

CHAPTER 2016-61

Committee Substitute for Committee Substitute for House Bill No. 7007

An act relating to the Department of Agriculture and Consumer Services; creating s. 15.0521, F.S.; designating tupelo honey as the official state honey; amending s. 482.111, F.S.; revising requirements for issuance of an original pest control operator's certificate; amending s. 482.1562, F.S.; revising the date by which an application for recertification of a limited certification for urban landscape commercial fertilizer application is required; removing provisions imposing late renewal charges; providing a grace period for such recertification; amending s. 500.03, F.S.; revising the definition of the term "food" and defining the term "vehicle" for purposes of the Florida Food Safety Act; amending s. 500.10, F.S.; providing that food transported under specified conditions or containing ingredients for which there is inadequate information is deemed adulterated; providing conditions under which a dietary supplement or its ingredients is deemed adulterated; amending s. 500.11, F.S.; providing that a food is deemed misbranded for noncompliance with specified allergen information; creating s. 500.90, F.S.; preempting to the department the regulatory authority for the use and sale of polystyrene products by certain entities; providing applicability; amending s. 570.07, F.S.; revising powers and duties of the department to include sponsoring events; authorizing the department to secure letters of patent, copyrights, and trademarks on work products and to engage in acts accordingly; amending s. 570.30, F.S.; removing electronic data processing and management information systems support for the department as a power and duty of the Division of Administration; amending s. 570.441, F.S.; authorizing the use of funds in the Pest Control Trust Fund for activities of the Division of Agricultural Environmental Services; amending s. 570.53, F.S.; revising duties of the Division of Marketing and Development to remove enforcement of provisions relating to dealers in agricultural products; amending s. 570.544, F.S.; revising duties of the director of the Division of Consumer Services to include enforcement of provisions relating to dealers in agricultural products and grain dealers; creating s. 570.68, F.S.; authorizing the Commissioner of Agriculture to create an Office of Agriculture Technology Services; providing duties of the office; amending s. 570.681, F.S.; revising legislative findings with regard to the Florida Agriculture Center and Horse Park; amending s. 570.685, F.S.; authorizing, rather than requiring, the department to provide administrative and staff support services, meeting space, and record storage for the Florida Agriculture Center and Horse Park Authority; amending s. 571.24, F.S.; providing legislative intent for the Florida Agricultural Promotional Campaign to serve as a marketing program for certain purposes; removing an obsolete provision relating to the designation of a Division of Marketing and Development employee as a member of the Advertising Interagency Coordinating Council; amending s. 571.27,

F.S.; removing obsolete provisions relating to the authority of the department to adopt rules for entering into contracts with advertising agencies for services which are directly related to the Florida Agricultural Promotional Campaign; amending s. 571.28, F.S.; revising provisions specifying membership criteria of the Florida Agricultural Promotional Campaign Advisory Council; amending s. 576.041, F.S.; revising the frequency of fertilizer sales reports and the payment of related inspection fees; providing for such reports and fees to be made through the department's website; revising the time by which such reports must be made and fees must be paid; creating s. 580.0365, F.S.; providing legislative intent with regard to regulation of commercial feed and feedstuff; preempting to the department the regulatory authority for commercial feed and feedstuff; amending s. 581.181, F.S.; providing applicability of provisions requiring treatment or destruction of infested or infected plants and plant products; amending s. 582.01, F.S.; revising definitions; amending s. 582.02, F.S.; revising legislative findings and intent with regard to the purpose of soil and water conservation districts; repealing s. 582.03, F.S., relating to the consequences of soil erosion; repealing s. 582.04, F.S., relating to appropriate corrective methods for conservation, development, and use of soil and water resources; repealing s. 582.05, F.S., relating to legislative policy for the conservation, development, and use of such resources; amending s. 582.055, F.S.; revising provisions relating to powers and duties of the department with regard to soil and water conservation districts; amending s. 582.06, F.S.; revising provisions relating to powers and duties of the Soil and Water Conservation Council; repealing s. 582.08, F.S., relating to additional powers of the department with regard to soil and water conservation districts; repealing s. 582.09, F.S., relating to the employment of an administrative officer of soil and water conservation; amending s. 582.16, F.S.; revising provisions for modifying soil and water conservation district boundaries; repealing s. 582.17, F.S., relating to the presumption that districts are established in accordance with specified provisions; amending s. 582.20, F.S.; revising provisions relating to powers and duties of soil and water conservation districts and district supervisors; repealing s. 582.21, F.S., relating to the adoption of land use regulations by soil and water conservation district supervisors; repealing s. 582.22, F.S., relating to the content of land use regulations adopted by soil and water conservation district supervisors; repealing s. 582.23, F.S., relating to the performance of work under land use regulations adopted by soil and water conservation district supervisors; repealing s. 582.24, F.S., relating to the board of adjustment; repealing s. 582.25, F.S., relating to rules of procedure of the board of adjustment; repealing s. 582.26, F.S., relating to petitions to the board of adjustment for land use variances; amending s. 582.29, F.S.; revising provisions directing state agencies and other governmental subdivisions of the state that manage publicly owned lands to cooperate with soil and water conservation district supervisors in implementing district programs and operations; repealing s. 582.331, F.S., relating to the establishment of a watershed improvement district within a soil and water conservation district; repealing s. 582.34, F.S.,

relating to the petition for establishment of a watershed improvement district within a soil and water conservation district; repealing s. 582.35, F.S., relating to notice and hearing on petition for establishment of a watershed improvement district within a soil and water conservation district and determination of need for such district; repealing s. 582.36, F.S., relating to determination of feasibility and referendum for a watershed improvement district within a soil and water conservation district; repealing s. 582.37, F.S., relating to consideration of referendum results for determination of feasibility and declaration of organization of a watershed improvement district within a soil and water conservation district; repealing s. 582.38, F.S., relating to organization of a watershed improvement district within a soil and water conservation district; repealing s. 582.39, F.S., relating to establishment of a watershed improvement district situated in more than one soil and water conservation district; repealing s. 582.40, F.S., relating to change of district boundaries including additions, detachments, transfers of land from one district to another, and change of district name; repealing s. 582.41, F.S., relating to the board of directors of a soil and water conservation district; repealing s. 582.42, F.S., relating to officers, agents, and employees of a watershed improvement district within a soil and water conservation district and issuance of surety bonds by, and annual audits of, such district; repealing s. 582.43, F.S., relating to the power of a watershed improvement district within a soil and water conservation district to levy taxes and to construct, operate, improve, and maintain works of improvement in such district and to obtain necessary lands or interests therein; repealing s. 582.44, F.S., relating to procedures for a watershed improvement district within a soil and water conservation district to levy taxes; repealing s. 582.45, F.S., relating to the fiscal power of the board of directors of a watershed improvement district within a soil and water conservation district to issue bonds; repealing s. 582.46, F.S., relating to additional powers of the board of directors of a watershed improvement district within a soil and water conservation district; repealing s. 582.47, F.S., relating to the authority of a watershed improvement district within a soil and water conservation district to coordinate work with flood control districts; repealing s. 582.48, F.S., relating to discontinuance of a watershed improvement district within a soil and water conservation district; repealing s. 582.49, F.S., relating to discontinuance of a soil and water conservation district; repealing s. 589.26, F.S., relating to the authority of the Florida Forest Service to dedicate and reserve state park lands for public use; amending s. 595.402, F.S.; defining terms relating to school food and nutrition service programs; conforming a reference to changes made by the act; amending s. 595.404, F.S.; revising powers and duties of the department with regard to school food and nutrition programs; authorizing the department to conduct, supervise, and administer a farmers' market nutrition program for certain purposes; directing the department to collect and publish data on food purchased through specified programs; authorizing the department to enter into agreements with federal and state agencies to implement nutrition programs; amending s. 595.405, F.S.; revising requirements for school nutrition

programs; providing for breakfast meals to be available to all students in schools that serve specified grade levels; conforming a reference to changes made by the act; amending s. 595.406, F.S.; renaming the “Florida Farm Fresh Schools Program” as the “Florida Farm to School Program”; authorizing the department to establish by rule a recognition program for certain sponsors; amending s. 595.407, F.S.; revising provisions of the children’s summer nutrition program to include certain schools that serve specified grade levels; revising provisions relating to the duration of the program; authorizing school districts to exclude holidays and weekends; amending s. 595.408, F.S.; conforming references to changes made by the act; amending s. 595.501, F.S.; requiring entities to complete corrective action plans required by the department or a federal agency to be in compliance with school food and nutrition service programs; amending s. 595.601, F.S.; correcting a cross-reference; amending s. 601.31, F.S.; requiring citrus inspectors to be licensed and certified by the department rather than by the United States Department of Agriculture; amending s. 604.21, F.S.; revising affidavit requirements for an agricultural products dealer who files a complaint against another such dealer; amending s. 604.33, F.S.; removing provisions requiring grain dealers to submit monthly reports; authorizing, rather than requiring, the department to make at least one spot check annually of each grain dealer; providing an honorary designation of a certain farmers market; providing an effective date.

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

Section 1. Section 15.0521, Florida Statutes, is created to read:

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

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

482.111 Pest control operator’s certificate.—

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

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

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

482.1562 Limited certification for urban landscape commercial fertilizer application.—

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

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

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

(6) ~~A late renewal charge of \$50 per month shall be assessed 30 days after the date the application for recertification is due and must be paid in addition to the renewal fee. Unless timely recertified, a certificate automatically expires 90 days after the recertification date. Upon expiration, or after a grace period that does not exceed 30 days after expiration, a certificate may be issued only upon reapplying in accordance with subsection (3).~~

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

500.03 Definitions; construction; applicability.—

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

(n) “Food” includes:

- 1. Articles used for food or drink for human consumption;
- 2. Chewing gum;
- 3. Articles used for components of any such article; ~~and~~

4. Articles for which health claims are made, which claims are approved by the Secretary of the United States Department of Health and Human Services and which claims are made in accordance with s. 343(r) of the federal act, and which are not considered drugs solely because their labels or labeling contain health claims; and

5. Dietary supplements as defined in 21 U.S.C. s. 321(ff)(1) and (2).

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

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

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

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

(1)

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

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

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

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

(c) An ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant risk of illness or injury.

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

500.11 Food deemed misbranded.—

(1) A food is deemed to be misbranded:

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

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

500.90 Regulation of polystyrene products preempted to department.—The regulation of the use or sale of polystyrene products by entities regulated under chapter 500 is preempted to the department. This preemption does not apply to local ordinances or provisions thereof enacted before January 1, 2016, and does not limit the authority of a local government to restrict the use of polystyrene by individuals on public

property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services, unless such use is otherwise preempted by law.

Section 8. Paragraph (c) of subsection (20) of section 570.07, Florida Statutes, is amended, and subsection (44) is added to that section, to read:

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

(20)

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

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

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

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

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

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

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

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

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

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

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

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

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

570.441 Pest Control Trust Fund.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

570.685 Florida Agriculture Center and Horse Park Authority.—

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

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

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

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

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

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

- (2) Registering participants.
- (3) Assessing and collecting fees.
- (4) Collecting rental receipts for industry promotions.
- (5) Developing in-kind advertising programs.
- (6) Contracting with media representatives for the purpose of dispersing promotional materials.
- (7) Assisting the representative of the department who serves on the Florida Agricultural Promotional Campaign Advisory Council.
- ~~(8) Designating a division employee to be a member of the Advertising Interagency Coordinating Council.~~
- ~~(8)(9)~~ Adopting rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.
- ~~(9)(10)~~ Enforcing and administering the provisions of this part, including measures ensuring that only Florida agricultural or agricultural based products are marketed under the “Fresh From Florida” or “From Florida” logos or other logos of the Florida Agricultural Promotional Campaign.

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

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

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

571.28 Florida Agricultural Promotional Campaign Advisory Council.

(1) ORGANIZATION.—There is hereby created within the department the Florida Agricultural Promotional Campaign Advisory Council, to consist of 15 members appointed by the Commissioner of Agriculture for 4-year staggered terms. The membership shall include: 13 ~~six~~ members representing agricultural producers, shippers, or packers, ~~three~~ members representing agricultural retailers, ~~two~~ members representing agricultural associations, ~~and wholesalers~~ one member representing a wholesaler of agricultural products, one member representing consumers, and one member representing the department. Initial appointment of the council members shall be four members to a term of 4 years, four members to a term of 3 years, four members to a term of 2 years, and three members to a term of 1 year.

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

576.041 Inspection fees; records.—

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

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

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

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

580.0365 Preemption of regulatory authority over commercial feed and feedstuff.—It is the intent of the Legislature to eliminate duplication of regulation over commercial feed and feedstuff. Notwithstanding any other provision of law, the authority to regulate, inspect, sample, and analyze any commercial feed or feedstuff distributed in this state and to exercise the powers and duties of regulation in this chapter, including the power to assess any penalties provided for violation of this chapter, is preempted to the department.

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

581.181 Notice of infection of plants; destruction.—

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

Section 22. Section 582.01, Florida Statutes, is amended to read:

~~582.01 Definitions.—As Wherever used or referred to in this chapter, the term unless a different meaning clearly appears from the context:~~

~~(3)(a) “Department” means the Department of Agriculture and Consumer Services.~~

~~(1)(e) “Commissioner” means the Commissioner of Agriculture.~~

~~(2)(b) “Council” means the Soil and Water Conservation Council.~~

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

~~(4)(1) “District” or “soil conservation district” or “soil and water conservation district” means a governmental subdivision of this state, and a body corporate and politic, organized in accordance with the provisions of this chapter, for the purpose, with the powers, and subject to the provisions set forth in this chapter. The term “district” or “soil conservation district,” when used in this chapter, means and includes a “soil and water conservation district.” All districts heretofore or hereafter organized under this chapter shall be known as soil and water conservation districts and shall have all the powers set out herein.~~

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

~~(6)(5) “Land occupier” or “occupier of land” means a includes any person, other than the owner, who possesses shall be in possession of any lands lying within a district organized under the provisions of this chapter, whether as lessee, renter, tenant, or otherwise.~~

(7)(4) “Landowner” or “owner of land” means a includes any person who holds shall hold legal or equitable title to any lands lying within a district organized under the provisions of this chapter.

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

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

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

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

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

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

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

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

(4) The purpose of the soil and water conservation districts is to provide assistance, guidance, and education to landowners, land occupiers, the agricultural industry, and the general public in implementing land and

water resource protection practices. The Legislature intends for soil and water conservation districts to work in conjunction with federal, state, and local agencies in all matters that implement the provisions of this chapter.

Section 24. Sections 582.03, 582.04, and 582.05, Florida Statutes, are repealed.

Section 25. Subsections (5) through (9) are added to section 582.055, Florida Statutes, to read:

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

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

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

(7) The department may disseminate information throughout the state concerning the activities, research, and programs of the soil and water conservation districts and encourage the formation of such districts in areas where their organization is desirable.

(8) The department may create or dissolve a soil and water conservation district pursuant to the provisions of this chapter.

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

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

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

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

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

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

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

Section 27. Sections 582.08 and 582.09, Florida Statutes, are repealed.

Section 28. Section 582.16, Florida Statutes, is amended to read:

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

Section 29. Section 582.17, Florida Statutes, is repealed.

Section 30. Section 582.20, Florida Statutes, is amended to read:

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

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

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

(a) Within the district’s boundaries;

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

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

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

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

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

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

personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this chapter;

~~(5)(6) To make available, on such terms as it shall prescribe, to any owner or occupier of lands ~~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; agricultural and engineering machinery and equipment, ~~fertilizer, seeds and seedlings,~~ and such other material or equipment, that as will assist such landowners and occupiers to carry on operations upon their lands for the conservation and protection of soil and water resources ~~and for the prevention or control of soil erosion and for flood prevention or the conservation, development and utilization, of soil and water resources and the disposal of water;~~~~

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

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

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

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

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

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

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

or used, and any other information concerning the district’s activities, that the department may require in the performance of its duties under this chapter;

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

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

(12) Any provision ~~No provisions~~ with respect to the acquisition, operation, or disposition of property by public bodies of this state ~~does not apply shall be applicable to a district organized under this chapter unless specifically so stated by hereunder unless the Legislature shall specifically so state.~~ The property and property rights of every kind and nature acquired by any district organized under the provisions of this chapter are ~~shall be~~ exempt from state, county, and other taxation.

Section 31. Sections 582.21, 582.22, 582.23, 582.24, 582.25, and 582.26, Florida Statutes, are repealed.

Section 32. Section 582.29, Florida Statutes, is amended to read:

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

Section 33. Sections 582.331, 582.34, 582.35, 582.36, 582.37, 582.38, 582.39, 582.40, 582.41, 582.42, 582.43, 582.44, 582.45, 582.46, 582.47, 582.48, 582.49, Florida Statutes, are repealed.

Section 34. Section 589.26, Florida Statutes, is repealed.

Section 35. Subsections (4) and (5) of section 595.402, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (4), (7), and (8) are added to that section, to read:

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

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

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

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

Section 36. Section 595.404, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

~~(10)~~(9) To adopt rules covering the administration, operation, and enforcement of the program and the farmers' market nutrition program, as well as to implement the provisions of this chapter.

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

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

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

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

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

Section 37. Section 595.405, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

Section 38. Section 595.406, Florida Statutes, is amended to read:

595.406 Florida Farm to School Fresh Schools Program.—

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

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

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

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

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

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

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

Section 39. Subsection (2) of section 595.407, Florida Statutes, is amended to read:

595.407 Children’s summer nutrition program.—

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

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

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

Section 40. Section 595.408, Florida Statutes, is amended to read:

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

(1)(a) The department shall conduct, supervise, and administer all food commodity distribution services that will be carried on using federal or state

funds, or funds from any other source, or food ~~commodities~~ received and distributed from the United States or any of its agencies.

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

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

(3) The department may:

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

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

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

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

Section 41. Section 595.501, Florida Statutes, is amended to read:

595.501 Penalties.—

(1) When a corrective action plan is issued by the department or a federal agency, each sponsor is required to complete the corrective action plan to be in compliance with the program.

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

Section 42. Section 595.601, Florida Statutes, is amended to read:

595.601 Food and Nutrition Services Trust Fund.—Chapter 99-37, Laws of Florida, recreated the Food and Nutrition Services Trust Fund to record revenue and disbursements of Federal Food and Nutrition funds received by the department as authorized in ss. 595.404 and 595.408 s. ~~595.405~~.

Section 43. Section 601.31, Florida Statutes, is amended to read:

601.31 Citrus inspectors; employment.—The Department of Agriculture may annually ~~in each year~~ employ as many citrus fruit inspectors for a such ~~period or periods~~, not to exceed exceeding 1 year, as the Department of Agriculture deems ~~shall deem~~ necessary for the effective enforcement of the citrus fruit laws of this state. All persons authorized to inspect and certify to the maturity and grade of citrus fruit shall be governed by such laws ~~in the discharge of their duties as such inspectors by the provisions of law~~ and by the rules adopted by the Department of Citrus and the Department of Agriculture and shall perform their duties under the direction and supervision of the Department of Agriculture. All such ~~citrus inspectors appointed for the enforcement of this chapter~~ shall be persons who are duly licensed or certified by the United States ~~Department of Agriculture~~ as citrus fruit inspectors.

Section 44. Paragraphs (b) and (d) of subsection (1) and subsection (2) of section 604.21, Florida Statutes, are amended to read:

604.21 Complaint; investigation; hearing.—

(1)

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

(d) A person, partnership, corporation, or other business entity filing a complaint shall submit to the department the following documents: a ~~three~~ completed complaint affidavit ~~affidavits~~ on a form provided by the department with an original signature of an owner, partner, general partner, or corporate officer and an original notarization on each affidavit. ~~If the complaint is filed by electronic transmission or facsimile, the original affidavits and original notarizations shall be filed with the department not later than the close of business of the tenth business day following the electronic transmission or facsimile filing.~~ Attached to the ~~each~~ complaint affidavit shall be copies of all documents to support the complaint. Supporting documents may be copies of invoices, bills of lading, packing or shipping documents, demand letters, or any other documentation to support the claim. In cases in which there are multiple invoices being

claimed, a summary list of all claimed invoices must accompany the complaint.

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

Section 45. Section 604.33, Florida Statutes, is amended to read:

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

Section 46. (1) The Pompano State Farmers Market is redesignated as the "Edward L. Myrick State Farmers Market." This designation honors Mr. Edward L. Myrick, a veteran of the United States Army and a pillar of the Pompano agricultural community. Mr. Edward L. Myrick has played a leading role in the success of the Pompano State Farmers Market since 1976 and continues to serve the market and the community through his leadership in ensuring the availability of fresh agricultural produce to the community at large.

(2) The Department of Agriculture and Consumer Services is directed to erect suitable markers designating the Edward L. Myrick State Farmers Market as described in subsection (1).

Section 47. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2016.

Approved by the Governor March 16, 2016.

Filed in Office Secretary of State March 16, 2016.