

SB 872 by **Abruzzo (CO-INTRODUCERS) Thompson, Evers, Altman, Bullard**; (Identical to H 0839) Animal Shelters or Animal Control Agencies

736412	D	S	RCS	AG, Sachs	Delete everything after	03/18 03:51 PM
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SB 948 by **Grimsley**; (Identical to H 1063) Water Supply

734892	A	S		AG, Bullard	Delete L.52:	03/15 03:55 PM
720346	A	S		AG, Bullard	Delete L.84:	03/15 03:57 PM
550460	A	S		AG, Bullard	Delete L.176 - 179:	03/15 03:55 PM
603650	A	S		AG, Bullard	Delete L.230:	03/15 03:57 PM
665642	A	S		AG, Bullard	Delete L.291 - 294:	03/15 03:58 PM
802154	A	S		AG, Bullard	Delete L.319:	03/15 03:54 PM

SB 1628 by **Montford**; (Similar to H 7087) Department of Agriculture and Consumer Services

532280	A	S	RCS	AG, Montford	Delete L.1324 - 1361:	03/18 04:48 PM
345780	A	S	RCS	AG, Montford	btw L.1408 - 1409:	03/18 04:48 PM

SB 1700 by **Latvala**; (Identical to H 4045) Agricultural Lands

SM 1706 by **Bullard**; (Similar to H 1375) Pink Slime in Meat Products

SB 1708 by **Bullard**; (Compare to H 1375) Labeling of Beef

SB 1738 by **Margolis**; (Similar to H 1127) Pet Services and Welfare Programs

SB 1756 by **Montford**; (Similar to H 7089) Public Records/Applicants or Participants School Food and Nutrition Service Programs

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Montford, Chair
Senator Bullard, Vice Chair

MEETING DATE: Monday, March 18, 2013
TIME: 1:00 —3:00 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Montford, Chair; Senator Bullard, Vice Chair; Senators Brandes, Galvano, Garcia, Grimsley, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 872 Abruzzo (Identical H 839, Compare H 871, H 997, CS/S 674)	Animal Shelters or Animal Control Agencies; Citing this act as the "Transparency in Animal Shelters Act"; requiring each duly incorporated society for the prevention of cruelty to animals, humane society, pound, shelter, or dog control officer that euthanizes dogs or cats or both to compile monthly and annual summaries; requiring each summary to be signed by the appropriate executive director of the entity as true and accurate; requiring that the summaries be posted on the entity's website within a specified time period, etc. AG 03/18/2013 Fav/CS CA RC	Fav/CS Yeas 6 Nays 0
2	SB 948 Grimsley (Identical H 1063, Compare H 999, S 1684)	Water Supply; Providing a legislative declaration that efforts to adequately and dependably meet water needs require the cooperation of utility companies, private landowners, water consumers, and the Department of Agriculture and Consumer Services; providing that the governing board of a water management district shall assist self-suppliers, among others, in meeting water supply demands in a manner that will give priority to encouraging conservation and reducing adverse environmental effects, etc. EP 03/07/2013 Favorable AG 03/18/2013 Temporarily Postponed	Temporarily Postponed
3	SB 1628 Montford (Similar H 7087, Compare H 7089, Link S 1756)	Department of Agriculture and Consumer Services; Requiring public hearings relating to the development of land management plans to be held in any one, rather than each, county affected by such plans; establishing the Operation Outdoor Freedom Program within the Florida Forest Service to replace provisions for the designation of specified hunt areas in state forests for wounded veterans and servicemembers; revising requirements for noncertified and certified burning; creating chapter 595, F.S., to establish the Florida School Food and Nutrition Act, etc. AG 03/18/2013 Fav/CS AGG AP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Agriculture

Monday, March 18, 2013, 1:00 —3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1700 Latvala (Identical H 4045)	Agricultural Lands; Repealing provisions relating to the mapping and monitoring of agricultural lands by the Department of Economic Opportunity, etc. AG 03/18/2013 Favorable CM	Favorable Yeas 6 Nays 0
5	SM 1706 Bullard (Similar HM 1375, Compare H 1377, S 1708)	Pink Slime in Meat Products; Urging Congress and the United States Food and Drug Administration to ban the use of pink slime in meat products or require labels on meat products containing pink slime, etc. AG 03/18/2013 Temporarily Postponed	Temporarily Postponed
6	SB 1708 Bullard (Compare HM 1375, H 1377, SM 1706)	Labeling of Beef; Requiring persons or entities operating restaurants, eating places, markets, or packinghouses to mark beef containing "pink slime" with certain words; authorizing enforcement by the Department of Agriculture and Consumer Services and the Department of Business and Professional Regulation; providing criminal penalties, etc. AG 03/18/2013 Temporarily Postponed RI AGG AP	Temporarily Postponed
7	SB 1738 Margolis (Similar H 1127)	Pet Services and Welfare Programs; Authorizing counties to create independent special districts to provide funding for pet services and welfare programs; creating a Pets' Trust council, etc. AG 03/18/2013 Favorable CA AFT AP	Favorable Yeas 5 Nays 1
8	SB 1756 Montford (Similar H 7089, Compare H 7087, Link S 1628)	Public Records/Applicants or Participants School Food and Nutrition Service Programs; Providing an exemption from public records requirements for personal identifying information of an applicant for or participant in a school food and nutrition service program held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education; providing for specified disclosure; providing for legislative review and repeal of the exemption under the Open Government Sunset Review Act, etc. AG 03/18/2013 Favorable GO RC	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Agriculture

Monday, March 18, 2013, 1:00 —3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

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 Committee on Agriculture

BILL: CS/SB 872

INTRODUCER: Agriculture Committee; and Senator Abruzzo and others

SUBJECT: Animal Shelters or Animal Control Agencies

DATE: March 18, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Halley	AG	Fav/CS
2.			CA	
3.			RC	
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:

CS/SB 872 creates the “Transparency in Animal Shelter Act.” It requires animal shelters and animal control agencies (facility), which euthanize dogs and cats, to prepare and maintain monthly and annual statistical records that make public: 1) the total number of dogs and cats taken in by the facility, by category, and 2) the disposition of the dogs and cats that leave the facility, by category. These reports must be made available to the public no later than five business days after the end of each calendar month.

The bill requires each facility to post the required statistics online on the animal shelter, county, municipality, or other governmental website that controls the animal shelter within five business days after the first day of each month. The director of the facility must sign each report indicating that the report is true and accurate to the best of his or her knowledge.

This bill creates section 823.17 of the Florida Statutes.

II. Present Situation:

The Humane Society of the United States (HSUS) estimates that animal shelters care for 6-8 million dogs and cats every year in the United States, of whom approximately 3-4 million are euthanized. According to the HSUS, this is an estimate as there is no central data reporting agency for animal shelters. In the 1970s, American shelters euthanized 12-20 million dogs and cats at a time when there were 67 million pets in homes. Today, shelters euthanize around 4 million animals where there are more than 135 million dogs and cats in homes.¹

The history of no-kill sheltering began more than half a century ago when independent caregivers began rescuing and sheltering homeless animals with the intention of keeping them alive. This was in reaction to the standard operating procedure of most humane societies and tax-supported animal control services that routinely euthanized stray and abandoned animals. In 1994, the city and county of San Francisco became the first community in the nation to end the euthanization of healthy dogs and cats in its animal shelter system. An agreement between the city's Animal Care and Control Department and the private San Francisco Society for the Prevention of Cruelty to Animals (SPCA) ensured a home not only to each and every healthy dog and cat, but also to thousands who were sick or injured but treatable. In addition, a citywide preference for neutering/spaying over impounding and euthanizing reduced the death rate for feral cats by 73 percent and for underage kittens by 81 percent. In 1999, the Hayden Shelter Reform Law became effective. It changed California's state policy regarding shelter care for stray and abandoned animals. Most notably it (1) declares "It is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home," and (2) lengthens the time (generally from three days to six) that shelters must care for animals before euthanizing them.²

In the last decade and a half, many more shelters in numerous communities have comprehensively implemented a series of programs and services to reduce birthrates, increase placements, and keep animals with their responsible caretakers. Providing low cost spay/neuter options to the community at a high volume, recruiting large numbers of volunteers, and building a strong relationship with the community is key to the success of any no kill/low kill program. For example, in San Francisco, a community of approximately 813,000 people, there are volunteers that log over 110,000 hours at the shelter each year. Assuming the prevailing hourly wage, payroll taxes and benefits, it would cost the San Francisco SPCA over \$1 million dollars annually to provide those services.

Animal Shelters in Florida

Chapter 828.27, F.S., defines local "animal control officers" as any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations.³ The statute also describes that the county-employed animal control officers must and municipally employed

¹ The Humane Society of the United States, *Common Questions About Animal Shelters*, http://www.humanesociety.org/animal-community/resources/qa/common_questions_on_shelters.html (Last visited February 25, 2013).

² The Florida Senate Committee on Agriculture, Animal Shelter Related Facilities, *Interim Report, 2009-101*.

³ Section 828.27, (1)(b), F.S.

animal control officers may complete a 40-hour minimum standards training course. Such a course includes training for animal cruelty investigations, search and seizure, animal handling, courtroom demeanor and civil citations. The course curriculum must be approved by the Florida Animal Control Association (FACA).⁴ This professional association helps train and educates animal control officers in Florida. Their mission, according to their website, “is to improve the methods and standards of the animal control and protection profession throughout Florida.”⁵

Manatee County’s No-Kill Program

The Manatee County Animal Services implemented a no-kill program by including a cadre of goals and directives to save as many animals as possible with a goal of a 90 percent save rate. The Manatee County Animal Services Actionable Implementation Plan that went into effect October of 2011 addresses how to find homes for animals and stresses the importance of staff commitment to the plan. The plan describes that saving animals will be accomplished in cooperation with other welfare organizations, animal shelters, the media and the public through owner retention, returns to owners, increased fostering and adoption, free and low cost spaying and neutering and a feline Trap, Neuter, Return (TNR) program.⁶

All Manatee County’s stray, nuisance, or abandoned animals are taken to the Manatee County Animal Services facility. The animal shelters, animal rescue groups, foster groups, and other animal volunteer groups are immediately notified of the animals that have arrived at Manatee County Animal Services. This policy was designed to allow as much time as possible to locate a home for the animal, if needed, while also adhering to local ordinances regarding how long unclaimed animals must be held.

Currently, many facilities keep limited data on the disposition of animals and do not make the information available to the public when requested. This makes it difficult for state and local governments to understand the current state of shelters and rescue animals as they craft ordinances and legislation, provide funding resources, and determine best practices for the facilities.

III. Effect of Proposed Changes:

Section 1 provides that this act may be cited as the “Transparency in Animal Shelter Act.”

Section 2 creates s. 823.17, F.S., to create uniform reporting requirements for animal shelters and animal control agencies (facility). It provides legislative intent that additional efforts must be made to find homes for homeless and unwanted animals in an effort to reduce or eliminate the euthanasia of adoptable dogs and cats. To that end, the Legislature finds that defining the problem and assessing programs both require statistical measurement.

The bill requires facilities that euthanize dogs and cats to prepare and maintain monthly and annual records. The reports must be available for public inspection and dissemination no later

⁴ Section 828.27, F.S.

⁵ Florida Animal Control Association. Mission Statement, <http://floridaanimalcontrol.org/> (Last visited February 25, 2013).

⁶ Manatee County Animal Services, Actionable Implementation Plan for Manatee County, October 2011, Updated December 3, 2012.

than five business days after the end of each calendar month. The report must provide the total number of dogs and cats taken in by the facility, divided by dogs and cats, or others in the following categories:

- Starting inventory/shelter count on the first day of the month;
- Stray/At-large;
- Confiscated/Involuntarily taken;
- Relinquished by the owner;
- Born in shelter;
- Owner requested euthanasia;
- Transferred in or imported from within the state; and
- Transferred in or imported from out of the state.

The report must also provide the disposition of all animals taken into the facility, divided by dogs and cats in the following categories:

- Adopted;
- Returned to owner;
- Transferred out or exported within the state;
- Transferred out or exported to another state;
- Released in field/TNR (Trap-Neuter-Return);
- Shelter euthanasia;
- Owner requested euthanasia;
- Died in care/other deaths not shown as shelter or owner requested euthanasia;
- Lost in care/Missing animals or records; and
- Ending inventory/shelter count at the end of the last day of the month.

The bill requires each facility to post the above statistics online on the animal shelter, county, municipality, or other governmental website that controls the animal shelter and that is accessible to the general public within five business days after the first day of each month. The director of the facility must sign each report indicating that the report is true and accurate to the best of his or her knowledge.

Section 3 provides that this act shall take effect July 1, 2013.

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:

Private animal control facilities and shelters may have an increase in costs to comply with the reporting requirements of the bill if they are not already collecting that information.

C. Government Sector Impact:

City and county animal shelters and animal control agencies may have an increase in costs to comply with the reporting requirements of the bill if they are not already collecting that information.

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 on March 18, 2013:

Creates the Transparency in Animal Shelter Act;

- Provides legislative intent that additional efforts must be made to find homes for homeless and unwanted animals in an effort to reduce or eliminate the euthanasia of adoptable dogs and cats. To that end, the Legislature finds that defining the problem and assessing programs both require statistical measurement;
- Requires animal shelters and animal control agencies (facility) that euthanize dogs and cats to prepare and maintain monthly and annual records of the total number of dogs and cats taken in by the facility and the disposition of the dogs and cats that leave the facility. These reports must be made available for public inspection and dissemination no later than five business days after the end of each calendar month;
- Requires each facility to post the above statistics online on the animal shelter, county, municipality, or other governmental website that controls the animal shelter and that is accessible to the general public within five business days after the first day of each month; and

- Requires the director of the facility to sign each report indicating the report is true and accurate to the best of his or her knowledge.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Agriculture (Sachs) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Transparency in
Animal Shelter Act".

Section 2. Section 823.17 Florida Statutes is created to
read:

823.17 Uniform reporting requirements for animal shelters
and animal control agencies.

(1) The Legislature finds that additional efforts must be
made to find homes for homeless and unwanted animals in an
effort to reduce or eliminate the euthanasia of adoptable dogs



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14 and cats. To that end, the Legislature finds that defining the
15 problem and assessing programs both require statistical
16 measurement.

17 (2) In furtherance of this policy, provision shall be made
18 for the uniform reporting of statistics related to dogs and cats
19 taken in and the ultimate disposition of the animal. Each animal
20 shelter whether public or private, including all animal control
21 agencies of a county, municipality, or other incorporated
22 political subdivision that euthanizes animals according to s.
23 828.058 shall prepare and maintain the following records on a
24 monthly and annual basis, using the calendar year, and make the
25 reports available for public inspection and dissemination no
26 later than 5 business days after the end of the each calendar
27 month:

28 (a) The total number dogs and cats taken in by the animal
29 shelter and animal control agency, divided by dogs and cats, or
30 others in the following categories:

31 1. Starting inventory/shelter count on the first day of the
32 month;

33 2. Stray/At-large;

34 3. Confiscated/Involuntarily taken;

35 4. Relinquished by owner;

36 5. Born in shelter;

37 6. Owner requested euthanasia;

38 7. Transferred in or imported from within the state; and

39 8. Transferred in or imported from out of the state.

40 (b) The disposition of all animals taken into the animal
41 shelter or animal control agency, divided by dogs and cats in
42 the following categories:



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- 43 1. Adopted;
- 44 2. Returned to owner;
- 45 3. Transferred out or exported within the state;
- 46 4. Transferred out or exported to another state;
- 47 5. Released in field/TNR;
- 48 6. Shelter euthanasia;
- 49 7. Owner requested euthanasia;
- 50 8. Died in care/other deaths not shown as shelter or owner
- 51 requested euthanasia;
- 52 9. Lost in care/Missing animals or records; and
- 53 10. Ending inventory/shelter count at the end of the last
- 54 day of the month.

55 (3) Each animal shelter and animal control agency shall
56 post these statistics online on the animal shelter, county,
57 municipality, or other governmental website that controls the
58 animal shelter and that is accessible to the general public
59 within 5 business days after the first day of each month, in
60 accordance with the state's requirements on the accessibility of
61 public records, as well as make the records available in hard
62 copy as defined in s. 119.07.

63 (4) The director of the animal shelter or animal control
64 agency shall sign each report indicating the report is true and
65 accurate to the best of his or her knowledge.

66 Section 3. This act shall take effect July 1, 2013.

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

69 And the title is amended as follows:

70 Delete everything before the enacting clause
71 and insert:



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A bill to be entitled
An act relating to animal shelters and animal control
agencies; providing a short title; creating s. 823.17,
F.S.; providing legislative findings; requiring each
animal shelter and animal control agency to compile
monthly and annual summaries of statistical data;
listing the categories of information required in the
summaries; requiring the summaries be posted on the
entity's website within a specified time period;
requiring each summary to be signed by the director of
the animal shelter or animal control agency as true
and accurate; providing an effective date.

THE FLORIDA SENATE
APPEARANCE RECORD

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

LAST ^{Total 2}
PRO.

Meeting Date _____

Topic Transparency & Angel Skelley

Bill Number SB 872

Name JACK CORY

Amendment Barcode Amended
(if applicable)

Job Title _____

Address 110 E. Collier RD
Street

Phone 850-893-0995

Tallahassee FL _____
City State Zip

E-mail JACKCORY@PACONSULTANTS.COM

Speaking: For Against Information

Representing FIX 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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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



3/18
Meeting Date

Topic SHUTTER TRANSPARENCY

Bill Number 892
(if applicable)

Name RAMON MARY

Amendment Barcode _____
(if applicable)

Job Title PARTNER

Address P.O. Box 10245
Street

Phone 222 1568

TALL FL 32301
City State Zip

E-mail mmg@group.com

Speaking: For Against Information

Representing FIX TALLAHASSEE

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)

3/18/13

Meeting Date

Topic Animal Shelters

Bill Number 872
(if applicable)

Name Jean Gonzalez Wingo

Amendment Barcode _____
(if applicable)

Job Title Florida Advocacy & Consulting

Address 460 Frank Shaw Rd

Phone (850) 339-4601

Street

Tallahassee, FL 32312

City

State

Zip

E-mail JeanGWingo@aol.com

Speaking: For Against Information

Representing Fix 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.

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)



3/18/13

Meeting Date

Topic _____

Bill Number 872
(if applicable)

Name Diana Ferguson

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address 119 S Monroe St Ste 202

Phone 850-681-4788

Tava FL 32301
City State Zip

E-mail dferguson@reuplan.com

Speaking: For Against Information

Representing Florida Animal Control 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.

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

By Senator Abruzzo

25-00936A-13

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A bill to be entitled

An act relating to animal shelters or animal control agencies; providing a short title; amending s. 823.15, F.S.; requiring each duly incorporated society for the prevention of cruelty to animals, humane society, pound, shelter, or dog control officer that euthanizes dogs or cats or both to compile monthly and annual summaries; listing the categories of information required in the summaries; requiring each summary to be signed by the appropriate executive director of the entity as true and accurate; requiring that the summaries be posted on the entity's website within a specified time period; providing an effective date.

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

Section 1. This act may be cited as the "Transparency in Animal Shelters Act."

Section 2. Subsections (4) and (5) are added to section 823.15, Florida Statutes, to read:

823.15 Dogs and cats released from animal shelters or animal control agencies; sterilization requirement.—

(4) Each duly incorporated society for the prevention of cruelty to animals, humane society, pound, shelter, or dog control officer that euthanizes dogs or cats or both as allowed under s. 828.058 shall compile monthly and annual summaries of the following information:

(a) The number of animals, by species type, which were on hand at the beginning of the reporting period.

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(b) The number of animals, by species type, which were surrendered by the owner.

(c) The number of animals impounded as strays.

(d) The number of animals, by species type, which were confiscated by the animal control agency or animal shelter.

(e) The number of animals, by species type, which were transferred to the facility from another shelter or rescue group in this state.

(f) The number of animals, by species type, which were dead on arrival.

(g) The number of animals, by species type, which were returned to their owner.

(h) The number of animals, by species type, which were adopted.

(i) The number of animals, by species type, which were transferred to another organization or rescue group.

(j) The number of animals, by species type, which were euthanized by the animal control agency or animal shelter.

(k) The number of animals, by species type, which died, were lost, or were stolen while in the direct or constructive care of the animal control agency or animal shelter.

(l) The number of animals, by species type, which remain in the custody or constructive custody at the end of the reporting period.

(5) The executive director of each duly incorporated society for the prevention of cruelty to animals, humane society, pound, or shelter, or dog control officer that euthanizes dogs or cats or both as allowed under s. 828.058, whether such entity is public or private, shall sign the monthly

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59 and annual summaries required in subsection (4). By signing such
60 summaries, the executive director verifies that the required
61 summaries are true and accurate. The verified summaries must be
62 posted on the entity's website within 5 business days after the
63 first day of each month.

64 Section 3. This act shall take effect July 1, 2013.

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 Committee on Agriculture

BILL: SB 948

INTRODUCER: Senator Grimsley

SUBJECT: Water Supply

DATE: March 13, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hinton</u>	<u>Uchino</u>	<u>EP</u>	Favorable
2.	<u>Akhavein</u>	<u>Halley</u>	<u>AG</u>	Pre-meeting
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 948 requires the Florida Department of Agriculture and Consumer Services (DACs) to establish an agricultural water supply planning program to develop data regarding prospective agricultural water supply demand. For purposes of regional water supply plans, the water management districts (WMDs) are required to consider the data supplied by DACs in determining the best available data for future agricultural water supply demands.

This bill amends the following sections of the Florida Statutes: 373.701, 373.703, 373.709, 570.076, and 570.085.

II. Present Situation:

Regional Water Supply Planning

WMDs are required to conduct water supply needs assessments. If a WMD determines that existing resources will not be sufficient to meet reasonable-beneficial uses¹ for the planning period for a particular water supply planning region, it must prepare a regional water supply plan.² Regional water supply plans must be based on at least a 20-year planning period.³ The plan must contain:

¹ Section 373.019(16), F.S. Reasonable-beneficial use is defined as, “the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.” See also rule 62-410(2), F.A.C., for a list of 18 factors to help determine whether a water use is a reasonable-beneficial use.

² Section 373.709(1), F.S.

³ Section 373.709(2), F.S.

- a water supply development component;
- a water resource development component;
- a recovery and prevention strategy;
- a funding strategy;
- the impacts on the public interest, costs, natural resources, etc.;
- technical data and information;
- any minimum flows and levels (MFLs) established for the planning area;
- the water resources for which future MFLs must be developed; and
- an analysis of where variances may be used to create water supply development or water resource development projects.⁴

Regional water supply plans include projected water supply needs for all users, including agriculture. The WMDs employ different methods in making such projections for agricultural users and use a combination of common and unique data sources. DACS participates in the regional water supply planning process and can provide input regarding agricultural water supply demand projection, but has no formal role in determining future water supply needs for agriculture.⁵

The regional water supply plans typically list water resource development and water supply development options that can meet the projected reasonable-beneficial needs of the water supply region. The plans normally include a mix of traditional and alternative water supply options.⁶ Traditional water supplies come from surface water sources, such as lakes and rivers, and from groundwater withdrawals. Alternative water supplies include activities such as treating wastewater for agricultural use, desalination of saltwater or brackish water to produce drinking water, and surface and rain water storage. Water consumers either purchase or self-supply water. Self-supplied water often comes from on-site wells or through surface water retention, among other methods.

III. Effect of Proposed Changes:

Section 1 amends s. 373.701, F.S., to add utility companies, private landowners, water consumers, and DACS to the list of entities that should cooperate to meet the water needs of rapidly urbanizing areas. The bill also adds rural areas to “rapidly urbanizing areas.”

Section 2 amends s. 373.703, F.S., to add “self-suppliers” to the list of entities the governing boards of the WMDs must engage in planning to assist and assisting in meeting water supply needs.

The bill adds “self-suppliers” to the list of entities that WMDs may join with to carry out any of their powers.

⁴ *Id.*

⁵ DACS, *Senate Bill 948 Analysis* (Feb. 20, 2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

⁶ Department of Environmental Protection, *Regional Water Supply Planning*, www.dep.state.fl.us/water/waterpolicy/rwsp.htm (last visited Feb. 28, 2013).

Section 3 amends s. 373.709, F.S. to include DACS in the list of entities the governing boards of the WMDs must coordinate and cooperate with when conducting water supply planning for water supply planning regions.

The bill requires regional water supply plans to include agricultural demand projections and that the projections must be based upon the best available data. The bill requires a full description of any adjustment or deviation from the data supplied by DACS to the WMDs and that the original data must be presented along with the adjusted data.

The bill strikes the word “alternative” from “alternative water supply development project options,” thus broadening the possible water supply development project options that may be considered and chosen by various entities for water supply development.

The bill includes “self-suppliers” in the list of entities that WMDs are to assist in developing multijurisdictional approaches to water supply project development, where appropriate.

Section 4 amends s. 570.076(2)(c), F.S., to accommodate a subsection of statute that is renumbered in the bill. Nothing is changed in the renumbered subsection.

Section 5 amends s. 570.085, F.S., to require DACS to establish an agricultural water supply planning program to supply the WMDs with anticipated agricultural water supply demands based on at least a 20-year planning period that must be considered by the WMDs when developing district water management plans.

The anticipated agricultural demands provided to the WMDs by the water supply planning program must include crop types and categories; historic, current, and future acreage estimates; crop type or category water use coefficients and any related assumptions; and an evaluation of any significant uncertainties that would make an estimated range of projections necessary.

In the development of the anticipated agricultural demands by the water supply planning program, the bill requires DACS to consult with the agricultural industry, the University of Florida Institute of Food and Agricultural Sciences, DEP, the WMDs, the National Agricultural Statistics Service, and the United States Geological Survey.

Lastly, the bill directs DACS to coordinate with the WMDs to set a schedule for providing the data in order to comply with water supply planning provisions in ss. 373.036(2) and 373.709(2)(a)1.b., F.S.

Section 6 provides an effective date of July 1, 2013

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:

None.

C. Government Sector Impact:

DACS anticipates requesting \$1.5 million in non-recurring general revenue as part of its 2013-2014 legislative budget request to meet the requirements of the bill.

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.



734892

LEGISLATIVE ACTION

Senate

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House

The Committee on Agriculture (Bullard) recommended the following:

Senate Amendment

Delete line 52

and insert:

needs ~~of rapidly urbanizing areas~~ in a manner that



720346

LEGISLATIVE ACTION

Senate

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House

The Committee on Agriculture (Bullard) recommended the following:

Senate Amendment

Delete line 84
and insert:
supply authorities, or self-suppliers commensurate with public benefit in meeting water supply



550460

LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete lines 176 - 179
and insert:
pursuant to s. 570.085.

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

And the title is amended as follows:

Delete lines 23 - 26
and insert:
determine the best available data; authorizing certain
users to propose



603650

LEGISLATIVE ACTION

Senate

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House

The Committee on Agriculture (Bullard) recommended the following:

Senate Amendment

Delete line 230
and insert:
assist, commensurate with public benefit, in developing
multijurisdictional approaches to water



665642

LEGISLATIVE ACTION

Senate

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House

The Committee on Agriculture (Bullard) recommended the following:

Senate Amendment

Delete lines 291 - 294
and insert:

2. Inclusive of water conservation measures.

3. Provided to each water management district.

4. Considered by each water management district in
accordance with ss. 373.036(2) and 373.709(2)(a)1.b.

(b) The data on future agricultural water supply demands
inclusive of water conservation measures



802154

LEGISLATIVE ACTION

Senate

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House

The Committee on Agriculture (Bullard) recommended the following:

Senate Amendment

Delete line 319
and insert:
United States Geological Survey on crop needs and on water conservation measures. The water supply needs identified by the department may not conflict with local comprehensive plans that are in effect and which have been deemed to be in compliance with s. 163.3177(6)(c)-(d).

By Senator Grimsley

21-01337-13

2013948__

1 A bill to be entitled
 2 An act relating to water supply; amending s. 373.701,
 3 F.S.; providing a legislative declaration that efforts
 4 to adequately and dependably meet water needs require
 5 the cooperation of utility companies, private
 6 landowners, water consumers, and the Department of
 7 Agriculture and Consumer Services; amending s.
 8 373.703, F.S.; providing that the governing board of a
 9 water management district shall assist self-suppliers,
 10 among others, in meeting water supply demands in a
 11 manner that will give priority to encouraging
 12 conservation and reducing adverse environmental
 13 effects; providing that the governing board of a water
 14 management district may contract with self-suppliers
 15 for the purpose of carrying out its powers; amending
 16 s. 373.709, F.S.; providing that certain planning by
 17 the governing board of a water management district
 18 must be conducted in coordination and cooperation with
 19 the Department of Agriculture and Consumer Services,
 20 among other interested parties; requiring that certain
 21 agricultural demand projections be based upon the best
 22 available data and providing considerations to
 23 determine the best available data; requiring certain
 24 information if there is a deviation from the data
 25 provided by the Department of Agriculture and Consumer
 26 Services; authorizing certain users to propose
 27 specific projects for inclusion in the list of water
 28 supply development project options; removing
 29 references to alternative water supply projects;

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30 requiring water management districts to assist in
 31 developing multijurisdictional approaches to water
 32 supply project development jointly with affected self-
 33 suppliers in certain areas; amending s. 570.076, F.S.;
 34 conforming a cross-reference; amending s. 570.085,
 35 F.S.; requiring the Department of Agriculture and
 36 Consumer Services to establish an agricultural water
 37 supply planning program that includes certain data;
 38 providing criteria for development of data; providing
 39 an effective date.
 40
 41 Be It Enacted by the Legislature of the State of Florida:
 42
 43 Section 1. Subsection (3) of section 373.701, Florida
 44 Statutes, is amended to read:
 45 373.701 Declaration of policy.—It is declared to be the
 46 policy of the Legislature:
 47 (3) Cooperative efforts between municipalities, counties,
 48 utility companies, private landowners, water consumers, water
 49 management districts, ~~and~~ the Department of Environmental
 50 Protection, and the Department of Agriculture and Consumer
 51 Services are necessary ~~mandatory~~ in order to meet the water
 52 needs of rural and rapidly urbanizing areas in a manner that
 53 will supply adequate and dependable supplies of water where
 54 needed without resulting in adverse effects upon the areas from
 55 which ~~such~~ water is withdrawn. Such efforts should employ ~~use~~
 56 all practical means of obtaining water, including, but not
 57 limited to, withdrawals of surface water and groundwater, reuse,
 58 and desalination, and will require ~~necessitate not only~~

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59 cooperation ~~and but also~~ well-coordinated activities.
 60 Municipalities, counties, and special districts are encouraged
 61 to create multijurisdictional water supply entities or regional
 62 water supply authorities as authorized in s. 373.713 ~~or~~
 63 ~~multijurisdictional water supply entities~~.

64 Section 2. Subsections (1), (2), and (9) of section
 65 373.703, Florida Statutes, are amended to read:

66 373.703 Water production; general powers and duties.—In the
 67 performance of, and in conjunction with, its other powers and
 68 duties, the governing board of a water management district
 69 existing pursuant to this chapter:

70 (1) Shall engage in planning to assist counties,
 71 municipalities, special districts, publicly owned and privately
 72 owned water utilities, multijurisdictional water supply
 73 entities, ~~or~~ regional water supply authorities, or self-
 74 suppliers in meeting water supply needs in such manner as will
 75 give priority to encouraging conservation and reducing adverse
 76 environmental effects of improper or excessive withdrawals of
 77 water from concentrated areas. As used in this section and s.
 78 373.707, regional water supply authorities are regional water
 79 authorities created under s. 373.713 or other laws of this
 80 state.

81 (2) Shall assist counties, municipalities, special
 82 districts, publicly owned or privately owned water utilities,
 83 multijurisdictional water supply entities, ~~or~~ regional water
 84 supply authorities, or self-suppliers in meeting water supply
 85 needs in such manner as will give priority to encouraging
 86 conservation and reducing adverse environmental effects of
 87 improper or excessive withdrawals of water from concentrated

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88 areas.

89 (9) May join with one or more other water management
 90 districts, counties, municipalities, special districts, publicly
 91 owned or privately owned water utilities, multijurisdictional
 92 water supply entities, ~~or~~ regional water supply authorities, or
 93 self-suppliers for the purpose of carrying out ~~any of~~ its
 94 powers, and may contract with such other entities to finance
 95 acquisitions, construction, operation, and maintenance. The
 96 contract may provide for contributions to be made by each party
 97 to the contract thereto, for the division and apportionment of
 98 the expenses of acquisitions, construction, operation, and
 99 maintenance, and for the division and apportionment of resulting
 100 ~~the~~ benefits, services, and products ~~therefrom~~. The contracts
 101 may contain other covenants and agreements necessary and
 102 appropriate to accomplish their purposes.

103 Section 3. Subsection (1), paragraph (a) of subsection (2),
 104 and subsection (3) of section 373.709, Florida Statutes, is
 105 amended to read:

106 373.709 Regional water supply planning.—

107 (1) The governing board of each water management district
 108 shall conduct water supply planning for a ~~any~~ water supply
 109 planning region within the district identified in the
 110 appropriate district water supply plan under s. 373.036, where
 111 it determines that existing sources of water are not adequate to
 112 supply water for all existing and future reasonable-beneficial
 113 uses and to sustain the water resources and related natural
 114 systems for the planning period. The planning must be conducted
 115 in an open public process, in coordination and cooperation with
 116 local governments, regional water supply authorities,

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117 government-owned and privately owned water and wastewater
 118 utilities, multijurisdictional water supply entities, self-
 119 suppliers, reuse utilities, the Department of Environmental
 120 Protection, the Department of Agriculture and Consumer Services,
 121 and other affected and interested parties. The districts shall
 122 actively engage in public education and outreach to all affected
 123 local entities and their officials, as well as members of the
 124 public, in the planning process and in seeking input. During
 125 preparation, but ~~before~~ prior to completion of the regional
 126 water supply plan, the district ~~shall~~ must conduct at least one
 127 public workshop to discuss the technical data and modeling tools
 128 anticipated to be used to support the regional water supply
 129 plan. The district shall also hold several public meetings to
 130 communicate the status, overall conceptual intent, and impacts
 131 of the plan on existing and future reasonable-beneficial uses
 132 and related natural systems. During the planning process, a
 133 local government may choose to prepare its own water supply
 134 assessment to determine if existing water sources are adequate
 135 to meet existing and projected reasonable-beneficial needs of
 136 the local government while sustaining water resources and
 137 related natural systems. The local government shall submit such
 138 assessment, including the data and methodology used, to the
 139 district. The district shall consider the local government's
 140 assessment during the formation of the plan. A determination by
 141 the governing board that initiation of a regional water supply
 142 plan for a specific planning region is not needed pursuant to
 143 this section ~~is shall be~~ subject to s. 120.569. The governing
 144 board shall reevaluate ~~the such a~~ determination at least once
 145 every 5 years and shall initiate a regional water supply plan,

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146 if needed, pursuant to this subsection.
 147 (2) Each regional water supply plan ~~must shall~~ be based on
 148 at least a 20-year planning period and ~~must shall~~ include, but
 149 need not be limited to:
 150 (a) A water supply development component for each water
 151 supply planning region identified by the district which
 152 includes:
 153 1. A quantification of the water supply needs for all
 154 existing and future reasonable-beneficial uses within the
 155 planning horizon. The level-of-certainty planning goal
 156 associated with identifying the water supply needs of existing
 157 and future reasonable-beneficial uses ~~must shall~~ be based upon
 158 meeting those needs for a 1-in-10-year drought event.
 159 a. Population projections used for determining public water
 160 supply needs must be based upon the best available data. In
 161 determining the best available data, the district shall consider
 162 the University of Florida's Bureau of Economic and Business
 163 Research (BEBR) medium population projections and any population
 164 projection data and analysis submitted by a local government
 165 pursuant to the public workshop described in subsection (1) if
 166 the data and analysis support the local government's
 167 comprehensive plan. Any adjustment of or deviation from the BEBR
 168 projections must be fully described, and the original BEBR data
 169 must be presented along with the adjusted data.
 170 b. Agricultural demand projections used for determining the
 171 needs of agricultural self-suppliers must be based upon the best
 172 available data. In determining the best available data for
 173 agricultural self-supplied water needs, the district shall
 174 consider the data indicative of future water supply demands

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 175 provided by the Department of Agriculture and Consumer Services
 176 pursuant to s. 570.085. Any adjustment of or deviation from the
 177 data provided by the Department of Agriculture and Consumer
 178 Services must be fully described, and the original data must be
 179 presented along with the adjusted data.

180 2. A list of water supply development project options,
 181 including traditional and alternative water supply project
 182 options, from which local government, government-owned and
 183 privately owned utilities, regional water supply authorities,
 184 multijurisdictional water supply entities, self-suppliers, and
 185 others may choose for water supply development. In addition to
 186 projects listed by the district, such users may propose specific
 187 projects for inclusion in the list of ~~alternative~~ water supply
 188 development project options ~~projects~~. If such users propose a
 189 project to be listed as a ~~an alternative~~ water supply project,
 190 the district shall determine whether it meets the goals of the
 191 plan, and, if so, it shall be included in the list. The total
 192 capacity of the projects included in the plan must ~~shall~~ exceed
 193 the needs identified in subparagraph 1. and ~~shall~~ take into
 194 account water conservation and other demand management measures,
 195 as well as water resources constraints, including adopted
 196 minimum flows and levels and water reservations. Where the
 197 district determines it is appropriate, the plan should
 198 specifically identify the need for multijurisdictional
 199 approaches to project options that, based on planning level
 200 analysis, are appropriate to supply the intended uses and that,
 201 based on such analysis, appear to be permittable and financially
 202 and technically feasible. The list of water supply development
 203 options must contain provisions that recognize that alternative

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 204 water supply options for agricultural self-suppliers are
 205 limited.
 206 3. For each project option identified in subparagraph 2.,
 207 the following must ~~shall~~ be provided:
 208 a. An estimate of the amount of water to become available
 209 through the project.
 210 b. The timeframe in which the project option should be
 211 implemented and the estimated planning-level costs for capital
 212 investment and operating and maintaining the project.
 213 c. An analysis of funding needs and sources of possible
 214 funding options. For alternative water supply projects, the
 215 water management districts shall provide funding assistance in
 216 accordance with s. 373.707(8).
 217 d. Identification of the entity that should implement each
 218 project option and the current status of project implementation.
 219 (3) The water supply development component of a regional
 220 water supply plan which deals with or affects public utilities
 221 and public water supply for those areas served by a regional
 222 water supply authority and its member governments within the
 223 boundary of the Southwest Florida Water Management District
 224 shall be developed jointly by the authority and the district. In
 225 areas not served by regional water supply authorities, or other
 226 multijurisdictional water supply entities, and where
 227 opportunities exist to meet water supply needs more efficiently
 228 through multijurisdictional projects identified pursuant to
 229 paragraph (2) (a), water management districts are directed to
 230 assist in developing multijurisdictional approaches to water
 231 supply project development jointly with affected water
 232 utilities, special districts, self-suppliers, and local

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233 governments.

234 Section 4. Paragraph (c) of subsection (2) of section
235 570.076, Florida Statutes, is amended to read:

236 570.076 Environmental Stewardship Certification Program.—

237 The department may, by rule, establish the Environmental
238 Stewardship Certification Program consistent with this section.

239 A rule adopted under this section must be developed in
240 consultation with state universities, agricultural
241 organizations, and other interested parties.

242 (2) The department shall provide an agricultural
243 certification under this program for implementation of one or
244 more of the following criteria:

245 (c) Best management practices adopted by rule pursuant to
246 s. 403.067(7) (c) or s. 570.085(1) (b) ~~570.085(2)~~.

247 Section 5. Section 570.085, Florida Statutes, is amended to
248 read:

249 570.085 Department of Agriculture and Consumer Services;
250 agricultural water conservation and agricultural water supply
251 planning.—

252 (1) The department shall establish an agricultural water
253 conservation program that includes the following:

254 (a) ~~(1)~~ A cost-share program, coordinated where appropriate
255 with the United States Department of Agriculture and other
256 federal, state, regional, and local agencies, for irrigation
257 system retrofit and application of mobile irrigation laboratory
258 evaluations for water conservation as provided in this section
259 and, where applicable, for water quality improvement pursuant to
260 s. 403.067(7) (c).

261 (b) ~~(2)~~ The development and implementation of voluntary

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262 interim measures or best management practices, adopted by rule,
263 which provide for increased efficiencies in the use and
264 management of water for agricultural production. In the process
265 of developing and adopting rules for interim measures or best
266 management practices, the department shall consult with the
267 Department of Environmental Protection and the water management
268 districts. Such rules may also include a system to assure the
269 implementation of the practices, including recordkeeping
270 requirements. As new information regarding efficient
271 agricultural water use and management becomes available, the
272 department shall reevaluate and revise as needed, the interim
273 measures or best management practices. The interim measures or
274 best management practices may include irrigation retrofit,
275 implementation of mobile irrigation laboratory evaluations and
276 recommendations, water resource augmentation, and integrated
277 water management systems for drought management and flood
278 control and should, to the maximum extent practicable, be
279 designed to qualify for regulatory incentives and other
280 incentives, as determined by the agency having applicable
281 statutory authority.

282 (c) ~~(3)~~ Provision of assistance to the water management
283 districts in the development and implementation of a consistent,
284 to the extent practicable, methodology for the efficient
285 allocation of water for agricultural irrigation.

286 (2) The department shall establish an agricultural water
287 supply planning program that includes the following:

288 (a) The development of data indicative of future
289 agricultural water supply demands which must be:

290 1. Based on at least a 20-year planning period.

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291 2. Provided to each water management district.
 292 3. Considered by each water management district in
 293 accordance with ss. 373.036(2) and 373.709(2) (a)1.b.
 294 (b) The data on future agricultural water supply demands
 295 which are provided to each district must include, but need not
 296 be limited to:
 297 1. Applicable agricultural crop types or categories.
 298 2. Historic estimates of irrigated acreage, current
 299 estimates of irrigated acreage, and future projections of
 300 irrigated acreage for each applicable crop type or category,
 301 spatially for each county, including the historic and current
 302 methods and assumptions used to generate the spatial acreage
 303 estimates and projections.
 304 3. Crop type or category water use coefficients for a 1-in-
 305 10 year drought and average year used in calculating historic
 306 and current water demands and projected future water demands,
 307 including data, methods, and assumptions used to generate the
 308 coefficients. Estimates of historic and current water demands
 309 must take into account actual metered data as available.
 310 4. An evaluation of significant uncertainties affecting
 311 agricultural production which may require a range of projections
 312 for future agricultural water supply demands.
 313 (c) In developing the data on future agricultural water
 314 supply needs described in paragraph (b), the department shall
 315 consult with the agricultural industry, the University of
 316 Florida Institute of Food and Agricultural Sciences, the
 317 Department of Environmental Protection, the water management
 318 districts, the National Agricultural Statistics Service, and the
 319 United States Geological Survey.

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320 (d) The department shall coordinate with each water
 321 management district to establish a schedule for provision of
 322 data on agricultural water supply needs in order to comply with
 323 water supply planning provisions in ss. 373.036(2) and
 324 373.709(2) (a)1.b.
 325 Section 6. This act shall take effect July 1, 2013.

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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 Committee on Agriculture

BILL: CS/SB 1628

INTRODUCER: Agriculture Committee and Senator Montford

SUBJECT: Department of Agriculture and Consumer Services

DATE: March 18, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Halley	AG	Fav/CS
2.			AGG	
3.			AP	
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:

CS/SB 1628 addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). It:

- Provides that public hearings to discuss a proposed 10-year Resource Management Plan for a state forest shall be held in any one of the affected counties rather than in each affected county;
- Changes how funds are distributed to aid local mosquito control programs;
- Repeals authorization for the Pesticide Review Council in the pesticide registration process;
- Eliminates a requirement for a triennial report on restricted-use pesticide use in Florida;
- Eliminates all permitting requirements for livestock haulers and the issuance of metal tags or plates to the livestock haulers by the department;
- Removes a reference to land clearing and replaces it with pile burning to provide consistency between the Florida Statutes and the Florida Administrative Code;
- Creates the Division of Food, Nutrition, and Wellness within the department;
- Authorizes the department to enter into agreements or to terminate agreements with Direct Support Organizations without having to file legislation;

- Moves procedures for certain fertilizer analyses from statute to rule to allow for changes in technology and in commercial fertilizer practices;
- Moves numeric criteria for laboratory analysis of fertilizer samples from statute to rule and provides the department with clear authority to adopt rules that address the criteria;
- Deletes statutory references to the animal disease diagnostic laboratory in Suwannee County, because it will be closed effective June 30, 2013;
- Allows department apiary inspectors to work in the beekeeping industry as long as they do not have any regulatory oversight over their own business;
- Deletes a requirement that the Florida Forestry Council's annual meeting be held the first week in October;
- Expands the Operation Outdoor Freedom Program to provide more recreational opportunities for wounded veterans;
- Gives the Florida Forest Service (FFS) the power, authority, and duty to authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning;
- Changes the name of the Florida Center for Wildfire and Forest Resources Management Training to the Florida Forest Service Training Center and removes the advisory committee for the training center;
- Clearly defines the term "gross negligence" to limit the liability of the FFS and landowners when conducting prescribed burns;
- Authorizes the FFS to delegate land clearing and yard trash burning to special districts as well as to counties and municipalities;
- Revises provisions relating to criminal penalties for obstructing the prevention, detection or suppression of wildfires;
- Creates chapter 595, F.S., entitled "School Food and Nutrition Services;"
- Creates the "Florida School Food and Nutrition Act;"
- Provides state policy for school food service and food service programs;
- Requires each school to electronically submit its local school wellness policy to the Department of Agriculture and Consumer Services rather than to the Department of Education;
- Repeals the Pesticide Review Council;
- Repeals the Gertrude Maxwell Save a Pet Direct Support Organization;
- Appropriates \$59,239 from the Gertrude Maxwell Save a Pet Direct Support Organization to Florida Animal Friends, Inc.;
- Repeals the department's duties concerning Arabian horse racing and the Arabian Horse Council; and
- Repeals a permit requirement for the sale of cypress products.

This bill amends the following sections of the Florida Statutes: 253.034, 388.261, 388.271, 487.160, 487.041, 534.083, 550.2625, 550.2633, 570.07, 570.902, 570.903, 576.051, 576.061, 576.181, 585.61, 586.10, 589.02, 589.19, 589.30, 590.02, 590.11, 590.125, 590.25, 570.983, 1001.42, and 1003.453.

This bill creates chapter 595 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 570.64, 595.401, 595.402, 595.403, and 595.501.

This bill transfers and renumbers the following sections of the Florida Statutes: 570.072, 570.98, 570.981, 570.982, 570.983, and 570.984.

This bill repeals the following sections of the Florida Statutes: 487.0615, 570.382, 570.97, and 590.50.

II. Present Situation:

10-Year Resource Management Plans

The Florida Forest Service oversees the management of Florida's one million acres of state forests. The purpose of these plans is to incorporate, evaluate, and prioritize all relevant information about the site into a cohesive management strategy, allowing for appropriate access to the managed areas while protecting the long-term health of the ecosystems and their resources. Land management plans are to be updated every 10 years on a rotating basis. In developing land management plans, at least one public hearing shall be held in each affected county. The bill requires the meetings to be held in one county rather than each county which will result in a cost savings. The public may still provide input through email, phone calls, etc.

Mosquito Control Programs

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. Chapter 388, F.S., addresses mosquito control efforts in the state. It allows any city, town, county, or any other area in the state to create a special taxing district for the control of arthropods. There are currently sixty two mosquito control programs in Florida.

Current statute provides that the department "prorate" available funds based on the amount of matchable local funds budgeted by a local mosquito control program. In practice, the department distributes available funds equally to all participating programs. This results in programs with large local budgets receiving the same funds as programs with small local budgets. The bill will allow the department to provide most of the available funds to programs in areas with limited budgets that rely on state aid to provide a significant proportion of program resources.

Florida Pesticide Law

Every third year, the department is required to conduct a survey and compile a report on restricted-use pesticides in this state. The report covers types and quantities of pesticides, methods of application, crops treated, dates and locations of application, persons affected, and reports of misuse, damage, and injury. The National Agricultural Statistics Survey of the United States Department of Agriculture (USDA) has been providing pesticide usage surveys that include not only restricted-use pesticides, but general use agricultural pesticides as well. The USDA survey reports are freely available to the public. To cut expenses, the department has been relying on this information in lieu of conducting resource-intensive surveys. The requirement that the department also produce a report is duplicative and does not provide any additional information on pesticide use to the public.

The Pesticide Review Council was created to advise the Commissioner of Agriculture regarding the sale, use, and registration of pesticides and to advise government agencies of their responsibilities pertaining to pesticides. The council is to serve as a statewide forum for the coordination of pesticide-related activities to eliminate duplication of effort and maximize protection of the environment of the state and the health of the public. The council was created at a time when the department and other state agencies were involved in jurisdictional conflicts over the regulation of pesticides. Such conflicts have long since been resolved, as department staff and other state agencies routinely work in close coordination and cooperation to address ongoing and emerging issues. In its present form, the council does not consider or review pesticide registration issues, as they are dealt with through routine inter-agency consultation at the professional staff level through monthly meetings of the Pesticide Registration Evaluation Committee. The council typically meets three times per year, but they are essentially informational in nature and rarely, if ever, result in recommendations to the Commissioner of Agriculture.

Livestock Hauler's Permit

Persons engaging in the business of transporting or hauling for hire livestock on any street or highway must apply for and obtain a \$5 annual permit. The purpose of the permit is to improve control over livestock thefts and other illicit livestock operations. Elimination of this requirement will save livestock haulers both time and money. The department issues a metal tag or plate that bears a serial number to applicants to be attached to each vehicle used for transporting or hauling livestock. The bill would eliminate this requirement and save the state money. The department has indicated that it does not utilize the permitting process for any regulatory activity, neither is it used for animal traceability or identification.

Pile Burning

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. During Fiscal Years 2005-2006 and 2006-2007, 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 Fiscal Year 2009-2010, the 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. Current statutory references to land-clearing burning were not updated after changes were made to the Florida Administrative Code. The proposed changes in the bill will clear up any confusion about the FFS's ability to issue open burning authorizations for all types of pile burning.

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 the Department of Agriculture and Consumer Services, pending a waiver from

the United States Department of Agriculture. That waiver was granted in October 2011 and on January 1, 2012, the department assumed administration of the state's school food and nutrition programs. Florida Agriculture Commissioner Adam Putnam indicates that the department 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. Currently, the Division of Food, Nutrition, and Wellness is not created and given duties in the department's authorizing statute, nor is its division director. In addition, unlike all of the other divisions in the department, the Division of Food, Nutrition, and Wellness does not have its own chapter. A new chapter, dedicated to the division, would consolidate all statutory sections dealing with the division, highlight the importance of nutrition, and provide the division and its constituents with a one-stop place to find all necessary authority to operate.

Direct-Support Organizations

Currently, the legislature authorizes the establishment of a direct-support organization (DSO) to provide assistance for the museums, the Florida Agriculture in the Classroom Program, the Florida State Collection of Arthropods, the Friends of the Florida State Forests Program of the Florida Forest Service, the Forestry Arson Alert Program, and other programs of the department. Other state agencies such as the Department of Corrections, Department of Environmental Protection, Department of Military Affairs, Department of Veterans Affairs, and the Fish and Wildlife Conservation Commission have the authority to create DSOs at their discretion. DSOs epitomize public-private partnerships, because individuals who use the services of a particular program can directly support and assist that program through the DSO.

Florida Commercial Fertilizer Law

The Fertilizer Law requires fertilizer companies who plan to market fertilizer in Florida to be licensed with the department and to provide proof of a Surety Bond or Certificate of Deposit in the amount of \$1,000. All registered licensees report monthly tonnage using the Fertilizer Regulatory Website and pay an inspection fee of \$1.00 per ton for mixed fertilizer materials, including an additional 50 cents per ton if the fertilizer contains nitrogen or phosphate. The inspection fee for liming materials and untreated phosphatic materials is 30 cents per ton.

When a fertilizer sample is determined by the department's laboratory to be deficient in the amount of a nutrient guaranteed to be in the product, the manufacturer has the right to send a portion of the official sample to a third party laboratory. This portion is termed a "referee sample." The referee process for deficient fertilizer samples, as defined in statute, establishes an allowance of 0.3 percent of a nutrient value for difference in laboratory results. Currently, the statute specifies analysis results from the department and a referee laboratory that check within 0.3 percent of each other are averaged to determine the final result. If the results do not agree within 0.3 percent, a second referee analysis may be requested and the two closest results would be averaged. This 0.3 percent matching result spread is applicable to all label guarantees ranging from 0.001 percent to 62 percent. The proposed revision in the bill would replace the 0.3 percent criteria for checking results with criteria established in rule and allow for a percent guarantee based criteria to be added for the lower percent guarantees. By placing this criterion in rule, the

allowance can be varied as analytical techniques and fertilizer manufacturing processes evolve. Rulemaking also allows stakeholder input into the development of these allowances.

Brucellosis Testing

Bovine brucellosis is a cattle disease that is near eradication in the United States after more than fifty years of efforts by state departments of agriculture, the United States Department of Agriculture (USDA), 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 United States. One of the long term responsibilities of the department's 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.

The USDA contracts the laboratory in Live Oak, Florida, to test brucellosis surveillance samples. These samples represent approximately 90 percent of the diagnostic tests performed at this specific laboratory. The USDA has determined it will reduce brucellosis surveillance nationwide and utilize a single federal laboratory to carry out testing for all states. USDA will discontinue funding of state laboratories for this purpose, effective March 31, 2013. A decision was made to stop performing diagnostic testing at the Live Oak facility and to move the remaining testing to the Bronson Animal Disease Diagnostic Laboratory in Kissimmee, Florida, effective June 30 2013.

Apiary Inspections

Apiary Inspection plays a vital role in Florida Agriculture as inspectors work to prevent the introduction and establishment of honey bee pests and diseases. A healthy and secure Florida honey bee industry is valuable to all. Florida's honey industry is consistently ranked among the top five in the nation with an annual worth of \$13 million. In addition, the Florida honey bee industry benefits our state's fruit and vegetable industry by providing an estimated \$20 million in increased production numbers created by managed pollination services that are available in no other way. There are over 100 varieties of popular fruits and vegetables that use pollination to ensure fruitful crops. Florida Apiary Inspectors certify movement of honey bee colonies throughout the state and the nation. The department has the most comprehensive state program (e.g., number of inspectors and traps) to prevent the accidental introduction of the unwanted Africanized honey bee. Seventeen million pounds of honey are produced in Florida each year and consumed worldwide.

Operation Outdoor Freedom

The 2011 Legislature directed the FFS 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. The 2012 Legislature renamed it the “Operation Outdoor Freedom Special Hunt Area” because it came to the attention of the department that another organization was using the term “Wounded Warrior.”

Operation Outdoor Freedom, as currently in statute, is the basic framework for a program with the goal to provide wounded veterans with the opportunity to hunt and participate in outdoor activities on state forests in an atmosphere that encourages camaraderie and healing. The department is interested in expanding the program for this worthy user group and can do so at minimal cost. Currently, the statute does not encourage private landowner participation or encourage the FFS to work with other agencies and the private sector to make the program successful.

Arabian Horse Racing

The 1992 Legislature found that breed improvement and encouragement of Arabian horse breeding farms would greatly enhance tax revenues for the state and counties. The department was directed to establish a registry, to establish a stallion awards program, and to maintain complete records. The last Arabian horse race was run in the 1980s and the Arabian Horse Council has been inactive since the 1990s. Funds have not been deposited into the Florida Arabian Horse Racing Account since 2005. There are no other such laws present in the statutes for a specific breed of horse.

Gertrude Maxwell Save A Pet Act

The 2008 Legislature created the Gertrude Maxwell Save a Pet Direct-Support Organization within the Department of Agriculture and Consumer Services. This DSO was created for the purposes of providing grants to animal shelters for spaying and neutering, for sheltering and providing services during times of emergencies, and for developing and disseminating educational materials concerning the care of pets. The department’s Division of Animal Industry assisted with the initial incorporation of the DSO. Commissioner Bronson appointed a Board of Directors made up of eight members in August of 2008, and the group met in December of 2008 to elect officers. There has been no activity of the board since that meeting. Division staff has been in contact with the various officers to determine progress, but the DSO has never set up a bank account to allow the transfer of the remaining monies left from the initial donation by Ms. Maxwell. Ms. Maxwell’s original donation was \$62,000 and \$59,239.57 still remains in the department trust fund. Ms. Maxwell died in January of 2011, at the age of 99.

III. Effect of Proposed Changes:

Section 1 amends s. 253.034, F.S., to change public hearing requirements. Hearings for proposed 10-year Resource Management Plans for a state forest shall be held in any one of the affected counties rather than in each affected county.

Section 2 amends s. 388.261, F.S., to authorize the Department of Agriculture and Consumer Services (department) to adopt a rule that would specify how to distribute funds to aid local mosquito control programs. It specifies that programs in areas with limited budgets of less than one million dollars, which rely on state aid to provide a significant proportion of program resources, shall receive 80 percent of the funds. The bill allows for any remaining funds to be used to support research, education, and outreach.

Section 3 amends s. 388.271, F.S., to correct an omission from a previous statute revision in the 2012 Legislative Session. It revises the date by which mosquito control districts must submit their certified budgets for approval by the department.

Section 4 amends s. 487.160, F.S., to eliminate a requirement for a triennial report on restricted-use pesticide use in Florida.

Section 5 amends s. 534.083, F.S., to eliminate all permitting requirements for livestock haulers. It also eliminates the requirement for the department to issue a metal tag or plate for each vehicle used by permitted livestock haulers.

Section 6 amends s. 570.07, F.S., to delete a reference to land clearing and replace it with the term “pile burning” to provide consistency between the Florida Statutes and the Florida Administrative Code.

Section 7 Creates s. 570.64, F.S., to create the Division of Food, Nutrition, and Wellness within the department. It authorizes the Commissioner of Agriculture to appoint a division director and provides powers and duties as authorized by the commissioner.

Section 8 amends s. 570.902, F.S., to clarify the applicability of definitions relating to certain designated programs and direct-support organizations.

Section 9 amends s. 570.903, F.S., to authorize the department to establish direct-support organizations at its discretion. It:

- deletes provisions that limit the establishment of direct-support organizations to particular museums and programs;
- deletes provisions authorizing direct-support organizations to enter into certain contracts or agreements;
- clarifies provisions prohibiting department employees, direct-support organizations, or museum employee, volunteer, or director from receiving commissions, fees, or financial benefits in connection with the sale or exchange of real property and historical objects;
- provides for the termination of agreements between the department and direct-support organizations if the department determines that the direct-support organization no longer meets the necessary objectives;
- deletes provisions requiring the department to establish certain procedures relating to museum artifacts and records; and
- provides for the distribution of the assets of the direct-support organization.

Section 10 amends s. 576.051, F.S., Florida's Commercial Fertilizer Law, to move procedures for referee sample analysis from statute to department rule, allowing this process to be adjusted as technology and commercial fertilizer practices change.

Section 11 amends s. 576.061, F.S., to move numeric criteria for laboratory analysis of fertilizer samples that determine whether a fertilizer is deficient in plant food samples from statute to department rule.

Section 12 amends s. 576.181, F.S., to revise the department's authority to adopt rules establishing certain criteria for fertilizer analysis.

Section 13 amends s. 585.61, F.S., to delete references to the animal disease diagnostic laboratory in Suwannee County, because the department will be closing the laboratory on June 30, 2013.

Section 14 amends s. 586.10, F.S., to allow department apiary inspectors to participate in the beekeeping industry as long as they do not have regulatory oversight of their own apiary.

Section 15 amends s. 589.02, F.S., to delete a requirement that the Florida Forestry Council annual meeting be held the first Monday in October of each year.

Section 16 amends s. 589.19, F.S., to expand the Operation Outdoor Freedom Program to provide hunting and other activities for disabled veterans and injured active duty servicemembers in designated state forest areas and on designated public and private lands. It defines wounded American veteran and provides eligibility requirements. The bill authorizes the department to cooperate with state and federal agencies, local governments, private landowners, and other entities. It encourages private landowners to participate and gives them certain liability protection for doing so. It directs donations to the Operation Outdoor Freedom Program to be deposited into the account of the Friends of Florida State Forest Program. It designates the second Saturday of each November as Operation Outdoor Freedom Day.

Section 17 amends s. 589.30, F.S., to delete the title of district forester and insert the correct title of either district manager or center manager.

Section 18 amends s. 590.02, F.S., pertaining to the powers and authority of the FFS regarding wildfire protection, to:

- delete the word "extinguish." The definition of "extinguish" has two separate meanings as currently used in statute, one for wildfires and one for open burning, resulting in confusion and misinterpretation in the wildfire and forestry community. This has impeded the FFS from stopping potential wildfires;
- give the FFS the power, authority, and duty to authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning;
- give the Florida Forest Service's employees and firefighting crews' authority to enter property to detect fires. They are currently only authorized to enter a person's property to prevent and suppress wildfires;

- specify that sovereign immunity applies to the manner in which the FFS monitors a smoldering wildfire, smoldering prescribed fire, or fights any wildfire;
- change the name of the FFS training facility to “Florida Forest Service Training Center”;
- delete provisions relating to the composition and duties of the Florida Forest Training Center advisory committee;
- prohibit government entities from banning open burning related to agricultural, silvicultural, and land clearing; and
- authorize the FFS to delegate authority for certain types of burning to special districts as well as counties and municipalities.

Section 19 amends s. 590.11, F.S., to better define how recreational fires are to be considered extinguished, since there is no current definition for un-distinguished . This change also reflects the proposed change to the definition of extinguished in s. 590.125(1)(f), F.S.

Section 20 amends s. 590.125, F.S., to revise and provide definitions related to open burning authorized by the FFS. It revises requirements for certified and noncertified burning. The bill more clearly defines “gross negligence.” This will limit the liability of the FFS and landowners when conducting statutorily required prescribed burns, without fear of unreasonable liability.

Section 21 amends s. 590.25, F.S., to revise provisions relating to criminal penalties for obstructing the prevention, detection, or suppression of wildfires.

Section 22 creates chapter 595, F.S., entitled “School Food and Nutrition Services.”

Section 23 creates s. 595.401, F.S., to be cited as the “Florida School Food and Nutrition Act.”

Section 24 creates s. 595.402, F.S., to provide definitions to be used in chapter 595, F.S.

Section 25 creates s. 595.403, F.S., to provide state policy with respect to school food service and food service programs. The state shall provide standards for school food service and require each school district to establish and maintain an appropriate school food service program consistent with the nutritional needs of students. To implement that policy, the state shall provide funds to meet the state National School Lunch Act matching requirements. The funds provided shall be distributed in compliance with the requirements of the National School Lunch Act.

Section 26 transfers, renumbers, and amends s. 570.98 as s. 595.404, F.S., to provide for the following powers and duties of the Division of Food, Nutrition, and Wellness, granted in s. 570.64, F.S.:

- Supervise and administer all school food and nutrition programs;
- Cooperate with the federal government and its instrumentalities to receive the benefit of all federal financial allotments;
- Implement and adopt by rule federal regulations to maximize federal assistance;
- Act as an agent of or contract with the federal government, another agency, or any county or municipal government for the administration of the school food and nutrition programs;

- Ensure that “severe need schools” receive the highest rate of reimbursement entitled under federal regulations for each breakfast meal served;
- Develop and propose legislation necessary to implement, encourage innovation, and expand participation in school food and nutrition programs;
- Annually allocate funds provided from the school breakfast supplement in the General Appropriations Act among sponsors based on each district’s total number of free and reduced-price breakfast meals served;
- Employ persons as necessary to perform these duties;
- Adopt rules covering the administration, operation and enforcement of the program;
- Adopt and implement an appeals process by rule for program applicants and participants;
- Assist, train, and review each sponsor in its program implementation; and
- Advance funds to sponsors when requested in order to implement program provisions in accordance with federal regulations.

Section 27 transfers, renumbers, and amends s. 570.981 as s. 595.405, F.S., to provide the following program requirements for school districts and sponsors:

- Adopt policies to provide for an appropriate food and nutrition service program consistent with department rules and federal regulations;
- Implement school breakfast programs in each elementary school;
- Offer universal school breakfast in schools with 80 percent or more of the student eligible for free or reduced-price meals;
- Make breakfast meals available at an alternative site when practicable;
- Set prices annually for breakfast meals at sufficient rates;
- Make a breakfast meal available to students who arrive at school on the school bus less than 15 minutes before the first bell rings and allow those students at least 15 minutes to eat the breakfast;
- Annually provide students with information regarding school breakfast programs through school announcements and written notices sent to all parents; and
- Complete all corrective action plans required by the department or a federal agency to be in compliance with the program.

Section 28 transfers, renumbers, and amends s. 570.981, F.S., as s. 595.406, F.S., to provide for the Florida Farm Fresh Schools Program within the department. To implement the program, the department is required to develop policies pertaining to school food services which encourage:

- Sponsors to buy fresh and high-quality foods grown in this when feasible;
- Farmers in this state to sell their products to sponsors, school districts;
- Sponsors to demonstrate a preference for competitively priced organic food products; and
- Sponsors to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content.

The bill also requires the department to provide outreach, guidance, and training to sponsors, schools, school food service directors, parent and teacher organizations, and students about the benefits of fresh food products from farms in this state.

Section 29 transfers, renumbers, and amends s. 570.982, F.S., as s. 595.407, F.S., to clarify provisions of the children's summer nutrition program.

Section 30 transfers and renumbers s. 570.072, F.S., as 595.408, F.S., relating to responsibilities of the department for commodity distribution.

Section 31 creates s. 595.501, F.S., to provide for penalties for violation of or non-compliance with the statutory provisions of chapter 595, F.S., or of any rules adopted thereunder.

Section 32 transfers, renumbers, and amends s. 570.983, F.S., as s. 595.601, F.S., relating to the Food and Nutrition Services Trust Fund. It corrects a cross-reference to conform to the transfer.

Section 33 transfers and renumbers s. 570.984, F.S., as s. 595.701, F.S., relating to the Healthy Schools for Healthy Lives Council.

Section 34 amends s. 1001.42, F.S., to require district school boards to perform duties relating to school lunch programs as required by the department's rules rather than the State Board of Education.

Section 35 amends s. 1003.453, F.S., to require each school to electronically submit its local school wellness policy to the department rather than to the Department of Education.

Section 36 repeals s. 487.0615, F.S., to eliminate the Pesticide Review Council; repeals s. 570.382, F.S., to eliminate the Arabian Horse Council and provisions regarding Arabian horse racing; repeals s. 570.97, F.S., to eliminate the Gertrude Maxwell Save a Pet Direct Support Organization; and repeals s. 590.50, F.S., to eliminate a permit requirement for the sale of cypress products.

Section 37 amends s. 487.041, F.S., to conform this section to the elimination of the Pesticide Review Council.

Section 38 amends s. 550.2625, F.S., to eliminate the department's responsibility in administering funds for Arabian Horse race prizes. The funds will be administered by the Division of Pari-mutuel Wagering as are all of the other race horse prizes.

Section 39 amends s. 550.2633, F.S., to eliminate a requirement that funds for Arabian horse races be deposited into the Florida Arabian Horse Racing Promotion Account. This conforms to the repeal in section 35 of the bill.

Section 40 provides that to effectuate the repeal of the Gertrude Maxwell Save a pet Direct Support Organization, and to honor the wishes of the donor, the sum of \$59,239 is appropriated to the department to be used by the Division of Animal Industry for disbursement to Florida Animal Friend, Inc.

Section 41 provides that this act shall take effect upon becoming a 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:

None.

B. Private Sector Impact:

Section 5:

Revisions to s. 534.083, F.S., eliminate all permitting requirements for livestock haulers. Reduced government regulations would save livestock haulers both time and \$5 per year.

Section 18:

Revisions to s. 590.02, F.S., could result in some additional areas where land clearing operations would have to pay for an authorization from a local government when they have not been required to in the past. Currently there are some areas where these fees have been collected for many years, and thus there would be no additional impact.

Section 36:

Deletion of s. 570.97, F.S., The Gertrude Maxwell Save a pet Direct Service Organization, would provide a one-time positive appropriation of \$59,239 to Florida Animal Friends, Inc.

C. Government Sector Impact:

Local Governments:**Section 2:**

Local mosquito control programs with a budget of less than one million dollars would receive more funding under the bill's proposed distribution. Local mosquito control programs with budgets of over one million dollars would receive less. The amount will depend on the total amount appropriated by the Legislature.

Section 18:

If a local government currently has the personnel and infrastructure in place to manage the burning of land clearing debris and yard trash, there should be no impact. If the local government decides to have open burning delegated to them, but they do not have the infrastructure in place, there may be some costs involved depending upon how they structure the new program. Some local governments charge a fee for burning authorizations, so having this delegated authority could generate revenues.

State Government:**Section 4:**

Revisions to s. 487.160, F.S., eliminate a requirement for the department to conduct a triennial survey and report on restricted-use pesticides in this state. In the past, the department has conducted elaborate and resource intensive surveys to characterize restricted-use pesticide usage patterns. The National Agricultural Statistics Survey of the United States Department of Agriculture has been providing pesticide usage surveys that are statistically robust and that include not only restricted-use pesticides, but general use agricultural pesticides, as well. The USDA survey reports are freely available to the public. Elimination of this duplicative report will have negligible fiscal impact on the department.

Section 5:

Section 534.083, F.S., requires anyone engaging in the business of transporting or hauling for hire livestock on any street or highway to apply for and obtain a \$5 per year permit. The recurring revenue from permit fees is \$8,500 per year and is deposited into the General Inspection Trust Fund. The bill eliminates this permitting requirement which would discontinue the recurring revenue. The department is required to issue a metal tag or plate that bears a serial number to every person or company required to obtain a permit. Permit expenses for the department are the cost of the tag or plate and shipping and postage for renewal letters. These recurring expenses are \$3,225 per year, which will also be eliminated.

Section 13:

Section. 585.61, F.S., establishes an animal diagnostic laboratory in Live Oak, Florida. It conducts state testing, as well as brucellosis surveillance testing for the USDA. The USDA has decided to reduce brucellosis surveillance nationwide and to utilize a single federal laboratory to carry out testing for all states. It will discontinue funding of state laboratories for this purpose, effective March 31, 2013. Since 90 percent of the testing performed at this specific laboratory will no longer be needed, the department will move the remaining diagnostic testing to the Bronson Animal Disease Diagnostic Laboratory in Kissimmee, Florida, effective June 30, 2013. The state will save \$424,796 annually with the closure.

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 on March 18, 2013:

Includes a technical amendment that would transfer s. 570.072, F.S., to the new chapter 595, F.S., created by the bill. It also adds a new section 35 to the bill that requires each school to electronically submit its local school wellness policy to the Department of Agriculture and Consumer Services rather than to the Department of Education.

- B. **Amendments:**

None.



532280

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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	.	

The Committee on Agriculture (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1324 - 1361

and insert:

Section 30. Section 570.072, Florida Statutes, is transferred and renumbered as section 595.408, Florida Statutes.

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

And the title is amended as follows:

Delete lines 106 - 110

and insert:

nutrition program; clarifying provisions; transferring



532280

13
14
15

and renumbering s. 570.072, F.S., relating to
commodity distribution; creating s. 595.501, F.S.;
providing certain



345780

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
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The Committee on Agriculture (Montford) recommended the following:

Senate Amendment (with title amendment)

Between lines 1408 and 1409
insert:

Section 35. Subsection (1) of section 1003.453, Florida Statutes, is amended to read:

1003.453 School wellness and physical education policies; nutrition guidelines.-

(1) Each school district shall electronically submit ~~to the Department of Education a copy of its local~~ school wellness policy to the Department of Agriculture and Consumer Services ~~as required by the Child Nutrition and WIC Reauthorization Act of~~



345780

13 ~~2004~~ and ~~a copy of~~ its physical education policy required under
14 s. 1003.455 to the Department of Education. Each school district
15 shall annually review its local school wellness policy and
16 physical education policy and provide a procedure for public
17 input and revisions. In addition, each school district shall
18 provide its revised local school ~~send an updated copy of its~~
19 wellness policy and revised physical education policy to the
20 applicable department ~~and to the Department of Agriculture and~~
21 ~~Consumer Services~~ when a change or revision is made.

22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete line 118

26 and insert:

27 required by the department's rules; amending s.
28 1003.453, F.S.; requiring each school district to
29 electronically submit a revised local school wellness
30 policy to the Department of Agriculture and Consumer
31 Services and a revised physical education policy to
32 the Department of Education; repealing ss.

THE FLORIDA SENATE APPEARANCE RECORD

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

3/18/13
Meeting Date

Topic FDACS department bill

Bill Number 1628
(if applicable)

Name Grace Lovett

Amendment Barcode _____
(if applicable)

Job Title Dir. Legislative Affairs

Address PL 10 The Capitol
Street
Tallahassee FL 32399
City State Zip

Phone 617-7700

E-mail grace.lovett@freshfromflorida.com

Speaking: For Against Information

Representing FL Department of Agriculture & Consumer Services

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 Montford

3-01179-13

20131628__

1 A bill to be entitled
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; amending s. 253.034, F.S.;
 4 requiring public hearings relating to the development
 5 of land management plans to be held in any one, rather
 6 than each, county affected by such plans; amending s.
 7 388.261, F.S.; revising provisions for the
 8 distribution and use of state funds for local mosquito
 9 control programs; amending s. 388.271, F.S.; revising
 10 the date by which mosquito control districts must
 11 submit their certified budgets for approval by the
 12 department; amending s. 487.160, F.S.; deleting
 13 provisions requiring the department to conduct a
 14 survey and compile a report on restricted-use
 15 pesticides; amending s. 534.083, F.S.; deleting
 16 permitting requirements for livestock haulers;
 17 amending s. 570.07, F.S.; clarifying the authority of
 18 the department to regulate certain open burning;
 19 creating s. 570.64, F.S.; establishing the duties of
 20 the Division of Food, Nutrition, and Wellness within
 21 the department; providing for a director of the
 22 division; amending s. 570.902, F.S.; clarifying the
 23 applicability of definitions relating to certain
 24 designated programs and direct-support organizations;
 25 amending s. 570.903, F.S.; authorizing the department
 26 to establish direct-support organizations for museums
 27 and other programs of the department; deleting
 28 provisions that limit the establishment of direct-
 29 support organizations to particular museums and

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30 programs; deleting provisions authorizing direct-
 31 support organizations to enter into certain contracts
 32 or agreements; clarifying provisions prohibiting
 33 specified entities from receiving commissions, fees,
 34 or financial benefits in connection with the sale or
 35 exchange of real property and historical objects;
 36 providing for the termination of agreements between
 37 the department and direct-support organizations;
 38 providing for the distribution of certain assets;
 39 deleting provisions requiring the department to
 40 establish certain procedures relating to museum
 41 artifacts and records; amending s. 576.051, F.S.;
 42 authorizing the department to establish certain
 43 criteria for fertilizer sampling and analysis;
 44 amending s. 576.061, F.S.; requiring the department to
 45 adopt rules establishing certain investigational
 46 allowances for fertilizer deficiencies; providing a
 47 date by which such allowances are effective and other
 48 allowances are repealed; amending s. 576.181, F.S.;
 49 revising the department's authority to adopt rules
 50 establishing certain criteria for fertilizer analysis;
 51 amending s. 585.61, F.S.; deleting provisions for the
 52 establishment of an animal disease diagnostic
 53 laboratory in Suwannee County; amending s. 586.10,
 54 F.S.; authorizing apiary inspectors to be certified
 55 beekeepers under certain conditions; amending s.
 56 589.02, F.S.; deleting annual and special meeting
 57 requirements for the Florida Forestry Council;
 58 amending s. 589.19, F.S.; establishing the Operation

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59 Outdoor Freedom Program within the Florida Forest
 60 Service to replace provisions for the designation of
 61 specified hunt areas in state forests for wounded
 62 veterans and servicemembers; providing purpose and
 63 intent of the program; providing eligibility
 64 requirements for program participation; providing
 65 exceptions from eligibility requirements for certain
 66 activities; providing for deposit and use of funds
 67 donated to the program; limiting the liability of
 68 private landowners who provide land for designation as
 69 hunting sites for purposes of the program; amending s.
 70 589.30, F.S.; revising references to certain Florida
 71 Forest Service personnel titles; amending s. 590.02,
 72 F.S.; authorizing the Florida Forest Service to allow
 73 certain types of burning; specifying that sovereign
 74 immunity applies to certain planning level activities;
 75 deleting provisions relating to the composition and
 76 duties of the Florida Forest Training Center advisory
 77 council; prohibiting government entities from banning
 78 certain types of burning; authorizing the service to
 79 delegate authority to special districts to manage
 80 certain types of burning; revising such authority
 81 delegated to counties and municipalities; amending s.
 82 590.11, F.S.; revising the prohibition on leaving
 83 certain recreational fires unattended, to which
 84 penalties apply; amending s. 590.125, F.S.; revising
 85 and providing definitions relating to open burning
 86 authorized by the Florida Forest Service; revising
 87 requirements for noncertified and certified burning;

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88 limiting the liability of the service and certain
 89 persons related to certain burns; amending s. 590.25,
 90 F.S.; revising provisions relating to criminal
 91 penalties for obstructing the prevention, detection,
 92 or suppression of wildfires; creating chapter 595,
 93 F.S., to establish the Florida School Food and
 94 Nutrition Act; creating s. 595.401, F.S.; providing a
 95 short title; creating s. 595.402, F.S.; providing
 96 definitions; creating s. 595.403, F.S.; declaring
 97 state policy relating to school food and nutrition
 98 services; transferring, renumbering, and amending ss.
 99 570.98 and 570.981, F.S., relating to school food and
 100 nutrition services and the Florida Farm Fresh Schools
 101 Program; revising the department's duties and
 102 responsibilities for administering such services and
 103 program; revising requirements for school districts
 104 and sponsors; transferring, renumbering, and amending
 105 s. 570.982, F.S., relating to the children's summer
 106 nutrition program; clarifying provisions; creating s.
 107 595.408, F.S.; authorizing the department to conduct,
 108 supervise, and administer commodity distribution
 109 services relating to school food and nutrition
 110 services; creating s. 595.501, F.S.; providing certain
 111 penalties; transferring, renumbering, and amending s.
 112 570.983, relating to the Food and Nutrition Services
 113 Trust Fund; conforming a cross-reference; transferring
 114 and renumbering s. 570.984, F.S., relating to the
 115 Healthy Schools for Healthy Lives Council; amending s.
 116 1001.42, F.S.; requiring district school boards to

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117 perform duties relating to school lunch programs as
 118 required by the department's rules; repealing ss.
 119 487.0615, 570.382, 570.97, and 590.50, F.S., relating
 120 to the Pesticide Review Council, Arabian horse racing
 121 and the Arabian Horse Council, the Gertrude Maxwell
 122 Save a Pet Direct-Support Organization, and permits
 123 for the sale of cypress products, respectively;
 124 amending ss. 487.041, 550.2625, and 550.2633, F.S.;
 125 conforming provisions; providing for the disbursement
 126 of specified funds; providing an effective date.
 127

128 Be It Enacted by the Legislature of the State of Florida:
 129

130 Section 1. Paragraph (f) of subsection (5) of section
 131 253.034, Florida Statutes, is amended to read:

132 253.034 State-owned lands; uses.—

133 (5) Each manager of conservation lands shall submit to the
 134 Division of State Lands a land management plan at least every 10
 135 years in a form and manner prescribed by rule by the board and
 136 in accordance with the provisions of s. 259.032. Each manager of
 137 conservation lands shall also update a land management plan
 138 whenever the manager proposes to add new facilities or make
 139 substantive land use or management changes that were not
 140 addressed in the approved plan, or within 1 year of the addition
 141 of significant new lands. Each manager of nonconservation lands
 142 shall submit to the Division of State Lands a land use plan at
 143 least every 10 years in a form and manner prescribed by rule by
 144 the board. The division shall review each plan for compliance
 145 with the requirements of this subsection and the requirements of

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146 the rules established by the board pursuant to this section. All
 147 land use plans, whether for single-use or multiple-use
 148 properties, shall include an analysis of the property to
 149 determine if any significant natural or cultural resources are
 150 located on the property. Such resources include archaeological
 151 and historic sites, state and federally listed plant and animal
 152 species, and imperiled natural communities and unique natural
 153 features. If such resources occur on the property, the manager
 154 shall consult with the Division of State Lands and other
 155 appropriate agencies to develop management strategies to protect
 156 such resources. Land use plans shall also provide for the
 157 control of invasive nonnative plants and conservation of soil
 158 and water resources, including a description of how the manager
 159 plans to control and prevent soil erosion and soil or water
 160 contamination. Land use plans submitted by a manager shall
 161 include reference to appropriate statutory authority for such
 162 use or uses and shall conform to the appropriate policies and
 163 guidelines of the state land management plan. Plans for managed
 164 areas larger than 1,000 acres shall contain an analysis of the
 165 multiple-use potential of the property, which analysis shall
 166 include the potential of the property to generate revenues to
 167 enhance the management of the property. Additionally, the plan
 168 shall contain an analysis of the potential use of private land
 169 managers to facilitate the restoration or management of these
 170 lands. In those cases where a newly acquired property has a
 171 valid conservation plan that was developed by a soil and
 172 conservation district, such plan shall be used to guide
 173 management of the property until a formal land use plan is
 174 completed.

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175 (f) In developing land management plans, at least one
176 public hearing shall be held in any one ~~each~~ affected county.

177 Section 2. Subsection (2) of section 388.261, Florida
178 Statutes, is amended to read:

179 388.261 State aid to counties and districts for arthropod
180 control; distribution priorities and limitations.—

181 (2) Every county or district budgeting local funds to be
182 used exclusively for the control of mosquitoes and other
183 arthropods, under a plan submitted by the county or district and
184 approved by the department, ~~is shall be~~ eligible to receive
185 state funds and supplies, services, and equipment on a dollar-
186 for-dollar matching basis to the amount of local funds budgeted.
187 If ~~should~~ state funds appropriated by the Legislature ~~are be~~
188 insufficient to grant each county or district state funds on a
189 dollar-for-dollar matching basis to the amount budgeted in local
190 funds, the department shall distribute the funds as prescribed
191 by rule. Such rules shall provide for up to 80 percent of the
192 funds to be distributed to programs with local funds for
193 mosquito control budgets of less than \$1 million, if the county
194 or district meets the eligibility requirements. The funds shall
195 be distributed as equally as possible within the category of
196 counties pursuant to this section. The remaining funds shall be
197 distributed as prescribed by rule among the remaining counties
198 to support mosquito control and to support research, education,
199 and outreach ~~prorate said state funds based on the amount of~~
200 matchable local funds budgeted for expenditure by each county or
201 district.

202 Section 3. Subsection (1) of section 388.271, Florida
203 Statutes, is amended to read:

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204 388.271 Prerequisites to participation.—

205 (1) When state funds are involved, it is the duty of the
206 department to guide, review, approve, and coordinate the
207 activities of all county governments and special districts
208 receiving state funds in furtherance of the goal of integrated
209 arthropod control. Each county or district eligible to
210 participate hereunder may begin participation on October 1 of
211 any year by filing with the department not later than July 15 a
212 tentative work plan and tentative detailed work plan budget
213 providing for the control of arthropods. Following approval of
214 the plan and budget by the department, two copies of the
215 county's or district's certified budget based on the approved
216 work plan and detailed work plan budget shall be submitted to
217 the department by ~~not later than~~ September 30 15 following.
218 State funds, supplies, and services shall be made available to
219 such county or district by and through the department
220 immediately upon release of funds by the Executive Office of the
221 Governor.

222 Section 4. Section 487.160, Florida Statutes, is amended to
223 read:

224 487.160 Records, ~~report~~.—Licensed private applicators
225 supervising 15 or more unlicensed applicators or mixer-loaders
226 and licensed public applicators and licensed commercial
227 applicators shall maintain records as the department may
228 determine by rule with respect to the application of restricted
229 pesticides, including, but not limited to, the type and quantity
230 of pesticide, method of application, crop treated, and dates and
231 location of application. Other licensed private applicators
232 shall maintain records as the department may determine by rule

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233 with respect to the date, type, and quantity of restricted-use
 234 pesticides used. Licensees shall keep records for a period of 2
 235 years from date of the application of the pesticide to which the
 236 records refer, and shall furnish to the department a copy of the
 237 records upon written request by the department. ~~Every third~~
 238 ~~year, the department shall conduct a survey and compile a report~~
 239 ~~on restricted-use pesticides in this state. This report shall~~
 240 ~~include, but not be limited to, types and quantities of~~
 241 ~~pesticides, methods of application, crops treated, and dates and~~
 242 ~~locations of application; records of persons working under~~
 243 ~~direct supervision; and reports of misuse, damage, or injury.~~

244 Section 5. Section 534.083, Florida Statutes, is amended to
 245 read:

246 534.083 Livestock hauler's ~~permit; display of permit on~~
 247 ~~vehicle;~~ bill of lading.-

248 ~~(1) No person shall engage in the business of transporting~~
 249 ~~or hauling for hire livestock on any street or highway, as~~
 250 ~~defined in s. 316.003(53), without first having applied for and~~
 251 ~~obtained from the department a permit which shall expire on~~
 252 ~~December 31 of each year. The information supplied by the~~
 253 ~~applicant on the application for permit shall be certified under~~
 254 ~~oath. Cost of the permit shall be \$5 for each year or fraction~~
 255 ~~thereof.~~

256 ~~(2) The department shall issue a metal tag or plate to~~
 257 ~~every person or company required to obtain a permit to transport~~
 258 ~~or haul for hire livestock, which shall bear the serial number~~
 259 ~~of the permit. Such a tag or plate shall be issued for each~~
 260 ~~vehicle used by the hauler.~~

261 ~~(3) The metal tag or plate required under this section~~

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262 ~~shall be attached to each vehicle used for transporting or~~
 263 ~~hauling livestock in a conspicuous place in an upright position~~
 264 ~~on the rear of the vehicle. When livestock is transported in a~~
 265 ~~trailer type vehicle propelled or drawn by a motor truck or~~
 266 ~~tractor, each such trailer shall have the tag or plate attached~~
 267 ~~to the rear of the trailer in a conspicuous place in an upright~~
 268 ~~position, and it shall not be necessary to have a tag attached~~
 269 ~~to the motor truck or tractor.~~

270 ~~(4)~~ Persons engaged in the business of transporting or
 271 hauling livestock in the state shall, upon receiving such
 272 livestock for transportation, issue a waybill or bill of lading
 273 for all livestock transported or hauled by them, and such
 274 waybill or bill of lading shall accompany the shipment of
 275 livestock, with a copy thereof being furnished to the person
 276 delivering livestock to the hauler. The waybill or bill of
 277 lading shall show the place of origin and destination of the
 278 shipment, the name of the owner of the livestock, date and time
 279 of loading, name of person or company hauling the livestock, and
 280 the number of animals and a general description thereof. The
 281 waybill or bill of lading shall be signed by the person
 282 delivering the livestock to the hauler certifying that the
 283 information contained thereon is correct.

284 Section 6. Subsection (28) of section 570.07, Florida
 285 Statutes, is amended to read:

286 570.07 Department of Agriculture and Consumer Services;
 287 functions, powers, and duties.-The department shall have and
 288 exercise the following functions, powers, and duties:

289 (28) For purposes of pollution control and the prevention
 290 of wildfires, to regulate open burning connected with pile

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291 burning as defined in s. 590.125(1) ~~land clearing~~, agricultural,
 292 or forestry operations.

293 Section 7. Section 570.64, Florida Statutes, is created to
 294 read:

295 570.64 Division of Food, Nutrition, and Wellness.—

296 (1) The duties of the Division of Food, Nutrition, and
 297 Wellness include, but are not limited to, administering and
 298 enforcing the powers and responsibilities of the division
 299 prescribed in chapter 595 and the rules adopted thereunder.

300 (2) The director of the division shall be appointed by, and
 301 serve at the pleasure of, the commissioner. The director shall
 302 supervise, direct, and coordinate activities of the division,
 303 exercise such powers and duties as authorized by the
 304 commissioner, enforce the provisions of chapter 595 and the
 305 rules adopted thereunder, and any other powers and duties as
 306 authorized by the department.

307 Section 8. Section 570.902, Florida Statutes, is amended to
 308 read:

309 570.902 Definitions; ss. 570.902 and 570.903.—For the
 310 purpose of this section ~~ss. 570.902~~ and s. 570.903:

311 (1) "Designated program" means the ~~specific~~ departmental
 312 program which a direct-support organization has been created to
 313 support.

314 (2) "Direct-support organization" or "organization" means
 315 an organization which is a Florida corporation not for profit
 316 incorporated under the provisions of chapter 617 and approved by
 317 the department to operate for the benefit of a museum or a
 318 ~~specific departmental~~ program.

319 (3) "Museum" means the Florida Agricultural Museum which is

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320 designated as the museum for agriculture and rural history of
 321 the State of Florida.

322 Section 9. Section 570.903, Florida Statutes, is amended to
 323 read:

324 570.903 Direct-support organization.—

325 (1) The department may authorize ~~When the Legislature~~
 326 ~~authorizes~~ the establishment of a direct-support organizations
 327 ~~organization~~ to provide assistance, funding, and promotional
 328 support for the museums, ~~the Florida Agriculture in the~~
 329 ~~Classroom Program, the Florida State Collection of Arthropods,~~
 330 ~~the Friends of the Florida State Forests Program of the Florida~~
 331 ~~Forest Service, the Forestry Arson Alert Program,~~ and other
 332 programs of the department. ~~7~~ The following provisions shall
 333 govern the creation, use, powers, and duties of the direct-
 334 support organizations ~~organization~~:

335 (a) The department shall enter into a memorandum or letter
 336 of agreement with the direct-support organization, which shall
 337 specify the approval of the department, the powers and duties of
 338 the direct-support organization, and rules with which the
 339 direct-support organization must comply.

340 (b) The department may authorize permit, without charge,
 341 appropriate use of property, facilities, and personnel of the
 342 department by the ~~a~~ direct-support organization, ~~subject to ss.~~
 343 ~~570.902 and 570.903~~. The use shall be for directly in keeping
 344 ~~with~~ the approved purposes of the direct-support organization
 345 and may not be made at times or places that would unreasonably
 346 interfere with opportunities for the general public to use
 347 department facilities ~~for established purposes~~.

348 (c) The department shall prescribe by agreement ~~contract or~~

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349 ~~by rule~~ conditions with which ~~the a~~ direct-support organization
350 must comply in order to use property, facilities, or personnel
351 of the department ~~or museum~~. Such conditions rules shall provide
352 for budget and audit review and oversight by the department.

353 (d) The department may not authorize permit the use of
354 property, facilities, or personnel of the museum, department, or
355 designated program by ~~the a~~ direct-support organization that
356 does not provide equal employment opportunities to all persons
357 regardless of race, color, religion, sex, age, or national
358 origin.

359 (2) (a) The direct-support organization may ~~shall be~~
360 ~~empowered to~~ conduct programs and activities; raise funds;
361 request and receive grants, gifts, and bequests of money;
362 acquire, receive, hold, invest, and administer, in its own name,
363 securities, funds, objects of value, or other property, real or
364 personal; and make expenditures to or for the direct or indirect
365 benefit of the museum or designated program.

366 ~~(b) Notwithstanding the provisions of s. 287.057, the~~
367 ~~direct support organization may enter into contracts or~~
368 ~~agreements with or without competitive bidding for the~~
369 ~~restoration of objects, historical buildings, and other~~
370 ~~historical materials or for the purchase of objects, historical~~
371 ~~buildings, and other historical materials which are to be added~~
372 ~~to the collections of the museum, or benefit the designated~~
373 ~~program. However, before the direct support organization may~~
374 ~~enter into a contract or agreement without competitive bidding,~~
375 ~~the direct support organization shall file a certification of~~
376 ~~conditions and circumstances with the internal auditor of the~~
377 ~~department justifying each contract or agreement.~~

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378 ~~(b) (e)~~ Notwithstanding the provisions of s. 287.025(1) (e),
379 the direct-support organization may enter into contracts to
380 insure property of the museum or designated programs and may
381 insure objects or collections on loan from others in satisfying
382 security terms of the lender.

383 (3) The direct-support organization shall provide for an
384 annual financial audit in accordance with s. 215.981.

385 (4) A department employee, direct-support organization or
386 museum employee, volunteer, or director, or ~~Neither a~~ designated
387 program ~~or a museum, nor a nonprofit corporation trustee or~~
388 ~~employee may not:~~

389 (a) Receive a commission, fee, or financial benefit in
390 connection with the sale or exchange of real or personal
391 property or historical objects ~~or properties~~ to the direct-
392 support organization, the museum, or the designated program; or

393 (b) Be a business associate of any individual, firm, or
394 organization involved in the sale or exchange of real or
395 personal property to the direct-support organization, the
396 museum, or the designated program.

397 (5) All moneys received by the direct-support organization
398 shall be deposited into an account of the direct-support
399 organization and shall be used by the organization in a manner
400 consistent with the goals of the museum or designated program.

401 (6) The identity of a donor or prospective donor who
402 desires to remain anonymous and all information identifying such
403 donor or prospective donor are confidential and exempt from the
404 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
405 Constitution.

406 (7) The Commissioner of Agriculture, or the commissioner's

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407 designee, may serve on the board of trustees and the executive
408 committee of any direct-support organization established to
409 benefit the museum or any designated program.

410 (8) The department may terminate its agreement with a
411 direct-support organization at any time if the department
412 determines that the direct-support organization no longer meets
413 the objectives of this section ~~The department shall establish by~~
414 ~~rule archival procedures relating to museum artifacts and~~
415 ~~records. The rules shall provide procedures which protect the~~
416 ~~museum's artifacts and records equivalent to those procedures~~
417 ~~which have been established by the Department of State under~~
418 ~~chapters 257 and 267.~~

419 (9) Upon termination of the direct-support organization,
420 the assets of the direct-support organization shall be
421 distributed pursuant to its articles of incorporation or by-laws
422 or, if not provided for, to the department.

423 Section 10. Subsection (3) of section 576.051, Florida
424 Statutes, is amended to read:

425 576.051 Inspection, sampling, analysis.-

426 (3) The official analysis shall be made from the official
427 sample. The department, before making the official analysis,
428 shall take a sufficient portion from the official sample for
429 check analysis and place that portion in a bottle sealed and
430 identified by number, date, and the preparer's initials. The
431 official check sample shall be kept until the analysis of the
432 official sample is completed. However, the licensee may obtain
433 upon request a portion of the official check sample. Upon
434 completion of the analysis of the official sample, a true copy
435 of the fertilizer analysis report shall be mailed to the

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436 licensee of the fertilizer from whom the official sample was
437 taken and to the dealer or agent, if any, and purchaser, if
438 known. This fertilizer analysis report shall show all
439 determinations of plant nutrient and pesticides. If the official
440 analysis conforms with the provisions of this law, the official
441 check sample may be destroyed. If the official analysis does not
442 conform with the provisions of this law, the official check
443 sample shall be retained for a period of 90 days from the date
444 of the fertilizer analysis report of the official sample. If
445 within that time the licensee of the fertilizer from whom the
446 official sample was taken, upon receipt of the fertilizer
447 analysis report, makes written demand for analysis of the
448 official check sample by a referee chemist, a portion of the
449 official check sample sufficient for analysis shall be sent to a
450 referee chemist who is mutually acceptable to the department and
451 the licensee for analysis at the expense of the licensee. The
452 referee chemist, upon completion of the analysis, shall forward
453 to the department and to the licensee a fertilizer analysis
454 report bearing a proper identification mark or number; and the
455 fertilizer analysis report shall be verified by an affidavit of
456 the person making the analysis. If the results reported on the
457 fertilizer analysis report agree within the matching criteria
458 defined in department rule ~~checks within three tenths of 1~~
459 ~~actual percent~~ with the department's analysis on each element
460 for which analysis was made, the mean average of the two
461 analyses shall be accepted as final and binding on all
462 concerned. However, if the referee's fertilizer analysis report
463 results do not agree within the matching criteria defined in
464 department rule with ~~shows a variation of greater than three-~~

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465 ~~tenths of 1 actual percent from~~ the department's analysis in any
 466 one or more elements for which an analysis was made, upon demand
 467 of either the department or the licensee from whom the official
 468 sample was taken, a portion of the official check sample
 469 sufficient for analysis shall be submitted to a second referee
 470 chemist who is mutually acceptable to the department and to the
 471 licensee from whom the official sample was taken, at the expense
 472 of the party or parties requesting the referee analysis. If no
 473 demand is made for an analysis by a second referee chemist, the
 474 department's fertilizer analysis report shall be accepted as
 475 final and binding on all concerned. The second referee chemist,
 476 upon completion of the analysis, shall make a fertilizer
 477 analysis report as provided in this subsection for the first
 478 referee chemist. The mean average of the two analyses nearest in
 479 conformity to each other shall be accepted as final and binding
 480 on all concerned.

481 Section 11. Subsection (1) of section 576.061, Florida
 482 Statutes, is amended to read:

483 576.061 Plant nutrient investigational allowances,
 484 deficiencies, and penalties.—

485 (1) A commercial fertilizer is deemed deficient if the
 486 analysis of any nutrient is below the guarantee by an amount
 487 exceeding the investigational allowances. The department shall
 488 adopt rules, which shall take effect on July 1, 2014, that
 489 establish the investigational allowances used to determine
 490 whether a fertilizer is deficient in plant food.

491 (a) Effective July 1, 2014, this paragraph and paragraphs

492 (b)-(f) are repealed. Until July 1, 2014, investigational

493 ~~investigational~~ allowances are set as follows:

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494 ~~(b)-(a)~~ Primary plant nutrients; investigational
 495 allowances.—
 496

Guaranteed Percent	Total Nitrogen Percent	Available Phosphate Percent	Potash Percent
04 or less	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94

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509	18	0.70	0.71	1.01
510	20	0.73	0.72	1.08
511	22	0.75	0.72	1.15
512	24	0.78	0.73	1.21
513	26	0.81	0.73	1.27
514	28	0.83	0.74	1.33
515	30	0.86	0.75	1.39
516	32 or more	0.88	0.76	1.44
517				
518	For guarantees not listed, calculate the appropriate value by			
519	interpolation.			
520	<u>(c)</u> (b) Nitrogen investigational allowances.-			
521				
			Investigational Allowances	
522	Nitrogen Breakdown		Percent	
523				
524	Nitrate nitrogen		0.40	
	Ammoniacal nitrogen		0.40	

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525	Water soluble nitrogen			
	or urea nitrogen		0.40	
526	Water insoluble nitrogen		0.30	
527				
528				
529	In no case may the investigational allowance exceed 50 percent			
530	of the amount guaranteed.			
531	<u>(d)</u> (e) Secondary and micro plant nutrients, total or			
532	soluble.-			
533				
	Element		Investigational Allowances	Percent
534				
535				
536	Calcium		0.2 unit+5 percent of guarantee	
537	Magnesium		0.2 unit+5 percent of guarantee	
538	Sulfur (free and combined)		0.2 unit+5 percent of guarantee	
539	Boron		0.003 unit+15 percent of guarantee	
540	Cobalt		0.0001 unit+30 percent of guarantee	
541	Chlorine		0.005 unit+10 percent of guarantee	
	Copper		0.005 unit+10 percent of guarantee	

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545
546

Iron	0.005 unit+10 percent of guarantee
Manganese	0.005 unit+10 percent of guarantee
Molybdenum	0.0001 unit+30 percent of guarantee
Sodium	0.005 unit+10 percent of guarantee
Zinc	0.005 unit+10 percent of guarantee

547
548
549 The maximum allowance for secondary and minor elements when
550 calculated in accordance with this section is 1 unit (1
551 percent). In no case, however, may the investigational allowance
552 exceed 50 percent of the amount guaranteed.

553 ~~(e)~~ (f) *Liming materials and gypsum.*-

554

Investigational Allowances	
Range Percent	Percent
555	
556 0-10	0.30
557 Over 10-25	0.40
558 Over 25	0.50
559	

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560 ~~(f)~~ (e) *Pesticides in fertilizer mixtures.*-An
561 investigational allowance of 25 percent of the guarantee shall
562 be allowed on all pesticides when added to custom blend
563 fertilizers.

564 Section 12. Subsection (2) of section 576.181, Florida
565 Statutes, is amended to read:

566 576.181 Administration; rules; procedure.-

567 (2) The department may adopt rules ~~is authorized, by rule,~~
568 to implement, make specific, and interpret the provisions of
569 this chapter, and specifically to determine the composition and
570 uses of fertilizer as defined in this chapter, including, but
571 not limited to ~~without limiting the foregoing general terms,~~ the
572 taking and handling of samples, the establishment of
573 investigational allowances, deficiencies, matching criteria for
574 referee analysis, and penalties where not specifically provided
575 for in this chapter; to prohibit the sale or use in fertilizer
576 of any material proven to be detrimental to agriculture, public
577 health, or the environment, or of questionable value; to provide
578 for the incorporation into fertilizer of such other substances
579 as pesticides and proper labeling of such mixture; and to
580 prescribe the information which shall appear on the label other
581 than specifically set forth in this chapter.

582 Section 13. Section 585.61, Florida Statutes, is amended to
583 read:

584 585.61 Animal disease diagnostic laboratory ~~laboratories.~~-

585 (1) There is ~~hereby created and~~ established an animal
586 disease diagnostic laboratory in Osceola County ~~and Suwannee~~
587 ~~County. The laboratory complex in Osceola County is~~ designated
588 as the "Bronson Animal Disease Diagnostic Laboratory."

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589 (2) The construction and operation of ~~all~~ the laboratory
 590 ~~laboratories~~ established by this section shall be under the
 591 supervision and control of the department. It shall be the duty
 592 of the department to operate the laboratory ~~these laboratories~~
 593 in an efficient manner so that any person who maintains animals
 594 in this state may obtain prompt reliable diagnosis of animal
 595 diseases, including any disease which may affect poultry eggs,
 596 in this state, and recommendations for the control and
 597 eradication of such diseases, to the end that diseases of
 598 animals may be reduced and controlled, and eradicated when
 599 possible.

600 (3) Any person who maintains animals in the state may use
 601 the services of the laboratory ~~laboratories~~ under the terms of
 602 this section and the rules adopted for such use by the
 603 department. The department shall require any user of its
 604 services to pay a fee not to exceed \$300 for any one of the
 605 services requested. All laboratory fees collected shall be
 606 deposited in the Animal Industry Diagnostic Laboratory Account
 607 within the General Inspection Trust Fund. The fees collected
 608 shall be used to improve the diagnostic laboratory services as
 609 provided for by the Legislature in the General Appropriations
 610 Act.

611 Section 14. Paragraph (f) of subsection (3) of section
 612 586.10, Florida Statutes, is amended to read:

613 586.10 Powers and duties of department; preemption of local
 614 government ordinances.—

615 (3) The department may:

616 (f) Inspect or cause to be inspected all apiaries in the
 617 state at such intervals as it may deem best and keep a complete,

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618 accurate, and current list of all inspected apiaries to include
 619 the:

- 620 1. Name of the apiary.
- 621 2. Name of the owner of the apiary.
- 622 3. Mailing address of the apiary owner.
- 623 4. Location of the apiary.
- 624 5. Number of hives in the apiary.
- 625 6. Pest problems associated with the apiary.
- 626 7. Brands used by beekeepers where applicable.

627

628 Notwithstanding s. 112.313, an apiary inspector may be a
 629 certified beekeeper as long as the inspector does not inspect
 630 his or her own apiary.

631 Section 15. Section 589.02, Florida Statutes, is amended to
 632 read:

633 589.02 Headquarters and meetings of council.—The official
 634 headquarters of the council shall be in Tallahassee, but it may
 635 hold meetings at such other places in the state as it may
 636 determine by resolutions or as may be selected by a majority of
 637 the members of the council in any call for a meeting. ~~The annual~~
 638 ~~meeting of the council shall be held on the first Monday in~~
 639 ~~October of each year. Special meetings may be called at any time~~
 640 ~~by the chair or upon the written request of a majority of the~~
 641 ~~members.~~ The council shall annually elect from its members a
 642 chair, a vice chair, and a secretary. ~~The election shall be held~~
 643 ~~at the annual meeting of the council.~~ A majority of the members
 644 of the council shall constitute a quorum for such purposes.

645 Section 16. Subsection (4) of section 589.19, Florida
 646 Statutes, is amended to read:

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647 589.19 Creation of certain state forests; naming of certain
648 state forests; Operation Outdoor Freedom Program.-

649 (4) (a) To honor the nation's disabled veterans and injured
650 active duty servicemembers, the Florida Forest Service shall
651 coordinate efforts to develop an Operation Outdoor Freedom
652 Program to provide hunting and other activities for eligible
653 veterans and servicemembers in designated state forest areas and
654 on designated public and private lands. The Legislature finds it
655 to be in the public interest for the Florida Forest Service to
656 develop partnerships with the Fish and Wildlife Conservation
657 Commission and other public and private organizations in order
658 to provide the needed resources and funding to make the program
659 successful. The Florida Forest Service shall designate one or
660 more areas of state forests as an "Operation Outdoor Freedom
661 Special Hunt Area" to honor wounded veterans and servicemembers.
662 The purpose of such designated areas is to provide special
663 outdoor recreational opportunities for eligible veterans and
664 servicemembers.

665 (b) Participation in the Operation Outdoor Freedom Program
666 shall be limited to Florida residents, as defined in s.
667 379.101(30)(b), The Florida Forest Service shall limit guest
668 admittance to such designated areas to any person who:

669 1. Are honorably discharged military veterans certified by
670 the United States Department of Veterans Affairs or its
671 predecessor or by any branch of the United States Armed Forces
672 to be at least 30 percent permanently service-connected disabled
673 is an active duty member of any branch of the United States
674 Armed Forces and has a combat related injury as determined by
675 his or her branch of the United States Armed Forces; or

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676 2. Have been awarded the Military Order of the Purple
677 Heart; or Is a veteran who served during a period of wartime
678 service as defined in s. 1.01(14) or peacetime service as
679 defined in s. 296.02 and:

680 a. Has a service connected disability as determined by the
681 United States Department of Veterans Affairs; or
682 b. Was discharged or released from military service because
683 of a disability acquired or aggravated while serving on active
684 duty

685 3. Are active duty servicemembers with a service-connected
686 injury as determined by his or her branch of the United States
687 Armed Forces.

688 Proof of eligibility under this subsection, as prescribed by the
689 Florida Forest Service, may be required.

691 (c) Notwithstanding the eligibility requirements for
692 program participation in paragraph (b), guided or unguided
693 invitation-only activities may be conducted as part of the
694 Operation Outdoor Freedom Program for injured or disabled
695 veterans and injured or disabled active duty servicemembers of
696 any branch of the United States Armed Forces in designated state
697 forest areas and on designated public and private lands. The
698 Florida Forest Service may grant admittance to ~~such~~ designated
699 areas and lands to a person who is not an eligible veteran or
700 servicemember for the sole purpose ~~purpose~~ of accompanying an
701 eligible veteran or servicemember who requires the person's
702 assistance to use such ~~designated~~ areas and lands.

703 (d) The Florida Forest Service may cooperate with state and
704 federal agencies, local governments, private landowners, and

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705 other entities in connection with the Operation Outdoor Freedom
 706 Program. Donations to the Operation Outdoor Freedom Program
 707 ~~Funding required for specialized accommodations~~ shall be
 708 deposited into the account of ~~provided through~~ the Friends of
 709 Florida State Forests Program created under s. 589.012 and used
 710 for Operation Outdoor Freedom Program activities.

711 (e)1. A private landowner who provides land for designation
 712 and use as an Operation Outdoor Freedom Program hunting site
 713 shall have limited liability pursuant to s. 375.251.

714 2. A private landowner who consents to the designation and
 715 use of land as part of the Operation Outdoor Freedom Program
 716 without compensation shall be considered a volunteer, as defined
 717 in s. 110.501, and shall be covered by state liability
 718 protection pursuant to s. 768.28, including s. 768.28(9).

719 3. This subsection does not:

720 a. Relieve any person of liability that would otherwise
 721 exist for deliberate, willful, or malicious injury to persons or
 722 property.

723 b. Create or increase the liability of any person.

724 (f) The Legislature shall designate the second Saturday of
 725 each November as Operation Outdoor Freedom Day.

726 (g) ~~(e)~~ The Florida Forest Service may adopt rules to
 727 administer this subsection.

728 Section 17. Section 589.30, Florida Statutes, is amended to
 729 read:

730 589.30 Duty of district or center manager ~~forester~~.—It
 731 shall be the duty of the district or center manager ~~forester~~ to
 732 direct all work in accordance with the law and regulations of
 733 the Florida Forest Service; gather and disseminate information

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734 in the management of commercial timber, including establishment,
 735 protection and utilization; and assist in the development and
 736 use of forest lands for outdoor recreation, watershed
 737 protection, and wildlife habitat. The district or center manager
 738 ~~forester~~ or his or her representative shall provide
 739 encouragement and technical assistance to individuals and urban
 740 and county officials in the planning, establishment, and
 741 management of trees and plant associations to enhance the beauty
 742 of the urban and suburban environment and meet outdoor
 743 recreational needs.

744 Section 18. Subsections (1), (2), (3), (7), and (10) of
 745 section 590.02, Florida Statutes, are amended to read:

746 590.02 Florida Forest Service; powers, authority, and
 747 duties; liability; building structures; Florida Center for
 748 Wildfire and Forest Resources Management Training.—

749 (1) The Florida Forest Service has the following powers,
 750 authority, and duties:

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

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

756 (c) To provide firefighting crews, who shall be under the
 757 control and direction of the Florida Forest Service and its
 758 designated agents;

759 (d) To appoint center managers, forest area supervisors,
 760 forestry program administrators, a forest protection bureau
 761 chief, a forest protection assistant bureau chief, a field
 762 operations bureau chief, deputy chiefs of field operations,

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763 district managers, forest operations administrators, senior
764 forest rangers, investigators, forest rangers, firefighter
765 rotorcraft pilots, and other employees who may, at the Florida
766 Forest Service's discretion, be certified as forestry
767 firefighters pursuant to s. 633.35(4). Other provisions of law
768 notwithstanding, center managers, district managers, forest
769 protection assistant bureau chief, and deputy chiefs of field
770 operations shall have Selected Exempt Service status in the
771 state personnel designation;

772 (e) To develop a training curriculum for forestry
773 firefighters which must contain the basic volunteer structural
774 fire training course approved by the Florida State Fire College
775 of the Division of State Fire Marshal and a minimum of 250 hours
776 of wildfire training;

777 (f) To make rules to accomplish the purposes of this
778 chapter;

779 (g) To provide fire management services and emergency
780 response assistance and to set and charge reasonable fees for
781 performance of those services. Moneys collected from such fees
782 shall be deposited into the Incidental Trust Fund of the Florida
783 Forest Service; ~~and~~

784 (h) To require all state, regional, and local government
785 agencies operating aircraft in the vicinity of an ongoing
786 wildfire to operate in compliance with the applicable state
787 Wildfire Aviation Plan; and

788 (i) To authorize broadcast burning, prescribed burning,
789 pile burning, and land clearing debris burning to carry out the
790 duties of this chapter and the rules adopted thereunder.

791 (2) The Florida Forest Service's employees, and the

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792 firefighting crews under their control and direction, may enter
793 upon any lands for the purpose of preventing, detecting, and
794 suppressing wildfires and investigating smoke complaints or open
795 burning not in compliance with authorization and to enforce the
796 provisions of this chapter.

797 (3) Employees of the Florida Forest Service and of federal,
798 state, and local agencies, and all other persons and entities
799 that are under contract or agreement with the Florida Forest
800 Service to assist in firefighting operations as well as those
801 entities, called upon by the Florida Forest Service to assist in
802 firefighting may, in the performance of their duties, set
803 counterfires, remove fences and other obstacles, dig trenches,
804 cut firelines, use water from public and private sources, and
805 carry on all other customary activities in the fighting of
806 wildfires without incurring liability to any person or entity.
807 The manner in which the Florida Forest Service monitors a
808 smoldering wildfire, smoldering prescribed fire, or fights any
809 wildfire are planning level activities for which sovereign
810 immunity applies and is not waived.

811 (7) The Florida Forest Service may organize, staff, equip,
812 and operate the Florida ~~Center for Wildfire and Forest Resources~~
813 ~~Management~~ Training Center. The center shall serve as a site
814 where fire and forest resource managers can obtain current
815 knowledge, techniques, skills, and theory as they relate to
816 their respective disciplines.

817 (a) The center may establish cooperative efforts involving
818 federal, state, and local entities; hire appropriate personnel;
819 and engage others by contract or agreement with or without
820 compensation to assist in carrying out the training and

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821 operations of the center.

822 (b) The center shall provide wildfire suppression training
823 opportunities for rural fire departments, volunteer fire
824 departments, and other local fire response units.

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

830 (d) The center may assess appropriate fees for food,
831 lodging, travel, course materials, and supplies in order to meet
832 its operational costs and may grant free meals, room, and
833 scholarships to persons and other entities in exchange for
834 instructional assistance.

835 ~~(e) An advisory committee consisting of the following~~
836 ~~individuals or their designees must review program curriculum,~~
837 ~~course content, and scheduling: the director of the Florida~~
838 ~~Forest Service; the assistant director of the Florida Forest~~
839 ~~Service; the director of the School of Forest Resources and~~
840 ~~Conservation of the University of Florida; the director of the~~
841 ~~Division of Recreation and Parks of the Department of~~
842 ~~Environmental Protection; the director of the Division of the~~
843 ~~State Fire Marshal; the director of the Florida Chapter of The~~
844 ~~Nature Conservancy; the executive vice president of the Florida~~
845 ~~Forestry Association; the president of the Florida Farm Bureau~~
846 ~~Federation; the executive director of the Fish and Wildlife~~
847 ~~Conservation Commission; the executive director of a water~~
848 ~~management district as appointed by the Commissioner of~~
849 ~~Agriculture; the supervisor of the National Forests in Florida;~~

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850 ~~the president of the Florida Fire Chief's Association; and the~~
851 ~~executive director of the Tall Timbers Research Station.~~

852 (10) (a) Notwithstanding the provisions of s. 252.38, the
853 Florida Forest Service has exclusive authority to require and
854 issue authorizations for broadcast burning and agricultural and
855 silvicultural pile burning. An agency, commission, department,
856 county, municipality, or other political subdivision of the
857 state may not adopt or enforce laws, regulations, rules, or
858 policies pertaining to broadcast burning or agricultural and
859 silvicultural pile burning ~~unless an emergency order is declared~~
860 ~~in accordance with s. 252.38(3).~~

861 (b) The Florida Forest Service may delegate to a county, ~~or~~
862 municipality, or special district its authority; ~~r~~

863 1. As delegated by the Department of Environmental
864 Protection pursuant to ss. 403.061(28) and 403.081, to manage
865 and enforce regulations pertaining to require and issue
866 authorizations for the burning of yard trash and debris from
867 land clearing operations in accordance with s. 590.125(6).

868 2. To manage the open burning of land clearing debris in
869 accordance with s. 590.125.

870 Section 19. Subsection (1) of section 590.11, Florida
871 Statutes, is amended to read:

872 590.11 Recreational fires.—

873 (1) It is unlawful for any individual or group of
874 individuals to build a warming fire, bonfire, or campfire and
875 leave it unattended while visible flame, smoke, or emissions
876 exist unextinguished.

877 Section 20. Subsections (1) and (2), paragraphs (b) and (c)
878 of subsection (3), and paragraph (a) of subsection (4) of

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879 section 590.125, Florida Statutes, are amended to read:

880 590.125 Open burning authorized by the Florida Forest

881 Service.—

882 (1) DEFINITIONS.—As used in this section, the term:

883 (a) “Certified pile burner” means an individual who

884 successfully completes the pile burning certification program of

885 the Florida Forest Service and possesses a valid pile burner

886 certification number.

887 (b) “Certified pile burning” means a pile burn conducted in

888 accordance with a written pile burning plan by a certified pile

889 burner.

890 (c) ~~(b)~~ “Certified prescribed burn manager” means an

891 individual who successfully completes the certified prescribed

892 burning program of the Florida Forest Service and possesses a

893 valid certification number.

894 (d) “Certified prescribed burning” means prescribed burning

895 in accordance with a written prescription conducted by a

896 certified prescribed burn manager.

897 (e) “Contained” means that fire and smoldering exist

898 entirely within established or natural firebreaks.

899 (f) ~~(e)~~ “Completed” ~~“Extinguished”~~ means that for:

900 1. Broadcast burning, no continued lateral movement of fire

901 across the authorized area into entirely unburned fuels ~~Wildland~~

902 ~~burning or certified prescribed burning, no spreading flames~~

903 exist.

904 2. Certified pile ~~Vegetative land clearing debris~~ burning

905 or pile burning, no visible flames exist.

906 3. Certified pile ~~Vegetative land clearing debris~~ burning

907 or pile burning in an area designated as smoke sensitive by the

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908 Florida Forest Service, no visible flames, smoke, or emissions

909 exist.

910 (g) “Gross negligence” means conduct so reckless or wanting

911 in care that it constitutes a conscious disregard or

912 indifference to the life, safety, or rights of persons exposed

913 to such conduct.

914 ~~(d) “Land clearing operation” means the uprooting or~~

915 ~~clearing of vegetation in connection with the construction of~~

916 ~~buildings and rights of way, land development, and mineral~~

917 ~~operations. The term does not include the clearing of yard~~

918 ~~trash.~~

919 (h) ~~(e)~~ “Pile burning” means the burning of silvicultural,

920 agricultural, ~~or~~ land-clearing, ~~or~~ ~~and~~ tree-cutting debris

921 originating onsite, which is stacked together in a round or

922 linear fashion, including, but not limited to, a windrow. Pile

923 burning authorized by the Florida Forest Service is a temporary

924 procedure, which operates on the same site for 6 months or less.

925 (i) “Pile burn plan” means a written plan establishing the

926 method of conducting a certified pile burn.

927 (j) ~~(f)~~ “Prescribed burning” means the ~~controlled~~

928 application of fire by broadcast burning ~~in accordance with a~~

929 ~~written prescription~~ for vegetative fuels under specified

930 environmental conditions, while following appropriate

931 precautionary measures that ensure that the fire is contained

932 ~~within confined to~~ a predetermined area to accomplish the

933 planned fire or land management objectives.

934 (k) ~~(g)~~ “Prescription” means a written plan establishing the

935 conditions and method for conducting ~~criteria necessary for~~

936 ~~starting, controlling, and extinguishing~~ a certified prescribed

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937 burn.

938 (1) "Smoldering" means the continued consumption of fuels,
 939 which may emit flames and smoke, after a fire is contained.

940 (m) (b) "Yard trash" means vegetative matter resulting from
 941 landscaping and yard maintenance operations and other such
 942 routine property cleanup activities. The term includes materials
 943 such as leaves, shrub trimmings, grass clippings, brush, and
 944 palm fronds.

945 (2) NONCERTIFIED BURNING.—

946 (a) Persons may be authorized to broadcast burn or pile
 947 ~~burn wild land or vegetative land clearing debris~~ in accordance
 948 with this subsection if:

949 1. There is specific consent of the landowner or his or her
 950 designee;

951 2. Authorization has been obtained from the Florida Forest
 952 Service or its designated agent before starting the burn;

953 3. There are adequate firebreaks at the burn site and
 954 sufficient personnel and firefighting equipment for the
 955 containment control of the fire;

956 4. The fire remains within the boundary of the authorized
 957 area;

958 5. The person named responsible in the burn authorization
 959 ~~or a designee An authorized person~~ is present at the burn site
 960 until the fire is completed extinguished;

961 6. The Florida Forest Service does not cancel the
 962 authorization; and

963 7. The Florida Forest Service determines that air quality
 964 and fire danger are favorable for safe burning.

965 (b) A person who broadcast burns or pile burns ~~wild land or~~

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966 ~~vegetative land clearing debris~~ in a manner that violates any
 967 requirement of this subsection commits a misdemeanor of the
 968 second degree, punishable as provided in s. 775.082 or s.
 969 775.083.

970 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 971 PURPOSE.—

972 (b) Certified prescribed burning pertains only to broadcast
 973 burning for purposes of silviculture, wildland fire hazard
 974 reduction, wildlife management, ecological maintenance and
 975 restoration, and agriculture range and pasture management. It
 976 must be conducted in accordance with this subsection and:

977 1. May be accomplished only when a certified prescribed
 978 burn manager is present on site with a copy of the prescription
 979 and directly supervises the certified prescribed burn until the
 980 burn is completed, after which the certified prescribed burn
 981 manager is not required to be present from ignition of the burn
 982 to its completion.

983 2. Requires that a written prescription be prepared before
 984 receiving authorization to burn from the Florida Forest Service.

985 a. A new prescription or authorization is not required for
 986 smoldering that occurs within the authorized burn area when no
 987 new ignitions are conducted by the certified prescribed burn
 988 manager.

989 b. Monitoring the smoldering activity of a certified
 990 prescribed burn does not require a prescription or an additional
 991 authorization even if flames begin to spread within the
 992 authorized burn area due to ongoing smoldering.

993 3. Requires that the specific consent of the landowner or
 994 his or her designee be obtained before requesting an

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995 authorization.

996 4. Requires that an authorization to burn be obtained from

997 the Florida Forest Service before igniting the burn.

998 5. Requires that there be adequate firebreaks at the burn

999 site and sufficient personnel and firefighting equipment to

1000 contain for the control of the fire within the authorized burn

1001 area.

1002 a. Fire spreading outside the authorized burn area on the

1003 day of the certified prescribed burn ignition does not

1004 constitute conclusive proof of inadequate firebreaks,

1005 insufficient personnel, or a lack of firefighting equipment.

1006 b. During the authorization period, if the certified

1007 prescribed burn is contained within the authorized burn area, a

1008 strong rebuttable presumption shall exist that adequate

1009 firebreaks, sufficient personnel, and sufficient firefighting

1010 equipment were present.

1011 c. Continued smoldering of a certified prescribed burn

1012 resulting in a subsequent wildfire does not by itself constitute

1013 evidence of gross negligence under this section.

1014 6. Is considered to be in the public interest and does not

1015 constitute a public or private nuisance when conducted under

1016 applicable state air pollution statutes and rules.

1017 7. Is considered to be a property right of the property

1018 owner if vegetative fuels are burned as required in this

1019 subsection.

1020 (c) ~~Neither~~ A property owner, ~~nor~~ his or her agent,

1021 contractor, or legally authorized designee is not liable

1022 pursuant to s. 590.13 for damage or injury caused by the fire,

1023 including the reignition of a smoldering, previously contained

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1024 burn, or resulting smoke or considered to be in violation of

1025 subsection (2) for burns conducted in accordance with this

1026 subsection, unless gross negligence is proven. The Florida

1027 Forest Service is not liable for burns for which it issues

1028 authorizations.

1029 (4) CERTIFIED PILE BURNING.—

1030 (a) Certified pile burning pertains to the disposal of

1031 piled, naturally occurring debris from an agricultural,

1032 silvicultural, ~~or temporary~~ land-clearing, or tree cutting

1033 debris originating on site operation. A land-clearing operation

1034 is temporary if it operates for 6 months or less. Certified pile

1035 burning must be conducted in accordance with the following:

1036 1. A certified pile burner must ensure, before ignition,

1037 that the piles are properly placed and that the content of the

1038 piles is conducive to efficient burning.

1039 2. A certified pile burner must ensure that the authorized

1040 burn is completed ~~piles are properly extinguished~~ no later than

1041 1 hour after sunset. If the burn is conducted in an area

1042 designated by the Florida Forest Service as smoke sensitive, a

1043 certified pile burner must ensure that the authorized burn is

1044 completed ~~piles are properly extinguished~~ at least 1 hour before

1045 sunset.

1046 3. A written pile burning plan must be prepared before

1047 receiving authorization from the Florida Forest Service to burn

1048 and must be on site and available for inspection by a department

1049 representative.

1050 4. The specific consent of the landowner or his or her

1051 agent must be obtained before requesting authorization to burn.

1052 5. An authorization to burn must be obtained from the

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1053 Florida Forest Service or its designated agent before igniting
1054 the burn.

1055 6. There must be adequate firebreaks and sufficient
1056 personnel and firefighting equipment at the burn site to contain
1057 the burn to the piles authorized ~~control the fire.~~

1058 Section 21. Section 590.25, Florida Statutes, is amended to
1059 read:

1060 590.25 Penalty for ~~preventing or~~ obstructing the
1061 prevention, detection, or suppression ~~extinguishment~~ of
1062 wildfires.—Whoever interferes ~~shall interfere~~ with, obstructs
1063 ~~obstruct~~ or commits ~~commit~~ any act aimed to obstruct the
1064 prevention, detection, or suppression ~~extinguishment~~ of
1065 wildfires by the employees of the Florida Forest Service or any
1066 other person engaged in the prevention, detection, or
1067 suppression ~~extinguishment~~ of a wildfire, or who damages or
1068 destroys any equipment being used for such purpose, commits
1069 ~~shall be guilty of~~ a felony of the third degree, punishable as
1070 provided in s. 775.082, s. 775.083, or s. 775.084.

1071 Section 22. Chapter 595, Florida Statutes, is created,
1072 shall consist of sections 595.401-595.701, Florida Statutes, and
1073 shall be entitled "School Food and Nutrition Services."

1074 Section 23. Section 595.401, Florida Statutes, is created
1075 to read:

1076 595.401 Short title.—This chapter may be cited as the
1077 "Florida School Food and Nutrition Act."

1078 Section 24. Section 595.402, Florida Statutes, is created
1079 to read:

1080 595.402 Definitions.—As used in this chapter, the term:

1081 (1) "Commissioner" means the Commissioner of Agriculture.

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1082 (2) "Department" means the Department of Agriculture and
1083 Consumer Services.

1084 (3) "Program" means any one or more of the school food and
1085 nutrition service programs that the department has
1086 responsibility over including, but not limited to, the National
1087 School Lunch Program, the Special Milk Program, the School
1088 Breakfast Program, the Summer Food Service Program, the Fresh
1089 Fruit and Vegetable Program, and any other program that relates
1090 to school nutrition.

1091 (4) "School district" means any of the 67 county school
1092 districts, including the respective district school board.

1093 (5) "Sponsor" means any entity that is conducting a program
1094 under a current agreement with the department.

1095 Section 25. Section 595.403, Florida Statutes, is created
1096 to read:

1097 595.403 State policy.—The Legislature, in recognition of
1098 the demonstrated relationship between good nutrition and the
1099 capacity of students to develop and learn, declares that it is
1100 the policy of the state to provide standards for school food and
1101 nutrition services and to require each school district to
1102 establish and maintain an appropriate school food and nutrition
1103 service program consistent with the nutritional needs of
1104 students. To implement that policy, the state shall provide
1105 funds to meet the state National School Lunch Act matching
1106 requirements. The funds provided shall be distributed in such a
1107 manner as to comply with the requirements of the National School
1108 Lunch Act.

1109 Section 26. Section 570.98, Florida Statutes, is
1110 transferred, renumbered as section 595.404, Florida Statutes,

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1111 and amended to read:

1112 595.404 570.98 School food and nutrition service program;

1113 powers and duties of the department programs.-

1114 ~~(1)~~ The department has the following powers and duties:

1115 ~~shall~~

1116 (1) To conduct, supervise, and administer the program all

1117 ~~school food and nutrition programs~~ that will be carried out

1118 using federal or state funds, or funds from any other source.

1119 (2) To fully ~~The department shall~~ cooperate ~~fully~~ with the

1120 United States Government and its agencies and instrumentalities

1121 so that the department may receive the benefit of all federal

1122 financial allotments and assistance possible to carry out the

1123 purposes of this chapter.

1124 (3) To implement and adopt by rule, as required, federal

1125 regulations to maximize federal assistance for the program. The

1126 ~~department may~~

1127 (4) To act as agent of, or contract with, the Federal

1128 Government, another state agency, or any county or municipal

1129 government, or sponsor for the administration of the program

1130 ~~school food and nutrition programs~~, including the distribution

1131 of funds provided by the Federal Government to support the

1132 program school food and nutrition programs.

1133 (5) To make a reasonable effort to ensure that any school

1134 designated as a "severe need school" receives the highest rate

1135 of reimbursement to which it is entitled under 42 U.S.C. s. 1773

1136 for each breakfast meal served.

1137 (6) To develop and propose legislation necessary to

1138 implement the program, encourage the development of innovative

1139 school food and nutrition services, and expand participation in

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1140 the program.

1141 (7) To annually allocate among the sponsors, as applicable,

1142 funds provided from the school breakfast supplement in the

1143 General Appropriations Act based on each district's total number

1144 of free and reduced-price breakfast meals served.

1145 (8) To employ such persons as are necessary to perform its

1146 duties under this chapter.

1147 (9) To adopt rules covering the administration, operation,

1148 and enforcement of the program as well as to implement the

1149 provisions of this chapter.

1150 (10) To adopt and implement an appeal process by rule, as

1151 required by federal regulations, for applicants and participants

1152 under the program, notwithstanding s. 120.569 and ss. 120.57-

1153 120.595.

1154 (11) To assist, train, and review each sponsor in its

1155 implementation of the program.

1156 (12) To advance funds from the program's annual

1157 appropriation to sponsors, when requested, in order to implement

1158 the provisions of this chapter and in accordance with federal

1159 regulations.

1160 Section 27. Subsections (1) through (5) of section 570.981,

1161 Florida Statutes, are transferred, renumbered as section

1162 595.405, Florida Statutes, and amended to read:

1163 595.405 570.981 Program requirements for school districts

1164 and sponsors food service programs.-

1165 ~~(1) In recognition of the demonstrated relationship between~~

1166 ~~good nutrition and the capacity of students to develop and~~

1167 ~~learn, it is the policy of the state to provide standards for~~

1168 ~~school food service and to require district school boards to~~

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1169 ~~establish and maintain an appropriate private school food~~
 1170 ~~service program consistent with the nutritional needs of~~
 1171 ~~students.~~

1172 ~~(2) The department shall adopt rules covering the~~
 1173 ~~administration and operation of the school food service~~
 1174 ~~programs.~~

1175 (1)(3) Each school district ~~school board~~ shall consider the
 1176 recommendations of the district school superintendent and adopt
 1177 policies to provide for an appropriate food and nutrition
 1178 service program for students consistent with federal law and
 1179 department rules ~~rule~~.

1180 ~~(4) The state shall provide the state National School Lunch~~
 1181 ~~Act matching requirements. The funds provided shall be~~
 1182 ~~distributed in such a manner as to comply with the requirements~~
 1183 ~~of the National School Lunch Act.~~

1184 (2)(5)(a) Each school district ~~school board~~ shall implement
 1185 school breakfast programs that make breakfast meals available to
 1186 all students in each elementary school. Universal school
 1187 breakfast programs shall be offered in schools in which 80
 1188 percent or more of the students are eligible for free or
 1189 reduced-price meals. Each school shall, to the maximum extent
 1190 practicable, make breakfast meals available to students at an
 1191 alternative site location, which may include, but need not be
 1192 limited to, alternative breakfast options as described in
 1193 publications of the Food and Nutrition Service of the United
 1194 States Department of Agriculture for the federal School
 1195 Breakfast Program.

1196 (3)(b) Each school district must annually set prices for
 1197 breakfast meals at rates that, combined with federal

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1198 reimbursements and state allocations, are sufficient to defray
 1199 costs of school breakfast programs without requiring allocations
 1200 from the district's operating funds, except if the district
 1201 school board approves lower rates.

1202 (4)(e) Each school district ~~school board~~ is encouraged to
 1203 provide universal-free school breakfast meals to all students in
 1204 each elementary, middle, and high school. Each school district
 1205 ~~school board~~ shall approve or disapprove a policy, after
 1206 receiving public testimony concerning the proposed policy at two
 1207 or more regular meetings, which makes universal-free school
 1208 breakfast meals available to all students in each elementary,
 1209 middle, and high school in which 80 percent or more of the
 1210 students are eligible for free or reduced-price meals.

1211 (5)(d) Each elementary, middle, and high school shall make
 1212 a breakfast meal available if a student arrives at school on the
 1213 ~~school~~ bus less than 15 minutes before the first bell rings and
 1214 shall allow the student at least 15 minutes to eat the
 1215 breakfast.

1216 (6)(e) Each school district shall annually provide to all
 1217 students in each elementary, middle, and high school information
 1218 prepared by the district's food service administration regarding
 1219 its school breakfast programs. The information shall be
 1220 communicated through school announcements and written notices
 1221 ~~notice~~ sent to all parents.

1222 (7)(f) A school district ~~school board~~ may operate a
 1223 breakfast program providing for food preparation at the school
 1224 site or in central locations with distribution to designated
 1225 satellite schools or any combination thereof.

1226 (8) Each sponsor shall complete all corrective action plans

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1227 required by the department or a federal agency to be in
1228 compliance with the program.

1229 ~~(g) The commissioner shall make every reasonable effort to~~
1230 ~~ensure that any school designated as a "severe need school"~~
1231 ~~receives the highest rate of reimbursement to which it is~~
1232 ~~entitled under 42 U.S.C. § 1773 for each breakfast meal served.~~

1233 ~~(h) The department shall annually allocate among the school~~
1234 ~~districts funds provided from the school breakfast supplement in~~
1235 ~~the General Appropriations Act based on each district's total~~
1236 ~~number of free and reduced price breakfast meals served.~~

1237 Section 28. Subsection (6) of section 570.981, Florida
1238 Statutes, is transferred, renumbered as section 595.406, Florida
1239 Statutes, and amended to read:

1240 595.406 570.981 Florida Farm Fresh Schools Program ~~School~~
1241 food service programs.-

1242 ~~(c) The Legislature, recognizing that school children need~~
1243 ~~nutritious food not only for healthy physical and intellectual~~
1244 ~~development but also to combat diseases related to poor~~
1245 ~~nutrition and obesity, establishes the Florida Farm Fresh~~
1246 ~~Schools Program within the department. The program shall comply~~
1247 ~~with the regulations of the National School Lunch Program and~~
1248 ~~require.~~

1249 ~~(1)(a)~~ (1)(a) In order to implement the Florida Farm Fresh Schools
1250 Program, the department shall ~~to~~ develop policies pertaining to
1251 school food services which encourage:

1252 (a)1- Sponsors ~~School districts~~ to buy fresh and high-
1253 quality foods grown in this state when feasible.

1254 (b)2- Farmers in this state to sell their products to
1255 sponsors, school districts, and schools.

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1256 ~~(c)2- Sponsors ~~School districts and schools~~~~ to demonstrate
1257 a preference for competitively priced organic food products.

1258 ~~(d)(b) Sponsors ~~School districts and schools~~~~ to make
1259 reasonable efforts to select foods based on a preference for
1260 those that have maximum nutritional content.

1261 ~~(2)(c)~~ The department shall ~~to~~ provide outreach, guidance,
1262 and training to sponsors ~~school districts~~, schools, school food
1263 service directors, parent and teacher organizations, and
1264 students about the benefit ~~benefits~~ of fresh food products from
1265 farms in this state.

1266 Section 29. Section 570.982, Florida Statutes, is
1267 transferred, renumbered as section 595.407, Florida Statutes,
1268 and amended to read:

1269 595.407 570.982 Children's summer nutrition program.-

1270 (1) This section may be cited as the "Ms. Willie Ann Glenn
1271 Act."

1272 (2) Each school district ~~school board~~ shall develop a plan
1273 to sponsor a summer nutrition program to operate sites in the
1274 school district as follows:

1275 (a) Within 5 miles of at least one elementary school at
1276 which 50 percent or more of the students are eligible for free
1277 or reduced-price school meals and for the duration of 35
1278 consecutive days, ~~and~~

1279 ~~(b) Except as operated pursuant to paragraph (a),~~ Within 10
1280 miles of each elementary school at which 50 percent or more of
1281 the students are eligible for free or reduced-price school
1282 meals, except as operated pursuant to paragraph (a).

1283 (3) (a) A school district ~~school board~~ may be exempt from
1284 sponsoring a summer nutrition program pursuant to this section.

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1285 A school district ~~school board~~ seeking such exemption must
 1286 include the issue on an agenda at a regular or special school
 1287 district ~~school board~~ meeting that is publicly noticed, provide
 1288 residents an opportunity to participate in the discussion, and
 1289 vote on whether to be exempt from this section. The school
 1290 district ~~school board~~ shall notify the department commissioner
 1291 within 10 days after it decides to become exempt from this
 1292 section.

1293 (b) Each year, the school district ~~school board~~ shall
 1294 reconsider its decision to be exempt from the provisions of this
 1295 section and shall vote on whether to continue the exemption from
 1296 sponsoring a summer nutrition program. The school district
 1297 ~~school board~~ shall notify the department commissioner within 10
 1298 days after each subsequent year's decision to continue the
 1299 exemption.

1300 (c) If a school district ~~school board~~ elects to be exempt
 1301 from sponsoring a summer nutrition program under this section,
 1302 the school district ~~school board~~ may encourage not-for-profit
 1303 entities to sponsor the program. If a not-for-profit entity
 1304 chooses to sponsor the summer nutrition program but fails to
 1305 perform with regard to the program, ~~the district school board,~~
 1306 the school district, and the department are not required to
 1307 continue the program and shall be held harmless from any
 1308 liability arising from the discontinuation of the summer
 1309 nutrition program.

1310 (4) The superintendent of schools may collaborate with
 1311 municipal and county governmental agencies and private, not-for-
 1312 profit leaders in implementing the plan. Although schools have
 1313 proven to be the optimal site for a summer nutrition program,

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1314 any not-for-profit entity may serve as a site or sponsor. By
 1315 April 15 of each year, each school district with a summer
 1316 nutrition program shall report to the department the district's
 1317 summer nutrition program sites in compliance with this section.

1318 (5) The department shall provide to each school district
 1319 ~~school board~~ by February 15 of each year a list of local
 1320 organizations that have filed letters of intent to participate
 1321 in the summer nutrition program in order that a school district
 1322 ~~may school board is able to~~ determine how many sites are needed
 1323 to serve the children and where to place each site.

1324 Section 30. Section 595.408, Florida Statutes, is created
 1325 to read:

1326 595.408 Commodity distribution services; department
 1327 responsibilities and functions.-

1328 (1) (a) The department shall conduct, supervise, and
 1329 administer all commodity distribution services that will be
 1330 carried on using federal or state funds, or funds from any other
 1331 source, or commodities received and distributed from the United
 1332 States or any of its agencies.

1333 (b) The department shall determine the benefits each
 1334 applicant or recipient of assistance is entitled to receive
 1335 under this chapter, provided that each applicant or recipient is
 1336 a resident of this state and a citizen of the United States or
 1337 is an alien lawfully admitted for permanent residence or
 1338 otherwise permanently residing in the United State under color
 1339 of law.

1340 (2) The department shall cooperate fully with the United
 1341 States Government and its agencies and instrumentalities so that
 1342 the department may receive the benefit of all federal financial

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1343 allotments and assistance possible to carry out the purposes of
1344 this chapter.

1345 (3) The department may:

1346 (a) Accept any duties with respect to commodity
1347 distribution services as are delegated to it by an agency of the
1348 federal government or any state, county, or municipal
1349 government.

1350 (b) Act as agent of, or contract with, the federal
1351 government, state government, or any county or municipal
1352 government in the administration of commodity distribution
1353 services to secure the benefits of any public assistance that is
1354 available from the federal government or any of its agencies,
1355 and in the distribution of funds received from the federal
1356 government, state government, or any county or municipal
1357 government for commodity distribution services within the state.

1358 (c) Accept from any person or organization all offers of
1359 personal services, commodities, or other aid or assistance.

1360 (4) This chapter does not limit, abrogate, or abridge the
1361 power and duties of any other state agency.

1362 Section 31. Section 595.501, Florida Statutes, is created
1363 to read:

1364 595.501 Penalties.—Any person, sponsor, or school district
1365 that violates any provision of this chapter or any rule adopted
1366 thereunder or otherwise does not comply with the program is
1367 subject to a suspension or revocation of their agreement, loss
1368 of reimbursement, or a financial penalty in accordance with
1369 federal or state law or both. This section does not restrict the
1370 applicability of any other law.

1371 Section 32. Section 570.983, Florida Statutes, is

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1372 transferred, renumbered as section 595.601, Florida Statutes,
1373 and amended to read:

1374 595.601 ~~570.983~~ Food and Nutrition Services Trust Fund.—
1375 Chapter 99-37, Laws of Florida, recreated the Food and Nutrition
1376 Services Trust Fund to record revenue and disbursements of
1377 Federal Food and Nutrition funds received by the department as
1378 authorized in s. 595.405 ~~570.981~~.

1379 Section 33. Section 570.984, Florida Statutes, is
1380 transferred and renumbered as section 595.701, Florida Statutes,
1381 to read:

1382 595.701 ~~570.984~~ Healthy Schools for Healthy Lives Council.—

1383 (1) There is created within the Department of Agriculture
1384 and Consumer Services the Healthy Schools for Healthy Lives
1385 Council, which shall consist of 11 members appointed by the
1386 Commissioner of Agriculture. The council shall advise the
1387 department on matters relating to nutritional standards and the
1388 prevention of childhood obesity, nutrition education,
1389 anaphylaxis, and other needs to further the development of the
1390 various school nutrition programs.

1391 (2) The meetings, powers, duties, procedures, and
1392 recordkeeping of the Healthy Schools for Healthy Lives Council
1393 shall be governed by s. 570.0705, relating to advisory
1394 committees established within the department.

1395 Section 34. Subsection (16) of section 1001.42, Florida
1396 Statutes, is amended to read:

1397 1001.42 Powers and duties of district school board.—The
1398 district school board, acting as a board, shall exercise all
1399 powers and perform all duties listed below:

1400 (16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities and

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 1401 exercise such powers and perform such duties as may be assigned
 1402 to it by law or as may be required by rules of the Department of
 1403 Agriculture and Consumer Services State Board of Education or,
 1404 as in the opinion of the district school board, are necessary to
 1405 ensure school lunch services, consistent with needs of students;
 1406 effective and efficient operation of the program; and the proper
 1407 articulation of the school lunch program with other phases of
 1408 education in the district.

1409 Section 35. Sections 487.0615, 570.382, 570.97, and 590.50,
 1410 Florida Statutes, are repealed.

1411 Section 36. Subsection (5) of section 487.041, Florida
 1412 Statutes, is amended to read:

1413 487.041 Registration.—

1414 ~~(5) The department shall provide summary information to the~~
 1415 ~~Pesticide Review Council regarding applications for registration~~
 1416 ~~of those pesticides for which data received in the registration~~
 1417 ~~process indicate that the pesticide, when used according to~~
 1418 ~~label instructions and precautions, may have a significant~~
 1419 ~~potential for adverse effects on human health or the~~
 1420 ~~environment. The council shall be kept apprised of the status of~~
 1421 ~~these applications while under review and of the final action by~~
 1422 ~~the Commissioner of Agriculture regarding the registration of~~
 1423 ~~these pesticides.~~

1424 Section 37. Paragraph (b) of subsection (8) of section
 1425 550.2625, Florida Statutes, is amended to read:

1426 550.2625 Horseracing; minimum purse requirement, Florida
 1427 breeders' and owners' awards.—

1428 (8)

1429 ~~(b) The division shall deposit these collections to the~~

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 1430 ~~credit of the General Inspection Trust Fund in a special account~~
 1431 ~~to be known as the "Florida Arabian Horse Racing Promotion~~
 1432 ~~Account." The Department of Agriculture and Consumer Services~~
 1433 ~~shall administer the funds and adopt suitable and reasonable~~
 1434 ~~rules for the administration thereof. The moneys in the Florida~~
 1435 ~~Arabian Horse Racing Promotion Account shall be allocated solely~~
 1436 ~~for supplementing and augmenting purses and prizes and for the~~
 1437 ~~general promotion of owning and breeding of racing Arabian~~
 1438 ~~horses in this state; and the moneys may not be used to defray~~
 1439 ~~any expense of the Department of Agriculture and Consumer~~
 1440 ~~Services in the administration of this chapter, except that the~~
 1441 ~~moneys generated by Arabian horse registration fees received~~
 1442 ~~pursuant to s. 570.382 may be used as provided in paragraph~~
 1443 ~~(5)(b) of that section.~~

1444 Section 38. Paragraphs (b) and (c) of subsection (2) of
 1445 section 550.2633, Florida Statutes, are amended to read:
 1446 550.2633 Horseracing; distribution of abandoned interest in
 1447 or contributions to pari-mutuel pools.—

1448 (2) All moneys or other property which has escheated to and
 1449 become the property of the state as provided herein and which is
 1450 held by a permitholder authorized to conduct pari-mutuel pools
 1451 in this state shall be paid annually by the permitholder to the
 1452 recipient designated in this subsection within 60 days after the
 1453 close of the race meeting of the permitholder. Section 550.1645
 1454 notwithstanding, the moneys shall be paid by the permitholder as
 1455 follows:

1456 (b) ~~Except as provided in paragraph (c),~~ Funds from quarter
 1457 horse races shall be paid to the Florida Quarter Horse Breeders
 1458 and Owners Association and shall be allocated solely for

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1459 supplementing and augmenting purses and prizes and for the
1460 general promotion of owning and breeding of racing quarter
1461 horses in this state, as provided for in s. 550.2625.

1462 ~~(e) Funds for Arabian horse races conducted under a quarter~~
1463 ~~horse racing permit shall be deposited into the General~~
1464 ~~Inspection Trust Fund in a special account to be known as the~~
1465 ~~"Florida Arabian Horse Racing Promotion Account" and shall be~~
1466 ~~used for the payment of breeders' awards and stallion awards as~~
1467 ~~provided for in s. 570.382.~~

1468 Section 39. In order to effectuate the repeal of s. 570.97,
1469 Florida Statutes, and to honor the wishes of the donor, for the
1470 2013-2014 fiscal year, the sum of \$59,239 in nonrecurring funds
1471 is appropriated to the Department of Agriculture and Consumer
1472 Services in the expenses appropriation category for deposit in
1473 the General Inspection Trust Fund to be used by the Division of
1474 Animal Industry for disbursement to Florida Animal Friend, Inc.

1475 Section 40. 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.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 1700

INTRODUCER: Senator Latvala

SUBJECT: Agricultural Lands

DATE: March 18, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Halley	AG	Favorable
2.	_____	_____	CM	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1700 repeals a statute requiring the Department of Economic Opportunity (DEO) to map and monitor the state’s agricultural land base as neither DEO, nor the predecessor agency responsible for this function, ever implemented the program and it is not considered necessary due to other mapping programs.

This bill repeals section 604.006 of the Florida Statutes.

II. Present Situation:

The Legislature first passed a law in 1984 requiring that the state’s agricultural land base be mapped and monitored to determine whether there was a net decline in the amount of available agricultural land.¹ That duty was initially assigned to the Department of Community Affairs and transferred to the Department of Economic Opportunity (DEO) as part of a governmental reorganization in 2011.² DEO has not performed that function and reports that it was never implemented even by the prior responsible agency. There appears to be no need for this mapping program as the Department of Agriculture and Consumer Services indicates that the following mapping programs provide updated information about the state’s land base:

- Florida Forever program project mapping
- Florida Forest Service additions and inholdings mapping
- Mapping for leases, easements, and other land uses on state owned land

¹ Chapter 84-225, L.O.F.

² Chapter 2011-142, L.O.F.

- Mapping for state management purposes to include roads, trails, improvement, plantings, etc.
- Mapping for Rural and Family Land easements
- Mapping for Forest Legacy project proposals
- Mapping for Federal Real Property Profile project proposals
- Mapping for Board of Trustees agenda items and Acquisition Restoration Council items
- GPS drawings of state lands management boundaries, etc.
- Mapping Burn Bans
- Mapping Fire Danger Index
- Mapping Keetch-Byram Drought Index
- Mapping Fires

III. Effect of Proposed Changes:

Section 1 repeals a program for mapping and monitoring the agricultural lands in the state for the purpose of establishing whether a net decline in the amount of available agricultural land is occurring.

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:

None.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

THE FLORIDA SENATE APPEARANCE RECORD

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

11/18
Meeting Date

Topic _____

Bill Number 1700 ✓
(if applicable)

Name Jim Spratt

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 10011
Street
TALLAHASSEE, FL 32302
City State Zip

Phone 850-228-1296

E-mail Jim@magnoliastrategiesllc.com

Speaking: For Against Information

Representing Florida Nursery, Grower & Landscape 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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-18-13
Meeting Date

Topic Ag. Lands

Bill Number SB 1700
(if applicable)

Name Douglas MAHON

Amendment Barcode _____
(if applicable)

Job Title _____

Address 310 W. College Ave.
Street

Phone 850-222-7535

Tallahassee FL 32301
City State Zip

E-mail _____

Speaking: For Against Information

Representing ATF

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 Latvala

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A bill to be entitled

An act relating to agricultural lands; repealing s.
604.006, F.S., relating to the mapping and monitoring
of agricultural lands by the Department of Economic
Opportunity; providing an effective date.

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

Section 1. Section 604.006, Florida Statutes, is repealed.

Section 2. This act shall take effect July 1, 2013.

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 Committee on Agriculture

BILL: SM 1706

INTRODUCER: Senator Bullard

SUBJECT: Pink Slime in Meat Products

DATE: March 15, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Weidenbenner</u>	<u>Halley</u>	<u>AG</u>	<u>Pre-meeting</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SM 1706 urges the Congress of the United States, the United States Department of Agriculture, and the United States Food and Drug Administration to ban the use of low-grade beef trimmings, also known as “pink slime,” in meat products or require labels on meat products that clearly indicate that the product contains the ammonia-treated filler.

This bill creates a Senate Memorial.

II. Present Situation:

“Pink slime” is a term that became widely popular in a negative sense after it was used to describe lean finely textured beef (LFTB) in a national news broadcast on March 7, 2012.¹ LFTB is a beef product developed in 1991 by Beef Products, Inc. (BPI), a South Dakota company, to provide more domestic lean beef. The process involves heating beef trimmings discarded in the butchering process, sending them through a centrifuge to separate the fat from the meat, and adding the meat to conventionally ground beef. The origin of the term is believed to have come from a 2002 internal email by a United States Department of Agriculture (USDA) scientist used to describe LFTB after touring the BPI plant. BPI points out in litigation against the broadcast network and others that the American Heritage Dictionary describes slime as a “vile or disgusting matter.”²

¹ Avile, Jim. “Is Pink Slime in the Beef at Your Grocery Store?” <http://abcnews.go.com/blogs/headlines/2012/03/is-pink-slime-in-the-beef-at-your-grocery-store/>.

² <http://www.reuters.com/article/2013/03/04/us-usa-media-abc-bpi-idUSBRE92313R20130304>.

The BPI process uses ammonium hydroxide to kill pathogens, primarily E. coli and salmonella. Ammonium hydroxide has been widely used in food processing for many years. USDA approved BPI's use of ammonium hydroxide as an antimicrobial intervention and determined then that it was a processing aid and not an ingredient and therefore did not have to be included on the food label for the product.³ Shortly after the 2012 media barrage, two nutritionists at the Mayo Clinic wrote that the USDA considers the pink slime process safe enough to allow the resulting product to be added to ground beef without requiring disclosure on meat labels.⁴ A May 12, 2012, editorial in the New York Times relates that consumer experts say that LFTB is safe, nutritious and relatively inexpensive and when mixed into ground beef, it lowers the average fat content. The editorial concluded by saying that industry and government should take the pink slime incident as a warning that Americans need to know more about the food they eat and the efforts being taken to ensure that it is safe⁵ USDA issued a press release and affirmed that LFTB is a safe, nutritious product followed by a press conference on March 29, 2012, in which the Secretary of Agriculture affirmed the safety and benefits of LFTB but said the USDA had to listen to its customers.⁶

In April, 2012, USDA confirmed that some companies have asked to include LFTB labels on ground beef, and USDA has approved voluntary labeling.⁷ H.R. 4346 was introduced on March 30, 2012 (112th Congress), to amend the Federal Meat Inspection Act to require that labels on packages of meat include a statement on whether the meat contains LFTB.⁸ That bill was not enacted into law and it has not been re-filed in the 113th Congressional session at this time.

III. Effect of Proposed Changes:

Senate Memorial 1706 provides a series of Whereas clauses that

- describe “pink slime” and its manufacturing process,
- name manufacturing companies that will no longer use pink slime,
- name grocery stores and fast food outlets that will no longer handle products containing pink slime,
- refer to USDA’s new policy to allow schools participating in the United States National School Lunch Program to have an option not to purchase ground beef containing pink slime, and
- affirm that USDA does not require the labeling of beef products that contain pink slime.

The memorial urges the Congress of the United States, the United States Department of Agriculture, and the United States Food and Drug Administration to ban the use of low-grade

³ Greene, Joel. “Lean Finely Textured Beef: The “Pink Slime” Controversy. Congressional Research Service. <http://www.fas.org/sgp/crs/misc/R42473.pdf>.

⁴ <http://www.mayoclinic.com/health/meat-news/MY02058>. “Pink Slime and red meat – What’s the takeaway?” by Jennifer Nelson, M.S., R.D. and Katherine Zeretsky, R.D.

⁵ <http://www.nytimes.com/2012/05/13/opinion/sunday/what-if-it-werent-called-pink-slime.html>.

⁶ Greene, Joel. “Lean Finely Textured Beef.

⁷ Ibid.

⁸ <http://www.govtrack.us/congress/bills/112/hr4346>.

beef trimmings, also known as “pink slime,” in meat products or require labels on meat products that clearly indicate that the product contains the ammonia-treated filler.

Copies of the memorial will be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

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:

None.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Bullard

39-01103-13

20131706__

Senate Memorial

A memorial to the Congress of the United States, urging Congress and the United States Food and Drug Administration to ban the use of pink slime in meat products or require labels on meat products containing pink slime.

WHEREAS, the meat industry is adding low-grade beef trimmings, known in the industry as "lean, finely textured beef" and now widely known as "pink slime," to most ground beef as an inexpensive filler, and

WHEREAS, the low-grade beef trimmings come from the parts of the cow most likely to harbor pathogens, which are often close to the hide and highly exposed to fecal matter, and

WHEREAS, low-grade beef trimmings were once only used in dog food and cooking oil, and

WHEREAS, low-grade beef trimmings are made by gathering waste trimmings, such as fatty beef byproducts and connective tissue, simmering them at low heat so the fat separates easily from the muscles, and spinning the trimmings using a centrifuge to complete the separation, and

WHEREAS, the beef trimmings mixture is then sent through pipes where it is sprayed with ammonia gas to kill bacteria, and

WHEREAS, the process is completed by packaging the filler into bricks, freezing the filler, and shipping it to grocery stores and meat packers, where it is added to most ground beef, and

WHEREAS, several United States food manufacturers, including ConAgra Foods, Inc., Sara Lee Corporation, and Kraft

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

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Foods, Inc., publicly stated in 2012 that they do not use "pink slime" in their meat products, and

WHEREAS, Costco Wholesale Corporation, Publix, Whole Foods Market, and H-E-B also announced in 2012 that they do not sell meat products containing the low-grade-ammonia-treated filler, and

WHEREAS, Safeway, SUPERVALU, Kroger, and Food Lion announced that they will no longer carry meat products containing "pink slime" due to customer concerns, and

WHEREAS, McDonalds, Taco Bell, and Burger King announced that their meat products will no longer contain "pink slime," and

WHEREAS, the United States Department of Agriculture announced in March 2012 that, beginning in fall 2012, the United States National School Lunch Program will allow participating school districts to decide whether to purchase ground beef containing "pink slime," and

WHEREAS, the United States Department of Agriculture announced in April 2012 that it agreed to allow voluntary labeling of meat products containing low-grade beef trimmings, and

WHEREAS, the United States Department of Agriculture has never required, and currently does not require, the labeling of meat products containing low-grade beef trimmings or "pink slime," NOW, THEREFORE,

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

That the Congress of the United States, the United States

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

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20131706

59 Department of Agriculture, and the United States Food and Drug
60 Administration are urged to ban the use of low-grade beef
61 trimmings, also known as "pink slime," in meat products or
62 require labels on meat products that clearly indicate that the
63 product contains the ammonia-treated filler.

64 BE IT FURTHER RESOLVED that copies of this memorial be
65 dispatched to the President of the United States, to the
66 President of the United States Senate, to the Speaker of the
67 United States House of Representatives, and to each member of
68 the Florida delegation to the United States Congress.

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 Committee on Agriculture

BILL: SB 1708

INTRODUCER: Senator Bullard

SUBJECT: Labeling of Beef

DATE: March 15, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Halley	AG	Pre-meeting
2.	_____	_____	RI	_____
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1708 applies labeling requirements for beef not slaughtered according to state or federal standards to the sale of lean finely textured beef, also known as “pink slime.” It requires every restaurant operator, retail or wholesale market, or packinghouse who sells beef to use prescribed words to label such beef if it contains pink slime. It requires packing houses and wholesale and retail meat markets to use prescribed words to label beef if it has not been slaughtered according to state or federal standards or if it contains pink slime, as applicable. All advertising as to the sale of such beef must contain the prescribed words, subject to this requirement being satisfied by a conspicuous sign near the display of beef in retail markets if the stamping of individual cuts of beef is impractical. The bill requires restaurants or other eating places to include the prescribed words on menus and advertisements. It applies the second degree misdemeanor penalty for failure to label beef not slaughtered according to state or federal standards for failure to properly label pink slime.

This bill substantially amends section 877.06 of the Florida Statutes.

II. Present Situation:

“Pink slime” is a term that became widely popular in a negative sense after it was used to describe lean finely textured beef (LFTB) in a national news broadcast on March 7, 2012.¹ LFTB is a beef product developed in 1991 by Beef Products, Inc. (BPI), a South Dakota company, to provide more domestic lean beef. The process involves heating beef trimmings discarded in the

¹ Avile, Jim. “Is Pink Slime in the Beef at Your Grocery Store?” <http://abcnews.go.com/blogs/headlines/2012/03/is-pink-slime-in-the-beef-at-your-grocery-store/>.

butchering process, sending them through a centrifuge to separate the fat from the meat, and adding the meat to conventionally ground beef. The origin of the term is believed to have come from a 2002 internal email by a United States Department of Agriculture (USDA) scientist used to describe LFTB after touring the BPI plant. BPI points out in litigation against the broadcast network and others that the American Heritage Dictionary describes slime as a “vile or disgusting matter.”²

The BPI process uses ammonium hydroxide to kill pathogens, primarily E. coli and salmonella. Ammonium hydroxide has been widely used in food processing for many years. USDA approved BPI’s use of ammonium hydroxide as an antimicrobial intervention and determined then that it was a processing aid and not an ingredient and therefore did not have to be included on the food label for the product.³ Shortly after the 2012 media barrage, two nutritionists at the Mayo Clinic wrote that the USDA considers the pink slime process safe enough to allow the resulting product to be added to ground beef without requiring disclosure on meat labels.⁴ A May 12, 2012, editorial in the New York Times relates that consumer experts say that LFTB is safe, nutritious, and relatively inexpensive and when mixed into ground beef, it lowers the average fat content.⁵ USDA issued a press release and affirmed that LFTB is a safe, nutritious product followed by a press conference on March 29, 2012, in which the Secretary of Agriculture affirmed the safety and benefits of LFTB but said the USDA had to listen to its customers.⁶

As a result of the LFTB publicity and controversy in 2012, the USDA decided to give school districts the option to buy ground beef without LFTB. That was followed by a number of major grocery store chains announcing that they would stop using LFTB in ground beef sold in their stores. Even before the controversy, three of the largest fast food chains stopped using LFTB in their ground beef. In April, 2012, USDA confirmed that some companies have asked to include LFTB labels on ground beef, and USDA has approved voluntary labeling.⁷ Some members of Congress expressed concern about LFTB after the media focus and Representative Pingree of Maine, joined by 15 co-sponsors, introduced H.R. 4346 on March 30, 2012, to amend the Federal Meat Inspection Act to require that labels on packages of meat include a statement on whether the meat contains LFTB.⁸ That bill has not been made a law and has not been re-filed in the 113th Congressional session at this time. New York appears to be the only state other than Florida that has pending legislation on the LFBT issue and it has a pending bill that prohibits the sale of LBFT product to schools.⁹ The New York Times editorial referred to above concluded by saying that industry and government should take the pink slime incident as a warning that Americans need to know more about the food they eat and the efforts being taken to ensure that it is safe.¹⁰

² <http://www.reuters.com/article/2013/03/04/us-usa-media-abc-bpi-idUSBRE92313R20130304>.

³ Greene, Joel. “Lean Finely Textured Beef: The “Pink Slime” Controversy. Congressional Research Service. <http://www.fas.org/sgp/crs/misc/R42473.pdf>.

⁴ <http://www.mayoclinic.com/health/meat-news/MY02058>. “Pink Slime and red meat – What’s the takeaway?” by Jennifer Nelson, M.S., R.D. and Katherine Zeretsky, R.D.

⁵ <http://www.nytimes.com/2012/05/13/opinion/sunday/what-if-it-werent-called-pink-slime.html>.

⁶ Greene, Joel. “Lean Finely Textured Beef.

⁷ Ibid.

⁸ <http://www.govtrack.us/congress/bills/112/hr4346>.

⁹ Pink Slime; GMO Labeling information provided by the National Conference of State Legislatures. Copy on file with Agriculture Committee

¹⁰ <http://www.nytimes.com/2012/05/13/opinion/sunday/what-if-it-werent-called-pink-slime.html>.

III. Effect of Proposed Changes:

Section 1 amends s. 877.06, F.S., to add statutory provisions regarding the sale of beef not slaughtered and inspected according to federal or state standards to the sale of beef containing “pink slime.” It requires every person, firm, or corporation operating a restaurant, eating place, or retail or wholesale market, or packinghouse in this state which sells beef to mark, stamp, or describe the beef if it contains low-grade beef trimmings or lean, finely textured beef also known as “pink slime” in addition to the existing labeling requirements regarding the slaughter of beef. It requires packinghouses and wholesale and retail meat markets to plainly stamp on each carcass, carton, can, and container the words “slaughtered in” followed by the name of the state or country and the words “has not been slaughtered and inspected according to federal or state standards” or the words “product contains pink slime” as applicable. All advertising as to the sale of such beef must include the prescribed words about place of slaughter, lack of inspection, or presence of pink slime, as applicable, subject to this requirement being satisfied by a conspicuous sign with the prescribed words near the display of beef in retail markets if the stamping of individual cuts of beef is impractical. The bill directs the Department of Agriculture and Consumer Services (DACS) to enforce the labeling requirements.

The bill requires restaurants or other eating places that advertise meals or foods by menus or otherwise to plainly set out the prescribed words about the place of slaughter, lack of inspection, or presence of pink slime as applicable on such advertisements, menus, or otherwise. It directs the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to enforce this requirement.

The bill provides that a violation of its requirements can subject the violator with being charged with commission of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S., and it shall be deemed a separate violation each day the violation continues.

Section 2 provides that this act shall take effect July 1, 2013.

Other Potential Implications:

That part of the existing statute and the bill that directs DACS to enforce labeling provisions, s. 877.06(2)(b), F.S., appears to be inconsistent with DACS authority as its role in performing meat inspections reverted to USDA and the administrative codes which provided Florida standards for meat compliance were repealed in 2008.

Section 877.06(1) and (2), F.S., purports to regulate the sale of beef not slaughtered according to state or United States standards by restaurant operators or other eating places, packinghouses, and wholesale and retail meat markets. However, meat products that are not slaughtered, inspected, and labeled in accordance with the Federal Meat Inspection Act cannot be used in commerce.¹¹ Therefore, it is not clear if these sections of the statutes have substantive merit.

¹¹ http://www.fsis.usda.gov/regulations/federal_meat_inspection_act/index.asp

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:

Sellers of pink slime will incur some expense to implement a segregation and labeling system and that will likely increase the end cost of the food product to the consumer.

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.

By Senator Bullard

39-01099-13

20131708__

A bill to be entitled

An act relating to the labeling of beef; amending s. 877.06, F.S.; requiring persons or entities operating restaurants, eating places, markets, or packinghouses to mark beef containing "pink slime" with certain words; authorizing enforcement by the Department of Agriculture and Consumer Services and the Department of Business and Professional Regulation; making technical and grammatical changes; providing criminal penalties; providing an effective date.

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

Section 1. Section 877.06, Florida Statutes, is amended to read:

877.06 Labeling of beef not slaughtered according to state or United States standards; beef containing "pink slime"; enforcement; penalty.-

(1) Every person, firm, or corporation operating a restaurant, ~~or any other~~ eating place, or retail or wholesale market or packinghouse, in this state ~~which, and who~~ sells beef shall mark, stamp, or describe the beef if:

(a) The beef ~~that~~ has not been slaughtered and inspected according to standards established by ~~either~~ the Government of Florida or of the United States; or

(b) The beef contains low-grade beef trimmings or lean, finely textured beef also known as "pink slime." ~~shall mark, stamp, or describe the same by the following words, "slaughtered in" followed by the name of the state or country and the words~~

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~~"has not been slaughtered and inspected according to federal or state standards."~~

(2) (a) Packinghouses and wholesale and retail meat markets before sale of beef which is within the purview of subsection (1) shall plainly stamp on each carcass, ~~each~~ carton, ~~each~~ can, and ~~each~~ container the words "slaughtered in" followed by the name of the state or country and the words "has not been slaughtered and inspected according to federal or state standards," or the words "product contains pink slime," as applicable. All, the words prescribed in subsection (1) and all advertising as to the sale of such beef ~~must~~ shall include such words; ~~provided, however, that~~ a conspicuous sign ~~containing the words prescribed in subsection (1)~~ visibly displaying such words displayed near the display of the ~~such~~ beef in retail markets may be used if ~~when~~ the stamping of individual cuts of beef is impractical.

(b) ~~It shall be the duty of~~ The Department of Agriculture and Consumer Services through its agents or inspectors shall ~~to~~ enforce the provisions of this subsection.

(3) (a) Restaurants or other eating places advertising ~~their~~ meals or food, by menus or otherwise, shall set out plainly in such menus, advertisements or otherwise as to beef coming within the purview of subsection (1), ~~the law~~ the words "slaughtered in" followed by the name of the state or country and the words "has not been slaughtered and inspected according to federal or state standards," or the words "product contains pink slime," as applicable ~~prescribed in subsection (1).~~

(b) ~~It shall be the duty of~~ The Division of Hotels and Restaurants of the Department of Business and Professional

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59 Regulation through its agents or inspectors shall ~~to~~ enforce the
60 provisions of this subsection.

61 (4) ~~A~~ Any person who willfully and knowingly violates
62 ~~violating any provision of the provisions~~ of this section or ~~any~~
63 ~~person~~ who fails to comply with any requirement of this section
64 ~~commits the requirements hereof shall be guilty of~~ a misdemeanor
65 of the second degree, punishable as provided in s. 775.082 or s.
66 775.083, and each day during which such a violation continues
67 ~~shall continue~~, shall be deemed a separate violation and a
68 separate offense.

69 (5) This section does not ~~Nothing herein shall be construed~~
70 ~~to~~ prohibit the use of additional words in describing the grade,
71 quality, or kind of such beef.

72 Section 2. This act shall take effect July 1, 2013.

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 Committee on Agriculture

BILL: SB 1738
 INTRODUCER: Senator Margolis
 SUBJECT: Pet Services and Welfare Programs
 DATE: March 18, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhvein	Halley	AG	Favorable
2.	_____	_____	CA	_____
3.	_____	_____	AFT	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1738 authorizes counties to create, by ordinance, an independent special district to provide funding for pet services and welfare programs. The funds must be used for:

- spay and neuter programs;
- improvement of animal care in the county;
- veterinary medical care for animals with low-income owners;
- pet education;
- surrender prevention;
- adoption programs; and
- prevention of animal cruelty.

In order to levy ad valorem taxes to fund the independent special district, the county governing body must obtain approval from the majority of electors in the county voting on the question. The bill provides the membership of the “Pets’ Trust” council, powers and duties of the council, and reporting requirements.

This bill creates part VII of chapter 125, Florida Statutes, consisting of section 125.98 of the Florida Statutes.

II. Present Situation:

Special Districts

The Florida Constitution specifically provides for four types of local governments: counties, municipalities, school districts, and special districts. Special Districts are governed by the Uniform Special District Accountability Act of 1989 in Chapter 189, F.S.¹ Section 189.403(1), F.S., defines a “special district” as a confined local government unit established for a special purpose.² The public policy intent of special districts is to provide private and public sectors an alternative governing method to “manage, own, operate, construct, and finance basic capital infrastructure, facilities, and services.”³ A special district can be created by general law, special act, local ordinance, or by Governor or Cabinet rule.⁴ A special district does not include:

- a school district,
- a community college district,
- a special improvement district (Seminole and Miccosukee Tribes under s. 285.17, F.S.),
- a municipal service taxing or benefit unit (MSTU/MSBU), or
- a political subdivision board of a municipality providing electrical service.⁵

While special districts have similar governing powers and restrictions as counties and municipalities,⁶ they do not have “local home rule” power that has been granted to general-purpose governments. Special districts have only the explicit authority granted by statute.⁷ Like other forms of local government, special districts operate through a governing board and can “enter contracts, employ workers . . . issue debt, impose taxes, levy assessments and . . . charge fees for their services.”⁸ Special districts are held accountable to the public and are therefore subject to public sunshine laws and financial reporting requirements.⁹

Ad valorem Tax and Special Districts

Local governments may levy ad valorem taxes subject to the following limitations:

- ten mills for county purposes,
- ten mills for municipal purposes,
- ten mills for school purposes,
- a millage fixed by law for a county furnishing municipal services,

¹ Chapter 189, F.S.; *see* s. 189.401, F.S.

² Section 189.403(1), F.S.

³ Section 189.402(4), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ Mizany, Kimia and April Manatt, WHAT’S SO SPECIAL ABOUT SPECIAL DISTRICTS? CITIZENS GUIDE TO SPECIAL DISTRICTS IN CALIFORNIA, 3rd ed., 2 (Feb. 2002). Districts do not have “local home rule” power that has been granted to general-purpose governments; they have only the explicit authority granted by statute.

⁷ *See Roach v. Loxahatchee Groves Water Control District*, 417 So. 2d 814 (Fla. 4th DCA 1982).

⁸ *See supra* note 5. (alteration to original) (citation omitted).

⁹ Presentation by Jack Gaskins Jr., from the Division of Community Development in the Department of Economic Opportunity, SPECIAL DISTRICT BASICS PRESENTATION (October 4, 2011) (on file with the Senate Committee on Community Affairs). *See also* ss. 189.417 and 189.418, F.S.

- a millage authorized by law and approved by voters for special districts.¹⁰

County government millages are composed of four categories of millage rates:¹¹

- the nonvoted county millage rate set by the county's governing body,
- county debt service millage,
- county voted millage,
- county dependent special district millage as set by the county's governing body.

Municipal government millages are composed of four similar categories of millage rates which includes any municipal dependent special district millage as set by the municipality's governing body.¹²

Independent special district millages are the rates set by the district's governing body, and the following issues must be addressed:¹³

- Whether the millage authorized by a special act is approved by the electors pursuant to Section 9(b), Art. VII, State Constitution; authorized pursuant to Section 15, Art. XII, State Constitution; or otherwise authorized.
- Whether the tax is to be levied countywide, less than countywide, or on a multicounty basis.

Pet Services and Welfare Programs

Four million cats and dogs are euthanized in United States shelters each year. Often these animals are the offspring of family pets. Low cost spay/neuter programs are a proven way to reduce pet overpopulation and result in the most efficient and efficacious way of decreasing shelter intake.

One of the most powerful tools available for preventing cruelty to animals is education. It is important to plant the seeds of kindness in children early, and to nurture their development as the child grows. Free and low-cost humane education material is available on the web and also distributed by many animal welfare groups. Limited educational programs have been developed, promoted, and implemented for both children and adults through public, private, and charter schools, and partnerships with charitable organizations and adult community events. Funding is needed to expand these programs.

Many pet owners are elderly, disabled, or on a fixed income and the cost of care for their pets may be too expensive. When sick or injured animals are unable to receive veterinary care, they may be abandoned or taken to shelters by owners who are experiencing financial hardship and can no longer care for the animal. Some pet owners only need short term or crisis foster care in order to avoid having to surrender their pets. Programs that organize a network of volunteer foster parents can be established to foster pets for an agreed period of time with subsequent

¹⁰ See Section 9, Article VII, Florida Constitution, Chapters 192-197 and 200, Florida Statutes.

¹¹ Section 200.001(1), F.S.

¹² Section 200.001(2), F.S.

¹³ Section 200.001(4), F.S.

return of the pet to the owner. The foster parents would receive food, supplies and medical care for the animals. Programs in “high risk” and low income communities are needed to provide vaccinations for increased community immunity, affordable micro chipping, training assistance, free or low cost collars, and pet identification tags.

Pets’ Trust Miami, Inc.

In 2012, Pets’ Trust Miami, Inc. was formed to raise awareness about shelter animals and the unacceptable number of pets being euthanized. Its mission is to substantially reduce both the animal overpopulation and shelter deaths of companion animals in Miami-Dade County. The Pets’ Trust Miami members believed that their community wanted change and would be willing to pay for it with a small designated property tax. In order to implement such a tax, however, the Miami-Dade Board of County Commissioners would either have to include that in the County budget or voters would have to approve it in a general election. After a successful grassroots campaign to educate the public about the issues, the Board of County Commissioners uniformly expressed support for allowing the tax issue to be placed on the ballot. The following question was included on the November 6, 2012 presidential ballot:

NON-BINDING STRAW BALLOT ON FUNDING IMPROVED ANIMAL SERVICES PROGRAMS

Would you be in favor of the County Commission increasing the countywide general fund millage by 0.1079 mills and applying the additional ad valorem tax revenues generated thereby to fund improved animal services, including:

- *Decreasing the killing of adoptable dogs and cats (historically approximately 20,000 annually);*
- *Reducing stray cat populations (currently approximately 400,000); and*
- *Funding free and low-cost spay/neuter programs, low-cost veterinary care programs, and responsible pet ownership educational programs?*

The straw ballot question was approved by 64.47 percent of voters. In other words, 483,284 people voted in favor of imposing an additional property tax to fund the Pets’ Trust Miami goals. Since a straw ballot is not legally binding, in order for the tax to be imposed to start raising funds for the Pets’ Trust, the Board of County Commissioners must include the Pets’ Trust tax in the County budget in September 2013. The Pets’ Trust Board of Directors and an operational framework for the organization must also be established. If these steps are not taken by the Board of County Commissioners, there will be no dedicated tax revenues to fund the Pets’ Trust and the only moneys available to address the issues covered by the straw ballot will be those included in the County’s General Funds for the Miami-Dade County Animal Services Department.

III. Effect of Proposed Changes:

Section 1 creates part VII of chapter 125, F.S., consisting of s. 125.98, F.S. to authorize counties to create independent special districts. The purpose of the districts is to provide funding for pet services and welfare programs.

Section 125.98(1), F.S., provides the following:

- Each county is authorized to create an independent special district by ordinance to provide county-wide funding for pet services and welfare programs.
- The boundaries of the special district are coterminous with the boundaries of the county in which the district is created.
- The county governing body must by referendum obtain the approval of a majority of the electors voting on the issue to levy ad valorem taxes which may not exceed the maximum millage rate authorized by this section.
- The independent special district shall levy and fix millage as provided in s. 200.065, F.S.
- Once such millage is approved by the elector, the district shall seek approval of the elector in future years to levy the previously approved millage.
- The governing board of the district shall be a council on pet services and welfare known as the “Pets’ Trust” of the county in which the council is located.
- The council shall be established by the governing body of the county and shall consist of 14 members.
- Members shall be appointed for 2-year terms, with exception.
- Council members must be residents of the county in which the council is located.
- The council may remove a member for cause by majority vote or upon the written petition of the county governing body.

Section 125.98(2), F.S., provides each council with the following powers and duties:

- Allocate funds to not-for-profit or municipal organizations that will create the greatest impact on pet services and animal welfare programs.
- Develop an application process.
- Lease real estate and buy equipment and personal property as needed to execute duties.
- Collect information and statistical data that will be helpful in deciding the needs of pets in the county.
- Allocate an amount not to exceed 5 percent of the revenue generated to employ, compensate, and provide benefits for any part-time or full-time personnel.
- Use up to 80 percent of funds on spay and neuter programs that target low-income pet owners, pet owners in high shelter-intake areas, and pet owners of community cats and animals that are adopted out, transferred, or released in any way by the county animal shelter.
- Allocate funds for pet retention, surrender prevention, adoption, and animal welfare education programs for both children and adults.
- Allocate up to 5 percent of the revenue to assist rescue groups that specialize in the transport, impound, and care of victims of large animal cruelty and neglect.
- Ensure that all animals adopted from or sent to a rescue partner from an animal shelter are sterilized, if medically feasible.
- Ensure that funds are allocated only to those organizations providing services in the county served by the council.
- Allocate the appropriate budget line item for a professional annual audit.
- Allocate a portion, not to exceed 2 percent, for public relations.
- Elect a chair, vice chair, and other officers deemed necessary.

- Hire a staff to identify and assess the needs of the pets in the county served by the council.
- Staff must provide the governing body of the county with written descriptions of specified criteria regarding services for pets and funding sources.
- Provide training and orientation to all new members.
- Develop and adopt bylaws, rules, and regulations for the council.
- Provide an annual written report to the county governing body by January 1.
- Maintain minutes of each meeting, including a record of all votes cast, and make the minutes of the meetings available to any person who asks.
- Members of the council shall serve without compensation, but shall be entitled to per diem and travel expenses.

Section 125.98(3), F.S., provides that the fiscal year of the district shall be the same as that of the county. It also provides the following with respect to the council budget:

- On or before July 1 of each year, the council must prepare a tentative annual budget of the district's expected income and expenditures, including a contingency fund.
- The council must compute a proposed millage rate within the voter-approved cap necessary to fund the tentative budget.
- Prior to adopting a final budget, the council must comply with s. 200.065, F.S., relating to the method for fixing millage, and fix the final millage rate by resolution of the council.
- After the district budget is certified and delivered to the county governing body, the budget may not be changed or modified by the governing body or any other authority.
- As soon after collection as is reasonably practicable, all taxes collected must be paid directly to the council by the county's revenue-collection entity.
- All moneys received by the council shall be deposited into qualified public depositories, as defined in s. 280.02, F.S., with separate and distinguishable accounts established specifically for the council.
- Funds of the district may only be expended by check, except expenditures may be made from a petty cash account but may not at any time exceed \$100. All petty cash expenditures must be recorded. With the exception of petty cash expenditures, funds of the district may not be expended without prior approval of and budgeting by the council.
- The council must file quarterly financial reports within 10 days from the end of the quarter.

Section 125.98(4), F.S., provides the following:

- A special district may be dissolved by a special act of the Legislature, by ordinance adopted by the county governing body subject to the approval of the electorate, and by the dissolution provisions of s. 189.4042, F.S.
- Prior to dissolution, each county must obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of the special district within the total millage available to the county for all county and municipal purposes.

Section 125.98(5), F.S., provides that after or during the first year of operation of the council, the governing body of the county may fund in whole or in part the budget of the council from its own funds. However, if revenue generated by the county shelter is already allocated for shelter operations, that allocation must remain.

Section 125.98(6), F.S., provides that a special district must file all required financial or compliance reports under part III of chapter 218, F.S. The district must also comply with the provisions of s. 189.415, F.S., relating to public facilities reports; the provisions of s. 189.417, F.S., relating to meeting notices; and the provisions of s. 189.418, F.S., relating to reports, budgets, and audits.

Section 2 provides that this act shall take effect July 1, 2013.

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:

Property owners living within a county that establishes a special independent district will pay additional property taxes.

C. Government Sector Impact:

The Department of Revenue reviewed the bill and has determined that it has no fiscal impact to the state.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

THE FLORIDA SENATE APPEARANCE RECORD

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

Meeting Date _____

Topic ANIMAL CARE

Bill Number 1738
(if applicable)

Name RITA SCHWARTZ

Amendment Barcode _____
(if applicable)

Job Title VICE PRESIDENT PET TRUST

Address 7100 J.W. 132ND ST

Phone 305-491-5651

Street
M. AMI
City MI *State* FL *Zip* 33156

E-mail info@updatesgallerystore.com

Speaking: For Against Information

Representing PET TRUST

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

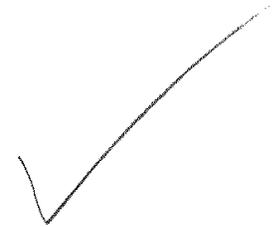
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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



3/18/13

Meeting Date

Topic SAVING OUR ANIMALS

Bill Number 1738
(if applicable)

Name MICHAEL ROSENBERG

Amendment Barcode _____
(if applicable)

Job Title PRESIDENT PETS TRUST

Address 13030 N. CALUSA CLUB DR

Phone 305 439 3571

Street

MIAMI FL 33186

City

State

Zip

E-mail MIKE@IMAGINEYOURPHOTOS.COM

Speaking: For Against Information

Representing PETS TRUST

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.

THE FLORIDA SENATE
APPEARANCE RECORD



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

3/18/13

Meeting Date

Topic _____

Bill Number SB 1738
(if applicable)

Name Row Book

Amendment Barcode _____
(if applicable)

Job Title _____

Address 204 West Feffers
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Pet's Trust

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 Margolis

35-00982-13

20131738__

A bill to be entitled

An act relating to pet services and welfare programs; creating part VII of ch. 125, F.S.; authorizing counties to create independent special districts to provide funding for pet services and welfare programs; creating a Pets' Trust council; providing for council membership, powers, and functions; providing an effective date.

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

Section 1. Part VII of chapter 125, Florida Statutes, consisting of section 125.98, is created to read:

PART VII

PET SERVICES AND WELFARE PROGRAMS

125.98 Pet services and welfare programs; independent special district; Pets' Trust council.—

(1) Each county may, by ordinance, create an independent special district, as defined in ss. 189.403(3) and 200.001(8) (e), to provide funding for pet services and welfare programs throughout the county pursuant to this section. The boundaries of the district shall be coterminous with the boundaries of the county. The county governing body shall obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes which may not exceed the maximum millage rate authorized by this section. Any district created pursuant to this subsection shall levy and fix millage pursuant to s. 200.065. Once such millage is approved by the elector, the district shall seek approval of the elector in

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future years to levy the previously approved millage.

(a) The governing board of the district shall be a council on pet services and welfare, which shall be known as the Pets' Trust of the county in which the council is located. The council shall be established by the governing body of the county and shall consist of 14 members, as follows:

1. Two representatives from a private not-for-profit animal shelter located in the county or the county animal shelter.

2. Three members of the county governing body appointed by the county commission.

3. Two veterinarians practicing in the county.

4. One representative from a not-for-profit animal welfare and education or rescue group with a presence in the county.

5. One expert in targeted spay and neuter programs.

6. One certified public accountant practicing in the county.

7. One attorney practicing in the county.

8. One representative from a not-for-profit animal rescue organization in good financial standing that actively rescues animals in the county.

9. Two at-large members elected by the electors of the county.

(b) Members shall be appointed for 2-year terms, except that the length of the terms of the initial members at-large shall be adjusted to stagger the terms. Council members must be residents of the county in which the council is located for a period of at least 24 months before appointment to the council. The council may remove a member for cause by majority vote or upon the written petition of the county governing body.

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59 (2) (a) The council shall have the following powers and
 60 duties to:

61 1. Allocate funds to not-for-profit or municipal
 62 organizations in good financial standing that will deliver the
 63 services listed in this paragraph in such a way as to create the
 64 greatest impact on the animal overpopulation crisis in the
 65 county; improve animal care in the county; provide veterinary
 66 medical care for animals with low-income owners; implement pet
 67 education, surrender prevention, and adoption programs; and
 68 address the prevention of animal cruelty. Each council shall
 69 develop an application process for the organizations eligible to
 70 provide services within the county.

71 2. Lease real estate and buy equipment and personal
 72 property as needed to execute the powers and duties under this
 73 paragraph, provided such leases and purchases are not made
 74 unless paid for with cash on hand or secured by funds deposited
 75 in financial institutions. This subparagraph does not authorize
 76 a district to issue bonds of any nature or to require the
 77 imposition of any bond by the county governing body.

78 3. Collect information and statistical data that will be
 79 helpful to the council and the county in deciding the needs of
 80 pets in the county.

81 4. Allocate an amount not to exceed 5 percent of the
 82 revenue generated to employ, compensate, and provide benefits
 83 for any part-time or full-time personnel needed to execute the
 84 powers and duties listed in this paragraph, including office
 85 space for such personnel and associated administrative costs.

86 5. Fund spay and neuter programs, including the provision
 87 of spay and neuter services by existing community and private

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88 providers and building additional spay and neuter facilities
 89 that are targeted specifically at low-income pet owners, as
 90 measured by the poverty index of the county in which the council
 91 is located, pet owners in high shelter-intake areas, and pet
 92 owners of community cats and animals that are adopted out,
 93 transferred, or released in any way by the county animal
 94 shelter. Up to 80 percent of the council's revenue must be used
 95 for the types of spay and neuter programs listed in this
 96 subparagraph in each of the first 3 years of the council's
 97 existence, or until shelter deaths reach half the volume of the
 98 current state average, whichever time period is longer.
 99 Additionally, the council shall allocate a portion of the
 100 remaining 10 percent of its revenue to pet retention, surrender
 101 prevention, adoption, and animal welfare education programs for
 102 both children and adults. The council shall decide how the
 103 revenue is allocated to most significantly impact the animal
 104 overpopulation problem in the community and to address the root
 105 causes of animal abuse and abandonment. If the current animal
 106 welfare and spay and neuter organizations in the county are
 107 unable to provide all services that may be funded during any one
 108 year, revenues may be rolled over and used by the council in the
 109 following year.

110 6. Allocate up to 5 percent of the revenue to assist rescue
 111 groups that specialize in the transport, impound, and care of
 112 victims of large animal cruelty and neglect each year.

113 7. Ensure that all animals adopted from or sent to a rescue
 114 partner from an animal shelter are sterilized, if medically
 115 feasible, pursuant to the time periods specified in applicable
 116 law.

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117 8. Ensure that funds are allocated only to those
 118 organizations providing services in the county served by the
 119 council.

120 9. Allocate the appropriate budget line item for a
 121 professional audit each year to ensure effectiveness and
 122 transparency and to gain the trust of the community.

123 10. Allocate a portion not to exceed 2 percent for public
 124 relations, including notifying the public of locations and
 125 services provided. Allocations in this subparagraph may not be
 126 used for political purposes, including, but not limited to, get-
 127 out-the-vote efforts.

128 (b) Each council shall:

129 1. Immediately after the members are appointed, elect a
 130 chair and a vice chair from among its members, and elect other
 131 officers as deemed necessary by the council.

132 2. Immediately after the members are appointed and the
 133 officers are elected, hire a staff to identify and assess the
 134 needs of the pets in the county served by the council. Staff
 135 shall receive reasonable compensation which may vary by county.
 136 Compensation for any lobbyists hired to represent a council must
 137 be capped at \$50,000 annually. Staff shall submit to the
 138 governing body of the county a written description of:

139 a. The activities, services, and opportunities that will be
 140 provided to pets.

141 b. The anticipated schedule for providing such activities,
 142 services, and opportunities.

143 c. The manner in which pets will be served, including a
 144 description of arrangements and agreements that will be made
 145 with community organizations.

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146 d. The manner in which the council will seek and provide
 147 funding for unmet needs.

148 e. The strategy that will be used for interagency
 149 coordination to maximize existing human and fiscal resources and
 150 reduce the duplication of services.

151 3. Provide training and orientation to all new members
 152 sufficient to allow them to perform their duties.

153 4. Adopt bylaws, rules, and regulations for the council's
 154 guidance, operation, governance, and maintenance, provided such
 155 bylaws, rules, and regulations are not inconsistent with
 156 applicable federal or state laws or county ordinances.

157 5. Provide an annual written report, to be presented no
 158 later than January 1, to the governing body of the county. The
 159 report shall contain, but is not limited to, the following
 160 information:

161 a. Information on the effectiveness of activities,
 162 services, and programs offered by the council, including the
 163 cost-effectiveness of such activities, services, and programs.

164 b. A detailed, anticipated budget for continuation of
 165 activities, services, and programs offered by the council.

166 c. A description of the degree to which the council's
 167 objectives and activities are consistent with the goals of this
 168 section.

169 (c) The council shall maintain minutes of each meeting,
 170 including a record of all votes cast, and shall make such
 171 minutes available to any interested person.

172 (d) Members of the council shall serve without
 173 compensation, but shall be entitled to receive reimbursement for
 174 per diem and travel expenses consistent with the provisions of

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175 s. 112.061.

176 (3) (a) The fiscal year of the district shall be the same as
177 that of the county.

178 (b) On or before July 1 of each year, the council shall
179 prepare a tentative annual written budget of the district's
180 expected income and expenditures, including a contingency fund.
181 The council shall, in addition, compute a proposed millage rate
182 within the voter-approved cap necessary to fund the tentative
183 budget and, prior to adopting a final budget, comply with the
184 provisions of s. 200.065, relating to the method of fixing
185 millage, and shall fix the final millage rate by resolution of
186 the council. The adopted budget and final millage rate shall be
187 certified and delivered to the governing body of the county as
188 soon as possible following the council's adoption of the final
189 budget and millage rate pursuant to chapter 200. Included in
190 each certified budget shall be the millage rate, adopted by
191 resolution of the council, necessary to be applied to raise the
192 funds budgeted for district operations and expenditures. In no
193 circumstances, however, shall any district levy millage to
194 exceed a maximum of 0.10 mills of assessed valuation of all
195 properties within the county that are subject to ad valorem
196 county taxes.

197 (c) The budget of the district so certified and delivered
198 to the governing body of the county may not be subject to change
199 or modification by the governing body of the county or any other
200 authority.

201 (d) All tax money collected under this section, as soon
202 after the collection thereof as is reasonably practicable, shall
203 be paid directly to the council by the tax collector of the

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204 county, or the clerk of the circuit court if the clerk collects
205 delinquent taxes.

206 (e)1. All moneys received by the council shall be deposited
207 in qualified public depositories, as defined in s. 280.02, with
208 separate and distinguishable accounts established specifically
209 for the council and shall be withdrawn only by checks signed by
210 the chair of the council and countersigned by a chief executive
211 officer who shall be so authorized by the council.

212 2. Funds of the district may not be expended except by
213 check as provided in subparagraph 1., except expenditures may be
214 made from a petty cash account but may not at any time exceed
215 \$100. All expenditures from petty cash shall be recorded in the
216 books and records of the Pets' Trust council. Funds of the
217 district, except expenditures from petty cash, shall not be
218 expended without prior approval of and budgeting by the council.

219 (f) Within 10 days, exclusive of weekends and legal
220 holidays, after the expiration of each quarter annual period,
221 the council shall prepare and file with the governing body of
222 the county a financial report that includes the following:

223 1. The total expenditures of the council for the quarter
224 annual period.

225 2. The total receipts of the council during the quarter
226 annual period.

227 3. A statement of the funds the council has on hand, has
228 invested, or has deposited with qualified public depositories at
229 the end of the quarter annual period.

230 4. The total administrative costs of the council for the
231 quarter annual period.

232 (4) (a) A district created pursuant to this section may be

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233 dissolved by a special act of the Legislature, or the county
 234 governing body may, by ordinance, dissolve the district subject
 235 to the approval of the electorate.

236 (b)1. Notwithstanding paragraph (a), the governing body of
 237 the county shall submit the question of retention or dissolution
 238 of a district with voter-approved taxing authority to the
 239 electorate in the next available election after 4 years of the
 240 district's existence.

241 2. This paragraph does not limit the authority to dissolve
 242 a district pursuant to paragraph (a) or preclude the governing
 243 board of a district from requesting that the governing body of
 244 the county submit the question of retention or dissolution of a
 245 district with voter-approved taxing authority to the electorate
 246 at a date earlier than the year provided in subparagraph 1. If
 247 the governing body of the county accepts the request and submits
 248 the question to the electorate, the governing body satisfies the
 249 requirement provided in subparagraph 1.

250 (c) If a district is dissolved pursuant to this subsection,
 251 each county must first obligate itself to assume the debts,
 252 liabilities, contracts, and outstanding obligations of the
 253 district within the total millage available to the county
 254 governing body for all county and municipal purposes pursuant to
 255 s. 9, Art. VII of the State Constitution. A district may also be
 256 dissolved pursuant to s. 189.4042.

257 (5) After or during the first year of operation of the
 258 council, the governing body of the county may fund in whole or
 259 in part the budget of the council from its own funds. However,
 260 if revenue generated by the county shelter is already allocated
 261 for the shelter operations, that allocation must remain.

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262 (6) Any district created pursuant to this section shall
 263 comply with all other statutory requirements of general
 264 application that relate to the filing of any financial reports
 265 or compliance reports required under part III of chapter 218, or
 266 any other report or documentation required by law, including the
 267 requirements of ss. 189.415, 189.417, and 189.418.

268 Section 2. This act shall take effect July 1, 2013.

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 Committee on Agriculture

BILL: SB 1756

INTRODUCER: Senator Montford

SUBJECT: Public Records/Applicants or Participants in School Food and Nutrition Service Programs

DATE: March 18, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Halley	AG	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1756 provides a public records exemption for personal identification information on students and student families who receive free or reduced cost meals during the school year and summer period. This information consists of names, addresses, social security numbers, and other personal data that may harm the recipient if the information is available to the public. The bill provides for legislative review and repeal of the exemption under the Open Government Sunset Review Act. If it is not reenacted by the Legislature it will be repealed on October 2, 2018.

Because this bill creates a new public records exemption, it requires a two-thirds vote of each house of the Legislature for passage.

This bill creates section 595.409 of the Florida Statutes.

II. Present Situation:

Public Records Law

The State of Florida has a long history of providing public access to governmental records. The Florida Legislature enacted the first public records law in 1892.¹ One hundred years later, Floridians adopted an amendment to the State Constitution that raised the statutory right of

¹ Section 1390, 1391 F.S. (Rev. 1892).

access to public records to a constitutional level.² Article I, s. 24 of the State Constitution, provides that:

Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

In addition to the State Constitution, the Public Records Act,³ which pre-dates public records provision of the State Constitution, specifies conditions under which public access must be provided to records of an agency.⁴ Section 119.07(1)(a), F.S., states:

(a) Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.

Unless specifically exempted, all agency records are available for public inspection. The term “public record” is broadly defined to mean:

. . . all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.⁵

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge.⁶ All such materials, regardless of whether they are in final form, are open for public inspection unless made exempt.⁷

Only the Legislature is authorized to create exemptions to open government requirements.⁸ Exemptions must be created by general law and such law must specifically state the public

² Article I, s. 24 of the State Constitution.

³ Chapter 119, F.S.

⁴ The word “agency” is defined in s. 119.011(2), F.S., to mean “. . . any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.” The Florida Constitution also establishes a right of access to any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except those records exempted by law or the state constitution.

⁵ Section 119.011(11), F.S.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So.2d 633, 640 (Fla. 1980).

⁷ *Wait v. Florida Power & Light Company*, 372 So.2d 420 (Fla. 1979).

⁸ Article I, s. 24(c), Fla. Constitution.

necessity justifying the exemption. Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law.⁹ A bill enacting an exemption¹⁰ may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.¹¹

There is a difference between records that the Legislature has made exempt from public inspection and those that are *confidential* and exempt. If the Legislature makes a record confidential and exempt, such information may not be released by an agency to anyone other than to the persons or entities designated in the statute.¹² If a record is simply made exempt from disclosure requirements then an agency is not prohibited from disclosing the record in all circumstances.¹³

Open Government Sunset Review Act

The Open Government Sunset Review Act (Act)¹⁴ provides for the systematic review, through a 5-year cycle ending October 2 of the 5th year following enactment, of an exemption from the Public Records Act or the Public Meetings Law. Each year, by June 1, the Division of Statutory Revision of the Office of Legislative Services is required to certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal the following year.¹⁵

The Act states that an exemption may be created or expanded only if it serves an identifiable public purpose and if the exemption is no broader than necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of three specified criteria and if the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption. An exemption meets the three statutory criteria if it:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, whose administration would be significantly impaired without the exemption;
- Protects information of a sensitive, personal nature concerning individuals, the release of which would be defamatory or cause unwarranted damage to the good name or reputation of such individuals, or would jeopardize their safety; or
- Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, the disclosure of which would injure the affected entity in the marketplace.¹⁶

⁹ *Memorial Hospital-West Volusia v. News-Journal Corporation*, 729 So. 2d 373, 380 (Fla. 1999); *Halifax Hospital Medical Center v. News-Journal Corporation*, 724 So.2d 567 (Fla. 1999).

¹⁰ Under s. 119.15, F.S., an existing exemption may be considered a new exemption if the exemption is expanded to cover additional records.

¹¹ Art. I, s. 24(c), Fla. Constitution.

¹² Attorney General Opinion 85-62.

¹³ *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA), review denied, 589 So.2d 289 (Fla. 1991).

¹⁴ Section 119.15, F.S.

¹⁵ Section 119.15(5)(a), F.S.

¹⁶ Section 119.15(4)(b), F.S.

The Act also requires consideration of the following:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

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 the Department of Agriculture and Consumer Services, pending a waiver from the United States Department of Agriculture. That waiver was granted in October 2011 and on January 1, 2012, the department assumed administration of the state's school food and nutrition programs.

Currently, the Division of Food, Nutrition, and Wellness receives personal identification information on students and student families who receive free or reduced cost meals during the school year and summer period. This information consists of names, addresses, social security numbers, and other personal data. The division is operating under an existing Memorandum of Understanding to protect this data from being a public record. The bill would establish a statutory exemption for this information, which the Department of Education and the Department of Children and Families already have.

III. Effect of Proposed Changes:

Section 1 creates s. 595.409, F.S., to provide a public records exemption for the personal identification information received by the Division of Food, Nutrition, and Wellness. The division receives personal information either directly from the student or student's family or by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education. It allows disclosure of such information to:

- Another government entity in the performance of its official duties and responsibilities; or
- Any person who has the written consent of the applicant for or participant in such program.

The bill does not prohibit a student's legal guardian from obtaining confirmation of acceptance and approval, dates of applicability, or other information the legal guardian may request. It also provides for legislative review and repeal of the exemption under the Open Government Sunset Review Act. If it is not reenacted by the Legislature it will be repealed on October 2, 2018.

Section 2 of the bill expresses legislative findings that this public records exemption is a public necessity in order to:

- Make a person applying to or participating in a school food and nutrition service program feel secure in the program;
- Prevent the release of information which could be defamatory to the individual, could cause unwarranted damage to his or her good name or reputation, or could possibly jeopardize the safety of the individual; and
- Allow the state to effectively and efficiently administer a governmental program, which would be significantly impaired without the exemption.

Section 3 provides a contingent effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c), art. I of the State Constitution requires a two-thirds vote of each house of the Legislature for passage of a newly-created or expanded public records or public meetings exemption. Because this bill creates a new public records exemption, it requires a two-thirds vote for passage.

Public Necessity Statement

Section 24(c), art. I of the State Constitution requires a public necessity statement for a newly created or expanded public records or public meetings exemption. Because this bill creates a new public records exemption, it includes a public necessity statement.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Montford

3-01759-13

20131756__

A bill to be entitled

An act relating to public records; creating s. 595.409, F.S.; providing an exemption from public records requirements for personal identifying information of an applicant for or participant in a school food and nutrition service program held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education; providing for specified disclosure; providing for applicability; providing for legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a contingent effective date.

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

Section 1. Section 595.409, Florida Statutes, is created to read:

595.409 Public records exemption.—

(1) Personal identifying information of an applicant for or participant in a school food and nutrition service program, as defined in s. 595.402, held by the department, the Department of Children and Families, or the Department of Education is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) (a) Such information shall be disclosed to:

1. Another governmental entity in the performance of its official duties and responsibilities; or

2. Any person who has the written consent of the applicant

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for or participant in such program.

(b) This section does not prohibit a participant's legal guardian from obtaining confirmation of acceptance and approval, dates of applicability, or other information the legal guardian may request.

(3) This exemption applies to any information identifying a program applicant or participant held by the department, the Department of Children and Families, or the Department of Education before, on, or after the effective date of this exemption.

(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that personal identifying information of an applicant for or participant in a school food and nutrition service program, as defined in s. 595.402, Florida Statutes, held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education be made exempt from the requirements of s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. In order for a person applying to or participating in a school food and nutrition service program to feel secure in the program, the applicant or participant should be able to rely upon the fact that his or her personal identifying information held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education is protected from disclosure to anyone other than those who have

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59 the need to know such information. A public records exemption
60 for personal identifying information of an applicant for or
61 participant in a school food and nutrition service program, as
62 defined in s. 595.402, Florida Statutes, held by the Department
63 of Agriculture and Consumer Services, the Department of Children
64 and Families, or the Department of Education protects
65 information of a sensitive, personal nature concerning an
66 individual, the release of which could be defamatory to the
67 individual, could cause unwarranted damage to his or her good
68 name or reputation, and could possibly jeopardize the safety of
69 the individual. Additionally, the public records exemption
70 allows the state to effectively and efficiently administer a
71 governmental program, which administration would be
72 significantly impaired without the exemption. Thus, the
73 Legislature declares that it is a public necessity that the
74 personal identifying information of an applicant for or a
75 participant in a school food and nutrition service program, as
76 defined in s. 595.402, Florida Statutes, held by the Department
77 of Agriculture and Consumer Services, the Department of Children
78 and Families, or the Department of Education be made exempt from
79 public records requirements.

80 Section 3. This act shall take effect on the same date that
81 SB _____ or similar legislation takes effect, if such
82 legislation is adopted in the same legislative session or an
83 extension thereof and becomes law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Vice Chair*
Appropriations Subcommittee on Education
Appropriations Subcommittee on General
Government
Education
Environmental Preservation and Conservation
Military Affairs, Space, and Domestic Security

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR DWIGHT BULLARD

39th District

March 18, 2013

Chairman Montford,

I am requesting to be excused from our Agriculture Committee Meeting on Monday, March 18, 2013 at 1:00 pm.

Due to the passing of my mother, Senator Larcenia Bullard, I will be out this week tending to family matters.

Sincerely,

Dwight M. Bullard

State Senator, District 39

REPLY TO:

- 10720 Caribbean Boulevard, #435, Cutler Bay, Florida 33189
- 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: SB 301
Caption: Agriculture Committee

Case:
Judge:

Type:

Started: 3/18/2013 1:03:29 PM

Ends: 3/18/2013 1:39:55 PM

Length: 00:36:27

1:03:34 PM Meeting called to order by Chairman Montford
1:03:58 PM Roll call by Administrative Assistant, Joyce Butler
1:04:34 PM Comments from Chairman Montford
1:04:35 PM Tab 7 by Senator Margolis, Bill No. SB 1738
1:05:34 PM Comments from Chairman Montford
1:05:54 PM Comments from Michael Rosenberg, President, Pets Trust
1:12:37 PM Comments from Rita Schwartz, Vice President, Pets Trust
1:15:01 PM Comments from Ron Book on behalf of Pets Trust
1:16:35 PM Comments from Chairman Montford
1:17:01 PM Comments from Senator Sachs
1:18:54 PM Closure of SB 1738 by Senator Margolis
1:19:01 PM Comments from Chairman Montford
1:19:11 PM Roll call on SB 1738 by Administrative Assistant
1:19:21 PM SB 1738 reported favorably
1:19:43 PM Tab 1 SB 872 by Senator Abruzzo
1:20:38 PM Explanation of SB 872 and Amendment 736412 by Senator Abruzzo
1:20:56 PM Amendment 736412 adopted
1:21:11 PM Explanation of SB 872 by Senator Abruzzo
1:21:35 PM Comments from Diana Ferguson, Florida Animal Control Association
1:23:21 PM Comments from Jean Gonzalez Wingo, Fix Florida
1:24:07 PM Ramon Maney, Fix Tallahassee waives in support
1:24:29 PM Comments from Jack Cory, Fix Florida regarding SB 872
1:26:29 PM Question from Senator Brandes
1:26:38 PM Response from Jack Cory
1:27:00 PM Comments from Senator Brandes
1:27:05 PM Response from Jack Cory
1:27:48 PM Closure on SB 872 waived by Senator Abruzzo
1:27:55 PM Comments from Chairman Montford and Senator Garcia moved SB 872 for a CS
1:28:18 PM Comments by Senator Montford regarding Committee Substitute for SB 872
1:28:24 PM Roll call by Administrative Assistant
1:28:56 PM Tab 4, SB 1700 by Senator Latvala presented by Jennifer Wilson, Legislative Assistant
1:29:02 PM Presented by Jennifer Wilson SB 1700
1:29:12 PM Comments from Chairman Montford
1:29:19 PM Question from Senator Sachs
1:29:29 PM Doug Mann, AIF waives in support
1:29:43 PM Jim Spratt waives in support
1:29:49 PM Ms. Wilson waives closure
1:29:56 PM Roll call by Administrative Assistant
1:30:11 PM SB 1700 reported favorably
1:30:21 PM Tab 2 by Senator Grimsley TP'd
1:30:47 PM SB 1706 and 1708 will be TP per Chairman Montford (Senator Bullard's Bills)
1:31:08 PM Chairman Montford turned chair over to Senator Galvano
1:31:25 PM Tab 3 SB 1628 presented by Senator Montford
1:33:33 PM Explanation of Amendment 532280 by Chairman Montford
1:33:50 PM Comments from Senator Galvano, Amendment adopted
1:34:02 PM Explanation of Amendment 345780 by Senator Montford
1:34:18 PM Comments from Senator Galvano regarding Amendment adopted
1:34:33 PM Statement from Senator Sachs regarding the Bill
1:36:00 PM Comments from Senator Galvano
1:36:14 PM Grace Lovett waives in support
1:36:29 PM Chairman Montford waives closure
1:36:40 PM Senator Garcia moves for Committee Substitute

1:36:51 PM Roll call by Administrative Assistant on CS/SB 1628 voted favorably
1:37:13 PM Tab 8 SB 1756 by Chairman Montford
1:37:26 PM Explanation of SB 1756 by Chairman Montford
1:38:00 PM Chairman Montford waives closure
1:38:11 PM Roll call by Administrative Assistant
1:38:19 PM SB 1756 reported favorably
1:38:32 PM Chairman Galvano returns chair over to Chairman Montford
1:38:43 PM Senator Garcia asked to be shown as voting "Yea" on 1738
1:38:59 PM Senator Brandes asked to be shown as voting "Nay" on SB 1738
1:39:28 PM Senator Garcia asked for a moment of silence for Senator Dwight Bullard
1:39:31 PM Moment of silence in honor of Senator Bullard
1:39:36 PM Comments from Chairman Montford
1:39:46 PM Senator Galvano moves to rise