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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 482.111, F.S.; revising
4 requirements for issuance of an original pest control
5 operator's certificate; amending s. 482.1562, F.S.;
6 revising the date by which an application for
7 recertification of a limited certification for urban
8 landscape commercial fertilizer application is
9 required; removing provisions imposing late renewal
10 charges; providing a grace period for such
11 recertification; amending s. 500.03, F.S.; revising
12 the definition of the term "food" and defining the
13 term "vehicle" for purposes of the Florida Food Safety
14 Act; amending s. 500.10, F.S.; providing that food
15 transported under specified conditions or containing
16 ingredients for which there is inadequate information
17 is deemed adulterated; providing conditions under
18 which a dietary supplement or its ingredients is
19 deemed adulterated; amending s. 500.11, F.S.;
20 providing that a food is deemed misbranded for
21 noncompliance with specified allergen information;
22 amending s. 570.07, F.S.; revising powers and duties
23 of the department to include sponsoring events;
24 authorizing the department to secure letters of
25 patent, copyrights, and trademarks on work products
26 and to engage in acts accordingly; amending s. 570.30,

27 F.S.; removing electronic data processing and
28 management information systems support for the
29 department as a power and duty of the Division of
30 Administration; amending s. 570.441, F.S.; authorizing
31 the use of funds in the Pest Control Trust Fund for
32 activities of the Division of Agricultural
33 Environmental Services; amending s. 570.53, F.S.;
34 revising duties of the Division of Marketing and
35 Development to remove enforcement of provisions
36 relating to dealers in agricultural products; amending
37 s. 570.544, F.S.; revising duties of the director of
38 the Division of Consumer Services to include
39 enforcement of provisions relating to dealers in
40 agricultural products and grain dealers; creating s.
41 570.68, F.S.; authorizing the Commissioner of
42 Agriculture to create an Office of Agriculture
43 Technology Services; providing duties of the office;
44 amending s. 570.681, F.S.; revising legislative
45 findings with regard to the Florida Agriculture Center
46 and Horse Park; amending s. 570.685, F.S.;
47 authorizing, rather than requiring, the department to
48 provide administrative and staff support services,
49 meeting space, and record storage for the Florida
50 Agriculture Center and Horse Park Authority; amending
51 s. 571.24, F.S.; providing legislative intent for the
52 Florida Agricultural Promotional Campaign to serve as

53 a marketing program for certain purposes; removing an
54 obsolete provision relating to the designation of a
55 Division of Marketing and Development employee as a
56 member of the Advertising Interagency Coordinating
57 Council; amending s. 571.27, F.S.; removing obsolete
58 provisions relating to the authority of the department
59 to adopt rules for entering into contracts with
60 advertising agencies for services which are directly
61 related to the Florida Agricultural Promotional
62 Campaign; amending s. 571.28, F.S.; revising
63 provisions specifying membership criteria of the
64 Florida Agricultural Promotional Campaign Advisory
65 Council; amending s. 576.041, F.S.; revising the
66 frequency of fertilizer sales reports and the payment
67 of related inspection fees; providing for such reports
68 and fees to be made through the department's website;
69 revising the time by which such reports must be made
70 and fees must be paid; creating s. 580.0365, F.S.;;
71 providing legislative intent with regard to regulation
72 of commercial feed and feedstuff; preempting
73 regulatory authority for commercial feed and feedstuff
74 to the department; amending s. 581.181, F.S.;;
75 providing applicability of provisions requiring
76 treatment or destruction of infested or infected
77 plants and plant products; amending s. 582.01, F.S.;;
78 revising definitions; amending s. 582.02, F.S.;

79 | revising legislative findings and intent with regard
80 | to the purpose of soil and water conservation
81 | districts; repealing s. 582.03, F.S., relating to the
82 | consequences of soil erosion; repealing s. 582.04,
83 | F.S., relating to appropriate corrective methods for
84 | conservation, development, and use of soil and water
85 | resources; repealing s. 582.05, F.S., relating to
86 | legislative policy for the conservation, development,
87 | and use of such resources; amending s. 582.055, F.S.;
88 | revising provisions relating to powers and duties of
89 | the department with regard to soil and water
90 | conservation districts; amending s. 582.06, F.S.;
91 | revising provisions relating to powers and duties of
92 | the Soil and Water Conservation Council; repealing s.
93 | 582.08, F.S., relating to additional powers of the
94 | department with regard to soil and water conservation
95 | districts; repealing s. 582.09, F.S., relating to the
96 | employment of an administrative officer of soil and
97 | water conservation; amending s. 582.16, F.S.; revising
98 | provisions for modifying soil and water conservation
99 | district boundaries; repealing s. 582.17, F.S.,
100 | relating to the presumption that districts are
101 | established in accordance with specified provisions;
102 | amending s. 582.20, F.S.; revising provisions relating
103 | to powers and duties of soil and water conservation
104 | districts and district supervisors; repealing s.

105 582.21, F.S., relating to the adoption of land use
106 regulations by soil and water conservation district
107 supervisors; repealing s. 582.22, F.S., relating to
108 the content of land use regulations adopted by soil
109 and water conservation district supervisors; repealing
110 s. 582.23, F.S., relating to the performance of work
111 under land use regulations adopted by soil and water
112 conservation district supervisors; repealing s.
113 582.24, F.S., relating to the board of adjustment;
114 repealing s. 582.25, F.S., relating to rules of
115 procedure of the board of adjustment; repealing s.
116 582.26, F.S., relating to petitions to the board of
117 adjustment for land use variances; amending s. 582.29,
118 F.S.; revising provisions directing state agencies and
119 other governmental subdivisions of the state that
120 manage publicly owned lands to cooperate with soil and
121 water conservation district supervisors in
122 implementing district programs and operations;
123 repealing s. 582.331, F.S., relating to the
124 establishment of a watershed improvement district
125 within a soil and water conservation district;
126 repealing s. 582.34, F.S., relating to the petition
127 for establishment of a watershed improvement district
128 within a soil and water conservation district;
129 repealing s. 582.35, F.S., relating to notice and
130 hearing on petition for establishment of a watershed

131 improvement district within a soil and water
132 conservation district and determination of need for
133 such district; repealing s. 582.36, F.S., relating to
134 determination of feasibility and referendum for a
135 watershed improvement district within a soil and water
136 conservation district; repealing s. 582.37, F.S.,
137 relating to consideration of referendum results for
138 determination of feasibility and declaration of
139 organization of a watershed improvement district
140 within a soil and water conservation district;
141 repealing s. 582.38, F.S., relating to organization of
142 a watershed improvement district within a soil and
143 water conservation district; repealing s. 582.39,
144 F.S., relating to establishment of a watershed
145 improvement district situated in more than one soil
146 and water conservation district; repealing s. 582.40,
147 F.S., relating to change of district boundaries
148 including additions, detachments, transfers of land
149 from one district to another, and change of district
150 name; repealing s. 582.41, F.S., relating to the board
151 of directors of a soil and water conservation
152 district; repealing s. 582.42, F.S., relating to
153 officers, agents, and employees of a watershed
154 improvement district within a soil and water
155 conservation district and issuance of surety bonds by,
156 and annual audits of, such district; repealing s.

157 582.43, F.S., relating to the power of a watershed
158 improvement district within a soil and water
159 conservation district to levy taxes and to construct,
160 operate, improve, and maintain works of improvement in
161 such district and to obtain necessary lands or
162 interests therein; repealing s. 582.44, F.S., relating
163 to procedures for a watershed improvement district
164 within a soil and water conservation district to levy
165 taxes; repealing s. 582.45, F.S., relating to the
166 fiscal power of the board of directors of a watershed
167 improvement district within a soil and water
168 conservation district to issue bonds; repealing s.
169 582.46, F.S., relating to additional powers of the
170 board of directors of a watershed improvement district
171 within a soil and water conservation district;
172 repealing s. 582.47, F.S., relating to the authority
173 of a watershed improvement district within a soil and
174 water conservation district to coordinate work with
175 flood control districts; repealing s. 582.48, F.S.,
176 relating to discontinuance of a watershed improvement
177 district within a soil and water conservation
178 district; repealing s. 582.49, F.S., relating to
179 discontinuance of a soil and water conservation
180 district; repealing s. 589.26, F.S., relating to the
181 authority of the Florida Forest Service to dedicate
182 and reserve state park lands for public use; amending

183 s. 595.402, F.S.; defining terms relating to school
184 food and nutrition service programs; conforming a
185 reference to changes made by the act; amending s.
186 595.404, F.S.; revising powers and duties of the
187 department with regard to school food and nutrition
188 programs; authorizing the department to conduct,
189 supervise, and administer a farmers' market nutrition
190 program for certain purposes; directing the department
191 to collect and publish data on food purchased through
192 specified programs; authorizing the department to
193 enter into agreements with federal and state agencies
194 to implement nutrition programs; amending s. 595.405,
195 F.S.; revising requirements for school nutrition
196 programs; providing for breakfast meals to be
197 available to all students in schools that serve
198 specified grade levels; conforming a reference to
199 changes made by the act; amending s. 595.406, F.S.;
200 renaming the "Florida Farm Fresh Schools Program" as
201 the "Florida Farm to School Program"; authorizing the
202 department to establish by rule a recognition program
203 for certain sponsors; amending s. 595.407, F.S.;
204 revising provisions of the children's summer nutrition
205 program to include certain schools that serve
206 specified grade levels; revising provisions relating
207 to the duration of the program; authorizing school
208 districts to exclude holidays and weekends; amending

209 s. 595.408, F.S.; conforming references to changes
 210 made by the act; amending s. 595.501, F.S.; requiring
 211 entities to complete corrective action plans required
 212 by the department or a federal agency to be in
 213 compliance with school food and nutrition service
 214 programs; amending s. 595.601, F.S.; correcting a
 215 cross-reference; amending s. 604.21, F.S.; revising
 216 affidavit requirements for an agricultural products
 217 dealer who files a complaint against another such
 218 dealer; amending s. 604.33, F.S.; removing provisions
 219 requiring grain dealers to submit monthly reports;
 220 authorizing, rather than requiring, the department to
 221 make at least one spot check annually of each grain
 222 dealer; providing an effective date.

223

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

225

226 Section 1. Subsections (1) and (7) of section 482.111,
 227 Florida Statutes, are amended to read:

228 482.111 Pest control operator's certificate.—

229 (1) The department shall issue a pest control operator's
 230 certificate to each individual who qualifies under this chapter.
 231 Before issuance of an original certificate, an individual must
 232 complete an application for examination, pay the examination fee
 233 required under s. 482.141, and pass the examination. Before
 234 engaging in pest control work, each certified operator must be

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235 certified as provided in this section. ~~Application must be made~~
236 ~~and the issuance fee must be paid to the department for the~~
237 ~~original certificate within 60 days after the postmark date of~~
238 ~~written notification of passing the examination. During a period~~
239 ~~of 30 calendar days following expiration of the 60-day period,~~
240 ~~an original certificate may be issued; however, a late issuance~~
241 ~~charge of \$50 shall be assessed and must be paid in addition to~~
242 ~~the issuance fee. An original certificate may not be issued~~
243 ~~after expiration of the 30-day period, without reexamination.~~

244 (7) The fee for ~~issuance of an original certificate or the~~
245 ~~renewal of a certificate thereof~~ shall be set by the department
246 but may not be more than \$150 or less than \$75; however, until
247 rules setting these fees are adopted by the department, the
248 issuance fee and the renewal fee shall each be \$75.

249 Section 2. Subsections (5) and (6) of section 482.1562,
250 Florida Statutes, are amended to read:

251 482.1562 Limited certification for urban landscape
252 commercial fertilizer application.—

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

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

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

261 (6) ~~A late renewal charge of \$50 per month shall be~~
 262 ~~assessed 30 days after the date the application for~~
 263 ~~recertification is due and must be paid in addition to the~~
 264 ~~renewal fee. Unless timely recertified, a certificate~~
 265 ~~automatically expires 90 days after the recertification date.~~
 266 Upon expiration, or after a grace period that does not exceed 30
 267 days after expiration, a certificate may be issued only upon
 268 reapplying in accordance with subsection (3).

269 Section 3. Paragraph (n) of subsection (1) of section
 270 500.03, Florida Statutes, is amended, and paragraph (cc) is
 271 added to that subsection, to read:

272 500.03 Definitions; construction; applicability.—

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

274 (n) "Food" includes:

- 275 1. Articles used for food or drink for human consumption;
- 276 2. Chewing gum;
- 277 3. Articles used for components of any such article; ~~and~~
- 278 4. Articles for which health claims are made, which claims
 279 are approved by the Secretary of the United States Department of
 280 Health and Human Services and which claims are made in
 281 accordance with s. 343(r) of the federal act, and which are not
 282 considered drugs solely because their labels or labeling contain
 283 health claims; and

284 5. Dietary supplements as defined in 21 U.S.C. s.
 285 321(ff)(1) and (2).
 286

287 The term includes any raw, cooked, or processed edible
 288 substance; ice; any beverage; or any ingredient used, intended
 289 for use, or sold for human consumption.

290 (cc) "Vehicle" means a mode of transportation or mobile
 291 carrier used to transport food from one location to another,
 292 including, but not limited to, carts, cycles, vans, trucks,
 293 cars, trains and railway transport, and aircraft and watercraft
 294 transport.

295 Section 4. Paragraph (f) of subsection (1) of section
 296 500.10, Florida Statutes, is amended, and subsections (5) and
 297 (6) are added to that section, to read:

298 500.10 Food deemed adulterated.—A food is deemed to be
 299 adulterated:

300 (1)

301 (f) If it has been produced, prepared, packed,
 302 transported, or held under insanitary conditions whereby it may
 303 become contaminated with filth, or whereby it may have been
 304 rendered diseased, unwholesome, or injurious to health;

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

307 (a) The recommended or suggested conditions of use on the
 308 product labeling; or

309 (b) The failure to provide conditions of use on the
 310 product labeling.

311 (6) If it contains an ingredient for which there is
 312 inadequate information to provide reasonable assurance that such

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313 ingredient does not present a significant risk of illness or
314 injury.

315 Section 5. Paragraph (m) of subsection (1) of section
316 500.11, Florida Statutes, is amended to read:

317 500.11 Food deemed misbranded.—

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

319 (m) If it is offered for sale and its label or labeling
320 does not comply with the requirements of 21 U.S.C. s. 343(q) or
321 21 U.S.C. s. 343(w) pertaining to nutrition or allergen
322 information.

323 Section 6. Paragraph (c) of subsection (20) of section
324 570.07, Florida Statutes, is amended, and subsection (44) is
325 added to that section, to read:

326 570.07 Department of Agriculture and Consumer Services;
327 functions, powers, and duties.—The department shall have and
328 exercise the following functions, powers, and duties:

329 (20)

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

337

338 The department is authorized to receive and expend donations

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339 contributed by private persons for the purpose of covering costs
340 associated with the above described activities.

341 (44) The department may, in its own name:

342 (a) Perform all things necessary to secure letters of
343 patent, copyrights, and trademarks on any work products of the
344 department and enforce its rights therein.

345 (b) License, lease, assign, or otherwise give written
346 consent to any person, firm, or corporation for the manufacture
347 or use of such department work products on a royalty basis or
348 for such other consideration as the department deems proper.

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

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

355 (e) Sell any of such department work products and execute
356 all instruments necessary to consummate any such sale.

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

361 Section 7. Subsection (5) of section 570.30, Florida
362 Statutes, is amended to read:

363 570.30 Division of Administration; powers and duties.—The
364 Division of Administration shall render services required by the

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

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

373 Section 8. Subsection (4) is added to section 570.441,
 374 Florida Statutes, to read:

375 570.441 Pest Control Trust Fund.—

376 (4) In addition to the uses authorized under subsection
 377 (2), moneys collected or received by the department under
 378 chapter 482 may be used to carry out the provisions of s.
 379 570.44. This subsection expires June 30, 2019.

380 Section 9. Subsection (2) of section 570.53, Florida
 381 Statutes, is amended to read:

382 570.53 Division of Marketing and Development; powers and
 383 duties.—The powers and duties of the Division of Marketing and
 384 Development include, but are not limited to:

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

387 Section 10. Subsection (2) of section 570.544, Florida
 388 Statutes, is amended to read:

389 570.544 Division of Consumer Services; director; powers;
 390 processing of complaints; records.—

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

396 Section 11. Section 570.68, Florida Statutes, is created
 397 to read:

398 570.68 Office of Agriculture Technology Services.—The
 399 commissioner may create an Office of Agriculture Technology
 400 Services under the supervision of a senior manager exempt under
 401 s. 110.205 in the Senior Management Service. The office shall
 402 provide electronic data processing and agency information
 403 technology services to support and facilitate the functions,
 404 powers, and duties of the department.

405 Section 12. Section 570.681, Florida Statutes, is amended
 406 to read:

407 570.681 Florida Agriculture Center and Horse Park;
 408 legislative findings.—It is the finding of the Legislature that:

409 ~~(1) Agriculture is an important industry to the State of~~
 410 ~~Florida, producing over \$6 billion per year while supporting~~
 411 ~~over 230,000 jobs.~~

412 (1)(2) Equine and other agriculture-related industries
 413 ~~will~~ strengthen and benefit each other with the establishment of
 414 a statewide agriculture and horse facility.

415 (2)(3) The A Florida Agriculture Center and Horse Park
 416 provides ~~will provide~~ Florida with a unique tourist experience

417 for visitors and residents, thus generating taxes and additional
418 dollars for the state.

419 ~~(3)-(4)~~ Promoting the Florida Agriculture Center and Horse
420 Park as a joint effort between the state and the private sector
421 allows ~~will allow~~ this facility to use ~~utilize~~ experts and
422 generate revenue from many areas to ensure the success of this
423 facility.

424 Section 13. Paragraphs (b) and (c) of subsection (4) of
425 section 570.685, Florida Statutes, are amended to read:

426 570.685 Florida Agriculture Center and Horse Park
427 Authority.—

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

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

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

443 Section 14. Section 571.24, Florida Statutes, is amended
 444 to read:

445 571.24 Purpose; duties of the department.—The purpose of
 446 this part is to authorize the department to establish and
 447 coordinate the Florida Agricultural Promotional Campaign. The
 448 Legislature intends for the Florida Agricultural Promotional
 449 Campaign to serve as a marketing program to promote Florida
 450 agricultural commodities, value-added products, and
 451 agricultural-related businesses and not a food safety or
 452 traceability program. The duties of the department shall
 453 include, but are not limited to:

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

456 (2) Registering participants.

457 (3) Assessing and collecting fees.

458 (4) Collecting rental receipts for industry promotions.

459 (5) Developing in-kind advertising programs.

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

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

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

467 (8) ~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and
 468 120.54 to implement the provisions of this part.

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469 (9)~~(10)~~ Enforcing and administering the provisions of this
470 part, including measures ensuring that only Florida agricultural
471 or agricultural based products are marketed under the "Fresh
472 From Florida" or "From Florida" logos or other logos of the
473 Florida Agricultural Promotional Campaign.

474 Section 15. Section 571.27, Florida Statutes, is amended
475 to read:

476 571.27 Rules.—The department is authorized to adopt rules
477 that implement, make specific, and interpret the provisions of
478 this part,~~including rules for entering into contracts with~~
479 ~~advertising agencies for services which are directly related to~~
480 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
481 ~~establish the procedures for negotiating costs with the offerors~~
482 ~~of such advertising services who have been determined by the~~
483 ~~department to be qualified on the basis of technical merit,~~
484 ~~creative ability, and professional competency. Such~~
485 ~~determination of qualifications shall also include consideration~~
486 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
487 is further authorized to determine, by rule, the logos or
488 product identifiers to be depicted for use in advertising,
489 publicizing, and promoting the sale of Florida agricultural
490 products or agricultural-based products in the Florida
491 Agricultural Promotional Campaign. The department may also adopt
492 rules consistent ~~not inconsistent~~ with the provisions of this
493 part as in its judgment may be necessary for participant
494 registration, renewal of registration, classes of membership,

495 application forms, and ~~as well as~~ other forms and enforcement
 496 measures ensuring compliance with this part.

497 Section 16. Subsection (1) of section 571.28, Florida
 498 Statutes, is amended to read:

499 571.28 Florida Agricultural Promotional Campaign Advisory
 500 Council.—

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

515 Section 17. Subsection (2) of section 576.041, Florida
 516 Statutes, is amended to read:

517 576.041 Inspection fees; records.—

518 (2) ~~Before the distribution of a fertilizer,~~ Each licensee
 519 shall ~~make application upon a form provided by the department to~~
 520 report to the department quarterly ~~monthly~~ the tonnage of

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521 fertilizer sold in the state and pay ~~make payment of~~ the
522 inspection fee. The continuance of a license is conditioned upon
523 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 to verify ~~for a verification of~~ the
529 correctness of tonnage reports and the payment of inspection
530 fees. Tonnage reports ~~of sales~~ and payment of inspection fees
531 ~~fee~~ shall be made quarterly through the department's website or
532 ~~monthly~~ on forms provided ~~furnished~~ by the department and
533 submitted within 30 days after the close of the reporting period
534 ~~on or before the fifteenth day of the month succeeding the month~~
535 ~~covered by the reports.~~

536 Section 18. Section 580.0365, Florida Statutes, is created
537 to read:

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

547 department.

548 Section 19. Subsection (3) is added to section 581.181,
549 Florida Statutes, to read:

550 581.181 Notice of infection of plants; destruction.—

551 (3) This section does not apply to plants or plant
552 products infested with pests or noxious weeds that are
553 determined to be widely established within the state and are not
554 specifically regulated under rules adopted by the department or
555 under any other provision of law.

556 Section 20. Section 582.01, Florida Statutes, is amended
557 to read:

558 582.01 Definitions.—~~As~~ ~~wherever~~ ~~used~~ ~~or~~ ~~referred~~ ~~to~~ in
559 this chapter, the term unless a different meaning clearly
560 appears from the context:

561 ~~(3) (a) "Department" means the Department of Agriculture~~
562 ~~and Consumer Services.~~

563 (1) (c) "Commissioner" means the Commissioner of
564 Agriculture.

565 (2) (b) "Council" means the Soil and Water Conservation
566 Council.

567 (3) "Department" means the Department of Agriculture and
568 Consumer Services.

569 (4) (1) "District" or "soil conservation district" or "soil
570 and water conservation district" means a governmental
571 subdivision of this state, and a body corporate and politic,
572 organized in accordance with the provisions of this chapter, for

573 the purpose, with the powers, and subject to the provisions set
574 forth in this chapter. The term "district" ~~or "soil conservation~~
575 ~~district,"~~ when used in this chapter, means and includes a "soil
576 and water conservation district." All districts ~~heretofore or~~
577 ~~hereafter~~ organized under this chapter shall be known as soil
578 and water conservation districts and shall have all the powers
579 set out herein.

580 (5) ~~(7)~~ "Due notice," in addition to notice required
581 pursuant to the provisions of chapter 120, means notice
582 ~~published at least twice, with an interval of~~ at least 7 days
583 before the event ~~between the two publication dates,~~ in a
584 newspaper or other publication of general circulation within the
585 appropriate area ~~or, if no such publication of general~~
586 ~~circulation be available, by posting at a reasonable number of~~
587 ~~conspicuous places within the appropriate area, such posting to~~
588 ~~include, where possible, posting at public places where it may~~
589 ~~be customary to post notices concerning county or municipal~~
590 ~~affairs generally. At any hearing held pursuant to such notice,~~
591 ~~at the time and place designated in such notice, adjournment may~~
592 ~~be made from time to time without the necessity of renewing such~~
593 ~~notice for such adjourned dates.~~

594 (6) ~~(5)~~ "Land occupier" or "occupier of land" means a
595 ~~includes any~~ person, other than the owner, who possesses ~~shall~~
596 ~~be in possession of~~ any lands lying within a district organized
597 under the provisions of this chapter, whether as lessee, renter,
598 tenant, or otherwise.

599 ~~(7)(4)~~ "Landowner" or "owner of land" means a ~~includes any~~
 600 person who holds ~~shall hold~~ legal or equitable title to any
 601 lands lying within a district organized under the provisions of
 602 this chapter.

603 ~~(8)(6)~~ "Qualified elector" means a ~~includes any~~ person
 604 qualified to vote in general elections under the constitution
 605 and laws ~~statutes~~ of this state.

606 ~~(9)(2)~~ "Supervisor" means a member ~~one of the members~~ of
 607 the governing body of a district who is, elected in accordance
 608 with the provisions of this chapter.

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

611 Section 21. Section 582.02, Florida Statutes, is amended
 612 to read:

613 582.02 Legislative policy and findings; purpose of
 614 districts ~~Lands a basic asset of state.-~~

615 (1) It is the policy of the Legislature to promote the
 616 appropriate and efficient use of soil and water resources,
 617 protect water quality, prevent floodwater and sediment damage,
 618 preserve wildlife, protect public lands, and protect and promote
 619 the health, safety, and general welfare of the people of this
 620 state.

621 (2) The Legislature finds that the farm, forest, and
 622 grazing lands; green spaces; recreational areas; and natural
 623 areas of the state are among the basic assets of the state and
 624 the conservation ~~preservation~~ of these lands is necessary to

625 protect and promote the health, safety, and general welfare of
626 its people and is in the public interest; ~~improper land use~~
627 ~~practices have caused and have contributed to, and are now~~
628 ~~causing and contributing to a progressively more serious erosion~~
629 ~~of the farm and grazing lands of this state by fire, wind and~~
630 ~~water; the breaking of natural grass, plant, and forest cover~~
631 ~~has interfered with the natural factors of soil stabilization,~~
632 ~~causing loosening of soil and exhaustion of humus, and~~
633 ~~developing a soil condition that favors erosion; the top soil is~~
634 ~~being burned, washed and blown out of fields and pastures; there~~
635 ~~has been an accelerated washing of sloping fields; these~~
636 ~~processes of erosion by fire, wind and water speed up with~~
637 ~~removal of absorptive topsoil, causing exposure of less~~
638 ~~absorptive and less protective but more erosive subsoil; failure~~
639 ~~by any landowner or occupier to conserve the soil and control~~
640 ~~erosion upon her or his lands causes destruction by burning,~~
641 ~~washing and blowing of soil and water from her or his lands onto~~
642 ~~other lands and makes the conservation of soil and control~~
643 ~~erosion of such other lands difficult or impossible.~~

644 (3) The Legislature further finds that to ensure the
645 preservation of the state's farm, forest, and grazing lands;
646 green spaces; recreational areas; and natural areas, and to
647 conserve, protect, and use soil and water resources, it is
648 necessary that appropriate land and water resources protection
649 practices be implemented.

650 (4) The purpose of the soil and water conservation

651 districts is to provide assistance, guidance, and education to
652 landowners, land occupiers, the agricultural industry, and the
653 general public in implementing land and water resource
654 protection practices. The Legislature intends for soil and water
655 conservation districts to work in conjunction with federal,
656 state, and local agencies in all matters that implement the
657 provisions of this chapter.

658 Section 22. Sections 582.03, 582.04, and 582.05, Florida
659 Statutes, are repealed.

660 Section 23. Subsections (5) through (9) are added to
661 section 582.055, Florida Statutes, to read:

662 582.055 Powers and duties of the Department of Agriculture
663 and Consumer Services; rules.—

664 (5) The department may offer such assistance as may be
665 appropriate to the supervisors of soil and water conservation
666 districts and facilitate communication and cooperation between
667 districts.

668 (6) The department may seek the cooperation and assistance
669 of any federal, state, or county agencies in the work of such
670 districts, including the receipt and expenditure of state,
671 federal, and other funds or contributions.

672 (7) The department may disseminate information throughout
673 the state concerning the activities, research, and programs of
674 the soil and water conservation districts and encourage the
675 formation of such districts in areas where their organization is
676 desirable.

677 (8) The department may create or dissolve a soil and water
 678 conservation district pursuant to the provisions of this
 679 chapter.

680 (9) The department may adopt rules, as necessary, to
 681 implement the provisions of this chapter.

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

684 582.06 Soil and Water Conservation Council; powers and
 685 duties.—

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

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

690 (b) The council shall accept and review requests for
 691 creating or dissolving soil and water conservation districts and
 692 shall, by a majority vote, recommend, by resolution, to the
 693 commissioner that a district be created or dissolved pursuant to
 694 the request, or that the request be denied.

695 (c) When requested by the Governor or a district, the
 696 council shall provide a recommendation to the Governor whether
 697 to remove a supervisor for neglect of duty or malfeasance in
 698 office only after notice, hearing, and thorough review.

699 Section 25. Sections 582.08 and 582.09, Florida Statutes,
 700 are repealed.

701 Section 26. Section 582.16, Florida Statutes, is amended
 702 to read:

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703 582.16 Change of district boundaries ~~Addition of territory~~
704 ~~to district or removal of territory therefrom.~~ Requests for
705 increasing or reducing the boundaries of ~~Petitions for including~~
706 ~~additional territory or removing territory within~~ an existing
707 district may be filed with the department ~~Department of~~
708 ~~Agriculture and Consumer Services,~~ and the department shall
709 follow the proceedings provided for in this chapter to create a
710 district ~~in the case of petitions to organize a district shall~~
711 ~~be observed in the case of petitions for such inclusion or~~
712 ~~removal. The department shall prescribe the form for such~~
713 ~~petition, which shall be as nearly as may be in the form~~
714 ~~prescribed in this chapter for petitions to organize a district.~~
715 ~~If the petition is signed by a majority of the landowners of~~
716 ~~such area, no referendum need be held. In referenda upon~~
717 ~~petitions for such inclusions or removals, all owners of land~~
718 ~~lying within the proposed area to be added or removed shall be~~
719 ~~eligible to vote.~~

720 Section 27. Section 582.17, Florida Statutes, is repealed.

721 Section 28. Section 582.20, Florida Statutes, is amended
722 to read:

723 582.20 Powers of districts and supervisors.—A soil and
724 water conservation district organized under the provisions of
725 this chapter shall constitute a governmental subdivision of this
726 state, and a public body corporate and politic, exercising
727 public powers, and such district and the supervisors thereof,
728 shall have the following powers, in addition to others granted

729 in other sections of this chapter:

730 (1) To conduct surveys, studies investigations, and
731 research relating to the character of soil and water resources
732 and erosion and floodwater and sediment damages, to the
733 conservation, development and utilization of soil and water
734 resources and the disposal of water, and to the preventive and
735 control measures and works of improvement needed; to publish and
736 disseminate the results of such surveys, studies investigations,
737 ~~or research~~, and related information; and to disseminate
738 ~~information concerning such preventive and control measures and~~
739 ~~works of improvement; provided, however, that in order to avoid~~
740 ~~duplication of research activities, no district shall initiate~~
741 ~~any research program except in cooperation with the government~~
742 ~~of this state or any of its agencies, or with the United States~~
743 ~~or any of its agencies;~~

744 (2) To conduct agricultural best management practices
745 demonstration demonstrational projects and projects for the
746 conservation, protection, and restoration of soil and water
747 resources:

748 (a) Within the district's boundaries;

749 (b) Within another district's boundaries, subject to the
750 other district's approval;

751 (c) In areas ~~within the district's boundaries, territory~~
752 ~~within another district's boundaries subject to the other~~
753 ~~district's approval, or territory not contained within any~~
754 ~~district's boundaries on lands owned or controlled by this state~~

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755 or any of its agencies, with the cooperation of the agency
756 administering and having jurisdiction thereof; or

757 (d) On, ~~and on~~ any other lands within the district's
758 boundaries, ~~territory~~ within another district's boundaries
759 subject to the other district's approval, or ~~territory~~ not
760 contained within any district's boundaries upon obtaining the
761 consent of the owner or occupier ~~and occupiers~~ of the ~~such~~ lands
762 or the necessary rights or interests in such lands, ~~in order to~~
763 ~~demonstrate by example the means, methods, and measures by which~~
764 ~~soil and soil resources may be conserved, and soil erosion in~~
765 ~~the form of soil blowing and soil washing may be prevented and~~
766 ~~controlled, and works of improvement for flood prevention or the~~
767 ~~conservation, development and utilization of soil and water~~
768 ~~resources, and the disposal of water may be carried out;~~

769 ~~(3) To carry out preventive and control measures and works~~
770 ~~of improvement for flood prevention or the conservation,~~
771 ~~development and utilization of soil and water resources, and the~~
772 ~~disposal of water within the district's boundaries, territory~~
773 ~~within another district's boundaries subject to the other~~
774 ~~district's approval, or territory not contained within any~~
775 ~~district's boundaries, including, but not limited to,~~
776 ~~engineering operations, methods of cultivation, the growing of~~
777 ~~vegetation, changes in use of land, and the measures listed in~~
778 ~~s. 582.04 on lands owned or controlled by this state or any of~~
779 ~~its agencies, with the cooperation of the agency administering~~
780 ~~and having jurisdiction thereof, and on any other lands within~~

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781 ~~the district's boundaries, territory within another district's~~
782 ~~boundaries subject to the other district's approval, or~~
783 ~~territory not contained within any district's boundaries upon~~
784 ~~obtaining the consent of the owner and the occupiers of such~~
785 ~~lands or the necessary rights or interests in such lands;~~

786 (3)~~(4)~~ To cooperate, or enter into agreements with, and
787 ~~within the limits of appropriations duly made available to it by~~
788 ~~law, to furnish financial or other aid to,~~ any special district,
789 municipality, county, water management district, state or
790 federal agency, governmental or otherwise, or any owner or
791 occupier of lands within the district's boundaries, ~~territory~~
792 within another district's boundaries subject to the other
793 district's approval, or ~~territory~~ not contained within any
794 district's boundaries in furtherance of the purposes and
795 provisions of this chapter ~~, in the carrying on of erosion~~
796 ~~control or prevention operations and works of improvement for~~
797 ~~flood prevention or the conservation, development and~~
798 ~~utilization, of soil and water resources and the disposal of~~
799 ~~water within the district's boundaries, territory within another~~
800 ~~district's boundaries subject to the other district's approval,~~
801 ~~or territory not contained within any district's boundaries,~~
802 ~~subject to such conditions as the supervisors may deem necessary~~
803 ~~to advance the purposes of this chapter;~~

804 (4)~~(5)~~ To obtain options upon and to acquire, by purchase,
805 exchange, lease, gift, grant, bequest, devise or otherwise, any
806 property, real or personal, or rights or interests therein; to

807 maintain, administer, and improve any properties acquired, to
 808 receive income from such properties and to expend such income in
 809 carrying out the purposes and provisions of this chapter; and to
 810 sell, lease, or otherwise dispose of any of its property or
 811 interests therein in furtherance of the purposes and ~~the~~
 812 provisions of this chapter;

813 (5)-(6) To make available, on such terms as it shall
 814 prescribe, to any owner or occupier of lands ~~landowners and~~
 815 ~~occupiers~~ within the district's boundaries, ~~territory~~ within
 816 another district's boundaries subject to the other district's
 817 approval, or ~~territory~~ not contained within any district's
 818 boundaries, ~~agricultural and engineering machinery and~~
 819 ~~equipment, fertilizer, seeds and seedlings,~~ and such other
 820 material or equipment, that ~~as~~ will assist such landowners and
 821 occupiers to carry on operations upon their lands for the
 822 conservation and protection of soil and water resources ~~and for~~
 823 ~~the prevention or control of soil erosion and for flood~~
 824 ~~prevention or the conservation, development and utilization, of~~
 825 ~~soil and water resources and the disposal of water;~~

826 (6)-(7) To construct, improve, operate and maintain such
 827 structures as may be necessary or convenient for the performance
 828 of any of the operations authorized in this chapter;

829 (7)-(8) To provide, or assist in providing, training and
 830 education programs that further the purposes and provisions of
 831 this chapter ~~develop comprehensive plans for the conservation of~~
 832 ~~soil and water resources and for the control and prevention of~~

833 ~~soil erosion and for flood prevention or the conservation,~~
834 ~~development and utilization of soil and water resources, and the~~
835 ~~disposal of water within the district's boundaries, territory~~
836 ~~within another district's boundaries subject to the other~~
837 ~~district's approval, or territory not contained within any~~
838 ~~district's boundaries, which plans shall specify in such detail~~
839 ~~as may be possible the acts, procedures, performances, and~~
840 ~~avoidances which are necessary or desirable for the effectuation~~
841 ~~of such plans, including the specification of engineering~~
842 ~~operations, methods of cultivation, the growing of vegetation,~~
843 ~~cropping programs, tillage practices, and changes in use of~~
844 ~~land; control of artesian wells; and to publish such plans and~~
845 ~~information and bring them to the attention of owners and~~
846 ~~occupiers of lands within the district's boundaries, territory~~
847 ~~within another district's boundaries subject to the other~~
848 ~~district's approval, or territory not contained within any~~
849 ~~district's boundaries;~~

850 ~~(9) To take over, by purchase, lease, or otherwise, and to~~
851 ~~administer any soil conservation, erosion control, erosion-~~
852 ~~prevention project, or any project for flood prevention or for~~
853 ~~the conservation, development and utilization of soil and water~~
854 ~~resources, and the disposal of water, located within the~~
855 ~~district's boundaries, territory within another district's~~
856 ~~boundaries subject to the other district's approval, or~~
857 ~~territory not contained within any district's boundaries,~~
858 ~~undertaken by the United States or any of its agencies, or by~~

859 ~~this state or any of its agencies; to manage as agent of the~~
860 ~~United States or any of its agencies, or of the state or any of~~
861 ~~its agencies, any soil conservation, erosion control, erosion-~~
862 ~~prevention, or any project for flood-prevention or for the~~
863 ~~conservation, development, and utilization of soil and water~~
864 ~~resources, and the disposal of water within the district's~~
865 ~~boundaries, territory within another district's boundaries~~
866 ~~subject to the other district's approval, or territory not~~
867 ~~contained within any district's boundaries; to act as agent for~~
868 ~~the United States, or any of its agencies, or for the state or~~
869 ~~any of its agencies, in connection with the acquisition,~~
870 ~~construction, operation or administration of any soil-~~
871 ~~conservation, erosion control, erosion prevention, or any~~
872 ~~project for flood-prevention or for the conservation,~~
873 ~~development and utilization of soil and water resources, and the~~
874 ~~disposal of water within the district's boundaries, territory~~
875 ~~within another district's boundaries subject to the other~~
876 ~~district's approval, or territory not contained within any~~
877 ~~district's boundaries; to accept donations, gifts, and~~
878 ~~contributions in money, services, materials, or otherwise, from~~
879 ~~the United States or any of its agencies, or from this state or~~
880 ~~any of its agencies, or from others, and to use or expend such~~
881 ~~moneys, services, materials or other contributions in carrying~~
882 ~~on its operations;~~

883 (8) ~~(10)~~ To sue and be sued in the name of the district; to
884 have a seal, which seal shall be judicially noticed; to have

885 perpetual succession unless terminated as provided in this
 886 chapter; to make and execute contracts and other instruments
 887 necessary or convenient to the exercise of its powers; upon a
 888 majority vote of the supervisors of the district, to borrow
 889 money and to execute promissory notes and other evidences of
 890 indebtedness in connection therewith, and to pledge, mortgage,
 891 and assign the income of the district and its personal property
 892 as security therefor, the notes and other evidences of
 893 indebtedness to be general obligations only of the district and
 894 in no event to constitute an indebtedness for which the faith
 895 and credit of the state or any of its revenues are pledged; ~~to~~
 896 ~~make, amend, and repeal rules and regulations not inconsistent~~
 897 ~~with this chapter to carry into effect its purposes and powers.~~

898 ~~(11) As a condition to the extending of any benefits under~~
 899 ~~this chapter to, or the performance of work upon, any lands not~~
 900 ~~owned or controlled by this state or any of its agencies, the~~
 901 ~~supervisors may require contributions in money, services,~~
 902 ~~materials, or otherwise to any operations conferring such~~
 903 ~~benefits, and may require landowners and occupiers to enter into~~
 904 ~~and perform such agreements or covenants as to the permanent use~~
 905 ~~of such lands as will tend to prevent or control erosion and~~
 906 ~~prevent floodwater and sediment damages thereon;~~

907 (9) To use, in coordination with the applicable county or
 908 counties, the services of the county agricultural agents and the
 909 facilities of their offices, if practicable and feasible. The
 910 supervisors may also employ additional permanent and temporary

911 staff, as needed, and determine their qualifications, duties,
912 and compensation. The supervisors may delegate to the chair, to
913 one or more supervisors, or to employees such powers and duties
914 as they may deem proper, consistent with the provisions of this
915 chapter. The supervisors shall furnish to the department, upon
916 request, copies of rules, orders, contracts, forms, and other
917 documents that the district has adopted or used, and any other
918 information concerning the district's activities, that the
919 department may require in the performance of its duties under
920 this chapter;

921 (10) To adopt rules to implement the provisions of this
922 chapter; and

923 (11) To request that the Governor remove a supervisor for
924 neglect of duty or malfeasance in office by adoption of a
925 resolution at a public meeting. If the district believes there
926 is a need for a review of the request, the district may request
927 that the council, by resolution, review its request to the
928 Governor and provide the Governor with a recommendation.

929
930 ~~(12) Any provision~~ No provisions with respect to the
931 acquisition, operation, or disposition of property by public
932 bodies of this state does not apply ~~shall be applicable~~ to a
933 district organized under this chapter unless specifically so
934 stated by hereunder unless the Legislature ~~shall specifically so~~
935 ~~state~~. The property and property rights of every kind and nature
936 acquired by any district organized under the provisions of this

937 chapter are ~~shall be~~ exempt from state, county, and other
 938 taxation.

939 Section 29. Sections 582.21, 582.22, 582.23, 582.24,
 940 582.25, and 582.26, Florida Statutes, are repealed.

941 Section 30. Section 582.29, Florida Statutes, is amended
 942 to read:

943 582.29 State agencies to cooperate.—Agencies of this state
 944 that ~~which shall~~ have jurisdiction over, or are ~~be~~ charged with,
 945 the administration of any state-owned lands, and of any county,
 946 or other governmental subdivision of the state, that ~~which shall~~
 947 have jurisdiction over, or are ~~be~~ charged with the
 948 administration of, any county-owned or other publicly owned
 949 lands, ~~lying within the boundaries of any district organized~~
 950 ~~under this chapter, the boundaries of another district subject~~
 951 ~~to that district's approval, or territory not contained within~~
 952 ~~the boundaries of any district organized under this chapter,~~
 953 shall cooperate to the fullest extent with the supervisors of
 954 such districts in the implementation ~~effectuation~~ of programs
 955 and operations undertaken by the supervisors under the
 956 provisions of this chapter. The supervisors of such districts
 957 shall be given free access to enter and perform work upon such
 958 publicly owned lands. ~~The provisions of land use regulations~~
 959 ~~adopted shall be in all respects observed by the agencies~~
 960 ~~administering such publicly owned lands.~~

961 Section 31. Sections 582.331, 582.34, 582.35, 582.36,
 962 582.37, 582.38, 582.39, 582.40, 582.41, 582.42, 582.43, 582.44,

963 582.45, 582.46, 582.47, 582.48, 582.49, Florida Statutes, are
 964 repealed.

965 Section 32. Section 589.26, Florida Statutes, is repealed.

966 Section 33. Subsections (4) and (5) of section 595.402,
 967 Florida Statutes, are renumbered as subsections (5) and (6),
 968 respectively, and new subsections (4), (7), and (8) are added to
 969 that section, to read:

970 595.402 Definitions.—As used in this chapter, the term:

971 (4) "School breakfast program" means a program authorized
 972 by section 4 of the Child Nutrition Act of 1966, as amended, and
 973 administered by the department.

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

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

979 Section 34. Section 595.404, Florida Statutes, is amended
 980 to read:

981 595.404 School food and other nutrition programs ~~service~~
 982 ~~program~~; powers and duties of the department.—The department has
 983 the following powers and duties:

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

987 (2) To conduct, supervise, and administer a farmers'
 988 market nutrition program to provide participants in the Special

989 Supplemental Nutrition Program for Women, Infants, and Children
 990 (WIC) with locally grown fruits and vegetables that will be
 991 carried out using federal or state funds, or funds from any
 992 other source.

993 (3)~~(2)~~ To fully cooperate with the United States
 994 Government and its agencies and instrumentalities so that the
 995 department may receive the benefit of all federal financial
 996 allotments and assistance possible to carry out the purposes of
 997 this chapter.

998 (4)~~(3)~~ To implement and adopt by rule, as required,
 999 federal regulations ~~to maximize federal assistance for the~~
 1000 ~~program.~~

1001 (5)~~(4)~~ To act as agent of, or contract with, the Federal
 1002 Government, another state agency, any county or municipal
 1003 government, or sponsor for the administration of the program,
 1004 including the distribution of funds provided by the Federal
 1005 Government to support the program.

1006 (6)~~(5)~~ To provide ~~make a reasonable effort to ensure that~~
 1007 ~~any school designated as a "severe need school" receives the~~
 1008 highest rate of reimbursement to which it is entitled under 42
 1009 U.S.C. s. 1773 for each breakfast meal served.

1010 (7)~~(6)~~ To develop and propose legislation necessary to
 1011 implement the program, encourage the development of innovative
 1012 school food and nutrition services, and expand participation in
 1013 the program.

1014 (8)~~(7)~~ To annually allocate among the sponsors, as

1015 applicable, funds provided from the school breakfast supplement
 1016 in the General Appropriations Act based on each district's total
 1017 number of free and reduced-price breakfast meals served.

1018 ~~(9)(8)~~ To employ such persons as are necessary to perform
 1019 its duties under this chapter.

1020 ~~(10)(9)~~ To adopt rules covering the administration,
 1021 operation, and enforcement of the program and the farmers'
 1022 market nutrition program, as well as to implement the provisions
 1023 of this chapter.

1024 ~~(11)(10)~~ To adopt and implement an appeal process by rule,
 1025 as required by federal regulations, for applicants and
 1026 participants under the programs implemented pursuant to this
 1027 chapter program, notwithstanding ss. 120.569 and 120.57-120.595.

1028 ~~(12)(11)~~ To assist, train, and review each sponsor in its
 1029 implementation of the program.

1030 ~~(13)(12)~~ To advance funds from the program's annual
 1031 appropriation to a summer nutrition program sponsor ~~sponsors~~,
 1032 when requested, in order to implement the provisions of this
 1033 chapter and in accordance with federal regulations.

1034 ~~(14)~~ To collect data on food purchased through the
 1035 programs defined and described in ss. 595.402(3) and 595.406,
 1036 and to publish that data annually.

1037 ~~(15)~~ To enter into agreements with federal or state
 1038 agencies to coordinate and cooperate in the implementation of
 1039 nutrition programs.

1040 Section 35. Section 595.405, Florida Statutes, is amended

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1041 to read:

1042 595.405 School nutrition program requirements ~~for school~~
1043 ~~districts and sponsors.~~-

1044 (1) Each ~~school~~ district school board shall consider the
1045 recommendations of the district school superintendent and adopt
1046 policies to provide for an appropriate food and nutrition
1047 ~~service~~ program for students consistent with federal law and
1048 department rules.

1049 (2) Each ~~school~~ district school board shall implement
1050 school breakfast programs that make breakfast meals available to
1051 all students in each elementary school that serves any
1052 combination of grades kindergarten through 5. ~~Universal school~~
1053 ~~breakfast programs shall be offered in schools in which 80~~
1054 ~~percent or more of the students are eligible for free or~~
1055 ~~reduced-price meals. Each school shall, to the maximum extent~~
1056 ~~practicable, make breakfast meals available to students at an~~
1057 ~~alternative site location, which may include, but need not be~~
1058 ~~limited to, alternative breakfast options as described in~~
1059 ~~publications of the Food and Nutrition Service of the United~~
1060 ~~States Department of Agriculture for the federal School~~
1061 ~~Breakfast Program.~~

1062 (3) Each ~~school~~ district school board must annually set
1063 prices for breakfast meals at rates that, combined with federal
1064 reimbursements and state allocations, are sufficient to defray
1065 costs of school breakfast programs without requiring allocations
1066 from the district's operating funds, except if the district

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1067 school board approves lower rates.

1068 ~~(4) Each school district is encouraged to provide~~
1069 ~~universal, free school breakfast meals to all students in each~~
1070 ~~elementary, middle, and high school. Each school district shall~~
1071 ~~approve or disapprove a policy, after receiving public testimony~~
1072 ~~concerning the proposed policy at two or more regular meetings,~~
1073 ~~which makes universal, free school breakfast meals available to~~
1074 ~~all students in each elementary, middle, and high school in~~
1075 ~~which 80 percent or more of the students are eligible for free~~
1076 ~~or reduced-price meals.~~

1077 (4)(5) Each elementary, middle, and high school operating
1078 a breakfast program shall make a breakfast meal available if a
1079 student arrives at school on the school bus less than 15 minutes
1080 before the first bell rings and shall allow the student at least
1081 15 minutes to eat the breakfast.

1082 (5) Each district school board is encouraged to provide
1083 universal, free school breakfast meals to all students in each
1084 elementary, middle, and high school. A universal school
1085 breakfast program shall be implemented in each school in which
1086 80 percent or more of the students are eligible for free or
1087 reduced-price meals, unless the district school board, after
1088 considering public testimony at two or more regularly scheduled
1089 board meetings, decides not to implement such a program in such
1090 schools.

1091 (6) To increase school breakfast and universal school
1092 breakfast program participation, each district school board

1093 must, to the maximum extent practicable, make breakfast meals
 1094 available to students through alternative service models as
 1095 described in publications of the Food and Nutrition Service of
 1096 the United States Department of Agriculture for the federal
 1097 School Breakfast Program.

1098 ~~(7)(6)~~ Each ~~school~~ district school board shall annually
 1099 provide ~~to all students in each elementary, middle, and high~~
 1100 ~~school~~ information prepared by the district's food service
 1101 administration regarding available ~~its~~ school breakfast
 1102 programs. The information shall be communicated through school
 1103 announcements and ~~written~~ notices sent to all parents.

1104 ~~(8)(7)~~ A ~~school~~ district school board may operate a
 1105 breakfast program providing for food preparation at the school
 1106 site or in central locations with distribution to designated
 1107 satellite schools, or any combination thereof.

1108 ~~(8)~~ Each sponsor shall complete all corrective action
 1109 plans required by the department or a federal agency to be in
 1110 compliance with the program.

1111 Section 36. Section 595.406, Florida Statutes, is amended
 1112 to read:

1113 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

1114 (1) In order to implement the Florida Farm to School ~~Fresh~~
 1115 ~~Schools~~ Program, the department shall develop policies
 1116 pertaining to school food services which encourage:

1117 (a) Sponsors to buy fresh and high-quality foods grown in
 1118 this state when feasible.

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1119 (b) Farmers in this state to sell their products to
 1120 sponsors, school districts, and schools.

1121 (c) Sponsors to demonstrate a preference for competitively
 1122 priced organic food products.

1123 (d) Sponsors to make reasonable efforts to select foods
 1124 based on a preference for those that have maximum nutritional
 1125 content.

1126 (2) The department shall provide outreach, guidance, and
 1127 training to sponsors, schools, school food service directors,
 1128 parent and teacher organizations, and students about the benefit
 1129 of fresh food products from farms in this state.

1130 (3) The department may recognize sponsors who purchase at
 1131 least 10 percent of the food they serve from the Florida Farm to
 1132 School Program.

1133 Section 37. Subsection (2) of section 595.407, Florida
 1134 Statutes, is amended to read:

1135 595.407 Children's summer nutrition program.—

1136 (2) Each school district shall develop a plan to sponsor
 1137 or operate a summer nutrition program to operate sites in the
 1138 school district as follows:

1139 (a) Within 5 miles of at least one ~~elementary~~ school that
 1140 serves any combination of grades kindergarten through 5 at which
 1141 50 percent or more of the students are eligible for free or
 1142 reduced-price school meals ~~and~~ for the duration of 35
 1143 ~~consecutive~~ days between the end of the school year and the
 1144 beginning of the next school year. School districts may exclude

1145 holidays and weekends.

1146 (b) Within 10 miles of each ~~elementary~~ school that serves
 1147 any combination of grades kindergarten through 5 at which 50
 1148 percent or more of the students are eligible for free or
 1149 reduced-price school meals, except as operated pursuant to
 1150 paragraph (a).

1151 Section 38. Section 595.408, Florida Statutes, is amended
 1152 to read:

1153 595.408 Food ~~Commodity~~ distribution services; department
 1154 responsibilities and functions.—

1155 (1)(a) The department shall conduct, supervise, and
 1156 administer all food ~~commodity~~ distribution services that will be
 1157 carried on using federal or state funds, or funds from any other
 1158 source, or food ~~commodities~~ received and distributed from the
 1159 United States or any of its agencies.

1160 (b) The department shall determine the benefits each
 1161 applicant or recipient of assistance is entitled to receive
 1162 under this chapter, provided that each applicant or recipient is
 1163 a resident of this state and a citizen of the United States or
 1164 is an alien lawfully admitted for permanent residence or
 1165 otherwise permanently residing in the United States under color
 1166 of law.

1167 (2) The department shall cooperate fully with the United
 1168 States Government and its agencies and instrumentalities so that
 1169 the department may receive the benefit of all federal financial
 1170 allotments and assistance possible to carry out the purposes of

1171 this chapter.

1172 (3) The department may:

1173 (a) Accept any duties with respect to food ~~commodity~~
 1174 distribution services as are delegated to it by an agency of the
 1175 Federal Government or any state, county, or municipal
 1176 government.

1177 (b) Act as agent of, or contract with, the federal
 1178 government, state government, or any county or municipal
 1179 government in the administration of food ~~commodity~~ distribution
 1180 services to secure the benefits of any public assistance that is
 1181 available from the federal government or any of its agencies,
 1182 and in the distribution of funds received from the federal
 1183 government, state government, or any county or municipal
 1184 government for food ~~commodity~~ distribution services within the
 1185 state.

1186 (c) Accept from any person or organization all offers of
 1187 personal services, food ~~commodities~~, or other aid or assistance.

1188 (4) This chapter does not limit, abrogate, or abridge the
 1189 powers and duties of any other state agency.

1190 Section 39. Section 595.501, Florida Statutes, is amended
 1191 to read:

1192 595.501 Penalties.—

1193 (1) When a corrective action plan is issued by the
 1194 department or a federal agency, each sponsor is required to
 1195 complete the corrective action plan to be in compliance with the
 1196 program.

1197 (2) Any person or, ~~sponsor, or school district~~ that
 1198 violates any provision of this chapter or any rule adopted
 1199 thereunder or otherwise does not comply with the program is
 1200 subject to a suspension or revocation of their agreement, loss
 1201 of reimbursement, or a financial penalty in accordance with
 1202 federal or state law, or both. This section does not restrict
 1203 the applicability of any other law.

1204 Section 40. Section 595.601, Florida Statutes, is amended
 1205 to read:

1206 595.601 Food and Nutrition Services Trust Fund.—Chapter
 1207 99-37, Laws of Florida, recreated the Food and Nutrition
 1208 Services Trust Fund to record revenue and disbursements of
 1209 Federal Food and Nutrition funds received by the department as
 1210 authorized in ss. 595.404 and 595.408 ~~s. 595.405~~.

1211 Section 41. Paragraphs (b) and (d) of subsection (1) and
 1212 subsection (2) of section 604.21, Florida Statutes, are amended
 1213 to read:

1214 604.21 Complaint; investigation; hearing.—

1215 (1)

1216 (b) To be considered timely filed, a complaint together
 1217 with any required affidavit ~~affidavits or notarizations~~ must be
 1218 received by the department within 6 months after the date of
 1219 sale by electronic transmission, facsimile, regular mail,
 1220 certified mail, or private delivery service. If the complaint is
 1221 sent by a service other than electronic mail or facsimile, the
 1222 mailing shall be postmarked or dated on or before the 6-month

1223 deadline to be accepted as timely filed.

1224 (d) A person, partnership, corporation, or other business
 1225 entity filing a complaint shall submit to the department the
 1226 following documents: a three completed complaint affidavit
 1227 ~~affidavits~~ on a form provided by the department with an original
 1228 signature of an owner, partner, general partner, or corporate
 1229 officer and an original notarization ~~on each affidavit. If the~~
 1230 ~~complaint is filed by electronic transmission or facsimile, the~~
 1231 ~~original affidavits and original notarizations shall be filed~~
 1232 ~~with the department not later than the close of business of the~~
 1233 ~~tenth business day following the electronic transmission or~~
 1234 ~~facsimile filing.~~ Attached to the ~~each~~ complaint affidavit shall
 1235 be copies of all documents to support the complaint. Supporting
 1236 documents may be copies of invoices, bills of lading, packing or
 1237 shipping documents, demand letters, or any other documentation
 1238 to support the claim. In cases in which there are multiple
 1239 invoices being claimed, a summary list of all claimed invoices
 1240 must accompany the complaint.

1241 (2) Upon the filing of a such complaint pursuant to this
 1242 section ~~in the manner herein provided~~, the department shall
 1243 investigate the matters complained of and; ~~whereupon~~, if, in the
 1244 opinion of the department, the facts contained in the complaint
 1245 warrant such action, the department shall serve notice of the
 1246 ~~filing of~~ complaint to the dealer against whom the complaint has
 1247 been filed at the last address of record. The ~~Such~~ notice shall
 1248 be accompanied by a ~~true~~ copy of the complaint. A copy of the

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1249 ~~such~~ notice and complaint shall also be served to the surety
1250 company, if any, that provided the bond for the dealer, which
1251 surety company shall become party to the action. The ~~Such~~ notice
1252 ~~of the complaint~~ shall inform the dealer of a reasonable time
1253 within which to answer the complaint by advising the department
1254 in writing that the allegations in the complaint are admitted or
1255 denied or that the complaint has been satisfied. The ~~Such~~ notice
1256 shall also inform the dealer and the surety company or financial
1257 institution of a right to a hearing on the complaint, if
1258 requested.

1259 Section 42. Section 604.33, Florida Statutes, is amended
1260 to read:

1261 604.33 Security requirements for grain dealers.—Each grain
1262 dealer doing business in the state shall maintain liquid
1263 security, in the form of grain on hand, cash, certificates of
1264 deposit, or other nonvolatile security that can be liquidated in
1265 10 days or less, or cash bonds, surety bonds, or letters of
1266 credit, that have been assigned to the department and that are
1267 conditioned to secure the faithful accounting for and payment to
1268 the producers for grain stored or purchased, in an amount equal
1269 to the value of grain which the grain dealer has received from
1270 grain producers for which the producers have not received
1271 payment. The bonds must be executed by the applicant as
1272 principal and by a surety corporation authorized to transact
1273 business in the state. The certificates of deposit and letters
1274 of credit must be from a recognized financial institution doing

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1275 ~~business in the United States. Each grain dealer shall report to~~
1276 ~~the department monthly, on or before a date established by rule~~
1277 ~~of the department, the value of grain she or he has received~~
1278 ~~from producers for which the producers have not received payment~~
1279 ~~and the types of transaction involved, showing the value of each~~
1280 ~~type of transaction. The report shall also include a statement~~
1281 ~~showing the type and amount of security maintained to cover the~~
1282 ~~grain dealer's liability to producers.~~ The department may ~~shall~~
1283 make at least one spot check annually of each grain dealer to
1284 determine compliance with the requirements of this section.

1285 Section 43. This act shall take effect July 1, 2016.