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CS/CS/HB 7007, Engrossed 3

2016 Legislature

1
2 An act relating to the Department of Agriculture and
3 Consumer Services; creating s. 15.0521, F.S.;
4 designating tupelo honey as the official state honey;
5 amending s. 482.111, F.S.; revising requirements for
6 issuance of an original pest control operator's
7 certificate; amending s. 482.1562, F.S.; revising the
8 date by which an application for recertification of a
9 limited certification for urban landscape commercial
10 fertilizer application is required; removing
11 provisions imposing late renewal charges; providing a
12 grace period for such recertification; amending s.
13 500.03, F.S.; revising the definition of the term
14 "food" and defining the term "vehicle" for purposes of
15 the Florida Food Safety Act; amending s. 500.10, F.S.;
16 providing that food transported under specified
17 conditions or containing ingredients for which there
18 is inadequate information is deemed adulterated;
19 providing conditions under which a dietary supplement
20 or its ingredients is deemed adulterated; amending s.
21 500.11, F.S.; providing that a food is deemed
22 misbranded for noncompliance with specified allergen
23 information; creating s. 500.90, F.S.; preempting to
24 the department the regulatory authority for the use
25 and sale of polystyrene products by certain entities;
26 providing applicability; amending s. 570.07, F.S.;



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27 | revising powers and duties of the department to
28 | include sponsoring events; authorizing the department
29 | to secure letters of patent, copyrights, and
30 | trademarks on work products and to engage in acts
31 | accordingly; amending s. 570.30, F.S.; removing
32 | electronic data processing and management information
33 | systems support for the department as a power and duty
34 | of the Division of Administration; amending s.
35 | 570.441, F.S.; authorizing the use of funds in the
36 | Pest Control Trust Fund for activities of the Division
37 | of Agricultural Environmental Services; amending s.
38 | 570.53, F.S.; revising duties of the Division of
39 | Marketing and Development to remove enforcement of
40 | provisions relating to dealers in agricultural
41 | products; amending s. 570.544, F.S.; revising duties
42 | of the director of the Division of Consumer Services
43 | to include enforcement of provisions relating to
44 | dealers in agricultural products and grain dealers;
45 | creating s. 570.68, F.S.; authorizing the Commissioner
46 | of Agriculture to create an Office of Agriculture
47 | Technology Services; providing duties of the office;
48 | amending s. 570.681, F.S.; revising legislative
49 | findings with regard to the Florida Agriculture Center
50 | and Horse Park; amending s. 570.685, F.S.;
51 | authorizing, rather than requiring, the department to
52 | provide administrative and staff support services,



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53 meeting space, and record storage for the Florida
54 Agriculture Center and Horse Park Authority; amending
55 s. 571.24, F.S.; providing legislative intent for the
56 Florida Agricultural Promotional Campaign to serve as
57 a marketing program for certain purposes; removing an
58 obsolete provision relating to the designation of a
59 Division of Marketing and Development employee as a
60 member of the Advertising Interagency Coordinating
61 Council; amending s. 571.27, F.S.; removing obsolete
62 provisions relating to the authority of the department
63 to adopt rules for entering into contracts with
64 advertising agencies for services which are directly
65 related to the Florida Agricultural Promotional
66 Campaign; amending s. 571.28, F.S.; revising
67 provisions specifying membership criteria of the
68 Florida Agricultural Promotional Campaign Advisory
69 Council; amending s. 576.041, F.S.; revising the
70 frequency of fertilizer sales reports and the payment
71 of related inspection fees; providing for such reports
72 and fees to be made through the department's website;
73 revising the time by which such reports must be made
74 and fees must be paid; creating s. 580.0365, F.S.;
75 providing legislative intent with regard to regulation
76 of commercial feed and feedstuff; preempting to the
77 department the regulatory authority for commercial
78 feed and feedstuff; amending s. 581.181, F.S.;



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79 providing applicability of provisions requiring
80 treatment or destruction of infested or infected
81 plants and plant products; amending s. 582.01, F.S.;
82 revising definitions; amending s. 582.02, F.S.;
83 revising legislative findings and intent with regard
84 to the purpose of soil and water conservation
85 districts; repealing s. 582.03, F.S., relating to the
86 consequences of soil erosion; repealing s. 582.04,
87 F.S., relating to appropriate corrective methods for
88 conservation, development, and use of soil and water
89 resources; repealing s. 582.05, F.S., relating to
90 legislative policy for the conservation, development,
91 and use of such resources; amending s. 582.055, F.S.;
92 revising provisions relating to powers and duties of
93 the department with regard to soil and water
94 conservation districts; amending s. 582.06, F.S.;
95 revising provisions relating to powers and duties of
96 the Soil and Water Conservation Council; repealing s.
97 582.08, F.S., relating to additional powers of the
98 department with regard to soil and water conservation
99 districts; repealing s. 582.09, F.S., relating to the
100 employment of an administrative officer of soil and
101 water conservation; amending s. 582.16, F.S.; revising
102 provisions for modifying soil and water conservation
103 district boundaries; repealing s. 582.17, F.S.,
104 relating to the presumption that districts are



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105 | established in accordance with specified provisions;
106 | amending s. 582.20, F.S.; revising provisions relating
107 | to powers and duties of soil and water conservation
108 | districts and district supervisors; repealing s.
109 | 582.21, F.S., relating to the adoption of land use
110 | regulations by soil and water conservation district
111 | supervisors; repealing s. 582.22, F.S., relating to
112 | the content of land use regulations adopted by soil
113 | and water conservation district supervisors; repealing
114 | s. 582.23, F.S., relating to the performance of work
115 | under land use regulations adopted by soil and water
116 | conservation district supervisors; repealing s.
117 | 582.24, F.S., relating to the board of adjustment;
118 | repealing s. 582.25, F.S., relating to rules of
119 | procedure of the board of adjustment; repealing s.
120 | 582.26, F.S., relating to petitions to the board of
121 | adjustment for land use variances; amending s. 582.29,
122 | F.S.; revising provisions directing state agencies and
123 | other governmental subdivisions of the state that
124 | manage publicly owned lands to cooperate with soil and
125 | water conservation district supervisors in
126 | implementing district programs and operations;
127 | repealing s. 582.331, F.S., relating to the
128 | establishment of a watershed improvement district
129 | within a soil and water conservation district;
130 | repealing s. 582.34, F.S., relating to the petition



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131 for establishment of a watershed improvement district
132 within a soil and water conservation district;
133 repealing s. 582.35, F.S., relating to notice and
134 hearing on petition for establishment of a watershed
135 improvement district within a soil and water
136 conservation district and determination of need for
137 such district; repealing s. 582.36, F.S., relating to
138 determination of feasibility and referendum for a
139 watershed improvement district within a soil and water
140 conservation district; repealing s. 582.37, F.S.,
141 relating to consideration of referendum results for
142 determination of feasibility and declaration of
143 organization of a watershed improvement district
144 within a soil and water conservation district;
145 repealing s. 582.38, F.S., relating to organization of
146 a watershed improvement district within a soil and
147 water conservation district; repealing s. 582.39,
148 F.S., relating to establishment of a watershed
149 improvement district situated in more than one soil
150 and water conservation district; repealing s. 582.40,
151 F.S., relating to change of district boundaries
152 including additions, detachments, transfers of land
153 from one district to another, and change of district
154 name; repealing s. 582.41, F.S., relating to the board
155 of directors of a soil and water conservation
156 district; repealing s. 582.42, F.S., relating to



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157 officers, agents, and employees of a watershed
158 improvement district within a soil and water
159 conservation district and issuance of surety bonds by,
160 and annual audits of, such district; repealing s.
161 582.43, F.S., relating to the power of a watershed
162 improvement district within a soil and water
163 conservation district to levy taxes and to construct,
164 operate, improve, and maintain works of improvement in
165 such district and to obtain necessary lands or
166 interests therein; repealing s. 582.44, F.S., relating
167 to procedures for a watershed improvement district
168 within a soil and water conservation district to levy
169 taxes; repealing s. 582.45, F.S., relating to the
170 fiscal power of the board of directors of a watershed
171 improvement district within a soil and water
172 conservation district to issue bonds; repealing s.
173 582.46, F.S., relating to additional powers of the
174 board of directors of a watershed improvement district
175 within a soil and water conservation district;
176 repealing s. 582.47, F.S., relating to the authority
177 of a watershed improvement district within a soil and
178 water conservation district to coordinate work with
179 flood control districts; repealing s. 582.48, F.S.,
180 relating to discontinuance of a watershed improvement
181 district within a soil and water conservation
182 district; repealing s. 582.49, F.S., relating to



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183 discontinuance of a soil and water conservation
184 district; repealing s. 589.26, F.S., relating to the
185 authority of the Florida Forest Service to dedicate
186 and reserve state park lands for public use; amending
187 s. 595.402, F.S.; defining terms relating to school
188 food and nutrition service programs; conforming a
189 reference to changes made by the act; amending s.
190 595.404, F.S.; revising powers and duties of the
191 department with regard to school food and nutrition
192 programs; authorizing the department to conduct,
193 supervise, and administer a farmers' market nutrition
194 program for certain purposes; directing the department
195 to collect and publish data on food purchased through
196 specified programs; authorizing the department to
197 enter into agreements with federal and state agencies
198 to implement nutrition programs; amending s. 595.405,
199 F.S.; revising requirements for school nutrition
200 programs; providing for breakfast meals to be
201 available to all students in schools that serve
202 specified grade levels; conforming a reference to
203 changes made by the act; amending s. 595.406, F.S.;
204 renaming the "Florida Farm Fresh Schools Program" as
205 the "Florida Farm to School Program"; authorizing the
206 department to establish by rule a recognition program
207 for certain sponsors; amending s. 595.407, F.S.;
208 revising provisions of the children's summer nutrition



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209 program to include certain schools that serve
210 specified grade levels; revising provisions relating
211 to the duration of the program; authorizing school
212 districts to exclude holidays and weekends; amending
213 s. 595.408, F.S.; conforming references to changes
214 made by the act; amending s. 595.501, F.S.; requiring
215 entities to complete corrective action plans required
216 by the department or a federal agency to be in
217 compliance with school food and nutrition service
218 programs; amending s. 595.601, F.S.; correcting a
219 cross-reference; amending s. 601.31, F.S.; requiring
220 citrus inspectors to be licensed and certified by the
221 department rather than by the United States Department
222 of Agriculture; amending s. 604.21, F.S.; revising
223 affidavit requirements for an agricultural products
224 dealer who files a complaint against another such
225 dealer; amending s. 604.33, F.S.; removing provisions
226 requiring grain dealers to submit monthly reports;
227 authorizing, rather than requiring, the department to
228 make at least one spot check annually of each grain
229 dealer; providing an honorary designation of a certain
230 farmers market; providing an effective date.

231

232 Be It Enacted by the Legislature of the State of Florida:

233

234 Section 1. Section 15.0521, Florida Statutes, is created



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235 to read:

236 15.0521 Official state honey.—Tupelo honey is designated
237 as the official Florida state honey.

238 Section 2. Subsections (1) and (7) of section 482.111,
239 Florida Statutes, are amended to read:

240 482.111 Pest control operator's certificate.—

241 (1) The department shall issue a pest control operator's
242 certificate to each individual who qualifies under this chapter.
243 Before issuance of an original certificate, an individual must
244 complete an application for examination, pay the examination fee
245 required under s. 482.141, and pass the examination. Before
246 engaging in pest control work, each certified operator must be
247 certified as provided in this section. ~~Application must be made~~
248 ~~and the issuance fee must be paid to the department for the~~
249 ~~original certificate within 60 days after the postmark date of~~
250 ~~written notification of passing the examination. During a period~~
251 ~~of 30 calendar days following expiration of the 60-day period,~~
252 ~~an original certificate may be issued; however, a late issuance~~
253 ~~charge of \$50 shall be assessed and must be paid in addition to~~
254 ~~the issuance fee. An original certificate may not be issued~~
255 ~~after expiration of the 30-day period, without reexamination.~~

256 (7) The fee for ~~issuance of an original certificate or the~~
257 renewal of a certificate ~~thereof~~ shall be set by the department
258 but may not be more than \$150 or less than \$75; however, until
259 rules setting these fees are adopted by the department, the
260 issuance fee and the renewal fee shall each be \$75.



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261 Section 3. Subsections (5) and (6) of section 482.1562,
262 Florida Statutes, are amended to read:

263 482.1562 Limited certification for urban landscape
264 commercial fertilizer application.—

265 (5) An application for recertification must be made 4
266 years after the date of issuance ~~at least 90 days before the~~
267 ~~expiration~~ of the current certificate and be accompanied by:

268 (a) Proof of having completed the 4 classroom hours of
269 acceptable continuing education required under subsection (4).

270 (b) A recertification fee set by the department in an
271 amount of at least \$25 but not more than \$75. Until the fee is
272 set by rule, the fee for certification is \$25.

273 (6) ~~A late renewal charge of \$50 per month shall be~~
274 ~~assessed 30 days after the date the application for~~
275 ~~recertification is due and must be paid in addition to the~~
276 ~~renewal fee. Unless timely recertified, a certificate~~
277 ~~automatically expires 90 days after the recertification date.~~
278 Upon expiration, or after a grace period that does not exceed 30
279 days after expiration, a certificate may be issued only upon
280 reapplying in accordance with subsection (3).

281 Section 4. Paragraph (n) of subsection (1) of section
282 500.03, Florida Statutes, is amended, and paragraph (cc) is
283 added to that subsection, to read:

284 500.03 Definitions; construction; applicability.—

285 (1) For the purpose of this chapter, the term:

286 (n) "Food" includes:



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- 287 | 1. Articles used for food or drink for human consumption;
 288 | 2. Chewing gum;
 289 | 3. Articles used for components of any such article; ~~and~~
 290 | 4. Articles for which health claims are made, which claims
 291 | are approved by the Secretary of the United States Department of
 292 | Health and Human Services and which claims are made in
 293 | accordance with s. 343(r) of the federal act, and which are not
 294 | considered drugs solely because their labels or labeling contain
 295 | health claims; and
 296 | 5. Dietary supplements as defined in 21 U.S.C. s.
 297 | 321(ff)(1) and (2).

298 |
 299 | The term includes any raw, cooked, or processed edible
 300 | substance; ice; any beverage; or any ingredient used, intended
 301 | for use, or sold for human consumption.

302 | (cc) "Vehicle" means a mode of transportation or mobile
 303 | carrier used to transport food from one location to another,
 304 | including, but not limited to, carts, cycles, vans, trucks,
 305 | cars, trains and railway transport, and aircraft and watercraft
 306 | transport.

307 | Section 5. Paragraph (f) of subsection (1) of section
 308 | 500.10, Florida Statutes, is amended, and subsection (5) is
 309 | added to that section, to read:

310 | 500.10 Food deemed adulterated.—A food is deemed to be
 311 | adulterated:

312 | (1)



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313 (f) If it has been produced, prepared, packed,
 314 transported, or held under insanitary conditions whereby it may
 315 become contaminated with filth, or whereby it may have been
 316 rendered diseased, unwholesome, or injurious to health;

317 (5) If a dietary supplement or its ingredients present a
 318 significant risk of illness or injury due to:

319 (a) The recommended or suggested conditions of use on the
 320 product labeling;

321 (b) The failure to provide conditions of use on the
 322 product labeling; or

323 (c) An ingredient for which there is inadequate
 324 information to provide reasonable assurance that such ingredient
 325 does not present a significant risk of illness or injury.

326 Section 6. Paragraph (m) of subsection (1) of section
 327 500.11, Florida Statutes, is amended to read:

328 500.11 Food deemed misbranded.—

329 (1) A food is deemed to be misbranded:

330 (m) If it is offered for sale and its label or labeling
 331 does not comply with the requirements of 21 U.S.C. s. 343(q) or
 332 21 U.S.C. s. 343(w) pertaining to nutrition or allergen
 333 information.

334 Section 7. Section 500.90, Florida Statutes, is created to
 335 read:

336 500.90 Regulation of polystyrene products preempted to
 337 department.—The regulation of the use or sale of polystyrene
 338 products by entities regulated under chapter 500 is preempted to



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339 | the department. This preemption does not apply to local
340 | ordinances or provisions thereof enacted before January 1, 2016,
341 | and does not limit the authority of a local government to
342 | restrict the use of polystyrene by individuals on public
343 | property, temporary vendors on public property, or entities
344 | engaged in a contractual relationship with the local government
345 | for the provision of goods or services, unless such use is
346 | otherwise preempted by law.

347 | Section 8. Paragraph (c) of subsection (20) of section
348 | 570.07, Florida Statutes, is amended, and subsection (44) is
349 | added to that section, to read:

350 | 570.07 Department of Agriculture and Consumer Services;
351 | functions, powers, and duties.—The department shall have and
352 | exercise the following functions, powers, and duties:

353 | (20)

354 | (c) To sponsor events, trade breakfasts, luncheons, and
355 | dinners and distribute promotional materials and favors in
356 | connection with meetings, conferences, and conventions of
357 | dealers, buyers, food editors, and merchandising executives that
358 | will assist in the promotion and marketing of Florida's
359 | agricultural and agricultural business products to the consuming
360 | public.

361 |
362 | The department is authorized to receive and expend donations
363 | contributed by private persons for the purpose of covering costs
364 | associated with the above described activities.



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365 (44) The department may, in its own name:

366 (a) Perform all things necessary to secure letters of
367 patent, copyrights, and trademarks on any work products of the
368 department and enforce its rights therein.

369 (b) License, lease, assign, or otherwise give written
370 consent to any person, firm, or corporation for the manufacture
371 or use of such department work products on a royalty basis or
372 for such other consideration as the department deems proper.

373 (c) Take any action necessary, including legal action, to
374 protect such department work products against improper or
375 unlawful use or infringement.

376 (d) Enforce the collection of any sums due to the
377 department for the manufacture or use of such department work
378 products by another party.

379 (e) Sell any of such department work products and execute
380 all instruments necessary to consummate any such sale.

381 (f) Do all other acts necessary and proper for the
382 execution of powers and duties conferred upon the department by
383 this section, including adopting rules, as necessary, in order
384 to administer this section.

385 Section 9. Subsection (5) of section 570.30, Florida
386 Statutes, is amended to read:

387 570.30 Division of Administration; powers and duties.—The
388 Division of Administration shall render services required by the
389 department and its other divisions, or by the commissioner in
390 the exercise of constitutional and cabinet responsibilities,



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391 that can advantageously and effectively be centralized and
 392 administered and any other function of the department that is
 393 not specifically assigned by law to some other division. The
 394 duties of this division include, but are not limited to:

395 ~~(5) Providing electronic data processing and management~~
 396 ~~information systems support for the department.~~

397 Section 10. Subsection (4) is added to section 570.441,
 398 Florida Statutes, to read:

399 570.441 Pest Control Trust Fund.—

400 (4) In addition to the uses authorized under subsection
 401 (2), moneys collected or received by the department under
 402 chapter 482 may be used to carry out the provisions of s.
 403 570.44. This subsection expires June 30, 2019.

404 Section 11. Subsection (2) of section 570.53, Florida
 405 Statutes, is amended to read:

406 570.53 Division of Marketing and Development; powers and
 407 duties.—The powers and duties of the Division of Marketing and
 408 Development include, but are not limited to:

409 ~~(2) Enforcing the provisions of ss. 604.15-604.34, the~~
 410 ~~dealers in agricultural products law, and ss. 534.47-534.53.~~

411 Section 12. Subsection (2) of section 570.544, Florida
 412 Statutes, is amended to read:

413 570.544 Division of Consumer Services; director; powers;
 414 processing of complaints; records.—

415 (2) The director shall supervise, direct, and coordinate
 416 the activities of the division and shall, under the direction of



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417 the department, enforce the provisions of ss. 604.15-604.34 and
 418 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
 419 and 849.

420 Section 13. Section 570.68, Florida Statutes, is created
 421 to read:

422 570.68 Office of Agriculture Technology Services.—The
 423 commissioner may create an Office of Agriculture Technology
 424 Services under the supervision of a senior manager exempt under
 425 s. 110.205 in the Senior Management Service. The office shall
 426 provide electronic data processing and agency information
 427 technology services to support and facilitate the functions,
 428 powers, and duties of the department.

429 Section 14. Section 570.681, Florida Statutes, is amended
 430 to read:

431 570.681 Florida Agriculture Center and Horse Park;
 432 legislative findings.—It is the finding of the Legislature that:

433 ~~(1) Agriculture is an important industry to the State of~~
 434 ~~Florida, producing over \$6 billion per year while supporting~~
 435 ~~over 230,000 jobs.~~

436 (1)(2) Equine and other agriculture-related industries
 437 ~~will~~ strengthen and benefit each other with the establishment of
 438 a statewide agriculture and horse facility.

439 (2)(3) The ~~A~~ Florida Agriculture Center and Horse Park
 440 provides ~~will provide~~ Florida with a unique tourist experience
 441 for visitors and residents, thus generating taxes and additional
 442 dollars for the state.



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443 ~~(3)-(4)~~ Promoting the Florida Agriculture Center and Horse
444 Park as a joint effort between the state and the private sector
445 allows ~~will allow~~ this facility to use ~~utilize~~ experts and
446 generate revenue from many areas to ensure the success of this
447 facility.

448 Section 15. Paragraphs (b) and (c) of subsection (4) of
449 section 570.685, Florida Statutes, are amended to read:

450 570.685 Florida Agriculture Center and Horse Park
451 Authority.—

452 (4) The authority shall meet at least semiannually and
453 elect a chair, a vice chair, and a secretary for 1-year terms.

454 (b) The department may provide ~~shall be responsible for~~
455 ~~providing~~ administrative and staff support services relating to
456 the meetings of the authority and may ~~shall~~ provide suitable
457 space in the offices of the department for the meetings and the
458 storage of records of the authority.

459 (c) In conducting its meetings, the authority shall use
460 accepted rules of procedure. The secretary shall keep a complete
461 record of the proceedings of each meeting, which shows ~~record~~
462 ~~shall show~~ the names of the members present and the actions
463 taken. These records shall be kept on file with the department,
464 and such records and other documents regarding matters within
465 the jurisdiction of the authority shall be subject to inspection
466 by members of the authority.

467 Section 16. Section 571.24, Florida Statutes, is amended
468 to read:



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469 571.24 Purpose; duties of the department.—The purpose of
 470 this part is to authorize the department to establish and
 471 coordinate the Florida Agricultural Promotional Campaign. The
 472 Legislature intends for the Florida Agricultural Promotional
 473 Campaign to serve as a marketing program to promote Florida
 474 agricultural commodities, value-added products, and
 475 agricultural-related businesses and not a food safety or
 476 traceability program. The duties of the department shall
 477 include, but are not limited to:

478 (1) Developing logos and authorizing the use of logos as
 479 provided by rule.

480 (2) Registering participants.

481 (3) Assessing and collecting fees.

482 (4) Collecting rental receipts for industry promotions.

483 (5) Developing in-kind advertising programs.

484 (6) Contracting with media representatives for the purpose
 485 of dispersing promotional materials.

486 (7) Assisting the representative of the department who
 487 serves on the Florida Agricultural Promotional Campaign Advisory
 488 Council.

489 ~~(8) Designating a division employee to be a member of the~~
 490 ~~Advertising Interagency Coordinating Council.~~

491 (8)~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and
 492 120.54 to implement the provisions of this part.

493 (9)~~(10)~~ Enforcing and administering the provisions of this
 494 part, including measures ensuring that only Florida agricultural



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495 or agricultural based products are marketed under the "Fresh
496 From Florida" or "From Florida" logos or other logos of the
497 Florida Agricultural Promotional Campaign.

498 Section 17. Section 571.27, Florida Statutes, is amended
499 to read:

500 571.27 Rules.—The department is authorized to adopt rules
501 that implement, make specific, and interpret the provisions of
502 this part, ~~including rules for entering into contracts with~~
503 ~~advertising agencies for services which are directly related to~~
504 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
505 ~~establish the procedures for negotiating costs with the offerors~~
506 ~~of such advertising services who have been determined by the~~
507 ~~department to be qualified on the basis of technical merit,~~
508 ~~creative ability, and professional competency. Such~~
509 ~~determination of qualifications shall also include consideration~~
510 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
511 is further authorized to determine, by rule, the logos or
512 product identifiers to be depicted for use in advertising,
513 publicizing, and promoting the sale of Florida agricultural
514 products or agricultural-based products in the Florida
515 Agricultural Promotional Campaign. The department may also adopt
516 rules consistent ~~not inconsistent~~ with the provisions of this
517 part as in its judgment may be necessary for participant
518 registration, renewal of registration, classes of membership,
519 application forms, and ~~as well as~~ other forms and enforcement
520 measures ensuring compliance with this part.



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521 Section 18. Subsection (1) of section 571.28, Florida
522 Statutes, is amended to read:

523 571.28 Florida Agricultural Promotional Campaign Advisory
524 Council.—

525 (1) ORGANIZATION.—There is ~~hereby~~ created within the
526 department the Florida Agricultural Promotional Campaign
527 Advisory Council, to consist of 15 members appointed by the
528 Commissioner of Agriculture for 4-year staggered terms. The
529 membership shall include: 13 ~~six~~ members representing
530 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
531 ~~representing agricultural~~ retailers, ~~two members representing~~
532 ~~agricultural associations,~~ and wholesalers ~~one member~~
533 ~~representing a wholesaler~~ of agricultural products, one member
534 representing consumers, and one member representing the
535 department. Initial appointment of the council members shall be
536 four members to a term of 4 years, four members to a term of 3
537 years, four members to a term of 2 years, and three members to a
538 term of 1 year.

539 Section 19. Subsection (2) of section 576.041, Florida
540 Statutes, is amended to read:

541 576.041 Inspection fees; records.—

542 (2) ~~Before the distribution of a fertilizer,~~ Each licensee
543 shall ~~make application upon a form provided by the department to~~
544 report to the department quarterly ~~monthly~~ the tonnage of
545 fertilizer sold in the state and pay ~~make payment of~~ the
546 inspection fee. The continuance of a license is conditioned upon



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547 the applicant's:

548 (a) Maintaining records and a bookkeeping system that will
549 accurately indicate the tonnage of fertilizer sold by the
550 licensee; and

551 (b) Consent to examination of the business records and
552 books by the department to verify ~~for a verification of~~ the
553 correctness of tonnage reports and the payment of inspection
554 fees. Tonnage reports ~~of sales~~ and payment of inspection fees
555 ~~fee~~ shall be made quarterly through the department's website or
556 ~~monthly~~ on forms provided ~~furnished~~ by the department and
557 submitted within 30 days after the close of the reporting period
558 ~~on or before the fifteenth day of the month succeeding the month~~
559 ~~covered by the reports.~~

560 Section 20. Section 580.0365, Florida Statutes, is created
561 to read:

562 580.0365 Preemption of regulatory authority over
563 commercial feed and feedstuff.—It is the intent of the
564 Legislature to eliminate duplication of regulation over
565 commercial feed and feedstuff. Notwithstanding any other
566 provision of law, the authority to regulate, inspect, sample,
567 and analyze any commercial feed or feedstuff distributed in this
568 state and to exercise the powers and duties of regulation in
569 this chapter, including the power to assess any penalties
570 provided for violation of this chapter, is preempted to the
571 department.

572 Section 21. Subsection (3) is added to section 581.181,



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573 Florida Statutes, to read:

574 581.181 Notice of infection of plants; destruction.-

575 (3) This section does not apply to plants or plant
 576 products infested with pests or noxious weeds that are
 577 determined to be widely established within the state and are not
 578 specifically regulated under rules adopted by the department or
 579 under any other provision of law.

580 Section 22. Section 582.01, Florida Statutes, is amended
 581 to read:

582 582.01 Definitions.-~~As~~ ~~wherever used or referred to in~~
 583 ~~this chapter, the term unless a different meaning clearly~~
 584 ~~appears from the context:~~

585 ~~(3) (a) "Department" means the Department of Agriculture~~
 586 ~~and Consumer Services.~~

587 (1) (e) "Commissioner" means the Commissioner of
 588 Agriculture.

589 (2) (b) "Council" means the Soil and Water Conservation
 590 Council.

591 (3) "Department" means the Department of Agriculture and
 592 Consumer Services.

593 (4) (1) "District" ~~or "soil conservation district"~~ or "soil
 594 and water conservation district" means a governmental
 595 subdivision of this state~~,~~ and a body corporate and politic,
 596 organized in accordance with the provisions of this chapter~~,~~ for
 597 the purpose, with the powers, and subject to the provisions set
 598 forth in this chapter. The term "district" ~~or "soil conservation~~



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599 ~~district,~~ when used in this chapter, means and includes a "soil
600 and water conservation district." All districts ~~heretofore or~~
601 ~~hereafter~~ organized under this chapter shall be known as soil
602 and water conservation districts and shall have all the powers
603 set out herein.

604 (5)~~(7)~~ "Due notice," in addition to notice required
605 pursuant to the provisions of chapter 120, means notice
606 published at least twice, with an interval of at least 7 days
607 between the two publication dates, in a newspaper or other
608 publication of general circulation within the appropriate area
609 ~~or, if no such publication of general circulation be available,~~
610 ~~by posting at a reasonable number of conspicuous places within~~
611 ~~the appropriate area, such posting to include, where possible,~~
612 ~~posting at public places where it may be customary to post~~
613 ~~notices concerning county or municipal affairs generally. At any~~
614 ~~hearing held pursuant to such notice, at the time and place~~
615 ~~designated in such notice, adjournment may be made from time to~~
616 ~~time without the necessity of renewing such notice for such~~
617 ~~adjourned dates.~~

618 (6)~~(5)~~ "Land occupier" or "occupier of land" means a
619 ~~includes any~~ person, other than the owner, who possesses ~~shall~~
620 ~~be in possession of~~ any lands lying within a district organized
621 under the provisions of this chapter, whether as lessee, renter,
622 tenant, or otherwise.

623 (7)~~(4)~~ "Landowner" or "owner of land" means a ~~includes any~~
624 person who holds ~~shall hold~~ legal or equitable title to any



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625 lands lying within a district organized under the provisions of
626 this chapter.

627 ~~(8)(6)~~ "Qualified elector" means a ~~includes any person~~
628 qualified to vote in general elections under the constitution
629 and laws ~~statutes~~ of this state.

630 ~~(9)(2)~~ "Supervisor" means a member ~~one of the members~~ of
631 the governing body of a district who is, elected in accordance
632 with the provisions of this chapter.

633 ~~(8)~~ ~~"Administrative officer" means the administrative~~
634 ~~officer of soil and water conservation created by s. 582.09.~~

635 Section 23. Section 582.02, Florida Statutes, is amended
636 to read:

637 582.02 Legislative policy and findings; purpose of
638 districts ~~Lands a basic asset of state.-~~

639 (1) It is the policy of the Legislature to promote the
640 appropriate and efficient use of soil and water resources,
641 protect water quality, prevent floodwater and sediment damage,
642 preserve wildlife, protect public lands, and protect and promote
643 the health, safety, and general welfare of the people of this
644 state.

645 (2) The Legislature finds that the farm, forest, and
646 grazing lands; green spaces; recreational areas; and natural
647 areas of the state are among the basic assets of the state and
648 the conservation ~~preservation~~ of these lands is necessary to
649 protect and promote the health, safety, and general welfare of
650 its people and is in the public interest; ~~improper land use~~



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651 ~~practices have caused and have contributed to, and are now~~
652 ~~causing and contributing to a progressively more serious erosion~~
653 ~~of the farm and grazing lands of this state by fire, wind and~~
654 ~~water; the breaking of natural grass, plant, and forest cover~~
655 ~~has interfered with the natural factors of soil stabilization,~~
656 ~~causing loosening of soil and exhaustion of humus, and~~
657 ~~developing a soil condition that favors erosion; the top soil is~~
658 ~~being burned, washed and blown out of fields and pastures; there~~
659 ~~has been an accelerated washing of sloping fields; these~~
660 ~~processes of erosion by fire, wind and water speed up with~~
661 ~~removal of absorptive topsoil, causing exposure of less~~
662 ~~absorptive and less protective but more erosive subsoil; failure~~
663 ~~by any landowner or occupier to conserve the soil and control~~
664 ~~erosion upon her or his lands causes destruction by burning,~~
665 ~~washing and blowing of soil and water from her or his lands onto~~
666 ~~other lands and makes the conservation of soil and control~~
667 ~~erosion of such other lands difficult or impossible.~~

668 (3) The Legislature further finds that to ensure the
669 conservation of the state's farm, forest, and grazing lands;
670 green spaces; recreational areas; and natural areas, and to
671 conserve, protect, and use soil and water resources, it is
672 necessary that appropriate land and water resources protection
673 practices be implemented.

674 (4) The purpose of the soil and water conservation
675 districts is to provide assistance, guidance, and education to
676 landowners, land occupiers, the agricultural industry, and the



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677 general public in implementing land and water resource
678 protection practices. The Legislature intends for soil and water
679 conservation districts to work in conjunction with federal,
680 state, and local agencies in all matters that implement the
681 provisions of this chapter.

682 Section 24. Sections 582.03, 582.04, and 582.05, Florida
683 Statutes, are repealed.

684 Section 25. Subsections (5) through (9) are added to
685 section 582.055, Florida Statutes, to read:

686 582.055 Powers and duties of the Department of Agriculture
687 and Consumer Services; rules.—

688 (5) The department may offer such assistance as may be
689 appropriate to the supervisors of soil and water conservation
690 districts and facilitate communication and cooperation between
691 districts.

692 (6) The department may seek the cooperation and assistance
693 of any federal, state, or county agencies in the work of such
694 districts, including the receipt and expenditure of state,
695 federal, and other funds or contributions.

696 (7) The department may disseminate information throughout
697 the state concerning the activities, research, and programs of
698 the soil and water conservation districts and encourage the
699 formation of such districts in areas where their organization is
700 desirable.

701 (8) The department may create or dissolve a soil and water
702 conservation district pursuant to the provisions of this



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703 chapter.

704 (9) The department may adopt rules, as necessary, to
705 implement the provisions of this chapter.

706 Section 26. Subsection (2) of section 582.06, Florida
707 Statutes, is amended to read:

708 582.06 Soil and Water Conservation Council; powers and
709 duties.—

710 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—

711 (a) The meetings, powers and duties, procedures, and
712 recordkeeping of the Soil and Water Conservation Council shall
713 be conducted pursuant to s. 570.232.

714 (b) The council shall accept and review requests for
715 creating or dissolving soil and water conservation districts and
716 shall, by a majority vote, recommend, by resolution, to the
717 commissioner that a district be created or dissolved pursuant to
718 the request, or that the request be denied.

719 (c) When requested by the Governor or a district, the
720 council shall provide a recommendation to the Governor whether
721 to remove a supervisor for neglect of duty or malfeasance in
722 office only after notice, hearing, and thorough review.

723 Section 27. Sections 582.08 and 582.09, Florida Statutes,
724 are repealed.

725 Section 28. Section 582.16, Florida Statutes, is amended
726 to read:

727 582.16 Change of district boundaries ~~Addition of territory~~
728 ~~to district or removal of territory therefrom.~~ Requests for



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729 ~~increasing or reducing the boundaries of~~ Petitions for including
730 ~~additional territory or removing territory within~~ an existing
731 district may be filed with the department ~~Department of~~
732 ~~Agriculture and Consumer Services,~~ and the department shall
733 follow the proceedings provided for in this chapter to create a
734 district ~~in the case of petitions to organize a district shall~~
735 ~~be observed in the case of petitions for such inclusion or~~
736 ~~removal. The department shall prescribe the form for such~~
737 ~~petition, which shall be as nearly as may be in the form~~
738 ~~prescribed in this chapter for petitions to organize a district.~~
739 ~~If the petition is signed by a majority of the landowners of~~
740 ~~such area, no referendum need be held. In referenda upon~~
741 ~~petitions for such inclusions or removals, all owners of land~~
742 ~~lying within the proposed area to be added or removed shall be~~
743 ~~eligible to vote.~~

744 Section 29. Section 582.17, Florida Statutes, is repealed.

745 Section 30. Section 582.20, Florida Statutes, is amended
746 to read:

747 582.20 Powers of districts and supervisors.—A soil and
748 water conservation district organized under the provisions of
749 this chapter shall constitute a governmental subdivision of this
750 state, and a public body corporate and politic, exercising
751 public powers, and such district and the supervisors thereof,
752 shall have the following powers, in addition to others granted
753 in other sections of this chapter:

754 (1) To conduct surveys, studies ~~investigations,~~ and



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755 | research relating to ~~the character of soil and water resources~~
756 | and erosion and floodwater and sediment damages, to the
757 | ~~conservation, development and utilization of soil and water~~
758 | ~~resources and the disposal of water, and to the preventive and~~
759 | ~~control measures and works of improvement needed;~~ to publish and
760 | disseminate the results of such surveys, studies investigations,
761 | ~~or research,~~ and related information; and to disseminate
762 | ~~information concerning such preventive and control measures and~~
763 | ~~works of improvement;~~ provided, however, that in order to avoid
764 | ~~duplication of research activities, no district shall initiate~~
765 | ~~any research program except in cooperation with the government~~
766 | ~~of this state or any of its agencies, or with the United States~~
767 | ~~or any of its agencies;~~

768 | (2) To conduct agricultural best management practices
769 | demonstration demonstrational projects and projects for the
770 | conservation, protection, and restoration of soil and water
771 | resources:

772 | (a) Within the district's boundaries;

773 | (b) Within another district's boundaries, subject to the
774 | other district's approval;

775 | (c) In areas within the district's boundaries, territory
776 | ~~within another district's boundaries subject to the other~~
777 | ~~district's approval, or territory not contained within any~~
778 | ~~district's boundaries on lands owned or controlled by this state~~
779 | ~~or any of its agencies, with the cooperation of the agency~~
780 | ~~administering and having jurisdiction thereof; or~~



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781 (d) ~~On, and on~~ any other lands within the district's
782 boundaries, ~~territory~~ within another district's boundaries
783 subject to the other district's approval, or ~~territory~~ not
784 contained within any district's boundaries upon obtaining the
785 consent of the owner or occupier ~~and occupiers~~ of the ~~such~~ lands
786 or the necessary rights or interests in such lands, ~~in order to~~
787 ~~demonstrate by example the means, methods, and measures by which~~
788 ~~soil and soil resources may be conserved, and soil erosion in~~
789 ~~the form of soil blowing and soil washing may be prevented and~~
790 ~~controlled, and works of improvement for flood prevention or the~~
791 ~~conservation, development and utilization of soil and water~~
792 ~~resources, and the disposal of water may be carried out;~~
793 ~~(3) To carry out preventive and control measures and works~~
794 ~~of improvement for flood prevention or the conservation,~~
795 ~~development and utilization of soil and water resources, and the~~
796 ~~disposal of water within the district's boundaries, territory~~
797 ~~within another district's boundaries subject to the other~~
798 ~~district's approval, or territory not contained within any~~
799 ~~district's boundaries, including, but not limited to,~~
800 ~~engineering operations, methods of cultivation, the growing of~~
801 ~~vegetation, changes in use of land, and the measures listed in~~
802 ~~s. 582.04 on lands owned or controlled by this state or any of~~
803 ~~its agencies, with the cooperation of the agency administering~~
804 ~~and having jurisdiction thereof, and on any other lands within~~
805 ~~the district's boundaries, territory within another district's~~
806 ~~boundaries subject to the other district's approval, or~~



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807 ~~territory not contained within any district's boundaries upon~~
808 ~~obtaining the consent of the owner and the occupiers of such~~
809 ~~lands or the necessary rights or interests in such lands;~~

810 (3)~~(4)~~ To cooperate, or enter into agreements with, ~~and~~
811 ~~within the limits of appropriations duly made available to it by~~
812 ~~law, to furnish financial or other aid to,~~ any special district,
813 municipality, county, water management district, state or
814 federal agency, governmental or otherwise, or any owner or
815 occupier of lands within the district's boundaries, ~~territory~~
816 within another district's boundaries subject to the other
817 district's approval, or ~~territory~~ not contained within any
818 district's boundaries in furtherance of the purposes and
819 provisions of this chapter ~~, in the carrying on of erosion~~
820 ~~control or prevention operations and works of improvement for~~
821 ~~flood prevention or the conservation, development and~~
822 ~~utilization, of soil and water resources and the disposal of~~
823 ~~water within the district's boundaries, territory within another~~
824 ~~district's boundaries subject to the other district's approval,~~
825 ~~or territory not contained within any district's boundaries,~~
826 ~~subject to such conditions as the supervisors may deem necessary~~
827 ~~to advance the purposes of this chapter;~~

828 (4)~~(5)~~ To obtain options upon and to acquire, by purchase,
829 exchange, lease, gift, grant, bequest, devise or otherwise, any
830 property, real or personal, or rights or interests therein; to
831 maintain, administer, and improve any properties acquired, to
832 receive income from such properties and to expend such income in



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833 carrying out the purposes and provisions of this chapter; and to
 834 sell, lease, or otherwise dispose of any of its property or
 835 interests therein in furtherance of the purposes and ~~the~~
 836 provisions of this chapter;

837 (5)-(6) To make available, on such terms as it shall
 838 prescribe, to any owner or occupier of lands ~~landowners and~~
 839 ~~occupiers~~ within the district's boundaries, ~~territory~~ within
 840 another district's boundaries subject to the other district's
 841 approval, or ~~territory~~ not contained within any district's
 842 boundaries, ~~agricultural and engineering machinery and~~
 843 ~~equipment, fertilizer, seeds and seedlings,~~ and such other
 844 material or equipment, that ~~as~~ will assist such landowners and
 845 occupiers to carry on operations upon their lands for the
 846 conservation and protection of soil and water resources ~~and for~~
 847 ~~the prevention or control of soil erosion and for flood~~
 848 ~~prevention or the conservation, development and utilization, of~~
 849 ~~soil and water resources and the disposal of water;~~

850 (6)-(7) To construct, improve, operate and maintain such
 851 structures as may be necessary or convenient for the performance
 852 of any of the operations authorized in this chapter;

853 (7)-(8) To provide, or assist in providing, training and
 854 education programs that further the purposes and provisions of
 855 this chapter ~~develop comprehensive plans for the conservation of~~
 856 ~~soil and water resources and for the control and prevention of~~
 857 ~~soil erosion and for flood prevention or the conservation,~~
 858 ~~development and utilization of soil and water resources, and the~~



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859 ~~disposal of water within the district's boundaries, territory~~
860 ~~within another district's boundaries subject to the other~~
861 ~~district's approval, or territory not contained within any~~
862 ~~district's boundaries, which plans shall specify in such detail~~
863 ~~as may be possible the acts, procedures, performances, and~~
864 ~~avoidances which are necessary or desirable for the effectuation~~
865 ~~of such plans, including the specification of engineering~~
866 ~~operations, methods of cultivation, the growing of vegetation,~~
867 ~~cropping programs, tillage practices, and changes in use of~~
868 ~~land; control of artesian wells; and to publish such plans and~~
869 ~~information and bring them to the attention of owners and~~
870 ~~occupiers of lands within the district's boundaries, territory~~
871 ~~within another district's boundaries subject to the other~~
872 ~~district's approval, or territory not contained within any~~
873 ~~district's boundaries;~~

874 ~~(9) To take over, by purchase, lease, or otherwise, and to~~
875 ~~administer any soil-conservation, erosion-control, erosion-~~
876 ~~prevention project, or any project for flood prevention or for~~
877 ~~the conservation, development and utilization of soil and water~~
878 ~~resources, and the disposal of water, located within the~~
879 ~~district's boundaries, territory within another district's~~
880 ~~boundaries subject to the other district's approval, or~~
881 ~~territory not contained within any district's boundaries,~~
882 ~~undertaken by the United States or any of its agencies, or by~~
883 ~~this state or any of its agencies; to manage as agent of the~~
884 ~~United States or any of its agencies, or of the state or any of~~



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885 ~~its agencies, any soil-conservation, erosion-control, erosion-~~
 886 ~~prevention, or any project for flood-prevention or for the~~
 887 ~~conservation, development, and utilization of soil and water~~
 888 ~~resources, and the disposal of water within the district's~~
 889 ~~boundaries, territory within another district's boundaries~~
 890 ~~subject to the other district's approval, or territory not~~
 891 ~~contained within any district's boundaries; to act as agent for~~
 892 ~~the United States, or any of its agencies, or for the state or~~
 893 ~~any of its agencies, in connection with the acquisition,~~
 894 ~~construction, operation or administration of any soil-~~
 895 ~~conservation, erosion-control, erosion-prevention, or any~~
 896 ~~project for flood-prevention or for the conservation,~~
 897 ~~development and utilization of soil and water resources, and the~~
 898 ~~disposal of water within the district's boundaries, territory~~
 899 ~~within another district's boundaries subject to the other~~
 900 ~~district's approval, or territory not contained within any~~
 901 ~~district's boundaries; to accept donations, gifts, and~~
 902 ~~contributions in money, services, materials, or otherwise, from~~
 903 ~~the United States or any of its agencies, or from this state or~~
 904 ~~any of its agencies, or from others, and to use or expend such~~
 905 ~~moneys, services, materials or other contributions in carrying~~
 906 ~~on its operations;~~

907 (8) ~~(10)~~ To sue and be sued in the name of the district; to
 908 have a seal, which seal shall be judicially noticed; to have
 909 perpetual succession unless terminated as provided in this
 910 chapter; to make and execute contracts and other instruments



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911 necessary or convenient to the exercise of its powers; upon a
912 majority vote of the supervisors of the district, to borrow
913 money and to execute promissory notes and other evidences of
914 indebtedness in connection therewith, and to pledge, mortgage,
915 and assign the income of the district and its personal property
916 as security therefor, the notes and other evidences of
917 indebtedness to be general obligations only of the district and
918 in no event to constitute an indebtedness for which the faith
919 and credit of the state or any of its revenues are pledged; ~~to~~
920 ~~make, amend, and repeal rules and regulations not inconsistent~~
921 ~~with this chapter to carry into effect its purposes and powers.~~

922 ~~(11) As a condition to the extending of any benefits under~~
923 ~~this chapter to, or the performance of work upon, any lands not~~
924 ~~owned or controlled by this state or any of its agencies, the~~
925 ~~supervisors may require contributions in money, services,~~
926 ~~materials, or otherwise to any operations conferring such~~
927 ~~benefits, and may require landowners and occupiers to enter into~~
928 ~~and perform such agreements or covenants as to the permanent use~~
929 ~~of such lands as will tend to prevent or control erosion and~~
930 ~~prevent floodwater and sediment damages thereon;~~

931 (9) To use, in coordination with the applicable county or
932 counties, the services of the county agricultural agents and the
933 facilities of their offices, if practicable and feasible. The
934 supervisors may also employ additional permanent and temporary
935 staff, as needed, and determine their qualifications, duties,
936 and compensation. The supervisors may delegate to the chair, to



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937 one or more supervisors, or to employees such powers and duties
 938 as they may deem proper, consistent with the provisions of this
 939 chapter. The supervisors shall furnish to the department, upon
 940 request, copies of rules, orders, contracts, forms, and other
 941 documents that the district has adopted or used, and any other
 942 information concerning the district's activities, that the
 943 department may require in the performance of its duties under
 944 this chapter;

945 (10) To adopt rules to implement the provisions of this
 946 chapter; and

947 (11) To request that the Governor remove a supervisor for
 948 neglect of duty or malfeasance in office by adoption of a
 949 resolution at a public meeting. If the district believes there
 950 is a need for a review of the request, the district may request
 951 that the council, by resolution, review its request to the
 952 Governor and provide the Governor with a recommendation.

953
 954 ~~(12) Any provision~~ No provisions with respect to the
 955 acquisition, operation, or disposition of property by public
 956 bodies of this state does not apply ~~shall be applicable~~ to a
 957 district organized under this chapter unless specifically so
 958 stated by hereunder unless the Legislature ~~shall specifically so~~
 959 ~~state~~. The property and property rights of every kind and nature
 960 acquired by any district organized under the provisions of this
 961 chapter are ~~shall be~~ exempt from state, county, and other
 962 taxation.



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963 Section 31. Sections 582.21, 582.22, 582.23, 582.24,
964 582.25, and 582.26, Florida Statutes, are repealed.

965 Section 32. Section 582.29, Florida Statutes, is amended
966 to read:

967 582.29 State agencies to cooperate.—Agencies of this state
968 that ~~which shall~~ have jurisdiction over, or are ~~be~~ charged with,
969 the administration of any state-owned lands, and of any county,
970 or other governmental subdivision of the state, that ~~which shall~~
971 have jurisdiction over, or are ~~be~~ charged with the
972 administration of, any county-owned or other publicly owned
973 lands, ~~lying within the boundaries of any district organized~~
974 ~~under this chapter, the boundaries of another district subject~~
975 ~~to that district's approval, or territory not contained within~~
976 ~~the boundaries of any district organized under this chapter,~~
977 shall cooperate to the fullest extent with the supervisors of
978 such districts in the implementation ~~effectuation~~ of programs
979 and operations undertaken by the supervisors under the
980 provisions of this chapter. The supervisors of such districts
981 shall be given free access to enter and perform work upon such
982 publicly owned lands. ~~The provisions of land use regulations~~
983 ~~adopted shall be in all respects observed by the agencies~~
984 ~~administering such publicly owned lands.~~

985 Section 33. Sections 582.331, 582.34, 582.35, 582.36,
986 582.37, 582.38, 582.39, 582.40, 582.41, 582.42, 582.43, 582.44,
987 582.45, 582.46, 582.47, 582.48, 582.49, Florida Statutes, are
988 repealed.



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989 Section 34. Section 589.26, Florida Statutes, is repealed.

990 Section 35. Subsections (4) and (5) of section 595.402,
 991 Florida Statutes, are renumbered as subsections (5) and (6),
 992 respectively, and new subsections (4), (7), and (8) are added to
 993 that section, to read:

994 595.402 Definitions.—As used in this chapter, the term:

995 (4) "School breakfast program" means a program authorized
 996 by section 4 of the Child Nutrition Act of 1966, as amended, and
 997 administered by the department.

998 (7) "Summer nutrition program" means one or more of the
 999 programs authorized under 42 U.S.C. s. 1761.

1000 (8) "Universal school breakfast program" means a program
 1001 that makes breakfast available at no cost to all students
 1002 regardless of their household income.

1003 Section 36. Section 595.404, Florida Statutes, is amended
 1004 to read:

1005 595.404 School food and other nutrition programs ~~service~~
 1006 ~~program~~; powers and duties of the department.—The department has
 1007 the following powers and duties:

1008 (1) To conduct, supervise, and administer the program that
 1009 will be carried out using federal or state funds, or funds from
 1010 any other source.

1011 (2) To conduct, supervise, and administer a farmers'
 1012 market nutrition program to provide participants in the Special
 1013 Supplemental Nutrition Program for Women, Infants, and Children
 1014 (WIC) with locally grown fruits and vegetables that will be



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1015 carried out using federal or state funds, or funds from any
 1016 other source.

1017 (3)~~(2)~~ To fully cooperate with the United States
 1018 Government and its agencies and instrumentalities so that the
 1019 department may receive the benefit of all federal financial
 1020 allotments and assistance possible to carry out the purposes of
 1021 this chapter.

1022 (4)~~(3)~~ To implement and adopt by rule, as required,
 1023 federal regulations ~~to maximize federal assistance for the~~
 1024 ~~program.~~

1025 (5)~~(4)~~ To act as agent of, or contract with, the Federal
 1026 Government, another state agency, any county or municipal
 1027 government, or sponsor for the administration of the program,
 1028 including the distribution of funds provided by the Federal
 1029 Government to support the program.

1030 (6)~~(5)~~ To provide ~~make a reasonable effort to ensure that~~
 1031 ~~any school designated as a "severe need school" receives the~~
 1032 highest rate of reimbursement to which it is entitled under 42
 1033 U.S.C. s. 1773 for each breakfast meal served.

1034 (7)~~(6)~~ To develop and propose legislation necessary to
 1035 implement the program, encourage the development of innovative
 1036 school food and nutrition services, and expand participation in
 1037 the program.

1038 (8)~~(7)~~ To annually allocate among the sponsors, as
 1039 applicable, funds provided from the school breakfast supplement
 1040 in the General Appropriations Act based on each district's total



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1041 number of free and reduced-price breakfast meals served.
 1042 ~~(9)(8)~~ To employ such persons as are necessary to perform
 1043 its duties under this chapter.
 1044 ~~(10)(9)~~ To adopt rules covering the administration,
 1045 operation, and enforcement of the program and the farmers'
 1046 market nutrition program, as well as to implement the provisions
 1047 of this chapter.
 1048 ~~(11)(10)~~ To adopt and implement an appeal process by rule,
 1049 as required by federal regulations, for applicants and
 1050 participants under the programs implemented pursuant to this
 1051 chapter program, notwithstanding ss. 120.569 and 120.57-120.595.
 1052 ~~(12)(11)~~ To assist, train, and review each sponsor in its
 1053 implementation of the program.
 1054 ~~(13)(12)~~ To advance funds from the program's annual
 1055 appropriation to a summer nutrition program sponsor ~~sponsors~~,
 1056 when requested, in order to implement the provisions of this
 1057 chapter and in accordance with federal regulations.
 1058 ~~(14)~~ To collect data on food purchased through the
 1059 programs defined and described in ss. 595.402(3) and 595.406,
 1060 and to publish that data annually.
 1061 ~~(15)~~ To enter into agreements with federal or state
 1062 agencies to coordinate and cooperate in the implementation of
 1063 nutrition programs.
 1064 Section 37. Section 595.405, Florida Statutes, is amended
 1065 to read:
 1066 595.405 School nutrition program requirements ~~for school~~



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1067 ~~districts and sponsors.~~

1068 (1) Each ~~school~~ district school board shall consider the
1069 recommendations of the district school superintendent and adopt
1070 policies to provide for an appropriate food and nutrition
1071 ~~service~~ program for students consistent with federal law and
1072 department rules.

1073 (2) Each ~~school~~ district school board shall implement
1074 school breakfast programs that make breakfast meals available to
1075 all students in each elementary school that serves any
1076 combination of grades kindergarten through 5. ~~Universal school~~
1077 ~~breakfast programs shall be offered in schools in which 80~~
1078 ~~percent or more of the students are eligible for free or~~
1079 ~~reduced-price meals. Each school shall, to the maximum extent~~
1080 ~~practicable, make breakfast meals available to students at an~~
1081 ~~alternative site location, which may include, but need not be~~
1082 ~~limited to, alternative breakfast options as described in~~
1083 ~~publications of the Food and Nutrition Service of the United~~
1084 ~~States Department of Agriculture for the federal School~~
1085 ~~Breakfast Program.~~

1086 (3) Each ~~school~~ district school board must annually set
1087 prices for breakfast meals at rates that, combined with federal
1088 reimbursements and state allocations, are sufficient to defray
1089 costs of school breakfast programs without requiring allocations
1090 from the district's operating funds, except if the district
1091 school board approves lower rates.

1092 ~~(4) Each school district is encouraged to provide~~



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1093 ~~universal, free school breakfast meals to all students in each~~
1094 ~~elementary, middle, and high school. Each school district shall~~
1095 ~~approve or disapprove a policy, after receiving public testimony~~
1096 ~~concerning the proposed policy at two or more regular meetings,~~
1097 ~~which makes universal, free school breakfast meals available to~~
1098 ~~all students in each elementary, middle, and high school in~~
1099 ~~which 80 percent or more of the students are eligible for free~~
1100 ~~or reduced-price meals.~~

1101 (4)~~(5)~~ Each elementary, middle, and high school operating
1102 a breakfast program shall make a breakfast meal available if a
1103 student arrives at school on the school bus less than 15 minutes
1104 before the first bell rings and shall allow the student at least
1105 15 minutes to eat the breakfast.

1106 (5) Each district school board is encouraged to provide
1107 universal, free school breakfast meals to all students in each
1108 elementary, middle, and high school. A universal school
1109 breakfast program shall be implemented in each school in which
1110 80 percent or more of the students are eligible for free or
1111 reduced-price meals, unless the district school board, after
1112 considering public testimony at two or more regularly scheduled
1113 board meetings, decides not to implement such a program in such
1114 schools.

1115 (6) To increase school breakfast and universal school
1116 breakfast program participation, each district school board
1117 must, to the maximum extent practicable, make breakfast meals
1118 available to students through alternative service models as



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1119 | described in publications of the Food and Nutrition Service of
1120 | the United States Department of Agriculture for the federal
1121 | School Breakfast Program.

1122 | (7)~~(6)~~ Each ~~school~~ district school board shall annually
1123 | provide ~~to all students in each elementary, middle, and high~~
1124 | ~~school~~ information prepared by the district's food service
1125 | administration regarding available ~~its~~ school breakfast
1126 | programs. The information shall be communicated through school
1127 | announcements and ~~written~~ notices sent to all parents.

1128 | (8)~~(7)~~ A ~~school~~ district school board may operate a
1129 | breakfast program providing for food preparation at the school
1130 | site or in central locations with distribution to designated
1131 | satellite schools, or any combination thereof.

1132 | ~~(8) Each sponsor shall complete all corrective action~~
1133 | ~~plans required by the department or a federal agency to be in~~
1134 | ~~compliance with the program.~~

1135 | Section 38. Section 595.406, Florida Statutes, is amended
1136 | to read:

1137 | 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

1138 | (1) In order to implement the Florida Farm to School ~~Fresh~~
1139 | ~~Schools~~ Program, the department shall develop policies
1140 | pertaining to school food services which encourage:

1141 | (a) Sponsors to buy fresh and high-quality foods grown in
1142 | this state when feasible.

1143 | (b) Farmers in this state to sell their products to
1144 | sponsors, school districts, and schools.



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1145 (c) Sponsors to demonstrate a preference for competitively
1146 priced organic food products.

1147 (d) Sponsors to make reasonable efforts to select foods
1148 based on a preference for those that have maximum nutritional
1149 content.

1150 (2) The department shall provide outreach, guidance, and
1151 training to sponsors, schools, school food service directors,
1152 parent and teacher organizations, and students about the benefit
1153 of fresh food products from farms in this state.

1154 (3) The department may recognize sponsors who purchase at
1155 least 10 percent of the food they serve from the Florida Farm to
1156 School Program.

1157 Section 39. Subsection (2) of section 595.407, Florida
1158 Statutes, is amended to read:

1159 595.407 Children's summer nutrition program.—

1160 (2) Each school district shall develop a plan to sponsor
1161 or operate a summer nutrition program to operate sites in the
1162 school district as follows:

1163 (a) Within 5 miles of at least one ~~elementary~~ school that
1164 serves any combination of grades kindergarten through 5 at which
1165 50 percent or more of the students are eligible for free or
1166 reduced-price school meals ~~and~~ for the duration of 35
1167 ~~consecutive~~ days between the end of the school year and the
1168 beginning of the next school year. School districts may exclude
1169 holidays and weekends.

1170 (b) Within 10 miles of each ~~elementary~~ school that serves



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1171 any combination of grades kindergarten through 5 at which 50
 1172 percent or more of the students are eligible for free or
 1173 reduced-price school meals, except as operated pursuant to
 1174 paragraph (a).

1175 Section 40. Section 595.408, Florida Statutes, is amended
 1176 to read:

1177 595.408 Food ~~Commodity~~ distribution services; department
 1178 responsibilities and functions.-

1179 (1) (a) The department shall conduct, supervise, and
 1180 administer all food ~~commodity~~ distribution services that will be
 1181 carried on using federal or state funds, or funds from any other
 1182 source, or food ~~commodities~~ received and distributed from the
 1183 United States or any of its agencies.

1184 (b) The department shall determine the benefits each
 1185 applicant or recipient of assistance is entitled to receive
 1186 under this chapter, provided that each applicant or recipient is
 1187 a resident of this state and a citizen of the United States or
 1188 is an alien lawfully admitted for permanent residence or
 1189 otherwise permanently residing in the United States under color
 1190 of law.

1191 (2) The department shall cooperate fully with the United
 1192 States Government and its agencies and instrumentalities so that
 1193 the department may receive the benefit of all federal financial
 1194 allotments and assistance possible to carry out the purposes of
 1195 this chapter.

1196 (3) The department may:



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1197 (a) Accept any duties with respect to food ~~commodity~~
 1198 distribution services as are delegated to it by an agency of the
 1199 Federal Government or any state, county, or municipal
 1200 government.

1201 (b) Act as agent of, or contract with, the federal
 1202 government, state government, or any county or municipal
 1203 government in the administration of food ~~commodity~~ distribution
 1204 services to secure the benefits of any public assistance that is
 1205 available from the federal government or any of its agencies,
 1206 and in the distribution of funds received from the federal
 1207 government, state government, or any county or municipal
 1208 government for food ~~commodity~~ distribution services within the
 1209 state.

1210 (c) Accept from any person or organization all offers of
 1211 personal services, food commodities, or other aid or assistance.

1212 (4) This chapter does not limit, abrogate, or abridge the
 1213 powers and duties of any other state agency.

1214 Section 41. Section 595.501, Florida Statutes, is amended
 1215 to read:

1216 595.501 Penalties.—

1217 (1) When a corrective action plan is issued by the
 1218 department or a federal agency, each sponsor is required to
 1219 complete the corrective action plan to be in compliance with the
 1220 program.

1221 (2) Any person or ~~7~~ sponsor, ~~7~~ ~~or school district~~ that
 1222 violates any provision of this chapter or any rule adopted



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1223 thereunder or otherwise does not comply with the program is
 1224 subject to a suspension or revocation of their agreement, loss
 1225 of reimbursement, or a financial penalty in accordance with
 1226 federal or state law, or both. This section does not restrict
 1227 the applicability of any other law.

1228 Section 42. Section 595.601, Florida Statutes, is amended
 1229 to read:

1230 595.601 Food and Nutrition Services Trust Fund.—Chapter
 1231 99-37, Laws of Florida, recreated the Food and Nutrition
 1232 Services Trust Fund to record revenue and disbursements of
 1233 Federal Food and Nutrition funds received by the department as
 1234 authorized in ss. 595.404 and 595.408 ~~s. 595.405~~.

1235 Section 43. Section 601.31, Florida Statutes, is amended
 1236 to read:

1237 601.31 Citrus inspectors; employment.—The Department of
 1238 Agriculture may annually ~~in each year~~ employ as many citrus
 1239 fruit inspectors for a ~~such~~ period ~~or periods~~, not to exceed
 1240 ~~exceeding~~ 1 year, as the Department of Agriculture deems ~~shall~~
 1241 ~~deem~~ necessary for the effective enforcement of the citrus fruit
 1242 laws of this state. All persons authorized to inspect and
 1243 certify ~~to~~ the maturity and grade of citrus fruit shall be
 1244 governed by such laws ~~in the discharge of their duties as such~~
 1245 ~~inspectors by the provisions of law~~ and by the rules adopted by
 1246 the Department of Citrus and the Department of Agriculture and
 1247 shall perform their duties under the direction and supervision
 1248 of the Department of Agriculture. All such citrus inspectors



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1249 ~~appointed for the enforcement of this chapter shall be persons~~
 1250 ~~who are duly licensed or certified by the United States~~
 1251 ~~Department of Agriculture as citrus fruit inspectors.~~

1252 Section 44. Paragraphs (b) and (d) of subsection (1) and
 1253 subsection (2) of section 604.21, Florida Statutes, are amended
 1254 to read:

1255 604.21 Complaint; investigation; hearing.-

1256 (1)

1257 (b) To be considered timely filed, a complaint together
 1258 with any required affidavit ~~affidavits or notarizations~~ must be
 1259 received by the department within 6 months after the date of
 1260 sale by electronic transmission, facsimile, regular mail,
 1261 certified mail, or private delivery service. If the complaint is
 1262 sent by a service other than electronic mail or facsimile, the
 1263 mailing shall be postmarked or dated on or before the 6-month
 1264 deadline to be accepted as timely filed.

1265 (d) A person, partnership, corporation, or other business
 1266 entity filing a complaint shall submit to the department the
 1267 following documents: a three ~~three~~ completed complaint affidavit
 1268 ~~affidavits~~ on a form provided by the department with an original
 1269 signature of an owner, partner, general partner, or corporate
 1270 officer and an original notarization ~~on each affidavit. If the~~
 1271 ~~complaint is filed by electronic transmission or facsimile, the~~
 1272 ~~original affidavits and original notarizations shall be filed~~
 1273 ~~with the department not later than the close of business of the~~
 1274 ~~tenth business day following the electronic transmission or~~



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1275 ~~facsimile filing.~~ Attached to the ~~each~~ complaint affidavit shall
 1276 be copies of all documents to support the complaint. Supporting
 1277 documents may be copies of invoices, bills of lading, packing or
 1278 shipping documents, demand letters, or any other documentation
 1279 to support the claim. In cases in which there are multiple
 1280 invoices being claimed, a summary list of all claimed invoices
 1281 must accompany the complaint.

1282 (2) Upon the filing of a ~~such~~ complaint pursuant to this
 1283 section ~~in the manner herein provided,~~ the department shall
 1284 investigate the matters complained of and; ~~whereupon,~~ if, in the
 1285 opinion of the department, the facts contained in the complaint
 1286 warrant such action, the department shall serve notice of the
 1287 ~~filing of~~ complaint to the dealer against whom the complaint has
 1288 been filed at the last address of record. The ~~Such~~ notice shall
 1289 be accompanied by a ~~true~~ copy of the complaint. A copy of the
 1290 ~~such~~ notice and complaint shall also be served to the surety
 1291 company, if any, that provided the bond for the dealer, which
 1292 surety company shall become party to the action. The ~~Such~~ notice
 1293 ~~of the complaint~~ shall inform the dealer of a reasonable time
 1294 within which to answer the complaint by advising the department
 1295 in writing that the allegations in the complaint are admitted or
 1296 denied or that the complaint has been satisfied. The ~~Such~~ notice
 1297 shall also inform the dealer and the surety company or financial
 1298 institution of a right to a hearing on the complaint, if
 1299 requested.

1300 Section 45. Section 604.33, Florida Statutes, is amended



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1301 to read:

1302 604.33 Security requirements for grain dealers.—Each grain

1303 dealer doing business in the state shall maintain liquid

1304 security, in the form of grain on hand, cash, certificates of

1305 deposit, or other nonvolatile security that can be liquidated in

1306 10 days or less, or cash bonds, surety bonds, or letters of

1307 credit, that have been assigned to the department and that are

1308 conditioned to secure the faithful accounting for and payment to

1309 the producers for grain stored or purchased, in an amount equal

1310 to the value of grain which the grain dealer has received from

1311 grain producers for which the producers have not received

1312 payment. The bonds must be executed by the applicant as

1313 principal and by a surety corporation authorized to transact

1314 business in the state. The certificates of deposit and letters

1315 of credit must be from a recognized financial institution doing

1316 business in the United States. ~~Each grain dealer shall report to~~

1317 ~~the department monthly, on or before a date established by rule~~

1318 ~~of the department, the value of grain she or he has received~~

1319 ~~from producers for which the producers have not received payment~~

1320 ~~and the types of transaction involved, showing the value of each~~

1321 ~~type of transaction. The report shall also include a statement~~

1322 ~~showing the type and amount of security maintained to cover the~~

1323 ~~grain dealer's liability to producers.~~ The department may ~~shall~~

1324 make at least one spot check annually of each grain dealer to

1325 determine compliance with the requirements of this section.

1326 Section 46. (1) The Pompano State Farmers Market is



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1327 redesignated as the "Edward L. Myrick State Farmers Market."
 1328 This designation honors Mr. Edward L. Myrick, a veteran of the
 1329 United States Army and a pillar of the Pompano agricultural
 1330 community. Mr. Edward L. Myrick has played a leading role in the
 1331 success of the Pompano State Farmers Market since 1976 and
 1332 continues to serve the market and the community through his
 1333 leadership in ensuring the availability of fresh agricultural
 1334 produce to the community at large.

1335 (2) The Department of Agriculture and Consumer Services is
 1336 directed to erect suitable markers designating the Edward L.
 1337 Myrick State Farmers Market as described in subsection (1).

1338 Section 47. Except as otherwise expressly provided in this
 1339 act and except for this section, which shall take effect upon
 1340 becoming a law, this act shall take effect July 1, 2016.