



---

# **Agriculture & Natural Resources Subcommittee**

**Wednesday, December 02, 2015**

**4:00 PM**

**Reed Hall (102 HOB)**

**MEETING PACKET**

**Steve Crisafulli  
Speaker**

**Tom Goodson  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Agriculture & Natural Resources Subcommittee

**Start Date and Time:** Wednesday, December 02, 2015 04:00 pm

**End Date and Time:** Wednesday, December 02, 2015 06:00 pm

**Location:** Reed Hall (102 HOB)

**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 153 Healthy Food Financing Initiative by Santiago, Lee

HB 501 Conservation Easements by McGhee

HB 4035 Pesticide Registration by Combee

Presentation by the Future Farmers of America: The Next Generation of Agriculturalists

**NOTICE FINALIZED on 11/24/2015 1:16PM by Love.John**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 153 Healthy Food Financing Initiative  
**SPONSOR(S):** Santiago and others  
**TIED BILLS:** IDEN./SIM. BILLS: SB 760

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Gregory	Harrington
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

### SUMMARY ANALYSIS

Food deserts are urban neighborhoods and rural towns without ready access to fresh, healthy, and affordable food. Instead of supermarkets and grocery stores, these communities may have no food access or are served only by fast food restaurants and convenience stores that offer few healthy, affordable food options. Healthy Food Financing Initiatives are programs designed to make funding available in the form of loans, grants, promotions, and other programs to create healthy food options in food deserts.

The bill directs the Department of Agriculture and Consumer Services (DACS) to create a Healthy Food Financing Initiative (program). Specifically the bill:

- Authorizes DACS to contract with one or more qualified non-profit organizations or Florida-based federally certified community development financial institutions to administer the program and creates eligibility criteria for such organizations.
- Requires DACS to establish program and eligibility guidelines.
- Requires DACS to monitor compliance and the impact of the program.
- Directs projects under the program to be located in underserved communities; primarily serve low to moderate income families; and provide for the construction, renovation, or expansion of independent grocery stores or supermarkets and community facilities.
- Requires DACS to report annually to the President of the Senate and the Speaker of the House of Representatives on the projects funded, geographic distribution of projects, program costs, and program outcomes.
- Enumerates program application requirements.
- Directs DACS or the third-party administer to give preference to local, Florida-based grocers and business owners; consider the level of need in the area served; and consider the project's positive economic impact when determining which projects to finance.
- Specifies how program financing may be utilized.
- Requires DACS to adopt rules to implement the program.
- Makes creation and implementation of the program contingent on an appropriation.

The bill appears to have an insignificant negative fiscal impact on DACS. This bill will likely have an indeterminate positive fiscal impact on the "independent grocery stores and supermarkets" and "community facilities" eligible to receive financial assistance.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Food Deserts

Food deserts are urban neighborhoods and rural towns without ready access to fresh, healthy, and affordable food. Instead of supermarkets and grocery stores, these communities may have no food access or are served only by fast food restaurants and convenience stores that offer few healthy, affordable food options. The lack of access contributes to a poor diet and may lead to higher levels of obesity and other diet-related diseases, such as diabetes and heart disease.<sup>1</sup>

The U.S. Department of Agriculture's (USDA's) Economic Research Service estimates that 23.5 million people live in food deserts. More than half of those people (13.5 million) are low-income.<sup>2</sup>

The USDA, the U.S. Department of Treasury (Treasury), and the U.S. Department of Health and Human Services (HHS) identifies a food desert as a census tract with a substantial share of residents who live in low-income areas that have low levels of access to a grocery store or healthy, affordable food retail outlet. Census tracts qualify as food deserts if they meet low-income and low-access thresholds. Such terms are defined as:

- "Low-income communities" have:
  - a poverty rate of 20 percent or greater; or
  - a median family income at or below 80 percent of the area median family income.
- "Low-access communities" have at least 500 persons or at least 33% of the census tract's population living more than one mile from a supermarket or large grocery store (10 miles in the case of non-metropolitan census tracts).<sup>3</sup>

##### Healthy Food Financing Initiatives

In order to decrease the presence of food deserts, several federal and state agencies have undertaken initiatives to increase access to healthy, affordable foods in these communities.

At the federal level, USDA, the Treasury, and HHS work to make funding available in the form of loans, grants, promotions, and other programs to create healthy food options in food deserts.<sup>4</sup> These programs:

- Provide financial and technical assistance;
- Make funds available through selected Rural Development and Agricultural Marketing Service programs;
- Provide tax credits; and
- Award competitive grants to Community Development Corporations to support projects that finance grocery stores, farmers markets, and other sources of fresh nutritious food.<sup>5</sup>

The federal programs seek to increase access to whole foods such as fruits, vegetables, whole grains, fat free or low-fat dairy, and lean meats that are perishable (fresh, refrigerated, or frozen) or canned as

---

<sup>1</sup> USDA, Food Deserts, <http://apps.ams.usda.gov/fooddeserts/foodDeserts.aspx> (last visited November 18, 2015).

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> HHS, *Healthy Food Financing Initiative*, <http://www.acf.hhs.gov/programs/ocs/programs/community-economic-development/healthy-food-financing> (last visited November 18, 2015).

<sup>5</sup> Id.

well as nutrient-dense foods and beverages encouraged by the 2010 Dietary Guidelines for Americans.<sup>6</sup>

Twenty-seven states have taken some action to address the issue of food deserts. These include creating Healthy Food Financing Initiatives, undertaking studies, expanding financial support, providing low interest loans, studying access to food, and providing tax incentives.<sup>7</sup>

### Community Development Financial Institutions (CDFIs)

CDFIs are banks, credit unions, loan funds, microloan funds, or venture capital providers that help families finance their first homes, support community residents starting businesses, and invest in local health centers, schools, or community centers for low income communities.<sup>8</sup> CDFIs are certified by the CDFI Fund.<sup>9</sup> The CDFI Fund is an agency within the Treasury that promotes economic revitalization in distressed communities throughout the United States by providing financial assistance and information to CDFIs.<sup>10</sup> Once certified, a CDFI may apply for awards under the CDFI Fund's competitive programs, including the Capital Magnet Fund, CDFI Bond Guarantee Program, Community Development Financial Institutions Program, and Native Initiatives.<sup>11</sup>

### **Effect of the Proposed Changes**

The bill directs DACS to establish a Healthy Food Financing Initiative (program) that is comprised of and coordinates the use of federal, state, and private loans and grants, federal tax credits, and other forms of financial assistance. This financial assistance must be used for the construction, rehabilitation, or expansion of independent grocery stores, supermarkets, and community facilities to increase access to fresh produce and other nutritious food in underserved communities.

The bill defines the following terms:

- "Community facility" means a property owned by a nonprofit or for-profit entity or a unit of government in which health and human services are provided and space is offered in a manner that provides increased access to, or delivery or distribution of, food or other agricultural products to encourage public consumption and household purchases of fresh produce or other healthy food to improve the public health and well-being of low-income children, families, and older adults.
- "Independent grocery store or supermarket" means an independently-owned grocery store or supermarket whose parent company does not own more than 40 grocery stores throughout the country based upon ownership conditions as identified in the latest Nielsen Trade Dimensions grocery store database.
- "Low-income community" means a population census tract, as reported in the most recent U.S. Census Bureau American Community Survey,<sup>12</sup> that meets one of the following criteria:
  - A poverty rate of at least 20 percent;
  - In the case of a low-income community located outside of a metropolitan area, the median family income does not exceed 80 percent of the statewide median family income; or

---

<sup>6</sup> USDA, *Food Deserts, Frequently Asked Questions*, <https://apps.ams.usda.gov/fooddeserts/FAQ.aspx#healthyfood> (last visited November 18, 2015); the guidelines are available at:

[http://www.cnpp.usda.gov/sites/default/files/dietary\\_guidelines\\_for\\_americans/PolicyDoc.pdf](http://www.cnpp.usda.gov/sites/default/files/dietary_guidelines_for_americans/PolicyDoc.pdf).

<sup>7</sup> Healthy Food Portal, *Policy Efforts and Impacts, State and Local*, <http://healthyfoodaccess.org/policy-efforts-and-impacts/state-and-local> (last visited November 18, 2015).

<sup>8</sup> CDFI Fund, *What Are CDFIs?*, [https://www.cdfifund.gov/Documents/CDFI\\_infographic\\_v08A.pdf](https://www.cdfifund.gov/Documents/CDFI_infographic_v08A.pdf) (last visited November 18, 2015).

<sup>9</sup> CDFI Fund, *Certification*, <https://www.cdfifund.gov/programs-training/certification/Pages/default.aspx> (last visited November 18, 2015).

<sup>10</sup> CDFI Fund, *About Us*, <https://www.cdfifund.gov/about/Pages/default.aspx> (last visited November 20, 2015).

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

<sup>12</sup> U.S. Census Bureau, *Our Surveys and Programs*, <https://www.census.gov/programs-surveys.html> (last visited November 20, 2015).

- In the case of a low-income community located inside of a metropolitan area, the median family income does not exceed 80 percent of the statewide median family income or 80 percent of the metropolitan median family income, whichever is greater.
- "Moderate-income community" means a population census tract, as reported in the most recent U.S. Census Bureau American Community Survey, in which the median family income is between 81 and 95 percent of the median family income for the state or metropolitan area.
- "Underserved community" means a distressed urban, suburban, or rural geographic area where a substantial number of residents have low access to a full-service grocery store or supermarket. An area with limited supermarket access must be:
  - A census tract, as determined to be an area with low access by the USDA, as identified in the Food Access Research Atlas;<sup>13</sup>
  - Identified as a limited supermarket access area as recognized by the CDFI Fund;<sup>14</sup> or
  - Identified as an area with low access to a supermarket or grocery store through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative.

The bill authorizes DACS to contract with one or more non-profit organizations or Florida-based federally certified CDFI to administer the program. To be eligible to contract with DACS to administer the program, the CDFI must demonstrate:

- Prior experience in healthy food financing;
- Support from the CDFI Fund within the Treasury;
- The ability to administer lending and tax credit programs; and
- The ability to assume full financial risk for loans made under the program.

The bill directs DACS to establish program guidelines, raise matching funds, promote the program statewide, evaluate applicants, underwrite and disburse grants and loans, and monitor program compliance and impact. To carry out these directives, the bill authorizes DACS to contract with a third-party. This third-party must report to DACS annually.

The bill directs DACS to create eligibility guidelines and provide financing through an application process. Eligible projects must:

- Be located in an underserved community;
- Primarily serve low-income or moderate-income communities; and
- Provide for the construction of new independent grocery stores or supermarkets; the renovation or expansion of, including infrastructure upgrades to, existing independent grocery stores or supermarkets; or the construction, renovation or expansion of, including infrastructure upgrades to, community facilities to improve the availability and quality of fresh produce and other healthy foods.

The bill requires DACS to report annually to the President of the Senate and the Speaker of the House of Representatives on:

- The projects funded;
- Geographic distribution of projects;
- Program costs; and
- Program outcomes including the number and type of jobs created and health initiatives associated with the program.

To receive program financing, applicants must:

- Demonstrate the capacity to successfully implement the project and the likelihood that the project will be economically self-sustaining;

<sup>13</sup> USDA, *Food Access Research Atlas*, <http://www.ers.usda.gov/data-products/food-access-research-atlas.aspx> (last visited November 18, 2015).

<sup>14</sup> CDFI Fund, *CDFI Information Mapping System*, <https://www.cdfifund.gov/Pages/mapping-system.aspx> (last visited November 18, 2015).

- Demonstrate the ability to repay the loan; and
- Agree, as an independent grocery store or supermarket, for at least 5 years, to:
  - Accept Supplemental Nutrition Assistance Program (SNAP)<sup>15</sup> benefits;
  - Apply to accept Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)<sup>16</sup> benefits and accept such benefits if approved;
  - Allocate at least 30 percent of food retail space for the sale of perishable foods, which may include fresh or frozen dairy products, fresh produce, and fresh meats, poultry, and fish;
  - Comply with all data collection and reporting requirements established by DACS; and
  - Promote the hiring of local residents.

The bill provides an exception to the 30 percent minimum requirement for food retail space for corner stores, bodegas, and other non-traditional grocery stores if the funding will be used for refrigeration displays, or other one-time capital expenditures to promote the sale of fresh produce or perishables.

The bill requires DACS or its third-party administrator to determine which projects receive financing by:

- Giving preference to local Florida-based grocers or local business owners with experience in grocery stores and to grocers and business owners with a business plan model that includes written documentation of opportunities to purchase from Florida farmers and growers before seeking out-of-state purchases;
- Considering the level of need in the area to be served;
- Considering the degree to which the project will have a positive economic impact on the underserved community, including the creation or retention of jobs for local residents; and
- Considering other criteria as may be determined by DACS.

The bill authorizes the selected projects to use the financing for:

- Site acquisition and preparation;
- Construction and build-out costs;
- Equipment and furnishings;
- Workforce training or security;
- Predevelopment costs, such as market studies and appraisals;
- Energy-efficiency measures;
- Working capital for first-time inventory and startup costs; and
- Other purposes as may be determined by DACS or its third-party administrator.

Lastly, the bill makes creation and implementation of the program contingent on an appropriation.

## B. SECTION DIRECTORY:

**Section 1.** Creates the Healthy Food Financing Initiative program.

**Section 2.** Provides that creation of the Healthy Food Financing Initiative program and implementation of the act is contingent upon appropriation from the Legislature.

**Section 3.** Provides an effective date of July 1, 2016.

<sup>15</sup> SNAP is a federal program that offers nutrition assistance to millions of eligible, low-income individuals and families and provides economic benefits to communities. USDA, *Supplemental Nutrition Assistance Program*, <http://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program-snap> (last visited November 18, 2015).

<sup>16</sup> WIC is a federal program that provides grants to states for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk. USDA, *Women, Infants, and Children (WIC)*, <http://www.fns.usda.gov/wic/women-infants-and-children-wic> (last visited November 18, 2015).



## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will negatively impact DACS because the department will need to set up the program and hire staff to coordinate this effort. DACS estimates that it will spend \$68,498 in fiscal year 16-17 to implement the program.<sup>17</sup>

In addition, the bill will have an insignificant negative fiscal impact on DACS because the department will need to create rules to implement the program.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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

This bill will likely have an indeterminate positive fiscal impact on the private sector because “independent grocery stores and supermarkets” and “community facilities” will be eligible to receive financial assistance in the form of grants and loans to improve or set up stores to provide access to healthy food and fresh produce.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill requires DACS to adopt rules to administer the program.

---

<sup>17</sup> DACS, Agency Analysis of 2016 House Bill 153, p. 3 (October 19, 2015).  
STORAGE NAME: h0153.ANRS.DOCX  
DATE: 11/23/2015

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issue: Database

The definition of "independent grocery store or supermarket" require such stores not to be owned by a parent corporation who owns more than 40 grocery stores throughout the country based upon ownership conditions as identified in the latest Nielsen Trade Dimensions grocery store database. However, such database does not appear to exist.

Drafting Issue: Eligibility

The bill authorizes DACS to contract with both non-profit organizations and CDFIs to administer the program. The bill sets forth criteria CDFIs must meet to be eligible to contract with DACS. However, non-profit organizations do not have to meet the criteria. It is unclear why this distinction is made.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

1                                   A bill to be entitled  
 2           An act relating to the Healthy Food Financing  
 3           Initiative; creating the Healthy Food Financing  
 4           Initiative program; providing definitions; directing  
 5           the Department of Agriculture and Consumer Services to  
 6           establish a program to provide specified financing to  
 7           construct, rehabilitate, or expand grocery stores and  
 8           supermarkets in underserved communities in low-income  
 9           and moderate-income areas; authorizing the department  
 10          to contract with a third-party administrator;  
 11          providing program, project, and applicant  
 12          requirements; authorizing funds to be used for  
 13          specified purposes; directing the department to adopt  
 14          rules and submit an annual report to the Legislature;  
 15          providing that creation and implementation of the  
 16          program is contingent upon legislative appropriations;  
 17          providing an effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. Healthy Food Financing Initiative.—  
 22           (1) As used in this section, the term:  
 23           (a) "Department" means the Department of Agriculture and  
 24           Consumer Services.  
 25           (b) "Community facility" means a property owned by a  
 26           nonprofit or for-profit entity or a unit of government in which

27 | health and human services are provided and space is offered in a  
 28 | manner that provides increased access to, or delivery or  
 29 | distribution of, food or other agricultural products to  
 30 | encourage public consumption and household purchases of fresh  
 31 | produce or other healthy food to improve the public health and  
 32 | well-being of low-income children, families, and older adults.

33 | (c) "Independent grocery store or supermarket" means an  
 34 | independently-owned grocery store or supermarket whose parent  
 35 | company does not own more than 40 grocery stores throughout the  
 36 | country based upon ownership conditions as identified in the  
 37 | latest Nielsen Trade Dimensions grocery store database.

38 | (d) "Low-income community" means a population census  
 39 | tract, as reported in the most recent United States Census  
 40 | Bureau American Community Survey, that meets one of the  
 41 | following criteria:

- 42 | 1. A poverty rate of at least 20 percent;
- 43 | 2. In the case of a low-income community located outside  
 44 | of a metropolitan area, the median family income does not exceed  
 45 | 80 percent of the statewide median family income; or
- 46 | 3. In the case of a low-income community located inside of  
 47 | a metropolitan area, the median family income does not exceed 80  
 48 | percent of the statewide median family income or 80 percent of  
 49 | the metropolitan median family income, whichever is greater.

50 | (e) "Moderate-income community" means a population census  
 51 | tract, as reported in the most recent United States Census  
 52 | Bureau American Community Survey, in which the median family

53 income is between 81 and 95 percent of the median family income  
 54 for the state or metropolitan area.

55 (f) "Program" means the Healthy Food Financing Initiative  
 56 established by the department.

57 (g) "Underserved community" means a distressed urban,  
 58 suburban, or rural geographic area where a substantial number of  
 59 residents have low access to a full-service grocery store or  
 60 supermarket. An area with limited supermarket access must be:

61 1. A census tract, as determined to be an area with low  
 62 access by the United States Department of Agriculture, as  
 63 identified in the Food Access Research Atlas;

64 2. Identified as a limited supermarket access area as  
 65 recognized by the Community Development Financial Institutions  
 66 Fund of the United States Department of Treasury; or

67 3. Identified as an area with low access to a supermarket  
 68 or grocery store through a methodology that has been adopted for  
 69 use by another governmental or philanthropic healthy food  
 70 initiative.

71 (2) The department shall establish a program that is  
 72 comprised of and coordinates the use of federal, state, and  
 73 private loans or grants, federal tax credits, and other types of  
 74 financial assistance for the construction, rehabilitation, or  
 75 expansion of independent grocery stores, supermarkets, and  
 76 community facilities to increase access to fresh produce and  
 77 other nutritious food in underserved communities.

78 (3) (a) The department may contract with one or more

79 qualified nonprofit organizations or Florida-based federally  
 80 certified community development financial institutions to  
 81 administer the program through a public-private partnership.  
 82 Eligible community development financial institutions must be  
 83 able to demonstrate:

- 84 1. Prior experience in healthy food financing.
- 85 2. Support from the Community Development Financial  
 86 Institutions Fund of the United States Department of Treasury.
- 87 3. The ability to successfully manage and operate lending  
 88 and tax credit programs.
- 89 4. The ability to assume full financial risk for loans  
 90 made under this initiative.

91 (b) The department shall:

- 92 1. Establish program guidelines, raise matching funds,  
 93 promote the program statewide, evaluate applicants, underwrite  
 94 and disburse grants and loans, and monitor compliance and  
 95 impact. The department may contract with a third-party  
 96 administrator to carry out such duties. The third-party  
 97 administrator shall report to the department annually.
- 98 2. Create eligibility guidelines and provide financing  
 99 through an application process. Eligible projects must be:

- 100 a. Located in an underserved community;
- 101 b. Primarily serve low-income or moderate-income  
 102 communities; and
- 103 c. Provide for the construction of new independent grocery  
 104 stores or supermarkets; the renovation or expansion of,

105 including infrastructure upgrades to, existing independent  
 106 grocery stores or supermarkets; or the construction, renovation  
 107 or expansion of, including infrastructure upgrades to, community  
 108 facilities to improve the availability and quality of fresh  
 109 produce and other healthy foods.

110 3. Report annually to the President of the Senate and the  
 111 Speaker of the House of Representatives on the projects funded,  
 112 the geographic distribution of the projects, the costs of the  
 113 program, and the outcomes, including the number and type of jobs  
 114 created and health initiatives associated with the program.

115 (4) A for-profit entity or a not-for-profit entity,  
 116 including, but not limited to, a sole proprietorship,  
 117 partnership, limited liability company, corporation,  
 118 cooperative, nonprofit organization, nonprofit community  
 119 development entity, university, or governmental entity, may  
 120 apply for financing. An applicant for financing must:

121 (a) Demonstrate the capacity to successfully implement the  
 122 project and the likelihood that the project will be economically  
 123 self-sustaining;

124 (b) Demonstrate the ability to repay the loan; and

125 (c) Agree, as an independent grocery store or supermarket,  
 126 for at least 5 years, to:

127 1. Accept Supplemental Nutrition Assistance Program  
 128 benefits;

129 2. Apply to accept Special Supplemental Nutrition Program  
 130 for Women, Infants, and Children benefits and accept such

131 benefits if approved;

132 3. Allocate at least 30 percent of food retail space for  
 133 the sale of perishable foods, which may include fresh or frozen  
 134 dairy products, fresh produce, and fresh meats, poultry, and  
 135 fish;

136 4. Comply with all data collection and reporting  
 137 requirements established by the department; and

138 5. Promote the hiring of local residents.

139  
 140 Projects, including, but not limited to, corner stores, bodegas,  
 141 or other types of nontraditional grocery stores that do not meet  
 142 the 30-percent minimum in subparagraph 3. can still qualify for  
 143 funding if such funding will be used for refrigeration,  
 144 displays, or other one-time capital expenditures to promote the  
 145 sale of fresh produce and other healthy food.

146 (5) In determining which qualified projects to finance,  
 147 the department or third-party administrator shall:

148 (a) Give preference to local Florida-based grocers or  
 149 local business owners with experience in grocery stores and to  
 150 grocers and business owners with a business plan model that  
 151 includes written documentation of opportunities to purchase from  
 152 Florida farmers and growers before seeking out-of-state  
 153 purchases.

154 (b) Consider the level of need in the area to be served;

155 (c) Consider the degree to which the project will have a  
 156 positive economic impact on the underserved community, including



157 | the creation or retention of jobs for local residents; and  
 158 |       (d) Consider other criteria as may be determined by the  
 159 | department.  
 160 |       (6) Financing for projects may be used for the following  
 161 | purposes:  
 162 |       (a) Site acquisition and preparation.  
 163 |       (b) Construction and build-out costs.  
 164 |       (c) Equipment and furnishings.  
 165 |       (d) Workforce training or security.  
 166 |       (e) Predevelopment costs, such as market studies and  
 167 | appraisals.  
 168 |       (f) Energy-efficiency measures.  
 169 |       (g) Working capital for first-time inventory and startup  
 170 | costs.  
 171 |       (h) Other purposes as may be determined by the department  
 172 | or third-party administrator.  
 173 |       (7) The department shall adopt rules to administer this  
 174 | section.  
 175 |       Section 2. The creation of the Healthy Food Financing  
 176 | Initiative program and implementation of this act are contingent  
 177 | upon appropriation by the Legislature.  
 178 |       Section 3. This act shall take effect July 1, 2016.



Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural  
2 Resources Subcommittee  
3 Representative Santiago offered the following:

4

5

**Amendment**

6

Remove line 37 and insert:

7

latest Nielsen TDLinx Supermarket/Supercenter database.



Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural  
 2 Resources Subcommittee  
 3 Representative Santiago offered the following:

**Amendment**



Remove lines 82-83 and insert:

7 Eligible community development financial institutions and  
 8 nonprofit organizations must be able to demonstrate:



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 501 Conservation Easements  
**SPONSOR(S):** McGhee  
**TIED BILLS:** IDEN./SIM. **BILLS:** CS/SB 190

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Moore, R. 	Harrington 
2) Finance & Tax Committee			
3) State Affairs Committee			

### SUMMARY ANALYSIS

Conservation easements are perpetual, undivided interests in property that are created or stated in a restriction, easement, covenant, or condition in any deed, will, or other instrument executed by or on behalf of the property owner, or in any order of taking. They must be recorded and indexed in the same manner as any other instrument affecting the title to real property. Recording of the conservation easement gives notice to the property appraiser and tax collector of the conservation easement. Land that is dedicated in perpetuity for conservation purposes and that is used exclusively for conservation purposes is exempt from ad valorem taxation.

Once an original application for tax exemption has been granted for real property dedicated in perpetuity for conservation purposes, the property appraiser must mail a renewal application to the property owner, on or before February 1, in each succeeding year. The property owner must certify on the form that the use of the property complies with the restrictions and requirements of the conservation easement. The exemption will not be renewed unless the application is returned to the property appraiser.

The bill provides that once an original application for an ad valorem tax exemption for property subject to a perpetual conservation easement has been granted, the property owner is not required to file a renewal application until the use of the property no longer complies with the restrictions and requirements of the conservation easement.

The bill may have a positive fiscal impact on local governments and the private sector.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Conservation Easements

A conservation easement is a right or interest in real property which is appropriate for:

- Retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition;
- Retaining such areas as suitable habitat for fish, plants, or wildlife;
- Retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or
- Maintaining existing land uses.<sup>1</sup>

A conservation easement must prohibit or limit any or all of the following:

- Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
- Removal or destruction of trees, shrubs, or other vegetation;
- Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
- Acts or uses detrimental to such retention of land or water areas; or
- Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.<sup>2</sup>

Conservation easements are acquired in the same manner as other property interests, with the exception of condemnation or eminent domain proceedings.<sup>3</sup> Condemnation or eminent domain proceedings involving lands with a conservation easement are allowed if it is for the construction or operation of linear facilities (e.g., electric, telecommunication, or pipeline transmission lines and distribution facilities, public transportation corridors).<sup>4</sup> Conservation easements may be acquired by any governmental body or agency or by a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving sites or properties of historical, architectural, archaeological, or cultural significance.<sup>5</sup>

Conservation easements are perpetual, undivided interests in property that are created or stated in a restriction, easement, covenant, or condition in any deed, will, or other instrument executed by or on behalf of the property owner, or in any order of taking.<sup>6</sup> They must be recorded and indexed in the

---

<sup>1</sup> Section 704.06(1), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 704.06(2), F.S.

<sup>4</sup> Section 704.06(11), F.S.

<sup>5</sup> Section 704.06(3), F.S.

<sup>6</sup> Section 704.06(2), F.S.

same manner as any other instrument affecting the title to real property.<sup>7</sup> Recording of the conservation easement gives notice to the property appraiser and tax collector of the conservation easement.<sup>8</sup>

### Ad Valorem Tax Exemption for Real Property Dedicated in Perpetuity for Conservation Purposes

Land that is dedicated in perpetuity<sup>9</sup> for conservation purposes<sup>10</sup> and that is used exclusively for conservation purposes is exempt from ad valorem taxation.<sup>11</sup> Additionally, land that is dedicated in perpetuity for conservation purposes and that is used for allowed commercial uses<sup>12</sup> is exempt from ad valorem taxation up to 50 percent of the assessed value of the land.<sup>13</sup> If the allowed commercial use includes agriculture, the use must comply with the most recent best management practices adopted by the Department of Agriculture and Consumer Services.<sup>14</sup>

If the land is less than 40 contiguous acres, the exemption will not apply unless the Acquisition and Restoration Council (ARC)<sup>15</sup> determines the use of the land for conservation purposes fulfills a clearly delineated state conservation policy and yields a significant public benefit.<sup>16</sup> The ARC, in making its public benefit determination, must give particular consideration to land that:

- Contains a natural sinkhole or natural spring that serves a water recharge or production function;
- Contains a unique geological feature;
- Provides habitat for endangered or threatened species;
- Provides nursery habitat for marine and estuarine species;
- Provides protection or restoration of vulnerable coastal areas;
- Preserves natural shoreline habitat; or
- Provides retention of natural open space in otherwise densely built-up areas.<sup>17</sup>

The ARC maintains a list of nonprofit entities that are qualified to enforce the provisions of the conservation easement.<sup>18</sup>

Conservation easements must include baseline documentation regarding the natural values to be protected on the land and may include a management plan that details the management of the land to effectuate the conservation of natural resources on the land, unless the land needs approval from the ARC.<sup>19</sup> Lands approved by the ARC must have a management plan and a designated manager for implementing the management plan.<sup>20</sup>

---

<sup>7</sup> Section 704.06(5), F.S.

<sup>8</sup> Section 704.06(7), F.S.

<sup>9</sup> “Dedicated in perpetuity” is defined in s. 196.26(1)(d), F.S., to mean the land is encumbered by an irrevocable, perpetual conservation easement.

<sup>10</sup> “Conservation purposes” is defined in s. 196.26(1)(c), F.S., as:

1. Serving a conservation purpose, as defined in 26 U.S.C. s. 170(h)(4)(A)(i)-(iii), for land which serves as the basis of a qualified conservation contribution under 26 U.S.C. s. 170(h); or

2.a. Retention of the substantial natural value of land, including woodlands, wetlands, watercourses, ponds, streams, and natural open spaces;

b. Retention of such lands as suitable habitat for fish, plants, or wildlife; or

c. Retention of such lands’ natural value for water quality enhancement or water recharge.

<sup>11</sup> Section 196.26(2), F.S.

<sup>12</sup> “Allowed commercial uses” is defined in s. 196.26(1)(a), F.S., as commercial uses that are allowed by the conservation easement encumbering the land.

<sup>13</sup> Section 196.26(3), F.S.

<sup>14</sup> Section 196.26(7), F.S.

<sup>15</sup> The ARC is created in s. 259.035, F.S.

<sup>16</sup> Section 196.26(4), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 196.26(9), F.S.

<sup>19</sup> Section 196.26(5), F.S.

<sup>20</sup> Section 196.26(4), F.S.

Buildings, structures, and other improvements on land receiving the exemption and the land area immediately surrounding the buildings, structures, and improvements must be assessed separately under ch. 193, F.S.<sup>21</sup> Structures and other improvements that are auxiliary to the use of the land for conservation purposes are exempt to the same extent as the underlying land.<sup>22</sup>

#### Ad Valorem Tax Exemption Application and Annual Renewal Application

Once an original application for tax exemption has been granted for real property dedicated in perpetuity for conservation purposes,<sup>23</sup> the property appraiser must mail a renewal application<sup>24</sup> to the property owner, on or before February 1, in each succeeding year.<sup>25</sup> The property owner must certify on the form that the use of the property complies with the restrictions and requirements of the conservation easement.<sup>26</sup> The exemption will not be renewed unless the application is returned to the property appraiser.<sup>27</sup>

The property appraiser must accept the renewal application as evidence of exemption unless the application is denied.<sup>28</sup> Upon denial, the property appraiser must serve by first-class mail, on or before July 1, a notice to the applicant setting forth the grounds for denial.<sup>29</sup> An applicant objecting to the denial may file a petition as provided for in s. 194.011(3), F.S.<sup>30</sup>

#### Notice to Property Appraiser of Ineligibility of Ad Valorem Tax Exemption

The owner of any property granted an exemption for real property dedicated in perpetuity for conservation purposes must promptly notify the property appraiser whenever the use of the property no longer complies with the restrictions and requirements of the conservation easement.<sup>31</sup> If the property owner fails to notify the property appraiser and the property appraiser determines that for any year within the preceding 10 years the owner was not entitled to receive the exemption, the property owner is subject to taxes exempted as a result of the failure plus 18 percent interest per annum and a penalty of 100 percent of the taxes exempted.<sup>32</sup>

#### **Effect of Proposed Changes**

The bill amends s. 196.011(6)(b), F.S., to remove the annual tax exemption renewal application requirement for real property dedicated in perpetuity for conservation purposes. Instead, the bill requires a property owner to file a renewal application only once the property no longer complies with the restrictions and requirements of the conservation easement.

#### **B. SECTION DIRECTORY:**

Section 1. Amends s. 196.011(6)(b), F.S., regarding annual renewal application requirements for real property dedicated in perpetuity for conservation purposes.

---

<sup>21</sup> Section 196.26(6), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Real Property Dedicated in Perpetuity for Conservation Exemption Application, available at <http://dor.myflorida.com/dor/property/forms/current/dr418c.pdf>.

<sup>24</sup> Real Property Dedicated in Perpetuity for Conservation Exemption Renewal Application, available at <http://dor.myflorida.com/dor/property/forms/current/dr418cr.pdf>.

<sup>25</sup> Section 196.011(6)(b), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Section 196.011(6)(a), F.S.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Section 196.011(9)(b), F.S.

<sup>32</sup> *Id.*



Section 2. Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

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

The bill may have a positive fiscal impact on the private sector because it deletes the annual renewal application to maintain the ad valorem tax exemption and resulting consequences involved if the property owner fails to return the renewal application.

### D. FISCAL COMMENTS:

The bill may have a positive fiscal impact on local governments because property appraisers will no longer be required to mail renewal applications to applicants and will also no longer have to process the return of these yearly renewal applications.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Department of Revenue (DOR)

DOR suggests that the bill may cause confusion because a property owner would be required to submit a renewal application when the use of the property no longer complies with the restrictions and requirements of the conservation easement. DOR suggests the property owner notify the property appraiser when the use of the property no longer complies with the restrictions and requirements of the conservation easement, rather than submit a renewal application.<sup>33</sup>

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

---

<sup>33</sup> DOR Legislative Bill Analysis for HB 501, on file with the Agriculture & Natural Resources Subcommittee.  
STORAGE NAME: h0501.ANRS.DOCX  
DATE: 11/20/2015

1 A bill to be entitled  
 2 An act relating to conservation easements; amending s.  
 3 196.011, F.S.; deleting a requirement that an  
 4 exemption for a conservation easement must be renewed  
 5 annually; providing that a property owner is not  
 6 required to file a renewal application until the use  
 7 of the property no longer complies with conservation  
 8 easement requirements or restrictions; providing an  
 9 effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13 Section 1. Paragraph (b) of subsection (6) of section  
 14 196.011, Florida Statutes, is amended to read:

15 196.011 Annual application required for exemption.-

16 (6)

17 (b) Once an original application for tax exemption has  
 18 been granted under s. 196.26, the property owner is not required  
 19 to file a renewal application until in each succeeding year on  
 20 or before February 1, the property appraiser shall mail a  
 21 renewal application to the applicant on a form prescribed by the  
 22 Department of Revenue. The applicant must certify on the form  
 23 that the use of the property no longer complies with the  
 24 restrictions and requirements of the conservation easement. The  
 25 form shall include a statement that the exemption granted under  
 26 s. 196.26 will not be renewed unless the application is returned

HB 501

2016

27 ~~to the property appraiser.~~

28       Section 2. This act shall take effect July 1, 2016.





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4035 Pesticide Registration

**SPONSOR(S):** Combee

**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Gregory 	Harrington 
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

### SUMMARY ANALYSIS

Generally, each brand of pesticide distributed, sold, or offered for sale within the state must register with the Department of Agriculture and Consumer Services (DACS) biennially and pay a registration fee. In 2009, the Legislature created a supplemental biennial registration fee (supplemental fee) for each registered brand of pesticide that contains an active ingredient for which the United States Environmental Protection Agency (EPA) has established a food tolerance limit in 40 C.F.R. part 180 to defray the expense of testing pesticides for food safety. DACS uses the supplemental fee to support the Chemical Residue Laboratory which performs chemical analyses of poisonous or deleterious chemical residues remaining in or on human food produced or marketed in Florida.

The bill eliminates the supplemental fee for each registered brand of pesticide that contains an active ingredient for which the EPA has established a food tolerance limit in 40 C.F.R. part 180.

The bill may have a significant negative fiscal impact on DACS by removing the supplemental fee that funds the Chemical Residue Laboratory. The bill will have a positive fiscal impact on individuals who distribute, sell, or offer to sell pesticides by eliminating the supplemental fee.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Pesticide Registration

Effective January 1, 2009, each brand of pesticide<sup>1</sup> distributed, sold, or offered for sale, except as otherwise provided, within the state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state, must register with the Department of Agriculture and Consumer Services (DACS) and pay a biennial registration fee.<sup>2</sup> DACS assess each pesticide registration beginning in an odd-numbered year a fee of \$700 per brand of pesticide and a fee of \$200 for each special local need label and experimental use permit.<sup>3</sup> The registration expires on December 31 of the following year.<sup>4</sup> DACS assesses each pesticide registration beginning in an even-numbered year a fee of \$350 per brand of pesticide and fee of \$100 for each special local need label and experimental use permit.<sup>5</sup> That registration expires on December 31 of that year.<sup>6</sup>

##### Supplemental Registration Fee

In 2009, the Legislature amended s. 487.041, F.S., to defray the expense of testing pesticides for food safety by creating a supplemental biennial registration fee (supplemental fee) for each registered brand of pesticide that contains an active ingredient for which the United States Environmental Protection Agency (EPA) has established a food tolerance limit in 40 C.F.R. part 180.<sup>7</sup> DACS must biennially publish by rule a list of the pesticide active ingredients for which a brand of pesticide is subject to the supplemental fee.<sup>8</sup> DACS assesses each registration beginning in an odd-numbered year a supplemental registration fee of \$630 per brand of pesticide that is subject to the supplemental fee.<sup>9</sup> DACS assesses each registration beginning in an even-numbered year a supplemental registration fee of \$315 per brand of pesticide that is subject to the supplemental fee.<sup>10</sup>

The revenue from these two fees, less those costs determined by DACS to be nonrecurring or one-time costs, must be deferred over the 2-year registration period, deposited in the General Inspection Trust Fund, and used by DACS to carry out the provisions of the Florida Pesticide Law.<sup>11</sup> Revenues collected from the supplemental fee may also be used by DACS to test pesticides for food safety.<sup>12</sup>

---

<sup>1</sup> Section 487.021(49), F.S., defines the term “pesticide” to mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the department by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. The term does not include any article that is a “new animal drug” within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act, has been determined by the Secretary of the US Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act.

<sup>2</sup> Section 487.041(1), F.S.

<sup>3</sup> Section 487.041(1)(c), F.S.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Section 32, ch. 2009-66, Laws of Fla.

<sup>8</sup> Section 487.041(1)(d)1., F.S.

<sup>9</sup> Section 487.041(1)(d)2., F.S.

<sup>10</sup> Id.

<sup>11</sup> Section 487.041(1)(e), F.S.

<sup>12</sup> Id.

## Chemical Residue Laboratory

The Chemical Residue Laboratory performs chemical analyses of poisonous or deleterious chemical residues remaining in or on human food produced or marketed in Florida.<sup>13</sup> The Bureau of Chemical Residue Laboratories uses the laboratory for the regulatory enforcement of federal pesticide and antibiotic residue tolerances and guidelines adopted by the state for raw agricultural produce.<sup>14</sup> DACS operates the Chemical Residue Laboratory in Tallahassee.<sup>15</sup> This is the only state laboratory in Florida dedicated to chemical residue analysis in foods.<sup>16</sup>

Prior to the creation of the supplemental fee in 2009, DACS received General Revenue to support the Chemical Residue Laboratory.<sup>17</sup> Currently, DACS uses revenues received from the supplemental fee to fund the Chemical Residue Laboratory.<sup>18</sup>

### **Effect of the Proposed Changes**

The bill eliminates the supplemental fee for each registered brand of pesticide that contains an active ingredient for which the EPA has established a food tolerance limit in 40 C.F.R. part 180 by repealing paragraph 487.041(1)(d), F.S., and removing references to the supplemental fee throughout the section.

According to DACS, if the supplemental fee is removed and not replaced with another funding source, the Chemical Residue Laboratory will be forced to discontinue operations.<sup>19</sup>

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 487.041, F.S., relating to pesticide registration.

**Section 2.** Provides an effective date of July 1, 2016.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

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

##### **1. Revenues:**

The bill may have a significant negative fiscal impact on DACS by removing the supplemental fee that funds the Chemical Residue Laboratory.<sup>20</sup> According to DACS, it will lose approximately \$1,842,876 in revenue.<sup>21</sup>

##### **2. Expenditures:**

None.

---

<sup>13</sup> DACS, *Bureau of Chemical Residue Laboratory*, <http://www.freshfromflorida.com/Divisions-Offices/Food-Safety/Bureaus-and-Sections/Bureau-of-Chemical-Residue-Laboratory> (last visited November 17, 2015).

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> DACS, *Agency Analysis of 2016 House Bill 4035*, p. 1 (November 16, 2015).

<sup>17</sup> Full Appropriations Council on General Government and Health Care, 2009 House of Representatives Staff Analysis for House Bill 5125, p. 2 (April 7, 2009).

<sup>18</sup> DACS, *Agency Analysis of 2016 House Bill 4035*, p. 1 (November 16, 2015).

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> Id. at 2.



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

1. Revenues:

None.

2. Expenditures:

None.

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

The bill will have a positive fiscal impact on individuals who distribute, sell, or offer to sell pesticides by eliminating the supplemental fee for each registered brand of pesticide that contains an active ingredient for which the EPA has established a food tolerance limit in 40 C.F.R. part 180.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

1                                   A bill to be entitled  
 2           An act relating to pesticide registration; amending s.  
 3           487.041, F.S.; deleting provisions relating to  
 4           supplemental registration fees for certain pesticides  
 5           that contain active ingredients for which the United  
 6           States Environmental Protection Agency has established  
 7           food tolerance limits; providing an effective date.

8  
 9   Be It Enacted by the Legislature of the State of Florida:

10  
 11           Section 1. Section 487.041, Florida Statutes, is amended  
 12           to read:

13           487.041 Registration.—

14           (1)(a) Effective January 1, 2009, each brand of pesticide,  
 15           as defined in s. 487.021, which is distributed, sold, or offered  
 16           for sale, except as provided in this section, within this state  
 17           or delivered for transportation or transported in intrastate  
 18           commerce or between points within this state through any point  
 19           outside this state must be registered in the office of the  
 20           department, and such registration shall be renewed biennially.  
 21           Emergency exemptions from registration may be authorized in  
 22           accordance with the rules of the department. The registrant  
 23           shall file with the department a statement including:

24           1. The name, business mailing address, and street address  
 25           of the registrant.

26           2. The name of the brand of pesticide.

27           3. An ingredient statement and a complete current copy of  
28 the labeling accompanying the brand of pesticide, which must  
29 conform to the registration, and a statement of all claims to be  
30 made for it, including directions for use and a guaranteed  
31 analysis showing the names and percentages by weight of each  
32 active ingredient, the total percentage of inert ingredients,  
33 and the names and percentages by weight of each "added  
34 ingredient."

35           (b) Effective January 1, 2009, for the purpose of  
36 defraying expenses of the department in connection with carrying  
37 out the provisions of this part, each registrant shall pay a  
38 biennial registration fee for each registered brand of  
39 pesticide. The registration of each brand of pesticide shall  
40 cover a designated 2-year period beginning on January 1 of each  
41 odd-numbered year and expiring on December 31 of the following  
42 year.

43           (c) Each registration issued by the department to a  
44 registrant for a period beginning in an odd-numbered year shall  
45 be assessed a fee of \$700 per brand of pesticide and a fee of  
46 \$200 for each special local need label and experimental use  
47 permit, and the registration shall expire on December 31 of the  
48 following year. Each registration issued by the department to a  
49 registrant for a period beginning in an even-numbered year shall  
50 be assessed a fee of \$350 per brand of pesticide and fee of \$100  
51 for each special local need label and experimental use permit,  
52 and the registration shall expire on December 31 of that year.

53           ~~(d)1. Effective January 1, 2009, in addition to the fees~~  
 54 ~~assessed pursuant to paragraphs (b) and (c), for the purpose of~~  
 55 ~~defraying the expenses of the department for testing pesticides~~  
 56 ~~for food safety, each registrant shall pay a supplemental~~  
 57 ~~biennial registration fee for each registered brand of pesticide~~  
 58 ~~that contains an active ingredient for which the United States~~  
 59 ~~Environmental Protection Agency has established a food tolerance~~  
 60 ~~limit in 40 C.F.R. part 180. The department shall biennially~~  
 61 ~~publish by rule a list of the pesticide active ingredients for~~  
 62 ~~which a brand of pesticide is subject to the supplemental~~  
 63 ~~registration fee.~~

64           ~~2. Each registration issued by the department to a~~  
 65 ~~registrant for a period beginning in an odd-numbered year shall~~  
 66 ~~be assessed a supplemental registration fee of \$630 per brand of~~  
 67 ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~  
 68 ~~Each registration issued by the department to a registrant for a~~  
 69 ~~period beginning in an even-numbered year shall be assessed a~~  
 70 ~~supplemental registration fee of \$315 per brand of pesticide~~  
 71 ~~that is subject to the fee pursuant to subparagraph 1. The~~  
 72 ~~department shall retroactively assess the supplemental~~  
 73 ~~registration fee for each brand of pesticide that registered on~~  
 74 ~~or after January 1, 2009, and that is subject to the fee~~  
 75 ~~pursuant to subparagraph 1.~~

76           (d)(e) All revenues collected, less those costs determined  
 77 by the department to be nonrecurring or one-time costs, shall be  
 78 deferred over the 2-year registration period, deposited in the

79 General Inspection Trust Fund, and used by the department in  
 80 carrying out the provisions of this chapter. ~~Revenues collected~~  
 81 ~~from the supplemental registration fee may also be used by the~~  
 82 ~~department for testing pesticides for food safety.~~

83 (e) ~~(f)~~ If the renewal of a brand of pesticide, including  
 84 the special local need label and experimental use permit, is not  
 85 filed by January 31 of the renewal year, an additional fee of  
 86 \$25 per brand of pesticide shall be assessed per month and added  
 87 to the original fee. This additional fee may not exceed \$250 per  
 88 brand of pesticide. The additional fee must be paid by the  
 89 registrant before the renewal certificate for the registration  
 90 of the brand of pesticide is issued. The additional fee shall be  
 91 deposited into the General Inspection Trust Fund.

92 (f) ~~(g)~~ This subsection does not apply to distributors or  
 93 retail dealers selling brands of pesticide if such brands of  
 94 pesticide are registered by another person.

95 (g) ~~(h)~~ All registration fees, including ~~supplemental fees~~  
 96 ~~and~~ late fees, are nonrefundable.

97 (h) ~~(i)~~ For any currently registered pesticide product  
 98 brand that undergoes labeling revisions during the registration  
 99 period, the registrant shall submit to the department a copy of  
 100 the revised labeling along with a cover letter detailing such  
 101 revisions before the sale or distribution in this state of the  
 102 product brand with the revised labeling. If the labeling  
 103 revisions require notification of an amendment review by the  
 104 United States Environmental Protection Agency, the registrant

105 shall submit an additional copy of the labeling marked to  
 106 identify those revisions.

107 (i)~~(j)~~ Effective January 1, 2013, all payments of any  
 108 pesticide registration fees, including ~~supplemental fees and~~  
 109 late fees, shall be submitted electronically using the  
 110 department's Internet website for registration of pesticide  
 111 product brands.

112 (2) The department shall adopt rules governing the  
 113 procedures for the registration of a brand of pesticide and, for  
 114 the review of data submitted by an applicant for registration of  
 115 the brand of pesticide, ~~and for biennially publishing the list~~  
 116 ~~of active ingredients for which a brand of pesticide is subject~~  
 117 ~~to the supplemental registration fee pursuant to subparagraph~~  
 118 ~~(1)(d)1~~. The department shall determine whether the brand of  
 119 pesticide should be registered, registered with conditions, or  
 120 tested under field conditions in this state. The department  
 121 shall determine whether each request for registration of a brand  
 122 of pesticide meets the requirements of current state and federal  
 123 law. The department, whenever it deems it necessary in the  
 124 administration of this part, may require the manufacturer or  
 125 registrant to submit the complete formula, quantities shipped  
 126 into or manufactured in the state for distribution and sale,  
 127 evidence of the efficacy and the safety of any pesticide, and  
 128 other relevant data. The department may review and evaluate a  
 129 registered pesticide if new information is made available that  
 130 indicates that use of the pesticide has caused an unreasonable

131 | adverse effect on public health or the environment. Such review  
132 | shall be conducted upon the request of the State Surgeon General  
133 | in the event of an unreasonable adverse effect on public health  
134 | or the Secretary of Environmental Protection in the event of an  
135 | unreasonable adverse effect on the environment. Such review may  
136 | result in modifications, revocation, cancellation, or suspension  
137 | of the registration of a brand of pesticide. The department, for  
138 | reasons of adulteration, misbranding, or other good cause, may  
139 | refuse or revoke the registration of the brand of any pesticide  
140 | after notice to the applicant or registrant giving the reason  
141 | for the decision. The applicant may then request a hearing,  
142 | pursuant to chapter 120, on the intention of the department to  
143 | refuse or revoke registration, and, upon his or her failure to  
144 | do so, the refusal or revocation shall become final without  
145 | further procedure. The registration of a brand of pesticide may  
146 | not be construed as a defense for the commission of any offense  
147 | prohibited under this part.

148 |       Section 2. This act shall take effect July 1, 2016.

**Future Farmers  
of America**





FLORIDA FFA ASSOCIATION

The Next Generation of Agriculturalists

# 70%

By 2050, agricultural production will need to increase by 70% in order to feed 9 billion people. With less land, water, and resources.

The future of agriculture is much more than farming. It's about the **next generation of agriculturalists** and a **new age of discovery.**





We are addressing a very key issue: the growing need for young, talented people in a variety of fields to consider a career in agriculture.



FFA is only part of a comprehensive strategy to build a heroic workforce and reconnect people with agriculture.

# 1928

33 farm boys started the organization in 1928, and now over 610,000 members are developing their potential for premier leadership, personal growth, and career success through agricultural education and FFA.

FFA is the most recognized component of agricultural education, but Supervised Agricultural Experiences and the classroom create a complete experience for our students.





Students can choose from eight different career pathways, preparing them for the workforce and college.





Supervised Agricultural Experiences allow students to gain real-world experience and apply their skills and knowledge from FFA and the classroom.



Agricultural education proudly provides students with one of the most complete educational experiences available.

We've got some work to do before 2050, but we're up for the challenge. Our growing pains are a positive sign:

- Record membership
- Record participation



As we continue to grow and close the gap, we face some challenges we hope to overcome:

- FFA has reached its capacity in regards to the services and opportunities we provide our members
  - Recruiting and retaining qualified and certified teachers
  - Classroom size and funding
- 



Together, we'll face these issues in an effort to tackle a global challenge.



### **THE 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.

### **THE AGRICULTURAL EDUCATION MISSION**

Agricultural education prepares students for successful careers and a lifetime of informed choices in the global agriculture, food, fiber and natural resource systems.

The Florida FFA Association is a resource and support organization that does not select, control, supervise or approve local chapter or individual member activities except as expressly provided for in the Florida FFA Constitution and Bylaws.

The Florida FFA Association affirms its belief in the value of all human beings and seeks diversity in its membership, leadership and staff as an equal opportunity employer.