

By the Committees on Agriculture; and Agriculture

575-03759-11

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 14.24, F.S.; deleting
4 provisions related to per diem and travel expenses for
5 members of the Florida Commission on the Status of
6 Women; amending s. 20.14, F.S.; deleting the Division
7 of Dairy within the Department of Agriculture and
8 Consumer Services; amending s. 215.981, F.S.;
9 exempting certain direct-support organizations and
10 citizen support organizations for the Department of
11 Agriculture and Consumer Services from obtaining an
12 independent audit; amending s. 253.02, F.S.; providing
13 for the grantee of easements for electrical
14 transmission to pay the lead manager of the state-
15 owned lands or, when there is no lead manager, the
16 Department of Environmental Protection if suitable
17 replacement uplands cannot be identified; amending s.
18 261.04, F.S.; deleting provisions related to per diem
19 and travel expenses for members of the Off-Highway
20 Vehicle Recreation Advisory Committee within the
21 Division of Forestry; amending s. 482.051, F.S.;
22 providing rule changes that allow operators to provide
23 certain emergency notice to the Department of
24 Agriculture and Consumer Services by facsimile or
25 electronic means; amending s. 482.071, F.S.;
26 increasing the minimum insurance coverage for bodily
27 injury and property damage required for pest control
28 businesses; creating s. 482.072, F.S.; providing for
29 licensure by the department of pest control customer

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30 contact centers; providing application requirements;
31 providing for fees, licensure renewal, penalties,
32 licensure expiration, and transfer of licenses;
33 requiring the department to adopt rules; providing for
34 disciplinary action; creating s. 482.157, F.S.;
35 providing for the certification of commercial wildlife
36 trappers; providing requirements for certification,
37 examination, and fees; limiting the scope of work
38 permitted by certificate holders; clarifying that
39 certificateholders who practice accepted pest control
40 methods are immune from liability for violating laws
41 prohibiting cruelty to animals; providing that the
42 provisions of s. 482.157, F.S., do not exempt any
43 person from the rules, orders, or regulations of the
44 Florida Fish and Wildlife Conservation Commission;
45 amending s. 482.226, F.S.; increasing the minimum
46 financial responsibility requirements for licensees
47 that perform wood-destroying organism inspections;
48 amending s. 482.243, F.S.; deleting provisions
49 relating to reimbursement for expenses for members of
50 the Pest Control Enforcement Advisory Council within
51 the department; amending s. 487.041, F.S.; providing
52 that registration, supplemental, and late fees related
53 to the registration of pesticide brands with the
54 department are nonrefundable; providing requirements
55 for label revisions of pesticide brands; providing
56 requirements for label revisions that must be reviewed
57 by the United States Environmental Protection Agency;
58 requiring payments of pesticide registration fees to

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59 be submitted electronically; amending s. 487.0615,
60 F.S.; deleting reference relating to per diem and
61 travel for the Pesticide Review Council within the
62 Department of Agriculture and Consumer Services;
63 amending s. 500.70, F.S.; requiring certain persons
64 that produce, harvest, pack, or repack tomatoes to
65 register each location of a tomato farm, tomato
66 greenhouse, tomato packinghouse, or tomato repacker by
67 a specified date on a form prescribed by the
68 department; requiring the department to set a
69 registration fee; providing for funds collected to be
70 deposited into the General Inspection Trust Fund;
71 amending s. 527.22, F.S.; deleting provisions relating
72 to per diem and travel expenses for members of the
73 Florida Propane Gas Education, Safety, and Research
74 Council within the department; amending s. 559.9221,
75 F.S.; deleting provisions relating to per diem and
76 travel expenses for members of the Motor Vehicle
77 Repair Advisory Council within the department;
78 amending s. 570.07, F.S.; revising the department's
79 authority to enforce laws relating to commercial stock
80 feeds and commercial fertilizer; providing a limited
81 exemption to counties that have with existing
82 ordinances regulating the sale of urban turf
83 fertilizers; revising the powers and duties of the
84 department regarding pollution control and the
85 prevention of wildfires; amending s. 570.0705, F.S.;
86 deleting provisions relating to per diem and travel
87 expenses for members of any advisory committee that

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88 the Commissioner of Agriculture may appoint; amending
89 s. 570.074, F.S.; revising the name of the Office of
90 Water Coordination to the Office of Energy and Water;
91 amending s. 570.23, F.S.; deleting provisions relating
92 to per diem and travel expenses for members of the
93 State Agricultural Advisory Council within the
94 department; repealing s. 570.29(6), F.S., relating to
95 the Division of Dairy Industry within the department;
96 amending s. 570.38, F.S.; deleting provisions relating
97 to per diem and travel expenses for members of the
98 Animal Industry Technical Council within the
99 department; amending s. 570.382, F.S.; deleting
100 provisions relating to per diem and travel expenses
101 for members of the Arabian Horse Council within the
102 department; repealing s. 570.40, F.S., relating to the
103 powers and duties of the Division of Dairy within the
104 department; repealing s. 570.41, F.S., relating to the
105 qualifications and duties of the Director of the
106 Division of Dairy within the department; amending s.
107 570.42, F.S.; deleting provisions relating to per diem
108 and travel expenses for members of the Dairy Industry
109 Technical Council within the department; amending s.
110 570.50, F.S.; requiring the Division of Food Safety
111 within the department to inspect dairy farms and
112 enforce the provisions of ch. 502, F.S.; requiring the
113 Division of Food Safety to inspect milk plants, milk
114 product plants, and plants engaged in the manufacture
115 and distribution of frozen desserts and frozen dessert
116 mixes; requiring the Division of Food Safety to

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117 analyze and test samples of milk, milk products,
118 frozen desserts, and frozen dessert mixes; amending s.
119 570.543, F.S.; deleting provisions relating to per
120 diem and travel expenses for members of the Florida
121 Consumers' Council within the department; repealing s.
122 570.954(3), F.S., relating to the requirement that the
123 Department of Agriculture and Consumer Services
124 coordinate with and solicit the expertise of the state
125 energy office when developing the farm-to-fuel
126 initiative; amending s. 571.28, F.S.; deleting
127 provisions relating to per diem and travel expenses
128 for members of the Florida Agricultural Promotional
129 Campaign Advisory Council within the department;
130 amending s. 573.112, F.S.; deleting provisions
131 relating to per diem and travel expenses for members
132 of the advisory council that administers the marketing
133 order that is issued to the department; amending s.
134 576.091, F.S.; deleting provisions relating to per
135 diem and travel expenses for members of the Fertilizer
136 Technical Council within the department; amending s.
137 580.151, F.S.; deleting provisions relating to per
138 diem and travel expenses for members of the Commercial
139 Feed Technical Council within the department; amending
140 s. 581.186, F.S.; deleting provisions relating to per
141 diem and travel expenses for members of the Endangered
142 Plant Advisory Council within the department; amending
143 s. 586.161, F.S.; deleting provisions relating to per
144 diem and travel expenses for members of the Honeybee
145 Technical Council within the department; amending s.

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146 589.101, F.S.; authorizing the Department of
147 Agriculture and Consumer Services to lease gas, oil,
148 and other mineral interests of lands leased to the
149 department; requiring that the Board of Trustees of
150 the Internal Improvement Trust Fund, or its designee,
151 review proposed leases; amending s. 590.015, F.S.;
152 defining the term "department," "open burning," and
153 "broadcast burning" as they relate to forest
154 protection; redefining the term "fire management
155 services"; amending s. 590.02, F.S.; renaming the
156 Division of Forestry to the Florida Forest Services;
157 conforming terminology to changes made by the act;
158 authorizing forest-operations administrators to be
159 certified as forestry firefighters; providing the
160 status of Selected Exempt Service to an aviation
161 manager and a training coordinator for the Florida
162 Forest Service; authorizing the department to have
163 exclusive authority over the Florida Building Code as
164 it pertains to wildfire and law enforcement facilities
165 under the jurisdiction of the department; authorizing
166 the department to retain, transfer, warehouse, bid,
167 destroy, scrap or dispose of surplus equipment and
168 vehicles used for wildland firefighting; authorizing
169 the department to retain any moneys received from the
170 disposition of state-owned equipment and vehicles used
171 for wildland firefighting; providing that moneys
172 received may be used for the acquisition of exchange
173 and surplus equipment used for wildland firefighting
174 and all necessary operating expenditures related to

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175 the equipment; requiring the department to maintain
176 records of the accounts into which the money is
177 deposited; giving the Florida Forest Service exclusive
178 authority to require and issue authorizations for
179 broadcast burning, agricultural pile burning, and
180 silvicultural pile burning; preempting other
181 governmental entities from adopting laws, rules, or
182 policies pertaining to broadcast burning, agricultural
183 pile burning, or silvicultural pile burning unless an
184 emergency order has been declared; authorizing the
185 department to delegate its authority to a county or
186 municipality to issue authorizations for the burning
187 of yard trash and debris from land clearing
188 operations; amending s. 590.125, F.S.; defining and
189 redefining terms relating to open-burning
190 authorizations by the Florida Forest Services;
191 specifying purposes of certified prescribed burning;
192 requiring the authorization of the Florida Forest
193 Service for certified pile burning; providing pile
194 burning requirements; limiting the liability of
195 property owners or agents engaged in pile burning;
196 providing penalties for violations by certified pile
197 burners; requiring the Florida Forest Service to adopt
198 rules to regulate certified pile burning; revising
199 notice requirements for wildfire hazard reduction
200 treatments; providing for approval of local
201 governments' open-burning-authorization programs;
202 providing program requirements; authorizing the
203 Florida Forest Service to resume administration of a

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204 local government's program under certain
205 circumstances; providing penalties for violations of
206 local government's open-burning requirements; amending
207 s. 590.14, F.S.; authorizing an employee of the
208 Florida Forest Service to issue a notice of violation
209 for any rule adopted by the Florida Forest Service;
210 authorizing the department to impose an administrative
211 fine for a violation of any rule adopted by the
212 Florida Forest Service; providing a criminal penalty;
213 providing legislative intent; repealing s. 597.005(4),
214 F.S., deleting provisions relating to per diem and
215 travel expenses for members of the Aquaculture Review
216 Council within the department; amending s. 599.002,
217 F.S.; deleting provisions relating to per diem and
218 travel expenses for members of the Viticulture
219 Advisory Council within the department; amending s.
220 616.252, F.S.; providing for the appointment of a
221 youth member to serve on the Florida State Fair
222 Authority as a nonvoting member; providing a term of
223 service for the youth member of the Florida State Fair
224 Authority; prohibiting reimbursement for travel
225 expenses for members of the Florida State Fair
226 Authority; excluding the youth member from
227 compensation for special or full-time service
228 performed on behalf of the authority; amending s.
229 812.014, F.S.; providing that it is a grand theft of
230 the third degree and a felony of the third degree if
231 bee colonies of a registered bee keeper are stolen;
232 amending s. 812.015, F.S.; redefining the term

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233 "farmer" as it relates to a person who grows or
234 produces honey; redefining the term "farm theft" to
235 include the unlawful taking possession of equipment
236 and associated materials used to grow or produce farm
237 products; providing an effective date.

238

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

240

241 Section 1. Subsection (3) of section 14.24, Florida
242 Statutes, is amended to read:

243 14.24 Florida Commission on the Status of Women.—

244 (3) Members of the commission shall serve without
245 compensation, ~~but shall be reimbursed for per diem and travel~~
246 ~~expenses in accordance with s. 112.061.~~

247 Section 2. Subsection (2) of section 20.14, Florida
248 Statutes, is amended to read:

249 20.14 Department of Agriculture and Consumer Services.—
250 There is created a Department of Agriculture and Consumer
251 Services.

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

254 (a) Administration.

255 (b) Agricultural Environmental Services.

256 (c) Animal Industry.

257 (d) Aquaculture.

258 (e) Consumer Services.

259 ~~(f) Dairy Industry.~~

260 (f) ~~(g)~~ Food Safety.

261 (g) ~~(h)~~ Forestry.

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262 (h)~~(i)~~ Fruit and Vegetables.

263 (i)~~(j)~~ Licensing.

264 (j)~~(k)~~ Marketing and Development.

265 (k)~~(l)~~ Plant Industry.

266 (l)~~(m)~~ Standards.

267 Section 3. Subsection (2) of section 215.981, Florida
268 Statutes, is amended to read:

269 215.981 Audits of state agency direct-support organizations
270 and citizen support organizations.—

271 (2) Notwithstanding the provisions of subsection (1),
272 direct-support organizations and citizen support organizations
273 for the Department of Environmental Protection or direct-support
274 organizations and citizen support organizations for the
275 Department of Agriculture and Consumer Services which ~~that~~ are
276 not for profit and which ~~that~~ have annual expenditures of less
277 than \$300,000 are not required to have an independent audit. The
278 department shall establish accounting and financial management
279 guidelines for those organizations under the department's
280 jurisdiction. Each year, the department shall conduct
281 operational and financial reviews of a selected number of
282 direct-support organizations or citizen support organizations
283 which fall below the audit threshold established in this
284 subsection.

285 Section 4. Paragraph (b) of subsection (2) of section
286 253.02, Florida Statutes, is amended to read:

287 253.02 Board of trustees; powers and duties.—

288 (2)

289 (b) The authority of the board of trustees to grant
290 easements for rights-of-way over, across, and upon uplands the

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291 title to which is vested in the board of trustees for the
292 construction and operation of electric transmission and
293 distribution facilities and related appurtenances is hereby
294 confirmed. The board of trustees may delegate to the Secretary
295 of Environmental Protection the authority to grant such
296 easements on its behalf. All easements for rights-of-way over,
297 across, and upon uplands the title to which is vested in the
298 board of trustees for the construction and operation of electric
299 transmission and distribution facilities and related
300 appurtenances which are approved by the Secretary of
301 Environmental Protection pursuant to the authority delegated by
302 the board of trustees shall meet the following criteria:

303 1. Such easements shall not prevent the use of the state-
304 owned uplands adjacent to the easement area for the purposes for
305 which such lands were acquired and shall not unreasonably
306 diminish the ecological, conservation, or recreational values of
307 the state-owned uplands adjacent to the easement area.

308 2. There is no practical and prudent alternative to
309 locating the linear facility and related appurtenances on state-
310 owned upland. For purposes of this subparagraph, the test of
311 practicality and prudence shall compare the social, economic,
312 and environmental effects of the alternatives.

313 3. Appropriate steps are taken to minimize the impacts to
314 state-owned uplands. Such steps may include:

315 a. Siting of facilities so as to reduce impacts and
316 minimize fragmentation of the overall state-owned parcel;

317 b. Avoiding significant wildlife habitat, wetlands, or
318 other valuable natural resources to the maximum extent
319 practicable; or

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320 c. Avoiding interference with active land management
321 practices, such as prescribed burning.

322 4. Except for easements granted as a part of a land
323 exchange to accomplish a recreational or conservation benefit or
324 other public purpose, in exchange for such easements, the
325 grantee pays an amount equal to the market value of the interest
326 acquired. In addition, for the initial grant of such easements
327 only, the grantee shall provide additional compensation by
328 vesting in the board of trustees fee simple title to other
329 available uplands that are 1.5 times the size of the easement
330 acquired by the grantee. The Secretary of Environmental
331 Protection shall approve the property to be acquired on behalf
332 of the board of trustees based on the geographic location in
333 relation to the land proposed to be under easement and a
334 determination that economic, ecological, and recreational value
335 is at least equivalent to the value of the lands under proposed
336 easement. Priority for replacement uplands shall be given to
337 parcels identified as inholdings and additions to public lands
338 and lands on a Florida Forever land acquisition list. However,
339 if suitable replacement uplands cannot be identified, the
340 grantee shall provide additional compensation for the initial
341 grant of such easements only by paying to the lead manager of
342 the state-owned lands or, when there is no lead manager, by
343 paying to the department an amount equal to two times the
344 current market value of the state-owned land or the highest and
345 best use value at the time of purchase, whichever is greater.
346 When determining such use of funds, priority shall be given to
347 parcels identified as inholdings and additions to public lands
348 and lands on a Florida Forever land acquisition list.

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349 Section 5. Subsection (5) of section 261.04, Florida
350 Statutes, is amended to read:

351 261.04 Off-Highway Vehicle Recreation Advisory Committee;
352 members; appointment.-

353 (5) The members of the advisory committee shall serve
354 without compensation, ~~but shall be reimbursed for travel and per~~
355 ~~diem expenses as provided in s. 112.061,~~ while in the
356 performance of their official duties.

357 Section 6. Subsection (4) of section 482.051, Florida
358 Statutes, is amended to read:

359 482.051 Rules.-The department has authority to adopt rules
360 pursuant to ss. 120.536(1) and 120.54 to implement the
361 provisions of this chapter. Prior to proposing the adoption of a
362 rule, the department shall counsel with members of the pest
363 control industry concerning the proposed rule. The department
364 shall adopt rules for the protection of the health, safety, and
365 welfare of pest control employees and the general public which
366 require:

367 (4) That a licensee, before performing general fumigation,
368 notify in writing the department inspector having jurisdiction
369 over the location where the fumigation is to be performed, which
370 notice must be received by the department inspector at least 24
371 hours in advance of the fumigation and must contain such
372 information as the department requires. However, in an authentic
373 and verifiable emergency, when 24 hours' advance notification is
374 not possible, advance telephone, facsimile, or any form of
375 acceptable electronic communication ~~telegraph notice~~ may be
376 given; but such notice must be immediately followed by written
377 confirmation providing the required information.

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378 Section 7. Subsection (4) of section 482.071, Florida
379 Statutes, is amended to read:

380 482.071 Licenses.—

381 (4) A licensee may not operate a pest control business
382 without carrying the required insurance coverage. Each person
383 making application for a pest control business license or
384 renewal thereof must furnish to the department a certificate of
385 insurance that meets the requirements for minimum financial
386 responsibility for bodily injury and property damage consisting
387 of:

388 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and
389 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000
390 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;
391 or

392 (b) Combined single-limit coverage: \$500,000 ~~\$400,000~~ in
393 the aggregate.

394 Section 8. Section 482.072, Florida Statutes, is created to
395 read:

396 482.072 Pest control customer contact centers.—

397 (1) The department may issue a license to a qualified
398 business to operate a customer contact center to solicit pest
399 control business, or to provide services to customers for one or
400 more business locations licensed under s. 482.071. A person may
401 not operate a customer contact center for a pest control
402 business that is not licensed by the department.

403 (2) (a) Before operating a customer contact center, and
404 biennially thereafter, on or before an anniversary date set by
405 the department for the location of a licensed customer contact
406 center, the pest control business shall apply to the department

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407 for a license under this chapter, or a renewal thereof, for each
408 location of a customer contact center. An application must be
409 submitted in the format prescribed by the department.

410 (b) The department shall establish a fee for the issuance
411 of a license for a customer contact center of at least \$600, but
412 not more than \$1,000, and a renewal fee of at least \$600, but
413 not more than \$1,000, for a license for a customer contact
414 center. However, until rules for renewal fees are adopted, the
415 initial licensing fee and renewal fee are each \$600. The
416 department shall establish a grace period, not to exceed 30
417 calendar days after the license's anniversary renewal date, and
418 shall assess a late fee of \$150, in addition to the renewal fee,
419 for a license that is renewed after the grace period.

420 (c) A license automatically expires 60 calendar days after
421 the anniversary renewal date unless the license is renewed
422 before that date. When a license expires, it may be reinstated
423 only upon reapplication and payment of the license renewal fee
424 and a late renewal fee.

425 (d) A license automatically expires if a licensee changes
426 the address of the location of its customer contact center for a
427 pest control business. The department shall issue a new license
428 upon payment of a \$250 fee. The new license automatically
429 expires 60 calendar days after the anniversary renewal date of
430 the former license unless the license is renewed before that
431 date.

432 (e) The department may not issue or renew a license to
433 operate a customer contact center unless the licensee for the
434 pest control business for which the center solicits business is
435 owned in common by a person or business entity recognized by

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436 this state.

437 (f) The department may deny a license or refuse to renew a
438 license if the applicant or licensee, or one or more of the
439 applicant's or licensee's directors, officers, owners, or
440 general partners, are or have been directors, officers, owners,
441 or general partners of a pest control business that meets the
442 conditions in s. 482.071(2) (g).

443 (g) Sections 482.091 and 482.152 do not apply to a person
444 who solicits pest control services or provides customer service
445 in a licensed customer contact center unless the person performs
446 the pest control work as defined in s. 482.021(22) (a)-(d),
447 executes a pest control contract, or accepts remuneration for
448 such work.

449 (h) Section 482.071(2) (e) does not apply to a license
450 issued under this section.

451 (3) (a) The department shall adopt rules establishing
452 requirements and procedures for recordkeeping and monitoring the
453 operations of a customer contact center to ensure compliance
454 with this section and the rules adopted in accordance with this
455 section.

456 (b) Notwithstanding any other provision in this section:

457 1. A licensee of a customer contact center is subject to
458 disciplinary action under s. 482.161 for a violation of this
459 section or adopted rule which is committed by a person who
460 solicits pest control services or provides customer service in a
461 customer contact center.

462 2. A licensee of a pest control business may be subject to
463 disciplinary action under s. 482.161 for a violation that is
464 committed by a person who solicits pest control services or

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465 provides customer service in a customer contact center operated
466 by a licensee if the licensee participates in the violation.

467 Section 9. Section 482.157, Florida Statutes, is created to
468 read:

469 482.157 Limited certification for commercial wildlife
470 management personnel.-

471 (1) The department shall establish a limited certificate
472 that authorizes a person who engages in the commercial trapping
473 of wildlife to use nonchemical methods, including traps, glue
474 boards, mechanical or electronic devices, or exclusionary
475 techniques to control rodents as defined in s. 482.021(23).

476 (2) A person that seeks a limited certificate under this
477 section is required to pass an examination given by the
478 department. Each application for examination must be accompanied
479 by an examination fee set by rule of the department, in an
480 amount not to exceed \$300 but must be at least \$150. The
481 department shall provide the appropriate reference materials for
482 the examination and make the examination readily available to
483 applicants at least quarterly or as necessary in each county.
484 Before the department issues a limited certification under this
485 section, each person that applies for the certification shall
486 furnish proof of having a certificate of insurance which states
487 that the person's employer meets the requirements for minimum
488 financial responsibility for bodily injury and property damage
489 required by s. 482.071(4).

490 (3) An application for recertification must be made
491 annually and be accompanied by a recertification fee not to
492 exceed \$150, but must be at least \$75, as established by rule.
493 The application also must be accompanied by proof of completion

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494 of the required four classroom hours of acceptable continuing
495 education and the required proof of insurance. After a grace
496 period not exceeding 30 calendar days after the recertification
497 renewal date, the department shall assess a late fee of \$50 in
498 addition to the renewal fee. A certificate automatically expires
499 180 days after the recertification date if the renewal fee has
500 not been paid. After expiration, the department shall issue a
501 new certificate if the applicant successfully passes the
502 examination and pays the examination fee and late fee.

503 (4) Certification under this section does not authorize:

504 (a) The use of pesticides or chemical substances, other
505 than adhesive materials, to control rodents or other nuisance
506 wildlife in, on, or under structures;

507 (b) Operation of a pest control business; or

508 (c) Supervision of an uncertified person using nonchemical
509 methods to control rodents.

510 (5) A person who is certified under this section and
511 practices accepted methods of pest control is immune from
512 liability under s. 828.12.

513 (6) The provisions of this section do not exempt any person
514 from the rules, orders, or regulations of the Florida Fish and
515 Wildlife Conservation Commission.

516 Section 10. Subsection (6) of section 482.226, Florida
517 Statutes, is amended to read:

518 482.226 Wood-destroying organism inspection report; notice
519 of inspection or treatment; financial responsibility.—

520 (6) Any licensee that performs wood-destroying organism
521 inspections in accordance with subsection (1) must meet minimum
522 financial responsibility in the form of errors and omissions

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523 (professional liability) insurance coverage or bond in an amount
524 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000
525 ~~\$25,000~~ per occurrence, or demonstrate that the licensee has
526 equity or net worth of no less than \$500,000 ~~\$100,000~~ as
527 determined by generally accepted accounting principles
528 substantiated by a certified public accountant's review or
529 certified audit. The licensee must show proof of meeting this
530 requirement at the time of license application or renewal
531 thereof.

532 Section 11. Subsection (6) of section 482.243, Florida
533 Statutes, is amended to read:

534 482.243 Pest Control Enforcement Advisory Council.—

535 (6) The meetings, powers and duties, procedures, and
536 ~~recordkeeping, and reimbursement of expenses of members of the~~
537 ~~council~~ shall be in accordance with the provisions of s.
538 570.0705 relating to advisory committees established within the
539 department.

540 Section 12. Paragraph (a) of subsection (1) of section
541 487.041, Florida Statutes, is amended, and paragraphs (h), (i),
542 and (j) are added to that subsection, to read:

543 487.041 Registration.—

544 (1) (a) Effective January 1, 2009, each brand of pesticide,
545 as defined in s. 487.021, which is distributed, sold, or offered
546 for sale, except as provided in this section, within this state
547 or delivered for transportation or transported in intrastate
548 commerce or between points within this state through any point
549 outside this state must be registered in the office of the
550 department, and such registration shall be renewed biennially.
551 Emergency exemptions from registration may be authorized in

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552 accordance with the rules of the department. The registrant
553 shall file with the department a statement including:

554 1. The name, business mailing address, and street address
555 of the registrant.

556 2. The name of the brand of pesticide.

557 3. An ingredient statement and a complete, current copy of
558 the label ~~labeling~~ accompanying the brand of ~~the~~ pesticide,
559 which must conform to the registration, and a statement of all
560 claims to be made for it, including directions for use and a
561 guaranteed analysis showing the names and percentages by weight
562 of each active ingredient, the total percentage of inert
563 ingredients, and the names and percentages by weight of each
564 "added ingredient."

565 (h) All registration fees, including supplemental fees and
566 late fees, are nonrefundable.

567 (i) For any currently registered pesticide product brand
568 that undergoes label revision during the registration period,
569 the registrant shall submit to the department a copy of the
570 revised label along with the cover letter detailing changes
571 before the sale or distribution of a product brand with the
572 revised label in this state. If the label revisions require
573 notification of an amendment review by the United States
574 Environmental Protection Agency, the registrant shall submit an
575 additional copy of the label marked to identify those revisions.

576 (j) Effective January 1, 2013, all payments of any
577 pesticide-registration fees, including supplemental fees and
578 late fees, shall be submitted electronically using the
579 department's website to register a brand of a pesticide product.

580 Section 13. Subsection (5) of section 487.0615, Florida

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581 Statutes, is amended to read:

582 487.0615 Pesticide Review Council.—

583 (5) Members of the council shall receive no compensation
584 for their services, ~~but are entitled to be reimbursed for per~~
585 ~~diem and travel expenses as provided in s. 112.061.~~

586 Section 14. Subsection (7) is added to section 500.70,
587 Florida Statutes, to read:

588 500.70 Tomato food safety standards; inspections;
589 penalties; tomato good agricultural practices; tomato best
590 management practices.—

591 (7) Any person who produces, harvests, packs, or repacks
592 tomatoes in this state and does not hold a food permit issued
593 under s. 500.12, shall annually register each location of a
594 tomato farm, tomato greenhouse, tomato packinghouse, or tomato
595 repacker by August 1 on a form prescribed by the department. Any
596 person who produces, harvests, packs, or repacks tomatoes at
597 more than one location may submit one registration for all such
598 locations, but must provide the physical address of each
599 location. The department may set by rule an annual registration
600 fee not to exceed \$500. The money collected from the
601 registration fee payments shall be deposited into the General
602 Inspection Trust Fund.

603 Section 15. Subsection (5) of section 527.22, Florida
604 Statutes, is amended to read:

605 527.22 Florida Propane Gas Education, Safety, and Research
606 Council established; membership; duties and responsibilities.—

607 (5) Council members shall receive no compensation or
608 honorarium for their services, ~~and are authorized to receive~~
609 ~~only per diem and reimbursement for travel expenses as provided~~

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610 ~~in s. 112.061.~~

611 Section 16. Subsection (3) of section 559.9221, Florida
612 Statutes, is amended to read:

613 559.9221 Motor Vehicle Repair Advisory Council.—The Motor
614 Vehicle Repair Advisory Council is created to advise and assist
615 the department in carrying out this part.

616 (3) The members of the council shall receive no
617 compensation for their services, ~~except that they may receive~~
618 ~~per diem and travel expenses as provided in s. 112.061.~~

619 Section 17. Subsections (16) and (28) of section 570.07,
620 Florida Statutes, are amended to read:

621 570.07 Department of Agriculture and Consumer Services;
622 functions, powers, and duties.—The department shall have and
623 exercise the following functions, powers, and duties:

624 (16) To enforce the state laws and rules relating to:

625 (a) Fruit and vegetable inspection and grading;

626 (b) Pesticide spray, residue inspection, and removal;

627 (c) Registration, labeling, inspection, sale, composition,
628 formulation, distribution, and analysis of commercial stock
629 feeds and commercial fertilizers;

630 (d) Classification, inspection, and sale of poultry and
631 eggs;

632 (e) Registration, inspection, and analysis of gasolines and
633 oils;

634 (f) Registration, labeling, inspection, and analysis of
635 pesticides;

636 (g) Registration, labeling, inspection, germination
637 testing, and sale of seeds, both common and certified;

638 (h) Weights, measures, and standards;

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- 639 (i) Foods, as set forth in the Florida Food Safety Act;
- 640 (j) Inspection and certification of honey;
- 641 (k) Sale of liquid fuels;
- 642 (l) Licensing of dealers in agricultural products;
- 643 (m) Administration and enforcement of all regulatory
- 644 legislation applying to milk and milk products, ice cream, and
- 645 frozen desserts;
- 646 (n) Recordation and inspection of marks and brands of
- 647 livestock; and
- 648 (o) All other regulatory laws relating to agriculture.

649

650 In order to ensure uniform health and safety standards, the

651 adoption of standards and fines in the subject areas of

652 paragraphs (a)-(n) is expressly preempted to the state and the

653 department. Any local government enforcing the subject areas of

654 paragraphs (a)-(n) must use the standards and fines set forth in

655 the pertinent statutes or any rules adopted by the department

656 pursuant to those statutes. A county that has adopted an

657 ordinance regulating the sale of urban turf fertilizer before

658 January 1, 2012, is not subject to paragraph (c). If the county

659 amends or changes any portion of the ordinance after January 1,

660 2012, the provisions of paragraph (c) apply.

661 (28) For the purpose of pollution control and the

662 prevention of wildfires ~~purposes~~, to regulate open burning

663 connected with rural land-clearing, agricultural, or forestry

664 operations, ~~except fires for cold or frost protection.~~

665 Section 18. Subsection (9) of section 570.0705, Florida

666 Statutes, is amended to read:

667 570.0705 Advisory committees.—From time to time the

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668 commissioner may appoint any advisory committee to assist the
669 department with its duties and responsibilities.

670 (9) Members of each advisory committee shall receive no
671 compensation for their services, ~~but shall be entitled to~~
672 ~~reimbursement for per diem and travel expenses as provided in s.~~
673 ~~112.061.~~

674 Section 19. Section 570.074, Florida Statutes, is amended
675 to read:

676 570.074 Department of Agriculture and Consumer Services;
677 energy and water policy coordination.—The commissioner may
678 create an Office of Energy and Water Coordination under the
679 supervision of a senior manager exempt under s. 110.205 in the
680 Senior Management Service. The commissioner may designate the
681 bureaus and positions in the various organizational divisions of
682 the department which ~~that~~ report to this office relating to any
683 matter over which the department has jurisdiction in matters
684 relating to energy and water policy affecting agriculture,
685 application of such policies, and coordination of such matters
686 with state and federal agencies.

687 Section 20. Subsection (2) of section 570.23, Florida
688 Statutes, is amended to read:

689 570.23 State Agricultural Advisory Council.—

690 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS,
691 ~~COMPENSATION~~.—The meetings, powers and duties, procedures, and
692 recordkeeping of the State Agricultural Advisory Council, ~~and~~
693 ~~per diem and reimbursement of expenses of council members,~~ shall
694 be governed by the provisions of s. 570.0705 relating to
695 advisory committees established within the department.

696 Section 21. Subsection (6) of section 570.29, Florida

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697 Statutes, is repealed.

698 Section 22. Subsection (2) of section 570.38, Florida
699 Statutes, is amended to read:

700 570.38 Animal Industry Technical Council.—

701 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
702 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
703 recordkeeping of the Animal Industry Technical Council, ~~and per~~
704 ~~diem and reimbursement of expenses of council members,~~ shall be
705 governed by the provisions of s. 570.0705 relating to advisory
706 committees established within the department.

707 Section 23. Paragraph (d) of subsection (3) of section
708 570.382, Florida Statutes, is amended to read:

709 570.382 Arabian horse racing; breeders' and stallion
710 awards; Arabian Horse Council; horse registration fees; Florida
711 Arabian Horse Racing Promotion Account.—

712 (3) ARABIAN HORSE COUNCIL.—

713 (d) Members of the council shall receive no compensation
714 for their services, ~~except that they shall receive per diem and~~
715 ~~travel expenses as provided in s. 112.061 when actually engaged~~
716 ~~in the business of the council.~~

717 Section 24. Section 570.40, Florida Statutes, is repealed.

718 Section 25. Section 570.41, Florida Statutes, is repealed.

719 Section 26. Subsection (2) of section 570.42, Florida
720 Statutes, is amended to read:

721 570.42 Dairy Industry Technical Council.—

722 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
723 COMPENSATION.—The meetings, powers and duties, procedures, and
724 recordkeeping of the Dairy Industry Technical Council, ~~and per~~
725 ~~diem and reimbursement of expenses of council members,~~ shall be

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726 governed by the provisions of s. 570.0705 relating to advisory
727 committees established within the department.

728 Section 27. Subsections (6) and (7) are added to section
729 570.50, Florida Statutes, to read:

730 570.50 Division of Food Safety; powers and duties.—The
731 duties of the Division of Food Safety include, but are not
732 limited to:

733 (6) Inspecting dairy farms of the state, enforcing those
734 provisions of chapter 502 which are authorized by the department
735 and related to the supervision of milking operations, and
736 enforcing rules adopted under such provisions.

737 (7) Inspecting milk plants, milk product plants, and plants
738 engaged in the manufacture and distribution of frozen desserts
739 and frozen dessert mixes; analyzing and testing samples of milk,
740 milk products, frozen desserts, and frozen dessert mixes
741 collected by it; and enforcing those provisions of chapters 502
742 and 503 which are authorized by the department.

743 Section 28. Subsection (2) of section 570.543, Florida
744 Statutes, is amended to read:

745 570.543 Florida Consumers' Council.—The Florida Consumers'
746 Council in the department is created to advise and assist the
747 department in carrying out its duties.

748 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
749 ~~COMPENSATION~~.—The meetings, powers and duties, procedures, and
750 recordkeeping of the Florida Consumers' Council, ~~and per diem~~
751 ~~and reimbursement of expenses of council members,~~ shall be
752 governed by the provisions of s. 570.0705 relating to advisory
753 committees established within the department. The council
754 members or chair may call no more than two meetings.

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755 Section 29. Subsection (3) of section 570.954, Florida
756 Statutes, is repealed.

757 Section 30. Subsection (2) of section 571.28, Florida
758 Statutes, is amended to read:

759 571.28 Florida Agricultural Promotional Campaign Advisory
760 Council.—

761 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS~~+~~
762 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
763 recordkeeping of the Florida Agricultural Promotional Campaign
764 Advisory Council, ~~and per diem and reimbursement of expenses of~~
765 ~~council members,~~ shall be governed by the provisions of s.
766 570.0705 relating to advisory committees established within the
767 department.

768 Section 31. Subsection (6) of section 573.112, Florida
769 Statutes, as amended by section 11 of chapter 2010-227, Laws of
770 Florida, is amended to read:

771 573.112 Advisory council.—

772 (6) No member or alternate member of the council shall
773 receive a salary, ~~but shall be reimbursed for travel expenses~~
774 ~~while on council business as provided in s. 112.061.~~ The
775 department may employ necessary personnel, including
776 professional and technical services personnel, and fix their
777 compensation and terms of employment and may incur expenses to
778 be paid from moneys collected as herein provided.

779 Section 32. Subsection (3) of section 576.091, Florida
780 Statutes, is amended to read:

781 576.091 Fertilizer Technical Council.—

782 (3) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS~~+~~
783 ~~REIMBURSEMENTS.~~—The meetings, powers and duties, procedures, and

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784 ~~recordkeeping, and reimbursement of expenses of members and~~
785 ~~alternate members of the council~~ shall be in accordance with the
786 provisions of s. 570.0705 relating to advisory committees
787 established within the department.

788 Section 33. Subsection (2) of section 580.151, Florida
789 Statutes, is amended to read:

790 580.151 Commercial Feed Technical Council.—

791 (2) ~~POWERS AND DUTIES; PROCEDURES; RECORDS; COMPENSATION.—~~
792 The meetings, powers and duties, procedures, and recordkeeping
793 of the Commercial Feed Technical Council, ~~and per diem and~~
794 ~~reimbursement of expenses of council members,~~ shall be governed
795 by the provisions of s. 570.0705 relating to advisory committees
796 established within the department.

797 Section 34. Subsection (2) of section 581.186, Florida
798 Statutes, is amended to read:

799 581.186 Endangered Plant Advisory Council; organization;
800 meetings; powers and duties.—

801 (2) ~~POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;~~
802 ~~COMPENSATION.—~~The meetings, powers and duties, procedures, and
803 recordkeeping of the Endangered Plant Advisory Council, ~~and per~~
804 ~~diem and reimbursement of expenses of council members,~~ shall be
805 governed by the provisions of s. 570.0705 relating to advisory
806 committees established within the department.

807 Section 35. Subsection (3) of section 586.161, Florida
808 Statutes, is amended to read:

809 586.161 Honeybee Technical Council.—

810 (3) ~~MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;~~
811 ~~COMPENSATION.—~~The meetings, powers and duties, procedures, and
812 recordkeeping of the Honeybee Technical Council, ~~and per diem~~

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813 ~~and reimbursement of expenses of council members,~~ shall be
814 governed by the provisions of s. 570.0705 relating to advisory
815 committees established within the department.

816 Section 36. Section 589.101, Florida Statutes, is amended
817 to read:

818 589.101 All land leased to the Department of Agriculture
819 and Consumer Services Blackwater River State Forest; lease of
820 ~~board's interest in~~ gas, oil, and other mineral interests
821 ~~minerals.~~ Notwithstanding any provision of law to the contrary
822 ~~the provisions of ss. 253.51-253.61,~~ the Department of
823 Agriculture and Consumer Services Division of Forestry is hereby
824 expressly granted the authority to lease the its 25-percent
825 ~~interest in~~ oil, gas, and other mineral interests ~~minerals~~
826 within the boundaries of lands leased to the Department of
827 Agriculture and Consumer Services the Blackwater River State
828 ~~Forest; provided, however, that grants shall be made only to the~~
829 ~~lessee or lessees holding the 75-percent interest in said~~
830 ~~minerals retained by the United States in its conveyance to this~~
831 state. The ~~concurrence of the~~ Board of Trustees of the Internal
832 Improvement Trust Fund, or its designee, shall review leases
833 proposed pursuant to ~~required by s. 589.10~~ shall not be
834 necessary under the provisions of this section.

835 Section 37. Section 590.015, Florida Statutes, is amended
836 to read:

837 590.015 Definitions.—As used in this chapter, the term:

838 (1) "Broadcast burning" means the burning of agricultural
839 or natural vegetation by allowing fire to move across a
840 predetermined area of land, but the term does not include the
841 burning of vegetative debris that is piled or stacked.

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842 (2)~~(1)~~ "Department Division" means ~~the Division of Forestry~~
843 ~~of~~ the Department of Agriculture and Consumer Services.

844 (3)~~(2)~~ "Fire management services" means presuppression
845 fireline plowing, prescribed burning assistance, contract
846 prescribed burning, prescribed and wildfire management training,
847 and other activities associated with prevention, detection, and
848 suppression of wildfires.

849 (4)~~(3)~~ "Fuel reduction" means the application of techniques
850 that reduce vegetative fuels, and may include prescribed
851 burning, manual and mechanical clearing, and the use of
852 herbicides.

853 (5) "Open burning" means any outdoor fire or open
854 combustion of material which produces visible emissions.

855 (6)~~(4)~~ "Wildfire" means any vegetative fire that threatens
856 to destroy life, property, or natural resources.

857 (7)~~(5)~~ "Wild land" means any public or private managed or
858 unmanaged forest, urban/interface, pasture or range land,
859 recreation lands, or any other land at risk of wildfire.

860 Section 38. Section 590.02, Florida Statutes, is amended to
861 read:

862 590.02 ~~Division~~ Powers, authority, and duties of the
863 Florida Forest Service; liability; building structures; Florida
864 Center for Wildfire and Forest Resources Management Training.-

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

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

868 (b) To prevent, detect, suppress, and extinguish wildfires
869 wherever they may occur on public or private land in this state
870 and to do all things necessary in the exercise of such powers,

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871 authority, and duties;

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

875 (d) To appoint center managers, forest area supervisors,
876 forestry program administrators, a forest protection bureau
877 chief, a forest protection assistant bureau chief, a field
878 operations bureau chief, deputy chiefs of field operations,
879 district managers, forest-operations administrators senior
880 forest rangers, investigators, forest rangers, firefighter
881 rotorcraft pilots, and other employees who may, at the Florida
882 Forest Service's ~~division's~~ discretion, be certified as forestry
883 firefighters pursuant to s. 633.35(4). Other provisions of law
884 notwithstanding, center managers, district managers, forest
885 protection assistant bureau chief, aviation manager, training
886 coordinator for the Florida Forest Service, and deputy chiefs of
887 field operations shall have Selected Exempt Service status in
888 the state personnel designation;

889 (e) To develop a training curriculum for forestry
890 firefighters which must contain the basic volunteer structural
891 fire training course approved by the Florida State Fire College
892 of the Division of State Fire Marshal and a minimum of 250 hours
893 of wildfire training;

894 (f) To make rules to accomplish the purposes of this
895 chapter;

896 (g) To provide fire management services and emergency
897 response assistance and to set and charge reasonable fees for
898 performance of those services. Moneys collected from such fees
899 shall be deposited into the Incidental Trust Fund of the Florida

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900 Forest Service division; and

901 (h) To require all state, regional, and local government
902 agencies operating aircraft in the vicinity of an ongoing
903 wildfire to operate in compliance with the applicable state
904 Wildfire Aviation Plan.

905 (2) ~~Division~~ Employees of the Florida Forest Service, and
906 the firefighting crews under their control and direction, may
907 enter upon any lands for the purpose of preventing and
908 suppressing wildfires and investigating smoke complaints or open
909 burning not in compliance with authorization and to enforce the
910 provisions of this chapter.

911 (3) Employees of the Florida Forest Service ~~division~~ and of
912 federal, state, and local agencies, and all other persons and
913 entities that are under contract or agreement with the division
914 to assist in firefighting operations as well as those entities,
915 called upon by the Florida Forest Service ~~division~~ to assist in
916 firefighting may, in the performance of their duties, set
917 counterfires, remove fences and other obstacles, dig trenches,
918 cut firelines, use water from public and private sources, and
919 carry on all other customary activities in the fighting of
920 wildfires without incurring liability to any person or entity.

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

926 (b) Notwithstanding s. 553.80(1), the Florida Building Code
927 as it pertains to wildfire and law enforcement facilities under
928 the jurisdiction of the department shall be enforced exclusively

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929 by the department.

930 (5) The Florida Forest Service ~~division~~ shall organize its
931 operational units to most effectively prevent, detect, and
932 suppress wildfires, and to that end, may employ the necessary
933 personnel to manage its activities in each unit. The Florida
934 Forest Service ~~division~~ may construct lookout towers, roads,
935 bridges, firelines, and other facilities and may purchase or
936 fabricate tools, supplies, and equipment for firefighting. The
937 Florida Forest Service ~~division~~ may reimburse the public and
938 private entities that it engages to assist in the suppression of
939 wildfires for their personnel and equipment, including aircraft.

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

945 (7) The Florida Forest Service ~~division~~ may organize,
946 staff, equip, and operate the Florida Center for Wildfire and
947 Forest Resources Management Training. The center shall serve as
948 a site where fire and forest resource managers can obtain
949 current knowledge, techniques, skills, and theory as they relate
950 to their respective disciplines.

951 (a) The center may establish cooperative efforts involving
952 federal, state, and local entities; hire appropriate personnel;
953 and engage others by contract or agreement with or without
954 compensation to assist in carrying out the training and
955 operations of the center.

956 (b) The center shall provide wildfire suppression training
957 opportunities for rural fire departments, volunteer fire

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958 departments, and other local fire response units.

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

964 (d) The center may assess appropriate fees for food,
965 lodging, travel, course materials, and supplies in order to meet
966 its operational costs and may grant free meals, room, and
967 scholarships to persons and other entities in exchange for
968 instructional assistance.

969 (e) An advisory committee consisting of the following
970 individuals or their designees must review program curriculum,
971 course content, and scheduling: the State Forester ~~Director~~ of
972 the Florida Forest Service ~~Division of Forestry~~; the Assistant
973 State Forester ~~Director~~ of the Florida Forest Service ~~Division~~
974 ~~of Forestry~~; the Director of the School of Forest Resources and
975 Conservation of the University of Florida; the Director of the
976 Division of Recreation and Parks of the Department of
977 Environmental Protection; the Director of the Division of the
978 State Fire Marshal; the Director of the Florida Chapter of The
979 Nature Conservancy; the Executive Vice President of the Florida
980 Forestry Association; the President of the Florida Farm Bureau
981 Federation; the Executive Director of the Fish and Wildlife
982 Conservation Commission; the Executive Director of a Water
983 Management District as appointed by the Commissioner of
984 Agriculture; the Supervisor of the National Forests in Florida;
985 the President of the Florida Fire Chief's Association; and the
986 Executive Director of the Tall Timbers Research Station.

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

992 (9) (a) Notwithstanding ss. 273.055 and 287.16, the
993 department may retain, transfer, warehouse, bid, destroy, scrap,
994 or otherwise dispose of surplus equipment and vehicles that are
995 used for wildland firefighting.

996 (b) All money received from the disposition of state-owned
997 equipment and vehicles that are used for wildland firefighting
998 shall be retained by the department. Money received pursuant to
999 this section is appropriated for and may be disbursed for the
1000 acquisition of exchange and surplus equipment used for wildland
1001 firefighting, and for all necessary operating expenditures
1002 related to such equipment, in the same fiscal year and the
1003 fiscal year following the disposition. The department shall
1004 maintain records of the accounts into which the money is
1005 deposited.

1006 (10) (a) The Florida Forest Service has exclusive authority
1007 to require and issue authorizations for broadcast burning,
1008 agricultural pile burning, and silvicultural pile burning. An
1009 agency, commission, department, county, municipality, or other
1010 political subdivision of the state may not adopt laws, rules, or
1011 policies pertaining to broadcast burning, agricultural pile
1012 burning, and silvicultural pile burning unless an emergency
1013 order has been declared in accordance with s. 252.38(3).

1014 (b) The Florida Forest Service may delegate to a county or
1015 municipality its authority, as delegated by the Department of

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1016 Environmental Protection pursuant to ss. 403.061(28) and
 1017 403.081, to require and issue authorizations for the burning of
 1018 yard trash and debris from land-clearing operations in
 1019 accordance with s. 590.125(6).

1020 Section 39. Section 590.125, Florida Statutes, is amended
 1021 to read:

1022 590.125 Open burning authorized by the Florida Forest
 1023 Service division.-

1024 (1) DEFINITIONS.-As used in this section, the term:

1025 (a) "Certified pile burner" means an individual who
 1026 successfully completes the Florida Forest Service's pile burning
 1027 certification program and possesses a valid pile burner
 1028 certification number. ~~"Prescribed burning" means the controlled~~
 1029 ~~application of fire in accordance with a written prescription~~
 1030 ~~for vegetative fuels under specified environmental conditions~~
 1031 ~~while following appropriate precautionary measures that ensure~~
 1032 ~~that the fire is confined to a predetermined area to accomplish~~
 1033 ~~the planned fire or land-management objectives.~~

1034 (b) "Certified prescribed burn manager" means an individual
 1035 who successfully completes the certified prescribed burning
 1036 ~~certification~~ program of the Florida Forest Service division and
 1037 possesses a valid certification number.

1038 ~~(c) "Prescription" means a written plan establishing the~~
 1039 ~~criteria necessary for starting, controlling, and extinguishing~~
 1040 ~~a prescribed burn.~~

1041 ~~(c)-(d)~~ "Extinguished" means that no spreading flame for:

1042 1. Wild land burning or certified prescribed burning, and
 1043 no spreading flames ~~visible flame, smoke, or emissions for~~
 1044 ~~vegetative land-clearing debris burning, exist.~~

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1045 2. Vegetative land-clearing debris burning or pile burning,
1046 and no visible flames exist.

1047 3. Vegetative land-clearing debris burning or pile burning
1048 in an area designated as smoke sensitive by the Florida Forest
1049 Service and no visible flames, smoke, or emissions exist.

1050 (d) "Land-clearing operation" means the uprooting or
1051 clearing of vegetation in connection with the construction of
1052 buildings and rights-of-way, land development, and mineral
1053 operations. The term does not include the clearing of yard
1054 trash.

1055 (e) "Pile burning" means the burning of silvicultural,
1056 agricultural, or land-clearing and tree-cutting debris
1057 originating onsite, which is stacked together in a round or
1058 linear fashion, including, but not limited to, a windrow.

1059 (f) "Prescribed burning" means the controlled application
1060 of fire by broadcast burning in accordance with a written
1061 prescription for vegetative fuels under specified environmental
1062 conditions while following appropriate precautionary measures
1063 that ensure that the fire is confined to a predetermined area to
1064 accomplish the planned fire or land-management objectives.

1065 (g) "Prescription" means a written plan that establishes
1066 the criteria necessary for starting, controlling, and
1067 extinguishing a prescribed burn.

1068 (h) "Yard trash" means vegetative matter resulting from
1069 landscaping and yard maintenance operations and other such
1070 routine property-cleanup activities. The term includes materials
1071 such as leaves, shrub trimmings, grass clippings, brush, and
1072 palm fronds.

1073 (2) NONCERTIFIED BURNING.—

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1074 (a) Persons may be authorized to burn wild land or
1075 vegetative land-clearing debris in accordance with this
1076 subsection if:

1077 1. There is specific consent of the landowner or his or her
1078 designee;

1079 2. Authorization has been obtained from the Florida Forest
1080 Service ~~division~~ or its designated agent before starting the
1081 burn;

1082 3. There are adequate firebreaks at the burn site and
1083 sufficient personnel and firefighting equipment for the control
1084 of the fire;

1085 4. The fire remains within the boundary of the authorized
1086 area;

1087 5. An authorized person ~~Someone~~ is present at the burn site
1088 until the fire is extinguished;

1089 6. The Florida Forest Service ~~division~~ does not cancel the
1090 authorization; and

1091 7. The Florida Forest Service ~~division~~ determines that air
1092 quality and fire danger are favorable for safe burning.

1093 (b) A person who burns wild land or vegetative land-
1094 clearing debris in a manner that violates any requirement of
1095 this subsection commits a misdemeanor of the second degree,
1096 punishable as provided in s. 775.082 or s. 775.083.

1097 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1098 PURPOSE.—

1099 (a) The application of prescribed burning is a land
1100 management tool that benefits the safety of the public, the
1101 environment, and the economy of the state. The Legislature finds
1102 that:

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1103 1. Prescribed burning reduces vegetative fuels within wild
1104 land areas. Reduction of the fuel load reduces the risk and
1105 severity of wildfire, thereby reducing the threat of loss of
1106 life and property, particularly in urban areas.

1107 2. Most of Florida's natural communities require periodic
1108 fire for maintenance of their ecological integrity. Prescribed
1109 burning is essential to the perpetuation, restoration, and
1110 management of many plant and animal communities. Significant
1111 loss of the state's biological diversity will occur if fire is
1112 excluded from fire-dependent systems.

1113 3. Forestland and rangeland constitute significant
1114 economic, biological, and aesthetic resources of statewide
1115 importance. Prescribed burning on forestland prepares sites for
1116 reforestation, removes undesirable competing vegetation,
1117 expedites nutrient cycling, and controls or eliminates certain
1118 forest pathogens. On rangeland, prescribed burning improves the
1119 quality and quantity of herbaceous vegetation necessary for
1120 livestock production.

1121 4. The state purchased hundreds of thousands of acres of
1122 land for parks, preserves, wildlife management areas, forests,
1123 and other public purposes. The use of prescribed burning for
1124 management of public lands is essential to maintain the specific
1125 resource values for which these lands were acquired.

1126 5. A public education program is necessary to make citizens
1127 and visitors aware of the public safety, resource, and economic
1128 benefits of prescribed burning.

1129 6. Proper training in the use of prescribed burning is
1130 necessary to ensure maximum benefits and protection for the
1131 public.

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1132 7. As Florida's population continues to grow, pressures
1133 from liability issues and nuisance complaints inhibit the use of
1134 prescribed burning. Therefore, the division is urged to maximize
1135 the opportunities for prescribed burning conducted during its
1136 daytime and nighttime authorization process.

1137 (b) Certified prescribed burning pertains only to broadcast
1138 burning for purposes of silviculture, wildland fire hazard
1139 reduction, wildlife management, ecological maintenance and
1140 restoration, and range and pasture management. It must be
1141 conducted in accordance with this subsection and:

1142 1. May be accomplished only when a certified prescribed
1143 burn manager is present on site with a copy of the prescription
1144 from ignition of the burn to its completion.

1145 2. Requires that a written prescription be prepared before
1146 receiving authorization to burn from the Florida Forest Service
1147 ~~division~~.

1148 3. Requires that the specific consent of the landowner or
1149 his or her designee be obtained before requesting an
1150 authorization.

1151 4. Requires that an authorization to burn be obtained from
1152 the Florida Forest Service ~~division~~ before igniting the burn.

1153 5. Requires that there be adequate firebreaks at the burn
1154 site and sufficient personnel and firefighting equipment for the
1155 control of the fire.

1156 6. Is considered to be in the public interest and does not
1157 constitute a public or private nuisance when conducted under
1158 applicable state air pollution statutes and rules.

1159 7. Is considered to be a property right of the property
1160 owner if vegetative fuels are burned as required in this

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1161 subsection.

1162 (c) Neither a property owner nor his or her agent is liable
1163 pursuant to s. 590.13 for damage or injury caused by the fire or
1164 resulting smoke or considered to be in violation of subsection
1165 (2) for burns conducted in accordance with this subsection
1166 unless gross negligence is proven.

1167 (d) Any certified burner who violates this section commits
1168 a misdemeanor of the second degree, punishable as provided in s.
1169 775.082 or s. 775.083.

1170 (e) The Florida Forest Service ~~division~~ shall adopt rules
1171 for the use of prescribed burning and for certifying and
1172 decertifying certified prescribed burn managers based on their
1173 past experience, training, and record of compliance with this
1174 section.

1175 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1176 PURPOSE.-

1177 (a) Certified pile burning pertains to the disposal of
1178 piled, naturally occurring debris from an agricultural,
1179 silvicultural, or temporary land-clearing operation. A land-
1180 clearing operation is temporary if it operates for 6 months or
1181 less. Certified pile burning must be conducted in accordance
1182 with this subsection, and:

1183 1. A certified pile burner must ensure, before ignition,
1184 that the piles are properly placed and that the content of the
1185 piles is conducive to efficient burning.

1186 2. A certified pile burner must ensure that the piles are
1187 properly extinguished no later than 1 hour after sunset. If the
1188 burn is conducted in an area designated as smoke sensitive by
1189 the Florida Forest Service, a certified pile burner shall ensure

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1190 that the piles are properly extinguished at least 1 hour before
1191 sunset.

1192 3. A written pile burn plan must be prepared before
1193 receiving authorization from the Florida Forest Service to burn.

1194 4. The specific consent of the landowner or his or her
1195 agent must be obtained before requesting authorization to burn.

1196 5. An authorization to burn must be obtained from the
1197 Florida Forest Service or its designated agent before igniting
1198 the burn.

1199 6. There must be adequate firebreaks and sufficient
1200 personnel and firefighting equipment at the burn site to control
1201 the fire.

1202 (b) If a burn is conducted in accordance with this
1203 subsection, the property owner and his or her agent are not
1204 liable under s. 590.13 for damage or injury caused by the fire
1205 or resulting smoke, and are not in violation of subsection (2),
1206 unless gross negligence is proven.

1207 (c) A certified pile burner who violates this section
1208 commits a misdemeanor of the second degree, punishable as
1209 provided in s. 775.082 or s. 775.083.

1210 (d) The Florida Forest Service shall adopt rules regulating
1211 certified pile burning. The rules shall include procedures and
1212 criteria for certifying and decertifying certified pile burn
1213 managers based on past experience, training, and record of
1214 compliance with this section.

1215 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE FLORIDA
1216 FOREST SERVICE DIVISION.-The Florida Forest Service ~~division~~ may
1217 conduct fuel reduction initiatives, including, but not limited
1218 to, burning and mechanical and chemical treatment, on any area

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1219 of wild land within the state which is reasonably determined to
1220 be in danger of wildfire in accordance with the following
1221 procedures:

1222 (a) Describe the areas that will receive fuels treatment to
1223 the affected local governmental entity.

1224 (b) Publish a treatment notice, including a description of
1225 the area to be treated, in a conspicuous manner in at least one
1226 newspaper of general circulation in the area of the treatment
1227 not less than 10 days before the treatment.

1228 (c) Prepare, and send ~~the county tax collector shall~~
1229 ~~include with the annual tax statement,~~ a notice to be sent to
1230 all landowners in each area township designated by the Florida
1231 Forest Service division as a wildfire hazard area. The notice
1232 must describe particularly the area to be treated and the
1233 tentative date or dates of the treatment and must list the
1234 reasons for and the expected benefits from the wildfire hazard
1235 reduction.

1236 (d) Consider any landowner objections to the fuels
1237 treatment of his or her property. The landowner may apply to the
1238 State Forester director of the Florida Forest Service division
1239 for a review of alternative methods of fuel reduction on the
1240 property. If the State Forester director or his or her designee
1241 does not resolve the landowner objection, the State Forester
1242 ~~director~~ shall convene a panel made up of the local forestry
1243 unit manager, the fire chief of the jurisdiction, and the
1244 affected county or city manager, or any of their designees. If
1245 the panel's recommendation is not acceptable to the landowner,
1246 the landowner may request further consideration by the
1247 Commissioner of Agriculture or his or her designee and shall

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1248 thereafter be entitled to an administrative hearing pursuant to
1249 the provisions of chapter 120.

1250 (6) FLORIDA FOREST SERVICE APPROVAL OF LOCAL GOVERNMENT
1251 OPEN-BURNING-AUTHORIZATION PROGRAMS.-

1252 (a) A county or municipality may exercise the Florida
1253 Forest Service's authority, if delegated by the Florida Forest
1254 Service under this subsection, to issue authorizations for the
1255 burning of yard trash or debris from land-clearing operations. A
1256 county's or municipality's existing or proposed open-burning-
1257 authorization program must:

1258 1. Be approved by the Florida Forest Service. The Florida
1259 Forest Service may not approve a program if it fails to meet the
1260 requirements of subsections (2) and (4) and any rules adopted in
1261 accordance with those subsections.

1262 2. Provide by ordinance or local law the requirements for
1263 obtaining and performing a burn authorization that complies with
1264 subsections (2) and (4) and any rules adopted in accordance with
1265 those subsections.

1266 3. Provide for the enforcement of the program's
1267 requirements.

1268 4. Provide financial, personnel, and other resources needed
1269 to carry out the program.

1270 (b) If the Florida Forest Service determines that a
1271 county's or municipality's open-burning-authorization program
1272 does not comply with subsections (2) and (4) and any rules
1273 adopted in accordance with those subsections, the Florida Forest
1274 Service shall require the county or municipality to take
1275 necessary corrective actions within a reasonable period, not to
1276 exceed 90 days.

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1277 1. If the county or municipality fails to take the
1278 necessary corrective actions within the required period, the
1279 Florida Forest Service shall resume administration of the open-
1280 burning-authorization program in the county or municipality and
1281 the county or municipality shall cease administration of its
1282 program.

1283 2. Each county and municipality administering an open-
1284 burning-authorization program must cooperate with and assist the
1285 Florida Forest Service in carrying out the powers, duties, and
1286 functions of the Florida Forest Service.

1287 3. A person who violates the requirements of a county's or
1288 municipality's open-burning-authorization program, as provided
1289 by ordinance or local law enacted pursuant to this subsection,
1290 commits a violation of this chapter, punishable as provided in
1291 s. 590.14.

1292 (7)~~(5)~~ DUTIES OF AGENCIES.—The Department of Education
1293 shall incorporate, where feasible and appropriate, the issues of
1294 fuels treatment, including prescribed burning, into its
1295 educational materials.

1296 Section 40. Section 590.14, Florida Statutes, is amended to
1297 read:

1298 590.14 Notice of violation; penalties.—

1299 (1) If an ~~a~~ ~~division~~ employee of the Florida Forest Service
1300 determines that a person has violated chapter 589, or this
1301 chapter, or any rule adopted by the Florida Forest Service to
1302 administer provisions of law which confer duties upon the
1303 Florida Forest Service, the employee of the Florida Forest
1304 Service ~~he or she~~ may issue a notice of violation indicating the
1305 statute or rule violated. This notice shall ~~will~~ be filed with

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1306 the Florida Forest Service ~~division~~ and a copy forwarded to the
1307 appropriate law enforcement entity for further action if
1308 necessary.

1309 (2) In addition to any penalties provided by law, any
1310 person who causes a wildfire or permits any authorized fire to
1311 escape the boundaries of the authorization or to burn past the
1312 time of the authorization is liable for the payment of all
1313 reasonable costs and expenses incurred in suppressing the fire
1314 or \$150, whichever is greater. All costs and expenses incurred
1315 by the Florida Forest Service ~~division~~ shall be payable to the
1316 Florida Forest Service ~~division~~. When such costs and expenses
1317 are not paid within 30 days after demand, the Florida Forest
1318 Service ~~division~~ may take proper legal proceedings for the
1319 collection of the costs and expenses. Those costs incurred by an
1320 agency acting at the Florida Forest Service's ~~division's~~
1321 direction are recoverable by that agency.

1322 (3) The department may also impose an administrative fine,
1323 not to exceed \$1,000 per violation of any section of chapter 589
1324 or this chapter or violation of any rule adopted by the Florida
1325 Forest Service to administer provisions of law which confer
1326 duties upon the Florida Forest Service. The fine shall be based
1327 upon the degree of damage, the prior violation record of the
1328 person, and whether the person knowingly provided false
1329 information to obtain an authorization. The fines shall be
1330 deposited in the Incidental Trust Fund of the Florida Forest
1331 Service ~~division~~.

1332 (4) A person commits a misdemeanor of the second degree,
1333 punishable as provided in s. 775.082 or s. 775.083, if the
1334 person:

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1335 (a) Fails to comply with any rule or order adopted by the
1336 Florida Forest Service to administer provisions of law
1337 conferring duties upon the Florida Forest Service; or

1338 (b) Knowingly makes any false statement or representation
1339 in any application, record, plan, or other document required by
1340 this chapter or any rules adopted under this chapter.

1341 (5) It is the intent of the Legislature that a penalty
1342 imposed by a court under subsection (4) be of a severity that
1343 ensures immediate and continued compliance with this section.

1344 (6)~~(4)~~ The penalties provided in this section shall extend
1345 to both the actual violator and the person or persons, firm, or
1346 corporation causing, directing, or permitting the violation.

1347 Section 41. Subsection (4) of section 597.005, Florida
1348 Statutes, is repealed.

1349 Section 42. Subsection (2) of section 599.002, Florida
1350 Statutes, is amended to read:

1351 599.002 Viticulture Advisory Council.—

1352 (2) The meetings, powers and duties, procedures, and
1353 recordkeeping of the Viticulture Advisory Council,~~and per diem~~
1354 ~~and reimbursement of expenses of council members,~~ shall be
1355 governed by the provisions of s. 570.0705 relating to advisory
1356 committees established within the department.

1357 Section 43. Paragraph (a) of subsection (1) and subsection
1358 (3) of section 616.252, Florida Statutes, are amended to read:

1359 616.252 Florida State Fair Authority; membership; number,
1360 terms, compensation.—

1361 (1) (a) The authority shall be composed of 22 ~~21~~ members.
1362 The Commissioner of Agriculture, or her or his designee, shall
1363 serve as a voting member. There shall also be a member who is

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1364 the member of the Board of County Commissioners of Hillsborough
1365 County representing the county commission district in which the
1366 Florida State Fairgrounds is located, who shall serve as a
1367 voting member. There shall also be an appointed youth member who
1368 is an active member of the Florida Future Farmers of America or
1369 of a 4-H Club, and who shall serve as a nonvoting member. The
1370 Commissioner of Agriculture shall appoint each other member of
1371 the authority. Each member appointed by the Commissioner of
1372 Agriculture shall serve at the pleasure of the Commissioner of
1373 Agriculture. The term of each member appointed by the
1374 Commissioner of Agriculture shall be 4 years, but the term of
1375 the nonvoting youth member shall be for 1 year ~~except, to~~
1376 ~~provide staggered terms, 9 of the members shall be initially~~
1377 ~~appointed for a 2-year term and 10 of the members shall be~~
1378 ~~initially appointed for a 3-year term.~~ Members may be appointed
1379 for more than one term. Any vacancy shall be filled for the
1380 remainder of the unexpired term pursuant to the method provided
1381 in this section for appointment. Six of the members may be from
1382 Hillsborough County. The Commissioner of Agriculture shall
1383 appoint and set the compensation of an executive director. The
1384 executive director shall serve at the pleasure of the
1385 Commissioner of Agriculture.

1386 (3) Members of the authority are ~~shall~~ not be entitled to
1387 compensation for their services as members and may not, but
1388 ~~shall~~ be reimbursed for travel expenses. Except for the
1389 nonvoting youth member, each member as provided in s. 112.061
1390 ~~and~~ may be compensated for any special or full-time service
1391 performed in its behalf as officers or agents of the authority.

1392 Section 44. Paragraph (c) of subsection (2) of section

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1393 812.014, Florida Statutes, is amended to read:

1394 812.014 Theft.—

1395 (2)

1396 (c) It is grand theft of the third degree and a felony of
1397 the third degree, punishable as provided in s. 775.082, s.
1398 775.083, or s. 775.084, if the property stolen is:

1399 1. Valued at \$300 or more, but less than \$5,000.

1400 2. Valued at \$5,000 or more, but less than \$10,000.

1401 3. Valued at \$10,000 or more, but less than \$20,000.

1402 4. A will, codicil, or other testamentary instrument.

1403 5. A firearm.

1404 6. A motor vehicle, except as provided in paragraph (a).

1405 7. Any commercially farmed animal, including any animal of
1406 the equine, bovine, or swine class, or other grazing animal,
1407 including bee colonies of registered bee keepers and including
1408 aquaculture species raised at a certified aquaculture facility.
1409 If the property stolen is aquaculture species raised at a
1410 certified aquaculture facility, then a \$10,000 fine shall be
1411 imposed.

1412 8. Any fire extinguisher.

1413 9. Any amount of citrus fruit consisting of 2,000 or more
1414 individual pieces of fruit.

1415 10. Taken from a designated construction site identified by
1416 the posting of a sign as provided for in s. 810.09(2)(d).

1417 11. Any stop sign.

1418 12. Anhydrous ammonia.

1419

1420 However, if the property is stolen within a county that is
1421 subject to a state of emergency declared by the Governor under

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1422 chapter 252, the property is stolen after the declaration of
1423 emergency is made, and the perpetration of the theft is
1424 facilitated by conditions arising from the emergency, the
1425 offender commits a felony of the second degree, punishable as
1426 provided in s. 775.082, s. 775.083, or s. 775.084, if the
1427 property is valued at \$5,000 or more, but less than \$10,000, as
1428 provided under subparagraph 2., or if the property is valued at
1429 \$10,000 or more, but less than \$20,000, as provided under
1430 subparagraph 3. As used in this paragraph, the term "conditions
1431 arising from the emergency" means civil unrest, power outages,
1432 curfews, voluntary or mandatory evacuations, or a reduction in
1433 the presence of or the response time for first responders or
1434 homeland security personnel. For purposes of sentencing under
1435 chapter 921, a felony offense that is reclassified under this
1436 paragraph is ranked one level above the ranking under s.
1437 921.0022 or s. 921.0023 of the offense committed.

1438 Section 45. Paragraphs (f) and (g) of subsection (1) of
1439 section 812.015, Florida Statutes, are amended to read:

1440 812.015 Retail and farm theft; transit fare evasion;
1441 mandatory fine; alternative punishment; detention and arrest;
1442 exemption from liability for false arrest; resisting arrest;
1443 penalties.—

1444 (1) As used in this section:

1445 (f) "Farmer" means a person who is engaging in the growing
1446 or producing of farm produce, milk products, honey, eggs, or
1447 meat, either part time or full time, for personal consumption or
1448 for sale and who is the owner or lessee of the land or a person
1449 designated in writing by the owner or lessee to act as her or
1450 his agent. No person defined as a farm labor contractor pursuant

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1451 to s. 450.28 shall be designated to act as an agent for purposes
1452 of this section.

1453 (g) "Farm theft" means the unlawful taking possession of
1454 any items that are grown or produced on land owned, rented, or
1455 leased by another person. The term also includes equipment and
1456 associated materials used to grow or produce farm products as
1457 defined in s. 823.14(3)(c).

1458 Section 46. This act shall take effect October 1, 2011.