

By the Committees on Appropriations; and Agriculture; and
Senator Montford

576-04224-16

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; creating s. 15.0521, F.S.;
4 designating tupelo honey as the official state honey;
5 amending s. 482.111, F.S.; specifying the requirements
6 for original certification as a pest control operator;
7 specifying the fee for the renewal of a certificate;
8 amending s. 482.1562, F.S.; specifying the deadline
9 for recertification of persons who wish to apply urban
10 landscape commercial fertilizer; providing a grace
11 period for recertification; amending s. 500.03, F.S.;
12 revising the definition of the term "food" to include
13 dietary supplements; defining the term "vehicle";
14 amending s. 500.10, F.S.; providing additional
15 conditions under which food may be deemed adulterated;
16 amending s. 500.11, F.S.; including failure to comply
17 with labeling relating to major food allergens as a
18 criterion for use in determining whether food has been
19 misbranded; creating s. 500.90, F.S.; preempting to
20 the department the regulation of the use or sale of
21 polystyrene products by entities regulated under the
22 Florida Food Safety Act; providing applicability;
23 amending s. 570.07, F.S.; revising the department's
24 functions, powers, and duties; amending s. 570.30,
25 F.S.; revising the powers and duties of the Division
26 of Administration; amending s. 570.441, F.S.;
27 authorizing the use of funds in the Pest Control Trust
28 Fund for activities of the Division of Agricultural
29 Environmental Services; providing for expiration;
30 amending s. 570.53, F.S.; revising the powers and
31 duties of the Division of Marketing and Development to

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

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61 which tonnage reports of fertilizer sales must be
62 made; revising the timeframe for submission of such
63 reports; creating s. 580.0365, F.S.; providing for the
64 preemption of commercial feed and feedstuff
65 regulation; amending s. 581.181, F.S.; providing
66 applicability of provisions requiring treatment or
67 destruction of infested or infected plants and plant
68 products; creating s. 581.189, F.S.; creating the
69 Grove Removal or Vector Elimination (GROVE) Program;
70 specifying the purpose of the program; defining terms;
71 requiring the department to adopt rules for reviewing
72 and ranking applications for cost-share funding to
73 remove or destroy abandoned citrus groves;
74 establishing per applicant award maximums; specifying
75 that the total funds awarded in a fiscal year cannot
76 exceed the amount specifically appropriated for the
77 program; specifying application requirements;
78 specifying how the department must process
79 applications; specifying that noncompliance will
80 result in forfeiture of cost-share funds; requiring
81 the department to rank and review applications and to
82 conduct a certain inspection; specifying grounds for
83 denial of an application; requiring applicants
84 selected for funding to timely initiate and complete
85 the removal of identified citrus trees in accordance
86 with their respective applications; providing the
87 process for making payments to applicants; authorizing
88 the department to adopt rules; specifying that funding
89 for the program is contingent upon specific

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90 appropriation by the Legislature; amending s. 582.01,
91 F.S.; redefining terms relating to soil and water
92 conservation; amending s. 582.02, F.S.; providing
93 legislative intent and findings relating to soil and
94 water conservation districts; providing a statement of
95 purpose; amending s. 582.055, F.S.; revising the
96 powers and duties of the department; authorizing the
97 department to adopt rules; amending s. 582.06, F.S.;
98 requiring the Soil and Water Conservation Council to
99 accept and review requests for creating or dissolving
100 soil and water conservation districts and to make
101 recommendations to the commissioner; requiring the
102 council to provide recommendations to the commissioner
103 relating to the removal of supervisors under certain
104 circumstances; amending s. 582.16, F.S.; revising how
105 district boundaries may be changed; amending s.
106 582.20, F.S.; revising the powers and duties of
107 districts and supervisors; amending s. 582.29, F.S.;
108 revising the terms under which certain state agencies
109 must cooperate; amending s. 595.402, F.S.; defining
110 terms relating to the school food and nutrition
111 service program; amending s. 595.404, F.S.; revising
112 the powers and duties of the department with regard to
113 the school food and nutrition service program;
114 directing the department to collect and annually
115 publish data on food purchased by sponsors through the
116 Florida Farm to School Program and other school food
117 and nutrition service programs; amending s. 595.405,
118 F.S.; clarifying requirements for the school nutrition

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119 program; requiring breakfast meals to be available to
120 all students in schools that serve any combination of
121 grades kindergarten through 5; amending s. 595.406,
122 F.S.; renaming the "Florida Farm Fresh Schools
123 Program" as the "Florida Farm to School Program";
124 authorizing the department to establish by rule a
125 recognition program for certain sponsors; amending s.
126 595.407, F.S.; revising provisions of the children's
127 summer nutrition program to include certain schools
128 that serve any combination of grades kindergarten
129 through 5; revising provisions relating to the
130 duration of the program; authorizing school districts
131 to exclude holidays and weekends; amending s. 595.408,
132 F.S.; conforming provisions to changes made by the
133 act; amending s. 595.501, F.S.; requiring certain
134 entities to complete corrective action plans required
135 by the department or a federal agency to be in
136 compliance with school food and nutrition service
137 programs; amending s. 595.601, F.S.; revising a cross-
138 reference; amending s. 601.31, F.S.; specifying that
139 certain citrus inspectors must be licensed by the
140 state Department of Agriculture rather than the United
141 States Department of Agriculture; amending s. 604.21,
142 F.S.; deleting a requirement relating to complaints
143 filed by electronic transmission or facsimile;
144 amending s. 604.33, F.S.; deleting provisions
145 requiring grain dealers to submit monthly reports;
146 authorizing, rather than requiring, the department to
147 make at least one spot check annually of each grain

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148 dealer; repealing s. 582.03, F.S., relating to the
149 consequences of soil erosion; repealing s. 582.04,
150 F.S., relating to appropriate corrective methods;
151 repealing s. 582.05, F.S., relating to legislative
152 policy for conservation; repealing s. 582.08, F.S.,
153 relating to additional powers of the department;
154 repealing s. 582.09, F.S., relating to an
155 administrative officer of soil and water conservation;
156 repealing s. 582.17, F.S., relating to the presumption
157 as to establishment of a district; repealing s.
158 582.21, F.S., relating to adoption of land use
159 regulations; repealing s. 582.22, F.S., relating to
160 district regulations and contents; repealing s.
161 582.23, F.S., relating to performance of work under
162 the regulations by the supervisors; repealing s.
163 582.24, F.S., relating to the board of adjustment;
164 repealing s. 582.25, F.S., relating to rules of
165 procedure of the board; repealing s. 582.26, F.S.,
166 relating to petitioning the board to vary from
167 regulations; repealing s. 582.331, F.S., relating to
168 the authorization to establish watershed improvement
169 districts within soil and water conservation
170 districts; repealing s. 582.34, F.S., relating to
171 petitions for establishment of watershed improvement
172 districts; repealing s. 582.35, F.S., relating to
173 notice and hearing on petitions, determinations of
174 need for districts, and boundaries; repealing s.
175 582.36, F.S., relating to determination of feasibility
176 of proposed districts and referenda; repealing s.

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177 582.37, F.S., relating to consideration of results of
178 referendums and declaration of organization of
179 districts; repealing s. 582.38, F.S., relating to the
180 organization of districts, certification to clerks of
181 circuit courts, and limitation on tax rates; repealing
182 s. 582.39, F.S., relating to establishment of
183 watershed improvement districts situated in more than
184 one soil and water conservation district; repealing s.
185 582.40, F.S., relating to change of district
186 boundaries or names; repealing s. 582.41, F.S.,
187 relating to boards of directors of districts;
188 repealing s. 582.42, F.S., relating to officers,
189 agents, and employees, surety bonds, and annual
190 audits; repealing s. 582.43, F.S., relating to status
191 and general powers of districts; repealing s. 582.44,
192 F.S., relating to the levy of taxes and taxing
193 procedures; repealing s. 582.45, F.S., relating to
194 fiscal powers of a governing body; repealing s.
195 582.46, F.S., relating to additional powers and
196 authority of districts; repealing s. 582.47, F.S.,
197 relating to the coordination between watershed
198 improvement districts and flood control districts;
199 repealing s. 582.48, F.S., relating to the
200 discontinuance of watershed improvement districts;
201 repealing s. 582.49, F.S., relating to the
202 discontinuance of soil and water conservation
203 districts; repealing s. 589.26, F.S., relating to the
204 dedication of state park lands for public use;
205 providing effective dates.

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

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

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

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

482.111 Pest control operator's certificate.—

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

(7) The fee for ~~issuance of an original certificate or the renewal of a certificate thereof~~ shall be set by the department but may not be more than \$150 or less than \$75; however, until

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235 rules setting these fees are adopted by the department, the
236 issuance fee and the renewal fee shall each be \$75.

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

239 482.1562 Limited certification for urban landscape
240 commercial fertilizer application.—

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

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

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

249 ~~(6) A late renewal charge of \$50 per month shall be~~
250 ~~assessed 30 days after the date the application for~~
251 ~~recertification is due and must be paid in addition to the~~
252 ~~renewal fee. Unless timely recertified, a certificate~~
253 ~~automatically expires 90 days after the recertification date.~~
254 Upon expiration or after a grace period ending 30 days after
255 expiration, a certificate may be issued only upon the person
256 reapplying in accordance with subsection (3).

257 Section 4. Paragraph (n) of subsection (1) of section
258 500.03, Florida Statutes, is amended, and paragraph (cc) is
259 added to that subsection, to read:

260 500.03 Definitions; construction; applicability.—

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

262 (n) "Food" includes:

263 1. Articles used for food or drink for human consumption;

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264 2. Chewing gum;
265 3. Articles used for components of any such article; ~~and~~
266 4. Articles for which health claims are made, which claims
267 are approved by the Secretary of the United States Department of
268 Health and Human Services and which claims are made in
269 accordance with s. 343(r) of the federal act, and which are not
270 considered drugs solely because their labels or labeling contain
271 health claims; and
272 5. "Dietary supplements" as the term is defined in 21
273 U.S.C. s. 321(ff) (1) and (2).
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275 The term includes any raw, cooked, or processed edible
276 substance; ice; any beverage; or any ingredient used, intended
277 for use, or sold for human consumption.

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

282 Section 5. Subsection (1) of section 500.10, Florida
283 Statutes, is amended, and subsection (5) is added to that
284 section, to read:

285 500.10 Food deemed adulterated.—A food is deemed to be
286 adulterated:

287 (1) (a) If it bears or contains any poisonous or deleterious
288 substance which may render it injurious to health; but in case
289 the substance is not an added substance such food shall not be
290 considered adulterated under this clause if the quantity of such
291 substance in such food does not ordinarily render it injurious
292 to health;

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293 (b) If it bears or contains any added poisonous or added
294 deleterious substance, other than one which is a pesticide
295 chemical in or on a raw agricultural commodity; a food additive;
296 or a color additive, which is unsafe within the meaning of s.
297 500.13(1);

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

301 (d) If it is or it bears or contains, any food additive
302 which is unsafe within the meaning of 21 U.S.C. s. 348 or s.
303 500.13(1); provided that where a pesticide chemical has been
304 used in or on a raw agricultural commodity in conformity with an
305 exemption granted or tolerance prescribed under 21 U.S.C. s. 346
306 or s. 500.13(1), and such raw agricultural commodity has been
307 subjected to processing such as canning, cooking, freezing,
308 dehydrating, or milling, the residue of such pesticide chemical
309 remaining in or on such processed food shall, notwithstanding
310 the provisions of s. 500.13, and this paragraph, not be deemed
311 unsafe if such residue in or on the raw agricultural commodity
312 has been removed to the extent possible in good manufacturing
313 practice, and the concentration of such residue in the processed
314 food when ready to eat, is not greater than the tolerance
315 prescribed for the raw agricultural commodity;

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

319 (f) If it has been produced, prepared, packed, transported,
320 or held under insanitary conditions whereby it may become
321 contaminated with filth, or whereby it may have been rendered

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322 diseased, unwholesome, or injurious to health;

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

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

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

331 (a) The recommended or suggested conditions of use on the
332 product label;

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

335 (c) It containing an ingredient for which there is
336 inadequate information to provide reasonable assurances that the
337 ingredient does not present a significant risk of illness or
338 injury.

339 Section 6. Paragraph (m) of subsection (1) of section
340 500.11, Florida Statutes, is amended to read:

341 500.11 Food deemed misbranded.—

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

343 (m) If it is offered for sale and its label or labeling
344 does not comply with the requirements of 21 U.S.C. s. 343(q) or
345 21 U.S.C. s. 343(w) pertaining to nutrition or allergen
346 information.

347 Section 7. Section 500.90, Florida Statutes, is created to
348 read:

349 500.90 Regulation of polystyrene products preempted to
350 department.—The regulation of the use or sale of polystyrene

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351 products by entities regulated under this chapter is preempted
352 to the department. This preemption does not apply to local
353 ordinances or provisions thereof enacted before January 1, 2016,
354 and does not limit the authority of a local government to
355 restrict the use of polystyrene by individuals on public
356 property, temporary vendors on public property, or entities
357 engaged in a contractual relationship with the local government
358 for the provision of goods or services, unless such use is
359 otherwise preempted by law.

360 Section 8. Subsection (20) of section 570.07, Florida
361 Statutes, is amended, and subsection (44) is added to that
362 section, to read:

363 570.07 Department of Agriculture and Consumer Services;
364 functions, powers, and duties.—The department shall have and
365 exercise the following functions, powers, and duties:

366 (20) (a) To stimulate, encourage, and foster the production
367 and consumption of agricultural and agricultural business
368 products;

369 (b) To conduct activities that may foster a better
370 understanding and more efficient cooperation among producers,
371 dealers, buyers, food editors, and the consuming public in the
372 promotion and marketing of Florida's agricultural and
373 agricultural business products; and

374 (c) To sponsor events, trade breakfasts, luncheons, and
375 dinners and distribute promotional materials and favors in
376 connection with meetings, conferences, and conventions of
377 dealers, buyers, food editors, and merchandising executives that
378 will assist in the promotion and marketing of Florida's
379 agricultural and agricultural business products to the consuming

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380 public.

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

385 (44) In its own name:

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

389 (b) To license, lease, assign, or otherwise give written
390 consent to any person, firm, or corporation for the manufacture
391 or use of such department work products on a royalty basis or
392 for such other consideration as the department deems proper.

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

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

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

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

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

407 570.30 Division of Administration; powers and duties.—The
408 Division of Administration shall render services required by the

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409 department and its other divisions, or by the commissioner in
410 the exercise of constitutional and cabinet responsibilities,
411 that can advantageously and effectively be centralized and
412 administered and any other function of the department that is
413 not specifically assigned by law to some other division. The
414 duties of this division include, but are not limited to:

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

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

419 570.441 Pest Control Trust Fund.—

420 (4) In addition to the uses authorized under subsection
421 (2), the department may use moneys collected or received under
422 chapter 482 to carry out s. 570.44. This subsection expires June
423 30, 2019.

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

426 570.53 Division of Marketing and Development; powers and
427 duties.—The powers and duties of the Division of Marketing and
428 Development include, but are not limited to:

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

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

433 570.544 Division of Consumer Services; director; powers;
434 processing of complaints; records.—

435 (2) The director shall supervise, direct, and coordinate
436 the activities of the division and shall, under the direction of
437 the department, enforce ss. 604.15-604.34 and ~~the provisions of~~

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438 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
439 and 849.

440 Section 13. Section 570.68, Florida Statutes, is created to
441 read:

442 570.68 Office of Agriculture Technology Services.—The
443 commissioner may create an Office of Agriculture Technology
444 Services under the supervision of a senior manager. The senior
445 manager is exempt under s. 110.205 in the Senior Management
446 Service and shall be appointed by the commissioner. The office
447 shall provide electronic data processing and agency information
448 technology services to support and facilitate the functions,
449 powers, and duties of the department.

450 Section 14. Section 570.681, Florida Statutes, is amended
451 to read:

452 570.681 Florida Agriculture Center and Horse Park;
453 legislative findings.—It is the finding of the Legislature that:
454 ~~(1) Agriculture is an important industry to the State of~~
455 ~~Florida, producing over \$6 billion per year while supporting~~
456 ~~over 230,000 jobs.~~

457 (1)(2) Equine and other agriculture-related industries ~~will~~
458 strengthen and benefit each other with the establishment of a
459 statewide agriculture and horse facility.

460 (2)(3) ~~The A~~ Florida Agriculture Center and Horse Park
461 provides ~~will provide~~ Florida with a unique tourist experience
462 for visitors and residents, thus generating taxes and additional
463 dollars for the state.

464 (3)(4) Promoting the Florida Agriculture Center and Horse
465 Park as a joint effort between the state and the private sector
466 allows ~~will allow~~ this facility to use ~~utilize~~ experts and

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467 generate revenue from many areas to ensure the success of this
468 facility.

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

471 570.685 Florida Agriculture Center and Horse Park
472 Authority.—

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

475 (b) The department may provide ~~shall be responsible for~~
476 ~~providing~~ administrative and staff support services relating to
477 the meetings of the authority and ~~shall provide~~ suitable space
478 in the offices of the department for the meetings and the
479 storage of records of the authority.

480 (c) In conducting its meetings, the authority shall use
481 accepted rules of procedure. The secretary shall keep a complete
482 record of the proceedings of each meeting showing, ~~which record~~
483 ~~shall show~~ the names of the members present and the actions
484 taken. These records shall be kept on file with the department,
485 and such records and other documents regarding matters within
486 the jurisdiction of the authority shall be subject to inspection
487 by members of the authority.

488 Section 16. Section 571.24, Florida Statutes, is amended to
489 read:

490 571.24 Purpose; duties of the department.—The purpose of
491 this part is to authorize the department to establish and
492 coordinate the Florida Agricultural Promotional Campaign. The
493 campaign is intended to serve as a marketing program for the
494 promotion of agricultural commodities, value-added products, and
495 agricultural-related businesses of this state. The campaign is

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496 not a food safety and traceability program. The duties of the
497 department shall include, but are not limited to:

498 (1) Developing logos and authorizing the use of logos as
499 provided by rule.

500 (2) Registering participants.

501 (3) Assessing and collecting fees.

502 (4) Collecting rental receipts for industry promotions.

503 (5) Developing in-kind advertising programs.

504 (6) Contracting with media representatives for the purpose
505 of dispersing promotional materials.

506 (7) Assisting the representative of the department who
507 serves on the Florida Agricultural Promotional Campaign Advisory
508 Council.

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

511 (8)~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and 120.54
512 to implement the provisions of this part.

513 (9)~~(10)~~ Enforcing and administering the provisions of this
514 part, including measures ensuring that only Florida agricultural
515 or agricultural based products are marketed under the "Fresh
516 From Florida" or "From Florida" logos or other logos of the
517 Florida Agricultural Promotional Campaign.

518 Section 17. Section 571.27, Florida Statutes, is amended to
519 read:

520 571.27 Rules.—The department is authorized to adopt rules
521 that implement, make specific, and interpret ~~the provisions of~~
522 ~~this part, including rules for entering into contracts with~~
523 ~~advertising agencies for services which are directly related to~~
524 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~

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525 ~~establish the procedures for negotiating costs with the offerors~~
526 ~~of such advertising services who have been determined by the~~
527 ~~department to be qualified on the basis of technical merit,~~
528 ~~creative ability, and professional competency. Such~~
529 ~~determination of qualifications shall also include consideration~~
530 ~~of the provisions in s. 287.055(3), (4), and (5). The department~~
531 is further authorized to determine, by rule, the logos or
532 product identifiers to be depicted for use in advertising,
533 publicizing, and promoting the sale of Florida agricultural
534 products or agricultural-based products in the Florida
535 Agricultural Promotional Campaign. The department may also adopt
536 rules consistent ~~not inconsistent~~ with the provisions of this
537 part as in its judgment may be necessary for participant
538 registration, renewal of registration, classes of membership,
539 application forms, and ~~as well as~~ other forms and enforcement
540 measures ensuring compliance with this part.

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

543 571.28 Florida Agricultural Promotional Campaign Advisory
544 Council.—

545 (1) ORGANIZATION.—There is ~~hereby~~ created within the
546 department the Florida Agricultural Promotional Campaign
547 Advisory Council, to consist of 15 members appointed by the
548 Commissioner of Agriculture for 4-year staggered terms. The
549 membership shall include: 13 ~~six~~ members representing
550 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
551 ~~representing agricultural retailers, two members representing~~
552 agricultural associations, and wholesalers ~~one member~~
553 ~~representing a wholesaler~~ of agricultural products; 1, ~~one~~

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554 member representing consumers;~~7~~ and 1 ~~one~~ member representing
555 the department. Initial appointment of the council members shall
556 be four members to a term of 4 years, four members to a term of
557 3 years, four members to a term of 2 years, and three members to
558 a term of 1 year.

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

561 576.041 Inspection fees; records.-

562 (2) Before the distribution of a fertilizer, each licensee
563 shall make application upon a form provided by the department to
564 report quarterly ~~monthly~~ the tonnage of fertilizer sold in the
565 state and make payment of the inspection fee. The continuance of
566 a license is conditioned upon the applicant's:

567 (a) Maintaining records and a bookkeeping system that will
568 accurately indicate the tonnage of fertilizer sold by the
569 licensee; and

570 (b) Consent to examination of the business records and
571 books by the department for a verification of the correctness of
572 tonnage reports and inspection fees. Tonnage reports of sales
573 and payment of inspection fee shall be made quarterly using the
574 department's regulatory website or ~~monthly~~ on forms furnished by
575 the department and submitted within 30 days following the close
576 of the reporting period ~~on or before the fifteenth day of the~~
577 ~~month succeeding the month covered by the reports.~~

578 Section 20. Section 580.0365, Florida Statutes, is created
579 to read:

580 580.0365 Preemption of regulatory authority over commercial
581 feed and feedstuff.-It is the intent of the Legislature to
582 eliminate duplication of regulation over commercial feed and

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583 feedstuff. Notwithstanding any other law, the authority to
584 regulate, inspect, sample, and analyze commercial feed or
585 feedstuff distributed in this state or to exercise the powers
586 and duties of regulation granted by this chapter, including the
587 assessment of penalties for violation of this chapter, is
588 preempted to the department.

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

591 581.181 Notice of infection of plants; destruction.—

592 (3) This section does not apply to plants or plant products
593 infested with pests or noxious weeds if such pests and weeds are
594 determined to be widely established within the state and are not
595 specifically regulated under rules adopted by the department or
596 under any other provisions of law.

597 Section 22. Effective upon becoming a law, section 581.189,
598 Florida Statutes, is created to read:

599 581.189 Grove Removal or Vector Elimination (GROVE)
600 Program.—

601 (1) There is created within the Department of Agriculture
602 and Consumer Services the Grove Removal or Vector Elimination
603 Program, a cost-sharing program for the removal or destruction
604 of abandoned citrus groves to eliminate the material harboring
605 the citrus disease Huanglongbing, also known as citrus greening,
606 and the vectors that spread the disease.

607 (2) For purposes of this section, the term:

608 (a) "Abandoned citrus grove" means a citrus grove that has
609 minimal or no production value and is no longer economically
610 viable as a commercial citrus grove.

611 (b) "Applicant" means the person who owns an abandoned

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612 citrus grove.

613 (c) "Eligible costs" means the costs, incurred after an
614 application is selected for funding, of the removal or
615 destruction the citrus trees and the elimination of any citrus
616 greening vectors, as described in the removal or destruction
617 plan in the funded application.

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

621 (e) "Program" means the Grove Removal or Vector Elimination
622 Program.

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

626 (a) The length of time the citrus groves have been
627 abandoned.

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

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

632 (4) An applicant may submit multiple applications for the
633 program, but is eligible only for a maximum of \$125,000 in
634 program cost-share funding in a given fiscal year. The
635 department may award to each funded application a cost-share of
636 up to 80 percent of eligible costs. The total amount of cost-
637 share allocated under the program in each fiscal year may not
638 exceed the amount specifically appropriated for the program for
639 the fiscal year.

640 (5) An applicant seeking cost-share assistance under the

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641 program must submit an application to the department by a date
642 determined by department rule. The application must include, at
643 minimum:

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

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

648 (c) All information determined by rule to be necessary for
649 the department to determine eligibility for the program and rank
650 applications.

651 (6) If the department determines an application to be
652 incomplete, it may require the applicant to submit additional
653 information within 10 days after such determination is made.

654 (7) Each fiscal year, the department shall review all
655 complete applications received in accordance with its rules
656 adopted pursuant to subsection (5). For each such complete
657 submitted application, the department must rank the applications
658 in accordance with the factors specified in subsection (3) and,
659 before selecting an application for funding, must conduct an
660 inspection of the abandoned citrus grove that is the subject of
661 the application.

662 (8) The department may deny an application pursuant to
663 chapter 120 for failure to comply with this section and
664 department rules.

665 (9) If an application is selected for funding, the
666 applicant must initiate and complete the removal or destruction
667 of the citrus trees identified in the application within the
668 timeframe specified by department rule. The applicant's failure
669 to initiate and complete the removal or destruction of the

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670 identified citrus trees within the time specified by the
671 department results in the forfeiture of the cost-share funding
672 approved based on the application. Upon such occurrence, the
673 department shall notify the next eligible applicant, based upon
674 its ranking of applicants for the fiscal year, of the
675 availability of cost-share funding. Such applicant, upon
676 acceptance, may be awarded cost-share funding pursuant to this
677 section, subject to available program funds.

678 (10) Upon completion of the removal or destruction of the
679 citrus trees identified in the funded application, the applicant
680 shall present proof of payment of removal or destruction costs
681 to the department. Upon receipt of satisfactory proof of payment
682 and satisfactory proof of the removal or destruction of the
683 trees identified in the funded application, the department may
684 issue payment to the applicant for the previously approved cost-
685 share amount.

686 (11) The department may adopt rules to implement and
687 administer this section, including an application process and
688 requirements, an application ranking process that is consistent
689 with the factors specified in subsection (3), and the
690 administration of cost-share funding.

691 (12) The annual awarding of funding through the program is
692 subject to specific legislative appropriation for this purpose.

693 Section 23. Subsections (1), (4), (5), (7), and (8) of
694 section 582.01, Florida Statutes, are amended to read:

695 582.01 Definitions.—Wherever used or referred to in this
696 chapter unless a different meaning clearly appears from the
697 context:

698 (1) "District" ~~or "soil conservation district"~~ or "soil and

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699 water conservation district" means a governmental subdivision of
700 this state, and a body corporate and politic, organized in
701 accordance with the provisions of this chapter, for the purpose,
702 with the powers, and subject to the provisions set forth in this
703 chapter. The term "district," ~~or "soil conservation district,"~~
704 when used in this chapter, means and includes a "soil and water
705 conservation district." All districts heretofore or hereafter
706 organized under this chapter shall be known as soil and water
707 conservation districts and shall have all the powers set out
708 herein.

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

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

718 (7) "Due notice," in addition to notice required pursuant
719 to the provisions of chapter 120, means notice published at
720 least twice, with an interval of at least 7 days between the two
721 publication dates, in a newspaper or other publication of
722 general circulation within the appropriate area ~~or, if no such~~
723 ~~publication of general circulation be available, by posting at a~~
724 ~~reasonable number of conspicuous places within the appropriate~~
725 ~~area, such posting to include, where possible, posting at public~~
726 ~~places where it may be customary to post notices concerning~~
727 ~~county or municipal affairs generally. At any hearing held~~

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728 ~~pursuant to such notice, at the time and place designated in~~
729 ~~such notice, adjournment may be made from time to time without~~
730 ~~the necessity of renewing such notice for such adjourned dates.~~

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

733 Section 24. Section 582.02, Florida Statutes, is amended to
734 read:

735 582.02 Legislative intent and findings; purpose of
736 districts ~~Lands a basic asset of state.-~~

737 (1) It is the intent of the Legislature to promote the
738 appropriate and efficient use of soil and water resources,
739 protect water quality, prevent floodwater and sediment damage,
740 preserve wildlife, protect public lands, and protect and promote
741 the health, safety, and welfare of the public.

742 (2) The Legislature finds that the farm, forest, and
743 grazing lands; green spaces; recreational areas; and natural
744 areas of the state are among its the basic assets of the state
745 and that the conservation preservation of these assets lands is
746 in the public interest necessary to protect and promote the
747 health, safety, and general welfare of its people ; improper
748 land use practices have caused and have contributed to, and are
749 now causing and contributing to a progressively more serious
750 erosion of the farm and grazing lands of this state by fire,
751 wind and water; the breaking of natural grass, plant, and forest
752 cover has interfered with the natural factors of soil
753 stabilization, causing loosening of soil and exhaustion of
754 humus, and developing a soil condition that favors erosion; the
755 top soil is being burned, washed and blown out of fields and
756 pastures; there has been an accelerated washing of sloping

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757 ~~fields; these processes of erosion by fire, wind and water speed~~
758 ~~up with removal of absorptive topsoil, causing exposure of less~~
759 ~~absorptive and less protective but more erosive subsoil; failure~~
760 ~~by any landowner or occupier to conserve the soil and control~~
761 ~~erosion upon her or his lands causes destruction by burning,~~
762 ~~washing and blowing of soil and water from her or his lands onto~~
763 ~~other lands and makes the conservation of soil and control~~
764 ~~erosion of such other lands difficult or impossible.~~

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

771 (4) The purpose of the soil and water conservation
772 districts is to provide assistance, guidance, and education to
773 landowners, land occupiers, the agricultural industry, and the
774 general public in implementing land and water resource
775 protection practices and to work in conjunction with federal,
776 state, and local agencies in all matters to implement this
777 chapter.

778 Section 25. Section 582.055, Florida Statutes, is amended
779 to read:

780 582.055 Powers and duties of the Department of Agriculture
781 and Consumer Services.—The department has all of the following
782 powers and duties:

783 (1) To administer ~~The provisions of this chapter shall be~~
784 ~~administered by the Department of Agriculture and Consumer~~
785 ~~Services.~~

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

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

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

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

798 (6) To seek the cooperation and assistance of the Federal
799 Government and any of its agencies, and of agencies and counties
800 of this state, in the work of such districts, including the
801 receipt and expenditure of state, federal, or other funds or
802 contributions.

803 (7) To disseminate information throughout the state
804 concerning the activities and programs of the soil and water
805 conservation districts and to encourage the formation of such
806 districts in areas where their organization is desirable.

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

809 (9) To adopt rules, as necessary, to implement this
810 chapter.

811 Section 26. Subsection (2) of section 582.06, Florida
812 Statutes, is amended to read:

813 582.06 Soil and Water Conservation Council; powers and
814 duties.-

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

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

819 (b) The council shall accept and review requests for
820 creating or dissolving soil and water conservation districts and
821 shall, by a majority vote, recommend to the commissioner by
822 resolution that a district be created or dissolved pursuant to
823 the request or that the request be denied.

824 (c) At the request of the Governor or a district, the
825 council shall consider and recommend to the Governor the removal
826 or retention of a supervisor for neglect of duty or malfeasance
827 in office.

828 Section 27. Section 582.16, Florida Statutes, is amended to
829 read:

830 582.16 Change of ~~Addition of territory to~~ district
831 ~~boundaries or removal of territory therefrom.~~ Requests to
832 increase or decrease the boundaries of ~~Petitions for including~~
833 ~~additional territory or removing territory within an existing~~
834 ~~district may be filed with the department of Agriculture and~~
835 ~~Consumer Services, and the~~ department shall follow the
836 proceedings provided for in this chapter to create a district ~~in~~
837 ~~the case of petitions to organize a district shall be observed~~
838 ~~in the case of petitions for such inclusion or removal. The~~
839 ~~department shall prescribe the form for such petition, which~~
840 ~~shall be as nearly as may be in the form prescribed in this~~
841 ~~chapter for petitions to organize a district. If the petition is~~
842 ~~signed by a majority of the landowners of such area, no~~
843 ~~referendum need be held. In referenda upon petitions for such~~

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844 ~~inclusions or removals, all owners of land lying within the~~
845 ~~proposed area to be added or removed shall be eligible to vote.~~

846 Section 28. Section 582.20, Florida Statutes, is amended to
847 read:

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

855 (1) To conduct surveys, studies ~~investigations~~, and
856 research relating to ~~the character of soil and water resources~~
857 and erosion and floodwater and sediment damages, to the
858 conservation, development and utilization of soil and water
859 resources and the disposal of water, and to the preventive and
860 control measures and works of improvement needed; to publish and
861 disseminate the results of such surveys, studies, and
862 investigations, or research, and related to disseminate
863 information. ~~concerning such preventive and control measures and~~
864 ~~works of improvement; provided, however, that in order to avoid~~
865 ~~duplication of research activities, no district shall initiate~~
866 ~~any research program except in cooperation with the government~~
867 ~~of this state or any of its agencies, or with the United States~~
868 ~~or any of its agencies;~~

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

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- 873 (a) Within the district's boundaries;
- 874 (b) Within another district's boundaries, subject to the
- 875 other district's approval; ~~territory within another district's~~
- 876 ~~boundaries subject to the other district's approval, or~~
- 877 ~~territory~~
- 878 (c) In areas not contained within any district's boundaries
- 879 on lands owned or controlled by this state or any of its
- 880 agencies, with the cooperation of the agency administering and
- 881 having jurisdiction thereof; or, ~~and~~
- 882 (d) On any other lands within the district's boundaries,
- 883 ~~territory~~ within another district's boundaries subject to the
- 884 other district's approval, or on lands ~~territory~~ not contained
- 885 within any district's boundaries upon obtaining the consent of
- 886 the owner and occupiers of such lands or the necessary rights or
- 887 interests in such lands, ~~in order to demonstrate by example the~~
- 888 ~~means, methods, and measures by which soil and soil resources~~
- 889 ~~may be conserved, and soil erosion in the form of soil blowing~~
- 890 ~~and soil washing may be prevented and controlled, and works of~~
- 891 ~~improvement for flood prevention or the conservation,~~
- 892 ~~development and utilization of soil and water resources, and the~~
- 893 ~~disposal of water may be carried out;~~
- 894 ~~(3) To carry out preventive and control measures and works~~
- 895 ~~of improvement for flood prevention or the conservation,~~
- 896 ~~development and utilization of soil and water resources, and the~~
- 897 ~~disposal of water within the district's boundaries, territory~~
- 898 ~~within another district's boundaries subject to the other~~
- 899 ~~district's approval, or territory not contained within any~~
- 900 ~~district's boundaries, including, but not limited to,~~
- 901 ~~engineering operations, methods of cultivation, the growing of~~

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902 ~~vegetation, changes in use of land, and the measures listed in~~
903 ~~s. 582.04 on lands owned or controlled by this state or any of~~
904 ~~its agencies, with the cooperation of the agency administering~~
905 ~~and having jurisdiction thereof, and on any other lands within~~
906 ~~the district's boundaries, territory within another district's~~
907 ~~boundaries subject to the other district's approval, or~~
908 ~~territory not contained within any district's boundaries upon~~
909 ~~obtaining the consent of the owner and the occupiers of such~~
910 ~~lands or the necessary rights or interests in such lands;~~

911 (3)~~(4)~~ To cooperate, or enter into agreements with, and
912 ~~within the limits of appropriations duly made available to it by~~
913 ~~law, to furnish financial or other aid to, any special district,~~
914 ~~municipality, county, water management district, state or~~
915 ~~federal agency, governmental or otherwise, or any owner or~~
916 ~~occupier of lands within the district's boundaries; on lands,~~
917 ~~territory within another district's boundaries, subject to the~~
918 ~~other district's approval; or on lands, or territory not~~
919 ~~contained within any district's boundaries, to further the~~
920 ~~purpose of this chapter. in the carrying on of erosion control~~
921 ~~or prevention operations and works of improvement for flood~~
922 ~~prevention or the conservation, development and utilization, of~~
923 ~~soil and water resources and the disposal of water within the~~
924 ~~district's boundaries, territory within another district's~~
925 ~~boundaries subject to the other district's approval, or~~
926 ~~territory not contained within any district's boundaries,~~
927 ~~subject to such conditions as the supervisors may deem necessary~~
928 ~~to advance the purposes of this chapter;~~

929 (4)~~(5)~~ To obtain options upon and to acquire, by purchase,
930 exchange, lease, gift, grant, bequest, devise, or otherwise, any

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931 property, real or personal, or rights or interests in such
932 property therein; to maintain, administer, and improve any
933 properties acquired, to receive income from such properties, and
934 to expend such income in complying with ~~carrying out the~~
935 ~~purposes and provisions of~~ this chapter; and to sell, lease, or
936 otherwise dispose of any of its property or interests ~~therein~~ in
937 compliance with ~~furtherance of the purposes and the provisions~~
938 ~~of~~ this chapter.†

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

954 (6)(7) To construct, improve, operate, and maintain such
955 structures as may be necessary or convenient for the performance
956 of any of the operations authorized in this chapter.†

957 (7)(8) To provide or assist in providing training and
958 education programs that further the purposes of this chapter.
959 ~~develop comprehensive plans for the conservation of soil and~~

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

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

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989 ~~its agencies, any soil conservation, erosion control, erosion-~~
990 ~~prevention, or any project for flood prevention or for the~~
991 ~~conservation, development, and utilization of soil and water~~
992 ~~resources, and the disposal of water within the district's~~
993 ~~boundaries, territory within another district's boundaries~~
994 ~~subject to the other district's approval, or territory not~~
995 ~~contained within any district's boundaries; to act as agent for~~
996 ~~the United States, or any of its agencies, or for the state or~~
997 ~~any of its agencies, in connection with the acquisition,~~
998 ~~construction, operation or administration of any soil-~~
999 ~~conservation, erosion control, erosion prevention, or any~~
1000 ~~project for flood prevention or for the conservation,~~
1001 ~~development and utilization of soil and water resources, and the~~
1002 ~~disposal of water within the district's boundaries, territory~~
1003 ~~within another district's boundaries subject to the other~~
1004 ~~district's approval, or territory not contained within any~~
1005 ~~district's boundaries; to accept donations, gifts, and~~
1006 ~~contributions in money, services, materials, or otherwise, from~~
1007 ~~the United States or any of its agencies, or from this state or~~
1008 ~~any of its agencies, or from others, and to use or expend such~~
1009 ~~moneys, services, materials or other contributions in carrying~~
1010 ~~on its operations;~~

1011 (8) ~~(10)~~ To sue and be sued in the name of the district; to
1012 have a seal, which seal shall be judicially noticed; to have
1013 perpetual succession unless terminated as provided in this
1014 chapter; to make and execute contracts and other instruments
1015 necessary or convenient to the exercise of its powers; and upon
1016 a majority vote of the supervisors of the district, to borrow
1017 money and to execute promissory notes and other evidences of

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1018 indebtedness in connection therewith, and to pledge, mortgage,
1019 and assign the income of the district and its personal property
1020 as security therefor, the notes and other evidences of
1021 indebtedness to be general obligations only of the district and
1022 in no event to constitute an indebtedness for which the faith
1023 and credit of the state or any of its revenues are pledged; ~~to~~
1024 ~~make, amend, and repeal rules and regulations not inconsistent~~
1025 ~~with this chapter to carry into effect its purposes and powers.~~

1026 (9) In coordination with the applicable counties, to use
1027 the services of the county agricultural agents and the
1028 facilities of their offices, if practicable and feasible. The
1029 supervisors may employ additional permanent or temporary staff,
1030 as needed, and determine their qualifications, duties, and
1031 compensation. The supervisors may delegate to their chair, to
1032 one or more supervisors, or to employees such powers and duties
1033 as they may deem proper, consistent with this chapter. The
1034 supervisors shall furnish to the department, upon request,
1035 copies of rules, orders, contracts, forms, and other documents
1036 they adopt or employ, and other information concerning their
1037 activities which the department may require in the performance
1038 of its duties under this chapter.

1039 (10) To adopt rules pursuant to chapter 120 to implement
1040 this chapter.

1041 (11) To request that the Governor remove a supervisor for
1042 neglect of duty or malfeasance in office by adoption of a
1043 resolution at a public meeting. If the district believes there
1044 is a need for a review of the request, the district may request
1045 the council, by resolution, to review the request and recommend
1046 action to the Governor. ~~As a condition to the extending of any~~

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1047 ~~benefits under this chapter to, or the performance of work upon,~~
1048 ~~any lands not owned or controlled by this state or any of its~~
1049 ~~agencies, the supervisors may require contributions in money,~~
1050 ~~services, materials, or otherwise to any operations conferring~~
1051 ~~such benefits, and may require landowners and occupiers to enter~~
1052 ~~into and perform such agreements or covenants as to the~~
1053 ~~permanent use of such lands as will tend to prevent or control~~
1054 ~~erosion and prevent floodwater and sediment damages thereon;~~

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

1063 Section 29. Section 582.29, Florida Statutes, is amended to
1064 read:

1065 582.29 State agencies to cooperate.—Agencies of this state
1066 which ~~shall~~ have jurisdiction over, or are ~~be~~ charged with, the
1067 administration of any state-owned lands, and agencies of any
1068 county, or other governmental subdivision of the state, which
1069 ~~shall~~ have jurisdiction over, or are ~~be~~ charged with the
1070 administration of, any county-owned or other publicly owned
1071 lands, ~~lying within the boundaries of any district organized~~
1072 ~~under this chapter, the boundaries of another district subject~~
1073 ~~to that district's approval, or territory not contained within~~
1074 ~~the boundaries of any district organized under this chapter,~~
1075 shall cooperate to the fullest extent with the supervisors of

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1076 such districts in the implementation ~~effectuation~~ of programs
1077 and operations undertaken by the supervisors under ~~the~~
1078 ~~provisions of~~ this chapter. The supervisors of such districts
1079 shall be given free access to enter and perform work upon such
1080 publicly owned lands. ~~The provisions of land use regulations~~
1081 ~~adopted shall be in all respects observed by the agencies~~
1082 ~~administering such publicly owned lands.~~

1083 Section 30. Present subsections (4) and (5) of section
1084 595.402, Florida Statutes, are redesignated as subsections (5)
1085 and (6), respectively, and a new subsection (4) and subsections
1086 (7) and (8) are added to that section, to read:

1087 595.402 Definitions.—As used in this chapter, the term:

1088 (4) "School breakfast program" means a program authorized
1089 by s. 4 of the Child Nutrition Act of 1966 and administered by
1090 the department.

1091 (7) "Summer nutrition program" means one or more of the
1092 programs authorized under 42 U.S.C. s. 1761.

1093 (8) "Universal school breakfast program" means a program
1094 that makes breakfast available at no cost to all students
1095 regardless of their household income.

1096 Section 31. Section 595.404, Florida Statutes, is amended
1097 to read:

1098 595.404 School food and other nutrition programs ~~service~~
1099 ~~program~~; powers and duties of the department.—The department has
1100 the following powers and duties:

1101 (1) To conduct, supervise, and administer the program that
1102 will be carried out using federal or state funds, or funds from
1103 any other source.

1104 (2) To conduct, supervise, and administer a Farmers' Market

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1105 Nutrition Program to provide participants in the Special
 1106 Supplemental Nutrition Program for Women, Infants, and Children
 1107 (WIC) with locally grown fruits and vegetables. The program is
 1108 to be carried out using federal or state funds or funds from any
 1109 other source.

1110 (3)~~(2)~~ To fully cooperate with the United States Government
 1111 and its agencies and instrumentalities so that the department
 1112 may receive the benefit of all federal financial allotments and
 1113 assistance possible to carry out the purposes of this chapter.

1114 (4)~~(3)~~ To implement and adopt by rule, as required, federal
 1115 regulations ~~to maximize federal assistance for the program.~~

1116 (5)~~(4)~~ To act as agent of, or contract with, the Federal
 1117 Government, another state agency, any county or municipal
 1118 government, or sponsor for the administration of the program,
 1119 including the distribution of funds provided by the Federal
 1120 Government to support the program.

1121 (6)~~(5)~~ To provide ~~make a reasonable effort to ensure that~~
 1122 ~~any school designated as a "severe need school" receives~~ the
 1123 highest rate of reimbursement to which it is entitled under 42
 1124 U.S.C. s. 1773 for each breakfast meal served.

1125 (7)~~(6)~~ To develop and propose legislation necessary to
 1126 implement the program, encourage the development of innovative
 1127 school food and nutrition services, and expand participation in
 1128 the program.

1129 (8)~~(7)~~ To annually allocate among the sponsors, as
 1130 applicable, funds provided from the school breakfast supplement
 1131 in the General Appropriations Act based on each district's total
 1132 number of free and reduced-price breakfast meals served.

1133 (9)~~(8)~~ To employ such persons as are necessary to perform

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1134 its duties under this chapter.

1135 (10)~~(9)~~ To adopt rules covering the administration,
1136 operation, and enforcement of the program, and the Farmers'
1137 Market Nutrition Program, as well as to implement ~~the provisions~~
1138 ~~of~~ this chapter.

1139 (11)~~(10)~~ To adopt and implement an appeal process by rule,
1140 as required by federal regulations, for applicants and
1141 participants under the programs implemented under this chapter
1142 ~~program~~, notwithstanding ss. 120.569 and 120.57-120.595.

1143 (12)~~(11)~~ To assist, train, and review each sponsor in its
1144 implementation of the program.

1145 (13)~~(12)~~ To advance funds from the program's annual
1146 appropriation to a summer nutrition program sponsor ~~sponsors~~,
1147 when requested, in order to implement ~~the provisions of this~~
1148 chapter and in accordance with federal regulations.

1149 (14) To collect data on food purchased through the programs
1150 defined in ss. 595.402(3) and 595.406 and to publish that data
1151 annually.

1152 (15) To enter into agreements with federal or state
1153 agencies to coordinate or cooperate in the implementation of
1154 nutrition programs.

1155 Section 32. Section 595.405, Florida Statutes, is amended
1156 to read:

1157 595.405 School nutrition program requirements ~~for school~~
1158 ~~districts and sponsors~~.-

1159 (1) Each ~~school~~ district school board shall consider the
1160 recommendations of the district school superintendent and adopt
1161 policies to provide for an appropriate food and nutrition
1162 service program for students consistent with federal law and

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1163 department rules.

1164 (2) Each ~~school~~ district school board shall implement
1165 school breakfast programs that make breakfast meals available to
1166 all students in each ~~elementary~~ school that serves any
1167 combination of grades kindergarten through 5. ~~Universal school~~
1168 ~~breakfast programs shall be offered in schools in which 80~~
1169 ~~percent or more of the students are eligible for free or~~
1170 ~~reduced-price meals. Each school shall, to the maximum extent~~
1171 ~~practicable, make breakfast meals available to students at an~~
1172 ~~alternative site location, which may include, but need not be~~
1173 ~~limited to, alternative breakfast options as described in~~
1174 ~~publications of the Food and Nutrition Service of the United~~
1175 ~~States Department of Agriculture for the federal School~~
1176 ~~Breakfast Program.~~

1177 (3) Each ~~school~~ district school board must annually set
1178 prices for breakfast meals at rates that, combined with federal
1179 reimbursements and state allocations, are sufficient to defray
1180 costs of school breakfast programs without requiring allocations
1181 from the district's operating funds, except if the district
1182 school board approves lower rates.

1183 ~~(4) Each school district is encouraged to provide~~
1184 ~~universal, free school breakfast meals to all students in each~~
1185 ~~elementary, middle, and high school. Each school district shall~~
1186 ~~approve or disapprove a policy, after receiving public testimony~~
1187 ~~concerning the proposed policy at two or more regular meetings,~~
1188 ~~which makes universal, free school breakfast meals available to~~
1189 ~~all students in each elementary, middle, and high school in~~
1190 ~~which 80 percent or more of the students are eligible for free~~
1191 ~~or reduced-price meals.~~

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1192 (4)~~(5)~~ Each ~~elementary, middle, and high school~~ operating a
1193 breakfast program shall make a breakfast meal available if a
1194 student arrives at school on the school bus less than 15 minutes
1195 before the first bell rings and shall allow the student at least
1196 15 minutes to eat the breakfast.

1197 (5) Each district school board is encouraged to provide
1198 universal, free school breakfast meals to all students in each
1199 elementary, middle, and high school. A universal school
1200 breakfast program shall be implemented in each school in which
1201 80 percent or more of the students are eligible for free or
1202 reduced-price meals, unless the district school board, after
1203 considering public testimony at two or more regularly scheduled
1204 board meetings, decides to not implement such a program in such
1205 schools.

1206 (6) To increase school breakfast and universal school
1207 breakfast program participation, each school district must, to
1208 the maximum extent practicable, make breakfast meals available
1209 to students through alternative service models as described in
1210 publications of the Food and Nutrition Service of the United
1211 States Department of Agriculture for the federal School
1212 Breakfast Program.

1213 (7)~~(6)~~ Each ~~school~~ district school board shall annually
1214 provide ~~to all students in each elementary, middle, and high~~
1215 ~~school~~ information prepared by the district's food service
1216 administration regarding available ~~its~~ school breakfast
1217 programs. The information shall be communicated through school
1218 announcements and ~~written~~ notices sent to all parents.

1219 (8)~~(7)~~ A ~~school~~ district school board may operate a
1220 breakfast program providing for food preparation at the school

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1221 site or in central locations with distribution to designated
1222 satellite schools or any combination thereof.

1223 ~~(8) Each sponsor shall complete all corrective action plans~~
1224 ~~required by the department or a federal agency to be in~~
1225 ~~compliance with the program.~~

1226 Section 33. Section 595.406, Florida Statutes, is amended
1227 to read:

1228 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

1229 (1) In order to implement the Florida Farm to School ~~Fresh~~
1230 ~~Schools~~ Program, the department shall develop policies
1231 pertaining to school food services which encourage:

1232 (a) Sponsors to buy fresh and high-quality foods grown in
1233 this state when feasible.

1234 (b) Farmers in this state to sell their products to
1235 sponsors, school districts, and schools.

1236 (c) Sponsors to demonstrate a preference for competitively
1237 priced organic food products.

1238 (d) Sponsors to make reasonable efforts to select foods
1239 based on a preference for those that have maximum nutritional
1240 content.

1241 (2) The department shall provide outreach, guidance, and
1242 training to sponsors, schools, school food service directors,
1243 parent and teacher organizations, and students about the benefit
1244 of fresh food products from farms in this state.

1245 (3) The department may recognize sponsors who purchase at
1246 least 10 percent of the food they serve from the Florida Farm to
1247 School Program.

1248 Section 34. Subsection (2) of section 595.407, Florida
1249 Statutes, is amended to read:

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1250 595.407 Children's summer nutrition program.—

1251 (2) Each school district shall develop a plan to sponsor or
1252 operate a summer nutrition program to operate sites in the
1253 school district as follows:

1254 (a) Within 5 miles of at least one ~~elementary~~ school that
1255 serves any combination of grades kindergarten through 5 at which
1256 50 percent or more of the students are eligible for free or
1257 reduced-price school meals and for the duration of 35
1258 ~~consecutive~~ days between the end of the school year and the
1259 beginning of the next school year. School districts may exclude
1260 holidays and weekends.

1261 (b) Within 10 miles of each ~~elementary~~ school that serves
1262 any combination of grades kindergarten through 5 at which 50
1263 percent or more of the students are eligible for free or
1264 reduced-price school meals, except as operated pursuant to
1265 paragraph (a).

1266 Section 35. Section 595.408, Florida Statutes, is amended
1267 to read:

1268 595.408 Food Commodity distribution services; department
1269 responsibilities and functions.—

1270 (1)(a) The department shall conduct, supervise, and
1271 administer all food commodity distribution services that will be
1272 carried on using federal or state funds, or funds from any other
1273 source, or food commodities received and distributed from the
1274 United States or any of its agencies.

1275 (b) The department shall determine the benefits each
1276 applicant or recipient of assistance is entitled to receive
1277 under this chapter, provided that each applicant or recipient is
1278 a resident of this state and a citizen of the United States or

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1279 is an alien lawfully admitted for permanent residence or
1280 otherwise permanently residing in the United States under color
1281 of law.

1282 (2) The department shall cooperate fully with the United
1283 States Government and its agencies and instrumentalities so that
1284 the department may receive the benefit of all federal financial
1285 allotments and assistance possible to carry out the purposes of
1286 this chapter.

1287 (3) The department may:

1288 (a) Accept any duties with respect to food ~~commodity~~
1289 distribution services as are delegated to it by an agency of the
1290 Federal Government or any state, county, or municipal
1291 government.

1292 (b) Act as agent of, or contract with, the Federal
1293 Government, state government, or any county or municipal
1294 government in the administration of food ~~commodity~~ distribution
1295 services to secure the benefits of any public assistance that is
1296 available from the Federal Government or any of its agencies,
1297 and in the distribution of funds received from the Federal
1298 Government, state government, or any county or municipal
1299 government for food ~~commodity~~ distribution services within the
1300 state.

1301 (c) Accept from any person or organization all offers of
1302 personal services, food ~~commodities~~, or other aid or assistance.

1303 (4) This chapter does not limit, abrogate, or abridge the
1304 powers and duties of any other state agency.

1305 Section 36. Section 595.501, Florida Statutes, is amended
1306 to read:

1307 595.501 Penalties.—

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1308 (1) If a corrective action plan is issued by the department
1309 or a federal agency, each sponsor must complete the corrective
1310 action plan to be in compliance with the program.

1311 (2) Any person or ~~sponsor, or school district~~ that
1312 violates any provision of this chapter or any rule adopted
1313 thereunder or otherwise does not comply with the program is
1314 subject to a suspension or revocation of their agreement, loss
1315 of reimbursement, or a financial penalty in accordance with
1316 federal or state law or both. This section does not restrict the
1317 applicability of any other law.

1318 Section 37. Section 595.601, Florida Statutes, is amended
1319 to read:

1320 595.601 Food and Nutrition Services Trust Fund.—Chapter 99-
1321 37, Laws of Florida, recreated the Food and Nutrition Services
1322 Trust Fund to record revenue and disbursements of Federal Food
1323 and Nutrition funds received by the department as authorized in
1324 ss. 595.404 and 598.408 ~~s. 595.405~~.

1325 Section 38. Section 601.31, Florida Statutes, is amended to
1326 read:

1327 601.31 Citrus inspectors; employment.—The Department of
1328 Agriculture may in each year employ as many citrus fruit
1329 inspectors for such period or periods, not exceeding 1 year, as
1330 the Department of Agriculture shall deem necessary for the
1331 effective enforcement of the citrus fruit laws of this state.
1332 All persons authorized to inspect and certify to the maturity
1333 and grade of citrus fruit shall be governed in the discharge of
1334 their duties as such inspectors by the provisions of law and by
1335 the rules adopted by the Department of Citrus and the Department
1336 of Agriculture and shall perform their duties under the

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1337 direction and supervision of the Department of Agriculture. All
1338 citrus inspectors appointed for the enforcement of this chapter
1339 shall be persons who are duly licensed or certified by the
1340 ~~United States~~ Department of Agriculture as citrus fruit
1341 inspectors.

1342 Section 39. Paragraphs (b) and (d) of subsection (1) and
1343 subsection (2) of section 604.21, Florida Statutes, are amended
1344 to read:

1345 604.21 Complaint; investigation; hearing.—

1346 (1)

1347 (b) To be considered timely filed, a complaint together
1348 with any required affidavits ~~or notarizations~~ must be received
1349 by the department within 6 months after the date of sale by
1350 electronic transmission, facsimile, regular mail, certified
1351 mail, or private delivery service. If the complaint is sent by a
1352 service other than electronic mail or facsimile, the mailing
1353 shall be postmarked or dated on or before the 6-month deadline
1354 to be accepted as timely filed.

1355 (d) A person, partnership, corporation, or other business
1356 entity filing a complaint shall submit to the department a the
1357 ~~following documents: three~~ completed complaint affidavit
1358 ~~affidavits~~ on a form provided by the department which bears with
1359 an original signature of an owner, partner, general partner, or
1360 corporate officer and an original notarization and which is
1361 accompanied by ~~on each affidavit. If the complaint is filed by~~
1362 ~~electronic transmission or facsimile, the original affidavits~~
1363 ~~and original notarizations shall be filed with the department~~
1364 ~~not later than the close of business of the tenth business day~~
1365 ~~following the electronic transmission or facsimile filing.~~

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1366 Attached to each complaint affidavit shall be copies of all
1367 documents that ~~to~~ support the complaint. Supporting documents
1368 may include ~~be~~ copies of invoices, bills of lading, packing or
1369 shipping documents, demand letters, or any other documentation
1370 to support the claim. In cases in which ~~there are~~ multiple
1371 invoices are being claimed, a summary list of all claimed
1372 invoices must accompany the complaint.

1373 (2) Upon the filing of a such complaint under this
1374 subsection ~~in the manner herein provided~~, the department shall
1375 investigate the complaint and ~~matters complained of; whereupon,~~
1376 if it finds that, ~~in the opinion of the department,~~ the facts
1377 contained in the complaint warrant it such ~~action,~~ the
1378 ~~department~~ shall serve notice of the filing of complaint on ~~to~~
1379 the dealer against whom the complaint has been filed at the last
1380 address of record. Such notice shall be accompanied by a ~~true~~
1381 copy of the complaint. A copy of such notice and complaint shall
1382 also be served on any ~~to the~~ surety company, ~~if any,~~ that
1383 provided the bond for the dealer, and the ~~which~~ surety company
1384 shall become party to the action. Such notice of the complaint
1385 shall inform the dealer of a reasonable time within which to
1386 answer the complaint by advising the department in writing that
1387 the allegations in the complaint are admitted or denied or that
1388 the complaint has been satisfied. Such notice shall also inform
1389 the dealer and the surety company or financial institution of a
1390 right to request a hearing on the complaint, ~~if requested.~~

1391 Section 40. Section 604.33, Florida Statutes, is amended to
1392 read:

1393 604.33 Security requirements for grain dealers.—Each grain
1394 dealer doing business in the state shall maintain liquid

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1395 security, in the form of grain on hand, cash, certificates of
1396 deposit, or other nonvolatile security that can be liquidated in
1397 10 days or less, or cash bonds, surety bonds, or letters of
1398 credit, that have been assigned to the department and that are
1399 conditioned to secure the faithful accounting for and payment to
1400 the producers for grain stored or purchased, in an amount equal
1401 to the value of grain which the grain dealer has received from
1402 grain producers for which the producers have not received
1403 payment. The bonds must be executed by the applicant as
1404 principal and by a surety corporation authorized to transact
1405 business in the state. The certificates of deposit and letters
1406 of credit must be from a recognized financial institution doing
1407 business in the United States. ~~Each grain dealer shall report to~~
1408 ~~the department monthly, on or before a date established by rule~~
1409 ~~of the department, the value of grain she or he has received~~
1410 ~~from producers for which the producers have not received payment~~
1411 ~~and the types of transaction involved, showing the value of each~~
1412 ~~type of transaction. The report shall also include a statement~~
1413 ~~showing the type and amount of security maintained to cover the~~
1414 ~~grain dealer's liability to producers. The department may shall~~
1415 make at least one spot check annually of each grain dealer to
1416 determine compliance with the requirements of this section.

1417 Section 41. Section 582.03, Florida Statutes, is repealed.

1418 Section 42. Section 582.04, Florida Statutes, is repealed.

1419 Section 43. Section 582.05, Florida Statutes, is repealed.

1420 Section 44. Section 582.08, Florida Statutes, is repealed.

1421 Section 45. Section 582.09, Florida Statutes, is repealed.

1422 Section 46. Section 582.17, Florida Statutes, is repealed.

1423 Section 47. Section 582.21, Florida Statutes, is repealed.

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1424 Section 48. Section 582.22, Florida Statutes, is repealed.
1425 Section 49. Section 582.23, Florida Statutes, is repealed.
1426 Section 50. Section 582.24, Florida Statutes, is repealed.
1427 Section 51. Section 582.25, Florida Statutes, is repealed.
1428 Section 52. Section 582.26, Florida Statutes, is repealed.
1429 Section 53. Section 582.331, Florida Statutes, is repealed.
1430 Section 54. Section 582.34, Florida Statutes, is repealed.
1431 Section 55. Section 582.35, Florida Statutes, is repealed.
1432 Section 56. Section 582.36, Florida Statutes, is repealed.
1433 Section 57. Section 582.37, Florida Statutes, is repealed.
1434 Section 58. Section 582.38, Florida Statutes, is repealed.
1435 Section 59. Section 582.39, Florida Statutes, is repealed.
1436 Section 60. Section 582.40, Florida Statutes, is repealed.
1437 Section 61. Section 582.41, Florida Statutes, is repealed.
1438 Section 62. Section 582.42, Florida Statutes, is repealed.
1439 Section 63. Section 582.43, Florida Statutes, is repealed.
1440 Section 64. Section 582.44, Florida Statutes, is repealed.
1441 Section 65. Section 582.45, Florida Statutes, is repealed.
1442 Section 66. Section 582.46, Florida Statutes, is repealed.
1443 Section 67. Section 582.47, Florida Statutes, is repealed.
1444 Section 68. Section 582.48, Florida Statutes, is repealed.
1445 Section 69. Section 582.49, Florida Statutes, is repealed.
1446 Section 70. Section 589.26, Florida Statutes, is repealed.
1447 Section 71. Except as otherwise expressly provided in this
1448 act, this act shall take effect July 1, 2016.