

By the Committees on Finance and Taxation; Agriculture and Consumer Services; and Senator Geller

314-2273-02

1                                   A bill to be entitled  
2           An act relating to agriculture and consumer  
3           services; creating s. 288.1175, F.S.; providing  
4           that the Department of Agriculture and Consumer  
5           Services shall be the state agency for  
6           screening applicants for state funding and  
7           certification as an agriculture education and  
8           promotion facility; providing for rules;  
9           providing definitions; providing criteria for  
10          applicants; providing for evaluation by the  
11          department; providing criteria; prohibiting the  
12          expenditure of funds to develop or subsidize  
13          privately owned facilities; providing an  
14          exception; amending s. 316.515, F.S.; revising  
15          the types of equipment authorized for  
16          transporting farm products; allowing the  
17          Department of Transportation to issue certain  
18          permits; amending s. 370.31, F.S.; transferring  
19          the Sturgeon Production Working Group from the  
20          Department of Environmental Protection to the  
21          Department of Agriculture and Consumer  
22          Services; revising membership and procedures;  
23          amending s. 388.261, F.S.; revising provisions  
24          relating to state aid to counties and districts  
25          for arthropod control; prorating county funds  
26          under certain circumstances; providing an  
27          exemption from funding requirements under  
28          certain circumstances; authorizing the use of  
29          state funds when requested by a county or  
30          district; authorizing funds for technical  
31          assistance or to purchase equipment, supplies,

1 or services; amending s. 388.281, F.S.;  
2 revising uses for state matching funds;  
3 amending s. 388.361, F.S.; authorizing the  
4 Department of Agriculture and Consumer Services  
5 to cooperate with local agencies; authorizing  
6 collection, detection, suppression, and control  
7 of mosquitoes and arthropods on public or  
8 private land; amending s. 388.45, F.S.;  
9 clarifying provisions relating to threats to  
10 public health and the issuance of declarations;  
11 authorizing declaration of a threat to animal  
12 health when certain conditions exist;  
13 authorizing treatment or control measures;  
14 amending s. 403.067, F.S.; authorizing  
15 implementation of interim measures for  
16 specified water bodies for which total maximum  
17 daily load or allocation has not been  
18 established; amending s. 403.709, F.S.;  
19 deleting the minimum county allocation to local  
20 mosquito control agencies from waste tire fees;  
21 amending s. 482.277, F.S.; revising  
22 requirements relating to guarantees and  
23 warranties in contracts for treatment of  
24 wood-destroying organisms; declaring  
25 legislative intent with respect to such  
26 warranties and guarantees; amending s.  
27 482.2401, F.S.; adding education in pest  
28 control as an approved use of administrative  
29 fine revenues; creating s. 482.243, F.S.;  
30 creating the Pest Control Enforcement Advisory  
31 Council in the department; providing for

1 membership, terms, and procedures; providing  
2 powers and duties; amending s. 487.041, F.S.;  
3 increasing the annual registration fee for a  
4 registered pesticide; amending s. 500.121,  
5 F.S.; providing sanctions for nutrient labeling  
6 violations; amending s. 500.148, F.S.;  
7 authorizing the department to issue a report  
8 certifying food establishment compliance with  
9 sanitation and permitting requirements for food  
10 exportation purposes; authorizing fees;  
11 amending s. 501.160, F.S.; providing for  
12 enforcement of prohibitions of unconscionable  
13 prices on rental or sale of essential  
14 commodities; amending s. 570.07, F.S.;  
15 authorizing the department to provide meals  
16 when personnel cannot leave emergency incident  
17 locations; amending s. 570.53, F.S.; requiring  
18 the Division of Marketing and Development to  
19 review and administer community budget request  
20 allocations; amending s. 573.124, F.S.;  
21 increasing penalties for furnishing false  
22 information, or refusing to furnish  
23 information, relating to the marketing of  
24 agricultural commodities; amending s. 585.002,  
25 F.S.; authorizing the department to set fees  
26 for additional services relating to the animal  
27 industry; increasing fee limits; amending s.  
28 585.08, F.S.; authorizing the Division of  
29 Animal Industry, under certain circumstances,  
30 to condemn and destroy an animal that is liable  
31 to spread contagious, infectious, or

1 communicable disease; amending s. 585.09, F.S.;  
2 conforming a cross-reference; repealing s.  
3 585.10, F.S., relating to limitations on  
4 payments to owners of condemned and destroyed  
5 animals; amending s. 585.105, F.S.; authorizing  
6 the department to charge for costs of approved  
7 brucella vaccine; amending s. 585.11, F.S.;  
8 authorizing the department to cooperate with  
9 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.; revising the powers of the  
17 Division of Forestry; providing that certain  
18 managerial positions are classified under the  
19 Selected Exempt Service; amending s. 590.11,  
20 F.S.; providing a criminal penalty for  
21 violation of recreational fire provisions;  
22 amending s. 590.125, F.S.; revising  
23 requirements for certified prescribed burning;  
24 renaming procedures for protecting wild lands  
25 from wildfires; amending s. 597.020, F.S.;  
26 requiring aquaculture licenses and  
27 certifications to expire annually; amending s.  
28 616.242, F.S.; providing that certain kiddie  
29 rides shall be exempt from the requirement for  
30 receipt of an inspection certificate each time  
31 the ride is set up; revising accident-reporting

1 requirements; amending s. 496.404, F.S.;

2 redefining the term "educational institutions";

3 designating the U.S.D.A. Service Center

4 Building in Bartow as the John W. Hunt

5 Building; amending s. 316.640, F.S.;

6 eliminating certain limitations on the

7 authority of the Office of Agricultural Law

8 Enforcement; amending s. 570.073, F.S.;

9 specifying duties of the Office of Agricultural

10 Law Enforcement with respect to its

11 jurisdiction over violations of law which

12 threaten the security and safety of agriculture

13 and consumer services; authorizing the office

14 to enforce civil traffic offenses and laws

15 relating to the responsibilities of the

16 Commissioner of Agriculture; specifying that

17 officers within the department have the full

18 powers granted to other peace officers of this

19 state; authorizing the commission to appoint

20 part-time, reserve, or auxiliary law

21 enforcement officers; amending s. 163.05, F.S.;

22 amending s. 570.71, F.S.; revising provisions

23 relating to conservation easements and rural

24 land protection easements; amending s. 590.14,

25 F.S.; revising criteria for determining

26 administrative fines for violation of

27 provisions relating to forestry; creating s.

28 604.40, F.S.; providing regulations regarding

29 farm equipment; amending s. 604.50, F.S.;

30 clarifying the definition of a nonresidential

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1 farm building; providing an appropriation;  
2 providing effective dates.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Section 288.1175, Florida Statutes, is  
7 created to read:

8 288.1175 Agriculture education and promotion  
9 facility.--

10 (1) The Department of Agriculture and Consumer  
11 Services shall serve as the state agency for screening  
12 applicants for state funding pursuant to this section and for  
13 certifying an applicant as a qualified agriculture education  
14 and promotion facility as defined in subsection (3).

15 (2) The department shall develop rules pursuant to ss.  
16 120.536(1) and 120.54 for the receipt and processing of  
17 applications for funding of projects pursuant to this section.

18 (3) As used in this section, the term "agriculture  
19 education and promotion facility" means an exhibition hall,  
20 arena, civic center, exposition center, or other capital  
21 project or facility that can be used for exhibitions,  
22 demonstrations, trade shows, classrooms, civic events, and  
23 other purposes that promote agriculture, horticulture,  
24 livestock, equestrian, and other resources of the state and  
25 educate the residents as to these resources.

26 (4) The department shall certify a facility as an  
27 agriculture education and promotion facility if the department  
28 determines that:

29 (a) The applicant is a unit of local government as  
30 defined in s. 218.369, or a fair association as defined in s.  
31 616.001(9) which is responsible for the planning, design,

1 permitting, construction, renovation, management, and  
2 operation of the agriculture education and promotion facility  
3 or holds title to the property on which such facility is to be  
4 developed and located.

5 (b) The applicant has projections, verified by the  
6 department, which demonstrate that the agriculture education  
7 and promotion facility will serve more than 25,000 visitors  
8 annually.

9 (c) The municipality in which the facility is located,  
10 or the county if the facility is located in an unincorporated  
11 area, has certified by resolution after a public hearing that  
12 the proposed agriculture education and promotion facility  
13 serves a public purpose.

14 (d) The applicant has demonstrated that it has  
15 provided, is capable of providing, or has financial or other  
16 commitments to provide more than 40 percent of the costs  
17 incurred or related to the planning, design, permitting,  
18 construction, or renovation of the facility. The applicant may  
19 include the value of the land and any improvements thereon in  
20 determining its contribution to the development of the  
21 facility.

22 (5) The department shall competitively evaluate  
23 applications for funding of an agriculture education and  
24 promotion facility. If the number of applicants exceeds three,  
25 the department shall rank the applications based upon criteria  
26 developed by the department, with priority given in descending  
27 order to the following items:

28 (a) The intended use of the funds by the applicant,  
29 with priority given to the construction of a new facility.

30 (b) The amount of local match, with priority given to  
31 the largest percentage of local match proposed.

1           (c) The location of the facility in a brownfield site  
2 as defined in s. 376.79(3), a rural enterprise zone as defined  
3 in s. 290.004(8), an agriculturally depressed area as defined  
4 in s. 570.242(1), a redevelopment area established pursuant to  
5 s. 373.461(5)(g), or a county that has lost its agricultural  
6 land to environmental restoration projects.

7           (d) The net increase, as a result of the facility, of  
8 total available exhibition, arena, or civic center space  
9 within the jurisdictional limits of the local government in  
10 which the facility is to be located, with priority given to  
11 the largest percentage increase of total exhibition, arena, or  
12 civic center space.

13           (e) The historic record of the applicant in promoting  
14 agriculture and educating the public about agriculture,  
15 including, without limitation, awards, premiums, scholarships,  
16 auctions, and other such activities.

17           (f) The highest projection on paid attendance  
18 attracted by the agriculture education and promotion facility  
19 and the proposed economic impact on the local community.

20           (g) The location of the facility with respect to an  
21 Institute of Food and Agricultural Services (IFAS) facility,  
22 with priority given to facilities closer in proximity to an  
23 IFAS facility.

24           (6) Funds may not be expended to develop or subsidize  
25 privately owned facilities, except for facilities owned by  
26 fair associations as defined in s. 616.001(9).

27           (7) An applicant may use funds provided pursuant to  
28 this section only for the public purpose of paying for the  
29 planning, design, permitting, construction, or renovation of  
30 an agriculture education and promotion facility or to pay or  
31 pledge for the payment of debt service on, or to fund debt

1 service reserve funds, arbitrage rebate obligations, or other  
2 amounts payable with respect to, bonds issued for the  
3 planning, design, permitting, construction, or renovation of  
4 such facility or for the reimbursement of such costs or the  
5 refinancing of bonds issued for such purposes.

6 (8) Applications must be submitted by October 1 of  
7 each year. The department may not recommend funding for less  
8 than the requested amount to any applicant certified as an  
9 agriculture education and promotion facility; however, funding  
10 of certified applicants shall be subject to the amount  
11 provided by the Legislature in the General Appropriations Act  
12 for this program.

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

15 316.515 Maximum width, height, length.--

16 (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,  
17 SAFETY REQUIREMENTS.--Notwithstanding any other provisions of  
18 law, straight trucks and cotton module movers, not exceeding  
19 50 feet in length, or any combination of up to and including  
20 three implements of husbandry including the towing power unit,  
21 and any single agricultural trailer, with a load thereon not  
22 exceeding 130 inches in width, is authorized for the purpose  
23 of transporting peanuts, grains, soybeans, cotton, hay, straw,  
24 or other perishable farm products from their point of  
25 production to the first point of change of custody or of  
26 long-term storage, and for the purpose of returning to such  
27 point of production, by a person engaged in the production of  
28 any such product or custom hauler, if such vehicle or  
29 combination of vehicles otherwise complies with this section.  
30 Such vehicles shall be operated in accordance with all safety  
31 requirements prescribed by law and Department of

1 Transportation rules. The Department of Transportation may  
2 issue overlength permits for cotton module movers greater than  
3 50 feet but not more than 55 feet in overall length.

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

6 370.31 Commercial production of sturgeon.--

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

11 (a) The head of the sturgeon research program or  
12 designee from the University of Florida, Institute of Food and  
13 Agricultural Sciences. Such member shall be appointed by the  
14 University of Florida's Vice President for Agricultural  
15 Affairs.

16 (b) One representative from the Department of  
17 Environmental Protection to be appointed by the Secretary of  
18 Environmental Protection.

19 (c) One representative from the Fish and Wildlife  
20 Conservation Commission to be appointed by the executive  
21 director of the Fish and Wildlife Conservation Commission.

22 (d) One representative from the Department of  
23 Agriculture and Consumer Services to be appointed by the  
24 Commissioner of Agriculture.

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

27 (f) One representative from a private nonprofit  
28 organization involved in sturgeon production work, to be  
29 appointed by the Commissioner of Agriculture.

30  
31

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

4           (a) The chair of the working group shall preside at  
5 all meetings and shall call a meeting as often as necessary to  
6 carry out the provisions of this section. ~~To call a meeting,~~  
7 ~~the chair shall solicit an agreement to meet from at least two~~  
8 ~~other working group members and then notify any remaining~~  
9 ~~members of the meeting.~~

10           (b) The Department of Agriculture and Consumer  
11 Services ~~secretary~~ shall keep a complete record of the  
12 proceedings of each meeting, which includes the names of the  
13 members present at each meeting and the actions taken. ~~Such~~  
14 ~~records shall be kept on file with the Department of~~  
15 ~~Environmental Protection with copies filed with the Department~~  
16 ~~of Fisheries and Aquatic Sciences at the University of~~  
17 ~~Florida.~~ The records shall be public records pursuant to  
18 chapter 119.

19           (c) A quorum shall consist of a majority of the group  
20 members. Members of the group shall not receive compensation,  
21 but shall be entitled to per diem and travel expenses,  
22 including attendance at meetings, as allowed public officers  
23 and employees pursuant to s. 112.061 ~~one representative from~~  
24 ~~the Department of Environmental Protection, one representative~~  
25 ~~from the Institute of Food and Agricultural Sciences, and at~~  
26 ~~least two other members.~~

27           Section 4. Section 388.261, Florida Statutes, is  
28 amended to read:

29           388.261 State aid to counties and districts for  
30 arthropod control; distribution priorities and limitations.--  
31

1           (1) ~~Every county or district budgeting local funds,~~  
2 ~~derived either by special tax levy or funds appropriated or~~  
3 ~~otherwise made available for the control of mosquitoes and~~  
4 ~~other arthropods under a plan submitted by the county or~~  
5 ~~district and upon approval by the department, shall be~~  
6 ~~eligible to receive state funds, supplies, services, and~~  
7 ~~equipment on a dollar-for-dollar matching basis up to but not~~  
8 ~~exceeding \$30,000 for any one county for any one year. A~~  
9 ~~county or district may, without contributing matching funds,~~  
10 ~~receive state funds, supplies, services, or equipment in an~~  
11 ~~amount of no more than~~\$50,000~~\$30,000 per year for up to 3~~  
12 ~~years for any new or expanded program~~ for the control of  
13 mosquitoes and other arthropods ~~which serves an area not~~  
14 ~~previously served by the county or district. These funds may~~  
15 ~~be expended for any and all types of control measures approved~~  
16 ~~by the department.~~

17           (2) ~~In addition,~~Every county or district budgeting  
18 local funds to be used exclusively for the control of  
19 mosquitoes and other arthropods, under a plan submitted by the  
20 county or district and approved by the department, shall be  
21 eligible to receive state funds and supplies, services, and  
22 equipment on a dollar-for-dollar matching basis to ~~for control~~  
23 ~~measures up to but not exceeding 50 percent of the amount of~~  
24 ~~local funds budgeted for such control. Should state funds~~  
25 ~~appropriated by the Legislature be insufficient to grant each~~  
26 ~~county or district~~ state funds on a dollar-for-dollar matching  
27 basis to 50 percent of the amount budgeted in local funds, the  
28 ~~department shall prorate said state funds based on the amount~~  
29 ~~of matchable local funds budgeted for expenditure by each~~  
30 ~~county or district.~~

31

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

7           (4) Up to 20 percent of the annual funds appropriated  
8 to local governments for arthropod control may be used for  
9 arthropod control research or demonstration projects as  
10 approved by the department.

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

14           (6) The Commissioner of Agriculture may exempt  
15 counties or districts from the requirements in subsection (1),  
16 subsection (2), or subsection (3) when the department  
17 determines state funds, supplies, services, or equipment are  
18 necessary for the immediate control of mosquitoes and other  
19 arthropods that pose a threat to human or animal health.

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

25           (8) The department is authorized to use up to 5  
26 percent of the funds appropriated annually by the Legislature  
27 under this section to provide technical assistance to the  
28 counties or districts, or to purchase equipment, supplies, or  
29 services necessary to administer the provisions of this  
30 chapter.

31

1           Section 5. Subsection (2) of section 388.281, Florida  
2 Statutes, is amended to read:

3           388.281 Use of state matching funds.--

4           (2) All funds, supplies, and services released on the  
5 dollar-for-dollar ~~50-percent~~ matching basis shall be used  
6 exclusively for an integrated program that provides a  
7 combination of mosquito control, source reduction measures,  
8 public education, personnel training and certification,  
9 arthropod population surveillance, ~~research and demonstration~~  
10 ~~projects,~~ larvicides, adulticides, equipment, and public  
11 ~~epidemic~~ alerts as approved by the department. Source  
12 reduction measures may include measures to improve management  
13 and enhance the ecological integrity of source reduction  
14 areas. If source reduction measures require permits,  
15 approvals, or agreement by federal, state, regional, or local  
16 agencies, such permits, approvals, or agreement shall be  
17 obtained prior to commencement of the source reduction  
18 project. These measures include sanitary landfills, drainage,  
19 diking, filling of arthropod breeding areas, and the purchase,  
20 maintenance, and operation of all types of equipment including  
21 trucks, dredges, draglines, bulldozers, or any other type of  
22 machinery and materials utilized in ditching, ditch lining,  
23 ditch construction, diking, filling, hiring personnel, rental  
24 of equipment, and payment for contract work awarded to the  
25 lowest responsible bidder.

26           Section 6. Subsection (6) of section 388.361, Florida  
27 Statutes, is amended, and subsection (7) is added to that  
28 section, to read:

29           388.361 Department authority and rules;  
30 administration.--

31

1           (6) The department shall have the authority to  
2 cooperate with federal, ~~and state,~~ and local agencies and to  
3 enter into such cooperative agreements or commitments as the  
4 department may determine necessary to carry out and enforce  
5 the provisions of this chapter.

6           (7) The department shall have the authority to  
7 collect, detect, suppress, and control mosquitoes and other  
8 arthropods that are determined by the State Health Officer to  
9 pose a threat to public health, or determined by the  
10 Commissioner of Agriculture to pose a threat to animal health,  
11 wherever they may occur on public or private land in this  
12 state, and to do all things necessary in the exercise of such  
13 authority. Prior to the start of treatments for the control of  
14 mosquitoes or other arthropods, the department shall consult  
15 with the mosquito control districts in the proposed treatment  
16 areas, the Department of Health, the Department of  
17 Environmental Protection, and the Fish and Wildlife  
18 Conservation Commission regarding the proposed locations,  
19 dates, and methods to be used.

20           Section 7. Section 388.45, Florida Statutes, is  
21 amended to read:

22           388.45 Threat to public or animal health; ~~emergency~~  
23 declarations.--

24           (1) The State Health Officer has the authority to  
25 declare that a threat to public health exists when the  
26 Department of Health discovers in the human or surrogate  
27 population the occurrence of an infectious disease that can be  
28 transmitted from mosquitoes or other arthropods to humans. The  
29 State Health Officer must immediately notify the Commissioner  
30 of Agriculture of the declaration of this threat to public  
31 health. The Commissioner of Agriculture is authorized to issue

1 a mosquito or other arthropod ~~an emergency~~ declaration in  
2 those counties needing additional mosquito or other arthropod  
3 control measures based on the State Health Officer's  
4 declaration of a threat to the public health ~~or based on other~~  
5 ~~threats to animal health~~. Each declaration must contain the  
6 geographical boundaries and the duration of the declaration.  
7 The State Health Officer shall order such human medical  
8 preventive treatment and the Commissioner of Agriculture shall  
9 order such ameliorative mosquito or other arthropod control  
10 measures as are necessary to prevent the spread of disease,  
11 notwithstanding contrary provisions of this chapter or the  
12 rules adopted under this chapter. Within 24 hours after a  
13 declaration of a threat to the public health, the State Health  
14 Officer must also notify the agency heads of the Department of  
15 Environmental Protection and the Fish and Wildlife  
16 Conservation Commission of the declaration. Within 24 hours  
17 after a mosquito or other arthropod ~~an emergency~~ declaration  
18 based on the public health declaration ~~or based on other~~  
19 ~~threats to animal health~~, the Commissioner of Agriculture must  
20 notify the agency heads of the Department of Environmental  
21 Protection and the Fish and Wildlife Conservation Commission  
22 of the declaration. ~~Within 24 hours after an emergency~~  
23 ~~declaration based on other threats to animal health, the~~  
24 ~~Commissioner of Agriculture must also notify the agency head~~  
25 ~~of the Department of Health of the declaration.~~

26 (2) The Commissioner of Agriculture has the authority  
27 to declare that a threat to animal health exists when the  
28 department discovers the occurrence of an infectious disease  
29 in animals that can be transmitted by mosquitoes or other  
30 arthropods and is authorized to issue an animal health  
31 declaration in those counties needing additional veterinary

1 care or mosquito or other arthropod control measures based on  
2 a threat to animal health. Each declaration must contain the  
3 geographical boundaries and the duration of the declaration.  
4 The Commissioner of Agriculture shall order such veterinary  
5 treatment or ameliorative mosquito or other arthropod control  
6 measures as are necessary to prevent the spread of disease,  
7 notwithstanding contrary provisions of this chapter or the  
8 rules adopted under this chapter. The Commissioner of  
9 Agriculture shall immediately notify the State Health Officer  
10 and the agency heads of the Department of Environmental  
11 Protection and the Fish and Wildlife Conservation Commission  
12 upon issuance of an animal health declaration.

13 Section 8. Subsection (11) of section 403.067, Florida  
14 Statutes, is amended to read:

15 403.067 Establishment and implementation of total  
16 maximum daily loads.--

17 (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

18 (a) The department shall not implement, without prior  
19 legislative approval, any additional regulatory authority  
20 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part  
21 130, if such implementation would result in water quality  
22 discharge regulation of activities not currently subject to  
23 regulation.

24 (b) Interim measures, best-management practices, or  
25 other measures may be developed and voluntarily implemented  
26 pursuant to paragraph (7)(c) or paragraph (7)(d) for any water  
27 body or segment for which a total maximum daily load or  
28 allocation has not been established. The implementation of  
29 such pollution-control programs may be considered by the  
30 department in the determination made pursuant to subsection  
31 (4).

1           Section 9. Paragraph (e) of subsection (3) of section  
2 403.709, Florida Statutes, is amended to read:

3           403.709 Solid Waste Management Trust Fund; use of  
4 waste tire fee moneys; waste tire site management.--

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

7           (e) At least 10 percent of the revenues deposited in  
8 the fund annually from waste tire fees shall be allocated as  
9 additional grants to local mosquito control agencies in  
10 accordance with s. 388.261 for the specific purpose of abating  
11 and providing mosquito control relating to waste tire sites,  
12 other tire piles, and other sites identified by local mosquito  
13 control agencies as mosquito breeding areas. Only local  
14 mosquito control agencies approved by the Department of  
15 Agriculture and Consumer Services may receive funds pursuant  
16 to this paragraph. ~~Each county with an eligible local~~  
17 ~~mosquito control agency shall be allocated a minimum of~~  
18 ~~\$15,000 pursuant to this paragraph. Any remaining funds under~~  
19 ~~this paragraph shall be distributed to eligible local mosquito~~  
20 ~~control agencies on the basis of county population. If more~~  
21 ~~than one local mosquito control agency exists in a county, the~~  
22 ~~funds shall be prorated between the agencies based on the~~  
23 ~~population served by each agency.~~

24           Section 10. Section 482.227, Florida Statutes, is  
25 amended to read:

26           482.227 Guarantees and warranties.--

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 assure that the consumer  
31 understands whether a contract contains a "guarantee" or

1 "warranty" for repair and retreatment or for retreatment only  
2 or contains no guarantee. Unless the contract for treatment of  
3 wood-destroying organisms indicates conspicuously on the front  
4 page whether the guarantee or warranty is for repair and  
5 retreatment or for retreatment only or that no guaranty or  
6 warranty is offered,the term "guarantee" or "warranty" may be  
7 used in a contract for treatment of wood-destroying organisms  
8 only in the following circumstances:

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

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

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

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

28       Section 11. Effective October 1, 2003, section  
29 482.227, Florida Statutes, as amended by this act, is amended  
30 to read:

31

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

3           (1) The Legislature finds that the terms "guarantee"  
4 and "warranty" are common in contracts for the treatment of  
5 wood-destroying organisms, ~~and intends to clarify that~~ The  
6 purpose of this section is to assure that contract language  
7 describing the consumer understands whether a contract  
8 contains a "guarantee" or "warranty" is clear and easily  
9 identifiable for the protection of consumers and licensees for  
10 repair and retreatment or for retreatment only or contains no  
11 guarantee. Therefore the following provisions shall apply to  
12 each new contract for the treatment of wood-destroying  
13 organisms issued by the licensee and signed by the customer  
14 after October 1, 2003.~~Unless the contract for treatment of~~  
15 ~~wood-destroying organisms indicates conspicuously on the front~~  
16 ~~page whether the guarantee or warranty is for repair and~~  
17 ~~re-treatment or for re-treatment only or that no guaranty or~~  
18 ~~warranty is offered, the term "guarantee" or "warranty" may be~~  
19 ~~used in a contract for treatment of wood-destroying organisms~~  
20 ~~only in the following circumstances:~~

21           ~~(a) If the licensee promises to repair any property~~  
22 ~~damaged by wood-destroying organisms during a specified period~~  
23 ~~after the treatment, the term "full" or "unlimited" must be~~  
24 ~~used together with the term "guarantee" or "warranty" wherever~~  
25 ~~that term occurs other than in a disclaimer under subsection~~  
26 ~~(2).~~

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

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

5           (2) Any contract for treatment of wood-destroying  
6 organisms must specify on the first page in bold print that it  
7 is offered for repair and retreatment or for retreatment only  
8 or that no warranty or guarantee is offered.~~A disclaimer~~  
9 ~~indicating that no guarantee or warranty is offered under the~~  
10 ~~contract must appear in conspicuous type on the face of the~~  
11 ~~contract.~~

12           (3) The contract for treatment of wood-destroying  
13 organisms must specify on the first page in bold print whether  
14 there are any disclaimers, limitations, conditions, or  
15 exclusions on the licensee's obligation to repair or re-treat  
16 the property. Contract sections describing disclaimers,  
17 limitations, conditions, or exclusions applicable to the  
18 licensee's obligation to repair or retreat the property must  
19 contain headings in bold print.

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

25           Section 12. It is the intent of the Legislature to  
26 phase in the requirements set forth in section 11 to provide  
27 that the requirements of section 482.227, Florida Statutes, as  
28 amended by section 11 apply only to contracts for the  
29 treatment of wood-destroying organisms issued by the licensee  
30 and signed by the customer on or after October 1, 2003.

31

1           Section 13. Subsection (3) of section 482.2401,  
2 Florida Statutes, is amended to read:

3           482.2401 Disposition and use of revenues from fees and  
4 fines.--

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

13           Section 14. Section 482.243, Florida Statutes, is  
14 created to read:

15           482.243 Pest Control Enforcement Advisory Council.--

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

26           (2) The council shall consist of 11 members as  
27 follows: a representative of the department; a citizen not  
28 involved in the conduct of pest control; a state university  
29 urban entomologist; and eight persons each holding a pest  
30 control operator's certificate issued under s. 482.111, of  
31 whom two shall be actively involved in termite control, two

1 shall be actively involved in general household pest control,  
2 two shall be actively involved in structural fumigation, and  
3 two shall be actively involved in lawn and landscape pest  
4 control. Each member shall be appointed for a term of 4 years  
5 and shall serve until a successor is appointed.

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

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

20 (5) The council shall meet at the call of its chair,  
21 at the request of a majority of its members, at the request of  
22 the department, or at such time as a public health or  
23 environmental emergency arises.

24 (6) The meetings, powers and duties, procedures,  
25 recordkeeping, and reimbursement of expenses of members of the  
26 council shall be in accordance with the provisions of s.  
27 570.0705 relating to advisory committees established within  
28 the department.

29 (7) The council shall receive reports of pest control  
30 enforcement activity conducted by the Division of Agricultural  
31 Environmental Services, which shall include numbers of cases,

1 numbers of administrative actions, numbers of complaints  
2 received and investigated, and dispositions of complaints;  
3 provide advice to the department on the conduct of pest  
4 control enforcement activities; receive reports on  
5 disciplinary actions, provided that the names of individual  
6 licensees shall be expunged from cases discussed before the  
7 council, unless a consent order or final order has been issued  
8 in the case; and make recommendations, subject to a majority  
9 vote, directly to the Commissioner of Agriculture for actions  
10 to be taken with respect to the regulation of pest control  
11 services and practices that the council has reviewed.

12 Section 15. Subsection (2) of section 487.041, Florida  
13 Statutes, is amended to read:

14 487.041 Registration.--

15 (2) For the purpose of defraying expenses of the  
16 department in connection with carrying out the provisions of  
17 this chapter, each person shall pay an annual registration fee  
18 of ~~\$250~~\$225 for each registered pesticide. The annual  
19 registration fee for each special local need label and  
20 experimental use permit shall be \$100. All registrations  
21 expire on December 31 of each year. Nothing in this section  
22 shall be construed as applying to distributors or retail  
23 dealers selling pesticides when such pesticides are registered  
24 by another person.

25 Section 16. Subsection (6) is added to section  
26 500.121, Florida Statutes, to read:

27 500.121 Disciplinary procedures.--

28 (6) If the department determines that a food offered  
29 in a food establishment is labeled with nutrient claims that  
30 are in violation of this chapter, the department shall retest  
31 or reexamine the product within 90 days after notification to

1 the manufacturer and to the firm at which the product was  
2 collected. If the product is again found in violation, the  
3 department shall test or examine the product for a third time  
4 within 60 days after the second notification. The product  
5 manufacturer shall reimburse the department for the cost of  
6 the third test or examination. If the product is found in  
7 violation for a third time, the department shall exercise its  
8 authority under s. 500.172 and issue a stop-sale or stop-use  
9 order. The department may impose additional sanctions for  
10 violations of this subsection.

11 Section 17. Subsection (3) is added to section  
12 500.148, Florida Statutes, to read:

13 500.148 Reports and dissemination of information.--

14 (3) Upon request of a food establishment, the  
15 department may issue a report certifying that the requesting  
16 food establishment currently complies with the sanitation and  
17 permitting requirements of this chapter and the rules  
18 promulgated thereunder. Such certification may be requested  
19 for the purpose of exporting food to a foreign country. The  
20 department is authorized to recover the cost associated with  
21 carrying out the provisions of this subsection, the amount of  
22 which shall be set by rule.

23 Section 18. Subsection (8) is added to section  
24 501.160, Florida Statutes, to read:

25 501.160 Rental or sale of essential commodities during  
26 a declared state of emergency; prohibition against  
27 unconscionable prices.--

28 (8) Any violation of this section may be enforced by  
29 the Department of Agriculture and Consumer Services, the  
30 office of the state attorney, or the Department of Legal  
31 Affairs.

1           Section 19. Subsection (35) of section 570.07, Florida  
2 Statutes, is amended to read:

3           570.07 Department of Agriculture and Consumer  
4 Services; functions, powers, and duties.--The department shall  
5 have and exercise the following functions, powers, and duties:

6           (35) Under emergency conditions, to authorize the  
7 purchase of supplemental nutritional food and drink items,  
8 provide meals when personnel cannot leave an emergency  
9 incident location,and set temporary meal expenditure limits  
10 for employees engaged in physical activity for prolonged  
11 periods of time in excess of the rate established by s.  
12 112.061(6), but not to exceed \$50 per day.

13           Section 20. Subsection (9) is added to section 570.53,  
14 Florida Statutes, to read:

15           570.53 Division of Marketing and Development; powers  
16 and duties.--The powers and duties of the Division of  
17 Marketing and Development include, but are not limited to:

18           (9) Administering community budget request allocations  
19 that appear in the department's budget in the annual General  
20 Appropriations Act. Community budget request allocations  
21 administered by the division shall be reviewed to determine  
22 eligibility with respect to s. 216.052.

23           Section 21. Subsection (8) of section 573.124, Florida  
24 Statutes, is amended to read:

25           573.124 Penalties; violation; hearings.--

26           (8) It shall be a felony of the third degree  
27 ~~misdemeanor of the second degree~~, punishable as provided in s.  
28 775.082 or s. 775.083, for:

29           (a) Any person to willfully render or furnish a false  
30 or fraudulent report, statement, or record required by the

31

1 department, or any marketing agreement or marketing order  
2 effective thereunder.

3 (b) Any person engaged in the handling of any  
4 agricultural commodity or in the wholesale or retail trade  
5 thereof to fail or refuse to furnish to the department or its  
6 duly authorized agents, upon request, information concerning  
7 the name and address of the persons from whom he or she has  
8 received any agricultural commodity regulated by a marketing  
9 order issued and in effect hereunder, and the quantity of the  
10 commodity so received.

11 Section 22. Subsection (5) of section 585.002, Florida  
12 Statutes, is amended to read:

13 585.002 Department control; continuance of powers,  
14 duties, rules, orders, etc.--

15 (5) The department shall, by rule, establish a fee  
16 schedule to cover the approximate costs associated with  
17 carrying out the provisions of this chapter. This shall  
18 include establishment of fees for provision of health forms,  
19 required certificates, certifications, permits, quality  
20 assurance programs, and services. No individual fee shall  
21 exceed ~~\$500~~\$200, except that the fee for carrying out the  
22 quarantine requirements relating to horses imported from  
23 countries where contagious equine metritis exists shall not  
24 exceed ~~\$1,800~~\$1,500. These fees shall be deposited in the  
25 department's General Inspection Trust Fund.

26 Section 23. Subsection (5) is added to section 585.08,  
27 Florida Statutes, to read:

28 585.08 General powers of the department; rules.--The  
29 Division of Animal Industry is authorized to:

30 (5) Condemn and destroy any animal that is liable to  
31 spread any contagious, infectious, or communicable disease

1 based upon sound epidemiological facts and conclusions to  
2 prevent the further spread of disease when a state or  
3 agricultural declaration of emergency has been declared by the  
4 Governor or the Commissioner of Agriculture.

5 Section 24. Section 585.09, Florida Statutes, is  
6 amended to read:

7 585.09 Procedure for condemnation of animals and  
8 property by department.--Condemnation and destruction of  
9 animals, barns, yards, sheds, corrals, and pens, as provided  
10 in s. 585.08, shall take place only after a fair appraisal of  
11 the value of the property. The value shall be determined by  
12 the department and the owner; provided, however, should the  
13 department and the owner be unable to agree on a value, the  
14 value shall then be determined by three disinterested  
15 appraisers, one to be appointed by the department, one by the  
16 owner of the property, and the third to be selected by these  
17 two. The appraised price, ~~subject to the provisions of s.~~  
18 ~~585.10,~~ shall be paid by the department as other expenses are  
19 paid. If the owner of such animal, barn, yard, shed, corral,  
20 or pen fails or refuses to name an appraiser within 5 days  
21 after requested by the department to do so, or refuses to  
22 permit the property to be condemned and destroyed, the  
23 department may make an order to the sheriff of the county  
24 wherein the property lies, directing her or him to destroy  
25 such animal, barn, yard, shed, corral, or pen, in the manner  
26 to be prescribed in the order. The order shall be immediately  
27 executed by the sheriff. Upon the destruction of the property  
28 by the sheriff, the department shall have the right to  
29 recover, from the owner of the property destroyed, all costs  
30 and expenses incurred by it in connection with the  
31 destruction.

1           Section 25. Section 585.10, Florida Statutes, is  
2 repealed.

3           Section 26. Subsection (2) of section 585.105, Florida  
4 Statutes, is amended to read:

5           585.105 Purchase, distribution, and administration of  
6 approved brucella vaccine.--

7           (2) The department shall distribute through employees  
8 of the division, licensed veterinarians, and recognized and  
9 approved agents of the state and federal governments, an  
10 approved brucella vaccine at ~~without~~ cost to any owner of  
11 cattle in Florida making application therefor upon blanks to  
12 be furnished by the department and approved by the  
13 administrator of the vaccine if the cattle are part of a  
14 recognized herd and are not in channels of trade at the time  
15 of vaccination.

16           Section 27. Section 585.11, Florida Statutes, is  
17 amended to read:

18           585.11 Cooperation with United States authorities and  
19 United States Department of Agriculture accredited private  
20 veterinarians.--The department may cooperate with:

21           (1) The authorities of the United States in the  
22 enforcement of all acts of Congress for the control,  
23 prevention, suppression, and eradication of contagious,  
24 infectious, and communicable diseases affecting animals, or  
25 animal diseases which may affect humans, and in connection  
26 therewith may:

27           (a) Appoint inspectors of the United States Department  
28 of Agriculture as temporary assistant state veterinarians or  
29 livestock inspectors; provided, they shall first consent to  
30 act without compensation or profit from the state;

31

1 (b) Accept aid or assistance from the United States in  
2 conducting work related to the control or eradication of  
3 tuberculosis, brucellosis, pseudorabies, hog cholera, and any  
4 other such dangerous disease, or from any of its officers,  
5 representatives, or agents, in carrying out such work.

6 (2) The officials of the United States Department of  
7 Agriculture in the control or eradication of tuberculosis,  
8 brucellosis, pseudorabies, and hog cholera and with the owners  
9 of animals, who accept indemnity for animals found to be  
10 diseased and slaughtered in accordance with the special Acts  
11 of Congress now in effect and appropriating funds for this  
12 purpose, or that may hereafter be available from such source.

13 (3) The United States Department of Agriculture in  
14 carrying out the provisions of the National Poultry  
15 Improvement Plan and the National Turkey Improvement Plan in  
16 Florida, and in connection therewith, may promulgate rules  
17 necessary to carry out the provisions of the National Poultry  
18 Improvement Plan and the National Turkey Improvement Plan in  
19 Florida.

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

24 Section 28. Subsection (1) of section 585.21, Florida  
25 Statutes, is amended to read:

26 585.21 Sale of biological products.--

27 (1) Each biological product intended for diagnostic or  
28 therapeutic purposes for animals which is manufactured for  
29 sale or sold in the state shall first be officially approved  
30 by the United States Department of Agriculture and shall have  
31

1 written permission of the Department of Agriculture and  
2 Consumer Services prior to sale in the state.

3 Section 29. Subsection (3) of section 585.61, Florida  
4 Statutes, is amended to read:

5 585.61 Animal disease diagnostic laboratories.--

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

18 Section 30. Subsection (1) of section 590.02, Florida  
19 Statutes, is amended to read:

20 590.02 Division powers, authority, and duties;  
21 liability; building structures; Florida Center for Wildfire  
22 and Forest Resources Management Training.--

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

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

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

30  
31

1 (c) To provide firefighting crews, who shall be under  
2 the control and direction of the division and its designated  
3 agents;

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

16 (e) To develop a training curriculum for forestry  
17 firefighters which must contain the basic volunteer structural  
18 fire training course approved by the Florida State Fire  
19 College of the Division of State Fire Marshal and a minimum of  
20 250 hours of wildfire training;

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

23 (g) To provide fire management services and emergency  
24 response assistance and to set and charge reasonable fees for  
25 performance of those services. Moneys collected from such fees  
26 shall be deposited into the Incidental Trust Fund of the  
27 division; ~~and-~~

28 (h) To require all state, regional, and local  
29 government agencies operating aircraft in the vicinity of an  
30 ongoing wildfire to operate in compliance with the applicable  
31 state Wildfire Aviation Plan.

1 Section 31. Section 590.11, Florida Statutes, is  
2 amended to read:

3 590.11 Recreational fires.--

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

7 (2) Anyone who violates this section commits a  
8 misdemeanor of the second degree, punishable as provided in s.  
9 775.082 or s. 775.083.

10 Section 32. Paragraph (b) of subsection (3) and  
11 subsections (4) and (5) of section 590.125, Florida Statutes,  
12 are amended to read:

13 590.125 Open burning authorized by the division.--

14 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS  
15 AND PURPOSE.--

16 (b) Certified prescribed burning pertains only to  
17 broadcast burning. It must be conducted in accordance with  
18 this subsection and:

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

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

24 3. Requires that the specific consent of the landowner  
25 or his or her designee be obtained before requesting an  
26 authorization.

27 4. Requires that an authorization to burn be obtained  
28 from the division before igniting the burn.

29 5. Requires that there be adequate firebreaks at the  
30 burn site and sufficient personnel and firefighting equipment  
31 for the control of the fire.

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

4           7. Is considered to be a property right of the  
5 property owner if vegetative fuels are burned as required in  
6 this subsection.

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

14           (a) Describe the areas that will receive fuels  
15 treatment ~~be prescribe burned~~ to the affected local  
16 governmental entity.

17           (b) Publish a treatment ~~prescribed burn~~ notice,  
18 including a description of the area to be treated ~~burned~~, in a  
19 conspicuous manner in at least one newspaper of general  
20 circulation in the area of the treatment ~~burn~~ not less than 10  
21 days before the treatment ~~burn~~.

22           (c) Prepare, and the county tax collector shall  
23 include with the annual tax statement, a notice to be sent to  
24 all landowners in each township designated by the division as  
25 a wildfire hazard area. The notice must describe particularly  
26 the area to be treated ~~burned~~ and the tentative date or dates  
27 of the treatment ~~burning~~ and must list the reasons for and the  
28 expected benefits from the wildfire hazard reduction  
29 ~~prescribed burning~~.

30           (d) Consider any landowner objections to the fuels  
31 treatment ~~prescribed burning~~ of his or her property. The

1 landowner may apply to the director of the division for a  
2 review of alternative methods of fuel reduction on the  
3 property. If the director or his or her designee does not  
4 resolve the landowner objection, the director shall convene a  
5 panel made up of the local forestry unit manager, the fire  
6 chief of the jurisdiction, and the affected county or city  
7 manager, or any of their designees. If the panel's  
8 recommendation is not acceptable to the landowner, the  
9 landowner may request further consideration by the  
10 Commissioner of Agriculture or his or her designee and shall  
11 thereafter be entitled to an administrative hearing pursuant  
12 to the provisions of chapter 120.

13 (5) DUTIES OF AGENCIES.--The Department of Education  
14 shall incorporate, where feasible and appropriate, the issues  
15 of fuels treatment, including prescribed burning into its  
16 educational materials.

17 Section 33. Subsection (4) is added to section  
18 597.020, Florida Statutes, to read:

19 597.020 Shellfish processors; regulation.--

20 (4) Any license or certification authorized and issued  
21 under this chapter shall automatically expire on June 30 of  
22 each year.

23 Section 34. Paragraph (a) of subsection (7) and  
24 paragraph (a) of subsection (14) of section 616.242, Florida  
25 Statutes, are amended to read:

26 616.242 Safety standards for amusement rides.--

27 (7) DEPARTMENT INSPECTIONS.--

28 (a) In order to obtain an annual permit, an amusement  
29 ride must be inspected by the department in accordance with  
30 subsection (11) and receive an inspection certificate. In  
31 addition, each permanent amusement ride must be inspected

1 semiannually by the department in accordance with subsection  
2 (11) and receive an inspection certificate, and each temporary  
3 amusement ride must be inspected by the department in  
4 accordance with subsection (11), and must receive an  
5 inspection certificate each time the ride is set up or moved  
6 to a new location in this state unless the temporary amusement  
7 ride is:

- 8 1. Used at a private event; ~~or~~
- 9 2. A simulator, the capacity of which does not exceed  
10 16 persons; or-
- 11 3. A kiddie ride used at a public event, provided that  
12 there are no more than three amusement rides at the event,  
13 none of the kiddie rides at the event exceed a capacity of 12  
14 persons, and the ride has an inspection certificate that was  
15 issued within the preceding 6 months. The capacity of a kiddie  
16 ride shall be determined by rule of the department, unless the  
17 capacity of the ride has been determined and specified by the  
18 manufacturer. Any owner of a kiddie ride operating under this  
19 exemption is responsible for ensuring that no more than three  
20 amusement rides are operated at the event.

21 (14) REPORTING AND INVESTIGATION OF ACCIDENTS AND  
22 DEFECTS; IMPOUNDMENTS.--

23 (a) Any accident of which the owner or manager has  
24 knowledge or, through the exercise of reasonable diligence  
25 should have knowledge, and for which a patron is transported  
26 to a hospital, as defined in chapter 395, must be reported by  
27 the owner or manager to the department by telephone ~~or~~  
28 ~~facsimile~~ within 4 hours after the occurrence of the accident  
29 and must be followed up by a written report to the department  
30 within 24 hours after the occurrence of the accident.

31

1           Section 35. Subsection (8) of section 496.404, Florida  
2 Statutes, is amended to read:

3           496.404 Definitions.--As used in ss. 496.401-496.424:

4           (8) "Educational institutions" means those  
5 institutions and organizations described in s.  
6 212.08(7)(cc)8.a. The term includes private nonprofit  
7 organizations, the purpose of which is to raise funds for  
8 schools teaching grades kindergarten through grade 12,  
9 colleges, and universities, including any nonprofit newspaper  
10 of free or paid circulation primarily on university or college  
11 campuses which holds a current exemption from federal income  
12 tax under s. 501(c)(3) of the Internal Revenue Code, any  
13 educational television or radio network or system established  
14 pursuant to s. 229.805 or s. 229.8051, and any nonprofit  
15 television or radio station that is a part of such network or  
16 system and that holds a current exemption from federal income  
17 tax under s. 501(c)(3) of the Internal Revenue Code. The term  
18 also includes a nonprofit educational cable consortium that  
19 holds a current exemption from federal income tax under s.  
20 501(c)(3) of the Internal Revenue Code, whose primary purpose  
21 is the delivery of educational and instructional cable  
22 television programming and whose members are composed  
23 exclusively of educational organizations that hold a valid  
24 consumer certificate of exemption and that are either an  
25 educational institution as defined in this subsection or  
26 qualified as a nonprofit organization pursuant to s. 501(c)(3)  
27 of the Internal Revenue Code.

28           Section 36. (1) The building known as the U.S.D.A.  
29 Service Center Building, located at 1700 Highway 17-98 South  
30 in Bartow is designated the John W. Hunt Building.

31

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

4           Section 37. Paragraph (a) of subsection (1) of section  
5 316.640, Florida Statutes, is amended to read:

6           316.640 Enforcement.--The enforcement of the traffic  
7 laws of this state is vested as follows:

8           (1) STATE.--

9           (a)1.a. The Division of Florida Highway Patrol of the  
10 Department of Highway Safety and Motor Vehicles, the Division  
11 of Law Enforcement of the Fish and Wildlife Conservation  
12 Commission, the Division of Law Enforcement of the Department  
13 of Environmental Protection, and law enforcement officers of  
14 the Department of Transportation each have authority to  
15 enforce all of the traffic laws of this state on all the  
16 streets and highways thereof and elsewhere throughout the  
17 state wherever the public has a right to travel by motor  
18 vehicle. The Division of the Florida Highway Patrol may employ  
19 as a traffic accident investigation officer any individual who  
20 successfully completes at least 200 hours of instruction in  
21 traffic accident investigation and court presentation through  
22 the Selective Traffic Enforcement Program as approved by the  
23 Criminal Justice Standards and Training Commission and funded  
24 through the National Highway Traffic Safety Administration or  
25 a similar program approved by the commission, but who does not  
26 necessarily meet the uniform minimum standards established by  
27 the commission for law enforcement officers or auxiliary law  
28 enforcement officers under chapter 943. Any such traffic  
29 accident investigation officer who makes an investigation at  
30 the scene of a traffic accident may issue traffic citations,  
31 based upon personal investigation, when he or she has

1 reasonable and probable grounds to believe that a person who  
2 was involved in the accident committed an offense under this  
3 chapter, chapter 319, chapter 320, or chapter 322 in  
4 connection with the accident. This paragraph does not permit  
5 the carrying of firearms or other weapons, nor do such  
6 officers have arrest authority other than for the issuance of  
7 a traffic citation as authorized in this paragraph.

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

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

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

23           (I) An airport authority may employ as a parking  
24 enforcement specialist any individual who successfully  
25 completes a training program established and approved by the  
26 Criminal Justice Standards and Training Commission for parking  
27 enforcement specialists but who does not otherwise meet the  
28 uniform minimum standards established by the commission for  
29 law enforcement officers or auxiliary or part-time officers  
30 under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
31 construed to permit the carrying of firearms or other weapons,

1 nor shall such parking enforcement specialist have arrest  
2 authority.

3 (II) A parking enforcement specialist employed by an  
4 airport authority is authorized to enforce all state, county,  
5 and municipal laws and ordinances governing parking only when  
6 such violations are on property or facilities owned or  
7 operated by the airport authority employing the specialist, by  
8 appropriate state, county, or municipal traffic citation.

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

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

22 2. An agency of the state as described in subparagraph  
23 1. is prohibited from establishing a traffic citation quota. A  
24 violation of this subparagraph is not subject to the penalties  
25 provided in chapter 318.

26 3. Any disciplinary action taken or performance  
27 evaluation conducted by an agency of the state as described in  
28 subparagraph 1. of a law enforcement officer's traffic  
29 enforcement activity must be in accordance with written  
30 work-performance standards. Such standards must be approved by  
31 the agency and any collective bargaining unit representing

1 such law enforcement officer. A violation of this subparagraph  
2 is not subject to the penalties provided in chapter 318.

3 Section 38. Section 570.073, Florida Statutes, is  
4 amended to read:

5 570.073 Department of Agriculture and Consumer  
6 Services, law enforcement officers.--

7 (1) The commissioner may create an Office of  
8 Agricultural Law Enforcement under the supervision of a senior  
9 manager exempt under s. 110.205 in the Senior Management  
10 Service. The commissioner may designate law enforcement  
11 officers, as necessary, to enforce any criminal law or conduct  
12 any criminal investigation or to enforce the provisions of any  
13 statute or any other laws of this state. Officers appointed  
14 under this section shall have the primary responsibility for  
15 enforcing laws relating to agriculture and consumer services,  
16 as outlined in this section, and have jurisdiction over  
17 violations of law which threaten the overall security and  
18 safety of this state's agriculture and consumer services. The  
19 primary responsibilities of officers appointed under this  
20 section include the enforcement of ~~relating to any matter over~~  
21 ~~which the department has jurisdiction or which occurs on~~  
22 ~~property owned, managed, or occupied by the department. Those~~  
23 ~~matters include~~ laws relating to:

24 (a) Domesticated animals, including livestock,  
25 poultry, aquaculture products, and other wild or domesticated  
26 animals or animal products.

27 (b) Farms, farm equipment, livery tack, citrus or  
28 citrus products, or horticultural products.

29 (c) Trespass, littering, forests, forest fires, and  
30 open burning.

31 (d) Damage to or theft of forest products.

- 1 (e) Enforcement of a marketing order.
- 2 (f) Protection of consumers.
- 3 (g) Civil traffic offenses as provided for in state  
4 law chapters 316, 320, and 322, subject to the provisions of  
5 chapter 318, relating to any matter over which the department  
6 has jurisdiction or committed on property owned, managed, or  
7 occupied by the department.
- 8 (h) The use of alcohol or drugs which occurs on  
9 property owned, managed, or occupied by the department.
- 10 (i) Any emergency situation in which the life, limb,  
11 or property of any person is placed in immediate and serious  
12 danger.
- 13 (j) Any crime incidental to or related to paragraphs  
14 (a)-(i).
- 15 (k) The responsibilities of the Commissioner of  
16 Agriculture.
- 17 (2) Each law enforcement officer shall meet the  
18 qualifications of law enforcement officers under s. 943.13 and  
19 shall be certified as a law enforcement officer by the  
20 Department of Law Enforcement under the provisions of chapter  
21 943. Upon certification, each law enforcement officer is  
22 subject to and shall have the same arrest and other authority  
23 provided for law enforcement officers generally in chapter 901  
24 and shall have statewide jurisdiction as provided in  
25 subsection (1). Each officer shall also have arrest authority  
26 as provided for state law enforcement officers in s. 901.15 s.  
27 901.15(11). Such officers have full law enforcement powers  
28 granted to other peace officers of this state, including the  
29 authority to make arrests, carry firearms, serve court  
30 process, and seize contraband and the proceeds of illegal  
31 activities.

1           (3) The commissioner may also appoint part-time,  
2 reserve, or auxiliary law enforcement officers under chapter  
3 943.

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

7           (5)~~(4)~~ Each law enforcement officer in the state who  
8 is certified pursuant to chapter 943 has the same authority as  
9 law enforcement officers designated in this section to enforce  
10 the laws of this state as described in subsection (1).

11           Section 39. Paragraph (b) of subsection (5) of section  
12 570.71, Florida Statutes, is amended to read:

13           570.71 Conservation easements and agreements.--

14           (5) Agricultural protection agreements shall be for  
15 terms of 30 years and will provide payments to landowners  
16 having significant natural areas on their land. Public access  
17 and public recreational opportunities may be negotiated at the  
18 request of the landowner.

19           (b) As part of the agricultural protection agreement,  
20 the parties shall agree that the state shall have a right to  
21 buy a conservation easement or rural land protection easement  
22 at the end of the 30-year term ~~or prior to the landowner~~  
23 ~~transferring or selling the property, whichever occurs later.~~  
24 If the landowner tenders the easement for the purchase and the  
25 state does not timely exercise its right to buy the easement,  
26 the landowner shall be released from the agricultural  
27 agreement. The purchase price of the easement shall be  
28 established in the agreement and shall be based on the value  
29 of the easement at the time the agreement is entered into,  
30 plus a reasonable escalator multiplied by the number of full  
31 calendar years following the date of the commencement of the

1 agreement. The landowner may transfer or sell the property  
2 before the expiration of the 30-year term, but only if the  
3 property is sold subject to the agreement and the buyer  
4 becomes the successor in interest to the agricultural  
5 protection agreement. Upon mutual consent of the parties, a  
6 landowner may enter into a perpetual easement at any time  
7 during the term of an agricultural protection agreement.

8 Section 40. Subsection (3) of section 590.14, Florida  
9 Statutes, is amended to read:

10 590.14 Notice of violation; penalties.--

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

18 Section 41. Section 604.40, Florida Statutes, is  
19 created to read:

20 604.40 Farm equipment.--Notwithstanding any other law,  
21 ordinance, rule, or policy to the contrary, farm equipment may  
22 be stored, maintained, or repaired by the owner within the  
23 boundaries of the owner's farm and at least 50 feet away from  
24 any public road without limitation.

25 Section 42. Section 604.50, Florida Statutes, is  
26 amended to read:

27 604.50 Nonresidential farm buildings.--Notwithstanding  
28 any other law to the contrary, any nonresidential farm  
29 building ~~located on a farm~~ is exempt from the Florida Building  
30 Code and any county or municipal building code. For purposes  
31 of this section, the term "nonresidential farm building" means

1 any building or support structure that is used for  
2 agricultural purposes, is located on a farm that is not used  
3 as a residential dwelling, and is located on land that is an  
4 integral part of a farm operation or is classified as  
5 agricultural land under s. 193.461. The term "farm" is as  
6 defined in s. 823.14.

7 Section 43. There is appropriated to the Department of  
8 Agriculture and Consumer Services from the General Inspection  
9 Trust Fund of the Division of Food Safety of the Department of  
10 Agriculture and Consumer Services, one position and \$73,671 to  
11 carry out the provisions of this act.

12 Section 44. Except as otherwise expressly provided in  
13 this act, this act shall take effect July 1, 2002.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 CS/SB 2072

- 4 1. Requires that certified broadcast burning must be  
5 conducted in accordance with the provisions found in  
6 subsection (b) of s. 590.125.
- 7 2. Revises the types of equipment authorized for  
8 transporting farm products to include cotton module  
9 movers and includes "cotton" as a farm product to be  
10 transported.
- 11 3. Requires that the Commissioner of Agriculture appoint  
12 the member from a private, nonprofit organization  
13 involved on sturgeon production work to the Sturgeon  
14 Production Working Group.
- 15 4. Creates s. 604.40, authorizing that farm equipment may  
16 be stored, maintained or repaired by the owner within  
17 the boundaries of the owner's farm and at least 50 feet  
18 away from any public road without limitation.
- 19 5. Expands the duties of the Office of Agricultural Law  
20 Enforcement. The Committee Substitute expands the  
21 jurisdiction of such law enforcement officers to include  
22 violation of laws that threaten the overall security and  
23 safety of Florida's agriculture and consumer services  
24 and specifies that such officers have the full powers  
25 granted to other peace officers of the state. The  
26 Committee Substitute also authorizes the commissioner to  
27 appoint part-time, reserve, or auxiliary law enforcement  
28 officers.
- 29 6. Revises provisions relating to conservation easements  
30 and rural land protection easements.
- 31 7. Clarifies the definition of a "nonresidential farm  
building".
8. Revises requirements relating to guarantees and  
warranties in contracts for treatment of wood-destroying  
organisms. The committee substitute requires that for  
each new contract for the treatment of wood-destroying  
organisms issued after October 1, 2003, the contract  
must specify one of the following: 1) that it is offered  
for repair and re-treatment; 2) that it is offered for  
re-treatment only; or 3) that no warranty or guarantee  
is offered.
9. Appropriates \$73,671 and one position to the Department  
of Agriculture and Consumer Services from the General  
Inspection Trust Fund of the Division of Food Safety, to  
carry out the provisions of this act.