

## CHAPTER 97-6

### House Bill No. 1181

An act relating to fertilizers; amending s. 576.011, F.S.; defining “compost,” “investigational allowance,” “manipulated manure,” “manure,” “pelletized fertilizer,” “soil amendment,” “soil conditioner,” “soil additive,” and “unmanipulated animal and vegetable manure”; amending s. 576.021, F.S.; deleting registration requirements; amending s. 576.031, F.S.; deleting labeling requirements; amending s. 576.051, F.S.; authorizing the Department of Agriculture and Consumer Services to test fertilizers and collect fees for costs; amending s. 576.061, F.S.; establishing investigational allowances; providing for penalties and compensation for certain plant nutrient deficiencies; amending s. 576.071, F.S.; revising the method of determining commercial value; amending s. 576.091, F.S.; providing for the appointment of members and alternate members of the Fertilizer Technical Council; amending s. 576.101, F.S.; revising performance levels for licensees; amending s. 576.151, F.S.; providing standards for the distribution of certain fertilizers; amending s. 576.181, F.S.; revising the department’s authority relating to investigational allowances; repealing s. 19, ch. 92-143, Laws of Florida, relating to the repeal and review of ch. 576, F.S.; providing an effective date.

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

Section 1. Section 576.011, Florida Statutes, is amended to read:

576.011 Definitions.—When used in this chapter, the term:

- (1) “Advertisement” means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of fertilizer.
- (2) “Best-management practices” means practices or combinations of practices determined by research or field testing in representative sites to be the most effective and practicable methods of fertilization designed to meet nitrate groundwater quality standards, including economic and technological considerations.
- (3) “Brand” means a term, design, or trademark used in connection with one or several grades of fertilizer.
- (4) “Bulk fertilizer” means commercial fertilizer in a nonpackaged form.
- (5) “Compost” means a substance derived primarily or entirely from decomposition of vegetative or animal organic material, which is sold or offered for sale for the purpose of promoting or stimulating plant growth, and to which no inorganic fertilizer materials have been added other than to promote decomposition. Such products may not contain more than 12 percent total plant nutrients.

~~(6)~~(5) “Coning” means the formation of a pyramidal pile or cone of dry bulk mixed fertilizer such as may occur while being loaded into a holding hopper or transport vehicle and cause separation and segregation of the fertilizer components.

~~(7)~~(6) “Dealer” means any person, other than the manufacturer, who offers for sale, sells, barter, or supplies commercial fertilizer.

~~(8)~~(7) “Deconing” means any accepted process employed by a licensee that will prevent or minimize coning.

~~(9)~~(8) “Deficiency” means the amount of nutrient found by analysis to be less than that guaranteed which may result from lack of nutrient ingredients or from lack of uniformity.

~~(10)~~(9) “Department” means the Department of Agriculture and Consumer Services or its authorized representatives.

~~(11)~~(10) “Excess” means the amount found by analysis to be over that guaranteed on the label.

~~(12)~~(11) “Fertilizer” means any substance which:

- (a) Contains one or more recognized plant nutrients and promotes plant growth, or
- (b) Controls soil acidity or alkalinity, or
- (c) Provides other soil enrichment, or
- (d) Provides other corrective measures to the soil.

For the purposes of this chapter, the term “fertilizer” does not include unmanipulated animal or vegetable manures, peat, or compost which make no claims as described in paragraphs (a)-(d).

~~(13)~~(12) “Fertilizer-pesticide mixture” means a fertilizer containing a pesticide.

~~(14)~~(13) “Grade” means the percentages in fertilizer of total nitrogen expressed as N, available phosphorus expressed as  $P_2O_5$ , and soluble potassium expressed as  $K_2O$ , stated in whole numbers in that order.

~~(15)~~(14) “Guaranteed analysis” means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

(16) “Investigational allowance” means an allowance for variations inherent in the taking, preparation, and analysis of an official sample of fertilizer.

~~(17)~~(15) “Label” means a display of written, printed, or graphic matter upon the immediate container of any fertilizer or accompanying any fertilizer when moved in bulk.

~~(18)~~(16) “Labeling” means all labels and other written, printed, or graphic matters upon an article or any of its containers or wrappers, or accompanying such article.

~~(19)~~(17) “Licensee” means a person who guarantees a fertilizer and receives a license to distribute fertilizer under the provisions of this chapter.

~~(20)~~ “Manipulated manure,” or “manure” when not qualified as unmanipulated, means substances, other than unmanipulated manures, composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for animals, and to which no fertilizer materials have been added other than for neutralization or sanitary purposes.

~~(21)~~(18) “Manufacturer” means a person engaged in the business of importing, preparing, mixing, blending, or manufacturing fertilizer for sale, either direct to consumers or by or through other media of distribution, and the word “manufacture” means preparation, mixing, blending, or manufacturing for the purpose of distribution.

~~(22)~~(19) “Misbranded” means that one or more label requirements have not been fulfilled.

~~(23)~~(20) “Mixed fertilizer” means a fertilizer containing any combination or mixtures of fertilizers.

~~(24)~~(21) “Natural organic fertilizer” means a material derived from either plant or animal products containing one or more elements (other than carbon, hydrogen, and oxygen) which are essential for plant growth.

~~(25)~~(22) “Nitrogen breakdown” means the classification of forms of nitrogen guaranteed in percent by weight, the sum of which equals the total nitrogen guarantee.

~~(26)~~(23) “Official check sample” means a sealed and identified sample taken from the official sample for use in check analysis.

~~(27)~~(24) “Official sample” means any sample of fertilizer taken by the department in accordance with the provisions of this law or rules adopted hereunder, and designated as “official” by the department.

~~(28)~~(25) “Organic fertilizer” means a material containing carbon and one or more elements, other than hydrogen and oxygen, essential for plant growth. This term includes both “natural organic fertilizer” and “synthetic organic fertilizer.”

~~(29)~~ “Pelletized fertilizer” means a fertilizer in a form, uniform in size and usually of globular shape, containing one or more nutrients produced by one of several methods including:

~~(a)~~ Solidification of a melt while falling through a countercurrent stream of air.

(b) Dried layers of slurry applied to recycling particles.

(c) Compaction.

(d) Extrusion.

(e) Granulation.

~~(30)(26)~~ “Percent” or “percentage” means the percentage by weight.

~~(31)(27)~~ “Primary plant nutrient” means total nitrogen expressed as N, available phosphorus expressed as  $P_2O_5$ , and soluble potassium expressed as  $K_2O$ , or any combination of these substances.

~~(32)(28)~~ “Registrant” means the person who registers specialty fertilizer under the provisions of this chapter.

~~(33)(29)~~ “Secondary plant nutrient” and “micro plant nutrient” mean those nutrients other than the primary plant nutrients that are essential for the normal growth of plants and have been added to the fertilizer.

~~(34)(30)~~ “Slow or controlled release fertilizer” means a fertilizer containing a plant nutrient in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant significantly longer than a reference “rapidly available nutrient fertilizer,” such as ammonium nitrate or urea, ammonium phosphate, or potassium chloride.

(35) “Soil amendment,” “soil conditioner,” or “soil additive” means any substance or mixture of substances sold or offered for sale for soil enriching or corrective purposes, intended or claimed to be effective in promoting or stimulating plant growth, increasing soil or plant productivity, improving the quality of crops, or producing any chemical or physical change in the soil, except amendments, conditioners, additives, and related products that are derived solely from inorganic sources and that contain no recognized plant nutrients.

~~(36)(31)~~ “Specialty fertilizer” means any fertilizer packaged, marketed, and distributed for home and garden use and packaged in containers or bags such that the net weight is 49 pounds or less.

~~(37)(32)~~ “Synthetic organic fertilizer” means a material that is manufactured chemically (by synthesis) from its elements or other chemicals.

~~(33) “Tolerance” means the variation permitted by law or rule from the guaranteed analysis.~~

~~(38)(34)~~ “Ton” means a net weight of 2,000 pounds avoirdupois.

~~(39)(35)~~ “Unit of plant nutrient” means 1 percent by weight or 20 pounds per ton.

(40) “Unmanipulated animal and vegetable manure” means substances composed of excreta of animals or plant remains which do not contain any

materials other than those which have been used for bedding, sanitary, or feeding purposes for such animals, and which have not been mechanically or systematically dried, ground, shredded, blended with plant-food additives, or processed in any other manner.

~~(41)~~(36) “Water-insoluble nitrogen” means nitrogen not soluble in water.

~~(42)~~(37) “Water-soluble ~~organic~~ nitrogen” means all ~~organic~~ nitrogen soluble in water.

Section 2. Paragraph (b) of subsection (2) and subsection (3) of section 576.021, Florida Statutes, are amended to read:

576.021 Registration and licensing.—

(2)

(b) Labels for each brand and product grade shall accompany the application and shall include the following information:

1. The brand and grade.
2. The guaranteed analysis.
3. The name and ~~street~~ address of the licensee.
4. The net weight.
5. The sources from which the nitrogen, phosphorus, and potassium are derived.
6. The sources of secondary plant nutrients and micro plant nutrients if guaranteed, claimed, or advertised.

~~(3) Upon approval by the department, a copy of each registration and a registration number series shall be furnished to the applicant.~~

Section 3. Paragraph (c) of subsection (1) and subsection (3) of section 576.031, Florida Statutes, are amended to read:

576.031 Labeling.—

(1) Any fertilizer distributed in this state in containers shall have placed on or affixed to the immediate and outside container a label setting forth in clearly legible and conspicuous form the following information:

(c) The name and ~~street~~ address of the licensee.

~~(3) Each label of specialty fertilizer shall bear the Florida specialty fertilizer registration number. Each label of all other fertilizer shall bear the Florida license number.~~

Section 4. Subsection (2) of section 576.051, Florida Statutes, is amended to read:

576.051 Inspection, sampling, analysis.—

(2) The department is directed to sample, test, inspect, and make analyses of fertilizer sold or offered for sale within this state. The department may conduct commercial tests of fertilizer and fix and collect fees in an amount to cover the direct and indirect costs associated with the tests when requested as an aid to support compliance with this chapter.

Section 5. Section 576.061, Florida Statutes, is amended to read:

576.061 Plant nutrient investigational allowances ~~tolerances~~, deficiencies, and penalties.—

(1) Investigational allowances are set as follows:

(a) Primary plant nutrients; investigational allowances.—

<u>Guaranteed Percent</u>	<u>Total Nitrogen Percent</u>	<u>Available Phosphate Percent</u>	<u>Potash Percent</u>
<u>04 or less</u>	<u>0.49</u>	<u>0.67</u>	<u>0.41</u>
<u>05</u>	<u>0.51</u>	<u>0.67</u>	<u>0.43</u>
<u>06</u>	<u>0.52</u>	<u>0.67</u>	<u>0.47</u>
<u>07</u>	<u>0.54</u>	<u>0.68</u>	<u>0.53</u>
<u>08</u>	<u>0.55</u>	<u>0.68</u>	<u>0.60</u>
<u>09</u>	<u>0.57</u>	<u>0.68</u>	<u>0.65</u>
<u>10</u>	<u>0.58</u>	<u>0.69</u>	<u>0.70</u>
<u>12</u>	<u>0.61</u>	<u>0.69</u>	<u>0.79</u>
<u>14</u>	<u>0.63</u>	<u>0.70</u>	<u>0.87</u>
<u>16</u>	<u>0.67</u>	<u>0.70</u>	<u>0.94</u>
<u>18</u>	<u>0.70</u>	<u>0.71</u>	<u>1.01</u>
<u>20</u>	<u>0.73</u>	<u>0.72</u>	<u>1.08</u>
<u>22</u>	<u>0.75</u>	<u>0.72</u>	<u>1.15</u>
<u>24</u>	<u>0.78</u>	<u>0.73</u>	<u>1.21</u>
<u>26</u>	<u>0.81</u>	<u>0.73</u>	<u>1.27</u>
<u>28</u>	<u>0.83</u>	<u>0.74</u>	<u>1.33</u>
<u>30</u>	<u>0.86</u>	<u>0.75</u>	<u>1.39</u>
<u>32 or more</u>	<u>0.88</u>	<u>0.76</u>	<u>1.44</u>

For guarantees not listed, calculate the appropriate value by interpolation.

(b) Nitrogen investigational allowances.—

<u>Nitrogen breakdown</u>	<u>Investigational allowances Percent</u>
<u>Nitrate nitrogen</u>	<u>0.40</u>
<u>Ammoniacal nitrogen</u>	<u>0.40</u>
<u>Water soluble nitrogen or urea nitrogen</u>	<u>0.40</u>
<u>Water insoluble nitrogen</u>	<u>0.30</u>

In no case may the investigational allowance exceed 50 percent of the amount guaranteed.

(c) Secondary and micro plant nutrients, total or soluble.—

<u>Element</u>	<u>Investigational allowances</u> <u>Percent</u>
<u>Calcium</u>	<u>0.2 unit+5 percent of guarantee</u>
<u>Magnesium</u>	<u>0.2 unit+5 percent of guarantee</u>
<u>Sulfur (free and combined)</u>	<u>0.2 unit+5 percent of guarantee</u>
<u>Boron</u>	<u>0.003 unit+15 percent of guarantee</u>
<u>Cobalt</u>	<u>0.0001 unit+30 percent of guarantee</u>
<u>Chlorine</u>	<u>0.005 unit+10 percent of guarantee</u>
<u>Copper</u>	<u>0.005 unit+10 percent of guarantee</u>
<u>Iron</u>	<u>0.005 unit+10 percent of guarantee</u>
<u>Manganese</u>	<u>0.005 unit+10 percent of guarantee</u>
<u>Molybdenum</u>	<u>0.0001 unit+30 percent of guarantee</u>
<u>Sodium</u>	<u>0.005 unit+10 percent of guarantee</u>
<u>Zinc</u>	<u>0.005 unit+10 percent of guarantee</u>

The maximum allowance for secondary and minor elements when calculated in accordance with this section is 1 unit (1 percent). In no case, however, may the investigational allowance exceed 50 percent of the amount guaranteed.

(d) Liming materials and gypsum.—

<u>Range</u>	<u>Investigational allowances</u> <u>Percent</u>
<u>0-10</u>	<u>0.30</u>
<u>Over 10-25</u>	<u>0.40</u>
<u>Over 25</u>	<u>0.50</u>

(e) Pesticides in fertilizer mixtures.—An investigational allowance of 25 percent of the guarantee shall be allowed on all pesticides when added to custom blend fertilizers.

(1) Tolerances shall be set by the department by rule.

(2) Deficiencies, compensation, and penalties shall be as follows:

(a) When the commercial value of a mixed fertilizer found to be deficient in primary plant nutrient equals or exceeds the amount guaranteed by the licensee, no penalty shall be assessed, provided no element of primary plant nutrient is deficient more than one-half of 1 percent when the guarantee does not exceed 10 percent or more than 1 percent when the guarantee exceeds 10 percent. If the commercial value found fails to equal or exceed that which is guaranteed, a penalty shall be assessed based on the deficiency found, but in no instance shall the penalty be less than \$10. No overage in any secondary plant nutrient or micro plant nutrient shall compensate for a deficiency in primary plant nutrient or of another secondary plant nutrient or micro plant nutrient. When a deficiency is found in any plant nutrient, the buyer shall be entitled to collect an amount from the licensee equal to 3 times the commercial value of the deficiency found. ~~When a fertilizer-pesticide mixture is found to be deficient in pesticide, the consumer shall be entitled to collect from the licensee an amount prescribed by rule of the department.~~

(b) If the licensee on which a penalty is assessed for a plant nutrient deficiency is on probationary status as provided in this chapter and rules adopted thereunder, the licensee shall pay to the department an additional amount equal to one-half the penalty assessed. The proceeds from any such penalty shall be deposited into the General Inspection Trust Fund to be used for the sole purpose of funding the fertilizer inspection program. A penalty shall be assessed if any of the plant nutrients in mixed fertilizer or fertilizer material are found below the investigational allowances provided in subsection (1), unless compensable.

(b) Penalties shall be assessed at the rate of 3 times the commercial value of the deficiency found, using the formula: the percent deficient times the commercial value times 3 times the tonnage represented by the official sample.

(c) A deficiency in a nitrogen breakdown form shall be compensated by an excess in another nitrogen form if the following criteria are met:

1. Fifty percent or greater of the guaranteed amount of the deficient form must be found by analysis.

2. The excess in the nitrogen forms used for compensation must exceed the commercial value of the guaranteed forms found within investigational allowance but below guarantee.

If the criteria for compensation in this paragraph are not met, a penalty shall be assessed on the difference in the guaranteed and found percentages of the deficient nitrogen form. When compensation is applied to a deficiency and the total commercial value of the nitrogen forms found by analysis fails to equal 100 percent of the total commercial value of the nitrogen forms guaranteed, a penalty of 3 times the difference of the commercial value after compensation and the commercial value guaranteed shall be assessed. A penalty must be assessed on the nitrogen breakdown when both the total nitrogen and the nitrogen breakdown are found to be deficient. If the nitrogen breakdown is within investigational allowance and the total nitrogen is deficient, a penalty shall be assessed against the total nitrogen deficiency unless compensable as provided in this chapter. If the nitrogen is derived solely from ammonium nitrate, the commercial value used in determining the penalty on either the total nitrogen or the nitrate nitrogen must be the same as that of the ammoniacal nitrogen.

(d) In assessing penalties on a deficient lot of dolomite or limestone, the following formula shall be used: the percentage guarantee minus the percentage of  $\text{CaCO}_3$  or  $\text{MgCO}_3$  found times the commercial value times 3 times the tonnage represented by the official sample. Shortages in  $\text{CaCO}_3$  liming materials may be compensated by overages in  $\text{MgCO}_3$  on a unit-for-unit basis.

(e) In calculating penalties, no consideration may be given to investigational allowances.

(f) When a pesticide in a fertilizer-pesticide mixture is found by analysis to be deficient beyond the investigational allowance as provided in this



section, the buyer is entitled to collect an amount from the registrant equal to 3 times the value of the deficiency found, except when the official sample was taken from a fertilizer-pesticide mixture that was in the possession of a consumer for more than 45 days after the date of purchase by that consumer. When a deficiency is found in a sample drawn from a fertilizer-pesticide mixture in the hands of a dealer or agency, the penalty shall be disbursed as provided in paragraph (3)(e). The value of the deficiency found must be an amount equal to the product of the percent deficient times the comparable consumer invoice value of the quantity of pesticide as active ingredient represented by the official sample, divided by the percent guarantee of the pesticide. In no instance may the penalty be less than \$25.

(3)(a) In tobacco brands of mixed fertilizer, the penalty for an excess of chlorine of more than 25 percent of the guarantee shall be 100 percent of the commercial value of the mixed fertilizer. No penalty shall be assessed for an excess of chlorine of less than 25 percent of the guarantee and in no case shall a penalty be assessed unless the chlorine present is 1 percent or more.

~~(b) In brands of fertilizer other than tobacco brands, the penalty for excess in chlorine shall be one-eighth the penalties as set forth above for excess in tobacco brands.~~

(b)(e) Within 60 days from the date of issuance of a fertilizer analysis report from the department and the notice of penalties assessed under the provisions of this chapter, a licensee shall make payment in full to the consumer, in cash, or by credit memo if and to the extent the consumer is indebted to the licensee or dealer. Any licensee who fails to make settlement in full to the consumer within the 60 days is liable for interest on the penalty of 1.5 percent per month from the date of issuance of the fertilizer analysis report. If a licensee demands an analysis of the official check sample by a referee chemist, the 60-day settlement requirement shall be temporarily suspended pending a final determination. When the final and binding analysis has been established, it shall be the responsibility of the department to determine the amount of penalty, if any, due to the consumer and to notify in writing the licensee and the consumer of the final determination. The licensee shall have 10 days from the date of receipt of the final determination from the department to make settlement with the consumer and shall notify the department in writing of the terms of the settlement.

(c)(d) If any fertilizer is found to be of short weight by the department, the licensee, within 30 days after receipt of notice of such short weight, shall make payment to the consumer or the department an amount of 3 times the commercial value of the shortage in each case, or by credit memo if and to the extent the consumer is indebted to the licensee or dealer, but in no instance shall the penalty be less than \$25. Any licensee who fails to make settlement in full to the consumer or the department within 60 days is liable for interest on the penalty of 1.5 percent per month from the date of issuance. The licensee shall notify the department in writing of the terms of the settlement.

(d)(e) If the licensee, dealer, or agent fails or refuses to make payment to the consumer within the time required, the consumer may institute legal

proceedings against the licensee, dealer, or agent for recovery of penalties as provided in this chapter. Any judgment against a licensee, dealer, or agent shall be double the amount of the penalty and shall include a reasonable attorney's fee and costs.

(e)(f) When a deficiency is found in a sample drawn from a lot of fertilizer in the hands of a dealer or agency, the dealer or agency shall collect the amount due under the deficiency from the licensee and shall within 60 days pay to each person purchasing fertilizer from such lot a proportionate share of the amount collected and shall notify the department in writing that such payment has been made. However, as to any individual sale by a dealer or agent of fertilizer subject to penalties for deficiencies when the dealer or agent is unable to determine the purchaser of the lot of fertilizer, the dealer or agent shall pay the proportionate amount of penalties to the department to be placed in the State Treasury to the credit of the General Inspection Trust Fund to be used for the sole purpose of funding the fertilizer inspection program.

(4) When it is determined by the department that a fertilizer has been distributed without being licensed or registered, or without labeling, the department shall require the licensee to pay a penalty in the amount of \$100. The proceeds from any penalty payments shall be deposited by the department in the General Inspection Trust Fund to be used for the sole purpose of funding the fertilizer inspection program.

(5) The department may enter an order imposing one or more of the following penalties against any person who violates any of the provisions of this chapter or the rules adopted hereunder or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the department in the performance of its duty in connection with the provisions of this chapter:

(a) Issuance of a warning letter.

(b) Imposition of an administrative fine of not more than \$1,000 per occurrence after the issuance of a warning letter.

(c) Cancellation, revocation, or suspension of any license issued by the department.

Section 6. Section 576.071, Florida Statutes, is amended to read:

576.071 Commercial value.—The commercial value used in assessing penalties for any deficiency shall be determined by using annualized plant nutrient values contained in one or more generally recognized journals recommended by the Fertilizer Technical Council the latest established by rule, consistent with market prices, and reviewed annually to keep the values consistent with current fertilizer market prices.

Section 7. Section 576.091, Florida Statutes, is amended to read:

576.091 Fertilizer Technical Council.—

(1) CREATION COMPOSITION.—The Fertilizer Technical Council is hereby created within in the department. The Commissioner of Agriculture

~~shall appoint all members and alternate members of the council, and shall be composed of 13 members as follows:~~

(2) COMPOSITION.—The council is composed of 13 members including:

(a) ~~Three representatives of the department; a citizen who shall have no affiliation with the manufacture, or distribution, or sale of fertilizer shall be appointed by the commissioner; the Dean for Research and the Dean for Extension of the, Institute of Food and Agricultural Sciences at the, University of Florida; and one representative each from the beef cattle, field crops, citrus, vegetable, fertilizer, pesticide, and agricultural limestone industries in Florida members of the State Agricultural Advisory Council.~~

(b) ~~The commissioner may appoint an alternate member for each member. If a vacancy occurs, it shall be filled for the remainder of the term in the same manner as an initial appointment.~~

(3)(2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; REIMBURSEMENTS COMPENSATION.—The meetings, powers and duties, procedures, and recordkeeping, ~~of the Fertilizer Technical Council, and per diem and reimbursement of expenses of council members and alternate members of the council,~~ shall be in accordance with governed by the provisions of s. 570.0705 relating to advisory committees established within the department.

Section 8. Subsection (2) of section 576.101, Florida Statutes, is amended to read:

576.101 Cancellation, revocation, and suspension; probationary status.—

(2) The department may place any licensee on a probationary status when the deficiency levels of samples taken from that licensee do not meet minimum performance levels established by statute rule within the investigational allowances provided in s. 576.061 ~~tolerances permitted by the rule.~~

Section 9. Subsection (8) of section 576.151, Florida Statutes, is amended to read:

576.151 Prohibited acts.—The following acts are prohibited:

(8) The sale of ~~unprocessed leather, hair, wool waste, or any other organic material as a fertilizer or as an ingredient of any mixed fertilizer showing an activity of water-insoluble nitrogen less than prescribed by the Association of Official Analytical Chemists, however, Fertilizer materials not defined by the Association of American Plant Food Control Officials may be distributed used as fertilizer materials,~~ provided the licensee furnishes an acceptable definition, Association of Official Analytical Chemists analysis, or other appropriate method of analysis, and provides efficacy studies with appropriate controls that have been generated in accordance with good scientific practices whose results have been peer reviewed and published in a generally available scientific journal or have been reviewed and recognized

~~by the research department of an accredited agricultural college or university. The data must clearly quantify and demonstrate a beneficial plant growth response attributable to the fertilizer material when it is used in accordance with the manufacturer's or distributor's recommendations. agronomic data from a recognized school of agriculture whose test results have been subjected to peer review and published in a generally available scientific journal.~~

Section 10. Subsection (2) of section 576.181, Florida Statutes, is amended to read:

576.181 Administration; rules; procedure.—

(2) The department is authorized, by rule, to implement, make specific, and interpret the provisions of this chapter, and specifically to determine the composition and uses of fertilizer as defined in this chapter, including, without limiting the foregoing general terms, the taking and handling of samples, the establishment of investigational allowances ~~tolerances~~, deficiencies, and penalties where not specifically provided for in this chapter; to prohibit the sale or use in fertilizer of any material proven to be detrimental to agriculture, public health, or the environment, or of questionable value; to provide for the incorporation into fertilizer of such other substances as pesticides and proper labeling of such mixture; and to prescribe the information which shall appear on the label other than specifically set forth in this chapter.

Section 11. Section 19 of chapter 92-143, Laws of Florida, is repealed.

Section 12. This act shall take effect October 1, 1997.

Became a law without the Governor's approval April 9, 1997.

Filed in Office Secretary of State April 8, 1997.