

Tab 1 SB 1136 by Lee; (Compare to H 01233) Cottage Food Operations							
895326	D	S	RCS	AG, Lee	Delete everything after	03/22	02:24 PM

Tab 2 SB 1536 by Perry (CO-INTRODUCERS) Hutson, Broxson, Grimsley; (Similar to CS/H 01231) Agricultural Practices							
147014	A	S	RCS	AG, Perry	Delete L.26 - 53:	03/21	05:10 PM
290830	A	S	RCS	AG, Steube	Delete L.229 - 239.	03/21	05:10 PM
226576	A	S	RCS	AG, Perry	Delete L.245 - 253.	03/21	05:10 PM

Tab 3 SB 1592 by Bean (CO-INTRODUCERS) Baxley; (Similar to CS/H 01083) Small Food Retailers							
147652	A	S	RCS	AG, Bean	Delete L.181:	03/21	05:10 PM

Tab 4 SB 1692 by Torres; (Identical to H 01247) School Garden Programs							
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Perry, Chair
Senator Rader, Vice Chair

MEETING DATE: Tuesday, March 21, 2017
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Perry, Chair; Senator Rader, Vice Chair; Senators Grimsley, Powell, and Steube

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1136 Lee (Compare H 1233)	Cottage Food Operations; Removing the annual gross sales limitation for exempting cottage food operations from certain food and building permitting requirements; removing the prohibition for selling or offering for sale cottage food products over the Internet, by mail order, or at wholesale, etc. AG 03/21/2017 Fav/CS CM RC	Fav/CS Yeas 4 Nays 0
2	SB 1536 Perry (Similar CS/H 1231, Compare H 765)	Agricultural Practices; Exempting prescription and nonprescription animal health products used to treat poultry or livestock from sales, rental, use, consumption, distribution, and storage taxes; revising the circumstances under which a truck tractor or heavy truck engaged in transporting certain agricultural or horticultural products is eligible for a restricted license plate for a fee; deleting a requirement that registrants pay a supplemental fee for pesticides that contain an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit, etc. AG 03/21/2017 Fav/CS AFT AP	Fav/CS Yeas 5 Nays 0
3	SB 1592 Bean (Similar CS/H 1083)	Small Food Retailers; Establishing the Healthy Food Assistance Program within the Department of Agriculture and Consumer Services; requiring the Office of Program Policy Analysis and Government Accountability to conduct an independent study evaluating the program's policy impact; providing for future repeal and legislative review, etc. AG 03/21/2017 Fav/CS AEN AP RC	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Agriculture

Tuesday, March 21, 2017, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1692 Torres (Identical H 1247)	School Garden Programs; Requiring the Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to annually provide certain information relating to school garden programs to school districts, etc. AG 03/21/2017 Favorable ED AP	Favorable Yeas 5 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 1136

INTRODUCER: Agriculture Committee and Senator Lee

SUBJECT: Cottage Food Operations

DATE: March 22, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	Fav/CS
2.			CM	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1136 increases the maximum annual gross sales limit of cottage foods from \$15,000 to \$50,000. It allows cottage food operations to sell, offer for sale, and accept payment for cottage food products over the Internet, but the bill requires the cottage foods to be delivered in person directly to the consumer or to a specific event venue.

II. Present Situation:

A cottage food operation is a business operated by a person who produces or packages non-potentially hazardous food in their home kitchen under certain conditions and restrictions.¹ The Department of Agriculture and Consumer Services (department) defines potentially hazardous foods as a food that requires time/temperature control for safety (TCS) to limit pathogenic micro-organism growth or toxin formation; an animal food that is raw or heat-treated; a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic micro-organism growth or toxin formation; or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic micro-organism growth or toxin

¹ Section 500.80, F.S.

formation.² Examples of foods that could be cottage food products (and are not, therefore, potentially hazardous foods) are:

- Loaf breads, rolls, biscuits;
- Cakes, pastries, and cookies;
- Honey;
- Jams, jellies, and preserves;
- Fruit pies and dried fruits;
- Dry herbs, seasonings, and mixtures;
- Homemade pasta;
- Cereals, trail mixes, and granola;
- Coated or uncoated nuts;
- Vinegar and flavored vinegars; and
- Popcorn and popcorn balls.³

Under current law, cottage food operations do not have to comply with food safety production standards, are not inspected, and are exempt from state permitting requirements.⁴ These operations must comply with the cottage food law and limit annual gross sales of cottage food products to less than \$15,000. Any such operation must provide the department (upon request) with written documentation to verify annual gross sales. If there is a complaint about a cottage food operation, the department has the authority to investigate the operation and to inspect the premises to determine compliance with applicable requirements.

A cottage food operation is currently prohibited from selling, or offering to sell, cottage food products over the Internet, by mail order, or at wholesale.

Cottage food products must be prepackaged with a label that contains:

- The name and address of the cottage food operation;
- The name of the cottage food product;
- The ingredients of the cottage food product, in descending order of predominance by weight;
- The net weight or net volume of the cottage food product;
- Allergen information as specified by federal labeling requirements;
- Appropriate nutritional information (if any nutritional claim is made) as specified by federal labeling requirements;⁵ and
- The statement, “Made in a cottage food operation that is not subject to Florida’s food safety regulation” printed in 10-point type in a color in a clear contrast to the background of the label.

Additionally, current law provides that:

- A cottage food operation may only sell cottage food products stored on the premises of the operation;

² See DACS, *Division of Food Safety: Cottage Food Legislation Signed into Law*, February 2014. Available at: http://www.freshfromflorida.com/content/download/42358/891067/CottageFoodAdvisoryChanges_Feb_2014_withFormNumber.pdf (last visited March 8, 2017).

³ *Id.*

⁴ Section 500.12, F.S.

⁵ See C.F.R. Title 21, Part 101. Available at: <http://www.ecfr.gov/cgi-bin/text-idx?SID=b8a6ba2f29a50685c15ebddd8bbd56aa&mc=true&node=pt21.2.101&rgn=div5> (last visited March 8, 2017).

- Cottage food operations are not exempt from any state or federal tax law, rule, regulation, or certificate that applies to all cottage food operations; and
- A cottage food operation must comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products by a cottage food operation or from a person's residence.

The department may investigate complaints that a cottage food operation has violated an applicable provision of state food products law⁶ or rule adopted under such law. Upon receiving a complaint, a department authorized officer or employee may enter and inspect the cottage food operation's premises to determine compliance applicable to state law and departmental rule. An operation's refusal to permit an authorized officer or employee to enter and inspect the premises is grounds for disciplinary action under s. 500.121, F.S.⁷

State law regarding cottage food operations does not apply to any person operating under a food permit issued pursuant to s. 500.12, F.S.⁸

Cottage Food Sales in Other States

Many states have adopted laws regarding cottage food operations and production, including Alabama in 2014, Texas and California in 2013, and Michigan in 2010. While regulation varies from state to state, many states have adopted limits to annual gross sales or income from cottage food products including:

- Alabama and Michigan limit annual gross income from sales to \$20,000;
- Texas limits annual gross sales to \$50,000; and
- California limited annual gross sales starting with \$35,000 in 2013, \$45,000 in 2014, and \$50,000 from 2015 and beyond.

III. Effect of Proposed Changes:

Section 1 amends s. 500.80, F.S., to increase the annual gross sales limitation from \$15,000 to \$50,000 for cottage food operations. It also allows Internet sales, offers for sale, and payments over the Internet as long as the cottage food products are delivered in person directly to the consumer or to a specific event.

Section 2 provides that this act shall take effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁶ Chapter 500, F.S.

⁷ Disciplinary action includes suspension procedures provided for in s. 500.12, F.S., and may include an administrative fine in the Class II category pursuant to s. 570.971, F.S.

⁸ Permits under this section are required for any person who operates a food establishment or retail food store.

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:

People engaged in cottage food operations would be able to expand their volume of sales to \$50,000 per year.

C. Government Sector Impact:

The Division of Food Safety has indicated that the increase in gross sales for cottage food operators may result in increased food safety health events and complaints, and therefore a rise in investigations and prosecutions of cottage food operators.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 500.80 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 March 21, 2017:

The committee substitute reinstates an annual sales volume limitation for cottage food operators. The new limit is \$50,000 in annual sales. The CS also allows Internet sales, offers for sale, and payments over the Internet as long as the cottage food products are delivered in person directly to the consumer or to a specific event.

⁹ Analysis by the DACS Division of Food Safety for SB 1136, March 8, 2017 (on file with the Agriculture Committee).

B. Amendments:

None.

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



895326

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2017	.	
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The Committee on Agriculture (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) and subsection
(2) of section 500.80, Florida Statutes, are amended to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the
applicable requirements of this chapter but is exempt from the
permitting requirements of s. 500.12 if the cottage food
operation complies with this section and has annual gross sales



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of cottage food products that do not exceed \$50,000 ~~\$15,000~~.

(2) A cottage food operation may sell, offer for sale, and accept payment for cottage food products over the Internet, but such products must be delivered in person directly to the consumer or to a specific event venue. A cottage food operation may not sell, ~~or~~ offer for sale, or deliver cottage food products ~~over the Internet,~~ by mail order~~7~~ or at wholesale.

Section 2. This act shall take effect July 1, 2017.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to cottage food operations; amending
s. 500.80, F.S.; increasing the annual gross sales
limitation for exempting cottage food operations from
certain food and building permitting requirements;
authorizing cottage food products to be advertised,
sold, and paid for over the Internet; requiring such
products to be delivered in person directly to the
consumer or to a specific event venue; providing an
effective date.

By Senator Lee

20-01094-17

20171136__

A bill to be entitled

An act relating to cottage food operations; amending s. 500.80, F.S.; removing the annual gross sales limitation for exempting cottage food operations from certain food and building permitting requirements; removing the prohibition for selling or offering for sale cottage food products over the Internet, by mail order, or at wholesale; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 500.80, Florida Statutes, are amended to read:

500.80 Cottage food operations.—

(1)~~(a)~~ A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section ~~and has annual gross sales of cottage food products that do not exceed \$15,000.~~

~~(b) For purposes of this subsection, a cottage food operation's annual gross sales include all sales of cottage food products at any location, regardless of the types of products sold or the number of persons involved in the operation. A cottage food operation must provide the department, upon request, with written documentation to verify the operation's annual gross sales.~~

~~(2) A cottage food operation may not sell or offer for sale cottage food products over the Internet, by mail order, or at wholesale.~~

Page 1 of 2

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

20-01094-17

20171136__

Section 2. This act shall take effect July 1, 2017.

Page 2 of 2

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

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 1536

INTRODUCER: Agriculture Committee, Senator Perry and others

SUBJECT: Agricultural Practices

DATE: March 22, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	Fav/CS
2.			AFT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1536 addresses issues related to agricultural practices. The bill:

- Increases the portion of the sales price for farm trailers that is exempt from state sales and use tax;
- Exempts specified animal and aquaculture health products from state sales and use tax;
- Exempts fencing materials used on a farm to protect animals and oxygen products used in aquaculture production from state sales and use tax;
- Revises eligibility for an agricultural restricted license plate by removing the 150 mile radius of the vehicle's home address restriction, and instead, allowing the vehicle to operate statewide; and
- Eliminates the supplemental fee for each registered brand of pesticide that contains an active ingredient for which the Environmental Protection Agency has established a food tolerance limit.

The Revenue Estimating Conference has not yet estimated the impacts of the bill.

II. Present Situation:

Chapter 212, F.S., contains the statutory provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or

uses under specified circumstances. A six percent sales and use tax is levied on sales or rentals of most tangible personal property,¹ admissions,² storage,³ rentals of transient accommodations,⁴ rentals of commercial real estate,⁵ and a limited number of services. Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.⁶ The Florida Department of Revenue is responsible for administering, collecting, and enforcing all sales and use taxes.

Current law exempts specified items for agricultural use and certain nets from the sales and use tax.⁷ These items include the following:

- Nets designed and used exclusively by commercial fisheries;
- Disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock;
- Portable containers or movable receptacles in which portable containers are placed, used for processing farm products;
- Field and garden seeds, including flower seeds;
- Nursery stock, seedlings, cuttings, or other propagative material purchased for growing stock;
- Seeds, seedlings, cuttings, and plants used to produce food for human consumption;
- Cloth, plastic, and other similar materials used for shade, mulch, or protection from frost or insects on a farm;
- Stakes used by a farmer to support plants during agricultural production;
- Generators used on poultry farms; and
- Liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised.⁸

These exemptions are not allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein.⁹

Agricultural Restricted License Plate

Current law provides a restricted license plate for an eligible truck tractor or heavy truck, not operated as a for-hire vehicle, which is engaged exclusively in transporting raw, unprocessed, or non-manufactured agricultural or horticultural products, within a 150-mile radius of its home address.¹⁰ Below are the fees for the license plates:

- \$87.75 flat, if the vehicle's declared gross vehicle weight is less than 44,000 pounds.

¹ s. 212.05, F.S.

² s. 212.04, F.S.

³ s. 212.06, F.S.

⁴ s. 212.03, F.S.

⁵ s. 212.031, F.S.

⁶ s. 212.06(3)(a), F.S.

⁷ s. 212.08(5)(a), F.S.

⁸ s. *Id.*

⁹ s. *Id.*

¹⁰ s. 320.08(4)(n), F.S.

- \$324 flat, if the vehicle's declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to:
 - The point of primary manufacture;
 - The point of assembling the same; or
 - A shipping point by rail, water, or motor transportation company.¹¹

Pesticide Registration

Currently, pesticide registrants are required to 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. The supplemental fee is \$630 per brand of pesticide that is subject to the fee per two-year period. This fee is deposited into the General Inspection Trust Fund and is used by the department for pesticide residue testing for food safety.¹²

III. Effect of Proposed Changes:

Section 1 amends s. 212.08, F.S., to increase the portion of the sales price for farm trailers that is exempt from state sales and use tax. Currently tax is not imposed on the first \$20,000 of the cost of the trailer, and the bill increases that amount to \$25,000. It also exempts the following items that are used by farmers from the state sales and use tax:

- Animal health products which are applied to or consumed by livestock or poultry to relieve pain or sickness;
- Aquaculture health products;
- Hog wire and nylon mesh netting used for protection from predatory or destructive animals;
- Barbed wire fencing used on a beef or dairy cattle farm, including gates and materials used to construct or repair such fencing; and
- Compressed or liquefied oxygen used in aquaculture production.

Section 2 amends s. 320.08, F.S., to extend the distance a tractor-trailer truck or heavy truck with a restricted agricultural license plate can travel in the state of Florida.

Section 3 amends s. 487.041, F.S., to repeal the supplemental pesticide registration fee that registrants pay for pesticides that contain an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit. It also amends provisions in this section to conform to the bill's changes and deletes obsolete provisions.

Section 4 amends s. 810.011, F.S., to delete an obsolete provision and to make technical changes.

Section 5 provides that except as otherwise expressly provided in this act, the act shall take effect July 1, 2017.

¹¹ s. 320.08(4)(n), F.S.

¹² s. 487.041(1), F.S.

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 yet estimated the following impacts of this bill:

Section 1 increases from \$20,000 to \$25,000 the portion of the sales price for farm trailers that is exempt from state sales and use tax. It also exempts:

- Animal health products which are applied to or consumed by livestock or poultry to relieve pain or sickness;
- Aquaculture health products;
- Hog wire and nylon mesh netting used for protection from predatory or destructive animals;
- Barbed wire fencing used on a beef or dairy cattle farm, including gates and materials used to construct or repair such fencing; and
- Compressed or liquefied oxygen used in aquaculture production.

Section 2 removes the distance restriction on agricultural restricted license plates, thereby authorizing truck tractors or heavy trucks to travel statewide. This may cause an increase in the amount of registrations of these plates, thereby creating a positive fiscal impact on state funds. Currently, a portion of each plate fee is deposited into the General Revenue Fund. For the \$87.75 fee, \$22.75 is deposited, and for the \$324 fee, \$84 is deposited.

In addition, expanding the distance that the agricultural restricted license plates are authorized to travel may eliminate the costs associated with shipping agricultural products outside of the 150 mile radius, resulting in reduced expenditures for the agricultural industry, and a reduction in revenue for the shipping industry.

Section 3 eliminates the supplemental pesticide fee. According to the department, this will result in an average recurring decrease in funding of \$1.9 million to the General Inspection Trust Fund. However, the loss in revenue for the department to administer pesticide testing for food safety will be offset by funding from the General Revenue Fund

as a result of budgetary changes during the 2016 Legislative Session. For the 1,478 pesticide registrants, this will produce an average recurring savings of \$1,919,337.84.

B. Private Sector Impact:

Refer to Tax/Fee Issues

C. Government Sector Impact:

Refer to Tax/Fee Issues

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 212.08, 320.08, 487.041, and 801.011.

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 March 21, 2017:

The committee substitute:

- Revises the maximum sales price of certain farm trailers exempt from the sales and use tax;
- Exempts certain animal health products and agricultural items from sales and use tax;
- Deletes provisions authorizing the use of international orange paint on trees or posts to indicate posted lands; and
- Deletes Section 5, which narrows the scope of farm products that qualify a property for protection under the Right to Farm Act.

B. Amendments:

None.



147014

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2017	.	
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The Committee on Agriculture (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 26 - 53
and insert:

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

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following



147014

are hereby specifically exempt from the tax imposed by this chapter.

(3) EXEMPTIONS; CERTAIN FARM EQUIPMENT.—

(b) The tax may not be imposed on that portion of the sales price below \$25,000 ~~\$20,000~~ for a trailer weighing 12,000 pounds or less and 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 products to another. This exemption is not forfeited by using a trailer to transport the farmer's farm equipment. The exemption provided under this paragraph does not apply to the lease or rental of a trailer.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(a) *Items in agricultural use and certain nets.*—There are exempt from the tax imposed by this chapter nets designed and used exclusively by commercial fisheries; disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock; animal health products which are applied to or consumed by livestock or poultry for alleviation of pain or the cure or prevention of sickness, disease, or suffering, including antiseptics, absorbent cotton, gauze for bandages, lotions, vitamins, and worm remedies; aquaculture health products; portable containers or movable receptacles in which portable containers are placed, used for processing farm products; field and garden seeds, including flower seeds; nursery stock,



147014

seedlings, cuttings, or other propagative material purchased for growing stock; seeds, seedlings, cuttings, and plants used to produce food for human consumption; cloth, plastic, and other similar materials used for shade, mulch, or protection from frost or insects on a farm; hog wire and nylon mesh netting used on a farm for protection from predatory or destructive animals; barbed wire fencing, including gates and materials used to construct or repair such fencing, used on a beef or dairy cattle farm; stakes used by a farmer to support plants during agricultural production; generators used on poultry farms; compressed or liquefied oxygen used in aquaculture production; and liquefied

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

And the title is amended as follows:

Delete lines 3 - 5

and insert:

212.08, F.S.; increasing the portion of the sales price for certain farm trailers that is exempt from the sales and use tax; exempting certain animal and aquaculture health products, fencing materials, and oxygen products from sales, rental, use,



290830

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2017	.	
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	.	

The Committee on Agriculture (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete lines 229 - 239.

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

And the title is amended as follows:

Delete lines 18 - 20

and insert:

F.S.; deleting an obsolete provision; making technical
changes; amending s.



226576

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2017	.	
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The Committee on Agriculture (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 245 - 253.

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

And the title is amended as follows:

Delete lines 20 - 21

and insert:

vertical line at specified intervals;

By Senator Perry

8-01144B-17

20171536__

1 A bill to be entitled
 2 An act relating to agricultural practices; amending s.
 3 212.08, F.S.; exempting prescription and
 4 nonprescription animal health products used to treat
 5 poultry or livestock from sales, rental, use,
 6 consumption, distribution, and storage taxes; amending
 7 s. 320.08, F.S.; revising the circumstances under
 8 which a truck tractor or heavy truck engaged in
 9 transporting certain agricultural or horticultural
 10 products is eligible for a restricted license plate
 11 for a fee; amending s. 487.041, F.S.; deleting a
 12 requirement that registrants pay a supplemental fee
 13 for pesticides that contain an active ingredient for
 14 which the United States Environmental Protection
 15 Agency has established a food tolerance limit;
 16 conforming provisions to changes made by the act;
 17 deleting obsolete provisions; amending s. 801.011,
 18 F.S.; redefining the term "posted land" to include
 19 those lands with boundaries marked by a specified
 20 vertical line at specified intervals; amending s.
 21 823.14, F.S.; revising the term "farm product";
 22 providing effective dates.
 23
 24 Be It Enacted by the Legislature of the State of Florida:
 25
 26 Section 1. Paragraph (a) of subsection (5) of section
 27 212.08, Florida Statutes, is amended to read:
 28 212.08 Sales, rental, use, consumption, distribution, and
 29 storage tax; specified exemptions.—The sale at retail, the

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

8-01144B-17

20171536__

30 rental, the use, the consumption, the distribution, and the
 31 storage to be used or consumed in this state of the following
 32 are hereby specifically exempt from the tax imposed by this
 33 chapter.
 34 (5) EXEMPTIONS; ACCOUNT OF USE.—
 35 (a) *Items in agricultural use and certain nets.*—There are
 36 exempt from the tax imposed by this chapter nets designed and
 37 used exclusively by commercial fisheries; disinfectants,
 38 fertilizers, insecticides, pesticides, herbicides, fungicides,
 39 and weed killers used for application on crops or groves,
 40 including commercial nurseries and home vegetable gardens, used
 41 in dairy barns or on poultry farms for the purpose of protecting
 42 poultry or livestock, or used directly on poultry or livestock;
 43 prescription and nonprescription animal health products used to
 44 treat poultry or livestock; portable containers or movable
 45 receptacles in which portable containers are placed, used for
 46 processing farm products; field and garden seeds, including
 47 flower seeds; nursery stock, seedlings, cuttings, or other
 48 propagative material purchased for growing stock; seeds,
 49 seedlings, cuttings, and plants used to produce food for human
 50 consumption; cloth, plastic, and other similar materials used
 51 for shade, mulch, or protection from frost or insects on a farm;
 52 stakes used by a farmer to support plants during agricultural
 53 production; generators used on poultry farms; and liquefied
 54 petroleum gas or other fuel used to heat a structure in which
 55 started pullets or broilers are raised; however, such exemption
 56 is not allowed unless the purchaser or lessee signs a
 57 certificate stating that the item to be exempted is for the
 58 exclusive use designated herein. Also exempt are cellophane

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

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wrappers, glue for tin and glass (apiarists), mailing cases for honey, shipping cases, window cartons, and baling wire and twine used for baling hay, when used by a farmer to contain, produce, or process an agricultural commodity.

Section 2. Paragraph (n) of subsection (4) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—

(n) A truck tractor or heavy truck, not operated as a for-hire vehicle, which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within the state a 150-mile radius of its home address, is eligible for a restricted license plate for a fee of:

1. If such vehicle's declared gross vehicle weight is less than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be deposited into the General Revenue Fund.

2. If such vehicle's declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; to the point of assembling the same; or to a shipping point of a rail, water, or motor transportation company, \$324 flat, of which \$84 shall be deposited into the General Revenue Fund.

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Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility prior to issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

Section 3. Paragraphs (d) through (j) of subsection (1) and subsection (2) of section 487.041, Florida Statutes, are amended to read:

487.041 Registration.—

(1)

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

~~2. Each registration issued by the department to a~~

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117 ~~registrant for a period beginning in an odd-numbered year shall~~
 118 ~~be assessed a supplemental registration fee of \$630 per brand of~~
 119 ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~
 120 ~~Each registration issued by the department to a registrant for a~~
 121 ~~period beginning in an even-numbered year shall be assessed a~~
 122 ~~supplemental registration fee of \$315 per brand of pesticide~~
 123 ~~that is subject to the fee pursuant to subparagraph 1. The~~
 124 ~~department shall retroactively assess the supplemental~~
 125 ~~registration fee for each brand of pesticide that registered on~~
 126 ~~or after January 1, 2009, and that is subject to the fee~~
 127 ~~pursuant to subparagraph 1.~~

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

135 (e) ~~(f)~~ If the renewal of a brand of pesticide, including
 136 the special local need label and experimental use permit, is not
 137 filed by January 31 of the renewal year, an additional fee of
 138 \$25 per brand of pesticide shall be assessed per month and added
 139 to the original fee. This additional fee may not exceed \$250 per
 140 brand of pesticide. The additional fee must be paid by the
 141 registrant before the renewal certificate for the registration
 142 of the brand of pesticide is issued. The additional fee shall be
 143 deposited into the General Inspection Trust Fund.

144 (f) ~~(g)~~ This subsection does not apply to distributors or
 145 retail dealers selling brands of pesticide if such brands of

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146 pesticide are registered by another person.

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

149 (h) ~~(i)~~ For any currently registered pesticide product brand
 150 that undergoes labeling revisions during the registration
 151 period, the registrant shall submit to the department a copy of
 152 the revised labeling along with a cover letter detailing such
 153 revisions before the sale or distribution in this state of the
 154 product brand with the revised labeling. If the labeling
 155 revisions require notification of an amendment review by the
 156 United States Environmental Protection Agency, the registrant
 157 shall submit an additional copy of the labeling marked to
 158 identify those revisions.

159 (i) ~~(j)~~ ~~Effective January 1, 2013,~~ All payments of any
 160 pesticide registration fees, including ~~supplemental fees and~~
 161 ~~late fees~~, shall be submitted electronically using the
 162 department's Internet website for registration of pesticide
 163 product brands.

164 (2) The department shall adopt rules governing the
 165 procedures for the registration of a brand of pesticide and, for
 166 the review of data submitted by an applicant for registration of
 167 the brand of pesticide, ~~and for biennially publishing the list~~
 168 ~~of active ingredients for which a brand of pesticide is subject~~
 169 ~~to the supplemental registration fee pursuant to subparagraph~~
 170 ~~(1)(d)1.~~ The department shall determine whether the brand of
 171 pesticide should be registered, registered with conditions, or
 172 tested under field conditions in this state. The department
 173 shall determine whether each request for registration of a brand
 174 of pesticide meets the requirements of current state and federal

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law. The department, whenever it deems it necessary in the administration of this part, may require the manufacturer or registrant to submit the complete formula, quantities shipped into or manufactured in the state for distribution and sale, evidence of the efficacy and the safety of any pesticide, and other relevant data. The department may review and evaluate a registered pesticide if new information is made available that indicates that use of the pesticide has caused an unreasonable adverse effect on public health or the environment. Such review shall be conducted upon the request of the State Surgeon General in the event of an unreasonable adverse effect on public health or the Secretary of Environmental Protection in the event of an unreasonable adverse effect on the environment. Such review may result in modifications, revocation, cancellation, or suspension of the registration of a brand of pesticide. The department, for reasons of adulteration, misbranding, or other good cause, may refuse or revoke the registration of the brand of any pesticide after notice to the applicant or registrant giving the reason for the decision. The applicant may then request a hearing, pursuant to chapter 120, on the intention of the department to refuse or revoke registration, and, upon his or her failure to do so, the refusal or revocation shall become final without further procedure. The registration of a brand of pesticide may not be construed as a defense for the commission of any offense prohibited under this part.

Section 4. Effective October 1, 2017, subsection (5) of section 810.011, Florida Statutes, is amended to read:

810.011 Definitions.—As used in this chapter:

(5) (a) "Posted land" is that land upon which:

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1. Signs are placed not more than 500 feet apart along, and at each corner of, the boundaries of the land, upon which signs there appears prominently, in letters of not less than 2 inches in height, the words "no trespassing" and in addition thereto the name of the owner, lessee, or occupant of said land. Said signs shall be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside the boundary line; or

2.a. Conspicuous no trespassing notice is painted on trees or posts on the property, provided that the notice is:

(I) Painted in an international orange color and displaying the stenciled words "No Trespassing" in letters no less than 2 inches high and 1 inch wide either vertically or horizontally;

(II) Placed so that the bottom of the painted notice is not less than 3 feet from the ground or more than 5 feet from the ground; and

(III) Placed at locations that are readily visible to any person approaching the property and no more than 500 feet apart on agricultural land.

b. ~~Beginning October 1, 2007,~~ When a landowner uses the painted no trespassing posting to identify a "no trespassing" area, such these painted notices ~~must shall~~ be accompanied by signs complying with subparagraph 1. and placed conspicuously at all places where entry to the property is normally expected or known to occur.

3. Conspicuous no trespassing notice is painted on trees or posts on the property, provided that the notice is:

a. Painted as a vertical line not less than 8 inches in length and not less than 1 inch in width in an international

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orange color;

b. Placed so that the bottom of the painted notice is not less than 3 feet from the ground or more than 5 feet from the ground; and

c. Placed at locations that are readily visible to any person approaching the property and no more than 100 feet apart on agricultural land.

(b) It ~~is shall~~ not be necessary to give notice by posting on any enclosed land or place not exceeding 5 acres in area on which there is a dwelling house in order to obtain the benefits of ss. 810.09 and 810.12 pertaining to trespass on enclosed lands.

Section 5. Paragraph (c) of subsection (3) of section 823.14, Florida Statutes, is amended to read:

823.14 Florida Right to Farm Act.—

(3) DEFINITIONS.—As used in this section:

(c) "Farm product" means any plant, as defined in s. 581.011, ~~or animal or insect~~ useful to humans; livestock, as defined in s. 468.382(6); poultry; aquatic plants and animals cultivated using aquaculture; and bees and includes, but is not limited to, any product derived therefrom.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2017.

T2

THE FLORIDA SENATE

APPEARANCE RECORD

March 21, 2017

Meeting Date

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

SB-1536

Bill Number (if applicable)

290830-Steube

Amendment Barcode (if applicable)

Topic Posting Private Lands / Trespassing

Name Marion Hammer

Job Title

Address PO Box 1387

Street

Tallahassee

City

FL

State

32302

Zip

Phone 850-222-9518

Email

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

Representing National Rifle Association & Unified Sportsmen of Florida

Appearing at request of Chair: ☐ Yes ☐ NoLobbyist 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

T2

3-21-17

Meeting Date

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

SB 1536

Bill Number (if applicable)

226576

Amendment Barcode (if applicable)

Topic Deletion of Lines 245-253

Name JASON SHANE

Job Title Aviculturist

Address 1290 NW FEDERAL HWY

Street

Stuart

City

FL

State

34994

Zip

Phone 772-349-4971

Email JRS1030@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-21-2017
Meeting Date

T2

SB 1536
Bill Number (if applicable)

226576
Amendment Barcode (if applicable)

Topic Agricultural Practices

Name Susan Chubb DOW

Job Title Veterinarian, Aviculturist

Address 3319 E Road
Street

Phone 561-601-5474

Loxahatchee, FL 33470
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Deletion of lines 245-253

Representing Aviculturists, Bird Breeders

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

T2

3-21-17

Meeting Date

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

SB 1536

Bill Number (if applicable)

226576

Amendment Barcode (if applicable)

Topic AG PRACTICES

Name EUGENE L. BRISSETTE

Job Title REPTILE BREEDER

Address 13916 SW ARCHER ROAD

Street

Phone 352-494-6884

ARCHER

FL

32618

City

State

Zip

Email EBRISSETTE1@GMAIL.COM

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLA REPTILE 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21

Meeting Date

T2

1536

Bill Number (if applicable)

Topic AG Practices

Name RAY HODGE

Job Title DIRECTOR OF GOVERNMENT AFFAIRS

Address 19035 121ST AVE
Street

MCALPIN, FL 32062
City State Zip

Phone 407-257-6782

Email southernmilk@rayhodge.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Southern Milk

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21/2017
Meeting Date

5B1536
Bill Number (if applicable)

Topic AGRICULTURE

Name HOWARD E. 'GENE' ADAMS

Job Title ATTORNEY

Address 215 S. SOUTH MONROE ST, 2ND FLOOR Phone _____

Street

TALLAHASSEE
City

FLA.
State

32301
Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA FEED ASSOCIATION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

T2

3/21/13
Meeting Date

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

SB 1536
Bill Number (if applicable)

Topic Agricultural Practices

Name Jenna Meade

Job Title Avian Professional (Aviculturist)

Address 10207 Cone Grove Rd.
Street

Riverview FL 33578
City State Zip

Phone 813 677 5200

Email JnLaviary@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Aviculture
Support Senator Perry's request to remove section 5 Amendment
remove lines 20-21 and 245-253

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.

T2

THE FLORIDA SENATE
APPEARANCE RECORD

3/21/2017

Meeting Date

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

1536

Bill Number (if applicable)

Topic

Agricultural Practices

Name

Adam Basford

Job Title

Director of Legislative Affairs

Address

310 W. College Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone

222 2557

Email

adam.basford@FFB.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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21/17

Meeting Date

T2

1536

Bill Number (if applicable)

Topic Agricultural Practices

Name Sim Spratt

Amendment Barcode (if applicable)

Job Title _____

Address PO Box 10011

Street

TLH

City

FL

State

32302

Zip

Phone 850-228-1296

Email sim.e.maguella@strategiesinc.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

T2

3/21/17

Meeting Date

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

1536

Bill Number (if applicable)

Topic Ag Practices

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 sard@asrlegal.com

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.

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

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 1592

INTRODUCER: Agriculture Committee and Senators Bean and Baxley

SUBJECT: Small Food Retailers

DATE: March 22, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Becker	Becker	AG	Fav/CS
2.			AEN	
3.			AP	
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1592 creates the Healthy Food Assistance Program (program) within the Florida Department of Agriculture and Consumer Services (department). The goal of the program is to provide access for small food retailers to receive assistance for projects that increase the availability and sales of fresh and nutritious food. It directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an independent study to evaluate the policy impact of placing healthy food in previously underserved communities. It provides requirements and guidelines for the department to administer the program, which includes the submission of an annual report to the legislature.

The bill repeals section 500.81, Florida Statutes.

The bill takes effect July 1, 2017.

II. Present Situation:

A 2014 study commissioned by the Department of Agriculture and Consumer Services (department) on the Impact of Food Deserts on Diet-Related Outcomes made several key findings, one of which was that access to quality retail grocers in Florida is strongly linked to a variety of diet-related health outcomes and that individuals living in places more than a half mile from the nearest full-service grocer and who lack access to a vehicle are more likely to die

prematurely from diabetes, diet-related cancers, stroke, and liver disease than individuals living where grocers are closer and vehicles are more available.¹ The American Heart Association reports that low-income areas have more convenience stores than supermarkets, thus limiting healthy options in those areas and specifically that 2.5 million Floridians live in areas where fresh food is not readily available.²

The U.S. Department of Agriculture maintains a Food Access Research Atlas (atlas), which presents a spatial overview of food access indicators for low-income and other census tracts using different measures of supermarket accessibility, provides food access data for populations within census tracts, and offers census-tract-level data on food access that can be downloaded for community planning or research purposes.³

Limited access to supermarkets, supercenters, grocery stores, or other sources of healthy and affordable food may make it harder for some Americans to eat a healthy diet. According to the atlas, there are many ways to define which areas are considered “food deserts” and many ways to measure food store access for individuals and for neighborhoods. Most measures and definitions take into account at least some of the following indicators of access: accessibility to sources of healthy food, as measured by distance to a store or by the number of stores in an area; individual-level resources that may affect accessibility, such as family income or vehicle availability; and neighborhood-level indicators of resources, such as the average income of the neighborhood and the availability of public transportation.⁴

The Healthy Food Financing Initiative was created in 2016 to provide financial assistance for the rehabilitation or expansion of grocery retail outlets located in underserved or low-income communities. The goal of the program is to improve the public health and well-being of low-income children, families, and older adults by increasing access to fresh produce and other nutritious food.⁵

III. Effect of Proposed Changes:

Section 1 establishes the Healthy Food Assistance Program to provide a process for small food retailers to receive assistance for projects that increase the availability and sales of fresh and nutritious food, including fresh vegetables, fruits, meats, and seafood in low-income and moderate-income communities. It directs OPPAGA to conduct an independent study to evaluate the policy impact of placing healthy food in previously underserved communities. Unless saved from repeal, this section and ss. 595.431-595.433 will be repealed June 30, 2020.

¹ Impact on Food Deserts on Diet-Related Health Outcomes, see <http://www.freshfromflorida.com/Divisions-Offices/Food-Nutrition-and-Wellness/Florida-s-Roadmap-To-Living-Healthy/Impact-of-Food-Deserts-on-Diet-Related-Health-Outcomes>, (Site last visited 03/20/2017).

² See <http://www.dccpta.org/wp-content/uploads/2015/10/Healthy-Food-FL-FACT-SHEET.pdf>. (Site last visited 03/20/2017).

³ U.S. Department of Agriculture, Food Access Research Atlas, Overview, <https://www.ers.usda.gov/data-products/food-access-research-atlas/> (last visited 03/20/2017).

⁴ U.S. Department of Agriculture, Food Access Research Atlas, About the Atlas, <https://www.ers.usda.gov/data-products/food-access-research-atlas/about-the-atlas/> (last visited 03/20/2017).

⁵ s. 500.81, F.S.

Section 2 defines the following terms:

- “Low-income community” is a population census tract that meets at least one of the following criteria:
 - The poverty rate is at least 20 percent;
 - In the case of a low-income community located outside a metropolitan area, the median family income does not exceed 80 percent of the statewide median family income; or
 - In the case of a low-income community located within a metropolitan area, the median family income does not exceed 80 percent of the statewide median family income or 80 percent of the metropolitan area’s medium family income, whichever is greater.
- “Moderate-income community” is a population census tract in which the median family income is between 81 percent and 95 percent of the statewide median family income or metropolitan area’s median family income.
- “Program” is the Healthy Food Assistance Program.
- “Project administrator” is an entity selected by the department to manage the program.
- “Small food retailer” is a retail store of less than 3,000 square feet, such as a corner store, convenience store, neighborhood store, small grocery store, or bodega, which sells a limited selection of foods and other products.

Section 3 outlines the duties and responsibilities of the department regarding the program. The department shall administer and develop guidelines for the program. The department will establish program administrator guidelines, including the development of an application process for project administrators and accountability mechanisms for projects receiving assistance under the program. At a minimum, a project administrator must be a not-for-profit entity and have demonstrated experience in developing and implementing strategies for healthy food retail in small stores. The department will establish criteria for a project administrator to use in determining which projects to select and provide materials to a project administrator that educate consumers on the benefits of healthy eating. The department must electronically submit an annual report to the legislature that includes, but is not limited to; projects funded, project expenditures, the geographic distribution of funds, program results, and the program’s impact on any health-related initiatives.

Section 4 establishes the duties and responsibilities of the project administrators. The project administrator shall:

- Establish and administer an application process for small food retailers to participate in the program. In order to receive assistance under the program, a small food retailer must, at a minimum be located in a low-income or moderate-income community and accept, or agree to apply to and accept, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) benefits.
- Promote program availability throughout the state and try to raise funds from other private and public sources.
- Use up to 10 percent of the funds distributed by the department for administrative and operational costs associated with operating the program, if other budgets or in-kind resources do not cover such costs.
- Collect and provide data and other information quarterly as required by the department.
- Establish goals, standards, and accountability mechanisms for eligible project applicants to ensure that the funds spent is consistent with the purpose of the program.

- Develop a plan for eligible project applicants by describing specific goals for increasing the sales of produce and other healthy food and educating customers on the benefits of healthy eating. This includes, but is not limited to, engaging communities to support participating small food retailers and seeking guidance from state, county, or municipal agencies, public or private universities, cooperative extension services, community-based organizations, and community members.
- Establish standards to assess whether project goals are met.
- Ensure expenditures are appropriate by monitoring the activities of small food retailers.
- Expend funds for each approved project only for the following purposes:
 - Refrigeration, display shelving, or other equipment that small food retailers need, up to a maximum of \$7,500 per retailer.
 - Materials and supplies for nutrition education and healthy food promotion.
 - Initial purchases of healthy foods, including dairy products, and fresh produce, up to a maximum of \$2,000 per year.

For purposes of this section, a project administrator is not subject to chapter 287.

Section 5 repeals section 500.81, Florida Statutes, which is the Healthy Food Financing Initiative.

Section 6 provides an effective date of July 1, 2017.

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:

The bill may result in a positive fiscal impact to retailers who are eligible for funding through the program.

C. Government Sector Impact:

The department is not able to determine the impact to the state or department since there is no known appropriation to administer the program. OPPAGA indicates it can meet the requirements of the House companion within its current resources.⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 595.430, 595.431, 595.432, 595.433.

This bill repeals section 500.81 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/SB by Agriculture on March 21, 2017:

The CS clarifies that in order to be eligible for the program retailers must accept, or agree to apply to and accept, both Supplemental Nutrition Assistance Program (SNAP) and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) 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.

⁶ Office of Program Policy Analysis and Government Accountability, Agency Analysis of 2017 HB 1083.



147652

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2017	.	
	.	
	.	
	.	

The Committee on Agriculture (Bean) recommended the following:

Senate Amendment

Delete line 181
and insert:
2. Accept, or agree to apply to and accept, Supplemental
Nutrition Assistance Program (SNAP) and Special

By Senator Bean

4-00177C-17

20171592__

1 A bill to be entitled
 2 An act relating to small food retailers; creating s.
 3 595.430, F.S.; establishing the Healthy Food
 4 Assistance Program within the Department of
 5 Agriculture and Consumer Services; providing a
 6 purpose; requiring the Office of Program Policy
 7 Analysis and Government Accountability to conduct an
 8 independent study evaluating the program's policy
 9 impact; providing for future repeal and legislative
 10 review; creating s. 595.431, F.S.; providing
 11 definitions; creating s. 595.432, F.S.; requiring the
 12 department to develop guidelines and administer the
 13 program; providing department duties and
 14 responsibilities; providing for funding; creating s.
 15 595.433, F.S.; providing duties and responsibilities
 16 of program administrators; exempting program
 17 administrators from provisions relating to state
 18 procurement of certain property and services;
 19 repealing s. 500.81, F.S., relating to the Healthy
 20 Food Financing Initiative; providing an effective
 21 date.
 22
 23 WHEREAS, overweight children and adults are at greater risk
 24 for numerous adverse health consequences, including type 2
 25 diabetes, heart disease, stroke, high blood pressure, high
 26 cholesterol, certain cancers, asthma, low self-esteem,
 27 depression, and other debilitating diseases, and
 28 WHEREAS, in Florida, nearly 27 percent of adults were
 29 considered overweight or obese in 2015, and nearly 13 percent of

Page 1 of 8

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20171592__

30 children were considered overweight and obese in 2011, and
 31 WHEREAS, obese children are at least twice as likely as
 32 non-obese children to become obese adults, and
 33 WHEREAS, obesity-related health conditions have serious
 34 economic costs, and
 35 WHEREAS, annual health care costs from obesity are at least
 36 \$190 billion dollars, or 21 percent of the nation's total health
 37 care spending, and are expected to rise substantially, and
 38 WHEREAS, roughly 40 percent of these costs are paid through
 39 Medicare and Medicaid, meaning that taxpayers pay much of the
 40 cost, and
 41 WHEREAS, Medicare and Medicaid spending would be reduced by
 42 8.5 percent and 11.8 percent, respectively, in the absence of
 43 obesity-related spending, and
 44 WHEREAS, annual medical expenditures in Florida related to
 45 obesity are estimated at \$6,675,670,940 with approximately \$2.6
 46 billion of this amount paid by Medicare and Medicaid in the
 47 state, and
 48 WHEREAS, many Americans, particularly those in low-income
 49 neighborhoods, rural areas, and communities of color, reside
 50 where adequate access to full-service grocery stores is not
 51 guaranteed, and
 52 WHEREAS, low-income areas have more than twice as many
 53 convenience stores and four times as many small grocery stores
 54 as high-income areas, and
 55 WHEREAS, proximity to convenience stores within a
 56 neighborhood is associated with higher rates of obesity and
 57 diabetes, and
 58 WHEREAS, small food retailers tend to sell few fresh

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produce, whole grains, or low-fat dairy products, and

WHEREAS, small food retailers commonly sell highly processed foods that are high in fat and low in nutrients, and

WHEREAS, small food retailers tend to charge higher prices for their food as compared to grocery stores and supermarkets, and

WHEREAS, providing assistance to existing small food retailers to stock fresh produce and other healthy foods and promote good nutrition can provide residents with access to healthier foods, and

WHEREAS, community programs that work with small food retailers have shown promise in increasing healthy food sales, improving store offerings, and promoting good nutrition, and

WHEREAS, the program established pursuant to this act is intended to be a source of funding to provide assistance for Florida's small food retailers operating in certain urban and rural areas so that the retailers sell more fresh fruits and vegetables and other healthy foods at affordable prices to neighboring residents in an effort to improve residents' diets and health, NOW, THEREFORE,

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

Section 1. Section 595.430, Florida Statutes, is created to read:

595.430 Healthy Food Assistance Program.—

(1) There is established within the department the Healthy Food Assistance Program.

(2) The purpose of the program is to provide a process for

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20171592__

small food retailers to receive assistance for projects that increase the availability and sales of fresh and nutritious food, including fresh vegetables, fruits, meats, and seafood in low-income and moderate-income communities.

(3) The Office of Program Policy Analysis and Government Accountability shall conduct an independent study to evaluate the policy impact of placing healthy food in previously underserved communities.

(4) This section and ss. 595.431-595.433 are repealed June 30, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Section 595.431, Florida Statutes, is created to read:

595.431 Definitions.—As used in ss. 595.430-595.433, the term:

(1) "Low-income community" means a population census tract, as reported in the most recent United States Census Bureau American Community Survey, which meets one of the following criteria:

(a) The poverty rate is at least 20 percent;

(b) In the case of a low-income community located outside a metropolitan area, the median family income does not exceed 80 percent of the statewide median family income; or

(c) In the case of a low-income community located within a metropolitan area, the median family income does not exceed 80 percent of the statewide median family income or 80 percent of the metropolitan area's median family income, whichever is greater.

(2) "Moderate-income community" means a population census

4-00177C-17 20171592__

tract, as reported in the most recent United States Census Bureau American Community Survey, in which the median family income is between 81 percent and 95 percent of the statewide median family income or metropolitan area's median family income.

(3) "Program" means the Healthy Food Assistance Program established within the department pursuant to s. 595.430.

(4) "Project administrator" means an entity selected by the department to manage the program to assist small food retailers in low-income and moderate-income communities in the state.

(5) "Small food retailer" means a small-scale retail store of less than 3,000 square feet, such as a corner store, convenience store, neighborhood store, small grocery store, or bodega, which sells a limited selection of foods and other products.

Section 3. Section 595.432, Florida Statutes, is created to read:

595.432 Duties and responsibilities of the department.—

(1) The department shall administer the program and develop guidelines for the operation of the program. The guidelines may include procedures for granting appropriated funds to a qualified project administrator to provide assistance to small food retailers in urban and rural low-income and moderate-income communities to increase the sales of fresh produce and other healthy foods.

(2) In administering the program, the department shall:

(a) Establish program administrator eligibility guidelines, including, but not limited to, the development of an application process for project administrators and monitoring and

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accountability mechanisms for projects receiving assistance under the program. At a minimum, a project administrator must be a not-for-profit entity and have demonstrated experience in developing and implementing strategies for healthy food retail in small stores.

(b) Establish criteria for a project administrator to use in determining which projects to select, including, but not limited to, consideration of the level of need in the area proposed to be served by the applicant.

(c) Provide materials to a project administrator that educate consumers on the benefits of healthy eating and encourage, when possible, buying Fresh From Florida agricultural products for distribution.

(d) Electronically submit an annual report to the President of the Senate and the Speaker of the House of Representatives regarding the program, including, but not limited to, projects funded, project expenditures, the geographic distribution of funds, program results, and the program's impact on any health-related initiatives.

(3) The department's performance and obligation to pay under this section is contingent upon an annual appropriation by the Legislature.

Section 4. Section 595.433, Florida Statutes, is created to read:

595.433 Duties and responsibilities of project administrators.—

(1) A project administrator shall be responsible for implementing and operating the program. The project administrator shall:

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(a) Establish and administer an application process for small food retailers to participate in the program. At a minimum, in order to receive assistance under the program, a small food retailer must:

1. Be located in a low-income community or moderate-income community.

2. Accept, or agree to apply to and accept Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) benefits.

(b) Promote program availability throughout the state and undertake efforts to raise funds from other private and public sources.

(c) Use up to 10 percent of the funds distributed by the department for administrative and operational costs associated with operating the program, if such costs are not covered by other budgets or in-kind resources.

(d) Collect and provide data and other information quarterly as required by the department.

(e) Establish defined goals, standards, and accountability mechanisms for eligible project applicants to ensure that the expenditure of moneys is consistent with the purpose of the program.

(f) Develop a plan for eligible project applicants by describing specific goals for increasing the sales of produce and other healthy foods and educating consumers on the benefits of healthy eating, including, but not limited to, mechanisms to:

1. Engage communities to support participating small food retailers.

2. Seek guidance from state, county, or municipal agencies,

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private or public universities, cooperative extension services, community-based organizations, and community members.

(g) Establish standards to assess whether project goals are met.

(h) Ensure expenditures are appropriate by monitoring the activities of small food retailers.

(i) Expend funds for each approved project only for the following purposes:

1. Refrigeration, display shelving, or other equipment that small food retailers need, up to a maximum of \$7,500 per retailer.

2. Materials and supplies for nutrition education and healthy food promotion.

3. Initial purchases of healthy foods, including dairy products, and fresh produce, up to a maximum of \$2,000 per retailer.

(2) For purposes of this section, a project administrator is not subject to chapter 287.

Section 5. Section 500.81, Florida Statutes, is repealed.

Section 6. This act shall take effect July 1, 2017.

Page 8 of 8

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T3

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21/17

Meeting Date

1592

Bill Number (if applicable)

Topic Small Food Retailers

Amendment Barcode (if applicable)

Name John Trombetta

Job Title CEO

Address 600 1st St N
Street

Phone 850-320-8319

St Petersburg FL 33701
City State Zip

Email john@floridaymessenger.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida State Alliance of YMCAs

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

73

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

3/21/17

Meeting Date

1592

Bill Number (if applicable)

Topic SMALL FOOD RETAILERS

Amendment Barcode (if applicable)

Name DIANA PADGETT

Job Title GOVERNMENTAL CONSULTANT

Address 1371 MILLSTREAM RD.

Street

Phone 850-212-4204

TALLAHASSEE

City

State

Zip

Email DHPCONSULTING @
EARTHLINK.NET

Speaking: ☒ For ☐ Against ☐ Information

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

Representing ABBOTT NUTRITION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21
Meeting Date

T3
1592
Bill Number (if applicable)

Topic SMALL FOOD RETAILERS

Amendment Barcode (if applicable)

Name RIVERS H. BUFORD, II

Job Title GOVERNMENT RELATIONS DIRECTOR

Address 2851 REMINGTON GREEN
Street

Phone 850-566-9119

TALLAHASSEE FL 32308
City State Zip

Email Rivers.Buford@heart.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing AMERICAN HEART ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

T3

3/21/17

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

Meeting Date

1592

Bill Number (if applicable)

Topic Healthy Food Retail

Amendment Barcode (if applicable)

Name Mark Landreth

Job Title Sr. Dir Govt Relations

Address 2381 Dunnington Green Cir #C

Phone 856 544 3376

Street

TVH

FLA

32308

City

State

Zip

Email Mark.Landreth@weent.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing American Heart Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

T3

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21/2017

1592

Meeting Date

Bill Number (if applicable)

Topic Relating to Small Food Retailers

Amendment Barcode (if applicable)

Name Erin Choy

Job Title Chair

Address 404 E. Sixth Avenue

Phone (561) 635-4168

Street

Tallahassee

Florida

32303

Email erin.choy@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Junior Leagues of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

T3

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21/17

Meeting Date

1592

Bill Number (if applicable)

Topic Small Food Retailers

Amendment Barcode (if applicable)

Name Fely Curva, Ph.D.

Job Title Partner, Curva's Associates LLC

Address 1212 Piedmont Dr.

Phone (556) 508-2256

Street

Tallahassee

City

FL

State

32312

Zip

Email fely.curva@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Society of Health & Physical Educators (SHAPE) FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 1692

INTRODUCER: Senator Torres

SUBJECT: School Garden Programs

DATE: March 20, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Akhavein	Becker	AG	Favorable
2. _____	_____	ED	_____
3. _____	_____	AP	_____

I. Summary:

SB 1692 directs the Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to provide information each year to each school district about establishing school garden programs. It allows schools to distribute the produce and exempts schools from any statute or rule that prohibits a student from receiving produce or from consuming produce grown on school grounds.

II. Present Situation:

Given the right opportunities, kids will get excited about fresh fruits and vegetables and place value on good food choices. School gardens integrate hands-on science lessons with practical food production skills while increasing access and exposure to a variety of fruits and vegetables.

The Division of Food, Nutrition, and Wellness, within the Department of Agriculture and Consumer Services (department), administers several United States Department of Agriculture (USDA) Child Nutrition Programs that provide healthy food to children. These include the National School Lunch Program, School Breakfast Program, Summer Food Service Program, Fresh Fruit and Vegetable Program, and Special Milk Program. Each of these programs helps to fight hunger and obesity and promote healthy eating habits by reimbursing organizations such as schools, child care centers, and after-school programs for providing healthy meals to children.

The department currently provides technical assistance and training to schools on how to develop sustainable school garden programs, food safety with garden produce, and on methods for engaging students in an educational learning environment through the use of a school garden. The department has developed materials and programs designed to assist schools interested in establishing, or improving, a school garden, and to provide guidelines for a school's cafeteria to use the produce as part of their meal service. In 2015, the department began a school garden census, which is continually updated, and includes more than 1,300 identified school gardens

throughout the state ranging from classroom windowsill and container gardens to small farm operations located on school property and staffed by students.

In addition, the department provides outreach materials through a School Garden Guide and the development of the state's Harvest of the Month Program. Through these initiatives, schools have access to education-based curriculum that meets Florida's standards set by the Department of Education and includes information on agricultural products grown in the state as well as activities and experiments geared toward science, technology, engineering, and math (STEM) for teachers to engage students.

The department promotes the availability of federal and state grants to schools, including the USDA Farm to School Grant, Local Food Promotion Program Grant, Farmers Market Promotion Program Grant, and the state's Specialty Crop Block Grant.

Lastly, the department contracts with the Institute of Food and Agricultural Sciences at the University of Florida to develop educational learning modules that support school garden programs. This provides schools with information on garden produce as they relate to USDA Good Agricultural Practices & Good Handling Practices and the Food Safety Modernization Act.¹

III. Effect of Proposed Changes:

Section 1 creates s. 1003.481, F.S., to direct the Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to provide information each year to each school district on how to establish a school garden program at schools within the district. It requires the information to include any requirements for establishing a school garden program, information on available state grants for school garden programs, and any other available resources schools may be able to access. The bill provides that a school which establishes a school garden program may select one day a week to allow students who qualify for free or reduced-price school lunch to select and receive produce from the garden. Finally, it exempts a school that establishes a school garden program from any portion of statute or rule that prohibits a student from receiving produce from or consuming produce grown in a garden on school grounds through the school garden program.

Section 2 provides that this act shall take effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹ Analysis by the Department of Agriculture and Consumer Services for SB 1692, March 15, 2017 (on file with the Agriculture Committee).

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

SB 1692 provides that a school which establishes a school garden program may select one a day a week to allow students who qualify for free or reduced-price school lunch to select and receive produce from the garden. The department has indicated that federal regulation 7 CFR 245.8 prohibits the overt identification of any child receiving free or reduced-price meals and prohibits any action that may result in a child being recognized as potentially eligible to receive or certified for-free or reduced-price school meals. Additional information related to the prohibition of overt identification can be found in USDA policy member SP 45-2012 Preventing Overt Identification of Children Certified for Free or Reduced Price School Meals.

VIII. Statutes Affected:

This bill creates section 1003.481 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Torres

15-01360A-17

20171692__

A bill to be entitled

An act relating to school garden programs; creating s. 1003.481, F.S.; requiring the Department of Education, in collaboration with the Department of Agriculture and Consumer Services, to annually provide certain information relating to school garden programs to school districts; authorizing schools that establish a school garden program to allow certain students to select and receive produce from the garden; providing for the distribution of produce; providing an exemption from certain statutes and rules; providing an effective date.

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

Section 1. Section 1003.481, Florida Statutes, is created to read:

1003.481 School garden programs.—

(1) The Department of Education, in collaboration with the Department of Agriculture and Consumer Services, shall annually provide information to each school district related to establishing a school garden program at schools within the district. The information must include, but is not limited to, requirements for establishing a school garden program, state grants available for school garden programs, and other available resources.

(2) A school that establishes a school garden program may select one day a week to allow students who qualify for free or reduced-price school lunch to select and receive produce from

Page 1 of 2

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15-01360A-17

20171692__

the garden. Each school garden program may establish procedures for the distribution of produce.

(3) A school that establishes a school garden program is exempt from any portion of statute or rule that prohibits a student from receiving produce from or consuming produce grown in a garden on school grounds through the school garden program.

Section 2. This act shall take effect July 1, 2017.

Page 2 of 2

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T4

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/21/17
Meeting Date

1692
Bill Number (if applicable)

Topic SCHOOL GARDEN PROGRAMS

Amendment Barcode (if applicable)

Name DIANA PADGETT

Job Title GOV. CONSULTANT

Address 1371 MILLSTREAM RD.
Street

Phone 850-212-4204

TALL. FL 32312
City State Zip

DH
Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL. SCHOOL NUTRITION ASSOC.

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.

CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Senate Committee on Agriculture

Judge:

Started: 3/21/2017 4:05:31 PM

Ends: 3/21/2017 4:38:33 PM

Length: 00:33:03

4:05:34 PM	Roll Call
4:06:13 PM	SB 1536 Agricultural Practices by Senator Perry. Vice Chair Rader takes the Chair.
4:07:14 PM	Amendment 147014
4:08:04 PM	Amendment 290830
4:08:54 PM	Amendment 226576
4:10:26 PM	Back on Bill as Amended
4:11:32 PM	Sen. Perry - Close on Bill
4:12:00 PM	Roll Call Vote
4:12:49 PM	SB 1692 by Senator Torres School Garden Programs
4:13:45 PM	Question - Sen. Rader
4:13:51 PM	Response - Sen. Torres
4:14:17 PM	Follow up - Sen. Rader
4:14:31 PM	Response - Sen. Torres
4:15:31 PM	Question - Sen. Perry
4:15:37 PM	Response - Sen. Torres
4:16:49 PM	Roll Call Vote
4:17:22 PM	SB 1592 by Senator Bean Small Food Retailers
4:19:24 PM	Amendment 147652
4:20:06 PM	Back on Bill as Amended
4:20:16 PM	Question - Sen. Rader
4:20:56 PM	Response - Sen. Bean
4:22:31 PM	Question - Sen. Perry
4:22:47 PM	Response - Sen. Bean
4:23:21 PM	Follow up - Sen. Perry
4:23:28 PM	Response - Sen. Bean
4:24:48 PM	Discussion - Sen. Powell
4:26:16 PM	Discussion - Sen. Perry
4:27:53 PM	Roll Call Vote
4:28:20 PM	SB 1136 by Senator Lee Cottage Food Operations
4:29:33 PM	Amendment 895326
4:30:23 PM	Question - Sen. Powell
4:30:51 PM	Response - Sen. Lee
4:32:08 PM	Follow up - Sen. Powell
4:32:26 PM	Response - Sen. Lee
4:32:54 PM	Follow up - Sen. Powell
4:33:05 PM	Response - Sen. Lee
4:33:43 PM	Question - Sen. Rader
4:34:00 PM	Response - Sen. Lee
4:34:31 PM	Follow up - Sen. Rader
4:34:47 PM	Response - Sen. Lee
4:35:44 PM	Back on Bill as Amended
4:35:55 PM	Discussion - Sen. Rader
4:36:57 PM	Close on Bill
4:37:15 PM	Roll Call Vote
4:37:51 PM	Motion - Vote after by Sen. Steube
4:38:13 PM	Motion - Vote After by Sen. Powell
4:38:27 PM	Motion to adjourn by Senator Rader