

By the Committee on General Government Appropriations; and
Senator Alexander

601-476-08

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.; increasing the annual fees to
5 register each brand of pesticide in order to
6 defray the expenses of the department; amending
7 s. 500.12, F.S.; increasing the fee to
8 accompany an application for a food permit to
9 be issued by the department; amending s.
10 501.95, F.S.; redefining the term "gift
11 certificate"; providing circumstances in which
12 a gift certificate may have an expiration date;
13 amending s. 576.041, F.S.; increasing the fee
14 paid by persons receiving a license to
15 distribute fertilizer; amending s. 580.041,
16 F.S.; increasing the fees paid by distributors
17 of commercial feed for animals which
18 accompanies an application for registration as
19 a distributor; amending s. 585.155, F.S.;
20 requiring that all female cattle vaccinated
21 with the Brucella abortus vaccine be identified
22 according to federal regulations; repealing s.
23 585.105, F.S., relating to the purchase,
24 distribution, and administration of Brucella
25 vaccine; providing for retroactive application;
26 providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Paragraph (b) of subsection (1) and
2 paragraph (c) of subsection (2) of section 487.041, Florida
3 Statutes, are amended to read:

4 487.041 Registration.--

5 (b) For the purpose of defraying expenses of the
6 department in connection with carrying out the provisions of
7 this part, each person shall pay an annual registration fee of
8 ~~\$350~~\$250 for each registered brand of pesticide. The annual
9 registration fee for each special local need label and
10 experimental use permit is \$100. All registrations expire on
11 December 31 of each year. If the renewal of a brand of
12 pesticide, including the special local need label and
13 experimental use permit, is not filed by January 31 of the
14 renewal year, an additional fee of \$25 per brand of pesticide
15 shall be assessed per month and added to the original fee.
16 This additional fee may not exceed \$250 per brand of
17 pesticide. The additional fee must be paid by the registrant
18 before the renewal certificate for the registration of the
19 brand of pesticide is issued.

20 (c) Each registration issued by the department to a
21 registrant for a period beginning in an odd-numbered year
22 shall be assessed a fee of ~~\$700~~\$500 per brand of pesticide
23 and a fee of \$200 for each special local need label and
24 experimental use permit, and the registration shall expire on
25 December 31 of the following year. Each registration issued by
26 the department to a registrant for a period beginning in an
27 even-numbered year shall be assessed a fee of ~~\$350~~\$250 per
28 brand of pesticide and fee of \$100 for each special local need
29 label and experimental use permit, and the registration shall
30 expire on December 31 of that year.

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1 Section 2. Paragraph (b) of subsection (1) of section
2 500.12, Florida Statutes, is amended to read:

3 500.12 Food permits; building permits.--

4 (b) An application for a food permit from the
5 department must be accompanied by a fee in an amount
6 determined by department rule, which may not exceed ~~\$650~~\$500
7 and shall be used solely for the recovery of costs for the
8 services provided, except that the fee accompanying an
9 application for a food permit for operating a bottled water
10 plant may not exceed \$1,000 and the fee accompanying an
11 application for a food permit for operating a packaged ice
12 plant may not exceed \$250. The fee for operating a bottled
13 water plant or a packaged ice plant shall be set by rule of
14 the department. Food permits must be renewed annually on or
15 before January 1. If an application for renewal of a food
16 permit is not received by the department within 30 days after
17 its due date, a late fee, in an amount not exceeding \$100,
18 must be paid in addition to the food permit fee before the
19 department may issue the food permit. The moneys collected
20 shall be deposited in the General Inspection Trust Fund.

21 Section 3. Section 501.95, Florida Statutes, is
22 amended to read:

23 501.95 Gift certificates and credit memos.--

24 (1) As used in this section, the term:

25 (a) "Credit memo" means a certificate, card, stored
26 value card, or similar instrument issued in exchange for
27 returned merchandise when the certificate, card, or similar
28 instrument is redeemable for merchandise, food, or services
29 regardless of whether any cash may be paid to the owner of the
30 certificate, card, or instrument as part of the redemption
31 transaction.

1 (b) "Gift certificate" means a certificate, gift card,
2 stored value card, or similar instrument purchased ~~issued in~~
3 ~~exchange~~ for monetary consideration when the certificate,
4 card, or similar instrument is redeemable for merchandise,
5 food, or services regardless of whether any cash may be paid
6 to the owner of the certificate, card, or instrument as part
7 of the redemption transaction, but this term shall not include
8 tickets as specified in s. 717.1355 or manufacturer or
9 retailer discounts and coupons.

10 (2)

11 (a) A gift certificate purchased or credit memo ~~sold~~
12 ~~or issued for consideration~~ in this state may not have an
13 expiration date, expiration period, or any type of postsale
14 charge or fee imposed on the gift certificate or credit memo,
15 including, but not limited to, service charges, dormancy fees,
16 account maintenance fees, or cash-out fees. However, a gift
17 certificate may have an expiration date of not less than 3
18 years if it is provided as a charitable contribution ~~when no~~
19 ~~consideration is given to the issuer by the consumer,~~ or not
20 less than 1 year if it is provided as a benefit pursuant to an
21 employee-incentive program, ~~consumer loyalty program, or~~
22 ~~promotional program when no consideration is given to the~~
23 ~~issuer by the consumer,~~ and the expiration date is prominently
24 disclosed in writing to the consumer at the time it is
25 provided. In addition, a gift certificate may have an
26 expiration date if it is provided as part of a loyalty program
27 or promotional program, or if it is provided in conjunction
28 with a larger package related to a convention, conference,
29 vacation, or sporting or fine arts event having a limited
30 duration so long as the majority of the value paid by the
31 recipient is attributable to the convention, conference,

1 vacation, or event. An issuer may honor a gift certificate
2 that has expired on or before the effective date of this act.

3 (b) Paragraph (a) does not apply to a gift certificate
4 or credit memo sold or issued by a financial institution, as
5 defined in s. 655.005, or by a money transmitter, as defined
6 in s. 560.103, if the gift certificate or credit memo is
7 redeemable by multiple unaffiliated merchants.

8 (c) This section shall be enforced as provided in s.
9 501.142(3), (4), and (5).

10 Section 4. Subsection (1) of section 576.041, Florida
11 Statutes, is amended to read:

12 576.041 Inspection fees; records; bond.--

13 (1) Every licensee shall pay to the department an
14 inspection fee in the amount of \$1 75~~cents~~ per ton for
15 fertilizer sold in the state, except raw ground phosphate
16 rock, soft phosphate, colloidal phosphate, phosphatic clays
17 and all other untreated phosphatic materials, gypsum, hydrated
18 lime, limestone, and dolomite when sold or used for
19 agricultural purposes, on which the inspection fee shall be 30
20 cents per ton. All fees paid to the department under this
21 section shall be deposited into the State Treasury to be
22 placed in the General Inspection Trust Fund to be used for the
23 sole purpose of funding the fertilizer inspection program.

24 Section 5. Paragraph (b) of subsection (1) of section
25 580.041, Florida Statutes, is amended to read:

26 580.041 Master registration; fee; refusal or
27 cancellation of registration.--

28 (1)

29 (b) The registration form shall be accompanied by a
30 fee that shall be based on tons of feed distributed in this
31 state during the previous year. If a distributor has been in

1 business less than 1 year, the tonnage shall be estimated by
2 the distributor for the first year and based on actual tonnage
3 thereafter. These fees shall be as follows:

SALES IN TONS	FEE
Zero, up to and including 25.....	\$40 <u>\$25</u>
More than 25, up to and including 50.....	\$75 <u>\$50</u>
More than 50, up to and including 100.....	\$150 <u>\$100</u>
More than 100, up to and including 300.....	\$375 <u>\$300</u>
More than 300, up to and including 600.....	\$600 <u>\$500</u>
More than 600, up to and including 1,000.....	\$900 <u>\$750</u>
More than 1,000, up to and including 2,000.....	\$1,250 \$1,000
More than 2,000, up to and including 5,000.....	\$2,000 \$1,500
More than 5,000.....	\$3,500 <u>\$2,500</u>

19 Section 6. Section 585.155, Florida Statutes, is
20 amended to read:

21 585.155 Brucellosis ~~Whole herd and calf~~ vaccination.--

22 ~~(1) All female calves born in the state that are to be~~
23 ~~used for dairy breeding purposes shall be vaccinated with an~~
24 ~~approved Brucella abortus vaccine by state or federal~~
25 ~~regulatory officials or licensed, accredited veterinarians.~~

26 (1)(2)(a) All female cattle calves officially
27 vaccinated with Brucella abortus vaccine shall be permanently
28 identified at the time of vaccination in accordance with Title
29 9, part 78, Code of Federal Regulations ~~with the official~~
30 ~~shield tattoo "V," registered by the United States Department~~
31 ~~of Agriculture, in the right ear, preceded by the numeral of~~

1 ~~the quarter of the year and followed by the last numeral of~~
2 ~~the year.~~

3 (b) In addition, all female cattle ~~each calf~~ shall be
4 individually identified at the time of vaccination, if not
5 already identified by tattoo, electronic identification
6 device, or brand, by an official vaccination ear tag in the
7 right ear. The tag shall include the designated state prefix,
8 followed by the letter "V," two additional letters, and four
9 numerals. Registration tattoos, electronic identification
10 devices, or individual brand numbers may be substituted for
11 the official ear tags. This identification shall be
12 accurately recorded on the official vaccination record.

13 (c) Duplicate reports covering these vaccinations
14 shall be immediately furnished to the department and shall
15 constitute the official record of vaccination.

16 ~~(3) Each owner of a herd of cattle in this state shall~~
17 ~~enroll the herd in a program to determine whether the herd is~~
18 ~~infected with brucellosis. When reactors or suspects are~~
19 ~~disclosed in a herd, the department and the owner must develop~~
20 ~~a plan to eliminate the infection in accordance with the~~
21 ~~Uniform Methods and Rules for Brucellosis Eradication and the~~
22 ~~rules of this state. The plan shall include the required~~
23 ~~testing, removal of reactor animals, calfhood vaccination and~~
24 ~~whole herd vaccination to clear the herd of infection. The~~
25 ~~department shall provide for the establishment of low~~
26 ~~brucellosis incidence areas and brucellosis free areas which~~
27 ~~can be recognized by the United States Department of~~
28 ~~Agriculture as having Class "Free," Class "A," or Class "B"~~
29 ~~status under the Uniform Methods and Rules for Brucellosis~~
30 ~~Eradication.~~

1 ~~(2)(4)~~ Only an approved vaccine produced under license
2 of the United States Department of Agriculture shall qualify
3 for vaccination purposes under this section.

4 Section 7. Section 585.105, Florida Statutes, is
5 repealed.

6 Section 8. Section 3 of this act applies to all gift
7 cards purchased and credit memos issued on or after June 28,
8 2007.

9 Section 9. This act shall take effect November 1,
10 2007, or upon becoming a law, whichever occurs later; however,
11 if this act becomes a law after November 1, 2007, it shall
12 operate retroactively to November 1, 2007.

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