

By the Committee on General Government Appropriations; and
Senator Baker

601-03212-10

20101508c1

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.; removing
4 the Division of Dairy Industry within the department;
5 amending s. 570.29, F.S.; removing the Division of
6 Dairy Industry, to conform, and adding licensing as a
7 division within the department; repealing ss. 570.40
8 and 570.41, F.S., relating to the powers and duties of
9 the Division of Dairy Industry and the qualifications
10 and duties of the director of the Division of Dairy
11 Industry, respectively; amending s. 570.50, F.S.;
12 adding the inspection of dairy farms, milk plants, and
13 milk product plants and other specified functions to
14 the duties of the Division of Food Safety within the
15 department; reenacting s. 570.18, F.S., relating to
16 the organization of the Department of Agriculture and
17 Consumer Services, to incorporate the amendments made
18 to s. 570.29, F.S., in a reference thereto; amending
19 s. 570.531, F.S.; providing for the Market
20 Improvements Working Capital Trust Fund within the
21 Department of Agriculture and Consumer Services to be
22 the depository for funds collected by agricultural
23 marketing facilities; deleting provisions limiting the
24 use of trust fund moneys to certain costs associated
25 with agricultural marketing facilities; amending s.
26 589.08, F.S.; deleting a requirement that the Division
27 of Forestry within the Department of Agriculture and
28 Consumer Services pay a portion of the gross receipts
29 from state forests to certain fiscally constrained

601-03212-10

20101508c1

30 counties for use by the counties for school purposes;
31 repealing s. 589.081, F.S., relating to payment of a
32 portion of the gross receipts from Withlacoochee State
33 Forest and the Goethe State Forest to certain fiscally
34 constrained counties; providing an effective date.
35

36 Be It Enacted by the Legislature of the State of Florida:
37

38 Section 1. Subsection (2) of section 20.14, Florida
39 Statutes, is amended to read:

40 20.14 Department of Agriculture and Consumer Services.—
41 There is created a Department of Agriculture and Consumer
42 Services.

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

- 45 (a) Administration.
- 46 (b) Agricultural Environmental Services.
- 47 (c) Animal Industry.
- 48 (d) Aquaculture.
- 49 (e) Consumer Services.
- 50 ~~(f) Dairy Industry.~~
- 51 (f) ~~(g)~~ Food Safety.
- 52 (g) ~~(h)~~ Forestry.
- 53 (h) ~~(i)~~ Fruit and Vegetables.
- 54 (i) ~~(j)~~ Licensing.
- 55 (j) ~~(k)~~ Marketing and Development.
- 56 (k) ~~(l)~~ Plant Industry.
- 57 (l) ~~(m)~~ Standards.

58 Section 2. Section 570.29, Florida Statutes, is amended to

601-03212-10

20101508c1

59 read:

60 570.29 Departmental divisions.—The department shall include
61 the following divisions:

- 62 (1) Administration.
63 (2) Agricultural Environmental Services.
64 (3) Animal Industry.
65 (4) Aquaculture.
66 (5) Consumer Services.
67 ~~(6) Dairy Industry.~~
68 (6)~~(7)~~ Food Safety.
69 (7)~~(8)~~ Forestry.
70 (8)~~(9)~~ Fruit and Vegetables.
71 (9) Licensing.
72 (10) Marketing and Development.
73 (11) Plant Industry.
74 (12) Standards.

75 Section 3. Section 570.40, Florida Statutes, is repealed.76 Section 4. Section 570.41, Florida Statutes, is repealed.77 Section 5. Section 570.50, Florida Statutes, is amended to
78 read:79 570.50 Division of Food Safety; powers and duties.—The
80 duties of the Division of Food Safety include, but are not
81 limited to:

- 82 (1) Enforcing those provisions of chapter 585, and the
83 rules adopted under that chapter, relating to the inspection of
84 meat and the antemortem and postmortem inspection of poultry.
85 (2) Conducting those general inspection activities relating
86 to food and food products being processed, held, or offered for
87 sale in this state and enforcing those provisions of chapters

601-03212-10

20101508c1

88 500, 501, 502, 503, 531, 583, 585, 586, and 601 relating to
89 foods as authorized by the department.

90 (3) Analyzing samples of foods offered for sale in this
91 state as required under chapters 500, 501, 502, 503, 585, 586,
92 and 601.

93 (4) Investigating, evaluating, and developing new or
94 improved methodology to enhance the analytical capability and
95 efficiency of all divisional laboratories and performing other
96 related analyses as deemed necessary.

97 (5) Analyzing food and feed samples offered for sale in the
98 state for chemical residues as required under the adulteration
99 sections of chapters 500 and 580.

100 (6) Inspecting dairy farms of the state, enforcing those
101 provisions of chapter 502 as are authorized by the department
102 and relating to the supervision of milking operations, and
103 enforcing rules adopted pursuant to such law.

104 (7) Inspecting milk plants, milk product plants, and plants
105 engaged in the manufacture and distribution of frozen desserts
106 and frozen desserts mix; analyzing and testing samples of milk,
107 milk products, frozen desserts, and frozen desserts mix
108 collected by it; and enforcing those provisions of chapters 502
109 and 503 as are authorized by the department.

110 Section 6. For the purpose of incorporating the amendment
111 made by this act to section 570.29, Florida Statutes, in a
112 reference thereto, section 570.18, Florida Statutes, is
113 reenacted to read:

114 570.18 Organization of departmental work.—In the assignment
115 of functions to the 12 divisions of the department created in s.
116 570.29, the department shall retain within the Division of

601-03212-10

20101508c1

117 Administration, in addition to executive functions, those powers
118 and duties enumerated in s. 570.30. The department shall
119 organize the work of the other 11 divisions in such a way as to
120 secure maximum efficiency in the conduct of the department. The
121 divisions created in s. 570.29 are solely to make possible the
122 definite placing of responsibility. The department shall be
123 conducted as a unit in which every employee, including each
124 division director, is assigned a definite workload, and there
125 shall exist between division directors a spirit of cooperative
126 effort to accomplish the work of the department.

127 Section 7. Section 570.531, Florida Statutes, is amended to
128 read:

129 570.531 Market Improvements Working Capital Trust Fund.—
130 There is ~~hereby~~ created within the department the Market
131 Improvements Working Capital Trust Fund. The fund is established
132 as the ~~sole~~ depository for funds collected by, ~~or appropriated~~
133 ~~for~~, agricultural marketing facilities. ~~Only costs associated~~
134 ~~with the operation, maintenance, and expansion of agricultural~~
135 ~~marketing facilities shall be paid from the fund.~~

136 Section 8. Section 589.08, Florida Statutes, is amended to
137 read:

138 589.08 Land acquisition restrictions.—

139 (1) The Division of Forestry may not ~~shall~~ enter into an ~~no~~
140 agreement for the acquisition, lease, or purchase of any land or
141 for any other purpose whatsoever which pledges ~~shall pledge~~ the
142 credit of, or obligates ~~obligate~~ in any manner whatsoever, the
143 state to pay any sum of money or other thing of value for such
144 purpose, and the ~~said~~ division may ~~shall~~ not in any manner or
145 for any purpose pledge the credit of or obligate the state to

601-03212-10

20101508c1

146 pay any sum of money.

147 (2) The division may receive, hold the custody of, and
148 exercise the control of any lands, and set aside into a
149 separate, distinct and inviolable fund, any proceeds derived
150 from the sales of the products of such lands, the use thereof in
151 any manner, or the sale of such lands save the 25 percent of the
152 proceeds to be paid into the State School Fund as provided by
153 law. The division may use and apply such funds for the
154 acquisition, use, custody, management, development, or
155 improvement of any lands vested in or subject to the control of
156 the division. ~~After full payment has been made for the purchase
157 of a state forest to the Federal Government or other grantor, 15
158 percent of the gross receipts from a state forest shall be paid
159 to the fiscally constrained county or counties, as described in
160 s. 218.67(1), in which it is located in proportion to the
161 acreage located in each county for use by the county or counties
162 for school purposes.~~

163 Section 9. Section 589.081, Florida Statutes, is repealed.

164 Section 10. This act shall take effect July 1, 2010.