

1 A bill to be entitled
2 An act relating to agriculture and consumer
3 services; amending s. 163.01, F.S.; revising
4 language with respect to the Florida Interlocal
5 Cooperation Act of 1969; amending s. 163.05,
6 F.S.; revising legislative findings; providing
7 criteria for contracts between the Commissioner
8 of Agriculture and program providers; deleting
9 responsibilities of the Comptroller and the
10 Legislative Committee on Intergovernmental
11 Relations; authorizing the Commissioner of
12 Agriculture to award contracts to provide
13 assistance to small counties; requiring the
14 Commissioner of Agriculture to provide fiscal
15 oversight and performance reviews; providing an
16 appropriation; amending s. 316.515, F.S.;
17 revising equipment authorized for transporting
18 farm products; allowing the Department of
19 Transportation to issue certain permits;
20 amending s. 316.520, F.S.; clarifying that
21 violation of a provision governing loads on
22 vehicles is a moving rather than nonmoving
23 violation; exempting certain vehicles carrying
24 agricultural products; amending s. 370.31,
25 F.S.; transferring the Sturgeon Production
26 Working Group from the Department of
27 Environmental Protection to the Department of
28 Agriculture and Consumer Services; revising
29 membership and procedures; amending s. 388.261,
30 F.S.; revising provisions relating to state aid
31 to counties and districts for arthropod

1 control; prorating county funds under certain
2 circumstances; providing an exemption from
3 funding requirements under certain
4 circumstances; authorizing the use of state
5 funds when requested by a county or district;
6 authorizing funds for technical assistance or
7 to purchase equipment, supplies, or services;
8 amending s. 388.281, F.S.; revising uses for
9 state matching funds; amending s. 388.361,
10 F.S.; authorizing the Department of Agriculture
11 and Consumer Services to cooperate with local
12 agencies; authorizing collection, detection,
13 suppression, and control of mosquitoes and
14 arthropods on public or private land; amending
15 s. 388.45, F.S.; clarifying provisions relating
16 to threats to public health and the issuance of
17 declarations; authorizing declaration of a
18 threat to animal health when certain conditions
19 exist; authorizing treatment or control
20 measures; amending s. 403.067, F.S.;
21 authorizing implementation of interim measures
22 for specified water bodies for which total
23 maximum daily load or allocation has not been
24 established; amending s. 403.709, F.S.;
25 deleting the minimum county allocation to local
26 mosquito control agencies from waste tire fees;
27 amending s. 482.2401, F.S.; adding education in
28 pest control as an approved use of
29 administrative fine revenues; creating s.
30 482.243, F.S.; creating the Pest Control
31 Enforcement Advisory Council in the department;

1 providing for membership, terms, and
2 procedures; providing powers and duties;
3 amending s. 496.404, F.S.; redefining the term
4 "educational institutions" for purposes of the
5 Solicitation of Contributions Act; amending s.
6 500.121, F.S.; providing sanctions for nutrient
7 labeling violations; amending s. 501.160, F.S.;
8 providing for enforcement for violation of
9 provisions relating to rental or sale of
10 essential commodities during a declared state
11 of emergency; amending s. 570.07, F.S.;
12 authorizing the department to provide meals
13 when personnel cannot leave emergency incident
14 locations; amending s. 570.073, F.S.; revising
15 the powers and duties of the Office of
16 Agricultural Law Enforcement; amending s.
17 316.640, F.S.; revising the duties of the
18 Office of Agricultural Law Enforcement;
19 amending s. 570.71, F.S.; revising provisions
20 relating to conservation easements and rural
21 land protection easements; amending s. 573.124,
22 F.S.; increasing penalties for furnishing false
23 information, or refusing to furnish
24 information, relating to the marketing of
25 agricultural commodities; amending s. 581.091,
26 F.S.; requiring water management districts and
27 local governments to refer to the department's
28 current list of noxious weeds and invasive
29 plants when developing their own lists;
30 amending s. 585.08, F.S.; authorizing the
31 Division of Animal Industry, under certain

1 circumstances, to condemn and destroy an animal
 2 that is liable to spread contagious,
 3 infectious, or communicable disease; amending
 4 s. 585.09, F.S.; correcting a cross reference;
 5 repealing s. 585.10, F.S., relating to
 6 limitations on payments to owners of condemned
 7 and destroyed animals; amending s. 585.11,
 8 F.S.; authorizing the department to cooperate
 9 with United States Department of Agriculture
 10 accredited private veterinarians; amending s.
 11 585.21, F.S.; requiring written permission of
 12 the department prior to sale in the state of
 13 certain biological products; amending s.
 14 585.61, F.S.; increasing fees for use of animal
 15 disease diagnostic laboratories; amending s.
 16 590.02, F.S., relating to duties of the
 17 Division of Forestry of the Department of
 18 Agriculture and Consumer Services; providing
 19 that certain managerial positions are included
 20 in the Selected Exempt Service; requiring
 21 compliance with the applicable state Wildfire
 22 Aviation Plan; designating the Cross City work
 23 Center as the L. Earl Peterson Forestry
 24 Station; amending s. 590.11, F.S., relating to
 25 recreational fires; providing a penalty for
 26 violation; amending s. 590.125, F.S.; revising
 27 requirements for certified prescribed burns;
 28 renaming procedures for protecting wild lands
 29 from wildfires; amending s. 590.14, F.S.;
 30 revising criteria for determining
 31 administrative fines for violation of

1 provisions relating to forestry; amending s.
2 597.020, F.S.; requiring aquaculture licenses
3 and certifications to expire annually; creating
4 s. 604.40, F.S.; providing regulations
5 regarding equipment used on a farm; amending s.
6 604.50; F.S.; clarifying the definition of a
7 nonresidential farm building; amending s.
8 616.242, F.S.; providing that certain kiddie
9 rides shall be exempt from the requirement for
10 receipt of an inspection certificate each time
11 the ride is set up; revising accident reporting
12 requirements; designating the USDA Service
13 Center Building in Bartow, Florida, as the John
14 W. Hunt Building; amending s. 482.227, F.S.;
15 revising requirements relating to guarantees
16 and warranties in contracts for treatment of
17 wood-destroying organisms; providing
18 legislative intent with respect to such
19 guarantees and warranties; providing effective
20 dates.

21

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

23

24 Section 1. Paragraph (g) of subsection (7) of section
25 163.01, Florida Statutes, is amended to read:

26 163.01 Florida Interlocal Cooperation Act of 1969.--

27 (7)

28 (g)1. Notwithstanding any other provisions of this
29 section, any separate legal entity created under this section,
30 the membership of which is limited to municipalities and
31 counties of the state, may acquire, own, construct, improve,

1 operate, and manage public facilities, or finance facilities
2 on behalf of any person, relating to a governmental function
3 or purpose, including, but not limited to, wastewater
4 facilities, water or alternative water supply facilities, and
5 water reuse facilities, which may serve populations within or
6 outside of the members of the entity. Notwithstanding s.
7 367.171(7), any separate legal entity created under this
8 paragraph is not subject to commission jurisdiction and may
9 not provide utility services within the service area of an
10 existing utility system unless it has received the consent of
11 the utility. The entity may finance or refinance the
12 acquisition, construction, expansion, and improvement of such
13 facilities relating to a governmental function or purpose ~~the~~
14 ~~public facility~~ through the issuance of its bonds, notes, or
15 other obligations under this section or as otherwise
16 authorized by law. The entity has all the powers provided by
17 the interlocal agreement under which it is created or which
18 are necessary to finance, own, operate, or manage the public
19 facility, including, without limitation, the power to
20 establish rates, charges, and fees for products or services
21 provided by it, the power to levy special assessments, the
22 power to sell or finance all or a portion of such ~~its~~
23 facility, and the power to contract with a public or private
24 entity to manage and operate such ~~its~~ facilities or to provide
25 or receive facilities, services, or products. Except as may be
26 limited by the interlocal agreement under which the entity is
27 created, all of the privileges, benefits, powers, and terms of
28 s. 125.01, relating to counties, and s. 166.021, relating to
29 municipalities, are fully applicable to the entity. However,
30 neither the entity nor any of its members on behalf of the
31 entity may exercise the power of eminent domain over the

1 facilities or property of any existing water or wastewater
2 plant utility system, nor may the entity acquire title to any
3 water or wastewater plant utility facilities, other
4 facilities, or property which was acquired by the use of
5 eminent domain after the effective date of this act. Bonds,
6 notes, and other obligations issued by the entity are issued
7 on behalf of the public agencies that are members of the
8 entity.

9 2. Any entity created under this section may also
10 issue bond anticipation notes in connection with the
11 authorization, issuance, and sale of bonds. The bonds may be
12 issued as serial bonds or as term bonds or both. Any entity
13 may issue capital appreciation bonds or variable rate bonds.
14 Any bonds, notes, or other obligations must be authorized by
15 resolution of the governing body of the entity and bear the
16 date or dates; mature at the time or times, not exceeding 40
17 years from their respective dates; bear interest at the rate
18 or rates; be payable at the time or times; be in the
19 denomination; be in the form; carry the registration
20 privileges; be executed in the manner; be payable from the
21 sources and in the medium or payment and at the place; and be
22 subject to the terms of redemption, including redemption prior
23 to maturity, as the resolution may provide. If any officer
24 whose signature, or a facsimile of whose signature, appears on
25 any bonds, notes, or other obligations ceases to be an officer
26 before the delivery of the bonds, notes, or other obligations,
27 the signature or facsimile is valid and sufficient for all
28 purposes as if he or she had remained in office until the
29 delivery. The bonds, notes, or other obligations may be sold
30 at public or private sale for such price as the governing body
31 of the entity shall determine. Pending preparation of the

1 definitive bonds, the entity may issue interim certificates,
2 which shall be exchanged for the definitive bonds. The bonds
3 may be secured by a form of credit enhancement, if any, as the
4 entity deems appropriate. The bonds may be secured by an
5 indenture of trust or trust agreement. In addition, the
6 governing body of the legal entity may delegate, to an
7 officer, official, or agent of the legal entity as the
8 governing body of the legal entity may select, the power to
9 determine the time; manner of sale, public or private;
10 maturities; rate of interest, which may be fixed or may vary
11 at the time and in accordance with a specified formula or
12 method of determination; and other terms and conditions as may
13 be deemed appropriate by the officer, official, or agent so
14 designated by the governing body of the legal entity. However,
15 the amount and maturity of the bonds, notes, or other
16 obligations and the interest rate of the bonds, notes, or
17 other obligations must be within the limits prescribed by the
18 governing body of the legal entity and its resolution
19 delegating to an officer, official, or agent the power to
20 authorize the issuance and sale of the bonds, notes, or other
21 obligations.

22 3. Bonds, notes, or other obligations issued under
23 subparagraph 1. may be validated as provided in chapter 75.
24 The complaint in any action to validate the bonds, notes, or
25 other obligations must be filed only in the Circuit Court for
26 Leon County. The notice required to be published by s. 75.06
27 must be published in Leon County and in each county that is a
28 member of the entity issuing the bonds, notes, or other
29 obligations, or in which a member of the entity is located,
30 and the complaint and order of the circuit court must be
31 served only on the State Attorney of the Second Judicial

1 Circuit and on the state attorney of each circuit in each
2 county that is a member of the entity issuing the bonds,
3 notes, or other obligations or in which a member of the entity
4 is located. Section 75.04(2) does not apply to a complaint for
5 validation brought by the legal entity. The bonds of an entity
6 created pursuant to this section subsequent to the effective
7 date of this provision to finance facilities on behalf of any
8 person other than the entity created pursuant to this section
9 shall also be validated, as provided in chapter 75, in the
10 circuit court in each county in which a facility financed by
11 such bonds may be located.

12 4. The accomplishment of the authorized purposes of a
13 legal entity created under this paragraph is in all respects
14 for the benefit of the people of the state, for the increase
15 of their commerce and prosperity, and for the improvement of
16 their health and living conditions. Since the legal entity
17 will perform essential governmental functions in accomplishing
18 its purposes, the legal entity is not required to pay any
19 taxes or assessments of any kind whatsoever upon any property
20 acquired or used by it for such purposes or upon any revenues
21 at any time received by it. The bonds, notes, and other
22 obligations of an entity, their transfer and the income
23 therefrom, including any profits made on the sale thereof, are
24 at all times free from taxation of any kind by the state or by
25 any political subdivision or other agency or instrumentality
26 thereof. The exemption granted in this subparagraph is not
27 applicable to any tax imposed by chapter 220 on interest,
28 income, or profits on debt obligations owned by corporations.

29 Section 2. Subsection (5) of section 316.515, Florida
30 Statutes, is amended to read:

31 316.515 Maximum width, height, length.--

1 (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,
2 SAFETY REQUIREMENTS.--Notwithstanding any other provisions of
3 law, straight trucks and cotton module movers, not exceeding
4 50 feet in length, or any combination of up to and including
5 three implements of husbandry including the towing power unit,
6 and any single agricultural trailer, with a load thereon not
7 exceeding 130 inches in width, is authorized for the purpose
8 of transporting peanuts, grains, soybeans, cotton, hay, straw,
9 or other perishable farm products from their point of
10 production to the first point of change of custody or of
11 long-term storage, and for the purpose of returning to such
12 point of production, by a person engaged in the production of
13 any such product or custom hauler, if such vehicle or
14 combination of vehicles otherwise complies with this section.
15 Such vehicles shall be operated in accordance with all safety
16 requirements prescribed by law and Department of
17 Transportation rules. The Department of Transportation may
18 issue overlength permits for cotton module movers greater than
19 50 feet but not more than 55 feet in overall length.

20 Section 3. Section 316.520, Florida Statutes, is
21 amended to read:

22 316.520 Loads on vehicles.--

23 (1) A vehicle may not be driven or moved on any
24 highway unless the vehicle is so constructed or loaded as to
25 prevent any of its load from dropping, shifting, leaking,
26 blowing, or otherwise escaping therefrom, except that sand may
27 be dropped only for the purpose of securing traction or water
28 or other substance may be sprinkled on a roadway in cleaning
29 or maintaining the roadway.

30 (2) It is the duty of every owner and driver,
31 severally, of any vehicle hauling, upon any public road or

1 highway open to the public, dirt, sand, lime rock, gravel,
2 silica, or other similar aggregate or trash, garbage, or any
3 similar material that could fall or blow from such vehicle, to
4 prevent such materials from falling, blowing, or in any way
5 escaping from such vehicle. Covering and securing the load
6 with a close-fitting tarpaulin or other appropriate cover is
7 required.

8 (3) A violation of this section is a noncriminal
9 traffic infraction, punishable as a moving ~~nonmoving~~ violation
10 as provided in chapter 318.

11 (4) The provisions of subsection (2) requiring
12 covering and securing the load with a close-fitting tarpaulin
13 or other appropriate cover does not apply to vehicles carrying
14 agricultural products locally from a harvest site or to or
15 from a farm on roads where the posted speed limit is 65 miles
16 per hour or less and the distance driven on public roads is
17 less than 20 miles.

18 Section 4. Subsections (2) and (3) of section 370.31,
19 Florida Statutes, are amended to read:

20 370.31 Commercial production of sturgeon.--

21 (2) CREATION.--The Sturgeon Production Working Group
22 is created within the Department of Agriculture and Consumer
23 Services ~~Environmental Protection~~ and shall be composed of
24 seven ~~six~~ members as follows:

25 (a) The head of the sturgeon research program or
26 designee from the University of Florida, Institute of Food and
27 Agricultural Sciences. Such member shall be appointed by the
28 University of Florida's Vice President for Agricultural
29 Affairs.

1 (b) One representative from the Department of
2 Environmental Protection to be appointed by the Secretary of
3 Environmental Protection.

4 (c) One representative from the Fish and Wildlife
5 Conservation Commission to be appointed by the executive
6 director of the Fish and Wildlife Conservation Commission.

7 (d) One representative from the Department of
8 Agriculture and Consumer Services to be appointed by the
9 Commissioner of Agriculture.

10 (e) Two representatives from the aquaculture industry
11 to be appointed by the Aquaculture Review Council.

12 (f) One representative from a private nonprofit
13 organization involved in sturgeon production work to be
14 appointed by the Commissioner of Agriculture.

15 (3) MEETINGS; PROCEDURES; RECORDS.--The working group
16 shall meet at least twice a year and elect, by a quorum, a
17 chair and, ~~vice chair, and secretary.~~

18 (a) The chair of the working group shall preside at
19 all meetings and shall call a meeting as often as necessary to
20 carry out the provisions of this section. ~~To call a meeting,~~
21 ~~the chair shall solicit an agreement to meet from at least two~~
22 ~~other working group members and then notify any remaining~~
23 ~~members of the meeting.~~

24 (b) The Department of Agriculture and Consumer
25 Services ~~secretary~~ shall keep a complete record of the
26 proceedings of each meeting, which includes the names of the
27 members present at each meeting and the actions taken. ~~Such~~
28 ~~records shall be kept on file with the Department of~~
29 ~~Environmental Protection with copies filed with the Department~~
30 ~~of Fisheries and Aquatic Sciences at the University of~~

31

1 ~~Florida.~~ The records shall be public records pursuant to
2 chapter 119.

3 (c) A quorum shall consist of a majority of the group
4 members. Members of the group shall not receive compensation,
5 but shall be entitled to per diem and travel expenses,
6 including attendance at meetings, as allowed public officers
7 and employees pursuant to s. 112.061 ~~one representative from~~
8 ~~the Department of Environmental Protection, one representative~~
9 ~~from the Institute of Food and Agricultural Sciences, and at~~
10 ~~least two other members.~~

11 Section 5. Section 388.261, Florida Statutes, is
12 amended to read:

13 388.261 State aid to counties and districts for
14 arthropod control; distribution priorities and limitations.--

15 (1) ~~Every county or district budgeting local funds,~~
16 ~~derived either by special tax levy or funds appropriated or~~
17 ~~otherwise made available for the control of mosquitoes and~~
18 ~~other arthropods under a plan submitted by the county or~~
19 ~~district and upon approval by the department, shall be~~
20 ~~eligible to receive state funds, supplies, services, and~~
21 ~~equipment on a dollar-for-dollar matching basis up to but not~~
22 ~~exceeding \$30,000 for any one county for any one year. A~~
23 ~~county or district may, without contributing matching funds,~~
24 ~~receive state funds, supplies, services, or equipment in an~~
25 ~~amount of no more than \$50,000~~~~\$30,000~~ per year for up to 3
26 years for any new ~~or expanded~~ program for the control of
27 mosquitoes and other arthropods which serves an area not
28 previously served by the county or district. These funds may
29 be expended for any and all types of control measures approved
30 by the department.

31

1 (2) ~~In addition,~~ Every county or district budgeting
2 local funds to be used exclusively for the control of
3 mosquitoes and other arthropods, under a plan submitted by the
4 county or district and approved by the department, shall be
5 eligible to receive state funds and supplies, services, and
6 equipment on a dollar-for-dollar matching basis to ~~for control~~
7 ~~measures up to but not exceeding 50 percent of the amount of~~
8 local funds budgeted ~~for such control~~. Should state funds
9 appropriated by the Legislature be insufficient to grant each
10 county or district state funds on a dollar-for-dollar matching
11 basis to 50 percent of the amount budgeted in local funds, the
12 department shall prorate said state funds based on the amount
13 of matchable local funds budgeted for expenditure by each
14 county or district.

15 (3) Every county shall be limited to receive a total
16 of ~~\$120,000~~ \$100,000 of state funds, exclusive of state funds
17 brought forward, during any one year, ~~however, a county or~~
18 ~~district that receives funds under subsection (1) for service~~
19 ~~to an area not previously served may receive up to \$130,000~~
20 ~~during any one year.~~

21 (4) Up to 20 percent of the annual funds appropriated
22 to local governments for arthropod control may be used for
23 arthropod control research or demonstration projects as
24 approved by the department.

25 (5) If more than one local mosquito control agency
26 exists in a county, the funds shall be prorated between the
27 agencies based on the population served by each agency.

28 (6) The Commissioner of Agriculture may exempt
29 counties or districts from the requirements in subsection (1),
30 subsection (2), or subsection (3) when the department
31 determines state funds, supplies, services, or equipment are

1 necessary for the immediate control of mosquitoes and other
2 arthropods that pose a threat to human or animal health.

3 (7) The department may use state funds appropriated
4 for a county or district under subsection (1) or subsection
5 (2) to provide state mosquito or other arthropod control
6 equipment, supplies, or services when requested by a county or
7 district eligible to receive state funds under s. 388.271.

8 (8) The department is authorized to use up to 5
9 percent of the funds appropriated annually by the Legislature
10 for the purposes of this section to provide technical
11 assistance to the counties and districts, or to purchase
12 equipment, supplies, or services the department determines are
13 necessary to administer the provisions of this chapter.

14 Section 6. Subsection (2) of section 388.281, Florida
15 Statutes, is amended to read:

16 388.281 Use of state matching funds.--

17 (2) All funds, supplies, and services released on the
18 dollar-for-dollar 50-percent matching basis shall be used
19 exclusively for an integrated program that provides a
20 combination of mosquito control, source reduction measures,
21 public education, personnel training and certification,
22 arthropod population surveillance, ~~research and demonstration~~
23 projects, larvicides, ~~adulticides,~~ equipment, and public
24 epidemic alerts as approved by the department. Source
25 reduction measures may include measures to improve management
26 and enhance the ecological integrity of source reduction
27 areas. If source reduction measures require permits,
28 approvals, or agreement by federal, state, regional, or local
29 agencies, such permits, approvals, or agreement shall be
30 obtained prior to commencement of the source reduction
31 project. These measures include sanitary landfills, drainage,

1 diking, filling of arthropod breeding areas, and the purchase,
2 maintenance, and operation of all types of equipment including
3 trucks, dredges, draglines, bulldozers, or any other type of
4 machinery and materials utilized in ditching, ditch lining,
5 ditch construction, diking, filling, hiring personnel, rental
6 of equipment, and payment for contract work awarded to the
7 lowest responsible bidder.

8 Section 7. Subsection (6) of section 388.361, Florida
9 Statutes, is amended, and subsection (7) is added to said
10 section, to read:

11 388.361 Department authority and rules;
12 administration.--

13 (6) The department shall have the authority to
14 cooperate with federal, ~~and~~ state, and local agencies and to
15 enter into such cooperative agreements or commitments as the
16 department may determine necessary to carry out and enforce
17 the provisions of this chapter.

18 (7) The department shall have the authority to
19 collect, detect, suppress, and control mosquitoes and other
20 arthropods that are determined by the State Health Officer to
21 pose a threat to public health or by the Commissioner of
22 Agriculture to pose a threat to animal health, wherever they
23 may occur on public or private land in this state, and to do
24 all things necessary in the exercise of such authority. Prior
25 to the start of treatments for the control of mosquitoes or
26 other arthropods, the department shall consult with the
27 mosquito control districts in the proposed treatment areas,
28 the Department of Health, the Department of Environmental
29 Protection, and the Fish and Wildlife Conservation Commission
30 regarding the proposed locations, dates, and methods to be
31 used.

1 Section 8. Section 388.45, Florida Statutes, is
2 amended to read:

3 388.45 Threat to public or animal health; ~~emergency~~
4 declarations.--

5 (1) The State Health Officer has the authority to
6 declare that a threat to public health exists when the
7 Department of Health discovers in the human or surrogate
8 population the occurrence of an infectious disease that can be
9 transmitted from mosquitoes or other arthropods to humans. The
10 State Health Officer must immediately notify the Commissioner
11 of Agriculture of the declaration of this threat to public
12 health. The Commissioner of Agriculture is authorized to issue
13 a mosquito or other arthropod declaration in those counties
14 needing additional mosquito or other arthropod control
15 measures ~~an emergency declaration~~ based on the State Health
16 Officer's declaration of a threat to the public health ~~or~~
17 ~~based on other threats to animal health~~. Each declaration must
18 contain the geographical boundaries and the duration of the
19 declaration. The State Health Officer shall order such human
20 medical preventive treatment and the Commissioner of
21 Agriculture shall order such ameliorative mosquito or other
22 arthropod control measures as are necessary to prevent the
23 spread of disease, notwithstanding contrary provisions of this
24 chapter or the rules adopted under this chapter. Within 24
25 hours after a declaration of a threat to the public health,
26 the State Health Officer must also notify the agency heads of
27 the Department of Environmental Protection and the Fish and
28 Wildlife Conservation Commission of the declaration. Within 24
29 hours after a mosquito or other arthropod ~~an emergency~~
30 declaration based on the public health declaration ~~or based on~~
31 ~~other threats to animal health~~, the Commissioner of

1 Agriculture must notify the agency heads of the Department of
2 Environmental Protection and the Fish and Wildlife
3 Conservation Commission of the declaration. ~~Within 24 hours~~
4 ~~after an emergency declaration based on other threats to~~
5 ~~animal health, the Commissioner of Agriculture must also~~
6 ~~notify the agency head of the Department of Health of the~~
7 ~~declaration.~~

8 (2) The Commissioner of Agriculture has the authority
9 to declare that a threat to animal health exists when the
10 department discovers the occurrence of an infectious disease
11 in animals that can be transmitted by mosquitoes or other
12 arthropods and is authorized to issue an animal health
13 declaration in those counties needing additional veterinary
14 care or mosquito or other arthropod control measures based on
15 a threat to animal health. Each declaration must contain the
16 geographical boundaries and the duration of the declaration.
17 The Commissioner of Agriculture shall order such veterinary
18 treatment or ameliorative mosquito or other arthropod control
19 measures as are necessary to prevent the spread of disease,
20 notwithstanding contrary provisions of this chapter or the
21 rules adopted under this chapter. The Commissioner of
22 Agriculture shall immediately notify the State Health Officer
23 and the agency heads of the Department of Environmental
24 Protection and the Fish and Wildlife Conservation Commission
25 upon issuance of an animal health declaration.

26 Section 9. Subsection (11) of section 403.067, Florida
27 Statutes, is amended to read:

28 403.067 Establishment and implementation of total
29 maximum daily loads.--

30 (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

31

1 (a) The department shall not implement, without prior
2 legislative approval, any additional regulatory authority
3 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part
4 130, if such implementation would result in water quality
5 discharge regulation of activities not currently subject to
6 regulation.

7 (b) Interim measures, best management practices, or
8 other measures may be developed and voluntarily implemented
9 pursuant to paragraph (7)(c) or paragraph (7)(d) for any water
10 body or segment for which a total maximum daily load or
11 allocation has not been established. The implementation of
12 such pollution control programs may be considered by the
13 department in the determination made pursuant to subsection
14 (4).

15 Section 10. Paragraph (e) of subsection (3) of section
16 403.709, Florida Statutes, is amended to read:

17 403.709 Solid Waste Management Trust Fund; use of
18 waste tire fee moneys; waste tire site management.--

19 (3) Moneys allocated to the fund from waste tire fees
20 shall be used:

21 (e) At least 10 percent of the revenues deposited in
22 the fund annually from waste tire fees shall be allocated as
23 additional grants to local mosquito control agencies in
24 accordance with s. 388.261 for the specific purpose of abating
25 and providing mosquito control relating to waste tire sites,
26 other tire piles, and other sites identified by local mosquito
27 control agencies as mosquito breeding areas. Only local
28 mosquito control agencies approved by the Department of
29 Agriculture and Consumer Services may receive funds pursuant
30 to this paragraph. ~~Each county with an eligible local~~
31 ~~mosquito control agency shall be allocated a minimum of~~

1 ~~\$15,000 pursuant to this paragraph. Any remaining funds under~~
2 ~~this paragraph shall be distributed to eligible local mosquito~~
3 ~~control agencies on the basis of county population. If more~~
4 ~~than one local mosquito control agency exists in a county, the~~
5 ~~funds shall be prorated between the agencies based on the~~
6 ~~population served by each agency.~~

7 Section 11. Subsection (3) of section 482.2401,
8 Florida Statutes, is amended to read:

9 482.2401 Disposition and use of revenues from fees and
10 fines.--

11 (3) All revenues from administrative fines shall be
12 used to support contract research or education in ~~all~~ pest
13 control ~~categories~~. The department shall appoint a committee
14 composed of pest control industry members which shall assist
15 the department in establishing research or education
16 priorities, in developing requests for proposals for bids, and
17 in selecting research or education contractors from qualified
18 bidders.

19 Section 12. Section 482.243, Florida Statutes, is
20 created to read:

21 482.243 Pest Control Enforcement Advisory Council.--

22 (1) The Pest Control Enforcement Advisory Council is
23 created within the department. The Commissioner of Agriculture
24 shall appoint all members of the council. The purpose of the
25 council is to advise the Commissioner of Agriculture regarding
26 the regulation of pest control practices and to advise
27 government agencies with respect to those activities related
28 to their responsibilities regarding pest control. The council
29 shall serve as the statewide forum for the coordination of
30 pest control related activities to eliminate duplication of
31 effort and maximize protection of the public.

1 (2) The council shall consist of 11 members as
2 follows: a representative of the department; a citizen not
3 involved in the conduct of pest control; a state university
4 urban entomologist; and eight persons each holding a pest
5 control operator's certificate issued under s. 482.111, of
6 whom two shall be actively involved in termite control, two
7 shall be actively involved in general household pest control,
8 two shall be actively involved in structural fumigation, and
9 two shall be actively involved in lawn and landscape pest
10 control. Each member shall be appointed for a term of 4 years
11 and shall serve until a successor is appointed.

12 (3) In conducting its meetings, the council shall use
13 Robert's Rules of Order. A majority of the members of the
14 council constitutes a quorum for all purposes, and an act by a
15 majority of such quorum at any meeting constitutes an official
16 act of the council. The secretary shall keep a complete record
17 of each meeting which must show the names of members present
18 and the actions taken. These records must be kept on file with
19 the department, and these records and other documents about
20 matters within the jurisdiction of the council are subject to
21 inspection by members of the council.

22 (4) The members of the council shall meet and organize
23 by electing a chair, a vice chair, and a secretary whose terms
24 shall be for 1 year each. Council officers may not serve
25 consecutive terms.

26 (5) The council shall meet at the call of its chair,
27 at the request of a majority of its members, at the request of
28 the department, or at such time as a public health or
29 environmental emergency arises.

30 (6) The meetings, powers and duties, procedures,
31 recordkeeping, and reimbursement of expenses of members of the

1 council shall be in accordance with the provisions of s.
2 570.0705 relating to advisory committees established within
3 the department.

4 (7) The council shall receive reports of pest control
5 enforcement activity conducted by the Division of Agricultural
6 Environmental Services, which shall include numbers of cases,
7 numbers of administrative actions, numbers of complaints
8 received and investigated, and dispositions of complaints;
9 provide advice to the department on the conduct of pest
10 control enforcement activities; receive reports on
11 disciplinary actions, provided that the names of individual
12 licensees shall be expunged from cases discussed before the
13 council, unless a consent order or final order has been issued
14 in the case; and make recommendations, subject to a majority
15 vote, directly to the Commissioner of Agriculture for actions
16 to be taken with respect to the regulation of pest control
17 services and practices that the council has reviewed.

18 Section 13. Subsection (8) of section 496.404, Florida
19 Statutes, is amended to read:

20 496.404 Definitions.--As used in ss. 496.401-496.424:

21 (8) "Educational institutions" means those
22 institutions and organizations described in s.
23 212.08(7)(cc)8.a. The term includes private nonprofit
24 organizations the purpose of which is to raise funds for
25 schools teaching kindergarten through grade 12, colleges, and
26 universities, including any nonprofit newspaper of free or
27 paid circulation primarily on university or college campuses
28 that holds a current exemption from federal income tax under
29 s. 501(c)(3) of the Internal Revenue Code, any educational
30 television or radio network or system established pursuant to
31 s. 229.805 or s. 229.8051, and any nonprofit television or

1 radio station that is a part of such network or system and
2 that holds a current exemption from federal income tax under
3 s. 501(c)(3) of the Internal Revenue Code. The term also
4 includes a nonprofit educational cable consortium that holds a
5 current exemption from federal income tax under s. 501(c)(3)
6 of the Internal Revenue Code, the primary purpose of which is
7 the delivery of educational and instructional cable television
8 programming and the members of which are composed exclusively
9 of educational organizations that hold a valid consumer
10 certificate of exemption and that are either an educational
11 institution as defined in this subsection or qualified as a
12 nonprofit organization pursuant to s. 501(c)(3) of the
13 Internal Revenue Code.

14 Section 14. Subsection (6) is added to section
15 500.121, Florida Statutes, to read:

16 500.121 Disciplinary procedures.--

17 (6) If the department determines that a food offered
18 in a food establishment is labeled with nutrient claims that
19 are in violation of this chapter, the department shall retest
20 or reexamine the product within 90 days after notification to
21 the manufacturer and to the firm at which the product was
22 collected. If the product is again found in violation, the
23 department shall test or examine the product for a third time
24 within 60 days after the second notification. The product
25 manufacturer shall reimburse the department for the cost of
26 the third test or examination. If the product is found in
27 violation for a third time, the department shall exercise its
28 authority under s. 500.172 and issue a stop-sale or stop-use
29 order. The department may impose additional sanctions for
30 violations of this subsection.

31

1 Section 15. Subsection (8) is added to section
2 501.160, Florida Statutes, to read:

3 501.160 Rental or sale of essential commodities during
4 a declared state of emergency; prohibition against
5 unconscionable prices.--

6 (8) Any violation of this section may be enforced by
7 the Department of Agriculture and Consumer Services, the
8 Office of the State Attorney, or the Department of Legal
9 Affairs.

10 Section 16. Subsection (35) of section 570.07, Florida
11 Statutes, is amended to read:

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

15 (35) Under emergency conditions, to authorize the
16 purchase of supplemental nutritional food and drink items,
17 provide meals when personnel cannot leave an emergency
18 incident location,and set temporary meal expenditure limits
19 for employees engaged in physical activity for prolonged
20 periods of time in excess of the rate established by s.
21 112.061(6), but not to exceed \$50 per day.

22 Section 17. Section 570.073, Florida Statutes, is
23 amended to read:

24 570.073 Department of Agriculture and Consumer
25 Services, law enforcement officers.--

26 (1) The commissioner may create an Office of
27 Agricultural Law Enforcement under the supervision of a senior
28 manager exempt under s. 110.205 in the Senior Management
29 Service. The commissioner may designate law enforcement
30 officers, as necessary, to enforce any criminal law or conduct
31 any criminal investigation or to enforce the provisions of any

1 ~~statute or any other laws of this state~~relating to any matter
2 ~~over which the department has jurisdiction or which occurs on~~
3 ~~property owned, managed, or occupied by the department.~~
4 Officers appointed under this section have the primary
5 responsibility for enforcing laws relating to agriculture and
6 consumer services as outlined below and violations of law that
7 threaten the overall security and safety of this state's
8 agriculture and consumer services.~~Those matters include~~ The
9 primary responsibilities include the enforcement of laws
10 relating to:
11 (a) Domesticated animals, including livestock,
12 poultry, aquaculture products, and other wild or domesticated
13 animals or animal products.
14 (b) Farms, farm equipment, livery tack, citrus or
15 citrus products, or horticultural products.
16 (c) Trespass, littering, forests, forest fires, and
17 open burning.
18 (d) Damage to or theft of forest products.
19 (e) Enforcement of a marketing order.
20 (f) Protection of consumers.
21 (g) Civil traffic offenses as outlined under Florida
22 law provided for in chapters 316, 320, and 322, subject to the
23 ~~provisions of chapter 318, relating to any matter over which~~
24 ~~the department has jurisdiction or committed on property~~
25 ~~owned, managed, or occupied by the department.~~
26 (h) The use of alcohol or drugs which occurs on
27 property owned, managed, or occupied by the department.
28 (i) Any emergency situation in which the life, limb,
29 or property of any person is placed in immediate and serious
30 danger.
31

1 (j) Any crime incidental to or related to paragraphs
2 (a)-(i).

3 (k) Any law over which the Commissioner of Agriculture
4 has responsibility.

5 (2) Each law enforcement officer shall meet the
6 qualifications of law enforcement officers under s. 943.13 and
7 shall be certified as a law enforcement officer by the
8 Department of Law Enforcement under the provisions of chapter
9 943. Upon certification, each law enforcement officer is
10 subject to and shall have the same arrest and other authority
11 provided for law enforcement officers generally in chapter 901
12 and shall have statewide jurisdiction as provided in
13 subsection (1). Each officer shall also have arrest authority
14 as provided for state law enforcement officers in s.
15 901.15(11). Such officers have full law enforcement powers
16 granted to other peace officers of this state, including the
17 power to make arrests, carry firearms, serve court process,
18 and seize contraband and the proceeds of illegal activities.

19 (3) The Commissioner may also appoint part-time,
20 reserve or auxiliary law enforcement officers under chapter
21 943.

22 (4)(3) All department law enforcement officers, upon
23 certification under s. 943.1395, shall have the same right and
24 authority to carry arms as do the sheriffs of this state.

25 (5)(4) Each law enforcement officer in the state who
26 is certified pursuant to chapter 943 has the same authority as
27 law enforcement officers designated in this section to enforce
28 the laws of this state as described in subsection (1).

29 Section 18. Subsection (1) of section 316.640, Florida
30 Statutes, is amended to read:

31

1 316.640 Enforcement.--The enforcement of the traffic
2 laws of this state is vested as follows:

3 (1) STATE.--

4 (a)1.

5 a. The Division of Florida Highway Patrol of the
6 Department of Highway Safety and Motor Vehicles, the Division
7 of Law Enforcement of the Fish and Wildlife Conservation
8 Commission, the Division of Law Enforcement of the Department
9 of Environmental Protection, and law enforcement officers of
10 the Department of Transportation each have authority to
11 enforce all of the traffic laws of this state on all the
12 streets and highways thereof and elsewhere throughout the
13 state wherever the public has a right to travel by motor
14 vehicle. The Division of the Florida Highway Patrol may employ
15 as a traffic accident investigation officer any individual who
16 successfully completes at least 200 hours of instruction in
17 traffic accident investigation and court presentation through
18 the Selective Traffic Enforcement Program as approved by the
19 Criminal Justice Standards and Training Commission and funded
20 through the National Highway Traffic Safety Administration or
21 a similar program approved by the commission, but who does not
22 necessarily meet the uniform minimum standards established by
23 the commission for law enforcement officers or auxiliary law
24 enforcement officers under chapter 943. Any such traffic
25 accident investigation officer who makes an investigation at
26 the scene of a traffic accident may issue traffic citations,
27 based upon personal investigation, when he or she has
28 reasonable and probable grounds to believe that a person who
29 was involved in the accident committed an offense under this
30 chapter, chapter 319, chapter 320, or chapter 322 in
31 connection with the accident. This paragraph does not permit

1 the carrying of firearms or other weapons, nor do such
2 officers have arrest authority other than for the issuance of
3 a traffic citation as authorized in this paragraph.

4 b. University police officers shall have authority to
5 enforce all of the traffic laws of this state when such
6 violations occur on or about any property or facilities that
7 are under the guidance, supervision, regulation, or control of
8 the State University System, except that traffic laws may be
9 enforced off-campus when hot pursuit originates on-campus.

10 c. Community college police officers shall have the
11 authority to enforce all the traffic laws of this state only
12 when such violations occur on any property or facilities that
13 are under the guidance, supervision, regulation, or control of
14 the community college system.

15 d. Police officers employed by an airport authority
16 shall have the authority to enforce all of the traffic laws of
17 this state only when such violations occur on any property or
18 facilities that are owned or operated by an airport authority.

19 (I) An airport authority may employ as a parking
20 enforcement specialist any individual who successfully
21 completes a training program established and approved by the
22 Criminal Justice Standards and Training Commission for parking
23 enforcement specialists but who does not otherwise meet the
24 uniform minimum standards established by the commission for
25 law enforcement officers or auxiliary or part-time officers
26 under s. 943.12. Nothing in this sub-sub-subparagraph shall be
27 construed to permit the carrying of firearms or other weapons,
28 nor shall such parking enforcement specialist have arrest
29 authority.

30 (II) A parking enforcement specialist employed by an
31 airport authority is authorized to enforce all state, county,

1 and municipal laws and ordinances governing parking only when
2 such violations are on property or facilities owned or
3 operated by the airport authority employing the specialist, by
4 appropriate state, county, or municipal traffic citation.

5 e. The Office of Agricultural Law Enforcement of the
6 Department of Agriculture and Consumer Services shall have the
7 authority to enforce traffic laws of this state ~~only as~~
8 ~~authorized by the provisions of chapter 570. However, nothing~~
9 ~~in this section shall expand the authority of the Office of~~
10 ~~Agricultural Law Enforcement at its agricultural inspection~~
11 ~~stations to issue any traffic tickets except those traffic~~
12 ~~tickets for vehicles illegally passing the inspection station.~~

13 f. School safety officers shall have the authority to
14 enforce all of the traffic laws of this state when such
15 violations occur on or about any property or facilities which
16 are under the guidance, supervision, regulation, or control of
17 the district school board.

18 2. An agency of the state as described in subparagraph
19 1. is prohibited from establishing a traffic citation quota. A
20 violation of this subparagraph is not subject to the penalties
21 provided in chapter 318.

22 3. Any disciplinary action taken or performance
23 evaluation conducted by an agency of the state as described in
24 subparagraph 1. of a law enforcement officer's traffic
25 enforcement activity must be in accordance with written
26 work-performance standards. Such standards must be approved by
27 the agency and any collective bargaining unit representing
28 such law enforcement officer. A violation of this subparagraph
29 is not subject to the penalties provided in chapter 318.

30
31

1 (b)1. The Department of Transportation has authority
2 to enforce on all the streets and highways of this state all
3 laws applicable within its authority.

4 2.a. The Department of Transportation shall develop
5 training and qualifications standards for toll enforcement
6 officers whose sole authority is to enforce the payment of
7 tolls pursuant to s. 316.1001. Nothing in this subparagraph
8 shall be construed to permit the carrying of firearms or other
9 weapons, nor shall a toll enforcement officer have arrest
10 authority.

11 b. For the purpose of enforcing s. 316.1001,
12 governmental entities, as defined in s. 334.03, which own or
13 operate a toll facility may employ independent contractors or
14 designate employees as toll enforcement officers; however, any
15 such toll enforcement officer must successfully meet the
16 training and qualifications standards for toll enforcement
17 officers established by the Department of Transportation.

18 Section 19. Paragraph (b) of subsection (5) of section
19 570.71, Florida Statutes, is amended to read:

20 570.71 Conservation easements and agreements.--

21 (5) Agricultural protection agreements shall be for
22 terms of 30 years and will provide payments to landowners
23 having significant natural areas on their land. Public access
24 and public recreational opportunities may be negotiated at the
25 request of the landowner.

26 (b) As part of the agricultural protection agreement,
27 the parties shall agree that the state shall have a right to
28 buy a conservation easement or rural land protection easement
29 at the end of the 30-year term ~~or prior to the landowner~~
30 ~~transferring or selling the property, whichever occurs later.~~
31 If the landowner tenders the easement for the purchase and the

1 state does not timely exercise its right to buy the easement,
2 the landowner shall be released from the agricultural
3 agreement. The purchase price of the easement shall be
4 established in the agreement and shall be based on the value
5 of the easement at the time the agreement is entered into,
6 plus a reasonable escalator multiplied by the number of full
7 calendar years following the date of the commencement of the
8 agreement. The landowner may transfer or sell the property
9 before the expiration of the 30-year term, but only if the
10 property is sold subject to the agreement and the buyer
11 becomes the successor in interest to the agricultural
12 protection agreement. Upon mutual consent of the parties, a
13 landowner may enter into a perpetual easement at any time
14 during the term of an agricultural protection agreement.

15 Section 20. Subsection (8) of section 573.124, Florida
16 Statutes, is amended to read:

17 573.124 Penalties; violation; hearings.--

18 (8) It shall be a felony of the third degree
19 ~~misdemeanor of the second degree~~, punishable as provided in s.
20 775.082 or s. 775.083, for:

21 (a) Any person to willfully render or furnish a false
22 or fraudulent report, statement, or record required by the
23 department, or any marketing agreement or marketing order
24 effective thereunder.

25 (b) Any person engaged in the handling of any
26 agricultural commodity or in the wholesale or retail trade
27 thereof to fail or refuse to furnish to the department or its
28 duly authorized agents, upon request, information concerning
29 the name and address of the persons from whom he or she has
30 received any agricultural commodity regulated by a marketing
31

1 order issued and in effect hereunder, and the quantity of the
2 commodity so received.

3 Section 21. Section 581.091, Florida Statutes, is
4 amended to read:

5 581.091 Noxious weeds and infected plants or regulated
6 articles; sale or distribution; receipt; information to
7 department; withholding information.--

8 (1) It is unlawful for any person to knowingly sell,
9 offer for sale, or distribute any noxious weed, or any plant
10 or plant product or regulated article infested or infected
11 with any plant pest declared, by rule of the department, to be
12 a public nuisance or a threat to the state's agricultural and
13 horticultural interests.

14 (2) Any person who knows or reasonably should know
15 that such person possesses or has knowingly received any
16 noxious weed or any plant, plant product, or regulated article
17 sold, given away, carried, shipped, or delivered for carriage
18 or shipment in violation of the provisions of this chapter or
19 the rules adopted thereunder shall immediately inform the
20 department and isolate and hold the weed, plant, plant
21 product, or other thing unopened or unused subject to
22 inspection or other disposition as may be provided by the
23 department.

24 (3) It is unlawful for any person to fail to disclose
25 or withhold available information regarding any infected or
26 infested plant, plant product, regulated article, or noxious
27 weed.

28 (4) The department, in conjunction with the Institute
29 of Food and Agricultural Sciences at the University of
30 Florida, shall biennially review the official state lists of
31 noxious weeds and invasive plants as provided for under this

1 chapter and department rules. The plants listed in section
2 369.251 shall be incorporated into the department lists as
3 provided for under this chapter. A water management district
4 when identifying by rule pursuant to section 373.185, or a
5 local government when identifying by ordinance or regulation
6 adopted on or after March 1, 2002, a list of noxious weeds,
7 invasive plants, or plants deemed to be a public nuisance or
8 threat, shall only adopt the lists developed under this
9 chapter or rules adopted thereunder. All local government
10 ordinances or regulations adopted prior to March 1, 2002, that
11 list noxious weeds or invasive plants shall remain in effect.
12 All local ordinances or regulations requiring the removal of
13 invasive plants or noxious weeds from publicly or privately
14 owned conservation areas or preserves shall be exempt from the
15 limitations in this subsection.

16 Section 22. Subsection (5) is added to section 585.08,
17 Florida Statutes, to read:

18 585.08 General powers of the department; rules.--The
19 Division of Animal Industry is authorized to:

20 (5) Condemn and destroy any animal that is liable to
21 spread any contagious, infectious, or communicable disease
22 based upon sound epidemiological facts and conclusions to
23 prevent the further spread of disease when a state or
24 agricultural declaration of emergency has been declared by the
25 Governor or the Commissioner of Agriculture.

26 Section 23. Section 585.09, Florida Statutes, is
27 amended to read:

28 585.09 Procedure for condemnation of animals and
29 property by department.--Condemnation and destruction of
30 animals, barns, yards, sheds, corrals, and pens, as provided
31 in s. 585.08, shall take place only after a fair appraisal of

1 the value of the property. The value shall be determined by
2 the department and the owner; provided, however, should the
3 department and the owner be unable to agree on a value, the
4 value shall then be determined by three disinterested
5 appraisers, one to be appointed by the department, one by the
6 owner of the property, and the third to be selected by these
7 two. The appraised price, ~~subject to the provisions of s.~~
8 ~~585.10,~~ shall be paid by the department as other expenses are
9 paid. If the owner of such animal, barn, yard, shed, corral,
10 or pen fails or refuses to name an appraiser within 5 days
11 after requested by the department to do so, or refuses to
12 permit the property to be condemned and destroyed, the
13 department may make an order to the sheriff of the county
14 wherein the property lies, directing her or him to destroy
15 such animal, barn, yard, shed, corral, or pen, in the manner
16 to be prescribed in the order. The order shall be immediately
17 executed by the sheriff. Upon the destruction of the property
18 by the sheriff, the department shall have the right to
19 recover, from the owner of the property destroyed, all costs
20 and expenses incurred by it in connection with the
21 destruction.

22 Section 24. Section 585.10, Florida Statutes, is
23 repealed.

24 Section 25. Section 585.11, Florida Statutes, is
25 amended to read:

26 585.11 Cooperation with United States authorities and
27 United States Department of Agriculture accredited private
28 veterinarians.--The department may cooperate with:

29 (1) The authorities of the United States in the
30 enforcement of all acts of Congress for the control,
31 prevention, suppression, and eradication of contagious,

1 infectious, and communicable diseases affecting animals, or
2 animal diseases which may affect humans, and in connection
3 therewith may:

4 (a) Appoint inspectors of the United States Department
5 of Agriculture as temporary assistant state veterinarians or
6 livestock inspectors; provided, they shall first consent to
7 act without compensation or profit from the state;

8 (b) Accept aid or assistance from the United States in
9 conducting work related to the control or eradication of
10 tuberculosis, brucellosis, pseudorabies, hog cholera, and any
11 other such dangerous disease, or from any of its officers,
12 representatives, or agents, in carrying out such work.

13 (2) The officials of the United States Department of
14 Agriculture in the control or eradication of tuberculosis,
15 brucellosis, pseudorabies, and hog cholera and with the owners
16 of animals, who accept indemnity for animals found to be
17 diseased and slaughtered in accordance with the special Acts
18 of Congress now in effect and appropriating funds for this
19 purpose, or that may hereafter be available from such source.

20 (3) The United States Department of Agriculture in
21 carrying out the provisions of the National Poultry
22 Improvement Plan and the National Turkey Improvement Plan in
23 Florida, and in connection therewith, may promulgate rules
24 necessary to carry out the provisions of the National Poultry
25 Improvement Plan and the National Turkey Improvement Plan in
26 Florida.

27 (4) Appointed United States Department of Agriculture
28 accredited private veterinarians in conducting work related to
29 the control or eradication of contagious and infectious
30 diseases, who may be compensated for services.

31

1 Section 26. Subsection (1) of section 585.21, Florida
2 Statutes, is amended to read:

3 585.21 Sale of biological products.--

4 (1) Each biological product intended for diagnostic or
5 therapeutic purposes for animals which is manufactured for
6 sale or sold in the state shall first be officially approved
7 by the United States Department of Agriculture and shall have
8 written permission of the Department of Agriculture and
9 Consumer Services prior to sale in the state.

10 Section 27. Subsection (3) of section 585.61, Florida
11 Statutes, is amended to read:

12 585.61 Animal disease diagnostic laboratories.--

13 (3) Any person who maintains animals in the state may
14 use the services of the laboratories under the terms of this
15 section and the rules adopted for such use by the department.
16 The department shall require any user of its services to pay a
17 fee not to exceed ~~\$300~~\$15 for any one of the services
18 requested, ~~except that a fee for necropsy may be imposed in an~~
19 ~~amount not to exceed \$70.~~ All laboratory fees collected shall
20 be deposited in the Animal Industry Diagnostic Laboratory
21 Account within the General Inspection Trust Fund. The fees
22 collected shall be used to improve the diagnostic laboratory
23 services as provided for by the Legislature in the General
24 Appropriations Act.

25 Section 28. Paragraphs (d), (f), and (g) of subsection
26 (1) and subsection (5) of section 590.02, Florida Statutes,
27 are amended, and paragraph (h) is added to subsection (1) of
28 said section, to read:

29 590.02 Division powers, authority, and duties;
30 liability; building structures; Florida Center for Wildfire
31 and Forest Resources Management Training.--

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

3 (d) To appoint center managers, forest area
4 supervisors, forestry program administrators, a forest
5 protection bureau chief, a forest protection assistant bureau
6 chief, a field operations bureau chief, deputy chiefs of field
7 operations, district managers, senior forest rangers,
8 investigators, forest rangers, firefighter rotorcraft pilots,
9 and other employees who may, at the division's discretion, be
10 certified as forestry firefighters pursuant to s. 633.35(4).
11 Other provisions of law notwithstanding, center managers,
12 district managers, the forest protection assistant bureau
13 chief, and deputy chiefs of field operations shall have
14 Selected Exempt Service status in the state personnel
15 designation;

16 (f) To make rules to accomplish the purposes of this
17 chapter; ~~and~~

18 (g) To provide fire management services and emergency
19 response assistance and to set and charge reasonable fees for
20 performance of those services. Moneys collected from such fees
21 shall be deposited into the Incidental Trust Fund of the
22 division; and

23 (h) To require all state, regional, and local
24 government agencies operating aircraft in the vicinity of an
25 ongoing wildfire to operate in compliance with the applicable
26 state Wildfire Aviation Plan.

27 (5)(a) The division shall organize its operational
28 units to most effectively prevent, detect, and suppress
29 wildfires, and to that end, may employ the necessary personnel
30 to manage its activities in each unit. The division may
31 construct lookout towers, roads, bridges, firelines, and other

1 facilities and may purchase or fabricate tools, supplies, and
2 equipment for firefighting. The division may reimburse the
3 public and private entities that it engages to assist in the
4 suppression of wildfires for their personnel and equipment,
5 including aircraft.

6 (b) The Cross City Work center shall be named the L.
7 Earl Peterson Forestry Station. This is to honor Mr. L. Earl
8 Peterson, Florida's sixth state forester, a native of Dixie
9 County whose distinguished career in state government has
10 spanned 44 years.

11 Section 29. Section 590.11, Florida Statutes, is
12 amended to read:

13 590.11 Recreational fires.--

14 (1) It is unlawful for any individual or group of
15 individuals to build a warming fire, bonfire, or campfire and
16 leave it unattended or unextinguished.

17 (2) Any person who violates a provision of this
18 section commits a misdemeanor of the second degree, punishable
19 as provided in s. 775.082 or s. 775.083.

20 Section 30. Paragraph (b) of subsection (3) and
21 subsections (4) and (5) of section 590.125, Florida Statutes,
22 are amended to read:

23 590.125 Open burning authorized by the division.--

24 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS
25 AND PURPOSE.--

26 (b) Certified prescribed burning pertains only to
27 broadcast burning. It must be conducted in accordance with
28 this subsection and:

29 1. May ~~only~~ be accomplished only when a certified
30 prescribed burn manager is present on site with a copy of the
31 prescription from ignition of the burn to its completion.

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

3 3. Requires that the specific consent of the landowner
4 or his or her designee be obtained before requesting an
5 authorization.

6 4. Requires that an authorization to burn be obtained
7 from the division before igniting the burn.

8 5. Requires that there be adequate firebreaks at the
9 burn site and sufficient personnel and firefighting equipment
10 for the control of the fire.

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

14 7. Is considered to be a property right of the
15 property owner if vegetative fuels are burned as required in
16 this subsection.

17 (4) WILDFIRE HAZARD REDUCTION TREATMENT ~~BURNING~~ BY THE
18 DIVISION.--The division may conduct fuel reduction
19 initiatives, including, but not limited to, burning and
20 mechanical and chemical treatment, on ~~prescribe burn~~ any area
21 of wild land within the state which is reasonably determined
22 to be in danger of wildfire in accordance with the following
23 procedures:

24 (a) Describe the areas that will receive fuels
25 treatment ~~be prescribe burned~~ to the affected local
26 governmental entity.

27 (b) Publish a treatment ~~prescribed burn~~ notice,
28 including a description of the area to be treated ~~burned~~, in a
29 conspicuous manner in at least one newspaper of general
30 circulation in the area of the treatment ~~burn~~ not less than 10
31 days before the treatment ~~burn~~.

1 (c) Prepare, and the county tax collector shall
2 include with the annual tax statement, a notice to be sent to
3 all landowners in each township designated by the division as
4 a wildfire hazard area. The notice must describe particularly
5 the area to be treated ~~burned~~ and the tentative date or dates
6 of the treatment ~~burning~~ and must list the reasons for and the
7 expected benefits from the wildfire hazard reduction
8 ~~prescribed burning~~.

9 (d) Consider any landowner objections to the fuels
10 treatment ~~prescribed burning~~ of his or her property. The
11 landowner may apply to the director of the division for a
12 review of alternative methods of fuel reduction on the
13 property. If the director or his or her designee does not
14 resolve the landowner objection, the director shall convene a
15 panel made up of the local forestry unit manager, the fire
16 chief of the jurisdiction, and the affected county or city
17 manager, or any of their designees. If the panel's
18 recommendation is not acceptable to the landowner, the
19 landowner may request further consideration by the
20 Commissioner of Agriculture or his or her designee and shall
21 thereafter be entitled to an administrative hearing pursuant
22 to the provisions of chapter 120.

23 (5) DUTIES OF AGENCIES.--The Department of Education
24 shall incorporate, where feasible and appropriate, the issues
25 of fuels treatment, including prescribed burning into its
26 educational materials.

27 Section 31. Subsection (3) of section 590.14, Florida
28 Statutes, is amended to read:

29 590.14 Notice of violation; penalties.--

30 (3) The department may also impose an administrative
31 fine, not to exceed \$1,000 per violation of any section of

1 chapter 589 or this chapter. The fine shall be based upon the
2 degree of damage, ~~and~~ prior violation record of the person, or
3 the person knowingly providing false information to obtain an
4 authorization. The fines shall be deposited in the Incidental
5 Trust Fund of the division.

6 Section 32. Subsection (4) is added to section
7 597.020, Florida Statutes, to read:

8 597.020 Shellfish processors; regulation.--

9 (4) Any license or certification authorized and issued
10 under this chapter shall automatically expire on June 30 of
11 each year.

12 Section 33. Section 604.40, Florida Statutes, is
13 created to read:

14 604.40 Farm equipment.--Notwithstanding any other law,
15 ordinance, rule or policy to the contrary, all power-drawn,
16 power-driven or self-propelled equipment used on a farm may be
17 stored, maintained, or repaired by the owner within the
18 boundaries of the owner's farm and at least 50 feet away from
19 any public road without limitation.

20 Section 34. Section 604.50, Florida Statutes, is
21 amended to read:

22 604.50 Nonresidential farm buildings.--Notwithstanding
23 any other law to the contrary, any nonresidential farm
24 building ~~located on a farm~~ is exempt from the Florida Building
25 Code and any county or municipal building code. For purposes
26 of this section, the term "nonresidential farm building" means
27 any building or support structure that is used for
28 agricultural purposes, ~~located on a farm~~ that is not used as a
29 residential dwelling, and is located on land that is an
30 integral part of a farm operation or is classified as

31

1 agricultural land pursuant to s. 193.461. The term "farm" is
2 as defined in s. 823.14.

3 Section 35. Paragraph (a) of subsection (7) and
4 paragraph (a) of subsection (14) of section 616.242, Florida
5 Statutes, are amended to read:

6 616.242 Safety standards for amusement rides.--

7 (7) DEPARTMENT INSPECTIONS.--

8 (a) In order to obtain an annual permit, an amusement
9 ride must be inspected by the department in accordance with
10 subsection (11) and receive an inspection certificate. In
11 addition, each permanent amusement ride must be inspected
12 semiannually by the department in accordance with subsection
13 (11) and receive an inspection certificate, and each temporary
14 amusement ride must be inspected by the department in
15 accordance with subsection (11), and must receive an
16 inspection certificate each time the ride is set up or moved
17 to a new location in this state unless the temporary amusement
18 ride is:

19 1. Used at a private event; ~~or~~

20 2. A simulator, the capacity of which does not exceed
21 16 persons; ~~or~~

22 3. A kiddie ride used at a public event, provided that
23 there are no more than three amusement rides at the event,
24 none of the kiddie rides at the event exceed a capacity of 12
25 persons, and the ride has an inspection certificate that was
26 issued within the preceding 6 months. The capacity of a kiddie
27 ride shall be determined by rule of the department, unless the
28 capacity of the ride has been determined and specified by the
29 manufacturer. Any owner of a kiddie ride operating under this
30 exemption is responsible for ensuring that no more than three
31 amusement rides are operated at the event.

1 (14) REPORTING AND INVESTIGATION OF ACCIDENTS AND
2 DEFECTS; IMPOUNDMENTS.--

3 (a) Any accident of which the owner or manager has
4 knowledge or, through the exercise of reasonable diligence
5 should have knowledge, and for which a patron is transported
6 to a hospital, as defined in chapter 395, must be reported by
7 the owner or manager to the department by telephone ~~or~~
8 ~~facsimile~~ within 4 hours after the occurrence of the accident
9 and must be followed up by a written report to the department
10 within 24 hours after the occurrence of the accident.

11 Section 36. (1) The building known as the USDA
12 Service Center Building, located at 1700 Highway 17-98 South,
13 Bartow, Florida, is hereby designated as the John W. Hunt
14 Building.

15 (2) The Department of Agriculture and Consumer
16 Services is authorized to erect a suitable marker for the
17 designation made by this section.

18 Section 37. Section 482.227, Florida Statutes, is
19 amended to read:

20 482.227 Guarantees and warranties.--

21 (1) The Legislature finds that the terms "guarantee"
22 and "warranty" are common in contracts for the treatment of
23 wood-destroying organisms and intends to clarify that the
24 purpose of this section is to ensure that the consumer
25 understands whether a contract contains a guarantee or
26 warranty for repair and retreatment or for retreatment only or
27 contains no guarantee. Unless the contract for treatment of
28 wood-destroying organisms indicates conspicuously on the front
29 page whether the guarantee or warranty is for repair and
30 retreatment or for retreatment only or that no guarantee or
31 warranty is offered, the term "guarantee" or "warranty" may be

1 used in a contract for treatment of wood-destroying organisms
2 only in the following circumstances:

3 (a) If the licensee promises to repair ~~restore~~ any
4 property damaged by wood-destroying organisms during a
5 specified period after the treatment, the term "full" or
6 "unlimited" must be used together with the term "guarantee" or
7 "warranty" wherever that term occurs other than in a
8 disclaimer under subsection (2).

9 (b) If the licensee promises only to provide
10 additional treatment if infestation occurs during a specified
11 period after treatment, the term "limited" must be used with
12 the term "guarantee" or "warranty" wherever that term occurs
13 other than in a disclaimer under subsection (2).

14 (c) If the licensee does not promise to repair ~~restore~~
15 the property or provide additional treatment, the term
16 "guarantee" or "warranty" may not be used except in a
17 disclaimer under subsection (2).

18 (2) A disclaimer indicating that no guarantee or
19 warranty is offered under the contract ~~Any statement~~
20 ~~disclaiming an expressed or implied guarantee or warranty~~ must
21 appear in conspicuous type on the face of the contract.

22 Section 38. Effective October 1, 2003, section
23 482.227, Florida Statutes, as amended by this act, is amended
24 to read:

25 482.227 Guarantees and warranties; contracts executed
26 after October 1, 2003.--

27 (1) The Legislature finds that the terms "guarantee"
28 and "warranty" are common in contracts for the treatment of
29 wood-destroying organisms, ~~and intends to clarify that~~ The
30 purpose of this section is to ensure that contract language
31 describing the consumer understands whether a contract

1 ~~contains~~ a guarantee or warranty is clear and easily
2 identifiable for the protection of consumers and licensees for
3 ~~repair and retreatment or for retreatment only or contains no~~
4 guarantee. Therefore, the provisions of this section shall
5 apply to new contracts for the treatment of wood-destroying
6 organisms issued by the licensee and signed by the customer
7 after October 1, 2003.~~Unless the contract for treatment of~~
8 ~~wood-destroying organisms indicates conspicuously on the front~~
9 ~~page whether the guarantee or warranty is for repair and~~
10 ~~retreatment or for retreatment only or that no guarantee or~~
11 ~~warranty is offered, the term "guarantee" or "warranty" may be~~
12 ~~used in a contract for treatment of wood-destroying organisms~~
13 ~~only in the following circumstances:~~

14 (a) ~~If the licensee promises to repair any property~~
15 ~~damaged by wood-destroying organisms during a specified period~~
16 ~~after the treatment, the term "full" or "unlimited" must be~~
17 ~~used together with the term "guarantee" or "warranty" wherever~~
18 ~~that term occurs other than in a disclaimer under subsection~~
19 ~~(2).~~

20 (b) ~~If the licensee promises only to provide~~
21 ~~additional treatment if infestation occurs during a specified~~
22 ~~period after treatment, the term "limited" must be used with~~
23 ~~the term "guarantee" or "warranty" wherever that term occurs~~
24 ~~other than in a disclaimer under subsection (2).~~

25 (c) ~~If the licensee does not promise to repair the~~
26 ~~property or provide additional treatment, the term "guarantee"~~
27 ~~or "warranty" may not be used except in a disclaimer under~~
28 ~~subsection (2).~~

29 (2) Any contract for treatment of wood-destroying
30 organisms must specify on the first page in bold print that
31 the guarantee or warranty is for repair and retreatment or for

1 retreatment only or that no warranty or guarantee is offered.
2 ~~A disclaimer indicating that no guarantee or warranty is~~
3 ~~offered under the contract must appear in conspicuous type on~~
4 ~~the face of the contract.~~

5 (3) The contract for treatment of wood-destroying
6 organisms must specify on the first page in bold print whether
7 there are any disclaimers, limitations, conditions, or
8 exclusions on the licensee's obligation to repair or retreat
9 the property. Contract sections describing disclaimers,
10 limitations, conditions, or exclusions applicable to the
11 licensee's obligation to repair or retreat the property must
12 contain headings in bold print.

13 (4) If a contract for treatment of wood-destroying
14 organisms contains a disclaimer, limitation, condition, or
15 exclusion applicable to the licensee's obligation to repair or
16 retreat the property, the term "full" or "unlimited" may not
17 be used together with the term "guarantee" or "warranty."

18 Section 39. It is the intent of the Legislature to
19 phase in the requirements set forth in section 39 of this act
20 to provide that the requirements of s. 482.227, Florida
21 Statutes, as amended by section 39, apply only to contracts
22 for the treatment of wood-destroying organisms issued by the
23 licensee and signed by the customer on or after October 1,
24 2003.

25 Section 40. Except as otherwise provided herein, this
26 act shall take effect July 1, 2002.

27 Section 41. Paragraphs (a) and (c) of subsection (1)
28 and subsections (4), (5), (6), (7), (8), and (9) of section
29 163.05, Florida Statutes, are amended to read:

30 163.05 Small County Technical Assistance Program.--

31 (1) Among small counties, the Legislature finds that:

1 (a) The percentage of the population of small counties
2 residing in the unincorporated areas is relatively high based
3 on the United States Decennial Census of 2000 ~~and increased~~
4 ~~substantially between 1980 and 1990.~~

5 (c) Fiscal shortfalls persist even though 12 ~~13~~ of the
6 small counties levied the maximum ad valorem millage
7 authorized in their jurisdictions in 2001 ~~1990~~ and an
8 additional 15 ~~13~~ small counties levied between 8 and 10 mills.

9 (4) The Commissioner of Agriculture ~~Comptroller~~ shall
10 enter into contracts with program providers who shall:

11 (a) Be a foundation that meets the requirements for
12 nonprofit status under s. 501(c)(3) of the Internal Revenue
13 Code with a governing board which includes in its membership
14 county commissioners and professional staff of the county
15 ~~public agency or private, nonprofit corporation, association,~~
16 ~~or entity.~~

17 (b) Have substantial and documented experience working
18 closely with county governments in providing both educational
19 and technical assistance.

20 ~~(c)(b)~~ Use existing resources, services, and
21 information that are available from state or local agencies,
22 universities, or the private sector.

23 ~~(d)(c)~~ Seek and accept funding from any public or
24 private source.

25 ~~(d)~~ ~~Annually submit information to assist the~~
26 ~~Legislative Committee on Intergovernmental Relations in~~
27 ~~preparing a performance review that will include an analysis~~
28 ~~of the effectiveness of the program.~~

29 (e) Assist small counties in developing alternative
30 revenue sources.

31

1 (f) Provide assistance to small counties in ~~the~~ areas
2 such as ~~of~~ financial management, accounting, investing,
3 purchasing, planning and budgeting, debt issuance, public
4 management, management systems, computers and information
5 technology, economic and community development, and public
6 safety management.

7 (g) Provide for an annual independent financial audit
8 of the program.

9 (h) In each county served, conduct a needs assessment
10 upon which the assistance provided for that county will be
11 designed.

12 (5)(a) The Commissioner of Agriculture ~~Comptroller~~
13 shall issue a request for proposals to provide assistance to
14 small counties. The request for proposals shall be required no
15 more frequently than every third year beginning with fiscal
16 year 2004-2005. All contracts in existence on the effective
17 date of this act between the Comptroller and any other party
18 with respect to the Small County Technical Assistance Program
19 may be accepted by the Commissioner of Agriculture as the
20 party in interest and said contracts shall remain in full
21 force and effect according to their terms. ~~At the request of~~
22 ~~the Comptroller, the Legislative Committee on~~
23 ~~Intergovernmental Relations shall assist in the preparation of~~
24 ~~the request for proposals.~~

25 (b) The Commissioner of Agriculture ~~Comptroller~~ shall
26 review each contract proposal submitted.

27 ~~(c) The Legislative Committee on Intergovernmental~~
28 ~~Relations shall review each contract proposal and submit to~~
29 ~~the Comptroller, in writing, advisory comments and~~
30 ~~recommendations, citing with specificity the reasons for its~~
31 ~~recommendations.~~

1 ~~(c)(d)~~ The Commissioner of Agriculture Comptroller and
2 ~~the council~~ shall consider the following factors in reviewing
3 contract proposals:

4 1. The demonstrated capacity of the provider to
5 conduct needs assessments and implement the program as
6 proposed.

7 2. The number of small counties to be served under the
8 proposal.

9 3. The cost of the program as specified in a proposed
10 budget.

11 4. The short-term and long-term benefits of the
12 assistance to small counties.

13 5. The form and extent to which existing resources,
14 services, and information that are available from state and
15 local agencies, universities, and the private sector will be
16 used by the provider under the contract.

17 (6) A decision of the Commissioner of Agriculture
18 ~~Comptroller~~ to award a contract under this section is final
19 and shall be in writing ~~with a copy provided to the~~
20 ~~Legislative Committee on Intergovernmental Relations.~~

21 ~~(7) The Comptroller may enter into contracts and~~
22 ~~agreements with other state and local agencies and with any~~
23 ~~person, association, corporation, or entity other than the~~
24 ~~program providers, for the purpose of administering this~~
25 ~~section.~~

26 (7)(8) The Commissioner of Agriculture Comptroller
27 shall provide fiscal oversight to ensure that funds expended
28 for the program are used in accordance with the contracts
29 entered into pursuant to subsection (4) and shall conduct a
30 performance review of the program as may be necessary to
31

1 ensure that the goals and objectives of the program are being
2 met.

3 ~~(9) The Legislative Committee on Intergovernmental~~
4 ~~Relations shall annually conduct a performance review of the~~
5 ~~program. The findings of the review shall be presented in a~~
6 ~~report submitted to the Governor, the President of the Senate,~~
7 ~~the Speaker of the House of Representatives, and the~~
8 ~~Comptroller by January 15 of each year.~~

9 Section 42. Specific Appropriation 2252 in the
10 2002-2003 General Appropriations Act is hereby repealed and an
11 identical amount is hereby appropriated to the Department of
12 Agriculture and Consumer Services from the General Revenue
13 Fund for the purposes of this act.

14 Section 43. Sections 41 and 42 shall take effect June
15 30, 2002.

16 Section 44. Unless otherwise provided for in the bill,
17 this act shall take effect July 1, 2002.

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