

1
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; prohibiting the opening or
18 permitting of certain facilities for the retail
19 sale of fireworks or the adoption of certain
20 ordinances or other laws by local governments
21 under specified conditions concerning the
22 adoption of uniform fire prevention and safety
23 standards; amending s. 570.07, F.S.;
24 authorizing personnel within the various
25 divisions of the department to perform
26 regulatory and inspection services relating to
27 agriculture; requiring that the department
28 adopt requirements for enhancing food safety;
29 amending s. 570.48, F.S.; authorizing the
30 Division of Fruit and Vegetables to perform
31 food safety inspections with respect to

1 tomatoes; amending s. 570.481, F.S.; requiring
2 that fees collected by the department to cover
3 the costs of tomato-related inspections be
4 deposited into the General Inspection Trust
5 Fund and used for specified purposes;
6 authorizing the Department of Agriculture and
7 Consumer Services to conduct research projects
8 on citrus diseases which are recommended by the
9 Florida Citrus Production Research Advisory
10 Council, within appropriations for such
11 purpose; designating the E. H. "Gene" Downs
12 Building in Palatka; authorizing the Department
13 of Agriculture and Consumer Services to erect
14 suitable markers; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Present subsections (1), (2), (3), and (8)
19 and paragraphs (b) and (d) of subsection (4) of section
20 487.041, Florida Statutes, are amended, and a new subsection
21 (1) is added to that section, to read:

22 487.041 Registration.--

23 (1)(a) Each brand of pesticide, as defined in s.
24 487.021, that is distributed, sold, or offered for sale,
25 except as provided in this subsection, within this state or
26 delivered for transportation or transported in intrastate
27 commerce or between points within this state through any point
28 outside this state must be registered in the office of the
29 department, and such registration shall be renewed annually.
30 Emergency exemptions from registration may be authorized in
31

1 accordance with the rules of the department. The registrant
2 shall file with the department a statement including:
3 1. The name, business mailing address, and street
4 address of the registrant.
5 2. The name of the brand of pesticide.
6 3. An ingredient statement and a complete copy of the
7 labeling accompanying the brand of the pesticide, which must
8 conform to the registration, and a statement of all claims to
9 be made for it, including directions for use and a guaranteed
10 analysis showing the names and percentages by weight of each
11 active ingredient, the total percentage of inert ingredients,
12 and the names and percentages by weight of each "added
13 ingredient."
14 (b) For the purpose of defraying expenses of the
15 department in connection with carrying out the provisions of
16 this part, each person shall pay an annual registration fee of
17 \$250 for each registered brand of pesticide. The annual
18 registration fee for each special local need label and
19 experimental use permit is \$100. All registrations expire on
20 December 31 of each year. If the renewal of a brand of
21 pesticide, including the special local need label and
22 experimental use permit, is not filed by January 31 of the
23 renewal year, an additional fee of \$25 per brand of pesticide
24 shall be assessed per month and added to the original fee.
25 This additional fee may not exceed \$250 per brand of
26 pesticide. The additional fee must be paid by the registrant
27 before the renewal certificate for the registration of the
28 brand of pesticide is issued.
29 (c) This subsection does not apply to distributors or
30 retail dealers selling brands of pesticide if such brands of
31 pesticide are registered by another person.

1 (d) This subsection expires at midnight, December 31,
2 2008.

3 (2)(a)(1) Effective January 1, 2009, each brand of
4 ~~Every~~ pesticide, as defined in s. 487.021, which is
5 distributed, sold, or offered for sale, except as provided in
6 this section, within this state or delivered for
7 transportation or transported in intrastate commerce or
8 between points within this state through any point outside
9 this state ~~must shall~~ be registered in the office of the
10 department, and such registration shall be renewed biennially
11 ~~annually~~. Emergency exemptions from registration may be
12 authorized in accordance with the rules of the department. The
13 registrant shall file with the department a statement
14 including:

15 1.(a) The name, business mailing address, and street
16 address of the registrant.

17 2.(b) The name of the brand of pesticide.

18 3.(c) An ingredient statement and a complete copy of
19 the labeling accompanying the brand of the pesticide, which
20 ~~must shall~~ conform to the registration, and a statement of all
21 claims to be made for it, including directions for use and a
22 guaranteed analysis showing the names and percentages by
23 weight of each active ingredient, the total percentage of
24 inert ingredients, and the names and percentages by weight of
25 each "added ingredient."

26 (b)(2) Effective January 1, 2009, for the purpose of
27 defraying expenses of the department in connection with
28 carrying out the provisions of this part, each person shall
29 pay a biennial an annual registration fee of \$250 for each
30 registered brand of pesticide. The registration of each brand
31 of pesticide shall cover a designated 2-year period beginning

1 on January 1 of each odd-numbered year and expiring on
2 December 31 of the following year. The annual registration fee
3 for each special local need label and experimental use permit
4 shall be \$100. All registrations expire on December 31 of each
5 year. Nothing in this section shall be construed as applying
6 to distributors or retail dealers selling pesticides when
7 such pesticides are registered by another person.

8 (c) Each registration issued by the department to a
9 registrant for a period beginning in an odd-numbered year
10 shall be assessed a fee of \$500 per brand of pesticide and a
11 fee of \$200 for each special local need label and experimental
12 use permit, and the registration shall expire on December 31
13 of the following year. Each registration issued by the
14 department to a registrant for a period beginning in an
15 even-numbered year shall be assessed a fee of \$250 per brand
16 of pesticide and fee of \$100 for each special local need label
17 and experimental use permit, and the registration shall expire
18 on December 31 of that year.

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

24 (e) If the renewal of a brand of pesticide, including
25 the special local need label and experimental use permit, is
26 not filed by January 31 of the renewal year, an additional fee
27 of \$25 per brand of pesticide shall be assessed per month and
28 added to the original fee. This additional fee may not exceed
29 \$250 per brand of pesticide. The additional fee must be paid
30 by the registrant before the renewal certificate for the
31 registration of the brand of pesticide is issued. The

1 additional fee shall be deposited into the General Inspection
2 Trust Fund.

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

6 (3) The department shall adopt rules governing the
7 procedures for the registration of a brand of pesticide
8 ~~registration~~ and for the review of data submitted by an
9 applicant for registration of the brand of a pesticide. The
10 department shall determine whether the brand of a pesticide
11 should be registered, registered with conditions, or tested
12 under field conditions in this state. The department shall
13 determine whether each request ~~that all requests~~ for
14 registration of a brand of pesticide meets ~~registrations meet~~
15 the requirements of current state and federal law. The
16 department, whenever it deems it necessary in the
17 administration of this part, may require the manufacturer or
18 registrant to submit the complete formula, quantities shipped
19 into or manufactured in the state for distribution and sale,
20 evidence of the efficacy and the safety of any pesticide, and
21 other relevant data. The department may review and evaluate a
22 registered pesticide if new information is made available that
23 ~~which~~ indicates that use of the pesticide has caused an
24 unreasonable adverse effect on public health or the
25 environment. Such review shall be conducted upon the request
26 of the Secretary ~~of the Department~~ of Health in the event of
27 an unreasonable adverse effect on public health or the
28 Secretary ~~of the Department~~ of Environmental Protection in the
29 event of an unreasonable adverse effect on the environment.
30 Such review may result in modifications, revocation,
31 cancellation, or suspension of the registration of a brand of

1 pesticide ~~registration~~. The department, for reasons of
2 adulteration, misbranding, or other good cause, may refuse or
3 revoke the registration of the brand of any pesticide, after
4 notice to the applicant or registrant giving the reason for
5 the decision. The applicant may then request a hearing,
6 pursuant to chapter 120, on the intention of the department to
7 refuse or revoke registration, and, upon his or her failure to
8 do so, the refusal or revocation shall become final without
9 further procedure. ~~The In no event shall~~ registration of a
10 brand of pesticide may not be construed as a defense for the
11 commission of any offense prohibited under this part.

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

14 (b) Formally request the United States Environmental
15 Protection Agency to require registrants of pesticides to
16 provide the department with environmental test data generated
17 in this state or generated by simulating environmental
18 conditions in this state.

19 (d) Require a registrant who discontinues the
20 distribution of a brand of pesticide in this state to continue
21 the registration of the brand of the pesticide for a minimum
22 of 2 years or until no more remains on retailers' ~~retailer's~~
23 shelves if ~~or 2 years after written notice to the department~~
24 ~~of date of discontinuance; provided~~ such continued
25 registration or sale is not specifically prohibited by the
26 department or the United States Environmental Protection
27 Agency.

28 (8) ~~Nothing in~~ This section does not affect ~~affects~~
29 the authority of the department to administer the pesticide
30 registration program under this part or the authority of the
31

1 Commissioner of Agriculture to approve the registration of a
2 brand of pesticide.

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

5 500.03 Definitions; construction; applicability.--

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

7 (d) "Bottled water" means a beverage, as described in
8 21 C.F.R. part 165(2006)(1996), that is processed in
9 compliance with 21 C.F.R. part 129(2006)(1996).

10 (n) "Food establishment" means any factory, food
11 outlet, or any other facility manufacturing, processing,
12 packing, holding, or preparing food, or selling food at
13 wholesale or retail. The term does not include any business or
14 activity that is regulated under chapter 509 or chapter 601.
15 The term includes tomato packinghouses but also does not
16 include any other establishments that pack fruits and
17 vegetables in their raw or natural states, including those
18 fruits or vegetables that are washed, colored, or otherwise
19 treated in their unpeeled, natural form before they are
20 marketed.

21 Section 3. Paragraph (a) of subsection (3) of section
22 500.147, Florida Statutes, is amended to read:

23 500.147 Inspection of food establishments and
24 vehicles; food safety pilot program.--

25 (3) For bottled water plants:

26 (a) Bottled water must be from an approved source.

27 Bottled water must be processed in conformance with 21 C.F.R.
28 part 129(2006)(1996), and must conform to 21 C.F.R. part 165
29 (2006)(1996). A person operating a bottled water plant shall
30 be responsible for all water sampling and analyses required by
31 this chapter.

1 Section 4. Section 502.012, Florida Statutes, is
2 amended to read:

3 502.012 Definitions.--The following definitions shall
4 apply in the interpretation and enforcement of this law:

5 (1) "Bulk milk pickup tanker" means a vehicle,
6 including the truck and tank, and necessary attachments, used
7 by a milk hauler to transport bulk raw milk for pasteurization
8 from a dairy farm to a milk plant, receiving station, or
9 transfer station.

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

15 (3) "Department" means the Department of Agriculture
16 and Consumer Services.

17 ~~(4)(15)~~ "Grade 'A' pasteurized milk ordinance" means
18 the document entitled "Grade 'A' Pasteurized Milk Ordinance,
19 United States Department of Health and Human Services, Public
20 Health Service, Food and Drug Administration Publication No.
21 ~~229,~~ " including all associated appendices, as adopted by
22 department rule.

23 ~~(5)(4)~~ "Imitation milk and imitation milk products"
24 means those foods that have the physical characteristics, such
25 as taste, flavor, body, texture, or appearance, of milk or
26 milk products as defined in this chapter and the Grade "A"
27 pasteurized milk ordinance, but do not come within the
28 definition definitions of "milk" or "milk products," and are
29 nutritionally inferior to the product imitated.

30 ~~(6)(5)~~ "Milk" means the lacteal secretion, practically
31 free from colostrum, obtained by the complete milking of one

1 or more healthy cows, ~~or~~ goats, sheep, water buffalo, or other
2 hooved mammals.

3 ~~(7)(6)~~ "Milk distributor" means any person who offers
4 for sale or sells to another person any milk or milk product.

5 ~~(8)(7)~~ "Milk products" means products made with milk
6 that is processed in some manner, including being whipped,
7 acidified, cultured, concentrated, lactose-reduced, or
8 sodium-reduced or aseptically processed, or having the
9 addition or subtraction of milkfat, the addition of safe and
10 suitable microbial organisms, or the addition of safe and
11 suitable optional ingredients for protein, vitamin, or mineral
12 fortification. "Milk products" do not include products such as
13 evaporated milk, condensed milk, eggnog in a rigid metal
14 container, dietary products, infant formula, or ice cream and
15 other desserts, ~~dry milk products, canned eggnog in a rigid~~
16 ~~metal container, butter, or cheese, except when the products~~
17 ~~are combined with other substances to produce any pasteurized~~
18 ~~or aseptically processed milk product.~~

19 ~~(9)(8)~~ "Milkfat" or "butterfat" means the fat
20 contained in milk.

21 ~~(10)(9)~~ "Milk hauler" means any person who transports
22 raw milk or raw milk products to or from a milk plant,
23 receiving station, or transfer station.

24 ~~(11)(10)~~ "Milk plant" means any place, premises, or
25 establishment where milk or milk products are collected,
26 handled, processed, stored, pasteurized, aseptically
27 processed, bottled, or prepared for distribution.

28 ~~(12)(11)~~ "Milk plant operator" means any person
29 responsible for receiving, processing, pasteurizing, or
30 packaging milk and milk products, or performing any other
31 related operation.

1 ~~(13)~~~~(12)~~ "Milk producer" means any person who operates
2 a dairy farm and provides, sells, or offers for sale milk to a
3 milk plant, receiving station, or transfer station.

4 ~~(14)~~~~(13)~~ "Milk tank truck" means either a bulk milk
5 pickup tanker or a milk transport tank.

6 ~~(15)~~~~(14)~~ "Milk transport tank" means a vehicle,
7 including the truck and tank, used by a milk hauler to
8 transport bulk shipments of milk from a milk plant, receiving
9 station, or transfer station to another milk plant, receiving
10 station, or transfer station.

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

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

15 (18) "Substitute milk and substitute milk products"
16 means those foods that have the physical characteristics, such
17 as taste, flavor, body, texture, or appearance, of milk or
18 milk products as defined in this chapter and the Grade "A"
19 pasteurized milk ordinance, but do not come within the
20 definition definitions of "milk" or "milk products," and are
21 nutritionally equivalent to the product for which they are
22 substitutes.

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

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

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

31 502.014 Powers and duties.--

1 (4) The department shall define by rule "cottage
2 cheese," and "dry-curd cottage cheese," ~~and "lowfat cottage~~
3 ~~cheese."~~ The department shall periodically update these
4 definitions to maintain conformity with the federal
5 definitions.

6 (6) The department has authority to adopt rules
7 pursuant to ss. 120.536(1) and 120.54 to implement and enforce
8 the provisions of this chapter. In adopting these rules, the
9 department shall be guided by and may conform to the
10 definitions and standards of the administrative procedures and
11 provisions of the Grade "A" pasteurized milk ordinance. The
12 rules shall include, but are not limited to:

13 (a) Standards for milk and milk products.

14 (b) Provisions for the production, transportation,
15 processing, handling, sampling, examination, grading,
16 labeling, and sale of all milk and milk products and imitation
17 and substitute milk and milk products sold for public
18 consumption in this state.

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

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

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

26 502.053 Permits; requirements; exemptions; temporary
27 permits.--

28 (1) PERMITS.--

29 (a) Each Grade A milk plant, whether located in the
30 state or outside the state, and each manufacturing milk plant,
31 milk producer, milk hauler, milk hauling service, washing

1 station operator, milk plant operator, milk distributor,
2 single-service-container manufacturer, receiving station, and
3 transfer station in the state, shall apply to the department
4 for a permit to operate. The application shall be on forms
5 developed by the department.

6 (2) REQUIREMENTS.--

7 (a) To obtain a permit, an applicant must satisfy all
8 requirements that are defined by the department in rule and
9 must agree to comply with the applicable provisions of this
10 chapter and rules adopted ~~promulgated~~ under this chapter.

11 (b) All permit holders must maintain records of
12 transactions concerning the procurement, production, and
13 processing of milk and milk products as required in the Grade
14 "A" pasteurized milk ordinance and grant department inspectors
15 access to such records during all reasonable hours.

16 (c) In addition to the testing required in the Grade
17 "A" pasteurized milk ordinance and its appendices, each milk
18 plant operator in the state shall be responsible for routine
19 testing and inspection of raw milk shipped from outside the
20 state prior to processing and shall notify the department when
21 such testing and inspection indicate ~~indicates~~ a violation of
22 the standards contained in the Grade "A" pasteurized milk
23 ordinance.

24 (4) TEMPORARY PERMITS.--

25 (a) The department may issue a temporary permit for a
26 period not exceeding 90 days to milk producers ~~and milk~~
27 ~~haulers~~ who have submitted an application to the department
28 and passed a preliminary inspection as required in the Grade
29 "A" pasteurized milk ordinance.

30 Section 7. Section 502.054, Florida Statutes, is
31 amended to read:

1 502.054 Inspection and reinspection.--The department
2 shall establish a schedule for inspections which shall require
3 routine inspections in accordance with the minimum
4 requirements contained in the Grade "A" pasteurized milk
5 ordinance and more frequent inspections or reinspections for
6 permitholders with serious or repeated violations.

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

9 502.091 Milk and milk products which may be sold.--

10 (1) Only Grade A pasteurized milk and milk products,
11 pasteurized manufactured milk products, and cheese made from
12 pasteurized milk shall be sold at retail to the final consumer
13 or to food service establishments as defined in chapter 381,
14 food establishments as defined in chapter 500, or public food
15 service establishments as defined in chapter 509 ~~restaurants,~~
16 ~~soda fountains, grocery stores, or similar establishments.~~
17 Cheese made from raw milk may also be sold at retail to the
18 final consumer or to food service establishments as defined in
19 chapter 381, food establishments as defined in chapter 500, or
20 public food service establishments as defined in chapter 509
21 if the cheese is aged more than 60 days at a temperature above
22 35° F.

23 (a) In an emergency, however, the department may
24 authorize the sale of reconstituted pasteurized milk products,
25 or pasteurized milk and milk products that have not been
26 graded or the grade of which ~~that~~ is unknown, in which case
27 such milk and milk products shall be appropriately labeled, as
28 determined by the department.

29 (b) If the department determines that milk is fit for
30 human consumption even though it is less than Grade A because
31 the producer failed to comply with the sanitation or bacterial

1 standards defined in this chapter, or if any specific shipment
2 of milk fails to comply with standards of the Grade "A"
3 pasteurized milk ordinance, the department may issue a permit
4 allowing the milk to be used in ungraded products, such as
5 frozen desserts, which are being processed by such milk plant.
6 During processing of such milk, it shall be pasteurized at a
7 temperature of at least 175° F. for at least 15 seconds or at
8 least 160° F. for at least 30 minutes.

9 Section 9. Sections 591.27, 591.28, 591.29, 591.30,
10 591.31, 591.32, 591.33, and 591.34, Florida Statutes, are
11 repealed.

12 Section 10. Consumer Fireworks Task Force.--

13 (1) The Legislature finds that:

14 (a) The state regulation of consumer fireworks in
15 Florida provides an insufficient definition of consumer
16 fireworks and related products used by consumers;

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

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

22 (d) Local government regulation of the agricultural
23 uses authorized by s. 791.07, Florida Statutes, may be
24 inconsistent with legitimate agricultural purposes;

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

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

29 and

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

1 (2)(a) The Consumer Fireworks Task Force is created
2 within the Department of Agriculture and Consumer Services for
3 the purpose of studying issues concerning the proper use of
4 consumer fireworks, the regulation of sales and temporary sale
5 facilities for consumer fireworks, the regulation of the hours
6 and location of the use of consumer fireworks, the property
7 zoning classifications for sale facilities for consumer
8 fireworks, the funding options for fire official training and
9 education, and funding options for cleanup of expended
10 consumer fireworks products.

11 (b)1. The task force shall consist of eight members
12 appointed as follows: two members appointed by the President
13 of the Senate, one of whom must be from a list of nominees
14 recommended by the Florida League of Cities and one of whom
15 must be a representative of the industry; two members
16 appointed by the Speaker of the House of Representatives, one
17 of whom must be from a list of nominees recommended by the
18 Florida Association of Counties and one of whom must be a
19 representative of the industry; three members appointed by the
20 Commissioner of Agriculture, one of whom must be a
21 representative of the Division of Forestry of the Florida
22 Department of Agriculture and Consumer Services and one of
23 whom must be a representative of the industry; and one member
24 appointed by the Chief Financial Officer.

25 2. Members shall choose a chair and vice chair from
26 the membership of the task force.

27 3. Members shall serve without compensation, except
28 that members are entitled to reimbursement for per diem and
29 travel expenses, pursuant to s. 112.061, Florida Statutes,
30 incurred in the performance of their duties.

31

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

3 (4) The task force shall review and evaluate the
4 issues identified in paragraph (2)(a) and take public input
5 and testimony concerning the issues. A report of the
6 recommendations and findings of the task force shall be
7 submitted to the President of the Senate and the Speaker of
8 the House of Representatives by January 15, 2008, and the task
9 force shall be abolished upon the transmittal of the report.

10 (5) Pending completion of the Legislature's review of
11 the task force's report and to ensure that fire prevention and
12 safety standards are uniform, a new permanent retail sales
13 facility engaged in sales otherwise permitted under s. 791.07,
14 Florida Statutes, may not be opened in this state after March
15 8, 2007, unless the permanent retail sales facility has
16 received site-plan approval and construction has begun on or
17 before March 8, 2007; the number of permits for temporary
18 retail sales facilities, such as tents, engaged in sales
19 otherwise permitted by s. 791.07, Florida Statutes, which are
20 issued after March 8, 2007, by a county, municipality, or
21 other unit of local government may not exceed the number of
22 permits that such governmental entity issued for such
23 facilities during the previous calendar year; and a
24 municipality, county, or other unit of local government may
25 not adopt an ordinance, rule, regulation, or other law after
26 March 8, 2007, which directly prohibits or directly interferes
27 with the safety standards established by state law or the
28 right to purchase, sell, use, or possess consumer fireworks in
29 this state. However, if the Legislature enacts legislation to
30 provide for the comprehensive regulation of fire prevention
31 and safety standards for the use of consumer fireworks to

1 replace this subsection on or before July 1, 2008, this
2 subsection does not prohibit opening any such facility,
3 permitting any such temporary facility, or adopting any such
4 ordinance or other law after such legislation is enacted.

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

8 570.07 Department of Agriculture and Consumer
9 Services; functions, powers, and duties.--The department shall
10 have and exercise the following functions, powers, and duties:

11 (2) To perform all regulatory and inspection services
12 relating to agriculture except agricultural education,
13 demonstration, research, and those regulatory functions
14 assigned by law to other state agencies. In doing this, the
15 department may:

16 (e) Except as expressly prohibited by law, use any of
17 the trained personnel in the various divisions of the
18 department in performing the regulatory and inspection
19 services relating to agriculture.

20 (6) To foster and encourage the standardizing,
21 grading, inspection, labeling, handling, storage, and
22 marketing of agricultural products; to enhance the food safety
23 of tomatoes and, after investigation and public hearings, to
24 cooperate with the United States Department of Agriculture, to
25 establish and promulgate standard grades and other standard
26 classifications of and for agricultural products; and to
27 establish and adopt requirements for enhancing food safety, in
28 cooperation with appropriate agencies.

29 Section 12. Present paragraph (e) of subsection (2) of
30 section 570.48, Florida Statutes, is redesignated as paragraph
31

1 (f), and a new paragraph (e) is added to that subsection, to
2 read:

3 570.48 Division of Fruit and Vegetables; powers and
4 duties; records.--The duties of the Division of Fruit and
5 Vegetables include, but are not limited to:

6 (2)

7 (e) Performing tomato food safety inspections on
8 tomato farms, in tomato greenhouses, and in tomato
9 packinghouses and repackers.

10 Section 13. Subsections (1) and (2) of section
11 570.481, Florida Statutes, are amended to read:

12 570.481 Fruit and vegetable inspection fees;
13 penalty.--

14 (1)(a) Each person receiving inspection services
15 pursuant to s. 570.48 shall pay to the department an
16 inspection fee. This fee shall cover the cost of providing
17 the inspection service and shall be set annually by the
18 department by rule.

19 (b) All fees collected by the department to cover the
20 cost of providing the inspection service for farms or
21 greenhouses growing tomatoes or for tomato packinghouses and
22 repackers shall be deposited into the General Inspection Trust
23 Fund and shall be used for tomato-related inspections,
24 education, and research.

25 (2) All fees collected by the department under this
26 section shall be deposited into the Citrus Inspection Trust
27 Fund, except that fees collected pursuant to paragraph (1)(b)
28 and s. 570.48(4) shall be deposited in the General Inspection
29 Trust Fund.

30 Section 14. The Department of Agriculture and Consumer
31 Services shall conduct or cause to be conducted those research

1 projects on citrus diseases, including, but not limited to,
2 citrus canker and citrus greening, which are recommended by
3 the Florida Citrus Production Research Advisory Council,
4 within the limits of appropriations made specifically for such
5 purpose.

6 Section 15. E. H. "Gene" Downs Building designated;
7 Department of Agriculture and Consumer Services to erect
8 suitable markers.--

9 (1) The Unit No. 2 Packing House Building at the
10 Palatka State Farmers' Market is designated as the "E. H.
11 'Gene' Downs Building."

12 (2) The Department of Agriculture and Consumer
13 Services may erect suitable markers designating the E. H.
14 "Gene" Downs Building as described in subsection (1).

15 Section 16. This act shall take effect July 1, 2007.

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