

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 482.111, F.S.; revising
4 requirements for issuance of an original pest control
5 operator's certificate; amending s. 482.1562, F.S.;
6 revising the date by which an application for
7 recertification of a limited certification for urban
8 landscape commercial fertilizer application is
9 required; removing provisions imposing late renewal
10 charges; providing a grace period for such
11 recertification; amending s. 500.03, F.S.; defining
12 terms relating to the Florida Food Safety Act;
13 amending s. 500.10, F.S.; providing that food
14 transported under specified conditions or containing
15 ingredients for which there is inadequate information
16 is deemed adulterated; providing conditions under
17 which a dietary supplement or its ingredients is
18 deemed adulterated; amending s. 500.11, F.S.;
19 providing that a food is deemed misbranded for
20 noncompliance with specified allergen information;
21 amending s. 570.07, F.S.; revising powers and duties
22 of the department to include sponsoring events;
23 authorizing the department to secure letters of
24 patent, copyrights, and trademarks on work products
25 and to engage in acts accordingly; amending s. 570.30,
26 F.S.; removing electronic data processing and
27 management information systems support for the

PCB ANRS 16-01

2016

28 department as a power and duty of the Division of
29 Administration; amending s. 570.441, F.S.; authorizing
30 the use of funds in the Pest Control Trust Fund for
31 activities of the Division of Agricultural
32 Environmental Services; amending s. 570.53, F.S.;
33 revising duties of the Division of Marketing and
34 Development to remove enforcement of provisions
35 relating to dealers in agricultural products; amending
36 s. 570.544, F.S.; revising duties of the director of
37 the Division of Consumer Services to include
38 enforcement of provisions relating to dealers in
39 agricultural products and grain dealers; creating s.
40 570.68, F.S.; authorizing the Commissioner of
41 Agriculture to create an Office of Agriculture
42 Technology Services; providing duties of the office;
43 amending s. 570.681, F.S.; revising legislative
44 findings with regard to the Florida Agriculture Center
45 and Horse Park; amending s. 570.685, F.S.;
46 authorizing, rather than requiring, the department to
47 provide administrative and staff support services,
48 meeting space, and record storage for the Florida
49 Agriculture Center and Horse Park Authority; amending
50 s. 571.24, F.S.; providing legislative intent of the
51 Florida Agricultural Promotional Campaign serve as a
52 marketing program for certain purposes; removing an
53 obsolete provision relating to the designation of a
54 Division of Marketing and Development employee as a

PCB ANRS 16-01

Page 2 of 46

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

55 member of the Advertising Interagency Coordinating
 56 Council; amending s. 571.27, F.S.; removing obsolete
 57 provisions relating to the authority of the department
 58 to adopt rules for entering into contracts with
 59 advertising agencies for services which are directly
 60 related to the Florida Agricultural Promotional
 61 Campaign; amending s. 571.28, F.S.; revising
 62 provisions specifying membership criteria of the
 63 Florida Agricultural Promotional Campaign Advisory
 64 Council; amending s. 576.041, F.S.; revising the
 65 frequency of fertilizer sales reports and the payment
 66 of related inspection fees; providing for such reports
 67 and fees to be made through the department's website;
 68 revising the time by which such reports must be made
 69 and fees must be paid; creating s. 580.0365, F.S.;
 70 providing legislative intent with regard to regulation
 71 of commercial feed and feedstuff; preempting
 72 regulatory authority for commercial feed and feedstuff
 73 to the department; amending s. 581.181, F.S.;
 74 providing applicability of provisions requiring
 75 treatment or destruction of infested or infected
 76 plants and plant products; amending s. 582.01, F.S.;
 77 revising definitions; amending s. 582.02, F.S.;
 78 revising legislative findings and intent with regard
 79 to the purpose of soil and water conservation
 80 districts; repealing s. 582.03, F.S., relating to soil
 81 erosion; repealing s. 582.04, F.S., relating to

82 appropriate corrective methods; repealing s. 582.05,
 83 F.S., relating to legislative policy; amending s.
 84 582.055, F.S.; revising provisions relating to powers
 85 and duties of the department with regard to soil and
 86 water conservation districts; amending s. 582.06,
 87 F.S.; revising provisions relating to powers and
 88 duties of the Soil and Water Conservation Council;
 89 repealing s. 582.08, F.S., relating to additional
 90 powers of department; repealing s. 582.09, F.S.,
 91 relating to the administrative officer; amending s.
 92 582.16, F.S.; revising provisions for modifying soil
 93 and water conservation district boundaries; repealing
 94 s. 582.17, F.S., relating to the presumption that
 95 districts are established in accordance with specified
 96 provisions; amending s. 582.20, F.S.; revising
 97 provisions relating to powers and duties of soil and
 98 water conservation districts and district supervisors;
 99 repealing s. 582.21, F.S., relating to the adoption of
 100 land use regulations; repealing s. 582.22, F.S.,
 101 relating to regulations adopted by supervisors;
 102 repealing s. 582.23, F.S., relating to performance of
 103 work under the regulations by the supervisors;
 104 repealing s. 582.24, F.S., relating to the board of
 105 adjustment; repealing s. 582.25, F.S., relating to
 106 rules of procedure of the board; repealing s. 582.26,
 107 F.S., relating to variances; amending s. 582.29, F.S.;
 108 deleting a provision governing land use regulation;

109 | repealing ss. 582.331, 582.34, 582.35, 582.36, 582.37,
 110 | 582.38, 582.39, 582.40, 582.41, 582.42, 582.43,
 111 | 582.44, 582.45, 582.46, 582.47, 582.48, and 582.49,
 112 | F.S., relating to watershed improvement districts
 113 | within soil and water conservation districts;
 114 | repealing s. 589.26, F.S., relating to the authority
 115 | of the Florida Forest Service to dedicate and reserve
 116 | state park lands for public use; amending s. 595.402,
 117 | F.S.; defining terms relating to the school food and
 118 | nutrition service program; amending s. 595.404, F.S.;
 119 | revising powers and duties of the department with
 120 | regard to food and nutrition programs; authorizing the
 121 | department to conduct, supervise, and administer a
 122 | farmers' market nutrition program for certain
 123 | purposes; directing the department to collect and
 124 | publish data on food purchased through specified
 125 | programs; authorizing the department to enter into
 126 | agreements with federal and state agencies to
 127 | implement food and nutrition programs; amending s.
 128 | 595.405, F.S.; revising requirements for the school
 129 | nutrition program; providing for breakfast meals to be
 130 | available to all students in schools that serve
 131 | specified grade levels; amending s. 595.406, F.S.;
 132 | renaming the "Florida Farm Fresh Schools Program" as
 133 | the "Florida Farm to School Program"; authorizing the
 134 | department to establish by rule a recognition program
 135 | for certain sponsors; amending s. 595.407, F.S.;

136 revising provisions of the children's summer nutrition
 137 program to include certain schools that serve any
 138 combination of grades kindergarten through 5; revising
 139 provisions relating to the duration of the program;
 140 authorizing school districts to exclude holidays and
 141 weekends; amending s. 595.408, F.S.; conforming
 142 references to changes made by the act; amending s.
 143 595.501, F.S.; requiring entities to complete
 144 corrective action plans required by the department or
 145 a federal agency to be in compliance with school food
 146 and nutrition service programs; amending s. 595.601,
 147 F.S.; correcting a cross-reference; amending s.
 148 604.21, F.S.; revising affidavit requirements for an
 149 agricultural products dealer who files a complaint
 150 against another such dealer; amending s. 604.33, F.S.;
 151 removing provisions requiring grain dealers to submit
 152 monthly reports; authorizing, rather than requiring,
 153 the department to make at least one spot check
 154 annually of each grain dealer; providing an effective
 155 date.

156
 157 Be It Enacted by the Legislature of the State of Florida:

158
 159 Section 1. Subsections (1) and (7) of section 482.111,
 160 Florida Statutes, are amended to read:

161 482.111 Pest control operator's certificate.—

162 (1) The department shall issue a pest control operator's

163 certificate to each individual who qualifies under this chapter.
 164 Prior to the issuance of the original certificate, an individual
 165 must have completed an application for examination, paid the
 166 examination fee provided for in s. 482.141, and passed the
 167 examination. Before engaging in pest control work, each
 168 certified operator must be certified as provided in this
 169 section. ~~Application must be made and the issuance fee must be~~
 170 ~~paid to the department for the original certificate within 60~~
 171 ~~days after the postmark date of written notification of passing~~
 172 ~~the examination. During a period of 30 calendar days following~~
 173 ~~expiration of the 60-day period, an original certificate may be~~
 174 ~~issued; however, a late issuance charge of \$50 shall be assessed~~
 175 ~~and must be paid in addition to the issuance fee. An original~~
 176 ~~certificate may not be issued after expiration of the 30-day~~
 177 ~~period, without reexamination.~~

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

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

185 482.1562 Limited certification for urban landscape
 186 commercial fertilizer application.—

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

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

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

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

203 Section 3. Paragraph (cc) of subsection (1) is added to
 204 that subsection, and paragraph (n) is amended to read:

205 500.03 Definitions; construction; applicability.—

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

207 (n) "Food" includes:

- 208 1. Articles used for food or drink for human consumption;
- 209 2. Chewing gum;
- 210 3. Articles used for components of any such article; ~~and~~
- 211 4. Articles for which health claims are made, which claims
 212 are approved by the Secretary of the United States Department of
 213 Health and Human Services and which claims are made in
 214 accordance with s. 343(r) of the federal act, and which are not
 215 considered drugs solely because their labels or labeling contain
 216 health claims; and

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

219
 220 The term includes any raw, cooked, or processed edible
 221 substance; ice; any beverage; or any ingredient used, intended
 222 for use, or sold for human consumption.

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

228 Section 4. Paragraph (f) of subsection (1) of section
 229 500.10, Florida Statutes, is amended, and subsections (5) and
 230 (6) are added to read:

231 500.10 Food deemed adulterated.—A food is deemed to be
 232 adulterated:

233 (1)

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

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

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

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

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

248 Section 5. Paragraph (m) of subsection (1) of section
 249 500.11, Florida Statutes, is amended to read:

250 500.11 Food deemed misbranded.—

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

252 (m) If it is offered for sale and its label or labeling
 253 does not comply with the requirements of 21 U.S.C. s. 343(q) or
 254 21 U.S.C. s. 343(w) pertaining to nutrition or allergen
 255 information.

256 Section 6. Paragraph (c) of subsection (20) of section
 257 570.07, Florida Statutes, is amended, and subsection (44) is
 258 added to that section, to read:

259 570.07 Department of Agriculture and Consumer Services;
 260 functions, powers, and duties.—The department shall have and
 261 exercise the following functions, powers, and duties:

262 (20)

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

270

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

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

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

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

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

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

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

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

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

296 570.30 Division of Administration; powers and duties.—The
 297 Division of Administration shall render services required by the

298 department and its other divisions, or by the commissioner in
 299 the exercise of constitutional and cabinet responsibilities,
 300 that can advantageously and effectively be centralized and
 301 administered and any other function of the department that is
 302 not specifically assigned by law to some other division. The
 303 duties of this division include, but are not limited to:

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

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

308 570.441 Pest Control Trust Fund.—

309 (4) In addition to the uses authorized under subsection
 310 (2), moneys collected or received by the department under
 311 chapter 482 may be used to carry out the provisions of s.
 312 570.44. This subsection expires June 30, 2019.

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

315 570.53 Division of Marketing and Development; powers and
 316 duties.—The powers and duties of the Division of Marketing and
 317 Development include, but are not limited to:

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

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

322 570.544 Division of Consumer Services; director; powers;
 323 processing of complaints; records.—

324 (2) The director shall supervise, direct, and coordinate

PCB ANRS 16-01

2016

325 the activities of the division and shall, under the direction of
 326 the department, enforce the provisions of ss. 604.15-604.34 and
 327 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
 328 and 849.

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

331 570.68 Office of Agriculture Technology Services.—The
 332 commissioner may create an Office of Agriculture Technology
 333 Services under the supervision of a senior manager exempt under
 334 s. 110.205 in the Senior Management Service. The office shall
 335 provide electronic data processing and agency information
 336 technology services to support and facilitate the functions,
 337 powers, and duties of the department.

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

340 570.681 Florida Agriculture Center and Horse Park;
 341 legislative findings.—It is the finding of the Legislature that:

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

345 (1)(2) Equine and other agriculture-related industries
 346 ~~will~~ strengthen and benefit each other with the establishment of
 347 a statewide agriculture and horse facility.

348 (2)(3) The A Florida Agriculture Center and Horse Park
 349 provides ~~will provide~~ Florida with a unique tourist experience
 350 for visitors and residents, thus generating taxes and additional
 351 dollars for the state.

PCB ANRS 16-01

Page 13 of 46

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

352 ~~(3)(4)~~ Promoting the Florida Agriculture Center and Horse
 353 Park as a joint effort between the state and the private sector
 354 allows ~~will allow~~ this facility to use ~~utilize~~ experts and
 355 generate revenue from many areas to ensure the success of this
 356 facility.

357 Section 13. Paragraphs (b) and (c) of subsection (4) of
 358 section 570.685, Florida Statutes, are amended to read:

359 570.685 Florida Agriculture Center and Horse Park
 360 Authority.—

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

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

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

376 Section 14. Section 571.24, Florida Statutes, is amended
 377 to read:

378 571.24 Purpose; duties of the department.—The purpose of

379 | this part is to authorize the department to establish and
 380 | coordinate the Florida Agricultural Promotional Campaign. The
 381 | Legislature intends for the Florida Agricultural Promotion
 382 | Campaign to serve as a marketing program to promote Florida
 383 | agricultural commodities, value-added products, and agricultural
 384 | related businesses and not a food safety or traceability
 385 | program. The duties of the department shall include, but are not
 386 | limited to:

- 387 | (1) Developing logos and authorizing the use of logos as
- 388 | provided by rule.
- 389 | (2) Registering participants.
- 390 | (3) Assessing and collecting fees.
- 391 | (4) Collecting rental receipts for industry promotions.
- 392 | (5) Developing in-kind advertising programs.
- 393 | (6) Contracting with media representatives for the purpose
- 394 | of dispersing promotional materials.
- 395 | (7) Assisting the representative of the department who
- 396 | serves on the Florida Agricultural Promotional Campaign Advisory
- 397 | Council.
- 398 | ~~(8) Designating a division employee to be a member of the~~
- 399 | ~~Advertising Interagency Coordinating Council.~~
- 400 | (8)-(9) Adopting rules pursuant to ss. 120.536(1) and
- 401 | 120.54 to implement the provisions of this part.
- 402 | (9)-(10) Enforcing and administering the provisions of this
- 403 | part, including measures ensuring that only Florida agricultural
- 404 | or agricultural based products are marketed under the "Fresh
- 405 | From Florida" or "From Florida" logos or other logos of the

406 Florida Agricultural Promotional Campaign.

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

409 571.27 Rules.—The department is authorized to adopt rules
410 that implement, make specific, and interpret the provisions of
411 this part, ~~including rules for entering into contracts with~~
412 ~~advertising agencies for services which are directly related to~~
413 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
414 ~~establish the procedures for negotiating costs with the offerors~~
415 ~~of such advertising services who have been determined by the~~
416 ~~department to be qualified on the basis of technical merit,~~
417 ~~creative ability, and professional competency. Such~~
418 ~~determination of qualifications shall also include consideration~~
419 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
420 is further authorized to determine, by rule, the logos or
421 product identifiers to be depicted for use in advertising,
422 publicizing, and promoting the sale of Florida agricultural
423 products or agricultural-based products in the Florida
424 Agricultural Promotional Campaign. The department may also adopt
425 rules consistent ~~not inconsistent~~ with the provisions of this
426 part as in its judgment may be necessary for participant
427 registration, renewal of registration, classes of membership,
428 application forms, and ~~as well as~~ other forms and enforcement
429 measures ensuring compliance with this part.

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

432 571.28 Florida Agricultural Promotional Campaign Advisory

433 Council.-

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

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

450 576.041 Inspection fees; records.—

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

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

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

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

471 580.0365 Preemption of regulatory authority over
 472 commercial feed and feedstuff.— It is the intent of the
 473 legislature to eliminate duplication of regulation over
 474 commercial feed and feedstuff. Notwithstanding any other law to
 475 the contrary, the authority to regulate, inspect, sample and
 476 analyze any commercial feed or feedstuff distributed in this
 477 state and to exercise the powers and duties of regulation in
 478 this chapter, including the power to assess any penalties
 479 provide for violation of this chapter, is preempted to the
 480 department.

481 Section 19. Subsection (3) is added to section 581.181,
 482 Florida Statutes, to read:

483 581.181 Notice of infection of plants; destruction.—

484 (3) This section does not apply to plants or plant
 485 products infested with pests or noxious weeds that are
 486 determined to be widely established within the state and are not

487 specifically regulated under rules adopted by the department or
 488 under any other provisions of law.

489 Section 20. Subsections (1), (4), (5), (7), and (8) of
 490 section 582.01, Florida Statutes, are amended to read:

491 582.01 Definitions.—Wherever used or referred to in this
 492 chapter unless a different meaning clearly appears from the
 493 context:

494 (1) "District" ~~or "soil conservation district"~~ or "soil
 495 and water conservation district" means a governmental
 496 subdivision of this state, and a body corporate and politic,
 497 organized in accordance with the provisions of this chapter, for
 498 the purpose, with the powers, and subject to the provisions set
 499 forth in this chapter. The term "district" ~~or "soil conservation~~
 500 ~~district,"~~ when used in this chapter, means and includes a "soil
 501 and water conservation district." All districts heretofore or
 502 hereafter organized under this chapter shall be known as soil
 503 and water conservation districts and shall have all the powers
 504 set out herein.

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

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

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

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

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

532 582.02 Legislative policy and findings; purpose of
 533 districts ~~Lands a basic asset of state.-~~

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

540 (2) The Legislature finds that the farm, forest and

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

563 (3) The Legislature further finds that to ensure the
 564 preservation of this state's farm, forest, and grazing lands,
 565 green spaces, recreational areas, natural areas, and to
 566 conserve, protect, and utilize soil and water resources, it is
 567 necessary that appropriate land and water resources protection

568 practices be implemented.

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

577 Section 22. Section 582.03, Florida Statutes, is repealed.

578 Section 23. Section 582.04, Florida Statutes, is repealed.

579 Section 24. Section 582.05, Florida Statutes, is repealed.

580 Section 25. Section 582.055, Florida Statutes, is amended
 581 to read:

582 582.055 Powers and duties of the Department of Agriculture
 583 and Consumer Services; rules.—

584 (1) The provisions of this chapter shall be administered
 585 by the Department of Agriculture and Consumer Services.

586 (2) The department is authorized to receive gifts,
 587 appropriations, materials, equipment, lands, and facilities and
 588 to manage, operate, and disburse them for the use and benefit of
 589 the soil and water conservation districts of the state.

590 (3) The department shall provide for an annual audit of
 591 the accounts of receipts and disbursements.

592 (4) The department may furnish information and call upon
 593 any state or local agencies for cooperation in carrying out the
 594 provisions of this chapter.

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

599 (6) The department may seek cooperation and assistance of
 600 the United States and any of its agencies, and of agencies and
 601 counties of this state, in the work of such districts, including
 602 the receipt and expenditure of state, federal, and other funds
 603 or contributions.

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

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

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

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

616 582.06 Soil and Water Conservation Council; powers and
 617 duties.—

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

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

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

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

632 Section 27. Section 582.08, Florida Statutes, is repealed.

633 Section 28. Section 582.09, Florida Statutes, is repealed.

634 Section 29. Section 582.16, Florida Statutes, is amended
 635 to read:

636 582.16 Change of district boundaries ~~Addition of territory~~
 637 ~~to district or removal of territory therefrom.~~ Requests for
 638 increasing or reducing the boundaries of ~~Petitions for including~~
 639 ~~additional territory or removing territory within an existing~~
 640 ~~district may be filed with the~~ department ~~Department of~~
 641 ~~Agriculture and Consumer Services,~~ and the department shall
 642 follow the proceedings provided for in this chapter to create a
 643 district ~~in the case of petitions to organize a district shall~~
 644 ~~be observed in the case of petitions for such inclusion or~~
 645 ~~removal. The department shall prescribe the form for such~~
 646 ~~petition, which shall be as nearly as may be in the form~~
 647 ~~prescribed in this chapter for petitions to organize a district.~~
 648 ~~If the petition is signed by a majority of the landowners of~~

649 ~~such area, no referendum need be held. In referenda upon~~
 650 ~~petitions for such inclusions or removals, all owners of land~~
 651 ~~lying within the proposed area to be added or removed shall be~~
 652 ~~eligible to vote.~~

653 Section 30. Section 582.17, Florida Statutes, is repealed.

654 Section 31. Section 582.20, Florida Statutes, is amended
 655 to read:

656 582.20 Powers of districts and supervisors.—A soil and
 657 water conservation district organized under the provisions of
 658 this chapter shall constitute a governmental subdivision of this
 659 state, and a public body corporate and politic, exercising
 660 public powers, and such district and the supervisors thereof,
 661 shall have the following powers, in addition to others granted
 662 in other sections of this chapter:

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

676 ~~or any of its agencies;~~

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

681 (a) Within the district's boundaries;

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

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

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

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

703 ~~of improvement for flood prevention or the conservation,~~
 704 ~~development and utilization of soil and water resources, and the~~
 705 ~~disposal of water within the district's boundaries, territory~~
 706 ~~within another district's boundaries subject to the other~~
 707 ~~district's approval, or territory not contained within any~~
 708 ~~district's boundaries, including, but not limited to,~~
 709 ~~engineering operations, methods of cultivation, the growing of~~
 710 ~~vegetation, changes in use of land, and the measures listed in~~
 711 ~~s. 582.04 on lands owned or controlled by this state or any of~~
 712 ~~its agencies, with the cooperation of the agency administering~~
 713 ~~and having jurisdiction thereof, and on any other lands within~~
 714 ~~the district's boundaries, territory within another district's~~
 715 ~~boundaries subject to the other district's approval, or~~
 716 ~~territory not contained within any district's boundaries upon~~
 717 ~~obtaining the consent of the owner and the occupiers of such~~
 718 ~~lands or the necessary rights or interests in such lands;~~

719 (3)(4) To cooperate, or enter into agreements with, and
 720 ~~within the limits of appropriations duly made available to it by~~
 721 ~~law, to furnish financial or other aid to, any special district,~~
 722 ~~or municipal, county, or water management district, state or~~
 723 ~~federal agency, governmental or otherwise, or any owner or~~
 724 ~~occupier of lands within the district's boundaries, ~~territory~~~~
 725 ~~within another district's boundaries subject to the other~~
 726 ~~district's approval, or ~~territory~~ not contained within any~~
 727 ~~district's boundaries, to further the purpose of this chapter in~~
 728 ~~the carrying on of erosion control or prevention operations and~~
 729 ~~works of improvement for flood prevention or the conservation,~~

730 ~~development and utilization, of soil and water resources and the~~
 731 ~~disposal of water within the district's boundaries, territory~~
 732 ~~within another district's boundaries subject to the other~~
 733 ~~district's approval, or territory not contained within any~~
 734 ~~district's boundaries, subject to such conditions as the~~
 735 ~~supervisors may deem necessary to advance the purposes of this~~
 736 ~~chapter;~~

737 (4)~~(5)~~ To obtain options upon and to acquire, by purchase,
 738 exchange, lease, gift, grant, bequest, devise or otherwise, any
 739 property, real or personal, or rights or interests therein; to
 740 maintain, administer, and improve any properties acquired, to
 741 receive income from such properties and to expend such income in
 742 carrying out the purposes and provisions of this chapter; and to
 743 sell, lease, or otherwise dispose of any of its property or
 744 interests therein in furtherance of the purposes and the
 745 provisions of this chapter;

746 (5)~~(6)~~ To make available, on such terms as it shall
 747 prescribe, to landowners and occupiers within the district's
 748 boundaries, ~~territory~~ within another district's boundaries
 749 subject to the other district's approval, or on lands ~~territory~~
 750 not contained within any district's boundaries, agricultural and
 751 engineering machinery and equipment, ~~fertilizer, seeds and~~
 752 ~~seedlings~~, and such other material or equipment, that ~~as~~ will
 753 assist such landowners and occupiers to carry on operations upon
 754 their lands for the conservation and protection of soil and
 755 water resources ~~and for the prevention or control of soil~~
 756 ~~erosion and for flood prevention or the conservation,~~

757 ~~development and utilization, of soil and water resources and the~~
 758 ~~disposal of water;~~

759 (6)~~(7)~~ To construct, improve, operate and maintain such
 760 structures as may be necessary or convenient for the performance
 761 of any of the operations authorized in this chapter;

762 (7)~~(8)~~ To provide or assist in providing training and
 763 education programs that further the purposes of this chapter
 764 ~~develop comprehensive plans for the conservation of soil and~~
 765 ~~water resources and for the control and prevention of soil~~
 766 ~~erosion and for flood prevention or the conservation,~~
 767 ~~development and utilization of soil and water resources, and the~~
 768 ~~disposal of water within the district's boundaries, territory~~
 769 ~~within another district's boundaries subject to the other~~
 770 ~~district's approval, or territory not contained within any~~
 771 ~~district's boundaries, which plans shall specify in such detail~~
 772 ~~as may be possible the acts, procedures, performances, and~~
 773 ~~avoidances which are necessary or desirable for the effectuation~~
 774 ~~of such plans, including the specification of engineering~~
 775 ~~operations, methods of cultivation, the growing of vegetation,~~
 776 ~~cropping programs, tillage practices, and changes in use of~~
 777 ~~land; control of artesian wells; and to publish such plans and~~
 778 ~~information and bring them to the attention of owners and~~
 779 ~~occupiers of lands within the district's boundaries, territory~~
 780 ~~within another district's boundaries subject to the other~~
 781 ~~district's approval, or territory not contained within any~~
 782 ~~district's boundaries;~~

783 ~~(9) To take over, by purchase, lease, or otherwise, and to~~

784 ~~administer any soil conservation, erosion control, erosion-~~
 785 ~~prevention project, or any project for flood prevention or for~~
 786 ~~the conservation, development and utilization of soil and water~~
 787 ~~resources, and the disposal of water, located within the~~
 788 ~~district's boundaries, territory within another district's~~
 789 ~~boundaries subject to the other district's approval, or~~
 790 ~~territory not contained within any district's boundaries,~~
 791 ~~undertaken by the United States or any of its agencies, or by~~
 792 ~~this state or any of its agencies; to manage as agent of the~~
 793 ~~United States or any of its agencies, or of the state or any of~~
 794 ~~its agencies, any soil conservation, erosion control, erosion-~~
 795 ~~prevention, or any project for flood prevention or for the~~
 796 ~~conservation, development, and utilization of soil and water~~
 797 ~~resources, and the disposal of water within the district's~~
 798 ~~boundaries, territory within another district's boundaries~~
 799 ~~subject to the other district's approval, or territory not~~
 800 ~~contained within any district's boundaries; to act as agent for~~
 801 ~~the United States, or any of its agencies, or for the state or~~
 802 ~~any of its agencies, in connection with the acquisition,~~
 803 ~~construction, operation or administration of any soil-~~
 804 ~~conservation, erosion control, erosion prevention, or any~~
 805 ~~project for flood prevention or for the conservation,~~
 806 ~~development and utilization of soil and water resources, and the~~
 807 ~~disposal of water within the district's boundaries, territory~~
 808 ~~within another district's boundaries subject to the other~~
 809 ~~district's approval, or territory not contained within any~~
 810 ~~district's boundaries; to accept donations, gifts, and~~

811 ~~contributions in money, services, materials, or otherwise, from~~
 812 ~~the United States or any of its agencies, or from this state or~~
 813 ~~any of its agencies, or from others, and to use or expend such~~
 814 ~~moneys, services, materials or other contributions in carrying~~
 815 ~~on its operations;~~

816 (8)~~(10)~~ To sue and be sued in the name of the district; to
 817 have a seal, which seal shall be judicially noticed; to have
 818 perpetual succession unless terminated as provided in this
 819 chapter; to make and execute contracts and other instruments
 820 necessary or convenient to the exercise of its powers; upon a
 821 majority vote of the supervisors of the district, to borrow
 822 money and to execute promissory notes and other evidences of
 823 indebtedness in connection therewith, and to pledge, mortgage,
 824 and assign the income of the district and its personal property
 825 as security therefor, the notes and other evidences of
 826 indebtedness to be general obligations only of the district and
 827 in no event to constitute an indebtedness for which the faith
 828 and credit of the state or any of its revenues are pledged; ~~to~~
 829 ~~make, amend, and repeal rules and regulations not inconsistent~~
 830 ~~with this chapter to carry into effect its purposes and powers.~~

831 ~~(11) As a condition to the extending of any benefits under~~
 832 ~~this chapter to, or the performance of work upon, any lands not~~
 833 ~~owned or controlled by this state or any of its agencies, the~~
 834 ~~supervisors may require contributions in money, services,~~
 835 ~~materials, or otherwise to any operations conferring such~~
 836 ~~benefits, and may require landowners and occupiers to enter into~~
 837 ~~and perform such agreements or covenants as to the permanent use~~

838 ~~of such lands as will tend to prevent or control erosion and~~
 839 ~~prevent floodwater and sediment damages thereon;~~

840 (9) In coordination with the applicable county or
 841 counties, to use the services of the county agricultural agents
 842 and the facilities of their offices, if practicable and
 843 feasible. The supervisors also may employ additional permanent
 844 and temporary staff, as needed, and determine their
 845 qualifications, duties, and compensation. The supervisors may
 846 delegate to their chair, to one or more supervisors, or to
 847 employees such powers and duties as they may deem proper,
 848 consistent with the provisions of this chapter. The supervisors
 849 shall furnish to the department, upon request, copies of rules,
 850 orders, contracts, forms and other documents they adopt or
 851 employ, and other information concerning their activities it may
 852 require in the performance of its duties under this chapter;

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

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

861 (12) No provisions with respect to the acquisition,
 862 operation, or disposition of property by public bodies of this
 863 state shall be applicable to a district organized hereunder
 864 unless the Legislature shall specifically so state. The property

865 and property rights of every kind and nature acquired by any
 866 district organized under the provisions of this chapter shall be
 867 exempt from state, county, and other taxation.

868 Section 32. Section 582.21, Florida Statutes, is repealed.

869 Section 33. Section 582.22, Florida Statutes, is repealed.

870 Section 34. Section 582.23, Florida Statutes, is repealed.

871 Section 35. Section 582.24, Florida Statutes, is repealed.

872 Section 36. Section 582.25, Florida Statutes, is repealed.

873 Section 37. Section 582.26, Florida Statutes, is repealed.

874 Section 38. Section 582.29, Florida Statutes, is amended
 875 to read:

876 582.29 State agencies to cooperate.—Agencies of this state
 877 that ~~which shall~~ have jurisdiction over, or are ~~be~~ charged with,
 878 the administration of any state-owned lands, and of any county,
 879 or other governmental subdivision of the state, that ~~which shall~~
 880 have jurisdiction over, or are ~~be~~ charged with the
 881 administration of, any county-owned or other publicly owned
 882 lands, ~~lying within the boundaries of any district organized~~
 883 ~~under this chapter, the boundaries of another district subject~~
 884 ~~to that district's approval, or territory not contained within~~
 885 ~~the boundaries of any district organized under this chapter,~~
 886 shall cooperate to the fullest extent with the supervisors of
 887 such districts in the implementation ~~effectuation~~ of programs
 888 and operations undertaken by the supervisors under the
 889 provisions of this chapter. The supervisors of such districts
 890 shall be given free access to enter and perform work upon such
 891 publicly owned lands. ~~The provisions of land use regulations~~

892 ~~adopted shall be in all respects observed by the agencies~~
 893 ~~administering such publicly owned lands.~~

894 Section 39. Section 582.331, Florida Statutes, is
 895 repealed.

896 Section 40. Section 582.34, Florida Statutes, is repealed.

897 Section 41. Section 582.35, Florida Statutes, is repealed.

898 Section 42. Section 582.36, Florida Statutes, is repealed.

899 Section 43. Section 582.37, Florida Statutes, is repealed.

900 Section 44. Section 582.38, Florida Statutes, is repealed.

901 Section 45. Section 582.39, Florida Statutes, is repealed.

902 Section 46. Section 582.40, Florida Statutes, is repealed.

903 Section 47. Section 582.41, Florida Statutes, is repealed.

904 Section 48. Section 582.42, Florida Statutes, is repealed.

905 Section 49. Section 582.43, Florida Statutes, is repealed.

906 Section 50. Section 582.44, Florida Statutes, is repealed.

907 Section 51. Section 582.45, Florida Statutes, is repealed.

908 Section 52. Section 582.46, Florida Statutes, is repealed.

909 Section 53. Section 582.47, Florida Statutes, is repealed.

910 Section 54. Section 582.48, Florida Statutes, is repealed.

911 Section 55. Section 582.49, Florida Statutes, is repealed.

912 Section 56. Section 589.26, Florida Statutes, is repealed.

913 Section 57. Subsections (4) and (5) of section 595.402,
 914 Florida Statutes, are renumbered as subsections (5) and (6),
 915 respectively, and new subsections (4), (7), and (8) are added to
 916 that section, to read:

917 595.402 Definitions.—As used in this chapter, the term:

918 (4) "School breakfast program" means a program authorized

919 by section 4 of the Child Nutrition Act of 1966 and administered
 920 by the department.

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

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

926 Section 58. Subsections (5) and (12) of section 595.404,
 927 Florida Statutes, are amended, and subsection (13) is added to
 928 that section, to read:

929 595.404 School food and other nutrition programs ~~service~~
 930 ~~program~~; powers and duties of the department.—The department has
 931 the following powers and duties:

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

938 (3)-(2) To fully cooperate with the United States
 939 Government and its agencies and instrumentalities so that the
 940 department may receive the benefit of all federal financial
 941 allotments and assistance possible to carry out the purposes of
 942 this chapter.

943 (4)-(3) To implement and adopt by rule, as required,
 944 federal regulations ~~to maximize federal assistance for the~~
 945 ~~program.~~

946 (5)~~(4)~~ To act as agent of, or contract with, the Federal
 947 Government, another state agency, any county or municipal
 948 government, or sponsor for the administration of the program,
 949 including the distribution of funds provided by the Federal
 950 Government to support the program.

951 (6)~~(5)~~ To provide ~~make a reasonable effort to ensure that~~
 952 ~~any school designated as a "severe need school" receives~~ the
 953 highest rate of reimbursement to which it is entitled under 42
 954 U.S.C. s. 1773 for each breakfast meal served.

955 (7)~~(6)~~ To develop and propose legislation necessary to
 956 implement the program, encourage the development of innovative
 957 school food and nutrition services, and expand participation in
 958 the program.

959 (8)~~(7)~~ To annually allocate among the sponsors, as
 960 applicable, funds provided from the school breakfast supplement
 961 in the General Appropriations Act based on each district's total
 962 number of free and reduced-price breakfast meals served.

963 (9)~~(8)~~ To employ such persons as are necessary to perform
 964 its duties under this chapter.

965 (10)~~(9)~~ To adopt rules covering the administration,
 966 operation, and enforcement of the program, and the farmers'
 967 market nutrition program, as well as to implement the provisions
 968 of this chapter.

969 (11)~~(10)~~ To adopt and implement an appeal process by rule,
 970 as required by federal regulations, for applicants and
 971 participants under the programs implemented under this chapter
 972 ~~program~~, notwithstanding ss. 120.569 and 120.57-120.595.

973 (12)~~(11)~~ To assist, train, and review each sponsor in its
 974 implementation of the program.

975 (13)~~(12)~~ To advance funds from the program's annual
 976 appropriation to a summer nutrition program sponsor ~~sponsors~~,
 977 when requested, in order to implement the provisions of this
 978 chapter and in accordance with federal regulations.

979 (14) To collect data on food purchased through the
 980 programs defined in s. 595.402(3) and s. 595.406 and to publish
 981 that data annually.

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

985 Section 59. Section 595.405, Florida Statutes, is amended
 986 to read:

987 595.405 School nutrition program requirements ~~for school~~
 988 ~~districts and sponsors.~~-

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

994 (2) Each ~~school~~ district school board shall implement
 995 school breakfast programs that make breakfast meals available to
 996 all students in each elementary school that serves any
 997 combination of grades kindergarten through 5. ~~Universal school~~
 998 ~~breakfast programs shall be offered in schools in which 80~~
 999 ~~percent or more of the students are eligible for free or~~

1000 ~~reduced-price meals. Each school shall, to the maximum extent~~
 1001 ~~practicable, make breakfast meals available to students at an~~
 1002 ~~alternative site location, which may include, but need not be~~
 1003 ~~limited to, alternative breakfast options as described in~~
 1004 ~~publications of the Food and Nutrition Service of the United~~
 1005 ~~States Department of Agriculture for the federal School~~
 1006 ~~Breakfast Program.~~

1007 (3) Each ~~school~~ district school board must annually set
 1008 prices for breakfast meals at rates that, combined with federal
 1009 reimbursements and state allocations, are sufficient to defray
 1010 costs of school breakfast programs without requiring allocations
 1011 from the district's operating funds, except if the district
 1012 school board approves lower rates.

1013 ~~(4) Each school district is encouraged to provide~~
 1014 ~~universal, free school breakfast meals to all students in each~~
 1015 ~~elementary, middle, and high school. Each school district shall~~
 1016 ~~approve or disapprove a policy, after receiving public testimony~~
 1017 ~~concerning the proposed policy at two or more regular meetings,~~
 1018 ~~which makes universal, free school breakfast meals available to~~
 1019 ~~all students in each elementary, middle, and high school in~~
 1020 ~~which 80 percent or more of the students are eligible for free~~
 1021 ~~or reduced-price meals.~~

1022 ~~(4)~~⁽⁵⁾ Each elementary, middle, and high school operating
 1023 a breakfast program shall make a breakfast meal available if a
 1024 student arrives at school on the school bus less than 15 minutes
 1025 before the first bell rings and shall allow the student at least
 1026 15 minutes to eat the breakfast.

1027 (5) Each school district is encouraged to provide
 1028 universal, free school breakfast meals to all students in each
 1029 elementary, middle, and high school. A universal school
 1030 breakfast program shall be implemented in each school in which
 1031 80 percent or more of the students are eligible for free or
 1032 reduced-price meals, unless the district school board, after
 1033 considering public testimony at two or more regularly scheduled
 1034 board meetings, decides to not implement such a program in such
 1035 schools.

1036 (6) To increase school breakfast and universal school
 1037 breakfast program participation, each school district must, to
 1038 the maximum extent practicable, make breakfast meals available
 1039 to students through alternative service models as described in
 1040 publications of the Food and Nutrition Service of the United
 1041 States Department of Agriculture for the federal School
 1042 Breakfast Program.

1043 ~~(7)~~ (6) Each ~~school~~ district school board shall annually
 1044 provide ~~to all students in each elementary, middle, and high~~
 1045 ~~school~~ information prepared by the district's food service
 1046 administration regarding available ~~its~~ school breakfast
 1047 programs. The information shall be communicated through school
 1048 announcements and ~~written~~ notices sent to all parents.

1049 ~~(8)~~ (7) A ~~school~~ district school board may operate a
 1050 breakfast program providing for food preparation at the school
 1051 site or in central locations with distribution to designated
 1052 satellite schools or any combination thereof.

1053 ~~(8) Each sponsor shall complete all corrective action~~

PCB ANRS 16-01

2016

1054 ~~plans required by the department or a federal agency to be in~~
 1055 ~~compliance with the program.~~

1056 Section 60. Section 595.406, Florida Statutes, is amended
 1057 to read:

1058 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

1059 (1) In order to implement the Florida Farm to School ~~Fresh~~
 1060 ~~Schools~~ Program, the department shall develop policies
 1061 pertaining to school food services which encourage:

1062 (a) Sponsors to buy fresh and high-quality foods grown in
 1063 this state when feasible.

1064 (b) Farmers in this state to sell their products to
 1065 sponsors, school districts, and schools.

1066 (c) Sponsors to demonstrate a preference for competitively
 1067 priced organic food products.

1068 (d) Sponsors to make reasonable efforts to select foods
 1069 based on a preference for those that have maximum nutritional
 1070 content.

1071 (2) The department shall provide outreach, guidance, and
 1072 training to sponsors, schools, school food service directors,
 1073 parent and teacher organizations, and students about the benefit
 1074 of fresh food products from farms in this state.

1075 (3) The department may recognize sponsors who purchase at
 1076 least 10 percent of the food they serve from the Florida Farm to
 1077 School Program.

1078 Section 61. Subsection (2) of section 595.407, Florida
 1079 Statutes, is amended to read:

1080 595.407 Children's summer nutrition program.—

PCB ANRS 16-01

1081 (2) Each school district shall develop a plan to sponsor
 1082 or operate a summer nutrition program to operate sites in the
 1083 school district as follows:

1084 (a) Within 5 miles of at least one ~~elementary~~ school that
 1085 serves any combination of grades kindergarten through 5 at which
 1086 50 percent or more of the students are eligible for free or
 1087 reduced-price school meals and for the duration of 35
 1088 ~~consecutive~~ days between the end of the school year and the
 1089 beginning of the next school year. School districts may exclude
 1090 holidays and weekends.

1091 (b) Within 10 miles of each ~~elementary~~ school that serves
 1092 any combination of grades kindergarten through 5 at which 50
 1093 percent or more of the students are eligible for free or
 1094 reduced-price school meals, except as operated pursuant to
 1095 paragraph (a).

1096 Section 62. Section 595.408, Florida Statutes, is amended
 1097 to read:

1098 595.408 Food ~~Commodity~~ distribution services; department
 1099 responsibilities and functions.—

1100 (1)(a) The department shall conduct, supervise, and
 1101 administer all food ~~commodity~~ distribution services that will be
 1102 carried on using federal or state funds, or funds from any other
 1103 source, or food ~~commodities~~ received and distributed from the
 1104 United States or any of its agencies.

1105 (b) The department shall determine the benefits each
 1106 applicant or recipient of assistance is entitled to receive
 1107 under this chapter, provided that each applicant or recipient is

1108 a resident of this state and a citizen of the United States or
 1109 is an alien lawfully admitted for permanent residence or
 1110 otherwise permanently residing in the United States under color
 1111 of law.

1112 (2) The department shall cooperate fully with the United
 1113 States Government and its agencies and instrumentalities so that
 1114 the department may receive the benefit of all federal financial
 1115 allotments and assistance possible to carry out the purposes of
 1116 this chapter.

1117 (3) The department may:

1118 (a) Accept any duties with respect to food ~~commodity~~
 1119 distribution services as are delegated to it by an agency of the
 1120 federal government or any state, county, or municipal
 1121 government.

1122 (b) Act as agent of, or contract with, the federal
 1123 government, state government, or any county or municipal
 1124 government in the administration of food ~~commodity~~ distribution
 1125 services to secure the benefits of any public assistance that is
 1126 available from the federal government or any of its agencies,
 1127 and in the distribution of funds received from the federal
 1128 government, state government, or any county or municipal
 1129 government for food ~~commodity~~ distribution services within the
 1130 state.

1131 (c) Accept from any person or organization all offers of
 1132 personal services, food ~~commodities~~, or other aid or assistance.

1133 (4) This chapter does not limit, abrogate, or abridge the
 1134 powers and duties of any other state agency.

1135 Section 63. Section 595.501, Florida Statutes, is amended
 1136 to read:

1137 595.501 Penalties.—

1138 (1) When a corrective action plan is issued by the
 1139 department or a federal agency, each sponsor is required to
 1140 complete the corrective action plan to be in compliance with the
 1141 program.

1142 (2) Any person ~~or~~ sponsor, ~~or school district~~ that
 1143 violates any provision of this chapter or any rule adopted
 1144 thereunder or otherwise does not comply with the program is
 1145 subject to a suspension or revocation of their agreement, loss
 1146 of reimbursement, or a financial penalty in accordance with
 1147 federal or state law or both. This section does not restrict the
 1148 applicability of any other law.

1149 Section 64. Section 595.601, Florida Statutes, is amended
 1150 to read:

1151 595.601 Food and Nutrition Services Trust Fund.—Chapter
 1152 99-37, Laws of Florida, recreated the Food and Nutrition
 1153 Services Trust Fund to record revenue and disbursements of
 1154 Federal Food and Nutrition funds received by the department as
 1155 authorized in s. 595.404 and s. 595.408 ~~595.405~~.

1156 Section 65. Paragraphs (b) and (d) of subsection (1) and
 1157 subsection (2) of section 604.21, Florida Statutes, are amended
 1158 to read:

1159 604.21 Complaint; investigation; hearing.—

1160 (1)

1161 (b) To be considered timely filed, a complaint together

1162 with any required affidavit ~~affidavits or notarizations~~ must be
 1163 received by the department within 6 months after the date of
 1164 sale by electronic transmission, facsimile, regular mail,
 1165 certified mail, or private delivery service. If the complaint is
 1166 sent by a service other than electronic mail or facsimile, the
 1167 mailing shall be postmarked or dated on or before the 6-month
 1168 deadline to be accepted as timely filed.

1169 (d) A person, partnership, corporation, or other business
 1170 entity filing a complaint shall submit to the department the
 1171 following documents: a three ~~three~~ completed complaint affidavits on a
 1172 form provided by the department with an original signature of an
 1173 owner, partner, general partner, or corporate officer and an
 1174 original notarization on each affidavit. ~~If the complaint is~~
 1175 ~~filed by electronic transmission or facsimile, the original~~
 1176 ~~affidavits and original notarizations shall be filed with the~~
 1177 ~~department not later than the close of business of the tenth~~
 1178 ~~business day following the electronic transmission or facsimile~~
 1179 ~~filing.~~ Attached to the ~~each~~ complaint affidavit shall be copies
 1180 of all documents to support the complaint. Supporting documents
 1181 may be copies of invoices, bills of lading, packing or shipping
 1182 documents, demand letters, or any other documentation to support
 1183 the claim. In cases in which there are multiple invoices being
 1184 claimed, a summary list of all claimed invoices must accompany
 1185 the complaint.

1186 (2) Upon the filing of such complaint in the manner herein
 1187 provided, the department shall investigate the matters
 1188 complained of; whereupon, if, in the opinion of the department,

1189 the facts contained in the complaint warrant such action, the
 1190 department shall serve notice of the filing of complaint to the
 1191 dealer against whom the complaint has been filed at the last
 1192 address of record. Such notice shall be accompanied by a ~~true~~
 1193 copy of the complaint. A copy of such notice and complaint shall
 1194 also be served to the surety company, if any, that provided the
 1195 bond for the dealer, which surety company shall become party to
 1196 the action. Such notice of the complaint shall inform the dealer
 1197 of a reasonable time within which to answer the complaint by
 1198 advising the department in writing that the allegations in the
 1199 complaint are admitted or denied or that the complaint has been
 1200 satisfied. Such notice shall also inform the dealer and the
 1201 surety company or financial institution of a right to a hearing
 1202 on the complaint, if requested.

1203 Section 66. Section 604.33, Florida Statutes, is amended
 1204 to read:

1205 604.33 Security requirements for grain dealers.—Each grain
 1206 dealer doing business in the state shall maintain liquid
 1207 security, in the form of grain on hand, cash, certificates of
 1208 deposit, or other nonvolatile security that can be liquidated in
 1209 10 days or less, or cash bonds, surety bonds, or letters of
 1210 credit, that have been assigned to the department and that are
 1211 conditioned to secure the faithful accounting for and payment to
 1212 the producers for grain stored or purchased, in an amount equal
 1213 to the value of grain which the grain dealer has received from
 1214 grain producers for which the producers have not received
 1215 payment. The bonds must be executed by the applicant as

PCB ANRS 16-01

2016

1216 principal and by a surety corporation authorized to transact
1217 business in the state. The certificates of deposit and letters
1218 of credit must be from a recognized financial institution doing
1219 business in the United States. ~~Each grain dealer shall report to~~
1220 ~~the department monthly, on or before a date established by rule~~
1221 ~~of the department, the value of grain she or he has received~~
1222 ~~from producers for which the producers have not received payment~~
1223 ~~and the types of transaction involved, showing the value of each~~
1224 ~~type of transaction. The report shall also include a statement~~
1225 ~~showing the type and amount of security maintained to cover the~~
1226 ~~grain dealer's liability to producers. The department may shall~~
1227 make at least one spot check annually of each grain dealer to
1228 determine compliance with the requirements of this section.

1229 Section 67. This act shall take effect July 1, 2016.

PCB ANRS 16-01

Page 46 of 46

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V