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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

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29 | duties of the council's Subcommittee on Managed
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; deleting a
46 | provision that prohibits members from receiving
47 | compensation for their services; repealing s. 570.071,
48 | F.S., relating to the Florida Agricultural Exposition
49 | and the receipt and expenditure of funds for the
50 | exposition; amending s. 570.074, F.S.; renaming and
51 | revising the policy jurisdiction of the department's
52 | Office of Energy and Water; amending s. 570.18, F.S.;
53 | conforming cross-references; repealing s. 570.29,
54 | F.S., relating to divisions of the Department of
55 | Agriculture and Consumer Services; repealing s.
56 | 570.34, F.S., relating to the Plant Industry Technical

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57 Council; creating s. 570.451, F.S.; creating the
58 Agricultural Feed, Seed, and Fertilizer Advisory
59 Council; providing for the council's powers and duties
60 and the appointment of council members; amending ss.
61 570.53 and 570.54, F.S.; conforming cross-references;
62 amending s. 573.112, F.S.; providing that members of
63 the Citrus Research and Development Foundation's board
64 of directors are entitled to reimbursement for per
65 diem and travel expenses; amending s. 573.118, F.S.;
66 revising requirements for the accounting and review of
67 collections and expenditures from agricultural
68 commodity marketing order assessments; deleting
69 requirements for the audit of such accounts; amending
70 s. 576.045, F.S.; revising the expiration dates of
71 certain provisions regulating fertilizers containing
72 nitrogen or phosphorous; amending s. 576.071, F.S.;
73 deleting a reference to the Fertilizer Technical
74 Council to conform to the repeal by the act of
75 provisions creating the council; repealing ss. 576.091
76 and 578.30, F.S., relating to the Fertilizer Technical
77 Council and Seed Technical Council; amending s.
78 580.041, F.S.; revising the reporting requirements and
79 penalties for violations by distributors of commercial
80 feed; amending s. 580.131, F.S.; revising requirements
81 for the assessment of penalties and enforcement of
82 violations by manufacturers and distributors of
83 commercial feed or feedstuff; authorizing the
84 department to assess penalties; requiring registered

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

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113 the compensation and reimbursement for per diem and
114 travel expenses of members of the Florida Forestry
115 Council; amending s. 589.19, F.S.; renaming the
116 "Wounded Warrior Special Hunt Areas" of the state
117 forests; conforming obsolete references to the former
118 Division of Forestry; amending s. 589.277, F.S.;
119 revising requirements for the deposit of contributions
120 for tree planting programs; conforming obsolete
121 references to the former Division of Forestry;
122 amending s. 590.02, F.S.; specifying that state and
123 local government agencies other than the Florida
124 Forest Service may not enforce regulations of
125 broadcast burning or agricultural and silvicultural
126 pile burning except under certain circumstances;
127 conforming obsolete references to the former Division
128 of Forestry; amending ss. 597.0021 and 597.003, F.S.;
129 deleting references to the Aquaculture Interagency
130 Coordinating Council to conform to the repeal by the
131 act of provisions creating the council; amending s.
132 597.004, F.S.; authorizing the waiver of aquaculture
133 registration fees for certain schools; amending s.
134 597.005, F.S.; revising the composition of the
135 Aquaculture Review Council to conform to the repeal by
136 the act of provisions creating the Aquaculture
137 Interagency Coordinating Council; revising the
138 legislative committees to whom the Aquaculture Review
139 Council must provide analyses of unresolved industry
140 issues; repealing s. 597.006, F.S., relating to the

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141 Aquaculture Interagency Coordinating Council; amending
 142 s. 616.252, F.S.; providing for the reimbursement of
 143 members of the Florida State Fair Authority for per
 144 diem and travel expenses; providing an effective date.

145

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

147

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

150 20.14 Department of Agriculture and Consumer Services.—
 151 There is created a Department of Agriculture and Consumer
 152 Services.

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

155 (m) Food, Nutrition, and Wellness.

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

158 253.002 Department of Environmental Protection, water
 159 management districts, Fish and Wildlife Conservation Commission,
 160 and Department of Agriculture and Consumer Services; duties with
 161 respect to state lands.—

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

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

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

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

217 379.2523 Aquaculture definitions; marine aquaculture
 218 products, producers, and facilities.—

219 (5) The department shall:

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

224 (6) The Fish and Wildlife Conservation Commission shall

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225 encourage the development of aquaculture in the state through
226 the following:

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

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

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

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

248 4. Developing a working group, in cooperation with the
249 Department of Agriculture and Consumer Services and, the
250 Aquaculture Review Council, ~~and the Aquaculture Interagency~~
251 ~~Coordinating Council~~, to plan and facilitate the development of
252 private marine fish and nonfish hatcheries and to encourage

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253 private/public partnerships to promote the production of marine
 254 aquaculture products.

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

257 379.2524 Commercial production of sturgeon.—

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

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

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

268 388.161 District boards of commissioners; powers and
 269 duties.—

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

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

283 388.201 District budgets; hearing.—

284 (4) The governing board:

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

288 (b) Shall by September 30 ~~15 following~~ adopt and execute
 289 on a form furnished by the department a certified budget for the
 290 district which shall be the operating and fiscal guide for the
 291 district. Certified copies of this budget shall be submitted by
 292 September 30 ~~15~~ to the department for approval.

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

295 388.323 Disposal of surplus property.—Surplus property
 296 shall be disposed of according to the provisions set forth in s.
 297 274.05 with the following exceptions:

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

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

309 ~~agency~~ has need for the equipment.

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

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

313 388.46 Florida Coordinating Council on Mosquito Control;
314 establishment; membership; organization; responsibilities.—

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

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

319 1. The Secretary of Environmental Protection. ~~and~~

320 2. The State Surgeon General. ~~†~~

321 ~~3.2.~~ The executive director of the Fish and Wildlife
322 Conservation Commission. ~~†~~

323 ~~4.3.~~ The state epidemiologist. ~~;~~

324 ~~5.4.~~ The Commissioner of Agriculture. ~~†~~ ~~and~~

325 6. The Board of Trustees of the Internal Improvement Trust
326 Fund.

327 ~~7.5.~~ Representatives from:

328 a. The University of Florida, Institute of Food and
329 Agricultural Sciences, Florida Medical Entomological Research
330 Laboratory. ~~†~~

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

332 ~~b.e.~~ The United States Environmental Protection Agency. ~~†~~

333 ~~c.d.~~ The United States Department of Agriculture, Insects
334 Affecting Man Laboratory. ~~†~~

335 ~~d.e.~~ The United States Fish and Wildlife Service. ~~†~~

336 8.f. Two mosquito control directors to be nominated by the

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337 Florida Mosquito Control Association, two representatives of
338 Florida environmental groups, and two private citizens who are
339 property owners whose lands are regularly subject to mosquito
340 control operations, to be appointed to 4-year terms by the
341 Commissioner of Agriculture; ~~and~~

342 ~~g. The Board of Trustees of the Internal Improvement Trust~~
343 ~~Fund.~~

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

360 (c) Responsibilities.—The council shall:

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

364 ~~2. Identify and recommend to Florida Agricultural and~~

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365 ~~Mechanical University research priorities for arthropod control~~
 366 ~~practices and technologies.~~

367 2.3. Develop and recommend to the department a request for
 368 proposal process for arthropod control research.

369 3.4. Identify potential funding sources for research or
 370 implementation projects and evaluate and prioritize proposals
 371 upon request by the funding source.

372 4.5. Prepare and present reports, as needed, on arthropod
 373 control activities in the state to the Pesticide Review Council,
 374 ~~the Florida Coastal Management Program Interagency Management~~
 375 ~~Committee,~~ and other governmental organizations, as appropriate.

376 Section 10. Subsections (7) and (8) of section 493.6104,
 377 Florida Statutes, are renumbered as subsections (6) and (7),
 378 respectively, and present subsection (6) of that section is
 379 amended to read:

380 493.6104 Advisory council.-

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

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

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

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

419 ~~(e) Written sanitation standard operation procedures in~~
 420 ~~place and the food establishment's verification records made~~

421 ~~available for review by the department.~~

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

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

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

431 502.014 Powers and duties.—

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

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

440 502.053 Permits and ~~licenses~~; fees; requirements;
 441 exemptions; temporary permits.—

442 (1) ~~PERMITS AND LICENSES.~~—

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

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449 to operate. The application shall be on forms developed by the
450 department.

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

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

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

471 (2) FEES.—

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

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

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477 (3) REQUIREMENTS.—

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

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

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

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

495 (42) To accept grants or other funds to distribute to
496 individuals when such funds are provided pursuant to an
497 agreement.

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

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

503 (9) Notwithstanding s. 20.052(4)(d), members of each
504 advisory committee, council, board, working group, task force,

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505 or other advisory body created by law within the department or
 506 created by the department under this section may not be
 507 reimbursed for per diem or travel expenses as provided in s.
 508 112.061 shall receive no compensation for their services.

509 Section 17. Section 570.071, Florida Statutes, is
 510 repealed.

511 Section 18. Section 570.074, Florida Statutes, is amended
 512 to read:

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

524 Section 19. Section 570.18, Florida Statutes, is amended
 525 to read:

526 570.18 Organization of departmental work.—In the
 527 assignment of functions to the divisions of the department
 528 created in s. 20.14 ~~570.29~~, the department shall retain within
 529 the Division of Administration, in addition to executive
 530 functions, those powers and duties enumerated in s. 570.30. The
 531 department shall organize the work of the other divisions in
 532 such a way as to secure maximum efficiency in the conduct of the

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533 department. The divisions created in s. 20.14 ~~570.29~~ are solely
 534 to make possible the definite placing of responsibility. The
 535 department shall be conducted as a unit in which every employee,
 536 including each division director, is assigned a definite
 537 workload, and there shall exist between division directors a
 538 spirit of cooperative effort to accomplish the work of the
 539 department.

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

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

542 Section 22. Section 570.451, Florida Statutes, is created
 543 to read:

544 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
 545 Council.—

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

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

550 (a) One representative of the department.

551 (b) One representative of the dean for extension of the
 552 Institute of Food and Agricultural Sciences at the University of
 553 Florida.

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

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

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

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

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

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

576 (d) The meetings, powers and duties, procedures, and
577 recordkeeping of the council shall be in accordance with the
578 provisions of s. 570.0705 relating to advisory committees
579 established within the department.

580 (4) The council shall:

581 (a) Receive reports of relevant enforcement activity
582 conducted by the Division of Agricultural Environmental
583 Services, including the number of inspections, the number of
584 administrative actions, the number of complaints received and
585 investigated, and the dispositions of complaints.

586 (b) Provide advice to the department on the conduct of
587 relevant enforcement activities.

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588 (c) Receive reports on disciplinary actions.

589 (d) Make recommendations to the commissioner for actions
 590 to be taken with respect to the regulation of agricultural feed,
 591 seed, and fertilizer.

592 Section 23. Paragraph (e) of subsection (6) of section
 593 570.53, Florida Statutes, is amended to read:

594 570.53 Division of Marketing and Development; powers and
 595 duties.—The powers and duties of the Division of Marketing and
 596 Development include, but are not limited to:

597 (6)

598 (e) Extending in every practicable way the distribution
 599 and sale of Florida agricultural products throughout the markets
 600 of the world as required of the department by s. ss. 570.07(7),
 601 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

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

604 570.54 Director; duties.—

605 (2) It shall be the duty of the director of this division
 606 to supervise, direct, and coordinate the activities authorized
 607 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
 608 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
 609 chapters 504, 571, 573, and 574 and to exercise other powers and
 610 authority as authorized by the department.

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

613 573.112 Advisory council.—

614 (7) Notwithstanding any provision of this section, the
 615 Citrus Research and Development Foundation, Inc., a direct-

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

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

631 573.118 Assessment; funds; review of accounts ~~audit~~;
 632 loans.—

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

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644 the review ~~annual official audit~~ of the account ~~accounts as~~
 645 ~~shown by the certified public accountant~~ within 30 days after ~~of~~
 646 the review ~~audit~~.

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

649 576.045 Nitrogen and phosphorus; findings and intent;
 650 fees; purpose; best management practices; waiver of liability;
 651 compliance; rules; exclusions; expiration.-

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

655 Section 28. Section 576.071, Florida Statutes, is amended
 656 to read:

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

662 Section 29. Section 576.091, Florida Statutes, is
 663 repealed.

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

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

667 580.041 Master registration; fee; refusal or cancellation
 668 of registration; reporting.-

669 (1)

670 (c) Registration shall be conditioned on the distributor's
 671 compliance with all provisions of this chapter and rules adopted

672 under this chapter ~~thereof~~, including:

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

677 2. Maintaining a bookkeeping system and records necessary
 678 to indicate accurately the type and tonnage of commercial feeds
 679 sold in this state ~~that will allow the department to verify the~~
 680 ~~accuracy of the reported tonnage.~~

681 3. Reporting within 30 days after the end of each quarter,
 682 in the format prescribed by the department, the number of tons
 683 of feed distributed in the state during each of the following
 684 reporting periods: July through September, October through
 685 December, January through March, and April through June.

686 ~~4.3.~~ Allowing the department to verify the accuracy of
 687 reported type and tonnage and to otherwise examine pertinent
 688 records at reasonable times.

689 (3) The department may refuse, suspend, or cancel the
 690 master registration of, or impose one or more of the penalties
 691 provided in s. 580.121, against any distributor or registrant
 692 who violates or fails to comply with the provisions of this
 693 chapter.

694 Section 32. Section 580.131, Florida Statutes, is amended
 695 to read:

696 580.131 Penalty payable to consumer.—

697 (1) Any consumer who purchases without notice a commercial
 698 feed or feedstuff that is ~~has been~~ distributed in violation of
 699 this chapter or rules adopted under this chapter shall, in any

700 | legal or administrative action that may be instituted, recover
 701 | penalties as follows:

702 | (a)~~(1)~~ If a certified laboratory analysis shows that any
 703 | feed bearing a guarantee of 20 percent protein~~7~~ or less~~7~~ falls
 704 | more than 1 percent protein below the guarantee, or if the
 705 | analysis shows that any feed bearing a guarantee of more than 20
 706 | percent protein falls more than 2 percent protein below the
 707 | guarantee, \$4 per ton for each percent protein deficiency shall
 708 | be assessed against the manufacturer or distributor.

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

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

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

726 | (e)~~(5)~~ If a certified laboratory analysis shows that any
 727 | commercial feed or feedstuff is found to be adulterated as

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728 provided in s. 580.071, a penalty of \$4 per ton shall be
 729 assessed against the manufacturer or distributor for each
 730 violation found.

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

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

739 (2) (a) Within 60 days after the department notifies a
 740 registrant in writing of any penalty assessed under this
 741 section, the registrant shall pay the penalty to the consumer.
 742 If the consumer's identity cannot be determined, the registrant
 743 shall, within the 60-day period, pay the assessed penalty to the
 744 department.

745 (b) A registrant who, within the 60-day period, fails to
 746 pay the full amount of the assessed penalty to the consumer or
 747 the department, as applicable, in addition to the penalty
 748 assessed under this section, is also subject to the penalties
 749 provided in s. 580.121.

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

754 Section 33. Section 580.151, Florida Statutes, is
 755 repealed.

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

758 581.011 Definitions.—As used in this chapter:

759 ~~(30) "Technical council" means the Plant Industry~~
760 ~~Technical Council.~~

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

763 581.145 Aquatic plant nursery registration; special permit
764 requirements.—

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

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784 Commission, or the efforts ~~these~~ of any other agency or local
 785 government with responsibilities for the management of noxious
 786 aquatic plants, to control or eradicate noxious nonnursery
 787 aquatic plants, including water hyacinths. This subsection may
 788 ~~provision shall not be~~ considered ~~a consideration~~ in the
 789 approval or the release of biological control agents for water
 790 hyacinths or any other noxious aquatic plants.

791 Section 36. Section 582.06, Florida Statutes, is amended
 792 to read:

793 582.06 Soil and Water Conservation Council; powers and
 794 duties.—

795 (1) COMPOSITION.—

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

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

805 ~~(b) Twelve members shall include one representative each~~
 806 ~~from the Department of Environmental Protection, the five water~~
 807 ~~management districts, the Institute of Food and Agricultural~~
 808 ~~Sciences at the University of Florida, the United States~~
 809 ~~Department of Agriculture Natural Resources Conservation~~
 810 ~~Service, the Florida Association of Counties, and the Florida~~
 811 ~~League of Cities and two representatives of environmental~~

812 ~~interests.~~

813 (b)~~(e)~~ All members shall be appointed by the commissioner.
 814 ~~Members appointed pursuant to paragraph (b) shall be appointed~~
 815 ~~by the commissioner from recommendations provided by the~~
 816 ~~organization or interest represented.~~

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

821 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS~~+~~
 822 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 823 recordkeeping of the Soil and Water Conservation Council, ~~and~~
 824 ~~per diem and reimbursement of expenses of council members,~~ shall
 825 be governed by the provisions of s. 570.0705 relating to
 826 advisory committees established within the department.

827 Section 37. Subsections (2), (3), (4), (6), (8), and (9)
 828 of section 582.20, Florida Statutes, are amended to read:

829 582.20 Powers of districts and supervisors.—A soil and
 830 water conservation district organized under the provisions of
 831 this chapter shall constitute a governmental subdivision of this
 832 state, and a public body corporate and politic, exercising
 833 public powers, and such district and the supervisors thereof,
 834 shall have the following powers, in addition to others granted
 835 in other sections of this chapter:

836 (2) To conduct demonstrational projects within the
 837 district's boundaries, territory within another district's
 838 boundaries subject to the other district's approval, or
 839 territory not contained within any district's boundaries

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

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

868 boundaries subject to the other district's approval, or
 869 territory not contained within any district's boundaries
 870 ~~district~~ upon obtaining the consent of the owner and the
 871 occupiers of such lands or the necessary rights or interests in
 872 such lands;

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

889 (6) To make available, on such terms as it shall
 890 prescribe, to landowners and occupiers 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~~,
 894 agricultural and engineering machinery and equipment,
 895 fertilizer, seeds and seedlings, and such other material or

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896 equipment, as will assist such landowners and occupiers to carry
 897 on operations upon their lands for the conservation of soil
 898 resources and for the prevention or control of soil erosion and
 899 for flood prevention or the conservation, development and
 900 utilization, of soil and water resources and the disposal of
 901 water;

902 (8) To develop comprehensive plans for the conservation of
 903 soil and water resources and for the control and prevention of
 904 soil erosion and for flood prevention or the conservation,
 905 development and utilization of soil and water resources, and the
 906 disposal of water within the district's boundaries, territory
 907 within another district's boundaries subject to the other
 908 district's approval, or territory not contained within any
 909 district's boundaries ~~district~~, which plans shall specify in
 910 such detail as may be possible the acts, procedures,
 911 performances, and avoidances which are necessary or desirable
 912 for the effectuation of such plans, including the specification
 913 of engineering operations, methods of cultivation, the growing
 914 of vegetation, cropping programs, tillage practices, and changes
 915 in use of land; control of artesian wells; and to publish such
 916 plans and information and bring them to the attention of owners
 917 and occupiers of lands within the district's boundaries,
 918 territory within another district's boundaries subject to the
 919 other district's approval, or territory not contained within any
 920 district's boundaries ~~district~~;

921 (9) To take over, by purchase, lease, or otherwise, and to
 922 administer any soil-conservation, erosion-control, erosion-
 923 prevention project, or any project for flood-prevention or for

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924 the conservation, development and utilization of soil and water
925 resources, and the disposal of water, located within the
926 district's ~~its~~ boundaries, territory within another district's
927 boundaries subject to the other district's approval, or
928 territory not contained within any district's boundaries,
929 undertaken by the United States or any of its agencies, or by
930 this state or any of its agencies; to manage as agent of the
931 United States or any of its agencies, or of the state or any of
932 its agencies, any soil-conservation, erosion-control, erosion-
933 prevention, or any project for flood-prevention or for the
934 conservation, development, and utilization of soil and water
935 resources, and the disposal of water within the district's ~~its~~
936 boundaries, territory within another district's boundaries
937 subject to the other district's approval, or territory not
938 contained within any district's boundaries; to act as agent for
939 the United States, or any of its agencies, or for the state or
940 any of its agencies, in connection with the acquisition,
941 construction, operation or administration of any soil-
942 conservation, erosion-control, erosion-prevention, or any
943 project for flood-prevention or for the conservation,
944 development and utilization of soil and water resources, and the
945 disposal of water within the district's ~~its~~ boundaries,
946 territory within another district's boundaries subject to the
947 other district's approval, or territory not contained within any
948 district's boundaries; to accept donations, gifts, and
949 contributions in money, services, materials, or otherwise, from
950 the United States or any of its agencies, or from this state or
951 any of its agencies, or from others, and to use or expend such

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952 moneys, services, materials or other contributions in carrying
953 on its operations;

954 Section 38. Section 582.29, Florida Statutes, is amended
955 to read:

956 582.29 State agencies to cooperate.—Agencies of this state
957 which shall have jurisdiction over, or be charged with, the
958 administration of any state-owned lands, and of any county, or
959 other governmental subdivision of the state, which shall have
960 jurisdiction over, or be charged with the administration of, any
961 county-owned or other publicly owned lands, lying within the
962 boundaries of any district organized under this chapter, the
963 boundaries of another district subject to that district's
964 approval, or territory not contained within the boundaries of
965 any district organized under this chapter, shall cooperate to
966 the fullest extent with the supervisors of such districts in the
967 effectuation of programs and operations undertaken by the
968 supervisors under the provisions of this chapter. The
969 supervisors of such districts shall be given free access to
970 enter and perform work upon such publicly owned lands. The
971 provisions of land use regulations adopted shall be in all
972 respects observed by the agencies administering such publicly
973 owned lands.

974 Section 39. Subsection (3) of section 582.30, Florida
975 Statutes, is amended, and subsection (5) is added to that
976 section, to read:

977 582.30 Discontinuance of districts; referendum;
978 commissioner's authority.—

979 (3) In the alternative, ~~upon review and recommendation of~~

980 ~~the Soil and Water Conservation Council regarding the continued~~
 981 ~~viability of a district,~~ the Commissioner of Agriculture may
 982 dissolve or discontinue a such district if: ~~the commissioner~~
 983 ~~certifies that the continued operation of the district is not~~
 984 ~~administratively practicable and feasible.~~

985 (a) Upon review and recommendation of the Soil and Water
 986 Conservation Council, the council determines that the continued
 987 operation of the district is not administratively practicable
 988 and feasible under the provisions of this chapter;

989 (b) The If A district fails ~~has failed~~ to comply with any
 990 ~~of the audit or and~~ financial reporting requirement ~~requirements~~
 991 of chapter 189, or fails to comply with any requirement of s.
 992 582.20(1)-(9), and the commissioner, after review and
 993 ~~confirmation by~~ the department's inspector general reviews and
 994 confirms in writing that the district has failed to comply with
 995 such requirement; or, ~~may certify dissolution or discontinuance~~
 996 ~~of such district without prior review and recommendation of the~~
 997 ~~Soil and Water Conservation Council.~~

998 (c) The department receives a resolution adopted by the
 999 supervisors of the district requesting that the commissioner
 1000 issue a certificate determining that the continued operation of
 1001 the district is not administratively practicable and feasible
 1002 under the provisions of this chapter.

1003 (4) If the requirements for dissolution or discontinuance
 1004 of a district are satisfied under subsection (1), subsection
 1005 (2), or subsection (3), the department shall publish notice of a
 1006 ~~such~~ proposed certification determining that the continued
 1007 operation of the district is not administratively practicable

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1008 and feasible under the provisions of this chapter. The notice of
 1009 dissolution or discontinuance shall be published once a week for
 1010 2 weeks in a newspaper of general circulation within the county
 1011 or counties in which ~~wherein~~ the district is located, stating
 1012 the name of the district and a general description of the
 1013 territory included in the district, and requiring that any
 1014 comments or objections to the proposed certification,
 1015 ~~dissolution~~ or any claims against the assets of the district,
 1016 must be filed with the department clerk not later than 60 days
 1017 after following the date of last publication.

1018 (5) (a) Upon expiration of the 60-day period after the date
 1019 of last publication, the commissioner, upon review of any
 1020 comments or objections received under subsection (4), may issue
 1021 a certificate determining that the continued operation of the
 1022 district is not administratively practicable and feasible under
 1023 the provisions of this chapter.

1024 (b) If the commissioner issues a certificate determining
 1025 that the continued operation of a district is not
 1026 administratively practicable and feasible under the provisions
 1027 of this chapter, the department shall file the original
 1028 certificate with the Department of State and shall provide a
 1029 copy of the certificate to the supervisors of the district at
 1030 the district's principal office designated under s.
 1031 582.15(1)(c).

1032 Section 40. Section 582.31, Florida Statutes, is amended
 1033 to read:

1034 582.31 Certification of results of referendum;
 1035 dissolution.—Upon receipt from the Department of Agriculture and

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1036 Consumer Services of a certification that the department has
 1037 determined that the continued operation of the district is not
 1038 administratively practicable and feasible, pursuant to the
 1039 provisions of this chapter, the supervisors shall forthwith
 1040 proceed to terminate the affairs of the district. The
 1041 supervisors shall dispose of all property belonging to the
 1042 district at public auction and shall pay over the proceeds of
 1043 such sale to be converted into the State Treasury, which amount
 1044 shall be placed to the credit of the district ~~department~~ for the
 1045 purpose of liquidating any legal obligations the ~~said~~ district
 1046 may have at the time of its discontinuance. The supervisors
 1047 shall thereupon file an application, duly verified, with the
 1048 Department of State for the discontinuance of the ~~such~~ district,
 1049 and shall transmit with such application the certificate of the
 1050 Department of Agriculture and Consumer Services setting forth
 1051 the determination of the department that the continued operation
 1052 of the ~~such~~ district is not administratively practicable and
 1053 feasible. The application shall recite that the property of the
 1054 district has been disposed of and the proceeds paid over as in
 1055 this section provided, and shall set forth a full accounting of
 1056 such properties and proceeds of the sale. The Department of
 1057 State shall issue to the supervisors a certificate of
 1058 dissolution and shall record such certificate in an appropriate
 1059 book of record in its office.

1060 Section 41. Section 585.155, Florida Statutes, is
 1061 repealed.

1062 Section 42. Section 589.03, Florida Statutes, is repealed.

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1063 Section 43. Section 589.19, Florida Statutes, is amended
 1064 to read:

1065 589.19 Creation of certain state forests; naming of
 1066 certain state forests.—

1067 (1) When the Board of Trustees of the Internal Improvement
 1068 Trust Fund, any state agency, or any agency created by state
 1069 law, authorized to accept reforestation lands in the name of the
 1070 state, approves the recommendations of the Florida Forest
 1071 Service ~~Division of Forestry~~ in reference to the acquisition of
 1072 land and acquires ~~acquire~~ such land, the ~~said~~ board, state
 1073 agency, or agency created by state law, may formally designate
 1074 and dedicate any area as a reforestation project, or state
 1075 forest, and where so designated and dedicated such area shall be
 1076 under the administration of the Florida Forest Service, ~~division~~
 1077 which is ~~shall be~~ authorized to manage and administer such ~~said~~
 1078 area according to the purpose for which it was designated and
 1079 dedicated.

1080 (2) The first state forest acquired by the Board of
 1081 Trustees of the Internal Improvement Trust Fund in Baker County
 1082 is to be named the John M. Bethea State Forest. This is to honor
 1083 Mr. John M. Bethea who was Florida's fourth state forester and
 1084 whose distinguished career in state government spanned 46 years
 1085 and who is a native of Baker County.

1086 (3) The state forest managed by the Florida Forest Service
 1087 ~~Division of Forestry~~ in Seminole County is to be named the
 1088 Charles H. Bronson State Forest to honor Charles H. Bronson, the
 1089 tenth Commissioner of Agriculture, for his distinguished
 1090 contribution to this state's agriculture and natural resources.

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1091 (4) (a) The Florida Forest Service ~~Division of Forestry~~
 1092 shall designate one or more areas of state forests as an
 1093 "Operation Outdoor Freedom a ~~"Wounded Warrior~~ Special Hunt Area"
 1094 to honor wounded veterans and servicemembers. The purpose of
 1095 such designated areas is to provide special outdoor recreational
 1096 opportunities for eligible veterans and servicemembers.

1097 (b) The Florida Forest Service ~~division~~ shall limit guest
 1098 admittance to such designated areas to any person who:

1099 1. Is an active duty member of any branch of the United
 1100 States Armed Forces and has a combat-related injury as
 1101 determined by his or her branch of the United States Armed
 1102 Forces; or

1103 2. Is a veteran who served during a period of wartime
 1104 service as defined in s. 1.01(14) or peacetime service as
 1105 defined in s. 296.02 and:

1106 a. Has a service-connected disability as determined by the
 1107 United States Department of Veterans Affairs; or

1108 b. Was discharged or released from military service
 1109 because of a disability acquired or aggravated while serving on
 1110 active duty.

1111 (c) The Florida Forest Service ~~division~~ may grant
 1112 admittance to such designated areas to a person who is not an
 1113 eligible veteran or servicemember for purposes of accompanying
 1114 an eligible veteran or servicemember who requires the person's
 1115 assistance to use such designated areas.

1116 (d) Funding required for specialized accommodations shall
 1117 be provided through the Friends of Florida State Forests Program
 1118 created under s. 589.012.

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1119 (e) The Florida Forest Service ~~division~~ may adopt rules to
1120 administer this subsection.

1121 Section 44. Section 589.277, Florida Statutes, is amended
1122 to read:

1123 589.277 Tree planting programs.—

1124 (1) The ~~Division of Forestry of the~~ Florida Forest Service
1125 ~~Department of Agriculture and Consumer Services~~ shall administer
1126 federal, state, and privately sponsored tree planting programs
1127 designed to assist private rural landowners and urban
1128 communities.

1129 (2) Contributions from governmental and private sources
1130 for tree planting programs may be accepted into the Federal
1131 Grants Trust Fund or the Incidental Trust Fund of the Florida
1132 Forest Service.

1133 (3) The Florida Forest Service shall ~~Division of Forestry~~
1134 ~~is authorized and directed to~~ develop and implement guidelines
1135 and procedures under which the financial resources of the fund
1136 allocated for tree planting programs may be utilized for urban
1137 and rural reforestation.

1138 (4) Grants to municipalities, counties, nonprofit
1139 organizations, and qualifying private landowners may be made
1140 from allocated moneys in the fund for the purpose of purchasing,
1141 planting, and maintaining native tree species.

1142 (5) The Florida Forest Service ~~Division of Forestry~~ shall
1143 assist the Department of Education in developing programs that
1144 teach the importance of trees in the urban, rural, and global
1145 environment.

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1146 Section 45. Section 590.02, Florida Statutes, is amended
1147 to read:

1148 590.02 Florida Forest Service; ~~Division~~ powers, authority,
1149 and duties; liability; building structures; Florida Center for
1150 Wildfire and Forest Resources Management Training.—

1151 (1) The Florida Forest Service ~~division~~ has the following
1152 powers, authority, and duties:

1153 (a) To enforce the provisions of this chapter;

1154 (b) To prevent, detect, suppress, and extinguish wildfires
1155 wherever they may occur on public or private land in this state
1156 and to do all things necessary in the exercise of such powers,
1157 authority, and duties;

1158 (c) To provide firefighting crews, who shall be under the
1159 control and direction of the Florida Forest Service ~~division~~ and
1160 its designated agents;

1161 (d) To appoint center managers, forest area supervisors,
1162 forestry program administrators, a forest protection bureau
1163 chief, a forest protection assistant bureau chief, a field
1164 operations bureau chief, deputy chiefs of field operations,
1165 district managers, forest operations administrators, senior
1166 forest rangers, investigators, forest rangers, firefighter
1167 rotorcraft pilots, and other employees who may, at the Florida
1168 Forest Service's ~~division's~~ discretion, be certified as forestry
1169 firefighters pursuant to s. 633.35(4). Other provisions of law
1170 notwithstanding, center managers, district managers, forest
1171 protection assistant bureau chief, and deputy chiefs of field
1172 operations shall have Selected Exempt Service status in the
1173 state personnel designation;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1174 (e) To develop a training curriculum for forestry
 1175 firefighters which must contain the basic volunteer structural
 1176 fire training course approved by the Florida State Fire College
 1177 of the Division of State Fire Marshal and a minimum of 250 hours
 1178 of wildfire training;

1179 (f) To make rules to accomplish the purposes of this
 1180 chapter;

1181 (g) To provide fire management services and emergency
 1182 response assistance and to set and charge reasonable fees for
 1183 performance of those services. Moneys collected from such fees
 1184 shall be deposited into the Incidental Trust Fund of the Florida
 1185 Forest Service ~~division~~; and

1186 (h) To require all state, regional, and local government
 1187 agencies operating aircraft in the vicinity of an ongoing
 1188 wildfire to operate in compliance with the applicable state
 1189 Wildfire Aviation Plan.

1190 (2) The Florida Forest Service's ~~Division~~ employees, and
 1191 the firefighting crews under their control and direction, may
 1192 enter upon any lands for the purpose of preventing and
 1193 suppressing wildfires and investigating smoke complaints or open
 1194 burning not in compliance with authorization and to enforce the
 1195 provisions of this chapter.

1196 (3) Employees of the Florida Forest Service ~~division~~ and
 1197 of federal, state, and local agencies, and all other persons and
 1198 entities that are under contract or agreement with the Florida
 1199 Forest Service ~~division~~ to assist in firefighting operations as
 1200 well as those entities, called upon by the Florida Forest
 1201 Service ~~division~~ to assist in firefighting may, in the

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1202 performance of their duties, set counterfires, remove fences and
 1203 other obstacles, dig trenches, cut firelines, use water from
 1204 public and private sources, and carry on all other customary
 1205 activities in the fighting of wildfires without incurring
 1206 liability to any person or entity.

1207 (4) (a) The department may build structures,
 1208 notwithstanding chapters 216 and 255, not to exceed a cost of
 1209 \$50,000 per structure from existing resources on forest lands,
 1210 federal excess property, and unneeded existing structures. These
 1211 structures must meet all applicable building codes.

1212 (b) Notwithstanding s. 553.80(1), the department shall
 1213 exclusively enforce the Florida Building Code as it pertains to
 1214 wildfire and law enforcement facilities under the jurisdiction
 1215 of the department.

1216 (5) The Florida Forest Service ~~division~~ shall organize its
 1217 operational units to most effectively prevent, detect, and
 1218 suppress wildfires, and to that end, may employ the necessary
 1219 personnel to manage its activities in each unit. The Florida
 1220 Forest Service ~~division~~ may construct lookout towers, roads,
 1221 bridges, firelines, and other facilities and may purchase or
 1222 fabricate tools, supplies, and equipment for firefighting. The
 1223 Florida Forest Service ~~division~~ may reimburse the public and
 1224 private entities that it engages to assist in the suppression of
 1225 wildfires for their personnel and equipment, including aircraft.

1226 (6) The Florida Forest Service ~~division~~ shall undertake
 1227 privatization alternatives for fire prevention activities
 1228 including constructing fire lines and conducting prescribed
 1229 burns and, where appropriate, entering into agreements or

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1230 contracts with the private sector to perform such activities.

1231 (7) The Florida Forest Service ~~division~~ may organize,
1232 staff, equip, and operate the Florida Center for Wildfire and
1233 Forest Resources Management Training. The center shall serve as
1234 a site where fire and forest resource managers can obtain
1235 current knowledge, techniques, skills, and theory as they relate
1236 to their respective disciplines.

1237 (a) The center may establish cooperative efforts involving
1238 federal, state, and local entities; hire appropriate personnel;
1239 and engage others by contract or agreement with or without
1240 compensation to assist in carrying out the training and
1241 operations of the center.

1242 (b) The center shall provide wildfire suppression training
1243 opportunities for rural fire departments, volunteer fire
1244 departments, and other local fire response units.

1245 (c) The center will focus on curriculum related to, but
1246 not limited to, fuel reduction, an incident management system,
1247 prescribed burning certification, multiple-use land management,
1248 water quality, forest health, environmental education, and
1249 wildfire suppression training for structural firefighters.

1250 (d) The center may assess appropriate fees for food,
1251 lodging, travel, course materials, and supplies in order to meet
1252 its operational costs and may grant free meals, room, and
1253 scholarships to persons and other entities in exchange for
1254 instructional assistance.

1255 (e) An advisory committee consisting of the following
1256 individuals or their designees must review program curriculum,
1257 course content, and scheduling: the director of the Florida

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1258 Forest Service ~~Division of Forestry~~; the assistant director of
 1259 the Florida Forest Service ~~Division of Forestry~~; the director of
 1260 the School of Forest Resources and Conservation of the
 1261 University of Florida; the director of the Division of
 1262 Recreation and Parks of the Department of Environmental
 1263 Protection; the director of the Division of the State Fire
 1264 Marshal; the director of the Florida Chapter of The Nature
 1265 Conservancy; the executive vice president of the Florida
 1266 Forestry Association; the president of the Florida Farm Bureau
 1267 Federation; the executive director of the Fish and Wildlife
 1268 Conservation Commission; the executive director of a water
 1269 management district as appointed by the Commissioner of
 1270 Agriculture; the supervisor of the National Forests in Florida;
 1271 the president of the Florida Fire Chief's Association; and the
 1272 executive director of the Tall Timbers Research Station.

1273 (8) The Cross City Work Center shall be named the L. Earl
 1274 Peterson Forestry Station. This is to honor Mr. L. Earl
 1275 Peterson, Florida's sixth state forester, whose distinguished
 1276 career in state government has spanned 44 years, and who is a
 1277 native of Dixie County.

1278 (9) (a) Notwithstanding ss. 273.055 and 287.16, the
 1279 department may retain, transfer, warehouse, bid, destroy, scrap,
 1280 or otherwise dispose of surplus equipment and vehicles that are
 1281 used for wildland firefighting.

1282 (b) All money received from the disposition of state-owned
 1283 equipment and vehicles that are used for wildland firefighting
 1284 shall be retained by the department. Money received pursuant to
 1285 this section is appropriated for and may be disbursed for the

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1286 acquisition of exchange and surplus equipment used for wildland
 1287 firefighting, and for all necessary operating expenditures
 1288 related to such equipment, in the same fiscal year and the
 1289 fiscal year following the disposition. The department shall
 1290 maintain records of the accounts into which the money is
 1291 deposited.

1292 (10) (a) The Florida Forest Service ~~division~~ has exclusive
 1293 authority to require and issue authorizations for broadcast
 1294 burning and agricultural and silvicultural pile burning. An
 1295 agency, commission, department, county, municipality, or other
 1296 political subdivision of the state may not adopt or enforce
 1297 laws, regulations, rules, or policies pertaining to broadcast
 1298 burning or agricultural and silvicultural pile burning unless an
 1299 emergency order is declared in accordance with s. 252.38(3).

1300 (b) The Florida Forest Service ~~division~~ may delegate to a
 1301 county or municipality its authority, as delegated by the
 1302 Department of Environmental Protection pursuant to ss.
 1303 403.061(28) and 403.081, to require and issue authorizations for
 1304 the burning of yard trash and debris from land clearing
 1305 operations in accordance with s. 590.125(6).

1306 Section 46. Subsection (3) of section 597.0021, Florida
 1307 Statutes, is amended to read:

1308 597.0021 Legislative intent.—

1309 (3) It is the intent of the Legislature that the
 1310 Aquaculture Review Council is ~~and the Aquaculture Interagency~~
 1311 ~~Coordinating Council~~ are established to provide a means of
 1312 communication between the aquaculture industry and the
 1313 regulatory agencies.

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1314 Section 47. Paragraphs (b) and (d) of subsection (1) of
 1315 section 597.003, Florida Statutes, are amended to read:

1316 597.003 Powers and duties of Department of Agriculture and
 1317 Consumer Services.—

1318 (1) The department is hereby designated as the lead agency
 1319 in encouraging the development of aquaculture in the state and
 1320 shall have and exercise the following functions, powers, and
 1321 duties with regard to aquaculture:

1322 (b) Coordinate the development, annual revision, and
 1323 implementation of a state aquaculture plan. The plan shall
 1324 include prioritized recommendations for research and development
 1325 as suggested by the Aquaculture Review Council, ~~the Aquaculture~~
 1326 ~~Interagency Coordinating Council,~~ and public and private
 1327 institutional research, extension, and service programs.

1328 (d) Provide staff for the Aquaculture Review Council ~~and~~
 1329 ~~the Aquaculture Interagency Coordinating Council.~~

1330 Section 48. Paragraph (h) of subsection (1) of section
 1331 597.004, Florida Statutes, is amended to read:

1332 597.004 Aquaculture certificate of registration.—

1333 (1) CERTIFICATION.—Any person engaging in aquaculture must
 1334 be certified by the department. The applicant for a certificate
 1335 of registration shall submit the following to the department:

1336 (h) An ~~One hundred dollar~~ annual registration fee of \$100.
 1337 The annual registration fee is waived for each elementary,
 1338 middle, or high school and each vocational school that
 1339 participates in the aquaculture certification program.

1340 Section 49. Subsection (1), paragraphs (a) and (b) of
 1341 subsection (2), and paragraph (h) of subsection (3) of section

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1342 597.005, Florida Statutes, are amended to read:

1343 597.005 Aquaculture Review Council.—

1344 (1) COMPOSITION.—There is created within the department
 1345 the Aquaculture Review Council to consist of eight ~~nine~~ members
 1346 as follows: the chair of the State Agricultural Advisory Council
 1347 or designee; ~~the chair of the Aquaculture Interagency~~
 1348 ~~Coordinating Council;~~ and seven additional members to be
 1349 appointed by the commissioner, including an alligator farmer, a
 1350 food fish farmer, a shellfish farmer, a tropical fish farmer, an
 1351 aquatic plant farmer, a representative of the commercial fishing
 1352 industry, and a representative of the aquaculture industry at
 1353 large. Members shall be appointed for 4-year terms. Each member
 1354 shall be selected from no fewer than two or more than three
 1355 nominees submitted by recognized statewide organizations
 1356 representing each industry segment or the aquaculture industry
 1357 at large. In the absence of nominees, the commissioner shall
 1358 appoint persons who otherwise meet the qualifications for
 1359 appointment to the council. Members shall serve until their
 1360 successors are duly qualified and appointed. An appointment to
 1361 fill a vacancy shall be for the unexpired portion of the term.

1362 (2) MEETINGS; PROCEDURES; RECORDS.—

1363 (a) The members of the council shall meet at least
 1364 quarterly; shall elect a chair, a vice chair, and a secretary,
 1365 ~~and an industry representative to the Aquaculture Interagency~~
 1366 ~~Coordinating Council;~~ and shall use accepted rules of procedure.
 1367 The terms of such officers shall be for 1 year.

1368 (b) The council shall meet at the call of its chair, at
 1369 the request of a majority of its membership, at the request of

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1370 the department, or at such times as may be prescribed by its
 1371 rules of procedure. ~~However, the council shall hold a joint~~
 1372 ~~annual meeting with the Aquaculture Interagency Coordinating~~
 1373 ~~Council.~~

1374 (3) RESPONSIBILITIES.—The primary responsibilities of the
 1375 Aquaculture Review Council are to:

1376 (h) For any problem that cannot be solved through simple
 1377 cooperation or negotiation, provide an issue analysis ~~to the~~
 1378 ~~Aquaculture Interagency Coordinating Council~~ and to the chairs
 1379 of the legislative agriculture appropriations committees. The
 1380 analysis shall include, but not be limited to, specific facts
 1381 and industry hardships, regulatory provisions, questions
 1382 relative to the issue, and suggestions for solving the problem.

1383 Section 50. Section 597.006, Florida Statutes, is
 1384 repealed.

1385 Section 51. Subsection (3) of section 616.252, Florida
 1386 Statutes, is amended to read:

1387 616.252 Florida State Fair Authority; membership; number,
 1388 terms, compensation.—

1389 (3) Members of the authority are not entitled to
 1390 compensation for their services as members but shall be
 1391 reimbursed by the authority for per diem and travel expenses as
 1392 provided in s. 112.061 ~~and may not be reimbursed for travel~~
 1393 ~~expenses.~~ Except for the nonvoting youth member, each member may
 1394 be compensated for any special or full-time service performed in
 1395 the authority's behalf as officers or agents of the authority.

1396 Section 52. This act shall take effect July 1, 2012.