

THE FLORIDA SENATE  
2012 SUMMARY OF LEGISLATION PASSED  
**Committee on Agriculture**

**CS/CS/HB 449 — Public Fairs and Expositions**

by Community and Military Affairs Subcommittee; Agriculture and Natural Resources Subcommittee; Rep. Steube and others (CS/CS/CS/SB 502 by Finance and Tax Appropriations Committee; Community Affairs Committee; Agriculture Committee and Senators Hays, Dean, and Storms)

This bill revises statutes relating to fair associations and public fairs and expositions held on fairground facilities. The bill creates a definition for “annual public fair” to distinguish it from other public fairs and expositions held on fairground facilities. It also creates a definition for “concessions” to clarify uses of fairground facilities by third parties. It revises existing definitions to conform to the new definition of “annual public fair” and to expand on entries that are included in the definition of “exhibit.”

The bill revises statutory provisions pertaining to the formation, charter amendments, and dissolution of a fair association. It acknowledges that the objective of a fair association, in addition to public service, is holding, conducting and promoting public fairs and expositions; it declares that a fair association is serving an essential government purpose if it is pursuing its legitimate purposes and that it is a noncommercial activity provider. It expands a fair association’s exemption from taxation on its money and property to include projects, activities, events, programs and uses authorized by its governing statutes but specifically clarifying that this does not provide an exemption from any tax imposed under ch. 212, F.S. It expands the activities for which fair facilities may be used to conform to actual practices. The bill prohibits a fair association from conducting more than one annual public fair and it requires that a fair permit be issued within 10 days of the permit requirements being fulfilled. It removes restrictive language so that fair buildings can be used for any public fair or exhibition purpose. It removes duplicative language concerning admission fees. The bill reduces the time in which a fair association may apply for a waiver from the minimum number of exhibits from 60 days to 30 days before the annual public fair.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 39-0; House 112-0*

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**CS/HB 1197 — Agriculture**

by State Affairs Committee; Rep. Horner and others (CS/SB 1132 by General Government Appropriations Committee and Senators Hays, Montford, and Evers)

***Stormwater Management Assessments***

The bill prohibits governmental entities, excluding water control districts established under ch. 298, F.S., or a special district created by special act for water management purposes, from charging storm water management assessments on land classified as agricultural if the farm operation has a National Pollutant Discharge Elimination System permit, an environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under ch. 120, F.S. (Administrative Procedure Act).

***Citrus Harvesting Equipment and Citrus Loaders***

The bill authorizes the use of citrus harvesting equipment and citrus fruit loaders to transport citrus between farms on public state highways without violating the public highway use restriction and for the purpose of qualifying for a refund of motor fuel taxes.

***Commercial Feed or Feedstuff***

The bill requires DACS to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff, which standards must be developed in consultation with the Commercial Feed Technical Council.

***Florida Farm Operations***

The bill revises the definitions of “farm operations” and “farm product” and creates a definition for “apiculture” so that honeybee and apiary activities and products are provided protections afforded by the Florida Right to Farm Act. It preempts to the Department of Agriculture and Consumer Services (DACS) the statewide authority to regulate, inspect, permit, and determine placement of managed honeybee colonies and to adopt rules for this purpose after consulting with local governments and other affected stakeholders.

The bill creates a definition for “farm sign” which will result in farm signs being exempt from the Florida Building Code and any county or municipal code subject to certain restrictions on location, lighting, and use of certain words on the signs.

***Florida Farm Winery Program***

The bill reduces the minimum acreage required to qualify as a certified Florida Farm Winery from 10 to 5 acres of land which produces commodities used in the production of wine. It also requires that 60 percent of the wine produced must be made from Florida agricultural products.

***Artificial Dying or Coloring of Certain Animals***

The bill repeals a statute that prohibits the artificial dying or coloring of any animal or fowl or the use of very young animals or fowl as merchandising premiums.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 33-3; House 109-5*

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**CS/CS/HB 1237 — Department of Citrus**

by State Affairs Committee; Rulemaking and Regulation Subcommittee; Rep. Albritton and others (CS/SB 1648 by Agriculture Committee and Senators Hays and Dean)

This bill contains substantial revisions to the Florida Citrus Code which was created in 1949 to regulate and protect the citrus industry. It:

- Updates the short title from “The Florida Citrus Code of 1949” to the “Florida Citrus Code;”
- Updates terminology to more correctly reflect current processes;
- Revises the qualifications and terms of members of the Florida Citrus Commission (commission) and provides for the members to serve staggered 3-year terms;
- Requires the commission to review the citrus districts every 5 years and, upon certain findings, make recommendations to the Legislature for redistricting of the districts;
- Requires the Department of Citrus (department) to be staffed 5 days per week, 40 hours per week. Allows the executive director, with the commission’s approval, to establish alternative schedules for individual employees to ensure maximum efficiencies;
- Clarifies and readopts the department’s authority to adopt rules to implement certain powers and duties;
- Authorizes the department to conduct, or arrange to be conducted, research related to disease and crop efficiency that advances the purpose of the Florida citrus industry and commercialization related to advancing such research;
- Updates obsolete tax language. The bill substitutes the term “assessment” for “excise tax” and sets the maximum assessments for grapefruit, oranges, tangerines, and citrus hybrids entering the primary channel of trade in the fresh and/or processed form;
- Requires persons liable for the periodic payments of assessments to submit a letter of credit from an issuing financial institution located in the United States to guarantee payment;
- Changes the majority of voting members of the commission from nine to seven;
- Specifies dimensions for standard shipping and field boxes for fresh fruit and revises circumstances relating to the use of such boxes; and
- Requires approval of a majority of the commission for any salary adjustment of a department employee who earns \$100,000 or more.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 40-0; House 115-0*

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**HB 1239 — Public Records/Department of Citrus**

by Rep. Albritton and others (CS/SB 1650 by Governmental Oversight and Accountability Committee and Senators Hays and Dean)

This bill creates a public records exemption for information contained in non-published reports or data related to certain studies or research related to citrus fruit and processed citrus products that is conducted, caused to be conducted or funded by the Department of Citrus. The exemption is subject to review and repeal on October 2, 2017, unless saved from repeal by the Legislature, under the provisions of the Open Government Sunset Review Act.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 40-0; House 116-0*

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**CS/CS/HB 7021 — Department of Agriculture and Consumer Services**

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; Rep. Crisafulli and others (CS/CS/CS/SB 1254 by General Government Appropriations Committee; Environmental Preservation and Conservation Committee; Agriculture Committee and Senator Siplin)

This bill addresses a number of issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (DACS). The bill provides for the following:

- Establishes the Division of Food, Nutrition and Wellness;
- Designates DACS, rather than the Department of Environmental Protection, as the staff responsible for acquiring and administering certain conservation easements;
- Extends the due date from September 15 to September 30 for mosquito control districts to provide their certified budgets to DACS;
- Allows water hyacinths produced by certified aquaculture producers to be exported to domestic, as well as foreign markets;
- Repeals statutory language relating to the John A. Mulrennan, Sr. Arthropod Research Laboratory;
- Allows DACS to adopt the most current federal regulations concerning food safety;
- Eliminates the Food Safety Pilot Program, relating to inspection of food establishments and vehicles;
- Provides direct statutory authority to DACS to distribute grants funds to farmers;
- Updates the name of the Office of Energy and Water to the Office of Agricultural Water Policy;
- Specifies that members of certain committees, boards, councils, working groups, task forces or other advisory bodies created within DACS are not entitled to per diem or travel expenses;
- Repeals the statute relating to the Florida Agricultural Exposition which was closed in 2008;
- Eliminates three technical councils and replaces them with a new Agricultural Feed, Seed and Fertilizer Advisory Council;
- Requires a review of marketing orders when requested by an advisory council rather than an annual audit by a certified public accountant;
- Revises the fertilizer tonnage fee program;
- Requires companies distributing feed in the state to report the number of tons distributed to DACS on a quarterly basis, specifies penalties for failure to comply, and specifies that consumers who purchase commercial feed that is in violation of state standards may seek legal or administrative action to recover penalties;
- Allows soil and water conservation districts to work across district lines in order to maximize the utilization of water conservation devices, systems, and techniques;
- Repeals provisions relating to cattle vaccination for brucellosis;

- Renames the “Wounded Warrior Special Hunt Area” as the “Operation Outdoor Freedom Special Hunt Area;”
- Gives the Florida Forest Service the sole authority to authorize silviculture and agricultural open burning to eliminate duplicative permitting;
- Provides an education fee waiver for elementary, middle, high school, and vocational schools that participate in the aquaculture certification program;
- Eliminates the Aquaculture Interagency Coordinating Council; and
- Authorizes the Commissioner of Agriculture to act as trustee on bonds posted with the United States Department of Agriculture in compliance with the Packers and Stockyards Act.

If approved by the Governor, these provisions take effect July 1, 2012.

*Vote: Senate 40-0; House 115-0*