

SB 654 by Montford; (Similar to H 1393) Agricultural Storage and Shipping Containers

604810	A	S	RCS	AG, Montford	Delete L.99 - 106:	03/05 09:43 AM
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SB 752 by Hukill; (Identical to H 0761) Capital Investment Tax Credits

SB 778 by Thompson; (Identical to H 0631) Transactions in Fresh Produce Markets

390258	A	S	RCS	AG, Bullard	Delete L.21 - 54:	03/05 01:39 PM
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SB 902 by Brandes; (Compare to H 0469) Sale of Liquid Fuels

425106	A	S	RCS	AG, Brandes	Delete L.49:	03/05 01:19 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Montford, Chair
Senator Bullard, Vice Chair

MEETING DATE: Monday, March 4, 2013
TIME: 3:30 —5:30 p.m.
PLACE: 301 Senate Office Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 654 Montford	Agricultural Storage and Shipping Containers; Providing that an owner of containers used for the storage or transport of agricultural or other commercial products may adopt for his or her exclusive use a particular mark or brand to designate and distinguish ownership of the containers; requiring that a person who purchases five or more plastic bulk merchandise containers from one seller obtain proof of ownership, verify the seller's identity, pay noncash, and record and maintain other information for a specified period of time; providing an exception for licensed waste haulers, etc. AG 03/04/2013 Fav/CS CJ JU	Fav/CS Yeas 5 Nays 0
2	SB 752 Hukill (Identical H 761)	Capital Investment Tax Credits; Adding certain indoor agricultural enterprises to the list of high-impact sectors eligible for the capital investment tax credit, etc. AG 03/04/2013 Favorable CM AFT AP	Favorable Yeas 5 Nays 0
3	SB 778 Thompson (Identical H 631)	Transactions in Fresh Produce Markets; Requiring certain owners and operators of farmers' markets, community farmers' markets, flea markets, and other open-air markets selling fresh produce to allow authorized Food Nutrition Service groups, associations, and third-party organizations to operate electronic benefits transfer systems in such markets, etc. AG 03/04/2013 Fav/CS CF AP RC	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Agriculture

Monday, March 4, 2013, 3:30 —5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 902 Brandes (Compare H 469, H 503, S 618)	Sale of Liquid Fuels; Requiring self-service stations to display on each pump a decal containing a telephone number to enable certain handicapped persons to seek assistance from the station attendant; requiring the Department of Agriculture and Consumer Services to provide decals and instructions; providing for enforcement by the department, etc. AG 03/04/2013 Fav/CS AGG AP	Fav/CS Yeas 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: CS/SB 654

INTRODUCER: Senator Montford

SUBJECT: Agricultural Storage and Shipping

DATE: March 4, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Halley	AG	Fav/CS
2.			CJ	
3.			JU	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

CS/SB 654 provides statutory protection for stamped or marked containers used for storage or transportation of agricultural or other commercial goods in addition to the types of containers that are presently provided protection by being enumerated in the statutes. The bill creates similar protection for owners of plastic bulk merchandise containers by providing definitions, setting forth procedures that must be followed for sale and purchase of five or more such containers, establishing record-keeping requirements, and setting penalties for violation of these terms. It authorizes an owner of plastic bulk merchandise containers to bring a civil action for damages from a person who violates these terms. It also exempts licensed waste haulers from compliance with the terms of the bill relating to plastic bulk merchandise containers.

This bill substantially amends section 506.19, and creates sections 506.265 and 506.266 of the Florida Statutes.

II. Present Situation:

Chapter 506, F.S., provides protection for owners of marked or branded field boxes, pallets, crates, containers, or receptacles used in the production, harvesting, packing, transportation, or

marketing of fruits or vegetables or their byproducts upon the filing and recording of identifying data with the Department of Agriculture and Consumer Services by establishing penalties for:

- unauthorized possession of protected containers,
- alteration or obliteration of marks or brands on protected containers,
- purchase of protected containers from other than owner,
- refusal to deliver protected containers to the registered owner upon demand, and
- sending protected containers out of state.¹

Other sections of ch. 506, F.S. provide protection for owners of shopping carts, laundry carts, dairy cases, egg baskets, poultry boxes, and bakery containers.²

The above statutory protection is exclusive to items listed and that sort of protection does not cover similar items used for transportation or storage of agricultural products not listed or other consumer goods.

There have been numerous news articles recently that report a noticeable escalation in the theft of plastic pallets and other reusable containers. For example, the Los Angeles, California Sheriff's Department formed a five-person task force to track tens of thousands of pallets and crates that are stolen from businesses, shredded, recycled, and resold to the firms from which they were taken.³ The newspaper article that reported this activity describes this scheme as being similar to the better known recycling crime – stealing copper wire and other metals – and relates that this type of crime is becoming a nationwide problem due to the rise in the price of oil, which has driven up the cost of plastic. In the last year, that LA task force turned over 47 cases for criminal prosecution and recovered more than \$6 million in stolen plastic. In the summer of 2012, law enforcement agents in Michigan charged four men with stealing plastic pallets from industrial yards and then fencing the pallets through legitimate and illegitimate businesses as part of an alleged organized crime operation.⁴ The State of Arizona passed a law in 2012 to help track down people who stole plastic pallets for their value at recycling centers and it was estimated then that Arizona businesses were losing about \$3 million a year due to this type of theft.⁵ In Florida, a man accepted a plea bargain when he was arrested in mid 2012 for allegedly stealing plastic pallets from the parking lot of a big-box hardware store.⁶ At least two recent incidents of theft of branded plastic pallets in southeast Florida have resulted in criminal files being opened. In one incident in October, 2012, the police made an arrest for grand theft when they investigated a report of a suspicious vehicle behind a strip center and found a trailer with 10 plastic pallets that had been taken from the back of a large grocery store. In another incident in December, 2012, a company that rents plastic pallets had reason to track a pallet with an imbedded built-in radio-frequency identification (RFID) tag. That company's investigator found 252 of its pallets on a vacant lot. After the lot owner failed to return the pallets as agreed, a follow-up

¹ Sections 506.24-506.28, F.S.

² Sections 506.501-506.519.

³ See <http://articles.latimes.com/print/2012/nov/25/local/la-me-plastics-20121126>.

⁴ See <http://detroit.cbs.local.com/2012/07/06/four-charged-in-organized-crime-crackdown>.

⁵ See http://azstarnet.com/business/local/new-rules-aim-to-stop-theft-of-plastic-pallets/article_6e5bbf87-9cf7-554e-a760-4bcd1c1f95cc.html.

⁶ See <http://www.palletenterprise.com/articledatabase/view.asp?articleID=3659>.

investigation disclosed that the 252 pallets were gone and 98 other pallets were on a trailer parked on the vacant lot. That incident is still under investigation.⁷

III. Effect of Proposed Changes:

Section 1 amends s. 506.19, F.S., to expand the protections provided to owners of marked or branded field boxes or other specified containers used for fruits or vegetables to cover owners of containers used in the storage or transport of agricultural or other commercial goods. The bill also makes technical and grammatical changes.

Section 2 creates s. 506.265, F.S., to establish procedures covering the purchase of plastic bulk merchandise containers as follows:

- It creates the following definitions:
 - “Bona fide purchaser” means a good faith purchaser without knowledge of another person’s outstanding rights.
 - “Plastic bulk merchandise container” means a plastic crate or shell, including a plastic pallet, used by a product manufacturer, distributor, or retailer for bulk transportation.
 - “Proof of ownership” means a bill of sale or other evidence showing that the owner is a bona fide purchaser who purchased the item for fair market value.
- It requires a person who purchases five or more plastic bulk merchandise containers from one seller to obtain proof of the seller’s ownership and maintain a record with specific details about the seller and the containers. The purchaser must verify the seller’s identity with a valid driver’s license or government-issued photo identification card and keep a copy. A noncash payment must be made and recorded.
- It requires these records to be maintained for two years from the date of purchase or delivery, whichever is later, and that the records be made available for inspection by state attorneys of the judicial circuit on reasonable notice.
- It exempts licensed waste haulers from compliance with this section.

Section 3 creates s. 506.266, F.S., to provide penalties for violation of s. 506.265, F.S. as follows:

- “Value” is defined by referring to the definition contained in ch. 812, F.S., Florida’s general criminal statutes.
- If the transaction is valued at \$10,000 or less, it is a misdemeanor of the first degree, punishable as provided in ss. 775.082 or 775.083, F.S.
- If the transaction is valued at more than \$10,000, it is a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.
- The violator is liable to the owner for three times the replacement value of the stolen plastic bulk merchandise containers. The owner is authorized to bring action in a court of competent jurisdiction to recover money damages and attorney fees and costs.

Section 4 provides that this act shall take effect October 1, 2013.

⁷ Phone conversation February 26, 2013 with Luis Tanzi, Field Enforcement Regional Manager, IGPS Company, LLC.

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:

Owners of branded, plastic bulk merchandise containers that wish to avail themselves of the protections offered by this bill will incur some additional expense of an unknown amount in order to comply with the registration and record-keeping requirements of the bill.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services estimates that it would incur a minimal fiscal or operational impact in order to comply with the recording requirements of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

CS by Agriculture on March 4, 2013:

The CS defines “value” when used to determine whether a violation is a misdemeanor or felony by reference to the definition in ch. 812, F.S., the Florida general criminal statutes.

It changes a violation involving a value in excess of \$10,000 from a first degree felony to a third degree felony.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2013	.	
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	.	

The Committee on Agriculture (Montford) recommended the following:

Senate Amendment

Delete lines 99 - 106
and insert:

(1) As used in subsections (2) and (3), the term "value" has the same meaning as in s. 812.012.

(2) A person who violates s. 506.265 in a transaction in which the value of the plastic bulk merchandise containers is \$10,000 or less commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who violates s. 506.265 in a transaction in which the value of the plastic bulk merchandise containers is



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13 more than \$10,000 commits a felony of the third degree,
14 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
15 (4) A person who violates s. 506.265 is liable to the owner

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-4-13

Meeting Date

Topic AGRICUTURAL CONTAINERS

Bill Number SB 654
(if applicable)

Name RON MEYER

Amendment Barcode _____
(if applicable)

Job Title ATTORNEY

Address POB 1547

Phone 850-878-5212

TALLAHASSEE FL 32302
Street City State Zip

E-mail RMEYER@MEYERBROOKSLAW.COM

Speaking: ☒ For ☐ Against ☐ Information

Representing IGPS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

By Senator Montford

3-00320A-13

2013654

A bill to be entitled

An act relating to agricultural storage and shipping containers; amending s. 506.19, F.S.; providing that an owner of containers used for the storage or transport of agricultural or other commercial products may adopt for his or her exclusive use a particular mark or brand to designate and distinguish ownership of the containers; making technical and grammatical changes; creating s. 506.265, F.S.; providing definitions; requiring that a person who purchases five or more plastic bulk merchandise containers from one seller obtain proof of ownership, verify the seller's identity, pay noncash, and record and maintain other information for a specified period of time; providing that prosecuting attorneys may inspect the records at any time upon reasonable notice; providing an exception for licensed waste haulers; creating s. 506.266, F.S.; providing criminal and civil penalties; providing an effective date.

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

Section 1. Section 506.19, Florida Statutes, is amended to read:

506.19 Protection of owners of marked or branded field boxes or other specified containers; recordation.—Any person who owns being the owner of field boxes, pallets, crates, containers, or receptacles used in the general production, harvesting, packing, transportation, or marketing of fruits or

3-00320A-13

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vegetables or their byproducts or used for the storage or transport of agricultural or other commercial goods in this the state may adopt for his or her exclusive use and ownership a ~~particular~~ mark or brand that designates or distinguishes to ~~designate and distinguish~~ his or her ownership thereof and may identify his or her field boxes, pallets, crates, containers, or receptacles ~~so used with a such~~ mark or brand using in the form of such combinations, initials, symbols, designs, ~~or~~ names, or any combination thereof as he or she may desire, by plainly and distinctly stamping, stenciling, painting, cutting, etching, or burning the mark or brand same into or upon both ends or sides of the such field boxes, pallets, crates, receptacles, or containers. For purposes of any court or administrative proceeding, if a copy of the mark or brand has been filed and recorded in the office of the Department of Agriculture and Consumer Services as provided in this chapter, and the presence of this such identifying mark or brand and the required registration number on any field box, pallet, crate, container, or receptacle is whenever a copy or description thereof shall have been filed and recorded in the office of the Department of Agriculture and Consumer Services as herein provided for, shall, in any court and in any proceedings in this state, be prima facie evidence of the ownership of such boxes, pallets, crates, containers, or receptacles by the person in whose name such mark or brand may have been recorded, provided such mark or brand shall have been recorded with the Department of Agriculture and Consumer Services as herein provided and shall bear the registered number herein provided for.

Section 2. Section 506.265, Florida Statutes, is created to

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read:

506.265 Purchase of plastic bulk merchandise containers.-(1) As used in this section, the term:(a) "Bona fide purchaser" means a person who in good faith makes a purchase without knowledge of another person's outstanding rights.(b) "Plastic bulk merchandise container" means a plastic crate or shell used by a product manufacturer, distributor, or retailer for the bulk transportation or storage of goods and includes a plastic pallet used as a portable platform upon which containers, products, or materials may be placed to facilitate handling.(c) "Proof of ownership" means a bill of sale or other evidence showing that a person who claims to be the owner of an item is the bona fide purchaser who purchased the item for fair market value.(2) A person who purchases five or more plastic bulk merchandise containers from one seller shall:(a) Obtain from the seller proof of ownership of the containers and maintain a record that includes the date of the transaction; the seller's or consignee's name, address, and telephone number; and a description of the containers, including the number of containers being sold, each container's serial number, and other identifying marks.(b) Verify the seller's identity with a valid driver license or other government-issued photo identification card and maintain a copy thereof in the record of sale.(c) Make a noncash payment for five or more plastic bulk merchandise containers and record the method of payment used in

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each transaction.(3) The purchaser shall maintain required records for at least 2 years after the date of purchase or delivery, whichever is later. State attorneys of the judicial circuits in this state may inspect these records at any time upon reasonable notice.(4) This section does not apply to the collection, receipt, or recycling of plastic bulk merchandise containers by a licensed waste hauler.

Section 3. Section 506.266, Florida Statutes, is created to read:

506.266 Penalties.-(1) A person who violates s. 506.265 in a transaction valued at \$10,000 or less commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.(2) A person who violates s. 506.265 in a transaction valued at more than \$10,000 commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.(3) A person who violates s. 506.265 is liable to the owner of a stolen plastic bulk merchandise container for three times the replacement value of the stolen plastic bulk merchandise container. The owner of the plastic bulk merchandise container may bring an action in a court of competent jurisdiction to recover money damages and attorney fees and costs incurred in maintaining the action.

Section 4. This act shall take effect October 1, 2013.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 752

INTRODUCER: Senator Hukill

SUBJECT: Capital Investment Tax Credits

DATE: March 4, 2013

REVISED: _____

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

I. Summary:

SB 752 defines high-impact sectors for purposes of high-impact performance grants and the capital investment tax credit to include indoor agricultural enterprises that use alternative technologies.

This bill substantially amends sections 220.191 and 288.108 of the Florida Statutes.

II. Present Situation:

Section 288.108, F.S., provides grants to businesses in high-impact sectors. The program was established in 1997 to encourage high-impact technology facilities to locate in Florida.¹ Businesses must apply and be certified as a “qualified high-impact business” by the Department of Economic Opportunity (DEO) to receive a grant.² Grant amounts range from \$500 thousand to \$12 million, depending on the size of the investment and the number of jobs created. The silicon technology sector is specifically designated in statute as a high-impact sector.³

Section 220.191, F.S., establishes the capital investment tax credit, which provides for a credit against corporate income tax and insurance premium tax for certain companies that make capital investments of specified amounts in Florida. Companies must be approved by DEO to claim the credit. Qualified companies include those that have projects within one of the high-impact

¹ Chapter 97-278, L.O.F.

² Section 288.108, F.S.

³ Section 288.108(6)(i), F.S.

sectors identified under s. 288.108, F.S. The law specifies that qualifying projects include, but are not limited to, the aviation, aerospace, automotive, and silicon technology industries.⁴

Enterprise Florida, Inc. (EFI), is required to review and submit a list of high-impact sectors to DEO for approval every three years.⁵ The process requires EFI to consult with DEO, economic development organizations, the State University System, local governments, and others to either select new sectors or recommend deactivation of current sectors. To designate a new sector, s. 288.108(6), F.S., sets forth specific requirements for EFI to conduct an in-depth study of the sector and to develop a network of sector businesses to consult with on the study for the new designation. Further, the study, including any findings and recommendations, must be discussed by a meeting of leaders in business, government, education, workforce development, and economic development called by the Governor. Upon review of the study and outcome of the Governor's meeting, EFI may recommend the new sector to DEO for approval if it finds that the sector will have large and widespread benefits to the state and its citizens, relative to any public costs; that the sector is characterized by facilities that require large investments and provide many employment opportunities to workers in high-quality, high-income jobs; and that given the competition for such businesses it may be necessary for the state to be able to offer a large inducement to attract such businesses to the state or to encourage businesses to grow in the state. The current high-impact sectors are clean energy, biomedical technology, financial services, information technology, silicon technology, transportation equipment manufacturing (aviation, aerospace, and automotive), and corporate headquarters facilities.⁶ The sectors will be up for review in 2014.

Indoor agriculture enterprises grow agricultural products inside buildings, such as warehouses, using new environmental-friendly technology like hydroponics and LED lighting.⁷ Indoor farming maximizes land use, requires less chemicals and pesticides, can operate year-round, and is self-sustaining, in part because it reuses water resources. While most hydroponic growers throughout the United States are family or small business operations, there are several large hydroponic facilities that cover as many as 60 acres or more.⁸

III. Effect of Proposed Changes:

Section 1 amends s. 220.191, F.S., to add indoor agricultural enterprises that use alternative energy technologies to a list of businesses specifically identified in the definition of “qualifying project” as used for capital investment tax credit purposes. It also makes grammatical changes.

Section 2 amends s. 288.108, F.S., to state that Enterprise Florida, Inc., finds the indoor farming technology sector to be a high-impact sector, in addition to the silicon technology sector. It also makes grammatical changes.

⁴ Section 220.191(g), F.S.

⁵ Section 288.108(6), F.S.

⁶ EFI, *2012 Annual Incentives Report*, pp. 10-11, available at http://www.floridajobs.org/about%20aw/open_government/2012_IncentivesReport.pdf (last visited 2/26/2013).

⁷ See Alsever, Jennifer, *Urban Farming 2.0: No Soil, No Sun*, December 23, 2010, CNN Money.com, available at http://money.cnn.com/2010/12/23/technology/urban_farming_high_tech/index.htm (last visited 2/26/2013).

⁸ See GREEN CENTER ACRES Hydroponics at <http://greencenteracres.com/id31.html> (last visited 2/27/2013).

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

This bill will make an indoor agricultural enterprise that uses alternative energy technology a high-impact sector business that is eligible for high-impact sector performance grants and the capital investment tax credit. The Revenue Estimating Conference has not considered this bill yet, and accordingly, the fiscal impact due to this bill is not known at this time.

B. Private Sector Impact:

Businesses that engage in indoor agricultural food production that use alternative energy technologies will benefit in an unknown amount to the extent that business can receive a high-impact business performance grant or offset its income tax liability by utilizing available investment tax credits. The private sector would also benefit to the extent capital investments were made and additional jobs were created.

C. Government Sector Impact:

The state government will suffer a reduction in income tax revenue to the extent an eligible business can offset its income tax liability by utilizing available investment tax credits

VI. Technical Deficiencies:

None.

VII. Related Issues:

The qualified target industry tax refund program and the Innovation Incentive Program use the high-impact sector designations in s. 288.106, F.S., as a requirement for qualification. By redefining high-impact sectors to include indoor agricultural enterprises that use alternative

energy technology, these companies may also qualify for the qualified target industry tax refund program and the Innovation Incentive Program.

VIII. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Hukill

8-00597-13

2013752__

1 A bill to be entitled
 2 An act relating to capital investment tax credits;
 3 amending ss. 220.191 and 288.108, F.S.; adding certain
 4 indoor agricultural enterprises to the list of high-
 5 impact sectors eligible for the capital investment tax
 6 credit; providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Paragraph (g) of subsection (1) of section
 11 220.191, Florida Statutes, is amended to read:
 12 220.191 Capital investment tax credit.—
 13 (1) DEFINITIONS.—For purposes of this section:
 14 (g) "Qualifying project" means a facility in this state
 15 meeting one or more of the following criteria:
 16 1. A new or expanding facility in this state which creates
 17 at least 100 new jobs in this state and is in one of the high-
 18 impact sectors identified by Enterprise Florida, Inc., and
 19 certified by the Department of Economic Opportunity pursuant to
 20 s. 288.108(6), including, but not limited to, aviation,
 21 aerospace, automotive, and silicon technology industries and
 22 indoor agricultural enterprises that use alternative energy
 23 technologies. However, between July 1, 2011, and June 30, 2014,
 24 the requirement that a facility be in a high-impact sector is
 25 waived for any otherwise eligible business from another state
 26 which locates all or a portion of its business to a
 27 Disproportionally Affected County. For purposes of this section,
 28 the term "Disproportionally Affected County" means Bay County,
 29 Escambia County, Franklin County, Gulf County, Okaloosa County,

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

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30 Santa Rosa County, Walton County, or Wakulla County.
 31 2. A new or expanded facility in this state which is
 32 engaged in a target industry designated pursuant to the
 33 procedure specified in s. 288.106(2) and which is induced by
 34 this credit to create or retain at least 1,000 jobs in this
 35 state, provided that at least 100 of those jobs are new, pay an
 36 annual average wage of at least 130 percent of the average
 37 private sector wage in the area as defined in s. 288.106(2), and
 38 make a cumulative capital investment of at least \$100 million.
 39 Jobs may be considered retained only if there is significant
 40 evidence that the loss of jobs is imminent. Notwithstanding
 41 subsection (2), annual credits against the tax imposed by this
 42 chapter may not exceed 50 percent of the increased annual
 43 corporate income tax liability or the premium tax liability
 44 generated by or arising out of a project qualifying under this
 45 subparagraph. A facility that qualifies under this subparagraph
 46 for an annual credit against the tax imposed by this chapter may
 47 take the tax credit for up to a period not to exceed 5 years.
 48 3. A new or expanded headquarters facility in this state
 49 which locates in an enterprise zone and brownfield area and is
 50 induced by this credit to create at least 1,500 jobs ~~that, which~~
 51 on average, pay at least 200 percent of the statewide average
 52 annual private sector wage, as published by the Department of
 53 Economic Opportunity, and which new or expanded headquarters
 54 facility makes a cumulative capital investment in this state of
 55 at least \$250 million.
 56 Section 2. Paragraph (i) of subsection (6) of section
 57 288.108, Florida Statutes, is amended to read:
 58 288.108 High-impact business.—

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

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(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(i) For the purposes of this subsection, ~~a high-impact sector consists of~~ the silicon technology sector and the indoor farming technology sector are high-impact sectors that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this subsection is required and will create the kinds of sector-wide ~~sector~~ and economy-wide ~~economy-wide~~ benefits that justify the use of state resources to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: CS/SB 778

INTRODUCER: Senator Thompson

SUBJECT: Transactions in Fresh Produce Markets

DATE: March 4, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Halley	AG	Fav/CS
2.			CF	
3.			AP	
4.			RC	
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

CS/SB 778 permits an owner or operator of a market that sells fresh produce to allow a non-competing third party, authorized by USDA¹ to be a SNAP² retailer, to establish an EBT³ system to accept SNAP payments for the market's produce sellers, to the extent allowed by federal law and regulation. It applies only to a market that is not already an authorized SNAP retailer. The bill does not apply to a market with an existing EBT system for accepting SNAP benefits, nor does it require that a market operate an EBT system for its produce sellers. It also does not prohibit an authorized Food Nutrition Service produce seller from operating its own EBT system for its own customers.

This bill creates an unnumbered section of the Florida Statutes.

¹ United States Department of Agriculture.

² Supplemental Nutrition Service Program.

³ Electronic Benefit Transfer.

II. Present Situation:

The Center for Disease Control and Prevention (CDC) reports that research shows that a healthy diet, rich in fruits and vegetables, provides a wide range of vitamins, minerals, and other natural substances that may help protect a body from chronic diseases.⁴ The Food Research and Action Center (FRAC) observes that it is well documented that the SNAP program, formerly the Food Stamp Program, is beneficial to the health of children and adults and the well-being of low-income people in our country.⁵

SNAP benefits are delivered through EBT cards, which are used like debit cards at authorized food retailers. The federal government pays 100 percent of the SNAP benefits, but the federal and state governments share administrative costs.⁶ The SNAP program for retailers (formerly referred to as the food stamp program) and the certification of a retailer to use an EBT system to process SNAP payments are administered by the USDA Food and Nutrition Service.⁷

Many venues, especially in low income communities, do not accept SNAP. SNAP redemptions at farmers' markets accounted for only 0.01 percent of approximately \$64.4 billion in SNAP redemptions in FY 2010. Only 1,611 individual farmers and farmers' markets of the 6,132 operating nationwide in FY 2010, about one fourth, accepted SNAP benefits.⁸ The Johns Hopkins Center for a Livable Future issued a report in the summer of 2012 detailing the relationship between nutritious food, farmers' markets, and the SNAP program. The report relates that access to farmers' markets for low-income consumers is negatively impacted because the SNAP program cannot be used as these markets lack wireless terminals that process EBT sales. According to the Johns Hopkins report, SNAP redemptions at farmers markets fell by half between 1992 and 2009 with the transition to EBT, which started in 1993. The report concludes that EBT technology at farmers markets has the potential to increase SNAP participants' diets and health by increasing access to fresh, local fruits and vegetables.⁹

As part of state and federal initiatives to encourage SNAP participants to eat more nutritious foods, a pamphlet ("SNAP/EBT at your Farmers' Market: Seven Steps to Success") was designed to assist farmers' markets with reaching out to SNAP customers. In order to encourage greater EBT participation, the United States Department of Agriculture (USDA) provided grant money for markets to implement an EBT system if they were not already authorized SNAP retailers on or before November 18, 2011. On July 27, 2012, the State of Florida announced the availability of the USDA grant money and engaged in a marketing campaign to encourage more farmers' markets to participate in EBT. That effort has resulted in eight markets participating in the program with three more markets in the implementation phase.¹⁰

⁴ See <http://www.cdc.gov/nutrition/everyone/fruitsvegetables/index.html>. Site last visited February 18, 2013.

⁵ See <http://frac.org/wp-content/uploads/2011/06/SNAPstrategies.pdf>. Site last visited February 19, 2013.

⁶ Ibid.

⁷ See http://myflorida.custhelp.com/app/answers/detail/a_id/2675/~/accepting-food-stamps-in-my-business---how-do-i-become-an-ebt-retailer%3F.

⁸ Ibid.

⁹ See http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-a-livable-future/_pdf/projects/ffp/farm_bill/Reuniting-Snap-Participants-and-Farmers-Markets.pdf. Site last visited February 19, 2013.

¹⁰ Department of Children and Families Staff Analysis and Economic Impact, February 18, 2013. Copy on file with the Senate Agriculture Committee.

The Department of Agriculture and Consumer Services operates 13 “State Farmers’ Markets” under the authority contained in s. 570.07(18), F.S. Of the 13 markets, five have retail businesses that sell products to the public and three of them have installed EBT systems at their own expense.¹¹ Other farmers’ markets are operated by local governments, not-for-profit organizations, private organizations, business development groups, and individuals, each of which has its own system for accepting payment for products.¹² The USDA provided information in July 2012, that there were 127 farmers’ markets in Florida and 25 were participating in the SNAP program prior to the additional eight being brought into the program with the new funding. There are various reasons why a farmers’ market does not have an EBT system ranging from a decision by the owner not to accept SNAP benefits¹³ to a lack of access to electricity and phone lines needed for vendors to accept EBT cards or a business decision not to fund the wireless technology and associated costs of implementation that are typically necessary to handle EBT sales.¹⁴

III. Effect of Proposed Changes:

Section 1 creates an unnumbered section of the Florida Statutes relating to transactions in fresh produce markets with the following provisions:

1. The bill provides the following definitions:
 - “Market” means a farmers’ market, community farmers’ market, flea market, or other open air market.
 - “SNAP” means the federal Supplemental Nutrition Assistance Program.
2. The bill permits an owner or operator of a market that is not a SNAP retailer which sells fresh produce to allow specified, authorized third parties, who may not be a competing market, to accept SNAP benefits on behalf of the market’s produce sellers to the extent allowed by federal law and regulation. It requires the market owner or operator to reasonably accommodate the authorized third party in the implementation and operation of an EBT system.
3. The bill does not
 - apply to a market selling fresh produce whose owner or operator has a system in place for accepting SNAP benefits.
 - prohibit an authorized Food Nutrition Service produce seller from operating its own EBT system for its customers’ transactions.
 - require a market owner or operator to create, operate, or maintain an EBT system on behalf of its produce sellers.
4. The bill provides that this act shall take effect July 1, 2013.

¹¹ Correspondence dated February 20, 2013 from Office of Legislative Affairs, Department of Agriculture and Consumer Services. Copy on file with Senate Agriculture Committee.

¹² Department of Children and Families Staff Analysis, p. 2.

¹³ Ibid.

¹⁴ http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-a-livable-future/pdf/projects/ffp/farm_bill/Reuniting-Snap-Participants-and-Farmers-Markets.pdf, p.4.

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:

The term “Food Nutrition Service” as used in the bill to describe a group, an association, a third party organization, and a produce seller is intended to read “Food and Nutrition Service.” This was corrected in the Agriculture Committee’s amendment barcode 390258.

Section (2) of the bill requires consent and accommodation from the owner or operator of a farmers’ market to allow specified third parties to implement an EBT system to accept SNAP payments under certain circumstances and authorizes DACS to adopt rules for this purpose. As a retailer cannot be required but, upon voluntary application, can only be authorized and licensed by USDA to participate in the SNAP program, the suggested action should be permissive and not mandatory. This was corrected in the Agriculture Committee’s amendment barcode 390258.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Agriculture on March 4, 2013:

The CS changes the authoritative instruction regarding the duty of farmers' markets to allow third parties to implement and operate an EBT system to accept SNAP payments from being mandatory to being permissive. It clarifies that the bill applies to farmers' markets that are not already authorized SNAP retailers. It removes rule making authority given to the Department of Children and Families to administer the bill as DCF's responsibility for administering the SNAP program is limited to determining eligibility and issue benefits.

- B. **Amendments:**

None.

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



390258

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2013	.	
	.	
	.	
	.	

The Committee on Agriculture (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete lines 21 - 54
and insert:

(2) (a) The owner or operator of a market selling fresh produce who is not an authorized SNAP retailer may allow an authorized Food and Nutrition Service group or association of produce sellers that is actively participating in produce sales in the market, or an authorized Food and Nutrition Service third-party organization, to implement and operate an electronic benefits transfer system for purposes of accepting SNAP benefits in the market on behalf of the produce sellers to the extent and



390258

manner allowed by federal law and regulation.

(b) The authorized Food and Nutrition Service group, association, or third-party organization responsible for implementation and operation of the electronic benefits transfer system may not be another market that competes with the market being served.

(c) The market owner or operator shall reasonably accommodate the authorized Food and Nutrition Service group, association, or third-party organization in the implementation and operation of an electronic benefits transfer system for purposes of accepting SNAP benefits.

(3) This section does not:

(a) Apply to a market selling fresh produce whose owner or operator has an electronic benefits transfer system for accepting SNAP benefits in the market.

(b) Prohibit an authorized Food and Nutrition Service produce seller in a market selling fresh produce from operating his or her own electronic benefits transfer system as part of his or her customer transaction options.

(c) Require a market owner or operator to create, operate, or maintain an electronic benefits transfer system on behalf of its produce sellers.

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

And the title is amended as follows:

Delete lines 3 - 11

and insert:

markets; providing definitions; authorizing certain owners and operators of farmers' markets, community



390258

farmers' markets, flea markets, and other open-air
markets selling fresh produce to allow authorized Food
and Nutrition Service groups, associations, and third-
party organizations to operate electronic benefits
transfer systems in such markets; providing for
applicability; providing an effective

THE FLORIDA SENATE
APPEARANCE RECORD

4 Mar 13
Meeting Date

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

Topic Fresh Market EBT Transactions

Bill Number SB 778
(if applicable)

Name James Moyeller

Amendment Barcode _____
(if applicable)

Job Title Government Relations Director

Address 2851 Remington Green Circle
Street

Phone 850/727-3712

Tallahassee, FL 32308
City State Zip

E-mail James.Moyeller@heart.org

Speaking: ☒ For ☐ Against ☐ Information

Representing American Heart Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/4/2013

Meeting Date

Topic Transaction in Fresh Produce Markets Bill Number 778 (if applicable)

Name Cecil Williams Amendment Barcode _____ (if applicable)

Job Title Executive Director

Address 11538 Summer Brook CT Phone _____

Street

Jacksonville FL 32258

City

State

Zip

E-mail _____

Speaking: ☒ For ☐ Against ☒ Information

Representing Southern Food Policy Advocates

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/20/11)

By Senator Thompson

12-01055-13

2013778

A bill to be entitled

An act relating to transactions in fresh produce markets; providing definitions; requiring certain owners and operators of farmers' markets, community farmers' markets, flea markets, and other open-air markets selling fresh produce to allow authorized Food Nutrition Service groups, associations, and third-party organizations to operate electronic benefits transfer systems in such markets; providing for applicability; requiring the Department of Children and Families to adopt rules; providing an effective date.

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

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

(a) "Market" means a farmers' market, community farmers' market, flea market, or other open-air market.

(b) "SNAP" means the federal Supplemental Nutrition Assistance Program established under 7 U.S.C. ss. 2011 et seq.

(2) (a) The owner or operator of a market selling fresh produce who is an authorized SNAP retailer, but who does not have an electronic benefits transfer system for accepting SNAP benefits in the market by January 1, 2014, shall allow an authorized Food Nutrition Service group or association of produce sellers that is actively participating in produce sales in the market, or an authorized Food Nutrition Service third-party organization, to implement and operate an electronic benefits transfer system for purposes of accepting SNAP benefits

12-01055-13

2013778

in the market on behalf of the produce sellers to the extent and manner allowed by federal law and regulation.

(b) The authorized Food Nutrition Service group, association, or third-party organization responsible for implementation and operation of the electronic benefits transfer system may not be another market that competes with the market being served.

(c) The market owner or operator shall reasonably accommodate the authorized Food Nutrition Service group, association, or third-party organization in the implementation and operation of an electronic benefits transfer system for purposes of accepting SNAP benefits.

(3) This section does not:

(a) Apply to a market selling fresh produce whose owner or operator has an electronic benefits transfer system for accepting SNAP benefits in the market.

(b) Prohibit an authorized Food Nutrition Service produce seller in a market selling fresh produce from operating his or her own electronic benefits transfer system as part of his or her customer transaction options.

(c) Require a market owner or operator to create, operate, or maintain an electronic benefits transfer system on behalf of its produce sellers.

(4) The Department of Children and Families shall adopt rules to administer this section.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: CS/SB 902

INTRODUCER: Senator Brandes

SUBJECT: Sale of Liquid Fuels

DATE: March 4, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Halley	AG	Fav/CS
2.			AGG	
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

CS/SB 902 requires self-service gasoline stations to display a decal by July 1, 2015 on each pump with a phone number so that a person with a disabled parking permit or license plate can request service or assistance from the attendant. The bill requires the Department of Agriculture and Consumer Services (DACS) to apply the decals when inspecting a station and provide instructions to the operator for complying with these rules. It gives DACS rule-making authority to enforce the provisions of the bill.

This bill substantially amends s. 526.141 of the Florida Statutes.

II. Present Situation:

The American with Disabilities Act of 1990 (ADA) requires gas stations to provide assistance to persons with disabilities if two or more attendants are on duty. It suggests that the disabled person honk or otherwise signal the attendant to request service.¹ ADA rules, effective as of March 15, 2012, require newly constructed fuel pumps to have no operable parts more than 48

¹ <http://www.ada.gov/gasbrief.htm>

inches above the driving surface and require existing facilities to meet the 54 inch standard set in 1991.²

History has shown that these rules don't provide for satisfactory, equal access to customers with disabilities. Persons with disabilities may find it difficult to use the controls, hose, or nozzle of a self-serve pump. As a result, the disabled person might have to purchase the more expensive gas from a full-service pump or might not be able to purchase gas at all at a self-service only gasoline station.³ There have been complaints that honking the horn or waving a placard does not bring assistance for multiple reasons. While many major oil companies and gas station owners have installed "Call for Assistance" buttons, these buttons are not always accessible from the driver's seat.⁴

Florida statutes require every full-service gasoline station that offers self-service at a lesser cost to have an attendant to dispense gasoline for disabled motorists from the self-service pumps which must bear an 8 inch square decal informing the public of the availability of this service.⁵ The statutes require a self-service gasoline station to have one attendant on duty when it is open to the public, whose primary function does not include providing assistance to disabled persons.⁶ The National Association of Convenience Stores (NACS) reports that at the end of 2012, Florida had a total of 9,571 convenience stores and that, nationally, 80 percent of those convenience stores sell motor fuel, and 63 percent of those stores are mom and pop operations.⁷ An industry representative estimates that the percentage of convenience stores and gasoline stations in Florida that sell motor fuel using self-service pumps is well over 95 percent.⁸ DACS estimates that there are 35,000 motor-fuel, pump dispensers in the state for which it has inspection responsibility.

A number of local governments, seven or eight counties and one city, have signage ordinances that require a decal to be placed on the pumps with a phone number for disabled persons to call the station attendant for assistance, but the decal's size, placement, and information may not be uniform which can cause confusion for a disabled person who may be trying to get service at an unfamiliar station.⁹

III. Effect of Proposed Changes:

Section 1 amends s. 526.141, F.S., to require self-service gasoline stations to display a decal by July 1, 2015 on each pump bearing a telephone number for an operator of a motor vehicle with a disabled parking permit or license to request service or assistance. It requires the decal to be placed on the front of each self-service pump near the inspection decal and it must have a blank

² <http://www.nmeda.com/drivers-with-disabilities/ada-has-new-rules-for-pumping-gas-for-people-with-disabilities/>.

³ <http://www.ada.gov/gasserve.htm>.

⁴ *Point Paper, Gas Pumping Assistance for People with Disabilities*, dated July 18, 2011 and prepared by Hillsborough County Veterans Council and provided by Sandra Sroka, ADA Coordinator/Acting HIPAA Compliance Officer, Hillsborough County Board of County Commissioners. Copy on file with Senate Agriculture Committee.

⁵ Section 526.141(5), F.S.

⁶ Section 526.141(3), F.S.

⁷ <http://www.nacsonline.com/NACS/News/FactSheets/ScopeofIndustry/Pages/IndustryStoreCount.aspx>.

⁸ Phone conversation on 2/26/2012 with Ned Bowman, Executive Director, The Florida Petroleum Marketers & Convenience Store Association.

⁹ Phone conversation on 2/27/2013 with Ben Ritter, Advocacy Director, Florida Gulf Coast Paralyzed Veterans of America.

space where the telephone number can be written. The bill requires DACS to apply the decals when inspecting a station and to provide instructions for complying with the decal regulations. The bill directs DACS to adopt rules to enforce and administer the provisions of the bill. It also makes technical and grammatical changes.

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

Other Potential Implications:

None.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Gasoline station owners or operators will have to assure that the decal required by the bill is displayed on each pump by July 1, 2015.

C. Government Sector Impact:

Based on its staffing level and inspection schedule, DACS estimates that it will take 18 months to complete the decal delivery process and that it will incur a one-time cost of \$15,000 to print the decals.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Agriculture on March 4, 2013:

The CS extends the time period for self-service gasoline stations to comply with the decal posting requirements to July 1, 2015 in order to allow DACS to apply the decals in its routine, 18-month inspection cycle.

- B. **Amendments:**

None.



425106

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2013	.	
	.	
	.	
	.	

The Committee on Agriculture (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete line 49
and insert:
shall adopt rules to administer this subsection. All self-
service gasoline stations must comply with this paragraph by
July 1, 2015.

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

And the title is amended as follows:

Delete line 10
and insert:



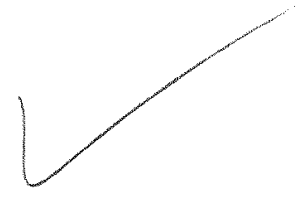
425106

13
14

adoption of rules; establishing a deadline for
compliance; providing an effective date.

THE FLORIDA SENATE
APPEARANCE RECORD

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



Meeting Date _____

Topic SALE of LIQUID FUELS Bill Number 902
(if applicable)

Name MURK HUEY Amendment Barcode _____
(if applicable)

Job Title _____

Address _____ Phone _____
Street

City _____ State _____ Zip _____

E-mail _____

Speaking: ☐ For ☐ Against ☐ Information

Representing FPMA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

By Senator Brandes

22-00575A-13

2013902__

A bill to be entitled

An act relating to the sale of liquid fuels; amending s. 526.141, F.S.; requiring self-service stations to display on each pump a decal containing a telephone number to enable certain handicapped persons to seek assistance from the station attendant; requiring the Department of Agriculture and Consumer Services to provide decals and instructions; providing for enforcement by the department; providing for the adoption of rules; providing an effective date.

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

Section 1. Subsection (3) of section 526.141, Florida Statutes, is amended to read:

526.141 Self-service gasoline stations; attendants; regulations.—

(3) All self-service gasoline stations ~~must shall~~ have at least one attendant on duty while the station is open to the public. ~~The attendant on duty shall be mentally and physically capable of performing the functions and assuming the responsibilities prescribed in this subsection.~~

(a) The attendant's primary function shall be the proper administration, supervision, observation, and control of the dispensing of flammable and combustible liquids used as motor fuels while such liquids are actually being dispensed. ~~It shall be the responsibility of~~ The attendant shall ~~to~~ prevent the dispensing of flammable and combustible liquids used as motor fuels into portable containers unless such container bears a

22-00575A-13

2013902__

seal of approval of a nationally recognized testing agency; to control sources of ignition; and immediately to handle accidental spills and fire extinguishers if needed. ~~The attendant on duty shall be mentally and physically capable of performing the functions and assuming the responsibility prescribed in this subsection.~~

(b) Such stations shall also display on each pump a decal bearing a telephone number to call the attendant to enable the operator of a motor vehicle that displays an exemption parking permit as provided in s. 316.1958 or s. 320.0848 or a license plate issued pursuant to s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845 to request service or assistance. The decal must be prominently displayed on the front of each self-service pump and near the inspection decal and must contain a blank space upon which the telephone number can be written. The Department of Agriculture and Consumer Services, when inspecting a station, shall apply the decals to the pumps and provide instructions to the operator for displaying the decals and complying with this paragraph. The department shall enforce this subsection and shall adopt rules to administer this subsection.

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

CourtSmart Tag Report

Room: SB 301
Caption: Agriculture Committee

Case:
Judge:

Type:

Started: 3/4/2013 3:31:53 PM
Ends: 3/4/2013 3:48:42 PM **Length:** 00:16:50

3:32:06 PM Meeting called to order by Chairman Montford
3:32:17 PM Roll call by Administrative Assistant, Joyce Butler and announced quorum present
3:32:25 PM Comments from Chairman Montford
3:32:50 PM SB 902 explained by Senator Brandes
3:33:22 PM Comments from Chairman Montford regarding Amendment #425106
3:33:57 PM Comments from Mike Huey, Florida Petroleum Marketing Association
3:35:22 PM Waives closure and comments from Senator Brandes
3:35:32 PM Question from Senator Garcia
3:35:43 PM Answer from Senator Brandes
3:36:15 PM Comments from Chairman Montford regarding CS/SB 902
3:36:27 PM Roll call by Administrative Assistant, Joyce Butler
3:36:35 PM Chairman Montford CS/SB 902 passes
3:37:14 PM SB 752 explained by Senator Hukill
3:37:40 PM Closure of bill by Senator Hukill
3:37:58 PM Roll call by Administrative Assistant, Joyce Butler
3:38:15 PM Chairman Montford SB 752 reported favorably
3:38:39 PM Senator Thompson on SB 778 regarding Amendment #390258
3:38:55 PM Comments by Chairman Montford
3:39:04 PM Explanation of the Bill by Senator Thompson
3:39:43 PM Comments from Chairman Montford
3:39:55 PM Question from Senator Galvano
3:40:07 PM Response from Senator Thompson
3:40:20 PM Comments from Chairman Montford
3:40:54 PM Comments from Cecil Williams, Executive Director, Southern Food Policy Advocates
3:42:31 PM Comments from Chairman Montford
3:42:47 PM James Mosteller, American Heart Association waives in support
3:43:21 PM Closure of bill by Senator Thompson
3:43:51 PM Comments from Chairman Montford regarding Committee Substitute
3:44:02 PM Roll call by Administrative Assistant, Joyce Butler
3:44:11 PM CS/SB 778 reported favorably
3:44:22 PM Chairman passed chair over to Senator Bullard Co-Chair
3:44:33 PM Comments by Senator Bullard
3:44:45 PM Explanation of SB 654 by Chairman Montford
3:46:21 PM Explanation of Amendment #604810 by Chairman Montford
3:46:34 PM Additional explanation of Amendment by Chairman Montford
3:47:04 PM Comments from Senator Bullard
3:47:15 PM Amendment adopted
3:47:22 PM Comments from Senator Bullard
3:47:42 PM Comments from Ron Meyers, IGPS waives in support
3:47:53 PM Chairman Montford waives closure
3:48:02 PM Comments from Senator Bullard
3:48:16 PM Roll call by Administrative Assistant, Joyce Butler
3:48:28 PM CS/SB 654 reported favorably
3:48:31 PM Co-Chair returned chair to Chairman Montford by Senator Bullard
3:48:33 PM Comments by Chairman Montford
3:48:35 PM Senator Galvano moves to rise



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Gaming, *Vice Chair*
Agriculture
Appropriations Subcommittee on Education
Appropriations Subcommittee on Finance and Tax
Education
Military Affairs, Space, and Domestic Security
Regulated Industries

SENATOR MARIA LORTS SACHS

Democratic Leader Pro Tempore
34th District

March 4, 2013

The Honorable Don Gaetz
President of the Senate
420 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear President Gaetz,

Because I am presenting SB 420 to the Committee on Criminal Justice on Monday, March 4, 2013, I will not be able to attend the Committee on Agriculture meeting at the same date and time.

Pursuant to the Rules of the Senate the committee chair will be contacted regarding my absence. Thank you.

Very truly yours,

A large, stylized handwritten signature in black ink, which appears to read "Maria Sachs". The signature is written over the words "Very truly yours," and extends across the page.

Senator Maria Sachs
District 34

REPLY TO:

- ☐ 955 NW 17th Avenue, Suite E, Delray, Florida 33445 (561) 279-1427
- ☐ 216 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5034

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore