

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
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; deleting a provision that prohibits
44 | members from receiving compensation for their
45 | services; repealing s. 570.071, F.S., relating to the
46 | Florida Agricultural Exposition and the receipt and
47 | expenditure of funds for the exposition; amending s.
48 | 570.074, F.S.; renaming and revising the policy
49 | jurisdiction of the department's Office of Energy and
50 | Water; amending s. 570.18, F.S.; conforming cross-
51 | references; repealing s. 570.29, F.S., relating to
52 | divisions of the Department of Agriculture and
53 | Consumer Services; repealing s. 570.34, F.S., relating
54 | to the Plant Industry Technical Council; creating s.
55 | 570.451, F.S.; creating the Agricultural Feed, Seed,
56 | and Fertilizer Advisory Council; providing for the

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

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

113 Council; amending s. 589.19, F.S.; renaming the
114 "Wounded Warrior Special Hunt Areas" of the state
115 forests; conforming obsolete references to the former
116 Division of Forestry; amending s. 589.277, F.S.;
117 revising requirements for the deposit of contributions
118 for tree planting programs; conforming obsolete
119 references to the former Division of Forestry;
120 amending s. 590.02, F.S.; specifying that state and
121 local government agencies other than the Florida
122 Forest Service may not enforce regulations of
123 broadcast burning or agricultural and silvicultural
124 pile burning except under certain circumstances;
125 conforming obsolete references to the former Division
126 of Forestry; amending ss. 597.0021 and 597.003, F.S.;
127 deleting references to the Aquaculture Interagency
128 Coordinating Council to conform to the repeal by the
129 act of provisions creating the council; amending s.
130 597.004, F.S.; authorizing the waiver of aquaculture
131 registration fees for certain schools; amending s.
132 597.005, F.S.; revising the composition of the
133 Aquaculture Review Council to conform to the repeal by
134 the act of provisions creating the Aquaculture
135 Interagency Coordinating Council; revising the
136 legislative committees to whom the Aquaculture Review
137 Council must provide analyses of unresolved industry
138 issues; repealing s. 597.006, F.S., relating to the
139 Aquaculture Interagency Coordinating Council; amending
140 s. 616.252, F.S.; providing for the reimbursement of

141 members of the Florida State Fair Authority for per
 142 diem and travel expenses; providing an effective date.
 143

144 Be It Enacted by the Legislature of the State of Florida:
 145

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

148 20.14 Department of Agriculture and Consumer Services.—
 149 There is created a Department of Agriculture and Consumer
 150 Services.

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

153 (m) Food, Nutrition, and Wellness.

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

156 253.002 Department of Environmental Protection, water
 157 management districts, Fish and Wildlife Conservation Commission,
 158 and Department of Agriculture and Consumer Services; duties with
 159 respect to state lands.—

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

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

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

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

215 379.2523 Aquaculture definitions; marine aquaculture
 216 products, producers, and facilities.—

217 (5) The department shall:

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

222 (6) The Fish and Wildlife Conservation Commission shall
 223 encourage the development of aquaculture in the state through
 224 the following:

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

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

238 2. Conducting research programs to evaluate candidate
239 species when funding and staff are available.

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

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

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253 Section 4. Paragraph (c) of subsection (3) of section
 254 379.2524, Florida Statutes, is amended to read:

255 379.2524 Commercial production of sturgeon.—

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

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

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

266 388.161 District boards of commissioners; powers and
 267 duties.—

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

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

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281 388.201 District budgets; hearing.—

282 (4) The governing board:

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

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

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

293 388.323 Disposal of surplus property.—Surplus property
 294 shall be disposed of according to the provisions set forth in s.
 295 274.05 with the following exceptions:

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

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

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

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

311 388.46 Florida Coordinating Council on Mosquito Control;
 312 establishment; membership; organization; responsibilities.—

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

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

317 1. The Secretary of Environmental Protection. and

318 2. The State Surgeon General. †

319 3.2. The executive director of the Fish and Wildlife
 320 Conservation Commission. †

321 4.3. The state epidemiologist. ;

322 5.4. The Commissioner of Agriculture. † ~~and~~

323 6. The Board of Trustees of the Internal Improvement Trust
 324 Fund.

325 7.5. Representatives from:

326 a. The University of Florida, Institute of Food and
 327 Agricultural Sciences, Florida Medical Entomological Research
 328 Laboratory. †

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

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

331 c.d. The United States Department of Agriculture, Insects
 332 Affecting Man Laboratory. †

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

334 8.f. Two mosquito control directors to be nominated by the
 335 Florida Mosquito Control Association, two representatives of
 336 Florida environmental groups, and two private citizens who are

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337 property owners whose lands are regularly subject to mosquito
338 control operations, to be appointed to 4-year terms by the
339 Commissioner of Agriculture;~~and~~

340 ~~g. The Board of Trustees of the Internal Improvement Trust~~
341 ~~Fund.~~

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

358 (c) Responsibilities.—The council shall:

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

362 ~~2. Identify and recommend to Florida Agricultural and~~
363 ~~Mechanical University research priorities for arthropod control~~
364 ~~practices and technologies.~~

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365 ~~2.3.~~ Develop and recommend to the department a request for
366 proposal process for arthropod control research.

367 ~~3.4.~~ Identify potential funding sources for research or
368 implementation projects and evaluate and prioritize proposals
369 upon request by the funding source.

370 ~~4.5.~~ Prepare and present reports, as needed, on arthropod
371 control activities in the state to the Pesticide Review Council,
372 ~~the Florida Coastal Management Program Interagency Management~~
373 ~~Committee,~~ and other governmental organizations, as appropriate.

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

378 493.6104 Advisory council.—

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

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

385 500.09 Rulemaking; analytical work.—

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

393 and practicable.

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

396 500.147 Inspection of food establishments and vehicles,
 397 ~~food safety pilot program.~~

398 ~~(6) The department is authorized to initiate a food safety~~
 399 ~~pilot program establishing a special, documented food inspection~~
 400 ~~program based on sound science principles of the Hazard Analysis~~
 401 ~~Critical Control Point (HACCP) system and involving cooperative~~
 402 ~~compliance efforts of both the department and the food~~
 403 ~~establishment to assure consumers a safe, wholesome, and~~
 404 ~~properly labeled food supply. A food establishment shall be~~
 405 ~~eligible for such a pilot program only if program criteria are~~
 406 ~~met. Criteria used to establish this special program include,~~
 407 ~~but are not limited to, the following:~~

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

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

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

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

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

420 ~~(f) Freezer/refrigeration units and hot-cold temperature~~

421 ~~logs or recording charts made available for review by the~~
 422 ~~department.~~

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

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

429 502.014 Powers and duties.—

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

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

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

440 (1) PERMITS ~~AND LICENSES.~~—

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

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

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

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

469 (2) FEES.—

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

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

475 (3) REQUIREMENTS.—

476 (a) To obtain a ~~frozen dessert plant permit or milkfat~~

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

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

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

489 570.0705 Advisory committees.—From time to time the
 490 commissioner may appoint any advisory committee to assist the
 491 department with its duties and responsibilities.

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

498 Section 16. Section 570.071, Florida Statutes, is
 499 repealed.

500 Section 17. Section 570.074, Florida Statutes, is amended
 501 to read:

502 570.074 Department of Agriculture and Consumer Services;
 503 ~~energy and water policy.~~—The commissioner may create an Office
 504 of Agricultural Energy and Water Policy under the supervision of

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505 a senior manager exempt under s. 110.205 in the Senior
 506 Management Service. The commissioner may designate the bureaus
 507 and positions in the various organizational divisions of the
 508 department that report to this office relating to any matter
 509 over which the department has jurisdiction in matters relating
 510 to ~~energy and~~ water policy affecting agriculture, application of
 511 such policies, and coordination of such matters with state and
 512 federal agencies.

513 Section 18. Section 570.18, Florida Statutes, is amended
 514 to read:

515 570.18 Organization of departmental work.—In the
 516 assignment of functions to the divisions of the department
 517 created in s. 20.14 ~~570.29~~, the department shall retain within
 518 the Division of Administration, in addition to executive
 519 functions, those powers and duties enumerated in s. 570.30. The
 520 department shall organize the work of the other divisions in
 521 such a way as to secure maximum efficiency in the conduct of the
 522 department. The divisions created in s. 20.14 ~~570.29~~ are solely
 523 to make possible the definite placing of responsibility. The
 524 department shall be conducted as a unit in which every employee,
 525 including each division director, is assigned a definite
 526 workload, and there shall exist between division directors a
 527 spirit of cooperative effort to accomplish the work of the
 528 department.

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

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

531 Section 21. Section 570.451, Florida Statutes, is created
 532 to read:

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533 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
534 Council.—

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

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

539 (a) One representative of the department.

540 (b) One representative of the dean for extension of the
541 Institute of Food and Agricultural Sciences at the University of
542 Florida.

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

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

548
549 Each member shall be appointed for a term of not to exceed 4
550 years and shall serve until his or her successor is appointed.

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

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

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

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

569 (4) The council shall:

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

575 (b) Provide advice to the department on the conduct of
 576 relevant enforcement activities.

577 (c) Receive reports on disciplinary actions.

578 (d) Make recommendations to the commissioner for actions
 579 to be taken with respect to the regulation of agricultural feed,
 580 seed, and fertilizer.

581 Section 22. Paragraph (e) of subsection (6) of section
 582 570.53, Florida Statutes, is amended to read:

583 570.53 Division of Marketing and Development; powers and
 584 duties.—The powers and duties of the Division of Marketing and
 585 Development include, but are not limited to:

586 (6)

587 (e) Extending in every practicable way the distribution
 588 and sale of Florida agricultural products throughout the markets

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589 of the world as required of the department by s. ~~ss.~~ 570.07(7),
 590 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

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

593 570.54 Director; duties.—

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

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

602 573.112 Advisory council.—

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

617 expenses as provided in s. 112.061.

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

620 573.118 Assessment; funds; review of accounts ~~audit~~;
621 loans.—

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

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

638 576.045 Nitrogen and phosphorus; findings and intent;
639 fees; purpose; best management practices; waiver of liability;
640 compliance; rules; exclusions; expiration.—

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

644 Section 27. Section 576.071, Florida Statutes, is amended

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645 to read:

646 576.071 Commercial value.—The commercial value used in
 647 assessing penalties for any deficiency shall be determined by
 648 using annualized plant nutrient values contained in one or more
 649 generally recognized journals ~~recommended by the Fertilizer~~
 650 ~~Technical Council.~~

651 Section 28. Section 576.091, Florida Statutes, is
 652 repealed.

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

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

656 580.041 Master registration; fee; refusal or cancellation
 657 of registration; reporting.—

658 (1)

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

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

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

670 3. Reporting within 30 days after the end of each quarter,
 671 in the format prescribed by the department, the number of tons
 672 of feed distributed in the state during each of the following

673 reporting periods: July through September, October through
 674 December, January through March, and April through June.

675 4.3. Allowing the department to verify the accuracy of
 676 reported type and tonnage and to otherwise examine pertinent
 677 records at reasonable times.

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

683 Section 31. Section 580.131, Florida Statutes, is amended
 684 to read:

685 580.131 Penalty payable to consumer.—

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

691 (a) ~~(1)~~ If a certified laboratory analysis shows that any
 692 feed bearing a guarantee of 20 percent protein, ~~or less,~~ falls
 693 more than 1 percent protein below the guarantee, or if the
 694 analysis shows that any feed bearing a guarantee of more than 20
 695 percent protein falls more than 2 percent protein below the
 696 guarantee, \$4 per ton for each percent protein deficiency shall
 697 be assessed against the manufacturer or distributor.

698 (b) ~~(2)~~ If a certified laboratory analysis shows that any
 699 feed is deficient in fat by more than 0.5 ~~five-tenths~~ percent
 700 fat, \$4 per ton for each percent fat deficiency shall be

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701 assessed against the manufacturer or distributor.

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

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

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

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

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

728 (2) (a) Within 60 days after the department notifies a

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729 registrant in writing of any penalty assessed under this
730 section, the registrant shall pay the penalty to the consumer.
731 If the consumer's identity cannot be determined, the registrant
732 shall, within the 60-day period, pay the assessed penalty to the
733 department.

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

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

743 Section 32. Section 580.151, Florida Statutes, is
744 repealed.

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

747 581.011 Definitions.—As used in this chapter:

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

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

752 581.145 Aquatic plant nursery registration; special permit
753 requirements.—

754 (3) Notwithstanding any other provision of state or
755 federal law, the Department of Agriculture and Consumer Services
756 shall issue, by request, a permit to the aquaculture producer to

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

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

782 582.06 Soil and Water Conservation Council; powers and
 783 duties.—

784 (1) COMPOSITION.—

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

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

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

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

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

810 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
 811 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 812 recordkeeping of the Soil and Water Conservation Council, ~~and~~

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

816 Section 36. Subsections (2), (3), (4), (6), (8), and (9)
 817 of section 582.20, Florida Statutes, are amended to read:

818 582.20 Powers of districts and supervisors.—A soil and
 819 water conservation district organized under the provisions of
 820 this chapter shall constitute a governmental subdivision of this
 821 state, and a public body corporate and politic, exercising
 822 public powers, and such district and the supervisors thereof,
 823 shall have the following powers, in addition to others granted
 824 in other sections of this chapter:

825 (2) To conduct demonstrational projects within the
 826 district's boundaries, territory within another district's
 827 boundaries subject to the other district's approval, or
 828 territory not contained within any district's boundaries
 829 ~~district~~ on lands owned or controlled by this state or any of
 830 its agencies, with the cooperation of the agency administering
 831 and having jurisdiction thereof, and on any other lands within
 832 the district's boundaries, territory within another district's
 833 boundaries subject to the other district's approval, or
 834 territory not contained within any district's boundaries
 835 ~~district~~ upon obtaining the consent of the owner and occupiers
 836 of such lands or the necessary rights or interests in such
 837 lands, in order to demonstrate by example the means, methods,
 838 and measures by which soil and soil resources may be conserved,
 839 and soil erosion in the form of soil blowing and soil washing
 840 may be prevented and controlled, and works of improvement for

841 flood prevention or the conservation, development and
 842 utilization of soil and water resources, and the disposal of
 843 water may be carried out;

844 (3) To carry out preventive and control measures and works
 845 of improvement for flood prevention or the conservation,
 846 development and utilization of soil and water resources, and the
 847 disposal of water within the district's boundaries, territory
 848 within another district's boundaries subject to the other
 849 district's approval, or territory not contained within any
 850 district's boundaries ~~district~~, including, but not limited to,
 851 engineering operations, methods of cultivation, the growing of
 852 vegetation, changes in use of land, and the measures listed in
 853 s. 582.04 on lands owned or controlled by this state or any of
 854 its agencies, with the cooperation of the agency administering
 855 and having jurisdiction thereof, and on any other lands within
 856 the district's boundaries, territory within another district's
 857 boundaries subject to the other district's approval, or
 858 territory not contained within any district's boundaries
 859 ~~district~~ upon obtaining the consent of the owner and the
 860 occupiers of such lands or the necessary rights or interests in
 861 such lands;

862 (4) To cooperate, or enter into agreements with, and
 863 within the limits of appropriations duly made available to it by
 864 law, to furnish financial or other aid to, any agency,
 865 governmental or otherwise, or any owner or occupier of lands
 866 within the district's boundaries, territory within another
 867 district's boundaries subject to the other district's approval,
 868 or territory not contained within any district's boundaries

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869 ~~district,~~ in the carrying on of erosion control or prevention
 870 operations and works of improvement for flood prevention or the
 871 conservation, development and utilization, of soil and water
 872 resources and the disposal of water within the district's
 873 boundaries, territory within another district's boundaries
 874 subject to the other district's approval, or territory not
 875 contained within any district's boundaries, ~~district,~~ subject to
 876 such conditions as the supervisors may deem necessary to advance
 877 the purposes of this chapter;

878 (6) To make available, on such terms as it shall
 879 prescribe, to landowners and occupiers within the district's
 880 boundaries, territory within another district's boundaries
 881 subject to the other district's approval, or territory not
 882 contained within any district's boundaries ~~district,~~
 883 agricultural and engineering machinery and equipment,
 884 fertilizer, seeds and seedlings, and such other material or
 885 equipment, as will assist such landowners and occupiers to carry
 886 on operations upon their lands for the conservation of soil
 887 resources and for the prevention or control of soil erosion and
 888 for flood prevention or the conservation, development and
 889 utilization, of soil and water resources and the disposal of
 890 water;

891 (8) To develop comprehensive plans for the conservation of
 892 soil and water resources and for the control and prevention of
 893 soil erosion and for flood prevention or the conservation,
 894 development and utilization of soil and water resources, and the
 895 disposal of water within the district's boundaries, territory
 896 within another district's boundaries subject to the other

897 district's approval, or territory not contained within any
 898 district's boundaries ~~district~~, which plans shall specify in
 899 such detail as may be possible the acts, procedures,
 900 performances, and avoidances which are necessary or desirable
 901 for the effectuation of such plans, including the specification
 902 of engineering operations, methods of cultivation, the growing
 903 of vegetation, cropping programs, tillage practices, and changes
 904 in use of land; control of artesian wells; and to publish such
 905 plans and information and bring them to the attention of owners
 906 and occupiers of lands within the district's boundaries,
 907 territory within another district's boundaries subject to the
 908 other district's approval, or territory not contained within any
 909 district's boundaries ~~district~~;

910 (9) To take over, by purchase, lease, or otherwise, and to
 911 administer any soil-conservation, erosion-control, erosion-
 912 prevention project, or any project for flood-prevention or for
 913 the conservation, development and utilization of soil and water
 914 resources, and the disposal of water, located within the
 915 district's ~~its~~ boundaries, territory within another district's
 916 boundaries subject to the other district's approval, or
 917 territory not contained within any district's boundaries,
 918 undertaken by the United States or any of its agencies, or by
 919 this state or any of its agencies; to manage as agent of the
 920 United States or any of its agencies, or of the state or any of
 921 its agencies, any soil-conservation, erosion-control, erosion-
 922 prevention, or any project for flood-prevention or for the
 923 conservation, development, and utilization of soil and water
 924 resources, and the disposal of water within the district's ~~its~~

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

943 Section 37. Section 582.29, Florida Statutes, is amended
 944 to read:

945 582.29 State agencies to cooperate.—Agencies of this state
 946 which shall have jurisdiction over, or be charged with, the
 947 administration of any state-owned lands, and of any county, or
 948 other governmental subdivision of the state, which shall have
 949 jurisdiction over, or be charged with the administration of, any
 950 county-owned or other publicly owned lands, lying within the
 951 boundaries of any district organized under this chapter, the
 952 boundaries of another district subject to that district's

953 approval, or territory not contained within the boundaries of
 954 any district organized under this chapter, shall cooperate to
 955 the fullest extent with the supervisors of such districts in the
 956 effectuation of programs and operations undertaken by the
 957 supervisors under the provisions of this chapter. The
 958 supervisors of such districts shall be given free access to
 959 enter and perform work upon such publicly owned lands. The
 960 provisions of land use regulations adopted shall be in all
 961 respects observed by the agencies administering such publicly
 962 owned lands.

963 Section 38. Subsection (3) of section 582.30, Florida
 964 Statutes, is amended, and subsection (5) is added to that
 965 section, to read:

966 582.30 Discontinuance of districts; referendum;
 967 commissioner's authority.—

968 (3) In the alternative, ~~upon review and recommendation of~~
 969 ~~the Soil and Water Conservation Council regarding the continued~~
 970 ~~viability of a district,~~ the Commissioner of Agriculture may
 971 dissolve or discontinue a such district if: ~~the commissioner~~
 972 ~~certifies that the continued operation of the district is not~~
 973 ~~administratively practicable and feasible.~~

974 (a) Upon review and recommendation of the Soil and Water
 975 Conservation Council, the council determines that the continued
 976 operation of the district is not administratively practicable
 977 and feasible under the provisions of this chapter;

978 (b) The If A district fails ~~has failed~~ to comply with any
 979 ~~of the~~ audit or ~~and~~ financial reporting requirement ~~requirements~~
 980 of chapter 189, or fails to comply with any requirement of s.

981 582.20(1)-(9), and the commissioner, after review and
 982 confirmation by the department's inspector general reviews and
 983 confirms in writing that the district has failed to comply with
 984 such requirement; or, may certify dissolution or discontinuance
 985 of such district without prior review and recommendation of the
 986 Soil and Water Conservation Council.

987 (c) The department receives a resolution adopted by the
 988 supervisors of the district requesting that the commissioner
 989 issue a certificate determining that the continued operation of
 990 the district is not administratively practicable and feasible
 991 under the provisions of this chapter.

992 (4) If the requirements for dissolution or discontinuance
 993 of a district are satisfied under subsection (1), subsection
 994 (2), or subsection (3), the department shall publish notice of a
 995 such proposed certification determining that the continued
 996 operation of the district is not administratively practicable
 997 and feasible under the provisions of this chapter. The notice of
 998 dissolution or discontinuance shall be published once a week for
 999 2 weeks in a newspaper of general circulation within the county
 1000 or counties in which wherein the district is located, stating
 1001 the name of the district and a general description of the
 1002 territory included in the district, and requiring that any
 1003 comments or objections to the proposed certification,
 1004 dissolution or any claims against the assets of the district,
 1005 must be filed with the department clerk not later than 60 days
 1006 after following the date of last publication.

1007 (5) (a) Upon expiration of the 60-day period after the date
 1008 of last publication, the commissioner, upon review of any

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1009 comments or objections received under subsection (4), may issue
 1010 a certificate determining that the continued operation of the
 1011 district is not administratively practicable and feasible under
 1012 the provisions of this chapter.

1013 (b) If the commissioner issues a certificate determining
 1014 that the continued operation of a district is not
 1015 administratively practicable and feasible under the provisions
 1016 of this chapter, the department shall file the original
 1017 certificate with the Department of State and shall provide a
 1018 copy of the certificate to the supervisors of the district at
 1019 the district's principal office designated under s.
 1020 582.15(1)(c).

1021 Section 39. Section 582.31, Florida Statutes, is amended
 1022 to read:

1023 582.31 Certification of results of referendum;
 1024 dissolution.—Upon receipt from the Department of Agriculture and
 1025 Consumer Services of a certification that the department has
 1026 determined that the continued operation of the district is not
 1027 administratively practicable and feasible, pursuant to the
 1028 provisions of this chapter, the supervisors shall forthwith
 1029 proceed to terminate the affairs of the district. The
 1030 supervisors shall dispose of all property belonging to the
 1031 district at public auction and shall pay over the proceeds of
 1032 such sale to be converted into the State Treasury, which amount
 1033 shall be placed to the credit of the district ~~department~~ for the
 1034 purpose of liquidating any legal obligations the ~~said~~ district
 1035 may have at the time of its discontinuance. The supervisors
 1036 shall thereupon file an application, duly verified, with the

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1037 Department of State for the discontinuance of the ~~such~~ district,
 1038 and shall transmit with such application the certificate of the
 1039 Department of Agriculture and Consumer Services setting forth
 1040 the determination of the department that the continued operation
 1041 of the ~~such~~ district is not administratively practicable and
 1042 feasible. The application shall recite that the property of the
 1043 district has been disposed of and the proceeds paid over as in
 1044 this section provided, and shall set forth a full accounting of
 1045 such properties and proceeds of the sale. The Department of
 1046 State shall issue to the supervisors a certificate of
 1047 dissolution and shall record such certificate in an appropriate
 1048 book of record in its office.

1049 Section 40. Section 585.155, Florida Statutes, is
 1050 repealed.

1051 Section 41. Section 589.03, Florida Statutes, is repealed.

1052 Section 42. Section 589.19, Florida Statutes, is amended
 1053 to read:

1054 589.19 Creation of certain state forests; naming of
 1055 certain state forests.—

1056 (1) When the Board of Trustees of the Internal Improvement
 1057 Trust Fund, any state agency, or any agency created by state
 1058 law, authorized to accept reforestation lands in the name of the
 1059 state, approves the recommendations of the Florida Forest
 1060 Service ~~Division of Forestry~~ in reference to the acquisition of
 1061 land and acquires ~~acquire~~ such land, the ~~said~~ board, state
 1062 agency, or agency created by state law, may formally designate
 1063 and dedicate any area as a reforestation project, or state
 1064 forest, and where so designated and dedicated such area shall be

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1065 under the administration of the Florida Forest Service, ~~division~~
 1066 which is ~~shall be~~ authorized to manage and administer such ~~said~~
 1067 area according to the purpose for which it was designated and
 1068 dedicated.

1069 (2) The first state forest acquired by the Board of
 1070 Trustees of the Internal Improvement Trust Fund in Baker County
 1071 is to be named the John M. Bethea State Forest. This is to honor
 1072 Mr. John M. Bethea who was Florida's fourth state forester and
 1073 whose distinguished career in state government spanned 46 years
 1074 and who is a native of Baker County.

1075 (3) The state forest managed by the Florida Forest Service
 1076 ~~Division of Forestry~~ in Seminole County is to be named the
 1077 Charles H. Bronson State Forest to honor Charles H. Bronson, the
 1078 tenth Commissioner of Agriculture, for his distinguished
 1079 contribution to this state's agriculture and natural resources.

1080 (4) (a) The Florida Forest Service ~~Division of Forestry~~
 1081 shall designate one or more areas of state forests as an
 1082 "Operation Outdoor Freedom a "Wounded Warrior Special Hunt Area"
 1083 to honor wounded veterans and servicemembers. The purpose of
 1084 such designated areas is to provide special outdoor recreational
 1085 opportunities for eligible veterans and servicemembers.

1086 (b) The Florida Forest Service ~~division~~ shall limit guest
 1087 admittance to such designated areas to any person who:

1088 1. Is an active duty member of any branch of the United
 1089 States Armed Forces and has a combat-related injury as
 1090 determined by his or her branch of the United States Armed
 1091 Forces; or

1092 2. Is a veteran who served during a period of wartime

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1093 service as defined in s. 1.01(14) or peacetime service as
 1094 defined in s. 296.02 and:

1095 a. Has a service-connected disability as determined by the
 1096 United States Department of Veterans Affairs; or

1097 b. Was discharged or released from military service
 1098 because of a disability acquired or aggravated while serving on
 1099 active duty.

1100 (c) The Florida Forest Service ~~division~~ may grant
 1101 admittance to such designated areas to a person who is not an
 1102 eligible veteran or servicemember for purposes of accompanying
 1103 an eligible veteran or servicemember who requires the person's
 1104 assistance to use such designated areas.

1105 (d) Funding required for specialized accommodations shall
 1106 be provided through the Friends of Florida State Forests Program
 1107 created under s. 589.012.

1108 (e) The Florida Forest Service ~~division~~ may adopt rules to
 1109 administer this subsection.

1110 Section 43. Section 589.277, Florida Statutes, is amended
 1111 to read:

1112 589.277 Tree planting programs.—

1113 (1) The ~~Division of Forestry of the Florida~~ Forest Service
 1114 ~~Department of Agriculture and Consumer Services~~ shall administer
 1115 federal, state, and privately sponsored tree planting programs
 1116 designed to assist private rural landowners and urban
 1117 communities.

1118 (2) Contributions from governmental and private sources
 1119 for tree planting programs may be accepted into the Federal
 1120 Grants Trust Fund or the Incidental Trust Fund of the Florida

1121 Forest Service.

1122 (3) The Florida Forest Service shall ~~Division of Forestry~~
 1123 ~~is authorized and directed to~~ develop and implement guidelines
 1124 and procedures under which the financial resources of the fund
 1125 allocated for tree planting programs may be utilized for urban
 1126 and rural reforestation.

1127 (4) Grants to municipalities, counties, nonprofit
 1128 organizations, and qualifying private landowners may be made
 1129 from allocated moneys in the fund for the purpose of purchasing,
 1130 planting, and maintaining native tree species.

1131 (5) The Florida Forest Service ~~Division of Forestry~~ shall
 1132 assist the Department of Education in developing programs that
 1133 teach the importance of trees in the urban, rural, and global
 1134 environment.

1135 Section 44. Section 590.02, Florida Statutes, is amended
 1136 to read:

1137 590.02 Florida Forest Service; ~~Division~~ powers, authority,
 1138 and duties; liability; building structures; Florida Center for
 1139 Wildfire and Forest Resources Management Training.—

1140 (1) The Florida Forest Service ~~division~~ has the following
 1141 powers, authority, and duties:

1142 (a) To enforce the provisions of this chapter;

1143 (b) To prevent, detect, suppress, and extinguish wildfires
 1144 wherever they may occur on public or private land in this state
 1145 and to do all things necessary in the exercise of such powers,
 1146 authority, and duties;

1147 (c) To provide firefighting crews, who shall be under the
 1148 control and direction of the Florida Forest Service ~~division~~ and

1149 | its designated agents;

1150 | (d) To appoint center managers, forest area supervisors,
 1151 | forestry program administrators, a forest protection bureau
 1152 | chief, a forest protection assistant bureau chief, a field
 1153 | operations bureau chief, deputy chiefs of field operations,
 1154 | district managers, forest operations administrators, senior
 1155 | forest rangers, investigators, forest rangers, firefighter
 1156 | rotorcraft pilots, and other employees who may, at the Florida
 1157 | Forest Service's ~~division's~~ discretion, be certified as forestry
 1158 | firefighters pursuant to s. 633.35(4). Other provisions of law
 1159 | notwithstanding, center managers, district managers, forest
 1160 | protection assistant bureau chief, and deputy chiefs of field
 1161 | operations shall have Selected Exempt Service status in the
 1162 | state personnel designation;

1163 | (e) To develop a training curriculum for forestry
 1164 | firefighters which must contain the basic volunteer structural
 1165 | fire training course approved by the Florida State Fire College
 1166 | of the Division of State Fire Marshal and a minimum of 250 hours
 1167 | of wildfire training;

1168 | (f) To make rules to accomplish the purposes of this
 1169 | chapter;

1170 | (g) To provide fire management services and emergency
 1171 | response assistance and to set and charge reasonable fees for
 1172 | performance of those services. Moneys collected from such fees
 1173 | shall be deposited into the Incidental Trust Fund of the Florida
 1174 | Forest Service ~~division~~; and

1175 | (h) To require all state, regional, and local government
 1176 | agencies operating aircraft in the vicinity of an ongoing

1177 wildfire to operate in compliance with the applicable state
 1178 Wildfire Aviation Plan.

1179 (2) The Florida Forest Service's ~~Division~~ employees, and
 1180 the firefighting crews under their control and direction, may
 1181 enter upon any lands for the purpose of preventing and
 1182 suppressing wildfires and investigating smoke complaints or open
 1183 burning not in compliance with authorization and to enforce the
 1184 provisions of this chapter.

1185 (3) Employees of the Florida Forest Service ~~division~~ and
 1186 of federal, state, and local agencies, and all other persons and
 1187 entities that are under contract or agreement with the Florida
 1188 Forest Service ~~division~~ to assist in firefighting operations as
 1189 well as those entities, called upon by the Florida Forest
 1190 Service ~~division~~ to assist in firefighting may, in the
 1191 performance of their duties, set counterfires, remove fences and
 1192 other obstacles, dig trenches, cut firelines, use water from
 1193 public and private sources, and carry on all other customary
 1194 activities in the fighting of wildfires without incurring
 1195 liability to any person or entity.

1196 (4) (a) The department may build structures,
 1197 notwithstanding chapters 216 and 255, not to exceed a cost of
 1198 \$50,000 per structure from existing resources on forest lands,
 1199 federal excess property, and unneeded existing structures. These
 1200 structures must meet all applicable building codes.

1201 (b) Notwithstanding s. 553.80(1), the department shall
 1202 exclusively enforce the Florida Building Code as it pertains to
 1203 wildfire and law enforcement facilities under the jurisdiction
 1204 of the department.

1205 (5) The Florida Forest Service ~~division~~ shall organize its
 1206 operational units to most effectively prevent, detect, and
 1207 suppress wildfires, and to that end, may employ the necessary
 1208 personnel to manage its activities in each unit. The Florida
 1209 Forest Service ~~division~~ may construct lookout towers, roads,
 1210 bridges, firelines, and other facilities and may purchase or
 1211 fabricate tools, supplies, and equipment for firefighting. The
 1212 Florida Forest Service ~~division~~ may reimburse the public and
 1213 private entities that it engages to assist in the suppression of
 1214 wildfires for their personnel and equipment, including aircraft.

1215 (6) The Florida Forest Service ~~division~~ shall undertake
 1216 privatization alternatives for fire prevention activities
 1217 including constructing fire lines and conducting prescribed
 1218 burns and, where appropriate, entering into agreements or
 1219 contracts with the private sector to perform such activities.

1220 (7) The Florida Forest Service ~~division~~ may organize,
 1221 staff, equip, and operate the Florida Center for Wildfire and
 1222 Forest Resources Management Training. The center shall serve as
 1223 a site where fire and forest resource managers can obtain
 1224 current knowledge, techniques, skills, and theory as they relate
 1225 to their respective disciplines.

1226 (a) The center may establish cooperative efforts involving
 1227 federal, state, and local entities; hire appropriate personnel;
 1228 and engage others by contract or agreement with or without
 1229 compensation to assist in carrying out the training and
 1230 operations of the center.

1231 (b) The center shall provide wildfire suppression training
 1232 opportunities for rural fire departments, volunteer fire

1233 departments, and other local fire response units.

1234 (c) The center will focus on curriculum related to, but
 1235 not limited to, fuel reduction, an incident management system,
 1236 prescribed burning certification, multiple-use land management,
 1237 water quality, forest health, environmental education, and
 1238 wildfire suppression training for structural firefighters.

1239 (d) The center may assess appropriate fees for food,
 1240 lodging, travel, course materials, and supplies in order to meet
 1241 its operational costs and may grant free meals, room, and
 1242 scholarships to persons and other entities in exchange for
 1243 instructional assistance.

1244 (e) An advisory committee consisting of the following
 1245 individuals or their designees must review program curriculum,
 1246 course content, and scheduling: the director of the Florida
 1247 Forest Service ~~Division of Forestry~~; the assistant director of
 1248 the Florida Forest Service ~~Division of Forestry~~; the director of
 1249 the School of Forest Resources and Conservation of the
 1250 University of Florida; the director of the Division of
 1251 Recreation and Parks of the Department of Environmental
 1252 Protection; the director of the Division of the State Fire
 1253 Marshal; the director of the Florida Chapter of The Nature
 1254 Conservancy; the executive vice president of the Florida
 1255 Forestry Association; the president of the Florida Farm Bureau
 1256 Federation; the executive director of the Fish and Wildlife
 1257 Conservation Commission; the executive director of a water
 1258 management district as appointed by the Commissioner of
 1259 Agriculture; the supervisor of the National Forests in Florida;
 1260 the president of the Florida Fire Chief's Association; and the

1261 executive director of the Tall Timbers Research Station.

1262 (8) The Cross City Work Center shall be named the L. Earl
 1263 Peterson Forestry Station. This is to honor Mr. L. Earl
 1264 Peterson, Florida's sixth state forester, whose distinguished
 1265 career in state government has spanned 44 years, and who is a
 1266 native of Dixie County.

1267 (9) (a) Notwithstanding ss. 273.055 and 287.16, the
 1268 department may retain, transfer, warehouse, bid, destroy, scrap,
 1269 or otherwise dispose of surplus equipment and vehicles that are
 1270 used for wildland firefighting.

1271 (b) All money received from the disposition of state-owned
 1272 equipment and vehicles that are used for wildland firefighting
 1273 shall be retained by the department. Money received pursuant to
 1274 this section is appropriated for and may be disbursed for the
 1275 acquisition of exchange and surplus equipment used for wildland
 1276 firefighting, and for all necessary operating expenditures
 1277 related to such equipment, in the same fiscal year and the
 1278 fiscal year following the disposition. The department shall
 1279 maintain records of the accounts into which the money is
 1280 deposited.

1281 (10) (a) The Florida Forest Service ~~division~~ has exclusive
 1282 authority to require and issue authorizations for broadcast
 1283 burning and agricultural and silvicultural pile burning. An
 1284 agency, commission, department, county, municipality, or other
 1285 political subdivision of the state may not adopt or enforce
 1286 laws, regulations, rules, or policies pertaining to broadcast
 1287 burning or agricultural and silvicultural pile burning unless an
 1288 emergency order is declared in accordance with s. 252.38(3).

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1289 (b) The Florida Forest Service ~~division~~ may delegate to a
 1290 county or municipality its authority, as delegated by the
 1291 Department of Environmental Protection pursuant to ss.
 1292 403.061(28) and 403.081, to require and issue authorizations for
 1293 the burning of yard trash and debris from land clearing
 1294 operations in accordance with s. 590.125(6).

1295 Section 45. Subsection (3) of section 597.0021, Florida
 1296 Statutes, is amended to read:

1297 597.0021 Legislative intent.—

1298 (3) It is the intent of the Legislature that the
 1299 Aquaculture Review Council is ~~and the Aquaculture Interagency~~
 1300 ~~Coordinating Council~~ are established to provide a means of
 1301 communication between the aquaculture industry and the
 1302 regulatory agencies.

1303 Section 46. Paragraphs (b) and (d) of subsection (1) of
 1304 section 597.003, Florida Statutes, are amended to read:

1305 597.003 Powers and duties of Department of Agriculture and
 1306 Consumer Services.—

1307 (1) The department is hereby designated as the lead agency
 1308 in encouraging the development of aquaculture in the state and
 1309 shall have and exercise the following functions, powers, and
 1310 duties with regard to aquaculture:

1311 (b) Coordinate the development, annual revision, and
 1312 implementation of a state aquaculture plan. The plan shall
 1313 include prioritized recommendations for research and development
 1314 as suggested by the Aquaculture Review Council, ~~the Aquaculture~~
 1315 ~~Interagency Coordinating Council~~, and public and private
 1316 institutional research, extension, and service programs.

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1317 (d) Provide staff for the Aquaculture Review Council ~~and~~
 1318 ~~the Aquaculture Interagency Coordinating Council.~~

1319 Section 47. Paragraph (h) of subsection (1) of section
 1320 597.004, Florida Statutes, is amended to read:

1321 597.004 Aquaculture certificate of registration.—

1322 (1) CERTIFICATION.—Any person engaging in aquaculture must
 1323 be certified by the department. The applicant for a certificate
 1324 of registration shall submit the following to the department:

1325 (h) An ~~One-hundred dollar~~ annual registration fee of \$100.
 1326 The annual registration fee is waived for each elementary,
 1327 middle, or high school and each vocational school that
 1328 participates in the aquaculture certification program.

1329 Section 48. Subsection (1), paragraphs (a) and (b) of
 1330 subsection (2), and paragraph (h) of subsection (3) of section
 1331 597.005, Florida Statutes, are amended to read:

1332 597.005 Aquaculture Review Council.—

1333 (1) COMPOSITION.—There is created within the department
 1334 the Aquaculture Review Council to consist of eight ~~nine~~ members
 1335 as follows: the chair of the State Agricultural Advisory Council
 1336 or designee; ~~the chair of the Aquaculture Interagency~~
 1337 ~~Coordinating Council;~~ and seven additional members to be
 1338 appointed by the commissioner, including an alligator farmer, a
 1339 food fish farmer, a shellfish farmer, a tropical fish farmer, an
 1340 aquatic plant farmer, a representative of the commercial fishing
 1341 industry, and a representative of the aquaculture industry at
 1342 large. Members shall be appointed for 4-year terms. Each member
 1343 shall be selected from no fewer than two or more than three
 1344 nominees submitted by recognized statewide organizations

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1345 representing each industry segment or the aquaculture industry
 1346 at large. In the absence of nominees, the commissioner shall
 1347 appoint persons who otherwise meet the qualifications for
 1348 appointment to the council. Members shall serve until their
 1349 successors are duly qualified and appointed. An appointment to
 1350 fill a vacancy shall be for the unexpired portion of the term.

1351 (2) MEETINGS; PROCEDURES; RECORDS.—

1352 (a) The members of the council shall meet at least
 1353 quarterly; shall elect a chair, a vice chair, and a secretary,
 1354 ~~and an industry representative to the Aquaculture Interagency~~
 1355 ~~Coordinating Council;~~ and shall use accepted rules of procedure.
 1356 The terms of such officers shall be for 1 year.

1357 (b) The council shall meet at the call of its chair, at
 1358 the request of a majority of its membership, at the request of
 1359 the department, or at such times as may be prescribed by its
 1360 rules of procedure. ~~However, the council shall hold a joint~~
 1361 ~~annual meeting with the Aquaculture Interagency Coordinating~~
 1362 ~~Council.~~

1363 (3) RESPONSIBILITIES.—The primary responsibilities of the
 1364 Aquaculture Review Council are to:

1365 (h) For any problem that cannot be solved through simple
 1366 cooperation or negotiation, provide an issue analysis ~~to the~~
 1367 ~~Aquaculture Interagency Coordinating Council~~ and to the chairs
 1368 of the legislative agriculture ~~appropriations~~ committees. The
 1369 analysis shall include, but not be limited to, specific facts
 1370 and industry hardships, regulatory provisions, questions
 1371 relative to the issue, and suggestions for solving the problem.

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1372 Section 49. Section 597.006, Florida Statutes, is
 1373 repealed.

1374 Section 50. Subsection (3) of section 616.252, Florida
 1375 Statutes, is amended to read:

1376 616.252 Florida State Fair Authority; membership; number,
 1377 terms, compensation.—

1378 (3) Members of the authority are not entitled to
 1379 compensation for their services as members but shall be
 1380 reimbursed by the authority for per diem and travel expenses as
 1381 provided in s. 112.061 ~~and may not be reimbursed for travel~~
 1382 ~~expenses~~. Except for the nonvoting youth member, each member may
 1383 be compensated for any special or full-time service performed in
 1384 the authority's behalf as officers or agents of the authority.

1385 Section 51. This act shall take effect July 1, 2012.