

By the Committee on Agriculture

575-1914-07

1 A bill to be entitled

2 An act relating to the Department of

3 Agriculture and Consumer Services; amending s.

4 487.041, F.S.; revising the registration

5 requirements for brands of pesticide

6 distributed or sold in the state; providing for

7 expiration on a specified date of requirements

8 for annual registration; providing for future

9 biennial registration; revising the

10 registration fee; requiring that proceeds of

11 the fee be deposited into the General

12 Inspection Trust Fund and used by the

13 department to administer ch. 487, F.S.;

14 providing for a fee to be imposed for late

15 registration; amending ss. 500.03 and 500.147,

16 F.S., relating to the Florida Food Safety Act;

17 updating references for purposes of provisions

18 governing the sale of bottled water and the

19 operation of bottled water plants; redefining

20 the term "food establishment" to include tomato

21 packinghouses; amending s. 502.012, F.S.;

22 revising and clarifying definitions; amending

23 s. 502.014, F.S.; revising the department's

24 rulemaking authority concerning lowfat cottage

25 cheese; conforming terminology; amending s.

26 502.053, F.S.; revising the permitting

27 requirements for certain milk plants; deleting

28 a provision authorizing the department to issue

29 a temporary permit to milk haulers; amending s.

30 502.054, F.S.; conforming terminology; amending

31 s. 502.091, F.S.; clarifying provisions

1 governing the sale of milk and milk products;
2 specifying the types of food establishments at
3 which such products may be sold; providing
4 requirements for the sale of cheese made from
5 raw milk; repealing ss. 591.27-591.34, F.S.,
6 relating to the designation, marking, and
7 cutting of seed trees; creating the Consumer
8 Fireworks Task Force within the department for
9 certain purposes; providing legislative
10 findings; providing for task force membership
11 and selection of chair and vice-chair;
12 specifying serving without compensation;
13 providing for per diem and travel expenses;
14 requiring the department to staff the task
15 force; requiring a report to the Legislature by
16 a time certain; providing for abolition of the
17 task force; amending s. 570.07, F.S.;
18 authorizing personnel within the various
19 divisions of the department to perform
20 regulatory and inspection services relating to
21 agriculture; requiring that the department
22 adopt requirements for enhancing food safety;
23 amending s. 570.48, F.S.; authorizing the
24 Division of Fruit and Vegetables to perform
25 food safety inspections with respect to
26 tomatoes; amending s. 570.481, F.S.; requiring
27 that fees collected by the department to cover
28 the costs of tomato-related inspections be
29 deposited into the General Inspection Trust
30 Fund and used for specified purposes;
31 authorizing the Department of Agriculture and

1 Consumer Services to conduct research projects
2 on citrus diseases which are recommended by the
3 Florida Citrus Production Research Advisory
4 Council, within appropriations for such
5 purpose; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Present subsections (1), (2), (3), and (8)
10 and paragraphs (b) and (d) of subsection (4) of section
11 487.041, Florida Statutes, are amended, and a new subsection
12 (1) is added to that section, to read:

13 487.041 Registration.--

14 (1)(a) Each brand of pesticide, as defined in s.
15 487.021, that is distributed, sold, or offered for sale,
16 except as provided in this subsection, within this state or
17 delivered for transportation or transported in intrastate
18 commerce or between points within this state through any point
19 outside this state must be registered in the office of the
20 department, and such registration shall be renewed annually.
21 Emergency exemptions from registration may be authorized in
22 accordance with the rules of the department. The registrant
23 shall file with the department a statement including:

24 1. The name, business mailing address, and street
25 address of the registrant.

26 2. The name of the brand of pesticide.

27 3. An ingredient statement and a complete copy of the
28 labeling accompanying the brand of the pesticide, which must
29 conform to the registration, and a statement of all claims to
30 be made for it, including directions for use and a guaranteed
31 analysis showing the names and percentages by weight of each

1 active ingredient, the total percentage of inert ingredients,
2 and the names and percentages by weight of each "added
3 ingredient."

4 (b) For the purpose of defraying expenses of the
5 department in connection with carrying out the provisions of
6 this part, each person shall pay an annual registration fee of
7 \$250 for each registered brand of pesticide. The annual
8 registration fee for each special local need label and
9 experimental use permit is \$100. All registrations expire on
10 December 31 of each year. If the renewal of a brand of
11 pesticide, including the special local need label and
12 experimental use permit, is not filed by January 31 of the
13 renewal year, an additional fee of \$25 per brand of pesticide
14 shall be assessed per month and added to the original fee.
15 This additional fee may not exceed \$250 per brand of
16 pesticide. The additional fee must be paid by the registrant
17 before the renewal certificate for the registration of the
18 brand of pesticide is issued.

19 (c) This subsection does not apply to distributors or
20 retail dealers selling brands of pesticide if such brands of
21 pesticide are registered by another person.

22 (d) This subsection expires at midnight, December 31,
23 2008.

24 ~~(2)(a)(1)~~ Effective January 1, 2009, each brand of
25 ~~Every~~ pesticide, as defined in s. 487.021, which is
26 distributed, sold, or offered for sale, except as provided in
27 this section, within this state or delivered for
28 transportation or transported in intrastate commerce or
29 between points within this state through any point outside
30 this state ~~must shall~~ be registered in the office of the
31 department, and such registration shall be renewed biennially

1 ~~annually~~. Emergency exemptions from registration may be
2 authorized in accordance with the rules of the department. The
3 registrant shall file with the department a statement
4 including:

5 ~~1.(a)~~ 1.(a) The name, business mailing address, and street
6 address of the registrant.

7 ~~2.(b)~~ 2.(b) The name of the brand of pesticide.

8 ~~3.(c)~~ 3.(c) An ingredient statement and a complete copy of
9 the labeling accompanying the brand of the pesticide, which
10 ~~must shall~~ conform to the registration, and a statement of all
11 claims to be made for it, including directions for use and a
12 guaranteed analysis showing the names and percentages by
13 weight of each active ingredient, the total percentage of
14 inert ingredients, and the names and percentages by weight of
15 each "added ingredient."

16 ~~(b)(2)~~ (b)(2) Effective January 1, 2009, for the purpose of
17 defraying expenses of the department in connection with
18 carrying out the provisions of this part, each person shall
19 pay a biennial ~~an annual~~ registration fee ~~of \$250~~ for each
20 registered brand of pesticide. The registration of each brand
21 of pesticide shall cover a designated 2-year period beginning
22 on January 1 of each odd-numbered year and expiring on
23 December 31 of the following year. ~~The annual registration fee~~
24 ~~for each special local need label and experimental use permit~~
25 ~~shall be \$100. All registrations expire on December 31 of each~~
26 ~~year. Nothing in this section shall be construed as applying~~
27 ~~to distributors or retail dealers selling pesticides when~~
28 ~~such pesticides are registered by another person.~~

29 (c) Each registration issued by the department to a
30 registrant for a period beginning in an odd-numbered year
31 shall be assessed a fee of \$500 per brand of pesticide and a

1 fee of \$200 for each special local need label and experimental
2 use permit, and the registration shall expire on December 31
3 of the following year. Each registration issued by the
4 department to a registrant for a period beginning in an
5 even-numbered year shall be assessed a fee of \$250 per brand
6 of pesticide and fee of \$100 for each special local need label
7 and experimental use permit, and the registration shall expire
8 on December 31 of that year.

9 (d) All revenues collected, less those costs
10 determined by the department to be nonrecurring or one-time
11 costs, shall be deferred over the 2-year registration period,
12 deposited in the General Inspection Trust Fund, and used by
13 the department in carrying out the provisions of this chapter.

14 (e) If the renewal of a brand of pesticide, including
15 the special local need label and experimental use permit, is
16 not filed by January 31 of the renewal year, an additional fee
17 of \$25 per brand of pesticide shall be assessed per month and
18 added to the original fee. This additional fee may not exceed
19 \$250 per brand of pesticide. The additional fee must be paid
20 by the registrant before the renewal certificate for the
21 registration of the brand of pesticide is issued. The
22 additional fee shall be deposited into the General Inspection
23 Trust Fund.

24 (f) This subsection does not apply to distributors or
25 retail dealers selling brands of pesticide if such brands of
26 pesticide are registered by another person.

27 (3) The department shall adopt rules governing the
28 procedures for the registration of a brand of pesticide
29 ~~registration~~ and for the review of data submitted by an
30 applicant for registration of the brand of a pesticide. The
31 department shall determine whether the brand of a pesticide

1 | should be registered, registered with conditions, or tested
2 | under field conditions in this state. The department shall
3 | determine whether each request ~~that all requests~~ for
4 | registration of a brand of pesticide ~~meets registrations meet~~
5 | the requirements of current state and federal law. The
6 | department, whenever it deems it necessary in the
7 | administration of this part, may require the manufacturer or
8 | registrant to submit the complete formula, quantities shipped
9 | into or manufactured in the state for distribution and sale,
10 | evidence of the efficacy and the safety of any pesticide, and
11 | other relevant data. The department may review and evaluate a
12 | registered pesticide if new information is made available that
13 | ~~which~~ indicates that use of the pesticide has caused an
14 | unreasonable adverse effect on public health or the
15 | environment. Such review shall be conducted upon the request
16 | of the Secretary ~~of the Department~~ of Health in the event of
17 | an unreasonable adverse effect on public health or the
18 | Secretary ~~of the Department~~ of Environmental Protection in the
19 | event of an unreasonable adverse effect on the environment.
20 | Such review may result in modifications, revocation,
21 | cancellation, or suspension of the registration of a brand of
22 | pesticide ~~registration~~. The department, for reasons of
23 | adulteration, misbranding, or other good cause, may refuse or
24 | revoke the registration of the brand of any pesticide, after
25 | notice to the applicant or registrant giving the reason for
26 | the decision. The applicant may then request a hearing,
27 | pursuant to chapter 120, on the intention of the department to
28 | refuse or revoke registration, and, upon his or her failure to
29 | do so, the refusal or revocation shall become final without
30 | further procedure. The ~~In no event shall~~ registration of a
31 |

1 brand of pesticide may not be construed as a defense for the
2 commission of any offense prohibited under this part.

3 (4) The department, in addition to its other duties
4 under this section, has the power to:

5 (b) Formally request the United States Environmental
6 Protection Agency to require registrants of pesticides to
7 provide the department with environmental test data generated
8 in this state or generated by simulating environmental
9 conditions in this state.

10 (d) Require a registrant who discontinues the
11 distribution of a brand of pesticide in this state to continue
12 the registration of the brand of the pesticide for a minimum
13 of 2 years or until no more remains on retailers' ~~retailer's~~
14 shelves ~~if or 2 years after written notice to the department~~
15 ~~of date of discontinuance; provided~~ such continued
16 registration or sale is not specifically prohibited by the
17 department or the United States Environmental Protection
18 Agency.

19 (8) ~~Nothing in~~ This section does not affect ~~affects~~
20 the authority of the department to administer the pesticide
21 registration program under this part or the authority of the
22 Commissioner of Agriculture to approve the registration of a
23 brand of pesticide.

24 Section 2. Paragraphs (d) and (n) of subsection (1) of
25 section 500.03, Florida Statutes, are amended to read:

26 500.03 Definitions; construction; applicability.--

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

28 (d) "Bottled water" means a beverage, as described in
29 21 C.F.R. part 165(2006)(1996), that is processed in
30 compliance with 21 C.F.R. part 129(2006)(1996).
31

1 (n) "Food establishment" means any factory, food
2 outlet, or any other facility manufacturing, processing,
3 packing, holding, or preparing food, or selling food at
4 wholesale or retail. The term does not include any business or
5 activity that is regulated under chapter 509 or chapter 601.
6 The term includes tomato packinghouses but ~~also~~ does not
7 include any other establishments that pack fruits and
8 vegetables in their raw or natural states, including those
9 fruits or vegetables that are washed, colored, or otherwise
10 treated in their unpeeled, natural form before they are
11 marketed.

12 Section 3. Paragraph (a) of subsection (3) of section
13 500.147, Florida Statutes, is amended to read:

14 500.147 Inspection of food establishments and
15 vehicles; food safety pilot program.--

16 (3) For bottled water plants:

17 (a) Bottled water must be from an approved source.
18 Bottled water must be processed in conformance with 21 C.F.R.
19 part 129~~(2006)(1996)~~, and must conform to 21 C.F.R. part 165
20 ~~(2006)(1996)~~. A person operating a bottled water plant shall
21 be responsible for all water sampling and analyses required by
22 this chapter.

23 Section 4. Section 502.012, Florida Statutes, is
24 amended to read:

25 502.012 Definitions.--The following definitions shall
26 apply in the interpretation and enforcement of this law:

27 (1) "Bulk milk pickup tanker" means a vehicle,
28 including the truck and tank, and necessary attachments, used
29 by a milk hauler to transport bulk raw milk for pasteurization
30 from a dairy farm to a milk plant, receiving station, or
31 transfer station.

1 (2) "Dairy farm" means any place or premises where one
2 or more cows, ~~or~~ goats, sheep, water buffalo, or other hooved
3 mammals are kept, and from which a part or all of the milk is
4 provided, sold, or offered for sale ~~to a milk plant, receiving~~
5 ~~station, or transfer station.~~

6 (3) "Department" means the Department of Agriculture
7 and Consumer Services.

8 ~~(4)(15)~~ "Grade 'A' pasteurized milk ordinance" means
9 the document entitled "Grade 'A' Pasteurized Milk Ordinance,
10 United States Department of Health and Human Services, Public
11 Health Service, Food and Drug Administration Publication No.
12 229," including all associated appendices, as adopted by
13 department rule.

14 ~~(5)(4)~~ "Imitation milk and imitation milk products"
15 means those foods that have the physical characteristics, such
16 as taste, flavor, body, texture, or appearance, of milk or
17 milk products as defined in this chapter and the Grade "A"
18 pasteurized milk ordinance, but do not come within the
19 definition definitions of "milk" or "milk products," and are
20 nutritionally inferior to the product imitated.

21 ~~(6)(5)~~ "Milk" means the lacteal secretion, practically
22 free from colostrum, obtained by the complete milking of one
23 or more healthy cows, ~~or~~ goats, sheep, water buffalo, or other
24 hooved mammals.

25 ~~(7)(6)~~ "Milk distributor" means any person who offers
26 for sale or sells to another person any milk or milk product.

27 ~~(8)(7)~~ "Milk products" means products made with milk
28 that is processed in some manner, including being whipped,
29 acidified, cultured, concentrated, lactose-reduced, or
30 sodium-reduced or aseptically processed, or having the
31 addition or subtraction of milkfat, the addition of safe and

1 suitable microbial organisms, or the addition of safe and
2 suitable optional ingredients for protein, vitamin, or mineral
3 fortification. "Milk products" do not include products such as
4 evaporated milk, condensed milk, eggnog in a rigid metal
5 container, dietary products, infant formula, or ice cream and
6 other desserts, ~~dry milk products, canned eggnog in a rigid~~
7 ~~metal container, butter, or cheese, except when the products~~
8 ~~are combined with other substances to produce any pasteurized~~
9 ~~or aseptically processed milk product.~~

10 ~~(9)(8)~~ "Milkfat" or "butterfat" means the fat
11 contained in milk.

12 ~~(10)(9)~~ "Milk hauler" means any person who transports
13 raw milk or raw milk products to or from a milk plant,
14 receiving station, or transfer station.

15 ~~(11)(10)~~ "Milk plant" means any place, premises, or
16 establishment where milk or milk products are collected,
17 handled, processed, stored, pasteurized, aseptically
18 processed, bottled, or prepared for distribution.

19 ~~(12)(11)~~ "Milk plant operator" means any person
20 responsible for receiving, processing, pasteurizing, or
21 packaging milk and milk products, or performing any other
22 related operation.

23 ~~(13)(12)~~ "Milk producer" means any person who operates
24 a dairy farm and provides, sells, or offers for sale milk to a
25 milk plant, receiving station, or transfer station.

26 ~~(14)(13)~~ "Milk tank truck" means either a bulk milk
27 pickup tanker or a milk transport tank.

28 ~~(15)(14)~~ "Milk transport tank" means a vehicle,
29 including the truck and tank, used by a milk hauler to
30 transport bulk shipments of milk from a milk plant, receiving
31

1 station, or transfer station to another milk plant, receiving
2 station, or transfer station.

3 (16) "Raw milk" means unprocessed milk.

4 (17) "Receiving station" means any place, premises, or
5 establishment where raw milk is received, collected, handled,
6 stored, or cooled and is prepared for further transporting.

7 (18) "Substitute milk and substitute milk products"
8 means those foods that have the physical characteristics, such
9 as taste, flavor, body, texture, or appearance, of milk or
10 milk products as defined in this chapter and the Grade "A"
11 pasteurized milk ordinance, but do not come within the
12 definition ~~definitions~~ of "milk" or "milk products" and are
13 nutritionally equivalent to the product for which they are
14 substitutes.

15 (19) "Transfer station" means any place, premises, or
16 establishment where milk or milk products are transferred
17 directly from one milk tank truck to another.

18 (20) "Washing station" means any place, premises, or
19 establishment where milk tank trucks are cleaned and
20 sanitized.

21 Section 5. Subsections (4) and (6) of section 502.014,
22 Florida Statutes, are amended to read:

23 502.014 Powers and duties.--

24 (4) The department shall define by rule "cottage
25 cheese," and "dry-curd cottage cheese," ~~and "lowfat cottage~~
26 ~~cheese."~~ The department shall periodically update these
27 definitions to maintain conformity with the federal
28 definitions.

29 (6) The department has authority to adopt rules
30 pursuant to ss. 120.536(1) and 120.54 to implement and enforce
31 the provisions of this chapter. In adopting these rules, the

1 department shall be guided by and may conform to the
2 definitions and standards of the administrative procedures and
3 provisions of the Grade "A" pasteurized milk ordinance. The
4 rules shall include, but are not limited to:

5 (a) Standards for milk and milk products.

6 (b) Provisions for the production, transportation,
7 processing, handling, sampling, examination, grading,
8 labeling, and sale of all milk and milk products and imitation
9 and substitute milk and milk products sold for public
10 consumption in this state.

11 (c) Provisions for the inspection of dairy herds,
12 dairy farms, and milk plants.

13 (d) Provisions for the issuance and revocation of
14 permits issued by the department pursuant to this chapter.

15 Section 6. Paragraph (a) of subsection (1), subsection
16 (2), and paragraph (a) of subsection (4) of section 502.053,
17 Florida Statutes, are amended to read:

18 502.053 Permits; requirements; exemptions; temporary
19 permits.--

20 (1) PERMITS.--

21 (a) Each Grade A milk plant, whether located in the
22 state or outside the state, and each manufacturing milk plant,
23 milk producer, milk hauler, milk hauling service, washing
24 station operator, milk plant operator, milk distributor,
25 single-service-container manufacturer, receiving station, and
26 transfer station in the state, shall apply to the department
27 for a permit to operate. The application shall be on forms
28 developed by the department.

29 (2) REQUIREMENTS.--

30 (a) To obtain a permit, an applicant must satisfy all
31 requirements that are defined by the department in rule and

1 must agree to comply with the applicable provisions of this
2 chapter and rules adopted ~~promulgated~~ under this chapter.

3 (b) All permit holders must maintain records of
4 transactions concerning the procurement, production, and
5 processing of milk and milk products as required in the Grade
6 "A" pasteurized milk ordinance and grant department inspectors
7 access to such records during all reasonable hours.

8 (c) In addition to the testing required in the Grade
9 "A" pasteurized milk ordinance and its appendices, each milk
10 plant operator in the state shall be responsible for routine
11 testing and inspection of raw milk shipped from outside the
12 state prior to processing and shall notify the department when
13 such testing and inspection indicate ~~indicates~~ a violation of
14 the standards contained in the Grade "A" pasteurized milk
15 ordinance.

16 (4) TEMPORARY PERMITS.--

17 (a) The department may issue a temporary permit for a
18 period not exceeding 90 days to milk producers ~~and milk~~
19 ~~haulers~~ who have submitted an application to the department
20 and passed a preliminary inspection as required in the Grade
21 "A" pasteurized milk ordinance.

22 Section 7. Section 502.054, Florida Statutes, is
23 amended to read:

24 502.054 Inspection and reinspection.--The department
25 shall establish a schedule for inspections which shall require
26 routine inspections in accordance with the minimum
27 requirements contained in the Grade "A" pasteurized milk
28 ordinance and more frequent inspections or reinspections for
29 permit holders with serious or repeated violations.

30 Section 8. Subsection (1) of section 502.091, Florida
31 Statutes, is amended to read:

1 502.091 Milk and milk products which may be sold.--
2 (1) Only Grade A pasteurized milk and milk products,
3 pasteurized manufactured milk products, and cheese made from
4 pasteurized milk shall be sold at retail to the final consumer
5 or to food service establishments as defined in chapter 381,
6 food establishments as defined in chapter 500, or public food
7 service establishments as defined in chapter 509 ~~restaurants,~~
8 ~~soda fountains, grocery stores, or similar establishments.~~
9 Cheese made from raw milk may also be sold at retail to the
10 final consumer or to food service establishments as defined in
11 chapter 381, food establishments as defined in chapter 500, or
12 public food service establishments as defined in chapter 509
13 if the cheese is aged more than 60 days at a temperature above
14 35° F.
15 (a) In an emergency, however, the department may
16 authorize the sale of reconstituted pasteurized milk products,
17 or pasteurized milk and milk products that have not been
18 graded or the grade of which ~~that~~ is unknown, in which case
19 such milk and milk products shall be appropriately labeled, as
20 determined by the department.
21 (b) If the department determines that milk is fit for
22 human consumption even though it is less than Grade A because
23 the producer failed to comply with the sanitation or bacterial
24 standards defined in this chapter, or if any specific shipment
25 of milk fails to comply with standards of the Grade "A"
26 pasteurized milk ordinance, the department may issue a permit
27 allowing the milk to be used in ungraded products, such as
28 frozen desserts, which are being processed by such milk plant.
29 During processing of such milk, it shall be pasteurized at a
30 temperature of at least 175° F. for at least 15 seconds or at
31 least 160° F. for at least 30 minutes.

1 Section 9. Sections 591.27, 591.28, 591.29, 591.30,
2 591.31, 591.32, 591.33, and 591.34, Florida Statutes, are
3 repealed.

4 Section 10. Consumer Fireworks Task Force.--

5 (1) The Legislature finds that:

6 (a) The state regulation of consumer fireworks in
7 Florida provides an insufficient definition of consumer
8 fireworks and related products used by consumers;

9 (b) There is a need for better training and education
10 concerning the safe use of consumer fireworks;

11 (c) There should be a mechanism to help local
12 governments fund the clean up following the use of consumer
13 fireworks on public property;

14 (d) Local government regulation of the agricultural
15 uses authorized by s. 791.012, Florida Statutes, are
16 inconsistent with legitimate agricultural purposes;

17 (e) There is a need for consumer education relating to
18 safety standards in the use of consumer fireworks;

19 (f) There is a need for standards concerning tents and
20 other temporary retail facilities selling consumer fireworks;
21 and

22 (g) The state would benefit from additional funding
23 for the training and education of fire officials.

24 (2)(a) There is hereby created the Consumer Fireworks
25 Task Force within the Department of Agriculture and Consumer
26 Services for the purpose of studying the issues concerning the
27 use of and proper use of consumer fireworks, regulation of
28 temporary sale facilities for consumer fireworks, and
29 regulation of the hours and location of the use of consumer
30 fireworks; studying funding options for fire official training
31

1 and education; and studying funding options for clean-up of
2 expended consumer fireworks products.

3 (b)1. The task force shall consist of seven members
4 appointed as follows: two members appointed by the President
5 of the Senate; two members appointed by the Speaker of the
6 House of Representatives; two members appointed by the
7 Commissioner of Agriculture; and one member appointed by the
8 Chief Financial Officer.

9 2. Members shall choose a chair and vice-chair from
10 its membership.

11 3. Members shall serve without compensation, except
12 that members are entitled to per diem and travel expenses,
13 pursuant to s. 112.061, Florida Statutes, incurred in the
14 performance of their duties.

15 (3) Staffing for the task force shall be provided by
16 the Department of Agriculture and Consumer Services.

17 (4) The task force shall review and evaluate the
18 issues identified in paragraph (2)(a) and take public input
19 and testimony concerning the issues. A report of the
20 recommendations and findings of the task force shall submitted
21 to the President of the Senate and the Speaker of the House of
22 Representatives by January 15, 2008, and the task force shall
23 be abolished upon the transmittal of the report.

24 Section 11. Paragraph (e) is added to subsection (2)
25 of section 570.07, Florida Statutes, and subsection (6) of
26 that section is amended, to read:

27 570.07 Department of Agriculture and Consumer
28 Services; functions, powers, and duties.--The department shall
29 have and exercise the following functions, powers, and duties:

30 (2) To perform all regulatory and inspection services
31 relating to agriculture except agricultural education,

1 demonstration, research, and those regulatory functions
2 assigned by law to other state agencies. In doing this, the
3 department may:

4 (e) Except as expressly prohibited by law, use any of
5 the trained personnel in the various divisions of the
6 department in performing the regulatory and inspection
7 services relating to agriculture.

8 (6) To foster and encourage the standardizing,
9 grading, inspection, labeling, handling, storage, and
10 marketing of agricultural products; to enhance the food safety
11 of tomatoes and, after investigation and public hearings, to
12 cooperate with the United States Department of Agriculture, to
13 establish and promulgate standard grades and other standard
14 classifications of and for agricultural products; and to
15 establish and adopt requirements for enhancing food safety, in
16 cooperation with appropriate agencies.

17 Section 12. Present paragraph (e) of subsection (2) of
18 section 570.48, Florida Statutes, is redesignated as paragraph
19 (f), and a new paragraph (e) is added to that subsection, to
20 read:

21 570.48 Division of Fruit and Vegetables; powers and
22 duties; records.--The duties of the Division of Fruit and
23 Vegetables include, but are not limited to:

24 (2)
25 (e) Performing tomato food safety inspections on
26 tomato farms, in tomato greenhouses, and in tomato
27 packinghouses and repackers.

28 Section 13. Subsections (1) and (2) of section
29 570.481, Florida Statutes, are amended to read:

30 570.481 Fruit and vegetable inspection fees;
31 penalty.--

1 (1)(a) Each person receiving inspection services
2 pursuant to s. 570.48 shall pay to the department an
3 inspection fee. This fee shall cover the cost of providing
4 the inspection service and shall be set annually by the
5 department by rule.

6 (b) All fees collected by the department to cover the
7 cost of providing the inspection service for farms or
8 greenhouses growing tomatoes or for tomato packinghouses shall
9 be deposited into the General Inspection Trust Fund and shall
10 be used for tomato-related inspections, education, and
11 research.

12 (2) All fees collected by the department under this
13 section shall be deposited into the Citrus Inspection Trust
14 Fund, except that fees collected pursuant to paragraph (1)(b)
15 and s. 570.48(4) shall be deposited in the General Inspection
16 Trust Fund.

17 Section 14. The Department of Agriculture and Consumer
18 Services shall conduct or cause to be conducted those research
19 projects on citrus diseases, including, but not limited to,
20 citrus canker and citrus greening, which are recommended by
21 the Florida Citrus Production Research Advisory Council,
22 within the limits of appropriations made specifically for such
23 purpose.

24 Section 15. This act shall take effect July 1, 2007.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1372

Committee Substitute for Senate Bill 1372 is different from Senate Bill 1372 in that it:

Authorizes the Department of Agriculture and Consumer Services to conduct research projects on citrus diseases which are recommended by the Florida Citrus Production Research Advisory Council;

Provides for enhanced tomato food safety inspections on tomato farms, in tomato greenhouses, and in tomato packinghouses and repackers; and

Makes it clear that the new food safety inspection program pertains only to tomatoes and does not include any other type of fruit or vegetable packing establishments.