

Tab 1 CS/SB 1370 by RI, Rodriguez; (Identical to CS/H 00911) Medical Treatment of Animals							
536716	A	S	L	RCS	AG, Rodriguez	Delete L.41 - 70:	03/17 10:53 AM

Tab 2 SB 1766 by Powell; Sale of Hemp-derived Delta-8-tetrahydrocannabinol							
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Tab 3 SB 1768 by Rouson; (Similar to H 01191) Agriculture and Nutrition							
410858	D	S		RCS	AG, Rouson	Delete everything after	03/17 10:56 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Rouson, Chair
Senator Bradley, Vice Chair

MEETING DATE: Wednesday, March 17, 2021

TIME: 9:00—11:30 a.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Rouson, Chair; Senator Bradley, Vice Chair; Senators Ausley, Boyd, Burgess, Perry, Polsky, Rodriguez, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A1 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	CS/SB 1370 Regulated Industries / Rodriguez (Identical CS/H 911)	Medical Treatment of Animals; Revising the definition of the term "veterinarian/client/patient relationship"; authorizing veterinarians to practice veterinary telemedicine; prohibiting veterinarians from prescribing controlled substances; authorizing employees, agents, or contractors of animal control authorities to administer rabies vaccinations under certain circumstances, etc. RI 03/09/2021 Fav/CS AG 03/17/2021 Fav/CS RC	Fav/CS Yeas 9 Nays 0
2	SB 1766 Powell	Sale of Hemp-derived Delta-8-tetrahydrocannabinol; Prohibiting retailers from selling hemp-derived delta-8-tetrahydrocannabinol products to individuals who are under 21 years of age; providing requirements for the delivery of such products; providing civil and criminal penalties, etc. AG 03/17/2021 Temporarily Postponed CJ RC	Temporarily Postponed
3	SB 1768 Rouson (Similar H 1191)	Agriculture and Nutrition; Providing a tax credit for farmers who donate agricultural commodities to certain charitable and nonprofit organizations for certain distribution; declaring that it is a state goal that by a specified date, a percentage of food commodities purchased by state agencies, universities, and colleges will be grown or produced in this state; requiring state agencies, universities, and colleges to give preference to food commodities grown or produced in this state in certain purchasing agreements, state term contracts, or contracts for the purchase of food commodities, etc. AG 03/17/2021 Fav/CS FT AP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Agriculture

Wednesday, March 17, 2021, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	Presentation by St. Pete Youth Farm		Presented
5	Presentation by Angelique Taylor and Kip Ritchey, Smarter By Nature		Presented
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/CS/SB 1370

INTRODUCER: Agriculture Committee; Regulated Industries Committee; and Senator Rodriguez

SUBJECT: Medical Treatment of Animals

DATE: March 17, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
2. <u>Becker</u>	<u>Becker</u>	<u>AG</u>	Fav/CS
3. _____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1370 revises the veterinarian practice act to authorize a veterinarian, consistent with the veterinarian's professional judgment, to establish a patient/client relationship with an animal and its owner remotely by telephone, audio-visual technology, or other means, and to treat and prescribe prescription drugs in limited circumstances to the animal remotely without the requirement of a physical examination of the animal. The bill prohibits a veterinarian from prescribing controlled substances if the patient/client relationship is established remotely, without a previous physical examination by the veterinarian.

The bill allows employees, agents, or contractors of an animal control authority to administer rabies vaccinations to impounded animals that will be transferred, rescued, fostered, adopted, or reclaimed by the owner. Such persons may administer rabies vaccinations under the indirect supervision of a veterinarian, who must be available for consultation, but need not be at the premises where the vaccinations are administered. Under the bill, the supervising veterinarian assumes responsibility for the veterinary care given to the animal by any person working under the veterinarian's direction and supervision.

According to the Department of Business and Professional Regulation, the bill has no fiscal impact on local or state government.¹

¹ See Department of Business and Professional Regulation, *2021 Agency Legislative Bill Analysis for HB 911* (identical to SB 1370, pp. 3-4 (Mar. 1, 2021) (on file with Senate Committee on Agriculture).

II. Present Situation:

Veterinary Medicine, the Practice of Veterinary Medicine, and Exempted Persons

In 1979, the Legislature determined the practice of veterinary medicine is potentially dangerous to public health and safety if conducted by incompetent and unlicensed practitioners and that minimum requirements for the safe practice of veterinary medicine are necessary.² The Board of Veterinary Medicine (board) in the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., on Veterinary Medical Practice.³ A veterinarian is a health care practitioner licensed to engage in the practice of veterinary medicine in Florida under ch. 474, F.S.⁴

Veterinary medicine includes, with respect to animals:⁵

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine);⁶ and
- Other branches or specialties of veterinary medicine.

The practice of veterinary medicine is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁷ Veterinarians who are incompetent or present a danger to the public are subject to discipline and may be prohibited from practicing in the state.⁸

Nine categories of persons are exempt from complying with ch. 474, F.S.:⁹

- Faculty veterinarians with assigned teaching duties at accredited¹⁰ institutions;

² See s. 474.201, F.S.

³ See ss. 474.204 through 474.2125, F.S., concerning the powers and duties of the board.

⁴ See s. 474.202(11), F.S.

⁵ See s. 474.202(13), F.S. Section 474.202(1), F.S., defines “animal” as “any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

⁶ The Society for Theriogenology, established in 1954, is composed of veterinarians dedicated to standards of excellence in animal reproduction. See <https://www.therio.org> (last visited Mar. 16, 2021).

⁷ See s. 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy, fertility, or infertility of animals.

⁸ See s. 474.213, F.S., on prohibited acts, and s. 474.214, F.S., on disciplinary proceedings.

⁹ See s. 474.203, F.S.

¹⁰ Sections 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates. The AVMA Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the United States and Canada, and may also approve foreign veterinary colleges. See <https://www.avma.org/professionaldevelopment/education/accreditation/colleges/pages/coe-pp-overview-of-the-coe.aspx> (Last visited Mar. 17, 2021). The AVMA Commission for Foreign Veterinary Graduates assists graduates of foreign, non-accredited schools to meet the requirement of most states that such foreign graduates successfully complete an educational

- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until they complete or terminate their training;
- Students in a school or college of veterinary medicine who perform assigned duties by an instructor (no accreditation of the institution is required), or work as preceptors¹¹ (if the preceptorship is required for graduation from an accredited institution);
- Doctors of veterinary medicine employed by a state agency or the United States Government while actually engaged in the performance of official duties at the installations for which the services were engaged;
- Persons or their employees caring for the persons' own animals, as well as part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks (excluding immunization or treatment of diseases that are communicable to humans and significant to public health) for herd/flock animals, with certain limitations; however, the exemption is not available to a person licensed as a veterinarian in another state and temporarily practicing in Florida, or convicted of violating ch. 828, F.S., on animal cruelty, or of any similar offense in another jurisdiction, and employment may not be provided for the purpose of circumventing ch. 474, F.S.;
- Certain entities or persons¹² that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods of treatment or techniques to diagnose or treatment of human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine;
- Veterinary aides, nurses, laboratory technicians, preceptors, or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision¹³ of a licensed veterinarian;
- Certain non-Florida veterinarians who are licensed and actively practicing veterinary medicine in another state, are board certified in a specialty recognized by the Florida Board of Veterinary Medicine, and are assisting upon request of a Florida-licensed veterinarian to consult on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner; and
- Employees, agents, or contractors of public or private animal shelters, humane organizations, or animal control agencies operated by a humane organization, county, municipality, or incorporated political subdivision, whose work is confined solely to implanting radio frequency identification device microchips in dogs and cats in accordance with s. 823.15, F.S.¹⁴

equivalency assessment certification program. See

<https://www.avma.org/professionaldevelopment/education/foreign/pages/ecfvg-about-us.aspx> (last visited Mar. 16, 2021). In turn, the Council for Higher Education Accreditation, a national advocate for regulation of academic quality through accreditation, is an association of degree-granting colleges and universities. See <http://chea.org/about> (last visited Mar. 16, 2021).

¹¹ A preceptor is a skilled practitioner or faculty member, who directs, teaches, supervises, and evaluates student in a clinical setting to allow practical experience with patients. See <https://www.merriam-Webster.com/dictionary/preceptor#medicalDictionary> (last visited Mar. 16 2021).

¹² See s. 474.203(6), F.S., which states that the exemption applies to “[state agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof”

¹³ The term “responsible supervision” is defined in s. 474.202(10), F.S., as the “control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services” delegated to unlicensed personnel.

¹⁴ See s. 823.15(5), F.S., which authorizes such persons to perform microchipping of dogs and cats.

Veterinarian/Client/Patient Relationship

Section 474.202(12), F.S., defines a “veterinarian/client/patient relationship” as one in which a veterinarian has assumed responsibility for making medical judgments about the health of an animal and its need for medical treatment. The term “patient” means any animal “for which a veterinarian practices veterinary medicine.”¹⁵

The term “valid veterinarian-client-patient relationship” used in federal regulations issued by the federal Food and Drug Administration (FDA), a component of the United State Department of Health and Human Services, is similar to the term defined in s. 474.202(12), F.S.¹⁶

The FDA temporarily suspended the enforcement of portions of the federal veterinarian-client-patient relationship (VCPR) requirements under the FDA regulations. The FDA noted that “[t]he VCPR is the professional relationship between the veterinarian, client (e.g., animal owner or caretaker), and the animal patient(s).”¹⁷ The federal VCPR definition requires that veterinarians physically examine animal patients and make medically appropriate and timely visits to the location where the animals are kept.¹⁸ The FDA indicated that it would not be enforcing the animal examination and premises visit VCPR requirements involving the FDA regulations governing Extralabel Drug Use in Animals and Veterinary Feed Directive drugs (VFD).¹⁹ This change would allow veterinarians to prescribe drugs in an Extralabel manner or authorize the use of VFD drugs without direct emanation or visiting the patients.²⁰

The FDA warned that even though the federal requirements were suspended, veterinarians still needed to consider state VCPR requirements.²¹

Requirements for Prescribing Medicinal Drugs and Controlled Substances

Section 474.214(1)(y), F.S., sets forth the acts that may subject a veterinarian to disciplinary proceedings, related to the prescribing of drugs. A veterinarian may not order, prescribe, or make available medicinal drugs or drugs commonly known as “prescription” or “legend” drugs which are required by federal or state law to be dispensed only on a prescription, or controlled substances as defined in ch. 893, F.S.,²² for use other than for the specific treatment of animal patients for which there is a documented veterinarian/client/patient relationship. The veterinarian must:

- Have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the animal’s medical condition, meaning the veterinarian is personally acquainted with the

¹⁵ See s. 474.202(8), F.S.

¹⁶ See 21 C.F.R. s. 530.3 <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm?fr=530.3>.

¹⁷ See *Coronavirus (COVID-19) Update: FDA Helps Facilitate Veterinary Telemedicine During Pandemic*, FDA News Release, March 24, 2020 available at [Coronavirus \(COVID-19\) Update: FDA Helps Facilitate Veterinary Telemedicine During Pandemic | FDA](#) (last visited Mar. 16, 2021).

¹⁸ *Id.*

¹⁹ *Id.* See 21 C.F.R. s. 530 and 21 C.F.R. part 558. A VFD drug is intended for use in animal feeds, and use is permitted only under the professional supervision of a licensed veterinarian. See U.S. Food and Drug Administration, *Veterinary Feed Directive (VFD)* (last visited Mar. 16, 2021).

²⁰ *Id.*

²¹ *Id.*

²² See s. 893.03, F.S., for the listing of controlled substances regulated under Florida law.

keeping and caring of the animal and has recently seen the animal or has made medically appropriate and timely visits to the premises where the animal is kept;

- Be available or provide for follow up care and treatment if there are adverse reactions or the regimen of therapy fails; and
- Maintain documentation of patient visits, diagnosis, treatment, and other relevant information required under the veterinary practice act, ch. 474, F.S.²³

Rabies Vaccinations

In Florida, all dogs, cats, and ferrets²⁴ four months of age or older must be vaccinated against rabies at the expense of their owners by a licensed veterinarian.²⁵ Rabies is a fatal but preventable viral disease that can spread to people and pets bitten or scratched by a rabid animal.²⁶ According to the Centers for Disease Control and Prevention (CDC), a component of the United States Department of Health and Human Services, most rabies deaths in people around the world are caused by dog bites.²⁷ Because of laws in the United States requiring dogs to be vaccinated for rabies, dogs make up only about one percent of rabid animals reported nationally each year.²⁸

Rabies vaccines are licensed by the United States Department of Agriculture, and revaccinations are required 12 months after the initial vaccine.²⁹ Thereafter, the interval between vaccinations is set by the vaccine manufacturer.³⁰

A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and certified that vaccination at that time would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations; however, an exempt animal must be vaccinated against rabies as soon as its health permits.³¹

After administering a rabies vaccination, the licensed veterinarian must provide a certificate to the animal's owner and the animal control authority, using the "Rabies Vaccination Certificate" of the National Association of State Public Health Veterinarians (NASPHV), or an equivalent form approved by the local government that contains the same information as the NASPHV certificate.³² A signature stamp may be used in lieu of the veterinarian's actual signature.

An animal owner's name, street address, phone number, and animal tag number in a rabies vaccination certificate provided to an animal control authority is a public record exempt from the

²³ See s. 474.214(1)(y), F.S.

²⁴ Ferrets that are vaccinated as required must be quarantined when necessary, in accordance with administrative rules of the Florida Department of Health. See s. 828.30(4), F.S., and Fla. Admin. Code R. 64D-3.040.

²⁵ See s. 828.30, F.S.

²⁶ See <https://www.cdc.gov/rabies/index.html> (last visited Mar. 16, 2021). In the United States, rabies is mostly found in wild animals like bats, raccoons, skunks, and foxes. *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ See s. 828.30(1), F.S.

³⁰ *Id.* Evidence of rabies antibodies may not be substituted for a current vaccination in managing rabies exposure or determining the need for booster vaccinations.

³¹ See s. 828.30(2), F.S.

³² See s. 828.30(3), F.S.

inspection and copying requirements of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.³³ However, all information in a rabies vaccination certificate for a particular animal biting, scratching, or otherwise causing exposure, may be provided to a:

- Person who has been bitten, scratched, or otherwise exposed to a disease such as rabies that spreads between animals and people (zoonotic disease),³⁴ or that person's physician;
- Veterinarian treating an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease; or
- The owner of an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease.³⁵

In addition, any person with an animal tag number may receive vaccination certificate information with regard to that animal. The following entities must be provided the information in rabies vaccination certificates for the purpose of controlling the transmission of rabies, but may not release the exempt information to third parties:

- Law enforcement and prosecutorial agencies;
- Other animal control authorities;
- Emergency and medical response and disease control agencies; or
- Other governmental health agencies.³⁶

Release of exempt information contained in a rabies vaccine certificate is a civil infraction that could subject those cited for a violation to a civil penalty of up to \$500.³⁷

Municipalities and counties are not prohibited from establishing similar or more stringent requirements than those described above for rabies control ordinances; however, local governments may not mandate revaccination of currently vaccinated animals except in instances involving treatment for rabies after an exposure.³⁸

III. Effect of Proposed Changes:

Section 1 amends s. 474.202(12), F.S., to provide that a “veterinarian/client/patient relationship” may be established in person or by veterinary telemedicine, if audio-visual technology is used. Section 474.202(14), F.S., defines the term “veterinary telemedicine” as the practice of veterinary medicine in a remote setting, through the use of telephone, audio-visual technology, or other means consistent with the veterinarian’s professional judgment; however, the veterinarian/client/patient relationship must be established in person or by audio-visual technology.

³³ See s. 828.30(5), F.S.

³⁴ See information from the CDC about zoonotic diseases that are caused by germs that spread between animals and people at <https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html#:~:text=Zoonotic%20means%20infectious%20diseases%20that%20are%20spread%20between,lives,%20both%20at%20home%20and%20away%20from%20home> (last visited Mar. 16, 2021).

³⁵ See s. 828.30(5), F.S.

³⁶ *Id.*

³⁷ See s. 828.30(6), F.S., and s. 828.27(2), F.S., authorizing the governing body of a county or municipality to enact ordinances relating to animal control or cruelty, and setting forth requirements for penalties, citations, and related procedures.

³⁸ See s. 828.30(7), F.S.

Section 2 creates s. 474.2021, F.S., which:

- Authorizes veterinarians with a current Florida license to practice veterinary telemedicine;
- Provides that a physical examination is not required for the veterinarian to assume responsibility for making medical judgments or providing treatment by means of veterinary telemedicine in a manner consistent with the veterinary standard of care;
- Specifies that a veterinarian who establishes a veterinarian/client/patient relationship without a physical examination may only provide the following services through veterinary telemedicine:
 - Triage of patients in first aid and emergency cases; or
 - Consultation and prescription of drugs for nutrition, training, dermatological conditions, and anxiety;
- Prohibits a veterinarian from prescribing drugs for extralabel use or veterinary feed directive drugs³⁹ without a veterinarian/client/patient relationship that is established through a physical examination and is otherwise consistent with federal law, notwithstanding other prescription authority granted in the bill;
- Prohibits the prescribing of controlled substances if the veterinary/client/patient relationship has been established remotely, without a previous physical examination by the veterinarian;
- Provides the Florida Board of Veterinary Medicine has jurisdiction of veterinarians practicing veterinary telemedicine in Florida, regardless of the veterinarian's physical office location;
- Provides the practice of veterinary telemedicine in accordance with this section is not a standard of care violation, and a veterinarian may not be disciplined solely for practicing veterinary telemedicine; and
- Provides that the same veterinary standard of care applies to services provided through veterinary telemedicine as applies to veterinary care provided during an in-person visit.

Section 3 amends s. 474.203(5)(a), F.S., to create an exception to the requirement that only a veterinarian may immunize or treat an animal for diseases that are communicable to people and that are significant to public health. The exception, limited to the administration of rabies vaccinations under specific conditions, is discussed in **Section 5** below.

Section 4 removes the requirement in s. 474.214(1)(y), F.S., that a veterinarian be “personally” acquainted with an animal’s care and have recently seen the animal or made medically appropriate and timely visits to the premises where the animal is kept.

Section 5 amends s. 828.30, F.S., to allow employees, agents, or contractors of an animal control authority to administer rabies vaccinations to impounded animals that will be transferred, rescued, fostered, adopted, or reclaimed by the owner.

However, persons eligible to administer rabies vaccinations in this limited circumstance must be acting under a veterinarian’s indirect supervision. The bill provides the term “indirect supervision,” means the supervising veterinarian is available for consultation by telecommunications,⁴⁰ but is not required to be on the premises during the consultation. In

³⁹ *Supra* n. 19 and the accompanying text relating to extralabel drug use and veterinary feed directive drugs.

⁴⁰ The term “telecommunications” is not defined in the bill, but Florida’s Information Technology Management Act, part I of ch. 282, F.S., related to Communications and Data Processing (ss. 282.003 to 283.318, F.S.), defines that term to mean “the

addition, the supervising veterinarian assumes responsibility for the veterinary care given to the animal by any person working under the direction and supervision of the veterinarian.

The bill includes technical drafting changes and conforming changes.

The bill is effective July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Animal owners may be able to obtain care for an animal from a veterinarian by establishing a veterinarian/client/patient relationship by telephone or other means offered with the veterinarian's professional judgment, and a physical examination is not required. A veterinarian need not be personally acquainted with the animal's care, have recently seen the animal, or make visits to a site where the animal is kept. These new practices may improve availability, timeliness, and expense associated with veterinary care in circumstances deemed appropriate by the veterinarian, who must assume responsibility for making medical judgments or providing treatment.

science and technology of communication at a distance, including electronic systems used in the transmission or reception of information." See s. 282.0041(35), F.S.

Certain rabies vaccinations may be administered by employees, agents, or contractors of an animal control authority to impounded animals that will be transferred, rescued, fostered, adopted, or reclaimed by the owner. This vaccination method may allow vaccination of impounded animals to occur more quickly and reduce costs to animal control authorities.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 474.202, 474.203, 474.214, and 828.30.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Agriculture Committee on March 17, 2021:

The committee substitute:

- Specifies that a veterinarian who establishes a veterinarian/client/patient relationship without a physical examination may only provide the following services through veterinary telemedicine:
 - Triage of patients in first aid and emergency cases; or
 - Consultation and prescription of drugs for nutrition, training, dermatological conditions, and anxiety;
- Prohibits a veterinarian from prescribing drugs for extralabel use or veterinary feed directive drugs without a veterinarian/client/patient relationship that is established through a physical examination and is otherwise consistent with federal law, notwithstanding other prescription authority granted in the bill;
- Removes conditions under which a veterinarian may prescribe controlled substances if the veterinarian/client/patient relationship has been established remotely and the veterinarian has not previously performed a physical examination; and
- Provides that the same veterinary standard of care applies to services provided through veterinary telemedicine as applies to veterinary care provided during an in-person visit.

CS by Regulated Industries Committee on March 9, 2021:

The committee substitute:

- Provides the term “veterinary telemedicine” means the practice of veterinary medicine in a remote setting, through the use of audio-visual technology or telephone;
- Authorizes veterinarians with a current Florida license to practice veterinary telemedicine;
- Prohibits the prescribing of controlled substances if the veterinary/client/patient relationship was established remotely, without a previous physical examination by the veterinarian, unless the prescribing is for:
 - Inpatient treatment at an animal clinic or hospital; or
 - Treatment of a patient receiving hospice services;
- Provides the Florida Board of Veterinary Medicine has jurisdiction of veterinarians practicing veterinary telemedicine in Florida, regardless of the location of the veterinarian’s physical office; and
- Provides the practice of veterinary telemedicine in accordance with this section is not a standard of care violation, and a veterinarian may not be disciplined solely for practicing veterinary telemedicine.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2021	.	
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The Committee on Agriculture (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 41 - 70
and insert:
establish such relationship.

(14) "Veterinary telemedicine" means the practice of
veterinary medicine in a remote setting, including through the
use of telephone or audio-visual technology or by other means
consistent with the veterinarian's professional judgment, as
long as the veterinarian/client/patient relationship is



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established either in person or by audio-visual technology.

Section 2. Section 474.2021, Florida Statutes, is created to read:

474.2021 Veterinary telemedicine.—

(1) A veterinarian may practice veterinary telemedicine. A physical examination is not required for the veterinarian to assume responsibility for making medical judgments or providing treatment by means of veterinary telemedicine in a manner consistent with the veterinary standard of care.

(2)(a) A veterinarian who establishes a veterinarian/client/patient relationship without a physical examination may only provide the following services through veterinary telemedicine:

1. Triage of patients in first aid and emergency cases.

2. Consultation and prescription of drugs for the following areas of care: nutrition, training, dermatological conditions, and anxiety.

(b) Notwithstanding paragraph (a), a veterinarian may not prescribe drugs for extralabel use or veterinary feed directive drugs without a veterinarian/client/patient relationship that is established through a physical examination and is otherwise consistent with federal law.

(3) A veterinarian may not prescribe controlled substances if the veterinarian/client/patient relationship has been established by means of veterinary telemedicine under this section and the veterinarian has not previously performed a physical examination.

(4) A veterinarian must hold a current license to practice veterinary medicine in this state in order to practice



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veterinary telemedicine.

(5) The board has jurisdiction over a veterinarian practicing veterinary telemedicine in this state, regardless of where the veterinarian's physical offices are located. The practice of veterinary telemedicine in accordance with this section is not itself a standard of care violation, and a veterinarian may not be disciplined solely for practicing veterinary telemedicine. The same veterinary standard of care applies to services provided through veterinary telemedicine as applies to veterinary care provided during an in-person visit.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

 Delete lines 7 - 8
and insert:
 practice veterinary telemedicine; specifying the
 services a veterinarian may provide without first
 establishing a veterinarian/client/patient
 relationship by a physical examination; prohibiting
 veterinarians from prescribing controlled substances
 under certain circumstances;

By the Committee on Regulated Industries; and Senator Rodriguez

580-02591-21

20211370c1

A bill to be entitled

An act relating to the medical treatment of animals; amending s. 474.202, F.S.; revising the definition of the term "veterinarian/client/patient relationship"; defining the term "veterinary telemedicine"; creating s. 474.2021, F.S.; authorizing veterinarians to practice veterinary telemedicine; prohibiting veterinarians from prescribing controlled substances; providing exceptions; providing licensure requirements to practice veterinary telemedicine; providing jurisdiction of the Florida Board of Veterinary Medicine; providing construction; amending s. 474.203, F.S.; revising exceptions to who may immunize or treat an animal for certain diseases; amending s. 474.214, F.S.; revising grounds for disciplinary action against a veterinarian; amending s. 828.30, F.S.; authorizing employees, agents, or contractors of animal control authorities to administer rabies vaccinations under certain circumstances; providing that a supervising veterinarian assumes responsibility for any person working at his or her discretion or under his or her supervision; defining the term "indirect supervision"; providing requirements; authorizing a veterinarian who indirectly supervises the administration of the rabies vaccination to affix his or her signature stamp on a rabies vaccination certificate; providing an effective date.

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

Page 1 of 6

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

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Section 1. Subsection (12) of section 474.202, Florida Statutes, is amended, and subsection (14) is added to that section, to read:

474.202 Definitions.—As used in this chapter:

(12) "Veterinarian/client/patient relationship" means a relationship where the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and its need for medical treatment. Such relationship may be established in person or by means of veterinary telemedicine if audio-visual technology is used to establish such relationship. A physical examination is not required for the veterinarian to assume responsibility for making medical judgments or providing treatment.

(14) "Veterinary telemedicine" means the practice of veterinary medicine in a remote setting, including through the use of telephone or audio-visual technology or by other means consistent with the veterinarian's professional judgment, as long as the veterinarian/client/patient relationship is established either in person or by audio-visual technology.

Section 2. Section 474.2021, Florida Statutes, is created to read:

474.2021 Veterinary telemedicine.—

(1) A veterinarian may practice veterinary telemedicine.

(2) A veterinarian may not prescribe controlled substances if the veterinarian/client/patient relationship has been established remotely under this section and the veterinarian has not previously performed a physical examination, unless the controlled substance is prescribed for the following:

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(a) Inpatient treatment at an animal clinic or hospital; or

(b) The treatment of a patient receiving hospice services.

(3) A veterinarian must hold a current license to practice veterinary medicine in this state in order to practice veterinary telemedicine.

(4) The board has jurisdiction over a veterinarian practicing veterinary telemedicine in this state, regardless of where the veterinarian's physical offices are located. The practice of veterinary telemedicine in accordance with this section is not a standard of care violation, and a veterinarian may not be disciplined solely for practicing veterinary telemedicine.

Section 3. Paragraph (a) of subsection (5) of section 474.203, Florida Statutes, is amended to read:

474.203 Exemptions.—This chapter does not apply to:

(5)(a) Any person, or the person's regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals, unless title is transferred or employment provided for the purpose of circumventing this law. This exemption does not apply to any person licensed as a veterinarian in another state or foreign jurisdiction and practicing temporarily in this state. However, except as provided in s. 828.30, only a veterinarian may immunize or treat an animal for diseases that are communicable to humans and that are of public health significance.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4)

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are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

Section 4. Paragraph (y) of subsection (1) of section 474.214, Florida Statutes, is amended to read:

474.214 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(y) Using the privilege of ordering, prescribing, or making available medicinal drugs or drugs as defined in chapter 465, or controlled substances as defined in chapter 893, for use other than for the specific treatment of animal patients for which there is a documented veterinarian/client/patient relationship. ~~Pursuant thereto,~~ The veterinarian shall:

1. Have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian is ~~personally~~ acquainted with the keeping and caring of the animal ~~and has recently seen the animal or has made medically appropriate and timely visits to the premises where the animal is kept.~~

2. Be available or provide for followup care and treatment in case of adverse reactions or failure of the regimen of therapy.

3. Maintain records which document patient visits, diagnosis, treatment, and other relevant information required under this chapter.

Section 5. Subsections (1) and (3) of section 828.30, Florida Statutes, are amended to read:

828.30 Rabies vaccination of dogs, cats, and ferrets.—

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(1) (a) Except as provided in paragraph (b), all dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species.

(b) An employee, an agent, or a contractor of an animal control authority acting under the indirect supervision of a veterinarian may vaccinate impounded animals that will be transferred, rescued, fostered, adopted, or reclaimed by the owner. As used in this subsection, the term "indirect supervision," means that the supervising veterinarian is available for consultation by telecommunications but is not required to be on the premises during such consultation. The supervising veterinarian assumes responsibility for the veterinary care given to the animal by any person working under or at his or her direction and supervision.

(c) The owner of every dog, cat, and ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer's directions. The cost of vaccination must be borne by the animal's owner. Evidence of circulating rabies virus neutralizing antibodies may shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate. Each animal control authority and veterinarian shall use the "Rabies Vaccination Certificate" of the National Association of State

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Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government that contains all the information required by the NASPHV Rabies Vaccination Certificate. The veterinarian who administers the rabies vaccination, or who supervises an employee, an agent, or a contractor of an animal control authority administering the rabies vaccination, ~~vaccine~~ to an animal as required under this section may affix his or her signature stamp in lieu of an actual signature.

Section 6. This act shall take effect July 1, 2021.

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THE FLORIDA SENATE
APPEARANCE RECORD

3-17-21
Meeting Date

1370
Bill Number (if applicable)

Topic Veterans Telemeds

Amendment Barcode (if applicable)

Name Sandra Brown

Job Title Veteran

Address 3910 Bellac Rd

Phone 850-508-8073

Street Tallahassee State FL Zip 32303

Email Drbrownr@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/21
Meeting Date

1390
Bill Number (if applicable)

Topic Veterinary telemedicine

Amendment Barcode (if applicable)

Name Dr. Julie Moodyan

Job Title Veterinarian, co-owner Southwood Animal Hospital

Address 225 Myddelton Trace Phone (850) 508-3656
Street

Tallahassee FL 32317
City State Zip

Email juliemoodvm@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/2021

Meeting Date

1370

Bill Number (if applicable)

Topic MED. TREAT ANIMALS

Amendment Barcode (if applicable)

Name CHRISTIAN CAMARA

Job Title _____

Address PO Box 122

Phone 305 608 4300

Street

TALLAHASSEE FL 32302

Email _____

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing INSTITUTE FOR JUSTICE

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/21

Meeting Date

SB13 20

Bill Number (if applicable)

Topic Sen Holzgrodzki VETERAN

Amendment Barcode (if applicable)

Name _____

Job Title SR Dr of Leg.

Address 7864 2105 Chula Vista

Street

Phone 8584455245

DAV

City

FL

State

32301

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing ASPCA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

17 March 2021
Meeting Date

1370
Bill Number (if applicable)

Topic Medical Treatment of Animals

Amendment Barcode (if applicable)

Name DIEGO ECHEVERRI

Job Title Legislative Liaison

Address 200 W College
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Americans For Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

3/17/21

Meeting Date

1370

Bill Number (if applicable)

Topic veterinary telemedicine

Amendment Barcode (if applicable)

Name Beth May

Job Title veterinarian

Address 1750 W. Jefferson St

Phone 850-875-4811

Street

Quincy

City

FL

State

32352

Zip

Email drbethequineyah.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB 1370

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Diana M. Ferguson

Job Title Governmental Consultant

Address 119 S Monroe Street, Suite 202

Phone 850-320-5180

Street

Tallahassee

FL

32301

Email dferguson@rutledge-ecenia.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic SB 1730 ~~773~~ 1370

Amendment Barcode (if applicable)

Name Rick Sutliff DVM

Job Title

Address 28 2387 Coleen Ln

Phone

Street

Fleming Is FL

Email

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Veterinary Medical 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.

S-001 (10/14/14)

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 1766

INTRODUCER: Senator Powell

SUBJECT: Sale of Hemp-derived Delta-8-tetrahydrocannabinol

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Becker	Becker	AG	Pre-meeting
2.			CJ	
3.			RC	

I. Summary:

SB 1788 creates s. 581.218, F.S., to regulate the sale of hemp-derived delta-8-tetrahydrocannabinol (delta-8-THC) products. It provides definitions for certain terms relating to the sale of delta-8-THC products.

The bill specifies that a sale of hemp-derived delta-8-THC products constitutes a delivery sale regardless of whether the person accepting the order for the delivery is located in Florida. A retailer who mails or ships any hemp-derived delta-8-THC products must:

- Obtain a certification from the consumer who is purchasing the product that he or she is 21 years of age or older;
- Include as part of the order's shipping documents, in a clear and conspicuous manner, the following statement: "Hemp-derived Delta-8-Tetrahydrocannabinol Products: Florida law prohibits shipping to individuals under 21 years of age and requires the payment of all applicable taxes"; and
- Be in compliance with any labeling requirements, pursuant to Department of Agriculture and Consumer Services rule for the state hemp program.

The bill outlines specific violations that are misdemeanors of the first degree.

The bill is effective July 1, 2021

II. Present Situation:

Industrial Hemp

Industrial hemp is a *Cannabis sativa* plant (cannabis) that has been cultivated for approximately 10,000 years as a fiber and grain crop. It is used for fiber, building materials, forages (animal feed), and pain relief as a topical oil.¹

Cannabis

Cannabis is a Schedule I controlled substance.² It is a felony of the third degree³ to sell, manufacture, deliver, or possess with intent to sell, manufacture, or deliver, cannabis in Florida.⁴ As a controlled substance in ch. 893, F.S., “cannabis” is defined to mean: all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include “marijuana,” as defined in s. 381.986, F.S., if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986, F.S., [the Compassionate Medical Cannabis Act of 2014], hemp as defined in s. 581.217, F.S., [the state hemp program], or industrial hemp as defined in s. 1004.4473, F.S., [industrial hemp pilot projects].⁵

Medical Marijuana

On November 4, 2016, Amendment 2 was approved by the electors and is codified in Article X, section 29, of the Florida Constitution. This section of the constitution became effective on January 3, 2017, and created several exemptions from criminal and civil liability for:

- Qualifying patients medically using marijuana in compliance with the amendment;
- Physicians, solely for issuing physician certifications with reasonable care and in compliance with the amendment; and
- Medical marijuana treatment centers (MMTCs), their agents, and employees for actions or conduct under the amendment and in compliance with rules promulgated by the Florida Department of Health.

Subsequently, the Legislature passed SB 8-A in Special Session A of 2017.⁶ The bill revised the Compassionate Medical Cannabis Act of 2014⁷ in s. 381.986, F.S., to implement Article X, section 29 of the Florida Constitution.

The term medical marijuana includes two distinct forms of the plant genus *Cannabis*:

¹ See University of Florida, *UF/IFAS Industrial Hemp Pilot Project* at: <https://programs.ifas.ufl.edu/hemp/> (last visited March 15, 2021).

² Section 893.03(1)(c)7., F.S.

³ Section 775.082, F.S., provides that a felony of the third degree is punishable by a term of imprisonment not to exceed 5 years. Section 775.083, F.S., provides that a felony of the third degree is punishable by a fine not to exceed \$5,000.

⁴ Section 893.13(1)(a)2., F.S.

⁵ Section 893.02(3), F.S.

⁶ Chapter 2017-232, Laws of Fla.

⁷ Chapter 2014-157, Laws of Fla.

- Marijuana without any limitation or restriction on the percentage of THC;⁸ and
- “Low-THC cannabis” in which the percentage of THC is limited to 0.8 percent or less and has more than 10 percent of cannabidiol⁹ weight for weight.¹⁰

The Coalition for Medical Marijuana Research and Education located at the H. Lee Moffitt Cancer Center and Research Institute, Inc., is authorized to conduct medical marijuana research and education.¹¹

A MMTC and a qualified patient or caregiver are specifically exempt from the criminal prohibition against the possession of cannabis.¹²

2014 Federal Farm Bill and State Industrial Hemp Pilot Programs

The Agricultural Improvement Act of 2014 (2014 Farm Bill) defined industrial hemp and allowed state departments of agriculture or universities to grow and produce industrial hemp as part of research or pilot programs. Specifically, the law allowed universities and state departments of agriculture to grow or cultivate industrial hemp if:

- The industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- The growing or cultivating of industrial hemp is allowed under the laws of the state in which such institution of higher education or state department of agriculture is located and such research occurs.¹³

The 2014 Farm Bill defines “industrial hemp” to mean:

...the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.¹⁴

Section 1004.4473, F.S., authorizes the Florida Department of Agriculture and Consumer Services (department) to oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida, Florida Agricultural and Mechanical University, any land grant university in the state that has a college of agriculture, and any Florida College System institution or state university that has an established agriculture, engineering, or pharmacy program.¹⁵ The purpose of the pilot projects is

⁸ THC, or tetrahydrocannabinol, is the main active ingredient in cannabis and is responsible for most of the psychological effects of cannabis.

⁹ Cannabidiol (CBD) is a chemical compound, known as a cannabinoid, found in cannabis. CBD does not have the same psychoactivity as THC. See Michael J Breus, *Despite What You May Think... CBD Is Not Weed* (Sept. 20, 2018), Psychology Today, available at: <https://www.psychologytoday.com/us/blog/sleep-newzzz/201809/despite-what-you-may-think-cbd-is-not-weed> (last visited March 15, 2021).

¹⁰ See ss. 381.986(1)(e) and (f), F.S.

¹¹ Section 1004.4351, F.S.

¹² See s. 381.986(14), F.S.

¹³ Agricultural Improvement Act of 2014, Pub. L. No. 113-79, s. 7606, 128 Stat. 912 (2014) (codified at 7 U.S.C. s. 5940).

¹⁴ *Id.*

¹⁵ Section 1004.4473(2)(a), F.S.

to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state. The department has adopted a rule addressing safety, compliance, and accountability and other concerns.¹⁶

2018 Federal Farm Bill

In the Agricultural Improvement Act of 2018 (2018 Farm Bill), the U.S. Congress legalized industrial hemp as an agricultural product by removing hemp's classification as a controlled substance.¹⁷ The 2018 Farm Bill defines "hemp" to mean:

...the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.¹⁸

The 2018 Farm Bill allows a state department of agriculture or an Indian tribe to submit a plan to the United States Secretary of Agriculture and apply for primary regulatory authority over the production of hemp in their state or tribal territory. A state or tribal plan must include:

- A procedure for tracking land upon which hemp will be produced;
- Testing methods for determining THC concentration levels of hemp;
- Methods for effective disposal of noncompliant products;
- Enforcement procedures;
- Inspection procedures; and
- Certification procedures for the persons authorized to produce hemp producers, test hemp products, inspect hemp producers, and enforce the provisions of the state or tribal plan.¹⁹

State Hemp Program

The state hemp program was created within the department to regulate the cultivation of hemp in Florida.²⁰

Section 581.217(3)(d), F.S., defines the term "hemp" to mean:

...the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.

¹⁶ Fla. Admin. Code R. 5B-57.013 (2018).

¹⁷ Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 12619, 132 Stat. 409 (2018) (codified at 21 U.S.C 802(16)).

¹⁸ Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639o).

¹⁹ Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639p).

²⁰ See s. 581.217, F.S.

Section 581.217(3)(e), F.S., defines the term “hemp extract” to mean “a substance or compound intended for ingestion, containing more than trace amounts of cannabinoid, or for inhalation which is derived from or contains hemp and which does not contain other controlled substances.” The term does not include synthetic CBD or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration.²¹ Products that are intended for inhalation and contain hemp extract may not be sold in this state to a person who is under 21 years of age.²²

The department is required to seek federal approval of the state plan for the regulation of the cultivation of hemp with the United States Secretary of Agriculture (USDA) in accordance with the 2018 Farm Bill within 30 days of adopting rules.²³ A license is required to cultivate hemp²⁴ and to obtain a license, a person must apply to the department and submit a full set of fingerprints.²⁵ A person seeking to cultivate hemp must provide the department with a legal land description and GPS coordinates of where the hemp will be cultivated.²⁶ The department must deny an application under certain circumstances.²⁷

Delta-8-tetrahydrocannabinol

Delta-8-tetrahydrocannabinol (delta-8-THC) is not regulated under Florida law. Delta-8-THC is only slightly chemically different from delta-9-tetrahydrocannabinol (delta-9-THC), which is the main psychoactive ingredient in marijuana. Under federal law, psychoactive delta-9-THC is outlawed but delta-8-THC derived from hemp is not.²⁸

III. Effect of Proposed Changes:

Section 1 creates s. 581.218, F.S., to regulate the sale of hemp-derived delta-8-tetrahydrocannabinol (delta-8-THC) products. It provides definitions for the terms “consumer,” “delivery sale,” “delivery service,” “hemp,” “hemp-derived delta-8-tetrahydrocannabinol,” “mail,” “retailer,” and “shipping document.”

The bill specifies that a sale of hemp-derived delta-8-THC products constitutes a delivery sale regardless of whether the person accepting the order for the delivery is located in Florida. A retailer may not sell hemp-derived delta-8-THC products to a consumer who is under 21 years of age and must provide notice of such in a prominent and clearly legible statement. A retailer who mails or ships any hemp-derived delta-8-THC products must:

- Obtain a certification from the consumer who is purchasing the product that he or she is 21 years of age or older;

²¹ Section 581.219(3)(e), F.S.

²² Section 581.217(7)(c), F.S.

²³ Section 581.217(4), F.S.

²⁴ Section 581.217(5)(a), F.S.

²⁵ Section 581.217(5)(b), F.S.

²⁶ Section 581.217(5)(d), F.S.

²⁷ Section 581.217(5)(e), F.S.

²⁸ Kalifa, Tamir, “*This Drug Gets You High, and is Legal (Maybe) Across the Country*,” The New York Times, February 27, 2021. Available at <https://www.nytimes.com/2021/02/27/health/marijuana-hemp-delta-8-thc.html> (last visited March 15, 2021).

- Include as part of the order's shipping documents, in a clear and conspicuous manner, the following statement: "Hemp-derived Delta-8-Tetrahydrocannabinol Products: Florida law prohibits shipping to individuals under 21 years of age and requires the payment of all applicable taxes"; and
- Be in compliance with any labeling requirements, pursuant to Department of Agriculture and Consumer Services rule for the state hemp program.

A person who violates this section who is 21 years of age or older commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.,²⁹ and:

- For a first violation, the person shall be fined \$1,000 or 5 times the retail value of the product involved in the violation, whichever is greater.
- For a second or subsequent violation, the person shall be \$5,000 or 5 times the retail value of the product involved in the violation, whichever is greater.

A person who is 21 years of age or older and knowingly submits a false certification of a consumer's age commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. For each offense, the individual shall be fined \$5,000 or 5 times the retail value of the product involved in the violation, whichever is greater. A person who, in connection with a delivery sale, delivers a hemp-derived delta-8-THC product on behalf of an individual who is not 21 years of age or older commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. A person who is under 21 years of age and who knowingly violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.³⁰

Section 2 provides an effective date of July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

²⁹ A first degree misdemeanor is punishable by up to one year in jail and up to a \$1,000 fine. Sections 775.082 and 775.083 F.S.

³⁰ *Id.*

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sellers of hemp-derived delta-8-THC products will have to obtain certifications from purchasers and provide a notice with the products. This could be a burden on retailers.

C. Government Sector Impact:

The bill provides for various fines for violations of the bill, which could result in increased revenue to the state if there are violations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 581.218 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Powell

30-00477-21

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A bill to be entitled

An act relating to the sale of hemp-derived delta-8-tetrahydrocannabinol; creating s. 581.218, F.S.; defining terms; prohibiting retailers from selling hemp-derived delta-8-tetrahydrocannabinol products to individuals who are under 21 years of age; providing requirements for the delivery of such products; providing civil and criminal penalties; providing an effective date.

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

Section 1. Section 581.218, Florida Statutes, is created to read:

581.218 Delivery sale of hemp-derived delta-8-tetrahydrocannabinol products; penalty.—

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

(a) "Consumer" means a person in this state who possesses a hemp-derived delta-8-tetrahydrocannabinol product and who is not a retailer, a wholesaler, or a distributor intending to sell or distribute the product.

(b) "Delivery sale" means any sale of hemp-derived delta-8-tetrahydrocannabinol products to a consumer for which:

1. The consumer submits an order for the sale by telephone or other voice transmission device, mail, delivery service, or the Internet service; or

2. The products are delivered by mail or delivery service.

(c) "Delivery service" means any person engaged in the commercial delivery of letters, packages, or other containers.

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(d) "Hemp" has the same meaning as in s. 581.217.

(e) "Hemp-derived delta-8-tetrahydrocannabinol" means the cannabinoid delta-8-tetrahydrocannabinol as a derivative, extract, isomer, acid, salt, or salt of isomers of hemp, whether growing or not, which has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis pursuant to a certification analysis that confirms such concentration.

(f) "Mail" means the shipment of hemp-derived delta-8-tetrahydrocannabinol products through the United States Postal Service or other letter carrier.

(g) "Retailer" means a person who is not a licensed distributor but is in possession of hemp-derived delta-8-tetrahydrocannabinol products for the purpose of selling the products to a consumer.

(h) "Shipping document" means a bill of lading, air-bill, United States Postal Service form, or any other document used to verify the delivery service's delivery of letters, packages, or other containers.

(2) A sale of hemp-derived delta-8-tetrahydrocannabinol products constitutes a delivery sale regardless of whether the person accepting the order for the delivery sale is located inside or outside of this state. A retailer may not sell hemp-derived delta-8-tetrahydrocannabinol products to a consumer who is under 21 years of age. The retailer must provide notice to their customers, in a prominent and clearly legible statement, specifying that customers must be 21 years of age or older to buy such products.

(3) A retailer who mails or ships any hemp-derived delta-8-

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59 tetrahydrocannabinol products to fulfill an order for a delivery
 60 sale must:

61 (a) Obtain a certification from the consumer who is
 62 purchasing the product that he or she is 21 years of age or
 63 older;

64 (b) Include as part of the order's shipping documents, in a
 65 clear and conspicuous manner, the following statement: "Hemp-
 66 derived Delta-8-Tetrahydrocannabinol Products: Florida law
 67 prohibits shipping to individuals under 21 years of age and
 68 requires the payment of all applicable taxes"; and

69 (c) Be in compliance with any labeling requirements,
 70 pursuant to department rule for the state hemp program.

71 (4) (a) A person who violates this section who is 21 years
 72 of age or older commits a misdemeanor of the first degree,
 73 punishable as provided in s. 775.082 or s. 775.083, and:

74 1. For a first violation of this section, the person shall
 75 be fined \$1,000 or 5 times the retail value of the product
 76 involved in the violation, whichever is greater.

77 2. For a second or subsequent violation, the person shall
 78 be fined \$5,000 or 5 times the retail value of the product
 79 involved in the violation, whichever is greater.

80 (b) A person who is 21 years of age or older and knowingly
 81 submits a false certification of a consumer's age commits a
 82 misdemeanor of the first degree, punishable as provided in s.
 83 775.082 or s. 775.083. For each offense, the individual shall be
 84 fined \$5,000 or 5 times the retail value of the product involved
 85 in the violation, whichever is greater.

86 (c) A person who, in connection with a delivery sale,
 87 delivers a hemp-derived delta-8-tetrahydrocannabinol product on

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88 behalf of a delivery service to an individual who is not 21
 89 years of age or older commits a misdemeanor of the first degree,
 90 punishable as provided in s. 775.082 or s. 775.083.

91 (d) A person who is under 21 years of age and who knowingly
 92 violates this section commits a misdemeanor of the first degree,
 93 punishable as provided in s. 775.082 or s. 775.083.

94 Section 2. This act shall take effect July 1, 2021.



The Florida Senate

Committee Agenda Request

To: Senator Darryl Rouson, Chair
Committee on Agriculture

Subject: Committee Agenda Request

Date: March 5, 2021

I respectfully request that **Senate Bill #1766**, relating to Sale of Hemp-derived Delta-8-tetrahydrocannabinol, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Bobby Powell", is written over a horizontal line.

Senator Bobby Powell
Florida Senate, District 30

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 1768

INTRODUCER: Agriculture Committee and Senator Rouson

SUBJECT: Agriculture and Nutrition

DATE:

REVISED:

March 17, 2021

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Argote	Becker	AG	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1768 provides several provisions to improve the overall condition of agriculture and nutrition in the state. Specifically, the bill:

- Requires state agencies, universities, and colleges to give preference to food commodities grown or produce in the state in certain purchasing agreements and provides conditions for such a preference;
- Requires certain schools to implement a program for special assistance certification and reimbursement alternatives to provide universal free school breakfast and lunch meals and provides an exception to this requirement;
- Establishes the Agricultural Surplus Purchase Program within the Department of Agriculture and Consumer Services (department) to purchase agricultural commodities from farmers in the state who are unable to sell their agricultural commodities for specified reasons;
- Establishes the Local Food Pantry Infrastructure Assistance Grant within the department to build food pantry capacity to manage donated food, increase availability of perishable food items, and minimize the loss of perishable food items before distribution; and
- Establishes the Healthy Food Access Pilot Program within the department to increase access to healthy and affordable food via grants to specified entities who implement transit system projects that connect low income and low access communities to specified food sources.

For the 2021-2022 fiscal year, recurring funds from the General Revenue Fund in the following amounts will be appropriated to the department for the following purposes:

- \$2,756,801 for the purpose of providing sponsor reimbursements for breakfast meals;
- \$1 million for the purpose of implementing the Agricultural Surplus Purchase Program;
- \$500,000 for the purpose of implementing the Local Food Pantry Infrastructure Assistance Grant Program; and
- \$350,000 for the purpose of implementing the Healthy Food Access Pilot Program.

This bill takes effect July 1, 2021.

II. Present Situation:

Increased Demand for Locally Grown Foods

In recent years, there has been increasing demand for locally grown food as consumers, policymakers, and advocacy groups recognize the health, environmental, and economic benefits of purchasing food from local farmers.¹ Many states have noted the potential for public institutions to serve as leading purchasers of locally grown food and have enacted legislation instructing state institutions to apply a purchasing preference for food grown within the state.²

Preference to Florida Businesses; Generally

Under s. 287.084, F.S., when an agency, university, college, school district, or other political subdivision of the state is required to make purchases of personal property through competitive solicitation, the state is encouraged to give preference to the lowest responsible and responsive vendor having a principal place of business within this state so long as the bid is not more than 5 percent greater than the price given for out of state personal property.³

Florida School Nutrition

School Nutrition Program Requirements

Under s. 595.405, F.S., district school boards must adopt policies to provide for an appropriate food and nutrition program for students consistent with federal law and department rules.⁴ Each district school board is required to implement school breakfast programs that make breakfast meals available to all students in each school that serves any combination of grades kindergarten through 5.

District school boards are required to annually set prices for breakfast meals at rates that, combined with federal reimbursements and state allocations, are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds.⁵

District school boards are encouraged to provide universal, free school breakfast meals to all students in each elementary, middle, and high school. A universal school breakfast program must

¹ UFIFAS, *Talking Local: Florida Consumers' Reasons for Purchasing Local Food*, <https://edis.ifas.ufl.edu/wc176> (last visited March 15, 2021).

² DACS, *Senate Bill 1768 Analysis* (March 8, 2021) (on file with the Senate Committee on Agriculture).

³ Section 287.084, F.S.

⁴ Section 595.405, F.S.

⁵ Except if the district school board approves lower rates. See s. 595.405(3), F.S.

be implemented in each school in which 80 percent or more of the students are eligible for free or reduced-price meals, unless the district school board, after considering public testimony at two or more regularly scheduled board meetings, decides not to implement such a program in such schools.⁶

To increase school breakfast and universal school breakfast program participation, each district school board must, to the maximum extent practicable, make breakfast meals available to students through alternative service models as described in publications of the Food and Nutrition Service of the U.S. Department of Agriculture (USDA) for the federal School Breakfast Program.⁷

Florida Free and Reduced Priced School Meal Participation

Currently, roughly 51 percent of all students enrolled in a Florida school that provides access to breakfast meals consume school breakfast.⁸ Children from families with incomes between 130 percent (\$33,475 for a family of four) and 185 percent (\$47,638 for a family of four) of the poverty level are eligible for reduced-price meals, where a student pays 30 cents for breakfast and 40 cents for lunch.⁹

School districts across the country report that students have difficulty affording co-payments for school meals, participation is lower for students who qualify for reduced-price meals when compared to those who qualify for free meals, and participation drops off toward the end of the month when family budgets may be particularly tight.¹⁰

The federal rate of reimbursement has not kept pace with the cost to produce a breakfast meal. A recent USDA study showed that the full cost of producing school meals exceeds reported costs by an average of 19 percent.¹¹ According to the School Nutrition Association's estimates, U.S. schools will incur a loss of about \$5 million to \$8 million each school day in order to feed 30 million children.¹² Without sufficient federal resources, many states and school districts often have to rely on the sales of popular but less nutritious foods, like pizza, french fries, and sodas to help generate the revenue needed to subsidize healthier meal options.

In some cases, higher food prices are forcing programs to question whether they can continue participating in the federal nutrition program altogether, meaning that fewer children may have access to healthy meals.

⁶ Section 595.405(5), F.S.

⁷ Section 595.405(6), F.S.

⁸ Food Research and Action Center, *School Breakfast Scorecard*, <https://frac.org/wp-content/uploads/school-breakfast-scorecard-sy-2016-2017.pdf> (last visited March 15, 2021).

⁹ Food Research and Action Center, *School Meal Eligibility and Reimbursements*, <https://frac.org/school-meal-eligibility-reimbursements> (last visited March 15, 2021).

¹⁰ DACS, *Senate Bill 1768 Analysis* (March 8, 2021) (on file with the Senate Committee on Agriculture).

¹¹ U.S. House of Representatives, *Hearing before the Committee on Education and Labor*, available at <https://www.govinfo.gov/content/pkg/CHRG-110hhrg43312/pdf/CHRG-110hhrg43312.pdf> (last visited March 15, 2021).

¹² School Nutrition Association, *Impact of COVID-19 on School Nutrition Programs*, available at https://schoolnutrition.org/uploadedFiles/6_News_Publications_and_Research/8_SNA_Research/Impact-of-Covid-19-on-School-Nutrition-Programs-Back-to-School-2020.pdf (last visited March 15, 2021).

Special Assistance Certification and Reimbursement Alternatives

In an effort to reduce paperwork at the local level, Congress incorporated into Section 11(a)(1) of the National School Lunch Act¹³ three alternative provisions to the normal requirements for annual determinations of eligibility for free and reduced-price school meals and daily meal counts by eligibility category at the point of service of the meal.¹⁴ Under 7 C.F.R. s. 245(2), Special Assistance Certification and Reimbursement Alternatives are defined as the three optional alternatives for free and reduced price meal application and claiming procedures in the National School Lunch Program and School Breakfast Program.¹⁵ Such certification and reimbursement alternatives are available to those School Food Authorities with schools in which at least 80 percent of the enrolled children are eligible for free or reduced price meals, or schools which are currently, or who will be serving all children free meals.¹⁶

These provisions reduce application burdens to school nutrition departments and simplify meal counting and claiming procedures. Subsequently, it allows schools to establish claiming percentages and to serve all meals to all participating children at no charge for a 2 or 4 year period. Schools electing one of these alternatives must pay the difference between federal reimbursement and the cost of providing all meals at no charge, and the funds to account for this difference must be from sources other than Federal funds.¹⁷

The Community Eligibility Provision

The Community Eligibility Provision (CEP) is a non-pricing meal service option for schools and school districts in low-income areas.¹⁸ The CEP allows the nation's highest poverty schools and districts to serve breakfast and lunch at no cost to all enrolled students without collecting household applications. Instead, schools that adopt the CEP are reimbursed using a formula based on the percentage of students categorically eligible for free meals based on their participation in other specific means-tested programs, such as the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families.¹⁹

Food Waste and Recovery Initiatives

Wasted food is a growing problem in modern society and an untapped opportunity. In 2017 alone, the Environmental Protection Agency (EPA) estimated that almost 41 million tons of food waste was generated, while only 6.3 percent was diverted from landfills and incinerators for composting.²⁰ The EPA also estimates that more food reaches landfills and incinerators than any

¹³ SEC. 11. [42 U.S.C. 1759a] (a)(1)(A); National School Lunch Act, available at <https://fns-prod.azureedge.net/sites/default/files/resource-files/COMPS-10333.pdf> (last visited March 15, 2021).

¹⁴ DACS, *Senate Bill 1768 Analysis* (March 8, 2021) (on file with the Senate Committee on Agriculture).

¹⁵ See 7 C.F.R. s. 245(2).

¹⁶ *Id.*

¹⁷ DACS, *Senate Bill 1768 Analysis* (March 8, 2021) (on file with the Senate Committee on Agriculture).

¹⁸ DACS, *Community Eligibility Provision*, <https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/National-School-Lunch-Program/Community-Eligibility-Provision> (last visited March 15, 2021).

¹⁹ *Id.*

²⁰ US Environmental Protection Agency, Food: Material-Specific Data, <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/food-material-specific-data> (last visited March 15, 2021).

other single material in our everyday trash, constituting 22 percent of discarded municipal solid waste.²¹

Additionally, the USDA estimated that in 2010, of the 430 billion pounds of food produced, 133 billion pounds were not available for human consumption at the retail and consumer levels.²² This condition was exacerbated by COVID-19 conditions as Florida's foodservice industry demand for fresh produce and dairy plummeted, with growers reporting total crop losses across the state through mid-April 2020 in excess of \$522.5 million.²³

Food Pantries

Food pantries play a critical role in meeting the short-term or emergency assistance needs of those struggling with food insecurity. The size and client-base of food pantries vary drastically, from a room in a place of worship that may be open to serve clients once or twice per month to food bank-like warehouses that are open to serve clients every day.²⁴ Regardless of size or client-base, the success of most food pantries depends on their infrastructure, staffing, and operational resources.

Feeding America estimates that food insecurity will continue to increase for many households as more children are not attending childcare facilities and school in-person, which are sources of nutritious meals for many students.²⁵ Additionally, changes in employment status during the COVID-19 pandemic will effect this growing number as well.

Florida Farm to You Commodities List

With restaurants and foodservice businesses closed due to COVID-19, agricultural producers across the country have struggled to sell perishable products like fruits and vegetables. In an effort to support farmers, ranchers, and producers, as well as consumers, during the pandemic, Agriculture Commissioner Nikki Fried and the department created the Florida Farm to You Commodities List to connect potential buyers with farmers and producers of Florida-grown commodities like fresh produce, seafood, poultry and more. Buyers, food banks, and consumers can directly connect with growers selling these products using contact information on the list updated daily.²⁶

Feeding Florida's Food Recovery Initiative

Farmers Feeding Florida is Feeding Florida's produce recovery initiative that works in partnership with farmers and packers throughout the state to rescue and distribute wholesome and cosmetically blemished produce that can help to ease this burden. The initiative offsets out-

²¹ *Id.*

²² The US Department of Agriculture, *The Estimated Amount, Value, and Calories of Postharvest Food Losses at the Retail and Consumer Levels in the US*, https://www.ers.usda.gov/webdocs/publications/43833/43680_eib121.pdf?v=41817 (last visited March 15, 2021).

²³ DACS, *Senate Bill 1768 Analysis* (March 8, 2021) (on file with the Senate Committee on Agriculture).

²⁴ *Id.*

²⁵ Feeding America, *The Impact of the Coronavirus on Food Insecurity* (2020), available at <https://www.feedingamerica.org/sites/default/files/2020-04/Brief.pdf> (last visited March 15, 2021).

²⁶ DACS, *Florida Farm to You*, <https://www.fdacs.gov/Agriculture-Industry/Florida-Farm-To-You> (last visited March 15, 2021).

of-pocket costs for packing materials to enable them to scale up donations to multiple truckload quantities. Farmers Feeding Florida is endorsed by Florida's major commodity groups and is supported by the department, the Florida Legislature, and grants from private foundations.²⁷

The Department of Agriculture and Consumer Services' Food Recovery Program

The department's Food Recovery Program works to recover food in two ways:

- By working with farmers. Volunteers visit the farms and collect surplus produce in a process known as gleaning.
- By working with schools. The department provides Florida schools with guidance on food waste audits, share tables, food donations, and composting.²⁸

The Mobile Food Pantry

Feeding Florida's Mobile Pantry Program directly serves clients in areas of high need in an effort to supplement other hunger-relief agencies in that area. Through a Mobile Pantry, a truckload of food is distributed to clients in pre-packed boxes or through a farmer's market-style distribution where clients choose to take what they need. The Feeding Florida network of 12-member food banks has expanded its mobile pantry program and mobile grocery stores in order to fill gaps in their network of partner agencies. The expansion of this program allows the food banks to ensure more of their clients have proper access to food sources.²⁹

Access to Healthy and Affordable Food

The USDA's Economic Research Service (ERS) finds that whether a vehicle is available to a household for private use is an important indicator of access to healthy and affordable food.³⁰ For households living far from a supermarket or large grocery store, access to a private vehicle may make accessing these retailers easier than relying on public or alternative means of transportation. In 2017, ERS data showed that 9.2 percent of all housing units in the United States did not have a vehicle and 4.2 percent of all housing units were at least half a mile from a store and without a vehicle. This accounts for more than 3.1 million residents in over 1.2 million housing units in Florida.³¹

Food Security Programs and the Social Determinants of Health

Social determinants of health are conditions in the environment in which people are born, live, learn, work, play, and age that effect a wide range of health, functioning, and quality-of-life outcomes and risks.³² Access to food – nutritious food, specifically – is regarded as a key social

²⁷ Feeding Florida, *Farmers Feeding Florida*, <https://www.feedingflorida.org/food-access/farmers-feeding-florida> (last visited March 15, 2021).

²⁸ DACS, *Food Recovery Program*, <https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/Food-Recovery-Program> (last visited March 15, 2021).

²⁹ Feeding Florida, *Mobile Food Pantry*, <https://www.feedingflorida.org/food-access/mobile-pantries> (last visited March 15, 2021).

³⁰ USDA, *Access to Affordable and Nutritious Food: Measuring and Understanding Food Deserts and their Consequences* (2009), available at https://www.ers.usda.gov/webdocs/publications/42711/12716_ap036.pdf (last visited March 15, 2021).

³¹ DACS, *Senate Bill 1768 Analysis* (March 8, 2021) (on file with the Senate Committee on Agriculture).

³² Office of Disease Prevention and Health Promotion, *Social Determinants of Health*, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health> (last visited March 15, 2021).

determinant of health that has a direct impact on an individual's wellbeing. Individuals who cannot afford or obtain quality food rich in vitamins run the risk of developing chronic illnesses or exacerbating illnesses they may already have.³³

Limited access to food can also have a domino effect on other social determinants or medical issues. Children who are food insecure may experience more difficulty focusing in school, stunting their educational attainment and ultimately harming their chances of success.³⁴

III. Effect of Proposed Changes:

Section 1 amends s. 287.082, F.S., to make conforming provisions to changes made by the act.

Section 2 creates s. 287.0823, F.S., to declare it a state goal that by 2030, 15 percent of food commodities purchased by state agencies, universities, and colleges will be grown or produced in the state. The bill requires that, when purchasing food commodities, state agencies, universities, and colleges give preference to those grown or produced within the state.

The bill provides that a qualified vendor who can fulfill a purchase agreement, state term contract, or contract for the purchase of food commodities with the use of food commodities grown or produced in the state may be given preference over other vendors so long as the price included in the bid, proposal, or reply is not more than 10 percent greater than the price given for out of state food commodities.

The bill requires certain state agencies, universities, and colleges to cooperate with the Department of Management Services in establishing a reporting system for identifying the percentage of purchased food commodities grown or produced within the state. Such entities are given specific reporting requirements and are required to report compliance to the Governor, Cabinet, and Legislature on or before November 1 of each year.

Section 3 adds subsections (9) and (10) to s. 595.405, F.S., to eliminate the reduced-price copayment for school breakfast meals via department reimbursement to sponsors for each breakfast meal that meets certain requirements.

Certain schools are required to implement a program for special assistance certification and reimbursement alternatives to provide universal free school breakfast and lunch meals. A sponsor, under certain circumstances, may decide not to implement the program. If deciding not to implement the program, the sponsor, its school nutrition director, or designee must attend at least one training session by the department regarding reimbursement alternatives before making a final decision.

The bill directs the department of Education to use specified data and methodologies to establish income levels for schools implementing the program. The bill also requires that a specified multiplier be applied when using certain data.

³³ Heath, S., *How Food Security Programs Target Social Determinants of Health*, Patient Care Access News, available at <https://patientengagementhit.com/news/how-food-security-programs-target-social-determinants-of-health> (last visited March 15, 2021).

³⁴ *Id.*

Section 4 creates s. 595.421, F.S., to establish the Agricultural Surplus Purchase Program within the department to purchase agricultural commodities from farmers in the state who are unable to sell their agricultural commodities due to unusually large yields or disruptions in the market or food supply chain. The department is authorized to consult with specified entities surrounding the implementation of this provision.

The bill requires that the department pay fair market value for any agricultural commodities it purchases from a farmer under the program.

The bill directs the department to purchase, donate, and distribute certain agricultural commodities to specified organizations and communities.

The department is given rulemaking authority to adopt an application process for specified entities to participate in the program. The bill provides minimum requirements for the application process.

The bill encourages the department to seek funding from private entities and other governmental entities to fund the program.

Section 5 creates s. 595.422, F.S., to establish the Local Food Pantry Infrastructure Assistance Grant within the department to build food pantry capacity to manage donated food, increase availability of perishable food items, and minimize the loss of perishable food items before distribution.

The bill defines the term “food pantry” and grants the department rulemaking authority to establish grant requirements. The department is also required to promote and market the program.

Section 6 creates s. 595.802, F.S., to establish the Healthy Food Access Pilot Program within the department to increase access to healthy and affordable food via grants to specified entities who implement transit system projects that connect low income and low access communities to specified food sources.

The department is given rulemaking authority to implement this section and is authorized to enter into an agreement with a third-party vendor to administer the pilot program. The department is also required to submit specified annual reports to the Governor and Legislature by November 1, 2021, and each November 1 thereafter.

This section is repealed July 1, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 7 provides appropriations for the bill. For the 2021-2022 fiscal year, recurring funds from the General Revenue Fund in the following amounts will be appropriated to the department for the following purposes:

- \$2,756,801 for the purpose of providing sponsor reimbursements for breakfast meals;

- \$1 million for the purpose of implementing the Agricultural Surplus Purchase Program. The department may use up to 5 percent of the funds for administrative costs associated with the program;
- \$500,000 for the purpose of implementing the Local Food Pantry Infrastructure Assistance Grant Program; and
- \$350,000 for the purpose of implementing the Healthy Food Access Pilot Program
Unexpended balances of appropriations provided for this pilot program shall be retained in the Food and Nutrition Services Trust Fund and be carried forward to fund the pilot program in the 2022-2023 fiscal year. Unexpended balances for the pilot program that remain unexpended on July 1, 2024, shall revert to the General Revenue Fund.

Section 8 provides that this bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties and municipalities to spend funds, limit their ability to raise revenue, or reduce the percentage of a state tax shared with them. Therefore, the mandates provisions of s. 18, Art. VII of the State Constitution do not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill does not create or raise state taxes or fees. Therefore, the requirements of s. 19, Art. VII of the State Constitution do not apply.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference determined SB 1768 will reduce General Revenue Fund receipts by \$200,000 beginning in Fiscal Year 2021-2022 and by \$300,000 each fiscal year thereafter. CS/SB 1768 has not been reviewed by the Revenue Estimating Conference, but staff estimates that the changes significantly affect the fiscal impact.

B. Private Sector Impact:

Farmers will likely see an increase in revenue through the Florida Agricultural Surplus Purchase Program as food products that would otherwise be wasted will be donated to communities in need while reimbursing farmers for the costs involved in harvesting, processing, packaging, and transporting these foods.

Farmers will also likely see an increase in revenue via the purchase preference given to agricultural commodities grown or produced within the state.

Overall, food programs that increase access to healthy and nutritious foods, be it monetarily, physically, or through improved access to transportation, will benefit communities and decrease food insecurity immensely.

C. Government Sector Impact:

The bill requires a \$4,606,801 appropriation in recurring funds from the General Revenue Fund in Fiscal Year 2021-2022 to implement the provisions set forth within the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 287.082 and 595.405 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 287.0823, 595.421, 595.422, and 595.802.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS/SB by Agriculture on March 17, 2021:

The committee substitute deletes the Agricultural commodity donation tax credit, the Produce Prescription Pilot Program, and the requirement that the Department of Agriculture and Consumer Services conduct a study on geographical areas with limited access to affordable and nutritious food.

The committee substitute also reduces the funds appropriated to certain provisions as follows: The Agricultural Surplus Purchase Program is reduced from \$7 million to \$1 million, the Local Food Pantry Infrastructure Assistance Grant Program is reduced from \$1,250,000 to \$500,000, and the Healthy Food Access Pilot Program is reduced from \$700,000 to \$350,000.

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	.	
03/17/2021	.	
	.	
	.	
	.	

The Committee on Agriculture (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 287.082, Florida Statutes, is amended to
read:

287.082 Commodities manufactured, ~~grown, or produced~~ in
state given preference. ~~Whenever two or more competitive sealed~~
bids are received, one or more of which relates to commodities
manufactured, ~~grown, or produced~~ within this state, and whenever
all things stated in such received bids are equal with respect



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to price, quality, and service, the commodities manufactured,
~~grown, or produced~~ within this state shall be given preference.

Section 2. Section 287.0823, Florida Statutes, is created
to read:

287.0823 Commodities grown or produced in state given
preference.—

(1) It is the goal of the state that by 2030, 15 percent of
all food commodities purchased by state agencies, Florida
College System institutions, and state universities shall be
grown or produced within this state.

(2) (a) Notwithstanding any other provision of this section,
and to the extent permitted by federal law, such state agencies,
institutions, and universities, when purchasing food
commodities, shall give preference to food commodities grown or
produced within this state.

(b) As used in this section, the term "food commodities"
means any agricultural, apicultural, aquacultural,
floricultural, horticultural, viticultural, and vegetable
products produced in this state or any class, variety, or use
thereof, in their natural state or as processed by a producer
for the purpose of marketing the product or by a processor,
including, but not limited to, all agricultural products;
livestock and livestock products; poultry and poultry products;
fish and seafood; and products of the farms, waters, and forests
of this state.

(3) When a purchasing agreement, state term contract, or
contract for the purchase of food commodities is to be awarded
to the lowest responsive and responsible vendor, an otherwise
qualified vendor who will fulfill the contract through the use



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of food commodities grown or produced within this state may be given preference over other vendors, provided that the price included in the bid, proposal, or reply for the food commodities grown or produced within this state is not more than 10 percent greater than the price included in a bid, proposal, or reply that is for food commodities grown or produced outside of this state.

(4) All state agencies, Florida College System institutions, and state universities that purchase food commodities shall cooperate with the department in establishing a reporting system for identifying the percentage of purchased food commodities that are grown or produced within this state. Beginning with the 2021-2022 fiscal year, such state agencies, institutions, and universities shall report their compliance with this section for the preceding fiscal year to the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives on or before November 1 of each year. The report must contain, at a minimum, the following for each state agency, Florida College System institution, and state university:

(a) Total expenditures for, and quantity of, food commodities purchased.

(b) Total expenditures for, and quantity of, food commodities purchased that were grown or produced within this state.

(c) Total expenditures for food commodities grown or produced outside of this state.

(d) A statement and assessment of good faith efforts taken to cooperate with this subsection.



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Section 3. Subsections (9) and (10) are added to section 595.405, Florida Statutes, to read:

595.405 School nutrition program requirements.—

(9) To eliminate the reduced-price copayment for school breakfast meals, the department shall reimburse sponsors for each breakfast meal that meets the requirements of federal law and department rules and is served to a student who qualifies for reduced-price meals, the greater of 30 cents or the difference between the United States Department of Agriculture reimbursement rate for a free breakfast and a reduced-price breakfast.

(10) (a) Beginning June 1, 2022, each school in which 80 percent or more of the students are eligible for free or reduced-price meals shall implement a program for special assistance certification and reimbursement alternatives, as defined by 7 C.F.R. s. 245.2, to provide universal free school breakfast and lunch meals to all students, unless a sponsor, after considering public testimony at two or more regularly scheduled school board or sponsor's administration meetings, decides not to implement a program in an eligible school. The sponsor, its school nutrition director, or other designee shall attend at least one training by the department regarding the special assistance certification and reimbursement alternatives before the decision whether to implement the special assistance certification and reimbursement alternatives is made by the school board or sponsor's administration.

(b) For schools implementing special assistance certification and reimbursement alternatives, the Department of Education shall use alternate sources of socioeconomic data,



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such as local data collected by the city or county zoning and economic planning office; unemployment data; local Supplemental Nutrition Assistance Program certification data, including direct certification and statistical sampling of the school's population using an equivalent income measurement process to the free and reduced-price application; or Temporary Assistance for Needy Families data, to establish the income level of the school population.

(c) A multiplier shall be applied when an alternate source of socioeconomic data is used to ensure school-level allocations of Title I, Part A, Basic funds for schools implementing special assistance certification and reimbursement alternatives are maintained at the same funding level or higher as the funding level received from the enrollment surveys and free and reduced-price school lunch data for the 2019-2020 school year.

Section 4. Section 595.421, Florida Statutes, is created to read:

595.421 Agricultural Surplus Purchase Program.—

(1) The Agricultural Surplus Purchase Program is established within the department to purchase agricultural commodities from farmers in this state who are unable to sell their agricultural commodities due to unusually large yields or disruptions in the market or food supply chain. The department may consult with food banks or other nonprofit organizations to establish and implement the program.

(2)(a) The department shall pay fair market value for any agricultural commodities it purchases from a farmer under the program.

(b) The department shall donate and distribute any



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agricultural commodities purchased under the program to
charitable and nonprofit organizations in rural areas of
opportunity as defined in s. 288.0656(2) and rural communities
as defined in s. 288.0656(2).

(3) The department shall adopt by rule an application
process for farmers and charitable and nonprofit organizations
to participate in the program. The application process shall, at
a minimum, include eligibility requirements and criteria for
prioritizing and selecting applicants.

(4) The department is encouraged to seek funding from
private entities and other governmental entities to fund the
program.

Section 5. Section 595.422, Florida Statutes, is created to
read:

595.422 Local Food Pantry Infrastructure Assistance Grant
Program.—

(1) The Local Food Pantry Infrastructure Assistance Grant
Program is established within the department to build food
pantry capacity to facilitate managing donated food, to increase
the availability of perishable food items, and to minimize the
loss of perishable food items before distribution.

(2) As used in this section, the term "food pantry" means a
public or private nonprofit organization that distributes food
to persons and households in need to relieve situations of
emergency and distress.

(3) The department shall establish by rule grant award
requirements, including eligibility, application, and selection
criteria.

(4) The department shall promote and market the program to



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food pantries as an opportunity to compete for grant funding.

Section 6. Section 595.802, Florida Statutes, is created to read:

595.802 Healthy Food Access Pilot Program.—

(1) The Healthy Food Access Pilot Program is established within the department to increase access to healthy and affordable food by providing grants to support local governments, transportation agencies, community development corporations, and nonprofit organizations in implementing transit system projects that connect low-income and low access communities in rural areas and throughout this state to grocery stores, farmers' markets, and community-supported agriculture programs.

(2) The department shall adopt rules to implement this section and may enter into an agreement with a third-party vendor to administer the pilot program.

(3) Beginning November 1, 2021, and each November 1 thereafter, the department shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the projects funded, the geographic distribution of the projects, the costs of the program, and the outcomes.

(4) This section is repealed July 1, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 7. (1) For the 2021-2022 fiscal year, the sum of \$2,756,801 in recurring funds from the General Revenue Fund is appropriated to the Department of Agriculture and Consumer Services for the purpose of providing sponsor reimbursements for breakfast meals pursuant to s. 595.405, Florida Statutes.



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(2) For the 2021-2022 fiscal year, the sum of \$1 million in recurring funds from the General Revenue Fund is appropriated to the Department of Agriculture and Consumer Services for the purpose of implementing the Agricultural Surplus Purchase Program pursuant to s. 595.421, Florida Statutes. The department may use up to 5 percent of the funds for administrative costs associated with the program.

(3) For the 2021-2022 fiscal year, the sum of \$500,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Agriculture and Consumer Services for the purpose of implementing the Local Food Pantry Infrastructure Assistance Grant Program pursuant to s. 595.422, Florida Statutes.

(4) (a) For the 2021-2022 fiscal year, the sum of \$350,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Agriculture and Consumer Services for the purpose of implementing the Healthy Food Access Pilot Program pursuant to s. 595.802, Florida Statutes.

(b) Unexpended balances of appropriations provided for the Healthy Food Access Pilot Program may not revert to the General Revenue Fund at the end of the 2021-2022 fiscal year but must be retained in the Food and Nutrition Services Trust Fund and carried forward to fund the pilot program in the 2022-2023 fiscal year. Balances of appropriations provided for the pilot program which remain unexpended on July 1, 2024, shall revert to the General Revenue Fund.

Section 8. This act shall take effect July 1, 2021.

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



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And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to agriculture and nutrition; amending
s. 287.082, F.S.; conforming provisions to changes
made by the act; creating s. 287.0823, F.S.; declaring
that it is a state goal that by a specified date, a
percentage of food commodities purchased by state
agencies, Florida College System institutions, and
state universities will be grown or produced in this
state; requiring such agencies, institutions, and
universities to give preference to food commodities
grown or produced in this state in certain purchasing
agreements, state term contracts, or contracts for the
purchase of food commodities; providing conditions for
such preference; defining the term "food commodities";
requiring certain of such agencies, institutions, and
universities to cooperate with the Department of
Management Services in establishing a reporting
system; requiring such agencies, institutions, and
universities to report compliance to the Governor,
Cabinet, and Legislature by a specified date each
year; specifying report requirements; amending s.
595.405, F.S.; providing sponsor reimbursements for
certain school breakfast meals; requiring certain
schools to implement a program for special assistance
certification and reimbursement alternatives to
provide universal free school breakfast and lunch



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meals; providing an exception; requiring sponsors or designated sponsor entities to consider certain public testimony before declining to implement the program; directing the Department of Education to use specified data and methodologies to establish income levels for schools implementing the program; requiring a specified multiplier to be applied when using certain data; creating s. 595.421, F.S.; establishing the Agricultural Surplus Purchase Program within the Department of Agriculture and Consumer Services for a specified purpose; authorizing the department to consult with specified entities; directing the department to purchase, donate, and distribute certain agricultural commodities to specified organizations and communities and to adopt specified rules; creating s. 595.422, F.S.; establishing the Local Food Pantry Infrastructure Assistance Grant Program within the department for a specified purpose; defining the term "food pantry"; requiring the department to adopt specified rules and to promote and market the program; creating s. 595.802, F.S.; establishing the Healthy Food Access Pilot Program within the department for a specified purpose; requiring the department to adopt rules; authorizing the department to enter into agreements with third-party vendors; requiring the department to submit an annual report to the Governor and Legislature; providing that the program is repealed by a specified date unless reenacted by the Legislature; providing appropriations; providing an



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effective date.

By Senator Rouson

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1 A bill to be entitled
2 An act relating to agriculture and nutrition; creating
3 s. 220.192, F.S.; defining terms; providing a tax
4 credit for farmers who donate agricultural commodities
5 to certain charitable and nonprofit organizations for
6 certain distribution; providing application
7 requirements; authorizing unused tax credit amounts to
8 be carried forward for a specified period; limiting
9 the tax credit amount a farmer may be granted;
10 requiring the Department of Agriculture and Consumer
11 Services to adopt specified rules; amending s.
12 287.082, F.S.; conforming provisions to changes made
13 by the act; creating s. 287.0823, F.S.; declaring that
14 it is a state goal that by a specified date, a
15 percentage of food commodities purchased by state
16 agencies, universities, and colleges will be grown or
17 produced in this state; requiring state agencies,
18 universities, and colleges to give preference to food
19 commodities grown or produced in this state in certain
20 purchasing agreements, state term contracts, or
21 contracts for the purchase of food commodities;
22 providing conditions for such preference; defining the
23 term "food commodities"; requiring certain state
24 agencies, universities, and colleges to cooperate with
25 the department in establishing a reporting system;
26 requiring such state agencies, universities, and
27 colleges to report compliance to the Governor,
28 Cabinet, and Legislature by a specified date each
29 year; specifying report requirements; amending s.

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

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30 595.405, F.S.; providing sponsor reimbursements for
31 certain school breakfast meals; requiring certain
32 schools to implement a program for special assistance
33 certification and reimbursement alternatives to
34 provide universal free school breakfast and lunch
35 meals; providing an exception; requiring sponsors or
36 designated sponsor entities to consider certain public
37 testimony before declining to implement the program;
38 directing the Department of Education to use specified
39 data and methodologies to establish income levels for
40 schools implementing the program; requiring a
41 specified multiplier to be applied when using certain
42 data; creating s. 595.421, F.S.; establishing the
43 Agricultural Surplus Purchase Program within the
44 department for a specified purpose; authorizing the
45 department to consult with specified entities;
46 directing the department to purchase, donate, and
47 distribute certain agricultural commodities to
48 specified organizations and communities and to adopt
49 specified rules; creating s. 595.422, F.S.;
50 establishing the Local Food Pantry Infrastructure
51 Assistance Grant Program within the department for a
52 specified purpose; defining the term "food pantry";
53 requiring the department to adopt specified rules and
54 to promote and market the program; creating s.
55 595.802, F.S.; establishing the Healthy Food Access
56 Pilot Program within the department for a specified
57 purpose; requiring the department to adopt rules;
58 authorizing the department to enter into agreements

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

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with third-party vendors; requiring the department to submit specified annual reports to the Governor and Legislature; providing that the program is repealed by a specified date unless reenacted by the Legislature; creating s. 595.803, F.S.; establishing the Produce Prescription Pilot Program within the department for a specified purpose; requiring the department to adopt rules; authorizing the department to enter into agreements with third-party vendors; requiring the department to submit specified annual reports to the Governor and Legislature; providing that the program is repealed by a specified date unless reenacted by the Legislature; requiring the department to conduct a specified study on geographical areas with limited access to affordable and nutritious food; requiring the department to adopt rules; authorizing the department to contract with a third-party vendor; providing appropriations; providing an effective date.

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

Section 1. Section 220.192, Florida Statutes, is created to read:

220.192 Agricultural commodity donation tax credit.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Agricultural commodities" means any agricultural, apicultural, aquacultural, floricultural, horticultural, viticultural, and vegetable products produced in this state or any class, variety, or use thereof, in their natural state or as

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processed by a producer for the purpose of marketing the product or by a processor, including, but not limited to, all agricultural products; livestock and livestock products; poultry and poultry products; fish and seafood; and products of the farms, waters, and forests of this state.

(b) "Farmer" means a person who engages in the growing or producing of farm produce as defined in s. 768.137. For purposes of this paragraph, the term "farm produce" has the same meaning as in s. 812.015(1)(e).

(2) TAX CREDIT.—

(a) For tax years beginning on or after January 1, 2021, an annual credit against the tax imposed by this chapter shall be granted to a farmer in the amount of 30 percent of the fair market value of agricultural commodities donated to bona fide charitable and nonprofit organizations for distribution to those in need.

(b) Each farmer claiming a credit under this section must apply to the Department of Agriculture and Consumer Services by the date established by the Department of Agriculture and Consumer Services. The application form shall be adopted by rule of the Department of Agriculture and Consumer Services. The application form must, at a minimum, require a sworn affidavit from each farmer certifying the volume and type of agricultural commodities donated and certifying that all information contained in the application is true and correct. Each farmer must also submit receipts from the charitable or nonprofit organization confirming the claimed donation.

(c) If any credit granted under this section is not fully used in the first year for which it becomes available, the

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 unused amount may be carried forward for a period not to exceed
 5 years. The amount carried forward may be used in a subsequent
 year when the tax imposed by this chapter exceeds the credit for
 such year under this section after applying the other credits
 and unused credit carryovers in the order provided in s.
 220.02(8).

(d) The maximum amount of tax credit which may be granted
 to a farmer under this section during any calendar year is
 \$5,000.

(3) RULES.—The Department of Agriculture and Consumer
 Services shall adopt rules to implement and administer this
 section, including rules prescribing forms, the documentation
 needed to substantiate a claim for the tax credit, and the
 specific procedures and guidelines for claiming the credit.

Section 2. Section 287.082, Florida Statutes, is amended to
 read:

287.082 Commodities manufactured, ~~grown, or produced~~ in
 state given preference.—Whenever two or more competitive sealed
 bids are received, one or more of which relates to commodities
 manufactured, ~~grown, or produced~~ within this state, and whenever
 all things stated in such received bids are equal with respect
 to price, quality, and service, the commodities manufactured,
~~grown, or produced~~ within this state shall be given preference.

Section 3. Section 287.0823, Florida Statutes, is created
 to read:

287.0823 Commodities grown or produced in state given
 preference.—

(1) It is the goal of the state that by 2030, 15 percent of
 all food commodities purchased by state agencies and Florida

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 College System institutions and state universities shall be
 grown or produced within this state.

(2) (a) Notwithstanding any other provision of this section,
 and to the extent permitted by federal law, state agencies,
 Florida College System institutions, and state universities,
 when purchasing food commodities, shall give preference to food
 commodities grown or produced within this state.

(b) As used in this section, the term "food commodities"
 means any agricultural, apicultural, aquacultural,
 floricultural, horticultural, viticultural, and vegetable
 products produced in this state or any class, variety, or use
 thereof, in their natural state or as processed by a producer
 for the purpose of marketing the product or by a processor,
 including, but not limited to, all agricultural products;
 livestock and livestock products; poultry and poultry products;
 fish and seafood; and products of the farms, waters, and forests
 of this state.

(3) When a purchasing agreement, state term contract, or
 contract for the purchase of food commodities is to be awarded
 to the lowest responsive and responsible vendor, an otherwise
 qualified vendor who will fulfill the contract through the use
 of food commodities grown or produced within this state may be
 given preference over other vendors, provided that the price
 included in the bid, proposal, or reply for the food commodities
 grown or produced within this state is not more than 10 percent
 greater than the price included in a bid, proposal, or reply
 that is for food commodities grown or produced outside of this
 state.

(4) All state agencies and state universities and colleges

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 175 that purchase food commodities shall cooperate with the
 176 department in establishing a reporting system for identifying
 177 the percentage of purchased food commodities that are grown or
 178 produced within this state. Beginning with the 2021-2022 fiscal
 179 year, such state agencies and state universities and colleges
 180 shall report their compliance with this section for the
 181 preceding fiscal year to the Governor, the Cabinet, the
 182 President of the Senate, and the Speaker of the House of
 183 Representatives on or before November 1 of each year. The report
 184 must contain, at a minimum, the following:

185 (a) Total expenditures for, and quantity of, food
 186 commodities purchased by each state agency and state university
 187 and college.

188 (b) Total expenditures for, and quantity of, food
 189 commodities purchased that were grown or produced within this
 190 state by each state agency and state university and college.

191 (c) Total expenditures of each state agency and state
 192 university and college for food commodities grown or produced
 193 outside of this state.

194 (d) A statement and assessment of good faith efforts taken
 195 by each state agency and state university and college.

196 Section 4. Subsections (9) and (10) are added to section
 197 595.405, Florida Statutes, to read:

198 595.405 School nutrition program requirements.—

199 (9) To eliminate the reduced-price copayment for school
 200 breakfast meals, the department shall reimburse sponsors for
 201 each breakfast meal that meets the requirements of federal law
 202 and department rules and is served to a student who qualifies
 203 for reduced-price meals, the greater of 30 cents or the

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 204 difference between the United States Department of Agriculture
 205 reimbursement rate for a free breakfast and a reduced-price
 206 breakfast.

207 (10) (a) Beginning June 1, 2022, each school in which 80
 208 percent or more of the students are eligible for free or
 209 reduced-price meals shall implement a program for special
 210 assistance certification and reimbursement alternatives, as
 211 defined by 7 C.F.R. s. 245.2, to provide universal free school
 212 breakfast and lunch meals to all students, unless a sponsor,
 213 after considering public testimony at two or more regularly
 214 scheduled school board or sponsor's administration meetings,
 215 decides not to implement a program in an eligible school. The
 216 sponsor, its school nutrition director, or other designee shall
 217 attend at least one training by the department regarding the
 218 special assistance certification and reimbursement alternatives
 219 before the decision whether to implement the special assistance
 220 certification and reimbursement alternatives is made by the
 221 school board or sponsor's administration.

222 (b) For schools implementing special assistance
 223 certification and reimbursement alternatives, the Department of
 224 Education shall use alternate sources of socioeconomic data,
 225 such as local data collected by the city or county zoning and
 226 economic planning office; unemployment data; local Supplemental
 227 Nutrition Assistance Program certification data, including
 228 direct certification and statistical sampling of the school's
 229 population using an equivalent income measurement process to the
 230 free and reduced-price application; or Temporary Assistance for
 231 Needy Families data, to establish the income level of the school
 232 population.

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(c) A multiplier shall be applied when an alternate source of socioeconomic data is used to ensure school-level allocations of Title I, Part A, Basic funds for schools implementing special assistance certification and reimbursement alternatives are maintained at the same funding level or higher as the funding level received from the enrollment surveys and free and reduced-price school lunch data for the 2019-2020 school year.

Section 5. Section 595.421, Florida Statutes, is created to read:

595.421 Agricultural Surplus Purchase Program.—

(1) The Agricultural Surplus Purchase Program is established within the department to purchase agricultural commodities from farmers in this state who are unable to sell their agricultural commodities due to unusually large yields or disruptions in the market or food supply chain. The department may consult with food banks or other nonprofit organizations to establish and implement the program.

(2) (a) The department shall pay fair market value for any agricultural commodities it purchases from a farmer under the program.

(b) The department shall donate and distribute any agricultural commodities purchased under the program to charitable and nonprofit organizations in rural areas of opportunity as defined in s. 288.0656(2)(d) and rural communities as defined in s. 288.0656(2)(e).

(3) The department shall adopt by rule an application process for farmers and charitable and nonprofit organizations to participate in the program. The application process shall, at a minimum, include eligibility requirements and criteria for

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prioritizing and selecting applicants.

Section 6. Section 595.422, Florida Statutes, is created to read:

595.422 Local Food Pantry Infrastructure Assistance Grant Program.—

(1) The Local Food Pantry Infrastructure Assistance Grant Program is established within the department to build food pantry capacity to facilitate managing donated food, to increase the availability of perishable food items, and to minimize the loss of perishable food items before distribution.

(2) As used in this section, the term "food pantry" means a public or private nonprofit organization that distributes food to persons and households in need to relieve situations of emergency and distress.

(3) The department shall establish by rule grant award requirements, including eligibility, application, and selection criteria.

(4) The department shall promote and market the program to food pantries as an opportunity to compete for grant funding.

Section 7. Section 595.802, Florida Statutes, is created to read:

595.802 Healthy Food Access Pilot Program.—

(1) The Healthy Food Access Pilot Program is established within the department to increase access to healthy and affordable food by providing grants to support local governments, transportation agencies, community development corporations, and nonprofit organizations in implementing transit system projects that connect low-income and low access communities in rural areas and throughout this state to grocery

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291 stores, farmers' markets, and community-supported agriculture
292 programs.

293 (2) The department shall adopt rules to implement this
294 section and may enter into an agreement with a third-party
295 vendor to administer the pilot program.

296 (3) Beginning November 1, 2021, and each November 1
297 thereafter, the department shall submit an annual report to the
298 Governor, the President of the Senate, and the Speaker of the
299 House of Representatives on the projects funded, the geographic
300 distribution of the projects, the costs of the program, and the
301 outcomes.

302 (4) This section is repealed July 1, 2024, unless reviewed
303 and saved from repeal through reenactment by the Legislature.

304 Section 8. Section 595.803, Florida Statutes, is created to
305 read:

306 595.803 Produce Prescription Pilot Program.—

307 (1) The Produce Prescription Pilot Program is established
308 within the department to demonstrate and evaluate the
309 improvement of dietary health through increased consumption of
310 Florida-grown fruits and vegetables, reduced individual and
311 household food insecurity, and reduced healthcare visits and
312 associated costs through produce prescription grants.

313 (2) The department shall adopt rules to implement this
314 section and may enter into an agreement with a third-party
315 vendor to administer the pilot program.

316 (3) Beginning November 1, 2021, and each November 1
317 thereafter, the department shall submit an annual report to the
318 Governor, the President of the Senate, and the Speaker of the
319 House of Representatives on the projects funded, the geographic

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320 distribution of the projects, the costs of the program, and the
321 outcomes.

322 (4) This section is repealed July 1, 2024, unless reviewed
323 and saved from repeal through reenactment by the Legislature
324 before that date.

325 Section 9. (1) The Department of Agriculture and Consumer
326 Services shall conduct a study on geographical areas with
327 limited access to affordable and nutritious food. The study
328 shall assess the prevalence of limited access to affordable and
329 nutritious food throughout this state, particularly in areas
330 composed of predominantly lower-income communities. The study
331 shall identify the characteristics and indicators of areas with
332 limited access to affordable and nutritious food and the effect
333 of limited access to affordable and nutritious food on local
334 populations; analyze the accuracy of current methodologies for
335 measuring food access; and provide recommendations for a
336 redefined methodology for identifying areas with limited access
337 to affordable and nutritious foods to more accurately
338 characterize the food environments of this state.

339 (2) The department shall adopt rules to implement this
340 section and may enter into an agreement with a third-party
341 vendor to conduct all or part of the study.

342 (3) For the 2021-2022 fiscal year, the sum of \$150,000 in
343 nonrecurring funds from the General Revenue Fund is appropriated
344 to the department for the purpose of conducting this study.

345 Section 10. (1) For the 2021-2022 fiscal year, the sum of
346 \$2,756,801 in recurring funds from the General Revenue Fund is
347 appropriated to the Department of Agriculture and Consumer
348 Services for the purpose of providing sponsor reimbursements for

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breakfast meals pursuant to s. 595.405, Florida Statutes.

(2) For the 2021-2022 fiscal year, the sum of \$7 million in recurring funds from the General Revenue Fund is appropriated to the Department of Agriculture and Consumer Services for the purpose of implementing the Agricultural Surplus Purchase Program pursuant to s. 595.421, Florida Statutes. The department may use up to 5 percent of the funds for administrative costs associated with the program.

(3) For the 2021-2022 fiscal year, the sum of \$1,250,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Agriculture and Consumer Services for the purpose of implementing the Local Food Pantry Infrastructure Assistance Grant Program pursuant to s. 595.422, Florida Statutes.

(4) (a) For the 2021-2022 fiscal year, the sum of \$700,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Agriculture and Consumer Services for the purpose of implementing the Healthy Food Access Pilot Program pursuant to s. 595.802, Florida Statutes.

(b) Unexpended balances of appropriations provided for the Healthy Food Access Pilot Program may not revert to the General Revenue Fund at the end of the 2021-2022 fiscal year but shall be retained in the Food and Nutrition Services Trust Fund and be carried forward to fund the pilot program in the 2022-2023 fiscal year. Balances of appropriations provided for the pilot program which remain unexpended on July 1, 2024, shall revert to the General Revenue Fund.

(5) (a) For the 2021-2022 fiscal year, the sum of \$800,000 in recurring funds from the General Revenue Fund is appropriated

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to the Department of Agriculture and Consumer Services for the purpose of implementing the Produce Prescription Pilot Program pursuant to s. 595.803, Florida Statutes.

(b) Unexpended balances of appropriations provided for the pilot program may not revert to the General Revenue Fund at the end of the 2021-2022 fiscal year but shall be retained in the Food and Nutrition Services Trust Fund and be carried forward to fund the pilot program in the 2022-2023 fiscal year. Balances of appropriations provided for the pilot program which remain unexpended on July 1, 2024, shall revert to the General Revenue Fund.

Section 11. This act shall take effect July 1, 2021.

From: [Becker, Katherine](#)
To: [Heere, Robert](#)
Cc: [Zaugg, Laureen](#)
Subject: RE: Agenda Request SB 1768
Date: Friday, March 5, 2021 4:31:38 PM
Attachments: [image002.png](#)

Got it, thank you. Have a great weekend!

Katherine R. Becker, Staff Director
Senate Committee on Agriculture
(850) 487-5133



From: Heere, Robert <Heere.Robert@flsenate.gov>
Sent: Friday, March 5, 2021 4:28 PM
To: Becker, Katherine <BECKER.KATHERINE@flsenate.gov>
Cc: Zaugg, Laureen <ZAUGG.LAUREEN@flsenate.gov>
Subject: Agenda Request SB 1768

Katherine,

This email serves as the official request to agenda SB 1768, related to agriculture and nutrition.

Hope you have a great weekend.

Robbie

Robert Heere
Legislative Assistant
State Senator Darryl Rouson- District 19
Direct Line- 850-487-5335
Heere.robert@flsenate.gov

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/21
Meeting Date

17108
Bill Number (if applicable)

Topic Agriculture + Nutrition

Amendment Barcode (if applicable)

Name Emily Duda Buckley

Job Title Director of Leg. Affairs

Address 4100 S Monroe St
Street
Tallahassee FL 32399
City State Zip

Phone 850 617 7700

Email emily.buckley@fdacs.gov

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FDACS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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3/17/21

Meeting Date

SB 1768

Bill Number (if applicable)

Topic Agriculture and Nutrition

Amendment Barcode (if applicable)

Name Sarah Busk Suskey

Job Title _____

Address 204 S Monroe St

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-222-8900

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Share our Strength / No Kid Hungry

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



St. Pete Youth Farm

St. Petersburg, FL

Wednesday, March 17, 2021

"Together We Grow"

Presenters

- Carla Bristol
 - Collaboration Manager
- Meriem Ziad
 - Program Assistant
- Justin Bowman
 - Youth Ambassador – Fall 2020
- Shimya Mitchell
 - Youth Ambassador – Fall 2019
- Anaya Graham
 - Youth Ambassador – Summer 2019



Identifying Need

- No Access to fresh produce
 - 2 grocery stores closed in 4 years.
- Community Engagement
 - Discussions held with community
- St. Pete Youth Farm was formed 2 years later
 - City allocates land & funding
 - Foundation provides operation dollars
 - School Board & Education Foundation Partner



Program Overview

- Entrepreneurship
- Mental Wellness
- Nutrition
- Leadership | Character Development
- Financial Literacy
- Urban Agriculture
- Artistic Expression
- Career readiness
- Civic Engagement



Community Benefit

- Workforce Development
- Fresh Produce
 - Production
 - Inground, Hydroponic, Micro
 - Distribution
 - Consumption
- Education
 - Trainings & workshops
 - Health
 - University Partnerships
- Environmental
 - Waste diversion
 - Green Space
 - Air Quality



Urban Farm Impact

- Job Creation of 3-5 Jobs per site
- Reduction in crime by 30%
- Increase in property value by 9.4%
- Municipality realize + tax rev by 10%
- Reduction of public utility by \$4,200 per year/per acre



Thank you!

Carla Bristol, Collaboration Manager

Phone: 727 – 565 – 3930

Email: pcs.bristolc@pcsb.org

Meriem Ziad, Program Assistant

Phone: 727 – 333 – 1182

Email: meriemkziad@gmail.com

www.stpeteyouthfarm.org





Questions - Comments



THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/2021
Meeting Date

TY
Bill Number (if applicable)

Topic St. Pete Youth Farm / Urban Ag

Amendment Barcode (if applicable)

Name Meriem Ziad

Job Title Program Assistant

Address 1664 12th St S
Street

Phone 727-333-1182

St. Petersburg FL 33705
City State Zip

Email meriemziad@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing St. Pete Youth Farm

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

T4
Bill Number (if applicable) _____

Topic St. Pete Youth Farm / urban agriculture

Amendment Barcode (if applicable) _____

Name Shimya Mitchell

Job Title Student Ambassador

Address 821 21st Ave S

Phone 727-766-5558

Street

St. Petersburg

Florida

33805

City

State

Zip

Email shimya.mitchell113@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing St. Pete Youth Farm

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/7/21

Meeting Date

74

Bill Number (if applicable)

Topic St, Pete Youth farm / urban Ag

Amendment Barcode (if applicable)

Name Justin Bowman

Job Title Student Ambassador

Address ~~2258~~ 1664 12th Street S

Phone _____

Street

St, Pete

FL

33705

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing St, Pete Youth farm

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

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

T4

Bill Number (if applicable)

Topic St. Pete Youthfarm/Urban Agriculture

Amendment Barcode (if applicable)

Name Anaya Graham

Job Title Student Am

Address 527 Paris Ave South

Phone 813-410-6841

Street

St. Petersburg

FL

33701

City

State

Zip

Email AnayaGraham1@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing St. Pete Youthfarm

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/17/2021
Meeting Date

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

T4
Bill Number (if applicable)

Topic St. Pete Youth Farm / Urban Ag

Amendment Barcode (if applicable)

Name Carla Bristol

Job Title Collaboration Manager

Address ~~1664~~ 1664 12th Street S

Phone 727 565-3930

St. Pete FL 33705
City State Zip

Email carla.bristol@psb.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing St. Pete Youth Farm

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)



SMALL-SCALE REGENERATIVE AGRICULTURE





TODAY'S PRESENTATION

SMALL-SCALE URBAN
& RURAL REGENERATIVE FARMING

Our Story
Farm Operation
How We Grow
Our Role in Food Deserts



OUR STORY

FARMING ON BORROWED URBAN AND RURAL LAND

David “Kip” Ritchey, Co-owner
Regenerative Farmer, Certified Permaculture Designer, B.S. Sociology

Angelique Taylor Co-owner

Regenerative Farmer, Certified Permaculture Designer, B.S. Environmental Science

Urban and Rural Small Scale Regenerative Farming

Established in 2017

Smarter By Nature | 2021

OUR MISSION

AN INTRODUCTION

Smarter by Nature LLC is a small-scale regenerative farming business that facilitates sustainable relationships between people and the natural environment by providing fresh food and education to the local community.



FARM OPERATION

FARM LOCATION: QUINCY, FL
5 ACRE TOTAL BORROWED LAND
1 ACRE CURRENTLY UNDER CULTIVATION

WE GROW SEASONAL ANNUAL
VEGETABLES, PERENNIAL
PLANTS, TREES AND HERBS.

Smarter By Nature | 2021

SUSTAINABLE PRACTICES

REGENERATIVE
AGRICULTURE
NO-TILL METHOD
PERMACULTURE
NATURAL FARMING
PRINCIPLES

BENEFITS

HIGHER SOIL FERTILITY
SEQUESTER CARBON
HEALTHIER PLANTS
LOWER COSTS
SIMPLE



OUR PROJEIN FOOD DESERTS

FARMING ON URBAN AND RURAL LAND

We provide access to fresh produce at an affordable price.

Supplied Frenchtown Farmers Market since 2018.

We accept SNAP/EBT, WIC, Elder Affairs

OUR VISION

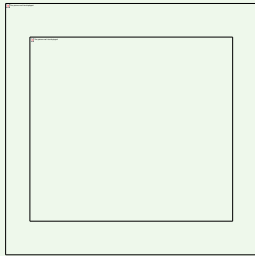
Expand our growing production to accommodate the needs of both our local and online customers while providing education about sustainable methods of growing quality food in our community.

FUTURE GOALS

Create an urban farm educational site in the city of Tallahassee.

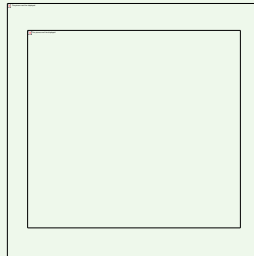
Use a commercial kitchen to create value added products.

Follow Us!



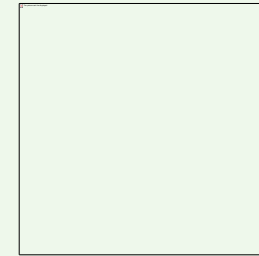
WEBSITE

Smarterbynature.org



YOUTUBE

SmarterByNatureTV



INSTAGRAM

[@Smarterbynature](https://www.instagram.com/Smarterbynature)

THE FLORIDA SENATE
APPEARANCE RECORD

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

T 5

Meeting Date _____

Bill Number (if applicable) _____

Topic Urban Farming & food deserts

Amendment Barcode (if applicable) _____

Name David "Kip" Ritchey

Job Title Regenerative Farmer

Address _____

Phone 954-628-2924

Street

Email smarterbynaturedesign@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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March 17, 2021
Meeting Date

T5
Bill Number (if applicable)

Topic Urban Farming & food deserts

Amendment Barcode (if applicable)

Name Angelique Taylor

Job Title Regenerative Farmer

Address _____
Street

Phone 310 720 3480

City

State

Zip

Email angeliquetaylor11@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Agriculture Committee Judge:

Started: 3/17/2021 9:01:28 AM

Ends: 3/17/2021 10:24:51 AM

Length: 01:23:24

9:01:27 AM	Call to order
9:01:32 AM	Roll call
9:01:55 AM	Quorum present
9:02:23 AM	SB 1766 is TP'd
9:02:33 AM	Chair opening comments
9:03:43 AM	Take up Tab 3--SB 1768 by Senator Rouson
9:03:56 AM	Vice Chair Bradley has the Chair
9:04:16 AM	Take up barcode 410858 by Senator Rouson
9:04:33 AM	Senator Rouson for an explanation
9:06:22 AM	Questions?
9:06:31 AM	Appearance Cards
9:06:34 AM	Emily Duda Buckley waives in support
9:06:55 AM	Debate?
9:06:58 AM	Senator Rouson closes on the amendment
9:07:47 AM	Amendment is adopted
9:07:51 AM	Back on the bill as amended
9:07:55 AM	Questions?
9:08:04 AM	Appearance Cards
9:08:12 AM	Emily Duda Buckley waives in support
9:08:18 AM	Debate?
9:08:21 AM	Senator Thurston
9:09:51 AM	Senator Rouson closes on the bill as amended
9:10:36 AM	Roll call
9:10:44 AM	CS/SB 1768 is reported favorably
9:11:05 AM	Pass the gavel to Chair Rouson
9:11:35 AM	Take up Tab 1 - CS/SB 1370 by Senator Rodriguez
9:11:54 AM	Senator Rodriguez moves to take up the amendment barcode 536716
9:12:19 AM	Senator Rodriguez explains the amendment
9:12:47 AM	Questions?
9:12:58 AM	Senator Bradley
9:14:06 AM	Senator Ausley
9:14:47 AM	Senator Rodriguez for a response
9:15:17 AM	Follow up question
9:15:48 AM	Appearance Forms?
9:16:45 AM	Dr. Richard Sutliff, Florida Medical Association
9:18:24 AM	Question by Chair
9:18:38 AM	Dr. for response
9:19:39 AM	Debate?
9:19:49 AM	Amendment is adopted
9:19:53 AM	Back on the bill as amended
9:19:59 AM	Appearance Forms?
9:20:26 AM	Senator Ausley for a question
9:21:19 AM	Senator Rodriguez for a response
9:23:23 AM	Appearance Cards at Civic Center
9:23:43 AM	Diana Ferguson, Florida Animal Control Association
9:25:24 AM	Jennifer Hobgood, ASPCA
9:28:27 AM	Senator Thurston has a question
9:29:31 AM	Senator Thurston for a series of questions of Jennifer
9:32:20 AM	Diago Echeverri, Americans for Prosperity, waives in support
9:32:39 AM	Dr. Julie Moodoyan, Veterinarian
9:38:27 AM	Christian Camara, Institute for Justice, waives in support
9:38:55 AM	Debate?

9:39:09 AM	Senator Burgess
9:40:36 AM	Senator Boyd
9:41:49 AM	Senator Ausley
9:42:44 AM	Senator Thurston
9:43:50 AM	Senator Polsky
9:44:45 AM	Chair Rouson
9:45:23 AM	Senator Rodriguez closes on the amended bill
9:46:15 AM	Roll Call
9:46:36 AM	CS/SB 1370 is reported favorably
9:47:08 AM	Take up Tab 4 - St. Pete Youth Farm
9:47:57 AM	Carla Bristol, Manager
9:48:29 AM	Youth Ambassadors to present:
9:48:38 AM	Meriem Ziad, Program Assistant
9:49:47 AM	Discusses the need for St. Pete Youth Farm
9:50:34 AM	Shimya Mitchell to discusses the need for fresh produce in neighborhoods
9:50:51 AM	Program Overview
9:53:10 AM	Justin Bowman
9:53:23 AM	Leadership, and Financial plans
9:54:35 AM	Urban Agriculture
9:55:13 AM	Anaya Graham
9:55:27 AM	Discusses artistic expression
9:56:11 AM	Career readiness
9:57:06 AM	Civic Engagement
9:57:19 AM	Carla Bristol to summarize the program
10:03:13 AM	Senator Rouson for comments
10:03:22 AM	Questions/Comments
10:03:35 AM	Senator Polsky
10:04:06 AM	Senator Bradley
10:04:49 AM	Senator Thurston
10:06:12 AM	Senator Perry
10:07:23 AM	Senator Boyd
10:08:15 AM	Chair Rouson for comments
10:09:45 AM	Take up Tab 5--Presentation on Smarter by Nature
10:10:30 AM	Angelique Taylor and Kip Ritchey
10:11:00 AM	Our Story
10:12:48 AM	Our Mission
10:13:15 AM	Farm Operation
10:13:42 AM	Sustainable practices
10:14:50 AM	Benefits
10:15:34 AM	Role in Food Deserts
10:18:05 AM	Our Vision for the Future
10:20:20 AM	Closing comments
10:20:48 AM	Senator Ausley
10:21:48 AM	Senator Thurston
10:23:14 AM	Chair Rouson closing comments
10:23:53 AM	Any Senators missed votes
10:24:01 AM	Senator Boyd votes yes on Tab 3
10:24:07 AM	Senator Perry votes Yes on Tab 3
10:24:18 AM	Motion adopted
10:24:26 AM	Senator Polsky moves we adjourn
10:24:34 AM	No objection
10:24:37 AM	We are adjourned