

Committee Substitute for Senate Bill No. 1754

An act relating to soil and water conservation; amending s. 582.06, F.S.; increasing membership of the Soil and Water Conservation Council; specifying qualifications for members; amending ss. 582.10 and 582.30, F.S.; revising provisions relating to the creation and discontinuance of soil and water conservation districts; authorizing the Commissioner of Agriculture to dissolve or discontinue a district; providing an effective date.

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

Section 1. Subsection (1) of section 582.06, Florida Statutes, is amended to read:

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

(1) COMPOSITION.—The Soil and Water Conservation Council is created in the Department of Agriculture and Consumer Services and shall be composed of 23 ~~nine~~ members as follows who shall:

(a) Eleven members shall be persons who have been involved in the practice of practicing soil or water conservation, or in the development or implementation of interim measures or best management practices related thereto, and who have been engaged in agriculture or an occupation related to the agricultural industry farming for at least 5 continuous years at the time of their appointment.

(b) Twelve nonvoting ex officio members shall include one representative each from the Department of Environmental Protection, the five water management districts, the Institute of Food and Agricultural Sciences at the University of Florida, the United States Department of Agriculture Natural Resources Conservation Service, the Florida Association of Counties, the Florida League of Cities, and two representatives of environmental interests.

(c)(b) All members shall be appointed by the commissioner. Ex officio members shall be appointed by the commissioner from recommendations provided by the organization or interest represented. No two members shall be appointed from the same congressional district.

(d)(e) Members shall serve 4-year terms or until their successors are duly qualified and appointed. If a vacancy occurs, it shall be filled for the remainder of the term in the manner of an initial appointment.

Section 2. Subsection (1) of section 582.10, Florida Statutes, is amended to read:

582.10 Creation of soil and water conservation districts.—

(1) Any 10 percent of 25 owners of land lying within the limits of the territory proposed to be organized into a district may file a petition with the

Department of Agriculture and Consumer Services, asking that a soil and water conservation district be organized to function in the territory described in the petition. Such petition shall set forth:

- (a) The proposed name of said district.
- (b) That there is need, in the interest of the public health, safety, and welfare, for a soil and water conservation district to function in the territory described in the petition.
- (c) A description of the territory proposed to be organized as a district, which description shall not be required to be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate.
- (d) A request that the department duly define the boundaries for such district; that a referendum be held within the territory so defined on the question of the creation of a soil and water conservation district in such territory; and that the department determine that such a district be created.

Section 3. Section 582.30, Florida Statutes, is amended to read:

582.30 Discontinuance of districts; referendum; commissioner's authority.—

(1) Any time after 5 years from the organization of a district under the provisions of this chapter, any 10 percent of 25 owners of land lying within the boundaries of such district may file a petition with the Department of Agriculture and Consumer Services praying that the operations of the district be terminated and the existence of the district discontinued. The department may conduct such public meetings and public hearings upon petition as may be necessary to assist it in the consideration thereof. Within 60 days after such a petition has been received by the department it shall give due notice of the holding of a referendum, and shall supervise such referendum, and issue appropriate regulations governing the conduct thereof, the question to be submitted by ballots upon which the words "For terminating the existence of the (Name of the soil and water conservation district to be here inserted)" and "Against terminating the existence of the (Name of the soil and water conservation district to be here inserted)" shall appear with a square before each proposition and a direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose discontinuance of such district. All owners of lands lying within the boundaries of the district shall be eligible to vote in such referendum. Only such landowners shall be eligible to vote. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted.

(2) If two-thirds or more of the qualified voters in such referendum shall have voted for the discontinuance of the district, the department shall certify to the supervisors of the district the result of such referendum and that the continued operation of the district is not administratively practicable and feasible.

(3) In the alternative, upon review and recommendation of the Soil and Water Conservation Council regarding the continued viability of a district, the Commissioner of Agriculture may dissolve or discontinue such district if the commissioner certifies that the continued operation of the district is not administratively practicable and feasible. Notice of such proposed certification shall be published once a week for 2 weeks in a newspaper of general circulation within the county or counties wherein the district is located, stating the name of the district and a general description of the territory included in the district, and requiring that any objections to the proposed dissolution or any claims against the assets of the district must be filed with the department clerk not later than 60 days following the date of last publication.

Section 4. This act shall take effect July 1, 2003.

Approved by the Governor June 4, 2003.

Filed in Office Secretary of State June 4, 2003.