

By the Committee on Agriculture; and Senator Montford

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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; amending s. 570.07, F.S.; revising the
20 department's functions, powers, and duties; amending
21 s. 570.30, F.S.; revising the powers and duties of the
22 Division of Administration; amending s. 570.441, F.S.;
23 authorizing the use of funds in the Pest Control Trust
24 Fund for activities of the Division of Agricultural
25 Environmental Services; providing for expiration;
26 amending s. 570.53, F.S.; revising the powers and
27 duties of the Division of Marketing and Development to
28 remove the enforcement provisions relating to the
29 dealers in agricultural products law; amending s.
30 570.544, F.S.; revising the duties of the director of
31 the Division of Consumer Services to include
32 enforcement provisions relating to the dealers in

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33 agricultural products law; creating s. 570.68, F.S.;

34 authorizing the Commissioner of Agriculture to create

35 an Office of Agriculture Technology Services;

36 providing duties of the office; amending s. 570.681,

37 F.S.; revising the legislative findings relating to

38 the Florida Agriculture Center and Horse Park;

39 amending s. 570.685, F.S.; authorizing, rather than

40 requiring, the department to provide administrative

41 and staff support services, meeting space, and record

42 storage for the Florida Agriculture Center and Horse

43 Park Authority; amending s. 571.24, F.S.; clarifying

44 the intent that the Florida Agricultural Promotional

45 Campaign serve as a marketing program; removing an

46 obsolete provision relating to the designation of a

47 division employee as a member of the Advertising

48 Interagency Coordinating Council; amending s. 571.27,

49 F.S.; removing obsolete provisions relating to the

50 authority of the department to adopt rules for

51 entering into contracts with advertising agencies for

52 services that are directly related to the Florida

53 Agricultural Promotional Campaign; amending s. 571.28,

54 F.S.; revising the composition of the Florida

55 Agricultural Promotional Campaign Advisory Council;

56 amending s. 576.041, F.S.; revising the frequency with

57 which tonnage reports of fertilizer sales must be

58 made; revising the timeframe for submission of such

59 reports; creating s. 580.0365, F.S.; providing for the

60 preemption of commercial feed and feedstuff

61 regulation; amending s. 581.181, F.S.; providing

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62 applicability of provisions requiring treatment or
63 destruction of infested or infected plants and plant
64 products; creating s. 581.189, F.S.; creating the
65 Grove Removal or Vector Elimination (GROVE) Program;
66 specifying the purpose of the program; defining terms;
67 requiring the department to adopt rules for reviewing
68 and ranking applications for cost-share funding to
69 removal or destroy abandoned citrus groves;
70 establishing per applicant award maximums; specifying
71 that the total funds awarded in a fiscal year cannot
72 exceed the amount specifically appropriated for the
73 program; specifying application requirements;
74 specifying how the department must process
75 applications; specifying that noncompliance will
76 result in forfeiture of cost-share funds; requiring
77 the department to rank and review applications and to
78 conduct a certain inspection; specifying grounds for
79 denial of an application; requiring applicants
80 selected for funding to timely initiate and complete
81 the removal of identified citrus trees in accordance
82 with their respective applications; providing the
83 process for making payments to applicants; authorizing
84 the department to adopt rules; specifying that funding
85 for the program is contingent upon specific
86 appropriation by the Legislature; amending s. 582.01,
87 F.S.; redefining terms relating to soil and water
88 conservation; amending s. 582.02, F.S.; providing
89 legislative intent and findings relating to soil and
90 water conservation districts; providing a statement of

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91 purpose; amending s. 582.055, F.S.; revising the
92 powers and duties of the department; authorizing the
93 department to adopt rules; amending s. 582.06, F.S.;
94 requiring the Soil and Water Conservation Council to
95 accept and review requests for creating or dissolving
96 soil and water conservation districts and to make
97 recommendations to the commissioner; requiring the
98 council to provide recommendations to the commissioner
99 relating to the removal of supervisors under certain
100 circumstances; amending s. 582.16, F.S.; revising how
101 district boundaries may be changed; amending s.
102 582.20, F.S.; revising the powers and duties of
103 districts and supervisors; amending s. 582.29, F.S.;
104 revising the terms under which certain state agencies
105 must cooperate; amending s. 595.402, F.S.; defining
106 terms relating to the school food and nutrition
107 service program; amending s. 595.404, F.S.; revising
108 the powers and duties of the department with regard to
109 the school food and nutrition service program;
110 directing the department to collect and annually
111 publish data on food purchased by sponsors through the
112 Florida Farm to School Program and other school food
113 and nutrition service programs; amending s. 595.405,
114 F.S.; clarifying requirements for the school nutrition
115 program; requiring breakfast meals to be available to
116 all students in schools that serve any combination of
117 grades kindergarten through 5; amending s. 595.406,
118 F.S.; renaming the "Florida Farm Fresh Schools
119 Program" as the "Florida Farm to School Program";

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120 authorizing the department to establish by rule a
121 recognition program for certain sponsors; amending s.
122 595.407, F.S.; revising provisions of the children's
123 summer nutrition program to include certain schools
124 that serve any combination of grades kindergarten
125 through 5; revising provisions relating to the
126 duration of the program; authorizing school districts
127 to exclude holidays and weekends; amending s. 595.408,
128 F.S.; conforming provisions to changes made by the
129 act; amending s. 595.501, F.S.; requiring certain
130 entities to complete corrective action plans required
131 by the department or a federal agency to be in
132 compliance with school food and nutrition service
133 programs; amending s. 595.601, F.S.; revising a cross-
134 reference; amending s. 604.21, F.S.; deleting a
135 requirement relating to complaints filed by electronic
136 transmission or facsimile; amending s. 604.33, F.S.;
137 deleting provisions requiring grain dealers to submit
138 monthly reports; authorizing, rather than requiring,
139 the department to make at least one spot check
140 annually of each grain dealer; repealing s. 582.03,
141 F.S., relating to the consequences of soil erosion;
142 repealing s. 582.04, F.S., relating to appropriate
143 corrective methods; repealing s. 582.05, F.S.,
144 relating to legislative policy for conservation;
145 repealing s. 582.08, F.S., relating to additional
146 powers of the department; repealing s. 582.09, F.S.,
147 relating to an administrative officer of soil and
148 water conservation; repealing s. 582.17, F.S.,

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149 relating to the presumption as to establishment of a
150 district; repealing s. 582.21, F.S., relating to
151 adoption of land use regulations; repealing s. 582.22,
152 F.S., relating to district regulations and contents;
153 repealing s. 582.23, F.S., relating to performance of
154 work under the regulations by the supervisors;
155 repealing s. 582.24, F.S., relating to the board of
156 adjustment; repealing s. 582.25, F.S., relating to
157 rules of procedure of the board; repealing s. 582.26,
158 F.S., relating to petitioning the board to vary from
159 regulations; repealing s. 582.331, F.S., relating to
160 the authorization to establish watershed improvement
161 districts within soil and water conservation
162 districts; repealing s. 582.34, F.S., relating to
163 petitions for establishment of watershed improvement
164 districts; repealing s. 582.35, F.S., relating to
165 notice and hearing on petitions, determinations of
166 need for districts, and boundaries; repealing s.
167 582.36, F.S., relating to determination of feasibility
168 of proposed districts and referenda; repealing s.
169 582.37, F.S., relating to consideration of results of
170 referendums and declaration of organization of
171 districts; repealing s. 582.38, F.S., relating to the
172 organization of districts, certification to clerks of
173 circuit courts, and limitation on tax rates; repealing
174 s. 582.39, F.S., relating to establishment of
175 watershed improvement districts situated in more than
176 one soil and water conservation district; repealing s.
177 582.40, F.S., relating to change of district

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178 boundaries or names; repealing s. 582.41, F.S.,
179 relating to boards of directors of districts;
180 repealing s. 582.42, F.S., relating to officers,
181 agents, and employees, surety bonds, and annual
182 audits; repealing s. 582.43, F.S., relating to status
183 and general powers of districts; repealing s. 582.44,
184 F.S., relating to the levy of taxes and taxing
185 procedures; repealing s. 582.45, F.S., relating to
186 fiscal powers of a governing body; repealing s.
187 582.46, F.S., relating to additional powers and
188 authority of districts; repealing s. 582.47, F.S.,
189 relating to the coordination between watershed
190 improvement districts and flood control districts;
191 repealing s. 582.48, F.S., relating to the
192 discontinuance of watershed improvement districts;
193 repealing s. 582.49, F.S., relating to the
194 discontinuance of soil and water conservation
195 districts; repealing s. 589.26, F.S., relating to the
196 dedication of state park lands for public use;
197 providing effective dates.

198

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

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201 Section 1. Effective upon this act becoming a law, section
202 15.0521, Florida Statutes, is created to read:

203 15.0521 Official state honey.—Tupelo honey is designated as
204 the official Florida state honey.

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

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207 482.111 Pest control operator's certificate.—

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

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

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

231 482.1562 Limited certification for urban landscape
232 commercial fertilizer application.—

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

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

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

241 ~~(6) A late renewal charge of \$50 per month shall be~~
242 ~~assessed 30 days after the date the application for~~
243 ~~recertification is due and must be paid in addition to the~~
244 ~~renewal fee. Unless timely recertified, a certificate~~
245 ~~automatically expires 90 days after the recertification date.~~
246 Upon expiration or after a grace period ending 30 days after
247 expiration, a certificate may be issued only upon the person
248 reapplying in accordance with subsection (3).

249 Section 4. Paragraph (n) of subsection (1) of section
250 500.03, Florida Statutes, is amended, and paragraph (cc) is
251 added to that subsection, to read:

252 500.03 Definitions; construction; applicability.-

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

254 (n) "Food" includes:

- 255 1. Articles used for food or drink for human consumption;
- 256 2. Chewing gum;
- 257 3. Articles used for components of any such article; ~~and~~
- 258 4. Articles for which health claims are made, which claims
259 are approved by the Secretary of the United States Department of
260 Health and Human Services and which claims are made in
261 accordance with s. 343(r) of the federal act, and which are not
262 considered drugs solely because their labels or labeling contain
263 health claims; and
- 264 5. "Dietary supplements" as the term is defined in 21

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265 U.S.C. s. 321(ff)(1) and (2).

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267 The term includes any raw, cooked, or processed edible
268 substance; ice; any beverage; or any ingredient used, intended
269 for use, or sold for human consumption.

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

274 Section 5. Subsection (1) of section 500.10, Florida
275 Statutes, is amended, and subsection (5) is added to that
276 section, to read:

277 500.10 Food deemed adulterated.—A food is deemed to be
278 adulterated:

279 (1) (a) If it bears or contains any poisonous or deleterious
280 substance which may render it injurious to health; but in case
281 the substance is not an added substance such food shall not be
282 considered adulterated under this clause if the quantity of such
283 substance in such food does not ordinarily render it injurious
284 to health;

285 (b) If it bears or contains any added poisonous or added
286 deleterious substance, other than one which is a pesticide
287 chemical in or on a raw agricultural commodity; a food additive;
288 or a color additive, which is unsafe within the meaning of s.
289 500.13(1);

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

293 (d) If it is or it bears or contains, any food additive

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294 which is unsafe within the meaning of 21 U.S.C. s. 348 or s.
295 500.13(1); provided that where a pesticide chemical has been
296 used in or on a raw agricultural commodity in conformity with an
297 exemption granted or tolerance prescribed under 21 U.S.C. s. 346
298 or s. 500.13(1), and such raw agricultural commodity has been
299 subjected to processing such as canning, cooking, freezing,
300 dehydrating, or milling, the residue of such pesticide chemical
301 remaining in or on such processed food shall, notwithstanding
302 the provisions of s. 500.13, and this paragraph, not be deemed
303 unsafe if such residue in or on the raw agricultural commodity
304 has been removed to the extent possible in good manufacturing
305 practice, and the concentration of such residue in the processed
306 food when ready to eat, is not greater than the tolerance
307 prescribed for the raw agricultural commodity;

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

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

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

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

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

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323 (a) The recommended or suggested conditions of use on the
324 product label;

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

327 (c) It containing an ingredient for which there is
328 inadequate information to provide reasonable assurances that the
329 ingredient does not present a significant risk of illness or
330 injury.

331 Section 6. Paragraph (m) of subsection (1) of section
332 500.11, Florida Statutes, is amended to read:

333 500.11 Food deemed misbranded.—

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

335 (m) If it is offered for sale and its label or labeling
336 does not comply with the requirements of 21 U.S.C. s. 343(q) or
337 21 U.S.C. s. 343(w) pertaining to nutrition or allergen
338 information.

339 Section 7. Subsection (20) of section 570.07, Florida
340 Statutes, is amended, and subsection (44) is added to that
341 section, to read:

342 570.07 Department of Agriculture and Consumer Services;
343 functions, powers, and duties.—The department shall have and
344 exercise the following functions, powers, and duties:

345 (20) (a) To stimulate, encourage, and foster the production
346 and consumption of agricultural and agricultural business
347 products;

348 (b) To conduct activities that may foster a better
349 understanding and more efficient cooperation among producers,
350 dealers, buyers, food editors, and the consuming public in the
351 promotion and marketing of Florida's agricultural and

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352 agricultural business products; and

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

360

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

364 (44) In its own name:

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

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

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

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

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

380 (f) To do all other acts necessary and proper for the

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381 execution of powers and duties conferred upon the department by
382 this section, including adopting rules, as necessary, in order
383 to administer this section.

384 Section 8. Subsection (5) of section 570.30, Florida
385 Statutes, is amended to read:

386 570.30 Division of Administration; powers and duties.—The
387 Division of Administration shall render services required by the
388 department and its other divisions, or by the commissioner in
389 the exercise of constitutional and cabinet responsibilities,
390 that can advantageously and effectively be centralized and
391 administered and any other function of the department that is
392 not specifically assigned by law to some other division. The
393 duties of this division include, but are not limited to:

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

396 Section 9. Subsection (4) is added to section 570.441,
397 Florida Statutes, to read:

398 570.441 Pest Control Trust Fund.—

399 (4) In addition to the uses authorized under subsection
400 (2), the department may use moneys collected or received under
401 chapter 482 to carry out s. 570.44. This subsection expires June
402 30, 2019.

403 Section 10. Subsection (2) of section 570.53, Florida
404 Statutes, is amended to read:

405 570.53 Division of Marketing and Development; powers and
406 duties.—The powers and duties of the Division of Marketing and
407 Development include, but are not limited to:

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

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410 Section 11. Subsection (2) of section 570.544, Florida
411 Statutes, is amended to read:

412 570.544 Division of Consumer Services; director; powers;
413 processing of complaints; records.—

414 (2) The director shall supervise, direct, and coordinate
415 the activities of the division and shall, under the direction of
416 the department, enforce ss. 604.15-604.34 and ~~the provisions of~~
417 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
418 and 849.

419 Section 12. Section 570.68, Florida Statutes, is created to
420 read:

421 570.68 Office of Agriculture Technology Services.—The
422 commissioner may create an Office of Agriculture Technology
423 Services under the supervision of a senior manager. The senior
424 manager is exempt under s. 110.205 in the Senior Management
425 Service and shall be appointed by the commissioner. The office
426 shall provide electronic data processing and agency information
427 technology services to support and facilitate the functions,
428 powers, and duties of the department.

429 Section 13. Section 570.681, Florida Statutes, is amended
430 to read:

431 570.681 Florida Agriculture Center and Horse Park;
432 legislative findings.—It is the finding of the Legislature that:

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

436 (1)(2) Equine and other agriculture-related industries ~~will~~
437 strengthen and benefit each other with the establishment of a
438 statewide agriculture and horse facility.

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439 (2)~~(3)~~ The A Florida Agriculture Center and Horse Park
440 provides ~~will provide~~ Florida with a unique tourist experience
441 for visitors and residents, thus generating taxes and additional
442 dollars for the state.

443 (3)~~(4)~~ Promoting the Florida Agriculture Center and Horse
444 Park as a joint effort between the state and the private sector
445 allows ~~will allow~~ this facility to use ~~utilize~~ experts and
446 generate revenue from many areas to ensure the success of this
447 facility.

448 Section 14. Paragraphs (b) and (c) of subsection (4) of
449 section 570.685, Florida Statutes, are amended to read:

450 570.685 Florida Agriculture Center and Horse Park
451 Authority.—

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

454 (b) The department may provide ~~shall be responsible for~~
455 ~~providing~~ administrative and staff support services relating to
456 the meetings of the authority and ~~shall provide~~ suitable space
457 in the offices of the department for the meetings and the
458 storage of records of the authority.

459 (c) In conducting its meetings, the authority shall use
460 accepted rules of procedure. The secretary shall keep a complete
461 record of the proceedings of each meeting showing, ~~which record~~
462 ~~shall show~~ the names of the members present and the actions
463 taken. These records shall be kept on file with the department,
464 and such records and other documents regarding matters within
465 the jurisdiction of the authority shall be subject to inspection
466 by members of the authority.

467 Section 15. Section 571.24, Florida Statutes, is amended to

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468 read:

469 571.24 Purpose; duties of the department.—The purpose of
470 this part is to authorize the department to establish and
471 coordinate the Florida Agricultural Promotional Campaign. The
472 campaign is intended to serve as a marketing program for the
473 promotion of agricultural commodities, value-added products, and
474 agricultural-related businesses of this state. The campaign is
475 not a food safety and traceability program. The duties of the
476 department shall include, but are not limited to:

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

479 (2) Registering participants.

480 (3) Assessing and collecting fees.

481 (4) Collecting rental receipts for industry promotions.

482 (5) Developing in-kind advertising programs.

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

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

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

490 (8) ~~(9)~~ Adopting rules pursuant to ss. 120.536(1) and 120.54
491 to implement the provisions of this part.

492 (9) ~~(10)~~ Enforcing and administering the provisions of this
493 part, including measures ensuring that only Florida agricultural
494 or agricultural based products are marketed under the "Fresh
495 From Florida" or "From Florida" logos or other logos of the
496 Florida Agricultural Promotional Campaign.

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497 Section 16. Section 571.27, Florida Statutes, is amended to
498 read:

499 571.27 Rules.—The department is authorized to adopt rules
500 that implement, make specific, and interpret ~~the provisions of~~
501 ~~this part, including rules for entering into contracts with~~
502 ~~advertising agencies for services which are directly related to~~
503 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
504 ~~establish the procedures for negotiating costs with the offerors~~
505 ~~of such advertising services who have been determined by the~~
506 ~~department to be qualified on the basis of technical merit,~~
507 ~~creative ability, and professional competency. Such~~
508 ~~determination of qualifications shall also include consideration~~
509 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
510 is further authorized to determine, by rule, the logos or
511 product identifiers to be depicted for use in advertising,
512 publicizing, and promoting the sale of Florida agricultural
513 products or agricultural-based products in the Florida
514 Agricultural Promotional Campaign. The department may also adopt
515 rules consistent ~~not inconsistent~~ with the provisions of this
516 part as in its judgment may be necessary for participant
517 registration, renewal of registration, classes of membership,
518 application forms, and ~~as well as~~ other forms and enforcement
519 measures ensuring compliance with this part.

520 Section 17. Subsection (1) of section 571.28, Florida
521 Statutes, is amended to read:

522 571.28 Florida Agricultural Promotional Campaign Advisory
523 Council.—

524 (1) ORGANIZATION.—There is ~~hereby~~ created within the
525 department the Florida Agricultural Promotional Campaign

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526 Advisory Council, to consist of 15 members appointed by the
527 Commissioner of Agriculture for 4-year staggered terms. The
528 membership shall include: 13 ~~six~~ members representing
529 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
530 ~~representing agricultural~~ retailers, ~~two members representing~~
531 agricultural associations, and wholesalers ~~one member~~
532 ~~representing a wholesaler~~ of agricultural products; 1, ~~one~~
533 member representing consumers; 7 and 1 ~~one~~ member representing
534 the department. Initial appointment of the council members shall
535 be four members to a term of 4 years, four members to a term of
536 3 years, four members to a term of 2 years, and three members to
537 a term of 1 year.

538 Section 18. Subsection (2) of section 576.041, Florida
539 Statutes, is amended to read:

540 576.041 Inspection fees; records.—

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

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

549 (b) Consent to examination of the business records and
550 books by the department for a verification of the correctness of
551 tonnage reports and inspection fees. Tonnage reports of sales
552 and payment of inspection fee shall be made quarterly using the
553 department's regulatory website or ~~monthly~~ on forms furnished by
554 the department and submitted within 30 days following the close

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555 ~~of the reporting period on or before the fifteenth day of the~~
556 ~~month succeeding the month covered by the reports.~~

557 Section 19. Section 580.0365, Florida Statutes, is created
558 to read:

559 580.0365 Preemption of regulatory authority over commercial
560 feed and feedstuff.—It is the intent of the Legislature to
561 eliminate duplication of regulation over commercial feed and
562 feedstuff. Notwithstanding any other law, the authority to
563 regulate, inspect, sample, and analyze commercial feed or
564 feedstuff distributed in this state or to exercise the powers
565 and duties of regulation granted by this chapter, including the
566 assessment of penalties for violation of this chapter, is
567 preempted to the department.

568 Section 20. Subsection (3) is added to section 581.181,
569 Florida Statutes, to read:

570 581.181 Notice of infection of plants; destruction.—

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

576 Section 21. Effective upon becoming a law, section 581.189,
577 Florida Statutes, is created to read:

578 581.189 Grove Removal or Vector Elimination (GROVE)
579 Program.—

580 (1) There is created within the Department of Agriculture
581 and Consumer Services the Grove Removal or Vector Elimination
582 Program, a cost-sharing program for the removal or destruction
583 of abandoned citrus groves to eliminate the material harboring

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584 the citrus disease Huanglongbing, also known as citrus greening,
585 and the vectors that spread the disease.

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

587 (a) "Abandoned citrus grove" means a citrus grove that has
588 minimal or no production value and is no longer economically
589 viable as a commercial citrus grove.

590 (b) "Applicant" means the person who owns an abandoned
591 citrus grove.

592 (c) "Eligible costs" means the costs, incurred after an
593 application is selected for funding, of the removal or
594 destruction the citrus trees and the elimination of any citrus
595 greening vectors, as described in the removal or destruction
596 plan in the funded application.

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

600 (e) "Program" means the Grove Removal or Vector Elimination
601 Program.

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

605 (a) The length of time the citrus groves have been
606 abandoned.

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

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

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

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613 program cost-share funding in a given fiscal year. The
614 department may award to each funded application a cost-share of
615 up to 80 percent of eligible costs. The total amount of cost-
616 share allocated under the program in each fiscal year may not
617 exceed the amount specifically appropriated for the program for
618 the fiscal year.

619 (5) An applicant seeking cost-share assistance under the
620 program must submit an application to the department by a date
621 determined by department rule. The application must include, at
622 minimum:

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

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

627 (c) All information determined by rule to be necessary for
628 the department to determine eligibility for the program and rank
629 applications.

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

633 (7) Each fiscal year, the department shall review all
634 complete applications received in accordance with its rules
635 adopted pursuant to subsection (5). For each such complete
636 submitted application, the department must rank the applications
637 in accordance with the factors specified in subsection (3) and,
638 before selecting an application for funding, must conduct an
639 inspection of the abandoned citrus grove that is the subject of
640 the application.

641 (8) The department may deny an application pursuant to

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642 chapter 120 for failure to comply with this section and
643 department rules.

644 (9) If an application is selected for funding, the
645 applicant must initiate and complete the removal or destruction
646 of the citrus trees identified in the application within the
647 timeframe specified by department rule. The applicant's failure
648 to initiate and complete the removal or destruction of the
649 identified citrus trees within the time specified by the
650 department results in the forfeiture of the cost-share funding
651 approved based on the application. Upon such occurrence, the
652 department shall notify the next eligible applicant, based upon
653 its ranking of applicants for the fiscal year, of the
654 availability of cost-share funding. Such applicant, upon
655 acceptance, may be awarded cost-share funding pursuant to this
656 section, subject to available program funds.

657 (10) Upon completion of the removal or destruction of the
658 citrus trees identified in the funded application, the applicant
659 shall present proof of payment of removal or destruction costs
660 to the department. Upon receipt of satisfactory proof of payment
661 and satisfactory proof of the removal or destruction of the
662 trees identified in the funded application, the department may
663 issue payment to the applicant for the previously approved cost-
664 share amount.

665 (11) The department may adopt rules to implement and
666 administer this section, including an application process and
667 requirements, an application ranking process that is consistent
668 with the factors specified in subsection (3), and the
669 administration of cost-share funding.

670 (12) The annual awarding of funding through the program is

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671 subject to specific legislative appropriation for this purpose.

672 Section 22. Subsections (1), (4), (5), (7), and (8) of
673 section 582.01, Florida Statutes, are amended to read:

674 582.01 Definitions.—Wherever used or referred to in this
675 chapter unless a different meaning clearly appears from the
676 context:

677 (1) "District" ~~or "soil conservation district"~~ or "soil and
678 water conservation district" means a governmental subdivision of
679 this state, and a body corporate and politic, organized in
680 accordance with the provisions of this chapter, for the purpose,
681 with the powers, and subject to the provisions set forth in this
682 chapter. The term "district," ~~or "soil conservation district,"~~
683 when used in this chapter, means and includes a "soil and water
684 conservation district." All districts heretofore or hereafter
685 organized under this chapter shall be known as soil and water
686 conservation districts and shall have all the powers set out
687 herein.

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

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

697 (7) "Due notice," in addition to notice required pursuant
698 to the provisions of chapter 120, means notice published at
699 least twice, with an interval of at least 7 days between the two

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700 publication dates, in a newspaper or other publication of
701 general circulation within the appropriate area ~~or, if no such~~
702 ~~publication of general circulation be available, by posting at a~~
703 ~~reasonable number of conspicuous places within the appropriate~~
704 ~~area, such posting to include, where possible, posting at public~~
705 ~~places where it may be customary to post notices concerning~~
706 ~~county or municipal affairs generally. At any hearing held~~
707 ~~pursuant to such notice, at the time and place designated in~~
708 ~~such notice, adjournment may be made from time to time without~~
709 ~~the necessity of renewing such notice for such adjourned dates.~~

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

712 Section 23. Section 582.02, Florida Statutes, is amended to
713 read:

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

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

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

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

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

750 (4) The purpose of the soil and water conservation
751 districts is to provide assistance, guidance, and education to
752 landowners, land occupiers, the agricultural industry, and the
753 general public in implementing land and water resource
754 protection practices and to work in conjunction with federal,
755 state, and local agencies in all matters to implement this
756 chapter.

757 Section 24. Section 582.055, Florida Statutes, is amended

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758 to read:

759 582.055 Powers and duties of the Department of Agriculture
760 and Consumer Services.—The department has all of the following
761 powers and duties:

762 (1) To administer ~~The provisions of this chapter shall be~~
763 ~~administered by the Department of Agriculture and Consumer~~
764 ~~Services.~~

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

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

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

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

777 (6) To seek the cooperation and assistance of the Federal
778 Government and any of its agencies, and of agencies and counties
779 of this state, in the work of such districts, including the
780 receipt and expenditure of state, federal, or other funds or
781 contributions.

782 (7) To disseminate information throughout the state
783 concerning the activities and programs of the soil and water
784 conservation districts and to encourage the formation of such
785 districts in areas where their organization is desirable.

786 (8) To create or dissolve a soil and water conservation

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787 district pursuant to this chapter.

788 (9) To adopt rules, as necessary, to implement this
789 chapter.

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

792 582.06 Soil and Water Conservation Council; powers and
793 duties.—

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

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

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

803 (c) At the request of the Governor or a district, the
804 council shall consider and recommend to the Governor the removal
805 or retention of a supervisor for neglect of duty or malfeasance
806 in office.

807 Section 26. Section 582.16, Florida Statutes, is amended to
808 read:

809 582.16 Change of ~~Addition of territory to~~ district
810 boundaries or removal of territory therefrom. ~~Requests to~~
811 increase or decrease the boundaries of ~~Petitions for including~~
812 ~~additional territory or removing territory within~~ an existing
813 district may be filed with the department ~~of Agriculture and~~
814 ~~Consumer Services~~, and the department shall follow the
815 proceedings provided for in this chapter to create a district in

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816 ~~the case of petitions to organize a district shall be observed~~
817 ~~in the case of petitions for such inclusion or removal. The~~
818 ~~department shall prescribe the form for such petition, which~~
819 ~~shall be as nearly as may be in the form prescribed in this~~
820 ~~chapter for petitions to organize a district. If the petition is~~
821 ~~signed by a majority of the landowners of such area, no~~
822 ~~referendum need be held. In referenda upon petitions for such~~
823 ~~inclusions or removals, all owners of land lying within the~~
824 ~~proposed area to be added or removed shall be eligible to vote.~~

825 Section 27. Section 582.20, Florida Statutes, is amended to
826 read:

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

834 (1) To conduct surveys, studies ~~investigations~~, and
835 research relating to ~~the character of soil and water resources~~
836 and erosion and floodwater and sediment damages, to the
837 ~~conservation, development and utilization of soil and water~~
838 ~~resources and the disposal of water, and to the preventive and~~
839 ~~control measures and works of improvement needed~~; to publish and
840 disseminate the results of such surveys, studies, and
841 ~~investigations, or research,~~ and related to disseminate
842 information. ~~concerning such preventive and control measures and~~
843 ~~works of improvement; provided, however, that in order to avoid~~
844 ~~duplication of research activities, no district shall initiate~~

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845 ~~any research program except in cooperation with the government~~
846 ~~of this state or any of its agencies, or with the United States~~
847 ~~or any of its agencies;~~

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

852 (a) Within the district's boundaries;

853 (b) Within another district's boundaries, subject to the
854 other district's approval; ~~territory within another district's~~
855 ~~boundaries subject to the other district's approval, or~~
856 ~~territory~~

857 (c) In areas not contained within any district's boundaries
858 on lands owned or controlled by this state or any of its
859 agencies, with the cooperation of the agency administering and
860 having jurisdiction thereof; or, ~~and~~

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

873 ~~(3) To carry out preventive and control measures and works~~

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874 ~~of improvement for flood prevention or the conservation,~~
875 ~~development and utilization of soil and water resources, and the~~
876 ~~disposal of water within the district's boundaries, territory~~
877 ~~within another district's boundaries subject to the other~~
878 ~~district's approval, or territory not contained within any~~
879 ~~district's boundaries, including, but not limited to,~~
880 ~~engineering operations, methods of cultivation, the growing of~~
881 ~~vegetation, changes in use of land, and the measures listed in~~
882 ~~s. 582.04 on lands owned or controlled by this state or any of~~
883 ~~its agencies, with the cooperation of the agency administering~~
884 ~~and having jurisdiction thereof, and on any other lands within~~
885 ~~the district's boundaries, territory within another district's~~
886 ~~boundaries subject to the other district's approval, or~~
887 ~~territory not contained within any district's boundaries upon~~
888 ~~obtaining the consent of the owner and the occupiers of such~~
889 ~~lands or the necessary rights or interests in such lands;~~
890 (3)(4) ~~To cooperate,~~ or enter into agreements with, ~~and~~
891 ~~within the limits of appropriations duly made available to it by~~
892 ~~law, to furnish financial or other aid to,~~ any special district,
893 municipality, county, water management district, state or
894 federal agency, governmental or otherwise, or any owner or
895 occupier of lands within the district's boundaries; on lands,
896 ~~territory~~ within another district's boundaries, subject to the
897 other district's approval; or on lands, or territory not
898 contained within any district's boundaries, to further the
899 purpose of this chapter. ~~in the carrying on of erosion control~~
900 ~~or prevention operations and works of improvement for flood~~
901 ~~prevention or the conservation, development and utilization, of~~
902 ~~soil and water resources and the disposal of water within the~~

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903 ~~district's boundaries, territory within another district's~~
904 ~~boundaries subject to the other district's approval, or~~
905 ~~territory not contained within any district's boundaries,~~
906 ~~subject to such conditions as the supervisors may deem necessary~~
907 ~~to advance the purposes of this chapter;~~

908 (4)~~(5)~~ To obtain options upon and to acquire, by purchase,
909 exchange, lease, gift, grant, bequest, devise, or otherwise, any
910 property, real or personal, or rights or interests in such
911 property therein; to maintain, administer, and improve any
912 properties acquired, to receive income from such properties, and
913 to expend such income in complying with ~~carrying out the~~
914 ~~purposes and provisions of~~ this chapter; and to sell, lease, or
915 otherwise dispose of any of its property or interests therein in
916 compliance with ~~furtherance of the purposes and the provisions~~
917 ~~of~~ this chapter.†

918 (5)~~(6)~~ To make available, on such terms as it shall
919 prescribe, agricultural, engineering, and other machinery,
920 materials, and equipment to landowners and occupiers of land
921 within the district's boundaries, on lands ~~territory~~ within
922 another district's boundaries, subject to the other district's
923 approval;† or on lands ~~territory~~ not contained within any
924 district's boundaries. Such machinery, materials, and equipment
925 must, ~~agricultural and engineering machinery and equipment,~~
926 ~~fertilizer, seeds and seedlings, and such other material or~~
927 ~~equipment,~~ as will assist such landowners and occupiers of land
928 to conduct ~~carry on~~ operations upon their lands for the
929 conservation and protection of soil and water resources. ~~and for~~
930 ~~the prevention or control of soil erosion and for flood~~
931 ~~prevention or the conservation, development and utilization, of~~

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932 ~~soil and water resources and the disposal of water;~~

933 (6)~~(7)~~ To construct, improve, operate, and maintain such
934 structures as may be necessary or convenient for the performance
935 of any of the operations authorized in this chapter.

936 (7)~~(8)~~ To provide or assist in providing training and
937 education programs that further the purposes of this chapter.
938 ~~develop comprehensive plans for the conservation of soil and~~
939 ~~water resources and for the control and prevention of soil~~
940 ~~erosion and for flood prevention or the conservation,~~
941 ~~development and utilization of soil and water resources, and the~~
942 ~~disposal of water within the district's boundaries, territory~~
943 ~~within another district's boundaries subject to the other~~
944 ~~district's approval, or territory not contained within any~~
945 ~~district's boundaries, which plans shall specify in such detail~~
946 ~~as may be possible the acts, procedures, performances, and~~
947 ~~avoidances which are necessary or desirable for the effectuation~~
948 ~~of such plans, including the specification of engineering~~
949 ~~operations, methods of cultivation, the growing of vegetation,~~
950 ~~cropping programs, tillage practices, and changes in use of~~
951 ~~land; control of artesian wells; and to publish such plans and~~
952 ~~information and bring them to the attention of owners and~~
953 ~~occupiers of lands within the district's boundaries, territory~~
954 ~~within another district's boundaries subject to the other~~
955 ~~district's approval, or territory not contained within any~~
956 ~~district's boundaries;~~

957 ~~(9) To take over, by purchase, lease, or otherwise, and to~~
958 ~~administer any soil conservation, erosion control, erosion-~~
959 ~~prevention project, or any project for flood prevention or for~~
960 ~~the conservation, development and utilization of soil and water~~

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

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990 (8) ~~(10)~~ To sue and be sued in the name of the district; to
991 have a seal, which seal shall be judicially noticed; to have
992 perpetual succession unless terminated as provided in this
993 chapter; to make and execute contracts and other instruments
994 necessary or convenient to the exercise of its powers; and upon
995 a majority vote of the supervisors of the district, to borrow
996 money and to execute promissory notes and other evidences of
997 indebtedness in connection therewith, and to pledge, mortgage,
998 and assign the income of the district and its personal property
999 as security therefor, the notes and other evidences of
1000 indebtedness to be general obligations only of the district and
1001 in no event to constitute an indebtedness for which the faith
1002 and credit of the state or any of its revenues are pledged; ~~to~~
1003 ~~make, amend, and repeal rules and regulations not inconsistent~~
1004 ~~with this chapter to carry into effect its purposes and powers.~~

1005 (9) In coordination with the applicable counties, to use
1006 the services of the county agricultural agents and the
1007 facilities of their offices, if practicable and feasible. The
1008 supervisors may employ additional permanent or temporary staff,
1009 as needed, and determine their qualifications, duties, and
1010 compensation. The supervisors may delegate to their chair, to
1011 one or more supervisors, or to employees such powers and duties
1012 as they may deem proper, consistent with this chapter. The
1013 supervisors shall furnish to the department, upon request,
1014 copies of rules, orders, contracts, forms, and other documents
1015 they adopt or employ, and other information concerning their
1016 activities which the department may require in the performance
1017 of its duties under this chapter.

1018 (10) To adopt rules pursuant to chapter 120 to implement

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1019 this chapter.

1020 (11) To request that the Governor remove a supervisor for
1021 neglect of duty or malfeasance in office by adoption of a
1022 resolution at a public meeting. If the district believes there
1023 is a need for a review of the request, the district may request
1024 the council, by resolution, to review the request and recommend
1025 action to the Governor. As a condition to the extending of any
1026 benefits under this chapter to, or the performance of work upon,
1027 any lands not owned or controlled by this state or any of its
1028 agencies, the supervisors may require contributions in money,
1029 services, materials, or otherwise to any operations conferring
1030 such benefits, and may require landowners and occupiers to enter
1031 into and perform such agreements or covenants as to the
1032 permanent use of such lands as will tend to prevent or control
1033 erosion and prevent floodwater and sediment damages thereon;

1034 (12) ~~No~~ Provisions with respect to the acquisition,
1035 operation, or disposition of property by public bodies of this
1036 state do not apply shall be applicable to a district organized
1037 under this chapter hereunder unless the Legislature ~~shall~~
1038 specifically provides for their application so state. The
1039 property and property rights ~~of every kind and nature~~ acquired
1040 by a any district organized under ~~the provisions of~~ this chapter
1041 are shall be exempt from state, county, and other taxation.

1042 Section 28. Section 582.29, Florida Statutes, is amended to
1043 read:

1044 582.29 State agencies to cooperate.—Agencies of this state
1045 which ~~shall~~ have jurisdiction over, or are be charged with, the
1046 administration of any state-owned lands, and agencies of any
1047 county~~7~~ or other governmental subdivision of the state~~7~~ which

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1048 ~~shall~~ have jurisdiction over, or are ~~be~~ charged with the
1049 administration of, any county-owned or other publicly owned
1050 lands, ~~lying within the boundaries of any district organized~~
1051 ~~under this chapter, the boundaries of another district subject~~
1052 ~~to that district's approval, or territory not contained within~~
1053 ~~the boundaries of any district organized under this chapter,~~
1054 shall cooperate to the fullest extent with the supervisors of
1055 such districts in the implementation ~~effectuation~~ of programs
1056 and operations undertaken by the supervisors under ~~the~~
1057 ~~provisions~~ of this chapter. The supervisors of such districts
1058 shall be given free access to enter and perform work upon such
1059 publicly owned lands. ~~The provisions of land use regulations~~
1060 ~~adopted shall be in all respects observed by the agencies~~
1061 ~~administering such publicly owned lands.~~

1062 Section 29. Present subsections (4) and (5) of section
1063 595.402, Florida Statutes, are redesignated as subsections (5)
1064 and (6), respectively, and a new subsection (4) and subsections
1065 (7) and (8) are added to that section, to read:

1066 595.402 Definitions.—As used in this chapter, the term:

1067 (4) "School breakfast program" means a program authorized
1068 by s. 4 of the Child Nutrition Act of 1966 and administered by
1069 the department.

1070 (7) "Summer nutrition program" means one or more of the
1071 programs authorized under 42 U.S.C. s. 1761.

1072 (8) "Universal school breakfast program" means a program
1073 that makes breakfast available at no cost to all students
1074 regardless of their household income.

1075 Section 30. Section 595.404, Florida Statutes, is amended
1076 to read:

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1077 595.404 School food and other nutrition programs ~~service~~
1078 ~~program~~; powers and duties of the department.—The department has
1079 the following powers and duties:

1080 (1) To conduct, supervise, and administer the program that
1081 will be carried out using federal or state funds, or funds from
1082 any other source.

1083 (2) To conduct, supervise, and administer a Farmers' Market
1084 Nutrition Program to provide participants in the Special
1085 Supplemental Nutrition Program for Women, Infants, and Children
1086 (WIC) with locally grown fruits and vegetables. The program is
1087 to be carried out using federal or state funds or funds from any
1088 other source.

1089 (3)~~(2)~~ To fully cooperate with the United States Government
1090 and its agencies and instrumentalities so that the department
1091 may receive the benefit of all federal financial allotments and
1092 assistance possible to carry out the purposes of this chapter.

1093 (4)~~(3)~~ To implement and adopt by rule, as required, federal
1094 regulations ~~to maximize federal assistance for the program.~~

1095 (5)~~(4)~~ To act as agent of, or contract with, the Federal
1096 Government, another state agency, any county or municipal
1097 government, or sponsor for the administration of the program,
1098 including the distribution of funds provided by the Federal
1099 Government to support the program.

1100 (6)~~(5)~~ To provide ~~make a reasonable effort to ensure that~~
1101 ~~any school designated as a "severe need school" receives the~~
1102 highest rate of reimbursement to which it is entitled under 42
1103 U.S.C. s. 1773 for each breakfast meal served.

1104 (7)~~(6)~~ To develop and propose legislation necessary to
1105 implement the program, encourage the development of innovative

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1106 school food and nutrition services, and expand participation in
1107 the program.

1108 (8)~~(7)~~ To annually allocate among the sponsors, as
1109 applicable, funds provided from the school breakfast supplement
1110 in the General Appropriations Act based on each district's total
1111 number of free and reduced-price breakfast meals served.

1112 (9)~~(8)~~ To employ such persons as are necessary to perform
1113 its duties under this chapter.

1114 (10)~~(9)~~ To adopt rules covering the administration,
1115 operation, and enforcement of the program, and the Farmers'
1116 Market Nutrition Program, as well as to implement ~~the provisions~~
1117 ~~of~~ this chapter.

1118 (11)~~(10)~~ To adopt and implement an appeal process by rule,
1119 as required by federal regulations, for applicants and
1120 participants under the programs implemented under this chapter
1121 ~~program~~, notwithstanding ss. 120.569 and 120.57-120.595.

1122 (12)~~(11)~~ To assist, train, and review each sponsor in its
1123 implementation of the program.

1124 (13)~~(12)~~ To advance funds from the program's annual
1125 appropriation to a summer nutrition program sponsor ~~sponsors~~,
1126 when requested, in order to implement ~~the provisions of~~ this
1127 chapter and in accordance with federal regulations.

1128 (14) To collect data on food purchased through the programs
1129 defined in ss. 595.402(3) and 595.406 and to publish that data
1130 annually.

1131 (15) To enter into agreements with federal or state
1132 agencies to coordinate or cooperate in the implementation of
1133 nutrition programs.

1134 Section 31. Section 595.405, Florida Statutes, is amended

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1135 to read:

1136 595.405 School nutrition program requirements ~~for school~~
1137 ~~districts and sponsors.~~

1138 (1) Each ~~school~~ district school board shall consider the
1139 recommendations of the district school superintendent and adopt
1140 policies to provide for an appropriate food and nutrition
1141 service program for students consistent with federal law and
1142 department rules.

1143 (2) Each ~~school~~ district school board shall implement
1144 school breakfast programs that make breakfast meals available to
1145 all students in each ~~elementary~~ school that serves any
1146 combination of grades kindergarten through 5. ~~Universal school~~
1147 ~~breakfast programs shall be offered in schools in which 80~~
1148 ~~percent or more of the students are eligible for free or~~
1149 ~~reduced-price meals. Each school shall, to the maximum extent~~
1150 ~~practicable, make breakfast meals available to students at an~~
1151 ~~alternative site location, which may include, but need not be~~
1152 ~~limited to, alternative breakfast options as described in~~
1153 ~~publications of the Food and Nutrition Service of the United~~
1154 ~~States Department of Agriculture for the federal School~~
1155 ~~Breakfast Program.~~

1156 (3) Each ~~school~~ district school board must annually set
1157 prices for breakfast meals at rates that, combined with federal
1158 reimbursements and state allocations, are sufficient to defray
1159 costs of school breakfast programs without requiring allocations
1160 from the district's operating funds, except if the district
1161 school board approves lower rates.

1162 ~~(4) Each school district is encouraged to provide~~
1163 ~~universal, free school breakfast meals to all students in each~~

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1164 ~~elementary, middle, and high school. Each school district shall~~
1165 ~~approve or disapprove a policy, after receiving public testimony~~
1166 ~~concerning the proposed policy at two or more regular meetings,~~
1167 ~~which makes universal, free school breakfast meals available to~~
1168 ~~all students in each elementary, middle, and high school in~~
1169 ~~which 80 percent or more of the students are eligible for free~~
1170 ~~or reduced-price meals.~~

1171 (4)~~(5)~~ Each elementary, middle, and high school operating a
1172 breakfast program shall make a breakfast meal available if a
1173 student arrives at school on the school bus less than 15 minutes
1174 before the first bell rings and shall allow the student at least
1175 15 minutes to eat the breakfast.

1176 (5) Each district school board is encouraged to provide
1177 universal, free school breakfast meals to all students in each
1178 elementary, middle, and high school. A universal school
1179 breakfast program shall be implemented in each school in which
1180 80 percent or more of the students are eligible for free or
1181 reduced-price meals, unless the district school board, after
1182 considering public testimony at two or more regularly scheduled
1183 board meetings, decides to not implement such a program in such
1184 schools.

1185 (6) To increase school breakfast and universal school
1186 breakfast program participation, each school district must, to
1187 the maximum extent practicable, make breakfast meals available
1188 to students through alternative service models as described in
1189 publications of the Food and Nutrition Service of the United
1190 States Department of Agriculture for the federal School
1191 Breakfast Program.

1192 (7)~~(6)~~ Each ~~school~~ district school board shall annually

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1193 provide to all students in each elementary, middle, and high
1194 school information prepared by the district's food service
1195 administration regarding available ~~its~~ school breakfast
1196 programs. The information shall be communicated through school
1197 announcements and ~~written~~ notices sent to all parents.

1198 (8) ~~(7)~~ A ~~school~~ district school board may operate a
1199 breakfast program providing for food preparation at the school
1200 site or in central locations with distribution to designated
1201 satellite schools or any combination thereof.

1202 ~~(8) Each sponsor shall complete all corrective action plans~~
1203 ~~required by the department or a federal agency to be in~~
1204 ~~compliance with the program.~~

1205 Section 32. Section 595.406, Florida Statutes, is amended
1206 to read:

1207 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

1208 (1) In order to implement the Florida Farm to School ~~Fresh~~
1209 ~~Schools~~ Program, the department shall develop policies
1210 pertaining to school food services which encourage:

1211 (a) Sponsors to buy fresh and high-quality foods grown in
1212 this state when feasible.

1213 (b) Farmers in this state to sell their products to
1214 sponsors, school districts, and schools.

1215 (c) Sponsors to demonstrate a preference for competitively
1216 priced organic food products.

1217 (d) Sponsors to make reasonable efforts to select foods
1218 based on a preference for those that have maximum nutritional
1219 content.

1220 (2) The department shall provide outreach, guidance, and
1221 training to sponsors, schools, school food service directors,

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1222 parent and teacher organizations, and students about the benefit
1223 of fresh food products from farms in this state.

1224 (3) The department may recognize sponsors who purchase at
1225 least 10 percent of the food they serve from the Florida Farm to
1226 School Program.

1227 Section 33. Subsection (2) of section 595.407, Florida
1228 Statutes, is amended to read:

1229 595.407 Children's summer nutrition program.—

1230 (2) Each school district shall develop a plan to sponsor or
1231 operate a summer nutrition program to operate sites in the
1232 school district as follows:

1233 (a) Within 5 miles of at least one ~~elementary~~ school that
1234 serves any combination of grades kindergarten through 5 at which
1235 50 percent or more of the students are eligible for free or
1236 reduced-price school meals and for the duration of 35
1237 ~~consecutive~~ days between the end of the school year and the
1238 beginning of the next school year. School districts may exclude
1239 holidays and weekends.

1240 (b) Within 10 miles of each ~~elementary~~ school that serves
1241 any combination of grades kindergarten through 5 at which 50
1242 percent or more of the students are eligible for free or
1243 reduced-price school meals, except as operated pursuant to
1244 paragraph (a).

1245 Section 34. Section 595.408, Florida Statutes, is amended
1246 to read:

1247 595.408 Food ~~Commodity~~ distribution services; department
1248 responsibilities and functions.—

1249 (1)(a) The department shall conduct, supervise, and
1250 administer all food ~~commodity~~ distribution services that will be

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1251 carried on using federal or state funds, or funds from any other
1252 source, or food ~~commodities~~ received and distributed from the
1253 United States or any of its agencies.

1254 (b) The department shall determine the benefits each
1255 applicant or recipient of assistance is entitled to receive
1256 under this chapter, provided that each applicant or recipient is
1257 a resident of this state and a citizen of the United States or
1258 is an alien lawfully admitted for permanent residence or
1259 otherwise permanently residing in the United States under color
1260 of law.

1261 (2) The department shall cooperate fully with the United
1262 States Government and its agencies and instrumentalities so that
1263 the department may receive the benefit of all federal financial
1264 allotments and assistance possible to carry out the purposes of
1265 this chapter.

1266 (3) The department may:

1267 (a) Accept any duties with respect to food ~~commodity~~
1268 distribution services as are delegated to it by an agency of the
1269 Federal Government or any state, county, or municipal
1270 government.

1271 (b) Act as agent of, or contract with, the Federal
1272 Government, state government, or any county or municipal
1273 government in the administration of food ~~commodity~~ distribution
1274 services to secure the benefits of any public assistance that is
1275 available from the Federal Government or any of its agencies,
1276 and in the distribution of funds received from the Federal
1277 Government, state government, or any county or municipal
1278 government for food ~~commodity~~ distribution services within the
1279 state.

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1280 (c) Accept from any person or organization all offers of
1281 personal services, food commodities, or other aid or assistance.

1282 (4) This chapter does not limit, abrogate, or abridge the
1283 powers and duties of any other state agency.

1284 Section 35. Section 595.501, Florida Statutes, is amended
1285 to read:

1286 595.501 Penalties.—

1287 (1) If a corrective action plan is issued by the department
1288 or a federal agency, each sponsor must complete the corrective
1289 action plan to be in compliance with the program.

1290 (2) Any person ~~or~~ sponsor, ~~or school district~~ that
1291 violates any provision of this chapter or any rule adopted
1292 thereunder or otherwise does not comply with the program is
1293 subject to a suspension or revocation of their agreement, loss
1294 of reimbursement, or a financial penalty in accordance with
1295 federal or state law or both. This section does not restrict the
1296 applicability of any other law.

1297 Section 36. Section 595.601, Florida Statutes, is amended
1298 to read:

1299 595.601 Food and Nutrition Services Trust Fund.—Chapter 99-
1300 37, Laws of Florida, recreated the Food and Nutrition Services
1301 Trust Fund to record revenue and disbursements of Federal Food
1302 and Nutrition funds received by the department as authorized in
1303 ss. 595.404 and 598.408 s. ~~595.405~~.

1304 Section 37. Paragraphs (b) and (d) of subsection (1) and
1305 subsection (2) of section 604.21, Florida Statutes, are amended
1306 to read:

1307 604.21 Complaint; investigation; hearing.—

1308 (1)

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1309 (b) To be considered timely filed, a complaint together
1310 with any required affidavits ~~or notarizations~~ must be received
1311 by the department within 6 months after the date of sale by
1312 electronic transmission, facsimile, regular mail, certified
1313 mail, or private delivery service. If the complaint is sent by a
1314 service other than electronic mail or facsimile, the mailing
1315 shall be postmarked or dated on or before the 6-month deadline
1316 to be accepted as timely filed.

1317 (d) A person, partnership, corporation, or other business
1318 entity filing a complaint shall submit to the department a the
1319 ~~following documents: three~~ completed complaint affidavit
1320 ~~affidavits~~ on a form provided by the department which bears with
1321 an original signature of an owner, partner, general partner, or
1322 corporate officer and an original notarization and which is
1323 accompanied by ~~on each affidavit. If the complaint is filed by~~
1324 ~~electronic transmission or facsimile, the original affidavits~~
1325 ~~and original notarizations shall be filed with the department~~
1326 ~~not later than the close of business of the tenth business day~~
1327 ~~following the electronic transmission or facsimile filing.~~
1328 ~~Attached to each complaint affidavit shall be copies of all~~
1329 documents that ~~to~~ support the complaint. Supporting documents
1330 may include ~~be~~ copies of invoices, bills of lading, packing or
1331 shipping documents, demand letters, or any other documentation
1332 to support the claim. In cases in which ~~there are~~ multiple
1333 invoices are being claimed, a summary list of all claimed
1334 invoices must accompany the complaint.

1335 (2) Upon the filing of a such complaint under this
1336 subsection ~~in the manner herein provided~~, the department shall
1337 investigate the complaint and ~~matters complained of; whereupon,~~

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1338 if it finds that, ~~in the opinion of the department,~~ the facts
1339 contained in the complaint warrant it ~~such action,~~ the
1340 ~~department~~ shall serve notice of the filing of complaint on ~~to~~
1341 the dealer against whom the complaint has been filed at the last
1342 address of record. Such notice shall be accompanied by a ~~true~~
1343 copy of the complaint. A copy of such notice and complaint shall
1344 also be served on any ~~to the~~ surety company, ~~if any,~~ that
1345 provided the bond for the dealer, and the ~~which~~ surety company
1346 shall become party to the action. Such notice of the complaint
1347 shall inform the dealer of a reasonable time within which to
1348 answer the complaint by advising the department in writing that
1349 the allegations in the complaint are admitted or denied or that
1350 the complaint has been satisfied. Such notice shall also inform
1351 the dealer and the surety company or financial institution of a
1352 right to request a hearing on the complaint, ~~if requested.~~

1353 Section 38. Section 604.33, Florida Statutes, is amended to
1354 read:

1355 604.33 Security requirements for grain dealers.—Each grain
1356 dealer doing business in the state shall maintain liquid
1357 security, in the form of grain on hand, cash, certificates of
1358 deposit, or other nonvolatile security that can be liquidated in
1359 10 days or less, or cash bonds, surety bonds, or letters of
1360 credit, that have been assigned to the department and that are
1361 conditioned to secure the faithful accounting for and payment to
1362 the producers for grain stored or purchased, in an amount equal
1363 to the value of grain which the grain dealer has received from
1364 grain producers for which the producers have not received
1365 payment. The bonds must be executed by the applicant as
1366 principal and by a surety corporation authorized to transact

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1367 business in the state. The certificates of deposit and letters
1368 of credit must be from a recognized financial institution doing
1369 business in the United States. ~~Each grain dealer shall report to~~
1370 ~~the department monthly, on or before a date established by rule~~
1371 ~~of the department, the value of grain she or he has received~~
1372 ~~from producers for which the producers have not received payment~~
1373 ~~and the types of transaction involved, showing the value of each~~
1374 ~~type of transaction. The report shall also include a statement~~
1375 ~~showing the type and amount of security maintained to cover the~~
1376 ~~grain dealer's liability to producers. The department may shall~~
1377 make at least one spot check annually of each grain dealer to
1378 determine compliance with the requirements of this section.

1379 Section 39. Section 582.03, Florida Statutes, is repealed.

1380 Section 40. Section 582.04, Florida Statutes, is repealed.

1381 Section 41. Section 582.05, Florida Statutes, is repealed.

1382 Section 42. Section 582.08, Florida Statutes, is repealed.

1383 Section 43. Section 582.09, Florida Statutes, is repealed.

1384 Section 44. Section 582.17, Florida Statutes, is repealed.

1385 Section 45. Section 582.21, Florida Statutes, is repealed.

1386 Section 46. Section 582.22, Florida Statutes, is repealed.

1387 Section 47. Section 582.23, Florida Statutes, is repealed.

1388 Section 48. Section 582.24, Florida Statutes, is repealed.

1389 Section 49. Section 582.25, Florida Statutes, is repealed.

1390 Section 50. Section 582.26, Florida Statutes, is repealed.

1391 Section 51. Section 582.331, Florida Statutes, is repealed.

1392 Section 52. Section 582.34, Florida Statutes, is repealed.

1393 Section 53. Section 582.35, Florida Statutes, is repealed.

1394 Section 54. Section 582.36, Florida Statutes, is repealed.

1395 Section 55. Section 582.37, Florida Statutes, is repealed.

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1396 Section 56. Section 582.38, Florida Statutes, is repealed.
1397 Section 57. Section 582.39, Florida Statutes, is repealed.
1398 Section 58. Section 582.40, Florida Statutes, is repealed.
1399 Section 59. Section 582.41, Florida Statutes, is repealed.
1400 Section 60. Section 582.42, Florida Statutes, is repealed.
1401 Section 61. Section 582.43, Florida Statutes, is repealed.
1402 Section 62. Section 582.44, Florida Statutes, is repealed.
1403 Section 63. Section 582.45, Florida Statutes, is repealed.
1404 Section 64. Section 582.46, Florida Statutes, is repealed.
1405 Section 65. Section 582.47, Florida Statutes, is repealed.
1406 Section 66. Section 582.48, Florida Statutes, is repealed.
1407 Section 67. Section 582.49, Florida Statutes, is repealed.
1408 Section 68. Section 589.26, Florida Statutes, is repealed.
1409 Section 69. Except as otherwise expressly provided in this
1410 act, this act shall take effect July 1, 2016.