

By the Committees on Environmental Preservation and Conservation; and Agriculture; and Senator Siplin

592-03008-12

20121254c2

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

592-03008-12

20121254c2

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. 570.0705, F.S.; prohibiting members of
42 certain advisory bodies from receiving per diem or
43 travel expenses except under certain circumstances;
44 deleting a provision that prohibits members from
45 receiving compensation for their services; repealing
46 s. 570.071, F.S., relating to the Florida Agricultural
47 Exposition and the receipt and expenditure of funds
48 for the exposition; amending s. 570.074, F.S.;
49 renaming and revising the policy jurisdiction of the
50 department's Office of Energy and Water; amending s.
51 570.18, F.S.; conforming cross-references; repealing
52 s. 570.29, F.S., relating to divisions of the
53 Department of Agriculture and Consumer Services;
54 repealing s. 570.34, F.S., relating to the Plant
55 Industry Technical Council; creating s. 570.451, F.S.;
56 creating the Agricultural Feed, Seed, and Fertilizer
57 Advisory Council; providing for the council's powers
58 and duties and the appointment of council members;

592-03008-12

20121254c2

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

592-03008-12

20121254c2

88 repealing s. 580.151, F.S., relating to the Commercial
89 Feed Technical Council; amending s. 581.011, F.S.;
90 conforming provisions; amending s. 581.145, F.S.;
91 revising requirements for the issuance of permits to
92 aquaculture producers for the transport and sale of
93 water hyacinths to other states and countries;
94 amending s. 582.06, F.S.; revising requirements for
95 the composition and appointment of members of the Soil
96 and Water Conservation Council and the reimbursement
97 of members for per diem and travel expenses; amending
98 ss. 582.20 and 582.29, F.S.; revising the geographic
99 jurisdiction of soil and water conservation districts
100 to include certain territory outside of the districts'
101 boundaries; amending s. 582.30, F.S.; revising
102 requirements and procedures for the dissolution or
103 discontinuance of soil and water conservation
104 districts; revising notice requirements for such
105 proposed dissolution or discontinuance; amending s.
106 582.31, F.S.; revising requirements for payment of the
107 proceeds from the sale of property of a dissolving
108 soil and water conservation district to the State
109 Treasury; amending s. 582.32, F.S.; revising the
110 procedures on continuing existing contracts; repealing
111 s. 585.155, F.S., relating to the inspection and
112 vaccination of cattle for brucellosis; repealing s.
113 589.03, F.S., relating to the compensation and
114 reimbursement for per diem and travel expenses of
115 members of the Florida Forestry Council; amending s.
116 589.19, F.S.; renaming the "Wounded Warrior Special

592-03008-12

20121254c2

117 Hunt Areas" of the state forests; conforming obsolete
118 references to the former Division of Forestry;
119 amending s. 589.277, F.S.; revising requirements for
120 the deposit of contributions for tree planting
121 programs; conforming obsolete references to the former
122 Division of Forestry; amending s. 590.02, F.S.;
123 specifying that state and local government agencies
124 other than the Florida Forest Service may not enforce
125 regulations of broadcast burning or agricultural and
126 silvicultural pile burning except under certain
127 circumstances; conforming obsolete references to the
128 former Division of Forestry; amending ss. 597.0021 and
129 597.003, F.S.; deleting references to the Aquaculture
130 Interagency Coordinating Council to conform to the
131 repeal by the act of provisions creating the council;
132 amending s. 597.004, F.S.; authorizing the waiver of
133 aquaculture registration fees for certain schools;
134 amending s. 597.005, F.S.; revising the composition of
135 the Aquaculture Review Council to conform to the
136 repeal by the act of provisions creating the
137 Aquaculture Interagency Coordinating Council; revising
138 the legislative committees to whom the Aquaculture
139 Review Council must provide analyses of unresolved
140 industry issues; repealing s. 597.006, F.S., relating
141 to the Aquaculture Interagency Coordinating Council;
142 amending s. 604.21, F.S.; authorizing the Commissioner
143 of Agriculture to act as trustee on bonds posted by
144 the United States Department of Agriculture under
145 certain circumstances; authorizing the Commissioner of

592-03008-12

20121254c2

146 Agriculture to enter into agreements with the United
147 States Department of Agriculture; amending s. 616.252,
148 F.S.; providing for the reimbursement of members of
149 the Florida State Fair Authority for per diem and
150 travel expenses; providing an effective date.

151

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

153

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

156 20.14 Department of Agriculture and Consumer Services.—
157 There is created a Department of Agriculture and Consumer
158 Services.

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

161 (m) Food, Nutrition, and Wellness.

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

164 253.002 Department of Environmental Protection, water
165 management districts, Fish and Wildlife Conservation Commission,
166 and Department of Agriculture and Consumer Services; duties with
167 respect to state lands.—

168 (1) The Department of Environmental Protection shall
169 perform all staff duties and functions related to the
170 acquisition, administration, and disposition of state lands,
171 title to which is or will be vested in the Board of Trustees of
172 the Internal Improvement Trust Fund. However, upon the effective
173 date of rules adopted pursuant to s. 373.427, a water management
174 district created under s. 373.069 shall perform the staff duties

592-03008-12

20121254c2

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

592-03008-12

20121254c2

204 on applications to use board of trustees-owned submerged lands
205 for any activity for which that department has responsibility
206 pursuant to ss. 253.67-253.75, 369.25, 369.251, and 597.010.
207 However, the board of trustees shall retain the authority to
208 take final agency action on establishing any areas for leasing,
209 new leases, expanding existing lease areas, or changing the type
210 of lease activity in existing leases. Upon issuance of an
211 aquaculture lease or other real property transaction relating to
212 aquaculture, the Department of Agriculture and Consumer Services
213 must send a copy of the document and the accompanying survey to
214 the Department of Environmental Protection. The board of
215 trustees may also delegate to the Fish and Wildlife Conservation
216 Commission the authority to take final agency action, without
217 any action on behalf of the board, on applications for
218 authorization to use board of trustees-owned submerged lands for
219 any activity regulated under ss. 369.20 and 369.22.

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

223 379.2523 Aquaculture definitions; marine aquaculture
224 products, producers, and facilities.-

225 (5) The department shall:

226 (a) Coordinate with the Aquaculture Review Council, ~~the~~
227 ~~Aquaculture Interagency Coordinating Council,~~ and the Department
228 of Agriculture and Consumer Services when developing criteria
229 for aquaculture general permits.

230 (6) The Fish and Wildlife Conservation Commission shall
231 encourage the development of aquaculture in the state through
232 the following:

592-03008-12

20121254c2

233 (b) Facilitating aquaculture research on life histories,
234 stock enhancement, and alternative species, and providing
235 research results that would assist in the evaluation,
236 development, and commercial production of candidate species for
237 aquaculture, including:

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

246 2. Conducting research programs to evaluate candidate
247 species when funding and staff are available.

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

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

261 Section 4. Paragraph (c) of subsection (3) of section

592-03008-12

20121254c2

262 379.2524, Florida Statutes, is amended to read:

263 379.2524 Commercial production of sturgeon.-

264 (3) MEETINGS; PROCEDURES; RECORDS.-The working group shall
265 meet at least twice a year and elect, by a quorum, a chair and
266 vice chair.

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

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

274 388.161 District boards of commissioners; powers and
275 duties.-

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

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

289 388.201 District budgets; hearing.-

290 (4) The governing board:

592-03008-12

20121254c2

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

294 (b) Shall by September 30 ~~15 following~~ adopt and execute on
295 a form furnished by the department a certified budget for the
296 district which shall be the operating and fiscal guide for the
297 district. Certified copies of this budget shall be submitted by
298 September 30 ~~15~~ to the department for approval.

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

301 388.323 Disposal of surplus property.—Surplus property
302 shall be disposed of according to the provisions set forth in s.
303 274.05 with the following exceptions:

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

311 (2) The alternative procedure for disposal of surplus
312 property, as prescribed in s. 274.06, shall be followed if it is
313 ~~has been~~ determined that no other county or ~~7~~ district engaged in
314 arthropod control, ~~governmental unit, or private nonprofit~~
315 ~~agency~~ has need for the equipment.

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

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

319 388.46 Florida Coordinating Council on Mosquito Control;

592-03008-12

20121254c2

320 establishment; membership; organization; responsibilities.-

321 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.-

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

325 1. The Secretary of Environmental Protection. and

326 2. The State Surgeon General. †

327 3.2. The executive director of the Fish and Wildlife
328 Conservation Commission. †

329 4.3. The state epidemiologist. ;

330 5.4. The Commissioner of Agriculture. † ~~and~~

331 6. The Board of Trustees of the Internal Improvement Trust
332 Fund.

333 7.5. Representatives from:

334 a. The University of Florida, Institute of Food and
335 Agricultural Sciences, Florida Medical Entomological Research
336 Laboratory. †

337 ~~b. Florida Agricultural and Mechanical University;~~

338 b.e. The United States Environmental Protection Agency. †

339 c.d. The United States Department of Agriculture, Insects
340 Affecting Man Laboratory. †

341 d.e. The United States Fish and Wildlife Service. †

342 8.f. Two mosquito control directors to be nominated by the
343 Florida Mosquito Control Association, two representatives of
344 Florida environmental groups, and two private citizens who are
345 property owners whose lands are regularly subject to mosquito
346 control operations, to be appointed to 4-year terms by the
347 Commissioner of Agriculture; ~~and~~

348 ~~g. The Board of Trustees of the Internal Improvement Trust~~

592-03008-12

20121254c2

349 Fund.

350 (b) *Organization.*—The council shall be chaired by the
351 Commissioner of Agriculture or the commissioner's authorized
352 designee. A majority of the membership of the council shall
353 constitute a quorum for the conduct of business. The chair shall
354 be responsible for recording and distributing to the members a
355 summary of the proceedings of all council meetings. The council
356 shall meet at least three times each year, or as needed. The
357 council may designate subcommittees from time to time to assist
358 in carrying out its responsibilities, provided that the
359 Subcommittee on Managed Marshes shall be the first subcommittee
360 appointed by the council. The subcommittee shall continue to
361 provide technical assistance and guidance on saltmarsh mosquito
362 ~~impoundment~~ management plans and ~~develop and review~~ research
363 proposals, taking into account the mosquito control source
364 reduction implications and natural resource interests in these
365 habitats ~~for mosquito source reduction techniques.~~

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

367 1. Develop and implement guidelines to assist the
368 department in resolving disputes arising over the control of
369 arthropods on publicly owned lands.

370 ~~2. Identify and recommend to Florida Agricultural and~~
371 ~~Mechanical University research priorities for arthropod control~~
372 ~~practices and technologies.~~

373 ~~2.3.~~ Develop and recommend to the department a request for
374 proposal process for arthropod control research.

375 ~~3.4.~~ Identify potential funding sources for research or
376 implementation projects and evaluate and prioritize proposals
377 upon request by the funding source.

592-03008-12

20121254c2

378 ~~4.5.~~ Prepare and present reports, as needed, on arthropod
379 control activities in the state to the Pesticide Review Council,
380 ~~the Florida Coastal Management Program Interagency Management~~
381 ~~Committee,~~ and other governmental organizations, as appropriate.

382 Section 10. Subsections (7) and (8) of section 493.6104,
383 Florida Statutes, are renumbered as subsections (6) and (7),
384 respectively, and present subsection (6) of that section is
385 amended to read:

386 493.6104 Advisory council.—

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

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

392 500.09 Rulemaking; analytical work.—

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

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

403 500.147 Inspection of food establishments and vehicles;
404 ~~food safety pilot program.~~—

405 ~~(6) The department is authorized to initiate a food safety~~
406 ~~pilot program establishing a special, documented food inspection~~

592-03008-12

20121254c2

407 ~~program based on sound science principles of the Hazard Analysis~~
408 ~~Critical Control Point (HACCP) system and involving cooperative~~
409 ~~compliance efforts of both the department and the food~~
410 ~~establishment to assure consumers a safe, wholesome, and~~
411 ~~properly labeled food supply. A food establishment shall be~~
412 ~~eligible for such a pilot program only if program criteria are~~
413 ~~met. Criteria used to establish this special program include,~~
414 ~~but are not limited to, the following:~~

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

416 ~~(b) Certified food manager activities demonstrated to be~~
417 ~~effective in assessing food safety practices and correcting~~
418 ~~deficiencies at the food establishment.~~

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

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

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

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

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

430 Section 13. Subsections (4) through (7) of section 502.014,
431 Florida Statutes, are renumbered as subsections (3) through (6),
432 respectively, and present subsection (3) of that section is
433 amended to read:

434 502.014 Powers and duties.—

435 ~~(3) The department shall manage a program to issue permits~~

592-03008-12

20121254c2

436 ~~to persons who test milk or milk products for milkfat content by~~
437 ~~weight, volume, chemical, electronic, or other means when the~~
438 ~~result of such test is used as a basis for payment for the milk~~
439 ~~or milk products.~~

440 Section 14. Subsections (1) and (2) and paragraphs (a) and
441 (e) of subsection (3) of section 502.053, Florida Statutes, are
442 amended to read:

443 502.053 Permits and ~~licenses~~; fees; requirements;
444 exemptions; temporary permits.-

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

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

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

461 ~~(c) Any person who tests milk or milk products for milkfat~~
462 ~~content by weight, volume, chemical, electronic, or other method~~
463 ~~when the result of such test is used as a basis for payment for~~
464 ~~the milk or milk products must apply to the department for a~~

592-03008-12

20121254c2

465 ~~license. To qualify for a license, the applicant must~~
466 ~~demonstrate a sufficiency of knowledge, ability, and equipment~~
467 ~~to adequately perform milkfat tests. The license shall be issued~~
468 ~~for a period of 2 years after the date of first issuance upon~~
469 ~~application to the department on forms prescribed by the~~
470 ~~department.~~

471 (c) ~~(d)~~ ~~Permits and licenses~~ are nontransferable between
472 persons or locations and are subject to suspension or revocation
473 as provided in this chapter.

474 (2) FEES.—

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

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

480 (3) REQUIREMENTS.—

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

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

492 Section 15. Subsection (9) of section 570.0705, Florida
493 Statutes, is amended to read:

592-03008-12

20121254c2

494 570.0705 Advisory committees.—From time to time the
495 commissioner may appoint any advisory committee to assist the
496 department with its duties and responsibilities.

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

503 Section 16. Section 570.071, Florida Statutes, is repealed.

504 Section 17. Section 570.074, Florida Statutes, is amended
505 to read:

506 570.074 Department of Agriculture and Consumer Services;
507 ~~energy and water policy.~~—The commissioner may create an Office
508 of Agricultural Energy and Water Policy under the supervision of
509 a senior manager exempt under s. 110.205 in the Senior
510 Management Service. The commissioner may designate the bureaus
511 and positions in the various organizational divisions of the
512 department that report to this office relating to any matter
513 over which the department has jurisdiction in matters relating
514 to ~~energy and water policy~~ affecting agriculture, application of
515 such policies, and coordination of such matters with state and
516 federal agencies.

517 Section 18. Section 570.18, Florida Statutes, is amended to
518 read:

519 570.18 Organization of departmental work.—In the assignment
520 of functions to the divisions of the department created in s.
521 20.14 ~~570.29~~, the department shall retain within the Division of
522 Administration, in addition to executive functions, those powers

592-03008-12

20121254c2

523 and duties enumerated in s. 570.30. The department shall
524 organize the work of the other divisions in such a way as to
525 secure maximum efficiency in the conduct of the department. The
526 divisions created in s. 20.14 ~~570.29~~ are solely to make possible
527 the definite placing of responsibility. The department shall be
528 conducted as a unit in which every employee, including each
529 division director, is assigned a definite workload, and there
530 shall exist between division directors a spirit of cooperative
531 effort to accomplish the work of the department.

532 Section 19. Section 570.29, Florida Statutes, is repealed.

533 Section 20. Section 570.34, Florida Statutes, is repealed.

534 Section 21. Section 570.451, Florida Statutes, is created
535 to read:

536 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
537 Council.—

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

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

542 (a) One representative of the department.

543 (b) One representative of the dean for extension of the
544 Institute of Food and Agricultural Sciences at the University of
545 Florida.

546 (c) One representative each from the state's beef cattle,
547 poultry, aquaculture, field crops, citrus, vegetable, and dairy
548 production industries.

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

592-03008-12

20121254c2

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

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

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

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

568 (d) The meetings, powers and duties, procedures, and
569 recordkeeping of the council shall be in accordance with the
570 provisions of s. 570.0705 relating to advisory committees
571 established within the department.

572 (4) The council shall:

573 (a) Receive reports of relevant enforcement activity
574 conducted by the Division of Agricultural Environmental
575 Services, including the number of inspections, the number of
576 administrative actions, the number of complaints received and
577 investigated, and the dispositions of complaints.

578 (b) Provide advice to the department on the conduct of
579 relevant enforcement activities.

580 (c) Receive reports on disciplinary actions.

592-03008-12

20121254c2

581 (d) Make recommendations to the commissioner for actions to
582 be taken with respect to the regulation of agricultural feed,
583 seed, and fertilizer.

584 Section 22. Paragraph (e) of subsection (6) of section
585 570.53, Florida Statutes, is amended to read:

586 570.53 Division of Marketing and Development; powers and
587 duties.—The powers and duties of the Division of Marketing and
588 Development include, but are not limited to:

589 (6)

590 (e) Extending in every practicable way the distribution and
591 sale of Florida agricultural products throughout the markets of
592 the world as required of the department by s. ss. 570.07(7),
593 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

594 Section 23. Subsection (2) of section 570.54, Florida
595 Statutes, is amended to read:

596 570.54 Director; duties.—

597 (2) It shall be the duty of the director of this division
598 to supervise, direct, and coordinate the activities authorized
599 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
600 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
601 chapters 504, 571, 573, and 574 and to exercise other powers and
602 authority as authorized by the department.

603 Section 24. Subsection (7) of section 573.112, Florida
604 Statutes, is amended to read:

605 573.112 Advisory council.—

606 (7) Notwithstanding any provision of this section, the
607 Citrus Research and Development Foundation, Inc., a direct-
608 support organization of the University of Florida established
609 pursuant to s. 1004.28, shall serve as the advisory council for

592-03008-12

20121254c2

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

621 Section 25. Subsection (4) of section 573.118, Florida
622 Statutes, is amended to read:

623 573.118 Assessment; funds; review of accounts ~~audit~~;
624 loans.-

625 (4) In the event of levying and collecting of assessments,
626 for each fiscal year in which assessment funds are received by
627 the department, the department shall maintain records of
628 collections and expenditures for each marketing order separately
629 within the state's accounting system. If requested by an
630 advisory council, department staff shall cause to be made a
631 thorough review ~~annual audit~~ of the ~~books and accounts by a~~
632 ~~certified public accountant~~, such review ~~audit~~ to be completed
633 within 60 days after the request is received ~~end of the fiscal~~
634 ~~year~~. The department and all producers and handlers covered by
635 the marketing order shall be properly advised of the details of
636 the review ~~annual official audit~~ of the account ~~accounts as~~
637 ~~shown by the certified public accountant~~ within 30 days after ~~of~~
638 the review ~~audit~~.

592-03008-12

20121254c2

639 Section 26. Subsection (8) of section 576.045, Florida
640 Statutes, is amended to read:

641 576.045 Nitrogen and phosphorus; findings and intent; fees;
642 purpose; best management practices; waiver of liability;
643 compliance; rules; exclusions; expiration.—

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

647 Section 27. Section 576.071, Florida Statutes, is amended
648 to read:

649 576.071 Commercial value.—The commercial value used in
650 assessing penalties for any deficiency shall be determined by
651 using annualized plant nutrient values contained in one or more
652 generally recognized journals ~~recommended by the Fertilizer~~
653 ~~Technical Council~~.

654 Section 28. Section 576.091, Florida Statutes, is repealed.

655 Section 29. Section 578.30, Florida Statutes, is repealed.

656 Section 30. Paragraph (c) of subsection (1) and subsection
657 (3) of section 580.041, Florida Statutes, are amended to read:

658 580.041 Master registration; fee; refusal or cancellation
659 of registration; reporting.—

660 (1)

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

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

592-03008-12

20121254c2

668 2. Maintaining a bookkeeping system and records necessary
669 to indicate accurately the type and tonnage of commercial feeds
670 sold in this state ~~that will allow the department to verify the~~
671 ~~accuracy of the reported tonnage.~~

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

677 4.3. Allowing the department to verify the accuracy of
678 reported type and tonnage and to otherwise examine pertinent
679 records at reasonable times.

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

685 Section 31. Section 580.131, Florida Statutes, is amended
686 to read:

687 580.131 Penalty payable to consumer.—

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

693 (a) ~~(1)~~ If a certified laboratory analysis shows that any
694 feed bearing a guarantee of 20 percent protein₇ or less₇ falls
695 more than 1 percent protein below the guarantee, or if the
696 analysis shows that any feed bearing a guarantee of more than 20

592-03008-12

20121254c2

697 percent protein falls more than 2 percent protein below the
698 guarantee, \$4 per ton for each percent protein deficiency shall
699 be assessed against the manufacturer or distributor.

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

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

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

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

722 (f)~~(6)~~ If any feed is found by the department to be short
723 in weight, 4 times the invoice value of the actual shortage
724 shall be assessed against the manufacturer or distributor, but
725 in no instance shall the penalty be less than \$25. The

592-03008-12

20121254c2

726 department by rule may establish variations for short weight.

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

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

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

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

745 Section 32. Section 580.151, Florida Statutes, is repealed.

746 Section 33. Subsection (30) of section 581.011, Florida
747 Statutes, is amended to read:

748 581.011 Definitions.—As used in this chapter:

749 ~~(30) "Technical council" means the Plant Industry Technical~~
750 ~~Council.~~

751 Section 34. Subsection (3) of section 581.145, Florida
752 Statutes, is amended to read:

753 581.145 Aquatic plant nursery registration; special permit
754 requirements.—

592-03008-12

20121254c2

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

781 Section 35. Section 582.06, Florida Statutes, is amended to
782 read:

783 582.06 Soil and Water Conservation Council; powers and

592-03008-12

20121254c2

784 duties.—

785 (1) COMPOSITION.—

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

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

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

803 (b)(e) All members shall be appointed by the commissioner.
804 ~~Members appointed pursuant to paragraph (b) shall be appointed~~
805 ~~by the commissioner from recommendations provided by the~~
806 ~~organization or interest represented.~~

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

811 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
812 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and

592-03008-12

20121254c2

813 recordkeeping of the Soil and Water Conservation Council, ~~and~~
814 ~~per diem and reimbursement of expenses of council members,~~ shall
815 be governed by the provisions of s. 570.0705 relating to
816 advisory committees established within the department.

817 Section 36. Section 582.20, Florida Statutes, is amended to
818 read:

819 582.20 Powers of districts and supervisors.—A soil and
820 water conservation district organized under the provisions of
821 this chapter shall constitute a governmental subdivision of this
822 state, and a public body corporate and politic, exercising
823 public powers, and such district and the supervisors thereof,
824 shall have the following powers, in addition to others granted
825 in other sections of this chapter:

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

839 (2) To conduct demonstrational projects within the
840 district's boundaries, territory within another district's
841 boundaries subject to the other district's approval, or

592-03008-12

20121254c2

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

858 (3) To carry out preventive and control measures and works
859 of improvement for flood prevention or the conservation,
860 development and utilization of soil and water resources, and the
861 disposal of water within the district's boundaries, territory
862 within another district's boundaries subject to the other
863 district's approval, or territory not contained within any
864 district's boundaries ~~district~~, including, but not limited to,
865 engineering operations, methods of cultivation, the growing of
866 vegetation, changes in use of land, and the measures listed in
867 s. 582.04 on lands owned or controlled by this state or any of
868 its agencies, with the cooperation of the agency administering
869 and having jurisdiction thereof, and on any other lands within
870 the district's boundaries, territory within another district's

592-03008-12

20121254c2

871 boundaries subject to the other district's approval, or
872 territory not contained within any district's boundaries
873 ~~district~~ upon obtaining the consent of the owner and the
874 occupiers of such lands or the necessary rights or interests in
875 such lands.†

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

892 (5) To obtain options upon and to acquire, by purchase,
893 exchange, lease, gift, grant, bequest, devise or otherwise, any
894 property, real or personal, or rights or interests therein; to
895 maintain, administer, and improve any properties acquired, to
896 receive income from such properties and to expend such income in
897 carrying out the purposes and provisions of this chapter; and to
898 sell, lease, or otherwise dispose of any of its property or
899 interests therein in furtherance of the purposes and the

592-03008-12

20121254c2

900 provisions of this chapter.~~†~~

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

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

916 (8) To develop comprehensive plans for the conservation of
917 soil and water resources and for the control and prevention of
918 soil erosion and for flood prevention or the conservation,
919 development and utilization of soil and water resources, and the
920 disposal of water within the district's boundaries, territory
921 within another district's boundaries subject to the other
922 district's approval, or territory not contained within any
923 district's boundaries ~~district~~, which plans shall specify in
924 such detail as may be possible the acts, procedures,
925 performances, and avoidances which are necessary or desirable
926 for the effectuation of such plans, including the specification
927 of engineering operations, methods of cultivation, the growing
928 of vegetation, cropping programs, tillage practices, and changes

592-03008-12

20121254c2

929 in use of land; control of artesian wells; and to publish such
930 plans and information and bring them to the attention of owners
931 and occupiers of lands within the district's boundaries,
932 territory within another district's boundaries subject to the
933 other district's approval, or territory not contained within any
934 district's boundaries. ~~district;~~

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

592-03008-12

20121254c2

958 development and utilization of soil and water resources, and the
959 disposal of water within the district's ~~its~~ boundaries,
960 territory within another district's boundaries subject to the
961 other district's approval, or territory not contained within any
962 district's boundaries; to accept donations, gifts, and
963 contributions in money, services, materials, or otherwise, from
964 the United States or any of its agencies, or from this state or
965 any of its agencies, or from others, and to use or expend such
966 moneys, services, materials or other contributions in carrying
967 on its operations.

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

983 (11) As a condition to the extending of any benefits under
984 this chapter to, or the performance of work upon, any lands not
985 owned or controlled by this state or any of its agencies, the
986 supervisors may require contributions in money, services,

592-03008-12

20121254c2

987 materials, or otherwise to any operations conferring such
988 benefits, and may require landowners and occupiers to enter into
989 and perform such agreements or covenants as to the permanent use
990 of such lands as will tend to prevent or control erosion and
991 prevent floodwater and sediment damages thereon.~~+~~

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

999 Section 37. Section 582.29, Florida Statutes, is amended to
1000 read:

1001 582.29 State agencies to cooperate.—Agencies of this state
1002 which shall have jurisdiction over, or be charged with, the
1003 administration of any state-owned lands, and of any county, or
1004 other governmental subdivision of the state, which shall have
1005 jurisdiction over, or be charged with the administration of, any
1006 county-owned or other publicly owned lands, lying within the
1007 boundaries of any district organized under this chapter, the
1008 boundaries of another district subject to that district's
1009 approval, or territory not contained within the boundaries of
1010 any district organized under this chapter, shall cooperate to
1011 the fullest extent with the supervisors of such districts in the
1012 effectuation of programs and operations undertaken by the
1013 supervisors under the provisions of this chapter. The
1014 supervisors of such districts shall be given free access to
1015 enter and perform work upon such publicly owned lands. The

592-03008-12

20121254c2

1016 provisions of land use regulations adopted shall be in all
1017 respects observed by the agencies administering such publicly
1018 owned lands.

1019 Section 38. Subsection (3) of section 582.30, Florida
1020 Statutes, is amended, and subsections (4) and (5) are added to
1021 that section, to read:

1022 582.30 Discontinuance of districts; referendum;
1023 commissioner's authority.—

1024 (3) In the alternative, ~~upon review and recommendation of~~
1025 ~~the Soil and Water Conservation Council regarding the continued~~
1026 ~~viability of a district,~~ the Commissioner of Agriculture may
1027 dissolve or discontinue a such district if: ~~the commissioner~~
1028 ~~certifies that the continued operation of the district is not~~
1029 ~~administratively practicable and feasible.~~

1030 (a) Upon review and recommendation of the Soil and Water
1031 Conservation Council, the council determines that the continued
1032 operation of the district is not administratively practicable
1033 and feasible under the provisions of this chapter;

1034 (b) The If A district fails has failed to comply with any
1035 of the audit or and financial reporting requirement requirements
1036 of chapter 189, or fails to comply with any requirement of s.
1037 582.20(1)-(9), and the commissioner, after review and
1038 confirmation by the department's inspector general reviews and
1039 confirms in writing that the district has failed to comply with
1040 such requirement; or, may certify dissolution or discontinuance
1041 of such district without prior review and recommendation of the
1042 Soil and Water Conservation Council.

1043 (c) The department receives a resolution adopted by the
1044 supervisors of the district requesting that the commissioner

592-03008-12

20121254c2

1045 issue a certificate determining that the continued operation of
1046 the district is not administratively practicable and feasible
1047 under the provisions of this chapter.

1048 (4) If the requirements for dissolution or discontinuance
1049 of a district are satisfied under subsection (1), subsection
1050 (2), or subsection (3), the department shall publish notice of a
1051 such proposed certification determining that the continued
1052 operation of the district is not administratively practicable
1053 and feasible under the provisions of this chapter. The notice of
1054 dissolution or discontinuance shall be published once a week for
1055 2 weeks in a newspaper of general circulation within the county
1056 or counties in which wherein the district is located, stating
1057 the name of the district and a general description of the
1058 territory included in the district, and requiring that any
1059 comments or objections to the proposed certification,
1060 dissolution or any claims against the assets of the district,
1061 must be filed with the department clerk not later than 60 days
1062 after following the date of last publication.

1063 (5) (a) Upon expiration of the 60-day period after the date
1064 of last publication, the commissioner, upon review of any
1065 comments or objections received under subsection (4), may issue
1066 a certificate determining that the continued operation of the
1067 district is not administratively practicable and feasible under
1068 the provisions of this chapter.

1069 (b) If the commissioner issues a certificate determining
1070 that the continued operation of a district is not
1071 administratively practicable and feasible under the provisions
1072 of this chapter, the department shall file the original
1073 certificate with the Department of State and shall provide a

592-03008-12

20121254c2

1074 copy of the certificate to the supervisors of the district at
1075 the district's principal office designated under s.
1076 582.15(1)(c).

1077 Section 39. Section 582.31, Florida Statutes, is amended to
1078 read:

1079 582.31 Certification of results of referendum;
1080 dissolution.—Upon receipt from the Department of Agriculture and
1081 Consumer Services of a certification that the department has
1082 determined that the continued operation of the district is not
1083 administratively practicable and feasible, pursuant to the
1084 provisions of this chapter, the supervisors shall forthwith
1085 proceed to terminate the affairs of the district. The
1086 supervisors shall dispose of all property belonging to the
1087 district at public auction and shall pay over the proceeds of
1088 such sale to be converted into the State Treasury, which amount
1089 shall be placed to the credit of the district ~~department~~ for the
1090 purpose of liquidating any legal obligations the ~~said~~ district
1091 may have at the time of its discontinuance. The supervisors
1092 shall thereupon file an application, duly verified, with the
1093 Department of State for the discontinuance of the ~~such~~ district,
1094 and shall transmit with such application the certificate of the
1095 Department of Agriculture and Consumer Services setting forth
1096 the determination of the department that the continued operation
1097 of the ~~such~~ district is not administratively practicable and
1098 feasible. The application shall recite that the property of the
1099 district has been disposed of and the proceeds paid over as in
1100 this section provided, and shall set forth a full accounting of
1101 such properties and proceeds of the sale. The Department of
1102 State shall issue to the supervisors a certificate of

592-03008-12

20121254c2

1103 dissolution and shall record such certificate in an appropriate
1104 book of record in its office.

1105 Section 40. Subsection (1) of section 582.32, Florida
1106 Statutes, is amended to read:

1107 582.32 Continuance of existing contracts, etc.—

1108 (1) Upon issuance of a certificate of dissolution, s.
1109 189.4045(2) applies, and all land use regulations theretofore
1110 adopted and in force within such districts shall be of no
1111 further force and effect. ~~All contracts theretofore entered~~
1112 ~~into, to which the district or supervisors are parties, shall~~
1113 ~~remain in force and effect for the period provided in such~~
1114 ~~contracts. The Department of Agriculture and Consumer Services~~
1115 ~~shall be substituted for the district or supervisors as party to~~
1116 ~~such contracts. The department shall be entitled to all benefits~~
1117 ~~and subject to all liabilities under such contracts and shall~~
1118 ~~have the same right and liability to perform, to require~~
1119 ~~performance, and to modify or terminate such contracts by mutual~~
1120 ~~consent or otherwise, as the supervisors of the district would~~
1121 ~~have had. Such dissolution shall not affect the lien of any~~
1122 ~~judgment entered under the provisions of this chapter, nor the~~
1123 ~~pendency of any action instituted under the provisions of this~~
1124 ~~chapter, and the department shall succeed to all the rights and~~
1125 ~~obligations of the district or supervisors as to such liens and~~
1126 ~~actions.~~

1127 Section 41. Section 585.155, Florida Statutes, is repealed.

1128 Section 42. Section 589.03, Florida Statutes, is repealed.

1129 Section 43. Section 589.19, Florida Statutes, is amended to
1130 read:

1131 589.19 Creation of certain state forests; naming of certain

592-03008-12

20121254c2

1132 state forests.—

1133 (1) When the Board of Trustees of the Internal Improvement
1134 Trust Fund, any state agency, or any agency created by state
1135 law, authorized to accept reforestation lands in the name of the
1136 state, approves the recommendations of the Florida Forest
1137 Service ~~Division of Forestry~~ in reference to the acquisition of
1138 land and acquires ~~acquire~~ such land, the ~~said~~ board, state
1139 agency, or agency created by state law, may formally designate
1140 and dedicate any area as a reforestation project, or state
1141 forest, and where so designated and dedicated such area shall be
1142 under the administration of the Florida Forest Service, ~~division~~
1143 which is ~~shall be~~ authorized to manage and administer such ~~said~~
1144 area according to the purpose for which it was designated and
1145 dedicated.

1146 (2) The first state forest acquired by the Board of
1147 Trustees of the Internal Improvement Trust Fund in Baker County
1148 is to be named the John M. Bethea State Forest. This is to honor
1149 Mr. John M. Bethea who was Florida's fourth state forester and
1150 whose distinguished career in state government spanned 46 years
1151 and who is a native of Baker County.

1152 (3) The state forest managed by the Florida Forest Service
1153 ~~Division of Forestry~~ in Seminole County is to be named the
1154 Charles H. Bronson State Forest to honor Charles H. Bronson, the
1155 tenth Commissioner of Agriculture, for his distinguished
1156 contribution to this state's agriculture and natural resources.

1157 (4) (a) The Florida Forest Service ~~Division of Forestry~~
1158 shall designate one or more areas of state forests as an
1159 "Operation Outdoor Freedom a "Wounded Warrior Special Hunt Area"
1160 to honor wounded veterans and servicemembers. The purpose of

592-03008-12

20121254c2

1161 such designated areas is to provide special outdoor recreational
1162 opportunities for eligible veterans and servicemembers.

1163 (b) The Florida Forest Service ~~division~~ shall limit guest
1164 admittance to such designated areas to any person who:

1165 1. Is an active duty member of any branch of the United
1166 States Armed Forces and has a combat-related injury as
1167 determined by his or her branch of the United States Armed
1168 Forces; or

1169 2. Is a veteran who served during a period of wartime
1170 service as defined in s. 1.01(14) or peacetime service as
1171 defined in s. 296.02 and:

1172 a. Has a service-connected disability as determined by the
1173 United States Department of Veterans Affairs; or

1174 b. Was discharged or released from military service because
1175 of a disability acquired or aggravated while serving on active
1176 duty.

1177 (c) The Florida Forest Service ~~division~~ may grant
1178 admittance to such designated areas to a person who is not an
1179 eligible veteran or servicemember for purposes of accompanying
1180 an eligible veteran or servicemember who requires the person's
1181 assistance to use such designated areas.

1182 (d) Funding required for specialized accommodations shall
1183 be provided through the Friends of Florida State Forests Program
1184 created under s. 589.012.

1185 (e) The Florida Forest Service ~~division~~ may adopt rules to
1186 administer this subsection.

1187 Section 44. Section 589.277, Florida Statutes, is amended
1188 to read:

1189 589.277 Tree planting programs.—

592-03008-12

20121254c2

1190 (1) The ~~Division of Forestry of the~~ Florida Forest Service
1191 ~~Department of Agriculture and Consumer Services~~ shall administer
1192 federal, state, and privately sponsored tree planting programs
1193 designed to assist private rural landowners and urban
1194 communities.

1195 (2) Contributions from governmental and private sources for
1196 tree planting programs may be accepted into the Federal Grants
1197 Trust Fund or the Incidental Trust Fund of the Florida Forest
1198 Service.

1199 (3) The Florida Forest Service shall ~~Division of Forestry~~
1200 ~~is authorized and directed to~~ develop and implement guidelines
1201 and procedures under which the financial resources of the fund
1202 allocated for tree planting programs may be utilized for urban
1203 and rural reforestation.

1204 (4) Grants to municipalities, counties, nonprofit
1205 organizations, and qualifying private landowners may be made
1206 from allocated moneys in the fund for the purpose of purchasing,
1207 planting, and maintaining native tree species.

1208 (5) The Florida Forest Service ~~Division of Forestry~~ shall
1209 assist the Department of Education in developing programs that
1210 teach the importance of trees in the urban, rural, and global
1211 environment.

1212 Section 45. Section 590.02, Florida Statutes, is amended to
1213 read:

1214 590.02 Florida Forest Service; ~~Division~~ powers, authority,
1215 and duties; liability; building structures; Florida Center for
1216 Wildfire and Forest Resources Management Training.—

1217 (1) The Florida Forest Service ~~division~~ has the following
1218 powers, authority, and duties:

592-03008-12

20121254c2

- 1219 (a) To enforce the provisions of this chapter;
- 1220 (b) To prevent, detect, suppress, and extinguish wildfires
1221 wherever they may occur on public or private land in this state
1222 and to do all things necessary in the exercise of such powers,
1223 authority, and duties;
- 1224 (c) To provide firefighting crews, who shall be under the
1225 control and direction of the Florida Forest Service ~~division~~ and
1226 its designated agents;
- 1227 (d) To appoint center managers, forest area supervisors,
1228 forestry program administrators, a forest protection bureau
1229 chief, a forest protection assistant bureau chief, a field
1230 operations bureau chief, deputy chiefs of field operations,
1231 district managers, forest operations administrators, senior
1232 forest rangers, investigators, forest rangers, firefighter
1233 rotorcraft pilots, and other employees who may, at the Florida
1234 Forest Service's ~~division's~~ discretion, be certified as forestry
1235 firefighters pursuant to s. 633.35(4). Other provisions of law
1236 notwithstanding, center managers, district managers, forest
1237 protection assistant bureau chief, and deputy chiefs of field
1238 operations shall have Selected Exempt Service status in the
1239 state personnel designation;
- 1240 (e) To develop a training curriculum for forestry
1241 firefighters which must contain the basic volunteer structural
1242 fire training course approved by the Florida State Fire College
1243 of the Division of State Fire Marshal and a minimum of 250 hours
1244 of wildfire training;
- 1245 (f) To make rules to accomplish the purposes of this
1246 chapter;
- 1247 (g) To provide fire management services and emergency

592-03008-12

20121254c2

1248 response assistance and to set and charge reasonable fees for
1249 performance of those services. Moneys collected from such fees
1250 shall be deposited into the Incidental Trust Fund of the Florida
1251 Forest Service ~~division~~; and

1252 (h) To require all state, regional, and local government
1253 agencies operating aircraft in the vicinity of an ongoing
1254 wildfire to operate in compliance with the applicable state
1255 Wildfire Aviation Plan.

1256 (2) The Florida Forest Service's ~~Division~~ employees, and
1257 the firefighting crews under their control and direction, may
1258 enter upon any lands for the purpose of preventing and
1259 suppressing wildfires and investigating smoke complaints or open
1260 burning not in compliance with authorization and to enforce the
1261 provisions of this chapter.

1262 (3) Employees of the Florida Forest Service ~~division~~ and of
1263 federal, state, and local agencies, and all other persons and
1264 entities that are under contract or agreement with the Florida
1265 Forest Service ~~division~~ to assist in firefighting operations as
1266 well as those entities, called upon by the Florida Forest
1267 Service ~~division~~ to assist in firefighting may, in the
1268 performance of their duties, set counterfires, remove fences and
1269 other obstacles, dig trenches, cut firelines, use water from
1270 public and private sources, and carry on all other customary
1271 activities in the fighting of wildfires without incurring
1272 liability to any person or entity.

1273 (4) (a) The department may build structures, notwithstanding
1274 chapters 216 and 255, not to exceed a cost of \$50,000 per
1275 structure from existing resources on forest lands, federal
1276 excess property, and unneeded existing structures. These

592-03008-12

20121254c2

1277 structures must meet all applicable building codes.

1278 (b) Notwithstanding s. 553.80(1), the department shall
1279 exclusively enforce the Florida Building Code as it pertains to
1280 wildfire and law enforcement facilities under the jurisdiction
1281 of the department.

1282 (5) The Florida Forest Service ~~division~~ shall organize its
1283 operational units to most effectively prevent, detect, and
1284 suppress wildfires, and to that end, may employ the necessary
1285 personnel to manage its activities in each unit. The Florida
1286 Forest Service ~~division~~ may construct lookout towers, roads,
1287 bridges, firelines, and other facilities and may purchase or
1288 fabricate tools, supplies, and equipment for firefighting. The
1289 Florida Forest Service ~~division~~ may reimburse the public and
1290 private entities that it engages to assist in the suppression of
1291 wildfires for their personnel and equipment, including aircraft.

1292 (6) The Florida Forest Service ~~division~~ shall undertake
1293 privatization alternatives for fire prevention activities
1294 including constructing fire lines and conducting prescribed
1295 burns and, where appropriate, entering into agreements or
1296 contracts with the private sector to perform such activities.

1297 (7) The Florida Forest Service ~~division~~ may organize,
1298 staff, equip, and operate the Florida Center for Wildfire and
1299 Forest Resources Management Training. The center shall serve as
1300 a site where fire and forest resource managers can obtain
1301 current knowledge, techniques, skills, and theory as they relate
1302 to their respective disciplines.

1303 (a) The center may establish cooperative efforts involving
1304 federal, state, and local entities; hire appropriate personnel;
1305 and engage others by contract or agreement with or without

592-03008-12

20121254c2

1306 compensation to assist in carrying out the training and
1307 operations of the center.

1308 (b) The center shall provide wildfire suppression training
1309 opportunities for rural fire departments, volunteer fire
1310 departments, and other local fire response units.

1311 (c) The center will focus on curriculum related to, but not
1312 limited to, fuel reduction, an incident management system,
1313 prescribed burning certification, multiple-use land management,
1314 water quality, forest health, environmental education, and
1315 wildfire suppression training for structural firefighters.

1316 (d) The center may assess appropriate fees for food,
1317 lodging, travel, course materials, and supplies in order to meet
1318 its operational costs and may grant free meals, room, and
1319 scholarships to persons and other entities in exchange for
1320 instructional assistance.

1321 (e) An advisory committee consisting of the following
1322 individuals or their designees must review program curriculum,
1323 course content, and scheduling: the director of the Florida
1324 Forest Service ~~Division of Forestry~~; the assistant director of
1325 the Florida Forest Service ~~Division of Forestry~~; the director of
1326 the School of Forest Resources and Conservation of the
1327 University of Florida; the director of the Division of
1328 Recreation and Parks of the Department of Environmental
1329 Protection; the director of the Division of the State Fire
1330 Marshal; the director of the Florida Chapter of The Nature
1331 Conservancy; the executive vice president of the Florida
1332 Forestry Association; the president of the Florida Farm Bureau
1333 Federation; the executive director of the Fish and Wildlife
1334 Conservation Commission; the executive director of a water

592-03008-12

20121254c2

1335 management district as appointed by the Commissioner of
1336 Agriculture; the supervisor of the National Forests in Florida;
1337 the president of the Florida Fire Chief's Association; and the
1338 executive director of the Tall Timbers Research Station.

1339 (8) The Cross City Work Center shall be named the L. Earl
1340 Peterson Forestry Station. This is to honor Mr. L. Earl
1341 Peterson, Florida's sixth state forester, whose distinguished
1342 career in state government has spanned 44 years, and who is a
1343 native of Dixie County.

1344 (9) (a) Notwithstanding ss. 273.055 and 287.16, the
1345 department may retain, transfer, warehouse, bid, destroy, scrap,
1346 or otherwise dispose of surplus equipment and vehicles that are
1347 used for wildland firefighting.

1348 (b) All money received from the disposition of state-owned
1349 equipment and vehicles that are used for wildland firefighting
1350 shall be retained by the department. Money received pursuant to
1351 this section is appropriated for and may be disbursed for the
1352 acquisition of exchange and surplus equipment used for wildland
1353 firefighting, and for all necessary operating expenditures
1354 related to such equipment, in the same fiscal year and the
1355 fiscal year following the disposition. The department shall
1356 maintain records of the accounts into which the money is
1357 deposited.

1358 (10) (a) The Florida Forest Service ~~division~~ has exclusive
1359 authority to require and issue authorizations for broadcast
1360 burning and agricultural and silvicultural pile burning. An
1361 agency, commission, department, county, municipality, or other
1362 political subdivision of the state may not adopt or enforce
1363 laws, regulations, rules, or policies pertaining to broadcast

592-03008-12

20121254c2

1364 burning or agricultural and silvicultural pile burning unless an
1365 emergency order is declared in accordance with s. 252.38(3).

1366 (b) The Florida Forest Service ~~division~~ may delegate to a
1367 county or municipality its authority, as delegated by the
1368 Department of Environmental Protection pursuant to ss.
1369 403.061(28) and 403.081, to require and issue authorizations for
1370 the burning of yard trash and debris from land clearing
1371 operations in accordance with s. 590.125(6).

1372 Section 46. Subsection (3) of section 597.0021, Florida
1373 Statutes, is amended to read:

1374 597.0021 Legislative intent.—

1375 (3) It is the intent of the Legislature that the
1376 Aquaculture Review Council is and ~~the Aquaculture Interagency~~
1377 ~~Coordinating Council~~ are established to provide a means of
1378 communication between the aquaculture industry and the
1379 regulatory agencies.

1380 Section 47. Paragraphs (b) and (d) of subsection (1) of
1381 section 597.003, Florida Statutes, are amended to read:

1382 597.003 Powers and duties of Department of Agriculture and
1383 Consumer Services.—

1384 (1) The department is hereby designated as the lead agency
1385 in encouraging the development of aquaculture in the state and
1386 shall have and exercise the following functions, powers, and
1387 duties with regard to aquaculture:

1388 (b) Coordinate the development, annual revision, and
1389 implementation of a state aquaculture plan. The plan shall
1390 include prioritized recommendations for research and development
1391 as suggested by the Aquaculture Review Council, ~~the Aquaculture~~
1392 ~~Interagency Coordinating Council~~, and public and private

592-03008-12

20121254c2

1393 institutional research, extension, and service programs.

1394 (d) Provide staff for the Aquaculture Review Council ~~and~~
1395 ~~the Aquaculture Interagency Coordinating Council.~~

1396 Section 48. Paragraph (h) of subsection (1) of section
1397 597.004, Florida Statutes, is amended to read:

1398 597.004 Aquaculture certificate of registration.—

1399 (1) CERTIFICATION.—Any person engaging in aquaculture must
1400 be certified by the department. The applicant for a certificate
1401 of registration shall submit the following to the department:

1402 (h) An One hundred dollar annual registration fee of \$100.
1403 The annual registration fee is waived for each elementary,
1404 middle, or high school and each vocational school that
1405 participates in the aquaculture certification program.

1406 Section 49. Subsection (1), paragraphs (a) and (b) of
1407 subsection (2), and paragraph (h) of subsection (3) of section
1408 597.005, Florida Statutes, are amended to read:

1409 597.005 Aquaculture Review Council.—

1410 (1) COMPOSITION.—There is created within the department the
1411 Aquaculture Review Council to consist of eight ~~nine~~ members as
1412 follows: the chair of the State Agricultural Advisory Council or
1413 ~~designee; the chair of the Aquaculture Interagency Coordinating~~
1414 ~~Council;~~ and seven additional members to be appointed by the
1415 commissioner, including an alligator farmer, a food fish farmer,
1416 a shellfish farmer, a tropical fish farmer, an aquatic plant
1417 farmer, a representative of the commercial fishing industry, and
1418 a representative of the aquaculture industry at large. Members
1419 shall be appointed for 4-year terms. Each member shall be
1420 selected from no fewer than two or more than three nominees
1421 submitted by recognized statewide organizations representing

592-03008-12

20121254c2

1422 each industry segment or the aquaculture industry at large. In
1423 the absence of nominees, the commissioner shall appoint persons
1424 who otherwise meet the qualifications for appointment to the
1425 council. Members shall serve until their successors are duly
1426 qualified and appointed. An appointment to fill a vacancy shall
1427 be for the unexpired portion of the term.

1428 (2) MEETINGS; PROCEDURES; RECORDS.—

1429 (a) The members of the council shall meet at least
1430 quarterly; shall elect a chair, a vice chair, and a secretary,
1431 ~~and an industry representative to the Aquaculture Interagency~~
1432 ~~Coordinating Council~~; and shall use accepted rules of procedure.
1433 The terms of such officers shall be for 1 year.

1434 (b) The council shall meet at the call of its chair, at the
1435 request of a majority of its membership, at the request of the
1436 department, or at such times as may be prescribed by its rules
1437 of procedure. ~~However, the council shall hold a joint annual~~
1438 ~~meeting with the Aquaculture Interagency Coordinating Council.~~

1439 (3) RESPONSIBILITIES.—The primary responsibilities of the
1440 Aquaculture Review Council are to:

1441 (h) For any problem that cannot be solved through simple
1442 cooperation or negotiation, provide an issue analysis ~~to the~~
1443 ~~Aquaculture Interagency Coordinating Council~~ and to the chairs
1444 of the legislative agriculture appropriations committees. The
1445 analysis shall include, but not be limited to, specific facts
1446 and industry hardships, regulatory provisions, questions
1447 relative to the issue, and suggestions for solving the problem.

1448 Section 50. Section 597.006, Florida Statutes, is repealed.

1449 Section 51. Subsection (12) is added to section 604.21,
1450 Florida Statutes, to read:

592-03008-12

20121254c2

1451 604.21 Complaint; investigation; hearing.—

1452 (12) Notwithstanding any other law to the contrary, the
1453 Commissioner of Agriculture or the commissioner's authorized
1454 designee may act as trustee on any bond or other form of
1455 security posted with the United States Department of Agriculture
1456 in compliance with the Packers and Stockyards Act. The
1457 Commissioner of Agriculture may enter into agreements with the
1458 United States Department of Agriculture as necessary to
1459 implement the Packers and Stockyards Act.

1460 Section 52. Subsection (3) of section 616.252, Florida
1461 Statutes, is amended to read:

1462 616.252 Florida State Fair Authority; membership; number,
1463 terms, compensation.—

1464 (3) Members of the authority are not entitled to
1465 compensation for their services as members but shall be
1466 reimbursed by the authority for per diem and travel expenses as
1467 provided in s. 112.061 ~~and may not be reimbursed for travel~~
1468 ~~expenses~~. Except for the nonvoting youth member, each member may
1469 be compensated for any special or full-time service performed in
1470 the authority's behalf as officers or agents of the authority.

1471 Section 53. This act shall take effect July 1, 2012.