificate;
32 amending s. 403.067, F.S.; clarifying rules adopted by the
33 department relating to best-management practices;
34 clarifying the authority for certain measures to be
35 implemented by the Department of Environmental Protection
36 for certain water bodies; limiting eligibility for
37 presumption of compliance and release; designating the
38 "Austin Dewey Gay Agricultural Inspection Station" in
39 Escambia County; amending s. 500.12, F.S.; exempting
40 certain producers of sugar cane or sorghum syrup from
41 permitting requirements; amending s. 570.249, F.S.;
42 expanding the conditions under which loan funds to certain
43 agricultural producers may be granted; increasing the
44 maximum amount of a loan; providing definitions; amending
45 s. 810.09, F.S.; providing criminal penalties for
46 trespassing on certain property; requiring warning
47 signage; amending s. 810.011, F.S.; defining the term
48 "agricultural chemicals manufacturing facility"; providing
49 for certain ad valorem taxation for agricultural equipment
50 under certain circumstances; amending s. 601.992, F.S.;
51 authorizing the Department of Citrus or the Department of
52 Agriculture and Consumer Services to collect or require
53 the collection of certain financial payments for certain
54 not-for-profit entities under certain circumstances;

55 | authorizing fees and rulemaking; amending s. 212.0501,
 56 | F.S.; excluding from application of the sales and use tax
 57 | diesel fuel used in certain farming vehicles or for
 58 | certain farming purposes; amending s. 212.08, F.S.;
 59 | exempting from the sales and use tax electricity used for
 60 | specified agricultural purposes; providing application;
 61 | providing a conclusive presumption of taxable use under
 62 | certain circumstances; providing effective dates.

63 |

64 | Be It Enacted by the Legislature of the State of Florida:

65 |

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

68 | 482.021 Definitions.--For the purposes of this chapter,
 69 | and unless otherwise required by the context, the term:

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

78 | (12) "Independent contractor" means an entity separate
 79 | from the licensee that:

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

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

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

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

88 (e)-(e) Pays its own workers' ~~worker's~~ compensation as an
89 independent contractor.

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

92 482.051 Rules.--The department has authority to adopt
93 rules pursuant to ss. 120.536(1) and 120.54 to implement the
94 provisions of this chapter. Prior to proposing the adoption of a
95 rule, the department shall counsel with members of the pest
96 control industry concerning the proposed rule. The department
97 shall adopt rules for the protection of the health, safety, and
98 welfare of pest control employees and the general public which
99 require:

100 (5) That any pesticide used as the primary preventive
101 treatment for ~~preconstruction treatments for the prevention of~~
102 ~~subterranean termites~~ in new construction be applied in the
103 amount, concentration, and treatment area in accordance with the
104 label; that a copy of the label of the registered pesticide
105 being applied be carried in a vehicle at the site where the
106 pesticide is being applied; and that the licensee maintain for 3
107 years the record of each preconstruction treatment, indicating
108 the date of treatment, the location or address of the property

109 treated, the total square footage of the structure treated, the
 110 type of pesticide applied, the concentration of each substance
 111 in the mixture applied, and the total amount of pesticide
 112 applied.

113 Section 3. Paragraph (a) of subsection (2) of section
 114 482.091, Florida Statutes, is amended to read:

115 482.091 Employee identification cards.--

116 (2)(a) An identification cardholder must be an employee of
 117 the licensee and work under the direction and supervision of the
 118 licensee's certified operator in charge and shall ~~may~~ not be an
 119 independent contractor. An identification cardholder shall
 120 operate ~~may perform~~ only ~~pest control services~~ out of, and ~~or~~
 121 for customers assigned ~~arising~~ from, the licensee's licensed
 122 business location. An identification cardholder shall ~~may~~ not
 123 perform any pest control independently of and without the
 124 knowledge of the licensee and the licensee's certified operator
 125 in charge and shall ~~may~~ perform pest control only for the
 126 licensee's customers.

127 Section 4. Subsections (1), (2), and (3) of section
 128 482.156, Florida Statutes, are amended to read:

129 482.156 Limited certification for commercial landscape
 130 maintenance personnel.--

131 (1) The department shall establish a limited certification
 132 category for individual commercial landscape maintenance
 133 personnel to authorize them to apply herbicides for controlling
 134 weeds in plant beds and to perform integrated pest management on
 135 ornamental plants using ~~the following materials:~~ insecticides

136 and fungicides having the signal word "caution" but not having
137 the word "warning" or "danger" on the label, ~~insecticidal soaps,~~
138 ~~horticultural oils, and bacillus thuringiensis formulations.~~ The
139 application equipment that may be used by a person certified
140 pursuant to this section is limited to portable, handheld 3-
141 gallon compressed air sprayers or backpack sprayers having no
142 more than a 5-gallon capacity and does not include power
143 equipment.

144 (2) (a) A person seeking limited certification under this
145 section must pass an examination given by the department. Each
146 application for examination must be accompanied by an
147 examination fee set by rule of the department, in an amount of
148 not more than \$150 or less than \$50, ~~however, until a rule~~
149 ~~setting this fee is adopted by the department, the examination~~
150 ~~fee is \$50.~~ Prior to the department's issuing a limited
151 certification under this section, each person applying making
152 application for the certification ~~under this section~~ must
153 furnish proof of having a certificate of insurance which states
154 that the employer meets the requirements for minimum financial
155 responsibility for bodily injury and property damage required by
156 s. 482.071(4).

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

163 ~~(b)~~ The department shall provide the appropriate reference
164 materials for the examination and make the examination readily
165 accessible and available to applicants at least quarterly or as
166 necessary in each county.

167 (3) An application for recertification under this section
168 must be made annually and be accompanied by a recertification
169 fee set by rule of the department, in an amount of not more than
170 \$75 or less than \$25; ~~however, until a rule setting this fee is~~
171 ~~adopted by the department, the fee for recertification is \$25.~~
172 The application must also be accompanied by proof of having
173 completed 4 classroom hours of acceptable continuing education
174 and the same proof of having a certificate of insurance as is
175 required for issuance of this ~~initial~~ certification. After a
176 grace period not exceeding 30 calendar days following the annual
177 date that recertification is due, a late renewal charge of \$50
178 shall be assessed and must be paid in addition to the renewal
179 fee. Unless timely recertified, a certificate automatically
180 expires 180 calendar days after the anniversary recertification
181 date. Subsequent to such expiration, a certificate may be issued
182 only upon successful reexamination and upon payment of the
183 examination fees due.

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

186 482.211 Exemptions.--This chapter does not apply to:

187 (7) ~~Area~~ Mosquito control activities conducted by a local
188 government or district established under chapter 388 or by

189 | special act or by a contractor of the local government or
 190 | district.

191 | Section 6. Section 500.033, Florida Statutes, is amended
 192 | to read:

193 | 500.033 Florida Food Safety and Food Defense Security
 194 | Advisory Council.--

195 | (1) There is created the Florida Food Safety and Food
 196 | Defense Security Advisory Council for the purpose of serving as
 197 | a forum for presenting, investigating, and evaluating issues of
 198 | current importance to the assurance of a safe and secure food
 199 | supply to the citizens of Florida. The Florida Food Safety and
 200 | Food Defense Security Advisory Council shall consist of, but not
 201 | be limited to: the Commissioner of Agriculture or his or her
 202 | designee; the Secretary of Health or his or her designee; the
 203 | Secretary of Business and Professional Regulation or his or her
 204 | designee; the person responsible for domestic security with the
 205 | ~~Florida~~ Department of Law Enforcement; members representing the
 206 | production, processing, distribution, and sale of foods;
 207 | consumers or and/or members of citizens groups; representatives
 208 | of ~~or~~ food industry groups; scientists or other experts in
 209 | aspects of food safety from state universities; representatives
 210 | from local, state, and federal agencies that are charged with
 211 | responsibilities for food safety or food defense security; the
 212 | chairs of the Agriculture Committees of the Senate and the House
 213 | of Representatives or their designees; and the chairs of the
 214 | committees of the Senate and the House of Representatives with
 215 | jurisdictional oversight of home defense issues or their

216 designees. The Commissioner of Agriculture shall appoint the
217 remaining members. The council shall make periodic reports to
218 the Department of Agriculture and Consumer Services concerning
219 findings and recommendations in the area of food safety and food
220 defense ~~security~~.

221 (2) The council shall consider the development of
222 appropriate advice or recommendations on food safety or food
223 defense ~~security~~ issues. In the discharge of their duties, the
224 council members may receive for review confidential data exempt
225 from the provisions of s. 119.07(1); however, it is unlawful for
226 any member of the council to use the data for his or her
227 advantage or reveal the data to the general public.

228 Section 7. Section 570.954, Florida Statutes, is created
229 to read:

230 570.954 Farm-to-fuel initiative.--

231 (1) The department may develop a farm-to-fuel initiative
232 to enhance the market for and promote the production and
233 distribution of renewable energy from Florida-grown crops,
234 agricultural wastes and residues, and other biomass and to
235 enhance the value of agricultural products or expand
236 agribusiness in the state.

237 (2) The department may conduct a statewide comprehensive
238 information and education program aimed at educating the general
239 public about the benefits of renewable energy and the use of
240 alternative fuels.

241 (3) The department shall coordinate with and solicit the
242 expertise of the state energy office within the Department of

243 Environmental Protection when developing and implementing this
 244 initiative.

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

247 582.06 Soil and Water Conservation Council; powers and
 248 duties.--

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

252 (b) Twelve ~~nonvoting ex officio~~ members shall include one
 253 representative each from the Department of Environmental
 254 Protection, the five water management districts, the Institute
 255 of Food and Agricultural Sciences at the University of Florida,
 256 the United States Department of Agriculture Natural Resources
 257 Conservation Service, the Florida Association of Counties, and
 258 the Florida League of Cities, and two representatives of
 259 environmental interests.

260 (c) All members shall be appointed by the commissioner. ~~Ex~~
 261 ~~officio~~ Members appointed pursuant to paragraph (b) shall be
 262 appointed by the commissioner from recommendations provided by
 263 the organization or interest represented.

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

266 828.30 Rabies vaccination of dogs, cats, and ferrets.--

267 (3) Upon vaccination against rabies, the licensed
 268 veterinarian shall provide the animal's owner and the animal
 269 control authority with a rabies vaccination certificate. Each

270 animal control authority and veterinarian shall use the ~~Form 51,~~
271 "Rabies Vaccination Certificate," of the National Association of
272 State Public Health Veterinarians (NASPHV) or an equivalent form
273 approved by the local government that contains all the
274 information required by the NASPHV Rabies Vaccination
275 Certificate ~~Form 51~~. The veterinarian who administers the rabies
276 vaccine to an animal as required under this section may affix
277 his or her signature stamp in lieu of an actual signature.

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

280 403.067 Establishment and implementation of total maximum
281 daily loads.--

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

284 (c) Best management practices.--

285 1. The department, in cooperation with the water
286 management districts and other interested parties, as
287 appropriate, may develop suitable interim measures, best
288 management practices, or other measures necessary to achieve the
289 level of pollution reduction established by the department for
290 nonagricultural nonpoint pollutant sources in allocations
291 developed pursuant to subsection (6) and this subsection. These
292 practices and measures may be adopted by rule by the department
293 and the water management districts pursuant to ss. 120.536(1)
294 and 120.54, and, where adopted by rule, shall be implemented by
295 those parties responsible for nonagricultural nonpoint source
296 pollution.

297 2. The Department of Agriculture and Consumer Services may
298 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
299 suitable interim measures, best management practices, or other
300 measures necessary to achieve the level of pollution reduction
301 established by the department for agricultural pollutant sources
302 in allocations developed pursuant to subsection (6) and this
303 subsection or for programs implemented pursuant to paragraph
304 (11) (b). These practices and measures may be implemented by
305 those parties responsible for agricultural pollutant sources and
306 the department, the water management districts, and the
307 Department of Agriculture and Consumer Services shall assist
308 with implementation. In the process of developing and adopting
309 rules for interim measures, best management practices, or other
310 measures, the Department of Agriculture and Consumer Services
311 shall consult with the department, the Department of Health, the
312 water management districts, representatives from affected
313 farming groups, and environmental group representatives. Such
314 rules shall also incorporate provisions for a notice of intent
315 to implement the practices and a system to assure the
316 implementation of the practices, including recordkeeping
317 requirements.

318 3. Where interim measures, best management practices, or
319 other measures are adopted by rule, the effectiveness of such
320 practices in achieving the levels of pollution reduction
321 established in allocations developed by the department pursuant
322 to subsection (6) and this subsection or in programs implemented
323 pursuant to paragraph (11) (b) shall be verified at

324 representative sites by the department. The department shall use
325 best professional judgment in making the initial verification
326 that the best management practices are reasonably expected to be
327 effective and, where applicable, shall notify the appropriate
328 water management district or ~~and~~ the Department of Agriculture
329 and Consumer Services of its initial verification prior to the
330 adoption of a rule proposed pursuant to this paragraph.
331 Implementation, in accordance with rules adopted under this
332 paragraph, of practices that have been initially verified to be
333 effective, or verified to be effective by monitoring at
334 representative sites, by the department, shall provide a
335 presumption of compliance with state water quality standards and
336 release from the provisions of s. 376.307(5) for those
337 pollutants addressed by the practices, and the department is not
338 authorized to institute proceedings against the owner of the
339 source of pollution to recover costs or damages associated with
340 the contamination of surface water or groundwater caused by
341 those pollutants. Research projects funded by the department, a
342 water management district, or the Department of Agriculture and
343 Consumer Services to develop or demonstrate interim measures or
344 best management practices shall be granted a presumption of
345 compliance with state water quality standards and a release from
346 the provisions of s. 376.307(5). The presumption of compliance
347 and release shall be limited to the research site and only for
348 those pollutants addressed by the interim measures or best
349 management practices. Eligibility for the presumption of
350 compliance and release shall be limited to research projects on

351 sites where the owner or operator of the research site and the
352 department, a water management district, or the Department of
353 Agriculture and Consumer Services have entered into a contract
354 or other agreement that, at a minimum, specifies the research
355 objectives, the cost-share responsibilities of the parties, and
356 a schedule that details the beginning and ending dates of the
357 project.

358 4. Where water quality problems are demonstrated, despite
359 the appropriate implementation, operation, and maintenance of
360 best management practices and other measures according to rules
361 adopted under this paragraph, the department, a water management
362 district, or the Department of Agriculture and Consumer
363 Services, in consultation with the department, shall institute a
364 reevaluation of the best management practice or other measure.
365 Should the reevaluation determine that the best management
366 practice or other measure requires modification, the department,
367 a water management district, or the Department of Agriculture
368 and Consumer Services, as appropriate, shall revise the rule to
369 require implementation of the modified practice within a
370 reasonable time period as specified in the rule.

371 5. Individual agricultural records relating to processes
372 or methods of production, or relating to costs of production,
373 profits, or other financial information which are otherwise not
374 public records, which are reported to the Department of
375 Agriculture and Consumer Services pursuant to subparagraphs 3.
376 and 4. or pursuant to any rule adopted pursuant to subparagraph
377 2. shall be confidential and exempt from s. 119.07(1) and s.

378 24(a), Art. I of the State Constitution. Upon request of the
 379 department or any water management district, the Department of
 380 Agriculture and Consumer Services shall make such individual
 381 agricultural records available to that agency, provided that the
 382 confidentiality specified by this subparagraph for such records
 383 is maintained. This subparagraph is subject to the Open
 384 Government Sunset Review Act of 1995 in accordance with s.
 385 119.15, and shall stand repealed on October 2, 2006, unless
 386 reviewed and saved from repeal through reenactment by the
 387 Legislature.

388 6. The provisions of subparagraphs 1. and 2. shall not
 389 preclude the department or water management district from
 390 requiring compliance with water quality standards or with
 391 current best management practice requirements set forth in any
 392 applicable regulatory program authorized by law for the purpose
 393 of protecting water quality. Additionally, subparagraphs 1. and
 394 2. are applicable only to the extent that they do not conflict
 395 with any rules adopted by the department that are necessary to
 396 maintain a federally delegated or approved program.

397 (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

398 (a) The department shall not implement, without prior
 399 legislative approval, any additional regulatory authority
 400 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part
 401 130, if such implementation would result in water quality
 402 discharge regulation of activities not currently subject to
 403 regulation.

404 (b) Interim measures, best management practices, or other
405 measures may be developed and voluntarily implemented pursuant
406 to paragraph ~~subparagraphs~~ (7) (c) ~~1. and 2.~~ for any water body or
407 segment for which a total maximum daily load or allocation has
408 not been established. The implementation of such pollution
409 control programs may be considered by the department in the
410 determination made pursuant to subsection (4).

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

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

417 (2) The Department of Agriculture and Consumer Services is
418 directed to erect suitable markers designating the Austin Dewey
419 Gay Memorial Agricultural Inspection Station as described in
420 subsection (1).

421 Section 12. Paragraph (a) of subsection (1) of section
422 500.12, Florida Statutes, is amended to read:

423 500.12 Food permits; building permits.--

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

427 1. Persons operating minor food outlets, including, but
428 not limited to, video stores, that sell commercially
429 prepackaged, nonpotentially hazardous candy, chewing gum, soda,
430 or popcorn, provided the shelf space for those items does not

431 exceed 12 linear feet and no other food is sold by the minor
 432 food outlet.

433 2. Persons subject to continuous, onsite federal or state
 434 inspection.

435 3. Persons selling only legumes in the shell, either
 436 parched, roasted, or boiled.

437 4. Persons selling sugar cane or sorghum syrup that has
 438 been boiled and bottled on a premise located within the state.
 439 Such bottles must contain a label listing the producer's name
 440 and street address, all added ingredients, the net weight or
 441 volume of product, and a statement that reads "This product has
 442 not been produced in a facility permitted by the Florida
 443 Department of Agriculture and Consumer Services."

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

446 570.249 Agricultural Economic Development Program disaster
 447 loans and grants and aid.--

448 (1) USE OF LOAN FUNDS.--

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

452 1. Restore or replace essential physical property or
 453 remove debris from essential physical property., ~~such as~~
 454 animals, fences, equipment, structural production facilities,
 455 and orchard trees,

456 2. Pay all or part of production costs associated with the
 457 disaster year.

458 3. Pay essential family living expenses. ~~and~~

459 4. Restructure farm debts.

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

462 (c) Funds may be issued as direct loans, or as loan
 463 guarantees for up to 90 percent of the total loan, in amounts
 464 not less than \$30,000 nor more than \$300,000 ~~\$250,000.~~

465 Applicants must provide at least 10 percent equity.

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

467 1. "Losses" means loss or damage to crops, agricultural
 468 products, agricultural facilities, infrastructure, or farmworker
 469 housing.

470 2. "Essential physical property" means fences, equipment,
 471 structural production facilities such as shade houses and
 472 greenhouses, other agricultural facilities, infrastructure, or
 473 farmworker housing.

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

476 810.09 Trespass on property other than structure or
 477 conveyance.--

478 (2)

479 (h) The offender commits a felony of the third degree,
 480 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 481 if the property trespassed upon is an agricultural chemicals
 482 manufacturing facility that is legally posted and identified in
 483 substantially the following manner: "THIS AREA IS A DESIGNATED

484 AGRICULTURAL CHEMICALS MANUFACTURING FACILITY, AND ANYONE WHO
 485 TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

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

488 810.011 Definitions.--As used in this chapter:

489 (12) "Agricultural chemicals manufacturing facility" means
 490 any facility, and any properties or structures associated with
 491 the facility, used for the manufacture, processing, or storage
 492 of agricultural chemicals classified in Industry Group 287
 493 contained in the Standard Industrial Classification Manual,
 494 1987, as published by the Office of Management and Budget,
 495 Executive Office of the President.

496 Section 16. Assessment of obsolete agricultural
 497 equipment.--

498 (1) For purposes of ad valorem property taxation,
 499 agricultural equipment that is located on property classified as
 500 agricultural under s. 193.461, Florida Statutes, and that is no
 501 longer usable for its intended purpose shall be deemed to have a
 502 market value no greater than its value for salvage.

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

504 Section 17. Section 601.992, Florida Statutes, is amended
 505 to read:

506 601.992 Collection of dues and other payments on behalf of
 507 certain nonprofit corporations engaged in market news and grower
 508 education.--The Florida Department of Citrus or the Department
 509 of Agriculture and Consumer Services or their successors ~~its~~
 510 ~~successor~~ may collect or compel the entities regulated by the

511 department to collect dues, contributions, or any other
512 financial payment upon request by, and on behalf of, any not-
513 for-profit corporation, and its related not-for-profit
514 corporations, located in this state which receives payments or
515 dues from its members. Such not-for-profit corporation must be
516 engaged, to the exclusion of agricultural commodities other than
517 citrus, in market news and grower education solely for citrus
518 growers, and must have at least 5,000 members who are engaged in
519 growing citrus in this state for commercial sale. The department
520 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
521 implement this section. The rules may establish indemnity
522 requirements for the requesting corporation and for fees to be
523 charged to the corporation which are sufficient but do not
524 exceed the amount necessary to ensure that any direct costs
525 incurred by the department in implementing this section are
526 borne by the requesting corporation and not by the department.

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

529 212.0501 Tax on diesel fuel for business purposes;
530 purchase, storage, and use.--

531 (3) For purposes of this section, "consumption, use, or
532 storage by a trade or business" does not include those uses of
533 diesel fuel specifically exempt on account of residential
534 purposes, or in any tractor, vehicle, or other equipment used
535 exclusively on a farm or for processing farm products on the
536 farm, no part of which diesel fuel is used in any licensed motor
537 vehicle on the public highways of this state ~~on account of~~

538 ~~agricultural purposes as defined in s. 212.08(5), or the~~
 539 purchase or storage of diesel fuel held for resale.

540 Section 19. Paragraph (e) of subsection (5) of section
 541 212.08, Florida Statutes, is amended to read:

542 212.08 Sales, rental, use, consumption, distribution, and
 543 storage tax; specified exemptions.--The sale at retail, the
 544 rental, the use, the consumption, the distribution, and the
 545 storage to be used or consumed in this state of the following
 546 are hereby specifically exempt from the tax imposed by this
 547 chapter.

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

549 (e)1. Gas used for certain agricultural purposes.--Butane
 550 gas, propane gas, natural gas, and all other forms of liquefied
 551 petroleum gases are exempt from the tax imposed by this chapter
 552 if used in any tractor, vehicle, or other farm equipment which
 553 is used exclusively on a farm or for processing farm products on
 554 the farm and no part of which gas is used in any vehicle or
 555 equipment driven or operated on the public highways of this
 556 state. This restriction does not apply to the movement of farm
 557 vehicles or farm equipment between farms. The transporting of
 558 bees by water and the operating of equipment used in the apiary
 559 of a beekeeper is also deemed an exempt use.

560 2. Electricity used for certain agricultural purposes.--
 561 Electricity used directly and exclusively for production or
 562 processing of agricultural products on the farm is exempt from
 563 the tax imposed by this chapter. This exemption applies only if
 564 the electricity used for the exempt purposes is separately

565 | metered. If the electricity is not separately metered, it is
566 | conclusively presumed that some portion of the electricity is
567 | used for a nonexempt purpose, and all of the electricity used
568 | for such purposes is taxable.

569 | Section 20. Except as otherwise expressly provided in this
570 | act, this act shall take effect July 1, 2006.