

By Senator Simpson

18-00976-16

20161270__

1 A bill to be entitled
2 An act relating to pesticide registration; amending s.
3 487.041, F.S.; deleting provisions relating to
4 supplemental registration fees for certain pesticides
5 that contain active ingredients for which the United
6 States Environmental Protection Agency has established
7 food tolerance limits; deleting a provision requiring
8 the department to publish a list of certain active
9 ingredients; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsections (1) and (2) of section 487.041,
14 Florida Statutes, are amended to read:

15 487.041 Registration.—

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

26 1. The name, business mailing address, and street address
27 of the registrant.

28 2. The name of the brand of pesticide.

29 3. An ingredient statement and a complete current copy of
30 the labeling accompanying the brand of pesticide, which must
31 conform to the registration, and a statement of all claims to be
32 made for it, including directions for use and a guaranteed

18-00976-16

20161270__

33 analysis showing the names and percentages by weight of each
34 active ingredient, the total percentage of inert ingredients,
35 and the names and percentages by weight of each "added
36 ingredient."

37 (b) Effective January 1, 2009, for the purpose of defraying
38 expenses of the department in connection with carrying out the
39 provisions of this part, each registrant shall pay a biennial
40 registration fee for each registered brand of pesticide. The
41 registration of each brand of pesticide shall cover a designated
42 2-year period beginning on January 1 of each odd-numbered year
43 and expiring on December 31 of the following year.

44 (c) Each registration issued by the department to a
45 registrant for a period beginning in an odd-numbered year shall
46 be assessed a fee of \$700 per brand of pesticide and a fee of
47 \$200 for each special local need label and experimental use
48 permit, and the registration shall expire on December 31 of the
49 following year. Each registration issued by the department to a
50 registrant for a period beginning in an even-numbered year shall
51 be assessed a fee of \$350 per brand of pesticide and fee of \$100
52 for each special local need label and experimental use permit,
53 and the registration shall expire on December 31 of that year.

54 ~~(d)1. Effective January 1, 2009, in addition to the fees~~
55 ~~assessed pursuant to paragraphs (b) and (c), for the purpose of~~
56 ~~defraying the expenses of the department for testing pesticides~~
57 ~~for food safety, each registrant shall pay a supplemental~~
58 ~~biennial registration fee for each registered brand of pesticide~~
59 ~~that contains an active ingredient for which the United States~~
60 ~~Environmental Protection Agency has established a food tolerance~~
61 ~~limit in 40 C.F.R. part 180. The department shall biennially~~

18-00976-16

20161270__

62 ~~publish by rule a list of the pesticide active ingredients for~~
63 ~~which a brand of pesticide is subject to the supplemental~~
64 ~~registration fee.~~

65 ~~2. Each registration issued by the department to a~~
66 ~~registrant for a period beginning in an odd-numbered year shall~~
67 ~~be assessed a supplemental registration fee of \$630 per brand of~~
68 ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~
69 ~~Each registration issued by the department to a registrant for a~~
70 ~~period beginning in an even-numbered year shall be assessed a~~
71 ~~supplemental registration fee of \$315 per brand of pesticide~~
72 ~~that is subject to the fee pursuant to subparagraph 1. The~~
73 ~~department shall retroactively assess the supplemental~~
74 ~~registration fee for each brand of pesticide that registered on~~
75 ~~or after January 1, 2009, and that is subject to the fee~~
76 ~~pursuant to subparagraph 1.~~

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

84 ~~(e)(f)~~ If the renewal of a brand of pesticide, including
85 the special local need label and experimental use permit, is not
86 filed by January 31 of the renewal year, an additional fee of
87 \$25 per brand of pesticide shall be assessed per month and added
88 to the original fee. This additional fee may not exceed \$250 per
89 brand of pesticide. The additional fee must be paid by the
90 registrant before the renewal certificate for the registration

18-00976-16

20161270__

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

93 (f)~~(g)~~ This subsection does not apply to distributors or
94 retail dealers selling brands of pesticide if such brands of
95 pesticide are registered by another person.

96 (g)~~(h)~~ All registration fees, including ~~supplemental fees~~
97 ~~and~~ late fees, are nonrefundable.

98 (h)~~(i)~~ For any currently registered pesticide product brand
99 that undergoes labeling revisions during the registration
100 period, the registrant shall submit to the department a copy of
101 the revised labeling along with a cover letter detailing such
102 revisions before the sale or distribution in this state of the
103 product brand with the revised labeling. If the labeling
104 revisions require notification of an amendment review by the
105 United States Environmental Protection Agency, the registrant
106 shall submit an additional copy of the labeling marked to
107 identify those revisions.

108 (i)~~(j)~~ Effective January 1, 2013, all payments of any
109 pesticide registration fees, including ~~supplemental fees and~~
110 late fees, shall be submitted electronically using the
111 department's Internet website for registration of pesticide
112 product brands.

113 (2) The department shall adopt rules governing the
114 procedures for the registration of a brand of pesticide and, for
115 the review of data submitted by an applicant for registration of
116 the brand of pesticide, ~~and for biennially publishing the list~~
117 ~~of active ingredients for which a brand of pesticide is subject~~
118 ~~to the supplemental registration fee pursuant to subparagraph~~
119 ~~(1)(d)1~~. The department shall determine whether the brand of

18-00976-16

20161270__

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

18-00976-16

20161270__

149

Section 2. This act shall take effect July 1, 2016.