

CHAPTER 98-123

Committee Substitute for Senate Bill No. 1294

An act relating to agricultural sales; amending s. 570.55, F.S.; revising the “Florida Avocado, Mango, Lime, and Tomato Sales Law” to the “Florida Tropical or Subtropical Fruit and Vegetables Sales Law”; revising provisions to apply to tropical or subtropical fruit and vegetables; prescribing use of certain containers in shipping or distribution; providing an exception; increasing a penalty; amending s. 603.161, F.S.; revising a definition; increasing a penalty; providing an effective date.

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

Section 1. Section 570.55, Florida Statutes, is amended to read:

570.55 Identification of sellers or handlers of tropical or subtropical fruit and vegetables ~~avocados, mangoes, limes, or tomatoes~~; containers specified; penalties.—

(1) SHORT TITLE.—This section may be known and cited as the “Florida Tropical or Subtropical Fruit and Vegetables Avocado, Mango, Lime, and Tomato Sales Law.”

(2) ENFORCEMENT AGENCY.—This section shall be administered by the Office of Agricultural Law Enforcement and may be enforced by any law enforcement officer as defined in chapter 943.

(3) DEFINITIONS.—As used in this section:

(a) ~~“Avocados” means all varieties and types of avocados, Persea americana.~~

~~(a)(b)~~ “Department” means the Department of Agriculture and Consumer Services.

~~(b)(c)~~ “Distribute” means to engage in the business of selling, marketing, or distributing, in the primary channel of trade, tropical or subtropical fruit or vegetables ~~avocados, mangoes, limes, or tomatoes~~ produced, purchased, or acquired from a producer, or being marketed on behalf of a producer, whether by the owner, agent, employee, broker, or otherwise, but shall not include such activity by a person engaged in the business of retailing.

~~(c)(d)~~ “Handle” means to produce, distribute, retail, or transport tropical or subtropical fruit or vegetables ~~avocados, mangoes, limes, or tomatoes~~ in the primary channel of trade.

~~(d)(e)~~ “Handler” means any person engaged in growing, distributing, retailing, or transporting tropical or subtropical fruit or vegetables ~~avocados, mangoes, limes, or tomatoes~~ in the primary channel of trade.

(e)(f) “Inspector” means an inspector or agent of the department.

~~(g) “Limes” means all varieties and types of limes, *Citrus aurantifolia* or *Citrus latifolia*.~~

~~(h) “Mangoes” means all varieties of mangoes, *Mangifera indica*.~~

~~(f)(i) “Primary channel of trade” means that period of time when tropical or subtropical fruit or vegetables ~~avocados, mangoes, limes, or tomatoes~~ are cut, gathered from the ground, or otherwise harvested for commercial purposes. However, these commodities shall cease to be in the “primary channel of trade” if and when they leave intrastate commerce.~~

~~(g)(j) “Retail” means to engage in the business of purchasing or acquiring tropical or subtropical fruit or vegetables ~~avocados, mangoes, limes, or tomatoes~~ for resale at retail to the general public, but does not include such activity by a person engaged in the business of distributing.~~

~~(k) “Tomatoes” means all varieties of the edible fruit, *Lycopersicon esculentum*.~~

~~(h) “Tropical or subtropical fruit” means avocados, bananas, calamondins, carambolas, guavas, kumquats, limes, longans, loquats, lychees, mameys, mangoes, papayas, passionfruit, sapodillas, and fruit that must be grown in tropical or semitropical regions, except citrus fruit as defined in s. 601.03(7).~~

~~(i) “Vegetables” means tomatoes, peppers, squash, cucumbers, leafy greens, green beans, eggplant, sweet corn, and cabbage. The Department of Agriculture and Consumer Services may by rule include additional vegetables.~~

(4) IDENTIFICATION OF HANDLER.—At the time of each transaction involving the handling or sale of 55 pounds or more of tropical or subtropical fruit or vegetables ~~avocados, mangoes, limes, or tomatoes~~ in the primary channel of trade, the buyer or receiver of the tropical or subtropical fruit or vegetables ~~avocados, mangoes, limes, or tomatoes~~ shall demand a bill of sale, invoice, sales memorandum, or other document listing the date of the transaction, the quantity of the tropical or subtropical fruit or vegetables ~~avocados, mangoes, limes, or tomatoes~~ involved in the transaction, and the identification of the seller or handler as it appears on the driver’s license of the seller or handler, including the driver’s license number. If the seller or handler does not possess a driver’s license, the buyer or receiver shall use any other acceptable means of identification, i.e., voter’s registration card and number, draft card, social security card, or other identification. However, no less than two identification documents shall be used. The identification of the seller or handler shall be recorded on the bill of sale, sales memorandum, invoice, or voucher, which shall be retained by the buyer or receiver for a period of not less than 1 year from the date of the transaction.

(5) CONFISCATION.—When any person is in violation of subsection (4), an inspector or any law enforcement officer as defined in chapter 943 shall confiscate any and all tropical or subtropical fruit or vegetables ~~avocados, mangoes, limes, or tomatoes~~ in the possession of that person.

(6) Each person engaged in the business of packing or shipping tropical or subtropical fruit or vegetables for resale or distribution, except growers or growers' agents transporting their own tropical or subtropical fruit or vegetables, shall accept such fruit or vegetables delivered only in a standard industry field container.

~~(7)(6)~~ PENALTY.—In addition to confiscation of tropical or subtropical fruit or vegetables ~~avocados, mangoes, limes, or tomatoes~~ as provided in subsection (5), whoever knowingly, willfully, and intentionally violates the provisions of subsection (4) shall be guilty of a misdemeanor of the first ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Subsections (1) and (5) of section 603.161, Florida Statutes, are amended to read:

603.161 Sales certificates, work orders to accompany certain fruit.—

(1) This section applies to tropical or subtropical ~~semitropical~~ fruit. “Tropical or subtropical ~~semitropical~~ fruit” means avocados, bananas, calamondins, carambolas, guavas, kumquats, limes, longans, loquats, lychees, mameys, mangoes, papayas, passionfruit, sapodillas and fruit that must be grown in tropical or semitropical regions, except citrus fruit as defined in s. 601.03(7).

(5) Violation of the provisions of this section shall constitute a misdemeanor of the first ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. This act shall take effect October 1 of the year in which enacted.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.