

CS/CS SB 96 — Citrus Department/Florida Citrus Commission

by Appropriations Committee; Agriculture Committee; and Senator Alexander

The Florida Department of Citrus (department) has regulatory responsibility for all aspects of the citrus industry. The department is funded by the “box tax” and the equalizing excise tax. The box tax is an excise tax levied on each standard field box of fruit grown and placed into the primary channel of trade in Florida. The equalizing excise tax is assessed on processed citrus products imported into the state at a rate equal to the box tax. The majority of the proceeds of these taxes must be used by the department to advertise Florida citrus products.

The bill allows persons liable for payment of the equalizing excise tax under the Florida Citrus Code to elect not to pay two-thirds of that tax each year. It codifies into law the “opt out” provision contained in the settlement agreement of Consolidated Case No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial Circuit in Polk County. The bill also codifies the portion of the settlement agreement providing for future payments totaling \$2 million. In exchange for the two provisions, the plaintiffs will dismiss their foreign commerce clause claim.

The bill also requires the Florida Citrus Commission to include a report by the internal auditor of the department as an agenda item at each regularly scheduled meeting

If approved by the Governor, these provisions take effect July 1, 2004.

Vote: Senate 39-0; House 111-0

CS/CS/SB 1712 — Agricultural Economic Development

by Appropriations Committee; Agriculture Committee; and Senators Argenziano, Jones, Smith, Miller, Dockery, Alexander, Peadar, Campbell, Lynn, and Haridopolos

This bill creates s. 70.005, F.S., which reduces the waiting period before suit can be filed by agricultural landowners, whose property has been rezoned or the residential density lowered, from 180 days to 90 days.

It amends ss. 163.2514 and 163.2517, F.S., by designating as an “agricultural enclave” land used for agricultural production that is surrounded on 75 percent of its perimeter by industrial, commercial, and residential development. With that designation, an “agricultural enclave” landowner’s petition to amend the local government’s comprehensive plan will be deemed to be “in compliance” if other provisions for amending the comprehensive plan are met.

The bill amends s. 163.3187, F.S., to provide that large scale comprehensive plan amendments resulting from mandated informal mediation pursuant to s. 163.3181(4), F.S., will not count as one of the two annual amendments permitted in any calendar year.

The bill also creates s. 259.047, F.S., which requires that consideration be given in the acquiring entity's management plan to the continuation of agricultural leases and agricultural production on land acquired for recreation and conservation purposes.

It amends s. 373.0361, F.S., to specify that population projections by the University of Florida's Bureau of Economic and Business Research will be used to determine public water supply needs. It also requires that water supply plans recognize that alternative water sources are limited for agricultural self-suppliers.

The bill amends s. 373.236, F.S., to require water management districts to inform agricultural landowners in the application form for a consumptive use permit that 20-year permits are available.

It creates s. 373.407, F.S., which requires the Department of Agriculture and Consumer Services (DACS) and each water management district to enter into a memorandum of agreement in which DACS will assist in determining whether an activity qualifies for an agricultural-related exemption that allows a landowner to alter the topography of his land for purposes consistent with agricultural uses.

If approved by the Governor, these provisions take effect July 1, 2004.

Vote: Senate 39-0; House 109-7

CS/CS/CS/SB 1770 — Beef Market Development Act

by Finance and Taxation Committee; Commerce, Economic Opportunities, and Consumer Services Committee; Agriculture Committee; and Senators Argenziano, Dockery, Crist, Hill, Bullard, Wasserman Schultz, Siplin, Pruitt, Aronberg, Posey, Smith, Peaden, Campbell, Alexander, Bennett, and Lynn

This bill creates s. 570.9135, F.S., which establishes the Florida Beef Council, Inc. (Council). The Council's goal is to provide for Florida beef producers a program to replace a national program that promotes beef. The program would be financed by a per head assessment on cattle sold in the state.

In order to become effective, beef producers in the state must by majority vote approve an assessment program, up to \$1 per head of cattle, which assessment is mandatory at the time of sale and refundable upon request.

The Council, governed by a board of directors, would administer the program and have the duty and power to:

- Establish the amount of the assessment up to \$1 per head.
- Establish collection and refund procedures.
- Develop programs of promotion, research, and information dissemination.
- Own property and do such acts as are necessary or expedient to administer the affairs and achieve the goals of the Council.
- Maintain business records and make annual reports.
- Adopt bylaws to carry out the purposes and intents of the assessment program.

The bill specifies the background for the 13 member governing board. It also contains direction for appointment of members and rules governing their conduct.

A procedure is provided for the beef producers to vote periodically on the continuation of the assessment program.

If approved by the Governor, these provisions take effect upon becoming law. However, the referendum and assessments contemplated by this bill cannot take place until the Commissioner of Agriculture has made a determination that certain pre-conditions regarding the national program have taken place.

Vote: Senate 36-0; House 113-3

HB 457 — Lowry Park Zoo

by Rep. Culp and others (CS/SB 1870 by Agriculture Committee and Senators Crist, Miller, and Bullard)

The Lowry Park Zoo in Tampa, Florida, has been serving as a center for conservation and preservation of endangered wildlife since opening in 1988. The bill designates the zoo as a state center for Florida species conservation and biodiversity, including captive breeding, animal husbandry, conservation education, and veterinary care and rescue, rehabilitation, research, and release of Florida's endangered and threatened species consisting of the Florida manatee, Florida panther, red wolf, Key deer, Key Largo wood rat, and whooping crane. The bill specifies that this recognition shall not be construed as exempting the Lowry Park Zoo from the regulatory purview of the Florida Fish and Wildlife Conservation Commission. The Lowry Park Zoo has indicated that this designation would attract national funding that would enable it to provide care for Florida's endangered species, further develop its conservation and research programs and develop stronger partnerships and other professional collaborations with local, national and international conservation groups.

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

Vote: Senate 38-0; House 116-0

SB 2484 — Citrus Canker

by Senator Alexander

This bill amends s. 120.80, F.S., to provide that rules adopted by the Department of Agriculture and Consumer Services (DACS) in its citrus canker eradication program are not subject to the rule challenge procedures contained in the Administrative Procedures Act.

It also amends s. 581.184, F.S., to authorize DACS to destroy removed trees by chipping and to reserve to the state the power to regulate the removal of citrus trees under its canker eradication program.

It creates s. 933.40, F.S., which creates an “agricultural warrant” designed to expedite and facilitate performance of the state’s citrus canker eradication program. The citrus bill provides that a single search warrant can be issued for multiple properties in the same county, that a stamp or electronic signature can be used, that a warrant will be valid for a 60 day period, and the warrant can be issued ex-parte. As before, a search warrant will be issued only on a finding of probable cause. There are limitations on when the search warrant can be served and the extent to which a search or inspection can be conducted. The agricultural warrants can be served and executed by employees of DACS. The bill makes it a misdemeanor of the second degree to refuse to permit the execution of an agricultural warrant.

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

Vote: Senate 33-3; House 76-41

HB 1307 — Agriculture and Migrant Labor

by Rep. Poppell and others (CS/CS/CS/SB 2954 by Appropriations Committee; Commerce, Economic Opportunities, and Consumer Services Committee; Agriculture Committee; and Senators Alexander, Bullard, Dockery, Lynn, Hill, Aronberg, and Atwater)

This bill creates the Alfredo Bahena Act, which revises the framework for the regulation of farm labor contractors. It also revises the employer-employee relationship between farm labor contractors and migrant farmworkers, by, among other things, providing a migrant farmworker with certain protections from retaliation by a farm labor contractor. It revises the duties of the Department of Business and Professional Regulation with respect to the certification of registration for farm labor contractors and strengthens its enforcement powers. It sets up a best practices incentive program for farm labor contractors, which would enable the public to identify farm labor contractors who have demonstrated a firm commitment to responsible and safe labor practices. The bill renames and reactivates the Legislative Commission on Migrant and Seasonal Labor, which has not been active for several years. In addition, it renames part III of ch. 450, F.S., currently cited as the “Farm Labor Registration Law,” to the “Farm Labor Contractor Registration Law.” The bill revises the penalties imposed for violations of part III of ch. 450, F.S. For a major violation, a penalty of up to \$2,500 will be assessed. For a minor violation, a

warning will be issued for the first violation, and a penalty in increments of \$250 will be assessed for each successive violation up to a maximum of \$2,500.

The bill also creates the “Florida Agricultural Worker Safety Act” to be administered by the Department of Agriculture and Consumer Services (DACS). The intent of the act is to ensure that agricultural workers are protected from and receive information about agricultural pesticides. It specifies that DACS shall continue to operate under the regulations established by the United States Environmental Protection Agency Labeling Requirement for Pesticides and Devices and the Worker Protection Standards, which DACS adopted by rule during FY 1995-1996. It requires an agricultural employer to provide agricultural workers and others with specific written information concerning agricultural pesticides within two working days after being requested. It is unlawful for the employer to fail to provide the required pesticide information or to take any retaliatory action against any agricultural worker. The bill requires DACS to monitor all complaints of retaliation and to report its findings to the Legislature on or before October 1, 2008.

The bill provides an appropriation of \$300,000 from the General Revenue Fund for FY 2004-2005 and four positions to DACS for the purpose of conducting regulatory, training, and outreach activities related to migrant labor.

If approved by the Governor, these provisions take effect July 1, 2004.

Vote: Senate 39-0; House 114-0