

By the Committees on Natural Resources; Agriculture and Consumer Services; and Senator Thomas

312-2010-00

1 A bill to be entitled
2 An act relating to the Department of
3 Agriculture and Consumer Services; amending s.
4 253.025, F.S.; clarifying provisions relating
5 to conveyance of state lands to the department
6 for forestry facilities; deleting references to
7 specific fire tower sites and work centers with
8 respect to use of the department's Relocation
9 and Construction Trust Fund; amending s.
10 482.051, F.S.; revising authority of the
11 department to adopt rules relating to
12 pesticides used for preconstruction treatments;
13 amending ss. 500.12, 500.459, F.S.; deleting
14 certain requirements relating to the setting
15 and use of fees for bottled water plants,
16 packaged ice plants, and water vending
17 machines; amending s. 531.41, F.S.; authorizing
18 the department to provide by rule for voluntary
19 registration of private weighing and measuring
20 device service agencies and personnel; amending
21 s. 570.07, F.S.; allowing the department to
22 deposit money from the sale of certain personal
23 property in the employees' benefit funds;
24 authorizing the department to purchase
25 supplemental food and drink items and set
26 temporary meal expenditure limits, under
27 emergency conditions; providing restrictions;
28 amending s. 570.952, F.S.; revising provisions
29 relating to membership appointment and terms of
30 the Florida Agriculture Center and Horse Park
31 Authority; renumbering and amending s. 585.89,

1 F.S.; revising provisions relating to state
2 purchase of beef and pork; renumbering and
3 amending s. 585.92, F.S.; revising provisions
4 relating to labeling of meat sold to the state;
5 repealing ss. 585.70, 585.71, 585.715, 585.72,
6 585.73, 585.74, 585.75, 585.76, 585.77, 585.78,
7 585.79, 585.80, 585.81, 585.82, 585.83, 585.84,
8 585.85, 585.86, 585.87, 585.88, 585.90,
9 585.902, 585.903, 585.904, 585.91, 585.93,
10 585.96, F.S., relating to animal and animal
11 product inspection and labeling; repealing s.
12 205.1951, F.S., relating to custom
13 slaughtering; amending s. 590.015, F.S.;
14 revising the definition of "wild land" in
15 provisions relating to forest protection;
16 amending s. 590.14, F.S.; deleting a provision
17 allowing the Division of Forestry to issue a
18 warning citation with respect to authorized
19 fires; amending s. 590.28, F.S.; redesignating
20 the offense of careless burning as "reckless"
21 burning; amending s. 616.242, F.S.; revising
22 timing requirements for inspection and
23 permitting of amusement rides; deleting
24 exemptions from inspection requirements for
25 certain temporary amusement rides at public
26 events; amending s. 823.14, F.S.; limiting
27 local government regulations with respect to
28 the Right to Farm Act; providing authority to
29 the Department of Agriculture and Consumer
30 Services to negotiate agreements with certain
31 land owners for water use in rural areas;

1 amending s. 570.242, F.S.; modifying the
2 definition of the term "agriculturally
3 repressed area"; amending s. 570.248, F.S.;
4 revising the membership of the Agricultural
5 Economic Development Project Review Committee;
6 creating s. 570.249, F.S.; creating the
7 Agricultural Economic Development Program
8 Disaster Loans; creating s. 570.911, F.S.;
9 providing for an equestrian educational sports
10 program at 4-year state universities;
11 providing an effective date.

12

13 Be It Enacted by the Legislature of the State of Florida:

14

15 Section 1. Paragraphs (a) and (d) of subsection (13)
16 of section 253.025, Florida Statutes, are amended to read:

17 253.025 Acquisition of state lands for purposes other
18 than preservation, conservation, and recreation.--

19 (13)(a) The Board of Trustees of the Internal
20 Improvement Trust Fund may deed property to ~~Notwithstanding~~
21 ~~the provisions of this chapter and chapters 259 and 375, the~~
22 Department of Agriculture and Consumer Services so that the
23 department shall be able ~~have the authority, with the consent~~
24 ~~of the majority of the Governor and Cabinet, to sell, convey,~~
25 transfer, exchange, trade, or purchase land on which a
26 forestry facility resides for money or other more suitable
27 property on which to relocate the facility. Any sale or
28 purchase of property by the Department of Agriculture and
29 Consumer Services shall follow the requirements of subsections
30 (5)-(9). Any sale shall be at fair market value, and any trade
31 shall ensure that the state is getting at least an equal value

1 for the property. Except as provided in subsections (5)-(9),
2 the Department of Agriculture and Consumer Services is
3 excluded from following the provisions of this chapter and
4 chapters 259 and 375. This exclusion does not apply to lands
5 acquired for conservation purposes in accordance with s.
6 253.034(6)(a) or (b).

7 (d) There is hereby created in the Department of
8 Agriculture and Consumer Services the Relocation and
9 Construction Trust Fund. The trust fund is to be used for the
10 sole purpose of effectuating the orderly relocation of the
11 forestry fire towers and work centers ~~as follows: Crestview~~
12 ~~Work Center, Marianna Work Center, Panama City Headquarters,~~
13 ~~Tallahassee Headquarters, Southside Towersite, Gainesville~~
14 ~~Headquarters, Ocala Work Center, Orlando Headquarters,~~
15 ~~Lakeland Headquarters, Dunedin Work Center, Hamner Towersite,~~
16 ~~Bradenton Headquarters, Venetia Towersite, Fort Myers~~
17 ~~Headquarters, Naples Work Center, Philpot Towersite, Sand Hill~~
18 ~~Towersite, Mayo Work Center, Benton Towersite, Plymouth~~
19 ~~Towersite, Longwood Work Center, Oviedo Towersite, Valrico~~
20 ~~Work Center, and Belle Glade Work Center.~~

21 Section 2. Subsection (5) of section 482.051, Florida
22 Statutes, is amended to read:

23 482.051 Rules.--The department has authority to adopt
24 rules pursuant to ss. 120.536(1) and 120.54 to implement the
25 provisions of this chapter. Prior to proposing the adoption
26 of a rule, the department shall counsel with members of the
27 pest control industry concerning the proposed rule. The
28 department shall adopt rules for the protection of the health,
29 safety, and welfare of pest control employees and the general
30 public which require:

31

1 (5) That any pesticide used for preconstruction ~~soil~~
2 treatments for the prevention of subterranean termites be
3 applied in the amount, concentration, and treatment area in
4 accordance with the label; that a copy of the label of the
5 registered pesticide being applied be carried in a vehicle at
6 the site where the pesticide is being applied; and that the
7 licensee maintain for 3 years the record of each
8 preconstruction ~~soil~~ treatment, indicating the date of
9 treatment, the location or address of the property treated,
10 the total square footage of the structure treated, the type of
11 pesticide applied, the concentration of each substance in the
12 mixture applied, and the total amount of pesticide applied.

13 Section 3. Paragraph (b) of subsection (1) of section
14 500.12, Florida Statutes, is amended to read:

15 500.12 Food permits; building permits.--

16 (1)

17 (b) An application for a food permit from the
18 department must be accompanied by a fee in an amount
19 determined by department rule, which may not exceed \$350,
20 except that the fee accompanying an application for a food
21 permit for operating a bottled water plant may not exceed
22 \$1,000 and the fee accompanying an application for a food
23 permit for operating a packaged ice plant may not exceed \$250.
24 The fee for operating a bottled water plant or a packaged ice
25 plant shall be set by rule of the department ~~in an amount~~
26 ~~sufficient to meet, but not exceed, the total direct and~~
27 ~~indirect costs incurred by the department in carrying out its~~
28 ~~permitting, inspection, sampling, enforcement, and~~
29 ~~administrative responsibilities for those operations.~~ Food
30 permits must be renewed annually on or before January 1. If an
31 application for renewal of a food permit is not received by

1 the department within 30 days after its due date, a late fee,
2 in an amount not exceeding \$100, must be paid in addition to
3 the food permit fee before the department may issue the food
4 permit. The moneys collected shall be deposited in the General
5 Inspection Trust Fund.

6 Section 4. Subsection (4) of section 500.459, Florida
7 Statutes, is amended to read:

8 500.459 Water vending machines.--

9 (4) FEES.--A person seeking an operating permit must
10 pay the department a fee not exceeding \$200, which fee shall
11 be set by rule of the department ~~in an amount sufficient to~~
12 ~~meet, but not exceed, the total direct and indirect costs~~
13 ~~incurred by the department in carrying out its permitting,~~
14 ~~inspection, sampling, enforcement, and administrative~~
15 ~~responsibilities under this section.~~ Such fees shall be
16 deposited in the General Inspection Trust Fund ~~and shall be~~
17 ~~used for the sole purpose of this section.~~

18 Section 5. Subsection (16) is added to section 531.41,
19 Florida Statutes, to read:

20 531.41 Powers and duties of the department.--The
21 department shall:

22 (16) Provide by rule for the voluntary registration
23 with the department of private weighing and measuring device
24 service agencies or personnel. Such rule shall grant private
25 agencies and personnel that meet all registration requirements
26 and maintain current registered status with the department the
27 authority to place devices that meet all state requirements
28 into commercial service until such time as the devices can be
29 inspected and tested as provided for in subsection (10),
30 provided such devices are reported to the department as
31 prescribed by the rule.

1
2 The provisions of this chapter and rules adopted thereunder
3 notwithstanding, scales routinely used by providers of weight
4 control services shall not be considered commercial weights
5 and measures when used to determine human weight or to compute
6 charges or payments for services rendered by such providers on
7 the basis of said weight, measure, or count.

8 Section 6. Subsection (34) of section 570.07, Florida
9 Statutes, is amended and subsection (35) is added to that
10 section to read:

11 570.07 Department of Agriculture and Consumer
12 Services; functions, powers, and duties.--The department shall
13 have and exercise the following functions, powers, and duties:

14 (34) To adopt policies creating, and providing for the
15 operation of, an employees' benefit fund. Notwithstanding the
16 provisions of chapter 273, the department may deposit moneys
17 received from the disposition of state-owned tangible personal
18 property, specifically livestock maintained and located at the
19 Doyle E. Conner Agricultural Complex, in the employees'
20 benefit fund.

21 (35) Under emergency conditions, to authorize the
22 purchase of supplemental nutritional food and drink items and
23 set temporary meal expenditure limits for employees engaged in
24 physical activity for prolonged periods of time in excess of
25 the rate established by s. 112.061(6), but not to exceed \$50
26 per day.

27 Section 7. Subsection (2) of section 570.952, Florida
28 Statutes, is amended to read:

29 570.952 Florida Agriculture Center and Horse Park
30 Authority.--

31

1 (2) The authority shall be composed of 21 ~~23~~ members
2 appointed by the commissioner.

3 (a) Members shall include:

4 1. Three citizens-at-large ~~One citizen-at-large~~, who
5 shall represent the views of the general public toward
6 agriculture and equine activities in the state.

7 2. One representative from the Department of
8 Agriculture and Consumer Services.

9 3. One representative from Enterprise Florida, Inc.

10 4. One representative from the Department of
11 Environmental Protection, Office of Greenways and Trails
12 Management.

13 5. One member of the Ocala/Marion County Chamber of
14 Commerce.

15 6. Two representatives of the tourism or hospitality
16 industry.

17 7. Three representatives of the commercial agriculture
18 industry.

19 8. Three representatives from recognized horse breed
20 associations.

21 9. One representative of the veterinary industry.

22 10. Three representatives from the competitive equine
23 industry.

24 ~~6. One public/private partnership expert.~~

25 ~~7. One member of a private environmental organization.~~

26 ~~8. One fruit and vegetable grower.~~

27 ~~9. One citrus grower.~~

28 ~~10. One commercial feed producer.~~

29 ~~11. One livestock/cattle breeder.~~

30 ~~12. One quarter horse breeder.~~

31 ~~13. One thoroughbred horse breeder.~~

1 ~~14. One standardbred horse breeder.~~
2 ~~15. One Arabian horse breeder.~~
3 ~~16. One color breeds horse breeder.~~
4 ~~17. One licensed veterinarian.~~
5 ~~18. One Paso Fino horse breeder.~~
6 ~~19. One ornamental or nursery stock grower.~~
7 ~~20. One representative from the horse show industry.~~
8 ~~21. One representative from the horse sport industry.~~
9 ~~11.22.~~ One representative from the horse pleasure and
10 trail riding trailriders industry.
11 ~~12.23.~~ One representative recommended by from the
12 Board of County Commissioners of Marion County.
13 ~~(b) With the exception of department employees and the~~
14 ~~citizen-at-large, each member shall be selected from two or~~
15 ~~three nominees submitted by recognized statewide organizations~~
16 ~~representing each interest or trade enumerated in this~~
17 ~~section. In the absence of nominations, the commissioner shall~~
18 ~~appoint persons who otherwise meet the qualifications for~~
19 ~~nomination and appointment to the authority.~~
20 ~~(b)(c)~~ Initially, the commissioner shall appoint 11
21 members ~~12 members shall be appointed~~ for 4-year terms and 10
22 ~~11 members shall be appointed~~ for 2-year terms. Thereafter,
23 each member shall be appointed for a term of 4 years from the
24 date of appointment, except that a vacancy shall be filled by
25 appointment for the remainder of the term.
26 ~~(c)(d)~~ Any member of the authority who fails to attend
27 three consecutive authority meetings without good cause shall
28 be deemed to have resigned from the authority. The
29 commissioner shall appoint a person representing the same
30 interest or trade as the resigning member. Current members
31 shall continue to serve until successors are appointed.

1 Section 8. Section 585.89, Florida Statutes, is
2 transferred, renumbered as section 287.1395, Florida Statutes,
3 and amended to read:

4 287.1395 ~~585.89~~ Beef and pork; prohibition on
5 purchase; bid specifications; penalty.--

6 (1) Fresh or frozen beef or pork that has not been
7 inspected by the United States Department of Agriculture or
8 any other state's United States Department of
9 Agriculture-approved program ~~the department~~ shall not be
10 purchased, or caused to be purchased, by any agency of the
11 state or of any municipality, political subdivision, school
12 district, or special district for consumption in this state or
13 for distribution for consumption in this state. Bid
14 invitations issued by any agency of the state or of any
15 municipality, political subdivision, school district, or
16 special district for the purchase of fresh or frozen beef or
17 pork must specify that only beef or pork inspected and passed
18 by either the United States Department of Agriculture or any
19 other state's United States Department of Agriculture-approved
20 program ~~the department~~ will be accepted. The supplier or
21 vendor shall certify on the invoice that the fresh or frozen
22 beef or pork or imported beef or pork supplied is either
23 domestic or complies with this subsection.

24 (2) All bid invitations for purchase of fresh or
25 frozen meats of any kind by any agency of the state or of any
26 municipality, political subdivision, school district, or
27 special district using state or local funds shall include the
28 words: " 'All American' and 'Genuine Florida' meats or meat
29 products shall be granted preference as allowed by Section
30 287.082, Florida Statutes."
31

1 (3) Any person who knowingly violates or causes to be
2 violated the provisions of this section shall be personally
3 liable to the affected public agency for any funds spent in
4 violation of the provisions of this section.

5 Section 9. Section 585.92, Florida Statutes, is
6 transferred, renumbered as section 287.1396, Florida Statutes,
7 and amended to read:

8 287.1396 ~~585.92~~ All American and Genuine Florida meat
9 or meat products.--As allowed by the United States Department
10 of Agriculture, each slaughterhouse or meatpacking or
11 processing plant in the state or other person vending any meat
12 or meat product, the meat of which is entirely produced in the
13 United States, may label such meat or meat product "All
14 American", and any such vendor selling any such meat or meat
15 product, the meat of which is entirely produced in the state,
16 may label such meat or meat product "Genuine Florida."

17 Section 10. Sections 585.70, 585.71, 585.715, 585.72,
18 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79,
19 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86,
20 585.87, 585.88, 585.90, 585.902, 585.903, 585.904, 585.91,
21 585.93, 585.96, and 205.1951, Florida Statutes, are repealed.

22 Section 11. Subsection (5) of section 590.015, Florida
23 Statutes, is amended to read:

24 590.015 Definitions.--As used in this chapter, the
25 term:

26 (5) "Wild land" means any public or private managed or
27 unmanaged forest, urban/interface, pasture or range land,
28 recreation lands, or any other land at risk of wildfire.

29 Section 12. Section 590.14, Florida Statutes, is
30 amended to read:

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1 590.14 ~~Warning citation;~~Notice of violation;
2 penalties.--

3 ~~(1) If unpredicted atmospheric conditions occur which~~
4 ~~cause an authorized fire to escape from the boundaries of the~~
5 ~~authorized area, if the fire does not leave the land owned or~~
6 ~~controlled by the authorization holder, and if no damage has~~
7 ~~occurred, the division may issue a warning citation of~~
8 ~~violation of s. 590.125.~~

9 (1)~~(2)~~ If a division employee determines that a person
10 has violated chapter 589 or chapter 590, he or she may issue a
11 notice of violation indicating the statute violated. This
12 notice will be filed with the division and a copy forwarded to
13 the appropriate law enforcement entity for further action if
14 necessary.

15 (2)~~(3)~~ In addition to any ~~other~~ penalties provided by
16 law, any person who causes a wildfire or permits any
17 authorized fire to escape the boundaries of the authorization
18 or to burn past the time of the authorization is liable for
19 the payment of all reasonable costs and expenses incurred in
20 suppressing the fire or \$150, whichever is greater. All costs
21 and expenses incurred by the division shall be payable to the
22 division. When such costs and expenses are not paid within 30
23 days after demand, the division may take proper legal
24 proceedings for the collection of the costs and expenses.
25 Those costs incurred by an agency acting at the division's
26 direction are recoverable by that agency.

27 (3)~~(4)~~ The department may also impose an
28 administrative fine, not to exceed \$1,000 per violation of any
29 section of chapter 589 or chapter 590. The fine shall be based
30 upon the degree of damage and prior violation record of the
31

1 person. The fines shall be deposited in the Incidental Trust
2 Fund of the division.

3 (4)~~(5)~~ The penalties provided in this section shall
4 extend to both the actual violator and the person or persons,
5 firm, or corporation causing, directing, or permitting the
6 violation.

7 Section 13. Section 590.28, Florida Statutes, is
8 amended to read:

9 590.28 Intentional or reckless ~~careless~~ burning of
10 lands.--

11 (1) Whoever intentionally burns, sets fire to, or
12 causes to be burned or causes any fire to be set to, any wild
13 land or vegetative land clearing debris not owned by, or in
14 the lawful possession of, the person setting such fire or
15 burning such lands or causing such fire to be set or lands to
16 be burned without complying with s. 590.125, commits a felony
17 of the third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 (2) Whoever recklessly ~~carelessly~~ burns, sets fire to,
20 or causes to be burned any wild lands not owned by, or in the
21 lawful possession of, the person setting the fire or burning
22 the lands or causing the fire to be set or lands to be burned,
23 commits a misdemeanor of the second degree, punishable as
24 provided in s. 775.082 or s. 775.083.

25 Section 14. Paragraph (b) of subsection (5) and
26 paragraph (a) of subsection (7) of section 616.242, Florida
27 Statutes, are amended to read:

28 616.242 Safety standards for amusement rides.--

29 (5) ANNUAL PERMIT.--
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1 (b) To apply for an annual permit an owner must submit
2 to the department a written application on a form prescribed
3 by rule of the department, which must include the following:

4 1. The legal name, address, and primary place of
5 business of the owner.

6 2. A description, manufacturer's name, serial number,
7 model number and, if previously assigned, the United States
8 Amusement Identification Number of the amusement ride.

9 3. A valid certificate of insurance or bond for each
10 amusement ride.

11 4. An affidavit of compliance that the amusement ride
12 was inspected in person by the affiant and that the amusement
13 ride is in general conformance with the requirements of this
14 section and all applicable rules adopted by the department.
15 The affidavit must be executed by a professional engineer or a
16 qualified inspector no earlier than 60 days before, but not
17 later than, the date of the filing of the application with the
18 department. The owner shall request inspection and permitting
19 of the amusement ride within 60 days of the date of filing the
20 application with the department. The department shall inspect
21 and permit the amusement ride within 60 days after filing the
22 application with the department ~~of the date the affidavit was~~
23 ~~executed~~.

24 5. If required by subsection (6), an affidavit of
25 nondestructive testing dated and executed no earlier than 60
26 days prior to, but not later than, the date of the filing of
27 the application with the department. The owner shall request
28 inspection and permitting of the amusement ride within 60 days
29 of the date of filing the application with the department. The
30 department shall inspect and permit the amusement ride within
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1 60 days after filing the application with the department of
2 ~~the date the affidavit was executed.~~

3 6. A request for inspection.

4 7. Upon request, the owner shall, at no cost to the
5 department, provide the department a copy of the
6 manufacturer's current recommended operating instructions in
7 the possession of the owner, the owner's operating fact sheet,
8 and any written bulletins in the possession of the owner
9 concerning the safety, operation, or maintenance of the
10 amusement ride.

11 (7) DEPARTMENT INSPECTIONS.--

12 (a) In order to obtain an annual permit, an amusement
13 ride must be inspected by the department in accordance with
14 subsection (11) and receive an inspection certificate. In
15 addition, each permanent amusement ride must be inspected
16 semi-annually by the department in accordance with subsection
17 (11) and receive an inspection certificate, and each temporary
18 amusement ride must be inspected by the department in
19 accordance with subsection (11), and must receive an
20 inspection certificate each time the ride is set up or moved
21 to a new location in this state unless the temporary amusement
22 ride is:

23 1. Used at a private event; or

24 ~~2. Used at a public event when there are no more than~~
25 ~~three amusement rides at the event, and the capacity of each~~
26 ~~amusement ride at the event does not exceed eight persons;~~

27 ~~2.3.~~ A simulator, the capacity of which does not
28 exceed 16 persons. or

29 ~~4. A kiddie train used at a public event if there are~~
30 ~~no more than three amusement rides at the event.~~

31

1 Section 15. Subsection (6) is added to section 823.14,
2 Florida Statutes, to read:

3 823.14 Florida Right to Farm Act.--

4 (6) LIMITATION OF LOCAL GOVERNMENT REGULATIONS.--The
5 provisions of this subsection do not apply to powers of local
6 approved environmental programs authorized by law in s.
7 403.182. A local government may not adopt laws, ordinances,
8 regulations, rules, or policies to prohibit, restrict,
9 regulate, or otherwise limit any continuing farm operation on
10 land currently engaged in bona fide production of a farm
11 product as produced by those agricultural industries
12 enumerated in s. 570.02(1), except as otherwise provided for
13 in this section and s. 487.051(2).

14 Section 16. The Department of Agriculture and Consumer
15 Services is authorized to negotiate agreements with landowners
16 for water supply in rural areas, provided that:

17 (1) The water to be supplied is currently available to
18 property owned or controlled by the department; and

19 (2) The intended use and quantity are not inconsistent
20 with any permit required under part II of chapter 373, Florida
21 Statutes, for the source of supply in effect at the time of
22 the agreement.

23 Section 17. Paragraph (f) is added to subsection (1)
24 of section 570.242, Florida Statutes, to read:

25 570.242 Definitions.--For purposes of this act, the
26 following terms shall have the following meanings:

27 (1) "Agriculturally depressed area" means a rural area
28 which has declining profitability from agricultural
29 enterprises and one or more of the following characteristics:

30
31

1 (f) Crop losses or economic depression resulting from
2 a natural disaster or socioeconomic conditions or events which
3 negatively impact a crop.

4 Section 18. Paragraph (c) of subsection (1) of section
5 570.248, Florida Statutes, is amended to read:

6 570.248 Agricultural Economic Development Project
7 Review Committee; powers and duties.--

8 (1) There is created an Agricultural Economic
9 Development Project Review Committee consisting of five
10 members appointed by the commissioner. The members shall be
11 appointed based upon the recommendations submitted by each
12 entity represented on the committee and shall include:

13 (c) One representative from Enterprise Florida, Inc.
14 ~~the Florida Rural Development Committee.~~

15 Section 19. Section 570.249, Florida Statutes, is
16 created to read:

17 570.249 Agricultural Economic Development Program
18 Disaster Loans.--

19 (1) USE OF LOAN FUNDS.--Loan funds to agricultural
20 producers who have experienced crop losses from a natural
21 disaster or a socio-economic condition or event may be used to
22 restore or replace essential physical property, such as
23 animals, fences, equipment, structural production facilities,
24 or orchard trees; pay all or part of production costs
25 associated with the disaster year; pay essential family living
26 expenses; and restructure farm debts. Funds may be issued as
27 direct loans, or as loan guarantees for up to 90 percent of
28 the total loan, in amounts not less than \$30,000 nor more than
29 \$250,000. Applicants must provide at least 10 percent equity.

30 (2) ELIGIBLE CROPS.--Crops eligible for the emergency
31 loan program include:

- 1 (a) Crops grown for human consumption;
2 (b) Crops planted and grown for livestock consumption,
3 including, but not limited to, grain, seed, and forage crops;
4 (c) Crops grown for fiber, except for trees; and
5 (d) Speciality crops, such as aquacultural,
6 floricultural, or ornamental nursery crops; Christmas trees;
7 turf for sod; industrial crops; and seed crops used to produce
8 eligible crops.

9 (3) FARMING INFORMATION.--A borrower must keep
10 complete and acceptable farm records and present them as proof
11 of production levels. A borrower must operate in accordance
12 with a farm plan that he or she develops and that is approved
13 by the commissioner. A borrower may be required to participate
14 in a financial management training program and obtain crop
15 insurance.

16 (4) LOAN APPLICATION.--In order to qualify for a loan
17 under this section an applicant must submit an application to
18 the committee within 30 days after the natural disaster or
19 socio-economic condition or event occurs or the date the crop
20 damage becomes apparent. An applicant must be a citizen of the
21 United States, a bona fide resident of the state, and,
22 together with the applicant's spouse and their dependents,
23 have a total net worth of less than the \$100,000. The value of
24 any residential homestead owned by the applicant must not be
25 included in determining the applicant's net worth. An
26 applicant must also demonstrate the need for economic
27 assistance, be worthy of credit according to standards
28 established by the commissioner, prove that he or she cannot
29 obtain commercial credit, and demonstrate that he or she has
30 the ability to repay the loan.

31

1 (5) LOAN SECURITY REQUIREMENTS.--All loans must be
2 fully collateralized. A first lien is required on all property
3 or product acquired, produced, or refinanced with loan funds.
4 The specific type of collateral required may vary depending
5 upon the loan purpose, repayment ability, and the particular
6 circumstances of the applicant.

7 (6) LOAN REPAYMENT.--Repayment of loans for crops,
8 livestock, and non-real-estate losses shall normally be repaid
9 within 7 years, or, in special circumstances within 20 years.
10 Loans for physical losses to real estate and buildings shall
11 not exceed 30 years. Borrowers are expected to return to
12 conventional credit sources when they are financially able.
13 Loans are a temporary source of credit and borrowers must be
14 reviewed periodically to determine whether they can return to
15 conventional credit.

16 Section 20. Section 570.911, Florida Statutes, is
17 created to read:

18 570.911 Equestrian educational sports program.--The
19 Department of Agriculture and Consumer Services shall
20 establish an equestrian educational sports program with one or
21 more accredited 4-year state universities designed to give
22 student riders the opportunity to learn, compete, and succeed
23 at the collegiate level, while at the same time promoting the
24 state's multi-billion dollar equine industry.

25 Section 21. This act shall take effect July 1, 2000.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 1904

4 The committee substitute provides that:

- 5 1. The Board of Trustees of the Internal Improvement Trust
6 Fund may deed certain property to the Department of
7 Agriculture and Consumer Services. The department may
8 sell certain property and such sale is excluded from
9 following the provisions of ch. 253, 259, and 375, F.S.;
10 however, the exclusion does not apply to lands acquired
11 for conservation purposes.
- 12 2. The department may deposit moneys received from the
13 disposition of state-owned tangible personal property,
14 specifically livestock maintained and located at the
15 Doyle E. Conner Agricultural Complex, in the employees'
16 benefit fund.
- 17 3. Local governments may not adopt laws, ordinances,
18 regulations, rules, or policies to prohibit, restrict,
19 regulate, or otherwise limit any continuing farm
20 operation on land currently engaged in bona fide
21 production of a farm product. These provisions do not
22 apply to the powers of local approved environmental
23 programs.
- 24 4. The department may negotiate agreements with landowners
25 for water supply under certain conditions.
- 26 5. Amends the definition of "agriculturally depressed area"
27 to mean a rural area that has one or more of certain
28 specified characteristics including crop losses or
29 economic depression resulting from a natural disaster or
30 socioeconomic conditions or events which negatively
31 impact a crop.
6. Creates an Agricultural Economic Development Disaster
Loan Program. Specifies uses of loan funds. Provides for
security requirements and loan repayment.
7. Provides that the department shall establish an
equestrian educational sports program with one or more
accredited 4-year state universities designed to give
student riders the opportunity to learn, compete, and
succeed at the collegiate level, while at the same time
promoting the state's multi-billion equine industry.