

## **AGRICULTURE**

### **HB 945 — Nonagricultural Vehicles**

by Rep. Poppell and others (SB 1222 by Senators Argenziano, Bennett, Siplin, and Bullard)

This bill amends ch. 570, F.S., which contains general laws pertaining to the Department of Agriculture and Consumer Services (DACS). It permits DACS to establish rules that will allow certain vehicles that are not carrying agriculture products to by-pass agriculture inspection stations. It also makes it unlawful to impersonate an inspector, agent, or other DACS employee.

The prepass procedures will contribute to safety on the interstate by helping to alleviate traffic back-up on the ramps of the inspection stations. It will also increase the efficiency of the inspection operation.

Making it a crime to impersonate a DACS employee provides a deterrent to interference with the department's duties to regulate areas, such as food safety inspections, that have a direct impact on the health and welfare of Florida's citizens.

If approved by the Governor, these provisions take effect July 1, 2003.

*Vote: Senate 37-0; House 116-0*

### **HB 1061 — Federal Records/Public Records**

by Rep. Bowen and others (CS/CS/SB 1230 by Health, Aging, and Long-Term Care Committee; Governmental Oversight and Productivity Committee; and Senators Argenziano, Bennett, Siplin, and Bullard)

This bill authorizes confidential federal records which are provided to the Department of Agriculture and Consumer Services for assistance during a joint food safety or food illness investigation to remain confidential and exempt from public records requirements. The department has been unable to provide timely assistance in evaluating information or providing meaningful input because of Florida's sunshine laws. The bill prohibits the disclosure of such information unless a federal agency has found that the record is no longer entitled to protection or unless ordered by a court. It also provides for future legislative review and repeal and provides a statement of public necessity.

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

*Vote: Senate 40-0; House 115-0*

### **CS/SB 1218 — Food Safety and Security**

by Agriculture Committee and Senators Argenziano, Bennett, and Bullard

This bill creates the Florida Food Safety and Food Security Advisory Council to serve as a forum for presenting, investigating, and evaluating issues concerning food safety. The membership of the council will consist of, but not be limited to the Commissioner of Agriculture, the Secretary of Health, the Secretary of Business and Professional Regulation, or their designees; the person responsible for domestic security with the Florida Department of Law Enforcement; members representing the production, processing, distribution, and sale of foods; consumers and/or members of citizens groups or food industry groups; scientists or other experts in aspects of food safety from state universities; representatives from local, state, and federal agencies that are charged with responsibilities for food safety or food security; the chairs of legislative committees with jurisdictional oversight over agriculture and home defense issues; and any others that the Commissioner of Agriculture appoints. The bill appropriates \$5,000 from the Contract and Grants Trust Fund and \$5,000 from the General Inspection Trust Fund to pay for the costs associated with conducting the business of the Florida Food Safety and Food Security Advisory Council.

If approved by the Governor, these provisions take effect July 1, 2003.

*Vote: Senate 39-0; House 118-0*

### **CS/SB 1232 — Pest Control**

by Agriculture Committee and Senators Argenziano, Bennett, and Bullard

This bill revises various provisions relating to the practice of pest control which is regulated by the Department of Agriculture and Consumer Services. It:

- Authorizes vehicles which are only used to perform sales and solicitation of pest control to have temporary or removable markers.
- Limits the time a person may hold a second identification card to one year; an exception of two years is made for persons holding a second card in fumigation.
- Exempts special identification cardholders for fumigation from technical training requirements.
- Narrows the categories of certification of those that may perform pest control fumigation.
- Revises renewal language for limited commercial landscape maintenance personnel to include deadlines and late fees for late applications, as well as provides an expiration date for failure to renew a license.
- Provides disciplinary actions against persons impersonating a pest control inspector.

- Adds a fine that exceeds the cost of a license to the disciplinary action taken against an unlicensed applicator on the first offense.

If approved by the Governor, these provisions take effect July 1, 2003.

*Vote: Senate 38-0; House 116-0*

### **CS/CS/SB 1300 — Citrus**

by Appropriations Committee; Agriculture Committee; and Senator Alexander

This bill revises the statute regulating air pollutant emissions from the citrus juice processing industry. It:

- Revises and conforms statutory deadlines to the U.S. Environmental Protection Agency approval process and schedules.
- Lowers the limitation on sulfur content in fuel used by citrus processors.
- Authorizes the Department of Environmental Protection to develop management practices for Clean Air Act pollutants not otherwise regulated by this program.
- Provides for evaluation and potential sunset of this program.
- Requires any change in the salary of an employee of the Department of Citrus which is at or above \$100,000 annually to be approved by the full membership of the Citrus Commission.
- Requires the Department of Citrus to publish an annual travel report that provides specific information for each staff member of the department and each member of the commission who has traveled during that year.

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

*Vote: Senate 40-0; House 118-0*

### **CS/SB 1644 — Nitrate and Phosphorus Fertilizers**

by Natural Resources Committee and Senators Argenziano, Siplin, and Bullard

This bill, which makes changes to s. 576.045, F.S., regarding nitrate contamination of groundwater, is the result of a House Agriculture Committee interim review.

Between 1985 and 1992, the Florida Department of Agriculture and Consumer Services (department) and the Florida Department of Environmental Protection (FDEP) jointly conducted surveys of drinking water wells in predominantly agricultural regions of Florida. Survey results from limited sampling in 38 Florida counties showed elevated levels of nitrate in drinking water wells in 36 of the 38 counties tested. Of those 36 counties, 13 had at least one site with nitrate

levels above the federal drinking water standard of 10 parts per million (ppm) set by the United States Environmental Protection Agency (USEPA).

Based on these findings, the department initiated development of a comprehensive program to protect Florida's water resources while maintaining the state's large agricultural industry. The department, in partnership with FDEP, the Florida Farm Bureau Federation, the Florida Fruit and Vegetable Association, the Florida Fertilizer and Agrichemical Association, and other groups, developed a voluntary, incentive-based program to develop individual practices or combinations of practices to specify how nitrogen-based fertilizers are to be used.

The legislature concluded that the program appears to be working and is a process that successfully integrates science, public and industry interest, economics, environmental protection, and agricultural production. For the agriculture industry, a fundamental appeal of the program is that it is voluntary. The bill reenacts s. 576.045, F.S., with some revisions.

The bill adds phosphorus contamination to water quality issues previously addressed in that section. It also expands the law to include contaminated surface waters, along with the ground water and drinking water provisions included in current law. It requires persons licensed to distribute fertilizer to pay a fee of 50 cents per ton on fertilizer containing phosphorus and revises the purposes for which the department may use the proceeds of fees levied against licensees. It also revises compliance requirements for property owners or leaseholders with respect to contamination of groundwater from fertilizers. The bill revises requirements for the department, in consultation with the Department of Environmental Protection, the Department of Health, and the water management districts to adopt rules for interim measures, best-management practices, conservation plans, nutrient management plans, and any other measures necessary for water quality improvement.

Except for subsections relating to the presumption of compliance and the clarification of the Florida Department of Environmental Protection's regulatory authority, the provisions of s. 576.045, F.S., are scheduled to expire on December 31, 2003, unless reenacted by the Legislature. This bill changes that date to December 31, 2012.

If approved by the Governor, these provisions take effect July 1, 2003.

*Vote: Senate 39-0; House 114-0*

### **CS/CS/SB 1660 — Community Development and Planning**

by Comprehensive Planning Committee; Agriculture Committee; and Senators Argenziano, Alexander, Dockery, Peaden, Lynn, Webster, Bennett, Fasano, Posey, Smith, Bullard, Lee, and Siplin

This bill creates s. 163.3162, F.S., which regulates certain aspects of farm activities. It prohibits a county from restricting farm activities on land classified as agricultural land if the activity is

regulated by best management practices, interim measures, or regulations developed by specified state and federal agencies. It permits a county to regulate farm activities within a wellfield protection area if such activity is not already addressed by the type of regulation previously described. The prohibition against duplicate regulation does not permit a farm operation located next to an established homestead or business on March 15, 1982, to change to a more excessive farming use. A county ordinance regulating the transportation or land application of sewage sludge will not be deemed to be a duplicate regulation. Urban counties meeting certain criteria will not be governed by this bill.

This bill also amends s. 193.461, F.S., by authorizing counties to establish procedures to waive the requirement that annual applications be filed to have land classified as agricultural.

The elimination of duplicate regulation is intended to reduce the efforts that farm operators expend for regulatory compliance. The automatic renewal of agriculture land classification restores a provision that previously existed and is consistent with treatment accorded homestead classifications.

If approved by the Governor, these provisions take effect July 1, 2003.

*Vote: Senate 39-0; House 117-0*

### **CS/SB 1754 — Soil and Water Conservation Council**

by Agriculture Committee and Senator Argenziano

This bill amends ch. 582, F.S., which pertains to soil and water conservation. It increases the number of voting members serving on the Soil and Water Conservation Council and merges non-voting members serving on the Agriculture Water Policy Group into the council. It increases the number of persons that must sign a petition to organize or terminate a soil and water conservation district and it gives the Commissioner of Agriculture authority to dissolve a district under certain circumstances.

The new make-up of the council will better represent current demographics and will make the advisory process more efficient. As an alternative to a referendum conducted by the Department of Agriculture and Consumer Services to terminate a district, the bill provides a procedure for the Commissioner to dissolve or discontinue a district.

If approved by the Governor, these provisions take effect July 1, 2003.

*Vote: Senate 39-0; House 111-0*

## **CS/SB 2462 — Agriculture and Consumer Services**

by Agriculture Committee and Senator Garcia

This committee substitute clarifies licensing requirements for individuals and companies that work with liquefied petroleum (LP) gas in certain industrial applications; revises regulations pertaining to qualifiers and master qualifiers and sets forth grounds for revocation or imposition of other checks on a license by the Department of Agriculture and Consumer Services (department); revises reporting requirements for LP gas-related accidents and minimum storage requirements for persons engaged in distributing LP gas for resale; and provides for administrative penalties and a warning letter in lieu of penalties for a first violation. This committee substitute also removes certain restrictions on the terms of membership in the Florida Propane Gas Education, Safety, and Research Council. The committee substitute also changes the registration requirements for motor vehicle repair shops; revises the criteria the department uses to determine if certain security requirements can be waived for sellers of travel; limits the length and terms of a contract for ballroom dance studio contracts; and requires a mover to name the department as a certificate holder on its insurance policy while deleting the requirement that a mover provide certain social security numbers on its registration with the department.

### ***Sale of Liquefied Petroleum Gas***

This committee substitute substantially amends ch. 527, F.S., which relates to the sale of LP gas. This committee substitute expands the definition of “qualifier,” which means any person who has passed a competency examination administered by the department and is employed by a licensed business in one or more of several classifications described in s. 527.01, F.S. Specifically, the committee substitute adds a “category V LP gases dealer for industrial uses only” and defines that term to mean a person that fills, sells, or transports LP gas containers that are used in welding, forklifts, or other industrial uses. The application fee for such license is \$300, and the renewal fee is \$200. The committee substitute also provides that a category I LP gases dealer, an LP gas installer, and a specialty installer may work with natural gas as well as LP gases. The addition of natural gas will allow these licensees to install natural gas in situations where previously only plumbers could provide installation services. Additionally, the committee substitute revises the definition of a category II LP gas dispenser to clarify that it includes a person who maintains a cylinder storage rack at a licensed business location for the purpose of storing cylinders filled by the licensed business for sale or use at a later date.

This committee substitute reorganizes existing subsections of s. 527.02, F.S., into a new s. 527.0201, F.S., relating to “qualifiers; master qualifiers; examinations.” This reorganization adds a category V LP gas dealer to the list of persons required to pass a written exam to obtain a license; provides that an owner, a partner, or any person employed by a license applicant may apply to take the examination and that an individual whose qualifier status has expired must pass another examination; limits a person’s capacity to act as a qualifier to one licensed location; requires a person applying for certification as a master qualifier to provide documentation of a minimum of one year’s work experience in the gas industry; requires that a report of a vacancy

in the qualifier or master qualifier position be made to the department by the departing qualifier or master qualifier and the licensed company; and clarifies conditions that must be met for a license to be reinstated when it has been suspended because of the lack of a duly designated qualifier. If a category I LP gas dealer or installer no longer employs the person designated as its master qualifier but employs another person who is a qualifier, the bill sets forth procedures for a company to follow to replace the master qualifier without its license being suspended.

This committee substitute conforms a cross-reference related to the General Inspection Trust Fund, where all funds collected under this chapter are deposited, and also provides that an LP gas-related accident must be reported by an LP gas licensee only when it involves death, personal injury, or property damage exceeding \$1,000. The committee substitute also provides that a bulk storage filling plant must have loading and unloading provisions solely for the licenseholder. Additionally, this committee substitute authorizes the department to impose administrative penalties, as well as civil penalties, for a violation relating to the sale of LP gas, and provides that the department may issue a warning letter in lieu of an administrative or civil penalty for a first violation.

### ***Florida Propane Gas Education, Safety, and Research Council***

This committee substitute removes outdated language relating to the staggering of terms for the initial membership of the Florida Propane Gas Education, Safety, and Research Council, and removes certain restrictions on the terms of council membership.

### ***Motor Vehicle Repair Shops***

This committee substitute allows motor vehicle repair shops to register biennially instead of annually and specifies that the fee for registration is to be calculated on a per-year basis. The committee substitute also provides that estimate and invoice forms must accompany a renewal application only if the original forms have changed, eliminates the use of an exemption certificate as proof of registration by persons applying for or renewing a local occupational license, and gives the Department of Agriculture and Consumer Services rulemaking authority to stagger the registrations over a 2-year period.

### ***Sellers of Travel***

This committee substitute eliminates the requirement that a seller of travel must demonstrate financial responsibility through the submission of audited financial statements or the prior year's federal income tax return to have certain security requirements, such as a bond or letter of credit, waived. The seller of travel must still fulfill other requirements described in the statute to have such security requirements waived.

### ***Ballroom Dance Studio Contracts***

This committee substitute limits the length of a contract for ballroom dance studio services or lessons to 36 months and imposes other restrictions on renewals of a contract. The committee substitute also provides that a ballroom dance studio may not represent that a contract for future services is for a lifetime, constitutes a perpetual membership, or is otherwise for an indefinite term.

### ***Moving Services***

This committee substitute deletes the requirement that social security numbers must be provided for the owner, corporate officers and directors, and the Florida agent of the corporation in the annual registration of a mover. The committee substitute also requires a mover to name the Department of Agriculture and Consumer Services as a certificate holder in its certificate of insurance.

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

*Vote: Senate 40-0; House 118-0*

## **ANIMALS (DOMESTIC)**

### **HB 1037— Rabies Vaccination Certificate/Public Records**

by State Administration Committee and others (CS/SB 462 by Governmental Oversight and Productivity Committee and Agriculture Committee)

This bill reenacts and narrows the public records exemption for certain information contained in rabies vaccination certificates, which would otherwise be repealed on October 2, 2003. Florida law requires all dogs, cats, and ferrets four months of age or older to be vaccinated against rabies by a licensed veterinarian. Upon vaccination, the veterinarian must provide a rabies vaccination certificate to the animal's owner and to the animal control authority.

Current law provides a public records exemption for information contained in a rabies vaccination certificate which identifies the owner of the animal vaccinated and is contained in a rabies vaccination certificate provided to the animal control authority with certain exceptions. This provision has proved unclear and difficult. This bill narrows the public records exemption by limiting the exemption to the animal owner's name, street address, and phone number, and the animal tag number. It also narrows the exemption by only making such information exempt from public disclosure rather than confidential and exempt, as there are a number of exceptions to the current exemption.

This bill removes the vague provision whereby one may view rabies vaccination certificates one record at a time upon written request, because the provision is unclear as to whether the

requestor is permitted to view exempt information contained in rabies vaccination certificates while viewing them one record at a time. This change makes it clear that the only persons permitted access to the exempt information are those listed in the current exceptions to the public records exemption. The related requirement to provide a written request to view the records one at a time is also removed because it is not necessary and because many of the animal control authorities currently request personal information regarding the records requestor, as well as ask for reasons for needing to view the certificate one record at a time. Chapter 119, F.S., requires no showing of purpose or special interest as a condition of access to public records, and a records custodian may not impose a rule or condition of inspection which operates to restrict or circumvent a person's right of access.

This bill also removes the redundant provision restating that information contained in an existing database is exempt. Information made exempt remains so whether it is contained in the actual rabies vaccination certificate or is further contained in a database. The location of information does not change its status as exempt. Finally, this bill adds clarifying language, makes editorial changes, and removes the review and repeal language.

If approved by the Governor, these provisions take effect October 1, 2003.

*Vote: Senate 38-0; House 114-0*

## **HB 1911 — Animal Fighting or Baiting**

by Public Safety and Crime Prevention Committee and others (CS/SB 2350 by Agriculture Committee and Senators Klein and Posey)

This bill amends s. 828.122, F.S., which regulates certain acts associated with animal fighting or baiting. In addition to the forbidden act of baiting, the bill makes it a third-degree felony to breed, train, transport, sell, own, or possess an animal or equipment for the purpose of animal fighting. Other acts or services that facilitate animal fighting are also prohibited. Attending or betting on animal fights is raised from a misdemeanor to a third-degree felony. In instances where it is determined that the animal cruelty or animal fighting laws have been violated, authority is provided to the courts to order seizure of animals and to veterinarians to euthanize animals under appropriate circumstances. The courts are also given authority to prohibit a person convicted of animal cruelty from dealing with any animal of the same species for a discretionary period of time.

The bill amends ss. 933.02 and 933.18, F.S., so that search warrants based upon violation of Florida's animal cruelty laws can be issued without restrictions.

The revisions to Florida's Animal Cruelty law will assist in the enforcement and prosecution of violations as they eliminate arguments that the proscribed acts were legal if the animals were going to be shipped to a state or jurisdiction where animal fighting was not banned.

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

*Vote: Senate 39-0; House 108-6*