

SB 1050 by **Montford**; (Similar to H 7015) Department of Agriculture and Consumer Services

SB 1220 by **Grimsley (CO-INTRODUCERS) Evers**; (Similar to H 0917) Cattle Market Development Act

CS/SB 226 by **RI, Latvala (CO-INTRODUCERS) Sobel**; (Similar to CS/H 0239) Racing Animals

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Montford, Chair
Senator Dean, Vice Chair

MEETING DATE: Tuesday, March 10, 2015
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

MEMBERS: Senator Montford, Chair; Senator Dean, Vice Chair; Senators Bullard, Galvano, Garcia, Grimsley, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1050 Montford (Similar H 7015)	Department of Agriculture and Consumer Services; Removing provisions requiring the department to give certain priority consideration when evaluating applications for funding of agriculture education and promotion facilities; authorizing the department to secure letters of patent, copyrights, and trademarks on work products and to engage in acts accordingly; authorizing the Commissioner of Agriculture to create an Office of Agriculture Technology Services; repealing provisions relating to the authority of the Florida Forest Service to dedicate and reserve state park lands for public use, etc. AG 03/10/2015 Favorable AGG AP	Favorable Yeas 6 Nays 0
2	SB 1220 Grimsley (Similar H 917)	Cattle Market Development Act; Renaming the Beef Market Development Act as the Cattle Market Development Act; renaming the Florida Beef Council, Inc., as the Florida Cattle Enhancement Board, Inc.; authorizing the Cattle Enhancement Board to impose additional assessments; removing provisions authorizing the board to sue and be sued without individual liability of the members, to maintain a financial reserve for emergency use, to appoint advisory groups, to accept grants, donations, contributions, or gifts from any source, and to pay other organizations for work or services, etc. AG 03/10/2015 Favorable AGG FP	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Agriculture

Tuesday, March 10, 2015, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 226 Regulated Industries / Latvala (Similar CS/H 239, Compare H 187, H 1233, S 262)	Racing Animals; Revising the prohibition on the use of certain medications or substances on racing animals; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to solicit input from the Department of Agriculture and Consumer Services; requiring the division to notify the owners or trainers, stewards, and the appropriate horsemen's association of all drug test results; expanding violations to include prohibited substances that break down during a race found in specimens collected after a race, etc. RI 02/18/2015 Fav/CS AG 03/10/2015 Favorable AP	Favorable Yeas 6 Nays 0

Other Related Meeting Documents

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 1050

INTRODUCER: Senator Montford

SUBJECT: Department of Agriculture and Consumer Services

DATE: March 10, 2015 REVISED: _____

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

I. Summary:

SB 1050 addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). It:

- Eliminates the competitiveness for ranking of each Agricultural Education and Promotion Facilities funding application and instead allows the department to list the applicants in alphabetical order;
- Changes the deadline to submit a recertification application for the limited certification for urban landscape commercial fertilizer application and eliminates the \$50 per month late charge for late recertification;
- Adds a definition for the word “vehicle” in chapter 500, F.S., in order to be consistent with the federal Food Safety Modernization Act, and adds definitions for the words “retail” and “wholesale” to clarify the types of food permits the department issues;
- Authorizes the department to sponsor “events,” in addition to breakfasts, luncheons, or dinners, in order to promote agriculture and agricultural business products;
- Authorizes the department to acquire, secure, enjoy, use, enforce, and dispose of all patents, trademarks, copyrights, and other rights or similar interests;
- Authorizes the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers of the Division of Agricultural Environmental Services;
- Authorizes the Commissioner of Agriculture to create an Office of Agriculture Technology Services;
- Authorizes the department to provide staff and meeting space for the Florida Agricultural Center and Horse Park Authority;
- Clarifies the intent of the “Fresh From Florida” marketing brand in order to avoid the misconception that the brand is indicative of inspection for food safety purposes;
- Eliminates the department’s power to adopt rules related to negotiating and entering into contracts with advertising agencies. Purchasing requirements are covered by Department of Management Services’ policies and procedures;

- Changes the membership requirements for the Florida Agricultural Promotional Campaign Advisory Council so that a specific number of people from a particular industry are not required;
- Removes the requirement that the department notify a property owner that a plant infested or infected with plant pests or noxious weeds has been found on their property if the plant is infested with pests or noxious weeds that are determined to be widely established in Florida. This change would delete the requirement that the owner must destroy or remove the plant within 10 days;
- Eliminates the Florida Forest Service's power to dedicate its land for use by the public as a park. Florida Forest Service lands do not include any state parks and the Florida Forest Service does not manage any of its land for park purposes;
- Adds definitions for "school breakfast program," "summer nutrition program," and "universal school breakfast program" to specify that they are programs which are authorized by federal law;
- Replaces every instance of the term "school district" with "district school board;"
- Creates a duty to provide to a "severe need school" the highest rate of reimbursement to which it is entitled under the federal school breakfast program;
- Renames the "Florida Farm Fresh Schools Program" to the "Florida Farm to School Program;"
- Eliminates the need for dealers in agricultural products to provide a letter, accompanying a certificate of deposit, from the issuing institution acknowledging that the assignment has been properly recorded on the books of the issuing institution and will be honored by the issuing institution; and
- Eliminates the requirement that each grain dealer report monthly to the department the value of grain it received from producers for which the producers have not received payment.

II. Present Situation:

Agriculture Education and Promotion Facilities¹

The Legislature grants funding to local governments and fair associations (applicants) to pay for the planning, design, permitting, construction, or renovation of agricultural education and promotion facilities, subject to the amount provided in the General Appropriations Act. Applicants are screened by the department to determine their eligibility. Currently, the statute requires that applicants be competitively ranked based on the following criteria:

- The intended use of the funding, with priority being given to applicants proposing new facilities;
- The amount of local match, with priority given to those with the highest percentage of local match;
- The location of the facility, if it is in a brownfield, a rural enterprise zone, an agriculturally depressed area, or county that has lost its agricultural land to environmental restoration projects;

¹ Information for this analysis was submitted February 26, 2015, by the Department of Agriculture and Consumer Services, in response to a request by the Senate Agriculture Committee.

- The net increase, as a result of the facility, of total available exhibition, arena, or civic center space within the jurisdictional limits of the local government in which the facility is to be located, with priority given to the largest percentage increase of total exhibition, arena, or civic center space;
- The historical record of the applicant in promoting agriculture and educating the public about agriculture;
- The highest projection of paid attendance attracted by the facility and the proposed economic impact; and
- The location of the facility with respect to an Institute of Food and Agricultural Sciences (IFAS) facility, with priority given to facilities closer in proximity to an IFAS facility.

The bill would remove the competitiveness for ranking and list the applicants in alphabetical order by applicant. The current system leaves the impression that projects will be funded in the order they are ranked, which is not always the case. This statute leaves intact the information required to be submitted to the department to certify that each applicant is a qualified agriculture and promotion facility, while still providing the Legislature the information it needs to fund the most deserving projects.

Limited Certification for Urban Landscape Commercial Fertilizer Application

Section 482.1562, F.S., outlines the application requirements to receive a Limited Commercial Fertilizer Certification. Renewals are required every four years. For those who hold a limited license, recertification applications must be submitted 90-days prior to expiration of the current license. If the renewal application is not received 60 days prior to the expiration date a late fee of \$50 is assessed, in addition to the \$25 renewal fee. In order to renew a Limited Commercial Fertilizer Certificate, the cost could be as much as \$75. A new license is \$25. The bill would remove the late fee and allow certificate holders 30 days to renew their licenses. The change was requested by industry representatives, because they feel the current language is confusing. This process is consistent with other certifications under Chapter 482, F.S.

Powers and Duties of the Department of Agriculture and Consumer Services

The department is empowered by the Legislature to stimulate, encourage, and foster the production and consumption of agricultural and agricultural business products by sponsoring trade breakfasts, luncheons, and dinners that will assist in the promotion and marketing of Florida's agricultural and agricultural business products to the consuming public. Section 570.07(20)(c), F.S., is somewhat limiting because it only refers to trade breakfasts, luncheons, and dinners for possible sponsorship opportunities. Adding the word "events" ensures that the department is covered by the types of sponsorships it would be able to provide so that it may continue to stimulate, encourage, and foster the production and consumption of agricultural and agricultural business products.

Currently, the department does not have enforcement capabilities regarding the misuse of the "Fresh From Florida" logo. The Legislature has not granted the department the authority to secure or hold a trademark. The bill would give the department the same authority as the Department of Citrus, state universities, and others to enforce the trademarks and copyrights it obtains on behalf of the state. This language clarifies the authority of the department with regard

to its ability to obtain and enforce rights in intellectual property created and utilized by the department. This authority is needed to ensure, as the “Fresh From Florida” mark becomes more popular, that the department can take immediate action to stop its misuse. Without this authority, valuable time could be lost by having to educate the Department of State, the agency currently holding this responsibility for the state, about the consequences of the misuse of the “Fresh From Florida” mark. The direct enforcement capability by the department will result in faster and more cost effective enforcement.

Currently, “providing electronic data processing and management information systems support for the department” remains a duty of the Division of Administration. The Office of Agriculture Technology Services proposes to establish the office as a stand-alone office under the supervision of a senior manager within Chapter 570, F.S. This changes would pave the way for continued implementation of the department’s information technology strategic plan.

Pest Control Trust Fund

Section 482.2401, F.S. restricts the use of funds to carry out the provisions of Ch. 482, F.S. This prevents resources funded from Ch. 482, F.S., from being used to conduct work for other programs, which is problematic when functions across programs are combined within a work unit, such a licensing or inspection. Prior to the reorganization of the Division of Agriculture Environmental Services (AES), the work units were separate for each statutory area. The reorganization streamlined these units. The bill would authorize the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers of the Division of Agricultural Environmental Services (set forth in s. 570.44, F.S.), not just the Structural Pest Control Act (Ch. 482, F.S.). The powers of the Division of Agricultural and Environmental Services include state mosquito control program coordination; agricultural pesticide registration, testing and regulation; and feed, seed, and fertilizer production inspection and testing. This authorization expires June 30, 2018.

Division of Food Safety

Section 570.50(5), F.S., authorizes the Division of Food Safety to analyze food and animal feed samples for chemical residues as required under the adulteration sections of chapters 500 and 580, F.S. The primary effect of the proposed change is to fully characterize the current actions of the Division of Food Safety in analyzing food, milk, milk products, frozen desserts, and animal feed products for any potential adulterant or substance that would be harmful to humans or animals. Along with potential chemical adulterants, there is concern with microbiological and physical adulteration of food or feed products. These are activities that the department already performs as a service to the Divisions of Agriculture Environmental Services and Animal Industry, as well as part of FDA surveillance activities, and in reaction to animal feed outbreaks. By adding a reference to Ch. 502, F.S., to the current statute and striking the reference to chemical residues, the department is able to fully encompass the activities performed in the Division of Food Safety labs.

Division of Marketing and Development

Currently, Agriculture Dealer's licenses are issued through the Division of Marketing. The bill moves the duties associated with issuing Agriculture Dealer's Licenses to the Division of Consumer Services, which already has the same duties for several other licenses, creating better department efficiency. The Division of Marketing is currently tasked with regulating Live Stock Markets. The bill tasks responsibility of regulating Live Stock Markets to the department rather than to a specific division.

Florida Agricultural Promotional Campaign Advisory Council

Section 571.28, F.S., for the membership of the Florida Agricultural Promotional Campaign Advisory Council. The membership must include six members representing agricultural producers, shippers, or packers; three members representing agricultural retailers; two members representing agricultural associations; one member representing a wholesaler of agricultural products; one member representing consumers; and one member representing the department. The bill would allow members to be selected without regard for a specific number from each category of business, but rather an overall representation of the major business components important to the business of agriculture.

Notice of Infection of Plants and Destruction

Section 581.181, F.S., does not allow for discretion in determining when it is necessary to take immediate action to remove and destroy a noxious, infested or infected plant or plant product. The bill would give the department flexibility to determine if it is necessary to invoke procedures for immediate action for the cause of removal and destruction of a noxious plant, non-noxious plant, or plant product infested or infected with a pest or disease. For example, noxious plants, plant pests, or plant diseases that are well-established in Florida and are not under a department eradication or control program may not justify requiring immediate action to eliminate or otherwise mitigate.

School Food and Nutrition Service Program

The National School Lunch Program (NSLP) is a federally funded program that assists schools and other agencies in providing nutritious meals to children at reasonable prices. In addition to financial assistance, the NSLP provides donated commodity foods to help reduce lunch program costs.

Chapter 595, F.S., authorizes the department to coordinate with the federal government to use federal and state funding to provide school nutrition programs. The Legislature declared that it is the policy of the state to provide standards for school food and nutrition services and to require each school district to establish and maintain an appropriate school food and nutrition service program consistent with the nutritional needs of students.

Schools must apply through the department and complete certain requirements prior to the operation of a school nutrition program. Once approved, the department reimburses the schools

for each lunch and breakfast meal served provided they meet established state and federal regulations.

Chapter 595, F.S., does not contain definitions for “school breakfast program,” “summer nutrition program,” or “universal school breakfast program.” The bill adds these definitions to specify that they are the programs authorized by federal law. The department administers more than one United States Department of Agriculture summer nutrition program. The bill amends the definition of “summer nutrition programs” to specify that certain requirements apply to all summer nutrition programs.

Currently, the department must make a reasonable effort to ensure that any school designated as a “severe need school” receives the highest rate of reimbursement to which it is entitled under the federal school breakfast program for each breakfast meal served. Further, the department may advance funds from the school nutrition program’s annual appropriation to sponsors in order to implement the school nutrition program. There is no restriction on when or for which program the funds may be advanced. The bill would clarify that the department does not just make efforts to, but actually ensures through its processes and procedures that all eligible severe need schools receive the higher rate of reimbursement. This change will have no economic or substantive effect on any interest groups or stakeholders and will remove ambiguities from the statute that could potentially result in misinterpretation and misapplication of the law. It would also clarify that the department will only advance funds when requested by sponsors of the Summer Food Service Program.

Florida Farm to Schools Program

Section 595.406, F.S., provides for implementation of the Florida Farm Fresh Schools Program. It was instituted in 2010 to require the Florida Department of Education to work with the department to increase the presence of Florida-grown products into schools. When the administration of the school nutrition programs was transferred to the department, this program became part of the Florida Farm to School Program, which was already being administered by the department. The bill would replace all references to the “Florida Farm Fresh Schools Program” with the “Florida Farm to School Program.” This would allow for consistent messaging and marketing around the department’s efforts as stated in the statute. Further changes would allow the department to recognize those sponsors who have purchased 10 percent of the food they serve from the Florida Farm to School Program.

Children’s Summer Nutrition Program

Section 595.407, F.S., requires all school districts to develop a plan to sponsor a summer nutrition program to operate within five miles of at least one elementary school where 50 percent or more of the students are eligible for free or reduced price meals for 35 consecutive days, and also within 10 miles of each elementary school where 50 percent or more of the students are eligible for free or reduced-price meals. The bill specifies that each school district must provide a summer nutrition program within five miles of at least one school that serves any combination of grades K-5, not just elementary schools. This provision attempts to close a loophole where some K-8 or K-12 schools claimed they were not elementary schools, and therefore, did not have to comply. According to the department, interpretation of this statute has varied greatly. This

change may require district school boards to adjust the location or increase the number of summer nutrition program sites they operate.

The bill remove the requirement that each school district provide reduced-price school meals during the summer for 35 consecutive days and replaces it with the requirement that each school district provide reduced-price school meals during the summer for 35 days between the end of one school year and the beginning of the next. This allows school districts to exclude holidays and weekends.

Financial Assurance Requirements for Dealers in Agricultural Products and Grain Dealers

Currently, any agricultural dealer who is engaged within this state in the business of purchasing, receiving, or soliciting agricultural products from the producer or the producer's agent or representative is required to obtain a bond or certificate of deposit (CD), as required in s. 604.20(1) F.S. If a CD is the chosen form of security, the dealer is required to furnish the department the CD or a CD receipt, a bank's acknowledgement letter and an assignment of CD. The bill would eliminate the need to provide a letter, accompanying a certificate of deposit, from the issuing institution acknowledging that the assignment has been properly recorded on the books of the issuing institution and will be honored by the issuing institution. This requirement is unnecessary because issuance of the certificate of deposit is acknowledgement that the agreement has been properly recorded.

Each grain dealer doing business in Florida must maintain a liquid security in an amount equal to the value of grain which the grain dealer has received from grain producers and for which the producers have not received payment. Each grain dealer must report to the department monthly the value of grain it received from producers for which the producers have not received payment. This report must include a statement showing the type and amount of security maintained to cover the grain dealer's liability to producers. The bill eliminates the requirement that each grain dealer report monthly to the department, as only three of the four licensed dealers are required to do so. The dealers would still continue to be licensed and bonded which would allow the department to request information from dealers in the event of a complaint or suspected malpractice.

III. Effect of Proposed Changes:

Section 1 amends s. 288.1175, F.S., to eliminate the requirement that the Department of Agriculture and Consumer Services competitively rank each application for funding of agriculture education and promotion facilities.

Section 2 amends s. 482.1562, F.S., to change the deadline for submitting a recertification application for a current limited certification for urban landscape commercial fertilizer application. The bill requires the application to be submitted four years after the date of issuance. It eliminates the \$50 per month late charge for late recertification.

Section 3 amends s. 500.03, F.S., to include a definition for the word "vehicle" in order to be consistent with the federal Food Safety Modernization Act. It also adds definitions for the words "retail" and "wholesale" to clarify the types of food permits that the department issues.

Section 4 amends s. 570.07, F.S., to authorize the department to sponsor “events,” in addition to trade breakfasts, luncheons, and dinners, to promote agriculture and agricultural business products. It also authorizes the department to secure letters of patent, copyrights, and trademarks on any work product of the department and accordingly to enforce its rights.

Section 5 amends s. 570.30, F.S., to remove electronic data processing and management information systems support as a duty for the department’s Division of Administration.

Section 6 amends s. 570.441, F.S., to authorize the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers and duties of the Division of Agricultural Environmental Services. This subsection expires June 30, 2018.

Section 7 amends s. 570.50, F.S., to fully characterize the current functions of the Division of Food Safety in analyzing food, milk, milk products, frozen desserts, and animal feed products for any potential adulterant or substance that would be harmful to humans or animals. Along with potential chemical adulterants, there is concern with microbiological and physical adulteration of food or feed products. These are activities that the division already performs for other divisions, as well as part of FDA surveillance activities, and in reaction to animal feed outbreaks. By adding a reference to Ch. 502, F.S., the department would be able to fully encompass the activities performed in the Division of Food Safety labs.

Section 8 amends s. 570.53, F.S., to remove enforcement of provisions relating to dealers in agricultural products from the duties of the Division of Marketing and Development. The Division of Marketing is currently tasked with regulating Live Stock Markets.

Section 9 amends s. 570.544, F.S., to move issuance of Agriculture Dealer’s Licenses from the Division of Marketing and Development to the Division of Consumer Services, which already issues several other licenses. It also requires the department, rather than a specific division, to regulate Live Stock Markets

Section 10 creates s. 570.68, F.S., to create the Office of Agriculture Technology Services to provide electronic data processing and agency information technology services to the department.

Section 11 amends s. 570.681, F.S., to clarify legislative findings with regard to the Florida Agriculture Center and Horse Park.

Section 12 amends s. 570.685, F.S., to authorize the department to provide staff and meeting space for the Florida Agriculture Center and Horse Park Authority.

Section 13 amends s. 571.24, F.S., to clarify the intent of the Florida Agricultural Promotional Campaign as a marketing program. It removes an obsolete provision relating to the designation of a division employee as a member of the Advertising Interagency Coordinating Council.

Section 14 amends s. 571.27, F.S., to remove obsolete provisions relating to the department's authority to adopt rules related to negotiating and entering into contracts with advertising agencies for services that are directly related to the Florida Agricultural Promotional Campaign.

Section 15 amends s. 571.28, F.S., to change the membership criteria for the Florida Agricultural Promotional Campaign Advisory Council, so that a specific number of people from a particular industry are not required.

Section 16 amends s. 581.181, F.S., to remove the requirement that the department notify a property owner that a plant infested or infected with plant pests or noxious weeds has been found on their property if the plant is infested with pests or noxious weeds that are determined to be widely established in Florida. With this change, the owner would not be required to destroy or remove the plant within 10 days.

Section 17 repeals s. 589.26, F.S., to eliminate the Florida Forest Service's power to dedicate its land for use by the public as a park. The bill repeals this section because the Florida Forest Service does not acquire or have lands for "park purposes." The department acquires forest land for multi-use purposes.

Section 18 amends s. 595.402, F.S., to add definitions for "school breakfast program," "summer nutrition program," and "universal school breakfast program" to specify that these programs are authorized by federal law.

Section 19 amends s. 595.404, F.S., to clarify requirements for the School Nutrition Program. It creates a duty for each school district to provide to a "severe need school" the highest rate of reimbursement to which it is entitled under the federal school breakfast program for each breakfast meal served. It specifies that funds from the school nutritional program may only be advanced to the sponsors of Summer Food Service Programs. It also requires the department to collect and publish data on food purchased by sponsors through the Florida Farm to School Program and other school food and nutrition service programs.

Section 20 amends s. 595.405, to replace every instance of the term "school district" with "district school board." It rewrites the provisions of this section, which specifies that each school district is encouraged to provide universal, free school breakfast meals to all students in each elementary, middle, and high school. It also provides criteria for when a universal school breakfast program must be provided. The reorganizing of the section combines several subsections and removes conflicting and duplicative clauses, so that the section is easier to read, interpret, and apply.

Section 21 amends s. 595.406, F.S., to change the name of the "Florida Farm Fresh Schools Program" to the "Florida Farm to School Program." It also authorizes the department to recognize sponsors who purchase at least ten percent of the food they serve from the Florida Farm to School Program.

Section 22 amends s. 595.407, F.S., to specify that each school district must provide a summer nutrition program within five miles of at least one school that serves any combination of grades kindergarten through 5, not just elementary schools. It removes the requirement that each school

district provide reduced-price school meals during the summer for 35 consecutive days and replaces it with the requirement that each school district provide reduced-price school meals during the summer for 35 days between the end of one school year and the beginning of the next. School districts may exclude holidays and weekends.

Section 23 amends s. 595.408, F.S., to change every instance of the word “commodity” to “food” to be consistent with the federal statutes.

Section 24 amends s. 595.501, F.S., to require sponsors to complete corrective action plans, required by the department or a federal agency, so that they are in compliance with school food and nutrition service programs. This amendment would remove the requirements for corrective action plans from s. 595.405, F.S., and place them within this section.

Section 25 amends s. 595.601, F.S., to correct a cross-reference.

Section 26 amends s. 604.20, F.S., to remove a provision requiring an applicant for license as a dealer in agricultural products to submit a letter acknowledging assignment of a certificate of deposit from the issuing institution.

Section 27 amends s. 604.33, F.S., to remove provisions requiring grain dealers to submit monthly reports. It authorizes rather than requires the department to make at least one spot check annually of each grain dealer.

Section 28 provides that this act shall take effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

See Private Sector Impact Section.

B. Private Sector Impact:

The bill would eliminate a late fee for limited certification for urban landscape commercial fertilizer application. This may have a positive impact on persons who apply commercial fertilizer by eliminating a fee.

The bill would eliminate certain financial assurance and licensing requirements for dealers in agricultural products and for grain dealers. This may have a positive impact on those professions by eliminating the filing requirements.

The bill would create an exemption from the destruction requirement for plant or plant products infested with pests or noxious weeds that are widely established in Florida and not regulated by the department. This may have a positive impact on those who own the plant or plant products infested with pests or noxious weeds by not requiring the owners to destroy them.

C. Government Sector Impact:

The bill appears to have an insignificant negative impact on state government revenues by eliminating a late fee for limited certification for urban landscape commercial fertilizer application. The department indicates that it expects the impact to be minimal and that the loss will be absorbed by the Division of Agricultural and Environmental Services.

The bill does have a fiscal impact associated with the creation of s. 570.68, F.S., which creates the Office of Agriculture Technology Services, under the supervision of a senior management class employee. Currently, the Chief Information Officer within the department is classified as a retiree that has been reemployed and not eligible to participate in a state administered retirement plan. The state does contribute a set amount to the state retirement account for employees in these ineligible classes, despite their inability to participate. The current retirement contribution rate for an ineligible employee in a regular class is 3.80%, while the contribution rate for an ineligible employee in a senior management class is 16.30%. Changing the department's current Chief Information Officer to a senior management class would result in an additional state retirement contribution of \$11,795 from the Salary and Benefits appropriation category.

If the current Chief Information Officer were to leave and the position was filled at the same annual rate with an employee that was eligible to participate in state retirement, then the retirement contribution for this regular class employee would be 7.37%. In this scenario, changing the position to a senior management class would increase the contribution rate to 21.14% and result in \$12,994 in additional state retirement contributions.

In either scenario, the department would manage these additional costs within existing salary and benefit appropriations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 288.1175, 482.1562, 500.03, 570.07, 570.30, 570.441, 570.50, 570.53, 570.544, 570.681, 570.685, 571.24, 571.27, 571.28, 581.181, 595.402, 595.404, 595.405, 595.406, 595.407, 595.408, 595.501, 595.601, 604.20, and 604.33.

This bill creates the following section of the Florida Statutes: 570.68.

This bill repeals the following section of the Florida Statutes: 589.26.

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

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

None.

B. Amendments:

None.

By Senator Montford

3-00902A-15

20151050__

1 A bill to be entitled
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; amending s. 288.1175, F.S.;
 4 removing provisions requiring the department to give
 5 certain priority consideration when evaluating
 6 applications for funding of agriculture education and
 7 promotion facilities; amending s. 482.1562, F.S.;
 8 clarifying the date by which an application for
 9 recertification of a limited certification for urban
 10 landscape commercial fertilizer application is
 11 required; removing provisions imposing late renewal
 12 charges; providing a grace period for such
 13 recertification; amending s. 500.03, F.S.; defining
 14 terms relating to the Florida Food Safety Act;
 15 amending s. 570.07, F.S.; revising powers and duties
 16 of the department to include sponsoring events;
 17 authorizing the department to secure letters of
 18 patent, copyrights, and trademarks on work products
 19 and to engage in acts accordingly; amending s. 570.30,
 20 F.S.; removing electronic data processing and
 21 management information systems support for the
 22 department as a power and duty of the Division of
 23 Administration; amending s. 570.441, F.S.; authorizing
 24 the use of funds in the Pest Control Trust Fund for
 25 activities of the Division of Agricultural
 26 Environmental Services; amending s. 570.50, F.S.;
 27 revising powers and duties of the Division of Food
 28 Safety to include analyzing milk, milk products, and
 29 frozen desserts offered for sale in the state;

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

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30 amending s. 570.53, F.S.; revising duties of the
 31 Division of Marketing and Development to remove
 32 enforcement of provisions relating to dealers in
 33 agricultural products; amending s. 570.544, F.S.;
 34 revising duties of the director of the Division of
 35 Consumer Services to include enforcement of provisions
 36 relating to dealers in agricultural products and grain
 37 dealers; creating s. 570.68, F.S.; authorizing the
 38 Commissioner of Agriculture to create an Office of
 39 Agriculture Technology Services; providing duties of
 40 the office; amending s. 570.681, F.S.; clarifying
 41 legislative findings with regard to the Florida
 42 Agriculture Center and Horse Park; amending s.
 43 570.685, F.S.; authorizing rather than requiring the
 44 department to provide administrative and staff support
 45 services, meeting space, and record storage for the
 46 Florida Agriculture Center and Horse Park Authority;
 47 amending s. 571.24, F.S.; clarifying the intent of the
 48 Florida Agricultural Promotional Campaign as a
 49 marketing program; removing an obsolete provision
 50 relating to the designation of a division employee as
 51 a member of the Advertising Interagency Coordinating
 52 Council; amending s. 571.27, F.S.; removing obsolete
 53 provisions relating to the authority of the department
 54 to adopt rules for entering into contracts with
 55 advertising agencies for services that are directly
 56 related to the Florida Agricultural Promotional
 57 Campaign; amending s. 571.28, F.S.; revising
 58 provisions specifying membership criteria of the

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59 Florida Agricultural Promotional Campaign Advisory
 60 Council; amending s. 581.181, F.S.; providing
 61 applicability of provisions requiring treatment or
 62 destruction of infested or infected plants and plant
 63 products; repealing s. 589.26, F.S., relating to the
 64 authority of the Florida Forest Service to dedicate
 65 and reserve state park lands for public use; amending
 66 s. 595.402, F.S.; defining terms relating to the
 67 school food and nutrition service program; amending s.
 68 595.404, F.S.; revising duties of the department with
 69 regard to the school food and nutrition service
 70 program; directing the department to collect and
 71 publish data on food purchased by sponsors through the
 72 Florida Farm to School Program and other school food
 73 and nutrition service programs; amending s. 595.405,
 74 F.S.; clarifying requirements for the School Nutrition
 75 Program; providing for breakfast meals to be available
 76 to all students in schools that serve any combination
 77 of grades kindergarten through 5; amending s. 595.406,
 78 F.S.; renaming the "Florida Farm Fresh Schools
 79 Program" as the "Florida Farm to School Program";
 80 authorizing the department to establish by rule a
 81 recognition program for certain sponsors; amending s.
 82 595.407, F.S.; revising provisions of the children's
 83 summer nutrition program to include certain schools
 84 that serve any combination of grades kindergarten
 85 through 5; revising provisions relating to the
 86 duration of the program; authorizing school districts
 87 to exclude holidays and weekends; amending s. 595.408,

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88 F.S.; conforming references to changes made by the
 89 act; amending s. 595.501, F.S.; requiring entities to
 90 complete corrective action plans required by the
 91 department or a federal agency to be in compliance
 92 with school food and nutrition service programs;
 93 amending s. 595.601, F.S.; correcting a cross-
 94 reference; amending s. 604.20, F.S.; removing a
 95 provision requiring an applicant for license as a
 96 dealer in agricultural products to submit a letter
 97 acknowledging assignment of a certificate of deposit
 98 from the issuing institution; amending s. 604.33,
 99 F.S.; removing provisions requiring grain dealers to
 100 submit monthly reports; authorizing rather than
 101 requiring the department to make at least one spot
 102 check annually of each grain dealer; providing an
 103 effective date.
 104
 105 Be It Enacted by the Legislature of the State of Florida:
 106
 107 Section 1. Subsection (5) of section 288.1175, Florida
 108 Statutes, is amended to read:
 109 288.1175 Agriculture education and promotion facility.-
 110 (5) The Department of Agriculture and Consumer Services
 111 shall ~~competitively~~ evaluate applications for funding of an
 112 agriculture education and promotion facility based on the
 113 following criteria and list the applications alphabetically by
 114 applicant name; ~~if the number of applicants exceeds three, the~~
 115 ~~Department of Agriculture and Consumer Services shall rank the~~
 116 ~~applications based upon criteria developed by the Department of~~

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117 ~~Agriculture and Consumer Services, with priority given in~~
 118 ~~descending order to the following items:~~

119 (a) ~~The intended use of the funds by the applicant, with~~
 120 ~~priority given to the construction of a new facility.~~

121 (b) ~~The amount of local match, with priority given to the~~
 122 ~~largest percentage of local match proposed.~~

123 (c) The location of the facility in a brownfield site as
 124 defined in s. 376.79(3), a rural enterprise zone as defined in
 125 s. 290.004, an agriculturally depressed area as defined in s.
 126 570.74, or a county that has lost its agricultural land to
 127 environmental restoration projects.

128 (d) The net increase, as a result of the facility, of total
 129 available exhibition, arena, or civic center space within the
 130 jurisdictional limits of the local government in which the
 131 facility is to be located, ~~with priority given to the largest~~
 132 ~~percentage increase of total exhibition, arena, or civic center~~
 133 ~~space.~~

134 (e) The historic record of the applicant in promoting
 135 agriculture and educating the public about agriculture,
 136 including, without limitation, awards, premiums, scholarships,
 137 auctions, and other such activities.

138 (f) The highest projection on paid attendance attracted by
 139 the agriculture education and promotion facility and the
 140 proposed economic impact on the local community.

141 (g) The location of the facility with respect to an
 142 Institute of Food and Agricultural Sciences (IFAS) facility,
 143 ~~with priority given to facilities closer in proximity to an IFAS~~
 144 ~~facility.~~

145 Section 2. Subsections (5) and (6) of section 482.1562,

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146 Florida Statutes, are amended to read:

147 482.1562 Limited certification for urban landscape
 148 commercial fertilizer application.-

149 (5) An application for recertification must be made 4 years
 150 after the date of issuance at least 90 days before the
 151 expiration of the current certificate and be accompanied by:

152 (a) Proof of having completed the 4 classroom hours of
 153 acceptable continuing education required under subsection (4).

154 (b) A recertification fee set by the department in an
 155 amount of at least \$25 but not more than \$75. Until the fee is
 156 set by rule, the fee for certification is \$25.

157 (6) ~~A late renewal charge of \$50 per month shall be~~
 158 ~~assessed 30 days after the date the application for~~
 159 ~~recertification is due and must be paid in addition to the~~
 160 ~~renewal fee. Unless timely recertified, a certificate~~
 161 ~~automatically expires 90 days after the recertification date.~~
 162 Upon expiration, or after a grace period which does not exceed
 163 30 days after expiration, a certificate may be issued only upon
 164 reapplying in accordance with subsection (3).

165 Section 3. Present paragraph (bb) of subsection (1) of
 166 section 500.03, Florida Statutes, is redesignated as paragraph
 167 (cc), and a new paragraph (bb) and paragraphs (dd) and (ee) are
 168 added to that subsection, to read:

169 500.03 Definitions; construction; applicability.-

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

171 (bb) "Retail" means the offering of food directly to the
 172 consumer.

173 (dd) "Vehicle" means a mode of transportation or mobile
 174 carrier used to transport food from one location to another,

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175 including, but not limited to, carts, vans, trucks, cars, trains
 176 and railway transport, and aircraft and watercraft type
 177 transport.

178 (ee) "Wholesale" means the offering of food to businesses
 179 for resale.

180 Section 4. Paragraph (c) of subsection (20) of section
 181 570.07, Florida Statutes, is amended, and subsection (44) is
 182 added to that section, to read:

183 570.07 Department of Agriculture and Consumer Services;
 184 functions, powers, and duties.—The department shall have and
 185 exercise the following functions, powers, and duties:

186 (20)

187 (c) To sponsor events, trade breakfasts, luncheons, and
 188 dinners and distribute promotional materials and favors in
 189 connection with meetings, conferences, and conventions of
 190 dealers, buyers, food editors, and merchandising executives that
 191 will assist in the promotion and marketing of Florida's
 192 agricultural and agricultural business products to the consuming
 193 public.

194
 195 The department is authorized to receive and expend donations
 196 contributed by private persons for the purpose of covering costs
 197 associated with the above described activities.

198 (44) The department may, in its own name:

199 (a) Perform all things necessary to secure letters of
 200 patent, copyrights, and trademarks on any work products of the
 201 department and enforce its rights therein.

202 (b) License, lease, assign, or otherwise give written
 203 consent to any person, firm, or corporation for the manufacture

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204 or use of such department work products on a royalty basis or
 205 for such other consideration as the department shall deem
 206 proper.

207 (c) Take any action necessary, including legal action, to
 208 protect such department work products against improper or
 209 unlawful use or infringement.

210 (d) Enforce the collection of any sums due to the
 211 department for the manufacture or use of such department work
 212 products by another party.

213 (e) Sell any of such department work products and execute
 214 all instruments necessary to consummate any such sale.

215 (f) Do all other acts necessary and proper for the
 216 execution of powers and duties conferred upon the department by
 217 this section, including adopting rules, as necessary, in order
 218 to administer this section.

219 Section 5. Subsection (5) of section 570.30, Florida
 220 Statutes, is amended, to read:

221 570.30 Division of Administration; powers and duties.—The
 222 Division of Administration shall render services required by the
 223 department and its other divisions, or by the commissioner in
 224 the exercise of constitutional and cabinet responsibilities,
 225 that can advantageously and effectively be centralized and
 226 administered and any other function of the department that is
 227 not specifically assigned by law to some other division. The
 228 duties of this division include, but are not limited to:

229 ~~(5) Providing electronic data processing and management~~
 230 ~~information systems support for the department.~~

231 Section 6. Subsection (4) is added to section 570.441,
 232 Florida Statutes, to read:

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233 570.441 Pest Control Trust Fund.—

234 (4) In addition to the uses authorized under subsection
 235 (2), moneys collected or received by the department under
 236 chapter 482 may be used to carry out the provisions of s.
 237 570.44. This subsection expires June 30, 2018.

238 Section 7. Subsection (5) of section 570.50, Florida
 239 Statutes, is amended to read:

240 570.50 Division of Food Safety; powers and duties.—The
 241 duties of the Division of Food Safety include, but are not
 242 limited to:

243 (5) Analyzing food and feed samples offered for sale in the
 244 state ~~for chemical residues~~ as required under the adulteration
 245 sections of chapters 500, 502, and 580.

246 Section 8. Subsection (2) of section 570.53, Florida
 247 Statutes, is amended to read:

248 570.53 Division of Marketing and Development; powers and
 249 duties.—The powers and duties of the Division of Marketing and
 250 Development include, but are not limited to:

251 ~~(2) Enforcing the provisions of ss. 604.15-604.34, the~~
 252 ~~dealers in agricultural products law, and ss. 534.47-534.53.~~

253 Section 9. Subsection (2) of section 570.544, Florida
 254 Statutes, is amended to read:

255 570.544 Division of Consumer Services; director; powers;
 256 processing of complaints; records.—

257 (2) The director shall supervise, direct, and coordinate
 258 the activities of the division and shall, under the direction of
 259 the department, enforce the provisions of ss. 604.15-604.34 and
 260 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
 261 and 849.

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262 Section 10. Section 570.68, Florida Statutes, is created to
 263 read:

264 570.68 Office of Agriculture Technology Services.—The
 265 commissioner may create an Office of Agriculture Technology
 266 Services under the supervision of a senior manager exempt under
 267 s. 110.205 in the Senior Management Service. The office shall
 268 provide electronic data processing and agency information
 269 technology services to support and facilitate the functions,
 270 powers, and duties of the department.

271 Section 11. Section 570.681, Florida Statutes, is amended
 272 to read:

273 570.681 Florida Agriculture Center and Horse Park;
 274 legislative findings.—It is the finding of the Legislature that:

275 ~~(1) Agriculture is an important industry to the State of~~
 276 ~~Florida, producing over \$6 billion per year while supporting~~
 277 ~~over 230,000 jobs.~~

278 (1)(2) Equine and other agriculture-related industries will
 279 strengthen and benefit each other with the establishment of a
 280 statewide agriculture and horse facility.

281 (2)(3) The A Florida Agriculture Center and Horse Park
 282 provides will provide Florida with a unique tourist experience
 283 for visitors and residents, thus generating taxes and additional
 284 dollars for the state.

285 (3)(4) Promoting the Florida Agriculture Center and Horse
 286 Park as a joint effort between the state and the private sector
 287 allows will allow this facility to utilize experts and generate
 288 revenue from many areas to ensure the success of this facility.

289 Section 12. Paragraphs (b) and (c) of subsection (4) of
 290 section 570.685, Florida Statutes, are amended to read:

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291 570.685 Florida Agriculture Center and Horse Park
 292 Authority.-

293 (4) The authority shall meet at least semiannually and
 294 elect a chair, a vice chair, and a secretary for 1-year terms.

295 (b) The department ~~may provide shall be responsible for~~
 296 ~~providing~~ administrative and staff support services relating to
 297 the meetings of the authority and ~~may shall~~ provide suitable
 298 space in the offices of the department for the meetings and the
 299 storage of records of the authority.

300 (c) In conducting its meetings, the authority shall use
 301 accepted rules of procedure. The secretary shall keep a complete
 302 record of the proceedings of each meeting, which shows record
 303 ~~shall show~~ the names of the members present and the actions
 304 taken. These records shall be kept on file with the department,
 305 and such records and other documents regarding matters within
 306 the jurisdiction of the authority shall be subject to inspection
 307 by members of the authority.

308 Section 13. Section 571.24, Florida Statutes, is amended to
 309 read:

310 571.24 Purpose; duties of the department.-The purpose of
 311 this part is to authorize the department to establish and
 312 coordinate the Florida Agricultural Promotional Campaign, which
 313 is intended to serve as a marketing program to promote Florida
 314 agricultural commodities, value-added products, and agricultural
 315 related businesses and not a food safety or traceability
 316 program. The duties of the department shall include, but are not
 317 limited to:

318 (1) Developing logos and authorizing the use of logos as
 319 provided by rule.

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320 (2) Registering participants.

321 (3) Assessing and collecting fees.

322 (4) Collecting rental receipts for industry promotions.

323 (5) Developing in-kind advertising programs.

324 (6) Contracting with media representatives for the purpose
 325 of dispersing promotional materials.

326 (7) Assisting the representative of the department who
 327 serves on the Florida Agricultural Promotional Campaign Advisory
 328 Council.

329 ~~(8) Designating a division employee to be a member of the~~
 330 ~~Advertising Interagency Coordinating Council.~~

331 (8)(9) Adopting rules pursuant to ss. 120.536(1) and 120.54
 332 to implement the provisions of this part.

333 (9)(10) Enforcing and administering the provisions of this
 334 part, including measures ensuring that only Florida agricultural
 335 or agricultural based products are marketed under the "Fresh
 336 From Florida" or "From Florida" logos or other logos of the
 337 Florida Agricultural Promotional Campaign.

338 Section 14. Section 571.27, Florida Statutes, is amended to
 339 read:

340 571.27 Rules.-The department is authorized to adopt rules
 341 that implement, make specific, and interpret the provisions of
 342 this part, ~~including rules for entering into contracts with~~
 343 ~~advertising agencies for services which are directly related to~~
 344 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
 345 ~~establish the procedures for negotiating costs with the offerors~~
 346 ~~of such advertising services who have been determined by the~~
 347 ~~department to be qualified on the basis of technical merit,~~
 348 ~~creative ability, and professional competency. Such~~

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 349 ~~determination of qualifications shall also include consideration~~
 350 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
 351 is further authorized to determine, by rule, the logos or
 352 product identifiers to be depicted for use in advertising,
 353 publicizing, and promoting the sale of Florida agricultural
 354 products or agricultural-based products in the Florida
 355 Agricultural Promotional Campaign. The department may also adopt
 356 rules consistent ~~not inconsistent~~ with the provisions of this
 357 part as in its judgment may be necessary for participant
 358 registration, renewal of registration, classes of membership,
 359 application forms, and ~~as well as~~ other forms and enforcement
 360 measures ensuring compliance with this part.

361 Section 15. Subsection (1) of section 571.28, Florida
 362 Statutes, is amended to read:

363 571.28 Florida Agricultural Promotional Campaign Advisory
 364 Council.—

365 (1) ORGANIZATION.—There is ~~hereby~~ created within the
 366 department the Florida Agricultural Promotional Campaign
 367 Advisory Council, to consist of 15 members appointed by the
 368 Commissioner of Agriculture for 4-year staggered terms. The
 369 membership shall include: 13 ~~14~~ members representing
 370 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
 371 ~~representing agricultural~~ retailers, ~~two members representing~~
 372 agricultural associations, and wholesalers ~~one member~~
 373 ~~representing a wholesaler~~ of agricultural products, one member
 374 representing consumers, and one member representing the
 375 department. Initial appointment of the council members shall be
 376 four members to a term of 4 years, four members to a term of 3
 377 years, four members to a term of 2 years, and three members to a

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 378 term of 1 year.
 379 Section 16. Subsection (3) is added to section 581.181,
 380 Florida Statutes, to read:
 381 581.181 Notice of infection of plants; destruction.—
 382 (3) This section does not apply to plants or plant products
 383 infested with pests or noxious weeds that are determined to be
 384 widely established within the state and are not specifically
 385 regulated under other sections of statutes or rules adopted by
 386 the department.
 387 Section 17. Section 589.26, Florida Statutes, is repealed.
 388 Section 18. Present subsections (4) and (5) of section
 389 595.402, Florida Statutes, are renumbered as subsections (5) and
 390 (6), respectively, and a new subsection (4) and subsections (7)
 391 and (8) are added to that section, to read:
 392 595.402 Definitions.—As used in this chapter, the term:
 393 (4) "School breakfast program" means a program authorized
 394 by section 4 of the Child Nutrition Act of 1966 and administered
 395 by the department.
 396 (7) "Summer nutrition program" means one or more of the
 397 programs authorized under 42 U.S.C. s. 1761.
 398 (8) "Universal school breakfast program" means a program
 399 that makes breakfast available at no cost to all students
 400 regardless of their household income.
 401 Section 19. Subsections (5) and (12) of section 595.404,
 402 Florida Statutes, are amended, and subsection (13) is added to
 403 that section, to read:
 404 595.404 School food and nutrition service program; powers
 405 and duties of the department.—The department has the following
 406 powers and duties:

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407 (5) To provide ~~make a reasonable effort to ensure that any~~
 408 ~~school designated as a "severe need school" receives the highest~~
 409 ~~rate of reimbursement to which it is entitled under 42 U.S.C. s.~~
 410 ~~1773 for each breakfast meal served.~~

411 (12) To advance funds from the program's annual
 412 appropriation to a summer nutrition program ~~sponsors,~~ when
 413 requested, in order to implement the provisions of this chapter
 414 and in accordance with federal regulations.

415 (13) To collect data on food purchased through the programs
 416 defined in ss. 595.402(3) and 595.406 and to publish that data
 417 annually.

418 Section 20. Section 595.405, Florida Statutes, is amended
 419 to read:

420 595.405 School Nutrition Program requirements ~~for school~~
 421 ~~districts and sponsors.-~~

422 (1) Each ~~school~~ district school board shall consider the
 423 recommendations of the district school superintendent and adopt
 424 policies to provide for an appropriate food and nutrition
 425 service program for students consistent with federal law and
 426 department rules.

427 (2) Each ~~school~~ district school board shall implement
 428 school breakfast programs that make breakfast meals available to
 429 all students in each elementary school that serves any
 430 combination of grades kindergarten through 5. ~~Universal school~~
 431 ~~breakfast programs shall be offered in schools in which 80~~
 432 ~~percent or more of the students are eligible for free or~~
 433 ~~reduced price meals. Each school shall, to the maximum extent~~
 434 ~~practicable, make breakfast meals available to students at an~~
 435 ~~alternative site location, which may include, but need not be~~

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436 ~~limited to, alternative breakfast options as described in~~
 437 ~~publications of the Food and Nutrition Service of the United~~
 438 ~~States Department of Agriculture for the federal School~~
 439 ~~Breakfast Program.~~

440 (3) Each ~~school~~ district school board must annually set
 441 prices for breakfast meals at rates that, combined with federal
 442 reimbursements and state allocations, are sufficient to defray
 443 costs of school breakfast programs without requiring allocations
 444 from the district's operating funds, except if the district
 445 school board approves lower rates.

446 ~~(4) Each school district is encouraged to provide~~
 447 ~~universal, free school breakfast meals to all students in each~~
 448 ~~elementary, middle, and high school. Each school district shall~~
 449 ~~approve or disapprove a policy, after receiving public testimony~~
 450 ~~concerning the proposed policy at two or more regular meetings,~~
 451 ~~which makes universal, free school breakfast meals available to~~
 452 ~~all students in each elementary, middle, and high school in~~
 453 ~~which 80 percent or more of the students are eligible for free~~
 454 ~~or reduced price meals.~~

455 (4)(5) Each elementary, middle, and high school operating a
 456 breakfast program shall make a breakfast meal available if a
 457 student arrives at school on the school bus less than 15 minutes
 458 before the first bell rings and shall allow the student at least
 459 15 minutes to eat the breakfast.

460 (5) Each school district is encouraged to provide
 461 universal, free school breakfast meals to all students in each
 462 elementary, middle, and high school. A universal school
 463 breakfast program shall be implemented in each school in which
 464 80 percent or more of the students are eligible for free or

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465 reduced-price meals, unless the district school board, after
 466 considering public testimony at two or more regularly scheduled
 467 board meetings, decides to not implement such a program in such
 468 schools.

469 (6) To increase school breakfast and universal school
 470 breakfast program participation, each school district must, to
 471 the maximum extent practicable, make breakfast meals available
 472 to students through alternative service models as described in
 473 publications of the Food and Nutrition Service of the United
 474 States Department of Agriculture for the federal School
 475 Breakfast Program.

476 (7)(6) Each school district school board shall annually
 477 provide to all students in each elementary, middle, and high
 478 school information prepared by the district's food service
 479 administration regarding available its school breakfast
 480 programs. The information shall be communicated through school
 481 announcements and written notices sent to all parents.

482 (8)(7) A school district school board may operate a
 483 breakfast program providing for food preparation at the school
 484 site or in central locations with distribution to designated
 485 satellite schools or any combination thereof.

486 ~~(8) Each sponsor shall complete all corrective action plans~~
 487 ~~required by the department or a federal agency to be in~~
 488 ~~compliance with the program.~~

489 Section 21. Section 595.406, Florida Statutes, is amended
 490 to read:

491 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

492 (1) In order to implement the Florida Farm to School ~~Fresh~~
 493 ~~Schools~~ Program, the department shall develop policies

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494 pertaining to school food services which encourage:

495 (a) Sponsors to buy fresh and high-quality foods grown in
 496 this state when feasible.

497 (b) Farmers in this state to sell their products to
 498 sponsors, school districts, and schools.

499 (c) Sponsors to demonstrate a preference for competitively
 500 priced organic food products.

501 (d) Sponsors to make reasonable efforts to select foods
 502 based on a preference for those that have maximum nutritional
 503 content.

504 (2) The department shall provide outreach, guidance, and
 505 training to sponsors, schools, school food service directors,
 506 parent and teacher organizations, and students about the benefit
 507 of fresh food products from farms in this state.

508 (3) The department may recognize sponsors who purchase at
 509 least 10 percent of the food they serve from the Florida Farm to
 510 School Program.

511 Section 22. Subsection (2) of section 595.407, Florida
 512 Statutes, is amended to read:

513 595.407 Children's summer nutrition program.—

514 (2) Each school district shall develop a plan to sponsor or
 515 operate a summer nutrition program to operate sites in the
 516 school district as follows:

517 (a) Within 5 miles of at least one ~~elementary~~ school that
 518 serves any combination of grades kindergarten through 5 at which
 519 50 percent or more of the students are eligible for free or
 520 reduced-price school meals and for the duration of 35
 521 ~~consecutive~~ days between the end of the school year and the
 522 beginning of the next school year. School districts may exclude

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523 holidays and weekends.

524 (b) Within 10 miles of each ~~elementary~~ school that serves
525 any combination of grades kindergarten through 5 at which 50
526 percent or more of the students are eligible for free or
527 reduced-price school meals, except as operated pursuant to
528 paragraph (a).

529 Section 23. Section 595.408, Florida Statutes, is amended
530 to read:

531 595.408 Food Commodity distribution services; department
532 responsibilities and functions.—

533 (1) (a) The department shall conduct, supervise, and
534 administer all food commodity distribution services that will be
535 carried on using federal or state funds, or funds from any other
536 source, or food commodities received and distributed from the
537 United States or any of its agencies.

538 (b) The department shall determine the benefits each
539 applicant or recipient of assistance is entitled to receive
540 under this chapter, provided that each applicant or recipient is
541 a resident of this state and a citizen of the United States or
542 is an alien lawfully admitted for permanent residence or
543 otherwise permanently residing in the United States under color
544 of law.

545 (2) The department shall cooperate fully with the United
546 States Government and its agencies and instrumentalities so that
547 the department may receive the benefit of all federal financial
548 allotments and assistance possible to carry out the purposes of
549 this chapter.

550 (3) The department may:

551 (a) Accept any duties with respect to food commodity

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552 distribution services as are delegated to it by an agency of the
553 federal government or any state, county, or municipal
554 government.

555 (b) Act as agent of, or contract with, the federal
556 government, state government, or any county or municipal
557 government in the administration of food commodity distribution
558 services to secure the benefits of any public assistance that is
559 available from the federal government or any of its agencies,
560 and in the distribution of funds received from the federal
561 government, state government, or any county or municipal
562 government for food commodity distribution services within the
563 state.

564 (c) Accept from any person or organization all offers of
565 personal services, food commodities, or other aid or assistance.

566 (4) This chapter does not limit, abrogate, or abridge the
567 powers and duties of any other state agency.

568 Section 24. Section 595.501, Florida Statutes, is amended
569 to read:

570 595.501 Penalties.—

571 (1) When a corrective action plan is issued by the
572 department or a federal agency, each sponsor is required to
573 complete the corrective action plan to be in compliance with the
574 program.

575 (2) Any person ~~or~~ sponsor, ~~or school district~~ that
576 violates any provision of this chapter or any rule adopted
577 thereunder or otherwise does not comply with the program is
578 subject to a suspension or revocation of their agreement, loss
579 of reimbursement, or a financial penalty in accordance with
580 federal or state law or both. This section does not restrict the

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581 applicability of any other law.

582 Section 25. Section 595.601, Florida Statutes, is amended
583 to read:

584 595.601 Food and Nutrition Services Trust Fund.—Chapter 99-
585 37, Laws of Florida, recreated the Food and Nutrition Services
586 Trust Fund to record revenue and disbursements of Federal Food
587 and Nutrition funds received by the department as authorized in
588 s. 595.404 ~~595.405~~.

589 Section 26. Subsection (1) of section 604.20, Florida
590 Statutes, is amended to read:

591 604.20 Bond or certificate of deposit prerequisite; amount;
592 form.—

593 (1) Before any license is issued, the applicant ~~therefor~~
594 shall make and deliver to the department a surety bond or
595 certificate of deposit in the amount of at least \$5,000 or in
596 such greater amount as the department may determine. No bond or
597 certificate of deposit may be in an amount less than \$5,000. The
598 penal sum of the bond or certificate of deposit to be furnished
599 to the department by an applicant for license as a dealer in
600 agricultural products shall be in an amount equal to twice the
601 dollar amount of agricultural products handled for a Florida
602 producer or a producer's agent or representative, by purchase or
603 otherwise, during the month of maximum transaction in such
604 products during the preceding 12-month period. An applicant for
605 license who has not handled agricultural products for a Florida
606 producer or a producer's agent or representative, by purchase or
607 otherwise, during the preceding 12-month period shall furnish a
608 bond or certificate of deposit in an amount equal to twice the
609 estimated dollar amount of such agricultural products to be

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610 handled, by purchase or otherwise, during the month of maximum
611 transaction during the next immediate 12 months. Such bond or
612 certificate of deposit shall be provided or assigned in the
613 exact name in which the dealer will conduct business subject to
614 ~~the provisions of~~ ss. 604.15-604.34. Such bond must be executed
615 by a surety company authorized to transact business in the
616 state. For the purposes of ss. 604.19-604.21, the term
617 "certificate of deposit" means a certificate of deposit at any
618 recognized financial institution doing business in the United
619 States. A ~~No~~ certificate of deposit may not be accepted in
620 connection with an application for a dealer's license unless the
621 issuing institution is properly insured by either the Federal
622 Deposit Insurance Corporation or the Federal Savings and Loan
623 Insurance Corporation. Such bond or any certificate of deposit
624 assignment or agreement shall be upon a form prescribed or
625 approved by the department and shall be conditioned to secure
626 the faithful accounting for and payment, in the manner
627 prescribed by s. 604.21(9), to producers or their agents or
628 representatives of the proceeds of all agricultural products
629 handled or purchased by such dealer and to secure payment to
630 dealers who sell agricultural products to such dealer. Such bond
631 or certificate of deposit assignment or agreement shall include
632 terms binding the instrument to the Commissioner of Agriculture.
633 A certificate of deposit shall be presented with an assignment
634 of applicant's rights in the certificate in favor of the
635 Commissioner of Agriculture on a form prescribed by the
636 department ~~and with a letter from the issuing institution~~
637 acknowledging that the assignment has been properly recorded on
638 the books of the issuing institution and will be honored by the

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639 issuing institution. Such assignment shall be irrevocable while
 640 the dealer's license is in effect and for an additional period
 641 of 6 months after the termination or expiration of the dealer's
 642 license, ~~if a provided~~ no complaint is not pending against the
 643 licensee. If a complaint is pending, the assignment shall remain
 644 in effect until all actions on the complaint have been
 645 finalized. The certificate of deposit may be released by the
 646 assignee of the financial institution to the licensee or the
 647 licensee's successors, assignee, or heirs if ~~no~~ claims are not
 648 pending against the licensee before the department at the
 649 conclusion of 6 months after the last effective date of the
 650 license. A ~~no~~ certificate of deposit which shall be accepted
 651 ~~that~~ contains any provision that would give the issuing
 652 institution any prior rights or claim on the proceeds or
 653 principal of such certificate of deposit may not be accepted.
 654 The department shall determine by rule the maximum amount of
 655 bond or certificate of deposit required of a dealer and whether
 656 an annual bond or certificate of deposit will be required.

657 Section 27. Section 604.33, Florida Statutes, is amended to
 658 read:

659 604.33 Security requirements for grain dealers.—Each grain
 660 dealer doing business in the state shall maintain liquid
 661 security, in the form of grain on hand, cash, certificates of
 662 deposit, or other nonvolatile security that can be liquidated in
 663 10 days or less, or cash bonds, surety bonds, or letters of
 664 credit, that have been assigned to the department and that are
 665 conditioned to secure the faithful accounting for and payment to
 666 the producers for grain stored or purchased, in an amount equal
 667 to the value of grain which the grain dealer has received from

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668 grain producers for which the producers have not received
 669 payment. The bonds must be executed by the applicant as
 670 principal and by a surety corporation authorized to transact
 671 business in the state. The certificates of deposit and letters
 672 of credit must be from a recognized financial institution doing
 673 business in the United States. ~~Each grain dealer shall report to~~
 674 ~~the department monthly, on or before a date established by rule~~
 675 ~~of the department, the value of grain she or he has received~~
 676 ~~from producers for which the producers have not received payment~~
 677 ~~and the types of transaction involved, showing the value of each~~
 678 ~~type of transaction. The report shall also include a statement~~
 679 ~~showing the type and amount of security maintained to cover the~~
 680 ~~grain dealer's liability to producers.~~ The department may shall
 681 make at least one spot check annually of each grain dealer to
 682 determine compliance with the requirements of this section.

683 Section 28. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/10/15

Meeting Date

SB 1050

Bill Number (if applicable)

Topic Department of Agriculture and Consumer Services

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title Director of Legislative Affairs

Address PL 10 The Capitol

Phone 617-7700

Street

Tallahassee

City

FL

State

32399

Zip

Email

Speaking: For Against Information

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

Representing Florida Department of Agriculture and Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
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 1220

INTRODUCER: Senator Grimsley

SUBJECT: Cattle Market Development Act

DATE: March 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Becker	Becker	AG	Favorable
2.	_____	_____	AGG	_____
3.	_____	_____	FP	_____

I. Summary:

SB 1220 makes a number of changes to the Beef Market Development Act, including:

- Renaming the Beef Market Development Act as the Cattle Market Development Act;
- Renaming the Florida Beef Council, Inc., as the Florida Cattle Enhancement Board, Inc;
- Authorizing the Cattle Enhancement Board to impose additional assessments; and
- Removing provisions authorizing the board to sue and be sued without individual liability of the members, to maintain a financial reserve for emergency use, to appoint advisory groups, to accept grants, donations, contributions, or gifts from any source, and to pay other organizations for work or services.

II. Present Situation:

The 1985 Farm Bill established a national beef check-off program that became mandatory in 1988. The program is based on a \$1 per head assessment, of which one-half is controlled by beef councils at the state level. The check-off funds are expended on advertising, marketing, education, and research – all aimed at stimulating beef sales.

In 2003 the U.S. Court of Appeals of the 8th Circuit, in Livestock Marketing Association v. United States Department of Agriculture, 335 F.3d 711, (8th Cir.2003), affirmed a decision of the U.S. District Court in South Dakota which held the national beef check-off program was unconstitutional. The beef producers in the stated resolved that it was in their interest to have a state-level program on stand-by if the national check-off program was ruled unconstitutional by the U.S. Supreme Court.

The 2004 Legislature established the Beef Market Development Act¹ (the act), which generally:

¹ Chapter 2004-65.

- Established legislative intent;
- Created definitions;
- Established a not-for-profit corporation, The Florida Beef Council (council), organized to operate as a direct-support organization under the Department of Agriculture and Consumer Services;
- Established the council's governance structure through a 13-member board of directors;
- Established procedures for a referendum on assessments up to \$1 per head of cattle;
- Established the powers and duties of the council;
- Set forth procedures for the collection and remission of assessments at the time of sale by a collection agent;
- Established procedures for a producer of cattle to obtain a full refund upon request within 45 days after the sale transaction takes place;
- Provided that a referendum to vote to continue the act could be held once in a three-year period if certain criteria were met;
- Directed the council to adopt bylaws to carry out the intent and purposes of the act; and
- Provided an effective date of when the bill became law, but assessments or a referendum relating to such assessments would be delayed until certain criteria were met.

The U.S. Supreme Court ruled that the national check-off program was constitutional, so the assessment provided for in the act was never implemented.

III. Effect of Proposed Changes:

Section 1 renames the Beef Market Development Act as the Cattle Market Development Act and renames the Florida Beef Council, Inc., as the Florida Cattle Enhancement Board, Inc.

The bill provides for a referendum to take place within 180 days after July 1, 2015, which will ask producers in the state if they approve of a Florida assessment program of up to \$1 per head of cattle. This assessment would be in addition to the national check-off. The referendum may not be held more often than once every 3 years. The contributions would be mandatory and refundable upon request. The bill also provides for additional referenda to increase the assessment if petitions are received from at least 1,800 producers or 10 percent of Florida's producers.

The bill specifies that the assessment fee will be collected at the time of sale and will be forwarded to the board by the 15th of each month. It establishes a procedure for the refund of the assessment.

The bill renames the Florida Beef Council, Inc., as the Florida Cattle Enhancement Board, Inc., and grants the Board the same powers as the Council, while removing duplicative powers and consolidating the governing language into one section. The bill removes the ability of the Board to accept grants and gifts or make payments to organizations for services performed.

The bill deletes a provision that the Act shall be repealed on October 1, 2019, unless saved from repeal by the Legislature.

The bill revises the definition of “cattle” to eliminate the provision that a cow and nursing calf sold together are considered one unit.

Section 2 provides that the act shall take effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the assessment is approved, it would result in an additional cost to beef producers, of up to \$1 per cattle sold.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 570.83 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Grimsley

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1 A bill to be entitled
 2 An act relating to the Cattle Market Development Act;
 3 amending s. 570.83, F.S.; renaming the Beef Market
 4 Development Act as the Cattle Market Development Act;
 5 renaming the Florida Beef Council, Inc., as the
 6 Florida Cattle Enhancement Board, Inc.; conforming
 7 intent and definitions; removing a provision that
 8 deems a cow and nursing calf sold together as one
 9 unit; authorizing the Cattle Enhancement Board to
 10 impose additional assessments; revising the powers and
 11 duties of the board; providing for the Commissioner of
 12 Agriculture to appoint a voting member rather than an
 13 ex officio, nonvoting member to the governing board of
 14 the Cattle Enhancement Board; providing for staggered
 15 terms of governing board members; providing for
 16 initial and subsequent appointment of governing board
 17 members; authorizing the commissioner to initiate a
 18 referendum on assessments with certain notice;
 19 directing the commissioner to designate a specified
 20 number of days for a referendum to take place;
 21 limiting referenda on per-head-of-cattle assessments
 22 to once every 3 years; removing provisions requiring
 23 the board to maintain frequent communication with
 24 officers and industry representatives at the state and
 25 national levels; removing provisions authorizing the
 26 board to sue and be sued without individual liability
 27 of the members, to maintain a financial reserve for
 28 emergency use, to appoint advisory groups, to accept
 29 grants, donations, contributions, or gifts from any

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30 source, and to pay other organizations for work or
 31 services; specifying a date by which collection agents
 32 must collect and forward assessments to the board;
 33 removing provisions entitling collection agents to
 34 deduct a fee from the amount of assessments collected;
 35 removing a future repeal; providing an effective date.
 36

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

38
 39 Section 1. Section 570.83, Florida Statutes, is amended to
 40 read:

41 570.83 Cattle ~~Beef~~ Market Development Act; definitions;
 42 Florida Cattle Enhancement Board ~~Beef Council~~, Inc., creation,
 43 purposes, governing board, powers, and duties; referendum on
 44 assessments imposed on gross receipts from cattle sales;
 45 payments to organizations for services; collecting and refunding
 46 assessments; vote on continuing the act; board ~~council~~ bylaws.-

47 (1) SHORT TITLE ~~POPULAR NAME~~.—This section ~~act~~ may be cited
 48 as the "Cattle ~~Beef~~ Market Development Act."

49 (2) LEGISLATIVE INTENT.—The Legislature intends by this act
 50 to promote the growth of the cattle industry in this state; to
 51 assure the public an adequate and wholesome food supply; to
 52 provide for the general economic welfare of producers and
 53 consumers of beef and the state; and to provide the ~~beef~~ cattle
 54 ~~production and feeding~~ industry of this state with the authority
 55 to establish a self-financed, self-governed program to help
 56 develop, maintain, and expand the state, national, and foreign
 57 markets for beef and beef products that are produced, processed,
 58 or manufactured in this state.

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59 (3) DEFINITIONS.—As used in this section ~~act~~, the term:

60 (a) "Beef" or "beef products" means the products of beef
61 intended for human consumption which are derived from any bovine
62 animal, regardless of age, including, but not limited to, veal.

63 ~~(c) (b)~~ "Cattle" means such animals as are so designated by
64 federal law, including any marketing, promotion, and research
65 orders as are in effect. Unless such federal law provides to the
66 contrary, the term "cattle" includes all bovine animals,
67 regardless of age, including, but not limited to, calves. ~~A cow
68 and nursing calf sold together are considered one unit.~~

69 ~~(b) (e)~~ "Board" or "Florida Cattle Enhancement Board"
70 "Council" means the Florida Cattle Enhancement Board Beef
71 Council, Inc.

72 ~~(e) (d)~~ "Department" means the Department of Agriculture and
73 Consumer Services.

74 ~~(d) (e)~~ "Collection agent" means a person who sells, offers
75 for sale, markets, distributes, trades, or processes cattle that
76 have been purchased or acquired from a producer or that are
77 marketed on behalf of a producer. The term also includes
78 meatpacking firms and their agents that purchase or consign to
79 purchase cattle.

80 (f) "Person" means any natural person, partnership,
81 corporation, company, association, society, trust, or other
82 business unit or organization.

83 (g) "Producer" means a person that has owned or sold cattle
84 in the previous calendar year or presently owns cattle.

85 (4) FLORIDA CATTLE ENHANCEMENT BOARD ~~BEEF COUNCIL~~, INC. ;
86 CREATION; PURPOSES.—

87 (a) There is created the Florida Cattle Enhancement Board

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88 ~~Beef Council, Inc.~~, a not-for-profit corporation organized under
89 the laws of this state for the purpose of ~~and~~ operating as a
90 direct-support organization to ~~of~~ the department pursuant to
91 this section.

92 (b) The board ~~may~~ ~~council is authorized to~~ impose an
93 initial assessment, in addition to any other assessment provided
94 by law, of not more than \$1 on each head of cattle sold in the
95 state if the imposition of the assessment is approved by
96 referendum pursuant to subsection (6). The proceeds of the
97 assessment shall be used to fund the activities of the board
98 ~~council~~. ~~The council shall:~~

99 1. ~~Establish the amount of the assessment at not more than~~
100 ~~\$1 per head of cattle.~~

101 2. ~~Develop, implement, and monitor a collection system for~~
102 ~~the assessment.~~

103 3. ~~Coordinate the collection of the assessment with other~~
104 ~~states.~~

105 4. ~~Establish refund procedures.~~

106 5. ~~Conduct referenda under subsections (6) and (12).~~

107 ~~(c) The council shall:~~

108 1. ~~Plan, implement, and conduct programs of promotion,~~
109 ~~research, and consumer information or industry information which~~
110 ~~are designed to strengthen the cattle industry's market position~~
111 ~~in this state and in the nation and to maintain and expand~~
112 ~~domestic and foreign markets and expand uses for beef and beef~~
113 ~~products.~~

114 2. ~~Use the proceeds of the assessment for the purpose of~~
115 ~~funding cattle production and beef research, education,~~
116 ~~promotion, and consumer and industry information in this state~~

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117 and in the nation.

118 ~~3. Plan and implement a cattle and beef industry feedback~~

119 ~~program in this state.~~

120 ~~4. Coordinate research, education, promotion, industry, and~~

121 ~~consumer information programs with any national programs or~~

122 ~~programs of other states.~~

123 ~~5. Develop new uses and markets for beef and beef products.~~

124 ~~6. Develop and improve methods of distributing beef and~~

125 ~~beef products to the consumer.~~

126 ~~7. Develop methods of improving the quality of beef and~~

127 ~~beef products for the benefit of consumers.~~

128 ~~8. Inform and educate the public concerning the nutritive~~

129 ~~and economic values of beef and beef products.~~

130 ~~9. Serve as a liaison within the beef and other food~~

131 ~~industries of the state and elsewhere in matters that would~~

132 ~~increase efficiencies that ultimately benefit both consumers and~~

133 ~~industry.~~

134 ~~10. Buy, sell, mortgage, rent, or improve, in any manner~~

135 ~~that the council considers expedient, real property or personal~~

136 ~~property, or both.~~

137 ~~11. Publish and distribute such papers or periodicals as~~

138 ~~the board of directors considers necessary to encourage and~~

139 ~~accomplish the purposes of the council.~~

140 ~~12. Do all other acts necessary or expedient for the~~

141 ~~administration of the affairs and attainment of the purposes of~~

142 ~~the council.~~

143 ~~13. Approve an annual plan, budget, and audit for the~~

144 ~~council.~~

145 (c)(d)1. The board council may not participate in or

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146 intervene in any political campaign on behalf of or in

147 opposition to any candidate for public office. This restriction

148 includes, but is not limited to, a prohibition against

149 publishing or distributing any statements.

150 (d)2. ~~No part of~~ The net receipts of the board may not

151 ~~council shall~~ inure to the benefit of or be distributable to its

152 directors, its officers, or other private persons, except that

153 the board council may pay reasonable compensation for services

154 rendered by staff employees and may make payments and

155 distributions in furtherance ~~of the purposes~~ of this section

156 ~~act.~~

157 (e)3. Notwithstanding any other provision of law, the board

158 ~~council~~ may not carry on any other activities prohibited for not

159 ~~permitted to be carried on:~~

160 1.a. ~~By~~ A corporation exempt from federal income tax under

161 s. 501(c)(3) of the Internal Revenue Code of 1986, as amended;

162 or

163 2.b. ~~By~~ A corporation to which contributions are deductible

164 under s. 170(c)(2) of the Internal Revenue Code of 1986, as

165 amended.

166 (f)4. Notwithstanding any other statement of the purposes

167 and responsibilities of the board council, the board council may

168 not engage in any activities or exercise any powers that are not

169 in furtherance of its ~~specific and primary~~ purposes.

170 (5) GOVERNING BOARD.—

171 (a) The Florida Cattle Enhancement Board Beef Council,

172 ~~Inc.,~~ shall be governed by a board of directors composed of 14

173 ~~13~~ members as follows:

174 1. Eight, ~~including 8~~ representatives of the Florida

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175 Cattlemen's Association, of whom one is a representative of the
 176 Florida Association of Livestock Markets and one is a practicing
 177 order buyer.†

178 2. One a representative of the Dairy Farmers, Inc.†
 179 3. One a representative of the Florida CattleWomen, Inc.†
 180 4. One a representative of the Florida Farm Bureau
 181 Federation.†

182 5. One representative of an allied-industry.
 183 6. One representative of the department appointed by the
 184 Commissioner of Agriculture, representative; and
 185 7. One representative of the an Institute of Food and
 186 Agricultural Sciences representative.

187 (b) The initial board of directors shall be appointed by
 188 the Commissioner of Agriculture for staggered terms a term of 1
 189 year for three members, 2 years for three members, 3 years for
 190 four members, and 4 years for four members. Each subsequent
 191 vacancy shall be filled in accordance with the bylaws of the
 192 Florida Cattle Enhancement Board council. Thereafter, each ~~board~~
 193 member of the board of directors shall be appointed by the
 194 Florida Cattle Enhancement Board to serve a 3-year term and may
 195 be reappointed to serve an additional consecutive term. A member
 196 may not serve more than two consecutive terms. A member must be
 197 a resident of this state and must be a producer who has been a
 198 producer for at least the 5 years immediately preceding the
 199 first day of his or her service on the board, except that the
 200 representative of the Florida Farm Bureau Federation, the
 201 allied-industry representative, the department representative,
 202 and the Institute of Food and Agricultural Sciences
 203 representative need not be producers. All ~~members of the beef~~

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204 ~~council board of directors positions~~ shall serve without
 205 compensation but be unsalaried; however, the board members are
 206 entitled to reimbursement as provided in s. 112.061 for travel
 207 and other expenses incurred in carrying out ~~the intents and~~
 208 ~~purposes of this section act.~~

209 (c) The Florida Cattle Enhancement Board council shall
 210 provide for its officers through its bylaws, including the
 211 ability to set forth offices and responsibilities and form
 212 committees necessary for the implementation of this section act.
 213 ~~The Commissioner of Agriculture may designate an ex-officio~~
 214 ~~nonvoting member of the board of directors.~~

215 (d) If a member of the board of directors misses three
 216 consecutive, officially called meetings, the board of directors
 217 may declare that position vacant.

218 (6) REFERENDUM ON ASSESSMENTS.—

219 (a) All producers in this state shall have the opportunity
 220 to vote in a referendum to determine whether the Florida Cattle
 221 Enhancement Board may council shall be authorized to impose an
 222 assessment of not more than \$1 per head on cattle sold in the
 223 state. The referendum shall pose the question: "Do you approve
 224 of a Florida an assessment program, up to \$1 per head of cattle
 225 pursuant to section 570.83, Florida Statutes, to be funded
 226 through specific contributions that are mandatory and refundable
 227 upon request?" The initial referendum under this paragraph shall
 228 take place within 180 days after July 1, 2015. Such referendum
 229 may not be held more often than once every 3 years.

230 (b) Additional referenda may be held to authorize the board
 231 to increase the assessment to more than \$1 per head of cattle if
 232 the board receives petitions from at least 1,800 producers or 10

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233 percent of Florida's producers as determined by the department,
 234 whichever is less, requesting an increase in the assessment or
 235 if the board, by a two-thirds vote of its voting members,
 236 approves a motion to increase the assessment. All petition
 237 signatures must be collected within a consecutive 12-month
 238 period. The referendum shall pose the question: "Do you approve
 239 of granting the Florida Cattle Enhancement Board, Inc.,
 240 authority to increase the per-head-of-cattle assessment pursuant
 241 to section 570.83, Florida Statutes, from ...(present rate)...
 242 to up to a maximum of ...(proposed rate)... per head?" Such
 243 referendum may not be held more often than once every 3 years.

244 (c) If the board receives petitions from at least 1,800
 245 producers or 10 percent of Florida's producers as determined by
 246 the department, whichever is less, asking, "Shall the assessment
 247 authorized by the Cattle Market Development Act continue?" the
 248 board shall, within 90 days, conduct a referendum to determine
 249 whether a majority of the producers voting in the referendum
 250 support the continuation of the Cattle Market Development Act.
 251 All petition signatures must be collected within a consecutive
 252 12-month period. Such referendum may not be held more often than
 253 once every 3 years.

254 (d) The Commissioner of Agriculture may initiate a
 255 referendum with a 90-day notice, but not more often than once
 256 every 3 years.

257 (e)(a) A referendum held under this subsection ~~section~~ must
 258 be conducted by secret ballot at extension offices of the
 259 Institute of Food and Agricultural Sciences of the University of
 260 Florida or at offices of the United States Department of
 261 Agriculture with the cooperation of the department to ensure

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262 fairness in the referendum process.

263 (f) The Commissioner of Agriculture shall designate at
 264 least 5 but not more than 10 consecutive business days for the
 265 referendum to take place.

266 (g)(b) Notice of a referendum ~~to be held under this act~~
 267 must be given at least once in trade publications, the public
 268 press, and statewide newspapers at least 30 days before the
 269 referendum is held.

270 ~~(e) Additional referenda may be held to authorize the~~
 271 ~~council to increase the assessment to more than \$1 per head of~~
 272 ~~cattle. Such referendum shall pose the question: "Do you approve~~
 273 ~~of granting the Florida Beef Council, Inc., authority to~~
 274 ~~increase the per head of cattle assessment pursuant to section~~
 275 ~~570.83, Florida Statutes, from ...(present rate)... to up to a~~
 276 ~~maximum of ...(proposed rate)... per head?" Referenda may not be~~
 277 ~~held more often than once every 3 years.~~

278 (h)(d) Each ~~cattle~~ producer is entitled to only one vote in
 279 a referendum held under this subsection ~~section~~. Proof of
 280 identification and cattle ownership must be presented before
 281 voting.

282 (i)(e) A simple majority of those casting ballots shall
 283 determine any issue that requires a referendum under this
 284 subsection ~~section~~.

285 (7) POWERS AND DUTIES OF THE BOARD COUNCIL.--

286 (a) The board council shall:

287 1. Establish the amount of the assessment at not more than
 288 \$1 per head of cattle.

289 2. Develop, implement, and monitor a collection system for
 290 the assessment.

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- 291 3. Coordinate the collection of the assessment with other
 292 states.
- 293 4. Establish refund procedures.
- 294 5. Conduct referenda under subsection (6).
- 295 6. Plan, implement, and conduct programs of promotion,
 296 research, and consumer and industry information which are
 297 designed to strengthen the market position of the cattle
 298 industry in this state and in the nation and to maintain and
 299 expand domestic and foreign markets and expand uses for beef and
 300 beef products.
- 301 7. Use the proceeds of the assessment for the purpose of
 302 funding cattle production and beef research, education,
 303 promotion, and consumer and industry information in this state
 304 and in the nation.
- 305 8. Plan and implement a cattle and beef industry feedback
 306 program in this state.
- 307 9. Coordinate research, education, promotion, industry, and
 308 consumer information programs with any national programs or
 309 programs of other states.
- 310 10. Serve as a liaison within the beef and other food
 311 industries of the state and elsewhere in matters that would
 312 increase efficiencies that ultimately benefit consumers and the
 313 industry.
- 314 11. Buy, sell, mortgage, rent, or improve, in any manner
 315 that the board considers expedient, real property or personal
 316 property, or both.
- 317 12. Publish and distribute such papers or periodicals as
 318 the board of directors considers necessary to encourage and
 319 accomplish the purposes of the Florida Cattle Enhancement Board.

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- 320 ~~13.1-~~ Receive and disburse funds, pursuant to as prescribed
 321 ~~elsewhere in this section act,~~ to be used in administering and
 322 implementing this section the act.
- 323 ~~2. Maintain a permanent record of its business proceedings.~~
- 324 ~~3. Maintain a permanent, detailed record of its financial~~
 325 ~~dealings.~~
- 326 ~~4. Prepare periodic reports and an annual report of its~~
 327 ~~activities for the fiscal year, for review by the beef industry~~
 328 ~~in this state, and file its annual report with the department.~~
- 329 ~~14.5-~~ Prepare, for review by the cattle beef industry in
 330 this state, periodic reports and an annual accounting for each
 331 fiscal year of all receipts and expenditures to be filed with
 332 the department, and ~~shall~~ retain a certified public accountant
 333 for this purpose.
- 334 ~~15.6-~~ Appoint a licensed banking institution to serve as
 335 the depository for program funds and to handle disbursements of
 336 those funds.
- 337 ~~7. Maintain frequent communication with officers and~~
 338 ~~industry representatives at the state and national levels,~~
 339 ~~including the department.~~
- 340 ~~16.8-~~ Maintain an office in this state.
- 341 17. Do all other acts necessary and permitted by law to
 342 further the intent of this section.
- 343 (b) The board ~~council~~ may:
- 344 1. Conduct or contract for scientific research with any
 345 accredited university, college, or similar institution, and
 346 enter into other contracts or agreements that will aid in
 347 carrying out the purposes of the program, including contracts
 348 for the purchase or acquisition of facilities or equipment

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

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349 necessary to carry out the purposes of the program.

350 2. Disseminate reliable information benefiting the consumer
351 and the beef industry on subjects such as, but not limited to,
352 the purchase, identification, care, storage, handling, cookery,
353 preparation, serving, and nutritive value of beef and beef
354 products.

355 ~~3. Provide to government bodies, on request, information~~
356 ~~relating to subjects of concern to the beef industry, and may~~
357 Act jointly or in cooperation with the state or Federal
358 Government, and agencies thereof, in the development or
359 administration of programs that the board council considers to
360 be consistent with the objectives of the program.

361 4. Sue and be sued as a council without individual
362 liability of the members for acts of the council when acting
363 within the scope of the powers of this act and in the manner
364 prescribed by the laws of this state.

365 ~~4.5.~~ Borrow from licensed lending institutions money in
366 amounts that are not cumulatively greater than 50 percent of the
367 board's council's anticipated annual income.

368 ~~6. Maintain a financial reserve for emergency use, the~~
369 ~~total of which must not exceed 50 percent of the council's~~
370 ~~anticipated annual income.~~

371 ~~7. Appoint advisory groups composed of representatives from~~
372 ~~organizations, institutions, governments, or businesses related~~
373 ~~to or interested in the welfare of the beef industry and the~~
374 ~~consuming public.~~

375 ~~5.8.~~ Employ staff subordinate officers and employees of the
376 council, prescribe their duties, and fix their compensation and
377 terms of employment.

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378 ~~6.9.~~ Cooperate with any local, state, regional, or
379 nationwide organization or agency engaged in work or activities
380 consistent with the objectives of the program.

381 ~~7.10.~~ Cause any duly authorized agent or representative to
382 enter upon the premises of any market agency, market agent,
383 collection agency, or collection agent and examine or cause to
384 be examined, only by the authorized agent, ~~only~~ books, papers,
385 and records that deal with the payment of the assessment
386 provided for in this section ~~act~~ or with the enforcement of this
387 section act.

388 ~~11. Do all other things necessary to further the intent of~~
389 ~~this act which are not prohibited by law.~~

390 ~~(8) ACCEPTANCE OF GRANTS AND GIFTS. The council may accept~~
391 ~~grants, donations, contributions, or gifts from any source if~~
392 ~~the use of such resources is not restricted in any manner that~~
393 ~~the council considers to be inconsistent with the objectives of~~
394 ~~the program.~~

395 ~~(9) PAYMENTS TO ORGANIZATIONS.—~~

396 ~~(a) The council may pay funds to other organizations for~~
397 ~~work or services performed which are consistent with the~~
398 ~~objectives of the program.~~

399 ~~(b) Before making payments described in this subsection,~~
400 ~~the council must secure a written agreement that the~~
401 ~~organization receiving payment will:~~

402 ~~1. Furnish at least annually, or more frequently on request~~
403 ~~of the council, written or printed reports of program activities~~
404 ~~and reports of financial data that are relative to the council's~~
405 ~~funding of such activities; and~~

406 ~~2. Agree to have appropriate representatives attend~~

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407 ~~business meetings of the council as reasonably requested by the~~
 408 ~~chairperson of the council.~~

409 ~~(c) The council may require adequate proof of security~~
 410 ~~bonding on said funds to any individual, business, or other~~
 411 ~~organization.~~

412 ~~(8)(10)~~ COLLECTION OF MONEYS AT TIME OF MARKETING.—

413 (a) Each collection agent shall ~~may~~ deduct from the gross
 414 receipts of the producer, at the time of sale, the assessment
 415 imposed by the board council.

416 (b) The collection agent shall collect all such moneys and
 417 forward them to the board by the 15th of each council
 418 ~~periodically, at least once a month,~~ and The board council
 419 shall provide appropriate business forms for the convenience of
 420 the collecting agent in executing this duty.

421 (c) The board council shall maintain within its financial
 422 records a separate accounting of all moneys received under this
 423 section subsection.

424 (d) The assessment is due and payable upon the sale of
 425 cattle in this state. The assessment constitutes a personal debt
 426 of the producer who is so assessed or who otherwise owes the
 427 assessment. If a producer fails to remit any properly due
 428 assessment, the board council may bring a civil action against
 429 that person in the circuit court of any county for the
 430 collection thereof, and may add a penalty in the amount of 10
 431 percent of the assessment owed, the cost of enforcing the
 432 collection of the assessment, court costs, and reasonable
 433 attorney attorney's fees. The action shall be tried and judgment
 434 rendered as in any other cause of action for debts due and
 435 payable. All assessments, penalties, and enforcement costs are

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436 due and payable to the board council.

437 (e) The board council may adopt reciprocal agreements with
 438 other beef councils or similar organizations relating to moneys
 439 collected by at Florida collection agents on cattle from other
 440 states and to Florida cattle sold at other state markets.

441 ~~(f) The collection agents shall be entitled to deduct 2.5~~
 442 ~~percent of the amount collected to retain as a reasonable~~
 443 ~~collection allowance prior to remitting the funds to the~~
 444 ~~council.~~

445 ~~(9)(11)~~ REFUNDS.—

446 (a) A producer who has had moneys deducted from his or her
 447 gross sales receipts under this section act is entitled to a
 448 prompt and full refund on request.

449 (b) The board council shall make available to all
 450 collection agents business forms for requesting refunds
 451 ~~permitting request for refund~~, which forms are to be submitted
 452 by the objecting producer within 45 days after the sale
 453 transaction takes place.

454 (c) A refund claim must include the claimant's signature,
 455 date of sale, place of sale, number of cattle, and amount of
 456 assessment deducted, and must have attached thereto proof of the
 457 assessment deducted.

458 (d) If the board council has reasonable doubt that a refund
 459 claim is valid, it may withhold payment and take such action as
 460 it considers necessary to determine the validity of the claim.
 461 Any dispute arising under this subsection shall be determined as
 462 specified in paragraph (8) (d) (10) (d).

463 (e) The board council shall take action on refund requests
 464 within 30 calendar days following the date of receipt of the

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465 request.

466 (f) Only the producer may initiate a request for refund.

467 ~~(12) VOTE ON CONTINUING THE ASSESSMENT. Upon the delivery~~
468 ~~by certified mail to the Florida Beef Council office of~~
469 ~~petitions from at least 1,800 producers or 10 percent of~~
470 ~~Florida's producers as determined by the department, whichever~~
471 ~~is less, and stating "Shall the assessment authorized by the~~
472 ~~Beef Market Development Act continue?" the council shall, within~~
473 ~~90 days, conduct a referendum to determine whether a majority of~~
474 ~~the producers voting in the referendum support the continuation~~
475 ~~of the Beef Market Development Act. All signatures must be~~
476 ~~collected within a 12 month period. A referendum held under this~~
477 ~~subsection may not be held more than one time in a 3 year~~
478 ~~period. Qualifications for signature and vote are the same as~~
479 ~~those required in subsection (6).~~

480 (10)(13) BYLAWS.—The Florida Cattle Enhancement Board Beef
481 Council shall, within 90 days after the governing board is
482 appointed ~~this act becomes a law~~, adopt bylaws to carry out the
483 intents and purposes of this section act. ~~The These~~ bylaws may
484 be amended with a 30-day notice to governing board members at
485 any regular or special meeting called for such this purpose. The
486 bylaws must conform to the requirements of this section act but
487 may also address any matter not in conflict with the general
488 laws of this state.

489 ~~(14) REPEAL. This section is repealed October 1, 2019,~~
490 ~~unless reviewed and saved from repeal by the Legislature.~~

491 Section 2. This act shall take effect July 1, 2015.



The Florida Senate

Committee Agenda Request

To: Senator Bill Montford, Chair
Committee on Agriculture

Subject: Committee Agenda Request

Date: March 6, 2015

I respectfully request that **Senate Bill #1220**, relating to Cattle Market Development Act, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Denise Grimsley".

Senator Denise Grimsley
Florida Senate, District 21

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/10/15
Meeting Date

SB 1220
Bill Number (if applicable)

Topic Cattle Market Development

Amendment Barcode (if applicable)

Name Adam Basford

Job Title Legislative Affairs

Address 315 S Calhoun #850

Phone _____

Tallahassee FL 32301

Email _____

City State Zip

Speaking: For Against Information

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

Representing Florida Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-10-15

Meeting Date

1220

Bill Number (if applicable)

Topic FLORIDA BEEF CATTLE ENHANCEMENT PROGRAM



Amendment Barcode (if applicable)

Name JIM HANDLEY

Job Title Executive Vice President

Address PO Box 421929

Phone 407 466 3211

Street

Kissimmee FL

City

State

34742-1929

Zip

Email Jim@FloridaCattleProducers.org

Speaking: For Against Information

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

Representing FLORIDA CATTLEMEN'S ASSOCIATION

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)

✓ 1220
Bill Number (if applicable)

Meeting Date _____
Topic Check off Amendment Barcode (if applicable) _____
Name PAT DUDEN
Job Title Cattlemen
Address 3750 Fairbanks Ferry Rd. Phone 850 519-9896
Street
HAVANA FL. 32333 Email _____
City State Zip

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

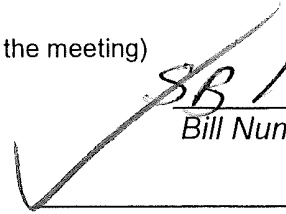
Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/10/15
Meeting Date

 SB 1220
Bill Number (if applicable)
Amendment Barcode (if applicable)

Topic SB 1220

Name Cliff W Coddington

Job Title General Manager Longino Ranch

Address 26111 Truening SW Rd

Phone 941-322-6476

Sidell IL 34266
City State Zip

Email _____

Speaking: For Against Information

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

Representing Florida Cattleman Assoc

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)

3/10/15
Meeting Date

✓ 1220
Bill Number (if applicable)

Topic Beef Checkoff

Amendment Barcode (if applicable)

Name Joel Beverly

Job Title owner All Day cattle

Address 6760 SW Bronco Dr.
Street

Phone 941-628-6156

Arcadia FL 34269
City State Zip

Email joelbeverly@gmail.com

Speaking: For Against Information

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

Representing Florida cattle meat Assoc.

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)

3/10/15

Meeting Date

1220

Bill Number (if applicable)

Topic Beef Checkoff

Amendment Barcode (if applicable)

Name Alex Johns

Job Title Natural Resource Director

Address 1215 S. Tucker Fidge Rd.

Phone 863-634-1546

Oklawaha Fl 34974

City

State

Zip

Email ajohnsd@senate.fl.gov

Speaking: For Against Information

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

Representing Florida Cattlemen Assoc

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)

3-10-2015

Meeting Date

1220
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic BEEF

Name MACK GLASS

Job Title _____

Address 1525 FAIRVIEW Rd
Street

Phone _____

MARIANNA FL 32448
City State Zip

Email _____

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

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)

3/10/15
Meeting Date

5B 1220
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Wes Williamson

Job Title _____

Address 9000 NE 12th Drive
Street

Phone _____

Okaloosa FL 34972
City State Zip

Email williamson@del.com

Speaking: For Against Information

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

Representing FL Cattlemen's Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

✓ SB 1220
Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date _____

Topic SB 1220

Name Thomas Harper

Job Title Owner - Harper Farms

Address 130 NE 130TH ST.

Phone 352-214-5250

Street

TRENTON FL. 32693

Email harperfarms@att.net

City

State

Zip

Speaking: For Against Information

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

Representing Florida Cattlemen's Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

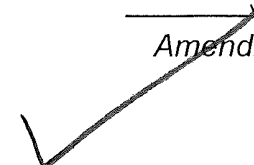
3/10/15
Meeting Date

SB 1220
Bill Number (if applicable)

Topic Cattle Market Development Act

Amendment Barcode (if applicable)

Name Grace Lovett



Job Title Director of Legislative Affairs FDACS

Address PL 10 The Capitol
Street

Phone 617-7700

Tallahassee FL 32399
City State Zip

Email _____

Speaking: For Against Information

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

Representing Florida Department of Agriculture and Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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 226

INTRODUCER: Regulated Industries Committee and Senator Latvala

SUBJECT: Racing Animals

DATE: March 10, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 226 modifies requirements regarding prohibited medication or drugging of racing animals (horses and greyhounds). Violations are no longer contingent upon a person administering or causing a prohibited substance to be administered; the mere presence of a prohibited substance in a racing animal is evidence of the violation. The fine for violations may be up to \$10,000 or the race winnings (purse or sweepstakes amount), whichever is greater. Prosecutions must be started within 90 days of the race date.

Samples are collected from racing animals at racetracks by the Division of Pari-mutuel Wagering (division) of the Department of Business and Professional Regulation. One portion of a sample is analyzed by the division's laboratory to determine whether any substance prohibited in racing animals is present. If the analyzed sample contains prohibited substances, the owner or trainer has the right to request an analysis on the remaining portion by an independent laboratory. As to samples from racing greyhounds, if the second analysis does not confirm the first, or is of insufficient quantity to do so, prosecution may still be pursued against the owner or trainer despite the lack of confirmation. For samples from racehorses, if the second analysis does not confirm the first, or is of insufficient quantity to do so, no prosecution may be pursued against the owner or trainer, and any suspended licensee must be reinstated. Current law is maintained for samples from racing greyhounds.

CS/SB 226 requires the division to adopt rules regarding the use and allowed levels of medications, drugs, and naturally occurring substances in racing animals, as listed by the Association of Racing Commissioners International (ARCI). The bill requires the division to adopt rules that include a classification system for drugs and incorporates ARCI's Penalty Guidelines for drug violations and eliminates a limitation on the testing methodology that may be used to screen samples for prohibited substances. The rules also must include the conditions for the use of furosemide, a diuretic (Lasix or Salix).

An outside quality assurance program must annually assess the ability of all laboratories approved by the division to analyze samples for the presence of medications, drugs, and prohibited substances. The findings must be reported to the division and the Department of Agriculture and Consumer Services.

II. Present Situation:

The racing of animals (horses and greyhounds) using any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-masking agent is generally prohibited, and those medications that are permitted under certain conditions are specified by law.¹ However, the Division of Pari-mutuel Wagering (division) may adopt rules specifying acceptable levels of naturally occurring substances in untreated animals which may not be exceeded in race-day specimens.²

The implementation of uniform rules, policies, and testing standards for the medication, treatment, and testing of racehorses to strengthen the integrity of the racing industry is a goal of the Jockey Club,³ which is dedicated to the improvement of thoroughbred breeding and racing. The Club's associated Racing Testing and Medication Consortium (RMTC)⁴ began pursuit of the adoption and implementation of uniform standards, rules, and penalties in all horse racing jurisdictions in 2013.⁵ The program has been characterized by RMTC's vice chairman as "the most sweeping reform in medication regulation and testing in a generation."⁶ Implementation in Florida, as a premier thoroughbred racing state, continues to be a goal of the Jockey Club.

Other drugs and substances are permitted under limited conditions, such as furosemide to treat exercise-induced bleeding, and vitamins and minerals that do not exceed acceptable levels.⁷ Classification of a substance in a sample as permissible or impermissible may be dependent upon whether:

- The substance is administered within or outside the allowed time frame before a race is scheduled to begin;

¹ Section 550.2415, F.S.

² Section 550.2415(1)(b), F.S. The division may also set acceptable levels of environmental contaminants and trace levels of prohibited substances that are not reportable as a violation.

³ See <http://www.jockeyclub.com/> and <http://www.jockeyclub.com/Default.asp?section=About&area=0> (last visited Feb. 17, 2015).

⁴ See http://www.rmtcnet.com/content_landing_helpingthecause.asp (last visited Feb. 17, 2015).

⁵ See <http://www.bloodhorse.com/horse-racing/articles/84070/foreman-pace-of-drug-reform-unprecedented>

⁶ *Id.*

⁷ Section 550.2415(7), F.S.

- The racing animal is approved for administration of the substance, or is qualified by gender to receive it;
- The level of the substance exceeds acceptable levels set by administrative rule; and
- The method of administration of the substance is prohibited.⁸

Each racetrack permitholder must maintain a detention enclosure for securing urine, blood, or other samples from racing animals.⁹ The trainer of record for each animal is responsible for the condition of the animals he or she enters to race,¹⁰ and for securing all prescribed medications, over-the-counter medicines, and natural or synthetic medicinal compounds.¹¹

Samples of blood, urine, saliva, or any other bodily fluid may be collected from a race animal immediately before and immediately after it has raced.¹² If racing officials find, through reasonably reliable evidence, that substances other than permissible substances have been administered, or that otherwise permissible substances have been administered during prohibited periods before the time of a race, evidence of illegal or impermissible substances may be confiscated and the racing animal may be prohibited from racing in the race (scratched).¹³

The winner of every race is sent to the detention enclosure for examination by an authorized representative of the division and the taking of samples to monitor and detect both permissible and impermissible substances.¹⁴ Any other animals that participated in the race may be designated for examination and testing by the stewards, judges, racetrack veterinarian, or a division representative.¹⁵

All samples are collected by staff of the Office of Operations of the division and sent to the University of Florida College of Medicine Racing Laboratory for analysis.¹⁶ Blood specimens must be collected from racing animals by veterinarians employed by the division or any licensed veterinarian hired or retained by the division, and the collection must be witnessed by the animal's trainer, owner, or designee.¹⁷

The 83rd Annual Report of the division reflects that during Fiscal Year 2013-2014, the laboratory processed 79,600 samples and performed 344,289 analyses, as follows:18

⁸ See Rule 61D-6.008(1)-(9), F.A.C., respecting permitted medications for horses.

⁹ Rule 61D-6.002(2), F.A.C.

¹⁰ Rule 61D-6.002(1), F.A.C.

¹¹ Rule 61D-6.003, F.A.C. Prescription drugs must be prescribed by a licensed veterinarian who has a current veterinarian-patient relationship, and all substances must be properly labelled.

¹² Section 550.2415(1)a), F.S.

¹³ See s. 550.2415(7) and (8), F.S., and Rule 61D-6.005, F.A.C.

¹⁴ Rule 61D-6.005, F.A.C.

¹⁵ *Id.* The division has proposed rulemaking that would delete the requirement that the winner of every race and selected participants be immediately examined by a representative of the division and for the taking of samples. See *infra* note 39.

¹⁶ See *83rd Annual Report, Fiscal Year 2013-2014*, (83rd Annual Report) at page 3, <http://www.myfloridalicense.com/dbpr/pmw/documents/AnnualReports/AnnualReport-2013-2014--83rd--20150114.pdf> (last visited Feb. 17, 2015). The division annually contracts with the racing laboratory for these services.

¹⁷ Rule 61D-6.005, F.A.C.

¹⁸ See *83rd Annual Report, supra* note 16, at page 37. This is approximately 10,000 fewer samples processed and 8,500 fewer analyses performed than in 2012-2013. According to the Division, due to racing schedules late in the fiscal year, some samples were not analyzed by fiscal year-end, resulting in a higher number of analyses than samples received.

Sample Type	Horse Urine/Blood	Greyhound Urine	Investigative
Samples Received	15,816	63,757	27
Samples Analyzed	16,066	43,631	27
Number of Analyses	76,316	267,885	88
Positive Results	208	42	n/a

The volume of many greyhound urine samples that were taken at racetracks (20,044 or 31.4% of the total) was insufficient to permit valid testing of those samples.¹⁹ Of the 79,573 non-investigative samples that were collected at racetracks, 59,567 samples were analyzed, and there were 250 positive results (i.e. a finding of impermissible substances).²⁰

If a prohibited substance is found in a race-day specimen, it is evidence that the substance was administered to and in the racing animal while racing.²¹ Test results are confidential and exempt public records for 10 days after the testing of all samples collected on a particular day have been completed and the positive results have been reported to the director of the division, or until action against a person licensed by the division has been commenced by the service of an administrative complaint within two years after the race date.²²

Once the division notifies the owners or trainer of the positive result as required, the owner may request that each urine or blood sample be split into a primary sample and a secondary (split) sample; the splitting procedure must occur in the laboratory using procedures approved by the division by rule.²³ At the request of either the affected owner or trainer, the division must send the secondary sample to an independent laboratory for analysis.

If the positive result found by the state laboratory is not confirmed by the analysis made by the independent laboratory, no further administrative or disciplinary action may be pursued by the division.²⁴ If the positive result is confirmed, or if the volume of the secondary sample is insufficient to do so, then administrative action may proceed, but only within the period of 2 years from the race date.²⁵ There must be a good faith attempt by the division to obtain a sufficient quantity of fluid specimens to allow both a primary test to be made by the state laboratory and a secondary test to be made by an independent laboratory.²⁶

According to the division, there were 19 license suspensions, and \$80,950 in fines assessed for violations of all pari-mutuel statutes and rules in Fiscal Year 2013-2014.²⁷

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 550.2415(1)(c), F.S.

²² See ss. 550.2415(1)(a) and (4), F.S.

²³ Section 550.2415(5)(a), F.S.

²⁴ Section 550.2415(5)(b), F.S.

²⁵ Section 550.2415(5)(c), F.S.

²⁶ *Id.*

²⁷ See 83rd Annual Report, *supra* note 16, at page 3.

III. Effect of Proposed Changes:

The bill modifies language in s. 550.2415, F.S., respecting the racing of animals under prohibited conditions. A violation exists if a racing animal (a horse or greyhound) is impermissibly medicated by a person, or if an animal has a prohibited substance in a blood or urine sample. The requirement that a person “administer or cause to be administered” the prohibited substance²⁸ has been eliminated. A distinction is made between the impermissible use of a medication and the use of a prohibited substance (“illegal doping”). Any “illegal doping” of a racing animal impacts the licensee(s) responsible for the animal, whether or not the actual perpetrator is known. The condition of the racing animal, through analysis of bodily fluids that reflect the presence of prohibited substances, permits the suspension of the licensee(s) responsible for the condition of the animal.

The fine for violations may be up to \$10,000 or the race winnings (purse or sweepstakes amount), whichever is greater. The current provisions that allow the division to revoke or suspend the violator’s license, require the full or partial return of the purse sweepstakes and race trophy, or impose any combination of the fine and other penalties, are not changed.

CS/SB 266 partially addresses the division’s concern with shortening the existing deadline to initiate prosecutions of violations from 2 years from the date of the race to only 60 days, and provides that initiation of prosecutions must be within 90 days after the violation.

The bill provides that the division may solicit input from the Department of Agriculture and Consumer Services when adopting rules that specify normal concentrations of naturally occurring substances and acceptable levels of other environmental contaminants and substances.

Samples from racing animals are collected at racetracks. One portion of a sample is analyzed by the division's laboratory to determine whether any substance prohibited in racing animals is present. The University of Florida College of Veterinary Medicine Equine Racing Laboratory is currently under annual contract for these services.²⁹ If the analyzed sample contains prohibited substances, the owner or trainer has the right to request an analysis on the remaining portion by an independent laboratory.

The bill provides that the division must notify not only the owner or trainer of the outcome of all drug tests, but all the stewards (the racetrack officials responsible for enforcement of racing regulations) and the appropriate horsemen’s association (which represents the majority of the racehorse owners and trainers at a track). The bill does not address the timing of such notification to the stewards and horsemen’s association.

Section 550.2415(1)(a), F.S., currently states that test results and the identities of the tested animals and their trainers and owners of records are confidential and exempt from the public records access, inspection, and copying requirements set forth in s. 119.07(1), F.S., of the Florida

²⁸ These substances are currently described as “any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-making agent.” See s. 550.2415(1)(a), F.S.

²⁹ See Veterinary Diagnostic Laboratories, UF Large Animal Hospital, College of Veterinary Medicine at <http://largeanimal.vethospitals.ufl.edu/services/veterinary-diagnostic-laboratories/> (last visited Feb. 17, 2015).

Public Records Act and from s. 24(a) of Article I of the Florida Constitution. The records are not currently subject to public access, inspection, and copying for a period of 10 days after:

- Testing of all the samples collected on a particular day has been completed; and
- Any positive test results from the samples have been reported to the director of the division; or
- The service of an administrative complaint against a licensee.³⁰

If the division's laboratory finds that the sample contains impermissible medications, prohibited substances, or a level of a naturally occurring substance exceeding normal concentrations (i.e., a "positive drug test"), the owner or trainer has the right to request another analysis be made on the retained portion (split sample) by an independent laboratory. If the independent laboratory's analysis confirms the finding made by the division laboratory, administrative proceedings may be pursued.

The bill does not change existing law as to the testing of samples from racing greyhounds. In 2013-2014, the volume of urine collected in greyhound urine samples was insufficient for testing by the independent laboratory in 31.4% of the samples received.³¹ If the quantity of the split sample provided to the independent laboratory is insufficient to confirm the positive drug test result made by the division's laboratory, prosecution may still be pursued against the owner or trainer on the basis of the initial test result.

As to the testing of samples from racehorses, the bill provides that if the quantity of the split sample provided to the independent laboratory is insufficient to confirm the positive drug test result made by the division's laboratory, no prosecution may be pursued against the owner or trainer, and any suspended license must be immediately reinstated.

The division's laboratory and all laboratories approved by the division to analyze samples collected from racing animals must annually participate in an outside quality assurance program³² to assess their ability to detect and quantify medications, drugs, and naturally occurring substances that may be administered to racing animals. The quality assurance program administrator must report its findings to the division and the Department of Agriculture and Consumer Services.

The revised bill restores existing law for inspections of pari-mutuel facilities³³ to ensure the humane treating of racing animals and compliance with all rules and law. The revised bill mandates the adoption by the division of rules that establish the use and allowed levels of medications, drugs, and naturally occurring substances that are in the Controlled Therapeutic Medication Schedule, Version 2.1, revised April 17, 2014,³⁴ by the Association of Racing

³⁰ See s. 550.2415(4), F.S.,

³¹ See 83rd Annual Report, *supra* note 16, at page 37.

³² For information about one such proficiency program designed for veterinary laboratories and hospitals, see <http://www.vetlabassoc.com/quality-assurance-program/> (last visited Feb. 17, 2015).

³³ Section 550.002(23), F.S., defines pari-mutuel facilities as those racetracks, frontons, or other facility used for pari-mutuel wagering; s. 550.2415(6)(e), F.S., permits inspections of those areas at pari-mutuel facilities where racing animals are raced, trained, housed, or maintained, including areas where food, medications, or supplies are kept.

³⁴ See <http://arcicom.businesscatalyst.com/assets/arcicom-controlled-therapeutic-medication-schedule---version-2.1.pdf> (last accessed Feb. 17, 2015). Version 1 of the CTM Schedule was adopted April 2, 2013; certain amendments were incorporated

Commissioners International, Inc. (ARCI),³⁵ which is a not-for-profit trade association with no regulatory authority. However, its members individually possess regulatory authority within their jurisdictions, and many have the authority to determine whether to adopt ARCI recommendations on policies and rules.³⁶

The Association of Racing Commissioners International, Inc. has adopted Model Rules for Racing³⁷ for the use of the pari-mutuel industry. As stated in the introduction, ARCI views the Model Rules as a document to be amended as the need arises, with input to the ARCI Model Rules Committee from all interested parties, with meetings open to members of the pari-mutuel industry and the public. The Model Rules are maintained on the website of the University of Arizona, Race Track Industry Program's as a service to ARCI and the pari-mutuel racing industry.³⁸ The Model Rules reference the CTM Schedule as appropriate, but with no indication of a Version identifier.

The CTM Schedule includes maximum allowed concentrations and doses for 23 medications and three non-steroidal anti-inflammatory drugs (NSAIDs), with guidelines for the termination of use of the medication or substance prior to racing, to avoid a positive drug test. The adoption of uniform medication rules using the CTM Schedule is an attempt to provide owners and trainers with uniformity of regulations across jurisdictions.³⁹

The bill also requires the division to adopt rules:

- Designating the appropriate biological specimens to monitor the administration of medications, drugs, and naturally occurring substances;
- Determining the testing methods for screening specimens to confirm the presence of medication, drugs and naturally occurring substances; and
- Providing for a classification system for drugs and substances, with a penalty schedule for violations.

The revised bill requires that the penalty schedule for violations must incorporate the Uniform Classification Guidelines for Foreign Substances, Version 8.0, revised December 2014 (Uniform

into Version 2.0 on April 9, 2014, and another amendment on April 14, 2014 was incorporated into Version 2.1. The final sheet of the CTM Schedule describes all of the amendments by date. It appears the reference to Version 2.01 on the April 17, 2014 amendment description conflicts with the title of the document which is stated as "Version 2.1."

³⁵ According to ARCI, it is a not-for-profit trade association of governmental regulators of horse and greyhound racing in the United States, Canada, Mexico, Jamaica, and Trinidad-Tobago, who have the legal responsibility to ensure the integrity of racing and pari-mutuel wagering in their jurisdictions. See <http://arcicom.businesscatalyst.com/about-rci.html> (last visited Feb. 17, 2015).

³⁶ *Id.*

³⁷ See https://ua-rtip.org/industry_service/download_model_rules (last visited Feb. 17, 2015).

³⁸ *Id.* at page 2.

³⁹ For commentary on the significance to horse racing of the adoption of uniform standards and rules, see Gary West, *Churchill[Downs] Could Spark Change (December 17, 2014, updated December 18, 2014)* <http://espn.go.com/espn/print?id=12043495&type=story> (last visited Feb. 19, 2015). There is also a Racing Medication and Testing Consortium (RMTTC) which conducts strategic planning on research needs and is reorganizing Scientific Advisory Committee to adapt and respond to new drugs, practices and substances which threaten the integrity of racing. The executive committee of RMTTC recently affirmed the importance of maintaining an independent and apolitical entity for equine drug and therapeutic medication research. See http://www.rmtcnet.com/content_pressreleases.asp?id=&s=&article=1942 (last visited Feb. 17, 2015).

Classification Guidelines), by ARCI.⁴⁰ The Uniform Classification Guidelines are “intended to assist stewards, hearing officers and racing commissioners in evaluating the seriousness of alleged violations of medication and prohibited substance rules”⁴¹

Furosemide (also known as Lasix or Salix) is a diuretic, and the bill requires the division to adopt rules specifying the conditions for the use of furosemide to treat exercise-induced pulmonary hemorrhage (nose bleeds in particular). The bill specifies that furosemide is the only medication that may be administered within the 24 hours before the “officially scheduled post time of a race,” but not within the four hour period prior to that post time.

The bill deletes the specific requirement that the division adopt rules of the use and administration of prednisolone sodium succinate,⁴² phenylbutazone,⁴³ and synthetic corticosteroids⁴⁴. Instead the bill provides for the reliance on ARCI’s schedules and guidelines. The bill also deletes the division’s authority to adopt rules for the use of furosemide, phenylbutazone, or prednisolone sodium succinate; those substances are addressed in ARCI’s schedules and rules.

The bill deletes the requirement that the division use only thin layer chromatography (TLC) for the testing of urine and blood samples from race horses.

The bill deletes the reference to ARCI’s uniform classification system for class IV and V medications adopted on February 14, 1995.

Finally, the bill deletes the specific requirement that the testing for phenylbutazone be six full 15 milliliter blood tubes for each horse tested.

The division’s concern with the impact of the deletion of existing s. 550.2415(15), F.S., has been addressed. The revised bill retains existing law respecting the division’s authority to adopt medication levels for racing greyhounds, as may be recommended by the University of Florida College of Veterinary Medicine,⁴⁵ in renumbered s. 550.2415(13).

The division also notes that since the Controlled Therapeutic Medication Schedule adopted by the Association of Racing Commissioners International, Inc. (ARCI) appears to be limited to horses, the deletion of existing s. 550.2415(15), F.S., as to the medication of racehorses, removes its authority to adopt rules on medication levels that have not yet been addressed by ARCI.

⁴⁰ See <http://arcicom.businesscatalyst.com/assets/uniformclassificationguidelines.pdf> (last accessed Feb. 17, 2015)

⁴¹ *Id.* at page ii. The final sheet of the document describes all of the amendments since December 2010, when Version 1.00 was adopted. Fourteen amendments to Version 7.00 were made in December 2014 when Version 8.00 was adopted.

⁴² The amount and use of this drug is regulated for horses, dogs, and cats by 21 C.F.R. § 522.184 for treatment of inflammatory, allergic and other stress conditions.

⁴³ Phenylbutazone for horses is a non-steroidal anti-inflammatory drug (NSAID) used to treat pain and inflammation associated with fractures, arthritis, and painful injuries to the limbs and joints. See <http://www.1800petmeds.com/Phenylbutazone-prod10141.html> (last visited Feb. 17, 2015).

⁴⁴ Synthetic corticosteroids are important therapeutic drugs that are widely used in human and veterinary medicine for a number of indications including treatment of inflammation and pain associated with joint disease and arthritis. See RMTC Position Statement on Corticosteroids, Racing Medication & Testing Consortium, available at <http://www.rmtcnet.com> (last visited Feb. 17, 2015).

⁴⁵ *Id.* at page 7.

The bill provides for an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The changes in sampling of urine and blood specimens from racing animals and the annual assessment of independent testing laboratories will have an indeterminate impact on horse and greyhound tracks, and the owners and trainers of racing animals.

C. Government Sector Impact:

The following fiscal impacts estimated by the division have been addressed and are no longer applicable to the committee substitute.

The division estimates that one additional FTE (employee) and three freezers will be needed, and that requiring its staff to split samples rather than doing so at the state laboratory will increase shipping and supply costs.⁴⁶ The total fiscal impact is estimated by the division to be approximately \$177,000, with approximately \$147,600 in recurring costs. Based on actual costs incurred by the Racing Laboratory at the University of Florida, the division projects an increase in annual shipping cost of \$35,000, and the doubling of sample containers, tags, tubes, etc., is expected to cost approximately

⁴⁶ See 2015 Department of Business and Professional Regulation Legislative Bill Analysis, February 4, 2015 (on file with Senate Committee on Regulated Industries) at page 6 and available to Legislative staff at <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=5395> (last visited Feb. 17, 2015).

\$55,000 annually, for an additional amount of \$90,000 in expenses.⁴⁷ The purpose of splitting the sample in the field at the racetrack rather than in the controlled racing laboratory environment with performance by trained technicians is unclear to the division.⁴⁸ The division also notes that splitting the sample at the state laboratory ensures anonymity of the sample source because it is only identified by a coded sample number, and that the existing process also addresses chain of custody issues required for successful prosecutions of violations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The timing of the notification of drug test results to stewards and the appropriate horsemen's association should be specified, in conformity with the requirements of the Public Records Act and the Florida Constitution.

CS/SB 226 requires that the results of all drug tests (negative and positive) be reported to owners, trainers, stewards, and the appropriate horsemen's association. Consideration should be given to limiting such notifications to only positive drug test results.

The term "race animal" appears once in s. 550.2415(3)(b), F.S., rather than the term "racing animal" that is generally used elsewhere in Chapter 550, F.S. The term "race animal" also appears twice in s. 550.235, F.S. Consideration should be given to conforming the references.

VIII. Statutes Affected:

The bill substantially amends section 550.2415 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 Regulated Industries on February 18, 2015:

CS/SB 226 changes the deadline for commencement of a prosecution for illegal medication or drugging of racing animals, from 2 years to 90 days.

CS/SB 226 restores current law regarding the collection and testing of biological specimens from racing animals for the presence of prohibited substances, but changes the consequences related to a positive drug test finding. If a positive drug test finding by the laboratory of the Division of Pari-Mutuel Wagering (division) of the Department of Business and Professional Regulation is confirmed in further testing an independent laboratory, the division may initiate administrative proceedings related to the violation. For samples from racing greyhounds,

⁴⁷ *Id.*

⁴⁸ *Id.*

even if confirmation of the positive result by an independent laboratory is not possible due to the sample size being insufficient, the division may nonetheless initiate administrative proceedings for a violation. For samples from racehorses, however, a positive drug test result must be confirmed by further testing by an independent laboratory. If the sample size is insufficient to confirm the positive result, no administrative proceedings for a violation may be initiated by the division.

CS/SB 226 specifies that the division must adopt rules establishing the conditions of use of medications, drugs, and naturally occurring substances as identified in Version 2.1 of the Controlled Therapeutic Medication Schedule adopted by the Association of Racing Commissioners International, Inc. (ARCI) on April 17, 2014. The revised bill further requires that the rules incorporate the classification system and penalty schedule for violations in ARCI's Uniform Classification Guidelines for Foreign Substances, Version 8.0, revised December 2014.

CS/SB 226 grants the division discretion to solicit input from the Department of Agriculture and Consumer Services in adopting the required administrative rules, which must occur by January 1, 2016.

CS/SB 226 removes a requirement that the division coordinate with the Department of Agriculture on the humane treatment of animals.

CS/SB 226 retains existing law respecting the division's authority to adopt medication levels for racing greyhounds developed in consultation with the University of Florida College of Veterinary Medicine.

B. Amendments:

None.

By the Committee on Regulated Industries; and Senator Latvala

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1 A bill to be entitled
 2 An act relating to racing animals; amending s.
 3 550.2415, F.S.; revising the prohibition on the use of
 4 certain medications or substances on racing animals;
 5 authorizing the Division of Pari-mutuel Wagering
 6 within the Department of Business and Professional
 7 Regulation to solicit input from the Department of
 8 Agriculture and Consumer Services; revising the
 9 penalties for violating laws relating to the racing of
 10 animals; decreasing the timeframe in which
 11 prosecutions for violations regarding racing animals
 12 must commence; requiring the division to notify the
 13 owners or trainers, stewards, and the appropriate
 14 horsemen's association of all drug test results;
 15 prohibiting the division from taking action against
 16 owners or trainers under certain circumstances;
 17 requiring the division to require its laboratory and
 18 specified independent laboratories to annually
 19 participate in a quality assurance program; requiring
 20 the administrator of the program to submit a report;
 21 revising the conditions of use for certain
 22 medications; expanding violations to include
 23 prohibited substances that break down during a race
 24 found in specimens collected after a race; revising
 25 the rulemaking authority of the division; providing an
 26 effective date.

27
 28 Be It Enacted by the Legislature of the State of Florida:
 29

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30 Section 1. Paragraphs (a) and (b) of subsection (1),
 31 paragraphs (a) and (b) of subsection (3), subsections (4) and
 32 (5), and subsections (7) through (16) of section 550.2415,
 33 Florida Statutes, are amended to read:
 34 550.2415 Racing of animals under certain conditions
 35 prohibited; penalties; exceptions.—
 36 (1) (a) The racing of an animal that has been impermissibly
 37 medicated or determined to have a prohibited substance present
 38 ~~with any drug, medication, stimulant, depressant, hypnotic,~~
 39 ~~narcotic, local anesthetic, or drug-masking agent~~ is prohibited.
 40 It is a violation of this section for a person to impermissibly
 41 medicate an animal or for an animal to have a prohibited
 42 substance present resulting administer or cause to be
 43 ~~administered any drug, medication, stimulant, depressant,~~
 44 ~~hypnotic, narcotic, local anesthetic, or drug-masking agent to~~
 45 ~~an animal which will result in a positive test for such~~
 46 medications or substances ~~such substance~~ based on samples taken
 47 from the animal ~~immediately~~ prior to or immediately after the
 48 racing of that animal. Test results and the identities of the
 49 animals being tested and of their trainers and owners of record
 50 are confidential and exempt from s. 119.07(1) and from s. 24(a),
 51 Art. I of the State Constitution for 10 days after testing of
 52 all samples collected on a particular day has been completed and
 53 any positive test results derived from such samples have been
 54 reported to the director of the division or administrative
 55 action has been commenced.
 56 (b) It is a violation of this section for a race-day
 57 specimen to contain a level of a naturally occurring substance
 58 which exceeds normal physiological concentrations. The division

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59 may solicit input from the Department of Agriculture and
 60 Consumer Services and adopt rules that specify normal
 61 physiological concentrations of naturally occurring substances
 62 in the natural untreated animal and rules that specify
 63 acceptable levels of environmental contaminants and trace levels
 64 of substances in test samples.

65 (3) (a) Upon the finding of a violation of this section, the
 66 division may revoke or suspend the license or permit of the
 67 violator or deny a license or permit to the violator; impose a
 68 fine against the violator in an amount not exceeding the purse
 69 or sweepstakes earned by the animal in the race at issue or
 70 \$10,000, whichever is greater ~~\$5,000~~; require the full or
 71 partial return of the purse, sweepstakes, and trophy of the race
 72 at issue; or impose against the violator any combination of such
 73 penalties. The finding of a violation of this section does not
 74 prohibit in no way prohibits a prosecution for criminal acts
 75 committed.

76 (b) The division, notwithstanding the provisions of chapter
 77 120, may summarily suspend the license of an occupational
 78 licensee responsible under this section or division rule for the
 79 condition of a race animal if the division laboratory reports
 80 the presence of a prohibited ~~an impermissible~~ substance in the
 81 animal or its blood, urine, saliva, or any other bodily fluid,
 82 either before a race in which the animal is entered or after a
 83 race the animal has run.

84 (4) A prosecution pursuant to this section for a violation
 85 of this section must be commenced within 90 days ~~2 years~~ after
 86 the violation was committed. Service of an administrative
 87 complaint marks the commencement of administrative action.

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88 (5) The division shall implement a split-sample procedure
 89 for testing animals under this section.

90 (a) ~~Upon finding a positive drug test result,~~ The division
 91 ~~department~~ shall notify the owner or trainer, the stewards, and
 92 the appropriate horsemen's association of all drug test ~~the~~
 93 ~~results. The owner may request that each urine and blood sample~~
 94 ~~be split into a primary sample and a secondary (split) sample.~~
 95 ~~Such splitting must be accomplished in the laboratory under~~
 96 ~~rules approved by the division. Custody of both samples must~~
 97 ~~remain with the division. If a drug test result is positive~~
 98 ~~However,~~ and upon request by the affected trainer or owner of
 99 the animal from which the sample was obtained, the division
 100 shall send the split sample to an approved independent
 101 laboratory for analysis. The division shall establish standards
 102 and rules for uniform enforcement and shall maintain a list of
 103 at least five approved independent laboratories for an owner or
 104 trainer to select from if a drug test result is in the event of
 105 a positive test sample.

106 (b) If the division state laboratory's findings are not
 107 confirmed by the independent laboratory, no further
 108 administrative or disciplinary action under this section may be
 109 pursued. ~~The division may adopt rules identifying substances~~
 110 ~~that diminish in a blood or urine sample due to passage of time~~
 111 ~~and that must be taken into account in applying this section.~~

112 (c) If the independent laboratory confirms the division
 113 state laboratory's positive result, ~~or if there is an~~
 114 ~~insufficient quantity of the secondary (split) sample for~~
 115 ~~confirmation of the state laboratory's positive result,~~ the
 116 division may commence administrative proceedings as prescribed

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117 in this chapter and consistent with chapter 120. For purposes of
 118 this subsection, the department shall in good faith attempt to
 119 obtain a sufficient quantity of the test fluid to allow both a
 120 primary test and a secondary test to be made.

121 (d) For the testing of racing greyhounds, if there is an
 122 insufficient quantity of the secondary (split) sample for
 123 confirmation of the division laboratory's positive result, the
 124 division may commence administrative proceedings as prescribed
 125 in this chapter and consistent with chapter 120.

126 (e) For the testing of racehorses, if there is an
 127 insufficient quantity of the secondary (split) sample for
 128 confirmation of the division laboratory's positive result, the
 129 division may not take further action on the matter against the
 130 owner or trainer, and any resulting license suspension must be
 131 immediately lifted.

132 (f) The division shall require its laboratory and the
 133 independent laboratories to annually participate in an
 134 externally administered quality assurance program designed to
 135 assess testing proficiency in the detection and appropriate
 136 quantification of medications, drugs, and naturally occurring
 137 substances that may be administered to racing animals. The
 138 administrator of the quality assurance program shall report its
 139 results and findings to the division and the Department of
 140 Agriculture and Consumer Services.

141 (7) (a) In order to protect the safety and welfare of racing
 142 animals and the integrity of the races in which the animals
 143 participate, the division shall adopt rules establishing the
 144 conditions of use and maximum concentrations of medications,
 145 drugs, and naturally occurring substances identified in the

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146 Controlled Therapeutic Medication Schedule, Version 2.1, revised
 147 April 17, 2014, adopted by the Association of Racing
 148 Commissioners International, Inc. (ARCI). Controlled therapeutic
 149 medications include only the specific medications and
 150 concentrations allowed in biological samples which have been
 151 approved by ARCI as controlled therapeutic medications.

152 (b) The division rules must designate the appropriate
 153 biological specimens by which the administration of medications,
 154 drugs, and naturally occurring substances is monitored and must
 155 determine the testing methodologies, including measurement
 156 uncertainties, for screening such specimens to confirm the
 157 presence of medications, drugs, and naturally occurring
 158 substances.

159 (c) The division rules must include a classification system
 160 for drugs and substances and a corresponding penalty schedule
 161 for violations which incorporates the Uniform Classification
 162 Guidelines for Foreign Substances, Version 8.0, revised December
 163 2014, by ARCI. The division shall adopt laboratory screening
 164 limits approved by ARCI for drugs and medications that are not
 165 included as controlled therapeutic medications, the presence of
 166 which in a sample may result in a violation of this section.

167 (d) The division rules must include conditions for the use
 168 of furosemide to treat exercise-induced pulmonary hemorrhage.

169 (e) The division may solicit input from the Department of
 170 Agriculture and Consumer Services in adopting the rules required
 171 under this subsection. Such rules must be adopted before January
 172 1, 2016 ~~Under no circumstances may any medication be~~
 173 ~~administered closer than 24 hours prior to the officially~~
 174 ~~scheduled post time of a race except as provided for in this~~

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175 ~~section.~~

176 ~~(a) The division shall adopt rules setting conditions for~~
 177 ~~the use of furosemide to treat exercise-induced pulmonary~~
 178 ~~hemorrhage.~~

179 ~~(b) The division shall adopt rules setting conditions for~~
 180 ~~the use of prednisolone sodium succinate, but under no~~
 181 ~~circumstances may furosemide or prednisolone sodium succinate be~~
 182 ~~administered closer than 4 hours prior to the officially~~
 183 ~~scheduled post time for the race.~~

184 ~~(c) The division shall adopt rules setting conditions for~~
 185 ~~the use of phenylbutazone and synthetic corticosteroids; in no~~
 186 ~~case, except as provided in paragraph (b), shall these~~
 187 ~~substances be given closer than 24 hours prior to the officially~~
 188 ~~scheduled post time of a race. Oral corticosteroids are~~
 189 ~~prohibited except when prescribed by a licensed veterinarian and~~
 190 ~~reported to the division on forms prescribed by the division.~~

191 ~~(f)(d) This section does not~~ Nothing in this section shall
 192 ~~be interpreted to prohibit the use of vitamins, minerals, or~~
 193 ~~naturally occurring substances so long as none exceeds the~~
 194 ~~normal physiological concentration in a race-day specimen.~~

195 ~~(e) The division may, by rule, establish acceptable levels~~
 196 ~~of permitted medications and shall select the appropriate~~
 197 ~~biological specimens by which the administration of permitted~~
 198 ~~medication is monitored.~~

199 (8)(a) Furosemide is the only medication that may be
 200 administered within 24 hours before the officially scheduled
 201 post time of a race, but it may not be administered within 4
 202 hours before the officially scheduled post time of a race ~~Under~~
 203 ~~no circumstances may any medication be administered within 24~~

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204 ~~hours before the officially scheduled post time of the race~~
 205 ~~except as provided in this section.~~

206 ~~(b) As an exception to this section, if the division first~~
 207 ~~determines that the use of furosemide, phenylbutazone, or~~
 208 ~~prednisolone sodium succinate in horses is in the best interest~~
 209 ~~of racing, the division may adopt rules allowing such use. Any~~
 210 ~~rules allowing the use of furosemide, phenylbutazone, or~~
 211 ~~prednisolone sodium succinate in racing must set the conditions~~
 212 ~~for such use. Under no circumstances may a rule be adopted which~~
 213 ~~allows the administration of furosemide or prednisolone sodium~~
 214 ~~succinate within 4 hours before the officially scheduled post~~
 215 ~~time for the race. Under no circumstances may a rule be adopted~~
 216 ~~which allows the administration of phenylbutazone or any other~~
 217 ~~synthetic corticosteroid within 24 hours before the officially~~
 218 ~~scheduled post time for the race. Any administration of~~
 219 ~~synthetic corticosteroids is limited to parenteral routes. Oral~~
 220 ~~administration of synthetic corticosteroids is expressly~~
 221 ~~prohibited. If this paragraph is unconstitutional, it is~~
 222 ~~severable from the remainder of this section.~~

223 ~~(c) The division shall, by rule, establish acceptable~~
 224 ~~levels of permitted medications and shall select the appropriate~~
 225 ~~biological specimen by which the administration of permitted~~
 226 ~~medications is monitored.~~

227 (9) (a) The division may conduct a postmortem examination of
 228 any animal that is injured at a permitted racetrack while in
 229 training or in competition and that subsequently expires or is
 230 destroyed. The division may conduct a postmortem examination of
 231 any animal that expires while housed at a permitted racetrack,
 232 association compound, or licensed kennel or farm. Trainers and

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233 owners shall be requested to comply with this paragraph as a
234 condition of licensure.

235 (b) The division may take possession of the animal upon
236 death for postmortem examination. The division may submit blood,
237 urine, other bodily fluid specimens, or other tissue specimens
238 collected during a postmortem examination for testing by the
239 division laboratory or its designee. Upon completion of the
240 postmortem examination, the carcass must be returned to the
241 owner or disposed of at the owner's option.

242 (10) The presence of a prohibited substance in an animal,
243 found by the division laboratory in a bodily fluid specimen
244 collected after the race or during the postmortem examination of
245 the animal, which breaks down during a race constitutes a
246 violation of this section.

247 (11) The cost of postmortem examinations, testing, and
248 disposal must be borne by the division.

249 (12) The division shall adopt rules to implement this
250 section. ~~The rules may include a classification system for~~
251 ~~prohibited substances and a corresponding penalty schedule for~~
252 ~~violations.~~

253 ~~(13) Except as specifically modified by statute or by rules~~
254 ~~of the division, the Uniform Classification Guidelines for~~
255 ~~Foreign Substances, revised February 14, 1995, as promulgated by~~
256 ~~the Association of Racing Commissioners International, Inc., is~~
257 ~~hereby adopted by reference as the uniform classification system~~
258 ~~for class IV and V medications.~~

259 ~~(14) The division shall utilize only the thin layer~~
260 ~~chromatography (TLC) screening process to test for the presence~~
261 ~~of class IV and V medications in samples taken from racehorses~~

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

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262 ~~except when thresholds of a class IV or class V medication have~~
263 ~~been established and are enforced by rule. Once a sample has~~
264 ~~been identified as suspicious for a class IV or class V~~
265 ~~medication by the TLC screening process, the sample will be sent~~
266 ~~for confirmation by and through additional testing methods. All~~
267 ~~other medications not classified by rule as a class IV or class~~
268 ~~V agent shall be subject to all forms of testing available to~~
269 ~~the division.~~

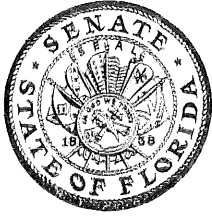
270 (13)(15) The division may implement by rule medication
271 levels for racing greyhounds recommended by the University of
272 Florida College of Veterinary Medicine developed pursuant to an
273 agreement between the Division of Pari-mutuel Wagering and the
274 University of Florida College of Veterinary Medicine. The
275 University of Florida College of Veterinary Medicine may provide
276 written notification to the division that it has completed
277 research or review on a particular drug pursuant to the
278 agreement and when the College of Veterinary Medicine has
279 completed a final report of its findings, conclusions, and
280 recommendations to the division.

281 ~~(16) The testing medium for phenylbutazone in horses shall~~
282 ~~be serum, and the division may collect up to six full 15-~~
283 ~~milliliter blood tubes for each horse being sampled.~~

284 Section 2. This act shall take effect July 1, 2015.

Page 10 of 10

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development, *Chair*
Appropriations
Commerce and Tourism
Governmental Oversight and Accountability
Regulated Industries
Rules

SENATOR JACK LATVALA

20th District

February 19, 2015

The Honorable Bill Montford
Chair, Agriculture Committee
214 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Montford:

I respectfully request positive consideration of CS/SB 226 regarding Racing Animals. I would greatly appreciate the opportunity to present this legislation to the Committee on Agriculture as soon as possible.

This bill will prohibit the use of certain medications or substances on racing animals prior to a race.

If you have any questions regarding this legislation, please contact me. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jack Latvala".

Jack Latvala
State Senator
District 20

Cc: Katherine Becker, Staff Director; Joyce Butler, Administrative Assistant

REPLY TO:

- 26133 U.S Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/10/15

Meeting Date

SB 226

Bill Number (if applicable)

Topic Tracing Animals

Amendment Barcode (if applicable)

Name Graue Lovett

Job Title Director of Legislative Affairs FDALS

Address PL 10 the Capitol

Phone 617-7700

Street

Tallahassee

City

FL

State

32399

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Department of Agriculture and Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

APPEARANCE RECORD

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

3-10-15

Meeting Date

SB 226

Bill Number (if applicable)

Topic Horse Medication

Amendment Barcode (if applicable)

Name Herb Sheeene (Sheehan)

Job Title _____

Address 1455 Cane Creek Rd
Street

Phone 850-566-1100

Quincy FL 32351
City State Zip

Email sheeene@aol.com

Speaking: For Against Information

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

Representing FHBPA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

APPEARANCE RECORD

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

3-10

Meeting Date

226

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Marc Dunbar

Job Title _____

Address P.O. Box 351

Phone 850-933-8500

Street

Tallahassee

FL

32301

Email mdunbar@joneswalker.com

City

State

Zip

Speaking: For Against Information

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

Representing Stronach Group

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
State Senator René García
38th District

Please reply to:
District Office:
1490 West 68 Street
Suite # 201
Hialeah, FL. 33014
Phone# (305) 364-3100

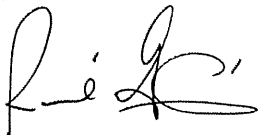
March 10, 2015

The Honorable Senator Bill Montford
Chair, Committee on Agriculture
335 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Montford:

Please excuse my absence to the Agriculture committee meeting today, as my presence was needed to present SB 378 to the Criminal Justice Committee at the same time. If you need more information, please contact my office.

Sincerely,



State Senator René García
District 38
RG:JT

CC: Katherine Becker

CourtSmart Tag Report

Room: SB 301

Caption: Senate Agriculture Committee

Case:

Judge:

Type:

Started: 3/10/2015 10:01:08 AM

Ends: 3/10/2015 10:16:15 AM

Length: 00:15:08

10:01:11 AM Meeting called to order by Chair Montford
10:01:21 AM Roll call by Administrative Assistant, Joyce Butler
10:01:25 AM Quorum present
10:01:34 AM Comments from Chair Montford
10:02:06 AM Tab 3 introduced by Chair Montford
10:02:33 AM Explanation of Tab 3 - CS/SB 226, Racing Animals by Senator Latvala
10:03:40 AM Comments from Chair Montford
10:04:02 AM Question from Senator Sobel
10:04:21 AM Response from Senator Latvala
10:04:48 AM Marc Dunbar, Stronach Group waives in support
10:05:17 AM Herb Sheheene, FHBPA waives in support
10:05:22 AM Grace Lovett, Director of Legislative Affairs, Florida Department of Agriculture and Consumer Services waives in support
10:05:27 AM Senator Latvala waives closing
10:05:43 AM Roll call on CS/SB 226 by Administrative Assistant, Joyce Butler
10:05:52 AM CS/SB 226 reported favorably
10:05:57 AM Tab 2 introduced by Chair Montford
10:06:09 AM Explanation of Tab 2 - SB 1220, Cattle Market Development Act by Senator Grimsley
10:07:06 AM Comments from Chair Montford
10:07:13 AM Adam Basford, Legislative Affairs, Florida Farm Bureau waives in support
10:08:00 AM Speaker Jim Hanley, Executive Vice President, Florida Cattlemen's Association in support of the Bill
10:09:13 AM Pat Durden, Cattleman, FCA waives in support
10:09:19 AM Cliff Coddington, General Manager, Longine Ranch, Florida Cattlemen's Association waives in support
10:09:26 AM Joel Beverling, Owner, XL Bar Cattle, Florida Cattlemen's Association waives in support
10:09:31 AM Alex Johns, Natural Resource Director, Florida Cattlemen's Association waives in support
10:09:36 AM Mack Glass waives in support
10:09:43 AM Wes Williamson, Florida Cattlemen's Association waives in support
10:09:47 AM Thomas Harper, Owner, Harper Farms, Florida Cattlemen's Association in support
10:09:56 AM Grace Lovett, Director of Legislative Affairs, Florida Department of Agriculture and Consumer Services waives in support
10:10:07 AM Senator Grimsley waives closing
10:10:20 AM Roll call on SB 1220 by Administrative Assistant, Joyce Butler
10:10:26 AM SB 1220 reported favorably
10:10:39 AM Tab 1 - SB 1050 introduced by Chair Montford
10:10:48 AM Gavel passed to Senator Dean
10:11:02 AM Introduction of Tab 1 - SB 1050 by Chair Dean
10:11:28 AM Explanation of SB 1050, Department of Agriculture and Consumer Services by Senator Montford
10:11:48 AM Comments from Chair Dean
10:12:06 AM Question from Senator Sobel
10:12:17 AM Response from Senator Montford
10:12:29 AM Response from Grace Lovett, Director of Legislative Affairs, Florida Department of Agriculture and Consumer Services
10:13:32 AM Comments from Senator Sobel
10:13:48 AM Additional comments from Grace Lovett
10:13:54 AM Comments from Chair Dean
10:14:04 AM Question from Senator Galvano
10:14:17 AM Response from Senator Montford
10:14:25 AM Response from Grace Lovett
10:15:03 AM Follow-up question from Senator Galvano
10:15:10 AM Response from Grace Lovett
10:15:22 AM Comments from Chair Dean
10:15:28 AM Senator Montford waives closure

10:15:36 AM Roll call by Administrative Assistant, Joyce Butler
10:15:44 AM SB 1050 reported favorably
10:15:59 AM Gavel passed back to Chair Montford
10:16:09 AM Senator Bullard moves to rise