

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; creating s. 581.189, F.S.;;  
78 creating the Grove Removal or Vector Elimination

79 (GROVE) Program within the department to provide cost-  
80 share funding for the removal or destruction of  
81 abandoned citrus groves; providing definitions;  
82 providing program procedures and requirements;  
83 directing the department to adopt rules; specifying  
84 that funding for the program is contingent upon  
85 specific legislative appropriation; amending s.  
86 582.01, F.S.; revising definitions; amending s.  
87 582.02, F.S.; revising legislative findings and intent  
88 with regard to the purpose of soil and water  
89 conservation districts; repealing s. 582.03, F.S.,  
90 relating to the consequences of soil erosion;  
91 repealing s. 582.04, F.S., relating to appropriate  
92 corrective methods for conservation, development, and  
93 use of soil and water resources; repealing s. 582.05,  
94 F.S., relating to legislative policy for the  
95 conservation, development, and use of such resources;  
96 amending s. 582.055, F.S.; revising provisions  
97 relating to powers and duties of the department with  
98 regard to soil and water conservation districts;  
99 amending s. 582.06, F.S.; revising provisions relating  
100 to powers and duties of the Soil and Water  
101 Conservation Council; repealing s. 582.08, F.S.,  
102 relating to additional powers of the department with  
103 regard to soil and water conservation districts;  
104 repealing s. 582.09, F.S., relating to the employment

105 of an administrative officer of soil and water  
106 conservation; amending s. 582.16, F.S.; revising  
107 provisions for modifying soil and water conservation  
108 district boundaries; repealing s. 582.17, F.S.,  
109 relating to the presumption that districts are  
110 established in accordance with specified provisions;  
111 amending s. 582.20, F.S.; revising provisions relating  
112 to powers and duties of soil and water conservation  
113 districts and district supervisors; repealing s.  
114 582.21, F.S., relating to the adoption of land use  
115 regulations by soil and water conservation district  
116 supervisors; repealing s. 582.22, F.S., relating to  
117 the content of land use regulations adopted by soil  
118 and water conservation district supervisors; repealing  
119 s. 582.23, F.S., relating to the performance of work  
120 under land use regulations adopted by soil and water  
121 conservation district supervisors; repealing s.  
122 582.24, F.S., relating to the board of adjustment;  
123 repealing s. 582.25, F.S., relating to rules of  
124 procedure of the board of adjustment; repealing s.  
125 582.26, F.S., relating to petitions to the board of  
126 adjustment for land use variances; amending s. 582.29,  
127 F.S.; revising provisions directing state agencies and  
128 other governmental subdivisions of the state that  
129 manage publicly owned lands to cooperate with soil and  
130 water conservation district supervisors in

131 implementing district programs and operations;  
132 repealing s. 582.331, F.S., relating to the  
133 establishment of a watershed improvement district  
134 within a soil and water conservation district;  
135 repealing s. 582.34, F.S., relating to the petition  
136 for establishment of a watershed improvement district  
137 within a soil and water conservation district;  
138 repealing s. 582.35, F.S., relating to notice and  
139 hearing on petition for establishment of a watershed  
140 improvement district within a soil and water  
141 conservation district and determination of need for  
142 such district; repealing s. 582.36, F.S., relating to  
143 determination of feasibility and referendum for a  
144 watershed improvement district within a soil and water  
145 conservation district; repealing s. 582.37, F.S.,  
146 relating to consideration of referendum results for  
147 determination of feasibility and declaration of  
148 organization of a watershed improvement district  
149 within a soil and water conservation district;  
150 repealing s. 582.38, F.S., relating to organization of  
151 a watershed improvement district within a soil and  
152 water conservation district; repealing s. 582.39,  
153 F.S., relating to establishment of a watershed  
154 improvement district situated in more than one soil  
155 and water conservation district; repealing s. 582.40,  
156 F.S., relating to change of district boundaries

157 including additions, detachments, transfers of land  
158 from one district to another, and change of district  
159 name; repealing s. 582.41, F.S., relating to the board  
160 of directors of a soil and water conservation  
161 district; repealing s. 582.42, F.S., relating to  
162 officers, agents, and employees of a watershed  
163 improvement district within a soil and water  
164 conservation district and issuance of surety bonds by,  
165 and annual audits of, such district; repealing s.  
166 582.43, F.S., relating to the power of a watershed  
167 improvement district within a soil and water  
168 conservation district to levy taxes and to construct,  
169 operate, improve, and maintain works of improvement in  
170 such district and to obtain necessary lands or  
171 interests therein; repealing s. 582.44, F.S., relating  
172 to procedures for a watershed improvement district  
173 within a soil and water conservation district to levy  
174 taxes; repealing s. 582.45, F.S., relating to the  
175 fiscal power of the board of directors of a watershed  
176 improvement district within a soil and water  
177 conservation district to issue bonds; repealing s.  
178 582.46, F.S., relating to additional powers of the  
179 board of directors of a watershed improvement district  
180 within a soil and water conservation district;  
181 repealing s. 582.47, F.S., relating to the authority  
182 of a watershed improvement district within a soil and

183 water conservation district to coordinate work with  
184 flood control districts; repealing s. 582.48, F.S.,  
185 relating to discontinuance of a watershed improvement  
186 district within a soil and water conservation  
187 district; repealing s. 582.49, F.S., relating to  
188 discontinuance of a soil and water conservation  
189 district; repealing s. 589.26, F.S., relating to the  
190 authority of the Florida Forest Service to dedicate  
191 and reserve state park lands for public use; amending  
192 s. 595.402, F.S.; defining terms relating to school  
193 food and nutrition service programs; conforming a  
194 reference to changes made by the act; amending s.  
195 595.404, F.S.; revising powers and duties of the  
196 department with regard to school food and nutrition  
197 programs; authorizing the department to conduct,  
198 supervise, and administer a farmers' market nutrition  
199 program for certain purposes; directing the department  
200 to collect and publish data on food purchased through  
201 specified programs; authorizing the department to  
202 enter into agreements with federal and state agencies  
203 to implement nutrition programs; amending s. 595.405,  
204 F.S.; revising requirements for school nutrition  
205 programs; providing for breakfast meals to be  
206 available to all students in schools that serve  
207 specified grade levels; conforming a reference to  
208 changes made by the act; amending s. 595.406, F.S.;



209 renaming the "Florida Farm Fresh Schools Program" as  
210 the "Florida Farm to School Program"; authorizing the  
211 department to establish by rule a recognition program  
212 for certain sponsors; amending s. 595.407, F.S.;  
213 revising provisions of the children's summer nutrition  
214 program to include certain schools that serve  
215 specified grade levels; revising provisions relating  
216 to the duration of the program; authorizing school  
217 districts to exclude holidays and weekends; amending  
218 s. 595.408, F.S.; conforming references to changes  
219 made by the act; amending s. 595.501, F.S.; requiring  
220 entities to complete corrective action plans required  
221 by the department or a federal agency to be in  
222 compliance with school food and nutrition service  
223 programs; amending s. 595.601, F.S.; correcting a  
224 cross-reference; amending s. 604.21, F.S.; revising  
225 affidavit requirements for an agricultural products  
226 dealer who files a complaint against another such  
227 dealer; amending s. 604.33, F.S.; removing provisions  
228 requiring grain dealers to submit monthly reports;  
229 authorizing, rather than requiring, the department to  
230 make at least one spot check annually of each grain  
231 dealer; providing an effective date.

232

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

234

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

237 482.111 Pest control operator's certificate.—

238 (1) The department shall issue a pest control operator's  
 239 certificate to each individual who qualifies under this chapter.  
 240 Before issuance of an original certificate, an individual must  
 241 complete an application for examination, pay the examination fee  
 242 required under s. 482.141, and pass the examination. Before  
 243 engaging in pest control work, each certified operator must be  
 244 certified as provided in this section. ~~Application must be made~~  
 245 ~~and the issuance fee must be paid to the department for the~~  
 246 ~~original certificate within 60 days after the postmark date of~~  
 247 ~~written notification of passing the examination. During a period~~  
 248 ~~of 30 calendar days following expiration of the 60-day period,~~  
 249 ~~an original certificate may be issued; however, a late issuance~~  
 250 ~~charge of \$50 shall be assessed and must be paid in addition to~~  
 251 ~~the issuance fee. An original certificate may not be issued~~  
 252 ~~after expiration of the 30-day period, without reexamination.~~

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

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

260 482.1562 Limited certification for urban landscape

261 commercial fertilizer application.—

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

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

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

270 (6) ~~A late renewal charge of \$50 per month shall be~~  
 271 ~~assessed 30 days after the date the application for~~  
 272 ~~recertification is due and must be paid in addition to the~~  
 273 ~~renewal fee. Unless timely recertified, a certificate~~  
 274 ~~automatically expires 90 days after the recertification date.~~  
 275 Upon expiration, or after a grace period that does not exceed 30  
 276 days after expiration, a certificate may be issued only upon  
 277 reapplying in accordance with subsection (3).

278 Section 3. Paragraph (n) of subsection (1) of section  
 279 500.03, Florida Statutes, is amended, and paragraph (cc) is  
 280 added to that subsection, to read:

281 500.03 Definitions; construction; applicability.—

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

283 (n) "Food" includes:

- 284 1. Articles used for food or drink for human consumption;
- 285 2. Chewing gum;
- 286 3. Articles used for components of any such article; ~~and~~

287 4. Articles for which health claims are made, which claims  
 288 are approved by the Secretary of the United States Department of  
 289 Health and Human Services and which claims are made in  
 290 accordance with s. 343(r) of the federal act, and which are not  
 291 considered drugs solely because their labels or labeling contain  
 292 health claims; and

293 5. Dietary supplements as defined in 21 U.S.C. s.  
 294 321(ff)(1) and (2).

295  
 296 The term includes any raw, cooked, or processed edible  
 297 substance; ice; any beverage; or any ingredient used, intended  
 298 for use, or sold for human consumption.

299 (cc) "Vehicle" means a mode of transportation or mobile  
 300 carrier used to transport food from one location to another,  
 301 including, but not limited to, carts, cycles, vans, trucks,  
 302 cars, trains and railway transport, and aircraft and watercraft  
 303 transport.

304 Section 4. Paragraph (f) of subsection (1) of section  
 305 500.10, Florida Statutes, is amended, and subsection (5) is  
 306 added to that section, to read:

307 500.10 Food deemed adulterated.—A food is deemed to be  
 308 adulterated:

309 (1)

310 (f) If it has been produced, prepared, packed,  
 311 transported, or held under insanitary conditions whereby it may  
 312 become contaminated with filth, or whereby it may have been

313 rendered diseased, unwholesome, or injurious to health;

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

316 (a) The recommended or suggested conditions of use on the  
317 product labeling;

318 (b) The failure to provide conditions of use on the  
319 product labeling; or

320 (c) An ingredient for which there is inadequate  
321 information to provide reasonable assurance that such ingredient  
322 does not present a significant risk of illness or injury.

323 Section 5. Paragraph (m) of subsection (1) of section  
324 500.11, Florida Statutes, is amended to read:

325 500.11 Food deemed misbranded.—

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

327 (m) If it is offered for sale and its label or labeling  
328 does not comply with the requirements of 21 U.S.C. s. 343(q) or  
329 21 U.S.C. s. 343(w) pertaining to nutrition or allergen  
330 information.

331 Section 6. Paragraph (c) of subsection (20) of section  
332 570.07, Florida Statutes, is amended, and subsection (44) is  
333 added to that section, to read:

334 570.07 Department of Agriculture and Consumer Services;  
335 functions, powers, and duties.—The department shall have and  
336 exercise the following functions, powers, and duties:

337 (20)

338 (c) To sponsor events, trade breakfasts, luncheons, and

339 dinners and distribute promotional materials and favors in  
340 connection with meetings, conferences, and conventions of  
341 dealers, buyers, food editors, and merchandising executives that  
342 will assist in the promotion and marketing of Florida's  
343 agricultural and agricultural business products to the consuming  
344 public.

345

346 The department is authorized to receive and expend donations  
347 contributed by private persons for the purpose of covering costs  
348 associated with the above described activities.

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

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

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

357 (c) Take any action necessary, including legal action, to  
358 protect such department work products against improper or  
359 unlawful use or infringement.

360 (d) Enforce the collection of any sums due to the  
361 department for the manufacture or use of such department work  
362 products by another party.

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

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

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

371 570.30 Division of Administration; powers and duties.—The  
 372 Division of Administration shall render services required by the  
 373 department and its other divisions, or by the commissioner in  
 374 the exercise of constitutional and cabinet responsibilities,  
 375 that can advantageously and effectively be centralized and  
 376 administered and any other function of the department that is  
 377 not specifically assigned by law to some other division. The  
 378 duties of this division include, but are not limited to:

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

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

383 570.441 Pest Control Trust Fund.—

384 (4) In addition to the uses authorized under subsection  
 385 (2), moneys collected or received by the department under  
 386 chapter 482 may be used to carry out the provisions of s.  
 387 570.44. This subsection expires June 30, 2019.

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

390 570.53 Division of Marketing and Development; powers and

391 duties.—The powers and duties of the Division of Marketing and  
 392 Development include, but are not limited to:

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

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

397 570.544 Division of Consumer Services; director; powers;  
 398 processing of complaints; records.—

399 (2) The director shall supervise, direct, and coordinate  
 400 the activities of the division and shall, under the direction of  
 401 the department, enforce the provisions of ss. 604.15-604.34 and  
 402 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,  
 403 and 849.

404 Section 11. Section 570.68, Florida Statutes, is created  
 405 to read:

406 570.68 Office of Agriculture Technology Services.—The  
 407 commissioner may create an Office of Agriculture Technology  
 408 Services under the supervision of a senior manager exempt under  
 409 s. 110.205 in the Senior Management Service. The office shall  
 410 provide electronic data processing and agency information  
 411 technology services to support and facilitate the functions,  
 412 powers, and duties of the department.

413 Section 12. Section 570.681, Florida Statutes, is amended  
 414 to read:

415 570.681 Florida Agriculture Center and Horse Park;  
 416 legislative findings.—It is the finding of the Legislature that:



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

420 (1)(2) Equine and other agriculture-related industries  
 421 ~~will~~ strengthen and benefit each other with the establishment of  
 422 a statewide agriculture and horse facility.

423 (2)(3) ~~The~~ A Florida Agriculture Center and Horse Park  
 424 provides ~~will provide~~ Florida with a unique tourist experience  
 425 for visitors and residents, thus generating taxes and additional  
 426 dollars for the state.

427 (3)(4) Promoting the Florida Agriculture Center and Horse  
 428 Park as a joint effort between the state and the private sector  
 429 allows ~~will allow~~ this facility to use ~~utilize~~ experts and  
 430 generate revenue from many areas to ensure the success of this  
 431 facility.

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

434 570.685 Florida Agriculture Center and Horse Park  
 435 Authority.—

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

438 (b) The department may provide ~~shall be responsible for~~  
 439 ~~providing~~ administrative and staff support services relating to  
 440 the meetings of the authority and may ~~shall~~ provide suitable  
 441 space in the offices of the department for the meetings and the  
 442 storage of records of the authority.

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

451 Section 14. Section 571.24, Florida Statutes, is amended  
452 to read:

453 571.24 Purpose; duties of the department.—The purpose of  
454 this part is to authorize the department to establish and  
455 coordinate the Florida Agricultural Promotional Campaign. The  
456 Legislature intends for the Florida Agricultural Promotional  
457 Campaign to serve as a marketing program to promote Florida  
458 agricultural commodities, value-added products, and  
459 agricultural-related businesses and not a food safety or  
460 traceability program. The duties of the department shall  
461 include, but are not limited to:

- 462 (1) Developing logos and authorizing the use of logos as  
463 provided by rule.
- 464 (2) Registering participants.
- 465 (3) Assessing and collecting fees.
- 466 (4) Collecting rental receipts for industry promotions.
- 467 (5) Developing in-kind advertising programs.
- 468 (6) Contracting with media representatives for the purpose

469 of dispersing promotional materials.

470 (7) Assisting the representative of the department who  
 471 serves on the Florida Agricultural Promotional Campaign Advisory  
 472 Council.

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

475 (8)-(9) Adopting rules pursuant to ss. 120.536(1) and  
 476 120.54 to implement the provisions of this part.

477 (9)-(10) Enforcing and administering the provisions of this  
 478 part, including measures ensuring that only Florida agricultural  
 479 or agricultural based products are marketed under the "Fresh  
 480 From Florida" or "From Florida" logos or other logos of the  
 481 Florida Agricultural Promotional Campaign.

482 Section 15. Section 571.27, Florida Statutes, is amended  
 483 to read:

484 571.27 Rules.—The department is authorized to adopt rules  
 485 that implement, make specific, and interpret the provisions of  
 486 this part, ~~including rules for entering into contracts with~~  
 487 ~~advertising agencies for services which are directly related to~~  
 488 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~  
 489 ~~establish the procedures for negotiating costs with the offerors~~  
 490 ~~of such advertising services who have been determined by the~~  
 491 ~~department to be qualified on the basis of technical merit,~~  
 492 ~~creative ability, and professional competency. Such~~  
 493 ~~determination of qualifications shall also include consideration~~  
 494 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department

495 is further authorized to determine, by rule, the logos or  
 496 product identifiers to be depicted for use in advertising,  
 497 publicizing, and promoting the sale of Florida agricultural  
 498 products or agricultural-based products in the Florida  
 499 Agricultural Promotional Campaign. The department may also adopt  
 500 rules consistent ~~not inconsistent~~ with the provisions of this  
 501 part as in its judgment may be necessary for participant  
 502 registration, renewal of registration, classes of membership,  
 503 application forms, and ~~as well as~~ other forms and enforcement  
 504 measures ensuring compliance with this part.

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

507 571.28 Florida Agricultural Promotional Campaign Advisory  
 508 Council.—

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

521 | years, four members to a term of 2 years, and three members to a  
 522 | term of 1 year.

523 | Section 17. Subsection (2) of section 576.041, Florida  
 524 | Statutes, is amended to read:

525 | 576.041 Inspection fees; records.—

526 | ~~(2) Before the distribution of a fertilizer,~~ Each licensee  
 527 | shall ~~make application upon a form provided by the department to~~  
 528 | report to the department quarterly ~~monthly~~ the tonnage of  
 529 | fertilizer sold in the state and pay ~~make payment of the~~  
 530 | inspection fee. The continuance of a license is conditioned upon  
 531 | the applicant's:

532 | (a) Maintaining records and a bookkeeping system that will  
 533 | accurately indicate the tonnage of fertilizer sold by the  
 534 | licensee; and

535 | (b) Consent to examination of the business records and  
 536 | books by the department to verify ~~for a verification of the~~  
 537 | correctness of tonnage reports and the payment of inspection  
 538 | fees. Tonnage reports ~~of sales~~ and payment of inspection fees  
 539 | ~~fee~~ shall be made quarterly through the department's website or  
 540 | ~~monthly~~ on forms provided ~~furnished~~ by the department and  
 541 | submitted within 30 days after the close of the reporting period  
 542 | ~~on or before the fifteenth day of the month succeeding the month~~  
 543 | ~~covered by the reports.~~

544 | Section 18. Section 580.0365, Florida Statutes, is created  
 545 | to read:

546 | 580.0365 Preemption of regulatory authority over

547 commercial feed and feedstuff.—It is the intent of the  
548 Legislature to eliminate duplication of regulation over  
549 commercial feed and feedstuff. Notwithstanding any other  
550 provision of law, the authority to regulate, inspect, sample,  
551 and analyze any commercial feed or feedstuff distributed in this  
552 state and to exercise the powers and duties of regulation in  
553 this chapter, including the power to assess any penalties  
554 provided for violation of this chapter, is preempted to the  
555 department.

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

558 581.181 Notice of infection of plants; destruction.—

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

564 Section 20. Effective upon this act becoming a law,  
565 section 581.189, Florida Statutes, is created to read:

566 581.189 Grove Removal or Vector Elimination (GROVE)  
567 Program.—

568 (1) There is created within the Department of Agriculture  
569 and Consumer Services the Grove Removal or Vector Elimination  
570 (GROVE) Program, a cost-sharing program for the removal or  
571 destruction of abandoned citrus groves to eliminate the material  
572 harboring the citrus disease Huanglongbing, also known as citrus

573 greening, and the vectors that spread the disease.

574 (2) As used in this section, the term:

575 (a) "Abandoned citrus grove" means a citrus grove that has  
576 minimal or no production value and is no longer economically  
577 viable as a commercial citrus grove.

578 (b) "Applicant" means a person who owns an abandoned  
579 citrus grove.

580 (c) "Eligible costs" means the costs, incurred after an  
581 application is selected for funding, of the removal or  
582 destruction of citrus trees and the elimination of any citrus  
583 greening vectors, as described in the removal or destruction  
584 plan in the funded application.

585 (d) "Funded application" means an application selected for  
586 cost-share funding pursuant to this section and rules adopted by  
587 the department.

588 (e) "Program" means the Grove Removal or Vector  
589 Elimination (GROVE) Program.

590 (3) The department shall adopt by rule the standards to be  
591 used in reviewing and ranking applications for cost-share  
592 funding under the program based on the following factors:

593 (a) The length of time the citrus groves have been  
594 abandoned.

595 (b) Whether the citrus groves are located within a Citrus  
596 Health Management Area.

597 (c) The proximity of the abandoned citrus groves to other  
598 citrus groves currently in production.

599       (4) An applicant may submit multiple applications for the  
600 program but is eligible only for a maximum of \$125,000 in  
601 program cost-share funding per fiscal year. The department may  
602 award to each funded application a cost-share of up to 80  
603 percent of eligible costs. The total amount of cost-share  
604 allocated under the program in each fiscal year may not exceed  
605 the amount specifically appropriated for the program for that  
606 fiscal year.

607       (5) An applicant seeking cost-share funding under the  
608 program must submit an application to the department by a date  
609 specified by department rule. The application must include, at a  
610 minimum:

611           (a) The applicant's plan to remove or destroy citrus trees  
612 and any citrus greening vectors in the abandoned citrus grove.

613           (b) An affidavit from the applicant certifying that all  
614 information contained in the application is true and correct.

615           (c) All information specified by department rule that is  
616 necessary for the department to determine eligibility for the  
617 program and to rank applications.

618       (6) If the department determines that an application is  
619 incomplete, it may require the applicant to submit additional  
620 information within 10 days after such determination.

621       (7) Each fiscal year, the department shall review all  
622 complete applications received in accordance with subsection (5)  
623 and shall rank each complete application based on the factors  
624 specified in subsection (3). Before selecting an application for



625 funding, the department must conduct an inspection of the  
626 abandoned citrus grove that is the subject of the application.

627 (8) The department may deny an application pursuant to  
628 chapter 120 for failure to comply with this section and  
629 department rules.

630 (9) If an application is selected for funding, the  
631 applicant must initiate and complete the removal or destruction  
632 of the citrus trees identified in the application within the  
633 time specified by department rule. The applicant's failure to  
634 initiate and complete the removal or destruction of the  
635 identified citrus trees within such time results in the  
636 forfeiture of his or her cost-share funding. If an applicant's  
637 cost-share funding is forfeited, the department shall notify the  
638 next eligible applicant, based on its ranking of applicants for  
639 the fiscal year, of the availability of cost-share funding. Such  
640 applicant, upon acceptance, may be awarded cost-share funding  
641 pursuant to this section, subject to available program funds.

642 (10) Upon completion of the scope of work identified in  
643 the funded application, the applicant must present proof of  
644 payment of removal or destruction costs to the department. Upon  
645 receipt of satisfactory proof of payment and satisfactory proof  
646 of the removal or destruction of the trees identified in the  
647 funded application, the department may issue payment to the  
648 applicant for the previously approved cost-share amount.

649 (11) The department may adopt rules to implement and  
650 administer this section, including an application process and

651 requirements, an application-ranking process consistent with the  
 652 factors specified in subsection (3), and a cost-share funding  
 653 administration process.

654 (12) The award of funds under the program for each fiscal  
 655 year is subject to specific legislative appropriation.

656 Section 21. Section 582.01, Florida Statutes, is amended  
 657 to read:

658 582.01 Definitions.—~~As wherever used or referred to in~~  
 659 this chapter, the term unless a different meaning clearly  
 660 appears from the context:

661 ~~(3) (a) "Department" means the Department of Agriculture~~  
 662 ~~and Consumer Services.~~

663 (1) (e) "Commissioner" means the Commissioner of  
 664 Agriculture.

665 (2) (b) "Council" means the Soil and Water Conservation  
 666 Council.

667 (3) "Department" means the Department of Agriculture and  
 668 Consumer Services.

669 (4) (1) "District" or "soil conservation district" or "soil  
 670 and water conservation district" means a governmental  
 671 subdivision of this state, and a body corporate and politic,  
 672 organized in accordance with the provisions of this chapter, for  
 673 the purpose, with the powers, and subject to the provisions set  
 674 forth in this chapter. The term "district" or "soil conservation  
 675 district," when used in this chapter, means and includes a "soil  
 676 and water conservation district." All districts heretofore or

677 ~~hereafter~~ organized under this chapter shall be known as soil  
678 and water conservation districts and shall have all the powers  
679 set out herein.

680 (5)~~(7)~~ "Due notice," in addition to notice required  
681 pursuant to the provisions of chapter 120, means notice  
682 published ~~at least twice, with an interval of at least 7 days~~  
683 before the event ~~between the two publication dates,~~ in a  
684 newspaper or other publication of general circulation within the  
685 appropriate area ~~or, if no such publication of general~~  
686 ~~circulation be available, by posting at a reasonable number of~~  
687 ~~conspicuous places within the appropriate area, such posting to~~  
688 ~~include, where possible, posting at public places where it may~~  
689 ~~be customary to post notices concerning county or municipal~~  
690 ~~affairs generally. At any hearing held pursuant to such notice,~~  
691 ~~at the time and place designated in such notice, adjournment may~~  
692 ~~be made from time to time without the necessity of renewing such~~  
693 ~~notice for such adjourned dates.~~

694 (6)~~(5)~~ "Land occupier" or "occupier of land" means a  
695 ~~includes any person, other than the owner, who possesses shall~~  
696 ~~be in possession of~~ any lands lying within a district organized  
697 under the provisions of this chapter, whether as lessee, renter,  
698 tenant, or otherwise.

699 (7)~~(4)~~ "Landowner" or "owner of land" means a ~~includes any~~  
700 person who holds ~~shall hold~~ legal or equitable title to any  
701 lands lying within a district organized under the provisions of  
702 this chapter.

703        (8)~~(6)~~ "Qualified elector" means a ~~includes any person~~  
 704 qualified to vote in general elections under the constitution  
 705 and laws ~~statutes~~ of this state.

706        (9)~~(2)~~ "Supervisor" means a member ~~one of the members~~ of  
 707 the governing body of a district who is, ~~elected~~ in accordance  
 708 with the provisions of this chapter.

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

711        Section 22. Section 582.02, Florida Statutes, is amended  
 712 to read:

713        582.02 Legislative policy and findings; purpose of  
 714 districts ~~Lands a basic asset of state.-~~

715        (1) It is the policy of the Legislature to promote the  
 716 appropriate and efficient use of soil and water resources,  
 717 protect water quality, prevent floodwater and sediment damage,  
 718 preserve wildlife, protect public lands, and protect and promote  
 719 the health, safety, and general welfare of the people of this  
 720 state.

721        (2) The Legislature finds that the farm, forest, and  
 722 grazing lands; green spaces; recreational areas; and natural  
 723 areas of the state are among the basic assets of the state and  
 724 the conservation ~~preservation~~ of these lands is necessary to  
 725 protect and promote the health, safety, and general welfare of  
 726 its people and is in the public interest; ~~improper land use~~  
 727 ~~practices have caused and have contributed to, and are now~~  
 728 ~~causing and contributing to a progressively more serious erosion~~

729 ~~of the farm and grazing lands of this state by fire, wind and~~  
730 ~~water; the breaking of natural grass, plant, and forest cover~~  
731 ~~has interfered with the natural factors of soil stabilization,~~  
732 ~~causing loosening of soil and exhaustion of humus, and~~  
733 ~~developing a soil condition that favors erosion; the top soil is~~  
734 ~~being burned, washed and blown out of fields and pastures; there~~  
735 ~~has been an accelerated washing of sloping fields; these~~  
736 ~~processes of erosion by fire, wind and water speed up with~~  
737 ~~removal of absorptive topsoil, causing exposure of less~~  
738 ~~absorptive and less protective but more erosive subsoil; failure~~  
739 ~~by any landowner or occupier to conserve the soil and control~~  
740 ~~erosion upon her or his lands causes destruction by burning,~~  
741 ~~washing and blowing of soil and water from her or his lands onto~~  
742 ~~other lands and makes the conservation of soil and control~~  
743 ~~erosion of such other lands difficult or impossible.~~

744 (3) The Legislature further finds that to ensure the  
745 preservation of the state's farm, forest, and grazing lands;  
746 green spaces; recreational areas; and natural areas, and to  
747 conserve, protect, and use soil and water resources, it is  
748 necessary that appropriate land and water resources protection  
749 practices be implemented.

750 (4) The purpose of the soil and water conservation  
751 districts is to provide assistance, guidance, and education to  
752 landowners, land occupiers, the agricultural industry, and the  
753 general public in implementing land and water resource  
754 protection practices. The Legislature intends for soil and water

755 conservation districts to work in conjunction with federal,  
756 state, and local agencies in all matters that implement the  
757 provisions of this chapter.

758 Section 23. Sections 582.03, 582.04, and 582.05, Florida  
759 Statutes, are repealed.

760 Section 24. Subsections (5) through (9) are added to  
761 section 582.055, Florida Statutes, to read:

762 582.055 Powers and duties of the Department of Agriculture  
763 and Consumer Services; rules.—

764 (5) The department may offer such assistance as may be  
765 appropriate to the supervisors of soil and water conservation  
766 districts and facilitate communication and cooperation between  
767 districts.

768 (6) The department may seek the cooperation and assistance  
769 of any federal, state, or county agencies in the work of such  
770 districts, including the receipt and expenditure of state,  
771 federal, and other funds or contributions.

772 (7) The department may disseminate information throughout  
773 the state concerning the activities, research, and programs of  
774 the soil and water conservation districts and encourage the  
775 formation of such districts in areas where their organization is  
776 desirable.

777 (8) The department may create or dissolve a soil and water  
778 conservation district pursuant to the provisions of this  
779 chapter.

780 (9) The department may adopt rules, as necessary, to

781 implement the provisions of this chapter.

782 Section 25. Subsection (2) of section 582.06, Florida  
783 Statutes, is amended to read:

784 582.06 Soil and Water Conservation Council; powers and  
785 duties.—

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

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

790 (b) The council shall accept and review requests for  
791 creating or dissolving soil and water conservation districts and  
792 shall, by a majority vote, recommend, by resolution, to the  
793 commissioner that a district be created or dissolved pursuant to  
794 the request, or that the request be denied.

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

799 Section 26. Sections 582.08 and 582.09, Florida Statutes,  
800 are repealed.

801 Section 27. Section 582.16, Florida Statutes, is amended  
802 to read:

803 582.16 Change of district boundaries ~~Addition of territory~~  
804 ~~to district or removal of territory therefrom.—Requests for~~  
805 increasing or reducing the boundaries of ~~Petitions for including~~  
806 ~~additional territory or removing territory within an existing~~

807 district may be filed with the department ~~Department of~~  
808 ~~Agriculture and Consumer Services~~, and the department shall  
809 follow the proceedings provided for in this chapter to create a  
810 district in the case of petitions to organize a district shall  
811 ~~be observed in the case of petitions for such inclusion or~~  
812 ~~removal. The department shall prescribe the form for such~~  
813 ~~petition, which shall be as nearly as may be in the form~~  
814 ~~prescribed in this chapter for petitions to organize a district.~~  
815 ~~If the petition is signed by a majority of the landowners of~~  
816 ~~such area, no referendum need be held. In referenda upon~~  
817 ~~petitions for such inclusions or removals, all owners of land~~  
818 ~~lying within the proposed area to be added or removed shall be~~  
819 ~~eligible to vote.~~

820 Section 28. Section 582.17, Florida Statutes, is repealed.

821 Section 29. Section 582.20, Florida Statutes, is amended  
822 to read:

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

830 (1) To conduct surveys, studies investigations, and  
831 research relating to ~~the character of soil~~ and water resources  
832 and erosion and floodwater and sediment damages, to the



833 ~~conservation, development and utilization of soil and water~~  
834 ~~resources and the disposal of water, and to the preventive and~~  
835 ~~control measures and works of improvement needed;~~ to publish and  
836 disseminate the results of such surveys, studies investigations,  
837 ~~or research, and related information;~~ and to disseminate  
838 information concerning such preventive and control measures and  
839 works of improvement; provided, however, that in order to avoid  
840 duplication of research activities, no district shall initiate  
841 any research program except in cooperation with the government  
842 of this state or any of its agencies, or with the United States  
843 or any of its agencies;

844 (2) To conduct agricultural best management practices  
845 demonstration demonstrational projects and projects for the  
846 conservation, protection, and restoration of soil and water  
847 resources:

848 (a) Within the district's boundaries;

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

851 (c) In areas within the district's boundaries, territory  
852 ~~within another district's boundaries subject to the other~~  
853 ~~district's approval, or territory not contained within any~~  
854 district's boundaries on lands owned or controlled by this state  
855 or any of its agencies, with the cooperation of the agency  
856 administering and having jurisdiction thereof; or

857 (d) On, and on any other lands within the district's  
858 boundaries, ~~territory~~ within another district's boundaries

859 subject to the other district's approval, or ~~territory~~ not  
860 contained within any district's boundaries upon obtaining the  
861 consent of the owner or occupier and ~~occupiers~~ of the ~~such~~ lands  
862 or the necessary rights or interests in such lands, ~~in order to~~  
863 ~~demonstrate by example the means, methods, and measures by which~~  
864 ~~soil and soil resources may be conserved, and soil erosion in~~  
865 ~~the form of soil blowing and soil washing may be prevented and~~  
866 ~~controlled, and works of improvement for flood prevention or the~~  
867 ~~conservation, development and utilization of soil and water~~  
868 ~~resources, and the disposal of water may be carried out;~~

869 ~~(3) To carry out preventive and control measures and works~~  
870 ~~of improvement for flood prevention or the conservation,~~  
871 ~~development and utilization of soil and water resources, and the~~  
872 ~~disposal of water within the district's boundaries, territory~~  
873 ~~within another district's boundaries subject to the other~~  
874 ~~district's approval, or territory not contained within any~~  
875 ~~district's boundaries, including, but not limited to,~~  
876 ~~engineering operations, methods of cultivation, the growing of~~  
877 ~~vegetation, changes in use of land, and the measures listed in~~  
878 ~~s. 582.04 on lands owned or controlled by this state or any of~~  
879 ~~its agencies, with the cooperation of the agency administering~~  
880 ~~and having jurisdiction thereof, and on any other lands within~~  
881 ~~the district's boundaries, territory within another district's~~  
882 ~~boundaries subject to the other district's approval, or~~  
883 ~~territory not contained within any district's boundaries upon~~  
884 ~~obtaining the consent of the owner and the occupiers of such~~

885 ~~lands or the necessary rights or interests in such lands;~~  
 886 (3)-(4) To cooperate, or enter into agreements with, and  
 887 ~~within the limits of appropriations duly made available to it by~~  
 888 ~~law, to furnish financial or other aid to,~~ any special district,  
 889 municipality, county, water management district, state or  
 890 federal agency, governmental or otherwise, or ~~any~~ owner or  
 891 occupier of lands within the district's boundaries, ~~territory~~  
 892 within another district's boundaries subject to the other  
 893 district's approval, or ~~territory~~ not contained within any  
 894 district's boundaries in furtherance of the purposes and  
 895 provisions of this chapter ~~, in the carrying on of erosion~~  
 896 ~~control or prevention operations and works of improvement for~~  
 897 ~~flood prevention or the conservation, development and~~  
 898 ~~utilization, of soil and water resources and the disposal of~~  
 899 ~~water within the district's boundaries, territory within another~~  
 900 ~~district's boundaries subject to the other district's approval,~~  
 901 ~~or territory not contained within any district's boundaries,~~  
 902 ~~subject to such conditions as the supervisors may deem necessary~~  
 903 ~~to advance the purposes of this chapter;~~  
 904 (4)-(5) To obtain options upon and to acquire, by purchase,  
 905 exchange, lease, gift, grant, bequest, devise or otherwise, any  
 906 property, real or personal, or rights or interests therein; to  
 907 maintain, administer, and improve any properties acquired, to  
 908 receive income from such properties and to expend such income in  
 909 carrying out the purposes and provisions of this chapter; and to  
 910 sell, lease, or otherwise dispose of any of its property or

911 interests therein in furtherance of the purposes and ~~the~~  
 912 provisions of this chapter;

913 (5)~~(6)~~ To make available, on such terms as it shall  
 914 prescribe, to any owner or occupier of lands ~~landowners and~~  
 915 ~~occupiers~~ within the district's boundaries, ~~territory~~ within  
 916 another district's boundaries subject to the other district's  
 917 approval, or ~~territory~~ not contained within any district's  
 918 boundaries, agricultural and engineering machinery and  
 919 equipment, ~~fertilizer, seeds and seedlings,~~ and such other  
 920 material or equipment, that ~~as~~ will assist such landowners and  
 921 occupiers to carry on operations upon their lands for the  
 922 conservation and protection of soil and water resources ~~and for~~  
 923 ~~the prevention or control of soil erosion and for flood~~  
 924 ~~prevention or the conservation, development and utilization, of~~  
 925 ~~soil and water resources and the disposal of water;~~

926 (6)~~(7)~~ To construct, improve, operate and maintain such  
 927 structures as may be necessary or convenient for the performance  
 928 of any of the operations authorized in this chapter;

929 (7)~~(8)~~ To provide, or assist in providing, training and  
 930 education programs that further the purposes and provisions of  
 931 this chapter ~~develop comprehensive plans for the conservation of~~  
 932 ~~soil and water resources and for the control and prevention of~~  
 933 ~~soil erosion and for flood prevention or the conservation,~~  
 934 ~~development and utilization of soil and water resources, and the~~  
 935 ~~disposal of water within the district's boundaries, territory~~  
 936 ~~within another district's boundaries subject to the other~~

937 ~~district's approval, or territory not contained within any~~  
938 ~~district's boundaries, which plans shall specify in such detail~~  
939 ~~as may be possible the acts, procedures, performances, and~~  
940 ~~avoidances which are necessary or desirable for the effectuation~~  
941 ~~of such plans, including the specification of engineering~~  
942 ~~operations, methods of cultivation, the growing of vegetation,~~  
943 ~~cropping programs, tillage practices, and changes in use of~~  
944 ~~land; control of artesian wells; and to publish such plans and~~  
945 ~~information and bring them to the attention of owners and~~  
946 ~~occupiers of lands within the district's boundaries, territory~~  
947 ~~within another district's boundaries subject to the other~~  
948 ~~district's approval, or territory not contained within any~~  
949 ~~district's boundaries;~~

950 ~~(9) To take over, by purchase, lease, or otherwise, and to~~  
951 ~~administer any soil conservation, erosion control, erosion-~~  
952 ~~prevention project, or any project for flood prevention or for~~  
953 ~~the conservation, development and utilization of soil and water~~  
954 ~~resources, and the disposal of water, located within the~~  
955 ~~district's boundaries, territory within another district's~~  
956 ~~boundaries subject to the other district's approval, or~~  
957 ~~territory not contained within any district's boundaries,~~  
958 ~~undertaken by the United States or any of its agencies, or by~~  
959 ~~this state or any of its agencies; to manage as agent of the~~  
960 ~~United States or any of its agencies, or of the state or any of~~  
961 ~~its agencies, any soil conservation, erosion control, erosion-~~  
962 ~~prevention, or any project for flood prevention or for the~~

963 ~~conservation, development, and utilization of soil and water~~  
964 ~~resources, and the disposal of water within the district's~~  
965 ~~boundaries, territory within another district's boundaries~~  
966 ~~subject to the other district's approval, or territory not~~  
967 ~~contained within any district's boundaries; to act as agent for~~  
968 ~~the United States, or any of its agencies, or for the state or~~  
969 ~~any of its agencies, in connection with the acquisition,~~  
970 ~~construction, operation or administration of any soil-~~  
971 ~~conservation, erosion-control, erosion-prevention, or any~~  
972 ~~project for flood prevention or for the conservation,~~  
973 ~~development and utilization of soil and water resources, and the~~  
974 ~~disposal of water within the district's boundaries, territory~~  
975 ~~within another district's boundaries subject to the other~~  
976 ~~district's approval, or territory not contained within any~~  
977 ~~district's boundaries; to accept donations, gifts, and~~  
978 ~~contributions in money, services, materials, or otherwise, from~~  
979 ~~the United States or any of its agencies, or from this state or~~  
980 ~~any of its agencies, or from others, and to use or expend such~~  
981 ~~moneys, services, materials or other contributions in carrying~~  
982 ~~on its operations;~~

983 (8) ~~(10)~~ To sue and be sued in the name of the district; to  
984 have a seal, which seal shall be judicially noticed; to have  
985 perpetual succession unless terminated as provided in this  
986 chapter; to make and execute contracts and other instruments  
987 necessary or convenient to the exercise of its powers; upon a  
988 majority vote of the supervisors of the district, to borrow

989 money and to execute promissory notes and other evidences of  
 990 indebtedness in connection therewith, and to pledge, mortgage,  
 991 and assign the income of the district and its personal property  
 992 as security therefor, the notes and other evidences of  
 993 indebtedness to be general obligations only of the district and  
 994 in no event to constitute an indebtedness for which the faith  
 995 and credit of the state or any of its revenues are pledged; ~~to~~  
 996 ~~make, amend, and repeal rules and regulations not inconsistent~~  
 997 ~~with this chapter to carry into effect its purposes and powers.~~

998 ~~(11) As a condition to the extending of any benefits under~~  
 999 ~~this chapter to, or the performance of work upon, any lands not~~  
 1000 ~~owned or controlled by this state or any of its agencies, the~~  
 1001 ~~supervisors may require contributions in money, services,~~  
 1002 ~~materials, or otherwise to any operations conferring such~~  
 1003 ~~benefits, and may require landowners and occupiers to enter into~~  
 1004 ~~and perform such agreements or covenants as to the permanent use~~  
 1005 ~~of such lands as will tend to prevent or control erosion and~~  
 1006 ~~prevent floodwater and sediment damages thereon;~~

1007 (9) To use, in coordination with the applicable county or  
 1008 counties, the services of the county agricultural agents and the  
 1009 facilities of their offices, if practicable and feasible. The  
 1010 supervisors may also employ additional permanent and temporary  
 1011 staff, as needed, and determine their qualifications, duties,  
 1012 and compensation. The supervisors may delegate to the chair, to  
 1013 one or more supervisors, or to employees such powers and duties  
 1014 as they may deem proper, consistent with the provisions of this

1015 chapter. The supervisors shall furnish to the department, upon  
 1016 request, copies of rules, orders, contracts, forms, and other  
 1017 documents that the district has adopted or used, and any other  
 1018 information concerning the district's activities, that the  
 1019 department may require in the performance of its duties under  
 1020 this chapter;

1021 (10) To adopt rules to implement the provisions of this  
 1022 chapter; and

1023 (11) To request that the Governor remove a supervisor for  
 1024 neglect of duty or malfeasance in office by adoption of a  
 1025 resolution at a public meeting. If the district believes there  
 1026 is a need for a review of the request, the district may request  
 1027 that the council, by resolution, review its request to the  
 1028 Governor and provide the Governor with a recommendation.

1029  
 1030 ~~(12)~~ Any provision ~~No provisions~~ with respect to the  
 1031 acquisition, operation, or disposition of property by public  
 1032 bodies of this state does not apply ~~shall be applicable~~ to a  
 1033 district organized under this chapter unless specifically so  
 1034 stated by hereunder unless the Legislature ~~shall specifically so~~  
 1035 ~~state~~. The property and property rights of every kind and nature  
 1036 acquired by any district organized under the provisions of this  
 1037 chapter are ~~shall be~~ exempt from state, county, and other  
 1038 taxation.

1039 Section 30. Sections 582.21, 582.22, 582.23, 582.24,  
 1040 582.25, and 582.26, Florida Statutes, are repealed.



1041 Section 31. Section 582.29, Florida Statutes, is amended  
 1042 to read:

1043 582.29 State agencies to cooperate.—Agencies of this state  
 1044 that ~~which shall~~ have jurisdiction over, or are ~~be~~ charged with,  
 1045 the administration of any state-owned lands, and of any county,  
 1046 or other governmental subdivision of the state, that ~~which shall~~  
 1047 have jurisdiction over, or are ~~be~~ charged with the  
 1048 administration of, any county-owned or other publicly owned  
 1049 lands, ~~lying within the boundaries of any district organized~~  
 1050 ~~under this chapter, the boundaries of another district subject~~  
 1051 ~~to that district's approval, or territory not contained within~~  
 1052 ~~the boundaries of any district organized under this chapter,~~  
 1053 shall cooperate to the fullest extent with the supervisors of  
 1054 such districts in the implementation ~~effectuation~~ of programs  
 1055 and operations undertaken by the supervisors under the  
 1056 provisions of this chapter. The supervisors of such districts  
 1057 shall be given free access to enter and perform work upon such  
 1058 publicly owned lands. ~~The provisions of land use regulations~~  
 1059 ~~adopted shall be in all respects observed by the agencies~~  
 1060 ~~administering such publicly owned lands.~~

1061 Section 32. Sections 582.331, 582.34, 582.35, 582.36,  
 1062 582.37, 582.38, 582.39, 582.40, 582.41, 582.42, 582.43, 582.44,  
 1063 582.45, 582.46, 582.47, 582.48, 582.49, Florida Statutes, are  
 1064 repealed.

1065 Section 33. Section 589.26, Florida Statutes, is repealed.

1066 Section 34. Subsections (4) and (5) of section 595.402,

1067 Florida Statutes, are renumbered as subsections (5) and (6),  
 1068 respectively, and new subsections (4), (7), and (8) are added to  
 1069 that section, to read:

1070 595.402 Definitions.—As used in this chapter, the term:

1071 (4) "School breakfast program" means a program authorized  
 1072 by section 4 of the Child Nutrition Act of 1966, as amended, and  
 1073 administered by the department.

1074 (7) "Summer nutrition program" means one or more of the  
 1075 programs authorized under 42 U.S.C. s. 1761.

1076 (8) "Universal school breakfast program" means a program  
 1077 that makes breakfast available at no cost to all students  
 1078 regardless of their household income.

1079 Section 35. Section 595.404, Florida Statutes, is amended  
 1080 to read:

1081 595.404 School food and other nutrition programs ~~service~~  
 1082 ~~program~~; powers and duties of the department.—The department has  
 1083 the following powers and duties:

1084 (1) To conduct, supervise, and administer the program that  
 1085 will be carried out using federal or state funds, or funds from  
 1086 any other source.

1087 (2) To conduct, supervise, and administer a farmers'  
 1088 market nutrition program to provide participants in the Special  
 1089 Supplemental Nutrition Program for Women, Infants, and Children  
 1090 (WIC) with locally grown fruits and vegetables that will be  
 1091 carried out using federal or state funds, or funds from any  
 1092 other source.

1093        (3)~~(2)~~ To fully cooperate with the United States  
 1094 Government and its agencies and instrumentalities so that the  
 1095 department may receive the benefit of all federal financial  
 1096 allotments and assistance possible to carry out the purposes of  
 1097 this chapter.

1098        (4)~~(3)~~ To implement and adopt by rule, as required,  
 1099 federal regulations ~~to maximize federal assistance for the~~  
 1100 ~~program.~~

1101        (5)~~(4)~~ To act as agent of, or contract with, the Federal  
 1102 Government, another state agency, any county or municipal  
 1103 government, or sponsor for the administration of the program,  
 1104 including the distribution of funds provided by the Federal  
 1105 Government to support the program.

1106        (6)~~(5)~~ To provide ~~make a reasonable effort to ensure that~~  
 1107 ~~any school designated as a "severe need school" receives~~ the  
 1108 highest rate of reimbursement to which it is entitled under 42  
 1109 U.S.C. s. 1773 for each breakfast meal served.

1110        (7)~~(6)~~ To develop and propose legislation necessary to  
 1111 implement the program, encourage the development of innovative  
 1112 school food and nutrition services, and expand participation in  
 1113 the program.

1114        (8)~~(7)~~ To annually allocate among the sponsors, as  
 1115 applicable, funds provided from the school breakfast supplement  
 1116 in the General Appropriations Act based on each district's total  
 1117 number of free and reduced-price breakfast meals served.

1118        (9)~~(8)~~ To employ such persons as are necessary to perform

1119 its duties under this chapter.

1120 (10)~~(9)~~ To adopt rules covering the administration,  
1121 operation, and enforcement of the program and the farmers'  
1122 market nutrition program, as well as to implement the provisions  
1123 of this chapter.

1124 (11)~~(10)~~ To adopt and implement an appeal process by rule,  
1125 as required by federal regulations, for applicants and  
1126 participants under the programs implemented pursuant to this  
1127 chapter program, notwithstanding ss. 120.569 and 120.57-120.595.

1128 (12)~~(11)~~ To assist, train, and review each sponsor in its  
1129 implementation of the program.

1130 (13)~~(12)~~ To advance funds from the program's annual  
1131 appropriation to a summer nutrition program sponsor ~~sponsors~~,  
1132 when requested, in order to implement the provisions of this  
1133 chapter and in accordance with federal regulations.

1134 (14) To collect data on food purchased through the  
1135 programs defined and described in ss. 595.402(3) and 595.406,  
1136 and to publish that data annually.

1137 (15) To enter into agreements with federal or state  
1138 agencies to coordinate and cooperate in the implementation of  
1139 nutrition programs.

1140 Section 36. Section 595.405, Florida Statutes, is amended  
1141 to read:

1142 595.405 School nutrition program requirements ~~for school~~  
1143 ~~districts and sponsors.~~-

1144 (1) Each ~~school~~ district school board shall consider the

1145 recommendations of the district school superintendent and adopt  
1146 policies to provide for an appropriate food and nutrition  
1147 ~~service~~ program for students consistent with federal law and  
1148 department rules.

1149 (2) Each ~~school~~ district school board shall implement  
1150 school breakfast programs that make breakfast meals available to  
1151 all students in each elementary school that serves any  
1152 combination of grades kindergarten through 5. ~~Universal school~~  
1153 ~~breakfast programs shall be offered in schools in which 80~~  
1154 ~~percent or more of the students are eligible for free or~~  
1155 ~~reduced-price meals. Each school shall, to the maximum extent~~  
1156 ~~practicable, make breakfast meals available to students at an~~  
1157 ~~alternative site location, which may include, but need not be~~  
1158 ~~limited to, alternative breakfast options as described in~~  
1159 ~~publications of the Food and Nutrition Service of the United~~  
1160 ~~States Department of Agriculture for the federal School~~  
1161 ~~Breakfast Program.~~

1162 (3) Each ~~school~~ district school board must annually set  
1163 prices for breakfast meals at rates that, combined with federal  
1164 reimbursements and state allocations, are sufficient to defray  
1165 costs of school breakfast programs without requiring allocations  
1166 from the district's operating funds, except if the district  
1167 school board approves lower rates.

1168 ~~(4) Each school district is encouraged to provide~~  
1169 ~~universal, free school breakfast meals to all students in each~~  
1170 ~~elementary, middle, and high school. Each school district shall~~

1171 ~~approve or disapprove a policy, after receiving public testimony~~  
1172 ~~concerning the proposed policy at two or more regular meetings,~~  
1173 ~~which makes universal, free school breakfast meals available to~~  
1174 ~~all students in each elementary, middle, and high school in~~  
1175 ~~which 80 percent or more of the students are eligible for free~~  
1176 ~~or reduced-price meals.~~

1177 (4)-(5) Each elementary, middle, and high school operating  
1178 a breakfast program shall make a breakfast meal available if a  
1179 student arrives at school on the school bus less than 15 minutes  
1180 before the first bell rings and shall allow the student at least  
1181 15 minutes to eat the breakfast.

1182 (5) Each district school board is encouraged to provide  
1183 universal, free school breakfast meals to all students in each  
1184 elementary, middle, and high school. A universal school  
1185 breakfast program shall be implemented in each school in which  
1186 80 percent or more of the students are eligible for free or  
1187 reduced-price meals, unless the district school board, after  
1188 considering public testimony at two or more regularly scheduled  
1189 board meetings, decides not to implement such a program in such  
1190 schools.

1191 (6) To increase school breakfast and universal school  
1192 breakfast program participation, each district school board  
1193 must, to the maximum extent practicable, make breakfast meals  
1194 available to students through alternative service models as  
1195 described in publications of the Food and Nutrition Service of  
1196 the United States Department of Agriculture for the federal

1197 School Breakfast Program.

1198 (7)~~(6)~~ Each ~~school~~ district school board shall annually  
 1199 provide ~~to all students in each elementary, middle, and high~~  
 1200 ~~school~~ information prepared by the district's food service  
 1201 administration regarding available ~~its~~ school breakfast  
 1202 programs. The information shall be communicated through school  
 1203 announcements and ~~written~~ notices sent to all parents.

1204 (8)~~(7)~~ A ~~school~~ district school board may operate a  
 1205 breakfast program providing for food preparation at the school  
 1206 site or in central locations with distribution to designated  
 1207 satellite schools, or any combination thereof.

1208 ~~(8) Each sponsor shall complete all corrective action~~  
 1209 ~~plans required by the department or a federal agency to be in~~  
 1210 ~~compliance with the program.~~

1211 Section 37. Section 595.406, Florida Statutes, is amended  
 1212 to read:

1213 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

1214 (1) In order to implement the Florida Farm to School ~~Fresh~~  
 1215 ~~Schools~~ Program, the department shall develop policies  
 1216 pertaining to school food services which encourage:

1217 (a) Sponsors to buy fresh and high-quality foods grown in  
 1218 this state when feasible.

1219 (b) Farmers in this state to sell their products to  
 1220 sponsors, school districts, and schools.

1221 (c) Sponsors to demonstrate a preference for competitively  
 1222 priced organic food products.

1223 (d) Sponsors to make reasonable efforts to select foods  
1224 based on a preference for those that have maximum nutritional  
1225 content.

1226 (2) The department shall provide outreach, guidance, and  
1227 training to sponsors, schools, school food service directors,  
1228 parent and teacher organizations, and students about the benefit  
1229 of fresh food products from farms in this state.

1230 (3) The department may recognize sponsors who purchase at  
1231 least 10 percent of the food they serve from the Florida Farm to  
1232 School Program.

1233 Section 38. Subsection (2) of section 595.407, Florida  
1234 Statutes, is amended to read:

1235 595.407 Children's summer nutrition program.—

1236 (2) Each school district shall develop a plan to sponsor  
1237 or operate a summer nutrition program to operate sites in the  
1238 school district as follows:

1239 (a) Within 5 miles of at least one ~~elementary~~ school that  
1240 serves any combination of grades kindergarten through 5 at which  
1241 50 percent or more of the students are eligible for free or  
1242 reduced-price school meals ~~and~~ for the duration of 35  
1243 ~~consecutive~~ days between the end of the school year and the  
1244 beginning of the next school year. School districts may exclude  
1245 holidays and weekends.

1246 (b) Within 10 miles of each ~~elementary~~ school that serves  
1247 any combination of grades kindergarten through 5 at which 50  
1248 percent or more of the students are eligible for free or



1249 reduced-price school meals, except as operated pursuant to  
 1250 paragraph (a).

1251 Section 39. Section 595.408, Florida Statutes, is amended  
 1252 to read:

1253 595.408 Food Commodity distribution services; department  
 1254 responsibilities and functions.—

1255 (1) (a) The department shall conduct, supervise, and  
 1256 administer all food commodity distribution services that will be  
 1257 carried on using federal or state funds, or funds from any other  
 1258 source, or food commodities received and distributed from the  
 1259 United States or any of its agencies.

1260 (b) The department shall determine the benefits each  
 1261 applicant or recipient of assistance is entitled to receive  
 1262 under this chapter, provided that each applicant or recipient is  
 1263 a resident of this state and a citizen of the United States or  
 1264 is an alien lawfully admitted for permanent residence or  
 1265 otherwise permanently residing in the United States under color  
 1266 of law.

1267 (2) The department shall cooperate fully with the United  
 1268 States Government and its agencies and instrumentalities so that  
 1269 the department may receive the benefit of all federal financial  
 1270 allotments and assistance possible to carry out the purposes of  
 1271 this chapter.

1272 (3) The department may:

1273 (a) Accept any duties with respect to food commodity  
 1274 distribution services as are delegated to it by an agency of the

1275 Federal Government or any state, county, or municipal  
 1276 government.

1277 (b) Act as agent of, or contract with, the federal  
 1278 government, state government, or any county or municipal  
 1279 government in the administration of food ~~commodity~~ distribution  
 1280 services to secure the benefits of any public assistance that is  
 1281 available from the federal government or any of its agencies,  
 1282 and in the distribution of funds received from the federal  
 1283 government, state government, or any county or municipal  
 1284 government for food ~~commodity~~ distribution services within the  
 1285 state.

1286 (c) Accept from any person or organization all offers of  
 1287 personal services, food ~~commodities~~, or other aid or assistance.

1288 (4) This chapter does not limit, abrogate, or abridge the  
 1289 powers and duties of any other state agency.

1290 Section 40. Section 595.501, Florida Statutes, is amended  
 1291 to read:

1292 595.501 Penalties.—

1293 (1) When a corrective action plan is issued by the  
 1294 department or a federal agency, each sponsor is required to  
 1295 complete the corrective action plan to be in compliance with the  
 1296 program.

1297 (2) Any person ~~or~~ sponsor, ~~or school district~~ that  
 1298 violates any provision of this chapter or any rule adopted  
 1299 thereunder or otherwise does not comply with the program is  
 1300 subject to a suspension or revocation of their agreement, loss

1301 of reimbursement, or a financial penalty in accordance with  
 1302 federal or state law,    or both. This section does not restrict  
 1303 the applicability of any other law.

1304 Section 41. Section 595.601, Florida Statutes, is amended  
 1305 to read:

1306 595.601 Food and Nutrition Services Trust Fund.—Chapter  
 1307 99-37, Laws of Florida, recreated the Food and Nutrition  
 1308 Services Trust Fund to record revenue and disbursements of  
 1309 Federal Food and Nutrition funds received by the department as  
 1310 authorized in ss. 595.404 and 595.408 ~~s. 595.405~~.

1311 Section 42. Paragraphs (b) and (d) of subsection (1) and  
 1312 subsection (2) of section 604.21, Florida Statutes, are amended  
 1313 to read:

1314 604.21 Complaint; investigation; hearing.—

1315 (1)

1316 (b) To be considered timely filed, a complaint together  
 1317 with any required affidavit ~~affidavits or notarizations~~ must be  
 1318 received by the department within 6 months after the date of  
 1319 sale by electronic transmission, facsimile, regular mail,  
 1320 certified mail, or private delivery service. If the complaint is  
 1321 sent by a service other than electronic mail or facsimile, the  
 1322 mailing shall be postmarked or dated on or before the 6-month  
 1323 deadline to be accepted as timely filed.

1324 (d) A person, partnership, corporation, or other business  
 1325 entity filing a complaint shall submit to the department the  
 1326 following documents: a ~~three~~ completed complaint affidavit

1327 ~~affidavits~~ on a form provided by the department with an original  
 1328 signature of an owner, partner, general partner, or corporate  
 1329 officer and an original notarization ~~on each affidavit. If the~~  
 1330 ~~complaint is filed by electronic transmission or facsimile, the~~  
 1331 ~~original affidavits and original notarizations shall be filed~~  
 1332 ~~with the department not later than the close of business of the~~  
 1333 ~~tenth business day following the electronic transmission or~~  
 1334 ~~facsimile filing.~~ Attached to the ~~each~~ complaint affidavit shall  
 1335 be copies of all documents to support the complaint. Supporting  
 1336 documents may be copies of invoices, bills of lading, packing or  
 1337 shipping documents, demand letters, or any other documentation  
 1338 to support the claim. In cases in which there are multiple  
 1339 invoices being claimed, a summary list of all claimed invoices  
 1340 must accompany the complaint.

1341 (2) Upon the filing of a such ~~such~~ complaint pursuant to this  
 1342 section ~~in the manner herein provided,~~ the department shall  
 1343 investigate the matters complained of and; ~~whereupon,~~ if, in the  
 1344 opinion of the department, the facts contained in the complaint  
 1345 warrant such action, the department shall serve notice of the  
 1346 ~~filing of~~ complaint to the dealer against whom the complaint has  
 1347 been filed at the last address of record. The ~~Such~~ notice shall  
 1348 be accompanied by a ~~true~~ copy of the complaint. A copy of the  
 1349 ~~such~~ notice and complaint shall also be served to the surety  
 1350 company, if any, that provided the bond for the dealer, which  
 1351 surety company shall become party to the action. The ~~Such~~ notice  
 1352 ~~of the complaint~~ shall inform the dealer of a reasonable time

1353 within which to answer the complaint by advising the department  
1354 in writing that the allegations in the complaint are admitted or  
1355 denied or that the complaint has been satisfied. The ~~Such~~ notice  
1356 shall also inform the dealer and the surety company or financial  
1357 institution of a right to a hearing on the complaint, if  
1358 requested.

1359 Section 43. Section 604.33, Florida Statutes, is amended  
1360 to read:

1361 604.33 Security requirements for grain dealers.—Each grain  
1362 dealer doing business in the state shall maintain liquid  
1363 security, in the form of grain on hand, cash, certificates of  
1364 deposit, or other nonvolatile security that can be liquidated in  
1365 10 days or less, or cash bonds, surety bonds, or letters of  
1366 credit, that have been assigned to the department and that are  
1367 conditioned to secure the faithful accounting for and payment to  
1368 the producers for grain stored or purchased, in an amount equal  
1369 to the value of grain which the grain dealer has received from  
1370 grain producers for which the producers have not received  
1371 payment. The bonds must be executed by the applicant as  
1372 principal and by a surety corporation authorized to transact  
1373 business in the state. The certificates of deposit and letters  
1374 of credit must be from a recognized financial institution doing  
1375 business in the United States. ~~Each grain dealer shall report to~~  
1376 ~~the department monthly, on or before a date established by rule~~  
1377 ~~of the department, the value of grain she or he has received~~  
1378 ~~from producers for which the producers have not received payment~~

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1379 ~~and the types of transaction involved, showing the value of each~~  
1380 ~~type of transaction. The report shall also include a statement~~  
1381 ~~showing the type and amount of security maintained to cover the~~  
1382 ~~grain dealer's liability to producers.~~ The department may ~~shall~~  
1383 make at least one spot check annually of each grain dealer to  
1384 determine compliance with the requirements of this section.

1385 Section 44. Except as otherwise expressly provided in this  
1386 act and except for this section, which shall take effect upon  
1387 becoming a law, this act shall take effect July 1, 2016.