

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/CS/HB 203 — Agricultural Lands

by Local and Federal Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Beshears and others (CS/SB 1190 by Appropriations Committee; and Senators Brandes, Sachs, and Evers)

CS/CS/HB 203 revises the Agricultural Lands and Practices Act which was adopted by the Legislature in 2003. The bill prohibits counties from adopting or enforcing any duplicative policy that limits activity of a *bona fide* farm or farm operation on agricultural land if the activity is already regulated by the state or federal government. This bill expands the prohibition to include not just counties but all governmental entities, with the exception of water management districts and water control districts. In addition, the bill prohibits governmental entities from charging fees on *bona fide* agricultural activities of such farms or farm operations.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 113-3

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CS/SB 298 — Department of Citrus

by Governmental Oversight and Accountability Committee; and Senator Brandes

CS/SB 298 corrects minor errors and/or unintended changes to ch. 601, F.S., which occurred in HB 1237 during the 2012 Legislative Session when substantial revisions were made to update the Florida Citrus Code.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 116-0

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CS/HB 633 — Biodiesel Fuel

by Finance and Tax Subcommittee; and Rep. Perry and others (CS/SB 522 by Community Affairs Committee; and Senator Bradley)

This bill exempts municipalities, counties, and school districts that manufacture biodiesel for internal use from the reporting, bonding, and licensing requirements applying to wholesalers of biodiesel fuel. The bill requires these entities to report biodiesel fuel manufactured for internal use to the Department of Revenue on a Local Government User of Diesel Fuel Tax Return and remit the appropriate tax.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 37-0; House 114-0

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CS/CS/SB 674 — Animal Shelters and Animal Control Agencies

by Community Affairs Committee; and Agriculture Committee; and Senator Montford

CS/CS/SB 674 requires all public or private animal shelters and animal control agencies to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. The bill requires these records to be made available to the public pursuant to the provisions in ch. 119, F. S.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 40-0; House 114-0

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CS/CS/SB 1106 — Agritourism

by Rules Committee; and Agriculture Committee; and Senator Hays

CS/CS/SB 1106 states the intent of the Legislature to eliminate duplication of regulatory authority over agritourism. The bill prohibits a local government to adopt ordinances, regulations, rules, or policies that prohibit, restrict, regulate or otherwise limit an agritourism activity on land classified as agricultural by a property appraiser. The bill establishes a limitation on liability from inherent risks for the land owner, agritourism operator, and employees if a notice of risk is posted on the land. The bill provides the specific warning language that must be posted in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. Finally, the bill denies use of the limited liability defense if the owner, agritourism operator, or employee fails to post the sign as required by this act or fails to place the notice of inherent risk in the contract.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 39-0; House 95-21

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CS/CS/HB 1393 — Agricultural Storage and Shipping Containers

by State Affairs Committee; Agriculture & Natural Resources Subcommittee; and Rep. Beshears (CS/CS/SB 654 by Criminal Justice Committee; Agriculture Committee; and Senator Montford)

This bill provides protection for owners of plastic bulk merchandise containers used for the storage or transport of agricultural or other commercial goods. Specifically, the bill allows for the recording of marks or brands in the office of the Department of Agriculture and Consumer Services. The bill sets forth procedures that must be followed for the sale and purchase of five or more such containers and further establishes record keeping requirements, criminal penalties for violations, and a civil cause of action for damages. The bill provides an exemption for charitable organizations exempt from income tax under s. 501(c)(3) of the Internal Revenue Code and licensed waste haulers.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 37-0; House 116-0

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SB 1700 — Agricultural Lands

by Senator Latvala

This bill repeals a requirement that the Department of Economic Opportunity map agricultural lands to establish whether a net decline in available agricultural land is occurring. This specific mapping requirement is not being performed as mapping programs performed by the Department of Agriculture and Consumer Services are considered sufficient for this purpose.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 40-0; House 117-0

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CS/HB 7087 — Department of Agriculture and Consumer Services

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Beshears (CS/CS/SB 1628 by Appropriations Committee; and Agriculture Committee; and Senator Montford)

CS/HB 7087 modifies several programs and activities under the jurisdiction of the Department of Agriculture and Consumer Services (department). The bill generally does the following:

- Provides public hearings to discuss a proposed 10-year Resource Management Plan for a state forest must be held in any one of the affected counties rather than in each affected county.
- Transfers management of the state-owned portion of the Babcock Ranch to the department, including:
 - Providing Lee County will retain ownership and assume responsibility for a specified portion of the Babcock Ranch acquisition.
 - Revising provisions of the Babcock Reserve Ranch Act to conform to the termination or expiration of the management agreement and the dissolution of Babcock Ranch, Inc.
 - Creating the Babcock Ranch Advisory Group to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.
 - Authorizing the department and commission to establish and implement certain fees.
- Authorizes the Board of Trustees of the Internal Improvement Trust Fund to enter into certain agreements.
- Clarifies any cash, unexpended balances, or assets remaining after the Babcock Ranch, Inc., is dissolved shall revert to the state.
- Revises provisions relating to the distribution of funds to aid local mosquito control programs.
- Eliminates all permitting requirements for livestock haulers and the issuance of metal tags or plates to the livestock haulers by the department.
- Creates the Division of Food, Nutrition, and Wellness within the department.
- Authorizes the department to enter into agreements or to terminate agreements with Direct Support Organizations without having to file legislation.
- Moves procedures for certain fertilizer analyses from statute to rule to allow for changes in technology and in commercial fertilizer practices.
- Moves numeric criteria for laboratory analysis of fertilizer samples from statute to rule and provides the department with clear authority to adopt rules that address the criteria.
- Authorizes the department to recover costs incurred during enforcement actions related to the adulteration or misbranding of honey.
- Expands the Operation Outdoor Freedom Program to provide more recreational opportunities for wounded veterans.

- Gives the Florida Forest Service (FFS) the power, authority, and duty to authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning.
- Changes the name of the Florida Center for Wildfire and Forest Resources Management Training to the Florida Forest Service Training Center and removes the advisory committee for the training center.
- Defines the term “gross negligence” to limit the liability of the FFS, landowners, and leaseholders when conducting prescribed burns. Authorizes the FFS to delegate land clearing and yard trash burning to special districts as well as to counties and municipalities.
- Revises provisions relating to criminal penalties for obstructing the prevention, detection or suppression of wildfires.
- Creates ch. 595, F.S., the “Florida School Food and Nutrition Act.”
- Provides state policy for school food service and food service programs.
- Requires each school to electronically submit its local school wellness policy to the Department of Agriculture and Consumer Services rather than to the Department of Education.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 115-0

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HB 7089 — Public Records Exemption/School Food and Nutrition Service Program Participants

by Agriculture and Natural Resources Subcommittee; and Rep. Beshears (CS/SB 1756 by Governmental Oversight and Accountability Committee; and Senator Montford)

HB 7089 creates a public records exemption for personal identifying information of an applicant for or participant in a school food and nutrition service program held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education. The 2013 Legislature also passed CS/HB 7087 creating ch. 595, F.S., entitled “School Food and Nutrition Services,” providing authority for the school food and nutrition service programs these agencies are responsible for establishing and maintaining. Some of the information provided for purposes of determining eligibility to the programs is considered to be of a sensitive, personal nature. The bill specifies circumstances under which the exempt information must be disclosed.

The bill provides the exemption will repeal on October 2, 2018, pursuant to the Open Government Sunset Review Act, unless reviewed and reenacted by the Legislature. The bill also provides a statement of public necessity as required by the Florida Constitution.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 115-1