

THE FLORIDA SENATE  
2016 SUMMARY OF LEGISLATION PASSED  
**Committee on Agriculture**

**CS/CS/HB 59 — Agritourism**

by State Affairs Committee; Local Government Affairs Subcommittee; Reps. Combee, Raburn, and others (CS/CS/SB 304 by Fiscal Policy Committee; Community Affairs Committee; and Senator Stargel)

This bill amends the legislative intent in s 570.85, F.S., to express the Legislature's intent to promote agritourism. The bill prohibits a local government from enforcing any local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461, F.S. However, the bill specifies that a local government is not limited by the prohibitions when adopting or enforcing local regulations that address substantial off-site impacts of agritourism activities.

The bill adds "civic," "ceremonial," and "training and exhibition" activities to the enumerated list of agritourism activities defined in s. 570.86, F.S. It also adds "livestock operation" to the list of places where an agritourism activity can occur.

The bill amends s. 570.87, F.S., to provide that lands classified as agricultural under 193.461, F.S., cannot be divested of that classification as long as the land remains used primarily for bona fide agricultural purposes.

These provisions were approved by the Governor and take effect July 1, 2016.

*Vote: Senate 35-0; House 113-0*

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**CS/HB 103 — Transactions in Fresh Produce Markets**

by Health and Human Services Committee; and Reps. Fullwood, Campbell, and others (SB 284 by Senator Thompson)

The bill (Chapter 2016-51, L.O.F.) defines “SNAP” as the federal Supplemental Nutrition Assistance Program. It permits the owner or operator of a market that sells fresh produce, but who is not an authorized SNAP retailer with an Electronic Benefits Transfer (EBT) system to allow certain specified groups, which may not be a competitor market, to implement and operate an EBT system in the market on behalf of the produce sellers. It requires the market owner or operator to reasonably accommodate the authorized third party in the implementation and operation of an EBT system in order to accept SNAP benefits. SNAP benefits may only be used for the purchase of fresh produce or other fresh food on a dollar-for-dollar basis and may not be traded for tokens or other means of trade for non-produce items.

The bill does not apply to a market selling fresh produce whose owner or operator has a system in place for accepting SNAP benefits nor does it prohibit an authorized Food and Nutrition Service produce seller from operating its own EBT system for its customers’ transactions. Finally, the bill does not require a market owner or operator to create, operate, or maintain an EBT system on behalf of its produce sellers.

These provisions were approved by the Governor and will take effect July 1, 2016.

*Vote: Senate 37-0; House 117-0*

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**CS/CS/CS HB 153 — Healthy Food Financing Initiative Pilot Program**

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Reps. Santiago, Lee, and others (CS/CS/SB 760 by Appropriations Committee; Agriculture Committee; and Senators Bean, Sobel, Soto, Flores, Gibson, Smith, Thompson, Joyner, and Sachs)

This bill directs the Florida Department of Agriculture and Consumer Services to establish a Healthy Food Financing Initiative Program to provide financial assistance for the rehabilitation or expansion of grocery retail outlets located in underserved or low-income communities. It will draw upon and coordinate the use of federal, state, and private loans or grants, federal tax credits, and other types of financial assistance. The goal of the program is to improve public health and well-being of low-income children, families, and older adults by increasing access to fresh produce and other nutritious foods at participating independent grocery outlets that will be required to allocate at least 30 percent of their retail space to the sale of perishable foods, which may include fresh or frozen dairy products, fresh produce, and fresh meats, poultry, and fish. Annual reporting of the Program's accomplishments is required to be made to the President of the Senate and Speaker of the House, and, after seven years, the Office of Program and Policy Analysis and Government Accountability is directed to review the impact and successfulness of the program.

The bill provides for an appropriation of \$500,000 in nonrecurring general revenue in the 2016-2017 fiscal year to the Department of Agriculture and Consumer Services to implement this bill. It specifies that no more than three recipients may receive funding.

If approved by the Governor, these provisions take effect July 1, 2016

*Vote: Senate 40-0; House 120-0*

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**CS/CS/HB 7007 — Department of Agriculture and Consumer Services**

by State Affairs Committee, Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; Reps. Raburn, Artiles, Jacobs, Mayfield, Van Zant, Watson and others (CS/CS/SB 1010 by Agriculture Committee; Appropriations Committee and Senator Montford)

The bill addresses the following issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department):

- 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.
- Preempts to the department the regulation of the use or sale of polystyrene products by entities regulated under the Florida Food Safety Act.
- 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 secure letters of patent, copyrights, and trademarks on any work products of the department and accordingly to enforce its rights.
- 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 administrative staff relating to meetings and office 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.

- Rewrites ch. 582, F.S., to modernize the ‘Soil and Water Conservation Districts’ (SWCDs) statutes to reflect the actual functions of the districts.
- Removes obsolete statutory references relating to 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.
- Eliminates a federal licensing requirement for certain citrus fruit inspectors.
- Requires the department to provide the highest rate of reimbursement to which it is entitled under the federal school breakfast program to a “severe need school”.
- 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.
- Re-designates the Pompano State Farmers Market as the “Edward L. Myrick State Farmers Market.”

If approved by the Governor, these provisions take effect July 1, 2016, except as otherwise expressly provided in the act.

*Vote: Senate 38-0; House 110-4*

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**HB 1205 — Fumigation**

by Representative Magar (SB 1498 by Senator Benacquisto)

The bill requires the Department of Agriculture and Consumer Services (department) to adopt a rule specifying the circumstances when less than 24-hour notification of structural fumigation is acceptable. The bill removes the current emergency exception.

The bill requires the department to adopt rules that include additional safety measures to be taken regarding the clearance of residential structures before reoccupation after a fumigation. These measures can include extended aeration times or specific clearance procedures.

Additionally, the bill authorizes the department to adopt rules that establish conditions of registration or reregistration for structural fumigants which include requirements registrants (manufacturers) to:

- Train distributors and end users in safety measures and proper use, safe storage, and management of fumigant materials;
- Obtain continuing education program approval for stewardship training programs;
- Conduct quality assurance reviews;
- Report to the department any probation or stop-sale notices issued to end users. The department must then notify all other structural fumigant registrants of the reported probation or stop-sale notice; and
- Assist the department upon request, with the removal of fumigant containers from distributors and end users for compliance with permanent or extended stop-sale notices.

If approved by the Governor, these provisions take effect July 1, 2016.

*Vote: Senate 38-0; House 116-0*

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**CS/CS/SB 1318 — Shellfish Harvesting**

by Environmental Preservation and Conservation Committee; Agriculture Committee; and Senator Dean

The bill amends regulations for shellfish harvesting by:

- Authorizing the harvesting of shellfish from a sovereign submerged land lease;
- Authorizing individuals to use one dredge or mechanical harvesting device per lease at any one time;
- Defining the terms “shellfish” and “dredge or mechanical harvesting device”;
- Authorizing the Board of Trustees of the Internal Improvement Trust Fund to permit the harvest of shellfish using a dredge or mechanical harvesting device in a submerged lands lease under certain conditions;
- Prohibiting the use of dredge or mechanical harvesting devices on public shellfish beds;
- Providing that violations of shellfish harvesting statutes, rules, or lease conditions will result in revocation of the violator’s lease and denial of any future application to use sovereign submerged lands;
- Shifting the responsibility for setting the amount of oysters, clams, and mussels to be obtained for relaying or transplanting from the Department of Agriculture and Consumer Services to the Fish and Wildlife Conservation Commission (FWC);
- Repealing duplicative provisions that are contained in s. 379.2525, F.S., and
- Repealing the requirement that the FWC set the noncultured shellfish harvesting seasons in Apalachicola Bay by rule, along with the related reporting requirements.

If approved by the Governor, these provisions take effect July 1, 2016

*Vote: Senate 39-0; House 116-0*

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**CS/CS/HB 7007 — Department of Agriculture and Consumer Services**

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; Rep. Raburn and others (CS/CS/SB 1010 by Appropriations Committee; Agriculture Committee and Senator Montford)

The bill addresses the following issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department):

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