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1 A bill to be entitled
2 An act relating to agriculture; reenacting s. 20.14(2),
3 F.S., relating to the Department of Agriculture and
4 Consumer Services; amending s. 125.27, F.S.; increasing
5 the annual countywide fire control assessment; requiring
6 that certain portions of the assessment be distributed
7 into the Incidental Trust Fund of the Division of Forestry
8 and the General Revenue Fund; amending s. 370.07, F.S.;
9 increasing the annual license tax imposed on wholesale and
10 retail saltwater products dealers; amending s. 487.041,
11 F.S.; increasing the registration fee imposed on each
12 brand of pesticide that is distributed, sold, or offered
13 for sale; amending s. 500.12, F.S.; increasing the maximum
14 amount allowed for a food permit application fee; amending
15 s. 559.928, F.S.; requiring that independent agents pay an
16 annual registration fee; specifying an amount for such
17 fee; providing for the deposit and use of moneys obtained
18 from the collection of such fee; amending s. 576.041,
19 F.S.; increasing the fertilizer inspection fee; amending
20 s. 580.041, F.S.; increasing the master registration fees
21 imposed on commercial feed distributors; amending s.
22 597.004, F.S.; increasing the registration fee for
23 aquaculture certification; amending s. 601.15, F.S.;
24 revising the deadline by which the Florida Citrus
25 Commission sets the annual citrus excise tax rate;
26 deleting a provision requiring the commission to consider
27 certain projected collection of taxes in setting the rate;
28 conforming provisions relating to the season upon which
29 the tax rate applies; amending s. 570.191, F.S.; providing

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30 for money in the Agricultural Emergency Eradication Trust
31 Fund to be made available under certain circumstances for
32 specified additional purposes; repealing s. 570.1911,
33 F.S., relating to notice of certification of an
34 agricultural emergency; repealing s. 585.105, F.S.,
35 relating to the purchase, distribution, and administration
36 of approved brucella vaccine by the department; providing
37 effective dates.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Subsection (2) of section 20.14, Florida
42 Statutes, is reenacted.

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

45 125.27 Countywide forest fire protection; authority of the
46 Division of Forestry; state funding; county fire control
47 assessments; disposition; equipment donations.--

48 (1) The Division of Forestry of the Department of
49 Agriculture and Consumer Services and the board of county
50 commissioners of each county in this state shall enter into
51 agreements for the establishment and maintenance of countywide
52 fire protection of all forest and wild lands within said county,
53 with the total cost of such fire protection being funded by state
54 and federal funds. Each county shall, under the terms of such
55 agreements, be assessed each fiscal year, as its share of the
56 cost of providing such fire protection, a sum in dollars equal to
57 the total forest and wild land acreage of the county, as
58 determined by the Division of Forestry, multiplied by 7 ~~3~~ cents.

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59 The forest and wild lands acreage included in such agreements
60 shall be reviewed each year by the contracting parties and the
61 number of forest and wild land acres and the annual fire control
62 assessment adjusted so as to reflect the current forest acreage
63 of the county. In the event the division and the county
64 commissioners do not agree, the Board of Trustees of the Internal
65 Improvement Trust Fund shall make such acreage determination. All
66 fire control assessments received by the Division of Forestry
67 from the several counties under agreements made pursuant to this
68 section shall be deposited as follows:

69 (a) An amount equal to the total forest land and wild land
70 acreage of the counties, multiplied by 4 cents, shall be
71 distributed to the Incidental Trust Fund of the Division of
72 Forestry; and

73 (b) An amount equal to the total forest land and wild land
74 acreage of the counties, multiplied by 3 cents, shall be
75 distributed to ~~into~~ the General Revenue Fund.

76 Section 3. Effective October 1, 2008, subsection (2) of
77 section 370.07, Florida Statutes, is amended to read:

78 370.07 Wholesale and retail saltwater products dealers;
79 regulation.--

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

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

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

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

87 (d) A nonresident wholesale state dealer is required to pay

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88 an annual license tax of \$1,100 ~~\$1,000~~.

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

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

93 (g) A resident retail dealer is required to pay an annual
94 license tax of \$75 ~~\$25~~; however, if such a dealer has more than
95 one place of business, the dealer shall designate one place of
96 business as a central place of business, shall pay an annual
97 license tax of \$75 ~~\$25~~ for such place of business, and shall pay
98 an annual license tax of \$25 ~~\$10~~ for each other place of
99 business.

100 (h) A nonresident retail dealer is required to pay an
101 annual license tax of \$250 ~~\$200~~; however, if such a dealer has
102 more than one place of business, the dealer shall designate one
103 place of business as a central place of business, shall pay an
104 annual license tax of \$250 ~~\$200~~ for such place of business, and
105 shall pay an annual license tax of \$40 ~~\$25~~ for each other place
106 of business.

107 (i) An alien retail dealer is required to pay an annual
108 license tax of \$300 ~~\$250~~; however, if such a dealer has more than
109 one place of business, the dealer shall designate one place of
110 business as a central place of business, shall pay an annual
111 license tax of \$300 ~~\$250~~ for such place of business, and shall
112 pay an annual license tax of \$65 ~~\$50~~ for each other place of
113 business.

114 (j) License or privilege taxes, together with any other
115 funds derived from the Federal Government or from any other
116 source, shall be deposited in a Florida Saltwater Products

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117 Promotion Trust Fund to be administered by the Department of
118 Agriculture and Consumer Services for the sole purpose of
119 promoting all fish and saltwater products produced in this state,
120 except that 4 percent of the total wholesale and retail saltwater
121 products dealer's license fees collected shall be deposited into
122 the Marine Resources Conservation Trust Fund administered by the
123 Fish and Wildlife Conservation Commission for the purpose of
124 processing wholesale and retail saltwater products dealer's
125 licenses.

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

129 487.041 Registration.--

130 (1)

131 (b) For the purpose of defraying expenses of the department
132 in connection with carrying out the provisions of this part, each
133 person shall pay an annual registration fee of \$350 ~~\$250~~ for each
134 registered brand of pesticide. The annual registration fee for
135 each special local need label and experimental use permit is
136 \$100. All registrations expire on December 31 of each year. If
137 the renewal of a brand of pesticide, including the special local
138 need label and experimental use permit, is not filed by January
139 31 of the renewal year, an additional fee of \$25 per brand of
140 pesticide shall be assessed per month and added to the original
141 fee. This additional fee may not exceed \$250 per brand of
142 pesticide. The additional fee must be paid by the registrant
143 before the renewal certificate for the registration of the brand
144 of pesticide is issued.

145 (2)

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

157 Section 5. Paragraph (b) of subsection (1) of section
158 500.12, Florida Statutes, is amended to read:

159 500.12 Food permits; building permits.--

160 (1)

161 (b) An application for a food permit from the department
162 must be accompanied by a fee in an amount determined by
163 department rule, which may not exceed \$650 ~~\$500~~ and shall be used
164 solely for the recovery of costs for the services provided,
165 except that the fee accompanying an application for a food permit
166 for operating a bottled water plant may not exceed \$1,000 and the
167 fee accompanying an application for a food permit for operating a
168 packaged ice plant may not exceed \$250. The fee for operating a
169 bottled water plant or a packaged ice plant shall be set by rule
170 of the department. Food permits must be renewed annually on or
171 before January 1. If an application for renewal of a food permit
172 is not received by the department within 30 days after its due
173 date, a late fee, in an amount not exceeding \$100, must be paid
174 in addition to the food permit fee before the department may

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175 issue the food permit. The moneys collected shall be deposited in
176 the General Inspection Trust Fund.

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

179 559.928 Registration.--

180 (3) Each independent agent shall annually file an affidavit
181 with the department prior to engaging in business in this state.
182 This affidavit must include the independent agent's full name,
183 legal business or trade name, mailing address, business address,
184 telephone number, social security number, and the name or names
185 and addresses of each seller of travel represented by the
186 independent agent. A letter evidencing proof of filing must be
187 issued by the department and must be prominently displayed in the
188 independent agent's primary place of business. Each independent
189 agent must also submit an annual registration fee of \$50. All
190 moneys collected pursuant to the imposition of the fee shall be
191 deposited by the Chief Financial Officer into the General
192 Inspection Trust Fund of the Department of Agriculture and
193 Consumer Services for the sole purpose of administrating this
194 part. As used in this subsection, the term "independent agent"
195 means a person who represents a seller of travel by soliciting
196 persons on its behalf; who has a written contract with a seller
197 of travel which is operating in compliance with this part and any
198 rules adopted thereunder; who does not receive a fee, commission,
199 or other valuable consideration directly from the purchaser for
200 the seller of travel; who does not at any time have any unissued
201 ticket stock or travel documents in his or her possession; and
202 who does not have the ability to issue tickets, vacation
203 certificates, or any other travel document. The term "independent

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204 agent" does not include an affiliate of the seller of travel, as
205 that term is used in s. 559.935(3), or the employees of the
206 seller of travel or of such affiliates.

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

209 576.041 Inspection fees; records; bond.--

210 (1) Every licensee shall pay to the department an
211 inspection fee in the amount of \$1 ~~75 cents~~ per ton for
212 fertilizer sold in the state, except raw ground phosphate rock,
213 soft phosphate, colloidal phosphate, phosphatic clays and all
214 other untreated phosphatic materials, gypsum, hydrated lime,
215 limestone, and dolomite when sold or used for agricultural
216 purposes, on which the inspection fee shall be 30 cents per ton.
217 All fees paid to the department under this section shall be
218 deposited into the State Treasury to be placed in the General
219 Inspection Trust Fund to be used for the sole purpose of funding
220 the fertilizer inspection program.

221 Section 8. Paragraph (b) of subsection (1) of section
222 580.041, Florida Statutes, is amended to read:

223 580.041 Master registration; fee; refusal or cancellation
224 of registration.--

225 (1)

226 (b) The registration form shall be accompanied by a fee
227 that shall be based on tons of feed distributed in this state
228 during the previous year. If a distributor has been in business
229 less than 1 year, the tonnage shall be estimated by the
230 distributor for the first year and based on actual tonnage
231 thereafter. These fees shall be as follows:
232

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233 SALES IN TONS FEE

234

235 Zero, up to and including 25....\$40 ~~\$25~~

236 More than 25, up to and including 50....\$75 ~~\$50~~

237 More than 50, up to and including 100....\$150 ~~\$100~~

238 More than 100, up to and including 300....\$375 ~~\$300~~

239 More than 300, up to and including 600....\$600 ~~\$500~~

240 More than 600, up to and including 1,000....\$900 ~~\$750~~

241 More than 1,000, up to and including 2,000....\$1,250 ~~\$1,000~~

242 More than 2,000, up to and including 5,000....\$2,000 ~~\$1,500~~

243 More than 5,000....\$3,500 ~~\$2,500~~

244 Section 9. Paragraph (h) of subsection (1) of section

245 597.004, Florida Statutes, is amended to read:

246 597.004 Aquaculture certificate of registration.--

247 (1) CERTIFICATION.--Any person engaging in aquaculture must

248 be certified by the department. The applicant for a certificate

249 of registration shall submit the following to the department:

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

251 Section 10. Paragraph (e) of subsection (3) of section

252 601.15, Florida Statutes, is amended to read:

253 601.15 Advertising campaign; methods of conducting; excise

254 tax; emergency reserve fund; citrus research.--

255 (3)

256 (e) The commission, upon an affirmative vote of a majority

257 of its members and by an order entered by it prior to November

258 ~~August~~ 1 of any year, may set the tax rates up to the maximum

259 rates specified in this subsection ~~if the commission determines~~

260 ~~that the specified tax rate will result in collection of funds,~~

261 ~~during the ensuing citrus season, which exceed projected needs,~~

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262 ~~including all legal obligations.~~ The tax rate shall apply only to
263 the citrus season which began on August 1 of the same calendar
264 year ~~immediately follows entry of the order setting the rate.~~
265 Such tax rate may be applied by variety and on the basis of
266 whether the fruit enters the primary channel of trade for use in
267 fresh or processed form. If the commission cannot agree on a box
268 tax rate, the tax rate for the previous year shall remain in
269 effect until the commission approves a new rate.

270 Section 11. Section 570.191, Florida Statutes, is amended
271 to read:

272 570.191 Agricultural Emergency Eradication Trust
273 Fund.--There is created in the office of the commissioner the
274 Agricultural Emergency Eradication Trust Fund. Funds in the trust
275 fund may be made available for the promotion, advancement, and
276 protection of agriculture in this state, including maintaining or
277 increasing market share and suppressing or eradicating wildfire,
278 animal or plant disease, insect infestation, or a plant or pest
279 that endangers or threatens agriculture ~~upon certification by the~~
280 ~~commissioner that an agricultural emergency exists and that funds~~
281 ~~specifically appropriated for the emergency's purpose are~~
282 ~~exhausted or insufficient to eliminate the agricultural~~
283 ~~emergency. The term "agricultural emergency" means an animal or~~
284 ~~plant disease, insect infestation, or plant or pest endangering~~
285 ~~or threatening the horticultural, aquacultural, or other~~
286 ~~agricultural interests in this state.~~

287 Section 12. Section 570.1911, Florida Statutes, is
288 repealed.

289 Section 13. Section 585.105, Florida Statutes, is repealed.

290 Section 14. Except as otherwise expressly provided in this

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291 | act, this act shall take effect July 1, 2008.