

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/CS/SB 740 — Department of Agriculture and Consumer Services
by Appropriations Committee; Agriculture Committee; and Senator Stargel

The bill addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Allows certain lands classified as agricultural for tax purposes to continue to be classified as such for five years after being damaged by a natural disaster. The assessment applies retroactively to lands damaged by a natural disaster that occurred on or after July 1, 2017;
- Provides that screened enclosed structures used in horticulture production for pest exclusion, when consistent with state or federal eradication or compliance agreements, have no separately assessable value for purposes of ad valorem taxation;
- Shifts the issuance of a local oyster harvesting license for Apalachicola Bay from the department to the City of Apalachicola;
- Removes the electronic payment mandate for pesticide registration payments;
- Codifies the State Agricultural Response Team within the department and assigns it certain duties in coordination with the Division of Emergency Management;
- Prohibits comingling charitable and non-charitable funds collected through solicitation or sponsor sales and requires organizations to keep detailed records;
- Prohibits ringless direct-to-voicemail solicitation telephone calls under Florida’s Do Not Call (DNC) statute and adds the opportunity for businesses to add their telephone numbers to the DNC list;
- Revises department sampling and analysis requirements for antifreeze;
- Allows for the lawful seizure of “skimming devices” by department inspectors;
- Revises application requirements and fees for brake fluid brands;
- Transfers responsibility for liquefied petroleum gas (LPG) insurance issues to the Commissioner of Agriculture instead of the Governor of Florida;
- Consolidates and reduces the number of LPG categories and expands the license period from one to three years;
- Eliminates the original and renewal LPG fee structure and replaces it with a new revenue neutral fee structure;
- Updates the dollar threshold for required reporting of LPG accidents from \$1,000 to \$3,000;
- Requires an LPG dealer to give a five day notice before discontinuing service or rendering a consumer’s LPG equipment inoperable;
- Aligns provisions of the state livestock law with the federal Packers and Stockyards Act and makes failure to render payment for livestock to a seller an unfair or deceptive act;
- Extends the expiration date for seven weights, measures, and standards sections from July 1, 2020 to July 1, 2025;
- Defines the Commissioner of Agriculture’s authority to waive fees during emergencies;
- Updates the Florida Seed Law in response to technological and federal regulatory changes;

- Authorizes the department to cover the cost of the initial Commercial Driver’s License (CDL) examination fee for those Florida Forest Service employees whose positions entail operating CDL-requiring equipment; and
- Creates the “Government Impostor and Deceptive Advertisements Act” to prevent Florida consumers and businesses from being scammed by companies selling free government forms or mimicking government services.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 34-0; House 116-0

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CS/SB 872 — Young Farmers and Ranchers

by Appropriations Committee; and Senator Grimsley (CS/HB 645 by Agriculture and Natural Resources Appropriations Subcommittee; Rep. Raburn and others)

The bill establishes the Florida Young Farmer and Rancher Advisory Council within the Department of Agriculture and Consumer Services (department). The Commissioner of Agriculture (commissioner) will appoint 12 members to the council. The council may submit findings and recommendations for mitigating challenges facing young farmers and ranchers to the commissioner.

The bill also directs the department to establish the Florida Young Farmer and Rancher Resource Clearinghouse on its website to assist young and beginning farmers in identifying available grants, loans, scholarships, and resources for financial and business planning. The clearinghouse must also include resources available to beginning agricultural producers who are veterans.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 36-0; House 114-0

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CS/CS/SB 1576 — Animal Welfare

by Community Affairs Committee; Agriculture Committee; and Senators Steube and Perry

The bill requires animal shelters that take in stray dogs and cats to adopt written policies and procedures to ensure that every reasonable effort is made to quickly and reliably return the animals to their owners. It allows a court to prohibit a person convicted of animal cruelty from owning, possessing, keeping, harboring, having contact with, or having custody or control over any animal. It leaves the time frame for the prohibition within the court's discretion. The bill also increases the severity ranking for aggravated animal cruelty from a level three to a level five on the offense severity ranking chart of the Criminal Punishment Code.

If approved by the Governor, these provisions take effect October 1, 2018.

Vote: Senate 38-0; House 108-0

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HB 7011 — OGSR/School Food and Nutrition Service Program

by Oversight, Transparency and Administration Subcommittee; and Rep. Davis (SB 7016 by Agriculture Committee; and Senator Montford)

The bill provides an Open Government Sunset Review (OGSR) of a public records exemption for certain personal identifying information of students and families who receive free or reduced cost meals during the school year, including the summer period. Specifically, the public records exemption upon which the OGSR is based makes exempt from disclosure by designated agencies personal identifying information on recipients of free or reduced cost meals.

The original public necessity statement of the bill provided that the exemption is needed to protect information of sensitive, personal nature, the release of which could be defamatory, cause unwarranted damage to reputation, and possibly jeopardize the individual's personal safety. The justification upon which the exemption is based remains valid. Therefore, the bill deletes the repeal date of the public records exemption.

The public records exemption is scheduled for repeal October 2, 2018, unless reviewed and saved from repeal before that date.

Additionally, agencies identified in the original public records exemption as holding the personal identifying information are the Department of Agriculture and Consumer Services (DACS), the Department of Children and Families (DCF), and the Department of Education (DOE). The DCF indicates, however, that the agency does not receive information related to applicants and participants in school food and nutrition programs. Therefore, the bill narrows the exemption by removing the reference to the DCF as one of the agencies that holds this personal identifying information.

If approved by the Governor, these provisions take effect October 1, 2018.

Vote: Senate 37-0; House 107-0