



July 16, 2010

The 2010 legislative session was a good one for the agricultural industry. At its conclusion, three important industry bills had passed: HB 981 (Greenbelt), HB 7103 (General Ag) and HB 1271 (Department of Transportation). Equally importantly, legislation that would have been bad for ag had either been modified or died. Financially, both the University of Florida's Institute of Food and Agricultural Sciences (IFAS) and the Department of Agriculture and Consumer Services (DACS) fared relatively well in a season of severe budget cuts.

Weeks later, however, Gov. Charlie Crist, cut short our victory cry by vetoing both the Greenbelt and the General Ag bills, along with a \$1 million line-item veto for citrus research. Fortunately, the Florida Department of Transportation (FDOT) package, which included a very important provision regarding truck weights, survived the Governor's overactive veto pen.

HB 1271 (SIGNED INTO LAW)

HB 1271 instructs FDOT to begin issuing ten percent weight tolerance permits, authorizing the transport of divisible loads up to 88,000 pounds, on designated non-interstate highways. Effective July 1, 2010, blanket permits can be purchased for \$240 per truck per year or 27 cents a mile for single trip permits.

The FDOT permits will be issued for designated state highway routes only. However, in the absence of a county weight permit program, a valid state road permit will be recognized for transport on non-posted county roads and bridges.

Please note that the maximum truck weight in Florida remains 80,000 pounds. The new 10 percent weight permits are an optional weight tolerance and are valid only on designated state roads and non-posted county roads and bridges, not on the interstate highway system. Any permitted truck in excess of the 10 percent tolerance may be ticketed and required to off-load back to the permitted weight.

This new law is similar to one in Alabama and Georgia. The newly created permitting process will help Florida remain competitive with its neighbors.

Details are available at www.fdotmaint.com/permit.

HB 7103 (VETOED)

This legislation covered several issues important to the agricultural industry:

- ◆ Duplication of Regulation by Local Governments / Stormwater Utility Fee: Prohibits local governments from enforcing duplicate regulations on ag lands. Also prohibits counties from imposing tax assessment or fees for storm water management on ag lands with a discharge permit or where BMPs are implemented.
- ◆ Nonresidential Farm Buildings/ Fences: Exempts nonresidential farm buildings and fences from any type of permits or fees.

- ◆ Agriculture Use Notice and Waiver: Requires anyone applying for a land use permit, building permit or occupancy permit for non-agricultural land adjacent to agricultural land to sign a waiver indicating they understand that the agricultural land is an ongoing operation which produces odors, noise, dust and other effects.
- ◆ Local Business Tax Exemption for Ag: Exempts farmers and ranchers from a local business tax (formerly known as an occupational license). Presently, in some counties persons are exempt but not companies or corporations.
- ◆ Ag Plastics: Allows the burning of all plastics, including rubber tubing, used on farms.
- ◆ Farm Tractors / Vehicles: Exempts operators of motor vehicles used primarily on a farm (implements, all-terrain vehicles, utility vehicles, golf carts, etc) and operated on state roads only incidentally from needing a license to operate said vehicles.
- ◆ Best Management Practices: Allows the Department of Agriculture and Consumer Services to adopt rules establishing comprehensive best management practices for agricultural production and food safety.

This bill was vetoed by Gov. Crist despite overwhelming legislative support as well as an active campaign by the industry. His veto letter read in part: *“I have concerns about the restrictions placed on local governments that are contained in this bill. There is not an adequate justification for the state to interject its authority over local decision making. While state regulation is sometimes necessary to provide certainty, uniformity, and stability on certain policy issues, it should be applied sparingly. This bill attempts to apply a remedy without sufficiently identifying a problem.”*

To the contrary, these provisions would resolve and bring clarity to situations that are presently confusing and the cause of conflict in our state.

HB 981 (VETOED)

HB 981 clarified that the mere act of offering agricultural land for sale does not constitute a primary use of the land nor serve as the basis for denying an agricultural classification so long as the land remains in bona fide agricultural use while being offered for sale.

Again, despite overwhelming legislative support for the bill as well as an active campaign by the agricultural industry, Gov. Crist vetoed the bill. In his veto letter, he contended: *“I have concerns about making it easier for developers to take advantage of a program intended to protect Florida farmers from facing financial pressures to sell their land. Rather than benefiting farmers as greenbelt provisions are intended, this bill could subsidize private real estate speculation at the expense of the taxpayer.”*

We strongly disagree. In fact, under the legislation, farmers must continue to *prove* that the land at issue continues to be used primarily for bona fide agricultural purposes in order to secure greenbelt classification. A fair and clear greenbelt statute is critical to agriculture's viability in Florida. We have a special tax classification for agriculture in our tax law because we recognize that it provides many unreimbursed free public benefits – including clean air, clean water, wildlife habitat, open space and recreation – while consuming few government services.

HB 357 (SIGNED INTO LAW)

The Migrant and Seasonal Agricultural Worker Protection Act requires farm labor contractors to obtain a federal certificate of registration from the U.S. Department of Labor. In addition, Florida law requires them to obtain a state certificate of registration from the Florida Department of Business and Professional Regulation (DPBR).

Under HB 357, as of July 1, 2010, DPBR will renew a contractor's state certificate even if the federal certificate expires, if the contractor files a timely federal renewal application. However, DPBR shall suspend, revoke or refuse to issue or renew a state certificate if the federal certificate is similarly denied.

Energy Issues

While it was another interesting session for energy issues, it appears politics and a lack of political will trumped any opportunity for a meaningful renewable energy bill this session. Farm Bureau worked with a broad coalition to make sure the whole spectrum of agriculture was represented in the discussions. We partnered with the Florida Biomass Coalition in an attempt to advance changes to avoided costs that would not only have helped existing users of bio-based electricity, but also would also have advanced us a step closer to a sustainable price for all renewable energy producers. We also had a great partner with the Florida Alliance for Renewable Energy (FARE) in working to make sure the small farmer and small renewable energy producer were represented.

Ultimately, the only bill that passed was the PACE bill (HB 7179) which did not include any meaningful renewable energy language for agricultural producers.

The only other bill to pass a chamber was HB 7229, which had some good things and some very bad things. HB 7229 would have repealed language in statute regarding the adoption of a Renewable Portfolio Standard (RPS) and the adoption and implementation of a Cap and Trade system for greenhouse gasses by the Florida Department of Environmental Protection.

HB 7229 also would have allowed the Investor Owned Utilities (IOUs) to recover costs up to \$380 million from customers for renewable energy projects. Farm Bureau was successful in getting an amendment adopted to the bill that would have incentivized the purchase of electricity and renewable energy attributes from systems under two megawatts, such as anaerobic digesters.

However, Farm Bureau was forced to oppose the bill due to language that was inserted at the last minute that would have restricted the use of biomass. Thanks to the amazing response from Farm Bureau members utilizing Farm Bureau's FBACT system to contact their legislators, we were successful in preventing language becoming law that would have restricted the use of biomass.

Veto Overrides?

The legislature has the power to override gubernatorial vetoes. The agricultural industry, as well as many other industries that were hurt by the governor's overactive veto pen, had been working to secure support for such an override.

Gov. Crist has called the legislature into special session next week (July 20) to consider a constitutional ban on offshore oil drilling. Procedurally, it would be possible to address the veto overrides then, but because of the nature of the call, House and Senate leadership have stated that they do not wish to do so at that time. However, they have assured Farm Bureau and other business associations with similar issues that they will address the need for overrides later.

Until that happens, please let this serve as a painful reminder of the need to have elected representatives who support agriculture – and who understand its importance to the soundness of Florida's economy – in *all* public offices. To that end, make sure you cast your vote in both the primary elections on August 24 and the general election on November 2.

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