

Committee Substitute for
Committee Substitute for Senate Bill No. 1702

An act relating to agriculture; reenacting s. 20.14(2), F.S., relating to the Department of Agriculture and Consumer Services; amending s. 125.27, F.S.; increasing the annual countywide fire control assessment; requiring that certain portions of the assessment be distributed into the Incidental Trust Fund of the Division of Forestry and the General Revenue Fund; amending s. 370.07, F.S.; increasing the annual license tax imposed on wholesale and retail saltwater products dealers; amending s. 487.041, F.S.; increasing the registration fee imposed on each brand of pesticide that is distributed, sold, or offered for sale; amending s. 500.12, F.S.; increasing the maximum amount allowed for a food permit application fee; amending s. 559.928, F.S.; requiring that independent agents pay an annual registration fee; specifying an amount for such fee; providing for the deposit and use of moneys obtained from the collection of such fee; amending s. 576.041, F.S.; increasing the fertilizer inspection fee; amending s. 580.041, F.S.; increasing the master registration fees imposed on commercial feed distributors; amending s. 597.004, F.S.; increasing the registration fee for aquaculture certification; amending s. 601.15, F.S.; revising the deadline by which the Florida Citrus Commission sets the annual citrus excise tax rate; deleting a provision requiring the commission to consider certain projected collection of taxes in setting the rate; conforming provisions relating to the season upon which the tax rate applies; amending s. 570.191, F.S.; providing for money in the Agricultural Emergency Eradication Trust Fund to be made available under certain circumstances for specified additional purposes; repealing s. 570.1911, F.S., relating to notice of certification of an agricultural emergency; repealing s. 585.105, F.S., relating to the purchase, distribution, and administration of approved brucella vaccine by the department; providing effective dates.

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

Section 1. Subsection (2) of section 20.14, Florida Statutes, is reenacted.

Section 2. Subsection (1) of section 125.27, Florida Statutes, is amended to read:

125.27 Countywide forest fire protection; authority of the Division of Forestry; state funding; county fire control assessments; disposition; equipment donations.—

(1) The Division of Forestry of the Department of Agriculture and Consumer Services and the board of county commissioners of each county in this state shall enter into agreements for the establishment and maintenance of countywide fire protection of all forest and wild lands within said county, with the total cost of such fire protection being funded by state and federal

funds. Each county shall, under the terms of such agreements, be assessed each fiscal year, as its share of the cost of providing such fire protection, a sum in dollars equal to the total forest and wild land acreage of the county, as determined by the Division of Forestry, multiplied by 7 ~~3~~ cents. The forest and wild lands acreage included in such agreements shall be reviewed each year by the contracting parties and the number of forest and wild land acres and the annual fire control assessment adjusted so as to reflect the current forest acreage of the county. In the event the division and the county commissioners do not agree, the Board of Trustees of the Internal Improvement Trust Fund shall make such acreage determination. All fire control assessments received by the Division of Forestry from the several counties under agreements made pursuant to this section shall be deposited as follows:

(a) An amount equal to the total forest land and wild land acreage of the counties, multiplied by 4 cents, shall be distributed to the Incidental Trust Fund of the Division of Forestry; and

(b) An amount equal to the total forest land and wild land acreage of the counties, multiplied by 3 cents, shall be distributed to ~~into~~ the General Revenue Fund.

Section 3. Effective October 1, 2008, subsection (2) of section 370.07, Florida Statutes, is amended to read:

370.07 Wholesale and retail saltwater products dealers; regulation.—

(2) LICENSES; AMOUNT, TRUST FUND.—

(a) A resident wholesale county seafood dealer is required to pay an annual license tax of \$400 ~~\$300~~.

(b) A resident wholesale state dealer is required to pay an annual license tax of \$550 ~~\$450~~.

(c) A nonresident wholesale county dealer is required to pay an annual license tax of \$600 ~~\$500~~.

(d) A nonresident wholesale state dealer is required to pay an annual license tax of \$1,100 ~~\$1,000~~.

(e) An alien wholesale county dealer is required to pay an annual license tax of \$1,100 ~~\$1,000~~.

(f) An alien wholesale state dealer is required to pay an annual license tax of \$1,600 ~~\$1,500~~.

(g) A resident retail dealer is required to pay an annual license tax of \$75 ~~\$25~~; however, if such a dealer has more than one place of business, the dealer shall designate one place of business as a central place of business, shall pay an annual license tax of \$75 ~~\$25~~ for such place of business, and shall pay an annual license tax of \$25 ~~\$10~~ for each other place of business.

(h) A nonresident retail dealer is required to pay an annual license tax of \$250 ~~\$200~~; however, if such a dealer has more than one place of business,

the dealer shall designate one place of business as a central place of business, shall pay an annual license tax of ~~\$250~~ \$200 for such place of business, and shall pay an annual license tax of ~~\$40~~ \$25 for each other place of business.

(i) An alien retail dealer is required to pay an annual license tax of \$300 ~~\$250~~; however, if such a dealer has more than one place of business, the dealer shall designate one place of business as a central place of business, shall pay an annual license tax of \$300 ~~\$250~~ for such place of business, and shall pay an annual license tax of \$65 ~~\$50~~ for each other place of business.

(j) License or privilege taxes, together with any other funds derived from the Federal Government or from any other source, shall be deposited in a Florida Saltwater Products Promotion Trust Fund to be administered by the Department of Agriculture and Consumer Services for the sole purpose of promoting all fish and saltwater products produced in this state, except that 4 percent of the total wholesale and retail saltwater products dealer's license fees collected shall be deposited into the Marine Resources Conservation Trust Fund administered by the Fish and Wildlife Conservation Commission for the purpose of processing wholesale and retail saltwater products dealer's licenses.

Section 4. Paragraph (b) of subsection (1) and paragraph (c) of subsection (2) of section 487.041, Florida Statutes, are amended to read:

487.041 Registration.—

(1)

(b) For the purpose of defraying expenses of the department in connection with carrying out the provisions of this part, each person shall pay an annual registration fee of \$350 ~~\$250~~ for each registered brand of pesticide. The annual registration fee for each special local need label and experimental use permit is \$100. All registrations expire on December 31 of each year. If the renewal of a brand of pesticide, including the special local need label and experimental use permit, is not filed by January 31 of the renewal year, an additional fee of \$25 per brand of pesticide shall be assessed per month and added to the original fee. This additional fee may not exceed \$250 per brand of pesticide. The additional fee must be paid by the registrant before the renewal certificate for the registration of the brand of pesticide is issued.

(2)

(c) Each registration issued by the department to a registrant for a period beginning in an odd-numbered year shall be assessed a fee of \$700 ~~\$500~~ per brand of pesticide and a fee of \$200 for each special local need label and experimental use permit, and the registration shall expire on December 31 of the following year. Each registration issued by the department to a registrant for a period beginning in an even-numbered year shall be assessed a fee of \$350 ~~\$250~~ per brand of pesticide and fee of \$100 for each special local need label and experimental use permit, and the registration shall expire on December 31 of that year.

Section 5. Paragraph (b) of subsection (1) of section 500.12, Florida Statutes, is amended to read:

500.12 Food permits; building permits.—

(1)

(b) An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule, which may not exceed ~~\$650~~ \$500 and shall be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed \$1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed \$250. The fee for operating a bottled water plant or a packaged ice plant shall be set by rule of the department. Food permits must be renewed annually on or before January 1. If an application for renewal of a food permit is not received by the department within 30 days after its due date, a late fee, in an amount not exceeding \$100, must be paid in addition to the food permit fee before the department may issue the food permit. The moneys collected shall be deposited in the General Inspection Trust Fund.

Section 6. Subsection (3) of section 559.928, Florida Statutes, is amended to read:

559.928 Registration.—

(3) Each independent agent shall annually file an affidavit with the department prior to engaging in business in this state. This affidavit must include the independent agent's full name, legal business or trade name, mailing address, business address, telephone number, social security number, and the name or names and addresses of each seller of travel represented by the independent agent. A letter evidencing proof of filing must be issued by the department and must be prominently displayed in the independent agent's primary place of business. Each independent agent must also submit an annual registration fee of \$50. All moneys collected pursuant to the imposition of the fee shall be deposited by the Chief Financial Officer into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services for the sole purpose of administrating this part. As used in this subsection, the term "independent agent" means a person who represents a seller of travel by soliciting persons on its behalf; who has a written contract with a seller of travel which is operating in compliance with this part and any rules adopted thereunder; who does not receive a fee, commission, or other valuable consideration directly from the purchaser for the seller of travel; who does not at any time have any unsold ticket stock or travel documents in his or her possession; and who does not have the ability to issue tickets, vacation certificates, or any other travel document. The term "independent agent" does not include an affiliate of the seller of travel, as that term is used in s. 559.935(3), or the employees of the seller of travel or of such affiliates.

Section 7. Subsection (1) of section 576.041, Florida Statutes, is amended to read:

576.041 Inspection fees; records; bond.—

(1) Every licensee shall pay to the department an inspection fee in the amount of ~~\$1 75 cents~~ per ton for fertilizer sold in the state, except raw ground phosphate rock, soft phosphate, colloidal phosphate, phosphatic clays and all other untreated phosphatic materials, gypsum, hydrated lime, limestone, and dolomite when sold or used for agricultural purposes, on which the inspection fee shall be 30 cents per ton. All fees paid to the department under this section shall be deposited into the State Treasury to be placed in the General Inspection Trust Fund to be used for the sole purpose of funding the fertilizer inspection program.

Section 8. Paragraph (b) of subsection (1) of section 580.041, Florida Statutes, is amended to read:

580.041 Master registration; fee; refusal or cancellation of registration.—

(1)

(b) The registration form shall be accompanied by a fee that shall be based on tons of feed distributed in this state during the previous year. If a distributor has been in business less than 1 year, the tonnage shall be estimated by the distributor for the first year and based on actual tonnage thereafter. These fees shall be as follows:

SALES IN TONS	FEE
Zero, up to and including 25	\$40 \$25
More than 25, up to and including 50	\$75 \$50
More than 50, up to and including 100	\$150 \$100
More than 100, up to and including 300	\$375 \$300
More than 300, up to and including 600	\$600 \$500
More than 600, up to and including 1,000	\$900 \$750
More than 1,000, up to and including 2,000	\$1,250 \$1,000
More than 2,000, up to and including 5,000	\$2,000 \$1,500
More than 5,000	\$3,500 \$2,500

Section 9. Paragraph (h) of subsection (1) of section 597.004, Florida Statutes, is amended to read:

597.004 Aquaculture certificate of registration.—

(1) CERTIFICATION.—Any person engaging in aquaculture must be certified by the department. The applicant for a certificate of registration shall submit the following to the department:

(h) One-hundred Fifty dollar annual registration fee.

Section 10. Paragraph (e) of subsection (3) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(3)

(e) The commission, upon an affirmative vote of a majority of its members and by an order entered by it prior to November August 1 of any year, may set the tax rates up to the maximum rates specified in this subsection ~~if the commission determines that the specified tax rate will result in collection of funds, during the ensuing citrus season, which exceed projected needs, including all legal obligations.~~ The tax rate shall apply only to the citrus season which began on August 1 of the same calendar year immediately following entry of the order setting the rate. Such tax rate may be applied by variety and on the basis of whether the fruit enters the primary channel of trade for use in fresh or processed form. If the commission cannot agree on a box tax rate, the tax rate for the previous year shall remain in effect until the commission approves a new rate.

Section 11. Section 570.191, Florida Statutes, is amended to read:

570.191 Agricultural Emergency Eradication Trust Fund.—There is created in the office of the commissioner the Agricultural Emergency Eradication Trust Fund. Funds in the trust fund may be made available for the promotion, advancement, and protection of agriculture in this state, including maintaining or increasing market share and suppressing or eradicating wildfire, animal or plant disease, insect infestation, or a plant or pest that endangers or threatens agriculture upon certification by the commissioner that an agricultural emergency exists and that funds specifically appropriated for the emergency's purpose are exhausted or insufficient to eliminate the agricultural emergency. The term “agricultural emergency” means an animal or plant disease, insect infestation, or plant or pest endangering or threatening the horticultural, aquacultural, or other agricultural interests in this state.

Section 12. Section 570.1911, Florida Statutes, is repealed.

Section 13. Section 585.105, Florida Statutes, is repealed.

Section 14. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2008.

Approved by the Governor June 10, 2008.

Filed in Office Secretary of State June 10, 2008.