A bill to be entitled
An act relating to the Department of Agriculture and
Consumer Services; amending s. 482.111, F.S.; revising
requirements for issuance of an original pest control
operator's certificate; amending s. 482.1562, F.S.;
revising the date by which an application for
recertification of a limited certification for urban
landscape commercial fertilizer application is
required; removing provisions imposing late renewal
charges; providing a grace period for such
recertification; amending s. 500.03, F.S.; revising
the definition of the term "food" and defining the
term "vehicle" for purposes of the Florida Food Safety
Act; amending s. 500.10, F.S.; providing that food
transported under specified conditions or containing
ingredients for which there is inadequate information
is deemed adulterated; providing conditions under
which a dietary supplement or its ingredients is
deemed adulterated; amending s. 500.11, F.S.;
providing that a food is deemed misbranded for
noncompliance with specified allergen information;
amending s. 570.07, F.S.; revising powers and duties
of the department to include sponsoring events;
authorizing the department to secure letters of
patent, copyrights, and trademarks on work products
and to engage in acts accordingly; amending s. 570.30,
F.S.; removing electronic data processing and management information systems support for the department as a power and duty of the Division of Administration; amending s. 570.441, F.S.; authorizing the use of funds in the Pest Control Trust Fund for activities of the Division of Agricultural Environmental Services; amending s. 570.53, F.S.; revising duties of the Division of Marketing and Development to remove enforcement of provisions relating to dealers in agricultural products; amending s. 570.544, F.S.; revising duties of the director of the Division of Consumer Services to include enforcement of provisions relating to dealers in agricultural products and grain dealers; creating s. 570.68, F.S.; authorizing the Commissioner of Agriculture to create an Office of Agriculture Technology Services; providing duties of the office; amending s. 570.681, F.S.; revising legislative findings with regard to the Florida Agriculture Center and Horse Park; amending s. 570.685, F.S.; authorizing, rather than requiring, the department to provide administrative and staff support services, meeting space, and record storage for the Florida Agriculture Center and Horse Park Authority; amending s. 571.24, F.S.; providing legislative intent for the Florida Agricultural Promotional Campaign to serve as
a marketing program for certain purposes; removing an
obsolete provision relating to the designation of a
Division of Marketing and Development employee as a
member of the Advertising Interagency Coordinating
Council; amending s. 571.27, F.S.; removing obsolete
provisions relating to the authority of the department
to adopt rules for entering into contracts with
advertising agencies for services which are directly
related to the Florida Agricultural Promotional
Campaign; amending s. 571.28, F.S.; revising
provisions specifying membership criteria of the
Florida Agricultural Promotional Campaign Advisory
Council; amending s. 576.041, F.S.; revising the
frequency of fertilizer sales reports and the payment
of related inspection fees; providing for such reports
and fees to be made through the department's website;
revising the time by which such reports must be made
and fees must be paid; creating s. 580.0365, F.S.;
providing legislative intent with regard to regulation
of commercial feed and feedstuff; preempting
regulatory authority for commercial feed and feedstuff
to the department; amending s. 581.181, F.S.;
providing applicability of provisions requiring
treatment or destruction of infested or infected
plants and plant products; amending s. 582.01, F.S.;
revising definitions; amending s. 582.02, F.S.;
revising legislative findings and intent with regard
to the purpose of soil and water conservation
districts; repealing s. 582.03, F.S., relating to the
consequences of soil erosion; repealing s. 582.04,
F.S., relating to appropriate corrective methods for
conservation, development, and use of soil and water
resources; repealing s. 582.05, F.S., relating to
legislative policy for the conservation, development,
and use of such resources; amending s. 582.055, F.S.;
revising provisions relating to powers and duties of
the department with regard to soil and water
conservation districts; amending s. 582.06, F.S.;
revising provisions relating to powers and duties of
the Soil and Water Conservation Council; repealing s.
582.08, F.S., relating to additional powers of the
department with regard to soil and water conservation
districts; repealing s. 582.09, F.S., relating to the
employment of an administrative officer of soil and
water conservation; amending s. 582.16, F.S.; revising
provisions for modifying soil and water conservation
district boundaries; repealing s. 582.17, F.S.,
relating to the presumption that districts are
established in accordance with specified provisions;
amending s. 582.20, F.S.; revising provisions relating
to powers and duties of soil and water conservation
districts and district supervisors; repealing s.
582.21, F.S., relating to the adoption of land use regulations by soil and water conservation district supervisors; repealing s. 582.22, F.S., relating to the content of land use regulations adopted by soil and water conservation district supervisors; repealing s. 582.23, F.S., relating to the performance of work under land use regulations adopted by soil and water conservation district supervisors; repealing s. 582.24, F.S., relating to the board of adjustment; repealing s. 582.25, F.S., relating to rules of procedure of the board of adjustment; repealing s. 582.26, F.S., relating to petitions to the board of adjustment for land use variances; amending s. 582.29, F.S.; revising provisions directing state agencies and other governmental subdivisions of the state that manage publicly owned lands to cooperate with soil and water conservation district supervisors in implementing district programs and operations; repealing s. 582.331, F.S., relating to the establishment of a watershed improvement district within a soil and water conservation district; repealing s. 582.34, F.S., relating to the petition for establishment of a watershed improvement district within a soil and water conservation district; repealing s. 582.35, F.S., relating to notice and hearing on petition for establishment of a watershed
improvement district within a soil and water conservation district and determination of need for such district; repealing s. 582.36, F.S., relating to determination of feasibility and referendum for a watershed improvement district within a soil and water conservation district; repealing s. 582.37, F.S., relating to consideration of referendum results for determination of feasibility and declaration of organization of a watershed improvement district within a soil and water conservation district; repealing s. 582.38, F.S., relating to organization of a watershed improvement district within a soil and water conservation district; repealing s. 582.39, F.S., relating to establishment of a watershed improvement district situated in more than one soil and water conservation district; repealing s. 582.40, F.S., relating to change of district boundaries including additions, detachments, transfers of land from one district to another, and change of district name; repealing s. 582.41, F.S., relating to the board of directors of a soil and water conservation district; repealing s. 582.42, F.S., relating to officers, agents, and employees of a watershed improvement district within a soil and water conservation district and issuance of surety bonds by, and annual audits of, such district; repealing s.
582.43, F.S., relating to the power of a watershed improvement district within a soil and water conservation district to levy taxes and to construct, operate, improve, and maintain works of improvement in such district and to obtain necessary lands or interests therein; repealing s. 582.44, F.S., relating to procedures for a watershed improvement district within a soil and water conservation district to levy taxes; repealing s. 582.45, F.S., relating to the fiscal power of the board of directors of a watershed improvement district within a soil and water conservation district to issue bonds; repealing s. 582.46, F.S., relating to additional powers of the board of directors of a watershed improvement district within a soil and water conservation district; repealing s. 582.47, F.S., relating to the authority of a watershed improvement district within a soil and water conservation district to coordinate work with flood control districts; repealing s. 582.48, F.S., relating to discontinuance of a watershed improvement district within a soil and water conservation district; repealing s. 582.49, F.S., relating to discontinuance of a soil and water conservation district; repealing s. 589.26, F.S., relating to the authority of the Florida Forest Service to dedicate and reserve state park lands for public use; amending
s. 595.402, F.S.; defining terms relating to school food and nutrition service programs; conforming a reference to changes made by the act; amending s. 595.404, F.S.; revising powers and duties of the department with regard to school food and nutrition programs; authorizing the department to conduct, supervise, and administer a farmers' market nutrition program for certain purposes; directing the department to collect and publish data on food purchased through specified programs; authorizing the department to enter into agreements with federal and state agencies to implement nutrition programs; amending s. 595.405, F.S.; revising requirements for school nutrition programs; providing for breakfast meals to be available to all students in schools that serve specified grade levels; conforming a reference to changes made by the act; amending s. 595.406, F.S.; renaming the "Florida Farm Fresh Schools Program" as the "Florida Farm to School Program"; authorizing the department to establish by rule a recognition program for certain sponsors; amending s. 595.407, F.S.; revising provisions of the children's summer nutrition program to include certain schools that serve specified grade levels; revising provisions relating to the duration of the program; authorizing school districts to exclude holidays and weekends; amending

CODING: Words stricken are deletions; words underlined are additions.
s. 595.408, F.S.; conforming references to changes made by the act; amending s. 595.501, F.S.; requiring entities to complete corrective action plans required by the department or a federal agency to be in compliance with school food and nutrition service programs; amending s. 595.601, F.S.; correcting a cross-reference; amending s. 604.21, F.S.; revising affidavit requirements for an agricultural products dealer who files a complaint against another such dealer; amending s. 604.33, F.S.; removing provisions requiring grain dealers to submit monthly reports; authorizing, rather than requiring, the department to make at least one spot check annually of each grain dealer; providing an effective date.

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

Section 1. 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 issuance of an original certificate, an individual must complete an application for examination, pay the examination fee required under s. 482.141, and pass 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 rules setting these fees are adopted by the department, the issuance fee and the renewal fee shall each be $75.

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

482.1562 Limited certification for urban landscape commercial fertilizer application.—

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

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

(b) A recertification fee set by the department in an amount of at least $25 but not more than $75. Until the fee is set by rule, the fee for certification is $25.
(6) A late renewal charge of $50 per month shall be assessed 30 days after the date the application for recertification is due and must be paid in addition to the renewal fee. Unless timely recertified, a certificate automatically expires 90 days after the recertification date. Upon expiration, or after a grace period that does not exceed 30 days after expiration, a certificate may be issued only upon reapplying in accordance with subsection (3).

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

500.03 Definitions; construction; applicability.—
(1) For the purpose of this chapter, the term:
(n) "Food" includes:
1. Articles used for food or drink for human consumption;
2. Chewing gum;
3. Articles used for components of any such article; and
4. Articles for which health claims are made, which claims are approved by the Secretary of the United States Department of Health and Human Services and which claims are made in accordance with s. 343(r) of the federal act, and which are not considered drugs solely because their labels or labeling contain health claims; and
5. Dietary supplements as defined in 21 U.S.C. s. 321(ff)(1) and (2).
The term includes any raw, cooked, or processed edible substance; ice; any beverage; or any ingredient used, intended for use, or sold for human consumption.

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

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

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

(1)

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

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

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

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

(6) If it contains an ingredient for which there is inadequate information to provide reasonable assurance that such
ingredient does not present a significant risk of illness or injury.

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

500.11 Food deemed misbranded.—

(1) A food is deemed to be misbranded:

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

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

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

(20)

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

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

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

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

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

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

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

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

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

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

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

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

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

570.441 Pest Control Trust Fund.—

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

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

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

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

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

570.544 Division of Consumer Services; director; powers; processing of complaints; records.—
(2) The director shall supervise, direct, and coordinate the activities of the division and shall, under the direction of the department, enforce the provisions of ss. 604.15-604.34 and chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616, and 849.

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

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

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

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

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

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

(2) The Florida Agriculture Center and Horse Park provides Florida with a unique tourist experience
for visitors and residents, thus generating taxes and additional
dollars for the state.

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

Section 13. Paragraphs (b) and (c) of subsection (4) of
section 570.685, Florida Statutes, are amended to read:
570.685 Florida Agriculture Center and Horse Park
Authority.—
(4) The authority shall meet at least semiannually and
elect a chair, a vice chair, and a secretary for 1-year terms.
(b) The department may provide shall be responsible for
providing administrative and staff support services relating to
the meetings of the authority and may shall provide suitable
space in the offices of the department for the meetings and the
storage of records of the authority.
(c) In conducting its meetings, the authority shall use
accepted rules of procedure. The secretary shall keep a complete
record of the proceedings of each meeting, which shows record
shall show the names of the members present and the actions
taken. These records shall be kept on file with the department,
and such records and other documents regarding matters within
the jurisdiction of the authority shall be subject to inspection
by members of the authority.
Section 14. Section 571.24, Florida Statutes, is amended to read:

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

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

(2) Registering participants.

(3) Assessing and collecting fees.

(4) Collecting rental receipts for industry promotions.

(5) Developing in-kind advertising programs.

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

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

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

(9) Adopting rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.
(9) Enforcing and administering the provisions of this part, including measures ensuring that only Florida agricultural or agricultural based products are marketed under the "Fresh From Florida" or "From Florida" logos or other logos of the Florida Agricultural Promotional Campaign.

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

571.27 Rules.—The department is authorized to adopt rules that implement, make specific, and interpret the provisions of this part, including rules for entering into contracts with advertising agencies for services which are directly related to the Florida Agricultural Promotional Campaign. Such rules shall establish the procedures for negotiating costs with the offerors of such advertising services who have been determined by the department to be qualified on the basis of technical merit, creative ability, and professional competency. Such determination of qualifications shall also include consideration of the provisions in s. 287.055(3), (4), and (5). The department is further authorized to determine, by rule, the logos or product identifiers to be depicted for use in advertising, publicizing, and promoting the sale of Florida agricultural products or agricultural-based products in the Florida Agricultural Promotional Campaign. The department may also adopt rules consistent with the provisions of this part as in its judgment may be necessary for participant registration, renewal of registration, classes of membership,
application forms, as well as other forms and enforcement measures ensuring compliance with this part.

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

571.28 Florida Agricultural Promotional Campaign Advisory Council.—

(1) ORGANIZATION.—There is hereby created within the department the Florida Agricultural Promotional Campaign Advisory Council, to consist of 15 members appointed by the Commissioner of Agriculture for 4-year staggered terms. The membership shall include: six members representing agricultural producers, shippers, or packers, three members representing agricultural retailers, two members representing agricultural associations, one member representing a wholesaler of agricultural products, one member representing consumers, and one member representing the department. Initial appointment of the council members shall be four members to a term of 4 years, four members to a term of 3 years, four members to a term of 2 years, and three members to a term of 1 year.

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

576.041 Inspection fees; records.—

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

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

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

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

580.0365 Preemption of regulatory authority over
commercial feed and feedstuff.—It is the intent of the
Legislature to eliminate duplication of regulation over
commercial feed and feedstuff. Notwithstanding any other
provision of law, the authority to regulate, inspect, sample,
and analyze any commercial feed or feedstuff distributed in this
state and to exercise the powers and duties of regulation in
this chapter, including the power to assess any penalties
provided for violation of this chapter, is preempted to the
Section 19. Subsection (3) is added to section 581.181, Florida Statutes, to read:

581.181 Notice of infection of plants; destruction.—

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

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

582.01 Definitions.—As wherever used or referred to in this chapter, the term "department" means the Department of Agriculture and Consumer Services.

(1) "Commissioner" means the Commissioner of Agriculture.

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

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

(4) "District" or "soil conservation district" or "soil and water conservation district" means a governmental subdivision of this state and a body corporate and politic, organized in accordance with the provisions of this chapter for...
the purpose, with the powers, and subject to the provisions set
forth in this chapter. The term "district" or "soil conservation
district," when used in this chapter, means and includes a "soil
and water conservation district." All districts heretofore or
hereafter organized under this chapter shall be known as soil
and water conservation districts and shall have all the powers
set out herein.

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

(6) "Land occupier" or "occupier of land" means a
includes any person, other than the owner, who possesses shall
be in possession of any lands lying within a district organized
under the provisions of this chapter, whether as lessee, renter,
tenant, or otherwise.
(7)(4) "Landowner" or "owner of land" means a includes any person who holds shall hold legal or equitable title to any lands lying within a district organized under the provisions of this chapter.

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

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

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

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

582.02 Legislative policy and findings; purpose of districts — Lands a basic asset of state.

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

(2) The Legislature finds that the farm, forest, and grazing lands; green spaces; recreational areas; and natural areas of the state are among the basic assets of the state and the conservation preservation of these lands is necessary to
protect and promote the health, safety, and general welfare of its people and is in the public interest; improper land use practices have caused and have contributed to, and are now causing and contributing to a progressively more serious erosion of the farm and grazing lands of this state by fire, wind and water; the breaking of natural grass, plant, and forest cover has interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; the top soil is being burned, washed and blown out of fields and pastures; there has been an accelerated washing of sloping fields; these processes of erosion by fire, wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; failure by any landowner or occupier to conserve the soil and control erosion upon her or his lands causes destruction by burning, washing and blowing of soil and water from her or his lands onto other lands and makes the conservation of soil and control erosion of such other lands difficult or impossible.

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

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

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

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

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

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

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

(7) The department may disseminate information throughout the state concerning the activities, research, and programs of the soil and water conservation districts and encourage the formation of such districts in areas where their organization is desirable.
(8) The department may create or dissolve a soil and water conservation district pursuant to the provisions of this chapter.

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

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

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

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

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

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

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

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

Section 26. Section 582.16, Florida Statutes, is amended to read:
582.16 Change of district boundaries. Addition of territory to district or removal of territory therefrom. Requests for increasing or reducing the boundaries of districts or for including additional territory or removing territory within an existing district may be filed with the Department of Agriculture and Consumer Services, and the department shall follow the proceedings provided for in this chapter to create a district in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion or removal. The department shall prescribe the form for such petition, which shall be as nearly as may be in the form prescribed in this chapter for petitions to organize a district. If the petition is signed by a majority of the landowners of such area, no referendum need be held. In referenda upon petitions for such inclusions or removals, all owners of land lying within the proposed area to be added or removed shall be eligible to vote.

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

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

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

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CODING: Words stricken are deletions; words underlined are additions.
in other sections of this chapter:

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

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

(a) Within the district's boundaries;

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

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

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

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

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

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

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

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

(7) To provide, or assist in providing, training and education programs that further the purposes and provisions of this chapter develop comprehensive plans for the conservation of soil and water resources and for the control and prevention of
soil erosion and for flood prevention or the conservation, development and utilization of soil and water resources, and the disposal of water within the district's boundaries, territory within another district's boundaries subject to the other district's approval, or territory not contained within any district's boundaries, which plans shall specify in such detail as may be possible the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; control of artesian wells; and to publish such plans and information and bring them to the attention of owners and occupiers of lands within the district's boundaries, territory within another district's boundaries subject to the other district's approval, or territory not contained within any district's boundaries;

(9) To take over, by purchase, lease, or otherwise, and to administer any soil conservation, erosion control, erosion prevention project, or any project for flood prevention or for the conservation, development and utilization of soil and water resources, and the disposal of water, located within the district's boundaries, territory within another district's boundaries subject to the other district's approval, or territory not contained within any district's boundaries, undertaken by the United States or any of its agencies, or by
this state or any of its agencies; to manage as agent of the
United States or any of its agencies, or of the state or any of
its agencies, any soil-conservation, erosion-control, erosion-
prevention, or any project for flood-prevention or for the
conservation, development, and utilization of soil and water
resources, and the disposal of water within the district's
boundaries, territory within another district's boundaries
subject to the other district's approval, or territory not
contained within any district's boundaries; to act as agent for
the United States, or any of its agencies, or for the state or
any of its agencies, in connection with the acquisition,
construction, operation or administration of any soil-
conservation, erosion-control, erosion-prevention, or any
project for flood-prevention or for the conservation,
development and utilization of soil and water resources, and the
disposal of water within the district's boundaries, territory
within another district's boundaries subject to the other
district's approval, or territory not contained within any
district's boundaries; to accept donations, gifts, and
contributions in money, services, materials, or otherwise, from
the United States or any of its agencies, or from this state or
any of its agencies, or from others, and to use or expend such
moneys, services, materials or other contributions in carrying
on its operations;

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

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

(9) To use, in coordination with the applicable county or counties, the services of the county agricultural agents and the facilities of their offices, if practicable and feasible. The supervisors may also employ additional permanent and temporary
staff, as needed, and determine their qualifications, duties, and compensation. The supervisors may delegate to the chair, to one or more supervisors, or to employees such powers and duties as they may deem proper, consistent with the provisions of this chapter. The supervisors shall furnish to the department, upon request, copies of rules, orders, contracts, forms, and other documents that the district has adopted or used, and any other information concerning the district's activities, that the department may require in the performance of its duties under this chapter;

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

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

(12) Any provision with respect to the acquisition, operation, or disposition of property by public bodies of this state does not apply shall be applicable to a district organized under this chapter unless specifically so stated by the Legislature.
chapter are shall be exempt from state, county, and other
taxation.

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

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

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

Section 31. Sections 582.331, 582.34, 582.35, 582.36,
582.37, 582.38, 582.39, 582.40, 582.41, 582.42, 582.43, 582.44,
Section 32. Section 589.26, Florida Statutes, is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 35. Section 595.405, Florida Statutes, is amended
to read:

595.405 **School nutrition** program requirements for school districts and sponsors.—

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

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

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

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

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

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

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

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

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

A school district school board shall annually provide to all students in each elementary, middle, and high school information prepared by the district's food service administration regarding available school breakfast programs. The information shall be communicated through school announcements and written notices sent to all parents.

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

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

595.406 Florida Farm to School Fresh Schools Program.—

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

(a) Sponsors to buy fresh and high-quality foods grown in this state when feasible.
(b) Farmers in this state to sell their products to sponsors, school districts, and schools.

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

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

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

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

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

595.407 Children's summer nutrition program.—

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

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

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

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

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

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

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

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

(3) The department may:

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

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

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

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

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

595.501 Penalties.—

(1) When a corrective action plan is issued by the
department or a federal agency, each sponsor is required to
complete the corrective action plan to be in compliance with the
program.
(2) Any person or sponsor, or school district that violates any provision of this chapter or any rule adopted thereunder or otherwise does not comply with the program is subject to a suspension or revocation of their agreement, loss of reimbursement, or a financial penalty in accordance with federal or state law, or both. This section does not restrict the applicability of any other law.

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

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

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

604.21 Complaint; investigation; hearing.—

(1)

(b) To be considered timely filed, a complaint together with any required affidavit affidavits or notarizations must be received by the department within 6 months after the date of sale by electronic transmission, facsimile, regular mail, certified mail, or private delivery service. If the complaint is sent by a service other than electronic mail or facsimile, the mailing shall be postmarked or dated on or before the 6-month
(d) A person, partnership, corporation, or other business entity filing a complaint shall submit to the department the following documents: a three completed complaint affidavit affidavits on a form provided by the department with an original signature of an owner, partner, general partner, or corporate officer and an original notarization on each affidavit. If the complaint is filed by electronic transmission or facsimile, the original affidavits and original notarizations shall be filed with the department not later than the close of business of the tenth business day following the electronic transmission or facsimile filing. Attached to each complaint affidavit shall be copies of all documents to support the complaint. Supporting documents may be copies of invoices, bills of lading, packing or shipping documents, demand letters, or any other documentation to support the claim. In cases in which there are multiple invoices being claimed, a summary list of all claimed invoices must accompany the complaint.

(2) Upon the filing of a such complaint pursuant to this section in the manner herein provided, the department shall investigate the matters complained of and, whereupon, if, in the opinion of the department, the facts contained in the complaint warrant such action, the department shall serve notice of the filing of complaint to the dealer against whom the complaint has been filed at the last address of record. The such notice shall be accompanied by a true copy of the complaint. A copy of the
such notice and complaint shall also be served to the surety company, if any, that provided the bond for the dealer, which surety company shall become party to the action. The such notice of the complaint shall inform the dealer of a reasonable time within which to answer the complaint by advising the department in writing that the allegations in the complaint are admitted or denied or that the complaint has been satisfied. The such notice shall also inform the dealer and the surety company or financial institution of a right to a hearing on the complaint, if requested.

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

604.33 Security requirements for grain dealers.—Each grain dealer doing business in the state shall maintain liquid security, in the form of grain on hand, cash, certificates of deposit, or other nonvolatile security that can be liquidated in 10 days or less, or cash bonds, surety bonds, or letters of credit, that have been assigned to the department and that are conditioned to secure the faithful accounting for and payment to the producers for grain stored or purchased, in an amount equal to the value of grain which the grain dealer has received from grain producers for which the producers have not received payment. The bonds must be executed by the applicant as principal and by a surety corporation authorized to transact business in the state. The certificates of deposit and letters of credit must be from a recognized financial institution doing
business in the United States. Each grain dealer shall report to
the department monthly, on or before a date established by rule
of the department, the value of grain she or he has received
from producers for which the producers have not received payment
and the types of transaction involved, showing the value of each
type of transaction. The report shall also include a statement
showing the type and amount of security maintained to cover the
grain dealer's liability to producers. The department shall make at least one spot check annually of each grain dealer to
determine compliance with the requirements of this section.

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