



1                   A bill to be entitled  
2           An act relating to the Department of Agriculture and  
3           Consumer Services; creating s. 15.0521, F.S.;  
4           designating tupelo honey as the official state honey;  
5           amending s. 482.111, F.S.; revising requirements for  
6           issuance of an original pest control operator's  
7           certificate; amending s. 482.1562, F.S.; revising the  
8           date by which an application for recertification of a  
9           limited certification for urban landscape commercial  
10          fertilizer application is required; removing  
11          provisions imposing late renewal charges; providing a  
12          grace period for such recertification; amending s.  
13          500.03, F.S.; revising the definition of the term  
14          "food" and defining the term "vehicle" for purposes of  
15          the Florida Food Safety Act; amending s. 500.10, F.S.;  
16          providing that food transported under specified  
17          conditions or containing ingredients for which there  
18          is inadequate information is deemed adulterated;  
19          providing conditions under which a dietary supplement  
20          or its ingredients is deemed adulterated; amending s.  
21          500.11, F.S.; providing that a food is deemed  
22          misbranded for noncompliance with specified allergen  
23          information; creating s. 500.90, F.S.; preempting to  
24          the department the regulatory authority for the use  
25          and sale of polystyrene products by certain entities;  
26          providing applicability; amending s. 570.07, F.S.;



27 | revising powers and duties of the department to  
28 | include sponsoring events; authorizing the department  
29 | to secure letters of patent, copyrights, and  
30 | trademarks on work products and to engage in acts  
31 | accordingly; amending s. 570.30, F.S.; removing  
32 | electronic data processing and management information  
33 | systems support for the department as a power and duty  
34 | of the Division of Administration; amending s.  
35 | 570.441, F.S.; authorizing the use of funds in the  
36 | Pest Control Trust Fund for activities of the Division  
37 | of Agricultural Environmental Services; amending s.  
38 | 570.53, F.S.; revising duties of the Division of  
39 | Marketing and Development to remove enforcement of  
40 | provisions relating to dealers in agricultural  
41 | products; amending s. 570.544, F.S.; revising duties  
42 | of the director of the Division of Consumer Services  
43 | to include enforcement of provisions relating to  
44 | dealers in agricultural products and grain dealers;  
45 | creating s. 570.68, F.S.; authorizing the Commissioner  
46 | of Agriculture to create an Office of Agriculture  
47 | Technology Services; providing duties of the office;  
48 | amending s. 570.681, F.S.; revising legislative  
49 | findings with regard to the Florida Agriculture Center  
50 | and Horse Park; amending s. 570.685, F.S.;  
51 | authorizing, rather than requiring, the department to  
52 | provide administrative and staff support services,



53 meeting space, and record storage for the Florida  
54 Agriculture Center and Horse Park Authority; amending  
55 s. 571.24, F.S.; providing legislative intent for the  
56 Florida Agricultural Promotional Campaign to serve as  
57 a marketing program for certain purposes; removing an  
58 obsolete provision relating to the designation of a  
59 Division of Marketing and Development employee as a  
60 member of the Advertising Interagency Coordinating  
61 Council; amending s. 571.27, F.S.; removing obsolete  
62 provisions relating to the authority of the department  
63 to adopt rules for entering into contracts with  
64 advertising agencies for services which are directly  
65 related to the Florida Agricultural Promotional  
66 Campaign; amending s. 571.28, F.S.; revising  
67 provisions specifying membership criteria of the  
68 Florida Agricultural Promotional Campaign Advisory  
69 Council; amending s. 576.041, F.S.; revising the  
70 frequency of fertilizer sales reports and the payment  
71 of related inspection fees; providing for such reports  
72 and fees to be made through the department's website;  
73 revising the time by which such reports must be made  
74 and fees must be paid; creating s. 580.0365, F.S.;  
75 providing legislative intent with regard to regulation  
76 of commercial feed and feedstuff; preempting to the  
77 department the regulatory authority for commercial  
78 feed and feedstuff; amending s. 581.181, F.S.;



79 providing applicability of provisions requiring  
80 treatment or destruction of infested or infected  
81 plants and plant products; creating s. 581.189, F.S.;  
82 creating the Grove Removal or Vector Elimination  
83 (GROVE) Program within the department to provide cost-  
84 share funding for the removal or destruction of  
85 abandoned citrus groves; providing definitions;  
86 providing program procedures and requirements;  
87 directing the department to adopt rules; specifying  
88 that funding for the program is contingent upon  
89 specific legislative appropriation; amending s.  
90 582.01, F.S.; revising definitions; amending s.  
91 582.02, F.S.; revising legislative findings and intent  
92 with regard to the purpose of soil and water  
93 conservation districts; repealing s. 582.03, F.S.,  
94 relating to the consequences of soil erosion;  
95 repealing s. 582.04, F.S., relating to appropriate  
96 corrective methods for conservation, development, and  
97 use of soil and water resources; repealing s. 582.05,  
98 F.S., relating to legislative policy for the  
99 conservation, development, and use of such resources;  
100 amending s. 582.055, F.S.; revising provisions  
101 relating to powers and duties of the department with  
102 regard to soil and water conservation districts;  
103 amending s. 582.06, F.S.; revising provisions relating  
104 to powers and duties of the Soil and Water



105 Conservation Council; repealing s. 582.08, F.S.,  
106 relating to additional powers of the department with  
107 regard to soil and water conservation districts;  
108 repealing s. 582.09, F.S., relating to the employment  
109 of an administrative officer of soil and water  
110 conservation; amending s. 582.16, F.S.; revising  
111 provisions for modifying soil and water conservation  
112 district boundaries; repealing s. 582.17, F.S.,  
113 relating to the presumption that districts are  
114 established in accordance with specified provisions;  
115 amending s. 582.20, F.S.; revising provisions relating  
116 to powers and duties of soil and water conservation  
117 districts and district supervisors; repealing s.  
118 582.21, F.S., relating to the adoption of land use  
119 regulations by soil and water conservation district  
120 supervisors; repealing s. 582.22, F.S., relating to  
121 the content of land use regulations adopted by soil  
122 and water conservation district supervisors; repealing  
123 s. 582.23, F.S., relating to the performance of work  
124 under land use regulations adopted by soil and water  
125 conservation district supervisors; repealing s.  
126 582.24, F.S., relating to the board of adjustment;  
127 repealing s. 582.25, F.S., relating to rules of  
128 procedure of the board of adjustment; repealing s.  
129 582.26, F.S., relating to petitions to the board of  
130 adjustment for land use variances; amending s. 582.29,



131 F.S.; revising provisions directing state agencies and  
132 other governmental subdivisions of the state that  
133 manage publicly owned lands to cooperate with soil and  
134 water conservation district supervisors in  
135 implementing district programs and operations;  
136 repealing s. 582.331, F.S., relating to the  
137 establishment of a watershed improvement district  
138 within a soil and water conservation district;  
139 repealing s. 582.34, F.S., relating to the petition  
140 for establishment of a watershed improvement district  
141 within a soil and water conservation district;  
142 repealing s. 582.35, F.S., relating to notice and  
143 hearing on petition for establishment of a watershed  
144 improvement district within a soil and water  
145 conservation district and determination of need for  
146 such district; repealing s. 582.36, F.S., relating to  
147 determination of feasibility and referendum for a  
148 watershed improvement district within a soil and water  
149 conservation district; repealing s. 582.37, F.S.,  
150 relating to consideration of referendum results for  
151 determination of feasibility and declaration of  
152 organization of a watershed improvement district  
153 within a soil and water conservation district;  
154 repealing s. 582.38, F.S., relating to organization of  
155 a watershed improvement district within a soil and  
156 water conservation district; repealing s. 582.39,



157 F.S., relating to establishment of a watershed  
158 improvement district situated in more than one soil  
159 and water conservation district; repealing s. 582.40,  
160 F.S., relating to change of district boundaries  
161 including additions, detachments, transfers of land  
162 from one district to another, and change of district  
163 name; repealing s. 582.41, F.S., relating to the board  
164 of directors of a soil and water conservation  
165 district; repealing s. 582.42, F.S., relating to  
166 officers, agents, and employees of a watershed  
167 improvement district within a soil and water  
168 conservation district and issuance of surety bonds by,  
169 and annual audits of, such district; repealing s.  
170 582.43, F.S., relating to the power of a watershed  
171 improvement district within a soil and water  
172 conservation district to levy taxes and to construct,  
173 operate, improve, and maintain works of improvement in  
174 such district and to obtain necessary lands or  
175 interests therein; repealing s. 582.44, F.S., relating  
176 to procedures for a watershed improvement district  
177 within a soil and water conservation district to levy  
178 taxes; repealing s. 582.45, F.S., relating to the  
179 fiscal power of the board of directors of a watershed  
180 improvement district within a soil and water  
181 conservation district to issue bonds; repealing s.  
182 582.46, F.S., relating to additional powers of the



183 board of directors of a watershed improvement district  
184 within a soil and water conservation district;  
185 repealing s. 582.47, F.S., relating to the authority  
186 of a watershed improvement district within a soil and  
187 water conservation district to coordinate work with  
188 flood control districts; repealing s. 582.48, F.S.,  
189 relating to discontinuance of a watershed improvement  
190 district within a soil and water conservation  
191 district; repealing s. 582.49, F.S., relating to  
192 discontinuance of a soil and water conservation  
193 district; repealing s. 589.26, F.S., relating to the  
194 authority of the Florida Forest Service to dedicate  
195 and reserve state park lands for public use; amending  
196 s. 595.402, F.S.; defining terms relating to school  
197 food and nutrition service programs; conforming a  
198 reference to changes made by the act; amending s.  
199 595.404, F.S.; revising powers and duties of the  
200 department with regard to school food and nutrition  
201 programs; authorizing the department to conduct,  
202 supervise, and administer a farmers' market nutrition  
203 program for certain purposes; directing the department  
204 to collect and publish data on food purchased through  
205 specified programs; authorizing the department to  
206 enter into agreements with federal and state agencies  
207 to implement nutrition programs; amending s. 595.405,  
208 F.S.; revising requirements for school nutrition





209 programs; providing for breakfast meals to be  
210 available to all students in schools that serve  
211 specified grade levels; conforming a reference to  
212 changes made by the act; amending s. 595.406, F.S.;  
213 renaming the "Florida Farm Fresh Schools Program" as  
214 the "Florida Farm to School Program"; authorizing the  
215 department to establish by rule a recognition program  
216 for certain sponsors; amending s. 595.407, F.S.;  
217 revising provisions of the children's summer nutrition  
218 program to include certain schools that serve  
219 specified grade levels; revising provisions relating  
220 to the duration of the program; authorizing school  
221 districts to exclude holidays and weekends; amending  
222 s. 595.408, F.S.; conforming references to changes  
223 made by the act; amending s. 595.501, F.S.; requiring  
224 entities to complete corrective action plans required  
225 by the department or a federal agency to be in  
226 compliance with school food and nutrition service  
227 programs; amending s. 595.601, F.S.; correcting a  
228 cross-reference; amending s. 601.31, F.S.; requiring  
229 citrus inspectors to be licensed and certified by the  
230 department rather than by the United States Department  
231 of Agriculture; amending s. 604.21, F.S.; revising  
232 affidavit requirements for an agricultural products  
233 dealer who files a complaint against another such  
234 dealer; amending s. 604.33, F.S.; removing provisions



235 requiring grain dealers to submit monthly reports;  
236 authorizing, rather than requiring, the department to  
237 make at least one spot check annually of each grain  
238 dealer; providing an effective date.

239

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

241

242 Section 1. Section 15.0521, Florida Statutes, is created  
243 to read:

244 15.0521 Official state honey.—Tupelo honey is designated  
245 as the official Florida state honey.

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

248 482.111 Pest control operator's certificate.—

249 (1) The department shall issue a pest control operator's  
250 certificate to each individual who qualifies under this chapter.  
251 Before issuance of an original certificate, an individual must  
252 complete an application for examination, pay the examination fee  
253 required under s. 482.141, and pass the examination. Before  
254 engaging in pest control work, each certified operator must be  
255 certified as provided in this section. ~~Application must be made~~  
256 ~~and the issuance fee must be paid to the department for the~~  
257 ~~original certificate within 60 days after the postmark date of~~  
258 ~~written notification of passing the examination. During a period~~  
259 ~~of 30 calendar days following expiration of the 60-day period,~~  
260 ~~an original certificate may be issued; however, a late issuance~~



261 ~~charge of \$50 shall be assessed and must be paid in addition to~~  
262 ~~the issuance fee. An original certificate may not be issued~~  
263 ~~after expiration of the 30-day period, without reexamination.~~

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

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

271 482.1562 Limited certification for urban landscape  
272 commercial fertilizer application.—

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

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

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

281 (6) ~~A late renewal charge of \$50 per month shall be~~  
282 ~~assessed 30 days after the date the application for~~  
283 ~~recertification is due and must be paid in addition to the~~  
284 ~~renewal fee. Unless timely recertified, a certificate~~  
285 ~~automatically expires 90 days after the recertification date.~~  
286 Upon expiration, or after a grace period that does not exceed 30



287 days after expiration, a certificate may be issued only upon  
288 reapplying in accordance with subsection (3).

289 Section 4. Paragraph (n) of subsection (1) of section  
290 500.03, Florida Statutes, is amended, and paragraph (cc) is  
291 added to that subsection, to read:

292 500.03 Definitions; construction; applicability.—

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

294 (n) "Food" includes:

- 295 1. Articles used for food or drink for human consumption;
- 296 2. Chewing gum;
- 297 3. Articles used for components of any such article; ~~and~~
- 298 4. Articles for which health claims are made, which claims  
299 are approved by the Secretary of the United States Department of  
300 Health and Human Services and which claims are made in  
301 accordance with s. 343(r) of the federal act, and which are not  
302 considered drugs solely because their labels or labeling contain  
303 health claims; and

304 5. Dietary supplements as defined in 21 U.S.C. s.  
305 321(ff)(1) and (2).

306  
307 The term includes any raw, cooked, or processed edible  
308 substance; ice; any beverage; or any ingredient used, intended  
309 for use, or sold for human consumption.

310 (cc) "Vehicle" means a mode of transportation or mobile  
311 carrier used to transport food from one location to another,  
312 including, but not limited to, carts, cycles, vans, trucks,



313 cars, trains and railway transport, and aircraft and watercraft  
314 transport.

315 Section 5. Paragraph (f) of subsection (1) of section  
316 500.10, Florida Statutes, is amended, and subsection (5) is  
317 added to that section, to read:

318 500.10 Food deemed adulterated.—A food is deemed to be  
319 adulterated:

320 (1)

321 (f) If it has been produced, prepared, packed,  
322 transported, or held under insanitary conditions whereby it may  
323 become contaminated with filth, or whereby it may have been  
324 rendered diseased, unwholesome, or injurious to health;

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

327 (a) The recommended or suggested conditions of use on the  
328 product labeling;

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

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

334 Section 6. Paragraph (m) of subsection (1) of section  
335 500.11, Florida Statutes, is amended to read:

336 500.11 Food deemed misbranded.—

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

338 (m) If it is offered for sale and its label or labeling



339 does not comply with the requirements of 21 U.S.C. s. 343(q) or  
340 21 U.S.C. s. 343(w) pertaining to nutrition or allergen  
341 information.

342 Section 7. Section 500.90, Florida Statutes, is created to  
343 read:

344 500.90 Regulation of polystyrene products preempted to  
345 department.—The regulation of the use or sale of polystyrene  
346 products by entities regulated under chapter 500 is preempted to  
347 the department. This preemption does not apply to local  
348 ordinances or provisions thereof enacted before January 1, 2016,  
349 and does not limit the authority of a local government to  
350 restrict the use of polystyrene by individuals on public  
351 property, temporary vendors on public property, or entities  
352 engaged in a contractual relationship with the local government  
353 for the provision of goods or services, unless such use is  
354 otherwise preempted by law.

355 Section 8. Paragraph (c) of subsection (20) of section  
356 570.07, Florida Statutes, is amended, and subsection (44) is  
357 added to that section, to read:

358 570.07 Department of Agriculture and Consumer Services;  
359 functions, powers, and duties.—The department shall have and  
360 exercise the following functions, powers, and duties:

361 (20)

362 (c) To sponsor events, trade breakfasts, luncheons, and  
363 dinners and distribute promotional materials and favors in  
364 connection with meetings, conferences, and conventions of



365 | dealers, buyers, food editors, and merchandising executives that  
366 | will assist in the promotion and marketing of Florida's  
367 | agricultural and agricultural business products to the consuming  
368 | public.

369 |  
370 | The department is authorized to receive and expend donations  
371 | contributed by private persons for the purpose of covering costs  
372 | associated with the above described activities.

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

374 | (a) Perform all things necessary to secure letters of  
375 | patent, copyrights, and trademarks on any work products of the  
376 | department and enforce its rights therein.

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

381 | (c) Take any action necessary, including legal action, to  
382 | protect such department work products against improper or  
383 | unlawful use or infringement.

384 | (d) Enforce the collection of any sums due to the  
385 | department for the manufacture or use of such department work  
386 | products by another party.

387 | (e) Sell any of such department work products and execute  
388 | all instruments necessary to consummate any such sale.

389 | (f) Do all other acts necessary and proper for the  
390 | execution of powers and duties conferred upon the department by



391 this section, including adopting rules, as necessary, in order  
392 to administer this section.

393 Section 9. Subsection (5) of section 570.30, Florida  
394 Statutes, is amended to read:

395 570.30 Division of Administration; powers and duties.—The  
396 Division of Administration shall render services required by the  
397 department and its other divisions, or by the commissioner in  
398 the exercise of constitutional and cabinet responsibilities,  
399 that can advantageously and effectively be centralized and  
400 administered and any other function of the department that is  
401 not specifically assigned by law to some other division. The  
402 duties of this division include, but are not limited to:

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

405 Section 10. Subsection (4) is added to section 570.441,  
406 Florida Statutes, to read:

407 570.441 Pest Control Trust Fund.—

408 (4) In addition to the uses authorized under subsection  
409 (2), moneys collected or received by the department under  
410 chapter 482 may be used to carry out the provisions of s.  
411 570.44. This subsection expires June 30, 2019.

412 Section 11. Subsection (2) of section 570.53, Florida  
413 Statutes, is amended to read:

414 570.53 Division of Marketing and Development; powers and  
415 duties.—The powers and duties of the Division of Marketing and  
416 Development include, but are not limited to:





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

419 Section 12. Subsection (2) of section 570.544, Florida  
 420 Statutes, is amended to read:

421 570.544 Division of Consumer Services; director; powers;  
 422 processing of complaints; records.—

423 (2) The director shall supervise, direct, and coordinate  
 424 the activities of the division and shall, under the direction of  
 425 the department, enforce the provisions of ss. 604.15-604.34 and  
 426 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,  
 427 and 849.

428 Section 13. Section 570.68, Florida Statutes, is created  
 429 to read:

430 570.68 Office of Agriculture Technology Services.—The  
 431 commissioner may create an Office of Agriculture Technology  
 432 Services under the supervision of a senior manager exempt under  
 433 s. 110.205 in the Senior Management Service. The office shall  
 434 provide electronic data processing and agency information  
 435 technology services to support and facilitate the functions,  
 436 powers, and duties of the department.

437 Section 14. Section 570.681, Florida Statutes, is amended  
 438 to read:

439 570.681 Florida Agriculture Center and Horse Park;  
 440 legislative findings.—It is the finding of the Legislature that:

441 ~~(1) Agriculture is an important industry to the State of~~  
 442 ~~Florida, producing over \$6 billion per year while supporting~~



443 ~~over 230,000 jobs.~~

444 (1)~~(2)~~ Equine and other agriculture-related industries  
445 ~~will~~ strengthen and benefit each other with the establishment of  
446 a statewide agriculture and horse facility.

447 (2)~~(3)~~ The ~~A~~ Florida Agriculture Center and Horse Park  
448 provides ~~will provide~~ Florida with a unique tourist experience  
449 for visitors and residents, thus generating taxes and additional  
450 dollars for the state.

451 (3)~~(4)~~ Promoting the Florida Agriculture Center and Horse  
452 Park as a joint effort between the state and the private sector  
453 allows ~~will allow~~ this facility to use ~~utilize~~ experts and  
454 generate revenue from many areas to ensure the success of this  
455 facility.

456 Section 15. Paragraphs (b) and (c) of subsection (4) of  
457 section 570.685, Florida Statutes, are amended to read:

458 570.685 Florida Agriculture Center and Horse Park  
459 Authority.—

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

462 (b) The department may provide ~~shall be responsible for~~  
463 ~~providing~~ administrative and staff support services relating to  
464 the meetings of the authority and may ~~shall~~ provide suitable  
465 space in the offices of the department for the meetings and the  
466 storage of records of the authority.

467 (c) In conducting its meetings, the authority shall use  
468 accepted rules of procedure. The secretary shall keep a complete



469 record of the proceedings of each meeting, which shows ~~record~~  
470 ~~shall show~~ the names of the members present and the actions  
471 taken. These records shall be kept on file with the department,  
472 and such records and other documents regarding matters within  
473 the jurisdiction of the authority shall be subject to inspection  
474 by members of the authority.

475 Section 16. Section 571.24, Florida Statutes, is amended  
476 to read:

477 571.24 Purpose; duties of the department.—The purpose of  
478 this part is to authorize the department to establish and  
479 coordinate the Florida Agricultural Promotional Campaign. The  
480 Legislature intends for the Florida Agricultural Promotional  
481 Campaign to serve as a marketing program to promote Florida  
482 agricultural commodities, value-added products, and  
483 agricultural-related businesses and not a food safety or  
484 traceability program. The duties of the department shall  
485 include, but are not limited to:

- 486 (1) Developing logos and authorizing the use of logos as  
487 provided by rule.
- 488 (2) Registering participants.
- 489 (3) Assessing and collecting fees.
- 490 (4) Collecting rental receipts for industry promotions.
- 491 (5) Developing in-kind advertising programs.
- 492 (6) Contracting with media representatives for the purpose  
493 of dispersing promotional materials.
- 494 (7) Assisting the representative of the department who



495 serves on the Florida Agricultural Promotional Campaign Advisory  
496 Council.

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

499 (8)~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and  
500 120.54 to implement the provisions of this part.

501 (9)~~(10)~~ Enforcing and administering the provisions of this  
502 part, including measures ensuring that only Florida agricultural  
503 or agricultural based products are marketed under the "Fresh  
504 From Florida" or "From Florida" logos or other logos of the  
505 Florida Agricultural Promotional Campaign.

506 Section 17. Section 571.27, Florida Statutes, is amended  
507 to read:

508 571.27 Rules.—The department is authorized to adopt rules  
509 that implement, make specific, and interpret the provisions of  
510 this part,~~including rules for entering into contracts with~~  
511 ~~advertising agencies for services which are directly related to~~  
512 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~  
513 ~~establish the procedures for negotiating costs with the offerors~~  
514 ~~of such advertising services who have been determined by the~~  
515 ~~department to be qualified on the basis of technical merit,~~  
516 ~~creative ability, and professional competency. Such~~  
517 ~~determination of qualifications shall also include consideration~~  
518 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department  
519 is further authorized to determine, by rule, the logos or  
520 product identifiers to be depicted for use in advertising,



521 publicizing, and promoting the sale of Florida agricultural  
522 products or agricultural-based products in the Florida  
523 Agricultural Promotional Campaign. The department may also adopt  
524 rules consistent ~~not inconsistent~~ with the provisions of this  
525 part as in its judgment may be necessary for participant  
526 registration, renewal of registration, classes of membership,  
527 application forms, and ~~as well as~~ other forms and enforcement  
528 measures ensuring compliance with this part.

529 Section 18. Subsection (1) of section 571.28, Florida  
530 Statutes, is amended to read:

531 571.28 Florida Agricultural Promotional Campaign Advisory  
532 Council.—

533 (1) ORGANIZATION.—There is ~~hereby~~ created within the  
534 department the Florida Agricultural Promotional Campaign  
535 Advisory Council, to consist of 15 members appointed by the  
536 Commissioner of Agriculture for 4-year staggered terms. The  
537 membership shall include: 13 ~~six~~ members representing  
538 agricultural producers, shippers, ~~or~~ packers, ~~three members~~  
539 ~~representing agricultural~~ retailers, ~~two members representing~~  
540 agricultural associations, and wholesalers ~~one member~~  
541 ~~representing a wholesaler~~ of agricultural products, one member  
542 representing consumers, and one member representing the  
543 department. Initial appointment of the council members shall be  
544 four members to a term of 4 years, four members to a term of 3  
545 years, four members to a term of 2 years, and three members to a  
546 term of 1 year.



547 Section 19. Subsection (2) of section 576.041, Florida  
548 Statutes, is amended to read:

549 576.041 Inspection fees; records.—

550 (2) ~~Before the distribution of a fertilizer,~~ Each licensee  
551 shall ~~make application upon a form provided by the department to~~  
552 report to the department quarterly ~~monthly~~ the tonnage of  
553 fertilizer sold in the state and pay ~~make payment of the~~  
554 inspection fee. The continuance of a license is conditioned upon  
555 the applicant's:

556 (a) Maintaining records and a bookkeeping system that will  
557 accurately indicate the tonnage of fertilizer sold by the  
558 licensee; and

559 (b) Consent to examination of the business records and  
560 books by the department to verify ~~for a verification of the~~  
561 correctness of tonnage reports and the payment of inspection  
562 fees. Tonnage reports ~~of sales~~ and payment of inspection fees  
563 ~~fee~~ shall be made quarterly through the department's website or  
564 ~~monthly~~ on forms provided ~~furnished~~ by the department and  
565 submitted within 30 days after the close of the reporting period  
566 ~~on or before the fifteenth day of the month succeeding the month~~  
567 ~~covered by the reports.~~

568 Section 20. Section 580.0365, Florida Statutes, is created  
569 to read:

570 580.0365 Preemption of regulatory authority over  
571 commercial feed and feedstuff.—It is the intent of the  
572 Legislature to eliminate duplication of regulation over



573 commercial feed and feedstuff. Notwithstanding any other  
574 provision of law, the authority to regulate, inspect, sample,  
575 and analyze any commercial feed or feedstuff distributed in this  
576 state and to exercise the powers and duties of regulation in  
577 this chapter, including the power to assess any penalties  
578 provided for violation of this chapter, is preempted to the  
579 department.

580 Section 21. Subsection (3) is added to section 581.181,  
581 Florida Statutes, to read:

582 581.181 Notice of infection of plants; destruction.—

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

588 Section 22. Effective upon this act becoming a law,  
589 section 581.189, Florida Statutes, is created to read:

590 581.189 Grove Removal or Vector Elimination (GROVE)  
591 Program.—

592 (1) There is created within the Department of Agriculture  
593 and Consumer Services the Grove Removal or Vector Elimination  
594 (GROVE) Program, a cost-sharing program for the removal or  
595 destruction of abandoned citrus groves to eliminate the material  
596 harboring the citrus disease Huanglongbing, also known as citrus  
597 greening, and the vectors that spread the disease.

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



599        (a) "Abandoned citrus grove" means a citrus grove that has  
600 minimal or no production value and is no longer economically  
601 viable as a commercial citrus grove.

602        (b) "Applicant" means a person who owns an abandoned  
603 citrus grove.

604        (c) "Eligible costs" means the costs, incurred after an  
605 application is selected for funding, of the removal or  
606 destruction of citrus trees and the elimination of any citrus  
607 greening vectors, as described in the removal or destruction  
608 plan in the funded application.

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

612        (e) "Program" means the Grove Removal or Vector  
613 Elimination (GROVE) Program.

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

617            (a) The length of time the citrus groves have been  
618 abandoned.

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

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

623            (4) An applicant may submit multiple applications for the  
624 program but is eligible only for a maximum of \$125,000 in





625 program cost-share funding per fiscal year. The department may  
626 award to each funded application a cost-share of up to 80  
627 percent of eligible costs. The total amount of cost-share  
628 allocated under the program in each fiscal year may not exceed  
629 the amount specifically appropriated for the program for that  
630 fiscal year.

631 (5) An applicant seeking cost-share funding under the  
632 program must submit an application to the department by a date  
633 specified by department rule. The application must include, at a  
634 minimum:

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

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

639 (c) All information specified by department rule that is  
640 necessary for the department to determine eligibility for the  
641 program and to rank applications.

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

645 (7) Each fiscal year, the department shall review all  
646 complete applications received in accordance with subsection (5)  
647 and shall rank each complete application based on the factors  
648 specified in subsection (3). Before selecting an application for  
649 funding, the department must conduct an inspection of the  
650 abandoned citrus grove that is the subject of the application.



651       (8) The department may deny an application pursuant to  
652 chapter 120 for failure to comply with this section and  
653 department rules.

654       (9) If an application is selected for funding, the  
655 applicant must initiate and complete the removal or destruction  
656 of the citrus trees identified in the application within the  
657 time specified by department rule. The applicant's failure to  
658 initiate and complete the removal or destruction of the  
659 identified citrus trees within such time results in the  
660 forfeiture of his or her cost-share funding. If an applicant's  
661 cost-share funding is forfeited, the department shall notify the  
662 next eligible applicant, based on its ranking of applicants for  
663 the fiscal year, of the availability of cost-share funding. Such  
664 applicant, upon acceptance, may be awarded cost-share funding  
665 pursuant to this section, subject to available program funds.

666       (10) Upon completion of the scope of work identified in  
667 the funded application, the applicant must present proof of  
668 payment of removal or destruction costs to the department. Upon  
669 receipt of satisfactory proof of payment and satisfactory proof  
670 of the removal or destruction of the trees identified in the  
671 funded application, the department may issue payment to the  
672 applicant for the previously approved cost-share amount.

673       (11) The department may adopt rules to implement and  
674 administer this section, including an application process and  
675 requirements, an application-ranking process consistent with the  
676 factors specified in subsection (3), and a cost-share funding



677 administration process.

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

680 Section 23. Section 582.01, Florida Statutes, is amended  
681 to read:

682 582.01 Definitions. ~~As wherever used or referred to in~~  
683 this chapter, the term unless a different meaning clearly  
684 appears from the context:

685 ~~(3)(a) "Department" means the Department of Agriculture~~  
686 ~~and Consumer Services.~~

687 (1)(e) "Commissioner" means the Commissioner of  
688 Agriculture.

689 (2)(b) "Council" means the Soil and Water Conservation  
690 Council.

691 (3) "Department" means the Department of Agriculture and  
692 Consumer Services.

693 (4)(1) "District" ~~or "soil conservation district"~~ or "soil  
694 and water conservation district" means a governmental  
695 subdivision of this state, and a body corporate and politic,  
696 organized in accordance with the provisions of this chapter, for  
697 the purpose, with the powers, and subject to the provisions set  
698 forth in this chapter. The term "district" ~~or "soil conservation~~  
699 ~~district,"~~ when used in this chapter, means and includes a "soil  
700 and water conservation district." All districts ~~heretofore or~~  
701 ~~hereafter~~ organized under this chapter shall be known as soil  
702 and water conservation districts and shall have all the powers



703 set out herein.

704 (5)~~(7)~~ "Due notice," in addition to notice required  
705 pursuant to the provisions of chapter 120, means notice  
706 published at least twice, with an interval of at least 7 days  
707 between the two publication dates, in a newspaper or other  
708 publication of general circulation within the appropriate area  
709 ~~or, if no such publication of general circulation be available,~~  
710 ~~by posting at a reasonable number of conspicuous places within~~  
711 ~~the appropriate area, such posting to include, where possible,~~  
712 ~~posting at public places where it may be customary to post~~  
713 ~~notices concerning county or municipal affairs generally. At any~~  
714 ~~hearing held pursuant to such notice, at the time and place~~  
715 ~~designated in such notice, adjournment may be made from time to~~  
716 ~~time without the necessity of renewing such notice for such~~  
717 ~~adjourned dates.~~

718 (6)~~(5)~~ "Land occupier" or "occupier of land" means a  
719 ~~includes any person, other than the owner, who~~ possesses ~~shall~~  
720 ~~be in possession of~~ any lands lying within a district organized  
721 under the provisions of this chapter, whether as lessee, renter,  
722 tenant, or otherwise.

723 (7)~~(4)~~ "Landowner" or "owner of land" means a ~~includes any~~  
724 person who holds ~~shall hold~~ legal or equitable title to any  
725 lands lying within a district organized under the provisions of  
726 this chapter.

727 (8)~~(6)~~ "Qualified elector" means a ~~includes any person~~  
728 qualified to vote in general elections under the constitution



729 and laws ~~statutes~~ of this state.

730 (9)(2) "Supervisor" means a member ~~one of the members~~ of  
 731 the governing body of a district who is, ~~elected~~ in accordance  
 732 with the provisions of this chapter.

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

735 Section 24. Section 582.02, Florida Statutes, is amended  
 736 to read:

737 582.02 Legislative policy and findings; purpose of  
 738 districts ~~Lands a basic asset of state.-~~

739 (1) It is the policy of the Legislature to promote the  
 740 appropriate and efficient use of soil and water resources,  
 741 protect water quality, prevent floodwater and sediment damage,  
 742 preserve wildlife, protect public lands, and protect and promote  
 743 the health, safety, and general welfare of the people of this  
 744 state.

745 (2) The Legislature finds that the farm, forest, and  
 746 grazing lands; green spaces; recreational areas; and natural  
 747 areas of the state are among the basic assets of the state and  
 748 the conservation ~~preservation~~ of these lands is necessary to  
 749 protect and promote the health, safety, and general welfare of  
 750 its people and is in the public interest; ~~improper land use~~  
 751 ~~practices have caused and have contributed to, and are now~~  
 752 ~~causing and contributing to a progressively more serious erosion~~  
 753 ~~of the farm and grazing lands of this state by fire, wind and~~  
 754 ~~water; the breaking of natural grass, plant, and forest cover~~



755 ~~has interfered with the natural factors of soil stabilization,~~  
756 ~~causing loosening of soil and exhaustion of humus, and~~  
757 ~~developing a soil condition that favors erosion; the top soil is~~  
758 ~~being burned, washed and blown out of fields and pastures; there~~  
759 ~~has been an accelerated washing of sloping fields; these~~  
760 ~~processes of erosion by fire, wind and water speed up with~~  
761 ~~removal of absorptive topsoil, causing exposure of less~~  
762 ~~absorptive and less protective but more erosive subsoil; failure~~  
763 ~~by any landowner or occupier to conserve the soil and control~~  
764 ~~erosion upon her or his lands causes destruction by burning,~~  
765 ~~washing and blowing of soil and water from her or his lands onto~~  
766 ~~other lands and makes the conservation of soil and control~~  
767 ~~erosion of such other lands difficult or impossible.~~

768 (3) The Legislature further finds that to ensure the  
769 conservation of the state's farm, forest, and grazing lands;  
770 green spaces; recreational areas; and natural areas, and to  
771 conserve, protect, and use soil and water resources, it is  
772 necessary that appropriate land and water resources protection  
773 practices be implemented.

774 (4) The purpose of the soil and water conservation  
775 districts is to provide assistance, guidance, and education to  
776 landowners, land occupiers, the agricultural industry, and the  
777 general public in implementing land and water resource  
778 protection practices. The Legislature intends for soil and water  
779 conservation districts to work in conjunction with federal,  
780 state, and local agencies in all matters that implement the



781 provisions of this chapter.

782 Section 25. Sections 582.03, 582.04, and 582.05, Florida  
783 Statutes, are repealed.

784 Section 26. Subsections (5) through (9) are added to  
785 section 582.055, Florida Statutes, to read:

786 582.055 Powers and duties of the Department of Agriculture  
787 and Consumer Services; rules.—

788 (5) The department may offer such assistance as may be  
789 appropriate to the supervisors of soil and water conservation  
790 districts and facilitate communication and cooperation between  
791 districts.

792 (6) The department may seek the cooperation and assistance  
793 of any federal, state, or county agencies in the work of such  
794 districts, including the receipt and expenditure of state,  
795 federal, and other funds or contributions.

796 (7) The department may disseminate information throughout  
797 the state concerning the activities, research, and programs of  
798 the soil and water conservation districts and encourage the  
799 formation of such districts in areas where their organization is  
800 desirable.

801 (8) The department may create or dissolve a soil and water  
802 conservation district pursuant to the provisions of this  
803 chapter.

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

806 Section 27. Subsection (2) of section 582.06, Florida



807 Statutes, is amended to read:

808       582.06 Soil and Water Conservation Council; powers and  
809 duties.—

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

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

814       (b) The council shall accept and review requests for  
815 creating or dissolving soil and water conservation districts and  
816 shall, by a majority vote, recommend, by resolution, to the  
817 commissioner that a district be created or dissolved pursuant to  
818 the request, or that the request be denied.

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

823       Section 28. Sections 582.08 and 582.09, Florida Statutes,  
824 are repealed.

825       Section 29. Section 582.16, Florida Statutes, is amended  
826 to read:

827       582.16 Change of district boundaries ~~Addition of territory~~  
828 ~~to district or removal of territory therefrom.—Requests for~~  
829 increasing or reducing the boundaries of ~~Petitions for including~~  
830 ~~additional territory or removing territory within an existing~~  
831 district may be filed with the department ~~Department of~~  
832 ~~Agriculture and Consumer Services,~~ and the department shall





833 follow the proceedings provided for in this chapter to create a  
834 district in the case of petitions to organize a district shall  
835 ~~be observed in the case of petitions for such inclusion or~~  
836 ~~removal. The department shall prescribe the form for such~~  
837 ~~petition, which shall be as nearly as may be in the form~~  
838 ~~prescribed in this chapter for petitions to organize a district.~~  
839 ~~If the petition is signed by a majority of the landowners of~~  
840 ~~such area, no referendum need be held. In referenda upon~~  
841 ~~petitions for such inclusions or removals, all owners of land~~  
842 ~~lying within the proposed area to be added or removed shall be~~  
843 ~~eligible to vote.~~

844 Section 30. Section 582.17, Florida Statutes, is repealed.

845 Section 31. Section 582.20, Florida Statutes, is amended  
846 to read:

847 582.20 Powers of districts and supervisors.—A soil and  
848 water conservation district organized under the provisions of  
849 this chapter shall constitute a governmental subdivision of this  
850 state, and a public body corporate and politic, exercising  
851 public powers, and such district and the supervisors thereof,  
852 shall have the following powers, in addition to others granted  
853 in other sections of this chapter:

854 (1) To conduct surveys, studies investigations, and  
855 research relating to the character of soil and water resources  
856 and erosion and floodwater and sediment damages, to the  
857 conservation, development and utilization of soil and water  
858 resources and the disposal of water, and to the preventive and



859 ~~control measures and works of improvement needed;~~ to publish and  
860 disseminate the results of such surveys, studies investigations,  
861 ~~or research, and related information;~~ and to disseminate  
862 ~~information concerning such preventive and control measures and~~  
863 ~~works of improvement; provided, however, that in order to avoid~~  
864 ~~duplication of research activities, no district shall initiate~~  
865 ~~any research program except in cooperation with the government~~  
866 ~~of this state or any of its agencies, or with the United States~~  
867 ~~or any of its agencies;~~

868 (2) To conduct agricultural best management practices  
869 demonstration demonstrational projects and projects for the  
870 conservation, protection, and restoration of soil and water  
871 resources:

872 (a) Within the district's boundaries;

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

875 (c) In areas within the district's boundaries, territory  
876 ~~within another district's boundaries subject to the other~~  
877 ~~district's approval, or territory not contained within any~~  
878 ~~district's boundaries on lands owned or controlled by this state~~  
879 ~~or any of its agencies, with the cooperation of the agency~~  
880 ~~administering and having jurisdiction thereof; or~~

881 (d) On, and on any other lands within the district's  
882 boundaries, ~~territory~~ within another district's boundaries  
883 subject to the other district's approval, or ~~territory~~ not  
884 contained within any district's boundaries upon obtaining the



885 consent of the owner or occupier and ~~occupiers~~ of the ~~such~~ lands  
 886 or the necessary rights or interests in such lands, ~~in order to~~  
 887 ~~demonstrate by example the means, methods, and measures by which~~  
 888 ~~soil and soil resources may be conserved, and soil erosion in~~  
 889 ~~the form of soil blowing and soil washing may be prevented and~~  
 890 ~~controlled, and works of improvement for flood prevention or the~~  
 891 ~~conservation, development and utilization of soil and water~~  
 892 ~~resources, and the disposal of water may be carried out;~~

893 ~~(3) To carry out preventive and control measures and works~~  
 894 ~~of improvement for flood prevention or the conservation,~~  
 895 ~~development and utilization of soil and water resources, and the~~  
 896 ~~disposal of water within the district's boundaries, territory~~  
 897 ~~within another district's boundaries subject to the other~~  
 898 ~~district's approval, or territory not contained within any~~  
 899 ~~district's boundaries, including, but not limited to,~~  
 900 ~~engineering operations, methods of cultivation, the growing of~~  
 901 ~~vegetation, changes in use of land, and the measures listed in~~  
 902 ~~s. 582.04 on lands owned or controlled by this state or any of~~  
 903 ~~its agencies, with the cooperation of the agency administering~~  
 904 ~~and having jurisdiction thereof, and on any other lands within~~  
 905 ~~the district's boundaries, territory within another district's~~  
 906 ~~boundaries subject to the other district's approval, or~~  
 907 ~~territory not contained within any district's boundaries upon~~  
 908 ~~obtaining the consent of the owner and the occupiers of such~~  
 909 ~~lands or the necessary rights or interests in such lands;~~

910 (3) ~~(4)~~ To cooperate, or enter into agreements with, and



911 ~~within the limits of appropriations duly made available to it by~~  
912 ~~law, to furnish financial or other aid to, any special district,~~  
913 ~~municipality, county, water management district, state or~~  
914 ~~federal agency, governmental or otherwise, or ~~any~~ owner or~~  
915 occupier of lands within the district's boundaries, ~~territory~~  
916 within another district's boundaries subject to the other  
917 district's approval, or ~~territory~~ not contained within any  
918 district's boundaries in furtherance of the purposes and  
919 provisions of this chapter ~~, in the carrying on of erosion~~  
920 ~~control or prevention operations and works of improvement for~~  
921 ~~flood prevention or the conservation, development and~~  
922 ~~utilization, of soil and water resources and the disposal of~~  
923 ~~water within the district's boundaries, territory within another~~  
924 ~~district's boundaries subject to the other district's approval,~~  
925 ~~or territory not contained within any district's boundaries,~~  
926 ~~subject to such conditions as the supervisors may deem necessary~~  
927 ~~to advance the purposes of this chapter;~~

928 (4)-(5) To obtain options upon and to acquire, by purchase,  
929 exchange, lease, gift, grant, bequest, devise or otherwise, any  
930 property, real or personal, or rights or interests therein; to  
931 maintain, administer, and improve any properties acquired, to  
932 receive income from such properties and to expend such income in  
933 carrying out the purposes and provisions of this chapter; and to  
934 sell, lease, or otherwise dispose of any of its property or  
935 interests therein in furtherance of the purposes and ~~the~~  
936 provisions of this chapter;



937        (5)~~(6)~~ To make available, on such terms as it shall  
938 prescribe, to any owner or occupier of lands ~~landowners and~~  
939 ~~occupiers~~ within the district's boundaries, ~~territory~~ within  
940 another district's boundaries subject to the other district's  
941 approval, or ~~territory~~ not contained within any district's  
942 boundaries, agricultural and engineering machinery and  
943 equipment, ~~fertilizer, seeds and seedlings,~~ and such other  
944 material or equipment, that ~~as~~ will assist such landowners and  
945 occupiers to carry on operations upon their lands for the  
946 conservation and protection of soil and water resources ~~and for~~  
947 ~~the prevention or control of soil erosion and for flood~~  
948 ~~prevention or the conservation, development and utilization, of~~  
949 ~~soil and water resources and the disposal of water;~~

950        (6)~~(7)~~ To construct, improve, operate and maintain such  
951 structures as may be necessary or convenient for the performance  
952 of any of the operations authorized in this chapter;

953        (7)~~(8)~~ To provide, or assist in providing, training and  
954 education programs that further the purposes and provisions of  
955 this chapter ~~develop comprehensive plans for the conservation of~~  
956 ~~soil and water resources and for the control and prevention of~~  
957 ~~soil erosion and for flood prevention or the conservation,~~  
958 ~~development and utilization of soil and water resources, and the~~  
959 ~~disposal of water within the district's boundaries, territory~~  
960 ~~within another district's boundaries subject to the other~~  
961 ~~district's approval, or territory not contained within any~~  
962 ~~district's boundaries, which plans shall specify in such detail~~



963 ~~as may be possible the acts, procedures, performances, and~~  
964 ~~avoidances which are necessary or desirable for the effectuation~~  
965 ~~of such plans, including the specification of engineering~~  
966 ~~operations, methods of cultivation, the growing of vegetation,~~  
967 ~~cropping programs, tillage practices, and changes in use of~~  
968 ~~land; control of artesian wells; and to publish such plans and~~  
969 ~~information and bring them to the attention of owners and~~  
970 ~~occupiers of lands within the district's boundaries, territory~~  
971 ~~within another district's boundaries subject to the other~~  
972 ~~district's approval, or territory not contained within any~~  
973 ~~district's boundaries;~~

974 ~~(9) To take over, by purchase, lease, or otherwise, and to~~  
975 ~~administer any soil conservation, erosion control, erosion-~~  
976 ~~prevention project, or any project for flood-prevention or for~~  
977 ~~the conservation, development and utilization of soil and water~~  
978 ~~resources, and the disposal of water, located within the~~  
979 ~~district's boundaries, territory within another district's~~  
980 ~~boundaries subject to the other district's approval, or~~  
981 ~~territory not contained within any district's boundaries,~~  
982 ~~undertaken by the United States or any of its agencies, or by~~  
983 ~~this state or any of its agencies; to manage as agent of the~~  
984 ~~United States or any of its agencies, or of the state or any of~~  
985 ~~its agencies, any soil conservation, erosion control, erosion-~~  
986 ~~prevention, or any project for flood-prevention or for the~~  
987 ~~conservation, development, and utilization of soil and water~~  
988 ~~resources, and the disposal of water within the district's~~



989 ~~boundaries, territory within another district's boundaries~~  
990 ~~subject to the other district's approval, or territory not~~  
991 ~~contained within any district's boundaries; to act as agent for~~  
992 ~~the United States, or any of its agencies, or for the state or~~  
993 ~~any of its agencies, in connection with the acquisition,~~  
994 ~~construction, operation or administration of any soil-~~  
995 ~~conservation, erosion control, erosion prevention, or any~~  
996 ~~project for flood prevention or for the conservation,~~  
997 ~~development and utilization of soil and water resources, and the~~  
998 ~~disposal of water within the district's boundaries, territory~~  
999 ~~within another district's boundaries subject to the other~~  
1000 ~~district's approval, or territory not contained within any~~  
1001 ~~district's boundaries; to accept donations, gifts, and~~  
1002 ~~contributions in money, services, materials, or otherwise, from~~  
1003 ~~the United States or any of its agencies, or from this state or~~  
1004 ~~any of its agencies, or from others, and to use or expend such~~  
1005 ~~moneys, services, materials or other contributions in carrying~~  
1006 ~~on its operations;~~

1007 (8) ~~(10)~~ To sue and be sued in the name of the district; to  
1008 have a seal, which seal shall be judicially noticed; to have  
1009 perpetual succession unless terminated as provided in this  
1010 chapter; to make and execute contracts and other instruments  
1011 necessary or convenient to the exercise of its powers; upon a  
1012 majority vote of the supervisors of the district, to borrow  
1013 money and to execute promissory notes and other evidences of  
1014 indebtedness in connection therewith, and to pledge, mortgage,



1015 and assign the income of the district and its personal property  
 1016 as security therefor, the notes and other evidences of  
 1017 indebtedness to be general obligations only of the district and  
 1018 in no event to constitute an indebtedness for which the faith  
 1019 and credit of the state or any of its revenues are pledged; ~~to~~  
 1020 ~~make, amend, and repeal rules and regulations not inconsistent~~  
 1021 ~~with this chapter to carry into effect its purposes and powers.~~

1022 ~~(11) As a condition to the extending of any benefits under~~  
 1023 ~~this chapter to, or the performance of work upon, any lands not~~  
 1024 ~~owned or controlled by this state or any of its agencies, the~~  
 1025 ~~supervisors may require contributions in money, services,~~  
 1026 ~~materials, or otherwise to any operations conferring such~~  
 1027 ~~benefits, and may require landowners and occupiers to enter into~~  
 1028 ~~and perform such agreements or covenants as to the permanent use~~  
 1029 ~~of such lands as will tend to prevent or control erosion and~~  
 1030 ~~prevent floodwater and sediment damages thereon;~~

1031 (9) To use, in coordination with the applicable county or  
 1032 counties, the services of the county agricultural agents and the  
 1033 facilities of their offices, if practicable and feasible. The  
 1034 supervisors may also employ additional permanent and temporary  
 1035 staff, as needed, and determine their qualifications, duties,  
 1036 and compensation. The supervisors may delegate to the chair, to  
 1037 one or more supervisors, or to employees such powers and duties  
 1038 as they may deem proper, consistent with the provisions of this  
 1039 chapter. The supervisors shall furnish to the department, upon  
 1040 request, copies of rules, orders, contracts, forms, and other





1041 documents that the district has adopted or used, and any other  
1042 information concerning the district's activities, that the  
1043 department may require in the performance of its duties under  
1044 this chapter;

1045 (10) To adopt rules to implement the provisions of this  
1046 chapter; and

1047 (11) To request that the Governor remove a supervisor for  
1048 neglect of duty or malfeasance in office by adoption of a  
1049 resolution at a public meeting. If the district believes there  
1050 is a need for a review of the request, the district may request  
1051 that the council, by resolution, review its request to the  
1052 Governor and provide the Governor with a recommendation.

1053  
1054 ~~(12) Any provision~~ No provisions with respect to the  
1055 acquisition, operation, or disposition of property by public  
1056 bodies of this state does not apply ~~shall be applicable~~ to a  
1057 district organized under this chapter unless specifically so  
1058 stated by hereunder unless the Legislature ~~shall specifically so~~  
1059 ~~state~~. The property and property rights of every kind and nature  
1060 acquired by any district organized under the provisions of this  
1061 chapter are ~~shall be~~ exempt from state, county, and other  
1062 taxation.

1063 Section 32. Sections 582.21, 582.22, 582.23, 582.24,  
1064 582.25, and 582.26, Florida Statutes, are repealed.

1065 Section 33. Section 582.29, Florida Statutes, is amended  
1066 to read:



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1067           582.29 State agencies to cooperate.—Agencies of this state  
1068 that ~~which shall~~ have jurisdiction over, or are ~~be~~ charged with,  
1069 the administration of any state-owned lands, and of any county,  
1070 or other governmental subdivision of the state, that ~~which shall~~  
1071 have jurisdiction over, or are ~~be~~ charged with the  
1072 administration of, any county-owned or other publicly owned  
1073 lands, ~~lying within the boundaries of any district organized~~  
1074 ~~under this chapter, the boundaries of another district subject~~  
1075 ~~to that district's approval, or territory not contained within~~  
1076 ~~the boundaries of any district organized under this chapter,~~  
1077 shall cooperate to the fullest extent with the supervisors of  
1078 such districts in the implementation ~~effectuation~~ of programs  
1079 and operations undertaken by the supervisors under the  
1080 provisions of this chapter. The supervisors of such districts  
1081 shall be given free access to enter and perform work upon such  
1082 publicly owned lands. ~~The provisions of land use regulations~~  
1083 ~~adopted shall be in all respects observed by the agencies~~  
1084 ~~administering such publicly owned lands.~~

1085           Section 34. Sections 582.331, 582.34, 582.35, 582.36,  
1086 582.37, 582.38, 582.39, 582.40, 582.41, 582.42, 582.43, 582.44,  
1087 582.45, 582.46, 582.47, 582.48, 582.49, Florida Statutes, are  
1088 repealed.

1089           Section 35. Section 589.26, Florida Statutes, is repealed.

1090           Section 36. Subsections (4) and (5) of section 595.402,  
1091 Florida Statutes, are renumbered as subsections (5) and (6),  
1092 respectively, and new subsections (4), (7), and (8) are added to



1093 that section, to read:

1094 595.402 Definitions.—As used in this chapter, the term:

1095 (4) "School breakfast program" means a program authorized  
 1096 by section 4 of the Child Nutrition Act of 1966, as amended, and  
 1097 administered by the department.

1098 (7) "Summer nutrition program" means one or more of the  
 1099 programs authorized under 42 U.S.C. s. 1761.

1100 (8) "Universal school breakfast program" means a program  
 1101 that makes breakfast available at no cost to all students  
 1102 regardless of their household income.

1103 Section 37. Section 595.404, Florida Statutes, is amended  
 1104 to read:

1105 595.404 School food and other nutrition programs ~~service~~  
 1106 ~~program~~; powers and duties of the department.—The department has  
 1107 the following powers and duties:

1108 (1) To conduct, supervise, and administer the program that  
 1109 will be carried out using federal or state funds, or funds from  
 1110 any other source.

1111 (2) To conduct, supervise, and administer a farmers'  
 1112 market nutrition program to provide participants in the Special  
 1113 Supplemental Nutrition Program for Women, Infants, and Children  
 1114 (WIC) with locally grown fruits and vegetables that will be  
 1115 carried out using federal or state funds, or funds from any  
 1116 other source.

1117 (3)-(2) To fully cooperate with the United States  
 1118 Government and its agencies and instrumentalities so that the



1119 department may receive the benefit of all federal financial  
1120 allotments and assistance possible to carry out the purposes of  
1121 this chapter.

1122 (4)~~(3)~~ To implement and adopt by rule, as required,  
1123 federal regulations ~~to maximize federal assistance for the~~  
1124 ~~program.~~

1125 (5)~~(4)~~ To act as agent of, or contract with, the Federal  
1126 Government, another state agency, any county or municipal  
1127 government, or sponsor for the administration of the program,  
1128 including the distribution of funds provided by the Federal  
1129 Government to support the program.

1130 (6)~~(5)~~ To provide ~~make a reasonable effort to ensure that~~  
1131 ~~any school designated as a "severe need school" receives the~~  
1132 highest rate of reimbursement to which it is entitled under 42  
1133 U.S.C. s. 1773 for each breakfast meal served.

1134 (7)~~(6)~~ To develop and propose legislation necessary to  
1135 implement the program, encourage the development of innovative  
1136 school food and nutrition services, and expand participation in  
1137 the program.

1138 (8)~~(7)~~ To annually allocate among the sponsors, as  
1139 applicable, funds provided from the school breakfast supplement  
1140 in the General Appropriations Act based on each district's total  
1141 number of free and reduced-price breakfast meals served.

1142 (9)~~(8)~~ To employ such persons as are necessary to perform  
1143 its duties under this chapter.

1144 (10)~~(9)~~ To adopt rules covering the administration,



1145 operation, and enforcement of the program and the farmers'  
1146 market nutrition program, as well as to implement the provisions  
1147 of this chapter.

1148 (11)-(10) To adopt and implement an appeal process by rule,  
1149 as required by federal regulations, for applicants and  
1150 participants under the programs implemented pursuant to this  
1151 chapter program, notwithstanding ss. 120.569 and 120.57-120.595.

1152 (12)-(11) To assist, train, and review each sponsor in its  
1153 implementation of the program.

1154 (13)-(12) To advance funds from the program's annual  
1155 appropriation to a summer nutrition program sponsor ~~sponsors~~,  
1156 when requested, in order to implement the provisions of this  
1157 chapter and in accordance with federal regulations.

1158 (14) To collect data on food purchased through the  
1159 programs defined and described in ss. 595.402(3) and 595.406,  
1160 and to publish that data annually.

1161 (15) To enter into agreements with federal or state  
1162 agencies to coordinate and cooperate in the implementation of  
1163 nutrition programs.

1164 Section 38. Section 595.405, Florida Statutes, is amended  
1165 to read:

1166 595.405 School nutrition program requirements ~~for school~~  
1167 ~~districts and sponsors.~~-

1168 (1) Each ~~school~~ district school board shall consider the  
1169 recommendations of the district school superintendent and adopt  
1170 policies to provide for an appropriate food and nutrition



1171 ~~service~~ program for students consistent with federal law and  
1172 department rules.

1173 (2) Each ~~school~~ district school board shall implement  
1174 school breakfast programs that make breakfast meals available to  
1175 all students in each ~~elementary~~ school that serves any  
1176 combination of grades kindergarten through 5. ~~Universal school~~  
1177 ~~breakfast programs shall be offered in schools in which 80~~  
1178 ~~percent or more of the students are eligible for free or~~  
1179 ~~reduced-price meals. Each school shall, to the maximum extent~~  
1180 ~~practicable, make breakfast meals available to students at an~~  
1181 ~~alternative site location, which may include, but need not be~~  
1182 ~~limited to, alternative breakfast options as described in~~  
1183 ~~publications of the Food and Nutrition Service of the United~~  
1184 ~~States Department of Agriculture for the federal School~~  
1185 ~~Breakfast Program.~~

1186 (3) Each ~~school~~ district school board must annually set  
1187 prices for breakfast meals at rates that, combined with federal  
1188 reimbursements and state allocations, are sufficient to defray  
1189 costs of school breakfast programs without requiring allocations  
1190 from the district's operating funds, except if the district  
1191 school board approves lower rates.

1192 ~~(4) Each school district is encouraged to provide~~  
1193 ~~universal, free school breakfast meals to all students in each~~  
1194 ~~elementary, middle, and high school. Each school district shall~~  
1195 ~~approve or disapprove a policy, after receiving public testimony~~  
1196 ~~concerning the proposed policy at two or more regular meetings,~~



1197 ~~which makes universal, free school breakfast meals available to~~  
 1198 ~~all students in each elementary, middle, and high school in~~  
 1199 ~~which 80 percent or more of the students are eligible for free~~  
 1200 ~~or reduced-price meals.~~

1201 (4)-(5) Each elementary, middle, and high school operating  
 1202 a breakfast program shall make a breakfast meal available if a  
 1203 student arrives at school on the school bus less than 15 minutes  
 1204 before the first bell rings and shall allow the student at least  
 1205 15 minutes to eat the breakfast.

1206 (5) Each district school board is encouraged to provide  
 1207 universal, free school breakfast meals to all students in each  
 1208 elementary, middle, and high school. A universal school  
 1209 breakfast program shall be implemented in each school in which  
 1210 80 percent or more of the students are eligible for free or  
 1211 reduced-price meals, unless the district school board, after  
 1212 considering public testimony at two or more regularly scheduled  
 1213 board meetings, decides not to implement such a program in such  
 1214 schools.

1215 (6) To increase school breakfast and universal school  
 1216 breakfast program participation, each district school board  
 1217 must, to the maximum extent practicable, make breakfast meals  
 1218 available to students through alternative service models as  
 1219 described in publications of the Food and Nutrition Service of  
 1220 the United States Department of Agriculture for the federal  
 1221 School Breakfast Program.

1222 (7)-(6) Each ~~school~~ district school board shall annually



1223 provide ~~to all students in each elementary, middle, and high~~  
1224 ~~school~~ information prepared by the district's food service  
1225 administration regarding available ~~its~~ school breakfast  
1226 programs. The information shall be communicated through school  
1227 announcements and ~~written~~ notices sent to all parents.

1228 (8) ~~(7)~~ A ~~school~~ district school board may operate a  
1229 breakfast program providing for food preparation at the school  
1230 site or in central locations with distribution to designated  
1231 satellite schools, or any combination thereof.

1232 ~~(8) Each sponsor shall complete all corrective action~~  
1233 ~~plans required by the department or a federal agency to be in~~  
1234 ~~compliance with the program.~~

1235 Section 39. Section 595.406, Florida Statutes, is amended  
1236 to read:

1237 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

1238 (1) In order to implement the Florida Farm to School ~~Fresh~~  
1239 ~~Schools~~ Program, the department shall develop policies  
1240 pertaining to school food services which encourage:

1241 (a) Sponsors to buy fresh and high-quality foods grown in  
1242 this state when feasible.

1243 (b) Farmers in this state to sell their products to  
1244 sponsors, school districts, and schools.

1245 (c) Sponsors to demonstrate a preference for competitively  
1246 priced organic food products.

1247 (d) Sponsors to make reasonable efforts to select foods  
1248 based on a preference for those that have maximum nutritional





1249 content.

1250 (2) The department shall provide outreach, guidance, and  
1251 training to sponsors, schools, school food service directors,  
1252 parent and teacher organizations, and students about the benefit  
1253 of fresh food products from farms in this state.

1254 (3) The department may recognize sponsors who purchase at  
1255 least 10 percent of the food they serve from the Florida Farm to  
1256 School Program.

1257 Section 40. Subsection (2) of section 595.407, Florida  
1258 Statutes, is amended to read:

1259 595.407 Children's summer nutrition program.—

1260 (2) Each school district shall develop a plan to sponsor  
1261 or operate a summer nutrition program to operate sites in the  
1262 school district as follows:

1263 (a) Within 5 miles of at least one ~~elementary~~ school that  
1264 serves any combination of grades kindergarten through 5 at which  
1265 50 percent or more of the students are eligible for free or  
1266 reduced-price school meals ~~and~~ for the duration of 35  
1267 ~~consecutive~~ days between the end of the school year and the  
1268 beginning of the next school year. School districts may exclude  
1269 holidays and weekends.

1270 (b) Within 10 miles of each ~~elementary~~ school that serves  
1271 any combination of grades kindergarten through 5 at which 50  
1272 percent or more of the students are eligible for free or  
1273 reduced-price school meals, except as operated pursuant to  
1274 paragraph (a).



1275 Section 41. Section 595.408, Florida Statutes, is amended  
1276 to read:

1277 595.408 Food ~~Commodity~~ distribution services; department  
1278 responsibilities and functions.—

1279 (1) (a) The department shall conduct, supervise, and  
1280 administer all food ~~commodity~~ distribution services that will be  
1281 carried on using federal or state funds, or funds from any other  
1282 source, or food ~~commodities~~ received and distributed from the  
1283 United States or any of its agencies.

1284 (b) The department shall determine the benefits each  
1285 applicant or recipient of assistance is entitled to receive  
1286 under this chapter, provided that each applicant or recipient is  
1287 a resident of this state and a citizen of the United States or  
1288 is an alien lawfully admitted for permanent residence or  
1289 otherwise permanently residing in the United States under color  
1290 of law.

1291 (2) The department shall cooperate fully with the United  
1292 States Government and its agencies and instrumentalities so that  
1293 the department may receive the benefit of all federal financial  
1294 allotments and assistance possible to carry out the purposes of  
1295 this chapter.

1296 (3) The department may:

1297 (a) Accept any duties with respect to food ~~commodity~~  
1298 distribution services as are delegated to it by an agency of the  
1299 Federal Government or any state, county, or municipal  
1300 government.



1301 (b) Act as agent of, or contract with, the federal  
1302 government, state government, or any county or municipal  
1303 government in the administration of food ~~commodity~~ distribution  
1304 services to secure the benefits of any public assistance that is  
1305 available from the federal government or any of its agencies,  
1306 and in the distribution of funds received from the federal  
1307 government, state government, or any county or municipal  
1308 government for food ~~commodity~~ distribution services within the  
1309 state.

1310 (c) Accept from any person or organization all offers of  
1311 personal services, food ~~commodities~~, or other aid or assistance.

1312 (4) This chapter does not limit, abrogate, or abridge the  
1313 powers and duties of any other state agency.

1314 Section 42. Section 595.501, Florida Statutes, is amended  
1315 to read:

1316 595.501 Penalties.—

1317 (1) When a corrective action plan is issued by the  
1318 department or a federal agency, each sponsor is required to  
1319 complete the corrective action plan to be in compliance with the  
1320 program.

1321 (2) Any person ~~or~~ sponsor, ~~or school district~~ that  
1322 violates any provision of this chapter or any rule adopted  
1323 thereunder or otherwise does not comply with the program is  
1324 subject to a suspension or revocation of their agreement, loss  
1325 of reimbursement, or a financial penalty in accordance with  
1326 federal or state law, or both. This section does not restrict



1327 the applicability of any other law.

1328 Section 43. Section 595.601, Florida Statutes, is amended  
1329 to read:

1330 595.601 Food and Nutrition Services Trust Fund.—Chapter  
1331 99-37, Laws of Florida, recreated the Food and Nutrition  
1332 Services Trust Fund to record revenue and disbursements of  
1333 Federal Food and Nutrition funds received by the department as  
1334 authorized in ss. 595.404 and 595.408 ~~s. 595.405~~.

1335 Section 44. Section 601.31, Florida Statutes, is amended  
1336 to read:

1337 601.31 Citrus inspectors; employment.—The Department of  
1338 Agriculture may annually ~~in each year~~ employ as many citrus  
1339 fruit inspectors for a such period ~~or periods~~, not to exceed  
1340 ~~exceeding~~ 1 year, as the Department of Agriculture deems ~~shall~~  
1341 ~~deem~~ necessary for the effective enforcement of the citrus fruit  
1342 laws of this state. All persons authorized to inspect and  
1343 certify ~~to~~ the maturity and grade of citrus fruit shall be  
1344 governed by such laws ~~in the discharge of their duties as such~~  
1345 ~~inspectors by the provisions of law~~ and by the rules adopted by  
1346 the Department of Citrus and the Department of Agriculture and  
1347 shall perform their duties under the direction and supervision  
1348 of the Department of Agriculture. All such citrus inspectors  
1349 ~~appointed for the enforcement of this chapter~~ shall be persons  
1350 ~~who are duly~~ licensed or certified by the United States  
1351 Department of Agriculture ~~as citrus fruit inspectors~~.

1352 Section 45. Paragraphs (b) and (d) of subsection (1) and



1353 subsection (2) of section 604.21, Florida Statutes, are amended  
1354 to read:

1355 604.21 Complaint; investigation; hearing.—

1356 (1)

1357 (b) To be considered timely filed, a complaint together  
1358 with any required affidavit ~~affidavits or notarizations~~ must be  
1359 received by the department within 6 months after the date of  
1360 sale by electronic transmission, facsimile, regular mail,  
1361 certified mail, or private delivery service. If the complaint is  
1362 sent by a service other than electronic mail or facsimile, the  
1363 mailing shall be postmarked or dated on or before the 6-month  
1364 deadline to be accepted as timely filed.

1365 (d) A person, partnership, corporation, or other business  
1366 entity filing a complaint shall submit to the department the  
1367 following documents: a ~~three~~ completed complaint affidavit  
1368 ~~affidavits~~ on a form provided by the department with an original  
1369 signature of an owner, partner, general partner, or corporate  
1370 officer and an original notarization ~~on each affidavit. If the~~  
1371 ~~complaint is filed by electronic transmission or facsimile, the~~  
1372 ~~original affidavits and original notarizations shall be filed~~  
1373 ~~with the department not later than the close of business of the~~  
1374 ~~tenth business day following the electronic transmission or~~  
1375 ~~facsimile filing.~~ Attached to the ~~each~~ complaint affidavit shall  
1376 be copies of all documents to support the complaint. Supporting  
1377 documents may be copies of invoices, bills of lading, packing or  
1378 shipping documents, demand letters, or any other documentation



1379 to support the claim. In cases in which there are multiple  
1380 invoices being claimed, a summary list of all claimed invoices  
1381 must accompany the complaint.

1382 (2) Upon the filing of a such complaint pursuant to this  
1383 section in the manner herein provided, the department shall  
1384 investigate the matters complained of and; whereupon, if, in the  
1385 opinion of the department, the facts contained in the complaint  
1386 warrant such action, the department shall serve notice of the  
1387 ~~filing of~~ complaint to the dealer against whom the complaint has  
1388 been filed at the last address of record. The ~~Such~~ notice shall  
1389 be accompanied by a ~~true~~ copy of the complaint. A copy of the  
1390 ~~such~~ notice and complaint shall also be served to the surety  
1391 company, if any, that provided the bond for the dealer, which  
1392 surety company shall become party to the action. The ~~Such~~ notice  
1393 ~~of the complaint~~ shall inform the dealer of a reasonable time  
1394 within which to answer the complaint by advising the department  
1395 in writing that the allegations in the complaint are admitted or  
1396 denied or that the complaint has been satisfied. The ~~Such~~ notice  
1397 shall also inform the dealer and the surety company or financial  
1398 institution of a right to a hearing on the complaint, if  
1399 requested.

1400 Section 46. Section 604.33, Florida Statutes, is amended  
1401 to read:

1402 604.33 Security requirements for grain dealers.—Each grain  
1403 dealer doing business in the state shall maintain liquid  
1404 security, in the form of grain on hand, cash, certificates of



1405 deposit, or other nonvolatile security that can be liquidated in  
1406 10 days or less, or cash bonds, surety bonds, or letters of  
1407 credit, that have been assigned to the department and that are  
1408 conditioned to secure the faithful accounting for and payment to  
1409 the producers for grain stored or purchased, in an amount equal  
1410 to the value of grain which the grain dealer has received from  
1411 grain producers for which the producers have not received  
1412 payment. The bonds must be executed by the applicant as  
1413 principal and by a surety corporation authorized to transact  
1414 business in the state. The certificates of deposit and letters  
1415 of credit must be from a recognized financial institution doing  
1416 business in the United States. ~~Each grain dealer shall report to~~  
1417 ~~the department monthly, on or before a date established by rule~~  
1418 ~~of the department, the value of grain she or he has received~~  
1419 ~~from producers for which the producers have not received payment~~  
1420 ~~and the types of transaction involved, showing the value of each~~  
1421 ~~type of transaction. The report shall also include a statement~~  
1422 ~~showing the type and amount of security maintained to cover the~~  
1423 ~~grain dealer's liability to producers.~~ The department may shall  
1424 make at least one spot check annually of each grain dealer to  
1425 determine compliance with the requirements of this section.

1426 Section 47. Except as otherwise expressly provided in this  
1427 act and except for this section, which shall take effect upon  
1428 becoming a law, this act shall take effect July 1, 2016.