

Tab 4	SPB 7014 by AG ; OGSR/Nonpublished Reports or Data/Department of Citrus
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Perry, Chair
Senator Rader, Vice Chair

MEETING DATE: Tuesday, February 21, 2017
TIME: 9:00—11:30 a.m.
PLACE: 301 Senate Office Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Update on the State of the Citrus Industry by Mike Sparks, CEO of Florida Citrus Mutual		Presented
2	Research Update by Dr. Harold Browning, Citrus Research and Development Foundation		Presented
3	Overview of the Department of Citrus by Shannon Shepp		Presented
Consideration of proposed bill:			
4	SPB 7014	OGSR/Nonpublished Reports or Data/Department of Citrus; Amending provisions relating to an exemption from public records requirements for nonpublished reports or data related to certain studies or research related to citrus fruit, citrus fruit juices, and the products and byproducts thereof which is conducted, caused to be conducted, or funded by the Department of Citrus; abrogating the scheduled repeal of the exemption, etc.	Submitted as Committee Bill Yeas 5 Nays 0
Other Related Meeting Documents			



The State of the Florida Citrus Industry



Florida Citrus Mutual
Michael W. Sparks
Executive VP/CEO

Florida Means Citrus

- Citrus introduced to Florida by Spanish explorers, probably Ponce deLeon
- First plantings in St. Augustine around 1513
- Commercial citrus production began to gather steam in 18th century
 - 1763 – First Commercial Citrus Grove
 - Climbed to more than five million boxes by 1893
- At its peak, Florida citrus plantings exceeded 900,000 acres (304 M boxes)
- Florida Citrus Growers
 - Growing citrus for 500 years
 - 4th and 5th generation family farms
 - Resilient bunch



Florida citrus industry is still an economic driver for the state



- Provides 62,000 jobs
- Adds \$4.62B to state's gross domestic product
- Total revenue impact \$10.7B (multiplier)



- Leading US citrus producer
- Allied beverage industries in Florida
- Storage, transport, ports, fertilizer

But Florida citrus is in trouble



- Disease, pest and other pressures have significantly reduced citrus acreage and fruit production, single greatest factor is Huanglongbing (HLB) (Citrus Greening)
- Less fruit means fewer packinghouses, juice plants, jobs and economic activity
- Loss of \$4.5B and 8,257 jobs according to University of Florida (2011)

Florida Citrus by Boxes & Acres



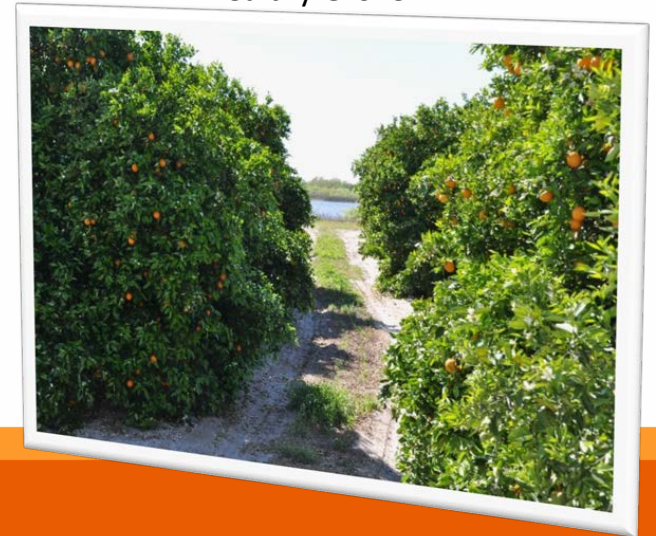
Abandoned Groves
Stressed Grove

Season	Boxes	Bearing Acres
2007-08	203,800,000	538,900
2008-09	189,200,000	530,900
2009-10	159,350,000	517,100
2010-11	166,050,000	503,600
2011-12	170,990,000	495,100
2012-13	156,230,000	489,600
2013-14	124,030,000	476,300
2014-15	112,650,000	460,641
2015-16	94,170,000	445,786
2016-17*	81,520,000	436,867

*As of January 12, 2017



Fruit Drop Issues
Healthy Grove



Biggest Challenge: Citrus Greening (HLB)



- HLB renders trees uneconomical within 3-4 years of infection
- HLB spreads tree to tree by psyllid
- No “silver bullet” to stop spread of HLB or psyllid
- Tree mortality now exceeds tree replanting rates



The solution will be found in research

- More than 100 research projects are currently underway across the globe.
- We are seeing results.
- Losing the fight against HLB is NOT an option.





Citrus Research and Development Foundation (CRDF) Dr. Harold Browning

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-21-17

Meeting Date

✓ T-1

NA

Bill Number (if applicable)

Topic STATUS of Florida Citrus

Amendment Barcode (if applicable)

Name MICHAEL SPARKS

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State

Zip

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Citrus Growers

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

S-001 (10/14/14)



Update on the Quest for Solutions to Huanglongbing in Florida Citrus:

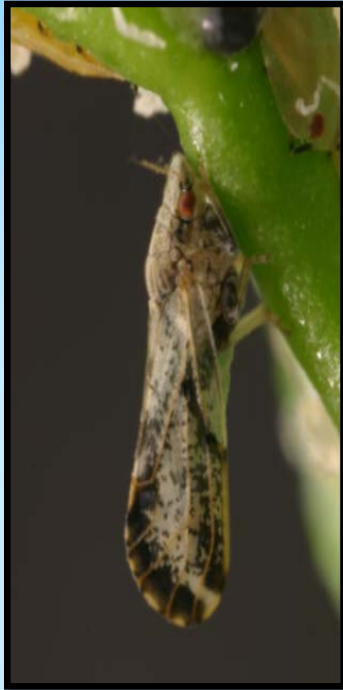
Senate Committee on Agriculture

Harold Browning

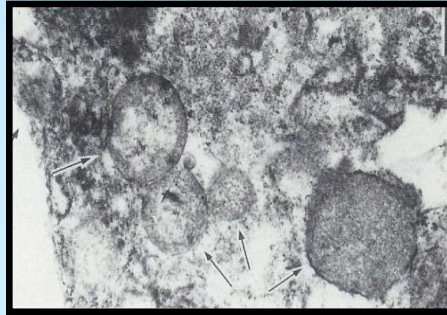
Citrus Research and Development Foundation

February 21, 2017

The Huanglongbing (HLB) Disease Triangle



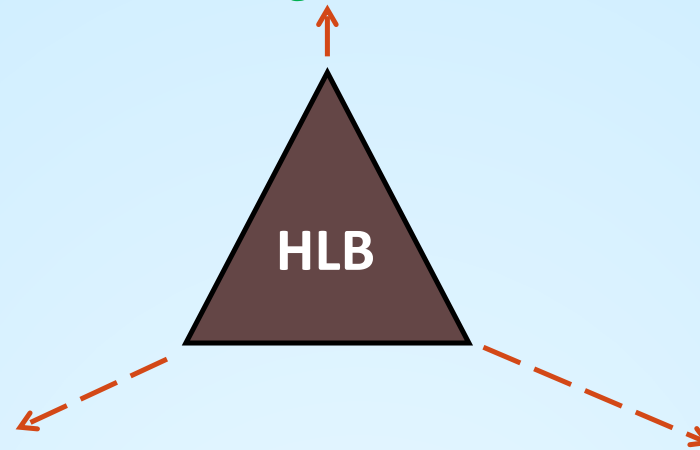
Asian citrus psyllid
Vector (1998)



***CLas* Bacteria**
Pathogen (2005)



Citrus Tree
Host (>200 years)



The Dilemma of Research Goals Short to Long Term



Retain Health of Existing Trees
– Critical for Near-Term Industry Survival



Provide Tools for Success of New Plantings
– Necessary for Stabilizing Loss of Acreage

Structure of CRDF

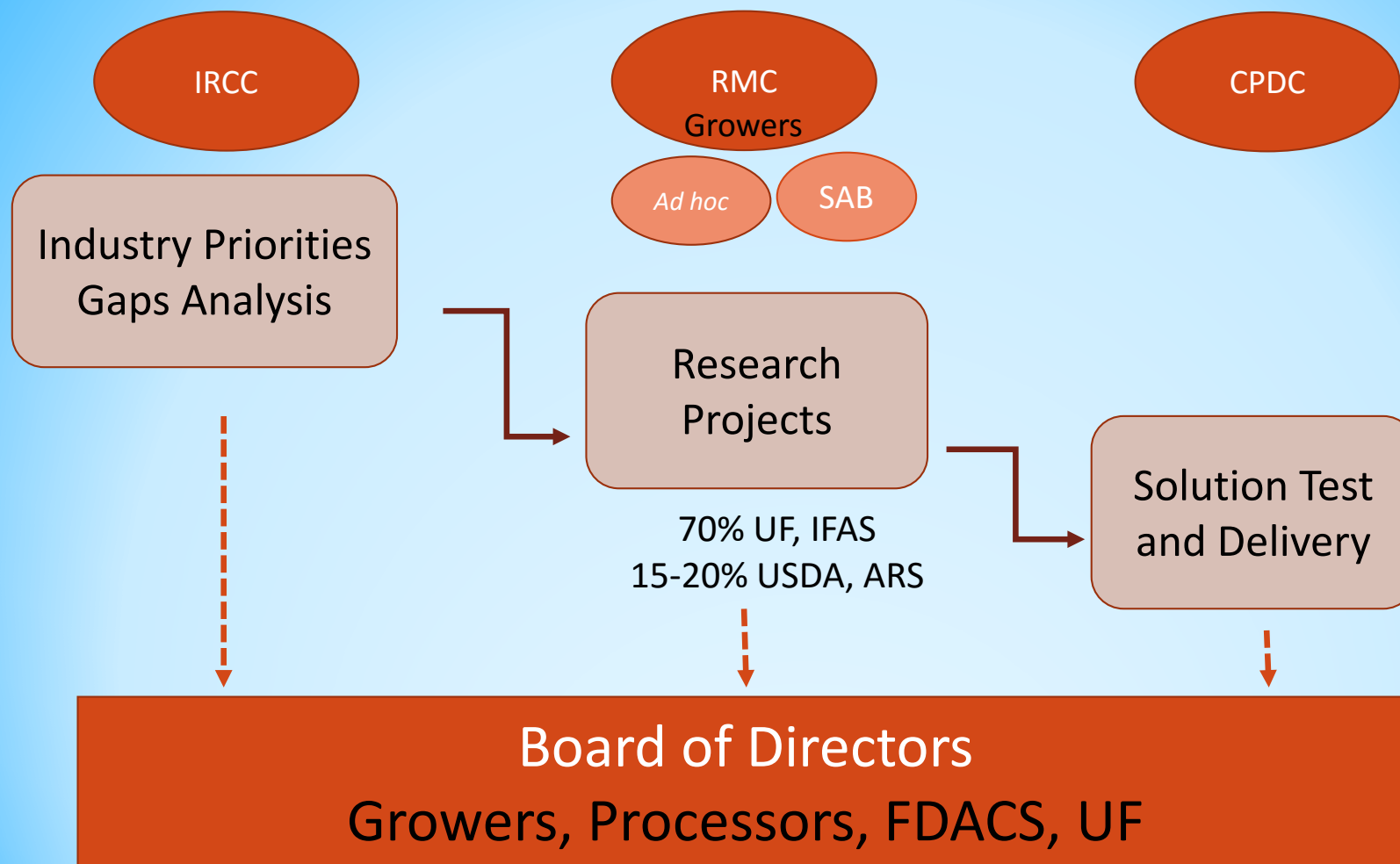


- “Identify one organization and empower it to have oversight responsibility over HLB research and Development Efforts” NRC 2010
- Organized as a 501(c)(3) NFP under University of Florida (DSO)
- 13-member Board Primarily Composed of Citrus Industry Members
- 6 Committees Provide Oversight and Recommendations to Board
- Management Staff of 4: Project Managers Conduct Research, Delivery and Other Support

“Advance disease and production research and product development activities to ensure the survival and competitiveness of Florida citrus”

Citrus Research and Development Foundation

Disease Research Process



HLB Research: Prioritization and Accountability



- ◌ CRDF 2016 strategic planning
- ◌ Industry priorities and gaps analysis 2017
- ◌ National academies of science in-depth review 2017
- ◌ CRDF current portfolio review and next projects
 - ◌ Coordination with other state and federal programs
 - ◌ Technical staff and peer review
 - ◌ Committee and board review and approval
 - ◌ Quarterly, annual, and final comprehensive project reports



CRDF HLB Research Priorities

	<u>Category</u>	<u>Research Area</u>
Disease	1	HLB Infection
	2	<i>CLas</i> Culture, Genetics
	3	Response to <i>CLas</i> Infection
	4	Disease detection
Asian citrus psyllid	5	Epidemiology
	6	ACP monitoring, biology
	7	ACP management
Citrus Plant	8	ACP trap plants
	9	Citrus genetics
	10	Conventional Breeding
	11	Engineered Resistance
	12	Model Production Systems



Current Evaluation of Near-Commercial Tools

- ◌ Commercial tools to reduce vector insect populations
- ◌ Chemical and thermal therapy to reduce CLAS bacteria
- ◌ Naturally occurring microbial products
- ◌ Plant growth regulators - fruit drop due to HLB
- ◌ Field trials of integrated practices - Root health
- ◌ Field delivery of tolerant or resistant citrus germplasm
- ◌ Evaluation of advanced citrus production systems
- ◌ Inoculum removal

Bactericides and Thermal Therapy



- ◌ Grower Field Trials – Determine value under grower use
- ◌ Continued field research – Fine tune tools and application
- ◌ Bring higher efficiencies to use of these therapies and how they can work in integrated management
- ◌ Continue pursuit of improved/additional bactericides
- ◌ Regular interaction with state and federal regulatory officials

HLB Tolerance and Resistance



- ◌ Goal is to organize outcome from Florida breeding programs
- ◌ Integrate engineering work into pipeline
- ◌ Design advanced stage field trials to push things along
- ◌ Coordinate grower participation and outreach on rootstocks and scions
- ◌ Remove time to availability of new rootstocks and scions to field
- ◌ Cooperate with other citrus breeding programs outside Florida
- ◌ A new CRDF Project Manager
- ◌ Coordinating data from large number of field evaluation trials

Building Blocks for Plant Breeding Innovation



- Recent progress in characterizing citrus genomes (16)
- Worldwide collaboration in mining citrus genomics
- HLB expression studies, metagenomics and metabolomics being conducted (independently) towards identifying targets
- An effective vector tool is available to test genetic candidates
- Adapting RNAi and crispr-cas protocols to citrus systems

Unmanaged Citrus as a Reservoir for ACP and CLas



- Increasing Acreage of Unmanaged Groves in Florida
- Economic Environment Indicates Trend will Continue
- CHMA Data Demonstrates Value of Cooperative Spraying for Vector
- Movement of Infected ACP into New Plantings Well Documented
- Young Groves are Advancing Towards Maturity
- Infection Rates are High in New Plantings
- Supporting FDACS programs to remove unmanaged citrus

Integration of Tools to Find HLB Solutions



- ◌ Transition from component to system/team projects
- ◌ Facilitating partnerships between public institutions and commercial entities: scale-up; IP; regulatory
- ◌ Continuous interaction with regulatory agencies
- ◌ Compress time to delivery for plant improvement solutions – time is running out. Biotechnology innovations may help
- ◌ Fourth International HLB Research Conference, Orlando March 14-17 2017 (IRCHLB)

Benefits of Industry- Organized Research



- ◌ True private/public partnership “from bottom up”
- ◌ Needs-driven focus on solutions to the HLB crisis
- ◌ Shared governance
- ◌ Flexible funding: direct to specific needs
- ◌ Engage public/private entities in discovery > problem solving > delivery
- ◌ Real-time reporting and feedback
- ◌ Flexibility to alter directions
- ◌ Facilitation of hand-off steps
- ◌ Open process allows all partners to be aware

Thank you!



CRDF is proud to provide support to the Florida citrus industry

THE FLORIDA SENATE
APPEARANCE RECORD

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T-2
✓

2-21-17
Meeting Date

Bill Number (if applicable)

Topic CITRUS Greening Research

Amendment Barcode (if applicable)

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Speaking: ☐ For ☐ Against ☒ Information

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

Representing CITRUS RESEARCH & DEVELOPMENT FOUNDATION

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Florida Senate Agriculture Committee February 21, 2017

Shannon Ross Shepp
Executive Director
(863) 537-3950 sshepp@citrus.myflorida.com



The Florida Citrus industry is a critical economic engine with a proven multiplier effect in the state.

A 2013 economic analysis of the citrus industry showed annual industry output impacts of

\$10.68 billion

including:



62,133

jobs fueled by citrus in
2013



\$3.82 billion

for citrus fruit
production alone



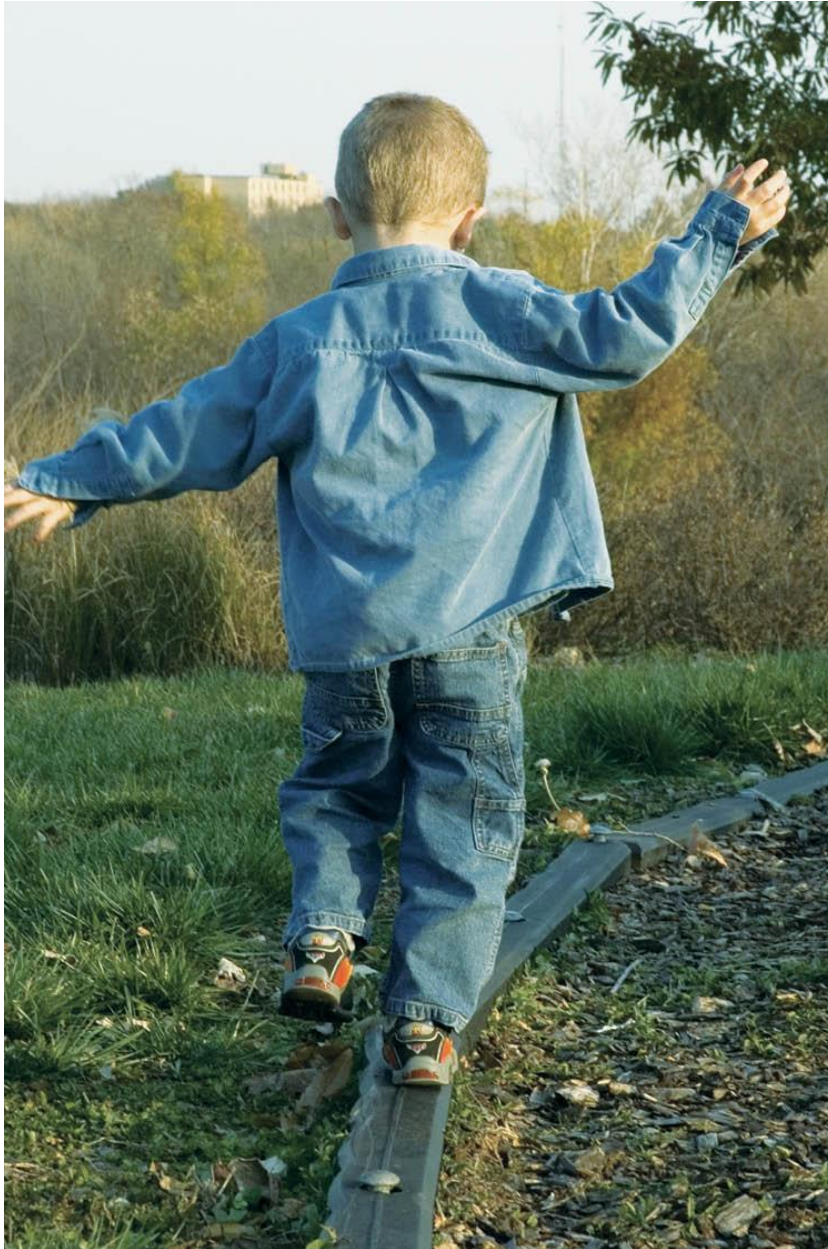
\$326 million

generated in state and
local taxes

FDOC overview

- Executive agency of Florida since 1935
- Funded by growers, for growers

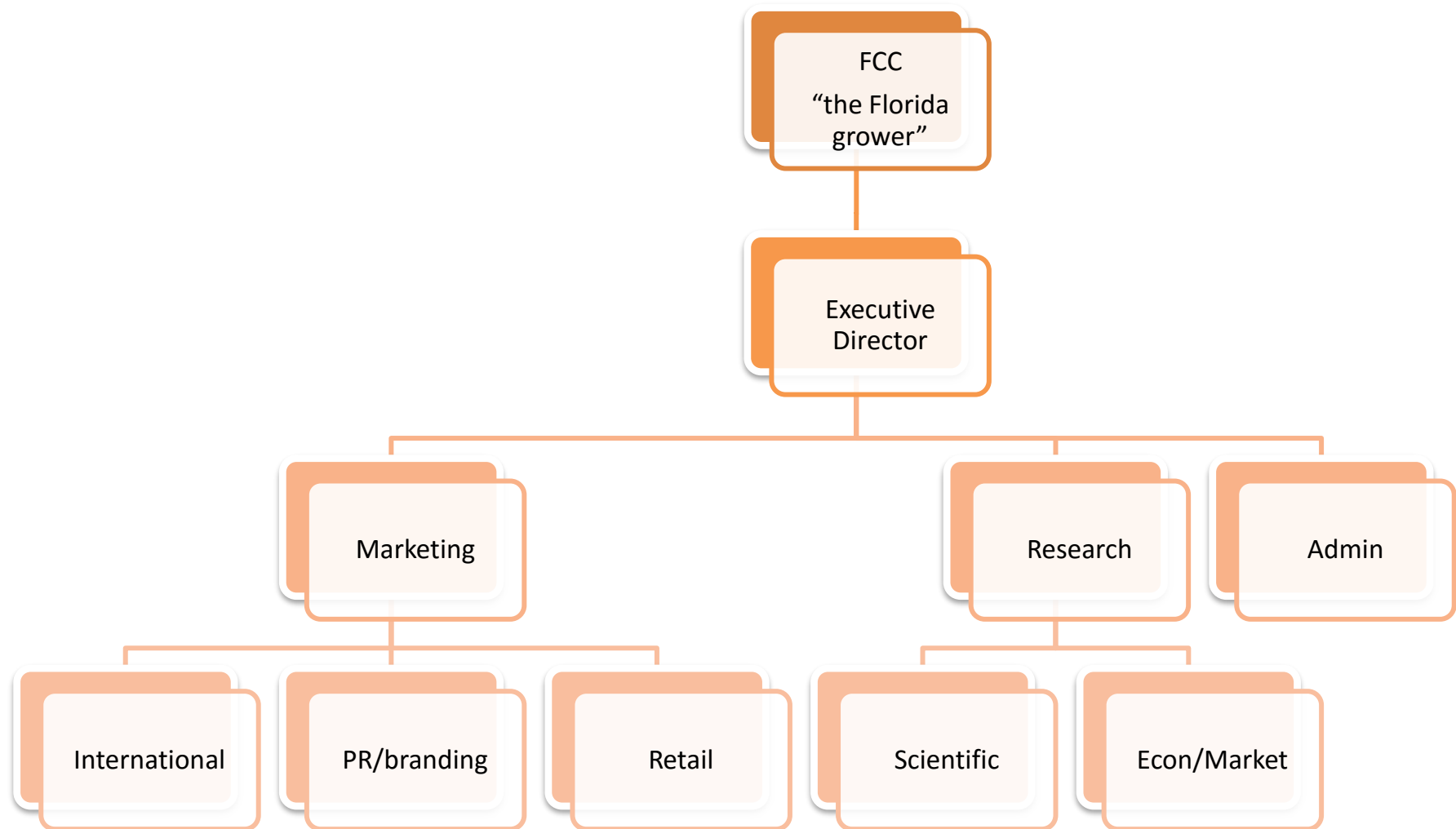




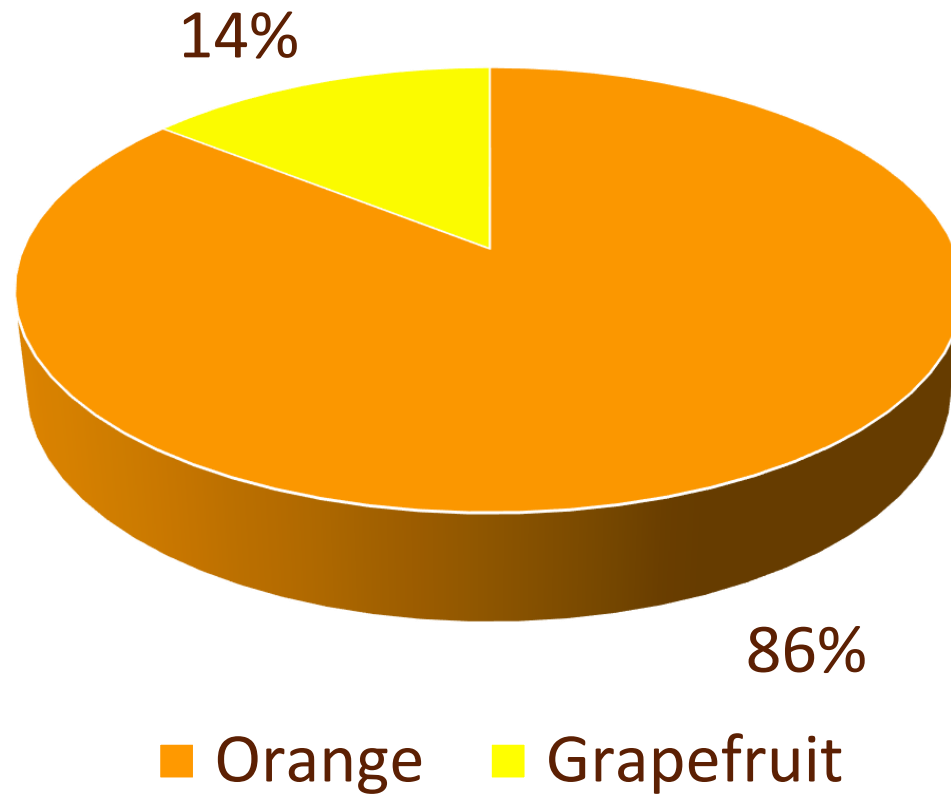
MISSION

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

FDOC Organizational Structure

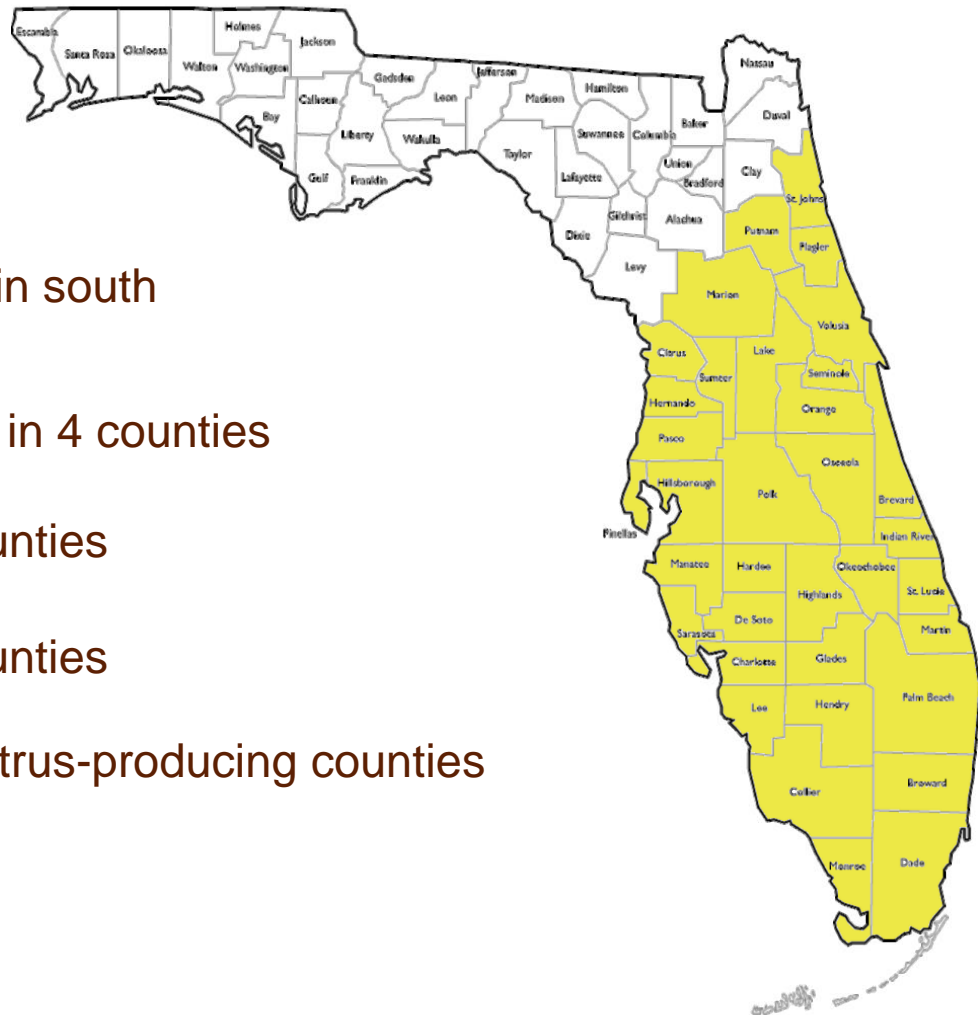


Florida Citrus: O/G Comparison (15-16f)

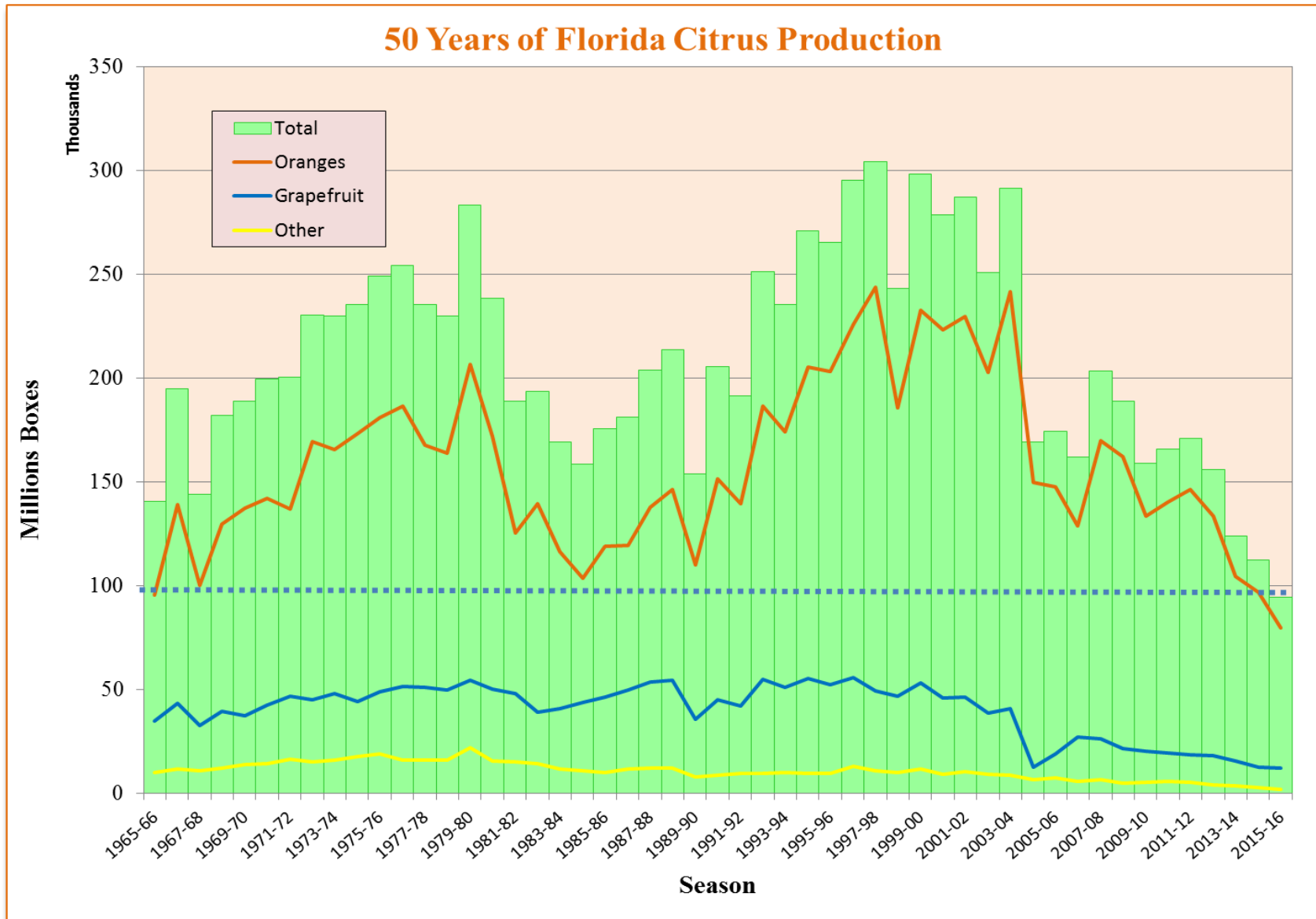


The Scope: Greening in Florida

- **1998:** Asian Citrus Psyllid first found in Florida
- **August 2005:** Disease confirmed in south Miami-Dade County
- **October 2005:** Disease confirmed in 4 counties
- **2006:** Disease confirmed in 12 counties
- **2007:** Disease confirmed in 30 counties
- **2015:** Disease confirmed in ALL citrus-producing counties



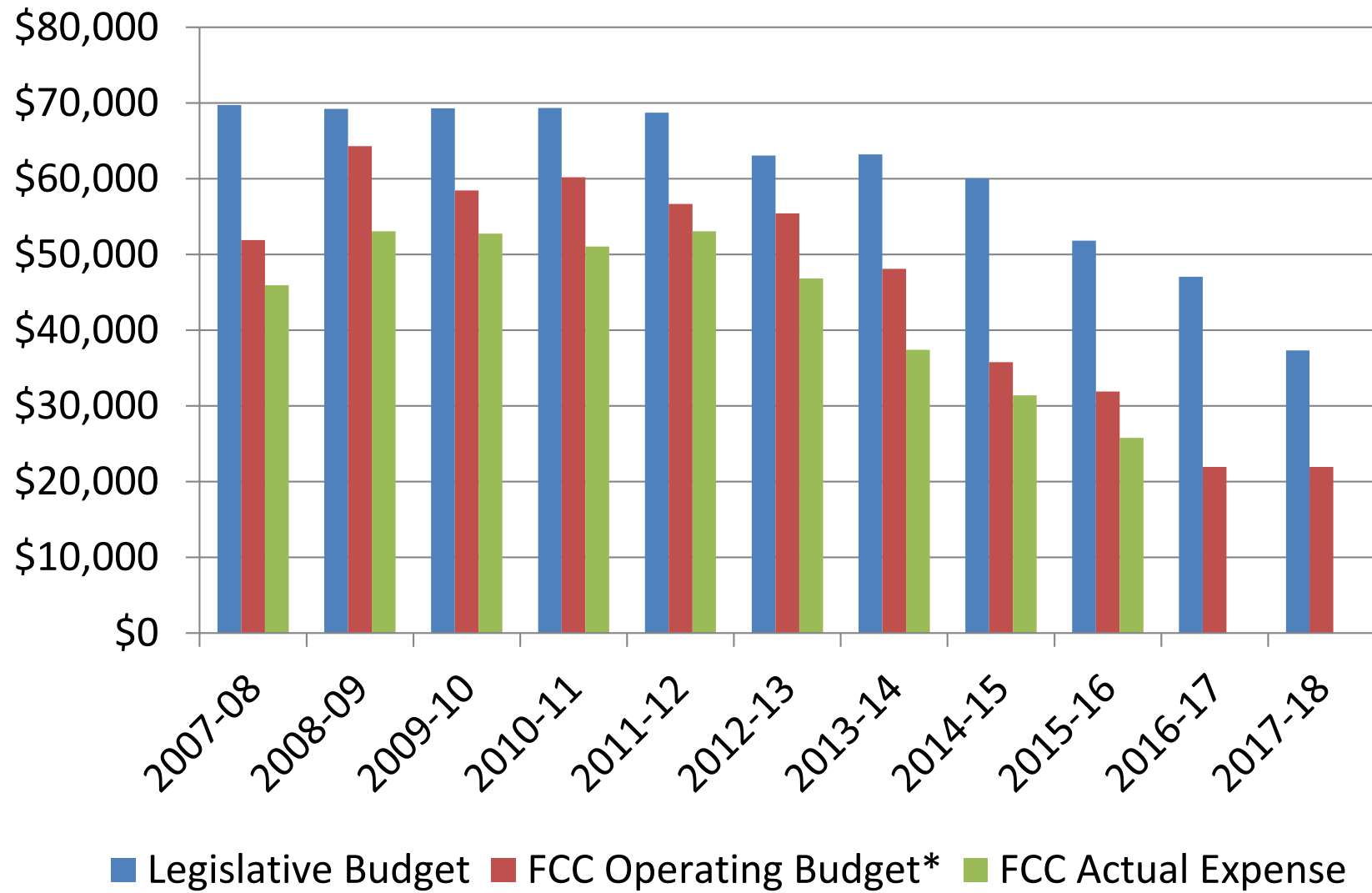
Florida Historical Citrus Production



Source: USDA



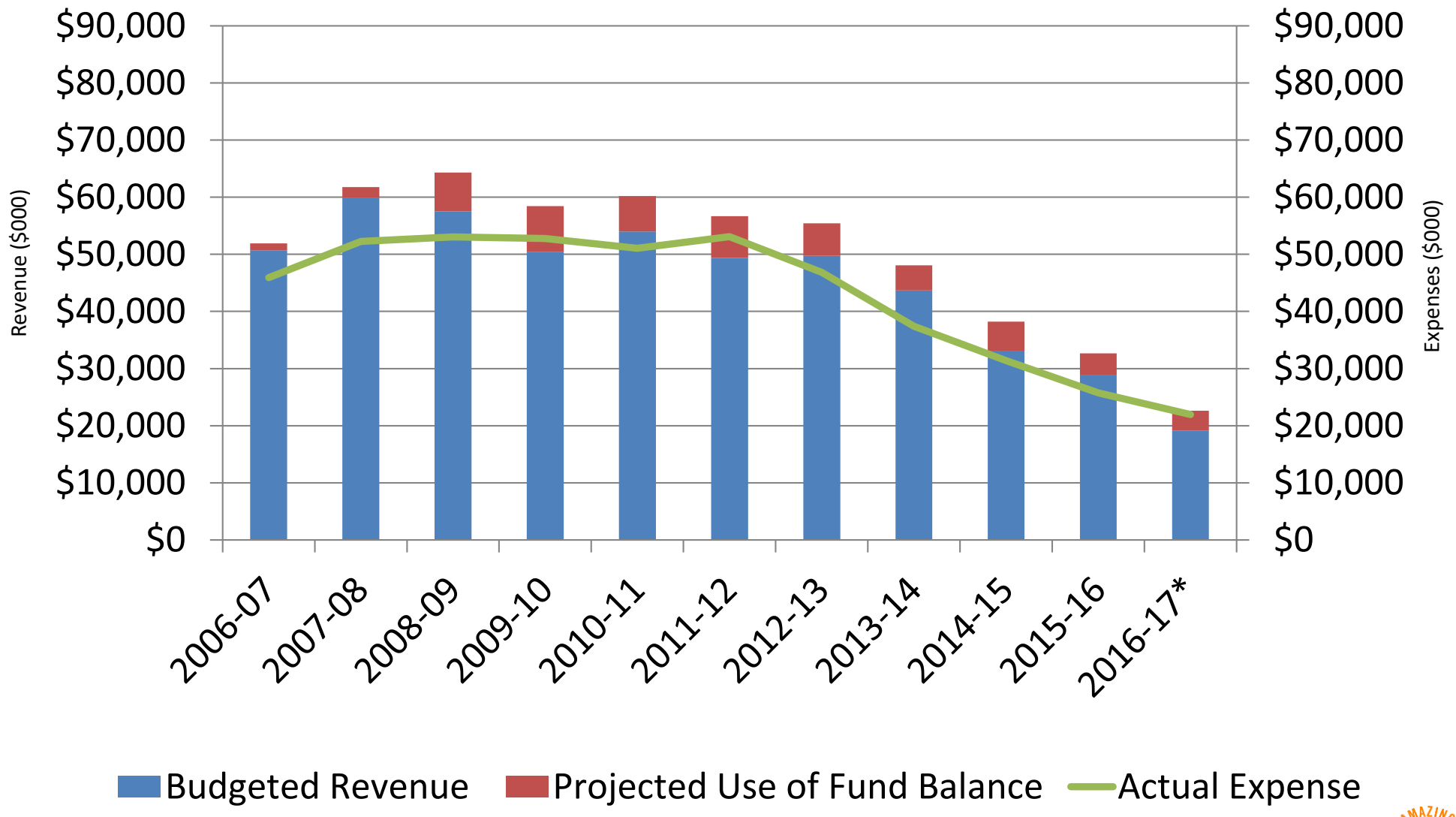
Florida Department of Citrus Ten Year Budget Comparison (\$000)



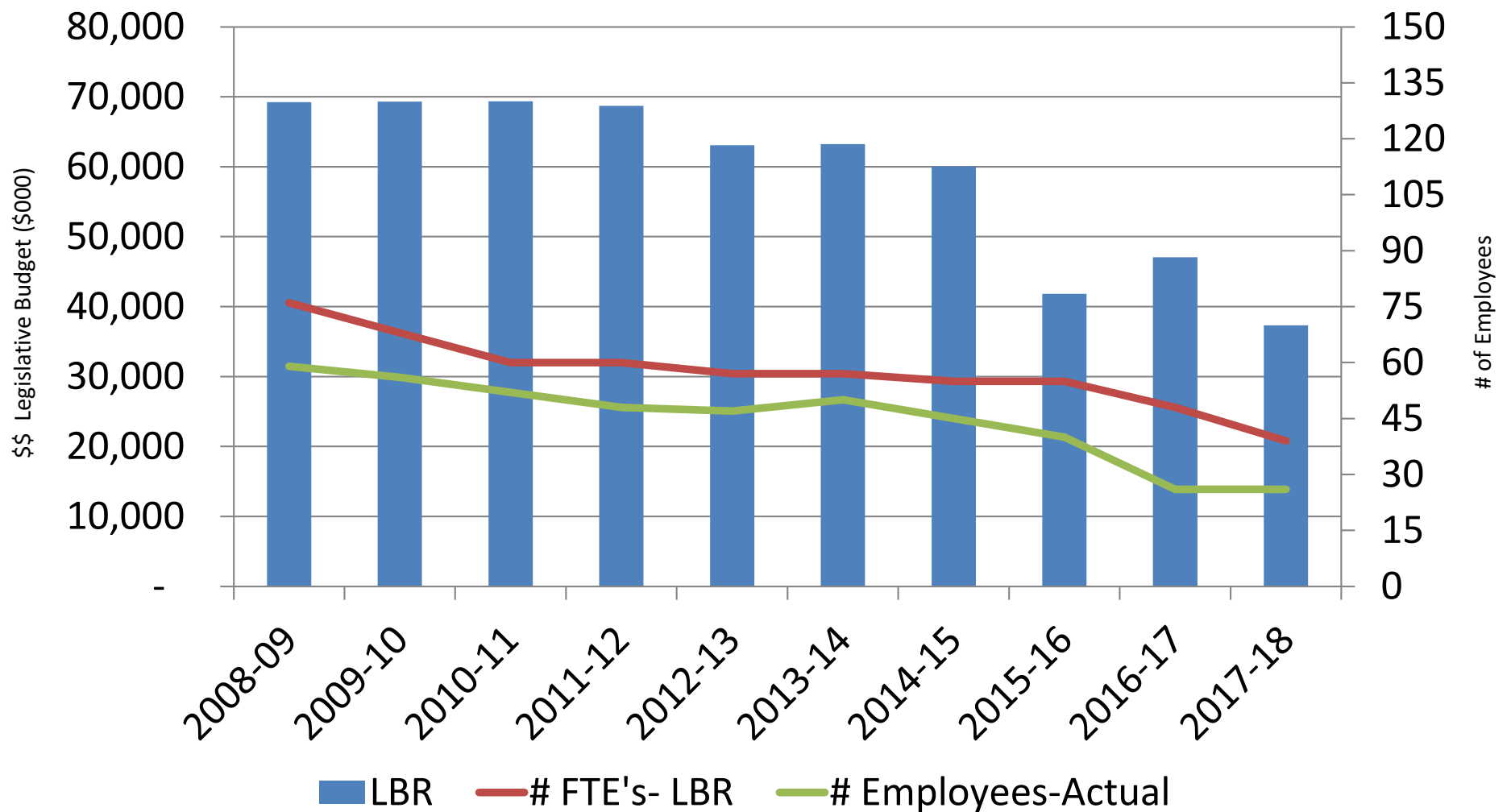
*Revised Operating Budget (Oct)



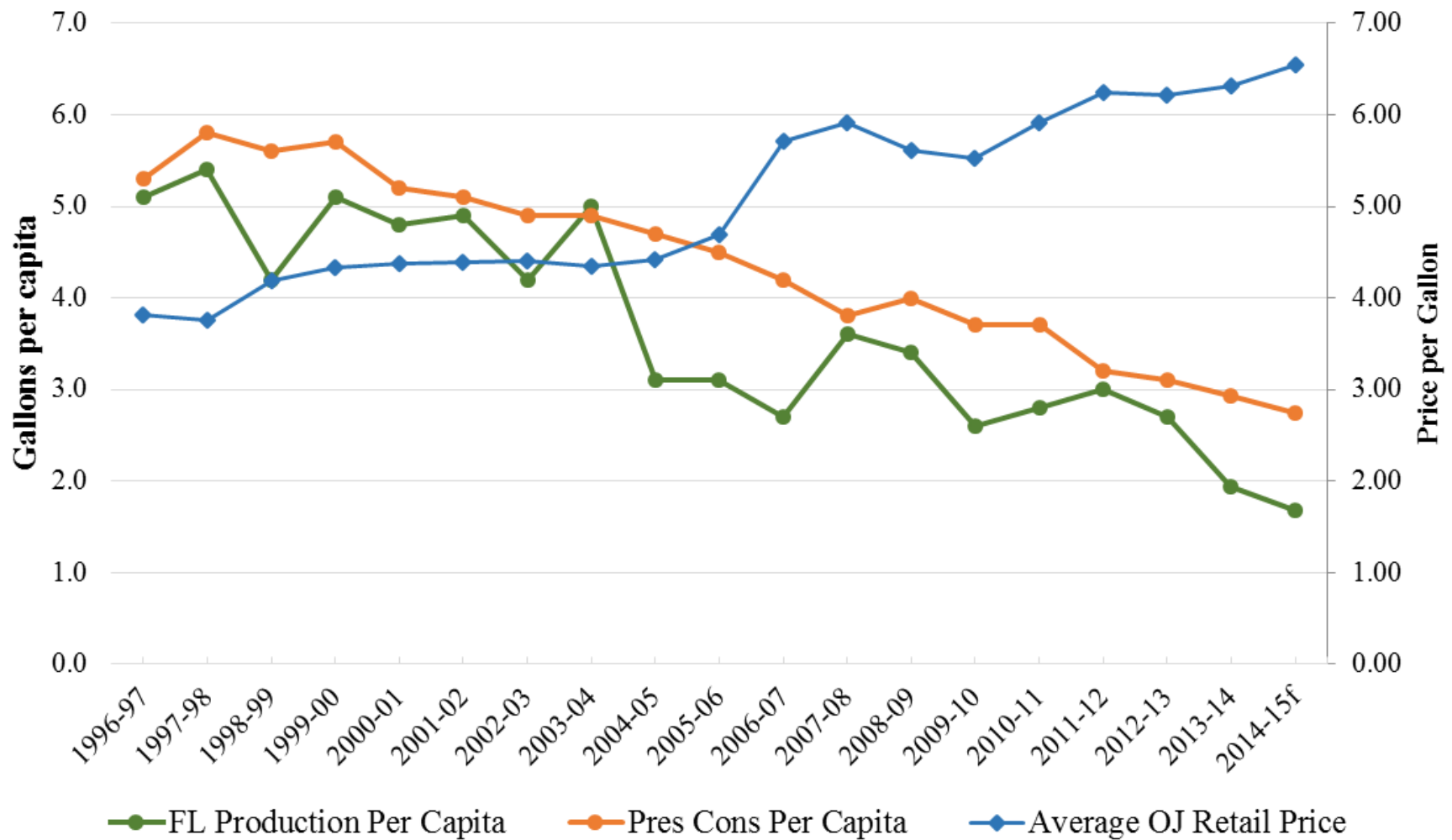
Florida Department of Citrus Ten Year Revenue vs. Expense (\$000)



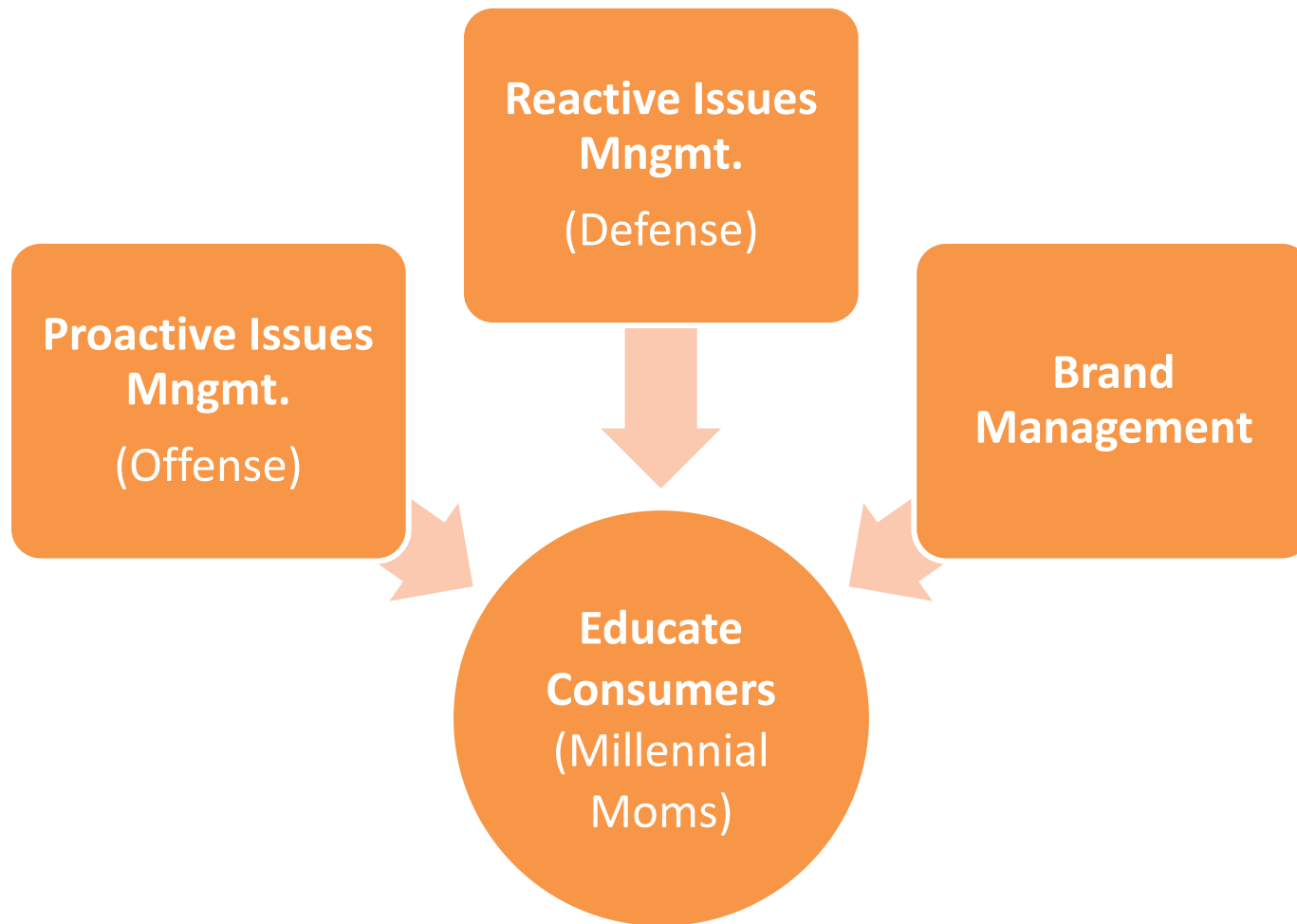
Florida Department of Citrus 10 Year Comparison LBR and FTE's



Presumed Consumption > FL Production



PR/BRAND PRIORITIES



Goal: Maintain market (attitudes & perceptions) during challenging times:

- ✓ **Production declines due to greening**
- ✓ **Sugar concerns**



OLD

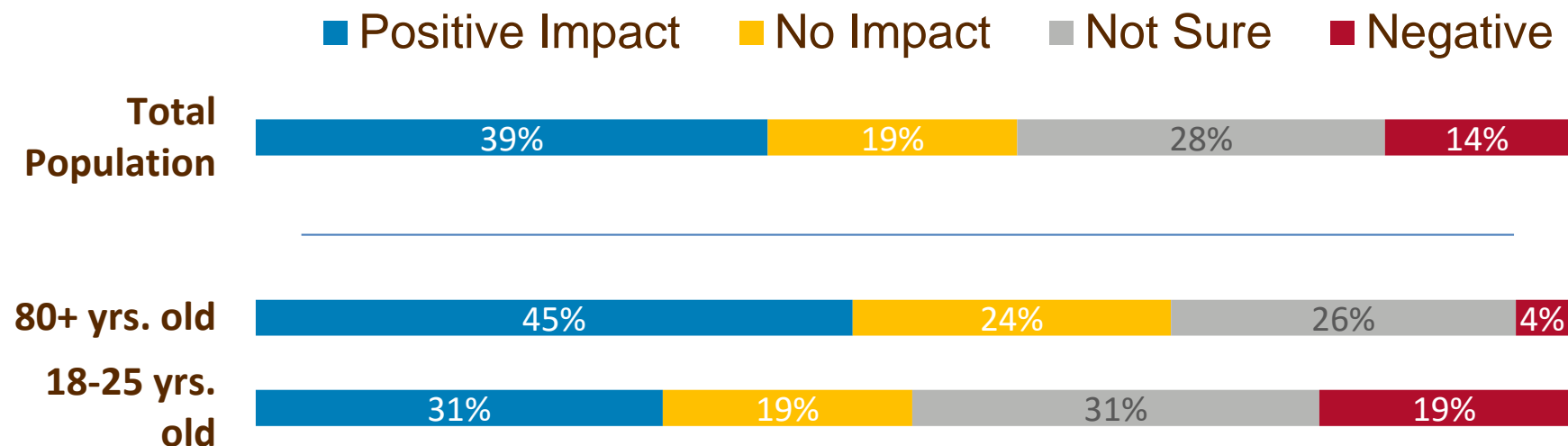


NEW



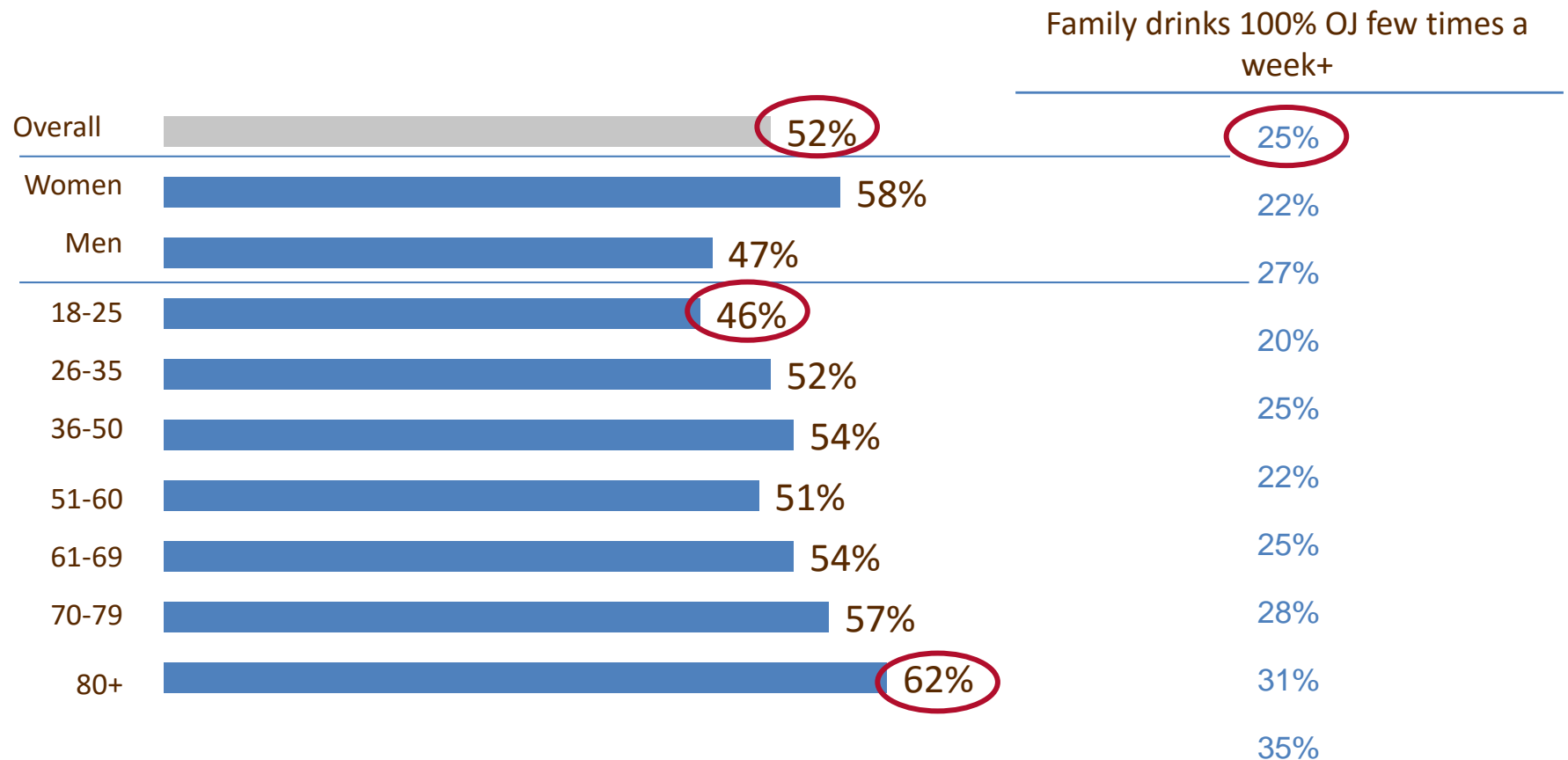
Consumers are skeptical of basic agricultural practices, like the use of pesticides or GMOs.

Would you say that modern farming techniques have had a positive or negative impact on the health and safety of foods?



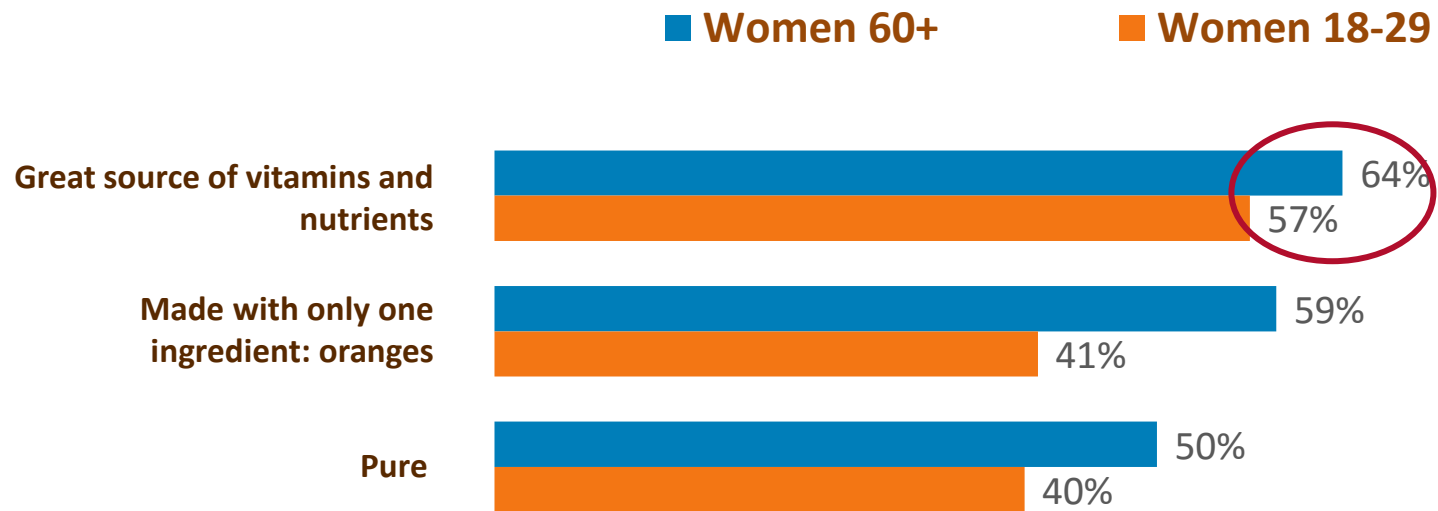
Over 50% of U.S. adults like the taste of 100% orange juice “a great deal.”

Percent saying they like the taste of orange juice a “great deal”



Women associate key words with the product to a varying degree depending on age.

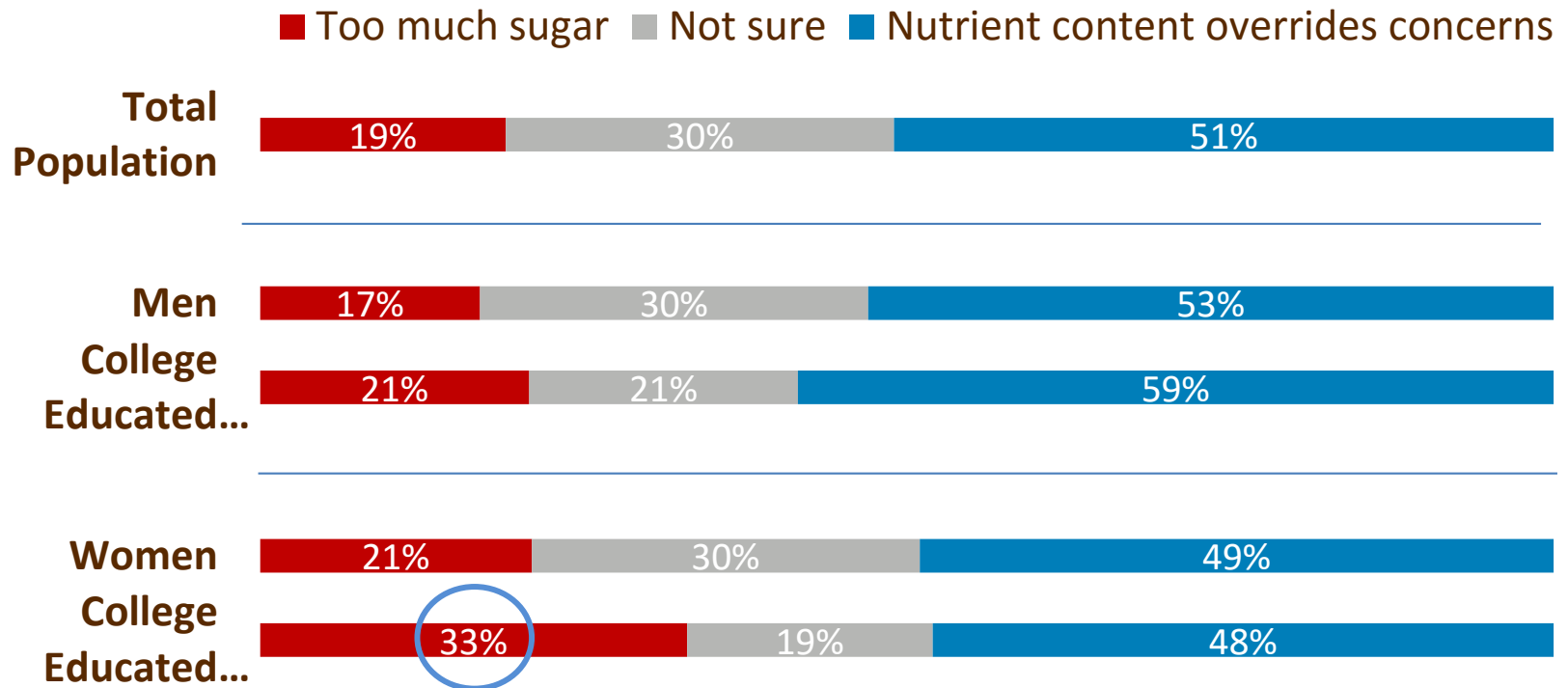
Percent associating word with 100% orange juice...



FDOC will continue efforts to bolster positive associations of citrus among this younger audience, which will also serve as a key reference point for consumer opinion tracking efforts.

Paid outreach has been directed towards College Educated Women 18-35. Their sugar perceptions will be closely monitored.

When it come to 100% orange juice, are you more likely to say that...



TRENDS WE'RE WATCHING...



Sugars



**Nutrition Labels
& Packaging**



Biotechnology



**Food legislation
momentum**



Scrutiny of ingredients



**Perception of
"processed foods"**

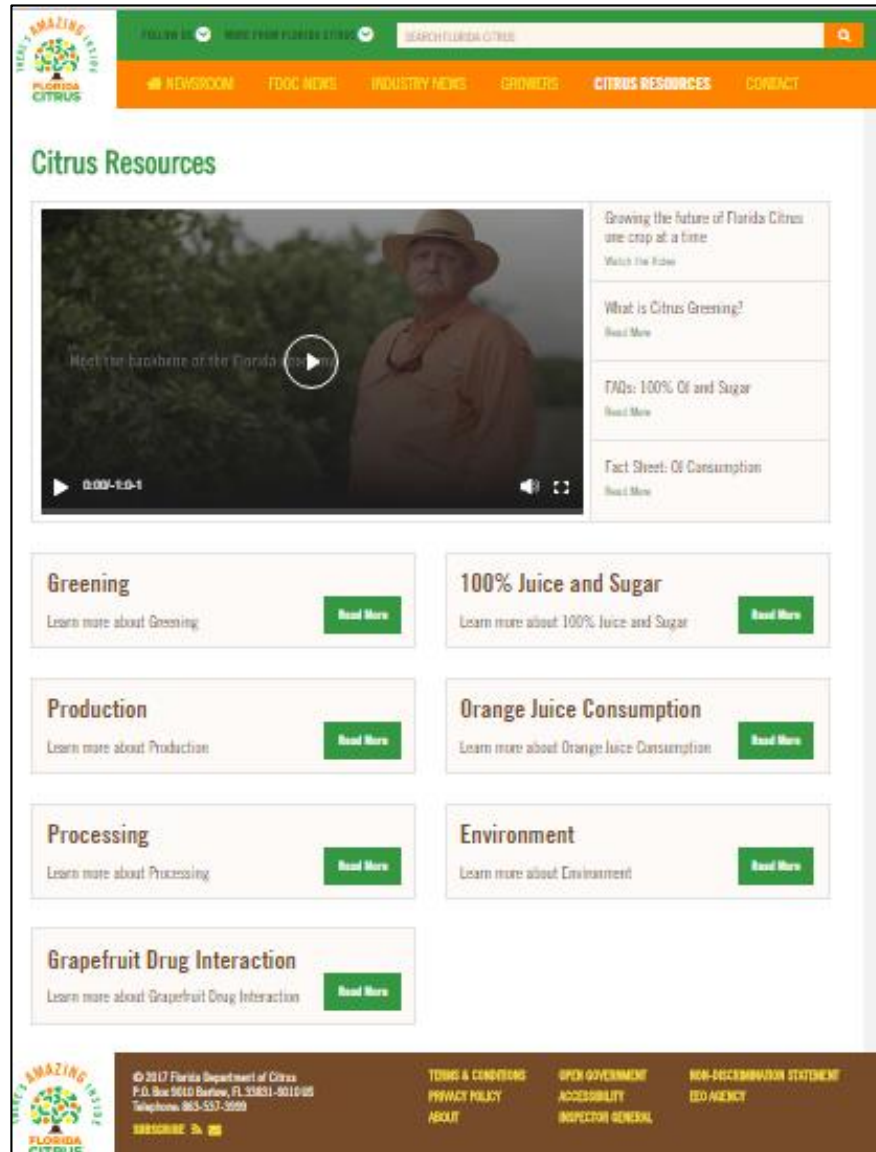


Sustainability



**Low trust in
"Big Food"**

CITRUS RESOURCES



- Collaboration and approval from Brands and Industry
- Based on their feedback, we are implementing a website ready to provide media, influencers and experts with accurate details about issues impacting the Citrus Industry



CITRUS RESOURCES



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100% Juice and Sugar


There is some confusion around the sugar found in 100% orange juice. The reality: there are no added sugars, no added fructose, and no added sweeteners in 100% orange juice. The sweetness of orange juice simply comes from sugars that naturally develop in the orange as it grows on the tree.

An 8-ounce glass of 100% orange juice contains approximately 21 grams of naturally occurring sugar and counts as a cup of fruit by USDA 2015-2020 Dietary Guidelines. The calorie level of all types of sugars – even naturally occurring sugar – is the same so it's all about balance, moderation, and maximizing intake of vitamins, nutrients and other health benefits. For instance, an 8-ounce glass of 100% orange juice boasts an impressive 131% of your daily recommended vitamin C intake, 11% of your daily folate and 14% of your potassium plus antioxidants and fiber. The same cannot be said for the sugar-sweetened beverages and candy bars that 100% orange juice is often compared with.





[FAQs: 100% OJ and Sugar](#)
[Unfair Comparisons](#)
[OJ and a Healthy Lifestyle](#)



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Greening

[Standard Resources](#)



Citrus greening has had a profound effect on the production of oranges and therefore orange juice over the last ten years.

Citrus greening (also known as Huanglongbing or HLB) is a disease spread by an insect called the Asian citrus psyllid. The psyllid feeds on the stems and leaves of the trees, which infects the trees with bacteria that cause citrus greening. Greening impairs the tree's ability to take in nourishment, ultimately resulting in fewer and smaller fruit over time.

The industry is working with leading experts and research institutions to focus on four main areas of study: preventing the spread of HLB, reducing HLB in trees, sustaining tree health, maintaining fruit quality.

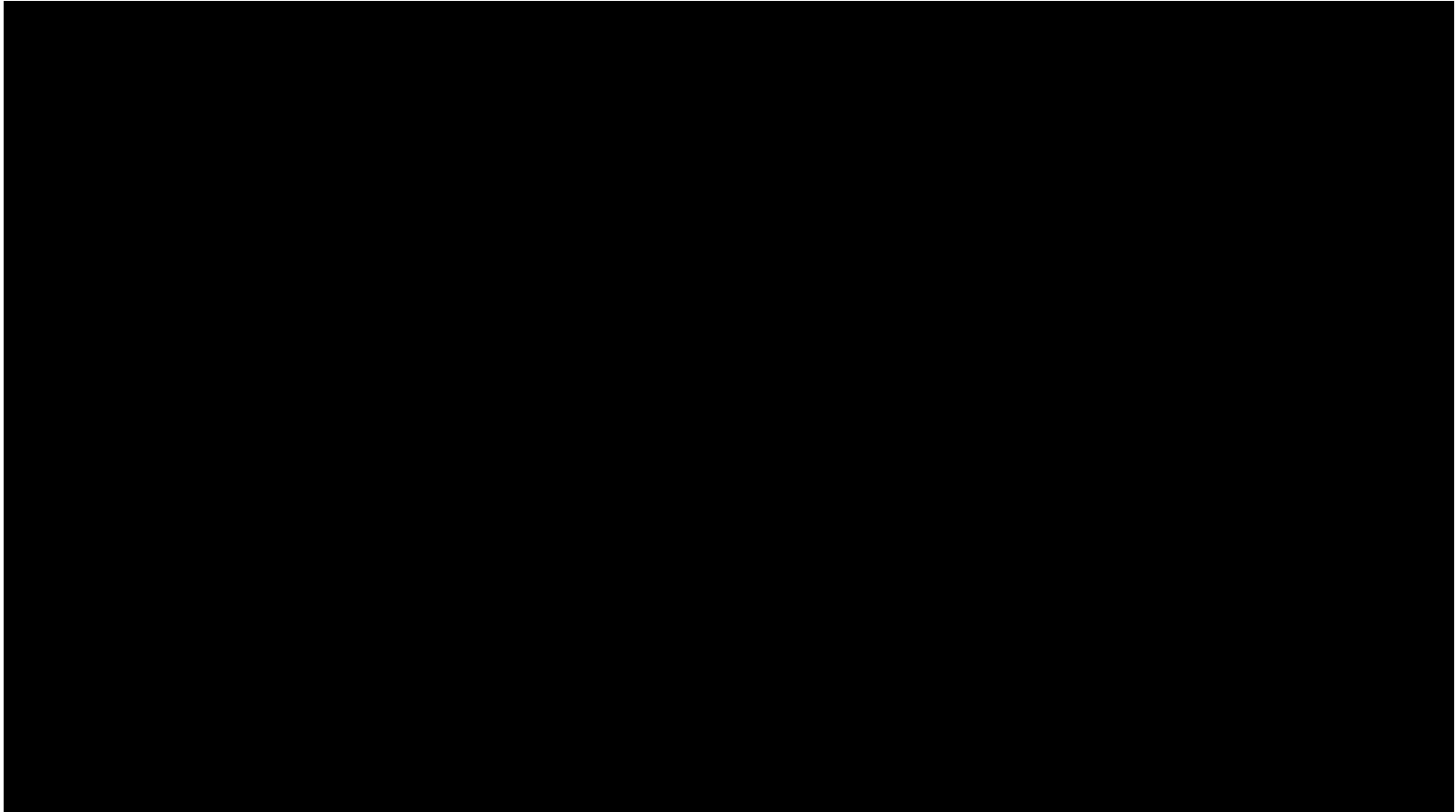




[What is Citrus Greening?](#)
[FAQs: Citrus Greening](#)
[Potential Citrus Greening Solutions](#)

[A History of Greening](#)
[Citrus Greening Infographic](#)

SHARING OUR GROWER STORY

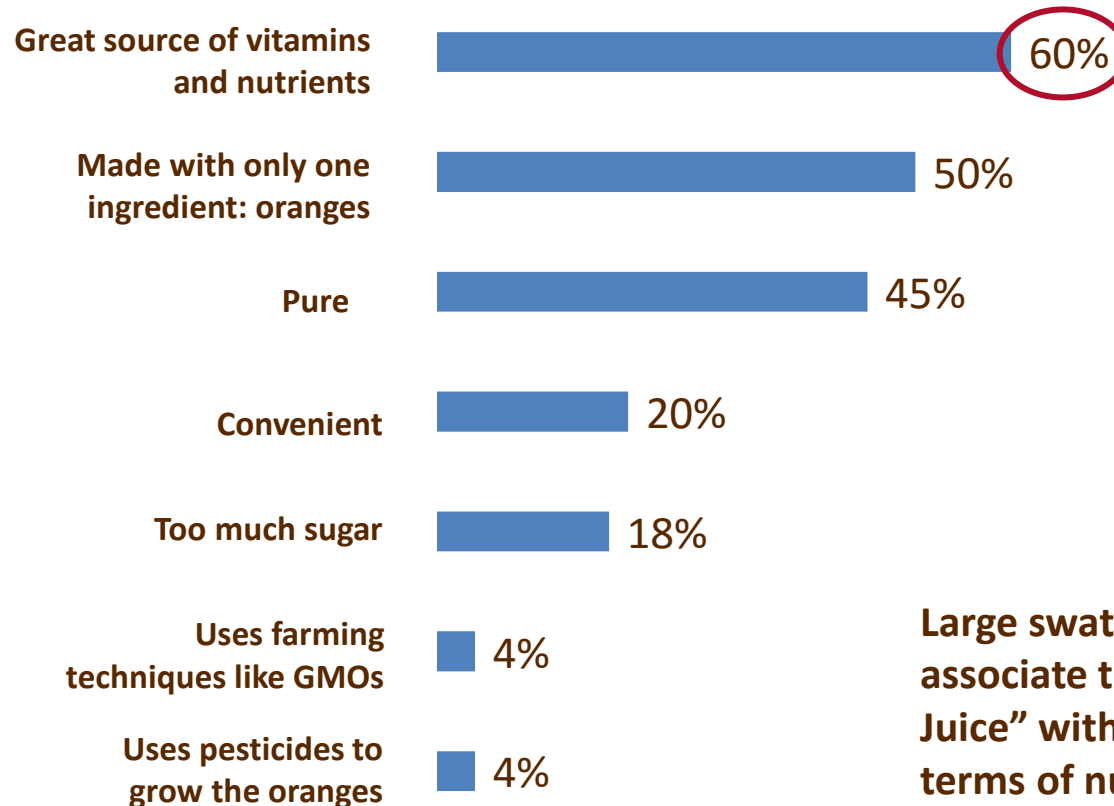


GROWER VIDEO – STEVE JOHNSON



Positive citrus associations clearly outweigh negative perceptions.

Percent associating word with 100% orange juice

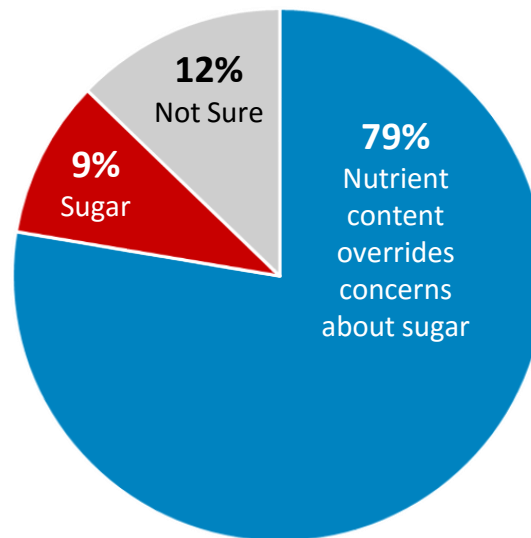


Large swaths of U.S. consumers associate the word “100% Orange Juice” with positive characteristics in terms of nutrition and purity.

79% Elite nutrition experts believe nutrients in 100% OJ override concerns about sugar

When it comes to 100% OJ, are you more apt to say...

PN View Food



PEDIATRICIAN TOOLKIT





SUPPORT A HEALTHY LIFESTYLE WITH 100% ORANGE JUICE

The health benefits of **100% orange juice** are supported by epidemiologic studies (e.g., National Health and Nutrition Examination Survey (NHANES) that compared the dietary patterns of orange juice consumers vs. non-consumers, as well as clinical studies where orange juice is consumed as part of the usual diet. **Various benefits were reported for orange juice consumers.**



OJ DRINKERS MORE LIKELY TO:


Have higher fiber & whole fruit intake


Have higher Healthy Eating Index Scores


Meet fruit intake recommendations

NUTRITION & DIETARY BENEFITS (NHANES)¹

More likely to meet intake recommendations for:

Vitamin C
Potassium
Folate
Magnesium
Vitamin B6



BODY WEIGHT²



NHANES

Lower body mass index (BMI) in adults
No difference in body weight or BMI in children

CLINICAL STUDIES

No significant changes in body weight or other anthropometric measures when orange juice is included in the usual diet

CHRONIC DISEASE RISK FACTORS³



NHANES

Lower risk of Metabolic Syndrome (men)
Lower total and LDL cholesterol

CLINICAL STUDIES

Lower blood pressure
Lower total & LDL cholesterol

Reduced levels of inflammatory and oxidative stress markers

No increased risk for insulin resistance
No increase in blood glucose or insulin levels

COGNITIVE FUNCTION⁴



Clinical studies suggest that orange juice may benefit cognitive function in adults



FOOTNOTES

1. O'Neil et al. Nutr Res. 2011; O'Neil et al. Nutr J. 2012; Wang et al. Pub Health Nutr. 2012; Yang et al. J Nutr Educ Behav. 2013.

2. NHANES: O'Neil et al. Nutr Res. 2011; O'Neil et al. Nutr J. 2012; Wang et al. Pub Health Nutr. 2012.

Clinical: Cesar et al. Nutr Res. 2010; Morand et al. Am J Clin Nutr. 2011; Dourado et al. Food Nutr Res. 2015; Simpson et al. Food Funct. 2016.

3. NHANES: O'Neil et al. Nutr Res. 2011; O'Neil et al. Nutr J. 2012.

Clinical: Aptekmann et al. Maturitas. 2010; Basile et al. Proc Fla State Hort Soc. 2010; Cesar et al. Nutr Res. 2010; Ghanim et al. Am J Clin Nutr. 2010; Morand et al. Am J Clin Nutr. 2011; Asgary et al. ARYA Atheroscler. 2013; Asgary et al. ISRN Nutrition. 2014; Forouzi et al. J Med Food. 2014; Dourado et al. Food Nutr Res. 2015; Simpson et al. Food Funct. 2016.

4. Alharbi et al. Eur J Nutr. 2015; Kean et al. Am J Clin Nutr. 2015.





FLORIDA ORANGE JUICE IS NUTRIENT DENSE



An 8oz glass of
100% Orange Juice counts as
1 CUP OF FRUIT*

and is a great way to
increase fruit intake for the day

*according to the 2015 Dietary Guidelines for Americans



100% Orange Juice has
NO ADDED SUGAR

The delicious taste of OJ is
NATURALLY OCCURRING

EXCELLENT SOURCE FOR



GOOD SOURCE FOR



And, there's more
AMAZING
packed inside.

Vitamin B6
Niacin
Vitamin A
Magnesium



*Nutrients of Public Health Concern

100%
orange
juice

CONTAINS A NUMBER
OF PHYTONUTRIENTS

the primary one being the
flavone hesperidin
which may have...



Anti-inflammatory
properties



Cardiovascular
benefits

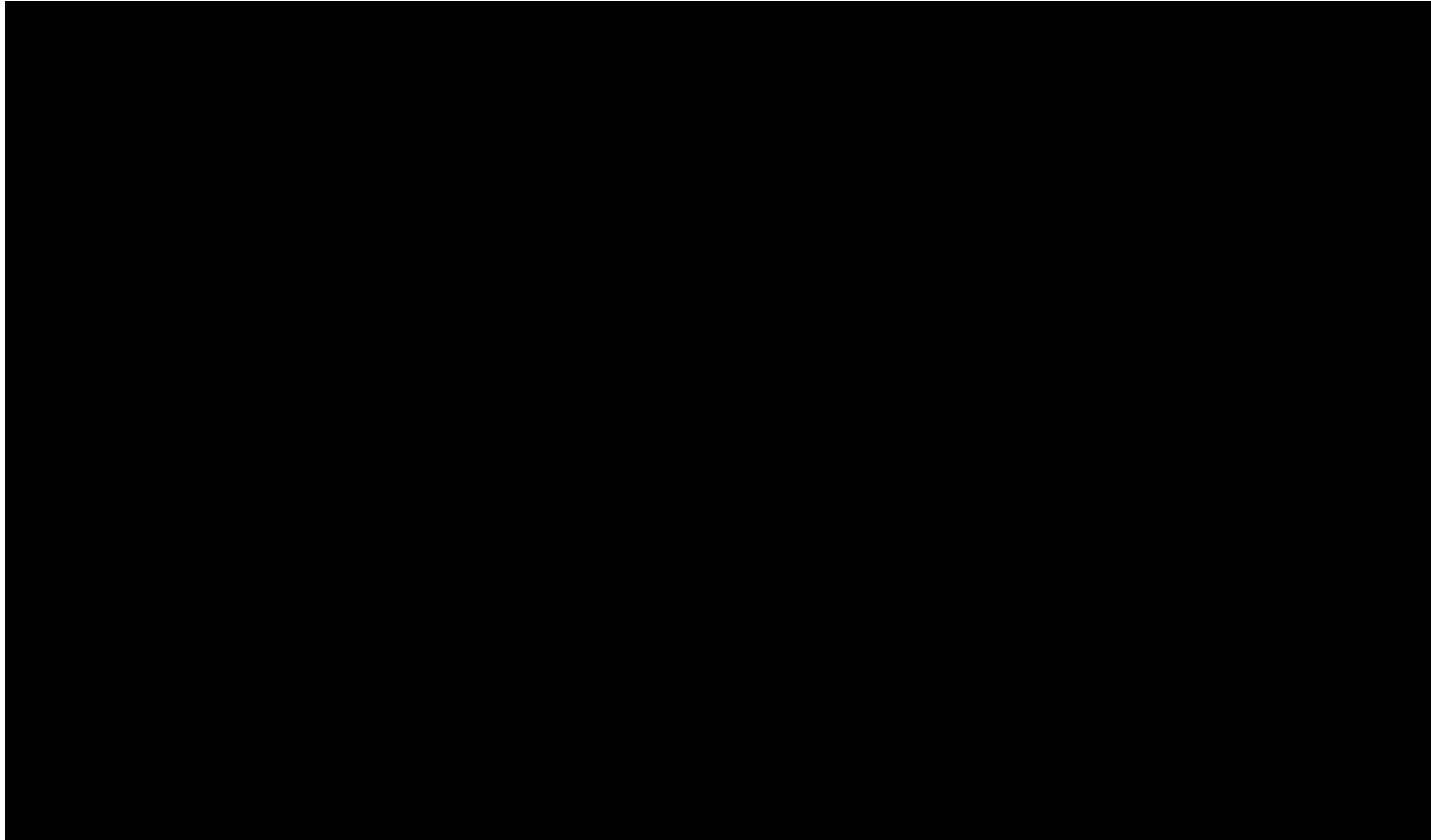


Other health
benefits

Bonus: OJ is easy to recommend to your clients because
IT TASTES GREAT!



REACHING MILLENNIAL MOMS



MESSAGE PRIORITIES – SUGAR/NUTRITION

- Educate media and consumers on...
 - 100% orange juice has no added sugar
 - 100% orange juice is a nutrient-dense beverage
 - Vitamin C, potassium and folate
 - 100% orange juice is associated with a better overall diet quality
 - 8oz. Of 100% orange juice counts as one fruit serving per day
 - 100% orange juice is a healthy beverage for families

MILLENNIAL MOM CONTENT



FLORIDA OJ RECIPE



FLORIDA GRAPEFRUIT RECIPE



SPICY CITRUS PO' BOY



PAID MEDIA UPDATE

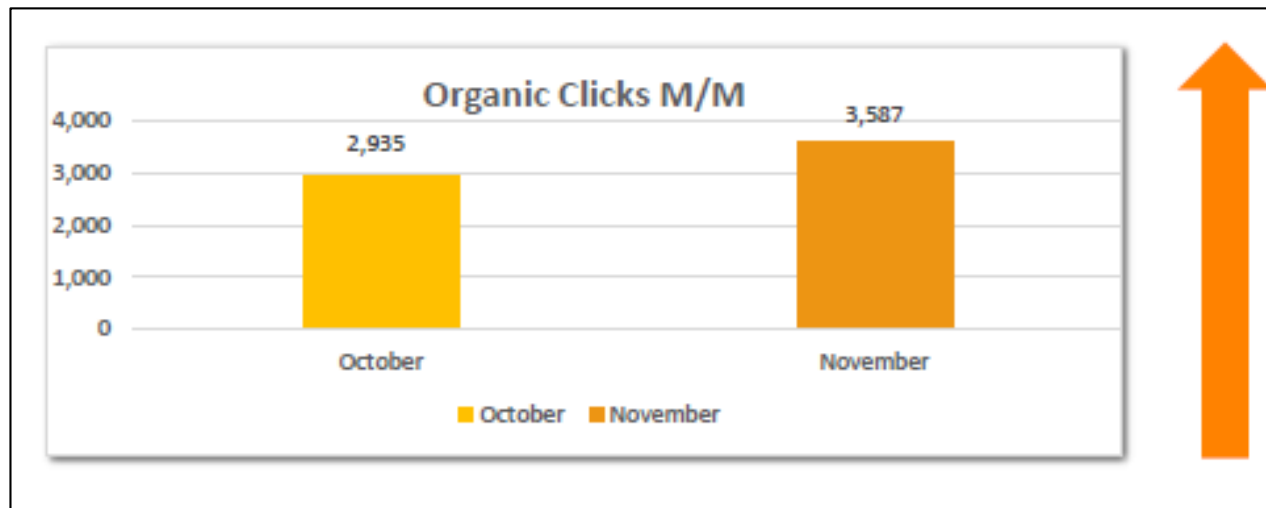
- Average of :38 seconds on site – continuing to work to increase timing
- 150+ million impressions to date, anticipate 650 million impressions by the end of 2016 – 2017
- Currently at \$0.38 CPC - well below industry standard of \$0.50
- Audience continues to be our target: Millennial Moms
 - 78% Female
 - 82% aged 18 - 44

Impressions	Clicks	CTR	Avg. CPC	Cost Per Targeted User	Time on Site	% Female	% 18-44	% F 18-44
150,677,579	1,422,685	0.94%	\$0.38	\$0.58	0:38	78.3%	82.1%	64.8%

PAID MEDIA UPDATE

Search Updates

- In November, enhanced search content and saw a 22% increase in organic engagement around Thanksgiving-related content



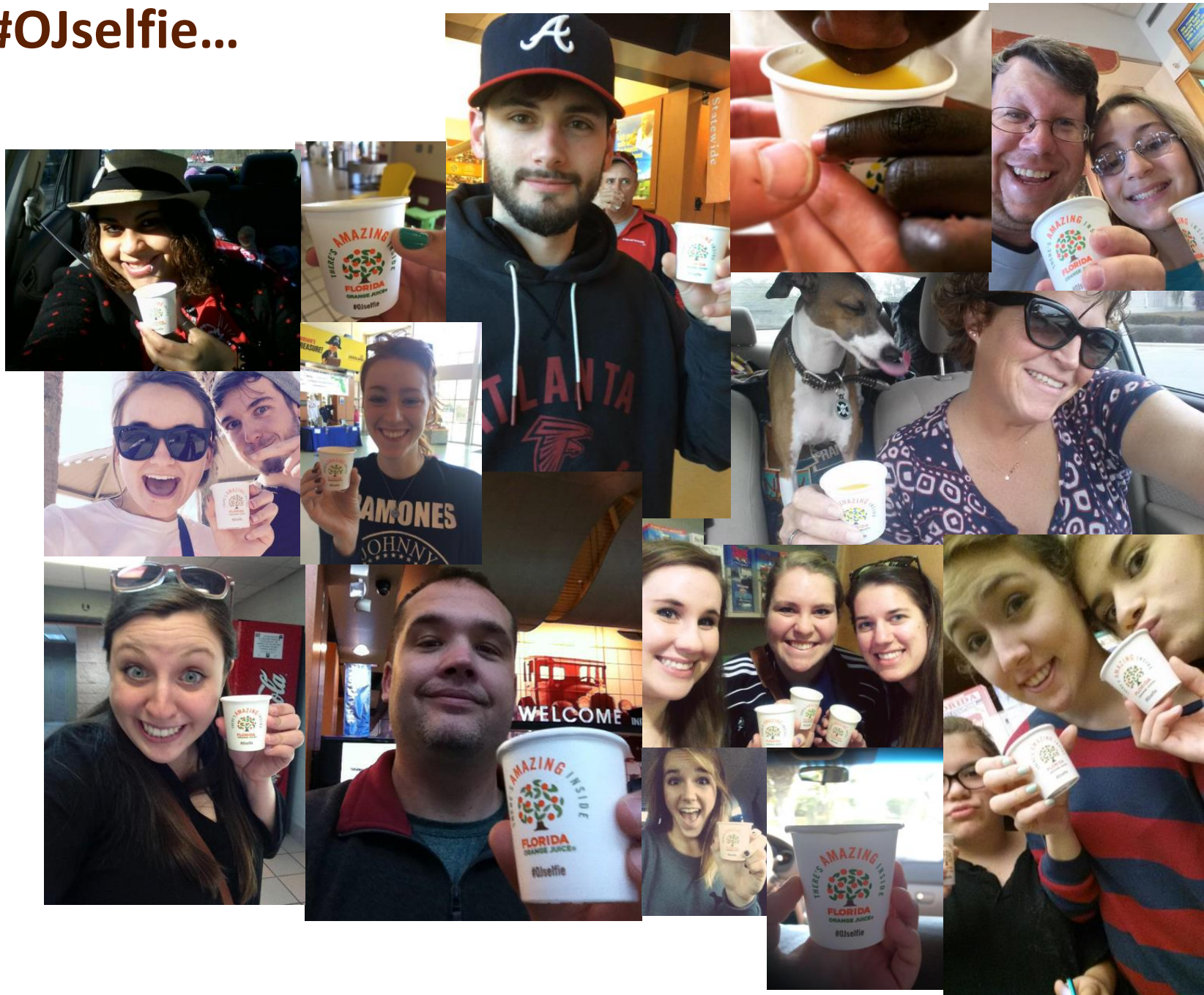
RETAIL - IBOTTA

ibotta

- 01/11/17 – 03/07/17
- Publix, ShopRite, and Wegman's
- Deliver Recipe and link to GoFloridaGrapefruit.com to consumer
- \$1 off a bag of Grapefruit



#OJselfie...





THE FLORIDA SENATE
APPEARANCE RECORD

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

tab 3 ✓

2/21/17

Meeting Date

Bill Number (if applicable)

Topic Florida Department of Citrus

Amendment Barcode (if applicable)

Name Shannon Shepp

Job Title Executive Director

Address 605 E. Main St

Phone 813 661 2718

Street

Barton

City

FL

State

33831

Zip

Email sshepp@citrus.fl.com myFlorida.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Department of Citrus

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/21/17

Meeting Date

Bill Number (if applicable)

Topic Florida Citrus

Amendment Barcode (if applicable)

Name Ellis Hunt Jr

Job Title President Hunt Bros

Address 2404 Hunt Brothers Road

Phone 863-412-0222

Street

Lake Wales

City

FL

State

33898

Zip

Email ehunt@hbcoop.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing _____

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/21/17
Meeting Date

N/A
Bill Number (if applicable)

Topic Citrus Industry Issues

Amendment Barcode (if applicable)

Name John Barber

Job Title Citrus grower / FL Citrus Mutual President

Address 411 East Orange St

Phone 863-443-0105

Street

Lakeland
City

FL
State

33880
Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Citrus Mutual

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)

FOR CONSIDERATION By the Committee on Agriculture

575-00916-17

20177014pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 601.10, F.S., relating to an exemption from public records requirements for nonpublished reports or data related to certain studies or research related to citrus fruit, citrus fruit juices, and the products and byproducts thereof which is conducted, caused to be conducted, or funded by the Department of Citrus; abrogating the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Paragraph (c) of subsection (8) of section 601.10, Florida Statutes, is amended to read:

601.10 Powers of the Department of Citrus.—The department shall have and shall exercise such general and specific powers as are delegated to it by this chapter and other statutes of the state, which powers shall include, but are not limited to, the following:

(8)

(c) Any nonpublished reports or data related to studies or research conducted, caused to be conducted, or funded by the department under s. 601.13 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. ~~This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.~~

575-00916-17

20177014pb

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

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: SPB 7014

INTRODUCER: Agriculture Committee

SUBJECT: OGSR/Nonpublished Reports or Data/Department of Citrus

DATE: February 21, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Akhavein	Becker		AG Submitted as Committee Bill

I. Summary:

SPB 7014 continues the public records exemption for information contained in nonpublished reports or data related to studies or research that concerns citrus fruit, citrus fruit juices, and the products and byproducts that is conducted, caused to be conducted, or funded by the Department of Citrus. The bill removes the October 2, 2017, repeal date.

Since the bill does not expand or create an exemption to public records law, the bill requires a majority vote of each chamber for passage.

II. Present Situation:

Public Records and Open Meetings Requirements

The Florida Constitution provides that the public has the right to access government records and meetings. The public may inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.¹ The public also has a right to be afforded notice and access to meetings of any collegial public body of the executive branch of state government or of any local government.² The Legislature's meetings must also be open and noticed to the public, unless there is an exception provided for by the Constitution.³

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(b).

³ FLA. CONST., art. I, s. 24(b).

⁴ Chapter 119, F.S.

⁵ Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act⁴ guarantees every person's right to inspect and copy any state or local government public record.⁵ The Sunshine Law⁶ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.⁷

The Legislature may create an exemption to public records or open meetings requirements.⁸ An exemption must specifically state the public necessity justifying the exemption⁹ and must be tailored to accomplish the stated purpose of the law.¹⁰

Open Government Sunset Review Act

The Open Government Sunset Review Act (referred to hereafter as the "OGSR") prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹¹ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹²

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹³ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the

of any public agency." The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992). The Legislature's records are public pursuant to section 11.0431, F.S.

⁴Section 286.011, F.S.

⁵ Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in the Florida Constitution. Article III, section 4(e) of the Florida Constitution provides that legislative committee meetings must be open and noticed to the public. In addition, prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

⁶ Section 286.011, F.S.

⁷ Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in the Florida Constitution. Article III, section 4(e) of the Florida Constitution provides that legislative committee meetings must be open and noticed to the public. In addition, prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

⁸ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential* and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential, such record may not be released, to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to section 119.15(2), F.S.

¹² Section 119.15(3), F.S.

¹³ Section 119.15(6)(b), F.S.

Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁴
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹⁵ or
- It protects trade or business secrets.¹⁶

The OGSR also requires specified questions to be considered during the review process.¹⁷ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.¹⁸ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.¹⁹

Florida Department of Citrus

The Florida Citrus Commission acts as the head of the Department of Citrus (the department).²⁰ The department carries out commission policy and acts as the commission's staff by conducting a wide variety of programs involving regulation, scientific, market, and economic research, advertising, merchandising, public and industry relations, and consumer promotion. The purpose of the department is to protect and enhance the quality and reputation of Florida citrus fruit and processed citrus products in both domestic and foreign markets. It also acts to protect public health and welfare and to stabilize and protect the state's citrus industry.

Current law provides that the powers of the department include the preparation and dissemination of important information to citrus growers, handlers, shippers, processors and industry-related and interested persons and organizations relating to department activities and the production, handling, shipping, processing, and marketing of citrus fruit and processed citrus

¹⁴ Section 119.15(6)(b)1., F.S.

¹⁵ Section 119.15(6)(b)2., F.S.

¹⁶ Section 119.15(6)(b)3., F.S.

¹⁷ Section 119.15 (6)(a), F.S. The specified questions are:

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

¹⁸ FLA. CONST., art. I, s. 24(c).

¹⁹ Section 119.15(7), F.S.

²⁰ *See generally* section 601.04, F.S.

products. Any such information described above that constitutes a trade secret is confidential and exempt from public records requirements and must not be disclosed.²¹

Citrus Research

Current law governing citrus research requires the department to:

- Conduct, or cause to be conducted, a thorough and comprehensive study of citrus fruit and citrus fruit juices;
- Provide suitable and sufficient laboratory facilities and equipment, making use of the laboratory facilities and equipment of the University of Florida, for the purpose of conducting thorough and comprehensive study and research to determine all possible new and further uses for citrus fruit and citrus fruit juices and the products and byproducts into which the same can be converted or manufactured, as well as to determine and develop new and profitable methods and instruments of distribution;
- Carry on, or cause to be carried on, suitable experiments in an effort to prove the commercial value of each, and determine and develop new and further use for citrus fruit and citrus fruit juices or the products and byproducts into which the same can be converted or manufactured;
- Carry on, or cause to be carried on, suitable experiments in an effort to prove the commercial value of any and all new profitable methods and instruments of distribution of citrus fruit and citrus fruit juices and the products and byproducts into which the same can be converted or manufactured;
- Carry on, or cause to be carried on, an economic and marketing research program relating to citrus fruits, products, or byproducts;
- Enter into any mutually satisfactory contracts or agreements with any person, firm, institution, corporation, or business unit, as well as any state or federal agency, that the department deems wise, necessary, and expedient in the carrying out of any of the provisions of this chapter;
- Incur and pay such expenses and obligations necessary for the proper carrying out of the provisions of this chapter;²² and
- Conduct or cause to be conducted any research related to disease and crop efficiency that would advance the purposes of the state's citrus industry and commercialization related to advancing such research.

Department of Citrus Public Records Exemption for Nonpublished Reports or Data

The Department of Citrus receives guidance from the citrus industry regarding research projects and industry needs. Before the exemption, companies with brand name products were sometimes hesitant to cooperate and give access to samples of citrus fruits and citrus products. The exemption assures the citrus industry that any nonpublished reports or data related to studies or research will not be disclosed until the analysis of such data and the reports of such studies or research are complete and approved for publication.

²¹ Section 601.10(8), F.S.

²² Section 601.13, F.S.

Staff Review of the Exemptions

The Open Government Sunset Review Act requires that a public records exemption must serve an identifiable public purpose in order to be maintained. As part of the Open Government Sunset Review process to determine this, professional staff of the Agriculture Committee sent a questionnaire to the Department of Citrus. The department recommended reenactment of the exemption without changes.²³

III. Effect of Proposed Changes:

Section 1 removes the scheduled repeal date of October 2, 2017, in the public records exemption law. Effectively, the bill permits the public records exemption relating to information contained in nonpublished reports or data related to certain studies or research related to citrus fruit, citrus fruit juices, and the products and byproducts that the Department of Citrus is involved with to continue as it currently exists.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill does not expand the current exemption, and therefore public necessity statements are not required. Since there is no expansion of the exemption, a simple majority vote is sufficient for passage.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²³ The survey is on file with the Senate Agriculture Committee.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 601.10, of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Agriculture

575-00916-17

20177014pb

A bill to be entitled

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(8)

(c) Any nonpublished reports or data related to studies or research conducted, caused to be conducted, or funded by the department under s. 601.13 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. ~~This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Page 1 of 2

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

575-00916-17

20177014pb

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

Page 2 of 2

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

CourtSmart Tag Report

Room: SB 301

Caption: Senate Committee on Agriculture

Case No.:

Judge:

Type:

Started: 2/21/2017 9:00:42 AM

Ends: 2/21/2017 10:56:31 AM

Length: 01:55:50

9:00:46 AM Call to Order
9:00:49 AM Roll Call
9:01:27 AM Update on the State of the Citrus Industry \u8211? Michael Sparks, CEO of Florida Citrus Mutual
9:03:41 AM Florida Means Citrus
9:05:55 AM Florida Citrus is in trouble
9:07:24 AM Florida Citrus by boxes and acres
9:09:44 AM Biggest Challenge - Citrus Greening (HLB)
9:11:06 AM Research
9:14:47 AM Question - Sen. Steube
9:15:15 AM Answer - Michael Sparks
9:16:02 AM Follow up - Sen. Steube
9:16:12 AM Answer - Michael Sparks
9:16:57 AM Question - Sen. Rader
9:17:07 AM Answer - Michael Sparks
9:17:36 AM Follow up - Sen. Rader
9:17:53 AM Answer - Michael Sparks
9:19:28 AM Huanglongbing Research Update - Dr. Harold Browning, COO, Citrus Research and Development
9:20:24 AM HLB Disease Triangle
9:21:18 AM The Dilemma of Research Goals
9:25:45 AM HLB Research: Prioritization and Accountability
9:28:03 AM Current Evaluation of Near-Commercial Tools
9:34:46 AM Building Blocks for Plant Breeding Innovation
9:34:54 AM Bio- Technology
9:35:51 AM Unmanaged Citrus as a Reservoir for ACP and CLas
9:36:36 AM Integration of Tools to Find HLB Solutions
9:37:35 AM Benefits of Industry-Organized Research
9:38:35 AM Question - Sen. Rader
9:39:52 AM Answer - Harold Browning
9:42:12 AM Follow up - Sen. Rader
9:42:34 AM Answer - Harold Browning
9:43:50 AM Follow up - Sen. Rader
9:44:28 AM Answer - Harold Browning
9:46:28 AM Question - Sen. Powell
9:46:44 AM Answer - Harold Browning
9:48:13 AM Follow up - Sen. Powell
9:48:44 AM Answer - Harold Browning
9:49:35 AM Follow up - Sen. Powell
9:49:43 AM Answer - Harold Browning
9:51:05 AM Question - Sen. Perry
9:52:38 AM Answer - Harold Browning
9:55:07 AM Overview of the Department of Citrus \u8211? Shannon Shepp, Executive Director
10:06:25 AM Citrus Resources
10:14:30 AM Question - Sen. Powell
10:15:05 AM Answer - Shannon Shepp
10:15:55 AM Follow up - Sen. Powell
10:16:13 AM Answer - Shannon Shepp
10:22:06 AM
10:22:54 AM Message Priorities \u8211? Sugar/Nutrition
10:28:26 AM Question - Sen. Rader
10:29:12 AM Answer - Shannon Shepp
10:30:02 AM Follow up - Sen. Rader
10:30:14 AM Answer - Shannon Shepp

10:31:17 AM Follow up - Sen. Rader
10:31:29 AM Answer - Shannon Shepp
10:31:50 AM Follow up - Sen. Rader
10:32:01 AM Answer - Shannon Shepp
10:32:13 AM Follow up - Sen. Rader
10:32:28 AM Answer - Shannon Shepp
10:32:40 AM Answer - Michael Sparks
10:35:12 AM Comments - Sen. Perry
10:36:06 AM Comments - Shannon Shepp
10:36:48 AM Speaker - Ellis Hunt Jr, President, Hunt Bros.
10:40:15 AM Speaker - John Barben, President, FL Citrus Mutual
10:42:47 AM Question - Sen. Rader
10:42:54 AM Answer - John Barbon
10:45:48 AM SPB 7014 \u8211? OGSR/Nonpublished Records or Data/Department of Citrus
10:46:01 AM Linda Akhavein \u8211? Legislative Analyst, Senate Committee on Agriculture
10:47:26 AM Question - Sen. Rader
10:47:40 AM Question - Sen. Powell
10:48:29 AM Answer - Shannon Shepp
10:49:25 AM Follow up - Sen. Powell
10:50:01 AM Answer - Shannon Shepp
10:50:36 AM Follow up - Sen. Perry
10:51:04 AM Follow up - Sen. Powell
10:51:29 AM Answer - Shannon Shepp
10:52:29 AM Question - Sen. Rader
10:52:53 AM Answer - Shannon Shepp
10:53:15 AM Follow up - Sen. Rader
10:53:32 AM Answer - Katherine Becker, Staff Director, Committee on Agriculture
10:54:09 AM Follow up - Sen. Perry
10:55:03 AM Roll Call Vote
10:55:28 AM SPB 7014 reported Favorable as CB
10:56:25 AM Senator Steube moves to Adjourn