

1 A bill to be entitled
 2 An act relating to agricultural practices; amending s.
 3 320.08, F.S.; revising the circumstances under which a
 4 truck tractor used for hauling forestry products and
 5 equipment is eligible for a specified license plate
 6 fee; revising the circumstances under which a truck
 7 tractor or heavy truck engaged in transporting certain
 8 agricultural or horticultural products is eligible for
 9 a restricted license plate for a fee; amending s.
 10 487.041, F.S.; deleting a requirement that registrants
 11 pay a supplemental fee for pesticides that contain an
 12 active ingredient for which the United States
 13 Environmental Protection Agency has established a food
 14 tolerance limit; conforming provisions to changes made
 15 by the act; deleting obsolete provisions; providing an
 16 effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Paragraphs (m) and (n) of subsection (4) of
 21 section 320.08, Florida Statutes, are amended to read:

22 320.08 License taxes.—Except as otherwise provided herein,
 23 there are hereby levied and imposed annual license taxes for the
 24 operation of motor vehicles, mopeds, motorized bicycles as
 25 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,

26 | and mobile homes as defined in s. 320.01, which shall be paid to
 27 | and collected by the department or its agent upon the
 28 | registration or renewal of registration of the following:

29 | (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
 30 | VEHICLE WEIGHT.—

31 | (m) Notwithstanding the declared gross vehicle weight, a
 32 | truck tractor used within the state ~~a 150-mile radius of its~~
 33 | ~~home address~~ is eligible for a license plate for a fee of \$324
 34 | flat if:

35 | 1. The truck tractor is used exclusively for hauling
 36 | forestry products; or

37 | 2. The truck tractor is used primarily for the hauling of
 38 | forestry products, and is also used for the hauling of
 39 | associated forestry harvesting equipment used by the owner of
 40 | the truck tractor.

41 |
 42 | Of the fee imposed by this paragraph, \$84 shall be deposited
 43 | into the General Revenue Fund.

44 | (n) A truck tractor or heavy truck, not operated as a for-
 45 | hire vehicle, which is engaged exclusively in transporting raw,
 46 | unprocessed, and nonmanufactured agricultural or horticultural
 47 | products within the state ~~a 150-mile radius of its home address,~~
 48 | is eligible for a restricted license plate for a fee of:

49 | 1. If such vehicle's declared gross vehicle weight is less
 50 | than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be

51 deposited into the General Revenue Fund.

52 2. If such vehicle's declared gross vehicle weight is
 53 44,000 pounds or more and such vehicle only transports from the
 54 point of production to the point of primary manufacture; to the
 55 point of assembling the same; or to a shipping point of a rail,
 56 water, or motor transportation company, \$324 flat, of which \$84
 57 shall be deposited into the General Revenue Fund.

58
 59 Such not-for-hire truck tractors and heavy trucks used
 60 exclusively in transporting raw, unprocessed, and
 61 nonmanufactured agricultural or horticultural products may be
 62 incidentally used to haul farm implements and fertilizers
 63 delivered direct to the growers. The department may require any
 64 documentation deemed necessary to determine eligibility prior to
 65 issuance of this license plate. For the purpose of this
 66 paragraph, "not-for-hire" means the owner of the motor vehicle
 67 must also be the owner of the raw, unprocessed, and
 68 nonmanufactured agricultural or horticultural product, or the
 69 user of the farm implements and fertilizer being delivered.

70 Section 2. Paragraphs (d) through (j) of subsection (1)
 71 and subsection (2) of section 487.041, Florida Statutes, are
 72 amended to read:

73 487.041 Registration.—

74 (1)

75 ~~(d)1. Effective January 1, 2009, in addition to the fees~~

76 ~~assessed pursuant to paragraphs (b) and (c), for the purpose of~~
77 ~~defraying the expenses of the department for testing pesticides~~
78 ~~for food safety, each registrant shall pay a supplemental~~
79 ~~biennial registration fee for each registered brand of pesticide~~
80 ~~that contains an active ingredient for which the United States~~
81 ~~Environmental Protection Agency has established a food tolerance~~
82 ~~limit in 40 C.F.R. part 180. The department shall biennially~~
83 ~~publish by rule a list of the pesticide active ingredients for~~
84 ~~which a brand of pesticide is subject to the supplemental~~
85 ~~registration fee.~~

86 ~~2. Each registration issued by the department to a~~
87 ~~registrant for a period beginning in an odd-numbered year shall~~
88 ~~be assessed a supplemental registration fee of \$630 per brand of~~
89 ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~
90 ~~Each registration issued by the department to a registrant for a~~
91 ~~period beginning in an even-numbered year shall be assessed a~~
92 ~~supplemental registration fee of \$315 per brand of pesticide~~
93 ~~that is subject to the fee pursuant to subparagraph 1. The~~
94 ~~department shall retroactively assess the supplemental~~
95 ~~registration fee for each brand of pesticide that registered on~~
96 ~~or after January 1, 2009, and that is subject to the fee~~
97 ~~pursuant to subparagraph 1.~~

98 (d) ~~(e)~~ All revenues collected, less those costs determined
99 by the department to be nonrecurring or one-time costs, shall be
100 deferred over the 2-year registration period, deposited in the

101 General Inspection Trust Fund, and used by the department in
102 carrying out the provisions of this chapter. ~~Revenues collected~~
103 ~~from the supplemental registration fee may also be used by the~~
104 ~~department for testing pesticides for food safety.~~

105 (e)~~(f)~~ If the renewal of a brand of pesticide, including
106 the special local need label and experimental use permit, is not
107 filed by January 31 of the renewal year, an additional fee of
108 \$25 per brand of pesticide shall be assessed per month and added
109 to the original fee. This additional fee may not exceed \$250 per
110 brand of pesticide. The additional fee must be paid by the
111 registrant before the renewal certificate for the registration
112 of the brand of pesticide is issued. The additional fee shall be
113 deposited into the General Inspection Trust Fund.

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

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

119 (h)~~(i)~~ For any currently registered pesticide product
120 brand that undergoes labeling revisions during the registration
121 period, the registrant shall submit to the department a copy of
122 the revised labeling along with a cover letter detailing such
123 revisions before the sale or distribution in this state of the
124 product brand with the revised labeling. If the labeling
125 revisions require notification of an amendment review by the

126 United States Environmental Protection Agency, the registrant
127 shall submit an additional copy of the labeling marked to
128 identify those revisions.

129 (i)~~(j)~~ ~~Effective January 1, 2013,~~ All payments of any
130 pesticide registration fees, including ~~supplemental fees and~~
131 late fees, shall be submitted electronically using the
132 department's Internet website for registration of pesticide
133 product brands.

134 (2) The department shall adopt rules governing the
135 procedures for the registration of a brand of pesticide and, for
136 the review of data submitted by an applicant for registration of
137 the brand of pesticide, ~~and for biennially publishing the list~~
138 ~~of active ingredients for which a brand of pesticide is subject~~
139 ~~to the supplemental registration fee pursuant to subparagraph~~
140 ~~(1)(d)1~~. The department shall determine whether the brand of
141 pesticide should be registered, registered with conditions, or
142 tested under field conditions in this state. The department
143 shall determine whether each request for registration of a brand
144 of pesticide meets the requirements of current state and federal
145 law. The department, whenever it deems it necessary in the
146 administration of this part, may require the manufacturer or
147 registrant to submit the complete formula, quantities shipped
148 into or manufactured in the state for distribution and sale,
149 evidence of the efficacy and the safety of any pesticide, and
150 other relevant data. The department may review and evaluate a

151 registered pesticide if new information is made available that
152 indicates that use of the pesticide has caused an unreasonable
153 adverse effect on public health or the environment. Such review
154 shall be conducted upon the request of the State Surgeon General
155 in the event of an unreasonable adverse effect on public health
156 or the Secretary of Environmental Protection in the event of an
157 unreasonable adverse effect on the environment. Such review may
158 result in modifications, revocation, cancellation, or suspension
159 of the registration of a brand of pesticide. The department, for
160 reasons of adulteration, misbranding, or other good cause, may
161 refuse or revoke the registration of the brand of any pesticide
162 after notice to the applicant or registrant giving the reason
163 for the decision. The applicant may then request a hearing,
164 pursuant to chapter 120, on the intention of the department to
165 refuse or revoke registration, and, upon his or her failure to
166 do so, the refusal or revocation shall become final without
167 further procedure. The registration of a brand of pesticide may
168 not be construed as a defense for the commission of any offense
169 prohibited under this part.

170 Section 3. This act shall take effect July 1, 2017.