

## LEGISLATIVE WRAP-UP

Provided by Association Lobbyist Jim Spratt



The legislature adjourned the 2024 legislative session sine die on Friday, March 8<sup>th</sup> at 2:25 pm. By the numbers, 1,902 total bills were filed in the Senate and House (general bills, concurrent resolutions, resolutions, local bills, joint resolutions and

memorials) and 325 of those passed both chambers.

After more than a week of budget negotiations, the legislature passed HB 5001- General Appropriations Act for the state's FY 2024-25. Coming in at \$117.46 billion, the budget exceeds by more than \$1 billion the proposed budgets of the Senate and House when the budget conference began. Once Governor DeSantis receives the budget, he will have 15 days to take action. In Florida, the governor has the "power of the pen" and can line item veto any appropriation contained within the budget the Legislature passed.

The Legislature also passed a sales-tax packages **SB 7074/ HB 7073 (Sen. Blaise Ingoglia/ Rep. Stan McClain)** with roughly \$1.5 billion in savings. Highlights of the package includes sales tax holidays for back-to-school, disaster preparedness, "Freedom Month" (outdoor activities, musical events, etc.), and "Tool Time" (equipment for skilled workers).

### POLICY THAT PASSED:

**SB 7040/ HB 7053 (Sen. Gayle Harrell/ Rep. Thad Altman)**  
*Ratification of Department of Environmental Protection Stormwater Rules:* In 2021 the Legislature directed the Florida Department of Environmental Protection to update its statewide stormwater rules. In so doing, the cost of development will increase in Florida. While inferred in the stormwater rules, the legislation ratifying the rules clarifies grandfathering of existing Environmental Resource Permits as well as clarifying that agricultural producers who are enrolled in Best Management Practices program are not subject to duplicative inspections.

**SB 1084/ HB 1071 (Sen. Jay Collins/ Rep. Danny Alvarez)**  
*Florida Department of Agriculture and Consumer Services:* This legislation, the omnibus agency package, contains a myriad of provisions relating to the department's powers and duties. Specially, for forestry landowners, the bill codifies the department's rules and authority regarding the sale and harvesting of saw palmetto berries, including requiring permits and maintaining records. In addition, the bill updates and consolidates the sections on law dealing with criminal penalties on agricultural property. Lastly, the bill provides a commonsense update which mandates excused absences for students participating in 4-H or Future Farmers of America (FFA activities).

**SB 632/ HB 87 (Sen. Corey Simon/ Rep. Jason Shoaf)**  
*Taking of Bears:* Not the whole enchilada but the legislation exempts individuals from penalties for taking bears with lethal force for self-defense or property protection. The bill allows lethal force against bears without penalties if used to prevent imminent threat of death, serious bodily injury to a person or pet, or substantial property damage. The bill stipulates persons must not have intentionally or recklessly put themselves in danger and must report the incident to the commission within 24 hours. The legislation also requires bears taken under these circumstances be handled by the Fish and Wildlife Conservation Commission, prohibiting the individual from possessing, selling, or otherwise disposing of the bear or its parts.

**SB 1492/ HB 433 (Sen. Jay Trumbull/ Rep. Tiffany Esposito)**  
*Employment Regulation:* This legislation, which was one of the final two policy bills passed in 2024, establishes a statewide preemption over employment regulations and workplace heat exposure requirements, invalidating local government ordinances that exceed or conflict with state or federal labor laws.

This bill is a huge win for agriculture and all outside businesses. Miami-Dade County was poised to pass a significantly bad local ordinance, and it appears other local governments (Orange, Alachua, Hillsborough, Pinellas) had groups actively working to advocate for similar ordinances.

It is also important to understand this local effort is just another skirmish in the ongoing saga with organized labor, worker advocate groups, and activists against Florida's business and "Right to Work" employment laws in Florida.

**SB 1082/ HB 1051 (Sen. Jay Collins/ Rep. Kaylee Tuck)**  
*Housing for Legally Verified Agricultural Workers:* The legislation preempts local government from prohibiting the construction of housing for legally verified agricultural workers on lands classified as agriculture. In order to comply with SB 718 Employment Verification (passed by the 2023 legislature), employers with more than 25 employees are required to use the federal E-Verify program to verify employment eligibility. This law has forced more agricultural producers to rely on the H2A Guest worker program to address employment needs. One of the requirements to the H2A program is the producer must provide housing for the employees and, shockingly, some local jurisdictions have gone above and beyond to prohibit or deny this housing.

### POLICY THAT FAILED:

**SB 1560/ HB 1251 (Sen. Jay Collins/ Rep. Danny Alvarez)**  
*Tangible Personal Property:* This legislation started with a focus on exemption all Tangible Personal Property taxes on lands classified as agriculture. It was amended to apply an additional \$25,000 increase in the Tangible Personal Property Exemption for all Florida businesses. Unfortunately, this legislature could not come to an agreement on this legislation. It is important to note that there was much support for doing something; however, given this effort required a 2/3rds vote

of both chambers, there was not enough support in both chambers for either the underlying or the amended versions of the bill.

**SB 738/ HB 789 (Sen. Danny Burgess/ Rep. Toby Overdorf)**  
*Environmental Management:* This legislation proposed to correct a 2019 court decision which provided for expanded legal liabilities which were never intended to apply to permitted activities under the Water Quality Assurance Act. The legislation correctly limited liability to the standard of strict liability for individuals following a legally authorized discharge permit. It is also worth noting the legislation did not limit legal actions for damages to real or personal property resulting from and unauthorized pollution without the need to prove negligence.

This nuanced yet important tort reform made it through most of session before the Florida Justice Association and other pro-lawsuit groups finally overloaded the legislature and "poisoned the well" (emphasis added and pun intended).

In all likelihood this concept will return next session for another round of session bingo!

**SB 1772/ HB 1075 (Sen. Jay Collins/ Rep. Keith Truenow)**  
*Soil and Water Conservation Districts:* Florida's Soil and Water Conservation districts fall into a broad range of categories ranging from highly effective and useful to abjectly defunct. As filed, this legislation proposed to repeal all soil and water conservation districts in Florida and replace the districts with seven regional boards. The legislation also would have created a statewide advisory board to oversee and direct the activities of the seven regional boards.

Although this wholesale change to the soil and water districts did not survive session, there was much work done to improve the bill and chart a new path forward for the operation of and activities conducted by the districts. This legislation will certainly be back in 2025.

**SB 272/ HB 297 (Sen. Jennifer Bradley/ Rep. Lindsey Cross)**  
*Appointment of Courtroom Animal Advocates:* In the realm of "well-intended yet misguided," this legislation, like many animal rights bills, portrays a wholesome concern of a divorce or a death in a family and the "pet" being lost in the legal shuffle. There are many folks who believe the pet should have a court appointment advocate, a "Doggy Public Defender" if you will. Yet the details in legislation such as this always matter. This legislation was but another step in establishing rights and protections for animals to be in line with human rights. If we can have animal advocates for dogs and cats, the jump to having advocates for cows, horses, hogs, deer and turkey is not a huge jump.

This legislation has been filed in several sessions and it would be logical to assume it will again return in 2025. If it reappears, it will require diligence to make sure the "Purr-view" of the law is narrow and that we aren't "dogged" by the sneaky "law of unintended consequences."

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**SB 1252/ HB 347 (Sen. Jay Collins/ Rep. Keith Truenow)**  
**Exemptions from Product Liability:** Simple and straightforward bills should be the rule, not the exception, in Tallahassee and Washington DC. This legislation was as straightforward as they come, spanning all of two pages. This legislation provided product liability protection to agricultural employers, distributors, dealers, and applicators. This legislation would have further strengthened the protection to agricultural employers and applicators from frivolous lawsuits.

Quite simply, if we believe the label is the law and we respect the significant testing which takes place to even get a product to market under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA), then as a policy we should provide strong protections for those who sale, distribute, and apply these products per labeling instructions.

This legislation died on the last day of the 2024 Session in the Florida Senate as the Seante refused to bring the bill up for a vote on final reading. This legislation again highlights the “fight” between the business community and plaintiffs’ attorneys in the legislative process.

### BUDGET

#### Florida Department of Agriculture and Consumer Services:

Agricultural Best Management Practices	\$35 million
New Facility at the Conner Complex (Tallahassee)	\$80 million
Agricultural Water Supply Planning	\$1.5 million
Fresh from Florida	\$20 million

**Rural and Family Lands** **\$100 million (recurring)**

#### Florida Forest Service:

<b>Replacement Fire Equipment</b>	<b>\$13.4 million</b>
Land Management	\$8.9 million
Road/ Bridge/ Stream maintenance	\$5 million
<b>Reforestation</b>	<b>\$4 million</b>
Replacement Forest Stations	\$3.1 million

#### UF/IFAS:

Ongoing Agricultural Fertilizer Rate Study	\$4 million
<b>Workload</b>	<b>\$2 million</b>
Center for Artificial Intelligence	\$19 million
<b>Forestry Education</b>	<b>\$1.1 million</b>
Wild Turkeys Statewide research initiative	\$1.5 million

#### Florida Department of Environmental Protection:

<b>Florida Forever</b>	<b>\$100 Million</b>
<b>Springs Protection</b>	<b>\$55 Million</b>
Florida Communities Trust	\$15 Million
Alternative Water Supply Grants	\$55 Million
Waste Water Grants (septic to sewer)	\$135 Million

We would be remiss if we didn’t take the opportunity to thank several elected officials who were true champions for Florida agriculture.

**Commissioner Wilton Simpson** continues to hang victories of the wall while unapologetically promoting Florida’s agriculture industry. The Commissioner and his staff will never be accused of sitting on the sidelines waiting to be put in the game, in fact they have proven time and again they will start, control and finish the game when it comes to Florida agriculture.

**President Kathleen Passidomo** and **Speaker Paul Renner** oversaw significant victories for agriculture, the Florida business community, and all Floridians.

**President-Designate Ben Albritton** and **Senators Jay Collins, Jay Trumbull, Travis Hutson, Cory Simon and Jason Brodeur** all played their parts in the session successes. On the House side, **Representatives Bobby**

**Payne, Stan McClain, Lawrence McClure, Josie Tomkow, Toby Overdorf, Kaylee Tuck, Keith Truenow, Jason Shoaf, Danny Alvarez, and Tiffany Esposito** fought to get key priorities through the House.

## A MESSAGE FROM ROB GILBERT

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There have been some changes in leadership at the University of Florida, but not in its commitment to forestry science. Shortly after President Sasse extended my service as interim senior vice president for agriculture and natural resources and leader of the UF Institute of Food and Agricultural Sciences (UF/IFAS), I did two things.

First, I went to Tallahassee to visit Alan Shelby. We had a great talk about the potential for artificial intelligence to advance forestry. We discussed the need to incentivize producers for the ecosystems services that managed forests provide. And yes, if you know Alan, you know we talked about fishing, too.

The second thing I did was to fill my old job with a forestry science veteran. In February I appointed Dr. John Davis as interim dean for UF/IFAS research. John’s research centered on forest systems. As senior associate dean, he led the revival of our Ordway-Swisher Biological Station and recruited and funded faculty to increase our understanding of the forest ecosystems there.

John’s top lieutenant, associate research dean Damian Adams, also comes from the UF/IFAS School of Forest, Fisheries, & Geomatics Sciences. Among Damian’s areas of expertise are the economics of forestry ecosystems services payments.

I see my leadership role of UF/IFAS as supporting the discovery and delivery of knowledge that helps you make a living. Please help me help you. Let me know what UF/IFAS can do for you. Invite me to your forests and your gatherings.

Alan has already invited me to join him and FFA leadership on a Florida forestry tour. As of this writing, it looks like that will happen in the spring, and I’ll be eager to share my observations with you in a future *Pines & Needles* article. Better yet, I hope to see some of you in person to share my observations and to listen to yours.

My view of my new job is shaped by my old jobs. I spent years in the field as a researcher working closely with growers. I led a research and education center far from Gainesville but close to the stakeholders we serve. As chair of the Department of Agronomy I supported science getting tested on commercial farms, not just in the lab. I saw how much farmers’ field observations and partnership with our researchers contribute to discovery during my five years as dean of UF/IFAS research. That strengthens my conviction that a strong UF/IFAS-Florida Forestry Association relationship is critical to the health of Florida agriculture, the Florida economy and Florida’s environment.

I don’t have to tell anyone who grows a 20-year crop about the long view. Suffice it to say I’m aware I’ve inherited a decades-long positive relationship between UF/IFAS and Florida Forestry Association. I’ll aim to make it even better for our successors.

*Rob Gilbert is the University of Florida’s interim senior vice president for agriculture and natural resources and leader of the UF Institute of Food and Agricultural Sciences (UF/IFAS).*

## MEET ROB GILBERT

### Career:

- University of Florida Interim Senior Vice President and head of UF Institute for Food and Agricultural Sciences, July 2023-present
- Dean for UF/IFAS Research and Director, Florida Agricultural Experiment Station, 2019-2024
- Professor and Chair, UF/IFAS Agronomy Department, 2014-2018
- Professor and Center Director, UF/IFAS Everglades Research and Education Center, 2011-2013
- Associate Professor of Agronomy & Associate Center Director, UF/IFAS Everglades Research and Education Center, 2009-2010
- Assistant Professor of Agronomy, UF/IFAS Everglades Research and Education Center, 2000-2006

### Education:

- Ph.D, soil science, Texas A&M University
- M.S., agronomy, University of Florida
- B.A., biology, Carleton College

**Hobbies:** Fishing, bird photography

**Favorite tree:** Live oak, especially if covered with Spanish moss

## EU DEFORESTATION LAW PRESENTS CHALLENGES FOR U.S. WOOD TRADE

With a goal of making Europe the first climate-neutral continent by 2050 and to curb global deforestation and forest degradation linked to European consumption, the European Parliament and Council passed an ambitious zero-deforestation trade law. However, compliance with the measure presents significant challenges and imposes excessive burdens, costs, and technical barriers for U.S. exporters of wood and wood products to the European Union (EU), which are valued at more than \$3.5 billion annually.

### UNDERSTANDING THE EUDR

Formally adopted on June 29, 2023, the European Union Deforestation-free Regulation (EUDR) aims to combat global forest loss primarily caused by agricultural conversion of forestland. The EUDR applies to seven commodities identified as the main drivers of agricultural expansion that lead to deforestation and forest degradation: cattle, cocoa, coffee, palm oil, rubber, soy, and wood. It also covers products derived from these commodities, i.e., fuel wood and wood chips, lumber, plywood, and OSB, and items made from wood such as furniture, household tools, kitchenware, and paper. The regulation will require any operator importing these commodities and their derivatives to the EU to prove the products are deforestation-free.

The new law defines “deforestation-free” to mean that the relevant products contain, have been fed with, or have been made using commodities that were produced on land that has not been subject to deforestation since December 31, 2020. “Deforestation” is defined as the conversion of forest to agricultural use, whether human-induced or not. For wood and wood products, the law requires that wood is harvested from the forest without inducing forest degradation after Dec. 31, 2020. “Forest degradation,” the most concerning definition for the forestry sector, is defined as structural changes to forest cover such as the conversion of primary forests or naturally regenerating forests into plantation forests or into other wooded land, and the conversion of primary forests into planted forests.

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### EVALUATING RISK

While the EUDR requirements and prohibitions take effect Dec. 30, 2024, the EU is currently developing a benchmarking system designed to evaluate the risk posed by countries in terms of their production of commodities and products contributing to deforestation. The benchmarking assessment is based on three criteria:

- deforestation and forest degradation rates;
- rate of expansion of agricultural land for relevant commodities; and
- production trends for both relevant commodities and associated products.

The assessment system will classify countries in one of three categories: high risk, low risk, or standard risk.

In order to sell any of the covered products in the EU, business operators will be required to provide extensive information about the product's origins, including the precise location(s) and general time of production. Products sourced from standard or high-risk origins must comply with additional risk assessment and mitigation procedures.

### CONCERNS FOR THE WOOD SECTOR

Forests and woodlands comprise more than one-third of the U.S. landscape, spanning 823 million acres. Annually, U.S. forests experience growth rates double that of harvested volume. The wood products sector produces more than \$200 billion in products every year and the substantial demand for pulp, paper, packaging, and wood-based products provide compelling reasons for landowners to maintain their land as forests, rather than converting it to other uses.

But even if the U.S. is categorized as a low-risk country under the EUDR benchmarking, Jennifer Conje, the U.S. Forest Service's Assistant Director of Policy for International Programs, said the compliance requirements will be costly and challenging to meet, with at least \$8 billion of annual U.S. agricultural exports to the EU affected by the new rule.

For all products covered by the regulation, operators are required to collect and retain specific product related information, supported by evidence, for a period of five years. The most significant barrier to compliance for the forestry sector is expected to be the traceability requirement. The EUDR mandates exact geo-coordinates for every parcel of land where the wood and/or wood contained in the product was harvested.

### COMPLIANCE BARRIERS

Ms. Conje said the geolocation and traceability down to the processed/derived products entering the EU is essentially full chain-of-custody throughout a product's entire supply chain. Furthermore, she said the reliance predominately on remote sensing through the EU Earth Observatory could bring serious challenges in accuracy depending on the adopted mapping criteria/scale/ definitional interpretation, particularly for timber production. Furthermore, two years after implementation, the EU intends to expand the regulation to additional commodities and other ecosystems, including wetlands, savannas, and peatlands.

### ESCALATING PRESSURE

While numerous aspects of the EUDR's intricate details remain uncertain, one aspect is clear: Companies exporting these commodities and their byproducts to the EU face significant compliance challenges which may result in limited access of U.S. forest products to the European market.

This new law is receiving more attention in the U.S. and the forestry sector has been vocal in expressing concerns to policy makers about how the EUDR creates significant trade barriers. Members of Congress have weighed in on the matter as well, sending letters to U.S. Trade Representative Katherine Tai urging active government-to-government engagement to ensure that the U.S. forestry sector—a world leader in sustainably managed forests—will not be harmed by EU regulations.

The following are three issues of particular concern impacting the forestry sector.

#### • **Country risk benchmarking**

The U.S. should be identified as a "low-risk" country given its robust laws, regulations, and extensive third party certification of sustainable forest management practices to lessen the burden that American companies face in complying with the law.

#### • **Forest degradation definition**

The current EUDR definition is vague, subject to wide interpretation, and was developed without international stakeholder input. The current definition could prohibit forest restoration or best management practices (BMP) that improve forest landscapes.

#### • **Geolocation & traceability**

The geolocation requirements create new and likely impossible reporting burdens. This is not because of illegal deforestation but rather because 42 percent of the wood fiber used in the U.S. pulp and paper mills comes from wood chips, forest residuals, and sawmill manufacturing residues. These wood sources lose their identity during the complex fiber blending that occurs before and after delivery to the mill, making it impossible to trace them back to an individual forest plot.

### OPPOSITION IN THE EU

Meanwhile, some members of the EU are also starting to push back against the new regulation. The Forest Resources Association recently reported that the Portuguese Association of Wood and Furniture Industries has informed the EU that Portugal would not be able to comply with the EUDR in its current form. Additional opposition is expected from other European forestry organizations.

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## MASTER LOGGER TRAINING SCHEDULE

### 2024 CLE Workshops:

- July 18 – Virtual
- October 30 – Tallahassee
- December 5 – Virtual

### 2024 Initial Core Training\*:

- May 2 – Gateway College in Lake City
- October 10 – Virtual

*\*Please note that this is now a one-day class.*



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