

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Siplin, Chair
Senator Bullard, Vice Chair

MEETING DATE: Monday, March 14, 2011
TIME: 10:15 a.m.—12:15 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Siplin, Chair; Senator Bullard, Vice Chair; Senators Alexander, Garcia, Hays, Montford, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation by Future Farmers of America		
2	Presentation by the Florida Poultry Federation, Inc.		
3	Presentation by the Department of Environmental Protection		
4	Presentation by the Department of Agriculture and Consumer Services		
5	Presentation by BP		
6	SB 606 Evers (Similar CS/H 457)	Fertilizer; Deletes legislative findings relating to the implementation by local governments of certain fertilizer management practices. Deletes authority for certain counties and municipalities to adopt fertilizer management practices more stringent than standards of a specified model ordinance. Requires the Department of Agricultural and Consumer Services to regulate the sale of fertilizer, including the composition, formulation, packaging, use, application, and distribution of fertilizer, etc.	
		AG 03/07/2011 Temporarily Postponed	
		AG 03/14/2011	
		CA	
		BC	



Clay Sapp

Florida FFA President

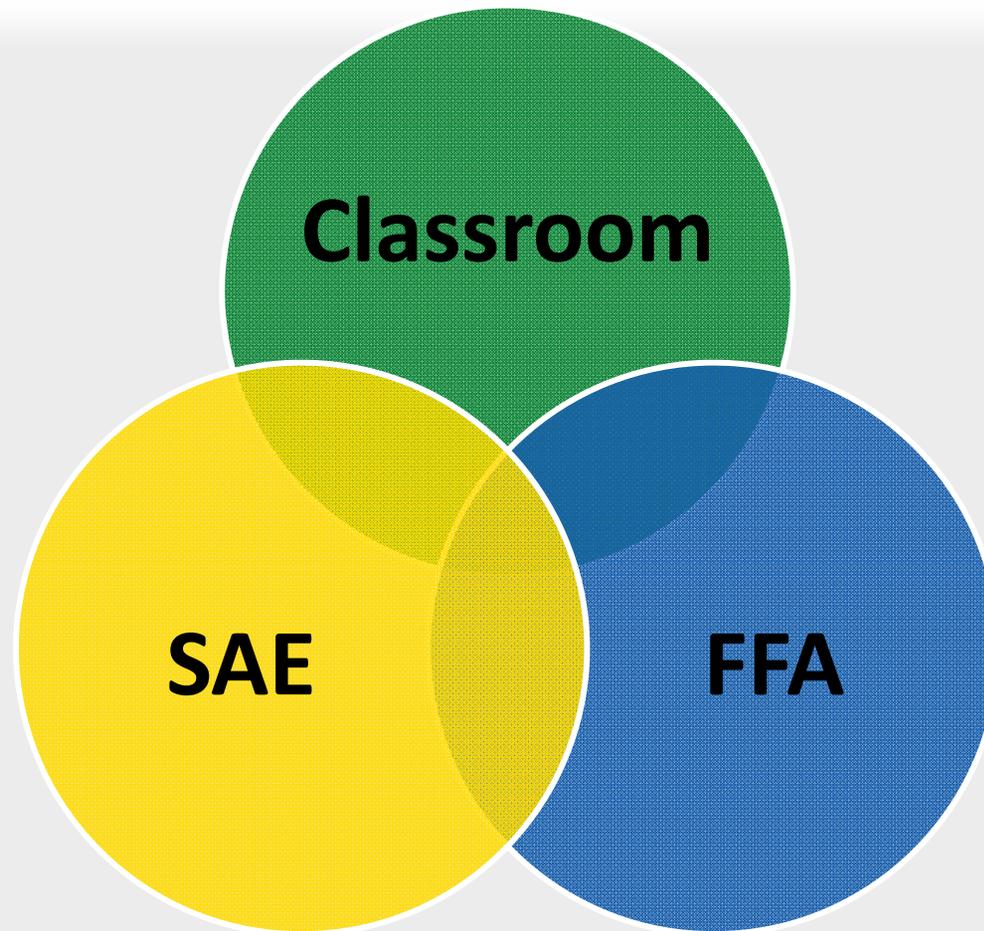
Agriscience Education

Agriscience Education

- **Classroom/Laboratory Instruction**
- **Work-based Learning (Supervised Agricultural Experience)**
- **Leadership Development (FFA)**



Total Agriscience Program



Classroom/Laboratory Instruction



- Integrates academic concepts with technical agriculture skills
- Prepares students for work and postsecondary education in more than 300 careers
 - Animal Systems
 - Plant Systems
 - Food Products and Processing Systems
 - Power, Structural and Technical Systems
 - Natural Resource Systems
 - Environmental Service Systems
 - Agribusiness Systems



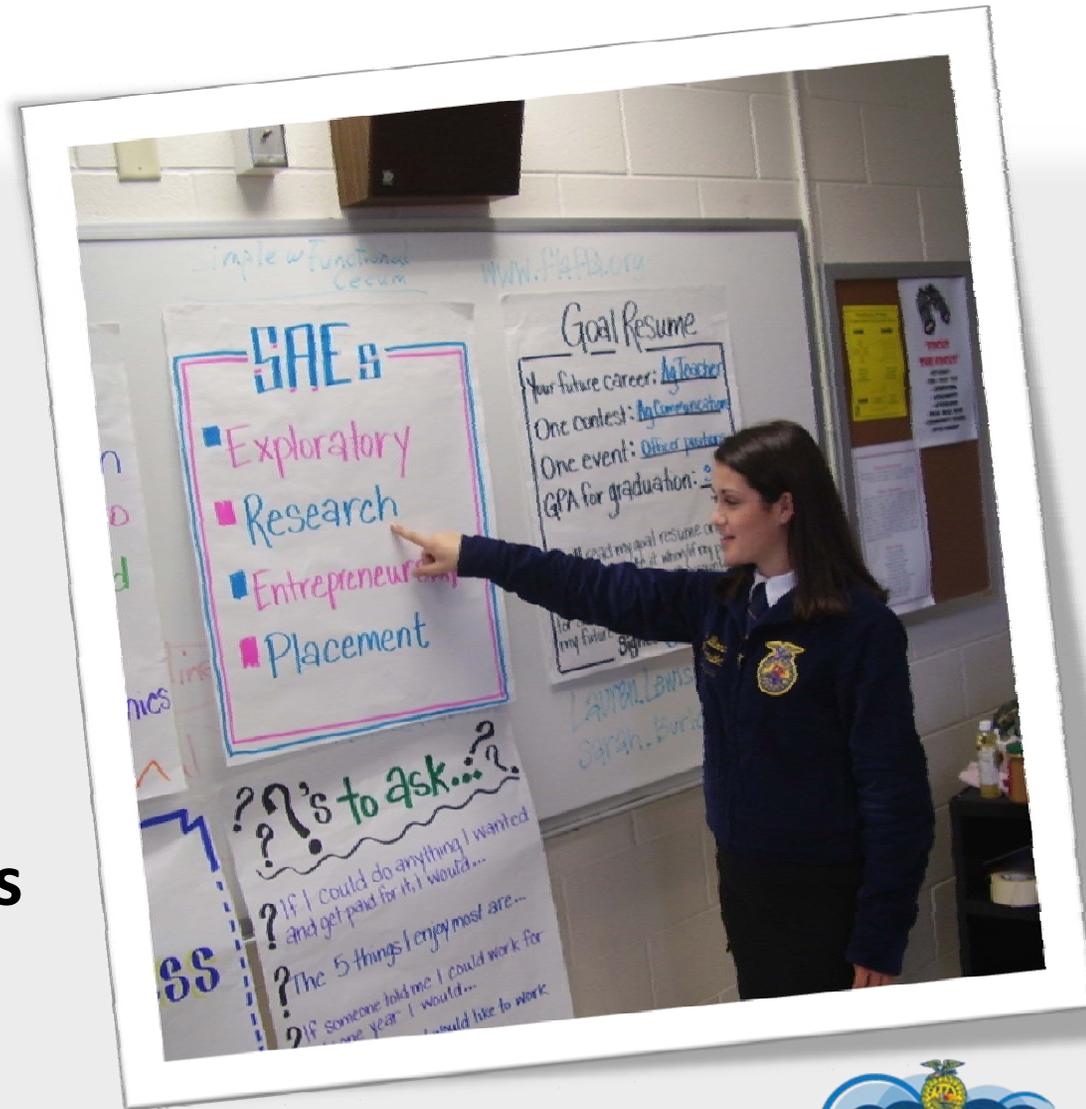
Supervised Agricultural Experience

- **Practical application of classroom/laboratory concepts conducted outside of class time**
- **Explore careers**
 - Research
 - Placement
 - Ownership
- **Earn money**
- **Learn work place skills**
 - Team work
 - Responsibility
 - Communication skills



National FFA Organization

- Founded in 1928
- Chartered by U.S. Congress
- Approximately 500,000 members nationwide
 - 34% Urban and Suburban
 - 39% Rural, Non-Farm
 - 27% Rural, Farm
- Integral part of a school's agricultural education program



FFA



- Builds leadership skills for life
- Reinforces instruction
- Recognizes excellence
- Gives students opportunities to make a positive difference in their schools and communities

FFA Mission

FFA makes a positive difference in the lives of students by developing their potential for *premier leadership, personal growth, and career success* through agricultural education.



Florida FFA

- **Over 15,000 middle and high school members**
- **In 320 chapters**
- **With 450 teachers**



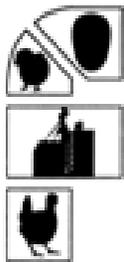
Thank You

On behalf of every Florida FFA member and agriscience student, thank you for all that you do for Florida FFA and agriscience education.



Florida Senate Committee on Agriculture

March 14, 2011



florida poultry federation, inc.



Florida Ranks #9 in the Nation

TOP 10 EGG PRODUCING STATES

These are the top ten egg producing states in the nation (ranked by number of layers represented in thousands) :

<u>Rank</u>	<u>State</u>	<u># Of layers</u>
1	Iowa	54,253,000
2	Ohio	27,951,000
3	Pennsylvania	23,889,000
4	Indiana	23,523,000
5	California	19,522,000
6	Texas	17,996,000
7	Minnesota	10,378,000
8	Michigan	10,157,000
9	Florida	9,523,000
10	Nebraska	9,419,000

Source: American Egg Board, Egg Industry Fact Sheet, February 2011

Florida Egg Consumption

Florida Egg Consumption

- The annual per capita egg consumption is 20.5 dozen eggs/person
- Florida consumers use 385.75 million dozen eggs/year

Florida Egg Production

- Hens produce an average of 22.5 dozen eggs/hen
- There are 9.52 million laying hens in Florida
- Florida produces 211 million dozen eggs from these laying hens

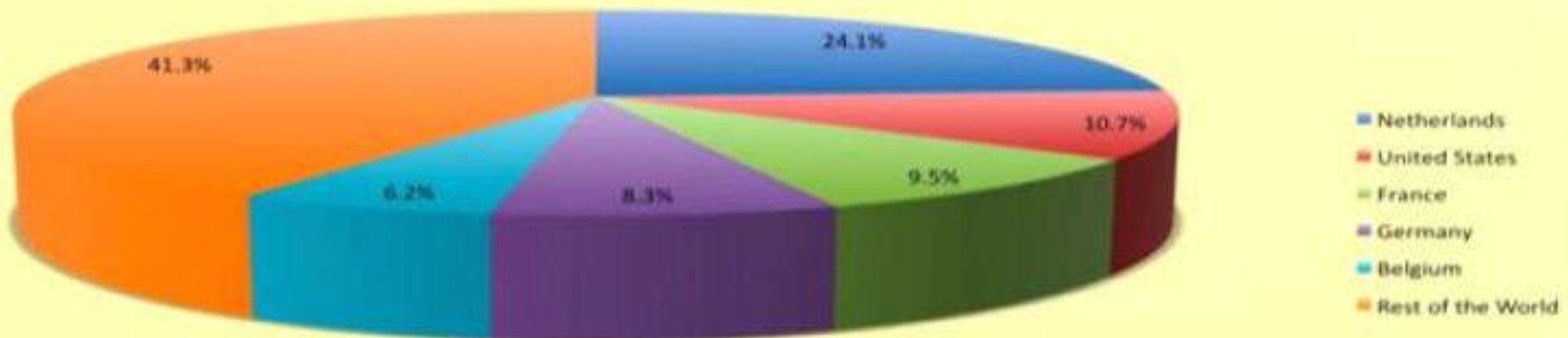
Supply and Demand

- Florida is an egg deficit state – We consume 174.75 million dozen eggs more than we produce
- Florida produces 55% of the eggs consumed
- In order to meet demand, Florida imports 145 semi truck loads of eggs each week.
- To produce all the eggs that Florida consumes we would need 7.34 million more laying hens

U.S. Egg Exports

The U.S. Ranks 2nd in Egg Exports

- In 2005 the United States exported \$228.32 million worth of eggs, egg yolks, and egg albumen (whites), which accounted for 10.7% of all such exports in the world, ranking the U.S. 2nd in egg exports.
- The Netherlands ranked first, exporting \$516.19 million of egg products or 24.1% of the world total.



Florida Egg Exports/Imports

Florida Exports:

- Florida exports 82.8 million eggs per year (6.9 million dozen) with a value of \$6.5 million.
- Exports go to Puerto Rico, Central America, Hong Kong and most all Caribbean Islands.

Florida Imports:

- Florida imports 174.75 million dozen eggs with a value of \$277.85 million.
- Florida imports eggs from: Georgia, South Carolina, North Carolina, Pennsylvania, Ohio, Indiana, Michigan, New York, Maine, Kentucky, Illinois, Iowa.
- These imports make up the 45% difference in what we produce for the Florida market and what consumers use.

Florida Egg Industry Employment

- Florida egg farms are located in rural areas providing much needed rural jobs
- There are approximately 845 people directly employed in the egg industry with a \$20 million payroll
- There are an additional 700 people contracted to perform a variety of services such as vaccinating the flocks, driving trucks, performing maintenance, and more

Egg Production Facilities



Train and Grain Station



Hen House



Eggs on Conveyor to Processing



Florida Department of Agriculture Inspection



Safety and Security in Florida

- **UEP Certified** - All Florida egg production facilities are United Egg Producer (UEP) certified facilities audited by the U.S. Department of Agriculture. UEP certification means that the farms follow strict animal husbandry guidelines. UEP Certified was instituted in 2002.
- **Salmonella Testing** - For over 10 years the egg industry in Florida, in conjunction with the Florida Department of Agriculture and Consumer Services and the University of Florida have monitored Salmonella in its flocks without one positive test.
- **On-Site Security Measures** – Attire, protective clothing, and transmission between facilities is all addressed.

Consumer Egg Choices

- ✓ Generic White Eggs
- ✓ Nutrition Enhanced Fed Specialty White Eggs
- ✓ Caged Brown Eggs
- ✓ Cage Free Brown Eggs
- ✓ Organic Brown Eggs
- ✓ Vegetarian Brown Eggs
- ✓ All Natural Brown Eggs
- ✓ Omega White and Brown Eggs
- ✓ Multi Grain Fed Brown Eggs
- ✓ Free Range Eggs

What's the Difference?

- Breed of hens
- How the hens are housed
- What diet the hens are fed

Egg Choices - Breed, Housing, Diet

- ✓ **Generic White Eggs** – Eggs from caged layers mostly White Leghorn, conventional diet
- ✓ **Nutrition Enhanced Fed Specialty White Eggs** - Eggs from caged layers, mostly White Leghorns, however fed an enhanced diet of vegetable protein and energy sources, no animal protein, with added levels of vitamins, minerals and other cholesterol reducing natural ingredients.
- ✓ **Caged Brown Eggs** – Egg from caged brown layers, mostly Rhode Island Red bred layers, conventional diet
- ✓ **Cage Free Brown Eggs** – Eggs from brown layers, mostly Rhode Island Red bred layers, not caged, free to roam in the poultry house, could be on litter or slats or combination
- ✓ **Organic Brown Eggs** – Eggs from brown layers, mostly Rhode Island Red bred layers, in fully certified organic farms, in houses and fed certified organic feed
- ✓ **Vegetarian Brown Eggs** – Eggs from brown layers, mostly Rhode Island Red bred layers, fed full vegetarian diet
- ✓ **All Natural Brown Eggs** – Eggs from brown layers, mostly Rhode Island Red bred layers, fed all natural ingredients similar to Organic
- ✓ **Omega White and Brown Eggs** – Eggs from white and brown caged layers fed with Omega enriched diets high in Omega such as Canola and Flax
- ✓ **Multi Grain Fed Brown Eggs** – Eggs from caged layers fed not less than 4 different grains, example: corn, wheat, milo and oats
- ✓ **Free Range Eggs** – Eggs from white or brown layers who roam outside a poultry house, free to eat anything in addition to normal poultry rations

Egg Choices – Cost

- ✓ **Generic White Eggs** – The most efficient cost of production, layers are kept in fully controlled environment, cooled and forced air ventilated, optimum temperatures for best performance. Less threat of disease and the best control of food safety. (**Publix White**)
- ✓ **Nutrition Enhanced Fed Specialty White Eggs** - Housed like generic white eggs with all the advantages stated, with additional benefits of enhanced (**Egglands Best**)
- ✓ **Caged Brown Eggs** – Not as efficient as generic white because of size of bird and feed consumption as well as lower housing density. (**Publix Brown**)
- ✓ **Cage Free Brown Eggs** – Less efficient than caged brown due to consumption, less grade A eggs, more loss and lower house density. (**Farmhouse/Egglands Best Cage Free**)
- ✓ **Organic Brown Eggs** – Nearly the least efficient, next to Free Range, all ingredients are Organic. Most ingredients are supplied from Canada and the Northeastern US, freight cost are high and major ingredients cost double that of generic corn and soybean meal. (**Egglands Best Organic/Publix Greenwise**)
- ✓ **Vegetarian Brown Eggs** – Cage Free and diet is more costly. (**4 Grain Vegetarian**)
- ✓ **All Natural White & Brown Eggs** – Feed cost is higher and productivity is nearly as good as generic white and brown. (**4 Grain Natural**)
- ✓ **Omega White and Brown Eggs** – Feed ingredients are costly, most coming from the northern states and Canada. (**4 Grain Omega**)
- ✓ **Multi Grain Fed Brown Eggs** – As efficient as Cage Free, feed costs about the same. (**4 Grain Eggs**)
- ✓ **Free Range Eggs** – The least efficient method of production because of the mortality, loss due to egg cleanliness and risk of health and food safety threats. Exposed to all wild birds, rodents, reptiles and predators. (**Mostly local farm brands**)

Feeding the Family

USDA publishes the average retail price of eggs from 19,500 grocer retailers each week. In January 2011 the comparison of large egg prices for one dozen eggs were:

Conventional Cage Eggs:	\$1.30
Cage Free Eggs:	\$3.00
Organic Eggs:	\$3.50

(Assuming a family of 4 where each person consumes 20.5 dozen eggs/year for a total of 82 dozen eggs consumed by the family/year then their costs would be \$106.60/year for conventional cage eggs and \$246.00/year for cage free eggs.)

Florida egg farmers donated 144,000 eggs to Florida food banks in 2010.

Egg Nutrition

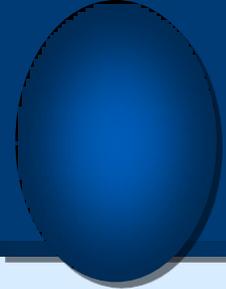


Reintroducing the
INCREDIBLE EGG!

14% less cholesterol

*According to the USDA, one large egg now contains
185 mg of cholesterol, down from 215 mg.*

The amount of cholesterol in a single large egg has decreased by 14 percent according to the new United States Department of Agriculture (USDA) nutrition data*. Consuming an egg a day fits easily within dietary guidance, which recommends limiting cholesterol consumption to 300 mg per day.



Egg Nutrition

Nutrient-rich, all-natural eggs are a welcome addition to any diet.

Weight management: The high-quality protein in eggs helps you to feel fuller longer and stay energized, which contributes to maintaining a healthy weight. An egg has 70 calories.

Muscle strength and muscle-loss prevention: Research indicates that high-quality protein may help active adults build muscle strength and help prevent muscle loss in middle-aged and aging adults.

Healthy pregnancy: Egg yolks are an excellent source of choline, an essential nutrient that contributes to fetal brain development and helps prevent birth defects. Two eggs provide about 250 milligrams of choline, or roughly half of the recommended daily intake for pregnant and breastfeeding women.

Brain function: Choline also aids the brain function of adults by maintaining the structure of brain cell membranes, and is a key component of the neuro-transmitter that helps relay messages from the brain through nerves to the muscles.

Eye health: Lutein and zeaxanthin, two antioxidants found in egg yolks, help prevent macular degeneration, a leading cause of age-related blindness. Though eggs contain a small amount of these two nutrients, research shows that the lutein from eggs may be more bioavailable than lutein from other food sources.

Industry Challenges

- **Animal rights groups seeking to eliminate animal agriculture** – These unscientific demands would a) remove 6.3 million laying hens from the state's layer population; remove 69% of Florida eggs from retail shelves; increase housing infrastructure and land mass requirements; double the farm waste stream.
- **Escalating Costs** - Feed (up 30% over 2010), energy, labor, food safety inspections, regulatory compliance, federal, state and local permitting.
- **Urban pressures** – Land conversion to urban use.
- **Flock health** – Bioterrorism.
- **Recalls** – Example: The Iowa egg recall for Salmonella in 2010 resulted in a 15% drop in sales in Florida and recovery took 3 months.

Summary

- **Jobs** - Florida's egg industry provides much needed jobs in rural Florida
- **Meeting the egg consumption needs** - Some 1,500 people and 9.52 million hens meet the egg consumption needs of 10.341 million people in Florida (55%)
- **Providing choices in types of eggs and prices** – There are 10+ types of eggs in Florida stores at varying prices to provide market choices.
- **Housing Mandates** – Consumers dictate the kinds of eggs we offer to the public by their buying habits. Extremist group mandates on how to produce eggs without scientific validity simply drive prices up, industry out, and jobs away.

Contacts and Resources

Nancy Stephens
Florida Poultry Federation
850.402.2954

American Egg Board
847.296.7043

www.aeb.org

www.incredibleegg.org

United Egg Producers
770.360.9220

www.unitedegg.org

USDA National Agricultural
Statistics Service

www.nass.usda.gov

Egg Nutrition Center
847.296.7055

www.enc-online.org



Deepwater Horizon Oil Spill Response

Senate Agriculture Committee
March 14, 2011

Mimi A. Drew
Special Advisor to the Secretary
Florida Department of Environmental Protection

Deepwater Horizon Oil Spill



By the Numbers

- State Emergency Operations Center was activated for **120 days**.
- **2.4 million pounds of oil product** has been recovered from Florida's shoreline.
- **200 miles** of Florida's shoreline was impacted.
- **791,061 feet** of boom was deployed in Florida.
- Air crews logged **1780.9 hours** of flight time during reconnaissance missions.
- **895** DEP employees worked **121,048** hours related to the oil spill.

Current Response Efforts

- DEP remains involved in daily response activities.
- Periodic tar balls (~1,000 pounds/day) continue to reach Florida's shore.
- Shoreline Cleanup Assessment Teams (SCAT) conduct daily assessments.
- Near shore Submerged Oil Mats



Florida Branch & Gulf Coast Restoration Organization

- Transition from response to recovery
- Florida Branch – located in Mary Esther
 - Group A: Western Escambia County (Perdido Key)
 - Group B: Eastern Escambia and Santa Rosa Counties
 - Group C: Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla & Jefferson Counties
- Gulf Coast Restoration Organization

BP Funding for Florida Efforts

• Response & Recovery:	\$50 million
• Tourism:	\$32 million
• NRDA:	\$8 million
• Employment/Training:	\$7 million
• Research:	\$10 million
• Mental Health Care:	\$3 million
• Fish/Shellfish Testing & Marketing:	\$20 million
<u>TOTAL:</u>	<u>\$130 million</u>

Sediment, Water and Seafood Monitoring

- 17,371 water, sediment, and tissue samples were collected by **four** different state agencies.
- State continues to sample water, seafood and fish for potential impacts.



Natural Resource Damage Assessment

- The Oil Pollution Act (OPA) of 1990 was passed in the wake of the Exxon Valdez oil spill.
- A major goal of OPA is to restore natural resources that are injured and services that are lost as a result of oil spills.
- The Natural Resource Damage Assessment (NRDA) is a legal process to determine damages to the public's natural resources and the appropriate methods for restoration.

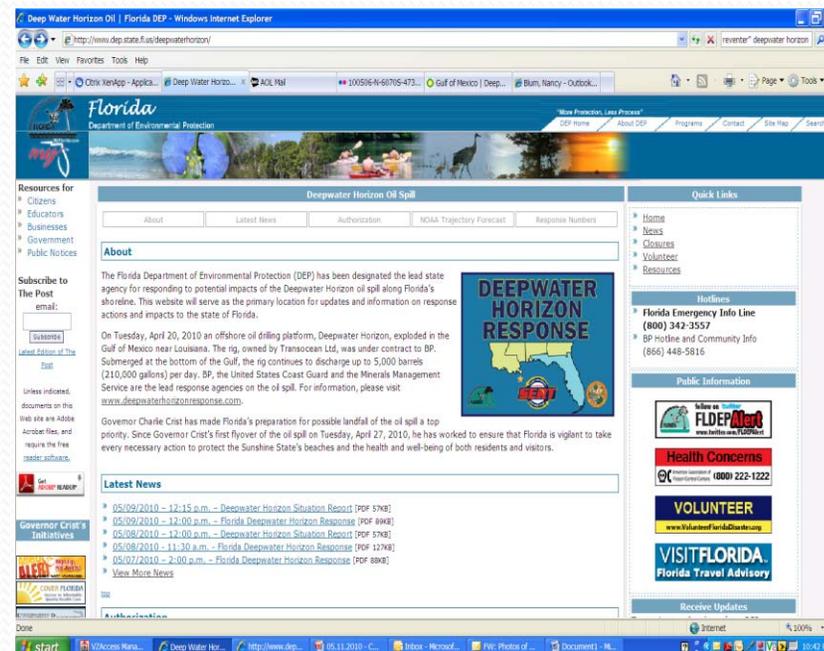
Ongoing Initiatives

- Gulf Coast Ecosystem Restoration Task Force
- Oil Spill Academic Task Force
- Gulf Research Initiative

Outreach

www.deepwaterhorizonflorida.com

- Information from Florida agencies and links to other response sites.
- More than 12.2 million hits to web site.
- More than 2,500 people signed up for email alerts.
- 8,953 calls to the Florida Oil Spill Hotline.
- More than 1,000 media calls.



Questions?

Mimi A. Drew

Special Advisor to Secretary Herschel Vinyard

Mimi.Drew@dep.state.fl.us

(850) 245-2011

www.dep.state.fl.us



Campaign Overview

F l o r i d a S e n a t e



Consumers remain concerned about:



Restore and improve
Florida's seafood sales
and the livelihood of all
involved in the State's
commercial fishing industry.

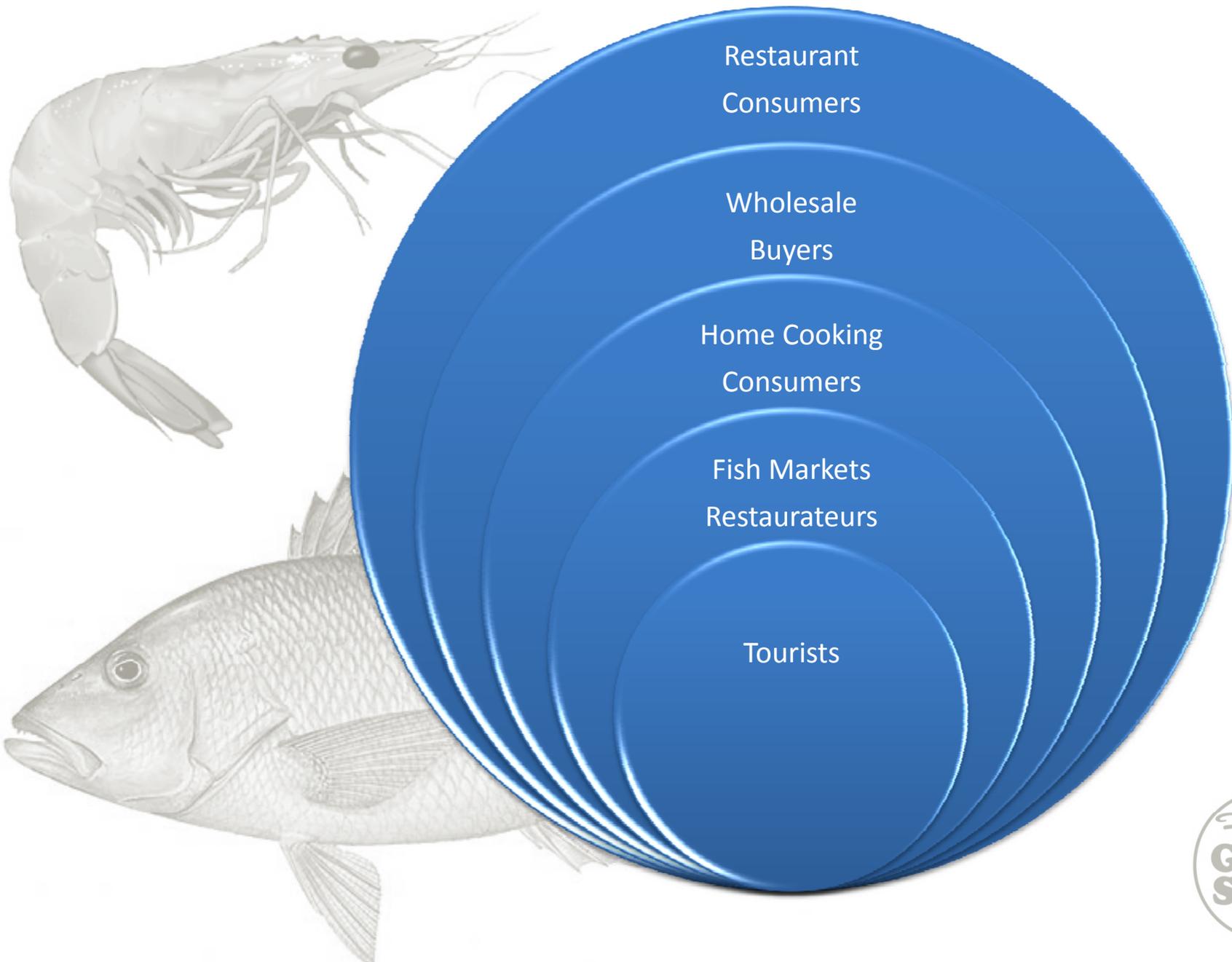


Restore and improve
Florida's seafood sales
and the livelihood of all
involved in the State's
commercial fishing industry.

Boost Consumer
Confidence









Integrated Strategies

B-2-B

- Retail Incentives
- Logo Incentives
- Fisherman's Media Training

Buyer Outreach

- Wholesaler PR
- Reverse Buyer Missions
- Economic Indices
- Electronic Trade Leads

Restaurants

- Wait Staff Training
- POS Materials
- "Groupon" Incentive

Fish Markets

- In-Store POS
- Seasonal and Species Specific POS



Integrated Strategies

Media

- Consumer Confidence Ads
- Hotel In-Room Programming
- Food Networks
- International Motorsports
- College Football

Print

- On-Line Newspaper
- Industry Trades
- Outdoor
- Toll Booth Cooperative

Social

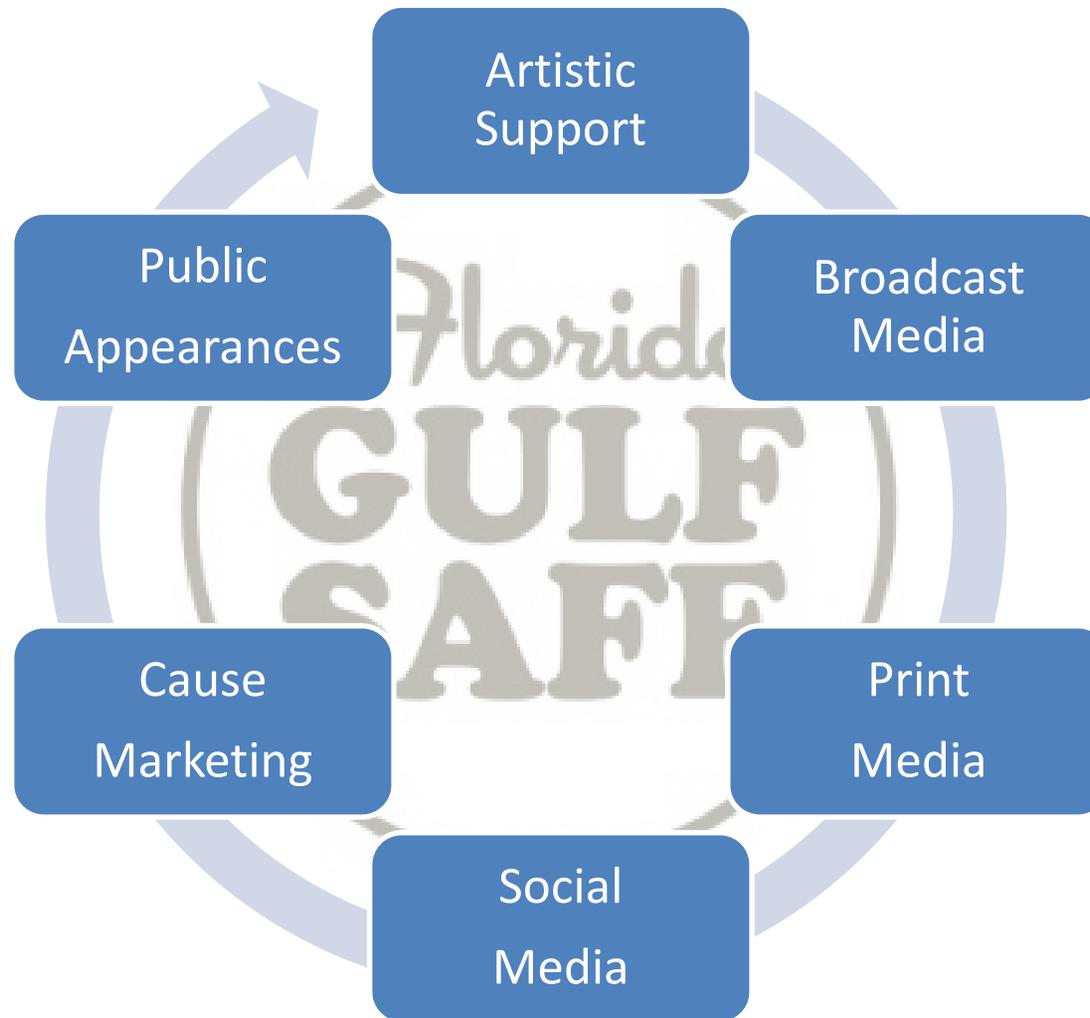
- All-Channel Contests
- Gulf-Safe Website
- Digital Cookbook

Promotions

- Local Festival Sponsorships
- Food Editors Florida Tour
- Celebrity Promotion(s)



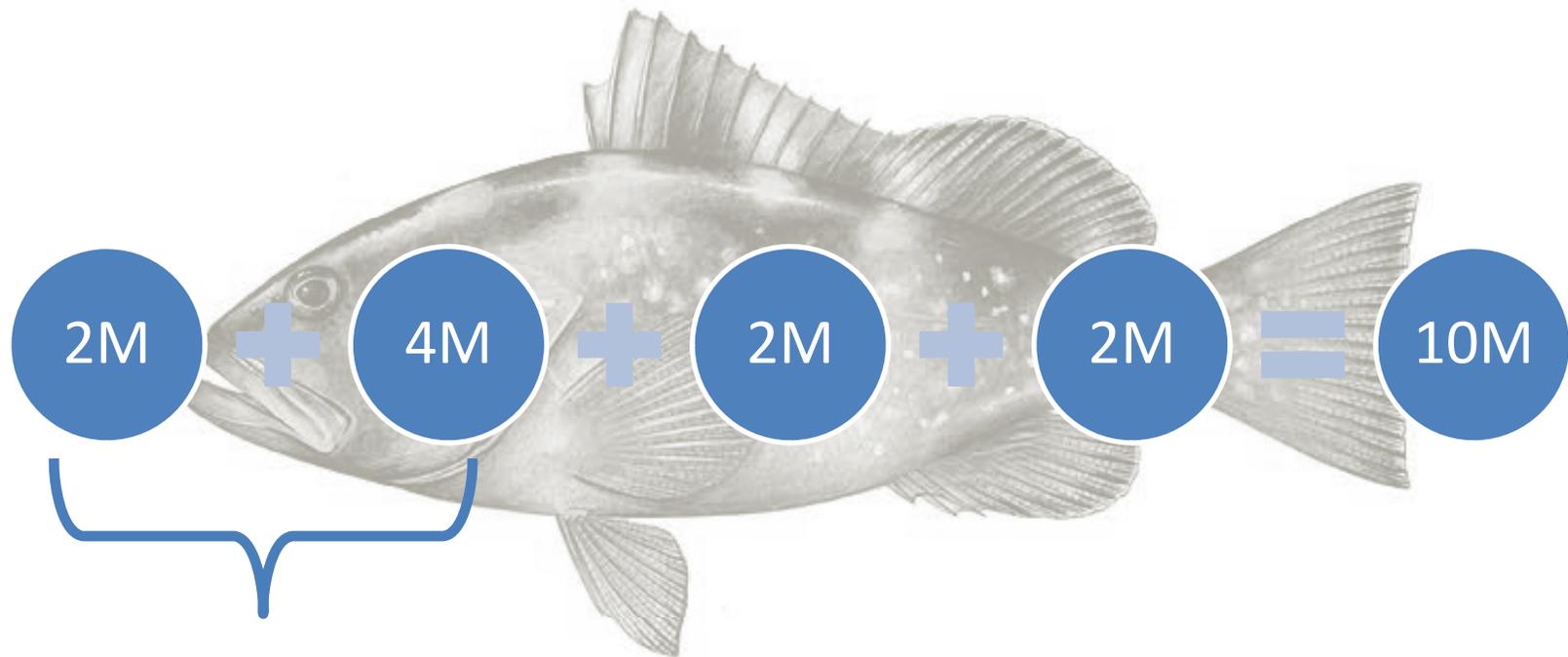
Celebrity Promotions



Celeb Support



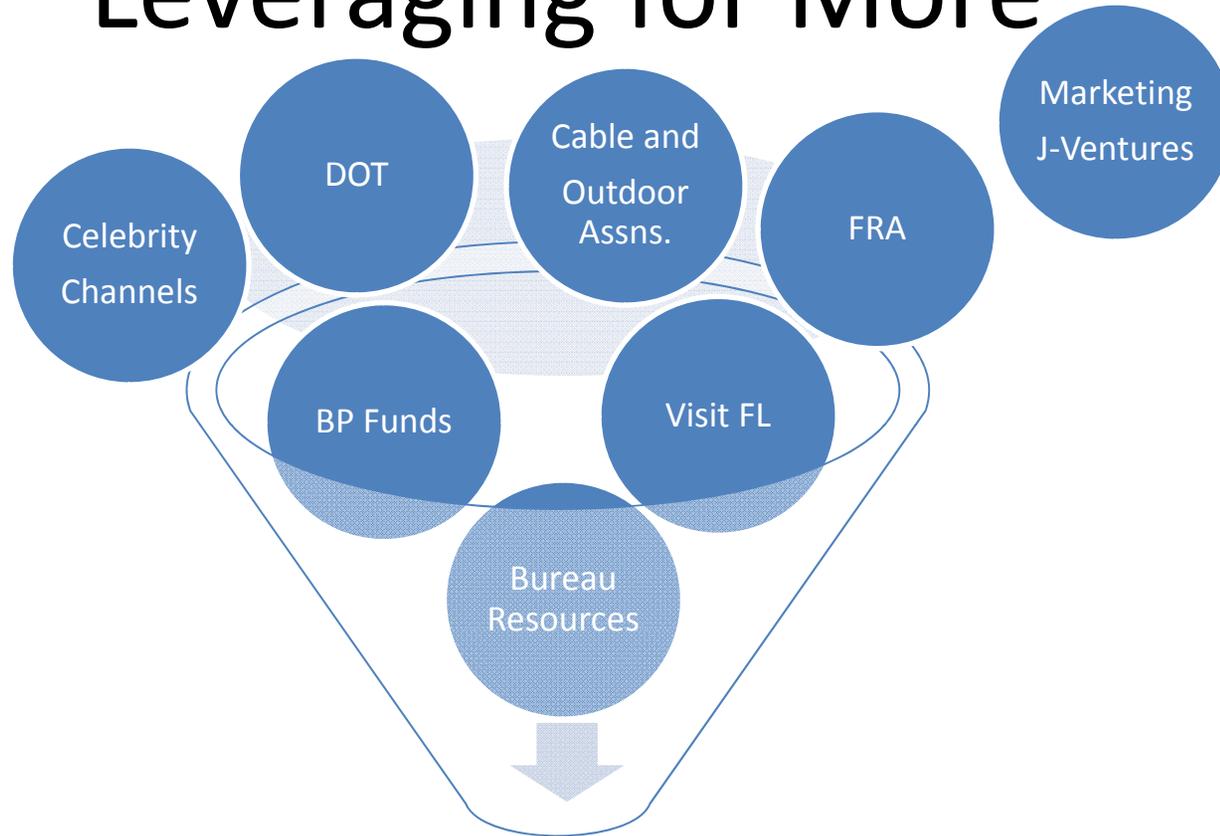
Budgeting for Phases



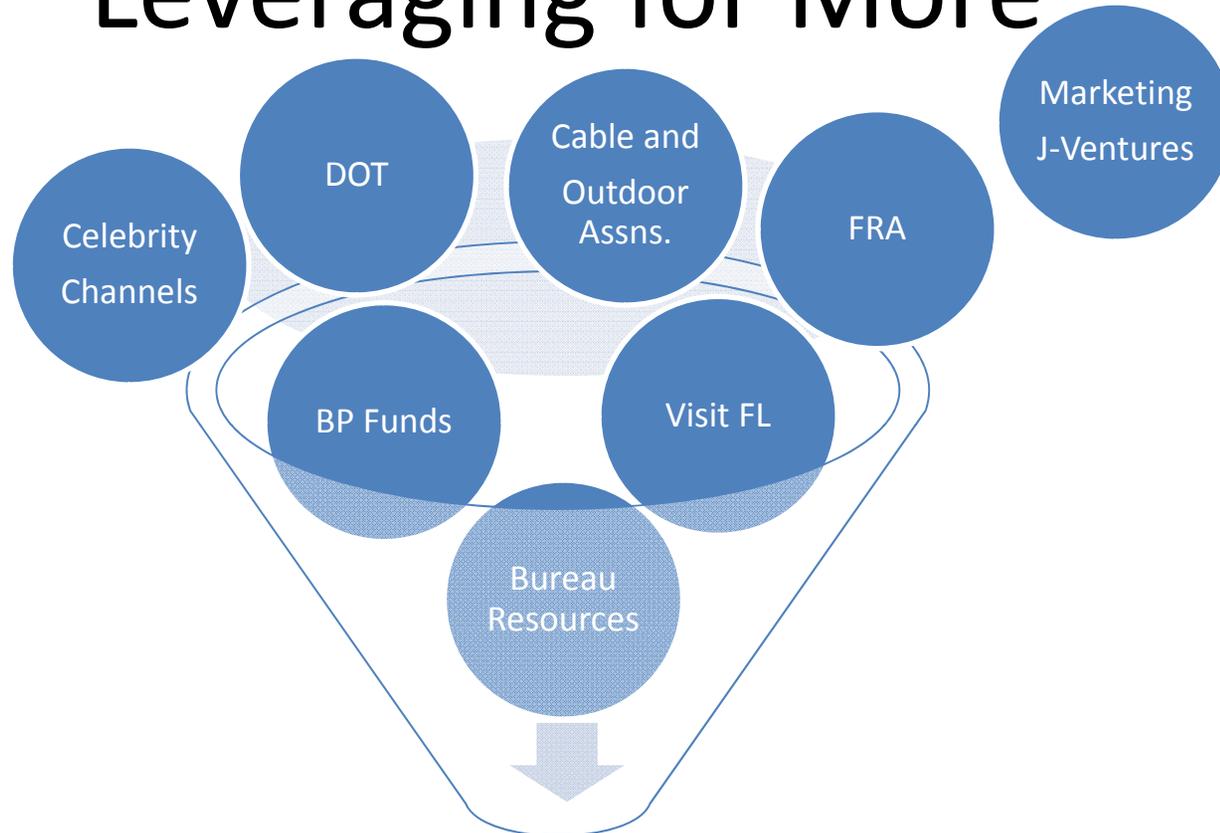
Phase I
FY's 10-11 and 11-12
Pending LBC



Leveraging for More



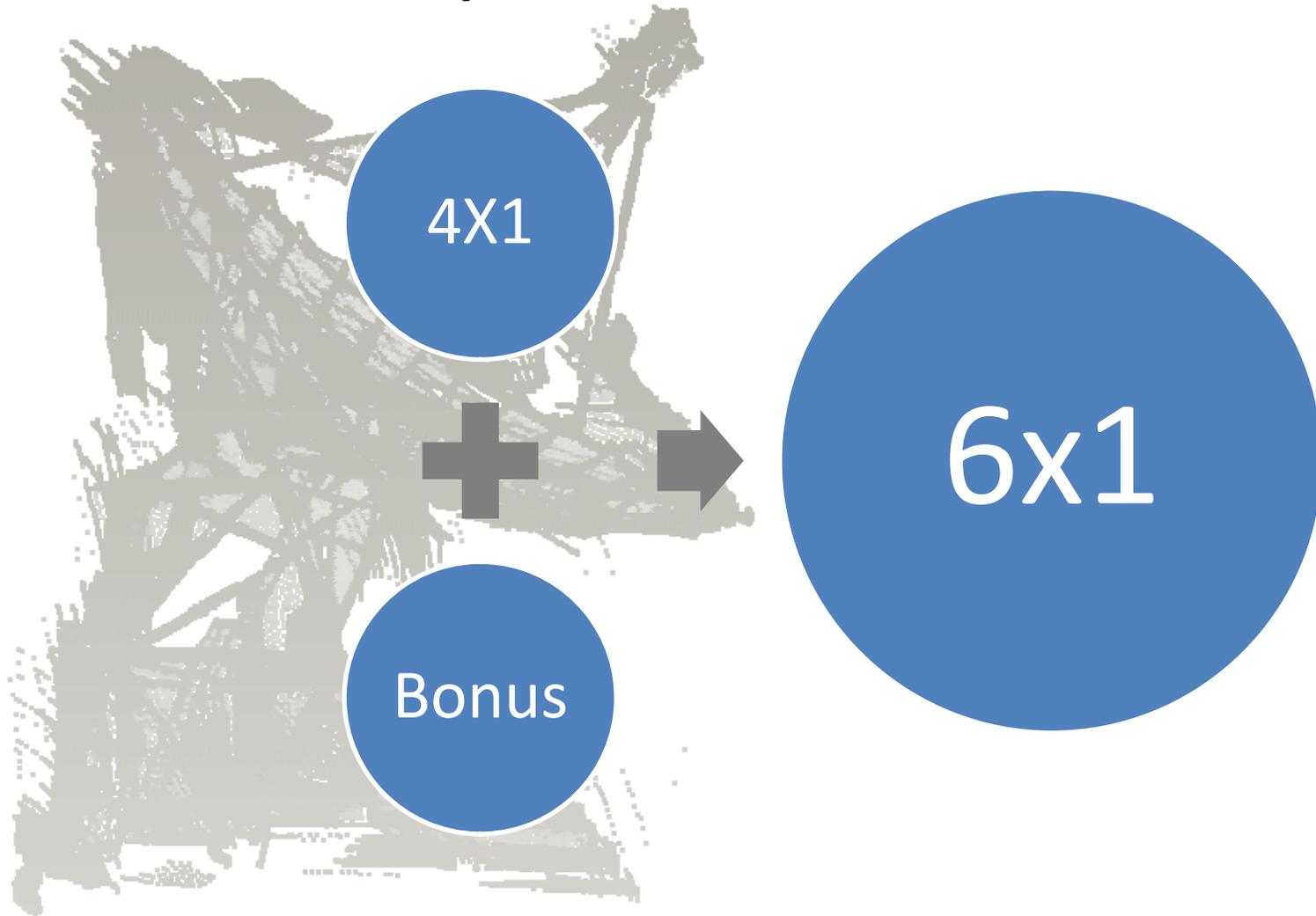
Leveraging for More



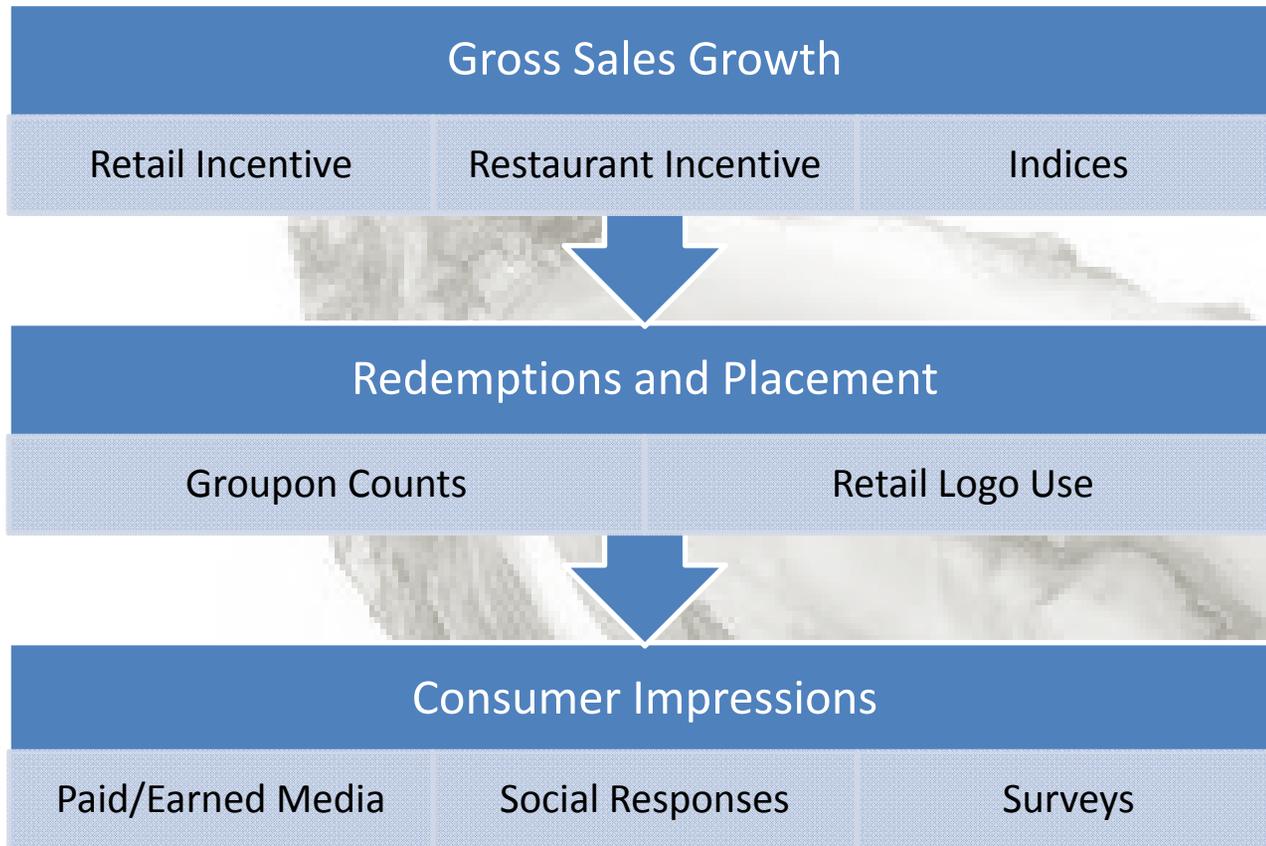
10M = 40M



Example: Cable Television



Measurement



Consumer Confidence Restoration





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 Agriculture Committee

BILL: SB 606

INTRODUCER: Senator Evers

SUBJECT: Fertilizer

DATE: February 24, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Spalla	AG	Pre-meeting
2.	_____	_____	CA	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill preempts the authority of local governments to enact fertilizer ordinances more stringent than the state’s Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. It grants the Department of Agriculture and Consumer Services the exclusive authority to regulate the sale of fertilizer, including its composition, formulation, packaging, use, application, and distribution. It also provides that fertilizer regulations adopted by a county, municipality or other political subdivision are void, regardless of when the regulations were adopted.

This bill amends sections 403.9336, 403.9337, 570.07, and 576.181 of the Florida Statutes.

II. Present Situation:

Residential lawns and landscapes provide aesthetics, a place to enjoy the outdoors, recreational areas and add value to homes. However, they are also a potential source of pollution. Residential lawns in the United States total approximately 17.7 million acres and in 2003 alone, homeowners spent \$38 billion on landscaping activities. According to a 2004 survey by the National Gardening Association, 66 million U.S. households used chemical pesticides and/or fertilizers on their lawns and gardens to improve soil quality. Theses landscape practices can impact water resources, wildlife and environmental health. Fertilizers typically contain a mixture of nitrogen, phosphorus, and phosphate, which are all naturally-occurring elements. Runoff of these

chemicals into aquatic resources can upset the chemical balance of the environment, resulting in algal bloom explosions that kill plants and fish.¹

The Florida Consumer Fertilizer Task Force was created by the Florida Legislature in 2007 to review and provide recommendations on the state's policies and programs addressing consumer fertilizers. One recommendation was to create a model ordinance concerning the use of nonagricultural fertilizer for use by local governments that choose to adopt an ordinance. The Task Force also recommended that local governments be allowed to adopt additional or more stringent provisions to a model ordinance provided the local governments can demonstrate that they meet at least one of the following criteria:

- They have verified impaired waters and are facing existing or possible Total Maximum Daily Loads requirements (under state and federal laws); or
- They have verified harm to human health or harm to the environment that warrants additional consumer fertilizer requirements; or
- More stringent provisions will improve water quality or prevent future impacts of consumer fertilizers on the environment.

In 2009, the Legislature directed the Department of Environmental Protection to adopt and enforce a Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes by January 15, 2010. The model ordinance was adapted from a draft model ordinance written by the Consumer Fertilizer Task Force. It was developed by a partnership of industries², agencies³, local and regional representatives, and other organizations to provide a sound model for the implementation of local control of water use and nonpoint source pollution issues associated with urban landscapes.

The 2009 Legislature made findings⁴ that implementation of the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes would assist in protecting the quality of Florida's surface water and groundwater resources. Adoption by local governments that are located in an area where water is impaired by certain nutrients is required and local governments are allowed to adopt more stringent standards if needed through a "comprehensive program" which term is not defined or further explained. Local government staffs and code enforcement officials are responsible for determining when violations have occurred, assessing penalties for the violations and collecting and disposing of funds generated from the penalties to further water conservation activities.

Currently, there are approximately 40 counties and cities that have adopted rules to limit the use of fertilizers which contain phosphorous and nitrogen, most of them in line with the model ordinance. Proponents of the bill favor a statewide fertilizer standard to reduce the varied and numerous local regulations. Opponents of the bill believe that local governments have a better grasp of what is necessary to protect the bays, rivers and lakes in their communities.

¹ <http://www.epa.gov>

² Florida Nursery, Growers and Landscapers Assn., 1000 Friends of Florida, Green Industry Alliance, Florida Turfgrass Assn., Florida Irrigation Society, Landscape Maintenance Assn., Florida Pest Management Assn., Certified Pest Control Operators, Florida League of Cities, and Florida Association of Counties

³ FDOT, FDCA, GDACS, FDEP, UF-IFAS, WMDs

⁴ Chapter 2009-199, L.O.F.

III. Effect of Proposed Changes:

Section 1 amends s. 403.9336, F.S., to delete legislative findings regarding implementation of the Department of Environmental Protection's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. It deletes the finding that local conditions may necessitate the implementation of additional or more stringent fertilizer management practices at the local government level.

Section 2 amends s. 403.9337, F.S., to delete a local government's authority to adopt additional or more stringent standards than the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.

Section 3 amends s. 570.07, F.S., to authorize the Department of Agriculture and Consumer Services to regulate the sale of fertilizer, including the composition, formulation, packaging, use, application, and distribution of fertilizer. It preempts regulation of fertilizer to the state and the department and voids regulation by a county, municipality, or other political subdivision, regardless of when adopted.

Section 4 amends s. 576.181, F.S., to authorize the Department of Agriculture and Consumer Services to regulate the sale of fertilizer, including the composition, formulation, packaging, use, application, and distribution of fertilizer. It preempts regulation of fertilizer to the state and the department and voids regulation by a county, municipality, or other political subdivision, regardless of when adopted.

Section 5 provides that this act shall take effect July 1, 2011.

Other Potential Implications:

None.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This legislation may have a positive fiscal impact on private sector enterprises that apply fertilizer commercially in multiple counties, since there would be a uniform set of rules to comply with.

C. Government Sector Impact:

Local Government Impact

The fiscal impact to local governments in as far as the loss of fines and/or penalties related to the cost of fertilizer ordinance regulation is indeterminate. However, local governments have expressed concerns about the liability the local communities would incur for failure to maintain water quality in impaired water bodies.

Department of Agriculture and Consumer Services

Revenues:

None.

Expenditures:

The establishment of authority to regulate use and application of fertilizer will create a new regulatory program for the Department of Agriculture and Consumer Services. The department has indicated that this will result in the need for extensive investment of staff and resources, as well as additional staff, to develop rules and implement policies.

	FY 11-12	FY 12-13	FY 13-14
Recurring:			
9 Inspectors (S&B*) @ \$60,657	545,913	545,913	545,913
9 Standard Packages** @ \$2,689	24,201	24,201	24,201
1 Case Processor (S&B) @ \$60,657	60,657	60,657	60,657
1 Standard Package @ \$2,689	2,689	2,689	2,689

TOTAL RECURRING:	633,460	633,460	633,460
Non-Recurring:			
9 Professional Start-up Expenses for Inspectors @ \$3,898	35,082	0	0
9 Vehicles for Inspectors @ \$18,000	162,000	0	0
	FY 11-12	FY 12-13	FY 13-14
1 Professional State Up Expenses for Case Processor @ \$3,898	3,898	0	0
1 Contracted Facilitator for Negotiated Rulemaking @ \$20,000	20,000	0	0
TOTAL NON-RECURRING:	220,980	0	0
TOTAL EXPENSES:	854,440	633,460	633,460

*Salary and Benefits

**Minus office rental. Inspectors will use home offices.

VI. Technical Deficiencies:

The bill contains contradictory language. In Section 2⁵, the bill states that “any county or municipal government that adopted its own fertilizer use ordinance before January 1, 2009, is exempt from s. 403.9337, F.S.” However, in Sections 3 and 4⁶, the bill states that “such regulation of fertilizer by a county, municipality, or other political subdivision is void, regardless of when adopted.”

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

⁵ Section 403.9337(3), F.S.

⁶ Sections 570.07(41), F.S. and 576.181(5), F.S., respectively

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Agriculture (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 70 - 137

and insert:

~~(3) Any county or municipal government that adopted its own fertilizer use ordinance before January 1, 2009, is exempt from this section. Ordinances adopted or amended on or after January 1, 2009, must substantively conform to the most recent version of the model fertilizer ordinance and are subject to subsections (1) and (2), as applicable.~~

(3)~~(4)~~ This section does not apply to the use of fertilizer on farm operations as defined in s. 823.14 or on lands classified as agricultural lands pursuant to s. 193.461.



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14 Section 3. Subsection (16) of section 570.07, Florida
15 Statutes, is amended, present subsection (41) is renumbered as
16 subsection (42), and a new subsection (41) is added to that
17 section, to read:

18 570.07 Department of Agriculture and Consumer Services;
19 functions, powers, and duties.—The department shall have and
20 exercise the following functions, powers, and duties:

21 (16) To enforce the state laws and rules relating to:

22 (a) Fruit and vegetable inspection and grading.†

23 (b) Pesticide spray, residue inspection, and removal.†

24 (c) Registration, labeling, inspection, and analysis of
25 commercial stock feeds and commercial fertilizers.†

26 (d) Classification, inspection, and sale of poultry and
27 eggs.†

28 (e) Registration, inspection, and analysis of gasolines and
29 oils.†

30 (f) Registration, labeling, inspection, and analysis of
31 pesticides.†

32 (g) Registration, labeling, inspection, germination
33 testing, and sale of seeds, both common and certified.†

34 (h) Weights, measures, and standards.†

35 (i) Foods, as set forth in the Florida Food Safety Act.†

36 (j) Inspection and certification of honey.†

37 (k) Sale of liquid fuels.†

38 (l) Licensing of dealers in agricultural products.†

39 (m) Administration and enforcement of all regulatory
40 legislation applying to milk and milk products, ice cream, and
41 frozen desserts.†

42 n) Recordation and inspection of marks and brands of



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- 43 livestock. ~~;~~ and
44 (o) Regulation of fertilizer, including the sale,
45 composition, formulation, packaging, and distribution.
46 (p) Regulation of the use and application of fertilizer.
47 (q) ~~(n)~~ All other regulatory laws relating to agriculture.
48

49 In order to ensure uniform health and safety standards, the
50 adoption of standards and fines in the subject areas of
51 paragraphs (a)-(o) ~~(a)-(n)~~ is expressly preempted to the state
52 and the department. Any local government enforcing the subject
53 areas of paragraphs (a)-(o) ~~(a)-(n)~~ must use the standards and
54 fines set forth in the pertinent statutes or any rules adopted
55 by the department pursuant to those statutes. In order to ensure
56 uniform health safety standards and fines in the subject area of
57 paragraph (p), counties or municipal governments are hereby
58 authorized to enforce the provisions of the Model Ordinance for
59 Florida-Friendly Fertilizer Use on Urban Landscapes, as setforth
60 in 403.9337, in their respective jurisdictions.

61 (41) The department has exclusive authority to regulate the
62 sale, composition, formulation, packaging, use, application, and
63 distribution of fertilizer under chapter 576. This subsection
64 expressly preempts such regulation of fertilizer to the state
65 and the department. Such regulation of fertilizer by a county,
66 municipality, or other political subdivision is void, regardless
67 of when adopted.

68 Section 4. Subsection (5) is added to section 576.181,
69 Florida Statutes, to read:

70 576.181 Administration; rules; procedure; preemption.-

71 (5) The department has exclusive authority to regulate the



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72 sale, composition, formulation, packaging, use, application, and
73 distribution of fertilizer. This subsection expressly preempts
74 such regulation of fertilizer to the state and the department.
75 Such regulation of fertilizer by a county, municipality, or
76 other political subdivision is void, regardless of when adopted.
77 Counties or municipal governments are hereby authorized to
78 enforce the provisions of the Model Ordinance for Florida-
79 Friendly Fertilizer Use on Urban Landscapes, as setforth in
80 403.9337, in their respective jurisdictions.

81

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85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87 Delete lines 10 - 18

88 and insert:

89 F.S.; requiring the Department of Agriculture and
90 Consumer Services to regulate the sale, composition,
91 formulation, packaging, use, application, and
92 distribution of fertilizer; preempting such regulation
93 of fertilizer to the state and the department;
94 specifying that such regulation of fertilizer by
95 counties, municipalities, and other political
96 subdivisions is void; authorizing local governments to
97 provide enforcement of the provisions of the Model
98 Ordinance; providing an effective date.