

By the Committee on Agriculture; and Senator Alexander

575-05404-08

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1 A bill to be entitled

2 An act relating to a review of the Department of
3 Agriculture and Consumer Services under the Florida
4 Government Accountability Act; reenacting s. 20.14(2)(a),
5 (b), (c), (d), (f), (g), (h), (i), (k), and (l), F.S.,
6 relating to the Divisions of Administration, Agricultural
7 Environmental Services, Animal Industry, Aquaculture,
8 Dairy Industry, Food Safety, Forestry, Fruit and
9 Vegetables, Marketing and Development, and Plant Industry
10 of the Department of Agriculture and Consumer Services;
11 amending s. 125.27, F.S.; increasing the annual countywide
12 fire control assessment; amending s. 370.07, F.S.;
13 increasing the annual license tax imposed on wholesale and
14 retail saltwater products dealers; amending s. 487.041,
15 F.S.; increasing the registration fee imposed on each
16 brand of pesticide that is distributed, sold, or offered
17 for sale; amending s. 500.12, F.S.; increasing the maximum
18 amount allowed for a food permit application fee; amending
19 s. 576.041, F.S.; increasing the fertilizer inspection
20 fee; amending s. 580.041, F.S.; increasing master
21 registration fees imposed on commercial feed distributors;
22 amending s. 597.004, F.S.; increasing the registration fee
23 for aquaculture certification; providing an effective
24 date.

25
26 WHEREAS, ss. 11.901-11.920, Florida Statutes, the Florida
27 Government Accountability Act, subjects the Department of
28 Agriculture and Consumer Services and its respective advisory
29 committees to a sunset review process in order to determine

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30 | whether the agency should be retained, modified, or abolished,
31 | and

32 | WHEREAS, the Department of Agriculture and Consumer
33 | Services produced a report providing specific information, as
34 | enumerated in s. 11.906, Florida Statutes, and

35 | WHEREAS, upon receipt of the report, the Joint Legislative
36 | Sunset Committee and committees of the Senate and the House of
37 | Representatives assigned to act as sunset review committees
38 | reviewed the report and requested studies by the Office of
39 | Program Policy Analysis and Government Accountability, and

40 | WHEREAS, based on the department's report, studies of the
41 | Office of Program Policy Analysis and Government
42 | Accountability, and public input, the Joint Legislative Sunset
43 | Committee and legislative sunset review committees made
44 | recommendations concerning the abolition, continuation, or
45 | reorganization of the Department of Agriculture and Consumer
46 | Services and its advisory committees; the need for the
47 | functions performed by the agency and its advisory committees;
48 | and the consolidation, transfer, or reorganization of programs
49 | within the Department of Agriculture and Consumer Services,
50 | NOW, THEREFORE,

51 |

52 | Be It Enacted by the Legislature of the State of Florida:

53 |

54 | Section 1. Paragraphs (a), (b), (c), (d), (f), (g), (h),
55 | (i), (k), and (l) of subsection (2) of section 20.14, Florida
56 | Statutes, are reenacted.

57 | Section 2. Subsection (1) of section 125.27, Florida
58 | Statutes, is amended to read:

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59 125.27 Countywide forest fire protection; authority of the
60 Division of Forestry; state funding; county fire control
61 assessments; disposition; equipment donations.--

62 (1) The Division of Forestry of the Department of
63 Agriculture and Consumer Services and the board of county
64 commissioners of each county in this state shall enter into
65 agreements for the establishment and maintenance of countywide
66 fire protection of all forest and wild lands within said county,
67 with the total cost of such fire protection being funded by state
68 and federal funds. Each county shall, under the terms of such
69 agreements, be assessed each fiscal year, as its share of the
70 cost of providing such fire protection, a sum in dollars equal to
71 the total forest and wild land acreage of the county, as
72 determined by the Division of Forestry, multiplied by 7 cents ~~3~~
73 ~~cents~~. The forest and wild lands acreage included in such
74 agreements shall be reviewed each year by the contracting parties
75 and the number of forest and wild land acres and the annual fire
76 control assessment adjusted so as to reflect the current forest
77 acreage of the county. In the event the division and the county
78 commissioners do not agree, the Board of Trustees of the Internal
79 Improvement Trust Fund shall make such acreage determination. All
80 fire control assessments received by the Division of Forestry
81 from the several counties under agreements made pursuant to this
82 section shall be deposited into the General Revenue Fund.

83 Section 3. Subsection (2) of section 370.07, Florida
84 Statutes, is amended to read:

85 370.07 Wholesale and retail saltwater products dealers;
86 regulation.--

87 (2) LICENSES; AMOUNT, TRUST FUND.--

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88 (a) A resident wholesale county seafood dealer is required
89 to pay an annual license tax of \$400 ~~\$300~~.

90 (b) A resident wholesale state dealer is required to pay an
91 annual license tax of \$550 ~~\$450~~.

92 (c) A nonresident wholesale county dealer is required to
93 pay an annual license tax of \$600 ~~\$500~~.

94 (d) A nonresident wholesale state dealer is required to pay
95 an annual license tax of \$1,100 ~~\$1,000~~.

96 (e) An alien wholesale county dealer is required to pay an
97 annual license tax of \$1,100 ~~\$1,000~~.

98 (f) An alien wholesale state dealer is required to pay an
99 annual license tax of \$1,600 ~~\$1,500~~.

100 (g) A resident retail dealer is required to pay an annual
101 license tax of \$75 ~~\$25~~; however, if such a dealer has more than
102 one place of business, the dealer shall designate one place of
103 business as a central place of business, shall pay an annual
104 license tax of \$75 ~~\$25~~ for such place of business, and shall pay
105 an annual license tax of \$25 ~~\$10~~ for each other place of
106 business.

107 (h) A nonresident retail dealer is required to pay an
108 annual license tax of \$250 ~~\$200~~; however, if such a dealer has
109 more than one place of business, the dealer shall designate one
110 place of business as a central place of business, shall pay an
111 annual license tax of \$250 ~~\$200~~ for such place of business, and
112 shall pay an annual license tax of \$40 ~~\$25~~ for each other place
113 of business.

114 (i) An alien retail dealer is required to pay an annual
115 license tax of \$300 ~~\$250~~; however, if such a dealer has more than
116 one place of business, the dealer shall designate one place of

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117 business as a central place of business, shall pay an annual
118 license tax of \$300 ~~\$250~~ for such place of business, and shall
119 pay an annual license tax of \$65 ~~\$50~~ for each other place of
120 business.

121 (j) License or privilege taxes, together with any other
122 funds derived from the Federal Government or from any other
123 source, shall be deposited in a Florida Saltwater Products
124 Promotion Trust Fund to be administered by the Department of
125 Agriculture and Consumer Services for the sole purpose of
126 promoting all fish and saltwater products produced in this state,
127 except that 4 percent of the total wholesale and retail saltwater
128 products dealer's license fees collected shall be deposited into
129 the Marine Resources Conservation Trust Fund administered by the
130 Fish and Wildlife Conservation Commission for the purpose of
131 processing wholesale and retail saltwater products dealer's
132 licenses.

133 Section 4. Paragraph (b) of subsection (1) and paragraph
134 (c) of subsection (2) of section 487.041, Florida Statutes, are
135 amended to read:

136 487.041 Registration.--

137 (1)

138 (b) For the purpose of defraying expenses of the department
139 in connection with carrying out the provisions of this part, each
140 person shall pay an annual registration fee of \$350 ~~\$250~~ for each
141 registered brand of pesticide. The annual registration fee for
142 each special local need label and experimental use permit is
143 \$100. All registrations expire on December 31 of each year. If
144 the renewal of a brand of pesticide, including the special local
145 need label and experimental use permit, is not filed by January

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146 31 of the renewal year, an additional fee of \$25 per brand of
147 pesticide shall be assessed per month and added to the original
148 fee. This additional fee may not exceed \$250 per brand of
149 pesticide. The additional fee must be paid by the registrant
150 before the renewal certificate for the registration of the brand
151 of pesticide is issued.

152 (2)

153 (c) Each registration issued by the department to a
154 registrant for a period beginning in an odd-numbered year shall
155 be assessed a fee of \$700 ~~\$500~~ per brand of pesticide and a fee
156 of \$200 for each special local need label and experimental use
157 permit, and the registration shall expire on December 31 of the
158 following year. Each registration issued by the department to a
159 registrant for a period beginning in an even-numbered year shall
160 be assessed a fee of \$350 ~~\$250~~ per brand of pesticide and fee of
161 \$100 for each special local need label and experimental use
162 permit, and the registration shall expire on December 31 of that
163 year.

164 Section 5. Paragraph (b) of subsection (1) of section
165 500.12, Florida Statutes, is amended to read:

166 500.12 Food permits; building permits.--

167 (1)

168 (b) An application for a food permit from the department
169 must be accompanied by a fee in an amount determined by
170 department rule, which may not exceed \$650 ~~\$500~~ and shall be used
171 solely for the recovery of costs for the services provided,
172 except that the fee accompanying an application for a food permit
173 for operating a bottled water plant may not exceed \$1,000 and the
174 fee accompanying an application for a food permit for operating a

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175 packaged ice plant may not exceed \$250. The fee for operating a
176 bottled water plant or a packaged ice plant shall be set by rule
177 of the department. Food permits must be renewed annually on or
178 before January 1. If an application for renewal of a food permit
179 is not received by the department within 30 days after its due
180 date, a late fee, in an amount not exceeding \$100, must be paid
181 in addition to the food permit fee before the department may
182 issue the food permit. The moneys collected shall be deposited in
183 the General Inspection Trust Fund.

184 Section 6. Subsection (1) of section 576.041, Florida
185 Statutes, is amended to read:

186 576.041 Inspection fees; records; bond.--

187 (1) Every licensee shall pay to the department an
188 inspection fee in the amount of \$1 ~~75 cents~~ per ton for
189 fertilizer sold in the state, except raw ground phosphate rock,
190 soft phosphate, colloidal phosphate, phosphatic clays and all
191 other untreated phosphatic materials, gypsum, hydrated lime,
192 limestone, and dolomite when sold or used for agricultural
193 purposes, on which the inspection fee shall be 30 cents per ton.
194 All fees paid to the department under this section shall be
195 deposited into the State Treasury to be placed in the General
196 Inspection Trust Fund to be used for the sole purpose of funding
197 the fertilizer inspection program.

198 Section 7. Paragraph (b) of subsection (1) of section
199 580.041, Florida Statutes, is amended to read:

200 580.041 Master registration; fee; refusal or cancellation
201 of registration.--

202 (1)

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203 (b) The registration form shall be accompanied by a fee
 204 that shall be based on tons of feed distributed in this state
 205 during the previous year. If a distributor has been in business
 206 less than 1 year, the tonnage shall be estimated by the
 207 distributor for the first year and based on actual tonnage
 208 thereafter. These fees shall be as follows:

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

221 Section 8. Paragraph (h) of subsection (1) of section
 222 597.004, Florida Statutes, is amended to read:

223 597.004 Aquaculture certificate of registration.--

224 (1) CERTIFICATION.--Any person engaging in aquaculture must
 225 be certified by the department. The applicant for a certificate
 226 of registration shall submit the following to the department:

227 (h) One-hundred ~~Fifty~~ dollar annual registration fee.

228 Section 9. This act shall take effect upon becoming a law.