

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/SB 628 — Urban Agriculture

by Rules Committee and Senator Rouson

CS/SB 628 exempts propelled equipment used on a farm or used to transport farm products for the purpose of urban agriculture from the requirement that that farm equipment be stored, maintained, or repaired within the boundaries of the owner’s farm and be located at least 50 feet away from a public road. The bill does not exempt nonresidential farm buildings, fences, or signs located on lands used for urban agriculture from the Florida Building Code or local governmental regulations.

The bill defines “urban agriculture” and provides applicability.

The bill authorizes the Department of Agriculture and Consumer Services (Department) to approve five urban agricultural pilot project programs in municipalities throughout the state. The bill sets forth requirements by which the Department may approve such projects, outlines eligibility and application requirements, and provides project length periods. The bill requires that municipalities submit a report to the Department outlining outcome and impact of their pilot projects by a specified date. The Department is then required to submit a report on the outcomes and impacts of the pilot projects to the President of the Senate and the Speaker of the House of Representatives.

The bill expressly preserves local governmental authority to regulate urban agriculture under certain circumstances.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

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CS/CS/SB 1018 — Largemouth Bass

by Rules Committee; Environment and Natural Resources Committee; and Senators Boyd and Perry

CS/CS/SB 1018 allows for Florida largemouth bass to be sold by an aquaculture producer or a dealer with a nonrecreational license from the Fish and Wildlife Conservation Commission. Florida largemouth bass may be sold without restriction, including for human consumption, so long as the product origin can be identified.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-1; House 115-0

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SB 1634 — Public Records/Aquaculture/Department of Agriculture and Consumer Services

by Senators Brodeur and Ausley

SB 1634 makes confidential and exempt from public inspection and copying requirements certain aquaculture records held by the Department of Agriculture and Consumer Service. The confidential and exempt records include shellfish receiving and production records generated by shellfish processing facilities, audit records and supporting documentation required for submerged land leases, and aquaculture production records and receipts generated by aquaculture facilities. A record may be disclosed to another governmental entity in the performance of its duties and responsibilities. This exemption applies to aquaculture records held before, on, or after July 1, 2021.

This exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

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HB 7007 — OGSR/Department of Agriculture and Consumer Services
by Government Operations Subcommittee and Rep. Chambliss (SB 7036 by Agriculture
Committee)

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The Department of Agriculture and Consumer Services (DACS) investigates and regulates several professions and organizations in the State of Florida, including the regulation of charitable organizations. DACS receives examination and investigation data from agencies in other states and federal agencies. Many charitable organizations operate both inside and outside of Florida making coordination with other state and federal agencies critical. The data from these partner agencies helps DACS carry out its mission to provide, among other duties, oversight of charitable organizations. In order to receive and share certain investigatory information, DACS must enter into agreements to maintain the confidentiality of the information.

In 2016, the Legislature created a public record exemption for criminal or civil intelligence or investigative information or any other information held by DACS as part of a joint or multi-agency examination or investigation with another state or federal regulatory, administrative, or criminal justice agency when the information shared is confidential or exempt under the laws or regulations of that state or federal agency. The public records exemption does not apply to information held by DACS as part of an independent examination or investigation conducted by DACS.

The bill saves from repeal the public record exemption, which will repeal on October 2, 2021, if this bill does not become law.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 116-0