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Clippings

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Thank you for making this year's event the Biggest & Best Growing Better Yet!

Thanks to everyone who attended, volunteered, exhibited, and/or sponsored and made this year's Growing Better our biggest meeting ever! We had a record-breaking number of clay shoot participants, over 35 vendors, nearly 40 sponsoring farms and companies, and we packed the house for both the reception and dinner and Friday's events.

Inside: The Growing Better Guide

In this issue, you'll find lots of helpful (and fun) information from this year's meeting:

- 2019 Growing Better Photo Gallery
- Clay Shoot Winners & Top Ten High Scorers
- A recap of this year's keynote presentation: "Can the H2A Program Work for You?"
- The 2019-2020 TPF Board of Directors, with an introduction to your newest representative, and
- **The 2019 Growing Better Guide**

The 2019 Growing Better Guide has a complete list of all exhibitors, sponsors, and speakers, along

with their contact information. It also has venue information and other contacts you may find helpful from this year's show.

Looking for a supplier you spoke with, but forgot to grab a card? Want to follow up on a product or service that interests you now that you've thought it over? Need a bit more information on a particular presentation? Or maybe you just want to return to Quail Creek for a day out? Use the Guide! **It's all there, so be sure to hang on to this issue for year round reference.**

As the association's only fundraising event, we are especially grateful to our sponsors, so be sure to note those companies who go above and beyond to give back to our industry. And we hope we've brought value and a bit of fun for our members. If you have an idea or a suggestion for making Growing Better even "better", we'd love to hear from you. We're already scouting locations for our 2020 event, which will include an On-Farm Field Day with equipment demos and displays, so watch for more details!

All Images: Krista Browning Photography

News and Notes

NEWS

Bradshaw Joins Sod Solutions as Florida Turf Consultant:

Sod Solutions is excited to announce that Gary Bradshaw has joined their Florida team to assist in producer relations and business development in sports, golf, residential and commercial segments of the market. Gary will focus on fostering new partnerships in target markets and strengthening existing relationships, as well as identifying and creating programs promoting the company's line of turfgrasses and its products.



"I know Sod Solutions well, having worked with them and grown their grass brands for many years," says Gary. "This will be a chance for me to share my experience with others in the industry."

During his 42-year career in the turfgrass industry, Gary has worked for Mace Sod, King Ranch and Woerner Turf. For the last five years, he has served as president of SMR Farms in Lakewood Ranch. Gary can be reached at gary@sodsolutions.com.

FTGA Announces Legacy Scholarship Program: The Florida Turfgrass Association (FTGA) recently announced a new member benefit: the **FTGA Legacy Scholarship**. The scholarship is designed for any FTGA member whose child is an incoming freshman, sophomore, junior or senior planning to attend a state college, university or other program in the state of Florida. The applicant must be enrolled by fall and present proof of enrollment from the registrar's office, and must maintain a GPA of 3.0 or higher. The FTGA member must have maintained a three (3) year membership at the date of scholarship application. FTGA members can contact Heather Russo (heather@ftga.org) for more information.

White Retires from UF Extension: Congratulations to **Celeste White**, who retired after 32 years of service as a UF/IFAS Extension Agent for Commercial Horticulture. Celeste worked in Seminole and (most recently) Orange Counties and was a tremendous help to those in Florida's green industry. She was honored with an Open House at the Orange County Extension office on May 23rd.

Is Comand right for your sod farm? The current focus on improving soil health can pull growers in a lot of directions but a new product available through Harrell's may simplify things.

Comand is a unique new compost that boosts soil with millions of aerobic bacteria and miles of fungi in one teaspoon.

It's naturally created via a proprietary process of microbial inoculation and stabilization and then incorporated with compost to be used as topdressing or a direct soil amendment.

According to Dave Nowakowski of Harrell's, the manufacturer, LifeSoils, is a Florida-based company that understands your soils. "We think producers will see improved structural stability, better pore space and oxygen transfer, and enhanced water infiltration,"

said Nowakowski. "But maybe most importantly, Comand holds six times its weight in water so it substantially helps drought resistance. Overall, rooting will be that much better."

LifeSoils says lab results show Comand contains unusually high populations of as many as 7,000 different beneficial microbes. These microbes increase soil nutrient availability by transforming unavailable nutrients into bioavailable forms for plant uptake and produce hormones and other chemicals to stimulate plant growth. Their colonization in plant roots can prevent pathogen infection by coating root surfaces to physically shield the plant from getting infected. But ultimately Comand feeds the soil, which in turn feeds the plants.

"I really think it's a good choice for sod farms that are trying to manage water wisely and rebuild the health of their soils," said Nowakowski. "That's why you should give it a try."

Comand is available in ¼" and 1/8" grind sizes and can be ordered in 1-ton tote size or bulk truckload. Sod producers can find out more by contacting Nowakowski at 786-390-9154 or by visiting www.takecomand.com.



Vinson Joins Babcock Ranch: Keith Vinson has been named Agricultural Business Operations Manager at Babcock Ranch and will be in charge of the day to day operations of the company's sod division. Located in Punta Gorda, Babcock Turf currently focuses on the wholesale production of St. Augustine grasses.

UPCOMING EVENTS



August 12-14, 2019
FTGA's 67th Annual Conference & Show
Omni Championsgate, Kissimmee
www.ftga.org



August 14-15, 2019
Lee County Civic Center
Ft. Myers | www.citrusexpo.net



September 19-21, 2019
FNGLA's The Landscape Show
Orange County Convention Center, Orlando
www.thelandscapeshow.org



September 24-26, 2019
FFVA Annual Conference
The Breakers, Palm Beach | www.ffva.com



of microbial inoculation and stabilization and then incorporated with compost to be used as topdressing or a direct soil amendment.

October 9, 2019
North Central Florida Turfgrass Field Day
UF | IFAS Plant Science Unit, Citra



October 30 - November 1, 2019
Florida Farm Bureau Annual Meeting
Caribe Royale, Orlando
www.floridafarmbureau.org

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Growing Better 2019

The TPF Annual Meeting & Show | April 25-26, 2019 | Quail Creek Plantation, Okeechobee

Clay Shoot



Images: Krista Browning Photography



First Place Team (L to R): Timmy Stein (Wedgworth's), Brad Wilkinson (GVI Sod); Billy Browning (Florikan) and Jon Lallement (GVI Sod).

Second Place Team: Warren Prescott and Hunter Flynn (JW Turf Farms); Jonathan Brown (Bethel Farms); and Chase Kolshak (Odum Sod).

Congratulations to our top finishers!

1. Tim Stein (99) - Top Shot
2. Jonathan Brown (97)
3. Travis Tucker (97)
4. Billy Browning (96)
5. Brad Wilkinson (96)
6. Chase Kolshak (95)
7. Jon Lallement (95)
8. Mark Boutcher (94)
9. Jake Brown (94)
10. Warren Prescott (94)
11. Hunter Flynn (94)
12. Mark Cooper (94)

Clay Shoot Supporting Sponsor



Reception & Dinner



All Friday Events



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TPF Elects Directors, Names Officers for 2019-2020

Members attending the 2019 TPF Annual Meeting elected two directors to help lead the association in 2019-2020. Long-time director James “Jimmy” Maulden (McCall Sod Farm, Southport) was re-elected for another three-year term, and Shaun O’Brien (A. Duda & Sons, Lake Placid) was selected fill the seat previously held by Tom Temple, who chose not to seek re-election.

The TPF board consists of seven producer members chosen from throughout the state to represent the diversity of the organization (small and large operations; geographic location; and markets served).

Travis Council (Council Growers, Ruskin), was named president; Jamie Tedder (Bethel Farms, Arcadia), vice president; and Melissa Evans (TurfPro Services, Belle Glade), is treasurer. Eric Hjort, (Tater Farms, Hastings), immediate past president and past president Keith Truenow (Lake Jem Farms, Tavares) also serve as directors.

Travis Council, President
Council Growers, Ruskin



Jamie Tedder, Vice President
Bethel Farms, Arcadia

Melissa Evans, Treasurer
TurfPro Services, Belle Glade



Eric Hjort, Immediate Past President
Tater Farms, Hastings

James Maulden, Director
McCall Sod Farm, Southport



Keith Truenow, Director
Lake Jem Farms, Tavares



Meet

Shaun O'Brien

Shaun O'Brien has worked for A. Duda & Sons for almost 40 years, all in the sod division. Born in New York, Shaun grew up in Sanford, Florida and attended Seminole Junior College (now known as Seminole State College).

He joined Duda at their Oviedo location in his early 20's and was promoted first to Superintendent

at the company's Zellwood sod operation and subsequently to Farm Manager of their Ft. Lonesome location. He now manages the company's largest sod farm in Lake Placid, with over 2,000 acres in production.

Shaun is active in the industry, currently representing TPF and the sod industry on the Agricultural Advisory board to the Southwest Florida Water Management District Board of Directors. We sent Shaun a mini-version of our "Five Questions with...", and here's what he told us:

What have you found most challenging about sod production?

Having been a grower of both sand based and muck based sod, I've been challenged to keep up on labels and Best Management Practices (BMPs) for these very different soil types.

What do you hope to contribute as a director?

I want to be involved with TPF to help the industry deal with the ever-changing water and fertilizer restrictions as well as getting new varieties out to the market.

What's the best part of your job?

I find it very rewarding to watch a crop from sprigs to harvest, then to its final destination. I pride myself on being a good steward of the land that is placed under my responsibility and enjoy seeing all types of wildlife each and every day when I'm at work.

What else should we know about you?

I've been married to my wife Marcy for 43 years and we have 3 children and 5 grandchildren. I'm also an avid Florida Gator fan!

What's something you always wished you could do, but just have zero talent for?

I always wished I could dunk a basketball and play an instrument, but unfortunately, I can't do either!

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Casey Reynolds
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Help Wanted: Understanding the H-2A Program and Whether it Could Work for You

By Andy Jackson, PA | Andrew Jackson Law

The following is adapted and updated from the lunch presentation on April 26 at the 2019 TPF Growing Better Annual Meeting and Show at Quail Creek Plantation in Okeechobee and is presented solely for general educational use. You should consult with an attorney about your specific situation before acting.

Agricultural employers who anticipate a shortage of domestic workers may bring in H-2A foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. In order to bring in H-2A workers, USDOL's Office of Foreign Labor Certification (OFLC) must first determine: 1) a sufficient number of U.S. workers are not able, willing, and qualified to perform the work at the time and place needed; and, 2) the employment of H-2A workers will not have adverse effect on the wages and working conditions of U.S. workers similarly employed. A grower's need for H-2A workers must be temporary and OFLC policy limits the grower's usage of H-2A workers to 10 calendar months. In order to qualify for the H-2A program, the work to be performed must come within the legal definition of agricultural labor or service.

Agriculture has a broad legal definition recognized by USDOL as having two distinct branches. Primary agriculture consists of "farming in all its branches." Secondary agriculture can be a grey area, and consists of any practices, whether or not they are themselves farming practices, which are performed either by a farmer or on a farm as an incident to or in conjunction with such farming operation. Delivery and installation of sod does not seem to fit the definition of primary agriculture. However, delivery and installation of sod does fit under secondary agriculture when performed by direct employees of the sod grower and so long as all the sod handled by the workers is grown by that grower.

On May 17, 2019, a USDOL administrative law judge decided against a farm labor contractor who had applied for H-2A truck drivers to haul citrus between the groves and processing plant. The judge held that the H-2A Labor Contractor's job hauling citrus from farms to processing and packing facilities located elsewhere did not qualify as agriculture under either branch. Although the farm labor contractor argued that hauling citrus came under secondary agriculture, the judge found that the hauling was not performed by a farmer or on a farm. The key distinguishing fact in the case was that the application for H-2A truck drivers was filed by an H-2A Labor Contractor and not the citrus grower as an individual employer. A citrus grower does qualify for H-2A truck drivers to haul its own citrus crop from grove to processing plant.

Growers may apply for H-2A workers as an individual employer or joint employer. Growers who file jointly may

share workers and costs but are jointly and severally liable for employment claims. As a general rule, a grower who uses an H-2A

Labor Contractor to furnish H-2A workers is not jointly liable with other growers on the itinerary or the farm labor contractor, but in certain circumstances the grower can become a joint employer with the farm labor contractor. Growers using H-2A Labor Contractors should be careful to maintain the independent contractor relationship at all times in order to avoid unintended consequences.

The H-2A process can be summarized in 3 steps. First, the employer prepares and submits required paperwork to the appropriate State and federal agencies in the U.S. Second, the employer tries to fill the positions with U.S. workers. And, third, when there are not enough U.S. workers to fill the positions, the employer may import foreign H-2A workers.

An employer should begin the process at least 90 days before the requested start date in order to have time to adequately prepare. The paperwork process in the U.S. is time-critical for

H-2A workers to arrive on time.

Prerequisites to apply are that the employer must possess a valid federal employer identification number (FEIN), exhibit proof of workers' compensation insurance coverage, and arrange to provide housing that meets applicable standards.

In order to ensure that the wages and working conditions of similarly employed U.S. workers are not adversely affected, the H-2A regulations impose requirements on H-2A employers that are in addition to all other applicable employment laws and regulations. Here is a summary of key H-2A employer obligations:

- Workers must be given a copy of the work contract;
- Enhanced recordkeeping, such as tracking hours offered

(Continued on page 18)



Andrew Jackson

¹ ATP Agri-Services Inc., 2019-TLC-00050.

² The regulations allow H-2A truck drivers employed directly by a citrus grower to haul citrus for other growers so long as 50% of each load was grown by the citrus grower who applied for H-2A workers. A farm labor contractor may qualify for truck drivers to haul citrus under the H-2B non-agricultural temporary visa program.



Photo: Betsy McGill

TurfPro Services: Growing from the Ground Up

Somewhere around the fourth field we visited, Caleb Evans confessed: "To be honest, when things are running smoothly, I get a little bored," he said with a grin.

"Yes he does!" his wife Melissa confirmed from the back seat, where she rode next to their aging black lab Reese who still accompanies them to the farm. "He loves the chaotic days. When things get too calm, he starts thinking about the next thing, and then we're in trouble," she laughed.

The field was one of several in the South Bay, Pahokee, and Belle Glade area that are part of TurfPro Services, a scrappy and innovative sod production and land maintenance company owned by Caleb and Melissa Evans. Both are natives of the area and share a deep family connection with agriculture in the southeast Florida area. Turfpro Services, Inc., began as a

landscape installation and maintenance company that Caleb founded in January 2003 after completing a degree from the University of Florida in Environmental Horticulture with a specialization in Turfgrass Science. In 2005, 2 weeks after their wedding Melissa joined full time and completed the team. After several

years of growth and fine tuning, the Evans refocused and became more involved in the family farm. The duo led the conversion from vegetables and sugarcane to sod production, complementing their existing operation.

Thus began the evolution of Turfpro Services. While continuing their maintenance operation, Caleb and Melissa have expanded their sod production at a steady pace. They have doubled the size of the original farm and have several parcels rented or in partnerships. The couple oversees all day to day operations, with Caleb focusing on production and growth and Melissa on sales and marketing. They hold business meetings on their drive to and from work, where they discuss and agree on what is best for themselves and the company.

The Evans share a belief in promoting and supporting the industry and have become more actively involved, with Melissa currently serving as Treasurer for TPF.

A solid partnership along with slow and steady growth have led to Turfpro Services' success so far. The two are enjoying the chaotic days, while continuing to take advantage of the calm ones and thinking of the next thing.



Temple, Maulden Receive 2019 Awards of Merit

At the TPF Annual Meeting in Okeechobee, president Travis Council presented the association's Award of Merit to two grower members in recognition of their support of the organization and their contributions to the industry.



Tom Temple

A graduate of Auburn University, Tom joined DUDA in 1981 in the company's Belle Glade vegetable operations, where he worked for almost 20 years. In 2000, Tom transferred to the company's sod division as Sod Farm Manager of the

company's Lake Placid location. In 2013, he was promoted to Sod Division General Manager, taking over from Ed Hamilton upon his retirement.

At that time, Tom was appointed to fill Mr. Hamilton's unexpired term on the TPF Board, and in 2015, he took on the role of Treasurer, which he's filled for the past four years. Due to increased responsibilities in his role with DUDA, Tom decided not to seek re-election to the board in 2019.

"We'll certainly miss Tom's calm presence as well as his understanding of the industry and the expertise he brought," said TPF executive director Betsy McGill. "We wanted to be

sure we recognized the time and energy he invested in ensuring that the organization ran smoothly and efficiently."

Jimmy Maulden

James "Jimmy" Maulden was recognized for his long tenure on the TPF Board of Directors, having served continuously since 2006 representing the Panhandle region of the state. Jimmy became involved in sod production when he and two business partners purchased McCall Sod Farm, an all-centipede operation, from its original owner in 1971. In 1978, the farm was moved to Southport, where it has steadily grown to an 1,800 acre operation producing bahia and a wide variety of Bermuda, centipede, St. Augustine and zoysiagrasses. He and his wife Patria have three daughters - Tammy, Amy and Nicole - and all have worked or still work on the farm. In addition to sod production, Jimmy is also a landowner and developer and a mitigation bank owner.

Past winners of the Award of Merit include Dr. Kevin Kenworthy, Everglades Farm Equipment / Jason Tucker, and Eric Hjort. TPF extends its sincere thanks to these outstanding leaders!





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Labor Struggles Continue

By Amy Wolfe, President & CEO, AgSafe

Growers across the United States, and the Southeast in particular, are once again challenged to find stable, consistent and quality sources of labor. Long dependent upon the H-2A guest worker visa program, growers continue to rely heavily on their knowledge and effective use of the only viable, legal mechanism for securing foreign labor.

Trends show, however, that others across the country have also become more dependent on the H-2A program. This, in combination with no meaningful immigration reform legislation currently under consideration by Congress, means the labor market may continue to struggle for the foreseeable future.

Increased H2-A Use

Over the past two years, agricultural employers in two Southeastern states dominated use of the H-2A guest worker visa program. According to the U.S. Department of Labor, Office of Foreign Labor Certification, Florida and Georgia have maintained the top two positions, alternating which state leads the nation each year. Georgia growers used 13.3 percent of all H-2A workers in 2018. Florida led with 12.6 percent of the guest workers used in 2017. Rounding out usage in the Southeast was North Carolina, in the number-four spot in 2018 and in the number-three spot in 2017.

Figures for the first two quarters of 2019 indicate that all three states will again be dominant users of H-2A. Growers in California and Michigan — large agricultural states in their own right — have begun to meaningfully leverage the program as well. Total visa applications submitted increased 16.7 percent in 2018 over 2017 and 14.9 percent in 2017 over 2016. This

combined growth of nearly 32% speaks directly to the difficulty growers nationwide face in finding workers and their shift toward H-2A guest workers as the only viable alternative.

Increased use of the H-2A program does raise the question of how the complicated, costly and overly bureaucratic system will manage with even more applicants. The

needed to process guest workers' visas in country. That led to more days waiting, which translates into increased costs for growers as they compensate guest workers for their time and accommodations during the processing period. These impacts have added fuel to the already blazing fire of frustration by growers who need comprehensive immigration reform.

Political Impact and What's Next

The transition of power within the House of Representatives at the start of 2019 all but ensured that comprehensive immigration reform that best meets the needs of the agriculture industry is nearly impossible. Seeing that inevitably playing out, last year a cross-section of federal agencies — the U.S. Department of Labor (USDOL), Department of Agriculture, Department of Homeland Security and Department of State — announced a collaborative commitment to streamline and modernize the H-2A visa application process.

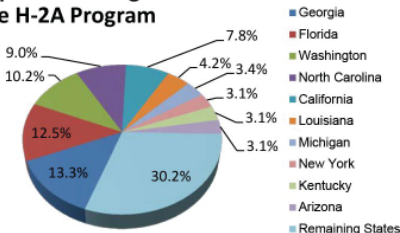
In October 2018, the first step in upholding that commitment came in the form of proposed rule changes to both the application form and one of the application appendixes. Many of the changes eliminated requests for duplicate information and allowed for electronic submission. Another change recommended addresses the need for modernization in allowing recruitment efforts via digital platforms. The current regulations require a specific formula of advertising in print newspapers. Agricultural advocates have long argued that this method is unnecessarily costly and woefully out-of-date.

Vested stakeholders had until mid-December 2018 to provide input on the value of these proposed changes. In February 2019, Keith Sonderling, deputy administrator for the USDOL Wage and Hour Division, shared at the AgSafe annual conference that the agencies were working through the comments submitted. He anticipated an announcement of the final changes by mid-2019. Sonderling also noted that he and his counterparts at the other three agencies were very committed to making the H-2A program much more accessible, and these were the first of many improvements that growers can expect to see.

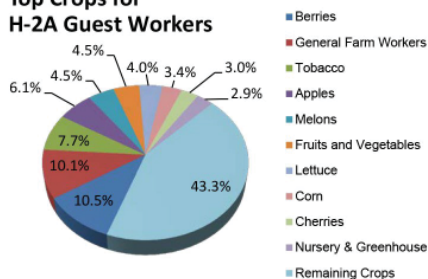
In the end, it's realistic to expect 2019 to feel much like 2018 in terms of continued shortages of accessible domestic labor when navigating the H-2A guest worker program. While relief appears to be in sight, it is incremental and administrative in nature. Until congressional and administrative leadership can create changes to immigration that address the vast cross-section of issues that currently exist, agriculture can expect labor difficulties to remain.

*Amy Wolfe is president and CEO of AgSafe, headquartered in Modesto, California. AgSafe is a 501c3 nonprofit providing training, education, outreach and tools in the areas of worker safety, human resources, labor relations, pesticide safety, and food safety for the food and farming industries. For more information, visit www.agsafe.org, call 209-526-4400 or email safeinfo@agsafe.org. This article originally ran in the July 2019 issue of *Vegetable & Specialty Crop News*, a product of SE Ag Net Media, and is reprinted with permission.*

Top States Using the H-2A Program



Top Crops for H-2A Guest Workers



larger volume has also run afoul of the administration's increased presence at the U.S./Mexico border.

The 2018 fiscal year saw significant increases in the time

Managing Risk through the Whole Farm Revenue Program

By Travis Tucker, Stallings Crop Insurance

Turf producers are valuable members of the farming and agricultural community. You also face many of the same risks and threats to your growing operations that other producers face. Until recently NAP has been the only option to protect your investments where other farmers have long had better risk management tools available through the Federal Crop Insurance Program, until now!

One of the newest and most widely available policies throughout the country is Whole-Farm Revenue Protection (WFRP). This policy insures against a drop in total gross income for a growing, farming, and/or ranching operation. This can provide a significant safety net for operations that have not previously had any type of crop insurance coverage available. The liability limit for this program is \$8.5 million per entity. WFRP is available in all counties in all 50 States. WFRP provides protection against the loss of insured revenue due to an unavoidable natural cause of loss or Market Decline that occurs during the insurance period.

To be eligible for WFRP, you must:

- File either a Schedule F Tax form or other farm tax form that can be converted to a Schedule F.
- Have no more than \$8.5 Million in insured revenue.
- Have no more than \$1 Million expected revenue from animals or animal products.
- Have no more than \$1 Million expected revenue from greenhouse or nursery (sod farming does not fall under this category)
- Have no more than 50% of revenue come from commodities purchased for resale.

WFRP Protects your farm against the loss of farm revenue that you expect to earn from:

- Commodities that you produce during the insurance period, whether they are sold or not.
- Commodities you buy for resale during the insurance period
- All commodities on the farm except for timber, forest and forest products, and animals for sport, show, or pets.

The policy also provides replant coverage for annual crops, except those covered by another policy, up to the cost of replanting up to a maximum of 20 percent of the expected revenue, and when 20 percent or 20 acres of the crop needs replanted

The approved revenue is determined from your last five years of tax records and a farm plan showing what commodities are planned to be produced. New farms may not be required to produce 5 years of records; ask your agent if you may qualify. Some of your historic records may also be needed to assist with determining expected prices. The policy

may provide additional coverage for growing farming operations based on physically expanding last year or the coming year, including increased acres, added equipment such as a greenhouse, new varieties or planting patterns, or anything else that expands production capacity.

You may choose what level of revenue to protect under this policy from 50% to 85%. The maximum amount of coverage is \$8.5 Million in revenue under this policy. Three commodities are required to select the 80% and 85% coverage levels and your agent can provide more information on what can be counted as a commodity. As you add commodities there is also a higher premium subsidy meaning you pay less.

Any loss will be settled after the taxes are filed for the policy year are filed. A loss occurs when the revenue for the tax year falls below the WFRP Insured Revenue.

This policy is a great choice for turf producers who lacked a way to protect their revenue in the event of a disaster or any other event causing a loss in revenue - including market decline - before this policy came into being. The previously available coverage under the NAP program had no protection for revenue and only offered a minimum level of protection.

Loss Example & Coverage Qualifications

- Average farm revenue = \$1,500,000
- Average expenses = \$700,000
- Coverage level = 75%
- Actual revenue received = \$800,000

Loss Calculation

- $\$1,500,000 \times .75$ coverage level = \$1,125,000 insured revenue
- $\$1,125,000 - \$800,000$ actual revenue = \$325,000 payable loss

Call your crop insurance agent for any questions or to request additional information.

Stallings Crop Insurance Corporation (SCIC) is a family-owned and operated crop insurance agency with headquarters in Lakeland, Florida and independent agents throughout the Southeast Region. Travis Tucker can be contacted at 863-467-2747 or by email to travis.tucker@stallingscrop.com.



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Ordinance Activity and Moving Ahead

Mac Carraway, Consulting Executive Director



The year of 2019, and the last several months in particular, have been eventful for EREF. Starting with the ordinance list will kick things off:

- Alachua County adopted an 8-month fertilizer ban.
- The City of Naples adopted a 4-month summertime fertilizer ban, after only recently revoking such a ban.
- Collier County rejected a 4-month summertime fertilizer ban.
- North Bay Village (Miami-Dade County) rejected a 4-month summertime fertilizer ban.
- The Town of Jupiter adopted a 4-month summertime fertilizer ban with a professional exemption.

In all cases, golf, sports turf and farming are exempt from the blackout provisions.

The Alachua ordinance was the most problematic due to not only the duration of the ban, but to the arbitrary nature of the determination of such duration, the County staff's open relationship with the Sierra Club, and the overt rejection of considerable scientific testimony regarding the proposed policy. This ordinance represents the ominous prospect of "contagion" to other local governments with a ban, who may wish to emulate the Alachua County approach to "go big". It should be noted that the County Commission was unfriendly to exempted groups as well, leaving the door open for further tweaking to the ordinance.

The City of Naples ordinance was the most convoluted of the group. Having passed and then recently repealed a 4-month summertime fertilizer ban, the City Council, under pressure from The Conservancy of Southwest Florida and the public outcry coming out of the recent election cycle and red tide outbreaks, flipped back to the 4-month model. What was

particularly troubling about this was that their lead staff person, Dr. Stephanie Molloy, argued against going back to that model, especially after she had only recently convinced them to repeal it. They repudiated her in the public workshop, calling the decision "a mistake", and took her off the podium for the final hearing. The City Council also ignored testimony from UF/IFAS researcher Dr. Laurie Trenholm and consistently pegged EREF as a "special interest" not to be listened to.

Collier County has now confirmed their rejection of the 4-month summertime fertilizer ban after an extensive workshop and two public hearings. Obviously, they made this decision based on the same water-quality backdrop as the City of Naples, but with a unanimous and decisively different outcome. County staffer Danette Kinaszczuk was fearless in her presentation (which was similar to Dr. Molloy's), and UF's Dr. Bryan Unruh's excellent testimony at the public hearing was very persuasive. Solid pre-hearing support from golf course superintendent Matt Taylor and others in the area, combined with EREF's presentation in the preceding workshop, added up to this important win.

The other two local governments had different but acceptable results after local and industry intervention to either turn back the bans or to provide comprehensive exemptions.

In May, the EREF board and a group of supporting partners met to discuss the events of the year and develop a cohesive strategy for effective advocacy for our green stakeholders. The three-pronged approach will focus on **legal**, **legislative** and **public relations** efforts. Small working groups are being developed to address each of these elements; more on these efforts will be shared as they're developed.

Can H2A Work for You?

(Continued from page 13)

and nature of work daily;

- Reimburse inbound relocation costs no later than the end of the first work week;
- Provide free housing, utilities and transportation all of which meets applicable safety standards;
- Offer no less than 3/4 of the total hours in the work contract measured over the duration of the work contract period;
- Offer the highest of the adverse effect wage rate (AEWR), the prevailing hourly or piece rate, the agreed-upon collective bargaining wage, or the federal or State minimum wage, in effect at the time work is performed, which in most cases is the AEWR;
- Workers cannot pay any fees except the cost of obtaining a passport, and the employer must contractually forbid other employees, agents, processors and recruiters from collecting money or anything of value from the workers;

- Pay or provide outbound transportation and subsistence pay to workers who complete the work contract; and,
- Catch-all: the employer must comply with all applicable Federal and State laws and regulations

Keep in mind that the above summary does not contain all H-2A employer obligations. There are lots of rules governing H-2A employers with many traps for the unwary. If you are thinking about using H-2A labor, then before acting you should discuss with legal counsel your strategy for successful implementation of H-2A into your operation. H-2A works well and works best when the employer has a solid plan for managing the program.

Andy Jackson is a licensed North Carolina attorney whose practice is focused on representing employers in the H-2A and H-2B visa programs across country. He can be reached at Andy@AndrewJacksonLaw.com. You can also visit his website: www.AndrewJacksonLaw.com.

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