

By the Committees on General Government Appropriations;  
Agriculture; and Senator Alexander

601-06487-08

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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; requiring that certain portions  
13          of the assessment be distributed into the General Revenue  
14          Fund and the Incidental Trust Fund of the Division of  
15          Forestry; amending s. 370.07, F.S.; increasing the annual  
16          license tax imposed on wholesale and retail saltwater  
17          products dealers; amending s. 487.041, F.S.; increasing  
18          the registration fee imposed on each brand of pesticide  
19          that is distributed, sold, or offered for sale; amending  
20          s. 500.12, F.S.; increasing the maximum amount allowed for  
21          a food permit application fee; amending s. 559.928, F.S.;  
22          requiring that independent agents pay an annual  
23          registration fee; specifying an amount for such fee;  
24          providing for the deposit and use of moneys obtained from  
25          the collection of such fee; amending s. 576.041, F.S.;  
26          increasing the fertilizer inspection fee; amending s.  
27          580.041, F.S.; increasing master registration fees imposed  
28          on commercial feed distributors; amending s. 597.004,  
29          F.S.; increasing the registration fee for aquaculture

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30 certification; providing an effective date.

31  
32 WHEREAS, ss. 11.901-11.920, Florida Statutes, the Florida  
33 Government Accountability Act, subjects the Department of  
34 Agriculture and Consumer Services and its respective advisory  
35 committees to a sunset review process in order to determine  
36 whether the agency should be retained, modified, or abolished,  
37 and

38 WHEREAS, the Department of Agriculture and Consumer  
39 Services produced a report providing specific information, as  
40 enumerated in s. 11.906, Florida Statutes, and

41 WHEREAS, upon receipt of the report, the Joint Legislative  
42 Sunset Committee and committees of the Senate and the House of  
43 Representatives assigned to act as sunset review committees  
44 reviewed the report and requested studies by the Office of  
45 Program Policy Analysis and Government Accountability, and

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

57  
58 Be It Enacted by the Legislature of the State of Florida:

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

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

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

(1) The Division of Forestry of the Department of Agriculture and Consumer Services and the board of county commissioners of each county in this state shall enter into agreements for the establishment and maintenance of countywide fire protection of all forest and wild lands within said county, with the total cost of such fire protection being funded by state and federal funds. Each county shall, under the terms of such agreements, be assessed each fiscal year, as its share of the cost of providing such fire protection, a sum in dollars equal to the total forest and wild land acreage of the county, as determined by the Division of Forestry, multiplied by 7 cents, 3 cents of which shall be distributed into the General Revenue Fund and 4 cents of which shall be distributed into the Incidental Trust Fund of the Division of Forestry ~~3 cents~~. The forest and wild lands acreage included in such agreements shall be reviewed each year by the contracting parties and the number of forest and wild land acres and the annual fire control assessment adjusted so as to reflect the current forest acreage of the county. In the event the division and the county commissioners do not agree, the Board of Trustees of the Internal Improvement Trust Fund shall

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88 | make such acreage determination. All fire control assessments  
89 | received by the Division of Forestry from the several counties  
90 | under agreements made pursuant to this section shall be deposited  
91 | into the General Revenue Fund.

92 | Section 3. Subsection (2) of section 370.07, Florida  
93 | Statutes, is amended to read:

94 | 370.07 Wholesale and retail saltwater products dealers;  
95 | regulation.--

96 | (2) LICENSES; AMOUNT, TRUST FUND.--

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

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

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

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

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

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

109 | (g) A resident retail dealer is required to pay an annual  
110 | license tax of \$75 ~~\$25~~; however, if such a dealer has more than  
111 | one place of business, the dealer shall designate one place of  
112 | business as a central place of business, shall pay an annual  
113 | license tax of \$75 ~~\$25~~ for such place of business, and shall pay  
114 | an annual license tax of \$25 ~~\$10~~ for each other place of  
115 | business.

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116 (h) A nonresident retail dealer is required to pay an  
117 annual license tax of \$250 ~~\$200~~; however, if such a dealer has  
118 more than one place of business, the dealer shall designate one  
119 place of business as a central place of business, shall pay an  
120 annual license tax of \$250 ~~\$200~~ for such place of business, and  
121 shall pay an annual license tax of \$40 ~~\$25~~ for each other place  
122 of business.

123 (i) An alien retail dealer is required to pay an annual  
124 license tax of \$300 ~~\$250~~; however, if such a dealer has more than  
125 one place of business, the dealer shall designate one place of  
126 business as a central place of business, shall pay an annual  
127 license tax of \$300 ~~\$250~~ for such place of business, and shall  
128 pay an annual license tax of \$65 ~~\$50~~ for each other place of  
129 business.

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

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

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145 487.041 Registration.--

146 (1)

147 (b) For the purpose of defraying expenses of the department  
148 in connection with carrying out the provisions of this part, each  
149 person shall pay an annual registration fee of \$350 ~~\$250~~ for each  
150 registered brand of pesticide. The annual registration fee for  
151 each special local need label and experimental use permit is  
152 \$100. All registrations expire on December 31 of each year. If  
153 the renewal of a brand of pesticide, including the special local  
154 need label and experimental use permit, is not filed by January  
155 31 of the renewal year, an additional fee of \$25 per brand of  
156 pesticide shall be assessed per month and added to the original  
157 fee. This additional fee may not exceed \$250 per brand of  
158 pesticide. The additional fee must be paid by the registrant  
159 before the renewal certificate for the registration of the brand  
160 of pesticide is issued.

161 (2)

162 (c) Each registration issued by the department to a  
163 registrant for a period beginning in an odd-numbered year shall  
164 be assessed a fee of \$700 ~~\$500~~ per brand of pesticide and a fee  
165 of \$200 for each special local need label and experimental use  
166 permit, and the registration shall expire on December 31 of the  
167 following year. Each registration issued by the department to a  
168 registrant for a period beginning in an even-numbered year shall  
169 be assessed a fee of \$350 ~~\$250~~ per brand of pesticide and fee of  
170 \$100 for each special local need label and experimental use  
171 permit, and the registration shall expire on December 31 of that  
172 year.

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173 Section 5. Paragraph (b) of subsection (1) of section  
174 500.12, Florida Statutes, is amended to read:

175 500.12 Food permits; building permits.--

176 (1)

177 (b) An application for a food permit from the department  
178 must be accompanied by a fee in an amount determined by  
179 department rule, which may not exceed \$650 ~~\$500~~ and shall be used  
180 solely for the recovery of costs for the services provided,  
181 except that the fee accompanying an application for a food permit  
182 for operating a bottled water plant may not exceed \$1,000 and the  
183 fee accompanying an application for a food permit for operating a  
184 packaged ice plant may not exceed \$250. The fee for operating a  
185 bottled water plant or a packaged ice plant shall be set by rule  
186 of the department. Food permits must be renewed annually on or  
187 before January 1. If an application for renewal of a food permit  
188 is not received by the department within 30 days after its due  
189 date, a late fee, in an amount not exceeding \$100, must be paid  
190 in addition to the food permit fee before the department may  
191 issue the food permit. The moneys collected shall be deposited in  
192 the General Inspection Trust Fund.

193 Section 6. Subsection (3) of section 559.928, Florida  
194 Statutes, is amended to read:

195 559.928 Registration.--

196 (3) Each independent agent shall annually file an affidavit  
197 with the department prior to engaging in business in this state.  
198 This affidavit must include the independent agent's full name,  
199 legal business or trade name, mailing address, business address,  
200 telephone number, social security number, and the name or names  
201 and addresses of each seller of travel represented by the

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202 independent agent. A letter evidencing proof of filing must be  
203 issued by the department and must be prominently displayed in the  
204 independent agent's primary place of business. Each independent  
205 agent must also submit an annual registration fee of \$50. All  
206 moneys collected pursuant to the imposition of the fee shall be  
207 deposited by the Chief Financial Officer into the General  
208 Inspection Trust Fund of the Department of Agriculture and  
209 Consumer Services for the sole purpose of administrating this  
210 part. As used in this subsection, the term "independent agent"  
211 means a person who represents a seller of travel by soliciting  
212 persons on its behalf; who has a written contract with a seller  
213 of travel which is operating in compliance with this part and any  
214 rules adopted thereunder; who does not receive a fee, commission,  
215 or other valuable consideration directly from the purchaser for  
216 the seller of travel; who does not at any time have any unissued  
217 ticket stock or travel documents in his or her possession; and  
218 who does not have the ability to issue tickets, vacation  
219 certificates, or any other travel document. The term "independent  
220 agent" does not include an affiliate of the seller of travel, as  
221 that term is used in s. 559.935(3), or the employees of the  
222 seller of travel or of such affiliates.

223 Section 7. Subsection (1) of section 576.041, Florida  
224 Statutes, is amended to read:

225 576.041 Inspection fees; records; bond.--

226 (1) Every licensee shall pay to the department an  
227 inspection fee in the amount of \$1 75~~cents~~ per ton for  
228 fertilizer sold in the state, except raw ground phosphate rock,  
229 soft phosphate, colloidal phosphate, phosphatic clays and all  
230 other untreated phosphatic materials, gypsum, hydrated lime,

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231 limestone, and dolomite when sold or used for agricultural  
 232 purposes, on which the inspection fee shall be 30 cents per ton.  
 233 All fees paid to the department under this section shall be  
 234 deposited into the State Treasury to be placed in the General  
 235 Inspection Trust Fund to be used for the sole purpose of funding  
 236 the fertilizer inspection program.

237 Section 8. Paragraph (b) of subsection (1) of section  
 238 580.041, Florida Statutes, is amended to read:

239 580.041 Master registration; fee; refusal or cancellation  
 240 of registration.--

241 (1)

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

248 SALES IN TONS	249 FEE
250	
251 Zero, up to and including 25.... <u>\$40</u> <del>\$25</del>	
252 More than 25, up to and including 50.... <u>\$75</u> <del>\$50</del>	
253 More than 50, up to and including 100.... <u>\$150</u> <del>\$100</del>	
254 More than 100, up to and including 300.... <u>\$375</u> <del>\$300</del>	
255 More than 300, up to and including 600.... <u>\$600</u> <del>\$500</del>	
256 More than 600, up to and including 1,000.... <u>\$900</u> <del>\$750</del>	
257 More than 1,000, up to and including 2,000.... <u>\$1,250</u> <del>\$1,000</del>	
258 More than 2,000, up to and including 5,000.... <u>\$2,000</u> <del>\$1,500</del>	
259 More than 5,000.... <u>\$3,500</u> <del>\$2,500</del>	

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260 Section 9. Paragraph (h) of subsection (1) of section  
261 597.004, Florida Statutes, is amended to read:

262 597.004 Aquaculture certificate of registration.--

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

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

267 Section 10. This act shall take effect July 1, 2008.