

By the Committees on Budget Subcommittee on General Government  
Appropriations; Agriculture; and Agriculture

601-04502-11

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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. 20.14, F.S.; deleting  
4           the Division of Dairy within the Department of  
5           Agriculture and Consumer Services; amending s.  
6           193.461, F.S.; redefining the term "agricultural  
7           purposes" as it relates to agricultural lands;  
8           amending s. 215.981, F.S.; exempting certain direct-  
9           support organizations and citizen support  
10          organizations for the Department of Agriculture and  
11          Consumer Services from obtaining an independent audit;  
12          amending s. 253.02, F.S.; providing for the grantee of  
13          easements for electrical transmission to pay the lead  
14          manager of the state-owned lands or, when there is no  
15          lead manager, the Department of Environmental  
16          Protection, if suitable replacement uplands cannot be  
17          identified; amending s. 261.04, F.S.; deleting  
18          provisions related to per diem and travel expenses for  
19          members of the Off-Highway Vehicle Recreation Advisory  
20          Committee within the Division of Forestry; amending s.  
21          482.051, F.S.; providing rule changes that allow  
22          operators to provide certain emergency notice to the  
23          Department of Agriculture and Consumer Services by  
24          facsimile or electronic means; amending s. 482.071,  
25          F.S.; increasing the minimum insurance coverage for  
26          bodily injury and property damage required for pest  
27          control businesses; creating s. 482.072, F.S.;  
28          providing for licensure by the department of pest  
29          control customer contact centers; providing

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30 application requirements; providing for fees,  
31 licensure renewal, penalties, licensure expiration,  
32 and transfer of licenses; requiring the department to  
33 adopt rules; providing for disciplinary action;  
34 creating s. 482.157, F.S.; providing for the  
35 certification of commercial wildlife trappers;  
36 providing requirements for certification, examination,  
37 and fees; limiting the scope of work permitted by  
38 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 or orders of the Fish and  
44 Wildlife Conservation Commission; amending s. 482.226,  
45 F.S.; increasing the minimum financial responsibility  
46 requirements for licensees that perform wood-  
47 destroying organism inspections; amending s. 482.243,  
48 F.S.; deleting provisions relating to reimbursement  
49 for expenses for members of the Pest Control  
50 Enforcement Advisory Council within the department;  
51 amending s. 487.041, F.S.; providing that  
52 registration, supplemental, and late fees related to  
53 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 references 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 existing ordinances  
82 regulating the sale of urban turf fertilizers;  
83 revising the powers and duties of the department  
84 regarding pollution control and the prevention of  
85 wildfires; amending s. 570.0705, F.S.; deleting  
86 provisions relating to per diem and travel expenses  
87 for members of any advisory committee that the

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88 Commissioner of Agriculture may appoint; amending s.  
89 570.074, F.S.; revising the name of the Office of  
90 Water Coordination to the Office of Energy and Water;  
91 amending s. 570.18, F.S.; conforming provisions to  
92 changes made by the act; amending s. 570.23, F.S.;  
93 deleting provisions relating to per diem and travel  
94 expenses for members of the State Agricultural  
95 Advisory Council within the department; repealing s.  
96 570.29(6), F.S., relating to the Division of Dairy  
97 Industry within the department; amending s. 570.38,  
98 F.S.; deleting provisions relating to per diem and  
99 travel expenses for members of the Animal Industry  
100 Technical Council within the department; amending s.  
101 570.382, F.S.; deleting provisions relating to per  
102 diem and travel expenses for members of the Arabian  
103 Horse Council within the department; repealing s.  
104 570.40, F.S., relating to the powers and duties of the  
105 Division of Dairy within the department; repealing s.  
106 570.41, F.S., relating to the qualifications and  
107 duties of the Director of the Division of Dairy within  
108 the department; amending s. 570.42, F.S.; deleting  
109 provisions relating to per diem and travel expenses  
110 for members of the Dairy Industry Technical Council  
111 within the department; amending s. 570.50, F.S.;  
112 requiring the Division of Food Safety within the  
113 department to inspect dairy farms and enforce the  
114 provisions of ch. 502, F.S.; requiring the Division of  
115 Food Safety to inspect milk plants, milk product  
116 plants, and plants engaged in the manufacture and

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

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146 diem and travel expenses for members of the Honeybee  
147 Technical Council within the department; amending s.  
148 590.015, F.S.; defining the terms "department," "open  
149 burning," and "broadcast burning" as they relate to  
150 forest protection; redefining the term "fire  
151 management services"; amending s. 590.02, F.S.;  
152 authorizing forest-operations administrators to be  
153 certified as forestry firefighters; authorizing the  
154 Department of Agriculture and Consumer Services to  
155 have exclusive authority over the Florida Building  
156 Code as it pertains to wildfire and law enforcement  
157 facilities under the jurisdiction of the department;  
158 authorizing the department to retain, transfer,  
159 warehouse, bid, destroy, scrap, or dispose of surplus  
160 equipment and vehicles used for wildland firefighting;  
161 authorizing the department to retain any moneys  
162 received from the disposition of state-owned equipment  
163 and vehicles used for wildland firefighting; providing  
164 that moneys received may be used for the acquisition  
165 of exchange and surplus equipment used for wildland  
166 firefighting and all necessary operating expenditures  
167 related to the equipment; requiring the department to  
168 maintain records of the accounts into which the money  
169 is deposited; giving the Division of Forestry  
170 exclusive authority to require and issue  
171 authorizations for broadcast burning, agricultural  
172 pile burning, and silvicultural pile burning;  
173 preempting other governmental entities from adopting  
174 laws, rules, or policies pertaining to broadcast

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175 burning, agricultural pile burning, or silvicultural  
176 pile burning unless an emergency order has been  
177 declared; authorizing the department to delegate its  
178 authority to a county or municipality to issue  
179 authorizations for the burning of yard trash and  
180 debris from land clearing operations; amending s.  
181 590.125, F.S.; defining and redefining terms relating  
182 to open-burning authorizations by the division;  
183 specifying purposes of certified prescribed burning;  
184 requiring the authorization of the division for  
185 certified pile burning; providing pile burning  
186 requirements; limiting the liability of property  
187 owners or agents engaged in pile burning; providing  
188 penalties for violations by certified pile burners;  
189 requiring the division to adopt rules to regulate  
190 certified pile burning; revising notice requirements  
191 for wildfire hazard reduction treatments; providing  
192 for approval of local governments' open-burning-  
193 authorization programs; providing program  
194 requirements; authorizing the division to resume  
195 administration of a local government's program under  
196 certain circumstances; providing penalties for  
197 violations of a local government's open-burning  
198 requirements; amending s. 590.14, F.S.; authorizing an  
199 employee of the division to issue a notice of  
200 violation for any rule adopted by the division;  
201 authorizing the department to impose an administrative  
202 fine for a violation of any rule adopted by the  
203 division; providing a criminal penalty; providing

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204 legislative intent; repealing s. 597.005(4), F.S.,  
205 deleting provisions relating to per diem and travel  
206 expenses for members of the Aquaculture Review Council  
207 within the department; amending s. 599.002, F.S.;  
208 deleting provisions relating to per diem and travel  
209 expenses for members of the Viticulture Advisory  
210 Council within the department; amending s. 616.17,  
211 F.S.; providing immunity from liability for damages  
212 resulting from exhibits and concessions at public  
213 fairs; providing exceptions for immunity from  
214 liability; amending s. 616.252, F.S.; providing for  
215 the appointment of a youth member to serve on the  
216 Florida State Fair Authority as a nonvoting member;  
217 providing a term of service for the youth member of  
218 the Florida State Fair Authority; prohibiting  
219 reimbursement for travel expenses for members of the  
220 Florida State Fair Authority; excluding the youth  
221 member from compensation for special or full-time  
222 service performed on behalf of the authority; amending  
223 s. 812.014, F.S.; providing that it is a grand theft  
224 of the third degree and a felony of the third degree  
225 if bee colonies of a registered bee keeper are stolen;  
226 amending s. 812.015, F.S.; redefining the term  
227 "farmer" as it relates to a person who grows or  
228 produces honey; redefining the term "farm theft" to  
229 include the unlawful taking possession of equipment  
230 and associated materials used to grow or produce farm  
231 products; providing an effective date.  
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233 Be It Enacted by the Legislature of the State of Florida:

234

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

237 20.14 Department of Agriculture and Consumer Services.—  
 238 There is created a Department of Agriculture and Consumer  
 239 Services.

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

- 242 (a) Administration.
- 243 (b) Agricultural Environmental Services.
- 244 (c) Animal Industry.
- 245 (d) Aquaculture.
- 246 (e) Consumer Services.
- 247 ~~(f) Dairy Industry.~~
- 248 (f) ~~(g)~~ Food Safety.
- 249 (g) ~~(h)~~ Forestry.
- 250 (h) ~~(i)~~ Fruit and Vegetables.
- 251 (i) ~~(j)~~ Licensing.
- 252 (j) ~~(k)~~ Marketing and Development.
- 253 (k) ~~(l)~~ Plant Industry.
- 254 (l) ~~(m)~~ Standards.

255 Section 2. Subsection (5) of section 193.461, Florida  
 256 Statutes, as amended by section 1 of chapter 2010-277, Laws of  
 257 Florida, is amended to read:

258 193.461 Agricultural lands; classification and assessment;  
 259 mandated eradication or quarantine program.—

260 (5) For the purpose of this section, "agricultural  
 261 purposes" includes, but is not limited to, horticulture;

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262 floriculture; viticulture; forestry; dairy; livestock; poultry;  
263 bee; pisciculture, when the land is used principally for the  
264 production of tropical fish; aquaculture; sod farming; and all  
265 forms of farm products, as defined in s. 823.14(3)(c), and farm  
266 production.

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 forest-management objectives, parcels identified as inholdings  
348 and additions to public lands, and lands on a Florida Forever

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349 land acquisition list.

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

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

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

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

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

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

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378 confirmation providing the required information.

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

381 482.071 Licenses.—

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

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

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

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

397 482.072 Customer contact centers for pest control  
398 business.—

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

405 (2) (a) Before operating a customer contact center, and  
406 biennially thereafter, a pest control business shall apply to

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407 the department for a license under this chapter, or a renewal  
408 thereof, for each location of a customer contact center, on or  
409 before an anniversary date set by the department for the  
410 location of the customer contact center. An application must be  
411 submitted in the format prescribed by the department.

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

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

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

434 (e) The department may not issue or renew a license to  
435 operate a customer contact center unless the licensee for the

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436 pest control business for which the center solicits business is  
437 owned in common by a person or business entity recognized by  
438 this state.

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

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

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

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

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

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

464 2. A licensee of a pest control business may be subject to



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465 disciplinary action under s. 482.161 for a violation that is  
466 committed by a person who solicits pest control services or  
467 provides customer service in a customer contact center operated  
468 by a licensee if the licensee participates in the violation.

469 Section 9. Section 482.157, Florida Statutes, is created to  
470 read:

471 482.157 Limited certification for commercial wildlife  
472 management personnel.-

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

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

492 (3) An application for recertification must be made  
493 annually and be accompanied by a recertification fee of at least

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494 \$75, but not more than \$150, as established by rule. The  
495 application must also be accompanied by proof of completion of  
496 four classroom hours of acceptable continuing education and  
497 proof of insurance. The department shall assess a late fee of  
498 \$50, in addition to the renewal fee, after a grace period not  
499 exceeding 30 calendar days after the recertification renewal  
500 date. A certificate automatically expires 180 calendar days  
501 after the recertification date if the renewal fee has not been  
502 paid. After expiration, the department shall issue a new  
503 certificate if the applicant successfully passes the examination  
504 and pays the renewal fee and late fee.

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

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

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

510 (c) Supervision of an uncertified person using nonchemical  
511 methods to control rodents.

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

515 (6) The provisions of this chapter do not exempt any person  
516 from the rules or orders of the Fish and Wildlife Conservation  
517 Commission.

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

520 482.226 Wood-destroying organism inspection report; notice  
521 of inspection or treatment; financial responsibility.—

522 (6) Any licensee that performs wood-destroying organism

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523 inspections in accordance with subsection (1) must meet minimum  
524 financial responsibility in the form of errors and omissions  
525 (professional liability) insurance coverage or bond in an amount  
526 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000  
527 ~~\$25,000~~ per occurrence, or demonstrate that the licensee has  
528 equity or net worth of no less than \$500,000 ~~\$100,000~~ as  
529 determined by generally accepted accounting principles  
530 substantiated by a certified public accountant's review or  
531 certified audit. The licensee must show proof of meeting this  
532 requirement at the time of license application or renewal  
533 thereof.

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

536 482.243 Pest Control Enforcement Advisory Council.—

537 (6) The meetings, powers and duties, procedures, and  
538 recordkeeping, ~~and reimbursement of expenses of members of the~~  
539 ~~council~~ shall be in accordance with the provisions of s.  
540 570.0705 relating to advisory committees established within the  
541 department.

542 Section 12. Paragraph (a) of subsection (1) of section  
543 487.041, Florida Statutes, is amended, and paragraphs (h), (i),  
544 and (j) are added to that subsection, to read:

545 487.041 Registration.—

546 (1) (a) Effective January 1, 2009, each brand of pesticide,  
547 as defined in s. 487.021, which is distributed, sold, or offered  
548 for sale, except as provided in this section, within this state  
549 or delivered for transportation or transported in intrastate  
550 commerce or between points within this state through any point  
551 outside this state must be registered in the office of the

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552 department, and such registration shall be renewed biennially.  
553 Emergency exemptions from registration may be authorized in  
554 accordance with the rules of the department. The registrant  
555 shall file with the department a statement including:

556 1. The name, business mailing address, and street address  
557 of the registrant.

558 2. The name of the brand of pesticide.

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

567 (h) All registration fees, including supplemental fees and  
568 late fees, are nonrefundable.

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

578 (j) Effective January 1, 2013, all payments of any  
579 pesticide-registration fees, including supplemental fees and  
580 late fees, shall be submitted electronically using the

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581 department's website to register a brand of a pesticide product.

582 Section 13. Subsection (5) of section 487.0615, Florida  
583 Statutes, is amended to read:

584 487.0615 Pesticide Review Council.—

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

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

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

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

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

607 527.22 Florida Propane Gas Education, Safety, and Research  
608 Council established; membership; duties and responsibilities.—

609 (5) Council members shall receive no compensation or

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610 honorarium for their services, ~~and are authorized to receive~~  
611 ~~only per diem and reimbursement for travel expenses as provided~~  
612 ~~in s. 112.061.~~

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

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

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

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

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

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

627 (a) Fruit and vegetable inspection and grading;

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

629 (c) Registration, labeling, inspection, sale, composition,  
630 formulation, including nutrient content and release rates,  
631 distribution, and analysis of commercial stock feeds and  
632 commercial fertilizers;

633 (d) Classification, inspection, and sale of poultry and  
634 eggs;

635 (e) Registration, inspection, and analysis of gasolines and  
636 oils;

637 (f) Registration, labeling, inspection, and analysis of  
638 pesticides;

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- 639 (g) Registration, labeling, inspection, germination  
640 testing, and sale of seeds, both common and certified;  
641 (h) Weights, measures, and standards;  
642 (i) Foods, as set forth in the Florida Food Safety Act;  
643 (j) Inspection and certification of honey;  
644 (k) Sale of liquid fuels;  
645 (l) Licensing of dealers in agricultural products;  
646 (m) Administration and enforcement of all regulatory  
647 legislation applying to milk and milk products, ice cream, and  
648 frozen desserts;  
649 (n) Recordation and inspection of marks and brands of  
650 livestock; and  
651 (o) All other regulatory laws relating to agriculture.

652  
653 In order to ensure uniform health and safety standards, the  
654 adoption of standards and fines in the subject areas of  
655 paragraphs (a)-(n) is expressly preempted to the state and the  
656 department. Any local government enforcing the subject areas of  
657 paragraphs (a)-(n) must use the standards and fines set forth in  
658 the pertinent statutes or any rules adopted by the department  
659 pursuant to those statutes. A county that has adopted an  
660 ordinance regulating the sale of urban turf fertilizer before  
661 January 1, 2011, is not subject to paragraph (c). If the county  
662 amends or changes any portion of the ordinance after January 1,  
663 2011, the provisions of paragraph (c) apply.

664 (28) For the purpose of pollution control and the  
665 prevention of wildfires ~~purposes~~, to regulate open burning  
666 connected with rural land-clearing, agricultural, or forestry  
667 operations, ~~except fires for cold or frost protection.~~

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668 Section 18. Subsection (9) of section 570.0705, Florida  
669 Statutes, is amended to read:

670 570.0705 Advisory committees.—From time to time the  
671 commissioner may appoint any advisory committee to assist the  
672 department with its duties and responsibilities.

673 (9) Members of each advisory committee shall receive no  
674 compensation for their services, ~~but shall be entitled to~~  
675 ~~reimbursement for per diem and travel expenses as provided in s.~~  
676 ~~112.061.~~

677 Section 19. Section 570.074, Florida Statutes, is amended  
678 to read:

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

690 Section 20. Section 570.18, Florida Statutes, is amended to  
691 read:

692 570.18 Organization of departmental work.—In the assignment  
693 of functions to the ~~12~~ divisions of the department created in s.  
694 570.29, the department shall retain within the Division of  
695 Administration, in addition to executive functions, those powers  
696 and duties enumerated in s. 570.30. The department shall



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697 organize the work of the other ~~11~~ divisions in such a way as to  
698 secure maximum efficiency in the conduct of the department. The  
699 divisions created in s. 570.29 are solely to make possible the  
700 definite placing of responsibility. The department shall be  
701 conducted as a unit in which every employee, including each  
702 division director, is assigned a definite workload, and there  
703 shall exist between division directors a spirit of cooperative  
704 effort to accomplish the work of the department.

705 Section 21. Subsection (2) of section 570.23, Florida  
706 Statutes, is amended to read:

707 570.23 State Agricultural Advisory Council.—

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

714 Section 22. Subsection (6) of section 570.29, Florida  
715 Statutes, is repealed.

716 Section 23. Subsection (2) of section 570.38, Florida  
717 Statutes, is amended to read:

718 570.38 Animal Industry Technical Council.—

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

725 Section 24. Paragraph (d) of subsection (3) of section

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726 570.382, Florida Statutes, is amended to read:

727 570.382 Arabian horse racing; breeders' and stallion  
728 awards; Arabian Horse Council; horse registration fees; Florida  
729 Arabian Horse Racing Promotion Account.—

730 (3) ARABIAN HORSE COUNCIL.—

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

735 Section 25. Section 570.40, Florida Statutes, is repealed.

736 Section 26. Section 570.41, Florida Statutes, is repealed.

737 Section 27. Subsection (2) of section 570.42, Florida  
738 Statutes, is amended to read:

739 570.42 Dairy Industry Technical Council.—

740 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
741 COMPENSATION.—The meetings, powers and duties, procedures, and  
742 recordkeeping of the Dairy Industry Technical Council, ~~and per~~  
743 ~~diem and reimbursement of expenses of council members,~~ shall be  
744 governed by the provisions of s. 570.0705 relating to advisory  
745 committees established within the department.

746 Section 28. Subsections (6) and (7) are added to section  
747 570.50, Florida Statutes, to read:

748 570.50 Division of Food Safety; powers and duties.—The  
749 duties of the Division of Food Safety include, but are not  
750 limited to:

751 (6) Inspecting dairy farms of the state, enforcing those  
752 provisions of chapter 502 which are authorized by the department  
753 and related to the supervision of milking operations, and  
754 enforcing rules adopted under such provisions.

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755       (7) Inspecting milk plants, milk product plants, and plants  
756 engaged in the manufacture and distribution of frozen desserts  
757 and frozen dessert mixes; analyzing and testing samples of milk,  
758 milk products, frozen desserts, and frozen dessert mixes  
759 collected by it; and enforcing those provisions of chapters 502  
760 and 503 which are authorized by the department.

761       Section 29. Subsection (2) of section 570.543, Florida  
762 Statutes, is amended to read:

763       570.543 Florida Consumers' Council.—The Florida Consumers'  
764 Council in the department is created to advise and assist the  
765 department in carrying out its duties.

766       (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS~~+~~  
767 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
768 recordkeeping of the Florida Consumers' Council, ~~and per diem~~  
769 ~~and reimbursement of expenses of council members,~~ shall be  
770 governed by the provisions of s. 570.0705 relating to advisory  
771 committees established within the department. The council  
772 members or chair may call no more than two meetings.

773       Section 30. Subsection (3) of section 570.954, Florida  
774 Statutes, is repealed.

775       Section 31. Subsection (2) of section 571.28, Florida  
776 Statutes, is amended to read:

777       571.28 Florida Agricultural Promotional Campaign Advisory  
778 Council.—

779       (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS~~+~~  
780 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
781 recordkeeping of the Florida Agricultural Promotional Campaign  
782 Advisory Council, ~~and per diem and reimbursement of expenses of~~  
783 ~~council members,~~ shall be governed by the provisions of s.

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784 570.0705 relating to advisory committees established within the  
785 department.

786 Section 32. Subsection (6) of section 573.112, Florida  
787 Statutes, as amended by section 11 of chapter 2010-227, Laws of  
788 Florida, is amended to read:

789 573.112 Advisory council.—

790 (6) No member or alternate member of the council shall  
791 receive a salary, ~~but shall be reimbursed for travel expenses~~  
792 ~~while on council business as provided in s. 112.061.~~ The  
793 department may employ necessary personnel, including  
794 professional and technical services personnel, and fix their  
795 compensation and terms of employment and may incur expenses to  
796 be paid from moneys collected as herein provided.

797 Section 33. Subsection (3) of section 576.091, Florida  
798 Statutes, is amended to read:

799 576.091 Fertilizer Technical Council.—

800 (3) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
801 REIMBURSEMENTS.—The meetings, powers and duties, procedures, and  
802 recordkeeping, ~~and reimbursement of expenses of members and~~  
803 ~~alternate members of the council~~ shall be in accordance with the  
804 provisions of s. 570.0705 relating to advisory committees  
805 established within the department.

806 Section 34. Subsection (2) of section 580.151, Florida  
807 Statutes, is amended to read:

808 580.151 Commercial Feed Technical Council.—

809 (2) POWERS AND DUTIES; PROCEDURES; RECORDS; ~~COMPENSATION~~.—  
810 The meetings, powers and duties, procedures, and recordkeeping  
811 of the Commercial Feed Technical Council, ~~and per diem and~~  
812 ~~reimbursement of expenses of council members,~~ shall be governed

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813 by the provisions of s. 570.0705 relating to advisory committees  
814 established within the department.

815 Section 35. Subsection (2) of section 581.186, Florida  
816 Statutes, is amended to read:

817 581.186 Endangered Plant Advisory Council; organization;  
818 meetings; powers and duties.—

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

825 Section 36. Subsection (3) of section 586.161, Florida  
826 Statutes, is amended to read:

827 586.161 Honeybee Technical Council.—

828 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;  
829 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
830 recordkeeping of the Honeybee Technical Council, ~~and per diem~~  
831 ~~and reimbursement of expenses of council members,~~ shall be  
832 governed by the provisions of s. 570.0705 relating to advisory  
833 committees established within the department.

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

836 590.015 Definitions.—As used in this chapter, the term:

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

841 (2) ~~(1)~~ "Department Division" means the Division of Forestry

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842 of the Department of Agriculture and Consumer Services.

843 (3)~~(2)~~ "Fire management services" means presuppression  
844 fireline plowing, prescribed burning assistance, contract  
845 prescribed burning, prescribed and wildfire management training,  
846 and other activities associated with prevention, detection, and  
847 suppression of wildfires.

848 (4)~~(3)~~ "Fuel reduction" means the application of techniques  
849 that reduce vegetative fuels, and may include prescribed  
850 burning, manual and mechanical clearing, and the use of  
851 herbicides.

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

854 (6)~~(4)~~ "Wildfire" means any vegetative fire that threatens  
855 to destroy life, property, or natural resources.

856 (7)~~(5)~~ "Wild land" means any public or private managed or  
857 unmanaged forest, urban/interface, pasture or range land,  
858 recreation lands, or any other land at risk of wildfire.

859 Section 38. Subsections (1) and (4) of section 590.02,  
860 Florida Statutes, are amended, and subsections (9) and (10) are  
861 added to that section to read:

862 590.02 Division powers, authority, and duties; liability;  
863 building structures; Florida Center for Wildfire and Forest  
864 Resources Management Training.—

865 (1) The division has the following powers, authority, and  
866 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 division and its designated agents;

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

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

892 (f) To make rules to accomplish the purposes of this  
893 chapter;

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

899 (h) To require all state, regional, and local government

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900 agencies operating aircraft in the vicinity of an ongoing  
901 wildfire to operate in compliance with the applicable state  
902 Wildfire Aviation Plan.

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

908 (b) Notwithstanding s. 553.80(1), the Florida Building Code  
909 as it pertains to wildfire and law enforcement facilities under  
910 the jurisdiction of the department shall be enforced exclusively  
911 by the department.

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

916 (b) All money received from the disposition of state-owned  
917 equipment and vehicles that are used for wildland firefighting  
918 shall be retained by the department. Money received pursuant to  
919 this section is appropriated for and may be disbursed for the  
920 acquisition of exchange and surplus equipment used for wildland  
921 firefighting, and for all necessary operating expenditures  
922 related to such equipment, in the same fiscal year and the  
923 fiscal year following the disposition. The department shall  
924 maintain records of the accounts into which the money is  
925 deposited.

926 (10) (a) The division has exclusive authority to require and  
927 issue authorizations for broadcast burning, agricultural pile  
928 burning, and silvicultural pile burning. An agency, commission,



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929 department, county, municipality, or other political subdivision  
930 of the state may not adopt laws, rules, or policies pertaining  
931 to broadcast burning, agricultural pile burning, and  
932 silvicultural pile burning unless an emergency order has been  
933 declared in accordance with s. 252.38(3).

934 (b) The division may delegate to a county or municipality  
935 its authority, as delegated by the Department of Environmental  
936 Protection pursuant to ss. 403.061(28) and 403.081, to require  
937 and issue authorizations for the burning of yard trash and  
938 debris from land-clearing operations in accordance with s.  
939 590.125(6).

940 Section 39. Section 590.125, Florida Statutes, is amended  
941 to read:

942 590.125 Open burning authorized by the division.—

943 (1) DEFINITIONS.—As used in this section, the term:

944 (a) “Certified pile burner” means an individual who  
945 successfully completes the division’s pile burning certification  
946 program and possesses a valid pile burner certification number.  
947 ~~“Prescribed burning” means the controlled application of fire in~~  
948 ~~accordance with a written prescription for vegetative fuels~~  
949 ~~under specified environmental conditions while following~~  
950 ~~appropriate precautionary measures that ensure that the fire is~~  
951 ~~confined to a predetermined area to accomplish the planned fire~~  
952 ~~or land-management objectives.~~

953 (b) “Certified prescribed burn manager” means an individual  
954 who successfully completes the certified prescribed burning  
955 ~~certification~~ program of the division and possesses a valid  
956 certification number.

957 ~~(c) “Prescription” means a written plan establishing the~~

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958 ~~criteria necessary for starting, controlling, and extinguishing~~  
959 ~~a prescribed burn.~~

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

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

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

966 3. Vegetative land-clearing debris burning or pile burning  
967 in an area designated as smoke-sensitive by the division and no  
968 visible flames, smoke, or emissions exist.

969 (d) "Land-clearing operation" means the uprooting or  
970 clearing of vegetation in connection with the construction of  
971 buildings and rights-of-way, land development, and mineral  
972 operations. The term does not include the clearing of yard  
973 trash.

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

978 (f) "Prescribed burning" means the controlled application  
979 of fire by broadcast burning in accordance with a written  
980 prescription for vegetative fuels under specified environmental  
981 conditions while following appropriate precautionary measures  
982 that ensure that the fire is confined to a predetermined area to  
983 accomplish the planned fire or land-management objectives.

984 (g) "Prescription" means a written plan that establishes  
985 the criteria necessary for starting, controlling, and  
986 extinguishing a prescribed burn.

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987       (h) "Yard trash" means vegetative matter resulting from  
988 landscaping and yard maintenance operations and other such  
989 routine property-cleanup activities. The term includes materials  
990 such as leaves, shrub trimmings, grass clippings, brush, and  
991 palm fronds.

992       (2) NONCERTIFIED BURNING.—

993       (a) Persons may be authorized to burn wild land or  
994 vegetative land-clearing debris in accordance with this  
995 subsection if:

996           1. There is specific consent of the landowner or his or her  
997 designee;

998           2. Authorization has been obtained from the division or its  
999 designated agent before starting the burn;

1000           3. There are adequate firebreaks at the burn site and  
1001 sufficient personnel and firefighting equipment for the control  
1002 of the fire;

1003           4. The fire remains within the boundary of the authorized  
1004 area;

1005           5. An authorized person ~~Someone~~ is present at the burn site  
1006 until the fire is extinguished;

1007           6. The division does not cancel the authorization; and

1008           7. The division determines that air quality and fire danger  
1009 are favorable for safe burning.

1010       (b) A person who burns wild land or vegetative land-  
1011 clearing debris in a manner that violates any requirement of  
1012 this subsection commits a misdemeanor of the second degree,  
1013 punishable as provided in s. 775.082 or s. 775.083.

1014       (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
1015 PURPOSE.—

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1016 (a) The application of prescribed burning is a land  
1017 management tool that benefits the safety of the public, the  
1018 environment, and the economy of the state. The Legislature finds  
1019 that:

1020 1. Prescribed burning reduces vegetative fuels within wild  
1021 land areas. Reduction of the fuel load reduces the risk and  
1022 severity of wildfire, thereby reducing the threat of loss of  
1023 life and property, particularly in urban areas.

1024 2. Most of Florida's natural communities require periodic  
1025 fire for maintenance of their ecological integrity. Prescribed  
1026 burning is essential to the perpetuation, restoration, and  
1027 management of many plant and animal communities. Significant  
1028 loss of the state's biological diversity will occur if fire is  
1029 excluded from fire-dependent systems.

1030 3. Forestland and rangeland constitute significant  
1031 economic, biological, and aesthetic resources of statewide  
1032 importance. Prescribed burning on forestland prepares sites for  
1033 reforestation, removes undesirable competing vegetation,  
1034 expedites nutrient cycling, and controls or eliminates certain  
1035 forest pathogens. On rangeland, prescribed burning improves the  
1036 quality and quantity of herbaceous vegetation necessary for  
1037 livestock production.

1038 4. The state purchased hundreds of thousands of acres of  
1039 land for parks, preserves, wildlife management areas, forests,  
1040 and other public purposes. The use of prescribed burning for  
1041 management of public lands is essential to maintain the specific  
1042 resource values for which these lands were acquired.

1043 5. A public education program is necessary to make citizens  
1044 and visitors aware of the public safety, resource, and economic

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1045 benefits of prescribed burning.

1046         6. Proper training in the use of prescribed burning is  
1047 necessary to ensure maximum benefits and protection for the  
1048 public.

1049         7. As Florida's population continues to grow, pressures  
1050 from liability issues and nuisance complaints inhibit the use of  
1051 prescribed burning. Therefore, the division is urged to maximize  
1052 the opportunities for prescribed burning conducted during its  
1053 daytime and nighttime authorization process.

1054         (b) Certified prescribed burning pertains only to broadcast  
1055 burning for purposes of silviculture, wildland fire hazard  
1056 reduction, wildlife management, ecological maintenance and  
1057 restoration, and range and pasture management. It must be  
1058 conducted in accordance with this subsection and:

1059             1. May be accomplished only when a certified prescribed  
1060 burn manager is present on site with a copy of the prescription  
1061 from ignition of the burn to its completion.

1062             2. Requires that a written prescription be prepared before  
1063 receiving authorization to burn from the division.

1064             3. Requires that the specific consent of the landowner or  
1065 his or her designee be obtained before requesting an  
1066 authorization.

1067             4. Requires that an authorization to burn be obtained from  
1068 the division before igniting the burn.

1069             5. Requires that there be adequate firebreaks at the burn  
1070 site and sufficient personnel and firefighting equipment for the  
1071 control of the fire.

1072             6. Is considered to be in the public interest and does not  
1073 constitute a public or private nuisance when conducted under

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1074 applicable state air pollution statutes and rules.

1075 7. Is considered to be a property right of the property  
1076 owner if vegetative fuels are burned as required in this  
1077 subsection.

1078 (c) Neither a property owner nor his or her agent is liable  
1079 pursuant to s. 590.13 for damage or injury caused by the fire or  
1080 resulting smoke or considered to be in violation of subsection  
1081 (2) for burns conducted in accordance with this subsection  
1082 unless gross negligence is proven.

1083 (d) Any certified burner who violates this section commits  
1084 a misdemeanor of the second degree, punishable as provided in s.  
1085 775.082 or s. 775.083.

1086 (e) The division shall adopt rules for the use of  
1087 prescribed burning and for certifying and decertifying certified  
1088 prescribed burn managers based on their past experience,  
1089 training, and record of compliance with this section.

1090 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND  
1091 PURPOSE.—

1092 (a) Certified pile burning pertains to the disposal of  
1093 piled, naturally occurring debris from an agricultural,  
1094 silvicultural, or temporary land-clearing operation. A land-  
1095 clearing operation is temporary if it operates for 6 months or  
1096 less. Certified pile burning must be conducted in accordance  
1097 with this subsection, and:

1098 1. A certified pile burner must ensure, before ignition,  
1099 that the piles are properly placed and that the content of the  
1100 piles is conducive to efficient burning.

1101 2. A certified pile burner must ensure that the piles are  
1102 properly extinguished no later than 1 hour after sunset. If the

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1103 burn is conducted in an area designated as smoke-sensitive by  
1104 the division, a certified pile burner shall ensure that the  
1105 piles are properly extinguished at least 1 hour before sunset.

1106 3. A written pile burn plan must be prepared before  
1107 receiving authorization from the division to burn.

1108 4. The specific consent of the landowner or his or her  
1109 agent must be obtained before requesting authorization to burn.

1110 5. An authorization to burn must be obtained from the  
1111 division or its designated agent before igniting the burn.

1112 6. There must be adequate firebreaks and sufficient  
1113 personnel and firefighting equipment at the burn site to control  
1114 the fire.

1115 (b) If a burn is conducted in accordance with this  
1116 subsection, the property owner and his or her agent are not  
1117 liable under s. 590.13 for damage or injury caused by the fire  
1118 or resulting smoke, and are not in violation of subsection (2),  
1119 unless gross negligence is proven.

1120 (c) A certified pile burner who violates this section  
1121 commits a misdemeanor of the second degree, punishable as  
1122 provided in s. 775.082 or s. 775.083.

1123 (d) The division shall adopt rules regulating certified  
1124 pile burning. The rules shall include procedures and criteria  
1125 for certifying and decertifying certified pile burn managers  
1126 based on past experience, training, and record of compliance  
1127 with this section.

1128 (5)~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE  
1129 DIVISION.—The division may conduct fuel reduction initiatives,  
1130 including, but not limited to, burning and mechanical and  
1131 chemical treatment, on any area of wild land within the state

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1132 which is reasonably determined to be in danger of wildfire in  
1133 accordance with the following procedures:

1134 (a) Describe the areas that will receive fuels treatment to  
1135 the affected local governmental entity.

1136 (b) Publish a treatment notice, including a description of  
1137 the area to be treated, in a conspicuous manner in at least one  
1138 newspaper of general circulation in the area of the treatment  
1139 not less than 10 days before the treatment.

1140 (c) Prepare, and send ~~the county tax collector shall~~  
1141 ~~include with the annual tax statement,~~ a notice to be sent to  
1142 all landowners in each area ~~township~~ designated by the division  
1143 as a wildfire hazard area. The notice must describe particularly  
1144 the area to be treated and the tentative date or dates of the  
1145 treatment and must list the reasons for and the expected  
1146 benefits from the wildfire hazard reduction.

1147 (d) Consider any landowner objections to the fuels  
1148 treatment of his or her property. The landowner may apply to the  
1149 director of the division for a review of alternative methods of  
1150 fuel reduction on the property. If the director or his or her  
1151 designee does not resolve the landowner objection, the director  
1152 shall convene a panel made up of the local forestry unit  
1153 manager, the fire chief of the jurisdiction, and the affected  
1154 county or city manager, or any of their designees. If the  
1155 panel's recommendation is not acceptable to the landowner, the  
1156 landowner may request further consideration by the Commissioner  
1157 of Agriculture or his or her designee and shall thereafter be  
1158 entitled to an administrative hearing pursuant to the provisions  
1159 of chapter 120.

1160 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN-BURNING-



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1161 AUTHORIZATION PROGRAMS.—

1162 (a) A county or municipality may exercise the division's  
1163 authority, if delegated by the division under this subsection,  
1164 to issue authorizations for the burning of yard trash or debris  
1165 from land-clearing operations. A county's or municipality's  
1166 existing or proposed open-burning-authorization program must:

1167 1. Be approved by the division. The division may not  
1168 approve a program if it fails to meet the requirements of  
1169 subsections (2) and (4) and any rules adopted in accordance with  
1170 those subsections.

1171 2. Provide by ordinance or local law the requirements for  
1172 obtaining and performing a burn authorization that complies with  
1173 subsections (2) and (4) and any rules adopted in accordance with  
1174 those subsections.

1175 3. Provide for the enforcement of the program's  
1176 requirements.

1177 4. Provide financial, personnel, and other resources needed  
1178 to carry out the program.

1179 (b) If the division determines that a county's or  
1180 municipality's open-burning-authorization program does not  
1181 comply with subsections (2) and (4) and any rules adopted in  
1182 accordance with those subsections, the division shall require  
1183 the county or municipality to take necessary corrective actions  
1184 within a reasonable period, not to exceed 90 days.

1185 1. If the county or municipality fails to take the  
1186 necessary corrective actions within the required period, the  
1187 division shall resume administration of the open-burning-  
1188 authorization program in the county or municipality and the  
1189 county or municipality shall cease administration of its

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1190 program.

1191 2. Each county and municipality administering an open-  
1192 burning-authorization program must cooperate with and assist the  
1193 division in carrying out the powers, duties, and functions of  
1194 the division.

1195 3. A person who violates the requirements of a county's or  
1196 municipality's open-burning-authorization program, as provided  
1197 by ordinance or local law enacted pursuant to this subsection,  
1198 commits a violation of this chapter, punishable as provided in  
1199 s. 590.14.

1200 (7)~~(5)~~ DUTIES OF AGENCIES.—The Department of Education  
1201 shall incorporate, where feasible and appropriate, the issues of  
1202 fuels treatment, including prescribed burning, into its  
1203 educational materials.

1204 Section 40. Section 590.14, Florida Statutes, is amended to  
1205 read:

1206 590.14 Notice of violation; penalties.—

1207 (1) If a division employee determines that a person has  
1208 violated chapter 589, ~~or~~ this chapter, or any rule adopted by  
1209 the division to administer provisions of law which confer duties  
1210 upon the division, the employee of the division ~~he or she~~ may  
1211 issue a notice of violation indicating the statute or rule  
1212 violated. This notice shall ~~will~~ be filed with the division and  
1213 a copy forwarded to the appropriate law enforcement entity for  
1214 further action if necessary.

1215 (2) In addition to any penalties provided by law, any  
1216 person who causes a wildfire or permits any authorized fire to  
1217 escape the boundaries of the authorization or to burn past the  
1218 time of the authorization is liable for the payment of all

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1219 reasonable costs and expenses incurred in suppressing the fire  
1220 or \$150, whichever is greater. All costs and expenses incurred  
1221 by the division shall be payable to the division. When such  
1222 costs and expenses are not paid within 30 days after demand, the  
1223 division may take proper legal proceedings for the collection of  
1224 the costs and expenses. Those costs incurred by an agency acting  
1225 at the division's direction are recoverable by that agency.

1226 (3) The department may also impose an administrative fine,  
1227 not to exceed \$1,000 per violation of any section of chapter 589  
1228 or this chapter or violation of any rule adopted by the division  
1229 to administer provisions of law which confer duties upon the  
1230 division. The fine shall be based upon the degree of damage, the  
1231 prior violation record of the person, and whether the person  
1232 knowingly provided false information to obtain an authorization.  
1233 The fines shall be deposited in the Incidental Trust Fund of the  
1234 division.

1235 (4) A person commits a misdemeanor of the second degree,  
1236 punishable as provided in s. 775.082 or s. 775.083, if the  
1237 person:

1238 (a) Fails to comply with any rule or order adopted by the  
1239 division to administer provisions of law conferring duties upon  
1240 the division; or

1241 (b) Knowingly makes any false statement or representation  
1242 in any application, record, plan, or other document required by  
1243 this chapter or any rules adopted under this chapter.

1244 (5) It is the intent of the Legislature that a penalty  
1245 imposed by a court under subsection (4) be of a severity that  
1246 ensures immediate and continued compliance with this section.

1247 (6) ~~(4)~~ The penalties provided in this section shall extend

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1248 to both the actual violator and the person or persons, firm, or  
1249 corporation causing, directing, or permitting the violation.

1250 Section 41. Subsection (4) of section 597.005, Florida  
1251 Statutes, is repealed.

1252 Section 42. Subsection (2) of section 599.002, Florida  
1253 Statutes, is amended to read:

1254 599.002 Viticulture Advisory Council.—

1255 (2) The meetings, powers and duties, procedures, and  
1256 recordkeeping of the Viticulture Advisory Council, ~~and per diem~~  
1257 ~~and reimbursement of expenses of council members,~~ shall be  
1258 governed by the provisions of s. 570.0705 relating to advisory  
1259 committees established within the department.

1260 Section 43. Subsection (4) is added to section 616.17,  
1261 Florida Statutes, to read:

1262 616.17 Minimum exhibits.—

1263 (4) A fair, as defined in this chapter, which provides any  
1264 of the exhibits as set forth in subsection (1) or other exhibits  
1265 or concessions, whether such exhibits or concessions are  
1266 provided directly or through an agreement with a third party, is  
1267 not subject to criminal penalties or civil damages arising out  
1268 of the personal injury or death of any person, or property  
1269 damage, resulting from such exhibits or concessions. This  
1270 subsection does not apply if the personal injury, death, or  
1271 property damage was due to an act or omission that was committed  
1272 by the fair association in bad faith or with malicious purpose  
1273 or in a manner exhibiting wanton and willful disregard of human  
1274 rights, safety, or property. This subsection does not apply to a  
1275 third party providing exhibits or concessions.

1276 Section 44. Paragraph (a) of subsection (1) and subsection

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1277 (3) of section 616.252, Florida Statutes, are amended to read:  
1278 616.252 Florida State Fair Authority; membership; number,  
1279 terms, compensation.—

1280 (1) (a) The authority shall be composed of 22 ~~21~~ members.  
1281 The Commissioner of Agriculture, or her or his designee, shall  
1282 serve as a voting member. There shall also be a member who is  
1283 the member of the Board of County Commissioners of Hillsborough  
1284 County representing the county commission district in which the  
1285 Florida State Fairgrounds is located, who shall serve as a  
1286 voting member. There shall also be an appointed youth member who  
1287 is an active member of the Florida Future Farmers of America or  
1288 of a 4-H Club, and who shall serve as a nonvoting member. The  
1289 Commissioner of Agriculture shall appoint each other member of  
1290 the authority. Each member appointed by the Commissioner of  
1291 Agriculture shall serve at the pleasure of the Commissioner of  
1292 Agriculture. The term of each member appointed by the  
1293 Commissioner of Agriculture shall be 4 years, but the term of  
1294 the nonvoting youth member shall be for 1 year ~~except, to~~  
1295 ~~provide staggered terms, 9 of the members shall be initially~~  
1296 ~~appointed for a 2-year term and 10 of the members shall be~~  
1297 ~~initially appointed for a 3-year term.~~ Members may be appointed  
1298 for more than one term. Any vacancy shall be filled for the  
1299 remainder of the unexpired term pursuant to the method provided  
1300 in this section for appointment. Six of the members may be from  
1301 Hillsborough County. The Commissioner of Agriculture shall  
1302 appoint and set the compensation of an executive director. The  
1303 executive director shall serve at the pleasure of the  
1304 Commissioner of Agriculture.

1305 (3) Members of the authority are ~~shall~~ not be entitled to

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1306 compensation for their services as members and may not, ~~but~~  
1307 ~~shall~~ be reimbursed for travel expenses. Except for the  
1308 nonvoting youth member, each member as provided in s. 112.061  
1309 ~~and~~ may be compensated for any special or full-time service  
1310 performed in the authority's ~~its~~ behalf as officers or agents of  
1311 the authority.

1312 Section 45. Paragraph (c) of subsection (2) of section  
1313 812.014, Florida Statutes, is amended to read:

1314 812.014 Theft.—

1315 (2)

1316 (c) It is grand theft of the third degree and a felony of  
1317 the third degree, punishable as provided in s. 775.082, s.  
1318 775.083, or s. 775.084, if the property stolen is:

1319 1. Valued at \$300 or more, but less than \$5,000.

1320 2. Valued at \$5,000 or more, but less than \$10,000.

1321 3. Valued at \$10,000 or more, but less than \$20,000.

1322 4. A will, codicil, or other testamentary instrument.

1323 5. A firearm.

1324 6. A motor vehicle, except as provided in paragraph (a).

1325 7. Any commercially farmed animal, including any animal of  
1326 the equine, bovine, or swine class, or other grazing animal,  
1327 including bee colonies of registered bee keepers and ~~including~~  
1328 aquaculture species raised at a certified aquaculture facility.

1329 If the property stolen is aquaculture species raised at a  
1330 certified aquaculture facility, then a \$10,000 fine shall be  
1331 imposed.

1332 8. Any fire extinguisher.

1333 9. Any amount of citrus fruit consisting of 2,000 or more  
1334 individual pieces of fruit.

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1335 10. Taken from a designated construction site identified by  
1336 the posting of a sign as provided for in s. 810.09(2) (d).

1337 11. Any stop sign.

1338 12. Anhydrous ammonia.

1339  
1340 However, if the property is stolen within a county that is  
1341 subject to a state of emergency declared by the Governor under  
1342 chapter 252, the property is stolen after the declaration of  
1343 emergency is made, and the perpetration of the theft is  
1344 facilitated by conditions arising from the emergency, the  
1345 offender commits a felony of the second degree, punishable as  
1346 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
1347 property is valued at \$5,000 or more, but less than \$10,000, as  
1348 provided under subparagraph 2., or if the property is valued at  
1349 \$10,000 or more, but less than \$20,000, as provided under  
1350 subparagraph 3. As used in this paragraph, the term "conditions  
1351 arising from the emergency" means civil unrest, power outages,  
1352 curfews, voluntary or mandatory evacuations, or a reduction in  
1353 the presence of or the response time for first responders or  
1354 homeland security personnel. For purposes of sentencing under  
1355 chapter 921, a felony offense that is reclassified under this  
1356 paragraph is ranked one level above the ranking under s.  
1357 921.0022 or s. 921.0023 of the offense committed.

1358 Section 46. Paragraphs (f) and (g) of subsection (1) of  
1359 section 812.015, Florida Statutes, are amended to read:

1360 812.015 Retail and farm theft; transit fare evasion;  
1361 mandatory fine; alternative punishment; detention and arrest;  
1362 exemption from liability for false arrest; resisting arrest;  
1363 penalties.—

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1364 (1) As used in this section:

1365 (f) "Farmer" means a person who is engaging in the growing  
1366 or producing of farm produce, milk products, honey, eggs, or  
1367 meat, either part time or full time, for personal consumption or  
1368 for sale and who is the owner or lessee of the land or a person  
1369 designated in writing by the owner or lessee to act as her or  
1370 his agent. No person defined as a farm labor contractor pursuant  
1371 to s. 450.28 shall be designated to act as an agent for purposes  
1372 of this section.

1373 (g) "Farm theft" means the unlawful taking possession of  
1374 any items that are grown or produced on land owned, rented, or  
1375 leased by another person. The term also includes equipment and  
1376 associated materials used to grow or produce farm products as  
1377 defined in s. 823.14(3)(c).

1378 Section 47. This act shall take effect October 1, 2011.