

CHAPTER 2012-190

Committee Substitute for Committee Substitute for House Bill No. 7021

An act relating to the Department of Agriculture and Consumer Services; amending s. 20.14, F.S.; establishing the Division of Food, Nutrition, and Wellness within the department; amending s. 253.002, F.S.; requiring the department to perform certain staff duties and functions for the Board of Trustees of the Internal Improvement Trust Fund related to conservation easements; amending s. 379.2523, F.S.; deleting references to the Aquaculture Interagency Coordinating Council to conform to the repeal by the act of provisions creating the council; amending s. 379.2524, F.S.; deleting provisions that prohibit compensation and authorize per diem and travel expenses for members of the Sturgeon Production Working Group; amending s. 388.161, F.S.; revising the substances that mosquito control districts are authorized to use for controlling mosquito breeding; amending s. 388.201, F.S.; revising the date by which mosquito control districts must submit their certified budgets for approval by the department; amending s. 388.323, F.S.; revising procedures for a county's or mosquito control district's disposal of certain surplus equipment; repealing s. 388.42, F.S., relating to the John A. Mulrennan, Sr., Arthropod Research Laboratory; amending s. 388.46, F.S.; revising the membership and responsibilities of the Florida Coordinating Council on Mosquito Control; revising the duties of the council's Subcommittee on Managed Marshes; amending s. 493.6104, F.S.; deleting provisions that prohibit compensation and authorize per diem and travel expenses for members of the Private Investigation, Recovery, and Security Advisory Council; amending s. 500.09, F.S.; authorizing the department to adopt rules incorporating by reference the federal model Food Code; amending ss. 500.147 and 502.014, F.S.; deleting provisions for a food safety pilot program and a permitting program for persons who test milk or milk products; amending s. 502.053, F.S.; deleting requirements for milkfat tester licenses; amending s. 570.0705, F.S.; prohibiting members of certain advisory bodies from receiving per diem or travel expenses; deleting a provision that prohibits members from receiving compensation for their services; repealing s. 570.071, F.S., relating to the Florida Agricultural Exposition and the receipt and expenditure of funds for the exposition; amending s. 570.074, F.S.; renaming and revising the policy jurisdiction of the department's Office of Energy and Water; amending s. 570.18, F.S.; conforming cross-references; repealing s. 570.29, F.S., relating to divisions of the Department of Agriculture and Consumer Services; repealing s. 570.34, F.S., relating to the Plant Industry Technical Council; creating s. 570.451, F.S.; creating the Agricultural Feed, Seed, and Fertilizer Advisory Council; providing for the council's powers and duties and the appointment of council members; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 573.112, F.S.; providing that members of the Citrus Research and Development Foundation's board of directors are

entitled to reimbursement for per diem and travel expenses; amending s. 573.118, F.S.; revising requirements for the accounting and review of collections and expenditures from agricultural commodity marketing order assessments; deleting requirements for the audit of such accounts; amending s. 576.045, F.S.; revising the expiration dates of certain provisions regulating fertilizers containing nitrogen or phosphorous; amending s. 576.071, F.S.; deleting a reference to the Fertilizer Technical Council to conform to the repeal by the act of provisions creating the council; repealing ss. 576.091 and 578.30, F.S., relating to the Fertilizer Technical Council and Seed Technical Council; amending s. 580.041, F.S.; revising the reporting requirements and penalties for violations by distributors of commercial feed; amending s. 580.131, F.S.; revising requirements for the assessment of penalties and enforcement of violations by manufacturers and distributors of commercial feed or feedstuff; authorizing the department to assess penalties; requiring registered distributors of commercial feed to pay such penalties to consumers within a specified period; imposing additional penalties for nonpayment; providing for the deposit and use of certain funds paid to the department; repealing s. 580.151, F.S., relating to the Commercial Feed Technical Council; amending s. 581.011, F.S.; conforming provisions; amending s. 581.145, F.S.; revising requirements for the issuance of permits to aquaculture producers for the transport and sale of water hyacinths to other states and countries; amending s. 582.06, F.S.; revising requirements for the composition and appointment of members of the Soil and Water Conservation Council and the reimbursement of members for per diem and travel expenses; amending ss. 582.20 and 582.29, F.S.; revising the geographic jurisdiction of soil and water conservation districts to include certain territory outside of the districts' boundaries; amending s. 582.30, F.S.; revising requirements and procedures for the dissolution or discontinuance of soil and water conservation districts; revising notice requirements for such proposed dissolution or discontinuance; amending s. 582.31, F.S.; revising requirements for payment of the proceeds from the sale of property of a dissolving soil and water conservation district to the State Treasury; amending s. 582.32, F.S.; providing for the transfer of property and assumption of indebtedness of a soil and water conservation district upon its dissolution; deleting provisions relating to the continuation of contracts with dissolved soil and water conservation districts; repealing s. 585.155, F.S., relating to the inspection and vaccination of cattle for brucellosis; repealing s. 589.03, F.S., relating to the compensation and reimbursement for per diem and travel expenses of members of the Florida Forestry Council; amending s. 589.19, F.S.; renaming the "Wounded Warrior Special Hunt Areas" of the state forests; conforming obsolete references to the former Division of Forestry; amending s. 589.277, F.S.; revising requirements for the deposit of contributions for tree planting programs; conforming obsolete references to the former Division of Forestry; amending s. 590.02, F.S.; specifying that state and local government agencies other than the Florida Forest Service may not enforce regulations of broadcast burning or agricultural and silvicultural pile burning except under certain circumstances; conforming obsolete

references to the former Division of Forestry; amending ss. 597.0021 and 597.003, F.S.; deleting references to the Aquaculture Interagency Coordinating Council to conform to the repeal by the act of provisions creating the council; amending s. 597.004, F.S.; authorizing the waiver of aquaculture registration fees for certain schools; amending s. 597.005, F.S.; revising the composition of the Aquaculture Review Council to conform to the repeal by the act of provisions creating the Aquaculture Interagency Coordinating Council; revising the legislative committees to whom the Aquaculture Review Council must provide analyses of unresolved industry issues; repealing s. 597.006, F.S., relating to the Aquaculture Interagency Coordinating Council; amending s. 604.21, F.S.; authorizing the Commissioner of Agriculture or a designee to act as trustee on certain bonds or securities and authorizing the commissioner to enter into agreements with the United States Department of Agriculture for purposes of a specified federal act; amending s. 616.252, F.S.; providing for the reimbursement of members of the Florida State Fair Authority for per diem and travel expenses; providing an effective date.

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

Section 1. Paragraph (m) is added to subsection (2) of section 20.14, Florida Statutes, to read:

20.14 Department of Agriculture and Consumer Services.—There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

(m) Food, Nutrition, and Wellness.

Section 2. Subsection (1) of section 253.002, Florida Statutes, is amended to read:

253.002 Department of Environmental Protection, water management districts, Fish and Wildlife Conservation Commission, and Department of Agriculture and Consumer Services; duties with respect to state lands.—

(1) The Department of Environmental Protection shall perform all staff duties and functions related to the acquisition, administration, and disposition of state lands, title to which is or will be vested in the Board of Trustees of the Internal Improvement Trust Fund. However, upon the effective date of rules adopted pursuant to s. 373.427, a water management district created under s. 373.069 shall perform the staff duties and functions related to the review of any application for authorization to use board of trustees-owned submerged lands necessary for an activity regulated under part IV of chapter 373 for which the water management district has permitting responsibility as set forth in an operating agreement adopted pursuant to s. 373.046(4)₂; ~~and~~ The Department of Agriculture and Consumer Services shall perform the staff duties and functions related to the review of applications and

compliance with conditions for use of board of trustees-owned submerged lands under authorizations or leases issued pursuant to ss. 253.67-253.75 and 597.010 and the acquisition, administration, and disposition of conservation easements pursuant to s. 570.71. Unless expressly prohibited by law, the board of trustees may delegate to the department any statutory duty or obligation relating to the acquisition, administration, or disposition of lands, title to which is or will be vested in the board of trustees. The board of trustees may also delegate to any water management district created under s. 373.069 the authority to take final agency action, without any action on behalf of the board, on applications for authorization to use board of trustees-owned submerged lands for any activity regulated under part IV of chapter 373 for which the water management district has permitting responsibility as set forth in an operating agreement adopted pursuant to s. 373.046(4). This water management district responsibility under this subsection shall be subject to the department's general supervisory authority pursuant to s. 373.026(7). The board of trustees may also delegate to the Department of Agriculture and Consumer Services the authority to take final agency action on behalf of the board on applications to use board of trustees-owned submerged lands for any activity for which that department has responsibility pursuant to ss. 253.67-253.75, 369.25, 369.251, and 597.010. However, the board of trustees shall retain the authority to take final agency action on establishing any areas for leasing, new leases, expanding existing lease areas, or changing the type of lease activity in existing leases. Upon issuance of an aquaculture lease or other real property transaction relating to aquaculture, the Department of Agriculture and Consumer Services must send a copy of the document and the accompanying survey to the Department of Environmental Protection. The board of trustees may also delegate to the Fish and Wildlife Conservation Commission the authority to take final agency action, without any action on behalf of the board, on applications for authorization to use board of trustees-owned submerged lands for any activity regulated under ss. 369.20 and 369.22.

Section 3. Paragraph (a) of subsection (5) and paragraph (b) of subsection (6) of section 379.2523, Florida Statutes, are amended to read:

379.2523 Aquaculture definitions; marine aquaculture products, producers, and facilities.—

(5) The department shall:

(a) Coordinate with the Aquaculture Review Council, ~~the Aquaculture Interagency Coordinating Council~~, and the Department of Agriculture and Consumer Services when developing criteria for aquaculture general permits.

(6) The Fish and Wildlife Conservation Commission shall encourage the development of aquaculture in the state through the following:

(b) Facilitating aquaculture research on life histories, stock enhancement, and alternative species, and providing research results that would

assist in the evaluation, development, and commercial production of candidate species for aquaculture, including:

1. Providing eggs, larvae, fry, and fingerlings to aquaculturists when excess cultured stocks are available from the commission’s facilities and the culture activities are consistent with the commission’s stock enhancement projects. Such stocks may be obtained by reimbursing the commission for the cost of production on a per-unit basis. Revenues resulting from the sale of stocks shall be deposited into the trust fund used to support the production of such stocks.

2. Conducting research programs to evaluate candidate species when funding and staff are available.

3. Encouraging the private production of marine fish and shellfish stocks for the purpose of providing such stocks for statewide stock enhancement programs. When such stocks become available, the commission shall reduce or eliminate duplicative production practices that would result in direct competition with private commercial producers.

4. Developing a working group, in cooperation with the Department of Agriculture and Consumer Services ~~and~~, the Aquaculture Review Council, ~~and the Aquaculture Interagency Coordinating Council~~, to plan and facilitate the development of private marine fish and nonfish hatcheries and to encourage private/public partnerships to promote the production of marine aquaculture products.

Section 4. Paragraph (c) of subsection (3) of section 379.2524, Florida Statutes, is amended to read:

379.2524 Commercial production of sturgeon.—

(3) MEETINGS; PROCEDURES; RECORDS.—The working group shall meet at least twice a year and elect, by a quorum, a chair and vice chair.

(c) A quorum shall consist of a majority of the group members. ~~Members of the group shall not receive compensation, but shall be entitled to per diem and travel expenses, including attendance at meetings, as allowed public officers and employees pursuant to s. 112.061.~~

Section 5. Subsection (1) of section 388.161, Florida Statutes, is amended to read:

388.161 District boards of commissioners; powers and duties.—

(1) The board of commissioners may do any and all things necessary for the control and elimination of all species of mosquitoes and other arthropods of public health importance and the board of commissioners is specifically authorized to provide for the construction and maintenance of canals, ditches, drains, dikes, fills, and other necessary works and to install and maintain pumps, excavators, and other machinery and equipment, to use

~~pesticides registered oil, larvicide paris green, or any other chemicals approved by the department but only in such quantities as may be necessary to control mosquito breeding and not be detrimental to fish life.~~

Section 6. Subsection (4) of section 388.201, Florida Statutes, is amended to read:

388.201 District budgets; hearing.—

(4) The governing board:

(a) Shall consider ~~give consideration to~~ objections filed against adoption of the tentative detailed work plan budget and in its discretion may amend, modify, or change such budget; and

(b) Shall by September 30 ~~15~~ following adopt and execute on a form furnished by the department a certified budget for the district which shall be the operating and fiscal guide for the district. Certified copies of this budget shall be submitted by September 30 ~~15~~ to the department for approval.

Section 7. Subsections (1) and (2) of section 388.323, Florida Statutes, are amended to read:

388.323 Disposal of surplus property.—Surplus property shall be disposed of according to the provisions set forth in s. 274.05 with the following exceptions:

(1) Serviceable equipment no longer needed by a county or district shall first be offered to any or all other counties or districts engaged in arthropod control at a price established by the board of commissioners owning the equipment. ~~If no acceptable offer is received within a reasonable time, the equipment shall be offered to such other governmental units or private nonprofit agencies as provided in s. 274.05.~~

(2) The alternative procedure for disposal of surplus property, as prescribed in s. 274.06, shall be followed if it is ~~has been determined that~~ no other county or; district engaged in arthropod control; ~~governmental unit, or private nonprofit agency~~ has need for the equipment.

Section 8. Section 388.42, Florida Statutes, is repealed.

Section 9. Subsection (2) of section 388.46, Florida Statutes, is amended to read:

388.46 Florida Coordinating Council on Mosquito Control; establish-ment; membership; organization; responsibilities.—

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

(a) Membership.—The Florida Coordinating Council on Mosquito Control shall be comprised of the following representatives or their authorized designees:

- 1. The Secretary of Environmental Protection, ~~and~~
- 2. The State Surgeon General;
- ~~3.2.~~ 3. The executive director of the Fish and Wildlife Conservation Commission;
- ~~4.3.~~ 4. The state epidemiologist;
- ~~5.4.~~ 5. The Commissioner of Agriculture; ~~and~~
- 6. The Board of Trustees of the Internal Improvement Trust Fund.
- ~~7.5.~~ 7. Representatives from:
 - a. The University of Florida, Institute of Food and Agricultural Sciences, Florida Medical Entomological Research Laboratory;
 - ~~b. Florida Agricultural and Mechanical University;~~
 - b.e. The United States Environmental Protection Agency;
 - c.d. The United States Department of Agriculture, Insects Affecting Man Laboratory;
 - d.e. The United States Fish and Wildlife Service;
 - 8.f. Two mosquito control directors to be nominated by the Florida Mosquito Control Association, two representatives of Florida environmental groups, and two private citizens who are property owners whose lands are regularly subject to mosquito control operations, to be appointed to 4-year terms by the Commissioner of Agriculture; ~~and~~
 - ~~g. The Board of Trustees of the Internal Improvement Trust Fund.~~

(b) Organization.—The council shall be chaired by the Commissioner of Agriculture or the commissioner’s authorized designee. A majority of the membership of the council shall constitute a quorum for the conduct of business. The chair shall be responsible for recording and distributing to the members a summary of the proceedings of all council meetings. The council shall meet at least three times each year, or as needed. The council may designate subcommittees from time to time to assist in carrying out its responsibilities, provided that the Subcommittee on Managed Marshes shall be the first subcommittee appointed by the council. The subcommittee shall continue to provide technical assistance and guidance on saltmarsh mosquito impoundment management plans and develop ~~and review~~ research proposals, taking into account the mosquito control source reduction implications and natural resource interests in these habitats for mosquito source reduction techniques.

(c) Responsibilities.—The council shall:

1. Develop and implement guidelines to assist the department in resolving disputes arising over the control of arthropods on publicly owned lands.

~~2. Identify and recommend to Florida Agricultural and Mechanical University research priorities for arthropod control practices and technologies.~~

~~2.3.~~ Develop and recommend to the department a request for proposal process for arthropod control research.

~~3.4.~~ Identify potential funding sources for research or implementation projects and evaluate and prioritize proposals upon request by the funding source.

~~4.5.~~ Prepare and present reports, as needed, on arthropod control activities in the state to the Pesticide Review Council, the Florida Coastal Management Program Interagency Management Committee, and other governmental organizations, as appropriate.

Section 10. Subsections (7) and (8) of section 493.6104, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and present subsection (6) of that section is amended to read:

493.6104 Advisory council.—

~~(6) Council members shall serve without pay; however, state per diem and travel allowances may be claimed for attendance at officially called meetings as provided by s. 112.061.~~

Section 11. Subsection (3) of section 500.09, Florida Statutes, is amended to read:

500.09 Rulemaking; analytical work.—

(3) The department may adopt rules necessary for the efficient enforcement of this chapter. Such rules must be consistent with those adopted under the federal act in regard to food and, to this end, may adopt by reference those rules and the current edition of the model Food Code issued by the Food and Drug Administration and Public Health Service of the United States Department of Health and Human Services, when applicable and practicable.

Section 12. Subsection (6) of section 500.147, Florida Statutes, is amended to read:

500.147 Inspection of food establishments and vehicles; ~~food safety pilot program.~~—

~~(6) The department is authorized to initiate a food safety pilot program establishing a special, documented food inspection program based on sound~~

science principles of the Hazard Analysis Critical Control Point (HACCP) system and involving cooperative compliance efforts of both the department and the food establishment to assure consumers a safe, wholesome, and properly labeled food supply. A food establishment shall be eligible for such a pilot program only if program criteria are met. Criteria used to establish this special program include, but are not limited to, the following:

(a) ~~A good inspection history over a specified time period.~~

(b) ~~Certified food manager activities demonstrated to be effective in assessing food safety practices and correcting deficiencies at the food establishment.~~

(c) ~~An active food training program in place for employees.~~

(d) ~~“Self inspection” records of the food establishment made available for review by the department.~~

(e) ~~Written sanitation standard operation procedures in place and the food establishment’s verification records made available for review by the department.~~

(f) ~~Freezer/refrigeration units and hot-cold temperature logs or recording charts made available for review by the department.~~

(g) ~~Records of corrective action to resolve food safety deficiencies made available for review by the department.~~

Section 13. Subsections (4) through (7) of section 502.014, Florida Statutes, are renumbered as subsections (3) through (6), respectively, and present subsection (3) of that section is amended to read:

502.014 Powers and duties.—

~~(3) The department shall manage a program to issue permits to persons who test milk or milk products for milkfat content by weight, volume, chemical, electronic, or other means when the result of such test is used as a basis for payment for the milk or milk products.~~

Section 14. Subsections (1) and (2) and paragraphs (a) and (e) of subsection (3) of section 502.053, Florida Statutes, are amended to read:

502.053 Permits and licenses; fees; requirements; exemptions; temporary permits.—

(1) PERMITS AND LICENSES.—

(a) Each Grade “A” milk plant, whether located in the state or outside the state, and each manufacturing milk plant, milk producer, milk hauler, milk hauling service, washing station operator, milk plant operator, milk distributor, single-service-container manufacturer, receiving station, and

transfer station in the state shall apply to the department for a permit to operate. The application shall be on forms developed by the department.

(b) Each frozen dessert plant, whether located in the state or outside the state, that manufactures frozen desserts or other products defined in this chapter and offers these products for sale in this state must apply to the department for a permit to operate. The application must be submitted on forms prescribed by the department. All frozen dessert permits expire on June 30 of each year.

~~(c) Any person who tests milk or milk products for milkfat content by weight, volume, chemical, electronic, or other method when the result of such test is used as a basis for payment for the milk or milk products must apply to the department for a license. To qualify for a license, the applicant must demonstrate a sufficiency of knowledge, ability, and equipment to adequately perform milkfat tests. The license shall be issued for a period of 2 years after the date of first issuance upon application to the department on forms prescribed by the department.~~

~~(c)(d)~~ Permits and licenses are nontransferable between persons or locations and are subject to suspension or revocation as provided in this chapter.

(2) FEES.—

(a) The initial application for a frozen dessert plant permit must be accompanied by a permit fee of \$200. The annual permit renewal fee is \$100.

~~(b) The department shall charge each applicant for a milkfat tester's license a fee not to exceed \$125.~~

(3) REQUIREMENTS.—

(a) To obtain a frozen dessert plant permit or milkfat tester's license, an applicant must satisfy all requirements that are defined by the department in rule and must agree to comply with the applicable provisions of this chapter and rules adopted under this chapter. The department shall mail a copy of the permit or license to the applicant to signify that administrative requirements have been met.

~~(e) Each licensed milkfat tester shall keep records of milkfat tests conducted by him or her for a period of 1 year, and such records must be available for inspection by the department at all reasonable hours.~~

Section 15. Subsection (9) of section 570.0705, Florida Statutes, is amended to read:

570.0705 Advisory committees.—From time to time the commissioner may appoint any advisory committee to assist the department with its duties and responsibilities.

(9) Notwithstanding s. 20.052(4)(d), members of each advisory committee, council, board, working group, task force, or other advisory body created by law within the department or created by the department under this section may not be reimbursed for per diem or travel expenses as provided in s. 112.061 shall receive no compensation for their services.

Section 16. Section 570.071, Florida Statutes, is repealed.

Section 17. Section 570.074, Florida Statutes, is amended to read:

570.074 Department of Agriculture and Consumer Services; ~~energy and water policy.~~—The commissioner may create an Office of Agricultural Energy and Water Policy under the supervision of a senior manager exempt under s. 110.205 in the Senior Management Service. The commissioner may designate the bureaus and positions in the various organizational divisions of the department that report to this office relating to any matter over which the department has jurisdiction in matters relating to ~~energy and water~~ policy affecting agriculture, application of such policies, and coordination of such matters with state and federal agencies.

Section 18. Section 570.18, Florida Statutes, is amended to read:

570.18 Organization of departmental work.—In the assignment of functions to the divisions of the department created in s. ~~20.14 570.29~~, the department shall retain within the Division of Administration, in addition to executive functions, those powers and duties enumerated in s. 570.30. The department shall organize the work of the other divisions in such a way as to secure maximum efficiency in the conduct of the department. The divisions created in s. ~~20.14 570.29~~ are solely to make possible the definite placing of responsibility. The department shall be conducted as a unit in which every employee, including each division director, is assigned a definite workload, and there shall exist between division directors a spirit of cooperative effort to accomplish the work of the department.

Section 19. Section 570.29, Florida Statutes, is repealed.

Section 20. Section 570.34, Florida Statutes, is repealed.

Section 21. Section 570.451, Florida Statutes, is created to read:

570.451 Agricultural Feed, Seed, and Fertilizer Advisory Council.—

(1) The Agricultural Feed, Seed, and Fertilizer Advisory Council is created within the department.

(2) The council is composed of the following 15 members appointed by the commissioner:

(a) One representative of the department.

(b) One representative of the dean for extension of the Institute of Food and Agricultural Sciences at the University of Florida.

(c) One representative each from the state's beef cattle, poultry, aquaculture, field crops, citrus, vegetable, and dairy production industries.

(d) Two representatives each from the state's fertilizer, seed, and commercial feed industries.

Each member shall be appointed for a term of not to exceed 4 years and shall serve until his or her successor is appointed.

(3)(a) A majority of the council members constitutes a quorum for all purposes, and an act by a majority of such quorum at any meeting constitutes an official act of the council. The secretary shall keep a complete record of each meeting, which must show the names of members present and the actions taken. Such records must be kept on file with the department.

(b) Members of the council shall meet and organize by electing a chair, a vice chair, and a secretary whose terms shall be for 2 years each. Council officers may not serve consecutive terms.

(c) The council shall meet at the call of its chair, at the request of a majority of its members, at the request of the department, or at such time as an agricultural or environmental emergency arises, but not less than twice per year.

(d) The meetings, powers and duties, procedures, and recordkeeping of the council shall be in accordance with the provisions of s. 570.0705 relating to advisory committees established within the department.

(4) The council shall:

(a) Receive reports of relevant enforcement activity conducted by the Division of Agricultural Environmental Services, including the number of inspections, the number of administrative actions, the number of complaints received and investigated, and the dispositions of complaints.

(b) Provide advice to the department on the conduct of relevant enforcement activities.

(c) Receive reports on disciplinary actions.

(d) Make recommendations to the commissioner for actions to be taken with respect to the regulation of agricultural feed, seed, and fertilizer.

Section 22. Paragraph (e) of subsection (6) of section 570.53, Florida Statutes, is amended to read:

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

(6)

(e) Extending in every practicable way the distribution and sale of Florida agricultural products throughout the markets of the world as required of the department by s. ss. 570.07(7), (8), (10), and (11) and 570.071 and chapters 571, 573, and 574.

Section 23. Subsection (2) of section 570.54, Florida Statutes, is amended to read:

570.54 Director; duties.—

(2) It shall be the duty of the director of this division to supervise, direct, and coordinate the activities authorized by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and chapters 504, 571, 573, and 574 and to exercise other powers and authority as authorized by the department.

Section 24. Subsection (7) of section 573.112, Florida Statutes, is amended to read:

573.112 Advisory council.—

(7) Notwithstanding any provision of this section, the Citrus Research and Development Foundation, Inc., a direct-support organization of the University of Florida established pursuant to s. 1004.28, shall serve as the advisory council for a citrus research marketing order, provide the department with advice on administering the order, and, in accordance with the order, conduct citrus research and perform other duties assigned by the department. Notwithstanding s. 1004.28(3) or any provision of this section, the foundation's board of directors shall be composed of 13 members, including 10 citrus growers, 2 representatives of the university's Institute of Food and Agricultural Sciences, and 1 member appointed by the Commissioner of Agriculture, who are each entitled to reimbursement from the foundation for per diem and travel expenses as provided in s. 112.061.

Section 25. Subsection (4) of section 573.118, Florida Statutes, is amended to read:

573.118 Assessment; funds; review of accounts ~~audit~~; loans.—

(4) In the event of levying and collecting of assessments, for each fiscal year in which assessment funds are received by the department, the department shall maintain records of collections and expenditures for each marketing order separately within the state's accounting system. If requested by an advisory council, department staff shall cause to be made a thorough review annual ~~audit~~ of the books and accounts ~~by a certified public accountant, such review audit to be completed within 60 days after the request is received~~ end of the fiscal year. The department and all producers and handlers covered by the marketing order shall be properly advised of the

details of the ~~review annual official audit~~ of the account accounts as shown by the certified public accountant within 30 days after of the review audit.

Section 26. Subsection (8) of section 576.045, Florida Statutes, is amended to read:

576.045 Nitrogen and phosphorus; findings and intent; fees; purpose; best management practices; waiver of liability; compliance; rules; exclusions; expiration.—

(8) EXPIRATION OF PROVISIONS.—Subsections (1), (2), (3), (4), and (6) expire on December 31, 2022 ~~2012~~. Subsections (5) and (7) expire on December 31, 2027 ~~2017~~.

Section 27. Section 576.071, Florida Statutes, is amended to read:

576.071 Commercial value.—The commercial value used in assessing penalties for any deficiency shall be determined by using annualized plant nutrient values contained in one or more generally recognized journals recommended by the Fertilizer Technical Council.

Section 28. Section 576.091, Florida Statutes, is repealed.

Section 29. Section 578.30, Florida Statutes, is repealed.

Section 30. Paragraph (c) of subsection (1) and subsection (3) of section 580.041, Florida Statutes, are amended to read:

580.041 Master registration; fee; refusal or cancellation of registration; reporting.—

(1)

(c) Registration shall be conditioned on the distributor’s compliance with all provisions of this chapter and rules adopted under this chapter thereof, including:

1. Submitting samples of manufactured feed for testing by laboratories that have been certified by the department or obtaining an exemption from the certified laboratory testing requirement, as provided by this chapter and rules thereof.

2. Maintaining a bookkeeping system and records necessary to indicate accurately the type and tonnage of commercial feeds sold in this state ~~that will allow the department to verify the accuracy of the reported tonnage.~~

3. Reporting within 30 days after the end of each quarter, in the format prescribed by the department, the number of tons of feed distributed in the state during each of the following reporting periods: July through September, October through December, January through March, and April through June.

~~4.3.~~ Allowing the department to verify the accuracy of reported type and tonnage and to otherwise examine pertinent records at reasonable times.

(3) The department may refuse, suspend, or cancel the master registration of, or impose one or more of the penalties provided in s. 580.121, against any distributor or registrant who violates or fails to comply with the provisions of this chapter.

Section 31. Section 580.131, Florida Statutes, is amended to read:

580.131 Penalty payable to consumer.—

(1) Any consumer who purchases without notice a commercial feed or feedstuff that is ~~has been~~ distributed in violation of this chapter or rules adopted under this chapter shall, in any legal or administrative action that may be instituted, recover penalties as follows:

(a)(1) If a certified laboratory analysis shows that any feed bearing a guarantee of 20 percent protein, or less, falls more than 1 percent protein below the guarantee, or if the analysis shows that any feed bearing a guarantee of more than 20 percent protein falls more than 2 percent protein below the guarantee, \$4 per ton for each percent protein deficiency shall be assessed against the manufacturer or distributor.

(b)(2) If a certified laboratory analysis shows that any feed is deficient in fat by more than 0.5 ~~five-tenths~~ percent fat, \$4 per ton for each percent fat deficiency shall be assessed against the manufacturer or distributor.

(c)(3) If a certified laboratory analysis shows that any feed bearing a maximum guarantee of not more than 20 percent fiber exceeds this guarantee by more than 1 percent fiber, or if the analysis shows that any feed bearing a maximum guarantee of more than 20 percent fiber exceeds this guarantee by more than 2 percent fiber, \$4 per ton for each percent fiber excess shall be assessed against the manufacturer or distributor.

(d)(4) If a certified laboratory analysis shows that any commercial feed is deficient or excessive in the required drug, mineral, or nutritive guarantees other than protein, fat, or fiber, a penalty of \$4 per ton shall be assessed against the manufacturer or distributor for each deficiency or excessive level found.

(e)(5) If a certified laboratory analysis shows that any commercial feed or feedstuff is found to be adulterated as provided in s. 580.071, a penalty of \$4 per ton shall be assessed against the manufacturer or distributor for each violation found.

(f)(6) If any feed is found by the department to be short in weight, 4 times the invoice value of the actual shortage shall be assessed against the manufacturer or distributor, but in no instance shall the penalty be less than \$25. The department by rule may establish variations for short weight.

~~(g)(7) In no case shall Any penalty assessed under as specified in this section be less than \$10, regardless of the monetary value of the violation, must be at least \$10.~~

(2)(a) Within 60 days after the department notifies a registrant in writing of any penalty assessed under this section, the registrant shall pay the penalty to the consumer. If the consumer's identity cannot be determined, the registrant shall, within the 60-day period, pay the assessed penalty to the department.

(b) A registrant who, within the 60-day period, fails to pay the full amount of the assessed penalty to the consumer or the department, as applicable, in addition to the penalty assessed under this section, is also subject to the penalties provided in s. 580.121.

(c) The proceeds from any penalties paid to the department under this section shall be deposited into the department's General Inspection Trust Fund and be used by the department for the exclusive purpose of administering this chapter.

Section 32. Section 580.151, Florida Statutes, is repealed.

Section 33. Subsection (30) of section 581.011, Florida Statutes, is amended to read:

581.011 Definitions.—As used in this chapter:

~~(30) “Technical council” means the Plant Industry Technical Council.~~

Section 34. Subsection (3) of section 581.145, Florida Statutes, is amended to read:

581.145 Aquatic plant nursery registration; special permit requirements.

~~(3) Notwithstanding any other provision of state or federal law, the Department of Agriculture and Consumer Services shall issue, by request, a permit to the aquaculture producer to engage in the business of transporting and selling exporting water hyacinths (Eichhornia spp.) only to other states or countries that permit such transportation and sale other than the United States and only when such water hyacinths are cultivated in a nursery for the sole purpose of exportation and the aquaculture activities have activity has been certified by the Department of Agriculture and Consumer Services. In accordance with any appropriate state or federal law or United States treaty, a no Florida aquaculture producer may not shall ship water hyacinths to other states or countries other than the United States under such a permit for the purpose of importing water hyacinths back into Florida the United States, nor shall drop shipments be made to any other destination within the United States. This subsection does not provision shall in no way restrict or interfere with the Department of Environmental Protection's efforts of the Fish and Wildlife Conservation Commission, or the efforts those of any other agency or local government with responsibilities for the management of~~

noxious aquatic plants, to control or eradicate noxious nonnursery aquatic plants, including water hyacinths. This subsection may provision shall not be considered a consideration in the approval or the release of biological control agents for water hyacinths or any other noxious aquatic plants.

Section 35. Section 582.06, Florida Statutes, is amended to read:

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

(1) COMPOSITION.—

(a) The Soil and Water Conservation Council is created in the Department of Agriculture and Consumer Services and shall be composed of 7 ~~23~~ members as follows:

~~(a) Eleven members shall be persons who have been involved in the practice of 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 for at least 5 years at the time of their appointment.~~

~~(b) Twelve 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, and the Florida League of Cities and two representatives of environmental interests.~~

~~(b)(e) All members shall be appointed by the commissioner. Members appointed pursuant to paragraph (b) shall be appointed by the commissioner from recommendations provided by the organization or interest represented.~~

~~(c)(d) 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.~~

(2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; COMPENSATION.—The meetings, powers and duties, procedures, and recordkeeping of the Soil and Water Conservation Council, ~~and per diem and reimbursement of expenses of council members,~~ shall be governed by the provisions of s. 570.0705 relating to advisory committees established within the department.

Section 36. Subsections (2), (3), (4), (6), (8), and (9) of section 582.20, Florida Statutes, are amended to read:

582.20 Powers of districts and supervisors.—A soil and water conservation district organized under the provisions of this chapter shall constitute a governmental subdivision of this state, and a public body corporate and politic, exercising public powers, and such district and the supervisors

thereof, shall have the following powers, in addition to others granted in other sections of this chapter:

(2) To conduct demonstrational projects within the district's boundaries, territory within another district's boundaries subject to the other district's approval, or territory not contained within any district's boundaries ~~district~~ on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district's boundaries, territory within another district's boundaries subject to the other district's approval, or territory not contained within any district's boundaries ~~district~~ upon obtaining the consent of the owner and occupiers of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled, and works of improvement for flood prevention or the conservation, development and utilization of soil and water resources, and the disposal of water may be carried out;

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

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

(6) To make available, on such terms as it shall prescribe, to landowners and occupiers within the district's boundaries, territory within another

district's boundaries subject to the other district's approval, or territory not contained within any district's boundaries ~~district~~, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment, as will assist such landowners and occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention or control of soil erosion and for flood prevention or the conservation, development and utilization, of soil and water resources and the disposal of water;

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

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

use or expend such moneys, services, materials or other contributions in carrying on its operations;

Section 37. Section 582.29, Florida Statutes, is amended to read:

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

Section 38. Subsection (3) of section 582.30, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

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

~~(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 a such district if: the commissioner certifies that the continued operation of the district is not administratively practicable and feasible.~~

(a) Upon review and recommendation of the Soil and Water Conservation Council, the council determines that the continued operation of the district is not administratively practicable and feasible under the provisions of this chapter;

~~(b) The IfA district fails has failed to comply with any of the audit or and financial reporting requirement requirements of chapter 189 and, the commissioner, after review and confirmation by the department's inspector general reviews and confirms in writing that the district has failed to comply with such requirement; or, may certify dissolution or discontinuance of such district without prior review and recommendation of the Soil and Water Conservation Council.~~

(c) The department receives a resolution adopted by the supervisors of the district requesting that the commissioner issue a certificate determining that the continued operation of the district is not administratively practicable and feasible under the provisions of this chapter.

(4) If the requirements for dissolution or discontinuance of a district are satisfied under subsection (1), subsection (2), or subsection (3), the department shall publish notice of a such proposed certification determining that the continued operation of the district is not administratively practicable and feasible under the provisions of this chapter. The notice of dissolution or discontinuance shall be published once a week for 2 weeks in a newspaper of general circulation within the county or counties in which 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 comments or objections to the proposed certification, dissolution or any claims against the assets of the district, must be filed with the department clerk not later than 60 days after following the date of last publication.

(5)(a) Upon expiration of the 60-day period after the date of last publication, the commissioner, upon review of any comments or objections received under subsection (4), may issue a certificate determining that the continued operation of the district is not administratively practicable and feasible under the provisions of this chapter.

(b) If the commissioner issues a certificate determining that the continued operation of a district is not administratively practicable and feasible under the provisions of this chapter, the department shall file the original certificate with the Department of State and shall provide a copy of the certificate to the supervisors of the district at the district's principal office designated under s. 582.15(1)(c).

Section 39. Section 582.31, Florida Statutes, is amended to read:

582.31 Certification of results of referendum; dissolution.—Upon receipt from the Department of Agriculture and Consumer Services of a certification that the department has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this chapter, the supervisors shall forthwith proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be converted into the State Treasury, which amount shall be placed to the credit of the district ~~department~~ for the purpose of liquidating any legal obligations the ~~the~~ said district may have at the time of its discontinuance. The supervisors shall thereupon file an application, duly verified, with the Department of State for the discontinuance of the ~~such~~ district, and shall transmit with such application the certificate of the Department of Agriculture and Consumer Services setting forth the determination of the department that the continued operation of the ~~such~~ district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided, and shall set forth a full accounting of such properties and proceeds of the sale. The Department of State shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in its office.

Section 40. Subsection (1) of section 582.32, Florida Statutes, is amended to read:

582.32 Effect of dissolution ~~Continuance of existing contracts, etc.—~~

(1) Upon issuance of a certificate of dissolution, ~~s. 189.4045(2) applies and all land use regulations theretofore adopted and in effect foree within such districts are void shall be of no further foree and effect. All contracts theretofore entered into, to which the district or supervisors are parties, shall remain in foree and effect for the period provided in such contracts. The Department of Agriculture and Consumer Services shall be substituted for the district or supervisors as party to such contracts. The department shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of this chapter, nor the pendency of any action instituted under the provisions of this chapter, and the department shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions.~~

Section 41. Section 585.155, Florida Statutes, is repealed.

Section 42. Section 589.03, Florida Statutes, is repealed.

Section 43. Section 589.19, Florida Statutes, is amended to read:

589.19 Creation of certain state forests; naming of certain state forests.

(1) When the Board of Trustees of the Internal Improvement Trust Fund, any state agency, or any agency created by state law, authorized to accept reforestation lands in the name of the state, approves the recommendations of the Florida Forest Service Division ~~of Forestry~~ in reference to the acquisition of land and acquires ~~acquire~~ such land, the said board, state agency, or agency created by state law, may formally designate and dedicate any area as a reforestation project, or state forest, and where so designated and dedicated such area shall be under the administration of the Florida Forest Service, division ~~which is~~ is shall be authorized to manage and administer such said area according to the purpose for which it was designated and dedicated.

(2) The first state forest acquired by the Board of Trustees of the Internal Improvement Trust Fund in Baker County is to be named the John M. Bethea State Forest. This is to honor Mr. John M. Bethea who was Florida's fourth state forester and whose distinguished career in state government spanned 46 years and who is a native of Baker County.

(3) The state forest managed by the Florida Forest Service ~~Division of Forestry~~ in Seminole County is to be named the Charles H. Bronson State Forest to honor Charles H. Bronson, the tenth Commissioner of Agriculture,

for his distinguished contribution to this state’s agriculture and natural resources.

(4)(a) The Florida Forest Service Division of Forestry shall designate one or more areas of state forests as an “Operation Outdoor Freedom a “Wounded Warrior Special Hunt Area” to honor wounded veterans and servicemembers. The purpose of such designated areas is to provide special outdoor recreational opportunities for eligible veterans and servicemembers.

(b) The Florida Forest Service division shall limit guest admittance to such designated areas to any person who:

1. Is an active duty member of any branch of the United States Armed Forces and has a combat-related injury as determined by his or her branch of the United States Armed Forces; or

2. Is a veteran who served during a period of wartime service as defined in s. 1.01(14) or peacetime service as defined in s. 296.02 and:

a. Has a service-connected disability as determined by the United States Department of Veterans Affairs; or

b. Was discharged or released from military service because of a disability acquired or aggravated while serving on active duty.

(c) The Florida Forest Service division may grant admittance to such designated areas to a person who is not an eligible veteran or servicemember for purposes of accompanying an eligible veteran or servicemember who requires the person’s assistance to use such designated areas.

(d) Funding required for specialized accommodations shall be provided through the Friends of Florida State Forests Program created under s. 589.012.

(e) The Florida Forest Service division may adopt rules to administer this subsection.

Section 44. Section 589.277, Florida Statutes, is amended to read:

589.277 Tree planting programs.—

(1) The ~~Division of Forestry of the Florida Forest Service Department of Agriculture and Consumer Services~~ shall administer federal, state, and privately sponsored tree planting programs designed to assist private rural landowners and urban communities.

(2) Contributions from governmental and private sources for tree planting programs may be accepted into the Federal Grants Trust Fund or the Incidental Trust Fund of the Florida Forest Service.

(3) The Florida Forest Service shall ~~Division of Forestry is authorized and directed to~~ develop and implement guidelines and procedures under

which the financial resources of the fund allocated for tree planting programs may be utilized for urban and rural reforestation.

(4) Grants to municipalities, counties, nonprofit organizations, and qualifying private landowners may be made from allocated moneys in the fund for the purpose of purchasing, planting, and maintaining native tree species.

(5) The Florida Forest Service Division ~~Division of Forestry~~ shall assist the Department of Education in developing programs that teach the importance of trees in the urban, rural, and global environment.

Section 45. Section 590.02, Florida Statutes, is amended to read:

590.02 Florida Forest Service; ~~Division~~ powers, authority, and duties; liability; building structures; Florida Center for Wildfire and Forest Resources Management Training.—

(1) The Florida Forest Service ~~division~~ has the following powers, authority, and duties:

- (a) To enforce the provisions of this chapter;
- (b) To prevent, detect, suppress, and extinguish wildfires wherever they may occur on public or private land in this state and to do all things necessary in the exercise of such powers, authority, and duties;
- (c) To provide firefighting crews, who shall be under the control and direction of the Florida Forest Service ~~division~~ and its designated agents;
- (d) To appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau chief, a forest protection assistant bureau chief, a field operations bureau chief, deputy chiefs of field operations, district managers, forest operations administrators, senior forest rangers, investigators, forest rangers, firefighter rotorcraft pilots, and other employees who may, at the Florida Forest Service's ~~division's~~ discretion, be certified as forestry firefighters pursuant to s. 633.35(4). Other provisions of law notwithstanding, center managers, district managers, forest protection assistant bureau chief, and deputy chiefs of field operations shall have Selected Exempt Service status in the state personnel designation;
- (e) To develop a training curriculum for forestry firefighters which must contain the basic volunteer structural fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 250 hours of wildfire training;
- (f) To make rules to accomplish the purposes of this chapter;
- (g) To provide fire management services and emergency response assistance and to set and charge reasonable fees for performance of those

services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the Florida Forest Service ~~division~~; and

(h) To require all state, regional, and local government agencies operating aircraft in the vicinity of an ongoing wildfire to operate in compliance with the applicable state Wildfire Aviation Plan.

(2) The Florida Forest Service's ~~Division~~ employees, and the firefighting crews under their control and direction, may enter upon any lands for the purpose of preventing and suppressing wildfires and investigating smoke complaints or open burning not in compliance with authorization and to enforce the provisions of this chapter.

(3) Employees of the Florida Forest Service ~~division~~ and of federal, state, and local agencies, and all other persons and entities that are under contract or agreement with the Florida Forest Service ~~division~~ to assist in firefighting operations as well as those entities, called upon by the Florida Forest Service ~~division~~ to assist in firefighting may, in the performance of their duties, set counterfires, remove fences and other obstacles, dig trenches, cut firelines, use water from public and private sources, and carry on all other customary activities in the fighting of wildfires without incurring liability to any person or entity.

(4)(a) The department may build structures, notwithstanding chapters 216 and 255, not to exceed a cost of \$50,000 per structure from existing resources on forest lands, federal excess property, and unneeded existing structures. These structures must meet all applicable building codes.

(b) Notwithstanding s. 553.80(1), the department shall exclusively enforce the Florida Building Code as it pertains to wildfire and law enforcement facilities under the jurisdiction of the department.

(5) The Florida Forest Service ~~division~~ shall organize its operational units to most effectively prevent, detect, and suppress wildfires, and to that end, may employ the necessary personnel to manage its activities in each unit. The Florida Forest Service ~~division~~ may construct lookout towers, roads, bridges, firelines, and other facilities and may purchase or fabricate tools, supplies, and equipment for firefighting. The Florida Forest Service ~~division~~ may reimburse the public and private entities that it engages to assist in the suppression of wildfires for their personnel and equipment, including aircraft.

(6) The Florida Forest Service ~~division~~ shall undertake privatization alternatives for fire prevention activities including constructing fire lines and conducting prescribed burns and, where appropriate, entering into agreements or contracts with the private sector to perform such activities.

(7) The Florida Forest Service ~~division~~ may organize, staff, equip, and operate the Florida Center for Wildfire and Forest Resources Management Training. The center shall serve as a site where fire and forest resource

managers can obtain current knowledge, techniques, skills, and theory as they relate to their respective disciplines.

(a) The center may establish cooperative efforts involving federal, state, and local entities; hire appropriate personnel; and engage others by contract or agreement with or without compensation to assist in carrying out the training and operations of the center.

(b) The center shall provide wildfire suppression training opportunities for rural fire departments, volunteer fire departments, and other local fire response units.

(c) The center will focus on curriculum related to, but not limited to, fuel reduction, an incident management system, prescribed burning certification, multiple-use land management, water quality, forest health, environmental education, and wildfire suppression training for structural firefighters.

(d) The center may assess appropriate fees for food, lodging, travel, course materials, and supplies in order to meet its operational costs and may grant free meals, room, and scholarships to persons and other entities in exchange for instructional assistance.

(e) An advisory committee consisting of the following individuals or their designees must review program curriculum, course content, and scheduling: the director of the Florida ~~Forest Service Division of Forestry~~; the assistant director of the Florida ~~Forest Service Division of Forestry~~; the director of the School of Forest Resources and Conservation of the University of Florida; the director of the Division of Recreation and Parks of the Department of Environmental Protection; the director of the Division of the State Fire Marshal; the director of the Florida Chapter of The Nature Conservancy; the executive vice president of the Florida Forestry Association; the president of the Florida Farm Bureau Federation; the executive director of the Fish and Wildlife Conservation Commission; the executive director of a water management district as appointed by the Commissioner of Agriculture; the supervisor of the National Forests in Florida; the president of the Florida Fire Chiefs Association; and the executive director of the Tall Timbers Research Station.

(8) The Cross City Work Center shall be named the L. Earl Peterson Forestry Station. This is to honor Mr. L. Earl Peterson, Florida's sixth state forester, whose distinguished career in state government has spanned 44 years, and who is a native of Dixie County.

(9)(a) Notwithstanding ss. 273.055 and 287.16, the department may retain, transfer, warehouse, bid, destroy, scrap, or otherwise dispose of surplus equipment and vehicles that are used for wildland firefighting.

(b) All money received from the disposition of state-owned equipment and vehicles that are used for wildland firefighting shall be retained by the department. Money received pursuant to this section is appropriated for and

may be disbursed for the acquisition of exchange and surplus equipment used for wildland firefighting, and for all necessary operating expenditures related to such equipment, in the same fiscal year and the fiscal year following the disposition. The department shall maintain records of the accounts into which the money is deposited.

(10)(a) The Florida Forest Service ~~division~~ has exclusive authority to require and issue authorizations for broadcast burning and agricultural and silvicultural pile burning. An agency, commission, department, county, municipality, or other political subdivision of the state may not adopt or enforce laws, regulations, rules, or policies pertaining to broadcast burning or agricultural and silvicultural pile burning unless an emergency order is declared in accordance with s. 252.38(3).

(b) The Florida Forest Service ~~division~~ may delegate to a county or municipality its authority, as delegated by the Department of Environmental Protection pursuant to ss. 403.061(28) and 403.081, to require and issue authorizations for the burning of yard trash and debris from land clearing operations in accordance with s. 590.125(6).

Section 46. Subsection (3) of section 597.0021, Florida Statutes, is amended to read:

597.0021 Legislative intent.—

(3) It is the intent of the Legislature that the Aquaculture Review Council is ~~and the Aquaculture Interagency Coordinating Council~~ are established to provide a means of communication between the aquaculture industry and the regulatory agencies.

Section 47. Paragraphs (b) and (d) of subsection (1) of section 597.003, Florida Statutes, are amended to read:

597.003 Powers and duties of Department of Agriculture and Consumer Services.—

(1) The department is hereby designated as the lead agency in encouraging the development of aquaculture in the state and shall have and exercise the following functions, powers, and duties with regard to aquaculture:

(b) Coordinate the development, annual revision, and implementation of a state aquaculture plan. The plan shall include prioritized recommendations for research and development as suggested by the Aquaculture Review Council, ~~the Aquaculture Interagency Coordinating Council~~, and public and private institutional research, extension, and service programs.

(d) Provide staff for the Aquaculture Review Council ~~and the Aquaculture Interagency Coordinating Council~~.

Section 48. Paragraph (h) of subsection (1) of section 597.004, Florida Statutes, is amended to read:

597.004 Aquaculture certificate of registration.—

(1) CERTIFICATION.—Any person engaging in aquaculture must be certified by the department. The applicant for a certificate of registration shall submit the following to the department:

(h) An One hundred dollar annual registration fee of \$100. The annual registration fee is waived for each elementary, middle, or high school and each vocational school that participates in the aquaculture certification program.

Section 49. Subsection (1), paragraphs (a) and (b) of subsection (2), and paragraph (h) of subsection (3) of section 597.005, Florida Statutes, are amended to read:

597.005 Aquaculture Review Council.—

(1) COMPOSITION.—There is created within the department the Aquaculture Review Council to consist of eight ~~nine~~ members as follows: the chair of the State Agricultural Advisory Council or designee; ~~the chair of the Aquaculture Interagency Coordinating Council;~~ and seven additional members to be appointed by the commissioner, including an alligator farmer, a food fish farmer, a shellfish farmer, a tropical fish farmer, an aquatic plant farmer, a representative of the commercial fishing industry, and a representative of the aquaculture industry at large. Members shall be appointed for 4-year terms. Each member shall be selected from no fewer than two or more than three nominees submitted by recognized statewide organizations representing each industry segment or the aquaculture industry at large. In the absence of nominees, the commissioner shall appoint persons who otherwise meet the qualifications for appointment to the council. Members shall serve until their successors are duly qualified and appointed. An appointment to fill a vacancy shall be for the unexpired portion of the term.

(2) MEETINGS; PROCEDURES; RECORDS.—

(a) The members of the council shall meet at least quarterly; shall elect a chair, a vice chair, and a secretary, ~~and an industry representative to the Aquaculture Interagency Coordinating Council;~~ and shall use accepted rules of procedure. The terms of such officers shall be for 1 year.

(b) The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules of procedure. ~~However, the council shall hold a joint annual meeting with the Aquaculture Interagency Coordinating Council.~~

(3) RESPONSIBILITIES.—The primary responsibilities of the Aquaculture Review Council are to:

(h) For any problem that cannot be solved through simple cooperation or negotiation, provide an issue analysis ~~to the Aquaculture Interagency~~

Coordinating Council and to the chairs of the legislative agriculture appropriations committees. The analysis shall include, but not be limited to, specific facts and industry hardships, regulatory provisions, questions relative to the issue, and suggestions for solving the problem.

Section 50. Section 597.006, Florida Statutes, is repealed.

Section 51. Subsection (12) is added to section 604.21, Florida Statutes, to read:

604.21 Complaint; investigation; hearing.—

(12) Notwithstanding any provision of law to the contrary, the Commissioner of Agriculture or the commissioner’s authorized designee may act as trustee on any bond or other form of security posted with the United States Department of Agriculture in compliance with the federal Packers and Stockyards Act. The commissioner may enter into agreements with the United States Department of Agriculture as necessary to carry out the purposes of the Packers and Stockyards Act.

Section 52. Subsection (3) of section 616.252, Florida Statutes, is amended to read:

616.252 Florida State Fair Authority; membership; number, terms, compensation.—

(3) Members of the authority are not entitled to compensation for their services as members but shall be reimbursed by the authority for per diem and travel expenses as provided in s. 112.061 ~~and may not be reimbursed for travel expenses.~~ Except for the nonvoting youth member, each member may be compensated for any special or full-time service performed in the authority’s behalf as officers or agents of the authority.

Section 53. This act shall take effect July 1, 2012.

Approved by the Governor April 27, 2012.

Filed in Office Secretary of State April 27, 2012.