

1
2 An act relating to protection of agriculture
3 and horticulture; amending s. 581.091, F.S.;
4 clarifying provisions with respect to a
5 requirement to immediately inform the
6 Department of Agriculture and Consumer Services
7 upon receipt or possession of any noxious weed,
8 plant, plant product, or regulated article
9 infected or infested with any plant pest,
10 declared to be a threat to the state's
11 agricultural and horticultural interests, and
12 to hold such weed, plant, or article for
13 inspection; providing that it is unlawful to
14 fail to disclose information regarding any
15 infected or infested plant, plant product,
16 regulated article, or noxious weed; amending s.
17 581.184, F.S.; defining the terms "infected or
18 infested" and "exposed to infection" for
19 purposes of the act; requiring the department
20 to develop a statewide program of
21 decontamination to prevent and limit the spread
22 of citrus canker disease; providing liability
23 waiver for costs or damages associated with
24 soil or water contamination; providing program
25 requirements; providing for decontamination of
26 nonproduction vehicles and equipment;
27 authorizing the department to develop specified
28 compliance agreements and other agreements;
29 requiring county sheriffs, upon request of the
30 department, to provide assistance in obtaining
31 access to private property for the purpose of

1 enforcing citrus canker eradication efforts;
2 specifying responsibilities of the sheriff;
3 authorizing the department to reimburse the
4 sheriff for reasonable costs of implementing
5 the provisions of the act; providing for
6 satisfaction of specified notice requirements;
7 amending s. 193.461, F.S.; providing for
8 classification of lands subject to eradication
9 or quarantine programs; amending s. 298.005,
10 F.S.; redefining the term "owner" for purposes
11 of ch. 298, F.S., relating to drainage and
12 water control; amending s. 298.11, F.S.;
13 providing for assessable land to entitle a
14 landowner to vote in an election of
15 supervisors; amending s. 298.12, F.S.; limiting
16 eligibility to vote in such election to
17 landowners whose assessments are paid for the
18 previous year; amending s. 298.22, F.S.;
19 authorizing water control districts to
20 construct and operate facilities to control and
21 prevent agricultural pests and diseases;
22 amending s. 298.225, F.S.; specifying those
23 amendments that constitute insubstantial
24 amendments to a water control plan; amending s.
25 212.02, F.S.; defining "agricultural
26 production"; amending s. 253.025, F.S.;
27 clarifying provisions relating to conveyance of
28 state lands to the department for forestry
29 facilities; deleting references to specific
30 fire tower sites and work centers with respect
31 to use of the department's Relocation and

1 Construction Trust Fund; amending s. 482.051,
2 F.S.; revising authority of the department to
3 adopt rules relating to pesticides used for
4 preconstruction treatments; amending s.
5 482.132, F.S.; providing for pest control
6 operator certification of qualified United
7 States Department of Defense employees;
8 amending s. 487.041, F.S.; authorizing the
9 department to review and evaluate registered
10 pesticides if new information is made available
11 indicating adverse effects on public health or
12 environment; amending s. 487.081, F.S.; waiving
13 liability for pesticide contamination when
14 pesticides are used in accordance with state
15 and federal law; providing for inspection of
16 records; providing rulemaking authority;
17 providing retroactive application; amending ss.
18 500.12 and 500.459, F.S.; deleting certain
19 requirements relating to the setting and use of
20 fees for bottled water plants, packaged ice
21 plants, and water vending machines; amending s.
22 526.311, F.S.; revising enforcement provisions;
23 transferring from the Department of Legal
24 Affairs to the Department of Agriculture and
25 Consumer Services responsibilities as the lead
26 agency to enforce the Motor Fuel Marketing
27 Practices Act; revising disposition of funds
28 collected in civil actions; amending ss.
29 526.312 and 526.313, F.S., to conform; amending
30 s. 526.3135, F.S.; specifying certain required
31 reporting by the Division of Standards of the

1 Department of Agriculture and Consumer
2 Services; providing an appropriation; amending
3 s. 531.41, F.S.; authorizing the department to
4 provide by rule for voluntary registration of
5 private weighing and measuring device service
6 agencies and personnel; amending s. 570.07,
7 F.S.; authorizing deposit of certain moneys in
8 the department's employees' benefit fund;
9 authorizing the department to purchase
10 supplemental food and drink items and set
11 temporary meal expenditure limits, under
12 emergency conditions; providing restrictions;
13 amending s. 570.242, F.S.; revising the
14 definition of "agriculturally depressed area"
15 under the Agricultural Economic Development
16 Act; amending s. 570.248, F.S.; revising
17 membership of the Agricultural Economic
18 Development Project Review Committee; creating
19 s. 570.249, F.S.; providing for Agricultural
20 Economic Development Program disaster loans;
21 providing criteria for use of loan funds,
22 eligible crops, and loan applications;
23 providing requirements for loan security and
24 loan repayment; creating s. 570.92, F.S.;
25 providing for an equestrian educational sports
26 program at 4-year state universities; amending
27 s. 570.952, F.S.; revising provisions relating
28 to membership appointment and terms of the
29 Florida Agriculture Center and Horse Park
30 Authority; renumbering and amending s. 585.89,
31 F.S.; authorizing state agencies and entities

1 to purchase fresh or frozen beef or pork
2 inspected by another state's federally approved
3 inspection program; renumbering and amending s.
4 585.92, F.S.; clarifying provisions relating to
5 "All American" and "Genuine Florida" meat or
6 meat products; amending s. 590.015, F.S.;
7 revising the definition of "wild land" in
8 provisions relating to forest protection;
9 amending s. 590.14, F.S.; deleting authority of
10 the Division of Forestry to issue warning
11 citations relating to certain authorized fires;
12 clarifying a penalty; amending s. 590.28, F.S.;
13 providing a penalty for intentional or reckless
14 burning of lands; amending s. 616.242, F.S.;
15 revising timing requirements for inspection and
16 permitting of amusement rides; deleting
17 exemptions from inspection requirements for
18 certain temporary amusement rides at public
19 events; amending s. 828.12, F.S.; revising
20 provisions relating to cruelty to animals;
21 providing authority to the department to
22 negotiate agreements with certain landowners
23 for water use in rural areas; amending s.
24 828.27, F.S.; authorizing counties and
25 municipalities to enact ordinances prohibiting
26 or regulating noise from domesticated animals;
27 providing nonapplicability; providing
28 penalties; repealing s. 205.1951, F.S.,
29 relating to local occupational licenses for
30 establishments regulated under the state meat
31 inspection program; repealing ss. 585.70,

ENROLLED

2000 Legislature

CS for CS for SB 1114, 1st Engrossed

1 585.71, 585.715, 585.72, 585.73, 585.74,
2 585.75, 585.76, 585.77, 585.78, 585.79, 585.80,
3 585.81, 585.82, 585.83, 585.84, 585.85, 585.86,
4 585.87, 585.88, 585.90, 585.902, 585.903,
5 585.904, 585.91, 585.93, and 585.96, F.S.,
6 relating to the state meat inspection program;
7 amending s. 823.14, F.S.; limiting local
8 government regulation with respect to the Right
9 to Farm Act; providing an effective date.

10

11 WHEREAS, the citrus industry is very important to
12 Florida's economy, generating \$8 billion in revenue and
13 providing nearly 100,000 jobs for Floridians, and

14 WHEREAS, every citizen in the state benefits from
15 property taxes, sales taxes, and other revenues generated by
16 the citrus industry, and

17 WHEREAS, Florida is known worldwide for its fresh and
18 processed citrus, and

19 WHEREAS, an emergency exists in the South Florida area
20 regarding the spread of citrus canker, a bacterial disease
21 that damages fruit, weakens and eventually kills trees, is
22 highly contagious, and the presence of which causes
23 quarantines to be imposed on the shipment of fresh fruit, and

24 WHEREAS, joint state and federal attempts to eradicate
25 citrus canker have so far been unsuccessful, and

26 WHEREAS, despite destruction of citrus trees infected
27 with citrus canker and of citrus trees within 125 feet of
28 canker-infected trees, citrus canker has spread at an alarming
29 rate and is now present throughout Miami-Dade County and
30 Broward County, and

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CS for CS for SB 1114, 1st Engrossed

1 WHEREAS, if not eradicated quickly, citrus canker will
2 spread to other parts of the state and may destroy the citrus
3 industry and dooryard citrus throughout Florida, and

4 WHEREAS, recent scientific studies have shown that
5 citrus trees as far as 1,900 feet from infected citrus trees
6 will develop the disease from wind-blown rain or by other
7 means, and

8 WHEREAS, the Third District Court of Appeals, in Sapp
9 Farms, Inc., v. Florida Department of Agriculture and Consumer
10 Services, DCA Case No. 3D00-487, held that citrus trees within
11 a certain radius of infection (originally thought to be 125
12 feet but now scientifically determined to be at least 1,900
13 feet) necessarily harbor the citrus canker bacteria and thus
14 are diseased and have no value, NOW, THEREFORE,

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 581.091, Florida Statutes, is
19 amended to read:

20 581.091 Noxious weeds and infected plants or regulated
21 articles; sale or distribution; receipt; information to
22 department; withholding information.--

23 (1) It is unlawful for any person to knowingly sell,
24 offer for sale, or distribute any noxious weed, or any plant
25 or plant product or regulated article infested or infected
26 with any plant pest declared, by rule of the department, to be
27 a public nuisance or a threat to the state's agricultural and
28 horticultural interests.

29 (2) Any person who knows or reasonably should know
30 that such person possesses or has knowingly received ~~knowingly~~
31 ~~receives~~ any noxious weed or any plant, plant product, or

1 regulated article sold, given away, carried, shipped, or
2 delivered for carriage or shipment ~~within this state~~, in
3 violation of the provisions of this chapter or the rules
4 adopted thereunder shall immediately inform the department and
5 isolate and hold the weed, plant, plant product, or other
6 thing unopened or unused subject to inspection or other
7 disposition as may be provided by the department.

8 (3) It is unlawful for any person to fail to disclose
9 ~~knowingly conceal~~ or ~~willfully~~ withhold available information
10 regarding any infected or infested plant, plant product,
11 regulated article, or noxious weed.

12 Section 2. Section 581.184, Florida Statutes, is
13 amended to read:

14 581.184 Adoption ~~Promulgation~~ of rules; citrus canker
15 eradication; voluntary destruction agreements; buffer zone.--

16 (1) As used in this section, the term:

17 (a) "Infected or infested" means citrus trees
18 harboring the citrus canker bacteria and exhibiting visible
19 symptoms of the disease.

20 (b) "Exposed to infection" means citrus trees
21 harboring the citrus canker bacteria due to their proximity to
22 infected citrus trees, and which do not yet exhibit visible
23 symptoms of the disease but which will develop symptoms over
24 time, at which point such trees will have infected other
25 citrus trees.

26 (2)~~(1)~~ In addition to the powers and duties set forth
27 under this chapter, the department is directed to adopt rules
28 specifying facts and circumstances that, if present, would
29 require the destruction of plants for purposes of eradicating,
30 controlling, or preventing the dissemination of citrus canker
31 disease in the state. In addition, the department is directed

1 to adopt rules regarding the conditions under which citrus
2 plants can be grown, moved, and planted in this state as may
3 be necessary for the eradication, control, or prevention of
4 the dissemination of citrus canker. Such rules shall be in
5 effect for any period during which, in the judgment of the
6 Commissioner of Agriculture, there is the threat of the spread
7 of citrus canker disease in the state. Such rules may provide
8 for the conduct of any activity regulated by such rules
9 subject to an agreement by persons wishing to engage in such
10 activity to voluntarily destroy, at their own expense, citrus
11 plants declared by the department to be imminently dangerous
12 by reason of being infected or infested with citrus canker or
13 exposed to infection and likely to communicate same. The
14 terms of such agreement may also require the destruction of
15 healthy plants under specified conditions. Any such
16 destruction shall be done after reasonable notice in a manner
17 pursuant to and under conditions set forth in the agreement.
18 Such agreements may include releases and waivers of liability
19 and may require the agreement of other persons.

20 ~~(3)(2)~~ The department, pursuant to s. 581.031(15) and
21 (17), may create a citrus canker host-free buffer area,
22 delineated by department rule, to retard the spread of citrus
23 canker from known infected areas. In addition, the department
24 shall develop a compensation plan for the trees removed from
25 the buffer area. Compensation for the trees removed from the
26 buffer area is subject to annual legislative appropriation.

27 (4) The department shall develop by rule, pursuant to
28 ss. 120.54 and 120.536(1), a statewide program of
29 decontamination to prevent and limit the spread of citrus
30 canker disease. Such program shall address the application of
31 decontamination procedures and practices to all citrus plants

1 and plant products, vehicles, equipment, machinery, tools,
2 objects, and persons who could in any way spread or aid in the
3 spreading of citrus canker in this state. In order to prevent
4 contamination of soil and water, such rules shall be developed
5 in consultation with the Department of Environmental
6 Protection. The department may develop compliance and other
7 agreements which it determines can aid in the carrying out of
8 the purposes of this section, and enter into such agreements
9 with any person or entity.

10 (5) Owners and/or operators of nonproduction vehicles
11 and equipment shall follow the department guidelines for
12 citrus canker decontamination effective June 15, 2000. The
13 department shall publish the guidelines in the Florida
14 Administrative Weekly and on the department internet web site.
15 The guidelines shall be posted no later than May 15, 2000.

16 (6) Notwithstanding any provision of law, the
17 Department of Environmental Protection is not authorized to
18 institute proceedings against any person under the provisions
19 of s. 376.307(5) to recover any costs or damages associated
20 with contamination of soil or water, or the evaluation,
21 assessment, or remediation of contamination of soil or water,
22 including sampling, analysis, and restoration of soil or
23 potable water supplies, where the contamination of soil or
24 water is determined to be the result of a program of
25 decontamination to prevent and limit the spread of citrus
26 canker disease pursuant to rules developed under this section.
27 This subsection does not limit regulatory authority under a
28 federally delegated or approved program.

29 (7) Upon request of the department, the sheriff of
30 each county in the state shall provide assistance in obtaining
31 access to private property for the purpose of enforcing the

1 provisions of this section. The sheriff shall be responsible
2 for maintaining public order during the eradication process
3 and protecting the safety of department employees,
4 representatives, and agents charged with implementing and
5 enforcing the provisions of this section. The department may
6 reimburse the sheriff for the reasonable costs of implementing
7 the provisions of this subsection.

8 (8) Posting of an order on the property on which
9 citrus trees are to be cut pursuant to the citrus canker
10 eradication program shall meet the notice requirement of s.
11 120.569(1).

12 Section 3. Section 193.461, Florida Statutes, is
13 amended to read:

14 193.461 Agricultural lands; classification and
15 assessment; mandated eradication or quarantine program.--

16 (1) The property appraiser shall, on an annual basis,
17 classify for assessment purposes all lands within the county
18 as either agricultural or nonagricultural.

19 (2) Any landowner whose land is denied agricultural
20 classification by the property appraiser may appeal to the
21 value adjustment board. The property appraiser shall notify
22 the landowner in writing of the denial of agricultural
23 classification on or before July 1 of the year for which the
24 application was filed. The notification shall advise the
25 landowner of his or her right to appeal to the value
26 adjustment board and of the filing deadline. The board may
27 also review all lands classified by the property appraiser
28 upon its own motion. The property appraiser shall have
29 available at his or her office a list by ownership of all
30 applications received showing the acreage, the full valuation
31 under s. 193.011, the valuation of the land under the

1 provisions of this section, and whether or not the
2 classification requested was granted.

3 (3)(a) No lands shall be classified as agricultural
4 lands unless a return is filed on or before March 1 of each
5 year. The property appraiser, before so classifying such
6 lands, may require the taxpayer or the taxpayer's
7 representative to furnish the property appraiser such
8 information as may reasonably be required to establish that
9 such lands were actually used for a bona fide agricultural
10 purpose. Failure to make timely application by March 1 shall
11 constitute a waiver for 1 year of the privilege herein granted
12 for agricultural assessment. However, an applicant who is
13 qualified to receive an agricultural classification who fails
14 to file an application by March 1 may file an application for
15 the classification and may file, pursuant to s. 194.011(3), a
16 petition with the value adjustment board requesting that the
17 classification be granted. The petition may be filed at any
18 time during the taxable year on or before the 25th day
19 following the mailing of the notice by the property appraiser
20 as provided in s. 194.011(1). Notwithstanding the provisions
21 of s. 194.013, the applicant must pay a nonrefundable fee of
22 \$15 upon filing the petition. Upon reviewing the petition, if
23 the person is qualified to receive the classification and
24 demonstrates particular extenuating circumstances judged by
25 the property appraiser or the value adjustment board to
26 warrant granting the classification, the property appraiser or
27 the value adjustment board may grant the classification. The
28 owner of land that was classified agricultural in the previous
29 year and whose ownership or use has not changed may reapply on
30 a short form as provided by the department. The lessee of
31 property may make original application or reapply using the

1 short form if the lease, or an affidavit executed by the
2 owner, provides that the lessee is empowered to make
3 application for the agricultural classification on behalf of
4 the owner and a copy of the lease or affidavit accompanies the
5 application. A county may, at the request of the property
6 appraiser and by a majority vote of its governing body, waive
7 the requirement that an annual application or statement be
8 made for classification of property within the county after an
9 initial application is made and the classification granted.

10 (b) Subject to the restrictions set out in this
11 section, only lands which are used primarily for bona fide
12 agricultural purposes shall be classified agricultural. "Bona
13 fide agricultural purposes" means good faith commercial
14 agricultural use of the land. In determining whether the use
15 of the land for agricultural purposes is bona fide, the
16 following factors may be taken into consideration:

- 17 1. The length of time the land has been so utilized;
- 18 2. Whether the use has been continuous;
- 19 3. The purchase price paid;
- 20 4. Size, as it relates to specific agricultural use;
- 21 5. Whether an indicated effort has been made to care
22 sufficiently and adequately for the land in accordance with
23 accepted commercial agricultural practices, including, without
24 limitation, fertilizing, liming, tilling, mowing, reforestation,
25 and other accepted agricultural practices;
- 26 6. Whether such land is under lease and, if so, the
27 effective length, terms, and conditions of the lease; and
- 28 7. Such other factors as may from time to time become
29 applicable.

30
31

1 (c) The maintenance of a dwelling on part of the lands
2 used for agricultural purposes shall not in itself preclude an
3 agricultural classification.

4 (d) When property receiving an agricultural
5 classification contains a residence under the same ownership,
6 the portion of the property consisting of the residence and
7 curtilage must be assessed separately, pursuant to s. 193.011,
8 to qualify for the assessment limitation set forth in s.
9 193.155. The remaining property may be classified under the
10 provisions of paragraphs (a) and (b).

11 (4)(a) The property appraiser shall reclassify the
12 following lands as nonagricultural:

13 1. Land diverted from an agricultural to a
14 nonagricultural use.

15 2. Land no longer being utilized for agricultural
16 purposes.

17 3. Land that has been zoned to a nonagricultural use
18 at the request of the owner subsequent to the enactment of
19 this law.

20 (b) The board of county commissioners may also
21 reclassify lands classified as agricultural to nonagricultural
22 when there is contiguous urban or metropolitan development and
23 the board of county commissioners finds that the continued use
24 of such lands for agricultural purposes will act as a
25 deterrent to the timely and orderly expansion of the
26 community.

27 (c) Sale of land for a purchase price which is 3 or
28 more times the agricultural assessment placed on the land
29 shall create a presumption that such land is not used
30 primarily for bona fide agricultural purposes. Upon a showing
31 of special circumstances by the landowner demonstrating that

1 the land is to be continued in bona fide agriculture, this
2 presumption may be rebutted.

3 (5) For the purpose of this section, "agricultural
4 purposes" includes, but is not limited to, horticulture;
5 floriculture; viticulture; forestry; dairy; livestock;
6 poultry; bee; pisciculture, when the land is used principally
7 for the production of tropical fish; aquaculture; sod farming;
8 and all forms of farm products and farm production.

9 (6)(a) In years in which proper application for
10 agricultural assessment has been made and granted pursuant to
11 this section, the assessment of land shall be based solely on
12 its agricultural use. The property appraiser shall consider
13 the following use factors only:

- 14 1. The quantity and size of the property;
- 15 2. The condition of the property;
- 16 3. The present market value of the property as
17 agricultural land;
- 18 4. The income produced by the property;
- 19 5. The productivity of land in its present use;
- 20 6. The economic merchantability of the agricultural
21 product; and
- 22 7. Such other agricultural factors as may from time to
23 time become applicable, which are reflective of the standard
24 present practices of agricultural use and production.

25 (b) Notwithstanding any provision relating to annual
26 assessment found in s. 192.042, the property appraiser shall
27 rely on 5-year moving average data when utilizing the income
28 methodology approach in an assessment of property used for
29 agricultural purposes.

30 (c) For purposes of the income methodology approach to
31 assessment of property used for agricultural purposes,

1 irrigation systems, including pumps and motors, physically
2 attached to the land shall be considered a part of the average
3 yields per acre and shall have no separately assessable
4 contributory value.

5 (d) In years in which proper application for
6 agricultural assessment has not been made, the land shall be
7 assessed under the provisions of s. 193.011.

8 (7) Lands classified for assessment purposes as
9 agricultural lands which are taken out of production by any
10 state or federal eradication or quarantine program shall
11 continue to be classified as agricultural lands for the
12 duration of such program. Lands under these programs which are
13 converted to fallow, or otherwise nonincome-producing uses
14 shall continue to be classified as agricultural lands and
15 shall be assessed at a de minimis value of no more than \$50
16 per acre, on a single year assessment methodology; however,
17 lands converted to other income-producing agricultural uses
18 permissible under such programs shall be assessed pursuant to
19 this section. Land under a mandated eradication or quarantine
20 program which is diverted from an agricultural to a
21 nonagricultural use shall be assessed under the provisions of
22 s. 193.011.

23 Section 4. Subsection (2) of section 298.005, Florida
24 Statutes, is amended to read:

25 298.005 Definitions.--As used in this chapter, the
26 term:

27 (2) "Owner" means the owner of the freehold estate,
28 subject to assessment pursuant to this chapter, as appears by
29 the deed record. The term does not include reversioners,
30 remaindermen, or mortgagees, who are not to be counted and
31 need not be notified by publication or served by process, but

1 are to be represented by the present owners of the freehold
2 estate in any proceeding under this chapter.

3 Section 5. Subsection (2) of section 298.11, Florida
4 Statutes, is amended to read:

5 298.11 Landowners' meetings; election of board of
6 supervisors; duties of Department of Environmental
7 Protection.--

8 (2) The landowners, when assembled, shall organize by
9 the election of a chair and secretary of the meeting, who
10 shall conduct the election. At the election, each and every
11 acre of assessable land in the district shall represent one
12 share, and each owner shall be entitled to one vote in person
13 or by proxy in writing duly signed, for every acre of
14 assessable land owned by him or her in the district, and the
15 three persons receiving the highest number of votes shall be
16 declared elected as supervisors. The appointment of proxies
17 shall comply with s. 607.0722. Landowners owning less than 1
18 assessable acre in the aggregate shall be entitled to one
19 vote. Landowners with more than 1 assessable acre are entitled
20 to one additional vote for any fraction of an acre greater
21 than 1/2 acre, when all of the landowners' acreage has been
22 aggregated for purposes of voting. The landowners shall at
23 such election determine the length of the terms of office of
24 each supervisor so elected by them, which shall be
25 respectively 1, 2, and 3 years, and they shall serve until
26 their successors shall have been elected and qualified.

27 Section 6. Subsection (1) of section 298.12, Florida
28 Statutes, is amended to read:

29 298.12 Annual election of supervisors; term of office;
30 vacancy.--

31

1 (1) Every year in the same month after the time for
2 the election of the first board of supervisors, it shall call
3 a meeting of the landowners in the district in the same manner
4 as is provided for in s. 298.11, and the owners of land in
5 such district shall meet at the stated time and place and
6 elect one supervisor. Owners whose assessments have not been
7 paid for the previous year are not entitled to vote.~~therefor,~~
8 ~~or~~ In case of their failure to elect, the Governor shall
9 appoint such supervisor, who shall hold the supervisor's
10 office for 3 years or until his or her successor is elected
11 and qualified; and in case of a vacancy in any office of
12 supervisor elected by the landowners, the remaining
13 supervisors or, if they fail to act within 30 days, the
14 Governor may fill such vacancy until the next annual meeting,
15 when a successor shall be elected for the unexpired term.

16 Section 7. Subsection (11) is added to section 298.22,
17 Florida Statutes, to read:

18 298.22 Powers of supervisors.--The board of
19 supervisors of the district has full power and authority to
20 construct, complete, operate, maintain, repair, and replace
21 any and all works and improvements necessary to execute the
22 water control plan. Subject to the applicable provisions of
23 chapter 373 or chapter 403, the board of supervisors:

24 (11) May construct and operate facilities for the
25 purpose of controlling and preventing the spread or
26 introduction of agricultural pests and diseases.

27 Section 8. Subsection (8) of section 298.225, Florida
28 Statutes, is amended to read:

29 298.225 Water control plan; plan development and
30 amendment.--

31

1 (8) If the preparation of a water control plan or
2 amendment under this section does not result in revision of
3 the district's current plan or require the alteration or
4 increase of any levy of assessments or taxes beyond the
5 maximum amount previously authorized by general law, special
6 law, or judicial proceeding, a change in the use of said
7 assessments or taxes, or substantial change to district
8 facilities, the provisions of s. 298.301(2)-(9) do not apply
9 to the plan adoption process. This section and s. 298.301 do
10 not apply to minor, insubstantial amendments to district plans
11 ~~authorized by special law.~~ Minor, insubstantial amendments
12 include amendments to the water control plan which replace,
13 relocate, reconstruct, or improve and upgrade district
14 facilities and operations consistent with the adopted water
15 control plan, but which do not require increasing assessments
16 beyond the maximum amount authorized by law.

17 Section 9. Subsection (34) is added to section 212.02,
18 Florida Statutes, to read:

19 212.02 Definitions.--The following terms and phrases
20 when used in this chapter have the meanings ascribed to them
21 in this section, except where the context clearly indicates a
22 different meaning:

23 (34) "Agricultural production" means the production of
24 plants and animals useful to humans, including the
25 preparation, planting, cultivating, or harvesting of these
26 products or any other practices necessary to accomplish
27 production through the harvest phase, and includes
28 aquaculture, horticulture, floriculture, viticulture,
29 forestry, dairy, livestock, poultry, bees, and any and all
30 forms of farm products and farm production.

31

1 Section 10. Paragraphs (a) and (d) of subsection (13)
2 of section 253.025, Florida Statutes, are amended to read:

3 253.025 Acquisition of state lands for purposes other
4 than preservation, conservation, and recreation.--

5 (13)(a) ~~Notwithstanding the provisions of this chapter~~
6 ~~and chapters 259 and 375,~~The Board of Trustees of the
7 Internal Improvement Trust Fund may deed property to the
8 Department of Agriculture and Consumer Services, so that the
9 department shall be able ~~shall have the authority, with the~~
10 ~~consent of the majority of the Governor and Cabinet,~~to sell,
11 convey, transfer, exchange, trade, or purchase land on which a
12 forestry facility resides for money or other more suitable
13 property on which to relocate the facility. Any sale or
14 purchase of property by the Department of Agriculture and
15 Consumer Services shall follow the requirements of subsections
16 (5)-(9). Any sale shall be at fair market value, and any trade
17 shall ensure that the state is getting at least an equal value
18 for the property. Except as provided in subsections (5)-(9),
19 the Department of Agriculture and Consumer Services is
20 excluded from following the provisions of this chapter and
21 chapters 259 and 375. This exclusion shall not apply to lands
22 acquired for conservation purposes in accordance with s.
23 253.034(6)(a) or (b).

24 (d) There is hereby created in the Department of
25 Agriculture and Consumer Services the Relocation and
26 Construction Trust Fund. The trust fund is to be used for the
27 sole purpose of effectuating the orderly relocation of the
28 forestry fire towers and work centers ~~as follows: Crestview~~
29 ~~Work Center, Marianna Work Center, Panama City Headquarters,~~
30 ~~Tallahassee Headquarters, Southside Towersite, Gainesville~~
31 ~~Headquarters, Ocala Work Center, Orlando Headquarters,~~

ENROLLED

2000 Legislature

CS for CS for SB 1114, 1st Engrossed

1 ~~Lakeland Headquarters, Dunedin Work Center, Hammer Towersite,~~
2 ~~Bradenton Headquarters, Venetia Towersite, Fort Myers~~
3 ~~Headquarters, Naples Work Center, Philpot Towersite, Sand Hill~~
4 ~~Towersite, Mayo Work Center, Benton Towersite, Plymouth~~
5 ~~Towersite, Longwood Work Center, Oviedo Towersite, Valrico~~
6 ~~Work Center, and Belle Glade Work Center.~~

7 Section 11. Subsection (5) of section 482.051, Florida
8 Statutes, is amended to read:

9 482.051 Rules.--The department has authority to adopt
10 rules pursuant to ss. 120.536(1) and 120.54 to implement the
11 provisions of this chapter. Prior to proposing the adoption
12 of a rule, the department shall counsel with members of the
13 pest control industry concerning the proposed rule. The
14 department shall adopt rules for the protection of the health,
15 safety, and welfare of pest control employees and the general
16 public which require:

17 (5) That any pesticide used for preconstruction ~~soil~~
18 treatments for the prevention of subterranean termites be
19 applied in the amount, concentration, and treatment area in
20 accordance with the label; that a copy of the label of the
21 registered pesticide being applied be carried in a vehicle at
22 the site where the pesticide is being applied; and that the
23 licensee maintain for 3 years the record of each
24 preconstruction ~~soil~~ treatment, indicating the date of
25 treatment, the location or address of the property treated,
26 the total square footage of the structure treated, the type of
27 pesticide applied, the concentration of each substance in the
28 mixture applied, and the total amount of pesticide applied.

29 Section 12. Paragraph (g) is added to subsection (2)
30 of section 482.132, Florida Statutes, to read:

31

1 482.132 Qualifications for examination and
2 certification.--

3 (2) Each applicant for examination for a pest control
4 operator's certificate must possess the minimum qualifications
5 specified in one of the following paragraphs:

6 (g) Three years' full-time employment as a service
7 employee of the United States Department of Defense, who has
8 been certified to perform pest control in the category or
9 categories in which the applicant seeks certification, 1 year
10 of which employment must have been completed in this state
11 during the year immediately preceding application for
12 examination. Additionally, the application for certification
13 must be submitted to the Department of Agriculture and
14 Consumer Services within 12 months after the date of
15 termination of employment from the Department of Defense.

16 Section 13. Subsection (3) of section 487.041, Florida
17 Statutes, is amended to read:

18 487.041 Registration.--

19 (3) The department shall adopt rules governing the
20 procedures for pesticide registration and for the review of
21 data submitted by an applicant for registration of a
22 pesticide. The department shall determine whether a pesticide
23 should be registered, registered with conditions, or tested
24 under field conditions in this state. The department shall
25 determine that all requests for pesticide registrations meet
26 the requirements of current state and federal law. The
27 department, whenever it deems it necessary in the
28 administration of this part, may require the manufacturer or
29 registrant to submit the complete formula, quantities shipped
30 into or manufactured in the state for distribution and sale,
31 evidence of the efficacy and the safety of any pesticide, and

1 other relevant data. The department may review and evaluate a
2 registered pesticide if new information is made available
3 which indicates that use of the pesticide has caused an
4 unreasonable adverse effect on public health or the
5 environment. Such review shall be conducted upon the request
6 of the Secretary of the Department of Health in the event of
7 an unreasonable adverse effect on public health or the
8 Secretary of the Department of Environmental Protection in the
9 event of an unreasonable adverse effect on the environment.
10 Such review may result in modifications, revocation,
11 cancellation or suspension of a pesticide registration.The
12 department, for reasons of adulteration, misbranding, or other
13 good cause, may refuse or revoke the registration of any
14 pesticide, after notice to the applicant or registrant giving
15 the reason for the decision. The applicant may then request a
16 hearing, pursuant to chapter 120, on the intention of the
17 department to refuse or revoke registration, and, upon his or
18 her failure to do so, the refusal or revocation shall become
19 final without further procedure. In no event shall
20 registration of a pesticide be construed as a defense for the
21 commission of any offense prohibited under this part.

22 Section 14. Subsection (6) is added to section
23 487.081, Florida Statutes, to read:

24 487.081 Exemptions.--

25 (6) The Department of Environmental Protection is not
26 authorized to institute proceedings against any property owner
27 or leaseholder of property under the provisions of s.
28 376.307(5) to recover any costs or damages associated with
29 pesticide contamination of soil or water, or the evaluation,
30 assessment, or remediation of pesticide contamination of soil
31 or water, including sampling, analysis, and restoration of

1 soil or potable water supplies, subject to the following
2 conditions:

3 (a) The pesticide contamination of soil or water is
4 determined to be the result of the use of pesticides by the
5 property owner or leaseholder, in accordance with state and
6 federal law, applicable registered labels, and rules on
7 property classified as agricultural land pursuant to s.
8 193.461;

9 (b) The property owner or leaseholder maintains
10 records of such pesticide applications and such records are
11 provided to the department upon request;

12 (c) In the event of pesticide contamination of soil or
13 water, the department, upon request, shall make such records
14 available to the Department of Environmental Protection;

15 (d) This subsection does not limit regulatory
16 authority under a federally delegated or approved program; and

17 (e) This subsection is remedial in nature and shall
18 apply retroactively.

19 The department, in consultation with the Secretary of the
20 Department of Environmental Protection, may adopt rules
21 prescribing the format, content, and retention time for
22 records to be maintained under this subsection.

23 Section 15. Paragraph (b) of subsection (1) of section
24 500.12, Florida Statutes, is amended to read:

25 500.12 Food permits; building permits.--

26 (1)

27 (b) An application for a food permit from the
28 department must be accompanied by a fee in an amount
29 determined by department rule, which may not exceed \$350,
30 except that the fee accompanying an application for a food
31 permit for operating a bottled water plant may not exceed

1 \$1,000 and the fee accompanying an application for a food
2 permit for operating a packaged ice plant may not exceed \$250.
3 The fee for operating a bottled water plant or a packaged ice
4 plant shall be set by rule of the department ~~in an amount~~
5 ~~sufficient to meet, but not exceed, the total direct and~~
6 ~~indirect costs incurred by the department in carrying out its~~
7 ~~permitting, inspection, sampling, enforcement, and~~
8 ~~administrative responsibilities for those operations.~~ Food
9 permits must be renewed annually on or before January 1. If an
10 application for renewal of a food permit is not received by
11 the department within 30 days after its due date, a late fee,
12 in an amount not exceeding \$100, must be paid in addition to
13 the food permit fee before the department may issue the food
14 permit. The moneys collected shall be deposited in the General
15 Inspection Trust Fund.

16 Section 16. Subsection (4) of section 500.459, Florida
17 Statutes, is amended to read:

18 500.459 Water vending machines.--

19 (4) FEES.--A person seeking an operating permit must
20 pay the department a fee not exceeding \$200, which fee shall
21 be set by rule of the department ~~in an amount sufficient to~~
22 ~~meet, but not exceed, the total direct and indirect costs~~
23 ~~incurred by the department in carrying out its permitting,~~
24 ~~inspection, sampling, enforcement, and administrative~~
25 ~~responsibilities under this section.~~ Such fees shall be
26 deposited in the General Inspection Trust Fund ~~and shall be~~
27 ~~used for the sole purpose of this section.~~

28 Section 17. Subsections (2) and (3) of section
29 526.311, Florida Statutes, are amended to read:

30 526.311 Enforcement; civil penalties; injunctive
31 relief.--

1 (2) The Department of Agriculture and Consumer
2 Services shall investigate any complaints regarding violations
3 of this act and may request in writing the production of
4 documents and records as part of its investigation of a
5 complaint. ~~Trade secrets, as defined in s. 812.081, and~~
6 ~~proprietary confidential business information contained in the~~
7 ~~documents or records received by the department pursuant to a~~
8 ~~written request or a Department of Legal Affairs subpoena are~~
9 ~~confidential and exempt from the provisions of s. 119.07(1)~~
10 ~~and s. 24(a), Art. I of the State Constitution.~~ If the person
11 upon whom such request was made fails to produce the documents
12 or records within 30 days after the date of the request, the
13 department, through the department's office of general
14 counsel, may of Agriculture and Consumer Services may request
15 that the Department of Legal Affairs issue and serve a
16 subpoena subpoenas to compel the production of such documents
17 and records. If any person shall refuse to comply with a
18 subpoena issued under this section, the department ~~of Legal~~
19 ~~Affairs~~ may petition a court of competent jurisdiction to
20 enforce the subpoena and assess such sanctions as the court
21 may direct. Refiners shall afford the department ~~of~~
22 ~~Agriculture and Consumer Services~~ reasonable access to the
23 refiners' posted terminal price. ~~After completion of an~~
24 ~~investigation, the Department of Agriculture and Consumer~~
25 ~~Services shall give the results of its investigation to the~~
26 ~~Department of Legal Affairs. The Department of Legal Affairs~~
27 ~~may then subpoena additional relevant records or testimony if~~
28 ~~it determines that the Department of Agriculture and Consumer~~
29 ~~Services' investigation shows a violation has likely occurred.~~
30 Any records, documents, papers, maps, books, tapes,
31 photographs, files, sound recordings, or other business

1 material, regardless of form or characteristics, obtained by
2 the ~~a~~ department of ~~Legal Affairs~~ subpoena are confidential
3 and exempt from the provisions of s. 119.07(1) and s. 24(a),
4 Art. I of the State Constitution while the investigation is
5 pending. At the conclusion of an investigation, any matter
6 determined by the department of ~~Legal Affairs~~ or by a judicial
7 or administrative body, federal or state, to be a trade secret
8 or proprietary confidential business information held by the
9 department pursuant to such investigation shall be considered
10 confidential and exempt from the provisions of s. 119.07(1)
11 and s. 24(a), Art. I of the State Constitution. Such
12 materials may be used in any administrative or judicial
13 proceeding so long as the confidential or proprietary nature
14 of the material is maintained.

15 (3) The civil penalty imposed under this section may
16 be assessed and recovered in a civil action brought by the
17 department of ~~Legal Affairs~~ in any court of competent
18 jurisdiction. If the department of ~~Legal Affairs~~ prevails in a
19 civil action, the court may award it reasonable attorneys'
20 fees as it deems appropriate. All funds recovered by the
21 department of ~~Legal Affairs~~ shall be deposited into ~~shared~~
22 ~~equally between the Department of Legal Affairs Trust Fund and~~
23 the General Inspection Trust Fund.

24 Section 18. Subsection (2) of section 526.312, Florida
25 Statutes, is amended to read:

26 526.312 Enforcement; private actions; injunctive
27 relief.--

28 (2) On the application for a temporary restraining
29 order or a preliminary injunction, the court, in its
30 discretion having due regard for the public interest, may
31 require or dispense with the requirement of a bond, with or

1 without surety, as conditions and circumstances may require.
2 If a bond is required, the amount shall not be greater than
3 \$50,000. Upon proper application by the plaintiff, the court
4 shall grant preliminary injunctive relief if the plaintiff
5 shows:

6 (a) That he or she is a proper person to seek the
7 relief requested.

8 (b) There exist sufficiently serious questions going
9 to the merits to make such questions a fair ground for
10 litigation; and the court determines, on balance, the
11 hardships imposed on the defendant and the public interest by
12 the issuance of such preliminary injunctive relief will be
13 less than the hardship which would be imposed on the plaintiff
14 if such preliminary injunctive relief were not granted.

15
16 The standards specified in paragraphs (a) and (b) shall also
17 apply to actions for injunctive relief brought by the
18 department ~~of Legal Affairs~~ under s. 526.311.

19 Section 19. Section 526.313, Florida Statutes, is
20 amended to read:

21 526.313 Limitations period for actions.--Any action
22 brought by the department ~~of Legal Affairs~~ shall be brought
23 within 2 years after the alleged violation occurred or should
24 reasonably have been discovered. Any action brought by any
25 other person shall be brought within 1 year after the alleged
26 violation occurred or should reasonably have been discovered,
27 except that a private action brought under s. 526.305 for
28 unlawful price discrimination shall be brought within 2 years
29 from the date the alleged violation occurred or should
30 reasonably have been discovered.

31

1 Section 20. Section 526.3135, Florida Statutes, is
2 amended to read:

3 526.3135 Reports by the Division of Standards
4 ~~Department of Agriculture and Consumer Services.~~--The Division
5 of Standards ~~Department of Agriculture and Consumer Services~~
6 is directed to compile a report pursuant to s. 570.544 of all
7 complaints received by the Department of Agriculture and
8 Consumer Services pursuant to this act. Such report shall
9 contain at least the information required by s.
10 570.544(6)(b)2.-4. and shall be presented to the Speaker of
11 the House of Representatives and the President of the Senate
12 no later than January 1 of each year.

13 Section 21. There is hereby appropriated \$100,000 from
14 the General Revenue Fund and two full-time equivalent
15 positions to the Department of Agriculture and Consumer
16 Services to implement the provisions of chapter 526, part I,
17 Florida Statutes.

18 Section 22. Subsection (16) is added to section
19 531.41, Florida Statutes, to read:

20 531.41 Powers and duties of the department.--The
21 department shall:

22 (16) Provide by rule for the voluntary registration
23 with the department of private weighing and measuring device
24 service agencies or personnel. Such rule shall grant private
25 agencies and personnel that meet all registration requirements
26 and maintain current registered status with the department the
27 authority to place devices that meet all state requirements
28 into commercial service until such time as the devices can be
29 inspected and tested as provided for in subsection (10),
30 provided such devices are reported to the department as
31 prescribed by the rule.

1
2 The provisions of this chapter and rules adopted thereunder
3 notwithstanding, scales routinely used by providers of weight
4 control services shall not be considered commercial weights
5 and measures when used to determine human weight or to compute
6 charges or payments for services rendered by such providers on
7 the basis of said weight, measure, or count.

8 Section 23. Subsection (34) of section 570.07, Florida
9 Statutes, is amended, and subsection (35) is added to said
10 section, to read:

11 570.07 Department of Agriculture and Consumer
12 Services; functions, powers, and duties.--The department shall
13 have and exercise the following functions, powers, and duties:

14 (34) To adopt policies creating, and providing for the
15 operation of, an employees' benefit fund. Notwithstanding the
16 provisions of chapter 273, the department may deposit moneys
17 received from the disposition of state-owned tangible personal
18 property, specifically livestock maintained and located at the
19 Doyle E. Conner Agricultural Complex, in the employees'
20 benefit fund.

21 (35) Under emergency conditions, to authorize the
22 purchase of supplemental nutritional food and drink items and
23 set temporary meal expenditure limits for employees engaged in
24 physical activity for prolonged periods of time in excess of
25 the rate established by s. 112.061(6), but not to exceed \$50
26 per day.

27 Section 24. Paragraph (f) is added to subsection (1)
28 of section 570.242, Florida Statutes, to read:

29 570.242 Definitions.--For purposes of this act, the
30 following terms shall have the following meanings:

31

1 (1) "Agriculturally depressed area" means a rural area
2 which has declining profitability from agricultural
3 enterprises and one or more of the following characteristics:

4 (f) Crop losses or economic depression resulting from
5 a natural disaster or socioeconomic conditions or events which
6 negatively impact a crop.

7 Section 25. Paragraph (c) of subsection (1) of section
8 570.248, Florida Statutes, is amended to read:

9 570.248 Agricultural Economic Development Project
10 Review Committee; powers and duties.--

11 (1) There is created an Agricultural Economic
12 Development Project Review Committee consisting of five
13 members appointed by the commissioner. The members shall be
14 appointed based upon the recommendations submitted by each
15 entity represented on the committee and shall include:

16 (c) One representative from Enterprise Florida, Inc
17 ~~the Florida Rural Development Committee.~~

18 Section 26. Section 570.249, Florida Statutes, is
19 created to read:

20 570.249 Agricultural Economic Development Program
21 disaster loans.--

22 (1) USE OF LOAN FUNDS.--Loan funds to agricultural
23 producers who have experienced crop losses from a natural
24 disaster or a socioeconomic condition or event may be used to
25 restore or replace essential physical property, such as
26 animals, fences, equipment, structural production facilities,
27 and orchard trees; pay all or part of production costs
28 associated with the disaster year; pay essential family living
29 expenses; and restructure farm debts. Funds may be issued as
30 direct loans, or as loan guarantees for up to 90 percent of

31

1 the total loan, in amounts not less than \$30,000 nor more than
2 \$250,000. Applicants must provide at least 10 percent equity.
3 (2) ELIGIBLE CROPS.--Crops eligible for the emergency
4 loan program include:
5 (a) Crops grown for human consumption.
6 (b) Crops planted and grown for livestock consumption,
7 including, but not limited to, grain, seed, and forage crops.
8 (c) Crops grown for fiber, except for trees.
9 (d) Specialty crops, such as aquacultural,
10 floricultural, or ornamental nursery crops; Christmas trees;
11 turf for sod; industrial crops; and seed crops used to produce
12 eligible crops.
13 (3) FARMING INFORMATION.--A borrower must keep
14 complete and acceptable farm records and present them as proof
15 of production levels. A borrower must operate in accordance
16 with a farm plan that he or she develops and that is approved
17 by the commissioner. A borrower may be required to participate
18 in a financial management training program and obtain crop
19 insurance.
20 (4) LOAN APPLICATION.--In order to qualify for a loan
21 under this section, an applicant must submit an application to
22 the committee within 30 days after the date the natural
23 disaster or socioeconomic condition or event occurs or the
24 crop damage becomes apparent. An applicant must be a citizen
25 of the United States, a bona fide resident of the state and,
26 together with the applicant's spouse and their dependents,
27 have a total net worth of less than \$100,000. The value of any
28 residential homestead owned by the applicant must not be
29 included in determining the applicant's net worth. An
30 applicant must also demonstrate the need for economic
31 assistance, be worthy of credit according to standards

1 established by the commissioner, prove that he or she cannot
2 obtain commercial credit, and demonstrate that he or she has
3 the ability to repay the loan.

4 (5) LOAN SECURITY REQUIREMENTS.--All loans must be
5 fully collateralized. A first lien is required on all property
6 or product acquired, produced, or refinanced with loan funds.
7 The specific type of collateral required may vary depending
8 upon the loan purpose, repayment ability, and the particular
9 circumstances of the applicant.

10 (6) LOAN REPAYMENT.--Repayment of loans for crops,
11 livestock, and non-real-estate losses shall normally be made
12 within 7 years or, in special circumstances, within 20 years.
13 Loans for physical losses to real estate and buildings shall
14 not exceed 30 years. Borrowers are expected to return to
15 conventional credit sources when they are financially able.
16 Loans are a temporary source of credit and borrowers must be
17 reviewed periodically to determine whether they can return to
18 conventional credit.

19 Section 27. Section 570.92, Florida Statutes, is
20 created to read:

21 570.92 Equestrian educational sports program.--The
22 department shall establish an equestrian educational sports
23 program with one or more accredited 4-year state universities,
24 designed to give student riders the opportunity to learn,
25 compete, and succeed at the collegiate level while at the same
26 time promoting the state's multibillion dollar equine
27 industry.

28 Section 28. Subsection (2) of section 570.952, Florida
29 Statutes, is amended to read:

30 570.952 Florida Agriculture Center and Horse Park
31 Authority.--

1 (2) The authority shall be composed of 21 ~~23~~ members
2 appointed by the commissioner.

3 (a) Members shall include:

4 1. Three citizens-at-large ~~One citizen-at-large~~, who
5 shall represent the views of the general public toward
6 agriculture and equine activities in the state.

7 2. One representative from the Department of
8 Agriculture and Consumer Services.

9 3. One representative from Enterprise Florida, Inc.

10 4. One representative from the Department of
11 Environmental Protection, Office of Greenways and Trails
12 Management.

13 5. One member of the Ocala/Marion County Chamber of
14 Commerce.

15 6. Two representatives of the tourism or hospitality
16 industry.

17 7. Three representatives of the commercial agriculture
18 industry.

19 8. Three representatives from recognized horse breed
20 associations.

21 9. One representative of the veterinary industry.

22 10. Three representatives from the competitive equine
23 industry.

24 ~~6. One public/private partnership expert.~~

25 ~~7. One member of a private environmental organization.~~

26 ~~8. One fruit and vegetable grower.~~

27 ~~9. One citrus grower.~~

28 ~~10. One commercial feed producer.~~

29 ~~11. One livestock/cattle breeder.~~

30 ~~12. One quarter horse breeder.~~

31 ~~13. One thoroughbred horse breeder.~~

1 ~~14. One standardbred horse breeder.~~
2 ~~15. One Arabian horse breeder.~~
3 ~~16. One color breeds horse breeder.~~
4 ~~17. One licensed veterinarian.~~
5 ~~18. One Paso Fino horse breeder.~~
6 ~~19. One ornamental or nursery stock grower.~~
7 ~~20. One representative from the horse show industry.~~
8 ~~21. One representative from the horse sport industry.~~
9 ~~11.22.~~ One representative from the horse pleasure and
10 trail riding trailriders industry.
11 ~~12.23.~~ One representative recommended by from the
12 Board of County Commissioners of Marion County.
13 ~~(b) With the exception of department employees and the~~
14 ~~citizen-at-large, each member shall be selected from two or~~
15 ~~three nominees submitted by recognized statewide organizations~~
16 ~~representing each interest or trade enumerated in this~~
17 ~~section. In the absence of nominations, the commissioner shall~~
18 ~~appoint persons who otherwise meet the qualifications for~~
19 ~~nomination and appointment to the authority.~~
20 ~~(b)(c)~~ Initially, the commissioner shall appoint 11
21 members ~~12 members shall be appointed~~ for 4-year terms and 10
22 ~~11 members shall be appointed~~ for 2-year terms. Thereafter,
23 each member shall be appointed for a term of 4 years from the
24 date of appointment, except that a vacancy shall be filled by
25 appointment for the remainder of the term.
26 ~~(c)(d)~~ Any member of the authority who fails to attend
27 three consecutive authority meetings without good cause shall
28 be deemed to have resigned from the authority. The
29 commissioner shall appoint a person representing the same
30 interest or trade as the resigning member. Current members
31 shall continue to serve until successors are appointed.

1 Section 29. Section 585.89, Florida Statutes, is
2 renumbered as section 287.0822, Florida Statutes, and
3 subsection (1) of said section is amended to read:

4 287.0822 ~~585.89~~ Beef and pork; prohibition on
5 purchase; bid specifications; penalty.--

6 (1) Fresh or frozen beef or pork that has not been
7 inspected by the United States Department of Agriculture or by
8 another state's inspection program which has been approved by
9 the United States Department of Agriculture ~~the department~~
10 shall not be purchased, or caused to be purchased, by any
11 agency of the state or of any municipality, political
12 subdivision, school district, or special district for
13 consumption in this state or for distribution for consumption
14 in this state. Bid invitations issued by any agency of the
15 state or of any municipality, political subdivision, school
16 district, or special district for the purchase of fresh or
17 frozen beef or pork must specify that only beef or pork
18 inspected and passed by either the United States Department of
19 Agriculture or by another state's inspection program which has
20 been approved by the United States Department of Agriculture
21 ~~the department~~ will be accepted. The supplier or vendor shall
22 certify on the invoice that the fresh or frozen beef or pork
23 or imported beef or pork supplied is either domestic or
24 complies with this subsection.

25 Section 30. Section 585.92, Florida Statutes, is
26 renumbered as section 287.0821, Florida Statutes, and amended
27 to read:

28 287.0821 ~~585.92~~ All American and Genuine Florida meat
29 or meat products.--As allowed by the United States Department
30 of Agriculture, each slaughterhouse or meatpacking or
31 processing plant in the state or other person vending any meat

1 or meat product, the meat of which is entirely produced in the
2 United States, may label such meat or meat product "All
3 American", and any such vendor selling any such meat or meat
4 product, the meat of which is entirely produced in the state,
5 may label such meat or meat product "Genuine Florida."

6 Section 31. Subsection (5) of section 590.015, Florida
7 Statutes, is amended to read:

8 590.015 Definitions.--As used in this chapter, the
9 term:

10 (5) "Wild land" means any public or private managed or
11 unmanaged forest, urban/interface, pasture or range land,
12 recreation lands, or any other land at risk of wildfire.

13 Section 32. Section 590.14, Florida Statutes, is
14 amended to read:

15 590.14 ~~Warning citation~~ Notice of violation;
16 penalties.--

17 ~~(1) If unpredicted atmospheric conditions occur which~~
18 ~~cause an authorized fire to escape from the boundaries of the~~
19 ~~authorized area, if the fire does not leave the land owned or~~
20 ~~controlled by the authorization holder, and if no damage has~~
21 ~~occurred, the division may issue a warning citation of~~
22 ~~violation of s. 590.125.~~

23 (1)~~(2)~~ If a division employee determines that a person
24 has violated chapter 589 or chapter 590, he or she may issue a
25 notice of violation indicating the statute violated. This
26 notice will be filed with the division and a copy forwarded to
27 the appropriate law enforcement entity for further action if
28 necessary.

29 (2)~~(3)~~ In addition to any ~~other~~ penalties provided by
30 law, any person who causes a wildfire or permits any
31 authorized fire to escape the boundaries of the authorization

1 or to burn past the time of the authorization is liable for
2 the payment of all reasonable costs and expenses incurred in
3 suppressing the fire or \$150, whichever is greater. All costs
4 and expenses incurred by the division shall be payable to the
5 division. When such costs and expenses are not paid within 30
6 days after demand, the division may take proper legal
7 proceedings for the collection of the costs and expenses.
8 Those costs incurred by an agency acting at the division's
9 direction are recoverable by that agency.

10 ~~(3)(4)~~ The department may also impose an
11 administrative fine, not to exceed \$1,000 per violation of any
12 section of chapter 589 or chapter 590. The fine shall be based
13 upon the degree of damage and prior violation record of the
14 person. The fines shall be deposited in the Incidental Trust
15 Fund of the division.

16 ~~(4)(5)~~ The penalties provided in this section shall
17 extend to both the actual violator and the person or persons,
18 firm, or corporation causing, directing, or permitting the
19 violation.

20 Section 33. Section 590.28, Florida Statutes, is
21 amended to read:

22 590.28 Intentional or reckless ~~careless~~ burning of
23 lands.--

24 (1) Whoever intentionally burns, sets fire to, or
25 causes to be burned or causes any fire to be set to, any wild
26 land or vegetative land clearing debris not owned by, or in
27 the lawful possession of, the person setting such fire or
28 burning such lands or causing such fire to be set or lands to
29 be burned without complying with s. 590.125, commits a felony
30 of the third degree, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084.

1 (2) Whoever recklessly ~~carelessly~~ burns, sets fire to,
2 or causes to be burned any wild lands not owned by, or in the
3 lawful possession of, the person setting the fire or burning
4 the lands or causing the fire to be set or lands to be burned,
5 commits a misdemeanor of the second degree, punishable as
6 provided in s. 775.082 or s. 775.083.

7 Section 34. Paragraph (b) of subsection (5) and
8 paragraph (a) of subsection (7) of section 616.242, Florida
9 Statutes, are amended to read:

10 616.242 Safety standards for amusement rides.--

11 (5) ANNUAL PERMIT.--

12 (b) To apply for an annual permit an owner must submit
13 to the department a written application on a form prescribed
14 by rule of the department, which must include the following:

15 1. The legal name, address, and primary place of
16 business of the owner.

17 2. A description, manufacturer's name, serial number,
18 model number and, if previously assigned, the United States
19 Amusement Identification Number of the amusement ride.

20 3. A valid certificate of insurance or bond for each
21 amusement ride.

22 4. An affidavit of compliance that the amusement ride
23 was inspected in person by the affiant and that the amusement
24 ride is in general conformance with the requirements of this
25 section and all applicable rules adopted by the department.
26 The affidavit must be executed by a professional engineer or a
27 qualified inspector no earlier than 60 days before, but not
28 later than, the date of the filing of the application with the
29 department. The owner shall request inspection and permitting
30 of the amusement ride within 60 days of the date of filing the
31 application with the department. The department shall inspect

1 and permit the amusement ride within 60 days after filing the
2 application with the department ~~of the date the affidavit was~~
3 ~~executed.~~

4 5. If required by subsection (6), an affidavit of
5 nondestructive testing dated and executed no earlier than 60
6 days prior to, but not later than, the date of the filing of
7 the application with the department. The owner shall request
8 inspection and permitting of the amusement ride within 60 days
9 of the date of filing the application with the department. The
10 department shall inspect and permit the amusement ride within
11 60 days after filing the application with the department ~~of~~
12 ~~the date the affidavit was executed.~~

13 6. A request for inspection.

14 7. Upon request, the owner shall, at no cost to the
15 department, provide the department a copy of the
16 manufacturer's current recommended operating instructions in
17 the possession of the owner, the owner's operating fact sheet,
18 and any written bulletins in the possession of the owner
19 concerning the safety, operation, or maintenance of the
20 amusement ride.

21 (7) DEPARTMENT INSPECTIONS.--

22 (a) In order to obtain an annual permit, an amusement
23 ride must be inspected by the department in accordance with
24 subsection (11) and receive an inspection certificate. In
25 addition, each permanent amusement ride must be inspected
26 semi-annually by the department in accordance with subsection
27 (11) and receive an inspection certificate, and each temporary
28 amusement ride must be inspected by the department in
29 accordance with subsection (11), and must receive an
30 inspection certificate each time the ride is set up or moved

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1 to a new location in this state unless the temporary amusement
2 ride is:

- 3 1. Used at a private event; or
4 ~~2. Used at a public event when there are no more than~~
5 ~~three amusement rides at the event, and the capacity of each~~
6 ~~amusement ride at the event does not exceed eight persons;~~
7 2.3. A simulator, the capacity of which does not
8 exceed 16 persons; or
9 ~~4. A kiddie train used at a public event if there are~~
10 ~~no more than three amusement rides at the event.~~

11 Section 35. Subsection (4) of section 828.12, Florida
12 Statutes, is amended to read:

13 828.12 Cruelty to animals.--

14 (4) A person who intentionally trips, fells, ropes, or
15 lassos the legs of a horse by any means for the purpose of
16 ~~wagering for~~ entertainment or sport ~~purposes~~ shall be guilty
17 of a third degree felony, punishable as provided in s.
18 775.082, s. 775.083, or s. 775.084. As used in this
19 subsection, "trip" means any act that consists of the use of
20 any wire, pole, stick, rope, or other apparatus to cause a
21 horse to fall or lose its balance, and "horse" means any
22 animal of any registered breed of the genus Equus, or any
23 recognized hybrid thereof. The provisions of this subsection
24 shall not apply when tripping is used:

25 (a) To control a horse that is posing an immediate
26 threat to other livestock or human beings;

27 (b) For the purpose of identifying ownership of the
28 horse when its ownership is unknown; or

29 (c) For the purpose of administering veterinary care
30 to the horse.

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1 Section 36. Subsection (7) of section 828.27, Florida
2 Statutes, is amended to read:

3 828.27 Local animal control or cruelty ordinances;
4 penalty.--

5 (7) Nothing contained in this section shall prevent
6 any county or municipality from enacting any ordinance
7 relating to animal control or cruelty which is identical to
8 the provisions of this chapter or any other state law, except
9 as to penalty. However, no county or municipal ordinance
10 relating to animal control or cruelty shall conflict with the
11 provisions of this chapter or any other state law.

12 Notwithstanding the provisions of this subsection, the
13 governing body of any county or municipality is authorized to
14 enact ordinances prohibiting or regulating noise from any
15 domesticated animal, violation of which shall be punishable
16 upon conviction by a fine not to exceed \$500 or by
17 imprisonment in the county jail for a period not to exceed 60
18 days, or by both such fine and imprisonment, for each
19 violation of such ordinance. This subsection shall not apply
20 to animals on land zoned for agricultural purposes.

21 Section 37. The Department of Agriculture and Consumer
22 Services is authorized to negotiate agreements with landowners
23 for water supply in rural areas, provided that:

24 (1) The water to be supplied is currently available to
25 property owned or controlled by the department; and

26 (2) The intended use and quantity are not inconsistent
27 with any permit required under part II of chapter 373, Florida
28 Statutes, for the source of supply in effect at the time of
29 the agreement.

30 Section 38. Sections 205.1951, 585.70, 585.71,
31 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77,

1 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84,
2 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903,
3 585.904, 585.91, 585.93, and 585.96, Florida Statutes, are
4 repealed.

5 Section 39. Subsection (6) is added to section 823.14,
6 Florida Statutes, to read:

7 823.14 Florida Right to Farm Act.--

8 (6) LIMITATION ON DUPLICATION OF GOVERNMENT
9 REGULATION.--It is the intent of the Legislature to eliminate
10 duplication of regulatory authority over farm operations as
11 expressed in this subsection. Except as otherwise provided for
12 in this section and s. 487.051(2), and notwithstanding any
13 other provision of law, a local government may not adopt any
14 ordinance, regulation, rule, or policy to prohibit, restrict,
15 regulate, or otherwise limit an activity of a bona fide farm
16 operation on land classified as agricultural land pursuant to
17 s. 193.461, where such activity is regulated through
18 implemented best-management practices or interim measures
19 developed by the Department of Environmental Protection, the
20 Department of Agriculture and Consumer Services, or water
21 management districts and adopted under chapter 120 as part of
22 a statewide or regional program. When an activity of a farm
23 operation takes place within a wellfield protection area as
24 defined in any wellfield protection ordinance adopted by a
25 local government, and the adopted best-management practice or
26 interim measure does not specifically address wellfield
27 protection, a local government may regulate that activity
28 pursuant to such ordinance. This subsection does not limit the
29 powers and duties provided for in s. 373.4592 or limit the
30 powers and duties of any local government to address an
31 emergency as provided for in chapter 252.

1 Section 40. This act shall take effect upon becoming a
2 law.
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