

Committee Substitute for Senate Bill No. 14-C

An act relating to the Department of Agriculture and Consumer Services; amending s. 487.051, F.S.; authorizing the department to adopt rules establishing requirements governing aircraft used for the aerial application of pesticides and requirements governing the storage of pesticides; amending s. 570.07, F.S.; conforming provisions; amending s. 576.181, F.S.; authorizing the department to adopt rules establishing requirements governing aircraft used for the aerial application of fertilizers and requirements governing the storage of fertilizers; amending s. 578.11, F.S.; authorizing the department to adopt rules establishing requirements governing aircraft used for the aerial application of seed; requiring that the department report to the Legislature on the implementation of any rule adopted as authorized by the act; directing the review of the cost impact of aerial application of pesticides; providing an effective date.

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

Section 1. Subsection (1) of section 487.051, Florida Statutes, is amended to read:

487.051 Administration; rules; procedure.—

(1) The department may by rule:

(a) Declare as a pest any form of plant or animal life or virus which is injurious to plants, humans, domestic animals, articles, or substances.

(b) Establish procedures for the taking and handling of samples and establish tolerances and deficiencies where not specifically provided for in this chapter; assess penalties; and prohibit the sale or use of pesticides or devices shown to be detrimental to human beings, the environment, or agriculture or to be otherwise of questionable value.

(c) Determine whether pesticides, and quantities of substances contained in pesticides, are injurious to the environment. The department shall be guided by the United States Environmental Protection Agency regulations in this determination.

(d) Establish requirements governing aircraft used for the aerial application of pesticides, including requirements for recordkeeping, annual aircraft registration, secure storage when not in use, area-of-application information, and reporting any sale, lease, purchase, rental, or transfer of such aircraft to another person.

(e) Establish requirements governing the secure storage of pesticides used by aerial pesticide applicators.

Section 2. Subsections (39) and (40) are added to section 570.07, Florida Statutes, to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(39) To adopt by rule requirements governing aircraft used for the aerial application of pesticides, fertilizers, or seed, including requirements for recordkeeping, annual aircraft registration, secure storage when not in use, area-of-application information, and reporting any sale, lease, purchase, rental, or transfer of such aircraft to another person.

(40) To adopt by rule requirements governing the aerial applicator's secure storage of pesticides and fertilizers. Except as provided in chapters 373, 376, and 403, regulation of the use of pesticides and fertilizers by aerial applicators is expressly preempted to the department.

Section 3. Subsections (3) and (4) are added to section 576.181, Florida Statutes, to read:

576.181 Administration; rules; procedure.—

(3) The department may establish by rule requirements governing aircraft used for the aerial application of fertilizers, including requirements for recordkeeping, annual aircraft registration, secure storage when not in use, area-of-application information, and reporting any sale, lease, purchase, rental, or transfer of such aircraft to another person.

(4) The department may establish by rule requirements governing the secure storage of fertilizers used by aerial fertilizer applicators.

Section 4. Paragraph (j) is added to subsection (2) of section 578.11, Florida Statutes, to read:

578.11 Duties, authority, and rules of the department.—

(2) The department is authorized:

(j) To establish, by rule, requirements governing aircraft used for the aerial application of seed, including requirements for recordkeeping, annual aircraft registration, secure storage when not in use, area-of-application information, and reporting any sale, lease, purchase, rental, or transfer of such aircraft to another person.

Section 5. By January 1, 2003, the Department of Agriculture and Consumer Services shall report to the President of the Senate and the Speaker of the House of Representatives on the implementation of any rule adopted by the department as authorized by this act.

Section 6. The Office of Program Policy Analysis and Government Accountability is directed to review the cost impact to the aerial-application industry of the implementation of any rules adopted by the Department of Agriculture and Consumer Services pursuant to this act and report its findings to the President of the Senate and the Speaker of the House of Representatives by January 1, 2003.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor December 10, 2001.

Filed in Office Secretary of State December 10, 2001.