



HB 0711

2003
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CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to soil and water conservation; 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 582.06, Florida Statutes, is amended to read:

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

(1) COMPOSITION.--The Soil and Water Conservation Council is created in the Department of Agriculture and Consumer



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29 Services and shall be composed of 23 ~~nine~~ members as follows ~~who~~
30 ~~shall~~:

31 (a) Eleven members shall be persons who have been involved
32 in the practice of ~~practicing~~ soil or water conservation, or in
33 the development or implementation of interim measures or best
34 management practices related thereto, and who have been engaged
35 in agriculture or an occupation related to the agricultural
36 industry farming for at least 5 ~~continuous~~ years at the time of
37 their appointment.

38 (b) Twelve nonvoting ex officio members shall include one
39 representative each from the Department of Environmental
40 Protection, the five water management districts, the Institute
41 of Food and Agricultural Sciences at the University of Florida,
42 the United States Department of Agriculture Natural Resources
43 Conservation Service, the Florida Association of Counties, the
44 Florida League of Cities, and two representatives of
45 environmental interests.

46 (c)~~(b)~~ All members shall be appointed by the commissioner.
47 Ex officio members shall be appointed by the commissioner from
48 recommendations provided by the organization or interest
49 represented. ~~No two members shall be appointed from the same~~
50 congressional district.

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

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



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57 | 582.10 Creation of soil and water conservation
58 | districts.--

59 | (1) Any 10 percent of ~~25~~ owners of land lying within the
60 | limits of the territory proposed to be organized into a district
61 | may file a petition with the Department of Agriculture and
62 | Consumer Services, asking that a soil and water conservation
63 | district be organized to function in the territory described in
64 | the petition. Such petition shall set forth:

65 | (a) The proposed name of said district.

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

69 | (c) A description of the territory proposed to be
70 | organized as a district, which description shall not be required
71 | to be given by metes and bounds or by legal subdivisions, but
72 | shall be deemed sufficient if generally accurate.

73 | (d) A request that the department duly define the
74 | boundaries for such district; that a referendum be held within
75 | the territory so defined on the question of the creation of a
76 | soil and water conservation district in such territory; and that
77 | the department determine that such a district be created.

78 | Section 3. Section 582.30, Florida Statutes, is amended to
79 | read:

80 | 582.30 Discontinuance of districts; referendum;
81 | commissioner's authority.--

82 | (1) Any time after 5 years from the organization of a
83 | district under the provisions of this chapter, any 10 percent of
84 | ~~25~~ owners of land lying within the boundaries of such district



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85 | may file a petition with the Department of Agriculture and
86 | Consumer Services praying that the operations of the district be
87 | terminated and the existence of the district discontinued. The
88 | department may conduct such public meetings and public hearings
89 | upon petition as may be necessary to assist it in the
90 | consideration thereof. Within 60 days after such a petition has
91 | been received by the department it shall give due notice of the
92 | holding of a referendum, and shall supervise such referendum,
93 | and issue appropriate regulations governing the conduct thereof,
94 | the question to be submitted by ballots upon which the words
95 | "For terminating the existence of the _____ (Name of the soil
96 | and water conservation district to be here inserted)" and
97 | "Against terminating the existence of the _____ (Name of the
98 | soil and water conservation district to be here inserted)" shall
99 | appear with a square before each proposition and a direction to
100 | insert an X mark in the square before one or the other of said
101 | propositions as the voter may favor or oppose discontinuance of
102 | such district. All owners of lands lying within the boundaries
103 | of the district shall be eligible to vote in such referendum.
104 | Only such landowners shall be eligible to vote. No informalities
105 | in the conduct of such referendum or in any matters relating
106 | thereto shall invalidate said referendum or the result thereof
107 | if notice thereof shall have been given substantially as herein
108 | provided and said referendum shall have been fairly conducted.

109 | (2) If two-thirds or more of the qualified voters in such
110 | referendum shall have voted for the discontinuance of the
111 | district, the department shall certify to the supervisors of the
112 | district the result of such referendum and that the continued



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113 operation of the district is not administratively practicable
114 and feasible.

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

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

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