

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 921 Department of Agriculture and Consumer Services  
**SPONSOR(S):** State Affairs Committee, Agriculture & Natural Resources Subcommittee, Brannan  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/CS/SB 1514

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	11 Y, 0 N, As CS	Melkun	Moore
2) State Affairs Committee	22 Y, 0 N, As CS	Melkun	Williamson

### SUMMARY ANALYSIS

#### Agricultural Loads on Vehicles

Under Florida law, a vehicle may not be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from escaping from the vehicle. Currently, the requirements to cover and secure the load 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.

The bill removes the 20-mile maximum distance that a vehicle carrying agricultural products may travel without covering and securing the load.

#### Pest Control Trust Fund

The Pest Control Trust Fund (Trust Fund) is used to carry out various responsibilities of the Department of Agriculture and Consumer Services (DACS) related to the regulation of pest control. In addition, current law allows DACS to use funds from the Trust Fund to carry out the duties of its Division of Agricultural Environmental Services (division). DACS's authority to use funds from the Trust Fund to carry out the division's duties is set to expire on June 30, 2020.

The bill extends the expiration date of DACS's authority to use funds from the Trust Fund to carry out the division's duties to June 30, 2024.

#### Aquaculture

In order to raise aquatic species for commercial sale, entities must acquire an aquaculture certificate of registration from DACS. The certificate authorizes the certificate holder to plant, harvest, and sell aquaculture products; entitles the holder to the same benefits provided to other agricultural producers, including tax benefits; and reduces the number of permits the holder must obtain from other agencies.

The bill authorizes DACS to revoke an aquaculture certificate of registration if DACS determines that aquaculture is not the primary purpose of the certified entity's operation.

#### Forest Service Firefighters

The Florida Forest Service (FFS) works to protect and manage the forest resources of Florida by providing fire protection for forests and natural areas. FFS 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 bill requires the FFS firefighter training curriculum to include a minimum of 40 hours each of structural firefighter training and emergency medical training and to increase the minimum number of hours of wildfire training required from 250 hours to 376 hours.

The bill authorizes DACS to purchase private insurance policies to cover expenses related to the payment of benefits to firefighters diagnosed with cancer.

#### Fiscal Impact

The bill may have an indeterminate impact on state government.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Agricultural Loads on Vehicles**

##### Background

Under Florida law, a vehicle may not be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping from the vehicle.<sup>1</sup> Every vehicle owner and driver has a duty to prevent items from escaping from his or her vehicle and may do so by using an appropriate cover or load-securing device that meets federal requirements, or a device designed to reasonably ensure that cargo will not shift or fall from the vehicle.<sup>2</sup>

Currently, the requirements to cover and secure the load 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.<sup>3</sup>

##### Effect of the Bill

The bill removes the 20-mile maximum distance that a vehicle carrying agricultural products may travel without covering and securing the load.

#### **Pest Control Trust Fund**

##### Background

The Pest Control Trust Fund (Trust Fund) is used to carry out the various responsibilities of the Department of Agriculture and Consumer Services (DACs) related to the regulation of pest control, including the licensing of pest control businesses, examinations for operators' certificates, and the education of the pest control industry.<sup>4</sup> Revenue sources of the Trust Fund include fines as well as license, examination, certification, and commercial fees imposed by DACs.<sup>5</sup>

In addition to DACs's pest control responsibilities, current law also allows DACs to use funds from the Trust Fund to carry out the duties of its Division of Agricultural Environmental Services (division), which include:

- Inspecting and drawing samples of commercial feeds for sale, seeds for sale, certified seed grown in Florida, fertilizers for sale, and pesticides;
- Conducting general inspection activities in regard to weights, measures, and standards of articles for sale;
- Reviewing and evaluating technical and scientific data associated with the production, manufacture, storage, transportation, sale, or use of any article or product with respect to any statutory authority conferred on DACs;
- Analyzing samples of fertilizer, pesticide formulations, commercial feed, and certain seeds offered for sale; and
- Investigating, evaluating, and developing new or improved technology to enhance the analytical capability and efficiency of all divisional laboratories and perform other related analyses as deemed necessary.<sup>6</sup>

DACS's authority to use funds from the Trust Fund to carry out the division's duties is set to expire on June 30, 2020.

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<sup>1</sup> Section 316.520(1), F.S.

<sup>2</sup> Section 316.520(2), F.S.

<sup>3</sup> Section 316.520(4), F.S.

<sup>4</sup> Section 570.441, F.S.; ch. 482, F.S.

<sup>5</sup> Chapter 482, F.S.

<sup>6</sup> Section 570.44, F.S.

### Effect of the Bill

The bill extends the expiration date of DACS's authority to use funds from the Trust Fund to carry out the division's duties to June 30, 2024.

## **Forest Service Firefighters**

### Background

Each year, thousands of acres of wildland and many homes are destroyed by wildfires that can erupt at any time of the year from a variety of causes, including arson, lightning, and debris burning.<sup>7</sup> The Florida Forest Service (FFS) within DACS works to protect and manage the forest resources of Florida by providing fire protection for forests and natural areas as well as firefighting assistance to municipal and volunteer fire departments.<sup>8</sup>

To become licensed, FFS 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.<sup>9</sup> The fire training course consists of two parts and equates to 398<sup>10</sup> hours, collectively referred to as the "Minimum Standards Course."<sup>11</sup> When an FFS firefighter completes the training program and has passed an examination as required by the Division of State Fire Marshal, FFS firefighters are granted a Forestry Certificate of Compliance and are entitled to the same rights, privileges, and benefits provided by law to firefighters.<sup>12</sup>

### *Firefighter Benefits*

In 2019, the Legislature enacted a law to require that, upon a diagnosis of cancer, a firefighter that has been employed by his or her employer for at least five continuous years, has not used tobacco products for the preceding five years, and has not been employed in any other position for the previous five years that is proven to create a higher risk for any cancer, is entitled to:

- Cancer treatment covered within an employer-sponsored health plan or through a group health insurance trust fund; and
- A one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer.<sup>13</sup>

### Effect of the Bill

The bill revises the requirements for the training curriculum for FFS firefighters to require the curriculum to include a minimum of 40 hours of structural firefighter training and a minimum of 40 hours of emergency medical training and to increase the minimum number of hours of wildfire training required from 250 hours to 376 hours.

The bill changes the title of the certificate of compliance for FFS firefighters from "Forestry Certificate of Compliance" to "Wildland Firefighter Certificate of Compliance."

The bill authorizes DACS to purchase private insurance policies to cover expenses related to the payment of benefits to firefighters diagnosed with cancer.

## **Aquaculture**

### Background

DACS serves as the state's lead aquaculture agency and works to coordinate the development and regulation of aquaculture to protect and conserve Florida's natural resources. There are an estimated

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<sup>7</sup> Florida Division of Emergency Management, *Wildfires*, available at <https://www.floridadisaster.org/hazards/wildfire/> (last visited Feb. 20, 2020).

<sup>8</sup> FFS, *Florida Forest Service Career Opportunities*, available at <https://www.fdacs.gov/Divisions-Offices/Florida-Forest-Service/Career-Opportunities> (last visited Feb. 20, 2020).

<sup>9</sup> Section 590.02(1)(e), F.S.

<sup>10</sup> Part I is 206 hours and Part II is an additional 192 hours; r. 69A-37.055(1), F.A.C.

<sup>11</sup> *Id.*

<sup>12</sup> Sections 633.408(8)(a) and (b), F.S.

<sup>13</sup> Section 112.1816, F.S.; ch. 2019-21 Laws of Fla.

1,500 species of fish, plants, mollusks, crustaceans, and reptiles grown in the aquaculture industry in Florida.<sup>14</sup>

In order to raise aquatic species for commercial sale, entities must acquire an aquaculture certificate of registration from DACS.<sup>15</sup> The certificate authorizes the certificate holder to plant, harvest, and sell aquaculture products; entitles the holder to the same benefits provided to other agricultural producers, including tax benefits; and reduces the number of permits the holder must obtain from other agencies.<sup>16</sup>

Applicants for the certificate must submit their name, company name, complete mailing address, legal property description of all aquaculture facilities, the actual physical street address for each aquaculture facility, a description of production facilities, a description of the aquaculture products to be produced, an annual registration fee of \$100, documentation of compliance with DACS rules, and, for some applicants, a certificate of training.<sup>17</sup> Each applicant is also required to comply with DACS-approved best management practices to ensure proper effluent treatment.<sup>18</sup> Upon approval, DACS issues the applicant an aquaculture certificate of registration for a period of one year, which must be renewed each June 30 with the accompanying fee.<sup>19</sup>

#### Effect of the Bill

The bill authorizes DACS to revoke an aquaculture certificate of registration if DACS determines that aquaculture is not the primary purpose of the certified entity's operation.

#### B. SECTION DIRECTORY:

- Section 1. Amends s. 316.520, F.S., relating to loads on vehicles.
- Section 2. Amends s. 570.07, F.S., relating to the powers and duties of DACS.
- Section 3. Amends s. 570.441, F.S., relating to the Trust Fund.
- Section 4. Amends s. 590.02, F.S., relating to the powers and duties of FFS.
- Section 5. Amends s. 597.003, F.S., relating to the powers and duties of DACS.
- Section 6. Amends s. 633.408, F.S., relating to firefighter training and certification.
- Section 7. Provides an effective date of July 1, 2020.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

The bill may have an indeterminate positive fiscal impact on DACS as a result of extending DACS's authority to use funds from the Trust Fund to carry out the duties of its Division of Agricultural Environmental Services until June 30, 2024.

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<sup>14</sup> DACS, *Division of Aquaculture*, available at <https://www.fdacs.gov/Divisions-Offices/Aquaculture> (last visited Feb. 26, 2020).

<sup>15</sup> DACS, *Aquaculture Certificate of Registration*, available at <https://www.fdacs.gov/Agriculture-Industry/Aquaculture/Aquaculture-Certificate-of-Registration> (last visited Feb. 26, 2020).

<sup>16</sup> *Id.*

<sup>17</sup> Section 597.004(1), F.S.; r. 5L-3.005(1)(i), F.A.C.

<sup>18</sup> Section 597.004(2), F.S.; r. 5L-3.005, F.A.C.

<sup>19</sup> Section 597.004(6)(a), F.S.

The bill may have an indeterminate negative fiscal impact on FFS associated with the costs of implementing more training hours for FFS firefighters; however, these costs can likely be absorbed within existing resources.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None. The bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not grant rulemaking authority, nor does it appear to require a grant of rulemaking authority.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On February 25, 2020, the Agriculture & Natural Resources Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS removed all provisions of the bill with the exception of the provisions relating to the training of firefighters and the Trust Fund. The PCS also added provisions that authorize DACS to purchase insurance policies to cover certain expenses and revise the requirements for vehicles carrying agricultural products.

On February 27, 2020, the State Affairs Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment authorized DACS to revoke an aquaculture certificate of registration under certain circumstances.

This analysis is drafted to the committee substitute as approved by the State Affairs Committee.