

## ENROLLED

HB 7075, Engrossed 3, Corrected Copy

2006 Legislature

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

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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;

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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;

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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

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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

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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.~~

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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

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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



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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

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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

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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.

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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

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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

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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.

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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.

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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



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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.

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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

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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

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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~~

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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

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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.