

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 or heavy truck engaged in transporting  
5 certain agricultural or horticultural products is  
6 eligible for a restricted license plate for a fee;  
7 amending s. 487.041, F.S.; deleting a requirement that  
8 registrants pay a supplemental fee for pesticides that  
9 contain an active ingredient for which the United  
10 States Environmental Protection Agency has established  
11 a food tolerance limit; conforming provisions to  
12 changes made by the act; deleting obsolete provisions;  
13 providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Paragraph (n) of subsection (4) of section  
18 320.08, Florida Statutes, is amended to read:

19 320.08 License taxes.—Except as otherwise provided herein,  
20 there are hereby levied and imposed annual license taxes for the  
21 operation of motor vehicles, mopeds, motorized bicycles as  
22 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
23 and mobile homes as defined in s. 320.01, which shall be paid to  
24 and collected by the department or its agent upon the  
25 registration or renewal of registration of the following:

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

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

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

36 2. If such vehicle's declared gross vehicle weight is  
 37 44,000 pounds or more and such vehicle only transports from the  
 38 point of production to the point of primary manufacture; to the  
 39 point of assembling the same; or to a shipping point of a rail,  
 40 water, or motor transportation company, \$324 flat, of which \$84  
 41 shall be deposited into the General Revenue Fund.

42  
 43 Such not-for-hire truck tractors and heavy trucks used  
 44 exclusively in transporting raw, unprocessed, and  
 45 nonmanufactured agricultural or horticultural products may be  
 46 incidentally used to haul farm implements and fertilizers  
 47 delivered direct to the growers. The department may require any  
 48 documentation deemed necessary to determine eligibility prior to  
 49 issuance of this license plate. For the purpose of this  
 50 paragraph, "not-for-hire" means the owner of the motor vehicle

51 must also be the owner of the raw, unprocessed, and  
52 nonmanufactured agricultural or horticultural product, or the  
53 user of the farm implements and fertilizer being delivered.

54 Section 2. Paragraphs (d) through (j) of subsection (1)  
55 and subsection (2) of section 487.041, Florida Statutes, are  
56 amended to read:

57 487.041 Registration.—

58 (1)

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

70 ~~2. Each registration issued by the department to a~~  
71 ~~registrant for a period beginning in an odd-numbered year shall~~  
72 ~~be assessed a supplemental registration fee of \$630 per brand of~~  
73 ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~  
74 ~~Each registration issued by the department to a registrant for a~~  
75 ~~period beginning in an even-numbered year shall be assessed a~~

76 ~~supplemental registration fee of \$315 per brand of pesticide~~  
 77 ~~that is subject to the fee pursuant to subparagraph 1. The~~  
 78 ~~department shall retroactively assess the supplemental~~  
 79 ~~registration fee for each brand of pesticide that registered on~~  
 80 ~~or after January 1, 2009, and that is subject to the fee~~  
 81 ~~pursuant to subparagraph 1.~~

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

89 (e)~~(f)~~ If the renewal of a brand of pesticide, including  
 90 the special local need label and experimental use permit, is not  
 91 filed by January 31 of the renewal year, an additional fee of  
 92 \$25 per brand of pesticide shall be assessed per month and added  
 93 to the original fee. This additional fee may not exceed \$250 per  
 94 brand of pesticide. The additional fee must be paid by the  
 95 registrant before the renewal certificate for the registration  
 96 of the brand of pesticide is issued. The additional fee shall be  
 97 deposited into the General Inspection Trust Fund.

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

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

103        (h)~~(i)~~ For any currently registered pesticide product  
 104 brand that undergoes labeling revisions during the registration  
 105 period, the registrant shall submit to the department a copy of  
 106 the revised labeling along with a cover letter detailing such  
 107 revisions before the sale or distribution in this state of the  
 108 product brand with the revised labeling. If the labeling  
 109 revisions require notification of an amendment review by the  
 110 United States Environmental Protection Agency, the registrant  
 111 shall submit an additional copy of the labeling marked to  
 112 identify those revisions.

113        (i)~~(j)~~ ~~Effective January 1, 2013,~~ All payments of any  
 114 pesticide registration fees, including ~~supplemental fees and~~  
 115 late fees, shall be submitted electronically using the  
 116 department's Internet website for registration of pesticide  
 117 product brands.

118        (2) The department shall adopt rules governing the  
 119 procedures for the registration of a brand of pesticide and, for  
 120 the review of data submitted by an applicant for registration of  
 121 the brand of pesticide, ~~and for biennially publishing the list~~  
 122 ~~of active ingredients for which a brand of pesticide is subject~~  
 123 ~~to the supplemental registration fee pursuant to subparagraph~~  
 124 ~~(1)(d)1.~~ The department shall determine whether the brand of  
 125 pesticide should be registered, registered with conditions, or

126 | tested under field conditions in this state. The department  
127 | shall determine whether each request for registration of a brand  
128 | of pesticide meets the requirements of current state and federal  
129 | law. The department, whenever it deems it necessary in the  
130 | administration of this part, may require the manufacturer or  
131 | registrant to submit the complete formula, quantities shipped  
132 | into or manufactured in the state for distribution and sale,  
133 | evidence of the efficacy and the safety of any pesticide, and  
134 | other relevant data. The department may review and evaluate a  
135 | registered pesticide if new information is made available that  
136 | indicates that use of the pesticide has caused an unreasonable  
137 | adverse effect on public health or the environment. Such review  
138 | shall be conducted upon the request of the State Surgeon General  
139 | in the event of an unreasonable adverse effect on public health  
140 | or the Secretary of Environmental Protection in the event of an  
141 | unreasonable adverse effect on the environment. Such review may  
142 | result in modifications, revocation, cancellation, or suspension  
143 | of the registration of a brand of pesticide. The department, for  
144 | reasons of adulteration, misbranding, or other good cause, may  
145 | refuse or revoke the registration of the brand of any pesticide  
146 | after notice to the applicant or registrant giving the reason  
147 | for the decision. The applicant may then request a hearing,  
148 | pursuant to chapter 120, on the intention of the department to  
149 | refuse or revoke registration, and, upon his or her failure to  
150 | do so, the refusal or revocation shall become final without

151 further procedure. The registration of a brand of pesticide may  
152 not be construed as a defense for the commission of any offense  
153 prohibited under this part.

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