

## **AGRICULTURE**

### **SB 1010 — Agriculture Emergency Eradication Trust Fund**

by Senator Bronson

This bill creates the Agricultural Emergency Eradication Trust Fund through the office of the Commissioner of the Department of Agriculture and Consumer Services. When the commissioner certifies that an agricultural emergency exists and that funds specifically appropriated for the emergency's purpose are exhausted or insufficient to eliminate the emergency, funds would be provided from the Agricultural Emergency Eradication Trust Fund. The bill defines agricultural emergency as an animal or plant disease, insect infestation, or plant or pest endangering or threatening the horticultural, aquacultural, and agricultural interests of the state. For FY 1998-99, up to \$10 million collected in the Agricultural Emergency Eradication Trust Fund is to be transferred to the Plant Industry Trust Fund to provide for any existing or future declared agricultural emergencies.

If approved by the Governor, these provisions take effect July 1, 1998.

*Vote: Senate 38-0; House 114-1*

### **CS/SB 1088 — Agriculture Emergencies**

by Agriculture Committee and Senator Bronson

This bill provides funding sources for the Agricultural Emergency Eradication Trust Fund (AEETF), which was created upon adoption of SB 1010. It transfers 0.65 percent of both highway fuel sales tax and State Comprehensive Enhanced Transportation Systems tax net proceeds on motor fuel from the State Transportation Trust Fund (STTF) to the AEETF.

The bill provides that the transfer of funds to the AEETF pursuant to ss. 206.606 and 206.608, F.S., are subject to the following provisions:

- If the unobligated balance of the AEETF exceeds \$20 million, the transfers shall be discontinued until the unobligated balance of the trust fund falls below \$10 million, at which time such transfers shall be reinstated to return the balance to \$20 million;

- A change in transfers shall take effect on the first day of the month after 30 days' notification to the Department of Revenue by the Department of Agriculture and Consumer Services when the unobligated balance of the trust fund exceeds or falls below the set limit; and
- Any refunds of the tax imposed under s. 206.41(1)(f), F.S., claimed under s. 206.41(4)(c)1., F.S., in excess of such refunds claimed during the fiscal year preceding the effective date of the act shall be deducted from the amount transferred pursuant to s. 206.608(1), F.S., during the year the claims are made, to the AEETF. Any refunds of the tax imposed under s. 206.41(1)(g), F.S., claimed under s. 206.41(4)(c)1, F.S., in excess of such refunds claimed during the fiscal year preceding the effective date of the act shall be deducted from the amount transferred pursuant to s. 206.606(1)(d), F.S., during the year the claims are made, to the AEETF.

The bill requires the Commissioner of Agriculture to notify the Governor, the President of the Senate, and the Speaker of the House of Representatives when he certifies that an agricultural emergency exists and that funds from the Agricultural Emergency Eradication Trust Fund will be used.

The bill also appropriates \$1 million from the General Revenue Fund to the AEETF in FY 1998-99, and, in subsequent fiscal years appropriates an amount equal to the previous year's transfers into the AEETF from the above mentioned motor fuel taxes.

If approved by the Governor, these provisions take effect July 1, 1998.

*Vote: Senate 38-0; House 113-1*

### **CS/HB 489 — Ad Valorem Tax/Agricultural Crops**

by Agriculture Committee, Reps. Minton, Putnam and others (SB 410 by Senator Bronson)

This bill addresses the problem of extreme fluctuations in the year-to-year property tax assessments of agricultural lands. It requires county property appraisers to rely on the 5-year moving average data for property used for all agricultural commodities. Factors included in the equation are all averaged over a 5-year period, including the factors that make up the capitalization rate. This method would prevent periodic spikes in agricultural land assessments which occur due to the current annual appraisal process.

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

*Vote: Senate 38-0; House 115-0*

**CS/HB 3671 — Timber Management**

by Agriculture Committee and Rep. Sembler (CS/SB 840 by Agriculture Committee and Senator Bronson)

This bill authorizes the Division of Forestry of the Department of Agriculture and Consumer Services to manage timber on state-owned lands if the lead management agency determines that timber management is not in conflict with primary management objectives. All agency land management plans must include a section prepared by a qualified professional forester which assesses the feasibility of managing the timber on a parcel for resource conservation and revenue generation purposes through a stewardship ethic that embraces sustainable forest management practices. The bill defines “sustainable forest management” as meeting the needs of the present without compromising the ability of future generations to meet their own needs by practicing a land stewardship ethic which integrates reforestation, managing, growing, nurturing, and harvesting trees for useful products while conserving soil, air and water quality, wildlife and fish habitat.

The Legislature intends that each lead management agency, whenever practicable and cost effective, use the services of the Division of Forestry or other qualified private sector professional forester in completing such feasibility assessments and implementing timber resource management. The lead management agency must develop a memorandum of agreement with the Division of Forestry to provide for full reimbursement for any services it provides and all additional revenues generated shall be returned to the lead agency. It directs the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy in conformance with a timber resource management component prepared by the Division of Forestry or other qualified professional forester. In addition, it requires land managing agencies to provide a written explanation to the management review team concerning lands that are not being managed in accordance with their management plan. The Division of Forestry is directed to immediately begin an aggressive program to reforest and afforest the land over which it has forest resource management responsibility. The Department of Agriculture and Consumer Services is provided with four positions and \$159,461 to carry out the provisions of the bill.

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

*Vote: Senate 38-0; House 110-6*

**CS/HB 4051 — Florida Agricultural Development Act**

by Agriculture Committee and Reps. Ziebarth and Silver (CS/CS/SB 1994 by Governmental Reform & Oversight Committee; Agriculture Committee; and Senator Cowin)

This bill creates the Florida Agricultural Development Act to provide assistance to citizens who have been detrimentally affected by NAFTA (North American Free Trade Agreement), the elimination of federal crop subsidies, and environmental protection mandates. The Florida Agricultural Development Authority (FADA) is created to manage programs which assist farmers, beginning farmers, and agribusinesses in acquiring land, improvements, technology, and depreciable agricultural property for the purpose of farming, soil and water conservation practices, and to manage programs which provide financial support to farmers who have transitioned out of existing agricultural activities into new or alternative agricultural crops or that emphasize value-added commodity ventures.

The FADA would act as a facilitator between farmers and financial institutions. It could issue tax exempt bonds to lending institutions to fund agricultural loans and to participate in any federal programs designed to assist beginning farmers. In effect, the FADA will identify and coordinate the mechanisms by which beginning farmers and agribusinesses may obtain financing necessary to fund agricultural endeavors and enter into any agreements necessary to accomplish these purposes.

The bill directs the authority to function as a public entity and requires that it be composed of nine members, including the Commissioner of Agriculture or a designee who will be acting in an ex officio, non-voting capacity. Five standing members would have 4-year terms and three *commissioner-appointed* members will have 3-year terms. The authority must prepare an annual report to be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.

If approved by the Governor, these provisions take effect July 1, 1998, or upon becoming law, whichever is earlier.

*Vote: Senate 39-0; House 115-0*

**SB 1944 — Department of Agriculture and Consumer Services**

by Senator Thomas

This bill makes the following changes pertaining to the powers and duties of the Department of Agriculture and Consumer Services (department):

- Prohibits the administration of medications to thoroughbred horses prior to a sale except from a licensed veterinarian who administers medication that is therapeutic or necessary for the treatment or prevention of an illness or injury;
- Requires a permit to transport or haul any dead, dying, disabled, or diseased animal, any product of an animal that died other than by slaughter, or any inedible animal product not meant for human consumption;
- Authorizes the department's food and residue laboratories to perform certain analytical services relating to food safety and to collect reasonable fees for such services;
- Authorizes the department to post a closed-for-operation sign on any food establishment operating without a permit or with a suspended or revoked permit;
- Creates an employees' benefit fund to be generated by voluntary employee donations;
- Revises the membership of the Florida Agriculture Center and Horse Park Authority;
- Changes the registration date for membership in the Florida Agricultural Promotional Campaign from July 1 to the anniversary date of the original membership;
- Authorizes the department to conduct, assist, or cooperate with others in conducting a commercial citrus inventory;
- Authorizes the department to deem an animal product misbranded if it is not labeled with the official USDA inspection legend;
- Authorizes funding for the Citrus Budwood Registration Program in the event that it cannot be funded from the Citrus Inspection Trust Fund;
- Prohibits a fee or fine to be assessed against the owner of a shopping cart found on public property, with certain exceptions;
- Exempts nonresidential farm buildings from the Florida Building Code and any county or municipal building code; and
- Reenacts sections concerning the permitting processes and disciplinary procedures for violations of the Food Safety Act.

If approved by the Governor, these provisions take effect upon becoming law.  
*Vote: Senate 38-0; House 116-0*

## **AQUACULTURE**

### **CS/HB 3673 — Aquaculture**

by Agriculture Committee and Rep. Bronson (CS/SB 1924 by Natural Resources Committee and Senators Bronson and Hargrett)

In 1996, the Legislature passed legislation which required the Department of Environmental Protection to streamline complex and duplicative state regulations and permitting procedures for aquaculture activities. This bill corrects oversights and “fine-tunes” that legislation and in addition transfers program responsibilities for aquaculture to the Department of Agriculture and Consumer Services, with the exception of those areas required by federal law, rule, or cooperative agreement to be regulated by another agency.

The bill provides added protection for aquaculture products produced on submerged land leases by establishing a zone outside the lease where harvesting is prohibited. It authorizes the department to issue a special activity license for use of special gear or equipment in harvesting saltwater species for scientific and governmental purposes, and where allowable, for innovative fisheries. It requires the special activity license to provide for “specific” management practices, rather than “best” management practices to prevent release and escape. The department is authorized to issue special activity licenses for the harvest or cultivation of oysters, clams, mussels, and crabs when such activities relate to quality control, sanitation, public health regulations, innovative technologies for aquaculture activities, or the protection of aquaculture and shellfish resources. The department may also authorize any properly accredited person to harvest or possess indigenous or nonindigenous saltwater species for experimental, scientific, education, and exhibition purposes. It clarifies jurisdiction over aquaculture activities and provisions relating to aquaculture general permits, and also provides for the streamlining of permit consolidation procedures. The bill provides for the delegation of regulatory authority for certain aquaculture facilities and requires the Aquaculture Review Council to develop a list of prioritized research needs that are critical to the development of the aquaculture industry.

The bill provides that a portion of the fees assessed on the alligator egg collection permit and the hide validation tag be transferred to the General Inspection Trust Fund, administered by the Department of Agriculture and Consumer Services, for providing marketing and education services with respect to alligator products produced in this state.

If approved by the Governor, these provisions take effect July 1, 1998.

*Vote: Senate 40-0; House 114-1*

## **AMUSEMENT RIDE SAFETY**

### **CS/SB 1460 — Amusement Rides**

by Agriculture Committee and Senators Forman and Geller

This bill is a reorganization and substantial revision of s. 616.242, F.S., concerning public fairs and expositions. The Department of Agriculture and Consumer Services (department) administers the Amusement Device Safety Inspection Program to ensure that fair rides and other attractions are safe for public use. The bill modifies the phrase “amusement devices and amusement attractions” to “amusement rides,” removes obsolete and duplicative language, and makes the following substantive changes:

- Strengthens safety standards for amusement rides;
- Strengthens requirements for nondestructive testing of amusement rides;
- Changes accident reporting requirements to strengthen the department’s ability to investigate accidents and to impound unsafe amusement rides;
- Requires the department to adopt rules to establish fees that cover 100 percent of all costs and expenditures associated with the Bureau of Fair Rides Inspection;
- Provides insurance requirements; and
- Prohibits certain bungy operations.

If approved by the Governor, these provisions take effect October 1, 1998.

*Vote: Senate 40-0; House 117-0*

