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HB 5401, Engrossed 1

2017 Legislature

1
2 An act relating to pesticide registration; amending s.
3 487.041, F.S.; removing 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; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsections (1) and (2) of section 487.041,
12 Florida Statutes, are amended to read:

13 487.041 Registration.—

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

24 1. The name, business mailing address, and street address
25 of the registrant.

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26 | 2. The name of the brand of pesticide.

27 | 3. An ingredient statement and a complete current copy of
28 | the labeling accompanying the brand of pesticide, which must
29 | conform to the registration, and a statement of all claims to be
30 | made for it, including directions for use and a guaranteed
31 | analysis showing the names and percentages by weight of each
32 | active ingredient, the total percentage of inert ingredients,
33 | and the names and percentages by weight of each "added
34 | ingredient."

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

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

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51 for each special local need label and experimental use permit,
52 and the registration shall expire on December 31 of that year.

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

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

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

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

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

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

97 (h)~~(i)~~ For any currently registered pesticide product
 98 brand that undergoes labeling revisions during the registration
 99 period, the registrant shall submit to the department a copy of
 100 the revised labeling along with a cover letter detailing such

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101 revisions before the sale or distribution in this state of the
102 product brand with the revised labeling. If the labeling
103 revisions require notification of an amendment review by the
104 United States Environmental Protection Agency, the registrant
105 shall submit an additional copy of the labeling marked to
106 identify those revisions.

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

112 (2) The department shall adopt rules governing the
113 procedures for the registration of a brand of pesticide and, for
114 the review of data submitted by an applicant for registration of
115 the brand of pesticide, ~~and for biennially publishing the list~~
116 ~~of active ingredients for which a brand of pesticide is subject~~
117 ~~to the supplemental registration fee pursuant to subparagraph~~
118 ~~(1)(d)1~~. The department shall determine whether the brand of
119 pesticide should be registered, registered with conditions, or
120 tested under field conditions in this state. The department
121 shall determine whether each request for registration of a brand
122 of pesticide meets the requirements of current state and federal
123 law. The department, whenever it deems it necessary in the
124 administration of this part, may require the manufacturer or
125 registrant to submit the complete formula, quantities shipped

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

148 Section 2. This act shall take effect July 1, 2017.