

Tab 1	SB 416 by Harrell ; (Identical to H 00833) Animal Cremation
Tab 2	SB 474 by Perry ; (Identical to H 00145) Recreational Off-highway Vehicles
Tab 3	SB 864 by Ausley ; Cost-share Program for Agriculture, Shellfish Aquaculture, and Timber Operations

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Rouson, Chair
Senator Bradley, Vice Chair

MEETING DATE: Thursday, December 2, 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	SB 416 Harrell	Animal Cremation; Creating "Sevilla's Law"; requiring a provider of companion animal cremation services to provide certain individuals and entities with a written description of the services that the provider offers; requiring the written description to include a detailed explanation of each service offered; requiring certain providers to include a certification with the returned animal's cremation remains; providing powers of the Department of Agriculture and Consumer Services, etc. AG 12/02/2021 Favorable JU AP	Favorable Yeas 8 Nays 0
2	SB 474 Perry (Identical H 145)	Recreational Off-highway Vehicles; Revising the definition of the term "ROV" to increase the weight limit of a specified vehicle, etc. AG 12/02/2021 Favorable TR RC	Favorable Yeas 8 Nays 0
3	SB 864 Ausley	Cost-share Program for Agriculture, Shellfish Aquaculture, and Timber Operations; Citing this act as the "Protecting Florida's Natural Resources Act"; establishing a cost-share program within the Department of Agriculture and Consumer Services; requiring the program, subject to legislative appropriation, to provide funds equal to a specified percentage of the value of environmental services that the agriculture, shellfish aquaculture, and timber industries provide; requiring the department to conduct a study to determine the value of such environmental services, in consultation with certain entities, etc. AG 12/02/2021 Favorable AEG AP	Favorable Yeas 8 Nays 0
Discussion of the Supply Chain Challenges Facing Agriculture			Discussed

COMMITTEE MEETING EXPANDED AGENDA

Agriculture

Thursday, December 2, 2021, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 416

INTRODUCER: Senator Harrell

SUBJECT: Animal Cremation

DATE: December 1, 2021

REVISED: _____

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

I. Summary:

SB 416 designates this act as “Sevilla’s Law.” It requires a provider of companion animal cremation to provide a written description of their services to the owner of the deceased animal, the person making cremation arrangements for the owner, veterinarians, pet shops, the Department of Agriculture and Consumer Services (department), and any person, upon request. It prohibits written descriptions of services to contain false or misleading information. The provider must include a certification along with the returned cremation remains. The bill provides criteria for the certification. The bill provides civil penalties for unlawful acts by the provider. It also provides for the powers of the department and authorizes it to adopt rules to carry out the provisions of the act.

II. Present Situation:

Pets are important to a family and they want their pet to be treated in a compassionate, dignified manner after its passing. Not only are pet owners faced with the loss of a treasured friend, but they are also faced with the disposition of the pet after their passing. According to a 2012 study by the Pet Loss Professionals Alliance, 99 percent of pets are cremated, of which 28 percent were partitioned cremations, where a physical separation is employed to keep comingling of ashes to a minimum; 49 percent were group cremations, where several pets are cremated at once using no physical means of physical separation; and 23 percent were private cremations, where one pet is cremated at a time.¹

¹ Connecting Directors. *Pet Loss Professionals Alliance Releases Findings of Inaugural Professional Survey*. May 12, 2013. <https://connectingdirectors.com/40088-pet-loss-professionals-alliance-releases-findings-of-inaugural-professional-survey> (Last visited November 29, 2021).

“Sevilla” was cremated before her owners could say their final farewells or attend the private cremation that they had ordered. The owners were told by the crematorium that there had been a “catastrophic failure of process,” the details of which have not been explained to the owners.²

III. Effect of Proposed Changes:

Section 1 creates s. 501.961, F.S., to create the act cited as “Sevilla’s Law.” It provides definitions for the terms “commingling of significant amounts of cremation remains from different companion animals,” “communal cremation,” “companion animal or animal,” “cremation remains,” “department,” “individually partitioned cremation,” “on a regular basis,” and “provider.”

The bill requires a provider of companion animal cremation services (provider) to provide, without charge, to all of the following a written description of the services that the provider offers:

- The owner of each deceased animal for whom the provider agrees to provide cremation services, or the person making cremation arrangements on the owner’s behalf;
- All veterinarians, pet shops, and other business entities or persons known to the provider who refer animal owners or bring deceased animals to the provider on a regular basis;
- The Florida Department of Agriculture and Consumer Services (department); and
- Any other person, upon request.

The required written description of services:

- May be in the form of a brochure;
- Must be provided in quantities sufficient to allow its distribution to animal owners whose business is being referred or brought to the provider;
- Must include a detailed explanation of each service offered for each type or level of cremation service offered; and
- May not include false or misleading information.

A written description is misleading if it:

- Fails to include a detailed explanation of the cremation services offered or fails to include, for each type or level of cremation service offered, any of the disclosures required;
- Uses the terms “private” or “individual” with respect to any communal cremation procedure or with respect to an individually partitioned cremation procedure that will cremate more than one companion animal at the same time;
- Uses the terms “individually partitioned” or “separate” with respect to a communal cremation process; or
- Includes any text, picture, illustration, or combination thereof, or uses any layout, typography, or color scheme, which reasonably causes confusion about the nature of the services to be provided or obstructs certain parts of the written description of services.

The bill requires entities that make referrals to providers or accept deceased companion animals for cremation through a provider to make the provider’s written description of services available to owners or their representatives. It requires providers to include a certification with the

² <https://sevillaslaw.com/sevilla%E2%80%99s-story> (Last visited November 29, 2021).

returned animal's remains and provides requirements for such certification. It provides that the following acts are unlawful and come with civil penalties:

- For a provider to prepare or distribute a written description of services that the provider knows or should know to be false or misleading.
- To intentionally fail to prepare or distribute a written description of services as required by this section.
- To knowingly make a false certification concerning persons referring or bringing business to a provider.

The bill provides circumstances under which a person commits an unfair or deceptive act or practice or engages in an unfair method of competition in violation of certain provisions. It provides that a person who is injured by a violation of this act may bring a civil action to recover damages or punitive damages, including costs, court costs, and attorney fees. The bill provides for the powers of the department and authorizes the department to adopt rules to implement the act.

Section 2 provides that this act shall take effect July 1, 2022.

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:

There could be a burden on providers to create and share detailed list of services offered.

C. Government Sector Impact:

The Florida Department of Agriculture and Consumer Services estimates the bill will have an impact on the department of \$191,534 in fiscal year 2022-2023, \$138,000 in fiscal year 2023-2024, and \$138, 000 in fiscal year 2024-2025.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 501.961 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 Harrell

25-00295A-22

2022416__

1 A bill to be entitled
2 An act relating to animal cremation; creating s.
3 501.961, F.S.; providing a short title; defining
4 terms; requiring a provider of companion animal
5 cremation services to provide certain individuals and
6 entities with a written description of the services
7 that the provider offers; requiring the written
8 description to include a detailed explanation of each
9 service offered; providing that the written
10 description may not contain false or misleading
11 information; requiring certain persons or entities
12 that make referrals to providers or accept deceased
13 companion animals for cremation through a provider to
14 make the provider's written description of services
15 available to owners or their representatives;
16 providing construction; requiring certain providers to
17 include a certification with the returned animal's
18 cremation remains; providing requirements for the
19 certification; providing that certain acts are
20 unlawful; providing civil penalties for initial and
21 subsequent offenses; providing circumstances under
22 which a person commits an unfair or deceptive act or
23 practice or engages in an unfair method of competition
24 in violation of certain provisions; providing for a
25 private right of action; providing powers of the
26 Department of Agriculture and Consumer Services;
27 requiring that certain fines collected by the
28 department be paid into the General Inspection Trust
29 Fund; authorizing the department to adopt rules;

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30 providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Section 501.961, Florida Statutes, is created to
35 read:

36 501.961 Animal cremation.-

37 (1) SHORT TITLE.-This section may be cited as "Sevilla's
38 Law."

39 (2) DEFINITIONS.-As used in this section, the term:

40 (a) "Commingling of significant amounts of cremation
41 remains from different companion animals" means the commingling
42 of remains such that specific cremation remains cannot be
43 attributed to a particular animal or the cremation remains
44 attributed to one companion animal contain more than 1 percent
45 by weight of cremation remains from one or more other companion
46 animals. The term does not include the presence, in the
47 cremation remains of a companion animal, of the remains of any
48 creature that was on or contained within the body of that animal
49 at the time of cremation, including parasites, insects, food, or
50 creatures eaten by that companion animal.

51 (b) "Communal cremation" means a cremation process in which
52 companion animals are cremated together without effective
53 partitions or separation during the cremation process such that
54 the commingling of significant amounts of cremation remains from
55 different companion animals is likely or certain to occur.

56 (c) "Companion animal" or "animal" means a deceased animal
57 that had a companion relationship or a pet relationship with its
58 owner at the time of the animal's death.

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59 (d) "Cremation remains" means the material remaining after
60 the cremation of an animal, which may include ashes, skeletal
61 remains, and other residue resulting from the incineration
62 process, and which may be pulverized or otherwise processed by
63 the provider of cremation services.

64 (e) "Department" means the Department of Agriculture and
65 Consumer Services.

66 (f) "Individually partitioned cremation" means a cremation
67 process in which the commingling of significant amounts of
68 cremation remains from different companion animals is unlikely
69 to occur and:

70 1. Only one companion animal at a time is cremated in the
71 incinerator; or

72 2. More than one companion animal is cremated in the
73 incinerator at the same time, but each of the animals is
74 completely separated from the others by partitions during the
75 cremation process.

76 (g) "On a regular basis" means that the person or business
77 entity referring animal owners or bringing business to a
78 provider:

79 1. Has an ongoing contractual or agency relationship with
80 the provider relating to the cremation of companion animals;

81 2. Regularly receives compensation or consideration from
82 the provider or animal owners relating to the cremation of
83 companion animals by the provider; or

84 3. Refers or brings to the provider the business of more
85 than five animal owners in an average month.

86 (h) "Provider" means a person, company, or other entity
87 engaging in the business of cremating deceased companion animals

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88 in this state.

89 (3) WRITTEN DESCRIPTION OF SERVICES.-

90 (a) A provider of companion animal cremation services shall
91 provide, without charge, to all of the following a written
92 description of the services that the provider offers:

93 1. The owner of each deceased animal for whom the provider
94 agrees to provide cremation services, or the person making
95 cremation arrangements on the owner's behalf.

96 2. All veterinarians, pet shops, and other business
97 entities or persons known to the provider who refer animal
98 owners or bring deceased animals to the provider on a regular
99 basis.

100 3. The department.

101 4. Any other person, upon request.

102 (b) The written description of services:

103 1. May be in the form of a brochure;

104 2. Must be provided in quantities sufficient to allow its
105 distribution to animal owners whose business is being referred
106 or brought to the provider;

107 3. Must include a detailed explanation of each service
108 offered for each type or level of cremation service offered. If
109 any part of the deceased companion animal will be removed, used,
110 or sold by the provider before or after the cremation, the
111 written description of services must disclose that fact; and

112 4. May not include false or misleading information. A
113 written description of services is misleading if it:

114 a. Fails to include a detailed explanation of the cremation
115 services offered or fails to include, for each type or level of
116 cremation service offered, any of the disclosures required under

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117 this subsection;

118 b. Uses the terms "private" or "individual" with respect to
119 any communal cremation procedure or with respect to an
120 individually partitioned cremation procedure that will cremate
121 more than one companion animal at the same time;

122 c. Uses the terms "individually partitioned" or "separate"
123 with respect to a communal cremation process; or

124 d. Includes any text, picture, illustration, or combination
125 thereof, or uses any layout, typography, or color scheme, which
126 reasonably causes confusion about the nature of the services to
127 be provided or obstructs certain parts of the written
128 description of services.

129 (4) BUSINESS ENTITIES OR PERSONS REFERRING OR BRINGING
130 BUSINESS TO A PROVIDER.—

131 (a) A veterinarian, pet shop, or other business entity or
132 person referring owners of deceased animals, or persons making
133 arrangements on an owner's behalf, to a provider on a regular
134 basis shall, at the time of the referral, make a copy of the
135 provider's written description of services available to such
136 person.

137 (b) A veterinarian, pet shop, or other business entity or
138 person accepting, on a regular basis, deceased companion animals
139 for cremation through services obtained from a provider shall
140 make a copy of the provider's written description of services
141 available to each animal owner, or person making arrangements on
142 the owner's behalf, from whom a deceased companion animal is
143 accepted.

144 (c) A copy of the written description of services may be
145 given to the animal owner, or the person making arrangements on

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146 the owner's behalf, at the time the services are offered.

147 (d) For purposes of this subsection, publishing or
148 otherwise disseminating advertising for a provider of companion
149 animal cremation services does not, in and of itself, constitute
150 referring or bringing business to that provider.

151 (5) CERTIFICATION; PENALTY FOR FALSE CERTIFICATION.—If a
152 provider's services include the return of the cremation remains
153 of the animal, the provider must include a certification along
154 with the returned cremation remains. The certification must
155 declare, to the best of the provider's knowledge and belief,
156 that, except as otherwise specifically indicated on the
157 certificate, the cremation and any other services specified were
158 provided in accordance with the representations of the provider
159 in the applicable portions of the provider's written description
160 of services.

161 (6) UNLAWFUL ACTS.—It is unlawful:

162 (a) For a provider to prepare or distribute a written
163 description of services which the provider knows or should know
164 to be false or misleading. A first offense is punishable by a
165 fine of at least \$1,001 but not more than \$1,500, and each
166 subsequent offense is punishable by a fine of at least \$2,000
167 but not more than \$2,500.

168 (b) To intentionally fail to prepare or distribute a
169 written description of services as required by this section. A
170 first offense is punishable by a fine of at least \$1,001 but not
171 more than \$1,500, and each subsequent offense is punishable by a
172 fine of at least \$2,000 but not more than \$2,500.

173 (c) To knowingly make a false certification under
174 subsection (5). A first offense is punishable by a fine of at

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175 least \$1,001 but not more than \$1,500, and each subsequent
176 offense is punishable by a fine of at least \$2,000 but not more
177 than \$2,500.

178 (7) VIOLATION AS A DECEPTIVE ACT OR PRACTICE OR UNFAIR
179 TRADE PRACTICE.—In addition to any fine imposed under subsection
180 (6), a person who commits an act or a practice declared to be
181 unlawful under subsection (6) or who violates this section
182 commits an unfair method of competition or an unfair or
183 deceptive act or practice in violation of part II of chapter 501
184 and is subject to the penalties and remedies provided for such
185 violations.

186 (8) PRIVATE RIGHT OF ACTION.—In addition to any other
187 penalties or remedies provided by law, a person injured by a
188 violation of this act may bring a civil action to recover
189 damages or punitive damages, including costs, court costs, and
190 attorney fees. This act may not be construed to limit any right
191 or remedy provided under law.

192 (9) POWERS OF THE DEPARTMENT.—

193 (a) The department may conduct an investigation of any
194 person or provider if there is an appearance, either upon
195 complaint or otherwise, that a violation of this section or of
196 any rule adopted or order issued pursuant to this section has
197 been committed or is about to be committed.

198 (b) The department may issue and serve subpoenas and
199 subpoenas duces tecum to compel the attendance of witnesses and
200 the production of all books, accounts, records, and other
201 documents and materials relevant to an examination or
202 investigation. The department, or its duly authorized
203 representative, may administer oaths and affirmations to any

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204 person.

205 (c) The department may enter an order imposing one or more
206 of the penalties set forth in subsection (6) if the department
207 finds that a provider or a person or business entity that
208 regularly refers animal owners to a provider, or an agent, a
209 servant, or an employee thereof:

210 1. Violated or is operating in violation of this section or
211 department rule or order;

212 2. Refused or failed, or any of its principal officers
213 refused or failed, after notice, to produce any records of such
214 provider, person, or business entity or to disclose any
215 information required to be disclosed under this section or
216 department rules; or

217 3. Made a material false statement in response to any
218 department request or investigation.

219 (d) Upon a finding as set forth in paragraph (c), the
220 department may enter an order that does one or more of the
221 following:

222 1. Issues a notice of noncompliance pursuant to s. 120.695.

223 2. Issues a cease and desist order that directs that the
224 provider, person, or business entity cease and desist specified
225 activities.

226 3. Imposes an administrative fine in the Class II category
227 pursuant to s. 570.971 for each act or omission.

228 4. Imposes an administrative fine in the Class III category
229 pursuant to s. 570.971 for each act or omission that involves
230 fraud or deception.

231 (e) Except as otherwise provided in this section, the
232 administrative proceedings that could result in the entry of an

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233 order imposing any of the penalties specified in paragraph (d)
234 are governed by chapter 120.

235 (f) All fines collected by the department under paragraph
236 (d) must be paid into the General Inspection Trust Fund.

237 (10) RULEMAKING AUTHORITY.—The department may adopt rules
238 pursuant to ss. 120.536(1) and 120.54 to implement this section.

239 Section 2. This act shall take effect July 1, 2022.

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 474

INTRODUCER: Senator Perry

SUBJECT: Recreational Off-highway Vehicles

DATE: December 1, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Becker	Becker	AG	Favorable
2.			TR	
3.			RC	

I. Summary:

SB increases the dry weight allowed for recreational off-highway vehicles from 2,500 pounds to 3,500 pounds.

The bill takes effect July 1, 2022.

II. Present Situation:

The 2002 Legislature found that off-highway vehicles were becoming increasingly popular in this state and that the use of these vehicles should be controlled and managed to minimize negative effects on the environment, wildlife habitats, native wildlife, and native flora and fauna.¹ The T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act² was passed to develop an Off-Highway Vehicle recreational system. The program provides a set of guidelines to follow for developing and maintaining state lands, as well as provides restrictions on vehicles allowed on authorized state lands.

The Florida Department of Highway Safety and Motor Vehicles is responsible for the issuing, handling, and recording of all off-highway vehicle titling applications and certificates, including the receipt and accounting of related fees.³

The definition of recreational off-highway vehicles (ROV) is distinguished by width, weight, and the number of non-highway wheels.⁴ Current law provides that an ROV must:

- Be 80 inches or less in width;
- Have a dry weight of 2,500 pounds or less;

¹ Section 261.02(1), F.S.

² Section 261.01, F.S.

³ Section 317.0004(1), F.S.

⁴ Section 261.03(8), F.S., and Section 317.003(9), F.S.

- Be designed to travel on four or more nonhighway tires; and
- Be manufactured for recreational use by one or more persons.⁵

III. Effect of Proposed Changes:

SB 474 increases the dry weight allowed for recreational off-highway vehicles from 2,500 pounds to 3,500 pounds.

The bill takes effect July 1, 2022.

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:

Additional ROVs could be eligible to be titled in Florida should this bill pass.

C. Government Sector Impact:

If additional ROVs are titled in Florida due to the passage of this bill, the Department of Highway Safety and Motor Vehicles could see additional revenue.

⁵ *Id.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends sections 261.03 and 317.0003 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 Perry

8-00396-22

2022474__

1 A bill to be entitled

2 An act relating to recreational off-highway vehicles;
3 amending ss. 261.03 and 317.0003, F.S.; revising the
4 definition of the term "ROV" to increase the weight
5 limit of a specified vehicle; providing an effective
6 date.

7
8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Subsection (8) of section 261.03, Florida
11 Statutes, is amended to read:

12 261.03 Definitions.—As used in this chapter, the term:

13 (8) "ROV" means any motorized recreational off-highway
14 vehicle 80 inches or less in width which has a dry weight of
15 3,500 ~~2,500~~ pounds or less, is designed to travel on four or
16 more nonhighway tires, and is manufactured for recreational use
17 by one or more persons. The term does not include a golf cart as
18 defined in ss. 316.003 and 320.01 or a low-speed vehicle as
19 defined in s. 320.01.

20 Section 2. Subsection (9) of section 317.0003, Florida
21 Statutes, is amended to read:

22 317.0003 Definitions.—As used in this chapter, the term:

23 (9) "ROV" means any motorized recreational off-highway
24 vehicle 80 inches or less in width which has a dry weight of
25 3,500 ~~2,500~~ pounds or less, is designed to travel on four or
26 more nonhighway tires, and is manufactured for recreational use
27 by one or more persons. The term does not include a golf cart as
28 defined in ss. 316.003 and 320.01 or a low-speed vehicle as
29 defined in s. 320.01.

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30

Section 3. This act shall take effect July 1, 2022.

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 864

INTRODUCER: Senator Ausley

SUBJECT: Cost-share Program for Agriculture, Shellfish Aquaculture, and Timber Operations

DATE: December 1, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fink</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	_____	_____	<u>AEG</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 864 creates a cost-share program for agriculture, shellfish aquaculture, and timber operations within the Department of Agriculture and Consumer Services (department). Furthermore, it requires the department (in consultation with Florida Sea Grant, University of Florida Institute of Food and Agricultural Sciences, University of Florida Shellfish Aquaculture Research and Extension Program, the Wakulla Environmental Institute, and the Florida Agricultural and Mechanical University College of Agriculture and Food Sciences) to:

- Conduct a study to determine the value of environmental services, such as water recharge, stormwater filtration, wildlife habitat, carbon sequestration, nutrient remediation, coastal resilience and flood protection, and air quality benefits, provided by the agriculture, shellfish aquaculture, and timber industries;
- Promote the cost-share program, with priority going to low-income communities, historically under resourced communities of color, and rural communities impacted by Hurricane Michael in 2018;
- Update all relevant brochures, websites, and marketing materials to provide information on participation in the cost share program; and
- Adopt rules to implement this section.

The bill takes effect July 1, 2022.

II. Present Situation:

Collectively, the agriculture, natural resources, and food industries are significant contributors to the economy of the state of Florida, so maintaining healthy and sustainable agricultural and timber industries is vital. Florida has 17.16 million acres (26,807 square miles) of forestland, representing 50 percent of the state's total land area, with nearly two-thirds of forestlands

privately owned. In 2016, the forest industry sectors directly employed 36,055 persons (fulltime and part-time jobs) and collected \$12.55 billion in industry revenues.¹

In 2017, Florida had 47,000 commercial farms, using a total of 9.45 million acres. Florida ranked first in the United States in value of production of cucumbers, grapefruit, oranges, squash, sugarcane, fresh market snap beans, and fresh market tomatoes. The state ranked second in value of production of bell peppers, strawberries, watermelons, fresh market cabbage and fresh market sweet corn. Florida also ranked fourth nationally in the value of production of peanuts. Florida ranks 18th among all states in number of farms and 29th in land in farms. Farm cash receipts from marketing agricultural products in 2017 amounted to \$7.467 billion, a decrease of \$290 million from 2016. Nationally, Florida ranks fourth in the value of vegetable and melon cash receipts at \$1.194 billion, 11th in crop cash receipts with a value of \$6.08 billion, and 18th in total cash receipts.²

Shellfish can help restore ocean health. They are efficient water filterers and natural buffers for coastal communities. An adult oyster can filter up to 50 gallons of water daily, removing excess nutrients and other pollutants in coastal waters, often caused by runoff. The University of Florida Institute of Food and Agricultural Sciences (IFAS) and Florida Sea Grant are already working to quantify the environmental benefits of shellfish aquaculture, so that shellfish growers can be compensated for the benefit they provide.³

The federal Farm Bill currently provides some similar programs for farmers and landowners, which encourage and incentivize environmental stewardship. Programs like the Environmental Quality Incentive Program (EQIP) provide technical and financial assistance to agricultural producers and ranchers who voluntarily install or implement structural and management practices on eligible agricultural land to protect soil, water, air quality, and/or wildlife habitat.⁴

III. Effect of Proposed Changes:

SB 864 creates s. 570.891, F.S., to create the act cited as the “Protecting Florida’s Natural Resources Act.”

The bill establishes the following Legislative findings:

- Maintaining healthy and sustainable agriculture, shellfish aquaculture, and timber industries is vital to this state’s economy, environment, and natural resources, including making significant environmental contributions to water quality and quantity, air purification, carbon sequestration, coastal resilience, and habitat for threatened and endangered wildlife species;

¹ University of Florida Institute of Food and Agricultural Sciences, “Economic Contributions of the Forest Industry and Forest-based Recreation in Florida in 2016,” See https://edis.ifas.ufl.edu/publication/FE1051#FOOTNOTE_1 / (Last visited November 23, 2021).

² Florida Department of Agriculture and Consumer Services, “Florida Agriculture Overview and Statistics,” See <https://www.fdaacs.gov/Agriculture-Industry/Florida-Agriculture-Overview-and-Statistics> (Last visited November 23, 2021).

³ Lourdes Mederos, “UF/IFAS Boosting Florida's shellfish aquaculture industry, water quality initiatives”, South Dade Newsleader (Nov. 3, 2021), http://www.southdadenewsleader.com/news/uf-ifas-boosting-floridas-shellfish-aquaculture-industry-water-quality-initiatives/article_a35ee2d2-4ba5-11ec-80a6-676e251c69ab.html.

⁴ University of Florida Institute of Food and Agricultural Sciences, “Cost Share Programs for Florida’s Agricultural Producers and Landowners,” See <https://edis.ifas.ufl.edu/publication/SS485>.

- The continued expansion of urban and coastal areas has increased pressure on the agriculture and timber industries, and in recent years there has been a significant decrease in agricultural and timber acreage;
- Water quality and quantity problems in this state's coastal waters have harmed the aquaculture industry, specifically shellfish farming. Filter feeder shellfish, such as oysters, hard clams, and sunray venus clams, are beneficial to this state's imperiled seagrass; and
- To ensure healthy and sustainable agriculture, shellfish aquaculture, and timber industries, a cost-share program is necessary to provide incentives to the owners within these industries to continue activities that are beneficial to water quality and quantity, air purification, carbon sequestration, nutrient remediation, coastal resilience, and habitat for threatened and endangered wildlife species.

The bill also establishes a cost share program within the Department of Agriculture and Consumer Services (department) which shall reimburse the owners of agriculture, shellfish aquaculture, and timber operations for up to 75 percent of the value of the environmental resources and services provided by such industries.

Additionally, the bill requires the department to:

- Conduct a study, in consultation with the Florida Sea Grant and the University of Florida Institute of Food and Agricultural Sciences to determine the value of environmental services, such as water recharge, stormwater filtration, wildlife habitat, carbon sequestration, nutrient remediation, coastal resilience and flood protection, and air quality benefits, provided by the agriculture, shellfish aquaculture, and timber industries;
- Promote the cost-share program, in cooperation with University of Florida Shellfish Aquaculture Research and Extension Program, the Wakulla Environmental Institute, and the Florida Agricultural and Mechanical University College of Agriculture and Food Sciences, and prioritize distribution of assistance to low-income communities, historically under resourced communities of color, and rural communities impacted by Hurricane Michael in 2018;
- Update all relevant brochures, websites, and marketing materials to provide information on participation in the cost share program; and
- Adopt rules to implement this section.

The bill takes effect July 1, 2022.

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:

Indeterminate.

C. Government Sector Impact:

The cost-share program is subject to legislative appropriation, as there is no appropriation for the program in the bill. The Florida Department of Agriculture and Consumer services could incur costs to complete the required study and promotion of the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 570.891 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Ausley

3-00789B-22

2022864__

1 A bill to be entitled
2 An act relating to a cost-share program for
3 agriculture, shellfish aquaculture, and timber
4 operations; providing a short title; creating s.
5 570.891, F.S.; providing legislative findings;
6 establishing a cost-share program within the
7 Department of Agriculture and Consumer Services;
8 requiring the program, subject to legislative
9 appropriation, to provide funds equal to a specified
10 percentage of the value of environmental services that
11 the agriculture, shellfish aquaculture, and timber
12 industries provide; requiring the department to
13 conduct a study to determine the value of such
14 environmental services, in consultation with certain
15 entities; requiring the department to cooperate with
16 certain entities to promote the cost-share program and
17 prioritize distributions to certain communities;
18 requiring the department to update certain materials
19 with information on participation in the cost-share
20 program; requiring the department to adopt rules;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. This act may be cited as the "Protecting
26 Florida's Natural Resources Act."

27 Section 2. Section 570.891, Florida Statutes, is created to
28 read:

29 570.891 Agriculture, shellfish aquaculture, and timber

3-00789B-22

2022864__

30 operations cost-share program.—

31 (1) The Legislature finds that:

32 (a) Maintaining healthy and sustainable agriculture,
33 shellfish aquaculture, and timber industries is vital to this
34 state's economy, environment, and natural resources, including
35 making significant environmental contributions to water quality
36 and quantity, air purification, carbon sequestration, coastal
37 resilience, and habitat for threatened and endangered wildlife
38 species.

39 (b) The continued expansion of urban and coastal areas has
40 increased pressure on the agriculture and timber industries, and
41 in recent years there has been a significant decrease in
42 agricultural and timber acreage.

43 (c) Water quality and quantity problems in this state's
44 coastal waters have harmed the aquaculture industry,
45 specifically shellfish farming. Filter feeder shellfish, such as
46 oysters, hard clams, and sunray venus clams, are beneficial to
47 this state's imperiled seagrass.

48 (d) To ensure healthy and sustainable agriculture,
49 shellfish aquaculture, and timber industries, a cost-share
50 program is necessary to provide incentives to the owners within
51 these industries to continue activities that are beneficial to
52 water quality and quantity, air purification, carbon
53 sequestration, nutrient remediation, coastal resilience, and
54 habitat for threatened and endangered wildlife species.

55 (2) A cost-share program is established within the
56 Department of Agriculture and Consumer Services. Subject to the
57 appropriation of funds by the Legislature, the program shall
58 reimburse the owners of agriculture, shellfish aquaculture, and

3-00789B-22

2022864__

59 timber operations for up to 75 percent of the value of the
60 environmental resources and services provided by such
61 industries.

62 (3) The department shall do all of the following:

63 (a) In consultation with the Florida Sea Grant and the
64 University of Florida Institute of Food and Agricultural
65 Sciences, conduct a study to determine the value of
66 environmental services, such as water recharge, stormwater
67 filtration, wildlife habitat, carbon sequestration, nutrient
68 remediation, coastal resilience and flood protection, and air
69 quality benefits, provided by the agriculture, shellfish
70 aquaculture, and timber industries.

71 (b) In cooperation with the University of Florida Shellfish
72 Aquaculture Research and Extension Program, the Wakulla
73 Environmental Institute, and the Florida Agricultural and
74 Mechanical University College of Agriculture and Food Sciences,
75 promote the cost-share program and prioritize distribution of
76 assistance to low-income communities, historically under-
77 resourced communities of color, and rural communities impacted
78 by Hurricane Michael in 2018.

79 (c) Update all relevant brochures, websites, and marketing
80 materials to provide information on participation in the cost-
81 share program.

82 (d) Adopt rules to implement this section.

83 Section 3. This act shall take effect July 1, 2022.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture
Appropriations Subcommittee on Education
Community Affairs
Education
Ethics and Elections
Judiciary

SENATOR TINA SCOTT POLSKY

29th District

November 22, 2021

Chairman Darryl Rouson
Committee on Agriculture
335 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Rouson:

I am writing to you to be excused from the Committee on Agriculture meeting that will be held on Thursday, December 2 at 9:00 a.m. I sincerely apologize for any inconvenience this may cause.

Thank you for your consideration. Please feel free to contact me at (850) 487-5029 if you have any questions.

Kindest Regards,

A handwritten signature in black ink, appearing to read "Tina S. Polsky".

Senator Tina S. Polsky
Florida Senate, District 29

cc: Katherine Becker, Staff Director
MacKenzie Hart, Administrative Assistant

REPLY TO:

- 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- 222 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

12/2/21
Meeting Date
Agriculture
Committee

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
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474
Bill Number or Topic

Name Adam Basford

Amendment Barcode (if applicable)
Phone 352-538-4299

Address 516 N Adams St
Street

Email abasford@aif.com

Tallahassee FL 32301
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
Associated Industries of FL

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-JointRules.pdf)

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The Florida Senate

APPEARANCE RECORD

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12-2-21

Meeting Date

AGRI

Committee

474

Bill Number or Topic

Name

STEBB DYAL

Phone

850-510-6286

Amendment Barcode (if applicable)

Address

123 S CALHOUN

Street

Email

SDYAL@DYALCORP.COM
-CORP

TALL

City

FL

State

32302

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

POLARIS

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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12/2/21

Meeting Date

Agriculture

Committee

Name Lindsay Cross

Address 1700 N Monroe

Street

Tally FL 32303

City

State

Zip

The Florida Senate

APPEARANCE RECORD

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SB 864

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

Email lindsaye@voters.org

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida conservation voters

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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12/2 Meeting Date

Agriculture Committee

SB 864 Bill Number or Topic

Amendment Barcode (if applicable)

Name Jim Spratt

Phone 850-228-1296

Address 1195 Marise Street

Email Jimemagnoliastategiesllc.com

TALLAHASSEE FL 32301 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: FLORIDA Forestry Association

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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12/2/2021
Meeting Date

Agriculture
Committee

The Florida Senate APPEARANCE RECORD

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Bill Number or Topic

Amendment Barcode (if applicable)

Name Tori Rumenik Phone 407-663-8967

Address 749 Florn Dr. Email tori.rumenik@ffva.com
Street

Orlando FL 32803
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

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12/2/2021

Meeting Date

Bill Number or Topic

Agriculture

Committee

Amendment Barcode (if applicable)

Name

Brittany H. IBE

Phone

852-317-7663

Address

Po Box 357862

Email

FLBLUEFARMS@gmail.com

Street

City

Gainesville FL

State

Zip

32635

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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12/2/21

Meeting Date

Agriculture

Committee

Supply Chain

Bill Number or Topic

Amendment Barcode (if applicable)

Name Thad BESHEARS

Phone 850-251-1930

Address 52 Nacoosa Rd

Email Thada.simpson@rservices.com

Street

Monticello

FL

32344

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Agriculture Committee Judge:

Started: 12/2/2021 9:00:37 AM

Ends: 12/2/2021 10:04:39 AM

Length: 01:04:03

9:00:36 AM Call to Order
9:00:43 AM Roll call
9:00:53 AM Senator Polsky is excused
9:01:40 AM Pledge
9:01:42 AM Opening comments by the Chair
9:02:17 AM Take up Tab 1 - SB 416 by Senator Harrell
9:02:33 AM Senator Harrell for an explanation on animal cremation
9:04:44 AM The bill will have information on the pet crematorium history
9:06:05 AM Questions?
9:06:15 AM Debate?
9:06:23 AM Appearance Forms?
9:06:28 AM Senator Harrell to close
9:06:39 AM SB 416 is reported favorably
9:07:21 AM Take up Tab 2 - SB 474--Recreational Off Highway Vehicles
9:07:44 AM Senator Perry for an explanation
9:08:06 AM Questions?
9:08:15 AM Appearance Cards?
9:08:21 AM Adam Bosford, Associated Industries, waives in support
9:08:35 AM Steven Dyal, Polaris, waives in support
9:08:46 AM Debate?
9:08:51 AM Senator Perry to waive close
9:08:58 AM SB 474 is reported favorably
9:09:28 AM Tab 3--SB 864--Agriculture, Aquaculture and Timber Operations
9:09:57 AM Senator Ausley for an explanation
9:11:09 AM Questions?
9:11:16 AM Appearance Cards?
9:11:23 AM Lindsey Cross, Florida Conservation voters, waives in support
9:11:31 AM Jim Spratt, Florida Forestry Association, waives in support
9:11:40 AM Debate?
9:11:56 AM Senator Ausley to close
9:12:13 AM SB 864 is reported favorably
9:13:28 AM Take up Tab 4 - Discussion on the Supply Chain Challenges
9:13:43 AM Chair Rousson for comments on the panel discussion on the agenda
9:15:40 AM Chair Rousson additional comments
9:15:48 AM Introduction of the panelist
9:15:58 AM Tori Rumenik - Florida Fruit and Vegetable Association
9:16:23 AM Opening comments
9:17:44 AM Discussion of supply chain issues
9:18:21 AM Vice Chair Bradley has the gavel
9:18:32 AM Further discussion by Tori Rumenik on the challenges facing agriculture supply chain
9:20:23 AM Shipping containers, pallets, workers are in short supply
9:21:27 AM Harvesting challenges
9:24:32 AM Rising costs issues
9:24:54 AM How to help?
9:26:57 AM Tori Rumenik to close on comments
9:27:12 AM Next is Brittany Lee, ED of the Florida Blueberry Growers Association
9:27:51 AM Opening comments and challenges facing the growers during the pandemic
9:29:58 AM Problems with rising costs of pesticides and fertilizers
9:30:34 AM Suggesting that EPA work with Florida farmers on issues facing the supply chain
9:31:13 AM Transportation is still a problem with no drivers, container ship issues
9:32:50 AM How to help?
9:32:55 AM Increase weight limits, extended hours of service

9:35:01 AM Medicine is in short supply for the cattle industry as well
9:35:51 AM Rising costs of labor, pesticides and product development is not sustainable
9:36:16 AM Questions?
9:36:22 AM Next is Thad Beshears, Co-owner/President of Simpson Nurseries
9:36:49 AM Opening comments
9:37:06 AM We need to be thinking ahead 3, 4 and 5 years ahead to be profitable
9:38:08 AM An idea is to incentivize technical schools for truck drivers, roofers, and mechanics
9:38:52 AM Another idea is to raise weight limits by DOT
9:39:41 AM Questions?
9:40:41 AM Senator Ausley for a question
9:41:22 AM Thad Beshears for a response
9:42:13 AM Brittany Lee for additional comments on AI suggestion
9:45:27 AM Vice Chair Bradley turns the gavel back to Chair Rousson
9:46:16 AM Senator Ausley follow up question
9:46:35 AM Senator Boyd for a question
9:48:03 AM Thad Beshears for a response
9:48:41 AM Follow up
9:49:12 AM Brittany Lee for a response
9:51:27 AM Senator Thurston for a question
9:51:37 AM Thad Behears on H2A program
9:53:28 AM Brittany Lee for additional comments on the program
9:53:48 AM Follow up
9:55:43 AM Brittany Lee for response
9:55:50 AM Follow up
9:55:54 AM Brittany Lee
9:55:57 AM Additional question by Senator Thurston
9:56:36 AM Brittany Lee for response
9:58:02 AM Senator Thurston for a question
9:58:08 AM Brittany Lee for response
9:59:23 AM Last question for Tori Rumenik
9:59:43 AM Tori Rumenik for a response
10:00:36 AM Senator Perry for a series of questions
10:01:55 AM Closing remarks by Chair Rousson
10:02:25 AM Senator Boyd missed two votes - Tab 2 and Tab 3 affirmative
10:02:47 AM Vice chair Bradley Tab1, Tab 2, Tab 3 - affirmative
10:03:10 AM Chair Rousson for closing remarks regarding Senator Thurston
10:04:06 AM Senator Ausley moves we adjourn
10:04:26 AM We are adjourned