

ACT No. 643

2024 Regular Session

HOUSE BILL NO. 933

BY REPRESENTATIVE BAYHAM

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AN ACT

To amend and reenact R.S. 3:3801(A)(introductory paragraph) and (5) and (C)(2), 3805, 3806(E) through (H), and 3808(I) through (P), to enact R.S. 3:3804(B)(3), 3806(I), and 3808(Q), and to repeal R.S. 3:3801(A)(6) and (C)(3), 3804(A)(2) and (3), 3807(B)(2) and (3), and 3808(B) and (C), relative to retail and wholesale florists; to remove the regulation, examination, and licensing of retail and wholesale florists; to provide for the membership of the Horticulture Commission of Louisiana; to establish the occupation of and the requirements for floral dealers; to provide for rules and regulations of the Department of Agriculture and Forestry; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3801(A)(introductory paragraph) and (5) and (C)(2), 3805, 3806(E) through (H), and 3808(I) through (P) are hereby amended and reenacted and R.S. 3:3804(B)(3), 3806(I), and 3808 (Q) are hereby enacted to read as follows:

§3801. Horticulture Commission

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

* * *

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

* * *

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 §3806. Fees

29 * * *

1 E. The permit fee for each floral dealer's permit which is issued or renewed
2 by the commissioner shall not be less than seventy dollars nor more than one
3 hundred dollars per permit.

4 ~~E. F.~~ In addition to the fees provided for in Subsections B, C, and D of this
5 Section, each applicant who applies for the renewal of a license or permit more than
6 fifteen working days after his license or permit has expired shall pay a late fee of
7 twenty-five dollars for each late application.

8 ~~F. G.~~ The fees established in this Section shall not be refundable except under
9 such conditions as the commission may establish.

10 ~~G. H.~~(1) All assessments, fees, penalties, and all other funds received under
11 the provisions of this Chapter, subject to the exceptions contained in Article VII,
12 Section 9 of the Constitution of Louisiana, shall be deposited immediately upon
13 receipt into the state treasury and shall be credited to the Bond Security and
14 Redemption Fund.

15 (2) Out of the funds remaining in the Bond Security and Redemption Fund
16 after a sufficient amount is allocated from that fund to pay all obligations secured by
17 the full faith and credit of the state which become due and payable within any fiscal
18 year, the treasurer, prior to placing the remaining funds in the state general fund,
19 shall pay an amount equal to the total amount of funds paid into the state treasury
20 under the provisions of this Chapter into a special fund which is hereby created in
21 the state treasury and designated as the Horticulture and Quarantine Fund.

22 (3) All unexpended and unencumbered monies in the fund at the end of the
23 fiscal year shall remain in the fund. The state treasurer shall invest monies in the
24 fund in the same manner as monies in the state general fund. All interest earned on
25 monies from the fund invested by the state treasurer shall be deposited in the fund.

26 (4) Subject to appropriation, the monies in the fund shall be used for the
27 following purposes:

1 (a) To provide for the expenses of the program established by this Chapter
2 and the expenses of the office of agricultural and environmental sciences, as
3 determined by the commissioner.

4 (b) To fund any and all costs related to the purposes of this Chapter and to
5 carrying out the powers and duties granted the commission and the commissioner
6 under this Chapter.

7 H. I. The commission is authorized to promulgate rules and regulations, in
8 accordance with the Administrative Procedure Act, necessary to implement the
9 provisions of this Section.

10 * * *

11 §3808. Terms and conditions of licenses and permits

12 * * *

13 I. A cut flower dealer's permit authorizes the holder to ~~do any of the~~
14 ~~following: (1) Sell~~ sell cut flowers either singly or in bunches, or both. ~~However, the~~
15 ~~holder of a cut flower permit may not sell cut flowers within three hundred feet of~~
16 ~~the place of business of another person engaged in the profession of retail florist.~~
17 ~~(2) Operate under that permit a vending machine for the sale of cut flowers and floral~~
18 ~~design in accordance with the provisions of this Chapter and the rules and~~
19 ~~regulations adopted pursuant to this Chapter, if the holder is engaged in the~~
20 ~~profession of retail florist.~~

21 J. A floral dealer permit authorizes the holder to sell cut flowers and
22 ornamental plants in pots. The commission shall ensure that all regulations and
23 requirements for the issuance of a floral dealer permit are free of examination or
24 testing requirements to ensure that barriers to entry into the profession are
25 minimized. Each person engaged in the occupation of a floral dealer may operate a
26 vending machine at a location remote from the individual's place of business for the
27 sale of cut flowers. The permittee shall obtain a floral dealer permit for each vending
28 machine.

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

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

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

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

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

16 ~~O. P.~~ P. Utility arborists shall be subject to the following provisions:

17 (1) A utility arborist's license authorizes the holder thereof to recommend or
 18 execute the removal of trees or portions of trees along utility rights of way.

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

21 ~~P. Q.~~ Q. Landscape irrigation contractors shall be subject to the following
 22 provisions:

23 (1) Notwithstanding any other law to the contrary, a landscape irrigation
 24 contractor's license authorizes the holder to construct, install, connect, repair,
 25 maintain, improve, or alter any portion of a landscape irrigation system, including
 26 the required wiring within that system, and to install and connect the landscape
 27 irrigation system to the required power supply and to a public or private water supply
 28 system.

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

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

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

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

15 (6) Nothing in this Subsection shall permit any licensed landscape irrigation
 16 contractor to perform any electrical or plumbing services not provided for in this
 17 Subsection, for which a license is required from any other regulatory board. Nothing
 18 in this Subsection shall prohibit a licensed electrician or plumber from providing
 19 electrical or plumbing services necessary to make or keep an irrigation system
 20 operational.

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____