

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 487.041, F.S.; revising the
4 registration requirements for brands of pesticide
5 distributed or sold in the state; providing for expiration
6 on a specified date of requirements for annual
7 registration; providing for future biennial registration;
8 revising the registration fee; requiring that proceeds of
9 the fee be deposited into the General Inspection Trust
10 Fund and used by the department to administer ch. 487,
11 F.S.; providing for a fee to be imposed for late
12 registration; amending s. 500.03, F.S.; updating
13 references for purposes of provisions governing the sale
14 of bottled water; redefining the term "food establishment"
15 to include tomato packinghouses; amending s. 500.147,
16 F.S.; updating reference for purposes of provisions
17 governing the operation of bottled water plants; amending
18 s. 502.012, F.S.; revising and clarifying definitions;
19 amending s. 502.014, F.S.; revising the department's
20 rulemaking authority concerning lowfat cottage cheese;
21 conforming terminology; amending s. 502.053, F.S.;
22 revising the permitting requirements for certain milk
23 plants; deleting a provision authorizing the department to
24 issue a temporary permit to milk haulers; amending s.
25 502.054, F.S.; conforming terminology; amending s.
26 502.091, F.S.; clarifying provisions governing the sale of
27 milk and milk products; specifying the types of food
28 establishments at which such products may be sold;

29 providing requirements for the sale of cheese made from
30 raw milk; amending s. 570.07, F.S.; authorizing personnel
31 within the various divisions of the department to perform
32 regulatory and inspection services relating to
33 agriculture; requiring that the department adopt
34 requirements for enhancing food safety; amending s.
35 570.48, F.S.; authorizing the Division of Fruit and
36 Vegetables to perform food safety inspections with respect
37 to tomatoes; amending s. 570.481, F.S.; requiring that
38 fees collected by the department to cover the costs of
39 tomato-related inspections be deposited into the General
40 Inspection Trust Fund and used for specified purposes;
41 repealing ss. 591.27-591.34, F.S., relating to the
42 designation, marking, and cutting of seed trees;
43 authorizing the department to conduct research projects on
44 citrus diseases that are recommended by the Florida Citrus
45 Production Research Advisory Council within appropriations
46 for such purpose; designating the Unit No. 2 Packing House
47 Building at the Palatka State Farmers' Market as the E.H.
48 "Gene" Downs Building; requiring the department to erect
49 suitable markers; creating the Consumer Fireworks Task
50 Force within the department for certain purposes;
51 providing legislative findings; providing for task force
52 membership and appointment of a chair and vice chair;
53 providing for per diem and travel expenses; requiring the
54 department to staff the task force; requiring a report to
55 the Legislature by a time certain; providing for abolition
56 of the task force; prohibiting the opening of certain

57 facilities engaged in the sale of fireworks after a time
 58 certain; limiting the local permitting of temporary retail
 59 sales facilities for consumer fireworks after a time
 60 certain; preempting certain local government authority
 61 regarding regulation of fireworks purchase, sale, or use
 62 to the state after a time certain; providing for repeal of
 63 certain provisions upon an affirmative action by the
 64 Legislature; providing an effective date.

65

66 Be It Enacted by the Legislature of the State of Florida:

67

68 Section 1. Present subsections (1), (2), (3), and (8) and
 69 paragraph (d) of subsection (4) of section 487.041, Florida
 70 Statutes, are amended, and a new subsection (1) is added to that
 71 section, to read:

72 487.041 Registration.--

73 (1) (a) Each brand of pesticide, as defined in s. 487.021,
 74 that is distributed, sold, or offered for sale, except as
 75 provided in this subsection, within this state or delivered for
 76 transportation or transported in intrastate commerce or between
 77 points within this state through any point outside this state
 78 must be registered in the office of the department, and such
 79 registration shall be renewed annually. Emergency exemptions
 80 from registration may be authorized in accordance with the rules
 81 of the department. The registrant shall file with the department
 82 a statement including:

83 1. The name, business mailing address, and street address
 84 of the registrant.

85 2. The name of the brand of pesticide.

86 3. An ingredient statement and a complete copy of the
87 labeling accompanying the brand of the pesticide, which must
88 conform to the registration, and a statement of all claims to be
89 made for it, including directions for use and a guaranteed
90 analysis showing the names and percentages by weight of each
91 active ingredient, the total percentage of inert ingredients,
92 and the names and percentages by weight of each "added
93 ingredient."

94 (b) For the purpose of defraying expenses of the
95 department in connection with carrying out the provisions of
96 this part, each person shall pay an annual registration fee of
97 \$250 for each registered brand of pesticide. The annual
98 registration fee for each special local need label and
99 experimental use permit is \$100. All registrations expire on
100 December 31 of each year. If the renewal of a brand of
101 pesticide, including the special local need label and
102 experimental use permit, is not filed by January 31 of the
103 renewal year, an additional fee of \$25 per brand of pesticide
104 shall be assessed per month and added to the original fee. This
105 additional fee may not exceed \$250 per brand of pesticide. The
106 additional fee must be paid by the registrant before the renewal
107 certificate for the registration of the brand of pesticide is
108 issued.

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

112 (d) This subsection expires at midnight, December 31,

113 2008.

114 (2)(a)(1) Effective January 1, 2009, each brand of ~~Every~~
 115 pesticide, as defined in s. 487.021, which is distributed, sold,
 116 or offered for sale, except as provided in this section, within
 117 this state or delivered for transportation or transported in
 118 intrastate commerce or between points within this state through
 119 any point outside this state must ~~shall~~ be registered in the
 120 office of the department, and such registration shall be renewed
 121 biennially ~~annually~~. Emergency exemptions from registration may
 122 be authorized in accordance with the rules of the department.
 123 The registrant shall file with the department a statement
 124 including:

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

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

128 3.(c) An ingredient statement and a complete copy of the
 129 labeling accompanying the brand of the pesticide, which must
 130 ~~shall~~ conform to the registration, and a statement of all claims
 131 to be made for it, including directions for use and a guaranteed
 132 analysis showing the names and percentages by weight of each
 133 active ingredient, the total percentage of inert ingredients,
 134 and the names and percentages by weight of each "added
 135 ingredient."

136 (b)(2) Effective January 1, 2009, for the purpose of
 137 defraying expenses of the department in connection with carrying
 138 out the provisions of this part, each person shall pay a
 139 biennial ~~an annual~~ registration fee of \$250 for each registered
 140 brand of pesticide. The registration of each brand of pesticide

141 shall cover a designated 2-year period beginning on January 1 of
142 each odd-numbered year and expiring on December 31 of the
143 following year. ~~The annual registration fee for each special~~
144 local need label and experimental use permit shall be \$100. All
145 registrations expire on December 31 of each year. Nothing in
146 this section shall be construed as applying to distributors or
147 retail dealers selling pesticides when such pesticides are
148 registered by another person.

149 (c) Each registration issued by the department to a
150 registrant for a period beginning in an odd-numbered year shall
151 be assessed a fee of \$500 per brand of pesticide and a fee of
152 \$200 for each special local need label and experimental use
153 permit, and the registration shall expire on December 31 of the
154 following year. Each registration issued by the department to a
155 registrant for a period beginning in an even-numbered year shall
156 be assessed a fee of \$250 per brand of pesticide and fee of \$100
157 for each special local need label and experimental use permit,
158 and the registration shall expire on December 31 of that year.

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

164 (e) If the renewal of a brand of pesticide, including the
165 special local need label and experimental use permit, is not
166 filed by January 31 of the renewal year, an additional fee of
167 \$25 per brand of pesticide shall be assessed per month and added
168 to the original fee. This additional fee may not exceed \$250 per

169 brand of pesticide. The additional fee must be paid by the
 170 registrant before the renewal certificate for the registration
 171 of the brand of pesticide is issued. The additional fee shall be
 172 deposited into the General Inspection Trust Fund.

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

176 (3) The department shall adopt rules governing the
 177 procedures for the registration of a brand of pesticide
 178 ~~registration~~ and for the review of data submitted by an
 179 applicant for registration of the brand of a pesticide. The
 180 department shall determine whether the brand of a pesticide
 181 should be registered, registered with conditions, or tested
 182 under field conditions in this state. The department shall
 183 determine whether each request ~~that all requests~~ for
 184 registration of a brand of pesticide meets ~~registrations meet~~
 185 the requirements of current state and federal law. The
 186 department, whenever it deems it necessary in the administration
 187 of this part, may require the manufacturer or registrant to
 188 submit the complete formula, quantities shipped into or
 189 manufactured in the state for distribution and sale, evidence of
 190 the efficacy and the safety of any pesticide, and other relevant
 191 data. The department may review and evaluate a registered
 192 pesticide if new information is made available that ~~which~~
 193 indicates that use of the pesticide has caused an unreasonable
 194 adverse effect on public health or the environment. Such review
 195 shall be conducted upon the request of the Secretary ~~of the~~
 196 ~~Department~~ of Health in the event of an unreasonable adverse

197 effect on public health or the Secretary ~~of the Department~~ of
 198 Environmental Protection in the event of an unreasonable adverse
 199 effect on the environment. Such review may result in
 200 modifications, revocation, cancellation, or suspension of the
 201 registration of a brand of pesticide registration. The
 202 department, for reasons of adulteration, misbranding, or other
 203 good cause, may refuse or revoke the registration of the brand
 204 of any pesticide, after notice to the applicant or registrant
 205 giving the reason for the decision. The applicant may then
 206 request a hearing, pursuant to chapter 120, on the intention of
 207 the department to refuse or revoke registration, and, upon his
 208 or her failure to do so, the refusal or revocation shall become
 209 final without further procedure. ~~The In no event shall~~
 210 registration of a brand of pesticide may not be construed as a
 211 defense for the commission of any offense prohibited under this
 212 part.

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

215 (d) Require a registrant who discontinues the distribution
 216 of a brand of pesticide in this state to continue the
 217 registration of the brand of the pesticide for a minimum of 2
 218 years or until no more remains on retailers' shelves
 219 ~~if or 2 years after written notice to the department of date of~~
 220 ~~discontinuance, provided~~ such continued registration or sale is
 221 not specifically prohibited by the department or the United
 222 States Environmental Protection Agency.

223 (8) ~~Nothing in~~ This section does not affect ~~affects~~ the
 224 authority of the department to administer the pesticide

225 registration program under this part or the authority of the
 226 Commissioner of Agriculture to approve the registration of a
 227 brand of pesticide.

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

230 500.03 Definitions; construction; applicability.--

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

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

235 (n) "Food establishment" means any factory, food outlet,
 236 or any other facility manufacturing, processing, packing,
 237 holding, or preparing food, or selling food at wholesale or
 238 retail. The term does not include any business or activity that
 239 is regulated under chapter 509 or chapter 601. The term includes
 240 tomato packinghouses but also does not include any other
 241 establishments that pack fruits and vegetables in their raw or
 242 natural states, including those fruits or vegetables that are
 243 washed, colored, or otherwise treated in their unpeeled, natural
 244 form before they are marketed.

245 Section 3. Paragraph (a) of subsection (3) of section
 246 500.147, Florida Statutes, is amended to read:

247 500.147 Inspection of food establishments and vehicles;
 248 food safety pilot program.--

249 (3) For bottled water plants:

250 (a) Bottled water must be from an approved source. Bottled
 251 water must be processed in conformance with 21 C.F.R. part 129
 252 (2006)~~(1996)~~, and must conform to 21 C.F.R. part 165

253 ~~(2006)~~~~(1996)~~. A person operating a bottled water plant shall be
 254 responsible for all water sampling and analyses required by this
 255 chapter.

256 Section 4. Section 502.012, Florida Statutes, is amended
 257 to read:

258 502.012 Definitions.--The following definitions shall
 259 apply in the interpretation and enforcement of this law:

260 (1) "Bulk milk pickup tanker" means a vehicle, including
 261 the truck and tank, and necessary attachments, used by a milk
 262 hauler to transport bulk raw milk for pasteurization from a
 263 dairy farm to a milk plant, receiving station, or transfer
 264 station.

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

270 (3) "Department" means the Department of Agriculture and
 271 Consumer Services.

272 ~~(4)~~~~(15)~~ "Grade 'A' pasteurized milk ordinance" means the
 273 document entitled "Grade 'A' Pasteurized Milk Ordinance, United
 274 States Department of Health and Human Services, Public Health
 275 Service, /Food and Drug Administration Publication No. 229,
 276 including all associated appendices, as adopted by department
 277 rule.

278 ~~(5)~~~~(4)~~ "Imitation milk and imitation milk products" means
 279 those foods that have the physical characteristics, such as
 280 taste, flavor, body, texture, or appearance, of milk or milk

281 products as defined in this chapter and the Grade "A"
 282 pasteurized milk ordinance, but do not come within the
 283 definition ~~definitions~~ of "milk" or "milk products," and are
 284 nutritionally inferior to the product imitated.

285 (6) ~~(5)~~ "Milk" means the lacteal secretion, practically
 286 free from colostrum, obtained by the complete milking of one or
 287 more healthy cows, or goats, sheep, water buffalo, or other
 288 hooved mammals.

289 (7) ~~(6)~~ "Milk distributor" means any person who offers for
 290 sale or sells to another person any milk or milk product.

291 (8) ~~(7)~~ "Milk products" means products made with milk that
 292 is processed in some manner, including being whipped, acidified,
 293 cultured, concentrated, lactose-reduced, or sodium-reduced or
 294 aseptically processed, or having the addition or subtraction of
 295 milkfat, the addition of safe and suitable microbial organisms,
 296 or the addition of safe and suitable optional ingredients for
 297 protein, vitamin, or mineral fortification. "Milk products" do
 298 not include products such as evaporated milk, condensed milk,
 299 eggnog in a rigid metal container, dietary products, infant
 300 formula, or ice cream and other desserts, ~~dry milk products,~~
 301 ~~canned eggnog in a rigid metal container, butter, or cheese,~~
 302 ~~except when the products are combined with other substances to~~
 303 ~~produce any pasteurized or aseptically processed milk product.~~

304 (9) ~~(8)~~ "Milkfat" or "butterfat" means the fat contained in
 305 milk.

306 (10) ~~(9)~~ "Milk hauler" means any person who transports raw
 307 milk or raw milk products to or from a milk plant, receiving
 308 station, or transfer station.

309 (11)~~(10)~~ "Milk plant" means any place, premises, or
 310 establishment where milk or milk products are collected,
 311 handled, processed, stored, pasteurized, aseptically processed,
 312 bottled, or prepared for distribution.

313 (12)~~(11)~~ "Milk plant operator" means any person
 314 responsible for receiving, processing, pasteurizing, or
 315 packaging milk and milk products, or performing any other
 316 related operation.

317 (13)~~(12)~~ "Milk producer" means any person who operates a
 318 dairy farm and provides, sells, or offers for sale milk to a
 319 milk plant, receiving station, or transfer station.

320 (14)~~(13)~~ "Milk tank truck" means either a bulk milk pickup
 321 tanker or a milk transport tank.

322 (15)~~(14)~~ "Milk transport tank" means a vehicle, including
 323 the truck and tank, used by a milk hauler to transport bulk
 324 shipments of milk from a milk plant, receiving station, or
 325 transfer station to another milk plant, receiving station, or
 326 transfer station.

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

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

331 (18) "Substitute milk and substitute milk products" means
 332 those foods that have the physical characteristics, such as
 333 taste, flavor, body, texture, or appearance, of milk or milk
 334 products as defined in this chapter and the Grade "A"
 335 pasteurized milk ordinance, but do not come within the
 336 definition ~~definitions~~ of "milk" or "milk products," and are

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337 | nutritionally equivalent to the product for which they are
338 | substitutes.

339 | (19) "Transfer station" means any place, premises, or
340 | establishment where milk or milk products are transferred
341 | directly from one milk tank truck to another.

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

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

346 | 502.014 Powers and duties.--

347 | (4) The department shall define by rule "cottage cheese~~7~~"
348 | and "dry-curd cottage cheese," ~~and "lowfat cottage cheese."~~ The
349 | department shall periodically update these definitions to
350 | maintain conformity with the federal definitions.

351 | (6) The department has authority to adopt rules pursuant
352 | to ss. 120.536(1) and 120.54 to implement and enforce the
353 | provisions of this chapter. In adopting these rules, the
354 | department shall be guided by and may conform to the definitions
355 | and standards of the administrative procedures and provisions of
356 | the Grade "A" pasteurized milk ordinance. The rules shall
357 | include, but are not limited to:

358 | (a) Standards for milk and milk products.

359 | (b) Provisions for the production, transportation,
360 | processing, handling, sampling, examination, grading, labeling,
361 | and sale of all milk and milk products and imitation and
362 | substitute milk and milk products sold for public consumption in
363 | this state.

364 | (c) Provisions for the inspection of dairy herds, dairy

365 farms, and milk plants.

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

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

371 502.053 Permits; requirements; exemptions; temporary
372 permits.--

373 (1) PERMITS.--

374 (a) Each Grade A milk plant, whether located in the state
375 or outside the state, and each manufacturing milk plant, milk
376 producer, milk hauler, milk hauling service, washing station
377 operator, milk plant operator, milk distributor, single-service-
378 container manufacturer, receiving station, and transfer station
379 in the state, shall apply to the department for a permit to
380 operate. The application shall be on forms developed by the
381 department.

382 (2) REQUIREMENTS.--

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

387 (b) All permitholders must maintain records of
388 transactions concerning the procurement, production, and
389 processing of milk and milk products as required in the Grade
390 "A" pasteurized milk ordinance and grant department inspectors
391 access to such records during all reasonable hours.

392 (c) In addition to the testing required in the Grade "A"

393 pasteurized milk ordinance and its appendices, each milk plant
 394 operator in the state shall be responsible for routine testing
 395 and inspection of raw milk shipped from outside the state prior
 396 to processing and shall notify the department when such testing
 397 and inspection indicate ~~indicates~~ a violation of the standards
 398 contained in the Grade "A" pasteurized milk ordinance.

399 (4) TEMPORARY PERMITS.--

400 (a) The department may issue a temporary permit for a
 401 period not exceeding 90 days to milk producers ~~and milk haulers~~
 402 who have submitted an application to the department and passed a
 403 preliminary inspection as required in the Grade "A" pasteurized
 404 milk ordinance.

405 Section 7. Section 502.054, Florida Statutes, is amended
 406 to read:

407 502.054 Inspection and reinspection.--The department shall
 408 establish a schedule for inspections which shall require routine
 409 inspections in accordance with the minimum requirements
 410 contained in the Grade "A" pasteurized milk ordinance and more
 411 frequent inspections or reinspections for permitholders with
 412 serious or repeated violations.

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

415 502.091 Milk and milk products which may be sold.--

416 (1) Only Grade A pasteurized milk and milk products,
 417 pasteurized manufactured milk products, and cheese made from
 418 pasteurized milk shall be sold at retail to the final consumer
 419 or to food service establishments as defined in chapter 381,
 420 food establishments as defined in chapter 500, or public food

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421 service establishments as defined in chapter 509 ~~restaurants,~~
422 ~~soda fountains, grocery stores, or similar establishments.~~
423 Cheese made from raw milk may also be sold at retail to the
424 final consumer or to food service establishments as defined in
425 chapter 381, food establishments as defined in chapter 500, or
426 public food service establishments as defined in chapter 509 if
427 the cheese is aged more than 60 days at a temperature above 35°
428 F.

429 (a) In an emergency, however, the department may authorize
430 the sale of reconstituted pasteurized milk products, or
431 pasteurized milk and milk products that have not been graded or
432 the grade of which ~~that~~ is unknown, in which case such milk and
433 milk products shall be appropriately labeled, as determined by
434 the department.

435 (b) If the department determines that milk is fit for
436 human consumption even though it is less than Grade A because
437 the producer failed to comply with the sanitation or bacterial
438 standards defined in this chapter, or if any specific shipment
439 of milk fails to comply with standards of the Grade "A"
440 pasteurized milk ordinance, the department may issue a permit
441 allowing the milk to be used in ungraded products, such as
442 frozen desserts, which are being processed by such milk plant.
443 During processing of such milk, it shall be pasteurized at a
444 temperature of at least 175° F. for at least 15 seconds or at
445 least 160° F. for at least 30 minutes.

446 Section 9. Paragraph (e) is added to subsection (2) of
447 section 570.07, Florida Statutes, and subsection (6) of that
448 section is amended, to read:

449 570.07 Department of Agriculture and Consumer Services;
 450 functions, powers, and duties.--The department shall have and
 451 exercise the following functions, powers, and duties:

452 (2) To perform all regulatory and inspection services
 453 relating to agriculture except agricultural education,
 454 demonstration, research, and those regulatory functions assigned
 455 by law to other state agencies. In doing this, the department
 456 may:

457 (e) Except as expressly prohibited by law, use any of the
 458 trained personnel in the various divisions of the department in
 459 performing the regulatory and inspection services relating to
 460 agriculture.

461 (6) To foster and encourage the standardizing, grading,
 462 inspection, labeling, handling, storage, and marketing of
 463 agricultural products; to enhance the food safety of tomatoes;
 464 ~~and,~~ after investigation and public hearings, to cooperate with
 465 the United States Department of Agriculture, to establish and
 466 promulgate standard grades and other standard classifications of
 467 and for agricultural products; and to establish and adopt
 468 requirements for enhancing food safety in cooperation with
 469 appropriate agencies.

470 Section 10. Paragraph (e) of subsection (2) of section
 471 570.48, Florida Statutes, is redesignated as paragraph (f), and
 472 a new paragraph (e) is added to that subsection to read:

473 570.48 Division of Fruit and Vegetables; powers and
 474 duties; records.--The duties of the Division of Fruit and
 475 Vegetables include, but are not limited to:

476 (2)

477 (e) Performing tomato food safety inspections on tomato
478 farms, in tomato greenhouses, and in tomato packinghouses and
479 repackers.

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

482 570.481 Fruit and vegetable inspection fees; penalty.--

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

487 (b) All fees collected by the department to cover the cost
488 of providing the inspection service for farms or greenhouses
489 growing tomatoes or for tomato packinghouses and repackers shall
490 be deposited into the General Inspection Trust Fund and shall be
491 used for tomato-related inspections, education, and research.

492 (2) All fees collected by the department under this
493 section shall be deposited into the Citrus Inspection Trust
494 Fund, except that fees collected pursuant to paragraph (1)(b)
495 and s. 570.48(4) shall be deposited in the General Inspection
496 Trust Fund.

497 Section 12. Sections 591.27, 591.28, 591.29, 591.30,
498 591.31, 591.32, 591.33, and 591.34, Florida Statutes, are
499 repealed.

500 Section 13. The Department of Agriculture and Consumer
501 Services shall conduct or cause to be conducted those research
502 projects on citrus diseases, including, but not limited to,
503 citrus canker and citrus greening, that are recommended by the
504 Florida Citrus Production Research Advisory Council within the

505 limits of appropriations made specifically for such purpose.

506 Section 14. (1) The Unit No. 2 Packing House Building at
507 the Palatka State Farmers' Market is designated as the "E.H.
508 'Gene' Downs Building."

509 (2) The Department of Agriculture and Consumer Services is
510 directed to erect a suitable marker designating the E.H. "Gene"
511 Downs Building as described in subsection (1).

512 Section 15. Consumer Fireworks Task Force.--

513 (1) The Legislature finds that:

514 (a) The state regulation of consumer fireworks in Florida
515 provides an insufficient definition of consumer fireworks and
516 related products used by consumers;

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

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

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

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

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

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

532 (2) (a) There is hereby created the Consumer Fireworks Task

533 Force within the Department of Agriculture and Consumer Services
534 for the purpose of studying the issues concerning the use of and
535 proper use of consumer fireworks; regulation of sales and of
536 temporary sale facilities for consumer fireworks; regulation of
537 the hours and location of the use of consumer fireworks; the
538 property zoning classification for sales facilities for consumer
539 fireworks; studying the funding options for fire official
540 training and education; and studying the funding options for
541 clean up of expended consumer fireworks products.

542 (b)1. The task force shall consist of eight members
543 appointed as follows: two members appointed by the President of
544 the Senate, one of whom shall be a representative from a list of
545 nominees of a municipal government in the state and one of whom
546 shall be a representative of the industry; two members appointed
547 by the Speaker of the House of Representatives, one of whom
548 shall be a representative from a list of nominees of a county
549 government in the state and one of whom shall be a
550 representative of the industry; three members appointed by the
551 Commissioner of Agriculture, one of whom shall be a
552 representative of the Division of Forestry and one of whom shall
553 be a representative of the industry; and one member appointed by
554 the Chief Financial Officer.

555 2. Members shall choose a chair and vice chair from the
556 membership of the task force.

557 3. Members shall serve without compensation, except that
558 members are entitled to per diem and travel expenses, pursuant
559 to s. 112.061, Florida Statutes, incurred in the performance of
560 their duties.

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

563 (4) The task force shall review and evaluate the issues
564 identified in paragraph (2) (a) and take public input and
565 testimony concerning the issues. A report of the recommendations
566 and findings of the task force shall be submitted to the
567 President of the Senate and the Speaker of the House of
568 Representatives by January 15, 2008, and the task force shall be
569 abolished upon the transmittal of the report.

570 (5) Pending the completion of the Legislature's review of
571 the report by the task force and to ensure uniform fire
572 prevention and safety standards for the use of consumer
573 fireworks, no new permanent retail sales facilities engaged in
574 sales permitted by s. 791.07, Florida Statutes, shall be opened
575 within the state after March 8, 2007, unless such permanent
576 retail sales facility has received site plan approval and
577 construction has begun as of March 8, 2007; permits for
578 temporary retail sales facilities, such as tents, engaged in
579 sales permitted by s. 791.07, Florida Statutes, issued after
580 March 8, 2007, by any county, municipality, or other unit of
581 local government shall not exceed the number of permits issued
582 for such facilities by such governmental entity for the previous
583 calendar year; and no county, municipality, or other unit of
584 local government shall have any authority to enact any
585 ordinance, rule, regulation, or other law after March 8, 2007,
586 that directly prohibits or directly interferes with the safety
587 standards established by state law or the right to purchase,
588 sell, use, or possess consumer fireworks in this state. This

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589 subsection shall stand repealed on July 1, 2008, if the
590 Legislature enacts legislation to provide for the comprehensive
591 regulation of fire prevention and safety standards for the use
592 of consumer fireworks to replace this provision.

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