

Bill No. SB 858

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Proposed Committee Substitute by the Committee on Agriculture

1 A bill to be entitled
2 An act relating to agriculture; amending ss.
3 372.921 and 372.922, F.S.; conforming
4 provisions relating to regulatory authority
5 over the possession, control, care, and
6 maintenance of bison; creating s. 450.175,
7 F.S.; providing a short title; repealing s.
8 450.211, F.S., relating to the advisory
9 committee for the Legislative Commission on
10 Migrant Labor; amending s. 487.2031, F.S.;
11 revising the definition of the term "material
12 safety data sheet" for purposes of the Florida
13 Agricultural Worker Safety Act; repealing s.
14 502.014(5), F.S.; deleting a duty of the
15 Department of Agriculture and Consumer Services
16 relating to the issuance of a temporary
17 marketing permit for milk and milk products and
18 a fee therefor; amending s. 502.091, F.S.;
19 deleting a reference to a type of milk which is
20 no longer produced; amending s. 503.011, F.S.;
21 updating a reference in the definition of the
22 term "frozen desserts"; amending s. 531.39,
23 F.S.; deleting an outdated reference relating
24 to state standards for weights and measures;
25 amending s. 531.47, F.S.; revising provisions
26 relating to packages on which information is
27 required; amending s. 531.49, F.S.; revising
28 provisions relating to advertising packaged
29 commodities; creating s. 570.076, F.S.;
30 authorizing the department to adopt rules
31 establishing the Environmental Stewardship

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1 Certification Program; providing program
2 standards; providing requirements for receipt
3 of an agricultural certification; authorizing
4 the Soil and Water Conservation Council to
5 develop and recommend additional criteria;
6 authorizing the department and the Institute of
7 Food and Agricultural Sciences at the
8 University of Florida to develop, deliver, and
9 certify completion of a curriculum; amending s.
10 570.9135, F.S.; correcting a reference;
11 amending s. 581.083, F.S.; prohibiting the
12 cultivation of nonnative plants for purposes of
13 fuel production or purposes other than
14 agricultural in plantings greater than a
15 specified size, except under a special permit
16 issued by the department; providing an
17 exemption; requiring application for a special
18 permit and a fee therefor; requiring an
19 applicant to show proof of security through a
20 bond or certificate of deposit; defining the
21 term "certificate of deposit"; requiring the
22 removal and destruction of plants under certain
23 circumstances; specifying the circumstances
24 under which the department may issue a final
25 order for plant removal and destruction;
26 requiring reimbursement of costs and expenses
27 for plant removal and destruction by the
28 department; providing requirements for
29 maintenance of a bond or certificate of deposit
30 by a permitholder; providing requirements
31 relating to assignment and cancellation of a

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1 bond or certificate of deposit; authorizing the
 2 requirement of an annual bond or certificate of
 3 deposit and an increase or decrease in the
 4 amount of security required; authorizing the
 5 department to verify statements and accounts
 6 with respect to cultivated acreage; providing
 7 for the suspension or revocation of a special
 8 permit under certain circumstances; amending s.
 9 585.002, F.S.; providing for the department's
 10 regulatory authority over the possession,
 11 control, care, and maintenance of bison;
 12 providing an exception; amending s. 590.125,
 13 F.S.; clarifying liability with respect to
 14 prescribed burning; providing for obsolete
 15 agricultural equipment to be assessed at its
 16 value as salvage; defining the term
 17 "agricultural equipment"; providing a procedure
 18 for a taxpayer to claim the right of assessment
 19 under this section; authorizing the property
 20 appraiser to require information establishing a
 21 taxpayer's right to the classification;
 22 providing severability; providing an effective
 23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (8) of section 372.921, Florida
28 Statutes, is amended to read:

29 372.921 Exhibition or sale of wildlife.--

30 (8) This section shall not apply to the possession,
31 control, care, and maintenance of ostriches, emus, ~~and~~ rneas,

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1 and bison domesticated and confined for commercial farming
2 purposes, except those kept and maintained on hunting
3 preserves or game farms or primarily for exhibition purposes
4 in zoos, carnivals, circuses, and other such establishments
5 where such species are kept for display to the public for a
6 fee.

7 Section 2. Subsection (6) of section 372.922, Florida
8 Statutes, is amended to read:

9 372.922 Personal possession of wildlife.--

10 (6) This section shall not apply to the possession,
11 control, care, and maintenance of ostriches, emus, ~~and~~ rheas,
12 and bison domesticated and confined for commercial farming
13 purposes, except those kept and maintained on hunting
14 preserves or game farms or primarily for exhibition purposes
15 in zoos, carnivals, circuses, and other such establishments
16 where such species are kept for display to the public for a
17 fee.

18 Section 3. Section 450.175, Florida Statutes, is
19 created to read:

20 450.175 Short title.--Part II of this chapter may be
21 cited as the "Alfredo Bahena Act."

22 Section 4. Section 450.211, Florida Statutes, is
23 repealed.

24 Section 5. Subsection (7) of section 487.2031, Florida
25 Statutes, is amended to read:

26 487.2031 Definitions.--For the purposes of this part,
27 the term:

28 (7) "Material safety data sheet" means written,
29 electronic, or printed material concerning an agricultural
30 pesticide that sets forth the following information:

31 (a) The chemical name and the common name of the

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1 agricultural pesticide.

2 (b) The hazards or other risks in the use of the
3 agricultural pesticide, including:

4 1. The potential for fire, explosions, corrosivity,
5 and reactivity.

6 2. The known acute health effects and chronic health
7 effects of exposure to the agricultural pesticide, including
8 those medical conditions that are generally recognized as
9 being aggravated by exposure to the agricultural pesticide.

10 3. The primary routes of entry and symptoms of
11 overexposure.

12 (c) The proper handling practices, necessary personal
13 protective equipment, and other proper or necessary safety
14 precautions in circumstances that involve the use of or
15 exposure to the agricultural pesticide, including appropriate
16 emergency treatment in case of overexposure.

17 (d) The emergency procedures for spills, fire,
18 disposal, and first aid.

19 (e) A description of the known specific potential
20 health risks posed by the agricultural pesticide, which is
21 written in lay terms and is intended to alert any person who
22 reads the information.

23 (f) The year and month, if available, that the
24 information was compiled and the name, address, and emergency
25 telephone number of the manufacturer responsible for preparing
26 the information.

27 Section 6. Subsection (5) of section 502.014, Florida
28 Statutes, is repealed.

29 Section 7. Subsection (1) of section 502.091, Florida
30 Statutes, is amended to read:

31 502.091 Milk and milk products which may be sold.--

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1 (1) Only Grade A pasteurized milk and milk products ~~or~~
2 ~~certified pasteurized milk~~ shall be sold to the final consumer
3 or to restaurants, soda fountains, grocery stores, or similar
4 establishments.

5 (a) In an emergency, however, the department may
6 authorize the sale of reconstituted pasteurized milk products,
7 or pasteurized milk and milk products that have not been
8 graded or the grade of that is unknown, in which case such
9 milk and milk products shall be appropriately labeled, as
10 determined by the department.

11 (b) If the department determines that milk is fit for
12 human consumption even though it is less than Grade A because
13 the producer failed to comply with the sanitation or bacterial
14 standards defined in this chapter, or if any specific shipment
15 of milk fails to comply with standards of the pasteurized milk
16 ordinance, the department may issue a permit allowing the milk
17 to be used in ungraded products, such as frozen desserts,
18 which are being processed by such milk plant. During
19 processing of such milk, it shall be pasteurized at a
20 temperature of at least 175/ F. for at least 15 seconds or at
21 least 160/ F. for at least 30 minutes.

22 Section 8. Subsection (2) of section 503.011, Florida
23 Statutes, is amended to read:

24 503.011 Definitions.--The following definitions shall
25 apply in the interpretation and enforcement of this chapter:

26 (2) "Frozen desserts" means the foods which conform to
27 the provisions of "definitions and standards of identity for
28 frozen desserts," United States Food and Drug Administration,
29 21 C.F.R. part 135(2004) ~~(1990)~~, and foods, defined by rule
30 of the department, which resemble but do not conform to
31 federal definitions. The term also includes, but is not

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1 limited to, "quiescently frozen confection," "quiescently
2 frozen dairy confection," and "frozen dietary dairy dessert
3 and frozen dietary dessert."

4 Section 9. Section 531.39, Florida Statutes, is
5 amended to read:

6 531.39 State standards.--Weights and measures that are
7 traceable to the United States prototype standards supplied by
8 the Federal Government (~~Pub. L. No. 89-164, 1965~~), or approved
9 as being satisfactory by the National Institute of Standards
10 and Technology, shall be the state primary standards of
11 weights and measures, and shall be maintained in such
12 calibration as prescribed by the National Institute of
13 Standards and Technology. In addition, there shall be
14 provided by the state such secondary standards as may be
15 necessary to carry out the provisions of this chapter. The
16 secondary standards shall be verified upon their initial
17 receipt and as often thereafter as deemed necessary by the
18 department.

19 Section 10. Section 531.47, Florida Statutes, is
20 amended to read:

21 531.47 Information required on packages.--Except as
22 otherwise provided in this chapter or by rules adopted
23 pursuant thereto, any package ~~introduced in intrastate~~
24 ~~commerce~~, kept for the purpose of sale, or offered or exposed
25 for sale ~~in intrastate commerce~~ shall bear on the outside of
26 the package a definite, plain, and conspicuous declaration of:

27 (1) The identity of the commodity in the package,
28 unless the same can easily be identified through the wrapper
29 or container.

30 (2) The net quantity of contents in terms of weight,
31 measure, or count.

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1 (3) The name and place of business of the
 2 manufacturer, packer, or distributor, in the case of any
 3 package kept or offered or exposed for sale or sold in any
 4 place other than on the premises where packed.

5 Section 11. Section 531.49, Florida Statutes, is
 6 amended to read:

7 531.49 Advertising packages for sale.--Whenever a
 8 packaged commodity is advertised in any manner with the retail
 9 price stated, there shall be closely and conspicuously
 10 associated with the retail price a declaration of quantity as
 11 is required by law or rule to appear on the package. ~~When a~~
 12 ~~dual declaration is required, only the declaration that sets~~
 13 ~~forth the quantity in terms of the smaller unit of weight or~~
 14 ~~measure need appear in the advertisement.~~

15 Section 12. Section 570.076, Florida Statutes, is
 16 created to read:

17 570.076 Environmental Stewardship Certification
 18 Program.--The department may, by rule, establish the
 19 Environmental Stewardship Certification Program consistent
 20 with this section. A rule adopted under this section must be
 21 developed in consultation with state universities,
 22 agricultural organizations, and other interested parties.

23 (1) The program must:

24 (a) Be integrated, to the maximum extent practicable,
 25 with programs that are sponsored by agricultural organizations
 26 or state universities.

27 (b) Be designed to recognize and promote agricultural
 28 operations or homeowner practices that demonstrate exemplary
 29 resource management that is related to environmental
 30 stewardship.

31 (c) Include a process to periodically review a

1 certification to ensure compliance with the program
2 requirements, including implementation by the
3 certificateholder.

4 (d) Require periodic continuing education in relevant
5 environmental stewardship issues in order to maintain
6 certification.

7 (2) The department shall provide an agricultural
8 certification under this program for the implementation of one
9 or more of the following criteria:

10 (a) A voluntary agreement between an agency and an
11 agricultural producer for environmental improvement or
12 water-resource protection.

13 (b) A conservation plan that meets or exceeds the
14 requirements of the United States Department of Agriculture.

15 (c) Best-management practices adopted by rule pursuant
16 to s. 403.067(7)(d) or s. 570.085(2).

17 (3) The Soil and Water Conservation Council created
18 under s. 582.06 may develop and recommend to the department
19 for adoption additional criteria for receipt of an
20 agricultural certification which may include, but need not be
21 limited to:

22 (a) Comprehensive management of all on-farm resources.

23 (b) Promotion of environmental awareness and
24 responsible resource stewardship in agricultural or urban
25 communities.

26 (c) Completion of a curriculum of study that is
27 related to environmental issues and regulation.

28 (4) If needed, the department and the Institute of
29 Food and Agricultural Sciences at the University of Florida
30 may jointly develop a curriculum that provides instruction
31 concerning environmental issues pertinent to agricultural

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1 certification and deliver the curriculum to, and certify its
2 completion by, any person who seeks certification or to
3 maintain certification.

4 (5) The department may enter into agreements with
5 third-party providers to administer or implement all or part
6 of the program.

7 Section 13. Paragraph (a) of subsection (4) of section
8 570.9135, Florida Statutes, is amended to read:

9 570.9135 Beef Market Development Act; definitions;
10 Florida Beef Council, Inc., creation, purposes, governing
11 board, powers, and duties; referendum on assessments imposed
12 on gross receipts from cattle sales; payments to organizations
13 for services; collecting and refunding assessments; vote on
14 continuing the act; council bylaws.--

15 (4) FLORIDA BEEF COUNCIL, INC.; CREATION; PURPOSES.--

16 (a) There is created the Florida Beef Council, Inc., a
17 not-for-profit corporation organized under the laws of this
18 state and operating as a direct-support ~~direct-service~~
19 organization of the department.

20 Section 14. Section 581.083, Florida Statutes, is
21 amended to read:

22 581.083 Introduction or release of plant pests,
23 noxious weeds, or organisms affecting plant life; cultivation
24 of nonnative plants; special permit and security required.--

25 (1) The introduction into or release within this state
26 of any plant pest, noxious weed, genetically engineered plant
27 or plant pest, or any other organism which may directly or
28 indirectly affect the plant life of this state as an injurious
29 pest, parasite, or predator of other organisms, or any
30 arthropod, is prohibited, except under special permit issued
31 by the department through the division, which shall be the

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1 sole issuing agency for such special permits.

2 (2) Each application for a special permit shall be
3 accompanied by a fee in an amount determined by the
4 department, through its rulemaking authority, not to exceed
5 \$50. The department may waive this fee by rule for
6 governmental agencies.

7 (3) Except for research projects approved by the
8 department, no permit for any organism shall be issued unless
9 the department has determined that the parasite, predator, or
10 biological control agent is specific to a target organism or
11 plant and not likely to become a pest of plants or other
12 beneficial organisms. The department may rely on findings of
13 the Department of Environmental Protection, the United States
14 Department of Agriculture, and other agencies in making any
15 determination about organisms used for biological control.

16 (4) A person may not cultivate a nonnative plant,
17 including a genetically engineered plant or a plant that has
18 been introduced, for purposes of fuel production or purposes
19 other than agriculture in plantings greater in size than 2
20 contiguous acres, except under a special permit issued by the
21 department through the division, which is the sole agency
22 responsible for issuing such special permits. Such a permit is
23 not required if the department, in conjunction with the
24 Institute of Food and Agricultural Sciences at the University
25 of Florida, determines that the plant is not invasive and
26 subsequently exempts the plant by rule.

27 (a)1. Each application for a special permit must be
28 accompanied by a fee as described in subsection (2) and proof
29 that the applicant has obtained a bond in the form approved by
30 the department and issued by a surety company admitted to do
31 business in this state or by a certificate of deposit. The

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1 application must also include, on a form provided by the
2 department, the name of the applicant and the applicant's
3 address or the address of the applicant's principal place of
4 business, a statement completely identifying the nonnative
5 plant to be cultivated, and a statement of the estimated cost
6 of removing and destroying the plant that is the subject of
7 the special permit and the basis for calculating or
8 determining that estimate. If the applicant is a corporation,
9 partnership, or other business entity, the applicant must also
10 provide in the application the name and address of each
11 officer, partner, or managing agent. The applicant shall
12 notify the department within 10 business days of any change of
13 address or change in the principal place of business. The
14 department shall mail all notices to the applicant's last
15 known address.

16 2. As used in this subsection, the term "certificate
17 of deposit" means a certificate of deposit at any recognized
18 financial institution doing business in the United States. The
19 department may not accept a certificate of deposit in
20 connection with the issuance of a special permit unless the
21 issuing institution is properly insured by the Federal Deposit
22 Insurance Corporation or the Federal Savings and Loan
23 Insurance Corporation.

24 (b) Upon obtaining a permit, the permitholder may
25 annually cultivate and maintain the nonnative plants as
26 authorized by the special permit. If the permitholder ceases
27 to maintain or cultivate the plants authorized by the special
28 permit, if the permit expires, or if the permitholder ceases
29 to abide by the conditions of the special permit, the
30 permitholder shall immediately remove and destroy the plants
31 that are subject to the permit, if any remain. The

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1 permitholder shall notify the department of the removal and
2 destruction of the plants within 10 days after such event.

3 (c) If the department:

4 1. Determines that the permitholder is no longer
5 maintaining or cultivating the plants subject to the special
6 permit and has not removed and destroyed the plants authorized
7 by the special permit;

8 2. Determines that the continued maintenance or
9 cultivation of the plants presents an imminent danger to
10 public health, safety, and welfare;

11 3. Determines that the permitholder has exceeded the
12 conditions of the authorized special permit; or

13 4. Receives a notice of cancellation of the surety
14 bond,

15
16 the department may issue an immediate final order, which shall
17 be immediately appealable or enjoicable as provided by chapter
18 120, directing the permitholder to immediately remove and
19 destroy the plants authorized to be cultivated under the
20 special permit. A copy of the immediate final order shall be
21 mailed to the permitholder and to the surety company or
22 financial institution that has provided security for the
23 special permit, if applicable.

24 (d) If, upon issuance by the department of an
25 immediate final order to the permitholder, the permitholder
26 fails to remove and destroy the plants subject to the special
27 permit within 60 days after issuance of the order, or such
28 shorter period as is designated in the order as the public
29 health, safety, and welfare requires, the department may enter
30 the cultivated acreage and remove and destroy the plants that
31 are the subject of the special permit. If the permitholder

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1 makes a written request to the department for an extension of
2 time to remove and destroy the plants which demonstrates
3 specific facts showing why the plants could not reasonably be
4 removed and destroyed in the applicable timeframe, the
5 department may extend the time for removing and destroying the
6 plants subject to the special permit. The reasonable costs and
7 expenses incurred by the department for removing and
8 destroying the plants subject to the special permit shall be
9 reimbursed to the department by the permitholder within 21
10 days after the date the permitholder and the surety company or
11 financial institution are served a copy of the department's
12 invoice for the costs and expenses incurred by the department
13 to remove and destroy the cultivated plants, along with a
14 notice of administrative rights, unless the permitholder or
15 the surety company or financial institution object to the
16 reasonableness of the invoice. In the event of an objection,
17 the permitholder or surety company or financial institution is
18 entitled to an administrative proceeding as provided by
19 chapter 120. Upon entry of a final order determining the
20 reasonableness of the incurred costs and expenses, the
21 permitholder shall have 15 days following service of the final
22 order to reimburse the department. Failure of the permitholder
23 to timely reimburse the department for the incurred costs and
24 expenses entitles the department to reimbursement from the
25 applicable bond or certificate of deposit.

26 (e) Each permitholder shall maintain for each separate
27 growing location a bond or a certificate of deposit in an
28 amount determined by the department, but not less than 150
29 percent of the estimated cost of removing and destroying the
30 cultivated plants. The bond or certificate of deposit may not
31 exceed \$5,000 per acre, unless a higher amount is determined

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1 by the department to be necessary to protect the public
2 health, safety, and welfare, or unless an exemption is granted
3 by the department based on conditions specified in the
4 application which would preclude the department from incurring
5 the cost of removing and destroying the cultivated plants and
6 would prevent injury to the public health, safety, and
7 welfare. The aggregate liability of the surety company or
8 financial institution to all persons for all breaches of the
9 conditions of the bond or certificate of deposit may not
10 exceed the amount of the bond or certificate of deposit. The
11 original bond or certificate of deposit required by this
12 subsection shall be filed with the department. A surety
13 company shall give the department 30 days' written notice of
14 cancellation by certified mail in order to cancel a bond.
15 Cancellation of a bond does not relieve a surety company or
16 financial institution of liability for paying to the
17 department all costs and expenses incurred or to be incurred
18 for removing and destroying the permitted plants covered by an
19 immediate final order authorized under paragraph (c). The bond
20 or certificate of deposit must be provided or assigned in the
21 exact name in which the applicant applies for the special
22 permit. The penal sum of the surety bond or certificate of
23 deposit to be furnished to the department by a permit holder in
24 the amount specified in this paragraph must guarantee payment
25 of the costs and expenses incurred or to be incurred by the
26 department for removing and destroying the plants cultivated
27 under the issued special permit. The bond or certificate of
28 deposit assignment or agreement must be upon a form prescribed
29 or approved by the department and must be conditioned to
30 secure the faithful accounting for and payment of all costs
31 and expenses incurred by the department for removing and

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1 destroying all plants cultivated under the special permit. The
2 bond or certificate of deposit assignment or agreement must
3 include terms binding the instrument to the Commissioner of
4 Agriculture. Such a certificate of deposit shall be presented
5 with an assignment of the permitholder's rights in the
6 certificate in favor of the Commissioner of Agriculture on a
7 form prescribed by the department and a letter from the
8 issuing institution acknowledging that the assignment has been
9 properly recorded on the books of the issuing institution and
10 will be honored by the issuing institution. Such an assignment
11 is irrevocable while the special permit is in effect and for
12 an additional period of 6 months after termination of the
13 special permit if operations to remove and destroy the
14 permitted plants are not continuing and if the department's
15 invoice remains unpaid by the permitholder under the issued
16 immediate final order. If operations to remove and destroy the
17 plants are pending, the assignment remains in effect until all
18 plants are removed and destroyed and the department's invoice
19 has been paid. The bond or certificate of deposit may be
20 released by the assignee of the surety company or financial
21 institution to the permitholder, or to the permitholder's
22 successors, assignee, or heirs, if operations to remove and
23 destroy the permitted plants are not pending and no invoice
24 remains unpaid at the conclusion of 6 months after the last
25 effective date of the special permit. The department may not
26 accept a certificate of deposit that contains any provision
27 that would give to any person any prior rights or claim on the
28 proceeds or principal of such a certificate of deposit. The
29 department shall determine by rule whether an annual bond or
30 certificate of deposit will be required. The amount of such a
31 bond or certificate of deposit shall be increased, upon order

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1 of the department, at any time if the department finds such an
2 increase to be warranted by the cultivating operations of the
3 permitholder. In the same manner, the amount of such a bond or
4 certificate of deposit may be decreased when a decrease in the
5 cultivating operations warrants such a decrease. This
6 paragraph applies to any bond or certificate of deposit,
7 regardless of the anniversary date of its issuance,
8 expiration, or renewal.

9 (f) In order to carry out the purposes of this
10 subsection, the department or its agents may require from any
11 permitholder verified statements of the cultivated acreage
12 subject to the special permit and may review the
13 permitholder's business or cultivation records at her or his
14 place of business during normal business hours in order to
15 determine the acreage cultivated. The failure of a
16 permitholder to furnish such a statement, to make such records
17 available, or to make and deliver a new or additional bond or
18 certificate of deposit is cause for suspension of the special
19 permit. If the department finds such failure to be willful,
20 the special permit may be revoked.

21 Section 15. Subsection (3) of section 585.002, Florida
22 Statutes, is amended to read:

23 585.002 Department control; continuance of powers,
24 duties, rules, orders, etc.--

25 (3) The department, to the exclusion of all other
26 state agencies, shall have regulatory authority over the
27 possession, control, care, and maintenance of ostriches, emus,
28 ~~and~~ rheas, and bison domesticated and confined for commercial
29 farming purposes, except those kept and maintained on hunting
30 preserves or game farms or primarily for exhibition purposes
31 in zoos, carnivals, circuses, and other such establishments

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1 where such species are kept for display to the public for a
2 fee.

3 Section 16. Paragraph (c) of subsection (3) of section
4 590.125, Florida Statutes, is amended to read:

5 590.125 Open burning authorized by the division.--

6 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS
7 AND PURPOSE.--

8 (c) Neither a property owner nor ~~or~~ his or her agent
9 is ~~neither~~ liable pursuant to s. 590.13 for damage or injury
10 caused by the fire or resulting smoke or ~~nor~~ considered to be
11 in violation of subsection (2) for burns conducted in
12 accordance with this subsection unless gross negligence is
13 proven.

14 Section 17. Assessment of obsolete agricultural
15 equipment.--

16 (1) For purposes of assessment for ad valorem property
17 taxes, obsolete agricultural equipment shall be deemed to have
18 a market value no greater than its value for salvage. As used
19 in this section, the term "agricultural equipment" means any
20 equipment that qualifies for the sales tax exemption provided
21 in section 212.08(3), Florida Statutes, wherever purchased.

22 Agricultural equipment shall be considered obsolete for
23 purposes of this section if it is no longer commonly used by
24 the taxpayer in agricultural production.

25 (2) Any taxpayer claiming the right of assessment for
26 ad valorem taxes under this section shall so state in a return
27 filed as provided by law, giving a brief description of the
28 equipment and its use. The property appraiser may require the
29 taxpayer to produce any additional information as necessary in
30 order to establish the taxpayer's right to have such property
31 classified as obsolete under this section for purposes of the

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1 assessment.

2 Section 18. If any provision of this act or the
3 application thereof to any person or circumstance is held
4 invalid, the invalidity does not affect other provisions or
5 applications of the act which can be given effect without the
6 invalid provision or application, and to this end the
7 provisions of this act are severable.

8 Section 19. This act shall take effect July 1, 2005.

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