

By Senator Argenziano

3-548A-03

See HB 711

1                                   A bill to be entitled  
2           An act relating to soil and water conservation;  
3           amending s. 189.403, F.S.; revising the  
4           definition of the term "special district" to  
5           exclude soil and water conservation districts;  
6           amending s. 582.06, F.S.; increasing membership  
7           of the Soil and Water Conservation Council;  
8           specifying qualifications for members; amending  
9           ss. 582.10 and 582.30, F.S.; revising  
10          provisions relating to the creation and  
11          discontinuance of soil and water conservation  
12          districts; authorizing the Commissioner of  
13          Agriculture to dissolve or discontinue a  
14          district; providing an effective date.

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

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18           Section 1. Subsection (1) of section 189.403, Florida  
19 Statutes, is amended to read:

20           189.403 Definitions.--As used in this chapter, the  
21 term:

22           (1) "Special district" means a local unit of special  
23 purpose, as opposed to general-purpose, government within a  
24 limited boundary, created by general law, special act, local  
25 ordinance, or by rule of the Governor and Cabinet. The special  
26 purpose or purposes of special districts are implemented by  
27 specialized functions and related prescribed powers. For the  
28 purpose of s. 196.199(1), special districts shall be treated  
29 as municipalities. The term does not include a school  
30 district, a community college district, a special improvement  
31 district created pursuant to s. 285.17, a soil and water

1 conservation district created pursuant to s. 582.10,a  
2 municipal service taxing or benefit unit as specified in s.  
3 125.01, or a board which provides electrical service and which  
4 is a political subdivision of a municipality or is part of a  
5 municipality.

6 Section 2. Subsection (1) of section 582.06, Florida  
7 Statutes, is amended to read:

8 582.06 Soil and Water Conservation Council; powers and  
9 duties.--

10 (1) COMPOSITION.--The Soil and Water Conservation  
11 Council is created in the Department of Agriculture and  
12 Consumer Services and shall be composed of 23 ~~nine~~ members as  
13 follows who shall:

14 (a) Eleven members shall be persons who have been  
15 involved in the practice of practicing soil or water  
16 conservation, or in the development or implementation of  
17 interim measures or best management practices related thereto,  
18 and who have been engaged in agriculture or an occupation  
19 related to the agricultural industry farming for at least 5  
20 continuous years at the time of their appointment.

21 (b) Twelve nonvoting ex officio members shall include  
22 one representative each from the Department of Environmental  
23 Protection, the five water management districts, the Institute  
24 of Food and Agricultural Sciences at the University of  
25 Florida, the United States Department of Agriculture Natural  
26 Resources Conservation Service, the Florida Association of  
27 Counties, the Florida League of Cities, and two  
28 representatives of environmental interests.

29 (c) ~~(b)~~ All members shall be appointed by the  
30 commissioner. Ex officio members shall be appointed by the  
31 commissioner from recommendations provided by the organization

1 ~~or interest represented. No two members shall be appointed~~  
2 ~~from the same congressional district.~~

3 (d)~~(c)~~ Members shall serve 4-year terms or until their  
4 successors are duly qualified and appointed. If a vacancy  
5 occurs, it shall be filled for the remainder of the term in  
6 the manner of an initial appointment.

7 Section 3. Subsection (1) of section 582.10, Florida  
8 Statutes, is amended to read:

9 582.10 Creation of soil and water conservation  
10 districts.--

11 (1) Any 10 percent of 25 owners of land lying within  
12 the limits of the territory proposed to be organized into a  
13 district may file a petition with the Department of  
14 Agriculture and Consumer Services, asking that a soil and  
15 water conservation district be organized to function in the  
16 territory described in the petition. Such petition shall set  
17 forth:

18 (a) The proposed name of said district.

19 (b) That there is need, in the interest of the public  
20 health, safety, and welfare, for a soil and water conservation  
21 district to function in the territory described in the  
22 petition.

23 (c) A description of the territory proposed to be  
24 organized as a district, which description shall not be  
25 required to be given by metes and bounds or by legal  
26 subdivisions, but shall be deemed sufficient if generally  
27 accurate.

28 (d) A request that the department duly define the  
29 boundaries for such district; that a referendum be held within  
30 the territory so defined on the question of the creation of a  
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1 soil and water conservation district in such territory; and  
2 that the department determine that such a district be created.

3 Section 4. Section 582.30, Florida Statutes, is  
4 amended to read:

5 582.30 Discontinuance of districts; referendum;  
6 commissioner's authority.--

7 (1) Any time after 5 years from the organization of a  
8 district under the provisions of this chapter, any 10 percent  
9 of 25 owners of land lying within the boundaries of such  
10 district may file a petition with the Department of  
11 Agriculture and Consumer Services praying that the operations  
12 of the district be terminated and the existence of the  
13 district discontinued. The department may conduct such public  
14 meetings and public hearings upon petition as may be necessary  
15 to assist it in the consideration thereof. Within 60 days  
16 after such a petition has been received by the department it  
17 shall give due notice of the holding of a referendum, and  
18 shall supervise such referendum, and issue appropriate  
19 regulations governing the conduct thereof, the question to be  
20 submitted by ballots upon which the words "For terminating the  
21 existence of the \_\_\_\_\_ (Name of the soil and water  
22 conservation district to be here inserted)" and "Against  
23 terminating the existence of the \_\_\_\_\_ (Name of the soil and  
24 water conservation district to be here inserted)" shall appear  
25 with a square before each proposition and a direction to  
26 insert an X mark in the square before one or the other of said  
27 propositions as the voter may favor or oppose discontinuance  
28 of such district. All owners of lands lying within the  
29 boundaries of the district shall be eligible to vote in such  
30 referendum. Only such landowners shall be eligible to vote. No  
31 informalities in the conduct of such referendum or in any

1 matters relating thereto shall invalidate said referendum or  
2 the result thereof if notice thereof shall have been given  
3 substantially as herein provided and said referendum shall  
4 have been fairly conducted.

5 (2) If two-thirds or more of the qualified voters in  
6 such referendum shall have voted for the discontinuance of the  
7 district, the department shall certify to the supervisors of  
8 the district the result of such referendum and that the  
9 continued operation of the district is not administratively  
10 practicable and feasible.

11 (3) In the alternative, upon review and recommendation  
12 of the Soil and Water Conservation Council regarding the  
13 continued viability of a district, the Commissioner of  
14 Agriculture may dissolve or discontinue such district if the  
15 commissioner certifies that the continued operation of the  
16 district is not administratively practicable and feasible.  
17 Notice of such proposed certification shall be published once  
18 a week for 2 weeks in a newspaper of general circulation  
19 within the county or counties wherein the district is located,  
20 stating the name of the district and a general description of  
21 the territory included in the district, and requiring that any  
22 objections to the proposed dissolution or any claims against  
23 the assets of the district must be filed with the department  
24 clerk not later than 60 days following the date of last  
25 publication.

26 Section 5. This act shall take effect July 1, 2003.  
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