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1 A bill to be entitled
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; amending s. 20.14, F.S.;
 4 establishing the Division of Food, Nutrition, and
 5 Wellness within the department; amending s. 253.002,
 6 F.S.; requiring the department to perform certain
 7 staff duties and functions for the Board of Trustees
 8 of the Internal Improvement Trust Fund related to
 9 conservation easements; amending s. 379.2523, F.S.;
 10 deleting references to the Aquaculture Interagency
 11 Coordinating Council to conform to the repeal by the
 12 act of provisions creating the council; amending s.
 13 379.2524, F.S.; deleting provisions that prohibit
 14 compensation and authorize per diem and travel
 15 expenses for members of the Sturgeon Production
 16 Working Group; amending s. 388.161, F.S.; revising the
 17 substances that mosquito control districts are
 18 authorized to use for controlling mosquito breeding;
 19 amending s. 388.201, F.S.; revising the date by which
 20 mosquito control districts must submit their certified
 21 budgets for approval by the department; amending s.
 22 388.323, F.S.; revising procedures for a county's or
 23 mosquito control district's disposal of certain
 24 surplus equipment; repealing s. 388.42, F.S., relating
 25 to the John A. Mulrennan, Sr., Arthropod Research
 26 Laboratory; amending s. 388.46, F.S.; revising the
 27 membership and responsibilities of the Florida
 28 Coordinating Council on Mosquito Control; revising the

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29 | duties of the council's Subcommittee on Managed
 30 | Marshes; amending s. 493.6104, F.S.; deleting
 31 | provisions that prohibit compensation and authorize
 32 | per diem and travel expenses for members of the
 33 | Private Investigation, Recovery, and Security Advisory
 34 | Council; amending s. 500.09, F.S.; authorizing the
 35 | department to adopt rules incorporating by reference
 36 | the federal model Food Code; amending ss. 500.147 and
 37 | 502.014, F.S.; deleting provisions for a food safety
 38 | pilot program and a permitting program for persons who
 39 | test milk or milk products; amending s. 502.053, F.S.;
 40 | deleting requirements for milkfat tester licenses;
 41 | amending s. 570.07, F.S.; authorizing the department
 42 | to accept and distribute funds to individuals under
 43 | certain circumstances; amending s. 570.0705, F.S.;
 44 | prohibiting members of certain advisory bodies from
 45 | receiving compensation, honoraria, per diem, or travel
 46 | expenses except under certain circumstances; repealing
 47 | s. 570.071, F.S., relating to the Florida Agricultural
 48 | Exposition and the receipt and expenditure of funds
 49 | for the exposition; amending s. 570.074, F.S.;
 50 | renaming and revising the policy jurisdiction of the
 51 | department's Office of Energy and Water; amending s.
 52 | 570.18, F.S.; conforming cross-references; repealing
 53 | s. 570.29, F.S., relating to divisions of the
 54 | Department of Agriculture and Consumer Services;
 55 | repealing s. 570.34, F.S., relating to the Plant
 56 | Industry Technical Council; creating s. 570.451, F.S.;

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57 | creating the Agricultural Feed, Seed, and Fertilizer
 58 | Advisory Council; providing for the council's powers
 59 | and duties and the appointment of council members;
 60 | amending ss. 570.53 and 570.54, F.S.; conforming
 61 | cross-references; amending s. 573.112, F.S.; providing
 62 | that members of the Citrus Research and Development
 63 | Foundation's board of directors are entitled to
 64 | reimbursement for per diem and travel expenses;
 65 | amending s. 573.118, F.S.; revising requirements for
 66 | the accounting and review of collections and
 67 | expenditures from agricultural commodity marketing
 68 | order assessments; deleting requirements for the audit
 69 | of such accounts; amending s. 576.045, F.S.; revising
 70 | the expiration dates of certain provisions regulating
 71 | fertilizers containing nitrogen or phosphorous;
 72 | amending s. 576.071, F.S.; deleting a reference to the
 73 | Fertilizer Technical Council to conform to the repeal
 74 | by the act of provisions creating the council;
 75 | repealing ss. 576.091 and 578.30, F.S., relating to
 76 | the Fertilizer Technical Council and Seed Technical
 77 | Council; amending s. 580.041, F.S.; revising the
 78 | reporting requirements and penalties for violations by
 79 | distributors of commercial feed; amending s. 580.131,
 80 | F.S.; revising requirements for the assessment of
 81 | penalties and enforcement of violations by
 82 | manufacturers and distributors of commercial feed or
 83 | feedstuff; authorizing the department to assess
 84 | penalties; requiring registered distributors of

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85 commercial feed to pay such penalties to consumers
 86 within a specified period; imposing additional
 87 penalties for nonpayment; providing for the deposit
 88 and use of certain funds paid to the department;
 89 repealing s. 580.151, F.S., relating to the Commercial
 90 Feed Technical Council; amending s. 581.011, F.S.;
 91 conforming provisions; amending s. 581.145, F.S.;
 92 revising requirements for the issuance of permits to
 93 aquaculture producers for the transport and sale of
 94 water hyacinths to other states and countries;
 95 amending s. 582.06, F.S.; revising requirements for
 96 the composition and appointment of members of the Soil
 97 and Water Conservation Council and the reimbursement
 98 of members for per diem and travel expenses; amending
 99 ss. 582.20 and 582.29, F.S.; revising the geographic
 100 jurisdiction of soil and water conservation districts
 101 to include territory contiguous to the districts'
 102 boundaries; amending s. 582.30, F.S.; revising
 103 requirements and procedures for the dissolution or
 104 discontinuance of soil and water conservation
 105 districts; revising notice requirements for such
 106 proposed dissolution or discontinuance; amending s.
 107 582.31, F.S.; revising requirements for payment of the
 108 proceeds from the sale of property of a dissolving
 109 soil and water conservation district to the State
 110 Treasury; amending s. 582.32, F.S.; deleting
 111 requirements that the department assume the rights and
 112 obligations of a dissolved soil and water conservation

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113 | district for liens and actions; conforming provisions;
 114 | repealing s. 585.155, F.S., relating to the inspection
 115 | and vaccination of cattle for brucellosis; amending s.
 116 | 589.03, F.S.; deleting requirement that members of the
 117 | Florida Forestry Council be reimbursed for per diem
 118 | and travel expenses; amending s. 589.19, F.S.;
 119 | renaming the "Wounded Warrior Special Hunt Areas" of
 120 | the state forests; conforming obsolete references to
 121 | the former Division of Forestry; amending s. 589.277,
 122 | F.S.; revising requirements for the deposit of
 123 | contributions for tree planting programs; conforming
 124 | obsolete references to the former Division of
 125 | Forestry; amending s. 590.02, F.S.; specifying that
 126 | state and local government agencies other than the
 127 | Florida Forest Service may not enforce regulations of
 128 | broadcast burning or agricultural and silvicultural
 129 | pile burning except under certain circumstances;
 130 | conforming obsolete references to the former Division
 131 | of Forestry; amending ss. 597.0021 and 597.003, F.S.;
 132 | deleting references to the Aquaculture Interagency
 133 | Coordinating Council to conform to the repeal by the
 134 | act of provisions creating the council; amending s.
 135 | 597.004, F.S.; authorizing the waiver of aquaculture
 136 | registration fees for certain schools; amending s.
 137 | 597.005, F.S.; revising the composition of the
 138 | Aquaculture Review Council to conform to the repeal by
 139 | the act of provisions creating the Aquaculture
 140 | Interagency Coordinating Council; revising the

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141 legislative committees to whom the Aquaculture Review
 142 Council must provide analyses of unresolved industry
 143 issues; repealing s. 597.006, F.S., relating to the
 144 Aquaculture Interagency Coordinating Council; amending
 145 s. 616.252, F.S.; providing for the reimbursement of
 146 members of the Florida State Fair Authority for per
 147 diem and travel expenses; providing an effective date.
 148

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

150

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

153 20.14 Department of Agriculture and Consumer Services.—
 154 There is created a Department of Agriculture and Consumer
 155 Services.

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

158 (m) Food, Nutrition, and Wellness.

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

161 253.002 Department of Environmental Protection, water
 162 management districts, Fish and Wildlife Conservation Commission,
 163 and Department of Agriculture and Consumer Services; duties with
 164 respect to state lands.—

165 (1) The Department of Environmental Protection shall
 166 perform all staff duties and functions related to the
 167 acquisition, administration, and disposition of state lands,
 168 title to which is or will be vested in the Board of Trustees of

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169 the Internal Improvement Trust Fund. However, upon the effective
 170 date of rules adopted pursuant to s. 373.427, a water management
 171 district created under s. 373.069 shall perform the staff duties
 172 and functions related to the review of any application for
 173 authorization to use board of trustees-owned submerged lands
 174 necessary for an activity regulated under part IV of chapter 373
 175 for which the water management district has permitting
 176 responsibility as set forth in an operating agreement adopted
 177 pursuant to s. 373.046(4). ~~and~~ The Department of Agriculture
 178 and Consumer Services shall perform the staff duties and
 179 functions related to the review of applications and compliance
 180 with conditions for use of board of trustees-owned submerged
 181 lands under authorizations or leases issued pursuant to ss.
 182 253.67-253.75 and 597.010 and the acquisition, administration,
 183 and disposition of conservation easements pursuant to s. 570.71.
 184 Unless expressly prohibited by law, the board of trustees may
 185 delegate to the department any statutory duty or obligation
 186 relating to the acquisition, administration, or disposition of
 187 lands, title to which is or will be vested in the board of
 188 trustees. The board of trustees may also delegate to any water
 189 management district created under s. 373.069 the authority to
 190 take final agency action, without any action on behalf of the
 191 board, on applications for authorization to use board of
 192 trustees-owned submerged lands for any activity regulated under
 193 part IV of chapter 373 for which the water management district
 194 has permitting responsibility as set forth in an operating
 195 agreement adopted pursuant to s. 373.046(4). This water
 196 management district responsibility under this subsection shall

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197 | be subject to the department's general supervisory authority
 198 | pursuant to s. 373.026(7). The board of trustees may also
 199 | delegate to the Department of Agriculture and Consumer Services
 200 | the authority to take final agency action on behalf of the board
 201 | on applications to use board of trustees-owned submerged lands
 202 | for any activity for which that department has responsibility
 203 | pursuant to ss. 253.67-253.75, 369.25, 369.251, and 597.010.
 204 | However, the board of trustees shall retain the authority to
 205 | take final agency action on establishing any areas for leasing,
 206 | new leases, expanding existing lease areas, or changing the type
 207 | of lease activity in existing leases. Upon issuance of an
 208 | aquaculture lease or other real property transaction relating to
 209 | aquaculture, the Department of Agriculture and Consumer Services
 210 | must send a copy of the document and the accompanying survey to
 211 | the Department of Environmental Protection. The board of
 212 | trustees may also delegate to the Fish and Wildlife Conservation
 213 | Commission the authority to take final agency action, without
 214 | any action on behalf of the board, on applications for
 215 | authorization to use board of trustees-owned submerged lands for
 216 | any activity regulated under ss. 369.20 and 369.22.

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

220 | 379.2523 Aquaculture definitions; marine aquaculture
 221 | products, producers, and facilities.—

222 | (5) The department shall:

223 | (a) Coordinate with the Aquaculture Review Council, ~~the~~
 224 | ~~Aquaculture Interagency Coordinating Council,~~ and the Department

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225 of Agriculture and Consumer Services when developing criteria
 226 for aquaculture general permits.

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

230 (b) Facilitating aquaculture research on life histories,
 231 stock enhancement, and alternative species, and providing
 232 research results that would assist in the evaluation,
 233 development, and commercial production of candidate species for
 234 aquaculture, including:

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

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

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

251 4. Developing a working group, in cooperation with the
 252 Department of Agriculture and Consumer Services and⁷ the

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253 Aquaculture Review Council, ~~and the Aquaculture Interagency~~
 254 ~~Coordinating Council~~, to plan and facilitate the development of
 255 private marine fish and nonfish hatcheries and to encourage
 256 private/public partnerships to promote the production of marine
 257 aquaculture products.

258 Section 4. Paragraph (c) of subsection (3) of section
 259 379.2524, Florida Statutes, is amended to read:

260 379.2524 Commercial production of sturgeon.—

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

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

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

271 388.161 District boards of commissioners; powers and
 272 duties.—

273 (1) The board of commissioners may do any and all things
 274 necessary for the control and elimination of all species of
 275 mosquitoes and other arthropods of public health importance and
 276 the board of commissioners is specifically authorized to provide
 277 for the construction and maintenance of canals, ditches, drains,
 278 dikes, fills, and other necessary works and to install and
 279 maintain pumps, excavators, and other machinery and equipment,
 280 to use pesticides registered ~~oil, larvicide paris green, or any~~

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281 ~~other chemicals approved~~ by the department but only in such
 282 quantities as may be necessary to control mosquito breeding and
 283 not be detrimental to fish life.

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

286 388.201 District budgets; hearing.—

287 (4) The governing board:

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

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

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

298 388.323 Disposal of surplus property.—Surplus property
 299 shall be disposed of according to the provisions set forth in s.
 300 274.05 with the following exceptions:

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

308 (2) The alternative procedure for disposal of surplus

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309 property, as prescribed in s. 274.06, shall be followed if it is
 310 ~~has been~~ determined that no other county or, district engaged in
 311 arthropod control, ~~governmental unit, or private nonprofit~~
 312 ~~agency~~ has need for the equipment.

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

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

316 388.46 Florida Coordinating Council on Mosquito Control;
 317 establishment; membership; organization; responsibilities.—

318 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

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

322 1. The Secretary of Environmental Protection and the State
 323 Surgeon General;

324 2. The executive director of the Fish and Wildlife
 325 Conservation Commission;

326 3. The state epidemiologist;

327 4. The Commissioner of Agriculture; and

328 5. Representatives from:

329 a. The University of Florida, Institute of Food and
 330 Agricultural Sciences, Florida Medical Entomological Research
 331 Laboratory;

332 ~~b. Florida Agricultural and Mechanical University;~~

333 b. e. The United States Environmental Protection Agency;

334 c. d. The United States Department of Agriculture, Insects
 335 Affecting Man Laboratory;

336 d. e. The United States Fish and Wildlife Service;

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337 e. ~~f.~~ Two mosquito control directors to be nominated by
 338 the Florida Mosquito Control Association, two representatives of
 339 Florida environmental groups, and two private citizens who are
 340 property owners whose lands are regularly subject to mosquito
 341 control operations, to be appointed to 4-year terms by the
 342 Commissioner of Agriculture; and

343 f. ~~g.~~ The Board of Trustees of the Internal Improvement
 344 Trust Fund.

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

361 (c) Responsibilities.—The council shall:

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

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

368 ~~2.3.~~ Develop and recommend to the department a request for
 369 proposal process for arthropod control research.

370 ~~3.4.~~ Identify potential funding sources for research or
 371 implementation projects and evaluate and prioritize proposals
 372 upon request by the funding source.

373 ~~4.5.~~ Prepare and present reports, as needed, on arthropod
 374 control activities in the state to the Pesticide Review Council,
 375 ~~the Florida Coastal Management Program Interagency Management~~
 376 ~~Committee,~~ and other governmental organizations, as appropriate.

377 Section 10. Subsections (7) and (8) of section 493.6104,
 378 Florida Statutes, are renumbered as subsections (6) and (7),
 379 respectively, and present subsection (6) is amended to read:
 380 493.6104 Advisory council.-

381 ~~(6) Council members shall serve without pay; however,~~
 382 ~~state per diem and travel allowances may be claimed for~~
 383 ~~attendance at officially called meetings as provided by s.~~
 384 ~~112.061.~~

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

387 500.09 Rulemaking; analytical work.-

388 (3) The department may adopt rules necessary for the
 389 efficient enforcement of this chapter. Such rules must be
 390 consistent with those adopted under the federal act in regard to
 391 food and, to this end, may adopt by reference those rules and
 392 the current edition of the model Food Code issued by the United

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393 States Food and Drug Administration, when applicable and
 394 practicable.

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

397 500.147 Inspection of food establishments and vehicles;
 398 ~~food safety pilot program.-~~

399 ~~(6) The department is authorized to initiate a food safety~~
 400 ~~pilot program establishing a special, documented food inspection~~
 401 ~~program based on sound science principles of the Hazard Analysis~~
 402 ~~Critical Control Point (HACCP) system and involving cooperative~~
 403 ~~compliance efforts of both the department and the food~~
 404 ~~establishment to assure consumers a safe, wholesome, and~~
 405 ~~properly labeled food supply. A food establishment shall be~~
 406 ~~eligible for such a pilot program only if program criteria are~~
 407 ~~met. Criteria used to establish this special program include,~~
 408 ~~but are not limited to, the following:~~

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

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

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

416 ~~(d) "Self inspection" records of the food establishment~~
 417 ~~made available for review by the department.-~~

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

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

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

426 Section 13. Subsections (4) through (7) of section
 427 502.014, Florida Statutes, are renumbered as subsections (3)
 428 through (6), respectively, and present subsection (3) is amended
 429 to read:

430 502.014 Powers and duties.—

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

436 Section 14. Paragraphs (c) and (d) of subsection (1),
 437 subsection (2), and paragraphs (a) and (e) of subsection (3) of
 438 section 502.053, Florida Statutes, are amended to read:

439 502.053 Permits and ~~licenses~~; fees; requirements;
 440 exemptions; temporary permits.—

441 (1) ~~PERMITS AND LICENSES.~~—

442 ~~(c) Any person who tests milk or milk products for milkfat~~
 443 ~~content by weight, volume, chemical, electronic, or other method~~
 444 ~~when the result of such test is used as a basis for payment for~~
 445 ~~the milk or milk products must apply to the department for a~~
 446 ~~license. To qualify for a license, the applicant must~~
 447 ~~demonstrate a sufficiency of knowledge, ability, and equipment~~
 448 ~~to adequately perform milkfat tests. The license shall be issued~~

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449 ~~for a period of 2 years after the date of first issuance upon~~
 450 ~~application to the department on forms prescribed by the~~
 451 ~~department.~~

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

455 (2) FEES.—

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

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

461 (3) REQUIREMENTS.—

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

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

473 Section 15. Subsection (42) of section 570.07, Florida
 474 Statutes, is renumbered as subsection (43), and a new subsection
 475 (42) is added to that section to read:

476 570.07 Department of Agriculture and Consumer Services;

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477 functions, powers, and duties.—The department shall have and
 478 exercise the following functions, powers, and duties:

479 (42) To accept grants or other funds to distribute to
 480 individuals when such funds are provided pursuant to an
 481 agreement.

482 Section 16. Subsection (9) of section 570.0705, Florida
 483 Statutes, is amended to read:

484 570.0705 Advisory committees.—From time to time the
 485 commissioner may appoint any advisory committee to assist the
 486 department with its duties and responsibilities.

487 (9) Notwithstanding s. 20.052(4)(d), members of each
 488 advisory committee, council, board, working group, task force,
 489 or other advisory body created by law within the department or
 490 created by the department under this section, may not shall
 491 receive ne compensation or honoraria, or per diem and
 492 reimbursement for travel expenses as provided in s. 112.061,
 493 unless specifically authorized by the commissioner for their
 494 services.

495 Section 17. Section 570.071, Florida Statutes, is
 496 repealed.

497 Section 18. Section 570.074, Florida Statutes, is amended
 498 to read:

499 570.074 Department of Agriculture and Consumer Services;
 500 ~~energy and~~ water policy.—The commissioner may create an Office
 501 of Agricultural Energy and Water Policy under the supervision of
 502 a senior manager exempt under s. 110.205 in the Senior
 503 Management Service. The commissioner may designate the bureaus
 504 and positions in the various organizational divisions of the

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505 department that report to this office relating to any matter
 506 over which the department has jurisdiction in matters relating
 507 to ~~energy and~~ water policy affecting agriculture, application of
 508 such policies, and coordination of such matters with state and
 509 federal agencies.

510 Section 19. Section 570.18, Florida Statutes, is amended
 511 to read:

512 570.18 Organization of departmental work.—In the
 513 assignment of functions to the divisions of the department
 514 created in s. 20.14 ~~570.29~~, the department shall retain within
 515 the Division of Administration, in addition to executive
 516 functions, those powers and duties enumerated in s. 570.30. The
 517 department shall organize the work of the other divisions in
 518 such a way as to secure maximum efficiency in the conduct of the
 519 department. The divisions created in s. 20.14 ~~570.29~~ are solely
 520 to make possible the definite placing of responsibility. The
 521 department shall be conducted as a unit in which every employee,
 522 including each division director, is assigned a definite
 523 workload, and there shall exist between division directors a
 524 spirit of cooperative effort to accomplish the work of the
 525 department.

526 Section 20. Section 570.29, Florida Statutes, is repealed.

527 Section 21. Section 570.34, Florida Statutes, is repealed.

528 Section 22. Section 570.451, Florida Statutes, is created
 529 to read:

530 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
 531 Council.—

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

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

536 (a) One representative of the department.

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

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

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

545
 546 Each member shall be appointed for a term of up to 4 years and
 547 shall serve until his or her successor is appointed.

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

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

558 (c) The council shall meet at the call of its chair, at
 559 the request of a majority of its members, at the request of the

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560 department, or at such time as an agricultural or environmental
 561 emergency arises, but not less than twice per year.

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

566 (4) The council shall:

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

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

574 (c) Receive reports on disciplinary actions.

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

578 Section 23. Paragraph (e) of subsection (6) of section
 579 570.53, Florida Statutes, is amended to read:

580 570.53 Division of Marketing and Development; powers and
 581 duties.—The powers and duties of the Division of Marketing and
 582 Development include, but are not limited to:

583 (6)

584 (e) Extending in every practicable way the distribution
 585 and sale of Florida agricultural products throughout the markets
 586 of the world as required of the department by s. ~~ss.~~ 570.07(7),
 587 (8), (10), and (11) and ~~570.071~~ and chapters 571, 573, and 574.

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588 Section 24. Subsection (2) of section 570.54, Florida
 589 Statutes, is amended to read:

590 570.54 Director; duties.—

591 (2) It shall be the duty of the director of this division
 592 to supervise, direct, and coordinate the activities authorized
 593 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
 594 (20), ~~570.071,~~ 570.21, 534.47-534.53, and 604.15-604.34 and
 595 chapters 504, 571, 573, and 574 and to exercise other powers and
 596 authority as authorized by the department.

597 Section 25. Subsection (7) of section 573.112, Florida
 598 Statutes, is amended to read:

599 573.112 Advisory council.—

600 (7) Notwithstanding any provision of this section, the
 601 Citrus Research and Development Foundation, Inc., a direct-
 602 support organization of the University of Florida established
 603 pursuant to s. 1004.28, shall serve as the advisory council for
 604 a citrus research marketing order, provide the department with
 605 advice on administering the order, and, in accordance with the
 606 order, conduct citrus research and perform other duties assigned
 607 by the department. Notwithstanding s. 1004.28(3) or any
 608 provision of this section, the foundation's board of directors
 609 shall be composed of 13 members, including 10 citrus growers, 2
 610 representatives of the university's Institute of Food and
 611 Agricultural Sciences, and 1 member appointed by the
 612 Commissioner of Agriculture, who are each entitled to receive
 613 reimbursement for per diem and travel expenses as provided in s.
 614 112.061.

615 Section 26. Subsection (4) of section 573.118, Florida

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616 Statutes, is amended to read:

617 573.118 Assessment; funds; review of accounts ~~audit~~;
618 loans.—

619 (4) In the event of levying and collecting of assessments,
620 for each fiscal year in which assessment funds are received by
621 the department, the department shall maintain records of
622 collections and expenditures for each marketing order separately
623 within the state's accounting system. If requested by an
624 advisory council, department staff shall cause to be made a
625 thorough review ~~annual audit~~ of the ~~books and accounts by a~~
626 ~~certified public accountant~~, such review ~~audit~~ to be completed
627 within 60 days after the request is received ~~end of the fiscal~~
628 ~~year~~. The department and all producers and handlers covered by
629 the marketing order shall be properly advised of the details of
630 the review ~~annual official audit~~ of the account ~~accounts as~~
631 ~~shown by the certified public accountant~~ within 30 days after ~~of~~
632 the review ~~audit~~.

633 Section 27. Subsection (8) of section 576.045, Florida
634 Statutes, is amended to read:

635 576.045 Nitrogen and phosphorus; findings and intent;
636 fees; purpose; best management practices; waiver of liability;
637 compliance; rules; exclusions; expiration.—

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

641 Section 28. Section 576.071, Florida Statutes, is amended
642 to read:

643 576.071 Commercial value.—The commercial value used in

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644 assessing penalties for any deficiency shall be determined by
 645 using annualized plant nutrient values contained in one or more
 646 generally recognized journals ~~recommended by the Fertilizer~~
 647 ~~Technical Council.~~

648 Section 29. Section 576.091, Florida Statutes, is
 649 repealed.

650 Section 30. Section 578.30, Florida Statutes, is repealed.

651 Section 31. Paragraph (c) of subsection (1) and subsection
 652 (3) of section 580.041, Florida Statutes, are amended to read:

653 580.041 Master registration; fee; refusal or cancellation
 654 of registration; reporting.-

655 (1)

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

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

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

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

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672 ~~4.3.~~ Allowing the department to verify the accuracy of
 673 reported type and tonnage and to otherwise examine pertinent
 674 records at reasonable times.

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

680 Section 32. Section 580.131, Florida Statutes, is amended
 681 to read:

682 580.131 Penalty payable to consumer.—

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

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

695 (b)~~(2)~~ If a certified laboratory analysis shows that any
 696 feed is deficient in fat by more than five-tenths percent fat,
 697 \$4 per ton for each percent fat deficiency shall be assessed
 698 against the manufacturer or distributor.

699 (c)~~(3)~~ If a certified laboratory analysis shows that any

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700 feed bearing a maximum guarantee of not more than 20 percent
 701 fiber exceeds this guarantee by more than 1 percent fiber, or if
 702 the analysis shows that any feed bearing a maximum guarantee of
 703 more than 20 percent fiber exceeds this guarantee by more than 2
 704 percent fiber, \$4 per ton for each percent fiber excess shall be
 705 assessed against the manufacturer or distributor.

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

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

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

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

725 (2) (a) Within 60 days after the department notifies a
 726 registrant in writing of any penalty assessed under this
 727 section, the registrant shall pay the penalty to the consumer.

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728 If the consumer's identity cannot be determined, the registrant
 729 shall, within the 60-day period, pay the assessed penalty to the
 730 department.

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

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

740 Section 33. Section 580.151, Florida Statutes, is
 741 repealed.

742 Section 34. Subsection (30) of section 581.011, Florida
 743 Statutes, is amended to read:

744 581.011 Definitions.—As used in this chapter:

745 ~~(30) "Technical council" means the Plant Industry~~
 746 ~~Technical Council.~~

747 Section 35. Subsection (3) of section 581.145, Florida
 748 Statutes, is amended to read:

749 581.145 Aquatic plant nursery registration; special permit
 750 requirements.—

751 (3) Notwithstanding any other provision of state or
 752 federal law, the Department of Agriculture and Consumer Services
 753 shall issue, by request, a permit to the aquaculture producer to
 754 engage in the business of transporting and selling ~~exporting~~
 755 water hyacinths (*Eichhornia* spp.) only to other states or

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756 | countries that permit such transportation and sale ~~other than~~
 757 | ~~the United States and only~~ when such ~~water hyacinths are~~
 758 | ~~cultivated in a nursery for the sole purpose of exportation and~~
 759 | ~~the~~ aquaculture activities have ~~activity has~~ been certified by
 760 | the Department of Agriculture and Consumer Services. In
 761 | accordance with any appropriate state or federal law or United
 762 | States treaty, a ~~no~~ Florida aquaculture producer may not ~~shall~~
 763 | ship water hyacinths to other states or countries ~~other than the~~
 764 | ~~United States~~ under such a permit for the purpose of importing
 765 | water hyacinths back into Florida ~~the United States, nor shall~~
 766 | ~~drop shipments be made to any other destination within the~~
 767 | ~~United States. This subsection does not~~ provision shall in no
 768 | way restrict or interfere with the ~~Department of Environmental~~
 769 | ~~Protection's~~ efforts of the Fish and Wildlife Conservation
 770 | Commission, or the efforts ~~those~~ of any other agency or local
 771 | government with responsibilities for the management of noxious
 772 | aquatic plants, to control or eradicate noxious nonnursery
 773 | aquatic plants, including water hyacinths. This subsection may
 774 | ~~provision shall~~ not be considered ~~a consideration~~ in the
 775 | approval or the release of biological control agents for water
 776 | hyacinths or any other noxious aquatic plants.

777 | Section 36. Section 582.06, Florida Statutes, is amended
 778 | to read:

779 | 582.06 Soil and Water Conservation Council; powers and
 780 | duties.—

781 | (1) COMPOSITION.—The Soil and Water Conservation Council
 782 | is created in the Department of Agriculture and Consumer
 783 | Services and shall be composed of 7 ~~23~~ members ~~as follows:~~

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

790 ~~(b) Twelve members shall include one representative each~~
 791 ~~from the Department of Environmental Protection, the five water~~
 792 ~~management districts, the Institute of Food and Agricultural~~
 793 ~~Sciences at the University of Florida, the United States~~
 794 ~~Department of Agriculture Natural Resources Conservation~~
 795 ~~Service, the Florida Association of Counties, and the Florida~~
 796 ~~League of Cities and two representatives of environmental~~
 797 ~~interests.~~

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

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

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

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812 Section 37. Subsections (2), (3), (4), (6), (8), and (9)
 813 of section 582.20, Florida Statutes, are amended to read:

814 582.20 Powers of districts and supervisors.—A soil and
 815 water conservation district organized under the provisions of
 816 this chapter shall constitute a governmental subdivision of this
 817 state, and a public body corporate and politic, exercising
 818 public powers, and such district and the supervisors thereof,
 819 shall have the following powers, in addition to others granted
 820 in other sections of this chapter:

821 (2) To conduct demonstrational projects within the
 822 district's boundaries or territory contiguous to the district's
 823 boundaries ~~district~~ on lands owned or controlled by this state
 824 or any of its agencies, with the cooperation of the agency
 825 administering and having jurisdiction thereof, and on any other
 826 lands within the district's boundaries or territory contiguous
 827 to the district's boundaries ~~district~~ upon obtaining the consent
 828 of the owner and occupiers of such lands or the necessary rights
 829 or interests in such lands, in order to demonstrate by example
 830 the means, methods, and measures by which soil and soil
 831 resources may be conserved, and soil erosion in the form of soil
 832 blowing and soil washing may be prevented and controlled, and
 833 works of improvement for flood prevention or the conservation,
 834 development and utilization of soil and water resources, and the
 835 disposal of water may be carried out;

836 (3) To carry out preventive and control measures and works
 837 of improvement for flood prevention or the conservation,
 838 development and utilization of soil and water resources, and the
 839 disposal of water within the district's boundaries or territory

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840 contiguous to the district's boundaries ~~district~~, including, but
 841 not limited to, engineering operations, methods of cultivation,
 842 the growing of vegetation, changes in use of land, and the
 843 measures listed in s. 582.04 on lands owned or controlled by
 844 this state or any of its agencies, with the cooperation of the
 845 agency administering and having jurisdiction thereof, and on any
 846 other lands within the district's boundaries or territory
 847 contiguous to the district's boundaries ~~district~~ upon obtaining
 848 the consent of the owner and the occupiers of such lands or the
 849 necessary rights or interests in such lands;

850 (4) To cooperate, or enter into agreements with, and
 851 within the limits of appropriations duly made available to it by
 852 law, to furnish financial or other aid to, any agency,
 853 governmental or otherwise, or any owner or occupier of lands
 854 within the district's boundaries or territory contiguous to the
 855 district's boundaries ~~district~~, in the carrying on of erosion
 856 control or prevention operations and works of improvement for
 857 flood prevention or the conservation, development and
 858 utilization, of soil and water resources and the disposal of
 859 water within the district's boundaries or territory contiguous
 860 to the district's boundaries ~~district~~, subject to such
 861 conditions as the supervisors may deem necessary to advance the
 862 purposes of this chapter;

863 (6) To make available, on such terms as it shall
 864 prescribe, to landowners and occupiers within the district's
 865 boundaries or territory contiguous to the district's boundaries
 866 ~~district~~, agricultural and engineering machinery and equipment,
 867 fertilizer, seeds and seedlings, and such other material or

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868 equipment, as will assist such landowners and occupiers to carry
 869 on operations upon their lands for the conservation of soil
 870 resources and for the prevention or control of soil erosion and
 871 for flood prevention or the conservation, development and
 872 utilization, of soil and water resources and the disposal of
 873 water;

874 (8) To develop comprehensive plans for the conservation of
 875 soil and water resources and for the control and prevention of
 876 soil erosion and for flood prevention or the conservation,
 877 development and utilization of soil and water resources, and the
 878 disposal of water within the district's boundaries or territory
 879 contiguous to the district's boundaries ~~district~~, which plans
 880 shall specify in such detail as may be possible the acts,
 881 procedures, performances, and avoidances which are necessary or
 882 desirable for the effectuation of such plans, including the
 883 specification of engineering operations, methods of cultivation,
 884 the growing of vegetation, cropping programs, tillage practices,
 885 and changes in use of land; control of artesian wells; and to
 886 publish such plans and information and bring them to the
 887 attention of owners and occupiers of lands within the district's
 888 boundaries or territory contiguous to the district's boundaries
 889 ~~district~~;

890 (9) To take over, by purchase, lease, or otherwise, and to
 891 administer any soil-conservation, erosion-control, erosion-
 892 prevention project, or any project for flood-prevention or for
 893 the conservation, development and utilization of soil and water
 894 resources, and the disposal of water, located within the
 895 district's ~~its~~ boundaries or territory contiguous to the

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896 district's boundaries, undertaken by the United States or any of
 897 its agencies, or by this state or any of its agencies; to manage
 898 as agent of the United States or any of its agencies, or of the
 899 state or any of its agencies, any soil-conservation, erosion-
 900 control, erosion-prevention, or any project for flood-prevention
 901 or for the conservation, development, and utilization of soil
 902 and water resources, and the disposal of water within the
 903 district's ~~its~~ boundaries or territory contiguous to the
 904 district's boundaries; to act as agent for the United States, or
 905 any of its agencies, or for the state or any of its agencies, in
 906 connection with the acquisition, construction, operation or
 907 administration of any soil-conservation, erosion-control,
 908 erosion-prevention, or any project for flood-prevention or for
 909 the conservation, development and utilization of soil and water
 910 resources, and the disposal of water within the district's ~~its~~
 911 boundaries or territory contiguous to the district's boundaries;
 912 to accept donations, gifts, and contributions in money,
 913 services, materials, or otherwise, from the United States or any
 914 of its agencies, or from this state or any of its agencies, or
 915 from others, and to use or expend such moneys, services,
 916 materials or other contributions in carrying on its operations;

917 Section 38. Section 582.29, Florida Statutes, is amended
 918 to read:

919 582.29 State agencies to cooperate.—Agencies of this state
 920 which shall have jurisdiction over, or be charged with, the
 921 administration of any state-owned lands, and of any county, or
 922 other governmental subdivision of the state, which shall have
 923 jurisdiction over, or be charged with the administration of, any

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924 county-owned or other publicly owned lands, lying within the
 925 boundaries of any district organized under this chapter or
 926 territory contiguous to the district's boundaries, shall
 927 cooperate to the fullest extent with the supervisors of such
 928 districts in the effectuation of programs and operations
 929 undertaken by the supervisors under the provisions of this
 930 chapter. The supervisors of such districts shall be given free
 931 access to enter and perform work upon such publicly owned lands.
 932 The provisions of land use regulations adopted shall be in all
 933 respects observed by the agencies administering such publicly
 934 owned lands.

935 Section 39. Subsection (3) of section 582.30, Florida
 936 Statutes, is amended, and subsection (5) is added to that
 937 section, to read:

938 582.30 Discontinuance of districts; referendum;
 939 commissioner's authority.-

940 (3) In the alternative, ~~upon review and recommendation of~~
 941 ~~the Soil and Water Conservation Council regarding the continued~~
 942 ~~viability of a district,~~ the Commissioner of Agriculture may
 943 dissolve or discontinue a such district if: ~~the commissioner~~
 944 ~~certifies that the continued operation of the district is not~~
 945 ~~administratively practicable and feasible.~~

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

950 (b) The ~~If A~~ district fails ~~has failed~~ to comply with any
 951 ~~of the~~ audit or ~~and~~ financial reporting requirement ~~requirements~~

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952 of chapter 189, or fails to comply with any requirement of s.
 953 582.20(1)-(9), and ~~the commissioner, after review and~~
 954 ~~confirmation by~~ the department's inspector general reviews and
 955 confirms in writing that the district has failed to comply with
 956 such requirement; or, ~~may certify dissolution or discontinuance~~
 957 ~~of such district without prior review and recommendation of the~~
 958 ~~Soil and Water Conservation Council.~~

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

964 (4) If the requirements for dissolution or discontinuance
 965 of a district are satisfied under subsection (1), subsection
 966 (2), or subsection (3), the department shall publish notice of a
 967 ~~such~~ proposed certification determining that the continued
 968 operation of the district is not administratively practicable
 969 and feasible under the provisions of this chapter. The notice of ~~of~~
 970 ~~dissolution or discontinuance~~ shall be published once a week for
 971 2 weeks in a newspaper of general circulation within the county
 972 or counties in which ~~wherein~~ the district is located, stating
 973 the name of the district and a general description of the
 974 territory included in the district, and requiring that any
 975 comments or objections to the proposed certification,
 976 ~~dissolution~~ or any claims against the assets of the district,
 977 must be filed with the department clerk not later than 60 days
 978 after ~~following~~ the date of last publication.

979 (5) (a) Upon expiration of the 60-day period after the date

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980 of last publication, the commissioner, upon review of any
 981 comments or objections received under subsection (4), may issue
 982 a certificate determining that the continued operation of the
 983 district is not administratively practicable and feasible under
 984 the provisions of this chapter.

985 (b) If the commissioner issues a certificate determining
 986 that the continued operation of a district is not
 987 administratively practicable and feasible under the provisions
 988 of this chapter, the department shall file the original
 989 certificate with the Department of State and shall provide a
 990 copy of the certificate to the supervisors of the district at
 991 the district's principal office designated under s.
 992 582.15(1)(c).

993 Section 40. Section 582.31, Florida Statutes, is amended
 994 to read:

995 582.31 Certification of results of referendum;
 996 dissolution.—Upon receipt from the Department of Agriculture and
 997 Consumer Services of a certification that the department has
 998 determined that the continued operation of the district is not
 999 administratively practicable and feasible, pursuant to the
 1000 provisions of this chapter, the supervisors shall forthwith
 1001 proceed to terminate the affairs of the district. The
 1002 supervisors shall dispose of all property belonging to the
 1003 district at public auction and shall pay over the proceeds of
 1004 such sale to be converted into the State Treasury, which amount
 1005 shall be placed to the credit of the district ~~department~~ for the
 1006 purpose of liquidating any legal obligations said district may
 1007 have at the time of its discontinuance. The supervisors shall

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1008 thereupon file an application, duly verified, with the
 1009 Department of State for the discontinuance of such district, and
 1010 shall transmit with such application the certificate of the
 1011 Department of Agriculture and Consumer Services setting forth
 1012 the determination of the department that the continued operation
 1013 of such district is not administratively practicable and
 1014 feasible. The application shall recite that the property of the
 1015 district has been disposed of and the proceeds paid over as in
 1016 this section provided, and shall set forth a full accounting of
 1017 such properties and proceeds of the sale. The Department of
 1018 State shall issue to the supervisors a certificate of
 1019 dissolution and shall record such certificate in an appropriate
 1020 book of record in its office.

1021 Section 41. Section 582.32, Florida Statutes, is amended
 1022 to read:

1023 582.32 Effect of dissolution; judgments; time limits
 1024 ~~Continuance of existing contracts, etc.—~~

1025 (1) Upon issuance of a certificate of dissolution all
 1026 previously adopted land use regulations ~~theretofore adopted and~~
 1027 in force within such districts ~~are void shall be of no further~~
 1028 ~~force and effect~~. All contracts theretofore entered into, to
 1029 which the district or supervisors are parties, shall remain in
 1030 force and effect for the period provided in such contracts. The
 1031 Department of Agriculture and Consumer Services shall be
 1032 substituted for the district or supervisors as party to such
 1033 contracts. ~~The department shall be entitled to all benefits and~~
 1034 ~~subject to all liabilities under such contracts and shall have~~
 1035 ~~the same right and liability to perform, to require performance,~~

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1036 ~~and to modify or terminate such contracts by mutual consent or~~
 1037 ~~otherwise, as the supervisors of the district would have had.~~
 1038 Such dissolution does ~~shall~~ not affect the lien of any judgment
 1039 entered under ~~the provisions of this chapter or, nor~~ the
 1040 pendency of any action instituted under ~~the provisions of this~~
 1041 ~~chapter, and the department shall succeed to all the rights and~~
 1042 ~~obligations of the district or supervisors as to such liens and~~
 1043 ~~actions.~~

1044 (2) The department is ~~shall~~ not be required to entertain
 1045 petitions for the discontinuance of any district, ~~nor~~ conduct
 1046 referenda upon such petitions, or ~~nor~~ make determinations
 1047 pursuant to such petitions in accordance with ~~the provisions of~~
 1048 this chapter, more often than once in any 5-year period ~~5 years.~~

1049 Section 42. Section 585.155, Florida Statutes, is
 1050 repealed.

1051 Section 43. Section 589.03, Florida Statutes, is amended
 1052 to read:

1053 589.03 Compensation and allowances.—Members of the council
 1054 shall receive no compensation for the services which they may
 1055 render under the provisions of this chapter. ~~However, they shall~~
 1056 ~~be reimbursed for per diem and travel expenses as provided in s.~~
 1057 ~~112.061 for attending meetings of the council and in the~~
 1058 ~~performance of duties as members of the council, but the~~
 1059 ~~aggregate expense of all members of the council shall not,~~
 1060 ~~during any fiscal year, exceed the sum of \$2,500.~~

1061 Section 44. Section 589.19, Florida Statutes, is amended
 1062 to read:

1063 589.19 Creation of certain state forests; naming of

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1064 certain state forests.-

1065 (1) When the Board of Trustees of the Internal Improvement

1066 Trust Fund, any state agency, or any agency created by state

1067 law, authorized to accept reforestation lands in the name of the

1068 state, approves the recommendations of the Florida Forest

1069 Service ~~Division of Forestry~~ in reference to the acquisition of

1070 land and acquire such land, the said board, state agency, or

1071 agency created by state law, may formally designate and dedicate

1072 any area as a reforestation project, or state forest, and where

1073 so designated and dedicated such area shall be under the

1074 administration of the Florida Forest Service, ~~division~~ which is

1075 ~~shall be~~ authorized to manage and administer such ~~said~~ area

1076 according to the purpose for which it was designated and

1077 dedicated.

1078 (2) The first state forest acquired by the Board of

1079 Trustees of the Internal Improvement Trust Fund in Baker County

1080 is to be named the John M. Bethea State Forest. This is to honor

1081 Mr. John M. Bethea who was Florida's fourth state forester and

1082 whose distinguished career in state government spanned 46 years

1083 and who is a native of Baker County.

1084 (3) The state forest managed by the Florida Forest Service

1085 ~~Division of Forestry~~ in Seminole County is to be named the

1086 Charles H. Bronson State Forest to honor Charles H. Bronson, the

1087 tenth Commissioner of Agriculture, for his distinguished

1088 contribution to this state's agriculture and natural resources.

1089 (4) (a) The Florida Forest Service ~~Division of Forestry~~

1090 shall designate one or more areas of state forests as an

1091 "Operation Outdoor Freedom a "Wounded Warrior Special Hunt Area"

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1092 to honor wounded veterans and servicemembers. The purpose of
 1093 such designated areas is to provide special outdoor recreational
 1094 opportunities for eligible veterans and servicemembers.

1095 (b) The Florida Forest Service ~~division~~ shall limit guest
 1096 admittance to such designated areas to any person who:

1097 1. Is an active duty member of any branch of the United
 1098 States Armed Forces and has a combat-related injury as
 1099 determined by his or her branch of the United States Armed
 1100 Forces; or

1101 2. Is a veteran who served during a period of wartime
 1102 service as defined in s. 1.01(14) or peacetime service as
 1103 defined in s. 296.02 and:

1104 a. Has a service-connected disability as determined by the
 1105 United States Department of Veterans Affairs; or

1106 b. Was discharged or released from military service
 1107 because of a disability acquired or aggravated while serving on
 1108 active duty.

1109 (c) The Florida Forest Service ~~division~~ may grant
 1110 admittance to such designated areas to a person who is not an
 1111 eligible veteran or servicemember for purposes of accompanying
 1112 an eligible veteran or servicemember who requires the person's
 1113 assistance to use such designated areas.

1114 (d) Funding required for specialized accommodations shall
 1115 be provided through the Friends of Florida State Forests Program
 1116 created under s. 589.012.

1117 (e) The Florida Forest Service ~~division~~ may adopt rules to
 1118 administer this subsection.

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1119 Section 45. Section 589.277, Florida Statutes, is amended
 1120 to read:

1121 589.277 Tree planting programs.—

1122 (1) The ~~Division of Forestry of the~~ Florida Forest Service
 1123 ~~Department of Agriculture and Consumer Services~~ shall administer
 1124 federal, state, and privately sponsored tree planting programs
 1125 designed to assist private rural landowners and urban
 1126 communities.

1127 (2) Contributions from governmental and private sources
 1128 for tree planting programs may be accepted into the Federal
 1129 Grants Trust Fund or the Incidental Trust Fund of the Florida
 1130 Forest Service.

1131 (3) The Florida Forest Service shall ~~Division of Forestry~~
 1132 ~~is authorized and directed to~~ develop and implement guidelines
 1133 and procedures under which the financial resources of the fund
 1134 allocated for tree planting programs may be utilized for urban
 1135 and rural reforestation.

1136 (4) Grants to municipalities, counties, nonprofit
 1137 organizations, and qualifying private landowners may be made
 1138 from allocated moneys in the fund for the purpose of purchasing,
 1139 planting, and maintaining native tree species.

1140 (5) The Florida Forest Service ~~Division of Forestry~~ shall
 1141 assist the Department of Education in developing programs that
 1142 teach the importance of trees in the urban, rural, and global
 1143 environment.

1144 Section 46. Section 590.02, Florida Statutes, is amended
 1145 to read:

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1146 590.02 Florida Forest Service; ~~Division~~ powers, authority,
 1147 and duties; liability; building structures; Florida Center for
 1148 Wildfire and Forest Resources Management Training.—

1149 (1) The Florida Forest Service ~~division~~ has the following
 1150 powers, authority, and duties:

1151 (a) To enforce the provisions of this chapter;

1152 (b) To prevent, detect, suppress, and extinguish wildfires
 1153 wherever they may occur on public or private land in this state
 1154 and to do all things necessary in the exercise of such powers,
 1155 authority, and duties;

1156 (c) To provide firefighting crews, who shall be under the
 1157 control and direction of the Florida Forest Service ~~division~~ and
 1158 its designated agents;

1159 (d) To appoint center managers, forest area supervisors,
 1160 forestry program administrators, a forest protection bureau
 1161 chief, a forest protection assistant bureau chief, a field
 1162 operations bureau chief, deputy chiefs of field operations,
 1163 district managers, forest operations administrators, senior
 1164 forest rangers, investigators, forest rangers, firefighter
 1165 rotorcraft pilots, and other employees who may, at the Florida
 1166 Forest Service's ~~division's~~ discretion, be certified as forestry
 1167 firefighters pursuant to s. 633.35(4). Other provisions of law
 1168 notwithstanding, center managers, district managers, forest
 1169 protection assistant bureau chief, and deputy chiefs of field
 1170 operations shall have Selected Exempt Service status in the
 1171 state personnel designation;

1172 (e) To develop a training curriculum for forestry
 1173 firefighters which must contain the basic volunteer structural

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1174 fire training course approved by the Florida State Fire College
 1175 of the Division of State Fire Marshal and a minimum of 250 hours
 1176 of wildfire training;

1177 (f) To make rules to accomplish the purposes of this
 1178 chapter;

1179 (g) To provide fire management services and emergency
 1180 response assistance and to set and charge reasonable fees for
 1181 performance of those services. Moneys collected from such fees
 1182 shall be deposited into the Incidental Trust Fund of the Florida
 1183 Forest Service ~~division~~; and

1184 (h) To require all state, regional, and local government
 1185 agencies operating aircraft in the vicinity of an ongoing
 1186 wildfire to operate in compliance with the applicable state
 1187 Wildfire Aviation Plan.

1188 (2) The Florida Forest Service's ~~Division~~ employees, and
 1189 the firefighting crews under their control and direction, may
 1190 enter upon any lands for the purpose of preventing and
 1191 suppressing wildfires and investigating smoke complaints or open
 1192 burning not in compliance with authorization and to enforce the
 1193 provisions of this chapter.

1194 (3) Employees of the Florida Forest Service ~~division~~ and
 1195 of federal, state, and local agencies, and all other persons and
 1196 entities that are under contract or agreement with the Florida
 1197 Forest Service ~~division~~ to assist in firefighting operations as
 1198 well as those entities, called upon by the Florida Forest
 1199 Service ~~division~~ to assist in firefighting may, in the
 1200 performance of their duties, set counterfires, remove fences and
 1201 other obstacles, dig trenches, cut firelines, use water from

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1202 public and private sources, and carry on all other customary
 1203 activities in the fighting of wildfires without incurring
 1204 liability to any person or entity.

1205 (4) (a) The department may build structures,
 1206 notwithstanding chapters 216 and 255, not to exceed a cost of
 1207 \$50,000 per structure from existing resources on forest lands,
 1208 federal excess property, and unneeded existing structures. These
 1209 structures must meet all applicable building codes.

1210 (b) Notwithstanding s. 553.80(1), the department shall
 1211 exclusively enforce the Florida Building Code as it pertains to
 1212 wildfire and law enforcement facilities under the jurisdiction
 1213 of the department.

1214 (5) The Florida Forest Service ~~division~~ shall organize its
 1215 operational units to most effectively prevent, detect, and
 1216 suppress wildfires, and to that end, may employ the necessary
 1217 personnel to manage its activities in each unit. The Florida
 1218 Forest Service ~~division~~ may construct lookout towers, roads,
 1219 bridges, firelines, and other facilities and may purchase or
 1220 fabricate tools, supplies, and equipment for firefighting. The
 1221 Florida Forest Service ~~division~~ may reimburse the public and
 1222 private entities that it engages to assist in the suppression of
 1223 wildfires for their personnel and equipment, including aircraft.

1224 (6) The Florida Forest Service ~~division~~ shall undertake
 1225 privatization alternatives for fire prevention activities
 1226 including constructing fire lines and conducting prescribed
 1227 burns and, where appropriate, entering into agreements or
 1228 contracts with the private sector to perform such activities.

1229 (7) The Florida Forest Service ~~division~~ may organize,

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1230 staff, equip, and operate the Florida Center for Wildfire and
 1231 Forest Resources Management Training. The center shall serve as
 1232 a site where fire and forest resource managers can obtain
 1233 current knowledge, techniques, skills, and theory as they relate
 1234 to their respective disciplines.

1235 (a) The center may establish cooperative efforts involving
 1236 federal, state, and local entities; hire appropriate personnel;
 1237 and engage others by contract or agreement with or without
 1238 compensation to assist in carrying out the training and
 1239 operations of the center.

1240 (b) The center shall provide wildfire suppression training
 1241 opportunities for rural fire departments, volunteer fire
 1242 departments, and other local fire response units.

1243 (c) The center will focus on curriculum related to, but
 1244 not limited to, fuel reduction, an incident management system,
 1245 prescribed burning certification, multiple-use land management,
 1246 water quality, forest health, environmental education, and
 1247 wildfire suppression training for structural firefighters.

1248 (d) The center may assess appropriate fees for food,
 1249 lodging, travel, course materials, and supplies in order to meet
 1250 its operational costs and may grant free meals, room, and
 1251 scholarships to persons and other entities in exchange for
 1252 instructional assistance.

1253 (e) An advisory committee consisting of the following
 1254 individuals or their designees must review program curriculum,
 1255 course content, and scheduling: the director of the Florida
 1256 Forest Service ~~Division of Forestry~~; the assistant director of
 1257 the Florida Forest Service ~~Division of Forestry~~; the director of

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1258 | the School of Forest Resources and Conservation of the
 1259 | University of Florida; the director of the Division of
 1260 | Recreation and Parks of the Department of Environmental
 1261 | Protection; the director of the Division of the State Fire
 1262 | Marshal; the director of the Florida Chapter of The Nature
 1263 | Conservancy; the executive vice president of the Florida
 1264 | Forestry Association; the president of the Florida Farm Bureau
 1265 | Federation; the executive director of the Fish and Wildlife
 1266 | Conservation Commission; the executive director of a water
 1267 | management district as appointed by the Commissioner of
 1268 | Agriculture; the supervisor of the National Forests in Florida;
 1269 | the president of the Florida Fire Chief's Association; and the
 1270 | executive director of the Tall Timbers Research Station.

1271 | (8) The Cross City Work Center shall be named the L. Earl
 1272 | Peterson Forestry Station. This is to honor Mr. L. Earl
 1273 | Peterson, Florida's sixth state forester, whose distinguished
 1274 | career in state government has spanned 44 years, and who is a
 1275 | native of Dixie County.

1276 | (9) (a) Notwithstanding ss. 273.055 and 287.16, the
 1277 | department may retain, transfer, warehouse, bid, destroy, scrap,
 1278 | or otherwise dispose of surplus equipment and vehicles that are
 1279 | used for wildland firefighting.

1280 | (b) All money received from the disposition of state-owned
 1281 | equipment and vehicles that are used for wildland firefighting
 1282 | shall be retained by the department. Money received pursuant to
 1283 | this section is appropriated for and may be disbursed for the
 1284 | acquisition of exchange and surplus equipment used for wildland
 1285 | firefighting, and for all necessary operating expenditures

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1286 related to such equipment, in the same fiscal year and the
 1287 fiscal year following the disposition. The department shall
 1288 maintain records of the accounts into which the money is
 1289 deposited.

1290 (10) (a) The Florida Forest Service ~~division~~ has exclusive
 1291 authority to require and issue authorizations for broadcast
 1292 burning and agricultural and silvicultural pile burning. An
 1293 agency, commission, department, county, municipality, or other
 1294 political subdivision of the state may not adopt or enforce
 1295 laws, regulations, rules, or policies pertaining to broadcast
 1296 burning or agricultural and silvicultural pile burning unless an
 1297 emergency order is declared in accordance with s. 252.38(3).

1298 (b) The Florida Forest Service ~~division~~ may delegate to a
 1299 county or municipality its authority, as delegated by the
 1300 Department of Environmental Protection pursuant to ss.
 1301 403.061(28) and 403.081, to require and issue authorizations for
 1302 the burning of yard trash and debris from land clearing
 1303 operations in accordance with s. 590.125(6).

1304 Section 47. Subsection (3) of section 597.0021, Florida
 1305 Statutes, is amended to read:

1306 597.0021 Legislative intent.—

1307 (3) It is the intent of the Legislature that the
 1308 Aquaculture Review Council is ~~and the Aquaculture Interagency~~
 1309 ~~Coordinating Council~~ are established to provide a means of
 1310 communication between the aquaculture industry and the
 1311 regulatory agencies.

1312 Section 48. Paragraphs (b) and (d) of subsection (1) of
 1313 section 597.003, Florida Statutes, are amended to read:

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1314 597.003 Powers and duties of Department of Agriculture and
 1315 Consumer Services.—

1316 (1) The department is hereby designated as the lead agency
 1317 in encouraging the development of aquaculture in the state and
 1318 shall have and exercise the following functions, powers, and
 1319 duties with regard to aquaculture:

1320 (b) Coordinate the development, annual revision, and
 1321 implementation of a state aquaculture plan. The plan shall
 1322 include prioritized recommendations for research and development
 1323 as suggested by the Aquaculture Review Council, ~~the Aquaculture~~
 1324 ~~Interagency Coordinating Council,~~ and public and private
 1325 institutional research, extension, and service programs.

1326 (d) Provide staff for the Aquaculture Review Council ~~and~~
 1327 ~~the Aquaculture Interagency Coordinating Council.~~

1328 Section 49. Paragraph (j) is added to subsection (1) of
 1329 section 597.004, Florida Statutes, to read:

1330 597.004 Aquaculture certificate of registration.—

1331 (1) CERTIFICATION.—Any person engaging in aquaculture must
 1332 be certified by the department. The applicant for a certificate
 1333 of registration shall submit the following to the department:

1334 (j) The annual registration fee is waived for each
 1335 elementary, middle, or high school and each vocational school
 1336 that participates in the aquaculture certification program.

1337 Section 50. Subsection (1), paragraphs (a) and (b) of
 1338 subsection (2), and paragraph (h) of subsection (3) of section
 1339 597.005, Florida Statutes, are amended to read:

1340 597.005 Aquaculture Review Council.—

1341 (1) COMPOSITION.—There is created within the department

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1342 the Aquaculture Review Council to consist of eight ~~nine~~ members
 1343 as follows: the chair of the State Agricultural Advisory Council
 1344 or designee; ~~the chair of the Aquaculture Interagency~~
 1345 ~~Coordinating Council~~; and seven additional members to be
 1346 appointed by the commissioner, including an alligator farmer, a
 1347 food fish farmer, a shellfish farmer, a tropical fish farmer, an
 1348 aquatic plant farmer, a representative of the commercial fishing
 1349 industry, and a representative of the aquaculture industry at
 1350 large. Members shall be appointed for 4-year terms. Each member
 1351 shall be selected from no fewer than two or more than three
 1352 nominees submitted by recognized statewide organizations
 1353 representing each industry segment or the aquaculture industry
 1354 at large. In the absence of nominees, the commissioner shall
 1355 appoint persons who otherwise meet the qualifications for
 1356 appointment to the council. Members shall serve until their
 1357 successors are duly qualified and appointed. An appointment to
 1358 fill a vacancy shall be for the unexpired portion of the term.

1359 (2) MEETINGS; PROCEDURES; RECORDS.—

1360 (a) The members of the council shall meet at least
 1361 quarterly; shall elect a chair, a vice chair, and a secretary,
 1362 ~~and an industry representative to the Aquaculture Interagency~~
 1363 ~~Coordinating Council~~; and shall use accepted rules of procedure.
 1364 The terms of such officers shall be for 1 year.

1365 (b) The council shall meet at the call of its chair, at
 1366 the request of a majority of its membership, at the request of
 1367 the department, or at such times as may be prescribed by its
 1368 rules of procedure. ~~However, the council shall hold a joint~~
 1369 ~~annual meeting with the Aquaculture Interagency Coordinating~~

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1370 ~~Council.~~
 1371 (3) RESPONSIBILITIES.—The primary responsibilities of the
 1372 Aquaculture Review Council are to:
 1373 (h) For any problem that cannot be solved through simple
 1374 cooperation or negotiation, provide an issue analysis ~~to the~~
 1375 ~~Aquaculture Interagency Coordinating Council~~ and to the chairs
 1376 of the legislative agriculture appropriations committees. The
 1377 analysis shall include, but not be limited to, specific facts
 1378 and industry hardships, regulatory provisions, questions
 1379 relative to the issue, and suggestions for solving the problem.
 1380 Section 51. Section 597.006, Florida Statutes, is
 1381 repealed.
 1382 Section 52. Subsection (3) of section 616.252, Florida
 1383 Statutes, is amended to read:
 1384 616.252 Florida State Fair Authority; membership; number,
 1385 terms, compensation.—
 1386 (3) Members of the authority are not entitled to
 1387 compensation for their services as members but shall be
 1388 reimbursed for per diem and travel expenses as provided in s.
 1389 112.061 ~~and may not be reimbursed for travel expenses.~~ Except
 1390 for the nonvoting youth member, each member may be compensated
 1391 for any special or full-time service performed in the
 1392 authority's behalf as officers or agents of the authority.
 1393 Section 53. This act shall take effect July 1, 2012.