

By Senator Siplin

19-01595-12

20121254

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 20.14, F.S.;
4 establishing the Division of Food, Nutrition, and
5 Wellness within the department; amending s. 253.002,
6 F.S.; requiring the department to perform certain
7 staff duties and functions for the Board of Trustees
8 of the Internal Improvement Trust Fund related to
9 conservation easements; amending s. 379.2523, F.S.;
10 deleting references to the Aquaculture Interagency
11 Coordinating Council to conform to the repeal by the
12 act of provisions creating the council; amending s.
13 379.2524, F.S.; deleting provisions that prohibit
14 compensation and authorize per diem and travel
15 expenses for members of the Sturgeon Production
16 Working Group; amending s. 388.161, F.S.; revising the
17 substances that mosquito control districts are
18 authorized to use for controlling mosquito breeding;
19 amending s. 388.201, F.S.; revising the date by which
20 mosquito control districts must submit their certified
21 budgets for approval by the department; amending s.
22 388.323, F.S.; revising procedures for a county's or
23 mosquito control district's disposal of certain
24 surplus equipment; repealing s. 388.42, F.S., relating
25 to the John A. Mulrennan, Sr., Arthropod Research
26 Laboratory; amending s. 388.46, F.S.; revising the
27 membership and responsibilities of the Florida
28 Coordinating Council on Mosquito Control; revising the
29 duties of the council's Subcommittee on Managed

19-01595-12

20121254

30 Marshes; amending s. 493.6104, F.S.; deleting
31 provisions that prohibit compensation and authorize
32 per diem and travel expenses for members of the
33 Private Investigation, Recovery, and Security Advisory
34 Council; amending s. 500.09, F.S.; authorizing the
35 department to adopt rules incorporating by reference
36 the federal model Food Code; amending ss. 500.147 and
37 502.014, F.S.; deleting provisions for a food safety
38 pilot program and a permitting program for persons who
39 test milk or milk products; amending s. 502.053, F.S.;
40 deleting requirements for milkfat tester licenses;
41 amending s. 570.07, F.S.; authorizing the department
42 to accept and distribute funds to individuals under
43 certain circumstances; amending s. 570.0705, F.S.;
44 prohibiting members of certain advisory bodies from
45 receiving per diem or travel expenses except under
46 certain circumstances; deleting a provision that
47 prohibits members from receiving compensation for
48 their services; repealing s. 570.071, F.S., relating
49 to the Florida Agricultural Exposition and the receipt
50 and expenditure of funds for the exposition; amending
51 s. 570.074, F.S.; renaming and revising the policy
52 jurisdiction of the department's Office of Energy and
53 Water; amending s. 570.18, F.S.; conforming cross-
54 references; repealing s. 570.29, F.S., relating to
55 divisions of the Department of Agriculture and
56 Consumer Services; repealing s. 570.34, F.S., relating
57 to the Plant Industry Technical Council; creating s.
58 570.451, F.S.; creating the Agricultural Feed, Seed,

19-01595-12

20121254

59 and Fertilizer Advisory Council; providing for the
60 council's powers and duties and the appointment of
61 council members; amending ss. 570.53 and 570.54, F.S.;
62 conforming cross-references; amending s. 573.112,
63 F.S.; providing that members of the Citrus Research
64 and Development Foundation's board of directors are
65 entitled to reimbursement for per diem and travel
66 expenses; amending s. 573.118, F.S.; revising
67 requirements for the accounting and review of
68 collections and expenditures from agricultural
69 commodity marketing order assessments; deleting
70 requirements for the audit of such accounts; amending
71 s. 576.045, F.S.; revising the expiration dates of
72 certain provisions regulating fertilizers containing
73 nitrogen or phosphorous; amending s. 576.071, F.S.;
74 deleting a reference to the Fertilizer Technical
75 Council to conform to the repeal by the act of
76 provisions creating the council; repealing ss. 576.091
77 and 578.30, F.S., relating to the Fertilizer Technical
78 Council and Seed Technical Council; amending s.
79 580.041, F.S.; revising the reporting requirements and
80 penalties for violations by distributors of commercial
81 feed; amending s. 580.131, F.S.; revising requirements
82 for the assessment of penalties and enforcement of
83 violations by manufacturers and distributors of
84 commercial feed or feedstuff; authorizing the
85 department to assess penalties; requiring registered
86 distributors of commercial feed to pay such penalties
87 to consumers within a specified period; imposing

19-01595-12

20121254

88 additional penalties for nonpayment; providing for the
89 deposit and use of certain funds paid to the
90 department; repealing s. 580.151, F.S., relating to
91 the Commercial Feed Technical Council; amending s.
92 581.011, F.S.; conforming provisions; amending s.
93 581.145, F.S.; revising requirements for the issuance
94 of permits to aquaculture producers for the transport
95 and sale of water hyacinths to other states and
96 countries; amending s. 582.06, F.S.; revising
97 requirements for the composition and appointment of
98 members of the Soil and Water Conservation Council and
99 the reimbursement of members for per diem and travel
100 expenses; amending ss. 582.20 and 582.29, F.S.;
101 revising the geographic jurisdiction of soil and water
102 conservation districts to include certain territory
103 outside of the districts' boundaries; amending s.
104 582.30, F.S.; revising requirements and procedures for
105 the dissolution or discontinuance of soil and water
106 conservation districts; revising notice requirements
107 for such proposed dissolution or discontinuance;
108 amending s. 582.31, F.S.; revising requirements for
109 payment of the proceeds from the sale of property of a
110 dissolving soil and water conservation district to the
111 State Treasury; repealing s. 585.155, F.S., relating
112 to the inspection and vaccination of cattle for
113 brucellosis; repealing s. 589.03, F.S., relating to
114 the compensation and reimbursement for per diem and
115 travel expenses of members of the Florida Forestry
116 Council; amending s. 589.19, F.S.; renaming the

19-01595-12

20121254

117 "Wounded Warrior Special Hunt Areas" of the state
118 forests; conforming obsolete references to the former
119 Division of Forestry; amending s. 589.277, F.S.;
120 revising requirements for the deposit of contributions
121 for tree planting programs; conforming obsolete
122 references to the former Division of Forestry;
123 amending s. 590.02, F.S.; specifying that state and
124 local government agencies other than the Florida
125 Forest Service may not enforce regulations of
126 broadcast burning or agricultural and silvicultural
127 pile burning except under certain circumstances;
128 conforming obsolete references to the former Division
129 of Forestry; amending ss. 597.0021 and 597.003, F.S.;
130 deleting references to the Aquaculture Interagency
131 Coordinating Council to conform to the repeal by the
132 act of provisions creating the council; amending s.
133 597.004, F.S.; authorizing the waiver of aquaculture
134 registration fees for certain schools; amending s.
135 597.005, F.S.; revising the composition of the
136 Aquaculture Review Council to conform to the repeal by
137 the act of provisions creating the Aquaculture
138 Interagency Coordinating Council; revising the
139 legislative committees to whom the Aquaculture Review
140 Council must provide analyses of unresolved industry
141 issues; repealing s. 597.006, F.S., relating to the
142 Aquaculture Interagency Coordinating Council; amending
143 s. 616.252, F.S.; providing for the reimbursement of
144 members of the Florida State Fair Authority for per
145 diem and travel expenses; providing an effective date.

19-01595-12

20121254

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

148

149 Section 1. Paragraph (m) is added to subsection (2) of
150 section 20.14, Florida Statutes, to read:

151 20.14 Department of Agriculture and Consumer Services.—
152 There is created a Department of Agriculture and Consumer
153 Services.

154 (2) The following divisions of the Department of
155 Agriculture and Consumer Services are established:

156 (m) Food, Nutrition, and Wellness.

157 Section 2. Subsection (1) of section 253.002, Florida
158 Statutes, is amended to read:

159 253.002 Department of Environmental Protection, water
160 management districts, Fish and Wildlife Conservation Commission,
161 and Department of Agriculture and Consumer Services; duties with
162 respect to state lands.—

163 (1) The Department of Environmental Protection shall
164 perform all staff duties and functions related to the
165 acquisition, administration, and disposition of state lands,
166 title to which is or will be vested in the Board of Trustees of
167 the Internal Improvement Trust Fund. However, upon the effective
168 date of rules adopted pursuant to s. 373.427, a water management
169 district created under s. 373.069 shall perform the staff duties
170 and functions related to the review of any application for
171 authorization to use board of trustees-owned submerged lands
172 necessary for an activity regulated under part IV of chapter 373
173 for which the water management district has permitting
174 responsibility as set forth in an operating agreement adopted

19-01595-12

20121254

175 pursuant to s. 373.046(4) ~~and~~ The Department of Agriculture
176 and Consumer Services shall perform the staff duties and
177 functions related to the review of applications and compliance
178 with conditions for use of board of trustees-owned submerged
179 lands under authorizations or leases issued pursuant to ss.
180 253.67-253.75 and 597.010 and the acquisition, administration,
181 and disposition of conservation easements pursuant to s. 570.71.
182 Unless expressly prohibited by law, the board of trustees may
183 delegate to the department any statutory duty or obligation
184 relating to the acquisition, administration, or disposition of
185 lands, title to which is or will be vested in the board of
186 trustees. The board of trustees may also delegate to any water
187 management district created under s. 373.069 the authority to
188 take final agency action, without any action on behalf of the
189 board, on applications for authorization to use board of
190 trustees-owned submerged lands for any activity regulated under
191 part IV of chapter 373 for which the water management district
192 has permitting responsibility as set forth in an operating
193 agreement adopted pursuant to s. 373.046(4). This water
194 management district responsibility under this subsection shall
195 be subject to the department's general supervisory authority
196 pursuant to s. 373.026(7). The board of trustees may also
197 delegate to the Department of Agriculture and Consumer Services
198 the authority to take final agency action on behalf of the board
199 on applications to use board of trustees-owned submerged lands
200 for any activity for which that department has responsibility
201 pursuant to ss. 253.67-253.75, 369.25, 369.251, and 597.010.
202 However, the board of trustees shall retain the authority to
203 take final agency action on establishing any areas for leasing,

19-01595-12

20121254

204 new leases, expanding existing lease areas, or changing the type
205 of lease activity in existing leases. Upon issuance of an
206 aquaculture lease or other real property transaction relating to
207 aquaculture, the Department of Agriculture and Consumer Services
208 must send a copy of the document and the accompanying survey to
209 the Department of Environmental Protection. The board of
210 trustees may also delegate to the Fish and Wildlife Conservation
211 Commission the authority to take final agency action, without
212 any action on behalf of the board, on applications for
213 authorization to use board of trustees-owned submerged lands for
214 any activity regulated under ss. 369.20 and 369.22.

215 Section 3. Paragraph (a) of subsection (5) and paragraph
216 (b) of subsection (6) of section 379.2523, Florida Statutes, are
217 amended to read:

218 379.2523 Aquaculture definitions; marine aquaculture
219 products, producers, and facilities.—

220 (5) The department shall:

221 (a) Coordinate with the Aquaculture Review Council, ~~the~~
222 ~~Aquaculture Interagency Coordinating Council,~~ and the Department
223 of Agriculture and Consumer Services when developing criteria
224 for aquaculture general permits.

225 (6) The Fish and Wildlife Conservation Commission shall
226 encourage the development of aquaculture in the state through
227 the following:

228 (b) Facilitating aquaculture research on life histories,
229 stock enhancement, and alternative species, and providing
230 research results that would assist in the evaluation,
231 development, and commercial production of candidate species for
232 aquaculture, including:

19-01595-12

20121254

233 1. Providing eggs, larvae, fry, and fingerlings to
234 aquaculturists when excess cultured stocks are available from
235 the commission's facilities and the culture activities are
236 consistent with the commission's stock enhancement projects.
237 Such stocks may be obtained by reimbursing the commission for
238 the cost of production on a per-unit basis. Revenues resulting
239 from the sale of stocks shall be deposited into the trust fund
240 used to support the production of such stocks.

241 2. Conducting research programs to evaluate candidate
242 species when funding and staff are available.

243 3. Encouraging the private production of marine fish and
244 shellfish stocks for the purpose of providing such stocks for
245 statewide stock enhancement programs. When such stocks become
246 available, the commission shall reduce or eliminate duplicative
247 production practices that would result in direct competition
248 with private commercial producers.

249 4. Developing a working group, in cooperation with the
250 Department of Agriculture and Consumer Services and, the
251 Aquaculture Review Council, ~~and the Aquaculture Interagency~~
252 ~~Coordinating Council~~, to plan and facilitate the development of
253 private marine fish and nonfish hatcheries and to encourage
254 private/public partnerships to promote the production of marine
255 aquaculture products.

256 Section 4. Paragraph (c) of subsection (3) of section
257 379.2524, Florida Statutes, is amended to read:

258 379.2524 Commercial production of sturgeon.—

259 (3) MEETINGS; PROCEDURES; RECORDS.—The working group shall
260 meet at least twice a year and elect, by a quorum, a chair and
261 vice chair.

19-01595-12

20121254

262 (c) A quorum shall consist of a majority of the group
263 members. ~~Members of the group shall not receive compensation,~~
264 ~~but shall be entitled to per diem and travel expenses, including~~
265 ~~attendance at meetings, as allowed public officers and employees~~
266 ~~pursuant to s. 112.061.~~

267 Section 5. Subsection (1) of section 388.161, Florida
268 Statutes, is amended to read:

269 388.161 District boards of commissioners; powers and
270 duties.—

271 (1) The board of commissioners may do any and all things
272 necessary for the control and elimination of all species of
273 mosquitoes and other arthropods of public health importance and
274 the board of commissioners is specifically authorized to provide
275 for the construction and maintenance of canals, ditches, drains,
276 dikes, fills, and other necessary works and to install and
277 maintain pumps, excavators, and other machinery and equipment,
278 to use pesticides registered ~~oil, larvicide paris green, or any~~
279 ~~other chemicals approved~~ by the department but only in such
280 quantities as may be necessary to control mosquito breeding and
281 not be detrimental to fish life.

282 Section 6. Subsection (4) of section 388.201, Florida
283 Statutes, is amended to read:

284 388.201 District budgets; hearing.—

285 (4) The governing board:

286 (a) Shall consider ~~give consideration to~~ objections filed
287 against adoption of the tentative detailed work plan budget and
288 in its discretion may amend, modify, or change such budget; and

289 (b) Shall by September 30 ~~15 following~~ adopt and execute on
290 a form furnished by the department a certified budget for the

19-01595-12

20121254

291 district which shall be the operating and fiscal guide for the
292 district. Certified copies of this budget shall be submitted by
293 September 30 ~~15~~ to the department for approval.

294 Section 7. Subsections (1) and (2) of section 388.323,
295 Florida Statutes, are amended to read:

296 388.323 Disposal of surplus property.—Surplus property
297 shall be disposed of according to the provisions set forth in s.
298 274.05 with the following exceptions:

299 (1) Serviceable equipment no longer needed by a county or
300 district shall first be offered to any or all other counties or
301 districts engaged in arthropod control at a price established by
302 the board of commissioners owning the equipment. ~~If no~~
303 ~~acceptable offer is received within a reasonable time, the~~
304 ~~equipment shall be offered to such other governmental units or~~
305 ~~private nonprofit agencies as provided in s. 274.05.~~

306 (2) The alternative procedure for disposal of surplus
307 property, as prescribed in s. 274.06, shall be followed if it is
308 ~~has been~~ determined that no other county ~~or~~ district engaged in
309 arthropod control, ~~governmental unit, or private nonprofit~~
310 ~~agency~~ has need for the equipment.

311 Section 8. Section 388.42, Florida Statutes, is repealed.

312 Section 9. Subsection (2) of section 388.46, Florida
313 Statutes, is amended to read:

314 388.46 Florida Coordinating Council on Mosquito Control;
315 establishment; membership; organization; responsibilities.—

316 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

317 (a) *Membership*.—The Florida Coordinating Council on
318 Mosquito Control shall be comprised of the following
319 representatives or their authorized designees:

19-01595-12

20121254

- 320 1. The Secretary of Environmental Protection. and
 321 2. The State Surgeon General. ~~†~~
 322 ~~3.2.~~ The executive director of the Fish and Wildlife
 323 Conservation Commission. ~~†~~
 324 ~~4.3.~~ The state epidemiologist. ;
 325 ~~5.4.~~ The Commissioner of Agriculture. ~~†~~ ~~and~~
 326 6. The Board of Trustees of the Internal Improvement Trust
 327 Fund.
 328 ~~7.5.~~ Representatives from:
 329 a. The University of Florida, Institute of Food and
 330 Agricultural Sciences, Florida Medical Entomological Research
 331 Laboratory. ~~†~~
 332 ~~b. Florida Agricultural and Mechanical University;~~
 333 b.e. The United States Environmental Protection Agency. ~~†~~
 334 ~~c.d.~~ The United States Department of Agriculture, Insects
 335 Affecting Man Laboratory. ~~†~~
 336 ~~d.e.~~ The United States Fish and Wildlife Service. ~~†~~
 337 ~~8.f.~~ Two mosquito control directors to be nominated by the
 338 Florida Mosquito Control Association, two representatives of
 339 Florida environmental groups, and two private citizens who are
 340 property owners whose lands are regularly subject to mosquito
 341 control operations, to be appointed to 4-year terms by the
 342 Commissioner of Agriculture, ~~†~~ ~~and~~
 343 ~~g. The Board of Trustees of the Internal Improvement Trust~~
 344 Fund.
 345 (b) *Organization.*—The council shall be chaired by the
 346 Commissioner of Agriculture or the commissioner's authorized
 347 designee. A majority of the membership of the council shall
 348 constitute a quorum for the conduct of business. The chair shall

19-01595-12

20121254

349 be responsible for recording and distributing to the members a
350 summary of the proceedings of all council meetings. The council
351 shall meet at least three times each year, or as needed. The
352 council may designate subcommittees from time to time to assist
353 in carrying out its responsibilities, provided that the
354 Subcommittee on Managed Marshes shall be the first subcommittee
355 appointed by the council. The subcommittee shall continue to
356 provide technical assistance and guidance on saltmarsh mosquito
357 ~~impoundment~~ management plans and ~~develop and review~~ research
358 proposals, taking into account the mosquito control source
359 reduction implications and natural resource interests in these
360 habitats for mosquito source reduction techniques.

361 (c) *Responsibilities.*—The council shall:

362 1. Develop and implement guidelines to assist the
363 department in resolving disputes arising over the control of
364 arthropods on publicly owned lands.

365 ~~2. Identify and recommend to Florida Agricultural and~~
366 ~~Mechanical University research priorities for arthropod control~~
367 ~~practices and technologies.~~

368 ~~2.3.~~ Develop and recommend to the department a request for
369 proposal process for arthropod control research.

370 ~~3.4.~~ Identify potential funding sources for research or
371 implementation projects and evaluate and prioritize proposals
372 upon request by the funding source.

373 ~~4.5.~~ Prepare and present reports, as needed, on arthropod
374 control activities in the state to the Pesticide Review Council,
375 ~~the Florida Coastal Management Program Interagency Management~~
376 ~~Committee,~~ and other governmental organizations, as appropriate.

377 Section 10. Subsections (7) and (8) of section 493.6104,

19-01595-12

20121254

378 Florida Statutes, are renumbered as subsections (6) and (7),
379 respectively, and present subsection (6) of that section is
380 amended to read:

381 493.6104 Advisory council.—

382 ~~(6) Council members shall serve without pay; however, state~~
383 ~~per diem and travel allowances may be claimed for attendance at~~
384 ~~officially called meetings as provided by s. 112.061.~~

385 Section 11. Subsection (3) of section 500.09, Florida
386 Statutes, is amended to read:

387 500.09 Rulemaking; analytical work.—

388 (3) The department may adopt rules necessary for the
389 efficient enforcement of this chapter. Such rules must be
390 consistent with those adopted under the federal act in regard to
391 food and, to this end, may adopt by reference those rules and
392 the current edition of the model Food Code issued by the Food
393 and Drug Administration and Public Health Service of the United
394 States Department of Health and Human Services, when applicable
395 and practicable.

396 Section 12. Subsection (6) of section 500.147, Florida
397 Statutes, is amended to read:

398 500.147 Inspection of food establishments and vehicles;
399 ~~food safety pilot program.—~~

400 ~~(6) The department is authorized to initiate a food safety~~
401 ~~pilot program establishing a special, documented food inspection~~
402 ~~program based on sound science principles of the Hazard Analysis~~
403 ~~Critical Control Point (HACCP) system and involving cooperative~~
404 ~~compliance efforts of both the department and the food~~
405 ~~establishment to assure consumers a safe, wholesome, and~~
406 ~~properly labeled food supply. A food establishment shall be~~

19-01595-12

20121254

407 ~~eligible for such a pilot program only if program criteria are~~
408 ~~met. Criteria used to establish this special program include,~~
409 ~~but are not limited to, the following:~~

410 ~~(a) A good inspection history over a specified time period.~~

411 ~~(b) Certified food manager activities demonstrated to be~~
412 ~~effective in assessing food safety practices and correcting~~
413 ~~deficiencies at the food establishment.~~

414 ~~(c) An active food training program in place for employees.~~

415 ~~(d) "Self inspection" records of the food establishment~~
416 ~~made available for review by the department.~~

417 ~~(e) Written sanitation standard operation procedures in~~
418 ~~place and the food establishment's verification records made~~
419 ~~available for review by the department.~~

420 ~~(f) Freezer/refrigeration units and hot-cold temperature~~
421 ~~logs or recording charts made available for review by the~~
422 ~~department.~~

423 ~~(g) Records of corrective action to resolve food safety~~
424 ~~deficiencies made available for review by the department.~~

425 Section 13. Subsections (4) through (7) of section 502.014,
426 Florida Statutes, are renumbered as subsections (3) through (6),
427 respectively, and present subsection (3) of that section is
428 amended to read:

429 502.014 Powers and duties.—

430 ~~(3) The department shall manage a program to issue permits~~
431 ~~to persons who test milk or milk products for milkfat content by~~
432 ~~weight, volume, chemical, electronic, or other means when the~~
433 ~~result of such test is used as a basis for payment for the milk~~
434 ~~or milk products.~~

435 Section 14. Subsections (1) and (2) and paragraphs (a) and

19-01595-12

20121254

436 (e) of subsection (3) of section 502.053, Florida Statutes, are
437 amended to read:

438 502.053 Permits and ~~licenses~~; fees; requirements;
439 exemptions; temporary permits.-

440 (1) PERMITS ~~AND LICENSES~~.-

441 (a) Each Grade "A" milk plant, whether located in the state
442 or outside the state, and each manufacturing milk plant, milk
443 producer, milk hauler, milk hauling service, washing station
444 operator, milk plant operator, milk distributor, single-service-
445 container manufacturer, receiving station, and transfer station
446 in the state shall apply to the department for a permit to
447 operate. The application shall be on forms developed by the
448 department.

449 (b) Each frozen dessert plant, whether located in the state
450 or outside the state, that manufactures frozen desserts or other
451 products defined in this chapter and offers these products for
452 sale in this state must apply to the department for a permit to
453 operate. The application must be submitted on forms prescribed
454 by the department. All frozen dessert permits expire on June 30
455 of each year.

456 ~~(c) Any person who tests milk or milk products for milkfat~~
457 ~~content by weight, volume, chemical, electronic, or other method~~
458 ~~when the result of such test is used as a basis for payment for~~
459 ~~the milk or milk products must apply to the department for a~~
460 ~~license. To qualify for a license, the applicant must~~
461 ~~demonstrate a sufficiency of knowledge, ability, and equipment~~
462 ~~to adequately perform milkfat tests. The license shall be issued~~
463 ~~for a period of 2 years after the date of first issuance upon~~
464 ~~application to the department on forms prescribed by the~~

19-01595-12

20121254

465 department.

466 ~~(c)-(d)~~ Permits and licenses are nontransferable between
467 persons or locations and are subject to suspension or revocation
468 as provided in this chapter.

469 (2) FEES.—

470 ~~(a)~~ The initial application for a frozen dessert plant
471 permit must be accompanied by a permit fee of \$200. The annual
472 permit renewal fee is \$100.

473 ~~(b)~~ The department shall charge each applicant for a
474 milkfat tester's license a fee not to exceed \$125.

475 (3) REQUIREMENTS.—

476 (a) To obtain a ~~frozen dessert plant permit or milkfat~~
477 ~~tester's license~~, an applicant must satisfy all requirements
478 that are defined by the department in rule and must agree to
479 comply with the applicable provisions of this chapter and rules
480 adopted under this chapter. The department shall mail a copy of
481 the permit ~~or license~~ to the applicant to signify that
482 administrative requirements have been met.

483 ~~(c)~~ Each licensed milkfat tester shall keep records of
484 milkfat tests conducted by him or her for a period of 1 year,
485 and such records must be available for inspection by the
486 department at all reasonable hours.

487 Section 15. Subsection (42) of section 570.07, Florida
488 Statutes, is renumbered as subsection (43), and a new subsection
489 (42) is added to that section to read:

490 570.07 Department of Agriculture and Consumer Services;
491 functions, powers, and duties.—The department shall have and
492 exercise the following functions, powers, and duties:

493 (42) To accept grants or other funds to distribute to

19-01595-12

20121254

494 individuals when such funds are provided pursuant to an
495 agreement.

496 Section 16. Subsection (9) of section 570.0705, Florida
497 Statutes, is amended to read:

498 570.0705 Advisory committees.—From time to time the
499 commissioner may appoint any advisory committee to assist the
500 department with its duties and responsibilities.

501 (9) Notwithstanding s. 20.052(4)(d), members of each
502 advisory committee, council, board, working group, task force,
503 or other advisory body created by law within the department or
504 created by the department under this section may not be
505 reimbursed for per diem or travel expenses as provided in s.
506 112.061 shall receive no compensation for their services.

507 Section 17. Section 570.071, Florida Statutes, is repealed.

508 Section 18. Section 570.074, Florida Statutes, is amended
509 to read:

510 570.074 Department of Agriculture and Consumer Services;
511 ~~energy and water policy.~~—The commissioner may create an Office
512 of Agricultural Energy and Water Policy under the supervision of
513 a senior manager exempt under s. 110.205 in the Senior
514 Management Service. The commissioner may designate the bureaus
515 and positions in the various organizational divisions of the
516 department that report to this office relating to any matter
517 over which the department has jurisdiction in matters relating
518 to ~~energy and water policy~~ affecting agriculture, application of
519 such policies, and coordination of such matters with state and
520 federal agencies.

521 Section 19. Section 570.18, Florida Statutes, is amended to
522 read:

19-01595-12

20121254

523 570.18 Organization of departmental work.—In the assignment
524 of functions to the divisions of the department created in s.
525 20.14 ~~570.29~~, the department shall retain within the Division of
526 Administration, in addition to executive functions, those powers
527 and duties enumerated in s. 570.30. The department shall
528 organize the work of the other divisions in such a way as to
529 secure maximum efficiency in the conduct of the department. The
530 divisions created in s. 20.14 ~~570.29~~ are solely to make possible
531 the definite placing of responsibility. The department shall be
532 conducted as a unit in which every employee, including each
533 division director, is assigned a definite workload, and there
534 shall exist between division directors a spirit of cooperative
535 effort to accomplish the work of the department.

536 Section 20. Section 570.29, Florida Statutes, is repealed.

537 Section 21. Section 570.34, Florida Statutes, is repealed.

538 Section 22. Section 570.451, Florida Statutes, is created
539 to read:

540 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
541 Council.—

542 (1) The Agricultural Feed, Seed, and Fertilizer Advisory
543 Council is created within the department.

544 (2) The council is composed of the following 15 members
545 appointed by the commissioner:

546 (a) One representative of the department.

547 (b) One representative of the dean for extension of the
548 Institute of Food and Agricultural Sciences at the University of
549 Florida.

550 (c) One representative each from the state's beef cattle,
551 poultry, aquaculture, field crops, citrus, vegetable, and dairy

19-01595-12

20121254

552 production industries.

553 (d) Two representatives each from the state's fertilizer,
554 seed, and commercial feed industries.

555
556 Each member shall be appointed for a term of not to exceed 4
557 years and shall serve until his or her successor is appointed.

558 (3) (a) A majority of the council members constitutes a
559 quorum for all purposes, and an act by a majority of such quorum
560 at any meeting constitutes an official act of the council. The
561 secretary shall keep a complete record of each meeting, which
562 must show the names of members present and the actions taken.
563 Such records must be kept on file with the department.

564 (b) Members of the council shall meet and organize by
565 electing a chair, a vice chair, and a secretary whose terms
566 shall be for 2 years each. Council officers may not serve
567 consecutive terms.

568 (c) The council shall meet at the call of its chair, at the
569 request of a majority of its members, at the request of the
570 department, or at such time as an agricultural or environmental
571 emergency arises, but not less than twice per year.

572 (d) The meetings, powers and duties, procedures, and
573 recordkeeping of the council shall be in accordance with the
574 provisions of s. 570.0705 relating to advisory committees
575 established within the department.

576 (4) The council shall:

577 (a) Receive reports of relevant enforcement activity
578 conducted by the Division of Agricultural Environmental
579 Services, including the number of inspections, the number of
580 administrative actions, the number of complaints received and

19-01595-12

20121254

581 investigated, and the dispositions of complaints.

582 (b) Provide advice to the department on the conduct of
583 relevant enforcement activities.

584 (c) Receive reports on disciplinary actions.

585 (d) Make recommendations to the commissioner for actions to
586 be taken with respect to the regulation of agricultural feed,
587 seed, and fertilizer.

588 Section 23. Paragraph (e) of subsection (6) of section
589 570.53, Florida Statutes, is amended to read:

590 570.53 Division of Marketing and Development; powers and
591 duties.—The powers and duties of the Division of Marketing and
592 Development include, but are not limited to:

593 (6)

594 (e) Extending in every practicable way the distribution and
595 sale of Florida agricultural products throughout the markets of
596 the world as required of the department by s. ss. 570.07(7),
597 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

598 Section 24. Subsection (2) of section 570.54, Florida
599 Statutes, is amended to read:

600 570.54 Director; duties.—

601 (2) It shall be the duty of the director of this division
602 to supervise, direct, and coordinate the activities authorized
603 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
604 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
605 chapters 504, 571, 573, and 574 and to exercise other powers and
606 authority as authorized by the department.

607 Section 25. Subsection (7) of section 573.112, Florida
608 Statutes, is amended to read:

609 573.112 Advisory council.—

19-01595-12

20121254

610 (7) Notwithstanding any provision of this section, the
611 Citrus Research and Development Foundation, Inc., a direct-
612 support organization of the University of Florida established
613 pursuant to s. 1004.28, shall serve as the advisory council for
614 a citrus research marketing order, provide the department with
615 advice on administering the order, and, in accordance with the
616 order, conduct citrus research and perform other duties assigned
617 by the department. Notwithstanding s. 1004.28(3) or any
618 provision of this section, the foundation's board of directors
619 shall be composed of 13 members, including 10 citrus growers, 2
620 representatives of the university's Institute of Food and
621 Agricultural Sciences, and 1 member appointed by the
622 Commissioner of Agriculture, who are each entitled to
623 reimbursement from the foundation for per diem and travel
624 expenses as provided in s. 112.061.

625 Section 26. Subsection (4) of section 573.118, Florida
626 Statutes, is amended to read:

627 573.118 Assessment; funds; review of accounts ~~audit~~;
628 loans.—

629 (4) In the event of levying and collecting of assessments,
630 for each fiscal year in which assessment funds are received by
631 the department, the department shall maintain records of
632 collections and expenditures for each marketing order separately
633 within the state's accounting system. If requested by an
634 advisory council, department staff shall cause to be made a
635 thorough review ~~annual audit~~ of the ~~books and accounts by a~~
636 ~~certified public accountant~~, such review ~~audit~~ to be completed
637 within 60 days after the request is received ~~end of the fiscal~~
638 ~~year~~. The department and all producers and handlers covered by

19-01595-12

20121254

639 the marketing order shall be properly advised of the details of
640 the review ~~annual official audit~~ of the account ~~accounts as~~
641 ~~shown by the certified public accountant~~ within 30 days after ~~of~~
642 the review ~~audit~~.

643 Section 27. Subsection (8) of section 576.045, Florida
644 Statutes, is amended to read:

645 576.045 Nitrogen and phosphorus; findings and intent; fees;
646 purpose; best management practices; waiver of liability;
647 compliance; rules; exclusions; expiration.-

648 (8) EXPIRATION OF PROVISIONS.—Subsections (1), (2), (3),
649 (4), and (6) expire on December 31, 2022 ~~2012~~. Subsections (5)
650 and (7) expire on December 31, 2027 ~~2017~~.

651 Section 28. Section 576.071, Florida Statutes, is amended
652 to read:

653 576.071 Commercial value.—The commercial value used in
654 assessing penalties for any deficiency shall be determined by
655 using annualized plant nutrient values contained in one or more
656 generally recognized journals ~~recommended by the Fertilizer~~
657 ~~Technical Council~~.

658 Section 29. Section 576.091, Florida Statutes, is repealed.

659 Section 30. Section 578.30, Florida Statutes, is repealed.

660 Section 31. Paragraph (c) of subsection (1) and subsection
661 (3) of section 580.041, Florida Statutes, are amended to read:

662 580.041 Master registration; fee; refusal or cancellation
663 of registration; reporting.-

664 (1)

665 (c) Registration shall be conditioned on the distributor's
666 compliance with all provisions of this chapter and rules adopted
667 under this chapter ~~thereof~~, including:

19-01595-12

20121254

668 1. Submitting samples of manufactured feed for testing by
669 laboratories that have been certified by the department or
670 obtaining an exemption from the certified laboratory testing
671 requirement, as provided by this chapter and rules thereof.

672 2. Maintaining a bookkeeping system and records necessary
673 to indicate accurately the type and tonnage of commercial feeds
674 sold in this state ~~that will allow the department to verify the~~
675 ~~accuracy of the reported tonnage.~~

676 3. Reporting within 30 days after the end of each quarter,
677 in the format prescribed by the department, the number of tons
678 of feed distributed in the state during each of the following
679 reporting periods: July through September, October through
680 December, January through March, and April through June.

681 ~~4.3.~~ Allowing the department to verify the accuracy of
682 reported type and tonnage and to otherwise examine pertinent
683 records at reasonable times.

684 (3) The department may refuse, suspend, or cancel the
685 master registration of, or impose one or more of the penalties
686 provided in s. 580.121, against any distributor or registrant
687 who violates or fails to comply with the provisions of this
688 chapter.

689 Section 32. Section 580.131, Florida Statutes, is amended
690 to read:

691 580.131 Penalty payable to consumer.—

692 (1) Any consumer who purchases without notice a commercial
693 feed or feedstuff that is ~~has been~~ distributed in violation of
694 this chapter or rules adopted under this chapter shall, in any
695 legal or administrative action that may be instituted, recover
696 penalties as follows:

19-01595-12

20121254

697 (a)~~(1)~~ If a certified laboratory analysis shows that any
698 feed bearing a guarantee of 20 percent protein~~r~~ or less~~r~~ falls
699 more than 1 percent protein below the guarantee, or if the
700 analysis shows that any feed bearing a guarantee of more than 20
701 percent protein falls more than 2 percent protein below the
702 guarantee, \$4 per ton for each percent protein deficiency shall
703 be assessed against the manufacturer or distributor.

704 (b)~~(2)~~ If a certified laboratory analysis shows that any
705 feed is deficient in fat by more than 0.5 ~~five-tenths~~ percent
706 fat, \$4 per ton for each percent fat deficiency shall be
707 assessed against the manufacturer or distributor.

708 (c)~~(3)~~ If a certified laboratory analysis shows that any
709 feed bearing a maximum guarantee of not more than 20 percent
710 fiber exceeds this guarantee by more than 1 percent fiber, or if
711 the analysis shows that any feed bearing a maximum guarantee of
712 more than 20 percent fiber exceeds this guarantee by more than 2
713 percent fiber, \$4 per ton for each percent fiber excess shall be
714 assessed against the manufacturer or distributor.

715 (d)~~(4)~~ If a certified laboratory analysis shows that any
716 commercial feed is deficient or excessive in the required drug,
717 mineral, or nutritive guarantees other than protein, fat, or
718 fiber, a penalty of \$4 per ton shall be assessed against the
719 manufacturer or distributor for each deficiency or excessive
720 level found.

721 (e)~~(5)~~ If a certified laboratory analysis shows that any
722 commercial feed or feedstuff is found to be adulterated as
723 provided in s. 580.071, a penalty of \$4 per ton shall be
724 assessed against the manufacturer or distributor for each
725 violation found.

19-01595-12

20121254

726 (f)~~(6)~~ If any feed is found by the department to be short
727 in weight, 4 times the invoice value of the actual shortage
728 shall be assessed against the manufacturer or distributor, but
729 in no instance shall the penalty be less than \$25. The
730 department by rule may establish variations for short weight.

731 (g)~~(7)~~ ~~In no case shall~~ Any penalty assessed under ~~as~~
732 ~~specified in this section be less than \$10~~, regardless of the
733 monetary value of the violation, must be at least \$10.

734 (2) (a) Within 60 days after the department notifies a
735 registrant in writing of any penalty assessed under this
736 section, the registrant shall pay the penalty to the consumer.
737 If the consumer's identity cannot be determined, the registrant
738 shall, within the 60-day period, pay the assessed penalty to the
739 department.

740 (b) A registrant who, within the 60-day period, fails to
741 pay the full amount of the assessed penalty to the consumer or
742 the department, as applicable, in addition to the penalty
743 assessed under this section, is also subject to the penalties
744 provided in s. 580.121.

745 (c) The proceeds from any penalties paid to the department
746 under this section shall be deposited into the department's
747 General Inspection Trust Fund and be used by the department for
748 the exclusive purpose of administering this chapter.

749 Section 33. Section 580.151, Florida Statutes, is repealed.

750 Section 34. Subsection (30) of section 581.011, Florida
751 Statutes, is amended to read:

752 581.011 Definitions.—As used in this chapter:

753 ~~(30) "Technical council" means the Plant Industry Technical~~
754 ~~Council.~~

19-01595-12

20121254

755 Section 35. Subsection (3) of section 581.145, Florida
756 Statutes, is amended to read:

757 581.145 Aquatic plant nursery registration; special permit
758 requirements.—

759 (3) Notwithstanding any other provision of state or federal
760 law, the Department of Agriculture and Consumer Services shall
761 issue, by request, a permit to the aquaculture producer to
762 engage in the business of transporting and selling ~~exporting~~
763 water hyacinths (*Eichhornia spp.*) only to other states or
764 countries that permit such transportation and sale ~~other than~~
765 ~~the United States and only~~ when such water hyacinths are
766 ~~cultivated in a nursery for the sole purpose of exportation and~~
767 ~~the aquaculture activities have~~ activity has been certified by
768 the Department of Agriculture and Consumer Services. In
769 accordance with any appropriate state or federal law or United
770 States treaty, a ~~no~~ Florida aquaculture producer may not ~~shall~~
771 ship water hyacinths to other states or countries ~~other than the~~
772 ~~United States~~ under such a permit for the purpose of importing
773 water hyacinths back into Florida ~~the United States, nor shall~~
774 ~~drop shipments be made to any other destination within the~~
775 ~~United States. This subsection does not~~ provision shall in no
776 way restrict or interfere with the ~~Department of Environmental~~
777 ~~Protection's~~ efforts of the Fish and Wildlife Conservation
778 Commission, or the efforts ~~those~~ of any other agency or local
779 government with responsibilities for the management of noxious
780 aquatic plants, to control or eradicate noxious nonnursery
781 aquatic plants, including water hyacinths. This subsection may
782 ~~provision shall~~ not be considered ~~a consideration~~ in the
783 approval or the release of biological control agents for water

19-01595-12

20121254

784 hyacinths or any other noxious aquatic plants.

785 Section 36. Section 582.06, Florida Statutes, is amended to
786 read:

787 582.06 Soil and Water Conservation Council; powers and
788 duties.—

789 (1) COMPOSITION.—

790 (a) The Soil and Water Conservation Council is created in
791 the Department of Agriculture and Consumer Services and shall be
792 composed of 7 ~~23~~ members ~~as follows:~~

793 ~~(a) Eleven members shall be persons who have been involved~~
794 ~~in the practice of soil or water conservation, or in the~~
795 ~~development or implementation of interim measures or best~~
796 ~~management practices related thereto, and who have been engaged~~
797 ~~in agriculture or an occupation related to the agricultural~~
798 ~~industry for at least 5 years at the time of their appointment.~~

799 ~~(b) Twelve members shall include one representative each~~
800 ~~from the Department of Environmental Protection, the five water~~
801 ~~management districts, the Institute of Food and Agricultural~~
802 ~~Sciences at the University of Florida, the United States~~
803 ~~Department of Agriculture Natural Resources Conservation~~
804 ~~Service, the Florida Association of Counties, and the Florida~~
805 ~~League of Cities and two representatives of environmental~~
806 ~~interests.~~

807 (b)(e) All members shall be appointed by the commissioner.
808 ~~Members appointed pursuant to paragraph (b) shall be appointed~~
809 ~~by the commissioner from recommendations provided by the~~
810 ~~organization or interest represented.~~

811 (c)(d) Members shall serve 4-year terms or until their
812 successors are duly qualified and appointed. If a vacancy

19-01595-12

20121254

813 occurs, it shall be filled for the remainder of the term in the
814 manner of an initial appointment.

815 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
816 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
817 recordkeeping of the Soil and Water Conservation Council, ~~and~~
818 ~~per diem and reimbursement of expenses of council members,~~ shall
819 be governed by the provisions of s. 570.0705 relating to
820 advisory committees established within the department.

821 Section 37. Section 582.20, Florida Statutes, is amended to
822 read:

823 582.20 Powers of districts and supervisors.—A soil and
824 water conservation district organized under the provisions of
825 this chapter shall constitute a governmental subdivision of this
826 state, and a public body corporate and politic, exercising
827 public powers, and such district and the supervisors thereof,
828 shall have the following powers, in addition to others granted
829 in other sections of this chapter:

830 (1) To conduct surveys, investigations, and research
831 relating to the character of soil erosion and floodwater and
832 sediment damages, to the conservation, development and
833 utilization of soil and water resources and the disposal of
834 water, and to the preventive and control measures and works of
835 improvement needed; to publish the results of such surveys,
836 investigations, or research; and to disseminate information
837 concerning such preventive and control measures and works of
838 improvement; provided, however, that in order to avoid
839 duplication of research activities, no district shall initiate
840 any research program except in cooperation with the government
841 of this state or any of its agencies, or with the United States

19-01595-12

20121254

842 or any of its agencies.~~†~~

843 (2) To conduct demonstrational projects within the
844 district's boundaries, territory within another district's
845 boundaries subject to the other district's approval, or
846 territory not contained within any district's boundaries
847 ~~district~~ on lands owned or controlled by this state or any of
848 its agencies, with the cooperation of the agency administering
849 and having jurisdiction thereof, and on any other lands within
850 the district's boundaries, territory within another district's
851 boundaries subject to the other district's approval, or
852 territory not contained within any district's boundaries
853 ~~district~~ upon obtaining the consent of the owner and occupiers
854 of such lands or the necessary rights or interests in such
855 lands, in order to demonstrate by example the means, methods,
856 and measures by which soil and soil resources may be conserved,
857 and soil erosion in the form of soil blowing and soil washing
858 may be prevented and controlled, and works of improvement for
859 flood prevention or the conservation, development and
860 utilization of soil and water resources, and the disposal of
861 water may be carried out.~~†~~

862 (3) To carry out preventive and control measures and works
863 of improvement for flood prevention or the conservation,
864 development and utilization of soil and water resources, and the
865 disposal of water within the district's boundaries, territory
866 within another district's boundaries subject to the other
867 district's approval, or territory not contained within any
868 district's boundaries ~~district~~, including, but not limited to,
869 engineering operations, methods of cultivation, the growing of
870 vegetation, changes in use of land, and the measures listed in

19-01595-12

20121254

871 s. 582.04 on lands owned or controlled by this state or any of
872 its agencies, with the cooperation of the agency administering
873 and having jurisdiction thereof, and on any other lands within
874 the district's boundaries, territory within another district's
875 boundaries subject to the other district's approval, or
876 territory not contained within any district's boundaries
877 ~~district~~ upon obtaining the consent of the owner and the
878 occupiers of such lands or the necessary rights or interests in
879 such lands.†

880 (4) To cooperate, or enter into agreements with, and within
881 the limits of appropriations duly made available to it by law,
882 to furnish financial or other aid to, any agency, governmental
883 or otherwise, or any owner or occupier of lands within the
884 district's boundaries, territory within another district's
885 boundaries subject to the other district's approval, or
886 territory not contained within any district's boundaries
887 ~~district~~, in the carrying on of erosion control or prevention
888 operations and works of improvement for flood prevention or the
889 conservation, development and utilization, of soil and water
890 resources and the disposal of water within the district's
891 boundaries, territory within another district's boundaries
892 subject to the other district's approval, or territory not
893 contained within any district's boundaries ~~district~~, subject to
894 such conditions as the supervisors may deem necessary to advance
895 the purposes of this chapter.†

896 (5) To obtain options upon and to acquire, by purchase,
897 exchange, lease, gift, grant, bequest, devise or otherwise, any
898 property, real or personal, or rights or interests therein; to
899 maintain, administer, and improve any properties acquired, to

19-01595-12

20121254__

900 receive income from such properties and to expend such income in
901 carrying out the purposes and provisions of this chapter; and to
902 sell, lease, or otherwise dispose of any of its property or
903 interests therein in furtherance of the purposes and the
904 provisions of this chapter.~~†~~

905 (6) To make available, on such terms as it shall prescribe,
906 to landowners and occupiers within the district's boundaries,
907 territory within another district's boundaries subject to the
908 other district's approval, or territory not contained within any
909 district's boundaries ~~district~~, agricultural and engineering
910 machinery and equipment, fertilizer, seeds and seedlings, and
911 such other material or equipment, as will assist such landowners
912 and occupiers to carry on operations upon their lands for the
913 conservation of soil resources and for the prevention or control
914 of soil erosion and for flood prevention or the conservation,
915 development and utilization, of soil and water resources and the
916 disposal of water.~~†~~

917 (7) To construct, improve, operate and maintain such
918 structures as may be necessary or convenient for the performance
919 of any of the operations authorized in this chapter.~~†~~

920 (8) To develop comprehensive plans for the conservation of
921 soil and water resources and for the control and prevention of
922 soil erosion and for flood prevention or the conservation,
923 development and utilization of soil and water resources, and the
924 disposal of water within the district's boundaries, territory
925 within another district's boundaries subject to the other
926 district's approval, or territory not contained within any
927 district's boundaries ~~district~~, which plans shall specify in
928 such detail as may be possible the acts, procedures,

19-01595-12

20121254

929 performances, and avoidances which are necessary or desirable
 930 for the effectuation of such plans, including the specification
 931 of engineering operations, methods of cultivation, the growing
 932 of vegetation, cropping programs, tillage practices, and changes
 933 in use of land; control of artesian wells; and to publish such
 934 plans and information and bring them to the attention of owners
 935 and occupiers of lands within the district's boundaries,
 936 territory within another district's boundaries subject to the
 937 other district's approval, or territory not contained within any
 938 district's boundaries. ~~district;~~

939 (9) To take over, by purchase, lease, or otherwise, and to
 940 administer any soil-conservation, erosion-control, erosion-
 941 prevention project, or any project for flood-prevention or for
 942 the conservation, development and utilization of soil and water
 943 resources, and the disposal of water, located within the
 944 district's its boundaries, territory within another district's
 945 boundaries subject to the other district's approval, or
 946 territory not contained within any district's boundaries,
 947 undertaken by the United States or any of its agencies, or by
 948 this state or any of its agencies; to manage as agent of the
 949 United States or any of its agencies, or of the state or any of
 950 its agencies, any soil-conservation, erosion-control, erosion-
 951 prevention, or any project for flood-prevention or for the
 952 conservation, development, and utilization of soil and water
 953 resources, and the disposal of water within the district's its
 954 boundaries, territory within another district's boundaries
 955 subject to the other district's approval, or territory not
 956 contained within any district's boundaries; to act as agent for
 957 the United States, or any of its agencies, or for the state or

19-01595-12

20121254

958 any of its agencies, in connection with the acquisition,
959 construction, operation or administration of any soil-
960 conservation, erosion-control, erosion-prevention, or any
961 project for flood-prevention or for the conservation,
962 development and utilization of soil and water resources, and the
963 disposal of water within the district's ~~its~~ boundaries,
964 territory within another district's boundaries subject to the
965 other district's approval, or territory not contained within any
966 district's boundaries; to accept donations, gifts, and
967 contributions in money, services, materials, or otherwise, from
968 the United States or any of its agencies, or from this state or
969 any of its agencies, or from others, and to use or expend such
970 moneys, services, materials or other contributions in carrying
971 on its operations.†

972 (10) To sue and be sued in the name of the district; to
973 have a seal, which seal shall be judicially noticed; to have
974 perpetual succession unless terminated as provided in this
975 chapter; to make and execute contracts and other instruments
976 necessary or convenient to the exercise of its powers; upon a
977 majority vote of the supervisors of the district, to borrow
978 money and to execute promissory notes and other evidences of
979 indebtedness in connection therewith, and to pledge, mortgage,
980 and assign the income of the district and its personal property
981 as security therefor, the notes and other evidences of
982 indebtedness to be general obligations only of the district and
983 in no event to constitute an indebtedness for which the faith
984 and credit of the state or any of its revenues are pledged; to
985 make, amend, and repeal rules and regulations not inconsistent
986 with this chapter to carry into effect its purposes and powers.

19-01595-12

20121254

987 (11) As a condition to the extending of any benefits under
988 this chapter to, or the performance of work upon, any lands not
989 owned or controlled by this state or any of its agencies, the
990 supervisors may require contributions in money, services,
991 materials, or otherwise to any operations conferring such
992 benefits, and may require landowners and occupiers to enter into
993 and perform such agreements or covenants as to the permanent use
994 of such lands as will tend to prevent or control erosion and
995 prevent floodwater and sediment damages thereon.~~†~~

996 (12) No provisions with respect to the acquisition,
997 operation, or disposition of property by public bodies of this
998 state shall be applicable to a district organized hereunder
999 unless the Legislature shall specifically so state. The property
1000 and property rights of every kind and nature acquired by any
1001 district organized under the provisions of this chapter shall be
1002 exempt from state, county, and other taxation.

1003 Section 38. Section 582.29, Florida Statutes, is amended to
1004 read:

1005 582.29 State agencies to cooperate.—Agencies of this state
1006 which shall have jurisdiction over, or be charged with, the
1007 administration of any state-owned lands, and of any county, or
1008 other governmental subdivision of the state, which shall have
1009 jurisdiction over, or be charged with the administration of, any
1010 county-owned or other publicly owned lands, lying within the
1011 boundaries of any district organized under this chapter, the
1012 boundaries of another district subject to that district's
1013 approval, or territory not contained within the boundaries of
1014 any district organized under this chapter, shall cooperate to
1015 the fullest extent with the supervisors of such districts in the

19-01595-12

20121254

1016 effectuation of programs and operations undertaken by the
1017 supervisors under the provisions of this chapter. The
1018 supervisors of such districts shall be given free access to
1019 enter and perform work upon such publicly owned lands. The
1020 provisions of land use regulations adopted shall be in all
1021 respects observed by the agencies administering such publicly
1022 owned lands.

1023 Section 39. Subsection (3) of section 582.30, Florida
1024 Statutes, is amended, and subsections (4) and (5) are added to
1025 that section, to read:

1026 582.30 Discontinuance of districts; referendum;
1027 commissioner's authority.—

1028 (3) In the alternative, ~~upon review and recommendation of~~
1029 ~~the Soil and Water Conservation Council regarding the continued~~
1030 ~~viability of a district,~~ the Commissioner of Agriculture may
1031 dissolve or discontinue a such district if: ~~the commissioner~~
1032 ~~certifies that the continued operation of the district is not~~
1033 ~~administratively practicable and feasible.~~

1034 (a) Upon review and recommendation of the Soil and Water
1035 Conservation Council, the council determines that the continued
1036 operation of the district is not administratively practicable
1037 and feasible under the provisions of this chapter;

1038 (b) The If A district fails has failed to comply with any
1039 of the audit or and financial reporting requirement requirements
1040 of chapter 189, or fails to comply with any requirement of s.
1041 582.20(1)-(9), and the commissioner, after review and
1042 confirmation by the department's inspector general reviews and
1043 confirms in writing that the district has failed to comply with
1044 such requirement; or, may certify dissolution or discontinuance

19-01595-12

20121254

1045 ~~of such district without prior review and recommendation of the~~
1046 ~~Soil and Water Conservation Council.~~

1047 (c) The department receives a resolution adopted by the
1048 supervisors of the district requesting that the commissioner
1049 issue a certificate determining that the continued operation of
1050 the district is not administratively practicable and feasible
1051 under the provisions of this chapter.

1052 (4) If the requirements for dissolution or discontinuance
1053 of a district are satisfied under subsection (1), subsection
1054 (2), or subsection (3), the department shall publish notice of a
1055 such proposed certification determining that the continued
1056 operation of the district is not administratively practicable
1057 and feasible under the provisions of this chapter. The notice of
1058 ~~dissolution or discontinuance~~ shall be published once a week for
1059 2 weeks in a newspaper of general circulation within the county
1060 or counties in which ~~wherein~~ the district is located, stating
1061 the name of the district and a general description of the
1062 territory included in the district, and requiring that any
1063 comments or objections to the proposed certification,
1064 ~~dissolution~~ or any claims against the assets of the district,
1065 must be filed with the department clerk not later than 60 days
1066 after following the date of last publication.

1067 (5) (a) Upon expiration of the 60-day period after the date
1068 of last publication, the commissioner, upon review of any
1069 comments or objections received under subsection (4), may issue
1070 a certificate determining that the continued operation of the
1071 district is not administratively practicable and feasible under
1072 the provisions of this chapter.

1073 (b) If the commissioner issues a certificate determining

19-01595-12

20121254

1074 that the continued operation of a district is not
1075 administratively practicable and feasible under the provisions
1076 of this chapter, the department shall file the original
1077 certificate with the Department of State and shall provide a
1078 copy of the certificate to the supervisors of the district at
1079 the district's principal office designated under s.
1080 582.15(1)(c).

1081 Section 40. Section 582.31, Florida Statutes, is amended to
1082 read:

1083 582.31 Certification of results of referendum;
1084 dissolution.—Upon receipt from the Department of Agriculture and
1085 Consumer Services of a certification that the department has
1086 determined that the continued operation of the district is not
1087 administratively practicable and feasible, pursuant to the
1088 provisions of this chapter, the supervisors shall forthwith
1089 proceed to terminate the affairs of the district. The
1090 supervisors shall dispose of all property belonging to the
1091 district at public auction and shall pay over the proceeds of
1092 such sale to be converted into the State Treasury, which amount
1093 shall be placed to the credit of the district ~~department~~ for the
1094 purpose of liquidating any legal obligations the ~~said~~ district
1095 may have at the time of its discontinuance. The supervisors
1096 shall thereupon file an application, duly verified, with the
1097 Department of State for the discontinuance of the ~~such~~ district,
1098 and shall transmit with such application the certificate of the
1099 Department of Agriculture and Consumer Services setting forth
1100 the determination of the department that the continued operation
1101 of the ~~such~~ district is not administratively practicable and
1102 feasible. The application shall recite that the property of the

19-01595-12

20121254

1103 district has been disposed of and the proceeds paid over as in
 1104 this section provided, and shall set forth a full accounting of
 1105 such properties and proceeds of the sale. The Department of
 1106 State shall issue to the supervisors a certificate of
 1107 dissolution and shall record such certificate in an appropriate
 1108 book of record in its office.

1109 Section 41. Section 585.155, Florida Statutes, is repealed.

1110 Section 42. Section 589.03, Florida Statutes, is repealed.

1111 Section 43. Section 589.19, Florida Statutes, is amended to
 1112 read:

1113 589.19 Creation of certain state forests; naming of certain
 1114 state forests.—

1115 (1) When the Board of Trustees of the Internal Improvement
 1116 Trust Fund, any state agency, or any agency created by state
 1117 law, authorized to accept reforestation lands in the name of the
 1118 state, approves the recommendations of the Florida Forest
 1119 Service ~~Division of Forestry~~ in reference to the acquisition of
 1120 land and acquires ~~acquire~~ such land, the ~~said~~ board, state
 1121 agency, or agency created by state law, may formally designate
 1122 and dedicate any area as a reforestation project, or state
 1123 forest, and where so designated and dedicated such area shall be
 1124 under the administration of the Florida Forest Service, ~~division~~
 1125 which is ~~shall be~~ authorized to manage and administer such ~~said~~
 1126 area according to the purpose for which it was designated and
 1127 dedicated.

1128 (2) The first state forest acquired by the Board of
 1129 Trustees of the Internal Improvement Trust Fund in Baker County
 1130 is to be named the John M. Bethea State Forest. This is to honor
 1131 Mr. John M. Bethea who was Florida's fourth state forester and

19-01595-12

20121254

1132 whose distinguished career in state government spanned 46 years
1133 and who is a native of Baker County.

1134 (3) The state forest managed by the Florida Forest Service
1135 ~~Division of Forestry~~ in Seminole County is to be named the
1136 Charles H. Bronson State Forest to honor Charles H. Bronson, the
1137 tenth Commissioner of Agriculture, for his distinguished
1138 contribution to this state's agriculture and natural resources.

1139 (4) (a) The Florida Forest Service ~~Division of Forestry~~
1140 shall designate one or more areas of state forests as an
1141 "Operation Outdoor Freedom a "Wounded Warrior Special Hunt Area"
1142 to honor wounded veterans and servicemembers. The purpose of
1143 such designated areas is to provide special outdoor recreational
1144 opportunities for eligible veterans and servicemembers.

1145 (b) The Florida Forest Service ~~division~~ shall limit guest
1146 admittance to such designated areas to any person who:

1147 1. Is an active duty member of any branch of the United
1148 States Armed Forces and has a combat-related injury as
1149 determined by his or her branch of the United States Armed
1150 Forces; or

1151 2. Is a veteran who served during a period of wartime
1152 service as defined in s. 1.01(14) or peacetime service as
1153 defined in s. 296.02 and:

1154 a. Has a service-connected disability as determined by the
1155 United States Department of Veterans Affairs; or

1156 b. Was discharged or released from military service because
1157 of a disability acquired or aggravated while serving on active
1158 duty.

1159 (c) The Florida Forest Service ~~division~~ may grant
1160 admittance to such designated areas to a person who is not an

19-01595-12

20121254

1161 eligible veteran or servicemember for purposes of accompanying
1162 an eligible veteran or servicemember who requires the person's
1163 assistance to use such designated areas.

1164 (d) Funding required for specialized accommodations shall
1165 be provided through the Friends of Florida State Forests Program
1166 created under s. 589.012.

1167 (e) The Florida Forest Service ~~division~~ may adopt rules to
1168 administer this subsection.

1169 Section 44. Section 589.277, Florida Statutes, is amended
1170 to read:

1171 589.277 Tree planting programs.—

1172 (1) The ~~Division of Forestry of the Florida~~ Forest Service
1173 ~~Department of Agriculture and Consumer Services~~ shall administer
1174 federal, state, and privately sponsored tree planting programs
1175 designed to assist private rural landowners and urban
1176 communities.

1177 (2) Contributions from governmental and private sources for
1178 tree planting programs may be accepted into the Federal Grants
1179 Trust Fund or the Incidental Trust Fund of the Florida Forest
1180 Service.

1181 (3) The Florida Forest Service shall ~~Division of Forestry~~
1182 ~~is authorized and directed to~~ develop and implement guidelines
1183 and procedures under which the financial resources of the fund
1184 allocated for tree planting programs may be utilized for urban
1185 and rural reforestation.

1186 (4) Grants to municipalities, counties, nonprofit
1187 organizations, and qualifying private landowners may be made
1188 from allocated moneys in the fund for the purpose of purchasing,
1189 planting, and maintaining native tree species.

19-01595-12

20121254

1190 (5) The Florida Forest Service ~~Division of Forestry~~ shall
1191 assist the Department of Education in developing programs that
1192 teach the importance of trees in the urban, rural, and global
1193 environment.

1194 Section 45. Section 590.02, Florida Statutes, is amended to
1195 read:

1196 590.02 Florida Forest Service; ~~Division~~ powers, authority,
1197 and duties; liability; building structures; Florida Center for
1198 Wildfire and Forest Resources Management Training.—

1199 (1) The Florida Forest Service ~~division~~ has the following
1200 powers, authority, and duties:

1201 (a) To enforce the provisions of this chapter;

1202 (b) To prevent, detect, suppress, and extinguish wildfires
1203 wherever they may occur on public or private land in this state
1204 and to do all things necessary in the exercise of such powers,
1205 authority, and duties;

1206 (c) To provide firefighting crews, who shall be under the
1207 control and direction of the Florida Forest Service ~~division~~ and
1208 its designated agents;

1209 (d) To appoint center managers, forest area supervisors,
1210 forestry program administrators, a forest protection bureau
1211 chief, a forest protection assistant bureau chief, a field
1212 operations bureau chief, deputy chiefs of field operations,
1213 district managers, forest operations administrators, senior
1214 forest rangers, investigators, forest rangers, firefighter
1215 rotorcraft pilots, and other employees who may, at the Florida
1216 Forest Service's ~~division's~~ discretion, be certified as forestry
1217 firefighters pursuant to s. 633.35(4). Other provisions of law
1218 notwithstanding, center managers, district managers, forest

19-01595-12

20121254

1219 protection assistant bureau chief, and deputy chiefs of field
1220 operations shall have Selected Exempt Service status in the
1221 state personnel designation;

1222 (e) To develop a training curriculum for forestry
1223 firefighters which must contain the basic volunteer structural
1224 fire training course approved by the Florida State Fire College
1225 of the Division of State Fire Marshal and a minimum of 250 hours
1226 of wildfire training;

1227 (f) To make rules to accomplish the purposes of this
1228 chapter;

1229 (g) To provide fire management services and emergency
1230 response assistance and to set and charge reasonable fees for
1231 performance of those services. Moneys collected from such fees
1232 shall be deposited into the Incidental Trust Fund of the Florida
1233 Forest Service ~~division~~; and

1234 (h) To require all state, regional, and local government
1235 agencies operating aircraft in the vicinity of an ongoing
1236 wildfire to operate in compliance with the applicable state
1237 Wildfire Aviation Plan.

1238 (2) The Florida Forest Service's ~~Division~~ employees, and
1239 the firefighting crews under their control and direction, may
1240 enter upon any lands for the purpose of preventing and
1241 suppressing wildfires and investigating smoke complaints or open
1242 burning not in compliance with authorization and to enforce the
1243 provisions of this chapter.

1244 (3) Employees of the Florida Forest Service ~~division~~ and of
1245 federal, state, and local agencies, and all other persons and
1246 entities that are under contract or agreement with the Florida
1247 Forest Service ~~division~~ to assist in firefighting operations as

19-01595-12

20121254

1248 well as those entities, called upon by the Florida Forest
1249 Service ~~division~~ to assist in firefighting may, in the
1250 performance of their duties, set counterfires, remove fences and
1251 other obstacles, dig trenches, cut firelines, use water from
1252 public and private sources, and carry on all other customary
1253 activities in the fighting of wildfires without incurring
1254 liability to any person or entity.

1255 (4) (a) The department may build structures, notwithstanding
1256 chapters 216 and 255, not to exceed a cost of \$50,000 per
1257 structure from existing resources on forest lands, federal
1258 excess property, and unneeded existing structures. These
1259 structures must meet all applicable building codes.

1260 (b) Notwithstanding s. 553.80(1), the department shall
1261 exclusively enforce the Florida Building Code as it pertains to
1262 wildfire and law enforcement facilities under the jurisdiction
1263 of the department.

1264 (5) The Florida Forest Service ~~division~~ shall organize its
1265 operational units to most effectively prevent, detect, and
1266 suppress wildfires, and to that end, may employ the necessary
1267 personnel to manage its activities in each unit. The Florida
1268 Forest Service ~~division~~ may construct lookout towers, roads,
1269 bridges, firelines, and other facilities and may purchase or
1270 fabricate tools, supplies, and equipment for firefighting. The
1271 Florida Forest Service ~~division~~ may reimburse the public and
1272 private entities that it engages to assist in the suppression of
1273 wildfires for their personnel and equipment, including aircraft.

1274 (6) The Florida Forest Service ~~division~~ shall undertake
1275 privatization alternatives for fire prevention activities
1276 including constructing fire lines and conducting prescribed

19-01595-12

20121254

1277 burns and, where appropriate, entering into agreements or
1278 contracts with the private sector to perform such activities.

1279 (7) The Florida Forest Service ~~division~~ may organize,
1280 staff, equip, and operate the Florida Center for Wildfire and
1281 Forest Resources Management Training. The center shall serve as
1282 a site where fire and forest resource managers can obtain
1283 current knowledge, techniques, skills, and theory as they relate
1284 to their respective disciplines.

1285 (a) The center may establish cooperative efforts involving
1286 federal, state, and local entities; hire appropriate personnel;
1287 and engage others by contract or agreement with or without
1288 compensation to assist in carrying out the training and
1289 operations of the center.

1290 (b) The center shall provide wildfire suppression training
1291 opportunities for rural fire departments, volunteer fire
1292 departments, and other local fire response units.

1293 (c) The center will focus on curriculum related to, but not
1294 limited to, fuel reduction, an incident management system,
1295 prescribed burning certification, multiple-use land management,
1296 water quality, forest health, environmental education, and
1297 wildfire suppression training for structural firefighters.

1298 (d) The center may assess appropriate fees for food,
1299 lodging, travel, course materials, and supplies in order to meet
1300 its operational costs and may grant free meals, room, and
1301 scholarships to persons and other entities in exchange for
1302 instructional assistance.

1303 (e) An advisory committee consisting of the following
1304 individuals or their designees must review program curriculum,
1305 course content, and scheduling: the director of the Florida

19-01595-12

20121254

1306 Forest Service ~~Division of Forestry~~; the assistant director of
1307 the Florida Forest Service ~~Division of Forestry~~; the director of
1308 the School of Forest Resources and Conservation of the
1309 University of Florida; the director of the Division of
1310 Recreation and Parks of the Department of Environmental
1311 Protection; the director of the Division of the State Fire
1312 Marshal; the director of the Florida Chapter of The Nature
1313 Conservancy; the executive vice president of the Florida
1314 Forestry Association; the president of the Florida Farm Bureau
1315 Federation; the executive director of the Fish and Wildlife
1316 Conservation Commission; the executive director of a water
1317 management district as appointed by the Commissioner of
1318 Agriculture; the supervisor of the National Forests in Florida;
1319 the president of the Florida Fire Chief's Association; and the
1320 executive director of the Tall Timbers Research Station.

1321 (8) The Cross City Work Center shall be named the L. Earl
1322 Peterson Forestry Station. This is to honor Mr. L. Earl
1323 Peterson, Florida's sixth state forester, whose distinguished
1324 career in state government has spanned 44 years, and who is a
1325 native of Dixie County.

1326 (9) (a) Notwithstanding ss. 273.055 and 287.16, the
1327 department may retain, transfer, warehouse, bid, destroy, scrap,
1328 or otherwise dispose of surplus equipment and vehicles that are
1329 used for wildland firefighting.

1330 (b) All money received from the disposition of state-owned
1331 equipment and vehicles that are used for wildland firefighting
1332 shall be retained by the department. Money received pursuant to
1333 this section is appropriated for and may be disbursed for the
1334 acquisition of exchange and surplus equipment used for wildland

19-01595-12

20121254

1335 firefighting, and for all necessary operating expenditures
1336 related to such equipment, in the same fiscal year and the
1337 fiscal year following the disposition. The department shall
1338 maintain records of the accounts into which the money is
1339 deposited.

1340 (10) (a) The Florida Forest Service ~~division~~ has exclusive
1341 authority to require and issue authorizations for broadcast
1342 burning and agricultural and silvicultural pile burning. An
1343 agency, commission, department, county, municipality, or other
1344 political subdivision of the state may not adopt or enforce
1345 laws, regulations, rules, or policies pertaining to broadcast
1346 burning or agricultural and silvicultural pile burning unless an
1347 emergency order is declared in accordance with s. 252.38(3).

1348 (b) The Florida Forest Service ~~division~~ may delegate to a
1349 county or municipality its authority, as delegated by the
1350 Department of Environmental Protection pursuant to ss.
1351 403.061(28) and 403.081, to require and issue authorizations for
1352 the burning of yard trash and debris from land clearing
1353 operations in accordance with s. 590.125(6).

1354 Section 46. Subsection (3) of section 597.0021, Florida
1355 Statutes, is amended to read:

1356 597.0021 Legislative intent.—

1357 (3) It is the intent of the Legislature that the
1358 Aquaculture Review Council is ~~and the Aquaculture Interagency~~
1359 ~~Coordinating Council~~ are established to provide a means of
1360 communication between the aquaculture industry and the
1361 regulatory agencies.

1362 Section 47. Paragraphs (b) and (d) of subsection (1) of
1363 section 597.003, Florida Statutes, are amended to read:

19-01595-12

20121254

1364 597.003 Powers and duties of Department of Agriculture and
1365 Consumer Services.—

1366 (1) The department is hereby designated as the lead agency
1367 in encouraging the development of aquaculture in the state and
1368 shall have and exercise the following functions, powers, and
1369 duties with regard to aquaculture:

1370 (b) Coordinate the development, annual revision, and
1371 implementation of a state aquaculture plan. The plan shall
1372 include prioritized recommendations for research and development
1373 as suggested by the Aquaculture Review Council, ~~the Aquaculture~~
1374 ~~Interagency Coordinating Council~~, and public and private
1375 institutional research, extension, and service programs.

1376 (d) Provide staff for the Aquaculture Review Council ~~and~~
1377 ~~the Aquaculture Interagency Coordinating Council~~.

1378 Section 48. Paragraph (h) of subsection (1) of section
1379 597.004, Florida Statutes, is amended to read:

1380 597.004 Aquaculture certificate of registration.—

1381 (1) CERTIFICATION.—Any person engaging in aquaculture must
1382 be certified by the department. The applicant for a certificate
1383 of registration shall submit the following to the department:

1384 (h) An ~~One-hundred dollar~~ annual registration fee of \$100.
1385 The annual registration fee is waived for each elementary,
1386 middle, or high school and each vocational school that
1387 participates in the aquaculture certification program.

1388 Section 49. Subsection (1), paragraphs (a) and (b) of
1389 subsection (2), and paragraph (h) of subsection (3) of section
1390 597.005, Florida Statutes, are amended to read:

1391 597.005 Aquaculture Review Council.—

1392 (1) COMPOSITION.—There is created within the department the

19-01595-12

20121254

1393 Aquaculture Review Council to consist of eight ~~nine~~ members as
 1394 follows: the chair of the State Agricultural Advisory Council or
 1395 designee; ~~the chair of the Aquaculture Interagency Coordinating~~
 1396 ~~Council~~; and seven additional members to be appointed by the
 1397 commissioner, including an alligator farmer, a food fish farmer,
 1398 a shellfish farmer, a tropical fish farmer, an aquatic plant
 1399 farmer, a representative of the commercial fishing industry, and
 1400 a representative of the aquaculture industry at large. Members
 1401 shall be appointed for 4-year terms. Each member shall be
 1402 selected from no fewer than two or more than three nominees
 1403 submitted by recognized statewide organizations representing
 1404 each industry segment or the aquaculture industry at large. In
 1405 the absence of nominees, the commissioner shall appoint persons
 1406 who otherwise meet the qualifications for appointment to the
 1407 council. Members shall serve until their successors are duly
 1408 qualified and appointed. An appointment to fill a vacancy shall
 1409 be for the unexpired portion of the term.

1410 (2) MEETINGS; PROCEDURES; RECORDS.—

1411 (a) The members of the council shall meet at least
 1412 quarterly; shall elect a chair, a vice chair, and a secretary,
 1413 ~~and an industry representative to the Aquaculture Interagency~~
 1414 ~~Coordinating Council~~; and shall use accepted rules of procedure.
 1415 The terms of such officers shall be for 1 year.

1416 (b) The council shall meet at the call of its chair, at the
 1417 request of a majority of its membership, at the request of the
 1418 department, or at such times as may be prescribed by its rules
 1419 of procedure. ~~However, the council shall hold a joint annual~~
 1420 ~~meeting with the Aquaculture Interagency Coordinating Council.~~

1421 (3) RESPONSIBILITIES.—The primary responsibilities of the

19-01595-12

20121254

1422 Aquaculture Review Council are to:

1423 (h) For any problem that cannot be solved through simple
1424 cooperation or negotiation, provide an issue analysis ~~to the~~
1425 ~~Aquaculture Interagency Coordinating Council~~ and to the chairs
1426 of the legislative agriculture appropriations committees. The
1427 analysis shall include, but not be limited to, specific facts
1428 and industry hardships, regulatory provisions, questions
1429 relative to the issue, and suggestions for solving the problem.

1430 Section 50. Section 597.006, Florida Statutes, is repealed.

1431 Section 51. Subsection (3) of section 616.252, Florida
1432 Statutes, is amended to read:

1433 616.252 Florida State Fair Authority; membership; number,
1434 terms, compensation.—

1435 (3) Members of the authority are not entitled to
1436 compensation for their services as members but shall be
1437 reimbursed by the authority for per diem and travel expenses as
1438 provided in s. 112.061 ~~and may not be reimbursed for travel~~
1439 ~~expenses~~. Except for the nonvoting youth member, each member may
1440 be compensated for any special or full-time service performed in
1441 the authority's behalf as officers or agents of the authority.

1442 Section 52. This act shall take effect July 1, 2012.