

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Poppell offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (3) of section 482.2401, Florida  
6 Statutes, is amended to read:

7 482.2401 Disposition and use of revenues from fees and  
8 fines.--

9 (3) The department may use ~~All~~ revenues from  
10 administrative fines ~~shall be used~~ to support contract research  
11 or education in pest control. If revenues are available to  
12 support such research or education, the department shall appoint  
13 a committee composed of pest control industry members which  
14 shall assist the department in establishing research or  
15 education priorities, in developing requests for proposals for

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16 bids, and in selecting research or education contractors from  
17 qualified bidders.

18 Section 2. Effective upon this act becoming a law and  
19 retroactive to January 1, 2009, subsections (1) and (2) of  
20 section 487.041, Florida Statutes, as amended by section 14 of  
21 chapter 2009-20, Laws of Florida, are amended to read:

22 487.041 Registration.--

23 (1) (a) Effective January 1, 2009, each brand of pesticide,  
24 as defined in s. 487.021, which is distributed, sold, or offered  
25 for sale, except as provided in this section, within this state  
26 or delivered for transportation or transported in intrastate  
27 commerce or between points within this state through any point  
28 outside this state must be registered in the office of the  
29 department, and such registration shall be renewed biennially.  
30 Emergency exemptions from registration may be authorized in  
31 accordance with the rules of the department. The registrant  
32 shall file with the department a statement including:

33 1. The name, business mailing address, and street address  
34 of the registrant.

35 2. The name of the brand of pesticide.

36 3. An ingredient statement and a complete copy of the  
37 labeling accompanying the brand of the pesticide, which must  
38 conform to the registration, and a statement of all claims to be  
39 made for it, including directions for use and a guaranteed  
40 analysis showing the names and percentages by weight of each  
41 active ingredient, the total percentage of inert ingredients,  
42 and the names and percentages by weight of each "added  
43 ingredient."

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44 (b) Effective January 1, 2009, for the purpose of  
45 defraying expenses of the department in connection with carrying  
46 out the provisions of this part, each registrant ~~person~~ shall  
47 pay a biennial registration fee for each registered brand of  
48 pesticide. The registration of each brand of pesticide shall  
49 cover a designated 2-year period beginning on January 1 of each  
50 odd-numbered year and expiring on December 31 of the following  
51 year.

52 (c) Each registration issued by the department to a  
53 registrant for a period beginning in an odd-numbered year shall  
54 be assessed a fee of \$700 per brand of pesticide and a fee of  
55 \$200 for each special local need label and experimental use  
56 permit, and the registration shall expire on December 31 of the  
57 following year. Each registration issued by the department to a  
58 registrant for a period beginning in an even-numbered year shall  
59 be assessed a fee of \$350 per brand of pesticide and fee of \$100  
60 for each special local need label and experimental use permit,  
61 and the registration shall expire on December 31 of that year.

62 (d)1. Effective January 1, 2009, in addition to the fees  
63 assessed pursuant to paragraphs (b) and (c), for the purpose of  
64 defraying the expenses of the department for testing pesticides  
65 for food safety, each registrant shall pay a supplemental  
66 biennial registration fee for each registered brand of pesticide  
67 that contains an active ingredient for which the United States  
68 Environmental Protection Agency has established a food tolerance  
69 limit in 40 C.F.R. part 180. The department shall biennially  
70 publish by rule a list of the pesticide active ingredients for

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71 which a brand of pesticide is subject to the supplemental  
72 registration fee.

73 2. Each registration issued by the department to a  
74 registrant for a period beginning in an odd-numbered year shall  
75 be assessed a supplemental registration fee of \$630 per brand of  
76 pesticide that is subject to the fee pursuant to subparagraph 1.  
77 Each registration issued by the department to a registrant for a  
78 period beginning in an even-numbered year shall be assessed a  
79 supplemental registration fee of \$315 per brand of pesticide  
80 that is subject to the fee pursuant to subparagraph 1. The  
81 department shall retroactively assess the supplemental  
82 registration fee for each brand of pesticide that registered on  
83 or after January 1, 2009, and that is subject to the fee  
84 pursuant to subparagraph 1.

85 (e)~~(d)~~ All revenues collected, less those costs determined  
86 by the department to be nonrecurring or one-time costs, shall be  
87 deferred over the 2-year registration period, deposited in the  
88 General Inspection Trust Fund, and used by the department in  
89 carrying out the provisions of this chapter. Revenues collected  
90 from the supplemental registration fee may also be used by the  
91 department for testing pesticides for food safety.

92 (f)~~(e)~~ If the renewal of a brand of pesticide, including  
93 the special local need label and experimental use permit, is not  
94 filed by January 31 of the renewal year, an additional fee of  
95 \$25 per brand of pesticide shall be assessed per month and added  
96 to the original fee. This additional fee may not exceed \$250 per  
97 brand of pesticide. The additional fee must be paid by the  
98 registrant before the renewal certificate for the registration

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99 of the brand of pesticide is issued. The additional fee shall be  
100 deposited into the General Inspection Trust Fund.

101 ~~(g)-(f)~~ This subsection does not apply to distributors or  
102 retail dealers selling brands of pesticide if such brands of  
103 pesticide are registered by another person.

104 (2) The department shall adopt rules governing the  
105 procedures for the registration of a brand of pesticide, ~~and~~ for  
106 the review of data submitted by an applicant for registration of  
107 the brand of pesticide, and for biennially publishing the list  
108 of active ingredients for which a brand of pesticide is subject  
109 to the supplemental registration fee pursuant to subparagraph

110 (1)(d)1. The department shall determine whether the brand of  
111 pesticide should be registered, registered with conditions, or  
112 tested under field conditions in this state. The department  
113 shall determine whether each request for registration of a brand  
114 of pesticide meets the requirements of current state and federal  
115 law. The department, whenever it deems it necessary in the  
116 administration of this part, may require the manufacturer or  
117 registrant to submit the complete formula, quantities shipped  
118 into or manufactured in the state for distribution and sale,  
119 evidence of the efficacy and the safety of any pesticide, and  
120 other relevant data. The department may review and evaluate a  
121 registered pesticide if new information is made available that  
122 indicates that use of the pesticide has caused an unreasonable  
123 adverse effect on public health or the environment. Such review  
124 shall be conducted upon the request of the State Surgeon General  
125 in the event of an unreasonable adverse effect on public health  
126 or the Secretary of Environmental Protection in the event of an  
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127 unreasonable adverse effect on the environment. Such review may  
128 result in modifications, revocation, cancellation, or suspension  
129 of the registration of a brand of pesticide. The department, for  
130 reasons of adulteration, misbranding, or other good cause, may  
131 refuse or revoke the registration of the brand of any pesticide  
132 after notice to the applicant or registrant giving the reason  
133 for the decision. The applicant may then request a hearing,  
134 pursuant to chapter 120, on the intention of the department to  
135 refuse or revoke registration, and, upon his or her failure to  
136 do so, the refusal or revocation shall become final without  
137 further procedure. The registration of a brand of pesticide may  
138 not be construed as a defense for the commission of any offense  
139 prohibited under this part.

140 Section 3. Section 531.56, Florida Statutes, is created to  
141 read:

142 531.56 Commercial weighing and measuring devices; permits;  
143 renewals; late fees.--

144 (1) (a) A person may not use any weighing or measuring  
145 device in this state for commercial purposes as defined by  
146 department rule if a permit fee is established for the device in  
147 s. 531.58 unless the device is exempt from permitting under s.  
148 531.57 or the applicable permit fee is paid and a valid permit  
149 is issued by the department for the device.

150 (b) A weighing or measuring device permit issued by the  
151 department pursuant to this section and ss. 531.58-531.62  
152 applies only to the specific device for which the permit is  
153 issued. However, the department may allow a permit to apply to a  
154 replacement for an original device. The department may include

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155 multiple devices on a single permit but must require that the  
156 applicable permit fees be paid for the devices in accordance  
157 with s. 531.58.

158 (2) If ownership of a permitted device changes, the  
159 permit:

160 (a) Transfers to the new owner and remains effective until  
161 the permit's original expiration date, if the device remains at  
162 the same location. The new owner must notify the department in  
163 the format prescribed by the department within 30 calendar days  
164 after a change in ownership. The department shall issue an  
165 updated replacement permit if needed.

166 (b) Expires if the device is moved to a new location. The  
167 new owner must apply for a new permit.

168 (3) A weighing or measuring device permit expires 1 year  
169 after the date of issuance and must be renewed annually. If an  
170 application for renewal of a permit is not received by the  
171 department within 30 days after its due date, the applicant must  
172 pay a late fee set by the department not to exceed \$100 in  
173 addition to the permit fee before the department may renew the  
174 permit.

175 Section 4. Section 531.57, Florida Statutes, is created to  
176 read:

177 531.57 Exemptions from permitting.--Sections 531.56-531.62  
178 do not apply to a commercial weighing or measuring device, if  
179 any of the following apply:

180 (1) The device is a taximeter licensed, permitted, or  
181 registered by a weights and measures official appointed by a  
182 county or municipality and is tested for accuracy and compliance

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183 with state standards by the official in cooperation with the  
184 state as authorized in s. 531.421.

185 (2) The device is used exclusively for weighing railroad  
186 cars and is tested for accuracy and compliance with state  
187 standards by a private testing agency.

188 (3) The device is used exclusively for measuring petroleum  
189 products subject to the inspection fee under s. 525.09.

190 Section 5. Section 531.58, Florida Statutes, is created to  
191 read:

192 531.58 Permit fees; deposit and use of moneys.--

193 (1) An application for a weighing or measuring device  
194 permit must be accompanied by the applicable permit fees set by  
195 the department. The fees charged for a permit shall be based on  
196 the total number of weighing or measuring devices included in  
197 the permit for use at any time during the period covered by the  
198 permit.

199 (2) The department shall set the permit fees in the  
200 amounts necessary to defray the costs of administering and  
201 enforcing this chapter but not to exceed the following amounts:

202 (a) Weighing devices.--For weighing devices, the permit  
203 fees shall be based on the manufacturer's rated capacity or the  
204 device's design and use but may not exceed the following  
205 amounts:

206 1. For weighing devices whose capacity does not exceed 100  
207 pounds or the metric equivalent, the permit fees may not exceed  
208 the following amounts per retail establishment:

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<u>Number of devices in a single retail establishment:</u>	<u>Maximum fee per retail establishment:</u>
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210	<u>1 to 5 . . . . .</u>	<u>\$75</u>
211	<u>6 to 10 . . . . .</u>	<u>\$175</u>
212	<u>11 to 30 . . . . .</u>	<u>\$250</u>
213	<u>More than 30 . . . . .</u>	<u>\$500</u>

214

215 2. For weighing devices whose capacity exceeds 100 pounds  
216 or the metric equivalent, the permit fees may not exceed the  
217 following amounts per device:

<u>Manufacturer's rated capacity:</u>	<u>Maximum fee per device:</u>
219 <u>At least 100 pounds but does not exceed 5,000</u> <u>pounds or the metric equivalent. . . . .</u>	<u>\$200</u>
220 <u>Exceeds 5,000 pounds but does not exceed 20,000</u> <u>pounds or the metric equivalent . . . . .</u>	<u>\$300</u>
221 <u>Exceeds 20,000 pounds or the</u> <u>metric equivalent . . . . .</u>	<u>\$400</u>

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Wheel load weighers . . . . . \$35

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Static railroad track scales . . . . . \$1,000

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Belt conveyor scales . . . . . \$500

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In-motion railroad track scales . . . . . \$1,000

226

(b) Measuring devices.--For measuring devices, the permit fees may not exceed the following amounts per device:

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1. For a mass flow meter whose maximum flow rate does not exceed 150 pounds or the metric equivalent per minute, \$100.

230

231

2. For a mass flow meter whose maximum flow rate exceeds 150 pounds or the metric equivalent per minute, \$500.

232

233

3. For a volumetric flow meter whose maximum flow rate does not exceed 20 gallons or the metric equivalent per minute, \$50.

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235

236

4. For a volumetric flow meter whose maximum flow rate exceeds 20 gallons or the metric equivalent per minute, \$100.

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238

5. For a tank whose capacity is less than 500 gallons or the metric equivalent when used as a measure container with or without gage rods or markers, \$100.

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240

241

6. For a tank whose capacity is 500 or more gallons or the metric equivalent when used as a measure container with or without gage rods or markers, \$200.

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243

244

7. For a taximeter, \$50.

245

8. For a grain moisture meter, \$25.

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9. For a multiple dimension measuring device, \$100.

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247 (3) All moneys received by the department pursuant to ss.  
248 531.56-531.62 shall be deposited in the General Inspection Trust  
249 Fund, are continuously appropriated to the department, and shall  
250 be used by the department to administer this chapter.

251 Section 6. Section 531.59, Florida Statutes, is created to  
252 read:

253 531.59 Suspension and revocation of permits.--A weighing  
254 or measuring device permit issued under ss. 531.56-531.62 may be  
255 suspended or revoked by the department if the device for which  
256 the permit was issued is used in violation of this chapter or  
257 rules adopted under this chapter.

258 Section 7. Section 531.60, Florida Statutes, is created to  
259 read:

260 531.60 Noncommercial devices; permit required for testing  
261 by department.--The department may not test a weighing or  
262 measuring device for which a permit fee is established in s.  
263 531.58, even if the device is not used for commercial purposes  
264 as defined by department rule, unless a permit is obtained for  
265 the device and the applicable fee is paid to the department  
266 under ss. 531.58-531.62.

267 Section 8. Section 531.61, Florida Statutes, is created to  
268 read:

269 531.61 Forms, permits, certificates, and identification  
270 tags or stickers; registration application forms.--

271 (1) The department shall prescribe such forms, permits,  
272 certificates, and identification tags or stickers necessary to  
273 administer ss. 531.56-531.62.

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274 (2) Upon issuance of a weighing or measuring device  
275 permit, the department shall issue to the applicant a  
276 certificate or other evidence that the device is permitted  
277 pursuant to ss. 531.56-531.62.

278 (3) An application for a weighing or measuring device  
279 permit must be submitted to the department in the format  
280 prescribed by the department. The application must contain the  
281 information required by the department.

282 Section 9. Section 531.62, Florida Statutes, is created to  
283 read:

284 531.62 Notice of violation of unpermitted weighing or  
285 measuring device; tagging or sealing devices to prevent  
286 unpermitted use; penalties.--If a weighing or measuring device  
287 for which a permit fee is established in s. 531.58 is used for  
288 commercial purposes as defined by department rule and a permit  
289 was not obtained for the device, the department may:

290 (1) Prohibit any further commercial use of the unpermitted  
291 device until the applicable permit is issued.

292 (2) Attach to the device such forms, notices, tags, or  
293 seals to prevent the continued unpermitted use of the device.

294 (3) Assess a late fee in accordance with s. 531.56(3).

295 (4) In addition to requiring payment of the applicable  
296 fees required to obtain a valid permit for use of the device,  
297 impose any penalty authorized in s. 531.50(1) against the owner  
298 and any person using the device.

299 Section 10. Paragraph (a) of subsection (2) of section  
300 576.021, Florida Statutes, is amended to read:

301 576.021 Registration and licensing.--

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302 (2) (a) A person may not distribute a specialty fertilizer  
303 in this state until it is registered with the department by the  
304 licensee whose name appears on the label. An application for  
305 registration of each grade of specialty fertilizer shall be made  
306 on a form furnished by the department and shall be accompanied  
307 by an annual fee of \$100 for each specialty fertilizer that is  
308 registered ~~for the first five registrations for each grade of~~  
309 ~~each brand. If more than five grades of specialty fertilizer are~~  
310 ~~to be registered by a licensee, the registration fee for the~~  
311 ~~sixth grade registered and for each subsequent grade registered~~  
312 ~~shall be \$25 for each grade of each brand.~~ All specialty  
313 fertilizer registrations expire June 30 each year. All licensing  
314 and registration fees paid to the department under this section  
315 shall be deposited into the State Treasury to be placed in the  
316 General Inspection Trust Fund to be used for the sole purpose of  
317 funding the fertilizer inspection program.

318 Section 11. Paragraph (a) of subsection (2) of section  
319 576.045, Florida Statutes, is amended to read:

320 576.045 Nitrogen and phosphorus; findings and intent;  
321 fees; purpose; best-management practices; waiver of liability;  
322 compliance; rules; exclusions; expiration.--

323 (2) FEES.--

324 (a) In addition to the fees imposed under ss. 576.021 and  
325 576.041, the following supplemental fees shall be collected and  
326 paid by licensees for the sole purpose of implementing this  
327 section:

328 1. One hundred dollars for each license to distribute  
329 fertilizer.

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330           2. One hundred dollars for each ~~of the first five~~  
331 specialty fertilizer ~~registrations and \$25 for each~~ registration  
332 ~~after the first five.~~

333           3. Fifty cents per ton for all fertilizer that contains  
334 nitrogen or phosphorus and that is sold in this state.

335           Section 12. Subsection (1) of section 578.08, Florida  
336 Statutes, is amended to read:

337           578.08 Registrations.--

338           (1) Every person, except as provided in subsection (4) and  
339 s. 578.14, before selling, distributing for sale, offering for  
340 sale, exposing for sale, handling for sale, or soliciting orders  
341 for the purchase of any agricultural, vegetable, flower, or  
342 forest tree seed or mixture thereof, shall first register with  
343 the department as a seed dealer. The application for  
344 registration shall include the name and location of each place  
345 of business at which the seed is sold, distributed for sale,  
346 offered for sale, exposed for sale, or handled for sale. The  
347 application for registration shall be accompanied by an annual  
348 registration fee for each such place of business based on the  
349 gross receipts from the sale of such seed for the last preceding  
350 license year as follows:

351           (a)1. Receipts less than \$2,500.01, fee of \$100.~~....\$50~~

352           2. Receipts more than \$2,500 and less than \$5,000.01, fee  
353 of \$200.~~....\$100~~

354           3. Receipts more than \$5,000 and less than \$10,000.01, fee  
355 of \$350.~~....\$175~~

356           4. Receipts more than \$10,000 and less than \$20,000.01,  
357 fee of \$800.~~....\$400~~

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358 5. Receipts more than \$20,000 and less than \$40,000.01,  
359 fee of \$1,000.~~....\$500~~

360 6. Receipts more than \$40,000 and less than \$70,000.01,  
361 fee of \$1,200.~~....\$600~~

362 7. Receipts more than \$70,000 and less than \$150,000.01,  
363 fee of \$1,600.~~....\$800~~

364 8. Receipts more than \$150,000 and less than \$400,000.01,  
365 fee of \$2,400.~~....\$1,200~~

366 9. Receipts more than \$400,000, fee of \$4,600.~~....\$2,300~~

367 (b) For places of business not previously in operation,  
368 the fee shall be based on anticipated receipts for the first  
369 license year.

370 Section 13. Subsection (2) of section 589.08, Florida  
371 Statutes, is amended to read:

372 589.08 Land acquisition restrictions.--

373 (2) The division may receive, hold the custody of, and  
374 exercise the control of any lands, and set aside into a  
375 separate, distinct, and inviolable fund, the proceeds which may  
376 be derived from the sales of the products of such lands, the use  
377 thereof in any manner, or the sale of such lands, except that  
378 ~~save the~~ 25 percent of the proceeds thereof shall ~~to~~ be paid  
379 into the State School Fund as provided by law. The division may  
380 use and apply such funds for the acquisition, use, custody,  
381 management, development, or improvement of any lands vested in  
382 or subject to the control of such division. After full payment  
383 is has been made to the Federal Government or other grantor for  
384 the purchase of a state forest, ~~to the Federal Government or~~  
385 ~~other grantor,~~ then 15 percent of the gross receipts from a  
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386 state forest shall be paid to the fiscally constrained county or  
387 counties as described in s. 218.67(1) in which the forest ~~it~~ is  
388 located in proportion to the acreage located in each fiscally  
389 constrained county for use by the county or counties for school  
390 purposes.

391 Section 14. Section 589.081, Florida Statutes, is amended  
392 to read:

393 589.081 Withlacoochee State Forest and Goethe State  
394 Forest; payment to counties of portion of gross receipts.--The  
395 Division of Forestry shall pay 15 percent of the gross receipts  
396 from Withlacoochee State Forest and the Goethe State Forest to  
397 each fiscally constrained county as described in s. 218.67(1) in  
398 which a portion of the respective forest is located in  
399 proportion to the forest acreage located in each fiscally  
400 constrained county. The funds must be equally divided between  
401 the board of county commissioners and the school board of each  
402 fiscally constrained county.

403 Section 15. Except as otherwise expressly provided in this  
404 act, this act shall take effect July 1, 2009.

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406 -----

**T I T L E A M E N D M E N T**

407 Remove the entire title and insert:

409 A bill to be entitled

410 An act relating to the Department of Agriculture and  
411 Consumer Services; amending s. 482.2401, F.S.; replacing a  
412 requirement that the department use all revenues from  
413 certain administrative fines to support research or

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414 education in pest control with an authorization to use  
415 such available revenues for those purposes; amending s.  
416 487.041, F.S.; establishing supplemental biennial  
417 registration fees for certain brands of pesticide;  
418 requiring the department to adopt rules publishing a list  
419 of active ingredients contained in pesticides for which  
420 the supplemental fee is required; providing for  
421 retroactive assessment of the supplemental fees; providing  
422 for use of the revenues collected from the fees; providing  
423 for retroactive application; creating s. 531.56, F.S.;  
424 requiring a permit for use of a weighing or measuring  
425 device for commercial purposes; providing requirements for  
426 the issuance of permits; establishing additional  
427 requirements applicable to a permitted device after a  
428 change in ownership; providing for expiration of permits;  
429 requiring annual renewal of permits; requiring late fees  
430 under certain circumstances; creating s. 531.57, F.S.;  
431 exempting certain devices from permitting requirements;  
432 creating s. 531.58, F.S.; requiring permit fees;  
433 specifying maximum fees; providing for deposit,  
434 appropriation, and use of funds; creating s. 531.59, F.S.;  
435 authorizing the department to suspend or revoke permits  
436 under certain circumstances; creating s. 531.60, F.S.;  
437 prohibiting the department from testing a noncommercial  
438 device unless a permit is issued for the device; creating  
439 s. 531.61, F.S.; providing for device application forms,  
440 permits, certificates, and identification tags or  
441 stickers; creating s. 531.62, F.S.; prohibiting the

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HOUSE AMENDMENT

Bill No. CS/SB 1744

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442 unpermitted use of commercial weighing and measuring  
443 devices; providing penalties; amending ss. 576.021 and  
444 576.045, F.S.; revising fees for the registration of  
445 specialty fertilizers; amending s. 578.08, F.S.; revising  
446 fees for the registration of seed dealers; amending ss.  
447 589.08 and 589.081, F.S.; limiting the use of part of the  
448 gross receipts from certain state forests for schools and  
449 other purposes to counties that are fiscally constrained;  
450 providing effective dates.

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