

Tab 1 SB 760 by Bean; (Similar to CS/H 0153) Healthy Food Financing Initiative							
747696	A	S	L	RCS	AG, Grimsley	Delete L.172:	01/11 04:00 PM

Tab 2 SB 1010 by Montford; (Similar to H 7007) Department of Agriculture and Consumer Services							
638388	A	S		RCS	AG, Galvano	btw L.553 - 554:	01/11 04:00 PM
523650	A	S		RCS	AG, Montford	Delete L.580 - 582:	01/11 04:00 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Montford, Chair
Senator Dean, Vice Chair

MEETING DATE: Monday, January 11, 2016
TIME: 1:30—3:30 p.m.
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 760 Bean (Similar CS/H 153)	Healthy Food Financing Initiative; Directing the Department of Agriculture and Consumer Services to establish a Healthy Food Financing Initiative program to provide specified financing to construct, rehabilitate, or expand independent grocery stores and supermarkets in underserved communities in low-income and moderate-income communities; authorizing the department to contract with a third-party administrator, etc. AG 01/11/2016 Fav/CS AGG AP	Fav/CS Yeas 7 Nays 0
2	SB 1010 Montford (Similar H 7007, Compare H 749, S 1310)	Department of Agriculture and Consumer Services; Revising the powers and duties of the Division of Marketing and Development to remove the enforcement provisions relating to the dealers in agricultural products law; revising the duties of the director of the Division of Consumer Services to include enforcement provisions relating to the dealers in agricultural products law; authorizing the Commissioner of Agriculture to create an Office of Agriculture Technology Services, etc. AG 01/11/2016 Fav/CS AGG AP	Fav/CS Yeas 7 Nays 0
3	Presentation on Technological Advances in Agriculture		Presented
4	Presentation by FAMU on Agriculture Efforts		Presented

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: CS/SB 760

INTRODUCER: Committee on Agriculture and Senator Bean

SUBJECT: Healthy Food Financing Initiative

DATE: January 11, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Becker	AG	Fav/CS
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 760 establishes a program called the Healthy Food Financing Initiative to provide financial assistance for the development or expansion of grocery retail outlets that operate in underserved communities or low-income or moderate-income communities. It provides a definition for “underserved community,” “low-income community,” “moderate-income community,” and other terms used in the bill. It directs the Department of Agriculture and Consumer Services (DACS) to implement and monitor the program through public-private partnerships and it sets forth requirements that must be met in establishing the program, in contracting with described entities for administration, in approving financing, and in monitoring the use of funds. The bill directs DACS to adopt rules to administer this program and to report annually to the President of the Senate and the Speaker of the House of Representatives. Lastly, it provides that the creation and implementation of this bill is contingent upon appropriation by the Legislature.

II. Present Situation:

A 2014 study commissioned by the DACS on the Impact of Food Deserts on Diet-Related Outcomes made several key findings, one of which was that access to quality retail grocers in Florida is strongly linked to a variety of diet-related health outcomes and that individuals living in places more than a half mile from the nearest full-service grocer and who lack access to a vehicle are more likely to die prematurely from diabetes, diet-related cancers, stroke, and liver

disease than individuals living where grocers are closer and vehicles are more available.¹ The American Heart Association reports that low-income areas have more convenience stores than supermarkets, thus limiting healthy options in those areas and specifically that 2.5 million Floridians live in areas where fresh food is not readily available.²

Healthy Food Financing Initiative programs are being established around the country through public private partnerships to provide grants and loans to assist the financing of new supermarkets and grocery stores to low-income, underserved communities. These programs provide more flexible terms and structured financing tailored for a specific project than financing provided by conventional credit sources. The first fresh food financing program was established in Pennsylvania in 2004 and is considered a success. At least a half dozen states or local governments have developed similar healthy food financing programs using the Pennsylvania program as a model.³ This proposed bill is likewise modeled after the Pennsylvania program.

A Community Development Financial Institution (CDFI) plays a key role in healthy food financing initiatives by providing financing packages with terms often unavailable from traditional financial institutions for the development of grocery stores and other food retail options in underserved neighborhoods.⁴ A CDFI or similar organization is essentially the entity that administers and monitors healthy food financing programs.

Based on 2013 data, The Reinvestment Fund (TRF), a national community development organization, and The Florida Community Loan Fund (FCLF) created a list that shows over 800 grocery stores in Florida meet the bill's definition of an "independent grocery store or supermarket," and therefore could apply for funds under a Florida Healthy Food Financing Initiative program.⁵ While a healthy food financing program does not presently exist in Florida, the FCLF has been instrumental in providing assistance through New Markets Tax Credits to enable a grocery store to relocate and update its operation which was the only grocery store available for residents in the small rural city of Old Town, Florida, an area recognized as a Food Desert by the United States Department of Agriculture. The FCLF reports that in addition to offering fresh foods and groceries to an enlarged customer base, the project also provided a valuable economic impact by creating jobs and stimulating additional business at the site.⁶

III. Effect of Proposed Changes:

Section 1 creates the Healthy Food Financing Initiative with the following terms:

A. It establishes the following definitions:

¹ Impact on Food Deserts on Diet-Related Health Outcomes, see <http://www.freshfromflorida.com/Divisions-Offices/Food-Nutrition-and-Wellness/Florida-s-Roadmap-To-Living-Healthy/Impact-of-Food-Deserts-on-Diet-Related-Health-Outcomes>, (Site last visited 11/19/2015).

² See <http://www.dccpta.org/wp-content/uploads/2015/10/Healthy-Food-FL-FACT-SHEET.pdf>. (Site last visited 11/23/2015).

³ See http://thefoodtrust.org/uploads/media_items/hffi-around-the-country.original.pdf. (Site last visited 11/23/2015).

⁴ See http://thefoodtrust.org/uploads/media_items/cdfi-report-final-20140708.original.pdf, pgs. 4-6. (Site last visited 11/23/2015).

⁵ Per paper provided by David Francis, Government Relations Director, Florida for the American Heart Association. Paper on file with the Senate Agricultural Committee.

⁶ See <http://www.fclf.org/hitchcocks-market-expands-using-nmtc-program>. (Site last visited 11/23/2015).

- Community facility – a property used to provide health and human services or used to facilitate the delivery or distribution of food and other agriculture products for the benefit of low-income children, families, and older adults.
 - Department – Department of Agriculture and Consumer Services.
 - Independent grocery store or supermarket – a store or supermarket whose parent does not own more than 40 grocery stores throughout the country according to the latest Nielsen TDLinx Supermarket/Supercenter database.
 - Low-income community – a community determined by the latest United States (U.S.) Census to have at least a 20% poverty rate; or have a median family income that does not exceed 80% of the statewide median family income if located outside of a metropolitan area; or have a median family income less than 80% of the statewide median family income or the metropolitan median family income, whichever is greater, if located inside a metropolitan area.
 - Moderate-income community – a population census tract determined by the latest U.S. Census in which the median family income is between 81 and 95 percent of the statewide or metropolitan median family income.
 - Program – the Healthy Food Financing Initiative to be established by DACS.
 - Underserved community – a distressed area where a substantial number of residents have low access to a full-service supermarket or grocery store. Such an area must meet criteria set forth in the bill.
- B. It requires DACS to establish a program to use private and public loans, grants, tax credits, and other types of financial assistance to increase access to fresh produce and other nutritious food in underserved communities or low-income or moderate-income communities.
- C. It authorizes DACS to contract with certain entities that demonstrate that they are qualified to administer the program through a public-private partnership. It directs the department to establish operating procedures for the program which may be contracted out to a third party that reports annually to the department. It requires the department to report annually the results of the program to the President of the Senate and the Speaker of the House of Representatives.
- D. It sets forth criteria that an applicant for financing must meet as well as certain operational requirements. It provides an exception for small grocery-type stores to a requirement that 30% of food retail space must be used for the sale of perishable foods.
- E. It sets forth criteria that the department or administrator must follow in determining which qualified projects to finance.
- F. It sets forth specific types of costs or uses for which financing provided by the program may be used.
- G. It requires the department to adopt rules to administer this Healthy Food Financing program.

Section 2 provides that implementation of this bill is contingent upon funds being appropriated by the legislature.

Section 3 provides that this bill takes effect on July 1, 2016.

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:

Private entities and public-private partnerships will benefit in an unknown amount to the extent they are awarded funding and may benefit from loans or loan terms that facilitate or accelerate the growth or expansion of business opportunities.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services reports that it will incur the following expenditures to implement and administer this bill which will not create any revenue.

Expenditures	FY 16-17	FY 17-18	FY 18-19
Recurring:			
Salaries & Benefits			
OPS Program Specialist (1)	\$58,204	\$58,204	\$58,204
Expenses			
Exp. Professional Package (1)	\$6,175	\$6,175	\$6,175
Special Category			
Human Resources Services. (1)	\$120	\$120	\$120
Total Recurring Expenditures	\$64,499	\$64,499	\$64,499
Non-Recurring:			
Expense Package (1)	\$3,999		

Total Non-Recurring Expenditures	\$3,999		
Total Recurring and Non-Recurring	\$68,498	\$64,499	\$64,499

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section of the Florida Statutes.

IX. Additional Information:

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

CS by Agriculture on January 11, 2016:

This Committee Substitute provides that program financing may also be used for the acquisition of seeds and starter plants in addition to purposes named specifically in the bill.

- B. **Amendments:**

None.



747696

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2016	.	
	.	
	.	
	.	

The Committee on Agriculture (Grimsley) recommended the following:

Senate Amendment

Delete line 172

and insert:

(h) Acquisition of seeds and starter plants for the residential cultivation of fruits, vegetables, herbs, and other culinary products. However, only 5 percent of the total funds expended in any one project under this section may be used for such acquisition.

(i) Other purposes as determined by the department or a

By Senator Bean

4-00668A-16

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1 A bill to be entitled
 2 An act relating to the Healthy Food Financing
 3 Initiative; providing definitions; directing the
 4 Department of Agriculture and Consumer Services to
 5 establish a Healthy Food Financing Initiative program
 6 to provide specified financing to construct,
 7 rehabilitate, or expand independent grocery stores and
 8 supermarkets in underserved communities in low-income
 9 and moderate-income communities; authorizing the
 10 department to contract with a third-party
 11 administrator; providing program, project, and
 12 applicant requirements; authorizing funds to be used
 13 for specified purposes; directing the department to
 14 submit an annual report to the Legislature and adopt
 15 rules; providing that creation and implementation of
 16 the program are contingent upon legislative
 17 appropriations; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Healthy Food Financing Initiative.—

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

23 (a) "Community facility" means a property owned by a
 24 nonprofit or for-profit entity or a unit of government in which
 25 health and human services are provided and space is offered in a
 26 manner that provides increased access to, or delivery or
 27 distribution of, food or other agricultural products to
 28 encourage public consumption and household purchases of fresh
 29 produce or other healthy food to improve the public health and

Page 1 of 7

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

4-00668A-16

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30 well-being of low-income children, families, and older adults.
 31 (b) "Department" means the Department of Agriculture and
 32 Consumer Services.
 33 (c) "Independent grocery store or supermarket" means an
 34 independently owned grocery store or supermarket whose parent
 35 company does not own more than 40 grocery stores throughout the
 36 country based upon ownership conditions as identified in the
 37 latest Nielsen TDLinx Supermarket/Supercenter database.
 38 (d) "Low-income community" means a population census tract,
 39 as reported in the most recent United States Census Bureau
 40 American Community Survey, which meets one of the following
 41 criteria:
 42 1. The poverty rate is at least 20 percent;
 43 2. In the case of a low-income community located outside of
 44 a metropolitan area, the median family income does not exceed 80
 45 percent of the statewide median family income; or
 46 3. In the case of a low-income community located inside of
 47 a metropolitan area, the median family income does not exceed 80
 48 percent of the statewide median family income or 80 percent of
 49 the metropolitan median family income, whichever is greater.
 50 (e) "Moderate-income community" means a population census
 51 tract, as reported in the most recent United States Census
 52 Bureau American Community Survey, in which the median family
 53 income is between 81 percent and 95 percent of the statewide
 54 median family income or metropolitan median family income.
 55 (f) "Program" means the Healthy Food Financing Initiative
 56 established by the department.
 57 (g) "Underserved community" means a distressed urban,
 58 suburban, or rural geographic area where a substantial number of

Page 2 of 7

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4-00668A-16 2016760__

59 residents have low access to a full-service supermarket or
 60 grocery store. An area with limited supermarket access must be:
 61 1. A census tract, as determined to be an area with low
 62 access by the United States Department of Agriculture, as
 63 identified in the Food Access Research Atlas;
 64 2. Identified as a limited supermarket access area as
 65 recognized by the Community Development Financial Institutions
 66 Fund of the United States Department of the Treasury; or
 67 3. Identified as an area with low access to a supermarket
 68 or grocery store through a methodology that has been adopted for
 69 use by another governmental initiative, or well-established or
 70 well-regarded philanthropic healthy food initiative.
 71 (2) The department shall establish a Healthy Food Financing
 72 Initiative program that is composed of and coordinates the use
 73 of federal, state, and private loans or grants, federal tax
 74 credits, and other types of financial assistance for the
 75 construction, rehabilitation, or expansion of independent
 76 grocery stores, supermarkets, and community facilities to
 77 increase access to fresh produce and other nutritious food in
 78 underserved communities.
 79 (3) (a) The department may contract with one or more
 80 qualified nonprofit organizations or Florida-based federally
 81 certified community development financial institutions to
 82 administer the program through a public-private partnership.
 83 Eligible community development financial institutions must be
 84 able to demonstrate:
 85 1. Prior experience in healthy food financing.
 86 2. Support from the Community Development Financial
 87 Institutions Fund of the United States Department of the

4-00668A-16 2016760__

88 Treasury.
 89 3. The ability to successfully manage and operate lending
 90 and tax credit programs.
 91 4. The ability to assume full financial risk for loans made
 92 under this initiative.
 93 (b) The department shall:
 94 1. Establish program guidelines, raise matching funds,
 95 promote the program statewide, evaluate applicants, underwrite
 96 and disburse grants and loans, and monitor compliance and
 97 impact. The department may contract with a third-party
 98 administrator to carry out such duties. The third-party
 99 administrator shall report to the department annually.
 100 2. Create eligibility guidelines and provide financing
 101 through an application process. Eligible projects must be:
 102 a. Located in an underserved community;
 103 b. Primarily serve low-income or moderate-income
 104 communities; and
 105 c. Provide for the construction of new independent grocery
 106 stores or supermarkets; the renovation or expansion of,
 107 including infrastructure upgrades to, existing independent
 108 grocery stores or supermarkets; or the construction, renovation,
 109 or expansion of, including infrastructure upgrades to, community
 110 facilities to improve the availability and quality of fresh
 111 produce and other healthy foods.
 112 3. Report annually to the President of the Senate and the
 113 Speaker of the House of Representatives on the projects funded,
 114 the geographic distribution of the projects, the costs of the
 115 program, and the outcomes, including the number and type of jobs
 116 created and health initiatives associated with the program.

4-00668A-16

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117 (4) A for-profit entity or a not-for-profit entity,
 118 including, but not limited to, a sole proprietorship,
 119 partnership, limited liability company, corporation,
 120 cooperative, nonprofit organization, nonprofit community
 121 development entity, university, or governmental entity may apply
 122 for financing. An applicant for financing must:

123 (a) Demonstrate the capacity to successfully implement the
 124 project and the likelihood that the project will be economically
 125 self-sustaining;

126 (b) Demonstrate the ability to repay the loan; and

127 (c) Agree, as an independent grocery store or supermarket,
 128 for at least 5 years, to:

129 1. Accept Supplemental Nutrition Assistance Program
 130 benefits;

131 2. Apply to accept Special Supplemental Nutrition Program
 132 for Women, Infants, and Children benefits and accept such
 133 benefits, if approved;

134 3. Allocate at least 30 percent of food retail space for
 135 the sale of perishable foods, which may include fresh or frozen
 136 dairy products, fresh produce, and fresh meats, poultry, and
 137 fish;

138 4. Comply with all data collection and reporting
 139 requirements established by the department; and

140 5. Promote the hiring of local residents.

141
 142 Projects including, but not limited to, corner stores, bodegas,
 143 or other types of nontraditional grocery stores that do not meet
 144 the 30 percent minimum in subparagraph 3. can still qualify for
 145 funding if such funding will be used for refrigeration,

4-00668A-16

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146 displays, or other one-time capital expenditures to promote the
 147 sale of fresh produce and other healthy foods.

148 (5) In determining which qualified projects to finance, the
 149 department or third-party administrator shall:

150 (a) Give preference to local Florida-based grocers or local
 151 business owners with experience in grocery stores and to grocers
 152 and business owners with a business plan model that includes
 153 written documentation of opportunities to purchase from Florida
 154 farmers and growers before seeking out-of-state purchases;

155 (b) Consider the level of need in the area to be served;

156 (c) Consider the degree to which the project will have a
 157 positive economic impact on the underserved community, including
 158 the creation or retention of jobs for local residents; and

159 (d) Consider other criteria as determined by the
 160 department.

161 (6) Financing for projects may be used for the following
 162 purposes:

163 (a) Site acquisition and preparation.

164 (b) Construction and build-out costs.

165 (c) Equipment and furnishings.

166 (d) Workforce training or security.

167 (e) Predevelopment costs, such as market studies and
 168 appraisals.

169 (f) Energy efficiency measures.

170 (g) Working capital for first-time inventory and startup
 171 costs.

172 (h) Other purposes as determined by the department or a
 173 third-party administrator.

174 (7) The department shall adopt rules to administer this

4-00668A-16

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175 section.

176 Section 2. The creation of the Healthy Food Financing
177 Initiative and implementation of this act are contingent upon
178 appropriation by the Legislature.

179 Section 3. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

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

January 11, 2016

Meeting Date

760

Bill Number (if applicable)

747696

Amendment Barcode (if applicable)

Topic Relating to Healthy Food Financing Initiative

Name Darrick D. McGhee

Job Title Vice President of Gov't Relations - Johnson & Blanton

Address 537 East Park Avenue

Street

Tallahassee

City

Florida

State

32301

Zip

Phone (850) 321-6489

Email darrick@teamjb.com

Speaking: For Against Information

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

Representing American Heart 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.

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)

NEW

1-11-16

Meeting Date

760

Bill Number (if applicable)

Topic Healthy Food Financing Initiative

Amendment Barcode (if applicable)

Name Fely Curva, Ph.D.

Job Title Partner Curva Associates LLC

Address 1212 Piedmont Dr.

Phone (850) 508-2256

Street

Tallahassee

City

FL

State

32312

Zip

Email curva@mindspring.com

Speaking: For Against Information

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

Representing Florida Impact; SHAPE Florida; Budd Bell
Clearinghouse on Human 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.

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APPEARANCE RECORD

January 11, 2016

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

760

Meeting Date

Bill Number (if applicable)

Topic Relating to Healthy Food Financing Initiative

Amendment Barcode (if applicable)

Name Darrick D. McGhee

Job Title Vice President of Gov't Relations - Johnson & Blanton

Address 537 East Park Avenue

Phone (850) 321-6489

Street

Tallahassee

Florida

32301

Email darrick@teamjb.com

City

State

Zip

Speaking: For Against Information

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

Representing American Heart 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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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/11/2016

Meeting Date

SB 760

Bill Number (if applicable)

Topic Healthy Food Financing Initiative

Amendment Barcode (if applicable)

Name Ms. Zayne Smith

Job Title Associate State Director

Address 200 W. College Ave.

Phone 850 228-4243

Street

Tally

City

FL

State

32301

Zip

Email zsmith@aarfp.org

Speaking: For Against Information

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

Representing AARFP

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)

W
✓
SB 760

1/11/16

Meeting Date

SB 760
Bill Number (if applicable)

Topic Healthy Food Financing

Amendment Barcode (if applicable)

Name Matthew Choy

Job Title Sr. Specialist; Government Affairs

Address 525 Okalochee Blvd. Suite 860
Street

Phone 937-624-9236

West Palm Beach, FL 33401
City State Zip

Email Matthew.Choy@scotts.com

Speaking: For Against Information

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

Representing Scotts Miracle-Gro Co.

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)

W

11/11/16

Meeting Date

SB 760

Bill Number (if applicable)

Topic Healthy Food Financing

Amendment Barcode (if applicable)

Name Mark Landreth

Job Title Sr. Dir Gov. Relations

Address 2851 Remington Green Cir Tallahassee 32301

Phone 850-544-3376

Email Mark.Landreth@heart.org

Speaking: [] For [] Against [] Information

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

Representing American Heart Association

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

Lobbyist registered with Legislature: [x] 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

W

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

760
Bill Number (if applicable)

Meeting Date _____

Amendment Barcode (if applicable) _____

Topic SB 760 - Healthy Food Financing Initiative

Name Jasmynne Henderson

Job Title Associate

Address 1029 East Park Avenue
Street

Phone 850-216-1002

Tallahassee FL 32301
City State Zip

Email jasmynne@pittman-law.com

Speaking: For Against Information

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

Representing Miami-Dade County

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

Committee Agenda Request

To: Senator Bill Montford, Chair
Committee on Agriculture

Subject: Committee Agenda Request

Date: November 18, 2015

I respectfully request that **Senate Bill #760**, relating to Healthy Food Financing Initiative, be placed on the:

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

A handwritten signature in cursive script that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

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 1010

INTRODUCER: Senator Montford

SUBJECT: Department of Agriculture and Consumer Services

DATE: January 11, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	CS/Fav
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1010 addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). The bill:

- Designates tupelo honey as the official state honey.
- Changes the procedure to obtain and renew a pest control operator's certificate and eliminates a late charge.
- 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 the term "dietary supplements" to the list of possibly adulterated foods.
- Defines the term "vehicle" to provide clarity to the types of mobile carriers that fall under the department's regulatory authority.
- Adds allergen information labeling requirements to the list of possibly misbranded foods.
- Authorizes the department to sponsor "events" (not just breakfasts, luncheons, or dinners) 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 and duties of the Division of Agricultural Environmental Services.
- Creates an Office of Agriculture Technology Services.

- Removes the requirement for the department to provide staff and meeting space for the Florida Agriculture Center and Horse Park Authority.
- Specifies the intent of the “Fresh From Florida” marketing brand.
- Amends membership requirements for the Florida Agricultural Promotional Campaign Advisory Council.
- Modifies the reporting period for fertilizer tonnage sales from monthly to quarterly and changes the reporting requirement from 15 days to 30 days following the close of the reporting period.
- Preempts regulatory authority for commercial feed and feedstuff to the department.
- 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 provides the department with the flexibility to not have to require an owner to destroy or remove the plant.
- Creates the Grove Removal or Vector Elimination Program.
- Rewrites ch. 582, F.S., to modernize the Soil and Water Conservation Districts’ (SWCDs) statutes to reflect the actual functions of the districts.
- Eliminates Watershed Improvement Districts.
- 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.
- Authorizes the department to implement the Farmers’ Market Nutrition Program to provide participants in the Supplemental Nutrition Program for Women, Infants, and Children with locally grown fruits and vegetables.
- 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 be the “Florida Farm to School Program.”
- 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.
- Eliminates the Florida Forest Service’s power to dedicate its land for use by the public as a park.

II. Present Situation:

Tupelo Honey

The Legislature has not designated an official state honey. Pure Tupelo honey is commercially produced in only three river valleys in the world – the Ogeechee, the Apalachicola, and the Chattahoochee River Basins, which are all located in northwest Florida and Southeast Georgia

Pest Control Operator’s Certification Application Fee

Each location of each licensed pest control business must have a certified operator in charge that is registered with the Department of Agriculture and Consumer Services.¹ This person must be

¹ Section 482.111(6)(a), F.S.

certified for the particular category of pest control engaged in at that location and may be in charge of one or more categories if they are certified in those categories.² To become a certified operator, an individual must pass an examination and satisfy specified education and experience requirements.³

Currently, persons seeking this certification pay \$300 to take the exam.⁴ After that person has passed the exam, he or she must then receive an original certificate before engaging in pest control work.⁵ To obtain the original certificate, the individual must pay an additional \$150 issuance fee.⁶ These requirements cause the department to process an additional, repetitive application and to collect an additional fee. Improvements in on-line processing capability have eliminated the need for this process and can improve the speed with which applicants can obtain their certificate. According to the department, while there will be a negative fiscal impact, there will also be decreased costs and administrative burdens for processing the application for initial certification.

Limited Certification for Urban Landscape Commercial Fertilizer Application

Section 482.1562, F.S., outlines the application requirements to receive a Limited Certification for Urban Landscape Commercial Fertilizer Certificate. 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 may be as much as \$75. A new license is \$25. The bill removes the late fee and allows certificate holders 30 days to renew their licenses. The change was requested by industry representatives, because they felt the current language was confusing. This process is consistent with other certifications under ch. 482, F.S.

Florida Food Safety Act

The Florida Food Safety Act is intended to:

- Promote public welfare by protecting the consuming public from injury by product use and the purchasing public from injury by merchandising deceit, flowing from intrastate commerce in food;
- Provide uniform legislation so far as practical with federal regulations; and
- Promote uniform administration and enforcement of federal and state food safety laws.⁷

The bill proposes adoption by reference of federal code (21 USC 321) which details information about dietary supplements or ingredients. The changes proposed add dietary supplements to the list of foods that could possibly be adulterated and sets forth criteria to determine if the supplement is adulterated. Dietary supplements have historically been regulated as a food item and are defined as such in federal code. The expansive growth of such products in the last decade, combined with a lack of understanding by many consumers and producers that

² Id.

³ Section 482.132, F.S.

⁴ Section 482.141, F.S.; Rule 5E-14.123(4), F.A.C.

⁵ Section 482.111, F.S.

⁶ Id.; Rule 5E-14.132(3), F.A.C.

⁷ Section 500.02, F.S.

supplements and supplement ingredients are food products, has created considerable confusion in the regulation of such products. The department is seeking to clarify its ongoing regulation of these products through definition of the product and inclusion of dietary supplements.

The department currently maintains authority to inspect vehicles which transport food products. However, the various modes of transportation are not clearly identified. Adding the term “vehicle” to the list of definitions will provide clarity around the types of mobile carriers that fall under the department’s regulatory authority.

The department’s federal partners recognize allergens as a critical food safety issue and have created regulations for such. Section 500.11, F.S., defines what constitutes misbranded food; however the language is incomplete and/or inconsistent with federal code 21 U.S.C. 343. The department recommends to adopt by reference federal code 21 U.S.C. 343 (w) (1) (a) or (b) which includes labeling requirements for allergen information. Such requirements will better protect consumers by requiring appropriate labeling of foods containing known allergens.

Powers and Organization of the Department of Agriculture and Consumer Services

The Legislature has granted the department with various powers to regulate and promote Florida agriculture, protect the environment, safeguard consumers, and ensure the safety of food. The department has 13 divisions and five offices that establish rules for the state’s animal, aquaculture, forestry and produce industries, license producers, the state’s agribusiness marketing needs, oversight of emergency preparedness, and law enforcement efforts covering the agriculture industry. In addition to its agricultural duties, the department regulates various consumer service businesses, including motor vehicle repair shops, charitable organizations, dance studios, pawnshops, telemarketers, and several others. The bill eliminates certain powers and duties that are no longer used and updates others to more effectively carry out its duties.

Pest Control Trust Fund

Section 482.2401, F.S., requires all moneys collected or received by the department under this chapter to be deposited into the Pest Control Trust Fund. The department indicates that current language restricts the use of funds to carry out the provisions of ch. 482, F.S., because it prevents resources funded in ch. 482, F.S., from being used to conduct work for other programs. This is problematic when functions across programs are combined within a work unit, such as licensing or inspections. Prior to the reorganization of the Division of Agriculture Environmental Services (AES), the work units were separate for each statutory area. The re-organization streamlined these units. The bill 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 (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, 2019.

Office of Agriculture Technology Services

Currently, the Division of Administration is responsible for “providing electronic data processing and management information systems support for the department.” The bill would create an Office of Agriculture Technology Services as a stand-alone office under the supervision of a senior manager within ch. 570, F.S. This change paves the way for continued implementation of the department’s information technology strategic plan.

Florida Agriculture Center and Horse Park

In 1994, the Florida Legislature created the Florida Agriculture Center and Horse Park (Florida Horse Park) in order to provide a unique tourist experience for visitors and Florida residents.⁸ The Florida Horse Park is situated on 500 acres that are located south of Ocala. Numerous events occur at the Florida Horse Park throughout the year including rodeos, dressage, polo, obstacle challenges, dog shows, and trail rides.⁹ A twenty-one member group appointed by the Commissioner of Agriculture called the Florida Agriculture Center and Horse Park Authority (Authority) oversees the management of the park.¹⁰ The department is currently required to provide administrative and staff support services for the meetings of the Authority. It must also provide suitable space in the offices of the department for the meetings and for the storage of records of the Authority.¹¹

Florida Agricultural Promotion Campaign

The department is authorized to establish and coordinate the Florida Agricultural Promotional Campaign (FAPC), also known as the “Fresh From Florida” campaign.¹² This campaign is intended to increase consumer awareness and to expand the market for Florida’s agricultural products.¹³ Florida agricultural producers may voluntarily join FAPC. FAPC members may use the “Fresh From Florida” logos, participate in industry trade shows at a reduced cost, receive point-of-purchase materials, have access to trade leads, receive the “Fresh From Florida” magazine and industry newsletter, tie in to supermarket promotions that feature Florida products in newspaper and store circular advertisements, and receive a farm sign customized with the member’s business name.¹⁴ The bill would clarify the intent of the marketing brand to avoid misconception that the brand is indicative of inspection for food safety purposes and to decrease the possibility of liability to the department as it makes clear that the department is not warranting safety of products by use of the brand. These changes will clarify intent that the Florida Agricultural Promotional Campaign is only providing a marketing program aimed at promoting department brands, including the “Fresh From Florida” program.

⁸ Section 570.681, F.S.

⁹ Florida Agricultural Center and Horse Park Authority, *Welcome to the Florida Horse Park*, <http://flhorsepark.com/> (last visited December 21, 2015).

¹⁰ Section 570.685, F.S.

¹¹ Section 570.685(4)(b), F.S.

¹² Section 571.24, F.S.

¹³ Section 571.22, F.S.

¹⁴ Florida Department of Agriculture and Consumer Services, *Join “Fresh From Florida,”* <http://www.freshfromflorida.com/Divisions-Offices/Marketing-and-Development/Agriculture-Industry/Join-Fresh-From-Florida> (last visited December 21, 2015).

Commercial Feed and Feedstuff

“Commercial feed” is all materials or combinations of materials that are distributed or intended to be distributed for use as feed or for mixing in a feed for animals other than humans.¹⁵

“Feedstuff” is edible materials, other than commercial feed, that are distributed for animal consumption and that contribute energy or nutrients, or both, to an animal diet.¹⁶ The department has indicated that it, as well local governments, if they are inclined to, are authorized to regulate commercial feed and feedstuff for quality, safety, labeling requirements, and standards. At present, there is no regulation of animal feed and feedstuff through local ordinances. The federal Food and Drug Administration is currently promulgating rules which would bring the manufacture and distribution of commercial livestock feed and ingredients to a standard of sanitation safe for both human handling and animal consumption through the Food Safety Modernization Act. The bill would clarify the department’s preemptive authority to regulate, inspect, sample, and analyze any commercial feed and feedstuff to eliminate potential duplication of regulation. This is supported by the Florida Feed Association.

Removal and Destruction of Infected and Infested Plants

The Division of Plant Industry must order the removal and destruction of any plant or plant product infested or infected with plant pests or noxious weeds.¹⁷ The division may take this action in order to stop the introduction and dissemination of plants or pests that may threaten Florida’s agriculture industry. The director of the division provides written notice to the owner or the person in charge of the premises when the department finds an infested or infected plant or plant product. Within ten days of the notice, the owner or person in charge must treat as directed or remove and destroy the infested or infected plant or plant product. If the owner or person in charge does not, the department may treat as directed or remove and destroy the infested or infected plant or plant product.¹⁸ The bill would create an exception from the destruction requirement for plant or plant products infested with pests or noxious weeds that are widely established in Florida and not regulated. According to the department, there are times when noxious plants, plant pests, or plant diseases are well established in Florida and are not under a department eradication or control program. The department would have flexibility if the situation does not justify requiring immediate action to eliminate or otherwise mitigate.

Citrus Greening

Huanglongbing, citrus greening, is thought to be caused by the bacterium, *Candidatus Liberibacter asiaticus*. Citrus greening has seriously affected citrus production in a number of countries in Asia, Africa, the Indian subcontinent and the Arabian Peninsula, and was discovered in July 2004 in Brazil. Wherever the disease has appeared, citrus production has been compromised with the loss of millions of trees. In August 2005, the disease was found in the south Florida region of Homestead and Florida City. Since that time, citrus greening has been found in commercial and residential sites in all counties with commercial citrus.¹⁹ In these areas,

¹⁵ Section 580.031(2), F.S.

¹⁶ Section 580.031(10), F.S.

¹⁷ Section 581.181(1), F.S.

¹⁸ Section 581.181(2), F.S.

¹⁹ See <http://www.crec.ifas.ufl.edu/extension/greening/index.shtml>, (last visited January 11, 2012).

citrus crops have been seriously threatened or even completely destroyed. Primary disease symptoms include leaf yellowing or blotchy mottling of leaves; lopsided and bitter fruit; fruit that remains green even when ripe; twig dieback; and stunted, sparsely foliated trees that may bloom off season.²⁰ When dying groves and unmaintained properties are abandoned by property owners who have not removed the diseased trees, the properties become breeding grounds for citrus greening to spread to neighboring healthy groves.

Soil and Water Conservation Districts

Faced with the problems of the Dust Bowl in the 1930's, President Roosevelt signed the Soil Conservation Act of 1935. It authorized the Secretary of Agriculture to make payments and grants of aid to support approved soil and water conservation measures. The Soil Conservation Service addressed the challenge by setting up a number of large-scale demonstration projects around the country. Although these projects were themselves successful, this approach was not far-reaching enough. It was not only too costly and too slow to achieve the desired results, but it lacked grass-roots support and participation and did not provide long-lasting conservation treatment. It was recognized that a local organization was necessary through which conservation could be accomplished. In 1937, a model Soil Conservation District Law was developed for consideration by each of the states. Along with a letter from President Roosevelt, this model enabling act was sent to each of the state governors, suggesting that farmers and ranchers be granted the authority to establish districts specifically for conservation of soil and water resources.²¹

Florida adopted much of the model law in 1937.²² The Legislature recognized farms, forests, and grazing lands as among Florida's basic assets in need of protection from improper land use techniques that cause erosion.²³ It found that erosion reduced the productivity of land, harmed water resources, injured wildlife, caused flooding, and destroyed infrastructure.²⁴ Thus, corrective measures were required to prevent erosion and conserve, develop, and utilize soil and water resources.²⁵ The Legislature intended for soil and water conservation districts (SWCDs) to control and prevent soil erosion, prevent floodwater and sediment damage, further conservation, development, and utilization of soil and water resources, preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of Florida.²⁶ Currently there are 58 SWCDs in Florida.

²⁰ See <http://www.hungrypests.com/faqs/citrus-greening.php>, (last visited January 11, 2012).

²¹ *United States Department of Agriculture*, http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/nra/rca/?cid=nrcs143_014208 (last visited December 21, 2015).

²² Chapter 18144, 1937, Laws of Florida.

²³ Section 582.02, F.S.

²⁴ Section 582.03, F.S.

²⁵ Section 582.04, F.S.

²⁶ Section 582.05, F.S.

School Nutrition 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. The program was established under the National School Lunch Act, signed by President Harry Truman in 1946.²⁷ 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.²⁸

Schools must apply through the department and complete certain requirements prior to the operation of a school nutrition program.²⁹ 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 clarify the meaning and usage of these terms both in statute and in rule and 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. The bill clarifies 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. 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 also clarifies 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. The program 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 replaces all references to the “Florida Farm Fresh Schools Program”

²⁷ See <http://www.fns.usda.gov/nslp/national-school-lunch-program-nslp>

²⁸ Section 595.403, F.S.

²⁹ Requirements found in s. 595.405, F.S.

with the “Florida Farm to School Program.” This allows for consistent messaging and marketing around the department’s efforts as stated in the statute. Further changes will allow the department to recognize those sponsors who have purchased ten 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 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. This allows school districts to exclude holidays and weekends.

Food and Nutrition Services Trust Fund

The Food and Nutrition Services Trust Fund was created for deposit of revenue and disbursements of Federal Food and Nutrition funds received by the department. In s. 595.601, F.S., the authorizing statute for this trust fund is incorrectly cited. Because the Child Nutrition Programs and Food Distribution Programs were housed in separate agencies, federal funding for these programs is currently maintained separately in the Food and Nutrition Services Trust Fund and the Federal Grants Trust Fund. Correcting this reference in s. 595.601, F.S., will direct all future allocations of federal funding into the Food and Nutrition Services Trust Fund, create better efficiency, and resolve recurring budget questions.³⁰

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 eliminates 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

³⁰ Analysis by the Department of Agriculture and Consumer Services for SB 1010, p.16 (December 11, 2015).

unnecessary because issuance of the certificate of deposit is acknowledgement that the agreement has been properly recorded.

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 will continue to be licensed and bonded which allows the department to request information from dealers in the event of a complaint or suspected malpractice.

III. Effect of Proposed Changes:

Section 1 creates s. 15.0521, F.S., to designate tupelo honey as the official state honey.

Section 2 amends s. 482.111, F.S., to eliminate the initial certification fee and associated application deadlines for pest control operator applicants.

Section 3 amends s. 482.1562, F.S., to provide renewal clarification for limited certification for urban landscape commercial fertilizer application and to remove a \$50 per month late fee. Application for recertification must be submitted four years after the date of issuance.

Section 4 amends s. 500.03, F.S., to revise the definition of the term "food" to include dietary supplements. It also adds a definition for the term "vehicle" in order to recognize the various modes of transportation used by service food establishments and to be consistent with the federal rules implementing the Food Safety Modernization Act. Currently, the Florida Food Safety Act does not define the term.

Section 5 amends s. 500.10, F.S., to include foods transported under certain conditions to be adulterated. The change also adds dietary supplements in the list of foods that could possibly be adulterated and sets forth criteria to determine if it is adulterated.

Section 6 amends s. 500.11, F.S., to adopt by reference federal law which includes labeling requirements for allergen information.

Section 7 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 8 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 9 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, 2019.

Section 10 amends s. 570.53, F.S., to remove duties associated with issuing Agriculture Dealer's Licenses from the duties of the Division of Marketing and Development.

Section 11 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 12 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 13 amends s. 570.681, F.S., to clarify legislative findings with regard to the Florida Agriculture Center and Horse Park.

Section 14 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 15 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 of Marketing and Development employee as a member of the Advertising Interagency Coordinating Council.

Section 16 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 17 amends s. 571.28, F.S., to change the membership criteria for the Florida Agricultural Promotional Campaign Advisory Council. This change 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.

Section 18 amends s. 576.041, F.S., to change fertilizer reporting requirements. This would take advantage of the department's web-based reporting tool and align Florida's tonnage reporting requirement with other states, where reporting is quarterly. In addition, the grace period in which reports must be submitted after the reporting period would be extended from 15 to 30 days. By moving the reporting period from monthly to quarterly, the potential for licensees to incur penalties for late reporting will decrease and compliance will increase. Reducing the reporting requirement by 66 percent per year will improve customer service, allow staff to be proactive during the four reporting months, and afford them the time to follow up with licensees to ensure compliance with mandated reporting requirements.

Section 19 creates s. 580.0365, F.S., to preempt the regulatory authority for commercial feed and feedstuff to the department in order to eliminate duplication of regulation.

Section 20 amends s. 581.181, F.S., to eliminate 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 will not be required to destroy or remove the plant within ten days.

Section 21 creates s. 581.189, F.S., to create the Grove Removal or Vector Elimination Program (GROVE). GROVE would be a cost-sharing program for the removal or destruction of abandoned citrus groves to eliminate the material harboring the citrus greening and the vectors that spread the disease. It provides definitions for “abandoned citrus grove,” “applicant,” “eligible costs,” “funded application,” and “program.” It authorizes the department to adopt rules for reviewing and ranking applications for cost-share funding and establishes the maximum that an applicant may be awarded in any given fiscal year. It specifies the application process and authorizes the department to deny an application if the applicant has not complied with this section or department rules. Applicants selected for funding must initiate and complete the removal of identified citrus trees in the timeframe specified by department rule or the cost-share funding will be forfeited. The annual awarding of funding through the program is subject to specific legislative appropriations.

Section 22 amends s. 582.01, F.S., to redefine terms relating to soil and water conservation. It eliminates the definition of “administrative officer.”

Section 23 amends s. 582.02, F.S., to revise legislative intent concerning soil and water conservation districts (SWCDs). This section emphasizes that the purpose of SWCDs is to promote the appropriate and efficient use of soil and water resources, protect water quality, prevent floodwater and sediment damage, preserve wildlife, and protect public lands. It is also to provide assistance, guidance, and education to landowners, land occupiers, the agricultural industry, and the general public in implementing land and water resource protection practices.

Section 24 amends s. 582.055, F.S., to update the powers and duties of the department in relation to SWCDs to reflect its current practices. This section ensures that the department is authorized to work with SWCDs to receive state and federal assistance. It grant the department the power to create and dissolve SWCDs and to adopt rules to implement this chapter.

Section 25 amends s. 582.06, F.S., to grant the Soil and Water Conservation Council the authority to review requests to create or dissolve a SWCD. It also authorizes the council to consider and provide a recommendation, at the request of the Governor or a district, as to whether a SWCD supervisor should be removed because of neglect of duty or malfeasance in office.

Section 26 amends s. 582.16, F.S., to revise the procedure used in changing district boundaries so that it is the same as when forming a district.

Section 27 amends s. 582.20, F.S., to modernize language relating to SWCDs and their supervisors. The changes focus more on water and best management practices, and less on erosion, to align with the current practices and missions of the districts. Further changes clarify that districts are authorized to partner with other entities on projects regarding floodwater control or soil and water resources. The bill would also allow a supervisor to ask the Governor to remove a fellow supervisor for neglect of duty.

Section 28 amends s. 582.29, F.S., to revise the terms under which state agencies charged with maintenance and administration of state lands must cooperate with the supervisors of any county-owned or publicly owned lands in the implementation of programs and operations under this chapter.

Section 29 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 30 amends s. 595.404, F.S., to authorize the department to implement the Farmers’ Market Nutrition Program which would provide participants in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)³¹ with locally grown fruits and vegetables. The program is to be carried out using federal or state funds or funds from any other source. The bill authorizes the department to adopt rules to administer, operate, and enforce the program.

The bill clarifies 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 nutrition program may only be advanced to the sponsors of Summer Food Service Programs. This is consistent with the federal requirement in 7 CFR 225.9. 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. The bill requires the department to collect and annually publish data from multiple sources on food purchased by sponsors through the Florida Farm to School Program and other school food and nutrition service programs. The bill also authorizes the department to enter into agreements with federal or state agencies to coordinate or cooperate in the implementation of nutrition programs.

Section 31 amends s. 595.405, F.S., to replace every instance of the term “school district” with “district school board.” It rewrites the provisions of this section, which specifies that each district school board is encouraged to provide universal, free school breakfast meals to all students in each elementary, middle, and high school. The bill 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 32 amends s. 595.406, F.S., to change the name of the “Florida Farm Fresh Schools Program” to the “Florida Farm to School Program.” The bill authorizes the department to recognize sponsors who purchase at least ten percent of the food they serve from the Florida Farm to School Program.

³¹ WIC provides federal grants to states for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk <http://www.fns.usda.gov/wic/women-infants-and-children-wic> (last visited December 14, 2015).

Section 33 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 five, not just elementary schools. The bill 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 34 amends s. 595.408, F.S., to change every instance of the word “commodity” with the word “food” to be consistent with the federal USDA Foods Program.

Section 35 amends s. 595.501, F.S., to remove requirements for corrective action plans from s. 595.405, F.S., and place them within this section. It would 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. The bill also removes “school district” from the phrase “any person, sponsor, or school district” because the definition of “sponsor” is inclusive of “school districts.”³²

Section 36 amends s. 595.601, F.S., to correct a cross-reference.

Section 37 amends s. 604.21, F.S., to eliminate the requirement that a complainant against an agricultural dealer must file three notarized complaint affidavits with the department. The bill also eliminates the requirement to file an original complaint with the department if the complaint has been submitted electronically.

Section 38 amends s. 604.33, F.S., to remove provisions requiring grain dealers to submit monthly reports. The bill authorizes rather than requires the department to make at least one spot check annually of each grain dealer.

Section 39 repeals s. 582.03, F.S., relating to the consequences of soil erosion.

Section 40 repeals s. 582.04, F.S., relating to appropriate corrective measures for soil conservation.

Section 41 repeals s. 582.05, F.S., relating to legislative policy for soil and water conservation.

Section 42 repeals s. 582.08, F.S., relating to additional powers of the department in relation to SWCDs.

Section 43 repeals s. 582.09, F.S., relating to the employment of an administrative officer of soil and water conservation as well as supporting staff.

Section 44 repeals s. 582.17, F.S., relating to the establishment of SWCDs.

Section 45 repeals s. 582.21, F.S., relating to adoption of land use regulations of SWCDs.

³² Section 595.402(5), F.S.

Section 46 repeals s. 582.22, F.S., relating to SWCD regulations and the uniformity of their content within a district.

Section 47 repeals s. 582.23, F.S., relating to the duties of supervisors under SWCD regulations.

Section 48 repeals s. 582.24, F.S., relating to boards of adjustment for SWCDs. It requires supervisors of any district to hear and consider petitions made by landowners for relief of land use regulations.

Section 49 repeals s. 582.25, F.S., relating to rule adoption and procedures of boards of adjustment.

Section 50 repeals s. 582.26, F.S., relating to petitions made to a board to vary from SWCD regulations.

Section 51 repeals s. 582.331, F.S., relating to the authorization to establish watershed improvement districts within SWCDs.

Section 52 repeals s. 582.34, F.S., relating to petitions for establishment of watershed improvement districts.

Section 53 repeals s. 582.35, F.S., relating to requirements of supervisors when a petition has been filed that include giving notice, conducting hearings on the petition, determinations of need for watershed improvement districts, and definition of boundaries.

Section 54 repeals s. 582.36, F.S., relating to the determination by supervisors that a proposed watershed improvement district is feasible and the referendum that is held to consider the question of whether the operation of the proposed district is administratively practicable and feasible.

Section 55 repeals s. 582.37, F.S., relating to consideration of results of referendums on establishing watershed improvement districts and to declarations of the approved organization of a district.

Section 56 repeals s. 582.38, F.S., relating to organization of watershed improvement districts, certification to clerks of circuits courts, and limitations on tax rates.

Section 57 repeals s. 582.39, F.S., relating to the establishment of watershed improvement districts that are situated in more than one SWCD.

Section 58 repeals s. 582.40, F.S., relating to changes of district boundaries, additions, detachments, transfers of land from one district to another, and the change of district names.

Section 59 repeals s. 582.41, F.S., relating to the boards of directors of watershed improvement districts.

Section 60 repeals s. 582.42, F.S., relating to officers, agents, and employees that are retained by boards of supervisors of watershed improvement districts. This section also provides for surety bonds for such officers, agents, and employees and requires an annual audit of the accounts of the district.

Section 61 repeals s. 582.43, F.S., relating to the status and general powers of watershed improvement districts.

Section 62 repeals s. 582.44, F.S., relating to watershed improvement districts levying taxes.

Section 63 repeals s. 582.45, F.S., relating to the fiscal powers of a watershed improvement district's governing board.

Section 64 repeals s. 582.46, F.S., relating to additional powers and authorities of watershed improvement districts. Such powers are additional to those of the soil and water conservation district in which the watershed improvement district is situated.

Section 65 repeals s. 582.47, F.S., relating to the requirement that watershed improvement district must consult with and advise flood control districts to coordinate the work of the districts involved.

Section 66 repeals s. 582.48, F.S., relating to the discontinuance of a watershed improvement district.

Section 67 repeals s. 582.49, F.S., relating to the discontinuance of a soil and water conservation district.

Section 68 repeals s. 589.26, F.S., relating to the authority of the Florida Forest Service to dedicate its land for use by the public as a park.

Section 69 provides that except as otherwise expressly provided in this act, this act shall take effect July 1, 2016.

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:**

Please see Private Sector Impact Section.

B. Private Sector Impact:

CS/SB 1010 eliminates the \$50 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 this fee.

The bill eliminates 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 creates 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.

The bill eliminates the necessity for a complainant to submit three notarized complaint affidavits when an individual is damaged by an agricultural products dealer. This may have a positive impact on those individuals by eliminating the extra filings and speeding up the complaint process.

C. Government Sector Impact:**Recurring Revenues:*****Pest Control Operator's Certification Application Fee***

The bill eliminates the original certification fee of \$150 for pest control certification applicants. It is anticipated that the department will have decreased revenues of \$ 76,762 annually. This estimate is based on a three-year average of revenues collected.

Fee for Limited Certification for Urban Landscape Commercial Fertilizer Application

The bill appears to have an insignificant negative fiscal impact on state government revenues by eliminating a late fee for limited certification for urban landscape commercial fertilizer applicants. The department has indicated that the impact is expected to be minimal and will be absorbed by the department.

Expenditures:***Office of Agricultural Technology Services***

The bill would have a fiscal impact associated with the creation of the Office of Agricultural Technology Services, under the supervision of a senior management class employee. Currently, the Chief Information Officer within the department is classified as a retiree who has been reemployed and is not eligible to participate in the 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 4.31 percent, while the contribution rate for an ineligible employee in a senior management class is 17.07 percent. Changing the department's current Chief Information Officer to a senior management class would result in an additional state retirement contribution of \$12,402 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 7.26 percent. In this scenario, changing the position to a senior management class would increase the contribution rate to 21.43 percent and result in \$13,722 in additional state retirement contributions.

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

Grove Removal or Vector Elimination Program

The Department of Agriculture and Consumer Services has indicated that it will utilize current staff to carry out the program, which is contingent upon annual legislative appropriations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 482.111, 482.1562, 500.03, 500.10, 500.11, 570.07, 570.30, 570.441, 570.53, 570.544, 570.681, 570.685, 571.24, 571.27, 571.28, 576.041, 581.181, 582.01, 582.02, 582.055, 582.06, 582.16, 582.20, 582.29, 595.402, 595.404, 595.405, 595.406, 595.407, 595.408, 595.501, 595.601, 604.21, and 604.33.

This bill creates the following sections of the Florida Statutes: 15.0521, 570.68, 580.0365, and 581.189.

This bill repeals the following sections of the Florida Statutes: 582.03, 582.04, 582.05, 582.08, 582.09, 582.17, 582.21, 582.22, 582.23, 582.24, 582.25, 582.26, 582.331, 582.34, 582.35,

582.36, 582.37, 582.38, 582.39, 582.40, 582.41, 582.42, 582.43, 582.44, 582.45, 582.46, 582.47, 582.48, 582.49, and 589.26.

IX. Additional Information:

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

CS by Agriculture on January 11, 2016:

The committee substitute:

- Restores current statute and removes language in the bill that changes the definition of “due notice” with regard to public hearings by soil and water conservation districts. It eliminates the requirement that notification must be published in a newspaper of general circulation seven days in advance of an event.
- Creates the Grove Removal or Vector Elimination Program to help eliminate citrus greening and improve the health of Florida’s citrus industry.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2016	.	
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The Committee on Agriculture (Galvano) recommended the following:

Senate Amendment (with title amendment)

Between lines 553 and 554

insert:

Section 21. Effective upon becoming a law, section 581.189, Florida Statutes, is created to read:

581.189 Grove Removal or Vector Elimination (GROVE)

Program.—

(1) There is created within the Department of Agriculture and Consumer Services the Grove Removal or Vector Elimination



638388

11 Program, a cost-sharing program for the removal or destruction
12 of abandoned citrus groves to eliminate the material harboring
13 the citrus disease Huanglongbing, also known as citrus greening,
14 and the vectors that spread the disease.

15 (2) For purposes of this section, the term:

16 (a) "Abandoned citrus grove" means a citrus grove that has
17 minimal or no production value and is no longer economically
18 viable as a commercial citrus grove.

19 (b) "Applicant" means the person who owns an abandoned
20 citrus grove.

21 (c) "Eligible costs" means the costs, incurred after an
22 application is selected for funding, of the removal or
23 destruction the citrus trees and the elimination of any citrus
24 greening vectors, as described in the removal or destruction
25 plan in the funded application.

26 (d) "Funded application" means an application selected for
27 cost-share funding pursuant to this section and rules adopted by
28 the department.

29 (e) "Program" means the Grove Removal or Vector Elimination
30 Program.

31 (3) The department shall adopt by rule the standards to be
32 used in reviewing and ranking applications for cost-share
33 funding under the program based on the following factors:

34 (a) The length of time the citrus groves have been
35 abandoned.

36 (b) Whether the citrus groves are located within a Citrus
37 Health Management Area.

38 (c) The proximity of the abandoned citrus groves to other
39 citrus groves currently in production.



638388

40 (4) An applicant may submit multiple applications for the
41 program, but is eligible only for a maximum of \$125,000 in
42 program cost-share funding in a given fiscal year. The
43 department may award to each funded application a cost-share of
44 up to 80 percent of eligible costs. The total amount of cost-
45 share allocated under the program in each fiscal year may not
46 exceed the amount specifically appropriated for the program for
47 the fiscal year.

48 (5) An applicant seeking cost-share assistance under the
49 program must submit an application to the department by a date
50 determined by department rule. The application must include, at
51 minimum:

52 (a) The applicant's plan to remove or destroy citrus trees
53 and any citrus greening vectors in the abandoned citrus grove.

54 (b) An affidavit from the applicant certifying that all
55 information contained in the application is true and correct.

56 (c) All information determined by rule to be necessary for
57 the department to determine eligibility for the program and rank
58 applications.

59 (6) If the department determines an application to be
60 incomplete, it may require the applicant to submit additional
61 information within 10 days after such determination is made.

62 (7) Each fiscal year, the department shall review all
63 complete applications received in accordance with its rules
64 adopted pursuant to subsection (5). For each such complete
65 submitted application, the department must rank the applications
66 in accordance with the factors specified in subsection (3) and,
67 before selecting an application for funding, must conduct an
68 inspection of the abandoned citrus grove that is the subject of



638388

69 the application.

70 (8) The department may deny an application pursuant to
71 chapter 120 for failure to comply with this section and
72 department rules.

73 (9) If an application is selected for funding, the
74 applicant must initiate and complete the removal or destruction
75 of the citrus trees identified in the application within the
76 timeframe specified by department rule. The applicant's failure
77 to initiate and complete the removal or destruction of the
78 identified citrus trees within the time specified by the
79 department results in the forfeiture of the cost-share funding
80 approved based on the application. Upon such occurrence, the
81 department shall notify the next eligible applicant, based upon
82 its ranking of applicants for the fiscal year, of the
83 availability of cost-share funding. Such applicant, upon
84 acceptance, may be awarded cost-share funding pursuant to this
85 section, subject to available program funds.

86 (10) Upon completion of the removal or destruction of the
87 citrus trees identified in the funded application, the applicant
88 shall present proof of payment of removal or destruction costs
89 to the department. Upon receipt of satisfactory proof of payment
90 and satisfactory proof of the removal or destruction of the
91 trees identified in the funded application, the department may
92 issue payment to the applicant for the previously approved cost-
93 share amount.

94 (11) The department may adopt rules to implement and
95 administer this section, including an application process and
96 requirements, an application ranking process that is consistent
97 with the factors specified in subsection (3), and the



98 administration of cost-share funding.

99 (12) The annual awarding of funding through the program is
100 subject to specific legislative appropriation for this purpose.

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

102 And the title is amended as follows:

103 Delete line 64

104 and insert:

105 products; creating s. 581.189, F.S.; creating the
106 Grove Removal or Vector Elimination (GROVE) Program;
107 specifying the purpose of the program; defining terms;
108 requiring the department to adopt rules for reviewing
109 and ranking applications for cost-share funding to
110 removal or destroy abandoned citrus groves;
111 establishing per applicant award maximums; specifying
112 that the total funds awarded in a fiscal year cannot
113 exceed the amount specifically appropriated for the
114 program; specifying application requirements;
115 specifying how the department must process
116 applications; specifying that noncompliance will
117 result in forfeiture of cost-share funds; requiring
118 the department to rank and review applications and to
119 conduct a certain inspection; specifying grounds for
120 denial of an application; requiring applicants
121 selected for funding to timely initiate and complete
122 the removal of identified citrus trees in accordance
123 with their respective applications; providing the
124 process for making payments to applicants; authorizing
125 the department to adopt rules; specifying that funding
126 for the program is contingent upon specific



638388

127 appropriation by the Legislature; amending s. 582.01,
128 F.S.; redefining terms



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2016	.	
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The Committee on Agriculture (Montford) recommended the following:

Senate Amendment

Delete lines 580 - 582
and insert:
to the provisions of chapter 120, means notice published at
least twice, with an interval of at least 7 days between the two
publication dates, in a newspaper or other

By Senator Montford

3-00425B-16

20161010__

1 A bill to be entitled
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; creating s. 15.0521, F.S.;
 4 designating tupelo honey as the official state honey;
 5 amending s. 482.111, F.S.; specifying the requirements
 6 for original certification as a pest control operator;
 7 specifying the fee for the renewal of a certificate;
 8 amending s. 482.1562, F.S.; specifying the deadline
 9 for recertification of persons who wish to apply urban
 10 landscape commercial fertilizer; providing a grace
 11 period for recertification; amending s. 500.03, F.S.;
 12 revising the definition of the term "food" to include
 13 dietary supplements; defining the term "vehicle";
 14 amending s. 500.10, F.S.; providing additional
 15 conditions under which food may be deemed adulterated;
 16 amending s. 500.11, F.S.; including failure to comply
 17 with labeling relating to major food allergens as a
 18 criterion for use in determining whether food has been
 19 misbranded; amending s. 570.07, F.S.; revising the
 20 department's functions, powers, and duties; amending
 21 s. 570.30, F.S.; revising the powers and duties of the
 22 Division of Administration; amending s. 570.441, F.S.;
 23 authorizing the use of funds in the Pest Control Trust
 24 Fund for activities of the Division of Agricultural
 25 Environmental Services; providing for expiration;
 26 amending s. 570.53, F.S.; revising the powers and
 27 duties of the Division of Marketing and Development to
 28 remove the enforcement provisions relating to the
 29 dealers in agricultural products law; amending s.

Page 1 of 45

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

3-00425B-16

20161010__

30 570.544, F.S.; revising the duties of the director of
 31 the Division of Consumer Services to include
 32 enforcement provisions relating to the dealers in
 33 agricultural products law; creating s. 570.68, F.S.;
 34 authorizing the Commissioner of Agriculture to create
 35 an Office of Agriculture Technology Services;
 36 providing duties of the office; amending s. 570.681,
 37 F.S.; revising the legislative findings relating to
 38 the Florida Agriculture Center and Horse Park;
 39 amending s. 570.685, F.S.; authorizing, rather than
 40 requiring, the department to provide administrative
 41 and staff support services, meeting space, and record
 42 storage for the Florida Agriculture Center and Horse
 43 Park Authority; amending s. 571.24, F.S.; clarifying
 44 the intent that the Florida Agricultural Promotional
 45 Campaign serve as a marketing program; removing an
 46 obsolete provision relating to the designation of a
 47 division employee as a member of the Advertising
 48 Interagency Coordinating Council; amending s. 571.27,
 49 F.S.; removing obsolete provisions relating to the
 50 authority of the department to adopt rules for
 51 entering into contracts with advertising agencies for
 52 services that are directly related to the Florida
 53 Agricultural Promotional Campaign; amending s. 571.28,
 54 F.S.; revising the composition of the Florida
 55 Agricultural Promotional Campaign Advisory Council;
 56 amending s. 576.041, F.S.; revising the frequency with
 57 which tonnage reports of fertilizer sales must be
 58 made; revising the timeframe for submission of such

Page 2 of 45

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3-00425B-16

20161010__

59 reports; creating s. 580.0365, F.S.; providing for the
 60 preemption of commercial feed and feedstuff
 61 regulation; amending s. 581.181, F.S.; providing
 62 applicability of provisions requiring treatment or
 63 destruction of infested or infected plants and plant
 64 products; amending s. 582.01, F.S.; redefining terms
 65 relating to soil and water conservation; amending s.
 66 582.02, F.S.; providing legislative intent and
 67 findings relating to soil and water conservation
 68 districts; providing a statement of purpose; amending
 69 s. 582.055, F.S.; revising the powers and duties of
 70 the department; authorizing the department to adopt
 71 rules; amending s. 582.06, F.S.; requiring the Soil
 72 and Water Conservation Council to accept and review
 73 requests for creating or dissolving soil and water
 74 conservation districts and to make recommendations to
 75 the commissioner; requiring the council to provide
 76 recommendations to the commissioner relating to the
 77 removal of supervisors under certain circumstances;
 78 amending s. 582.16, F.S.; revising how district
 79 boundaries may be changed; amending s. 582.20, F.S.;
 80 revising the powers and duties of districts and
 81 supervisors; amending s. 582.29, F.S.; revising the
 82 terms under which certain state agencies must
 83 cooperate; amending s. 595.402, F.S.; defining terms
 84 relating to the school food and nutrition service
 85 program; amending s. 595.404, F.S.; revising the
 86 powers and duties of the department with regard to the
 87 school food and nutrition service program; directing

Page 3 of 45

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3-00425B-16

20161010__

88 the department to collect and annually publish data on
 89 food purchased by sponsors through the Florida Farm to
 90 School Program and other school food and nutrition
 91 service programs; amending s. 595.405, F.S.;
 92 clarifying requirements for the school nutrition
 93 program; requiring breakfast meals to be available to
 94 all students in schools that serve any combination of
 95 grades kindergarten through 5; amending s. 595.406,
 96 F.S.; renaming the "Florida Farm Fresh Schools
 97 Program" as the "Florida Farm to School Program";
 98 authorizing the department to establish by rule a
 99 recognition program for certain sponsors; amending s.
 100 595.407, F.S.; revising provisions of the children's
 101 summer nutrition program to include certain schools
 102 that serve any combination of grades kindergarten
 103 through 5; revising provisions relating to the
 104 duration of the program; authorizing school districts
 105 to exclude holidays and weekends; amending s. 595.408,
 106 F.S.; conforming provisions to changes made by the
 107 act; amending s. 595.501, F.S.; requiring certain
 108 entities to complete corrective action plans required
 109 by the department or a federal agency to be in
 110 compliance with school food and nutrition service
 111 programs; amending s. 595.601, F.S.; revising a cross-
 112 reference; amending s. 604.21, F.S.; deleting a
 113 requirement relating to complaints filed by electronic
 114 transmission or facsimile; amending s. 604.33, F.S.;
 115 deleting provisions requiring grain dealers to submit
 116 monthly reports; authorizing, rather than requiring,

Page 4 of 45

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3-00425B-16

20161010__

117 the department to make at least one spot check
 118 annually of each grain dealer; repealing s. 582.03,
 119 F.S., relating to the consequences of soil erosion;
 120 repealing s. 582.04, F.S., relating to appropriate
 121 corrective methods; repealing s. 582.05, F.S.,
 122 relating to legislative policy for conservation;
 123 repealing s. 582.08, F.S., relating to additional
 124 powers of the department; repealing s. 582.09, F.S.,
 125 relating to an administrative officer of soil and
 126 water conservation; repealing s. 582.17, F.S.,
 127 relating to the presumption as to establishment of a
 128 district; repealing s. 582.21, F.S., relating to
 129 adoption of land use regulations; repealing s. 582.22,
 130 F.S., relating to district regulations and contents;
 131 repealing s. 582.23, F.S., relating to performance of
 132 work under the regulations by the supervisors;
 133 repealing s. 582.24, F.S., relating to the board of
 134 adjustment; repealing s. 582.25, F.S., relating to
 135 rules of procedure of the board; repealing s. 582.26,
 136 F.S., relating to petitioning the board to vary from
 137 regulations; repealing s. 582.331, F.S., relating to
 138 the authorization to establish watershed improvement
 139 districts within soil and water conservation
 140 districts; repealing s. 582.34, F.S., relating to
 141 petitions for establishment of watershed improvement
 142 districts; repealing s. 582.35, F.S., relating to
 143 notice and hearing on petitions, determinations of
 144 need for districts, and boundaries; repealing s.
 145 582.36, F.S., relating to determination of feasibility

Page 5 of 45

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3-00425B-16

20161010__

146 of proposed districts and referenda; repealing s.
 147 582.37, F.S., relating to consideration of results of
 148 referendums and declaration of organization of
 149 districts; repealing s. 582.38, F.S., relating to the
 150 organization of districts, certification to clerks of
 151 circuit courts, and limitation on tax rates; repealing
 152 s. 582.39, F.S., relating to establishment of
 153 watershed improvement districts situated in more than
 154 one soil and water conservation district; repealing s.
 155 582.40, F.S., relating to change of district
 156 boundaries or names; repealing s. 582.41, F.S.,
 157 relating to boards of directors of districts;
 158 repealing s. 582.42, F.S., relating to officers,
 159 agents, and employees, surety bonds, and annual
 160 audits; repealing s. 582.43, F.S., relating to status
 161 and general powers of districts; repealing s. 582.44,
 162 F.S., relating to the levy of taxes and taxing
 163 procedures; repealing s. 582.45, F.S., relating to
 164 fiscal powers of a governing body; repealing s.
 165 582.46, F.S., relating to additional powers and
 166 authority of districts; repealing s. 582.47, F.S.,
 167 relating to the coordination between watershed
 168 improvement districts and flood control districts;
 169 repealing s. 582.48, F.S., relating to the
 170 discontinuance of watershed improvement districts;
 171 repealing s. 582.49, F.S., relating to the
 172 discontinuance of soil and water conservation
 173 districts; repealing s. 589.26, F.S., relating to the
 174 dedication of state park lands for public use;

Page 6 of 45

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3-00425B-16

20161010__

175 providing effective dates.

176

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

178

179 Section 1. Effective upon this act becoming a law, section
180 15.0521, Florida Statutes, is created to read:

181 15.0521 Official state honey.—Tupelo honey is designated as
182 the official Florida state honey.

183 Section 2. Subsections (1) and (7) of section 482.111,
184 Florida Statutes, are amended to read:

185 482.111 Pest control operator's certificate.—

186 (1) The department shall issue a pest control operator's
187 certificate to each individual who qualifies under this chapter.
188 Before the issuance of the original certification, an individual
189 must have completed an application for examination, paid the
190 examination fee provided for in s. 482.141, and passed the
191 examination. Before engaging in pest control work, each
192 certified operator must be certified as provided in this
193 section. ~~Application must be made and the issuance fee must be~~
194 ~~paid to the department for the original certificate within 60~~
195 ~~days after the postmark date of written notification of passing~~
196 ~~the examination. During a period of 30 calendar days following~~
197 ~~expiration of the 60-day period, an original certificate may be~~
198 ~~issued; however, a late issuance charge of \$50 shall be assessed~~
199 ~~and must be paid in addition to the issuance fee. An original~~
200 ~~certificate may not be issued after expiration of the 30-day~~
201 ~~period, without reexamination.~~

202 (7) The fee for ~~issuance of an original certificate or the~~
203 ~~renewal of a certificate thereof~~ shall be set by the department

Page 7 of 45

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3-00425B-16

20161010__

204 but may not be more than \$150 or less than \$75; however, until
205 rules setting these fees are adopted by the department, the
206 issuance fee and the renewal fee shall each be \$75.

207 Section 3. Subsections (5) and (6) of section 482.1562,
208 Florida Statutes, are amended to read:

209 482.1562 Limited certification for urban landscape
210 commercial fertilizer application.—

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

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

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

219 (6) ~~A late renewal charge of \$50 per month shall be~~
220 ~~assessed 30 days after the date the application for~~
221 ~~recertification is due and must be paid in addition to the~~
222 ~~renewal fee. Unless timely recertified, a certificate~~
223 ~~automatically expires 90 days after the recertification date.~~
224 Upon expiration or after a grace period ending 30 days after
225 expiration, a certificate may be issued only upon the person
226 reapplying in accordance with subsection (3).

227 Section 4. Paragraph (n) of subsection (1) of section
228 500.03, Florida Statutes, is amended, and paragraph (cc) is
229 added to that subsection, to read:

230 500.03 Definitions; construction; applicability.—

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

232 (n) "Food" includes:

Page 8 of 45

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3-00425B-16

20161010__

- 233 1. Articles used for food or drink for human consumption;
 234 2. Chewing gum;
 235 3. Articles used for components of any such article; ~~and~~
 236 4. Articles for which health claims are made, which claims
 237 are approved by the Secretary of the United States Department of
 238 Health and Human Services and which claims are made in
 239 accordance with s. 343(r) of the federal act, and which are not
 240 considered drugs solely because their labels or labeling contain
 241 health claims; and
 242 5. "Dietary supplements" as the term is defined in 21
 243 U.S.C. s. 321(ff) (1) and (2).

244
 245 The term includes any raw, cooked, or processed edible
 246 substance; ice; any beverage; or any ingredient used, intended
 247 for use, or sold for human consumption.

248 (cc) "Vehicle" means a mode of transportation or mobile
 249 carrier used to transport food from one location to another,
 250 including, but not limited to, cars, carts, cycles, trucks,
 251 vans, trains, railcars, aircraft, and watercraft.

252 Section 5. Subsection (1) of section 500.10, Florida
 253 Statutes, is amended, and subsection (5) is added to that
 254 section, to read:

255 500.10 Food deemed adulterated.—A food is deemed to be
 256 adulterated:

- 257 (1) (a) If it bears or contains any poisonous or deleterious
 258 substance which may render it injurious to health; but in case
 259 the substance is not an added substance such food shall not be
 260 considered adulterated under this clause if the quantity of such
 261 substance in such food does not ordinarily render it injurious

3-00425B-16

20161010__

262 to health;

263 (b) If it bears or contains any added poisonous or added
 264 deleterious substance, other than one which is a pesticide
 265 chemical in or on a raw agricultural commodity; a food additive;
 266 or a color additive, which is unsafe within the meaning of s.
 267 500.13(1);

268 (c) If it is a raw agricultural commodity and it bears or
 269 contains a pesticide chemical which is unsafe within the meaning
 270 of 21 U.S.C. s. 346(a) or s. 500.13(1);

271 (d) If it is or it bears or contains, any food additive
 272 which is unsafe within the meaning of 21 U.S.C. s. 348 or s.
 273 500.13(1); provided that where a pesticide chemical has been
 274 used in or on a raw agricultural commodity in conformity with an
 275 exemption granted or tolerance prescribed under 21 U.S.C. s. 346
 276 or s. 500.13(1), and such raw agricultural commodity has been
 277 subjected to processing such as canning, cooking, freezing,
 278 dehydrating, or milling, the residue of such pesticide chemical
 279 remaining in or on such processed food shall, notwithstanding
 280 the provisions of s. 500.13, and this paragraph, not be deemed
 281 unsafe if such residue in or on the raw agricultural commodity
 282 has been removed to the extent possible in good manufacturing
 283 practice, and the concentration of such residue in the processed
 284 food when ready to eat, is not greater than the tolerance
 285 prescribed for the raw agricultural commodity;

286 (e) If it consists in whole or in part of a diseased,
 287 contaminated, filthy, putrid, or decomposed substance, or if it
 288 is otherwise unfit for food;

289 (f) If it has been produced, prepared, packed, transported,
 290 or held under insanitary conditions whereby it may become

3-00425B-16

20161010__

291 contaminated with filth, or whereby it may have been rendered
292 diseased, unwholesome, or injurious to health;

293 (g) If it is the product of a diseased animal or an animal
294 which has died otherwise than by slaughter, or that has been fed
295 upon the uncooked offal from a slaughterhouse; or

296 (h) If its container is composed, in whole or in part, of
297 any poisonous or deleterious substance which may render the
298 contents injurious to health.

299 (5) If a dietary supplement or its ingredients present a
300 significant risk of illness or injury due to:

301 (a) The recommended or suggested conditions of use on the
302 product label;

303 (b) The failure to provide conditions of use on the product
304 label; or

305 (c) It containing an ingredient for which there is
306 inadequate information to provide reasonable assurances that the
307 ingredient does not present a significant risk of illness or
308 injury.

309 Section 6. Paragraph (m) of subsection (1) of section
310 500.11, Florida Statutes, is amended to read:

311 500.11 Food deemed misbranded.—

312 (1) A food is deemed to be misbranded:

313 (m) If it is offered for sale and its label or labeling
314 does not comply with the requirements of 21 U.S.C. s. 343(q) or
315 21 U.S.C. s. 343(w) pertaining to nutrition or allergen
316 information.

317 Section 7. Subsection (20) of section 570.07, Florida
318 Statutes, is amended, and subsection (44) is added to that
319 section, to read:

Page 11 of 45

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3-00425B-16

20161010__

320 570.07 Department of Agriculture and Consumer Services;
321 functions, powers, and duties.—The department shall have and
322 exercise the following functions, powers, and duties:

323 (20) (a) To stimulate, encourage, and foster the production
324 and consumption of agricultural and agricultural business
325 products;

326 (b) To conduct activities that may foster a better
327 understanding and more efficient cooperation among producers,
328 dealers, buyers, food editors, and the consuming public in the
329 promotion and marketing of Florida's agricultural and
330 agricultural business products; and

331 (c) To sponsor events, trade breakfasts, luncheons, and
332 dinners and distribute promotional materials and favors in
333 connection with meetings, conferences, and conventions of
334 dealers, buyers, food editors, and merchandising executives that
335 will assist in the promotion and marketing of Florida's
336 agricultural and agricultural business products to the consuming
337 public.

338
339 The department is authorized to receive and expend donations
340 contributed by private persons for the purpose of covering costs
341 associated with the above described activities.

342 (44) In its own name:

343 (a) To perform all acts necessary to secure letters of
344 patent, copyrights, and trademarks on any work products of the
345 department and enforce its rights therein.

346 (b) To license, lease, assign, or otherwise give written
347 consent to any person, firm, or corporation for the manufacture
348 or use of such department work products on a royalty basis or

Page 12 of 45

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3-00425B-16 20161010__

349 for such other consideration as the department deems proper.

350 (c) To take any action necessary, including legal action,
351 to protect such department work products against improper or
352 unlawful use or infringement.

353 (d) To enforce the collection of any sums due to the
354 department for the manufacture or use of such department work
355 products by another party.

356 (e) To sell any of such department work products and
357 execute all instruments necessary to consummate any such sale.

358 (f) To do all other acts necessary and proper for the
359 execution of powers and duties conferred upon the department by
360 this section, including adopting rules, as necessary, in order
361 to administer this section.

362 Section 8. Subsection (5) of section 570.30, Florida
363 Statutes, is amended to read:

364 570.30 Division of Administration; powers and duties.—The
365 Division of Administration shall render services required by the
366 department and its other divisions, or by the commissioner in
367 the exercise of constitutional and cabinet responsibilities,
368 that can advantageously and effectively be centralized and
369 administered and any other function of the department that is
370 not specifically assigned by law to some other division. The
371 duties of this division include, but are not limited to:

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

374 Section 9. Subsection (4) is added to section 570.441,
375 Florida Statutes, to read:

376 570.441 Pest Control Trust Fund.—

377 (4) In addition to the uses authorized under subsection

3-00425B-16 20161010__

378 (2), the department may use moneys collected or received under
379 chapter 482 to carry out s. 570.44. This subsection expires June
380 30, 2019.

381 Section 10. Subsection (2) of section 570.53, Florida
382 Statutes, is amended to read:

383 570.53 Division of Marketing and Development; powers and
384 duties.—The powers and duties of the Division of Marketing and
385 Development include, but are not limited to:

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

388 Section 11. Subsection (2) of section 570.544, Florida
389 Statutes, is amended to read:

390 570.544 Division of Consumer Services; director; powers;
391 processing of complaints; records.—

392 (2) The director shall supervise, direct, and coordinate
393 the activities of the division and shall, under the direction of
394 the department, enforce ss. 604.15-604.34 and the provisions of
395 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
396 and 849.

397 Section 12. Section 570.68, Florida Statutes, is created to
398 read:

399 570.68 Office of Agriculture Technology Services.—The
400 commissioner may create an Office of Agriculture Technology
401 Services under the supervision of a senior manager. The senior
402 manager is exempt under s. 110.205 in the Senior Management
403 Service and shall be appointed by the commissioner. The office
404 shall provide electronic data processing and agency information
405 technology services to support and facilitate the functions,
406 powers, and duties of the department.

3-00425B-16

20161010__

407 Section 13. Section 570.681, Florida Statutes, is amended
408 to read:

409 570.681 Florida Agriculture Center and Horse Park;
410 legislative findings.—It is the finding of the Legislature that:
411 ~~(1) Agriculture is an important industry to the State of~~
412 ~~Florida, producing over \$6 billion per year while supporting~~
413 ~~over 230,000 jobs.~~

414 (1)(2) Equine and other agriculture-related industries ~~will~~
415 strengthen and benefit each other with the establishment of a
416 statewide agriculture and horse facility.

417 (2)(3) The A Florida Agriculture Center and Horse Park
418 provides ~~will provide~~ Florida with a unique tourist experience
419 for visitors and residents, thus generating taxes and additional
420 dollars for the state.

421 (3)(4) Promoting the Florida Agriculture Center and Horse
422 Park as a joint effort between the state and the private sector
423 allows ~~will allow~~ this facility to use ~~utilize~~ experts and
424 generate revenue from many areas to ensure the success of this
425 facility.

426 Section 14. Paragraphs (b) and (c) of subsection (4) of
427 section 570.685, Florida Statutes, are amended to read:

428 570.685 Florida Agriculture Center and Horse Park
429 Authority.—

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

432 (b) The department may provide ~~shall be responsible for~~
433 ~~providing~~ administrative and staff support services relating to
434 the meetings of the authority and ~~shall provide~~ suitable space
435 in the offices of the department for the meetings and the

Page 15 of 45

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3-00425B-16

20161010__

436 storage of records of the authority.

437 (c) In conducting its meetings, the authority shall use
438 accepted rules of procedure. The secretary shall keep a complete
439 record of the proceedings of each meeting ~~showing, which record~~
440 ~~shall show~~ the names of the members present and the actions
441 taken. These records shall be kept on file with the department,
442 and such records and other documents regarding matters within
443 the jurisdiction of the authority shall be subject to inspection
444 by members of the authority.

445 Section 15. Section 571.24, Florida Statutes, is amended to
446 read:

447 571.24 Purpose; duties of the department.—The purpose of
448 this part is to authorize the department to establish and
449 coordinate the Florida Agricultural Promotional Campaign. The
450 campaign is intended to serve as a marketing program for the
451 promotion of agricultural commodities, value-added products, and
452 agricultural-related businesses of this state. The campaign is
453 not a food safety and traceability program. The duties of the
454 department shall include, but are not limited to:

455 (1) Developing logos and authorizing the use of logos as
456 provided by rule.

457 (2) Registering participants.

458 (3) Assessing and collecting fees.

459 (4) Collecting rental receipts for industry promotions.

460 (5) Developing in-kind advertising programs.

461 (6) Contracting with media representatives for the purpose
462 of dispersing promotional materials.

463 (7) Assisting the representative of the department who
464 serves on the Florida Agricultural Promotional Campaign Advisory

Page 16 of 45

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3-00425B-16

20161010__

465 Council.

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

468 ~~(8)(9)~~ Adopting rules pursuant to ss. 120.536(1) and 120.54
 469 to implement the provisions of this part.

470 ~~(9)(10)~~ Enforcing and administering the provisions of this
 471 part, including measures ensuring that only Florida agricultural
 472 or agricultural based products are marketed under the "Fresh
 473 From Florida" or "From Florida" logos or other logos of the
 474 Florida Agricultural Promotional Campaign.

475 Section 16. Section 571.27, Florida Statutes, is amended to
 476 read:

477 571.27 Rules.—The department is authorized to adopt rules
 478 that implement, make specific, and interpret ~~the provisions of~~
 479 ~~this part, including rules for entering into contracts with~~
 480 ~~advertising agencies for services which are directly related to~~
 481 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
 482 ~~establish the procedures for negotiating costs with the offerors~~
 483 ~~of such advertising services who have been determined by the~~
 484 ~~department to be qualified on the basis of technical merit,~~
 485 ~~creative ability, and professional competency. Such~~
 486 ~~determination of qualifications shall also include consideration~~
 487 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
 488 is further authorized to determine, by rule, the logos or
 489 product identifiers to be depicted for use in advertising,
 490 publicizing, and promoting the sale of Florida agricultural
 491 products or agricultural-based products in the Florida
 492 Agricultural Promotional Campaign. The department may also adopt
 493 rules consistent ~~not inconsistent~~ with the ~~provisions of~~ this

Page 17 of 45

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3-00425B-16

20161010__

494 part as in its judgment may be necessary for participant
 495 registration, renewal of registration, classes of membership,
 496 application forms, and as well as other forms and enforcement
 497 measures ensuring compliance with this part.

498 Section 17. Subsection (1) of section 571.28, Florida
 499 Statutes, is amended to read:

500 571.28 Florida Agricultural Promotional Campaign Advisory
 501 Council.—

502 (1) ORGANIZATION.—There is ~~hereby~~ created within the
 503 department the Florida Agricultural Promotional Campaign
 504 Advisory Council, to consist of 15 members appointed by the
 505 Commissioner of Agriculture for 4-year staggered terms. The
 506 membership shall include: 13 ~~six~~ members representing
 507 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
 508 ~~representing agricultural retailers, two members representing~~
 509 ~~agricultural associations, and wholesalers one member~~
 510 ~~representing a wholesaler of agricultural products; 1, one~~
 511 ~~member representing consumers; 7~~ and 1 ~~one~~ member representing
 512 the department. Initial appointment of the council members shall
 513 be four members to a term of 4 years, four members to a term of
 514 3 years, four members to a term of 2 years, and three members to
 515 a term of 1 year.

516 Section 18. Subsection (2) of section 576.041, Florida
 517 Statutes, is amended to read:

518 576.041 Inspection fees; records.—

519 (2) Before the distribution of a fertilizer, each licensee
 520 shall make application upon a form provided by the department to
 521 report quarterly ~~monthly~~ the tonnage of fertilizer sold in the
 522 state and make payment of the inspection fee. The continuance of

Page 18 of 45

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3-00425B-16

20161010__

523 a license is conditioned upon the applicant's:

524 (a) Maintaining records and a bookkeeping system that will
525 accurately indicate the tonnage of fertilizer sold by the
526 licensee; and

527 (b) Consent to examination of the business records and
528 books by the department for a verification of the correctness of
529 tonnage reports and inspection fees. Tonnage reports of sales
530 and payment of inspection fee shall be made quarterly using the
531 department's regulatory website or monthly on forms furnished by
532 the department and submitted within 30 days following the close
533 of the reporting period ~~on or before the fifteenth day of the~~
534 ~~month succeeding the month covered by the reports.~~

535 Section 19. Section 580.0365, Florida Statutes, is created
536 to read:

537 580.0365 Preemption of regulatory authority over commercial
538 feed and feedstuff.—It is the intent of the Legislature to
539 eliminate duplication of regulation over commercial feed and
540 feedstuff. Notwithstanding any other law, the authority to
541 regulate, inspect, sample, and analyze commercial feed or
542 feedstuff distributed in this state or to exercise the powers
543 and duties of regulation granted by this chapter, including the
544 assessment of penalties for violation of this chapter, is
545 preempted to the department.

546 Section 20. Subsection (3) is added to section 581.181,
547 Florida Statutes, to read:

548 581.181 Notice of infection of plants; destruction.—
549 (3) This section does not apply to plants or plant products
550 infested with pests or noxious weeds if such pests and weeds are
551 determined to be widely established within the state and are not

3-00425B-16

20161010__

552 specifically regulated under rules adopted by the department or
553 under any other provisions of law.

554 Section 21. Subsections (1), (4), (5), (7), and (8) of
555 section 582.01, Florida Statutes, are amended to read:

556 582.01 Definitions.—Wherever used or referred to in this
557 chapter unless a different meaning clearly appears from the
558 context:

559 (1) "District" ~~or "soil conservation district"~~ or "soil and
560 water conservation district" means a governmental subdivision of
561 this state, and a body corporate and politic, organized in
562 accordance with the provisions of this chapter, for the purpose,
563 with the powers, and subject to the provisions set forth in this
564 chapter. The term "district," ~~or "soil conservation district,"~~
565 when used in this chapter, means and includes a "soil and water
566 conservation district." All districts heretofore or hereafter
567 organized under this chapter shall be known as soil and water
568 conservation districts and shall have all the powers set out
569 herein.

570 (4) "Landowner" or "owner of land" includes any person who
571 holds ~~shall hold~~ legal or equitable title to any lands lying
572 within a district organized under the provisions of this
573 chapter.

574 (5) "Land occupier" or "occupier of land" includes any
575 person, other than the owner, who is a lessee, renter, or tenant
576 or who is otherwise ~~shall be~~ in possession of land ~~any lands~~
577 lying within a district ~~organized under the provisions of this~~
578 ~~chapter, whether as lessee, renter, tenant, or otherwise.~~

579 (7) "Due notice," in addition to notice required pursuant
580 ~~to the provisions of~~ chapter 120, means notice published at

3-00425B-16

20161010__

581 ~~least twice, with an interval of at least 7 days before the~~
 582 ~~event between the two publication dates, in a newspaper or other~~
 583 ~~publication of general circulation within the appropriate area~~
 584 ~~or, if no such publication of general circulation be available,~~
 585 ~~by posting at a reasonable number of conspicuous places within~~
 586 ~~the appropriate area, such posting to include, where possible,~~
 587 ~~posting at public places where it may be customary to post~~
 588 ~~notices concerning county or municipal affairs generally. At any~~
 589 ~~hearing held pursuant to such notice, at the time and place~~
 590 ~~designated in such notice, adjournment may be made from time to~~
 591 ~~time without the necessity of renewing such notice for such~~
 592 ~~adjourned dates.~~

593 ~~(8) "Administrative officer" means the administrative~~
 594 ~~officer of soil and water conservation created by s. 582.09.~~

595 Section 22. Section 582.02, Florida Statutes, is amended to
 596 read:

597 582.02 Legislative intent and findings; purpose of
 598 districts ~~lands a basic asset of state.-~~

599 (1) It is the intent of the Legislature to promote the
 600 appropriate and efficient use of soil and water resources,
 601 protect water quality, prevent floodwater and sediment damage,
 602 preserve wildlife, protect public lands, and protect and promote
 603 the health, safety, and welfare of the public.

604 (2) The Legislature finds that the farm, forest, and
 605 grazing lands; green spaces; recreational areas; and natural
 606 areas of the state are among its the basic assets of the state
 607 and that the conservation preservation of these assets lands is
 608 in the public interest necessary to protect and promote the
 609 health, safety, and general welfare of its people ; improper

3-00425B-16

20161010__

610 ~~land use practices have caused and have contributed to, and are~~
 611 ~~now causing and contributing to a progressively more serious~~
 612 ~~erosion of the farm and grazing lands of this state by fire,~~
 613 ~~wind and water; the breaking of natural grass, plant, and forest~~
 614 ~~cover has interfered with the natural factors of soil~~
 615 ~~stabilization, causing loosening of soil and exhaustion of~~
 616 ~~humus, and developing a soil condition that favors erosion; the~~
 617 ~~top soil is being burned, washed and blown out of fields and~~
 618 ~~pastures; there has been an accelerated washing of sloping~~
 619 ~~fields; these processes of erosion by fire, wind and water speed~~
 620 ~~up with removal of absorptive topsoil, causing exposure of less~~
 621 ~~absorptive and less protective but more erosive subsoil; failure~~
 622 ~~by any landowner or occupier to conserve the soil and control~~
 623 ~~erosion upon her or his lands causes destruction by burning,~~
 624 ~~washing and blowing of soil and water from her or his lands onto~~
 625 ~~other lands and makes the conservation of soil and control~~
 626 ~~erosion of such other lands difficult or impossible.~~

627 (3) The Legislature further finds it necessary that
 628 appropriate land and water resource protection practices be
 629 implemented to ensure the conservation of this state's farm,
 630 forest, and grazing lands; green spaces; recreational areas; and
 631 natural areas and to conserve, protect, and properly use soil
 632 and water resources.

633 (4) The purpose of the soil and water conservation
 634 districts is to provide assistance, guidance, and education to
 635 landowners, land occupiers, the agricultural industry, and the
 636 general public in implementing land and water resource
 637 protection practices and to work in conjunction with federal,
 638 state, and local agencies in all matters to implement this

3-00425B-16

20161010__

639 chapter.

640 Section 23. Section 582.055, Florida Statutes, is amended
641 to read:

642 582.055 Powers and duties of the Department of Agriculture
643 and Consumer Services.—The department has all of the following
644 powers and duties:

645 (1) To administer ~~The provisions of this chapter shall be~~
646 ~~administered by the Department of Agriculture and Consumer~~
647 ~~Services.~~

648 (2) ~~The department is authorized~~ To receive gifts,
649 appropriations, materials, equipment, lands, and facilities and
650 to manage, operate, and disburse them for the use and benefit of
651 the soil and water conservation districts of the state.

652 (3) To require ~~The department shall provide for~~ an annual
653 audit of the accounts of receipts and disbursements.

654 (4) ~~To~~ ~~The department may~~ furnish information and call upon
655 any state or local agencies for cooperation in carrying out the
656 provisions of this chapter.

657 (5) To offer assistance as may be appropriate to the
658 supervisors of soil and water conservation districts and to
659 facilitate communication and cooperation between the districts.

660 (6) To seek the cooperation and assistance of the Federal
661 Government and any of its agencies, and of agencies and counties
662 of this state, in the work of such districts, including the
663 receipt and expenditure of state, federal, or other funds or
664 contributions.

665 (7) To disseminate information throughout the state
666 concerning the activities and programs of the soil and water
667 conservation districts and to encourage the formation of such

3-00425B-16

20161010__

668 districts in areas where their organization is desirable.

669 (8) To create or dissolve a soil and water conservation
670 district pursuant to this chapter.

671 (9) To adopt rules, as necessary, to implement this
672 chapter.

673 Section 24. Subsection (2) of section 582.06, Florida
674 Statutes, is amended to read:

675 582.06 Soil and Water Conservation Council; powers and
676 duties.—

677 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—

678 (a) The meetings, powers and duties, procedures, and
679 recordkeeping of the Soil and Water Conservation Council shall
680 be conducted pursuant to s. 570.232.

681 (b) The council shall accept and review requests for
682 creating or dissolving soil and water conservation districts and
683 shall, by a majority vote, recommend to the commissioner by
684 resolution that a district be created or dissolved pursuant to
685 the request or that the request be denied.

686 (c) At the request of the Governor or a district, the
687 council shall consider and recommend to the Governor the removal
688 or retention of a supervisor for neglect of duty or malfeasance
689 in office.

690 Section 25. Section 582.16, Florida Statutes, is amended to
691 read:

692 582.16 Change of Addition of territory to district
693 boundaries or removal of territory therefrom.—Requests to
694 increase or decrease the boundaries of ~~Petitions for including~~
695 ~~additional territory or removing territory within an existing~~
696 ~~district may be filed with the department of Agriculture and~~

3-00425B-16

20161010__

697 ~~Consumer Services, and the department shall follow the~~
 698 ~~proceedings provided for in this chapter to create a district in~~
 699 ~~the case of petitions to organize a district shall be observed~~
 700 ~~in the case of petitions for such inclusion or removal. The~~
 701 ~~department shall prescribe the form for such petition, which~~
 702 ~~shall be as nearly as may be in the form prescribed in this~~
 703 ~~chapter for petitions to organize a district. If the petition is~~
 704 ~~signed by a majority of the landowners of such area, no~~
 705 ~~referendum need be held. In referenda upon petitions for such~~
 706 ~~inclusions or removals, all owners of land lying within the~~
 707 ~~proposed area to be added or removed shall be eligible to vote.~~

708 Section 26. Section 582.20, Florida Statutes, is amended to
 709 read:

710 582.20 Powers of districts and supervisors.—A soil and
 711 water conservation district organized under ~~the provisions of~~
 712 this chapter constitutes ~~shall constitute~~ a governmental
 713 subdivision of this state, and a public body corporate and
 714 politic, exercising public powers, and such district and the
 715 supervisors thereof, ~~shall have all of the following powers, in~~
 716 addition to others granted in other sections of this chapter:

717 (1) To conduct surveys, studies investigations, and
 718 research relating to the character of soil and water resources
 719 and erosion and floodwater and sediment damages, to the
 720 conservation, development and utilization of soil and water
 721 resources and the disposal of water, and to the preventive and
 722 control measures and works of improvement needed, to publish and
 723 disseminate the results of such surveys, studies, and
 724 investigations, or research, and related to disseminate
 725 information concerning such preventive and control measures and

3-00425B-16

20161010__

726 ~~works of improvement; provided, however, that in order to avoid~~
 727 ~~duplication of research activities, no district shall initiate~~
 728 ~~any research program except in cooperation with the government~~
 729 ~~of this state or any of its agencies, or with the United States~~
 730 ~~or any of its agencies;~~

731 (2) To conduct agricultural best management practices
 732 demonstration demonstrational projects and projects for the
 733 conservation, protection, and restoration of soil and water
 734 resources:

735 (a) Within the district's boundaries;

736 (b) Within another district's boundaries, subject to the
 737 other district's approval; ~~territory within another district's~~
 738 ~~boundaries subject to the other district's approval, or~~
 739 ~~territory~~

740 (c) In areas not contained within any district's boundaries
 741 on lands owned or controlled by this state or any of its
 742 agencies, with the cooperation of the agency administering and
 743 having jurisdiction thereof; or, and

744 (d) On any other lands within the district's boundaries,
 745 ~~territory~~ within another district's boundaries subject to the
 746 other district's approval, or on lands territory not contained
 747 within any district's boundaries upon obtaining the consent of
 748 the owner and occupiers of such lands or the necessary rights or
 749 interests in such lands, ~~in order to demonstrate by example the~~
 750 ~~means, methods, and measures by which soil and soil resources~~
 751 ~~may be conserved, and soil erosion in the form of soil blowing~~
 752 ~~and soil washing may be prevented and controlled, and works of~~
 753 ~~improvement for flood prevention or the conservation,~~
 754 ~~development and utilization of soil and water resources, and the~~

3-00425B-16

20161010__

755 disposal of water may be carried out;

756 (3) To carry out preventive and control measures and works

757 of improvement for flood prevention or the conservation,

758 development and utilization of soil and water resources, and the

759 disposal of water within the district's boundaries, territory

760 within another district's boundaries subject to the other

761 district's approval, or territory not contained within any

762 district's boundaries, including, but not limited to,

763 engineering operations, methods of cultivation, the growing of

764 vegetation, changes in use of land, and the measures listed in

765 s. 582.04 on lands owned or controlled by this state or any of

766 its agencies, with the cooperation of the agency administering

767 and having jurisdiction thereof, and on any other lands within

768 the district's boundaries, territory within another district's

769 boundaries subject to the other district's approval, or

770 territory not contained within any district's boundaries upon

771 obtaining the consent of the owner and the occupiers of such

772 lands or the necessary rights or interests in such lands;

773 (3)(4) To cooperate, or enter into agreements with, and

774 within the limits of appropriations duly made available to it by

775 law, to furnish financial or other aid to, any special district,

776 municipality, county, water management district, state or

777 federal agency, governmental or otherwise, or any owner or

778 occupier of lands within the district's boundaries; on lands,

779 territory within another district's boundaries, subject to the

780 other district's approval; or on lands, or territory not

781 contained within any district's boundaries, to further the

782 purpose of this chapter. in the carrying on of erosion control

783 or prevention operations and works of improvement for flood

Page 27 of 45

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3-00425B-16

20161010__

784 prevention or the conservation, development and utilization, of

785 soil and water resources and the disposal of water within the

786 district's boundaries, territory within another district's

787 boundaries subject to the other district's approval, or

788 territory not contained within any district's boundaries,

789 subject to such conditions as the supervisors may deem necessary

790 to advance the purposes of this chapter;

791 (4)(5) To obtain options upon and to acquire, by purchase,

792 exchange, lease, gift, grant, bequest, devise, or otherwise, any

793 property, real or personal, or rights or interests in such

794 property therein; to maintain, administer, and improve any

795 properties acquired, to receive income from such properties, and

796 to expend such income in complying with carrying out the

797 purposes and provisions of this chapter; and to sell, lease, or

798 otherwise dispose of any of its property or interests therein in

799 compliance with furtherance of the purposes and the provisions

800 of this chapter.

801 (5)(6) To make available, on such terms as it shall

802 prescribe, agricultural, engineering, and other machinery,

803 materials, and equipment to landowners and occupiers of land

804 within the district's boundaries, on lands territory within

805 another district's boundaries, subject to the other district's

806 approval; or on lands territory not contained within any

807 district's boundaries. Such machinery, materials, and equipment

808 must, agricultural and engineering machinery and equipment,

809 fertilizer, seeds and seedlings, and such other material or

810 equipment, as will assist such landowners and occupiers of land

811 to conduct carry-on operations upon their lands for the

812 conservation and protection of soil and water resources, and for

Page 28 of 45

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3-00425B-16

20161010__

813 the prevention or control of soil erosion and for flood
 814 prevention or the conservation, development and utilization, of
 815 soil and water resources and the disposal of water;
 816 (6)(7) To construct, improve, operate, and maintain such
 817 structures as may be necessary or convenient for the performance
 818 of any of the operations authorized in this chapter;
 819 (7)(8) To provide or assist in providing training and
 820 education programs that further the purposes of this chapter.
 821 ~~develop comprehensive plans for the conservation of soil and~~
 822 ~~water resources and for the control and prevention of soil~~
 823 ~~erosion and for flood prevention or the conservation,~~
 824 ~~development and utilization of soil and water resources, and the~~
 825 ~~disposal of water within the district's boundaries, territory~~
 826 ~~within another district's boundaries subject to the other~~
 827 ~~district's approval, or territory not contained within any~~
 828 ~~district's boundaries, which plans shall specify in such detail~~
 829 ~~as may be possible the acts, procedures, performances, and~~
 830 ~~avoidances which are necessary or desirable for the effectuation~~
 831 ~~of such plans, including the specification of engineering~~
 832 ~~operations, methods of cultivation, the growing of vegetation,~~
 833 ~~cropping programs, tillage practices, and changes in use of~~
 834 ~~land; control of artesian wells; and to publish such plans and~~
 835 ~~information and bring them to the attention of owners and~~
 836 ~~occupiers of lands within the district's boundaries, territory~~
 837 ~~within another district's boundaries subject to the other~~
 838 ~~district's approval, or territory not contained within any~~
 839 ~~district's boundaries;~~
 840 ~~(9) To take over, by purchase, lease, or otherwise, and to~~
 841 ~~administer any soil-conservation, erosion-control, erosion-~~

Page 29 of 45

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

3-00425B-16

20161010__

842 ~~prevention project, or any project for flood prevention or for~~
 843 ~~the conservation, development and utilization of soil and water~~
 844 ~~resources, and the disposal of water, located within the~~
 845 ~~district's boundaries, territory within another district's~~
 846 ~~boundaries subject to the other district's approval, or~~
 847 ~~territory not contained within any district's boundaries,~~
 848 ~~undertaken by the United States or any of its agencies, or by~~
 849 ~~this state or any of its agencies; to manage as agent of the~~
 850 ~~United States or any of its agencies, or of the state or any of~~
 851 ~~its agencies, any soil-conservation, erosion-control, erosion-~~
 852 ~~prevention, or any project for flood prevention or for the~~
 853 ~~conservation, development, and utilization of soil and water~~
 854 ~~resources, and the disposal of water within the district's~~
 855 ~~boundaries, territory within another district's boundaries~~
 856 ~~subject to the other district's approval, or territory not~~
 857 ~~contained within any district's boundaries; to act as agent for~~
 858 ~~the United States, or any of its agencies, or for the state or~~
 859 ~~any of its agencies, in connection with the acquisition,~~
 860 ~~construction, operation or administration of any soil-~~
 861 ~~conservation, erosion-control, erosion-prevention, or any~~
 862 ~~project for flood prevention or for the conservation,~~
 863 ~~development and utilization of soil and water resources, and the~~
 864 ~~disposal of water within the district's boundaries, territory~~
 865 ~~within another district's boundaries subject to the other~~
 866 ~~district's approval, or territory not contained within any~~
 867 ~~district's boundaries; to accept donations, gifts, and~~
 868 ~~contributions in money, services, materials, or otherwise, from~~
 869 ~~the United States or any of its agencies, or from this state or~~
 870 ~~any of its agencies, or from others, and to use or expend such~~

Page 30 of 45

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3-00425B-16

20161010__

871 ~~moneys, services, materials or other contributions in carrying~~
 872 ~~on its operations;~~

873 ~~(8)(10)~~ To sue and be sued in the name of the district; to
 874 have a seal, which seal shall be judicially noticed; to have
 875 perpetual succession unless terminated as provided in this
 876 chapter; to make and execute contracts and other instruments
 877 necessary or convenient to the exercise of its powers; and upon
 878 a majority vote of the supervisors of the district, to borrow
 879 money and to execute promissory notes and other evidences of
 880 indebtedness in connection therewith, and to pledge, mortgage,
 881 and assign the income of the district and its personal property
 882 as security therefor, the notes and other evidences of
 883 indebtedness to be general obligations only of the district and
 884 in no event to constitute an indebtedness for which the faith
 885 and credit of the state or any of its revenues are pledged; ~~to~~
 886 ~~make, amend, and repeal rules and regulations not inconsistent~~
 887 ~~with this chapter to carry into effect its purposes and powers.~~

888 (9) In coordination with the applicable counties, to use
 889 the services of the county agricultural agents and the
 890 facilities of their offices, if practicable and feasible. The
 891 supervisors may employ additional permanent or temporary staff,
 892 as needed, and determine their qualifications, duties, and
 893 compensation. The supervisors may delegate to their chair, to
 894 one or more supervisors, or to employees such powers and duties
 895 as they may deem proper, consistent with this chapter. The
 896 supervisors shall furnish to the department, upon request,
 897 copies of rules, orders, contracts, forms, and other documents
 898 they adopt or employ, and other information concerning their
 899 activities which the department may require in the performance

Page 31 of 45

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3-00425B-16

20161010__

900 of its duties under this chapter.

901 (10) To adopt rules pursuant to chapter 120 to implement
 902 this chapter.

903 (11) To request that the Governor remove a supervisor for
 904 neglect of duty or malfeasance in office by adoption of a
 905 resolution at a public meeting. If the district believes there
 906 is a need for a review of the request, the district may request
 907 the council, by resolution, to review the request and recommend
 908 action to the Governor. As a condition to the extending of any
 909 benefits under this chapter to, or the performance of work upon,
 910 any lands not owned or controlled by this state or any of its
 911 agencies, the supervisors may require contributions in money,
 912 services, materials, or otherwise to any operations conferring
 913 such benefits, and may require landowners and occupiers to enter
 914 into and perform such agreements or covenants as to the
 915 permanent use of such lands as will tend to prevent or control
 916 erosion and prevent floodwater and sediment damages thereon;

917 (12) No Provisions with respect to the acquisition,
 918 operation, or disposition of property by public bodies of this
 919 state do not apply shall be applicable to a district organized
 920 under this chapter hereunder unless the Legislature shall
 921 specifically provides for their application so state. The
 922 property and property rights of every kind and nature acquired
 923 by a any district organized under the provisions of this chapter
 924 are shall be exempt from state, county, and other taxation.

925 Section 27. Section 582.29, Florida Statutes, is amended to
 926 read:

927 582.29 State agencies to cooperate.—Agencies of this state
 928 which ~~shall~~ have jurisdiction over, or are ~~be~~ charged with, the

Page 32 of 45

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3-00425B-16

20161010__

929 administration of any state-owned lands, and agencies of any
 930 county, or other governmental subdivision of the state, which
 931 ~~shall have jurisdiction over, or are~~ be charged with the
 932 administration of, any county-owned or other publicly owned
 933 lands, ~~lying within the boundaries of any district organized~~
 934 ~~under this chapter, the boundaries of another district subject~~
 935 ~~to that district's approval, or territory not contained within~~
 936 ~~the boundaries of any district organized under this chapter,~~
 937 shall cooperate to the fullest extent with the supervisors of
 938 such districts in the implementation effectuation of programs
 939 and operations undertaken by the supervisors under ~~the~~
 940 ~~provisions of this chapter.~~ The supervisors of such districts
 941 shall be given free access to enter and perform work upon such
 942 publicly owned lands. ~~The provisions of land use regulations~~
 943 ~~adopted shall be in all respects observed by the agencies~~
 944 ~~administering such publicly owned lands.~~

945 Section 28. Present subsections (4) and (5) of section
 946 595.402, Florida Statutes, are redesignated as subsections (5)
 947 and (6), respectively, and a new subsection (4) and subsections
 948 (7) and (8) are added to that section, to read:

949 595.402 Definitions.—As used in this chapter, the term:

950 (4) "School breakfast program" means a program authorized
 951 by s. 4 of the Child Nutrition Act of 1966 and administered by
 952 the department.

953 (7) "Summer nutrition program" means one or more of the
 954 programs authorized under 42 U.S.C. s. 1761.

955 (8) "Universal school breakfast program" means a program
 956 that makes breakfast available at no cost to all students
 957 regardless of their household income.

3-00425B-16

20161010__

958 Section 29. Section 595.404, Florida Statutes, is amended
 959 to read:

960 595.404 School food and other nutrition programs ~~service~~
 961 ~~program~~; powers and duties of the department.—The department has
 962 the following powers and duties:

963 (1) To conduct, supervise, and administer the program that
 964 will be carried out using federal or state funds, or funds from
 965 any other source.

966 (2) To conduct, supervise, and administer a Farmers' Market
 967 Nutrition Program to provide participants in the Special
 968 Supplemental Nutrition Program for Women, Infants, and Children
 969 (WIC) with locally grown fruits and vegetables. The program is
 970 to be carried out using federal or state funds or funds from any
 971 other source.

972 (3)(2) To fully cooperate with the United States Government
 973 and its agencies and instrumentalities so that the department
 974 may receive the benefit of all federal financial allotments and
 975 assistance possible to carry out the purposes of this chapter.

976 (4)(3) To implement and adopt by rule, as required, federal
 977 regulations to maximize federal assistance for the program.

978 (5)(4) To act as agent of, or contract with, the Federal
 979 Government, another state agency, any county or municipal
 980 government, or sponsor for the administration of the program,
 981 including the distribution of funds provided by the Federal
 982 Government to support the program.

983 (6)(5) To provide ~~make a reasonable effort to ensure that~~
 984 ~~any school designated as a "severe need school" receives the~~
 985 ~~highest rate of reimbursement to which it is entitled under 42~~
 986 ~~U.S.C. s. 1773 for each breakfast meal served.~~

3-00425B-16

20161010__

987 (7)(6) To develop and propose legislation necessary to
 988 implement the program, encourage the development of innovative
 989 school food and nutrition services, and expand participation in
 990 the program.

991 (8)(7) To annually allocate among the sponsors, as
 992 applicable, funds provided from the school breakfast supplement
 993 in the General Appropriations Act based on each district's total
 994 number of free and reduced-price breakfast meals served.

995 (9)(8) To employ such persons as are necessary to perform
 996 its duties under this chapter.

997 (10)(9) To adopt rules covering the administration,
 998 operation, and enforcement of the program, and the Farmers'
 999 Market Nutrition Program, as well as to implement the provisions
 1000 of this chapter.

1001 (11)(10) To adopt and implement an appeal process by rule,
 1002 as required by federal regulations, for applicants and
 1003 participants under the programs implemented under this chapter
 1004 program, notwithstanding ss. 120.569 and 120.57-120.595.

1005 (12)(11) To assist, train, and review each sponsor in its
 1006 implementation of the program.

1007 (13)(12) To advance funds from the program's annual
 1008 appropriation to a summer nutrition program sponsor sponsors,
 1009 when requested, in order to implement the provisions of this
 1010 chapter and in accordance with federal regulations.

1011 (14) To collect data on food purchased through the programs
 1012 defined in ss. 595.402(3) and 595.406 and to publish that data
 1013 annually.

1014 (15) To enter into agreements with federal or state
 1015 agencies to coordinate or cooperate in the implementation of

Page 35 of 45

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3-00425B-16

20161010__

1016 nutrition programs.

1017 Section 30. Section 595.405, Florida Statutes, is amended
 1018 to read:

1019 595.405 School nutrition program requirements ~~for school~~
 1020 ~~districts and sponsors.~~

1021 (1) Each ~~school~~ district school board shall consider the
 1022 recommendations of the district school superintendent and adopt
 1023 policies to provide for an appropriate food and nutrition
 1024 service program for students consistent with federal law and
 1025 department rules.

1026 (2) Each ~~school~~ district school board shall implement
 1027 school breakfast programs that make breakfast meals available to
 1028 all students in each elementary school that serves any
 1029 combination of grades kindergarten through 5. Universal school
 1030 breakfast programs shall be offered in schools in which 80
 1031 percent or more of the students are eligible for free or
 1032 reduced-price meals. Each school shall, to the maximum extent
 1033 practicable, make breakfast meals available to students at an
 1034 alternative site location, which may include, but need not be
 1035 limited to, alternative breakfast options as described in
 1036 publications of the Food and Nutrition Service of the United
 1037 States Department of Agriculture for the federal School
 1038 Breakfast Program.

1039 (3) Each ~~school~~ district school board must annually set
 1040 prices for breakfast meals at rates that, combined with federal
 1041 reimbursements and state allocations, are sufficient to defray
 1042 costs of school breakfast programs without requiring allocations
 1043 from the district's operating funds, except if the district
 1044 school board approves lower rates.

Page 36 of 45

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3-00425B-16

20161010__

1045 ~~(4) Each school district is encouraged to provide~~
 1046 ~~universal, free school breakfast meals to all students in each~~
 1047 ~~elementary, middle, and high school. Each school district shall~~
 1048 ~~approve or disapprove a policy, after receiving public testimony~~
 1049 ~~concerning the proposed policy at two or more regular meetings,~~
 1050 ~~which makes universal, free school breakfast meals available to~~
 1051 ~~all students in each elementary, middle, and high school in~~
 1052 ~~which 80 percent or more of the students are eligible for free~~
 1053 ~~or reduced-price meals.~~

1054 (4)(5) Each elementary, middle, and high school operating a
 1055 breakfast program shall make a breakfast meal available if a
 1056 student arrives at school on the school bus less than 15 minutes
 1057 before the first bell rings and shall allow the student at least
 1058 15 minutes to eat the breakfast.

1059 (5) Each district school board is encouraged to provide
 1060 universal, free school breakfast meals to all students in each
 1061 elementary, middle, and high school. A universal school
 1062 breakfast program shall be implemented in each school in which
 1063 80 percent or more of the students are eligible for free or
 1064 reduced-price meals, unless the district school board, after
 1065 considering public testimony at two or more regularly scheduled
 1066 board meetings, decides to not implement such a program in such
 1067 schools.

1068 (6) To increase school breakfast and universal school
 1069 breakfast program participation, each school district must, to
 1070 the maximum extent practicable, make breakfast meals available
 1071 to students through alternative service models as described in
 1072 publications of the Food and Nutrition Service of the United
 1073 States Department of Agriculture for the federal School

3-00425B-16

20161010__

1074 Breakfast Program.

1075 (7)(6) Each school district school board shall annually
 1076 provide to all students in each elementary, middle, and high
 1077 school information prepared by the district's food service
 1078 administration regarding available ~~its~~ school breakfast
 1079 programs. The information shall be communicated through school
 1080 announcements and ~~written~~ notices sent to all parents.

1081 (8)(7) A school district school board may operate a
 1082 breakfast program providing for food preparation at the school
 1083 site or in central locations with distribution to designated
 1084 satellite schools or any combination thereof.

1085 ~~(8) Each sponsor shall complete all corrective action plans~~
 1086 ~~required by the department or a federal agency to be in~~
 1087 ~~compliance with the program.~~

1088 Section 31. Section 595.406, Florida Statutes, is amended
 1089 to read:

1090 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

1091 (1) In order to implement the Florida Farm to School ~~Fresh~~
 1092 ~~Schools~~ Program, the department shall develop policies
 1093 pertaining to school food services which encourage:

1094 (a) Sponsors to buy fresh and high-quality foods grown in
 1095 this state when feasible.

1096 (b) Farmers in this state to sell their products to
 1097 sponsors, school districts, and schools.

1098 (c) Sponsors to demonstrate a preference for competitively
 1099 priced organic food products.

1100 (d) Sponsors to make reasonable efforts to select foods
 1101 based on a preference for those that have maximum nutritional
 1102 content.

3-00425B-16

20161010__

1103 (2) The department shall provide outreach, guidance, and
 1104 training to sponsors, schools, school food service directors,
 1105 parent and teacher organizations, and students about the benefit
 1106 of fresh food products from farms in this state.

1107 (3) The department may recognize sponsors who purchase at
 1108 least 10 percent of the food they serve from the Florida Farm to
 1109 School Program.

1110 Section 32. Subsection (2) of section 595.407, Florida
 1111 Statutes, is amended to read:

1112 595.407 Children's summer nutrition program.—

1113 (2) Each school district shall develop a plan to sponsor or
 1114 operate a summer nutrition program to operate sites in the
 1115 school district as follows:

1116 (a) Within 5 miles of at least one elementary school that
 1117 serves any combination of grades kindergarten through 5 at which
 1118 50 percent or more of the students are eligible for free or
 1119 reduced-price school meals and for the duration of 35
 1120 consecutive days between the end of the school year and the
 1121 beginning of the next school year. School districts may exclude
 1122 holidays and weekends.

1123 (b) Within 10 miles of each elementary school that serves
 1124 any combination of grades kindergarten through 5 at which 50
 1125 percent or more of the students are eligible for free or
 1126 reduced-price school meals, except as operated pursuant to
 1127 paragraph (a).

1128 Section 33. Section 595.408, Florida Statutes, is amended
 1129 to read:

1130 595.408 Food Commodity distribution services; department
 1131 responsibilities and functions.—

3-00425B-16

20161010__

1132 (1) (a) The department shall conduct, supervise, and
 1133 administer all food commodity distribution services that will be
 1134 carried on using federal or state funds, or funds from any other
 1135 source, or food commodities received and distributed from the
 1136 United States or any of its agencies.

1137 (b) The department shall determine the benefits each
 1138 applicant or recipient of assistance is entitled to receive
 1139 under this chapter, provided that each applicant or recipient is
 1140 a resident of this state and a citizen of the United States or
 1141 is an alien lawfully admitted for permanent residence or
 1142 otherwise permanently residing in the United States under color
 1143 of law.

1144 (2) The department shall cooperate fully with the United
 1145 States Government and its agencies and instrumentalities so that
 1146 the department may receive the benefit of all federal financial
 1147 allotments and assistance possible to carry out the purposes of
 1148 this chapter.

1149 (3) The department may:

1150 (a) Accept any duties with respect to food commodity
 1151 distribution services as are delegated to it by an agency of the
 1152 Federal Government or any state, county, or municipal
 1153 government.

1154 (b) Act as agent of, or contract with, the Federal
 1155 Government, state government, or any county or municipal
 1156 government in the administration of food commodity distribution
 1157 services to secure the benefits of any public assistance that is
 1158 available from the Federal Government or any of its agencies,
 1159 and in the distribution of funds received from the Federal
 1160 Government, state government, or any county or municipal

3-00425B-16 20161010__

1161 government for food commodity distribution services within the
1162 state.

1163 (c) Accept from any person or organization all offers of
1164 personal services, food commodities, or other aid or assistance.

1165 (4) This chapter does not limit, abrogate, or abridge the
1166 powers and duties of any other state agency.

1167 Section 34. Section 595.501, Florida Statutes, is amended
1168 to read:

1169 595.501 Penalties.—

1170 (1) If a corrective action plan is issued by the department
1171 or a federal agency, each sponsor must complete the corrective
1172 action plan to be in compliance with the program.

1173 (2) Any person ~~or~~ sponsor, ~~or school district~~ that
1174 violates any provision of this chapter or any rule adopted
1175 thereunder or otherwise does not comply with the program is
1176 subject to a suspension or revocation of their agreement, loss
1177 of reimbursement, or a financial penalty in accordance with
1178 federal or state law or both. This section does not restrict the
1179 applicability of any other law.

1180 Section 35. Section 595.601, Florida Statutes, is amended
1181 to read:

1182 595.601 Food and Nutrition Services Trust Fund.—Chapter 99-
1183 37, Laws of Florida, recreated the Food and Nutrition Services
1184 Trust Fund to record revenue and disbursements of Federal Food
1185 and Nutrition funds received by the department as authorized in
1186 ss. 595.404 and 598.408 s. 595.405.

1187 Section 36. Paragraphs (b) and (d) of subsection (1) and
1188 subsection (2) of section 604.21, Florida Statutes, are amended
1189 to read:

3-00425B-16 20161010__

1190 604.21 Complaint; investigation; hearing.—

1191 (1)

1192 (b) To be considered timely filed, a complaint together
1193 with any required affidavits ~~or notarizations~~ must be received
1194 by the department within 6 months after the date of sale by
1195 electronic transmission, facsimile, regular mail, certified
1196 mail, or private delivery service. If the complaint is sent by a
1197 service other than electronic mail or facsimile, the mailing
1198 shall be postmarked or dated on or before the 6-month deadline
1199 to be accepted as timely filed.

1200 (d) A person, partnership, corporation, or other business
1201 entity filing a complaint shall submit to the department a the
1202 following documents: three completed complaint affidavit
1203 affidavits on a form provided by the department which bears with
1204 an original signature of an owner, partner, general partner, or
1205 corporate officer and an original notarization and which is
1206 accompanied by on each affidavit. If the complaint is filed by
1207 electronic transmission or facsimile, the original affidavits
1208 and original notarizations shall be filed with the department
1209 not later than the close of business of the tenth business day
1210 following the electronic transmission or facsimile filing.
1211 Attached to each complaint affidavit shall be copies of all
1212 documents ~~that~~ to support the complaint. Supporting documents
1213 may include ~~be~~ copies of invoices, bills of lading, packing or
1214 shipping documents, demand letters, or any other documentation
1215 to support the claim. In cases in which ~~there are~~ multiple
1216 invoices are being claimed, a summary list of all claimed
1217 invoices must accompany the complaint.

1218 (2) Upon the filing of a such complaint under this

3-00425B-16

20161010__

1219 ~~subsection in the manner herein provided,~~ the department shall
 1220 investigate the complaint and matters complained of, whereupon,
 1221 if it finds that, ~~in the opinion of the department,~~ the facts
 1222 contained in the complaint warrant it such action, the
 1223 ~~department~~ shall serve notice of the filing of complaint on to
 1224 the dealer against whom the complaint has been filed at the last
 1225 address of record. Such notice shall be accompanied by a true
 1226 copy of the complaint. A copy of such notice and complaint shall
 1227 also be served on any to the surety company, ~~if any,~~ that
 1228 provided the bond for the dealer, and the which surety company
 1229 shall become party to the action. Such notice of the complaint
 1230 shall inform the dealer of a reasonable time within which to
 1231 answer the complaint by advising the department in writing that
 1232 the allegations in the complaint are admitted or denied or that
 1233 the complaint has been satisfied. Such notice shall also inform
 1234 the dealer and the surety company or financial institution of a
 1235 right to request a hearing on the complaint, ~~if requested.~~

1236 Section 37. Section 604.33, Florida Statutes, is amended to
 1237 read:

1238 604.33 Security requirements for grain dealers.—Each grain
 1239 dealer doing business in the state shall maintain liquid
 1240 security, in the form of grain on hand, cash, certificates of
 1241 deposit, or other nonvolatile security that can be liquidated in
 1242 10 days or less, or cash bonds, surety bonds, or letters of
 1243 credit, that have been assigned to the department and that are
 1244 conditioned to secure the faithful accounting for and payment to
 1245 the producers for grain stored or purchased, in an amount equal
 1246 to the value of grain which the grain dealer has received from
 1247 grain producers for which the producers have not received

Page 43 of 45

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3-00425B-16

20161010__

1248 payment. The bonds must be executed by the applicant as
 1249 principal and by a surety corporation authorized to transact
 1250 business in the state. The certificates of deposit and letters
 1251 of credit must be from a recognized financial institution doing
 1252 business in the United States. ~~Each grain dealer shall report to~~
 1253 ~~the department monthly, on or before a date established by rule~~
 1254 ~~of the department, the value of grain she or he has received~~
 1255 ~~from producers for which the producers have not received payment~~
 1256 ~~and the types of transaction involved, showing the value of each~~
 1257 ~~type of transaction. The report shall also include a statement~~
 1258 ~~showing the type and amount of security maintained to cover the~~
 1259 ~~grain dealer's liability to producers. The department may shall~~
 1260 make at least one spot check annually of each grain dealer to
 1261 determine compliance with the requirements of this section.

1262 Section 38. Section 582.03, Florida Statutes, is repealed.

1263 Section 39. Section 582.04, Florida Statutes, is repealed.

1264 Section 40. Section 582.05, Florida Statutes, is repealed.

1265 Section 41. Section 582.08, Florida Statutes, is repealed.

1266 Section 42. Section 582.09, Florida Statutes, is repealed.

1267 Section 43. Section 582.17, Florida Statutes, is repealed.

1268 Section 44. Section 582.21, Florida Statutes, is repealed.

1269 Section 45. Section 582.22, Florida Statutes, is repealed.

1270 Section 46. Section 582.23, Florida Statutes, is repealed.

1271 Section 47. Section 582.24, Florida Statutes, is repealed.

1272 Section 48. Section 582.25, Florida Statutes, is repealed.

1273 Section 49. Section 582.26, Florida Statutes, is repealed.

1274 Section 50. Section 582.331, Florida Statutes, is repealed.

1275 Section 51. Section 582.34, Florida Statutes, is repealed.

1276 Section 52. Section 582.35, Florida Statutes, is repealed.

Page 44 of 45

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

3-00425B-16

20161010

1277 Section 53. Section 582.36, Florida Statutes, is repealed.
1278 Section 54. Section 582.37, Florida Statutes, is repealed.
1279 Section 55. Section 582.38, Florida Statutes, is repealed.
1280 Section 56. Section 582.39, Florida Statutes, is repealed.
1281 Section 57. Section 582.40, Florida Statutes, is repealed.
1282 Section 58. Section 582.41, Florida Statutes, is repealed.
1283 Section 59. Section 582.42, Florida Statutes, is repealed.
1284 Section 60. Section 582.43, Florida Statutes, is repealed.
1285 Section 61. Section 582.44, Florida Statutes, is repealed.
1286 Section 62. Section 582.45, Florida Statutes, is repealed.
1287 Section 63. Section 582.46, Florida Statutes, is repealed.
1288 Section 64. Section 582.47, Florida Statutes, is repealed.
1289 Section 65. Section 582.48, Florida Statutes, is repealed.
1290 Section 66. Section 582.49, Florida Statutes, is repealed.
1291 Section 67. Section 589.26, Florida Statutes, is repealed.
1292 Section 68. Except as otherwise expressly provided in this
1293 act, this act shall take effect July 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

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

01/11/2016
Meeting Date

SB 1010
Bill Number (if applicable)

Topic DEPT. OF AGRICULTURE / REGULATION

Amendment Barcode (if applicable)

Name HOWARD E. "GENE" ADAMS

Job Title ATTORNEY -

Address 215 SOUTH MONROE ST., 2ND FLOOR

Phone 850-222-3533

TALLAHASSEE FLA. 32301-1839
City State Zip

Email GENE@PENNINGTONLAW.COM

Speaking: For Against Information

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

Representing FLORIDA FEED 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.

W

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-11-14

Meeting Date

1010

Bill Number (if applicable)

683688

Amendment Barcode (if applicable)

Topic Citrus - GROVE program

Name Grace Lovett

Job Title Dir. legislative Affairs

Address PL 10 The Capitol

Street

Tallahassee FL

City

State

32311

Zip

Phone 850 617-7100

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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S-001 (10/14/14)

APPEARANCE RECORD

W

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

Jan. 11, 2016
Meeting Date

1010
Bill Number (if applicable)

Topic DACS Dept. Bill

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title Dir. Leg. Affairs

Address PL 10
Street

Phone 850 677 7700

Tallahassee FL 32311
City State Zip

Email grace.lovett@freshfromflorida.com

Speaking: For Against Information

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

Representing FL Dept. of Agriculture + Consumer Service

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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OWAP

THE FLORIDA SENATE APPEARANCE RECORD

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

1/11/16
Meeting Date

Bill Number (if applicable)

Topic Agricultural Technology for Water Conservation

Amendment Barcode (if applicable)

Name Steven Dwinell

Job Title Director, Office of Ag. Water Policy

Address Elliot Building, 401 S. Monroe St.

Phone 880-617-7704

Toll FL 32399

Email STEVEN.DWINELL@FLS.FLORIDA.GOV

Speaking: For Against Information

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

Representing Florida Dept. of Ag. & Cons. Serv.

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)

1/11/16

Meeting Date

Bill Number (if applicable)

Topic Technological Advances in Ag.

Amendment Barcode (if applicable)

Name Jeanna Mastrodicasa

Job Title

Address 215 S. Monroe Street, Apt 110

Phone

Street

Tallahassee, FL 32301

Email

City

State

Zip

Speaking: [] For [] Against [x] Information

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

Representing UF/IFAS

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

Lobbyist registered with Legislature: [x] 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)

Meeting Date _____

Bill Number (if applicable) _____

Topic Tech. Advances in Ag.

Amendment Barcode (if applicable) _____

Name Michael Dukes

Job Title Director of the Center for Landscape

Address 215 S. Monroe St., Ste 110 Phone _____

Tallahassee FL 32301

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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**Testimony
Timothy Moore
Vice President, Research
Florida A&M University
Before the
Florida Senate
Agriculture Committee
January 11, 2016**

Chair Montford, and members of the committee, I want to thank you for this opportunity to share a few of the great things happening everyday at Florida **Agricultural** & Mechanical University. I am Timothy Moore, Vice President of Research, at Florida A&M University, and I will provide you with a brief overview of some of the extraordinary teaching, research, and service activities taking place in the College of Agriculture & Food Sciences at Florida A&M University

Historical Background

Our agricultural mission dates back to our founding in 1887. Shortly after, the University became the beneficiary of educational provisions for African Americans made possible through the passage of the Second Morrill Act of 1890.

Through this important federal legislation, Florida A&M was designated land grant status, becoming the state's second land grant university.

Unlike our 1862 counterparts --- University of Florida, UGA, Louisiana State, and Auburn --- FAMU and the sixteen historically black land-grant universities were not given the resources to effectively carry out the research and development missions of the land-grant tripartite system until 1966. As a result, FAMU, and the other 1890s, were relegated to teaching without the benefits of

research and extension funds from either the federal or state sources.

Academic Programs

Our College of Agriculture and Food Sciences is comprised of the following academic programs:

- Agribusiness
- Agronomy
- Animal Science
- Biological and Agricultural Food Systems Engineering
- Veterinary Technology
- Entomology (M.S., Ph.D.)
- Food Science
- Forestry & Natural Resources Conservation

Additionally, we engage in research in the following areas:

Research Areas

- Biological Controls
- Viticulture and Small Fruits
- Water & Air Quality
- International Trade, Development & Training

Additionally, our research Centers, support our teaching and serve to enhance the College's Cooperative Extension Programs while benefiting small and limited resource farmers, consumers, and local communities.

One of the beneficiaries of FAMU's unique culture is our ability to involve our students in our research. Jasmine Hall, a recent graduate is one such student. Ms. Hall was able to gain valuable research experiences as an undergrad by working with Professor Violeta Tsoleva at our Center for Viticulture & Small Fruit

Research, last year earning public recognition as the first young scientist to clone a key gene from muscadine grapes. Ms. Hall was also able to determine that using the grape's natural antioxidants content can help to reduce cancer and obesity, and improve overall human health. Ms. Hall's breakthrough work was published in the noted Journal of Biotechnology & Biomaterials.

Additionally, FAMU holds the patent for a distinct variety of muscadine grape plant, which we have copyrighted as "the Majesty Grape". The vines of this variety are easy to grow, highly productive, and disease resistant.

We have begun to license this variety to our industry partners.

One other thing about our Center of Viticulture and Small Fruits, when it was created by the Legislature in 1978, there were only five wineries in the state, today there are over 40. So, we are please to have done our part to help grow this industry.

Our research program in entomology & biological controls, is nationally recognized, our discoveries have national and international impact through our close working relationship with industry. In fact, FAMU has the fourth largest insect species collection in the world. This fall marked the 39th Annual Industry/Academic Symposium on Insects.

Florida A&M is a leader in the development of biological control strategies for invasive species including: Japanese Beetle, Asian Longhorn Beetle, Asian Black Carp, and many others that disrupt our state's critical agricultural industries and tourism. These invasive species can reduce local property values and even threaten our honeybee colonies and the approximately \$15 billion a year industry.

Last year, a FAMU grad entomology student discovered the presence of the Redbay ambrosia beetle in the Apalachicola national forest. Her research uncovered millions of dollars worth of possible damage to Florida's forestry and agricultural industries.

Further, it was determined that the beetle, coupled with the laurel wilt fungus, had become a serious threat to Florida's forestry industry and a potential \$13 million a year problem for Florida's avocado crop, which could have commercial and residential impacts.

Each year, the state of Florida witnesses on average three new invasive insect species, therefore our work is a matter of economic & public health security.

Cooperative Extension

The Cooperative Extension Program at the College of Agriculture and Food Sciences functions as the university's principle outreach arm. At present, we focus on eight counties ---Jackson, Gadsden, Franklin, Leon, Wakulla, Jefferson, Suwannee, and Hamilton--- in Florida's panhandle. Representing some of the most economically challenged areas in the state. Therefore, our work with local producers is essential to economic viability. A few examples of these programs include:

- Farm to School Program
- FAMU Statewide Small Farm Program
- School and Community Gardening
- Family Resource Management Program

The Farm to School program enriches the connection between communities and schools by working with school officials to source locally and to enhance educational practices and to improve food choice. Since its inception, FAMU's Farm to School programs have reached over 500,000 Florida children.

Last year, the Family Resource Management Program assisted low-wealth Big Bend families by helping them make healthy food choices for the whole family, preparing safe foods, and develop strategies to make money resources go further.

Brooksville

This past fall, the USDA successfully transferred 3,800 acres in Brooksville, Florida to Florida A&M University. This represents the single largest transfer of land to a historically Black college or university in USDA history. This unique research facility will enable FAMU to develop and expand our educational training and developmental programs to reach new and beginning farmers and ranchers.

This property will expand our teaching, research and extension programs to meet the increasing food production needs of our local state, nation, and global partners.

We have adopted a university wide approach to advance agricultural innovations drawing on the strengths of our Colleges of Agriculture and Food Sciences, Pharmacy and Pharmaceutical Sciences, the Schools of Business and Industry and the Environment, and the Institutes of Public Health, and Sustainability.

To realize our vision, FAMU will leverage its reach across the state of Florida, including extension programming at satellite locations and research and development here at the Brooksville property.

By partnering with public and private entities, FAMU can support its research and outreach initiatives while continuing to provide solutions to our food safety and security, reduce our energy and water challenges, and increase agricultural output. Our biological

pest control solutions help to make our pest control industry more effective and environmentally responsible.

At FAMU, our goal is to help the state, nation, and world meet its food needs for our growing population.

I'll be happy to take any questions the committee may have.

###

THE FLORIDA SENATE
APPEARANCE RECORD

First
TAB 4

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

11/11/16
Meeting Date

Bill Number (if applicable)

Topic FAMU Ag

Amendment Barcode (if applicable)

Name ELMIRA MANGUM

Job Title President, Florida A & M University

Address 400 Lee Hall

Phone 599-3225

Street

Tallahassee, FL

32307

Email

City

State

Zip

Speaking: For Against Information

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

Representing Florida A & M

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

first
TAB4

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

1/11/14
Meeting Date

Bill Number (if applicable)

Topic FAMU Ag

Amendment Barcode (if applicable)

Name Tim Moore

Job Title VP Research - FIA Adm U

Address FHAC Phone 599-3000
Street

Tallahassee FL 32307 Email _____
City State Zip

Speaking: For Against Information

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

Representing FAMU

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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CourtSmart Tag Report

Room: SB 301
Caption: Senate Agriculture Committee

Case No.:
Judge:

Type:

Started: 1/11/2016 1:33:06 PM

Ends: 1/11/2016 2:47:09 PM

Length: 01:14:04

1:33:13 PM Meeting called to order
1:33:17 PM Roll call
1:33:45 PM quorum present
1:34:32 PM Tab 4 Presentation by FAMU on Agriculture Efforts
1:35:01 PM Introduction of speakers
1:35:18 PM Dr. Elmira Mangum recognized to speak
1:39:59 PM FAMU Agriculture Efforts video presentation
1:43:15 PM Tim Moore recognized to speak
1:50:09 PM Senator Dean recognized with question
1:50:27 PM Dr. Tim Moore's response
1:52:54 PM Senator Bullard recognized with question
1:53:08 PM Dr. Tim Moore's response to Senator Bullard
1:55:18 PM Senator Montford thanks the presentors
1:55:54 PM Tab 2 SB 1010
1:56:09 PM Senator Dean takes over to introduce Senator Montford
1:56:20 PM Senator Montford recognized to present SB 1010
1:58:09 PM Amendment 638388 presented by Senator Galvano
2:00:20 PM Senator Galvano recognized to close on Amendment 638388
2:00:31 PM Amendment 638388 adopted
2:00:42 PM Amendment 523650 presented by Senator Montford
2:01:12 PM Senator Montford recognized to close on Amendment 523650
2:02:00 PM Amendment 523650 adopted
2:02:41 PM Howard Gene Adams waives in support
2:02:52 PM Grace Lovett with Dept of Agriculture waives in support
2:03:14 PM Roll Call on SB 1010
2:03:29 PM SB 1010 reported favorably
2:04:04 PM Senator Bean recognized to present SB 760
2:05:56 PM Senator Montford with question for Senator Bean
2:06:57 PM Senator Galvano recognized with question
2:07:02 PM Senator Bean response
2:08:09 PM Senator Dean recognized with question
2:08:18 PM Senator Bean response
2:08:57 PM Senator Dean with question
2:09:04 PM Senator Montford response
2:09:28 PM Senator Garcia recognized
2:10:11 PM Senator Bean with response to Senator Garcia
2:11:31 PM Senator Montford with comments
2:12:08 PM Senator Bean with response
2:12:43 PM Amendment 747696 presented by Senator Bean
2:13:24 PM Darrick McGhee from the American Heart Association waives in support of amendm
2:13:31 PM Amendment 747696 adopted
2:13:49 PM Dr. Curvo from Florida Impact waives in support
2:14:02 PM Darrick McGhee waives in support
2:14:09 PM Zayne Smith waives in support
2:14:16 PM Matthew Choy waives in support
2:14:31 PM Jasmyne Henderson waives in support
2:14:37 PM Mark Landreth waives in support
2:14:43 PM Senator Bean closes on SB 760
2:14:48 PM Roll call on SB 760
2:15:04 PM CS/SB 760 reported favorably
2:15:23 PM Tab 3 Presentation on Technological Advances in Agriculture
2:15:36 PM Steve Dwinell recognized to present

2:29:01 PM Senator Montford with question
2:29:12 PM Steven Dwinell with response
2:30:03 PM Senator Montford recognizes Jeanna Mastrodicasa to present
2:38:11 PM Dr, Michael Dukes recognized to present
2:46:02 PM Senator Montford with a question
2:47:03 PM Meeting adjourned