

CS/SB 1310 – Agriculture (Identical CS/HB 749)

This bill amends s. 581.211, F.S., adding an **unranked, 2nd degree felony** for “a person who knowingly acquires, imports, possesses, sells or offers to sell, trades or offers to trade, barter or offers to barter, moves or causes to be moved, introduces, or releases a plant pest without a special permit from the division that results in the issuance of a declaration of an agricultural emergency by the Commissioner of Agriculture or the implementation of a control or eradication program by the department or the United States Department of Agriculture.”

Currently under, s. 581.211, F.S., it is an unranked, 3rd degree felony for a “person who imports from other states, territories, or countries, without a special permit from the Division of Plant Industry, plants or propagative plant parts of the subfamily Aurantioideae (after Swingle and Reese which includes all species of citrus).” Per DOC, in FY 14-15, there were no offenders sentenced to prison for this felony. It is also a 1st degree misdemeanor for willfully refusing “to identify the origin and source of any plant, plant product, or other thing likely to carry plant pests, noxious weeds, or arthropods,” and for a person having “in her or his possession unauthorized imported plants or plant products.” However, per FDLE, there were no arrests or guilty/adjudication withheld sentences for this misdemeanor in FY 14-15.

In FY 14-15, the incarceration rate for an unranked, 2nd degree felony was 26.7%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House