

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: CS/SB 1514

INTRODUCER: Agriculture Committee and Senator Albritton

SUBJECT: Department of Agriculture and Consumer Services

DATE: February 14, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Wiehle</u>	<u>Imhof</u>	<u>IT</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1514 addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Specifies a methodology for a property appraiser to assess buildings or structures on agricultural lands which are used for production, packaging, processing, or storage;
- Eliminates a distance requirement for vehicles making local trips while transporting agricultural products;
- Postpones a sunset provision for certain Pest Control Trust Fund expenditures;
- Revises the Florida Service's training requirements and certifications for firefighters; and
- Requires the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, the Florida chapter of the National Waste and Recycling Association, and the Florida Natural Gas Association, to develop a study to estimate the potential benefits of renewable natural gas in Florida.

II. Present Situation:

Taxation of Agricultural Lands and Property

Section 193.461, F.S, provides for property tax classification and assessment of agriculture lands. When land has been classified as agricultural, the assessment must be based solely on its agricultural use, and the property appraiser may consider only the following factors:

- The quantity and size of the property;
- The condition of the property;
- The present market value of the property as agricultural land;

- The income produced by the property;
- The productivity of land in its present use;
- The economic merchantability of the agricultural product; and
- Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.

The statute specifically provides, at s. 193.461(6)(c)1., F.S, that for purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps and motors, physically attached to the land must be considered a part of the average yields per acre and have no separately assessable contributory value. It goes on to provide that this same methodology is to apply to poultry litter and animal waste containment structures, structures and improvements used in horticultural production for frost or freeze protection, and screened enclosures used in horticulture for protection from pests and disease.

Agricultural Loads on Vehicles

Federal rules require each commercial motor vehicle transporting cargo on public roads to have its cargo secured to prevent the cargo from leaking, spilling, blowing, or falling from the motor vehicle.¹

Under Florida law, a vehicle may not be driven or moved on any highway unless the vehicle is constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping from the vehicle.²

Every vehicle owner and driver has the duty to prevent items from escaping from his or her vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover or a load securing device meeting federal requirements or a device designed to reasonably ensure that cargo will not shift upon or fall from the vehicle is required and constitutes compliance.³

However, Florida's load covering and securing provisions do not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles.⁴

Florida Forest Service

The Florida Forest Service employs more than 1,250 people in more than 90 job classes. To become licensed, Florida Forest Service firefighters must complete a fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 250 hours of wildfire training. The Division of the State Fire Marshal's structural training course must be at least 206 hours. Students must pass a required exam administered by the division and meet the Florida Forest Services' requirements to receive a Forestry Certificate of

¹ 49 C.F.R. 393.100

² Section 316.520(1), F.S.

³ Section 316.520(2), F.S.

⁴ Section 316.520(4), F.S.

Compliance. The Florida Forest Service, unlike many other fire suppression and safety agencies, primarily manages wildland or forest fires that may involve a structural element.

III. Effect of Proposed Changes:

Section 1 amends s. 193.461, F.S., to specify that the income methodology approach to assessment of property used for agricultural purposes in which improvements are considered a part of the average yields per acre and have no separately assessable contributory value also applies to buildings or structures on agricultural lands which are used for production, packaging, processing, or storage.

Section 2 amends s. 316.520, F.S., to eliminate a distance requirement for securing of loads on vehicles making local trips while transporting agricultural products.

Section 3 amends s. 570.441, F.S., to extend the expiration for the use of funds in the Pest Control Trust Fund from June 30, 2020, until June 30, 2024. This would allow the department to continue to use these funds to carry out the duties of the Division of Agricultural Environmental Services.

Section 4 amends s. 590.02, F.S., to require the Florida Forest Service to restructure its training course to better meet its wildland firefighters' specific training needs. The training curriculum would need to contain a minimum of:

- 40 hours of structural firefighter training;
- 40 hours of emergency medical training; and
- 376 hours of wildfire training, rather than the current 250.

Section 5 amends s. 633.408, F.S., to provide wildland firefighter training and certification for firefighters and volunteer firefighters. These changes are needed to conform to changes made to Section 4 of the bill.

Section 6 creates an as yet undesignated section to require a renewable natural gas study.⁵ The Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, the Florida chapter of the National Waste and Recycling Association, and the Florida Natural Gas Association must develop a study to estimate the potential benefits of renewable natural gas in Florida. Specifically, the study must consider:

- The use of renewable natural gas resources to generate energy and fuel and the benefits for local communities, the economy, and the environment;

⁵ Renewable natural gas (RNG) begins with a methane biogas produced by the decomposition of organic matter. This biogas can be produced and captured at landfills, livestock operations, and wastewater treatment plants. To be usable, the raw biogas must be treated, a process called conditioning or upgrading which involves the removal of water, carbon dioxide, hydrogen sulfide, and other trace elements. With minor cleanup, biogas can be used to produce electricity and heat. To fuel vehicles, biogas must be processed to a higher purity standard. The resulting RNG, or biomethane, has a higher content of methane than raw biogas, which makes it comparable to conventional natural gas and thus a suitable energy source in applications that require pipeline-quality gas. RNG is a pipeline-quality gas that is fully interchangeable with conventional natural gas and thus can be used in natural gas vehicles, either in the form of compressed natural gas (CNG) or liquefied natural gas (LNG). See, e.g. https://afdc.energy.gov/fuels/natural_gas_renewable.html (last accessed February 12, 2020).

- The ability of renewable natural gas to create new revenue streams for local governments, agricultural producers, and other producers of waste; and
- The potential for renewable natural gas to contribute to energy security by providing the gas grid enhanced diversity of supply.

The Department of Environmental Protection must report the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives upon completion of the study.

Section 7 provides that this act shall take effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill expands the list of property located on agricultural land that a tax assessor can consider when using the income methodology approach to assessment of agricultural property.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 193.461, 316.520, 570.441, 590.02, and 633.408.

This bill creates an as yet undesignated section.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by the Agriculture Committee on February 11, 2020:
The committee substitute deletes sections of SB 1514 that:**

- Revise the contents of an annual department report to the Governor and the Legislature to include the development of renewable energy, alternative fuels, and alternative technologies;
- Require the department to promote the development of alternative fuel and alternative vehicle technologies;
- Delete a requirement that the department prepare a separate energy report of the utilization of the renewable energy technologies investment tax credit;
- Clarify the definition of food establishment to be consistent with the state’s current regulatory structure;
- Revise the membership of the Florida Food Safety and Food Defense Advisory Council;
- Realign Chapter 502 with recent updates to the federal Grade A Pasteurized Milk Ordinance;
- Clarify the preexisting distinction between wholesale and retail frozen dessert sellers and phases out the frozen dessert plant number of gallons of frozen dessert produced reporting requirement;
- Revise the authority of the department to include the inspection of facilities used to distribute milk and milk products and collect samples of those products for testing;
- Eliminate the Milkfat Content Permit reporting requirements;
- Delete the Dairy Industry Technical Council;
- Revise the requirements for the agriculture water conservation program and expands the types of cost-share projects for irrigation system retrofit, mobile irrigation laboratory evaluations, and water conservation that can be considered and funded;
- Establish a waiver process by rule for School Nutrition Program Sponsors;

- Define Raw Agricultural Commodity Fumigation and clarify the applicability of licensure requirements;
- Enable the department to consider whether an entity performs Raw Agricultural Commodity Fumigation when making license classification decisions; and
- Clarify the food establishment licensee fee submission deadline.

The committee substitute adds sections to SB 1514 that:

- Specify a methodology for a property appraiser to assess buildings or structures on agricultural lands which are used for production, packaging, processing, or storage;
- Eliminate a distance requirement for vehicles making local trips while transporting agricultural products; and
- Require the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, the Florida chapter of the National Waste and Recycling Association, and the Florida Natural Gas Association to develop a study to estimate the potential benefits of renewable natural gas in Florida.

B. Amendments:

None.