

By Senator Montford

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; creating s. 15.0521, F.S.;
4 designating tupelo honey as the official state honey;
5 amending s. 482.111, F.S.; specifying the requirements
6 for original certification as a pest control operator;
7 specifying the fee for the renewal of a certificate;
8 amending s. 482.1562, F.S.; specifying the deadline
9 for recertification of persons who wish to apply urban
10 landscape commercial fertilizer; providing a grace
11 period for recertification; amending s. 500.03, F.S.;
12 revising the definition of the term "food" to include
13 dietary supplements; defining the term "vehicle";
14 amending s. 500.10, F.S.; providing additional
15 conditions under which food may be deemed adulterated;
16 amending s. 500.11, F.S.; including failure to comply
17 with labeling relating to major food allergens as a
18 criterion for use in determining whether food has been
19 misbranded; amending s. 570.07, F.S.; revising the
20 department's functions, powers, and duties; amending
21 s. 570.30, F.S.; revising the powers and duties of the
22 Division of Administration; amending s. 570.441, F.S.;
23 authorizing the use of funds in the Pest Control Trust
24 Fund for activities of the Division of Agricultural
25 Environmental Services; providing for expiration;
26 amending s. 570.53, F.S.; revising the powers and
27 duties of the Division of Marketing and Development to
28 remove the enforcement provisions relating to the
29 dealers in agricultural products law; amending s.

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30 570.544, F.S.; revising the duties of the director of
31 the Division of Consumer Services to include
32 enforcement provisions relating to the dealers in
33 agricultural products law; creating s. 570.68, F.S.;
34 authorizing the Commissioner of Agriculture to create
35 an Office of Agriculture Technology Services;
36 providing duties of the office; amending s. 570.681,
37 F.S.; revising the legislative findings relating to
38 the Florida Agriculture Center and Horse Park;
39 amending s. 570.685, F.S.; authorizing, rather than
40 requiring, the department to provide administrative
41 and staff support services, meeting space, and record
42 storage for the Florida Agriculture Center and Horse
43 Park Authority; amending s. 571.24, F.S.; clarifying
44 the intent that the Florida Agricultural Promotional
45 Campaign serve as a marketing program; removing an
46 obsolete provision relating to the designation of a
47 division employee as a member of the Advertising
48 Interagency Coordinating Council; amending s. 571.27,
49 F.S.; removing obsolete provisions relating to the
50 authority of the department to adopt rules for
51 entering into contracts with advertising agencies for
52 services that are directly related to the Florida
53 Agricultural Promotional Campaign; amending s. 571.28,
54 F.S.; revising the composition of the Florida
55 Agricultural Promotional Campaign Advisory Council;
56 amending s. 576.041, F.S.; revising the frequency with
57 which tonnage reports of fertilizer sales must be
58 made; revising the timeframe for submission of such

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59 reports; creating s. 580.0365, F.S.; providing for the
60 preemption of commercial feed and feedstuff
61 regulation; amending s. 581.181, F.S.; providing
62 applicability of provisions requiring treatment or
63 destruction of infested or infected plants and plant
64 products; amending s. 582.01, F.S.; redefining terms
65 relating to soil and water conservation; amending s.
66 582.02, F.S.; providing legislative intent and
67 findings relating to soil and water conservation
68 districts; providing a statement of purpose; amending
69 s. 582.055, F.S.; revising the powers and duties of
70 the department; authorizing the department to adopt
71 rules; amending s. 582.06, F.S.; requiring the Soil
72 and Water Conservation Council to accept and review
73 requests for creating or dissolving soil and water
74 conservation districts and to make recommendations to
75 the commissioner; requiring the council to provide
76 recommendations to the commissioner relating to the
77 removal of supervisors under certain circumstances;
78 amending s. 582.16, F.S.; revising how district
79 boundaries may be changed; amending s. 582.20, F.S.;
80 revising the powers and duties of districts and
81 supervisors; amending s. 582.29, F.S.; revising the
82 terms under which certain state agencies must
83 cooperate; amending s. 595.402, F.S.; defining terms
84 relating to the school food and nutrition service
85 program; amending s. 595.404, F.S.; revising the
86 powers and duties of the department with regard to the
87 school food and nutrition service program; directing

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88 the department to collect and annually publish data on
89 food purchased by sponsors through the Florida Farm to
90 School Program and other school food and nutrition
91 service programs; amending s. 595.405, F.S.;
92 clarifying requirements for the school nutrition
93 program; requiring breakfast meals to be available to
94 all students in schools that serve any combination of
95 grades kindergarten through 5; amending s. 595.406,
96 F.S.; renaming the "Florida Farm Fresh Schools
97 Program" as the "Florida Farm to School Program";
98 authorizing the department to establish by rule a
99 recognition program for certain sponsors; amending s.
100 595.407, F.S.; revising provisions of the children's
101 summer nutrition program to include certain schools
102 that serve any combination of grades kindergarten
103 through 5; revising provisions relating to the
104 duration of the program; authorizing school districts
105 to exclude holidays and weekends; amending s. 595.408,
106 F.S.; conforming provisions to changes made by the
107 act; amending s. 595.501, F.S.; requiring certain
108 entities to complete corrective action plans required
109 by the department or a federal agency to be in
110 compliance with school food and nutrition service
111 programs; amending s. 595.601, F.S.; revising a cross-
112 reference; amending s. 604.21, F.S.; deleting a
113 requirement relating to complaints filed by electronic
114 transmission or facsimile; amending s. 604.33, F.S.;
115 deleting provisions requiring grain dealers to submit
116 monthly reports; authorizing, rather than requiring,

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117 the department to make at least one spot check
118 annually of each grain dealer; repealing s. 582.03,
119 F.S., relating to the consequences of soil erosion;
120 repealing s. 582.04, F.S., relating to appropriate
121 corrective methods; repealing s. 582.05, F.S.,
122 relating to legislative policy for conservation;
123 repealing s. 582.08, F.S., relating to additional
124 powers of the department; repealing s. 582.09, F.S.,
125 relating to an administrative officer of soil and
126 water conservation; repealing s. 582.17, F.S.,
127 relating to the presumption as to establishment of a
128 district; repealing s. 582.21, F.S., relating to
129 adoption of land use regulations; repealing s. 582.22,
130 F.S., relating to district regulations and contents;
131 repealing s. 582.23, F.S., relating to performance of
132 work under the regulations by the supervisors;
133 repealing s. 582.24, F.S., relating to the board of
134 adjustment; repealing s. 582.25, F.S., relating to
135 rules of procedure of the board; repealing s. 582.26,
136 F.S., relating to petitioning the board to vary from
137 regulations; repealing s. 582.331, F.S., relating to
138 the authorization to establish watershed improvement
139 districts within soil and water conservation
140 districts; repealing s. 582.34, F.S., relating to
141 petitions for establishment of watershed improvement
142 districts; repealing s. 582.35, F.S., relating to
143 notice and hearing on petitions, determinations of
144 need for districts, and boundaries; repealing s.
145 582.36, F.S., relating to determination of feasibility

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146 of proposed districts and referenda; repealing s.
147 582.37, F.S., relating to consideration of results of
148 referendums and declaration of organization of
149 districts; repealing s. 582.38, F.S., relating to the
150 organization of districts, certification to clerks of
151 circuit courts, and limitation on tax rates; repealing
152 s. 582.39, F.S., relating to establishment of
153 watershed improvement districts situated in more than
154 one soil and water conservation district; repealing s.
155 582.40, F.S., relating to change of district
156 boundaries or names; repealing s. 582.41, F.S.,
157 relating to boards of directors of districts;
158 repealing s. 582.42, F.S., relating to officers,
159 agents, and employees, surety bonds, and annual
160 audits; repealing s. 582.43, F.S., relating to status
161 and general powers of districts; repealing s. 582.44,
162 F.S., relating to the levy of taxes and taxing
163 procedures; repealing s. 582.45, F.S., relating to
164 fiscal powers of a governing body; repealing s.
165 582.46, F.S., relating to additional powers and
166 authority of districts; repealing s. 582.47, F.S.,
167 relating to the coordination between watershed
168 improvement districts and flood control districts;
169 repealing s. 582.48, F.S., relating to the
170 discontinuance of watershed improvement districts;
171 repealing s. 582.49, F.S., relating to the
172 discontinuance of soil and water conservation
173 districts; repealing s. 589.26, F.S., relating to the
174 dedication of state park lands for public use;

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175 providing effective dates.

176
177 Be It Enacted by the Legislature of the State of Florida:

178
179 Section 1. Effective upon this act becoming a law, section
180 15.0521, Florida Statutes, is created to read:

181 15.0521 Official state honey.—Tupelo honey is designated as
182 the official Florida state honey.

183 Section 2. Subsections (1) and (7) of section 482.111,
184 Florida Statutes, are amended to read:

185 482.111 Pest control operator's certificate.—

186 (1) The department shall issue a pest control operator's
187 certificate to each individual who qualifies under this chapter.
188 Before the issuance of the original certification, an individual
189 must have completed an application for examination, paid the
190 examination fee provided for in s. 482.141, and passed the
191 examination. Before engaging in pest control work, each
192 certified operator must be certified as provided in this
193 section. ~~Application must be made and the issuance fee must be~~
194 ~~paid to the department for the original certificate within 60~~
195 ~~days after the postmark date of written notification of passing~~
196 ~~the examination. During a period of 30 calendar days following~~
197 ~~expiration of the 60-day period, an original certificate may be~~
198 ~~issued; however, a late issuance charge of \$50 shall be assessed~~
199 ~~and must be paid in addition to the issuance fee. An original~~
200 ~~certificate may not be issued after expiration of the 30-day~~
201 ~~period, without reexamination.~~

202 (7) The fee for ~~issuance of an original certificate or the~~
203 renewal of a certificate thereof shall be set by the department

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204 but may not be more than \$150 or less than \$75; however, until
205 rules setting these fees are adopted by the department, the
206 issuance fee and the renewal fee shall each be \$75.

207 Section 3. Subsections (5) and (6) of section 482.1562,
208 Florida Statutes, are amended to read:

209 482.1562 Limited certification for urban landscape
210 commercial fertilizer application.—

211 (5) An application for recertification must be made 4 years
212 after the date of issuance ~~at least 90 days before the~~
213 ~~expiration~~ of the current certificate and be accompanied by:

214 (a) Proof of having completed the 4 classroom hours of
215 acceptable continuing education required under subsection (4).

216 (b) A recertification fee set by the department in an
217 amount of at least \$25 but not more than \$75. Until the fee is
218 set by rule, the fee for certification is \$25.

219 ~~(6) A late renewal charge of \$50 per month shall be~~
220 ~~assessed 30 days after the date the application for~~
221 ~~recertification is due and must be paid in addition to the~~
222 ~~renewal fee. Unless timely recertified, a certificate~~
223 ~~automatically expires 90 days after the recertification date.~~
224 Upon expiration or after a grace period ending 30 days after
225 expiration, a certificate may be issued only upon the person
226 reapplying in accordance with subsection (3).

227 Section 4. Paragraph (n) of subsection (1) of section
228 500.03, Florida Statutes, is amended, and paragraph (cc) is
229 added to that subsection, to read:

230 500.03 Definitions; construction; applicability.—

231 (1) For the purpose of this chapter, the term:

232 (n) "Food" includes:

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- 233 1. Articles used for food or drink for human consumption;
234 2. Chewing gum;
235 3. Articles used for components of any such article; ~~and~~
236 4. Articles for which health claims are made, which claims
237 are approved by the Secretary of the United States Department of
238 Health and Human Services and which claims are made in
239 accordance with s. 343(r) of the federal act, and which are not
240 considered drugs solely because their labels or labeling contain
241 health claims; and
242 5. "Dietary supplements" as the term is defined in 21
243 U.S.C. s. 321(ff) (1) and (2).

244
245 The term includes any raw, cooked, or processed edible
246 substance; ice; any beverage; or any ingredient used, intended
247 for use, or sold for human consumption.

248 (cc) "Vehicle" means a mode of transportation or mobile
249 carrier used to transport food from one location to another,
250 including, but not limited to, cars, carts, cycles, trucks,
251 vans, trains, railcars, aircraft, and watercraft.

252 Section 5. Subsection (1) of section 500.10, Florida
253 Statutes, is amended, and subsection (5) is added to that
254 section, to read:

255 500.10 Food deemed adulterated.—A food is deemed to be
256 adulterated:

257 (1) (a) If it bears or contains any poisonous or deleterious
258 substance which may render it injurious to health; but in case
259 the substance is not an added substance such food shall not be
260 considered adulterated under this clause if the quantity of such
261 substance in such food does not ordinarily render it injurious

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262 to health;

263 (b) If it bears or contains any added poisonous or added
264 deleterious substance, other than one which is a pesticide
265 chemical in or on a raw agricultural commodity; a food additive;
266 or a color additive, which is unsafe within the meaning of s.
267 500.13(1);

268 (c) If it is a raw agricultural commodity and it bears or
269 contains a pesticide chemical which is unsafe within the meaning
270 of 21 U.S.C. s. 346(a) or s. 500.13(1);

271 (d) If it is or it bears or contains, any food additive
272 which is unsafe within the meaning of 21 U.S.C. s. 348 or s.
273 500.13(1); provided that where a pesticide chemical has been
274 used in or on a raw agricultural commodity in conformity with an
275 exemption granted or tolerance prescribed under 21 U.S.C. s. 346
276 or s. 500.13(1), and such raw agricultural commodity has been
277 subjected to processing such as canning, cooking, freezing,
278 dehydrating, or milling, the residue of such pesticide chemical
279 remaining in or on such processed food shall, notwithstanding
280 the provisions of s. 500.13, and this paragraph, not be deemed
281 unsafe if such residue in or on the raw agricultural commodity
282 has been removed to the extent possible in good manufacturing
283 practice, and the concentration of such residue in the processed
284 food when ready to eat, is not greater than the tolerance
285 prescribed for the raw agricultural commodity;

286 (e) If it consists in whole or in part of a diseased,
287 contaminated, filthy, putrid, or decomposed substance, or if it
288 is otherwise unfit for food;

289 (f) If it has been produced, prepared, packed, transported,
290 or held under insanitary conditions whereby it may become

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291 contaminated with filth, or whereby it may have been rendered
292 diseased, unwholesome, or injurious to health;

293 (g) If it is the product of a diseased animal or an animal
294 which has died otherwise than by slaughter, or that has been fed
295 upon the uncooked offal from a slaughterhouse; or

296 (h) If its container is composed, in whole or in part, of
297 any poisonous or deleterious substance which may render the
298 contents injurious to health.

299 (5) If a dietary supplement or its ingredients present a
300 significant risk of illness or injury due to:

301 (a) The recommended or suggested conditions of use on the
302 product label;

303 (b) The failure to provide conditions of use on the product
304 label; or

305 (c) It containing an ingredient for which there is
306 inadequate information to provide reasonable assurances that the
307 ingredient does not present a significant risk of illness or
308 injury.

309 Section 6. Paragraph (m) of subsection (1) of section
310 500.11, Florida Statutes, is amended to read:

311 500.11 Food deemed misbranded.—

312 (1) A food is deemed to be misbranded:

313 (m) If it is offered for sale and its label or labeling
314 does not comply with the requirements of 21 U.S.C. s. 343(q) or
315 21 U.S.C. s. 343(w) pertaining to nutrition or allergen
316 information.

317 Section 7. Subsection (20) of section 570.07, Florida
318 Statutes, is amended, and subsection (44) is added to that
319 section, to read:

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320 570.07 Department of Agriculture and Consumer Services;
321 functions, powers, and duties.—The department shall have and
322 exercise the following functions, powers, and duties:

323 (20) (a) To stimulate, encourage, and foster the production
324 and consumption of agricultural and agricultural business
325 products;

326 (b) To conduct activities that may foster a better
327 understanding and more efficient cooperation among producers,
328 dealers, buyers, food editors, and the consuming public in the
329 promotion and marketing of Florida's agricultural and
330 agricultural business products; and

331 (c) To sponsor events, trade breakfasts, luncheons, and
332 dinners and distribute promotional materials and favors in
333 connection with meetings, conferences, and conventions of
334 dealers, buyers, food editors, and merchandising executives that
335 will assist in the promotion and marketing of Florida's
336 agricultural and agricultural business products to the consuming
337 public.

338
339 The department is authorized to receive and expend donations
340 contributed by private persons for the purpose of covering costs
341 associated with the above described activities.

342 (44) In its own name:

343 (a) To perform all acts necessary to secure letters of
344 patent, copyrights, and trademarks on any work products of the
345 department and enforce its rights therein.

346 (b) To license, lease, assign, or otherwise give written
347 consent to any person, firm, or corporation for the manufacture
348 or use of such department work products on a royalty basis or

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349 for such other consideration as the department deems proper.

350 (c) To take any action necessary, including legal action,
351 to protect such department work products against improper or
352 unlawful use or infringement.

353 (d) To enforce the collection of any sums due to the
354 department for the manufacture or use of such department work
355 products by another party.

356 (e) To sell any of such department work products and
357 execute all instruments necessary to consummate any such sale.

358 (f) To do all other acts necessary and proper for the
359 execution of powers and duties conferred upon the department by
360 this section, including adopting rules, as necessary, in order
361 to administer this section.

362 Section 8. Subsection (5) of section 570.30, Florida
363 Statutes, is amended to read:

364 570.30 Division of Administration; powers and duties.—The
365 Division of Administration shall render services required by the
366 department and its other divisions, or by the commissioner in
367 the exercise of constitutional and cabinet responsibilities,
368 that can advantageously and effectively be centralized and
369 administered and any other function of the department that is
370 not specifically assigned by law to some other division. The
371 duties of this division include, but are not limited to:

372 ~~(5) Providing electronic data processing and management~~
373 ~~information systems support for the department.~~

374 Section 9. Subsection (4) is added to section 570.441,
375 Florida Statutes, to read:

376 570.441 Pest Control Trust Fund.—

377 (4) In addition to the uses authorized under subsection

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378 (2), the department may use moneys collected or received under
379 chapter 482 to carry out s. 570.44. This subsection expires June
380 30, 2019.

381 Section 10. Subsection (2) of section 570.53, Florida
382 Statutes, is amended to read:

383 570.53 Division of Marketing and Development; powers and
384 duties.—The powers and duties of the Division of Marketing and
385 Development include, but are not limited to:

386 ~~(2) Enforcing the provisions of ss. 604.15-604.34, the~~
387 ~~dealers in agricultural products law, and ss. 534.47-534.53.~~

388 Section 11. Subsection (2) of section 570.544, Florida
389 Statutes, is amended to read:

390 570.544 Division of Consumer Services; director; powers;
391 processing of complaints; records.—

392 (2) The director shall supervise, direct, and coordinate
393 the activities of the division and shall, under the direction of
394 the department, enforce ss. 604.15-604.34 and ~~the provisions of~~
395 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
396 and 849.

397 Section 12. Section 570.68, Florida Statutes, is created to
398 read:

399 570.68 Office of Agriculture Technology Services.—The
400 commissioner may create an Office of Agriculture Technology
401 Services under the supervision of a senior manager. The senior
402 manager is exempt under s. 110.205 in the Senior Management
403 Service and shall be appointed by the commissioner. The office
404 shall provide electronic data processing and agency information
405 technology services to support and facilitate the functions,
406 powers, and duties of the department.

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407 Section 13. Section 570.681, Florida Statutes, is amended
408 to read:

409 570.681 Florida Agriculture Center and Horse Park;
410 legislative findings.—It is the finding of the Legislature that:
411 ~~(1) Agriculture is an important industry to the State of~~
412 ~~Florida, producing over \$6 billion per year while supporting~~
413 ~~over 230,000 jobs.~~

414 (1)~~(2)~~ Equine and other agriculture-related industries ~~will~~
415 strengthen and benefit each other with the establishment of a
416 statewide agriculture and horse facility.

417 (2)~~(3)~~ The ~~A~~ Florida Agriculture Center and Horse Park
418 provides ~~will provide~~ Florida with a unique tourist experience
419 for visitors and residents, thus generating taxes and additional
420 dollars for the state.

421 (3)~~(4)~~ Promoting the Florida Agriculture Center and Horse
422 Park as a joint effort between the state and the private sector
423 allows ~~will allow~~ this facility to use ~~utilize~~ experts and
424 generate revenue from many areas to ensure the success of this
425 facility.

426 Section 14. Paragraphs (b) and (c) of subsection (4) of
427 section 570.685, Florida Statutes, are amended to read:

428 570.685 Florida Agriculture Center and Horse Park
429 Authority.—

430 (4) The authority shall meet at least semiannually and
431 elect a chair, a vice chair, and a secretary for 1-year terms.

432 (b) The department may provide ~~shall be responsible for~~
433 ~~providing~~ administrative and staff support services relating to
434 the meetings of the authority and ~~shall provide~~ suitable space
435 in the offices of the department for the meetings and the

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436 storage of records of the authority.

437 (c) In conducting its meetings, the authority shall use
438 accepted rules of procedure. The secretary shall keep a complete
439 record of the proceedings of each meeting showing, ~~which record~~
440 ~~shall show~~ the names of the members present and the actions
441 taken. These records shall be kept on file with the department,
442 and such records and other documents regarding matters within
443 the jurisdiction of the authority shall be subject to inspection
444 by members of the authority.

445 Section 15. Section 571.24, Florida Statutes, is amended to
446 read:

447 571.24 Purpose; duties of the department.—The purpose of
448 this part is to authorize the department to establish and
449 coordinate the Florida Agricultural Promotional Campaign. The
450 campaign is intended to serve as a marketing program for the
451 promotion of agricultural commodities, value-added products, and
452 agricultural-related businesses of this state. The campaign is
453 not a food safety and traceability program. The duties of the
454 department shall include, but are not limited to:

455 (1) Developing logos and authorizing the use of logos as
456 provided by rule.

457 (2) Registering participants.

458 (3) Assessing and collecting fees.

459 (4) Collecting rental receipts for industry promotions.

460 (5) Developing in-kind advertising programs.

461 (6) Contracting with media representatives for the purpose
462 of dispersing promotional materials.

463 (7) Assisting the representative of the department who
464 serves on the Florida Agricultural Promotional Campaign Advisory

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465 Council.

466 ~~(8) Designating a division employee to be a member of the~~
467 ~~Advertising Interagency Coordinating Council.~~

468 (8)~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and 120.54
469 to implement the provisions of this part.

470 (9)~~(10)~~ Enforcing and administering the provisions of this
471 part, including measures ensuring that only Florida agricultural
472 or agricultural based products are marketed under the "Fresh
473 From Florida" or "From Florida" logos or other logos of the
474 Florida Agricultural Promotional Campaign.

475 Section 16. Section 571.27, Florida Statutes, is amended to
476 read:

477 571.27 Rules.—The department is authorized to adopt rules
478 that implement, make specific, and interpret ~~the provisions of~~
479 ~~this part, including rules for entering into contracts with~~
480 ~~advertising agencies for services which are directly related to~~
481 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
482 ~~establish the procedures for negotiating costs with the offerors~~
483 ~~of such advertising services who have been determined by the~~
484 ~~department to be qualified on the basis of technical merit,~~
485 ~~creative ability, and professional competency. Such~~
486 ~~determination of qualifications shall also include consideration~~
487 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
488 is further authorized to determine, by rule, the logos or
489 product identifiers to be depicted for use in advertising,
490 publicizing, and promoting the sale of Florida agricultural
491 products or agricultural-based products in the Florida
492 Agricultural Promotional Campaign. The department may also adopt
493 rules consistent ~~not inconsistent~~ with the provisions of this

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494 part as in its judgment may be necessary for participant
495 registration, renewal of registration, classes of membership,
496 application forms, and ~~as well as~~ other forms and enforcement
497 measures ensuring compliance with this part.

498 Section 17. Subsection (1) of section 571.28, Florida
499 Statutes, is amended to read:

500 571.28 Florida Agricultural Promotional Campaign Advisory
501 Council.—

502 (1) ORGANIZATION.—There is ~~hereby~~ created within the
503 department the Florida Agricultural Promotional Campaign
504 Advisory Council, to consist of 15 members appointed by the
505 Commissioner of Agriculture for 4-year staggered terms. The
506 membership shall include: 13 ~~six~~ members representing
507 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
508 ~~representing agricultural retailers, two members representing~~
509 ~~agricultural associations, and wholesalers~~ one member
510 ~~representing a wholesaler~~ of agricultural products; 1, ~~one~~
511 member representing consumers; 7 and 1 ~~one~~ member representing
512 the department. Initial appointment of the council members shall
513 be four members to a term of 4 years, four members to a term of
514 3 years, four members to a term of 2 years, and three members to
515 a term of 1 year.

516 Section 18. Subsection (2) of section 576.041, Florida
517 Statutes, is amended to read:

518 576.041 Inspection fees; records.—

519 (2) Before the distribution of a fertilizer, each licensee
520 shall make application upon a form provided by the department to
521 report quarterly ~~monthly~~ the tonnage of fertilizer sold in the
522 state and make payment of the inspection fee. The continuance of

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523 a license is conditioned upon the applicant's:

524 (a) Maintaining records and a bookkeeping system that will
525 accurately indicate the tonnage of fertilizer sold by the
526 licensee; and

527 (b) Consent to examination of the business records and
528 books by the department for a verification of the correctness of
529 tonnage reports and inspection fees. Tonnage reports of sales
530 and payment of inspection fee shall be made quarterly using the
531 department's regulatory website or ~~monthly~~ on forms furnished by
532 the department and submitted within 30 days following the close
533 of the reporting period ~~on or before the fifteenth day of the~~
534 ~~month succeeding the month covered by the reports.~~

535 Section 19. Section 580.0365, Florida Statutes, is created
536 to read:

537 580.0365 Preemption of regulatory authority over commercial
538 feed and feedstuff.—It is the intent of the Legislature to
539 eliminate duplication of regulation over commercial feed and
540 feedstuff. Notwithstanding any other law, the authority to
541 regulate, inspect, sample, and analyze commercial feed or
542 feedstuff distributed in this state or to exercise the powers
543 and duties of regulation granted by this chapter, including the
544 assessment of penalties for violation of this chapter, is
545 preempted to the department.

546 Section 20. Subsection (3) is added to section 581.181,
547 Florida Statutes, to read:

548 581.181 Notice of infection of plants; destruction.—

549 (3) This section does not apply to plants or plant products
550 infested with pests or noxious weeds if such pests and weeds are
551 determined to be widely established within the state and are not

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552 specifically regulated under rules adopted by the department or
553 under any other provisions of law.

554 Section 21. Subsections (1), (4), (5), (7), and (8) of
555 section 582.01, Florida Statutes, are amended to read:

556 582.01 Definitions.—Wherever used or referred to in this
557 chapter unless a different meaning clearly appears from the
558 context:

559 (1) "District" ~~or "soil conservation district"~~ or "soil and
560 water conservation district" means a governmental subdivision of
561 this state, and a body corporate and politic, organized in
562 accordance with the provisions of this chapter, for the purpose,
563 with the powers, and subject to the provisions set forth in this
564 chapter. The term "district," ~~or "soil conservation district,"~~
565 when used in this chapter, means and includes a "soil and water
566 conservation district." All districts heretofore or hereafter
567 organized under this chapter shall be known as soil and water
568 conservation districts and shall have all the powers set out
569 herein.

570 (4) "Landowner" or "owner of land" includes any person who
571 holds ~~shall hold~~ legal or equitable title to any lands lying
572 within a district organized under the provisions of this
573 chapter.

574 (5) "Land occupier" or "occupier of land" includes any
575 person, other than the owner, who is a lessee, renter, or tenant
576 or who is otherwise ~~shall be~~ in possession of land ~~any lands~~
577 lying within a district ~~organized under the provisions of this~~
578 ~~chapter, whether as lessee, renter, tenant, or otherwise.~~

579 (7) "Due notice," in addition to notice required pursuant
580 to ~~the provisions of~~ chapter 120, means notice published ~~at~~

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581 ~~least twice, with an interval of at least 7 days before the~~
582 ~~event between the two publication dates, in a newspaper or other~~
583 ~~publication of general circulation within the appropriate area~~
584 ~~or, if no such publication of general circulation be available,~~
585 ~~by posting at a reasonable number of conspicuous places within~~
586 ~~the appropriate area, such posting to include, where possible,~~
587 ~~posting at public places where it may be customary to post~~
588 ~~notices concerning county or municipal affairs generally. At any~~
589 ~~hearing held pursuant to such notice, at the time and place~~
590 ~~designated in such notice, adjournment may be made from time to~~
591 ~~time without the necessity of renewing such notice for such~~
592 ~~adjourned dates.~~

593 ~~(8) "Administrative officer" means the administrative~~
594 ~~officer of soil and water conservation created by s. 582.09.~~

595 Section 22. Section 582.02, Florida Statutes, is amended to
596 read:

597 582.02 Legislative intent and findings; purpose of
598 districts ~~Lands a basic asset of state.-~~

599 (1) It is the intent of the Legislature to promote the
600 appropriate and efficient use of soil and water resources,
601 protect water quality, prevent floodwater and sediment damage,
602 preserve wildlife, protect public lands, and protect and promote
603 the health, safety, and welfare of the public.

604 (2) The Legislature finds that the farm, forest, and
605 grazing lands; green spaces; recreational areas; and natural
606 areas of the state are among its ~~the~~ basic assets ~~of the state~~
607 and that the conservation preservation of these assets ~~lands~~ is
608 in the public interest ~~necessary to protect and promote the~~
609 ~~health, safety, and general welfare of its people ; improper~~

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610 ~~land use practices have caused and have contributed to, and are~~
611 ~~now causing and contributing to a progressively more serious~~
612 ~~erosion of the farm and grazing lands of this state by fire,~~
613 ~~wind and water; the breaking of natural grass, plant, and forest~~
614 ~~cover has interfered with the natural factors of soil~~
615 ~~stabilization, causing loosening of soil and exhaustion of~~
616 ~~humus, and developing a soil condition that favors erosion; the~~
617 ~~top soil is being burned, washed and blown out of fields and~~
618 ~~pastures; there has been an accelerated washing of sloping~~
619 ~~fields; these processes of erosion by fire, wind and water speed~~
620 ~~up with removal of absorptive topsoil, causing exposure of less~~
621 ~~absorptive and less protective but more erosive subsoil; failure~~
622 ~~by any landowner or occupier to conserve the soil and control~~
623 ~~erosion upon her or his lands causes destruction by burning,~~
624 ~~washing and blowing of soil and water from her or his lands onto~~
625 ~~other lands and makes the conservation of soil and control~~
626 ~~erosion of such other lands difficult or impossible.~~

627 (3) The Legislature further finds it necessary that
628 appropriate land and water resource protection practices be
629 implemented to ensure the conservation of this state's farm,
630 forest, and grazing lands; green spaces; recreational areas; and
631 natural areas and to conserve, protect, and properly use soil
632 and water resources.

633 (4) The purpose of the soil and water conservation
634 districts is to provide assistance, guidance, and education to
635 landowners, land occupiers, the agricultural industry, and the
636 general public in implementing land and water resource
637 protection practices and to work in conjunction with federal,
638 state, and local agencies in all matters to implement this

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639 chapter.

640 Section 23. Section 582.055, Florida Statutes, is amended
641 to read:

642 582.055 Powers and duties of the Department of Agriculture
643 and Consumer Services.—The department has all of the following
644 powers and duties:

645 (1) To administer ~~The provisions of this chapter shall be~~
646 ~~administered by the Department of Agriculture and Consumer~~
647 ~~Services.~~

648 (2) ~~The department is authorized~~ To receive gifts,
649 appropriations, materials, equipment, lands, and facilities and
650 to manage, operate, and disburse them for the use and benefit of
651 the soil and water conservation districts of the state.

652 (3) To require ~~The department shall provide for an annual~~
653 ~~audit of the accounts of receipts and disbursements.~~

654 (4) To ~~The department may~~ furnish information and call upon
655 any state or local agencies for cooperation in carrying out the
656 provisions of this chapter.

657 (5) To offer assistance as may be appropriate to the
658 supervisors of soil and water conservation districts and to
659 facilitate communication and cooperation between the districts.

660 (6) To seek the cooperation and assistance of the Federal
661 Government and any of its agencies, and of agencies and counties
662 of this state, in the work of such districts, including the
663 receipt and expenditure of state, federal, or other funds or
664 contributions.

665 (7) To disseminate information throughout the state
666 concerning the activities and programs of the soil and water
667 conservation districts and to encourage the formation of such

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668 districts in areas where their organization is desirable.

669 (8) To create or dissolve a soil and water conservation
670 district pursuant to this chapter.

671 (9) To adopt rules, as necessary, to implement this
672 chapter.

673 Section 24. Subsection (2) of section 582.06, Florida
674 Statutes, is amended to read:

675 582.06 Soil and Water Conservation Council; powers and
676 duties.—

677 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—

678 (a) The meetings, powers and duties, procedures, and
679 recordkeeping of the Soil and Water Conservation Council shall
680 be conducted pursuant to s. 570.232.

681 (b) The council shall accept and review requests for
682 creating or dissolving soil and water conservation districts and
683 shall, by a majority vote, recommend to the commissioner by
684 resolution that a district be created or dissolved pursuant to
685 the request or that the request be denied.

686 (c) At the request of the Governor or a district, the
687 council shall consider and recommend to the Governor the removal
688 or retention of a supervisor for neglect of duty or malfeasance
689 in office.

690 Section 25. Section 582.16, Florida Statutes, is amended to
691 read:

692 582.16 Change of ~~Addition of territory to district~~
693 ~~boundaries or removal of territory therefrom.~~ Requests to
694 increase or decrease the boundaries of ~~Petitions for including~~
695 ~~additional territory or removing territory within an existing~~
696 ~~district may be filed with the department of Agriculture and~~

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697 ~~Consumer Services, and the department shall follow the~~
 698 ~~proceedings provided for in this chapter to create a district in~~
 699 ~~the case of petitions to organize a district shall be observed~~
 700 ~~in the case of petitions for such inclusion or removal. The~~
 701 ~~department shall prescribe the form for such petition, which~~
 702 ~~shall be as nearly as may be in the form prescribed in this~~
 703 ~~chapter for petitions to organize a district. If the petition is~~
 704 ~~signed by a majority of the landowners of such area, no~~
 705 ~~referendum need be held. In referenda upon petitions for such~~
 706 ~~inclusions or removals, all owners of land lying within the~~
 707 ~~proposed area to be added or removed shall be eligible to vote.~~

708 Section 26. Section 582.20, Florida Statutes, is amended to
 709 read:

710 582.20 Powers of districts and supervisors.—A soil and
 711 water conservation district organized under ~~the provisions of~~
 712 this chapter constitutes ~~shall constitute~~ a governmental
 713 subdivision of this state, and a public body corporate and
 714 politic, exercising public powers, and such district and the
 715 supervisors thereof, ~~shall~~ have all of the following powers, in
 716 addition to others granted in other sections of this chapter:

717 (1) To conduct surveys, studies ~~investigations~~, and
 718 research relating to ~~the character of soil and water resources~~
 719 and erosion and floodwater and sediment damages, ~~to the~~
 720 ~~conservation, development and utilization of soil and water~~
 721 ~~resources and the disposal of water, and to the preventive and~~
 722 ~~control measures and works of improvement needed;~~ to publish and
 723 disseminate the results of such surveys, studies, and
 724 ~~investigations, or research,~~ and related ~~to disseminate~~
 725 information. ~~concerning such preventive and control measures and~~

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726 ~~works of improvement; provided, however, that in order to avoid~~
727 ~~duplication of research activities, no district shall initiate~~
728 ~~any research program except in cooperation with the government~~
729 ~~of this state or any of its agencies, or with the United States~~
730 ~~or any of its agencies;~~

731 (2) To conduct agricultural best management practices
732 demonstration demonstrational projects and projects for the
733 conservation, protection, and restoration of soil and water
734 resources:

735 (a) Within the district's boundaries;

736 (b) Within another district's boundaries, subject to the
737 other district's approval; ~~territory within another district's~~
738 ~~boundaries subject to the other district's approval, or~~
739 ~~territory~~

740 (c) In areas not contained within any district's boundaries
741 on lands owned or controlled by this state or any of its
742 agencies, with the cooperation of the agency administering and
743 having jurisdiction thereof; or, ~~and~~

744 (d) On any other lands within the district's boundaries,
745 ~~territory within another district's boundaries subject to the~~
746 ~~other district's approval, or~~ on lands ~~territory~~ not contained
747 within any district's boundaries upon obtaining the consent of
748 the owner and occupiers of such lands or the necessary rights or
749 interests in such lands. ~~, in order to demonstrate by example the~~
750 ~~means, methods, and measures by which soil and soil resources~~
751 ~~may be conserved, and soil erosion in the form of soil blowing~~
752 ~~and soil washing may be prevented and controlled, and works of~~
753 ~~improvement for flood prevention or the conservation,~~
754 ~~development and utilization of soil and water resources, and the~~

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755 ~~disposal of water may be carried out;~~

756 ~~(3) To carry out preventive and control measures and works~~
757 ~~of improvement for flood prevention or the conservation,~~
758 ~~development and utilization of soil and water resources, and the~~
759 ~~disposal of water within the district's boundaries, territory~~
760 ~~within another district's boundaries subject to the other~~
761 ~~district's approval, or territory not contained within any~~
762 ~~district's boundaries, including, but not limited to,~~
763 ~~engineering operations, methods of cultivation, the growing of~~
764 ~~vegetation, changes in use of land, and the measures listed in~~
765 ~~s. 582.04 on lands owned or controlled by this state or any of~~
766 ~~its agencies, with the cooperation of the agency administering~~
767 ~~and having jurisdiction thereof, and on any other lands within~~
768 ~~the district's boundaries, territory within another district's~~
769 ~~boundaries subject to the other district's approval, or~~
770 ~~territory not contained within any district's boundaries upon~~
771 ~~obtaining the consent of the owner and the occupiers of such~~
772 ~~lands or the necessary rights or interests in such lands;~~

773 ~~(3)~~(4) ~~To cooperate,~~ or enter into agreements with, ~~and~~
774 ~~within the limits of appropriations duly made available to it by~~
775 ~~law, to furnish financial or other aid to,~~ any special district,
776 municipality, county, water management district, state or
777 federal agency, governmental or otherwise, or any owner or
778 occupier of lands within the district's boundaries; on lands,
779 ~~territory~~ within another district's boundaries, subject to the
780 other district's approval; or on lands, or territory not
781 contained within any district's boundaries, to further the
782 purpose of this chapter. ~~in the carrying on of erosion control~~
783 ~~or prevention operations and works of improvement for flood~~

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784 ~~prevention or the conservation, development and utilization, of~~
785 ~~soil and water resources and the disposal of water within the~~
786 ~~district's boundaries, territory within another district's~~
787 ~~boundaries subject to the other district's approval, or~~
788 ~~territory not contained within any district's boundaries,~~
789 ~~subject to such conditions as the supervisors may deem necessary~~
790 ~~to advance the purposes of this chapter;~~

791 (4)~~(5)~~ To obtain options upon and to acquire, by purchase,
792 exchange, lease, gift, grant, bequest, devise, or otherwise, any
793 property, real or personal, or rights or interests in such
794 property therein; to maintain, administer, and improve any
795 properties acquired, to receive income from such properties, and
796 to expend such income in complying with ~~carrying out the~~
797 ~~purposes and provisions of this chapter; and to sell, lease, or~~
798 ~~otherwise dispose of any of its property or interests therein in~~
799 compliance with ~~furtherance of the purposes and the provisions~~
800 ~~of this chapter.~~

801 (5)~~(6)~~ To make available, on such terms as it shall
802 prescribe, agricultural, engineering, and other machinery,
803 materials, and equipment to landowners and occupiers of land
804 within the district's boundaries, on lands ~~territory~~ within
805 another district's boundaries, subject to the other district's
806 approval; or on lands ~~territory~~ not contained within any
807 district's boundaries. Such machinery, materials, and equipment
808 must, ~~agricultural and engineering machinery and equipment,~~
809 ~~fertilizer, seeds and seedlings, and such other material or~~
810 equipment, ~~as will~~ assist such landowners and occupiers of land
811 to conduct ~~carry on~~ operations upon their lands for the
812 conservation and protection of soil and water resources. ~~and for~~

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813 ~~the prevention or control of soil erosion and for flood~~
814 ~~prevention or the conservation, development and utilization, of~~
815 ~~soil and water resources and the disposal of water;~~

816 (6)~~(7)~~ To construct, improve, operate, and maintain such
817 structures as may be necessary or convenient for the performance
818 of any of the operations authorized in this chapter.

819 (7)~~(8)~~ To provide or assist in providing training and
820 education programs that further the purposes of this chapter.
821 ~~develop comprehensive plans for the conservation of soil and~~
822 ~~water resources and for the control and prevention of soil~~
823 ~~erosion and for flood prevention or the conservation,~~
824 ~~development and utilization of soil and water resources, and the~~
825 ~~disposal of water within the district's boundaries, territory~~
826 ~~within another district's boundaries subject to the other~~
827 ~~district's approval, or territory not contained within any~~
828 ~~district's boundaries, which plans shall specify in such detail~~
829 ~~as may be possible the acts, procedures, performances, and~~
830 ~~avoidances which are necessary or desirable for the effectuation~~
831 ~~of such plans, including the specification of engineering~~
832 ~~operations, methods of cultivation, the growing of vegetation,~~
833 ~~cropping programs, tillage practices, and changes in use of~~
834 ~~land; control of artesian wells; and to publish such plans and~~
835 ~~information and bring them to the attention of owners and~~
836 ~~occupiers of lands within the district's boundaries, territory~~
837 ~~within another district's boundaries subject to the other~~
838 ~~district's approval, or territory not contained within any~~
839 ~~district's boundaries;~~

840 ~~(9) To take over, by purchase, lease, or otherwise, and to~~
841 ~~administer any soil conservation, erosion control, erosion-~~

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842 ~~prevention project, or any project for flood prevention or for~~
843 ~~the conservation, development and utilization of soil and water~~
844 ~~resources, and the disposal of water, located within the~~
845 ~~district's boundaries, territory within another district's~~
846 ~~boundaries subject to the other district's approval, or~~
847 ~~territory not contained within any district's boundaries,~~
848 ~~undertaken by the United States or any of its agencies, or by~~
849 ~~this state or any of its agencies; to manage as agent of the~~
850 ~~United States or any of its agencies, or of the state or any of~~
851 ~~its agencies, any soil-conservation, erosion-control, erosion-~~
852 ~~prevention, or any project for flood prevention or for the~~
853 ~~conservation, development, and utilization of soil and water~~
854 ~~resources, and the disposal of water within the district's~~
855 ~~boundaries, territory within another district's boundaries~~
856 ~~subject to the other district's approval, or territory not~~
857 ~~contained within any district's boundaries; to act as agent for~~
858 ~~the United States, or any of its agencies, or for the state or~~
859 ~~any of its agencies, in connection with the acquisition,~~
860 ~~construction, operation or administration of any soil-~~
861 ~~conservation, erosion-control, erosion-prevention, or any~~
862 ~~project for flood prevention or for the conservation,~~
863 ~~development and utilization of soil and water resources, and the~~
864 ~~disposal of water within the district's boundaries, territory~~
865 ~~within another district's boundaries subject to the other~~
866 ~~district's approval, or territory not contained within any~~
867 ~~district's boundaries; to accept donations, gifts, and~~
868 ~~contributions in money, services, materials, or otherwise, from~~
869 ~~the United States or any of its agencies, or from this state or~~
870 ~~any of its agencies, or from others, and to use or expend such~~

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871 ~~moneys, services, materials or other contributions in carrying~~
872 ~~on its operations;~~

873 (8)~~(10)~~ To sue and be sued in the name of the district; to
874 have a seal, which seal shall be judicially noticed; to have
875 perpetual succession unless terminated as provided in this
876 chapter; to make and execute contracts and other instruments
877 necessary or convenient to the exercise of its powers; and upon
878 a majority vote of the supervisors of the district, to borrow
879 money and to execute promissory notes and other evidences of
880 indebtedness in connection therewith, and to pledge, mortgage,
881 and assign the income of the district and its personal property
882 as security therefor, the notes and other evidences of
883 indebtedness to be general obligations only of the district and
884 in no event to constitute an indebtedness for which the faith
885 and credit of the state or any of its revenues are pledged; ~~to~~
886 ~~make, amend, and repeal rules and regulations not inconsistent~~
887 ~~with this chapter to carry into effect its purposes and powers.~~

888 (9) In coordination with the applicable counties, to use
889 the services of the county agricultural agents and the
890 facilities of their offices, if practicable and feasible. The
891 supervisors may employ additional permanent or temporary staff,
892 as needed, and determine their qualifications, duties, and
893 compensation. The supervisors may delegate to their chair, to
894 one or more supervisors, or to employees such powers and duties
895 as they may deem proper, consistent with this chapter. The
896 supervisors shall furnish to the department, upon request,
897 copies of rules, orders, contracts, forms, and other documents
898 they adopt or employ, and other information concerning their
899 activities which the department may require in the performance

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900 of its duties under this chapter.

901 (10) To adopt rules pursuant to chapter 120 to implement
 902 this chapter.

903 (11) To request that the Governor remove a supervisor for
 904 neglect of duty or malfeasance in office by adoption of a
 905 resolution at a public meeting. If the district believes there
 906 is a need for a review of the request, the district may request
 907 the council, by resolution, to review the request and recommend
 908 action to the Governor. ~~As a condition to the extending of any~~
 909 ~~benefits under this chapter to, or the performance of work upon,~~
 910 ~~any lands not owned or controlled by this state or any of its~~
 911 ~~agencies, the supervisors may require contributions in money,~~
 912 ~~services, materials, or otherwise to any operations conferring~~
 913 ~~such benefits, and may require landowners and occupiers to enter~~
 914 ~~into and perform such agreements or covenants as to the~~
 915 ~~permanent use of such lands as will tend to prevent or control~~
 916 ~~erosion and prevent floodwater and sediment damages thereon;~~

917 (12) ~~No~~ Provisions with respect to the acquisition,
 918 operation, or disposition of property by public bodies of this
 919 state do not apply ~~shall be applicable~~ to a district organized
 920 under this chapter hereunder unless the Legislature ~~shall~~
 921 specifically provides for their application so state. The
 922 property and property rights ~~of every kind and nature~~ acquired
 923 by a any district organized ~~under the provisions of~~ this chapter
 924 are ~~shall be~~ exempt from state, county, and other taxation.

925 Section 27. Section 582.29, Florida Statutes, is amended to
 926 read:

927 582.29 State agencies to cooperate.—Agencies of this state
 928 which ~~shall~~ have jurisdiction over, or are ~~be~~ charged with, the

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929 administration of any state-owned lands, and agencies of any
 930 county, ~~or other governmental subdivision of the state,~~ which
 931 ~~shall~~ have jurisdiction over, or are ~~be~~ charged with the
 932 administration of, any county-owned or other publicly owned
 933 lands, ~~lying within the boundaries of any district organized~~
 934 ~~under this chapter, the boundaries of another district subject~~
 935 ~~to that district's approval, or territory not contained within~~
 936 ~~the boundaries of any district organized under this chapter,~~
 937 shall cooperate to the fullest extent with the supervisors of
 938 such districts in the implementation ~~effectuation~~ of programs
 939 and operations undertaken by the supervisors under ~~the~~
 940 ~~provisions~~ of this chapter. The supervisors of such districts
 941 shall be given free access to enter and perform work upon such
 942 publicly owned lands. ~~The provisions of land use regulations~~
 943 ~~adopted shall be in all respects observed by the agencies~~
 944 ~~administering such publicly owned lands.~~

945 Section 28. Present subsections (4) and (5) of section
 946 595.402, Florida Statutes, are redesignated as subsections (5)
 947 and (6), respectively, and a new subsection (4) and subsections
 948 (7) and (8) are added to that section, to read:

949 595.402 Definitions.—As used in this chapter, the term:

950 (4) "School breakfast program" means a program authorized
 951 by s. 4 of the Child Nutrition Act of 1966 and administered by
 952 the department.

953 (7) "Summer nutrition program" means one or more of the
 954 programs authorized under 42 U.S.C. s. 1761.

955 (8) "Universal school breakfast program" means a program
 956 that makes breakfast available at no cost to all students
 957 regardless of their household income.

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958 Section 29. Section 595.404, Florida Statutes, is amended
959 to read:

960 595.404 School food and other nutrition programs ~~service~~
961 ~~program~~; powers and duties of the department.—The department has
962 the following powers and duties:

963 (1) To conduct, supervise, and administer the program that
964 will be carried out using federal or state funds, or funds from
965 any other source.

966 (2) To conduct, supervise, and administer a Farmers' Market
967 Nutrition Program to provide participants in the Special
968 Supplemental Nutrition Program for Women, Infants, and Children
969 (WIC) with locally grown fruits and vegetables. The program is
970 to be carried out using federal or state funds or funds from any
971 other source.

972 (3)~~(2)~~ To fully cooperate with the United States Government
973 and its agencies and instrumentalities so that the department
974 may receive the benefit of all federal financial allotments and
975 assistance possible to carry out the purposes of this chapter.

976 (4)~~(3)~~ To implement and adopt by rule, as required, federal
977 regulations ~~to maximize federal assistance for the program.~~

978 (5)~~(4)~~ To act as agent of, or contract with, the Federal
979 Government, another state agency, any county or municipal
980 government, or sponsor for the administration of the program,
981 including the distribution of funds provided by the Federal
982 Government to support the program.

983 (6)~~(5)~~ To provide ~~make a reasonable effort to ensure that~~
984 ~~any school designated as a "severe need school" receives the~~
985 highest rate of reimbursement to which it is entitled under 42
986 U.S.C. s. 1773 for each breakfast meal served.

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987 (7)~~(6)~~ To develop and propose legislation necessary to
988 implement the program, encourage the development of innovative
989 school food and nutrition services, and expand participation in
990 the program.

991 (8)~~(7)~~ To annually allocate among the sponsors, as
992 applicable, funds provided from the school breakfast supplement
993 in the General Appropriations Act based on each district's total
994 number of free and reduced-price breakfast meals served.

995 (9)~~(8)~~ To employ such persons as are necessary to perform
996 its duties under this chapter.

997 (10)~~(9)~~ To adopt rules covering the administration,
998 operation, and enforcement of the program, and the Farmers'
999 Market Nutrition Program, as well as to implement ~~the provisions~~
1000 ~~of~~ this chapter.

1001 (11)~~(10)~~ To adopt and implement an appeal process by rule,
1002 as required by federal regulations, for applicants and
1003 participants under the programs implemented under this chapter
1004 ~~program~~, notwithstanding ss. 120.569 and 120.57-120.595.

1005 (12)~~(11)~~ To assist, train, and review each sponsor in its
1006 implementation of the program.

1007 (13)~~(12)~~ To advance funds from the program's annual
1008 appropriation to a summer nutrition program sponsor ~~sponsors~~,
1009 when requested, in order to implement ~~the provisions of~~ this
1010 chapter and in accordance with federal regulations.

1011 (14) To collect data on food purchased through the programs
1012 defined in ss. 595.402(3) and 595.406 and to publish that data
1013 annually.

1014 (15) To enter into agreements with federal or state
1015 agencies to coordinate or cooperate in the implementation of

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1016 nutrition programs.

1017 Section 30. Section 595.405, Florida Statutes, is amended
1018 to read:

1019 595.405 School nutrition program requirements ~~for school~~
1020 ~~districts and sponsors.~~

1021 (1) Each ~~school~~ district school board shall consider the
1022 recommendations of the district school superintendent and adopt
1023 policies to provide for an appropriate food and nutrition
1024 service program for students consistent with federal law and
1025 department rules.

1026 (2) Each ~~school~~ district school board shall implement
1027 school breakfast programs that make breakfast meals available to
1028 all students in each elementary school that serves any
1029 combination of grades kindergarten through 5. ~~Universal school~~
1030 ~~breakfast programs shall be offered in schools in which 80~~
1031 ~~percent or more of the students are eligible for free or~~
1032 ~~reduced-price meals. Each school shall, to the maximum extent~~
1033 ~~practicable, make breakfast meals available to students at an~~
1034 ~~alternative site location, which may include, but need not be~~
1035 ~~limited to, alternative breakfast options as described in~~
1036 ~~publications of the Food and Nutrition Service of the United~~
1037 ~~States Department of Agriculture for the federal School~~
1038 ~~Breakfast Program.~~

1039 (3) Each ~~school~~ district school board must annually set
1040 prices for breakfast meals at rates that, combined with federal
1041 reimbursements and state allocations, are sufficient to defray
1042 costs of school breakfast programs without requiring allocations
1043 from the district's operating funds, except if the district
1044 school board approves lower rates.

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1045 ~~(4) Each school district is encouraged to provide~~
1046 ~~universal, free school breakfast meals to all students in each~~
1047 ~~elementary, middle, and high school. Each school district shall~~
1048 ~~approve or disapprove a policy, after receiving public testimony~~
1049 ~~concerning the proposed policy at two or more regular meetings,~~
1050 ~~which makes universal, free school breakfast meals available to~~
1051 ~~all students in each elementary, middle, and high school in~~
1052 ~~which 80 percent or more of the students are eligible for free~~
1053 ~~or reduced-price meals.~~

1054 (4)-(5) Each elementary, middle, and high school operating a
1055 breakfast program shall make a breakfast meal available if a
1056 student arrives at school on the school bus less than 15 minutes
1057 before the first bell rings and shall allow the student at least
1058 15 minutes to eat the breakfast.

1059 (5) Each district school board is encouraged to provide
1060 universal, free school breakfast meals to all students in each
1061 elementary, middle, and high school. A universal school
1062 breakfast program shall be implemented in each school in which
1063 80 percent or more of the students are eligible for free or
1064 reduced-price meals, unless the district school board, after
1065 considering public testimony at two or more regularly scheduled
1066 board meetings, decides to not implement such a program in such
1067 schools.

1068 (6) To increase school breakfast and universal school
1069 breakfast program participation, each school district must, to
1070 the maximum extent practicable, make breakfast meals available
1071 to students through alternative service models as described in
1072 publications of the Food and Nutrition Service of the United
1073 States Department of Agriculture for the federal School

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1074 Breakfast Program.

1075 (7)~~(6)~~ Each ~~school~~ district school board shall annually
1076 provide ~~to all students in each elementary, middle, and high~~
1077 ~~school~~ information prepared by the district's food service
1078 administration regarding available ~~its~~ school breakfast
1079 programs. The information shall be communicated through school
1080 announcements and ~~written~~ notices sent to all parents.

1081 (8)~~(7)~~ A ~~school~~ district school board may operate a
1082 breakfast program providing for food preparation at the school
1083 site or in central locations with distribution to designated
1084 satellite schools or any combination thereof.

1085 ~~(8) Each sponsor shall complete all corrective action plans~~
1086 ~~required by the department or a federal agency to be in~~
1087 ~~compliance with the program.~~

1088 Section 31. Section 595.406, Florida Statutes, is amended
1089 to read:

1090 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

1091 (1) In order to implement the Florida Farm to School ~~Fresh~~
1092 ~~Schools~~ Program, the department shall develop policies
1093 pertaining to school food services which encourage:

1094 (a) Sponsors to buy fresh and high-quality foods grown in
1095 this state when feasible.

1096 (b) Farmers in this state to sell their products to
1097 sponsors, school districts, and schools.

1098 (c) Sponsors to demonstrate a preference for competitively
1099 priced organic food products.

1100 (d) Sponsors to make reasonable efforts to select foods
1101 based on a preference for those that have maximum nutritional
1102 content.

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1103 (2) The department shall provide outreach, guidance, and
1104 training to sponsors, schools, school food service directors,
1105 parent and teacher organizations, and students about the benefit
1106 of fresh food products from farms in this state.

1107 (3) The department may recognize sponsors who purchase at
1108 least 10 percent of the food they serve from the Florida Farm to
1109 School Program.

1110 Section 32. Subsection (2) of section 595.407, Florida
1111 Statutes, is amended to read:

1112 595.407 Children's summer nutrition program.—

1113 (2) Each school district shall develop a plan to sponsor or
1114 operate a summer nutrition program to operate sites in the
1115 school district as follows:

1116 (a) Within 5 miles of at least one ~~elementary~~ school that
1117 serves any combination of grades kindergarten through 5 at which
1118 50 percent or more of the students are eligible for free or
1119 reduced-price school meals and for the duration of 35
1120 ~~consecutive~~ days between the end of the school year and the
1121 beginning of the next school year. School districts may exclude
1122 holidays and weekends.

1123 (b) Within 10 miles of each ~~elementary~~ school that serves
1124 any combination of grades kindergarten through 5 at which 50
1125 percent or more of the students are eligible for free or
1126 reduced-price school meals, except as operated pursuant to
1127 paragraph (a).

1128 Section 33. Section 595.408, Florida Statutes, is amended
1129 to read:

1130 595.408 Food Commodity ~~Commodity~~ distribution services; department
1131 responsibilities and functions.—

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1132 (1) (a) The department shall conduct, supervise, and
1133 administer all food ~~commodity~~ distribution services that will be
1134 carried on using federal or state funds, or funds from any other
1135 source, or food ~~commodities~~ received and distributed from the
1136 United States or any of its agencies.

1137 (b) The department shall determine the benefits each
1138 applicant or recipient of assistance is entitled to receive
1139 under this chapter, provided that each applicant or recipient is
1140 a resident of this state and a citizen of the United States or
1141 is an alien lawfully admitted for permanent residence or
1142 otherwise permanently residing in the United States under color
1143 of law.

1144 (2) The department shall cooperate fully with the United
1145 States Government and its agencies and instrumentalities so that
1146 the department may receive the benefit of all federal financial
1147 allotments and assistance possible to carry out the purposes of
1148 this chapter.

1149 (3) The department may:

1150 (a) Accept any duties with respect to food ~~commodity~~
1151 distribution services as are delegated to it by an agency of the
1152 Federal Government or any state, county, or municipal
1153 government.

1154 (b) Act as agent of, or contract with, the Federal
1155 Government, state government, or any county or municipal
1156 government in the administration of food ~~commodity~~ distribution
1157 services to secure the benefits of any public assistance that is
1158 available from the Federal Government or any of its agencies,
1159 and in the distribution of funds received from the Federal
1160 Government, state government, or any county or municipal

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1161 government for food ~~commodity~~ distribution services within the
1162 state.

1163 (c) Accept from any person or organization all offers of
1164 personal services, food ~~commodities~~, or other aid or assistance.

1165 (4) This chapter does not limit, abrogate, or abridge the
1166 powers and duties of any other state agency.

1167 Section 34. Section 595.501, Florida Statutes, is amended
1168 to read:

1169 595.501 Penalties.—

1170 (1) If a corrective action plan is issued by the department
1171 or a federal agency, each sponsor must complete the corrective
1172 action plan to be in compliance with the program.

1173 (2) Any person ~~or~~, sponsor, ~~or school district~~ that
1174 violates any provision of this chapter or any rule adopted
1175 thereunder or otherwise does not comply with the program is
1176 subject to a suspension or revocation of their agreement, loss
1177 of reimbursement, or a financial penalty in accordance with
1178 federal or state law or both. This section does not restrict the
1179 applicability of any other law.

1180 Section 35. Section 595.601, Florida Statutes, is amended
1181 to read:

1182 595.601 Food and Nutrition Services Trust Fund.—Chapter 99-
1183 37, Laws of Florida, recreated the Food and Nutrition Services
1184 Trust Fund to record revenue and disbursements of Federal Food
1185 and Nutrition funds received by the department as authorized in
1186 ss. 595.404 and 598.408 ~~s. 595.405~~.

1187 Section 36. Paragraphs (b) and (d) of subsection (1) and
1188 subsection (2) of section 604.21, Florida Statutes, are amended
1189 to read:

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1190 604.21 Complaint; investigation; hearing.-

1191 (1)

1192 (b) To be considered timely filed, a complaint together
1193 with any required affidavits ~~or notarizations~~ must be received
1194 by the department within 6 months after the date of sale by
1195 electronic transmission, facsimile, regular mail, certified
1196 mail, or private delivery service. If the complaint is sent by a
1197 service other than electronic mail or facsimile, the mailing
1198 shall be postmarked or dated on or before the 6-month deadline
1199 to be accepted as timely filed.

1200 (d) A person, partnership, corporation, or other business
1201 entity filing a complaint shall submit to the department a the
1202 ~~following documents: three completed complaint affidavit~~
1203 ~~affidavits~~ on a form provided by the department which bears with
1204 an original signature of an owner, partner, general partner, or
1205 corporate officer and an original notarization and which is
1206 accompanied by ~~on each affidavit. If the complaint is filed by~~
1207 ~~electronic transmission or facsimile, the original affidavits~~
1208 ~~and original notarizations shall be filed with the department~~
1209 ~~not later than the close of business of the tenth business day~~
1210 ~~following the electronic transmission or facsimile filing.~~
1211 ~~Attached to each complaint affidavit shall be~~ copies of all
1212 documents that ~~to~~ support the complaint. Supporting documents
1213 may include ~~be~~ copies of invoices, bills of lading, packing or
1214 shipping documents, demand letters, or any other documentation
1215 to support the claim. In cases in which ~~there are~~ multiple
1216 invoices are being claimed, a summary list of all claimed
1217 invoices must accompany the complaint.

1218 (2) Upon the filing of a such complaint under this

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1219 ~~subsection~~ in the manner herein provided, the department shall
1220 investigate the complaint and ~~matters complained of; whereupon,~~
1221 if it finds that, ~~in the opinion of the department,~~ the facts
1222 contained in the complaint warrant it ~~such action,~~ the
1223 ~~department~~ shall serve notice of the filing of complaint on ~~to~~
1224 the dealer against whom the complaint has been filed at the last
1225 address of record. Such notice shall be accompanied by a ~~true~~
1226 copy of the complaint. A copy of such notice and complaint shall
1227 also be served on any ~~to the~~ surety company, ~~if any,~~ that
1228 provided the bond for the dealer, and the ~~which~~ surety company
1229 shall become party to the action. Such notice of the complaint
1230 shall inform the dealer of a reasonable time within which to
1231 answer the complaint by advising the department in writing that
1232 the allegations in the complaint are admitted or denied or that
1233 the complaint has been satisfied. Such notice shall also inform
1234 the dealer and the surety company or financial institution of a
1235 right to request a hearing on the complaint, ~~if requested.~~

1236 Section 37. Section 604.33, Florida Statutes, is amended to
1237 read:

1238 604.33 Security requirements for grain dealers.—Each grain
1239 dealer doing business in the state shall maintain liquid
1240 security, in the form of grain on hand, cash, certificates of
1241 deposit, or other nonvolatile security that can be liquidated in
1242 10 days or less, or cash bonds, surety bonds, or letters of
1243 credit, that have been assigned to the department and that are
1244 conditioned to secure the faithful accounting for and payment to
1245 the producers for grain stored or purchased, in an amount equal
1246 to the value of grain which the grain dealer has received from
1247 grain producers for which the producers have not received

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1248 payment. The bonds must be executed by the applicant as
1249 principal and by a surety corporation authorized to transact
1250 business in the state. The certificates of deposit and letters
1251 of credit must be from a recognized financial institution doing
1252 business in the United States. ~~Each grain dealer shall report to~~
1253 ~~the department monthly, on or before a date established by rule~~
1254 ~~of the department, the value of grain she or he has received~~
1255 ~~from producers for which the producers have not received payment~~
1256 ~~and the types of transaction involved, showing the value of each~~
1257 ~~type of transaction. The report shall also include a statement~~
1258 ~~showing the type and amount of security maintained to cover the~~
1259 ~~grain dealer's liability to producers.~~ The department may ~~shall~~
1260 make at least one spot check annually of each grain dealer to
1261 determine compliance with the requirements of this section.

1262 Section 38. Section 582.03, Florida Statutes, is repealed.

1263 Section 39. Section 582.04, Florida Statutes, is repealed.

1264 Section 40. Section 582.05, Florida Statutes, is repealed.

1265 Section 41. Section 582.08, Florida Statutes, is repealed.

1266 Section 42. Section 582.09, Florida Statutes, is repealed.

1267 Section 43. Section 582.17, Florida Statutes, is repealed.

1268 Section 44. Section 582.21, Florida Statutes, is repealed.

1269 Section 45. Section 582.22, Florida Statutes, is repealed.

1270 Section 46. Section 582.23, Florida Statutes, is repealed.

1271 Section 47. Section 582.24, Florida Statutes, is repealed.

1272 Section 48. Section 582.25, Florida Statutes, is repealed.

1273 Section 49. Section 582.26, Florida Statutes, is repealed.

1274 Section 50. Section 582.331, Florida Statutes, is repealed.

1275 Section 51. Section 582.34, Florida Statutes, is repealed.

1276 Section 52. Section 582.35, Florida Statutes, is repealed.

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1277 Section 53. Section 582.36, Florida Statutes, is repealed.
1278 Section 54. Section 582.37, Florida Statutes, is repealed.
1279 Section 55. Section 582.38, Florida Statutes, is repealed.
1280 Section 56. Section 582.39, Florida Statutes, is repealed.
1281 Section 57. Section 582.40, Florida Statutes, is repealed.
1282 Section 58. Section 582.41, Florida Statutes, is repealed.
1283 Section 59. Section 582.42, Florida Statutes, is repealed.
1284 Section 60. Section 582.43, Florida Statutes, is repealed.
1285 Section 61. Section 582.44, Florida Statutes, is repealed.
1286 Section 62. Section 582.45, Florida Statutes, is repealed.
1287 Section 63. Section 582.46, Florida Statutes, is repealed.
1288 Section 64. Section 582.47, Florida Statutes, is repealed.
1289 Section 65. Section 582.48, Florida Statutes, is repealed.
1290 Section 66. Section 582.49, Florida Statutes, is repealed.
1291 Section 67. Section 589.26, Florida Statutes, is repealed.
1292 Section 68. Except as otherwise expressly provided in this
1293 act, this act shall take effect July 1, 2016.