

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Agriculture Committee

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BILL: SPB 7020

INTRODUCER: For consideration by Agriculture Committee

SUBJECT: Department of Agriculture and Consumer Services

DATE: February 5, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Poole		<b>Pre-meeting</b>
2.				
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## I. Summary:

This Senate Proposed Bill addresses the following issues related to agriculture and the powers and duties of the Department of Agriculture and Consumer Services (department). It:

- ⊘ Authorizes the department to issue biannual rather than annual pesticide registration renewals, effective on January 1, 2009;
- ⊘ Authorizes the department to impose a late fee of \$25 per pesticide brand for each month a payment is late, not to exceed a total of \$250 per brand;
- ⊘ Clarifies that registration requirements apply to each brand of pesticide;
- ⊘ Updates statutory language relating to bottled water and bottled water plants to conform to federal regulations;
- ⊘ Updates terminology and the definitions of “dairy farm,” “pasteurized milk ordinance,” “imitation milk and imitation milk products,” “milk,” “milk products,” and “substitute milk and substitute milk products” to conform to the federal Grade “A” Pasteurized Milk Ordinance;
- ⊘ Transfers the permitting for milk manufacturing plants from the Division of Food Safety to the Division of Dairy Industry;
- ⊘ Removes a provision for the temporary permitting of milk haulers in order to be consistent with the federal Grade “A” Pasteurized Milk Ordinance;
- ⊘ Clarifies state law with respect to the sale of manufactured milk products and cheese within the state; and
- ⊘ Repeals sections 591.27 through 591.34, F.S., to remove obsolete statutory language relating to the establishment, branding, and other requirements of seed trees.

This bill amends sections 487.041, 500.03, 500.147, 502.012, 502.014, 502.053, 502.054, 502.091 of the Florida Statutes.

This bill repeals sections 591.27, 591.28, 591.29, 591.30, 591.31, 591.32, 591.33, and 591.34 of the Florida Statutes.

## **II. Present Situation:**

### **Florida Pesticide Law**

Chapter 487, F.S., the Florida Pesticide Law, protects people and the environment from the adverse effects of pesticides. The Department of Agriculture and Consumer Services (department) is the primary agency for administering state pesticide laws and regulations. Chapter 487, F.S., regulates the distribution, sale, and use of pesticides except as provided in chapter 388, F.S., relating to mosquito control and chapter 482, F.S., relating to pest control.

Current law authorizes the department to collect annual renewal fees for pesticide registrations. Each year approximately 1,500 pesticide companies (registrants) submit applications and fees to register a total of approximately 13,000 pesticide brands. The annual renewal process requires commitments of staff resources by both registrants and the department. The Pesticide Registration Section recently reduced clerical personnel by 25 percent, even though demands of annual registration renewals have caused a backlog in filing and in identifying non-complying pesticide brands.

Registrants currently have little incentive to submit their registration renewals on time. Current law does not include authorization for the collection of late fees for registration renewals. Roughly one-fourth of current pesticide registrants are late in submitting their annual renewal applications and fees, and some registrants submit their annual renewals as late as six to eight months after the annual January renewal date. Late registrations delay the timely collection of funds, desynchronize the registration renewal process, and reduce clerical staff efficiency.

Registration requirements currently apply to “every pesticide which is sold or offered for sale, except as provided...” The term “every pesticide” has caused confusion among some registrants, who do not realize that registration requirements apply to each brand of pesticide.

### **Milk and Milk Products**

The federal government’s milk sanitation program is one of its oldest and most respected activities. Milk sanitation stems from two important public health considerations. First, nothing surpasses milk as a single source of those dietary elements needed for the maintenance of proper health, especially in children and older citizens. Second, milk has a potential to serve as a vehicle of disease and has, in the past, been associated with disease outbreaks of major proportions.

The incidence of milk borne illness in the United States has been sharply reduced in recent years. In 1938, milk borne outbreaks constituted twenty-five percent of all disease outbreaks due to infected foods and contaminated water. Despite the progress that has been made, occasional milk borne outbreaks still occur, emphasizing the need for continued vigilance at every stage of production, processing, pasteurization and distribution of milk and milk products. The federal

*Grade "A" Pasteurized Milk Ordinance* (PMO) is incorporated by reference in federal specifications for procurement of milk and milk products. It is used as the sanitary regulation for milk and milk products served on interstate carriers and is recognized by the Public Health Agencies, the milk industry, and many others as a national standard for milk sanitation.<sup>1</sup>

Currently, chapter 502, F.S., relating to milk and milk products, contains outdated definitions and terms that should be consistent with language in the federal Grade "A" Pasteurized Milk Ordinance. An additional inconsistency is that the Department of Agriculture and Consumer Services is currently authorized to issue temporary permits for milk haulers which the federal ordinance does not allow.

### **Establishment, Branding, and Other Requirements of Seed Trees**

The department uses seed trees to collect pine cones or to grow seedlings in a nursery. Sections 591.27 through 591.34, F.S., pertain to seed trees located on private lands. An owner of seed trees would have the trees designated and marked as seed trees and "such designating and marking shall by law operate as a dedication, transfer and conveyance of the legal title to such trees to the Department of Agriculture and Consumer Services of the state without further words or evidence of transfer of title." These sections are obsolete and the department has not implemented them because it currently maintains two seed orchards; one at Blackwater River State Forest and one at Withlacoochee State Forest. It also has a seedling nursery and cooperates with other public entities to collect seeds. This availability of seed makes the process less complicated and makes entering private landowners' property and designating such trees unnecessary.

### **III. Effect of Proposed Changes:**

**Section 1.** Amends s. 487.041, F.S., to authorize the Department of Agriculture and Consumer Services (department) to issue biannual rather than annual pesticide registration renewals, effective on January 1, 2009. Requires registrants to file the following information with the department:

- ⊗ The name, business mailing address, and street address of the registrant.
- ⊗ The name of the brand of pesticide.
- ⊗ An ingredient statement and a complete copy of the labeling accompanying the brand of the pesticide, which must conform to the registration, and a statement of all claims to be made for it, including directions for use and a guaranteed analysis showing the names and percentages by weight of each active ingredient, the total percentage of inert ingredients, and the names and percentages by weight of each "added ingredient."

Provides that registrations issued in an odd-numbered year be assessed a fee of \$500 per brand of pesticide and a fee of \$200 for each special local need label and experimental use permit. Such registration would expire December 31 of the following year. Provides that registrations issued in an even-numbered year be assessed a fee of \$250 per brand of pesticide and a fee of \$100 for each special local need label and experimental use permit. Such registration would expire December 31 of that year.

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<sup>1</sup> <http://www.cfsan.fda.gov/~ear/pmo01.html>

Authorizes the department to impose a late fee of \$25 per brand for each month a payment is late, not to exceed a total of \$250 per brand. Requires the fee to be paid by the registrant before the renewal certificate for the registration of the brand of pesticide is issued. Requires the proceeds of fees to be deposited into the General Inspection Trust Fund and used by the department to administer chapter 487, F.S. Amends language in this section to conform to the fee and renewal changes. Clarifies that registration requirements apply to each brand of pesticide.

**Section 2.** Amends s. 500.03, F.S., to update the current definition of “bottled water” to reflect proper federal dates.

**Section 3.** Amends s. 500.147, F.S., concerning bottled water plants, to reflect proper federal dates.

**Section 4.** Amends s. 502.012, F.S., to update the definitions of “dairy farm,” “pasteurized milk ordinance,” “imitation milk and imitation milk products,” “milk,” “milk products,” and “substitute milk and substitute milk products” to conform to the federal Grade “A” Pasteurized Milk Ordinance. Amends current law to reflect the proper name of the Grade “A” Pasteurized Milk Ordinance.

**Section 5.** Amends s. 502.014, F.S., to remove an outdated term in order to reflect current terminology used within the dairy industry and by the federal government.

**Section 6.** Amends s. 502.053, F.S., to transfer the permitting for milk manufacturing plants from the Division of Food Safety to the Division of Dairy Industry. Updates current law to reflect the proper name of the federal Grade “A” Pasteurized Milk Ordinance. Removes a provision for the temporary permitting of milk haulers in order to be consistent with the federal Grade “A” Pasteurized Milk Ordinance, which does not allow this.

**Section 7.** Amends s. 502.054, F.S., to reflect the proper name of the Grade “A” Pasteurized Milk Ordinance.

**Section 8.** Amends s. 502.091, F.S., to clarify current law with respect to the sale of pasteurized manufactured milk products and cheese made from pasteurized milk within the state. Clarifies where cheese made from pasteurized milk and cheese made from raw milk can be sold.

**Section 9.** Repeals sections 591.27, 591.28, 591.29, 591.30, 591.31, 591.32, 591.33, and 591.34, Florida Statutes, regarding the establishment, branding, and other requirements of seed trees.

**Section 10.** Provides that this act shall take effect July 1, 2007.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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