

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 ss. 570.07 and
102 | 576.181, F.S.; requiring the department to regulate the
103 | sale, composition, packaging, labeling, wholesale and
104 | retail distribution, and formulation of fertilizer;
105 | preempting such regulation of fertilizer to the state;
106 | exempting certain ordinances adopted before a specified
107 | date from such preemption; authorizing county and
108 | municipal governments to enforce such ordinances exempt
109 | from preemption; revising the department's powers and
110 | duties relating to pollution control and the prevention of
111 | wildfires; conforming provisions; amending s. 570.0705,
112 | F.S.; deleting provisions requiring the reimbursement for

113 per diem and travel expenses of members of certain ad hoc
114 advisory committees appointed by the Commissioner of
115 Agriculture; amending s. 570.074, F.S.; renaming the
116 Office of Water Coordination and revising its policy
117 jurisdiction; amending s. 570.18, F.S., to conform;
118 amending s. 570.23, F.S.; deleting provisions requiring
119 the reimbursement of members of the State Agricultural
120 Advisory Council for per diem and travel expenses;
121 amending s. 570.29, F.S.; deleting a provision
122 establishing the Division of Dairy Industry within the
123 department; amending ss. 570.38 and 570.382, F.S.;
124 deleting provisions requiring the reimbursement of members
125 of the Animal Industry Technical Council and the Arabian
126 Horse Council for per diem and travel expenses; repealing
127 ss. 570.40 and 570.41, F.S., relating to the powers and
128 duties of the Division of Dairy within the department and
129 the qualifications and duties of the division's director;
130 amending s. 570.42, F.S.; deleting provisions requiring
131 the reimbursement of members of the Dairy Industry
132 Technical Council for per diem and travel expenses;
133 amending s. 570.50, F.S.; conforming provisions; requiring
134 the Division of Food Safety within the department to
135 inspect certain dairy farms and plants, perform certain
136 analyses and tests, and enforce certain rules and
137 provisions of law; amending s. 570.51, F.S., to conform;
138 amending s. 570.543, F.S.; deleting provisions requiring
139 the reimbursement of members of the Florida Consumers'
140 Council for per diem and travel expenses; amending s.

141 570.954, F.S.; removing the requirement that the
142 department coordinate with and solicit the expertise of
143 the state energy office when developing the farm-to-fuel
144 initiative; amending ss. 571.28, 573.112, 576.091,
145 580.151, 581.186, and 586.161, F.S.; deleting provisions
146 requiring the reimbursement of members of the Florida
147 Agricultural Promotional Campaign Advisory Council,
148 certain ad hoc advisory councils appointed to advise the
149 department concerning the issuance of marketing orders,
150 the Fertilizer Technical Council, the Commercial Feed
151 Technical Council, the Endangered Plant Advisory Council,
152 and the Honeybee Technical Council for per diem and travel
153 expenses; amending s. 590.015, F.S.; revising and
154 providing definitions for purposes of forest protection;
155 amending s. 590.02, F.S.; authorizing forest operations
156 administrators to be certified as forestry firefighters;
157 granting the department certain exclusive authority over
158 the Florida Building Code; authorizing the department to
159 retain, transfer, warehouse, bid, destroy, scrap, or
160 dispose of certain surplus equipment and vehicles;
161 authorizing the department to retain any moneys received
162 from the disposition of certain state-owned equipment and
163 vehicles; providing that moneys received may be used for
164 the acquisition of certain exchange and surplus equipment
165 and all necessary operating expenditures related to the
166 equipment; requiring the department to maintain records of
167 the accounts into which the money is deposited; granting
168 the department exclusive authority to require and issue

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

197 administrative fine for a violation of any division rule;
 198 providing penalties for certain violations; providing
 199 legislative intent; amending ss. 597.005 and 599.002,
 200 F.S.; deleting provisions requiring the reimbursement of
 201 members of the Aquaculture Review Council and the
 202 Viticulture Advisory Council for per diem and travel
 203 expenses; amending s. 616.17, F.S.; providing certain
 204 authorities or fair associations with immunity from
 205 liability for damages resulting from exhibits and
 206 concessions at public fairs; providing exceptions;
 207 amending s. 616.252, F.S.; providing for the appointment
 208 and term of a nonvoting youth member of the Florida State
 209 Fair Authority; deleting provisions requiring staggered
 210 terms; prohibiting the reimbursement of members of the
 211 Florida State Fair Authority for per diem and travel
 212 expenses; excluding the youth member from compensation for
 213 special or full-time service performed on behalf of the
 214 authority; amending s. 812.014, F.S.; providing penalties
 215 for the theft of bee colonies of registered beekeepers;
 216 amending s. 812.015, F.S.; redefining the term "farmer" to
 217 include a person who grows or produces honey; redefining
 218 the term "farm theft" to include the unlawful taking
 219 possession of equipment and associated materials used to
 220 grow or produce certain farm products; renaming the
 221 department's Division of Forestry as the Florida Forest
 222 Service; providing for conforming legislation; providing
 223 for assistance to certain legislative substantive
 224 committees by the Division of Statutory Revision of the

225 Office of Legislative Services for certain purposes;
 226 amending ss. 20.14, 261.03, 570.29, 570.548, 570.549,
 227 570.903, and 590.015, F.S., to conform; providing an
 228 appropriation; providing an effective date.

229

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

231

232 Section 1. Paragraphs (g) through (m) of subsection (2) of
 233 section 20.14, Florida Statutes, are redesignated as paragraphs
 234 (f) through (l), respectively, and present paragraph (f) of that
 235 subsection is amended to read:

236 20.14 Department of Agriculture and Consumer Services.—
 237 There is created a Department of Agriculture and Consumer
 238 Services.

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

241 ~~(f) Dairy Industry.~~

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

244 193.461 Agricultural lands; classification and assessment;
 245 mandated eradication or quarantine program.—

246 (5) For the purpose of this section, "agricultural
 247 purposes" includes, but is not limited to, horticulture;
 248 floriculture; viticulture; forestry; dairy; livestock; poultry;
 249 bee; pisciculture, when the land is used principally for the
 250 production of tropical fish; aquaculture; sod farming; and all
 251 forms of farm products as defined in s. 823.14(3) and farm
 252 production.

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

255 215.981 Audits of state agency direct-support
 256 organizations and citizen support organizations.—

257 (2) Notwithstanding ~~the provisions of~~ subsection (1),
 258 direct-support organizations and citizen support organizations
 259 for the Department of Environmental Protection or direct-support
 260 organizations and citizen support organizations for the
 261 Department of Agriculture and Consumer Services that are not for
 262 profit and that have annual expenditures of less than \$300,000
 263 are not required to have an independent audit. The respective
 264 department shall establish accounting and financial management
 265 guidelines for those organizations under its ~~the department's~~
 266 jurisdiction. Each year, the respective department shall conduct
 267 operational and financial reviews of a selected number of
 268 direct-support organizations or citizen support organizations
 269 that ~~which~~ fall below the audit threshold established in this
 270 subsection.

271 Section 4. Paragraph (b) of subsection (2) of section
 272 253.02, Florida Statutes, is amended to read:

273 253.02 Board of trustees; powers and duties.—

274 (2)

275 (b) The authority of the board of trustees to grant
 276 easements for rights-of-way over, across, and upon uplands the
 277 title to which is vested in the board of trustees for the
 278 construction and operation of electric transmission and
 279 distribution facilities and related appurtenances is hereby
 280 confirmed. The board of trustees may delegate to the Secretary

281 of Environmental Protection the authority to grant such
282 easements on its behalf. All easements for rights-of-way over,
283 across, and upon uplands the title to which is vested in the
284 board of trustees for the construction and operation of electric
285 transmission and distribution facilities and related
286 appurtenances which are approved by the Secretary of
287 Environmental Protection pursuant to the authority delegated by
288 the board of trustees shall meet the following criteria:

289 1. Such easements shall not prevent the use of the state-
290 owned uplands adjacent to the easement area for the purposes for
291 which such lands were acquired and shall not unreasonably
292 diminish the ecological, conservation, or recreational values of
293 the state-owned uplands adjacent to the easement area.

294 2. There is no practical and prudent alternative to
295 locating the linear facility and related appurtenances on state-
296 owned upland. For purposes of this subparagraph, the test of
297 practicality and prudence shall compare the social, economic,
298 and environmental effects of the alternatives.

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

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

303 b. Avoiding significant wildlife habitat, wetlands, or
304 other valuable natural resources to the maximum extent
305 practicable; or

306 c. Avoiding interference with active land management
307 practices, such as prescribed burning.

308 4. Except for easements granted as a part of a land

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

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

337 261.04 Off-Highway Vehicle Recreation Advisory Committee;
338 members; appointment.—

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

343 Section 6. Section 381.0014, Florida Statutes, is amended
344 to read:

345 381.0014 Regulations and ordinances superseded.—The rules
346 adopted by the department under the provisions of this chapter
347 shall, as to matters of public health, supersede all rules
348 enacted by other state departments, boards or commissions, or
349 ordinances and regulations enacted by municipalities, except
350 that this chapter does not alter or supersede any of the
351 provisions set forth in chapter ~~chapters~~ 502 and ~~503~~ or any rule
352 adopted under that chapter ~~the authority of those chapters~~.

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

355 482.051 Rules.—The department has authority to adopt rules
356 pursuant to ss. 120.536(1) and 120.54 to implement the
357 provisions of this chapter. Prior to proposing the adoption of a
358 rule, the department shall counsel with members of the pest
359 control industry concerning the proposed rule. The department
360 shall adopt rules for the protection of the health, safety, and
361 welfare of pest control employees and the general public which
362 require:

363 (4) That a licensee, before performing general fumigation,
364 notify in writing the department inspector having jurisdiction

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

375 Section 8. Subsection (4) of section 482.071, Florida
 376 Statutes, is amended to read:

377 482.071 Licenses.—

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

385 (a) Bodily injury: \$250,000 per ~~\$100,000 each~~ person and
 386 \$500,000 per ~~\$300,000 each~~ occurrence; and property damage:
 387 \$250,000 per ~~\$50,000 each~~ occurrence and \$500,000 ~~\$100,000~~ in
 388 the aggregate; or

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

391 Section 9. Section 482.072, Florida Statutes, is created
 392 to read:

393 482.072 Pest control customer contact centers.-

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

400 (2) (a) Before operating a customer contact center, and
401 biennially thereafter, on or before an anniversary date set by
402 the department for a licensed customer contact center location,
403 the pest control business must apply to the department for a
404 license under this chapter, or a renewal thereof, for each
405 customer contact center location. An application must be
406 submitted in the format prescribed by the department.

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

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

421 and a late renewal fee.

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

428 (e) The department may not issue or renew a license to
429 operate a customer contact center unless the pest control
430 business licensees for which the customer contact center
431 solicits business are owned in common by a person or business
432 entity recognized by this state.

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

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

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

446 (3)(a) The department shall adopt rules establishing
447 requirements and procedures for customer contact center
448 recordkeeping and monitoring to ensure compliance with this

449 section and rules adopted in accordance with this section.

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

451 1. A customer contact center licensee is subject to
452 disciplinary action under s. 482.161 for a violation of this
453 section or a rule adopted under this section committed by a
454 person who solicits pest control services or provides customer
455 service in a customer contact center.

456 2. A pest control business licensee may be subject to
457 disciplinary action under s. 482.161 for a violation of this
458 section or a rule adopted under this section committed by a
459 person who solicits pest control services or provides customer
460 service in a customer contact center operated by a licensee if
461 the licensee participates in the violation.

462 Section 10. Section 482.157, Florida Statutes, is created
463 to read:

464 482.157 Limited certification for commercial wildlife
465 management personnel.—

466 (1) The department shall establish a limited certificate
467 that authorizes a person who engages in the commercial trapping
468 of wildlife to use nonchemical methods, including traps,
469 mechanical or electronic devices, and exclusionary techniques to
470 control commensal rodents.

471 (2) The department shall issue a limited certificate to an
472 applicant who:

473 (a) Submits an application and examination fee of at least
474 \$150, but not more than \$300, as prescribed by the department by
475 rule;

476 (b) Passes an examination administered by the department.

477 The department shall provide the appropriate study materials for
 478 the examination and make the examination readily available to
 479 applicants in each county as necessary, but not less frequently
 480 than quarterly; and

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

484 (3) An application for recertification must be made
 485 annually and be accompanied by a recertification fee of at least
 486 \$75, but not more than \$150, as prescribed by the department by
 487 rule. The application must also be accompanied by proof of
 488 completion of the required 4 classroom hours of acceptable
 489 continuing education and the required proof of insurance. After
 490 a grace period not exceeding 30 calendar days after the
 491 recertification renewal date, the department shall assess a late
 492 fee of \$50 in addition to the renewal fee. A certificate
 493 automatically expires 180 days after the recertification date if
 494 the renewal fee has not been paid. After expiration, the
 495 department shall issue a new certificate only if the applicant
 496 successfully passes a reexamination and pays the examination fee
 497 and late fee.

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

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

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

503 (c) Supervision of an uncertified person using nonchemical
 504 methods to control rodents.

505 Section 11. Section 482.183, Florida Statutes, is amended
 506 to read:

507 482.183 Limitations.—

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

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

515 (2) A person licensed or certified under this chapter who
 516 practices accepted pest control methods is immune from liability
 517 under s. 828.12.

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

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

523 482.226 Wood-destroying organism inspection report; notice
 524 of inspection or treatment; financial responsibility.—

525 (6) Any licensee that performs wood-destroying organism
 526 inspections in accordance with subsection (1) must meet minimum
 527 financial responsibility in the form of errors and omissions
 528 (professional liability) insurance coverage or bond in an amount
 529 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000
 530 ~~\$25,000~~ per occurrence, or demonstrate that the licensee has
 531 equity or net worth of no less than \$500,000 ~~\$100,000~~ as
 532 determined by generally accepted accounting principles

533 substantiated by a certified public accountant's review or
534 certified audit. The licensee must show proof of meeting this
535 requirement at the time of license application or renewal
536 thereof.

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

539 482.243 Pest Control Enforcement Advisory Council.—

540 (6) The meetings, powers and duties, procedures, and
541 recordkeeping, ~~and reimbursement of expenses of members~~ of the
542 council shall be in accordance with the provisions of s.
543 570.0705 relating to advisory committees established within the
544 department.

545 Section 14. Paragraph (a) of subsection (1) of section
546 487.041, Florida Statutes, is amended, and paragraphs (h), (i),
547 and (j) are added to that subsection, to read:

548 487.041 Registration.—

549 (1)(a) Effective January 1, 2009, each brand of pesticide,
550 as defined in s. 487.021, which is distributed, sold, or offered
551 for sale, except as provided in this section, within this state
552 or delivered for transportation or transported in intrastate
553 commerce or between points within this state through any point
554 outside this state must be registered in the office of the
555 department, and such registration shall be renewed biennially.
556 Emergency exemptions from registration may be authorized in
557 accordance with the rules of the department. The registrant
558 shall file with the department a statement including:

559 1. The name, business mailing address, and street address
560 of the registrant.

561 2. The name of the brand of pesticide.

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

570 (h) All registration fees, including supplemental fees and
571 late fees, are nonrefundable.

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

582 (j) Effective January 1, 2013, all payments of any
583 pesticide registration fees, including supplemental fees and
584 late fees, shall be submitted electronically using the
585 department's Internet website for registration of pesticide
586 product brands.

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

589 487.0615 Pesticide Review Council.—

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

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

596 500.70 Tomato food safety standards; inspections;
 597 penalties; tomato good agricultural practices; tomato best
 598 management practices.—

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

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

613 Section 18. Section 502.012, Florida Statutes, is amended
 614 to read:

615 502.012 Definitions.—As used in this chapter, the term ~~The~~
 616 ~~following definitions shall apply in the interpretation and~~

617 ~~enforcement of this law:~~

618 (1) "Bulk milk pickup tanker" means a vehicle, including
 619 the truck and tank, and necessary attachments, used by a milk
 620 hauler to transport bulk raw milk for pasteurization from a
 621 dairy farm to a milk plant, receiving station, or transfer
 622 station.

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

627 (3) "Department" means the Department of Agriculture and
 628 Consumer Services.

629 (4) "Frozen dessert" means a specific standardized frozen
 630 dessert described in 21 C.F.R. part 135 and any other food
 631 defined by rule of the department that resembles such
 632 standardized frozen dessert but does not conform to the specific
 633 description of such standardized frozen dessert in 21 C.F.R.
 634 part 135. The term includes, but is not limited to, a
 635 quiescently frozen confection, a quiescently frozen dairy
 636 confection, a frozen dietary dairy dessert, and a frozen dietary
 637 dessert.

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

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

644 (7) "Frozen desserts retail establishment" means any

645 location or premises, including a retail store, stand, hotel,
646 boardinghouse, restaurant, vehicle, or mobile unit, at which
647 frozen desserts are frozen, partially frozen, or dispensed for
648 sale at retail.

649 (8) "Frozen dietary dairy dessert" or "frozen dietary
650 dessert" means a food for any special dietary use, prepared by
651 freezing, with or without agitation, and composed of a
652 pasteurized mix that may contain fat, protein, carbohydrates,
653 natural or artificial sweeteners, flavoring, stabilizers,
654 emulsifiers, vitamins, and minerals.

655 (9)~~(4)~~ "Grade 'A' pasteurized milk ordinance" means the
656 document entitled "Grade 'A' Pasteurized Milk Ordinance, United
657 States Department of Health and Human Services, Public Health
658 Service, Food and Drug Administration," including all associated
659 appendices, as adopted by department rule.

660 (10)~~(5)~~ "Imitation milk and imitation milk products" means
661 those foods that have the physical characteristics, such as
662 taste, flavor, body, texture, or appearance, of milk or milk
663 products as defined in this chapter and the Grade "A"
664 pasteurized milk ordinance but do not come within the definition
665 of "milk" or "milk products" and are nutritionally inferior to
666 the product imitated.

667 (11)~~(6)~~ "Milk" means the lacteal secretion, practically
668 free from colostrum, obtained by the complete milking of one or
669 more healthy cows, goats, sheep, water buffalo, or other hooved
670 mammals.

671 (12)~~(7)~~ "Milk distributor" means any person who offers for
672 sale or sells to another person any milk or milk product.

673 (13)~~(8)~~ "Milk products" means products made with milk that
674 is processed in some manner, including being whipped, acidified,
675 cultured, concentrated, lactose-reduced, or sodium-reduced or
676 aseptically processed, or having the addition or subtraction of
677 milkfat, the addition of safe and suitable microbial organisms,
678 or the addition of safe and suitable optional ingredients for
679 protein, vitamin, or mineral fortification. "Milk products" do
680 not include products such as evaporated milk, condensed milk,
681 eggnog in a rigid metal container, dietary products, infant
682 formula, or ice cream and other desserts.

683 (14)~~(9)~~ "Milkfat" or "butterfat" means the fat contained
684 in milk.

685 (15)~~(10)~~ "Milk hauler" means any person who transports raw
686 milk or raw milk products to or from a milk plant, receiving
687 station, or transfer station.

688 (16)~~(11)~~ "Milk plant" means any place, premises, or
689 establishment where milk or milk products are collected,
690 handled, processed, stored, pasteurized, aseptically processed,
691 bottled, or prepared for distribution.

692 (17)~~(12)~~ "Milk plant operator" means any person
693 responsible for receiving, processing, pasteurizing, or
694 packaging milk and milk products, or performing any other
695 related operation.

696 (18)~~(13)~~ "Milk producer" means any person who operates a
697 dairy farm and provides, sells, or offers for sale milk to a
698 milk plant, receiving station, or transfer station.

699 (19)~~(14)~~ "Milk tank truck" means either a bulk milk pickup
700 tanker or a milk transport tank.

701 ~~(20)-(15)~~ "Milk transport tank" means a vehicle, including
702 the truck and tank, used by a milk hauler to transport bulk
703 shipments of milk from a milk plant, receiving station, or
704 transfer station to another milk plant, receiving station, or
705 transfer station.

706 (21) "Quiescently frozen confection" means a clean and
707 wholesome frozen, sweetened, flavored product that, while being
708 frozen, was not stirred or agitated (generally known as
709 quiescent freezing). The confection may be acidulated with food-
710 grade acid, may contain milk solids or water, or may be made
711 with or without added harmless pure or imitation flavoring and
712 with or without harmless coloring. The finished product must not
713 contain more than 0.5 percent by weight of stabilizer composed
714 of wholesome, edible material and must not contain less than 17
715 percent by weight of total food solids. In the production of the
716 confection, processing or mixing before quiescent freezing that
717 develops in the finished confection mix any physical expansion
718 in excess of 10 percent may not be used.

719 (22) "Quiescently frozen dairy confection" means a clean
720 and wholesome frozen product made from water, milk products, and
721 sugar, with added harmless pure or imitation flavoring, with or
722 without added harmless coloring, with or without added
723 stabilizer, or with or without added emulsifier, that, while
724 being frozen, was not stirred or agitated (generally known as
725 quiescent freezing). The confection must not contain less than
726 13 percent by weight of total milk solids, less than 33 percent
727 by weight of total food solids, more than 0.5 percent by weight
728 of stabilizer, or more than 0.2 percent of weight by emulsifier.

729 Stabilizer and emulsifier must be composed of wholesome, edible
730 material. In the production of a quiescently frozen dairy
731 confection, processing or mixing before quiescently freezing
732 that develops in the finished confection mix any physical
733 expansion in excess of 10 percent may not be used.

734 (23)-(16) "Raw milk" means unprocessed milk.

735 (24)-(17) "Receiving station" means any place, premises, or
736 establishment where raw milk is received, collected, handled,
737 stored, or cooled and is prepared for further transporting.

738 (25)-(18) "Substitute milk and substitute milk products"
739 means those foods that have the physical characteristics, such
740 as taste, flavor, body, texture, or appearance, of milk or milk
741 products as defined in this chapter and the Grade "A"
742 pasteurized milk ordinance but do not come within the definition
743 of "milk" or "milk products" and are nutritionally equivalent to
744 the product for which they are substitutes.

745 (26)-(19) "Transfer station" means any place, premises, or
746 establishment where milk or milk products are transferred
747 directly from one milk tank truck to another.

748 (27)-(20) "Washing station" means any place, premises, or
749 establishment where milk tank trucks are cleaned and sanitized.

750 Section 19. Section 502.013, Florida Statutes, is amended
751 to read:

752 502.013 Purpose; intent.—

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

754 (a) Ensure, without undue burden on either the regulatory
755 agency or the dairy industry, that milk, and milk products,
756 frozen desserts, and frozen dessert mix sold or offered for sale

757 | in this state are produced under sanitary conditions, are
 758 | wholesome and fit for human consumption, and are correctly
 759 | labeled as to grade, quality, and source of production.

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

762 | (c) Facilitate the shipment and acceptance of milk and
 763 | milk products of high sanitary quality in interstate and
 764 | intrastate commerce.

765 | (d) Ensure the normal flow of fresh wholesome milk and
 766 | milk products from the farmer to the consumer by uniform
 767 | regulation of the shelf life of milk and milk products in this
 768 | state.

769 | (2) INTENT.—

770 | (a) It is the intent of the Legislature to:

771 | 1. Eliminate, to the extent practicable, overlapping and
 772 | unnecessary inspections of dairy farms, ~~and~~ milk plants, and
 773 | frozen dessert plants which may be performed by any agency of
 774 | state or local government.

775 | 2. Pay for the regulation of milk and milk products,
 776 | except as otherwise provided in s. 502.053 ~~502.032~~, through the
 777 | General Revenue Fund.

778 | (b) It is not the intent of the Legislature to limit the
 779 | authority of any agency of state or local government to take
 780 | immediate action incident to the production, processing, or
 781 | distribution of milk, ~~and~~ milk products, and frozen desserts
 782 | when such action is necessary to protect the public health.

783 | Section 20. Subsections (1), (2), (6), and (7) of section
 784 | 502.014, Florida Statutes, are amended to read:

785 502.014 Powers and duties.—

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

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

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

794 (c) The sanitary and healthful condition of the food and
795 drink sold or offered for sale by establishments under the
796 department's jurisdiction pursuant to paragraph (b).

797 (d) The laboratory work of testing and analyzing milk, ~~and~~
798 milk products, frozen desserts, and frozen dessert mix.

799 (2) (a) The department shall conduct onsite inspections of
800 dairy farms, ~~and~~ milk plants, and frozen dessert plants and
801 collect test samples of milk, ~~and~~ milk products, and frozen
802 desserts as required by this chapter.

803 (b) The department shall designate employees who shall be
804 certified by the United States Food and Drug Administration as
805 state milk sanitation rating officers, sampling surveillance
806 officers, and laboratory evaluation officers in accordance with
807 the requirements published in "Methods of Making Sanitation
808 Ratings of Milk Shippers ~~Supplies~~," "Evaluation of Milk
809 Laboratories," and "Procedures Governing the Cooperative State-
810 Public Health Service/Food and Drug Administration Program for
811 Certification of Interstate Milk Shippers," respectively, as
812 adopted by department rule. These officers shall conduct routine

813 sanitation compliance survey ratings of milk producers, milk
 814 plants, laboratories, receiving stations, transfer stations, and
 815 manufacturers of single-service containers for milk and milk
 816 products. These ratings shall be made in accordance with the
 817 recommendations of the United States Food and Drug
 818 Administration published in "Methods of Making Sanitation
 819 Ratings of Milk Shippers." ~~Standard Methods for the Examination~~
 820 ~~of Dairy Products.~~

821 (6) The department has authority to adopt rules pursuant
 822 to ss. 120.536(1) and 120.54 to implement and enforce the
 823 provisions of this chapter. In adopting these rules, the
 824 department shall be guided by and may conform to the definitions
 825 and standards of the administrative procedures and provisions of
 826 the Grade "A" pasteurized milk ordinance and other applicable
 827 federal requirements. The rules shall include, but are not
 828 limited to:

829 (a) Standards for milk, ~~and~~ milk products, and frozen
 830 desserts.

831 (b) Provisions for the production, transportation,
 832 processing, handling, sampling, examination, grading, labeling,
 833 and sale of all milk, ~~and~~ milk products, frozen desserts, and
 834 imitation and substitute milk and milk products sold for public
 835 consumption in this state.

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

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

840 (7) The department shall not conduct routine tests or

841 inspections on raw milk that is shipped from outside the state.
842 Nothing in this subsection shall be construed to limit the
843 authority of the department to review industry records or sample
844 milk or frozen desserts at any stage of production, processing,
845 or distribution in cases of suspected hazard to public health.

846 Section 21. Section 502.032, Florida Statutes, is
847 repealed.

848 Section 22. Section 502.053, Florida Statutes, is amended
849 to read:

850 502.053 Permits and licenses; fees; requirements;
851 exemptions; temporary permits.-

852 (1) PERMITS AND LICENSES.-

853 (a) Each Grade "A" milk plant, whether located in the
854 state or outside the state, and each manufacturing milk plant,
855 milk producer, milk hauler, milk hauling service, washing
856 station operator, milk plant operator, milk distributor, single-
857 service-container manufacturer, receiving station, and transfer
858 station in the state shall apply to the department for a permit
859 to operate. The application shall be on forms developed by the
860 department.

861 (b) Each frozen dessert plant, whether located in the
862 state or outside the state, that manufactures frozen desserts or
863 other products defined in this chapter and offers these products
864 for sale in this state must apply to the department for a permit
865 to operate. The application must be submitted on forms
866 prescribed by the department. All frozen dessert permits expire
867 on June 30 of each year.

868 (c) Any person who tests milk or milk products for milkfat

869 content by weight, volume, chemical, electronic, or other method
870 when the result of such test is used as a basis for payment for
871 the milk or milk products must apply to the department for a
872 license. To qualify for a license, the applicant must
873 demonstrate a sufficiency of knowledge, ability, and equipment
874 to adequately perform milkfat tests. The license shall be issued
875 for a period of 2 years after the date of first issuance upon
876 application to the department on forms prescribed by the
877 department.

878 (d)~~(b)~~ Permits and licenses are nontransferable between
879 persons or locations and are subject to suspension or revocation
880 as provided in this chapter.

881 (2) FEES.—

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

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

887 (3)~~(2)~~ REQUIREMENTS.—

888 (a) To obtain a frozen dessert plant permit or milkfat
889 tester's license, an applicant must satisfy all requirements
890 that are defined by the department in rule and must agree to
891 comply with the applicable provisions of this chapter and rules
892 adopted under this chapter. The department shall mail a copy of
893 the permit or license to the applicant to signify that
894 administrative requirements have been met.

895 (b) All permitholders must maintain records of
896 transactions concerning the procurement, production, and

897 processing of milk and milk products as required in the Grade
898 "A" pasteurized milk ordinance and grant department inspectors
899 access to such records during all reasonable hours.

900 (c) In addition to the testing required in the Grade "A"
901 pasteurized milk ordinance and its appendices, each milk plant
902 operator in the state shall be responsible for routine testing
903 and inspection of raw milk shipped from outside the state prior
904 to processing and shall notify the department when such testing
905 and inspection indicate a violation of the standards contained
906 in the Grade "A" pasteurized milk ordinance.

907 (d) Each frozen dessert plant permitholder must report
908 monthly, quarterly, semiannually, or annually, as required by
909 the department, the number of gallons of frozen dessert or
910 frozen dessert mix sold or manufactured by the permitholder in
911 this state.

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

916 (4)(3) EXEMPTIONS.—

917 (a) The following persons shall be exempt from milk hauler
918 permit requirements:

919 1. Milk producers who transport milk or milk products only
920 from their own dairy farms.

921 2. Employees of a milk distributor or milk plant operator
922 who possesses a valid permit.

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

925 (b) Grocery stores, restaurants, soda fountains, and
 926 similar establishments where milk or milk products are served or
 927 sold, but not processed, may be exempted from permit
 928 requirements.

929 (c) Frozen desserts retail establishments as defined in s.
 930 502.012 are exempt from this chapter.

931 (5)~~(4)~~ TEMPORARY PERMITS.—

932 (a) The department may issue a temporary permit for a
 933 period not exceeding 90 days to milk producers who have
 934 submitted an application to the department and passed a
 935 preliminary inspection as required in the Grade "A" pasteurized
 936 milk ordinance.

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

941 Section 23. Section 502.054, Florida Statutes, is amended
 942 to read:

943 502.054 Inspection and reinspection.—

944 (1) The department shall establish a schedule for
 945 inspections which shall require routine inspections in
 946 accordance with the minimum requirements contained in the Grade
 947 "A" pasteurized milk ordinance and more frequent inspections or
 948 reinspections for permitholders with serious or repeated
 949 violations.

950 (2) The department shall inspect frozen desserts and
 951 frozen dessert plants that handle and process mix and
 952 manufacture frozen desserts for wholesale. Inspections must be

953 based on the frequency and severity of a violation. However, the
954 department must comply with all federal requirements governing
955 inspections.

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

958 502.091 Milk and milk products which may be sold.—

959 (1) Only Grade "A" pasteurized milk and milk products,
960 pasteurized manufactured milk products, ice cream, and frozen
961 desserts, and cheese made from pasteurized milk shall be sold at
962 retail to the final consumer or to food service establishments
963 as defined in chapter 381, food establishments as defined in
964 chapter 500, or public food service establishments as defined in
965 chapter 509. Cheese made from raw milk may also be sold at
966 retail to the final consumer or to food service establishments
967 as defined in chapter 381, food establishments as defined in
968 chapter 500, or public food service establishments as defined in
969 chapter 509 if the cheese is aged more than 60 days at a
970 temperature above 35° F.

971 (a) In an emergency, however, the department may authorize
972 the sale of reconstituted pasteurized milk products, or
973 pasteurized milk and milk products that have not been graded or
974 the grade of which is unknown, in which case such milk and milk
975 products shall be appropriately labeled, as determined by the
976 department.

977 (b) If the department determines that milk is fit for
978 human consumption even though it is less than Grade "A" because
979 the producer failed to comply with the sanitation or bacterial
980 standards defined in this chapter, or if any specific shipment

981 of milk fails to comply with standards of the Grade "A"
982 pasteurized milk ordinance, the department may issue a permit
983 allowing the milk to be used in ungraded products, such as
984 frozen desserts, which are being processed by such milk plant.
985 During processing of such milk, it shall be pasteurized at a
986 temperature of at least 175° F. for at least 15 seconds or at
987 least 160° F. for at least 30 minutes.

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

990 502.121 Future dairy farms and milk and frozen dessert
991 plants.—

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

997 (2) Anyone who plans to construct a new milk house,
998 milking barn, stable, parlor, transfer station, or milk or
999 frozen dessert plant, or extensively alter any such existing
1000 facility, shall notify the department in writing of the
1001 intention to construct or alter, the date construction or
1002 alteration is to begin, and the legal description of the
1003 property for which the construction is planned.

1004 Section 26. Subsection (1) of section 502.181, Florida
1005 Statutes, is amended to read:

1006 502.181 Prohibited acts.—It is unlawful for any person in
1007 this state to:

1008 (1) Engage in the business of producing, hauling,

1009 transferring, receiving, processing, packaging, or distributing
 1010 milk, ~~or~~ milk products, or frozen desserts or operating a
 1011 washing station, manufacturing single-service containers,
 1012 manufacturing imitation or substitute milk or milk products, or
 1013 testing for milkfat content, without first obtaining a permit or
 1014 license from the department.

1015 Section 27. Subsection (1) of section 502.231, Florida
 1016 Statutes, is amended to read:

1017 502.231 Penalty and injunction.—

1018 (1) The department may enter an order imposing one or more
 1019 of the following penalties against any person who violates any
 1020 provision of ~~the provisions of~~ this chapter:

1021 (a) Issuance of a warning letter that relates to the class
 1022 of the violation.

1023 (b) Imposition of an administrative fine not to exceed:

1024 1. Ten thousand dollars per violation in the case of a
 1025 frozen dessert licensee;

1026 2. Ten percent of the license fee or \$100, whichever is
 1027 greater, for failure to report the information described in s.
 1028 502.053(3)(d); or

1029 3. One thousand dollars ~~of not more than \$1,000~~ per
 1030 occurrence for any other violation.

1031
 1032 ~~(e)~~ When imposing a fine under this paragraph ~~section~~, the
 1033 department must consider the degree and extent of harm caused by
 1034 the violation, the cost of rectifying the damage, the benefit to
 1035 the violator, whether the violation was committed willfully, and
 1036 the violator's compliance record.

1037 ~~(c)-(d)~~ Revocation or suspension of any permit issued by
 1038 the department under this chapter.

1039 Section 28. Section 502.232, Florida Statutes, is amended
 1040 to read:

1041 502.232 Local regulations superseded.—All special or local
 1042 acts, general laws of limited application, county ordinances or
 1043 resolutions, municipal ordinances or resolutions, and municipal
 1044 charter provisions that authorize the regulation of milk or milk
 1045 products, or frozen desserts for wholesale, are superseded by
 1046 this chapter and the rules adopted pursuant to this chapter.

1047 Section 29. Chapter 503, Florida Statutes, consisting of
 1048 sections 503.011, 503.021, 503.031, 503.041, 503.0415, 503.051,
 1049 503.071, 503.081, and 503.091, is repealed.

1050 Section 30. Subsection (5) of section 527.22, Florida
 1051 Statutes, is amended to read:

1052 527.22 Florida Propane Gas Education, Safety, and Research
 1053 Council established; membership; duties and responsibilities.—

1054 (5) Council members shall receive no compensation or
 1055 honorarium for their services, ~~and are authorized to receive~~
 1056 ~~only per diem and reimbursement for travel expenses as provided~~
 1057 ~~in s. 112.061.~~

1058 Section 31. Subsection (3) of section 559.9221, Florida
 1059 Statutes, is amended to read:

1060 559.9221 Motor Vehicle Repair Advisory Council.—The Motor
 1061 Vehicle Repair Advisory Council is created to advise and assist
 1062 the department in carrying out this part.

1063 (3) The members of the council shall receive no
 1064 compensation for their services, ~~except that they may receive~~

1065 ~~per diem and travel expenses as provided in s. 112.061.~~

1066 Section 32. Subsections (16), (19), and (28) of section
 1067 570.07, Florida Statutes, are amended, present subsection (41)
 1068 is renumbered as subsection (42), and a new subsection (41) is
 1069 added to that section, to read:

1070 570.07 Department of Agriculture and Consumer Services;
 1071 functions, powers, and duties.—The department shall have and
 1072 exercise the following functions, powers, and duties:

1073 (16) To enforce the state laws and rules relating to:

1074 (a) Fruit and vegetable inspection and grading;

1075 (b) Pesticide spray, residue inspection, and removal;

1076 (c) Registration, labeling, inspection, sale, composition,
 1077 formulation, wholesale and retail distribution, and analysis of
 1078 commercial stock feeds and registration, labeling, inspection,
 1079 and analysis of commercial fertilizers;

1080 (d) Classification, inspection, and sale of poultry and
 1081 eggs;

1082 (e) Registration, inspection, and analysis of gasolines
 1083 and oils;

1084 (f) Registration, labeling, inspection, and analysis of
 1085 pesticides;

1086 (g) Registration, labeling, inspection, germination
 1087 testing, and sale of seeds, both common and certified;

1088 (h) Weights, measures, and standards;

1089 (i) Foods, as set forth in the Florida Food Safety Act;

1090 (j) Inspection and certification of honey;

1091 (k) Sale of liquid fuels;

1092 (l) Licensing of dealers in agricultural products;

1093 (m) Administration and enforcement of all regulatory
 1094 legislation applying to milk and milk products, ice cream, and
 1095 frozen desserts;

1096 (n) Recordation and inspection of marks and brands of
 1097 livestock; ~~and~~

1098 (o) Regulation of fertilizer, including its sale,
 1099 composition, packaging, labeling, wholesale and retail
 1100 distribution, and formulation, including nutrient content level
 1101 and release rates; and

1102 (p) ~~(o)~~ All other regulatory laws relating to agriculture.

1103
 1104 In order to ensure uniform health and safety standards, the
 1105 adoption of standards and fines in the subject areas of
 1106 paragraphs (a)-(n) is expressly preempted to the state and the
 1107 department. Any local government enforcing the subject areas of
 1108 paragraphs (a)-(n) must use the standards and fines set forth in
 1109 the pertinent statutes or any rules adopted by the department
 1110 pursuant to those statutes.

1111 (19) To protect the dairy interests of the state; and, to
 1112 that end, it shall enforce those functions, powers, and duties
 1113 given to it in chapter ~~chapters~~ 502 ~~and~~ 503.

1114 (28) For purposes of pollution control and the prevention
 1115 of wildfires ~~purposes~~, to regulate open burning connected with
 1116 ~~rural~~ land-clearing, agricultural, or forestry operations,
 1117 ~~except fires for cold or frost protection.~~

1118 (41) (a) Except as otherwise provided in paragraph (b), to
 1119 exercise the exclusive authority to regulate the sale,
 1120 composition, packaging, labeling, wholesale and retail

1121 distribution, and formulation, including nutrient content level
 1122 and release rates, of fertilizer under chapter 576. This
 1123 subsection expressly preempts such regulation of fertilizer to
 1124 the state.

1125 (b) An ordinance regulating the sale of fertilizer adopted
 1126 by a county or municipal government before July 1, 2011, is
 1127 exempt from this subsection, and the county or municipal
 1128 government may enforce such ordinance within its respective
 1129 jurisdiction.

1130 Section 33. Subsection (5) is added to section 576.181,
 1131 Florida Statutes, to read:

1132 576.181 Administration; rules; procedure.—

1133 (5) (a) Except as otherwise provided in paragraph (b), the
 1134 department has exclusive authority to regulate the sale,
 1135 composition, packaging, labeling, wholesale and retail
 1136 distribution, and formulation, including nutrient content level
 1137 and release rates, of fertilizer. This subsection expressly
 1138 preempts such regulation of fertilizer to the state.

1139 (b) An ordinance regulating the sale of fertilizer adopted
 1140 by a county or municipal government before July 1, 2011, is
 1141 exempt from this subsection, and the county or municipal
 1142 government may enforce such ordinance within its respective
 1143 jurisdiction.

1144 Section 34. Subsection (9) of section 570.0705, Florida
 1145 Statutes, is amended to read:

1146 570.0705 Advisory committees.—From time to time the
 1147 commissioner may appoint any advisory committee to assist the
 1148 department with its duties and responsibilities.

1149 (9) Members of each advisory committee shall receive no
 1150 compensation for their services, ~~but shall be entitled to~~
 1151 ~~reimbursement for per diem and travel expenses as provided in s.~~
 1152 ~~112.061.~~

1153 Section 35. Section 570.074, Florida Statutes, is amended
 1154 to read:

1155 570.074 Department of Agriculture and Consumer Services;
 1156 energy and water policy coordination.—The commissioner may
 1157 create an Office of Energy and Water Coordination under the
 1158 supervision of a senior manager exempt under s. 110.205 in the
 1159 Senior Management Service. The commissioner may designate the
 1160 bureaus and positions in the various organizational divisions of
 1161 the department that report to this office relating to any matter
 1162 over which the department has jurisdiction in matters relating
 1163 to energy and water policy affecting agriculture, application of
 1164 such policies, and coordination of such matters with state and
 1165 federal agencies.

1166 Section 36. Section 570.18, Florida Statutes, is amended
 1167 to read:

1168 570.18 Organization of departmental work.—In the
 1169 assignment of functions to the ~~12~~ divisions of the department
 1170 created in s. 570.29, the department shall retain within the
 1171 Division of Administration, in addition to executive functions,
 1172 those powers and duties enumerated in s. 570.30. The department
 1173 shall organize the work of the other ~~11~~ divisions in such a way
 1174 as to secure maximum efficiency in the conduct of the
 1175 department. The divisions created in s. 570.29 are solely to
 1176 make possible the definite placing of responsibility. The

1177 department shall be conducted as a unit in which every employee,
 1178 including each division director, is assigned a definite
 1179 workload, and there shall exist between division directors a
 1180 spirit of cooperative effort to accomplish the work of the
 1181 department.

1182 Section 37. Subsection (2) of section 570.23, Florida
 1183 Statutes, is amended to read:

1184 570.23 State Agricultural Advisory Council.—

1185 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
 1186 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 1187 recordkeeping of the State Agricultural Advisory Council, ~~and~~
 1188 ~~per diem and reimbursement of expenses of council members,~~ shall
 1189 be governed by the provisions of s. 570.0705 relating to
 1190 advisory committees established within the department.

1191 Section 38. Subsections (7) through (12) of section
 1192 570.29, Florida Statutes, are renumbered as subsections (6)
 1193 through (11), respectively, and present subsection (6) is
 1194 amended to read:

1195 570.29 Departmental divisions.—The department shall
 1196 include the following divisions:

1197 ~~(6) Dairy Industry.~~

1198 Section 39. Subsection (2) of section 570.38, Florida
 1199 Statutes, is amended to read:

1200 570.38 Animal Industry Technical Council.—

1201 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
 1202 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 1203 recordkeeping of the Animal Industry Technical Council, ~~and per~~
 1204 ~~diem and reimbursement of expenses of council members,~~ shall be

1205 governed by the provisions of s. 570.0705 relating to advisory
 1206 committees established within the department.

1207 Section 40. Paragraph (d) of subsection (3) of section
 1208 570.382, Florida Statutes, is amended to read:

1209 570.382 Arabian horse racing; breeders' and stallion
 1210 awards; Arabian Horse Council; horse registration fees; Florida
 1211 Arabian Horse Racing Promotion Account.—

1212 (3) ARABIAN HORSE COUNCIL.—

1213 (d) Members of the council shall receive no compensation
 1214 for their services, ~~except that they shall receive per diem and~~
 1215 ~~travel expenses as provided in s. 112.061 when actually engaged~~
 1216 ~~in the business of the council.~~

1217 Section 41. Sections 570.40 and 570.41, Florida Statutes,
 1218 are repealed.

1219 Section 42. Subsection (2) of section 570.42, Florida
 1220 Statutes, is amended to read:

1221 570.42 Dairy Industry Technical Council.—

1222 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
 1223 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 1224 recordkeeping of the Dairy Industry Technical Council, ~~and per~~
 1225 ~~diem and reimbursement of expenses of council members,~~ shall be
 1226 governed by the provisions of s. 570.0705 relating to advisory
 1227 committees established within the department.

1228 Section 43. Subsections (2) and (3) of section 570.50,
 1229 Florida Statutes, are amended, and subsections (6) and (7) are
 1230 added to that section, to read:

1231 570.50 Division of Food Safety; powers and duties.—The
 1232 duties of the Division of Food Safety include, but are not

1233 limited to:

1234 (2) Conducting those general inspection activities
 1235 relating to food and food products being processed, held, or
 1236 offered for sale in this state and enforcing those provisions of
 1237 chapters 500, 501, 502, ~~503~~, 531, 583, 585, 586, and 601
 1238 relating to foods as authorized by the department.

1239 (3) Analyzing samples of foods offered for sale in this
 1240 state as required under chapters 500, 501, 502, ~~503~~, 585, 586,
 1241 and 601.

1242 (6) Inspecting dairy farms of the state, enforcing those
 1243 provisions of chapter 502 that are authorized by the department
 1244 and related to the supervision of milking operations, and
 1245 enforcing rules adopted under such provisions.

1246 (7) Inspecting milk plants, milk product plants, and
 1247 plants engaged in the manufacture and distribution of frozen
 1248 desserts and frozen dessert mixes; analyzing and testing samples
 1249 of milk, milk products, frozen desserts, and frozen dessert
 1250 mixes collected by the division; and enforcing those provisions
 1251 of chapter 502 that are authorized by the department.

1252 Section 44. Subsection (2) of section 570.51, Florida
 1253 Statutes, is amended to read:

1254 570.51 Director; qualifications; duties.—

1255 (2) The director shall supervise, direct, and coordinate
 1256 the activities of the division and enforce the provisions of
 1257 chapters 500, 501, 502, ~~503~~, 531, 583, 585, and 601 and any
 1258 other chapter necessary to carry out the responsibilities of the
 1259 division.

1260 Section 45. Subsection (2) of section 570.543, Florida

1261 Statutes, is amended to read:

1262 570.543 Florida Consumers' Council.—The Florida Consumers'
 1263 Council in the department is created to advise and assist the
 1264 department in carrying out its duties.

1265 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
 1266 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 1267 recordkeeping of the Florida Consumers' Council, ~~and per diem~~
 1268 ~~and reimbursement of expenses of council members,~~ shall be
 1269 governed by the provisions of s. 570.0705 relating to advisory
 1270 committees established within the department. The council
 1271 members or chair may call no more than two meetings.

1272 Section 46. Subsection (3) of section 570.954, Florida
 1273 Statutes, is amended to read:

1274 570.954 Farm-to-fuel initiative.—

1275 ~~(3) The department shall coordinate with and solicit the~~
 1276 ~~expertise of the state energy office within the Department of~~
 1277 ~~Environmental Protection when developing and implementing this~~
 1278 ~~initiative.~~

1279 Section 47. Subsection (2) of section 571.28, Florida
 1280 Statutes, is amended to read:

1281 571.28 Florida Agricultural Promotional Campaign Advisory
 1282 Council.—

1283 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;
 1284 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 1285 recordkeeping of the Florida Agricultural Promotional Campaign
 1286 Advisory Council, ~~and per diem and reimbursement of expenses of~~
 1287 ~~council members,~~ shall be governed by the provisions of s.
 1288 570.0705 relating to advisory committees established within the

1289 department.

1290 Section 48. Subsection (6) of section 573.112, Florida
 1291 Statutes, is amended to read:

1292 573.112 Advisory council.—

1293 (6) No member or alternate member of the council shall
 1294 receive a salary, ~~but shall be reimbursed for travel expenses~~
 1295 ~~while on council business as provided in s. 112.061.~~ The
 1296 department may employ necessary personnel, including
 1297 professional and technical services personnel, and fix their
 1298 compensation and terms of employment and may incur expenses to
 1299 be paid from moneys collected as herein provided.

1300 Section 49. Subsection (3) of section 576.091, Florida
 1301 Statutes, is amended to read:

1302 576.091 Fertilizer Technical Council.—

1303 (3) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
 1304 ~~REIMBURSEMENTS.~~—The meetings, powers and duties, procedures, and
 1305 recordkeeping, ~~and reimbursement of expenses of members and~~
 1306 ~~alternate members~~ of the council shall be in accordance with the
 1307 provisions of s. 570.0705 relating to advisory committees
 1308 established within the department.

1309 Section 50. Subsection (2) of section 580.151, Florida
 1310 Statutes, is amended to read:

1311 580.151 Commercial Feed Technical Council.—

1312 (2) POWERS AND DUTIES; PROCEDURES; RECORDS; ~~COMPENSATION.~~—
 1313 The meetings, powers and duties, procedures, and recordkeeping
 1314 of the Commercial Feed Technical Council, ~~and per diem and~~
 1315 ~~reimbursement of expenses of council members,~~ shall be governed
 1316 by the provisions of s. 570.0705 relating to advisory committees

1317 established within the department.

1318 Section 51. Subsection (2) of section 581.186, Florida
 1319 Statutes, is amended to read:

1320 581.186 Endangered Plant Advisory Council; organization;
 1321 meetings; powers and duties.—

1322 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS+
 1323 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 1324 recordkeeping of the Endangered Plant Advisory Council, ~~and per~~
 1325 ~~diem and reimbursement of expenses of council members,~~ shall be
 1326 governed by the provisions of s. 570.0705 relating to advisory
 1327 committees established within the department.

1328 Section 52. Subsection (3) of section 586.161, Florida
 1329 Statutes, is amended to read:

1330 586.161 Honeybee Technical Council.—

1331 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS+
 1332 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 1333 recordkeeping of the Honeybee Technical Council, ~~and per diem~~
 1334 ~~and reimbursement of expenses of council members,~~ shall be
 1335 governed by the provisions of s. 570.0705 relating to advisory
 1336 committees established within the department.

1337 Section 53. Section 590.015, Florida Statutes, is amended
 1338 to read:

1339 590.015 Definitions.—As used in this chapter, the term:

1340 (1) "Broadcast burning" means the burning of agricultural
 1341 or natural vegetation by allowing fire to move across a
 1342 predetermined area of land. The term does not include the
 1343 burning of vegetative debris that is piled or stacked.

1344 (2) ~~(1)~~ "Division" means the Division of Forestry of the

1345 Department of Agriculture and Consumer Services.

1346 (3)~~(2)~~ "Fire management services" means presuppression
 1347 fireline plowing, prescribed burning assistance, contract
 1348 prescribed burning, prescribed and wildfire management training,
 1349 and other activities associated with prevention, detection, and
 1350 suppression of wildfires.

1351 (4)~~(3)~~ "Fuel reduction" means the application of
 1352 techniques that reduce vegetative fuels, and may include
 1353 prescribed burning, manual and mechanical clearing, and the use
 1354 of herbicides.

1355 (5) "Open burning" means any outdoor fire or open
 1356 combustion of material that produces visible emissions.

1357 (6)~~(4)~~ "Wildfire" means any vegetative fire that threatens
 1358 to destroy life, property, or natural resources.

1359 (7)~~(5)~~ "Wild land" means any public or private managed or
 1360 unmanaged forest, urban/interface, pasture or range land,
 1361 recreation lands, or any other land at risk of wildfire.

1362 Section 54. Paragraph (d) of subsection (1) and subsection
 1363 (4) of section 590.02, Florida Statutes, are amended, and
 1364 subsections (9) and (10) are added to that section, to read:

1365 590.02 Division powers, authority, and duties; liability;
 1366 building structures; Florida Center for Wildfire and Forest
 1367 Resources Management Training.—

1368 (1) The division has the following powers, authority, and
 1369 duties:

1370 (d) To appoint center managers, forest area supervisors,
 1371 forestry program administrators, a forest protection bureau
 1372 chief, a forest protection assistant bureau chief, a field

1373 operations bureau chief, deputy chiefs of field operations,
 1374 district managers, forest operations administrators, senior
 1375 forest rangers, investigators, forest rangers, firefighter
 1376 rotorcraft pilots, and other employees who may, at the
 1377 division's discretion, be certified as forestry firefighters
 1378 pursuant to s. 633.35(4). Other provisions of law
 1379 notwithstanding, center managers, district managers, forest
 1380 protection assistant bureau chief, and deputy chiefs of field
 1381 operations shall have Selected Exempt Service status in the
 1382 state personnel designation;

1383 (4) (a) The department may build structures,
 1384 notwithstanding chapters 216 and 255, not to exceed a cost of
 1385 \$50,000 per structure from existing resources on forest lands,
 1386 federal excess property, and unneeded existing structures. These
 1387 structures must meet all applicable building codes.

1388 (b) Notwithstanding s. 553.80(1), the department shall
 1389 exclusively enforce the Florida Building Code as it pertains to
 1390 wildfire and law enforcement facilities under the jurisdiction
 1391 of the department.

1392 (9) (a) Notwithstanding ss. 273.055 and 287.16, the
 1393 department may retain, transfer, warehouse, bid, destroy, scrap,
 1394 or otherwise dispose of surplus equipment and vehicles that are
 1395 used for wildland firefighting.

1396 (b) All money received from the disposition of state-owned
 1397 equipment and vehicles that are used for wildland firefighting
 1398 shall be retained by the department. Money received pursuant to
 1399 this section is appropriated for and may be disbursed for the
 1400 acquisition of exchange and surplus equipment used for wildland

1401 firefighting, and for all necessary operating expenditures
 1402 related to such equipment, in the same fiscal year and the
 1403 fiscal year following the disposition. The department shall
 1404 maintain records of the accounts into which the money is
 1405 deposited.

1406 (10) (a) The division has exclusive authority to require
 1407 and issue authorizations for broadcast burning and agricultural
 1408 and silvicultural pile burning. An agency, commission,
 1409 department, county, municipality, or other political subdivision
 1410 of the state may not adopt laws, regulations, rules, or policies
 1411 pertaining to broadcast burning or agricultural and
 1412 silvicultural pile burning unless an emergency order is declared
 1413 in accordance with s. 252.38(3).

1414 (b) The division may delegate to a county or municipality
 1415 its authority, as delegated by the Department of Environmental
 1416 Protection pursuant to ss. 403.061(28) and 403.081, to require
 1417 and issue authorizations for the burning of yard trash and
 1418 debris from land clearing operations in accordance with s.
 1419 590.125(6).

1420 Section 55. Section 590.125, Florida Statutes, is amended
 1421 to read:

1422 590.125 Open burning authorized by the division.—

1423 (1) DEFINITIONS.—As used in this section, the term:

1424 (a) "Certified pile burner" means an individual who
 1425 successfully completes the division's pile burning certification
 1426 program and possesses a valid pile burner certification number.

1427 ~~"Prescribed burning" means the controlled application of fire in~~
 1428 ~~accordance with a written prescription for vegetative fuels~~

1429 ~~under specified environmental conditions while following~~
1430 ~~appropriate precautionary measures that ensure that the fire is~~
1431 ~~confined to a predetermined area to accomplish the planned fire~~
1432 ~~or land management objectives.~~

1433 (b) "Certified prescribed burn manager" means an
1434 individual who successfully completes the certified prescribed
1435 burning certification program of the division and possesses a
1436 valid certification number.

1437 ~~(c)-(d)~~ "Extinguished" means that ~~no spreading flame for:~~

1438 1. Wildland Wild land burning or certified prescribed
1439 burning, and no spreading flames visible flame, smoke, or
1440 emissions for vegetative land-clearing debris burning, exist.

1441 2. Vegetative land-clearing debris burning or pile
1442 burning, no visible flames exist.

1443 3. Vegetative land-clearing debris burning or pile burning
1444 in an area designated as smoke sensitive by the division, no
1445 visible flames, smoke, or emissions exist.

1446 (d) "Land-clearing operation" means the uprooting or
1447 clearing of vegetation in connection with the construction of
1448 buildings and rights-of-way, land development, and mineral
1449 operations. The term does not include the clearing of yard
1450 trash.

1451 (e) "Pile burning" means the burning of silvicultural,
1452 agricultural, or land-clearing and tree-cutting debris
1453 originating onsite, which is stacked together in a round or
1454 linear fashion, including, but not limited to, a windrow.

1455 (f) "Prescribed burning" means the controlled application
1456 of fire by broadcast burning in accordance with a written

1457 prescription for vegetative fuels under specified environmental
1458 conditions, while following appropriate precautionary measures
1459 that ensure that the fire is confined to a predetermined area to
1460 accomplish the planned fire or land-management objectives.

1461 (g)-(e) "Prescription" means a written plan establishing
1462 the criteria necessary for starting, controlling, and
1463 extinguishing a prescribed burn.

1464 (h) "Yard trash" means vegetative matter resulting from
1465 landscaping and yard maintenance operations and other such
1466 routine property cleanup activities. The term includes materials
1467 such as leaves, shrub trimmings, grass clippings, brush, and
1468 palm fronds.

1469 (2) NONCERTIFIED BURNING.—

1470 (a) Persons may be authorized to burn wild land or
1471 vegetative land-clearing debris in accordance with this
1472 subsection if:

1473 1. There is specific consent of the landowner or his or
1474 her designee;

1475 2. Authorization has been obtained from the division or
1476 its designated agent before starting the burn;

1477 3. There are adequate firebreaks at the burn site and
1478 sufficient personnel and firefighting equipment for the control
1479 of the fire;

1480 4. The fire remains within the boundary of the authorized
1481 area;

1482 5. An authorized person ~~Someone~~ is present at the burn
1483 site until the fire is extinguished;

1484 6. The division does not cancel the authorization; and

1485 7. The division determines that air quality and fire
1486 danger are favorable for safe burning.

1487 (b) A person who burns wild land or vegetative land-
1488 clearing debris in a manner that violates any requirement of
1489 this subsection commits a misdemeanor of the second degree,
1490 punishable as provided in s. 775.082 or s. 775.083.

1491 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1492 PURPOSE.—

1493 (a) The application of prescribed burning is a land
1494 management tool that benefits the safety of the public, the
1495 environment, and the economy of the state. The Legislature finds
1496 that:

1497 1. Prescribed burning reduces vegetative fuels within wild
1498 land areas. Reduction of the fuel load reduces the risk and
1499 severity of wildfire, thereby reducing the threat of loss of
1500 life and property, particularly in urban areas.

1501 2. Most of Florida's natural communities require periodic
1502 fire for maintenance of their ecological integrity. Prescribed
1503 burning is essential to the perpetuation, restoration, and
1504 management of many plant and animal communities. Significant
1505 loss of the state's biological diversity will occur if fire is
1506 excluded from fire-dependent systems.

1507 3. Forestland and rangeland constitute significant
1508 economic, biological, and aesthetic resources of statewide
1509 importance. Prescribed burning on forestland prepares sites for
1510 reforestation, removes undesirable competing vegetation,
1511 expedites nutrient cycling, and controls or eliminates certain
1512 forest pathogens. On rangeland, prescribed burning improves the

1513 quality and quantity of herbaceous vegetation necessary for
 1514 livestock production.

1515 4. The state purchased hundreds of thousands of acres of
 1516 land for parks, preserves, wildlife management areas, forests,
 1517 and other public purposes. The use of prescribed burning for
 1518 management of public lands is essential to maintain the specific
 1519 resource values for which these lands were acquired.

1520 5. A public education program is necessary to make
 1521 citizens and visitors aware of the public safety, resource, and
 1522 economic benefits of prescribed burning.

1523 6. Proper training in the use of prescribed burning is
 1524 necessary to ensure maximum benefits and protection for the
 1525 public.

1526 7. As Florida's population continues to grow, pressures
 1527 from liability issues and nuisance complaints inhibit the use of
 1528 prescribed burning. Therefore, the division is urged to maximize
 1529 the opportunities for prescribed burning conducted during its
 1530 daytime and nighttime authorization process.

1531 (b) Certified prescribed burning pertains only to
 1532 broadcast burning for purposes of silviculture, wildland fire
 1533 hazard reduction, wildlife management, ecological maintenance
 1534 and restoration, and range and pasture management. It must be
 1535 conducted in accordance with this subsection and:

1536 1. May be accomplished only when a certified prescribed
 1537 burn manager is present on site with a copy of the prescription
 1538 from ignition of the burn to its completion.

1539 2. Requires that a written prescription be prepared before
 1540 receiving authorization to burn from the division.

1541 3. Requires that the specific consent of the landowner or
 1542 his or her designee be obtained before requesting an
 1543 authorization.

1544 4. Requires that an authorization to burn be obtained from
 1545 the division before igniting the burn.

1546 5. Requires that there be adequate firebreaks at the burn
 1547 site and sufficient personnel and firefighting equipment for the
 1548 control of the fire.

1549 6. Is considered to be in the public interest and does not
 1550 constitute a public or private nuisance when conducted under
 1551 applicable state air pollution statutes and rules.

1552 7. Is considered to be a property right of the property
 1553 owner if vegetative fuels are burned as required in this
 1554 subsection.

1555 (c) Neither a property owner nor his or her agent is
 1556 liable pursuant to s. 590.13 for damage or injury caused by the
 1557 fire or resulting smoke or considered to be in violation of
 1558 subsection (2) for burns conducted in accordance with this
 1559 subsection unless gross negligence is proven.

1560 (d) Any certified burner who violates this section commits
 1561 a misdemeanor of the second degree, punishable as provided in s.
 1562 775.082 or s. 775.083.

1563 (e) The division shall adopt rules for the use of
 1564 prescribed burning and for certifying and decertifying certified
 1565 prescribed burn managers based on their past experience,
 1566 training, and record of compliance with this section.

1567 (4) CERTIFIED PILE BURNING.—

1568 (a) Certified pile burning pertains to the disposal of

1569 piled, naturally occurring debris from an agricultural,
1570 silvicultural, or temporary land-clearing operation. A land-
1571 clearing operation is temporary if it operates for 6 months or
1572 less. Certified pile burning must be conducted in accordance
1573 with the following:

1574 1. A certified pile burner must ensure, before ignition,
1575 that the piles are properly placed and that the content of the
1576 piles is conducive to efficient burning.

1577 2. A certified pile burner must ensure that the piles are
1578 properly extinguished no later than 1 hour after sunset. If the
1579 burn is conducted in an area designated by the division as smoke
1580 sensitive, a certified pile burner must ensure that the piles
1581 are properly extinguished at least 1 hour before sunset.

1582 3. A written pile burning plan must be prepared before
1583 receiving authorization from the division to burn.

1584 4. The specific consent of the landowner or his or her
1585 agent must be obtained before requesting authorization to burn.

1586 5. An authorization to burn must be obtained from the
1587 division or its designated agent before igniting the burn.

1588 6. There must be adequate firebreaks and sufficient
1589 personnel and firefighting equipment at the burn site to control
1590 the fire.

1591 (b) If a burn is conducted in accordance with paragraph
1592 (a), the property owner and his or her agent are not liable
1593 under s. 590.13 for damage or injury caused by the fire or
1594 resulting smoke, and are not in violation of subsection (2),
1595 unless gross negligence is proven.

1596 (c) A certified pile burner who violates this subsection

1597 commits a misdemeanor of the second degree, punishable as
 1598 provided in s. 775.082 or s. 775.083.

1599 (d) The division shall adopt rules regulating certified
 1600 pile burning. The rules shall include procedures and criteria
 1601 for certifying and decertifying certified pile burn managers
 1602 based on past experience, training, and record of compliance
 1603 with this section.

1604 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
 1605 DIVISION.—The division may conduct fuel reduction initiatives,
 1606 including, but not limited to, burning and mechanical and
 1607 chemical treatment, on any area of wild land within the state
 1608 which is reasonably determined to be in danger of wildfire in
 1609 accordance with the following procedures:

1610 (a) Describe the areas that will receive fuels treatment
 1611 to the affected local governmental entity.

1612 (b) Publish a treatment notice, including a description of
 1613 the area to be treated, in a conspicuous manner in at least one
 1614 newspaper of general circulation in the area of the treatment
 1615 not less than 10 days before the treatment.

1616 (c) Prepare, and send ~~the county tax collector shall~~
 1617 ~~include with the annual tax statement,~~ a notice to be sent to
 1618 all landowners in each area ~~township~~ designated by the division
 1619 as a wildfire hazard area. The notice must describe particularly
 1620 the area to be treated and the tentative date or dates of the
 1621 treatment and must list the reasons for and the expected
 1622 benefits from the wildfire hazard reduction.

1623 (d) Consider any landowner objections to the fuels
 1624 treatment of his or her property. The landowner may apply to the

1625 director of the division for a review of alternative methods of
 1626 fuel reduction on the property. If the director or his or her
 1627 designee does not resolve the landowner objection, the director
 1628 shall convene a panel made up of the local forestry unit
 1629 manager, the fire chief of the jurisdiction, and the affected
 1630 county or city manager, or any of their designees. If the
 1631 panel's recommendation is not acceptable to the landowner, the
 1632 landowner may request further consideration by the Commissioner
 1633 of Agriculture or his or her designee and shall thereafter be
 1634 entitled to an administrative hearing pursuant to the provisions
 1635 of chapter 120.

1636 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
 1637 AUTHORIZATION PROGRAMS.—

1638 (a) A county or municipality may exercise the division's
 1639 authority, if delegated by the division under this subsection,
 1640 to issue authorizations for the burning of yard trash or debris
 1641 from land-clearing operations. A county's or municipality's
 1642 existing or proposed open burning authorization program must:

1643 1. Be approved by the division. The division may not
 1644 approve a program if it fails to meet the requirements of
 1645 subsections (2) and (4) and any rules adopted under those
 1646 subsections.

1647 2. Provide by ordinance or local law the requirements for
 1648 obtaining and performing a burn authorization that complies with
 1649 subsections (2) and (4) and any rules adopted under those
 1650 subsections.

1651 3. Provide for the enforcement of the program's
 1652 requirements.

1653 4. Provide financial, personnel, and other resources
1654 needed to carry out the program.

1655 (b) If the division determines that a county's or
1656 municipality's open burning authorization program does not
1657 comply with subsections (2) and (4) and any rules adopted under
1658 those subsections, the division shall require the county or
1659 municipality to take necessary corrective actions within 90 days
1660 after receiving notice from the division of its determination.

1661 1. If the county or municipality fails to take the
1662 necessary corrective actions within the required period, the
1663 division shall resume administration of the open burning
1664 authorization program in the county or municipality and the
1665 county or municipality shall cease administration of its
1666 program.

1667 2. Each county and municipality administering an open
1668 burning authorization program must cooperate with and assist the
1669 division in carrying out the division's powers, duties, and
1670 functions.

1671 3. A person who violates the requirements of a county's or
1672 municipality's open burning authorization program, as provided
1673 by ordinance or local law enacted pursuant to this subsection,
1674 commits a violation of this chapter, punishable as provided in
1675 s. 590.14.

1676 (7) ~~(5)~~ DUTIES OF AGENCIES.—The Department of Education
1677 shall incorporate, where feasible and appropriate, the issues of
1678 fuels treatment, including prescribed burning, into its
1679 educational materials.

1680 Section 56. Section 590.14, Florida Statutes, is amended

1681 to read:

1682 590.14 Notice of violation; penalties; legislative
 1683 intent.-

1684 (1) If a division employee determines that a person has
 1685 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
 1686 the division to administer provisions of law conferring duties
 1687 upon the division, the division employee ~~he or she~~ may issue a
 1688 notice of violation indicating the statute or rule violated.
 1689 This notice will be filed with the division and a copy forwarded
 1690 to the appropriate law enforcement entity for further action if
 1691 necessary.

1692 (2) In addition to any penalties provided by law, any
 1693 person who causes a wildfire or permits any authorized fire to
 1694 escape the boundaries of the authorization or to burn past the
 1695 time of the authorization is liable for the payment of all
 1696 reasonable costs and expenses incurred in suppressing the fire
 1697 or \$150, whichever is greater. All costs and expenses incurred
 1698 by the division shall be payable to the division. When such
 1699 costs and expenses are not paid within 30 days after demand, the
 1700 division may take proper legal proceedings for the collection of
 1701 the costs and expenses. Those costs incurred by an agency acting
 1702 at the division's direction are recoverable by that agency.

1703 (3) The department may also impose an administrative fine,
 1704 not to exceed \$1,000 per violation of any section of chapter 589
 1705 or this chapter or violation of any rule adopted by the division
 1706 to administer provisions of law conferring duties upon the
 1707 division. The fine shall be based upon the degree of damage, the
 1708 prior violation record of the person, and whether the person

1709 knowingly provided false information to obtain an authorization.
 1710 The fines shall be deposited in the Incidental Trust Fund of the
 1711 division.

1712 (4) A person commits a misdemeanor of the second degree,
 1713 punishable as provided in s. 775.082 or s. 775.083, if the
 1714 person:

1715 (a) Fails to comply with any rule or order adopted by the
 1716 division to administer provisions of law conferring duties upon
 1717 the division; or

1718 (b) Knowingly makes any false statement or representation
 1719 in any application, record, plan, or other document required by
 1720 this chapter or any rules adopted under this chapter.

1721 (5) It is the intent of the Legislature that a penalty
 1722 imposed by a court under subsection (4) be of a severity that
 1723 ensures immediate and continued compliance with this section.

1724 (6)-(4) The penalties provided in this section shall extend
 1725 to both the actual violator and the person or persons, firm, or
 1726 corporation causing, directing, or permitting the violation.

1727 Section 57. Subsection (4) of section 597.005, Florida
 1728 Statutes, is amended to read:

1729 597.005 Aquaculture Review Council.—

1730 ~~(4) EXPENSES; PER DIEM.—Members of the council shall~~
 1731 ~~receive expenses and per diem for travel, including attendance~~
 1732 ~~at meetings, as allowed state officers and employees pursuant to~~
 1733 ~~s. 112.061.~~

1734 Section 58. Subsection (2) of section 599.002, Florida
 1735 Statutes, is amended to read:

1736 599.002 Viticulture Advisory Council.—

1737 (2) The meetings, powers and duties, procedures, and
 1738 recordkeeping of the Viticulture Advisory Council, ~~and per diem~~
 1739 ~~and reimbursement of expenses of council members,~~ shall be
 1740 governed by the provisions of s. 570.0705 relating to advisory
 1741 committees established within the department.

1742 Section 59. Subsection (4) is added to section 616.17,
 1743 Florida Statutes, to read:

1744 616.17 Minimum exhibits.—

1745 (4) An authority or fair association as defined in this
 1746 chapter that provides any of the exhibits set forth in
 1747 subsection (1) or other exhibits or concessions, whether such
 1748 exhibits or concessions are provided directly or through an
 1749 agreement with a third party, is not subject to criminal
 1750 penalties or civil damages arising out of the personal injury or
 1751 death of any person, or property damage, resulting from such
 1752 exhibits or concessions. This subsection does not apply if the
 1753 personal injury, death, or property damage was due to an act or
 1754 omission committed by the authority or fair association in bad
 1755 faith, with malicious purpose, or with wanton and willful
 1756 disregard of human rights, safety, or property. This subsection
 1757 does not apply to third parties providing exhibits or
 1758 concessions.

1759 Section 60. Paragraph (a) of subsection (1) and subsection
 1760 (3) of section 616.252, Florida Statutes, are amended to read:

1761 616.252 Florida State Fair Authority; membership; number,
 1762 terms, compensation.—

1763 (1) (a) The authority shall be composed of 22 ~~21~~ members.
 1764 The Commissioner of Agriculture, or her or his designee, shall

1765 | serve as a voting member. There shall also be a member who is
 1766 | the member of the Board of County Commissioners of Hillsborough
 1767 | County representing the county commission district in which the
 1768 | Florida State Fairgrounds is located, who shall serve as a
 1769 | voting member. There shall also be an appointed youth member who
 1770 | is an active member of the Florida Future Farmers of America or
 1771 | a 4-H Club, who shall serve as a nonvoting member. The
 1772 | Commissioner of Agriculture shall appoint each other member of
 1773 | the authority. Each member appointed by the Commissioner of
 1774 | Agriculture shall serve at the pleasure of the Commissioner of
 1775 | Agriculture. The term of each member appointed by the
 1776 | Commissioner of Agriculture shall be 4 years, but the term of
 1777 | the nonvoting youth member shall be for 1 year ~~except, to~~
 1778 | ~~provide staggered terms, 9 of the members shall be initially~~
 1779 | ~~appointed for a 2-year term and 10 of the members shall be~~
 1780 | ~~initially appointed for a 3-year term.~~ Members may be appointed
 1781 | for more than one term. Any vacancy shall be filled for the
 1782 | remainder of the unexpired term pursuant to the method provided
 1783 | in this section for appointment. Six of the members may be from
 1784 | Hillsborough County. The Commissioner of Agriculture shall
 1785 | appoint and set the compensation of an executive director. The
 1786 | executive director shall serve at the pleasure of the
 1787 | Commissioner of Agriculture.

1788 | (3) Members of the authority are ~~shall~~ not be entitled to
 1789 | compensation for their services as members and may not, but
 1790 | ~~shall~~ be reimbursed for travel expenses. Except for the
 1791 | nonvoting youth member, each member ~~as provided in s. 112.061~~
 1792 | ~~and~~ may be compensated for any special or full-time service

1793 performed in the authority's ~~its~~ behalf as officers or agents of
 1794 the authority.

1795 Section 61. Paragraph (c) of subsection (2) of section
 1796 812.014, Florida Statutes, is amended to read:

1797 812.014 Theft.—

1798 (2)

1799 (c) It is grand theft of the third degree and a felony of
 1800 the third degree, punishable as provided in s. 775.082, s.
 1801 775.083, or s. 775.084, if the property stolen is:

- 1802 1. Valued at \$300 or more, but less than \$5,000.
- 1803 2. Valued at \$5,000 or more, but less than \$10,000.
- 1804 3. Valued at \$10,000 or more, but less than \$20,000.
- 1805 4. A will, codicil, or other testamentary instrument.
- 1806 5. A firearm.
- 1807 6. A motor vehicle, except as provided in paragraph (a).
- 1808 7. Any commercially farmed animal, including any animal of
 1809 the equine, bovine, or swine class~~7~~ or other grazing animal; a
 1810 bee colony of a registered beekeeper;~~7~~ and ~~including~~ aquaculture
 1811 species raised at a certified aquaculture facility. If the
 1812 property stolen is aquaculture species raised at a certified
 1813 aquaculture facility, then a \$10,000 fine shall be imposed.
- 1814 8. Any fire extinguisher.
- 1815 9. Any amount of citrus fruit consisting of 2,000 or more
 1816 individual pieces of fruit.
- 1817 10. Taken from a designated construction site identified
 1818 by the posting of a sign as provided for in s. 810.09(2)(d).
- 1819 11. Any stop sign.
- 1820 12. Anhydrous ammonia.

1821
 1822 However, if the property is stolen within a county that is
 1823 subject to a state of emergency declared by the Governor under
 1824 chapter 252, the property is stolen after the declaration of
 1825 emergency is made, and the perpetration of the theft is
 1826 facilitated by conditions arising from the emergency, the
 1827 offender commits a felony of the second degree, punishable as
 1828 provided in s. 775.082, s. 775.083, or s. 775.084, if the
 1829 property is valued at \$5,000 or more, but less than \$10,000, as
 1830 provided under subparagraph 2., or if the property is valued at
 1831 \$10,000 or more, but less than \$20,000, as provided under
 1832 subparagraph 3. As used in this paragraph, the term "conditions
 1833 arising from the emergency" means civil unrest, power outages,
 1834 curfews, voluntary or mandatory evacuations, or a reduction in
 1835 the presence of or the response time for first responders or
 1836 homeland security personnel. For purposes of sentencing under
 1837 chapter 921, a felony offense that is reclassified under this
 1838 paragraph is ranked one level above the ranking under s.
 1839 921.0022 or s. 921.0023 of the offense committed.

1840 Section 62. Paragraphs (f) and (g) of subsection (1) of
 1841 section 812.015, Florida Statutes, are amended to read:

1842 812.015 Retail and farm theft; transit fare evasion;
 1843 mandatory fine; alternative punishment; detention and arrest;
 1844 exemption from liability for false arrest; resisting arrest;
 1845 penalties.—

1846 (1) As used in this section:

1847 (f) "Farmer" means a person who is engaging in the growing
 1848 or producing of farm produce, milk products, honey, eggs, or

1849 meat, either part time or full time, for personal consumption or
 1850 for sale and who is the owner or lessee of the land or a person
 1851 designated in writing by the owner or lessee to act as her or
 1852 his agent. No person defined as a farm labor contractor pursuant
 1853 to s. 450.28 shall be designated to act as an agent for purposes
 1854 of this section.

1855 (g) "Farm theft" means the unlawful taking possession of
 1856 any items that are grown or produced on land owned, rented, or
 1857 leased by another person. The term includes the unlawful taking
 1858 possession of equipment and associated materials used to grow or
 1859 produce farm products as defined in s. 823.14(3)(c).

1860 Section 63. (1) The Division of Forestry of the
 1861 Department of Agriculture and Consumer Services is renamed the
 1862 "Florida Forest Service."

1863 (2) The Legislature recognizes that there is a need to
 1864 conform the Florida Statutes to the organizational changes in
 1865 this act and that there may be a need to resolve apparent
 1866 conflicts with any other legislation that has been or may be
 1867 enacted during the 2011 Regular Session or an extension thereof.
 1868 Therefore, in the interim between this act becoming a law and
 1869 the 2012 Regular Session of the Legislature or an earlier
 1870 special session addressing this issue, the Division of Statutory
 1871 Revision shall provide the relevant substantive committees of
 1872 the Senate and the House of Representatives with assistance,
 1873 upon request, to enable such committees to prepare draft
 1874 legislation to conform the Florida Statutes and any legislation
 1875 enacted during 2011 to the provisions of this act.

1876 Section 64. Paragraph (h) of subsection (2) of section

1877 20.14, Florida Statutes, is amended to read:

1878 20.14 Department of Agriculture and Consumer Services.—
 1879 There is created a Department of Agriculture and Consumer
 1880 Services.

1881 (2) The following divisions of the Department of
 1882 Agriculture and Consumer Services are established:

1883 (h) Florida Forest Service Forestry.

1884 Section 65. Subsections (4) and (11) of section 261.03,
 1885 Florida Statutes, are amended to read:

1886 261.03 Definitions.—As used in this chapter, the term:

1887 (4) "Division" means the Florida Forest Service ~~Division~~
 1888 ~~of Forestry of the Department of Agriculture and Consumer~~
 1889 ~~Services.~~

1890 (11) "Trust fund" means the Incidental Trust Fund of the
 1891 Florida Forest Service ~~Division of Forestry of the Department of~~
 1892 ~~Agriculture and Consumer Services.~~

1893 Section 66. Subsection (8) of section 570.29, Florida
 1894 Statutes, is amended to read:

1895 570.29 Departmental divisions.—The department shall
 1896 include the following divisions:

1897 (8) Florida Forest Service Forestry.

1898 Section 67. Section 570.548, Florida Statutes, is amended
 1899 to read:

1900 570.548 Florida Forest Service ~~Division of Forestry~~;
 1901 powers and duties.—The duties of the Florida Forest Service
 1902 ~~Division of Forestry~~ include, but are not limited to,
 1903 administering and enforcing those powers and responsibilities of
 1904 the Florida Forest Service ~~division~~ prescribed in chapters 589,

1905 590, and 591 and ~~the~~ rules adopted under those chapters pursuant
 1906 ~~thereto~~ and in other forest fire, forest protection, and forest
 1907 management laws of this state.

1908 Section 68. Section 570.549, Florida Statutes, is amended
 1909 to read:

1910 570.549 Director; duties.—

1911 (1) The director of the Florida Forest Service ~~Division of~~
 1912 ~~Forestry~~ shall be appointed by the commissioner and shall serve
 1913 at the commissioner's pleasure.

1914 (2) ~~It shall be the duty of~~ The director shall ~~of this~~
 1915 ~~division to~~ direct and supervise the overall operation of the
 1916 Florida Forest Service ~~division~~ and ~~to~~ exercise such other
 1917 powers and duties as authorized by the department.

1918 Section 69. Subsection (1) of section 570.903, Florida
 1919 Statutes, is amended to read:

1920 570.903 Direct-support organization.—

1921 (1) When the Legislature authorizes the establishment of a
 1922 direct-support organization to provide assistance for the
 1923 museums, the Florida Agriculture in the Classroom Program, the
 1924 Florida State Collection of Arthropods, the Friends of the
 1925 Florida State Forests Program of the Florida Forest Service
 1926 ~~Division of Forestry~~, and the Forestry Arson Alert Program, and
 1927 other programs of the department, the following provisions shall
 1928 govern the creation, use, powers, and duties of the direct-
 1929 support organization:—

1930 (a) The department shall enter into a memorandum or letter
 1931 of agreement with the direct-support organization, which shall
 1932 specify the approval of the department, the powers and duties of

1933 the direct-support organization, and rules with which the
 1934 direct-support organization must ~~shall~~ comply.

1935 (b) The department may permit, without charge, appropriate
 1936 use of property, facilities, and personnel of the department by
 1937 a direct-support organization, subject to ~~the provisions of~~ ss.
 1938 570.902 and 570.903. The use shall be directly in keeping with
 1939 the approved purposes of the direct-support organization and may
 1940 ~~shall~~ not be made at times or places that would unreasonably
 1941 interfere with opportunities for the general public to use
 1942 department facilities for established purposes.

1943 (c) The department shall prescribe by contract or by rule
 1944 conditions with which a direct-support organization must ~~shall~~
 1945 comply in order to use property, facilities, or personnel of the
 1946 department or museum. Such rules shall provide for budget and
 1947 audit review and oversight by the department.

1948 (d) The department may ~~shall~~ not permit the use of
 1949 property, facilities, or personnel of the museum, department, or
 1950 designated program by a direct-support organization that ~~which~~
 1951 does not provide equal employment opportunities to all persons
 1952 regardless of race, color, religion, sex, age, or national
 1953 origin.

1954 Section 70. Subsection (1) of section 590.015, Florida
 1955 Statutes, is amended to read:

1956 590.015 Definitions.—As used in this chapter, the term:

1957 (1) "Division" means the Florida Forest Service Division
 1958 ~~of Forestry of the Department of Agriculture and Consumer~~
 1959 ~~Services.~~

1960 Section 71. The sum of \$744,000 in nonrecurring funds is

1961 appropriated to the Department of Agriculture and Consumer
 1962 Services from the Florida Forever Trust Fund for the 2011-2012
 1963 fiscal year in the Fixed Capital Outlay-Agency Managed-Land
 1964 Management appropriation category pursuant to s. 259.105(3)(f),
 1965 Florida Statutes.

1966 Section 72. This act shall take effect July 1, 2011.