

<b>Tab 1 SB 1020 by Bradley (CO-INTRODUCERS) Albritton, Hutson, Bracy; (Compare to H 00333) Hemp</b>							
867164	D	S	RCS	AG, Bradley	Delete everything after	03/25	03:55 PM

<b>Tab 2 SB 1646 by Albritton; (Similar to CS/H 01215) Department of Agriculture and Consumer Services</b>							
968504	A	S	RCS	AG, Albritton	Delete L.101 - 102:	03/25	04:06 PM
911876	A	S	RCS	AG, Albritton	Delete L.437:	03/25	04:06 PM
608542	A	S	RCS	AG, Albritton	btw L.779 - 780:	03/25	04:06 PM

<b>Tab 3 SPB 7088 by AG; Fees/State Hemp Program</b>							
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**AGRICULTURE**  
**Senator Albritton, Chair**  
**Senator Gainer, Vice Chair**

**MEETING DATE:** Monday, March 25, 2019  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** 301 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 1020</b> Bradley (Compare H 333, S 1058, Linked S 1558)	Hemp; Authorizing the Department of Agriculture and Consumer Services to adopt rules to administer a state hemp program, etc.  IT      03/06/2019 Favorable AG      03/25/2019 Fav/CS RC	Fav/CS Yeas 5 Nays 0
2	<b>SB 1646</b> Albritton (Similar CS/H 1215)	Department of Agriculture and Consumer Services; Authorizing the Department of Agriculture and Consumer Services to consider the use of a fumigant as a pesticide for raw agricultural commodities; revising the membership of the Florida Food Safety and Food Defense Advisory Council; revising the authority of the department to conduct onsite inspections of facilities used to produce and process milk and milk products and to collect samples of such for testing; authorizing the department to adopt and implement an exemption, variance, and waiver process for school food and other nutrition programs, etc.  AG      03/25/2019 Fav/CS AEG AP	Fav/CS Yeas 5 Nays 0
Consideration of proposed bill:			
3	<b>SPB 7088</b>	Fees/State Hemp Program; Requiring applicants seeking to participate or renew registration in the state hemp program to submit with their application a fee to be specified by rule of the Department of Agriculture and Consumer Services; limiting the amount of the fee; authorizing the department to waive registration fees by rule, etc.	Submitted and Reported Favorably as Committee Bill Yeas 4 Nays 0
Fees/State Hemp Program Registration			
4	Presentation by 4-H Students		Presented

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: CS/SB 1020

INTRODUCER: Committee on Agriculture, Senator Bradley, and others

SUBJECT: Hemp

DATE: March 27, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	<b>Favorable</b>
2.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

CS/SB 1020 authorizes the Department of Agriculture and Consumer Services (department) to create a state industrial hemp program to administer and oversee the growing of hemp. The Agricultural Improvement Act of 2018 (2018 Farm Bill) legalized the industrial use of hemp and removed it from the U.S. Drug Enforcement Agency’s list of controlled substances, separating it from marijuana and placing it under the supervision of the Department of Agriculture.

Specifically the bill:

- Requires registration with the department and a complete background check every two years;
- Requires a registrant to provide the legal land description and global positioning coordinates of the area where hemp will be cultivated;
- Requires the registrant to give the department prior written consent allowing physical inspections of premises where hemp is cultivated, handled, or processed;
- Expands participants in industrial hemp pilot projects;
- Provides for distribution and retail sale of hemp and hemp products;
- Authorizes the department to administer a certified hemp seed program;
- Requires the department to adopt rules to administer the state hemp program in consultation with the Department of Health and the Department of Business and Professional Regulation;
- Directs the Commissioner of Agriculture, in consultation with the Governor and Attorney General, to submit a plan for regulating hemp to the United States Secretary of Agriculture; and
- Creates an Industrial Hemp Advisory Board to provide advice and expertise to universities and the department.

The bill takes effect upon becoming law.

## II. Present Situation:

### Industrial Hemp

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

### Cannabis

Cannabis is a Schedule I controlled substance.<sup>2</sup> It is a felony of the third degree<sup>3</sup> to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, cannabis in Florida.<sup>4</sup>

As a controlled substance in ch. 893, F.S., “cannabis” is defined to mean: all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include “marijuana,” as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986[, F.S., the Compassionate Medical Cannabis Act of 2014].<sup>5</sup>

### Medical Marijuana

On November 4, 2016, Amendment 2 was voted into law and codified at Article X, section 29, of the Florida Constitution. This section of the constitution became effective on January 3, 2017, and created several exemptions from criminal and civil liability for:

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

Subsequently, the Legislature passed SB 8-A in Special Session A of 2017.<sup>6</sup> The bill revised the Compassionate Medical Cannabis Act of 2014<sup>7</sup> in s. 381.986, F.S., to implement Article X, section 29 of the Florida Constitution.

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

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<sup>1</sup> See University of Florida, *UF/IFAS Industrial Hemp Pilot Project* at: <https://programs.ifas.ufl.edu/hemp/> (last visited March 21, 2019).

<sup>2</sup> Section 893.03(1)(c)7., F.S.

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

<sup>4</sup> Section 893.13(1)(a)2., F.S.

<sup>5</sup> Section 893.02(3), F.S.

<sup>6</sup> Chapter 2017-232, Laws of Fla.

<sup>7</sup> Chapter 2014-157, Laws of Fla.

- Marijuana without any limitation or restriction on the percentage of THC;<sup>8</sup> and
- “Low-THC cannabis” in which the percentage of THC is limited to 0.8 percent or less and has more than 10 percent of cannabidiol<sup>9</sup> weight for weight.<sup>10</sup>

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

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

### **2014 Federal Farm Bill and State Industrial Hemp Pilot Programs**

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

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

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

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

Section 1004.4473, F.S., authorizes the department to oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida, Florida Agricultural and Mechanical University, and any land grant university in the state that has a college of agriculture.<sup>15</sup> The purpose of the pilot projects is to cultivate, process,

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

<sup>9</sup> Cannabidiol (CBD) is a chemical compound, known as a cannabinoid, found in cannabis. CBD does not have the same psychoactivity as THC. See Michael J Breus, *Despite What You May Think... CBD Is Not Weed* (Sept. 20, 2018), Psychology Today, available at: <https://www.psychologytoday.com/us/blog/sleep-newzzz/201809/despite-what-you-may-think-cbd-is-not-weed> (last visited March 21, 2019).

<sup>10</sup> See ss. 381.986(1)(e) and (f), F.S.

<sup>11</sup> Section 1004.4351, F.S.

<sup>12</sup> See 381.986(14), F.S.

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

<sup>14</sup> *Id.*

<sup>15</sup> See University of Florida, *About the UF/IFAS Industrial Hemp Project*, at: <https://programs.ifas.ufl.edu/hemp/about-the-project/> (last visited March 21, 2019).

test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state. The department has adopted a rule addressing safety, compliance, and accountability and other concerns.<sup>16</sup>

Section 1004.4473, F.S., does not provide a specific exemption from the criminal prohibition against the possession of cannabis in s. 893.13(1)(a)2., F.S.

### **2018 Federal Farm Bill**

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

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

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

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

### **Hemp Legislation in Other States**

At least 38 states considered legislation related to industrial hemp in 2018. These bills ranged from clarifying existing laws to establishing new licensing requirements and programs. Alaska, Arizona, Kansas, Missouri, New Jersey, and Oklahoma enacted legislation in 2018 establishing hemp research and industrial hemp pilot programs.<sup>20</sup>

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<sup>16</sup> Fla. Admin. Code R. 5B-57.013 (2018).

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

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

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

<sup>20</sup> See <http://www.ncsl.org/research/agriculture-and-rural-development/state-industrial-hemp-statutes.aspx> (last visited March 21, 2019).

### III. Effect of Proposed Changes:

**Section 1** creates s. 581.217, to establish a state hemp program within the department to promote the cultivation, handling, processing, and sale of hemp, hemp products, and hemp extract in the state, pursuant to the standards for a state-administered hemp program. Specifically, the program:

- Provides definitions for the terms “cannabidiol,” “cultivate,” “federally defined THC level for hemp,” “handle,” “hemp,” “hemp extract,” “hemp products,” and “process;”
- Requires registration with the department and a complete background check every two years;
- Requires a registrant to provide the legal land description and global positioning coordinates of the area where hemp will be cultivated;
- Requires the registrant to give the department prior written consent allowing physical inspections of premises where hemp is cultivated, handled, or processed;
- Authorizes existing industrial hemp projects approved by a university to register with the department and participate in the state hemp program;
- Provides for distribution and retail sale of hemp and hemp products;
- Authorizes the department to administer a certified hemp seed program;
- Requires the department to adopt rules to administer the state hemp program in consultation with the Department of Health and the Department of Business and Professional Regulation;
- Directs the Commissioner of Agriculture, in consultation with the Governor and Attorney General, to submit a plan for regulating hemp to the United States Secretary of Agriculture; and
- Creates an Industrial Hemp Advisory Board to provide advice and expertise to universities and the department.

**Section 2** amends s. 1004.4473, F.S., to expand the schools at which the department is required to authorize and oversee the development of industrial hemp pilot projects. It also authorizes universities to implement industrial hemp pilot projects pursuant to the state hemp program.

**Section 3** directs the Division of Law Revision to replace the phrase the effective date of this act wherever it occurs in this act with the date this act becomes a law.

**Section 4** provides that this act shall take effect upon becoming a law.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

CS/SB 1020 authorizes the department to adopt rules that include a schedule of nonrefundable fees.

B. Private Sector Impact:

Some Florida farmers may receive a beneficial economic opportunity provided by the planting, processing, and sale of hemp and hemp-based products.

C. Government Sector Impact:

The department may incur cost related to implementation of the state hemp program authorized by the bill. These costs have not been estimated.

**VI. Technical Deficiencies:**

CS/SB 1020 does not provide a specific exemption from the criminal prohibition against the possession of cannabis in s. 893.03(1)(c)7., F.S., by a person who is not licensed by the Department of Health as a medical marijuana treatment center or is a qualified patient or caregiver under s. 381.986, F.S., relating to medical marijuana.

**VII. Related Issues:**

CS/SB 1020 is linked to SB 7088 by the Committee on Agriculture. SB 7088 amends s. 581.217, F.S., as created by CS/SB 1020, to authorize a fee for each application for initial registration and renewal registration for participation in the state hemp program created under CS/SB 1020. The fee authorized by SB 7088 must be specified in a rule adopted by the department, and may not exceed \$500 per application. SB 7088 allows the department to waive payment of the fee by rule and requires fees collected to be deposited in the Plant Industry Trust Fund.<sup>21</sup>

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<sup>21</sup> Section 570.321, F.S., creates the Plant Industry Trust Fund to be administered by the department.



**VIII. Statutes Affected:**

This bill amends section 1004.4473 of the Florida Statutes.

This bill creates section 581.217 of the Florida Statutes.

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

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

**CS by Agriculture Committee on March 25, 2019:**

The committee substitute:

- Provides legislative findings;
- Defines terms for use in the state hemp program;
- Provides requirements for program registration and for the distribution and retail sale of hemp and hemp products;
- Requires the department to administer a certified hemp seed program;
- Requires the department to adopt rules to administer the state hemp program in consultation with the Department of Health and the Department of Business and Professional Regulation;
- Directs the Commissioner of Agriculture, in consultation with the Governor and Attorney General, to submit a plan for regulating hemp to the United States Secretary of Agriculture;
- Creates an Industrial Hemp Advisory Board to provide advice and expertise to universities and the department;
- Expands the schools at which the department is required to authorize and oversee the development of industrial hemp pilot projects. It also authorizes universities to implement industrial hemp pilot projects pursuant to the state hemp program; and
- Directs the Division of Law Revision to replace the phrase “the effective date of this act” wherever it occurs in this act with the date this act becomes a law.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2019	.	
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The Committee on Agriculture (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 581.217, Florida Statutes, is created to  
read:

581.217 State hemp program.—

(1) CREATION AND PURPOSE.—The state hemp program is created  
within the department to promote the cultivation, handling,  
processing, and sale of hemp, hemp products, and hemp extract in



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11 the state.

12 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

13 (a) Hemp is an agricultural commodity.

14 (b) Hemp-derived cannabinoids, including, but not limited  
15 to, cannabidiol, are not controlled substances or adulterants.

16 (c) Products containing one or more hemp-derived  
17 cannabinoids, including, but not limited to, cannabidiol,  
18 intended for ingestion are foods and not controlled substances  
19 or adulterated products.

20 (d) The addition of hemp derivatives, including, but not  
21 limited to, hemp-derived cannabidiol, to cosmetics, personal  
22 care products, and products intended for human or animal  
23 consumption is not an adulteration of such products.

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

25 (a) "Cannabidiol" means the compound by the same name  
26 derived from the hemp variety of the *Cannabis sativa L.* plant.

27 (b) "Cultivate" means planting, watering, growing, and  
28 harvesting a hemp plant or a hemp crop. The term does not  
29 include the transport of a hemp plant or a hemp crop.

30 (c) "Federally defined THC level for hemp" means a total  
31 delta-9-tetrahydrocannabinol concentration, including immediate  
32 precursors, that does not exceed 0.3 percent on a dry-weight  
33 basis, or the tetrahydrocannabinol concentration for hemp  
34 defined in 7 U.S.C. s. 5940, whichever is greater.

35 (d) "Handle" means possessing or storing hemp plants for  
36 any period of time on premises owned, operated, or controlled by  
37 a person or an entity registered to cultivate or process hemp,  
38 including the possession or storage of hemp plants in a vehicle  
39 for any period of time other than during the actual transport



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40 from the premises of a person registered to cultivate or process  
41 hemp or industrial hemp to the premises of another registered  
42 person. The term does not include the possession or storage of  
43 finished hemp products.

44 (e) "Hemp" means the plant *Cannabis sativa L.* and any part  
45 of that plant, including seeds, derivatives, extracts,  
46 cannabinoids, isomers, acids, salts, and salts of isomers  
47 thereof, whether growing or not, that has the federally defined  
48 THC level for hemp. The term includes industrial hemp as defined  
49 in s. 1004.4473.

50 (f) "Hemp extract" means a no-THC or low-THC substance or  
51 compound that:

52 1. Is derived from or contains any part of the plant  
53 *Cannabis sativa L.* that meets the definition of industrial hemp  
54 under s. 1004.4473;

55 2. Contains a total delta-9-tetrahydrocannabinol  
56 concentration, including immediate precursors, that does not  
57 exceed 0.3 percent on a dry-weight basis; and

58 3. Does not contain other controlled substances.

59 (g) "Hemp products" means all products with the federally  
60 defined THC level for hemp derived from or made by processing  
61 hemp plants or plant parts that are prepared in a form available  
62 for retail sale, including, but not limited to cosmetics,  
63 personal care products, food intended for animal or human  
64 consumption, cloth, cordage, fiber, fuel, paint, paper,  
65 particleboard, plastics, and any product containing one or more  
66 hemp-derived cannabinoids, such as cannabidiol.

67 (h) "Process" means the conversion of hemp into a  
68 marketable form.



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69       (4) REGISTRATION.—A person or entity:  
70       (a) Seeking to cultivate, handle, process, or sell hemp,  
71 hemp products, or hemp extract must register with the department  
72 and complete a background check every 2 years. The department  
73 may deny an application.  
74       (b) May not cultivate, handle, process, or sell hemp, hemp  
75 products, or hemp extract in the state without being registered  
76 with the department.  
77       (c) Seeking to cultivate hemp must provide to the  
78 department the legal land description and global positioning  
79 coordinates of the area where hemp will be cultivated.  
80       (d) Seeking to cultivate, handle, process, or sell hemp  
81 must provide to the department prior written consent allowing  
82 representatives of the department, the state police, and other  
83 state and local law enforcement agencies to enter onto all  
84 premises where hemp is cultivated, handled, or processed for the  
85 purpose of conducting physical inspections and ensuring  
86 compliance with the requirements of this section and department  
87 rules.  
88       (5) INDUSTRIAL HEMP PILOT PROJECTS.—Notwithstanding s.  
89 1004.4473, an existing industrial hemp project approved by a  
90 university under s. 1004.4473 is eligible to cultivate, handle,  
91 and process hemp and may register with the department to  
92 participate in the state hemp program.  
93       (6) DISTRIBUTION AND RETAIL SALE OF HEMP AND HEMP  
94 PRODUCTS.—  
95       (a) The distribution and retail sale of hemp and hemp  
96 products may be conducted when the hemp or the hemp used in  
97 products are legally cultivated in another state or jurisdiction



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98 and meet the same or substantially the same requirements for  
99 cultivating, handling, and processing hemp and hemp products  
100 under this section.

101 (b) Hemp and hemp products may be legally transported  
102 across state lines and exported to foreign nations consistent  
103 with federal laws and the laws of respective foreign nations.

104 (7) HEMP SEED PROGRAM.—The department shall administer a  
105 certified hemp seed program that identifies seeds and cultivars  
106 that are suitable for hemp production. The seeds or cultivars  
107 must be certified as industrial hemp by one of the following:

108 (a) The department.

109 (b) A university conducting an industrial hemp pilot  
110 project pursuant to s. 1004.4473.

111 (c) A member of the Association of Official Seed Certifying  
112 Agencies.

113 (8) RULES.—Within 90 days after the effective date of this  
114 act, the department shall, in consultation with the Department  
115 of Health and the Department of Business and Professional  
116 Regulation, adopt rules to administer the state hemp program.  
117 The rules must ensure that the application process and  
118 registration requirements are reasonable and attainable for  
119 small farmers, small businesses, and private individuals. The  
120 rules must provide for:

121 (a) Sampling and testing measures to ensure that hemp, hemp  
122 products, and hemp extract cultivated, handled, and processed  
123 under this section do not exceed the federally defined THC level  
124 for hemp;

125 (b) Due process and an appeals process;

126 (c) Enforcement of this section and department rules;



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127       (d) A civil penalty schedule for violations;  
128       (e) A schedule of nonrefundable fees for administering the  
129 program; and  
130       (f) Inclusion of the state hemp program in the Florida  
131 Agricultural Promotional Campaign and for promotion and labeling  
132 of hemp, hemp products, and hemp extract as "Fresh From  
133 Florida."  
134       (9) DEPARTMENT PLAN.—  
135       (a) Within 90 days after the effective date of this act,  
136 the Commissioner of Agriculture, in consultation with the  
137 Governor and Attorney General, shall submit to the United States  
138 Secretary of Agriculture the department plan for regulating hemp  
139 production. The plan must include:  
140           1. A procedure for maintaining relevant information  
141 regarding the locations in the state where hemp is cultivated,  
142 handled, and processed for not less than 3 calendar years;  
143           2. A procedure that uses post-decarboxylation or other  
144 similarly reliable methods for testing delta-9-  
145 tetrahydrocannabinol concentration levels of hemp cultivated,  
146 handled, and processed in the state;  
147           3. A procedure for the effective disposal of hemp, hemp  
148 products, and hemp extract cultivated, handled, and processed in  
149 violation of this section and department rules; and  
150           4. Guidance for compliance with enforcement procedures.  
151       (b) If the department plan for regulating hemp production  
152 is not approved by the United States Secretary of Agriculture,  
153 the Commissioner of Agriculture, in consultation with the  
154 Governor and Attorney General, shall submit an amended plan.  
155       (10) INDUSTRIAL HEMP ADVISORY BOARD.—An Industrial Hemp



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156 Advisory Board is created to provide advice and expertise as  
157 needed by a university or the department with respect to plans,  
158 policies, and procedures applicable to the administration of  
159 their respective industrial hemp pilot programs.

160 (a) The Industrial Hemp Advisory Board shall be adjunct to  
161 the department for administrative purposes.

162 (b) The Industrial Hemp Advisory Board shall be composed of  
163 all of the following members:

164 1. Two members appointed by the commissioner.

165 2. Two members appointed by the Governor.

166 3. Two members appointed by the President of the Senate.

167 4. Two members appointed by the Speaker of the House of  
168 Representatives.

169 5. The dean for extension of the Institute of Food and  
170 Agricultural Sciences of the University of Florida or his or her  
171 designee.

172 6. The executive director of the Department of Law  
173 Enforcement or his or her designee.

174 7. The president of the Florida Sheriffs Association or his  
175 or her designee.

176 8. The president of the Florida Police Chiefs Association  
177 or his or her designee.

178 9. The president of the Florida Farm Bureau Federation or  
179 his or her designee.

180 10. The president of the Florida Fruit and Vegetable  
181 Association or his or her designee.

182 (c) The board shall elect by a two-thirds vote of the  
183 members one member to serve as chair of the board.

184 (d) A majority of the members of the board shall constitute





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185 a quorum.

186 (e) The board shall meet at least once annually at the call  
187 of the chair.

188 (f) Board members shall receive no compensation but shall  
189 be reimbursed for any actual travel expense incurred while  
190 attending meetings of the board.

191 Section 2. Paragraph (a) of subsection (2) of section  
192 1004.4473, Florida Statutes, is amended, and subsection (8) is  
193 added to that section, to read:

194 1004.4473 Industrial hemp pilot projects.—

195 (2) (a) The department shall authorize and oversee the  
196 development of industrial hemp pilot projects for the Institute  
197 of Food and Agricultural Sciences at the University of Florida,  
198 Florida Agricultural and Mechanical University, ~~and~~ any land  
199 grant university in the state that has a college of agriculture,  
200 and any Florida College System institution or state university  
201 that has an established agriculture or pharmacy program. The  
202 department shall adopt rules as required under the Agricultural  
203 Act of 2014, 7 U.S.C. s. 5940, to implement this section,  
204 including rules for the certification and registration of sites  
205 used for growth or cultivation. The purpose of the pilot  
206 projects is to cultivate, process, test, research, create, and  
207 market safe and effective commercial applications for industrial  
208 hemp in the agricultural sector in this state.

209 (8) Notwithstanding this section, a university may choose  
210 to implement an industrial hemp pilot project pursuant to s.  
211 581.217.

212 Section 3. The Division of Law Revision is directed to  
213 replace the phrase "the effective date of this act" wherever it



867164

214 occurs in this act with the date this act becomes a law.

215 Section 4. This act shall take effect upon becoming a law.

216

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

218 And the title is amended as follows:

219 Delete everything before the enacting clause

220 and insert:

221 A bill to be entitled

222 An act relating to the state hemp program; creating s.

223 581.217, F.S.; creating the state hemp program within

224 the Department of Agriculture and Consumer Services;

225 providing the purpose of the program; providing

226 legislative findings; defining terms; providing

227 requirements for program registration and for the

228 distribution and retail sale of hemp and hemp

229 products; requiring the department to administer a

230 certified hemp seed program; providing the purpose and

231 requirements of the program; requiring the department,

232 in consultation with the Department of Health and the

233 Department of Business and Professional Regulation, to

234 adopt specified rules within a specified timeframe;

235 directing the Commissioner of Agriculture, in

236 consultation with the Governor and Attorney General,

237 to submit a specified plan within a specified

238 timeframe to the United States Secretary of

239 Agriculture; creating an Industrial Hemp Advisory

240 Board for a specified purpose; providing that the

241 board is adjunct to the department for administrative

242 purposes; providing the membership and meetings of the



867164

243 board; prohibiting the board from receiving  
244 compensation; amending s. 1004.4473, F.S.; revising  
245 the schools at which the department is required to  
246 authorize and oversee the development of industrial  
247 hemp pilot projects; authorizing universities to  
248 implement industrial hemp pilot projects pursuant to  
249 the state hemp program; providing a directive to the  
250 Division of Law Revision; providing an effective date.

By Senator Bradley

5-01720-19

20191020\_\_

A bill to be entitled

An act relating to hemp; creating s. 581.084, F.S.; providing definitions; authorizing the Department of Agriculture and Consumer Services to adopt rules to administer a state hemp program; providing an effective date.

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

Section 1. Section 581.084, Florida Statutes, is created to read:

581.084 Hemp production.-

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

(a) "Hemp" means the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis. Hemp produced in accordance with this section is not cannabis as defined in s. 893.02.

(b) "Hemp products" means all products derived from or made by processing hemp plants or plant parts that are prepared in a form available for retail sale, including, but not limited to, cosmetics, personal care products, food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one or more hemp-derived cannabinoids, such as cannabidiol.

(2) The department may adopt rules to administer a state hemp program pursuant to 7 U.S.C. s. 1639p. The rules shall

Page 1 of 2

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

5-01720-19

20191020\_\_

include, but are not limited to, the production and sale of hemp products and provisions required for a state hemp program as provided by federal law.

Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

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

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Appropriations, *Chair*  
Finance and Tax  
Innovation, Industry, and Technology  
Rules

**JOINT COMMITTEE:**  
Joint Legislative Budget Commission,  
*Alternating Chair*

## SENATOR ROB BRADLEY

5th District

March 7, 2019

Honorable Greg Albritton, Chairman  
Committee on Agriculture  
308 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Mr. Chairman:

I respectfully request that Senate Bill 1020, a bill pertaining to hemp, be placed on the committee's agenda at your earliest convenience.

Thank you for your consideration and I look forward to working with you on this important issue.

Sincerely,



Rob Bradley

cc: Katherine Becker, Staff Director

REPLY TO:

- 1279 Kingsley Avenue, Suite 107, Orange Park, Florida 32073 (904) 278-2085
- 414 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BILL GALVANO**  
President of the Senate

**DAVID SIMMONS**  
President Pro Tempore

J T /

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/25/19

Meeting Date

SB 1020

Bill Number (if applicable)

867169

Amendment Barcode (if applicable)

Topic HEMP

Name JEFFREY SHARKOV

Job Title CEO, CAB

Address 106 E College Ave

Street

2H

City

FL

State

32301

Zip

Phone 224 1660

Email JEFFREY@SHARKOV.COM

Speaking:  For  Against  Information

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

Representing FL. HEMP INDUSTRIES ASSOC. & SUNSHINE HEMP

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)

03/25/2019

Meeting Date

✓  
1020

Bill Number (if applicable)

867164

Amendment Barcode (if applicable)

Topic State Hemp Program

Name Henry Kelley

Job Title Farmer and Processor

Address 344 Oakland Cir

Street

Fort Walton Beach

City

FL

State

32548

Zip

Phone 8502189398

Email henrykelley@cox.net

Speaking:  For  Against  Information

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

Representing Self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**



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

3/25/19  
Meeting Date

Strike 1020  
Bill Number (if applicable)  
Strike All  
Amendment Barcode (if applicable)

Topic Hemp

Name Jodi James

Job Title Executive Director

Address 1375 Cypress Ave  
Street

Phone 321 890 7302

Melbourne FL 32935  
City State Zip

Email jodi@FLCAN.org

Speaking:  For  Against  Information

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

Representing Florida Cannabis Action Network

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/25/19

Meeting Date

1020

Bill Number (if applicable)

867164

Amendment Barcode (if applicable)

Topic Hemp - Strike All Amendment

Name Marnie George

Job Title Sr. Advisor, Buchanan Ingersoll & Rooney

Address 101 North Monroe Street, Suite 1090

Phone 850 510-8866

Street

Tallahassee

FL

32303

Email marnie.george@bipc.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing U.S. Hemp Roundtable

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**

✓ 1020 + (7088 TP'd)

3/25/19

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

SB 1020/7088

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Hemp

Name Benny Blanchard

Job Title Real Estate Agent

Address 111 W Plymouth St

Phone 813-414-1195

City Tampa State FL Zip 33603

Email benny@fcsizzlebeauty.com

Speaking:  For  Against  Information

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

Representing Hemp

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**



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

3/25/19  
Meeting Date

SB 1020  
Bill Number (if applicable)

Topic HEMP FARMING

Amendment Barcode (if applicable)

Name BOB CLAYTON

Job Title OWNER, FLA HEMP PROCESSING, LLC

Address 381 BASIS PARK RD

Phone \_\_\_\_\_

Street

FORT MYERS FL 33905

Email FLAHEMPPROCESSING@TAMPABAY.FLORIDA.GOV

City

State

Zip

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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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/25/19

*Meeting Date*

1020

*Bill Number (if applicable)*

Topic Hemp

*Amendment Barcode (if applicable)*

Name Marnie George

Job Title Sr. Advisor, Buchanan Ingersoll & Rooney

Address 101 North Monroe Street, Suite 1090

Phone 850 510-8866

*Street*

Tallahassee

FL

32303

Email marnie.george@bipc.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing U.S. Hemp Roundtable

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)

Meeting Date

Bill Number (if applicable)

Topic Hemp Bill 1020

Amendment Barcode (if applicable)

Name SPENCER HUNTER

Job Title HOUSE OF HEMP OWNER

Address 730 W GAINES ST.

Phone 352-445-6128

Street

THUNDERBOLT FL 32304

Email House of Hemp @ gmail

City

State

Zip

Speaking:  For  Against  Information

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

Representing HOUSE OF HEMP FUTURE OF FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**



3/25/19  
Meeting Date

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

1020  
Bill Number (if applicable)

Topic Hemp

Amendment Barcode (if applicable)

Name Emily Buckley

Job Title Legislative Affairs Dir

Address 400 S Monroe St

Phone 850 617 7700

Jallahassee FL 32375  
City State Zip

Email emily.buckley@freshfromflorida.com

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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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

3/25/19  
Meeting Date

1020  
Bill Number (if applicable)  
As Amended  
Amendment Barcode (if applicable)

Topic Hemp Program

Name Tim Stanfield

Job Title Attorney

Address 101 College Ave  
Street  
Tallahassee FL 32301  
City State Zip

Phone 222 6891

Email Stanfieldt@gHaw.com

Speaking:  For  Against  Information

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

Representing Green Point Research / HIA Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/19  
Meeting Date

SB 1070 ✓  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Steven B. Grant

Job Title Mayor

Address 3301 Quentin Blvd

Phone 561 376 1537

Street Boynton Beach FL 33426  
City State Zip

Email Grants@BBFL.us

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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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/25/19

Meeting Date

1020

Bill Number (if applicable)

Topic HEMP

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title

Address 310 W Collyer Ave

Phone 850-228-1294

Street

City TLH State FL Zip 32301

Email jim@vegworld.com

Speaking: [ ] For [ ] Against [ ] Information

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

Representing Florida Nursery, Growers & Landscape Association

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [x] Yes [ ] No

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THE FLORIDA SENATE

APPEARANCE RECORD



03/25/2019

Meeting Date

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

1020

Bill Number (if applicable)

Topic Hemp legislation

Amendment Barcode (if applicable)

Name David Custin

Job Title David R. Custin & Associates, Inc.

Address 6401 SW 113 PL

Phone 305-609-8576

Street

Miami

FL 33173

Email

City

State

Zip

Speaking:  For  Against  Information

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

Representing Kaycha Holdings, LLC

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD



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

3-25-17

Meeting Date

1020

Bill Number (if applicable)

Topic Hemp Industry in Florida

Amendment Barcode (if applicable)

Name Scheril Murray Counsel

Job Title General Counsel - Minorities 4 Medical Marijuana, 015  
Executive Director - Black Farmers and Agriculturalists

Address 1177 SE 3rd Avenue

Street

Phone

Fort Lauderdale FL

City

State

33316

Zip

Email SMPESQUIRE@outlook.com

Speaking:  For  Against  Information

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

Representing Minorities 4 Medical Marijuana

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)

✓  
SB 1020

Bill Number (if applicable)

Amendment Barcode (if applicable)

3/25/19  
Meeting Date

Topic HEMP Phillip Hess

Name Phillip Hess

Job Title \_\_\_\_\_

Address 718 GOLF ST

Street

TALLAHASSEE, FL 32303

City State Zip

Phone 850-251-3869

Email Phillip.hess@gmail.com

Speaking:  For  Against  Information

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

Representing HEMP 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.

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

---

Prepared By: The Professional Staff of the Committee on Agriculture

---

BILL: CS/SB 1646

INTRODUCER: Senator Albritton

SUBJECT: Department of Agriculture and Consumer Services

DATE: March 27, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>AEG</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 1646 addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Clarifies the definition of food establishment to be consistent with the current regulatory structure and eliminates unused defined terms without modifying existing departmental regulatory responsibilities;
- Realigns Chapter 502 with recent updates to the Grade A Pasteurized Milk Ordinance;
- Clarifies the preexisting distinction between wholesale and retail frozen dessert sellers and eliminates a required volume report that documents the number of gallons of frozen dessert that a permit holder has produced;
- Revises the authority of the department to conduct onsite inspections of facilities used to distribute milk and milk products and to collect samples of those products for testing;
- Eliminates the requirement that a person who tests for milkfat must be licensed;
- Postpones a sunset provision for certain Pest Control Trust Fund expenditures;
- Makes revisions to the agriculture water conservation program and expands the types of cost-share projects that can be considered and funded;
- Establishes a waiver process by rule for school nutrition program sponsors;
- Defines “raw agricultural commodity fumigation” and clarifies the applicability of licensure requirements;
- Enables the department to consider whether an entity performs raw agricultural commodity fumigation when making license classification decisions;
- Clarifies the submission deadline for food establishment license fees;
- Revises the Florida Forest Service’s training requirements and certifications for firefighters;
- Repeals the Healthy Food Financing Initiative on October 1, 2020; and

- Provides the option for horse owners to include a covenant on the sale of a horse, requiring any subsequent owner to call a contracted third party to pick up a horse that is ready to be retired rather than destroying the animal.

## II. Present Situation:

### Fumigants

A fumigant is a gas with pesticidal action. Fumigants are gases, or form gases, after application. In a high enough concentration, a fumigant can kill insects and other pests. Fumigants may be odorless, and usually cannot be seen. A wide range of pests infest soil and agricultural products. Insects, mites, nematodes, diseases, and rodents can all harm soil-grown crops and stored commodities. Insects are the most common pests of raw agricultural products but only a few cause serious damage. Fumigation is reserved for the most damaging insect pests and pest situations.<sup>1</sup>

Pest control activities are statutorily regulated by the Structural Pest Control Act in ch. 482, F.S, and rules that pertain to pesticides are enacted under its granted authority. The definition of fumigant in chapter 482 is limited since a statutory definition of fumigation for agricultural activities does not exist.

### Florida Food Safety and Food Defense Advisory Council

The Florida Food Safety and Food Defense Advisory Council creates an infrastructure for enhancing outreach, response, and information-sharing of food safety issues at the state level. It also provides a dynamic forum for stakeholder collaboration regarding food safety issues protecting public health. Council members include representatives from academia and regulatory, industry and consumer groups.<sup>2</sup>

### Food Establishment Permits

To open a food establishment in Florida, you must obtain a food establishment permit from the department. Permitted retail food establishments include supermarkets, grocery stores, convenience stores, coffee shops, bakeries, retail meat markets, retail seafood markets, juice and smoothie bars, ice/water vending machines, food salvage stores, businesses selling prepackaged foods, and certain mobile food units selling only prepackaged foods or non-potentially hazardous food items. Wholesale food establishments include bottled water plants, food processing plants, and food storage warehouses.<sup>3</sup> Section 500.12, F.S., contains food permit requirements for food establishments and allows the department to charge a late fee. If the applicant misses the annual

---

<sup>1</sup> “General Fumigation,” *University of Alabama Division of Agriculture Research & Extension*, accessed at <https://www.uaex.edu/farm-ranch/pest-management/docs/training-manuals/AG1161.pdf> (Last visited March 22, 2019).

<sup>2</sup> See <https://www.freshfromflorida.com/About/Advisory-Councils-and-Committees/Florida-Food-Safety-and-Food-Defense-Advisory-Council> (Last visited March 22, 2019).

<sup>3</sup> See <https://www.freshfromflorida.com/Business-Services/Food-Establishment-Inspections/Food-Establishment-Permit> (Last visited March 22, 2019).

December 31 deadline and fails to remit payment during January of the next year, the applicant may be charged a late fee not exceeding \$100.

### **Healthy Food Financing Initiative**

The 2016 Legislature directed the department to establish the Healthy Food Financing Initiative to provide financial assistance for the development or expansion of grocery retail outlets operating in underserved and low-income communities. The department is to implement and monitor the program through public-private partnerships. It must also report annually to the President of the Senate and the Speaker of the House of Representatives on the projects funded, geographic distribution of projects, program costs, and program outcomes.<sup>4</sup>

### **Milk, Milk Products and Frozen Desserts**

The Grade A Pasteurized Milk Ordinance is a collection of rules assembled by the federal Food and Drug Administration that prescribes a baseline for products sold across the United States. The ordinance has been adopted by department rule. Recent revisions require the definitions in the Florida Statutes to be updated, along with the types of facilities listed in the powers and duties section to realign them with the ordinance. The products and facility types listed in s. 502.14, F.S., are not currently inclusive of all products or entities covered by the ordinance and therefore they are not under the department's existing regulatory authority.

Each frozen dessert plant, whether located in the state or outside the state, that manufactures frozen desserts or other products, and sells them in this state, must have a permit to operate. This bill would only require wholesale entities to register for an operating permit because retailers must conform to other food safety regulations. The department uses many other mechanisms to ensure that the dairy supply and frozen desserts using dairy are safely produced. Currently, s. 502.053, F.S., requires frozen dessert plants that manufacture and/or wholesale these products to submit monthly, quarterly, semiannual and annual reports documenting the number of gallons of frozen dessert sold. The changes to this section will only require wholesaling entities to register for this license. Retailers must conform to other food safety regulations. The required reports are not consistently utilized to materially impact the regulatory process. The department uses many other mechanisms to ensure that the dairy supply and frozen desserts using dairy are safely produced.

Individuals and entities that wish to test for milkfat content are required to be permitted by the department but are not charged a fee. These milkfat testing results are not used or retained by the department and milkfat content does not affect food safety. Commercial entities commonly test milkfat to ensure that the products they receive from suppliers conform to contractual standards.

The Grade A Pasteurization Ordinance requires Grade A products to be pasteurized at the final point of packaging, even if a supplier previously pasteurized them. Because of the current supply chain structure, dairy products are frequently re-pasteurized to comply with the ordinance requirements. It is currently unlawful to re-pasteurize in Florida.

---

<sup>4</sup> Section 500.81, F.S.

### **Florida Pest Control Trust Fund**

Section 570.441(4), F.S., enables Pest Control Trust Funds to be used to carry out the duties of the Division of Agricultural Environmental Services. The provision sunsets June 30, 2019. If it expires, the funds will only be able to be spent in accordance with Chapter 482, F.S.

### **Agricultural Water Conservation and Agricultural Water Supply Planning**

In 2013, the Legislature directed the department to establish an agricultural water conservation program that includes a cost-share program consisting of federal, state, regional, and local agencies for irrigation system retrofits and the application of mobile irrigation laboratory evaluations for water conservation and nutrient reduction.

### **Forest Protection**

The Florida Forest Service has the primary responsibility for prevention, detection, and the suppression of wildfires wherever they may occur. It must provide firefighting crews and develop a training curriculum for forestry firefighters. The training curriculum must contain the basic volunteer structural fire training course approved by the Florida State Fire College of the Division of State Fire Marshal (DSFM) and a minimum of 250 hours of wildfire training.

Pursuant to s. 590.02(1)(e), F.S., the DSFM must establish a structural firefighting training program of not less than 206 hours. Individuals who satisfy the DSFM's training requirement, pass the exam, and complete 250 hours of wildfire training will receive a Forestry Certificate of compliance.

### **School Food and Other Nutrition Programs**

The school food and nutrition service programs that the department has responsibility over include, but are not limited to, the National School Lunch Program, the Special Milk Program, the School Breakfast Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, and any other program that relates to school nutrition.<sup>5</sup> Programs are conducted by sponsors under a current agreement with the department.<sup>6</sup>

Pursuant to s. 120.542, F.S., agencies are authorized to waive rules when the person subject to the rule demonstrates that the requirement has been achieved by other means and when the application of a rule would create substantial hardship or would violate the principles of fairness. Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), authorizes state administering agencies to request exemptions to specific School Lunch Program requirements if a program participant demonstrates a hardship and the request does not conflict with the U.S.C. requirements that cannot be waived.

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<sup>5</sup> s. 595.402(3), F.S.

<sup>6</sup> s. 595.402(6), F.S.



## Horse Care Covenants

Many horses, particularly in the racing and hunter jumper fields, are simply destroyed after they can no longer compete, because it costs thousands of dollars per year for continued care. Some are put in less age-dependent disciplines, and some are sold to farms or families whose children want a horse to ride. All horses cannot be placed, and the ASPCA calculates that over 100,000 American horses are sent across the borders for slaughter each year.<sup>7</sup> Currently, common law only allows covenants to travel with real property. Because a horse is “chattel,” a covenant does not travel with a horse.<sup>8</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 487.021, F.S., to add and define the term “raw agricultural commodities fumigation,” which will clarify application regulations to the pest control and the agricultural commodity industries.

**Section 2** amends s. 487.0435, F.S., to authorize the department to consider whether a fumigant can be used solely for raw agricultural commodities, as defined in s. 487.021, F.S., when making classification decisions. The amendment conforms this section to the change proposed in s. 487.021, F.S.

**Section 3** amends s. 500.03, F.S., to revise and update definitions of the Florida Food Safety Act. It removes the unused definitions for “convenience store,” “food outlet,” “food service establishment,” and “retail food store.” It centralizes the definition of “food establishment” and updates the statute’s reference to the definition of bottled water contained in the Code of Federal Regulations. Centralizing the defined terms provides clarity to the regulated entities.

**Section 4** amends s. 500.033, F.S., to revise the membership of the Florida Food Safety and Food Defense Advisory Council.

**Section 5** amends s. 500.12, F.S., to conform this section to changes made in the bill. It also revises the date by which a late fee is imposed for nonpayment of a food permit fee.

**Section 6** amends s. 500.121, F.S., to conform this section to changes made in the bill.

**Section 7** amends s. 500.147, F.S., to conform this section to changes made in the bill.

**Section 8** repeals s. 500.81, F.S., relating to the Healthy Food Financing Initiative on October 1, 2020.

**Section 9** amends s. 502.012, F.S., to realign the definitions in this section with the updated Grade A Pasteurized Milk Ordinance that was adopted by the department. It adds a definition for

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<sup>7</sup> See “What Happens to Retired Racehorses?,” accessed at <https://www.care2.com/causes/what-happens-to-retired-racehorses.html> (Last visited March 19, 2019).

<sup>8</sup> “Any article of tangible property other than land, buildings, and other things annexed to land,” Webster’s Encyclopedic Unabridged Dictionary.

the term “bulk milk hauler and sampler,” “reconstituted milk or milk products” or “recombined milk or milk products,” “retail,” “ultra-pasteurization,” and “wholesale.”

**Section 10** amends s. 502.014, F.S., to revise the department’s authority to conduct onsite inspections of facilities used to produce, process, and distribute milk and milk products and to collect samples of such for testing.

**Section 11** amends s. 502.053, F.S., to clarify which business entities need frozen dessert plant licenses. It also eliminates the volume report documenting the number of gallons of frozen dessert or frozen dessert mix sold or manufactured by the permit holder that must be made monthly, quarterly, semiannually, or annually, as required by the department.

**Section 12** amends s. 502.181, F.S., to eliminate the requirement that a person engaging in testing for milkfat content must first obtain a permit from the department. It also removes a prohibition against re-pasteurizing milk. These changes allow Florida entities to conform to the Grade A Pasteurization Ordinance.

**Section 13** amends s. 570.441, F.S., to extend the expiration dates for the use of funds from the Pest Control Trust Fund.

**Section 14** amends s. 570.93, F.S., to revise the agricultural water conservation program to enable cost-share funds to continue to be used for irrigation system retrofits and mobile irrigation lab evaluations. The revisions also permit the funds to be spent on additional water conservation activities.

**Section 15** amends s. 590.02, F.S., to require the Florida Forest Service to restructure its training course to better meet its firefighters’ specific training needs. The curriculum must include at least 40 hours of structural firefighter training, at least 40 hours of emergency medical training, and the minimum number of wildfire training hours will go from 250 to 376.

**Section 16** amends s. 595.404, F.S., to authorize the department to adopt and implement an exemption, variance, and waiver process, by rule, for school nutrition program sponsors.

**Section 17** amends s. 633.406, F.S., to conform provisions of this section to change made in the bill.

**Section 18** amends s. 633.408, F.S., to require the department to establish a structural fire training program of at least 40 hours instead of not less than 206 hours to be consistent with the changes proposed in s. 590.02, F.S.

**Section 19** creates s. 828.261, F.S., to authorize a contract for the sale of a horse to include a covenant for the continuing care of the horse upon its retirement, for an actuarially appropriate charge. An owner would not be required to include such covenant, and a purchaser would not be required to purchase a horse that includes such a covenant. This section does not create any covenants that annex to or travel with any other chattel.

**Section 20** provides that this act shall take effect July 1, 2019.

**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:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 487.021, 487.0435, 500.03, 500.033, 500.12, 500.121, 500.147, 502.012, 502.014, 502.053, 500.81, 502.181, 570.441, 570.93, 590.02, 595.404, 633.406, and 633.408.

This bill creates section 828.261 of the Florida Statutes.

**IX. Additional Information:**

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

**CS by Agriculture Committee on March 25, 2019:**

The committee substitute:

- Makes a technical correction to the definition of “bottled water;”
- Extends the repeal date for the Healthy Food Financing Initiative until October 1, 2020; and
- Authorizes contracts for the sale of horses to include a covenant for continuing care of the horse.

- B. **Amendments:**

None.

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

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968504

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2019	.	
	.	
	.	
	.	

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The Committee on Agriculture (Albritton) recommended the following:

**Senate Amendment**

Delete lines 101 - 102

and insert:

C.F.R. part 165 (2018) ~~(2006)~~, that is processed in compliance with 21 C.F.R. part 129 (2018) ~~(2006)~~.

Delete line 434

and insert:

(2018) ~~(2006)~~, and must conform to 21 C.F.R. part 165 (2018) ~~(2006)~~. A person



911876

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2019	.	
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The Committee on Agriculture (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 437

and insert:

Section 8. Subsection (10) is added to section 500.81, Florida Statutes, to read:

500.81 Healthy Food Financing Initiative.-

(10) This section is repealed on October 1, 2020.

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



911876

11 And the title is amended as follows:  
12       Delete lines 16 - 18  
13 and insert:  
14       provisions to changes made by the act; amending s.  
15       500.81, F.S.; providing for the repeal of the Healthy  
16       Food Financing Initiative on a specified date;  
17       amending s. 502.012, F.S.; defining and



608542

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2019	.	
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The Committee on Agriculture (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 779 and 780

insert:

Section 19. Section 828.261, Florida Statutes, is created to read:

828.261 Ongoing horse care covenants.-

(1) Notwithstanding any other provision of law, a contract for the sale of a horse may include a covenant for the continuing care of the horse, subject to the following





608542

11 provisions:

12 (a) The obligations under the covenant may be satisfied by  
13 a third-party provider who is contractually obligated to provide  
14 continuing care for the horse upon its retirement, for an  
15 actuarially appropriate charge, which is not subject to chapter  
16 624.

17 (b) The covenant is valid and annexed to the horse, runs  
18 with the horse, and is binding and enforceable upon all future  
19 purchasers, if notice is provided pursuant to paragraph (c).

20 (c) Written notice of the covenant must be provided to all  
21 purchasers before a sale and must be acknowledged in writing by  
22 all such purchasers before consummation of the sale of a covered  
23 horse.

24 (d) The covenant must include liability for liquidated  
25 damages for a purchaser's failure to comply with the covenant.

26 (e) The covenant must include the ability of an owner to  
27 retire the horse into the care of the third-party provider under  
28 the covenant.

29 (f) A third-party provider who is contracted to provide the  
30 continuing care of a horse under the covenant shall, at a  
31 minimum, comply with the American Association of Equine  
32 Practitioners care guidelines for equine rescue and retirement  
33 facilities.

34 (2) An owner is not required to put in place a covenant for  
35 the continuing care of a horse and a purchaser is not required  
36 to purchase a horse that is subject to such a covenant.

37 (3) This section does not create any covenants that annex  
38 to or travel with any other chattel.

39



608542

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

41 And the title is amended as follows:

42       Between lines 42 and 43

43 insert:

44       creating s. 828.261, F.S.; authorizing a contract for  
45       the sale of a horse to include a covenant for the  
46       continuing care of the horse; providing requirements  
47       for such a covenant;

By Senator Albritton

26-01619B-19

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1 A bill to be entitled  
 2 An act relating to the Department of Agriculture and  
 3 Consumer Services; amending s. 487.021, F.S.; defining  
 4 a term; amending s. 487.0435, F.S.; authorizing the  
 5 Department of Agriculture and Consumer Services to  
 6 consider the use of a fumigant as a pesticide for raw  
 7 agricultural commodities; amending s. 500.03, F.S.;  
 8 revising definitions; amending s. 500.033, F.S.;  
 9 revising the membership of the Florida Food Safety and  
 10 Food Defense Advisory Council; amending s. 500.12,  
 11 F.S.; conforming provisions to changes made by the  
 12 act; revising the date by which a late fee is imposed  
 13 for nonpayment of a food permit fee; amending s.  
 14 500.121, F.S.; conforming provisions to changes made  
 15 by the act; amending s. 500.147, F.S.; conforming  
 16 provisions to changes made by the act; repealing s.  
 17 500.81, F.S., relating to the Healthy Food Financing  
 18 Initiative; amending s. 502.012, F.S.; defining and  
 19 redefining terms; amending s. 502.014, F.S.; revising  
 20 the authority of the department to conduct onsite  
 21 inspections of facilities used to produce and process  
 22 milk and milk products and to collect samples of such  
 23 for testing; amending s. 502.053, F.S.; requiring  
 24 operation permits for wholesalers of frozen dessert  
 25 products; providing an exemption from bulk milk hauler  
 26 and sampler permit requirements; amending s. 502.181,  
 27 F.S.; removing the prohibitions against certain  
 28 testing for milkfat content and for repasteurizing  
 29 milk; amending s. 570.441, F.S.; extending the

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

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30 expiration for the use of funds from the Pest Control  
 31 Trust Fund; amending s. 570.93, F.S.; revising  
 32 requirements for the agricultural water conservation  
 33 program; amending s. 590.02, F.S.; directing the  
 34 Florida Forest Service to develop a training  
 35 curriculum for wildland firefighting; amending s.  
 36 595.404, F.S.; authorizing the department to adopt and  
 37 implement an exemption, variance, and waiver process  
 38 for school food and other nutrition programs; amending  
 39 s. 633.406, F.S.; conforming provisions to changes  
 40 made by the act; amending s. 633.408, F.S.; providing  
 41 wildland firefighter training and certification for  
 42 certain firefighters and volunteer firefighters;  
 43 providing an effective date.

44  
 45 Be It Enacted by the Legislature of the State of Florida:

46  
 47 Section 1. Present subsections (57) through (67) of section  
 48 487.021, Florida Statutes, are redesignated as subsections (58)  
 49 through (68), respectively, and a new subsection (57) is added  
 50 to that section, to read:

51 487.021 Definitions.—For the purpose of this part:  
 52 (57) "Raw agricultural commodities fumigation" means the  
 53 use of a fumigant, in a lethal concentration to eliminate pests  
 54 from fruits, vegetables, nuts, legumes, mushrooms, or other  
 55 nonanimal matter customarily consumed by humans or animals,  
 56 under a tarpaulin or in a structure such as a storage facility,  
 57 barn, silo, or warehouse that is not inhabited by human beings,  
 58 agricultural livestock, or domestic pets and that is not

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

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59 connected by construction elements such as voids, pipes,  
 60 conduits, drains, or ducts to a structure that is inhabited by  
 61 human beings, agricultural livestock, or domestic pets that  
 62 would allow the transfer of fumigant between the structures.

63 Section 2. Subsection (7) is added to section 487.0435,  
 64 Florida Statutes, to read:

65 487.0435 License classification.—The department shall issue  
 66 certified applicator licenses in the following classifications:  
 67 certified public applicator; certified private applicator; and  
 68 certified commercial applicator. In addition, separate  
 69 classifications and subclassifications may be specified by the  
 70 department in rule as deemed necessary to carry out the  
 71 provisions of this part. Each classification shall be subject to  
 72 requirements or testing procedures to be set forth by rule of  
 73 the department and shall be restricted to the activities within  
 74 the scope of the respective classification as established in  
 75 statute or by rule. In specifying classifications, the  
 76 department may consider, but is not limited to, the following:

77 (7) The use of a fumigant as a pesticide, solely in raw  
 78 agricultural commodities fumigation as defined in s. 487.021.

79 Section 3. Subsection (1) of section 500.03, Florida  
 80 Statutes, is amended to read:

81 500.03 Definitions; construction; applicability.—

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

83 (a) "Advertisement" means any representation disseminated  
 84 in any manner or by any means, other than by labeling, for the  
 85 purpose of inducing, or which is likely to induce, directly or  
 86 indirectly, the purchase of food.

87 (b) "Approved laboratory" or "certified laboratory" means a

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88 laboratory of the department, a commercial laboratory certified  
 89 by the Department of Health, or a competent commercial  
 90 laboratory certified by an agency of another state or the United  
 91 States Environmental Protection Agency to perform analyses of  
 92 drinking water in accordance with the water quality testing  
 93 procedures adopted by the United States Environmental Protection  
 94 Agency.

95 (c) "Approved source" as it relates to water means a source  
 96 of water, whether it is a spring, artesian well, drilled well,  
 97 municipal water supply, or any other source, that complies with  
 98 the Federal Safe Drinking Water Act, Pub. L. No. 93-523, as  
 99 amended.

100 (d) "Bottled water" means a beverage, as described in 21  
 101 C.F.R. part 165 ~~(2006)~~, that is processed in compliance with 21  
 102 C.F.R. part 129 ~~(2006)~~.

103 (e) "Bottled water plant" means a food establishment in  
 104 which bottled water is prepared for sale.

105 (f) "Color" includes black, white, and intermediate grays.

106 (g)1. "Color additive" means a material which:

107 a. Is a dye pigment, or other substance, made by a process  
 108 of synthesis or similar artifice, or extracted, isolated, or  
 109 otherwise derived, with or without intermediate or final change  
 110 of identity from a vegetable, animal, mineral, or other source,  
 111 or

112 b. When added or applied to a food, is capable, alone or  
 113 through reaction with another substance, of imparting color  
 114 thereto;

115  
 116 except that such term does not include any material that is

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117 exempt under the federal act.

118 2. ~~Nothing in~~ Subparagraph 1. does not shall be construed  
 119 ~~to~~ apply to any pesticide chemical, soil or plant nutrient, or  
 120 other agricultural chemical solely because of its effect in  
 121 aiding, retarding, or otherwise affecting, directly or  
 122 indirectly, the growth or other natural physiological process of  
 123 produce of the soil and thereby affecting its color, whether  
 124 before or after harvest.

125 (h) "Contaminated with filth" applies to any food not  
 126 securely protected from dust, dirt, and, as far as may be  
 127 necessary by all reasonable means, all foreign or injurious  
 128 contamination.

129 ~~(i) "Convenience store" means a business that is engaged~~  
 130 ~~primarily in the retail sale of groceries or motor fuels or~~  
 131 ~~special fuels and may offer food services to the public.~~  
 132 ~~Businesses providing motor fuel or special fuel to the public~~  
 133 ~~which also offer groceries or food service are included in the~~  
 134 ~~definition of a convenience store.~~

135 (i)(j) "Cottage food operation" means a natural person who  
 136 produces or packages cottage food products at his or her  
 137 residence and sells such products in accordance with s. 500.80.

138 (j)(k) "Cottage food product" means food that is not a  
 139 potentially hazardous food as defined by department rule which  
 140 is sold by a cottage food operation in accordance with s.  
 141 500.80.

142 (k)(l) "Department" means the Department of Agriculture and  
 143 Consumer Services.

144 (l)(m) "Federal act" means the Federal Food, Drug, and  
 145 Cosmetic Act, as amended, 21 U.S.C. ss. 301 et seq.; 52 Stat.

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146 1040 et seq.

147 (m)(n) "Food" includes:

- 148 1. Articles used for food or drink for human consumption;
- 149 2. Chewing gum;
- 150 3. Articles used for components of any such article;
- 151 4. Articles for which health claims are made, which claims  
 152 are approved by the Secretary of the United States Department of  
 153 Health and Human Services and which claims are made in  
 154 accordance with s. 343(r) of the federal act, and which are not  
 155 considered drugs solely because their labels or labeling contain  
 156 health claims; and
- 157 5. Dietary supplements as defined in 21 U.S.C. s.  
 158 321(ff) (1) and (2).

159 The term includes any raw, cooked, or processed edible  
 160 substance; ice; any beverage; or any ingredient used, intended  
 161 for use, or sold for human consumption.

162 (n)(o) "Food additive" means any substance, the intended  
 163 use of which results or may be reasonably expected to result,  
 164 directly or indirectly, in its becoming a component or otherwise  
 165 affecting the characteristics of any food (including any  
 166 substance intended for use in producing, manufacturing, packing,  
 167 processing, preparing, treating, transporting, or holding food  
 168 and including any source of radiation intended for any such  
 169 use), if such substance is not generally recognized, among  
 170 experts qualified by scientific training and experience to  
 171 evaluate its safety, as having been adequately shown through  
 172 scientific procedures ~~(or, in the case of a substance used in a~~  
 173 ~~food~~ before ~~prior to~~ January 1, 1958, through ~~either~~ scientific

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175 procedures or experience based on common use in food) to be safe  
 176 under the conditions of its intended use; except that such term  
 177 does not include:

- 178 1. A pesticide chemical in or on a raw agricultural  
 179 commodity;
- 180 2. A pesticide chemical to the extent that it is intended  
 181 for use or is used in the production, storage, or transportation  
 182 of any raw agricultural commodity;
- 183 3. A color additive; or
- 184 4. Any substance used in accordance with a sanction or  
 185 approval granted before ~~prior to~~ the enactment of the Food  
 186 Additives Amendment of 1958, pursuant to the federal act; the  
 187 Poultry Products Inspection Act (21 U.S.C. ss. 451 et seq.); or  
 188 the Meat Inspection Act of March 4, 1967 (34 Stat. 1260), as  
 189 amended and extended (21 U.S.C. ss. 71 et seq.).

190 (o) (p) "Food establishment" means a factory, food outlet,  
 191 or other facility manufacturing, processing, packing, holding,  
 192 or preparing food or selling food at wholesale or retail. The  
 193 term includes any establishment or section of an establishment  
 194 at which food and food products are offered to the consumer and  
 195 intended for off-premises consumption and any delicatessen that  
 196 offers prepared food in bulk quantities only. The term does not  
 197 include:

- 198 1. A business or activity that is regulated under s.  
 199 413.051, s. 500.80, chapter 509, or chapter 601;  
 200 2. ~~The term includes tomato packinghouses and repackers but~~  
 201 ~~does not include any other~~ Establishments, except for tomato  
 202 packinghouses and repackers, that pack fruits and vegetables in  
 203 their raw or natural states, including those fruits or

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204 vegetables that are washed, colored, or otherwise treated in  
 205 their unpeeled, natural form before they are marketed; or

206 3. Markets that offer only fresh fruits and fresh  
 207 vegetables for sale.

208 ~~(g) "Food outlet" means any grocery store, convenience~~  
 209 ~~store, minor food outlet, meat, poultry, or fish and related~~  
 210 ~~aquatic food market, fruit or vegetable market, food warehouse,~~  
 211 ~~refrigerated storage facility, freezer locker, salvage food~~  
 212 ~~facility, or any other similar place storing or offering food~~  
 213 ~~for sale.~~

214 ~~(r) "Food service establishment" means any place where food~~  
 215 ~~is prepared and intended for individual portion service, and~~  
 216 ~~includes the site at which individual portions are provided. The~~  
 217 ~~term includes any such place regardless of whether consumption~~  
 218 ~~is on or off the premises and regardless of whether there is a~~  
 219 ~~charge for the food. The term includes delicatessens that offer~~  
 220 ~~prepared food in individual service portions. The term does not~~  
 221 ~~include schools, institutions, fraternal organizations, private~~  
 222 ~~homes where food is prepared or served for individual family~~  
 223 ~~consumption, retail food stores, the location of food vending~~  
 224 ~~machines, cottage food operations, and supply vehicles, nor does~~  
 225 ~~the term include a research and development test kitchen limited~~  
 226 ~~to the use of employees and which is not open to the general~~  
 227 ~~public.~~

228 ~~(p) (s)~~ "Immediate container" does not include package  
 229 liners.

230 ~~(q) (t)~~ "Label" means a display of written, printed, or  
 231 graphic matter upon the immediate container of any article. A  
 232 requirement made by or under authority of this chapter that any

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233 word, statement, or other information appear on the label shall  
 234 not be considered to be complied with unless such word,  
 235 statement, or other information also appears on the outside  
 236 container or wrapper, if there is any, of the retail package of  
 237 such article or is easily legible through the outside container  
 238 or wrapper.

239 ~~(r)~~~~(u)~~ "Labeling" means all labels and other written,  
 240 printed, or graphic matters:

- 241 1. Upon an article or any of its containers or wrappers; or
- 242 2. Accompanying such article.

243 ~~(s)~~~~(v)~~ "Minor food outlet" means any food ~~retail~~  
 244 establishment that sells food ~~groceries~~ and may offer food  
 245 service to the public, but neither business activity is a major  
 246 ~~retail~~ function based on allocated space or gross sales.

247 ~~(t)~~~~(w)~~ "Natural water" means bottled spring water, artesian  
 248 well water, or well water that has not been altered with water  
 249 from another source or that has not been modified by mineral  
 250 addition or deletion, except for alteration that is necessary to  
 251 treat the water through ozonation or an equivalent disinfection  
 252 and filtration process.

253 ~~(u)~~~~(x)~~ "Packaged ice" means ice that is enclosed in a  
 254 container and is offered for sale for human consumption or for  
 255 other use by the consumer. The term does not include ice that is  
 256 manufactured by any business licensed under chapter 381 or  
 257 chapter 509.

258 ~~(v)~~~~(y)~~ "Packaged ice plant" means a food establishment in  
 259 which packaged ice is manufactured or processed.

260 ~~(w)~~~~(z)~~ "Pesticide chemical" means any substance that ~~which~~,  
 261 alone, in chemical combination, or in formulation with one or

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262 more other substances is a pesticide as defined in s. 487.021  
 263 ~~"pesticide"~~ within the meaning of the Florida Pesticide Law,  
 264 ~~part I of chapter 487,~~ and that ~~which~~ is used in the production,  
 265 storage, or transportation of raw agricultural commodities.

266 ~~(x)~~~~(aa)~~ "Raw agricultural commodity" means any food in its  
 267 raw or natural state, including all fruits that are washed,  
 268 colored, or otherwise treated in their unpeeled natural form  
 269 before ~~prior to~~ marketing.

270 ~~(bb)~~ ~~"Retail food store" means any establishment or section~~  
 271 ~~of an establishment where food and food products are offered to~~  
 272 ~~the consumer and intended for off-premises consumption. The term~~  
 273 ~~includes delicatessens that offer prepared food in bulk~~  
 274 ~~quantities only. The term does not include establishments which~~  
 275 ~~handle only prepackaged, nonpotentially hazardous foods,~~  
 276 ~~roadside markets that offer only fresh fruits and fresh~~  
 277 ~~vegetables for sale; food service establishments; or food and~~  
 278 ~~beverage vending machines.~~

279 ~~(y)~~~~(ee)~~ "Vehicle" means a mode of transportation or mobile  
 280 carrier used to transport food from one location to another,  
 281 including, but not limited to, carts, cycles, vans, trucks,  
 282 cars, trains and railway transport, and aircraft and watercraft  
 283 transport.

284 Section 4. Subsection (1) of section 500.033, Florida  
 285 Statutes, is amended to read:

286 500.033 Florida Food Safety and Food Defense Advisory  
 287 Council.—

288 (1) There is created the Florida Food Safety and Food  
 289 Defense Advisory Council for the purpose of serving as a forum  
 290 for presenting, investigating, and evaluating issues of current

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291 importance to the assurance of a safe and secure food supply to  
 292 the citizens of Florida. The Florida Food Safety and Food  
 293 Defense Advisory Council shall consist of, but not be limited  
 294 to+ the Commissioner of Agriculture or his or her designee; the  
 295 State Surgeon General or his or her designee; the Secretary of  
 296 Business and Professional Regulation or his or her designee; ~~the~~  
 297 ~~person responsible for domestic security with the Department of~~  
 298 ~~Law Enforcement~~; members representing the production,  
 299 processing, distribution, and sale of foods; consumers or  
 300 members of citizens groups; representatives of food industry  
 301 groups; scientists or other experts in aspects of food safety  
 302 from state universities; representatives from local, state, and  
 303 federal agencies that are charged with responsibilities for food  
 304 safety or food defense; and as ex officio members, the chairs of  
 305 the Agriculture Committees of the Senate and the House of  
 306 Representatives or their designees, ~~and~~ the chairs of the  
 307 committees of the Senate and the House of Representatives with  
 308 jurisdictional oversight of home defense issues or their  
 309 designees, and the person responsible for domestic security with  
 310 the Department of Law Enforcement or his or her designee. The  
 311 Commissioner of Agriculture shall appoint the remaining members.  
 312 The council shall make periodic reports to the Department of  
 313 Agriculture and Consumer Services concerning findings and  
 314 recommendations in the area of food safety and food defense.

315 Section 5. Paragraphs (a), (b), and (e) of subsection (1)  
 316 and subsection (2) of section 500.12, Florida Statutes, are  
 317 amended to read:

318 500.12 Food permits; building permits.—

319 (1) (a) A food permit from the department is required of any

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320 person who operates a food establishment ~~or retail food store~~,  
 321 except:  
 322 1. Persons operating minor food outlets that sell food that  
 323 is commercially prepackaged, not potentially hazardous, and not  
 324 time or temperature controlled for safety, if the shelf space  
 325 for those items does not exceed 12 total linear feet and no  
 326 other food is sold by the minor food outlet.  
 327 2. Persons subject to continuous, onsite federal or state  
 328 inspection.  
 329 3. Persons selling only legumes in the shell, either  
 330 parched, roasted, or boiled.  
 331 4. Persons selling sugar cane or sorghum syrup that has  
 332 been boiled and bottled on a premise located within the state.  
 333 Such bottles must contain a label listing the producer's name  
 334 and street address, all added ingredients, the net weight or  
 335 volume of the product, and a statement that reads, "This product  
 336 has not been produced in a facility permitted by the Florida  
 337 Department of Agriculture and Consumer Services."  
 338 (b) Each food establishment ~~and retail food store~~ regulated  
 339 under this chapter must apply for and receive a food permit  
 340 before operation begins. An application for a food permit from  
 341 the department must be accompanied by a fee in an amount  
 342 determined by department rule. The department shall adopt by  
 343 rule a schedule of fees to be paid by each food establishment  
 344 ~~and retail food store~~ as a condition of issuance or renewal of a  
 345 food permit. Such fees may not exceed \$650 and shall be used  
 346 solely for the recovery of costs for the services provided,  
 347 except that the fee accompanying an application for a food  
 348 permit for operating a bottled water plant may not exceed \$1,000

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349 and the fee accompanying an application for a food permit for  
 350 operating a packaged ice plant may not exceed \$250. The fee for  
 351 operating a bottled water plant or a packaged ice plant shall be  
 352 set by rule of the department. Food permits are not transferable  
 353 from one person or physical location to another. Food permits  
 354 must be renewed annually on or before January 1. If ~~an~~  
 355 ~~application for renewal of~~ a food permit fee is not received in  
 356 full by the department by January 1 ~~within 30 days after its due~~  
 357 ~~date~~, a late fee not exceeding \$100 must be paid in addition to  
 358 the food permit fee ~~before the department may issue the food~~  
 359 ~~permit~~. The moneys collected shall be deposited in the General  
 360 Inspection Trust Fund.

361 (e) The department is the exclusive regulatory and  
 362 permitting authority for all ~~food outlets, retail food stores,~~  
 363 food establishments, ~~convenience stores,~~ and minor food outlets  
 364 in accordance with this section. Application for a food permit  
 365 must be made on forms provided by the department, which forms  
 366 must also contain provision for application for registrations  
 367 and permits issued by other state agencies and for collection of  
 368 the food permit fee and any other fees associated with  
 369 registration, licensing, or applicable surcharges. The details  
 370 of the application shall be prescribed by department rule.

371 (2) When any person applies for a building permit to  
 372 construct, convert, or remodel any food establishment, ~~food~~  
 373 ~~outlet, or retail food store~~, the authority issuing such permit  
 374 shall make available to the applicant a printed statement,  
 375 provided by the department, regarding the applicable sanitation  
 376 requirements for such establishments. A building permitting  
 377 authority, or municipality or county under whose jurisdiction a

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378 building permitting authority operates, may not be held liable  
 379 for a food establishment, ~~food outlet, or retail food store~~ that  
 380 does not comply with the applicable sanitation requirements due  
 381 to failure of the building permitting authority to provide the  
 382 information as provided in this subsection.

383 (a) The department shall furnish, for distribution, a  
 384 statement that includes the checklist to be used by the food  
 385 inspector in any preoperational inspections to assure that the  
 386 food establishment is constructed and equipped to meet the  
 387 applicable sanitary guidelines. Such preoperational inspection  
 388 shall be a prerequisite for obtaining a food permit in  
 389 accordance with this section.

390 (b) The department may provide assistance, when requested  
 391 by the applicant, in the review of any construction or  
 392 remodeling plans for food establishments. The department may  
 393 charge a fee for such assistance which covers the cost of  
 394 providing the assistance and which shall be deposited in the  
 395 General Inspection Trust Fund for use in funding the food safety  
 396 program.

397 (c) A building permitting authority or other subdivision of  
 398 local government may not require the department to approve  
 399 construction or remodeling plans for food establishments ~~and~~  
 400 ~~retail food stores~~ as a condition of any permit or license at  
 401 the local level.

402 Section 6. Subsection (1) of section 500.121, Florida  
 403 Statutes, is amended to read:

404 500.121 Disciplinary procedures.—

405 (1) In addition to the suspension procedures provided in s.  
 406 500.12, if applicable, the department may impose an

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407 administrative fine in the Class II category pursuant to s.  
 408 570.971 against any ~~retail food store~~, food establishment, or  
 409 cottage food operation that violates this chapter, which fine,  
 410 when imposed and paid, shall be deposited by the department into  
 411 the General Inspection Trust Fund. The department may revoke or  
 412 suspend the permit of any such retail food store or food  
 413 establishment if it is satisfied that the ~~retail food store or~~  
 414 food establishment has:

415 (a) Violated this chapter.

416 (b) Violated or aided or abetted in the violation of any  
 417 law of this state governing or applicable to ~~retail food stores~~  
 418 ~~or~~ food establishments or any lawful rules of the department.

419 (c) Knowingly committed, or been a party to, any material  
 420 fraud, misrepresentation, conspiracy, collusion, trick, scheme,  
 421 or device whereby another person, lawfully relying upon the  
 422 word, representation, or conduct of a ~~retail food store or~~ food  
 423 establishment, acts to her or his injury or damage.

424 (d) Committed any act ~~that or conduct of the same or~~  
 425 ~~different character than that enumerated which~~ constitutes  
 426 fraudulent or dishonest dealing.

427 Section 7. Paragraph (a) of subsection (3) of section  
 428 500.147, Florida Statutes, is amended to read:

429 500.147 Inspection of food establishments, food records,  
 430 and vehicles.—

431 (3) For bottled water plants:

432 (a) Bottled water must be from an approved source. Bottled  
 433 water must be processed in conformance with 21 C.F.R. part 129  
 434 ~~(2006)~~, and must conform to 21 C.F.R. part 165 ~~(2006)~~. A person  
 435 operating a bottled water plant shall be responsible for all

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436 water sampling and analyses required by this chapter.

437 Section 8. Section 500.81, Florida Statutes, is repealed.

438 Section 9. Section 502.012, Florida Statutes, is amended to  
 439 read:

440 502.012 Definitions.—As used in this chapter, the term:

441 (1) "Bulk milk hauler and sampler" means a person who  
 442 collects official samples and may transport raw milk from a farm  
 443 or raw milk products to or from a farm, milk plant, receiving  
 444 station, or transfer station and has in his or her possession a  
 445 permit to sample such products from any state regulatory agency  
 446 charged in implementing the Grade "A" program.

447 (2)(1) "Bulk milk pickup tanker" means a vehicle, including  
 448 the truck and tank, and necessary attachments for its use, used  
 449 by a bulk milk hauler and sampler to transport bulk raw milk for  
 450 pasteurization, ultra-pasteurization, aseptic processing and  
 451 packaging, or retort processing after packaging from a dairy  
 452 farm to a milk plant, receiving station, or transfer station.

453 (3)(2) "Dairy farm" means any place or premises where one  
 454 or more lactating animals, such as cows, goats, sheep, water  
 455 buffalo, camels, or other hooved mammals, are kept for milking  
 456 purposes and from which a part or all of the milk is provided,  
 457 sold, or offered for sale.

458 (4)(3) "Department" means the Department of Agriculture and  
 459 Consumer Services.

460 (5)(4) "Frozen dessert" means a specific standardized  
 461 frozen dessert described in 21 C.F.R. part 135 and any other  
 462 food defined by rule of the department that resembles such  
 463 standardized frozen dessert but does not conform to the specific  
 464 description of such standardized frozen dessert in 21 C.F.R.

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465 part 135. The term includes, but is not limited to, a  
 466 quiescently frozen confection, a quiescently frozen dairy  
 467 confection, a frozen dietary dairy dessert, and a frozen dietary  
 468 dessert.

469 ~~(6)(5)~~ "Frozen desserts manufacturer" means a person who  
 470 manufactures, processes, converts, partially freezes, or freezes  
 471 any mix or frozen dessert for distribution or sale.

472 ~~(7)(6)~~ "Frozen desserts plant" means any location or  
 473 premises at which frozen desserts or mix are manufactured,  
 474 processed, or frozen for distribution or sale at wholesale.

475 ~~(8)(7)~~ "Frozen desserts retail establishment" means any  
 476 location or premises, including a retail store, stand, hotel,  
 477 boardinghouse, restaurant, vehicle, or mobile unit, at which  
 478 frozen desserts are frozen, partially frozen, or dispensed for  
 479 sale at retail.

480 ~~(9)(8)~~ "Frozen dietary dairy dessert" or "frozen dietary  
 481 dessert" means a food for any special dietary use, prepared by  
 482 freezing, with or without agitation, and composed of a  
 483 pasteurized mix that may contain fat, protein, carbohydrates,  
 484 natural or artificial sweeteners, flavoring, stabilizers,  
 485 emulsifiers, vitamins, and minerals.

486 ~~(10)(9)~~ "Grade 'A' pasteurized milk ordinance" means the  
 487 document entitled "Grade 'A' Pasteurized Milk Ordinance, United  
 488 States Department of Health and Human Services, Public Health  
 489 Service, Food and Drug Administration," including all associated  
 490 appendices, as adopted by department rule.

491 ~~(11)(10)~~ "Imitation milk and imitation milk products" means  
 492 those foods that have the physical characteristics, such as  
 493 taste, flavor, body, texture, or appearance, of milk or milk

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494 products as defined in this chapter and the Grade "A"  
 495 pasteurized milk ordinance but do not come within the definition  
 496 of "milk" or "milk products" and are nutritionally inferior to  
 497 the product imitated.

498 ~~(12)(11)~~ "Milk" means the lacteal secretion, practically  
 499 free from colostrum, obtained by the complete milking of one or  
 500 more healthy cows, goats, sheep, water buffalo, camels, or other  
 501 hooved mammals.

502 ~~(13)(12)~~ "Milk distributor" means any person who offers for  
 503 sale or sells to another person any milk or milk product.

504 ~~(14)(13)~~ "Milk products" means products made with milk that  
 505 is processed in some manner, including being whipped, acidified,  
 506 cultured, concentrated, lactose-reduced, or sodium-reduced or  
 507 aseptically processed, or having the addition or subtraction of  
 508 milkfat, the addition of safe and suitable microbial organisms,  
 509 or the addition of safe and suitable optional ingredients for  
 510 protein, vitamin, or mineral fortification. "Milk products" do  
 511 not include products such as evaporated milk, condensed milk,  
 512 eggnog in a rigid metal container, dietary products, infant  
 513 formula, or ice cream and other desserts.

514 ~~(15)(14)~~ "Milkfat" or "butterfat" means the fat contained  
 515 in milk.

516 ~~(16)(15)~~ "Milk hauler" means any person who transports raw  
 517 milk or raw milk products to or from a milk plant, receiving  
 518 station, or transfer station.

519 ~~(17)(16)~~ "Milk plant" means any place, premises, or  
 520 establishment where milk or milk products are collected,  
 521 handled, processed, stored, pasteurized, ultra-pasteurized,  
 522 aseptically processed and packaged, retort processed after

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523 packaging, condensed, dried, packaged, bottled, or prepared for  
 524 distribution.

525 ~~(18)-(17)~~ "Milk plant operator" means any person responsible  
 526 for receiving, processing, pasteurizing, or packaging milk and  
 527 milk products, or performing any other related operation.

528 ~~(19)-(18)~~ "Milk producer" means any person who operates a  
 529 dairy farm and provides, sells, or offers for sale milk to a  
 530 milk plant, receiving station, or transfer station.

531 ~~(20)-(19)~~ "Milk tank truck" means either a bulk milk pickup  
 532 tanker or a milk transport tank.

533 ~~(21)-(20)~~ "Milk transport tank" means a vehicle, including  
 534 the truck and tank, used by a bulk milk hauler and sampler or a  
 535 milk hauler to transport bulk shipments of milk from a milk  
 536 plant, receiving station, or transfer station to another milk  
 537 plant, receiving station, or transfer station.

538 ~~(22)-(21)~~ "Quiescently frozen confection" means a clean and  
 539 wholesome frozen, sweetened, flavored product that, while being  
 540 frozen, was not stirred or agitated (generally known as  
 541 quiescent freezing). The confection may be acidulated with food-  
 542 grade acid, may contain milk solids or water, or may be made  
 543 with or without added harmless pure or imitation flavoring and  
 544 with or without harmless coloring. The finished product must not  
 545 contain more than 0.5 percent by weight of stabilizer composed  
 546 of wholesome, edible material and must not contain less than 17  
 547 percent by weight of total food solids. In the production of the  
 548 confection, processing or mixing before quiescent freezing that  
 549 develops in the finished confection mix any physical expansion  
 550 in excess of 10 percent may not be used.

551 ~~(23)-(22)~~ "Quiescently frozen dairy confection" means a

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552 clean and wholesome frozen product made from water, milk  
 553 products, and sugar, with added harmless pure or imitation  
 554 flavoring, with or without added harmless coloring, with or  
 555 without added stabilizer, or with or without added emulsifier,  
 556 that, while being frozen, was not stirred or agitated (generally  
 557 known as quiescent freezing). The confection must not contain  
 558 less than 13 percent by weight of total milk solids, less than  
 559 33 percent by weight of total food solids, more than 0.5 percent  
 560 by weight of stabilizer, or more than 0.2 percent by weight of  
 561 emulsifier. Stabilizer and emulsifier must be composed of  
 562 wholesome, edible material. In the production of a quiescently  
 563 frozen dairy confection, processing or mixing before quiescently  
 564 freezing that develops in the finished confection mix any  
 565 physical expansion in excess of 10 percent may not be used.

566 ~~(24)-(23)~~ "Raw milk" means unpasteurized, unprocessed milk.

567 ~~(25)-(24)~~ "Receiving station" means any place, premises, or  
 568 establishment where raw milk is received, collected, handled,  
 569 stored, or cooled and is prepared for further transporting.

570 ~~(26)~~ "Reconstituted milk or milk products" or "recombined  
 571 milk or milk products" means milk or milk products that result  
 572 from reconstituting or recombining of milk constituents with  
 573 potable water.

574 ~~(27)~~ "Retail" means the sale of goods to the public for use  
 575 or consumption rather than for resale.

576 ~~(28)-(25)~~ "Substitute milk and substitute milk products"  
 577 means those foods that have the physical characteristics, such  
 578 as taste, flavor, body, texture, or appearance, of milk or milk  
 579 products as defined in this chapter and the Grade "A"  
 580 pasteurized milk ordinance but do not come within the definition

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581 of "milk" or "milk products" and are nutritionally equivalent to  
 582 the product for which they are substitutes.

583 ~~(29)-(26)~~ "Transfer station" means any place, premises, or  
 584 establishment where milk or milk products are transferred  
 585 directly from one milk tank truck to another.

586 (30) "Ultra-pasteurization" means a thermal process by  
 587 which milk or milk products are heated to 280 degrees Fahrenheit  
 588 or above for at least 2 seconds, before or after packaging, to  
 589 produce a milk or milk product that has an extended shelf-life  
 590 under refrigerated conditions.

591 ~~(31)-(27)~~ "Washing station" means any place, premises, or  
 592 establishment where milk tank trucks are cleaned and sanitized.

593 (32) "Wholesale" means the selling of goods in quantity to  
 594 be retailed by others.

595 Section 10. Paragraph (a) of subsection (2) of section  
 596 502.014, Florida Statutes, is amended to read:  
 597 502.014 Powers and duties.—  
 598 (2) (a) The department shall conduct onsite inspections of  
 599 any facility used in the production, processing, and  
 600 distribution of any milk or milk products under this chapter and  
 601 shall collect samples of such products from such facilities for  
 602 testing pursuant to dairy farms, milk plants, and frozen dessert  
 603 plants and collect test samples of milk, milk products, and  
 604 frozen desserts as required by this chapter.

605 Section 11. Paragraph (b) of subsection (1), paragraph (d)  
 606 of subsection (3), and paragraph (a) of subsection (4) of  
 607 section 502.053, Florida Statutes, are amended to read:  
 608 502.053 Permits and fees; requirements; exemptions;  
 609 temporary permits.—

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610 (1) PERMITS.—

611 (b) Each frozen dessert plant, whether located in the state  
 612 or outside the state, that manufactures frozen desserts or other  
 613 products defined in this chapter and offers these products at  
 614 wholesale for sale in this state must apply to the department  
 615 for a permit to operate. The application must be submitted on  
 616 forms prescribed by the department. All frozen dessert permits  
 617 expire on June 30 of each year.

618 (3) REQUIREMENTS.—

619 ~~(d) Each frozen dessert plant permit holder must report~~  
 620 ~~monthly, quarterly, semiannually, or annually, as required by~~  
 621 ~~the department, the number of gallons of frozen dessert or~~  
 622 ~~frozen dessert mix sold or manufactured by the permit holder in~~  
 623 ~~this state.~~

624 (4) EXEMPTIONS.—

625 (a) The following persons are shall be exempt from bulk  
 626 milk hauler and sampler permit requirements:

627 1. Milk producers who transport milk or milk products only  
 628 from their own dairy farms.

629 2. Employees of a milk distributor or milk plant operator  
 630 who possesses a valid permit.

631 3. Drivers of bulk milk tank trucks between locations who  
 632 do not collect milk from farms.

633 Section 12. Subsections (1) and (4) of section 502.181,  
 634 Florida Statutes, are amended to read:  
 635 502.181 Prohibited acts.—It is unlawful for any person in  
 636 this state to:  
 637 (1) Engage in the business of producing, hauling,  
 638 transferring, receiving, processing, packaging, or distributing

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 639 milk, milk products, or frozen desserts or operating a washing  
 640 station, manufacturing single-service containers, or  
 641 manufacturing imitation or substitute milk or milk products, ~~or~~  
 642 ~~testing for milkfat content~~, without first obtaining a permit or  
 643 license from the department.

644 ~~(4) Repasteurize milk.~~

645 Section 13. Subsection (4) of section 570.441, Florida  
 646 Statutes, is amended to read:

647 570.441 Pest Control Trust Fund.—

648 (4) In addition to the uses authorized under subsection  
 649 (2), moneys collected or received by the department under  
 650 chapter 482 may be used to carry out the provisions of s.  
 651 570.44. This subsection expires June 30, 2024 ~~2019~~.

652 Section 14. Subsection (1) of section 570.93, Florida  
 653 Statutes, is amended to read:

654 570.93 Department of Agriculture and Consumer Services;  
 655 agricultural water conservation and agricultural water supply  
 656 planning.—

657 (1) The department shall establish an agricultural water  
 658 conservation program that includes the following:

659 (a) A cost-share program, coordinated ~~where appropriate~~  
 660 with the United States Department of Agriculture and other  
 661 federal, state, regional, and local agencies when appropriate,  
 662 for irrigation system retrofit and application of mobile  
 663 irrigation laboratory evaluations and for water conservation and  
 664 ~~as provided in this section and, where applicable, for~~ water  
 665 quality improvement pursuant to s. 403.067(7)(c).

666 (b) The development and implementation of voluntary interim  
 667 measures or best management practices, ~~adopted by rule,~~ which

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 668 provide for increased efficiencies in the use and management of  
 669 water for agricultural production. In the process of developing  
 670 and adopting rules for interim measures or best management  
 671 practices, the department shall consult with the Department of  
 672 Environmental Protection and the water management districts.  
 673 Such rules may also include a system to ensure ~~assure~~ the  
 674 implementation of the practices, including recordkeeping  
 675 requirements. As new information regarding efficient  
 676 agricultural water use and management becomes available, the  
 677 department shall reevaluate and revise ~~as needed~~, the interim  
 678 measures or best management practices as needed. The interim  
 679 measures or best management practices may include irrigation  
 680 retrofit, implementation of mobile irrigation laboratory  
 681 evaluations and recommendations, water resource augmentation,  
 682 and integrated water management systems for drought management  
 683 and flood control and should, to the maximum extent practicable,  
 684 be designed to qualify for regulatory incentives and other  
 685 incentives, as determined by the agency having applicable  
 686 statutory authority.

687 (c) Provision of assistance to the water management  
 688 districts in the development and implementation, to the extent  
 689 practicable, of a consistent, ~~to the extent practicable,~~  
 690 methodology for the efficient allocation of water for  
 691 agricultural irrigation.

692 Section 15. Subsection (1) of section 590.02, Florida  
 693 Statutes, is amended to read:

694 590.02 Florida Forest Service; powers, authority, and  
 695 duties; liability; building structures; Withlacoochee Training  
 696 Center.—

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697 (1) The Florida Forest Service has the following powers,  
 698 authority, and duties to:

699 (a) Enforce the provisions of this chapter;

700 (b) Prevent, detect, and suppress wildfires wherever they  
 701 may occur on public or private land in this state and do all  
 702 things necessary in the exercise of such powers, authority, and  
 703 duties;

704 (c) Provide firefighting crews, who shall be under the  
 705 control and direction of the Florida Forest Service and its  
 706 designated agents;

707 (d) Appoint center managers, forest area supervisors,  
 708 forestry program administrators, a forest protection bureau  
 709 chief, a forest protection assistant bureau chief, a field  
 710 operations bureau chief, deputy chiefs of field operations,  
 711 district managers, forest operations administrators, senior  
 712 forest rangers, investigators, forest rangers, firefighter  
 713 rotorcraft pilots, and other employees who may, at the Florida  
 714 Forest Service's discretion, be certified as forestry  
 715 firefighters pursuant to s. 633.408(8). Other law  
 716 notwithstanding, center managers, district managers, forest  
 717 protection assistant bureau chief, and deputy chiefs of field  
 718 operations have Selected Exempt Service status in the state  
 719 personnel designation;

720 (e) Develop a training curriculum for wildland forestry  
 721 firefighters which must contain at least 40 hours of structural  
 722 firefighter training, at least 40 hours of emergency medical  
 723 training, and at least 376 ~~the basic volunteer structural fire~~  
 724 training course approved by the Florida State Fire College of  
 725 the Division of State Fire Marshal and a minimum of 250 hours of

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726 wildfire training;

727 (f) Pay the cost of the initial commercial driver license  
 728 examination fee for those employees whose position requires them  
 729 to operate equipment requiring a license. This paragraph is  
 730 intended to be an authorization to the department to pay such  
 731 costs, not an obligation;

732 (g) Provide fire management services and emergency response  
 733 assistance and set and charge reasonable fees for performance of  
 734 those services. Moneys collected from such fees shall be  
 735 deposited into the Incidental Trust Fund of the Florida Forest  
 736 Service;

737 (h) Require all state, regional, and local government  
 738 agencies operating aircraft in the vicinity of an ongoing  
 739 wildfire to operate in compliance with the applicable state  
 740 Wildfire Aviation Plan;

741 (i) Authorize broadcast burning, prescribed burning, pile  
 742 burning, and land clearing debris burning to carry out the  
 743 duties of this chapter and the rules adopted thereunder; and

744 (j) Make rules to accomplish the purposes of this chapter.

745 Section 16. Subsection (16) is added to section 595.404,  
 746 Florida Statutes, to read:

747 595.404 School food and other nutrition programs; powers  
 748 and duties of the department.—The department has the following  
 749 powers and duties:

750 (16) To adopt and implement an exemption, variance, and  
 751 waiver process by rule, as required by federal regulations, for  
 752 sponsors of the programs implemented pursuant to this chapter,  
 753 notwithstanding s. 120.542.

754 Section 17. Paragraph (d) of subsection (1) of section

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755 633.406, Florida Statutes, is amended to read:

756 633.406 Classes of certification.—

757 (1) The division may award one or more of the following  
758 certificates:

759 (d) ~~Wildland Firefighter Forestry~~ Certificate of  
760 Compliance.—A ~~Wildland Firefighter Forestry~~ Certificate of  
761 Compliance may be awarded to a person who has satisfactorily  
762 complied with a training program and successfully passed an  
763 examination as prescribed by rule, and who possesses the  
764 qualifications established in s. 590.02(1)(e).

765 Section 18. Subsection (8) of section 633.408, Florida  
766 Statutes, is amended to read:

767 633.408 Firefighter and volunteer firefighter training and  
768 certification.—

769 (8)(a) Pursuant to s. 590.02(1)(e), the division shall  
770 establish a structural fire training program of at least 40 ~~not~~  
771 ~~less than 206~~ hours. The division shall issue to a person  
772 satisfactorily complying with this training program and who has  
773 successfully passed an examination as prescribed by the division  
774 and who has met the requirements of s. 590.02(1)(e), a Wildland  
775 Firefighter Forestry ~~Forestry~~ Certificate of Compliance.

776 (b) An individual who holds a current and valid Wildland  
777 Firefighter Forestry ~~Forestry~~ Certificate of Compliance is entitled to  
778 the same rights, privileges, and benefits provided for by law as  
779 a firefighter.

780 Section 19. This act shall take effect July 1, 2019.



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

March 25

Meeting Date

1646

Bill Number (if applicable)

608542

Amendment Barcode (if applicable)

Topic For Amendment ; Bill

Name Tim Meenan

Job Title "President Allbritton Fan Club"

Address 300 S. Duval St.

Street

Phone 850 425-4000

City

Tallahassee

State

FL

Zip

Email Tim@meenanfan.com

Speaking:  For  Against  Information

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

Representing 14270 Palm Beach Pt. LLC.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/25/19

Meeting Date

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

1646

Bill Number (if applicable)

Topic Department of Agriculture

Amendment Barcode (if applicable)

Name Emily Buckley

Job Title Legislative Affairs Dir.

Address 400 S Monroe St

Phone 850 617 7700

Street

Tallahassee

City

FL

State

32393

Zip

Email emily.buckley@freshfromflorida.com

Speaking: [ ] For [ ] Against [ ] Information

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

Representing FDACS

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/25/19 Meeting Date

1046 Bill Number (if applicable)

Topic Department of Agriculture

Amendment Barcode (if applicable)

Name Adam Basford

Job Title Legislative Affairs Director

Address 310 W College Ave

Phone 222-2557

Tallahassee FL 32301

Email adam.basford@fla.gov

Speaking: For Against Information

Waive Speaking: In Support Against

Representing FL Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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**The Florida Senate**  
**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 7088

INTRODUCER: Agriculture Committee and Senator Bradley

SUBJECT: Fees/State Hemp Program

DATE: March 25, 2019 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker		<b>AG Submitted as Comm.Bill/Fav</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

SB 7088 authorizes the Department of Agriculture and Consumer Services (department) to specify by rule the amount of the initial registration and renewal fees for participation in the state hemp program. SB 1020 (2019 Regular Session) by Senator Bradley authorizes the department to adopt rules to administer a state hemp program and provides guidance for the administration of the program consistent with federal law.

Fees collected by the department may not exceed \$500 per application. The department may waive payment of the fees. Any fees collected must be deposited in the Plant Industry Trust Fund, which is administered by the department.

The bill would take effect on the same date that SB 1020 or similar legislation, if adopted during the 2019 Regular Session or an extension thereof, becomes law.

**II. Present Situation:**

**SB 1020 (2019 Regular Session)**

SB 1020 (2019 Regular Session) by Senator Bradley authorizes the department to adopt rules to administer a state hemp program pursuant to 7 U.S.C s. 1639p. This federal law was created by the Agricultural Improvement Act of 2018 (2018 Farm Bill), which legalized the industrial use of hemp. It also provides standards for a state’s department of agriculture or an Indian tribe to have primary regulatory authority over the production of hemp by applying for approval to the United States Secretary of Agriculture. SB 1020 does not authorize the assessment of any fees or taxes.

Industrial hemp is a Cannabis sativa plant, which is a controlled substance under state law and federal law. Hemp may be used as a fiber and grain crop, building material, and animal feed.

Under the bill, the department's rules must include, but are not limited to, provisions for the production and sale of hemp products, including the federal requirements for a state program.

The bill takes effect upon becoming law.

### **License Fees – Single Subject Requirement**

In the 2018 General Election, voters approved Amendment 5 to the Florida Constitution.<sup>1</sup> The amendment added Section 19 to Article VII of the Florida Constitution, which requires a supermajority vote to impose, authorize, or raise state taxes or fees. No state tax or fee may be raised by the legislature except through legislation approved by two-thirds of the membership of each house of the legislature.<sup>2</sup>

“Fee” means any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service. “Raise” means to increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis; to increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or to decrease or eliminate a state tax or fee exemption or credit.<sup>3</sup>

The Florida Constitution also requires that a state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject.<sup>4</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 581.217, F.S., to require a person who applies for initial registration or for renewal of registration in the state hemp program to submit a fee with the application. The department will adopt a rule to determine the fee, which may not exceed \$500 per application. The department may waive payment of the fee by rule. Program fees must be deposited in the Plant Industry Trust Fund for operations explicitly related to the administration of the state hemp program.

**Section 2** provides that this act shall take effect on the same date that SB 1020 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

---

<sup>1</sup> Election results for the state constitutional amendments are available at <https://floridaelectionwatch.gov/Amendments> (last visited Mar. 21, 2019).

<sup>2</sup> FLA. CONST. art. VII, s. 19(b).

<sup>3</sup> FLA. CONST. art. VII, s. 19(d).

<sup>4</sup> FLA. CONST. art. VII, s. 19(e).

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

Section 19, Art. VII of the State Constitution limits the authority of the legislature to enact legislation that imposes or raises a state tax or fee by requiring such legislation to be approved by a 2/3 vote of each chamber of the legislature. Such state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject.

For purposes of this limitation the term “fee” is defined, in pertinent part, to mean any charge or payment required by law, including any fee for service fee or cost for licenses, and charge for service.

This bill authorizes the Department of Agriculture and Consumer Services to adopt, by rule, an application fee of not more than \$500 imposed on anyone who applies for initial registration, or for renewal of registration to the state hemp program. Because the department does not have such authority under current law, the provisions of Section 19, Art. VII of the State Constitution appear to apply, requiring this legislation to be approved by a 2/3 vote of each house of the legislature.

**E. Other Constitutional Issues:**

None identified.

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

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill

**B. Private Sector Impact:**

Persons applying for registration, or for renewal of registration, with the state hemp program, would be required to submit an application fee not to exceed \$500 per application. The department may waive payment of the fee.

**C. Government Sector Impact:**

The department has not yet provided input on the fiscal impact of the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates paragraph (e) of subsection (4) of section 581.217, F.S, as created by SB 1020.

**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.

FOR CONSIDERATION By the Committee on Agriculture

575-03234B-19

20197088pb

1 A bill to be entitled  
 2 An act relating to fees; amending s. 581.217, F.S.;  
 3 requiring applicants seeking to participate or renew  
 4 registration in the state hemp program to submit with  
 5 their application a fee to be specified by rule of the  
 6 Department of Agriculture and Consumer Services;  
 7 limiting the amount of the fee; authorizing the  
 8 department to waive registration fees by rule;  
 9 requiring fee proceeds to be deposited in a specified  
 10 trust fund for the administration of the state hemp  
 11 program; providing a contingent effective date.  
 12  
 13 Be It Enacted by the Legislature of the State of Florida:  
 14  
 15 Section 1. Paragraph (e) is added to subsection (4) of  
 16 section 581.217, Florida Statutes, as created by SB 1020, 2019  
 17 Regular Session, to read:  
 18 581.217. State hemp program.-  
 19 (4) REGISTRATION.-A person or an entity:  
 20 (e) Who applies for initial registration or for renewal of  
 21 registration for participation in the state hemp program must  
 22 submit with his, her, or its application a fee to be specified  
 23 by department rule which may not exceed \$500 per application.  
 24 The department may waive payment of the fee by rule. Fees  
 25 collected pursuant to this subsection shall be deposited in the  
 26 Plant Industry Trust Fund for operations explicitly related to  
 27 the administration of the state hemp program.  
 28 Section 2. This act shall take effect on the same date that  
 29 SB 1020 or similar legislation takes effect, if such legislation

Page 1 of 2

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

575-03234B-19

20197088pb

30 is adopted in the same legislative session or an extension  
 31 thereof and becomes a law.

Page 2 of 2

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



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/25/19

Meeting Date

7088

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Hemp Pees

Name Journey Starkey

Job Title CEO LAB, INC

Address 106 E College Ave #640

Street

Phone 221 1660

TLH

City

FL

State

3230

Zip

Email Journey.Starkey@gmail.com

Speaking:  For  Against  Information

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

Representing FL HEMP INDUSTRIES ASSOC. & SUNSHINE HEMP

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**

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



03/25/2019

Meeting Date

7088

Bill Number (if applicable)

Topic State Hemp Fees

Amendment Barcode (if applicable)

Name Henry Kelley

Job Title Farmer and processor

Address 344 Oakland Cir

Phone 8502189398

Street

Fort Walton Beach

FL

32548

Email henrykelley@cox.net

City

State

Zip

Speaking:  For  Against  Information

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

Representing Self

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**

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

3-25-19

Meeting Date

✓  
1020-7088

Bill Number (if applicable)

Topic Hemp

Amendment Barcode (if applicable)

Name Jordan Meservy

Job Title Retailer/Investor

Address 132 Indian Rocks Rd S

Phone 727 303-1817

Street

Bethair Bluffs fl

City

State

33770

Zip

Email JM@TrueLeaf.com

Speaking:  For  Against  Information

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

Representing Hemp

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD



3/25/19

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

7088

Meeting Date

Bill Number (if applicable)

Topic Hemp Fee

Amendment Barcode (if applicable)

Name Terry Stanfield

Job Title Attorney

Address 101 College St

Phone 850 222 6991

City State Zip

Email StanfieldT@gflaw.com

Speaking: [ ] For [ ] Against [ ] Information

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

Representing Green Point Research / HIA Florida

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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**Florida 4-H**  
Senate Agriculture Committee  
3/25/2019



**UF** | **IFAS Extension**  
UNIVERSITY of FLORIDA





# FLORIDA 4-H

200,577 YOUTH SERVED  
IN THE 2017/2018 4-H YEAR

- Community Clubs
- School Enrichment
- Special Interest Clubs
- After School Care
- 4-H Camps
- In School Clubs
- Military Programs

**UF** | IFAS Extension  
UNIVERSITY of FLORIDA





# WORKFORCE READY

Over 28,000 Youth  
Learn Workforce and  
Entrepreneurship  
Skills through Animal  
and Plant Production



Over 23,000 Youth  
Increase Knowledge  
of Florida Agriculture  
through 4-H Field  
Days and Day Camps



Over 10,000 Youth  
Strengthen Their  
Leadership Skills by  
Serving in a 4-H  
Officer Role



# 4-H MEMBERS ARE 4X MORE LIKELY TO GIVE BACK TO THEIR COMMUNITIES



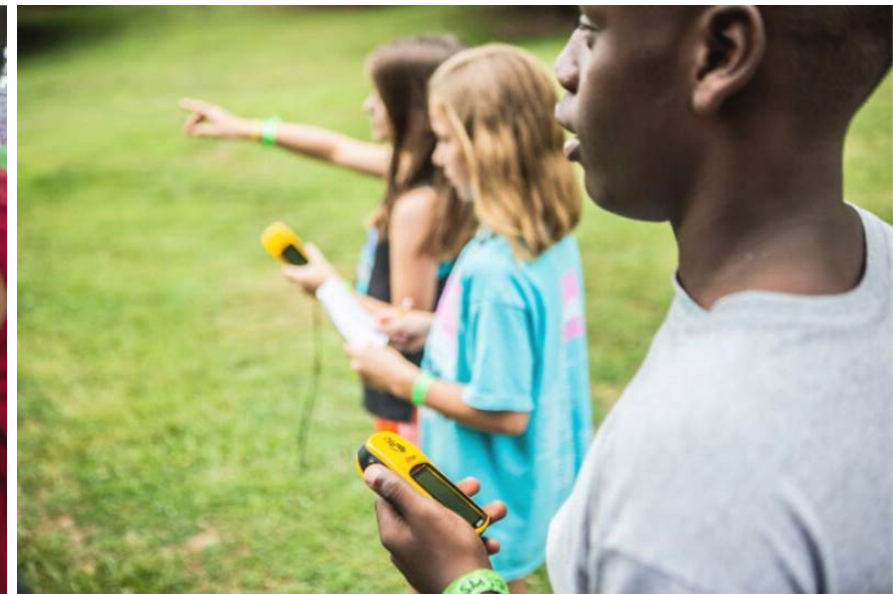


# Florida 4-H Camping

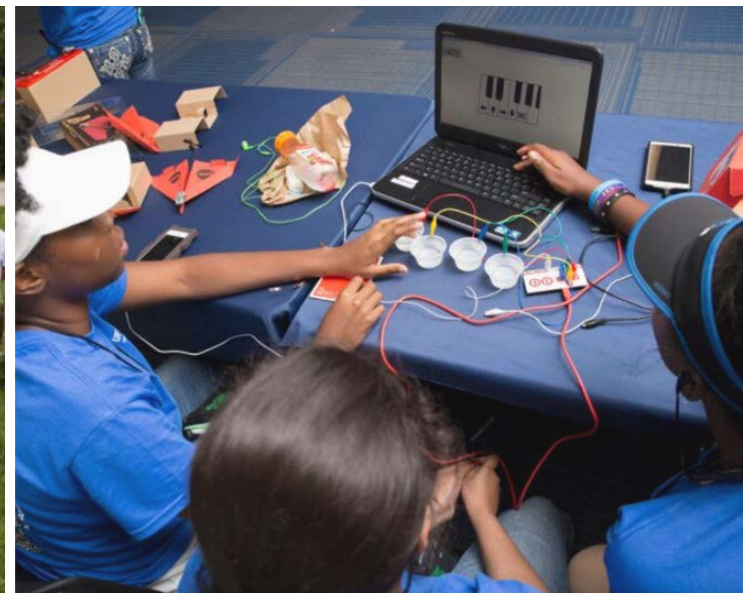
**78% of Campers  
Learned to Enjoy,  
Appreciate, and Care  
about Nature**

**80% of Campers  
Learned to Make Their Own  
Decisions Instead of Going  
Along with the Crowd**

**93% of Campers  
Feel that at Camp,  
"I am Accepted for  
Who I Am"**



# STEM, Workforce & Student 4-H Programs





✓

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic Florida 4H Presentation

Amendment Barcode (if applicable) \_\_\_\_\_

Name Morgan Dykes

Job Title Florida 4H County Officer

Address 215 S. Monroe St. Suit 110

Phone 850-270-4010

Street  
Tallahassee, FL 32301  
City State Zip

Email v.price@utl.edu

Speaking:  For  Against  Information

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

Representing UF/IFAS Extension Florida 4H

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**

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

*Duplicate*  
✓ T4

Meeting Date

Bill Number (if applicable)

Topic Florida 4H Presentation

Amendment Barcode (if applicable)

Name Taylor Dykes

Job Title Florida 4H County Officer

Address 215. S. Monroes Suit 110

Phone 850-270-4010

Tallahassee FL 32301

Email V. price@ufl.edu

Speaking:  For  Against  Information

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

Representing UF/IFAS Extension Florida 4H

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**



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3/25/2019  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Florida 4H presentation

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Miranda Bird

Job Title Florida 4H State Council Board

Address 215 S. Monroe St. Suit 110

Phone 850-270-4010

Tallahassee FL 32301  
City State Zip

Email v.price@ufl.edu

Speaking:  For  Against  Information

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

Representing UF/IFAS Extension Florida 4H

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

# CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Committee Meeting on Agriculture

Judge:

Started: 3/25/2019 1:31:57 PM

Ends: 3/25/2019 3:20:12 PM

Length: 01:48:16

1:31:56 PM Meeting called to order by Chair Albritton  
1:32:00 PM Roll call  
1:32:03 PM Quorum present  
1:32:16 PM Gavel passed to Vice Chair Gainer  
1:33:37 PM Senator Albritton recognized to introduce SB 1646  
1:34:47 PM Senator Albritton recognized to introduce amendment 968504  
1:35:50 PM Questions?  
1:35:52 PM Debate?  
1:35:55 PM Amendment 968504 adopted  
1:36:17 PM Senator Albritton recognized to introduce amendment 911876  
1:36:35 PM Questions?  
1:36:37 PM Senator Rader asks a question  
1:37:01 PM Senator Albritton in response  
1:37:54 PM Senator Rader asks a question  
1:38:16 PM Senator Albritton in response  
1:39:58 PM Debate?  
1:40:59 PM Senator Rader in debate  
1:42:09 PM Senator Albritton waives his close  
1:42:15 PM Amendment 911876 adopted  
1:42:28 PM Senator Albritton recognized to introduce amendment 608542  
1:43:00 PM Questions?  
1:43:05 PM Public testimony  
1:43:16 PM Tim Meenon "President Albritton Fan Club" waives in support  
1:43:30 PM Debate?  
1:43:39 PM Senator Albritton waives his close  
1:43:45 PM Amendment 608542 adopted  
1:43:57 PM Back on the bill as amended  
1:44:02 PM Questions?  
1:44:06 PM Public testimony  
1:44:11 PM Emily Buckley of FDACS waives in support  
1:44:21 PM Adam Basford of the Florida Farm Bureau waives in support  
1:44:31 PM Debate?  
1:44:40 PM Senator Albritton waives his close  
1:44:45 PM Roll call  
1:44:47 PM CS/SB 1646 reported favorably  
1:45:13 PM Senator Albritton leaves to present bill in another committee  
1:45:43 PM 4-H is recognized to present: Morgan Dykes, Miranda Bird, Taylor Dykes  
1:46:26 PM Morgan Dykes recognized to speak  
1:52:17 PM Questions?  
1:53:16 PM Senator Broxson asks a question  
1:53:29 PM Miranda Bird in response  
1:54:29 PM Senator Broxson asks a question  
1:54:38 PM Miranda Bird in response  
1:55:02 PM Senator Montford asks a question  
1:55:57 PM Miranda Bird in response  
1:56:15 PM Senator Montford asks a question  
1:56:22 PM Miranda Bird in response  
1:56:50 PM Senator Montford asks a question  
1:57:31 PM Taylor Dykes in response  
1:58:16 PM Senator Montford asks a question  
1:58:22 PM Morgan Dykes in response  
1:58:41 PM Senator Montford asks a question

1:58:49 PM Morgan Dykes in response  
1:59:19 PM Senator Montford asks a question  
1:59:38 PM Morgan Dykes in response  
1:59:52 PM Miranda Bird in response  
2:00:50 PM Senator Montford asks a question  
2:01:02 PM Miranda Bird in response  
2:01:30 PM Senator Montford asks a question  
2:01:39 PM Miranda Bird in response  
2:02:06 PM Senator Rader asks a question  
2:04:00 PM Miranda Bird in response  
2:05:09 PM Senator Rader asks a question  
2:06:20 PM Miranda Bird in response  
2:06:49 PM Senator Rader asks a question  
2:08:17 PM Miranda Bird in response  
2:08:28 PM Senator Rader asks a question  
2:10:03 PM Miranda Bird in response  
2:11:23 PM Senator Rader asks a question  
2:11:33 PM Miranda Bird in response  
2:12:42 PM Senator Rader asks a question  
2:14:49 PM Taylor Dykes in response  
2:15:46 PM Senator Montford asks a question  
2:16:00 PM Taylor Dykes asks a question  
2:16:57 PM Morgan Dykes in response  
2:17:04 PM Miranda Bird in response  
2:18:05 PM Senator Montford asks a question  
2:19:18 PM Senator Gainer thanks 4-H for presenting  
2:19:51 PM Senator Bradley recognized to introduce SB 1020  
2:20:10 PM Senator Bradley recognized to introduce amendment 867164  
2:23:41 PM Questions?  
2:23:46 PM Senator Broxson asks a question  
2:23:57 PM Senator Bradley in response  
2:24:21 PM Senator Broxson asks a question  
2:24:27 PM Senator Bradley in response  
2:25:12 PM Senator Montford asks a question  
2:25:51 PM Senator Bradley in response  
2:27:17 PM Senator Montford asks a question  
2:27:23 PM Senator Bradley in response  
2:28:15 PM Senator Rader asks a question  
2:28:34 PM Senator Bradley in response  
2:29:04 PM Senator Rader asks a question  
2:29:38 PM Senator Bradley in response  
2:29:53 PM Senator Rader asks a question  
2:30:47 PM Senator Bradley in response  
2:31:54 PM Senator Rader asks a question  
2:31:58 PM Senator Bradley in response  
2:32:10 PM Senator Rader asks a question  
2:32:20 PM Senator Bradley in response  
2:32:32 PM Senator Rader asks a question  
2:32:41 PM Senator Bradley in response  
2:34:12 PM Public testimony  
2:34:20 PM Jeffrey Sharkey of Florida Hemp Industries Association & Sunshine Hemp waives in support  
2:34:25 PM Henry Kelley speaks on amendment 867164  
2:36:03 PM Jodi James of the Florida Cannabis Action Network speaks on amendment 867164  
2:41:04 PM Marnie George of the U.S Hemp Roundtable waives in support  
2:42:04 PM Debate?  
2:42:10 PM Senator Broxson in debate  
2:42:21 PM Senator Montford in debate  
2:43:23 PM Senator Bradley recognized to close on amendment 867164  
2:44:28 PM Amendment 867164 adopted  
2:44:39 PM Back on the bill as amended  
2:44:44 PM Questions?  
2:44:50 PM Public testimony

**2:44:57 PM** Benny Blanchard speaks on CS/SB 1020  
**2:46:03 PM** Bob Clayton speaks on CS/SB 1020  
**2:54:31 PM** Marnie George of the U.S Hemp Roundtable waives in support  
**2:55:34 PM** Spencer Hunter of the House of Hemp Future of Florida speaks on CS/SB 1020  
**2:57:30 PM** Emily Buckley of FDACS waives in support  
**2:57:49 PM** Tim Stanfield of Green Point Research waives in support  
**2:58:03 PM** Steven Grant, Mayor of Boynton Beach speaks on CS/SB 1020  
**3:02:29 PM** Jim Spratt of the Florida Nursery, Growers & Landscape Association waives in support  
**3:02:48 PM** David Custin of Kaycha Holdings waives in support  
**3:02:58 PM** Scheril Murray Counsel of Minorities 4 Medical Marijuana speaks on CS/SB 1020  
**3:06:59 PM** Philip Hess representing Hemp Farmers speaks on CS/SB 1020  
**3:12:03 PM** Senator Albritton moves for time certain at 3:20  
**3:12:41 PM** Debate?  
**3:12:43 PM** Senator Rader in debate  
**3:15:23 PM** Senator Gainer in debate  
**3:15:49 PM** Senator Bradley recognized to close on CS/SB 1020  
**3:16:30 PM** Roll call  
**3:16:34 PM** CS/SB 1020 reported favorably  
**3:17:03 PM** Senator Bradley recognized to introduce SPB 7088  
**3:18:09 PM** Questions?  
**3:18:32 PM** Public testimony  
**3:18:37 PM** Benny Blanchard waives in support  
**3:18:39 PM** Jeffrey Sharkey of Florida Hemp Industries Association & Sunshine Hemp waives in support  
**3:18:45 PM** Henry Kelley waives in support  
**3:18:59 PM** Jordan Meservey waives in support  
**3:19:04 PM** Tim Stanfield of Green Point Research waives in support  
**3:19:07 PM** Senator Rader moves that SPB 7088 become SB 7088  
**3:19:30 PM** Roll call  
**3:19:36 PM** SB 7088 reported favorably  
**3:19:50 PM** Meeting adjourned