

**CS/SB 222** by **CM, Siplin**; (Similar to CS/H 0827) Limited Agricultural Associations

670940 A S RCS AG, Siplin Delete L.125: 01/23 03:37 PM

**SB 1132** by **Hays (CO-INTRODUCERS) Montford**; (Compare to H 1197) Beekeeping

**SB 1184** by **Norman**; (Identical to H 1021) Agriculture

558058 A S AG, Simmons Delete L.186 - 235. 01/23 01:47 PM

**SB 1254** by **Siplin**; (Similar to CS/H 7021) Department of Agriculture and Consumer Services

662022 A S AG, Siplin Delete L.487 - 495. 01/19 09:43 AM  
208114 A S WD AG, Garcia btw L.1430 - 1431: 01/23 01:43 PM

**SB 1496** by **Evers**; (Identical to H 1251) Agritourism

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**AGRICULTURE**  
**Senator Siplin, Chair**  
**Senator Bullard, Vice Chair**

**MEETING DATE:** Monday, January 23, 2012  
**TIME:** 10:00 a.m.—12:00 noon  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Siplin, Chair; Senator Bullard, Vice Chair; Senators Alexander, Dockery, Garcia, Hays, Montford, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 222</b> Commerce and Tourism / Siplin (Similar CS/H 827)	Limited Agricultural Associations; Providing for the conversion of limited agricultural associations to corporations not for profit; specifying a fee for filing a limited agricultural association's certificate of conversion to a domestic corporation; requiring the filing of a certificate of conversion and articles of incorporation with the Department of State; providing that the conversion does not affect any obligation or liability of the association; providing that all rights, property, and obligations of the association are vested in the corporation; specifying that the association is not required to wind up its affairs or pay its liabilities and distribute its assets, etc.  CM 01/09/2012 Fav/CS AG 01/23/2012 Fav/CS BC	Fav/CS Yeas 7 Nays 0
2	<b>SB 1132</b> Hays (Compare H 1197)	Beekeeping; Revising definitions relating to the Florida Right to Farm Act to include beekeeping; revising the definition of the term "apiary" and adding a definition for the term "apiculture"; providing that authority to regulate honeybee colonies is preempted to the state, etc.  AG 01/23/2012 Favorable BC	Favorable Yeas 7 Nays 0
3	<b>SB 1184</b> Norman (Identical H 1021, Compare H 1399, S 1866)	Agriculture; Prohibiting certain governmental entities from charging stormwater management assessments or fees on certain bona fide farm operations except under certain circumstances; revising the Florida Uniform Traffic Control Law to authorize the use of citrus harvesting equipment and citrus fruit loaders to transport certain agricultural products and to authorize the use of certain motor vehicles to transport citrus; authorizing the Department of Agriculture and Consumer Services to adopt rules establishing certain standards for regulating commercial feed or feedstuff; prohibiting the knowing entry upon and unauthorized recording of sounds or images of a farm or farm operation, etc.  AG 01/23/2012 Fav/CS TR BC	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Agriculture

Monday, January 23, 2012, 10:00 a.m.—12:00 noon

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1254</b> Siplin (Similar CS/H 7021, Compare H 4187, H 4189)	Department of Agriculture and Consumer Services; Establishing the Division of Food, Nutrition, and Wellness within the department; deleting provisions for a food safety pilot program and a permitting program for persons who test milk or milk products; creating the Agricultural Feed, Seed, and Fertilizer Advisory Council; revising requirements for the assessment of penalties and enforcement of violations by manufacturers and distributors of commercial feed or feedstuff; revising the geographic jurisdiction of soil and water conservation districts to include certain territory outside of the districts' boundaries; revising requirements and procedures for the dissolution or discontinuance of soil and water conservation districts, etc.  AG 01/23/2012 Fav/CS EP BC	Fav/CS Yeas 7 Nays 0
5	<b>SB 1496</b> Evers (Identical H 1251)	Agritourism; Providing legislative intent to eliminate duplication of regulatory authority over agritourism; prohibiting a local government from prohibiting, restricting, regulating, or otherwise limiting an activity of agritourism, etc.  AG 01/23/2012 Favorable CA	Favorable Yeas 6 Nays 1
6	Presentation by:  Mr. Donell Gwinn Gwinn Brothers Farm McAlpin, Florida		Presented
7	Other Related Meeting Documents		

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Agriculture Committee

**BILL:** CS/CS/SB 222

**INTRODUCER:** Agriculture Committee and Commerce and Tourism Committee and Senator Siplin

**SUBJECT:** Limited Agricultural Associations

**DATE:** January 19, 2012      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tell	Hrdlicka	CM	<b>Fav/CS</b>
2.	Weidenbenner	Buford	AG	<b>Fav/CS</b>
3.			BC	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This CS provides for conversion of a limited agricultural association into a domestic not-for-profit corporation.

Specifically, this CS establishes requirements for conversion, including certain information that must be filed with the Department of State to convert into a domestic corporation. The conversion does not affect any obligation or liability of the association.

Additionally, this CS creates a fee of \$35 for filing a certificate of conversion into a domestic corporation.

This CS amends s. 604.14, F.S., s. 617.0122, F.S., and creates s. 617.1809, F.S.

**II. Present Situation:**

According to s. 604.09, F.S., the purpose of limited agricultural associations (LAA), is to promote, foster, and encourage more efficient and progressive agriculture and to enable farmers

and growers of Florida to enjoy the manifold benefits of joint and collective effort without personal liability and without expense and technical involvements incident to corporate structure.

Furthermore, under s. 604.10, F.S., LAAs are granted and may use all powers granted by the laws of Florida to persons, partnerships, corporations for profit, and not-for-profit corporations. These powers are applicable to agriculture or livestock in all its phases and to any incidental operations which may arise. These powers are effective unless they are inconsistent within the provisions of this law.

Under current law, there are no existing provisions providing LAAs the ability to convert to a domestic corporation.<sup>1</sup>

### **History of Limited Agricultural Associations**

LAAs were created by statute in 1941, as a way to promote and encourage more efficient and progressive agriculture. Additionally, the statute was conceived as a way to enable agricultural producers in the state to benefit from a collective effort without the expenses imposed by a corporate structure.<sup>2</sup>

Currently, there are roughly 60 LAAs operating within the State of Florida. The majority of these LAAs are county farm bureaus which provide services to over 140,000 members.<sup>3</sup>

### **Non-Profit Domestic Corporations**

The statutory framework allowing the existence of non-profit domestic corporations (NPDC) was codified by the Florida Legislature in 1990. The purpose of these statutes was to allow organizations whose primary interest was not pecuniary profit to exist under a corporate structure. A large contingency of these NPDCs have benevolent, charitable, educational, or civic purposes.<sup>4</sup> The Florida Statutes provide the NPDCs an opportunity to operate with full corporate powers.<sup>5</sup> Most importantly, the statutes allow NPDC members to avoid personal liability.<sup>6</sup>

## **III. Effect of Proposed Changes:**

This CS provides for conversion of a limited agricultural association into a domestic not-for-profit corporation.

### **Section 1**

This CS amends s. 604.14, F.S., to allow a limited agricultural association to convert to a not-for-profit domestic corporation in accordance with s. 617.1809, F.S.

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<sup>1</sup> Sections 604.09-604.14, F.S.

<sup>2</sup> Section 604.09, F.S.

<sup>3</sup> The Florida Farm Bureau indicates that most Florida LAAs are the 60 county farm bureaus.

<sup>4</sup> Section 617.0301, F.S.

<sup>5</sup> Section 617.0302, F.S.

<sup>6</sup> Section 617.0604, F.S.

## **Section 2**

This CS amends s. 617.0122, F.S., to include a \$35 fee for documents delivered to the Department of State for filing a certificate of conversion.

## **Section 3**

This CS creates s. 617.1809, F.S., which sets forth the statutory framework by which a LAA may be converted into a domestic corporation. This bill would not require any existing LAAs to convert to a NPDC. However, if a LAA voluntarily decides to convert to a NPDC, then the association must file the following with the Department of State:

- a certificate of conversion into a domestic corporation which is executed by a person authorized by the rules governing the association; and
- articles of incorporation which comply with s. 617.0202, F.S.,<sup>7</sup> and which have been executed by the person authorized pursuant to s. 617.01201(6), F.S.<sup>8</sup>

The certificate of conversion must state:

- the date on which the association was first organized;
- the name of the association immediately before the filing of the certificate of conversion;
- the name of the domestic corporation as set forth in the articles of incorporation filed with the Department of State; and
- the effective date or delayed effective date of the conversion into a domestic corporation.

Prior to filing a certificate of conversion with the Department of State the conversion must be approved by a majority vote of the membership of an LAA in the event an association does not have a conversion vote procedure established in either its articles of association or bylaws.

The conversion is effective upon the filing of the certificate of conversion and articles of incorporation, or a delayed effective date. Also, the existence of the corporation shall be deemed to have commenced when the association commenced its existence.<sup>9</sup>

This CS does not affect any existing obligations or liabilities of the association which were incurred prior to the conversion into a domestic corporation.

This CS does not require any existing LAAs to conclude its affairs, pay liabilities, or to distribute its existing assets. All property, assets, and debts due to the association are vested with the NPDC.

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<sup>7</sup> Section 617.0202, F.S., governs the content of articles of incorporation filed by not-for-profit companies.

<sup>8</sup> Section 617.01201, F.S., states that the articles of incorporation can be submitted by an officer or director of a corporation, by an incorporator, or by a court-appointed fiduciary.

<sup>9</sup> Section 617.0123, F.S., is the existing statutory provision for non-profit domestic corporations regarding a delayed effective date. This provision has a 90-day maximum for a delayed effective date from the time of filing. The new provision would allow converting LAAs to get around the existing statutory bar, by allowing the date of the commencement of the association as the date of commencement for the corporation.

This CS does not constitute dissolution of the converting LAA.

#### **Section 4**

This CS provides that the act shall take effect upon becoming law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

This CS creates a \$35 fee for conversion to a NPDC. Additionally, LAAs who voluntarily decide to convert will also be assessed a \$35 fee at the time of application for the required articles of incorporation.<sup>10</sup> If the estimated 60 LAAs were to opt to become a NPDC, the additional revenue from the conversion would be \$4,200.

Furthermore, each year NPDCs are required to submit an annual report to the Department of State, along with a fee of \$61.25.<sup>11</sup> Thus, if the estimated 60 LAAs were to convert to a NPDC, the Department of State would receive \$3,675 in recurring yearly fees from the annual reports.

These fees will result in an increase to general revenue.

B. Private Sector Impact:

LAAs will have the ability to convert to NPDCs. Currently no LAAs are paying fees to the Department of State. However, if they voluntarily decide to convert to a NPDC, the fees stated above will apply.

C. Government Sector Impact:

See Tax/Fee Issues above.

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<sup>10</sup> Section 617.022 (1), F.S.

<sup>11</sup> Section 617.022 (17), F.S.

**VI. Technical Deficiencies:**

The word “conversation” appears on line 125 due to a scrivener’s error whereas the word should be “conversion.” This error is corrected by Agriculture Committee amendment barcode 670940.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Agriculture on 1/23/2012:**

This committee substitute differs from the CS in that it corrects a scrivener’s error by changing the word “conversation” to “conversion.”

**CS by Commerce and Tourism on 1/9/2012:**

This committee substitute differs from the bill in that it:

- Amends s. 604.14, F.S., to allow LAAs to convert to Non-Profit Domestic Corporations.
- Provides for a majority vote by members of an LAA to approve the conversion in the event an association does not have a conversion vote procedure established in either its articles of association or bylaws.

- B. **Amendments:**

None.



670940

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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	.	
	.	

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The Committee on Agriculture (Siplin) recommended the following:

**Senate Amendment**

Delete line 125  
and insert:  
certificate of conversion with the department, unless

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic Limited Agricultural Assoc.

Bill Number 222  
*(if applicable)*

Name Ben Parks

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Director

Address 315 S. Calhoun St. # 850

Phone 222-2557

*Street*  
Tallahassee

FL

32302

E-mail bgparks@hotmail.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Representing Farm Bureau

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/12  
Meeting Date

Topic SB 222

Bill Number 222  
*(if applicable)*

Name TIMOTHY RILEY

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title ATTORNEY

Address TALAHASSEE, FL  
*Street*

Phone \_\_\_\_\_

*City State Zip*

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FLORIDA FIRE BUREAU

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

By the Committee on Commerce and Tourism; and Senator Siplin

577-01754-12

2012222c1

1 A bill to be entitled  
 2 An act relating to limited agricultural associations;  
 3 amending s. 604.14, F.S.; providing for the conversion  
 4 of limited agricultural associations to corporations  
 5 not for profit; conforming provisions; amending s.  
 6 617.0122, F.S.; specifying a fee for filing a limited  
 7 agricultural association's certificate of conversion  
 8 to a domestic corporation; creating s. 617.1809, F.S.;  
 9 defining the term "limited agricultural association"  
 10 for purposes of the act; providing procedures for  
 11 conversion of a limited agricultural association to a  
 12 domestic corporation not for profit; requiring the  
 13 filing of a certificate of conversion and articles of  
 14 incorporation with the Department of State; providing  
 15 for the effective date of the conversion; providing  
 16 that the conversion does not affect any obligation or  
 17 liability of the association; providing that all  
 18 rights, property, and obligations of the association  
 19 are vested in the corporation; specifying that the  
 20 association is not required to wind up its affairs or  
 21 pay its liabilities and distribute its assets;  
 22 providing for the association's approval before the  
 23 certificate of conversion is filed; authorizing the  
 24 association to provide a plan or other record of  
 25 conversion; providing an effective date.

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

29 Section 1. Section 604.14, Florida Statutes, is amended to

Page 1 of 5

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 read:  
 31 604.14 Limited agricultural association; dissolution;  
 32 conversion to a corporation not for profit.-  
 33 (1) A ~~Any~~ limited agricultural association may be dissolved  
 34 upon the presentation by its members of a petition for  
 35 dissolution to ~~a~~ the circuit judge of the circuit in which the  
 36 association's ~~wherein its~~ principal place of business is  
 37 located. ~~The~~ Such judge may issue any ~~make all~~ orders necessary  
 38 ~~for to the~~ preservation of the rights of the members and  
 39 creditors and the winding up of the affairs of the association.  
 40 ~~Such~~ Notice of hearing on the petition for dissolution must  
 41 ~~shall~~ be given as ~~may by~~ the judge deems be deemed proper.  
 42 (2) A limited agricultural association may convert to a  
 43 corporation not for profit in accordance with s. 617.1809.  
 44 Section 2. Present subsection (22) of section 617.0122,  
 45 Florida Statutes, is renumbered as subsection (23), and a new  
 46 subsection (22) is added to that section to read:  
 47 617.0122 Fees for filing documents and issuing  
 48 certificates.-The Department of State shall collect the  
 49 following fees on documents delivered to the department for  
 50 filing:  
 51 (22) Certificate of conversion of a limited agricultural  
 52 association to a domestic corporation: \$35.  
 53  
 54 Any citizen support organization that is required by rule of the  
 55 Department of Environmental Protection to be formed as a  
 56 nonprofit organization and is under contract with the department  
 57 is exempt from any fees required for incorporation as a  
 58 nonprofit organization, and the Secretary of State may not

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 assess any such fees if the citizen support organization is  
60 certified by the Department of Environmental Protection to the  
61 Secretary of State as being under contract with the Department  
62 of Environmental Protection.

63 Section 3. Section 617.1809, Florida Statutes, is created  
64 to read:

65 617.1809 Limited agricultural association; conversion to a  
66 domestic corporation not for profit.-

67 (1) As used in this section, the term "limited agricultural  
68 association" or "association" means a limited agricultural  
69 association formed under ss. 604.09-604.14.

70 (2) A limited agricultural association may convert to a  
71 domestic corporation not for profit by filing the following  
72 documents with the department in accordance with s. 617.01201:

73 (a) A certificate of conversion, which must be executed by  
74 a person authorized in s. 617.01201(6) and such other persons  
75 that may be required in the association's articles of  
76 association or bylaws.

77 (b) Articles of incorporation, which must comply with s.  
78 617.0202 and be executed by a person authorized in s.  
79 617.01201(6).

80 (3) The certificate of conversion must include:

81 (a) The date upon which the association was initially  
82 formed under ss. 604.09-604.14.

83 (b) The name of the association immediately before filing  
84 the certificate of conversion.

85 (c) The name of the domestic corporation as set forth in  
86 its articles of incorporation.

87 (d) The effective date of the conversion. If the conversion

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88 does not take effect upon filing the certificate of conversion  
89 and articles of incorporation, the delayed effective date for  
90 the conversion, subject to the limitation in s. 617.0123(2),  
91 must be a date certain and the same as the effective date of the  
92 articles of incorporation.

93 (4) When the certificate of conversion and articles of  
94 incorporation are filed with the department, or upon the delayed  
95 effective date, the association is converted to the domestic  
96 corporation, and the corporation becomes subject to this  
97 chapter. However, notwithstanding s. 617.0123, the existence of  
98 the corporation is deemed to have commenced when the association  
99 was initially formed under ss. 604.09-604.14.

100 (5) Conversion of a limited agricultural association to a  
101 domestic corporation does not affect any obligation or liability  
102 of the association which was incurred before the conversion.

103 (6) When a conversion takes effect under this section, all  
104 rights, privileges, and powers of the converting association,  
105 all property, real, personal, and mixed, and all debts due to  
106 the association, as well as all other assets and causes of  
107 action belonging to the association, are vested in the domestic  
108 corporation to which the association is converted and are the  
109 property of the corporation as they were of the association. The  
110 title to any real property that is vested by deed or otherwise  
111 in the converting association does not revert and is not  
112 impaired by the operation of this chapter, but all rights of  
113 creditors and all liens upon any property of the association are  
114 preserved unimpaired, and all debts, liabilities, and duties of  
115 the association attach to the domestic corporation and are  
116 enforceable against it to the same extent as if the debts,

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117 liabilities, and duties had been incurred or contracted by the  
118 corporation.

119 (7) The limited agricultural association is not required to  
120 wind up its affairs or pay its liabilities and distribute its  
121 assets. Conversion does not constitute a dissolution of the  
122 association but is a continuation of the association's existence  
123 in the form of the domestic corporation.

124 (8) Before a limited agricultural association may file a  
125 certificate of conversation with the department, unless  
126 otherwise specified in the association's articles of association  
127 or bylaws, the conversion must be approved by a majority vote of  
128 the association's members, and the articles of incorporation  
129 must be approved by the same authorization required for approval  
130 of the conversion. As part of the approval, the converting  
131 association may provide a plan or other record of conversion  
132 which describes the manner and basis of converting the  
133 membership interests in the association into membership  
134 interests in the domestic corporation. The plan or other record  
135 may also contain other provisions relating to the conversion,  
136 including, but not limited to, the right of the converting  
137 association to abandon the proposed conversion or an effective  
138 date for the conversion which is consistent with paragraph  
139 (3) (d).

140 Section 4. This act shall take effect upon becoming a law.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Agriculture Committee

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BILL: SB 1132

INTRODUCER: Senators Hays and Montford

SUBJECT: Beekeeping

DATE: January 23, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Buford	AG	<b>Favorable</b>
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This bill revises definitions<sup>1</sup> in the Florida Right to Farm Act for “farm operation” and “farm product” so that the definitions include honeybee and aquaculture activities and the placement and operation of an apiary. It revises the definition of “apiary” to allow honeybee hives to be placed on agricultural land or land integral to a beekeeping operation. And it creates a definition for “apiculture.” The bill grants the Department of Agriculture and Consumer Services (DACS) exclusive authority to regulate, inspect, permit, and determine placement of managed honeybee colonies.

This bill substantially amends sections 823.14, 586.02, and 586.10 of the Florida Statutes.

**II. Present Situation:**

**Beekeeping**

The Bureau of Plant & Apiary Inspection of DACS plays a vital role in Florida agriculture as inspectors work to prevent the introduction and establishment of honey bee pests and diseases. Florida’s honey industry ranks among the top five in the nation with an annual worth of \$13 million. Seventeen million pounds of honey are produced in Florida each year. Additionally, honeybee operations benefit the state’s fruit and vegetable industry by providing an estimated \$20 million in increased production numbers created by managed pollination services for over 100 varieties of popular fruits and vegetables. Florida Apiary Inspectors certify movement of honey bee colonies throughout the state and the nation. DACS has the most comprehensive state

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<sup>1</sup> See s. 823.14(3), F.S., for definitions.

program (e.g., number of inspectors and traps) to prevent the accidental introduction of the unwanted Africanized honey bee.<sup>2</sup>

The Florida Legislature first provided for inspection and “certification of honey” in 1953 by authorizing the then Commissioner of Agriculture to establish standards of grade and quality to qualify for the label of “certified honey” and further gave the commissioner authority to make rules and regulations as necessary to implement a certification program.<sup>3</sup> This function was transferred to DACS upon its creation in a 1969 reorganization of the executive branch of government.<sup>4</sup> The laws regulating honey certification were substantially reworded in 1986 and expanded to include regulation of honeybees and honeybee products at which time the Honeybee Technical Council was also created.<sup>5</sup> Currently, Chapter 586, F.S., gives DACS the powers and duties to regulate honeybees, honeybee pests, honeybee products, and beekeeping equipment. Beekeepers are required to register their hives and submit to an annual inspection. Based on inspection programs and inspection results, DACS also has authority to regulate the certification and labeling of Florida-produced honey and the issuance of certificates of registration and inspection.

Researchers at the University of Florida’s Institute of Food and Agriculture Sciences estimate that as much as 30 percent of all foods in the human diet depends upon pollination by honey bees. In addition, these insects pollinate livestock forage crops such as alfalfa and clover and are also important for dairy, poultry and swine production for that reason.<sup>6</sup>

### **Florida Right to Farm Act**

The Florida Right to Farm Act<sup>7</sup> (act) makes legislative findings that agricultural production is a major contributor to the economy of the state and that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of farm land from agricultural use. The act also prohibits local government from adopting any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, DACS, or water management districts and adopted under chapter 120 as a part of a statewide or regional program. The definition of “farm operation” in the act does not include honeybee or aquaculture products or the placement of an apiary. Further the definition of “farm product” includes animals useful to humans, but not insects. The act defines apiary, but not apiculture, and is silent as to where an apiary may be located.

Some local governments greatly restrict or ban honey bee colony placement within their jurisdictions with the consequence of reducing pollination of plants and creating a more

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<sup>2</sup> Retrieved from <http://ww.freshfromflorida.com/pi/plantinsp/apiary/apiary.html>. Site last visited April 17, 2012.

<sup>3</sup> L.O.F. 28167.

<sup>4</sup> L.O.F. 69-106.

<sup>5</sup> L.O.F. 86-62

<sup>6</sup> G. B. Crawford, “The buzz about bees,” *Florida Agriculture, The Voice of Agriculture in Florida*, Vol. 71, No. 10, October 2011.

<sup>7</sup> Section 823.14, F.S.

favorable environment for unwanted, more aggressive African honey bees to colonize.<sup>8</sup> Additionally, honey bees, honey bee products, and aquaculture products are being produced in farming operations but may not be included in the current law as farm products.<sup>9</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 823.14, F.S., to revise the definition of “farm operation” to include honeybee and aquaculture activities and to, additionally, include the placement and operation of an apiary. It expands the definition of “farm product” to include “insects” useful to humans.

**Section 2** amends s. 586.02, F.S., to revise the definition of “apiary” to specify that an apiary may be located on land classified as agriculture under s. 193.461, F.S., or on land that is integral to a beekeeping operation. It provides a definition for “apiculture” which is the raising, caring, and breeding of honeybees.

**Section 3** amends s. 586.10, F.S., to preempt to the state the authority to regulate, inspect, and permit managed honeybee colonies and to adopt rules regarding the placement and location of managed colonies which would supersede any local ordinances regarding these matters. It makes the department’s enumerated powers and duties mandatory.

**Section 4** provides that this act shall take effect July 1, 2012.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

This bill may have a positive fiscal impact of an indeterminate amount on the private sector as there is the potential for elimination of duplicate regulation.

<sup>8</sup> DACS bill analysis for SB 1132, January 10, 2012, on file with the Senate Agriculture Committee.

<sup>9</sup> *Id.*

C. Government Sector Impact:

The fiscal impact to local governments due to the loss of revenue arising from the regulation of honeybee activities is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/23/12  
Meeting Date

Nancy Gentry

Topic Honey bees

Bill Number 1132  
*(if applicable)*

Name NANCY GENTRY

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Cross Creek Honey Co

Address 125 Twin Lake Grove Dr

Phone \_\_\_\_\_

Intersadden, FL 32148  
Street City State Zip

E-mail fgentry@gmail.com

Speaking:  For  Against  Information

Representing myself

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-23-12

Meeting Date

Topic Beekeeping

Bill Number 1132  
*(if applicable)*

Name Laurence Cutts

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 1533 Clayton Rd

Phone 850-638-7213

Street

Chipley

Fla

32428

City

State

Zip

E-mail laurencepcutts@trotmail.com

Speaking:  For  Against  Information

Representing Self - Cutts Honey

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12

Meeting Date

Topic Beekeeping

Bill Number 1132  
*(if applicable)*

Name Ryan Matthews

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Leg. Advocate

Address 301 S. Bronough St. Suite 300

Phone 888-222-9684

Tall, FL 32302  
City State Zip

E-mail rmatthews@flcities.com

Speaking:  For  Against  Information

Representing FL League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

①

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12  
Meeting Date

Topic Beekeeping

Bill Number 1132  
*(if applicable)*

Name Tom Nolan

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 2424 51<sup>st</sup> Blvd E

Phone 941-504-0977

Bradenton FL 34208  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Florida State Beekeepers

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic Beekeeping

Bill Number 1132  
*(if applicable)*

Name Ben Parks

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Director

Address 315 S. Calhoun St. #850

Phone 222-2557

*Street* Tallahassee *City* Fl. *State* 32301 *Zip*

E-mail bgparks@hofma.com

Speaking:  For  Against  Information

Representing Farm Bureau

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

By Senator Hays

20-00729C-12

20121132\_\_

A bill to be entitled

An act relating to beekeeping; amending s. 823.14, F.S.; revising definitions relating to the Florida Right to Farm Act to include beekeeping; amending s. 586.02, F.S.; revising the definition of the term "apiary" and adding a definition for the term "apiculture"; amending s. 586.10, F.S.; providing that authority to regulate honeybee colonies is preempted to the state; providing an effective date.

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

Section 1. Paragraphs (b) and (c) of subsection (3) of section 823.14, Florida Statutes, are amended to read:

823.14 Florida Right to Farm Act.—

(3) DEFINITIONS.—As used in this section:

(b) "Farm operation" means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm, honeybee, or aquaculture products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

(c) "Farm product" means any plant, as defined in s. 581.011, or animal or insect useful to humans and includes, but

Page 1 of 6

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

20-00729C-12

20121132\_\_

is not limited to, any product derived therefrom.

Section 2. Subsection (1) of section 586.02, Florida Statutes, is amended, present subsections (2) through (14) of that section are redesignated as subsections (3) through (15), respectively, and a new subsection (2) is added to that section, to read:

586.02 Definitions.—As used in this chapter:

(1) "Apiary" means a beeyard or site where honeybee hives, honeybees, or honeybee equipment is located. The beeyard or site may be located on land classified as agricultural under s. 193.461 or on land that is integral to a beekeeping operation.

(2) "Apiculture" means the raising, caring, and breeding of honeybees.

Section 3. Section 586.10, Florida Statutes, is amended to read:

586.10 Powers and duties of department.—The authority to regulate, inspect, and permit managed honeybee colonies and to adopt rules on the placement and location of registered inspected managed honeybee colonies is preempted to the state through the department and supersedes any related ordinance adopted by a county, municipality, or political subdivision thereof. The department shall ~~have the powers and duties to:~~

(1) Administer and enforce the provisions of this chapter.

(2) Adopt ~~Promulgate~~ rules necessary to the enforcement of this chapter.

(3) Adopt ~~Promulgate~~ rules relating to standard grades for honey and other honeybee products.

(4) Enter upon any public or private premise or carrier during regular business hours for the purpose of inspection,

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 59 quarantine, destruction, or treatment of honeybees, used  
 60 beekeeping equipment, unwanted races of honeybees, or regulated  
 61 articles.

62 (5) Declare a honeybee pest or unwanted race of honeybees  
 63 to be a nuisance to the beekeeping industry as well as any  
 64 honeybee or other ~~article~~ infested or infected article ~~therewith~~  
 65 ~~or~~ that has been exposed to infestation or infection in a manner  
 66 believed likely to communicate the infection or infestation.

67 (6) Declare a quarantine against any area, place, or  
 68 political unit within this state or other states, territories,  
 69 or foreign countries, or portion thereof, in reference to  
 70 honeybee pests or unwanted races of honeybees and prohibit the  
 71 movement within this state from other states, territories, or  
 72 foreign countries of all honeybees, honeybee products, used  
 73 beekeeping equipment, or other articles from such quarantined  
 74 places or areas which are likely to carry honeybee pests or  
 75 unwanted races of honeybees if the quarantine is determined,  
 76 after due investigation, to be necessary in order to protect  
 77 this state's beekeeping industry, honeybees, and the public. In  
 78 such cases, the quarantine may be made absolute or rules may be  
 79 adopted prescribing the method and manner under which the  
 80 prohibited articles may be moved into or within, sold in, or  
 81 otherwise disposed of in this state.

82 (7) Enter into cooperative arrangements with any person,  
 83 municipality, county, or other department of this state or any  
 84 agency, officer, or authority of other states or the United  
 85 States Government, including the United States Department of  
 86 Agriculture, for inspection of honeybees, honeybee pests, or  
 87 unwanted races of honeybees and products thereof and the control

20-00729C-12 20121132\_\_  
 88 or eradication of honeybee pests and unwanted races of  
 89 honeybees, and contribute a share of the expenses incurred under  
 90 such arrangements.

91 (8) Carry on investigations of methods of control,  
 92 eradication, and prevention of dissemination of honeybee pests  
 93 or unwanted races of honeybees.

94 (9) Inspect or cause to be inspected all apiaries in the  
 95 state at such intervals as it may deem best and to keep a  
 96 complete, accurate, and current list of all inspected apiaries  
 97 to include the:

98 (a) Name of the apiary.

99 (b) Name of the owner of the apiary.

100 (c) Mailing address of the apiary owner.

101 (d) Location of the apiary.

102 (e) Number of hives in the apiary.

103 (f) Pest problems associated with the apiary.

104 (g) Brands used by beekeepers where applicable.

105 (10) Collect or accept from other agencies or individuals  
 106 specimens of arthropods, nematodes, fungi, bacteria, or other  
 107 organisms for identification.

108 (11) Confiscate, destroy, or make use of abandoned beehives  
 109 or beekeeping equipment.

110 (12) Require the identification of ownership of apiaries.

111 (13) Enter into a compliance agreement with any person  
 112 engaged in purchasing, assembling, exchanging, processing,  
 113 utilizing, treating, or moving beekeeping equipment or  
 114 honeybees.

115 (14) Make and issue to beekeepers certificates of  
 116 registration and inspection, following proper inspection and

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117 certification of their honeybee colonies.

118 (15) Revoke or suspend a beekeeper's or honeybee product  
 119 processor's certificate of inspection or the use of a  
 120 certificate or permit issued by the department if the department  
 121 determines that the a beekeeper or honeybee product processor is  
 122 selling or offering for sale or is distributing or offering to  
 123 distribute honeybees, honeybee products, or beekeeping equipment  
 124 in violation of this chapter or rules adopted under this  
 125 chapter, or has aided or abetted in such ~~the~~ violation, ~~the~~  
 126 ~~department may revoke or suspend her or his certificate of~~  
 127 ~~inspection or the use of any certificate or permit issued by the~~  
 128 ~~department.~~

129 (16) ~~The department may~~ Refuse the certification of any  
 130 honeybees, honeybee products, or beekeeping equipment if when it  
 131 is determined that an unwanted race of honeybees exists, or  
 132 honeybee pests exist on honeybees, honeybee products, or  
 133 beekeeping equipment, or that the condition of the apiary  
 134 inhibits a thorough and efficient inspection by the department.

135 (17) ~~The department is authorized to~~ Conduct, supervise, or  
 136 cause the fumigation, destruction, or treatment of honeybees,  
 137 including unwanted races of honeybees, honeybee products, and  
 138 used beekeeping equipment or other articles infested or infected  
 139 by honeybee pests or unwanted races of honeybees or so exposed  
 140 to infection or infestation that it is reasonably believed that  
 141 infection or infestation could exist.

142 (18) ~~The department may~~ Require the removal from this state  
 143 of any honeybees or beekeeping equipment that which has been  
 144 brought into the state in violation of this chapter or the rules  
 145 adopted under this chapter.

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20121132\_\_

146 Section 4. This act shall take effect July 1, 2012.

Page 6 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Agriculture Committee

BILL: CS/SB 1184

INTRODUCER: Agriculture Committee and Senator Norman

SUBJECT: Agriculture

DATE: January 23, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Buford	AG	<b>Fav/CS</b>
2.			TR	
3.			BC	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

This committee substitute includes the following provisions related to agriculture:

- Prohibits governmental entities from charging an assessment or fee for stormwater management on a *bona fide* farm operation on land classified as agricultural under certain circumstances. The bill replaces the word “county” with “governmental entity” in the provisions described above which has the effect of expanding, from only counties to counties, municipalities, and regional governmental entities.
- Authorizes the use of citrus harvesting equipment and citrus fruit loaders to transport citrus between farms on public state highways without violating the public highway use restriction for the purpose of qualifying for the motor fuel tax refund.
- Authorizes the Department of Agriculture and Consumer Services (department) to enforce the state laws and rules relating to the use of commercial feed stocks. It requires the department to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff. If adopted, such standards must be developed in consultation with the Commercial Feed Technical Council.

This committee substitute amends sections 163.3162, 206.41, 316.515, 570.07 and 580.036 of the Florida Statutes.

## II. Present Situation:

### Stormwater Utility Fees

A number of counties have adopted stormwater utility fees to provide a funding source for stormwater management and water quality programs, and have imposed these fees on agricultural lands even though the land owner has a permitted stormwater management system or has implemented BMPs. The revenue generated directly supports maintenance and upgrade of existing storm drain systems, development of drainage plans, flood control measures, water-quality programs, administrative costs, and sometimes construction of major capital improvements. This may create a duplicative financial burden for the agricultural operation that is already paying to manage its own permitted stormwater management system, yet has to pay again for a county program.

### Agricultural Lands and Practices Act

In 2003, the Legislature passed the Agricultural Lands and Practices Act, codified in s. 163.3162, F.S., to prohibit counties from adopting any duplicative ordinance, resolution, regulation, rule, or policy that limits activity of a *bona fide* farm or farm operation on agricultural land if such activity is regulated through best management practices (BMPs), interim measures, or by an existing state, regional, or federal regulatory program. Prior to the enactment of this legislation, some counties had enacted measures to regulate various agricultural operations in the state which were duplicative and more restrictive than those already dictated through BMPs or an existing governmental regulatory program. While the Agricultural Land and Practices Act banned the adoption of future local government restrictive measures, it did not explicitly prohibit the enforcement of existing local government measures.

In 2011, the Legislature overrode the veto of HB 7103, which passed the House and Senate during the 2010 Legislative Session. HB 7103, in part, amended s. 163.3162(3)(b), F.S., to provide that a county cannot charge an assessment or fee for stormwater management on a *bona fide* farm operation on land classified as agricultural if the farm operation has a National Pollutant Discharge Elimination System (NPDES) permit, environmental resources permit (ERP), or works-of-the-district permit or implements best management practices (BMPs). In addition, HB 7103 amended s. 163.3162(3)(c), F.S., to provide that each county that, before March 1, 2009, adopted a stormwater utility ordinance or resolution, adopted an ordinance or resolution establishing a municipal services benefit unit, or adopted a resolution stating the county's intent to use the uniform method of collection for such stormwater ordinances, can continue to charge an assessment or fee for stormwater management on a *bona fide* farm operation on agricultural land, if the ordinance or resolution provides credits against the assessment or fee on a *bona fide* farm operation for the water quality or flood control benefit of:

- The implementation of BMPs;
- The stormwater quality and quantity measures required as part of the NPDES permit, ERP, or works-of-the-district permit; or

- The implementation of BMPs or alternative measures, which the landowner demonstrates to the county to be of equivalent or greater stormwater benefit than the BMPs adopted by the Department of Environmental Protection, Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program, or stormwater quality and quantity measures required as part of an NPDES permit, ERP, or works-of-the-district permit.

Since the veto override of HB 7103, the City of Palm Coast has adopted and implemented a stormwater fee that affects thousands of acres of timber and agricultural lands.

### **Motor Fuel Taxes**

Agricultural, aquacultural, commercial fishing, or commercial aviation permit holders who have paid the local option fuel tax, an additional tax designated as the “State Comprehensive Enhanced Transportation System Tax,” or fuel sales tax are entitled to a refund of a portion of the fuel tax levied under sections 206.41(1)(g) and 206.41(c), F.S. For the purpose of establishing what activities qualify for the tax refund, “agricultural and aquacultural purposes” means “motor fuel used in any tractor, vehicle, or other farm equipment that is used exclusively on a farm or for processing farm products on the farm, and no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state. This restriction from being driven or operated upon Florida public highways does not apply to the movement of a farm vehicle or farm equipment between farms. It also does not include citrus harvesting equipment and citrus fruit loaders to the types of equipment that can move between farms on public highways and not violate the public highway use restriction for the purpose of qualifying for the motor fuel tax refund.

### **Uniform Traffic Control Law**

Chapter 316, F.S., establishes the Florida Uniform Traffic Control Law. Section 316.515(5)(a), F.S., provides that, certain agricultural equipment such as straight trucks, agricultural tractors, and cotton module movers, not exceeding 50 feet in length, or any combination of up to and including three implements of husbandry, including the towing power unit, and any single agricultural trailer with a load thereon or any agricultural implements attached to a towing power unit, or a self-propelled agricultural implement or an agricultural tractor, is authorized to transport peanuts, grains, soybeans, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage, and for the purpose of returning to such point of production, or for the purpose of moving such tractors, movers, and implements from one point of agricultural production to another, by a person engaged in the production of any such product or custom hauler, if such vehicle or combination of vehicles otherwise complies with this section of law. The Florida Uniform Traffic Control Law does not currently authorize the use of citrus harvesting equipment and citrus fruit loaders to the list of machinery authorized to transport certain perishable agricultural products or to authorize the use of certain motor vehicles to transport citrus.

### **Commercial Feed and Feedstuff**

The department is authorized by s. 570.07, F.S., to enforce the laws and rules of the state relating to the registration, labeling, inspection, sale, composition, formulation, wholesale and retail distribution, and analysis of commercial stock feeds. It does not currently have the authority to enforce laws and rules relating to the use of commercial feed and feedstuff.

The department's Feed Section is responsible for the enforcement and administration of the Florida Commercial Feed Law, chapter 580, F.S., and Chapter 5E-3, Florida Administrative Code. Section 580.036, F.S., authorizes the department to adopt rules pursuant to chapter 120, F.S., to enforce the provisions of chapter 580, F.S., and provides that such rules must be consistent with the rules and standards of the United States Food and Drug Administration and United States Department of Agriculture, when applicable. This committee substitute would authorize the department to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff to ensure usage that is consistent with animal health, safety, and welfare and, to the extent that meat, poultry, and other animal products may be affected by commercial feed or feedstuff, with the safety of these products for human consumption.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 163.3162, F.S., to replace most references to the word "county" in the Agricultural Lands and Practices Act with the term "governmental entity." It adds a definition to this section for the term and specifies that it has the same meaning as provided in s. 164.1031, F.S., where "governmental entity" is defined to include local and regional government entities. These changes have the effect of expanding from just counties to counties, municipalities, and regional governments, the types of governmental entities that are not authorized to charge an assessment or fee for stormwater management on a *bona fide* farm operation on land classified as agricultural, under certain circumstances.

**Section 2** amends s. 206.41, F.S., to add citrus harvesting equipment and citrus fruit loaders to the types of equipment that can move between farms on public highways in the state without violating the public highway use restriction, thereby qualifying for the motor fuel tax refund provided in this section.

**Section 3** amends s. 316.515, F.S., to revise the Florida Uniform Traffic Control Law to allow the use of citrus harvesting equipment and citrus fruit loaders, not exceeding 50 feet in length, to the list of machinery that are authorized to transport certain perishable farm products between farms. It also includes citrus in the list of perishable farm products specified in statute that are authorized to be transported by equipment specified in this section.

**Section 4** amends s. 570.07, F.S., to authorize the department to enforce the laws and rules of the state relating to the use of commercial stock feed.

**Section 5** amends s. 580.036, F.S., to authorize the department to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff to ensure usage that is consistent with animal health, safety, and welfare and, to the extent that meat, poultry, and other animal products may be affected by commercial feed or feedstuff, with the safety of these

products for human consumption. These standards, if adopted, must be developed in consultation with the Commercial Feed Technical Council.

**Section 6** provides that this act shall take effect July 1, 2012.

**Other Potential Implications:**

None.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because the bill prohibits a governmental entity from imposing an assessment or fee for stormwater management on certain lands. However, because this legislation has not yet been reviewed by the Revenue Estimating Conference, it is unclear if the reduction in revenues meets the threshold of the mandate or if an exemption applies.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

In 2009, the Revenue Estimating Conference (conference) made the following comment regarding identical legislation that is in section 1 of the bill: "Provisions of this bill that prohibit a county or municipality from imposing an assessment or fee for stormwater management on certain lands will have a negative indeterminate impact on local government revenues as determined by the conference."

B. Private Sector Impact:

The bill provides relief to agricultural producers who are being assessed with stormwater management fees by certain governmental entities.

The bill provides relief to citrus producers who pay certain taxes on motor fuel for use in citrus harvesting equipment or citrus fruit loaders.

**C. Government Sector Impact:**

By providing a tax refund for fuel taxes on citrus harvesting equipment or citrus fruit loaders, the state will experience a loss of sales tax revenue. Because this bill has not yet been reviewed by the Revenue Estimating Conference, the fiscal impact on state government is indeterminate at this time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Agriculture Committee on January 23, 2012:**

Committee Substitute for Senate Bill 1184 is different from Senate Bill 1184 in that it:

- Deletes Section 6 of SB 1184 which prohibits a person to knowingly enter any nonpublic area of a farm and, without prior written consent to record sounds or images of the farm or farm operations, with certain exceptions. It also provided that violations would be punishable by a term of imprisonment not exceeding one year or a fine of \$1,000. This deleted section of the bill had an effective date of October 1, 2012.

**B. Amendments:**

None.



558058

LEGISLATIVE ACTION

Senate

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. .  
. .  
. .  
. .

House

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The Committee on Agriculture (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 186 - 235.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 25 - 29

and insert:

development of such rules; providing effective dates.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12

Meeting Date

Topic Ag. Industry

Bill Number 1184  
*(if applicable)*

Name Alan Shelby

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Govt. Relations Director

Address 402 E. Jefferson St.  
*Street*

Phone 222-5646

Tall. FL 32301  
*City State Zip*

E-mail alan@forestfla.org

Speaking:  For  Against  Information

Representing Florida Forestry Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/26/12  
Meeting Date

Topic Agriculture Section 6

Bill Number <sup>sb</sup> 1184 sect. 6  
(if applicable)

Name Vivian Sharton

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Marketing Consultant

Address 2113 Queenswood Dr  
Street

Phone 850 228 6870

Tallahassee FL 32303  
City State Zip

E-mail shartot@vivnor.com

Speaking:  For  Against  Information

Representing private citizen

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-23-12

Meeting Date

Topic AGRICULTURE

Bill Number 1184  
*(if applicable)*

Name DAVID CULLEN

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 1674 UNIVERSITY PKWY #296

Phone 941-323-2404

Street

SARASOTA FL 34243

City

State

Zip

E-mail cullenasea@aol.com

Speaking:  For  Against  Information

Representing SEASIDE CLUB FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/2012  
Meeting Date

Topic \_\_\_\_\_

Bill Number SB 1184  
*(if applicable)*

Name JOSE L. GONZALEZ

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title UP GOVT AFFAIRS

Address 516 N. ADAMS ST  
*Street*

Phone 224-7173

TALLAHASSEE, FL 32301  
*City State Zip*

E-mail jbonzalez@AIF.COM

Speaking:  For  Against  Information

Representing AIF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12  
Meeting Date

Topic Agriculture

Bill Number SB 1184  
*(if applicable)*

Name Ryan Matthews

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Leg. Advocate

Address 301 S. Bronough St. Suite 300

Phone 850-222-9684

Tallahassee FL 32302  
City State Zip

E-mail rmatthews@flitics.com

Speaking:  For  Against  Information

Representing FL League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic Ag Industries

Bill Number 1184  
*(if applicable)*

Name Cindy Littlejohn

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Tactician

Address 310 W. College Ave.  
*Street*

Phone 222-7535

Tallahassee FL 32312  
*City State Zip*

E-mail cindy@littlejohnsaw.com

Speaking:  For  Against  Information

Representing Plum Creek Timber Co.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12

Meeting Date

Topic Agriculture Section 6

Bill Number 1184 SB  
*(if applicable)*

Name Katie MacFell

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 2144 Delta Way  
*Street*

Phone 850 508-1001

Tallahassee FL 32303  
*City State Zip*

E-mail KMacFell@comcast.net

Speaking:  For  Against  Information Section 6

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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1/23/12

Meeting Date

Topic Agriculture SB 1184, Sec. 6

Bill Number SB 1184  
(if applicable)

Name Kevin Schneider

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Student / Law Clerk

Address 1951 N. Meridian Rd. #85  
Street  
Tallahassee, FL 32303  
City State Zip

Phone (857) 991-4148

E-mail krs10c@my.fsu.edu

Speaking:  For  Against  Information

Representing Animal Legal Defense Fund / Concerned Citizen

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12  
*Meeting Date*

Topic \_\_\_\_\_

Bill Number SB 1184  
*(if applicable)*

Name Nancy Stewart

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 1535 Killeena Center Blvd

Phone 385-7805

*Street*  
Fallahassee FL 32309  
*City State Zip*

E-mail \_\_\_\_\_

Speaking:  For  Against  Information Oppose Section 6 of bill

Representing FL Poultry Federation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/23/12

Meeting Date

Topic Agriculture - Section 6

Bill Number SB 1184  
*(if applicable)*

Name LAURA BEVAN

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director - Southern Region

Address 1624 METROPOLITAN CIRCLE - B

Phone 850 386-3435

TALLAHASSEE FL 32303

City State Zip

E-mail lbevan@hsus.org

Speaking:  For  Against  Information Section 6

Representing The Humane Society of the US

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12

Meeting Date

Topic AG

Bill Number 1184  
*(if applicable)*

Name Sam Ard

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address PO Box 10406  
*Street*  
TLH 32302  
*City State Zip*

Phone 850 577 6500

E-mail sard@asrlegal.com

Speaking:  For  Against  Information

Representing Fla. Cattlemen's Assn

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/29/11  
Meeting Date

Topic Agriculture

Bill Number 1184 SB <sup>Sept 6</sup>  
(if applicable)

Name LAVONIA R TALBOT

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Chab. Counselor

Address 593 Champion Oak Circle  
Street

Phone 539 640 3

HAVANA  
City

FL  
State

32333  
Zip

E-mail LAVONIA.TALBOT@mchsi.com

Speaking:  For  Against  Information

Representing private citizen

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/23/2012

Meeting Date

Topic FEED REGULATION

Bill Number SB 1184  
*(if applicable)*

Name HOWARD E. "GENE" ADAMS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title ATTORNEY

Address 215 SOUTH MONROE ST., 2ND Floor

Phone 850-222-3533

TAUNTAHASSOG FLA. 32301-1839  
City State Zip

E-mail GENE@PENNINGTONLAW.COM

Speaking:  For  Against  Information

Representing FLORIDA FEED ASSOC.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

By Senator Norman

12-00162-12

20121184\_\_

1 A bill to be entitled  
 2 An act relating to agriculture; amending s. 163.3162,  
 3 F.S.; defining the term "governmental entity";  
 4 prohibiting certain governmental entities from  
 5 charging stormwater management assessments or fees on  
 6 certain bona fide farm operations except under certain  
 7 circumstances; providing for applicability; amending  
 8 s. 206.41, F.S.; revising the definition of the term  
 9 "agricultural and aquacultural purposes" for purposes  
 10 of the required refund of state taxes imposed on motor  
 11 fuel used for such purposes; amending s. 316.515,  
 12 F.S.; revising the Florida Uniform Traffic Control Law  
 13 to authorize the use of citrus harvesting equipment  
 14 and citrus fruit loaders to transport certain  
 15 agricultural products and to authorize the use of  
 16 certain motor vehicles to transport citrus; amending  
 17 s. 570.07, F.S.; revising the powers and duties of the  
 18 Department of Agricultural and Consumer Services to  
 19 enforce laws and rules relating to the use of  
 20 commercial stock feeds; amending s. 580.036, F.S.;  
 21 authorizing the department to adopt rules establishing  
 22 certain standards for regulating commercial feed or  
 23 feedstuff; requiring the department to consult with  
 24 the Commercial Feed Technical Council in the  
 25 development of such rules; creating s. 810.127, F.S.;  
 26 defining terms; prohibiting the knowing entry upon and  
 27 unauthorized recording of sounds or images of a farm  
 28 or farm operation; providing for applicability;  
 29 providing a penalty; providing effective dates.

Page 1 of 9

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

12-00162-12

20121184\_\_

30  
 31 Be It Enacted by the Legislature of the State of Florida:  
 32  
 33 Section 1. Paragraph (d) is added to subsection (2) of  
 34 section 163.3162, Florida Statutes, and paragraphs (b), (c), and  
 35 (i) of subsection (3) of that section are amended to read:  
 36 163.3162 Agricultural Lands and Practices.—  
 37 (2) DEFINITIONS.—As used in this section, the term:  
 38 (d) "Governmental entity" has the same meaning as provided  
 39 in s. 164.1031.  
 40 (3) DUPLICATION OF REGULATION.—Except as otherwise provided  
 41 in this section and s. 487.051(2), and notwithstanding any other  
 42 law, including any provision of chapter 125 or this chapter:  
 43 (b) A governmental entity ~~county~~ may not charge an  
 44 assessment or fee for stormwater management on a bona fide farm  
 45 operation on land classified as agricultural land pursuant to s.  
 46 193.461, if the farm operation has a National Pollutant  
 47 Discharge Elimination System permit, environmental resource  
 48 permit, or works-of-the-district permit or implements best  
 49 management practices adopted as rules under chapter 120 by the  
 50 Department of Environmental Protection, the Department of  
 51 Agriculture and Consumer Services, or a water management  
 52 district as part of a statewide or regional program.  
 53 (c) For each governmental entity ~~county~~ that, before March  
 54 1, 2009, adopted a stormwater utility ordinance or resolution,  
 55 adopted an ordinance or resolution establishing a municipal  
 56 services benefit unit, or adopted a resolution stating the  
 57 governmental entity's ~~county's~~ intent to use the uniform method  
 58 of collection pursuant to s. 197.3632 for such stormwater

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59 ordinances, the governmental entity ~~county~~ may continue to  
 60 charge an assessment or fee for stormwater management on a bona  
 61 fide farm operation on land classified as agricultural pursuant  
 62 to s. 193.461, if the ordinance or resolution provides credits  
 63 against the assessment or fee on a bona fide farm operation for  
 64 the water quality or flood control benefit of:

65 1. The implementation of best management practices adopted  
 66 as rules under chapter 120 by the Department of Environmental  
 67 Protection, the Department of Agriculture and Consumer Services,  
 68 or a water management district as part of a statewide or  
 69 regional program;

70 2. The stormwater quality and quantity measures required as  
 71 part of a National Pollutant Discharge Elimination System  
 72 permit, environmental resource permit, or works-of-the-district  
 73 permit; or

74 3. The implementation of best management practices or  
 75 alternative measures which the landowner demonstrates to the  
 76 governmental entity ~~county~~ to be of equivalent or greater  
 77 stormwater benefit than those provided by implementation of best  
 78 management practices adopted as rules under chapter 120 by the  
 79 Department of Environmental Protection, the Department of  
 80 Agriculture and Consumer Services, or a water management  
 81 district as part of a statewide or regional program, or  
 82 stormwater quality and quantity measures required as part of a  
 83 National Pollutant Discharge Elimination System permit,  
 84 environmental resource permit, or works-of-the-district permit.

85 (i) The provisions of this subsection that limit a  
 86 governmental entity's ~~county's~~ authority to adopt or enforce any  
 87 ordinance, regulation, rule, or policy, or to charge any

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88 assessment or fee for stormwater management, apply only to a  
 89 bona fide farm operation as described in this subsection.

90 Section 2. Paragraph (c) of subsection (4) of section  
 91 206.41, Florida Statutes, is amended to read:

92 206.41 State taxes imposed on motor fuel.—

93 (4)

94 (c)1. Any person who uses any motor fuel for agricultural,  
 95 aquacultural, commercial fishing, or commercial aviation  
 96 purposes on which fuel the tax imposed by paragraph (1) (e),  
 97 paragraph (1) (f), or paragraph (1) (g) has been paid is entitled  
 98 to a refund of such tax.

99 2. For the purposes of this paragraph, "agricultural and  
 100 aquacultural purposes" means motor fuel used in any tractor,  
 101 vehicle, or other farm equipment which is used exclusively on a  
 102 farm or for processing farm products on the farm, and no part of  
 103 which fuel is used in any vehicle or equipment driven or  
 104 operated upon the public highways of this state. This  
 105 restriction does not apply to the movement of a farm vehicle, ~~or~~  
 106 farm equipment, citrus harvesting equipment, or citrus fruit  
 107 loaders between farms. The transporting of bees by water and the  
 108 operating of equipment used in the apiary of a beekeeper shall  
 109 be also deemed an agricultural purpose.

110 3. For the purposes of this paragraph, "commercial fishing  
 111 and aquacultural purposes" means motor fuel used in the  
 112 operation of boats, vessels, or equipment used exclusively for  
 113 the taking of fish, crayfish, oysters, shrimp, or sponges from  
 114 salt or fresh waters under the jurisdiction of the state for  
 115 resale to the public, and no part of which fuel is used in any  
 116 vehicle or equipment driven or operated upon the highways of

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117 this state; however, the term may in no way be construed to  
118 include fuel used for sport or pleasure fishing.

119 4. For the purposes of this paragraph, "commercial aviation  
120 purposes" means motor fuel used in the operation of aviation  
121 ground support vehicles or equipment, no part of which fuel is  
122 used in any vehicle or equipment driven or operated upon the  
123 public highways of this state.

124 Section 3. Paragraph (a) of subsection (5) of section  
125 316.515, Florida Statutes, is amended to read:

126 316.515 Maximum width, height, length.—

127 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;  
128 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

129 (a) Notwithstanding any other provisions of law, straight  
130 trucks, agricultural tractors, citrus harvesting equipment,  
131 citrus fruit loaders, and cotton module movers, not exceeding 50  
132 feet in length, or any combination of up to and including three  
133 implements of husbandry, including the towing power unit, and  
134 any single agricultural trailer with a load thereon or any  
135 agricultural implements attached to a towing power unit, or a  
136 self-propelled agricultural implement or an agricultural  
137 tractor, is authorized for the purpose of transporting peanuts,  
138 grains, soybeans, citrus, cotton, hay, straw, or other  
139 perishable farm products from their point of production to the  
140 first point of change of custody or of long-term storage, and  
141 for the purpose of returning to such point of production, or for  
142 the purpose of moving such tractors, movers, and implements from  
143 one point of agricultural production to another, by a person  
144 engaged in the production of any such product or custom hauler,  
145 if such vehicle or combination of vehicles otherwise complies

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146 with this section. The Department of Transportation may issue  
147 overlength permits for cotton module movers greater than 50 feet  
148 but not more than 55 feet in overall length. Such vehicles shall  
149 be operated in accordance with all safety requirements  
150 prescribed by law and rules of the Department of Transportation.

151 Section 4. Paragraph (c) of subsection (16) of section  
152 570.07, Florida Statutes, is amended to read:

153 570.07 Department of Agriculture and Consumer Services;  
154 functions, powers, and duties.—The department shall have and  
155 exercise the following functions, powers, and duties:

156 (16) To enforce the state laws and rules relating to:

157 (c) Registration, labeling, inspection, sale, use,  
158 composition, formulation, wholesale and retail distribution, and  
159 analysis of commercial stock feeds and registration, labeling,  
160 inspection, and analysis of commercial fertilizers;

161  
162 In order to ensure uniform health and safety standards, the  
163 adoption of standards and fines in the subject areas of  
164 paragraphs (a)-(n) is expressly preempted to the state and the  
165 department. Any local government enforcing the subject areas of  
166 paragraphs (a)-(n) must use the standards and fines set forth in  
167 the pertinent statutes or any rules adopted by the department  
168 pursuant to those statutes.

169 Section 5. Paragraph (g) is added to subsection (2) of  
170 section 580.036, Florida Statutes, to read:

171 580.036 Powers and duties.—

172 (2) The department is authorized to adopt rules pursuant to  
173 ss. 120.536(1) and 120.54 to enforce the provisions of this  
174 chapter. These rules shall be consistent with the rules and

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175 standards of the United States Food and Drug Administration and  
176 the United States Department of Agriculture, when applicable,  
177 and shall include:

178 (g) Establishing standards for the sale, use, and  
179 distribution of commercial feed or feedstuff to ensure usage  
180 that is consistent with animal health, safety, and welfare and,  
181 to the extent that meat, poultry, and other animal products may  
182 be affected by commercial feed or feedstuff, with the safety of  
183 these products for human consumption. Such standards, if  
184 adopted, must be developed in consultation with the Commercial  
185 Feed Technical Council created under s. 580.151.

186 Section 6. Effective October 1, 2012, section 810.127,  
187 Florida Statutes, is created to read:

188 810.127 Unauthorized entry and use of recording device on  
189 farm; penalties.—

190 (1) As used in this section, the term:

191 (a) "Audio or video recording function" means the  
192 capability of a camera, an audio or video recorder, or any other  
193 device to record, store, transfer, broadcast, or transmit sound  
194 or images by means of any technology now known or later  
195 developed, regardless of the recording media or format,  
196 including, but not limited to, photographs or film; magnetic  
197 storage, including audio cassette tapes, videocassette tapes,  
198 hard disk drives, and floppy disk drives; flash memory,  
199 including memory cards, flash drives, and solid state drives;  
200 optical disc storage media, including compact discs, digital  
201 versatile discs, and blu-ray discs; streaming media; and any  
202 other electrical, magnetic, optical, or form of data storage.

203 (b) "Farm" has the same meaning as provided in s. 823.14.

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204 For purposes of this section, the term also includes any other  
205 land upon which a legal farm operation is being conducted and  
206 upon which farm products are being produced.

207 (c) "Farm operation" has the same meaning as provided in s.  
208 823.14.

209 (d) "Farm product" has the same meaning as provided in s.  
210 823.14.

211 (2) A person may not knowingly enter upon any nonpublic  
212 area of a farm and, without the prior written consent of the  
213 farm's owner or the owner's authorized representative, operate  
214 the audio or video recording function of any device with the  
215 intent of recording sound or images of the farm or farm  
216 operation.

217 (3) This section does not apply to:

218 (a) An employee or agent of the Department of Agriculture  
219 and Consumer Services acting under s. 570.15.

220 (b) An employee or agent of the Department of Business and  
221 Professional Regulation acting under chapter 450.

222 (c) A law enforcement officer conducting a lawful  
223 inspection or investigation.

224 (d) Any other government employee conducting official  
225 regulatory business.

226 (e) An engineer or his or her agent or employee acting  
227 under s. 471.027.

228 (f) A land surveyor and mapper or his or her subordinate,  
229 agent, or employee, as necessary for conducting any activity  
230 under chapter 472.

231 (g) A person acting on behalf of an insurer for inspection,  
232 underwriting, or claims purposes.

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233       (4) A person who violates this section commits a  
234 misdemeanor of the first degree, punishable as provided in s.  
235 775.082 or s. 775.083.

236       Section 7. Except as otherwise expressly provided in this  
237 act, this act shall take effect July 1, 2012.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Agriculture Committee

BILL: CS/SB 1254

INTRODUCER: Agriculture Committee and Senator Siplin

SUBJECT: Department of Agriculture and Consumer Services

DATE: January 23, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Buford	AG	<b>Fav/CS</b>
2.	_____	_____	EP	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

This committee substitute addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (DACS). It:

- Establishes the Division of Food, Nutrition and Wellness;
- Designates DACS, rather than the Department of Environmental Protection, as the staff responsible for acquiring and administering conservation easements on land that is acquired under the Rural and Family Lands Protection Program;
- Extends the date from September 15 to September 30 for mosquito control districts to provide their certified budgets to DACS;
- Revises the products that mosquito control districts are authorized to use to control mosquito breeding;
- Repeals statutory language relating to the John A. Mulrennan, Sr. Arthropod Research Laboratory;
- Eliminates travel and per diem reimbursements for several councils;
- Allows DACS to adopt the most current federal regulations to address the safety and protection of food offered at retail and wholesale;

- Eliminates the Food Safety Pilot Program, relating to inspection of food establishments and vehicles;
- Updates milk, milk products and frozen dessert laws;
- Updates the name of the Office of Energy and Water to the Office of Agricultural Water Policy;
- Repeals the statute relating to the Florida Agricultural Exposition which was closed in 2008;
- Eliminates three technical councils and replaces them with a new Agricultural Feed, Seed and Fertilizer Advisory Council;
- Requires a review of marketing orders when requested by an advisory council rather than an annual audit by a certified public accountant;
- Extends the expiration dates for the fertilizer tonnage fee program to December 31, 2022 and December 31, 2027;
- Requires commercial feed distributors to report quarterly on the amount of feed distributed in Florida and provides penalties for failure to comply;
- Authorizes DACS to impose and recover monetary penalties for commercial feed found to be deficient or excessive in nutrients;
- Provides that consumers who purchase commercial feed that is in violation of DACS standards may seek legal or administrative action to recover penalties;
- Provides the ability for soil and water conservation districts to work across district lines to utilize water conservation devices, systems, and techniques;
- Provides that the proceeds of the sale of soil and water conservation district property be credited to the district rather than DACS;
- Repeals provisions relating to cattle vaccination for brucellosis;
- Renames the “Wounded Warrior Special Hunt Area” as the “Operation Outdoor Freedom Special Hunt Area”;
- Allows DACS to deposit funds from private sources, as well as federal funds, into the Florida Forest Service Incidental Trust Fund for reforestation projects;
- Gives the Florida Forest Service the sole authority to authorize silviculture and agricultural open burning and eliminates duplicative permitting by other entities of the state;
- Provides an education fee waiver for elementary, middle, high school, and vocational schools that participate in the aquaculture certification program;
- Eliminates the Aquaculture Interagency Coordinating Council; and
- Deletes the Aquaculture Interagency Coordinating Council from the membership of the Aquaculture Review Council.

This committee substitute amends sections 20.14, 253.002, 379.2523, 379.2524, 388.161, 388.201, 388.323, 388.46, 493.6104, 500.09, 500.147, 502.014, 502.053, 570.0705, 570.074, 570.18, 570.53, 570.54, 573.112, 573.118, 576.045, 576.071, 580.041, 580.131, 581.011, 581.145, 582.06, 582.20, 582.29, 582.30, 582.31, 582.32, 589.19, 589.277, 590.02, 597.0021, 597.003, 597.004, 597.005, and 616.252 of the Florida Statutes.

This committee substitute creates section 570.451 of the Florida Statutes.

This committee substitute repeals sections 388.42, 570.071, 570.29, 570.34, 576.091, 578.30, 580.151, 585.155, 589.03, and 597.006 of the Florida Statutes.

## **II. Present Situation:**

### **Division of Food, Nutrition and Wellness**

The 2011 Legislature created the Healthy Schools for Healthy Lives Act, which provides for a type two transfer of administration of school food and nutrition programs from the Department of Education to DACS, pending a waiver from the United States Department of Agriculture. That waiver was granted in October 2011; therefore, on January 1, 2012, DACS assumed administration of the state's school food and nutrition programs. The Commissioner of Agriculture states that DACS is the most experienced and best positioned to manage Florida's school food and nutrition programs. Furthermore it is the commissioner's position that the transfer will foster increased coordination between Florida farmers and the school programs that provide food for Florida's children.<sup>1</sup>

### **Board of Trustees Lands**

The Board of Trustees of the Internal Improvement Trust Fund consists of the Governor and Cabinet. The Division of State Lands within the Department of Environmental Protection (DEP) currently serves as staff to the board for the acquisition, administration, and disposition of state lands, with certain exceptions. This committee substitute removes DEP as the intermediary for acquisition of conservation easements that are acquired under the Rural and Family Lands Protection Program (RFLPP). The RFLPP was created by the 2001 Legislature to protect agricultural lands from development through permanent easement acquisitions from qualified and willing agricultural land owners. Landowners protecting their land under this program are free to undertake any agricultural practice as long as they are willing to follow established best management practices.

DACS has entered into a Memorandum of Understanding (MOU) with DEP which allows DACS to carry out the responsibilities of acquiring conservation easements. In accordance with the MOU, DACS negotiates, contracts, and performs all due diligence with regard to the real estate transactions, prepares the Board of Trustees agenda item and presents the item at a regular scheduled meeting. All information for the real estate transaction must be submitted to DEP for review prior to the Board of Trustees meeting, and it also must be given to DEP for a final review prior to closing. This committee substitute eliminates steps that DACS considers redundant by removing DEP as the intermediary and allowing DACS to act as an agent of the Board of Trustees.

### **Per Diem and Travel Expenses for Advisory Committees**

Section 112.061, F.S., establishes standard travel reimbursement rates, procedures, and limitations applicable to all public officers, employees, and authorized persons whose travel is authorized and paid by a public agency. This allows members of select statutorily created advisory councils to receive compensation for per diem and travel expenses. The members organize and host the meetings of the councils, and have in the past been provided with per diem and travel expenses in accordance with these provisions.

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<sup>1</sup> Analysis, Senate Bill 1312, 2011 Legislative Session

In order to reduce costs, several advisory committees and councils were stripped of the ability to receive travel expenses and per diem by the 2011 Legislature. This committee substitute includes some committees and councils that were overlooked in 2011 and also reinstates travel expenses and per diem for some advisory committees that do not fall under DACS purview.<sup>2</sup>

### **Mosquito Control**

Mosquito control is Florida's first line of defense against mosquito-borne diseases such as West Nile encephalitis, St. Louis encephalitis, eastern encephalitis, dengue and many others.<sup>3</sup> Chapter 388, F.S., addresses mosquito control efforts in the state. It allows any city, town or county, or any other area in the state to create a special taxing district for the control of arthropods. There are currently 62 mosquito control programs in Florida.

The fiscal year for districts is the 12-month period extending from October 1 of one year through September 30 of the following year. Prior to July 15 of each year, the district governing board must complete the preparation of a tentative detailed work plan budget. The tentative budget must include proposed operations and requirements for arthropod control measures during the ensuing fiscal year. For the purpose of determining eligibility for state aid, the governing board must submit copies to DACS for review and approval. The board must adopt and execute a certified budget and submit it to DACS for approval by September 15, which prevents current revenue and expense information from being included and is inconsistent with county budgetary schedules.

### **Disposal of Surplus Property**

Mosquito control districts are currently required to offer surplus property (such as application equipment, spray trucks, aircraft, aircraft parts, etc.) to all other counties or districts engaged in arthropod control at a price established by the board of commissioners that owns the equipment. This equipment is typically highly specialized and only of use to other mosquito control programs, if it has any residual value at all. If no acceptable offer is received within a reasonable time, the equipment can be offered to other governmental units or private nonprofit agencies. The mosquito program that disposes of the surplus property retains the funds for use in the control program. Eliminating this requirement will allow the equipment to be offered to other mosquito control programs, and, if not taken by them, disposed of by auction or scrap disposal without the additional step of offering it to all local governments. This will eliminate an unnecessary step in the equipment disposal process for mosquito control programs.

### **John A. Mulrennan, Sr. Arthropod Research Laboratory**

The John A. Mulrennan, Sr. Arthropod Research Laboratory is a research laboratory in Panama City, Florida under the administration of the Florida Agricultural and Mechanical University (FAMU). FAMU closed the laboratory on June 30, 2011.<sup>4</sup> The laboratory performed basic and

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<sup>2</sup> CS/CS/HB 7215, 2011 Legislative Session

<sup>3</sup> University of Florida, Institute of Food and Agricultural Sciences, Florida Medical Entomology Laboratory

<sup>4</sup> Florida Agricultural and Mechanical University, College of Engineering, Sciences, Technology & Agriculture, Public Health Entomology Research and Education Center

applied research to develop and test formulations, application techniques, and procedures of pesticides and biological control agents for the control of arthropods and, in particular, biting arthropods of public health or nuisance importance. Each quarter, the laboratory provided DACS with such information as it needed to assist in the performance of its duties with respect to arthropod control under chapter 388, F.S. The laboratory also served as a center for training of students and state and local government personnel in the safe and effective control of biting arthropods.

FAMU was represented on the Florida Coordinating Council on Mosquito Control in order to coordinate the activities of the laboratory with the needs and interests of mosquito control stakeholders in Florida. With the close of the laboratory, there is no reason for continued representation on the council or for mention of the laboratory in statute.

### **U.S. Food and Drug Administration Food Code**

The United States Food Code is a model created by the Food and Drug Administration (FDA) to assist federal, state, local and tribal control jurisdictions in regulating any entity that sells, manufactures, or provides food as part of their services. This law was instituted because some food manufacturers were producing and selling impure products for consumption. The FDA Food Code was adopted to protect the citizens of this country from bodily harm that could arise from consuming contaminated food and to provide various entities a uniform standard, and a final authority, regarding any questionable practices in the preparation or sales of food. The FDA Food Code is currently updated every four years.<sup>5</sup>

The Division of Food Safety (division) is responsible for assuring the public of a safe, wholesome and properly represented food supply through permitting and inspection of food establishments, inspection of food products, and performance of specialized laboratory analyses on a variety of food products sold or produced in the state. The division monitors food from farm gate through processing and distribution to the retail point of purchase. Section 500.09(3), F.S., requires the division to adopt the rules necessary to enforce the provisions of chapter 500, F.S., and provides that DACS is authorized to adopt by reference the rules adopted by the Food and Drug Administration with regard to food safety. DACS has indicated that the authority to adopt all current changes to the FDA Food Code and Federal Code of Regulations as they are released and implemented by the federal government will best protect the health and safety of Florida citizens.

### **Food Safety Pilot Program**

The 1997 Legislature created a food safety pilot program for the inspection of food establishments and vehicles to increase efficiency and reduce costs by allowing certain food establishments to start self-inspection. To be eligible for this program, a food establishment must have a good inspection record, certified food managers, active food training programs, thorough records, and written Sanitation Standard Operation Procedures in place. Seventeen food establishments participated in the program, and DACS audited the participants periodically to

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<sup>5</sup> United States Food and Drug Administration, Introduction to FDA Food Code

ensure compliance with the federal and state food laws.<sup>6</sup> By 2004, due to the difficulty of compliance, there were no establishments remaining in the program. As an alternative to the pilot program, the Division of Food Safety has implemented a variable inspection frequency, which rewards food establishments with good sanitary history by reducing the frequency of inspections. The variable inspection frequency has proven to be less burdensome on the industry than the pilot program.

### **Milkfat Testing**

Currently, DACS is required to maintain a program to issue permits to persons who test milk or milk products for fat content if the tests will be used as a basis for payment to a dairy farmer. Approximately 65 permitted analysts currently pay \$125 for a two-year permit that involves certain steps to obtain. First, a person seeking to be licensed as a Milk Fat Tester/Analyst must be employed by and work in an industry milk laboratory. Next, the applicant must also have a satisfactory onsite evaluation by the State Milk Laboratory Evaluation Officer and participate in the state's Split Sample Milk Fat Program twice a year with satisfactory results. In this program, samples are prepared and shipped to industry labs for analysts to test and report back their results to the Central Dairy Laboratory. Since this program was implemented in 1973, the USDA Milk Marketing Administration has started a program that provides the same function of making sure the dairy farmer is fairly paid, making the state program redundant.

### **Florida Agricultural Exposition**

In a joint venture, DACS and the Department of Corrections constructed and equipped an agricultural exposition center in 1969 known as the Florida Agricultural Exposition in Indiantown, Florida. The purpose of the facility was to:

- Demonstrate and sell Florida agricultural and agriculture business products;
- Attract and inform buyers;
- Conduct agricultural short courses and conferences;
- Organize tours in the aid of marketing Florida agricultural products to the domestic, Latin American, and other foreign markets; and
- Train prisoners of the correctional institutions of the state in agricultural labor and management.

A local rancher who was involved with the facility said that the facility had an emphasis on cows and used inmates at the Martin Correctional Institution to gentle the livestock or help show the different breeds.<sup>7</sup> To support the facility, DACS and the Department of Corrections were authorized to accept monetary donations from growers and dealers of agricultural products and their associated entities, the federal government, and other sources. DACS was also authorized to expend up to \$25,000 of its own funds, if available. As a result of decreased use, significantly increased costs, and a profile change in inmates of the Martin Correctional Institute, the facility was closed in 2008 by budget cuts of the Legislature and Governor.

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<sup>6</sup> Analysis, Senate Bill 2044, 1997 Legislative Session

<sup>7</sup> Telephone interview with Michael Duane by librarian of Elisabeth Lahti Library, Indiantown, Florida

## **Office of Energy and Water**

In 1995, the Legislature authorized the Commissioner of Agriculture to create an Office of Water Coordination and to designate the bureaus and positions that report to that office regarding water policy and water issues that affect agriculture and are within DACS' jurisdiction. That year, DACS established the Office of Agricultural Water Policy (OAWP). It facilitated communication and coordination among federal, state, and local governmental agencies, environmental representatives, and the agriculture industry on agricultural water resource issues. A primary function of the OAWP was to develop and assist with the implementation of best management practices in order for agricultural producers to meet their obligation under the Florida Watershed Restoration Act. The producers were required to reduce agricultural pollutant loadings to impaired waters within a basin for which the Department of Environmental Protection had adopted a Basin Management Action Plan. The OAWP also facilitated and assisted in the development of other watershed protection plans throughout the state, including the Lake Okeechobee, St. Lucie Watershed, and Caloosahatchee Watershed protection plans, among others. The OAWP was also very involved in Everglades restoration efforts and in other federal matters, such as the discussion/debate over EPA numeric nutrient criteria for Florida<sup>8</sup>

The State Energy Office, within the Governor's Office, was originally created and organized on July 1, 1975, by the Florida Legislature. Since 1975, the Energy Office has been housed in several state agencies, including the Department of Administration, the Department of Community Affairs, the Department of Environmental Protection and the Executive Office of the Governor. In the mid 2000s, the state began to focus more on energy issues and on how to increase the state's energy independence, decrease dependence on foreign oil and create a clean energy economy. To do this, the Legislature and the Governor's office created two separate bodies to advise them on these issues and to develop a plan to implement any recommended policy actions. In 2006, the Florida Energy Commission was created by the Florida Energy Act, and the following year, the Governor created the Governor's Action Team on Energy and Climate Change. As a result of the Florida Energy Commission and Governor's Action Team recommendations, the 2008 Legislature created the Florida Energy and Climate Commission and consolidated staff from three different agencies to create the Governor's Energy Office housed in the Executive Office of the Governor.<sup>9</sup>

The 2011 Legislature moved the state's energy office from the Executive Office of the Governor to DACS and created the Office of Energy and Water. To facilitate an expanded energy focus within DACS, a separate Office of Energy will be established and this committee substitute will change the name of the Office of Energy and Water to the Office of Agricultural Water Policy.

## **Plant Industry Technical Council**

The Plant Industry Technical Council is an advisory committee that was created by the Legislature in 1959. Appointed by the Commissioner of Agriculture, the council is composed of industry representatives who consult with and advise the Commission and the director of the Division of Plant Industry (division) about policies and issues related to their respective

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<sup>8</sup> Analysis, Senate Bill 2076, 2011 Legislative Session.

<sup>9</sup> Agency Summary, Governor's Energy Office & Florida Energy & Climate Commission

industries.<sup>10</sup> According to DACS, the council has met sporadically over the last decade and in the past few years has not been as effective at addressing plant industry-related issues. The division has had better success in dealing with issues by using working groups or task forces that are commodity based or specific to a given issue. Recently, the division has been working with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection Quarantine Program and with the United States Department of Homeland Security's Customs and Border Protection Modernization Program through a recently established Florida Partnership Council. The new council meets quarterly, and once annually it brings in industry stakeholders for a "State of the State" meeting to seek input and review of overall plant protection programs in Florida. DACS is therefore recommending that the Plant Industry Technical Council be eliminated.

### **Aquatic Plant Nursery Registration**

The water hyacinth is a floating plant that often jams rivers and lakes with uncounted thousands of tons of floating plant matter.<sup>11</sup> Section 581.145, F.S., authorizes DACS to issue, when requested, a permit to an aquaculture producer to export water hyacinths to countries other than the United States and only when the hyacinths are cultivated in a nursery for the sole purpose of exportation and the aquaculture activity has been certified by the department. An aquaculture producer is forbidden from shipping water hyacinths to another country under the permit for the purpose of importing the hyacinths back into the United States. Drop shipments cannot be made to any destination within the United States. This provision does not restrict or interfere with the Department of Environmental Protection's efforts, or those of any other agency or local government responsible for the management of noxious aquatic plants, to control or eradicate noxious non-nursery aquatic plants, including water hyacinths. It is also not a consideration in the approval or the release of biological control agents for water hyacinths or any other noxious aquatic plants.

Even though the water hyacinth is not on the United States Department of Agriculture's Noxious Plant List, Florida aquatic plant producers have been prohibited from distributing these products through interstate commerce. This puts Florida aquatic plant producers at a competitive disadvantage in the United States marketplace.

### **Division of Agricultural Environmental Services Technical Councils**

Currently, within DACS there are three separate advisory councils that mitigate issues regarding fertilizer, seeds, and commercial feed. While each council addresses issues unique to its particular area, overlap occurs due to the nature of the three topics. All of the various industry groups have agreed to combine the three separate councils into one all-encompassing council. This committee substitute creates the Agricultural Feed, Seed and Fertilizer Advisory Council, which will replace the following three councils:

- **Commercial Feed Technical Council** – This council considers and studies all issues involving commercial feed in Florida and reviews and makes recommendations to

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<sup>10</sup> Division of Plant Industry, 39<sup>th</sup> Biennial Report, 1990-1992.

<sup>11</sup> Center for Aquatic and Invasive Plants, University of Florida, IFAS

DACS on related matters. The council is composed of 13 members representing various interests of the feed industry.

- **Seed Technical Council** - This council considers and studies all issues involving seed, seedlings, vegetative propagating materials and plants and reviews and makes recommendations to DACS on related matters. The council is composed of 11 members representing various interest of the seed industry.
- **Commercial Fertilizer Technical Council** - This council considers and studies all issues involving commercial fertilizer in Florida and reviews and makes recommendations to DACS on related matters. The council is composed of 13 members of the fertilizer industry.

### **Commercial Feed Master Registration**

The Division of Agricultural Environmental Services regulates animal feeds, including pet foods, through the inspection of production and distribution establishments and laboratory analysis of samples. Section 580.041, F.S., requires distributors of commercial feed in the state to obtain a master registration each year before distributing their brand. Distributors must consent to comply with provisions of chapter 580, F.S., as well as applicable rules. Registration forms must be accompanied by a fee based on tons of feed distributed in the state during the previous year. The terms of compliance for registration include:

- Submitting samples of manufactured feed for testing by laboratories certified by DACS or obtaining an exemption from testing, as provided by chapter 580, F.S.
- Maintaining a bookkeeping system and records that allow DACS to verify the accuracy of the reported tonnage of feed distributed in the state.
- Allowing DACS to examine pertinent records.

DACS has statutory authority to assess penalties for violations of chapter 580, F.S., as well as to refuse, suspend, or cancel the master registration of a distributor who violates or fails to comply with the provisions of chapter 580, F.S.

DACS has indicated that because the reporting of the tonnage of feed distributed in the state is provided on a voluntary basis, many registrants defer or refuse to provide the information, while other registrants incur the costs of providing this information. Because the registration cost is based on the tons of feed distributed in the state, the failure to report the tonnage presents a problem when assessing the registration fee.

Additionally, current law requires registrants to have feed samples and ingredients testing at a frequency determined by rule.<sup>12</sup> The rule states that testing is based on the quantity and type of feed distributed. Without proper reporting, it is impossible for DACS to determine if registrants are in compliance with statutory requirements.

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<sup>12</sup> Rule 5E-3.003, F.A.C.

### **Commercial Feed Penalties Payable to Consumers**

When chapter 580, F.S., was revised in 1995, the changes failed to include the authority for DACS to impose and recover monetary penalties for commercial feed found to be deficient or excessive in nutrients by the department's Certified Feed Laboratories program. Current statutory language provides only for recovery of deficiency penalty payments by the end-use consumer and only through formal legal action. No provision has been made for assessment or recovery of penalties by the state in instances where no consumer is associated with the deficient feed product.

### **Agricultural Marketing Orders**

There are thousands of small agricultural producers in Florida who depend on scientific research and marketing campaigns to grow and market their crops. Most cannot afford to own and operate their own laboratories and marketing firms, or maintain the staff it would take to run them. However, these small producers sometimes formally organize to establish a marketing order and vote to contribute small, set amounts into a "pot" for such activities. Then they use the pot of money to contract with professional firms that specialize in research and marketing.<sup>13</sup>

Marketing orders are instrumentalities issued by DACS and designed to regulate the distribution and handling of agricultural products in intrastate commerce. Section 573.118, F.S., provides for marketing orders to become effective when consented to by a majority of producers or handlers of such commodities in the state. To establish a marketing order, at least 10 percent of the affected producers must petition DACS to give notice of a public hearing regarding a proposed marketing order. Once the notice has been filed and the hearing has been conducted, DACS may issue the marketing order if it determines the order will accomplish certain objectives prescribed by statute.<sup>14</sup> Prior to a marketing order being issued, the petitioners must deposit such monies with DACS to defray the cost of implementing the marketing order. Thereafter, persons directly affected by the marketing order shall pay such amounts as DACS deems necessary to cover the administration and enforcement of the marketing order. On an annual basis, DACS must arrange for an audit of the books and accounts of the marketing order by a certified public accountant (CPA). The CPA must notify DACS and all parties covered by the marketing order of the results no later than 30 days following the audit.

### **Fertilizer Tonnage Fee**

Between 1985 and 1992, DACS and the Florida Department of Environmental Protection (DEP) jointly conducted surveys of drinking water wells in predominantly agricultural regions of Florida. Survey results from limited sampling in 38 Florida counties showed elevated levels of nitrate in drinking water wells in 36 of the 38 counties tested. Of those 36 counties, 13 had at least one site with nitrate levels above the federal drinking water standard of 10 parts per million (ppm) set by the United States Environmental Protection Agency (USEPA).

Based on these findings, DACS initiated development of a comprehensive program to protect Florida's water resources while maintaining the state's large agricultural industry. DACS, in

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<sup>13</sup> State Agricultural Marketing Orders, <http://www.florida-agriculture.com/marketingorders.com>

<sup>14</sup> Section 573.108, F.S.

partnership with DEP, the Florida Farm Bureau, the Florida Fruit and Vegetable Association, the Florida Fertilizer and Agrichemical Association, and other groups, developed a voluntary, incentive-based program to develop individual practices or combinations of practices to specify how nitrogen-based fertilizers are to be used. Two categories of practices were created:

- Interim Measures (IMs) – Based on currently available knowledge, IMs were intended to provide a reasonable expectation of reducing nitrate levels entering ground water.
- Best Management Practices (BMPs) – BMPs are determined by research or field testing at representative sites to be the most effective and practicable methods of fertilization that meets crop needs and nitrate groundwater quality standards.

To fund the development of research-based BMPs and IMs, the Legislature authorized DACS to impose supplemental fees on users of all fertilizer materials containing nitrogen to be deposited into the General Inspection Trust Fund. The authorization was granted through adoption of s. 576.045, F.S. Subsection (2) of s. 576.045, F.S., imposes the following fees which expire on December 31, 2012:

- \$100 for each license to distribute fertilizer
- \$100 for each of the first five specialty fertilizer registrations and \$25 for each registration after the first five
- 50 cents per ton for bulk fertilizer sold in Florida which contains nitrogen or phosphorus<sup>15</sup>

The revenue from the collection of the tonnage fee on fertilizers containing nitrogen or phosphorus is used for the development and implementation of agricultural BMPs and nutrient abatement and research efforts. The provisions of this program are set to expire on December 31, 2012 and December 31, 2017, respectively. Failing to extend these expiration dates would create a shortfall of approximately \$1 million annually and would impair efforts to protect and restore water quality.

### **Soil and Water Conservation Districts**

Soil and water conservation districts (districts) are governmental subdivisions of the state that coordinate with federal, state, regional, and other local partners to develop and implement soil and water conservation practices on private lands. In 1935, the United States Department of Agriculture, Natural Resources Conservation Service was established by Congress to assist individuals, groups, and units of government with natural resources conservation. Florida's 62 districts were established in 1937 under chapter 582, F.S., based on that federal legislation. Soil and water conservation districts were originally organized, for the most part, within county boundaries by landowner petition based on a need for soil and water conservation and in the interest of public health, safety, and welfare. The governing body of a district consists of five elected supervisors.

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<sup>15</sup> Analysis, Senate Bill 1644, 2003 Legislative Session.

Section 582.29, F.S., provides for agencies of the state that have jurisdiction over the administration of any state-owned lands, and any county, or other governmental subdivision of the state that has jurisdiction over any county-owned or other publicly owned land, lying within the boundaries of any district must cooperate to the fullest extent with the supervisors of the district in effecting the programs and operations undertaken by the supervisors under the provisions of chapter 582, F.S.

The supervisors of the districts are given free access to enter and perform work upon such publicly-owned lands. The provisions of land use regulations adopted must be in all respects observed by the agencies administering such publicly-owned lands. DACS' Office of Agricultural Water Policy has field staff located around the state who work directly with the districts as their DACS liaisons. DACS coordinates with the districts on programs concerning best management practices implementation, cost share programs, mobile irrigation labs, and public land management.

Currently, districts do not have the authority to work across district lines to assist landowners whose property falls outside a district boundary or in an area that doesn't have an active district. DACS has indicated that the legislative changes in this bill will enable the districts to work across district lines, work with landowners whose property falls outside of a district boundary or in areas that don't have an active a district in order to maximize the utilization of water conservation devices, systems and techniques.<sup>16</sup>

Section 582.30, F.S., provides that any time after five years from the organization of a district under chapter 582, F.S., any 10 percent of owners of land lying within the boundaries of such district may file a petition with DACS asking that the operations of the district be terminated and the existence of the district discontinued. Upon petition, DACS may conduct public meetings and hearings as necessary to assist in the consideration of termination of the district. Within 60 days after receiving the petition, DACS must give due notice of holding a referendum, as well as supervising and issuing regulations to govern the referendum. The ballot must be clearly marked with the propositions "For terminating the existence of the district" and "Against terminating the existence of the district" and provide a square before each proposition with a direction to insert an "x" mark in the square before one or the other of the propositions as the voter so chooses. All owners of land lying within the boundaries of the district are eligible to vote in such a referendum. If the referendum has been duly noticed and fairly conducted, no informalities relating to the conduct of the referendum can invalidate the referendum or its results. If two-thirds or more of the qualified voters in the referendum have voted for the discontinuance of the district, DACS must certify to the supervisors of the district the result of the referendum and that the continued operation of the district is not administratively practicable or feasible.

Alternatively, upon review and recommendation of the Soil and Water Conservation Council regarding the continued viability of the district, the Commissioner of Agriculture may dissolve or discontinue a district if the commissioner certifies that the continued operation of the district is not administratively practicable or feasible. If a district has failed to comply with any of the audit and financial reporting requirements of chapter 189, F.S., the commissioner, after review and

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<sup>16</sup> Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, Florida Soil and Water Conservation Districts.

confirmation by DACS' inspector general, may certify dissolution or discontinuance of the district without prior review and recommendation of the Soil and Water Conservation Council. Notice of the proposed certification of dissolution or discontinuance must be published once a week for two weeks in a newspaper of general circulation within the county or counties where the district is located. The notice must state the district's name, a general description of the territory included in the district and require that objections to the proposed dissolution or any claims against assets of the district must be filed with DACS no later than 60 days following the date of last publication.

Section 582.31, F.S., provides for a district to terminate the affairs of the district, upon receipt from the department of a certification that the department has found that the continued operation of the district is not administratively practicable and feasible. The supervisors of the district must dispose of all district property at a public auction and pay over the proceeds of the sale to the State Treasury, which is placed to the credit of the department to be used to liquidate any legal obligations of the district at the time of its termination. The supervisors must file an application with the Department of State for the discontinuance of the district, and must include with the application the DACS certificate setting forth the determination the continued operation of the district is not administratively practicable and feasible. The application must reiterate that the property has been disposed of and the proceeds paid over to the State Treasury. A full accounting of the properties and the proceeds of the sale must be included in the application. The Department of State must then issue to the supervisors of the district a certificate of dissolution and record the certificate in the appropriate book of record.

Section 582.32, F.S., provides that once a certificate of dissolution has been issued, all land use regulations adopted and in force within the district are no longer valid. Contracts entered into by the district or supervisors of the district remain in effect for the period provided for in the contract, with DACS being substituted for the district or supervisors of the district as party to the contract. DACS shall be entitled to all benefits and subject to all liabilities under such contracts and have the same right and liability to perform, to require performance, and to modify or terminate such contracts by mutual consent as the district or supervisors of the district would have had. The dissolution of the district does not affect the lien of any judgment entered under the provisions of chapter 582, F.S., nor the pendency of any action instituted under the provisions of chapter 582, F.S. DACS can succeed to all the rights and obligations of the district or the supervisors of the district as to such liens and actions. DACS is not required to entertain petitions for the discontinuance of any district nor conduct referenda upon such petitions in accordance with the provisions of chapter 582, F.S., more often than once in 5 years.

### **Soil and Water Conservation Council**

Section 582.06, F.S., creates the Soil and Water Conservation Council (council) within DACS, which is composed of 23 members. Eleven of the members are persons who have been involved in the practice of soil or water conservation, or in the development or implementation of interim measures or best management practices related to soil or water conservation. These eleven members must also be engaged in agriculture or an occupation related to the agricultural industry for at least five years at the time of their appointment. The remaining twelve members must include one representative each from the Department of Environmental Protection, the five water management districts, the Institute of Food and Agricultural Sciences at the University of

Florida, the United States Department of Agriculture Natural Resources Conservation Service, the Florida Association of Counties, and the Florida League of Cities and two representatives of environmental interests.

The committee substitute reduces the membership of the council from 23 members to 7 members, all of whom must be familiar with agricultural production and the challenges landowners face. DACS believes this change will enable members to more narrowly focus their efforts and to communicate more specifically with the Commissioner of Agriculture.

### **Brucellosis Vaccinations**

Bovine brucellosis is a cattle disease that is near eradication in the United States after more than 50 years of efforts by state departments of agriculture, the U.S. Department of Agriculture, and the cattle industry. The Cooperative State-Federal Brucellosis Eradication Program is administered under a Memorandum of Understanding between the appropriate agency in each of the states and the U.S. Department of Agriculture. This program includes all of the activities associated with detecting, controlling, and eliminating brucellosis from domestic livestock in the U.S. One of the long term responsibilities of DACS' Division of Animal Industry has been the administration of Florida's Brucellosis Eradication Program. Each owner of a herd of cattle in the state must enroll the herd in the program to determine whether the herd is infected with brucellosis.

Florida was declared "Brucellosis Class Free" in 2001 and, except for specific geographic regions surrounding Yellowstone National Park, the remainder of the United States is also "Brucellosis Class Free." Although calfhood vaccination continues on a voluntary basis by some Florida producers, vaccine is no longer provided at state expense. Whole-herd vaccination is no longer needed or available to producers.<sup>17</sup>

### **Forest Protection**

The Florida Forest Service (FFS) has the primary responsibility for prevention, detection, and suppression of wildfires wherever they may occur. It controls and authorizes open burning for the maintenance and continuous clearing of agricultural land. In 2005 and 2006, the FFS in cooperation with the University of Florida Institute for Food and Agricultural Sciences developed a certification program for Florida Pile Burners to raise the overall quality of the open burning program in Florida. In 2009, DACS amended the open burning rules and regulations to include the pile burner certification program. Rule 5I-2, Florida Administrative Code, outlines the steps necessary to become certified and the requirements to keep that certification. A burn permit must be obtained for burns relating to agriculture, silviculture and rural land clearing. Currently, there is some confusion regarding where persons wishing to burn for agricultural and silvicultural reasons need to acquire a burning authorization. The FFS does not charge a fee for these authorizations, but other governmental agencies do. Authorizing the FFS to have sole authority to authorize silviculture and agriculture open burning would eliminate double permitting by any other entity of the state and eliminate that cost to the public.

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<sup>17</sup> Analysis, Senate Bill 22-C, 2008 Legislative Session

### **Tree Planting Programs**

Section 589.277, F.S., authorizes the FFS to administer federal state and privately sponsored tree-planting programs to assist private rural landowners and urban communities. Contributions from governmental and private sources may be deposited into the Federal Grants Trust Fund. The FFS has the authority to develop and implement guidelines and procedures to utilize the financial resources of the fund for urban and rural reforestation. Grants to municipalities, counties, nonprofit organizations, and qualifying private landowners may be made from allocated monies for the purpose of purchasing, planting, and maintaining native tree species. The FFS must work with the Department of Education to develop programs to teach the importance of trees in the urban, rural and global environment.

While current statutory language states that both governmental and private contributions may be deposited into the Federal Grants Trust Fund, the federal government does not allow private funds to be deposited into this trust fund. Therefore, the FFS cannot accept funds from a non-federal source.

### **Creation of Certain State Forests**

The 2011 Legislature directed the Florida Forest Service to designate areas of state forests as “Wounded Warrior Special Hunt Areas” to honor wounded veterans and service members, and to provide outdoor recreational opportunities for eligible veterans and service members.<sup>18</sup> Admittance to these areas is limited to:

- persons who are active duty members of any branch of the United States Armed Forces and who have a combat-related injury; or
- veterans who served during a period of wartime service or peacetime service and have a service-connected disability or were discharged from military service because of a disability acquired or aggravated while serving on active duty.

This bill renames the “Wounded Warrior Special Hunt Area” as the “Operation Outdoor Freedom Special Hunt Area” because it has come to the attention of DACS that another organization is using the term “Wounded Warrior.”

### **Aquaculture Certificate of Registration**

Any person engaging in aquaculture must be certified by DACS and pay an annual registration fee of \$100. This would include all schools with aquaculture education programs. DACS believes that exposure to its aquaculture certification program helps to educate the next generation of Floridians on the benefits of aquaculture. This includes potential career paths, proper handling of non-native aquatic species and showing hands-on practical educational opportunities. Increasing outreach and educational efforts to schools has been a priority of the Aquaculture Review Council. There are approximately 15 programs in schools that are currently certified.

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<sup>18</sup> CS/HB 663, 2011 Legislative Session

### **Aquaculture Interagency Coordinating Council**

The Aquaculture Interagency Coordinating Council was created in 1984 to facilitate and coordinate much needed interagency communication during the time that aquaculture regulations were divided among many different state agencies. With the consolidation of regulations via the Aquaculture Certification program and development of Aquaculture Best Management Practices, there is no longer the compelling need for an annual meeting and associated annual report of various state agencies to discuss issues of concern. Regular communication between the respective state agencies, usually between DACS and the Fish and Wildlife Conservation Commission, readily takes place now. In addition, several of the agencies originally designated as members of the council either no longer exist or no longer have the statutory responsibilities they had when the council was created including the Office of Tourism, Trade and Economic Development, the Department of Community Affairs, and the Department of Labor and Employment Security.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 20.14, F.S., to establish the Division of Food, Nutrition and Wellness within the Department of Agriculture and Consumer Services (DACS). This new division will administer the school food and nutrition programs that were transferred to DACS during the 2011 Legislative Session.

**Section 2** amends s. 253.002, F.S., to authorize DACS to act as agent to the Board of Trustees for the Internal Improvement Trust Fund for all matters concerning conservation easements that are acquired under the Rural and Family Lands Protection Program.

**Section 3** amends s. 379.2523, F.S., to delete obsolete references to the Aquaculture Interagency Coordinating Council which is abolished in Section 50 of this committee substitute.

**Section 4** amends s. 379.2524, F.S., to delete provisions that prohibit compensation and authorize members of the Sturgeon Production Working Group to be reimbursed for per diem and travel expenses incurred while participating in business involving the group.

**Section 5** amends s. 388.161, F.S., to remove obsolete language that refers to pesticidal practices that are no longer legal. It revises the products that mosquito control districts are authorized to use to control mosquito breeding.

**Section 6** amends s. 388.201, F.S., to change the date from September 15 to September 30 for mosquito districts to submit their certified budgets to DACS.

**Section 7** amends s. 388.323, F.S., to eliminate the requirement that mosquito control programs offer surplus property to all local governments or private nonprofit agencies before disposing of the property.

**Section 8** repeals s. 388.42, F.S., relating to the John A. Mulrennan, Sr., Arthropod Research Laboratory, which has been closed by the Florida Agricultural and Mechanical University.

**Section 9** amends s. 388.46, F.S., to remove the Florida Agricultural and Mechanical University from membership of the Florida Coordinating Council on Mosquito Control. It also removes references of reporting requirements to the Florida Coastal Management Program Interagency Management Committees. This section specifies that the Subcommittee on Managed Marshes take into account the mosquito control source reduction implications and natural resource interests when providing technical assistance and guidance on saltmarsh management plans and research proposals.

**Section 10** amends s. 493.6104, F.S., to delete provisions that authorize members of the Private Investigation, Recovery, and Security Advisory Council to be reimbursed for per diem and travel expenses incurred while participating in business involving the council.

**Section 11** amends s. 500.09, F.S., to authorize DACS to adopt rules to incorporate by reference the federal model food code issued by the Food and Drug Administration and Public Health Service of the United States Department of Health and Human Services.

**Section 12** amends s. 500.147, F.S., to eliminate a food safety pilot program for the inspection of food establishments and vehicles which was implemented by DACS in 1997. There has been no recorded participation in this program since 2004.

**Section 13** amends s. 502.014, F.S., to delete provisions relating to a permitting program for persons who test milk or milk products for fat content.

**Section 14** amends s. 502.053, FS., to delete duplicative permitting requirements for milkfat testers. The USDA Milk Marketing Administration provides these same functions. It also deletes DACS' authority to charge applicants a fee not to exceed \$125 for a milkfat tester's license.

**Section 15** amends s. 570.0705, F.S., to prohibit members of advisory bodies from receiving per diem and reimbursement for travel expenses under certain circumstances. It deletes a provision that prohibits members from receiving compensation for their services.

**Section 16** repeals s. 570.071, F.S., relating to the Florida Agricultural Exposition in Indiantown, Florida, which was closed in 2008.

**Section 17** amends s. 570.074, F.S., to update the name of the Office of Energy and Water to the Office of Agricultural Water Policy and to revise the jurisdiction of the office.

**Section 18** amends s. 570.18, F.S., to correct a cross-reference.

**Section 19** repeals s. 570.29, F.S., relating to the divisions included in the Department of Agriculture and Consumer Services.

**Section 20** repeals s. 570.34, F.S., to abolish the Plant Industry Technical Council.

**Section 21** creates s. 570.451, F.S., to establish the Agricultural Feed, Seed and Fertilizer Advisory Council within DACS. The council will be composed of 15 members which represent

DACS, the Institute of Food and Agricultural Sciences at the University of Florida, and representatives of specified industries. Members will be appointed by the Commissioner of Agriculture for a term of up to four years. The committee substitute specifies the powers and duties of the council, which include organization, frequency of meetings, procedures and recordkeeping. The council must also review relevant documents and provide DACS with advice and recommendations on issues concerning the regulation of agricultural feed, seed, and fertilizer.

**Section 22** amends s. 570.53, F.S., to remove a cross-reference.

**Section 23** amends s. 570.54, F.S., to remove a cross-reference.

**Section 24** amends s. 573.112, F.S., to provide for members of the Citrus Research and Development Foundation, Inc., to be reimbursed by the foundation for per diem and travel expenses incurred while serving in an advisory capacity to DACS. In the 2011 Session, payment of travel expenses and per diem was eliminated for the Foundation, as well as other councils and working groups, to reduce government expenses. The Foundation exists as a Florida not-for-profit corporation, organized as a Direct Support Organization certified by the University of Florida's board of trustees, and operating for the benefit of the citrus industry and the state of Florida.<sup>19</sup> DACS has indicated that since the Foundation is supported by private sources, its members should have kept the authority to be reimbursed for per diem and travel expenses incurred while participating in business involving the Foundation.

**Section 25** amends s. 573.118, F.S., to delete a requirement for DACS to cause an annual audit, by a certified public accountant, of collections and expenditures from agricultural commodity marketing order assessments. The committee substitute would require a review of accounts, if requested by an advisory council, which will reduce the administrative burden that mostly affects citrus, peanut, and tobacco marketing orders.

**Section 26** amends s. 576.045, F.S., to extend the expiration date for subsections (1), (2), (3), (4), and (6) of s. 576.045, F.S. from December 31, 2012, to December 31, 2022. It also extends the expiration date for subsections (5) and (7) of s. 576.045, F.S., from December 31, 2017, to December 31, 2027. This change continues current revenue from the collection of a tonnage fee on fertilizers containing nitrogen or phosphorus that is sold in this state.

**Section 27** amends s. 576.071, F.S., to remove a reference to the Fertilizer Technical Council.

**Section 28** repeals s. 576.091, F.S., to eliminate the Fertilizer Technical Council.

**Section 29** repeals s. 578.30, F.S., to eliminate the Seed Technical Council.

**Section 30** amends s. 580.041, F.S., to clarify that commercial feed distributors must maintain records and a bookkeeping system that will allow DACS to track the type and tonnage of commercial feed sold in Florida. It requires quarterly reporting of the number of tons of feed

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<sup>19</sup> Florida Citrus Mutual, <http://www.flcitrusmutual.com/files/9979ddcb-1713-47bb-8.pdf>

distributed on forms furnished by DACS. It also provides penalties for violations by distributors of commercial feed.

**Section 31** amends s. 580.131, F.S., to revise requirements for the assessment of penalties and enforcement of violations by manufacturers and distributors of commercial feed or feedstuff. It authorizes DACS to assess penalties. It requires registered distributors of commercial feed to pay penalties to consumers within sixty days after DACS notifies a registrant in writing of any penalty. It imposes additional penalties for nonpayment. It provides for the deposit and use of proceeds from any penalties paid to DACS.

**Section 32** repeals s. 580.151, F.S., to eliminate the Commercial Feed Technical Council.

**Section 33** amends s. 581.011, F.S., to remove a definition for “technical council,” referring to the Plant Industry Technical Council, to conform to the repeal of the council in Section 21 of the bill.

**Section 34** amends s. 581.145, F.S., to revise requirements for the issuance of permits to aquaculture producers for the transport and sale of water hyacinths to other states and countries.

**Section 35** amends s. 582.06, F.S., to revise requirements for the composition and appointment of members of the Soil and Water Conservation Council. It deletes provisions that authorize members of the council to be reimbursed for per diem and travel expenses incurred while participating in business involving the council.

**Section 36** amends s. 582.20, F.S., to authorize Soil and Water Conservation Districts (districts) to work across district boundaries, or on lands where no district exists, or on lands within another district with the concurrence of such district in order to maximize the utilization of water conservation devices, systems and techniques.

**Section 37** amends s. 582.29, F.S., to revise the jurisdiction of districts to include territory contiguous to a district’s boundaries.

**Section 38** amends s. 582.30, F.S., to revise requirements and procedures for the dissolution or discontinuance of a district.

**Section 39** amends s. 582.31, F.S., to revise requirements for payment of the proceeds from the sale of property of a dissolving district to the State Treasury. It clarifies that proceeds from public auction be placed to the credit of the district to provide for any legal obligations.

**Section 40** repeals s. 585.155, F.S., relating to the inspection and vaccination of cattle for brucellosis, since Florida was declared free of bovine brucellosis in 2001.

**Section 41** repeals s. 589.03, F.S., to delete provisions that authorize members of the Florida Forestry Council to be reimbursed for per diem and travel expenses incurred while participating in business involving the council.

**Section 42** amends s. 589.19, F.S., to rename the “Wounded Warrior Special Hunt Area” of the state forests as an “Operation Outdoor Freedom Special Hunt Area.” It also conforms obsolete references to the former Division of Forestry.

**Section 43** amends s. 589.277, F.S., to allow contributions from governmental and private sources for tree planting programs to be deposited into the Incidental Trust Fund as well as the Federal Grants Trust Fund. It also conforms obsolete references to the former Division of Forestry.

**Section 44** amends s. 590.02, F.S., to clarify that state and local government agencies other than the Florida Forest Service may not enforce regulations concerning broadcast burning or agricultural or silvicultural pile burning except under certain circumstances. It also conforms obsolete references to the former Division of Forestry.

**Section 45** amends s. 597.0021, F.S., to remove a reference to the obsolete Aquaculture Interagency Coordinating Council.

**Section 46** amends s. 597.03, F.S., to remove references to the obsolete Aquaculture Interagency Coordinating Council.

**Section 47** amends s. 597.004, F.S., to provide an annual education fee waiver to all elementary, middle, high school, and vocational schools that participate in the aquaculture certification program.

**Section 48** amends s. 597.005, F.S., to remove references to the obsolete Aquaculture Interagency Coordinating Council. It also decreases the membership of the Aquaculture Review Council, since there will no longer be a member of the Aquaculture Interagency Coordinating Council to serve on the council.

**Section 49** repeals s. 597.006, F.S., to eliminate the Aquaculture Interagency Coordinating Council.

**Section 50** amends s. 616.252, F.S., to provide members of the Florida State Fair Authority with reimbursement for per diem and travel expenses incurred while participating in business involving the authority.

**Section 51** provides that this act shall take effect July 1, 2012.

**Other Potential Implications:**

None.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

See Government Sector Impact section.

B. Private Sector Impact:

DACS estimates that:

- Amending s. 253.002, F.S., to authorize DACS to perform all staff duties and functions in regards to the Rural and Family Lands Protection Program, will result in a decrease in the time it take landowners to enter into an easement agreement with the state.
- Amending s. 580. 131, F. S., will allow persons who have purchased commercial feed that has been distributed in violation of chapter 580, F.S., to seek administrative action, as well as legal action, to recover penalties.

C. Government Sector Impact:

**Revenues**

DACS estimates that there will be:

- A reduction of approximately \$1,500-\$2,000 annually in non-recurring revenues from the waiver of the aquaculture certification fee for schools.
- An increase of approximately \$3,600 annually in recurring revenues as a result of feed distributors being required to report the tons of feed distributed in the state.
- A reduction of approximately \$4,700 annually in recurring revenues as a result of the elimination of the milkfat tester permits.

**Expenditures**

DACS estimates that there will be a reduction of approximately \$11,300 annually in recurring expenditures if it is not required to pay per diem and travel expenses for the Private Investigation, Recovery and Security Advisory Council.

**Other Fiscal Comments**

- Amending s. 388.201, F.S., will allow local governments additional time to prepare budget information regarding arthropod control before it must be submitted to DACS for review.
- Amending s. 388.323, F.S., will delete a requirement for local governments to offer mosquito control equipment to governmental units or private non-profit agencies that most likely would have no use for it.
- Amending s. 573.118, F.S., will delete a requirement that audits of marketing order accounts to be performed by a certified public accountant, resulting in a reduced administrative burden and saving the cost of an expensive audit.
- Amending s. 576.045, F.S., will extend the expiration dates for the fertilizer tonnage fee, allowing DACS to continue to collect approximately \$1 million annually that is used towards the development of best management practices and nutrient pollution abatement efforts.
- Amending s. 582.31, F.S., will remove DACS from responsibility for any outstanding contracts upon dissolution of a soil and water conservation district.
- Amending s. 590.02, F.S., will allow DACS to receive private funds to administer tree-planting programs.
- Amending s. 597.004, F.S., may cause DACS to lose approximately \$2,000 annually in aquaculture registration fees.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Agriculture Committee on January 23, 2012:**

Committee Substitute for Senate Bill 1254 is different from Senate Bill 1254 in that it:

- Deletes Section 15 of Senate Bill 1254 which provides direct statutory authority to the Department of Agriculture and Consumer Services to distribute grants funds to farmers.

- B. **Amendments:**

None.



662022

LEGISLATIVE ACTION

Senate	.	House
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The Committee on Agriculture (Siplin) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 487 - 495.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 41 - 43

and insert:

amending s. 570.0705, F.S.;



208114

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/23/2012	.	
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The Committee on Agriculture (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1430 and 1431

insert:

Section 51. Section 604.50, Florida Statutes, is amended to read:

604.50 Nonresidential farm buildings, and farm fences, and farm signs.-

(1) Notwithstanding any other law to the contrary, any nonresidential farm building, or farm fence, or farm sign is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations.



208114

14 (2) As used in this section, the term:

15 (a) "Nonresidential farm building" means any temporary or  
16 permanent building or support structure that is classified as a  
17 nonresidential farm building on a farm under s. 553.73(9)(c) or  
18 that is used primarily for agricultural purposes, is located on  
19 land that is an integral part of a farm operation or is  
20 classified as agricultural land under s. 193.461, and is not  
21 intended to be used as a residential dwelling. The term may  
22 include, but is not limited to, a barn, greenhouse, shade house,  
23 farm office, storage building, or poultry house.

24 (b) "Farm" has the same meaning as provided in s. 823.14.

25 (c) "Farm sign" means a sign erected, used, or maintained  
26 on a farm by the owner or lessee of the farm which relates  
27 solely to farm produce, merchandise, service, or entertainment  
28 sold, produced, manufactured, or furnished on the farm.

29  
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete line 142

33 and insert:

34 Aquaculture Interagency Coordinating Council; amending  
35 s. 604.50, F.S.; providing an exemption from the  
36 Florida Building Code and any county or municipal code  
37 or fee for farm signs; providing a definition for the  
38 term "farm sign"; amending

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan. 23, 2012  
Meeting Date

Topic DACS Department Bill

Bill Number 1254  
*(if applicable)*

Name Grace Lovett

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Dir. Legislative Affairs

Address PL 10 The Capitol  
*Street*

Phone 488 3022

Tallahassee FL 32399  
*City State Zip*

E-mail grace.lovette@freshfromflorida.com

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

By Senator Siplin

19-01595-12

20121254\_\_

1 A bill to be entitled  
 2 An act relating to the Department of Agriculture and  
 3 Consumer Services; amending s. 20.14, F.S.;  
 4 establishing the Division of Food, Nutrition, and  
 5 Wellness within the department; amending s. 253.002,  
 6 F.S.; requiring the department to perform certain  
 7 staff duties and functions for the Board of Trustees  
 8 of the Internal Improvement Trust Fund related to  
 9 conservation easements; amending s. 379.2523, F.S.;  
 10 deleting references to the Aquaculture Interagency  
 11 Coordinating Council to conform to the repeal by the  
 12 act of provisions creating the council; amending s.  
 13 379.2524, F.S.; deleting provisions that prohibit  
 14 compensation and authorize per diem and travel  
 15 expenses for members of the Sturgeon Production  
 16 Working Group; amending s. 388.161, F.S.; revising the  
 17 substances that mosquito control districts are  
 18 authorized to use for controlling mosquito breeding;  
 19 amending s. 388.201, F.S.; revising the date by which  
 20 mosquito control districts must submit their certified  
 21 budgets for approval by the department; amending s.  
 22 388.323, F.S.; revising procedures for a county's or  
 23 mosquito control district's disposal of certain  
 24 surplus equipment; repealing s. 388.42, F.S., relating  
 25 to the John A. Mulrennan, Sr., Arthropod Research  
 26 Laboratory; amending s. 388.46, F.S.; revising the  
 27 membership and responsibilities of the Florida  
 28 Coordinating Council on Mosquito Control; revising the  
 29 duties of the council's Subcommittee on Managed

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19-01595-12

20121254\_\_

30 Marshes; amending s. 493.6104, F.S.; deleting  
 31 provisions that prohibit compensation and authorize  
 32 per diem and travel expenses for members of the  
 33 Private Investigation, Recovery, and Security Advisory  
 34 Council; amending s. 500.09, F.S.; authorizing the  
 35 department to adopt rules incorporating by reference  
 36 the federal model Food Code; amending ss. 500.147 and  
 37 502.014, F.S.; deleting provisions for a food safety  
 38 pilot program and a permitting program for persons who  
 39 test milk or milk products; amending s. 502.053, F.S.;  
 40 deleting requirements for milkfat tester licenses;  
 41 amending s. 570.07, F.S.; authorizing the department  
 42 to accept and distribute funds to individuals under  
 43 certain circumstances; amending s. 570.0705, F.S.;  
 44 prohibiting members of certain advisory bodies from  
 45 receiving per diem or travel expenses except under  
 46 certain circumstances; deleting a provision that  
 47 prohibits members from receiving compensation for  
 48 their services; repealing s. 570.071, F.S., relating  
 49 to the Florida Agricultural Exposition and the receipt  
 50 and expenditure of funds for the exposition; amending  
 51 s. 570.074, F.S.; renaming and revising the policy  
 52 jurisdiction of the department's Office of Energy and  
 53 Water; amending s. 570.18, F.S.; conforming cross-  
 54 references; repealing s. 570.29, F.S., relating to  
 55 divisions of the Department of Agriculture and  
 56 Consumer Services; repealing s. 570.34, F.S., relating  
 57 to the Plant Industry Technical Council; creating s.  
 58 570.451, F.S.; creating the Agricultural Feed, Seed,

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19-01595-12

20121254\_\_

59 and Fertilizer Advisory Council; providing for the  
 60 council's powers and duties and the appointment of  
 61 council members; amending ss. 570.53 and 570.54, F.S.;  
 62 conforming cross-references; amending s. 573.112,  
 63 F.S.; providing that members of the Citrus Research  
 64 and Development Foundation's board of directors are  
 65 entitled to reimbursement for per diem and travel  
 66 expenses; amending s. 573.118, F.S.; revising  
 67 requirements for the accounting and review of  
 68 collections and expenditures from agricultural  
 69 commodity marketing order assessments; deleting  
 70 requirements for the audit of such accounts; amending  
 71 s. 576.045, F.S.; revising the expiration dates of  
 72 certain provisions regulating fertilizers containing  
 73 nitrogen or phosphorous; amending s. 576.071, F.S.;  
 74 deleting a reference to the Fertilizer Technical  
 75 Council to conform to the repeal by the act of  
 76 provisions creating the council; repealing ss. 576.091  
 77 and 578.30, F.S., relating to the Fertilizer Technical  
 78 Council and Seed Technical Council; amending s.  
 79 580.041, F.S.; revising the reporting requirements and  
 80 penalties for violations by distributors of commercial  
 81 feed; amending s. 580.131, F.S.; revising requirements  
 82 for the assessment of penalties and enforcement of  
 83 violations by manufacturers and distributors of  
 84 commercial feed or feedstuff; authorizing the  
 85 department to assess penalties; requiring registered  
 86 distributors of commercial feed to pay such penalties  
 87 to consumers within a specified period; imposing

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19-01595-12

20121254\_\_

88 additional penalties for nonpayment; providing for the  
 89 deposit and use of certain funds paid to the  
 90 department; repealing s. 580.151, F.S., relating to  
 91 the Commercial Feed Technical Council; amending s.  
 92 581.011, F.S.; conforming provisions; amending s.  
 93 581.145, F.S.; revising requirements for the issuance  
 94 of permits to aquaculture producers for the transport  
 95 and sale of water hyacinths to other states and  
 96 countries; amending s. 582.06, F.S.; revising  
 97 requirements for the composition and appointment of  
 98 members of the Soil and Water Conservation Council and  
 99 the reimbursement of members for per diem and travel  
 100 expenses; amending ss. 582.20 and 582.29, F.S.;  
 101 revising the geographic jurisdiction of soil and water  
 102 conservation districts to include certain territory  
 103 outside of the districts' boundaries; amending s.  
 104 582.30, F.S.; revising requirements and procedures for  
 105 the dissolution or discontinuance of soil and water  
 106 conservation districts; revising notice requirements  
 107 for such proposed dissolution or discontinuance;  
 108 amending s. 582.31, F.S.; revising requirements for  
 109 payment of the proceeds from the sale of property of a  
 110 dissolving soil and water conservation district to the  
 111 State Treasury; repealing s. 585.155, F.S., relating  
 112 to the inspection and vaccination of cattle for  
 113 brucellosis; repealing s. 589.03, F.S., relating to  
 114 the compensation and reimbursement for per diem and  
 115 travel expenses of members of the Florida Forestry  
 116 Council; amending s. 589.19, F.S.; renaming the

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19-01595-12

20121254\_\_

117 "Wounded Warrior Special Hunt Areas" of the state  
 118 forests; conforming obsolete references to the former  
 119 Division of Forestry; amending s. 589.277, F.S.;  
 120 revising requirements for the deposit of contributions  
 121 for tree planting programs; conforming obsolete  
 122 references to the former Division of Forestry;  
 123 amending s. 590.02, F.S.; specifying that state and  
 124 local government agencies other than the Florida  
 125 Forest Service may not enforce regulations of  
 126 broadcast burning or agricultural and silvicultural  
 127 pile burning except under certain circumstances;  
 128 conforming obsolete references to the former Division  
 129 of Forestry; amending ss. 597.0021 and 597.003, F.S.;  
 130 deleting references to the Aquaculture Interagency  
 131 Coordinating Council to conform to the repeal by the  
 132 act of provisions creating the council; amending s.  
 133 597.004, F.S.; authorizing the waiver of aquaculture  
 134 registration fees for certain schools; amending s.  
 135 597.005, F.S.; revising the composition of the  
 136 Aquaculture Review Council to conform to the repeal by  
 137 the act of provisions creating the Aquaculture  
 138 Interagency Coordinating Council; revising the  
 139 legislative committees to whom the Aquaculture Review  
 140 Council must provide analyses of unresolved industry  
 141 issues; repealing s. 597.006, F.S., relating to the  
 142 Aquaculture Interagency Coordinating Council; amending  
 143 s. 616.252, F.S.; providing for the reimbursement of  
 144 members of the Florida State Fair Authority for per  
 145 diem and travel expenses; providing an effective date.

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19-01595-12

20121254\_\_

146  
 147 Be It Enacted by the Legislature of the State of Florida:  
 148  
 149 Section 1. Paragraph (m) is added to subsection (2) of  
 150 section 20.14, Florida Statutes, to read:  
 151 20.14 Department of Agriculture and Consumer Services.—  
 152 There is created a Department of Agriculture and Consumer  
 153 Services.  
 154 (2) The following divisions of the Department of  
 155 Agriculture and Consumer Services are established:  
 156 (m) Food, Nutrition, and Wellness.  
 157 Section 2. Subsection (1) of section 253.002, Florida  
 158 Statutes, is amended to read:  
 159 253.002 Department of Environmental Protection, water  
 160 management districts, Fish and Wildlife Conservation Commission,  
 161 and Department of Agriculture and Consumer Services; duties with  
 162 respect to state lands.—  
 163 (1) The Department of Environmental Protection shall  
 164 perform all staff duties and functions related to the  
 165 acquisition, administration, and disposition of state lands,  
 166 title to which is or will be vested in the Board of Trustees of  
 167 the Internal Improvement Trust Fund. However, upon the effective  
 168 date of rules adopted pursuant to s. 373.427, a water management  
 169 district created under s. 373.069 shall perform the staff duties  
 170 and functions related to the review of any application for  
 171 authorization to use board of trustees-owned submerged lands  
 172 necessary for an activity regulated under part IV of chapter 373  
 173 for which the water management district has permitting  
 174 responsibility as set forth in an operating agreement adopted

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19-01595-12 20121254

175 pursuant to s. 373.046(4), ~~and~~ The Department of Agriculture  
 176 and Consumer Services shall perform the staff duties and  
 177 functions related to the review of applications and compliance  
 178 with conditions for use of board of trustees-owned submerged  
 179 lands under authorizations or leases issued pursuant to ss.  
 180 253.67-253.75 and 597.010 and the acquisition, administration,  
 181 and disposition of conservation easements pursuant to s. 570.71.  
 182 Unless expressly prohibited by law, the board of trustees may  
 183 delegate to the department any statutory duty or obligation  
 184 relating to the acquisition, administration, or disposition of  
 185 lands, title to which is or will be vested in the board of  
 186 trustees. The board of trustees may also delegate to any water  
 187 management district created under s. 373.069 the authority to  
 188 take final agency action, without any action on behalf of the  
 189 board, on applications for authorization to use board of  
 190 trustees-owned submerged lands for any activity regulated under  
 191 part IV of chapter 373 for which the water management district  
 192 has permitting responsibility as set forth in an operating  
 193 agreement adopted pursuant to s. 373.046(4). This water  
 194 management district responsibility under this subsection shall  
 195 be subject to the department's general supervisory authority  
 196 pursuant to s. 373.026(7). The board of trustees may also  
 197 delegate to the Department of Agriculture and Consumer Services  
 198 the authority to take final agency action on behalf of the board  
 199 on applications to use board of trustees-owned submerged lands  
 200 for any activity for which that department has responsibility  
 201 pursuant to ss. 253.67-253.75, 369.25, 369.251, and 597.010.  
 202 However, the board of trustees shall retain the authority to  
 203 take final agency action on establishing any areas for leasing,

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204 new leases, expanding existing lease areas, or changing the type  
 205 of lease activity in existing leases. Upon issuance of an  
 206 aquaculture lease or other real property transaction relating to  
 207 aquaculture, the Department of Agriculture and Consumer Services  
 208 must send a copy of the document and the accompanying survey to  
 209 the Department of Environmental Protection. The board of  
 210 trustees may also delegate to the Fish and Wildlife Conservation  
 211 Commission the authority to take final agency action, without  
 212 any action on behalf of the board, on applications for  
 213 authorization to use board of trustees-owned submerged lands for  
 214 any activity regulated under ss. 369.20 and 369.22.  
 215 Section 3. Paragraph (a) of subsection (5) and paragraph  
 216 (b) of subsection (6) of section 379.2523, Florida Statutes, are  
 217 amended to read:  
 218 379.2523 Aquaculture definitions; marine aquaculture  
 219 products, producers, and facilities.—  
 220 (5) The department shall:  
 221 (a) Coordinate with the Aquaculture Review Council, ~~the~~  
 222 ~~Aquaculture Interagency Coordinating Council,~~ and the Department  
 223 of Agriculture and Consumer Services when developing criteria  
 224 for aquaculture general permits.  
 225 (6) The Fish and Wildlife Conservation Commission shall  
 226 encourage the development of aquaculture in the state through  
 227 the following:  
 228 (b) Facilitating aquaculture research on life histories,  
 229 stock enhancement, and alternative species, and providing  
 230 research results that would assist in the evaluation,  
 231 development, and commercial production of candidate species for  
 232 aquaculture, including:

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233 1. Providing eggs, larvae, fry, and fingerlings to  
 234 aquaculturists when excess cultured stocks are available from  
 235 the commission's facilities and the culture activities are  
 236 consistent with the commission's stock enhancement projects.  
 237 Such stocks may be obtained by reimbursing the commission for  
 238 the cost of production on a per-unit basis. Revenues resulting  
 239 from the sale of stocks shall be deposited into the trust fund  
 240 used to support the production of such stocks.

241 2. Conducting research programs to evaluate candidate  
 242 species when funding and staff are available.

243 3. Encouraging the private production of marine fish and  
 244 shellfish stocks for the purpose of providing such stocks for  
 245 statewide stock enhancement programs. When such stocks become  
 246 available, the commission shall reduce or eliminate duplicative  
 247 production practices that would result in direct competition  
 248 with private commercial producers.

249 4. Developing a working group, in cooperation with the  
 250 Department of Agriculture and Consumer Services and, the  
 251 Aquaculture Review Council, and the Aquaculture Interagency  
 252 Coordinating Council, to plan and facilitate the development of  
 253 private marine fish and nonfish hatcheries and to encourage  
 254 private/public partnerships to promote the production of marine  
 255 aquaculture products.

256 Section 4. Paragraph (c) of subsection (3) of section  
 257 379.2524, Florida Statutes, is amended to read:

258 379.2524 Commercial production of sturgeon.—

259 (3) MEETINGS; PROCEDURES; RECORDS.—The working group shall  
 260 meet at least twice a year and elect, by a quorum, a chair and  
 261 vice chair.

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262 (c) A quorum shall consist of a majority of the group  
 263 members. ~~Members of the group shall not receive compensation,~~  
 264 ~~but shall be entitled to per diem and travel expenses, including~~  
 265 ~~attendance at meetings, as allowed public officers and employees~~  
 266 ~~pursuant to s. 112.061.~~

267 Section 5. Subsection (1) of section 388.161, Florida  
 268 Statutes, is amended to read:

269 388.161 District boards of commissioners; powers and  
 270 duties.—

271 (1) The board of commissioners may do any and all things  
 272 necessary for the control and elimination of all species of  
 273 mosquitoes and other arthropods of public health importance and  
 274 the board of commissioners is specifically authorized to provide  
 275 for the construction and maintenance of canals, ditches, drains,  
 276 dikes, fills, and other necessary works and to install and  
 277 maintain pumps, excavators, and other machinery and equipment,  
 278 to use pesticides registered ~~oil, larvicide paris green, or any~~  
 279 ~~other chemicals approved~~ by the department but only in such  
 280 quantities as may be necessary to control mosquito breeding and  
 281 not be detrimental to fish life.

282 Section 6. Subsection (4) of section 388.201, Florida  
 283 Statutes, is amended to read:

284 388.201 District budgets; hearing.—

285 (4) The governing board:

286 (a) Shall consider ~~give consideration to~~ objections filed  
 287 against adoption of the tentative detailed work plan budget and  
 288 in its discretion may amend, modify, or change such budget; and

289 (b) Shall by September ~~30~~ 15 following adopt and execute on  
 290 a form furnished by the department a certified budget for the

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 291 district which shall be the operating and fiscal guide for the  
 292 district. Certified copies of this budget shall be submitted by  
 293 September ~~30~~ 15 to the department for approval.

294 Section 7. Subsections (1) and (2) of section 388.323,  
 295 Florida Statutes, are amended to read:

296 388.323 Disposal of surplus property.—Surplus property  
 297 shall be disposed of according to the provisions set forth in s.  
 298 274.05 with the following exceptions:

299 (1) Serviceable equipment no longer needed by a county or  
 300 district shall first be offered to any or all other counties or  
 301 districts engaged in arthropod control at a price established by  
 302 the board of commissioners owning the equipment. ~~If no~~  
 303 ~~acceptable offer is received within a reasonable time, the~~  
 304 ~~equipment shall be offered to such other governmental units or~~  
 305 ~~private nonprofit agencies as provided in s. 274.05.~~

306 (2) The alternative procedure for disposal of surplus  
 307 property, as prescribed in s. 274.06, shall be followed if it is  
 308 ~~has been~~ determined that no other county ~~or~~ district engaged in  
 309 arthropod control, governmental unit, or private nonprofit  
 310 agency has need for the equipment.

311 Section 8. Section 388.42, Florida Statutes, is repealed.

312 Section 9. Subsection (2) of section 388.46, Florida  
 313 Statutes, is amended to read:

314 388.46 Florida Coordinating Council on Mosquito Control;  
 315 establishment; membership; organization; responsibilities.—

316 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

317 (a) *Membership*.—The Florida Coordinating Council on  
 318 Mosquito Control shall be comprised of the following  
 319 representatives or their authorized designees:

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 320 1. The Secretary of Environmental Protection. ~~and~~  
 321 2. The State Surgeon General. ~~†~~  
 322 ~~3.2.~~ The executive director of the Fish and Wildlife  
 323 Conservation Commission. ~~†~~  
 324 ~~4.3.~~ The state epidemiologist. ~~;~~  
 325 ~~5.4.~~ The Commissioner of Agriculture. ~~†~~ ~~and~~  
 326 6. The Board of Trustees of the Internal Improvement Trust  
 327 Fund.

328 ~~7.5.~~ Representatives from:

329 a. The University of Florida, Institute of Food and  
 330 Agricultural Sciences, Florida Medical Entomological Research  
 331 Laboratory. ~~†~~

332 ~~b. Florida Agricultural and Mechanical University.†~~

333 ~~b.e.~~ The United States Environmental Protection Agency. ~~†~~

334 ~~c.d.~~ The United States Department of Agriculture, Insects  
 335 Affecting Man Laboratory. ~~†~~

336 ~~d.e.~~ The United States Fish and Wildlife Service. ~~†~~

337 ~~8.f.~~ Two mosquito control directors to be nominated by the  
 338 Florida Mosquito Control Association, two representatives of  
 339 Florida environmental groups, and two private citizens who are  
 340 property owners whose lands are regularly subject to mosquito  
 341 control operations, to be appointed to 4-year terms by the  
 342 Commissioner of Agriculture. ~~†~~ ~~and~~

343 ~~g. The Board of Trustees of the Internal Improvement Trust~~  
 344 ~~Fund.~~

345 (b) *Organization*.—The council shall be chaired by the  
 346 Commissioner of Agriculture or the commissioner's authorized  
 347 designee. A majority of the membership of the council shall  
 348 constitute a quorum for the conduct of business. The chair shall

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 349 be responsible for recording and distributing to the members a  
 350 summary of the proceedings of all council meetings. The council  
 351 shall meet at least three times each year, or as needed. The  
 352 council may designate subcommittees from time to time to assist  
 353 in carrying out its responsibilities, provided that the  
 354 Subcommittee on Managed Marshes shall be the first subcommittee  
 355 appointed by the council. The subcommittee shall continue to  
 356 provide technical assistance and guidance on saltmarsh mosquito  
 357 impoundment management plans and develop and review research  
 358 proposals, taking into account the mosquito control source  
 359 reduction implications and natural resource interests in these  
 360 habitats for mosquito source reduction techniques.

(c) *Responsibilities.*—The council shall:

1. Develop and implement guidelines to assist the  
 department in resolving disputes arising over the control of  
 arthropods on publicly owned lands.

~~2. Identify and recommend to Florida Agricultural and  
 Mechanical University research priorities for arthropod control  
 practices and technologies.~~

~~2.3-~~ Develop and recommend to the department a request for  
 proposal process for arthropod control research.

~~3.4-~~ Identify potential funding sources for research or  
 implementation projects and evaluate and prioritize proposals  
 upon request by the funding source.

~~4.5-~~ Prepare and present reports, as needed, on arthropod  
 control activities in the state to the Pesticide Review Council,  
~~the Florida Coastal Management Program Interagency Management  
 Committee,~~ and other governmental organizations, as appropriate.

Section 10. Subsections (7) and (8) of section 493.6104,

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 378 Florida Statutes, are renumbered as subsections (6) and (7),  
 379 respectively, and present subsection (6) of that section is  
 380 amended to read:  
 381 493.6104 Advisory council.—  
 382 ~~(6) Council members shall serve without pay; however, state~~  
 383 ~~per diem and travel allowances may be claimed for attendance at~~  
 384 ~~officially called meetings as provided by s. 112.061.~~

Section 11. Subsection (3) of section 500.09, Florida  
 Statutes, is amended to read:

500.09 Rulemaking; analytical work.—

(3) The department may adopt rules necessary for the  
 efficient enforcement of this chapter. Such rules must be  
 consistent with those adopted under the federal act in regard to  
 food and, to this end, may adopt by reference those rules and  
the current edition of the model Food Code issued by the Food  
and Drug Administration and Public Health Service of the United  
States Department of Health and Human Services, when applicable  
 and practicable.

Section 12. Subsection (6) of section 500.147, Florida  
 Statutes, is amended to read:

500.147 Inspection of food establishments and vehicles,  
~~food safety pilot program.—~~

~~(6) The department is authorized to initiate a food safety~~  
~~pilot program establishing a special, documented food inspection~~  
~~program based on sound science principles of the Hazard Analysis~~  
~~Critical Control Point (HACCP) system and involving cooperative~~  
~~compliance efforts of both the department and the food~~  
~~establishment to assure consumers a safe, wholesome, and~~  
~~properly labeled food supply. A food establishment shall be~~

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407 eligible for such a pilot program only if program criteria are  
408 met. Criteria used to establish this special program include,  
409 but are not limited to, the following:

410 ~~(a) A good inspection history over a specified time period.~~

411 ~~(b) Certified food manager activities demonstrated to be  
412 effective in assessing food safety practices and correcting  
413 deficiencies at the food establishment.~~

414 ~~(c) An active food training program in place for employees.~~

415 ~~(d) "Self inspection" records of the food establishment  
416 made available for review by the department.~~

417 ~~(e) Written sanitation standard operation procedures in  
418 place and the food establishment's verification records made  
419 available for review by the department.~~

420 ~~(f) Freezer/refrigeration units and hot-cold temperature  
421 logs or recording charts made available for review by the  
422 department.~~

423 ~~(g) Records of corrective action to resolve food safety  
424 deficiencies made available for review by the department.~~

425 Section 13. Subsections (4) through (7) of section 502.014,  
426 Florida Statutes, are renumbered as subsections (3) through (6),  
427 respectively, and present subsection (3) of that section is  
428 amended to read:

429 502.014 Powers and duties.—

430 ~~(3) The department shall manage a program to issue permits  
431 to persons who test milk or milk products for milkfat content by  
432 weight, volume, chemical, electronic, or other means when the  
433 result of such test is used as a basis for payment for the milk  
434 or milk products.~~

435 Section 14. Subsections (1) and (2) and paragraphs (a) and

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436 (e) of subsection (3) of section 502.053, Florida Statutes, are  
437 amended to read:

438 502.053 Permits and licenses; fees; requirements;  
439 exemptions; temporary permits.—

440 (1) PERMITS AND LICENSES.—

441 (a) Each Grade "A" milk plant, whether located in the state  
442 or outside the state, and each manufacturing milk plant, milk  
443 producer, milk hauler, milk hauling service, washing station  
444 operator, milk plant operator, milk distributor, single-service-  
445 container manufacturer, receiving station, and transfer station  
446 in the state shall apply to the department for a permit to  
447 operate. The application shall be on forms developed by the  
448 department.

449 (b) Each frozen dessert plant, whether located in the state  
450 or outside the state, that manufactures frozen desserts or other  
451 products defined in this chapter and offers these products for  
452 sale in this state must apply to the department for a permit to  
453 operate. The application must be submitted on forms prescribed  
454 by the department. All frozen dessert permits expire on June 30  
455 of each year.

456 ~~(c) Any person who tests milk or milk products for milkfat  
457 content by weight, volume, chemical, electronic, or other method  
458 when the result of such test is used as a basis for payment for  
459 the milk or milk products must apply to the department for a  
460 license. To qualify for a license, the applicant must  
461 demonstrate a sufficiency of knowledge, ability, and equipment  
462 to adequately perform milkfat tests. The license shall be issued  
463 for a period of 2 years after the date of first issuance upon  
464 application to the department on forms prescribed by the~~

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465 ~~department.~~

466 ~~(c)(d)~~ Permits ~~and licenses~~ are nontransferable between  
467 persons or locations and are subject to suspension or revocation  
468 as provided in this chapter.

469 (2) FEES.—

470 ~~(a)~~ The initial application for a frozen dessert plant  
471 permit must be accompanied by a permit fee of \$200. The annual  
472 permit renewal fee is \$100.

473 ~~(b) The department shall charge each applicant for a~~  
474 ~~milkfat tester's license a fee not to exceed \$125.~~

475 (3) REQUIREMENTS.—

476 (a) To obtain a ~~frozen dessert plant permit or milkfat~~  
477 ~~tester's license~~, an applicant must satisfy all requirements  
478 that are defined by the department in rule and must agree to  
479 comply with the applicable provisions of this chapter and rules  
480 adopted under this chapter. The department shall mail a copy of  
481 the permit ~~or license~~ to the applicant to signify that  
482 administrative requirements have been met.

483 ~~(e) Each licensed milkfat tester shall keep records of~~  
484 ~~milkfat tests conducted by him or her for a period of 1 year,~~  
485 ~~and such records must be available for inspection by the~~  
486 ~~department at all reasonable hours.~~

487 Section 15. Subsection (42) of section 570.07, Florida  
488 Statutes, is renumbered as subsection (43), and a new subsection  
489 (42) is added to that section to read:

490 570.07 Department of Agriculture and Consumer Services;  
491 functions, powers, and duties.—The department shall have and  
492 exercise the following functions, powers, and duties:

493 (42) To accept grants or other funds to distribute to

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494 individuals when such funds are provided pursuant to an  
495 agreement.

496 Section 16. Subsection (9) of section 570.0705, Florida  
497 Statutes, is amended to read:

498 570.0705 Advisory committees.—From time to time the  
499 commissioner may appoint any advisory committee to assist the  
500 department with its duties and responsibilities.

501 (9) Notwithstanding s. 20.052(4)(d), members of each  
502 advisory committee, council, board, working group, task force,  
503 or other advisory body created by law within the department or  
504 created by the department under this section may not be  
505 reimbursed for per diem or travel expenses as provided in s.  
506 112.061 shall receive no compensation for their services.

507 Section 17. Section 570.071, Florida Statutes, is repealed.

508 Section 18. Section 570.074, Florida Statutes, is amended  
509 to read:

510 570.074 Department of Agriculture and Consumer Services;  
511 ~~energy and water policy~~.—The commissioner may create an Office  
512 of Agricultural Energy and Water Policy under the supervision of  
513 a senior manager exempt under s. 110.205 in the Senior  
514 Management Service. The commissioner may designate the bureaus  
515 and positions in the various organizational divisions of the  
516 department that report to this office relating to any matter  
517 over which the department has jurisdiction in matters relating  
518 to ~~energy and~~ water policy affecting agriculture, application of  
519 such policies, and coordination of such matters with state and  
520 federal agencies.

521 Section 19. Section 570.18, Florida Statutes, is amended to  
522 read:

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 523 570.18 Organization of departmental work.—In the assignment  
 524 of functions to the divisions of the department created in s.  
 525 ~~20.14 570.29~~, the department shall retain within the Division of  
 526 Administration, in addition to executive functions, those powers  
 527 and duties enumerated in s. 570.30. The department shall  
 528 organize the work of the other divisions in such a way as to  
 529 secure maximum efficiency in the conduct of the department. The  
 530 divisions created in s. ~~20.14 570.29~~ are solely to make possible  
 531 the definite placing of responsibility. The department shall be  
 532 conducted as a unit in which every employee, including each  
 533 division director, is assigned a definite workload, and there  
 534 shall exist between division directors a spirit of cooperative  
 535 effort to accomplish the work of the department.

536 Section 20. ~~Section 570.29, Florida Statutes, is repealed.~~

537 Section 21. ~~Section 570.34, Florida Statutes, is repealed.~~

538 Section 22. Section 570.451, Florida Statutes, is created  
 539 to read:

540 570.451 Agricultural Feed, Seed, and Fertilizer Advisory  
 541 Council.—

542 (1) The Agricultural Feed, Seed, and Fertilizer Advisory  
 543 Council is created within the department.

544 (2) The council is composed of the following 15 members  
 545 appointed by the commissioner:

546 (a) One representative of the department.

547 (b) One representative of the dean for extension of the  
 548 Institute of Food and Agricultural Sciences at the University of  
 549 Florida.

550 (c) One representative each from the state's beef cattle,  
 551 poultry, aquaculture, field crops, citrus, vegetable, and dairy

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 552 production industries.  
 553 (d) Two representatives each from the state's fertilizer,  
 554 seed, and commercial feed industries.  
 555  
 556 Each member shall be appointed for a term of not to exceed 4  
 557 years and shall serve until his or her successor is appointed.  
 558 (3) (a) A majority of the council members constitutes a  
 559 quorum for all purposes, and an act by a majority of such quorum  
 560 at any meeting constitutes an official act of the council. The  
 561 secretary shall keep a complete record of each meeting, which  
 562 must show the names of members present and the actions taken.  
 563 Such records must be kept on file with the department.  
 564 (b) Members of the council shall meet and organize by  
 565 electing a chair, a vice chair, and a secretary whose terms  
 566 shall be for 2 years each. Council officers may not serve  
 567 consecutive terms.  
 568 (c) The council shall meet at the call of its chair, at the  
 569 request of a majority of its members, at the request of the  
 570 department, or at such time as an agricultural or environmental  
 571 emergency arises, but not less than twice per year.  
 572 (d) The meetings, powers and duties, procedures, and  
 573 recordkeeping of the council shall be in accordance with the  
 574 provisions of s. 570.0705 relating to advisory committees  
 575 established within the department.  
 576 (4) The council shall:  
 577 (a) Receive reports of relevant enforcement activity  
 578 conducted by the Division of Agricultural Environmental  
 579 Services, including the number of inspections, the number of  
 580 administrative actions, the number of complaints received and

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581 investigated, and the dispositions of complaints.

582 (b) Provide advice to the department on the conduct of  
583 relevant enforcement activities.

584 (c) Receive reports on disciplinary actions.

585 (d) Make recommendations to the commissioner for actions to  
586 be taken with respect to the regulation of agricultural feed,  
587 seed, and fertilizer.

588 Section 23. Paragraph (e) of subsection (6) of section  
589 570.53, Florida Statutes, is amended to read:

590 570.53 Division of Marketing and Development; powers and  
591 duties.—The powers and duties of the Division of Marketing and  
592 Development include, but are not limited to:

593 (6)

594 (e) Extending in every practicable way the distribution and  
595 sale of Florida agricultural products throughout the markets of  
596 the world as required of the department by s. ~~ss.~~ 570.07(7),  
597 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

598 Section 24. Subsection (2) of section 570.54, Florida  
599 Statutes, is amended to read:

600 570.54 Director; duties.—

601 (2) It shall be the duty of the director of this division  
602 to supervise, direct, and coordinate the activities authorized  
603 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and  
604 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and  
605 chapters 504, 571, 573, and 574 and to exercise other powers and  
606 authority as authorized by the department.

607 Section 25. Subsection (7) of section 573.112, Florida  
608 Statutes, is amended to read:

609 573.112 Advisory council.—

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610 (7) Notwithstanding any provision of this section, the  
611 Citrus Research and Development Foundation, Inc., a direct-  
612 support organization of the University of Florida established  
613 pursuant to s. 1004.28, shall serve as the advisory council for  
614 a citrus research marketing order, provide the department with  
615 advice on administering the order, and, in accordance with the  
616 order, conduct citrus research and perform other duties assigned  
617 by the department. Notwithstanding s. 1004.28(3) or any  
618 provision of this section, the foundation's board of directors  
619 shall be composed of 13 members, including 10 citrus growers, 2  
620 representatives of the university's Institute of Food and  
621 Agricultural Sciences, and 1 member appointed by the  
622 Commissioner of Agriculture, who are each entitled to  
623 reimbursement from the foundation for per diem and travel  
624 expenses as provided in s. 112.061.

625 Section 26. Subsection (4) of section 573.118, Florida  
626 Statutes, is amended to read:

627 573.118 Assessment; funds; review of accounts ~~audit~~;  
628 loans.—

629 (4) In the event of levying and collecting of assessments,  
630 for each fiscal year in which assessment funds are received by  
631 the department, the department shall maintain records of  
632 collections and expenditures for each marketing order separately  
633 within the state's accounting system. If requested by an  
634 advisory council, department staff shall cause to be made a  
635 thorough review ~~annual audit~~ of the ~~books and accounts by a~~  
636 ~~certified public accountant~~, such review ~~audit~~ to be completed  
637 within 60 days after the request is received ~~end of the fiscal~~  
638 ~~year~~. The department and all producers and handlers covered by

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 639 the marketing order shall be properly advised of the details of  
 640 the ~~review annual official audit~~ of the account accounts as  
 641 ~~shown by the certified public accountant~~ within 30 days after of  
 642 the review audit.

643 Section 27. Subsection (8) of section 576.045, Florida  
 644 Statutes, is amended to read:

645 576.045 Nitrogen and phosphorus; findings and intent; fees;  
 646 purpose; best management practices; waiver of liability;  
 647 compliance; rules; exclusions; expiration.—

648 (8) EXPIRATION OF PROVISIONS.—Subsections (1), (2), (3),  
 649 (4), and (6) expire on December 31, 2022 ~~2012~~. Subsections (5)  
 650 and (7) expire on December 31, 2027 ~~2017~~.

651 Section 28. Section 576.071, Florida Statutes, is amended  
 652 to read:

653 576.071 Commercial value.—The commercial value used in  
 654 assessing penalties for any deficiency shall be determined by  
 655 using annualized plant nutrient values contained in one or more  
 656 generally recognized journals ~~recommended by the Fertilizer~~  
 657 ~~Technical Council~~.

658 Section 29. Section 576.091, Florida Statutes, is repealed.

659 Section 30. Section 578.30, Florida Statutes, is repealed.

660 Section 31. Paragraph (c) of subsection (1) and subsection  
 661 (3) of section 580.041, Florida Statutes, are amended to read:

662 580.041 Master registration; fee; refusal or cancellation  
 663 of registration; reporting.—

664 (1)

665 (c) Registration shall be conditioned on the distributor's  
 666 compliance with all provisions of this chapter and rules adopted  
 667 under this chapter thereof, including:

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 668 1. Submitting samples of manufactured feed for testing by  
 669 laboratories that have been certified by the department or  
 670 obtaining an exemption from the certified laboratory testing  
 671 requirement, as provided by this chapter and rules thereof.

672 2. Maintaining a bookkeeping system and records necessary  
 673 to indicate accurately the type and tonnage of commercial feeds  
 674 sold in this state that will allow the department to verify the  
 675 ~~accuracy of the reported tonnage~~.

676 3. Reporting within 30 days after the end of each quarter,  
 677 in the format prescribed by the department, the number of tons  
 678 of feed distributed in the state during each of the following  
 679 reporting periods: July through September, October through  
 680 December, January through March, and April through June.

681 ~~4.3.~~ Allowing the department to verify the accuracy of  
 682 reported type and tonnage and to otherwise examine pertinent  
 683 records at reasonable times.

684 (3) The department may refuse, suspend, or cancel the  
 685 master registration of, or impose one or more of the penalties  
 686 provided in s. 580.121, against any distributor or registrant  
 687 who violates or fails to comply with the provisions of this  
 688 chapter.

689 Section 32. Section 580.131, Florida Statutes, is amended  
 690 to read:

691 580.131 Penalty payable to consumer.—

692 (1) Any consumer who purchases without notice a commercial  
 693 feed or feedstuff that is has been distributed in violation of  
 694 this chapter or rules adopted under this chapter shall, in any  
 695 legal or administrative action that may be instituted, recover  
 696 penalties as follows:

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697 (a)(1) If a certified laboratory analysis shows that any  
 698 feed bearing a guarantee of 20 percent protein, or less, falls  
 699 more than 1 percent protein below the guarantee, or if the  
 700 analysis shows that any feed bearing a guarantee of more than 20  
 701 percent protein falls more than 2 percent protein below the  
 702 guarantee, \$4 per ton for each percent protein deficiency shall  
 703 be assessed against the manufacturer or distributor.

704 (b)(2) If a certified laboratory analysis shows that any  
 705 feed is deficient in fat by more than 0.5 ~~five-tenths~~ percent  
 706 fat, \$4 per ton for each percent fat deficiency shall be  
 707 assessed against the manufacturer or distributor.

708 (c)(3) If a certified laboratory analysis shows that any  
 709 feed bearing a maximum guarantee of not more than 20 percent  
 710 fiber exceeds this guarantee by more than 1 percent fiber, or if  
 711 the analysis shows that any feed bearing a maximum guarantee of  
 712 more than 20 percent fiber exceeds this guarantee by more than 2  
 713 percent fiber, \$4 per ton for each percent fiber excess shall be  
 714 assessed against the manufacturer or distributor.

715 (d)(4) If a certified laboratory analysis shows that any  
 716 commercial feed is deficient or excessive in the required drug,  
 717 mineral, or nutritive guarantees other than protein, fat, or  
 718 fiber, a penalty of \$4 per ton shall be assessed against the  
 719 manufacturer or distributor for each deficiency or excessive  
 720 level found.

721 (e)(5) If a certified laboratory analysis shows that any  
 722 commercial feed or feedstuff is found to be adulterated as  
 723 provided in s. 580.071, a penalty of \$4 per ton shall be  
 724 assessed against the manufacturer or distributor for each  
 725 violation found.

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726 (f)(6) If any feed is found by the department to be short  
 727 in weight, 4 times the invoice value of the actual shortage  
 728 shall be assessed against the manufacturer or distributor, but  
 729 in no instance shall the penalty be less than \$25. The  
 730 department by rule may establish variations for short weight.

731 (g)(7) ~~In no case shall~~ Any penalty assessed under as  
 732 specified in this section be less than \$10, regardless of the  
 733 monetary value of the violation, must be at least \$10.

734 (2)(a) Within 60 days after the department notifies a  
 735 registrant in writing of any penalty assessed under this  
 736 section, the registrant shall pay the penalty to the consumer.  
 737 If the consumer's identity cannot be determined, the registrant  
 738 shall, within the 60-day period, pay the assessed penalty to the  
 739 department.

740 (b) A registrant who, within the 60-day period, fails to  
 741 pay the full amount of the assessed penalty to the consumer or  
 742 the department, as applicable, in addition to the penalty  
 743 assessed under this section, is also subject to the penalties  
 744 provided in s. 580.121.

745 (c) The proceeds from any penalties paid to the department  
 746 under this section shall be deposited into the department's  
 747 General Inspection Trust Fund and be used by the department for  
 748 the exclusive purpose of administering this chapter.

749 Section 33. Section 580.151, Florida Statutes, is repealed.

750 Section 34. Subsection (30) of section 581.011, Florida  
 751 Statutes, is amended to read:

752 581.011 Definitions.—As used in this chapter:

753 ~~(30) "Technical council" means the Plant Industry Technical~~  
 754 ~~Council.~~

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755 Section 35. Subsection (3) of section 581.145, Florida  
 756 Statutes, is amended to read:  
 757 581.145 Aquatic plant nursery registration; special permit  
 758 requirements.—  
 759 (3) Notwithstanding any other provision of state or federal  
 760 law, the Department of Agriculture and Consumer Services shall  
 761 issue, by request, a permit to the aquaculture producer to  
 762 engage in the business of transporting and selling ~~exporting~~  
 763 water hyacinths (*Eichhornia spp.*) only to other states or  
 764 countries that permit such transportation and sale ~~other than~~  
 765 ~~the United States and only when such water hyacinths are~~  
 766 ~~cultivated in a nursery for the sole purpose of exportation and~~  
 767 ~~the aquaculture activities have~~ activity has been certified by  
 768 the Department of Agriculture and Consumer Services. In  
 769 accordance with any appropriate state or federal law or United  
 770 States treaty, ~~a~~ no Florida aquaculture producer may not shall  
 771 ship water hyacinths to other states or countries other than the  
 772 United States under such a permit for the purpose of importing  
 773 water hyacinths back into Florida the United States, nor shall  
 774 drop shipments be made to any other destination within the  
 775 United States. This subsection does not provision shall in no  
 776 way restrict or interfere with the Department of Environmental  
 777 Protection's efforts of the Fish and Wildlife Conservation  
 778 Commission, or the efforts these of any other agency or local  
 779 government with responsibilities for the management of noxious  
 780 aquatic plants, to control or eradicate noxious nonnursery  
 781 aquatic plants, including water hyacinths. This subsection may  
 782 provision shall not be considered a consideration in the  
 783 approval or the release of biological control agents for water

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784 hyacinths or any other noxious aquatic plants.  
 785 Section 36. Section 582.06, Florida Statutes, is amended to  
 786 read:  
 787 582.06 Soil and Water Conservation Council; powers and  
 788 duties.—  
 789 (1) COMPOSITION.—  
 790 (a) The Soil and Water Conservation Council is created in  
 791 the Department of Agriculture and Consumer Services and shall be  
 792 composed of 7 ~~23~~ members ~~as follows:~~  
 793 ~~(a) Eleven members shall be persons who have been involved~~  
 794 ~~in the practice of soil or water conservation, or in the~~  
 795 ~~development or implementation of interim measures or best~~  
 796 ~~management practices related thereto, and who have been engaged~~  
 797 ~~in agriculture or an occupation related to the agricultural~~  
 798 ~~industry for at least 5 years at the time of their appointment.~~  
 799 ~~(b) Twelve members shall include one representative each~~  
 800 ~~from the Department of Environmental Protection, the five water~~  
 801 ~~management districts, the Institute of Food and Agricultural~~  
 802 ~~Sciences at the University of Florida, the United States~~  
 803 ~~Department of Agriculture Natural Resources Conservation~~  
 804 ~~Service, the Florida Association of Counties, and the Florida~~  
 805 ~~League of Cities and two representatives of environmental~~  
 806 ~~interests.~~  
 807 (b)(c) All members shall be appointed by the commissioner.  
 808 ~~Members appointed pursuant to paragraph (b) shall be appointed~~  
 809 ~~by the commissioner from recommendations provided by the~~  
 810 ~~organization or interest represented.~~  
 811 (c)(d) Members shall serve 4-year terms or until their  
 812 successors are duly qualified and appointed. If a vacancy

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813 occurs, it shall be filled for the remainder of the term in the  
814 manner of an initial appointment.

815 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; ~~and~~  
816 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
817 recordkeeping of the Soil and Water Conservation Council, ~~and~~  
818 ~~per diem and reimbursement of expenses of council members,~~ shall  
819 be governed by the provisions of s. 570.0705 relating to  
820 advisory committees established within the department.

821 Section 37. Section 582.20, Florida Statutes, is amended to  
822 read:

823 582.20 Powers of districts and supervisors.—A soil and  
824 water conservation district organized under the provisions of  
825 this chapter shall constitute a governmental subdivision of this  
826 state, and a public body corporate and politic, exercising  
827 public powers, and such district and the supervisors thereof,  
828 shall have the following powers, in addition to others granted  
829 in other sections of this chapter:

830 (1) To conduct surveys, investigations, and research  
831 relating to the character of soil erosion and floodwater and  
832 sediment damages, to the conservation, development and  
833 utilization of soil and water resources and the disposal of  
834 water, and to the preventive and control measures and works of  
835 improvement needed; to publish the results of such surveys,  
836 investigations, or research; and to disseminate information  
837 concerning such preventive and control measures and works of  
838 improvement; provided, however, that in order to avoid  
839 duplication of research activities, no district shall initiate  
840 any research program except in cooperation with the government  
841 of this state or any of its agencies, or with the United States

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842 or any of its agencies. ~~†~~

843 (2) To conduct demonstrational projects within the  
844 district's boundaries, territory within another district's  
845 boundaries subject to the other district's approval, or  
846 territory not contained within any district's boundaries  
847 ~~district~~ on lands owned or controlled by this state or any of  
848 its agencies, with the cooperation of the agency administering  
849 and having jurisdiction thereof, and on any other lands within  
850 the district's boundaries, territory within another district's  
851 boundaries subject to the other district's approval, or  
852 territory not contained within any district's boundaries  
853 ~~district~~ upon obtaining the consent of the owner and occupiers  
854 of such lands or the necessary rights or interests in such  
855 lands, in order to demonstrate by example the means, methods,  
856 and measures by which soil and soil resources may be conserved,  
857 and soil erosion in the form of soil blowing and soil washing  
858 may be prevented and controlled, and works of improvement for  
859 flood prevention or the conservation, development and  
860 utilization of soil and water resources, and the disposal of  
861 water may be carried out. ~~†~~

862 (3) To carry out preventive and control measures and works  
863 of improvement for flood prevention or the conservation,  
864 development and utilization of soil and water resources, and the  
865 disposal of water within the district's boundaries, territory  
866 within another district's boundaries subject to the other  
867 district's approval, or territory not contained within any  
868 district's boundaries ~~district~~, including, but not limited to,  
869 engineering operations, methods of cultivation, the growing of  
870 vegetation, changes in use of land, and the measures listed in

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871 s. 582.04 on lands owned or controlled by this state or any of  
872 its agencies, with the cooperation of the agency administering  
873 and having jurisdiction thereof, and on any other lands within  
874 the district's boundaries, territory within another district's  
875 boundaries subject to the other district's approval, or  
876 territory not contained within any district's boundaries  
877 ~~district~~ upon obtaining the consent of the owner and the  
878 occupiers of such lands or the necessary rights or interests in  
879 such lands.†

880 (4) To cooperate, or enter into agreements with, and within  
881 the limits of appropriations duly made available to it by law,  
882 to furnish financial or other aid to, any agency, governmental  
883 or otherwise, or any owner or occupier of lands within the  
884 district's boundaries, territory within another district's  
885 boundaries subject to the other district's approval, or  
886 territory not contained within any district's boundaries  
887 ~~district~~, in the carrying on of erosion control or prevention  
888 operations and works of improvement for flood prevention or the  
889 conservation, development and utilization, of soil and water  
890 resources and the disposal of water within the district's  
891 boundaries, territory within another district's boundaries  
892 subject to the other district's approval, or territory not  
893 contained within any district's boundaries ~~district~~, subject to  
894 such conditions as the supervisors may deem necessary to advance  
895 the purposes of this chapter.†

896 (5) To obtain options upon and to acquire, by purchase,  
897 exchange, lease, gift, grant, bequest, devise or otherwise, any  
898 property, real or personal, or rights or interests therein; to  
899 maintain, administer, and improve any properties acquired, to

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900 receive income from such properties and to expend such income in  
901 carrying out the purposes and provisions of this chapter; and to  
902 sell, lease, or otherwise dispose of any of its property or  
903 interests therein in furtherance of the purposes and the  
904 provisions of this chapter.†

905 (6) To make available, on such terms as it shall prescribe,  
906 to landowners and occupiers within the district's boundaries,  
907 territory within another district's boundaries subject to the  
908 other district's approval, or territory not contained within any  
909 district's boundaries ~~district~~, agricultural and engineering  
910 machinery and equipment, fertilizer, seeds and seedlings, and  
911 such other material or equipment, as will assist such landowners  
912 and occupiers to carry on operations upon their lands for the  
913 conservation of soil resources and for the prevention or control  
914 of soil erosion and for flood prevention or the conservation,  
915 development and utilization, of soil and water resources and the  
916 disposal of water.†

917 (7) To construct, improve, operate and maintain such  
918 structures as may be necessary or convenient for the performance  
919 of any of the operations authorized in this chapter.†

920 (8) To develop comprehensive plans for the conservation of  
921 soil and water resources and for the control and prevention of  
922 soil erosion and for flood prevention or the conservation,  
923 development and utilization of soil and water resources, and the  
924 disposal of water within the district's boundaries, territory  
925 within another district's boundaries subject to the other  
926 district's approval, or territory not contained within any  
927 district's boundaries ~~district~~, which plans shall specify in  
928 such detail as may be possible the acts, procedures,

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 929 performances, and avoidances which are necessary or desirable  
 930 for the effectuation of such plans, including the specification  
 931 of engineering operations, methods of cultivation, the growing  
 932 of vegetation, cropping programs, tillage practices, and changes  
 933 in use of land; control of artesian wells; and to publish such  
 934 plans and information and bring them to the attention of owners  
 935 and occupiers of lands within the district's boundaries,  
 936 territory within another district's boundaries subject to the  
 937 other district's approval, or territory not contained within any  
 938 district's boundaries. ~~district;~~

939 (9) To take over, by purchase, lease, or otherwise, and to  
 940 administer any soil-conservation, erosion-control, erosion-  
 941 prevention project, or any project for flood-prevention or for  
 942 the conservation, development and utilization of soil and water  
 943 resources, and the disposal of water, located within the  
 944 district's ~~its~~ boundaries, territory within another district's  
 945 boundaries subject to the other district's approval, or  
 946 territory not contained within any district's boundaries,  
 947 undertaken by the United States or any of its agencies, or by  
 948 this state or any of its agencies; to manage as agent of the  
 949 United States or any of its agencies, or of the state or any of  
 950 its agencies, any soil-conservation, erosion-control, erosion-  
 951 prevention, or any project for flood-prevention or for the  
 952 conservation, development, and utilization of soil and water  
 953 resources, and the disposal of water within the district's ~~its~~  
 954 boundaries, territory within another district's boundaries  
 955 subject to the other district's approval, or territory not  
 956 contained within any district's boundaries; to act as agent for  
 957 the United States, or any of its agencies, or for the state or

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 958 any of its agencies, in connection with the acquisition,  
 959 construction, operation or administration of any soil-  
 960 conservation, erosion-control, erosion-prevention, or any  
 961 project for flood-prevention or for the conservation,  
 962 development and utilization of soil and water resources, and the  
 963 disposal of water within the district's ~~its~~ boundaries,  
 964 territory within another district's boundaries subject to the  
 965 other district's approval, or territory not contained within any  
 966 district's boundaries; to accept donations, gifts, and  
 967 contributions in money, services, materials, or otherwise, from  
 968 the United States or any of its agencies, or from this state or  
 969 any of its agencies, or from others, and to use or expend such  
 970 moneys, services, materials or other contributions in carrying  
 971 on its operations. ~~;~~

972 (10) To sue and be sued in the name of the district; to  
 973 have a seal, which seal shall be judicially noticed; to have  
 974 perpetual succession unless terminated as provided in this  
 975 chapter; to make and execute contracts and other instruments  
 976 necessary or convenient to the exercise of its powers; upon a  
 977 majority vote of the supervisors of the district, to borrow  
 978 money and to execute promissory notes and other evidences of  
 979 indebtedness in connection therewith, and to pledge, mortgage,  
 980 and assign the income of the district and its personal property  
 981 as security therefor, the notes and other evidences of  
 982 indebtedness to be general obligations only of the district and  
 983 in no event to constitute an indebtedness for which the faith  
 984 and credit of the state or any of its revenues are pledged; to  
 985 make, amend, and repeal rules and regulations not inconsistent  
 986 with this chapter to carry into effect its purposes and powers.

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987 (11) As a condition to the extending of any benefits under  
 988 this chapter to, or the performance of work upon, any lands not  
 989 owned or controlled by this state or any of its agencies, the  
 990 supervisors may require contributions in money, services,  
 991 materials, or otherwise to any operations conferring such  
 992 benefits, and may require landowners and occupiers to enter into  
 993 and perform such agreements or covenants as to the permanent use  
 994 of such lands as will tend to prevent or control erosion and  
 995 prevent floodwater and sediment damages thereon.

996 (12) No provisions with respect to the acquisition,  
 997 operation, or disposition of property by public bodies of this  
 998 state shall be applicable to a district organized hereunder  
 999 unless the Legislature shall specifically so state. The property  
 1000 and property rights of every kind and nature acquired by any  
 1001 district organized under the provisions of this chapter shall be  
 1002 exempt from state, county, and other taxation.

1003 Section 38. Section 582.29, Florida Statutes, is amended to  
 1004 read:

1005 582.29 State agencies to cooperate.—Agencies of this state  
 1006 which shall have jurisdiction over, or be charged with, the  
 1007 administration of any state-owned lands, and of any county, or  
 1008 other governmental subdivision of the state, which shall have  
 1009 jurisdiction over, or be charged with the administration of, any  
 1010 county-owned or other publicly owned lands, lying within the  
 1011 boundaries of any district organized under this chapter, the  
 1012 boundaries of another district subject to that district's  
 1013 approval, or territory not contained within the boundaries of  
 1014 any district organized under this chapter, shall cooperate to  
 1015 the fullest extent with the supervisors of such districts in the

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1016 effectuation of programs and operations undertaken by the  
 1017 supervisors under the provisions of this chapter. The  
 1018 supervisors of such districts shall be given free access to  
 1019 enter and perform work upon such publicly owned lands. The  
 1020 provisions of land use regulations adopted shall be in all  
 1021 respects observed by the agencies administering such publicly  
 1022 owned lands.

1023 Section 39. Subsection (3) of section 582.30, Florida  
 1024 Statutes, is amended, and subsections (4) and (5) are added to  
 1025 that section, to read:

1026 582.30 Discontinuance of districts; referendum;  
 1027 commissioner's authority.—

1028 (3) In the alternative, ~~upon review and recommendation of~~  
 1029 ~~the Soil and Water Conservation Council regarding the continued~~  
 1030 ~~viability of a district,~~ the Commissioner of Agriculture may  
 1031 dissolve or discontinue a such district if: the commissioner  
 1032 certifies that the continued operation of the district is not  
 1033 administratively practicable and feasible.

1034 (a) Upon review and recommendation of the Soil and Water  
 1035 Conservation Council, the council determines that the continued  
 1036 operation of the district is not administratively practicable  
 1037 and feasible under the provisions of this chapter;

1038 (b) The If A district fails has failed to comply with any  
 1039 of the audit or and financial reporting requirement requirements  
 1040 of chapter 189, or fails to comply with any requirement of s.  
 1041 582.20(1)-(9), and the commissioner, after review and  
 1042 confirmation by the department's inspector general reviews and  
 1043 confirms in writing that the district has failed to comply with  
 1044 such requirement; or, may certify dissolution or discontinuance

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1045 ~~of such district without prior review and recommendation of the~~  
1046 ~~Soil and Water Conservation Council.~~

1047 (c) The department receives a resolution adopted by the  
1048 supervisors of the district requesting that the commissioner  
1049 issue a certificate determining that the continued operation of  
1050 the district is not administratively practicable and feasible  
1051 under the provisions of this chapter.

1052 (4) If the requirements for dissolution or discontinuance  
1053 of a district are satisfied under subsection (1), subsection  
1054 (2), or subsection (3), the department shall publish notice of a  
1055 ~~such~~ proposed certification determining that the continued  
1056 operation of the district is not administratively practicable  
1057 and feasible under the provisions of this chapter. The notice of  
1058 ~~dissolution or discontinuance~~ shall be published once a week for  
1059 2 weeks in a newspaper of general circulation within the county  
1060 or counties in which ~~wherein~~ the district is located, stating  
1061 the name of the district and a general description of the  
1062 territory included in the district, and requiring that any  
1063 comments or objections to the proposed certification,  
1064 ~~dissolution~~ or any claims against the assets of the district,  
1065 must be filed with the department clerk not later than 60 days  
1066 after ~~following~~ the date of last publication.

1067 (5) (a) Upon expiration of the 60-day period after the date  
1068 of last publication, the commissioner, upon review of any  
1069 comments or objections received under subsection (4), may issue  
1070 a certificate determining that the continued operation of the  
1071 district is not administratively practicable and feasible under  
1072 the provisions of this chapter.

1073 (b) If the commissioner issues a certificate determining

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1074 that the continued operation of a district is not  
1075 administratively practicable and feasible under the provisions  
1076 of this chapter, the department shall file the original  
1077 certificate with the Department of State and shall provide a  
1078 copy of the certificate to the supervisors of the district at  
1079 the district's principal office designated under s.  
1080 582.15(1)(c).

1081 Section 40. Section 582.31, Florida Statutes, is amended to  
1082 read:

1083 582.31 Certification of results of referendum;  
1084 dissolution.—Upon receipt from the Department of Agriculture and  
1085 Consumer Services of a certification that the department has  
1086 determined that the continued operation of the district is not  
1087 administratively practicable and feasible, pursuant to the  
1088 provisions of this chapter, the supervisors shall forthwith  
1089 proceed to terminate the affairs of the district. The  
1090 supervisors shall dispose of all property belonging to the  
1091 district at public auction and shall pay over the proceeds of  
1092 such sale to be converted into the State Treasury, which amount  
1093 shall be placed to the credit of the district department for the  
1094 purpose of liquidating any legal obligations ~~the said~~ district  
1095 may have at the time of its discontinuance. The supervisors  
1096 shall thereupon file an application, duly verified, with the  
1097 Department of State for the discontinuance of ~~the such~~ district,  
1098 and shall transmit with such application the certificate of the  
1099 Department of Agriculture and Consumer Services setting forth  
1100 the determination of the department that the continued operation  
1101 of ~~the such~~ district is not administratively practicable and  
1102 feasible. The application shall recite that the property of the

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 1103 district has been disposed of and the proceeds paid over as in  
 1104 this section provided, and shall set forth a full accounting of  
 1105 such properties and proceeds of the sale. The Department of  
 1106 State shall issue to the supervisors a certificate of  
 1107 dissolution and shall record such certificate in an appropriate  
 1108 book of record in its office.

1109 Section 41. Section 585.155, Florida Statutes, is repealed.

1110 Section 42. Section 589.03, Florida Statutes, is repealed.

1111 Section 43. Section 589.19, Florida Statutes, is amended to  
 1112 read:

1113 589.19 Creation of certain state forests; naming of certain  
 1114 state forests.-

1115 (1) When the Board of Trustees of the Internal Improvement  
 1116 Trust Fund, any state agency, or any agency created by state  
 1117 law, authorized to accept reforestation lands in the name of the  
 1118 state, approves the recommendations of the Florida Forest  
 1119 Service ~~Division of Forestry~~ in reference to the acquisition of  
 1120 land and acquires ~~acquire~~ such land, the ~~said~~ board, state  
 1121 agency, or agency created by state law, may formally designate  
 1122 and dedicate any area as a reforestation project, or state  
 1123 forest, and where so designated and dedicated such area shall be  
 1124 under the administration of the Florida Forest Service, ~~division~~  
 1125 which is ~~shall be~~ authorized to manage and administer such ~~said~~  
 1126 area according to the purpose for which it was designated and  
 1127 dedicated.

1128 (2) The first state forest acquired by the Board of  
 1129 Trustees of the Internal Improvement Trust Fund in Baker County  
 1130 is to be named the John M. Bethea State Forest. This is to honor  
 1131 Mr. John M. Bethea who was Florida's fourth state forester and

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 1132 whose distinguished career in state government spanned 46 years  
 1133 and who is a native of Baker County.

1134 (3) The state forest managed by the Florida Forest Service  
 1135 ~~Division of Forestry~~ in Seminole County is to be named the  
 1136 Charles H. Bronson State Forest to honor Charles H. Bronson, the  
 1137 tenth Commissioner of Agriculture, for his distinguished  
 1138 contribution to this state's agriculture and natural resources.

1139 (4) (a) The Florida Forest Service ~~Division of Forestry~~  
 1140 shall designate one or more areas of state forests as an  
 1141 "Operation Outdoor Freedom a "Wounded Warrior Special Hunt Area"  
 1142 to honor wounded veterans and servicemembers. The purpose of  
 1143 such designated areas is to provide special outdoor recreational  
 1144 opportunities for eligible veterans and servicemembers.

1145 (b) The Florida Forest Service ~~division~~ shall limit guest  
 1146 admittance to such designated areas to any person who:

1147 1. Is an active duty member of any branch of the United  
 1148 States Armed Forces and has a combat-related injury as  
 1149 determined by his or her branch of the United States Armed  
 1150 Forces; or

1151 2. Is a veteran who served during a period of wartime  
 1152 service as defined in s. 1.01(14) or peacetime service as  
 1153 defined in s. 296.02 and:

1154 a. Has a service-connected disability as determined by the  
 1155 United States Department of Veterans Affairs; or

1156 b. Was discharged or released from military service because  
 1157 of a disability acquired or aggravated while serving on active  
 1158 duty.

1159 (c) The Florida Forest Service ~~division~~ may grant  
 1160 admittance to such designated areas to a person who is not an

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1161 eligible veteran or servicemember for purposes of accompanying  
1162 an eligible veteran or servicemember who requires the person's  
1163 assistance to use such designated areas.

1164 (d) Funding required for specialized accommodations shall  
1165 be provided through the Friends of Florida State Forests Program  
1166 created under s. 589.012.

1167 (e) The Florida Forest Service ~~division~~ may adopt rules to  
1168 administer this subsection.

1169 Section 44. Section 589.277, Florida Statutes, is amended  
1170 to read:

1171 589.277 Tree planting programs.—

1172 (1) The Division of Forestry of the Florida Forest Service  
1173 ~~Department of Agriculture and Consumer Services~~ shall administer  
1174 federal, state, and privately sponsored tree planting programs  
1175 designed to assist private rural landowners and urban  
1176 communities.

1177 (2) Contributions from governmental and private sources for  
1178 tree planting programs may be accepted into the Federal Grants  
1179 Trust Fund or the Incidental Trust Fund of the Florida Forest  
1180 Service.

1181 (3) The Florida Forest Service shall ~~Division of Forestry~~  
1182 ~~is authorized and directed to~~ develop and implement guidelines  
1183 and procedures under which the financial resources of the fund  
1184 allocated for tree planting programs may be utilized for urban  
1185 and rural reforestation.

1186 (4) Grants to municipalities, counties, nonprofit  
1187 organizations, and qualifying private landowners may be made  
1188 from allocated moneys in the fund for the purpose of purchasing,  
1189 planting, and maintaining native tree species.

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1190 (5) The Florida Forest Service ~~Division of Forestry~~ shall  
1191 assist the Department of Education in developing programs that  
1192 teach the importance of trees in the urban, rural, and global  
1193 environment.

1194 Section 45. Section 590.02, Florida Statutes, is amended to  
1195 read:

1196 590.02 Florida Forest Service; ~~Division~~ powers, authority,  
1197 and duties; liability; building structures; Florida Center for  
1198 Wildfire and Forest Resources Management Training.—

1199 (1) The Florida Forest Service ~~division~~ has the following  
1200 powers, authority, and duties:

1201 (a) To enforce the provisions of this chapter;

1202 (b) To prevent, detect, suppress, and extinguish wildfires  
1203 wherever they may occur on public or private land in this state  
1204 and to do all things necessary in the exercise of such powers,  
1205 authority, and duties;

1206 (c) To provide firefighting crews, who shall be under the  
1207 control and direction of the Florida Forest Service ~~division~~ and  
1208 its designated agents;

1209 (d) To appoint center managers, forest area supervisors,  
1210 forestry program administrators, a forest protection bureau  
1211 chief, a forest protection assistant bureau chief, a field  
1212 operations bureau chief, deputy chiefs of field operations,  
1213 district managers, forest operations administrators, senior  
1214 forest rangers, investigators, forest rangers, firefighter  
1215 rotorcraft pilots, and other employees who may, at the Florida  
1216 Forest Service's ~~division's~~ discretion, be certified as forestry  
1217 firefighters pursuant to s. 633.35(4). Other provisions of law  
1218 notwithstanding, center managers, district managers, forest

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1219 protection assistant bureau chief, and deputy chiefs of field  
1220 operations shall have Selected Exempt Service status in the  
1221 state personnel designation;

1222 (e) To develop a training curriculum for forestry  
1223 firefighters which must contain the basic volunteer structural  
1224 fire training course approved by the Florida State Fire College  
1225 of the Division of State Fire Marshal and a minimum of 250 hours  
1226 of wildfire training;

1227 (f) To make rules to accomplish the purposes of this  
1228 chapter;

1229 (g) To provide fire management services and emergency  
1230 response assistance and to set and charge reasonable fees for  
1231 performance of those services. Moneys collected from such fees  
1232 shall be deposited into the Incidental Trust Fund of the Florida  
1233 Forest Service division; and

1234 (h) To require all state, regional, and local government  
1235 agencies operating aircraft in the vicinity of an ongoing  
1236 wildfire to operate in compliance with the applicable state  
1237 Wildfire Aviation Plan.

1238 (2) The Florida Forest Service's Division employees, and  
1239 the firefighting crews under their control and direction, may  
1240 enter upon any lands for the purpose of preventing and  
1241 suppressing wildfires and investigating smoke complaints or open  
1242 burning not in compliance with authorization and to enforce the  
1243 provisions of this chapter.

1244 (3) Employees of the Florida Forest Service division and of  
1245 federal, state, and local agencies, and all other persons and  
1246 entities that are under contract or agreement with the Florida  
1247 Forest Service division to assist in firefighting operations as

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1248 well as those entities, called upon by the Florida Forest  
1249 Service division to assist in firefighting may, in the  
1250 performance of their duties, set counterfires, remove fences and  
1251 other obstacles, dig trenches, cut firelines, use water from  
1252 public and private sources, and carry on all other customary  
1253 activities in the fighting of wildfires without incurring  
1254 liability to any person or entity.

1255 (4) (a) The department may build structures, notwithstanding  
1256 chapters 216 and 255, not to exceed a cost of \$50,000 per  
1257 structure from existing resources on forest lands, federal  
1258 excess property, and unneeded existing structures. These  
1259 structures must meet all applicable building codes.

1260 (b) Notwithstanding s. 553.80(1), the department shall  
1261 exclusively enforce the Florida Building Code as it pertains to  
1262 wildfire and law enforcement facilities under the jurisdiction  
1263 of the department.

1264 (5) The Florida Forest Service division shall organize its  
1265 operational units to most effectively prevent, detect, and  
1266 suppress wildfires, and to that end, may employ the necessary  
1267 personnel to manage its activities in each unit. The Florida  
1268 Forest Service division may construct lookout towers, roads,  
1269 bridges, firelines, and other facilities and may purchase or  
1270 fabricate tools, supplies, and equipment for firefighting. The  
1271 Florida Forest Service division may reimburse the public and  
1272 private entities that it engages to assist in the suppression of  
1273 wildfires for their personnel and equipment, including aircraft.

1274 (6) The Florida Forest Service division shall undertake  
1275 privatization alternatives for fire prevention activities  
1276 including constructing fire lines and conducting prescribed

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1277 burns and, where appropriate, entering into agreements or  
1278 contracts with the private sector to perform such activities.

1279 (7) The Florida Forest Service ~~division~~ may organize,  
1280 staff, equip, and operate the Florida Center for Wildfire and  
1281 Forest Resources Management Training. The center shall serve as  
1282 a site where fire and forest resource managers can obtain  
1283 current knowledge, techniques, skills, and theory as they relate  
1284 to their respective disciplines.

1285 (a) The center may establish cooperative efforts involving  
1286 federal, state, and local entities; hire appropriate personnel;  
1287 and engage others by contract or agreement with or without  
1288 compensation to assist in carrying out the training and  
1289 operations of the center.

1290 (b) The center shall provide wildfire suppression training  
1291 opportunities for rural fire departments, volunteer fire  
1292 departments, and other local fire response units.

1293 (c) The center will focus on curriculum related to, but not  
1294 limited to, fuel reduction, an incident management system,  
1295 prescribed burning certification, multiple-use land management,  
1296 water quality, forest health, environmental education, and  
1297 wildfire suppression training for structural firefighters.

1298 (d) The center may assess appropriate fees for food,  
1299 lodging, travel, course materials, and supplies in order to meet  
1300 its operational costs and may grant free meals, room, and  
1301 scholarships to persons and other entities in exchange for  
1302 instructional assistance.

1303 (e) An advisory committee consisting of the following  
1304 individuals or their designees must review program curriculum,  
1305 course content, and scheduling: the director of the Florida

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1306 Forest Service ~~Division of Forestry~~; the assistant director of  
1307 the Florida Forest Service ~~Division of Forestry~~; the director of  
1308 the School of Forest Resources and Conservation of the  
1309 University of Florida; the director of the Division of  
1310 Recreation and Parks of the Department of Environmental  
1311 Protection; the director of the Division of the State Fire  
1312 Marshal; the director of the Florida Chapter of The Nature  
1313 Conservancy; the executive vice president of the Florida  
1314 Forestry Association; the president of the Florida Farm Bureau  
1315 Federation; the executive director of the Fish and Wildlife  
1316 Conservation Commission; the executive director of a water  
1317 management district as appointed by the Commissioner of  
1318 Agriculture; the supervisor of the National Forests in Florida;  
1319 the president of the Florida Fire Chief's Association; and the  
1320 executive director of the Tall Timbers Research Station.

1321 (8) The Cross City Work Center shall be named the L. Earl  
1322 Peterson Forestry Station. This is to honor Mr. L. Earl  
1323 Peterson, Florida's sixth state forester, whose distinguished  
1324 career in state government has spanned 44 years, and who is a  
1325 native of Dixie County.

1326 (9) (a) Notwithstanding ss. 273.055 and 287.16, the  
1327 department may retain, transfer, warehouse, bid, destroy, scrap,  
1328 or otherwise dispose of surplus equipment and vehicles that are  
1329 used for wildland firefighting.

1330 (b) All money received from the disposition of state-owned  
1331 equipment and vehicles that are used for wildland firefighting  
1332 shall be retained by the department. Money received pursuant to  
1333 this section is appropriated for and may be disbursed for the  
1334 acquisition of exchange and surplus equipment used for wildland

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1335 firefighting, and for all necessary operating expenditures  
1336 related to such equipment, in the same fiscal year and the  
1337 fiscal year following the disposition. The department shall  
1338 maintain records of the accounts into which the money is  
1339 deposited.

1340 (10) (a) The ~~Florida Forest Service division~~ has exclusive  
1341 authority to require and issue authorizations for broadcast  
1342 burning and agricultural and silvicultural pile burning. An  
1343 agency, commission, department, county, municipality, or other  
1344 political subdivision of the state may not adopt or enforce  
1345 laws, regulations, rules, or policies pertaining to broadcast  
1346 burning or agricultural and silvicultural pile burning unless an  
1347 emergency order is declared in accordance with s. 252.38(3).

1348 (b) The ~~Florida Forest Service division~~ may delegate to a  
1349 county or municipality its authority, as delegated by the  
1350 Department of Environmental Protection pursuant to ss.  
1351 403.061(28) and 403.081, to require and issue authorizations for  
1352 the burning of yard trash and debris from land clearing  
1353 operations in accordance with s. 590.125(6).

1354 Section 46. Subsection (3) of section 597.0021, Florida  
1355 Statutes, is amended to read:

1356 597.0021 Legislative intent.—

1357 (3) It is the intent of the Legislature that the  
1358 Aquaculture Review Council is ~~and the Aquaculture Interagency~~  
1359 ~~Coordinating Council are~~ established to provide a means of  
1360 communication between the aquaculture industry and the  
1361 regulatory agencies.

1362 Section 47. Paragraphs (b) and (d) of subsection (1) of  
1363 section 597.003, Florida Statutes, are amended to read:

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1364 597.003 Powers and duties of Department of Agriculture and  
1365 Consumer Services.—

1366 (1) The department is hereby designated as the lead agency  
1367 in encouraging the development of aquaculture in the state and  
1368 shall have and exercise the following functions, powers, and  
1369 duties with regard to aquaculture:

1370 (b) Coordinate the development, annual revision, and  
1371 implementation of a state aquaculture plan. The plan shall  
1372 include prioritized recommendations for research and development  
1373 as suggested by the Aquaculture Review Council, ~~the Aquaculture~~  
1374 ~~Interagency Coordinating Council,~~ and public and private  
1375 institutional research, extension, and service programs.

1376 (d) Provide staff for the Aquaculture Review Council ~~and~~  
1377 ~~the Aquaculture Interagency Coordinating Council.~~

1378 Section 48. Paragraph (h) of subsection (1) of section  
1379 597.004, Florida Statutes, is amended to read:

1380 597.004 Aquaculture certificate of registration.—

1381 (1) CERTIFICATION.—Any person engaging in aquaculture must  
1382 be certified by the department. The applicant for a certificate  
1383 of registration shall submit the following to the department:

1384 (h) ~~An One-hundred dollar~~ annual registration fee of \$100.  
1385 The annual registration fee is waived for each elementary,  
1386 middle, or high school and each vocational school that  
1387 participates in the aquaculture certification program.

1388 Section 49. Subsection (1), paragraphs (a) and (b) of  
1389 subsection (2), and paragraph (h) of subsection (3) of section  
1390 597.005, Florida Statutes, are amended to read:

1391 597.005 Aquaculture Review Council.—

1392 (1) COMPOSITION.—There is created within the department the

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 1393 Aquaculture Review Council to consist of eight ~~nine~~ members as  
 1394 follows: the chair of the State Agricultural Advisory Council or  
 1395 designee; ~~the chair of the Aquaculture Interagency Coordinating~~  
 1396 ~~Council~~; and seven additional members to be appointed by the  
 1397 commissioner, including an alligator farmer, a food fish farmer,  
 1398 a shellfish farmer, a tropical fish farmer, an aquatic plant  
 1399 farmer, a representative of the commercial fishing industry, and  
 1400 a representative of the aquaculture industry at large. Members  
 1401 shall be appointed for 4-year terms. Each member shall be  
 1402 selected from no fewer than two or more than three nominees  
 1403 submitted by recognized statewide organizations representing  
 1404 each industry segment or the aquaculture industry at large. In  
 1405 the absence of nominees, the commissioner shall appoint persons  
 1406 who otherwise meet the qualifications for appointment to the  
 1407 council. Members shall serve until their successors are duly  
 1408 qualified and appointed. An appointment to fill a vacancy shall  
 1409 be for the unexpired portion of the term.

1410 (2) MEETINGS; PROCEDURES; RECORDS.—

1411 (a) The members of the council shall meet at least  
 1412 quarterly; shall elect a chair, a vice chair, and a secretary,  
 1413 ~~and an industry representative to the Aquaculture Interagency~~  
 1414 ~~Coordinating Council~~; and shall use accepted rules of procedure.  
 1415 The terms of such officers shall be for 1 year.

1416 (b) The council shall meet at the call of its chair, at the  
 1417 request of a majority of its membership, at the request of the  
 1418 department, or at such times as may be prescribed by its rules  
 1419 of procedure. ~~However, the council shall hold a joint annual~~  
 1420 ~~meeting with the Aquaculture Interagency Coordinating Council.~~

1421 (3) RESPONSIBILITIES.—The primary responsibilities of the

19-01595-12 20121254\_\_  
 1422 Aquaculture Review Council are to:  
 1423 (h) For any problem that cannot be solved through simple  
 1424 cooperation or negotiation, provide an issue analysis ~~to the~~  
 1425 ~~Aquaculture Interagency Coordinating Council~~ and to the chairs  
 1426 of the legislative agriculture appropriations committees. The  
 1427 analysis shall include, but not be limited to, specific facts  
 1428 and industry hardships, regulatory provisions, questions  
 1429 relative to the issue, and suggestions for solving the problem.  
 1430 Section 50. Section 597.006, Florida Statutes, is repealed.  
 1431 Section 51. Subsection (3) of section 616.252, Florida  
 1432 Statutes, is amended to read:  
 1433 616.252 Florida State Fair Authority; membership; number,  
 1434 terms, compensation.—  
 1435 (3) Members of the authority are not entitled to  
 1436 compensation for their services as members but shall be  
 1437 reimbursed by the authority for per diem and travel expenses as  
 1438 provided in s. 112.061 and may not be reimbursed for travel  
 1439 expenses. Except for the nonvoting youth member, each member may  
 1440 be compensated for any special or full-time service performed in  
 1441 the authority's behalf as officers or agents of the authority.  
 1442 Section 52. This act shall take effect July 1, 2012.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Agriculture Committee

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BILL: SB 1496

INTRODUCER: Senator Evers

SUBJECT: Agritourism

DATE: January 23, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Buford	AG	<b>Favorable</b>
2.	_____	_____	CA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill states that it is the intent of the Legislature to eliminate duplication of regulatory authority over agritourism. It prohibits a local government to adopt ordinances, regulations, rules or policies that prohibit, restrict, regulate or otherwise limit an activity of a *bona fide* agritourism operation on land that has been classified as agricultural by a property appraiser.

This bill creates an as yet undesignated section of the Florida Statutes.

**II. Present Situation:**

Agritourism is the practice of attracting visitors and travelers to agricultural areas, generally for educational and recreational purposes. For many farmers, the only way to continue farming is to find ways to diversify and expand their incomes, either through new enterprises on the farm or off-farm employment. One diversification strategy some U.S. farmers are beginning to explore is the “cultivation” of tourists in addition to growing crops. Referred to as “agriturismo” in Italy, “sleeping in the straw” in Switzerland, “farmstays” in New Zealand, and “farm holidays” in England, agritourism is well established throughout Europe and in many other countries.<sup>1</sup>

Agritourism allows people who have little knowledge of agricultural lands to experience intrinsic agricultural practices and the culture of those lands. Agritourism can help people reconnect with agricultural practices that have changed with the rise of heavily-industrialized farming methods and can build relationships between the producer and consumer. This type of tourism could include farm tours or farm stays, fishing, hunting, festivals, historical recreations,

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<sup>1</sup> Curtis E. Beus, “Agritourism: Cultivating Tourists on the Farm,” (July 2008): 5.

workshops/educational activities, wildlife study, horseback riding, cannery tours, cooking classes, wine tastings, barn dances, and harvest-your-own activities. The use of these resources can have a positive effect on both the agricultural enterprise and the surrounding community. Not only does this tourism have the potential to add value to the operations themselves, but it also creates an awareness in people about the importance of agriculture.<sup>2</sup>

Under Florida's Greenbelt Law, properties that are *bona fide* agricultural operations are taxed according to the "use" value of those operations, rather than the development value. The property appraiser of each county in Florida must classify every piece of land in their county as agricultural or non-agricultural in order to get the *bona fide* status. This is known as the land's "Greenbelt" assessment.<sup>3</sup> To make this determination, the appraiser must consider factors such as the length of time the land has been used for its current purpose, whether that use has been continuous, the price paid for the land, the size of the land in relation to its specific agricultural use, the effort made to care sufficiently and adequately for the land, whether the land is leased, and if so, the terms of the lease, and finally, any other factors that may become applicable.

When a piece of land is classified as agricultural/Greenbelt, it is given a property value based upon its agricultural use rather than the market value of the land. Such a classification provides the property with a lower property tax assessment. The type of agricultural use also impacts the assessment within the Greenbelt classification. This means that land used to grow pine trees may receive a different value than land used to produce fruit, so different types of agriculture receive different property value levels.

The 2007 Legislature passed House Bill 1427 which authorized the Department of Agriculture and Consumer Services to assist agritourism operators with marketing and permitted the conducting of agritourism activity on a *bona fide* farm or on agricultural lands classified as such pursuant to s. 193.461, F.S. It also specified that the practice of agritourism shall not limit, restrict, or divest the land of that classification.<sup>4</sup>

### **III. Effect of Proposed Changes:**

**Section 1** prohibits a local government to adopt ordinances, regulations, rules or policies that prohibit, restrict, regulate or otherwise limit an activity of a *bona fide* agritourism operation on land classified as agricultural land. It provides that this section does not limit a local government to address an emergency under the State Emergency Management Act.

**Section 2** provides that this act shall take effect July 1, 2012.

#### **Other Potential Implications:**

None.

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<sup>2</sup> Analysis of SB 2754, (2007)

<sup>3</sup> Section 193.461, F.S.

<sup>4</sup> Section 570.962, F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

This bill provides relief to farmers who incorporate tourism into their operations by limiting duplicative regulations.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

## A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12

Meeting Date

Topic To Present 1496

Bill Number 1496  
*(if applicable)*

Name Sarah Green

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Intern for Senator Evers

Address 5483 Rowe Trail  
*Street*

Phone (850) 380-4660

Pace FL 32571  
*City State Zip*

E-mail srq17c@my.fsu.edu

Speaking:  For  Against  Information

Representing Senator Evers

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12

Meeting Date

Topic AGRI TOURISM

Bill Number 1496  
*(if applicable)*

Name STEPHEN JAMES

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 100 S. MONROE

Phone 922-4300

Street

TALLAHASSEE, FL

E-mail \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Representing FLA. ASSOC. OF COUNTIES

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12

Meeting Date

Topic Agritourism

Bill Number 1496  
*(if applicable)*

Name David Cruz

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Advocate

Address P.O. Box 1757

Phone 305-322-3643

Street

Tallahassee

FL

State

32302

Zip

E-mail DCruz@FLcities.com

Speaking:  For  Against  Information

Representing Florida League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

By Senator Evers

2-00659-12

20121496\_\_

1                   A bill to be entitled  
2           An act relating to agritourism; providing legislative  
3           intent to eliminate duplication of regulatory  
4           authority over agritourism; prohibiting a local  
5           government from prohibiting, restricting, regulating,  
6           or otherwise limiting an activity of agritourism;  
7           providing an exception; providing an effective date.  
8

9   Be It Enacted by the Legislature of the State of Florida:  
10

11           Section 1. Limitation of duplication of government  
12 regulation.—It is the intent of the Legislature to eliminate  
13 duplication of regulatory authority over agritourism as  
14 expressed in this section. Except as otherwise provided for in  
15 this section and notwithstanding any other provision of law, a  
16 local government may not adopt any ordinance, regulation, rule,  
17 or policy to prohibit, restrict, regulate, or otherwise limit an  
18 activity of a bona fide agritourism operation on land classified  
19 as agricultural land pursuant to s. 193.461, Florida Statutes.  
20 This section does not limit the powers and duties of any local  
21 government to address an emergency as provided for in chapter  
22 252, Florida Statutes.  
23

          Section 2. This act shall take effect July 1, 2012.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12  
Meeting Date

Topic Tax Exemptions for Farmers Bill Number \_\_\_\_\_  
(if applicable)

Name Donell Gwinn, Gwinn Bros Farms Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Owner

Address 17233 99th Dr

Phone 386-364-1893

McAlpin, FL 32062  
City State Zip

E-mail gwinnfarms@windstream.net

Speaking:  For  Against  Information

Representing Gwinn Bros Farms

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/12  
Meeting Date

Topic Tax Exemptions for Farmers Bill Number \_\_\_\_\_  
*(if applicable)*

Name Clifford Gwinn, Gwinn Bros Farms Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Operations Manager

Address 17233 99th Dr Phone 386-364-1893  
*Street*

McAlpin, FL 32062  
*City State Zip*

E-mail gwinnfarms@windstream.net

Speaking:  For  Against  Information

Representing Gwinn Bros Farms

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Budget, *Chair*  
Rules, *Vice Chair*  
Agriculture  
Banking and Insurance  
Budget - Subcommittee on Finance and Tax  
Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations  
Education Pre-K - 12  
Rules - Subcommittee on Ethics and Elections

### JOINT COMMITTEE:

Legislative Budget Commission, *Chair*

### SENATOR JD ALEXANDER

17th District

January 23, 2012

Senator Gary Siplin, Chair  
Committee on Agriculture  
205 Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Dear Senator Siplin,

I respectfully request permission to be absent from the Committee Agriculture, today, January 23, 2012. I will not be able to attend this meeting.

Thank you for your approval in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "JD Alexander".

JD Alexander  
Senator, District 17

Xc: Rivers Buford

#### REPLY TO:

- 201 Central Avenue West, Suite 115, City Hall Complex, Lake Wales, Florida 33853 (863) 679-4847
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5044

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**MIKE HARIDOPOLOS**  
President of the Senate

**MICHAEL S. "MIKE" BENNETT**  
President Pro Tempore

# CourtSmart Tag Report

Room: LL 37  
Caption: Senate Agriculture Committee

Case:  
Judge:

Type:

Started: 1/23/2012 10:07:10 AM  
Ends: 1/23/2012 11:53:33 AM Length: 01:46:24

10:07:12 AM Role call/Chairman Siplin  
10:07:17 AM Prayer Senator Montford  
10:08:45 AM Senator Hays SB 1132  
10:09:01 AM Honey Production Bill  
10:10:30 AM Senator Bullard  
10:11:34 AM Senator Hays  
10:12:06 AM Senator Bullard  
10:12:19 AM Senator Hays  
10:12:30 AM Senator Bullard  
10:12:52 AM Chairman  
10:13:30 AM Senator Bullard  
10:13:47 AM Senator Bullard  
10:14:49 AM Senator Hays  
10:15:00 AM Senator Bullard  
10:15:19 AM Senator Dockery  
10:15:29 AM Senator Dockery  
10:16:12 AM Senator Hays  
10:16:27 AM Senator Dockery  
10:17:08 AM Senator Hays  
10:17:29 AM Nancy Gentry - Honey bees/Beekeeping  
10:22:30 AM Senator Bullard  
10:23:30 AM Nancy Gentry  
10:24:19 AM Senator Bullard  
10:25:18 AM Nancy Gentry  
10:25:40 AM Senator Montford  
10:26:55 AM Nancy Gentry  
10:27:55 AM Chairman  
10:28:48 AM Senator Montford  
10:28:55 AM Senator Garcia  
10:29:22 AM Nancy Gentry  
10:31:18 AM Chairman  
10:32:22 AM Nancy Gentry  
10:32:34 AM Laurence Cutts - Cutts Honey  
10:34:13 AM Ryan Matthews - League of Cities  
10:35:30 AM Senator Montford  
10:35:36 AM Ryan Matthews  
10:36:17 AM Senator Hays  
10:37:02 AM Ryan Matthews  
10:37:16 AM Tom Nolan - Florida State Beekeepers  
10:40:54 AM Senator Hays  
10:42:09 AM Vote  
10:42:31 AM Senator Evers - SB 1496  
10:43:30 AM Sarah Green - Intern for Senator Evers  
10:43:41 AM David Cruz - Florida League of Cities  
10:44:13 AM Stephen James SB 1496 Agritourism - Fla. Ass'n of Counties  
10:45:15 AM Senator Dockery  
10:45:32 AM Stephen James  
10:45:37 AM Senator Dockery  
10:46:22 AM Stephen James  
10:46:35 AM Senator Bullard  
10:48:52 AM Stephen James  
10:50:02 AM Senator Bullard

10:51:38 AM Chairman  
10:52:37 AM Stephen James  
10:52:47 AM Senator Evers  
10:54:21 AM Senator Dockery  
10:55:22 AM Senator Evers  
10:57:02 AM Senator Simmons  
10:57:10 AM Senator Bullard  
10:58:13 AM Sarah Green  
10:59:02 AM Vote on SB 1496  
10:59:28 AM Senator Norman - SB 1184  
11:00:05 AM Ben Kelly  
11:01:03 AM Senator Simmons  
11:01:33 AM Alan Shelby - Florida Forestry Ass'n  
11:02:33 AM Senator Simmons  
11:03:12 AM Ben Kelly  
11:03:39 AM Senator Dockery  
11:04:17 AM Ben Kelly  
11:04:34 AM Senator Dockery  
11:04:38 AM Ben Kelly  
11:04:49 AM Senator Simmons  
11:05:23 AM Senator Montford  
11:06:12 AM Ben Kelly  
11:06:52 AM Senator Montford  
11:07:52 AM Ben Kelly  
11:09:42 AM Laura Bevon - The Humane Society of the US  
11:12:20 AM Chairman  
11:13:20 AM Laura Bevon  
11:14:30 AM Howard E. "Gene" Adams - Florida Feed Ass'n  
11:15:31 AM Senator Simmons  
11:16:49 AM Gene Adams  
11:17:48 AM Senator Simmons  
11:18:21 AM Gene Adams  
11:19:27 AM Ben Kelly  
11:19:44 AM Senator Dockery  
11:20:27 AM Chairman  
11:20:53 AM Senator Bullard  
11:21:08 AM Bill TP  
11:21:57 AM Senator Siplin - SB 222  
11:23:17 AM Senator Bullard  
11:24:11 AM Chairman Siplin - amendment line 125  
11:24:50 AM Vote on 222  
11:25:51 AM Senator Siplin SB 1254  
11:28:05 AM Senator Siplin - Amendment to 1254  
11:29:06 AM Senator Garcia - Amendment SB 1254  
11:31:06 AM Vote on SB 1254  
11:32:17 AM Donell Gwinn, Gwinn Brothers Farms  
11:33:25 AM Chairman  
11:33:39 AM Donell and Clifford Gwinn  
11:37:16 AM Senator Montford  
11:37:20 AM Donell and Clifford Gwinn  
11:38:46 AM Senator Bullard  
11:39:58 AM Rivers Buford III  
11:40:58 AM Senator Bullard  
11:42:06 AM Chairman  
11:43:09 AM Donell and Clifford Gwinn  
11:43:16 AM Senator Bullard  
11:44:44 AM Senator Bullard  
11:46:10 AM Senator Simmons  
11:47:11 AM Senator Hays  
11:47:23 AM Senator Montford  
11:48:08 AM Senator Dockery  
11:48:36 AM Senator Bullard

**11:49:36 AM** Chairman  
**11:49:50 AM** SB 1184 - Senator Simmons Amendment  
**11:50:27 AM** Ben Kelly  
**11:50:46 AM** Senator Simmons  
**11:50:49 AM** Chairman  
**11:51:44 AM** Senator Bullard  
**11:51:56 AM** Ben Kelly  
**11:52:42 AM** Vote on CS/SB 1184