

By the Committees on Commerce; and Agriculture

577-1970-07

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)~~ The name, business mailing address, and street  
6 address of the registrant.

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

8       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)** 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 be  
21 submitted to the President of the Senate and the Speaker of  
22 the House of Representatives by January 15, 2008, and the task  
23 force shall 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.

25  
26           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
27           COMMITTEE SUBSTITUTE FOR  
28           CS/SB 1372

29 The committee substitute for CS/SB 1372 makes the following  
30 changes to the bill:

- 31 - Makes a technical correction to insert the word "be"  
where it was improperly omitted.