

2024 Regular Session

HOUSE BILL NO. 933

BY REPRESENTATIVE BAYHAM

HORTICULTURE: Provides with respect to retail florists and wholesale florists

1 AN ACT

2 To amend and reenact R.S. 3:3801(A)(introductory paragraph) and (5) and (C)(2), 3805, and
3 3808(J) through (P), to enact R.S. 3:3804(B)(3) and 3808(Q), and to repeal R.S.
4 3:3801(A)(6) and (C)(3), 3804(A)(2) and (3), 3807(B)(2) and (3), and 3808(B), (C),
5 and (I), relative to retail and wholesale florists; to remove the regulation,
6 examination, and licensing of retail and wholesale florists; to provide for the
7 membership of the Horticulture Commission of Louisiana; to establish the
8 occupation of and the requirements for floral dealers; to provide for rules and
9 regulations of the Department of Agriculture and Forestry; to provide for an effective
10 date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 3:3801(A)(introductory paragraph) and (5) and (C)(2), 3805, and
13 3808(J) through (P) are hereby amended and reenacted and R.S. 3:3804(B)(3) and 3808 (Q)
14 are hereby enacted to read as follows:

15 §3801. Horticulture Commission

16 A. The Horticulture Commission of Louisiana is hereby created within the
17 Department of Agriculture and Forestry to be comprised of the following ~~thirteen~~
18 members:

19 * * *

20 (5) A ~~licensed retail florist.~~ floral dealer.

21 * * *

1 C. The following members shall be appointed by the commissioner, subject
2 to confirmation of the Senate, and shall serve terms of four calendar years beginning
3 with the year of appointment in accordance with the following provisions:

4 * * *

5 (2) The ~~licensed retail florist~~ floral dealer shall be appointed during the
6 second year of each administration from a list of three persons nominated by the
7 Louisiana State Florists Association, Inc.

8 * * *

9 §3804. Regulation of professions and occupations

10 * * *

11 B. The commission shall regulate the following occupations:

12 * * *

13 (3) Floral dealer.

14 * * *

15 §3805. Applications

16 Each application to take an examination and each application for a license or
17 permit shall be in writing and shall be on forms which shall be prescribed by the
18 commission. Each application shall be accompanied by the appropriate fee and by
19 such documents as the commission may require. Each applicant shall indicate on the
20 application the street address of his residence and the street address of his place of
21 business. If the residence or place of business does not have a street address, the
22 applicant shall provide sufficient information to establish the physical location of the
23 residence or place of business. Each applicant for a nursery stock ~~dealer's permit~~
24 dealer, or a cut flower ~~dealer's permit~~ dealer, or floral dealer permit shall have an
25 identifying sales tax number issued by the secretary of revenue and taxation and shall
26 indicate that number on the application. A floral dealer permit shall be issued based
27 on a simple registration application without requiring an examination of any kind.

28 * * *

1 §3808. Terms and conditions of licenses and permits

2 * * *

3 J. A floral dealer permit authorizes the holder to sell cut flowers and
4 ornamental plants in pots. The commission shall ensure that all regulations and
5 requirements for the issuance of a floral dealer permit are free of examination or
6 testing requirements to ensure that barriers to entry into the profession are
7 minimized. Each person engaged in the occupation of a floral dealer may operate a
8 vending machine at a location remote from the individual's place of business for the
9 sale of cut flowers. The permittee shall obtain a floral dealer permit for each vending
10 machine.

11 ~~J.~~ K. Each person issued a permit ~~under~~ pursuant to the provisions of this
12 Chapter shall meet the occupational standards determined by the commission for
13 each occupation and shall notify the commission of each change in the address of the
14 permit holder.

15 ~~K.~~ L. Each person who holds a valid Louisiana Nursery Certificate Permit
16 may use that permit in lieu of a nursery stock ~~dealer's dealer~~ dealer permit, or a cut flower
17 ~~dealer's dealer~~ dealer permit, or both, at any one outlet.

18 ~~L.~~ M. Each nursery stock dealer and cut flower dealer shall secure an
19 appropriate permit for each outlet operated by the dealer.

20 ~~M.~~ N. Each license and permit issued ~~under~~ pursuant to the provisions of this
21 Chapter shall expire on January thirty-first of each year and may be renewed in
22 accordance with rules adopted by the commission.

23 ~~N.~~ O. Each holder of a license or permit issued ~~under~~ pursuant to the
24 provisions of this Chapter shall present such license or permit upon demand of any
25 authorized agent of the horticulture commission.

26 ~~O.~~ P. Utility arborists shall be subject to the following provisions:
27 (1) A utility arborist's license authorizes the holder thereof to recommend or
28 execute the removal of trees or portions of trees along utility rights of way.

1 (2) For license renewal, each utility arborist is required to attend a continuing
2 training seminar as determined by rule by the commission.

3 P: Q. Landscape irrigation contractors shall be subject to the following
4 provisions:

5 (1) Notwithstanding any other law to the contrary, a landscape irrigation
6 contractor's license authorizes the holder to construct, install, connect, repair,
7 maintain, improve, or alter any portion of a landscape irrigation system, including
8 the required wiring within that system, and to install and connect the landscape
9 irrigation system to the required power supply and to a public or private water supply
10 system.

11 (2) For license renewal, each landscape irrigation contractor shall obtain
12 continuing training as determined by rule of the commission.

13 (3) He shall request and be issued any necessary permits from any governing
14 authority.

15 (4) Prior to connecting to a public or private water supply system, a licensed
16 landscape irrigation contractor shall obtain a water supply protection specialist
17 endorsement from the State Plumbing Board. The State Plumbing Board shall issue
18 a special endorsement of a water supply protection specialist to any licensed
19 landscape irrigation contractor who completes the training required by the State
20 Plumbing Board as provided for in R.S. 37:1368(H)(1); however, neither a
21 journeyman plumber's license nor a master plumber's license shall be required.

22 (5) Backflow prevention devices shall be installed in accordance with the
23 provisions of Part XIV of the Louisiana State Sanitary Code by a person holding a
24 water supply protection specialist endorsement.

25 (6) Nothing in this Subsection shall permit any licensed landscape irrigation
26 contractor to perform any electrical or plumbing services not provided for in this
27 Subsection, for which a license is required from any other regulatory board. Nothing
28 in this Subsection shall prohibit a licensed electrician or plumber from providing

1 electrical or plumbing services necessary to make or keep an irrigation system
2 operational.

3 Section 2. R.S. 3:3801(A)(6) and (C)(3), 3804(A)(2) and (3), 3807(B)(2) and (3),
4 and 3808(B), (C), and (I) are hereby repealed in their entirety.

5 Section 3. Any rule or regulation promulgated by the Department of Agriculture and
6 Forestry providing for the regulation, examination, and licensing of retail florists and
7 wholesale florists shall be null, void, and without effect upon the effective date of this Act.
8 The Department of Agriculture and Forestry shall issue a notice of intent to amend its rules
9 and regulations in conformity with this Act on or before September 1, 2024 and adopt the
10 amended rules and regulations on or before December 1, 2024.

11 Section 4. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 933 Reengrossed

2024 Regular Session

Bayham

Abstract: Repeals the examination and licensing requirements for retail and wholesale florists and creates a floral dealer permit.

Present law authorizes a retail florist to arrange or supervise the arrangement of floral designs which include living or freshly cut plant materials and to sell at retail floral designs, cut flowers, and ornamental plants in pots normally and customarily sold by florists.

Proposed law repeals present law.

Present law authorizes a wholesale florist to prepare and sell cut flowers, plant materials, and ornamental plants in pots normally and customarily used by retail florists to persons who hold a retail florist's license and to prepare and sell cut flowers to persons who hold a cut flower dealer's permit. However, prohibits a wholesale florist from arranging or selling floral designs.

Proposed law repeals present law.

Present law provides that the membership of the Horticulture Commission includes a retail florist and a wholesale florist.

Proposed law repeals present law and provides that the membership includes a floral dealer.

Present law provides for the regulation, examination, and licensing of retail and wholesale florists.

Proposed law repeals present law and creates a floral dealer permit.

Present law provides for certain authorizations a person who holds a cut flower dealer's permit has.

Proposed law repeals present law.

Proposed law authorizes a floral dealer to sell cut flowers and ornamental plants in pots and modifies provisions regulating the operation of vending machines.

Proposed law states that the commission shall ensure that all regulations and requirements for the issuance of a floral dealer permit are free of examination or testing requirements.

Proposed law declares that any rule or regulation providing for the regulation, examination, and licensing of retail and wholesale florists are null, void, and without effect upon the effective date of proposed law.

Proposed law requires the department to issue a notice of intent to amend its rules and regulations in conformity with proposed law on or before Sept. 1, 2024 and adopt same on or before Dec. 1, 2024.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 3:3801(A)(intro. para.) and (5) and (C)(2), 3805, and 3808(J)-(P); Adds R.S. 3:3804(B)(3) and 3808(Q); Repeals R.S. 3:3801(A)(6) and (C)(3), 3804(A)(2) and (3), 3807(B)(2) and (3), and 3808(B), (C), and (I))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Remove a floral dealer permit fee.
3. Repeal present and proposed law relative to a what a cut flower dealer's permit authorizes the holder to do.
4. Repeal proposed law regarding how many vending machines a permittee can operate.

The House Floor Amendments to the engrossed bill:

1. Make technical changes to the title.
2. Make technical changes to conform language.
3. Clarify that the commission shall ensure that all regulations and requirements for the issuance of a floral dealer permit are free of examination or testing requirements.
4. Remove certain requirements for operating vending machines.