

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 a  
4           provision establishing the Division of Dairy within the  
5           department; amending s. 193.461, F.S.; redefining the term  
6           "agricultural purposes" as it relates to the assessment of  
7           land classified as agricultural by the property appraiser;  
8           amending s. 215.981, F.S.; exempting certain direct-  
9           support organizations and citizen support organizations  
10          for the department from obtaining an independent audit;  
11          requiring the department to establish accounting and  
12          financial management guidelines for such organizations and  
13          annually review the operations and finances of a selected  
14          number of such organizations; amending s. 253.02, F.S.;  
15          providing for the grantee of easements for electrical  
16          transmission to pay the lead manager of the state-owned  
17          lands or, when there is no lead manager, the Department of  
18          Environmental Protection if suitable replacement uplands  
19          cannot be identified; amending s. 261.04, F.S.; deleting  
20          provisions requiring the reimbursement of members of the  
21          Off-Highway Vehicle Recreation Advisory Committee for per  
22          diem and travel expenses; amending s. 381.0014, F.S., to  
23          conform to changes made by the act; amending s. 482.051,  
24          F.S.; providing additional methods for pest control  
25          licensees to give certain emergency notice to the  
26          Department of Agriculture and Consumer Services before  
27          performing general fumigation; amending s. 482.071, F.S.;  
28          revising the minimum bodily injury and property damage

29 insurance coverage required for pest control businesses;  
30 creating s. 482.072, F.S.; providing for licensure by the  
31 department of pest control customer contact centers;  
32 providing application requirements; providing for fees,  
33 licensure renewal, licensure expiration, transfer of  
34 licenses, and penalties; creating s. 482.157, F.S.;  
35 providing for limited certification of commercial wildlife  
36 trappers; providing requirements for certification,  
37 examination, and fees; limiting the scope of work  
38 permitted by certificateholders; amending s. 482.183,  
39 F.S.; providing that licensees and certificateholders who  
40 practice accepted pest control methods are immune from  
41 liability for violating laws prohibiting cruelty to  
42 animals; providing for applicability; amending s. 482.226,  
43 F.S.; revising the minimum financial responsibility  
44 requirements for licensees that perform wood-destroying  
45 organism inspections; amending s. 482.243, F.S.; deleting  
46 provisions relating to the reimbursement of members of the  
47 Pest Control Enforcement Advisory Council for expenses;  
48 amending s. 487.041, F.S.; providing that registration,  
49 supplemental, and late fees related to the registration of  
50 pesticide brands with the department are nonrefundable;  
51 providing requirements for label revisions of pesticide  
52 brands; providing requirements for label revisions that  
53 must be reviewed by the United States Environmental  
54 Protection Agency; requiring payments of pesticide  
55 registration fees to be submitted electronically by a date  
56 certain; amending s. 487.0615, F.S.; deleting provisions

57 requiring the reimbursement of members of the Pesticide  
58 Review Council for per diem and travel expenses; amending  
59 s. 500.70, F.S.; requiring certain persons who produce,  
60 harvest, pack, or repack tomatoes to register each  
61 location of a tomato farm, tomato greenhouse, tomato  
62 packinghouse, or tomato repacker by a specified date;  
63 authorizing the department to set a registration fee;  
64 requiring that funds collected be deposited into the  
65 General Inspection Trust Fund; revising the title of  
66 chapter 502, F.S.; amending s. 502.012, F.S.; defining  
67 terms related to the department's regulation of frozen  
68 desserts; amending s. 502.013, F.S.; revising legislative  
69 purpose and intent, to conform; amending s. 502.014, F.S.;  
70 revising the department's powers and duties; authorizing  
71 the department to administer and enforce regulations of  
72 frozen desserts and frozen dessert mix; revising the  
73 federal publication upon which certain milk sanitation  
74 ratings are based; authorizing the department to adopt  
75 rules; repealing s. 502.032, F.S., relating to milkfat  
76 tester's permits and permit fees; amending s. 502.053,  
77 F.S.; providing permitting and licensing requirements and  
78 imposing permit and license fees for frozen dessert plants  
79 and milkfat testers; providing certain reporting  
80 requirements for frozen dessert plant permitholders;  
81 providing certain recordkeeping requirements for licensed  
82 milkfat testers; providing an exemption; amending s.  
83 502.054, F.S.; requiring the department to inspect certain  
84 frozen desserts and frozen dessert plants; amending s.

85 | 502.091, F.S.; authorizing sales of certain ice cream and  
86 | frozen desserts; amending s. 502.121, F.S.; restricting  
87 | the construction or extensive alteration of frozen dessert  
88 | plants; amending ss. 502.181 and 502.231, F.S.;  
89 | prohibiting certain acts related to the regulation of  
90 | frozen desserts; providing penalties; amending s. 502.232,  
91 | F.S.; preempting to the state the local regulation of  
92 | frozen desserts at wholesale; repealing chapter 503, F.S.,  
93 | relating to the state's regulation of frozen desserts,  
94 | enforcement and penalties for violations of such  
95 | regulations, licensure of frozen dessert plants, and  
96 | preemption of municipal and county regulations of frozen  
97 | desserts; amending ss. 527.22 and 559.9221, F.S.; deleting  
98 | provisions authorizing the reimbursement of members of the  
99 | Florida Propane Gas Education, Safety, and Research  
100 | Council and the Motor Vehicle Repair Advisory Council for  
101 | per diem and travel expenses; amending s. 570.07, F.S.;  
102 | revising the department's authority to enforce laws  
103 | relating to commercial stock feeds and commercial  
104 | fertilizers; exempting certain counties from such  
105 | enforcement; revising the powers and duties of the  
106 | department relating to pollution control and the  
107 | prevention of wildfires; conforming provisions; amending  
108 | s. 570.0705, F.S.; deleting provisions requiring the  
109 | reimbursement for per diem and travel expenses of members  
110 | of certain ad hoc advisory committees appointed by the  
111 | Commissioner of Agriculture; amending s. 570.074, F.S.;  
112 | renaming the Office of Water Coordination and revising its

113 policy jurisdiction; amending s. 570.18, F.S., to conform;  
114 amending s. 570.23, F.S.; deleting provisions requiring  
115 the reimbursement of members of the State Agricultural  
116 Advisory Council for per diem and travel expenses;  
117 amending s. 570.29, F.S.; deleting a provision  
118 establishing the Division of Dairy Industry within the  
119 department; amending ss. 570.38 and 570.382, F.S.;

120 deleting provisions requiring the reimbursement of members  
121 of the Animal Industry Technical Council and the Arabian  
122 Horse Council for per diem and travel expenses; repealing  
123 ss. 570.40 and 570.41, F.S., relating to the powers and  
124 duties of the Division of Dairy within the department and  
125 the qualifications and duties of the division's director;  
126 amending s. 570.42, F.S.; deleting provisions requiring  
127 the reimbursement of members of the Dairy Industry  
128 Technical Council for per diem and travel expenses;  
129 amending s. 570.50, F.S.; conforming provisions; requiring  
130 the Division of Food Safety within the department to  
131 inspect certain dairy farms and plants, perform certain  
132 analyses and tests, and enforce certain rules and  
133 provisions of law; amending s. 570.51, F.S., to conform;  
134 amending s. 570.543, F.S.; deleting provisions requiring  
135 the reimbursement of members of the Florida Consumers'  
136 Council for per diem and travel expenses; amending s.  
137 570.954, F.S.; removing the requirement that the  
138 department coordinate with and solicit the expertise of  
139 the state energy office when developing the farm-to-fuel  
140 initiative; amending ss. 571.28, 573.112, 576.091,

141 580.151, 581.186, and 586.161, F.S.; deleting provisions  
142 requiring the reimbursement of members of the Florida  
143 Agricultural Promotional Campaign Advisory Council,  
144 certain ad hoc advisory councils appointed to advise the  
145 department concerning the issuance of marketing orders,  
146 the Fertilizer Technical Council, the Commercial Feed  
147 Technical Council, the Endangered Plant Advisory Council,  
148 and the Honeybee Technical Council for per diem and travel  
149 expenses; amending s. 590.015, F.S.; revising and  
150 providing definitions for purposes of forest protection;  
151 amending s. 590.02, F.S.; authorizing forest operations  
152 administrators to be certified as forestry firefighters;  
153 granting the department certain exclusive authority over  
154 the Florida Building Code; authorizing the department to  
155 retain, transfer, warehouse, bid, destroy, scrap, or  
156 dispose of certain surplus equipment and vehicles;  
157 authorizing the department to retain any moneys received  
158 from the disposition of certain state-owned equipment and  
159 vehicles; providing that moneys received may be used for  
160 the acquisition of certain exchange and surplus equipment  
161 and all necessary operating expenditures related to the  
162 equipment; requiring the department to maintain records of  
163 the accounts into which the money is deposited; granting  
164 the department exclusive authority to require and issue  
165 authorizations for broadcast burning, agricultural pile  
166 burning, and silvicultural pile burning; preempting other  
167 governmental entities from adopting laws, regulations,  
168 rules, or policies pertaining to broadcast burning,

169 agricultural pile burning, or silvicultural pile burning  
170 unless an emergency order has been declared; authorizing  
171 the department to delegate its authority to a county or  
172 municipality to issue authorizations for the burning of  
173 yard trash and debris from land-clearing operations;  
174 amending s. 590.125, F.S.; revising and providing  
175 definitions relating to open burning authorizations;  
176 specifying purposes of certified prescribed burning;  
177 requiring the division's authorization for certified pile  
178 burning; providing pile burning requirements; limiting the  
179 liability of property owners or agents engaged in pile  
180 burning; providing for the certification of pile burners;  
181 providing penalties for violations by certified pile  
182 burners; requiring the division to adopt rules to regulate  
183 certified pile burning; revising notice requirements for  
184 wildfire hazard reduction treatments; requiring division  
185 approval of local government open burning authorization  
186 programs; providing program requirements; authorizing the  
187 division to resume administration of a local government's  
188 program under certain circumstances; providing penalties  
189 for violations of local government open burning  
190 requirements; amending s. 590.14, F.S.; authorizing a  
191 division employee to issue a notice of violation for any  
192 division rule; authorizing the division to impose an  
193 administrative fine for a violation of any division rule;  
194 providing penalties for certain violations; providing  
195 legislative intent; amending ss. 597.005 and 599.002,  
196 F.S.; deleting provisions requiring the reimbursement of

197 members of the Aquaculture Review Council and the  
 198 Viticulture Advisory Council for per diem and travel  
 199 expenses; amending s. 616.17, F.S.; providing certain  
 200 authorities or fair associations with immunity from  
 201 liability for damages resulting from exhibits and  
 202 concessions at public fairs; providing exceptions;  
 203 amending s. 616.252, F.S.; providing for the appointment  
 204 and term of a nonvoting youth member of the Florida State  
 205 Fair Authority; deleting provisions requiring staggered  
 206 terms; prohibiting the reimbursement of members of the  
 207 Florida State Fair Authority for per diem and travel  
 208 expenses; excluding the youth member from compensation for  
 209 special or full-time service performed on behalf of the  
 210 authority; amending s. 812.014, F.S.; providing penalties  
 211 for the theft of bee colonies of registered beekeepers;  
 212 amending s. 812.015, F.S.; redefining the term "farmer" to  
 213 include a person who grows or produces honey; redefining  
 214 the term "farm theft" to include the unlawful taking  
 215 possession of equipment and associated materials used to  
 216 grow or produce certain farm products; providing an  
 217 appropriation; providing an effective date.

218  
 219 Be It Enacted by the Legislature of the State of Florida:

220  
 221 Section 1. Paragraphs (g) through (m) of subsection (2) of  
 222 section 20.14, Florida Statutes, are redesignated as paragraphs  
 223 (f) through (l), respectively, and present paragraph (f) of that  
 224 subsection is amended to read:



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225 20.14 Department of Agriculture and Consumer Services.—  
 226 There is created a Department of Agriculture and Consumer  
 227 Services.

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

230 ~~(f) Dairy Industry.~~

231 Section 2. Subsection (5) of section 193.461, Florida  
 232 Statutes, is amended to read:

233 193.461 Agricultural lands; classification and assessment;  
 234 mandated eradication or quarantine program.—

235 (5) For the purpose of this section, "agricultural  
 236 purposes" includes, but is not limited to, horticulture;  
 237 floriculture; viticulture; forestry; dairy; livestock; poultry;  
 238 bee; pisciculture, when the land is used principally for the  
 239 production of tropical fish; aquaculture; sod farming; and all  
 240 forms of farm products as defined in s. 823.14(3) and farm  
 241 production.

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

244 215.981 Audits of state agency direct-support  
 245 organizations and citizen support organizations.—

246 (2) Notwithstanding ~~the provisions of~~ subsection (1),  
 247 direct-support organizations and citizen support organizations  
 248 for the Department of Environmental Protection or direct-support  
 249 organizations and citizen support organizations for the  
 250 Department of Agriculture and Consumer Services that are not for  
 251 profit and that have annual expenditures of less than \$300,000  
 252 are not required to have an independent audit. The respective

253 department shall establish accounting and financial management  
 254 guidelines for those organizations under its ~~the department's~~  
 255 jurisdiction. Each year, the respective department shall conduct  
 256 operational and financial reviews of a selected number of  
 257 direct-support organizations or citizen support organizations  
 258 that ~~which~~ fall below the audit threshold established in this  
 259 subsection.

260 Section 4. Paragraph (b) of subsection (2) of section  
 261 253.02, Florida Statutes, is amended to read:

262 253.02 Board of trustees; powers and duties.—

263 (2)

264 (b) The authority of the board of trustees to grant  
 265 easements for rights-of-way over, across, and upon uplands the  
 266 title to which is vested in the board of trustees for the  
 267 construction and operation of electric transmission and  
 268 distribution facilities and related appurtenances is hereby  
 269 confirmed. The board of trustees may delegate to the Secretary  
 270 of Environmental Protection the authority to grant such  
 271 easements on its behalf. All easements for rights-of-way over,  
 272 across, and upon uplands the title to which is vested in the  
 273 board of trustees for the construction and operation of electric  
 274 transmission and distribution facilities and related  
 275 appurtenances which are approved by the Secretary of  
 276 Environmental Protection pursuant to the authority delegated by  
 277 the board of trustees shall meet the following criteria:

278 1. Such easements shall not prevent the use of the state-  
 279 owned uplands adjacent to the easement area for the purposes for  
 280 which such lands were acquired and shall not unreasonably

281 diminish the ecological, conservation, or recreational values of  
282 the state-owned uplands adjacent to the easement area.

283 2. There is no practical and prudent alternative to  
284 locating the linear facility and related appurtenances on state-  
285 owned upland. For purposes of this subparagraph, the test of  
286 practicality and prudence shall compare the social, economic,  
287 and environmental effects of the alternatives.

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

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

292 b. Avoiding significant wildlife habitat, wetlands, or  
293 other valuable natural resources to the maximum extent  
294 practicable; or

295 c. Avoiding interference with active land management  
296 practices, such as prescribed burning.

297 4. Except for easements granted as a part of a land  
298 exchange to accomplish a recreational or conservation benefit or  
299 other public purpose, in exchange for such easements, the  
300 grantee pays an amount equal to the market value of the interest  
301 acquired. In addition, for the initial grant of such easements  
302 only, the grantee shall provide additional compensation by  
303 vesting in the board of trustees fee simple title to other  
304 available uplands that are 1.5 times the size of the easement  
305 acquired by the grantee. The Secretary of Environmental  
306 Protection shall approve the property to be acquired on behalf  
307 of the board of trustees based on the geographic location in  
308 relation to the land proposed to be under easement and a

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309 determination that economic, ecological, and recreational value  
310 is at least equivalent to the value of the lands under proposed  
311 easement. Priority for replacement uplands shall be given to  
312 parcels identified as inholdings and additions to public lands  
313 and lands on a Florida Forever land acquisition list. However,  
314 if suitable replacement uplands cannot be identified, the  
315 grantee shall provide additional compensation for the initial  
316 grant of such easements only by paying to the lead manager of  
317 the state-owned lands or, when there is no lead manager, by  
318 paying to the department an amount equal to two times the  
319 current market value of the state-owned land or the highest and  
320 best use value at the time of purchase, whichever is greater.  
321 When determining such use of funds, priority shall be given to  
322 parcels identified as inholdings and additions to public lands  
323 and lands on a Florida Forever land acquisition list.

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

326 261.04 Off-Highway Vehicle Recreation Advisory Committee;  
327 members; appointment.—

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

332 Section 6. Section 381.0014, Florida Statutes, is amended  
333 to read:

334 381.0014 Regulations and ordinances superseded.—The rules  
335 adopted by the department under the provisions of this chapter  
336 shall, as to matters of public health, supersede all rules

337 enacted by other state departments, boards or commissions, or  
 338 ordinances and regulations enacted by municipalities, except  
 339 that this chapter does not alter or supersede any of the  
 340 provisions set forth in chapter ~~chapters~~ 502 and ~~503~~ or any rule  
 341 adopted under that chapter ~~the authority of those chapters~~.

342 Section 7. Subsection (4) of section 482.051, Florida  
 343 Statutes, is amended to read:

344 482.051 Rules.—The department has authority to adopt rules  
 345 pursuant to ss. 120.536(1) and 120.54 to implement the  
 346 provisions of this chapter. Prior to proposing the adoption of a  
 347 rule, the department shall counsel with members of the pest  
 348 control industry concerning the proposed rule. The department  
 349 shall adopt rules for the protection of the health, safety, and  
 350 welfare of pest control employees and the general public which  
 351 require:

352 (4) That a licensee, before performing general fumigation,  
 353 notify in writing the department inspector having jurisdiction  
 354 over the location where the fumigation is to be performed, which  
 355 notice must be received by the department inspector at least 24  
 356 hours before ~~in advance of~~ the fumigation and must contain such  
 357 information as the department requires. However, in an authentic  
 358 and verifiable emergency, when 24 hours' advance notice  
 359 ~~notification~~ is not possible, advance notice may be given by  
 360 telephone, facsimile, or any form of acceptable electronic  
 361 communication, ~~telegraph notice may be given;~~ but such notice  
 362 must be immediately followed by written confirmation providing  
 363 the required information.

364 Section 8. Subsection (4) of section 482.071, Florida

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365 Statutes, is amended to read:

366 482.071 Licenses.—

367 (4) A licensee may not operate a pest control business  
 368 without carrying the required insurance coverage. Each person  
 369 making application for a pest control business license or  
 370 renewal thereof must furnish to the department a certificate of  
 371 insurance that meets the requirements for minimum financial  
 372 responsibility for bodily injury and property damage consisting  
 373 of:

374 (a) Bodily injury: \$250,000 per ~~\$100,000~~ each person and  
 375 \$500,000 per ~~\$300,000~~ each occurrence; and property damage:  
 376 \$250,000 per ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in  
 377 the aggregate; or

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

380 Section 9. Section 482.072, Florida Statutes, is created  
 381 to read:

382 482.072 Pest control customer contact centers.—

383 (1) The department may issue a license to a qualified  
 384 business to operate a customer contact center, to solicit pest  
 385 control business, or to provide services to customers for one or  
 386 more business locations licensed under s. 482.071. A person may  
 387 not operate a customer contact center for a pest control  
 388 business that is not licensed by the department.

389 (2) (a) Before operating a customer contact center, and  
 390 biennially thereafter, on or before an anniversary date set by  
 391 the department for a licensed customer contact center location,  
 392 the pest control business must apply to the department for a

393 license under this chapter, or a renewal thereof, for each  
394 customer contact center location. An application must be  
395 submitted in the format prescribed by the department.

396 (b) The department shall establish a fee of at least \$600,  
397 but not more than \$1,000, for the issuance of a customer contact  
398 center license and a fee of at least \$600, but not more than  
399 \$1,000, for renewal of a customer contact center license.

400 However, until rules for renewal fees are adopted, the initial  
401 licensing fee and renewal fee are each \$600. The department  
402 shall establish a grace period, not to exceed 30 calendar days  
403 after the license's anniversary renewal date, and shall assess a  
404 late fee of \$150, in addition to the renewal fee, for a license  
405 that is renewed after the grace period.

406 (c) A license automatically expires 60 calendar days after  
407 the anniversary renewal date unless the license is renewed  
408 before that date. When a license expires, it may be reinstated  
409 only upon reapplication and payment of the license renewal fee  
410 and a late renewal fee.

411 (d) A license automatically expires if a licensee changes  
412 the business address of its customer contact center location.  
413 The department shall issue a new license upon payment of a \$250  
414 fee. The new license automatically expires 60 calendar days  
415 after the anniversary renewal date of the former license unless  
416 the license is renewed before that date.

417 (e) The department may not issue or renew a license to  
418 operate a customer contact center unless the pest control  
419 business licensees for which the customer contact center  
420 solicits business are owned in common by a person or business

421 entity recognized by this state.

422 (f) The department may deny a license or refuse to renew a  
423 license if the applicant or licensee, or one or more of the  
424 applicant's or licensee's directors, officers, owners, or  
425 general partners, are or have been directors, officers, owners,  
426 or general partners of a pest control business that meets the  
427 conditions in s. 482.071(2)(g).

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

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

435 (3)(a) The department shall adopt rules establishing  
436 requirements and procedures for customer contact center  
437 recordkeeping and monitoring to ensure compliance with this  
438 section and rules adopted in accordance with this section.

439 (b) Notwithstanding any other provision of this section:

440 1. A customer contact center licensee is subject to  
441 disciplinary action under s. 482.161 for a violation of this  
442 section or a rule adopted under this section committed by a  
443 person who solicits pest control services or provides customer  
444 service in a customer contact center.

445 2. A pest control business licensee may be subject to  
446 disciplinary action under s. 482.161 for a violation of this  
447 section or a rule adopted under this section committed by a  
448 person who solicits pest control services or provides customer



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449 service in a customer contact center operated by a licensee if  
450 the licensee participates in the violation.

451 Section 10. Section 482.157, Florida Statutes, is created  
452 to read:

453 482.157 Limited certification for commercial wildlife  
454 management personnel.-

455 (1) The department shall establish a limited certificate  
456 that authorizes a person who engages in the commercial trapping  
457 of wildlife to use nonchemical methods, including traps,  
458 mechanical or electronic devices, and exclusionary techniques to  
459 control commensal rodents.

460 (2) The department shall issue a limited certificate to an  
461 applicant who:

462 (a) Submits an application and examination fee of at least  
463 \$150, but not more than \$300, as prescribed by the department by  
464 rule;

465 (b) Passes an examination administered by the department.  
466 The department shall provide the appropriate study materials for  
467 the examination and make the examination readily available to  
468 applicants in each county as necessary, but not less frequently  
469 than quarterly; and

470 (c) Provides proof, including a certificate of insurance,  
471 that the applicant has met the minimum bodily injury and  
472 property damage insurance requirements in s. 482.071(4).

473 (3) An application for recertification must be made  
474 annually and be accompanied by a recertification fee of at least  
475 \$75, but not more than \$150, as prescribed by the department by  
476 rule. The application must also be accompanied by proof of

477 completion of the required 4 classroom hours of acceptable  
 478 continuing education and the required proof of insurance. After  
 479 a grace period not exceeding 30 calendar days after the  
 480 recertification renewal date, the department shall assess a late  
 481 fee of \$50 in addition to the renewal fee. A certificate  
 482 automatically expires 180 days after the recertification date if  
 483 the renewal fee has not been paid. After expiration, the  
 484 department shall issue a new certificate only if the applicant  
 485 successfully passes a reexamination and pays the examination fee  
 486 and late fee.

- 487 (4) Certification under this section does not authorize:  
 488 (a) The use of pesticides or chemical substances, other  
 489 than adhesive materials, to control rodents or other nuisance  
 490 wildlife in, on, or under structures;  
 491 (b) Operation of a pest control business; or  
 492 (c) Supervision of an uncertified person using nonchemical  
 493 methods to control rodents.

494 Section 11. Section 482.183, Florida Statutes, is amended  
 495 to read:

496 482.183 Limitations.—

497 (1) (a) A person may not be charged with a violation of  
 498 this chapter or any rule adopted pursuant to this chapter more  
 499 than 3 years after the date of the violation.

500 (b) ~~(2)~~ For the purpose of this subsection ~~section~~, a  
 501 charge of violation is considered to have been made upon the  
 502 issuance of a notice or citation by the department charging such  
 503 violation.

504 (2) A person licensed or certified under this chapter who

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505 practices accepted pest control methods is immune from liability  
 506 under s. 828.12.

507 (3) This chapter does not exempt a person from the rules,  
 508 regulations, or orders of the Fish and Wildlife Conservation  
 509 Commission.

510 Section 12. Subsection (6) of section 482.226, Florida  
 511 Statutes, is amended to read:

512 482.226 Wood-destroying organism inspection report; notice  
 513 of inspection or treatment; financial responsibility.—

514 (6) Any licensee that performs wood-destroying organism  
 515 inspections in accordance with subsection (1) must meet minimum  
 516 financial responsibility in the form of errors and omissions  
 517 (professional liability) insurance coverage or bond in an amount  
 518 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000  
 519 ~~\$25,000~~ per occurrence, or demonstrate that the licensee has  
 520 equity or net worth of no less than \$500,000 ~~\$100,000~~ as  
 521 determined by generally accepted accounting principles  
 522 substantiated by a certified public accountant's review or  
 523 certified audit. The licensee must show proof of meeting this  
 524 requirement at the time of license application or renewal  
 525 thereof.

526 Section 13. Subsection (6) of section 482.243, Florida  
 527 Statutes, is amended to read:

528 482.243 Pest Control Enforcement Advisory Council.—

529 (6) The meetings, powers and duties, procedures, and  
 530 ~~recordkeeping, and reimbursement of expenses of members~~ of the  
 531 council shall be in accordance with the provisions of s.  
 532 570.0705 relating to advisory committees established within the

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533 department.

534 Section 14. Paragraph (a) of subsection (1) of section  
 535 487.041, Florida Statutes, is amended, and paragraphs (h), (i),  
 536 and (j) are added to that subsection, to read:

537 487.041 Registration.—

538 (1) (a) Effective January 1, 2009, each brand of pesticide,  
 539 as defined in s. 487.021, which is distributed, sold, or offered  
 540 for sale, except as provided in this section, within this state  
 541 or delivered for transportation or transported in intrastate  
 542 commerce or between points within this state through any point  
 543 outside this state must be registered in the office of the  
 544 department, and such registration shall be renewed biennially.  
 545 Emergency exemptions from registration may be authorized in  
 546 accordance with the rules of the department. The registrant  
 547 shall file with the department a statement including:

548 1. The name, business mailing address, and street address  
 549 of the registrant.

550 2. The name of the brand of pesticide.

551 3. An ingredient statement and a complete current copy of  
 552 the labeling accompanying the brand of ~~the~~ pesticide, which must  
 553 conform to the registration, and a statement of all claims to be  
 554 made for it, including directions for use and a guaranteed  
 555 analysis showing the names and percentages by weight of each  
 556 active ingredient, the total percentage of inert ingredients,  
 557 and the names and percentages by weight of each "added  
 558 ingredient."

559 (h) All registration fees, including supplemental fees and  
 560 late fees, are nonrefundable.

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561 (i) For any currently registered pesticide product brand  
562 that undergoes labeling revisions during the registration  
563 period, the registrant shall submit to the department a copy of  
564 the revised labeling along with a cover letter detailing such  
565 revisions before the sale or distribution in this state of the  
566 product brand with the revised labeling. If the labeling  
567 revisions require notification of an amendment review by the  
568 United States Environmental Protection Agency, the registrant  
569 shall submit an additional copy of the labeling marked to  
570 identify those revisions.

571 (j) Effective January 1, 2013, all payments of any  
572 pesticide registration fees, including supplemental fees and  
573 late fees, shall be submitted electronically using the  
574 department's Internet website for registration of pesticide  
575 product brands.

576 Section 15. Subsection (5) of section 487.0615, Florida  
577 Statutes, is amended to read:

578 487.0615 Pesticide Review Council.—

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

582 Section 16. Subsection (6) of section 500.70, Florida  
583 Statutes, is renumbered as subsection (7), and a new subsection  
584 (6) is added to that section to read:

585 500.70 Tomato food safety standards; inspections;  
586 penalties; tomato good agricultural practices; tomato best  
587 management practices.—

588 (6) Any person who produces, harvests, packs, or repacks

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

600 Section 17. The title of chapter 502, Florida Statutes, is  
601 redesignated as "MILK, MILK PRODUCTS, AND FROZEN DESSERTS."

602 Section 18. Section 502.012, Florida Statutes, is amended  
603 to read:

604 502.012 Definitions.—As used in this chapter, the term ~~The~~  
605 ~~following definitions shall apply in the interpretation and~~  
606 ~~enforcement of this law:~~

607 (1) "Bulk milk pickup tanker" means a vehicle, including  
608 the truck and tank, and necessary attachments, used by a milk  
609 hauler to transport bulk raw milk for pasteurization from a  
610 dairy farm to a milk plant, receiving station, or transfer  
611 station.

612 (2) "Dairy farm" means any place or premises where one or  
613 more cows, goats, sheep, water buffalo, or other hooved mammals  
614 are kept and from which a part or all of the milk is provided,  
615 sold, or offered for sale.

616 (3) "Department" means the Department of Agriculture and

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617 Consumer Services.

618 (4) "Frozen dessert" means a specific standardized frozen  
619 dessert described in 21 C.F.R. part 135 and any other food  
620 defined by rule of the department that resembles such  
621 standardized frozen dessert but does not conform to the specific  
622 description of such standardized frozen dessert in 21 C.F.R.  
623 part 135. The term includes, but is not limited to, a  
624 quiescently frozen confection, a quiescently frozen dairy  
625 confection, a frozen dietary dairy dessert, and a frozen dietary  
626 dessert.

627 (5) "Frozen desserts manufacturer" means a person who  
628 manufactures, processes, converts, partially freezes, or freezes  
629 any mix or frozen dessert for distribution or sale.

630 (6) "Frozen desserts plant" means any location or premises  
631 at which frozen desserts or mix are manufactured, processed, or  
632 frozen for distribution or sale at wholesale.

633 (7) "Frozen desserts retail establishment" means any  
634 location or premises, including a retail store, stand, hotel,  
635 boardinghouse, restaurant, vehicle, or mobile unit, at which  
636 frozen desserts are frozen, partially frozen, or dispensed for  
637 sale at retail.

638 (8) "Frozen dietary dairy dessert" or "frozen dietary  
639 dessert" means a food for any special dietary use, prepared by  
640 freezing, with or without agitation, and composed of a  
641 pasteurized mix that may contain fat, protein, carbohydrates,  
642 natural or artificial sweeteners, flavoring, stabilizers,  
643 emulsifiers, vitamins, and minerals.

644 (9)-(4) "Grade 'A' pasteurized milk ordinance" means the

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645 document entitled "Grade 'A' Pasteurized Milk Ordinance, United  
646 States Department of Health and Human Services, Public Health  
647 Service, Food and Drug Administration," including all associated  
648 appendices, as adopted by department rule.

649 (10)~~(5)~~ "Imitation milk and imitation milk products" means  
650 those foods that have the physical characteristics, such as  
651 taste, flavor, body, texture, or appearance, of milk or milk  
652 products as defined in this chapter and the Grade "A"  
653 pasteurized milk ordinance but do not come within the definition  
654 of "milk" or "milk products" and are nutritionally inferior to  
655 the product imitated.

656 (11)~~(6)~~ "Milk" means the lacteal secretion, practically  
657 free from colostrum, obtained by the complete milking of one or  
658 more healthy cows, goats, sheep, water buffalo, or other hooved  
659 mammals.

660 (12)~~(7)~~ "Milk distributor" means any person who offers for  
661 sale or sells to another person any milk or milk product.

662 (13)~~(8)~~ "Milk products" means products made with milk that  
663 is processed in some manner, including being whipped, acidified,  
664 cultured, concentrated, lactose-reduced, or sodium-reduced or  
665 aseptically processed, or having the addition or subtraction of  
666 milkfat, the addition of safe and suitable microbial organisms,  
667 or the addition of safe and suitable optional ingredients for  
668 protein, vitamin, or mineral fortification. "Milk products" do  
669 not include products such as evaporated milk, condensed milk,  
670 eggnog in a rigid metal container, dietary products, infant  
671 formula, or ice cream and other desserts.

672 (14)~~(9)~~ "Milkfat" or "butterfat" means the fat contained



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673 | in milk.

674 |       ~~(15)-(10)~~ "Milk hauler" means any person who transports raw  
675 | milk or raw milk products to or from a milk plant, receiving  
676 | station, or transfer station.

677 |       ~~(16)-(11)~~ "Milk plant" means any place, premises, or  
678 | establishment where milk or milk products are collected,  
679 | handled, processed, stored, pasteurized, aseptically processed,  
680 | bottled, or prepared for distribution.

681 |       ~~(17)-(12)~~ "Milk plant operator" means any person  
682 | responsible for receiving, processing, pasteurizing, or  
683 | packaging milk and milk products, or performing any other  
684 | related operation.

685 |       ~~(18)-(13)~~ "Milk producer" means any person who operates a  
686 | dairy farm and provides, sells, or offers for sale milk to a  
687 | milk plant, receiving station, or transfer station.

688 |       ~~(19)-(14)~~ "Milk tank truck" means either a bulk milk pickup  
689 | tanker or a milk transport tank.

690 |       ~~(20)-(15)~~ "Milk transport tank" means a vehicle, including  
691 | the truck and tank, used by a milk hauler to transport bulk  
692 | shipments of milk from a milk plant, receiving station, or  
693 | transfer station to another milk plant, receiving station, or  
694 | transfer station.

695 |       (21) "Quiescently frozen confection" means a clean and  
696 | wholesome frozen, sweetened, flavored product that, while being  
697 | frozen, was not stirred or agitated (generally known as  
698 | quiescent freezing). The confection may be acidulated with food-  
699 | grade acid, may contain milk solids or water, or may be made  
700 | with or without added harmless pure or imitation flavoring and

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701 with or without harmless coloring. The finished product must not  
 702 contain more than 0.5 percent by weight of stabilizer composed  
 703 of wholesome, edible material and must not contain less than 17  
 704 percent by weight of total food solids. In the production of the  
 705 confection, processing or mixing before quiescent freezing that  
 706 develops in the finished confection mix any physical expansion  
 707 in excess of 10 percent may not be used.

708 (22) "Quiescently frozen dairy confection" means a clean  
 709 and wholesome frozen product made from water, milk products, and  
 710 sugar, with added harmless pure or imitation flavoring, with or  
 711 without added harmless coloring, with or without added  
 712 stabilizer, or with or without added emulsifier, that, while  
 713 being frozen, was not stirred or agitated (generally known as  
 714 quiescent freezing). The confection must not contain less than  
 715 13 percent by weight of total milk solids, less than 33 percent  
 716 by weight of total food solids, more than 0.5 percent by weight  
 717 of stabilizer, or more than 0.2 percent of weight by emulsifier.  
 718 Stabilizer and emulsifier must be composed of wholesome, edible  
 719 material. In the production of a quiescently frozen dairy  
 720 confection, processing or mixing before quiescently freezing  
 721 that develops in the finished confection mix any physical  
 722 expansion in excess of 10 percent may not be used.

723 (23)-~~(16)~~ "Raw milk" means unprocessed milk.

724 (24)-~~(17)~~ "Receiving station" means any place, premises, or  
 725 establishment where raw milk is received, collected, handled,  
 726 stored, or cooled and is prepared for further transporting.

727 (25)-~~(18)~~ "Substitute milk and substitute milk products"  
 728 means those foods that have the physical characteristics, such

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729 as taste, flavor, body, texture, or appearance, of milk or milk  
 730 products as defined in this chapter and the Grade "A"  
 731 pasteurized milk ordinance but do not come within the definition  
 732 of "milk" or "milk products" and are nutritionally equivalent to  
 733 the product for which they are substitutes.

734 ~~(26)-(19)~~ "Transfer station" means any place, premises, or  
 735 establishment where milk or milk products are transferred  
 736 directly from one milk tank truck to another.

737 ~~(27)-(20)~~ "Washing station" means any place, premises, or  
 738 establishment where milk tank trucks are cleaned and sanitized.

739 Section 19. Section 502.013, Florida Statutes, is amended  
 740 to read:

741 502.013 Purpose; intent.—

742 (1) PURPOSE.—The purpose of this chapter is to:

743 (a) Ensure, without undue burden on either the regulatory  
 744 agency or the dairy industry, that milk, ~~and~~ milk products,  
 745 frozen desserts, and frozen dessert mix sold or offered for sale  
 746 in this state are produced under sanitary conditions, are  
 747 wholesome and fit for human consumption, and are correctly  
 748 labeled as to grade, quality, and source of production.

749 (b) Encourage uniformity and a high level of sanitation in  
 750 milk and frozen dessert production practices in this state.

751 (c) Facilitate the shipment and acceptance of milk and  
 752 milk products of high sanitary quality in interstate and  
 753 intrastate commerce.

754 (d) Ensure the normal flow of fresh wholesome milk and  
 755 milk products from the farmer to the consumer by uniform  
 756 regulation of the shelf life of milk and milk products in this

757 state.

758 (2) INTENT.—

759 (a) It is the intent of the Legislature to:

760 1. Eliminate, to the extent practicable, overlapping and  
 761 unnecessary inspections of dairy farms, ~~and~~ milk plants, and  
 762 frozen dessert plants which may be performed by any agency of  
 763 state or local government.

764 2. Pay for the regulation of milk and milk products,  
 765 except as otherwise provided in s. 502.053 ~~502.032~~, through the  
 766 General Revenue Fund.

767 (b) It is not the intent of the Legislature to limit the  
 768 authority of any agency of state or local government to take  
 769 immediate action incident to the production, processing, or  
 770 distribution of milk, ~~and~~ milk products, and frozen desserts  
 771 when such action is necessary to protect the public health.

772 Section 20. Subsections (1), (2), (6), and (7) of section  
 773 502.014, Florida Statutes, are amended to read:

774 502.014 Powers and duties.—

775 (1) The department shall administer and enforce all  
 776 regulatory laws currently in effect governing:

777 (a) The production, processing, and distribution of milk,  
 778 ~~and~~ milk products, frozen desserts, and frozen dessert mix.

779 (b) The sanitation and sanitary practices of  
 780 establishments where food and drink, including milk and milk  
 781 products, are sold for consumption on the premises, except food  
 782 service establishments regulated under chapters 381 and 509.

783 (c) The sanitary and healthful condition of the food and  
 784 drink sold or offered for sale by establishments under the

785 department's jurisdiction pursuant to paragraph (b).

786 (d) The laboratory work of testing and analyzing milk, and  
 787 milk products, frozen desserts, and frozen dessert mix.

788 (2) (a) The department shall conduct onsite inspections of  
 789 dairy farms, and milk plants, and frozen dessert plants and  
 790 collect test samples of milk, and milk products, and frozen  
 791 desserts as required by this chapter.

792 (b) The department shall designate employees who shall be  
 793 certified by the United States Food and Drug Administration as  
 794 state milk sanitation rating officers, sampling surveillance  
 795 officers, and laboratory evaluation officers in accordance with  
 796 the requirements published in "Methods of Making Sanitation  
 797 Ratings of Milk Shippers ~~Supplies,~~" "Evaluation of Milk  
 798 Laboratories," and "Procedures Governing the Cooperative State-  
 799 Public Health Service/Food and Drug Administration Program for  
 800 Certification of Interstate Milk Shippers," respectively, as  
 801 adopted by department rule. These officers shall conduct routine  
 802 sanitation compliance survey ratings of milk producers, milk  
 803 plants, laboratories, receiving stations, transfer stations, and  
 804 manufacturers of single-service containers for milk and milk  
 805 products. These ratings shall be made in accordance with the  
 806 recommendations of the United States Food and Drug  
 807 Administration published in "Methods of Making Sanitation  
 808 Ratings of Milk Shippers." ~~Standard Methods for the Examination~~  
 809 ~~of Dairy Products.~~

810 (6) The department has authority to adopt rules pursuant  
 811 to ss. 120.536(1) and 120.54 to implement and enforce the  
 812 provisions of this chapter. In adopting these rules, the

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813 department shall be guided by and may conform to the definitions  
 814 and standards of the administrative procedures and provisions of  
 815 the Grade "A" pasteurized milk ordinance and other applicable  
 816 federal requirements. The rules shall include, but are not  
 817 limited to:

818 (a) Standards for milk, ~~and~~ milk products, and frozen  
 819 desserts.

820 (b) Provisions for the production, transportation,  
 821 processing, handling, sampling, examination, grading, labeling,  
 822 and sale of all milk, ~~and~~ milk products, frozen desserts, and  
 823 imitation and substitute milk and milk products sold for public  
 824 consumption in this state.

825 (c) Provisions for the inspection of dairy herds, dairy  
 826 farms, frozen dessert plants, and milk plants.

827 (d) Provisions for the issuance and revocation of permits  
 828 issued by the department pursuant to this chapter.

829 (7) The department shall not conduct routine tests or  
 830 inspections on raw milk that is shipped from outside the state.  
 831 Nothing in this subsection shall be construed to limit the  
 832 authority of the department to review industry records or sample  
 833 milk or frozen desserts at any stage of production, processing,  
 834 or distribution in cases of suspected hazard to public health.

835 Section 21. Section 502.032, Florida Statutes, is  
 836 repealed.

837 Section 22. Section 502.053, Florida Statutes, is amended  
 838 to read:

839 502.053 Permits and licenses; fees; requirements;  
 840 exemptions; temporary permits.—

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841 (1) PERMITS AND LICENSES.—

842 (a) Each Grade "A" milk plant, whether located in the  
843 state or outside the state, and each manufacturing milk plant,  
844 milk producer, milk hauler, milk hauling service, washing  
845 station operator, milk plant operator, milk distributor, single-  
846 service-container manufacturer, receiving station, and transfer  
847 station in the state shall apply to the department for a permit  
848 to operate. The application shall be on forms developed by the  
849 department.

850 (b) Each frozen dessert plant, whether located in the  
851 state or outside the state, that manufactures frozen desserts or  
852 other products defined in this chapter and offers these products  
853 for sale in this state must apply to the department for a permit  
854 to operate. The application must be submitted on forms  
855 prescribed by the department. All frozen dessert permits expire  
856 on June 30 of each year.

857 (c) Any person who tests milk or milk products for milkfat  
858 content by weight, volume, chemical, electronic, or other method  
859 when the result of such test is used as a basis for payment for  
860 the milk or milk products must apply to the department for a  
861 license. To qualify for a license, the applicant must  
862 demonstrate a sufficiency of knowledge, ability, and equipment  
863 to adequately perform milkfat tests. The license shall be issued  
864 for a period of 2 years after the date of first issuance upon  
865 application to the department on forms prescribed by the  
866 department.

867 (d) ~~(b)~~ Permits and licenses are nontransferable between  
868 persons or locations and are subject to suspension or revocation

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869 as provided in this chapter.

870 (2) FEES.—

871 (a) The initial application for a frozen dessert plant  
872 permit must be accompanied by a permit fee of \$200. The annual  
873 permit renewal fee is \$100.

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

876 (3) ~~(2)~~ REQUIREMENTS.—

877 (a) To obtain a frozen dessert plant permit or milkfat  
878 tester's license, an applicant must satisfy all requirements  
879 that are defined by the department in rule and must agree to  
880 comply with the applicable provisions of this chapter and rules  
881 adopted under this chapter. The department shall mail a copy of  
882 the permit or license to the applicant to signify that  
883 administrative requirements have been met.

884 (b) All permitholders must maintain records of  
885 transactions concerning the procurement, production, and  
886 processing of milk and milk products as required in the Grade  
887 "A" pasteurized milk ordinance and grant department inspectors  
888 access to such records during all reasonable hours.

889 (c) In addition to the testing required in the Grade "A"  
890 pasteurized milk ordinance and its appendices, each milk plant  
891 operator in the state shall be responsible for routine testing  
892 and inspection of raw milk shipped from outside the state prior  
893 to processing and shall notify the department when such testing  
894 and inspection indicate a violation of the standards contained  
895 in the Grade "A" pasteurized milk ordinance.

896 (d) Each frozen dessert plant permitholder must report



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897 monthly, quarterly, semiannually, or annually, as required by  
 898 the department, the number of gallons of frozen dessert or  
 899 frozen dessert mix sold or manufactured by the permitholder in  
 900 this state.

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

905 (4)~~(3)~~ EXEMPTIONS.—

906 (a) The following persons shall be exempt from milk hauler  
 907 permit requirements:

908 1. Milk producers who transport milk or milk products only  
 909 from their own dairy farms.

910 2. Employees of a milk distributor or milk plant operator  
 911 who possesses a valid permit.

912 3. Drivers of bulk milk tank trucks between locations who  
 913 do not collect milk from farms.

914 (b) Grocery stores, restaurants, soda fountains, and  
 915 similar establishments where milk or milk products are served or  
 916 sold, but not processed, may be exempted from permit  
 917 requirements.

918 (c) Frozen desserts retail establishments as defined in s.  
 919 502.012 are exempt from this chapter.

920 (5)~~(4)~~ TEMPORARY PERMITS.—

921 (a) The department may issue a temporary permit for a  
 922 period not exceeding 90 days to milk producers who have  
 923 submitted an application to the department and passed a  
 924 preliminary inspection as required in the Grade "A" pasteurized

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925 milk ordinance.

926 (b) During this 90-day period, the department shall act  
 927 expeditiously to determine compliance with all relevant laws  
 928 and, upon finding compliance, shall issue a permit pursuant to  
 929 subsection (1).

930 Section 23. Section 502.054, Florida Statutes, is amended  
 931 to read:

932 502.054 Inspection and reinspection.—

933 (1) The department shall establish a schedule for  
 934 inspections which shall require routine inspections in  
 935 accordance with the minimum requirements contained in the Grade  
 936 "A" pasteurized milk ordinance and more frequent inspections or  
 937 reinspections for permitholders with serious or repeated  
 938 violations.

939 (2) The department shall inspect frozen desserts and  
 940 frozen dessert plants that handle and process mix and  
 941 manufacture frozen desserts for wholesale. Inspections must be  
 942 based on the frequency and severity of a violation. However, the  
 943 department must comply with all federal requirements governing  
 944 inspections.

945 Section 24. Subsection (1) of section 502.091, Florida  
 946 Statutes, is amended to read:

947 502.091 Milk and milk products which may be sold.—

948 (1) Only Grade "A" pasteurized milk and milk products,  
 949 pasteurized manufactured milk products, ice cream, and frozen  
 950 desserts, and cheese made from pasteurized milk shall be sold at  
 951 retail to the final consumer or to food service establishments  
 952 as defined in chapter 381, food establishments as defined in

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953 chapter 500, or public food service establishments as defined in  
954 chapter 509. Cheese made from raw milk may also be sold at  
955 retail to the final consumer or to food service establishments  
956 as defined in chapter 381, food establishments as defined in  
957 chapter 500, or public food service establishments as defined in  
958 chapter 509 if the cheese is aged more than 60 days at a  
959 temperature above 35° F.

960 (a) In an emergency, however, the department may authorize  
961 the sale of reconstituted pasteurized milk products, or  
962 pasteurized milk and milk products that have not been graded or  
963 the grade of which is unknown, in which case such milk and milk  
964 products shall be appropriately labeled, as determined by the  
965 department.

966 (b) If the department determines that milk is fit for  
967 human consumption even though it is less than Grade "A" because  
968 the producer failed to comply with the sanitation or bacterial  
969 standards defined in this chapter, or if any specific shipment  
970 of milk fails to comply with standards of the Grade "A"  
971 pasteurized milk ordinance, the department may issue a permit  
972 allowing the milk to be used in ungraded products, such as  
973 frozen desserts, which are being processed by such milk plant.  
974 During processing of such milk, it shall be pasteurized at a  
975 temperature of at least 175° F. for at least 15 seconds or at  
976 least 160° F. for at least 30 minutes.

977 Section 25. Subsections (1) and (2) of section 502.121,  
978 Florida Statutes, are amended to read:

979 502.121 Future dairy farms and milk and frozen dessert  
980 plants.-

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981 (1) All future construction or extensive alteration of  
 982 milk houses, milking barns, stables, parlors, transfer stations,  
 983 and milk and frozen dessert plants regulated under this chapter  
 984 must meet certain minimum specifications and requirements which  
 985 the department shall establish by rule.

986 (2) Anyone who plans to construct a new milk house,  
 987 milking barn, stable, parlor, transfer station, or milk or  
 988 frozen dessert plant~~7~~ or extensively alter any such existing  
 989 facility~~7~~ shall notify the department in writing of the  
 990 intention to construct or alter, the date construction or  
 991 alteration is to begin, and the legal description of the  
 992 property for which the construction is planned.

993 Section 26. Subsection (1) of section 502.181, Florida  
 994 Statutes, is amended to read:

995 502.181 Prohibited acts.—It is unlawful for any person in  
 996 this state to:

997 (1) Engage in the business of producing, hauling,  
 998 transferring, receiving, processing, packaging, or distributing  
 999 milk, ~~or~~ milk products, or frozen desserts or operating a  
 1000 washing station, manufacturing single-service containers,  
 1001 manufacturing imitation or substitute milk or milk products, or  
 1002 testing for milkfat content, without first obtaining a permit or  
 1003 license from the department.

1004 Section 27. Subsection (1) of section 502.231, Florida  
 1005 Statutes, is amended to read:

1006 502.231 Penalty and injunction.—

1007 (1) The department may enter an order imposing one or more  
 1008 of the following penalties against any person who violates any

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1009 provision of ~~the provisions~~ of this chapter:

1010 (a) Issuance of a warning letter that relates to the class  
1011 of the violation.

1012 (b) Imposition of an administrative fine not to exceed:

1013 1. Ten thousand dollars per violation in the case of a  
1014 frozen dessert licensee;

1015 2. Ten percent of the license fee or \$100, whichever is  
1016 greater, for failure to report the information described in s.  
1017 502.053(3) (d); or

1018 3. One thousand dollars ~~of not more than \$1,000~~ per  
1019 occurrence for any other violation.

1020

1021 ~~(c)~~ When imposing a fine under this paragraph ~~section~~, the  
1022 department must consider the degree and extent of harm caused by  
1023 the violation, the cost of rectifying the damage, the benefit to  
1024 the violator, whether the violation was committed willfully, and  
1025 the violator's compliance record.

1026 (c) ~~(d)~~ Revocation or suspension of any permit issued by  
1027 the department under this chapter.

1028 Section 28. Section 502.232, Florida Statutes, is amended  
1029 to read:

1030 502.232 Local regulations superseded.—All special or local  
1031 acts, general laws of limited application, county ordinances or  
1032 resolutions, municipal ordinances or resolutions, and municipal  
1033 charter provisions that authorize the regulation of milk or milk  
1034 products, or frozen desserts for wholesale, are superseded by  
1035 this chapter and the rules adopted pursuant to this chapter.

1036           Section 29. Chapter 503, Florida Statutes, consisting of  
 1037 sections 503.011, 503.021, 503.031, 503.041, 503.0415, 503.051,  
 1038 503.071, 503.081, and 503.091, is repealed.

1039           Section 30. Subsection (5) of section 527.22, Florida  
 1040 Statutes, is amended to read:

1041           527.22 Florida Propane Gas Education, Safety, and Research  
 1042 Council established; membership; duties and responsibilities.—

1043           (5) Council members shall receive no compensation or  
 1044 honorarium for their services, ~~and are authorized to receive~~  
 1045 ~~only per diem and reimbursement for travel expenses as provided~~  
 1046 ~~in s. 112.061.~~

1047           Section 31. Subsection (3) of section 559.9221, Florida  
 1048 Statutes, is amended to read:

1049           559.9221 Motor Vehicle Repair Advisory Council.—The Motor  
 1050 Vehicle Repair Advisory Council is created to advise and assist  
 1051 the department in carrying out this part.

1052           (3) The members of the council shall receive no  
 1053 compensation for their services, ~~except that they may receive~~  
 1054 ~~per diem and travel expenses as provided in s. 112.061.~~

1055           Section 32. Subsections (16), (19), and (28) of section  
 1056 570.07, Florida Statutes, are amended to read:

1057           570.07 Department of Agriculture and Consumer Services;  
 1058 functions, powers, and duties.—The department shall have and  
 1059 exercise the following functions, powers, and duties:

1060           (16) To enforce the state laws and rules relating to:

- 1061           (a) Fruit and vegetable inspection and grading;
- 1062           (b) Pesticide spray, residue inspection, and removal;
- 1063           (c) Registration; i ~~T~~ labeling; i ~~T~~ inspection; i ~~T~~ sale;

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1064 composition; formulation, including nutrient content level and  
 1065 release rates; distribution; and analysis of commercial stock  
 1066 feeds and commercial fertilizers;

1067 (d) Classification, inspection, and sale of poultry and  
 1068 eggs;

1069 (e) Registration, inspection, and analysis of gasolines  
 1070 and oils;

1071 (f) Registration, labeling, inspection, and analysis of  
 1072 pesticides;

1073 (g) Registration, labeling, inspection, germination  
 1074 testing, and sale of seeds, both common and certified;

1075 (h) Weights, measures, and standards;

1076 (i) Foods, as set forth in the Florida Food Safety Act;

1077 (j) Inspection and certification of honey;

1078 (k) Sale of liquid fuels;

1079 (l) Licensing of dealers in agricultural products;

1080 (m) Administration and enforcement of all regulatory  
 1081 legislation applying to milk and milk products, ice cream, and  
 1082 frozen desserts;

1083 (n) Recordation and inspection of marks and brands of  
 1084 livestock; and

1085 (o) All other regulatory laws relating to agriculture.  
 1086

1087 In order to ensure uniform health and safety standards, the  
 1088 adoption of standards and fines in the subject areas of  
 1089 paragraphs (a)-(n) is expressly preempted to the state and the  
 1090 department. Any local government enforcing the subject areas of  
 1091 paragraphs (a)-(n) must use the standards and fines set forth in

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1092 the pertinent statutes or any rules adopted by the department  
 1093 pursuant to those statutes. A county that has adopted an  
 1094 ordinance regulating the sale of urban turf fertilizer before  
 1095 January 1, 2011, is not subject to paragraph (c). However, if  
 1096 the county amends or changes any portion of such ordinance after  
 1097 January 1, 2011, paragraph (c) shall apply.

1098 (19) To protect the dairy interests of the state; and, to  
 1099 that end, it shall enforce those functions, powers, and duties  
 1100 given to it in chapter ~~chapters~~ 502 ~~and~~ 503.

1101 (28) For purposes of pollution control and the prevention  
 1102 of wildfires ~~purposes~~, to regulate open burning connected with  
 1103 ~~rural~~ land-clearing, agricultural, or forestry operations,  
 1104 ~~except fires for cold or frost protection.~~

1105 Section 33. Subsection (9) of section 570.0705, Florida  
 1106 Statutes, is amended to read:

1107 570.0705 Advisory committees.—From time to time the  
 1108 commissioner may appoint any advisory committee to assist the  
 1109 department with its duties and responsibilities.

1110 (9) Members of each advisory committee shall receive no  
 1111 compensation for their services, ~~but shall be entitled to~~  
 1112 ~~reimbursement for per diem and travel expenses as provided in s.~~  
 1113 ~~112.061.~~

1114 Section 34. Section 570.074, Florida Statutes, is amended  
 1115 to read:

1116 570.074 Department of Agriculture and Consumer Services;  
 1117 energy and water policy coordination.—The commissioner may  
 1118 create an Office of Energy and Water Coordination under the  
 1119 supervision of a senior manager exempt under s. 110.205 in the



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1120 Senior Management Service. The commissioner may designate the  
 1121 bureaus and positions in the various organizational divisions of  
 1122 the department that report to this office relating to any matter  
 1123 over which the department has jurisdiction in matters relating  
 1124 to energy and water policy affecting agriculture, application of  
 1125 such policies, and coordination of such matters with state and  
 1126 federal agencies.

1127 Section 35. Section 570.18, Florida Statutes, is amended  
 1128 to read:

1129 570.18 Organization of departmental work.—In the  
 1130 assignment of functions to the ~~12~~ divisions of the department  
 1131 created in s. 570.29, the department shall retain within the  
 1132 Division of Administration, in addition to executive functions,  
 1133 those powers and duties enumerated in s. 570.30. The department  
 1134 shall organize the work of the other ~~11~~ divisions in such a way  
 1135 as to secure maximum efficiency in the conduct of the  
 1136 department. The divisions created in s. 570.29 are solely to  
 1137 make possible the definite placing of responsibility. The  
 1138 department shall be conducted as a unit in which every employee,  
 1139 including each division director, is assigned a definite  
 1140 workload, and there shall exist between division directors a  
 1141 spirit of cooperative effort to accomplish the work of the  
 1142 department.

1143 Section 36. Subsection (2) of section 570.23, Florida  
 1144 Statutes, is amended to read:

1145 570.23 State Agricultural Advisory Council.—

1146 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
 1147 ~~COMPENSATION~~.—The meetings, powers and duties, procedures, and

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1148 recordkeeping of the State Agricultural Advisory Council, ~~and~~  
 1149 ~~per diem and reimbursement of expenses of council members,~~ shall  
 1150 be governed by the provisions of s. 570.0705 relating to  
 1151 advisory committees established within the department.

1152 Section 37. Subsections (7) through (12) of section  
 1153 570.29, Florida Statutes, are renumbered as subsections (6)  
 1154 through (11), respectively, and present subsection (6) is  
 1155 amended to read:

1156 570.29 Departmental divisions.—The department shall  
 1157 include the following divisions:

1158 ~~(6) Dairy Industry.~~

1159 Section 38. Subsection (2) of section 570.38, Florida  
 1160 Statutes, is amended to read:

1161 570.38 Animal Industry Technical Council.—

1162 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS+  
 1163 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
 1164 recordkeeping of the Animal Industry Technical Council, ~~and per~~  
 1165 ~~diem and reimbursement of expenses of council members,~~ shall be  
 1166 governed by the provisions of s. 570.0705 relating to advisory  
 1167 committees established within the department.

1168 Section 39. Paragraph (d) of subsection (3) of section  
 1169 570.382, Florida Statutes, is amended to read:

1170 570.382 Arabian horse racing; breeders' and stallion  
 1171 awards; Arabian Horse Council; horse registration fees; Florida  
 1172 Arabian Horse Racing Promotion Account.—

1173 (3) ARABIAN HORSE COUNCIL.—

1174 (d) Members of the council shall receive no compensation  
 1175 for their services, ~~except that they shall receive per diem and~~

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1176 ~~travel expenses as provided in s. 112.061 when actually engaged~~  
 1177 ~~in the business of the council.~~

1178 Section 40. Sections 570.40 and 570.41, Florida Statutes,  
 1179 are repealed.

1180 Section 41. Subsection (2) of section 570.42, Florida  
 1181 Statutes, is amended to read:

1182 570.42 Dairy Industry Technical Council.—

1183 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
 1184 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
 1185 recordkeeping of the Dairy Industry Technical Council, ~~and per~~  
 1186 ~~diem and reimbursement of expenses of council members,~~ shall be  
 1187 governed by the provisions of s. 570.0705 relating to advisory  
 1188 committees established within the department.

1189 Section 42. Subsections (2) and (3) of section 570.50,  
 1190 Florida Statutes, are amended, and subsections (6) and (7) are  
 1191 added to that section, to read:

1192 570.50 Division of Food Safety; powers and duties.—The  
 1193 duties of the Division of Food Safety include, but are not  
 1194 limited to:

1195 (2) Conducting those general inspection activities  
 1196 relating to food and food products being processed, held, or  
 1197 offered for sale in this state and enforcing those provisions of  
 1198 chapters 500, 501, 502, ~~503,~~ 531, 583, 585, 586, and 601  
 1199 relating to foods as authorized by the department.

1200 (3) Analyzing samples of foods offered for sale in this  
 1201 state as required under chapters 500, 501, 502, ~~503,~~ 585, 586,  
 1202 and 601.

1203 (6) Inspecting dairy farms of the state, enforcing those

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1204 provisions of chapter 502 that are authorized by the department  
 1205 and related to the supervision of milking operations, and  
 1206 enforcing rules adopted under such provisions.

1207 (7) Inspecting milk plants, milk product plants, and  
 1208 plants engaged in the manufacture and distribution of frozen  
 1209 desserts and frozen dessert mixes; analyzing and testing samples  
 1210 of milk, milk products, frozen desserts, and frozen dessert  
 1211 mixes collected by the division; and enforcing those provisions  
 1212 of chapter 502 that are authorized by the department.

1213 Section 43. Subsection (2) of section 570.51, Florida  
 1214 Statutes, is amended to read:

1215 570.51 Director; qualifications; duties.—

1216 (2) The director shall supervise, direct, and coordinate  
 1217 the activities of the division and enforce the provisions of  
 1218 chapters 500, 501, 502, ~~503~~, 531, 583, 585, and 601 and any  
 1219 other chapter necessary to carry out the responsibilities of the  
 1220 division.

1221 Section 44. Subsection (2) of section 570.543, Florida  
 1222 Statutes, is amended to read:

1223 570.543 Florida Consumers' Council.—The Florida Consumers'  
 1224 Council in the department is created to advise and assist the  
 1225 department in carrying out its duties.

1226 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS+  
 1227 ~~COMPENSATION~~.—The meetings, powers and duties, procedures, and  
 1228 recordkeeping of the Florida Consumers' Council, ~~and per diem~~  
 1229 ~~and reimbursement of expenses of council members,~~ shall be  
 1230 governed by the provisions of s. 570.0705 relating to advisory  
 1231 committees established within the department. The council

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1232 members or chair may call no more than two meetings.

1233 Section 45. Subsection (3) of section 570.954, Florida  
1234 Statutes, is amended to read:

1235 570.954 Farm-to-fuel initiative.—

1236 ~~(3) The department shall coordinate with and solicit the~~  
1237 ~~expertise of the state energy office within the Department of~~  
1238 ~~Environmental Protection when developing and implementing this~~  
1239 ~~initiative.~~

1240 Section 46. Subsection (2) of section 571.28, Florida  
1241 Statutes, is amended to read:

1242 571.28 Florida Agricultural Promotional Campaign Advisory  
1243 Council.—

1244 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;  
1245 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
1246 recordkeeping of the Florida Agricultural Promotional Campaign  
1247 Advisory Council, ~~and per diem and reimbursement of expenses of~~  
1248 ~~council members,~~ shall be governed by the provisions of s.  
1249 570.0705 relating to advisory committees established within the  
1250 department.

1251 Section 47. Subsection (6) of section 573.112, Florida  
1252 Statutes, is amended to read:

1253 573.112 Advisory council.—

1254 (6) No member or alternate member of the council shall  
1255 receive a salary, ~~but shall be reimbursed for travel expenses~~  
1256 ~~while on council business as provided in s. 112.061.~~ The  
1257 department may employ necessary personnel, including  
1258 professional and technical services personnel, and fix their  
1259 compensation and terms of employment and may incur expenses to

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1260 be paid from moneys collected as herein provided.

1261 Section 48. Subsection (3) of section 576.091, Florida  
 1262 Statutes, is amended to read:

1263 576.091 Fertilizer Technical Council.—

1264 (3) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
 1265 ~~REIMBURSEMENTS.~~—The meetings, powers and duties, procedures, and  
 1266 ~~recordkeeping, and reimbursement of expenses of members and~~  
 1267 ~~alternate members~~ of the council shall be in accordance with the  
 1268 provisions of s. 570.0705 relating to advisory committees  
 1269 established within the department.

1270 Section 49. Subsection (2) of section 580.151, Florida  
 1271 Statutes, is amended to read:

1272 580.151 Commercial Feed Technical Council.—

1273 (2) POWERS AND DUTIES; PROCEDURES; RECORDS;  
 1274 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and recordkeeping  
 1275 of the Commercial Feed Technical Council, ~~and per diem and~~  
 1276 ~~reimbursement of expenses of council members,~~ shall be governed  
 1277 by the provisions of s. 570.0705 relating to advisory committees  
 1278 established within the department.

1279 Section 50. Subsection (2) of section 581.186, Florida  
 1280 Statutes, is amended to read:

1281 581.186 Endangered Plant Advisory Council; organization;  
 1282 meetings; powers and duties.—

1283 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
 1284 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
 1285 recordkeeping of the Endangered Plant Advisory Council, ~~and per~~  
 1286 ~~diem and reimbursement of expenses of council members,~~ shall be  
 1287 governed by the provisions of s. 570.0705 relating to advisory

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1288 committees established within the department.

1289 Section 51. Subsection (3) of section 586.161, Florida  
1290 Statutes, is amended to read:

1291 586.161 Honeybee Technical Council.—

1292 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;  
1293 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
1294 recordkeeping of the Honeybee Technical Council, ~~and per diem~~  
1295 ~~and reimbursement of expenses of council members,~~ shall be  
1296 governed by the provisions of s. 570.0705 relating to advisory  
1297 committees established within the department.

1298 Section 52. Section 590.015, Florida Statutes, is amended  
1299 to read:

1300 590.015 Definitions.—As used in this chapter, the term:

1301 (1) "Broadcast burning" means the burning of agricultural  
1302 or natural vegetation by allowing fire to move across a  
1303 predetermined area of land. The term does not include the  
1304 burning of vegetative debris that is piled or stacked.

1305 (2)~~(1)~~ "Division" means the Division of Forestry of the  
1306 Department of Agriculture and Consumer Services.

1307 (3)~~(2)~~ "Fire management services" means presuppression  
1308 fireline plowing, prescribed burning assistance, contract  
1309 prescribed burning, prescribed and wildfire management training,  
1310 and other activities associated with prevention, detection, and  
1311 suppression of wildfires.

1312 (4)~~(3)~~ "Fuel reduction" means the application of  
1313 techniques that reduce vegetative fuels, and may include  
1314 prescribed burning, manual and mechanical clearing, and the use  
1315 of herbicides.

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1316           (5) "Open burning" means any outdoor fire or open  
1317 combustion of material that produces visible emissions.

1318           ~~(6)-(4)~~ "Wildfire" means any vegetative fire that threatens  
1319 to destroy life, property, or natural resources.

1320           ~~(7)-(5)~~ "Wild land" means any public or private managed or  
1321 unmanaged forest, urban/interface, pasture or range land,  
1322 recreation lands, or any other land at risk of wildfire.

1323           Section 53. Paragraph (d) of subsection (1) and subsection  
1324 (4) of section 590.02, Florida Statutes, are amended, and  
1325 subsections (9) and (10) are added to that section, to read:

1326           590.02 Division powers, authority, and duties; liability;  
1327 building structures; Florida Center for Wildfire and Forest  
1328 Resources Management Training.—

1329           (1) The division has the following powers, authority, and  
1330 duties:

1331           (d) To appoint center managers, forest area supervisors,  
1332 forestry program administrators, a forest protection bureau  
1333 chief, a forest protection assistant bureau chief, a field  
1334 operations bureau chief, deputy chiefs of field operations,  
1335 district managers, forest operations administrators, senior  
1336 forest rangers, investigators, forest rangers, firefighter  
1337 rotorcraft pilots, and other employees who may, at the  
1338 division's discretion, be certified as forestry firefighters  
1339 pursuant to s. 633.35(4). Other provisions of law  
1340 notwithstanding, center managers, district managers, forest  
1341 protection assistant bureau chief, and deputy chiefs of field  
1342 operations shall have Selected Exempt Service status in the  
1343 state personnel designation;



1344           (4) (a) The department may build structures,  
 1345 notwithstanding chapters 216 and 255, not to exceed a cost of  
 1346 \$50,000 per structure from existing resources on forest lands,  
 1347 federal excess property, and unneeded existing structures. These  
 1348 structures must meet all applicable building codes.

1349           (b) Notwithstanding s. 553.80(1), the department shall  
 1350 exclusively enforce the Florida Building Code as it pertains to  
 1351 wildfire and law enforcement facilities under the jurisdiction  
 1352 of the department.

1353           (9) (a) Notwithstanding ss. 273.055 and 287.16, the  
 1354 department may retain, transfer, warehouse, bid, destroy, scrap,  
 1355 or otherwise dispose of surplus equipment and vehicles that are  
 1356 used for wildland firefighting.

1357           (b) All money received from the disposition of state-owned  
 1358 equipment and vehicles that are used for wildland firefighting  
 1359 shall be retained by the department. Money received pursuant to  
 1360 this section is appropriated for and may be disbursed for the  
 1361 acquisition of exchange and surplus equipment used for wildland  
 1362 firefighting, and for all necessary operating expenditures  
 1363 related to such equipment, in the same fiscal year and the  
 1364 fiscal year following the disposition. The department shall  
 1365 maintain records of the accounts into which the money is  
 1366 deposited.

1367           (10) (a) The division has exclusive authority to require  
 1368 and issue authorizations for broadcast burning and agricultural  
 1369 and silvicultural pile burning. An agency, commission,  
 1370 department, county, municipality, or other political subdivision  
 1371 of the state may not adopt laws, regulations, rules, or policies

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1372 pertaining to broadcast burning or agricultural and  
 1373 silvicultural pile burning unless an emergency order is declared  
 1374 in accordance with s. 252.38(3).

1375 (b) The division may delegate to a county or municipality  
 1376 its authority, as delegated by the Department of Environmental  
 1377 Protection pursuant to ss. 403.061(28) and 403.081, to require  
 1378 and issue authorizations for the burning of yard trash and  
 1379 debris from land clearing operations in accordance with s.  
 1380 590.125(6).

1381 Section 54. Section 590.125, Florida Statutes, is amended  
 1382 to read:

1383 590.125 Open burning authorized by the division.—

1384 (1) DEFINITIONS.—As used in this section, the term:

1385 (a) "Certified pile burner" means an individual who  
 1386 successfully completes the division's pile burning certification  
 1387 program and possesses a valid pile burner certification number.

1388 ~~"Prescribed burning" means the controlled application of fire in~~  
 1389 ~~accordance with a written prescription for vegetative fuels~~  
 1390 ~~under specified environmental conditions while following~~  
 1391 ~~appropriate precautionary measures that ensure that the fire is~~  
 1392 ~~confined to a predetermined area to accomplish the planned fire~~  
 1393 ~~or land-management objectives.~~

1394 (b) "Certified prescribed burn manager" means an  
 1395 individual who successfully completes the certified prescribed  
 1396 burning ~~certification~~ program of the division and possesses a  
 1397 valid certification number.

1398 (c) ~~(d)~~ "Extinguished" means that ~~no spreading flame for:~~  
 1399 1. Wildland ~~Wild land~~ burning or certified prescribed

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1400 burning, ~~and no spreading flames visible flame, smoke, or~~  
 1401 ~~emissions for vegetative land-clearing debris burning,~~ exist.

1402 2. Vegetative land-clearing debris burning or pile  
 1403 burning, no visible flames exist.

1404 3. Vegetative land-clearing debris burning or pile burning  
 1405 in an area designated as smoke sensitive by the division, no  
 1406 visible flames, smoke, or emissions exist.

1407 (d) "Land-clearing operation" means the uprooting or  
 1408 clearing of vegetation in connection with the construction of  
 1409 buildings and rights-of-way, land development, and mineral  
 1410 operations. The term does not include the clearing of yard  
 1411 trash.

1412 (e) "Pile burning" means the burning of silvicultural,  
 1413 agricultural, or land-clearing and tree-cutting debris  
 1414 originating onsite, which is stacked together in a round or  
 1415 linear fashion, including, but not limited to, a windrow.

1416 (f) "Prescribed burning" means the controlled application  
 1417 of fire by broadcast burning in accordance with a written  
 1418 prescription for vegetative fuels under specified environmental  
 1419 conditions, while following appropriate precautionary measures  
 1420 that ensure that the fire is confined to a predetermined area to  
 1421 accomplish the planned fire or land-management objectives.

1422 (g)-(e) "Prescription" means a written plan establishing  
 1423 the criteria necessary for starting, controlling, and  
 1424 extinguishing a prescribed burn.

1425 (h) "Yard trash" means vegetative matter resulting from  
 1426 landscaping and yard maintenance operations and other such  
 1427 routine property cleanup activities. The term includes materials

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1428 such as leaves, shrub trimmings, grass clippings, brush, and  
 1429 palm fronds.

1430 (2) NONCERTIFIED BURNING.—

1431 (a) Persons may be authorized to burn wild land or  
 1432 vegetative land-clearing debris in accordance with this  
 1433 subsection if:

1434 1. There is specific consent of the landowner or his or  
 1435 her designee;

1436 2. Authorization has been obtained from the division or  
 1437 its designated agent before starting the burn;

1438 3. There are adequate firebreaks at the burn site and  
 1439 sufficient personnel and firefighting equipment for the control  
 1440 of the fire;

1441 4. The fire remains within the boundary of the authorized  
 1442 area;

1443 5. An authorized person ~~Someone~~ is present at the burn  
 1444 site until the fire is extinguished;

1445 6. The division does not cancel the authorization; and

1446 7. The division determines that air quality and fire  
 1447 danger are favorable for safe burning.

1448 (b) A person who burns wild land or vegetative land-  
 1449 clearing debris in a manner that violates any requirement of  
 1450 this subsection commits a misdemeanor of the second degree,  
 1451 punishable as provided in s. 775.082 or s. 775.083.

1452 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
 1453 PURPOSE.—

1454 (a) The application of prescribed burning is a land  
 1455 management tool that benefits the safety of the public, the

1456 environment, and the economy of the state. The Legislature finds  
1457 that:

1458 1. Prescribed burning reduces vegetative fuels within wild  
1459 land areas. Reduction of the fuel load reduces the risk and  
1460 severity of wildfire, thereby reducing the threat of loss of  
1461 life and property, particularly in urban areas.

1462 2. Most of Florida's natural communities require periodic  
1463 fire for maintenance of their ecological integrity. Prescribed  
1464 burning is essential to the perpetuation, restoration, and  
1465 management of many plant and animal communities. Significant  
1466 loss of the state's biological diversity will occur if fire is  
1467 excluded from fire-dependent systems.

1468 3. Forestland and rangeland constitute significant  
1469 economic, biological, and aesthetic resources of statewide  
1470 importance. Prescribed burning on forestland prepares sites for  
1471 reforestation, removes undesirable competing vegetation,  
1472 expedites nutrient cycling, and controls or eliminates certain  
1473 forest pathogens. On rangeland, prescribed burning improves the  
1474 quality and quantity of herbaceous vegetation necessary for  
1475 livestock production.

1476 4. The state purchased hundreds of thousands of acres of  
1477 land for parks, preserves, wildlife management areas, forests,  
1478 and other public purposes. The use of prescribed burning for  
1479 management of public lands is essential to maintain the specific  
1480 resource values for which these lands were acquired.

1481 5. A public education program is necessary to make  
1482 citizens and visitors aware of the public safety, resource, and  
1483 economic benefits of prescribed burning.

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1484           6. Proper training in the use of prescribed burning is  
 1485 necessary to ensure maximum benefits and protection for the  
 1486 public.

1487           7. As Florida's population continues to grow, pressures  
 1488 from liability issues and nuisance complaints inhibit the use of  
 1489 prescribed burning. Therefore, the division is urged to maximize  
 1490 the opportunities for prescribed burning conducted during its  
 1491 daytime and nighttime authorization process.

1492           (b) Certified prescribed burning pertains only to  
 1493 broadcast burning for purposes of silviculture, wildland fire  
 1494 hazard reduction, wildlife management, ecological maintenance  
 1495 and restoration, and range and pasture management. It must be  
 1496 conducted in accordance with this subsection and:

1497           1. May be accomplished only when a certified prescribed  
 1498 burn manager is present on site with a copy of the prescription  
 1499 from ignition of the burn to its completion.

1500           2. Requires that a written prescription be prepared before  
 1501 receiving authorization to burn from the division.

1502           3. Requires that the specific consent of the landowner or  
 1503 his or her designee be obtained before requesting an  
 1504 authorization.

1505           4. Requires that an authorization to burn be obtained from  
 1506 the division before igniting the burn.

1507           5. Requires that there be adequate firebreaks at the burn  
 1508 site and sufficient personnel and firefighting equipment for the  
 1509 control of the fire.

1510           6. Is considered to be in the public interest and does not  
 1511 constitute a public or private nuisance when conducted under

1512 applicable state air pollution statutes and rules.

1513 7. Is considered to be a property right of the property  
 1514 owner if vegetative fuels are burned as required in this  
 1515 subsection.

1516 (c) Neither a property owner nor his or her agent is  
 1517 liable pursuant to s. 590.13 for damage or injury caused by the  
 1518 fire or resulting smoke or considered to be in violation of  
 1519 subsection (2) for burns conducted in accordance with this  
 1520 subsection unless gross negligence is proven.

1521 (d) Any certified burner who violates this section commits  
 1522 a misdemeanor of the second degree, punishable as provided in s.  
 1523 775.082 or s. 775.083.

1524 (e) The division shall adopt rules for the use of  
 1525 prescribed burning and for certifying and decertifying certified  
 1526 prescribed burn managers based on their past experience,  
 1527 training, and record of compliance with this section.

1528 (4) CERTIFIED PILE BURNING.—

1529 (a) Certified pile burning pertains to the disposal of  
 1530 piled, naturally occurring debris from an agricultural,  
 1531 silvicultural, or temporary land-clearing operation. A land-  
 1532 clearing operation is temporary if it operates for 6 months or  
 1533 less. Certified pile burning must be conducted in accordance  
 1534 with the following:

1535 1. A certified pile burner must ensure, before ignition,  
 1536 that the piles are properly placed and that the content of the  
 1537 piles is conducive to efficient burning.

1538 2. A certified pile burner must ensure that the piles are  
 1539 properly extinguished no later than 1 hour after sunset. If the

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1540 burn is conducted in an area designated by the division as smoke  
 1541 sensitive, a certified pile burner must ensure that the piles  
 1542 are properly extinguished at least 1 hour before sunset.

1543 3. A written pile burning plan must be prepared before  
 1544 receiving authorization from the division to burn.

1545 4. The specific consent of the landowner or his or her  
 1546 agent must be obtained before requesting authorization to burn.

1547 5. An authorization to burn must be obtained from the  
 1548 division or its designated agent before igniting the burn.

1549 6. There must be adequate firebreaks and sufficient  
 1550 personnel and firefighting equipment at the burn site to control  
 1551 the fire.

1552 (b) If a burn is conducted in accordance with paragraph  
 1553 (a), the property owner and his or her agent are not liable  
 1554 under s. 590.13 for damage or injury caused by the fire or  
 1555 resulting smoke, and are not in violation of subsection (2),  
 1556 unless gross negligence is proven.

1557 (c) A certified pile burner who violates this subsection  
 1558 commits a misdemeanor of the second degree, punishable as  
 1559 provided in s. 775.082 or s. 775.083.

1560 (d) The division shall adopt rules regulating certified  
 1561 pile burning. The rules shall include procedures and criteria  
 1562 for certifying and decertifying certified pile burn managers  
 1563 based on past experience, training, and record of compliance  
 1564 with this section.

1565 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE  
 1566 DIVISION.—The division may conduct fuel reduction initiatives,  
 1567 including, but not limited to, burning and mechanical and



1568 chemical treatment, on any area of wild land within the state  
 1569 which is reasonably determined to be in danger of wildfire in  
 1570 accordance with the following procedures:

1571 (a) Describe the areas that will receive fuels treatment  
 1572 to the affected local governmental entity.

1573 (b) Publish a treatment notice, including a description of  
 1574 the area to be treated, in a conspicuous manner in at least one  
 1575 newspaper of general circulation in the area of the treatment  
 1576 not less than 10 days before the treatment.

1577 (c) Prepare, ~~and send the county tax collector shall~~  
 1578 ~~include with the annual tax statement,~~ a notice to be sent to  
 1579 all landowners in each area ~~township~~ designated by the division  
 1580 as a wildfire hazard area. The notice must describe particularly  
 1581 the area to be treated and the tentative date or dates of the  
 1582 treatment and must list the reasons for and the expected  
 1583 benefits from the wildfire hazard reduction.

1584 (d) Consider any landowner objections to the fuels  
 1585 treatment of his or her property. The landowner may apply to the  
 1586 director of the division for a review of alternative methods of  
 1587 fuel reduction on the property. If the director or his or her  
 1588 designee does not resolve the landowner objection, the director  
 1589 shall convene a panel made up of the local forestry unit  
 1590 manager, the fire chief of the jurisdiction, and the affected  
 1591 county or city manager, or any of their designees. If the  
 1592 panel's recommendation is not acceptable to the landowner, the  
 1593 landowner may request further consideration by the Commissioner  
 1594 of Agriculture or his or her designee and shall thereafter be  
 1595 entitled to an administrative hearing pursuant to the provisions

1596 of chapter 120.

1597 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING  
 1598 AUTHORIZATION PROGRAMS.—

1599 (a) A county or municipality may exercise the division's  
 1600 authority, if delegated by the division under this subsection,  
 1601 to issue authorizations for the burning of yard trash or debris  
 1602 from land-clearing operations. A county's or municipality's  
 1603 existing or proposed open burning authorization program must:

1604 1. Be approved by the division. The division may not  
 1605 approve a program if it fails to meet the requirements of  
 1606 subsections (2) and (4) and any rules adopted under those  
 1607 subsections.

1608 2. Provide by ordinance or local law the requirements for  
 1609 obtaining and performing a burn authorization that complies with  
 1610 subsections (2) and (4) and any rules adopted under those  
 1611 subsections.

1612 3. Provide for the enforcement of the program's  
 1613 requirements.

1614 4. Provide financial, personnel, and other resources  
 1615 needed to carry out the program.

1616 (b) If the division determines that a county's or  
 1617 municipality's open burning authorization program does not  
 1618 comply with subsections (2) and (4) and any rules adopted under  
 1619 those subsections, the division shall require the county or  
 1620 municipality to take necessary corrective actions within 90 days  
 1621 after receiving notice from the division of its determination.

1622 1. If the county or municipality fails to take the  
 1623 necessary corrective actions within the required period, the

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1624 division shall resume administration of the open burning  
 1625 authorization program in the county or municipality and the  
 1626 county or municipality shall cease administration of its  
 1627 program.

1628 2. Each county and municipality administering an open  
 1629 burning authorization program must cooperate with and assist the  
 1630 division in carrying out the division's powers, duties, and  
 1631 functions.

1632 3. A person who violates the requirements of a county's or  
 1633 municipality's open burning authorization program, as provided  
 1634 by ordinance or local law enacted pursuant to this subsection,  
 1635 commits a violation of this chapter, punishable as provided in  
 1636 s. 590.14.

1637 (7)~~(5)~~ DUTIES OF AGENCIES.—The Department of Education  
 1638 shall incorporate, where feasible and appropriate, the issues of  
 1639 fuels treatment, including prescribed burning, into its  
 1640 educational materials.

1641 Section 55. Section 590.14, Florida Statutes, is amended  
 1642 to read:

1643 590.14 Notice of violation; penalties; legislative  
 1644 intent.—

1645 (1) If a division employee determines that a person has  
 1646 violated chapter 589, ~~or~~ this chapter, or any rule adopted by  
 1647 the division to administer provisions of law conferring duties  
 1648 upon the division, the division employee ~~he or she~~ may issue a  
 1649 notice of violation indicating the statute or rule violated.  
 1650 This notice will be filed with the division and a copy forwarded  
 1651 to the appropriate law enforcement entity for further action if

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1652 necessary.

1653 (2) In addition to any penalties provided by law, any  
1654 person who causes a wildfire or permits any authorized fire to  
1655 escape the boundaries of the authorization or to burn past the  
1656 time of the authorization is liable for the payment of all  
1657 reasonable costs and expenses incurred in suppressing the fire  
1658 or \$150, whichever is greater. All costs and expenses incurred  
1659 by the division shall be payable to the division. When such  
1660 costs and expenses are not paid within 30 days after demand, the  
1661 division may take proper legal proceedings for the collection of  
1662 the costs and expenses. Those costs incurred by an agency acting  
1663 at the division's direction are recoverable by that agency.

1664 (3) The department may also impose an administrative fine,  
1665 not to exceed \$1,000 per violation of any section of chapter 589  
1666 or this chapter or violation of any rule adopted by the division  
1667 to administer provisions of law conferring duties upon the  
1668 division. The fine shall be based upon the degree of damage, the  
1669 prior violation record of the person, and whether the person  
1670 knowingly provided false information to obtain an authorization.  
1671 The fines shall be deposited in the Incidental Trust Fund of the  
1672 division.

1673 (4) A person commits a misdemeanor of the second degree,  
1674 punishable as provided in s. 775.082 or s. 775.083, if the  
1675 person:

1676 (a) Fails to comply with any rule or order adopted by the  
1677 division to administer provisions of law conferring duties upon  
1678 the division; or

1679 (b) Knowingly makes any false statement or representation

1680 in any application, record, plan, or other document required by  
 1681 this chapter or any rules adopted under this chapter.

1682 (5) It is the intent of the Legislature that a penalty  
 1683 imposed by a court under subsection (4) be of a severity that  
 1684 ensures immediate and continued compliance with this section.

1685 ~~(6)-(4)~~ The penalties provided in this section shall extend  
 1686 to both the actual violator and the person or persons, firm, or  
 1687 corporation causing, directing, or permitting the violation.

1688 Section 56. Subsection (4) of section 597.005, Florida  
 1689 Statutes, is amended to read:

1690 597.005 Aquaculture Review Council.—

1691 ~~(4) EXPENSES; PER DIEM. Members of the council shall~~  
 1692 ~~receive expenses and per diem for travel, including attendance~~  
 1693 ~~at meetings, as allowed state officers and employees pursuant to~~  
 1694 ~~s. 112.061.~~

1695 Section 57. Subsection (2) of section 599.002, Florida  
 1696 Statutes, is amended to read:

1697 599.002 Viticulture Advisory Council.—

1698 (2) The meetings, powers and duties, procedures, and  
 1699 recordkeeping of the Viticulture Advisory Council, ~~and per diem~~  
 1700 ~~and reimbursement of expenses of council members,~~ shall be  
 1701 governed by the provisions of s. 570.0705 relating to advisory  
 1702 committees established within the department.

1703 Section 58. Subsection (4) is added to section 616.17,  
 1704 Florida Statutes, to read:

1705 616.17 Minimum exhibits.—

1706 (4) An authority or fair association as defined in this  
 1707 chapter that provides any of the exhibits set forth in

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1708 subsection (1) or other exhibits or concessions, whether such  
 1709 exhibits or concessions are provided directly or through an  
 1710 agreement with a third party, is not subject to criminal  
 1711 penalties or civil damages arising out of the personal injury or  
 1712 death of any person, or property damage, resulting from such  
 1713 exhibits or concessions. This subsection does not apply if the  
 1714 personal injury, death, or property damage was due to an act or  
 1715 omission committed by the authority or fair association in bad  
 1716 faith, with malicious purpose, or with wanton and willful  
 1717 disregard of human rights, safety, or property. This subsection  
 1718 does not apply to third parties providing exhibits or  
 1719 concessions.

1720 Section 59. Paragraph (a) of subsection (1) and subsection  
 1721 (3) of section 616.252, Florida Statutes, are amended to read:

1722 616.252 Florida State Fair Authority; membership; number,  
 1723 terms, compensation.—

1724 (1) (a) The authority shall be composed of 22 ~~21~~ members.  
 1725 The Commissioner of Agriculture, or her or his designee, shall  
 1726 serve as a voting member. There shall also be a member who is  
 1727 the member of the Board of County Commissioners of Hillsborough  
 1728 County representing the county commission district in which the  
 1729 Florida State Fairgrounds is located, who shall serve as a  
 1730 voting member. There shall also be an appointed youth member who  
 1731 is an active member of the Florida Future Farmers of America or  
 1732 a 4-H Club, who shall serve as a nonvoting member. The  
 1733 Commissioner of Agriculture shall appoint each other member of  
 1734 the authority. Each member appointed by the Commissioner of  
 1735 Agriculture shall serve at the pleasure of the Commissioner of

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1736 Agriculture. The term of each member appointed by the  
1737 Commissioner of Agriculture shall be 4 years, but the term of  
1738 the nonvoting youth member shall be for 1 year ~~except, to~~  
1739 ~~provide staggered terms, 9 of the members shall be initially~~  
1740 ~~appointed for a 2-year term and 10 of the members shall be~~  
1741 ~~initially appointed for a 3-year term.~~ Members may be appointed  
1742 for more than one term. Any vacancy shall be filled for the  
1743 remainder of the unexpired term pursuant to the method provided  
1744 in this section for appointment. Six of the members may be from  
1745 Hillsborough County. The Commissioner of Agriculture shall  
1746 appoint and set the compensation of an executive director. The  
1747 executive director shall serve at the pleasure of the  
1748 Commissioner of Agriculture.

1749 (3) Members of the authority are ~~shall~~ not ~~be~~ entitled to  
1750 compensation for their services as members and may not, but  
1751 ~~shall~~ be reimbursed for travel expenses. Except for the  
1752 nonvoting youth member, each member as provided in s. 112.061  
1753 ~~and~~ may be compensated for any special or full-time service  
1754 performed in the authority's ~~its~~ behalf as officers or agents of  
1755 the authority.

1756 Section 60. Paragraph (c) of subsection (2) of section  
1757 812.014, Florida Statutes, is amended to read:

1758 812.014 Theft.—

1759 (2)

1760 (c) It is grand theft of the third degree and a felony of  
1761 the third degree, punishable as provided in s. 775.082, s.  
1762 775.083, or s. 775.084, if the property stolen is:

1763 1. Valued at \$300 or more, but less than \$5,000.

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- 1764 2. Valued at \$5,000 or more, but less than \$10,000.
- 1765 3. Valued at \$10,000 or more, but less than \$20,000.
- 1766 4. A will, codicil, or other testamentary instrument.
- 1767 5. A firearm.
- 1768 6. A motor vehicle, except as provided in paragraph (a).
- 1769 7. Any commercially farmed animal, including any animal of
- 1770 the equine, bovine, or swine class~~7~~ or other grazing animal; a
- 1771 bee colony of a registered beekeeper;~~7~~ and ~~including~~ aquaculture
- 1772 species raised at a certified aquaculture facility. If the
- 1773 property stolen is aquaculture species raised at a certified
- 1774 aquaculture facility, then a \$10,000 fine shall be imposed.
- 1775 8. Any fire extinguisher.
- 1776 9. Any amount of citrus fruit consisting of 2,000 or more
- 1777 individual pieces of fruit.
- 1778 10. Taken from a designated construction site identified
- 1779 by the posting of a sign as provided for in s. 810.09(2)(d).
- 1780 11. Any stop sign.
- 1781 12. Anhydrous ammonia.

1782

1783 However, if the property is stolen within a county that is

1784 subject to a state of emergency declared by the Governor under

1785 chapter 252, the property is stolen after the declaration of

1786 emergency is made, and the perpetration of the theft is

1787 facilitated by conditions arising from the emergency, the

1788 offender commits a felony of the second degree, punishable as

1789 provided in s. 775.082, s. 775.083, or s. 775.084, if the

1790 property is valued at \$5,000 or more, but less than \$10,000, as

1791 provided under subparagraph 2., or if the property is valued at



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1792 \$10,000 or more, but less than \$20,000, as provided under  
 1793 subparagraph 3. As used in this paragraph, the term "conditions  
 1794 arising from the emergency" means civil unrest, power outages,  
 1795 curfews, voluntary or mandatory evacuations, or a reduction in  
 1796 the presence of or the response time for first responders or  
 1797 homeland security personnel. For purposes of sentencing under  
 1798 chapter 921, a felony offense that is reclassified under this  
 1799 paragraph is ranked one level above the ranking under s.  
 1800 921.0022 or s. 921.0023 of the offense committed.

1801 Section 61. Paragraphs (f) and (g) of subsection (1) of  
 1802 section 812.015, Florida Statutes, are amended to read:

1803 812.015 Retail and farm theft; transit fare evasion;  
 1804 mandatory fine; alternative punishment; detention and arrest;  
 1805 exemption from liability for false arrest; resisting arrest;  
 1806 penalties.—

1807 (1) As used in this section:

1808 (f) "Farmer" means a person who is engaging in the growing  
 1809 or producing of farm produce, milk products, honey, eggs, or  
 1810 meat, either part time or full time, for personal consumption or  
 1811 for sale and who is the owner or lessee of the land or a person  
 1812 designated in writing by the owner or lessee to act as her or  
 1813 his agent. No person defined as a farm labor contractor pursuant  
 1814 to s. 450.28 shall be designated to act as an agent for purposes  
 1815 of this section.

1816 (g) "Farm theft" means the unlawful taking possession of  
 1817 any items that are grown or produced on land owned, rented, or  
 1818 leased by another person. The term includes the unlawful taking  
 1819 possession of equipment and associated materials used to grow or

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1820 produce farm products as defined in s. 823.14(3)(c).  
 1821       Section 62. The sum of \$744,000 in nonrecurring funds is  
 1822 appropriated to the Department of Agriculture and Consumer  
 1823 Services from the Florida Forever Trust Fund for the 2011-2012  
 1824 fiscal year in the Fixed Capital Outlay-Agency Managed-Land  
 1825 Management appropriation category pursuant to s. 259.105(3)(f),  
 1826 Florida Statutes.  
 1827       Section 63. This act shall take effect July 1, 2011.