

Tab 5	SB 336 by Rouson ; Large-scale Agricultural Pollution Reduction Pilot Program
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Tab 6	SB 374 by Bradley ; Fair Repair of Agricultural Equipment
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Rouson, Chair
Senator Bradley, Vice Chair

MEETING DATE: Wednesday, January 27, 2021

TIME: 9:00—11:30 a.m.

PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Rouson, Chair; Senator Bradley, Vice Chair; Senators Ausley, Boyd, Burgess, Perry, Polsky, Rodriguez, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A1 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301		Discussed
2	Update on the State Hemp Program by Holly Bell, Director of Cannabis, Florida Department of Agriculture and Consumer Services		Presented
3	Overview of the Florida Department of Citrus by Shannon Shepp, Executive Director, and Dr. Marisa Zansler, Director of Economic and Market Research, Florida Department of Citrus		Presented
4	Presentation by Thomas Mantz, President and CEO of Feeding Tampa Bay and Robin Safely, Executive Director of Feeding America		Presented
5	Presentations on the effect of COVID-19 on the Agriculture Industry		Presented
6	SB 336 Rouson	Large-scale Agricultural Pollution Reduction Pilot Program; Creating a large-scale agricultural pollution reduction pilot program within the Department of Environmental Protection as a partnership with dairy farms for a specified purpose; specifying that pilot program participants are presumed to comply with water quality standards and are eligible for certain permit terms and funding; authorizing the department to grant general permits for certain department-approved large-scale dairy farm pollution reduction pilot program participants, etc. AG 01/27/2021 Favorable EN AP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Agriculture

Wednesday, January 27, 2021, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 374 Bradley	Fair Repair of Agricultural Equipment; Citing this act as the "Agricultural Equipment Fair Repair Act"; requiring original equipment manufacturers of agricultural equipment to provide certain manufacturing, diagnostic, and repair information to independent repair providers and owners; prohibiting the original equipment manufacturers from excluding certain information concerning security-related functions, etc. AG 01/27/2021 Favorable CM RC	Favorable Yeas 8 Nays 0

Other Related Meeting Documents



Public Interest

Interested parties list 5000+

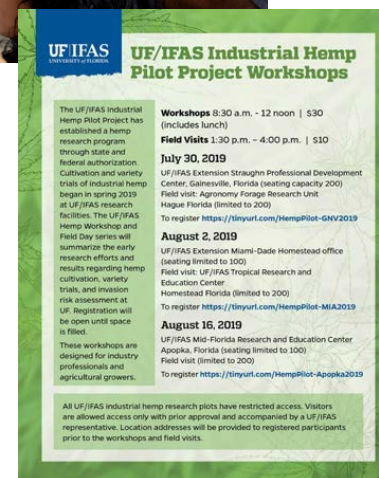


'FRESH FROM FLORIDA'
CBD hemp products on their way with new law

Legal CBD could be a big boost for Florida hemp farmers
Posted By Dara Kam, News Service of Florida on Fri, Jul 26, 2019 at 2:47 pm

ORLANDO WEEKLY
Listen now 06:42

wfsu
PUBLIC MEDIA

UF/IFAS Industrial Hemp Pilot Project Workshops

The UF/IFAS Industrial Hemp Pilot Project has established a hemp research program through state and federal authorization. Cultivation and variety trials of industrial hemp began in spring 2019 at UF/IFAS research facilities. The UF/IFAS Hemp Workshop and Field Day series will summarize the early research efforts and results regarding hemp cultivation, variety trials, and invasion risk assessment at UF. Registration will be open until space is filled.

Workshops 8:30 a.m. - 12 noon | \$30 (includes lunch)
Field Visits 1:30 p.m. - 4:00 p.m. | \$10

July 30, 2019
UF/IFAS Extension Straughn Professional Development Center, Gainesville, Florida (seating capacity 200)
Field visit: Agronomy Forage Research Unit, Hague, Florida (limited to 200)
To register: <https://tinyurl.com/Hemp-GNV2019>

August 2, 2019
UF/IFAS Extension Miami-Dade Homestead office (seating limited to 100)
Field visit: UF/IFAS Tropical Research and Education Center, Homestead, Florida (limited to 200)
To register: <https://tinyurl.com/Hemp-MIA2019>

August 16, 2019
UF/IFAS Mid-Florida Research and Education Center, Apopka, Florida (seating limited to 100)
Field visit (limited to 200)
To register: <https://tinyurl.com/Hemp-Pilot-Apopka2019>

All UF/IFAS industrial hemp research plots have restricted access. Visitors are allowed access only with prior approval and accompanied by a UF/IFAS representative. Location addresses will be provided to registered participants prior to the workshops and field visits.



Hemp's healing potential has Florida farmers high on the now-legal crop

By DARA KAM
NEWS SERVICE OF FLORIDA
JUL 26, 2019 | 12:16 PM

Twitter Facebook Messenger



Program Progress

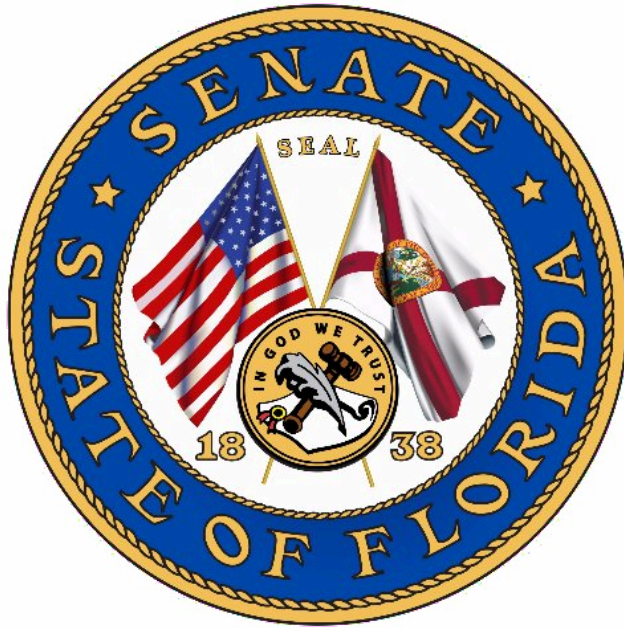
✓ Assembled team

Our Team



Florida Department of Agriculture and Consumer Services

SB 1020



May 3, 2019

Rule Development for SB 1020

5B – 57.014 State Hemp Program

5E – 3 Feed Rule

5E – 4 Seed Rule

5K – 4.034 Food Safety

5K – 10.006 Dairy Rule

Rule Workshops and Adoption



June 20, 2019 – Pembroke Pines

June 21, 2019 – Tampa

June 24, 2019 – Tallahassee

900+ attended

190+ public comments

4 of the 5 rules were adopted and effective on 1/1/2020.

The last rule (cultivation) was adopted and effective 4/2020.

USDA Plan Approval for Florida



The Florida Hemp Plan was approved by the USDA in April 2020

Along with traditional paper applications, FDACS accepts and issues licenses through an online portal.

This allowed FDACS to issue our first license to cultivate hemp in late April.

The USDA has issued their final rule as of 1/19/2021, with an effective date of 3/22/2021.

Florida's rules align well with the USDA final rule.

FDACS Hemp Team

Division of
Agricultural
Environmental
Services (AES)

Seeds, pesticides, fertilizer, and animal feed

Division of Plant
Industry (DPI)

Cultivation

Division of Food
Safety (FS)

Processing, manufacturing, and retailing

Agricultural Environmental Services Progress

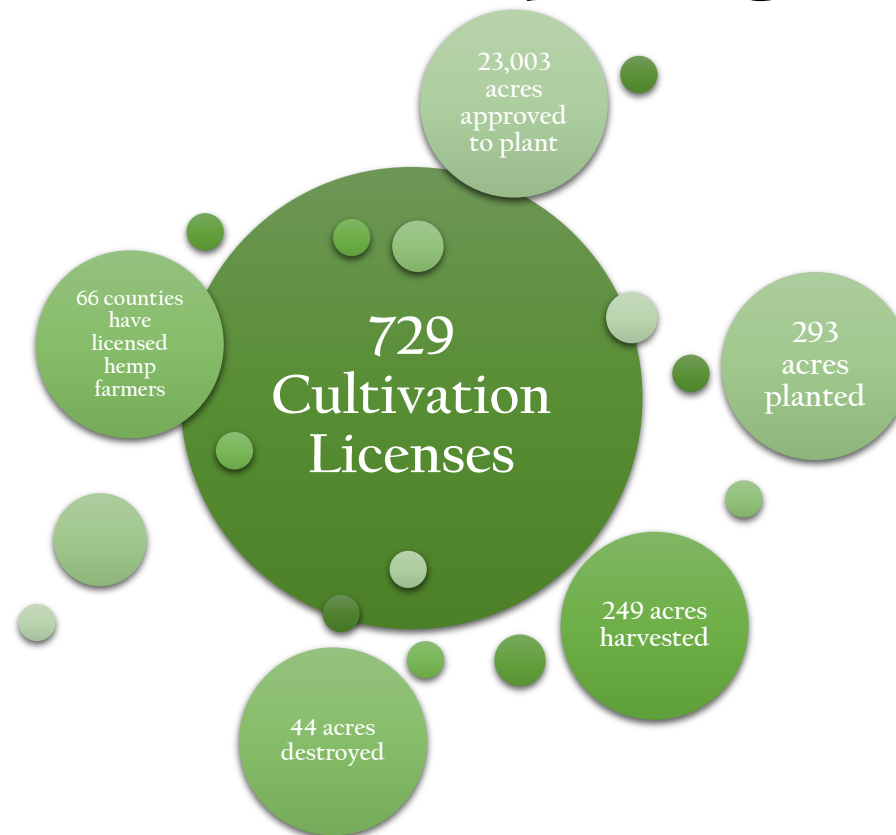
Seed Dealer
Permits

●18

Animal Feed
Dealer Permits

●29

Plant Industry Progress



Food Safety Progress

Retail

● 7,194

Manufacturers

● 280

Warehouses

● 219

Distributors

● 38

Processors/Extractors

● 15

Program Progress

- ✓ Assembled team
- ✓ Continued research

Pilot Projects



2019 Seed and Clone



2020
Hemp 4 Water



2019 Seed and Clone
First to Approve
6 seeds & 1 cultivar



2020



2020
Pharmaceutical and Seed



2020

Education



Cannabis Law
course



Industry Certification
class and degree

Research Needed

The Federal Farm Bill had Pilot Research Programs ending in 2020. Congress extended authorization through Sep-2021.

The need for ongoing research is important.

The Florida statute follows the Farm Bill.

Program Progress

- ✓ Assembled team
- ✓ Continuing research
- ✓ Connecting with Floridians

Industry Knowledge & Resources

Website <https://www.fdacs.gov/Cannabis-Hemp/Hemp-CBD-in-Florida>

Our Hemp page has detailed information on every aspect of the program.

Webinars

FDACS has hosted 10 informational webinars for the industry with 75 to 140 attendees per session.

Law Enforcement Education

Ag Law Officer Major Ben Burns has met with law enforcement across the state, in-person and virtually, over the past two years. He has also written a reference document which we share on our website.

State Programs

In November of 2020, Holly and team hosted the first virtual state hemp regulators conference. Guest speakers included many SMEs from the USDA, DEA, and others.

Outreach and Response

The Hemp team conducts speaking events 2x a month and answers numerous calls and emails every week on the program.

Industry Knowledge & Resources

Cultivation Education for Farmer



Both FAMU and UF have been hosting, and continue to host meetings to share research, cultivation updates, and networking events for Hemp Farmers in Florida.

Florida Hemp Associations



Florida Department of Agriculture and Consumer Services

Program Progress

- ✓ Assembled team
- ✓ Continued research
- ✓ Connected with Floridians
- ✓ **Formed Hemp Advisory Council**

Hemp Advisory Council

Hemp Advisory Council formed as directed in SB 1020.

3 Seats remain unappointed.

Next Meeting is 2/4/2021

Current Members

Senator Ben Albritton

Senator Ray Rodrigues

Holly Bell, FDACS Director of Cannabis

Tara Tedrow, JD

Laura Fuentes, RPh, CEO Greenroads

Dr. Stephan Leong, FAMU Hemp Pilot Program

Dr. Robert Gilbert, Dean UF IFAS

John Hoblick, President Florida Farm Bureau

Michael Joyner, President Florida Fruit and Vegetable Association

Director David Coffman, Director FDLE Lab

Sheriff Mike Adkinson, Walton County Sheriff

Leonard Dietzen, JD, Florida Police Chief's Association

Program Progress

- ✓ Assembled team
- ✓ Continued research
- ✓ Connected with Floridians
- ✓ Formed Hemp Advisory Council
- ✓ Collaborated with sister agencies

Sister Agency Collaboration

- FDLE, DOH, and DBPR
- Educational webinar series to assist with field operations and industry knowledge.
- Holding meetings with DBPR to ensure the industry is permitted properly and our field teams are communicating.



Looking Ahead

1. Education
2. Florida Hemp logo
3. Economic development
4. Industry data collection
5. Regulation of the industry
6. Ag Water best management practices
7. Continued collaboration with all law enforcement
8. Continued testing of products for consumer protection



Industry Growth in Hamilton County

Green Point Research purchased a 32-acre vacant complex for logistics and drying.

The Cannabis Center of Excellence plans to have 20 employees as the build out continues.



Industry Growth in Hamilton County

In December, over 150k pounds of hemp biomass was shipped out of the facility to customers across the Southeast, primarily Florida.

Green Point's 110-acre fall harvest in Hamilton County was FL's **LARGEST** legal hemp harvest with local partner farm, the Murphy Farm.

Farming expansion in Hamilton County for 2021 is already underway.



Industry Growth In Ocala

63,000 square foot hemp complex.

Projecting hiring 30 employees in 2021

Knox Horticulture is a hemp genetics provider.

Titan Processors is a state-of-the-art facility for processing and drying of hemp.



Industry Growth in Ocala

Trust Wellness is a hemp white labeler with the ability to manufacture multiple products.

Greene's Reserve is a manufacturer of tobacco-free full spectrum hemp snuff.



Industry Growth in Umatilla

Purchased a repurposed and empty citrus processing facility in 2020.

15 employees with plans to expand in 2021.

The facility will dry, process, manufacturer, and distribute hemp products.



Industry Growth in Umatilla

Treadwell Farms purchased hemp from 10 farmers from Central Florida in the 2020 season.

Treadwell Farms also created a coalition of farmers called Florida Hemp Farmers to work together to successfully grow hemp in our region.



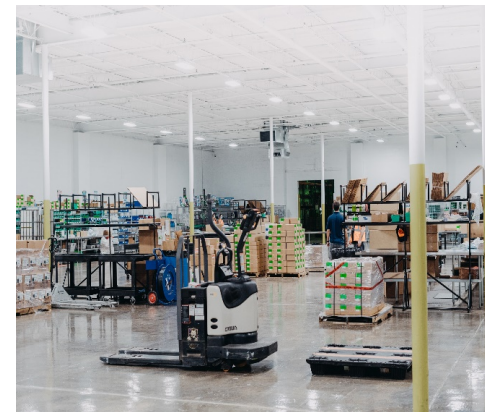
Industry Growth in Tampa

Global Widgets is a hemp white labeler that manufacturers over 1000 different products which are shipped through out the country.

They purchased and refurbished a vacant 110,000 square foot building in March 2019.

In 2020 they purchased an adjacent 10,000 square foot building due to growth.

They employee 190 team members and are growing. They currently have 8 open positions.



Thank you!

Holly Bell

Director of Cannabis

Florida Department of Agriculture and Consumer Services

Holly.Bell@fdacs.gov

www.fdacs.gov/Cannabis



THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27/21

Meeting Date

77

Bill Number (if applicable)

Topic Hemp

Amendment Barcode (if applicable)

Name Holly Bell

Job Title Cannabis Director

Address 400 S Monroe St

Street

Tallahassee

City

FL

State

32399

Zip

Phone 850 617 7700

Email holly.bell@fdacs.gov

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FDACS

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

Florida Department of Citrus

***presentation to the
Senate Agriculture
Committee***

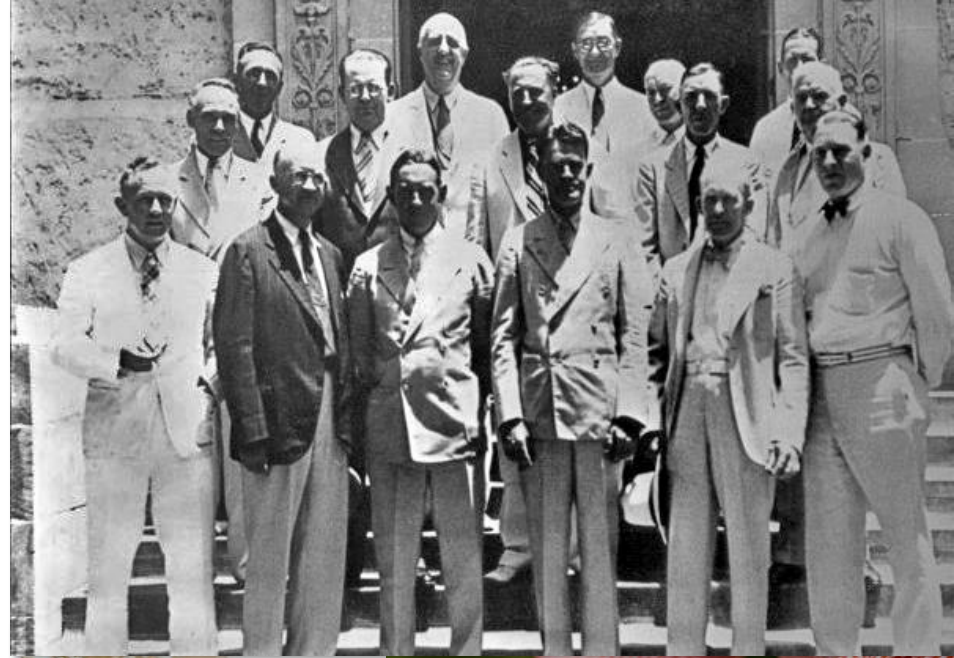
Shannon Shepp
Executive Director
January 27, 2021



The Florida Department of Citrus

Overview

- Established in 1935 by growers
- Self-funded for 80+ years
- 9 member Florida Citrus Commission appointed by Governor
- Executive agency of Florida government charged with the marketing, research and regulation of the Florida Citrus industry





Mission

Maximize consumer demand for Florida Citrus products to ensure the sustainability and economic well-being of the Florida Citrus grower, the citrus industry and the state of Florida.

Nutrient-Dense 100% Orange Juice

100% orange juice is more nutrient-dense than other commonly consumed 100% fruit juices.¹

Excellent Source

Vitamin C
Calcium (fortified)

Good Source

Potassium
Folate
Thiamin
Vitamin D (fortified)

Phytonutrients

Flavonoids
Hesperidin
Naringin



1 cup serving

Lesser Amounts (<10% Daily Value)

Vitamin B6
Magnesium
Riboflavin
Niacin
Vitamin A

Carotenoids

Beta-carotene
Alpha-carotene
Beta-cryptoxanthin
Lutein
Zeaxanthin

1. Rampersaud GC. J Food Sci. 2007;72(4):S261-S266.

Research Supporting Benefits of 100% OJ



Heart Health



Higher Diet Quality & Increased Levels of Key Nutrients



Brain Health



No Association with Weight Gain



Glucose/Insulin Response



Hydration & Rehydration After Workouts



2020 Domestic OJ Marketing Program Shifts

eCommerce &
Digital



FY 2020-2021 Objective



**Drive sales of
Florida Orange
Juice**

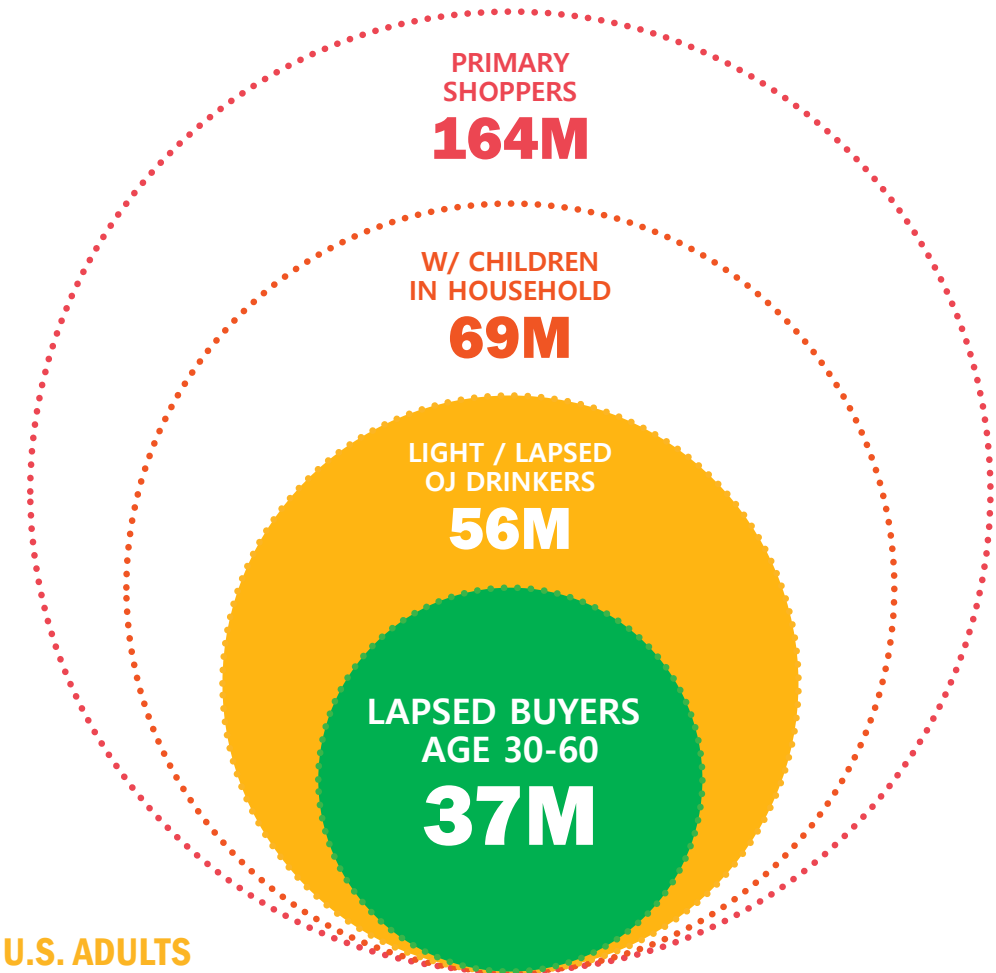


**Create
preference for
100% Orange
Juice**



**The Original
Wellness Drink.™**

New Audience



MODERN GATHERINGS
23 Million

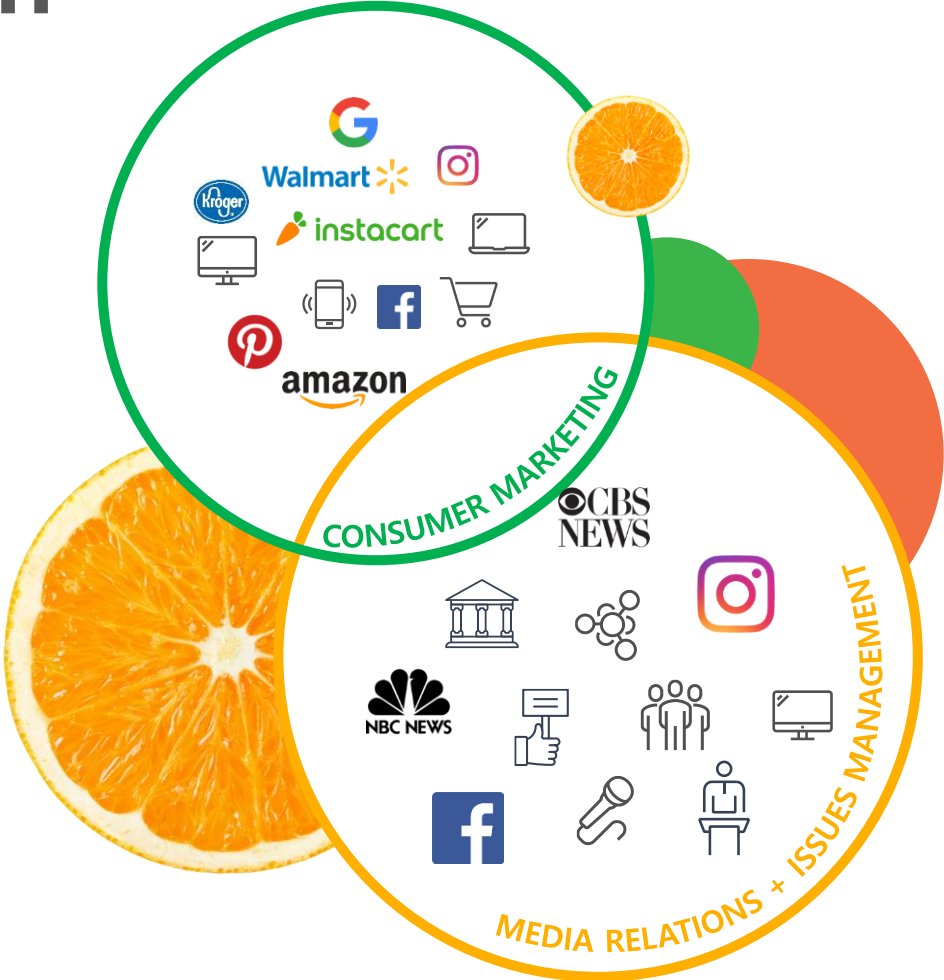


WELLNESS REDEFINED
22.5 Million

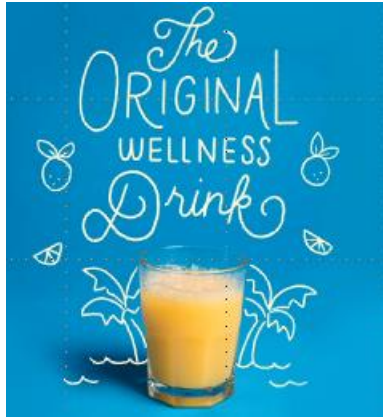
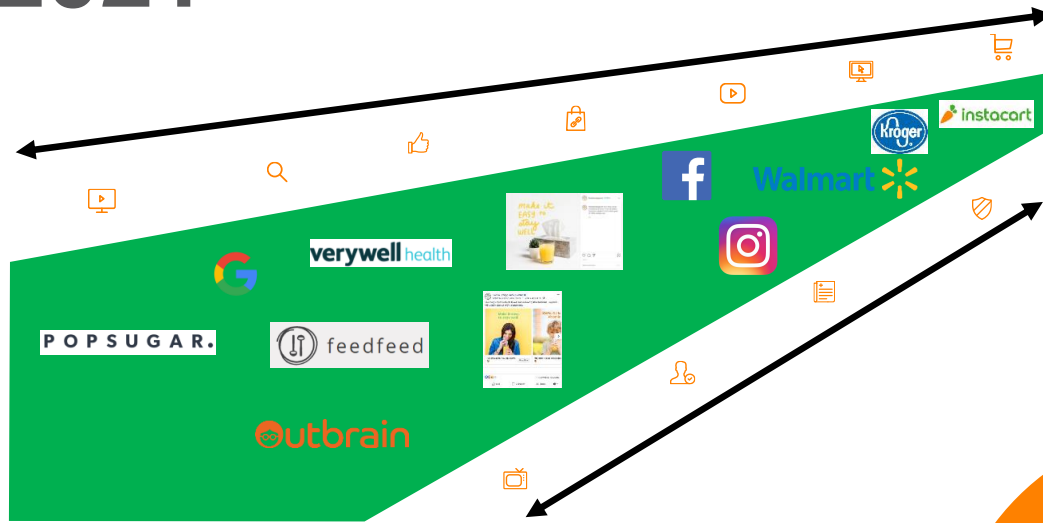


WORK MODE
14.9 Million

Integrated Approach



eCommerce Journey: Jan 2020 – Jan 2021



**Campaign Attributed
Sales***

\$11,640,920

**Campaign
Impressions***

513,415,802

**Campaign
ROAS***

\$5.24

*As of 1/20/21

eCommerce Update: Jul 2020 – Jan 2021

**Campaign
Impressions***

189,103,126

**Campaign Attributed
Sales***

\$7,089,495

**Campaign
ROAS***

\$6.85



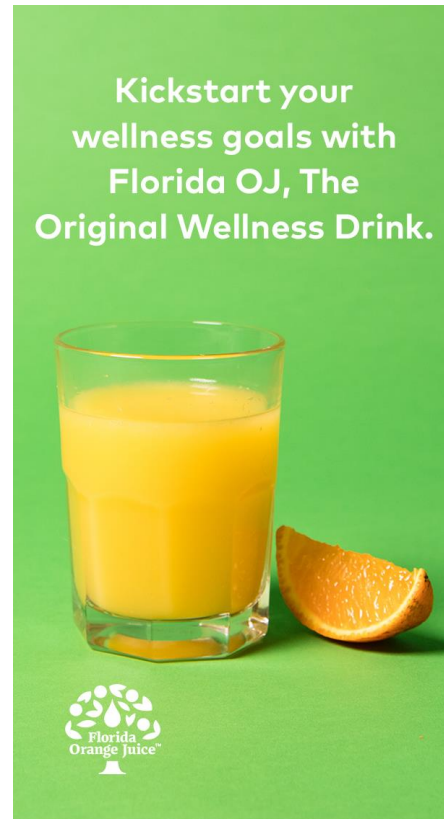
*As of 1/20/21

eCommerce Content

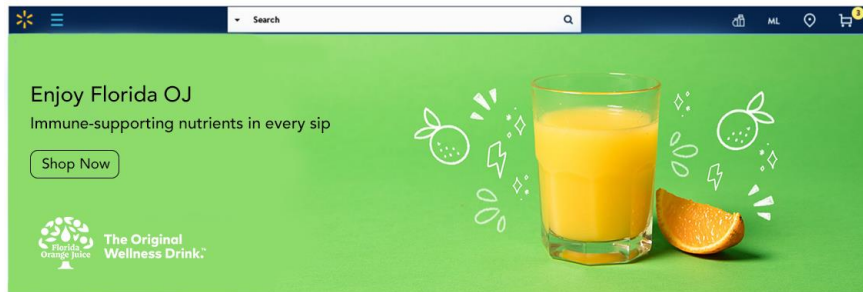
Instacart



Kroger



Walmart



Paid Social Media



Add some sunshine to your routine with Florida OJ—full of nutrients that offer amazing health benefits. Buy now to enjoy. 😊

Florida Orange Juice (Default) Sponsored · 🌳

Add some sunshine to your routine with Florida OJ—full of nutrients that offer amazing health benefits. Buy now to enjoy.



Feel good about what you drink

The Original Wellness Drink [Learn More](#)

Discover the facts and benefits of Florida Ora...

Like Comment Share



Enjoy The Original Wellness Drink 🌳

[Shop Now](#)

Like

Comment



Contributes to a balanced diet 😊🌳

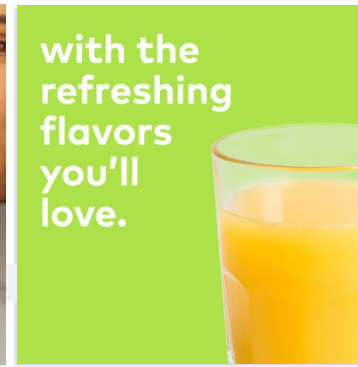
[Shop Now](#)

Share



Aids in hydration & immune support 🌳

[Shop Now](#)



Naturally sweet & delicious 😊

[Shop Now](#)



Drink Florida OJ 🍷

[Shop Now](#)

Display and Streaming Video

**Channel
Platforms**

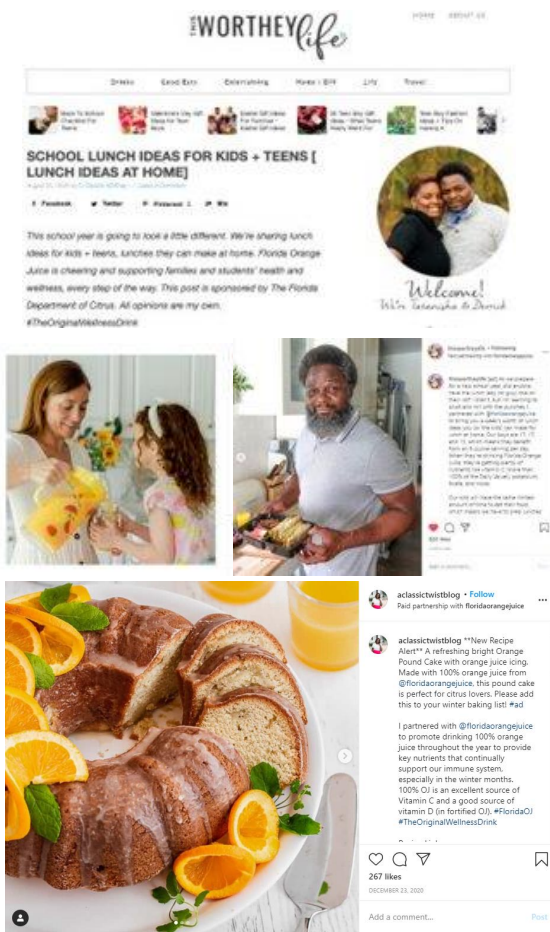
amazon

 **DIGILANT**

**verizon[✓]
media**



Influencer Engagement



Cold Weather Wellness: Staying Healthy All Winter Long With Florida OJ

Prioritizing your nutrition and having a consistent exercise routine is essential for keeping you healthy and well through the cold winter months. I'm sharing two of my favorite drinks made with Florida Orange Juice to help support my overall health and training.



A Classic Twist



Eleat Nutrition



Foodness Gracious



The Parentologist



The Chutney Life



Something Nutritious



Dad with a Pan



Sweet Potato Soul



Party of 4 Sometimes 2



FDOC Program Measurement



Dr. Marisa Zansler

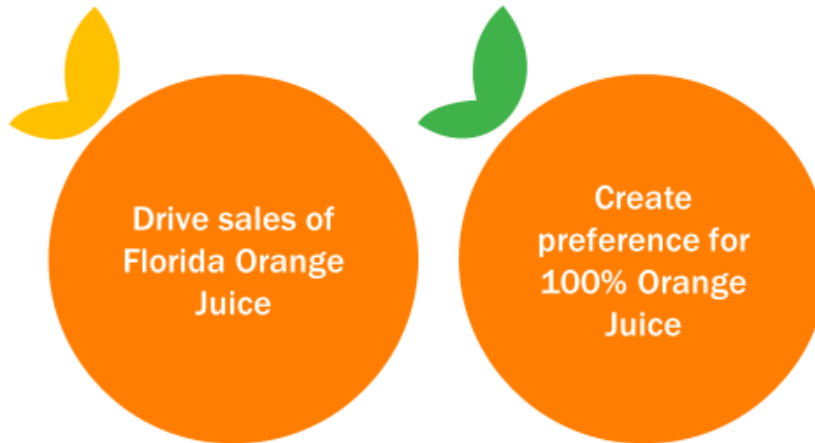
Director, Economic and Market Research

January 27, 2021

FDOC Strategic Approach

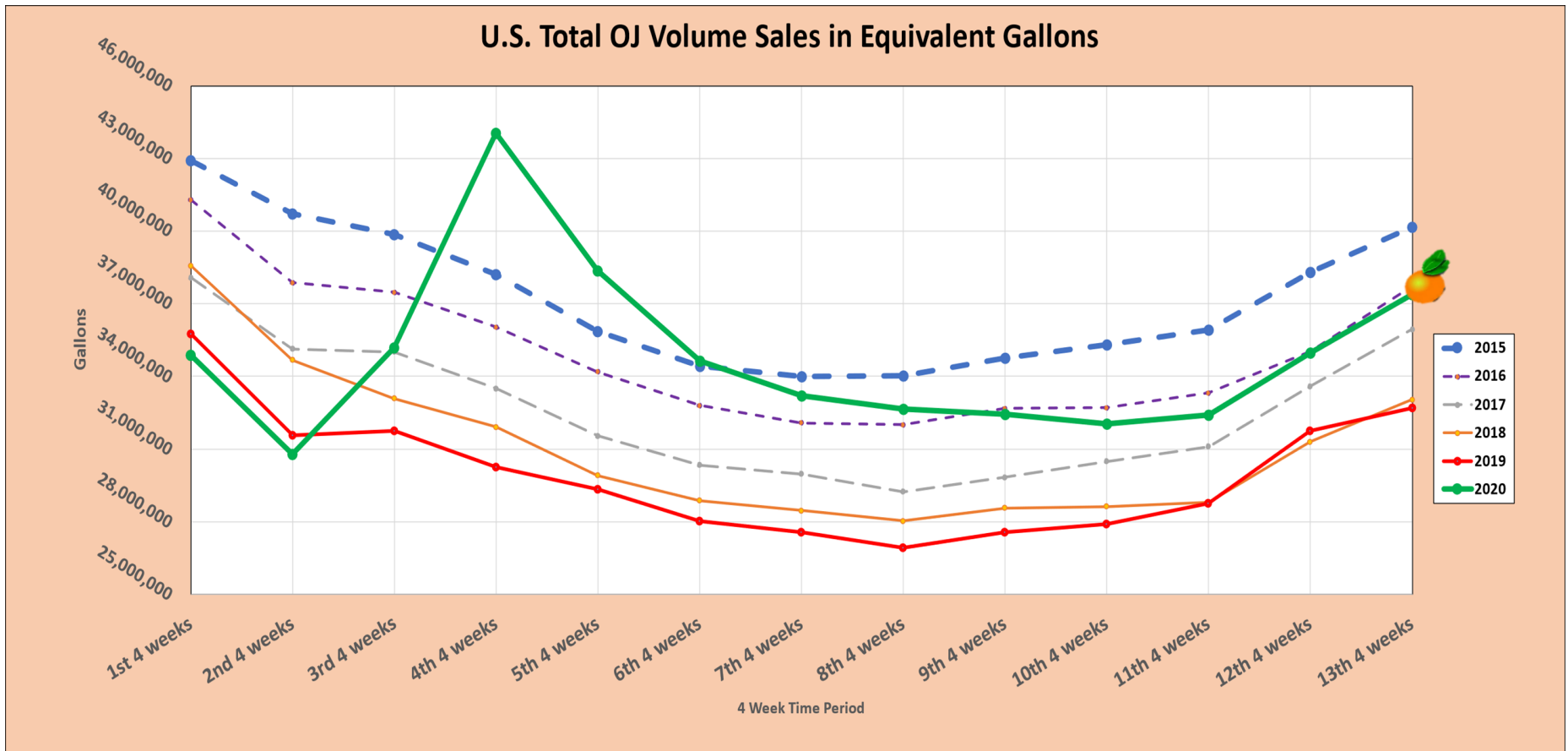
Drive sales of 100% orange juice to increase demand for Florida-sourced oranges.

FY2020–2021
Objective:



* Approved by Florida Citrus Commission - September 2020

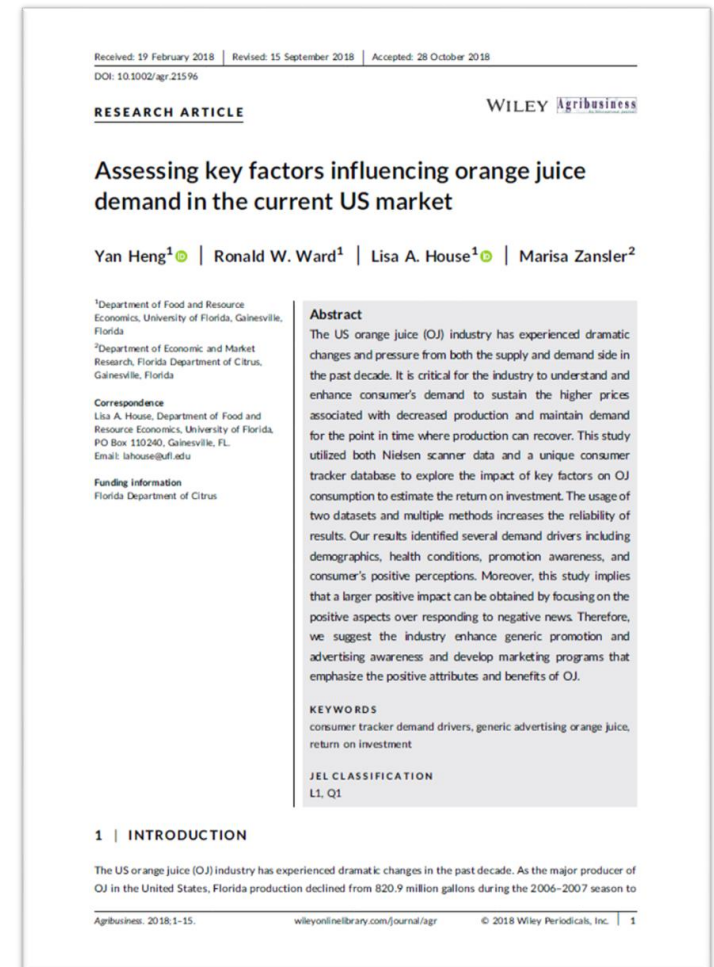
U.S. OJ retail sales finish near 2016 levels



FDOC Program Measurement

1. Multifaceted approach to measurement using peer-reviewed methodology.
2. Data and Methods
 - a) Consumer Survey
 - b) Retail Sales Data
3. Attributed economic output impacts for the State from investment in FDOC promotion activities

Heng Y, Ward RW, House LA, Zansler M. Assessing key factors influencing orange juice demand in the current US market. *Agribusiness*. 2019; 35:501–515. <https://doi.org/10.1002/agr.21596>

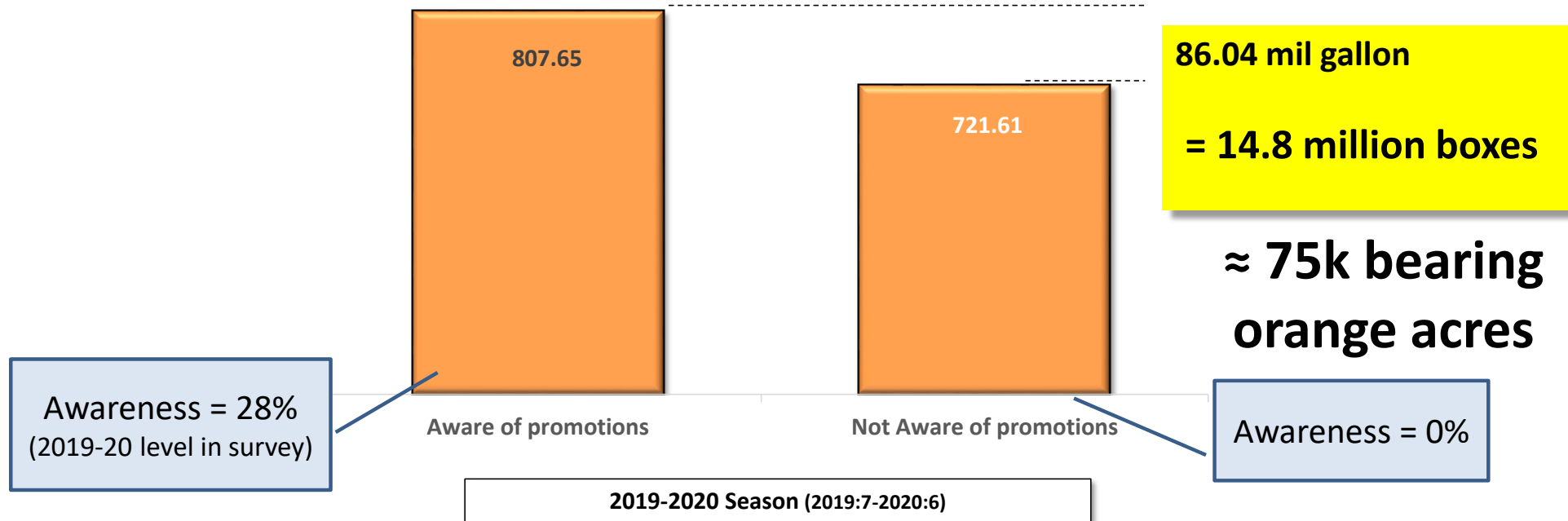


ROI Table

	Units	Household tracker	Nielsen Data	Nielsen w/ Brand spend
FDOC promotion expenditure during 2019-20	million \$	\$ 8.00	\$ 8.00	
Estimated retail quantity sales with promotion	million SSE Gallon	807.65	413.18	412.77
Estimated retail quantity sales without promotion	"	721.61	334.76	329.54
Increased retail quantity sales	"	86.04	78.41	83.23
Retail Price (Nielsen price)	\$/Gallon	\$6.88	\$6.88	\$6.88
Gain in retail revenue	"	\$591.94	\$539.49	\$572.60
Markup down (delivered-in/retail price)	%	31.92%	31.92%	31.92%
Gain in delivered-in (producer) revenue	million \$	\$188.95	\$172.21	\$182.77
Domestic share of total available OJ	%	57%	57%	57%
Gain to Florida producers	million \$	\$107.70	\$98.16	\$104.18
ROI (delivered-in to domestic juice)		13.46	12.27	13.02
Net ROI (delivered-in to domestic juice)		12.46	11.27	12.02

Impact of Promotion Awareness on Volume

Retail gallons with and without Promotion Awareness



Gains for Florida-sourced orange juice

- The domestic share of Florida-sourced orange juice was estimated at 57% for the 2019-20 season, higher than the previous seasons due to decline in imported juice.
- Gains in demand for Florida-sourced orange juice share attributed to the awareness of promotions was about 49 million single-strength equivalent gallons
- Gains in volume movement serve to support the Florida delivered-in price and provide economic output to the state in the 2020-21 season.

Benefits from FDOC Generic Promotion

Economic Output Impacts

- Total Florida grower and General Revenue investment in FDOC's 100% orange juice promotional activity* was estimated to support additional output impacts of up to \$361.5 million:
 - \$202.5 million from direct effects from grower and processor
 - \$80.9 million in indirect effects; and
 - \$78.1 million in induced effects.
- The additional output impacts include roughly \$7 million in state and local tax revenues



*Averaged over the last 3 years

Economic Impact Analysis of FDOC program gains provided by Dr. Christa Court, Director of the Economic Impact Analysis Program in the University of Florida's Food and Resource Economics Department.

Thank You



APPEARANCE RECORD

1/27/21

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

Meeting Date

Bill Number (if applicable)

Topic Florida Department of CitrusName Shannon Shepp

Amendment Barcode (if applicable)

Job Title Executive DirectorAddress 605 East Main Street

Street

Bartow

City

FL

State

33830

Zip

Phone 863-537-3950Email sshepp@citrus.myflorida.comSpeaking: ☐ For ☐ Against ☒ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida Department of CitrusAppearing at request of Chair: ☒ Yes ☐ NoLobbyist registered with Legislature: ☐ Yes ☒ No

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Duplicate

1/27/21

Meeting Date

Bill Number (if applicable)

Topic Florida Department of Citrus

Amendment Barcode (if applicable)

Name Dr. Marisa Zansler

Job Title Director of Economic and Market Research

Address 605 East Main Street

Street

Bartow

City

FL

State

33830

Zip

Phone 863-537-3950

Email MZansler@citrus.myflorida.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Department of Citrus

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



HUNGER IN FLORIDA: Addressing Statewide Needs

Senate Agriculture Committee Meeting
January 27, 2021

WHERE WE ARE



- One of the largest partner-based organizations in Florida
- Board and Committee members represent every industry in the state and most Fortune companies
- Supporters and Funders number in the hundreds of thousands
- Funders help us generate close to \$100 million each year (pre-COVID) to support our communities





**NETWORK
ECONOMIC
IMPACT**

\$5,152,311

Environmental

\$19,572,414

Disposal Fees

\$150,810,599

Tax Savings

\$83,576,056

Operating Budget

\$1,005,403,944

In-Kind Food Value

Two Primary Roles:

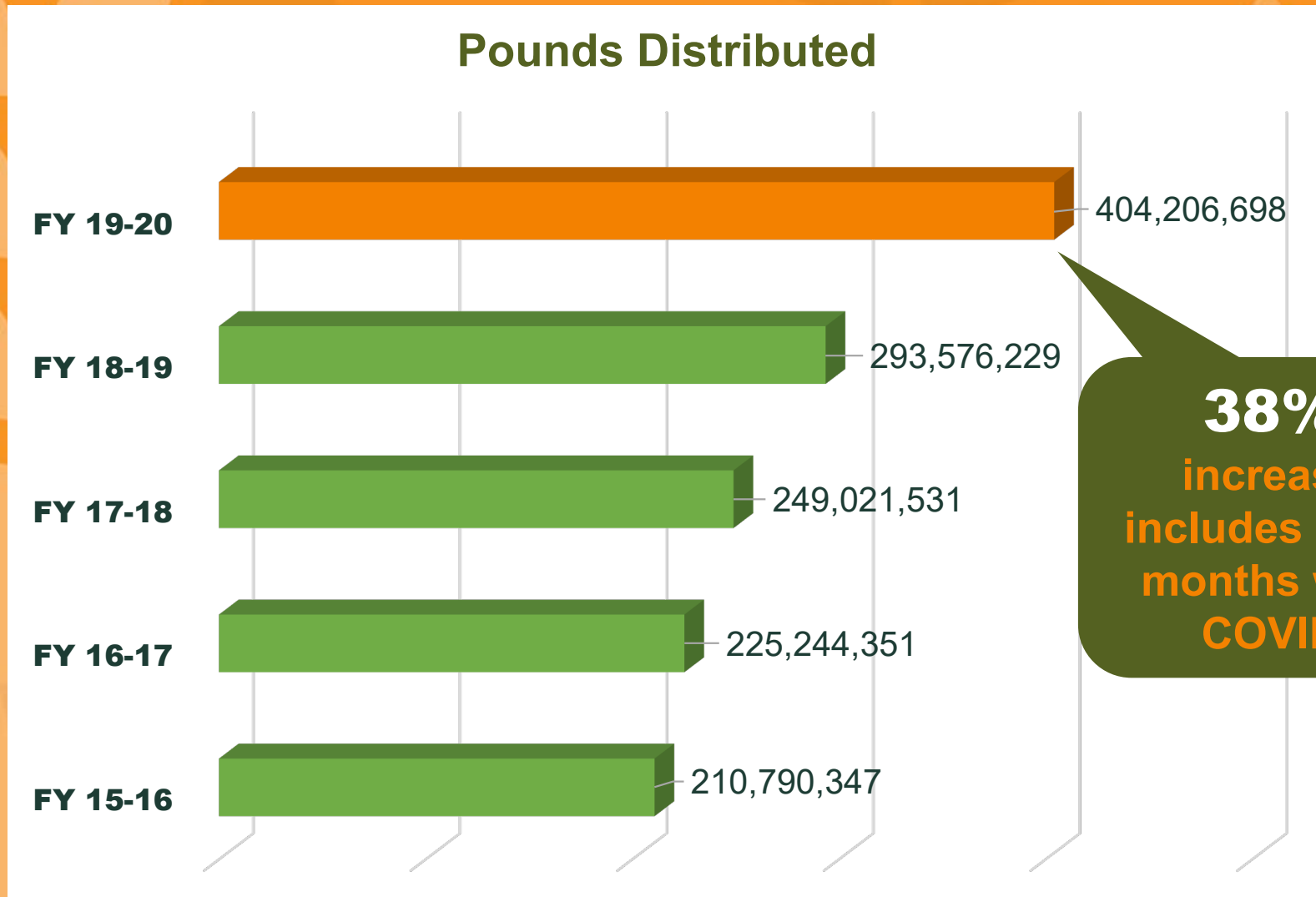
1. Make sure families have access to healthy, nutritious food
2. Develop and deploy programs that create household and personal economic self-sufficiency



- **404 million pounds** of food distributed last fiscal year
- Of that, **over 52 million pounds** were fresh fruits and vegetables from Florida growers
- On a trend to distribute **564 million pounds** in FY 20/21
- We support and coordinate over **2,400 partner agencies** in Florida – the central hub of all food relief



Distribution of Resources



Pre-COVID Food Insecurity

2.8 million

Floridians faced hunger

(Map the Meal Gap, Feeding America)

819,000+

were children

(Map the Meal Gap, Feeding America)

16 million meals
were missed each week

(Meal Deficit Metric, Feeding Florida)



Projected with COVID

3.6 million

Floridians faced hunger

(Map the Meal Gap, Feeding America)

1.5 million

are children

(Map the Meal Gap, Feeding America)



19 million meals
missed each week

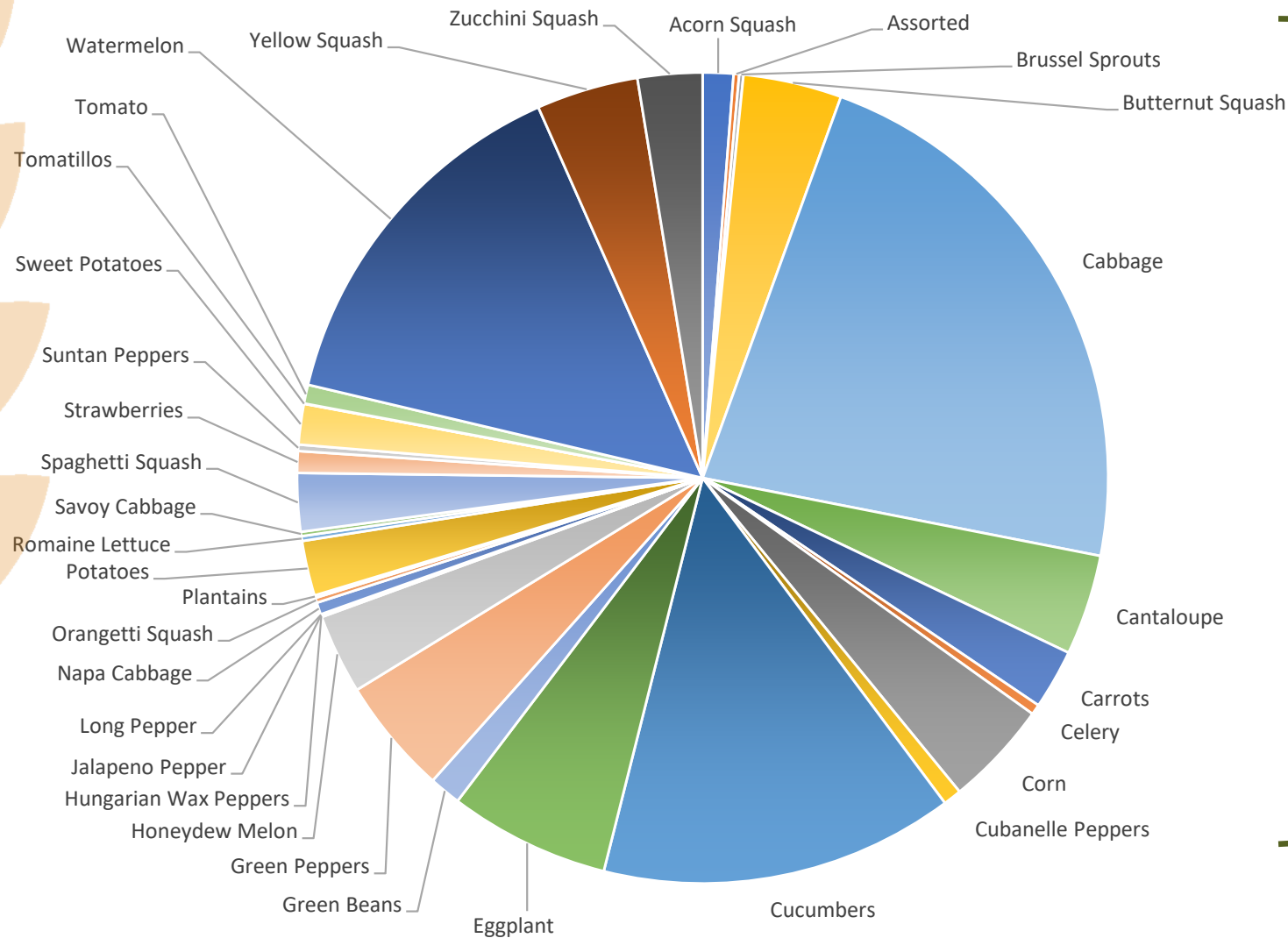
(Meal Deficit Metric, Feeding Florida)



Feeding Florida Network's Food Portfolio

- Purchased Foods
- Donations
- Federal Programs
 - CFAP, TEFAP, & CSFP
- Farmers Feeding Florida

Crop Varieties Past 3 Years



Over **52 million pounds** of produce were recovered from Florida growers

Shortening the line:

Enable Household Capability

- Workforce Training Program
- Benefits Assistance Programs
- Partnerships to assist household and individual needs

Improving Health strategies

- Food Rx Programs
- Groceries on the Go
- Nutrition Education Programs



Strategic Priorities



When Crisis Happens, We Show Up

- **Hurricanes**
 - Core member of Florida's State Emergency Response Team: ESF-6 Mass Feeding
- **Government Shutdown**
- **COVID-19**

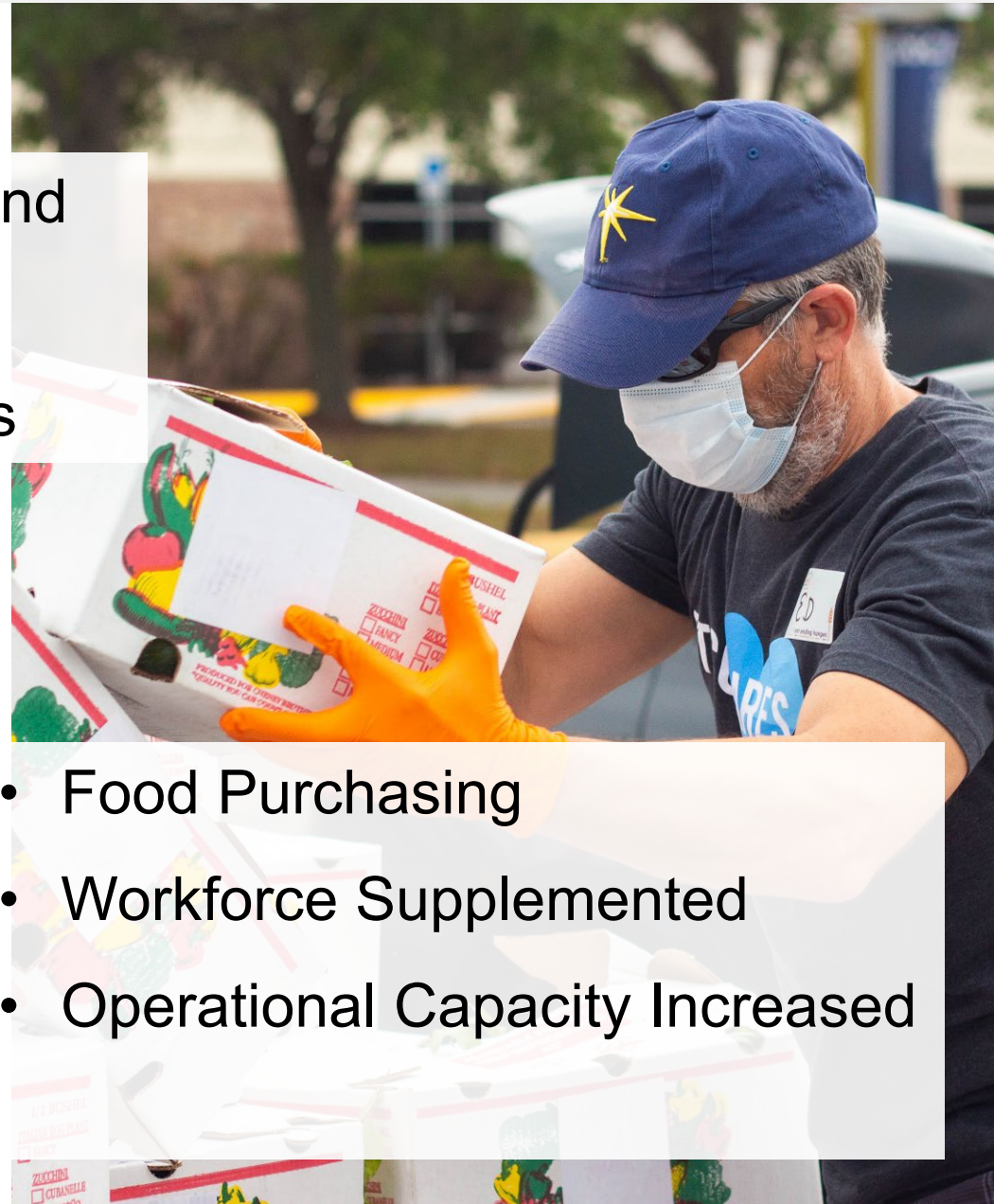


COVID-19 Challenges

- Sustained increased demand
- Food supply disruptions
- Health and safety concerns

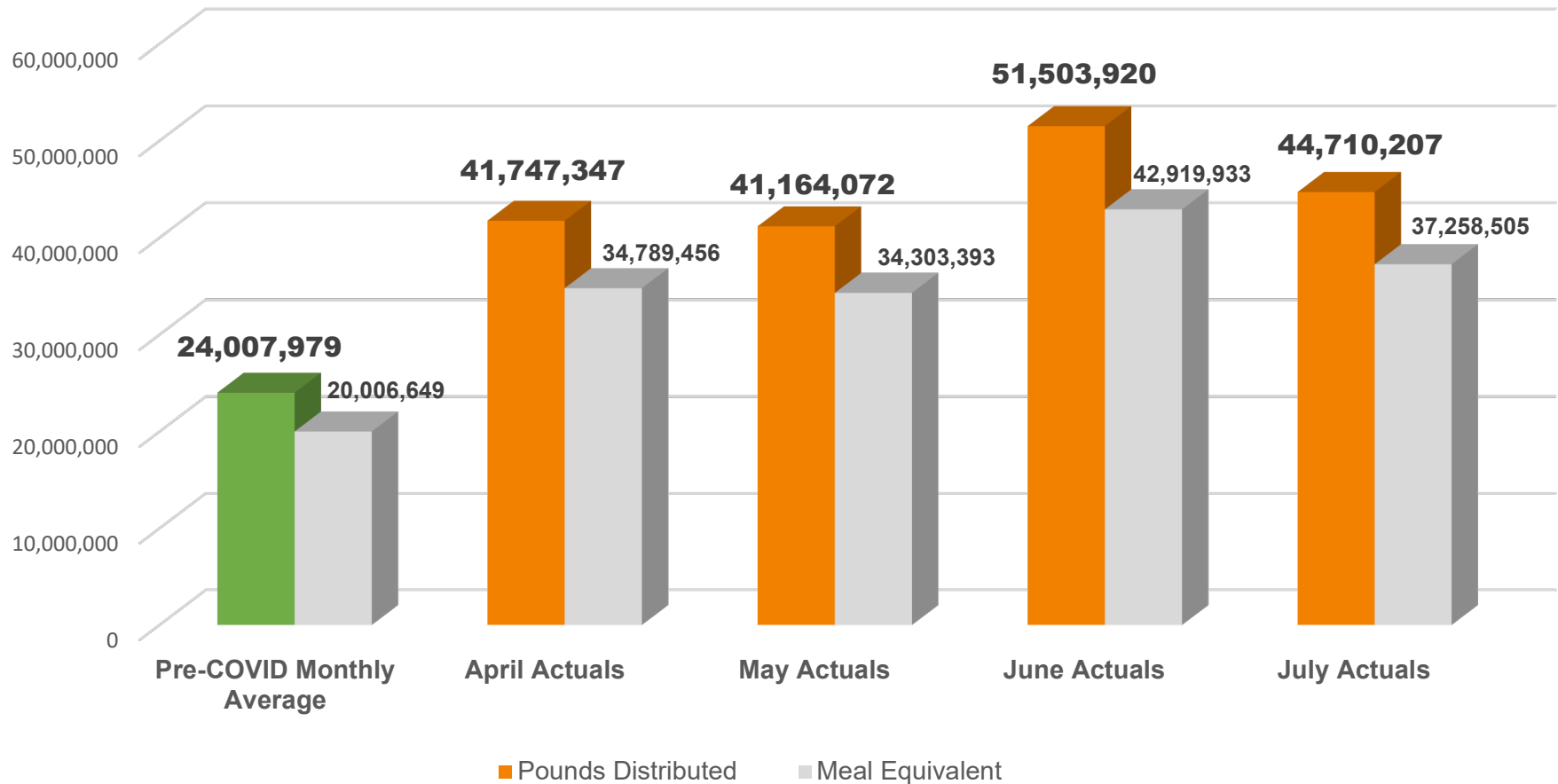
COVID-19 Response

- Network Partners
- Distribution Expanded
- Prepared Meals Amplified
- No Touch Boxes
- Food Purchasing
- Workforce Supplemented
- Operational Capacity Increased

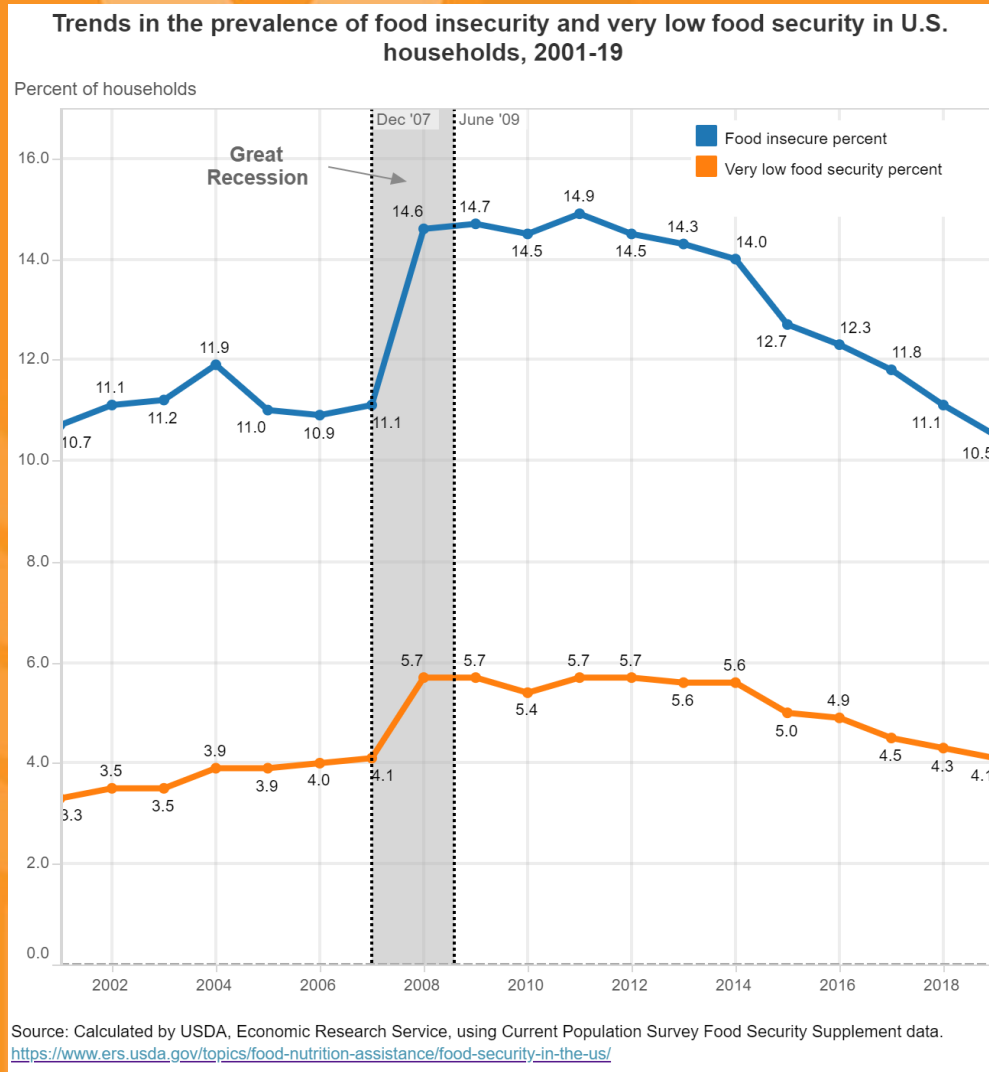


Distribution Before and During COVID

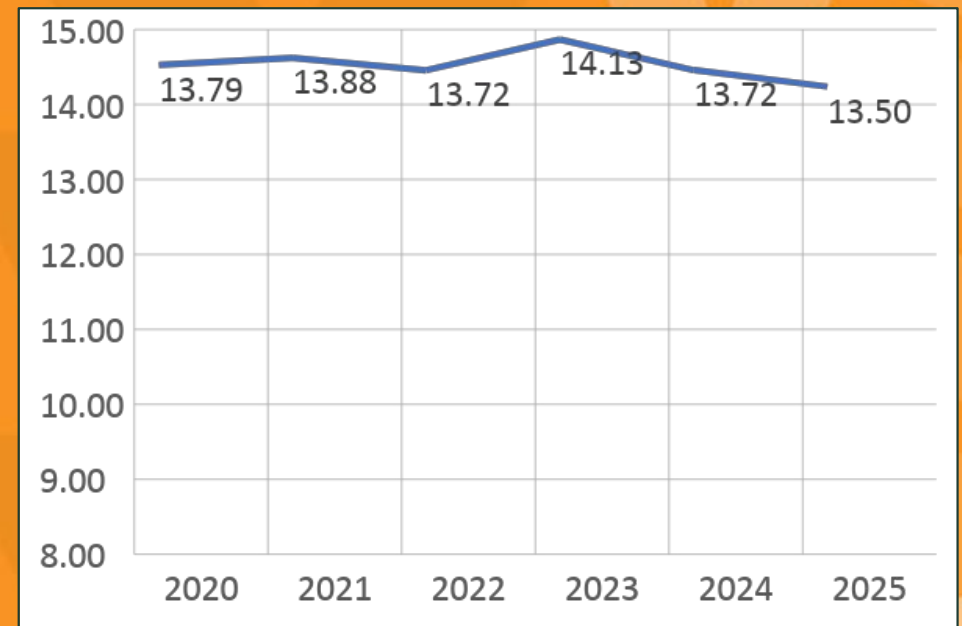
Monthly Distribution



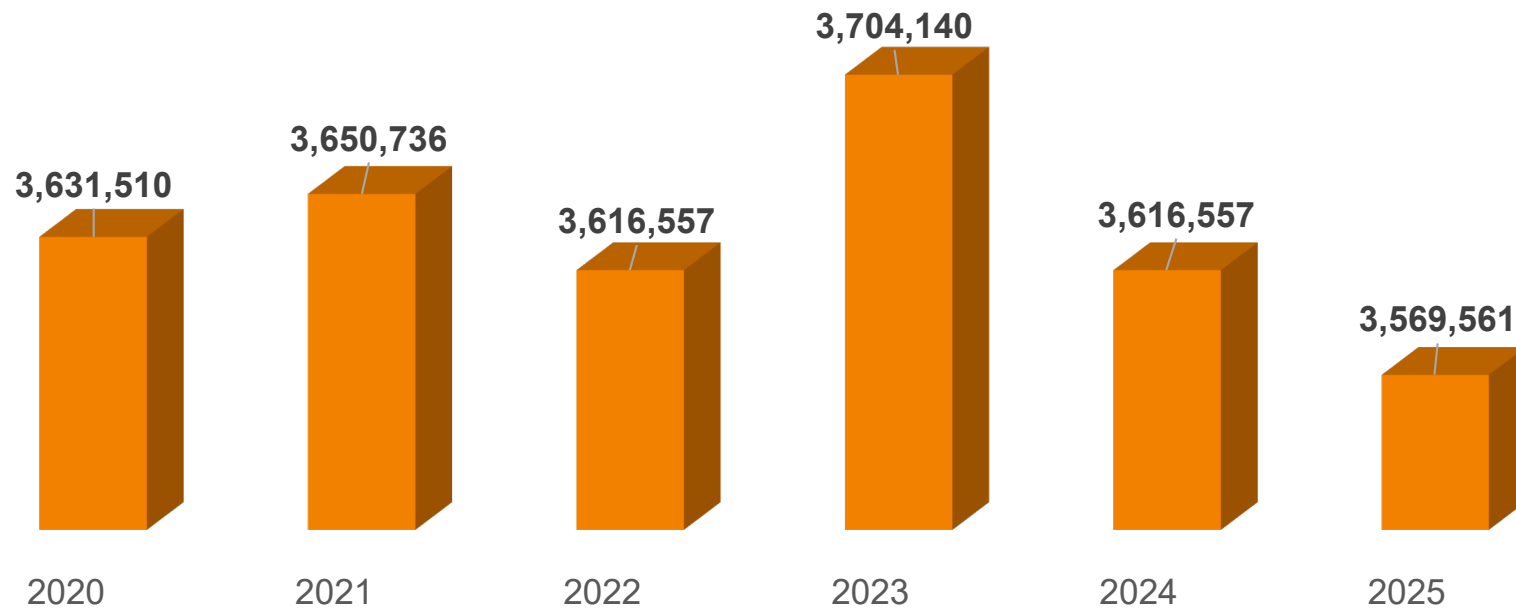
Food Insecurity Trends



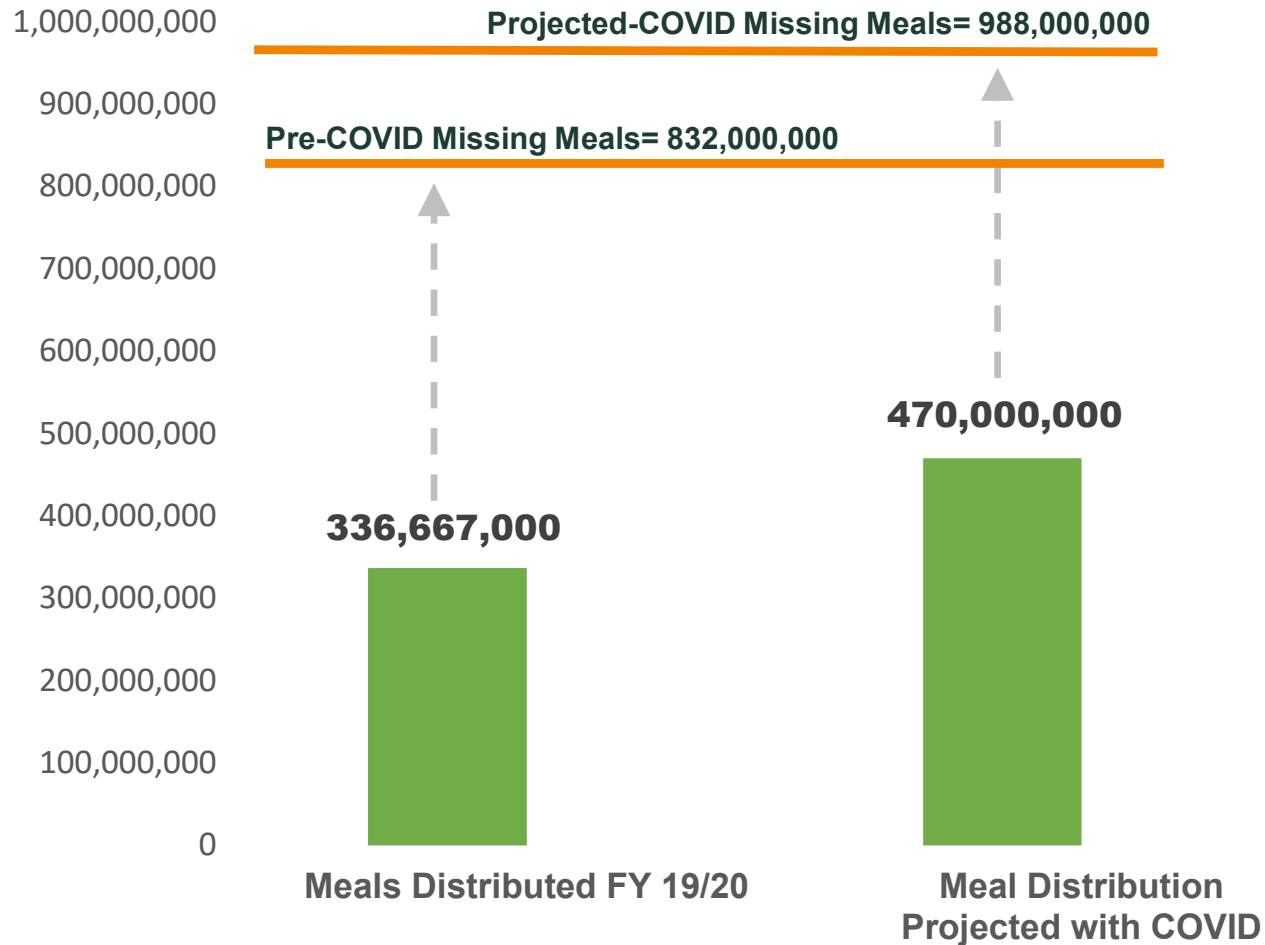
Food Insecurity Forecast until 2025



Projected food insecure Florida population



Projected Meal Gap Across Florida



What Does Success Look Like?

- Close the Meal Gap
- Greater coordination of public and private support
- Increase food recovery with an emphasis on produce
- Review public policy that is forward-focused rather than emergency-based





THANK YOU



Robin Safley

Executive Director

robin@feedingflorida.org

850.228.3312 (c)



Thomas Mantz

President and CEO

tmantz@feedingtampabay.org

904.610.9191 (c)

THE FLORIDA SENATE
APPEARANCE RECORD

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1.27.21

Meeting Date

73

Bill Number (if applicable)

Topic FEEDING FLORIDA

Amendment Barcode (if applicable)

Name ROBIN SAEUBY

Job Title EXECUTIVE DIRECTOR

Address 1493 MARKET ST.
Street

Phone 886-228-3312

TALLAHASSEE FL 32312
City State Zip

Email robin@feedingflorida.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FEEDING FLORIDA

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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1/27/21

Meeting Date

T3

Bill Number (if applicable)

Topic Food Insecurity

Amendment Barcode (if applicable)

Name Thomas Mantz

Job Title Pres. / CEO

Address 4702 Transport Dr

Phone 904-610-9191

Street

Tampa

FL

State

33605

Zip

Email tmantz@feedingtampabay.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Feeding Tampa Bay

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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JAN 27th 2021

Meeting Date

Tab 3

Bill Number (if applicable)

Topic Food Banks

Amendment Barcode (if applicable)

Name David Senda

Job Title Concerned Senior Citizen

Address 66 Wintergreen Dr.

Phone 352 803 6597

City Fruitland Park FL 34731

Email goldendave1955@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

Weave Speaking: ☐ In Support ☐ Against

(The Chair will read this information into the record.)

Representing Citizens of Ft. Oler Food Bank

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



Florida Dairy Farmers in Crisis

P. Joseph "Joe" Wright
Dairy Farmer

Committee on Agriculture
Florida Senate
January 27, 2021



My Story

- V & W Farms is our family-owned dairy in Hardee County.
- Opened in 1932.
- 1200 cows.
- Grazing style operation on more than 1,300 acres.
- FDACS Ag Environmental Leadership Award, 1998.
- FL Ag-Institute's Inaugural "Agvocate" Award, 2007.
- President of Southeast Milk Inc.



Florida Dairy Farms

- 70 dairy farms in Florida.
- 50% fewer than in 2010 due to development pressures, depressed prices and market volatility.
- Most dairies are in Okeechobee, Hardee, Highlands, Gilchrist and Lafayette counties and are huge economic engines for these rural areas.



How is Florida dairy farmer pay price calculated?

Class 1 – Fluid Milk	Perishable and thus should have the highest dairy price. 84% of Florida-produced milk is used for Class 1 purposes.
Class 2 - Soft Products	Ice cream, cottage cheese and yogurt. Approximately 12%-15% of the milk produced in Florida is processed as Class 2. Publix Supermarkets makes its own brand of Class 2 products, largely at its Lakeland, Florida facility.
Class 3 - Cheese	Few niche players in Florida produce cheese
Class 4 – Butter and Milk Powder	No butter/powder manufacturing plants in Florida





Florida Dairy Farmers Accustomed to Adversity & Then Came COVID-19

Immediate Impacts of COVID-19

- April and May 2020: Florida Dairy Farms made headlines with dumping more than 300 tanker loads of milk.
- Shutdowns of schools, restaurants, purchase restrictions impacted demand; there was no place to send the milk.
- Florida Dairy Farms lost more than \$100 million in 2020.
- CFAP covered a fraction of the losses.

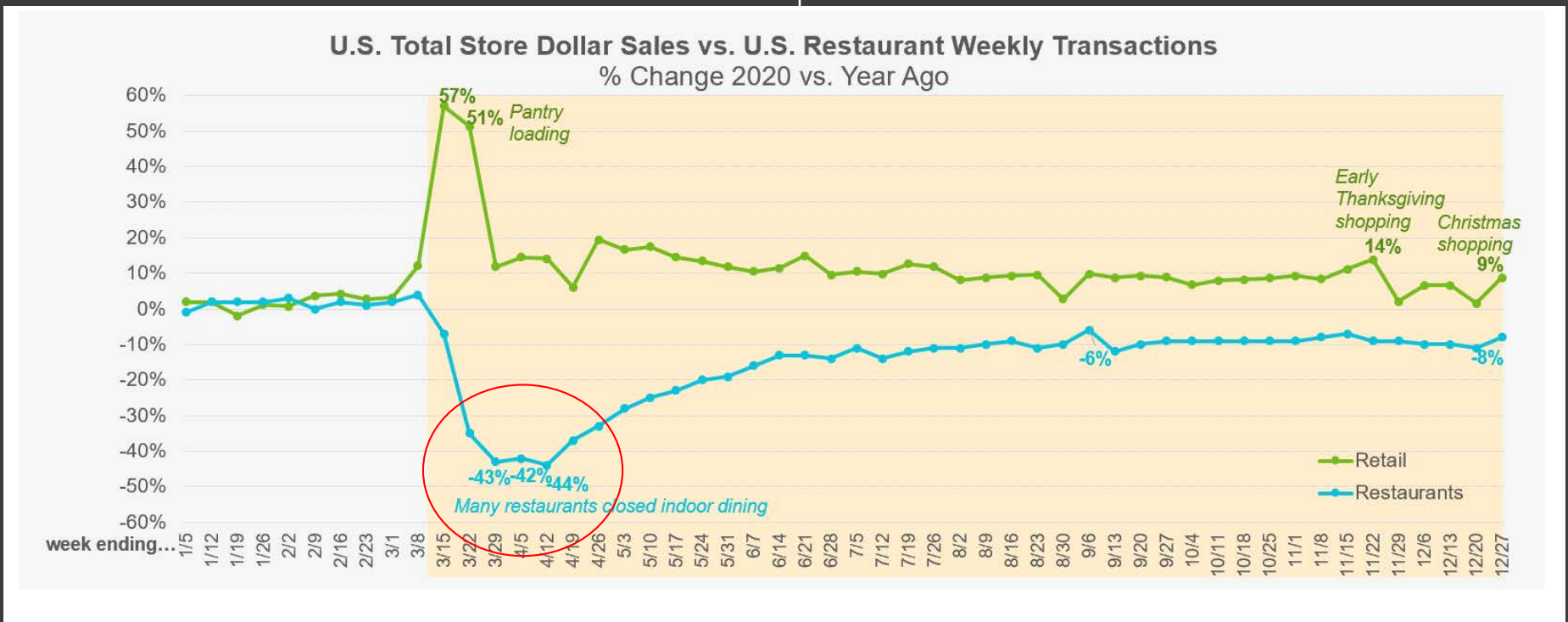


Long-Term Impacts of COVID-19

- COVID-19 altered the demand across classes of milk.
- Closure of restaurants and schools reduced demand for fluid milk.
- USDA Food Box Program and large cheese donations affected supply/demand for soft products and cheese.
- Florida farms that regularly produce fluid/drinkable milk continue to see price decreases because of this market/supply distributions.



Radical Spending Shift: Restaurant to Retail

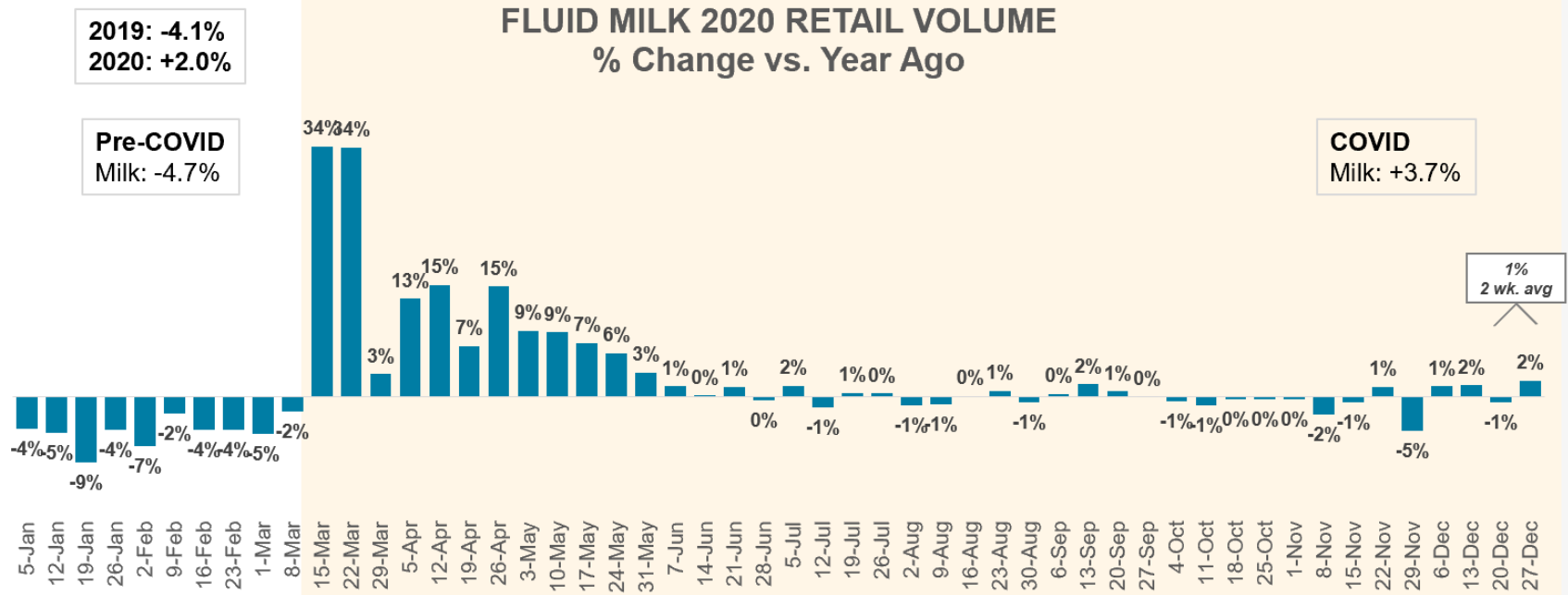


Source: Retail: IRI

Source: Foodservice: The NPD Group/ CREST® Performance Alerts
Restaurant weekly transactions for 75 chains measured

Disclosed with permission of The NPD Group solely for the purpose for which it is being provided by DMI. The reproduction, dissemination or use of this information for any other purpose is strictly prohibited without NPD's prior written consent

Fluid Milk Retail Volume Was Up 2% In 2020



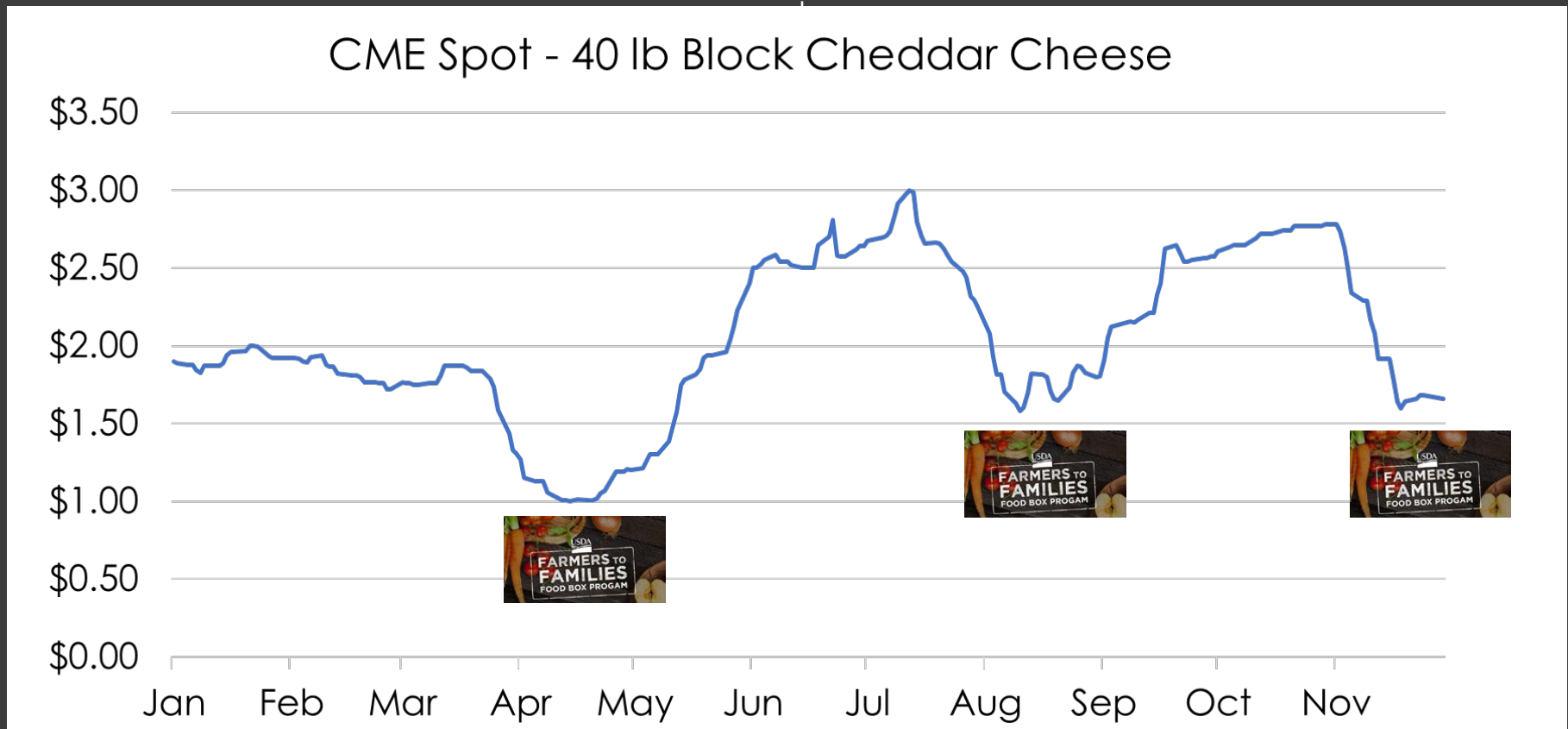
IRI DMI/MilkPEP/DFW/CMAB custom database, Total US Multi Outlet + Convenience
2020: 52 weeks ending 12-27; PRE-COVID: 2020 through 3-8; COVID: 3-9-2020 to 12-27-2020
2-week averages are weighted averages

Domestic Retail Dairy Sales

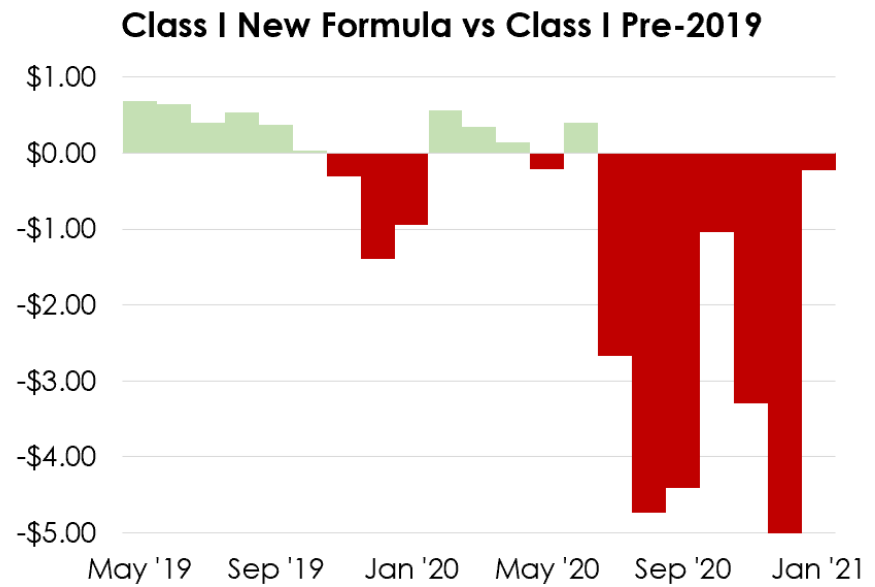
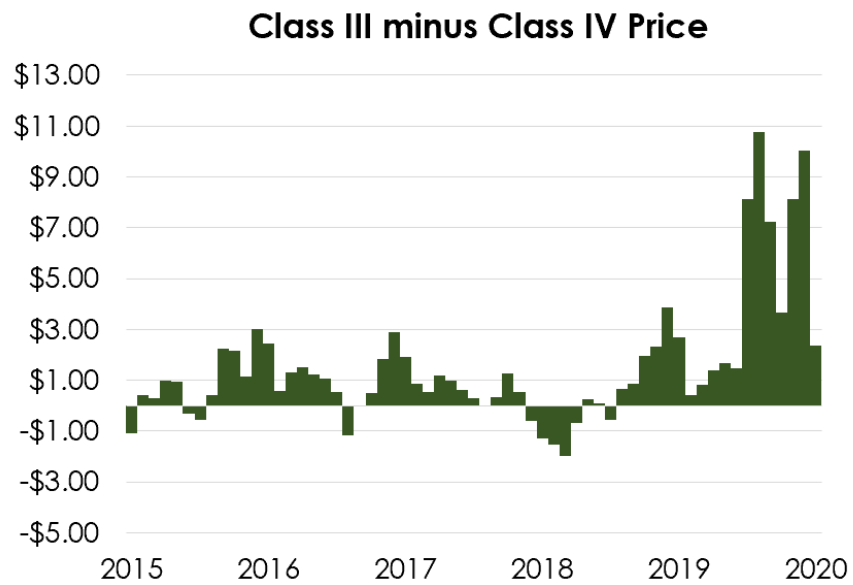
Segment	March 15	March 29	April 5	Nov 2020	YTD Nov 29
Fluid Milk	+33%	+3.4%	+14%	-2.1%	+2.0%
Cheese	+62%	+26%	+33%	+9.0%	+13.6%
Butter	+85%	+59%	+73%	+4.6%	+23.1%
Yogurt	+41%	-7%	-2%	+3.4%	+3.4%


Source: IRI, published by Midwest Dairy Association

USDA Food Box Policy Induced Market Volatility In Cheese Prices



Class I Price Performance





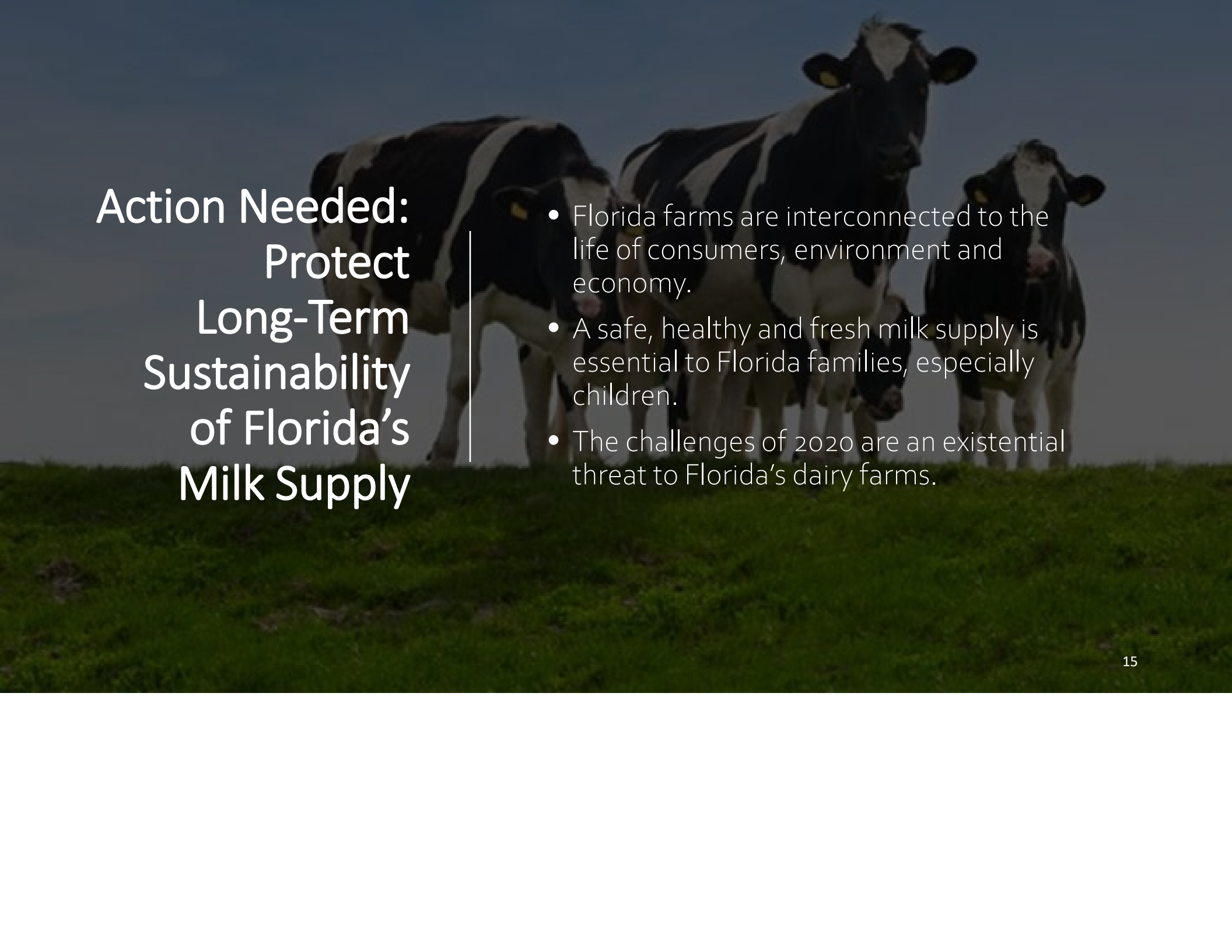
What is the Solution?

- This is ultimately a federal issue.
- We are working with national dairy and farm groups to develop short and long-term solutions for Congress and USDA to act on.
- Our ask: Engage the Administration and members of Congress to pursue a solution ASAP.



Other Major Economic Factors We Are Facing

- Input costs increasing
- \$15 minimum wage increase
- Dean Foods and Borden bankruptcies
- Ethanol Impacts to Feed Costs
- Regulatory Compliance Costs



Action Needed: Protect Long-Term Sustainability of Florida's Milk Supply

- Florida farms are interconnected to the life of consumers, environment and economy.
- A safe, healthy and fresh milk supply is essential to Florida families, especially children.
- The challenges of 2020 are an existential threat to Florida's dairy farms.



Florida Farms **FOR LIFE** **DAIRY PILOT**

Step 1: Water Quality Enhancement Dairy Pilot Project

- Dairies have a rich history in stewardship of natural resources.
- Dairies are the most regulated of any agriculture sector.
- Larger dairies are permitted by DEP because of the manure production.
- There are many new technologies that can greatly reduce any impact we might have to water resources, but they are expensive to build and operate and the milk income on the farm can't fund.
- Pilot projects will provide much needed resources and will lead to many more dairies participating with your help in key environmental restorations areas.



Next Steps

- Establishment of some means for the State to bring in all stakeholders to discuss and plan the actions needed by the state to help advance this dairy sustainability initiative in the coming years.
- Secure more funding to support long-term environmental project planning, development, construction, operation, maintenance and monitoring costs for all dairies.
- Create state incentives to promote the purchase of milk produced in Florida as part of this new sustainable program.
- Create state incentives to promote the development of renewable energy on Florida dairy farms.
- Expand partnerships to connect the local milk supply to those communities in the state that need greater access to nutritious foods.

Vision

In Development &
Needs Your Help to
Become Reality

- Dairy production in Florida will achieve state environmental targets for both water and air quality to a level that is most economically and technically feasible.
- 100% of the dairies in the Okeechobee and Suwannee BMAPs (Basin Management Action Plans) are participating in advanced nutrient recovery and water conservation efforts.
- A network of renewable energy facilities developed on dairies that will reduce greenhouse gases while creating renewable energy via natural gas and electricity to power Florida's economy.
- More market opportunities for the dairy manure to be utilized as organic fertilizer and other sustainable uses.
- Dairy production, transportation, processing and packaging is done in such a way that is most sustainable as possible.
- Floridians have more appreciation for Florida dairies in providing safe, high quality, and socially responsible milk products.
- Florida dairy farm families have a stronger economic outlook and thus can make positive contributions to their local communities' economy.
- More Florida consumers in need of nutritious and fresh milk are provided more access through improved partnerships between the State, dairy supply chain and food banks.



Florida Dairy Farmers in Crisis

P. Joseph "Joe" Wright
Dairy Farmer

Committee on Agriculture
Florida Senate
January 27, 2021

THE FLORIDA SENATE
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1/27/2021
Meeting Date

T 4
Bill Number (if applicable)

Topic Florida Dairy Industry - cert

Name Joe Wright

Job Title Dairy Farmer

Address P.O. Box 1057

Street

Avon Park

City

FL

State

33826

Zip

Phone

888 634 6917

Email

pjwdaire@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Dairy Farmers of Florida

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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Meeting Date _____

74
Bill Number (if applicable) _____

Topic _____

Amendment Barcode (if applicable) _____

Name Sam Accursio

Job Title Farmer

Address 27725 SW 187 Ave

Phone _____

Street

Homestead FL 33031

City

State

Zip

Email Sam@accursiofarm.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Accursio Farm

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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Meeting Date _____

TY
Bill Number (if applicable) _____

Topic Civil

Amendment Barcode (if applicable) _____

Name Jim Alderman

Job Title _____

Address 1714 Lake Dr.
Street

Phone 561 662 5963

Delray Beach FL 33444
City State Zip

Email Jim@AldermanFarms.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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1.27.21

Meeting Date

TY

Bill Number (if applicable)

Topic Florida Aquaculture

Amendment Barcode (if applicable)

Name Gretchen Stone

Job Title CEO Big Moon Seafarm

Address _____

Phone 785-370-2422

Street

Cedar Key Fl.

32625

City

State

Zip

Email gretchen@bigmoonseafarm.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Cedar Key Aquaculture Assoc -

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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JAN 27th

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APPEARANCE RECORD

T4

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Meeting Date 2021 Bill Number (if applicable) _____

Topic TAB 4 Farm Effect of Covid Amendment Barcode (if applicable) _____

Name DAVID SERDAN

Job Title STATES MAN CONCERNED SENIOR

Address 66 WINTERGREEN DR Phone 352 805 6397

City Fruitland Park State FL Zip 34731 Email golferdave1955@gmail.com

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

Representing CITIZENS FARMERS of FL. I KNOW

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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 336

INTRODUCER: Senator Rouson

SUBJECT: Large-scale Agricultural Pollution Reduction Pilot Program

DATE: January 25, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Argote	Becker	AG	Favorable
2.			EN	
3.			AP	

I. Summary:

SB 336 creates a large-scale agricultural pollution reduction pilot program within the Department of Environmental Protection (DEP) in partnership with dairy farms to develop and maintain regional pollution reduction projects that eliminate water pollution in the state.

The bill establishes pilot program application and project selection requirements. All aspects of projects planned and developed must be available for inspection by the DEP, the Department of Agriculture and Consumer Services, and water management districts. The bill specifies that pilot program participants are presumed to comply with water quality standards and are eligible for certain permit terms and funding. The DEP is given discretionary authority to adopt rules to provide a general permit for the construction of systems and projects under certain circumstances.

The bill requires that the Office of Program Policy Analysis and Government Accountability evaluate the pilot program using specified minimum criteria and report its findings to the Legislature. The pilot program is repealed as of October 2, 2025, unless reviewed and continued by the Legislature.

The bill authorizes the DEP to grant general permits for certain pilot program participants.

The bill provides for a nonrecurring appropriation in the 2021-2022 fiscal year of \$1.3 million for the initial implementation of the program, of which \$800,000 is to be spent in the Lake Okeechobee Basin Management Action Plan and \$500,000 in the Suwannee Basin Management Action Plan.

This act takes effect July 1, 2021.

II. Present Situation:

Water Quality and Nutrients

Phosphorus and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life. The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality issues. Animal manure contains high concentrations of organic material, nitrogen, phosphorus, and fecal bacteria, which can be harmful when absorbed into wastewater. Excessive nutrient loads may result in harmful algal blooms, nuisance aquatic weeds, and the alteration of the natural community of plants and animals. Dense, harmful algal blooms can also cause human health problems, fish kills, problems for water treatment plants, and impairment of the aesthetics and taste of waters. Growth of nuisance aquatic weeds tends to increase in nutrient enriched waters, which can impact recreational activities.¹

Total Maximum Daily Loads and Concentrated Agricultural Feeding Operations

A total maximum daily load (TMDL), which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by a waterbody and still meet water quality standards.² Waterbodies or sections of waterbodies that do not meet the established water quality standards are deemed impaired. Pursuant to the federal Clean Water Act, The DEP is required to establish a TMDL for impaired waterbodies.³ A TMDL for an impaired waterbody is defined as the sum of the individual waste load allocations for point sources and the load allocations for nonpoint sources and natural background.⁴ Point sources are discernible, confined, and discrete conveyances including pipes, ditches, and tunnels.⁵ Nonpoint sources are unconfined sources that include runoff from agricultural lands or residential areas.⁶

Concentrated agricultural feeding operations (CAFOs)⁷ are facilities where large numbers of livestock or poultry animals are confined for various purposes which include feeding, breeding, training, milking, egg production, meat production, and more. Facilities that have fewer than the

¹ The Environmental Protection Agency, *The Problem*, <https://www.epa.gov/nutrientpollution/problem> (last visited Jan. 26, 2021).

² The Florida Department of Environmental Protection, *Total Maximum Daily Loads Program*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Jan. 26, 2021).

³ See s. 403.067(1), F.S.

⁴ See s. 403.031(21), F.S.

⁵ Fla. Admin. Code R. 62-620.200(37). “Point source” is defined as “any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.” Nonpoint sources of pollution are sources of pollution that are not point sources. Nonpoint sources can include runoff from agricultural lands or residential areas; oil, grease and toxic materials from urban runoff; and sediment from improperly managed construction sites.

⁶ *Id.*

⁷ Florida Livestock Agents Group, *Spring Ranchers Forum*, UF-IFAS, <https://extadmin.ifas.ufl.edu/media/extadminifasufledu/cflag/image/docs/pdfs/spring-ranchers-forum/2014/2014Proceedings.pdf> (last visited Jan. 26, 2021).

threshold number of animals are referred to as Animal Feeding Operations (AFOs).⁸ The confinement of a large number of animals in a relatively small area can cause a manure build up, which can impact TMDLs. Because of their potential to be significant pollution sources, CAFOs nationwide are subject to federal and state wastewater permitting.⁹ CAFOs are regulated under the National Pollutant Discharge Elimination System (NPDES),¹⁰ which was created as a portion of the federal Clean Water Act.¹¹ NPDES rules require CAFOs to obtain wastewater permits if they discharge pollutants to surface water.

The DEP oversees the regulation of dairy farms through the issuance of permits for their centralized wastewater management streams in areas which contain CAFOs.¹² State waste disposal regulations are designed to work in conjunction with animal feeding operation rules so that facilities permitted under animal feeding operation rules will be exempt from solid waste permit requirements.¹³

Basin Management Action Plans and Best Management Practices

Basin management action plans (BMAPs) are one of the primary mechanisms DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges, for a watershed. BMAPs generally include:

- Permitting and other existing regulatory programs, including water quality based effluent limitations;
- Best Management Practices (BMPs) and non-regulatory and incentive-based programs, including cost-sharing, waste minimization, pollution prevention, agreements, and public education;
- Public works projects, including capital facilities; and
- Land acquisition.¹⁴

Agricultural BMPs

Agricultural BMPs are practical measures that agricultural producers undertake to reduce the impacts of fertilizer and water use and otherwise manage the landscape to further protect water resources. BMPs are developed using the best available science with economic and technical consideration and, in certain circumstances, can maintain or enhance agricultural productivity.¹⁵

⁸ The threshold is defined as animals that have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and when crops, vegetation, forage growth, or post-harvest residues cannot be sustained in the normal growing season over any portion of the lot or facility due to animal activity. Florida Department of Agriculture and Consumer Services, *Water Quality/ Quantity Best Management Practices for Florida Dairy Operations*, available at <https://www.fdacs.gov/ezs3download/download/64582/1525731/Media/Files/Agricultural-Water-Policy-Files/Best-Management-Practices/dairyBMPFinal.pdf> (last visited Jan. 26, 2021).

⁹ Fla. Admin. Code R. 62-620; Florida Department of Environmental Protection, *Animal Feeding Operations*, available at <https://floridadep.gov/water/industrial-wastewater/content/animal-feeding-operations> (last visited Jan. 26, 2021).

¹⁰ The United States Environmental Protection Agency, *National Pollutant Discharge Elimination System*, available at <https://www.epa.gov/npdes> (last visited Jan. 26, 2021).

¹¹ 33 U.S.C. §1251 et seq. (1972).

¹² See s. 403.707, F.S.

¹³ *Id.*

¹⁴ See s. 403.067(7), F.S.

¹⁵ Florida Department of Agriculture and Consumer Services Office of Agricultural Water Policy, *Status of Implementation of Agricultural Nonpoint Source Best Management Practices*, 3, (Jul. 1, 2019), available at

Those areas of dairies not regulated through DEP permits are enrolled in the Department of Agriculture and Consumer Services (DACS) Office of Agricultural Water Policy's (OAWP) BMP program.¹⁶ Since the BMP program was implemented in 1999,¹⁷ DACS has adopted 11 BMP manuals that cover nearly all major agricultural commodities in Florida. According to the annual report on BMPs prepared by DACS, approximately 54 percent of agricultural acreage is enrolled in the DACS BMP program statewide.¹⁸

Producers implementing BMPs receive a presumption of compliance with state water quality standards for the pollutants addressed by the BMPs¹⁹ and those who enroll in the BMP program become eligible for technical assistance and cost-share funding for BMP implementation. To enroll in the BMP program, producers must meet with the OAWP to determine the BMPs that are applicable to their operation and submit a Notice of Intent to Implement the BMPs, along with the BMP checklist from the applicable BMP manual.²⁰ Any cost share projects for nutrient pollution reduction are currently funded through existing DEP and DACS cost share programs via the cooperative agricultural regional water quality improvement element.²¹

III. Effect of Proposed Changes:

Section 1 creates s. 403.068, F.S., to establish a large-scale agricultural pollution reduction pilot program (pilot program) within the DEP which works in conjunction with dairy farms²² to develop and maintain regional pollution reduction projects that eliminate water pollution in the state.

Pilot Program Application and Selection

A pilot program applicant must submit an application to the DEP which includes the following information:

<https://www.fdacs.gov/ezs3download/download/84080/2481615/Media/Files/Agricultural-Water-Policy-Files> (last visited Jan. 26, 2021).

¹⁶ Section 403.061, F.S. DEP has the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it. Furthermore, s. 403.061(21), F.S., allows DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, etc.

¹⁷ The program was voluntary from 1999-2005. In 2005, the Florida Legislature modified the law requiring agricultural producers to adopt BMPs or conduct water quality monitoring.

¹⁸ Florida Department of Agriculture and Consumer Services Office of Agricultural Water Policy, *Status of Implementation of Agricultural Nonpoint Source Best Management Practices*, 2, (Jul. 1, 2019), available at <https://www.fdacs.gov/ezs3download/download/84080/2481615/Media/Files/Agricultural-Water-Policy-Files/Status-of-Implementation-of-BMPs-Report-2019.pdf> (last visited Jan. 26, 2021).

¹⁹ See s. 403.067(7), F.S.

²⁰ Florida Department of Agriculture and Consumer Services Office of Agricultural Water Policy, *Status of Implementation of Agricultural Nonpoint Source Best Management Practices*, 3, (Jul. 1, 2019), available at <https://www.fdacs.gov/ezs3download/download/84080/2481615/Media/Files/Agricultural-Water-Policy-Files/Status-of-Implementation-of-BMPs-Report-2019.pdf> (last visited Jan. 26, 2021)

²¹ DACS works with the U.S. Department of Agriculture's Natural Resources Conservation Service, FDEP, water management districts, and soil and water conservation districts to provide funding to assist producers in implementing Best Management Practices. DACS prioritizes the use of cost share funding for projects and practices that provide the greatest benefits to water resources. See s. 403.067(7)(e).

²² Defined as any place or premises where one or more cows, goats, sheep, water buffalo, or other hooved mammals are kept and from which a part or all of the milk is provided, sold, or offered for sale. See s. 502.012 (2), F.S.

- A plan for the design, construction, operation, management, maintenance, and monitoring of pollution reduction;
- A financial plan that includes financial commitments for the development and long-term maintenance of the pollution reduction project(s), which may include a cooperative agreement among multiple dairy farms to collectively pool resources to support systems designed to capture, reuse, and treat all storm water to reduce nutrient loading to waters of the state; and
- A plan to reduce nutrient loading to waters of the state completely or to insignificant levels for each participating dairy farm.

The DEP is responsible for selecting projects to move forward and each of these projects are subject to DEP review and comment. All aspects of projects planned and developed must be available for inspection by the DEP, the DACS, and water management districts.

Participation in the Pilot Program

Participation in the pilot program results in:

- A rebuttable presumption that the dairy farms participating in the project comply with water quality standards;
- Permit issuance of up to 20 years unless inconsistent with federal law;
- Eligibility for state funding under this section and s. 403.067(7)(e), F.S.; and
- Eligibility for self-certification of the pilot program project.

The DEP is given discretionary authority to provide a general permit that authorizes the construction of the approved pilot program projects. As a part of the general permit, the pilot program projects are permitted to proceed without any further agency action if, before construction begins, an electronic self-certification is submitted to the DEP or water management district which certifies that the proposed system was designed by a Florida registered professional who has certified that the proposed system will not:

- Impact wetlands or surface waters;
- Contain activities conducted in, on, or over wetlands or other surface waters;
- Contain drainage facilities that include pipes having diameters greater than 24 inches and will not use pumps in any manner;
- Be a part of a larger common plan, development, or sale;
- Cause or contribute to adverse water quantity or flooding impacts to receiving water and adjacent lands;
- Cause or contribute to adverse impacts to existing surface water storage and conveyance;
- Cause or contribute to violation of state water quality standards; or
- Cause or contribute to an adverse impact to the maintenance of surface or groundwater flows established pursuant to s. 372.042, F.S., or a work of the district established pursuant to s. 373.086, F.S.

The DEP shall authorize rules to implement this section.

Pilot Program Evaluation

By June 30, 2024, the Office of Program Policy Analysis and Government Accountability shall evaluate the pilot program and report its findings to the President of the Senate and Speaker of the House of Representatives. The report should include, at minimum, costs associated with the pilot program and the level of nutrient loading into the waters of the state by properties involved in the pilot program.

Other Provisions

The pilot program is repealed as of October 2, 2025, unless reviewed and continued by the Legislature. Commitments and benefits that result from the pilot program shall continue to be binding for all partnerships entered into before the repeal date unless or until the department terminates the partnership.

Section 2 amends s. 403.814, F.S., which outlines terms for general permits and delegation, to add subsection 13 which allows the DEP to grant general permits for projects that are part of a department-approved pilot program pursuant to s. 403.068, F.S.

Section 3 provides for a nonrecurring appropriation in the 2021-2022 fiscal year of \$1.3 million for the initial implementation of the program, of which \$800,000 is allocated to the Lake Okeechobee Basin Management Action Plan and \$500,000 is allocated to the Suwannee Basin Management Action Plan.

Section 4 provides that this act shall take effect July 1, 2021.

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

Not applicable. The bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The pilot program is contingent upon legislative appropriation in the amount of \$1.3 million.

The bill has an indeterminate fiscal impact on the DEP, the DACS, and water management districts for administrative costs incurred as a result of the creation and implementation of the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.814 of the Florida Statutes.

This bill creates section 403.068 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Rouson

19-00643-21

2021336__

1 A bill to be entitled
 2 An act relating to a large-scale agricultural
 3 pollution reduction pilot program; creating s.
 4 403.068, F.S.; creating a large-scale agricultural
 5 pollution reduction pilot program within the
 6 Department of Environmental Protection as a
 7 partnership with dairy farms for a specified purpose;
 8 providing pilot program application and project
 9 selection requirements; providing that projects must
 10 be available for inspection by the department, the
 11 Department of Agriculture and Consumer Services, and
 12 water management districts; specifying that pilot
 13 program participants are presumed to comply with water
 14 quality standards and are eligible for certain permit
 15 terms and funding; authorizing the department to adopt
 16 rules to provide a general permit for the construction
 17 of systems and projects under certain circumstances;
 18 requiring the Office of Program Policy Analysis and
 19 Government Accountability to evaluate the pilot
 20 program by a specified date using specified minimum
 21 criteria and report its findings to the Legislature;
 22 providing for the future repeal of the pilot program
 23 unless reviewed and saved from repeal by the
 24 Legislature; amending s. 403.814, F.S.; authorizing
 25 the department to grant general permits for certain
 26 department-approved large-scale dairy farm pollution
 27 reduction pilot program participants; providing an
 28 appropriation; providing an effective date.
 29

Page 1 of 6

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

19-00643-21

2021336__

30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. Section 403.068, Florida Statutes, is created to
 33 read:
 34 403.068 Large-scale agricultural pollution reduction pilot
 35 program.—
 36 (1) There is created within the department a large-scale
 37 agricultural pollution reduction pilot program as a partnership
 38 with dairy farms, as defined in s. 502.012. The purpose of the
 39 pilot program is to develop and maintain regional pollution
 40 reduction projects that are designed to eliminate pollution to
 41 waters of the state.
 42 (2) A pilot program applicant must submit an application to
 43 the department in a format prescribed by the department. The
 44 application must include all of the following information:
 45 (a) A plan for the design, construction, operation,
 46 management, maintenance, and monitoring of pollution reduction
 47 from the agricultural properties that are participating in the
 48 project.
 49 (b) A financial plan, including financial commitments for
 50 the development and long-term maintenance of the pollution
 51 reduction project or projects. The financial plan may include a
 52 cooperative agreement among multiple dairy farms to collectively
 53 pool resources to support systems designed to capture, reuse,
 54 and treat all stormwater to reduce nutrient loading to waters of
 55 the state.
 56 (c) A plan to reduce nutrient loading to waters of the
 57 state completely or to negligible levels for each participating
 58 dairy farm.

Page 2 of 6

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

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(3) Selection of projects shall be made at the discretion of the department, and all aspects of selected projects are subject to department review and comment. All aspects of projects planned and developed pursuant to this section must be available for inspection by the department, the Department of Agriculture and Consumer Services, and water management districts.

(4) A participant in a department-approved regional pollution reduction project that meets the requirements of this section and that operates in accordance with all rules and plans applicable to such project shall:

(a) Have a rebuttable presumption that the dairy farms participating in the project comply with water quality standards;

(b) Unless inconsistent with federal law, receive a permit duration of up to 20 years;

(c) Be eligible for state funding pursuant to this section;

(d) If the project is incorporated into the applicable basin management action plan, be eligible for state funding pursuant to s. 403.067(7)(e); and

(e) Be eligible for self-certification pursuant to paragraph (5)(a) for systems and projects constructed under the department-approved regional pollution reduction project.

(5) The department:

(a) May adopt rules to provide a general permit pursuant to s. 403.814(13) that authorizes the construction of the systems and projects that are part of a department-approved project. Such construction projects may proceed without any further agency action by the department or water management district if,

19-00643-21

2021336

before construction begins, an electronic self-certification is submitted to the department or water management district which certifies that the proposed system was designed by a Florida registered professional and that the registered professional has certified that the proposed system will meet the following additional requirements:

1. Activities will not impact wetlands or surface waters;

2. Activities are not conducted in, on, or over wetlands or other surface waters;

3. Drainage facilities will not include pipes having diameters greater than 24 inches, or the hydraulic equivalent, and will not use pumps in any manner;

4. The project is not part of a larger common plan, development, or sale; and

5. The project does not:

a. Cause or contribute to adverse water quantity or flooding impacts to receiving water and adjacent lands;

b. Cause or contribute to adverse impacts to existing surface water storage and conveyance;

c. Cause or contribute to violation of state water quality standards; or

d. Cause or contribute to an adverse impact to the maintenance of surface or groundwater flows established pursuant to s. 373.042 or a work of the district established pursuant to s. 373.086.

(b) Shall adopt rules to implement this section.

(6) By June 30, 2024, the Office of Program Policy Analysis and Government Accountability shall evaluate the pilot program created pursuant to this section and report its findings to the

19-00643-21 2021336__

117 President of the Senate and the Speaker of the House of
118 Representatives. The report shall examine, at a minimum, the
119 costs associated with pilot program projects and the level of
120 nutrient loading into the waters of the state by properties
121 participating in this pilot program.

122 (7) This section shall stand repealed on October 2, 2025,
123 unless reviewed and saved from repeal through reenactment by the
124 Legislature. Any commitments entered into or benefits received
125 pursuant to this section shall continue to be binding for any
126 project partnerships entered into before the repeal date unless
127 or until the department terminates the project partnership.

128 Section 2. Subsection (13) is added to section 403.814,
129 Florida Statutes, to read:

130 403.814 General permits; delegation.—

131 (13) The department may grant general permits for projects
132 that are part of a department-approved large-scale dairy farm
133 pollution reduction pilot program pursuant to s. 403.068.

134 Section 3. For the 2021-2022 fiscal year, the sum of
135 \$1,300,000 in nonrecurring funds is appropriated from the
136 General Revenue Fund to the Department of Environmental
137 Protection for the purpose of large-scale dairy farm pollution
138 reduction projects approved pursuant to s. 403.068, which shall
139 be allocated as follows:

140 (1) The sum of \$800,000 shall be allocated to a project or
141 projects located within the Okeechobee Basin Management Action
142 Plan.

143 (2) The sum of \$500,000 shall be allocated to a project or
144 projects located within the Suwanee Basin Management Action
145 Plan.

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146 Section 4. This act shall take effect July 1, 2021.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-27-21

Meeting Date

336

Bill Number (if applicable)

Topic DAIRY WATER QUALITY PILOT PROJECT

Name RAY HODGE

Job Title _____

Address 19039 121st RD
Street

MCALPIN, FL 32062
City State Zip

Phone 386-209-6997

Email RAY@UNITEDDAIRYFL.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing UNITED DAIRY FARMERS OF FLORIDA & SOUTHEAST MILK

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

APPEARANCE RECORD

TS

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

JAN 27th 2021
Meeting DateSB 336
Bill Number (if applicable)Topic Air Pollution Reduction Amendment Barcode (if applicable)Name David SERDAR Comp + OwnerJob Title Retired Commercial Certified Cleaner FloridaAddress 66 Wintana Green Dr Phone 352 805 6597
StreetTrivland Park FL 34731 Email gotfendave1955@gmail.com
City State ZipSpeaking: ☐ For ☐ Against ☒ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing CitizensAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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 374

INTRODUCER: Senator Bradley

SUBJECT: Fair Repair of Agricultural Equipment

DATE: January 25, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Argote	Becker	AG	Favorable
2. _____	_____	CM	_____
3. _____	_____	RC	_____

I. Summary:

SB 374 creates the “Agricultural Equipment Fair Repair Act” requiring original equipment manufacturers of agricultural equipment to provide certain manufacturing, diagnostic, and repair information to independent repair providers and owners. Original equipment manufacturers are prohibited from excluding certain information concerning security-related functions. The bill does not apply to motor vehicle manufacturers or motor vehicle dealers. Additionally, a civil penalty may be collected from any original equipment manufacturer who is found to be in violation.

The bill takes effect July 1, 2021.

II. Present Situation:

Agricultural Equipment Manufacturers and Dealers Act

S. 686.401, F.S., states that the distribution and sale of equipment primarily designed for or used in agriculture affects the general economy of the state, the public interest, and the public welfare.¹ It is therefore deemed necessary to regulate the conduct of manufacturers, distributors, and dealers of agricultural equipment doing business in Florida in order to prevent fraud, unfair business practices, unfair methods of competition, impositions, and other abuses upon its citizens.² Currently, the State does not regulate the distribution of information related to manufacturing, diagnostic, and repair between original equipment manufacturers (OEM) and independent repair providers and owners.

¹ See ch. 686.401, F.S.

² *Id.*

Right to Repair Legislation

Over 32 states have considered right to repair legislation and 20 of those states introduced legislation in 2019 alone. Though related to vehicle manufacturers, Massachusetts³ has been the only state successful in this endeavor to date. Georgia,⁴ New York,⁵ Washington,⁶ Missouri,⁷ Kansas,⁸ and Nebraska⁹ are among the states that have introduced legislation surrounding the availability of diagnostic and repair information to any independent repair provider or owner of products manufactured by an OEM.

Massachusetts

Mass. Gen. Laws Ann. ch. 165, § 93K (2013)¹⁰ requires vehicle owners and independent repair facilities in Massachusetts to have access to the same vehicle diagnostic and repair information made available to the manufacturers, dealers located in Massachusetts, and authorized repair facilities. This legislation includes provisions similar to that of SB 374, including protections surrounding trade secrets and the terms of an authorized repair agreement.

Association of Equipment Manufacturers and Equipment Dealers Association

The Association of Equipment Manufacturers and the Equipment Dealers Association created R2R Solutions¹¹ which compiles maintenance, diagnostic, and repair information for tractors and combines.¹² The publication is available online and includes access to manuals, product guides, product service demonstrations, fleet management information, and more. R2R Solutions provides owners with access to descriptions for fault codes on equipment, allowing owners the ability to choose whether to repair machinery independently or turn to an authorized repair provider.

III. Effect of Proposed Changes:

The Agricultural Equipment Fair Repair Act

The bill creates s. 686.35, F.S., known as the “Agricultural Equipment Fair Repair Act.” The bill requires that original equipment manufacturers (OEM) provide diagnostic and repair documentation, including updates and corrections to embedded software, to any independent repair provider or owner of equipment manufactured by the OEM. Such information must be available free of charge or provided to an independent repair provider or owner in the same manner that the OEM would divulge such information to an authorized repair provider.

³ Mass. Gen. Laws Ann. ch. 165, § 93K (2013).

⁴ Georgia HB 286 (2019).

⁵ New York SB 710 (2020).

⁶ Washington HB 1342 (2020).

⁷ Missouri HB 1079 (2019).

⁸ Kansas HB 2122 (2017).

⁹ Nebraska LB 67 (2017).

¹⁰ Mass. Gen. Laws Ann. ch. 165, § 93K (2013).

¹¹ Association of Equipment Manufacturers and Equipment Dealers Association, *Right to Repair Solutions*, R2R Solutions.org, <https://r2rsolutions.org/> (last visited Jan. 26, 2021).

¹² Association of Equipment Manufacturers, *Right to Repair*, <https://www.aem.org/advocacy-old/right-to-repair> (last visited Jan. 26, 2021).

Following the dissemination of this information, the OEM is not responsible for the content and functionality of such aftermarket diagnostic tools, diagnostics, or service information systems.

Definitions

The bill provides definitions for the terms:

- Authorized repair provider,
- Embedded software,
- Equipment,
- Fair and reasonable terms,
- Firmware,
- Independent repair provider,
- Motor vehicle,
- Motor vehicle dealer,
- Motor vehicle manufacturer,
- Original equipment manufacturer,
- Owner,
- Part, and
- Trade secret.

Information Concerning Security-Related Functions

The bill requires that diagnostic, service, and repair documentation needed to reset a security-related electronic function be provided to an owner or independent repair provider as long as this documentation is not excluded under the terms defined within this bill. If so, the necessary documentation must be obtained by an owner or independent repair provider through the appropriate secure data release systems.

Exclusions

The bill explicitly does not:

- Require that an OEM divulge a trade secret.
- Interfere with the terms of an agreement between the OEM and an authorized repair provider with the exception of any provision within the agreement that waives, avoids, restricts, or limits and OEM's compliance with the terms defined within this bill.
- Require that OEMs or authorized repair providers give an owner or independent repair provider access to non-diagnostic and repair documentation provided by an OEM to an authorized repair provider pursuant the terms of an authorized repair agreement.
- Apply to motor vehicle manufacturers, any product or service of a motor vehicle manufacturer, or motor vehicle dealers.

Other Provisions

The bill provides that any OEM found in violation is liable to a civil penalty of not more than \$500 for each violation.

Effective Date

This bill takes effect July 1, 2021.

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.

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

None.

B. Private Sector Impact:

Original equipment manufacturers may be susceptible to liability if modifications are made on equipment that result in serious injury. Original equipment manufacturers may also be subject to a decrease in revenue related to repairs as owners will be authorized to seek repair services from independent repair providers and may be subject to a civil penalty of not more than \$500.

Owners of equipment will acquire the ability to maintain, service, repair, and rebuild their agricultural equipment on their own accord or by the repair shop of their choice as a result of the provisions implemented by this bill. This may cause a positive fiscal impact for owners as they will no longer bear the cost of transportation of faulty equipment to an authorized repair provider or dealer for service.

C. Government Sector Impact:

The bill creates a new civil penalty of not more than \$500, which may increase revenue if the provisions set forth by this bill are violated.

VI. Technical Deficiencies:

Line 41 defines “fair and reasonable terms,” but that definition is not used in the substance of the bill.

VII. Related Issues:

As written, the bill allows equipment owners autonomy over repairs. Equipment owners will have the ability to make modifications that may lead to environmental, safety, and liability implications for customers and dealers.

VIII. Statutes Affected:

This bill creates section 686.35 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Bradley

5-00459-21

2021374__

A bill to be entitled

An act relating to the fair repair of agricultural equipment; providing a short title; creating s. 686.35, F.S.; defining terms; requiring original equipment manufacturers of agricultural equipment to provide certain manufacturing, diagnostic, and repair information to independent repair providers and owners; prohibiting the original equipment manufacturers from excluding certain information concerning security-related functions; providing construction and applicability; providing civil liability; providing an effective date.

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

Section 1. This act may be cited as the "Agricultural Equipment Fair Repair Act."

Section 2. Section 686.35, Florida Statutes, is created to read:

686.35 Fair repair of agricultural equipment.—

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

(a) "Authorized repair provider" means an individual or an entity that has an arrangement for a definite or indefinite period in which an original equipment manufacturer grants to a separate individual or entity a license to use a trade name, service mark, or related characteristic for the purpose of offering repair services under the name of the original equipment manufacturer.

(b) "Embedded software" means any programmable instructions

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provided on firmware delivered with the equipment for the purpose of equipment operation, including all relevant patches and fixes made by the original equipment manufacturer for this purpose. The term includes, but is not limited to, a basic internal operating system, an internal operating system, a machine code, an assembly code, a robot code, or a microcode.

(c) "Equipment" means digital electronic equipment, or a part for such equipment, which is originally manufactured for farm equipment, including combines, tractors, implements, self-propelled equipment, and related attachments and implements, and that is manufactured for distribution and sale in this state.

(d) "Fair and reasonable terms" means an equitable price in light of relevant factors, including, but not limited to:

1. The net cost to the authorized repair provider for similar information obtained from an original equipment manufacturer, excluding any discounts, rebates, or other incentive programs;

2. The cost to the original equipment manufacturer for preparing and distributing the information, excluding any research and development costs incurred in designing and implementing, upgrading, or altering the product, but including amortized capital costs for the preparation and distribution of the information;

3. The price charged by other original equipment manufacturers for similar information;

4. The price charged by original equipment manufacturers for similar information before the launch of original equipment manufacturer websites;

5. The ability of aftermarket technicians or shops to

Page 2 of 6

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59 afford the information;

60 6. The means by which the information is distributed;

61 7. The extent to which the information is used, including
 62 the number of users and the frequency, duration, and volume of
 63 use; and

64 8. Inflation.

65 (e) "Firmware" means a software program or set of
 66 instructions programmed on a hardware device to allow the device
 67 to communicate with other computer hardware.

68 (f) "Independent repair provider" means a person or
 69 business operating in this state which is not affiliated with an
 70 original equipment manufacturer or an original equipment
 71 manufacturer's authorized repair provider and which is engaged
 72 in the diagnosis, service, maintenance, or repair of equipment.
 73 However, an original equipment manufacturer meets the definition
 74 of an independent repair provider when such original equipment
 75 manufacturer engages in the diagnosis, service, maintenance, or
 76 repair of equipment that is not affiliated with the original
 77 equipment manufacturer.

78 (g) "Motor vehicle" means any vehicle that is designed for
 79 transporting persons or property on a street or highway and
 80 certified by the motor vehicle manufacturer under all applicable
 81 federal safety and emissions standards and requirements for
 82 distribution and sale in the United States. The term does not
 83 include a motorcycle or a recreational vehicle or manufactured
 84 home equipped for habitation.

85 (h) "Motor vehicle dealer" means a person or business that,
 86 in the ordinary course of business, is engaged in the selling or
 87 leasing of new motor vehicles to a person or business pursuant

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88 to a franchise agreement; is engaged in the diagnosis, service,
 89 maintenance, or repair of motor vehicles or motor vehicle
 90 engines pursuant to such franchise agreement; and has obtained a
 91 license under s. 320.27.

92 (i) "Motor vehicle manufacturer" means a person or business
 93 engaged in the manufacturing or assembling of new motor
 94 vehicles.

95 (j) "Original equipment manufacturer" means a person or
 96 business that, in the ordinary course of business, is engaged in
 97 the selling or leasing of new equipment to a person or business
 98 and is engaged in the diagnosis, service, maintenance, or repair
 99 of such equipment.

100 (k) "Owner" means a person or business that owns or leases
 101 a digital electronic product purchased or used in this state.

102 (l) "Part" means a replacement part, either new or used,
 103 which the original equipment manufacturer makes available to the
 104 authorized repair provider for purposes of effecting repair.

105 (m) "Trade secret" means anything tangible or intangible or
 106 electronically stored or kept which constitutes, represents,
 107 evidences, or records intellectual property, including secret or
 108 confidentially held designs, processes, procedures, formulas,
 109 inventions, or improvements or secret or confidentially held
 110 scientific, technical, merchandising, production, financial,
 111 business, or management information. The term also includes any
 112 other trade secret as defined in 18 U.S.C. 1839, as such section
 113 existed on January 1, 2020.

114 (2) For equipment sold and used in this state, the original
 115 equipment manufacturer shall make available diagnostic and
 116 repair documentation, including repair technical updates and

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updates and corrections to embedded software, to any independent repair provider or owner of equipment manufactured by such original equipment manufacturer. The information must be made available for no charge or provided in the same manner as the original equipment manufacturer makes such diagnostic and repair documentation available to an authorized repair provider. Thereafter, the original equipment manufacturer is not responsible for the content and functionality of such aftermarket diagnostic tools, diagnostics, or service information systems.

(3) Original equipment manufactured by the original equipment manufacturer which is sold or used in this state to provide security-related functions may not exclude diagnostic, service, and repair documentation that is necessary to reset a security-related electronic function from information provided to an owner or independent repair provider. If such documentation is excluded under this section, the documentation necessary to reset an immobilizer system or a security-related electronic module must be obtained by an owner or independent repair provider through the appropriate secure data release systems.

(4) This section may not be construed to do any of the following:

(a) Require an original equipment manufacturer to divulge a trade secret.

(b) Abrogate, interfere with, contradict, or alter the terms of an agreement executed and in force between an authorized repair provider and an original equipment manufacturer, including, but not limited to, the performance or

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2021374

provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such authorized repair agreement, except that any provision in such an authorized repair agreement which purports to waive, avoid, restrict, or limit an original equipment manufacturer's compliance with this section is void and unenforceable.

(c) Require original equipment manufacturers or authorized repair providers to provide an owner or independent repair provider access to nondiagnostic and repair documentation provided by an original equipment manufacturer to an authorized repair provider pursuant to the terms of an authorized repair agreement.

(5) This section does not apply to motor vehicle manufacturers, any product or service of a motor vehicle manufacturer, or motor vehicle dealers.

(6) Any original equipment manufacturer found in violation of this section is liable to a civil penalty of not more than \$500 for each violation.

Section 3. This act shall take effect July 1, 2021.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/27/2021
Meeting Date

X T-6
SB 374
Bill Number (if applicable)

Topic Fair Repair of Ag. Equipment

Amendment Barcode (if applicable)

Name Bob Long

Job Title Territory Customer Support Mgr. w/ John Deere

Address 5360 Cypress Dr.
Street

Phone 859-421-1723

Lake Park GA 31636
City State Zip

Email longrobert@johndeere.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing John Deere

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

X T6

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

1/27/21

Meeting Date

374

Bill Number (if applicable)

Topic Repair of Ag Equipment

Amendment Barcode (if applicable)

Name Adam Basford

Job Title Director of Legislative Affairs

Address 310 W College Ave

Phone 352-5384299

Tallahassee FL 32301

City

State

Zip

Email adam.basford@FLA.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Farm Bureau

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

JAN 27th 2021
Meeting Date

SB 374
Bill Number (if applicable)

Topic FAIR Repair Ag-Equip-ment
Name DAVID SERDAN
Job Title Concerned Senator
Address 16 WINTERGREEN DR
City Fruitland Park FL 34731
State FL Zip 34731
Phone 352 805 6597
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Speaking: ☒ For ☐ Against ☒ Information

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

Representing FARMERS

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

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Environment and Natural Resources

SELECT COMMITTEE:

Select Committee on Pandemic
Preparedness and Response

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR LORANNE AUSLEY

3rd District

January 25, 2021

The Honorable Darryl Rouson
Chair, Agriculture Committee
Florida Senate
404 S Monroe ST
335 Knott Building
Tallahassee, FL 32399-1100

Dear Chair Rouson:

I would respectfully request to be excused from your Agriculture Committee on Wednesday, January 27, 2021. Unfortunately, I was exposed to COVID-19 last Friday and am currently following CDC guidelines for testing and quarantining.

I am keenly interested in Wednesday's agenda, as these are topics that are really important to the 11 counties of Senate District 3 - particularly the update on the State Hemp program, and the presentations on food insecurity and COVID impacts on the agriculture industry. I intend to participate as fully as possible via the Florida Channel as I realize there are no current options for virtual participation. I will be available by phone should anyone need to reach me. I am looking forward to serving on this committee and so sorry I will miss being physically present at our first meeting.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine Ausley".

Loranne Ausley
Senate District 3

cc: Katherine Becker, Staff Director
Laureen Zaugg, Committee Administrative Assistant

REPLY TO:

- ☐ 20 East Washington Street, Suite D, Quincy, Florida 32351 (850) 627-0474
- ☐ 202 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Agriculture Committee Judge:

Started: 1/27/2021 9:01:06 AM

Ends: 1/27/2021 11:23:38 AM

Length: 02:22:33

9:01:05 AM Meeting called to order
9:01:14 AM Roll Call
9:01:37 AM Quorum present
9:01:43 AM Senator Ausley has been excused, watching remotely
9:03:34 AM Member introductions
9:04:27 AM Senator Bradley talks about agriculture and rural communities
9:04:43 AM Senator Boyd-Manatee, Eastern Hillsborough County
9:05:11 AM Senator Perry-Alachua, Putnam, Marion County-lots of rural areas
9:05:36 AM Senator Rodriguez-represents all agriculture areas in South Florida
9:06:12 AM Senator Polsky-Broward and Palm Beach County-Lots of agriculture including rice, sugar
9:07:00 AM Senator Thurston-Broward County-Importance of Agriculture to Florida
9:07:59 AM Issues to tackle-Farming, Best Management Practices, Covid safety, Food, Hemp
9:10:58 AM Update on State Hemp Program-Director Holly Bell, Florida Dept of Agriculture
9:12:36 AM SB 1020 was a big help, we started by workshopping the bill. All 5 rules were adopted.
9:15:06 AM First big harvest in June 2020.
9:16:43 AM There are several pilot projects conducted by Florida Universities.
9:18:24 AM More research is needed which is now high on the priority list.
9:23:15 AM Industry is regulated on a daily basis. Collaborating with FDLE to understand regulations.
9:24:01 AM We continue to go out and test products to make sure consumers are protected.
9:27:00 AM Ms. Bell discusses the successes they have had and which counties they are in.
9:28:30 AM Senator Boyd-Manufacturing facilities are getting growers from around the country?
9:29:08 AM Yes, not just Florida. Projection of 3-5 years on number of acres to expand?
9:29:41 AM Ms.Bell-Expect to grow in double digits in excess of 25%. More data to come.
9:30:24 AM Senator Rouson-Asks about technology.
9:32:03 AM Overview of Florida Department of Citrus by Executive Director Shannon Shepp
9:33:09 AM She also introduced Dr. Marisa Zansler.
9:34:03 AM Stand alone government agency for the State of Florida-Research, regulation and promo.
9:34:48 AM Mission-Maximize consumer demand for citrus products.
9:36:06 AM Discusses benefits of citrus-health, hydration rehydration.
9:39:27 AM They started new programs to promote citrus through an integrated approach.
9:45:03 AM FDOC Program Measurement by Dr. Zansler, Director of Econ. and Market Research
9:45:59 AM Increase the demand for Florida oranges. Average sales of orange juice has declined
9:46:31 AM due to promotional dollars. Since pandemic sales have increased.
9:48:24 AM Measuring preceptions of orange juice through consumer surveys.
9:48:57 AM Retail sales data model to see what return on investment is.
9:54:31 AM Senator Burgess-Fun fact-Dept of Citrus not located in Tallahassee. OJ helps body regulate
9:55:32 AM how quickly your body regulates sugar. Helps you control your insulin.
9:57:25 AM Thomas Mantz, President and CEO of Feeding Tampa Bay.
9:58:36 AM Robin Safely, Executive Director of Feeding America.
9:59:44 AM How food relief works in the local communities, pre and post covid.
10:00:27 AM They represent about 75% of all charitable feeding.
10:04:03 AM How do folks get out of the food line. We are always there if you need us.
10:04:42 AM Work with many agencies to provide programs to supply food to the needy.
10:06:28 AM 90% of those that come to the food bank have a job and a home, but wages are low.
10:12:42 AM What do we do to end hunger? We have workforce training programs, choose people
10:13:48 AM that may have difficulty getting a job, we work with partners for food distribution.
10:14:47 AM We bring in case managers. Primary objective is to improve health. Food relief provides
10:24:41 AM long term healthcare.
10:25:41 AM Projected meal gap across Florida.
10:28:09 AM Senator Perry-How many people that come are on food stamps? No more than 4-5%.
10:29:26 AM Question on food deserts. Food insecure people don't buy healthy food. It doesn't seem
10:30:33 AM Food stores.

10:31:57 AM Senator Rodriguez-Commending Feeding America staff
10:32:41 AM Senator Polsky-Visited location in Vero Beach and wants to say thank you.
10:33:34 AM Senator Bradley-Thank you for what you do.
10:34:41 AM Senator Thurston-Thank you for your nutritional training.
10:35:47 AM Senator Boyd-Wants to say thank you.
10:37:44 AM David Serdar Fruitland Park-Concerned Senior Citizen
10:38:54 AM Presentation on the effect of Covid on the Agriculture Industry.
10:39:59 AM Dairy farmer and what is unique about the milk industry.
10:41:13 AM 84% of Florida milk goes into a milk jug, not cheese or butter.
10:49:01 AM Homestead Florida farmer-they grow 2500 acres. Pandemic strikes and we had too many
10:50:01 AM crops Lots of crops were wasted due to hot weather and didn't want plants to die.
10:50:58 AM Prison system requested crops and shipping to prisons began. Stop relying on other
10:51:57 AM countries to feed our citizens and let American farmers protect our food source.
10:53:00 AM Tim Alderman, Alderman Farms-Palm Beach County-1200 acres-farmers gave a lot
10:53:59 AM of vegetables to food banks because everything shut down. The problem was nobody
10:55:15 AM wanted to pay to have pickers pick. Help get farm workers a vaccination.
10:57:03 AM Gretchen Stone-Aquaculture in Florida-Shelfish Farmer
10:59:54 AM Incredible loss due to pandemic.
11:02:43 AM Senator Bradley-Good to see you and look forward to touring your facility.
11:03:24 AM David Sertar - Fruitland Park - representing himself
11:04:34 AM
11:05:28 AM SB 374 by Senator Bradley on Fair Repair of Agricultural Equipment
11:06:09 AM Very costly and time consuming for farmers. Farmers should have the authority to
11:06:33 AM repair their own equipment and not have to go to the manufacturer for repairs.
11:07:04 AM This bill would be similar to what now happens with automobile repairs.
11:07:25 AM Senator Boyd-Gives farmers a choice to go to dealer or any other facility correct?
11:07:52 AM Yes that is exactly right.
11:08:19 AM Senator Thurston-Is this going to cause the dealer to increase the price?
11:09:10 AM No, I don't think so.
11:09:29 AM Bob Long-Fair Repair of Ag. Equipment-they oppose the package.
11:11:08 AM They do not want anyone to have access to the equipment software. Privacy concerns.
11:11:37 AM Liability and safety concerns. Modified equipment could pose a serious threat to users.
11:12:56 AM Adam Bosford-Florida Farm Bureau-This bill has given Farm Bureau ability to educate.
11:13:56 AM Working with John Deere to produce a webinar to discuss this issue.
11:15:19 AM Senator Burgess-Thank you for this legislation.
11:16:20 AM Senator Bradley to close on bill-This is not a new system. Please support
11:17:10 AM SB 374 reported favorably
11:17:44 AM SB 336 by Senator Rouson-Large scale Agricultural Pollution Reduction Pilot Program
11:18:17 AM Senator Rouson-This bill is specifically for dairy farmers. Maintain pollution reduction
11:19:15 AM projects to stop pollution in waters.
11:19:47 AM This is a pilot program and if it works to expand.
11:20:06 AM Senator Thurston-How would bill help dairy farmers. Help large scale producers of
11:20:41 AM dairy to reduce pollutants and provide aid and incentives.
11:21:20 AM Ray Hodge waives in support.
11:21:49 AM David Serdar-speaks on bill in support.
11:22:20 AM No debate
11:22:29 AM Senator Rouson waives close.
11:22:35 AM SB 336 reported favorably.
11:22:52 AM Senator Rouson moves the meeting adjourned. Meeting adjourned.