SB 936 by **Lee (CO-INTRODUCERS) Margolis, Sobel**; (Identical to H 0913) Holocaust Victims Assistance Act

CS/SB 1628 by **AG, Montford**; (Similar to CS/H 7087) Department of Agriculture and Consumer Services

589372	A	S		RCS	AGG, Dean	btw L.180 - 181:	04/04 11:50 AM
761642	A	S		RCS	AGG, Simpson	btw L.296 - 297:	04/04 11:50 AM
693226	A	S		RCS	AGG, Simpson	Delete L.905 - 1024:	04/04 11:50 AM
811874	A	S	L	RCS	AGG, Hays	btw L.634 - 635:	04/04 11:50 AM

CS/SB 852 by **RI, Bean**; (Identical to CS/CS/H 0667) Real Estate Brokers and Appraisers

CS/SB 1686 by **RI, Altman**; (Similar to H 1067) Pugilistic Exhibitions

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT
Senator Hays, Chair
Senator Thompson, Vice Chair

MEETING DATE: Thursday, April 4, 2013
TIME: 10:30 a.m.—12:30 p.m.
PLACE: *Toni Jennings Committee Room,* 110 Senate Office Building

MEMBERS: Senator Hays, Chair; Senator Thompson, Vice Chair; Senators Bradley, Braynon, Bullard, Dean, Detert, Joyner, Latvala, Legg, Simpson, Soto, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**SB 936** Lee (Identical H 913)	Holocaust Victims Assistance Act; Citing this act as the "Holocaust Victims Assistance Act"; broadening the act to include financial claims and assets and other property, and to address the effect of nonpayment of claims or nonreturn of property on victims; deleting a time limitation on insurers for providing certain information to the Department of Financial Services and requiring insurers to provide a report under certain circumstances; revising the content and timing of the annual report to the Legislature, etc. BI 03/14/2013 Favorable AGG 04/04/2013 Favorable AP	Favorable Yeas 11 Nays 0
2	**CS/SB 1628** Agriculture / Montford (Similar H 7087, Compare H 7089, Link S 1756)	Department of Agriculture and Consumer Services; Requiring public hearings relating to the development of land management plans to be held in any one, rather than each, county affected by such plans; establishing the Operation Outdoor Freedom Program within the Florida Forest Service to replace provisions for the designation of specified hunt areas in state forests for wounded veterans and servicemembers; revising requirements for noncertified and certified burning; creating chapter 595, F.S., to establish the Florida School Food and Nutrition Act, etc. AG 03/18/2013 Fav/CS AGG 04/04/2013 Fav/CS AP	Fav/CS Yeas 11 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	**CS/SB 852** Regulated Industries / Bean (Identical CS/CS/H 667)	Real Estate Brokers and Appraisers; Providing a qualifying condition for the issuance of additional licenses to a licensed broker; revising a provision specifying from whom a registered trainee appraiser may receive compensation; revising certain exceptions from provisions specifying that certain applicants for certification or registration as an appraiser or trainee appraiser are not deemed to be qualified for such certification or registration; deleting authority for a licensed appraiser to act as the direct supervisor of a registered trainee real estate appraiser, etc. RI 03/21/2013 Fav/CS AGG 04/04/2013 Favorable AP	Favorable Yeas 11 Nays 0
4	**CS/SB 1686** Regulated Industries / Altman (Similar H 1067)	Pugilistic Exhibitions; Revising the duties and responsibilities of the executive director of the Florida State Boxing Commission; providing for immediate license suspension and other disciplinary action if a participant fails or refuses to provide a urine sample or tests positive for specified prohibited substances; requiring promoters to retain specified documents and records, etc. RI 03/21/2013 Fav/CS AGG 04/04/2013 Favorable AP	Favorable Yeas 11 Nays 0
5	Other Related Meeting Documents		

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: SB 936

INTRODUCER: Senator Lee and Senator Margolis

SUBJECT: Holocaust Victims Assistance Act

DATE: March 27, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oh	Burgess	BI	**Favorable**
2.	Betta	DeLoach	AGG	**Favorable**
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 936 revises the Holocaust Victims Insurance Act to expand the scope of assistance provided by the Department of Financial Services (DFS) to Holocaust victims and their heirs. The DFS currently has the authority to assist Holocaust victims and their heirs in identifying and obtaining potential and actual insurance claims. The bill broadens the DFS' authority to include providing assistance to recover other financial claims, assets, and property. The bill adds a component of education to mitigate the effects of nonpayment of claims or non-return of property.

The bill changes the requirement that an insurer must file an annual report to a requirement that the insurer must file a new report when there are changes to the previous report, or when the insurer is requested to provide a report by the DFS. The bill requires the DFS to file a annual report with the Legislature by July 1.

The bill will have no fiscal impact on the DFS.

This bill substantially amends the following section 26.9543, Florida Statutes.

II. Present Situation:

In the 1930s and 1940s, Europeans purchased insurance to safeguard their family's future, assist in retirement planning, or save for the education of their children. After World War II, European insurers often rejected insurance claims of Holocaust victims and heirs who lacked the documentation required by the insurer to substantiate the claim. In denying these claims, insurers have cited the following reasons: nationalization of insurers' assets; lack of policyholder documentation; policy cancellation from nonpayment of premiums; and invalidation of claims due to the statute of limitations. Many years later, Europe's largest insurers, many with affiliates

in the United States, have been named as defendants in class action lawsuits that seek recovery of unpaid Holocaust-era insurance claims.

United States' insurance regulators and their national association, the National Association of Insurance Commissioners (NAIC), have established various means to assist Holocaust victims and their heirs to obtain insurance claims to which they are entitled. In October 1998 the NAIC established the International Commission on Holocaust Era Insurance Claims (ICHEIC) to determine the current status of Holocaust-era insurance and to promulgate a valuation and claims process to settle the unpaid insurance claims. The NAIC also established the Holocaust Insurance Issues Working Group to study the role of the states in protecting those individuals who have filed insurance claims.

Since then, several states – California, New York, and Washington State – have passed insurance-related legislation to restrict the ability of European insurers to engage transactions in the respective state if that insurer has not paid outstanding Holocaust-era insurance claims. The Florida Legislature enacted the Holocaust Victims Insurance Act (Act) on July 1, 1998. The Act requires that an insurance company doing business in Florida, which had sold policies to Holocaust victims in Europe, must pay the claims to the victims and their heirs.[1]

The Holocaust Victims Insurance Act (Act)

Under the Act, the DFS is required to establish a toll-free number to assist individuals seeking to recover proceeds from an insurance policy issued to a Holocaust victim.[2]

An insurance company doing business in the state that receives a claim from a beneficiary, descendant or heir of a Holocaust victim would be required to:[3]

- Investigate the claim;
- Allow claimants to meet a reasonable standard of proof to substantiate a claim, pursuant to standards set by the DFS; and
- Permit claims irrespective of any statutes of limitations or limitations imposed by the insurance policy.

Insurers doing business in the state are required annually to report the following information to the DFS:[4]

- Any legal relationship with an international insurer that issued an insurance policy to a Holocaust victim between 1920 and 1945;
- The number and value of such policies;
- Any claim filed by a Holocaust victim, his or her beneficiary, heir, or descendant that has been paid, denied, or is pending;

[1] The DFS estimates there are between 14,000 to 16,000 survivors and beneficiaries in Florida.
[2] S. 626.9543(4), F.S.
[3] S. 626.9543(5), F.S.
[4] S. 626.9543(7), F.S.

- Attempts made by the insurer to locate the beneficiaries of such policies for which no claim has been made; and
- An explanation of any denial or pending payment of a claim.

The DFS is required to report annually to the Legislature with the following information:[5]

- The number of insurers doing business in the state that have a legal relationship with an international insurer that could have issued a life insurance policy to a victim of the Holocaust between 1920 and 1945;
- A list of all claims paid, denied, or pending to a Holocaust victim, beneficiary, heir or descendant; and
- A summary of the length of time for the processing and disposition of a claim by the insurer.

According to the DFS, it fields approximately 100 calls a year through its toll-free line. In addition to its own toll-free line, the DFS has contracts with the numerous organizations, including the Gulf Coast Jewish Family Services in Clearwater, Jewish Family Services of Broward County, the Jewish Community Services of South Florida, Fred & Gladys Alpert Jewish Family & Children's Services of Palm Beach County, and Ruth Rales Jewish Family Service of South Palm Beach County. These organizations make contact with at least 200 survivors or heirs each year and help with applications for insurance claims. The DFS also has contracts with two entities for educational components of the program: the Holocaust Documentation & Education Center in Hollywood, and the Holocaust Memorial Resource and Education Center of Florida in Maitland. These organizations make contact with a total of over 900 survivors a year to assist them in identifying and perfecting insurance claims.

Since the statutory creation of the program in 1998, the agency reports that over 5,269 claims from Florida residents have been processed through the International Commission on Holocaust Era Insurance Claims (ICHEIC), the German Foundation, and the Austrian General Settlement Fund. In addition, 1,549 Florida residents have received Humanitarian payments of $1,000 each for a total of $1,549,000. Moreover, the ICHEIC distributed over $329,000 to Florida residents for payments on policies for companies that are no longer in existence. To date, Florida residents have received positive decisions totaling $17,167,682, resulting in payments of over $12,000,000.

III. Effect of Proposed Changes:

The bill amends s. 626.9543, F.S., to expand the scope of assistance that is provided by the DFS to Holocaust victims and their heirs. While current law provides the DFS the authority to assist Holocaust victims and their heirs in identifying and obtaining potential and actual insurance claims, the bill broadens the DFS authority to include assistance to recover other financial claims, assets and property. The bill provides that in addressing the effects of nonpayment of claims and non-return of confiscated assets, the DFS is to provide assistance with gaining access to funding to address those effects. The bill adds to the DFS assistance a component of education to mitigate the effects of nonpayment of claims or non-return of property. As a result of this

[5] S. 626.9543(8), F.S.

broadened scope of assistance, the short title of the section is changed from the current "Holocaust Victims Insurance Act" to "Holocaust Victims Assistance Act."

The bill changes the current requirement that an insurer must file an annual report to a requirement that the insurer must file a new report when there are any changes to the previous report, or when it is requested to do so by the DFS. The bill requires DFS to file its annual report with the Legislature by July 1.

Other Potential Implications:

According to the DFS, under the bill, the agency would provide Holocaust victims and their heirs with assistance in seeking reparation for Nazi-confiscated bank accounts, art, and property. In addition, the agency would provide an education program to disseminate information as to the existence of the restitution program, the availability of restitution monies, and the appropriate procedural steps for the recovery of proceeds.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Lee

24-00596C-13 2013936__

A bill to be entitled

An act relating to the Holocaust Victims Assistance Act; amending s. 626.9543, F.S.; revising the short title; broadening the act to include financial claims and assets and other property, and to address the effect of nonpayment of claims or nonreturn of property on victims; deleting a time limitation on insurers for providing certain information to the Department of Financial Services and requiring insurers to provide a report under certain circumstances; revising the content and timing of the annual report to the Legislature; providing an effective date.

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

Section 1. Subsections (1) through (4), (7), (8), and (11) of section 626.9543, Florida Statutes, are amended to read:

626.9543 Holocaust victims.—

(1) SHORT TITLE.—This section may be cited as the "Holocaust Victims Assistance ~~Insurance~~ Act."

(2) INTENT; PURPOSE.—It is the Legislature's intent that the potential and actual insurance claims, actual financial claims, and the assets and property of Holocaust victims and their heirs and beneficiaries be expeditiously identified and properly paid, compensated, or returned. The Legislature also intends ~~and~~ that Holocaust victims and their families receive appropriate assistance in the filing and payment of their rightful claims, and in addressing the effects of the nonpayment

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

24-00596C-13 2013936__

of claims or nonreturn of confiscated assets and property on the victims, including assistance with gaining access to funding provided to address such effects.

(3) DEFINITIONS.—As used in ~~For the purpose of~~ this section, the term:

(a) "Holocaust victim" means any person who lost his or her life or property as a result of discriminatory laws, policies, or actions targeted against discrete groups of persons between 1920 and 1945, inclusive, in Nazi Germany, areas occupied by Nazi Germany, or countries allied with Nazi Germany.

(b) "Insurance policy" means, but is not limited to, life insurance, property insurance, or education policies.

(c) "Legal relationship" means any parent, subsidiary, or affiliated company with an insurer doing business in this state.

(d) "Proceeds" means the face or other payout value of policies, ~~and~~ annuities, or other financial instruments or assets, plus reasonable interest to the date of payment ~~payments~~ without diminution for wartime or immediate postwar currency devaluation.

(4) ASSISTANCE TO HOLOCAUST VICTIMS.—The department shall establish a toll-free telephone number, available in appropriate languages, to assist any person seeking to recover insurance claims or other financial proceeds or property owed ~~from an insurance policy issued~~ to a Holocaust victim, and to assist through education to mitigate the effects of the nonpayment of claims or nonreturn of property on Holocaust survivors.

(7) REPORTS FROM INSURERS.—

(a) Any insurer doing business in this state has ~~shall have~~ an affirmative duty to ascertain the following to the extent

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59 possible and report to the department ~~within 90 days after the~~
60 ~~effective date of this section and annually thereafter~~ all
61 efforts made and the results of such efforts ~~to ascertain~~:
62 1.~~(a)~~ Any legal relationship with an international insurer
63 that issued an insurance policy to a Holocaust victim between
64 1920 and 1945, inclusive.
65 2.~~(b)~~ The number and total value of such policies.
66 3.~~(c)~~ Any claim filed by a Holocaust victim, his or her
67 beneficiary, heir, or descendant that has been paid, denied
68 payment, or is pending.
69 4.~~(d)~~ Attempts made by the insurer to locate the
70 beneficiaries of any such policies for which a ~~no~~ claim of
71 benefits has not been made.
72 5.~~(e)~~ An explanation of any denial or pending payment of a
73 claim to a Holocaust victim, his or her beneficiary, heir, or
74 descendant.
75 (b) Insurers shall timely file a new report if there are
76 any changes to the previous report, or if requested to do so by
77 the department. Insurers shall timely provide any information
78 regarding unpaid Holocaust claims or any information necessary
79 to substantiate the accuracy of such reports upon the request of
80 the department.
81 (8) REPORTS TO THE LEGISLATURE.—By July 1 of each year, the
82 department shall report to the Legislature ~~1 year after the~~
83 ~~effective date of this section and annually thereafter~~:
84 (a) The number of insurers doing business in this state
85 which have a legal relationship with an international insurer
86 that could have issued a policy to a Holocaust victim between
87 1920 and 1945, inclusive.

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88 (b) A list of all claims paid, denied, or pending to a
89 Holocaust victim, his or her beneficiary, heir, or descendant.
90 (c) Any efforts made on behalf of Holocaust victims to
91 secure financial reparations or other assistance ~~A summary of~~
92 ~~the length of time for the processing and disposition of a claim~~
93 ~~by the insurer~~.
94 (11) RULES.—The department, by rule, shall provide for the
95 implementation of ~~the provisions of~~ this section by establishing
96 procedures and related forms for facilitating, monitoring, and
97 verifying compliance with this section and for the establishment
98 of a restitution and assistance program for Holocaust victims,
99 survivors, and their heirs and beneficiaries.
100 Section 2. This act shall take effect July 1, 2013.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: CS/CS/SB 1628

INTRODUCER: Appropriations Subcommittee on General Government; Agriculture Committee and Senator Montford

SUBJECT: Department of Agriculture and Consumer Services

DATE: April 4, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Halley	AG	**Fav/CS**
2.	Blizzard	DeLoach	AGG	**Fav/CS**
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/CS/SB 1628 modifies several programs and activities under the jurisdiction of the Department of Agriculture and Consumer Services (department).

The bill establishes the department, with the cooperation of the Fish and Wildlife Conservation Commission (commission), as the lead managing agency of the state-owned portion of the Babcock Ranch, upon termination or expiration of the existing management agreement approved by the Board of Trustees of the Internal Improvement Trust Fund. That management agreement terminates on July 31, 2016. The department and the commission are authorized to establish fees to offset the costs of operating the ranch. The department and the commission estimate the provisions in the bill related to Babcock Ranch will result in a positive state fiscal impact. (See Section V).

The modifications to the department's programs and activities provided in this bill have an insignificant impact on state revenues and expenditures (see Section V). The Fiscal Year 2013-2014 proposed Senate budget eliminates seven full-time equivalent positions, $129,768 in

funding from recurring general revenue and $249,746 in funding from trust funds, due to the elimination of the brucellosis testing at the Suwannee County Laboratory.

The bill makes the following changes to the department's programs and activities:

- Provides that public hearings to discuss a proposed 10-year Resource Management Plan for a state forest must be held in any one of the affected counties rather than in each affected county.
- Provides that Lee County will retain ownership and assume responsibility for a specified portion of the Babcock Ranch acquisition.
- Establishes the department as the lead agency responsible for management of the state-owned portion of the Babcock Ranch. Revises provisions of the Babcock Reserve Ranch Act to conform to the termination or expiration of the management agreement and the dissolution of Babcock Ranch, Inc.
- Creates the Babcock Ranch Advisory Group to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.
- Authorizes the department and commission to establish and implement certain fees.
- Authorizes the Board of Trustees of the Internal Improvement Trust Fund to enter into certain agreements.
- Revises provisions relating to the distribution of funds to aid local mosquito control programs.
- Repeals authorization for the Pesticide Review Council in the pesticide registration process.
- Eliminates a requirement for a triennial report on restricted-use pesticide use in Florida.
- Eliminates all permitting requirements for livestock haulers and the issuance of metal tags or plates to the livestock haulers by the department.
- Removes a reference to land clearing and replaces it with pile burning to provide consistency between the Florida Statutes and the Florida Administrative Code.
- Creates the Division of Food, Nutrition, and Wellness within the department.
- Authorizes the department to enter into agreements or to terminate agreements with Direct Support Organizations without having to file legislation.
- Moves procedures for certain fertilizer analyses from statute to rule to allow for changes in technology and in commercial fertilizer practices.
- Moves numeric criteria for laboratory analysis of fertilizer samples from statute to rule and provides the department with clear authority to adopt rules that address the criteria.
- Deletes statutory references to the animal disease diagnostic laboratory in Suwannee County since this facility is no longer necessary.
- Allows department apiary inspectors to work in the beekeeping industry as long as they do not have any regulatory oversight over their own businesses.
- Authorizes the department to recover costs incurred during enforcement actions related to the adulteration or misbranding of honey.
- Deletes a requirement that the Florida Forestry Council's annual meeting be held the first week in October.
- Expands the Operation Outdoor Freedom Program to provide more recreational opportunities for wounded veterans.
- Gives the Florida Forest Service (FFS) the power, authority, and duty to authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning.

- Changes the name of the Florida Center for Wildfire and Forest Resources Management Training to the Florida Forest Service Training Center and removes the advisory committee for the training center.
- Defines the term "gross negligence" to limit the liability of the FFS, landowners, and leaseholders when conducting prescribed burns. Authorizes the FFS to delegate land clearing and yard trash burning to special districts as well as to counties and municipalities.
- Revises provisions relating to criminal penalties for obstructing the prevention, detection or suppression of wildfires.
- Creates chapter 595, F.S., entitled "School Food and Nutrition Services."
- Creates the "Florida School Food and Nutrition Act."
- Provides state policy for school food service and food service programs.
- Requires each school to electronically submit its local school wellness policy to the Department of Agriculture and Consumer Services rather than to the Department of Education.
- Repeals the Pesticide Review Council.
- Repeals the Gertrude Maxwell Save a Pet Direct Support Organization and provides for disposal of the funds remaining in the DSO's account.
- Repeals the department's duties concerning Arabian horse racing and the Arabian Horse Council.
- Repeals a permit requirement for the sale of cypress products.

This bill amends the following sections of the Florida Statutes: 253.034, 259.1052, 259.1053, 388.261, 388.271, 487.160, 487.041, 534.083, 550.2625, 550.2633, 570.64, 570.07, 570.902, 570.903, 576.051, 576.061, 576.181, 585.61, 586.10, 586.15, 589.02, 589.19, 589.30, 590.02, 590.11, 590.125, 590.25, 570.983, 1001.42, and 1003.453.

This bill creates chapter 595, Florida Statutes.

This bill creates the following sections of the Florida Statutes: 570.64, 570.087, 595.401, 595.402, 595.403, and 595.501.

This bill transfers and renumbers the following sections of the Florida Statutes: 570.072, 570.98, 570.981, 570.982, 570.983, and 570.984.

This bill repeals the following sections of the Florida Statutes: 259.10521, 487.0615, 570.382, 570.97, and 590.50.

II. Present Situation:

10-Year Resource Management Plans

The Florida Forest Service oversees the management of Florida's one million acres of state forests pursuant to adopted land management plans. The purpose of these plans is to incorporate, evaluate, and prioritize all relevant information about the site into a cohesive management strategy, allowing for appropriate access to the managed areas while protecting the long-term health of the ecosystems and their resources. Land management plans are to be updated every 10 years on a rotating basis. In developing land management plans, at least one public hearing shall

be held in each affected county. The bill requires the meetings to be held in one county rather than each county which will result in a cost savings. The public may still provide input through email, phone calls, etc.

Babcock Ranch

The Babcock Ranch covers an area of 143 square miles and is comprised of 81,499 acres in Charlotte County and 9,862 acres in Lee County. In July of 2006, a Palm Beach real estate development firm, Kitson & Partners, purchased the entire 91,361 acre Babcock Ranch. The entity retained approximately 18,000 acres for development and sold to the State of Florida the remaining 73,000 acres. Prior to sale of the property in 2006, these two parcels of land combined were known as the Babcock Ranch.

This acquisition was one of the largest preservation purchases in the history of Florida and was made possible through the Babcock Ranch Preserve Act that was passed by the Legislature in 2006. The Act authorized the Babcock Ranch Preserve (preserve) as a working ranch and to protect regionally important water resources, diverse natural habitats, scenic landscapes and historic and cultural resources in southwest Florida. Public recreational opportunities include hunting, hiking, wildlife viewing, bicycling, fishing, camping and horseback riding.

Kitson & Partners entered into an agreement with the state of Florida to form a public/private partnership to manage the preserve. A subsidiary of Kitson & Partners, Babcock Ranch Management LLC, made up of the original ranch employees, entered into a management agreement with the Board of Trustees of the Internal Improvement Trust Fund and Lee County to provide management services for the preserve.

Section 259.1053, F.S., creates the Babcock Ranch, Inc., (BRI) as a not-for-profit corporation to operate and manage the preserve. Until the management agreement with Babcock Ranch Management, LLC, expires or is terminated, the BRI's officers and employees participate in the management of the preserve in an advisory capacity.

The BRI is comprised of nine members. Four members are appointed by the Board of Trustees of the Internal Improvement Trust Fund; one by the Fish & Wildlife Conservation Commission's executive director; one by the Commissioner of Agriculture; one by the Babcock Florida Company (or its successor); one by the Charlotte County Board of County Commissioners; and one by the Lee County Board of County Commissioners. The members of the BRI serve without compensation, but are entitled to per diem and travel expenses.

The lead managing agencies were established by the legislature as the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission. The department and the commission are directed by section 259.1052, F.S., to establish resource protection values for the preserve, and the BRI establishes the operational parameters to conduct the business of the ranch within the range of values.

The management agreement was for five years and was signed on July 31, 2006. The agreement contained an automatic extension for five additional years. The management agreement specifies a termination date of July 31, 2016; no additional extensions are provided. At the expiration of

the management agreement, BRI will transition from oversight activities to manager of the preserve, and would be expected to manage the daily activities associated with the operations of the ranch.

The BRI has conducted several meetings and has undertaken activities to prepare to manage the property when the management agreement expires in 2016. During the course of its work, the BRI has concluded that it is not financially prepared to properly manage the property when the management agreement expires. The bill makes no changes to the working ranch management concept and does not alter the activities allowed on the ranch. However, the bill does make changes to the management structure currently in place. The bill addresses the challenge of BRI's limited resources to properly manage the property by establishing management of the property to the department and the commission.

Mosquito Control Programs

Mosquito control is Florida's first line of defense against mosquito-borne diseases such as West Nile encephalitis, St. Louis encephalitis, eastern encephalitis, dengue, and many others. Chapter 388, F.S., addresses mosquito control efforts in the state. It allows any city, town, county, or any other area in the state to create a special taxing district for the control of arthropods. There are currently sixty two mosquito control programs in Florida.

Current statute provides that the department "prorate" available funds based on the amount of matchable local funds budgeted by a local mosquito control program. In practice, the department distributes available funds equally to all participating programs. This results in programs with large local budgets receiving the same funds as programs with small local budgets. The bill will allow the department to provide most of the available funds to programs in areas with limited budgets that rely on state aid to provide a significant proportion of program resources.

Florida Pesticide Law

Every third year, the department is required to conduct a survey and compile a report on restricted-use pesticides in this state. The report covers types and quantities of pesticides, methods of application, crops treated, dates and locations of application, persons affected, and reports of misuse, damage, and injury. The National Agricultural Statistics Survey of the United States Department of Agriculture (USDA) has been providing pesticide usage surveys that include not only restricted-use pesticides, but general use agricultural pesticides as well. The USDA survey reports are freely available to the public. To reduce expenses, the department has been relying on this information in lieu of conducting resource-intensive surveys. The requirement that the department also produce a report is duplicative and does not provide any additional information on pesticide use to the public.

The Pesticide Review Council was created to advise the Commissioner of Agriculture regarding the sale, use, and registration of pesticides and to advise government agencies of their responsibilities pertaining to pesticides. The council is to serve as a statewide forum for the coordination of pesticide-related activities to eliminate duplication of effort and maximize protection of the environment of the state and the health of the public. The council was created at a time when the department and other state agencies were involved in jurisdictional conflicts

over the regulation of pesticides. Such conflicts have long since been resolved, as department staff and other state agencies routinely work in close coordination and cooperation to address ongoing and emerging issues. In its present form, the council does not consider or review pesticide registration issues, as they are dealt with through routine inter-agency consultation at the professional staff level through monthly meetings of the Pesticide Registration Evaluation Committee. The council typically meets three times per year, but they are essentially informational in nature and rarely, if ever, result in recommendations to the Commissioner of Agriculture.

Livestock Hauler's Permit

Persons engaging in the business of transporting or hauling for hire livestock on any street or highway must apply for and obtain a $5 annual permit. The purpose of the permit is to improve control over livestock thefts and other illicit livestock operations. Elimination of this requirement will save livestock haulers both time and money. The department issues a metal tag or plate that bears a serial number to applicants to be attached to each vehicle used for transporting or hauling livestock. The bill would eliminate this requirement and save the state money. The department has indicated that it does not utilize the permitting process for any regulatory activity, neither is it used for animal traceability or identification.

Pile Burning

The Florida Forest Service (FFS) has the primary responsibility for prevention, detection, and suppression of wildfires wherever they may occur. It controls and authorizes open burning for the maintenance and continuous clearing of agricultural land. During Fiscal Years 2005-2006 and 2006-2007, the FFS in cooperation with the University of Florida Institute for Food and Agricultural Sciences developed a certification program for Florida Pile Burners to raise the overall quality of the open burning program in Florida. In Fiscal Year 2009-2010, the DACS amended the open burning rules and regulations to include the pile burner certification program. Rule 5I-2, Florida Administrative Code, outlines the steps necessary to become certified and the requirements to keep that certification. A burn permit must be obtained for burns relating to agriculture, silviculture, and rural land clearing. Current statutory references to land-clearing burning were not updated after changes were made to the Florida Administrative Code. The proposed changes in the bill will clear up any confusion about the FFS's ability to issue open burning authorizations for all types of pile burning.

Best Management Practices

For the past several years, the department has worked cooperatively with the Department of Environmental Protection, Water Management Districts, and other interested parties to develop and implement water quality best management practices (BMPs) for agriculture. These practices are designed to protect water quality by reducing the runoff and leaching of nutrients into Florida's surface and ground waters, and to enhance water conservation. BMPs are practical measures agricultural producers can take to improve water quality while maintaining agricultural production. Currently, the BMP programs being implemented address water quality issues. There are no BMPs relating to wildlife management in an agricultural setting.

Division of Food, Nutrition and Wellness

The 2011 Legislature created the Healthy Schools for Healthy Lives Act, which provides for a type two transfer of administration of school food and nutrition programs from the Department of Education to the Department of Agriculture and Consumer Services, pending a waiver from the United States Department of Agriculture. That waiver was granted in October 2011 and on January 1, 2012, the department assumed administration of the state's school food and nutrition programs. The Commissioner of Agriculture indicates that the department is the most experienced and best positioned to manage Florida's school food and nutrition programs. Furthermore, it is the commissioner's position that the transfer will foster increased coordination between Florida farmers and the school programs that provide food for Florida's children. Currently, the Division of Food, Nutrition, and Wellness is not created and given duties in the department's authorizing statute, nor is its division director. A new chapter, dedicated to the division, would consolidate all statutory sections dealing with the division, highlight the importance of nutrition, and provide the division and its constituents one place to find all necessary authority to operate.

Direct-Support Organizations

Currently, the legislature authorizes the establishment of a direct-support organization (DSO) to provide assistance for museums, the Florida Agriculture in the Classroom Program, the Florida State Collection of Arthropods, the Friends of the Florida State Forests Program of the Florida Forest Service, the Forestry Arson Alert Program, and other programs of the department. Other state agencies such as the Department of Corrections, Department of Environmental Protection, Department of Military Affairs, Department of Veterans Affairs, and the Fish and Wildlife Conservation Commission have the authority to create DSOs at their discretion. DSOs epitomize public-private partnerships, because individuals who use the services of a particular program can directly support and assist that program through the DSO.

Florida Commercial Fertilizer Law

Fertilizer companies that plan to market fertilizer in Florida are required to be licensed with the department and to provide proof of a Surety Bond or Certificate of Deposit in the amount of $1,000. All registered licensees report monthly tonnage using the Fertilizer Regulatory Website and pay an inspection fee of $1.00 per ton for mixed fertilizer materials, including an additional 50 cents per ton if the fertilizer contains nitrogen or phosphate. The inspection fee for liming materials and untreated phosphatic materials is 30 cents per ton.

When a fertilizer sample is determined by the department's laboratory to be deficient in the amount of a nutrient guaranteed to be in the product, the manufacturer has the right to send a portion of the official sample to a third party laboratory. This portion is termed a "referee sample." The referee process for deficient fertilizer samples, as defined in statute, establishes an allowance of 0.3 percent of a nutrient value for difference in laboratory results. Currently, the statute specifies analysis results from the department and a referee laboratory that check within 0.3 percent of each other are averaged to determine the final result. If the results do not agree within 0.3 percent, a second referee analysis may be requested and the two closest results would be averaged. This 0.3 percent matching result spread is applicable to all label guarantees ranging

from 0.001 percent to 62 percent. The proposed revision in the bill would replace the 0.3 percent criteria for checking results with criteria established in rule and allow for a percent guarantee based criteria to be added for the lower percent guarantees. By placing this criterion in rule, the allowance can be varied as analytical techniques and fertilizer manufacturing processes evolve. Rulemaking also allows stakeholder input into the development of these allowances.

Brucellosis Testing

Bovine brucellosis is a cattle disease that is near eradication in the United States after more than fifty years of efforts by state departments of agriculture, the United States Department of Agriculture (USDA), and the cattle industry. The Cooperative State-Federal Brucellosis Eradication Program is administered under a Memorandum of Understanding between the appropriate agency in each of the states and the U.S. Department of Agriculture. This program includes all of the activities associated with detecting, controlling, and eliminating brucellosis from domestic livestock in the United States. One of the long term responsibilities of the department's Division of Animal Industry has been the administration of Florida's Brucellosis Eradication Program. Each owner of a herd of cattle in the state must enroll the herd in the program to determine whether the herd is infected with brucellosis. Florida was declared "Brucellosis Class Free" in 2001 and, except for specific geographic regions surrounding Yellowstone National Park, the remainder of the United States is also "Brucellosis Class Free." Although calfhood vaccination continues on a voluntary basis by some Florida producers, vaccine is no longer provided at state expense. Whole-herd vaccination is no longer needed or available to producers.

The USDA contracts with the laboratory in Suwannee County to test brucellosis surveillance samples. These samples represent approximately 90 percent of the diagnostic tests performed at this specific laboratory. The USDA has determined it will reduce brucellosis surveillance nationwide and utilize a single federal laboratory to carry out testing for all states. USDA will discontinue funding of state laboratories for this purpose, effective March 31, 2013. A decision was made to stop performing diagnostic testing at the Suwannee County facility and to move the remaining testing to the Bronson Animal Disease Diagnostic Laboratory in Kissimmee, Florida, effective June 30, 2013.

Apiary Inspections

Apiary inspection plays a vital role in Florida Agriculture as inspectors work to prevent the introduction and establishment of honey bee pests and diseases. A healthy and secure Florida honey bee industry is valuable to all. Florida's honey industry is consistently ranked among the top five in the nation with an annual worth of $13 million. In addition, the Florida honey bee industry benefits our state's fruit and vegetable industry by providing an estimated $20 million in increased production numbers created by managed pollination services that are available in no other way. There are over 100 varieties of popular fruits and vegetables that use pollination to ensure fruitful crops. Florida Apiary Inspectors certify movement of honey bee colonies throughout the state and the nation. The department has the most comprehensive state program (e.g., number of inspectors and traps) to prevent the accidental introduction of the unwanted Africanized honey bee. Seventeen million pounds of honey are produced in Florida each year and consumed worldwide.

Operation Outdoor Freedom

The 2011 Legislature directed the FFS to designate areas of state forests as "Wounded Warrior Special Hunt Areas" to honor wounded veterans and service members, and to provide outdoor recreational opportunities for eligible veterans and service members. The 2012 Legislature renamed it the "Operation Outdoor Freedom Special Hunt Area" because it came to the attention of the department that another organization was using the term "Wounded Warrior."

Operation Outdoor Freedom, as currently in statute, is the basic framework for a program with the goal to provide wounded veterans with the opportunity to hunt and participate in outdoor activities on state forests in an atmosphere that encourages camaraderie and healing. The department is interested in expanding the program for this worthy user group and can do so at minimal cost. Currently, the statute does not encourage private landowner participation or encourage the FFS to work with other agencies and the private sector to make the program successful.

Arabian Horse Racing

The 1992 Legislature found that breed improvement and encouragement of Arabian horse breeding farms would greatly enhance tax revenues for the state and counties. The department was directed to establish a registry, to establish a stallion awards program, and to maintain complete records. The last Arabian horse race was run in the 1980s and the Arabian Horse Council has been inactive since the 1990s. Funds have not been deposited into the Florida Arabian Horse Racing Account since 2005. There are no other such laws present in the statutes for a specific breed of horse.

Gertrude Maxwell Save A Pet Act

The 2008 Legislature created the Gertrude Maxwell Save a Pet Direct-Support Organization within the Department of Agriculture and Consumer Services. The DSO was created for the purposes of providing grants to animal shelters for spaying and neutering, for sheltering and providing services during times of emergencies, and for developing and disseminating educational materials concerning the care of pets. The department's Division of Animal Industry assisted with the initial incorporation of the DSO. The Commissioner of Agriculture appointed a Board of Directors made up of eight members in August of 2008, and the group met in December of 2008 to elect officers. There has been no activity of the board since that meeting. Division staff has been in contact with the various officers to determine progress, but the DSO has never set up a bank account to allow the transfer of the remaining monies left from the initial donation by Ms. Maxwell. Ms. Maxwell's original donation was $62,000 and $59,239 still remains in the department trust fund.

III. Effect of Proposed Changes:

Section 1 amends s. 253.034, F.S., to change public hearing requirements. Hearings for proposed 10-year Resource Management Plans for a state forest shall be held in any one of the affected counties rather than in each affected county.

Section 2 amends. s. 259.1052, F.S., providing for Lee County to retain ownership and assume responsibility for management of a specified portion of the Babcock Crescent B Ranch Florida Forever acquisition upon termination or expiration of the management agreement approved by the Board of Trustees of the Internal Improvement Trust Fund on November 20, 2005.

Section 3 repeals s. 259.1053, F.S., relating to the citizen support organization for the Babcock Crescent B Ranch and use of the ranch property.

Section 4 amends s. 259.1053, F.S., to:

- Revise provisions of the Babcock Ranch Preserve Act to conform to the termination or expiration of the management agreement and the dissolution of Babcock Ranch, Inc.
- Create the Babcock Ranch Advisory Group to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve. The nine member group will be appointed by the Commissioner of Agriculture and Consumer Services and will serve five-year terms without compensation or reimbursement for travel expenses.
- Provide for the department to manage and operate the Babcock Ranch Preserve upon termination or expiration of the management agreement approved by the Board to Trustees of the Internal Improvement Trust Fund on November 22, 2005, and by Lee County on November 20, 2005.
- Authorize the department to assess fees for admission to, use of, and occupancy of the preserve to offset the cost of operations of the working ranch. The revenue from the fees will be deposited into the Incidental Trust Fund of the Florida Forest Service within the department, subject to appropriation by the Legislature.
- Authorize the Fish and Wildlife Commission to establish and administer permit fees for specific public hunting to help ensure that the preserve is financially self-sufficient. The revenue from the permit fees will be deposited into the State Game Trust Fund within the commission, to offset costs of providing public hunting, fish and wildlife, and land management activities.
- Authorize the Board of Trustees of the Internal Improvement Trust Fund to negotiate and enter into certain agreements.
- Terminate the Babcock Ranch Advisory Group on June 30, 2018, and allows for funds to revert to the department's Incidental Trust Fund upon dissolution of the group.

Section 5 amends s. 388.261, F.S., to authorize the Department of Agriculture and Consumer Services (department) to adopt a rule that would specify how to distribute funds to aid local mosquito control programs. It specifies that programs in areas with limited budgets of less than one million dollars, which rely on state aid to provide a significant proportion of program resources, shall receive 80 percent of the funds. The bill allows for any remaining funds to be used to support research, education, and outreach.

Section 6 amends s. 388.271, F.S., to correct an omission from a previous statute revision in the 2012 Legislative Session. It revises the date by which mosquito control districts must submit their certified budgets for approval by the department.

Section 7 amends s. 487.160, F.S., to eliminate a requirement for a triennial report on restricted-use pesticide use in Florida.

Section 8 amends s. 534.083, F.S., to eliminate all permitting requirements for livestock haulers. It also eliminates the requirement for the department to issue a metal tag or plate for each vehicle used by permitted livestock haulers.

Section 9 amends s. 570.07, F.S., to delete a reference to land clearing and replace it with the term "pile burning" to provide consistency between the Florida Statutes and the Florida Administrative Code.

Section 10 creates s. 570.087, F.S., to require the Department of Agriculture and Consumer Services to enter into a memorandum of agreement (MOA) with the Fish and Wildlife Conservation Commission for the purpose of developing voluntary best management practices for protecting freshwater aquatic life and wild animal life on agricultural lands. The MOA allows for selected pilot projects in order to facilitate development of the best management practices. The bill provides rulemaking authority to implement the best management practices. It also restricts the adoption or enforcement of any law regarding the best management practices on agricultural lands pursuant to s. 193.461, F.S.

Section 11 creates s. 570.64, F.S., to create the Division of Food, Nutrition, and Wellness within the department. It authorizes the Commissioner of Agriculture to appoint a division director and provides powers and duties as authorized by the commissioner.

Section 12 amends s. 570.902, F.S., to clarify the applicability of definitions relating to certain designated programs and direct-support organizations.

Section 13 amends s. 570.903, F.S., to authorize the department to establish direct-support organizations at its discretion, as follows:

- Deletes provisions that limit the establishment of direct-support organizations to particular museums and programs.
- Deletes provisions authorizing direct-support organizations to enter into certain contracts or agreements.
- Clarifies provisions prohibiting department employees, direct-support organizations, or museum employees, volunteers, or directors from receiving commissions, fees, or financial benefits in connection with the sale or exchange of real property and historical objects.
- Provides for the termination of agreements between the department and direct-support organizations if the department determines that the direct-support organization no longer meets the necessary objectives.
- Deletes provisions requiring the department to establish certain procedures relating to museum artifacts and records.
- Provides for the distribution of the assets of the direct-support organization.

Section 14 amends s. 576.051, F.S., Florida's Commercial Fertilizer Law, to move procedures for referee sample analysis from statute to department rule, allowing this process to be adjusted as technology and commercial fertilizer practices change.

Section 15 amends s. 576.061, F.S., to move numeric criteria for laboratory analysis of fertilizer samples that determine whether a fertilizer is deficient in plant food samples from statute to department rule.

Section 16 amends s. 576.181, F.S., to revise the department's authority to adopt rules establishing certain criteria for fertilizer analysis.

Section 17 amends s. 585.61, F.S., to delete references to the animal disease diagnostic laboratory in Suwannee County. The department will be closing the laboratory on June 30, 2013.

Section 18 amends s. 586.10, F.S., to allow department apiary inspectors to participate in the beekeeping industry as long as they do not have regulatory oversight of their own apiary.

Section 19 amends s. 586.15, F.S., to authorize the department to recover costs incurred during enforcement actions related to the adulteration or misbranding of honey. The bill directs that this revenue be deposited in the General Inspection Trust Fund within the department.

Section 20 amends s. 589.02, F.S., to delete a requirement that the Florida Forestry Council annual meeting be held the first Monday in October of each year.

Section 21 amends s. 589.19, F.S., to expand the Operation Outdoor Freedom Program to provide hunting and other activities for disabled veterans and injured active duty servicemembers in designated state forest areas and on designated public and private lands. It defines wounded American veteran and provides eligibility requirements. The bill authorizes the department to cooperate with state and federal agencies, local governments, private landowners, and other entities. It encourages private landowners to participate and gives them certain liability protection for doing so. The bill directs donations to the Operation Outdoor Freedom Program to be deposited into the account of the Friends of Florida State Forest Program. It designates the second Saturday of each November as Operation Outdoor Freedom Day.

Section 22 amends s. 589.30, F.S., to delete the title of district forester and insert the correct title of either district manager or center manager.

Section 23 amends s. 590.02, F.S., pertaining to the powers and authority of the FFS regarding wildfire protection, as follows:

- Deletes the word "extinguish." The definition of "extinguish" has two separate meanings as currently used in statute, one for wildfires and one for open burning, resulting in confusion and misinterpretation in the wildfire and forestry community.
- Provides the FFS the power, authority, and duty to authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning.
- Provides the Florida Forest Service's employees and firefighting crews' authority to enter property to detect fires.
- Specifies that sovereign immunity applies to the manner in which the FFS monitors a smoldering wildfire, smoldering prescribed fire, or fights any wildfire.
- Changes the name of the FFS training facility to "Florida Forest Service Training Center."

- Deletes provisions relating to the composition and duties of the Florida Forest Training Center advisory committee.
- Prohibits government entities from banning open agricultural, silvicultural, and land clearing debris.
- Authorizes the FFS to delegate authority for certain types of burning to special districts as well as counties and municipalities.

Section 24 amends s. 590.11, F.S., to better define how recreational fires are to be considered extinguished, since there is no current definition for un-distinguished. This change also reflects the proposed change to the definition of extinguished in s. 590.125(1)(f), F.S.

Section 25 amends s. 590.125, F.S., to revise and provide definitions related to open burning authorized by the FFS. It revises requirements for certified and noncertified burning. The bill more clearly defines "gross negligence." This will limit the liability of the FFS, landowners, and leaseholders when conducting statutorily required prescribed burns, without fear of unreasonable liability.

Section 26 amends s. 590.25, F.S., to revise provisions relating to criminal penalties for obstructing the prevention, detection, or suppression of wildfires.

Section 27 creates chapter 595, F.S., entitled "School Food and Nutrition Services."

Section 28 creates s. 595.401, F.S., to be cited as the "Florida School Food and Nutrition Act."

Section 29 creates s. 595.402, F.S., to provide definitions to be used in chapter 595, F.S.

Section 30 creates s. 595.403, F.S., to provide state policy with respect to school food service and food service programs. The state must provide standards for school food service and require each school district to establish and maintain an appropriate school food service program consistent with the nutritional needs of students. To implement that policy, the state must provide funds to meet the state National School Lunch Act matching requirements. The funds provided must be distributed in compliance with the requirements of the National School Lunch Act.

Section 31 transfers, renumbers, and amends s. 570.98 as s. 595.404, F.S., to provide for the following powers and duties of the Division of Food, Nutrition, and Wellness, granted in section 570.64, F.S., as follows:

- Supervises and administers all school food and nutrition programs.
- Cooperates with the federal government and its instrumentalities to receive the benefit of all federal financial allotments.
- Implements and adopts by rule federal regulations to maximize federal assistance.
- Acts as an agent of or contract with the federal government, another agency, or any county or municipal government for the administration of the school food and nutrition programs.
- Ensures that "severe need schools" receive the highest rate of reimbursement entitled under federal regulations for each breakfast meal served.

- Develops and proposes legislation necessary to implement, encourage innovation, and expand participation in school food and nutrition programs.
- Annually allocates funds provided from the school breakfast supplement in the General Appropriations Act among sponsors based on each district's total number of free and reduced-price breakfast meals served.
- Employs persons as necessary to perform these duties.
- Adopts rules covering the administration, operation and enforcement of the program.
- Adopts and implements an appeals process by rule for program applicants and participants.
- Assists, trains, and reviews each sponsor in its program implementation.
- Advances funds to sponsors when requested in order to implement program provisions in accordance with federal regulations.

Section 32 transfers, renumbers, and amends s. 570.981 as s. 595.405, F.S., to provide the following program requirements for school districts and sponsors, as follows:

- Adopts policies to provide for an appropriate food and nutrition service program consistent with department rules and federal regulations.
- Implements school breakfast programs in each elementary school.
- Offers universal school breakfast in schools with 80 percent or more of the student eligible for free or reduced-price meals.
- Makes breakfast meals available at an alternative site when practicable.
- Sets prices annually for breakfast meals at sufficient rates.
- Makes a breakfast meal available to students who arrive at school on the school bus less than 15 minutes before the first bell rings and allows those students at least 15 minutes to eat the breakfast.
- Annually provides students with information regarding school breakfast programs through school announcements and written notices sent to all parents.
- Completes all corrective action plans required by the department or a federal agency to be in compliance with the program.

Section 33 transfers, renumbers, and amends s. 570.981, F.S., as s. 595.406, F.S., to provide for the Florida Farm Fresh Schools Program within the department. To implement the program, the department is required to develop policies pertaining to school food services which encourage:

- Sponsors to buy fresh and high-quality foods grown in this when feasible.
- Farmers in this state to sell their products to sponsors, school districts.
- Sponsors to demonstrate a preference for competitively priced organic food products.
- Sponsors to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content.

The bill also requires the department to provide outreach, guidance, and training to sponsors, schools, school food service directors, parent and teacher organizations, and students about the benefits of fresh food products from farms in this state.

Section 34 transfers, renumbers, and amends s. 570.982, F.S., as s. 595.407, F.S., to clarify provisions of the children's summer nutrition program.

Section 35 transfers and renumbers s. 570.072, F.S., as s. 595.408, F.S., relating to responsibilities of the department for commodity distribution.

Section 36 creates s. 595.501, F.S., to provide for penalties for violation of or non-compliance with the statutory provisions of chapter 595, F.S., or of any rules adopted thereunder.

Section 37 transfers, renumbers, and amends s. 570.983, F.S., as s. 595.601, F.S., relating to the Food and Nutrition Services Trust Fund. It corrects a cross-reference to conform to the transfer.

Section 38 transfers and renumbers s. 570.984, F.S., as s. 595.701, F.S., relating to the Healthy Schools for Healthy Lives Council.

Section 39 amends s. 1001.42, F.S., to require district school boards to perform duties relating to school lunch programs as required by the department's rules rather than those of the State Board of Education.

Section 40 amends s. 1003.453, F.S., to require each school to electronically submit its local school wellness policy to the department rather than to the Department of Education.

Section 41 repeals s. 487.0615, F.S., to eliminate the Pesticide Review Council; repeals s. 570.382, F.S., to eliminate the Arabian Horse Council and provisions regarding Arabian horse racing; repeals s. 570.97, F.S., to eliminate the Gertrude Maxwell Save a Pet Direct Support Organization; and repeals s. 590.50, F.S., to eliminate a permit requirement for the sale of cypress products.

Section 42 amends s. 487.041, F.S., to conform this section to the elimination of the Pesticide Review Council.

Section 43 amends s. 550.2625, F.S., to eliminate the department's responsibility in administering funds for Arabian Horse race prizes. The funds will be administered by the Division of Pari-mutuel Wagering as are all of the other race horse prizes.

Section 44 amends s. 550.2633, F.S., to eliminate a requirement that funds for Arabian horse races be deposited into the Florida Arabian Horse Racing Promotion Account. This conforms to the repeal in section 35 of the bill.

Section 45 provides that to effectuate the repeal of the Gertrude Maxwell Save a Pet Direct Support Organization, and to honor the wishes of the donor, the sum of $59,239 is appropriated to the department to be used by the Division of Animal Industry for disbursement to Florida Animal Friend, Inc.

Section 46 provides that this act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The revisions to s. 534.083, F.S., eliminate all permitting requirements for livestock haulers. Elimination of this regulatory function will save livestock haulers $5 per year.

Revisions to s. 590.02, F.S., could result in additional areas where land clearing operations would have to pay for an authorization from a local government when they have not been required to in the past. Currently, there are some areas where fees have been collected for many years, and there would be no additional impact.

C. Government Sector Impact:

Local Governments

Local mosquito control programs with a budget of less $1,000,000 may receive additional funding under the bill's proposed distribution. Local mosquito control programs with budgets of over $1,000,000 would receive less. The FY 2012-2013 General Appropriations Act provided $1,044,368 to local mosquito control programs, and most programs received a distribution of $18,333 from the department.

Local governments that choose to have open burning delegated to them and do not have infrastructure and personnel in place may incur costs. Currently, some local governments charge a fee for burning authorizations, and this delegated authority could generate revenue.

State Government

The department estimates reductions to revenues and expenditures will occur due to the elimination of the livestock haulers permits, the Pesticide Review Council and brucellosis

testing at the animal diagnostic laboratory in Suwannee County. In addition, the bill specifies that the amount of $59,239 of the remaining funds of the Gertrude Maxwell Save A Pet DSO be transferred from the General Inspection Trust Fund to Florida Animal Friend, Inc.

REVENUES	**FY 2013-14**
General Inspection Trust Fund:	
Livestock Haulers Permits	($8,500)
Gertrude Maxwell Save a Pet DSO Donation	$59,239
Total General Inspection Trust Fund	**$50,739**
Federal Grants Trust Fund:	
Suwannee County Laboratory	($194,870)
Total Federal Grants Trust Fund	**($194,870)**
Total Revenues	**($144,131)**
EXPENDITURES	
General Revenue:	
Suwannee County Laboratory	($129,768)
Total General Revenue	**($129,768)**
General Inspection Trust Fund:	
Livestock Haulers Permits	($3,225)
Gertrude Maxwell Transfer to Florida Animal Friend, Inc.	$59,239
Suwannee County Laboratory	($54,876)
Pesticide Review Council	($20,000)
Total General Inspection Trust Fund	**($18,862)**
Federal Grants Trust Fund:	
Suwannee County Laboratory	($194,870)
Total Federal Grants Trust Fund	**($194,870)**
Total Expenditures	**($343,500)**
Total FTE	**(7.00)**

The Fiscal Year 2013-2014 Senate budget eliminates seven full-time equivalent positions, $129,768 in funding from recurring general revenue and $249,746 in funding from trust funds, due to the elimination of the brucellosis testing at the Suwannee County Laboratory.

According to the department, costs recovered through the enforcement actions related to the adulteration or misbranding of honey are indeterminate.

Babcock Ranch

REVENUES		
Department of Agriculture and Consumer Services	**FY 2016-17**	**FY 2017-18**
Incidental Trust Fund:		
Cattle Grazing Leases	$190,000	$190,000
Tenant Farming	$250,000	$250,000
Timber Sales	$40,000	$40,000
Babcock Wilderness Adventure	$568,000	$568,000
Other Revenue	$48,000	$48,000
Total Incidental Trust Fund	**$1,096,000**	**$1,096,000**
Fish and Wildlife Conservation Commission		
State Game Trust Fund:		
Hunting Permits	$483,000	$483,000
Total State Game Trust Fund	**$483,000**	**$483,000**
Total Revenues	**$1,579,000**	**$1,579,000**
EXPENDITURES		
Department of Agriculture and Consumer Services		
Incidental Trust Fund:		
Babcock Wilderness Adventure	$346,000	$346,000
Expense	$258,000	$258,000
Nonrecurring Expense & OCO	$100,000	$0
Total Incidental Trust Fund	**$704,000**	**$604,000**
Fish and Wildlife Conservation Commission		
State Game Trust Fund:		
Salaries & Benefits – 2 FTE	$97,000	$97,000
Non Carl Wildlife Management	$160,000	$56,000
Total State Game Trust Fund	**$257,000**	**$153,000**
Total Expenditures	**$961,000**	**$757,000**

The department and commission estimate a positive revenue impact of $618,000 beginning in Fiscal Year 2016-2017 relating to the operations of the Babcock Ranch. The commission estimates a need for two full-time equivalent positions to manage public hunting activities and wildlife populations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on General Government on April 4, 2013:
The committee substitute does the following:

- Establishes the Department of Agriculture and Consumer Services, with the cooperation of the Fish and Wildlife Conservation Commission, as the lead agency responsible for management of the Babcock Ranch, upon termination or expiration of the management agreement approved by the Board of Trustees of the Internal Improvement Trust Fund on November 22, 2005, and by Lee County on November 20, 2005.
- Provides for Lee County to retain ownership and assume responsibility for management of a specified portion of the Babcock Ranch.
- Creates the Babcock Ranch Advisory Group.
- Requires the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission to establish fees and permits to offset the operating expenses of the state owned portion of the Babcock Ranch.
- Authorizes the Department of Agriculture and Consumer Services to collect certain costs relating to enforcement prohibitions against the adulteration or misbranding of honey.
- Makes minor clarifying changes.
- Provides that leaseholders are not liable pursuant to s. 590.13, F.S., for damage or injury caused by a certified prescribed burn.
- Requires the Department of Agriculture and Consumer Services to enter into a memorandum of agreement with the Fish and Wildlife Conservation Commission for the purpose of developing wildland best management practices on agricultural lands.
- Provides rulemaking authority and voluntary implementation for the best management practices.
- Restricts the adoption or enforcement of any law regarding the best management practices on agricultural lands pursuant to s. 193.46, F.S.

CS by Agriculture on March 18, 2013:
Includes a technical amendment that would transfer s. 570.072, F.S., to the new chapter 595, F.S., created by the bill. It also adds a new section 35 to the bill that requires each school to electronically submit its local school wellness policy to the Department of Agriculture and Consumer Services rather than to the Department of Education.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

589372

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2013	.	
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Appropriations Subcommittee on General Government (Dean) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Between lines 180 and 181
4 insert:
5 Section 2. Subsections (3), (4), and (5) of section
6 259.1052, Florida Statutes, are amended to read:
7 259.1052 Babcock Crescent B Ranch Florida Forever
8 acquisition; conditions for purchase.—
9 (3) The Legislature recognizes that the acquisition of the
10 state’s portion of the Babcock Crescent B Ranch represents a
11 unique opportunity to assist in preserving the largest private
12 and undeveloped single-ownership tract of land in Charlotte

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13 County. The Legislature further recognizes Lee County as a
14 partner in the acquisition of the ranch. Upon the termination or
15 expiration of the management agreement, Lee County will retain
16 ownership and assume responsibility for management of the Lee
17 County portion of the acquisition. Lee County and the lead
18 manager may enter into an agreement for management of the Lee
19 County property.
20 (4) This section authorizes the acquisition of the state's
21 portion of the Babcock Crescent B Ranch in order to protect and
22 preserve for future generations the scientific, scenic,
23 historic, and natural values of the ranch, including rivers and
24 ecosystems; to protect and preserve the archaeological,
25 geological, and cultural resources of the ranch; to provide for
26 species recovery; and to provide opportunities for public
27 recreation compatible with the working ranch and agricultural
28 activities conducted on the property.
29 (5) The Florida Forest Service of ~~Fish and Wildlife~~
30 ~~Conservation Commission and~~ the Department of Agriculture and
31 Consumer Services shall, with the cooperation of the Fish and
32 Wildlife Conservation Commission, be the lead managing agency
33 ~~agencies~~ responsible for the management of Babcock Crescent B
34 Ranch.
35 Section 3. Section 259.10521, Florida Statutes, is
36 repealed.
37 Section 4. Section 259.1053, Florida Statutes, is amended
38 to read:
39 259.1053 Babcock Ranch Preserve~~; Babcock Ranch, Inc.;~~
40 ~~creation; membership; organization; meetings~~.—
41 (1) SHORT TITLE.—This section may be cited as the "Babcock

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42 Ranch Preserve Act."
43 (2) DEFINITIONS.—As used in this section, the term:
44 (a) "Babcock Ranch Preserve" and "preserve" mean the lands
45 and facilities acquired in the purchase of the Babcock Crescent
46 B Ranch, as provided in s. 259.1052.
47 ~~(b) "Babcock Ranch, Inc.," and "corporation" mean the not-~~
48 ~~for-profit corporation created under this section to operate and~~
49 ~~manage the Babcock Ranch Preserve as a working ranch.~~
50 ~~(c) "Board of directors" means the governing board of the~~
51 ~~not-for-profit corporation created under this section.~~
52 (b) ~~(d)~~ "Commission" means the Fish and Wildlife
53 Conservation Commission.
54 (c) ~~(e)~~ "Commissioner" means the Commissioner of
55 Agriculture.
56 (d) ~~(f)~~ "Department" means the Department of Agriculture and
57 Consumer Services.
58 (e) ~~(g)~~ "Executive director" means the Executive Director of
59 the Fish and Wildlife Conservation Commission.
60 (f) ~~(h)~~ "Financially self-sustaining" means having
61 management and operation expenditures not more than the revenues
62 collected from fees and other receipts for resource use and
63 development and from interest and invested funds.
64 (g) "Florida Forest Service" means the Florida Forest
65 Service of the Department of Agriculture and Consumer Services.
66 ~~(i) "Management and operating expenditures" means expenses~~
67 ~~of the corporation, including, but not limited to, salaries and~~
68 ~~benefits of officers and staff, administrative and operating~~
69 ~~expenses, costs of improvements to and maintenance of lands and~~
70 ~~facilities of the Babcock Ranch Preserve, and other similar~~

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71 ~~expenses. Such expenditures shall be made from revenues~~
72 ~~generated from the operation of the ranch and not from funds~~
73 ~~appropriated by the Legislature except as provided in this~~
74 ~~section.~~
75 ~~(j) "Member" means a person appointed to the board of~~
76 ~~directors of the not-for-profit corporation created under this~~
77 ~~section.~~
78 (h) ~~(k)~~ "Multiple use" means the management of all of the
79 renewable surface resources of the Babcock Ranch Preserve to
80 best meet the needs of the public, including the use of the land
81 for some or all of the renewable surface resources or related
82 services over areas large enough to allow for periodic
83 adjustments in use to conform to the changing needs and
84 conditions of the preserve while recognizing that a portion of
85 the land will be used for some of the renewable surface
86 resources available on that land. The goal of multiple use is
87 the harmonious and coordinated management of the renewable
88 surface resources without impairing the productivity of the land
89 and considering the relative value of the renewable surface
90 resources, and not necessarily a combination of uses to provide
91 the greatest monetary return or the greatest unit output.
92 (i) ~~(l)~~ "Sustained yield of the renewable surface resources"
93 means the achievement and maintenance of a high level of annual
94 or regular periodic output of the various renewable surface
95 resources of the preserve without impairing the productivity of
96 the land.
97 (3) CREATION OF BABCOCK RANCH PRESERVE.—
98 (a) Upon the date of acquisition of the Babcock Crescent B
99 Ranch, there is created the Babcock Ranch Preserve, which shall

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100 be managed in accordance with the purposes and requirements of
101 this section.
102 (b) The preserve is established to protect and preserve the
103 environmental, agricultural, scientific, scenic, geologic,
104 watershed, fish, wildlife, historic, cultural, and recreational
105 values of the preserve, and to provide for the multiple use and
106 sustained yield of the renewable surface resources within the
107 preserve consistent with this section.
108 (c) The Legislature recognizes that the Babcock Crescent B
109 Ranch will need a variety of facilities to enhance its public
110 use and potential. The need for such facilities may exceed the
111 ability of the state to provide such facilities in a timely
112 manner with funds available. The Legislature finds it to be in
113 the public interest to provide incentives for partnerships with
114 public or private organizations with the intent of producing
115 additional revenue to help enhance the use and potential of the
116 ranch ~~Babcock Ranch, Inc., and its officers and employees shall~~
117 ~~participate in the management of the Babcock Ranch Preserve in~~
118 ~~an advisory capacity only until the management agreement~~
119 ~~referenced in paragraph (11)(a) is terminated or expires~~.
120 (d) ~~Nothing in~~ This section does not ~~shall~~ preclude ~~Babcock~~
121 ~~Ranch, Inc., prior to assuming management and operation of the~~
122 ~~preserve and thereafter, from allowing~~ the use of common
123 varieties of mineral materials such as sand, stone, and gravel
124 for construction and maintenance of roads and facilities within
125 the preserve.
126 (e) ~~Nothing in~~ This section does not affect ~~shall be~~
127 ~~construed as affecting~~ the constitutional responsibilities of
128 the commission in the exercise of its regulatory and executive

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129 power with respect to wild animal life and freshwater aquatic
130 life, including the regulation of hunting, fishing, and trapping
131 within the preserve.
132 (f) ~~Nothing in~~ This section does not ~~shall be construed to~~
133 interfere with or prevent the implementation of ~~ability of~~
134 ~~Babcock Ranch, Inc., to implement~~ agricultural practices
135 authorized by the agricultural land use designations established
136 in the local comprehensive plans of either Charlotte County or
137 Lee County as those plans apply to the Babcock Ranch Preserve.
138 ~~(g) To clarify the responsibilities of the lead managing~~
139 ~~agencies and the not-for-profit corporation created under this~~
140 ~~section, the lead managing agencies are directed to establish a~~
141 ~~range of resource protection values for the Babcock Ranch~~
142 ~~Preserve, and the corporation shall establish operational~~
143 ~~parameters to conduct the business of the ranch within the range~~
144 ~~of values. The corporation shall establish a range of~~
145 ~~operational values for conducting the business of the ranch, and~~
146 ~~the lead managing agencies providing ground support to the ranch~~
147 ~~outside of each agency's jurisdictional responsibilities shall~~
148 ~~establish management parameters within that range of values.~~
149 (g) ~~(h)~~ ~~Nothing in~~ This section does not ~~shall~~ preclude the
150 maintenance and use of roads and trails or the relocation of
151 roads in existence on the effective date of this section, or the
152 construction, maintenance, and use of new trails, or any
153 motorized access necessary for the administration of the land
154 contained within the preserve, including motorized access
155 necessary for emergencies involving the health or safety of
156 persons within the preserve.
157 ~~(i) The Division of State Lands of the Department of~~

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158 ~~Environmental Protection shall perform staff duties and~~
159 ~~functions for Babcock Ranch, Inc., the not-for-profit~~
160 ~~corporation created under this section, until such time as the~~
161 ~~corporation organizes to elect officers, file articles of~~
162 ~~incorporation, and exercise its powers and duties.~~
163 (4) ~~CREATION OF~~ BABCOCK RANCH ADVISORY GROUP~~, INC~~.—
164 (a) The purpose of the Babcock Ranch Advisory Group is to
165 assist the department by providing guidance and advice
166 concerning the management and stewardship of the Babcock Ranch
167 Preserve.
168 (b) The Babcock Ranch Advisory Group shall be comprised of
169 nine members appointed to 5-year terms by the commissioner as
170 follows:
171 1. One member with experience in sustainable management of
172 forest lands for commodity purposes.
173 2. One member with experience in financial management,
174 budget and program analysis, and small business operations.
175 3. One member with experience in the management of game and
176 nongame wildlife and fish populations, including hunting,
177 fishing, and other recreational activities.
178 4. One member with experience in domesticated livestock
179 management, production, and marketing, including range
180 management and livestock business management.
181 5. One member with experience in agriculture operations or
182 forestry management.
183 6. One member with experience in hunting, fishing, nongame
184 species management, or wildlife habitat management, restoration,
185 and conservation.
186 7. One member who is a private landowner.

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187 8. One member who is a resident of Lee County with
188 experience in land conservation and management.
189 9. One member who is a resident of Charlotte County and
190 active in an organization involved with the activities of the
191 ranch.
192
193 Vacancies will be filled in the same manner that the original
194 appointment was made. A member appointed to fill a vacancy shall
195 serve for the remainder of that term.
196 (c) Members of the Babcock Ranch Advisory Group shall:
197 1. Elect a chair and vice chair from among the group
198 members.
199 2. Meet regularly as determined by the director of the
200 Florida Forest Service.
201 3. Serve without compensation or reimbursement for travel
202 and per diem expenses.
203 ~~(a) Subject to filing articles of incorporation, there is~~
204 ~~created a not-for-profit corporation, to be known as Babcock~~
205 ~~Ranch, Inc., which shall be registered, incorporated, organized,~~
206 ~~and operated in compliance with the provisions of chapter 617,~~
207 ~~and which shall not be a unit or entity of state government. For~~
208 ~~purposes of sovereign immunity, the corporation shall be a~~
209 ~~corporation primarily acting as an instrumentality of the state~~
210 ~~but otherwise shall not be an agency within the meaning of s.~~
211 ~~20.03(11) or a unit or entity of state government.~~
212 ~~(b) The corporation is organized on a nonstock basis and~~
213 ~~shall operate in a manner consistent with its public purpose and~~
214 ~~in the best interest of the state.~~
215 ~~(c) Meetings and records of the corporation, its directors,~~

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216 ~~advisory committees, or similar groups created by the~~
217 ~~corporation, including any not-for-profit subsidiaries, are~~
218 ~~subject to the public records provisions of chapter 119 and the~~
219 ~~public meetings and records provisions of s. 286.011.~~
220 ~~(5) APPLICABILITY OF SECTION.—In any conflict between a~~
221 ~~provision of this section and a provision of chapter 617, the~~
222 ~~provisions of this section shall prevail.~~
223 ~~(6) PURPOSE.—The purpose of Babcock Ranch, Inc., is to~~
224 ~~provide management and administrative services for the preserve,~~
225 ~~to establish and implement management policies that will achieve~~
226 ~~the purposes and requirements of this section, to cooperate with~~
227 ~~state agencies to further the purposes of the preserve, and to~~
228 ~~establish the administrative and accounting procedures for the~~
229 ~~operation of the corporation.~~
230 ~~(7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.—The corporation~~
231 ~~shall be governed by a nine-member board of directors who shall~~
232 ~~be appointed by the Board of Trustees of the Internal~~
233 ~~Improvement Trust Fund; the executive director of the~~
234 ~~commission; the Commissioner of Agriculture; the Babcock Florida~~
235 ~~Company, a corporation registered to do business in the state,~~
236 ~~or its successors or assigns; the Charlotte County Board of~~
237 ~~County Commissioners; and the Lee County Board of County~~
238 ~~Commissioners in the following manner:~~
239 ~~(a)1. The Board of Trustees of the Internal Improvement~~
240 ~~Trust Fund shall appoint four members. One appointee shall have~~
241 ~~expertise in domesticated livestock management, production, and~~
242 ~~marketing, including range management and livestock business~~
243 ~~management. One appointee shall have expertise in the management~~
244 ~~of game and nongame wildlife and fish populations, including~~

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245 ~~hunting, fishing, and other recreational activities. One~~
246 ~~appointee shall have expertise in the sustainable management of~~
247 ~~forest lands for commodity purposes. One appointee shall have~~
248 ~~expertise in financial management, budget and program analysis,~~
249 ~~and small business operations.~~
250 ~~2. The executive director shall appoint one member with~~
251 ~~expertise in hunting; fishing; nongame species management; or~~
252 ~~wildlife habitat management, restoration, and conservation.~~
253 ~~3. The commissioner shall appoint one member with expertise~~
254 ~~in agricultural operations or forestry management.~~
255 ~~4. The Babcock Florida Company, or its successors or~~
256 ~~assigns, shall appoint one member with expertise in the~~
257 ~~activities and management of the Babcock Ranch on the date of~~
258 ~~acquisition of the ranch by the state as provided under s.~~
259 ~~259.1052. This appointee shall serve on the board of directors~~
260 ~~only until the termination of or expiration of the management~~
261 ~~agreement attached as Exhibit "E" to that certain Agreement for~~
262 ~~Sale and Purchase approved by the Board of Trustees of the~~
263 ~~Internal Improvement Trust Fund on November 22, 2005, and by Lee~~
264 ~~County, a political subdivision of the state, on November 20,~~
265 ~~2005. Upon termination of or expiration of the management~~
266 ~~agreement, the person serving as the head of the property~~
267 ~~owners' association, if any, required to be created under the~~
268 ~~agreement for sale and purchase shall serve as a member of the~~
269 ~~board of directors of Babcock Ranch, Inc.~~
270 ~~5. The Charlotte County Board of County Commissioners shall~~
271 ~~appoint one member who shall be a resident of the county and who~~
272 ~~shall be active in an organization concerned with the activities~~
273 ~~of the ranch.~~

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274 ~~6. The Lee County Board of County Commissioners shall~~
275 ~~appoint one member who shall be a resident of the county and who~~
276 ~~shall have experience in land conservation and management. This~~
277 ~~appointee, or a successor appointee, shall serve as a member of~~
278 ~~the board of directors so long as the county participates in the~~
279 ~~state land management plan.~~
280 ~~(b) All members of the board of directors shall be~~
281 ~~appointed no later than 90 days following the initial~~
282 ~~acquisition of the Babcock Ranch by the state, and:~~
283 ~~1. Four members initially appointed by the Board of~~
284 ~~Trustees of the Internal Improvement Trust Fund shall each serve~~
285 ~~a 4-year term.~~
286 ~~2. The remaining initial five appointees shall each serve a~~
287 ~~2-year term.~~
288 ~~3. Each member appointed thereafter shall serve a 4-year~~
289 ~~term.~~
290 ~~4. A vacancy shall be filled in the same manner in which~~
291 ~~the original appointment was made, and a member appointed to~~
292 ~~fill a vacancy shall serve for the remainder of that term.~~
293 ~~5. No member may serve more than 8 years in consecutive~~
294 ~~terms.~~
295 ~~(c) With the exception of the Babcock Florida Company~~
296 ~~appointee, no member may be an officer, director, or shareholder~~
297 ~~in any entity that contracts with or receives funds from the~~
298 ~~corporation or its subsidiaries.~~
299 ~~(d) No member shall vote in an official capacity upon any~~
300 ~~measure that would inure to his or her special private gain or~~
301 ~~loss, that he or she knows would inure to the special private~~
302 ~~gain or loss of any principal by whom he or she is retained or~~

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303 ~~to the parent organization or subsidiary of a principal by which~~
304 ~~he or she is retained, or that he or she knows would inure to~~
305 ~~the special private gain or loss of a relative or business~~
306 ~~associate of the member. Such member shall, prior to the vote~~
307 ~~being taken, publicly state the nature of his or her interest in~~
308 ~~the matter from which he or she is abstaining from voting and,~~
309 ~~no later than 15 days following the date the vote occurs, shall~~
310 ~~disclose the nature of his or her interest as a public record in~~
311 ~~a memorandum filed with the person responsible for recording the~~
312 ~~minutes of the meeting, who shall incorporate the memorandum in~~
313 ~~the minutes of the meeting.~~
314 ~~(e) Each member of the board of directors is accountable~~
315 ~~for the proper performance of the duties of office, and each~~
316 ~~member owes a fiduciary duty to the people of the state to~~
317 ~~ensure that funds provided in furtherance of this section are~~
318 ~~disbursed and used as prescribed by law and contract. Any~~
319 ~~official appointing a member may remove that member for~~
320 ~~malfeasance, misfeasance, neglect of duty, incompetence,~~
321 ~~permanent inability to perform official duties, unexcused~~
322 ~~absence from three consecutive meetings of the board, arrest or~~
323 ~~indictment for a crime that is a felony or misdemeanor involving~~
324 ~~theft or a crime of dishonesty, or pleading nolo contendere to,~~
325 ~~or being found guilty of, any crime.~~
326 ~~(f) Each member of the board of directors shall serve~~
327 ~~without compensation, but shall receive travel and per diem~~
328 ~~expenses as provided in s. 112.061 while in the performance of~~
329 ~~his or her duties.~~
330 ~~(g) No appointee shall be an employee of any governmental~~
331 ~~entity.~~

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332 ~~(8) ORGANIZATION; MEETINGS.—~~
333 ~~(a)1. The board of directors shall annually elect a~~
334 ~~chairperson and a vice chairperson from among the board's~~
335 ~~members. The members may, by a vote of five of the nine board~~
336 ~~members, remove a member from the position of chairperson or~~
337 ~~vice chairperson prior to the expiration of his or her term as~~
338 ~~chairperson or vice chairperson. His or her successor shall be~~
339 ~~elected to serve for the balance of the removed chairperson's or~~
340 ~~vice chairperson's term.~~
341 ~~2. The chairperson shall ensure that records are kept of~~
342 ~~the proceedings of the board of directors, and is the custodian~~
343 ~~of all books, documents, and papers filed with the board, the~~
344 ~~minutes of meetings of the board, and the official seal of the~~
345 ~~corporation.~~
346 ~~(b)1. The board of directors shall meet upon the call of~~
347 ~~the chairperson at least 3 times per year in Charlotte County or~~
348 ~~in Lee County.~~
349 ~~2. A majority of the members of the board of directors~~
350 ~~constitutes a quorum. Except as otherwise provided in this~~
351 ~~section, the board of directors may take official action by a~~
352 ~~majority of the members present at any meeting at which a quorum~~
353 ~~is present. Members may not vote by proxy.~~
354 ~~(9) POWERS AND DUTIES.—~~
355 ~~(a) The board of directors shall adopt articles of~~
356 ~~incorporation and bylaws necessary to govern its activities. The~~
357 ~~adopted articles of incorporation and bylaws must be approved by~~
358 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
359 ~~prior to filing with the Department of State.~~
360 ~~(b) The board of directors shall review and approve any~~

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361 ~~management plan developed pursuant to ss. 253.034 and 259.032~~
362 ~~for the management of lands in the preserve prior to the~~
363 ~~submission of that plan to the Board of Trustees of the Internal~~
364 ~~Improvement Trust Fund for approval and implementation.~~
365 ~~(c)1. Except for the constitutional powers of the~~
366 ~~commission as provided in s. 9, Art. IV of the State~~
367 ~~Constitution, the board of directors shall have all necessary~~
368 ~~and proper powers for the exercise of the authority vested in~~
369 ~~the corporation, including, but not limited to, the power to~~
370 ~~solicit and accept donations of funds, property, supplies, or~~
371 ~~services from individuals, foundations, corporations, and other~~
372 ~~public or private entities for the purposes of this section. All~~
373 ~~funds received by the corporation shall be deposited into the~~
374 ~~operating fund authorized under this section unless otherwise~~
375 ~~directed by the Legislature.~~
376 ~~2. The board of directors may not increase the number of~~
377 ~~its members.~~
378 ~~3. Except as necessary to manage and operate the preserve~~
379 ~~as a working ranch, the corporation may not purchase, take,~~
380 ~~receive, lease, take by gift, devise, or bequest, or otherwise~~
381 ~~acquire, own, hold, improve, use, or otherwise deal in and with~~
382 ~~real property, or any interest therein, wherever situated.~~
383 ~~4. The corporation may not sell, convey, mortgage, pledge,~~
384 ~~lease, exchange, transfer, or otherwise dispose of any real~~
385 ~~property.~~
386 ~~5. The corporation may not purchase, take, receive,~~
387 ~~subscribe for, or otherwise acquire, own, hold, vote, use,~~
388 ~~employ, sell, mortgage, lend, pledge, or otherwise dispose of or~~
389 ~~otherwise use and deal in and with, shares and other interests~~

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390 ~~in, or obligations of, other domestic or foreign corporations,~~
391 ~~whether for profit or not for profit, associations,~~
392 ~~partnerships, or individuals, or direct or indirect obligations~~
393 ~~of the United States, or any other government, state, territory,~~
394 ~~government district, municipality, or any instrumentality~~
395 ~~thereof.~~
396 ~~6. The corporation may not lend money for its corporate~~
397 ~~purposes, invest and reinvest its funds, or take and hold real~~
398 ~~and personal property as security for the payment of funds lent~~
399 ~~or invested.~~
400 ~~7. The corporation may not merge with other corporations or~~
401 ~~other business entities.~~
402 ~~8. The corporation may not enter into any contract, lease,~~
403 ~~or other agreement related to the use of ground or surface~~
404 ~~waters located in, on, or through the preserve without the~~
405 ~~consent of the Board of Trustees of the Internal Improvement~~
406 ~~Trust Fund and permits that may be required by the Department of~~
407 ~~Environmental Protection or the appropriate water management~~
408 ~~district under chapters 373 and 403.~~
409 ~~9. The corporation may not grant any easements in, on, or~~
410 ~~across the preserve. Any easements to be granted for the use of,~~
411 ~~access to, or ingress and egress across state property within~~
412 ~~the preserve must be executed by the Board of Trustees of the~~
413 ~~Internal Improvement Trust Fund as the owners of the state~~
414 ~~property within the preserve. Any easements to be granted for~~
415 ~~the use of, access to, or ingress and egress across property~~
416 ~~within the preserve titled in the name of a local government~~
417 ~~must be granted by the governing body of that local government.~~
418 ~~10. The corporation may not enter into any contract, lease,~~

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419 ~~or other agreement related to the use and occupancy of the~~
420 ~~property within the preserve for a period greater than 10 years.~~
421 ~~(d) The members may, with the written approval of the~~
422 ~~commission and in consultation with the department, designate~~
423 ~~hunting, fishing, and trapping zones and may establish~~
424 ~~additional periods when no hunting, fishing, or trapping shall~~
425 ~~be permitted for reasons of public safety, administration, and~~
426 ~~the protection and enhancement of nongame habitat and nongame~~
427 ~~species, as defined under s. 379.101.~~
428 ~~(e) The corporation shall have the sole and exclusive right~~
429 ~~to use the words "Babcock Ranch, Inc.," and any seal, emblem, or~~
430 ~~other insignia adopted by the members. Without the express~~
431 ~~written authority of the corporation, no person may use the~~
432 ~~words "Babcock Ranch, Inc.," as the name under which that person~~
433 ~~conducts or purports to conduct business, for the purpose of~~
434 ~~trade or advertisement, or in any manner that may suggest any~~
435 ~~connection with the corporation.~~
436 ~~(f) The corporation may from time to time appoint advisory~~
437 ~~committees to further any part of this section. The advisory~~
438 ~~committees shall be reflective of the expertise necessary for~~
439 ~~the particular function for which the committee is created, and~~
440 ~~may include public agencies, private entities, and not-for-~~
441 ~~profit conservation and agricultural representatives.~~
442 ~~(g) State laws governing the procurement of commodities and~~
443 ~~services by state agencies, as provided in s. 287.057, shall~~
444 ~~apply to the corporation.~~
445 ~~(h) The corporation and its subsidiaries must provide equal~~
446 ~~employment opportunities for all persons regardless of race,~~
447 ~~color, religion, gender, national origin, age, handicap, or~~

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448 ~~marital status.~~
449 ~~(10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING~~
450 ~~REQUIREMENTS.—~~
451 ~~(a) The board of directors may establish and manage an~~
452 ~~operating fund to address the corporation's unique cash-flow~~
453 ~~needs and to facilitate the management and operation of the~~
454 ~~preserve as a working ranch.~~
455 ~~(b) The board of directors shall provide for an annual~~
456 ~~financial audit of the corporate accounts and records to be~~
457 ~~conducted by an independent certified public accountant in~~
458 ~~accordance with rules adopted by the Auditor General under s.~~
459 ~~11.45(8). The audit report shall be submitted no later than 3~~
460 ~~months following the end of the fiscal year to the Auditor~~
461 ~~General, the President of the Senate, the Speaker of the House~~
462 ~~of Representatives, and the appropriate substantive and fiscal~~
463 ~~committees of the Legislature. The Auditor General, the Office~~
464 ~~of Program Policy Analysis and Government Accountability, and~~
465 ~~the substantive or fiscal committees of the Legislature to which~~
466 ~~legislation affecting the Babcock Ranch Preserve may be referred~~
467 ~~shall have the authority to require and receive from the~~
468 ~~corporation or from the independent auditor any records relative~~
469 ~~to the operation of the corporation.~~
470 ~~(c) Not later than January 15 of each year, Babcock Ranch,~~
471 ~~Inc., shall submit to the Board of Trustees of the Internal~~
472 ~~Improvement Trust Fund, the President of the Senate, the Speaker~~
473 ~~of the House of Representatives, the department, and the~~
474 ~~commission a comprehensive and detailed report of its~~
475 ~~operations, activities, and accomplishments for the prior year,~~
476 ~~including information on the status of the ecological, cultural,~~

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477 ~~and financial resources being managed by the corporation, and~~
478 ~~benefits provided by the preserve to local communities. The~~
479 ~~report shall also include a section describing the corporation's~~
480 ~~goals for the current year.~~
481 ~~(d) The board of directors shall prepare an annual budget~~
482 ~~with the goal of achieving a financially self-sustaining~~
483 ~~operation within 15 full fiscal years after the initial~~
484 ~~acquisition of the Babcock Ranch by the state. The department~~
485 ~~shall provide necessary assistance, including details as~~
486 ~~necessary, to the corporation for the timely formulation and~~
487 ~~submission of an annual legislative budget request for~~
488 ~~appropriations, if any, to support the administration,~~
489 ~~operation, and maintenance of the preserve. A request for~~
490 ~~appropriations shall be submitted to the department and shall be~~
491 ~~included in the department's annual legislative budget request.~~
492 ~~Requests for appropriations shall be submitted to the department~~
493 ~~in time to allow the department to meet the requirements of s.~~
494 ~~216.023. The department may not deny a request or refuse to~~
495 ~~include in its annual legislative budget submission a request~~
496 ~~from the corporation for an appropriation.~~
497 ~~(e) Notwithstanding any other provision of law, all moneys~~
498 ~~received from donations or from management of the preserve shall~~
499 ~~be retained by the corporation in the operating fund and shall~~
500 ~~be available, without further appropriation, for the~~
501 ~~administration, preservation, restoration, operation and~~
502 ~~maintenance, improvements, repairs, and related expenses~~
503 ~~incurred with respect to properties being managed by the~~
504 ~~corporation. Except as provided in this section, moneys received~~
505 ~~by the corporation for the management of the preserve shall not~~

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506 ~~be subject to distribution by the state. Upon assuming~~
507 ~~management responsibilities for the preserve, the corporation~~
508 ~~shall optimize the generation of income based on existing~~
509 ~~marketing conditions to the extent that activities do not~~
510 ~~unreasonably diminish the long-term environmental, agricultural,~~
511 ~~scenic, and natural values of the preserve, or the multiple-use~~
512 ~~and sustained-yield capability of the land.~~
513 ~~(f) All parties in contract with the corporation and all~~
514 ~~holders of leases from the corporation which are authorized to~~
515 ~~occupy, use, or develop properties under the management~~
516 ~~jurisdiction of the corporation must procure proper insurance as~~
517 ~~is reasonable or customary to insure against any loss in~~
518 ~~connection with the properties or with activities authorized in~~
519 ~~the leases or contracts.~~
520 ~~(11) COMPREHENSIVE BUSINESS PLAN.—~~
521 ~~(a) A comprehensive business plan for the management and~~
522 ~~operation of the preserve as a working ranch and amendments to~~
523 ~~the business plan may be developed only with input from the~~
524 ~~department and the commission, and may be implemented by Babcock~~
525 ~~Ranch, Inc., only upon expiration of the management agreement~~
526 ~~attached as Exhibit "E" to that certain agreement for sale and~~
527 ~~purchase approved by the Board of Trustees of the Internal~~
528 ~~Improvement Trust Fund on November 22, 2005, and by Lee County~~
529 ~~on November 20, 2005.~~
530 ~~(b) Any final decision of Babcock Ranch, Inc., to adopt or~~
531 ~~amend the comprehensive business plan or to approve any activity~~
532 ~~related to the management of the renewable surface resources of~~
533 ~~the preserve shall be made in sessions that are open to the~~
534 ~~public. The board of directors shall establish procedures for~~

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535 ~~providing adequate public information and opportunities for~~
536 ~~public comment on the proposed comprehensive business plan for~~
537 ~~the preserve or for amendments to the comprehensive business~~
538 ~~plan adopted by the members.~~
539 ~~(c) Not less than 2 years prior to the corporation's~~
540 ~~assuming management and operation responsibilities for the~~
541 ~~preserve, the corporation, with input from the commission and~~
542 ~~the department, must begin developing the comprehensive business~~
543 ~~plan to carry out the purposes of this section. To the extent~~
544 ~~consistent with these purposes, the comprehensive business plan~~
545 ~~shall provide for:~~
546 ~~1. The management and operation of the preserve as a~~
547 ~~working ranch;~~
548 ~~2. The protection and preservation of the environmental,~~
549 ~~agricultural, scientific, scenic, geologic, watershed, fish,~~
550 ~~wildlife, historic, cultural, and recreational values of the~~
551 ~~preserve;~~
552 ~~3. The promotion of high-quality hunting experiences for~~
553 ~~the public, with emphasis on deer, turkey, and other game~~
554 ~~species;~~
555 ~~4. Multiple use and sustained yield of renewable surface~~
556 ~~resources within the preserve;~~
557 ~~5. Public use of and access to the preserve for recreation;~~
558 ~~and~~
559 ~~6. The use of renewable resources and management~~
560 ~~alternatives that, to the extent practicable, benefit local~~
561 ~~communities and small businesses and enhance the coordination of~~
562 ~~management objectives with those on surrounding public or~~
563 ~~private lands. The use of renewable resources and management~~

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564 ~~alternatives should provide cost savings to the corporation~~
565 ~~through the exchange of services, including, but not limited to,~~
566 ~~labor and maintenance of facilities, for resources or services~~
567 ~~provided to the corporation.~~
568 ~~(d) On or before the date on which title to the portion of~~
569 ~~the Babcock Crescent B Ranch being purchased by the state as~~
570 ~~provided in s. 259.1052 is vested in the Board of Trustees of~~
571 ~~the Internal Improvement Trust Fund, Babcock Ranch Management,~~
572 ~~LLC, a limited liability company incorporated in this state,~~
573 ~~shall provide the commission and the department with the~~
574 ~~management plan and business plan in place for the operation of~~
575 ~~the ranch as of November 22, 2005, the date on which the board~~
576 ~~of trustees approved the purchase.~~
577 (5) ~~(12)~~ MANAGEMENT OF PRESERVE; FEES.—
578 (a) The department ~~corporation~~ shall assume all authority
579 provided by this section to manage and operate the preserve as a
580 working ranch upon the termination or expiration of the
581 management agreement attached as Exhibit "E" to that certain
582 Agreement for Sale and Purchase approved by the Board of
583 Trustees of the Internal Improvement Trust Fund on November 22,
584 2005, and by Lee County on November 20, 2005 ~~a determination by~~
585 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
586 ~~that the corporation is able to conduct business, and that~~
587 ~~provision has been made for essential services on the preserve,~~
588 ~~which, to the maximum extent practicable, shall be made no later~~
589 ~~than 60 days prior to the termination of the management~~
590 ~~agreement referenced in paragraph (11)(a)~~.
591 (b) Upon assuming management and operation of the preserve,
592 the department ~~corporation~~ shall:

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593 1. ~~With input from the commission and the department,~~
594 Manage and operate the preserve and the uses thereof, including,
595 but not limited to, the activities necessary to administer and
596 operate the preserve as a working ranch; the activities
597 necessary for the preservation and development of the land and
598 renewable surface resources of the preserve; the activities
599 necessary for interpretation of the history of the preserve on
600 behalf of the public; the activities necessary for the
601 management, public use, and occupancy of facilities and lands
602 within the preserve; and the maintenance, rehabilitation,
603 repair, and improvement of property within the preserve.~~;~~
604 2. Develop programs and activities relating to the
605 management of the preserve as a working ranch.~~;~~
606 ~~3. Negotiate directly with and enter into such agreements,~~
607 ~~leases, contracts, and other arrangements with any person, firm,~~
608 ~~association, organization, corporation, or governmental entity,~~
609 ~~including entities of federal, state, and local governments, as~~
610 ~~are necessary and appropriate to carry out the purposes and~~
611 ~~activities authorized by this section;~~
612 3.~~4.~~ Establish procedures for entering into lease
613 agreements and other agreements for the use and occupancy of the
614 facilities of the preserve. The procedures shall ensure
615 reasonable competition and set guidelines for determining
616 reasonable fees, terms, and conditions for such agreements.~~; and~~
617 4.~~5.~~ Assess reasonable fees for admission to, use of, and
618 occupancy of the preserve to offset costs of operating the
619 preserve as a working ranch. These fees are independent of fees
620 assessed by the commission for the privilege of hunting,
621 fishing, or pursuing outdoor recreational activities within the

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622 preserve, and shall be deposited into the Incidental Trust Fund
623 of the Florida Forest Service, subject to appropriation by the
624 Legislature ~~operating fund established by the board of directors~~
625 ~~under the authority provided under this section~~.
626 (c) The commission, in cooperation with the department,
627 shall:
628 1. Establish and implement public hunting and other fish
629 and wildlife management activities. Tier I and Tier II public
630 hunting opportunities shall be provided consistent with the
631 management plan and the recreation master plan.
632 a. Tier I public hunting shall provide hunting
633 opportunities similar to those offered on wildlife management
634 areas with an emphasis on youth and family-oriented hunts.
635 b. Tier II public hunting shall be provided specifically by
636 fee-based permitting to ensure compatibility with livestock
637 grazing and other essential agricultural operations on the
638 preserve.
639 2. Establish and administer permit fees for Tier II public
640 hunting to capitalize on the value of hunting on portions of the
641 preserve and to help ensure that the preserve is financially
642 self-sufficient. The fees shall be deposited into the State Game
643 Trust Fund of the Fish and Wildlife Conservation Commission to
644 be used to offset the costs of providing public hunting and to
645 support fish and wildlife management and other land management
646 activities on the preserve.
647 (d) The Board of Trustees of the Internal Improvement Trust
648 Fund or its designated agent may:
649 1. Negotiate directly with, and enter into such agreements,
650 leases, contracts, and other arrangements with, any person,

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651 firm, association, organization, corporation, or governmental
652 entity, including entities of federal, state, and local
653 governments, as are necessary and appropriate to carry out the
654 purposes and activities authorized by this section.
655 2. Grant privileges, leases, concessions, and permits for
656 the use of land for the accommodation of visitors to the
657 preserve; however, natural curiosities or objects of interest
658 may not be granted, leased, or rented on terms that deny or
659 interfere with free access to them by the public. Such grants,
660 leases, and permits may be made and given without advertisement
661 or securing competitive bids. Such grants, leases, or permits
662 may not be assigned or transferred by any grantee without
663 consent of the Board of Trustees of the Internal Improvement
664 Trust Fund or its designated agent.
665 ~~(13) MISCELLANEOUS PROVISIONS.—~~
666 ~~(a) Except for the powers of the commissioner provided in~~
667 ~~this section, and the powers of the commission provided in s. 9,~~
668 ~~Art. IV of the State Constitution, the preserve shall be managed~~
669 ~~by Babcock Ranch, Inc.~~
670 ~~(b) Officers and employees of Babcock Ranch, Inc., are~~
671 ~~private employees. At the request of the board of directors, the~~
672 ~~commission and the department may provide state employees for~~
673 ~~the purpose of implementing this section. Any state employees~~
674 ~~provided to assist the directors in implementing this section~~
675 ~~for more than 30 days shall be provided on a reimbursable basis.~~
676 ~~Reimbursement to the commission and the department shall be made~~
677 ~~from the corporation's operating fund provided under this~~
678 ~~section and not from any funds appropriated to the corporation~~
679 ~~by the Legislature.~~

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680 (6) ~~(14)~~ DISSOLUTION OF BABCOCK RANCH ADVISORY GROUP~~, INC~~.—
681 ~~(a) The corporation may be dissolved only by an act of the~~
682 ~~Legislature.~~
683 ~~(b) Upon dissolution of the corporation, the management~~
684 ~~responsibilities provided in this section shall revert to the~~
685 ~~commission and the department unless otherwise provided by the~~
686 ~~Legislature under the act dissolving Babcock Ranch, Inc.~~
687 ~~(c)~~ The Babcock Ranch Advisory Group shall terminate on
688 June 30, 2018. Upon dissolution of the Babcock Ranch Advisory
689 Group ~~corporation~~, any cash balances of funds shall revert to
690 the Incidental Trust Fund of the Florida Forest Service ~~General~~
691 ~~Revenue Fund or such other state fund as may be provided under~~
692 ~~the act dissolving Babcock Ranch, Inc~~.
693
694 ========== T I T L E A M E N D M E N T ==========
695 And the title is amended as follows:
696 Between lines 6 and 7
697 insert:
698 259.1052, F.S.; providing for Lee County to retain
699 ownership and assume responsibility for management of
700 a specified portion of the Babcock Crescent B Ranch
701 Florida Forever acquisition; requiring certain
702 activities on the property to be compatible with
703 working ranch and agricultural activities;
704 establishing the Department of Agriculture and
705 Consumer Services as the lead agency responsible for
706 managing the Babcock Crescent B Ranch; repealing s.
707 259.10521, F.S., relating to the citizen support
708 organization for the Babcock Crescent B Ranch and use

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709 of the ranch property; amending s. 259.1053, F.S.;
710 deleting and revising provisions of the Babcock
711 Preserve Ranch Act to conform to the termination or
712 expiration of the management agreement and the
713 dissolution of Babcock Ranch, Inc.; revising
714 definitions; providing legislative findings; creating
715 the Babcock Ranch Advisory Group; providing for the
716 department to manage and operate the preserve;
717 requiring certain fees to be deposited into the
718 Incidental Trust Fund of the Florida Forest Service of
719 the Department of Agriculture and Consumer Services,
720 subject to appropriation; directing the Fish and
721 Wildlife Conservation Commission, in cooperation with
722 the department, to establish, implement, and
723 administer certain activities and fees; requiring such
724 fees to be deposited into the State Game Trust Fund of
725 the Fish and Wildlife Conservation Commission and used
726 for specified purposes; authorizing the Board of
727 Trustees of the Internal Improvement Trust Fund to
728 negotiate and enter into certain agreements and grant
729 certain privileges, leases, concessions, and permits;
730 providing for certain funds to revert to the
731 Incidental Trust Fund of the Florida Forest Service
732 upon dissolution of the Babcock Ranch Advisory Group;
733 amending s.

761642

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2013	.	
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Appropriations Subcommittee on General Government (Simpson) recommended the following:

Senate Amendment (with title amendment)

Between lines 296 and 297
insert:
Section 7. Section 570.087, Florida Statutes, is created to read:
570.087 Best management practices for wildlife.—
(1) LEGISLATIVE FINDINGS.—The Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services have long recognized that agriculture provides a valuable benefit to the conservation and management of fish and wildlife in this state and have agreed to enter into a

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13 memorandum of agreement to develop and adopt by rule voluntary
14 best management practices for this state's agriculture industry
15 which reflect the industry's existing contribution to the
16 conservation and management of freshwater aquatic life and wild
17 animal life in this state.
18 (2) DEVELOPMENT.—The Department of Agriculture and Consumer
19 Services shall enter into a memorandum of agreement with the
20 Fish and Wildlife Conservation Commission for the purpose of
21 developing the best management practices contemplated by this
22 section and their application on agricultural lands within this
23 state. This agreement may allow for selected pilot projects in
24 an effort to facilitate development of best management
25 practices.
26 (3) ADOPTION OF RULES.—The Department of Agriculture and
27 Consumer Services has rulemaking authority to adopt rules
28 establishing the best management practices contemplated by this
29 section for this state's agricultural industry. Such rules must
30 incorporate provisions for a notice of intent to implement the
31 practices and a system to assure the implementation of the
32 practices, including recordkeeping requirements.
33 (4) VOLUNTARY IMPLEMENTATION.—Notwithstanding any law to
34 the contrary, the implementation of the best management
35 practices contemplated by this section is voluntary. Except as
36 specifically provided herein, an agency, department, district,
37 or any unit of local government may not adopt or enforce any
38 ordinance, resolution, regulation, rule, or policy regarding the
39 best management practices on land classified as agricultural
40 land pursuant to s. 193.461.
41

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42 ========== T I T L E A M E N D M E N T ==========
43 And the title is amended as follows:
44 Between lines 18 and 19
45 insert:
46 creating s. 570.087, F.S.; providing legislative
47 findings; requiring the Department of Agriculture and
48 Consumer Services to enter into a memorandum of
49 agreement with the Fish and Wildlife Conservation
50 Commission for the purpose of developing voluntary
51 best management practices for this state's
52 agricultural industry; allowing for pilot projects;
53 providing that the department has rulemaking authority
54 for these purposes; requiring that rules provide for a
55 notice of intent to implement these practices;
56 emphasizing that implementation of the best management
57 practices created pursuant to this section is
58 voluntary; restricting the adoption or enforcement of
59 any law regarding the best management practices
60 created pursuant to this section;

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2013	.	
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Appropriations Subcommittee on General Government (Simpson) recommended the following:

Senate Amendment

Delete lines 905 - 1024
and insert:
across the authorized area into entirely unburned fuels within the authorized area ~~Wildland burning or certified prescribed burning, no spreading flames exist~~.
2. Certified pile ~~Vegetative land-clearing debris~~ burning or pile burning, no visible flames exist.
3. Certified pile ~~Vegetative land-clearing debris~~ burning or pile burning in an area designated as smoke sensitive by the Florida Forest Service, no visible flames, smoke, or emissions

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13 exist.
14 (g) "Gross negligence" means conduct so reckless or wanting
15 in care that it constitutes a conscious disregard or
16 indifference to the life, safety, or rights of persons exposed
17 to such conduct.
18 ~~(d) "Land-clearing operation" means the uprooting or~~
19 ~~clearing of vegetation in connection with the construction of~~
20 ~~buildings and rights-of-way, land development, and mineral~~
21 ~~operations. The term does not include the clearing of yard~~
22 ~~trash.~~
23 (h) ~~(e)~~ "Pile burning" means the burning of silvicultural,
24 agricultural, ~~or~~ land-clearing, or ~~and~~ tree-cutting debris
25 originating onsite, which is stacked together in a round or
26 linear fashion, including, but not limited to, a windrow. Pile
27 burning authorized by the Florida Forest Service is a temporary
28 procedure, which operates on the same site for 6 months or less.
29 (i) "Pile burn plan" means a written plan establishing the
30 method of conducting a certified pile burn.
31 (j) ~~(f)~~ "Prescribed burning" means the ~~controlled~~
32 application of fire by broadcast burning ~~in accordance with a~~
33 ~~written prescription~~ for vegetative fuels under specified
34 environmental conditions, while following appropriate
35 ~~precautionary~~ measures to guard against the spread of fire
36 beyond ~~that ensure that the fire is confined to~~ a predetermined
37 area to accomplish the planned fire or land management
38 objectives.
39 (k) ~~(g)~~ "Prescription" means a written plan establishing the
40 conditions and method for conducting ~~criteria necessary for~~
41 ~~starting, controlling, and extinguishing~~ a certified prescribed

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42 burn.
43 (l) “Smoldering” means the continued consumption of fuels,
44 which may emit flames and smoke, after a fire is contained.
45 (m) ~~(h)~~ “Yard trash” means vegetative matter resulting from
46 landscaping and yard maintenance operations and other such
47 routine property cleanup activities. The term includes materials
48 such as leaves, shrub trimmings, grass clippings, brush, and
49 palm fronds.
50 (2) NONCERTIFIED BURNING.—
51 (a) Persons may be authorized to broadcast burn or pile
52 burn ~~wild land or vegetative land-clearing debris~~ in accordance
53 with this subsection if:
54 1. There is specific consent of the landowner or his or her
55 designee;
56 2. Authorization has been obtained from the Florida Forest
57 Service or its designated agent before starting the burn;
58 3. There are adequate firebreaks at the burn site and
59 sufficient personnel and firefighting equipment for the
60 containment ~~control~~ of the fire;
61 4. The fire remains within the boundary of the authorized
62 area;
63 5. The person named responsible in the burn authorization
64 or a designee ~~An authorized person~~ is present at the burn site
65 until the fire is completed ~~extinguished~~;
66 6. The Florida Forest Service does not cancel the
67 authorization; and
68 7. The Florida Forest Service determines that air quality
69 and fire danger are favorable for safe burning.
70 (b) A person who broadcast burns or pile burns ~~wild land or~~

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71 ~~vegetative land-clearing debris~~ in a manner that violates any
72 requirement of this subsection commits a misdemeanor of the
73 second degree, punishable as provided in s. 775.082 or s.
74 775.083.
75 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
76 PURPOSE.—
77 (b) Certified prescribed burning pertains only to broadcast
78 burning for purposes of silviculture, wildland fire hazard
79 reduction, wildlife management, ecological maintenance and
80 restoration, and agriculture ~~range and pasture management~~. It
81 must be conducted in accordance with this subsection and:
82 1. May be accomplished only when a certified prescribed
83 burn manager is present on site with a copy of the prescription
84 and directly supervises the certified prescribed burn until the
85 burn is completed, after which the certified prescribed burn
86 manager is not required to be present ~~from ignition of the burn~~
87 ~~to its completion~~.
88 2. Requires that a written prescription be prepared before
89 receiving authorization to burn from the Florida Forest Service.
90 a. A new prescription or authorization is not required for
91 smoldering that occurs within the authorized burn area unless
92 new ignitions are conducted by the certified prescribed burn
93 manager.
94 b. Monitoring the smoldering activity of a certified
95 prescribed burn does not require a prescription or an additional
96 authorization even if flames begin to spread within the
97 authorized burn area due to ongoing smoldering.
98 3. Requires that the specific consent of the landowner or
99 his or her designee be obtained before requesting an

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100 authorization.
101 4. Requires that an authorization to burn be obtained from
102 the Florida Forest Service before igniting the burn.
103 5. Requires that there be adequate firebreaks at the burn
104 site and sufficient personnel and firefighting equipment to
105 contain ~~for the control of~~ the fire within the authorized burn
106 area.
107 a. Fire spreading outside the authorized burn area on the
108 day of the certified prescribed burn ignition does not
109 constitute conclusive proof of inadequate firebreaks,
110 insufficient personnel, or a lack of firefighting equipment.
111 b. If the certified prescribed burn is contained within the
112 authorized burn area during the authorized period, a strong
113 rebuttable presumption shall exist that adequate firebreaks,
114 sufficient personnel, and sufficient firefighting equipment were
115 present.
116 c. Continued smoldering of a certified prescribed burn
117 resulting in a subsequent wildfire does not by itself constitute
118 evidence of gross negligence under this section.
119 6. Is considered to be in the public interest and does not
120 constitute a public or private nuisance when conducted under
121 applicable state air pollution statutes and rules.
122 7. Is considered to be a property right of the property
123 owner if vegetative fuels are burned as required in this
124 subsection.
125 (c) ~~Neither~~ A property owner or leaseholder, ~~nor~~ his or her
126 agent,

811874

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2013	.	
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Appropriations Subcommittee on General Government (Hays) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Between lines 634 and 635
4 insert:
5 Section 1. Subsection (3) is added to section 586.15,
6 Florida Statutes, to read:
7 586.15 Penalty for violation.—
8 (3) In addition to the penalties provided in this section
9 and in chapter 500, the Department of Agriculture and Consumer
10 Services may collect costs related to enforcing prohibitions
11 against the adulteration or misbranding of honey. All costs
12 shall be deposited into the General Inspection Trust Fund.

811874

13
14 ========== T I T L E A M E N D M E N T ==========
15 And the title is amended as follows:
16 Between lines 55 and 56
17 insert:
18 586.15, F.S.; authorizing the Department of
19 Agriculture and Consumer Services to collect certain
20 costs to be deposited into the General Inspection
21 Trust Fund; amending s.

By the Committee on Agriculture; and Senator Montford

575-02590-13 20131628c1

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 253.034, F.S.; requiring public hearings relating to the development of land management plans to be held in any one, rather than each, county affected by such plans; amending s. 388.261, F.S.; revising provisions for the distribution and use of state funds for local mosquito control programs; amending s. 388.271, F.S.; revising the date by which mosquito control districts must submit their certified budgets for approval by the department; amending s. 487.160, F.S.; deleting provisions requiring the department to conduct a survey and compile a report on restricted-use pesticides; amending s. 534.083, F.S.; deleting permitting requirements for livestock haulers; amending s. 570.07, F.S.; clarifying the authority of the department to regulate certain open burning; creating s. 570.64, F.S.; establishing the duties of the Division of Food, Nutrition, and Wellness within the department; providing for a director of the division; amending s. 570.902, F.S.; clarifying the applicability of definitions relating to certain designated programs and direct-support organizations; amending s. 570.903, F.S.; authorizing the department to establish direct-support organizations for museums and other programs of the department; deleting provisions that limit the establishment of direct-support organizations to particular museums and

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

575-02590-13 20131628c1

programs; deleting provisions authorizing direct-support organizations to enter into certain contracts or agreements; clarifying provisions prohibiting specified entities from receiving commissions, fees, or financial benefits in connection with the sale or exchange of real property and historical objects; providing for the termination of agreements between the department and direct-support organizations; providing for the distribution of certain assets; deleting provisions requiring the department to establish certain procedures relating to museum artifacts and records; amending s. 576.051, F.S.; authorizing the department to establish certain criteria for fertilizer sampling and analysis; amending s. 576.061, F.S.; requiring the department to adopt rules establishing certain investigational allowances for fertilizer deficiencies; providing a date by which such allowances are effective and other allowances are repealed; amending s. 576.181, F.S.; revising the department's authority to adopt rules establishing certain criteria for fertilizer analysis; amending s. 585.61, F.S.; deleting provisions for the establishment of an animal disease diagnostic laboratory in Suwannee County; amending s. 586.10, F.S.; authorizing apiary inspectors to be certified beekeepers under certain conditions; amending s. 589.02, F.S.; deleting annual and special meeting requirements for the Florida Forestry Council; amending s. 589.19, F.S.; establishing the Operation

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

59 Outdoor Freedom Program within the Florida Forest
60 Service to replace provisions for the designation of
61 specified hunt areas in state forests for wounded
62 veterans and servicemembers; providing purpose and
63 intent of the program; providing eligibility
64 requirements for program participation; providing
65 exceptions from eligibility requirements for certain
66 activities; providing for deposit and use of funds
67 donated to the program; limiting the liability of
68 private landowners who provide land for designation as
69 hunting sites for purposes of the program; amending s.
70 589.30, F.S.; revising references to certain Florida
71 Forest Service personnel titles; amending s. 590.02,
72 F.S.; authorizing the Florida Forest Service to allow
73 certain types of burning; specifying that sovereign
74 immunity applies to certain planning level activities;
75 deleting provisions relating to the composition and
76 duties of the Florida Forest Training Center advisory
77 council; prohibiting government entities from banning
78 certain types of burning; authorizing the service to
79 delegate authority to special districts to manage
80 certain types of burning; revising such authority
81 delegated to counties and municipalities; amending s.
82 590.11, F.S.; revising the prohibition on leaving
83 certain recreational fires unattended, to which
84 penalties apply; amending s. 590.125, F.S.; revising
85 and providing definitions relating to open burning
86 authorized by the Florida Forest Service; revising
87 requirements for noncertified and certified burning;

88 limiting the liability of the service and certain
89 persons related to certain burns; amending s. 590.25,
90 F.S.; revising provisions relating to criminal
91 penalties for obstructing the prevention, detection,
92 or suppression of wildfires; creating chapter 595,
93 F.S., to establish the Florida School Food and
94 Nutrition Act; creating s. 595.401, F.S.; providing a
95 short title; creating s. 595.402, F.S.; providing
96 definitions; creating s. 595.403, F.S.; declaring
97 state policy relating to school food and nutrition
98 services; transferring, renumbering, and amending ss.
99 570.98 and 570.981, F.S., relating to school food and
100 nutrition services and the Florida Farm Fresh Schools
101 Program; revising the department's duties and
102 responsibilities for administering such services and
103 program; revising requirements for school districts
104 and sponsors; transferring, renumbering, and amending
105 s. 570.982, F.S., relating to the children's summer
106 nutrition program; clarifying provisions; transferring
107 and renumbering s. 570.072, F.S., relating to
108 commodity distribution; creating s. 595.501, F.S.;
109 providing certain penalties; transferring,
110 renumbering, and amending s. 570.983, relating to the
111 Food and Nutrition Services Trust Fund; conforming a
112 cross-reference; transferring and renumbering s.
113 570.984, F.S., relating to the Healthy Schools for
114 Healthy Lives Council; amending s. 1001.42, F.S.;
115 requiring district school boards to perform duties
116 relating to school lunch programs as required by the

117 department's rules; amending s. 1003.453, F.S.;
118 requiring each school district to electronically
119 submit a revised local school wellness policy to the
120 Department of Agriculture and Consumer Services and a
121 revised physical education policy to the Department of
122 Education; repealing ss. 487.0615, 570.382, 570.97,
123 and 590.50, F.S., relating to the Pesticide Review
124 Council, Arabian horse racing and the Arabian Horse
125 Council, the Gertrude Maxwell Save a Pet Direct-
126 Support Organization, and permits for the sale of
127 cypress products, respectively; amending ss. 487.041,
128 550.2625, and 550.2633, F.S.; conforming provisions;
129 providing for the disbursement of specified funds;
130 providing an effective date.
131
132 Be It Enacted by the Legislature of the State of Florida:
133
134 Section 1. Paragraph (f) of subsection (5) of section
135 253.034, Florida Statutes, is amended to read:
136 253.034 State-owned lands; uses.—
137 (5) Each manager of conservation lands shall submit to the
138 Division of State Lands a land management plan at least every 10
139 years in a form and manner prescribed by rule by the board and
140 in accordance with the provisions of s. 259.032. Each manager of
141 conservation lands shall also update a land management plan
142 whenever the manager proposes to add new facilities or make
143 substantive land use or management changes that were not
144 addressed in the approved plan, or within 1 year of the addition
145 of significant new lands. Each manager of nonconservation lands

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

146 shall submit to the Division of State Lands a land use plan at
147 least every 10 years in a form and manner prescribed by rule by
148 the board. The division shall review each plan for compliance
149 with the requirements of this subsection and the requirements of
150 the rules established by the board pursuant to this section. All
151 land use plans, whether for single-use or multiple-use
152 properties, shall include an analysis of the property to
153 determine if any significant natural or cultural resources are
154 located on the property. Such resources include archaeological
155 and historic sites, state and federally listed plant and animal
156 species, and imperiled natural communities and unique natural
157 features. If such resources occur on the property, the manager
158 shall consult with the Division of State Lands and other
159 appropriate agencies to develop management strategies to protect
160 such resources. Land use plans shall also provide for the
161 control of invasive nonnative plants and conservation of soil
162 and water resources, including a description of how the manager
163 plans to control and prevent soil erosion and soil or water
164 contamination. Land use plans submitted by a manager shall
165 include reference to appropriate statutory authority for such
166 use or uses and shall conform to the appropriate policies and
167 guidelines of the state land management plan. Plans for managed
168 areas larger than 1,000 acres shall contain an analysis of the
169 multiple-use potential of the property, which analysis shall
170 include the potential of the property to generate revenues to
171 enhance the management of the property. Additionally, the plan
172 shall contain an analysis of the potential use of private land
173 managers to facilitate the restoration or management of these
174 lands. In those cases where a newly acquired property has a

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175 valid conservation plan that was developed by a soil and
176 conservation district, such plan shall be used to guide
177 management of the property until a formal land use plan is
178 completed.
179 (f) In developing land management plans, at least one
180 public hearing shall be held in any one ~~each~~ affected county.
181 Section 2. Subsection (2) of section 388.261, Florida
182 Statutes, is amended to read:
183 388.261 State aid to counties and districts for arthropod
184 control; distribution priorities and limitations.—
185 (2) Every county or district budgeting local funds to be
186 used exclusively for the control of mosquitoes and other
187 arthropods, under a plan submitted by the county or district and
188 approved by the department, is ~~shall be~~ eligible to receive
189 state funds and supplies, services, and equipment on a dollar-
190 for-dollar matching basis to the amount of local funds budgeted.
191 If ~~Should~~ state funds appropriated by the Legislature are ~~be~~
192 insufficient to grant each county or district state funds on a
193 dollar-for-dollar matching basis to the amount budgeted in local
194 funds, the department shall distribute the funds as prescribed
195 by rule. Such rules shall provide for up to 80 percent of the
196 funds to be distributed to programs with local funds for
197 mosquito control budgets of less than $1 million, if the county
198 or district meets the eligibility requirements. The funds shall
199 be distributed as equally as possible within the category of
200 counties pursuant to this section. The remaining funds shall be
201 distributed as prescribed by rule among the remaining counties
202 to support mosquito control and to support research, education,
203 and outreach ~~prorate said state funds based on the amount of~~

204 ~~matchable local funds budgeted for expenditure by each county or~~
205 ~~district~~.
206 Section 3. Subsection (1) of section 388.271, Florida
207 Statutes, is amended to read:
208 388.271 Prerequisites to participation.—
209 (1) When state funds are involved, it is the duty of the
210 department to guide, review, approve, and coordinate the
211 activities of all county governments and special districts
212 receiving state funds in furtherance of the goal of integrated
213 arthropod control. Each county or district eligible to
214 participate hereunder may begin participation on October 1 of
215 any year by filing with the department not later than July 15 a
216 tentative work plan and tentative detailed work plan budget
217 providing for the control of arthropods. Following approval of
218 the plan and budget by the department, two copies of the
219 county's or district's certified budget based on the approved
220 work plan and detailed work plan budget shall be submitted to
221 the department by ~~not later than~~ September 30 ~~15~~ following.
222 State funds, supplies, and services shall be made available to
223 such county or district by and through the department
224 immediately upon release of funds by the Executive Office of the
225 Governor.
226 Section 4. Section 487.160, Florida Statutes, is amended to
227 read:
228 487.160 Records~~; report~~.—Licensed private applicators
229 supervising 15 or more unlicensed applicators or mixer-loaders
230 and licensed public applicators and licensed commercial
231 applicators shall maintain records as the department may
232 determine by rule with respect to the application of restricted

233 pesticides, including, but not limited to, the type and quantity
234 of pesticide, method of application, crop treated, and dates and
235 location of application. Other licensed private applicators
236 shall maintain records as the department may determine by rule
237 with respect to the date, type, and quantity of restricted-use
238 pesticides used. Licensees shall keep records for a period of 2
239 years from date of the application of the pesticide to which the
240 records refer, and shall furnish to the department a copy of the
241 records upon written request by the department. ~~Every third~~
242 ~~year, the department shall conduct a survey and compile a report~~
243 ~~on restricted-use pesticides in this state. This report shall~~
244 ~~include, but not be limited to, types and quantities of~~
245 ~~pesticides, methods of application, crops treated, and dates and~~
246 ~~locations of application; records of persons working under~~
247 ~~direct supervision; and reports of misuse, damage, or injury.~~
248 Section 5. Section 534.083, Florida Statutes, is amended to
249 read:
250 534.083 Livestock hauler's ~~permit; display of permit on~~
251 ~~vehicle;~~ bill of lading.—
252 ~~(1) No person shall engage in the business of transporting~~
253 ~~or hauling for hire livestock on any street or highway, as~~
254 ~~defined in s. 316.003(53), without first having applied for and~~
255 ~~obtained from the department a permit which shall expire on~~
256 ~~December 31 of each year. The information supplied by the~~
257 ~~applicant on the application for permit shall be certified under~~
258 ~~oath. Cost of the permit shall be $5 for each year or fraction~~
259 ~~thereof.~~
260 ~~(2) The department shall issue a metal tag or plate to~~
261 ~~every person or company required to obtain a permit to transport~~

262 ~~or haul for hire livestock, which shall bear the serial number~~
263 ~~of the permit. Such a tag or plate shall be issued for each~~
264 ~~vehicle used by the hauler.~~
265 ~~(3) The metal tag or plate required under this section~~
266 ~~shall be attached to each vehicle used for transporting or~~
267 ~~hauling livestock in a conspicuous place in an upright position~~
268 ~~on the rear of the vehicle. When livestock is transported in a~~
269 ~~trailer type vehicle propelled or drawn by a motor truck or~~
270 ~~tractor, each such trailer shall have the tag or plate attached~~
271 ~~to the rear of the trailer in a conspicuous place in an upright~~
272 ~~position, and it shall not be necessary to have a tag attached~~
273 ~~to the motor truck or tractor.~~
274 ~~(4)~~ Persons engaged in the business of transporting or
275 hauling livestock in the state shall, upon receiving such
276 livestock for transportation, issue a waybill or bill of lading
277 for all livestock transported or hauled by them, and such
278 waybill or bill of lading shall accompany the shipment of
279 livestock, with a copy thereof being furnished to the person
280 delivering livestock to the hauler. The waybill or bill of
281 lading shall show the place of origin and destination of the
282 shipment, the name of the owner of the livestock, date and time
283 of loading, name of person or company hauling the livestock, and
284 the number of animals and a general description thereof. The
285 waybill or bill of lading shall be signed by the person
286 delivering the livestock to the hauler certifying that the
287 information contained thereon is correct.
288 Section 6. Subsection (28) of section 570.07, Florida
289 Statutes, is amended to read:
290 570.07 Department of Agriculture and Consumer Services;

291 functions, powers, and duties.—The department shall have and
292 exercise the following functions, powers, and duties:
293 (28) For purposes of pollution control and the prevention
294 of wildfires, to regulate open burning connected with pile
295 burning as defined in s. 590.125(1) ~~land clearing~~, agricultural,
296 or forestry operations.
297 Section 7. Section 570.64, Florida Statutes, is created to
298 read:
299 570.64 Division of Food, Nutrition, and Wellness.—
300 (1) The duties of the Division of Food, Nutrition, and
301 Wellness include, but are not limited to, administering and
302 enforcing the powers and responsibilities of the division
303 prescribed in chapter 595 and the rules adopted thereunder.
304 (2) The director of the division shall be appointed by, and
305 serve at the pleasure of, the commissioner. The director shall
306 supervise, direct, and coordinate activities of the division,
307 exercise such powers and duties as authorized by the
308 commissioner, enforce the provisions of chapter 595 and the
309 rules adopted thereunder, and any other powers and duties as
310 authorized by the department.
311 Section 8. Section 570.902, Florida Statutes, is amended to
312 read:
313 570.902 Definitions; ss. 570.902 and 570.903.—For the
314 purpose of this section ~~ss. 570.902~~ and s. 570.903:
315 (1) "Designated program" means the ~~specific~~ departmental
316 program which a direct-support organization has been created to
317 support.
318 (2) "Direct-support organization" or "organization" means
319 an organization which is a Florida corporation not for profit

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320 incorporated under the provisions of chapter 617 and approved by
321 the department to operate for the benefit of a museum or a
322 ~~specific departmental~~ program.
323 (3) "Museum" means the Florida Agricultural Museum which is
324 designated as the museum for agriculture and rural history of
325 the State of Florida.
326 Section 9. Section 570.903, Florida Statutes, is amended to
327 read:
328 570.903 Direct-support organization.—
329 (1) The department may authorize ~~When the Legislature~~
330 ~~authorizes~~ the establishment of ~~a~~ direct-support organizations
331 ~~organization~~ to provide assistance, funding, and promotional
332 support for the museums~~, the Florida Agriculture in the~~
333 ~~Classroom Program, the Florida State Collection of Arthropods,~~
334 ~~the Friends of the Florida State Forests Program of the Florida~~
335 ~~Forest Service, the Forestry Arson Alert Program,~~ and other
336 programs of the department.~~,~~ The following provisions shall
337 govern the creation, use, powers, and duties of the direct-
338 support organizations ~~organization~~:
339 (a) The department shall enter into a memorandum or letter
340 of agreement with the direct-support organization, which shall
341 specify the approval of the department, the powers and duties of
342 the direct-support organization, and rules with which the
343 direct-support organization must comply.
344 (b) The department may authorize ~~permit~~, without charge,
345 appropriate use of property, facilities, and personnel of the
346 department by the ~~a~~ direct-support organization~~, subject to ss.~~
347 ~~570.902 and 570.903~~. The use shall be for ~~directly in keeping~~
348 ~~with~~ the approved purposes of the direct-support organization

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349 and may not be made at times or places that would unreasonably
350 interfere with opportunities for the general public to use
351 department facilities ~~for established purposes~~.
352 (c) The department shall prescribe by agreement ~~contract or~~
353 ~~by rule~~ conditions with which the ~~a~~ direct-support organization
354 must comply in order to use property, facilities, or personnel
355 of the department ~~or museum~~. Such conditions ~~rules~~ shall provide
356 for budget and audit review and oversight by the department.
357 (d) The department may not authorize ~~permit~~ the use of
358 property, facilities, or personnel of the museum, department, or
359 designated program by the ~~a~~ direct-support organization that
360 does not provide equal employment opportunities to all persons
361 regardless of race, color, religion, sex, age, or national
362 origin.
363 (2)(a) The direct-support organization may ~~shall be~~
364 ~~empowered to~~ conduct programs and activities; raise funds;
365 request and receive grants, gifts, and bequests of money;
366 acquire, receive, hold, invest, and administer, in its own name,
367 securities, funds, objects of value, or other property, real or
368 personal; and make expenditures to or for the direct or indirect
369 benefit of the museum or designated program.
370 ~~(b) Notwithstanding the provisions of s. 287.057, the~~
371 ~~direct-support organization may enter into contracts or~~
372 ~~agreements with or without competitive bidding for the~~
373 ~~restoration of objects, historical buildings, and other~~
374 ~~historical materials or for the purchase of objects, historical~~
375 ~~buildings, and other historical materials which are to be added~~
376 ~~to the collections of the museum, or benefit the designated~~
377 ~~program. However, before the direct-support organization may~~

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378 ~~enter into a contract or agreement without competitive bidding,~~
379 ~~the direct-support organization shall file a certification of~~
380 ~~conditions and circumstances with the internal auditor of the~~
381 ~~department justifying each contract or agreement.~~
382 (b)~~(c)~~ Notwithstanding the provisions of s. 287.025(1)(e),
383 the direct-support organization may enter into contracts to
384 insure property of the museum or designated programs and may
385 insure objects or collections on loan from others in satisfying
386 security terms of the lender.
387 (3) The direct-support organization shall provide for an
388 annual financial audit in accordance with s. 215.981.
389 (4) A department employee, direct-support organization or
390 museum employee, volunteer, or director, or ~~Neither a~~ designated
391 program ~~or a museum, nor a nonprofit corporation trustee or~~
392 ~~employee~~ may not:
393 (a) Receive a commission, fee, or financial benefit in
394 connection with the sale or exchange of real or personal
395 property or historical objects ~~or properties~~ to the direct-
396 support organization, the museum, or the designated program; or
397 (b) Be a business associate of any individual, firm, or
398 organization involved in the sale or exchange of real or
399 personal property to the direct-support organization, the
400 museum, or the designated program.
401 (5) All moneys received by the direct-support organization
402 shall be deposited into an account of the direct-support
403 organization and shall be used by the organization in a manner
404 consistent with the goals of the museum or designated program.
405 (6) The identity of a donor or prospective donor who
406 desires to remain anonymous and all information identifying such

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407 donor or prospective donor are confidential and exempt from the
408 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
409 Constitution.
410 (7) The Commissioner of Agriculture, or the commissioner's
411 designee, may serve on the board of trustees and the executive
412 committee of any direct-support organization established to
413 benefit the museum or any designated program.
414 (8) The department may terminate its agreement with a
415 direct-support organization at any time if the department
416 determines that the direct-support organization no longer meets
417 the objectives of this section ~~The department shall establish by~~
418 ~~rule archival procedures relating to museum artifacts and~~
419 ~~records. The rules shall provide procedures which protect the~~
420 ~~museum's artifacts and records equivalent to those procedures~~
421 ~~which have been established by the Department of State under~~
422 ~~chapters 257 and 267~~.
423 (9) Upon termination of the direct-support organization,
424 the assets of the direct-support organization shall be
425 distributed pursuant to its articles of incorporation or by-laws
426 or, if not provided for, to the department.
427 Section 10. Subsection (3) of section 576.051, Florida
428 Statutes, is amended to read:
429 576.051 Inspection, sampling, analysis.—
430 (3) The official analysis shall be made from the official
431 sample. The department, before making the official analysis,
432 shall take a sufficient portion from the official sample for
433 check analysis and place that portion in a bottle sealed and
434 identified by number, date, and the preparer's initials. The
435 official check sample shall be kept until the analysis of the

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436 official sample is completed. However, the licensee may obtain
437 upon request a portion of the official check sample. Upon
438 completion of the analysis of the official sample, a true copy
439 of the fertilizer analysis report shall be mailed to the
440 licensee of the fertilizer from whom the official sample was
441 taken and to the dealer or agent, if any, and purchaser, if
442 known. This fertilizer analysis report shall show all
443 determinations of plant nutrient and pesticides. If the official
444 analysis conforms with the provisions of this law, the official
445 check sample may be destroyed. If the official analysis does not
446 conform with the provisions of this law, the official check
447 sample shall be retained for a period of 90 days from the date
448 of the fertilizer analysis report of the official sample. If
449 within that time the licensee of the fertilizer from whom the
450 official sample was taken, upon receipt of the fertilizer
451 analysis report, makes written demand for analysis of the
452 official check sample by a referee chemist, a portion of the
453 official check sample sufficient for analysis shall be sent to a
454 referee chemist who is mutually acceptable to the department and
455 the licensee for analysis at the expense of the licensee. The
456 referee chemist, upon completion of the analysis, shall forward
457 to the department and to the licensee a fertilizer analysis
458 report bearing a proper identification mark or number; and the
459 fertilizer analysis report shall be verified by an affidavit of
460 the person making the analysis. If the results reported on the
461 fertilizer analysis report agree within the matching criteria
462 defined in department rule ~~checks within three tenths of 1~~
463 ~~actual percent~~ with the department's analysis on each element
464 for which analysis was made, the mean average of the two

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465 analyses shall be accepted as final and binding on all
466 concerned. However, if the referee's fertilizer analysis report
467 results do not agree within the matching criteria defined in
468 department rule with ~~shows a variation of greater than three-~~
469 ~~tenths of 1 actual percent from~~ the department's analysis in any
470 one or more elements for which an analysis was made, upon demand
471 of either the department or the licensee from whom the official
472 sample was taken, a portion of the official check sample
473 sufficient for analysis shall be submitted to a second referee
474 chemist who is mutually acceptable to the department and to the
475 licensee from whom the official sample was taken, at the expense
476 of the party or parties requesting the referee analysis. If no
477 demand is made for an analysis by a second referee chemist, the
478 department's fertilizer analysis report shall be accepted as
479 final and binding on all concerned. The second referee chemist,
480 upon completion of the analysis, shall make a fertilizer
481 analysis report as provided in this subsection for the first
482 referee chemist. The mean average of the two analyses nearest in
483 conformity to each other shall be accepted as final and binding
484 on all concerned.
485 Section 11. Subsection (1) of section 576.061, Florida
486 Statutes, is amended to read:
487 576.061 Plant nutrient investigational allowances,
488 deficiencies, and penalties.—
489 (1) A commercial fertilizer is deemed deficient if the
490 analysis of any nutrient is below the guarantee by an amount
491 exceeding the investigational allowances. The department shall
492 adopt rules, which shall take effect on July 1, 2014, that
493 establish the investigational allowances used to determine

494 whether a fertilizer is deficient in plant food.
495 (a) Effective July 1, 2014, this paragraph and paragraphs
496 (b)-(f) are repealed. Until July 1, 2014, investigational
497 ~~Investigational~~ allowances are set as follows:
498 (b)~~(a)~~ *Primary plant nutrients; investigational*
499 *allowances.*—
500

Guaranteed Percent	Total Nitrogen Percent	Available Phosphate Percent	Potash Percent
501			
502			
04 or less	0.49	0.67	0.41
503			
05	0.51	0.67	0.43
504			
06	0.52	0.67	0.47
505			
07	0.54	0.68	0.53
506			
08	0.55	0.68	0.60
507			
09	0.57	0.68	0.65
508			
10	0.58	0.69	0.70
509			
12	0.61	0.69	0.79
510			

14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32 or more	0.88	0.76	1.44

For guarantees not listed, calculate the appropriate value by interpolation.

(c) ~~(b)~~ *Nitrogen investigational allowances.*—

Nitrogen Breakdown	Investigational Allowances Percent

Nitrate nitrogen	0.40
Ammoniacal nitrogen	0.40
Water soluble nitrogen or urea nitrogen	0.40
Water insoluble nitrogen	0.30

In no case may the investigational allowance exceed 50 percent of the amount guaranteed.

(d) ~~(c)~~ *Secondary and micro plant nutrients, total or soluble.*—

Element	Investigational Allowances Percent
Calcium	0.2 unit+5 percent of guarantee
Magnesium	0.2 unit+5 percent of guarantee
Sulfur (free and combined)	0.2 unit+5 percent of guarantee
Boron	0.003 unit+15 percent of guarantee
Cobalt	0.0001 unit+30 percent of guarantee

544

Chlorine	0.005 unit+10 percent of guarantee
Copper	0.005 unit+10 percent of guarantee
Iron	0.005 unit+10 percent of guarantee
Manganese	0.005 unit+10 percent of guarantee
Molybdenum	0.0001 unit+30 percent of guarantee
Sodium	0.005 unit+10 percent of guarantee
Zinc	0.005 unit+10 percent of guarantee

545 546 547 548 549 550 551 552

553 The maximum allowance for secondary and minor elements when
554 calculated in accordance with this section is 1 unit (1
555 percent). In no case, however, may the investigational allowance
556 exceed 50 percent of the amount guaranteed.
557 (e) ~~(d)~~ *Liming materials and gypsum.*—
558

Range Percent	Investigational Allowances Percent
0-10	0.30

559 560 561

Over 10-25	0.40
Over 25	0.50

562 563

564 (f) ~~(e)~~ *Pesticides in fertilizer mixtures.*—An
565 investigational allowance of 25 percent of the guarantee shall
566 be allowed on all pesticides when added to custom blend
567 fertilizers.
568 Section 12. Subsection (2) of section 576.181, Florida
569 Statutes, is amended to read:
570 576.181 Administration; rules; procedure.—
571 (2) The department may adopt rules ~~is authorized, by rule,~~
572 to implement, make specific, and interpret the provisions of
573 this chapter, and specifically to determine the composition and
574 uses of fertilizer as defined in this chapter, including, but
575 not limited to ~~without limiting the foregoing general terms~~, the
576 taking and handling of samples, the establishment of
577 investigational allowances, deficiencies, matching criteria for
578 referee analysis, and penalties where not specifically provided
579 for in this chapter; to prohibit the sale or use in fertilizer
580 of any material proven to be detrimental to agriculture, public
581 health, or the environment, or of questionable value; to provide
582 for the incorporation into fertilizer of such other substances
583 as pesticides and proper labeling of such mixture; and to
584 prescribe the information which shall appear on the label other
585 than specifically set forth in this chapter.
586 Section 13. Section 585.61, Florida Statutes, is amended to
587 read:
588 585.61 Animal disease diagnostic laboratory ~~laboratories~~.—

589 (1) There is ~~hereby created and~~ established an animal
590 disease diagnostic laboratory in Osceola County ~~and Suwannee~~
591 ~~County. The laboratory complex in Osceola County is~~ designated
592 as the "Bronson Animal Disease Diagnostic Laboratory."
593 (2) The construction and operation of ~~all~~ the laboratory
594 ~~laboratories~~ established by this section shall be under the
595 supervision and control of the department. It shall be the duty
596 of the department to operate the laboratory ~~these laboratories~~
597 in an efficient manner so that any person who maintains animals
598 in this state may obtain prompt reliable diagnosis of animal
599 diseases, including any disease which may affect poultry eggs,
600 in this state, and recommendations for the control and
601 eradication of such diseases, to the end that diseases of
602 animals may be reduced and controlled, and eradicated when
603 possible.
604 (3) Any person who maintains animals in the state may use
605 the services of the laboratory ~~laboratories~~ under the terms of
606 this section and the rules adopted for such use by the
607 department. The department shall require any user of its
608 services to pay a fee not to exceed $300 for any one of the
609 services requested. All laboratory fees collected shall be
610 deposited in the Animal Industry Diagnostic Laboratory Account
611 within the General Inspection Trust Fund. The fees collected
612 shall be used to improve the diagnostic laboratory services as
613 provided for by the Legislature in the General Appropriations
614 Act.
615 Section 14. Paragraph (f) of subsection (3) of section
616 586.10, Florida Statutes, is amended to read:
617 586.10 Powers and duties of department; preemption of local

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618 government ordinances.—
619 (3) The department may:
620 (f) Inspect or cause to be inspected all apiaries in the
621 state at such intervals as it may deem best and keep a complete,
622 accurate, and current list of all inspected apiaries to include
623 the:
624 1. Name of the apiary.
625 2. Name of the owner of the apiary.
626 3. Mailing address of the apiary owner.
627 4. Location of the apiary.
628 5. Number of hives in the apiary.
629 6. Pest problems associated with the apiary.
630 7. Brands used by beekeepers where applicable.
631
632 Notwithstanding s. 112.313, an apiary inspector may be a
633 certified beekeeper as long as the inspector does not inspect
634 his or her own apiary.
635 Section 15. Section 589.02, Florida Statutes, is amended to
636 read:
637 589.02 Headquarters and meetings of council.—The official
638 headquarters of the council shall be in Tallahassee, but it may
639 hold meetings at such other places in the state as it may
640 determine by resolutions or as may be selected by a majority of
641 the members of the council in any call for a meeting. ~~The annual~~
642 ~~meeting of the council shall be held on the first Monday in~~
643 ~~October of each year. Special meetings may be called at any time~~
644 ~~by the chair or upon the written request of a majority of the~~
645 ~~members.~~ The council shall annually elect from its members a
646 chair, a vice chair, and a secretary. ~~The election shall be held~~

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647 ~~at the annual meeting of the council.~~ A majority of the members
648 of the council shall constitute a quorum for such purposes.
649 Section 16. Subsection (4) of section 589.19, Florida
650 Statutes, is amended to read:
651 589.19 Creation of certain state forests; naming of certain
652 state forests; Operation Outdoor Freedom Program.—
653 (4)(a) To honor the nation's disabled veterans and injured
654 active duty servicemembers, the Florida Forest Service shall
655 coordinate efforts to develop an Operation Outdoor Freedom
656 Program to provide hunting and other activities for eligible
657 veterans and servicemembers in designated state forest areas and
658 on designated public and private lands. The Legislature finds it
659 to be in the public interest for the Florida Forest Service to
660 develop partnerships with the Fish and Wildlife Conservation
661 Commission and other public and private organizations in order
662 to provide the needed resources and funding to make the program
663 successful ~~The Florida Forest Service shall designate one or~~
664 ~~more areas of state forests as an "Operation Outdoor Freedom~~
665 ~~Special Hunt Area" to honor wounded veterans and servicemembers.~~
666 ~~The purpose of such designated areas is to provide special~~
667 ~~outdoor recreational opportunities for eligible veterans and~~
668 ~~servicemembers~~.
669 (b) Participation in the Operation Outdoor Freedom Program
670 shall be limited to Florida residents, as defined in s.
671 379.101(30)(b), ~~The Florida Forest Service shall limit guest~~
672 ~~admittance to such designated areas to any person~~ who:
673 1. Are honorably discharged military veterans certified by
674 the United States Department of Veterans Affairs or its
675 predecessor or by any branch of the United States Armed Forces

676 to be at least 30 percent permanently service-connected disabled
677 ~~Is an active duty member of any branch of the United States~~
678 ~~Armed Forces and has a combat related injury as determined by~~
679 ~~his or her branch of the United States Armed Forces~~; ~~or~~
680 2. Have been awarded the Military Order of the Purple
681 Heart; or ~~Is a veteran who served during a period of wartime~~
682 ~~service as defined in s. 1.01(14) or peacetime service as~~
683 ~~defined in s. 296.02 and:~~
684 ~~a. Has a service-connected disability as determined by the~~
685 ~~United States Department of Veterans Affairs; or~~
686 ~~b. Was discharged or released from military service because~~
687 ~~of a disability acquired or aggravated while serving on active~~
688 ~~duty~~
689 3. Are active duty servicemembers with a service-connected
690 injury as determined by his or her branch of the United States
691 Armed Forces.
692
693 Proof of eligibility under this subsection, as prescribed by the
694 Florida Forest Service, may be required.
695 (c) Notwithstanding the eligibility requirements for
696 program participation in paragraph (b), guided or unguided
697 invitation-only activities may be conducted as part of the
698 Operation Outdoor Freedom Program for injured or disabled
699 veterans and injured or disabled active duty servicemembers of
700 any branch of the United States Armed Forces in designated state
701 forest areas and on designated public and private lands. The
702 Florida Forest Service may grant admittance to ~~such~~ designated
703 areas and lands to a person who is not an eligible veteran or
704 servicemember for the sole purpose ~~purposes~~ of accompanying an

705 eligible veteran or servicemember who requires the person's
706 assistance to use such ~~designated~~ areas and lands.
707 (d) The Florida Forest Service may cooperate with state and
708 federal agencies, local governments, private landowners, and
709 other entities in connection with the Operation Outdoor Freedom
710 Program. Donations to the Operation Outdoor Freedom Program
711 ~~Funding required for specialized accommodations~~ shall be
712 deposited into the account of ~~provided through~~ the Friends of
713 Florida State Forests Program created under s. 589.012 and used
714 for Operation Outdoor Freedom Program activities.
715 (e)1. A private landowner who provides land for designation
716 and use as an Operation Outdoor Freedom Program hunting site
717 shall have limited liability pursuant to s. 375.251.
718 2. A private landowner who consents to the designation and
719 use of land as part of the Operation Outdoor Freedom Program
720 without compensation shall be considered a volunteer, as defined
721 in s. 110.501, and shall be covered by state liability
722 protection pursuant to s. 768.28, including s. 768.28(9).
723 3. This subsection does not:
724 a. Relieve any person of liability that would otherwise
725 exist for deliberate, willful, or malicious injury to persons or
726 property.
727 b. Create or increase the liability of any person.
728 (f) The Legislature shall designate the second Saturday of
729 each November as Operation Outdoor Freedom Day.
730 (g)~~(e)~~ The Florida Forest Service may adopt rules to
731 administer this subsection.
732 Section 17. Section 589.30, Florida Statutes, is amended to
733 read:

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734 589.30 Duty of district or center manager ~~forester~~.—It
735 shall be the duty of the district or center manager ~~forester~~ to
736 direct all work in accordance with the law and regulations of
737 the Florida Forest Service; gather and disseminate information
738 in the management of commercial timber, including establishment,
739 protection and utilization; and assist in the development and
740 use of forest lands for outdoor recreation, watershed
741 protection, and wildlife habitat. The district or center manager
742 ~~forester~~ or his or her representative shall provide
743 encouragement and technical assistance to individuals and urban
744 and county officials in the planning, establishment, and
745 management of trees and plant associations to enhance the beauty
746 of the urban and suburban environment and meet outdoor
747 recreational needs.
748 Section 18. Subsections (1), (2), (3), (7), and (10) of
749 section 590.02, Florida Statutes, are amended to read:
750 590.02 Florida Forest Service; powers, authority, and
751 duties; liability; building structures; Florida Center for
752 Wildfire and Forest Resources Management Training.—
753 (1) The Florida Forest Service has the following powers,
754 authority, and duties:
755 (a) To enforce the provisions of this chapter;
756 (b) To prevent, detect, and suppress~~, and extinguish~~
757 wildfires wherever they may occur on public or private land in
758 this state and to do all things necessary in the exercise of
759 such powers, authority, and duties;
760 (c) To provide firefighting crews, who shall be under the
761 control and direction of the Florida Forest Service and its
762 designated agents;

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763 (d) To appoint center managers, forest area supervisors,
764 forestry program administrators, a forest protection bureau
765 chief, a forest protection assistant bureau chief, a field
766 operations bureau chief, deputy chiefs of field operations,
767 district managers, forest operations administrators, senior
768 forest rangers, investigators, forest rangers, firefighter
769 rotorcraft pilots, and other employees who may, at the Florida
770 Forest Service's discretion, be certified as forestry
771 firefighters pursuant to s. 633.35(4). Other provisions of law
772 notwithstanding, center managers, district managers, forest
773 protection assistant bureau chief, and deputy chiefs of field
774 operations shall have Selected Exempt Service status in the
775 state personnel designation;
776 (e) To develop a training curriculum for forestry
777 firefighters which must contain the basic volunteer structural
778 fire training course approved by the Florida State Fire College
779 of the Division of State Fire Marshal and a minimum of 250 hours
780 of wildfire training;
781 (f) To make rules to accomplish the purposes of this
782 chapter;
783 (g) To provide fire management services and emergency
784 response assistance and to set and charge reasonable fees for
785 performance of those services. Moneys collected from such fees
786 shall be deposited into the Incidental Trust Fund of the Florida
787 Forest Service; ~~and~~
788 (h) To require all state, regional, and local government
789 agencies operating aircraft in the vicinity of an ongoing
790 wildfire to operate in compliance with the applicable state
791 Wildfire Aviation Plan; and

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792 (i) To authorize broadcast burning, prescribed burning,
793 pile burning, and land clearing debris burning to carry out the
794 duties of this chapter and the rules adopted thereunder.
795 (2) The Florida Forest Service's employees, and the
796 firefighting crews under their control and direction, may enter
797 upon any lands for the purpose of preventing, detecting, and
798 suppressing wildfires and investigating smoke complaints or open
799 burning not in compliance with authorization and to enforce the
800 provisions of this chapter.
801 (3) Employees of the Florida Forest Service and of federal,
802 state, and local agencies, and all other persons and entities
803 that are under contract or agreement with the Florida Forest
804 Service to assist in firefighting operations as well as those
805 entities, called upon by the Florida Forest Service to assist in
806 firefighting may, in the performance of their duties, set
807 counterfires, remove fences and other obstacles, dig trenches,
808 cut firelines, use water from public and private sources, and
809 carry on all other customary activities in the fighting of
810 wildfires without incurring liability to any person or entity.
811 The manner in which the Florida Forest Service monitors a
812 smoldering wildfire, smoldering prescribed fire, or fights any
813 wildfire are planning level activities for which sovereign
814 immunity applies and is not waived.
815 (7) The Florida Forest Service may organize, staff, equip,
816 and operate the Florida ~~Center for Wildfire and~~ Forest ~~Resources~~
817 ~~Management~~ Training Center. The center shall serve as a site
818 where fire and forest resource managers can obtain current
819 knowledge, techniques, skills, and theory as they relate to
820 their respective disciplines.

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821 (a) The center may establish cooperative efforts involving
822 federal, state, and local entities; hire appropriate personnel;
823 and engage others by contract or agreement with or without
824 compensation to assist in carrying out the training and
825 operations of the center.
826 (b) The center shall provide wildfire suppression training
827 opportunities for rural fire departments, volunteer fire
828 departments, and other local fire response units.
829 (c) The center will focus on curriculum related to, but not
830 limited to, fuel reduction, an incident management system,
831 prescribed burning certification, multiple-use land management,
832 water quality, forest health, environmental education, and
833 wildfire suppression training for structural firefighters.
834 (d) The center may assess appropriate fees for food,
835 lodging, travel, course materials, and supplies in order to meet
836 its operational costs and may grant free meals, room, and
837 scholarships to persons and other entities in exchange for
838 instructional assistance.
839 ~~(e) An advisory committee consisting of the following~~
840 ~~individuals or their designees must review program curriculum,~~
841 ~~course content, and scheduling: the director of the Florida~~
842 ~~Forest Service; the assistant director of the Florida Forest~~
843 ~~Service; the director of the School of Forest Resources and~~
844 ~~Conservation of the University of Florida; the director of the~~
845 ~~Division of Recreation and Parks of the Department of~~
846 ~~Environmental Protection; the director of the Division of the~~
847 ~~State Fire Marshal; the director of the Florida Chapter of The~~
848 ~~Nature Conservancy; the executive vice president of the Florida~~
849 ~~Forestry Association; the president of the Florida Farm Bureau~~

850 ~~Federation; the executive director of the Fish and Wildlife~~
851 ~~Conservation Commission; the executive director of a water~~
852 ~~management district as appointed by the Commissioner of~~
853 ~~Agriculture; the supervisor of the National Forests in Florida;~~
854 ~~the president of the Florida Fire Chief's Association; and the~~
855 ~~executive director of the Tall Timbers Research Station.~~
856 (10)(a) Notwithstanding the provisions of s. 252.38, the
857 Florida Forest Service has exclusive authority to require and
858 issue authorizations for broadcast burning and agricultural and
859 silvicultural pile burning. An agency, commission, department,
860 county, municipality, or other political subdivision of the
861 state may not adopt or enforce laws, regulations, rules, or
862 policies pertaining to broadcast burning or agricultural and
863 silvicultural pile burning ~~unless an emergency order is declared~~
864 ~~in accordance with s. 252.38(3)~~.
865 (b) The Florida Forest Service may delegate to a county, ~~or~~
866 municipality, or special district its authority:~~.~~
867 1. As delegated by the Department of Environmental
868 Protection pursuant to ss. 403.061(28) and 403.081, to manage
869 and enforce regulations pertaining to ~~require and issue~~
870 ~~authorizations for~~ the burning of yard trash ~~and debris from~~
871 ~~land clearing operations~~ in accordance with s. 590.125(6).
872 2. To manage the open burning of land clearing debris in
873 accordance with s. 590.125.
874 Section 19. Subsection (1) of section 590.11, Florida
875 Statutes, is amended to read:
876 590.11 Recreational fires.—
877 (1) It is unlawful for any individual or group of
878 individuals to build a warming fire, bonfire, or campfire and

879 leave it unattended while visible flame, smoke, or emissions
880 exist ~~unextinguished~~.
881 Section 20. Subsections (1) and (2), paragraphs (b) and (c)
882 of subsection (3), and paragraph (a) of subsection (4) of
883 section 590.125, Florida Statutes, are amended to read:
884 590.125 Open burning authorized by the Florida Forest
885 Service.—
886 (1) DEFINITIONS.—As used in this section, the term:
887 (a) "Certified pile burner" means an individual who
888 successfully completes the pile burning certification program of
889 the Florida Forest Service and possesses a valid pile burner
890 certification number.
891 (b) "Certified pile burning" means a pile burn conducted in
892 accordance with a written pile burning plan by a certified pile
893 burner.
894 (c) ~~(b)~~ "Certified prescribed burn manager" means an
895 individual who successfully completes the certified prescribed
896 burning program of the Florida Forest Service and possesses a
897 valid certification number.
898 (d) "Certified prescribed burning" means prescribed burning
899 in accordance with a written prescription conducted by a
900 certified prescribed burn manager.
901 (e) "Contained" means that fire and smoldering exist
902 entirely within established or natural firebreaks.
903 (f) ~~(c)~~ "Completed" ~~"Extinguished"~~ means that for:
904 1. Broadcast burning, no continued lateral movement of fire
905 across the authorized area into entirely unburned fuels ~~Wildland~~
906 ~~burning or certified prescribed burning, no spreading flames~~
907 ~~exist~~.

908 2. Certified pile ~~Vegetative land clearing debris~~ burning
909 or pile burning, no visible flames exist.
910 3. Certified pile ~~Vegetative land clearing debris~~ burning
911 or pile burning in an area designated as smoke sensitive by the
912 Florida Forest Service, no visible flames, smoke, or emissions
913 exist.
914 (g) "Gross negligence" means conduct so reckless or wanting
915 in care that it constitutes a conscious disregard or
916 indifference to the life, safety, or rights of persons exposed
917 to such conduct.
918 ~~(d) "Land clearing operation" means the uprooting or~~
919 ~~clearing of vegetation in connection with the construction of~~
920 ~~buildings and rights of way, land development, and mineral~~
921 ~~operations. The term does not include the clearing of yard~~
922 ~~trash.~~
923 (h) ~~(e)~~ "Pile burning" means the burning of silvicultural,
924 agricultural, ~~or~~ land-clearing, or ~~and~~ tree-cutting debris
925 originating onsite, which is stacked together in a round or
926 linear fashion, including, but not limited to, a windrow. Pile
927 burning authorized by the Florida Forest Service is a temporary
928 procedure, which operates on the same site for 6 months or less.
929 (i) "Pile burn plan" means a written plan establishing the
930 method of conducting a certified pile burn.
931 (j) ~~(f)~~ "Prescribed burning" means the ~~controlled~~
932 application of fire by broadcast burning ~~in accordance with a~~
933 ~~written prescription~~ for vegetative fuels under specified
934 environmental conditions, while following appropriate
935 precautionary measures that ensure that the fire is contained
936 within ~~confined to~~ a predetermined area to accomplish the

937 planned fire or land management objectives.
938 (k) ~~(g)~~ "Prescription" means a written plan establishing the
939 conditions and method for conducting ~~criteria necessary for~~
940 ~~starting, controlling, and extinguishing~~ a certified prescribed
941 burn.
942 (l) "Smoldering" means the continued consumption of fuels,
943 which may emit flames and smoke, after a fire is contained.
944 (m) ~~(h)~~ "Yard trash" means vegetative matter resulting from
945 landscaping and yard maintenance operations and other such
946 routine property cleanup activities. The term includes materials
947 such as leaves, shrub trimmings, grass clippings, brush, and
948 palm fronds.
949 (2) NONCERTIFIED BURNING.—
950 (a) Persons may be authorized to broadcast burn or pile
951 burn ~~wild land or vegetative land-clearing debris~~ in accordance
952 with this subsection if:
953 1. There is specific consent of the landowner or his or her
954 designee;
955 2. Authorization has been obtained from the Florida Forest
956 Service or its designated agent before starting the burn;
957 3. There are adequate firebreaks at the burn site and
958 sufficient personnel and firefighting equipment for the
959 containment ~~control~~ of the fire;
960 4. The fire remains within the boundary of the authorized
961 area;
962 5. The person named responsible in the burn authorization
963 or a designee ~~An authorized person~~ is present at the burn site
964 until the fire is completed ~~extinguished~~;
965 6. The Florida Forest Service does not cancel the

966 authorization; and
967 7. The Florida Forest Service determines that air quality
968 and fire danger are favorable for safe burning.
969 (b) A person who broadcast burns or pile burns ~~wild land or~~
970 ~~vegetative land clearing debris~~ in a manner that violates any
971 requirement of this subsection commits a misdemeanor of the
972 second degree, punishable as provided in s. 775.082 or s.
973 775.083.
974 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
975 PURPOSE.—
976 (b) Certified prescribed burning pertains only to broadcast
977 burning for purposes of silviculture, wildland fire hazard
978 reduction, wildlife management, ecological maintenance and
979 restoration, and agriculture ~~range and pasture management~~. It
980 must be conducted in accordance with this subsection and:
981 1. May be accomplished only when a certified prescribed
982 burn manager is present on site with a copy of the prescription
983 and directly supervises the certified prescribed burn until the
984 burn is completed, after which the certified prescribed burn
985 manager is not required to be present ~~from ignition of the burn~~
986 ~~to its completion~~.
987 2. Requires that a written prescription be prepared before
988 receiving authorization to burn from the Florida Forest Service.
989 a. A new prescription or authorization is not required for
990 smoldering that occurs within the authorized burn area when no
991 new ignitions are conducted by the certified prescribed burn
992 manager.
993 b. Monitoring the smoldering activity of a certified
994 prescribed burn does not require a prescription or an additional

995 authorization even if flames begin to spread within the
996 authorized burn area due to ongoing smoldering.
997 3. Requires that the specific consent of the landowner or
998 his or her designee be obtained before requesting an
999 authorization.
1000 4. Requires that an authorization to burn be obtained from
1001 the Florida Forest Service before igniting the burn.
1002 5. Requires that there be adequate firebreaks at the burn
1003 site and sufficient personnel and firefighting equipment to
1004 contain ~~for the control of~~ the fire within the authorized burn
1005 area.
1006 a. Fire spreading outside the authorized burn area on the
1007 day of the certified prescribed burn ignition does not
1008 constitute conclusive proof of inadequate firebreaks,
1009 insufficient personnel, or a lack of firefighting equipment.
1010 b. During the authorization period, if the certified
1011 prescribed burn is contained within the authorized burn area, a
1012 strong rebuttable presumption shall exist that adequate
1013 firebreaks, sufficient personnel, and sufficient firefighting
1014 equipment were present.
1015 c. Continued smoldering of a certified prescribed burn
1016 resulting in a subsequent wildfire does not by itself constitute
1017 evidence of gross negligence under this section.
1018 6. Is considered to be in the public interest and does not
1019 constitute a public or private nuisance when conducted under
1020 applicable state air pollution statutes and rules.
1021 7. Is considered to be a property right of the property
1022 owner if vegetative fuels are burned as required in this
1023 subsection.

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1024 (c) ~~Neither~~ A property owner, ~~nor~~ his or her agent,
1025 contractor, or legally authorized designee is not liable
1026 pursuant to s. 590.13 for damage or injury caused by the fire,
1027 including the reignition of a smoldering, previously contained
1028 burn, or resulting smoke or considered to be in violation of
1029 subsection (2) for burns conducted in accordance with this
1030 subsection, unless gross negligence is proven. The Florida
1031 Forest Service is not liable for burns for which it issues
1032 authorizations.
1033 (4) CERTIFIED PILE BURNING.—
1034 (a) Certified pile burning pertains to the disposal of
1035 piled, naturally occurring debris from an agricultural,
1036 silvicultural, ~~or temporary~~ land-clearing, or tree cutting
1037 debris originating on site ~~operation~~. ~~A land clearing operation~~
1038 ~~is temporary if it operates for 6 months or less.~~ Certified pile
1039 burning must be conducted in accordance with the following:
1040 1. A certified pile burner must ensure, before ignition,
1041 that the piles are properly placed and that the content of the
1042 piles is conducive to efficient burning.
1043 2. A certified pile burner must ensure that the authorized
1044 burn is completed ~~piles are properly extinguished~~ no later than
1045 1 hour after sunset. If the burn is conducted in an area
1046 designated by the Florida Forest Service as smoke sensitive, a
1047 certified pile burner must ensure that the authorized burn is
1048 completed ~~piles are properly extinguished~~ at least 1 hour before
1049 sunset.
1050 3. A written pile burning plan must be prepared before
1051 receiving authorization from the Florida Forest Service to burn
1052 and must be on site and available for inspection by a department

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1053 representative.
1054 4. The specific consent of the landowner or his or her
1055 agent must be obtained before requesting authorization to burn.
1056 5. An authorization to burn must be obtained from the
1057 Florida Forest Service or its designated agent before igniting
1058 the burn.
1059 6. There must be adequate firebreaks and sufficient
1060 personnel and firefighting equipment at the burn site to contain
1061 the burn to the piles authorized ~~control the fire~~.
1062 Section 21. Section 590.25, Florida Statutes, is amended to
1063 read:
1064 590.25 Penalty for ~~preventing or~~ obstructing the
1065 prevention, detection, or suppression ~~extinguishment~~ of
1066 wildfires.—Whoever interferes ~~shall interfere~~ with, obstructs
1067 ~~obstruct~~ or commits ~~commit~~ any act aimed to obstruct the
1068 prevention, detection, or suppression ~~extinguishment~~ of
1069 wildfires by the employees of the Florida Forest Service or any
1070 other person engaged in the prevention, detection, or
1071 suppression ~~extinguishment~~ of a wildfire, or who damages or
1072 destroys any equipment being used for such purpose, commits
1073 ~~shall be guilty of~~ a felony of the third degree, punishable as
1074 provided in s. 775.082, s. 775.083, or s. 775.084.
1075 Section 22. Chapter 595, Florida Statutes, is created,
1076 shall consist of sections 595.401-595.701, Florida Statutes, and
1077 shall be entitled "School Food and Nutrition Services."
1078 Section 23. Section 595.401, Florida Statutes, is created
1079 to read:
1080 595.401 Short title.—This chapter may be cited as the
1081 "Florida School Food and Nutrition Act."

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1082 Section 24. Section 595.402, Florida Statutes, is created
1083 to read:
1084 595.402 Definitions.—As used in this chapter, the term:
1085 (1) "Commissioner" means the Commissioner of Agriculture.
1086 (2) "Department" means the Department of Agriculture and
1087 Consumer Services.
1088 (3) "Program" means any one or more of the school food and
1089 nutrition service programs that the department has
1090 responsibility over including, but not limited to, the National
1091 School Lunch Program, the Special Milk Program, the School
1092 Breakfast Program, the Summer Food Service Program, the Fresh
1093 Fruit and Vegetable Program, and any other program that relates
1094 to school nutrition.
1095 (4) "School district" means any of the 67 county school
1096 districts, including the respective district school board.
1097 (5) "Sponsor" means any entity that is conducting a program
1098 under a current agreement with the department.
1099 Section 25. Section 595.403, Florida Statutes, is created
1100 to read:
1101 595.403 State policy.—The Legislature, in recognition of
1102 the demonstrated relationship between good nutrition and the
1103 capacity of students to develop and learn, declares that it is
1104 the policy of the state to provide standards for school food and
1105 nutrition services and to require each school district to
1106 establish and maintain an appropriate school food and nutrition
1107 service program consistent with the nutritional needs of
1108 students. To implement that policy, the state shall provide
1109 funds to meet the state National School Lunch Act matching
1110 requirements. The funds provided shall be distributed in such a

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1111 manner as to comply with the requirements of the National School
1112 Lunch Act.
1113 Section 26. Section 570.98, Florida Statutes, is
1114 transferred, renumbered as section 595.404, Florida Statutes,
1115 and amended to read:
1116 595.404 ~~570.98~~ School food and nutrition service program;
1117 powers and duties of the department ~~programs~~.—
1118 ~~(1)~~ The department has the following powers and duties:
1119 ~~shall~~
1120 (1) To conduct, supervise, and administer the program ~~all~~
1121 ~~school food and nutrition programs~~ that will be carried out
1122 using federal or state funds, or funds from any other source.
1123 (2) To fully ~~The department shall~~ cooperate ~~fully~~ with the
1124 United States Government and its agencies and instrumentalities
1125 so that the department may receive the benefit of all federal
1126 financial allotments and assistance possible to carry out the
1127 purposes of this chapter.
1128 (3) To implement and adopt by rule, as required, federal
1129 regulations to maximize federal assistance for the program. ~~The~~
1130 ~~department may~~
1131 (4) To act as agent of, or contract with, the Federal
1132 Government, another state agency, ~~or~~ any county or municipal
1133 government, or sponsor for the administration of the program
1134 ~~school food and nutrition programs~~, including the distribution
1135 of funds provided by the Federal Government to support the
1136 program ~~school food and nutrition programs~~.
1137 (5) To make a reasonable effort to ensure that any school
1138 designated as a "severe need school" receives the highest rate
1139 of reimbursement to which it is entitled under 42 U.S.C. s. 1773

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1140 for each breakfast meal served.
1141 (6) To develop and propose legislation necessary to
1142 implement the program, encourage the development of innovative
1143 school food and nutrition services, and expand participation in
1144 the program.
1145 (7) To annually allocate among the sponsors, as applicable,
1146 funds provided from the school breakfast supplement in the
1147 General Appropriations Act based on each district's total number
1148 of free and reduced-price breakfast meals served.
1149 (8) To employ such persons as are necessary to perform its
1150 duties under this chapter.
1151 (9) To adopt rules covering the administration, operation,
1152 and enforcement of the program as well as to implement the
1153 provisions of this chapter.
1154 (10) To adopt and implement an appeal process by rule, as
1155 required by federal regulations, for applicants and participants
1156 under the program, notwithstanding s. 120.569 and ss. 120.57-
1157 120.595.
1158 (11) To assist, train, and review each sponsor in its
1159 implementation of the program.
1160 (12) To advance funds from the program's annual
1161 appropriation to sponsors, when requested, in order to implement
1162 the provisions of this chapter and in accordance with federal
1163 regulations.
1164 Section 27. Subsections (1) through (5) of section 570.981,
1165 Florida Statutes, are transferred, renumbered as section
1166 595.405, Florida Statutes, and amended to read:
1167 595.405 ~~570.981~~ Program requirements for school districts
1168 and sponsors ~~food service programs~~.—

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1169 ~~(1) In recognition of the demonstrated relationship between~~
1170 ~~good nutrition and the capacity of students to develop and~~
1171 ~~learn, it is the policy of the state to provide standards for~~
1172 ~~school food service and to require district school boards to~~
1173 ~~establish and maintain an appropriate private school food~~
1174 ~~service program consistent with the nutritional needs of~~
1175 ~~students.~~
1176 ~~(2) The department shall adopt rules covering the~~
1177 ~~administration and operation of the school food service~~
1178 ~~programs.~~
1179 (1)~~(3)~~ Each school district ~~school board~~ shall consider the
1180 recommendations of the district school superintendent and adopt
1181 policies to provide for an appropriate food and nutrition
1182 service program for students consistent with federal law and
1183 department rules ~~rule~~.
1184 ~~(4) The state shall provide the state National School Lunch~~
1185 ~~Act matching requirements. The funds provided shall be~~
1186 ~~distributed in such a manner as to comply with the requirements~~
1187 ~~of the National School Lunch Act.~~
1188 (2)~~(5)(a)~~ Each school district ~~school board~~ shall implement
1189 school breakfast programs that make breakfast meals available to
1190 all students in each elementary school. Universal school
1191 breakfast programs shall be offered in schools in which 80
1192 percent or more of the students are eligible for free or
1193 reduced-price meals. Each school shall, to the maximum extent
1194 practicable, make breakfast meals available to students at an
1195 alternative site location, which may include, but need not be
1196 limited to, alternative breakfast options as described in
1197 publications of the Food and Nutrition Service of the United

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1198 States Department of Agriculture for the federal School
1199 Breakfast Program.
1200 (3)~~(b)~~ Each school district must annually set prices for
1201 breakfast meals at rates that, combined with federal
1202 reimbursements and state allocations, are sufficient to defray
1203 costs of school breakfast programs without requiring allocations
1204 from the district's operating funds, except if the district
1205 school board approves lower rates.
1206 (4)~~(c)~~ Each school district ~~school board~~ is encouraged to
1207 provide universal-free school breakfast meals to all students in
1208 each elementary, middle, and high school. Each school district
1209 ~~school board~~ shall approve or disapprove a policy, after
1210 receiving public testimony concerning the proposed policy at two
1211 or more regular meetings, which makes universal-free school
1212 breakfast meals available to all students in each elementary,
1213 middle, and high school in which 80 percent or more of the
1214 students are eligible for free or reduced-price meals.
1215 (5)~~(d)~~ Each elementary, middle, and high school shall make
1216 a breakfast meal available if a student arrives at school on the
1217 ~~school~~ bus less than 15 minutes before the first bell rings and
1218 shall allow the student at least 15 minutes to eat the
1219 breakfast.
1220 (6)~~(e)~~ Each school district shall annually provide to all
1221 students in each elementary, middle, and high school information
1222 prepared by the district's food service administration regarding
1223 its school breakfast programs. The information shall be
1224 communicated through school announcements and written notices
1225 ~~notice~~ sent to all parents.
1226 (7)~~(f)~~ A school district ~~school board~~ may operate a

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1227 breakfast program providing for food preparation at the school
1228 site or in central locations with distribution to designated
1229 satellite schools or any combination thereof.
1230 (8) Each sponsor shall complete all corrective action plans
1231 required by the department or a federal agency to be in
1232 compliance with the program.
1233 ~~(g) The commissioner shall make every reasonable effort to~~
1234 ~~ensure that any school designated as a "severe need school"~~
1235 ~~receives the highest rate of reimbursement to which it is~~
1236 ~~entitled under 42 U.S.C. s. 1773 for each breakfast meal served.~~
1237 ~~(h) The department shall annually allocate among the school~~
1238 ~~districts funds provided from the school breakfast supplement in~~
1239 ~~the General Appropriations Act based on each district's total~~
1240 ~~number of free and reduced price breakfast meals served.~~
1241 Section 28. Subsection (6) of section 570.981, Florida
1242 Statutes, is transferred, renumbered as section 595.406, Florida
1243 Statutes, and amended to read:
1244 595.406 ~~570.981~~ Florida Farm Fresh Schools Program ~~School~~
1245 ~~food service programs~~.—
1246 ~~(6) The Legislature, recognizing that school children need~~
1247 ~~nutritious food not only for healthy physical and intellectual~~
1248 ~~development but also to combat diseases related to poor~~
1249 ~~nutrition and obesity, establishes the Florida Farm Fresh~~
1250 ~~Schools Program within the department. The program shall comply~~
1251 ~~with the regulations of the National School Lunch Program and~~
1252 ~~require:~~
1253 (1)~~(a)~~ In order to implement the Florida Farm Fresh Schools
1254 Program, the department shall ~~to~~ develop policies pertaining to
1255 school food services which encourage:

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

1256 (a)~~1.~~ Sponsors ~~School districts~~ to buy fresh and high-
1257 quality foods grown in this state when feasible.
1258 (b)~~2.~~ Farmers in this state to sell their products to
1259 sponsors, school districts, and schools.
1260 (c)~~3.~~ Sponsors ~~School districts and schools~~ to demonstrate
1261 a preference for competitively priced organic food products.
1262 (d)~~(b)~~ Sponsors ~~School districts and schools~~ to make
1263 reasonable efforts to select foods based on a preference for
1264 those that have maximum nutritional content.
1265 (2)~~(c)~~ The department shall ~~to~~ provide outreach, guidance,
1266 and training to sponsors ~~school districts~~, schools, school food
1267 service directors, parent and teacher organizations, and
1268 students about the benefit ~~benefits~~ of fresh food products from
1269 farms in this state.
1270 Section 29. Section 570.982, Florida Statutes, is
1271 transferred, renumbered as section 595.407, Florida Statutes,
1272 and amended to read:
1273 595.407 ~~570.982~~ Children's summer nutrition program.—
1274 (1) This section may be cited as the "Ms. Willie Ann Glenn
1275 Act."
1276 (2) Each school district ~~school board~~ shall develop a plan
1277 to sponsor a summer nutrition program to operate sites in the
1278 school district as follows:
1279 (a) Within 5 miles of at least one elementary school at
1280 which 50 percent or more of the students are eligible for free
1281 or reduced-price school meals and for the duration of 35
1282 consecutive days.~~; and~~
1283 (b) ~~Except as operated pursuant to paragraph (a),~~ Within 10
1284 miles of each elementary school at which 50 percent or more of

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1285 the students are eligible for free or reduced-price school
1286 meals, except as operated pursuant to paragraph (a).
1287 (3)(a) A school district ~~school board~~ may be exempt from
1288 sponsoring a summer nutrition program pursuant to this section.
1289 A school district ~~school board~~ seeking such exemption must
1290 include the issue on an agenda at a regular or special school
1291 district ~~school board~~ meeting that is publicly noticed, provide
1292 residents an opportunity to participate in the discussion, and
1293 vote on whether to be exempt from this section. The school
1294 district ~~school board~~ shall notify the department ~~commissioner~~
1295 within 10 days after it decides to become exempt from this
1296 section.
1297 (b) Each year, the school district ~~school board~~ shall
1298 reconsider its decision to be exempt from the provisions of this
1299 section and shall vote on whether to continue the exemption from
1300 sponsoring a summer nutrition program. The school district
1301 ~~school board~~ shall notify the department ~~commissioner~~ within 10
1302 days after each subsequent year's decision to continue the
1303 exemption.
1304 (c) If a school district ~~school board~~ elects to be exempt
1305 from sponsoring a summer nutrition program under this section,
1306 the school district ~~school board~~ may encourage not-for-profit
1307 entities to sponsor the program. If a not-for-profit entity
1308 chooses to sponsor the summer nutrition program but fails to
1309 perform with regard to the program, ~~the district school board,~~
1310 the school district~~,~~ and the department are not required to
1311 continue the program and shall be held harmless from any
1312 liability arising from the discontinuation of the summer
1313 nutrition program.

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

1314 (4) The superintendent of schools may collaborate with
1315 municipal and county governmental agencies and private, not-for-
1316 profit leaders in implementing the plan. Although schools have
1317 proven to be the optimal site for a summer nutrition program,
1318 any not-for-profit entity may serve as a site or sponsor. By
1319 April 15 of each year, each school district with a summer
1320 nutrition program shall report to the department the district's
1321 summer nutrition program sites in compliance with this section.
1322 (5) The department shall provide to each school district
1323 ~~school board~~ by February 15 of each year a list of local
1324 organizations that have filed letters of intent to participate
1325 in the summer nutrition program in order that a school district
1326 may ~~school board is able to~~ determine how many sites are needed
1327 to serve the children and where to place each site.
1328 Section 30. Section 570.072, Florida Statutes, is
1329 transferred and renumbered as section 595.408, Florida Statutes.
1330 Section 31. Section 595.501, Florida Statutes, is created
1331 to read:
1332 595.501 Penalties.—Any person, sponsor, or school district
1333 that violates any provision of this chapter or any rule adopted
1334 thereunder or otherwise does not comply with the program is
1335 subject to a suspension or revocation of their agreement, loss
1336 of reimbursement, or a financial penalty in accordance with
1337 federal or state law or both. This section does not restrict the
1338 applicability of any other law.
1339 Section 32. Section 570.983, Florida Statutes, is
1340 transferred, renumbered as section 595.601, Florida Statutes,
1341 and amended to read:
1342 595.601 ~~570.983~~ Food and Nutrition Services Trust Fund.—

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1343 Chapter 99-37, Laws of Florida, recreated the Food and Nutrition
1344 Services Trust Fund to record revenue and disbursements of
1345 Federal Food and Nutrition funds received by the department as
1346 authorized in s. 595.405 ~~570.981~~.
1347 Section 33. Section 570.984, Florida Statutes, is
1348 transferred and renumbered as section 595.701, Florida Statutes,
1349 to read:
1350 595.701 ~~570.984~~ Healthy Schools for Healthy Lives Council.—
1351 (1) There is created within the Department of Agriculture
1352 and Consumer Services the Healthy Schools for Healthy Lives
1353 Council, which shall consist of 11 members appointed by the
1354 Commissioner of Agriculture. The council shall advise the
1355 department on matters relating to nutritional standards and the
1356 prevention of childhood obesity, nutrition education,
1357 anaphylaxis, and other needs to further the development of the
1358 various school nutrition programs.
1359 (2) The meetings, powers, duties, procedures, and
1360 recordkeeping of the Healthy Schools for Healthy Lives Council
1361 shall be governed by s. 570.0705, relating to advisory
1362 committees established within the department.
1363 Section 34. Subsection (16) of section 1001.42, Florida
1364 Statutes, is amended to read:
1365 1001.42 Powers and duties of district school board.—The
1366 district school board, acting as a board, shall exercise all
1367 powers and perform all duties listed below:
1368 (16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities and
1369 exercise such powers and perform such duties as may be assigned
1370 to it by law or as may be required by rules of the Department of
1371 Agriculture and Consumer Services ~~State Board of Education~~ or,

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1372 as in the opinion of the district school board, are necessary to
1373 ensure school lunch services, consistent with needs of students;
1374 effective and efficient operation of the program; and the proper
1375 articulation of the school lunch program with other phases of
1376 education in the district.
1377 Section 35. Subsection (1) of section 1003.453, Florida
1378 Statutes, is amended to read:
1379 1003.453 School wellness and physical education policies;
1380 nutrition guidelines.—
1381 (1) Each school district shall electronically submit ~~to the~~
1382 ~~Department of Education a copy of~~ its local school wellness
1383 policy to the Department of Agriculture and Consumer Services ~~as~~
1384 ~~required by the Child Nutrition and WIC Reauthorization Act of~~
1385 ~~2004~~ and ~~a copy of~~ its physical education policy required under
1386 s. 1003.455 to the Department of Education. Each school district
1387 shall annually review its local school wellness policy and
1388 physical education policy and provide a procedure for public
1389 input and revisions. In addition, each school district shall
1390 provide its revised local school ~~send an updated copy of its~~
1391 wellness policy and revised physical education policy to the
1392 applicable department ~~and to the Department of Agriculture and~~
1393 ~~Consumer Services~~ when a change or revision is made.
1394 Section 36. Sections 487.0615, 570.382, 570.97, and 590.50,
1395 Florida Statutes, are repealed.
1396 Section 37. Subsection (5) of section 487.041, Florida
1397 Statutes, is amended to read:
1398 487.041 Registration.—
1399 ~~(5) The department shall provide summary information to the~~
1400 ~~Pesticide Review Council regarding applications for registration~~

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1401 ~~of those pesticides for which data received in the registration~~
1402 ~~process indicate that the pesticide, when used according to~~
1403 ~~label instructions and precautions, may have a significant~~
1404 ~~potential for adverse effects on human health or the~~
1405 ~~environment. The council shall be kept apprised of the status of~~
1406 ~~these applications while under review and of the final action by~~
1407 ~~the Commissioner of Agriculture regarding the registration of~~
1408 ~~these pesticides.~~
1409 Section 38. Paragraph (b) of subsection (8) of section
1410 550.2625, Florida Statutes, is amended to read:
1411 550.2625 Horseracing; minimum purse requirement, Florida
1412 breeders' and owners' awards.—
1413 (8)
1414 ~~(b) The division shall deposit these collections to the~~
1415 ~~credit of the General Inspection Trust Fund in a special account~~
1416 ~~to be known as the "Florida Arabian Horse Racing Promotion~~
1417 ~~Account." The Department of Agriculture and Consumer Services~~
1418 ~~shall administer the funds and adopt suitable and reasonable~~
1419 ~~rules for the administration thereof. The moneys in the Florida~~
1420 ~~Arabian Horse Racing Promotion Account shall be allocated solely~~
1421 ~~for supplementing and augmenting purses and prizes and for the~~
1422 ~~general promotion of owning and breeding of racing Arabian~~
1423 ~~horses in this state; and the moneys may not be used to defray~~
1424 ~~any expense of the Department of Agriculture and Consumer~~
1425 ~~Services in the administration of this chapter, except that the~~
1426 ~~moneys generated by Arabian horse registration fees received~~
1427 ~~pursuant to s. 570.382 may be used as provided in paragraph~~
1428 ~~(5)(b) of that section.~~
1429 Section 39. Paragraphs (b) and (c) of subsection (2) of

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

1430 section 550.2633, Florida Statutes, are amended to read:
1431 550.2633 Horseracing; distribution of abandoned interest in
1432 or contributions to pari-mutuel pools.—
1433 (2) All moneys or other property which has escheated to and
1434 become the property of the state as provided herein and which is
1435 held by a permitholder authorized to conduct pari-mutuel pools
1436 in this state shall be paid annually by the permitholder to the
1437 recipient designated in this subsection within 60 days after the
1438 close of the race meeting of the permitholder. Section 550.1645
1439 notwithstanding, the moneys shall be paid by the permitholder as
1440 follows:
1441 (b) ~~Except as provided in paragraph (c),~~ Funds from quarter
1442 horse races shall be paid to the Florida Quarter Horse Breeders
1443 and Owners Association and shall be allocated solely for
1444 supplementing and augmenting purses and prizes and for the
1445 general promotion of owning and breeding of racing quarter
1446 horses in this state, as provided for in s. 550.2625.
1447 ~~(c) Funds for Arabian horse races conducted under a quarter~~
1448 ~~horse racing permit shall be deposited into the General~~
1449 ~~Inspection Trust Fund in a special account to be known as the~~
1450 ~~"Florida Arabian Horse Racing Promotion Account" and shall be~~
1451 ~~used for the payment of breeders' awards and stallion awards as~~
1452 ~~provided for in s. 570.382.~~
1453 Section 40. In order to effectuate the repeal of s. 570.97,
1454 Florida Statutes, and to honor the wishes of the donor, for the
1455 2013-2014 fiscal year, the sum of $59,239 in nonrecurring funds
1456 is appropriated to the Department of Agriculture and Consumer
1457 Services in the expenses appropriation category for deposit in
1458 the General Inspection Trust Fund to be used by the Division of

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

1459 Animal Industry for disbursement to Florida Animal Friend, Inc.

1460 Section 41. This act shall take effect upon becoming a law.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: CS/SB 852

INTRODUCER: Regulated Industries and Senator Bean

SUBJECT: Real Estate Brokers and Appraisers

DATE: March 27, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	**Fav/CS**
2.	Davis	DeLoach	AGG	**Favorable**
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 852 relates to the regulation of real estate brokers and real estate appraisers. Regarding real estate brokers, the bill places limitations on additional brokers' licenses. Specifically, the bill:

- Permits brokers to be issued an additional license if that license will not be used in a manner that is likely to be harmful to any person;
- Authorizes the Florida Real Estate Commission within the Department of Business and Professional Regulation (department) to deny a multiple license request; and
- Provides a final order of discipline against the primary broker's license applies to both the primary license and to any multiple licenses held by that broker at the time the final order becomes effective.

The bill will have no fiscal impact on the department or the Florida Real Estate Commission.

In addition, the bill amends s. 475.215(1), F.S., to conform the chapter to provisions promulgated by the Appraisal Subcommittee and Appraisal Qualifications Board. The bill:

- Deletes references to "licensed appraiser;"
- Eliminates the Florida Real Estate Appraisal Board's ability to consider the subsequent passage of time and good behavior when considering the application of a person who has prior discipline and criminal history, and instead requires the applicant meet the conditions adopted by the Appraiser Qualifications Board on December 9, 2011, as prescribed by rule of the department's Real Estate Appraiser Board; and
- Changes the term "Appraisal Qualifications Board" to the "Appraiser Qualifications Board" effective January 1, 2014. The delayed effective date would allow sufficient time for rule changes.

The bill would take effect upon becoming law, except as otherwise expressly provided.

This bill substantially amends the following sections of the Florida Statutes: 475.215, 475.611, 475.612, 475.615, and 475.6221.

II. Present Situation:

Qualifications - Real Estate Brokers

The regulation of real estate brokers is overseen by the Florida Real Estate Commission (commission) within the Division of Real Estate in the department. The commission administers and enforces the provisions of part I of ch. 475, F.S.

Section 475.17(1), F.S., sets forth the qualifications for practice for a real estate broker. Specifically, an applicant must:

- Be a natural person of at least eighteen years of age;
- Hold a high school diploma or its equivalent;
- Be honest, truthful, trustworthy, of good character, and have a good reputation for fair dealing; and
- Be competent and qualified to make real estate transactions and conduct negotiations.[1]

In addition to the requirements provided in s. 475.17(1)(a), F.S., the applicant must also hold an active real estate sales associate license for a specified period of time,[2] complete a pre-licensing course,[3] pass the Florida Real Estate Brokers' Examination,[4] and participate in post-licensure education.[5]

In addition to a primary brokers' license, a licensed broker may also be issued additional brokers' licenses whenever it is clearly shown that the request for additional licenses is necessary to the conduct of the real estate brokerage business, and that the additional licenses will not be used in a manner that is likely to be prejudicial.[6]

[1] Section 475.17(1)(a), F.S.
[2] Section 475.17(2)(b), F.S.
[3] Section 475.17(2)(a), F.S.
[4] Section 475.175, F.S.
[5] Section 475.17(3)(a), F.S.
[6] Section 475.215(1), F.S.

According to the department, it may only impose discipline through the license that is specifically charged in the administrative complaint. According to the department, in order to impose discipline on any additional brokers' licenses, the complaining party must have charged each additional license number in the administrative complaint. The department advises that it is currently possible for a broker to obtain an additional license during the enforcement process in order to avoid having disciplinary actions attached to that additional license.

Multiple Licenses

Section 475.215, F.S., permits a licensed broker to be issued, upon request, additional licenses as a broker whenever it is clearly shown that the request for additional licenses is necessary to the conduct of a real estate brokerage business and that the additional licenses will not be used in a manner likely to be prejudicial to any person, including a licensee under this chapter. According to the department, when the division issues a complaint against a broker licensee, the discipline is only imposed against the license charged in the administrative complaint.

Real Estate Appraisers

Real estate appraisers in Florida are regulated by the Florida Real Estate Appraisal Board (board) within the Division of Real Estate of the department, which administers and enforces the provisions of part II of ch. 475, F.S. The board is authorized to:

- Regulate the issuance of licenses, certifications, registrations, and permits;
- Discipline appraisers;
- Establish qualifications for licenses, certifications, registrations, and permits;
- Regulate approved education courses;
- Establish standards for real estate appraisers; and
- Establish standards for and regulate supervisory appraisers.[7]

The board's headquarters is located in Orlando, Florida.

Section 475.611(1), F.S., defines the term "appraisal" or "appraisal services" to mean:

> … the services provided by certified or licensed appraisers or registered trainee appraisers, and includes:
> 1. "Appraisal assignment" denotes an engagement for which a person is employed or retained to act, or could be perceived by third parties or the public as acting, as an agent or a disinterested third party in rendering an unbiased analysis, opinion, review, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property.
> 2. "Analysis assignment" denotes appraisal services that relate to the employer's or client's individual needs or investment objectives and includes specialized marketing, financing, and feasibility studies as well as analyses, opinions, and

[7] Section 475.613(2), F.S.

conclusions given in connection with activities such as real estate brokerage, mortgage banking, real estate counseling, or real estate consulting.
3. "Appraisal review assignment" denotes an engagement for which an appraiser is employed or retained to develop and communicate an opinion about the quality of another appraiser's appraisal, appraisal report, or work. An appraisal review may or may not contain the reviewing appraiser's opinion of value.

The Appraisal Foundation

The Appraisal Foundation (TAF) of the Federal Financial Institutions Examination Council is a private, non-profit educational organization that was formed in 1987 to promote professionalism in the valuation industry.[8] The Appraisal Foundation is governed by a Board of Trustees, which oversees three independent boards:

- The Appraisal Standards Board (ASB), which establishes the generally-accepted standards of the profession, known as the Uniform Standards of Professional Appraisal Practice (USPAP);
- The Appraiser Qualifications Board (AQB), which establishes the minimum education, experience, and examination qualifications for appraisers; and
- The Appraisal Practices Board (APB), which is responsible for developing best practices and providing voluntary guidance to professionals.[9]

The Appraisal Subcommittee

The Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council was created in 1989, pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).[10] The Appraisal Subcommittee is the federal agency charged with oversight of the states' appraisal regulatory programs.[11] It is responsible for monitoring and reviewing the activities of the Appraisal Foundation and its three boards.[12] Appraisal Subcommittee oversees Florida's appraiser regulatory program.

The Appraisal Subcommittee has six members, designated by the heads of the:

- Board of Governors of the Federal Reserve System (FRB);
- Federal Deposit Insurance Corporation (FDIC);
- Office of the Comptroller of the Currency (OCC);
- Office of Thrift Supervision (OTS);
- National Credit Union Administration (NCUA); and
- Department of Housing and Urban Development (HUD).[13]

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[8] For information about the Appraisal Subcommittee (ASC): https://www.asc.gov/About-the-ASC/ASCHistory.aspx (Last visited on March 11, 2013.) *See also* s. 475.611(1)(b), F.S.
[9] *Id.*
[10] *See*, generally: 12 U.S.C. s. 3331-3351.
[11] 12 U.S.C. s. 3332(a).
[12] 12 U.S.C. s. 3332(b).
[13] 12 C.F.R. 1102.303(b).

On September 22, 1997, the ASC adopted the most recent version of the Policy Statements Regarding State Certification and Licensing of Real Estate Appraisers. These policy statements are intended to "assist the States in the continuing development and maintenance of appropriate organizational and regulatory structures for certifying, licensing and supervising real estate appraisers."[14]

The Appraisal Subcommittee conducts biennial on-site reviews of each state's appraisal agency, with more frequent visits to states with weak enforcement programs. The Appraisal Subcommittee has the ability to disapprove a state's appraisal regulatory program, which effectively disqualifies that state's appraisers from conducting appraisals for federally-related transactions.[15] A "federally-related transaction" is any real estate-related financial transaction which: 1) a federal financial institution's regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates; and 2) requires the services of an appraiser.[16]

According to information provided by the department, there are 7,064 Florida-licensed appraisers on the National Registry of State Certified and Licensed Appraisers, which lists the individuals who have received a state certification or license to perform appraisals upon the payment of a $25 registration fee. An appraiser must be listed on the National Registry to be eligible to perform appraisals in connection with federally related transactions, which would include mortgage transactions.

Appraiser License Classifications

Section 475.611(1)(u), F.S., defines the term "supervisory appraiser" to mean:

> a licensed appraiser, a certified residential appraiser,[17] or a certified general appraiser[18] responsible for the direct supervision of one or more registered trainee appraisers and fully responsible for appraisals and appraisal reports prepared by those registered trainee appraisers.

Section 475.611(1)(q), F.S., defines the term "licensed appraiser" to mean "a person who is licensed by the department as qualified to issue appraisal reports for residential real property of one to four residential units or on such real estate or real property as may be authorized by federal regulation. Section 475.611(1)(q), F.S., also prohibits, as of July 1, 2003, the department from issuing licenses for the category of licensed appraiser.

Section 475.611(1)(r), F.S., defines the term "registered trainee appraiser" to mean:

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[14] For more information about the ASC, *see*: https://www.asc.gov/About-the-ASC/ASCHistory.aspx, (Last visited on February 27, 2013.)
[15] *See*, generally: 12 U.S.C. s. 3347 and 12 C.F.R. 1102 Subpart B.
[16] 12 U.S.C. s. 3350(4).
[17] Section 475.611(1)(k), F.S., defines the term "certified general appraiser" to mean "a person who is certified by the department as qualified to issue appraisal reports for any type of real property."
[18] Section 475.611(1)(l), F.S., defines the term "certified residential appraiser" to mean "a person who is certified by the department as qualified to issue appraisal reports for residential real property of one to four residential units, without regard to transaction value or complexity, or real property as may be authorized by federal regulation."

> a person who is registered with the department as qualified to perform appraisal services only under the direct supervision of a licensed or certified appraiser. A registered trainee appraiser may accept appraisal assignments only from her or his primary or secondary supervisory appraiser.

According to the department, there are remaining licensed appraisers, but the number continues to decline. According to the department, the ASC does not permit licensed appraisers to supervise trainee appraisers.

Appraisal Subcommittee - Appraiser Designations

The Appraisal Subcommittee has established two title designations for appraisers: "state licensed" and "state certified."[19] The Appraiser Qualifications Board has approved a third designation, "certified residential appraiser," which the ASC has also recognized.[20] The Appraisal Subcommittee urges states to use these federally-recognized designations or titles in order to decrease the likelihood of confusion among users, and to prevent the employment of appraisers who do not have the required designation to perform the appraisal for which they are engaged.[21]

Qualifications – Appraisers

Section 475.615, F.S., provides the qualifications for registration or certification of appraisers, as outlined by the Real Property Appraiser Qualification Criteria of the AQB. In December 2011, the AQB adopted the latest version of the Real Property Appraiser Qualification Criteria with an effective date of January 1, 2015.[22] An appraiser applicant must be competent to handle appraisals with safety to those with whom they may undertake a relationship of trust and confidence. If an applicant has been denied a prior registration or certification application, or has had a license, registration, or certification revoked or suspended in any jurisdiction, the applicant is deemed not to be qualified. The board may grant the application if, because of lapse of time and subsequent good conduct and reputation, or other reason deemed sufficient, it appears to the board that the interest of the public is not likely to be endangered by the granting of registration or certification.

Registered Trainee Real Estate Appraiser

Section 475.6221, F.S., provides that a registered trainee real estate appraiser must perform appraisal services under the direct supervision of a licensed or certified appraiser who is designated as the primary supervisory appraiser. The primary supervisory appraiser may also designate additional licensed or certified appraisers as secondary supervisory appraisers.

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[19] Appraisal Subcommittee, *Appraisal Subcommittee Policy Statements*, Statement 2: Appraiser Classifications. A copy of the *Appraisal Subcommittee Policy Statements* is available at: https://www.asc.gov/Statement2.aspx (Last visited March 11, 2013).
[20] *Id.*
[21] *Id.*
[22] A copy of the AQB's *Real Property Appraiser Qualification Criteria* is available at: https://netforum.avectra.com/eweb/DynamicPage.aspx?Site=taf&WebCode=RPCriteria (Last visited March 12, 2013).

III. Effect of Proposed Changes:

Multiple Licenses – Real Estate Brokers

The bill amends s. 475.215(1), F.S., to provide an additional license may not be granted if that license will be used in a manner that is likely to be harmful to any person. The bill authorizes the Florida Real Estate Commission to deny an additional license request pursuant to s. 475.17(1)(a), F.S., which provides qualification requirements for brokers. The bill also provides a final order of discipline against the primary license applies against any multiple licenses held by the broker at the time the final order becomes effective.

Licensed Appraisers

The bill amends s. 475.611, F.S., to delete the term "licensed appraiser" from the definition for the term "supervisory appraiser." As of 2003, the department has been prohibited from issuing licenses for the category of licensed appraiser.[23]

The bill also amends ss. 475.612(1) and 475.6221(1), F.S., to delete the reference to licensed appraiser from the supervisory requirements for trainee real estate appraisers.

Qualifications – Appraisers

The bill amends s. 475.615(2), F.S., to authorize the board to adopt rules to modify or waive certification requirements to conform to the federal Appraiser Qualifications Board requirements adopted by the AQB on December 9, 2011. Section 475.615(6), F.S., is amended to provide an applicant who has a disciplinary history or history of unlawful conduct in Florida or another state must meet the standards of the AQB to be considered for licensure by the Florida Board of Appraisers.

The bill also deletes the provision allowing the board to consider the lapse of time and subsequent good conduct and reputation when considering the license application of an applicant with prior discipline history or history of unlawful conduct. The bill maintains the criteria that the board must consider that the interest of the public is not likely to be endangered by the granting of certification.

The bill amends ss. 475.615(2) and (6), F.S., to change the term "Appraisal Qualifications Board" to the "Appraiser Qualifications Board." These provisions would take effect on January 1, 2014. According to the department, the delayed effective date would give it time to reflect the change by rule.

Effective Date

The bill would take effect upon becoming law, except as otherwise expressly provided.

[23] See s. 475.611(1)(q), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on March 21, 2013:
The committee substitute (CS) deleted a provision to provide a mandatory summary hearing procedure before the Division of Administrative Hearings for disciplinary cases against real estate appraisers.

The CS amends s. 475.612(1), F.S., to delete the reference to the licensed appraiser classification.

The CS amends ss. 475.615(2) and (6), F.S, to reference the December 9, 2011 date on which the Appraiser Qualifications Board of the Appraisal Foundation adopted the licensing requirements. It also provides a January 1, 2014 effective date for the amendment to s. 475.615(6), F.S.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Regulated Industries; and Senator Bean

A bill to be entitled

An act relating to real estate brokers and appraisers; amending s. 475.215, F.S.; providing a qualifying condition for the issuance of additional licenses to a licensed broker; providing grounds for the Florida Real Estate Commission to deny multiple license requests; providing for applicability and effect of certain final orders of discipline on primary and multiple licenses held by a broker; amending s. 475.611, F.S.; revising the definition of the term "supervisory appraiser"; amending s. 475.612, F.S.; revising a provision specifying from whom a registered trainee appraiser may receive compensation; amending s. 475.615, F.S.; revising certain exceptions from provisions specifying that certain applicants for certification or registration as an appraiser or trainee appraiser are not deemed to be qualified for such certification or registration; revising the dated version of certain requirements adopted by the Appraiser Qualifications Board of the Appraisal Foundation based upon which the Florida Real Estate Appraisal Board is authorized to waive or modify certain education, experience, or examination requirements applicable to certified appraisers and registered trainee appraisers; amending s. 475.6221, F.S.; deleting authority for a licensed appraiser to act as the direct supervisor of a registered trainee real estate appraiser; providing effective dates.

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

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

Section 1. Subsection (1) of section 475.215, Florida Statutes, is amended to read:

475.215 Multiple licenses.—

(1) A licensed broker may be issued upon request additional licenses as a broker, but not as a sales associate or as a broker associate, whenever it is clearly shown that the requested additional licenses are necessary to the conduct of real estate brokerage business and that the additional licenses will not be used in a manner likely to be prejudicial or harmful to any person, including a licensee under this chapter. The commission may also deny a multiple license request pursuant to s. 475.17(1)(a). A final order of discipline rendered against a broker for a violation of this part or s. 455.227(1) applies to the primary license of the broker as well as any multiple licenses held by that broker at the time the final order becomes effective.

Section 2. Paragraph (u) of subsection (1) of section 475.611, Florida Statutes, is amended to read:

475.611 Definitions.—

(1) As used in this part, the term:

(u) "Supervisory appraiser" means ~~a licensed appraiser,~~ a certified residential appraiser~~,~~ or a certified general appraiser responsible for the direct supervision of one or more registered trainee appraisers and fully responsible for appraisals and appraisal reports prepared by those registered trainee appraisers. The board, by rule, shall determine the responsibilities of a supervisory appraiser, the geographic

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proximity required, the minimum qualifications and standards required of a ~~licensed or~~ certified appraiser before she or he may act in the capacity of a supervisory appraiser, and the maximum number of registered trainee appraisers to be supervised by an individual supervisory appraiser.

Section 3. Subsection (1) of section 475.612, Florida Statutes, is amended to read:

475.612 Certification, licensure, or registration required.—

(1) A person may not use the title "certified real estate appraiser," "licensed real estate appraiser," or "registered trainee real estate appraiser," or any abbreviation or words to that effect, or issue an appraisal report, unless such person is certified, licensed, or registered by the department under this part. However, the work upon which an appraisal report is based may be performed by a person who is not a certified or licensed appraiser or registered trainee appraiser if the work is supervised and approved, and the report is signed, by a certified or licensed appraiser who has full responsibility for all requirements of the report and valuation service. Only a certified or licensed appraiser may issue an appraisal report and receive direct compensation for providing valuation services for the appraisal report. A registered trainee appraiser may only receive compensation for appraisal services from her or his authorized certified ~~or licensed~~ appraiser.

Section 4. Effective January 1, 2014, subsections (2) and (6) of section 475.615, Florida Statutes, are amended to read:

475.615 Qualifications for registration or certification.—

(2) The board is authorized to waive or modify any

education, experience, or examination requirements established in this part in order to conform with any such requirements established by the Appraiser ~~Appraisal~~ Qualifications Board of the Appraisal Foundation or any successor body recognized by federal law, including any requirements adopted on December 9, 2011 ~~February 20, 2004~~. The board shall implement this section by rule.

(6) All applicants must be competent and qualified to make real estate appraisals with safety to those with whom they may undertake a relationship of trust and confidence and the general public. If any applicant has been denied registration, licensure, or certification, or has been disbarred, or the applicant's registration, license, or certificate to practice or conduct any regulated profession, business, or vocation has been revoked or suspended by this or any other state, any nation, or any possession or district of the United States, or any court or lawful agency thereof, because of any conduct or practices which would have warranted a like result under this part, or if the applicant has been guilty of conduct or practices in this state or elsewhere which would have been grounds for disciplining her or his registration, license, or certification under this part had the applicant then been a registered trainee appraiser or a licensed or certified appraiser, the applicant is ~~shall be~~ deemed not to be qualified unless the applicant has met the conditions adopted by the Appraiser Qualifications Board of the Appraisal Foundation on December 9, 2011, as prescribed by rule of the board and~~, because of lapse of time and subsequent good conduct and reputation, or other reason deemed sufficient,~~ it appears to the board that the interest of the public is not

117 likely to be endangered by the granting of registration or
118 certification.
119 Section 5. Subsection (1) of section 475.6221, Florida
120 Statutes, is amended to read:
121 475.6221 Employment of and by registered trainee real
122 estate appraisers.—
123 (1) A registered trainee real estate appraiser must perform
124 appraisal services under the direct supervision of a ~~licensed or~~
125 certified appraiser who is designated as the primary supervisory
126 appraiser. The primary supervisory appraiser may also designate
127 additional ~~licensed or~~ certified appraisers as secondary
128 supervisory appraisers. A secondary supervisory appraiser must
129 be affiliated with the same firm or business as the primary
130 supervisory appraiser and the primary or secondary supervisory
131 appraiser must have the same business address as the registered
132 trainee real estate appraiser. The primary supervisory appraiser
133 must notify the Division of Real Estate of the name and address
134 of any primary and secondary supervisory appraiser for whom the
135 registered trainee will perform appraisal services, and must
136 also notify the division within 10 days after terminating such
137 relationship. Termination of the relationship with a primary
138 supervisory appraiser automatically terminates the relationship
139 with the secondary supervisory appraiser.
140 Section 6. Except as otherwise expressly provided in this
141 act, this act shall take effect upon becoming a law.

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: CS/SB 1686

INTRODUCER: Regulated Industries Committee and Senator Altman

SUBJECT: Pugilistic Exhibitions

DATE: March 27, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	**Fav/CS**
2.	Davis	DeLoach	AGG	**Favorable**
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 1686 relates to pugilistic exhibitions, such as boxing, kickboxing, and the martial arts, which are regulated by the Florida Boxing Commission (commission) within the Department of Business and Professional Regulation (department) under ch. 548, F.S.

The bill is not anticipated to have a fiscal impact on state expenditures. However, the bill directs the commission to adopt a rule imposing a late fee on taxes owed the commission. The commission estimates less than $7,000 in revenue would be collected annually from imposing a late fee.

Specifically, the bill:

- Revises current definitions and defines new terms;
- Clarifies the duties and responsibilities of the executive director of the commission;
- Deletes a duplicative requirement the commission must electronically record of all its scheduled proceedings;
- Authorizes the commission to approve, suspend, or revoke its approval of amateur sanctioning organizations for mixed martial arts matches;

- Exempts several types of matches from regulation by the state, including amateur matches conducted by public postsecondary institutions, public secondary schools and the Florida National Guard and U.S. Armed Forces, and matches conducted by the International Olympic Committee, the Special Olympics, or the Junior Olympics, and professional or amateur martial arts activity;
- Provides a participant's failure or refusal to provide a urine sample is an immediate and serious risk to the health, safety, and welfare of the participants and the public, and authorizes the commission to suspend the participant's license and to subject the participant to disciplinary action;
- Provides the commission's hearings related to the withholding of purses must be held pursuant to ch. 120, F.S., the Administrative Procedures Act;
- Requires promoters to keep specified records for a period of seven years;
- Requires audits to verify compliance with promoter reporting requirements;
- Requires the commission to establish by rule the procedure for auditing a promoter's records, and for resolving any inconsistencies revealed in an audit, and for imposing late fees if taxes are owed; and
- Provides the procedure for emergency license suspensions and requires the general counsel of the department to review the grounds for emergency suspension orders and to file an administrative complaint against the licensee within 21 days after issuance of the suspension order.

The bill would take effect on July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 548.002, 548.004, 548.006, 548.007, 548.046, 548.054, 548.06, 548.07, and 548.073.

II. Present Situation:

Florida State Boxing Commission

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing, and mixed martial arts by the Florida State Boxing Commission (commission) within the Department of Business and Professional Regulation (department).

Section 548.006(3), F.S., provides the commission with exclusive jurisdiction over every professional boxing match and professional mixed martial arts and kickboxing matches.

The commission's jurisdiction over amateur matches is limited to the approval, disapproval, suspension of approval, and revocation of approval of all amateur sanctioning organizations for boxing and kickboxing matches held in the state.[1] Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.[2] This jurisdiction does not extend to amateur sanctioning organizations for mixed martial arts.

[1] Section 548.006(3), F.S.
[2] Section 548.002(2), F.S.

According to the department, the commission's primary duty is to ensure all matches comply with the laws and rules and the matches are competitive and physically safe for the participants. The commission licensed 1,224 professionals in FY 2011-12 and processed 51 live event permits. In addition to its daily processing of applications for licensure and the approval or denial of live event permits, the commission coordinates live event schedules and evaluates proposed fight cards. It also evaluates the assignment of officials (referees, judges, physicians) and event staff (event coordinator, chief inspector, inspectors, and timekeeper).

A department representative or commission representative is assigned to attend each official weigh-in and live event. This person attends the official weigh-in during which the application is processed, license fees are collected, the results of participant medical examinations are verified, pre-fight physicals are conducted by physicians, the promoter/participant contracts are collected, participants' weights are recorded, officials' (referee, judges, and physicians) pay from the promoter are collected, and the required accidental death and health insurance for each of the participants is verified. The department or commission representative is also accompanied to the event by department's OPS event staff, i.e., the event coordinator, timekeeper, and inspector. These OPS event staff and the representative from the department or commission also inspect the ring for safety standards, verify that emergency medical personnel and an ambulance are on-site, assign inspectors to each of the fighters, conduct match timekeeping, verify assigned officials are present, distribute officials' pay following the event, and conduct participant drug tests, if necessary.

Definitions

Section 548.002(3), F.S., defines the term "boxing" to mean "to compete with the fists."

Section 548.002(12), F.S., defines the term "kickboxing" to mean to "compete with the fists, feet, legs, or any combination thereof, and includes "punchkick" and other similar competitions."

Section 548.002(16), F.S., defines the term "mixed martial arts" to mean:

> unarmed combat involving the use, subject to any applicable limitations set forth in this chapter, of a combination of techniques from different disciplines of the martial arts, including, but not limited to, grappling, kicking, and striking.

Section 548.002(20), F.S., defines the term "promoter" to mean:

> any person, and includes any officer, director, employee, or stockholder of a corporate promoter, who produces, arranges, or stages any match involving a professional.

Executive Director

Section 548.004(1), F.S., requires the department, with the approval of the commission, to employ an executive director. The duties and responsibilities of the executive director include:

- Keeping a record of all proceedings of the commission;

- Preserve all books, papers, and documents pertaining to the business of the commission;
- Prepare any notices and papers required;
- Appoint judges, referees, and other officials as delegated by the commission and pursuant to ch. 548, F.S., and the rules of the commission; and
- Perform any other duties as the department or commission directs.

Recording of Commission Proceedings

Section 548.004(2), F.S., requires the commission to electronically record all of its scheduled proceedings. Section 455.203(7), F.S., also requires the department to electronically record all of its proceedings.

Licenses

Several professions are licensed by the commission. A license is required to be the promoter of a match.[3] Before acting in any capacity in a match, a license is required to be a participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, concessionaire, or booking agent or representative of a booking agent.[4] Prior to working as the ringside physician, a physician must be licensed under ch. 458, F.S., or ch. 459, F.S., must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director. The commission also licenses the concessionaires.[5]

Exceptions

The commission's jurisdiction does not extend to:

- A match conducted or sponsored by a bona fide non-profit school or education program whose primary purpose is instruction in martial arts, boxing, or kickboxing if the match is held in conjunction with the instruction, and is limited to amateur participants who are students of the school or instructional program;
- A match conducted or sponsored by any company or detachment of the Florida National Guard, if the match is limited to participants who are members of the Florida National Guard; or
- A match conducted or sponsored by the Fraternal Order of Police, if the match is limited to amateur participants and is held in conjunction with a charitable event.[6]

Revocation and Suspension of a License

Section 548.046(3)(c), F.S., provides that the failure or refusal to provide a urine sample, immediately upon request, results in the revocation of the participant's license.

[3] *See* s. 548.012(1), F.S.
[4] Section 548.017, F.S.
[5] *See* 548.015, F.S.
[6] *See* s. 548.007, F.S.

Withholding of Purses

Section 548.054, F.S., provides the procedure for the withholding of prize purses. A member of the commission, a commission representative, or the referee may order a promoter to surrender any purse or other funds payable to a participant, or to withhold the share of any manager, if it appears that:

- The participant is not competing honestly, or is intentionally not competing to the best of his or her ability and skill in a match represented to be a contest; or
- The participant, his or her manager, or any of the participant's seconds has violated ch. 548, F.S.[7]

In the event a purse is withheld, the purse must be delivered to the commission by the promoter.[8] Within ten days after the match, the person from whom the purse was withheld may apply, in writing, to the commission for a hearing.[9] Upon receipt of the application, the commission must set the date for a hearing. Within ten days after the hearing or after ten days following the match, if no application for a hearing is filed, the commission is required to meet and determine the disposition of the withheld purse.[10] If the commission finds the charges sufficient, it may decide that all or a part of the funds be forfeited.[11] Conversely, if the commission does not find the charges sufficient, it must distribute the withheld funds immediately.[12]

According to the department, the current process is vague and does not provide appropriate procedure or rulemaking authority to create a procedure that provides appropriate due process rights.

Reporting Requirement

Within seventy-two hours after a match, the promoter of that match must file a written report with the commission.[13] The report must include information about the number of tickets sold, the amount of gross receipts, and any other facts that the commission requires.[14] Chapter 548, F.S., does not require the promoter to retain a copy of the written report.

The term "gross receipts" is defined as:

- The gross price charged for the sale or lease of broadcasting, television, and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising or other expenses or charges;
- The portion of the receipts from the sale of souvenirs, programs, and other concessions received by the promoter;

[7] Section 548.054(1), F.S.
[8] Section 548.054(2), F.S.
[9] *Id.*
[10] *Id.*
[11] *Id.*
[12] *Id.*
[13] Section 548.06(1), Florida Statutes.
[14] *Id.*

- The face value of all tickets sold and complimentary tickets issued, provided, or given; and
- The face value of any seat or seating issued, provided, or given in exchange for advertising sponsorships, or anything of value to the promotion of an event.[15]

According to the department, the current definition of "gross receipts" has led to some confusion in the industry because licensees are not sure whether to include state and federal taxes within the face value of a ticket.

Commission Hearings

Section 548.073, F.S., provides any member of the commission may conduct a hearing. Before any adjudication is rendered, a majority of the commission must examine the record and approve the adjudication and order. The commission is not required to follow the Administrative Procedure Act in ch. 120, F.S.

III. Effect of Proposed Changes:

Section 1 - Definitions
The bill amends s. 548.002, F.S., to revise current definitions and to define new terms. Specifically, the bill:

- Changes the definition of the term "boxing" in s. 548.002(3), F.S., to mean the practice of fighting with the fists as a sport;
- Creates s. 548.002(6), F.S., to define the term "concessions" to mean souvenirs, programs, drinks, food, alcohol, clothing, or other tangible objects sold to the general public during matches;
- Creates s. 548.002(11), F.S., to define the term "face value" to mean the dollar value which is equal to what the customer is required to pay, or would be required to pay, if it is a complimentary ticket. Taxes are not included in the face value if the ticket specifies the amount of admission charges attributable to state or federal taxes;
- Creates s. 548.002(13), F.S., to define the term "full contact" to mean the use of blows and strikes during a match or bout in which the blows or strikes, break the plane of the participant's body, are delivered to the head, face, neck, or body of the receiving participant's body, or cause the receiving participant to move in response to the blow or strike;
- Amends the definition of the term "kickboxing" in s. 548.002(15), F.S., to include "hands" in the definition. It would mean the practice of fighting with the fists, hands, feet, legs, or any combination, and includes "punchkick" and other similar competitions;
- Amends s. 548.002(19), F.S., to define the term "mixed martial arts" to mean full contact, unarmed combat involving the use of a combination of two or more techniques, including, but not limited to, wrestling, grappling, kicking, and striking, from different disciplines of the martial arts. The term may include, but is not limited to, boxing, kickboxing, Muay Thai,[16] and Thai boxing; and

[15] Section 548.06(1), F.S.
[16] Muay Thai is a combat sport from the muay martial arts of Thailand. *See* http://www.wmcmuaythai.org/about (Last visited March 18, 2013).

- Amends the definition of the term "physician" in s. 548.002(21), F.S., to mean a person licensed as a medical doctor under ch. 458, F.S, or as a doctor of osteopathy under ch. 459, F.S., or an equivalent license from another jurisdiction.

Section 2 - Executive Director
The bill amends s. 548.004(1), F.S., to require the executive director or his or her designee to perform the duties or responsibilities set forth by the commission, including conducting the functions of the commission office, appointing event and commission officials, approving licenses, permits, matches, and fight cards. It deletes the requirement that the executive director must keep a record of all proceedings of the commission, preserve all books, papers, and documents pertaining to the business of the commission, prepare any notices and papers required, appoint judges, referees, and other officials as the commission or department deem necessary.

In addition, the bill deletes the requirement in s. 548.004(2), F.S., that the commission require electronic recording of all its scheduled proceedings. Under current law, s. 455.203(7), F.S., requires all proceedings conducted by the department be electronically recorded.

Section 3 - Jurisdiction of the Commission
The bill amends s. 548.006(3), F.S., to include, within the commission's authority, the approval and suspension or revocation of approval of amateur sanctioning organizations for mixed martial arts matches.

Section 4 - Exceptions
The bill amends s. 548.007(1), F.S., to exempt from regulation under ch. 548, F.S., matches that do not allow full contact if the match is limited to amateurs. The bill deletes the exemption in this subsection for matches conducted or sponsored by a bona fide non-profit school or education program whose primary purpose is instruction in martial arts, boxing, or kickboxing if the match is held in conjunction with the instruction, and is limited to amateur participants who are students of the school or instructional program.

The bill also provides the following additional exemptions from ch. 548, F.S.:

- Amateur matches conducted by public post secondary education institutions or public secondary schools;
- Amateur matches conducted by the Florida National Guard and U.S. Armed Forces;
- Matches conducted by the International Olympic Committee, the Special Olympics, or the Junior Olympics; and
- Professional or amateur martial arts activity.

Section 548.007(7), F.S., to defines the term "martial arts" to mean any traditional form of self-defense taught by masters which uses physical skill and coordination, and is taught and advanced on a belt system, including, but is not limited to, karate, aikido, judo, and kung fu. The term does not include "mixed martial arts," which is defined in s. 548.002(19), F.S.

Section 5 - Immediate Suspension
The bill amends ss. 548.046(3)(c) and (d), F.S., to provide a participant's failure or refusal to

provide a urine sample constitutes an immediate and serious risk to the health, safety, and welfare of the participants and the public and a grounds for immediate suspension. It authorizes the commission to suspend the participant's license and to subject the participant to disciplinary action.

The bill creates s. 548.046(3)(d), F.S., to provide that testing positive for any substance prohibited by commission rule[17] will also result in the immediate suspension of the participant's license and constitute grounds for additional disciplinary action.

Section 6 - Withholding of Purses
The bill amends s. 548.054(2), F.S., to provide the commission must hold a hearing pursuant to s. 120.569, F.S., and s. 120.57, F.S., for hearings related to the withholding of purses. The hearing procedures in s. 120.569, F.S., relate to proceedings in which the substantial interests of a party are determined by an agency. The hearing procedures in s. 120.57, F.S., relate to proceedings that involve disputed material issues of fact before the Division of Administrative Hearings.

Also, the bill deletes the requirement the commission must fix a date for the hearing and meet to determine the disposition of the withheld purse within 10 days after the hearing.

Section 7 - Promoter Recordkeeping Requirement
The bill amends s. 548.06(1)(c), F.S., which requires a promoter to submit a written report to the commission within 72 hours after the match, to provide the face value of tickets sold and complimentary tickets issued does not include federal and state taxes, if applicable.

Additionally, the bill creates s. 548.06(7), F.S., to require the promoter to keep a copy of specified records for a period of seven years, including records necessary to justify and support the reports submitted to the commission, reports filed with the commission that are certified by the promoter, copies of all gross receipts, independently prepared ticket manifests, and receipted vouchers for all expenditures and deductions.

The bill creates s. 548.06(8), F.S., to provide that compliance with the reporting requirements in s. 548.06, F.S., is subject to verification by department or commission audit. It provides the commission has the right to audit a promoter's books and records.

The bill creates s. 548.06(9), F.S., to direct the commission to adopt rules to establish a procedure for auditing a promoter's records, and for resolving any inconsistencies revealed in the audit, and to impose late fees if taxes are owed.[18]

Section 8 - Emergency Suspension of License
The bill amends s. 548.07, F.S., to provide an emergency license suspension procedure. The bill authorizes the commission, any commissioner, the executive director or his or her designee, or any commission designee to issue an emergency suspension of a licensee's license when the

[17] *See* rule 61K1-1.0043, F.A.C.
[18] Section 548.075(1), F.S., authorizes the commission to impose a fine of not more than $5,000 for any violation of ch. 548, F.S., in lieu of or in addition to any other punishment provided for such violation.

licensee poses an immediate and serious danger to the health, safety, and welfare of the public, a licensee, or a participant.

The disciplinary process would proceed under ch. 120, F.S., after the administrative complaint is served on the licensee as provided in s. 455.275, F.S.[19]

In addition, the bill requires the general counsel of the department to review the grounds for the emergency suspension order and to file an administrative complaint against the licensee within 21 days after issuance of the suspension order. The bill deletes the current suspension procedure, including the requirement that the commission must hold a hearing within 10 days after the date on which the license or permit is suspended.

Section 9 - Commission Hearings
The bill amends s. 548.073, F.S., to provide the hearing held under ch. 548, F.S., must be pursuant to ch. 120, F.S. The bill deletes the provision that any member of the commission may hold a hearing. It also deletes the requirement that, before any adjudication is rendered, a majority of the members of the commission shall examine the record and approve the adjudication and order.

Section 10 - Effective Date
The bill would take effect on July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[19] Section 455.275, F.S., provides the procedure for service of a compliant on a licensee of the department. For administrative complaints, s. 455.275(3), F.S., the department is required to serve the licensee by regular mail to the licensee's last known address of record, by certified mail to the last known address of record, and, if possible, by e-mail. If the department is unable to serve the license by these methods, the department must call the last known telephone number of record and cause a short, plain notice to the licensee to be posted on the front page of the department's website and must also send notice via e-mail to all newspapers of general circulation and all news departments of broadcast network affiliates in the county of the licensee's last known address of record.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill creates s. 548.06(9), F.S., to direct the commission to adopt rules to establish a procedure for auditing a promoter's records and for resolving any inconsistencies revealed in the audit, and to impose late fees if taxes are owed. Section 548.075(1), F.S., authorizes the commission to impose a fine of not more than $5,000 for any violation of ch. 548, F.S., in lieu of or in addition to any other punishment provided for such violation. The department estimates this provision would result in the annual collection of late penalties of approximately $7,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Inspector General Audit

The department's Office of Inspector General conducted an audit to evaluate the activities and controls of the Florida State Boxing Commission. On November 29, 2012, the Office of Inspector General issued its audit findings. Specifically, the audit found:

- Commission revenue is under-reported by promoters and not appropriately reconciled by commission staff, contributing to the commission's current budget deficit;
- Inadequate controls exist regarding the licensure process of officials, resulting in unlicensed activity;
- Non-compliance with state regulations regarding the protection of personal and confidential information, putting the department at risk; and
- Procedures are not properly designed or effectively implemented, yielding improper oversight of commission activities.

Additionally, the audit report made several recommendations to the department. Such recommendations include that the commission ensure that:

- All revenue reported and received from live-event permit fees and post-event tax reports is appropriately collected, recorded and reconciled;
- All officials are properly licensed prior to working at commission-sanctioned events;
- Risks presented by inadequately secured personal and confidential information are identified and remediation steps are taken; and
- Policies, procedures, and oversight practices are amended so that the commission objectives are achieved and oversight of commission activities is accomplished.

The bill addresses the financial and promoter oversight issues of the Florida State Boxing commission, as highlighted by the audit.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries Committee on March 21, 2013:
The committee substitute (CS) for SB 1686 is substantively different from SB 1686. Specifically, the CS does the following:

- Deletes the provision amending s. 548.002, F.S., that defined the term "gross receipts;"
- Deletes the provision amending s. 548.002, F.S., that defined the term "match held in conjunction with instruction;"
- Deletes the provision amending s. 548.002(18), F.S., that defined the term "martial arts" but moves the definition to the exemptions in s. 548.007(7), F.S.
- Amends s. 548.007(1), F.S., to exempt from regulation under ch. 548, F.S., matches that do not allow full contact;
- Deletes the exemption for matches conducted or sponsored by a bona fide non-profit school or education program whose primary purpose is instruction in martial arts, boxing, or kickboxing if the match is held in conjunction with the instruction, and is limited to amateur participants who are students of the school or instructional program, or require the program to be located at only one physical address;
- Deletes a provision amending s. 548.007, F.S., that exempted matches conducted in connection with the entertainment industry that meet the specified restrictions;
- Creates s. 548.007(7), F.S., to exempt from regulation under ch. 548, F.S., professional or amateur martial arts activity;
- Defines the term "martial arts" to mean any traditional form of self-defense or unarmed combat involving the use of physical skill and coordination, and is taught and advanced on a belt system, including, but is not limited to, karate, aikido, judo, and kung fu. It also provides the term does not include "mixed martial arts;"
- Amends s. 548.06(1)(c), F.S., to provide the promoters report to the commission after the match on the face value of tickets sold and complimentary tickets issued does not include federal and state taxes, if applicable;
- Amends s. 548.07(7), F.S., to provide that the disciplinary process would proceed under ch. 120, F.S., after the administrative complaint is served on the licensee as provided in s. 455.275, F.S.; and
- Provides an effective date of July 1, 2013, instead of taking effect upon becoming law.

B. Amendments:

None.

By the Committee on Regulated Industries; and Senator Altman

580-02842-13 20131686c1

A bill to be entitled

An act relating to pugilistic exhibitions; amending s. 548.002, F.S.; revising definitions; amending s. 548.004, F.S.; revising the duties and responsibilities of the executive director of the Florida State Boxing Commission; deleting a provision requiring the electronic recording of all scheduled Florida State Boxing Commission proceedings; amending s. 548.006, F.S.; providing the commission exclusive jurisdiction over approval of amateur mixed martial arts matches; amending s. 548.007, F.S.; revising nonapplicability of ch. 548, F.S.; amending s. 548.046, F.S.; providing for immediate license suspension and other disciplinary action if a participant fails or refuses to provide a urine sample or tests positive for specified prohibited substances; amending s. 548.054, F.S.; revising procedure and requirements for requesting a hearing following the withholding of a purse; amending s. 548.06, F.S.; requiring promoters to retain specified documents and records; authorizing the commission and the Department of Business and Professional Regulation to audit specified records retained by a promoter; requiring the commission to adopt rules; amending s. 548.07, F.S.; revising the procedure for suspension of licensure by specified persons; amending s. 548.073, F.S.; revising rules of procedure governing commission hearings; providing an effective date.

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

580-02842-13 20131686c1

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

Section 1. Section 548.002, Florida Statutes, is amended to read:

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

(1) "Amateur" means a person who has never received nor competed for any purse or other article of value, either for the expenses of training or for participating in a match, other than a prize of $50 in value or less.

(2) "Amateur sanctioning organization" means any business entity organized for sanctioning and supervising matches involving amateurs.

(3) "Boxing" means the practice of fighting with the fists as a sport ~~to compete with the fists~~.

(4) "Commission" means the Florida State Boxing Commission.

(5) "Concessionaire" means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match.

(6) "Concessions" means souvenirs, programs, drinks, food, alcohol, clothing, or other tangible objects sold to the general public during matches.

(7) ~~(6)~~ "Contest" means a boxing, kickboxing, or mixed martial arts engagement in which persons participating strive earnestly to win using, but not necessarily being limited to, strikes and blows to the head.

(8) ~~(7)~~ "Department" means the Department of Business and Professional Regulation.

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

(9)~~(8)~~ "Event" means one or more matches comprising a show.

(10)~~(9)~~ "Exhibition" means a boxing, kickboxing, or mixed martial arts engagement in which persons participating show or display their skill without necessarily striving to win using, but not necessarily being limited to, strikes and blows to the head.

(11) "Face value" means the dollar value of a ticket which is equal to the dollar amount that a customer is required to pay or, for complimentary tickets, would have been required to pay to purchase a ticket with equivalent seating priority in order to view the event. If the ticket specifies the amount of admission charges attributable to state or federal taxes, such taxes shall not be included in the face value.

(12)~~(10)~~ "Foreign copromoter" means a promoter who has no place of business within this state.

(13) "Full contact" means the use of blows and strikes during a match or bout that:

(a) Are intended to break the plane of the receiving participant's body;

(b) Are delivered to the head, face, neck, or body of the receiving participant; and

(c) Cause the receiving participant to move in response to the blow or strike.

(14)~~(11)~~ "Judge" means a person who has a vote in determining the winner of any contest.

(15)~~(12)~~ "Kickboxing" means the practice of fighting ~~to compete~~ with the fists, hands, feet, legs, or any combination thereof as a sport, and includes "punchkick" and other similar competitions.

(16)~~(13)~~ "Manager" means any person who, directly or indirectly, controls or administers the boxing, kickboxing, or mixed martial arts affairs of any participant.

(17)~~(14)~~ "Match" means any contest or exhibition.

(18)~~(15)~~ "Matchmaker" means a person who brings together professionals or arranges matches for professionals.

(19)~~(16)~~ "Mixed martial arts" means full contact, unarmed combat involving the use~~, subject to any applicable limitations set forth in this chapter,~~ of a combination of two or more techniques, including, but not limited to, wrestling, grappling, kicking, and striking, from different disciplines of the martial arts, including, but not limited to, boxing, kickboxing, muay Thai, and Thai boxing ~~grappling, kicking, and striking~~.

(20)~~(17)~~ "Participant" means a professional competing in a boxing, kickboxing, or mixed martial arts match.

(21)~~(18)~~ "Physician" means a person ~~an individual~~ licensed as a physician under ch. 458 or licensed as an osteopathic physician under ch. 459 or holding an equivalent license from another jurisdiction ~~to practice medicine and surgery in this state~~.

(22)~~(19)~~ "Professional" means a person who has received or competed for any purse or other article of a value greater than $50, either for the expenses of training or for participating in any match.

(23)~~(20)~~ "Promoter" means any person, and includes any officer, director, employee, or stockholder of a corporate promoter, who produces, arranges, or stages any match involving a professional.

(24)~~(21)~~ "Purse" means the financial guarantee or other

117 remuneration for which a professional is participating in a
118 match and includes the professional's share of any payment
119 received for radio broadcasting, television, and motion picture
120 rights.
121 (25)~~(22)~~ "Second" or "cornerman" means a person who assists
122 the match participant between rounds and maintains the corner of
123 the participant during the match.
124 (26)~~(23)~~ "Secretary" means the Secretary of Business and
125 Professional Regulation.
126 Section 2. Section 548.004, Florida Statutes, is amended to
127 read:
128 548.004 Executive director; duties, compensation,
129 administrative support.—
130 (1) The department shall employ an executive director with
131 the approval of the commission. The executive director shall
132 serve at the pleasure of the secretary. The executive director
133 or his or her designee shall perform duties and responsibilities
134 as set forth by the commission, which shall include conducting
135 the functions of the commission office; appointing event and
136 commission officials; approving licenses, permits, matches, and
137 fight cards; and performing any ~~keep a record of all proceedings~~
138 ~~of the commission; shall preserve all books, papers, and~~
139 ~~documents pertaining to the business of the commission; shall~~
140 ~~prepare any notices and papers required; shall appoint judges,~~
141 ~~referees, and other officials as delegated by the commission and~~
142 ~~pursuant to this chapter and rules of the commission; and shall~~
143 ~~perform such~~ other duties as the department or commission deems
144 necessary ~~directs~~. The executive director may issue subpoenas
145 and administer oaths.

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

146 ~~(2) The commission shall require electronic recording of~~
147 ~~all scheduled proceedings of the commission.~~
148 (2)~~(3)~~ The department shall provide assistance in budget
149 development and budget submission for state funding requests.
150 The department shall submit an annual balanced legislative
151 budget for the commission which is based upon anticipated
152 revenue. The department shall provide technical assistance and
153 administrative support, if requested or determined necessary
154 ~~needed~~, to the commission and its executive director on issues
155 relating to personnel, contracting, property management, or
156 other issues identified as important to performing the duties of
157 this chapter and to protecting the interests of the state.
158 Section 3. Subsection (3) of section 548.006, Florida
159 Statutes, is amended to read:
160 548.006 Power of commission to control professional and
161 amateur pugilistic matches ~~contests and exhibitions~~;
162 certification of competitiveness of professional mixed martial
163 arts and kickboxing matches.—
164 (3) The commission has exclusive jurisdiction over
165 approval, disapproval, suspension of approval, and revocation of
166 approval of all amateur sanctioning organizations for amateur
167 boxing, ~~and~~ kickboxing, and mixed martial arts matches held in
168 this state.
169 Section 4. Section 548.007, Florida Statutes, is amended to
170 read:
171 548.007 Exemptions.—This chapter does ~~Applicability of~~
172 ~~provisions to amateur matches and certain other matches or~~
173 ~~events. Sections 548.001-548.079 do~~ not apply to:
174 (1) A match that does not allow full contact ~~match~~

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

175 ~~conducted or sponsored by a bona fide nonprofit school or~~
176 ~~education program whose primary purpose is instruction in the~~
177 ~~martial arts, boxing, or kickboxing~~, if the match ~~held in~~
178 ~~conjunction with the instruction~~ is limited to amateurs. ~~amateur~~
179 ~~participants who are students of the school or instructional~~
180 ~~program;~~
181 (2) A match conducted or sponsored by any company or
182 detachment of the Florida National Guard, if the match is
183 limited to amateurs ~~participants~~ who are members of the company
184 or detachment of the Florida National Guard.~~; or~~
185 (3) A match conducted or sponsored by the Fraternal Order
186 of Police, if the match is limited to amateurs ~~amateur~~
187 ~~participants~~ and is held in conjunction with a charitable event.
188 (4) A match conducted by a public postsecondary education
189 institution or a public secondary school, if the match is
190 limited to amateurs who are students enrolled in the institution
191 or school and members of a school-sponsored club or team.
192 (5) A match conducted by or between companies or
193 detachments of the United States Army, Navy, Air Force, Marines,
194 Coast Guard, or National Guard, if the match is limited to
195 amateurs who are members of the United States Armed Forces.
196 (6) A match conducted by the International Olympic
197 Committee, the International Paralympic Committee, the Special
198 Olympics, or the Junior Olympics, if the match is limited to
199 amateurs who are competing in or attempting to qualify for the
200 Olympics, Paralympics, Special Olympics, or Junior Olympics.
201 (7) A professional or amateur martial arts activity. As
202 used in this subsection, the term "martial arts" means any one
203 of the traditional forms of self-defense or unarmed combat

204 involving the use of physical skill and coordination that are
205 taught and advanced on a belt system, including, but not limited
206 to, karate, aikido, judo, and kung fu. The term does not include
207 "mixed martial arts."
208 Section 5. Paragraph (c) of subsection (3) of section
209 548.046, Florida Statutes, is amended, and paragraph (d) is
210 added to that subsection, to read:
211 548.046 Physician's attendance at match; examinations;
212 cancellation of match.—
213 (3)
214 (c) Failure or refusal to provide a urine sample
215 immediately upon request constitutes an immediate serious danger
216 to the health, safety, and welfare of the participants and the
217 public and shall result in the immediate suspension ~~revocation~~
218 of the participant's license and constitute grounds for
219 additional disciplinary action. Any participant who has been
220 adjudged the loser of a match and who subsequently refuses to or
221 is unable to provide a urine sample shall forfeit his or her
222 share of the purse to the commission. Any participant who is
223 adjudged the winner of a match and who subsequently refuses to
224 or is unable to provide a urine sample shall forfeit the win and
225 shall not be allowed to engage in any future match in the state.
226 A no-decision result shall be entered into the official record
227 as the result of the match. The purse shall be redistributed as
228 though the participant found to be in violation of this
229 subsection had lost the match. If redistribution of the purse is
230 not necessary or after redistribution of the purse is completed,
231 the participant found to be in violation of this subsection
232 shall forfeit his or her share of the purse to the commission.

(d) Testing positive for any of the prohibited substances as set forth by commission rule constitutes an immediate serious danger to the health, safety, and welfare of the participants and the general public and shall result in the immediate suspension of the participant's license and constitute grounds for additional disciplinary action.

Section 6. Subsection (2) of section 548.054, Florida Statutes, is amended to read:

548.054 Withholding of purses; hearing; disposition of withheld purse forfeiture.—

(2) Any purse so withheld shall be delivered by the promoter to the commission upon demand. Within 10 days after the match, the person from whom the sum was withheld may submit a petition for a hearing to the commission ~~apply in writing to the commission for a hearing~~. Upon receipt of the petition ~~application~~, the commission may hold ~~shall fix a date for~~ a hearing pursuant to ss. 120.569 and 120.57. ~~Within 10 days after the hearing or after 10 days following the match,~~ If no petition ~~application~~ for a hearing is filed, the commission shall meet and determine the disposition to be made of the withheld purse. If the commission finds the charges sufficient, it may declare all or ~~any~~ part of the funds forfeited. If the commission finds the charges not sufficient upon which to base a withholding order, it shall immediately distribute the withheld funds to the persons entitled thereto.

Section 7. Subsection (1) of section 548.06, Florida Statutes, is amended, and subsections (7), (8), and (9) are added to that section, to read:

548.06 Payments to state; exemptions; audit of records.—

(1) A promoter holding a match shall, within 72 hours after the match, file with the commission a written report which includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require. For the purposes of this chapter, ~~total~~ gross receipts include:

(a) The gross price charged for the sale or lease of broadcasting, television, and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges;

(b) The portion of the receipts from the sale of souvenirs, programs, and other concessions received by the promoter;

(c) The face value of all tickets sold and complimentary tickets issued, provided, or given, less federal and state taxes, if applicable; and

(d) The face value of any seat or seating issued, provided, or given in exchange for advertising, sponsorships, or anything of value to the promotion of an event.

(7) The promoter shall retain a copy of the following records for a period of 7 years and shall provide a copy of such records to the commission upon request:

(a) Records necessary to justify and support each report submitted to the commission.

(b) A copy of each report filed with the commission, certified by the professional or amateur promoter to be correct.

(c) Copies of all gross receipts.

(d) A copy of the independently prepared ticket manifest.

(e) Receipted vouchers for all expenditures and deductions.

(8) Compliance with the requirements of this section is subject to verification by department or commission audit. The

291 commission shall have the right, upon reasonable notice to the
292 promoter, to audit the promoter's books and records relating to
293 the promoter's operations under this chapter.
294 (9) The commission shall adopt rules establishing a
295 procedure for auditing a promoter's records and resolving any
296 inconsistencies revealed by an audit, such as excessive taxes
297 paid or taxes owed by the filing promoter, and shall adopt a
298 rule imposing a late fee in the event of taxes owed.
299 Section 8. Section 548.07, Florida Statutes, is amended to
300 read:
301 548.07 Suspension of license or permit by commissioner;
302 hearing. ~~Notwithstanding any provision of chapter 120, any~~
303 ~~member of the commission may, upon her or his own motion or upon~~
304 ~~the verified written complaint of any person charging a licensee~~
305 ~~or permittee with violating this chapter, suspend any license or~~
306 ~~permit until final determination by the commission if such~~
307 ~~action is necessary to protect the public welfare and the best~~
308 ~~interests of the sport. The commission shall hold a hearing~~
309 ~~within 10 days after the date on which the license or permit is~~
310 ~~suspended.~~
311 (1) The commission, any commissioner, any commission
312 designee, or the executive director or his or her designee may
313 issue an emergency suspension of license order to any person
314 licensed under this chapter who poses an immediate serious
315 danger to the health, safety, and welfare of the participants
316 and the general public.
317 (2) The department's Office of General Counsel shall review
318 the grounds for each emergency suspension order issued and file
319 an administrative complaint against the licensee within 21 days

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320 after the issuance of the emergency suspension order.
321 (3) Following service of the administrative complaint,
322 pursuant to procedures set forth in s. 455.275, the disciplinary
323 process shall proceed pursuant to chapter 120.
324 Section 9. Section 548.073, Florida Statutes, is amended to
325 read:
326 548.073 Commission hearings. All hearings held under this
327 chapter must be held in accordance with chapter 120
328 ~~Notwithstanding the provisions of chapter 120, any member of the~~
329 ~~commission may conduct a hearing. Before any adjudication is~~
330 ~~rendered, a majority of the members of the commission shall~~
331 ~~examine the record and approve the adjudication and order~~.
332 Section 10. This act shall take effect July 1, 2013.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/13
Meeting Date

Topic: SB 936

Bill Number: SB 936 (if applicable)

Name: Logan McFaddin

Amendment Barcode: (if applicable)

Job Title: Legislative Affairs Director

Address: LL-26 The Capitol
Street

Tallahassee, FL 32399
City, State, Zip

Phone: 850-413-2890

E-mail: logan.mcfaddin@myfloridacfo.com

Speaking: [X] For [ ] Against [ ] Information

Representing: Dept of Financial Services

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 4, 2013
Meeting Date

Topic: Babcock Ranch Amendment

Bill Number: SB 1628 (if applicable)

Name: Greg Holder

Amendment Barcode: 589372 (if applicable)

Job Title: Asst. Ex. Director

Address: 620 S. Meridian
Street

Tallahassee, FL 32399
City, State, Zip

Phone: 487-3796

E-mail: greg.holder@myfwc.com

Speaking: [x] For [ ] Against [ ] Information

Representing:

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/13
Meeting Date

Topic: Wildlife BMP's Amendment

Bill Number: SB 1628 *(if applicable)*

Name: Sam Ard

Amendment Barcode: 761642 *(if applicable)*

Job Title:

Address: 207 W Park Ave Suite B
Street

Tallahassee, FL 32301
City, State, Zip

Phone:

E-mail: sard@asrlegal.com

Speaking: [x] For [ ] Against [ ] Information

Representing: Florida Cattlemen's Association

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 4 2013
Meeting Date

Topic _____

Bill Number 1628 *(if applicable)*

Name Deborah Keller

Amendment Barcode 761642 *(if applicable)*

Job Title Sr. Policy Rep.

Address 625 N. Adams St
Street

Tallahassee
City *State* *Zip*

Phone 222-0199

E-mail ext/104 dkeller@tnc.org

Speaking: [✓] For [ ] Against [ ] Information

Representing The Nature Conservancy

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-4-13
Meeting Date

Topic: Wildlife & NP amendment

Bill Number: 1628 *(if applicable)*

Name: Eric Draper

Amendment Barcode: 761642 *(if applicable)*

Job Title:

Address: 308 N Monroe
Street

Tallahassee FL 32301
City *State* *Zip*

Phone:

E-mail:

Speaking: [✓] For [ ] Against [ ] Information

Representing: Audubon

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 4, 2013
Meeting Date

Topic: Wildlife BMP Amendment

Bill Number: SB 1628 *(if applicable)*

Name: Greg Holder

Amendment Barcode: 761642 *(if applicable)*

Job Title: Asst. Executive Director

Address: 620 S. Meridian
Street

Tallahassee, FL 32399
City *State* *Zip*

Phone: 487-3796

E-mail: greg.holder@myfwc.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: Fish & Wildlife Conservation Commission

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-4-13
Meeting Date

Topic: FDAC Dept. Bill

Bill Number: 1628 *(if applicable)*

Name: Grace Lovett

Amendment Barcode: *(if applicable)*

Job Title: Dir. Legislative Affairs

Address: PL 10 The Capitol
Street

Tallahassee FL 32399
City *State* *Zip*

Phone: 617-7701

E-mail: grace.lovett@freshfromflorida.com

Speaking: [X] For [ ] Against [ ] Information

Representing: FL Dept. of Agriculture + Consumer Services

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/13
Meeting Date

Topic: ~~SB~~ AMENDMENT TO SB 1628

Bill Number: 1628 *(if applicable)*

Name: Chuck Littlejohn

Amendment Barcode: *(if applicable)*

Job Title: Littlejohn Mann & Assoc

Address: 310 W. COLLEGE AVE
Street

TALL FL 32310
City *State* *Zip*

Phone: (850) 228-7203

E-mail: chuck@littlejohnmann.com

Speaking: [X] For [ ] Against [ ] Information

Representing: FLORIDA LAND COUNCIL

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/13
Meeting Date

Topic: Real Estate Brokers and Appraisers

Bill Number: SB 852 (if applicable)

Name: Matilde Miller

Amendment Barcode: (if applicable)

Job Title: Deputy Director, Office of Legislative Affairs

Address: 1940 N. Monroe St.
Street

Tall. FL 32399
City State Zip

Phone: 850.487.4827

E-mail: matilde.miller@myflorida license.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: DBPR

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/14/13
Meeting Date

Topic: Pugilistic Exhibitions

Bill Number: 1686 *(if applicable)*

Name: Matilde Miller

Amendment Barcode: *(if applicable)*

Job Title: Deputy Director, Office of Legislative Affairs

Address: 1940 N. Monroe St.
Street

Tall. FL 32399
City *State* *Zip*

Phone: 850.487.4827

E-mail: matilde.miller@myflorida license.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: DBPR

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

CourtSmart Tag Report

Room: EL 110 **Case:** **Type:**
Caption: Senate Appropriations Subcommittee on General Government **Judge:**

Started: 4/4/2013 10:37:18 AM
Ends: 4/4/2013 10:59:01 AM **Length:** 00:21:44

10:37:22 AM	Meeting called to order
10:37:45 AM	Chairman Hays
10:38:59 AM	TAB 2- CS/SB 1628
10:39:17 AM	Senator Montford
10:40:02 AM	Am. 811874
10:40:23 AM	Am. 589372
10:40:34 AM	Senator Bradley
10:41:02 AM	Senator Detert
10:41:26 AM	Sen. Montford
10:41:43 AM	Sen. Detert
10:41:47 AM	Sen. Montford
10:42:14 AM	Chmn. Hays
10:42:20 AM	Greg Holder, FWC
10:42:57 AM	Am. 761642
10:43:05 AM	Senator Simpson
10:44:46 AM	Sam Ard, Florida Cattlemen's Association
10:44:49 AM	Deborah Keller, The Nature Conservancy
10:44:58 AM	Eric Draper, Audubon
10:45:00 AM	Mr. Holder, FWC
10:45:35 AM	Am. 693226
10:45:51 AM	Sen. Montford
10:45:56 AM	Am. 811874
10:46:46 AM	Grace Lovett, ACS
10:46:51 AM	Chuck Littlejohn, Florida Land Council
10:47:30 AM	Bill recommended favorably
10:48:10 AM	TAB 3- CS/SB 852
10:48:19 AM	Senator Bean
10:49:16 AM	Sen. Bradley
10:49:41 AM	Sen. Bean
10:49:53 AM	Sen. Simpson
10:50:00 AM	Sen. Bean
10:50:25 AM	Matilde Miller, DBPR
10:50:31 AM	Senator Soto
10:51:30 AM	Sen. Detert
10:52:24 AM	Sen. Bean
10:53:03 AM	Bill recommended favorably
10:53:08 AM	Chmn. Hays
10:53:18 AM	TAB 4- CS/SB 1686
10:53:24 AM	Rick Kendust, Legislative Assistant for Senator Altman
10:54:08 AM	Senator Thompson
10:54:28 AM	Ms. Miller, DBPR
10:55:02 AM	Bill recommended favorably
10:55:14 AM	TAB 1- SB 936
10:55:29 AM	Cori Cuttler, Legislative Assistant for Senator Lee
10:56:17 AM	Logan McFadden, DFS
10:56:31 AM	Sen. Thompson
10:57:36 AM	Bill recommended favorably
10:57:43 AM	Senator Stargel
10:57:56 AM	Sen. Bradley
10:58:24 AM	Sen. Legg
10:58:50 AM	Mtg. adjourned