

Tab 1	SB 806 by Gainer ; (Identical to H 00847) Public Records/Animal Health Records/Department of Agriculture and Consumer Services
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Tab 2	SB 1876 by Montford ; (Similar to H 01063) State Hemp Program
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697874	D	S	RS	AG, Montford	Delete everything after	02/04 10:25 AM
192872	SD	S	FAV	AG, Montford	Delete everything after	02/04 10:25 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Albritton, Chair
Senator Gainer, Vice Chair

MEETING DATE: Tuesday, February 4, 2020
TIME: 9:00—11:00 a.m.
PLACE: 301 Senate Building

MEMBERS: Senator Albritton, Chair; Senator Gainer, Vice Chair; Senators Broxson, Montford, and Rader

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 806 Gainer (Identical H 847)	Public Records/Animal Health Records/Department of Agriculture and Consumer Services; Exempting from public records requirements certain animal health records submitted to or generated by the Department of Agriculture and Consumer Services or the state veterinarian in connection with the Bronson Animal Disease Diagnostic Laboratory; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. AG 01/21/2020 Temporarily Postponed AG 02/04/2020 Favorable GO RC	Favorable Yeas 5 Nays 0
2	SB 1876 Montford (Similar H 1063)	State Hemp Program; Removing requirements regarding the types of seeds that a licensee may use in the state hemp program; providing that hemp extract that does not meet certain requirements will be considered adulterated or misbranded; prohibiting the selling of products made from hemp extract in this state to persons under a specified age, etc. AG 01/28/2020 Temporarily Postponed AG 02/04/2020 Fav/CS IT RC	Fav/CS Yeas 5 Nays 0
3	Overview of Carbon Farming		Presented

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 806

INTRODUCER: Senator Gainer

SUBJECT: Public Records/Animal Health Records/Department of Agriculture and Consumer Services

DATE: February 4, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Favorable</u>
2.	<u> </u>	<u> </u>	<u>GO</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 806 creates a public records exemption for certain for animal health records submitted to or generated by the Department of Agriculture and Consumer Services (department) or the state veterinarian in connection with the Bronson Animal Disease Diagnostic Laboratory. The department relies upon these submissions to conduct disease surveillance, control, and eradication. This exemption applies to records and information held before, on, or after July 1, 2020.

This exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, Florida Statutes (F.S.), provides public access requirements for legislative records. Relevant

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, chapter 119, F.S., provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.¹⁴ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

¹² See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ See *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

¹⁵ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 19.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

Animal Health Records Held by the Department of Agriculture and Consumer Services

The Division of Animal Industry is responsible for enforcing animal health regulations in Florida and protecting the state from animal pests and diseases. District veterinarians and animal health inspectors throughout the state work with producers, animal owners, and private veterinarians to monitor and enhance the health and welfare of Florida's animals. Under Florida's Comprehensive Emergency Management Plan, the department serves as the lead agency for animal and agricultural issues, planning and coordinating the state's response to emergencies ranging from hurricanes to animal disease outbreaks.

The Bronson Animal Disease Diagnostic Laboratory (BADDL) is located in Osceola County. It provides scientific expertise in the detection and investigation of animal diseases that affect livestock, companion animals, and public health. It is the only animal disease diagnostic laboratory in Florida that is fully accredited by the American Association of Veterinary Laboratory Diagnosticians.²⁷ All tests and accompanying results submitted to BADDL are public records subject to disclosure as provided in s. 119.07(1), F.S., and section 24(a), Article 1 of the State Constitution.

In contrast, the records of other private and state supplemented animal diagnostic laboratories, including the University of Florida Laboratory, are confidential. Though the University of Florida Laboratory is a government entity subject to s. 119.07(1), F.S., and section 24(a), Article 1 of the State Constitution, its records are confidential and exempt as provided by s. 474.2167, F.S. The exemption set out in s. 474.2167, F.S., only applies to records held by any "state college of veterinary medicine." BADDL does not have a similar exemption from public records requirements. While both the University of Florida Laboratory and BADDL receive submissions from accredited veterinarians who may assume the records will be kept private,

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ See <https://www.fdacs.gov/Divisions-Offices/Animal-Industry> (Last visited January 16, 2020).

pursuant to s. 474.2165(4), F.S., BADDL records must be disclosed upon request, as they are public records.

In the absence of the proposed public records exemptions, animal owners and veterinarians have been reluctant to report animal diseases to the department or to use the service of the BADDL for fear that their personal information or the animal's medical information may be made public. Competitors could manipulate information gleaned from public records requests regarding animal disease diagnostics to create unwarranted consumer uncertainty about Florida producers' meat or dairy products. To avoid this potential harm, producers find other options for disease diagnostics at private laboratories or laboratories in other states, and the department is not made privy to valuable disease information, which hinders its efforts to protect the public health and welfare.

III. Effect of Proposed Changes:

Section 1 amends s. 585.61, F.S., to provide a public records exemption for certain animal health records submitted to or generated by the department or the state veterinarian in connection with the Bronson Animal Disease Diagnostic Laboratory. Any of the following information would be exempt:

- The diagnosis, treatment, or effect of the medical condition of an animal.
- The prescribing, dispensing, or administering of drugs, medicine, appliances, applications, or treatment of any nature to prevent, cure, or relieve an animal's wound, fracture, bodily injury, or disease.
- A manual procedure for the diagnosis of, or treatment related to, an animal's pregnancy, fertility, or infertility.

The exemption does not apply to official certificates of veterinary inspection or any document required by law to transport an animal in this state. The exemption does apply to animal health records held before, on, or after July 1, 2020.

This section is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides Legislative intent that it is a public necessity to make certain animal health records submitted to or generated by the department of the state veterinarian exempt from the state's public records laws. Because these records are currently public, animal owners have been reluctant to report animal diseases to the department or to use the service of the BADDL for fear that their personal information or the animal's medical information may be made public. Competitors could manipulate information gleaned from public records requests regarding animal disease diagnostics to create unwarranted consumer uncertainty about Florida producers' meat or dairy products. To avoid this potential harm, producers find other options for disease diagnostics at private laboratories or laboratories in other states, and the department is not made privy to valuable disease information, which is contrary to the public health and welfare.

Section 3 provides that this act shall take effect July 1, 2020.

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

None.

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for certain animal health records, thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect animal owners from competitors who could manipulate information gleaned from public records requests regarding animal disease diagnostics to create unwarranted consumer uncertainty about Florida producers' meat or dairy products. To avoid this potential harm, producers find other options for disease diagnostics at private laboratories or laboratories in other states, and the department is not made privy to valuable disease information, which hinders its efforts to protect the public health and welfare. This bill exempts only the following from the public records requirements:

- The diagnosis, treatment, or effect of the medical condition of an animal.
- The prescribing, dispensing, or administer of drugs, medicine, appliances, applications, or treatment of any nature to prevent, cure, or relieve and animal's wound, fracture, bodily injury, or disease.
- A manual procedure for the diagnosis of, or treatment related to, an animal's pregnancy, fertility, or infertility.

The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Some agricultural companies are sending their samples to out-of-state laboratories because they are concerned that the laboratory records kept at the Bronson Animal Disease Diagnostic Laboratory (BADDL) are open to public records requests. The tests are at a higher cost, and test reporting is delayed. In addition to the increased burden on agricultural companies, delayed test reporting could result in a critical delay to the state's response to an animal disease outbreak.

C. Government Sector Impact:

Currently, releasing medical records in the form of test or necropsy results is contrary to the model Veterinary Medical Practice Act.²⁸ This was noted during the most recent audit of the BADDL by the American Association of Veterinary Laboratory Diagnosticians (AAVLD) in November 2019. The AAVLD found that the BADDL's records are not exempt from Florida's open records laws, which creates a conflict with AAVLD's client confidentiality requirements. It is imperative that the BADDL continue as Florida's only nationally accredited animal disease diagnostic laboratory, to allow it to maintain high quality standards, and to test for diseases of high consequences as designated by the state and federal government, including African swine fever virus, foot and mouth disease, and highly pathogenic avian influenza.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²⁸ See <https://www.avma.org/policies/model-veterinary-practice-act> (Last visited January 16, 2020).

VIII. Statutes Affected:

This bill amends section 585.61 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.

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

By Senator Gainer

2-00855-20

2020806__

A bill to be entitled

An act relating to public records; amending s. 585.61, F.S.; exempting from public records requirements certain animal health records submitted to or generated by the Department of Agriculture and Consumer Services or the state veterinarian in connection with the Bronson Animal Disease Diagnostic Laboratory; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 585.61, Florida Statutes, is amended to read:

585.61 Animal disease diagnostic laboratory; public records exemption.—

(1) There is established an animal disease diagnostic laboratory in Osceola County designated as the "Bronson Animal Disease Diagnostic Laboratory."

(2) The construction and operation of the laboratory established by this section are shall be under the supervision and control of the department. It is shall be the duty of the department to operate the laboratory in an efficient manner so that any person who maintains animals in this state may obtain prompt and reliable diagnosis of animal diseases, including any disease which may affect poultry eggs, in this state, and recommendations for the control and eradication of such diseases, to the end that diseases of animals may be reduced and

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

2-00855-20

2020806__

controlled, and eradicated when possible.

(3) Any person who maintains animals in this the state may use the services of the laboratory under the terms of this section and the rules adopted for such use by the department. The department shall require any user of its services to pay a fee not to exceed \$300 for any one of the services requested. All laboratory fees collected shall be deposited in the Animal Industry Diagnostic Laboratory Account within the General Inspection Trust Fund. The fees collected shall be used to improve the diagnostic laboratory services as provided ~~for~~ by the Legislature in the General Appropriations Act.

(4) (a) The following information is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Records generated or received by the department or the state veterinarian in connection with services provided by the laboratory which document any of the following:

a. The diagnosis, treatment, or effect of the medical condition of an animal.

b. The prescribing, dispensing, or administering of drugs, medicine, appliances, applications, or treatment of any nature to prevent, cure, or relieve an animal's wound, fracture, bodily injury, or disease.

c. A manual procedure for the diagnosis of, or treatment related to, an animal's pregnancy, fertility, or infertility.

The exemption granted by this paragraph does not apply to official certificates of veterinary inspection or any document required by law to transport an animal in this state.

2. If such information is contained in documents related to

Page 2 of 4

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2-00855-20

2020806__

59 the medical diagnosis or treatment of an animal, the name, home
 60 address, work address, telephone number, and e-mail address of a
 61 person or business entity that makes the animal or the animal's
 62 medical record available to the department or the state
 63 veterinarian by using the services of the laboratory to obtain a
 64 medical diagnosis or treatment for the animal.

65 3. If such information is contained in a document related
 66 to the medical diagnosis or treatment of an animal by the
 67 laboratory, the name of any department employee, contract
 68 employee, or volunteer who diagnosed or treated the medical
 69 condition of an animal pursuant to this chapter.

70 (b) The exemptions from public records requirements granted
 71 under this subsection apply to records and information held
 72 before, on, or after July 1, 2020.

73 (c) This subsection is subject to the Open Government
 74 Sunset Review Act in accordance with s. 119.15 and shall stand
 75 repealed on October 2, 2025, unless reviewed and saved from
 76 repeal through reenactment by the Legislature.

77 Section 2. The Legislature finds that it is a public
 78 necessity that animal health records submitted to or generated
 79 by the Department of Agriculture and Consumer Services or the
 80 state veterinarian, in the performance of their official duties
 81 under chapter 585, Florida Statutes, be made exempt from s.
 82 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 83 State Constitution. The department and the state veterinarian
 84 are charged with surveilling and eradicating animal disease in
 85 the state. To that end, the department relies heavily on animal
 86 owners to submit information or to make animals available to the
 87 department's animal disease diagnostic laboratory for disease

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2-00855-20

2020806__

88 diagnostics. In the absence of the proposed exemptions, animal
 89 owners are reluctant to report animal diseases to the department
 90 or to use the services of the animal disease diagnostic
 91 laboratory for fear that their personal information or the
 92 animal's medical information may be disclosed pursuant to a
 93 public records request. Currently, competitors can manipulate
 94 information gleaned from public records requests regarding
 95 animal disease diagnostics to create unwarranted consumer
 96 uncertainty about Florida producers' meat or dairy products. To
 97 avoid this potential harm, producers find other options for
 98 disease diagnostics at private laboratories or laboratories in
 99 other states, and the department is not made privy to valuable
 100 disease information, which is contrary to the public health and
 101 welfare.

102 Section 3. This act shall take effect July 1, 2020.

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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)

2/4/20
Meeting Date

SB 806
Bill Number (if applicable)

Topic FDACS PUBLIC RECORDS

Amendment Barcode (if applicable)

Name NANCY STEPHENS

Job Title CHAIRMAN - FLORIDA AG COALITION

Address _____

Phone 850 445 1607

Street

Tallahassee FL

City

State

Zip

Email nancygnstephens.com

Speaking: For Against Information

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

Representing FLORIDA AG COALITION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

VOLUNTEER ON THIS

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.4.2020

Meeting Date

806

Bill Number (if applicable)

Topic PUBLIC RECORDS

Amendment Barcode (if applicable)

Name AMANDA BOWEN

Job Title LOBBYIST

Address 200 W. COLLEGE AVE. STE 115

Phone 850.728.1772

Street

TLH

City

FL

State

32301

Zip

Email ABOWEN@NSTEPHENS.com

Speaking: For Against Information

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

Representing FLORIDA POULTRY FEDERATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/04/2020

806

Meeting Date

Bill Number (if applicable)

Topic Public records Animal Health

Amendment Barcode (if applicable)

Name Emily Duda Buckley

Job Title Legislative Affairs Director

Address 400 S. Monroe Street

Phone 8506177700

Street

Tallahassee

Fl

32399

Email emily.buckley@fdacs.gov

City

State

Zip

Speaking: For Against Information

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

Representing Fl. Department of Agriculture and Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4 Meeting Date

SB 0806 Bill Number (if applicable)

Topic Public Records/Animal Health Records

Amendment Barcode (if applicable)

Name Landon Hoffman

Job Title legislative Affairs

Address Street

Phone 850 508 1236

City

State

Zip

Email

Speaking: For Against Information

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

Representing Florida Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
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 1876

INTRODUCER: Agriculture and Senator Montford

SUBJECT: State Hemp Program

DATE: February 4, 2020

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 1876 makes changes to the state hemp program. Specifically, the bill:

- Includes hemp extract in the definition of “food” in the Florida Food Safety Act;
- Requires persons who operate minor food outlets that sell hemp extract to obtain a food permit from the Department of Agriculture and Consumer Services (department);
- Removes a reference to the Department of Health’s regulation of medical marijuana in the definition of the term “contaminants unsafe for human consumption;”
- Includes a substance or compound that is intended for inhalation in the definition of “hemp extract;”
- Exempts synthetic CBD oil and seeds and seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration from the definition of “hemp extract;”
- Modifies the way in which delta-9-tetrahydrocannabinol is measured in hemp extract;
- Clarifies that a hemp extract container must contain the number of milligrams of each cannabinoid per serving;
- Provides that hemp extract that does not meet certain requirements shall be considered adulterated or misbranded;
- Prohibits products that are intended for inhalation and are made from hemp extract from being sold to a person who is under 21 years old;
- Allows the department to contract with entities to provide sample collection, laboratory testing, and disposal services; and
- Provides a process for the department to notify a licensee when hemp is produced with a THC level that exceeds the allowable limit as well as removal and destruction procedures.

II. Present Situation:

Industrial Hemp

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

Cannabis

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

Medical Marijuana

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

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

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

¹ See University of Florida, *UF/IFAS Industrial Hemp Pilot Project* at: <https://programs.ifas.ufl.edu/hemp/> (last visited January 24, 2020).

² Section 893.03(1)(c)7., F.S.

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

⁴ Section 893.13(1)(a)2., F.S.

⁵ Section 893.02(3), F.S.

⁶ Chapter 2017-232, Laws of Fla.

⁷ Chapter 2014-157, Laws of Fla.

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

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

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

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

2014 Federal Farm Bill and State Industrial Hemp Pilot Programs

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

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

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

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

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

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

⁹ Cannabidiol (CBD) is a chemical compound, known as a cannabinoid, found in cannabis. CBD does not have the same psychoactivity as THC. See Michael J Breus, *Despite What You May Think... CBD Is Not Weed* (Sept. 20, 2018), Psychology Today, available at: <https://www.psychologytoday.com/us/blog/sleep-newzzz/201809/despite-what-you-may-think-cbd-is-not-weed> (last visited January 24, 2020).

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

¹¹ Section 1004.4351, F.S.

¹² See s. 381.986(14), F.S.

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

¹⁴ *Id.*

established agriculture, engineering, or pharmacy program.¹⁵ The purpose of the pilot projects is to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state. The department has adopted a rule addressing safety, compliance, and accountability and other concerns.¹⁶

2018 Federal Farm Bill

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

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

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

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

State Hemp Program

The state hemp program was created within the department to regulate the cultivation of hemp in Florida.²⁰ The department shall seek federal approval of the state plan for the regulation of the cultivation of hemp with the United States Secretary of Agriculture in accordance with the Agricultural Improvement Act of 2018 within 30 days of adopting rules.²¹ A license is required to cultivate hemp²² and to obtain a license a person must apply to the department and submit a full set of fingerprints.²³ A person seeking to cultivate hemp must provide the department with a

¹⁵ Section 1004.4473(2)(a), F.S.

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

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

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

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

²⁰ See s 581.217, F.S.

²¹ Section 581.217(4), F.S.

²² Section 581.217(5)(a), F.S.

²³ Section 581.217(5)(b), F.S.

legal land description and GPS coordinates of where the hemp will be cultivated.²⁴ The department shall deny an application under certain circumstances.²⁵

Florida Seed Law

The duty of administering the Florida Seed Law and enforcing its provisions and requirements is vested in the department²⁶ and the Florida Seed Law²⁷ is intended as a comprehensive and exclusive regulation of seed. The department shall sample, inspect, analyze, and test agricultural, vegetable, flower, tree, or shrub seed transported, sold, offered or exposed for sale, or distributed in the state for sowing or planting purposes.²⁸

Generally Recognized as Safe

Under sections 201(s) and 409 of the Federal Food, Drug and Cosmetic Act, any substance that is intentionally added to food is a food additive that is subject to premarket review and approval by the U.S. Food & Drug Administration (FDA), unless the substance is generally recognized, among qualified experts, as having been adequately shown to be safe under the conditions of its intended use, or unless the use of the substance is otherwise excepted from the definition of a food additive.²⁹ The FDA evaluated three products by Fresh Hemp Foods, Ltd. and determined that hulled hemp seed, hemp seed protein powder, and hemp seed oil were generally recognized as safe.³⁰ This applies to products from other companies if they are manufactured in a way that is consistent with the evaluated products and they meet the listed specifications.³¹

Hemp Extract

Hemp extract is a substance or compound intended for ingestion that is derived from or contains hemp and that does not contain controlled substances.³² Hemp extract may only be sold in this state if the product has a certificate of analysis prepared by an independent testing laboratory and is distributed or sold in packaging that meets certain requirements.³³

III. Effect of Proposed Changes:

CS/SB 1876 makes a number of changes to the state hemp program. The bill includes hemp extract in the definition of “food” in the Florida Food Safety Act. It requires persons who operate minor food outlets that sell hemp extract to obtain a food permit from the department. It removes a reference to the Department of Health’s medical marijuana regulations in the definition of

²⁴ Section 581.217(5)(d), F.S.

²⁵ Section 581.217(5)(e), F.S.

²⁶ Section 578.11(1), F.S.

²⁷ Chapter 578, F.S.

²⁸ Section 578.11(1), F.S.

²⁹ See U.S. Food & Drug Administration *Generally Recognized as Safe* at: <https://www.fda.gov/food/food-ingredients-packaging/generally-recognized-safe-gras> (last visited January 24, 2020).

³⁰ See *FDA Responds to Three GRAS Notices for Hemp-Seed Derived Ingredients for Use in Human Food* at: <https://www.fda.gov/food/generally-recognized-safe-gras/about-gras-notification-program> (last visited January 24, 2020),

³¹ *Id.*

³² Section 581.217(3)(e), F.S.

³³ Section 581.217(7), F.S.

“contaminants unsafe for human consumption.” It exempts synthetic CBD oil and seeds and seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration from the definition of “hemp extract” and adds a substance or compound intended for inhalation to that definition.

The bill removes a requirement that hemp extract be tested on a dry-weight basis and clarifies that a container must contain the number of milligrams of each cannabinoid per serving. It provides that hemp extract sold in violation of s. 581.217 (6)(a), F.S. is considered misbranded or adulterated. It prohibits products that are intended for inhalation and made from hemp extract from being sold to a person who is under 21 years old. It allows the department to contact with entities to provide sample collection, laboratory testing, and disposal services. Finally, the bill provides a process for the department to notify a licensee when hemp is produced with a THC level that exceeds the allowable limit. It requires the licensee to remove and destroy the plants that are out of compliance within 10 days of receiving the notice. If the licensee fails to comply, the department shall destroy the plants at the expense of the licensee.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Small food retailers will now need to obtain a food permit if they sell hemp extract.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 500.03, 500.12, and 581.217.

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

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

CS by Agriculture on February 4, 2020:

- Reverts seed certification requirements back to current law;
- Adds hemp extract to the definition of “food” in the Florida Food Safety Act;
- Requires small food retailers who are normally exempt from a food permit to obtain one if they sell hemp extract.
- Adds products that are inhaled to the definition of “hemp extract” and prohibits those products from being sold to someone under the age of 21;
- Deletes the prohibition on selling products that contain hemp extract to someone under the age of 18;
- Removes synthetic CBD oil from the definition of “hemp extract;” and
- Allows the department to contract for sample collection, laboratory testing, and disposal services.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/04/2020	.	
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The Committee on Agriculture (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (n) of subsection (1) of section
500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(n) "Food" includes:

1. Articles used for food or drink for human consumption;



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- 11 2. Chewing gum;
- 12 3. Articles used for components of any such article;
- 13 4. Articles for which health claims are made, which claims
- 14 are approved by the Secretary of the United States Department of
- 15 Health and Human Services and which claims are made in
- 16 accordance with s. 343(r) of the federal act, and which are not
- 17 considered drugs solely because their labels or labeling contain
- 18 health claims; ~~and~~
- 19 5. Dietary supplements as defined in 21 U.S.C. s.
- 20 321(ff)(1) and (2); ~~and~~;
- 21 6. Hemp extract as defined in s. 581.217.

22
23 The term includes any raw, cooked, or processed edible
24 substance; ice; any beverage; or any ingredient used, intended
25 for use, or sold for human consumption.

26 Section 2. Paragraph (a) of subsection (1) of section
27 500.12, Florida Statutes, is amended to read:

28 500.12 Food permits; building permits.—

29 (1) (a) A food permit from the department is required of any
30 person who operates a food establishment or retail food store,
31 except:

32 1. Persons operating minor food outlets that sell food,
33 except hemp extract, that is commercially prepackaged, not
34 potentially hazardous, and not time or temperature controlled
35 for safety, if the shelf space for those items does not exceed
36 12 total linear feet and no other food is sold by the minor food
37 outlet.

38 2. Persons subject to continuous, onsite federal or state
39 inspection.



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40 3. Persons selling only legumes in the shell, either
41 parched, roasted, or boiled.

42 4. Persons selling sugar cane or sorghum syrup that has
43 been boiled and bottled on a premise located within the state.
44 Such bottles must contain a label listing the producer's name
45 and street address, all added ingredients, the net weight or
46 volume of the product, and a statement that reads, "This product
47 has not been produced in a facility permitted by the Florida
48 Department of Agriculture and Consumer Services."

49 Section 3. Paragraphs (a), (b), and (e) of subsection (3),
50 subsections (6), (7), and (11), and paragraph (c) of subsection
51 (13) of section 581.217, Florida Statutes, are amended to read:

52 581.217 State hemp program.—

53 (3) DEFINITIONS.—As used in this section, the term:

54 ~~(a) "Certifying agency" has the same meaning as in s.~~
55 ~~578.011(8).~~

56 (a) ~~(b)~~ "Contaminants unsafe for human consumption"
57 includes, but is not limited to, any microbe, fungus, yeast,
58 mildew, herbicide, pesticide, fungicide, residual solvent,
59 metal, or other contaminant found in any amount that exceeds any
60 of the accepted limitations as determined by rules adopted by
61 the department of Health in accordance with s. 381.986, or other
62 limitation pursuant to the laws of this state, whichever amount
63 is less.

64 (d) ~~(e)~~ "Hemp extract" means a substance or compound
65 intended for ingestion or inhalation which ~~that~~ is derived from
66 or contains hemp and which ~~that~~ does not contain other
67 controlled substances. The term does not include synthetic CBD
68 or seeds or seed-derived ingredients that are generally



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69 recognized as safe by the United States Food and Drug
70 Administration.

71 ~~(6) HEMP SEED. A licensee may only use hemp seeds and~~
72 ~~cultivars certified by a certifying agency or a university~~
73 ~~conducting an industrial hemp pilot project pursuant to s.~~
74 ~~1004.4473.~~

75 ~~(6)(7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.-~~

76 (a) Hemp extract may only be distributed and sold in the
77 state if the product:

78 1.(a) Has a certificate of analysis prepared by an
79 independent testing laboratory that states:

80 a.1. The hemp extract is the product of a batch tested by
81 the independent testing laboratory;

82 b.2. The batch contained a total delta-9-
83 tetrahydrocannabinol concentration that did not exceed 0.3
84 percent ~~on a dry weight basis~~ pursuant to the testing of a
85 random sample of the batch; and

86 c.3. The batch does not contain contaminants unsafe for
87 human consumption.

88 2.(b) Is distributed or sold in a container ~~packaging~~ that
89 includes:

90 a.1. A scannable barcode or quick response code linked to
91 the certificate of analysis of the hemp extract by an
92 independent testing laboratory;

93 b.2. The batch number;

94 c.3. The Internet address of a website where batch
95 information may be obtained;

96 d.4. The expiration date;

97 e.5. The number of milligrams of each cannabinoid per



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98 serving hemp extract; and

99 f.6. A statement that the product contains a total delta-9-
100 tetrahydrocannabinol concentration that does not exceed 0.3
101 percent ~~on a dry weight basis.~~

102 (b) Hemp extract distributed or sold in violation of this
103 section shall be considered adulterated or misbranded pursuant
104 to chapter 500, chapter 502, or chapter 580.

105 (10)-(11) ENFORCEMENT.-

106 (a) The department shall enforce this section.

107 (b) Every state attorney, sheriff, police officer, and
108 other appropriate county or municipal officer shall enforce, or
109 assist any agent of the department in enforcing, this section
110 and rules adopted by the department.

111 (c) The department, or its agent, is authorized to enter
112 any public or private premises during regular business hours in
113 the performance of its duties relating to hemp cultivation.

114 (d) The department may contract with entities to provide
115 sample collection, laboratory testing, and disposal services to
116 implement this section. The contracts are exempt from chapter
117 287 ~~The department shall conduct random inspections, at least~~
118 ~~annually, of each licensee to ensure that only certified hemp~~
119 ~~seeds are being used and that hemp is being cultivated in~~
120 ~~compliance with this section.~~

121 (e) If the department finds that *Cannabis sativa L.* was
122 produced with a total delta-9-tetrahydrocannabinol concentration
123 that exceeds 0.3 percent, the director shall notify the licensee
124 of such result. The licensee shall, within 10 days after
125 receiving the notice, cause the removal and destruction of the
126 plants in accordance with methods adopted by the department. If



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127 the licensee refuses or neglects to comply with the terms of the
128 notice within 10 days after receiving it, the director or her or
129 his authorized representative may, under authority of the
130 department, proceed to destroy the plants. The expense of the
131 removal or destruction shall be assessed, collected, and
132 enforced against the licensee by the department. Damages may not
133 be awarded to the licensee for the destruction of the plants
134 under this paragraph.

135 (12)~~(13)~~ APPLICABILITY.—Notwithstanding any other law:

136 (c) A licensee who negligently violates this section or
137 department rules is not subject to any criminal or civil
138 enforcement action by the state or a local government other than
139 the enforcement of violations of this section as authorized
140 under subsection (9) ~~(10)~~.

141 Section 4. This act shall take effect July 1, 2020.

142
143 ===== T I T L E A M E N D M E N T =====

144 And the title is amended as follows:

145 Delete everything before the enacting clause
146 and insert:

147 A bill to be entitled
148 An act relating to the state hemp program; amending s.
149 500.03, F.S.; revising the definition of the term
150 "food" to include hemp extract for purposes of the
151 Florida Food Safety Act; amending s. 500.12, F.S.;
152 providing that a person operating a minor food outlet
153 that sells hemp extract is not exempt from certain
154 food permit requirements; amending s. 581.217, F.S.;
155 deleting and redefining terms; removing requirements



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156 regarding the types of seeds that a licensee may use
157 in the state hemp program; providing that hemp extract
158 that does not meet certain requirements will be
159 considered adulterated or misbranded; authorizing the
160 department to contract with entities to provide
161 certain collection, testing, and disposal services;
162 providing that such contracts are exempt from
163 specified provisions; deleting a requirement that the
164 department conduct random inspections at specified
165 intervals for certified hemp seeds; requiring the
166 Director of the Division of Plant Industry to notify a
167 licensee of certain testing results; requiring such
168 licensee, or the director if the licensee fails to
169 act, to remove and destroy certain plants within a
170 specified timeframe; providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/04/2020	.	
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The Committee on Agriculture (Montford) recommended the following:

1 **Senate Substitute for Amendment (697874) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (n) of subsection (1) of section
7 500.03, Florida Statutes, is amended to read:

8 500.03 Definitions; construction; applicability.—

9 (1) For the purpose of this chapter, the term:

10 (n) "Food" includes:



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- 11 1. Articles used for food or drink for human consumption;
12 2. Chewing gum;
13 3. Articles used for components of any such article;
14 4. Articles for which health claims are made, which claims
15 are approved by the Secretary of the United States Department of
16 Health and Human Services and which claims are made in
17 accordance with s. 343(r) of the federal act, and which are not
18 considered drugs solely because their labels or labeling contain
19 health claims; ~~and~~
20 5. Dietary supplements as defined in 21 U.S.C. s.
21 321(ff)(1) and (2); and-
22 6. Hemp extract as defined in s. 581.217.
23

24 The term includes any raw, cooked, or processed edible
25 substance; ice; any beverage; or any ingredient used, intended
26 for use, or sold for human consumption.

27 Section 2. Paragraph (a) of subsection (1) of section
28 500.12, Florida Statutes, is amended to read:

29 500.12 Food permits; building permits.-

30 (1) (a) A food permit from the department is required of any
31 person who operates a food establishment or retail food store,
32 except:

33 1. Persons operating minor food outlets that sell food, and
34 except hemp extract, that is commercially prepackaged, not
35 potentially hazardous, and not time or temperature controlled
36 for safety, if the shelf space for those items does not exceed
37 12 total linear feet and no other food is sold by the minor food
38 outlet.

39 2. Persons subject to continuous, onsite federal or state



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40 inspection.

41 3. Persons selling only legumes in the shell, either
42 parched, roasted, or boiled.

43 4. Persons selling sugar cane or sorghum syrup that has
44 been boiled and bottled on a premise located within the state.
45 Such bottles must contain a label listing the producer's name
46 and street address, all added ingredients, the net weight or
47 volume of the product, and a statement that reads, "This product
48 has not been produced in a facility permitted by the Florida
49 Department of Agriculture and Consumer Services."

50 Section 3. Paragraphs (b) and (e) of subsection (3) and
51 subsections (7) and (11) of section 581.217, Florida Statutes,
52 are amended to read:

53 581.217 State hemp program.—

54 (3) DEFINITIONS.—As used in this section, the term:

55 (b) "Contaminants unsafe for human consumption" includes,
56 but is not limited to, any microbe, fungus, yeast, mildew,
57 herbicide, pesticide, fungicide, residual solvent, metal, or
58 other contaminant found in any amount that exceeds any of the
59 accepted limitations as determined by rules adopted by the
60 department of Health in accordance with s. 381.986, or other
61 limitation pursuant to the laws of this state, whichever amount
62 is less.

63 (e) "Hemp extract" means a substance or compound intended
64 for ingestion or inhalation which ~~that~~ is derived from or
65 contains hemp and which ~~that~~ does not contain other controlled
66 substances. The term does not include synthetic CBD or seeds or
67 seed-derived ingredients that are generally recognized as safe
68 by the United States Food and Drug Administration.



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69 (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—
70 (a) Hemp extract may only be distributed and sold in the
71 state if the product:
72 ~~1.(a)~~ Has a certificate of analysis prepared by an
73 independent testing laboratory that states:
74 ~~a.1.~~ The hemp extract is the product of a batch tested by
75 the independent testing laboratory;
76 ~~b.2.~~ The batch contained a total delta-9-
77 tetrahydrocannabinol concentration that did not exceed 0.3
78 percent ~~on a dry-weight basis~~ pursuant to the testing of a
79 random sample of the batch; and
80 ~~c.3.~~ The batch does not contain contaminants unsafe for
81 human consumption.
82 ~~2.(b)~~ Is distributed or sold in a container ~~packaging~~ that
83 includes:
84 ~~a.1.~~ A scannable barcode or quick response code linked to
85 the certificate of analysis of the hemp extract by an
86 independent testing laboratory;
87 ~~b.2.~~ The batch number;
88 ~~c.3.~~ The Internet address of a website where batch
89 information may be obtained;
90 ~~d.4.~~ The expiration date;
91 ~~e.5.~~ The number of milligrams of each cannabinoid per
92 serving ~~hemp extract~~; and
93 ~~f.6.~~ A statement that the product contains a total delta-9-
94 tetrahydrocannabinol concentration that does not exceed 0.3
95 percent ~~on a dry-weight basis~~.
96 (b) Hemp extract distributed or sold in violation of this
97 section shall be considered adulterated or misbranded pursuant



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98 to chapter 500, chapter 502, or chapter 580.

99 (c) Products that are intended for inhalation and contain
100 hemp extract may not be sold in this state to a person who is
101 under 21 years of age.

102 (11) ENFORCEMENT.—

103 (a) The department shall enforce this section.

104 (b) Every state attorney, sheriff, police officer, and
105 other appropriate county or municipal officer shall enforce, or
106 assist any agent of the department in enforcing, this section
107 and rules adopted by the department.

108 (c) The department, or its agent, is authorized to enter
109 any public or private premises during regular business hours in
110 the performance of its duties relating to hemp cultivation.

111 (d) The department shall conduct random inspections, at
112 least annually, of each licensee to ensure that only certified
113 hemp seeds are being used and that hemp is being cultivated in
114 compliance with this section. The department may contract with
115 entities to provide sample collection, laboratory testing, and
116 disposal services to implement this section. The contracts are
117 exempt from chapter 287.

118 (e) If the department finds that *Cannabis sativa L.* was
119 produced with a total delta-9-tetrahydrocannabinol concentration
120 that exceeds 0.3 percent, the director shall notify the licensee
121 of such result. The licensee shall, within 10 days after
122 receiving the notice, cause the removal and destruction of the
123 plants in accordance with methods adopted by the department. If
124 the licensee refuses or neglects to comply with the terms of the
125 notice within 10 days after receiving it, the director or her or
126 his authorized representative may, under authority of the



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127 department, proceed to destroy the plants. The expense of the
128 removal or destruction shall be assessed, collected, and
129 enforced against the licensee by the department. Damages may not
130 be awarded to the licensee for the destruction of the plants
131 under this paragraph.

132 Section 4. This act shall take effect July 1, 2020.

133
134 ===== T I T L E A M E N D M E N T =====

135 And the title is amended as follows:

136 Delete everything before the enacting clause
137 and insert:

138 A bill to be entitled
139 An act relating to the state hemp program; amending s.
140 500.03, F.S.; revising the definition of the term
141 "food" to include hemp extract for purposes of the
142 Florida Food Safety Act; amending s. 500.12, F.S.;
143 providing that a person operating a minor food outlet
144 that sells hemp extract is not exempt from certain
145 food permit requirements; amending s. 581.217, F.S.;
146 redefining terms; providing that hemp extract that
147 does not meet certain requirements will be considered
148 adulterated or misbranded; prohibiting the sale of
149 certain hemp extract products to individuals under a
150 specified age; authorizing the Department of
151 Agriculture and Consumer Services to contract with
152 entities to provide certain collection, testing, and
153 disposal services; providing that such contracts are
154 exempt from specified provisions; requiring the
155 director of the Division of Plant Industry to notify a



192872

156 licensee of certain findings; requiring such licensee
157 or, if the licensee fails to act within a specified
158 timeframe, the director, to remove and destroy certain
159 plants; requiring that expenses associated with such
160 removal or destruction be assessed, collected, and
161 enforced against the licensee; prohibiting the award
162 of certain damages; providing an effective date.

By Senator Montford

3-01045B-20

20201876__

1 A bill to be entitled
 2 An act relating to the state hemp program; amending s.
 3 581.217, F.S.; deleting and redefining terms; removing
 4 requirements regarding the types of seeds that a
 5 licensee may use in the state hemp program; providing
 6 that hemp extract that does not meet certain
 7 requirements will be considered adulterated or
 8 misbranded; prohibiting the selling of products made
 9 from hemp extract in this state to persons under a
 10 specified age; deleting a requirement that the
 11 department conduct random inspections at specified
 12 intervals for certified hemp seeds; providing an
 13 effective date.

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

15 Section 1. Paragraphs (a), (b), and (e) of subsection (3),
 16 subsections (6), (7), and (11), and paragraph (c) of subsection
 17 (13) of section 581.217, Florida Statutes, are amended to read:
 18 581.217 State hemp program.—

19 (3) DEFINITIONS.—As used in this section, the term:

20 ~~(a) "Certifying agency" has the same meaning as in s.~~
 21 ~~578.011(8).~~

22 (a)(b) "Contaminants unsafe for human consumption"
 23 includes, but is not limited to, any microbe, fungus, yeast,
 24 mildew, herbicide, pesticide, fungicide, residual solvent,
 25 metal, or other contaminant found in any amount that exceeds any
 26 of the accepted limitations as determined by rules adopted by
 27 the department of Health in accordance with s. 381.986, or other
 28
 29

Page 1 of 4

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

3-01045B-20

20201876__

30 ~~limitation pursuant to the laws of this state, whichever amount~~
 31 ~~is less.~~

32 (d)(e) "Hemp extract" means a substance or compound
 33 intended for ingestion ~~which that~~ is derived from or contains
 34 hemp and ~~which that~~ does not contain other controlled
 35 substances. The term does not include seeds that are generally
 36 recognized as safe by the United States Food and Drug
 37 Administration.

38 ~~(6) HEMP SEED.—A licensee may only use hemp seeds and~~
 39 ~~cultivars certified by a certifying agency or a university~~
 40 ~~conducting an industrial hemp pilot project pursuant to s.~~
 41 ~~1004.4473.~~

42 (6)(7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—

43 (a) Hemp extract may only be distributed and sold in the
 44 state if the product:

45 1.(a) Has a certificate of analysis prepared by an
 46 independent testing laboratory that states:

47 a.1- The hemp extract is the product of a batch tested by
 48 the independent testing laboratory;

49 b.2- The batch contained a total delta-9-
 50 tetrahydrocannabinol concentration that did not exceed 0.3
 51 percent on a dry weight basis pursuant to the testing of a
 52 random sample of the batch; and

53 c.3- The batch does not contain contaminants unsafe for
 54 human consumption.

55 2.(b) Is distributed or sold in packaging that includes:

56 a.1- A scannable barcode or quick response code linked to
 57 the certificate of analysis of the hemp extract by an
 58 independent testing laboratory;

Page 2 of 4

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

3-01045B-20

20201876__

59 ~~b.2.~~ The batch number;

60 ~~c.3.~~ The Internet address of a website where batch

61 information may be obtained;

62 ~~d.4.~~ The expiration date;

63 ~~e.5.~~ The number of milligrams of each cannabinoid per

64 serving hemp extract; and

65 ~~f.6.~~ A statement that the product contains a total delta-9-

66 tetrahydrocannabinol concentration that does not exceed 0.3

67 percent ~~on a dry-weight basis~~.

68 (b) Hemp extract distributed or sold in violation of

69 paragraph (a) shall be considered adulterated or misbranded

70 pursuant to chapter 500, chapter 502, or chapter 580.

71 (c) Products made from hemp extract may not be sold in this

72 state to a person who is under 18 years of age.

73 ~~(10)(11)~~ ENFORCEMENT.—

74 (a) The department shall enforce this section.

75 (b) Every state attorney, sheriff, police officer, and

76 other appropriate county or municipal officer shall enforce, or

77 assist any agent of the department in enforcing, this section

78 and rules adopted by the department.

79 (c) The department, or its agent, is authorized to enter

80 any public or private premises during regular business hours in

81 the performance of its duties relating to hemp cultivation.

82 ~~(d) The department shall conduct random inspections, at~~

83 ~~least annually, of each licensee to ensure that only certified~~

84 ~~hemp seeds are being used and that hemp is being cultivated in~~

85 ~~compliance with this section.~~

86 ~~(12)(13)~~ APPLICABILITY.—Notwithstanding any other law:

87 (c) A licensee who negligently violates this section or

Page 3 of 4

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

3-01045B-20

20201876__

88 department rules is not subject to any criminal or civil

89 enforcement action by the state or a local government other than

90 the enforcement of violations of this section as authorized

91 under subsection (9) ~~(10)~~.

92 Section 2. This act shall take effect July 1, 2020.

Page 4 of 4

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/04/2020	.	
	.	
	.	
	.	

The Committee on Agriculture (Montford) recommended the following:

1 **Senate Substitute for Amendment (697874) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (n) of subsection (1) of section
7 500.03, Florida Statutes, is amended to read:

8 500.03 Definitions; construction; applicability.—

9 (1) For the purpose of this chapter, the term:

10 (n) "Food" includes:



- 11 1. Articles used for food or drink for human consumption;
12 2. Chewing gum;
13 3. Articles used for components of any such article;
14 4. Articles for which health claims are made, which claims
15 are approved by the Secretary of the United States Department of
16 Health and Human Services and which claims are made in
17 accordance with s. 343(r) of the federal act, and which are not
18 considered drugs solely because their labels or labeling contain
19 health claims; ~~and~~
20 5. Dietary supplements as defined in 21 U.S.C. s.
21 321(ff)(1) and (2); and-
22 6. Hemp extract as defined in s. 581.217.
23

24 The term includes any raw, cooked, or processed edible
25 substance; ice; any beverage; or any ingredient used, intended
26 for use, or sold for human consumption.

27 Section 2. Paragraph (a) of subsection (1) of section
28 500.12, Florida Statutes, is amended to read:

29 500.12 Food permits; building permits.-

30 (1) (a) A food permit from the department is required of any
31 person who operates a food establishment or retail food store,
32 except:

33 1. Persons operating minor food outlets that sell food, and
34 except hemp extract, that is commercially prepackaged, not
35 potentially hazardous, and not time or temperature controlled
36 for safety, if the shelf space for those items does not exceed
37 12 total linear feet and no other food is sold by the minor food
38 outlet.

39 2. Persons subject to continuous, onsite federal or state



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40 inspection.

41 3. Persons selling only legumes in the shell, either
42 parched, roasted, or boiled.

43 4. Persons selling sugar cane or sorghum syrup that has
44 been boiled and bottled on a premise located within the state.
45 Such bottles must contain a label listing the producer's name
46 and street address, all added ingredients, the net weight or
47 volume of the product, and a statement that reads, "This product
48 has not been produced in a facility permitted by the Florida
49 Department of Agriculture and Consumer Services."

50 Section 3. Paragraphs (b) and (e) of subsection (3) and
51 subsections (7) and (11) of section 581.217, Florida Statutes,
52 are amended to read:

53 581.217 State hemp program.—

54 (3) DEFINITIONS.—As used in this section, the term:

55 (b) "Contaminants unsafe for human consumption" includes,
56 but is not limited to, any microbe, fungus, yeast, mildew,
57 herbicide, pesticide, fungicide, residual solvent, metal, or
58 other contaminant found in any amount that exceeds any of the
59 accepted limitations as determined by rules adopted by the
60 department of Health in accordance with s. 381.986, or other
61 limitation pursuant to the laws of this state, ~~whichever amount~~
62 ~~is less.~~

63 (e) "Hemp extract" means a substance or compound intended
64 for ingestion or inhalation which ~~that~~ is derived from or
65 contains hemp and which ~~that~~ does not contain other controlled
66 substances. The term does not include synthetic CBD or seeds or
67 seed-derived ingredients that are generally recognized as safe
68 by the United States Food and Drug Administration.



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69 (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—
70 (a) Hemp extract may only be distributed and sold in the
71 state if the product:
72 ~~1.(a)~~ Has a certificate of analysis prepared by an
73 independent testing laboratory that states:
74 ~~a.1.~~ The hemp extract is the product of a batch tested by
75 the independent testing laboratory;
76 ~~b.2.~~ The batch contained a total delta-9-
77 tetrahydrocannabinol concentration that did not exceed 0.3
78 percent ~~on a dry-weight basis~~ pursuant to the testing of a
79 random sample of the batch; and
80 ~~c.3.~~ The batch does not contain contaminants unsafe for
81 human consumption.
82 ~~2.(b)~~ Is distributed or sold in a container ~~packaging~~ that
83 includes:
84 ~~a.1.~~ A scannable barcode or quick response code linked to
85 the certificate of analysis of the hemp extract by an
86 independent testing laboratory;
87 ~~b.2.~~ The batch number;
88 ~~c.3.~~ The Internet address of a website where batch
89 information may be obtained;
90 ~~d.4.~~ The expiration date;
91 ~~e.5.~~ The number of milligrams of each cannabinoid per
92 serving ~~hemp extract~~; and
93 ~~f.6.~~ A statement that the product contains a total delta-9-
94 tetrahydrocannabinol concentration that does not exceed 0.3
95 percent ~~on a dry-weight basis~~.
96 (b) Hemp extract distributed or sold in violation of this
97 section shall be considered adulterated or misbranded pursuant



192872

98 to chapter 500, chapter 502, or chapter 580.

99 (c) Products that are intended for inhalation and contain
100 hemp extract may not be sold in this state to a person who is
101 under 21 years of age.

102 (11) ENFORCEMENT.—

103 (a) The department shall enforce this section.

104 (b) Every state attorney, sheriff, police officer, and
105 other appropriate county or municipal officer shall enforce, or
106 assist any agent of the department in enforcing, this section
107 and rules adopted by the department.

108 (c) The department, or its agent, is authorized to enter
109 any public or private premises during regular business hours in
110 the performance of its duties relating to hemp cultivation.

111 (d) The department shall conduct random inspections, at
112 least annually, of each licensee to ensure that only certified
113 hemp seeds are being used and that hemp is being cultivated in
114 compliance with this section. The department may contract with
115 entities to provide sample collection, laboratory testing, and
116 disposal services to implement this section. The contracts are
117 exempt from chapter 287.

118 (e) If the department finds that *Cannabis sativa L.* was
119 produced with a total delta-9-tetrahydrocannabinol concentration
120 that exceeds 0.3 percent, the director shall notify the licensee
121 of such result. The licensee shall, within 10 days after
122 receiving the notice, cause the removal and destruction of the
123 plants in accordance with methods adopted by the department. If
124 the licensee refuses or neglects to comply with the terms of the
125 notice within 10 days after receiving it, the director or her or
126 his authorized representative may, under authority of the



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127 department, proceed to destroy the plants. The expense of the
128 removal or destruction shall be assessed, collected, and
129 enforced against the licensee by the department. Damages may not
130 be awarded to the licensee for the destruction of the plants
131 under this paragraph.

132 Section 4. This act shall take effect July 1, 2020.

133
134 ===== T I T L E A M E N D M E N T =====

135 And the title is amended as follows:

136 Delete everything before the enacting clause
137 and insert:

138 A bill to be entitled
139 An act relating to the state hemp program; amending s.
140 500.03, F.S.; revising the definition of the term
141 "food" to include hemp extract for purposes of the
142 Florida Food Safety Act; amending s. 500.12, F.S.;
143 providing that a person operating a minor food outlet
144 that sells hemp extract is not exempt from certain
145 food permit requirements; amending s. 581.217, F.S.;
146 redefining terms; providing that hemp extract that
147 does not meet certain requirements will be considered
148 adulterated or misbranded; prohibiting the sale of
149 certain hemp extract products to individuals under a
150 specified age; authorizing the Department of
151 Agriculture and Consumer Services to contract with
152 entities to provide certain collection, testing, and
153 disposal services; providing that such contracts are
154 exempt from specified provisions; requiring the
155 director of the Division of Plant Industry to notify a



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156 licensee of certain findings; requiring such licensee
157 or, if the licensee fails to act within a specified
158 timeframe, the director, to remove and destroy certain
159 plants; requiring that expenses associated with such
160 removal or destruction be assessed, collected, and
161 enforced against the licensee; prohibiting the award
162 of certain damages; providing an effective date.

✓

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/20
Meeting Date

S1876
Bill Number (if applicable)

Topic HEMP

Amendment Barcode (if applicable)

Name NANCY STEPHENS

Job Title CHAIRMAN - FLORIDA AG COALITION

Address _____

Phone 850 445-1607

Street

Tallahassee

FL

City

State

Zip

Email nancy@nstephens.com

Speaking: For Against Information

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

Representing FLORIDA AG COALITION

Appearing at request of Chair: Yes No

VOLUNTEER
Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-4-2020

Meeting Date

Substitute

for 1876

Bill Number (if applicable)

Topic Hemp

Amendment Barcode (if applicable)

Name Ethel Rowland

Job Title President, Florida Cannabis Action Network

Address A
Street X

Phone X

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

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

Representing Florida Cannabis Action Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb. 4, 2020
Meeting Date

1876
Bill Number (if applicable)

Topic Hemp

Amendment Barcode (if applicable)

Name GRACE Lovett

Job Title VP Government Affairs

Address 227 S. Adams St.

Phone 850 222 4082

Tallahassee FL 32301
City State Zip

Email grace@frf.org

Speaking: For Against Information

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

Representing FL Retail Federation

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)

Tab 3 Overview of Carbon Farming

Presenter:

Diane Rowland, UF/IFAS Agronomy Department,
Chair

Professor Physiology - Agronomy and Program
Director –

Agroecology, Crop Physiology & Crop Management



CARBON FARMING: WHAT, WHY, WHERE, HOW, WHAT NEXT?

Diane Rowland, PhD, Professor and Chair,
Agronomy Department

WHAT?

What is carbon farming?

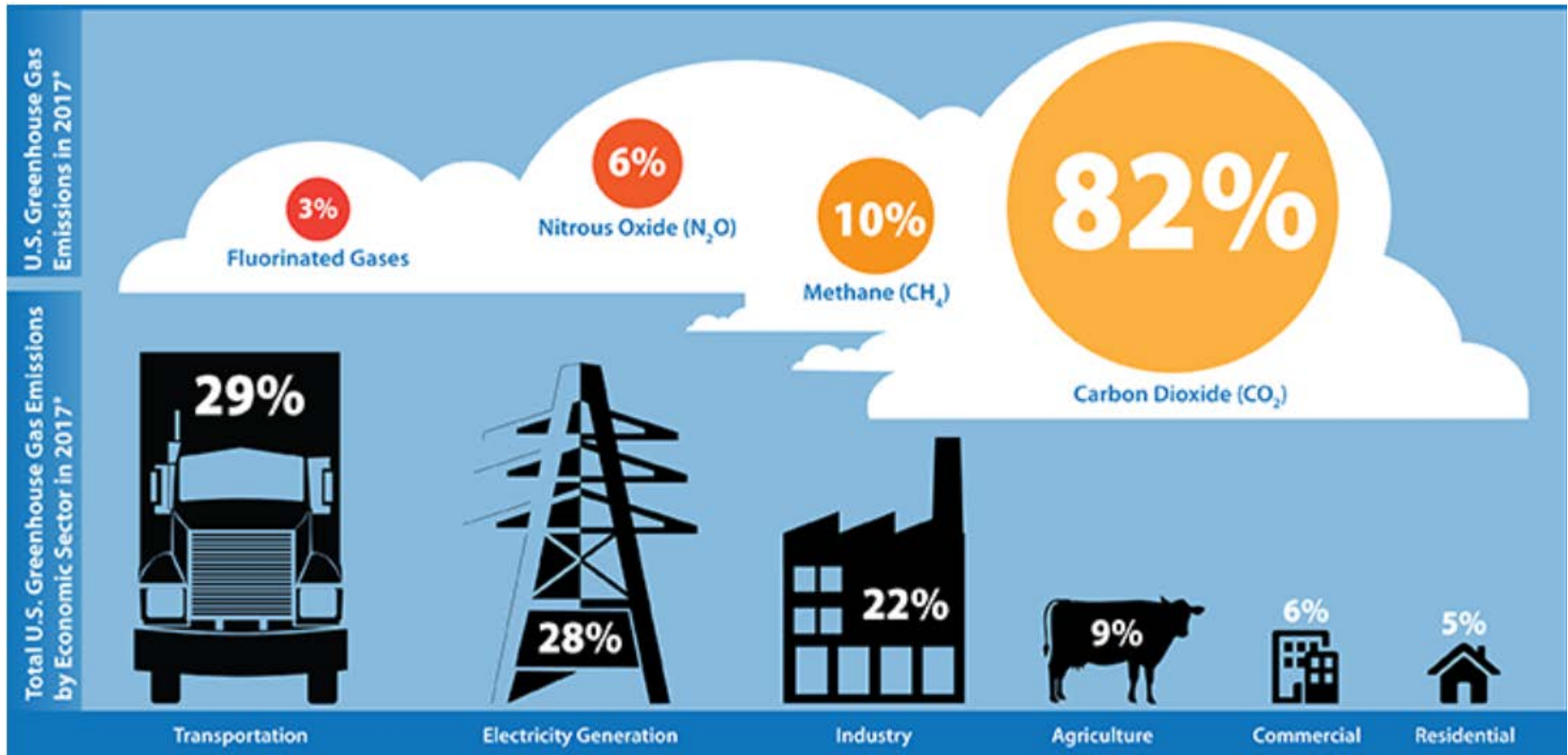
“Carbon farming is a term that is used to describe land-based practices which either avoid or reduce the release of greenhouse gas emissions, or actively sequester carbon in vegetation and soils, primarily in agricultural landscapes.”

Evans, M.C. et al. 2015. Carbon farming via assisted natural regeneration as a cost-effective mechanism for restoring biodiversity in agricultural landscapes. Environmental Science & Policy 50:114-129.

- Reduce the release of CO₂ or other GHG
- Fix CO₂ or other carbon sources in the landscape
- “Sequester” or keep the carbon for a “long” time



WHY?

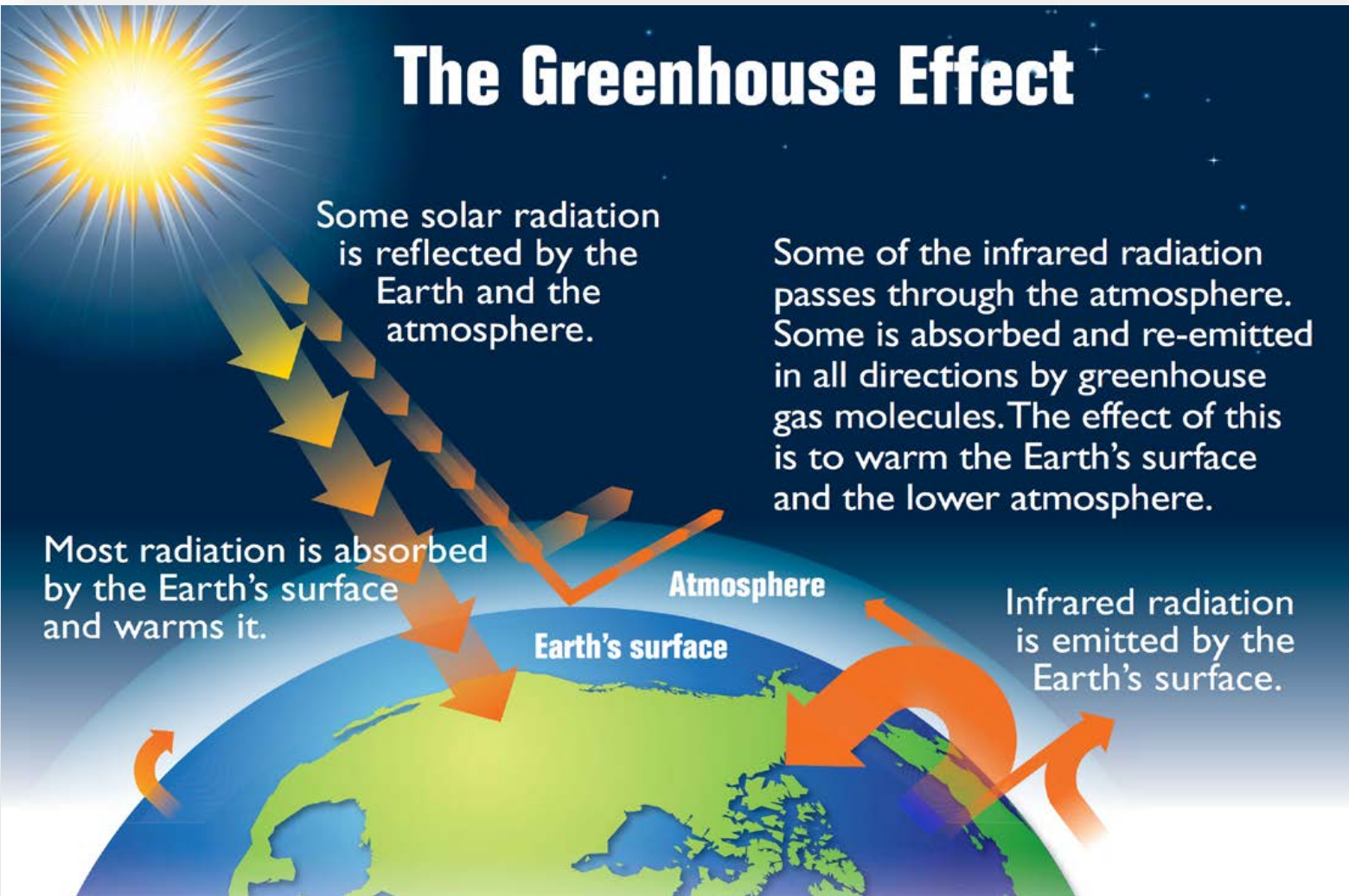


*Percentages may not add to 100% due to independent rounding and the way the inventory quantifies U.S. territories (not shown) as a separate sector.



https://cfpub.epa.gov/ghgdata/inventor_yexplorer/

WHY?



WHERE?

Where does carbon farming occur?

- Agricultural systems are powerful tools to accomplish carbon capture and “storage”
- Variety of management techniques can be used
- NRCS lists 42 practices that vary in their effectiveness for storing C

HOW?

USDA Natural Resources Conservation Service
 United States Department of Agriculture

About NRCS | Careers | National Centers | State Websites

Topics | Programs | Newsroom | Blog | Contact Us

Browse By Audience | A-Z Index | Help

You are Here: [Home](#) / [Air](#) / [Air Quality](#) / GHG and Carbon Sequestration Ranking Tool

Stay Connected     

Air

Air Quality


USDA Agricultural Air Quality Task Force

Areas Of Focus

- National Air Quality Initiative FY16 Practice List

GHG and Carbon Sequestration Ranking Tool


NRCS Practice Standards for Greenhouse Gas Emission Reduction and Carbon Sequestration

Qualitative Ranking N = Neutral	Practice Code	Practice Standard and Associated Information Sheet	Beneficial Attributes
 <p>GHG Benefits of this Practice Standard</p>	327	Conservation Cover	Establishing perennial vegetation on land retired from agriculture production increases soil carbon and increases biomass carbon stocks.
	329	Residue and Tillage Management, No-Till/Strip-Till/Direct Seed	Limiting soil-disturbing activities improves soil carbon retention and minimizes carbon emissions from soils.

<https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/air/quality/?cid=stelprdb1044982>



HOW?

Qualitative Ranking N = Neutral	Practice Code	Practice Standard and Associated Information Sheet	Beneficial Attributes
 <p>GHG Benefits of this Practice Standard</p>	342	Critical Area Planting	Establishing permanent vegetation on degraded sites enhances soil carbon and increases carbon sequestration by adding vegetative biomass.
	344	Residue Management, Seasonal	Managing residue enhances soil carbon when crop residues are allowed to decompose on a seasonal basis, increasing soil organic matter and reducing soil disturbance.
	345	Residue and Tillage Management, Mulch Till	Soil carbon increases when crop residues are allowed to decompose, increasing soil organic matter and minimizing soil disturbance.

<https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/air/quality/?cid=stelprdb1044982>

HOW?

But is it really ALL about carbon?

Co-benefits of carbon farming:

- SOIL HEALTH
- Biodiversity
- Increased soil water
- Improved water quality
- Habitat for native species
- Income diversification
- Resilient rural communities

Ecosystem Services (Agroecosystem Services)

HOW?

Ecosystem Services (Agroecosystem Services)

How.. “ecosystems, and the species that make them up, sustain and fulfill human life”.
G. Daily Nature's Services, Island Press, Washington, DC (1997)

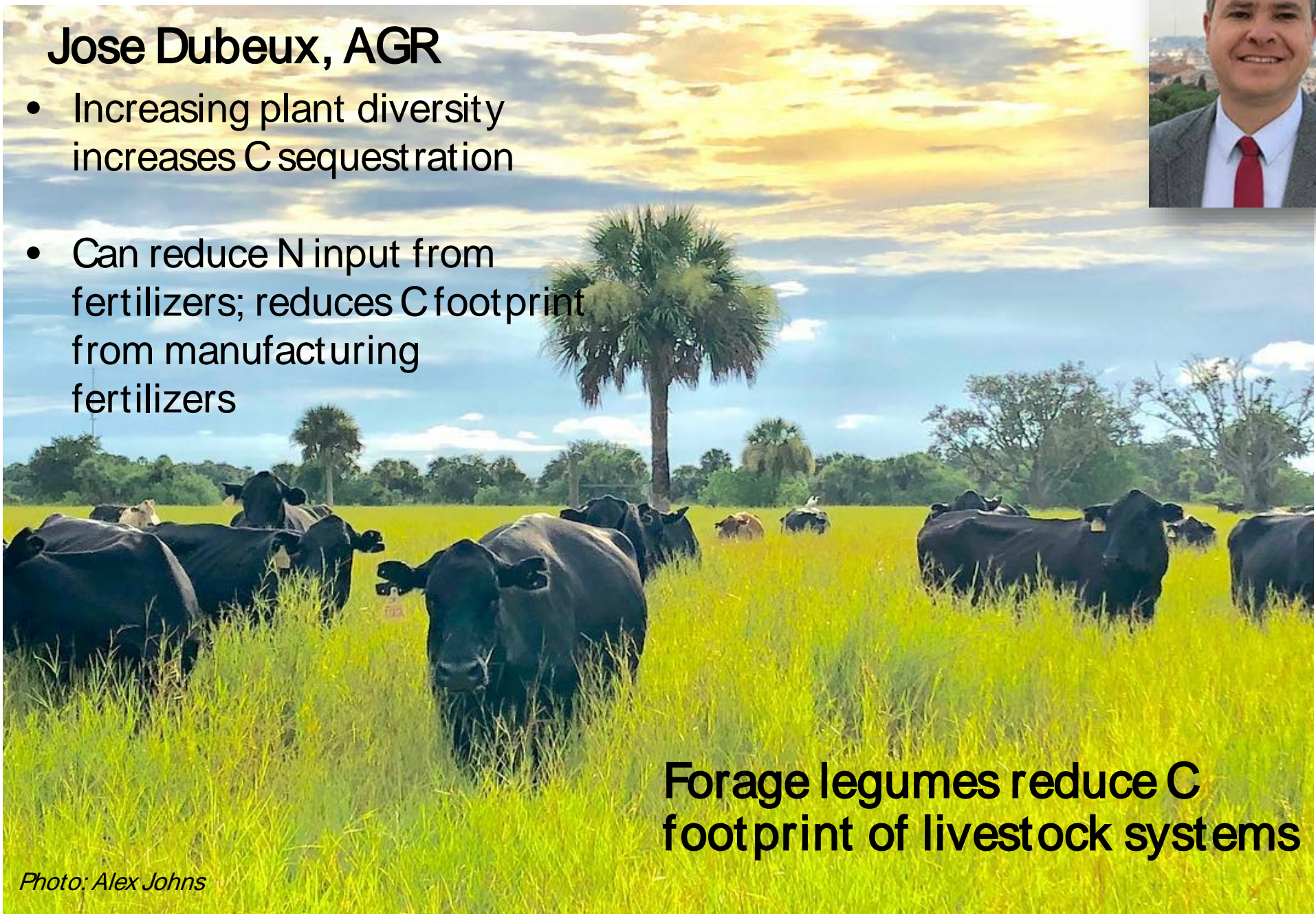


<https://wle.cgiar.org/content/what-are-ecosystem-services>

WHAT NEXT?

Jose Dubeux, AGR

- Increasing plant diversity increases C sequestration
- Can reduce N input from fertilizers; reduces C footprint from manufacturing fertilizers



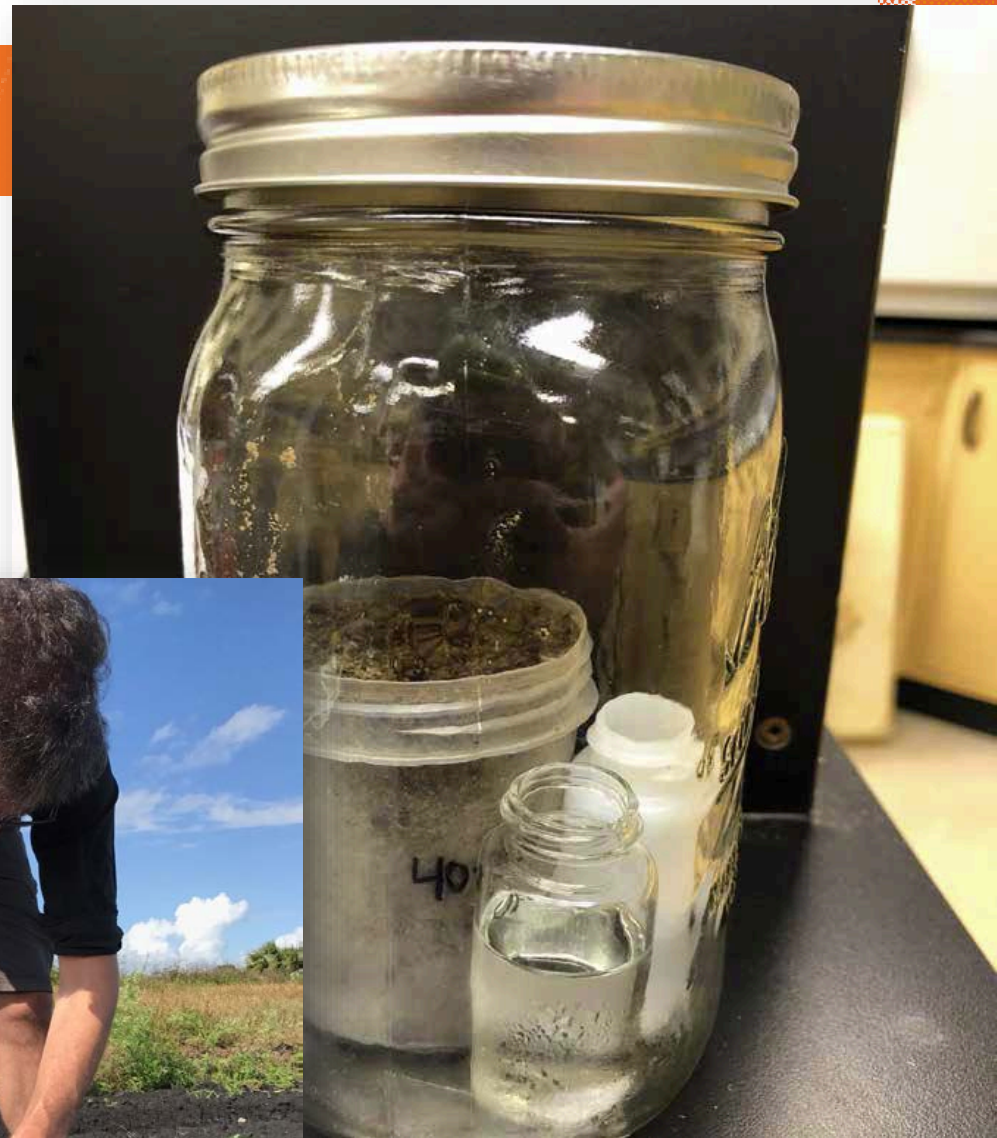
Forage legumes reduce C footprint of livestock systems

Photo: Alex Johns

WHAT NEXT?

Gabriel Maltais-Landry, SWSD

- Utilize N-fixing crops – offset GHG emissions from fertilizer production
- Cover crops
- Determine trade-offs between compost and manure as soil amendments
- Developing soil health indicators



Sustainable nutrient management

WHAT NEXT?

Mike Mulvaney, AGR

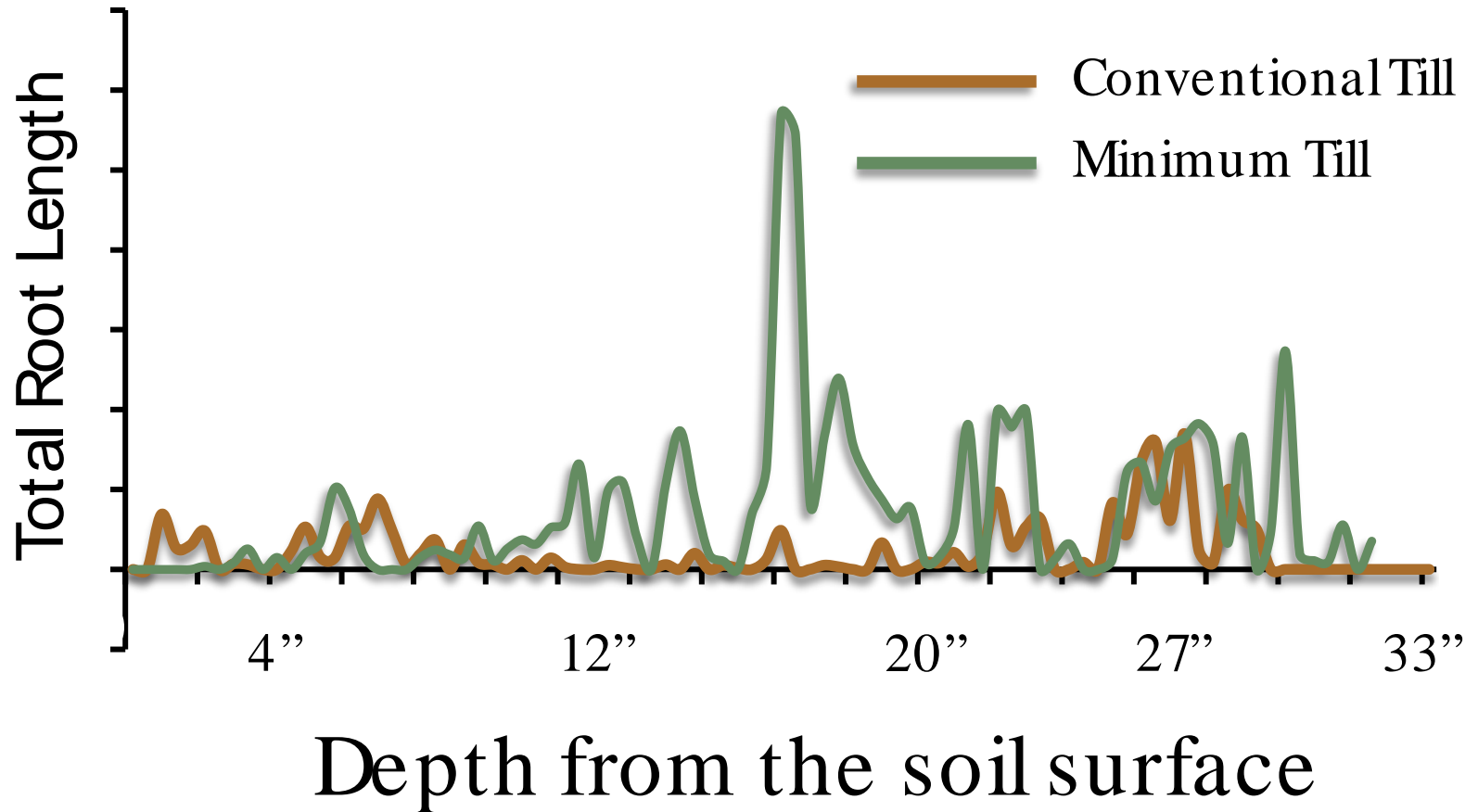
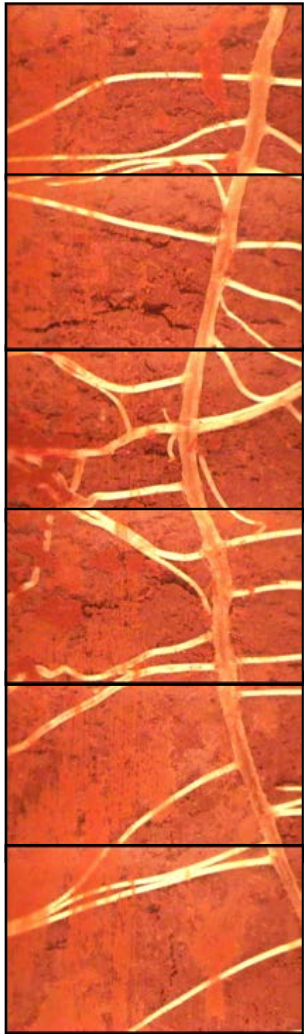
- No-till with cover crops: 1.25 tons C/ac stored as organic matter after 3 years



Cover crops and reduced tillage

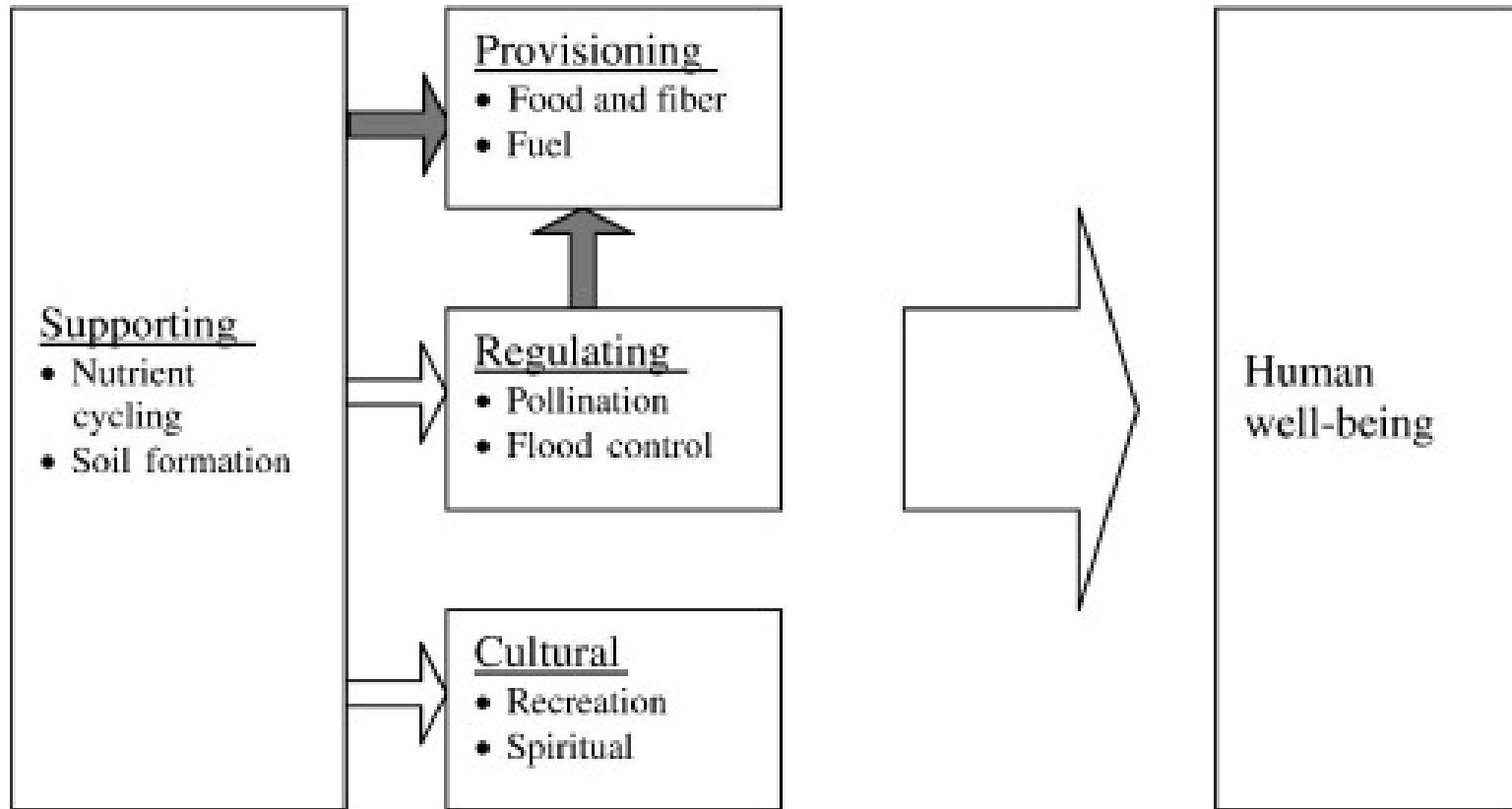
WHAT NEXT?

Peanuts: crop roots follow the pattern left by the previous cover crop



WHAT NEXT?

4 categories of Services provided by Agroecosystems



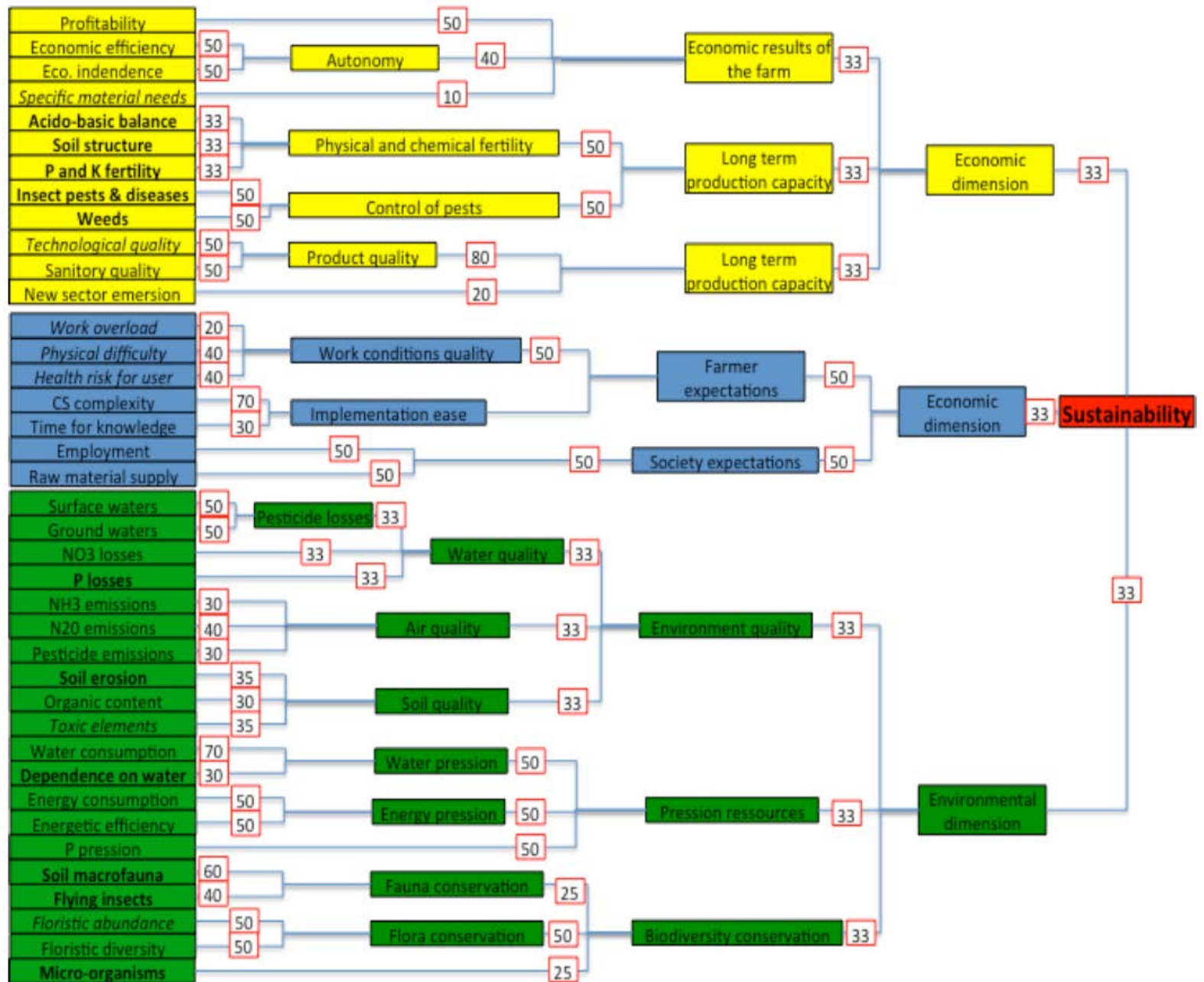
Wei Zhang et. al. 2007. Ecosystem services and dis-services to agriculture. Ecological Economics 64: 253-260.

WHAT NEXT?

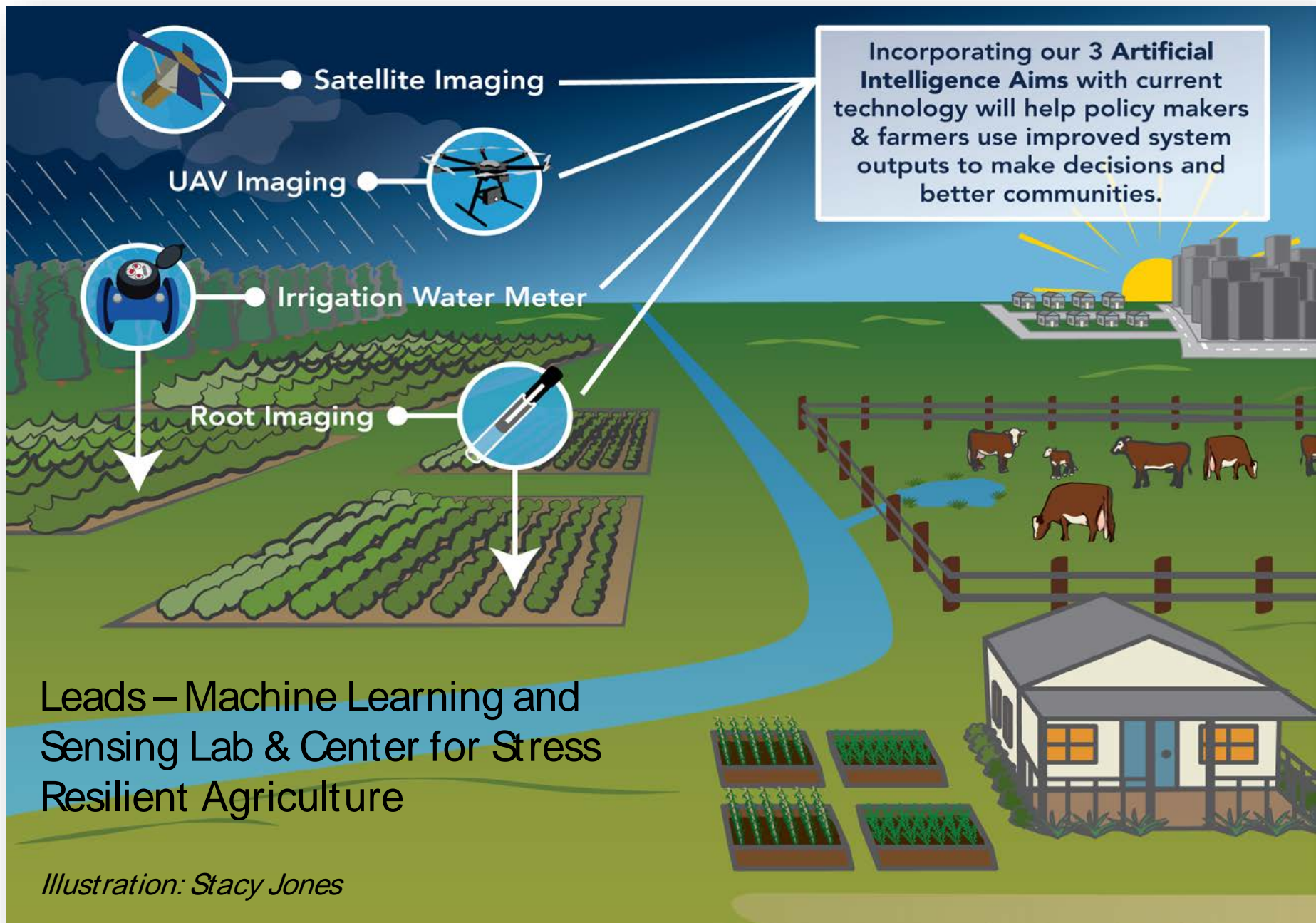
Economic/
Production
Dimension

Social
Dimension

Environment
Dimension



WHAT NEXT?





THANK YOU! QUESTIONS?

Diane L. Rowland, Ph.D.
Professor, Chair
Agronomy Department
229-869-2952
dlrowland@ufl.edu

UF | IFAS
UNIVERSITY of FLORIDA



THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/2020

Meeting Date

Bill Number (if applicable)

Topic Carbon farming: what, WHY, where, how, WHAT NEXT?

Amendment Barcode (if applicable)

Name Diane Rowland

Job Title UF/IFAS - PhD, Professor and Chair Agronomy Department

Address 215 S. Monroe Street Suit 110

Phone 8502704010

Street

Tallahassee

FL

32303

Email drowland@ufl.edu

City

State

Zip

Speaking: For Against Information

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

Representing Unviersity of Florida, Institute of Food and Agricultural Sciences- Agronomy Department

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 301
Caption: Agriculture

Case No.:
Judge:

Type:

Started: 2/4/2020 9:03:33 AM
Ends: 2/4/2020 9:58:51 AM Length: 00:55:19

9:03:32 AM Roll call
9:03:52 AM Stand for pledge
9:04:14 AM Chair Albritton talking
9:04:45 AM Chair Albritton advises we are going to start with SB 806
9:04:52 AM Senator Gainer presents the bill
9:05:10 AM Chair Albritton ask if there are any questions
9:06:05 AM Chair Albritton: takes up the appearance cards
9:06:08 AM Nancy Stephens waives in support
9:06:12 AM Amanda Bowen waives in support
9:06:21 AM Emily Duda Buckley waives in support
9:06:29 AM Landon Hoffman waives in support
9:06:36 AM Chair Albritton ask if there is any debate on the bill
9:06:39 AM Senator Gainer is recognized to close on SB 806
9:06:45 AM Roll call
9:06:57 AM Bill passes favorably
9:07:05 AM Chair Albritton: take ups SB 1876
9:07:16 AM Senator Montford is presenting bill
9:07:29 AM Senator Montford takes up substitute delete all amendment barcode 192872
9:09:12 AM Chair Albritton thanks him
9:09:22 AM Chair Albritton ask if there are any questions on the amendment
9:09:26 AM Senator Rader with a question
9:09:40 AM Senator Montford answers
9:09:48 AM Senator Broxson with a question
9:11:30 AM Senator Montford answers
9:12:32 AM Chair Albritton ask Senator Broxson if he is finished
9:12:43 AM Senator Rader with a follow up
9:13:21 AM Senator Montford answers question
9:14:03 AM Chair Albritton is speaking
9:15:38 AM Chair Albritton asks if there are more questions
9:15:53 AM Chair Albritton states we are now in debate on the bill
9:16:17 AM Senator Rader point out we need to hear public questions
9:16:25 AM Chair Albritton calls Ethel Rowland, President Florida Cannabis Action Network
9:16:35 AM Ethel Rowland speaks
9:17:46 AM Chair Albritton advises we are now in debate
9:17:56 AM Chair Albritton ask if anyone is in opposition to the amendment
9:18:00 AM Chair Albritton show the amendment adopted
9:18:04 AM Chair Albritton ask if there are any questions on the bill
9:18:07 AM Chair Albritton says now we will take up appearance cards
9:18:10 AM Nancy Stephens waives in support
9:18:15 AM Emily Duda Buckley, Legislative Affairs Director FL DACS called to speak
9:18:23 AM Emily Duda Buckley speaking
9:19:03 AM Chair Albritton thanks her/ Grace Lovett VP Govt Affairs FL Retail Federation TLH in support.
9:19:12 AM Chair Albritton we will now go to debate
9:19:14 AM Senator Rader with debate
9:23:06 AM Senator Broxson with debate
9:25:12 AM Chair Albritton is talking
9:25:36 AM Senator Montford is recognized to close on bill as amended
9:25:45 AM Senator Montford closes on SB 1876
9:29:06 AM Chair Albritton ask to take vote
9:29:12 AM Lauren calls roll
9:29:29 AM Chair Albritton states the bill passes favorably as a CS
9:29:38 AM Chair Albritton passes the gavel over to Vice Chair Gainer. Vice Chair continues with the presentation on

Carbon Farming

9:30:23 AM Diane Rowland, UF/IFAS PhD., Professor/Chair of Agronomy Department giving presentation
9:43:09 AM Vice-Chair Gainer ask if there are any questions
9:43:23 AM Senator Montford has a question
9:43:34 AM Ms. Rowland answers
9:44:26 AM Senator Montford with question
9:44:47 AM Ms. Rowland answers
9:45:11 AM Senator Montford as question and Ms. Rowland answers
9:45:12 AM Senator Montford with question
9:45:52 AM Ms. Rowland replies
9:46:13 AM Senator Montford with question
9:46:49 AM Ms. Rowland answers
9:46:53 AM Vice-Chair Gainer ask if there are any other questions
9:47:17 AM Senator Rader has a question
9:47:25 AM Ms. Rowland answers
9:47:48 AM Senator Rodriguez (who the Chair invited) has a question
9:49:31 AM Ms. Rowland answers
9:50:46 AM Senator Rodriguez with question
9:52:01 AM Ms. Rowland answers
9:52:45 AM Senator Rodriguez has comment
9:52:56 AM Senator Broxson with a question
9:53:40 AM Ms. Rowland answers
9:54:47 AM Senator Broxson with question
9:55:52 AM Ms. Rowland answers
9:56:36 AM Vice-Chair Gainer ask if there are any other questions
9:57:36 AM Vice-Chair Gainer ask if there is any debate
9:57:42 AM Vice-Chair Gainer thanks Ms. Rowland for her presentation
9:58:04 AM Ms. Rowland thanks him for the invitation
9:58:30 AM Vice-Chair Gainer ask if there is any other business that needs to be discussed
9:58:38 AM Vice-Chair Gainer states that Senator Montford moves the meeting to be adjourned
9:58:38 AM Meeting is adjourned