

FOR CONSIDERATION By the Committee on Agriculture

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 14.24, F.S.; deleting
4 provisions related to per diem and travel expenses for
5 members of the Florida Commission on the Status of
6 Women; amending s. 20.14, F.S.; deleting the Division
7 of Dairy within the Department of Agriculture and
8 Consumer Services; amending s. 215.981, F.S.;
9 exempting certain direct-support organizations and
10 citizen support organizations for the Department of
11 Agriculture and Consumer Services from obtaining an
12 independent audit; amending s. 253.02, F.S.; providing
13 for the grantee of easements for electrical
14 transmission to pay the lead manager of the state-
15 owned lands or, when there is no lead manager, the
16 Department of Environmental Protection if suitable
17 replacement uplands cannot be identified; amending s.
18 261.04, F.S.; deleting provisions related to per diem
19 and travel expenses for members of the Off-Highway
20 Vehicle Recreation Advisory Committee within the
21 Division of Forestry; repealing s. 472.007(5), F.S.,
22 relating to per diem and travel expenses of a member
23 or former member of a Board of Professional Surveyors
24 and Mappers; amending s. 482.051, F.S.; providing rule
25 changes that allow operators to provide certain
26 emergency notice to the Department of Agriculture and
27 Consumer Services by facsimile or electronic means;
28 amending s. 482.071, F.S.; increasing the minimum
29 insurance coverage for bodily injury and property

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30 damage required for pest control businesses; creating
31 s. 482.072, F.S.; providing for licensure by the
32 department of pest control customer contact centers;
33 providing application requirements; providing for
34 fees, licensure renewal, penalties, licensure
35 expiration, and transfer of licenses; requiring the
36 department to adopt rules; providing for disciplinary
37 action; creating s. 482.157, F.S.; providing for the
38 certification of commercial wildlife trappers;
39 providing requirements for certification, examination,
40 and fees; limiting the scope of work permitted by
41 certificate holders; clarifying that
42 certificateholders who practice accepted pest control
43 methods are immune from liability for violating laws
44 prohibiting cruelty to animals; providing that the
45 provisions of s. 482.157, F.S. do not exempt any
46 person from the rules, orders, or regulations of the
47 Florida Fish and Wildlife Conservation Commission;
48 amending s. 482.226, F.S.; increasing the minimum
49 financial responsibility requirements for licensees
50 that perform wood-destroying organism inspections;
51 amending s. 482.243, F.S.; deleting provisions
52 relating to reimbursement for expenses for members of
53 the Pest Control Enforcement Advisory Council within
54 the department; amending s. 487.041, F.S.; providing
55 that registration, supplemental, and late fees related
56 to the registration of pesticide brands with the
57 department are nonrefundable; providing requirements
58 for label revisions of pesticide brands; providing

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59 requirements for label revisions that must be reviewed
60 by the United States Environmental Protection Agency;
61 requiring payments of pesticide registration fees to
62 be submitted electronically; amending s. 487.0615,
63 F.S.; deleting reference relating to per diem and
64 travel for the Pesticide Review Council within the
65 Department of Agriculture and Consumer Services;
66 amending s. 500.70, F.S.; requiring certain persons
67 that produce, harvest, pack, or repack tomatoes to
68 register each location of a tomato farm, tomato
69 greenhouse, tomato packinghouse, or tomato repacker by
70 a specified date on a form prescribed by the
71 department; requiring the department to set a
72 registration fee; providing for funds collected to be
73 deposited into the General Inspection Trust Fund;
74 amending s. 527.22, F.S.; deleting provisions relating
75 to per diem and travel expenses for members of the
76 Florida Propane Gas Education, Safety, and Research
77 Council within the department; amending s. 559.9221,
78 F.S.; deleting provisions relating to per diem and
79 travel expenses for members of the Motor Vehicle
80 Repair Advisory Council within the department;
81 amending s. 570.07, F.S.; revising the powers and
82 duties of the Department of Agriculture and Consumer
83 Services regarding pollution control and the
84 prevention of wildfires; amending s. 570.0705, F.S.;
85 deleting provisions relating to per diem and travel
86 expenses for members of any advisory committee that
87 the Commissioner of Agriculture may appoint; amending

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

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117 frozen desserts, and frozen dessert mixes; amending s.
118 570.543, F.S.; deleting provisions relating to per
119 diem and travel expenses for members of the Florida
120 Consumers' Council within the department; repealing s.
121 570.954(3), F.S., relating to the requirement that the
122 Department of Agriculture and Consumer Services
123 coordinate with and solicit the expertise of the state
124 energy office when developing the farm-to-fuel
125 initiative; amending s. 571.28, F.S.; deleting
126 provisions relating to per diem and travel expenses
127 for members of the Florida Agricultural Promotional
128 Campaign Advisory Council within the department;
129 amending s. 573.112, F.S.; deleting provisions
130 relating to per diem and travel expenses for members
131 of the advisory council that administers the marketing
132 order that is issued to the department; amending s.
133 576.091, F.S.; deleting provisions relating to per
134 diem and travel expenses for members of the Fertilizer
135 Technical Council within the department; amending s.
136 580.151, F.S.; deleting provisions relating to per
137 diem and travel expenses for members of the Commercial
138 Feed Technical Council within the department; amending
139 s. 581.186, F.S.; deleting provisions relating to per
140 diem and travel expenses for members of the Endangered
141 Plant Advisory Council within the department; amending
142 s. 586.161, F.S.; deleting provisions relating to per
143 diem and travel expenses for members of the Honeybee
144 Technical Council within the department; amending s.
145 589.101, F.S.; authorizing the Department of

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

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

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

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233 produces honey; redefining the term "farm theft" to
234 include the unlawful taking possession of equipment
235 and associated materials used to grow or produce farm
236 products; providing an effective date.

237

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

239

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

242 14.24 Florida Commission on the Status of Women.—

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

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

248 20.14 Department of Agriculture and Consumer Services.—

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

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

253 (a) Administration.

254 (b) Agricultural Environmental Services.

255 (c) Animal Industry.

256 (d) Aquaculture.

257 (e) Consumer Services.

258 ~~(f) Dairy Industry.~~

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

260 (g) ~~(h)~~ Forestry.

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

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- 262 (i)~~(j)~~ Licensing.
263 (j)~~(k)~~ Marketing and Development.
264 (k)~~(l)~~ Plant Industry.
265 (l)~~(m)~~ Standards.

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

268 215.981 Audits of state agency direct-support organizations
269 and citizen support organizations.—

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

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

286 253.02 Board of trustees; powers and duties.—

287 (2)

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

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

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

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

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

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

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

319 c. Avoiding interference with active land management

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320 practices, such as prescribed burning.

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

348 Section 5. Subsection (5) of section 261.04, Florida

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349 Statutes, is amended to read:

350 261.04 Off-Highway Vehicle Recreation Advisory Committee;
351 members; appointment.-

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

356 Section 6. Subsection (5) of section 472.007, Florida
357 Statutes, is repealed.

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

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

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

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378 confirmation providing the required information.

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

381 482.071 Licenses.—

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

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

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

395 Section 9. Section 482.072, Florida Statutes, is created to
396 read:

397 482.072 Pest control customer contact centers.—

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

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

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

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

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

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

433 (e) The department may not issue or renew a license to
434 operate a customer contact center unless the licensee for the
435 pest control business for which the center solicits business is

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436 owned in common by a person or business entity recognized by
437 this state.

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

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

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

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

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

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

463 2. A licensee of a pest control business may be subject to
464 disciplinary action under s. 482.161 for a violation that is

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465 committed by a person who solicits pest control services or
466 provides customer service in a customer contact center operated
467 by a licensee if the licensee participates in the violation.

468 Section 10. Section 482.157, Florida Statutes, is created
469 to read:

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

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

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

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

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

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

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

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

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

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

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

517 Section 11. Subsection (6) of section 482.226, Florida
518 Statutes, is amended to read:

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

521 (6) Any licensee that performs wood-destroying organism
522 inspections in accordance with subsection (1) must meet minimum

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

533 Section 12. Subsection (6) of section 482.243, Florida
534 Statutes, is amended to read:

535 482.243 Pest Control Enforcement Advisory Council.—

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

541 Section 13. Paragraph (a) of subsection (1) of section
542 487.041, Florida Statutes, is amended, and paragraphs (h), (i),
543 and (j) are added to that subsection, to read:

544 487.041 Registration.—

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

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

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

557 2. The name of the brand of pesticide.

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

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

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

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

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581 Section 14. Subsection (5) of section 487.0615, Florida
582 Statutes, is amended to read:

583 487.0615 Pesticide Review Council.—

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

587 Section 15. Subsection (7) is added to section 500.70,
588 Florida Statutes, to read:

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

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

604 Section 16. Subsection (5) of section 527.22, Florida
605 Statutes, is amended to read:

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

608 (5) Council members shall receive no compensation or
609 honorarium for their services, ~~and are authorized to receive~~

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610 ~~only per diem and reimbursement for travel expenses as provided~~
611 ~~in s. 112.061.~~

612 Section 17. Subsection (3) of section 559.9221, Florida
613 Statutes, is amended to read:

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

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

620 Section 18. Subsection (28) of section 570.07, Florida
621 Statutes, is amended to read:

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

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

629 Section 19. Subsection (9) of section 570.0705, Florida
630 Statutes, is amended to read:

631 570.0705 Advisory committees.—From time to time the
632 commissioner may appoint any advisory committee to assist the
633 department with its duties and responsibilities.

634 (9) Members of each advisory committee shall receive no
635 compensation for their services, ~~but shall be entitled to~~
636 ~~reimbursement for per diem and travel expenses as provided in s.~~
637 ~~112.061.~~

638 Section 20. Section 570.074, Florida Statutes, is amended

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639 to read:

640 570.074 Department of Agriculture and Consumer Services;
641 energy and water policy coordination.—The commissioner may
642 create an Office of Energy and Water Coordination under the
643 supervision of a senior manager exempt under s. 110.205 in the
644 Senior Management Service. The commissioner may designate the
645 bureaus and positions in the various organizational divisions of
646 the department which ~~that~~ report to this office relating to any
647 matter over which the department has jurisdiction in matters
648 relating to energy and water policy affecting agriculture,
649 application of such policies, and coordination of such matters
650 with state and federal agencies.

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

653 570.23 State Agricultural Advisory Council.—

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

660 Section 22. Subsection (6) of section 570.29, Florida
661 Statutes, is repealed.

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

664 570.38 Animal Industry Technical Council.—

665 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
666 ~~COMPENSATION~~.—The meetings, powers and duties, procedures, and
667 recordkeeping of the Animal Industry Technical Council, ~~and per~~

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668 ~~diem and reimbursement of expenses of council members,~~ shall be
669 governed by the provisions of s. 570.0705 relating to advisory
670 committees established within the department.

671 Section 24. Paragraph (d) of subsection (3) of section
672 570.382, Florida Statutes, is amended to read:

673 570.382 Arabian horse racing; breeders' and stallion
674 awards; Arabian Horse Council; horse registration fees; Florida
675 Arabian Horse Racing Promotion Account.—

676 (3) ARABIAN HORSE COUNCIL.—

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

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

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

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

685 570.42 Dairy Industry Technical Council.—

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

692 Section 28. Subsections (6) and (7) are added to section
693 570.50, Florida Statutes, to read:

694 570.50 Division of Food Safety; powers and duties.—The
695 duties of the Division of Food Safety include, but are not
696 limited to:

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697 (6) Inspecting dairy farms of the state, enforcing those
698 provisions of chapter 502 which are authorized by the department
699 and related to the supervision of milking operations, and
700 enforcing rules adopted under such provisions.

701 (7) Inspecting milk plants, milk product plants, and plants
702 engaged in the manufacture and distribution of frozen desserts
703 and frozen dessert mixes; analyzing and testing samples of milk,
704 milk products, frozen desserts, and frozen dessert mixes
705 collected by it; and enforcing those provisions of chapters 502
706 and 503 which are authorized by the department.

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

709 570.543 Florida Consumers' Council.—The Florida Consumers'
710 Council in the department is created to advise and assist the
711 department in carrying out its duties.

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

719 Section 30. Subsection (3) of section 570.954, Florida
720 Statutes, is repealed.

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

723 571.28 Florida Agricultural Promotional Campaign Advisory
724 Council.—

725 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;
~~COMPENSATION.~~

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726 COMPENSATION.—The meetings, powers and duties, procedures, and
727 recordkeeping of the Florida Agricultural Promotional Campaign
728 Advisory Council, ~~and per diem and reimbursement of expenses of~~
729 ~~council members,~~ shall be governed by the provisions of s.
730 570.0705 relating to advisory committees established within the
731 department.

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

735 573.112 Advisory council.—

736 (6) No member or alternate member of the council shall
737 receive a salary, ~~but shall be reimbursed for travel expenses~~
738 ~~while on council business as provided in s. 112.061.~~ The
739 department may employ necessary personnel, including
740 professional and technical services personnel, and fix their
741 compensation and terms of employment and may incur expenses to
742 be paid from moneys collected as herein provided.

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

745 576.091 Fertilizer Technical Council.—

746 (3) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS~~+~~
747 REIMBURSEMENTS.—The meetings, powers and duties, procedures, and
748 ~~recordkeeping, and reimbursement of expenses of members and~~
749 ~~alternate members of the council~~ shall be in accordance with the
750 provisions of s. 570.0705 relating to advisory committees
751 established within the department.

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

754 580.151 Commercial Feed Technical Council.—

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755 (2) POWERS AND DUTIES; PROCEDURES; RECORDS; ~~COMPENSATION.~~
756 The meetings, powers and duties, procedures, and recordkeeping
757 of the Commercial Feed Technical Council, ~~and per diem and~~
758 ~~reimbursement of expenses of council members,~~ shall be governed
759 by the provisions of s. 570.0705 relating to advisory committees
760 established within the department.

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

763 581.186 Endangered Plant Advisory Council; organization;
764 meetings; powers and duties.-

765 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
766 ~~COMPENSATION.~~The meetings, powers and duties, procedures, and
767 recordkeeping of the Endangered Plant Advisory Council, ~~and per~~
768 ~~diem and reimbursement of expenses of council members,~~ shall be
769 governed by the provisions of s. 570.0705 relating to advisory
770 committees established within the department.

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

773 586.161 Honeybee Technical Council.-

774 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;
775 ~~COMPENSATION.~~The meetings, powers and duties, procedures, and
776 recordkeeping of the Honeybee Technical Council, ~~and per diem~~
777 ~~and reimbursement of expenses of council members,~~ shall be
778 governed by the provisions of s. 570.0705 relating to advisory
779 committees established within the department.

780 Section 37. Section 589.101, Florida Statutes, is amended
781 to read:

782 589.101 All land leased to the Department of Agriculture
783 and Consumer Services ~~Blackwater River State Forest;~~ lease of

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784 ~~board's interest in gas, oil, and other mineral interests~~
785 ~~minerals.~~—Notwithstanding any provision of law to the contrary
786 ~~the provisions of ss. 253.51-253.61,~~ the Department of
787 Agriculture and Consumer Services Division of Forestry is hereby
788 expressly granted the authority to lease the its 25-percent
789 interest in oil, gas, and other mineral interests ~~minerals~~
790 within the boundaries of lands leased to the Department of
791 Agriculture and Consumer Services ~~the Blackwater River State~~
792 ~~Forest; provided, however, that grants shall be made only to the~~
793 ~~lessee or lessees holding the 75-percent interest in said~~
794 ~~minerals retained by the United States in its conveyance to this~~
795 ~~state. The concurrence of the Board of Trustees of the Internal~~
796 Improvement Trust Fund may review leases proposed pursuant to
797 ~~required by s. 589.10 shall not be necessary under the~~
798 ~~provisions of this section.~~

799 Section 38. Section 590.015, Florida Statutes, is amended
800 to read:

801 590.015 Definitions.—As used in this chapter, the term:

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

806 (2) ~~(1)~~ "Department Division" means the Division of Forestry
807 ~~of~~ the Department of Agriculture and Consumer Services.

808 (3) ~~(2)~~ "Fire management services" means presuppression
809 fireline plowing, prescribed burning assistance, contract
810 prescribed burning, prescribed and wildfire management training,
811 and other activities associated with prevention, detection, and
812 suppression of wildfires.

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813 (4)~~(3)~~ "Fuel reduction" means the application of techniques
814 that reduce vegetative fuels, and may include prescribed
815 burning, manual and mechanical clearing, and the use of
816 herbicides.

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

819 (6)~~(4)~~ "Wildfire" means any vegetative fire that threatens
820 to destroy life, property, or natural resources.

821 (7)~~(5)~~ "Wild land" means any public or private managed or
822 unmanaged forest, urban/interface, pasture or range land,
823 recreation lands, or any other land at risk of wildfire.

824 Section 39. Section 590.02, Florida Statutes, is amended to
825 read:

826 590.02 ~~Division~~ Powers, authority, and duties of the
827 Florida Forest Service; liability; building structures; Florida
828 Center for Wildfire and Forest Resources Management Training.-

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

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

832 (b) To prevent, detect, suppress, and extinguish wildfires
833 wherever they may occur on public or private land in this state
834 and to do all things necessary in the exercise of such powers,
835 authority, and duties;

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

839 (d) To appoint center managers, forest area supervisors,
840 forestry program administrators, a forest protection bureau
841 chief, a forest protection assistant bureau chief, a field

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842 operations bureau chief, deputy chiefs of field operations,
843 district managers, forest-operations administrators senior
844 forest rangers, investigators, forest rangers, firefighter
845 rotorcraft pilots, and other employees who may, at the Florida
846 Forest Service's ~~division's~~ discretion, be certified as forestry
847 firefighters pursuant to s. 633.35(4). Other provisions of law
848 notwithstanding, center managers, district managers, forest
849 protection assistant bureau chief, aviation manager, training
850 coordinator for the Florida Forest Service, and deputy chiefs of
851 field operations shall have Selected Exempt Service status in
852 the state personnel designation;

853 (e) To develop a training curriculum for forestry
854 firefighters which must contain the basic volunteer structural
855 fire training course approved by the Florida State Fire College
856 of the Division of State Fire Marshal and a minimum of 250 hours
857 of wildfire training;

858 (f) To make rules to accomplish the purposes of this
859 chapter;

860 (g) To provide fire management services and emergency
861 response assistance and to set and charge reasonable fees for
862 performance of those services. Moneys collected from such fees
863 shall be deposited into the Incidental Trust Fund of the Florida
864 Forest Service ~~division~~; and

865 (h) To require all state, regional, and local government
866 agencies operating aircraft in the vicinity of an ongoing
867 wildfire to operate in compliance with the applicable state
868 Wildfire Aviation Plan.

869 (2) ~~Division~~ Employees of the Florida Forest Service, and
870 the firefighting crews under their control and direction, may

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871 enter upon any lands for the purpose of preventing and
872 suppressing wildfires and investigating smoke complaints or open
873 burning not in compliance with authorization and to enforce the
874 provisions of this chapter.

875 (3) Employees of the Florida Forest Service ~~division~~ and of
876 federal, state, and local agencies, and all other persons and
877 entities that are under contract or agreement with the division
878 to assist in firefighting operations as well as those entities,
879 called upon by the Florida Forest Service ~~division~~ to assist in
880 firefighting may, in the performance of their duties, set
881 counterfires, remove fences and other obstacles, dig trenches,
882 cut firelines, use water from public and private sources, and
883 carry on all other customary activities in the fighting of
884 wildfires without incurring liability to any person or entity.

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

890 (b) Notwithstanding s. 553.80(1), the Florida Building Code
891 as it pertains to wildfire and law enforcement facilities under
892 the jurisdiction of the department shall be enforced exclusively
893 by the department.

894 (5) The Florida Forest Service ~~division~~ shall organize its
895 operational units to most effectively prevent, detect, and
896 suppress wildfires, and to that end, may employ the necessary
897 personnel to manage its activities in each unit. The Florida
898 Forest Service ~~division~~ may construct lookout towers, roads,
899 bridges, firelines, and other facilities and may purchase or

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900 fabricate tools, supplies, and equipment for firefighting. The
901 Florida Forest Service ~~division~~ may reimburse the public and
902 private entities that it engages to assist in the suppression of
903 wildfires for their personnel and equipment, including aircraft.

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

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

915 (a) The center may establish cooperative efforts involving
916 federal, state, and local entities; hire appropriate personnel;
917 and engage others by contract or agreement with or without
918 compensation to assist in carrying out the training and
919 operations of the center.

920 (b) The center shall provide wildfire suppression training
921 opportunities for rural fire departments, volunteer fire
922 departments, and other local fire response units.

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

928 (d) The center may assess appropriate fees for food,

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929 lodging, travel, course materials, and supplies in order to meet
930 its operational costs and may grant free meals, room, and
931 scholarships to persons and other entities in exchange for
932 instructional assistance.

933 (e) An advisory committee consisting of the following
934 individuals or their designees must review program curriculum,
935 course content, and scheduling: the State Forester ~~Director~~ of
936 the Florida Forest Service ~~Division of Forestry~~; the Assistant
937 State Forester ~~Director~~ of the Florida Forest Service ~~Division~~
938 ~~of Forestry~~; the Director of the School of Forest Resources and
939 Conservation of the University of Florida; the Director of the
940 Division of Recreation and Parks of the Department of
941 Environmental Protection; the Director of the Division of the
942 State Fire Marshal; the Director of the Florida Chapter of The
943 Nature Conservancy; the Executive Vice President of the Florida
944 Forestry Association; the President of the Florida Farm Bureau
945 Federation; the Executive Director of the Fish and Wildlife
946 Conservation Commission; the Executive Director of a Water
947 Management District as appointed by the Commissioner of
948 Agriculture; the Supervisor of the National Forests in Florida;
949 the President of the Florida Fire Chief's Association; and the
950 Executive Director of the Tall Timbers Research Station.

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

956 (9) (a) Notwithstanding ss. 273.055 and 287.16, the
957 department may retain, transfer, warehouse, bid, destroy, scrap,

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958 or otherwise dispose of surplus equipment and vehicles that are
959 used for wildland firefighting.

960 (b) All money received from the disposition of state-owned
961 equipment and vehicles that are used for wildland firefighting
962 shall be retained by the department. Money received pursuant to
963 this section is appropriated for and may be disbursed for the
964 acquisition of exchange and surplus equipment used for wildland
965 firefighting, and for all necessary operating expenditures
966 related to such equipment, in the same fiscal year and the
967 fiscal year following the disposition. The department shall
968 maintain records of the accounts into which the money is
969 deposited.

970 (10) (a) The Florida Forest Service has exclusive authority
971 to require and issue authorizations for broadcast burning,
972 agricultural pile burning, and silvicultural pile burning. An
973 agency, commission, department, county, municipality, or other
974 political subdivision of the state may not adopt laws, rules, or
975 policies pertaining to broadcast burning, agricultural pile
976 burning, and silvicultural pile burning unless an emergency
977 order has been declared in accordance with s. 252.38(3).

978 (b) The Florida Forest Service may delegate to a county or
979 municipality its authority, as delegated by the Department of
980 Environmental Protection pursuant to ss. 403.061(28) and
981 403.081, to require and issue authorizations for the burning of
982 yard trash and debris from land-clearing operations in
983 accordance with s. 590.125(6).

984 Section 40. Section 590.125, Florida Statutes, is amended
985 to read:

986 590.125 Open burning authorized by the Florida Forest

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987 Service division.—

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

989 (a) "Certified pile burner" means an individual who
990 successfully completes the Florida Forest Service's pile burning
991 certification program and possesses a valid pile burner
992 certification number. ~~"Prescribed burning" means the controlled~~
993 ~~application of fire in accordance with a written prescription~~
994 ~~for vegetative fuels under specified environmental conditions~~
995 ~~while following appropriate precautionary measures that ensure~~
996 ~~that the fire is confined to a predetermined area to accomplish~~
997 ~~the planned fire or land management objectives.~~

998 (b) "Certified prescribed burn manager" means an individual
999 who successfully completes the certified prescribed burning
1000 ~~certification~~ program of the Florida Forest Service division and
1001 possesses a valid certification number.

1002 ~~(c) "Prescription" means a written plan establishing the~~
1003 ~~criteria necessary for starting, controlling, and extinguishing~~
1004 ~~a prescribed burn.~~

1005 ~~(c)(d)~~ "Extinguished" means that no spreading flame for:

1006 1. Wild land burning or certified prescribed burning, and
1007 no spreading flames ~~visible flame, smoke, or emissions for~~
1008 ~~vegetative land-clearing debris burning, exist.~~

1009 2. Vegetative land-clearing debris burning or pile burning,
1010 and no visible flames exist.

1011 3. Vegetative land-clearing debris burning or pile burning
1012 in an area designated as smoke sensitive by the Florida Forest
1013 Service and no visible flames, smoke, or emissions exist.

1014 (d) "Land-clearing operation" means the uprooting or
1015 clearing of vegetation in connection with the construction of

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1016 buildings and rights-of-way, land development, and mineral
1017 operations. The term does not include the clearing of yard
1018 trash.

1019 (e) "Pile burning" means the burning of silvicultural,
1020 agricultural, or land-clearing and tree-cutting debris
1021 originating onsite, which is stacked together in a round or
1022 linear fashion, including, but not limited to, a windrow.

1023 (f) "Prescribed burning" means the controlled application
1024 of fire by broadcast burning in accordance with a written
1025 prescription for vegetative fuels under specified environmental
1026 conditions while following appropriate precautionary measures
1027 that ensure that the fire is confined to a predetermined area to
1028 accomplish the planned fire or land-management objectives.

1029 (g) "Prescription" means a written plan that establishes
1030 the criteria necessary for starting, controlling, and
1031 extinguishing a prescribed burn.

1032 (h) "Yard trash" means vegetative matter resulting from
1033 landscaping and yard maintenance operations and other such
1034 routine property-cleanup activities. The term includes materials
1035 such as leaves, shrub trimmings, grass clippings, brush, and
1036 palm fronds.

1037 (2) NONCERTIFIED BURNING.—

1038 (a) Persons may be authorized to burn wild land or
1039 vegetative land-clearing debris in accordance with this
1040 subsection if:

1041 1. There is specific consent of the landowner or his or her
1042 designee;

1043 2. Authorization has been obtained from the Florida Forest
1044 Service ~~division~~ or its designated agent before starting the

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1045 burn;

1046 3. There are adequate firebreaks at the burn site and
1047 sufficient personnel and firefighting equipment for the control
1048 of the fire;

1049 4. The fire remains within the boundary of the authorized
1050 area;

1051 5. An authorized person ~~Someone~~ is present at the burn site
1052 until the fire is extinguished;

1053 6. The Florida Forest Service ~~division~~ does not cancel the
1054 authorization; and

1055 7. The Florida Forest Service ~~division~~ determines that air
1056 quality and fire danger are favorable for safe burning.

1057 (b) A person who burns wild land or vegetative land-
1058 clearing debris in a manner that violates any requirement of
1059 this subsection commits a misdemeanor of the second degree,
1060 punishable as provided in s. 775.082 or s. 775.083.

1061 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1062 PURPOSE.—

1063 (a) The application of prescribed burning is a land
1064 management tool that benefits the safety of the public, the
1065 environment, and the economy of the state. The Legislature finds
1066 that:

1067 1. Prescribed burning reduces vegetative fuels within wild
1068 land areas. Reduction of the fuel load reduces the risk and
1069 severity of wildfire, thereby reducing the threat of loss of
1070 life and property, particularly in urban areas.

1071 2. Most of Florida's natural communities require periodic
1072 fire for maintenance of their ecological integrity. Prescribed
1073 burning is essential to the perpetuation, restoration, and

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1074 management of many plant and animal communities. Significant
1075 loss of the state's biological diversity will occur if fire is
1076 excluded from fire-dependent systems.

1077 3. Forestland and rangeland constitute significant
1078 economic, biological, and aesthetic resources of statewide
1079 importance. Prescribed burning on forestland prepares sites for
1080 reforestation, removes undesirable competing vegetation,
1081 expedites nutrient cycling, and controls or eliminates certain
1082 forest pathogens. On rangeland, prescribed burning improves the
1083 quality and quantity of herbaceous vegetation necessary for
1084 livestock production.

1085 4. The state purchased hundreds of thousands of acres of
1086 land for parks, preserves, wildlife management areas, forests,
1087 and other public purposes. The use of prescribed burning for
1088 management of public lands is essential to maintain the specific
1089 resource values for which these lands were acquired.

1090 5. A public education program is necessary to make citizens
1091 and visitors aware of the public safety, resource, and economic
1092 benefits of prescribed burning.

1093 6. Proper training in the use of prescribed burning is
1094 necessary to ensure maximum benefits and protection for the
1095 public.

1096 7. As Florida's population continues to grow, pressures
1097 from liability issues and nuisance complaints inhibit the use of
1098 prescribed burning. Therefore, the division is urged to maximize
1099 the opportunities for prescribed burning conducted during its
1100 daytime and nighttime authorization process.

1101 (b) Certified prescribed burning pertains only to broadcast
1102 burning for purposes of silviculture, wildland fire hazard

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1103 reduction, wildlife management, ecological maintenance and
1104 restoration, and range and pasture management. It must be
1105 conducted in accordance with this subsection and:

1106 1. May be accomplished only when a certified prescribed
1107 burn manager is present on site with a copy of the prescription
1108 from ignition of the burn to its completion.

1109 2. Requires that a written prescription be prepared before
1110 receiving authorization to burn from the Florida Forest Service
1111 ~~division~~.

1112 3. Requires that the specific consent of the landowner or
1113 his or her designee be obtained before requesting an
1114 authorization.

1115 4. Requires that an authorization to burn be obtained from
1116 the Florida Forest Service ~~division~~ before igniting the burn.

1117 5. Requires that there be adequate firebreaks at the burn
1118 site and sufficient personnel and firefighting equipment for the
1119 control of the fire.

1120 6. Is considered to be in the public interest and does not
1121 constitute a public or private nuisance when conducted under
1122 applicable state air pollution statutes and rules.

1123 7. Is considered to be a property right of the property
1124 owner if vegetative fuels are burned as required in this
1125 subsection.

1126 (c) Neither a property owner nor his or her agent is liable
1127 pursuant to s. 590.13 for damage or injury caused by the fire or
1128 resulting smoke or considered to be in violation of subsection
1129 (2) for burns conducted in accordance with this subsection
1130 unless gross negligence is proven.

1131 (d) Any certified burner who violates this section commits

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1132 a misdemeanor of the second degree, punishable as provided in s.
1133 775.082 or s. 775.083.

1134 (e) The Florida Forest Service ~~division~~ shall adopt rules
1135 for the use of prescribed burning and for certifying and
1136 decertifying certified prescribed burn managers based on their
1137 past experience, training, and record of compliance with this
1138 section.

1139 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1140 PURPOSE.-

1141 (a) Certified pile burning pertains to the disposal of
1142 piled, naturally occurring debris from an agricultural,
1143 silvicultural, or temporary land-clearing operation. A land-
1144 clearing operation is temporary if it operates for 6 months or
1145 less. Certified pile burning must be conducted in accordance
1146 with this subsection, and:

1147 1. A certified pile burner must ensure, before ignition,
1148 that the piles are properly placed and that the content of the
1149 piles is conducive to efficient burning.

1150 2. A certified pile burner must ensure that the piles are
1151 properly extinguished no later than 1 hour after sunset. If the
1152 burn is conducted in an area designated as smoke sensitive by
1153 the Florida Forest Service, a certified pile burner shall ensure
1154 that the piles are properly extinguished at least 1 hour before
1155 sunset.

1156 3. A written pile burn plan must be prepared before
1157 receiving authorization from the Florida Forest Service to burn.

1158 4. The specific consent of the landowner or his or her
1159 agent must be obtained before requesting authorization to burn.

1160 5. An authorization to burn must be obtained from the

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1161 Florida Forest Service or its designated agent before igniting
1162 the burn.

1163 6. There must be adequate firebreaks and sufficient
1164 personnel and firefighting equipment at the burn site to control
1165 the fire.

1166 (b) If a burn is conducted in accordance with this
1167 subsection, the property owner and his or her agent are not
1168 liable under s. 590.13 for damage or injury caused by the fire
1169 or resulting smoke, and are not in violation of subsection (2),
1170 unless gross negligence is proven.

1171 (c) A certified pile burner who violates this section
1172 commits a misdemeanor of the second degree, punishable as
1173 provided in s. 775.082 or s. 775.083.

1174 (d) The Florida Forest Service shall adopt rules regulating
1175 certified pile burning. The rules shall include procedures and
1176 criteria for certifying and decertifying certified pile burn
1177 managers based on past experience, training, and record of
1178 compliance with this section.

1179 (5) ~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE FLORIDA
1180 FOREST SERVICE DIVISION.—The Florida Forest Service ~~division~~ may
1181 conduct fuel reduction initiatives, including, but not limited
1182 to, burning and mechanical and chemical treatment, on any area
1183 of wild land within the state which is reasonably determined to
1184 be in danger of wildfire in accordance with the following
1185 procedures:

1186 (a) Describe the areas that will receive fuels treatment to
1187 the affected local governmental entity.

1188 (b) Publish a treatment notice, including a description of
1189 the area to be treated, in a conspicuous manner in at least one

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1190 newspaper of general circulation in the area of the treatment
1191 not less than 10 days before the treatment.

1192 (c) Prepare, and send ~~the county tax collector shall~~
1193 ~~include with the annual tax statement,~~ a notice to be sent to
1194 all landowners in each area township designated by the Florida
1195 Forest Service division as a wildfire hazard area. The notice
1196 must describe particularly the area to be treated and the
1197 tentative date or dates of the treatment and must list the
1198 reasons for and the expected benefits from the wildfire hazard
1199 reduction.

1200 (d) Consider any landowner objections to the fuels
1201 treatment of his or her property. The landowner may apply to the
1202 State Forester director of the Florida Forest Service division
1203 for a review of alternative methods of fuel reduction on the
1204 property. If the State Forester director or his or her designee
1205 does not resolve the landowner objection, the State Forester
1206 director shall convene a panel made up of the local forestry
1207 unit manager, the fire chief of the jurisdiction, and the
1208 affected county or city manager, or any of their designees. If
1209 the panel's recommendation is not acceptable to the landowner,
1210 the landowner may request further consideration by the
1211 Commissioner of Agriculture or his or her designee and shall
1212 thereafter be entitled to an administrative hearing pursuant to
1213 the provisions of chapter 120.

1214 (6) FLORIDA FOREST SERVICE APPROVAL OF LOCAL GOVERNMENT
1215 OPEN-BURNING-AUTHORIZATION PROGRAMS.-

1216 (a) A county or municipality may exercise the Florida
1217 Forest Service's authority, if delegated by the Florida Forest
1218 Service under this subsection, to issue authorizations for the

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1219 burning of yard trash or debris from land-clearing operations. A
1220 county's or municipality's existing or proposed open-burning-
1221 authorization program must:

1222 1. Be approved by the Florida Forest Service. The Florida
1223 Forest Service may not approve a program if it fails to meet the
1224 requirements of subsections (2) and (4) and any rules adopted in
1225 accordance with those subsections.

1226 2. Provide by ordinance or local law the requirements for
1227 obtaining and performing a burn authorization that complies with
1228 subsections (2) and (4) and any rules adopted in accordance with
1229 those subsections.

1230 3. Provide for the enforcement of the program's
1231 requirements.

1232 4. Provide financial, personnel, and other resources needed
1233 to carry out the program.

1234 (b) If the Florida Forest Service determines that a
1235 county's or municipality's open-burning-authorization program
1236 does not comply with subsections (2) and (4) and any rules
1237 adopted in accordance with those subsections, the Florida Forest
1238 Service shall require the county or municipality to take
1239 necessary corrective actions within a reasonable period, not to
1240 exceed 90 days.

1241 1. If the county or municipality fails to take the
1242 necessary corrective actions within the required period, the
1243 Florida Forest Service shall resume administration of the open-
1244 burning-authorization program in the county or municipality and
1245 the county or municipality shall cease administration of its
1246 program.

1247 2. Each county and municipality administering an open-

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1248 burning-authorization program must cooperate with and assist the
1249 Florida Forest Service in carrying out the powers, duties, and
1250 functions of the Florida Forest Service.

1251 3. A person who violates the requirements of a county's or
1252 municipality's open-burning-authorization program, as provided
1253 by ordinance or local law enacted pursuant to this subsection,
1254 commits a violation of this chapter, punishable as provided in
1255 s. 590.14.

1256 (7) ~~(5)~~ DUTIES OF AGENCIES.—The Department of Education
1257 shall incorporate, where feasible and appropriate, the issues of
1258 fuels treatment, including prescribed burning, into its
1259 educational materials.

1260 Section 41. Section 590.14, Florida Statutes, is amended to
1261 read:

1262 590.14 Notice of violation; penalties.—

1263 (1) If an ~~a~~ ~~division~~ employee of the Florida Forest Service
1264 determines that a person has violated chapter 589, ~~or~~ this
1265 chapter, or any rule adopted by the Florida Forest Service to
1266 administer provisions of law which confer duties upon the
1267 Florida Forest Service, the employee of the Florida Forest
1268 Service ~~he or she~~ may issue a notice of violation indicating the
1269 statute or rule violated. This notice shall ~~will~~ be filed with
1270 the Florida Forest Service ~~division~~ and a copy forwarded to the
1271 appropriate law enforcement entity for further action if
1272 necessary.

1273 (2) In addition to any penalties provided by law, any
1274 person who causes a wildfire or permits any authorized fire to
1275 escape the boundaries of the authorization or to burn past the
1276 time of the authorization is liable for the payment of all

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1277 reasonable costs and expenses incurred in suppressing the fire
1278 or \$150, whichever is greater. All costs and expenses incurred
1279 by the Florida Forest Service ~~division~~ shall be payable to the
1280 Florida Forest Service ~~division~~. When such costs and expenses
1281 are not paid within 30 days after demand, the Florida Forest
1282 Service ~~division~~ may take proper legal proceedings for the
1283 collection of the costs and expenses. Those costs incurred by an
1284 agency acting at the Florida Forest Service's ~~division's~~
1285 direction are recoverable by that agency.

1286 (3) The department may also impose an administrative fine,
1287 not to exceed \$1,000 per violation of any section of chapter 589
1288 or this chapter or violation of any rule adopted by the Florida
1289 Forest Service to administer provisions of law which confer
1290 duties upon the Florida Forest Service. The fine shall be based
1291 upon the degree of damage, the prior violation record of the
1292 person, and whether the person knowingly provided false
1293 information to obtain an authorization. The fines shall be
1294 deposited in the Incidental Trust Fund of the Florida Forest
1295 Service ~~division~~.

1296 (4) A person commits a misdemeanor of the second degree,
1297 punishable as provided in s. 775.082 or s. 775.083, if the
1298 person:

1299 (a) Fails to comply with any rule or order adopted by the
1300 Florida Forest Service to administer provisions of law
1301 conferring duties upon the Florida Forest Service; or

1302 (b) Knowingly makes any false statement or representation
1303 in any application, record, plan, or other document required by
1304 this chapter or any rules adopted under this chapter.

1305 (5) It is the intent of the Legislature that a penalty

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1306 imposed by a court under subsection (4) be of a severity that
1307 ensures immediate and continued compliance with this section.

1308 (6)~~(4)~~ The penalties provided in this section shall extend
1309 to both the actual violator and the person or persons, firm, or
1310 corporation causing, directing, or permitting the violation.

1311 Section 42. Subsection (4) of section 597.005, Florida
1312 Statutes, is repealed.

1313 Section 43. Subsection (2) of section 599.002, Florida
1314 Statutes, is amended to read:

1315 599.002 Viticulture Advisory Council.—

1316 (2) The meetings, powers and duties, procedures, and
1317 recordkeeping of the Viticulture Advisory Council,~~and per diem~~
1318 ~~and reimbursement of expenses of council members,~~ shall be
1319 governed by the provisions of s. 570.0705 relating to advisory
1320 committees established within the department.

1321 Section 44. Paragraph (a) of subsection (1) and subsection
1322 (3) of section 616.252, Florida Statutes, are amended to read:

1323 616.252 Florida State Fair Authority; membership; number,
1324 terms, compensation.—

1325 (1) (a) The authority shall be composed of 22 ~~21~~ members.
1326 The Commissioner of Agriculture, or her or his designee, shall
1327 serve as a voting member. There shall also be a member who is
1328 the member of the Board of County Commissioners of Hillsborough
1329 County representing the county commission district in which the
1330 Florida State Fairgrounds is located, who shall serve as a
1331 voting member. There shall also be an appointed youth member who
1332 is an active member of the Florida Future Farmers of America or
1333 of a 4-H Club, and who shall serve as a nonvoting member. The
1334 Commissioner of Agriculture shall appoint each other member of

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1335 the authority. Each member appointed by the Commissioner of
1336 Agriculture shall serve at the pleasure of the Commissioner of
1337 Agriculture. The term of each member appointed by the
1338 Commissioner of Agriculture shall be 4 years, but the term of
1339 the nonvoting youth member shall be for 1 year ~~except, to~~
1340 ~~provide staggered terms, 9 of the members shall be initially~~
1341 ~~appointed for a 2-year term and 10 of the members shall be~~
1342 ~~initially appointed for a 3-year term.~~ Members may be appointed
1343 for more than one term. Any vacancy shall be filled for the
1344 remainder of the unexpired term pursuant to the method provided
1345 in this section for appointment. Six of the members may be from
1346 Hillsborough County. The Commissioner of Agriculture shall
1347 appoint and set the compensation of an executive director. The
1348 executive director shall serve at the pleasure of the
1349 Commissioner of Agriculture.

1350 (3) Members of the authority are ~~shall~~ not be entitled to
1351 compensation for their services as members and may not, but
1352 ~~shall~~ be reimbursed for travel expenses. Except for the
1353 nonvoting youth member, each member ~~as provided in s. 112.061~~
1354 ~~and~~ may be compensated for any special or full-time service
1355 performed in its behalf as officers or agents of the authority.

1356 Section 45. Paragraph (c) of subsection (2) of section
1357 812.014, Florida Statutes, is amended to read:

1358 812.014 Theft.—

1359 (2)

1360 (c) It is grand theft of the third degree and a felony of
1361 the third degree, punishable as provided in s. 775.082, s.
1362 775.083, or s. 775.084, if the property stolen is:

1363 1. Valued at \$300 or more, but less than \$5,000.

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- 1364 2. Valued at \$5,000 or more, but less than \$10,000.
- 1365 3. Valued at \$10,000 or more, but less than \$20,000.
- 1366 4. A will, codicil, or other testamentary instrument.
- 1367 5. A firearm.
- 1368 6. A motor vehicle, except as provided in paragraph (a).
- 1369 7. Any commercially farmed animal, including any animal of
- 1370 the equine, bovine, or swine class, or other grazing animal,
- 1371 including bee colonies of registered bee keepers and including
- 1372 aquaculture species raised at a certified aquaculture facility.
- 1373 If the property stolen is aquaculture species raised at a
- 1374 certified aquaculture facility, then a \$10,000 fine shall be
- 1375 imposed.
- 1376 8. Any fire extinguisher.
- 1377 9. Any amount of citrus fruit consisting of 2,000 or more
- 1378 individual pieces of fruit.
- 1379 10. Taken from a designated construction site identified by
- 1380 the posting of a sign as provided for in s. 810.09(2)(d).
- 1381 11. Any stop sign.
- 1382 12. Anhydrous ammonia.

1383

1384 However, if the property is stolen within a county that is

1385 subject to a state of emergency declared by the Governor under

1386 chapter 252, the property is stolen after the declaration of

1387 emergency is made, and the perpetration of the theft is

1388 facilitated by conditions arising from the emergency, the

1389 offender commits a felony of the second degree, punishable as

1390 provided in s. 775.082, s. 775.083, or s. 775.084, if the

1391 property is valued at \$5,000 or more, but less than \$10,000, as

1392 provided under subparagraph 2., or if the property is valued at

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1393 \$10,000 or more, but less than \$20,000, as provided under
1394 subparagraph 3. As used in this paragraph, the term "conditions
1395 arising from the emergency" means civil unrest, power outages,
1396 curfews, voluntary or mandatory evacuations, or a reduction in
1397 the presence of or the response time for first responders or
1398 homeland security personnel. For purposes of sentencing under
1399 chapter 921, a felony offense that is reclassified under this
1400 paragraph is ranked one level above the ranking under s.
1401 921.0022 or s. 921.0023 of the offense committed.

1402 Section 46. Paragraphs (f) and (g) of subsection (1) of
1403 section 812.015, Florida Statutes, are amended to read:

1404 812.015 Retail and farm theft; transit fare evasion;
1405 mandatory fine; alternative punishment; detention and arrest;
1406 exemption from liability for false arrest; resisting arrest;
1407 penalties.—

1408 (1) As used in this section:

1409 (f) "Farmer" means a person who is engaging in the growing
1410 or producing of farm produce, milk products, honey, eggs, or
1411 meat, either part time or full time, for personal consumption or
1412 for sale and who is the owner or lessee of the land or a person
1413 designated in writing by the owner or lessee to act as her or
1414 his agent. No person defined as a farm labor contractor pursuant
1415 to s. 450.28 shall be designated to act as an agent for purposes
1416 of this section.

1417 (g) "Farm theft" means the unlawful taking possession of
1418 any items that are grown or produced on land owned, rented, or
1419 leased by another person. The term also includes equipment and
1420 associated materials used to grow or produce farm products as
1421 defined in s. 823.14(3)(c).

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