

<b>Tab 1</b>	<b>SB 1264 by Simpson;</b> (Identical to H 1189) Sales Tax Exemptions for Agricultural Equipment						
965136	A	S	RCS	AG, Galvano	Delete L.46 - 50:	01/19 04:09 PM	

<b>Tab 2</b>	<b>SB 1270 by Simpson;</b> (Identical to H 4035) Pesticide Registration						
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<b>Tab 3</b>	<b>SB 1310 by Hutson;</b> (Similar to H 0749) Agriculture						
416994	A	S	RCS	AG, Grimsley	btw L.23 - 24:	01/19 04:09 PM	
698122	A	S	RCS	AG, Grimsley	btw L.78 - 79:	01/19 04:09 PM	

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

**AGRICULTURE**  
**Senator Montford, Chair**  
**Senator Dean, Vice Chair**

**MEETING DATE:** Tuesday, January 19, 2016  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** 301 Senate Office Building

**MEMBERS:** Senator Montford, Chair; Senator Dean, Vice Chair; Senators Bullard, Galvano, Garcia, Grimsley, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 1264</b> Simpson (Identical H 1189)	Sales Tax Exemptions for Agricultural Equipment; Revising the maximum sales price of certain farm trailers that are exempt from the sales and use tax; exempting certain agricultural items from the tax, etc.  AG 01/19/2016 Fav/CS FT AP	Fav/CS Yeas 6 Nays 0
	<b>SB 1270</b> Simpson (Identical H 4035)	Pesticide Registration; Deleting provisions relating to supplemental registration fees for certain pesticides that contain active ingredients for which the United States Environmental Protection Agency has established food tolerance limits; deleting a provision requiring the department to publish a list of certain active ingredients, etc.  AG 01/19/2016 Favorable AGG AP	Favorable Yeas 6 Nays 0
2	<b>SB 1310</b> Hutson (Similar H 749, Compare CS/H 7007, CS/S 1010)	Agriculture; Providing sole authority to regulate the burning of agricultural crops on certain lands to the Department of Agriculture and Consumer Services; preempting regulatory authority over commercial feed and feedstuff to the department; providing penalties for certain handling of plant pests without a special permit from the Division of Plant Industry within the department, etc.  AG 01/19/2016 Fav/CS AGG AP	Fav/CS Yeas 6 Nays 0
	Presentation by Mr. Mack Glass, Cherokee Ranch		Discussed
	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.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: CS/SB 1264

INTRODUCER: Agriculture Committee and Senator Simpson

SUBJECT: Sales Tax Exemptions for Agricultural Equipment

DATE: January 20, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	<b>Fav/CS</b>
2.			FT	
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1264 increases the maximum sales price of farm trailers that are exempt from the sales and use tax from \$20,000 to \$25,000. It also expands the sales and use tax exemption for certain farm equipment to include:

- Fencing materials used in agricultural production on lands classified as agricultural under s. 193.461, F.S., and
- Compressed or liquefied oxygen used in aquaculture production.

**II. Present Situation:**

Sales and use taxes are not imposed on the portion of the sales price below \$20,000 of a trailer weighing 12,000 pounds or less. The trailer must be purchased by a farmer for exclusive use in agricultural production or to transport farm products from his or her farm to the place where the farmer transfers ownership of the farm product to another. The bill raises the price cap to \$25,000. Chapter 212, F.S., also exempts specified items for agricultural use and certain nets from the sales and use tax.

**III. Effect of Proposed Changes:**

**Section 1** amends s. 212.08, F.S., to increase the maximum sales price of farm trailers that are exempt from the sales and use tax from \$20,000 to \$25,000. The farm trailer must weigh less

than 12,000 pounds and be used exclusively for agricultural production or to transport farm products.

The bill also expands the list of agricultural items that are exempt from the sales and use tax to include:

- Fencing materials used in agricultural production on lands classified as agricultural under s. 193.461, F.S., and
- Compressed or liquefied oxygen used in aquaculture production.

**Section 2** provides that this act shall take effect July 1, 2016.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

A. Tax/Fee Issues:

The Revenue Estimating Conference has not met on this bill, but in a 2015 analysis the conference estimated that each of the 47,500 farms in Florida has a trailer that would qualify for the expanded exemption. It is also assumed that the trailers are replaced every 15 years and that ten percent of the trailers have a price of \$4,000 above the current \$20,000 maximum. The conference estimated that this exemption would reduce recurring revenues for the state by 1.5 million dollars and local governments by .3 million dollars in the first year. The fiscal impact of the bill's new exemptions to s. 212.08(5)(a), F.S., has not yet been determined.

B. Private Sector Impact:

The bill would reduce the amount of sales tax that agricultural producers must pay for specified products.

C. Government Sector Impact:

Refer to Tax/Fee Issues Section.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 212.08 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.)

**CS by Agriculture on January 19, 2016:**

The committee substitute clarifies the definition of fencing materials.

**B. Amendments:**

None.



965136

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2016	.	
	.	
	.	
	.	

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The Committee on Agriculture (Galvano) recommended the following:

**Senate Amendment**

Delete lines 46 - 50  
and insert:  
frost or insects on a farm; fencing materials used in  
agricultural production on lands classified as agricultural  
under s. 193.461; stakes used by a farmer to support plants  
during

By Senator Simpson

18-01264-16

20161264\_\_

1 A bill to be entitled  
2 An act relating to sales tax exemptions for  
3 agricultural equipment; amending s. 212.08, F.S.;  
4 revising the maximum sales price of certain farm  
5 trailers that are exempt from the sales and use tax;  
6 exempting certain agricultural items from the tax;  
7 providing an effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Paragraph (b) of subsection (3) and paragraph  
12 (a) of subsection (5) of section 212.08, Florida Statutes, are  
13 amended to read:

14 212.08 Sales, rental, use, consumption, distribution, and  
15 storage tax; specified exemptions.—The sale at retail, the  
16 rental, the use, the consumption, the distribution, and the  
17 storage to be used or consumed in this state of the following  
18 are hereby specifically exempt from the tax imposed by this  
19 chapter.

20 (3) EXEMPTIONS; CERTAIN FARM EQUIPMENT.—

21 (b) The tax may not be imposed on that portion of the sales  
22 price below \$25,000 ~~\$20,000~~ for a trailer weighing 12,000 pounds  
23 or less and purchased by a farmer for exclusive use in  
24 agricultural production or to transport farm products from his  
25 or her farm to the place where the farmer transfers ownership of  
26 the farm products to another. This exemption is not forfeited by  
27 using a trailer to transport the farmer's farm equipment. The  
28 exemption provided under this paragraph does not apply to the  
29 lease or rental of a trailer.

30 (5) EXEMPTIONS; ACCOUNT OF USE.—

31 (a) *Items in agricultural use and certain nets.*—There are  
32 exempt from the tax imposed by this chapter nets designed and

Page 1 of 3

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

18-01264-16

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33 used exclusively by commercial fisheries; disinfectants,  
34 fertilizers, insecticides, pesticides, herbicides, fungicides,  
35 and weed killers used for application on crops or groves,  
36 including commercial nurseries and home vegetable gardens, used  
37 in dairy barns or on poultry farms for the purpose of protecting  
38 poultry or livestock, or used directly on poultry or livestock;  
39 portable containers or movable receptacles in which portable  
40 containers are placed, used for processing farm products; field  
41 and garden seeds, including flower seeds; nursery stock,  
42 seedlings, cuttings, or other propagative material purchased for  
43 growing stock; seeds, seedlings, cuttings, and plants used to  
44 produce food for human consumption; cloth, plastic, and other  
45 similar materials used for shade, mulch, or protection from  
46 frost or insects on a farm; hog wire and nylon mesh netting used  
47 on a farm for protection from predatory or destructive animals;  
48 barbed wire fencing, including gates and materials used to  
49 construct or repair such fencing, used on a beef or dairy cattle  
50 farm; stakes used by a farmer to support plants during  
51 agricultural production; generators used on poultry farms;  
52 compressed or liquefied oxygen used in aquaculture production;  
53 and liquefied petroleum gas or other fuel used to heat a  
54 structure in which started pullets or broilers are raised;  
55 however, such exemption is not allowed unless the purchaser or  
56 lessee signs a certificate stating that the item to be exempted  
57 is for the exclusive use designated herein. Also exempt are  
58 cellophane wrappers, glue for tin and glass (apiarists), mailing  
59 cases for honey, shipping cases, window cartons, and baling wire  
60 and twine used for baling hay, when used by a farmer to contain,  
61 produce, or process an agricultural commodity.

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62

Section 2. This act shall take effect July 1, 2016.



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/19  
Meeting Date

SB1264  
Bill Number (if applicable)

✓  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Butch Calhoun

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

Address 119 S. Monroe Suite 300  
Street  
Tallahassee FL 32302  
City State Zip

Phone 521-0455

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Florida Fruit & Vegetable Asso.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

✓ W

1/19/16  
Meeting Date

269  
Bill Number (if applicable)

Topic Ag Sales Tax

Amendment Barcode (if applicable)

Name Adam Bastard

Job Title Legislative Affairs Director

Address 315 S Calhoun St # 850

Phone 222 2557

Tallahassee FL 32301  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FL Farm Bureau

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/19/16  
Meeting Date

1264  
Bill Number (if applicable)

Topic Ag Sale Tax Exemption

Amendment Barcode (if applicable)

Name Jim Spratt

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

Address 310 W College Ave  
Street

Phone 850-228-1296

TALCAHASSEE FL 32311  
City State Zip

Email Jim.e.spratt@fla.gov

Speaking:  For  Against  Information

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

Representing Florida Nursery, Growers & LANDSCAPE ASSOCIATION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/19

Meeting Date

1264

Bill Number (if applicable)

Topic Ag Tax Exemptions

Amendment Barcode (if applicable)

Name Sam Ard

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

Address Po Box 10406  
Street

Phone 8505776500

TLH FL 32302  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Fla. Cattlemen's Assn.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1-19-16  
Meeting Date

*W*  
  
SB 1264  
Bill Number (if applicable)

Topic Ag. Sales Tax

Amendment Barcode (if applicable)

Name Doug Mann

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

Address 310 W. College Ave  
Street

Phone 222-7535

Tallahassee FL 32301  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing AIF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Community Affairs, *Chair*  
Environmental Preservation and Conservation,  
*Vice Chair*  
Appropriations Subcommittee on General Government  
Finance and Tax  
Judiciary  
Transportation

### JOINT COMMITTEE:

Joint Legislative Auditing Committee

### SENATOR WILTON SIMPSON

18th District

January 12, 2016

The Honorable Bill Montford  
Senate Committee on Agriculture, Chair  
3<sup>rd</sup> Floor, Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Montford:

I respectfully request that Senate Bill 1264, relating to *Agricultural Tax Exemptions*, and Senate Bill 1270, relating to *Pesticide Registration*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson, State Senator, 18<sup>th</sup> District

CC: Katherine Becker, Staff Director

#### REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

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

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

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: SB 1270

INTRODUCER: Senator Simpson

SUBJECT: Pesticide Registration

DATE: January 19, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Becker	AG	<b>Favorable</b>
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____

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**I. Summary:**

SB 1270 eliminates a requirement that a registrant pay a supplemental biennial registration fee of \$630 for each brand of pesticide it is registering if the pesticide contains an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit in 40 Code of Regulations (C.F.R.), part 180.

**II. Present Situation:**

Each brand of pesticide distributed, sold, or offered for sale in this state must be registered with the Department of Agriculture and Consumer Services (DACS). The registrant must pay a biennial fee set at \$700 effective January 1, 2009, which is to be deposited into the General Inspection Trust Fund.<sup>1</sup> Currently, there are approximately 15,000 pesticide brands registered with DACS that are subject to this biennial fee.<sup>2</sup>

In addition, since January 1, 2009, a supplemental biennial registration fee of \$630 is required of registrants of pesticides that contain an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit in 40 C.F.R., part 180. Revenue from this supplemental fee is used by DACS for testing pesticides for food safety and is the primary source of funding the operations of the Bureau of Chemical Residue Laboratories. Prior to January 1, 2009, this testing program received funding from General Revenue as a public health program.<sup>3</sup> Currently, there are approximately 6700 pesticide brands registered with DACS that are subject to this biennial supplemental fee.<sup>4</sup>

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<sup>1</sup> S. 487.041(1), F.S.

<sup>2</sup> Email from Grace Lovett, Director, Office of Legislative Affairs, Florida Department of Agriculture and Consumer Affairs, (January 14, 2016) (on file with the Senate Committee on Agriculture).

<sup>3</sup> Division of Food Safety analysis of SB 1270, <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=7022&yr=2016>.

<sup>4</sup> Email from Grace Lovett (January 14, 2016).

The Bureau of Chemical Residue Laboratories in the Division of Food Safety, Florida Department of Agriculture and Consumer Services, is responsible for the chemical analysis of poisonous or deleterious chemical residues remaining in or on human food produced or marketed in Florida, as well as for the regulatory enforcement of federal pesticide and antibiotic residue tolerances and guidelines adopted by the State for raw agricultural produce.<sup>5</sup> The Chemical Residue Section consists of laboratories in Tallahassee and field inspection units. Twenty-nine professional chemists and two laboratory technicians staff the laboratories. Each year the Chemical Residue Laboratory performs more than 400,000 analyses on 3,000 samples.<sup>6</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 487.041, F.S. by eliminating a requirement that a registrant pay a biennial registration fee of \$630 for each brand of pesticide it is registering if the pesticide contains an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit in 40 C.F.R., part 180.

**Section 2** provides that this bill takes effect July 1, 2016.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

A. Tax/Fee Issues:

There would be a loss of a supplemental registration fee for certain brands of pesticides in the approximate amount of \$1,842,876 annually.

B. Private Sector Impact:

Private industry will benefit from no longer having to pay the biennial supplemental registration fee.

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<sup>5</sup> See <http://www.freshfromflorida.com/Divisions-Offices/Food-Safety/Bureaus-and-Sections/Bureau-of-Chemical-Residue-Laboratory>. (Website last visited 1/12/2016).

<sup>6</sup> Ibid.



**C. Government Sector Impact:**

The Department of Agriculture and Consumer Services estimates that the loss of authorization to assess this supplemental fee would result in a loss of revenue of \$1,842,876 annually, with a corresponding reduction in expenditures of \$1,801,004 due to the discontinuance of the operation of the Chemical Residue Laboratories if General Revenue is not provided for this purpose.

	FY 16-17	FY 17-18	FY 18-19
Supplemental Fee Revenues	(\$1,842,876)	(\$1,842,876)	(\$1,842,876)
Expenditures – Recurring			
Salaries & Benefits (20 FTEs)	(\$999,124)	(\$999,124)	(\$999,124)
OPS	(\$50,000)	(\$50,000)	(\$50,000)
Expenses	(\$300,000)	(\$300,000)	(\$300,000)
OCO (Operating Capital Outlay)	(\$10,000)	(\$10,000)	(\$10,000)
Contracted Services	(\$230,000)	(\$230,000)	(\$230,000)
DMS HR Services (20 FTE x 344)	(\$6,880)	(\$6,880)	(\$6,880)
Risk Management Insurance	(\$20,000)	(\$20,000)	(\$20,000)
OATS assessments for lab	(\$90,000)	(\$90,000)	(\$90,000)
Administration assessments for lab	(\$95,000)	(\$95,000)	(\$95,000)
Total recurring	(\$1,801,004)	(\$1,801,004)	(\$1,801,004)
Net loss	(\$41,872)	(\$41,872)	(\$41,872)

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The Chemical Residue Laboratories in the Division of Food Safety, Florida Department of Agriculture and Consumer Services will be forced to discontinue operations if the repealed supplemental fee is not replaced by General Revenue (GR).

**VIII. Statutes Affected:**

This bill substantially amends s. 487.041 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.

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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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By Senator Simpson

18-00976-16

20161270\_\_

A bill to be entitled

An act relating to pesticide registration; amending s. 487.041, F.S.; deleting provisions relating to supplemental registration fees for certain pesticides that contain active ingredients for which the United States Environmental Protection Agency has established food tolerance limits; deleting a provision requiring the department to publish a list of certain active ingredients; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 487.041, Florida Statutes, are amended to read:

487.041 Registration.—

(1) (a) Effective January 1, 2009, each brand of pesticide, as defined in s. 487.021, which is distributed, sold, or offered for sale, except as provided in this section, within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state must be registered in the office of the department, and such registration shall be renewed biennially. Emergency exemptions from registration may be authorized in accordance with the rules of the department. The registrant shall file with the department a statement including:

1. The name, business mailing address, and street address of the registrant.

2. The name of the brand of pesticide.

3. An ingredient statement and a complete current copy of the labeling accompanying the brand of pesticide, which must conform to the registration, and a statement of all claims to be made for it, including directions for use and a guaranteed

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

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analysis showing the names and percentages by weight of each active ingredient, the total percentage of inert ingredients, and the names and percentages by weight of each "added ingredient."

(b) Effective January 1, 2009, for the purpose of defraying expenses of the department in connection with carrying out the provisions of this part, each registrant shall pay a biennial registration fee for each registered brand of pesticide. The registration of each brand of pesticide shall cover a designated 2-year period beginning on January 1 of each odd-numbered year and expiring on December 31 of the following year.

(c) Each registration issued by the department to a registrant for a period beginning in an odd-numbered year shall be assessed a fee of \$700 per brand of pesticide and a fee of \$200 for each special local need label and experimental use permit, and the registration shall expire on December 31 of the following year. Each registration issued by the department to a registrant for a period beginning in an even-numbered year shall be assessed a fee of \$350 per brand of pesticide and fee of \$100 for each special local need label and experimental use permit, and the registration shall expire on December 31 of that year.

~~(d) 1. Effective January 1, 2009, in addition to the fees assessed pursuant to paragraphs (b) and (c), for the purpose of defraying the expenses of the department for testing pesticides for food safety, each registrant shall pay a supplemental biennial registration fee for each registered brand of pesticide that contains an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit in 40 C.F.R. part 180. The department shall biennially~~

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

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62 ~~publish by rule a list of the pesticide active ingredients for~~  
 63 ~~which a brand of pesticide is subject to the supplemental~~  
 64 ~~registration fee.~~

65 ~~2. Each registration issued by the department to a~~  
 66 ~~registrant for a period beginning in an odd numbered year shall~~  
 67 ~~be assessed a supplemental registration fee of \$630 per brand of~~  
 68 ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~  
 69 ~~Each registration issued by the department to a registrant for a~~  
 70 ~~period beginning in an even-numbered year shall be assessed a~~  
 71 ~~supplemental registration fee of \$315 per brand of pesticide~~  
 72 ~~that is subject to the fee pursuant to subparagraph 1. The~~  
 73 ~~department shall retroactively assess the supplemental~~  
 74 ~~registration fee for each brand of pesticide that registered on~~  
 75 ~~or after January 1, 2009, and that is subject to the fee~~  
 76 ~~pursuant to subparagraph 1.~~

77 (d)(e) All revenues collected, less those costs determined  
 78 by the department to be nonrecurring or one-time costs, shall be  
 79 deferred over the 2-year registration period, deposited in the  
 80 General Inspection Trust Fund, and used by the department in  
 81 carrying out the provisions of this chapter. ~~Revenues collected~~  
 82 ~~from the supplemental registration fee may also be used by the~~  
 83 ~~department for testing pesticides for food safety.~~

84 (e)(f) If the renewal of a brand of pesticide, including  
 85 the special local need label and experimental use permit, is not  
 86 filed by January 31 of the renewal year, an additional fee of  
 87 \$25 per brand of pesticide shall be assessed per month and added  
 88 to the original fee. This additional fee may not exceed \$250 per  
 89 brand of pesticide. The additional fee must be paid by the  
 90 registrant before the renewal certificate for the registration

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91 of the brand of pesticide is issued. The additional fee shall be  
 92 deposited into the General Inspection Trust Fund.

93 (f)(g) This subsection does not apply to distributors or  
 94 retail dealers selling brands of pesticide if such brands of  
 95 pesticide are registered by another person.

96 (g)(h) All registration fees, including ~~supplemental fees~~  
 97 ~~and late fees~~, are nonrefundable.

98 (h)(i) For any currently registered pesticide product brand  
 99 that undergoes labeling revisions during the registration  
 100 period, the registrant shall submit to the department a copy of  
 101 the revised labeling along with a cover letter detailing such  
 102 revisions before the sale or distribution in this state of the  
 103 product brand with the revised labeling. If the labeling  
 104 revisions require notification of an amendment review by the  
 105 United States Environmental Protection Agency, the registrant  
 106 shall submit an additional copy of the labeling marked to  
 107 identify those revisions.

108 (i)(j) Effective January 1, 2013, all payments of any  
 109 pesticide registration fees, including ~~supplemental fees and~~  
 110 ~~late fees~~, shall be submitted electronically using the  
 111 department's Internet website for registration of pesticide  
 112 product brands.

113 (2) The department shall adopt rules governing the  
 114 procedures for the registration of a brand of pesticide and, for  
 115 the review of data submitted by an applicant for registration of  
 116 the brand of pesticide, ~~and for biennially publishing the list~~  
 117 ~~of active ingredients for which a brand of pesticide is subject~~  
 118 ~~to the supplemental registration fee pursuant to subparagraph~~  
 119 ~~(1)(d)1.~~ The department shall determine whether the brand of

18-00976-16 20161270\_\_

120 pesticide should be registered, registered with conditions, or  
 121 tested under field conditions in this state. The department  
 122 shall determine whether each request for registration of a brand  
 123 of pesticide meets the requirements of current state and federal  
 124 law. The department, whenever it deems it necessary in the  
 125 administration of this part, may require the manufacturer or  
 126 registrant to submit the complete formula, quantities shipped  
 127 into or manufactured in the state for distribution and sale,  
 128 evidence of the efficacy and the safety of any pesticide, and  
 129 other relevant data. The department may review and evaluate a  
 130 registered pesticide if new information is made available that  
 131 indicates that use of the pesticide has caused an unreasonable  
 132 adverse effect on public health or the environment. Such review  
 133 shall be conducted upon the request of the State Surgeon General  
 134 in the event of an unreasonable adverse effect on public health  
 135 or the Secretary of Environmental Protection in the event of an  
 136 unreasonable adverse effect on the environment. Such review may  
 137 result in modifications, revocation, cancellation, or suspension  
 138 of the registration of a brand of pesticide. The department, for  
 139 reasons of adulteration, misbranding, or other good cause, may  
 140 refuse or revoke the registration of the brand of any pesticide  
 141 after notice to the applicant or registrant giving the reason  
 142 for the decision. The applicant may then request a hearing,  
 143 pursuant to chapter 120, on the intention of the department to  
 144 refuse or revoke registration, and, upon his or her failure to  
 145 do so, the refusal or revocation shall become final without  
 146 further procedure. The registration of a brand of pesticide may  
 147 not be construed as a defense for the commission of any offense  
 148 prohibited under this part.

Page 5 of 6

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

18-00976-16 20161270\_\_

149 Section 2. This act shall take effect July 1, 2016.

Page 6 of 6

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

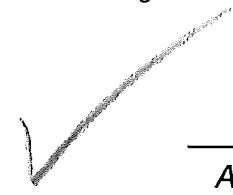
1/19

Meeting Date

1270

Bill Number (if applicable)

Topic Pesticide Fee Repeal



Amendment Barcode (if applicable)

Name Sam ARD

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

Address PO Box 10406  
Street

Phone 850 577 6500

TLH FL 32302  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Florida Fertilizer & Agrichemical Assn.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

W

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

1/19/2016  
Meeting Date

1270  
Bill Number (if applicable)

Topic Pesticide Registration

✓  
Amendment Barcode (if applicable)

Name Adam Basford

Job Title Director of State Legislative Affairs

Address 315 S. Calhoun St  
Street

Phone (850) 222-2557

Tallahassee FL 32301  
City State Zip

Email adam.basford@flf.org

Speaking:  For  Against  Information

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

Representing Florida Farm Bureau

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

W

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

✓ 1270  
Bill Number (if applicable)

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

Topic Simpson Bill

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

Name Chris Hansen

Job Title Ballard Partners

Address \_\_\_\_\_

Phone 577-0444

Street Tallahassee FL 32301  
City State Zip

Email Chansen@ballardfl.com

Speaking:  For  Against  Information

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

Representing Bayer Corp.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/19  
Meeting Date

SB1270  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Butch Calhoun

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

Address 119 S. Monroe Street, Suite 300

Phone 521-0455

Tallahassee FL 32302  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FFVA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

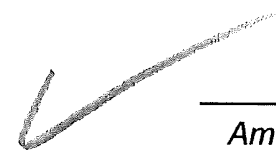
1/19/16

Meeting Date

1270

Bill Number (if applicable)

Topic Pesticide Registration



Amendment Barcode (if applicable)

Name Jim SPEART

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

Address ~~PO Box 70~~ 310 W. College Ave

Phone 850-228-1296

Street

JALAHASSEE, FL 32311

Email Jim@magadlinstrategies.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing FLORIDA FERTILIZER & Agrichemical Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Community Affairs, *Chair*  
Environmental Preservation and Conservation,  
*Vice Chair*  
Appropriations Subcommittee on General Government  
Finance and Tax  
Judiciary  
Transportation

### JOINT COMMITTEE:

Joint Legislative Auditing Committee

### SENATOR WILTON SIMPSON

18th District

January 12, 2016

The Honorable Bill Montford  
Senate Committee on Agriculture, Chair  
3<sup>rd</sup> Floor, Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Montford:

I respectfully request that Senate Bill 1264, relating to *Agricultural Tax Exemptions*, and Senate Bill 1270, relating to *Pesticide Registration*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson, State Senator, 18<sup>th</sup> District

CC: Katherine Becker, Staff Director

#### REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

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

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

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Prepared By: The Professional Staff of the Committee on Agriculture

---

BILL: CS/SB 1310

INTRODUCER: Senator Hutson

SUBJECT: Agriculture

DATE: January 20, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Becker	AG	<b>Fav/CS</b>
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1310 confirms that the Department of Agriculture and Consumer Services (DACS) has the sole authority to regulate the burning of agricultural crops on land classified as agricultural land pursuant to s. 193.461, F.S. The committee substitute provides for a de minimis valuation of up to \$50 per acre for citrus lands that are being restored in accordance with the Citrus Health Response Program (CHRP). It preempts regulatory authority for commercial feed and feedstuff to the DACS. It establishes specific penalties enforceable at the state level, including enhanced penalties under certain circumstances, for persons knowingly dealing in any manner with plant pests, or introducing or releasing plant pests in this state without a special permit from the Division of Plant Industry of DACS. It also gives DACS authority to seek reimbursement for reasonable costs and expenses incurred in its plant pest control or eradication program. The committee substitute also allows livestock grazing on "conservation easements" if such activity is a current or historic use on the site.

**II. Present Situation:**

**Burning of Agriculture Crops**

Presently authorization must be obtained from the Florida Forest Service Division of the Department of Agriculture to conduct noncertified burning, certified prescribed burning, or certified pile burning. Additionally, open burning authorization programs of local governments

must be approved by the Florida Forest Service.<sup>1</sup> The Florida Forest Service regulates the burning of agricultural crops on land classified as agricultural pursuant to the authority of s. 590.125, F.S.<sup>2</sup> Further authority for exercise of this power can be found in ss. 590.02(1)(i) and 590.02(10)(a).

### **Special Agricultural Land Assessment for Abandoned Citrus Groves**

The Florida Department of Agriculture and Consumer Services has initiated a comprehensive Citrus Health Response Program (CHRP) to encourage the removal and destruction of abandoned citrus groves. An element of this plan is the application of a special agricultural land assessment (a de minimis value of up to \$50 per acre) to land taken out of production pursuant to a state or federal eradication or quarantine program. DACS has interpreted this valuation to apply to lands in the CHRP program even though CHRP is not specifically mentioned in the statute.<sup>3</sup>

### **Commercial Feed and Feedstuff**

“Commercial feed” is all materials or combinations of materials that are distributed or intended to be distributed for use as feed or for mixing in a feed for animals other than humans.<sup>4</sup> “Feedstuff” is edible materials, other than commercial feed, that are distributed for animal consumption and that contribute energy or nutrients, or both, to an animal diet.<sup>5</sup> The department has indicated that it, as well as local governments, if they are inclined to, are authorized to regulate commercial feed and feedstuff for quality, safety, labeling requirements, and standards. At present, there is no regulation of animal feed and feedstuff through local ordinances. The federal Food and Drug Administration is currently promulgating rules which would bring the manufacture and distribution of commercial livestock feed and ingredients to a standard of sanitation safe for both human handling and animal consumption through the Food Safety Modernization Act. The bill would clarify the department’s preemptive authority to regulate, inspect, sample, and analyze any commercial feed and feedstuff to eliminate potential duplication of regulation. This is supported by the Florida Feed Association.

### **Penalties for Certain Handling of Plant Pests**

Laws covering the plant industry are covered in ch. 581, F.S. The powers, duties, and jurisdiction over the plant industry are enforced and under the control of the Division of Plant Industry of the Department of Agriculture and Consumer Services. The introduction of plant pests is prohibited except under special permit issued by the Division of Plant Industry, which shall be the sole issuing agency for such special permits.<sup>6</sup> In general, any violation of ch. 581, F.S. subjects the

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<sup>1</sup> Section 590.125(2), (3), (4), and (6), F.S.

<sup>2</sup> Department of Agriculture and Consumer Services (DACCS), *Senate Bill 1310 Analysis* (Jan. 12, 2016) (on file with the Senate Committee on Agriculture).

<sup>3</sup> Florida Department of Agriculture and Consumer Services, *Citrus Health Response Program Update Abandoned Grove Initiative*, <http://freshfromflorida.s3.amazonaws.com/Media%2FFiles%2FPlant-Industry-Files%2FCHRP2%2FCHRP+Update+Abandoned+Grove82015.pdf>

<sup>4</sup> Section 580.031(2), F.S.

<sup>5</sup> Section 580.031(10), F.S.

<sup>6</sup> Section 581.083(1), F.S.

violator to being charged with a first degree misdemeanor and a fine up to \$5,000. An eradication program to combat an invasive plant pest (the Giant African Land Snail) has caused DACS to expend \$11.5 million over 4 years<sup>7</sup> but there is no provision to recover this type of costs in the statutes.

### Conservation Easement

A conservation easement is a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural or wooded condition.<sup>8</sup> Conservation easements are meant to retain areas as suitable habitat for fish, plants or wildlife or to retain the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological or cultural significance. The purpose of a conservation easement is accomplished by restricting the amount of development allowed on a piece of property, limiting other land uses, and maintaining existing areas of conservation interest on a piece of property in their natural condition. Many conservation easements are required as a part of the conditions of regulatory permits. Other conservation easements are held by non-profit land trusts, usually obtained by donation from landowners who benefit from various local, state and federal tax deductions. And in Florida, conservation easements can be purchased from landowners by state, water management district and local conservation land acquisition programs. Conservation easements are fundamentally different from conservation lands that the state owns in fee-simple. First, the landowner retains title to the land and only gives up certain rights that he or she would otherwise have. The landowner, not the state, continues to manage the land subject to the restrictions.<sup>9</sup> Landowners who have managed their lands for silvicultural resources, wetland protection, pasture for cattle grazing, or for hunting can continue to do so under a conservation easement. However, a landowner would not be allowed to reach back to historic uses to justify cattle grazing if it was not being presently used for that purpose.

### III. Effect of Proposed Changes:

**Section 1** amends s. 163.3162, F.S., to confirm that DACS has the sole authority to regulate the burning of agricultural crops on land classified as agricultural land pursuant to s. 193.461, F.S.

**Section 2** amends s. 193.461, F.S., to provide that citrus lands taken out of production pursuant to a state or federal eradication or quarantine program, including the Citrus Health Response Program (CHRP), shall continue to be classified as agricultural land and appraised at a de minimis value of up to \$50 per acre during the 5-year term of the agreement.

**Section 3** creates s. 580.0365, F.S., to preempt the regulatory authority for commercial feed and feedstuff to DACS in order to eliminate duplication of regulation.

**Section 4** amends s. 581.211, F.S., to provide penalties for persons knowingly dealing in any manner with plant pests, or introducing or releasing plant pests in this state without a special

---

<sup>7</sup> DACS, *Senate Bill 1310 Analysis*.

<sup>8</sup> Section 704.06, F.S.

<sup>9</sup> Florida Department of Environmental Protection, *The Division of State Lands Conservation Easement Program*, [https://www.dep.state.fl.us/lands/files/ConservationEasement\\_WhitePaper.pdf](https://www.dep.state.fl.us/lands/files/ConservationEasement_WhitePaper.pdf).

permit from the Division of Plant Industry of DACS or conducting themselves in such a manner that results in the declaration of an agricultural emergency by the Commissioner of Agriculture or the implementation of a control or eradication program by DACS or the United States Department of Agriculture. Penalties include:

- Charge of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S., or a charge of a felony of the second degree if there has been a declaration of an agricultural emergency by the Commissioner of Agriculture or the implementation of a control or eradication program by DACS or the United States Department of Agriculture.
- Imposition of an administrative fine pursuant to s. 570.091, F.S., in the Class II category (up to \$5,000) or a fine in the Class IV category (up to \$10,000) if there has been a declaration of an agricultural emergency by the Commissioner of Agriculture or the implementation of a control or eradication program by DACS or the United States Department of Agriculture.
- Suspension or revocation of a certificate of registration or a certificate of inspection.
- Liability for payment of all reasonable costs and expenses incurred by DACS which moneys shall be deposited into the Plant Industry Trust Fund.

**Section 5** amends s. 704.06, F.S., to revise the definition of “conservation easement” to provide that a permitted use of an agricultural condition may include livestock grazing if the activity is a current or historic use of the land, on the condition that future livestock grazing is done in accordance with Best Management Practices (BMPs) adopted by DACS.

**Section 6** provides that this bill takes effect July 1, 2016.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3162, 193.461, 581.211, and 704.06.

This bill creates section 580.0365 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Agriculture on January 19, 2016:**

The committee substitute:

- Provides that citrus lands taken out of production pursuant to a state or federal eradication or quarantine program, including the Citrus Health Response Program (CHRP), shall continue to be classified as agricultural land and appraised at a de minimis value of \$50 per acre during the 5-year term of the agreement. (WITH TITLE AMENDMENT)
- Modifies the meaning of “conservation easement” to provide that a permitted use of an agricultural condition may include livestock grazing if the activity is a current or historic use of the land; it further requires future livestock grazing be in compliance with BMPs adopted by DACS. (WITH TITLE AMENDMENT)

B. Amendments:

None.





416994

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2016	.	
	.	
	.	
	.	

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The Committee on Agriculture (Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 23 and 24  
insert:

Section 2. Paragraph (a) of subsection (7) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program.—

(7) (a) Lands classified for assessment purposes as agricultural lands which are taken out of production by a state



416994

11 or federal eradication or quarantine program, including the  
12 Citrus Health Response Program, shall continue to be classified  
13 as agricultural lands for 5 years after the date of execution of  
14 a compliance agreement between the landowner and the Department  
15 of Agriculture and Consumer Services, or a federal agency, as  
16 applicable, pursuant to the duration of such program or  
17 successor programs. Lands under these programs which are  
18 converted to fallow or otherwise nonincome-producing uses shall  
19 continue to be classified as agricultural lands and shall be  
20 assessed at a de minimis value of up to \$50 per acre on a  
21 single-year assessment methodology while converted. Lands under  
22 these programs which are replanted in citrus pursuant to the  
23 requirements of the compliance agreement shall continue to be  
24 classified as agricultural lands and shall be assessed at a de  
25 minimis value of up to \$50 per acre, on a single-year assessment  
26 methodology, during the 5-year term of the agreement. However,  
27 lands converted to other income-producing agricultural uses  
28 permissible under such programs shall be assessed pursuant to  
29 this section. Land under a mandated eradication or quarantine  
30 program which is diverted from an agricultural to a  
31 nonagricultural use shall be assessed under s. 193.011.

32  
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:  
35       Between lines 5 and 6  
36 insert:  
37       amending 193.461, F.S.; revising the period during  
38       which certain agricultural lands in eradication or  
39       quarantine programs continue to be classified as such;



416994

40  
41

providing for the classification of such lands that  
are replanted in citrus;



698122

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2016	.	
	.	
	.	
	.	

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The Committee on Agriculture (Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 78 and 79  
insert:

Section 4. Paragraphs (c) and (e) of subsection (1) of section 704.06, Florida Statutes, are amended to read:

704.06 Conservation easements; creation; acquisition; enforcement.—

(1) As used in this section, "conservation easement" means a right or interest in real property which is appropriate to



698122

11 retaining land or water areas predominantly in their natural,  
12 scenic, open, agricultural, or wooded condition; retaining such  
13 areas as suitable habitat for fish, plants, or wildlife;  
14 retaining the structural integrity or physical appearance of  
15 sites or properties of historical, architectural,  
16 archaeological, or cultural significance; or maintaining  
17 existing land uses and which prohibits or limits any or all of  
18 the following:

19 (c) Removal or destruction of trees, shrubs, or other  
20 vegetation except when necessary for maintenance purposes.

21 (e) Surface use except for purposes that permit the land or  
22 water area to remain predominantly in its natural or  
23 agricultural condition. Such agricultural condition may include  
24 livestock grazing if the activity is a current or historic use  
25 of the land and if future livestock grazing within the  
26 conservation easement area is conducted in accordance with  
27 applicable best management practices adopted by the Department  
28 of Agriculture and Consumer Services.

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

31 And the title is amended as follows:

32 Delete line 13

33 and insert:

34 Trust Fund; amending s. 704.06, F.S.; revising the  
35 definition of the term "conservation easement";  
36 providing an effective date.

By Senator Hutson

6-01116-16

20161310\_\_

A bill to be entitled

An act relating to agriculture; amending s. 163.3162, F.S.; providing sole authority to regulate the burning of agricultural crops on certain lands to the Department of Agriculture and Consumer Services; creating s. 580.0365, F.S.; preempting regulatory authority over commercial feed and feedstuff to the department; amending s. 581.211, F.S.; providing penalties for certain handling of plant pests without a special permit from the Division of Plant Industry within the department; specifying that moneys collected must be deposited into the Plant Industry Trust Fund; providing an effective date.

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

Section 1. Subsection (5) is added to section 163.3162, Florida Statutes, to read:

163.3162 Agricultural Lands and Practices.—

(5) BURNING OF AGRICULTURAL CROPS.—The Department of Agriculture and Consumer Services has the sole authority to regulate the burning of agricultural crops on land classified as agricultural land pursuant to s. 193.461.

Section 2. Section 580.0365, Florida Statutes, is created to read:

580.0365 Preemption of regulatory authority over commercial feed and feedstuff.—In order to provide for uniform regulation throughout the state, the state preempts all regulation over commercial feed and feedstuff to the department. Notwithstanding any other provision of law, the authority to regulate, inspect, sample, and analyze any commercial feed or feedstuff distributed in this state or to exercise the powers and duties under this

Page 1 of 3

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

6-01116-16

20161310\_\_

chapter, including the assessment of any penalties for violations of this chapter, is preempted to the department. If any rule adopted by, or final order of, the department relating to commercial feed and feedstuff is in conflict with any other provision or restriction under a local ordinance or administrative rule adopted by, or final order of, an entity or agency other than the department, this section shall govern and such local ordinance, rule, or order is preempted.

Section 3. Subsections (4) and (5) are added to section 581.211, Florida Statutes, to read:

581.211 Penalties for violations.—

(4) A person who knowingly acquires, imports, possesses, sells or offers to sell, trades or offers to trade, barters or offers to barter, moves or causes to be moved, introduces, or releases a plant pest in this state without a special permit from the division:

(a) Commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083;

(b) Is subject to an administrative fine pursuant to s. 570.971 in the Class II category for each violation of this chapter;

(c) May have a certificate of registration or certificate of inspection suspended or revoked; and

(d) Is liable for the payment of all reasonable costs and expenses incurred by the department in a plant pest control or eradication program. Moneys collected pursuant to this section shall be deposited into the Plant Industry Trust Fund.

(5) A person who knowingly acquires, imports, possesses, sells or offers to sell, trades or offers to trade, barters or

Page 2 of 3

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

6-01116-16

20161310\_\_

62 offers to barter, moves or causes to be moved, introduces, or  
63 releases a plant pest in this state without a special permit  
64 from the division that results in the issuance of a declaration  
65 of an agricultural emergency by the Commissioner of Agriculture  
66 or the implementation of a control or eradication program by the  
67 department or the United States Department of Agriculture:

68 (a) Commits a felony of the second degree, punishable as  
69 provided in s. 775.082 or s. 775.083;

70 (b) Is subject to an administrative fine pursuant to s.  
71 570.971 in the Class IV category for each violation of this  
72 chapter;

73 (c) May have a certificate of registration or certificate  
74 of inspection suspended or revoked; and

75 (d) Is liable for the payment of all reasonable costs and  
76 expenses incurred by the department in a plant pest control or  
77 eradication program. Moneys collected pursuant to this section  
78 shall be deposited into the Plant Industry Trust Fund.

79 Section 4. This act shall take effect July 1, 2016.



The Florida Senate

## Committee Agenda Request

**To:** Senator Bill Montford, Chair  
Committee on Agriculture

**Subject:** Committee Agenda Request

**Date:** January 12, 2016

---

I respectfully request that **Senate Bill #1310**, relating to Agriculture, be placed on the:

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

A handwritten signature in cursive script, appearing to read "Travis Hutson".

---

Senator Travis Hutson  
Florida Senate, District 6





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Agriculture  
Appropriations Subcommittee on Education  
Education Pre-K-12  
Government Oversight and Accountability  
Transportation, Vice Chair

### JOINT COMMITTEE:

Joint Administrative Procedures Committee  
Joint Select Committee on Collective Bargaining

**SENATOR DWIGHT BULLARD**

39th District

January 19<sup>th</sup>, 2016

Chairman Montford,

I am requesting to be excused from our Agriculture Committee meeting on Tuesday, January 19<sup>th</sup>, 2016 due to illness. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Bullard".

State Senator, District 39

REPLY TO:

- 10720 Caribbean Boulevard, #435, Cutler Bay, Florida 33189
- 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/19/2016

Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Satsuma - School lunch

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

Name Mack Glass

Job Title Owner Cherokee Ranch

Address 1525 Fairview Road Ma  
Street

Phone (950) 573-0885

Manianna FL 32448-6697  
City State Zip

Email mjg@phon1.com

Speaking:  For  Against  Information

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

Representing Cherokee Ranch of North Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Jan. 19, 2016  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Citrus Industry

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

Name Adam Putnam

Job Title Commissioner of Agriculture

Address FL 10 The Capitol  
Street

Phone 850 617 7700

Tallahassee FL 32399  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FL Agriculture Industry

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)

# CourtSmart Tag Report

Room: SB 301  
Caption: Senate Agriculture Committee

Case No.:  
Judge:

Type:

Started: 1/19/2016 1:34:57 PM  
Ends: 1/19/2016 2:13:30 PM Length: 00:38:34

1:35:25 PM Meeting called to order  
1:35:34 PM Roll call  
1:35:53 PM Quorum present  
1:36:20 PM Senator Montford opening comments  
1:36:34 PM Commissioner Putnam recognized to speak  
1:46:38 PM Senator Montford with comments to Commissioner Putnam  
1:47:13 PM Tab 1 SB 1264 presented by Senator Simpson  
1:47:31 PM Change in agenda order-- Tab 3 taken up  
1:47:39 PM Senator Hutson presents SB 1310  
1:48:21 PM Amendment 416994 presented by Senator Grimsley  
1:50:00 PM Grace Lovett with FL Dept of Ag & Consumer Services waives in support  
1:50:13 PM Amendment 416994 adopted  
1:50:28 PM Amendment 698122 presented by Senator Hutson  
1:50:52 PM David Cullen with Sierra Club of Florida recognized to speak  
1:52:41 PM Senator Dean with question for David Cullen  
1:53:03 PM David Cullen with response to Senator Dean  
1:53:27 PM Senator Dean with follow-up for David Cullen  
1:53:55 PM David Cullen with response to Senator Dean  
1:54:14 PM Senator Dean with follow-up question  
1:54:51 PM David Cullen with response to Senator Dean  
1:55:08 PM Senator Dean with follow-up for David Cullen  
1:55:43 PM David Cullen with response to Senator Dean  
1:56:25 PM Sam Ard with the Fla Cattlemen's Association recognized to speak  
1:57:39 PM Amendment 698122 adopted  
1:58:08 PM David Cullen with Sierra Club FL recognized to speak on bill as amended  
1:58:29 PM Jim Spratt waives in support  
1:58:49 PM Roll call on CS/SB 1310  
1:59:05 PM CS/SB 1310 reported favorably  
1:59:23 PM Tab 1 SB 1264 presented by Senator Simpson  
2:00:01 PM Amendment 965136 introduced and presented by Senator Simpson  
2:00:24 PM Amendment 965136 adopted  
2:00:41 PM Doug Mann waives in support  
2:00:46 PM Sam Ard waives in support  
2:00:50 PM Jim Spratt waives in support  
2:00:55 PM Adam Basford waives in support  
2:01:05 PM Butch Calhoun waives in support  
2:01:25 PM Roll call on CS/SB 1264  
2:01:40 PM CS/SB 1264 reported favorably  
2:01:49 PM Tab 2 SB 1270 presented by Senator Simpson  
2:02:59 PM Sam Ard waives in support  
2:03:03 PM Adam Basford waives in support  
2:03:09 PM Chris Hanson waives in support  
2:03:19 PM Butch Calhoun waives in support  
2:03:26 PM Jim Spratt waives in support  
2:03:43 PM Roll call on SB 1270  
2:03:55 PM SB 1270 reported favorably  
2:04:25 PM Mr. Mack Glass of Cherokee Ranch recognized to speak  
2:04:52 PM Senator Montford introduction  
2:04:58 PM Mr. Mack Glass presentation  
2:07:13 PM Senator Galvano recognized with question  
2:07:26 PM Mack Glass with response  
2:07:51 PM Senator Dean with a question for Mr. Glass

**2:08:02 PM** Mack Glass with response  
**2:08:16 PM** Senator Montford with comments  
**2:08:27 PM** Mack Glass with comments  
**2:09:32 PM** Senator Montford with question  
**2:09:35 PM** Mack Glass response  
**2:09:58 PM** Senator Dean with a question  
**2:10:05 PM** Mack Glass with response  
**2:10:59 PM** Senator Montford with question  
**2:11:06 PM** Mack Glass with response  
**2:11:53 PM** Senator Montford with another question  
**2:12:00 PM** Mack Glass with a response to Senator Montford  
**2:12:18 PM** Senator Montford with comments  
**2:13:22 PM** Senator Montford with closing comments  
**2:13:25 PM** Meeting adjourned



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Agriculture  
Appropriations Subcommittee on Education  
Education Pre-K-12  
Government Oversight and Accountability  
Transportation, Vice Chair

### JOINT COMMITTEE:

Joint Administrative Procedures Committee  
Joint Select Committee on Collective Bargaining

**SENATOR DWIGHT BULLARD**

39th District

January 19<sup>th</sup>, 2016

Chairman Montford,

I am requesting to be excused from our Agriculture Committee meeting on Tuesday, January 19<sup>th</sup>, 2016 due to illness. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Bullard".

State Senator, District 39

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