



**April 24, 2009**

### **Countdown Begins**

The upcoming final week of the 2009 legislative session will probably be a major test of all the legislators' patience. This year the battle of the budget is not being waged so much between political parties as it is between the House and Senate. The House is holding fast to its philosophy of cutting spending while the Senate has opted to concentrate on creating new revenue streams.

At this printing, the budget conference committees have yet to meet. For the session to end on time, the budget must be on the legislators' desks by Tuesday, April 28.

Over the past two weeks, Farm Bureau has dealt with issues on several different fronts. We have objected to the huge increase in fees for the renewal of truck tags and registration fees within the Florida Department of Agriculture and Consumer Services proposed by the House, fought off attacks from the Association of Counties as they protest their "right" to duplicate regulations, confronted trial attorneys who are trying to block legislative attempts to cap hourly attorneys' fees in workers' compensation cases and tried to resolve differences of opinion as to how to best address the issue of Agricultural Acknowledgements in real estate transactions.

The week's highlight was clearly Thursday afternoon's hearing on the House Floor for the top two priority bills for agriculture: HB 1133 by Rep. Ralph Poppell, R-Indian River, and HB 1241 by Rep. Baxter Troutman, R-Winter Haven. The two bills were combined into one (HB 1241). If all goes according to plan, the bill will pass the House early next week and be sent to the Senate.

Components of the bill are summarized below:

- ◆ Duplication of Regulation by Local Governments / Stormwater Utility Fees: Prohibits local governments from enforcing duplicate regulations on agricultural lands. Also prohibits counties from imposing tax assessments or fees for storm water management on ag lands whose owners hold a valid discharge permit or implement BMPs.
- ◆ Nonresidential Farm Buildings / Fences: Exempts nonresidential farm buildings and fences from any type of permits or fees.
- ◆ Agriculture Acknowledgement: Requires anyone applying for a land use permit, building permit, or occupancy permit for non-agricultural land abutting or within 1000 feet of agricultural land to sign a notice 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 (occupational license). Persons are now exempt but not companies or corporations.
- ◆ Ag Plastics: Allows the burning of all plastics, including tubing, used on a farm.

- ◆ Farm Tractor / Vehicle: 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 a license requirement to operate said vehicles.
- ◆ Best Management Practices: Allows the Department of Agriculture to adopt rules to establish comprehensive best management practices for ag production and food safety.

## Next Week: The Showdowns

**Increase in Fees:** House v. Senate – The House wants to double registration fees for vehicles as well as significantly increase fees for registering seeds, pesticides and fertilizers. The Senate prefers a ten percent increase for the first and no increase for the latter.

**Notice of Agricultural Use:** Agriculture v. Realtors – As a way to combat growing complaints against ag operations by their neighbors, the ag industry wants to create an acknowledgement of ag use to be given to anyone buying land contiguous to an ag operation. The realtors are opposed.

**Duplication of Regulations:** Agriculture v. Counties – The ag community wants to make the prohibition against duplication of regulations to include the enforcement of such regulations. Counties oppose.

**Parental Authority:** Business v. Trial Attorneys – The trial bar wants to limit a parent’s ability to sign waivers of liability for activities in which their children participate to “inherent risks,” leaving businesses vulnerable to lawsuits for alleged negligence. The business community supports a parent’s right to sign waivers for all risks.

**Workers Compensation:** Business v. Trial Attorneys – The trial bar opposes an hourly cap on attorneys’ fees in workers’ compensation cases. The business community strongly supports. *HB 903 by Rep. Anitere Flores, R-Miami, has already passed the House. Farm Bureau supports the legislation as passed by Rep. Flores. SB 2072 by Sen. Garrett Richter is expected to be heard on the Senate Floor Monday morning (April 27). Please call your senator before 10 a.m. on Monday to express your support for the House version.*

## Bill Status Updates

**Truck Weight Tolerance** – HB 1451 by Rep. Lake Ray, SB 422 by Sen. Andy Gardiner: Includes language allowing a ten percent weight tolerance for all trucks transporting goods on non-federal highways (up to 88,000 lbs.) before an overweight fine can be issued.

HB 1451 is now in Transportation Economic Development Appropriations. SB 422 was approved by Community Affairs and now goes to Finance & Tax. Tolerance language has also been filed as an amendment to Sen. Carey Baker’s SB 582, which is on special order on the Senate Floor today.

**Energy/Renewable Portfolio Standard** – SB 1154 by Sen. Jim King. Establishes a clean energy renewable portfolio standard for electric utilities. Requires electric utilities to produce 20 percent of all energy from renewable sources by 2021. SB 1154 was approved by Ways and Means and placed on the Senate calendar. There is currently no House companion.

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