

By Senator Hutson

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1 A bill to be entitled
2 An act relating to agriculture; amending s. 163.3162,
3 F.S.; providing sole authority to regulate the burning
4 of agricultural crops on certain lands to the
5 Department of Agriculture and Consumer Services;
6 creating s. 580.0365, F.S.; preempting regulatory
7 authority over commercial feed and feedstuff to the
8 department; amending s. 581.211, F.S.; providing
9 penalties for certain handling of plant pests without
10 a special permit from the Division of Plant Industry
11 within the department; specifying that moneys
12 collected must be deposited into the Plant Industry
13 Trust Fund; providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (5) is added to section 163.3162,
18 Florida Statutes, to read:

19 163.3162 Agricultural Lands and Practices.—

20 (5) BURNING OF AGRICULTURAL CROPS.—The Department of
21 Agriculture and Consumer Services has the sole authority to
22 regulate the burning of agricultural crops on land classified as
23 agricultural land pursuant to s. 193.461.

24 Section 2. Section 580.0365, Florida Statutes, is created
25 to read:

26 580.0365 Preemption of regulatory authority over commercial
27 feed and feedstuff.—In order to provide for uniform regulation
28 throughout the state, the state preempts all regulation over
29 commercial feed and feedstuff to the department. Notwithstanding
30 any other provision of law, the authority to regulate, inspect,
31 sample, and analyze any commercial feed or feedstuff distributed
32 in this state or to exercise the powers and duties under this

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33 chapter, including the assessment of any penalties for
34 violations of this chapter, is preempted to the department. If
35 any rule adopted by, or final order of, the department relating
36 to commercial feed and feedstuff is in conflict with any other
37 provision or restriction under a local ordinance or
38 administrative rule adopted by, or final order of, an entity or
39 agency other than the department, this section shall govern and
40 such local ordinance, rule, or order is preempted.

41 Section 3. Subsections (4) and (5) are added to section
42 581.211, Florida Statutes, to read:

43 581.211 Penalties for violations.—

44 (4) A person who knowingly acquires, imports, possesses,
45 sells or offers to sell, trades or offers to trade, barter or
46 offers to barter, moves or causes to be moved, introduces, or
47 releases a plant pest in this state without a special permit
48 from the division:

49 (a) Commits a misdemeanor of the first degree, punishable
50 as provided in s. 775.082 or s. 775.083;

51 (b) Is subject to an administrative fine pursuant to s.
52 570.971 in the Class II category for each violation of this
53 chapter;

54 (c) May have a certificate of registration or certificate
55 of inspection suspended or revoked; and

56 (d) Is liable for the payment of all reasonable costs and
57 expenses incurred by the department in a plant pest control or
58 eradication program. Moneys collected pursuant to this section
59 shall be deposited into the Plant Industry Trust Fund.

60 (5) A person who knowingly acquires, imports, possesses,
61 sells or offers to sell, trades or offers to trade, barter or

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62 offers to barter, moves or causes to be moved, introduces, or
63 releases a plant pest in this state without a special permit
64 from the division that results in the issuance of a declaration
65 of an agricultural emergency by the Commissioner of Agriculture
66 or the implementation of a control or eradication program by the
67 department or the United States Department of Agriculture:

68 (a) Commits a felony of the second degree, punishable as
69 provided in s. 775.082 or s. 775.083;

70 (b) Is subject to an administrative fine pursuant to s.
71 570.971 in the Class IV category for each violation of this
72 chapter;

73 (c) May have a certificate of registration or certificate
74 of inspection suspended or revoked; and

75 (d) Is liable for the payment of all reasonable costs and
76 expenses incurred by the department in a plant pest control or
77 eradication program. Moneys collected pursuant to this section
78 shall be deposited into the Plant Industry Trust Fund.

79 Section 4. This act shall take effect July 1, 2016.