

**SB 522** by **Bradley**; (Similar to H 0633) Biodiesel Fuel

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

**AGRICULTURE**  
**Senator Montford, Chair**  
**Senator Bullard, Vice Chair**

**MEETING DATE:** Tuesday, February 19, 2013

**TIME:** 9:00 —11:30 a.m.

**PLACE:** 301 Senate Office Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Introduction of Adam Putnam, Commissioner, Florida Department of Agriculture and Consumer Services		Presented
2	Presentation by Patricia Robbins, Farm Share		Presented
3	Presentation by Rebecca Brislain, Executive Director, Florida Association of Farm Banks		Presented
4	<b>SB 522</b> Bradley (Similar H 633)	Biodiesel Fuel; Exempting municipalities, counties, and school districts manufacturing biodiesel fuel for internal use from certain reporting, bonding, and licensing requirements applicable to biodiesel manufacturers; requiring such entities to pay a tax on such biodiesel fuel, etc.  AG      02/19/2013 Favorable CA AFT AP	Favorable Yeas 6 Nays 0
5	Other Related Meeting Documents		

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

2/19/13

*Meeting Date*

Topic FL Dept of Agriculture + Cons. Svcs.

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

Name Adam Putnam

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

Job Title Commissioner of Agriculture

Address FL DACS, The Capitol

Phone (850) 488-3022

*Street*

Tallahassee FL 32399

*City*

*State*

*Zip*

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

Speaking: ☐ For ☐ Against ☒ Information

Representing FL Dept. of Agriculture + Consumer Services

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/20/11)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

Feb 19, 2013  
Meeting Date

Topic FARM SHARE

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

Name PATRICIA Robbins

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

Job Title FOUNDER + CEO

Address 14125 S.W. 320<sup>th</sup> ST  
Street

Phone 305-458-17316

Homestead, FL 33033  
City State Zip

E-mail PATRICIA R @ FARM SHARE . OR

Speaking: ☐ For ☐ Against ☐ Information

Representing \_\_\_\_\_

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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# Farm Share

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The Florida Senate  
Committee on Agriculture  
February 19, 2013



# About Farm Share

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- Farm Share was founded 21 years ago in Homestead Florida by Patricia Robbins in response to the issues of wasted food and hunger in Florida.
- Since its inception in 1991, the focus has been to rescue fresh produce from farmers that would otherwise be dumped, and provide it to the hungry **at no cost**.
- Food recovered by Farm Share is high quality and only deemed unmarketable due to size, shape, color or market conditions.



# What We Do

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- Farm Share is “**FEEDING THE NEED, NOT THE LANDFILLS**”
- 40% of what is grown in Florida never reaches the market
  - 15% is discarded after it is harvested
  - 25% is left in the field and plowed under because of market conditions
- Florida Farmers receive federal tax deductions of up to 200% for donated food.





# Waste Not, Want Not

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**Packinghouse  
dump truck  
disposing of  
culled produce.**

During harvest,  
a single  
packinghouse  
can dump  
35,000 pounds  
of produce  
every 45  
minutes.

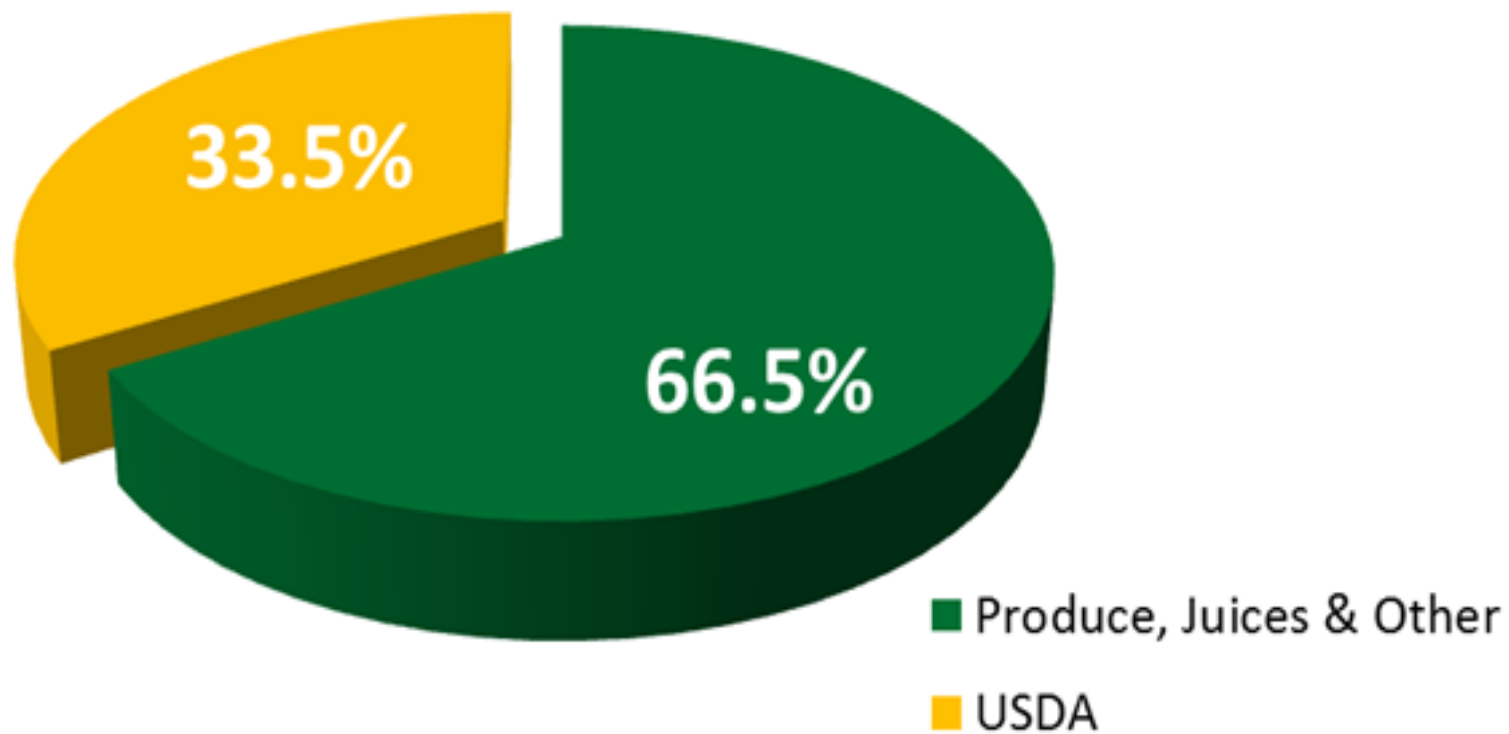


# Fresh Produce is the Key

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- Farm Share's focus has always been on **“FRESH FROM THE FARM”** produce.
- Over 50% of all food distributed by Farm Share is fresh produce straight from the farm.
- Farm Share produce is not reclaimed from supermarkets at the end of its life cycle.
- Farm Share administers USDA food for Miami-Dade & Broward counties.

## Food Distributed by Farm Share 2011-2012



# What Makes Us Different

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- Many food banks charge the churches, soup kitchens and groups they serve a 20 cents per pound “shared maintenance fee”.
- Churches, soup kitchens, children, senior and veterans programs do not pay any fees to receive Farm Share food.
- Farm Share serves groups and areas that cannot afford to pay shared maintenance fees for food.
- Farm Share requires proof of need to ensure that the food goes to those who are truly in need.



# What Makes Us Different

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- Farm Share is **STRATEGICALLY LOCATED**.
- With locations in Quincy, Pompano and Homestead, we are able to access crops in season throughout Florida.
- This allows us to maximize the food transported to underserved areas in the “off season” with our own refrigerated tractor trailers and other trucks.
- Farm Share has refrigeration and storage at all locations throughout Florida.



# Farm Share Facts

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- In 21 years Farm Share has:
  - Recovered and distributed over 300 million pounds of food.
  - Provided \$726 million dollars of fresh produce and other food to organizations serving the hungry.
- Last year alone:
  - Farm Share provided over 11 million pounds of food to Florida's needy families, children, seniors and veterans, free of charge.
  - Served 774,000 families across Florida with fresh produce.
  - The combined ROI in terms of food value and federal tax deduction available to farmers would equal \$96.88 for every \$1 invested by the State of Florida.





Farm Share food distribution  
with Department of Children  
and Families, diabetes  
screening and other groups  
assisting the poor.  
Nov 7, 2012

Fresh from the farmer,  
sweet corn and green beans.





# Expansion of Outreach

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- With the \$750,000 appropriated this current year, Farm Share was able to expand its outreach for donated food to 8 southern states.
- This allows us to take advantage of fresh produce and other food available outside of Florida to benefit the needy in our State.



# Funding Request

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- Farm Share would like to thank the Legislature and Governor of the State of Florida for 20 years of continued support.
- This year our funding request is \$1.5 million dollars.
- With these funds, we will be able to substantially increase the volume of produce recovered and the number of families served.



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

2/19/2013

*Meeting Date*

Topic \_\_\_\_\_

Bill Number \_\_\_\_\_

*(if applicable)*

Name Rebecca Brislain

Amendment Barcode \_\_\_\_\_

*(if applicable)*

Job Title EXECUTIVE DIRECTOR

Address 1365 ALCAZAR AVE

*Street*

Phone 239 281 7758

FORT MYERS FL 33901

*City*

*State*

*Zip*

E-mail rebecca@fafb.org

Speaking: ☐ For ☐ Against ☐ Information

Representing Florida Association of Food Banks

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)



# Florida

## Association of Food Banks



Partner State  
Association of

**FEEDING<sup>®</sup>  
AMERICA**

# The Need

1 in 5



3.6 Million Floridians



1 in 4



1.1 Million Children



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Association of  
**Food Banks**

Partner State  
Association of  
**FEEDING  
AMERICA**

# Who We Are...





# What We Do

*Help our members provide more healthy food to our  
3.6 Million neighbors in need.*

Among our member services:

- Enhanced statewide communication
- Acquisition of food and funds
- Public awareness about hunger & food banks
- Disaster response



# How We Do It



**Florida**  
Association of  
**Food Banks**

Partner State  
Association of  
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AMERICA**

# Statewide Impact

**3.6 million people**  
every year

Food Distribution up  
105% over past four  
years

Wholesale Value \$237  
Million



Pounds in Million



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Association of  
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# Where Food Comes From

National Donations  
Distribution Centers

USDA Commodities  
Community Food Drives



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## Retail Grocery Partners





# Growers & Packers



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Association of  
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Association of  
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AMERICA**



# FARMERS FEEDING FLORIDA

*Fresh Solutions for Fighting Hunger*



*A program of:*



**Florida**  
Association of  
**Food Banks**

Partner State  
Association of  
**FEEDING  
AMERICA**

*Rescuing & Redistributing unmarketable  
produce to hungry Floridians in all 67 Counties*  
***HungerFreeFlorida.org***

# Farmers Feeding Florida Video

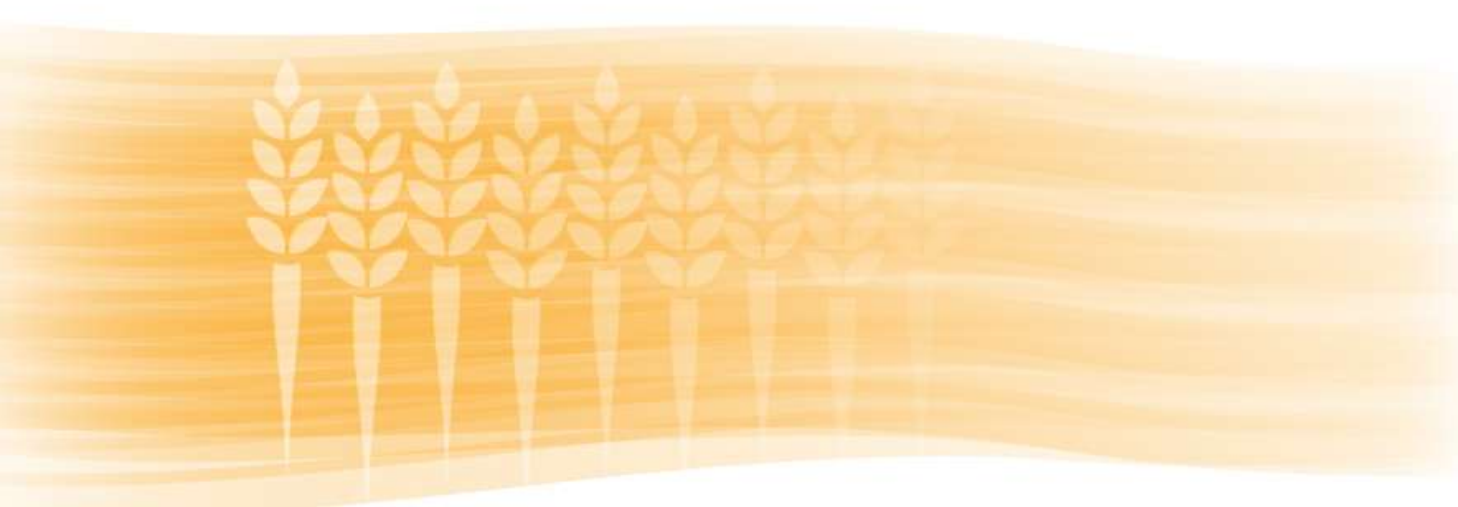


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**Food Banks**

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**FEEDING  
AMERICA**



Endorsed By:





# Farmers Feeding Florida

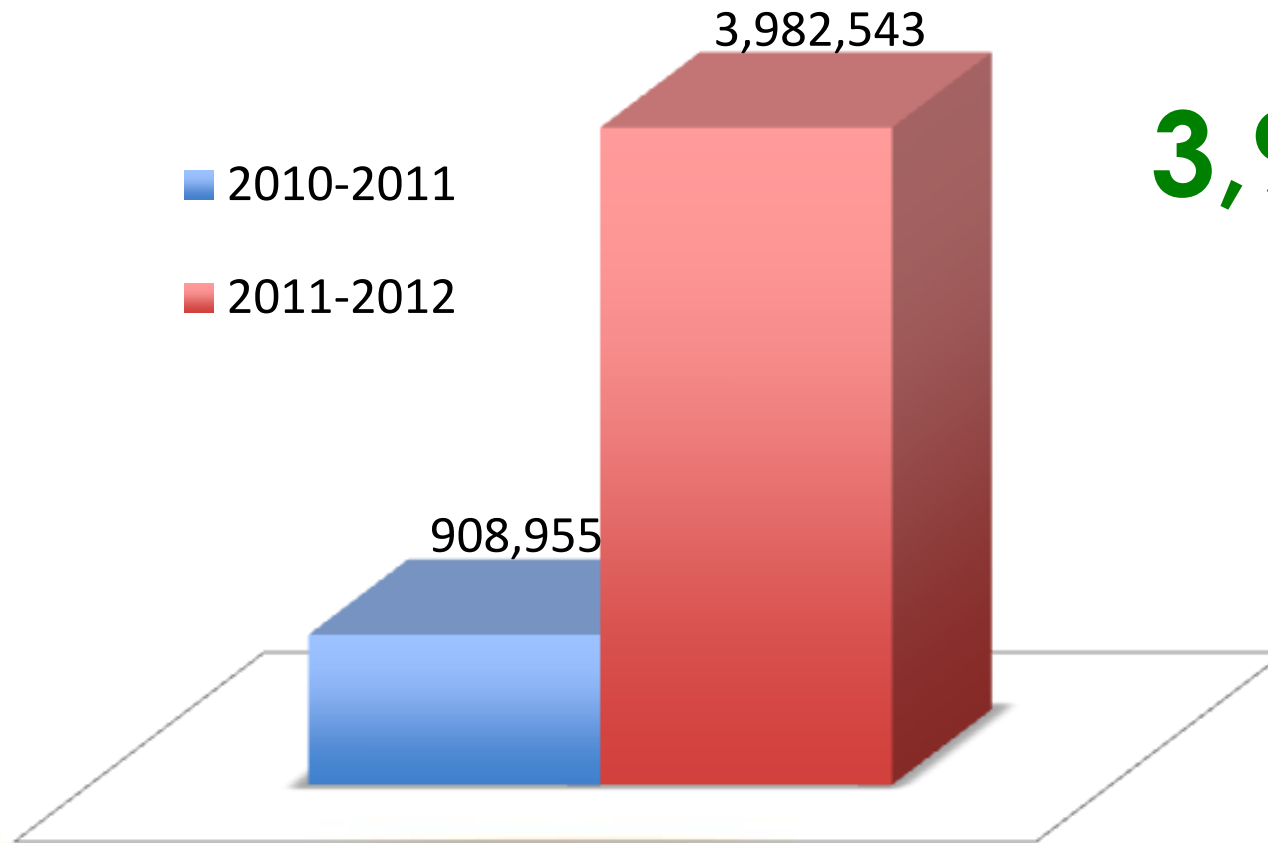
- **Unmarketable Product**
  - Wrong Color & Size
  - Blemishes
  - Still Wholesome?
- **Change in Market Value**
  - Don't Plow it Under
  - We Can Help
  - May be Tax Deductible
- **Regular, Scheduled**
  - Dependable Partner
  - Quick Distribution
  - Ensures Quality
- **Coordinate Opportunities**
  - Slow Season
  - Refused Shipments
  - Planned Surplus
  - Overproduction



**Florida**  
Association of  
**Food Banks**

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AMERICA**

# TOTAL POUNDS FOR FARMERS FEEDING FLORIDA



**908,955** lbs.

to

**3,982,543** lbs.  
in 1 Year!

**338%**



**Florida**  
Association of  
**Food Banks**

Partner State  
Association of  
**FEEDING  
AMERICA**

# Funding Request

- \$2 Million to support the Farmers Feeding Florida program
- Acquisition and Distribution of an additional 7 Million Pounds of fresh fruits and vegetables from Florida Growers & Packers
- Offset Pick & Pack Out costs (out-of-pocket expenses) to facilitate large donations







# Florida

## Association of Food Banks



Partner State  
Association of

**FEEDING<sup>®</sup>  
AMERICA**

**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 522

INTRODUCER: Senator Bradley

SUBJECT: Biodiesel Fuel

DATE: February 19, 2013

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Halley	AG	<b>Favorable</b>
2.			CA	
3.			AFT	
4.			AP	
5.				
6.				

**I. Summary:**

SB 522 creates an exemption for local governments that manufacture biodiesel for internal use from the reporting, bonding, and licensing requirements that apply to wholesalers of biodiesel fuel. It requires local government users of diesel fuel to report biodiesel manufactured for internal use, and remit the appropriate taxes, on a Department of Revenue (DOR) form<sup>1</sup> that is presently submitted rather than having to file a separate return to report manufactured biodiesel on the DOR form<sup>2</sup> that must be submitted by fuel wholesalers.

This bill substantially amends sections 206.02 and 206.874 of the Florida Statutes.

**II. Present Situation:**

The state imposes a tax on the sale, use, distribution, or consumption of motor and other fuels.<sup>3</sup> Diesel fuel is addressed separately in law and taxed differently, which tax is imposed for the purpose of constructing and maintaining the highways of the state.<sup>4</sup> Biodiesel is a fuel made from nonpetroleum-based oils or fats that can be used in diesel-powered engines and the term “biodiesel manufacturer” includes all industrial plants where organic products are used in the production of biodiesel, *regardless of capacity*.<sup>5</sup> (emphasis supplied) Each biodiesel manufacturer must comply with the reporting, bonding, and licensing requirements required for

<sup>1</sup> DR-309634, Local Government User of Diesel Fuel Tax Return.

<sup>2</sup> DR-309632, Wholesaler/Importer Fuel Tax Return

<sup>3</sup> Chapter 206, F.S.

<sup>4</sup> Section 206.85, F.S.

<sup>5</sup> Sections 206.86(14) and 206.86(15), F.S.

wholesalers of taxable fuel.<sup>6</sup> An exemption from the tax and reporting requirements for a biodiesel manufacturer was created in 2010 for a public or private secondary school that manufactures less than 1,000 gallons on an annual basis for its own use.<sup>7</sup>

To obtain a wholesaler of motor fuel license, a Florida Fuel Tax Application (Form DR-156) must be submitted under oath.<sup>8</sup> While a bond must simultaneously be filed with the DOR<sup>9</sup>, local governments are exempt from the bond requirement<sup>10</sup> as well as a background check required of certain applicants. Each license must be renewed annually on form DR-156R. Licensed fuel wholesalers, which would include local governments who manufacture biodiesel, must file a monthly return on form DR-309632. Local government users of diesel fuel must also register with DOR and file a monthly report of acquisitions, inventory, and use of diesel fuel<sup>11</sup> on form DR-309634 and pay 3 cents of the 4-cent excise tax plus all other taxes levied under s. 206.87(1), F.S.

One local government reports that complying with the wholesale licensing and reporting requirements for the small volume of biodiesel manufactured for internal use is burdensome to the point that it has suspended its program.<sup>12</sup> That county's biodiesel manufacturing operation began in 2010 after it received a grant to purchase equipment to recycle waste vegetable oil as part of a fuel supply program that also was intended to achieve environmental benefits by keeping waste products out of the wastewater system. To have a diesel fuel manufacturing operation, the county was required to expend additional time and labor monthly to perform a more extensive review of diesel fuel purchased from commercial suppliers and internally produced biodiesel in order to file the monthly return required of fuel wholesalers. There are other counties and cities that have similar programs<sup>13</sup> and they face the same challenges in complying with the reporting requirements of a wholesaler as well as a local government user.

### III. Effect of Proposed Changes:

**Section 1** amends s. 206.02, F.S., to exempt municipalities, counties, or school districts that manufacture biodiesel for internal use from the reporting, bonding and licensing requirements that apply to biodiesel manufacturers.

**Section 2** amends s. 206.874, F.S., to require local government users of diesel fuel to include biodiesel manufactured for internal use on its monthly return (Local Government User of Diesel Fuel Return) to DOR and pay the appropriate taxes on it.

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

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<sup>6</sup> Section 206.02(5), F.S.

<sup>7</sup> Chapter 2010-195, L.O.F.

<sup>8</sup> Section 206.02(4), F.S., and Rule 12B-5.060, Florida Administrative Code.

<sup>9</sup> Section 206.02(6), F.S.

<sup>10</sup> Section 206.05(1), F.S.

<sup>11</sup> Section 206.874(4), F.S.

<sup>12</sup> Oral conversation with Mark Sexton, Communications Coordinator, Alachua County Manager's Office (February 2013).

<sup>13</sup> The Gainesville Sun, From chicken wings and fries to powering county trucks. See <http://www.gainesville.com/article/20130129/ARTICLES/130129540>. Site last visited February, 2013.



**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

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

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The Revenue Estimating Conference has not considered this bill yet and, accordingly, the fiscal impact, if any, due to this bill is not known at this time.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Local governments that manufacture biodiesel for internal use will be relieved of the time and labor needed to be expended to comply with licensing and reporting requirements of fuel wholesalers. DOR reports that implementation of this bill will present an insignificant operational impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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

None.

B. Amendments:

None.

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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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THE FLORIDA SENATE  
**APPEARANCE RECORD**



2-19-13

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

Meeting Date

Topic SB 522 Biodiesel Bill Number SB 522  
Name Mark Sexton (if applicable)  
Job Title Alachua County Legislative Affairs Amendment Barcode \_\_\_\_\_ (if applicable)  
Address 12 SE 1st Street Phone 352-264-6979  
City Gainesville State FL Zip 32601  
E-mail msexton@alachuacounty.org  
Speaking: ☒ For ☐ Against ☐ Information  
Representing Alachua County

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)



By Senator Bradley

7-00785-13

2013522\_\_

1 A bill to be entitled  
 2 An act relating to biodiesel fuel; amending s. 206.02,  
 3 F.S.; exempting municipalities, counties, and school  
 4 districts manufacturing biodiesel fuel for internal  
 5 use from certain reporting, bonding, and licensing  
 6 requirements applicable to biodiesel manufacturers;  
 7 amending s. 206.874, F.S.; requiring such entities to  
 8 pay a tax on such biodiesel fuel; providing an  
 9 effective date.  
 10  
 11 Be It Enacted by the Legislature of the State of Florida:  
 12  
 13 Section 1. Subsection (5) of section 206.02, Florida  
 14 Statutes, is amended to read:  
 15 206.02 Application for license; temporary license; terminal  
 16 suppliers, importers, exporters, blenders, biodiesel  
 17 manufacturers, and wholesalers.—  
 18 (5) Each biodiesel manufacturer, except for a municipality,  
 19 county, or school district manufacturing biodiesel for internal  
 20 use, must meet the reporting, bonding, and licensing  
 21 requirements prescribed for wholesalers under ~~by~~ this chapter.  
 22 Section 2. Paragraph (b) of subsection (4) of section  
 23 206.874, Florida Statutes, is amended to read:  
 24 206.874 Exemptions.—  
 25 (4)  
 26 (b) Local government users of diesel fuel shall ~~be required~~  
 27 ~~to~~ file a return accounting for diesel fuel acquisitions,  
 28 biodiesel manufactured for internal use only, inventory, and  
 29 use, and remit a tax equal to 3 cents of the 4-cent tax required

Page 1 of 2

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

7-00785-13

2013522\_\_

30 under s. 206.87(1)(a), plus the taxes required under s.  
 31 206.87(1)(b), (c), and (d) each month to the department.  
 32 Section 3. This act shall take effect July 1, 2013.

Page 2 of 2

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Education, *Chair*  
Agriculture  
Appropriations  
Appropriations Subcommittee on Health  
and Human Services  
Education  
Gaming  
Health Policy  
Regulated Industries  
Rules

**SENATOR BILL GALVANO**

26th District

February 12, 2013

Senator Bill Montford  
214 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Montford:

I am writing to request approval to be excused from the Agriculture Committee meeting scheduled for Tuesday, February 19, 2013.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Galvano".

Bill Galvano

cc.: Katherine Halley

### REPLY TO:

- ☐ 1023 Manatee Avenue West, Suite 201, Bradenton, Florida 34205
- ☐ 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026

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

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# CourtSmart Tag Report

**Room:** SB 301  
**Caption:** Agriculture Committee

**Case:**  
**Judge:**

**Type:**

**Started:** 2/19/2013 9:01:56 AM  
**Ends:** 2/19/2013 9:58:48 AM      **Length:** 00:56:53

9:02:11 AM Meeting called to order by Chairman Montford  
9:02:24 AM Roll call by Administrative Assistant, Joyce Butler  
9:02:35 AM Comments by Chairman Montford  
9:03:13 AM Introduction of Commissioner Adam Putnam by Chairman Montford  
9:03:52 AM Presentation by Commissioner Adam Putnam, Florida Department of Agriculture and Consumer Services  
9:13:17 AM Comments from Chairman Montford  
9:13:33 AM Question/comments from Senator Sachs  
9:14:18 AM Response from Commissioner Putnam  
9:17:46 AM Follow-up question from Senator Sachs  
9:18:33 AM Response from Commissioner Putnam  
9:20:28 AM Question from Senator Garcia  
9:22:44 AM Response from Commissioner Putnam  
9:24:21 AM Comments from Senator Bullard  
9:26:02 AM Response from Commissioner Putnam  
9:29:12 AM Follow-up from Senator Bullard  
9:30:46 AM Comments from Chairman Montford  
9:31:49 AM Senator Bradley regarding SB 522, Biodiesel Fuel  
9:33:47 AM Comments from Mark Sexton, Alachua County Legislative Affairs regarding SB 522  
9:35:42 AM Comments from Chairman Montford  
9:35:54 AM Question from Senator Sachs  
9:36:03 AM Response from Mark Sexton  
9:36:12 AM Additional question from Senator Sachs  
9:36:51 AM Additional question from Senator Sachs  
9:37:20 AM Follow-up from Senator Sachs  
9:37:39 AM Response from Mark Sexton  
9:38:29 AM Comments from Chairman Montford  
9:38:43 AM Ryan Matthews, Fla. League of Cities waives in support  
9:39:04 AM Stephen James, Fla. Association of Counties waives in support  
9:39:24 AM Senator Bradley closes on SB 522  
9:39:42 AM Roll call by Administrative Assistant, Joyce Butler  
9:39:52 AM SB 522 passes favorably  
9:40:00 AM Comments from Chairman Montford  
9:40:33 AM Presentation from Patricia Robbins, Farm Share  
9:47:05 AM Comments from Chairman Montford  
9:47:21 AM Comments from Senator Sachs  
9:48:06 AM Comments from Senator Bullard  
9:48:36 AM Comments from Chairman Montford  
9:48:46 AM Additional comments from Patricia Robbins  
9:49:39 AM Presentation from Rebecca Brislain, Executive Director, Florida Association of Food Banks  
9:58:10 AM Comments from Chairman Montford  
9:58:35 AM Additional comments from Chairman Montford  
9:58:42 AM Senator Garcia moves to rise