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576-03805-17

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Finance and Tax)

A bill to be entitled

An act relating to agricultural practices; amending s. 212.08, F.S.; increasing the portion of the sales price for certain farm trailers that is exempt from the sales and use tax; exempting certain animal and aquaculture health products, fencing materials, and oxygen products from sales, rental, use, consumption, distribution, and storage taxes; amending s. 320.08, F.S.; revising the circumstances under which truck tractors used in certain forestry-related activities are eligible for a specified license plate fee; revising the circumstances under which a truck tractor or heavy truck engaged in transporting certain agricultural or horticultural products is eligible for a restricted license plate for a fee; amending s. 487.041, F.S.; deleting a requirement that registrants pay a supplemental fee for pesticides that contain an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit; conforming provisions to changes made by the act; deleting obsolete provisions; amending s. 801.011, F.S.; deleting an obsolete provision; making technical changes; providing effective dates.

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

Section 1. Paragraph (b) of subsection (3) and paragraph



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28 (a) of subsection (5) of section 212.08, Florida Statutes, are  
29 amended to read:

30 212.08 Sales, rental, use, consumption, distribution, and  
31 storage tax; specified exemptions.—The sale at retail, the  
32 rental, the use, the consumption, the distribution, and the  
33 storage to be used or consumed in this state of the following  
34 are hereby specifically exempt from the tax imposed by this  
35 chapter.

36 (3) EXEMPTIONS; CERTAIN FARM EQUIPMENT.—

37 (b) The tax may not be imposed on that portion of the sales  
38 price below \$25,000 ~~\$20,000~~ for a trailer weighing 12,000 pounds  
39 or less and purchased by a farmer for exclusive use in  
40 agricultural production or to transport farm products from his  
41 or her farm to the place where the farmer transfers ownership of  
42 the farm products to another. This exemption is not forfeited by  
43 using a trailer to transport the farmer's farm equipment. The  
44 exemption provided under this paragraph does not apply to the  
45 lease or rental of a trailer.

46 (5) EXEMPTIONS; ACCOUNT OF USE.—

47 (a) *Items in agricultural use and certain nets.*—There are  
48 exempt from the tax imposed by this chapter nets designed and  
49 used exclusively by commercial fisheries; disinfectants,  
50 fertilizers, insecticides, pesticides, herbicides, fungicides,  
51 and weed killers used for application on crops or groves,  
52 including commercial nurseries and home vegetable gardens, used  
53 in dairy barns or on poultry farms for the purpose of protecting  
54 poultry or livestock, or used directly on poultry or livestock;  
55 animal health products that are administered to, applied to, or  
56 consumed by livestock or poultry to alleviate pain or to cure or



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57 prevent sickness, disease, or suffering, including, but not  
58 limited to, antiseptics, absorbent cotton, gauze for bandages,  
59 lotions, vaccines, vitamins, and worm remedies; aquaculture  
60 health products that are used by aquaculture producers, as  
61 defined in s. 597.0015, to prevent or treat fungi, bacteria, and  
62 parasitic diseases; portable containers or movable receptacles  
63 in which portable containers are placed, used for processing  
64 farm products; field and garden seeds, including flower seeds;  
65 nursery stock, seedlings, cuttings, or other propagative  
66 material purchased for growing stock; seeds, seedlings,  
67 cuttings, and plants used to produce food for human consumption;  
68 cloth, plastic, and other similar materials used for shade,  
69 mulch, or protection from frost or insects on a farm; hog wire  
70 and nylon mesh netting used on a farm for protection from  
71 predatory or destructive animals; barbed wire fencing, including  
72 gates and materials used to construct or repair such fencing,  
73 used on a beef or dairy cattle farm; stakes used by a farmer to  
74 support plants during agricultural production; generators used  
75 on poultry farms; compressed or liquefied oxygen used in  
76 aquaculture production; and liquefied petroleum gas or other  
77 fuel used to heat a structure in which started pullets or  
78 broilers are raised; however, such exemption is not allowed  
79 unless the purchaser or lessee signs a certificate stating that  
80 the item to be exempted is for the exclusive use designated  
81 herein. Also exempt are cellophane wrappers, glue for tin and  
82 glass (apiarists), mailing cases for honey, shipping cases,  
83 window cartons, and baling wire and twine used for baling hay,  
84 when used by a farmer to contain, produce, or process an  
85 agricultural commodity.



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86 Section 2. Paragraphs (m) and (n) of subsection (4) of  
87 section 320.08, Florida Statutes, are amended to read:

88 320.08 License taxes.—Except as otherwise provided herein,  
89 there are hereby levied and imposed annual license taxes for the  
90 operation of motor vehicles, mopeds, motorized bicycles as  
91 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
92 and mobile homes as defined in s. 320.01, which shall be paid to  
93 and collected by the department or its agent upon the  
94 registration or renewal of registration of the following:

95 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
96 VEHICLE WEIGHT.—

97 (m) Notwithstanding the declared gross vehicle weight, a  
98 truck tractor used within this state ~~a 150-mile radius of its~~  
99 ~~home address~~ is eligible for a license plate for a fee of \$324  
100 flat if:

101 1. The truck tractor is used exclusively for hauling  
102 forestry products; or

103 2. The truck tractor is used primarily for the hauling of  
104 forestry products, and is also used for the hauling of  
105 associated forestry harvesting equipment used by the owner of  
106 the truck tractor.

107  
108 Of the fee imposed by this paragraph, \$84 shall be deposited  
109 into the General Revenue Fund.

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



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115           1. If such vehicle's declared gross vehicle weight is less  
116 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
117 deposited into the General Revenue Fund.

118           2. If such vehicle's declared gross vehicle weight is  
119 44,000 pounds or more and such vehicle only transports from the  
120 point of production to the point of primary manufacture; to the  
121 point of assembling the same; or to a shipping point of a rail,  
122 water, or motor transportation company, \$324 flat, of which \$84  
123 shall be deposited into the General Revenue Fund.

124  
125 Such not-for-hire truck tractors and heavy trucks used  
126 exclusively in transporting raw, unprocessed, and  
127 nonmanufactured agricultural or horticultural products may be  
128 incidentally used to haul farm implements and fertilizers  
129 delivered direct to the growers. The department may require any  
130 documentation deemed necessary to determine eligibility prior to  
131 issuance of this license plate. For the purpose of this  
132 paragraph, "not-for-hire" means the owner of the motor vehicle  
133 must also be the owner of the raw, unprocessed, and  
134 nonmanufactured agricultural or horticultural product, or the  
135 user of the farm implements and fertilizer being delivered.

136           Section 3. Paragraphs (d) through (j) of subsection (1) and  
137 subsection (2) of section 487.041, Florida Statutes, are amended  
138 to read:

139           487.041 Registration.—

140           (1)

141           ~~(d)1. Effective January 1, 2009, in addition to the fees~~  
142 ~~assessed pursuant to paragraphs (b) and (c), for the purpose of~~  
143 ~~defraying the expenses of the department for testing pesticides~~



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144 ~~for food safety, each registrant shall pay a supplemental~~  
145 ~~biennial registration fee for each registered brand of pesticide~~  
146 ~~that contains an active ingredient for which the United States~~  
147 ~~Environmental Protection Agency has established a food tolerance~~  
148 ~~limit in 40 C.F.R. part 180. The department shall biennially~~  
149 ~~publish by rule a list of the pesticide active ingredients for~~  
150 ~~which a brand of pesticide is subject to the supplemental~~  
151 ~~registration fee.~~

152 ~~2. Each registration issued by the department to a~~  
153 ~~registrant for a period beginning in an odd-numbered year shall~~  
154 ~~be assessed a supplemental registration fee of \$630 per brand of~~  
155 ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~  
156 ~~Each registration issued by the department to a registrant for a~~  
157 ~~period beginning in an even-numbered year shall be assessed a~~  
158 ~~supplemental registration fee of \$315 per brand of pesticide~~  
159 ~~that is subject to the fee pursuant to subparagraph 1. The~~  
160 ~~department shall retroactively assess the supplemental~~  
161 ~~registration fee for each brand of pesticide that registered on~~  
162 ~~or after January 1, 2009, and that is subject to the fee~~  
163 ~~pursuant to subparagraph 1.~~

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

171 ~~(e)(f) If the renewal of a brand of pesticide, including~~  
172 ~~the special local need label and experimental use permit, is not~~



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173 filed by January 31 of the renewal year, an additional fee of  
174 \$25 per brand of pesticide shall be assessed per month and added  
175 to the original fee. This additional fee may not exceed \$250 per  
176 brand of pesticide. The additional fee must be paid by the  
177 registrant before the renewal certificate for the registration  
178 of the brand of pesticide is issued. The additional fee shall be  
179 deposited into the General Inspection Trust Fund.

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

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

185 (h)~~(i)~~ For any currently registered pesticide product brand  
186 that undergoes labeling revisions during the registration  
187 period, the registrant shall submit to the department a copy of  
188 the revised labeling along with a cover letter detailing such  
189 revisions before the sale or distribution in this state of the  
190 product brand with the revised labeling. If the labeling  
191 revisions require notification of an amendment review by the  
192 United States Environmental Protection Agency, the registrant  
193 shall submit an additional copy of the labeling marked to  
194 identify those revisions.

195 (i)~~(j)~~ ~~Effective January 1, 2013,~~ All payments of any  
196 pesticide registration fees, including ~~supplemental fees and~~  
197 late fees, shall be submitted electronically using the  
198 department's Internet website for registration of pesticide  
199 product brands.

200 (2) The department shall adopt rules governing the  
201 procedures for the registration of a brand of pesticide and, for



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202 the review of data submitted by an applicant for registration of  
203 the brand of pesticide, ~~and for biennially publishing the list~~  
204 ~~of active ingredients for which a brand of pesticide is subject~~  
205 ~~to the supplemental registration fee pursuant to subparagraph~~  
206 ~~(1)(d)1.~~ The department shall determine whether the brand of  
207 pesticide should be registered, registered with conditions, or  
208 tested under field conditions in this state. The department  
209 shall determine whether each request for registration of a brand  
210 of pesticide meets the requirements of current state and federal  
211 law. The department, whenever it deems it necessary in the  
212 administration of this part, may require the manufacturer or  
213 registrant to submit the complete formula, quantities shipped  
214 into or manufactured in the state for distribution and sale,  
215 evidence of the efficacy and the safety of any pesticide, and  
216 other relevant data. The department may review and evaluate a  
217 registered pesticide if new information is made available that  
218 indicates that use of the pesticide has caused an unreasonable  
219 adverse effect on public health or the environment. Such review  
220 shall be conducted upon the request of the State Surgeon General  
221 in the event of an unreasonable adverse effect on public health  
222 or the Secretary of Environmental Protection in the event of an  
223 unreasonable adverse effect on the environment. Such review may  
224 result in modifications, revocation, cancellation, or suspension  
225 of the registration of a brand of pesticide. The department, for  
226 reasons of adulteration, misbranding, or other good cause, may  
227 refuse or revoke the registration of the brand of any pesticide  
228 after notice to the applicant or registrant giving the reason  
229 for the decision. The applicant may then request a hearing,  
230 pursuant to chapter 120, on the intention of the department to





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231 refuse or revoke registration, and, upon his or her failure to  
232 do so, the refusal or revocation shall become final without  
233 further procedure. The registration of a brand of pesticide may  
234 not be construed as a defense for the commission of any offense  
235 prohibited under this part.

236 Section 4. Effective October 1, 2017, subsection (5) of  
237 section 810.011, Florida Statutes, is amended to read:

238 810.011 Definitions.—As used in this chapter:

239 (5) (a) "Posted land" is that land upon which:

240 1. Signs are placed not more than 500 feet apart along, and  
241 at each corner of, the boundaries of the land, upon which signs  
242 there appears prominently, in letters of not less than 2 inches  
243 in height, the words "no trespassing" and in addition thereto  
244 the name of the owner, lessee, or occupant of said land. Said  
245 signs shall be placed along the boundary line of posted land in  
246 a manner and in such position as to be clearly noticeable from  
247 outside the boundary line; or

248 2.a. Conspicuous no trespassing notice is painted on trees  
249 or posts on the property, provided that the notice is:

250 (I) Painted in an international orange color and displaying  
251 the stenciled words "No Trespassing" in letters no less than 2  
252 inches high and 1 inch wide either vertically or horizontally;

253 (II) Placed so that the bottom of the painted notice is not  
254 less than 3 feet from the ground or more than 5 feet from the  
255 ground; and

256 (III) Placed at locations that are readily visible to any  
257 person approaching the property and no more than 500 feet apart  
258 on agricultural land.

259 b. ~~Beginning October 1, 2007,~~ When a landowner uses the



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260 painted no trespassing posting to identify a "no trespassing"  
261 area, such ~~these~~ painted notices must ~~shall~~ be accompanied by  
262 signs complying with subparagraph 1. and placed conspicuously at  
263 all places where entry to the property is normally expected or  
264 known to occur.

265 (b) It is ~~shall~~ not ~~be~~ necessary to give notice by posting  
266 on any enclosed land or place not exceeding 5 acres in area on  
267 which there is a dwelling house in order to obtain the benefits  
268 of ss. 810.09 and 810.12 pertaining to trespass on enclosed  
269 lands.

270 Section 5. Except as otherwise expressly provided in this  
271 act, this act shall take effect July 1, 2017.