

CS/CS/CS/SB 1372 — Department of Agriculture and Consumer Services

by General Government Appropriations Committee; Commerce Committee; Agriculture Committee; and Senators Lynn and Bullard

This bill addresses the following issues related to agriculture and the powers and duties of the Department of Agriculture and Consumer Services. Specifically, the bill:

- Authorizes the department to issue biennial rather than annual pesticide registration renewals, effective on January 1, 2009.
- Authorizes the department to impose a late fee of \$25 per pesticide brand for each month a payment is late, not to exceed a total of \$250 per brand.
- Clarifies that registration requirements apply to each brand of pesticide.
- Updates statutory language relating to bottled water and bottled water plants to conform to federal regulations.
- Redefines the term “food establishment” to include tomato packing houses. Provides enhanced tomato food safety inspections on tomato farms, in tomato greenhouses, and in tomato packing houses and repackers.
- Updates terminology and the definitions of “dairy farm,” “pasteurized milk ordinance,” “imitation milk and imitation milk products,” “milk,” “milk products,” and “substitute milk and substitute milk products” to conform to the federal Grade “A” Pasteurized Milk Ordinance.
- Transfers the permitting for milk manufacturing plants from the Division of Food Safety to the Division of Dairy Industry.
- Removes a provision for the temporary permitting of milk haulers in order to be consistent with the federal Grade “A” Pasteurized Milk Ordinance.
- Clarifies state law with respect to the sale of manufactured milk products and cheese within the state.
- Repeals ss. 591.27 through 591.34, F. S., to remove obsolete statutory language relating to the establishment, branding, and other requirements of seed trees.
- Creates the Consumer Fireworks Task Force within the department for the purpose of studying issues related to fireworks. Requires a report of the recommendations and findings of the task force to be submitted to the President of the Senate and the Speaker of the House of Representatives by January 15, 2008.
- Authorizes the department to conduct research projects on citrus diseases recommended by the Florida Citrus Production Research Advisory Council, within the limits of appropriations made specifically for such purpose.

- Designates the Unit No. 2 Packing House Building at the Palatka State Farmers' Market as the "E. H. 'Gene' Downs Building."

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 37-0; House 100-18

CS/HB 1427 — Relating to Agriculture/Agritourism

by Environment and Natural Resources Council and Rep. Zapata (CS/CS/SB 2754 by Community Affairs Committee; Agriculture Committee; and Senators Haridopolos and Crist)

This bill addresses the following issues related to agriculture. It:

- Provides for the Department of Agriculture and Consumer Services to assist the various tourism entities of Florida for the improvement of agritourism promotion in the state through the provision of marketing advice, technical expertise, promotional support, and product development. The purpose of agritourism is to provide access to agricultural lands to segments of the population previously unaccustomed to such experiences. This can be accomplished through farm tours, festivals, rural businesses, historical recreations, workshops/educational activities, and harvest your own activities.
- Defines the terms "agritourism activity", "farm", and "agritourism professional."
- Does not divest bona fide farm lands of the greenbelt classification for farms engaging in agritourism.
- Directs local governments and agricultural representatives to meet for the purpose of discussing the benefits of agritourism to local economies and opportunities for cooperation, conflict resolution, regulatory streamlining, and incentives.
- Directs the Department of Agriculture and Consumer Services to examine the conditions surrounding the sale and purchase of horses and to adopt rules to prevent unfair or deceptive trade practices.
- Deems that a person or organization owning, controlling, or possessing an interest in agricultural property, or an agent of such person or organization, will not be held liable for negligence related to such property that results in the death of, injury to, or damage to a person trespassing on the property who has engaged or is engaging in damaging, removing, or mutilating any posted notice and/or fence placed by the legal resident of the property.
 - The bill increases the punishment for the unlawful mutilation, removal, or damaging of a posted notice to a first degree misdemeanor.
 - A person who unlawfully damages a fence on land that is not their own two or more times will be charged with a felony of the third degree.
- Adds that notice of no trespassing may be painted on trees or posts on the property.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 114-0

HB 1199 — Sales Tax Exemption for Agricultural Use of Electricity

by Rep. Nelson and others (SB 1416 by Senator Atwater)

This bill amends s 212.08, F. S., to exempt electricity used directly or indirectly in the production or processing of agricultural products thereby broadening the current sales and use tax exemption. Current law only allows an exemption for electricity used directly in the production or processing of agriculture products. The bill retains the statutory requirement that electricity be separately metered; and, the presumption that if not separately metered, then all of the electricity is taxable.

If approved by the Governor, these provisions take effect on July 1, 2007.

Vote: Senate 38-0; House 116-0

CS/CS/SB 668 — Surplus State Lands/Reconveyance

by General Government Appropriations Committee; Agriculture Committee; and Senator Fasano

This bill exempts state lands meeting certain requirements from the surplus rules established in s. 253.034, F.S. These requirements include:

- The land was gifted or conveyed for a consideration of \$1 by a fair association to the state prior to 1955;
- The land is less than three acres and;
- The notice for surplus has been filed by the Department of Environmental Protection by July 1, 2008.

The Pasco County Fair Association sold a parcel of land to the State Board of Education in 1954 in order to expand the University of Florida's West Coast Poultry Diagnostic Laboratory. The land was transferred to several different state entities before the title finally rested with the Board of Trustees of the Internal Improvement Trust Fund, which leased it to the Division of Forestry, within the Department of Agriculture and Consumer Services. The land went unused for several years, and the Pasco County Fair Association requested that the land be transferred back. This bill provides for this parcel of land to be transferred back to the Pasco County Fair Association at no cost.

If approved by the Governor, these provisions take effect July 1, 2007

Vote: Senate 38-0; House 110-0

