

By the Committee on Agriculture; and Senator Argenziano

303-1978-03

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

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

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 15           Section 1. Subsection (1) of section 582.06, Florida  
 16 Statutes, is amended to read:

17           582.06 Soil and Water Conservation Council; powers and  
 18 duties.--

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

23           (a) Eleven members shall be persons who have been  
 24 involved in the practice of practicing soil or water  
 25 conservation, or in the development or implementation of  
 26 interim measures or best management practices related thereto,  
 27 and who have been engaged in agriculture or an occupation  
 28 related to the agricultural industry farming for at least 5  
 29 ~~continuous~~ years at the time of their appointment.

30           (b) Twelve nonvoting ex officio members shall include  
 31 one representative each from the Department of Environmental

1 Protection, the five water management districts, the Institute  
2 of Food and Agricultural Sciences at the University of  
3 Florida, the United States Department of Agriculture Natural  
4 Resources Conservation Service, the Florida Association of  
5 Counties, the Florida League of Cities, and two  
6 representatives of environmental interests.

7 (c)(b) All members shall be appointed by the  
8 commissioner. Ex officio members shall be appointed by the  
9 commissioner from recommendations provided by the organization  
10 or interest represented.~~No two members shall be appointed~~  
11 ~~from the same congressional district.~~

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

16 Section 2. Subsection (1) of section 582.10, Florida  
17 Statutes, is amended to read:

18 582.10 Creation of soil and water conservation  
19 districts.--

20 (1) Any 10 percent of 25 owners of land lying within  
21 the limits of the territory proposed to be organized into a  
22 district may file a petition with the Department of  
23 Agriculture and Consumer Services, asking that a soil and  
24 water conservation district be organized to function in the  
25 territory described in the petition. Such petition shall set  
26 forth:

27 (a) The proposed name of said district.

28 (b) That there is need, in the interest of the public  
29 health, safety, and welfare, for a soil and water conservation  
30 district to function in the territory described in the  
31 petition.

1 (c) A description of the territory proposed to be  
2 organized as a district, which description shall not be  
3 required to be given by metes and bounds or by legal  
4 subdivisions, but shall be deemed sufficient if generally  
5 accurate.

6 (d) A request that the department duly define the  
7 boundaries for such district; that a referendum be held within  
8 the territory so defined on the question of the creation of a  
9 soil and water conservation district in such territory; and  
10 that the department determine that such a district be created.

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

13 582.30 Discontinuance of districts; referendum;  
14 commissioner's authority.--

15 (1) Any time after 5 years from the organization of a  
16 district under the provisions of this chapter, any 10 percent  
17 of 25 owners of land lying within the boundaries of such  
18 district may file a petition with the Department of  
19 Agriculture and Consumer Services praying that the operations  
20 of the district be terminated and the existence of the  
21 district discontinued. The department may conduct such public  
22 meetings and public hearings upon petition as may be necessary  
23 to assist it in the consideration thereof. Within 60 days  
24 after such a petition has been received by the department it  
25 shall give due notice of the holding of a referendum, and  
26 shall supervise such referendum, and issue appropriate  
27 regulations governing the conduct thereof, the question to be  
28 submitted by ballots upon which the words "For terminating the  
29 existence of the \_\_\_\_\_ (Name of the soil and water  
30 conservation district to be here inserted)" and "Against  
31 terminating the existence of the \_\_\_\_\_ (Name of the soil and

1 water conservation district to be here inserted)" shall appear  
2 with a square before each proposition and a direction to  
3 insert an X mark in the square before one or the other of said  
4 propositions as the voter may favor or oppose discontinuance  
5 of such district. All owners of lands lying within the  
6 boundaries of the district shall be eligible to vote in such  
7 referendum. Only such landowners shall be eligible to vote. No  
8 informalities in the conduct of such referendum or in any  
9 matters relating thereto shall invalidate said referendum or  
10 the result thereof if notice thereof shall have been given  
11 substantially as herein provided and said referendum shall  
12 have been fairly conducted.

13 (2) If two-thirds or more of the qualified voters in  
14 such referendum shall have voted for the discontinuance of the  
15 district, the department shall certify to the supervisors of  
16 the district the result of such referendum and that the  
17 continued operation of the district is not administratively  
18 practicable and feasible.

19 (3) In the alternative, upon review and recommendation  
20 of the Soil and Water Conservation Council regarding the  
21 continued viability of a district, the Commissioner of  
22 Agriculture may dissolve or discontinue such district if the  
23 commissioner certifies that the continued operation of the  
24 district is not administratively practicable and feasible.  
25 Notice of such proposed certification shall be published once  
26 a week for 2 weeks in a newspaper of general circulation  
27 within the county or counties wherein the district is located,  
28 stating the name of the district and a general description of  
29 the territory included in the district, and requiring that any  
30 objections to the proposed dissolution or any claims against  
31 the assets of the district must be filed with the department

1 clerk not later than 60 days following the date of last  
2 publication.

3 Section 4. This act shall take effect July 1, 2003.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 Senate Bill 1754

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8 The CS causes a "soil and water conservation district" to  
9 remain a "special district" as that term is defined in s.  
10 189.403 F.S.

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