



HB 0711

2003

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

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

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

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

(1) "Special district" means a local unit of special  
 purpose, as opposed to general-purpose, government within a  
 limited boundary, created by general law, special act, local  
 ordinance, or by rule of the Governor and Cabinet. The special  
 purpose or purposes of special districts are implemented by  
 specialized functions and related prescribed powers. For the  
 purpose of s. 196.199(1), special districts shall be treated as  
 municipalities. The term does not include a school district, a  
 community college district, a special improvement district  
 created pursuant to s. 285.17, a soil and water conservation  
district created pursuant to s. 582.10, a municipal service  
 taxing or benefit unit as specified in s. 125.01, or a board



HB 0711

2003

31 which provides electrical service and which is a political  
 32 subdivision of a municipality or is part of a municipality.

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

35 582.06 Soil and Water Conservation Council; powers and  
 36 duties.--

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

41 (a) Eleven members shall be persons who have been involved  
 42 in the practice of ~~practicing~~ soil or water conservation, or in  
 43 the development or implementation of interim measures or best  
 44 management practices related thereto, and who have been engaged  
 45 in agriculture or an occupation related to the agricultural  
 46 industry ~~farming~~ for at least 5 ~~continuous~~ years at the time of  
 47 their appointment.

48 (b) Twelve nonvoting ex officio members shall include one  
 49 representative each from the Department of Environmental  
 50 Protection, the five water management districts, the Institute  
 51 of Food and Agricultural Sciences at the University of Florida,  
 52 the United States Department of Agriculture Natural Resources  
 53 Conservation Service, the Florida Association of Counties, the  
 54 Florida League of Cities, and two representatives of  
 55 environmental interests.

56 (c)~~(b)~~ All members shall be appointed by the commissioner.  
 57 Ex officio members shall be appointed by the commissioner from  
 58 recommendations provided by the organization or interest  
 59 represented. ~~No two members shall be appointed from the same~~  
 60 congressional district.



HB 0711

2003

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

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

67           582.10 Creation of soil and water conservation  
68 districts.--

69           (1) Any 10 percent of 25 owners of land lying within the  
70 limits of the territory proposed to be organized into a district  
71 may file a petition with the Department of Agriculture and  
72 Consumer Services, asking that a soil and water conservation  
73 district be organized to function in the territory described in  
74 the petition. Such petition shall set forth:

75           (a) The proposed name of said district.

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

79           (c) A description of the territory proposed to be  
80 organized as a district, which description shall not be required  
81 to be given by metes and bounds or by legal subdivisions, but  
82 shall be deemed sufficient if generally accurate.

83           (d) A request that the department duly define the  
84 boundaries for such district; that a referendum be held within  
85 the territory so defined on the question of the creation of a  
86 soil and water conservation district in such territory; and that  
87 the department determine that such a district be created.

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



HB 0711

2003

90           582.30   Discontinuance of districts; referendum;  
 91   commissioner's authority.--

92           (1) Any time after 5 years from the organization of a  
 93   district under the provisions of this chapter, any 10 percent of  
 94   ~~25~~ owners of land lying within the boundaries of such district  
 95   may file a petition with the Department of Agriculture and  
 96   Consumer Services praying that the operations of the district be  
 97   terminated and the existence of the district discontinued. The  
 98   department may conduct such public meetings and public hearings  
 99   upon petition as may be necessary to assist it in the  
 100   consideration thereof. Within 60 days after such a petition has  
 101   been received by the department it shall give due notice of the  
 102   holding of a referendum, and shall supervise such referendum,  
 103   and issue appropriate regulations governing the conduct thereof,  
 104   the question to be submitted by ballots upon which the words  
 105   "For terminating the existence of the \_\_\_\_\_ (Name of the soil  
 106   and water conservation district to be here inserted)" and  
 107   "Against terminating the existence of the \_\_\_\_\_ (Name of the  
 108   soil and water conservation district to be here inserted)" shall  
 109   appear with a square before each proposition and a direction to  
 110   insert an X mark in the square before one or the other of said  
 111   propositions as the voter may favor or oppose discontinuance of  
 112   such district. All owners of lands lying within the boundaries  
 113   of the district shall be eligible to vote in such referendum.  
 114   Only such landowners shall be eligible to vote. No informalities  
 115   in the conduct of such referendum or in any matters relating  
 116   thereto shall invalidate said referendum or the result thereof  
 117   if notice thereof shall have been given substantially as herein  
 118   provided and said referendum shall have been fairly conducted.



HB 0711

2003

119 (2) If two-thirds or more of the qualified voters in such  
120 referendum shall have voted for the discontinuance of the  
121 district, the department shall certify to the supervisors of the  
122 district the result of such referendum and that the continued  
123 operation of the district is not administratively practicable  
124 and feasible.

125 (3) In the alternative, upon review and recommendation of  
126 the Soil and Water Conservation Council regarding the continued  
127 viability of a district, the Commissioner of Agriculture may  
128 dissolve or discontinue such district if the commissioner  
129 certifies that the continued operation of the district is not  
130 administratively practicable and feasible. Notice of such  
131 proposed certification shall be published once a week for 2  
132 weeks in a newspaper of general circulation within the county or  
133 counties wherein the district is located, stating the name of  
134 the district, a general description of the territory included in  
135 the district, and that any objections to the proposed  
136 dissolution or any claims against the assets of the district  
137 shall be filed with the department clerk not later than 60 days  
138 following the date of last publication.

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