



Agriculture & Natural Resources Subcommittee

MEETING PACKET

Tuesday, March 8, 2011

3:15 PM

Reed Hall (102 HOB)

**Dean Cannon
Speaker**

**Steve Crisafulli
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Agriculture & Natural Resources Subcommittee

Start Date and Time: Tuesday, March 08, 2011 03:15 pm

End Date and Time: Tuesday, March 08, 2011 05:15 pm

Location: Reed Hall (102 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 641 Contaminated Site Rehabilitation Tax Credit by Mayfield

HB 649 Water Management Districts by Pilon

HB 663 State Forests by Steube

HB 709 Liquefied Petroleum Gas by Dorworth

HB 735 Division of Forestry by Porter

HB 4075 Dangerous Dogs by Garcia

HB 4147 Recreation and Parks by Porter

Presentation on Agriscience Education in Florida by the State President of Future Farmers of America

NOTICE FINALIZED on 03/04/2011 16:19 by Love.John

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 641 Contaminated Site Rehabilitation Tax Credit

SPONSOR(S): Mayfield

TIED BILLS: None IDEN./SIM. BILLS: SB 842

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Deslatte <i>JD</i>	Blalock <i>AFB</i>
2) Finance & Tax Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The Voluntary Cleanup Tax Credit Program (VCTC) was created to conduct voluntary cleanup of certain drycleaning solvent contaminated sites and brownfield sites in designated brownfield areas. The VCTC can apply toward corporate income taxes. The amount of the credit is 50 percent of the cost of voluntary cleanup activities integral to site rehabilitation, up to \$500,000 per site. If the credit is not fully used in any one year because of insufficient tax liability on the part of the tax credit applicant, the unused amount may be carried forward for a period not to exceed 5 years. The total amount of the tax credit that may be granted each year under the program is \$2 million. The Department of Environmental Protection (DEP) is responsible for allocating the credits.

The bill increases the cap on the total amount of tax credits that DEP can issue from \$2 million to \$4 million annually.

The bill will have a negative fiscal impact of \$2 million on state general revenue. The DEP will incur a minimal fiscal impact for rulemaking changes related to publishing rule drafts and conducting public workshops for rule development.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 1998, the legislature provided the Department of Environmental Protection (DEP) the direction and authority to issue tax credits as an additional incentive to encourage site rehabilitation in brownfield areas and to encourage voluntary cleanup of certain other types of contaminated sites. The legislature created a tax credit in the amount of 35% of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites:

- A site eligible for state-funded cleanup under the Drycleaning Solvent Cleanup Program (DSCP);
- A drycleaning solvent contaminated site at which the real property owner undertakes voluntary cleanup, provided that the real property owner has never been the owner or operator of the drycleaning facility; or
- A brownfield site in a designated brownfield area.

At that time, an eligible tax credit applicant could receive up to \$250,000 per site per year in tax credits. Due to concern that some participants in a voluntary cleanup might only conduct enough work to eliminate or minimize their exposure to third party lawsuits, the VCTC statute also provided a completion incentive in the form of an additional 10% supplemental tax credit for those applicants that completed site rehabilitation and received a Site Rehabilitation Completion Order (SRCO) from the department. This additional supplemental credit was 10% of the total cost of cleanup over the life of the project, with a \$50,000 cap. Site rehabilitation tax credit applications must be complete and submitted by January 31 of each year. The total amount of tax credits for all sites that may be granted by the DEP is \$2 million annually. In the event that approved tax credit applications exceed the \$2 million annual authorization, the statute provides for remaining applications to roll over into the next fiscal year to receive tax credits in first come, first served order from the next year's authorization. When the VCTC program was created, these tax credits could be applied toward corporate income tax or intangible personal property tax in Florida. The tax credits may be transferred one time, although they may succeed to a surviving or acquiring entity after merger or acquisition.

In 2006, amendments were made to VCTC provisions in section 220.1845, F.S., (Corporate Income Tax) and section 376.30781, F.S., (Pollutant Discharge Prevention and Removal) to allow costs incurred prior to the brownfield area designation to be claimed, as long as the brownfield area designation is made in the same calendar year as when the first VCTC costs are claimed. Additional amendments were also adopted that:

- Increase the amount and percentage of costs of voluntary cleanup activity that is integral to site rehabilitation from 35% to 50% and from \$250,000 to \$500,000;
- Increase the percentage and value of the completion incentive tax credit from 10% to 25% and from \$50,000 to \$500,000;
- Allows a one-time application for an additional 25% of the total site rehabilitation costs, up to \$500,000, for brownfield sites at which the land use is restricted to affordable housing;
- Allows an eligible applicant to submit a one-time application claiming 50% of the costs, up to \$500,000, for removal, transportation and disposal of solid waste at a brownfield site; and
- Extends the review and certificate issuance period from March 1 to March 31.

The 2006 legislature also repealed section 199.1055, F.S., the Intangible Personal Property Tax provision. Therefore, the VCTC can now only be applied against Florida corporate income tax.

According to DEP's analysis¹, the requests for tax credits have met or exceeded the annual \$2 million authorization since 2006. All tax credit authorizations have been exhausted to date and tax credit awards for costs incurred as far as 2008 are still pending, with a current backlog of approved, unawarded tax credits at \$7,379,777.26. For 2010, DEP received 52 applications requesting \$5,647,779.96 in tax credits. Those applications are currently being reviewed for eligibility.

Effect of Proposed Changes

The bill increases the cap on the total amount of tax credits that DEP can issue from \$2 million to \$4 million annually.

B. SECTION DIRECTORY:

Section 1. Amends s. 220.1845, F.S., increasing the annual contaminated site rehabilitation tax credit cap.

Section 2. Amends s. 376.30781, F.S., conforming references.

Section 3. Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

By increasing the cap on the total amount of tax credits that DEP can issue from \$2 million to \$4 million annually, the bill will have a negative fiscal impact of \$2 million on state general revenue.

2. Expenditures:

The bill requires DEP to amend current rules detailing the tax credit application process. There will be minimal fiscal impacts associated with the cost of rulemaking related to publishing rule drafts and conducting public workshops for rule development.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The increase in authorization provided in the bill would allow some businesses to receive their tax credit certificates sooner, which may spur further site rehabilitation and redevelopment activity.

D. FISCAL COMMENTS:

According to DEP, if applications continue to be submitted at the same rate as in the past two years, the increase in authorization will not reduce the size of the backlog of approved, unawarded tax credits, but it will slow the rate at which the backlog grows.

¹ On file with House staff

<u>Fiscal Year</u>	<u>Total \$ Issued</u>	<u>Certificates to be Awarded Pending Legislative Authorization</u>
FY 1998-1999	\$30,228.13	
FY 1999-2000	\$118,438.25	
FY 2000-2001	\$213,851.71	
FY 2001-2002	\$494,193.72	
FY 2002-2003	\$1,068,049.30	
FY 2003-2004	\$1,093,319.13	
FY 2004-2005	\$1,190,541.87	
FY 2005-2006	\$1,315,058.87	
FY 2006-2007	\$1,999,999.70	
FY 2007-2008	\$2,000,000.00	
FY 2008-2009	\$2,000,000.00	\$1,191,168.36
FY 2009-2010	\$2,000,000.00	\$5,657,798.63
FY 2010-2011	\$2,000,000.00	Eligibility determinations in progress; \$530,810.27 approved as of 2/15/11. An additional \$5,116,969.69 in tax credits requested.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill requires DEP to amend current rules detailing the tax credit application process.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to the contaminated site rehabilitation
 3 tax credit; amending s. 220.1845, F.S.; increasing the
 4 annual tax credit cap; amending s. 376.30781, F.S.;
 5 conforming references; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:
 8

9 Section 1. Paragraph (f) of subsection (2) of section
 10 220.1845, Florida Statutes, is amended to read:

11 220.1845 Contaminated site rehabilitation tax credit.—

12 (2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

13 (f) The total amount of the tax credits which may be
 14 granted under this section is \$4 ~~\$2~~ million annually.

15 Section 2. Subsections (4), (5), and (11) of section
 16 376.30781, Florida Statutes, are amended to read:

17 376.30781 Tax credits for rehabilitation of drycleaning-
 18 solvent-contaminated sites and brownfield sites in designated
 19 brownfield areas; application process; rulemaking authority;
 20 revocation authority.—

21 (4) The Department of Environmental Protection is
 22 responsible for allocating the tax credits provided for in s.
 23 220.1845, which may not exceed a total of \$4 ~~\$2~~ million in tax
 24 credits annually.

25 (5) To claim the credit for site rehabilitation or solid
 26 waste removal, each tax credit applicant must apply to the
 27 Department of Environmental Protection for an allocation of the
 28 \$4 ~~\$2~~ million annual credit by filing a tax credit application

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29 with the Division of Waste Management on a form developed by the
 30 Department of Environmental Protection in cooperation with the
 31 Department of Revenue. The form shall include an affidavit from
 32 each tax credit applicant certifying that all information
 33 contained in the application, including all records of costs
 34 incurred and claimed in the tax credit application, are true and
 35 correct. If the application is submitted pursuant to
 36 subparagraph (3)(a)2., the form must include an affidavit signed
 37 by the real property owner stating that it is not, and has never
 38 been, the owner or operator of the drycleaning facility where
 39 the contamination exists. Approval of tax credits must be
 40 accomplished on a first-come, first-served basis based upon the
 41 date and time complete applications are received by the Division
 42 of Waste Management, subject to the limitations of subsection
 43 (14). To be eligible for a tax credit, the tax credit applicant
 44 must:

45 (a) For site rehabilitation tax credits, have entered into
 46 a voluntary cleanup agreement with the Department of
 47 Environmental Protection for a drycleaning-solvent-contaminated
 48 site or a Brownfield Site Rehabilitation Agreement, as
 49 applicable, and have paid all deductibles pursuant to s.
 50 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program
 51 sites, as applicable. A site rehabilitation tax credit applicant
 52 must submit only a single completed application per site for
 53 each calendar year's site rehabilitation costs. A site
 54 rehabilitation application must be received by the Division of
 55 Waste Management of the Department of Environmental Protection
 56 by January 31 of the year after the calendar year for which site

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57 rehabilitation costs are being claimed in a tax credit
 58 application. All site rehabilitation costs claimed must have
 59 been for work conducted between January 1 and December 31 of the
 60 year for which the application is being submitted. All payment
 61 requests must have been received and all costs must have been
 62 paid prior to submittal of the tax credit application, but no
 63 later than January 31 of the year after the calendar year for
 64 which site rehabilitation costs are being claimed.

65 (b) For solid waste removal tax credits, have entered into
 66 a brownfield site rehabilitation agreement with the Department
 67 of Environmental Protection. A solid waste removal tax credit
 68 applicant must submit only a single complete application per
 69 brownfield site, as defined in the brownfield site
 70 rehabilitation agreement, for solid waste removal costs. A solid
 71 waste removal tax credit application must be received by the
 72 Division of Waste Management of the Department of Environmental
 73 Protection subsequent to the completion of the requirements
 74 listed in paragraph (3)(e).

75 (11) If a tax credit applicant does not receive a tax
 76 credit allocation due to an exhaustion of the \$4 2 million
 77 annual tax credit authorization, such application will then be
 78 included in the same first-come, first-served order in the next
 79 year's annual tax credit allocation, if any, based on the prior
 80 year application.

81 Section 3. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 649 Water Management Districts

SPONSOR(S): Pilon

TIED BILLS: None IDEN./SIM. BILLS: SB 882

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Deslatte JD	Blalock AFB
2) Rulemaking & Regulation Subcommittee			
3) Agriculture & Natural Resources Appropriations Subcommittee			
4) State Affairs Committee			

SUMMARY ANALYSIS

Currently, Florida has 52 large watersheds or basins. In order to make environmental management easier, more effective and more uniform across programs, the Department of Environmental Protection (DEP) has grouped these watersheds into 29 groups of basins.

Any areas within a water management district (WMD) may be designated by the WMD governing board as subdistricts or basins by resolution, with the exception of basins within the St. Johns River Water Management District, which are established in statute by the Legislature. Each basin has a board composed of not less than three members, but must include one representative from each of the counties included in the basin.

The bill amends statutory provisions relating to the make-up of water basin boards. If there are two WMD board members sitting on a water basin board, the pair will rotate the chair/co-chair position on an annual basis. If there is a vacancy on a water basin board, a quorum of total remaining basin board members may transact business until a successor is appointed. The bill places a Southwest Florida WMD board member on the Manasota Basin board beginning July 1, 2011.

The bill exempts WMD cooperative funding programs from Chapter 120, F.S., rulemaking requirements unless any portion of an approved program affects the substantial interests of a party.

The bill provides that local governments are authorized to adopt ordinances that implement landscape irrigation restrictions set forth in WMD rules or orders.

The bill amends current law to specify that funds deposited in the Water Protection and Sustainability Program Trust Fund to the credit of the Suwannee River Water Management District may also be used for regional water supply planning, water resource development, and water resource projects.

Beginning in fiscal year 2009-2010, ch. 2009-68, Laws of Florida (L.O.F.), eliminated documentary stamp tax distributions into the Water Protection and Sustainability Program Trust Fund, which was the primary revenue source for this trust fund. Therefore, the only revenue in this trust fund is derived from interest earnings on prior year unexpended fixed appropriations for capital outlay projects. If, and when, funds are provided by the Legislature into this trust fund, the bill will allow greater flexibility in the use of said funds by the Suwannee River WMD.

This bill does not appear to have a direct fiscal impact on state or local governments.

FULL ANALYSIS

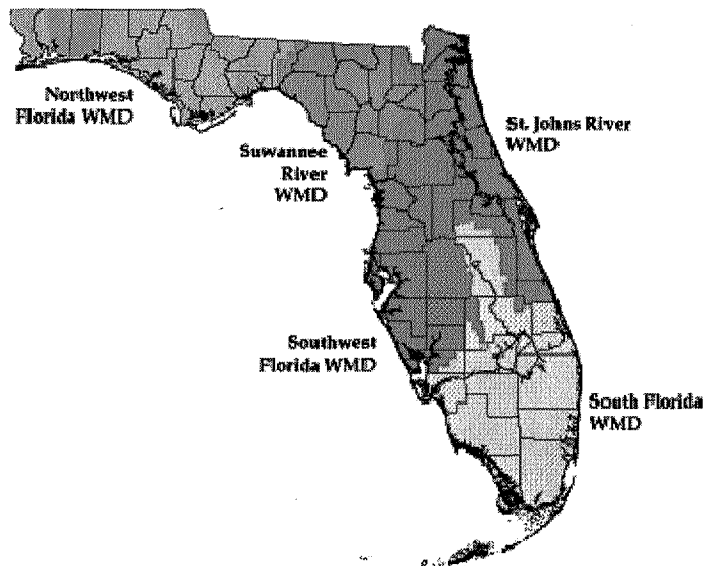
I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Water Management Districts

The DEP manages the quality and quantity of water in Florida through its relationship with the state's WMDs, which are tasked with the preservation and management of Florida's water resources. The WMDs include the Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, South Florida Water Management District and the Southwest Florida Water Management District¹.



Operating Agreements between the DEP and the WMDs outline specific responsibilities to each agency for any given application. Under those agreements, the DEP generally reviews and takes actions on applications involving:

- Solid waste, hazardous waste, domestic waste, and industrial waste facilities;
- Mining;
- Power plants, transmission and communication cables and lines, natural gas and petroleum exploration, production, and distribution lines and facilities;
- Docking facilities and attendant structures and dredging that are not part of a larger plan of residential or commercial development;
- Navigational dredging conducted by governmental entities, except when part of a larger project that a WMD has the responsibility to permit;
- Systems serving only one single-family dwelling unit or residential unit not part of a larger common plan of development;
- Systems located in whole or in part seaward of the coastal construction control line;
- Seaports; and
- Smaller, separate water-related activities not part of a larger plan of development (such as boat ramps, mooring buoys, and artificial reefs)

¹ The Water Resources Act of 1972 (Chapter 373, Florida Statutes) mandated that five WMDs be created to manage the water resources of the state. After a process which took several years, the WMDs' boundaries were drawn based on natural, hydrologic basins rather than political or county limits to allow for effective and efficient planning and management. These boundaries are generally as they exist today.

Chapter 373, F.S., charges the WMDs with managing regional water supplies, water quality, flood protection, and the protection of natural systems. The Legislature has directed the WMDs to engage in plan development and implementation, regulation, land acquisition, financial and technical assistance, water resource restoration, water resource development, and other activities to achieve the statutory water management objectives². By statute, each WMD is overseen by a governing board appointed by the Governor and confirmed by the Senate.

In 1998, the WMDs prepared water supply plans to determine the existing and future water needs and evaluate the adequacy of existing and potential sources to meet the reasonable-beneficial needs for the next 20 years. These plans are updated at least once every 5 years. For those areas where the sources were determined not to be adequate to meet the future needs, the districts were required to prepare regional water supply plans. The Northwest Florida, St. Johns River, South Florida and Southwest Florida Water Management Districts determined that sources were not adequate to meet all these future needs while sustaining the natural resources. By August 2001, these four districts completed regional water supply plans. Each year the districts are required to prepare a Five-Year Water Resource Development Work Program that describes implementation strategies for the water resource development component of regional water supply plans. The Suwannee River Water Management District's (SRWMD) water supply assessment concluded that supplies were adequate to meet the 2020 needs and therefore was not required to prepare a regional water supply plan.

Beginning in fiscal year 2005-2006, the state annually provides a portion of those revenues deposited into the Water Protection and Sustainability Program Trust Fund (WPSPTF) for the purpose of providing funding assistance for the development of alternative water supplies pursuant to the Water Protection and Sustainability Program. The DEP distributes these revenues into the alternative water supply trust fund accounts created by each district for the purpose of alternative water supply development under the following funding formula:

- Thirty percent to the South Florida Water Management District;
- Twenty-five percent to the Southwest Florida Water Management District;
- Twenty-five percent to the St. Johns River Water Management District;
- Ten percent to the Suwannee River Water Management District; and
- Ten percent to the Northwest Florida Water Management District.

The statewide funds provided pursuant to the Water Protection and Sustainability Program serve to supplement existing water management district funding for alternative water supply development assistance. The districts are required to include the amount of funds allocated for water resource development that supports alternative water supply development and the funds allocated for alternative water supply projects selected for inclusion in the Water Protection and Sustainability Program in their annual tentative and adopted budget submittals. The goal of each district is to match the state funding provided to the district for alternative water supply development. Only the Suwannee River and the Northwest Florida Water Management Districts are not required to meet the match requirements, but they are encouraged to try to achieve the match requirement to the greatest extent practicable.

Section 373.707, F.S., relating to alternative water supply development, mandates cooperative efforts between municipalities, counties, special districts, water management districts, and the DEP in the development of water supplies and to provide for alternative water supply development.

In regards to funding for alternative water resource projects, s. 373.707, F.S., provides that the districts and the state share a percentage of revenues with water providers and users, to be used to

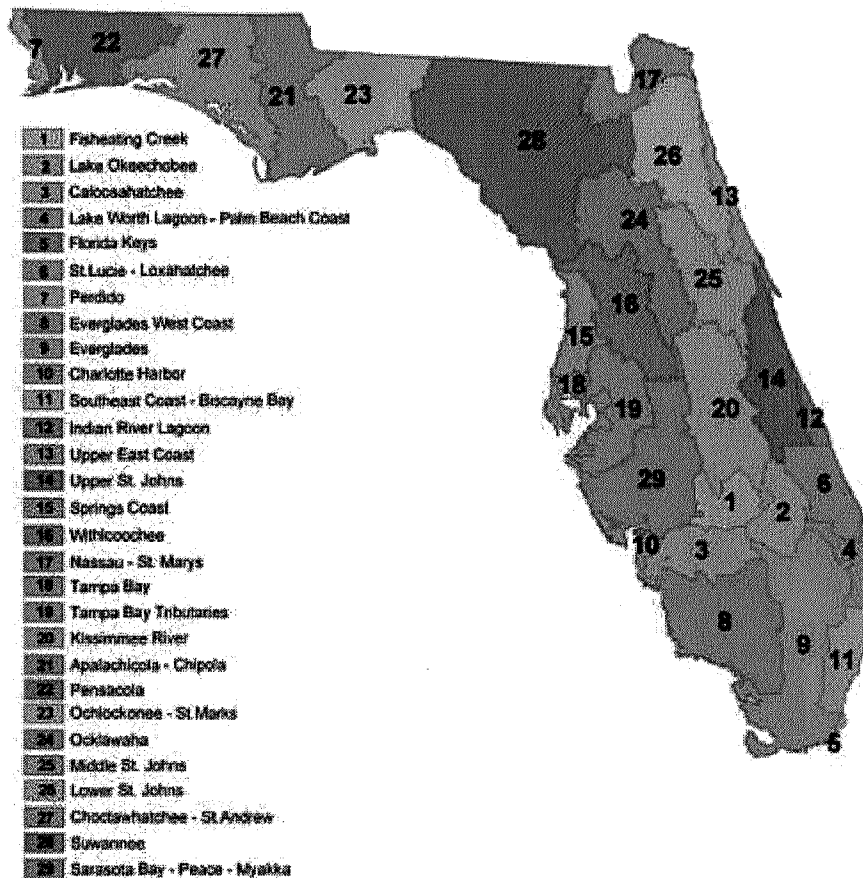
² In 1975, the Legislature proposed a constitutional amendment to authorize WMDs to levy ad valorem property taxes to help fund water resource management efforts. As a result, Article VII, Section 9 of the Florida Constitution authorizes the WMDs to levy ad valorem taxes based on taxable property values within each district's boundaries. The Northwest Florida WMD is limited to a constitutional millage cap of 0.05 mill, while the remaining four WMDs are limited to a maximum of 1.00 mill. In addition to ad valorem, other WMDs revenue sources include the United States Government, the State of Florida, local governments within the district, and other district sources like permit fees and interest earnings on investments.

supplement other funding sources in the development of alternative water supplies. Public and private water users include local governments, water, wastewater, reuse utilities, municipal, special district, industrial and agricultural water users.

Pursuant to this section, if a district has not completed any regional water supply plan, or the regional water supply plan does not identify the need for any alternative water supply projects, funds deposited in that district's trust fund may be used for water resource development projects, including, but not limited to, springs protection. Presently, the Suwannee River Water Management District is the only district to not complete a regional water supply plan, however, the goal is to have one completed this year. As the lesser funded of the five districts, both the Northwest Florida and the Suwannee River Water Management Districts desire more flexibility in the use of funds from the WPSPTF, if and when funding is restored.

Basin Boards

Florida has 52 large watersheds or basins. In order to make environmental management easier, more effective and more uniform across programs, DEP has grouped these watersheds into 29 groups of basins.



Any areas within a WMD may be designated by the WMD governing board as subdistricts or basins by resolution, with the exception of basins within the St. Johns River Water Management District, which are approved by the Legislature. Each basin has a board composed of not less than three members, but must include one representative from each of the counties included in the basin. Members serve for a period of 3 years or until a successor is appointed, but usually not more than 180 days after the end of the term. Each basin board chooses a vice chair and a secretary to serve for a period of 1 year. The basin board chair is typically a member of the WMD governing board of the district residing in the basin.

If no member resides in the basin, a member of the governing board is designated as chair by the chair of the WMD board. Members of basin boards are appointed by the Governor and subject to

confirmation by the Senate. Refusal or failure of the Senate to confirm an appointment creates a vacancy in the office.

Statutory duties of basin boards, pursuant to s. 373.0695, F.S., include:

- The preparation of engineering plans for development of the water resources of the basin and the conduct of public hearings on such plans.
- The development and preparation of an overall basin plan of secondary water control facilities for the guidance of subdrainage districts and private land owners in the development of their respective systems of water control, which will be connected to the primary works of the basin to complement the engineering plan of primary works for the basin.
- The preparation of the annual budget for the basin and the submission of such budget to the WMD governing board for inclusion in the WMD budget.
- The consideration and prior approval of final construction plans of the WMD for works to be constructed in the basin.
- The administration of the affairs of the basin.
- Planning for and, upon request by a county, municipality, private utility, or regional water supply authority, providing water supply and transmission facilities for the purpose of assisting such counties, municipalities, private utilities, or regional water supply authorities within or serving the basin.

Effect of Proposed Changes

Basin Boards

The bill amends statutory provisions relating to the make-up of water basin boards. If there are two WMD board members sitting on a water basin board, the pair will rotate the chair/co-chair position on an annual basis. If there is a vacancy on a water basin board, a quorum of total remaining basin board members may transact business until a successor is appointed. The bill places a Southwest Florida WMD board member on the Manasota Basin board beginning July 1, 2011.

Water Management Districts

The bill exempts WMD cooperative funding programs from Chapter 120, F.S., rulemaking requirements unless any portion of an approved program affects the substantial interests of a party.

Landscape Irrigation

The bill provides that local governments are authorized to adopt ordinances that implement landscape irrigation restrictions set forth in WMD rules or orders.

Alternative Water Supply

The bill amends s. 373.707(8)(c), F.S., to clarify that funds deposited in the Water Protection and Sustainability Program Trust Fund to the credit of the Suwannee River Water Management District may also be used for regional water supply planning, water resource development, and water resource projects.

B. SECTION DIRECTORY:

Section 1. Amends s. 373.0693, F.S., revising provisions relating to the membership of basin boards; specifying the terms of service for basin board members designated by district governing board chairs; providing that basin board members designated by district governing board chairs are voting members and counted for quorum purposes; providing for designated district governing board members to serve as basin board chairs and co-chairs; providing that a quorum of remaining members may conduct business if there is a vacancy on the board; revising provisions relating to the membership of the

Manasota Basin Board; providing for the designation of a member of the district governing board to serve on the basin board.

Section 2. Amends s. 373.171, F.S., exempting cooperative funding programs from certain rulemaking requirements.

Section 3. Amends s. 373.228, F.S., revising legislative intent relating to landscape irrigation restrictions; providing that local governments may adopt restricts set forth in district rules or orders.

Section 4. Amends s. 373.707, F.S., authoring water management districts to use certain moneys in the Water Protection and Sustainability Program Trust Fund for water resource development projects.

Section 5. Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The bill exempts WMD cooperative funding programs from Chapter 120, F.S., rulemaking requirements unless any portion of an approved program affects the substantial interest of a party. WMDs that establish cooperative funding programs may save time and money associated with the rulemaking process.

Beginning in fiscal year 2009-2010, ch. 2009-68, L.O.F., eliminated documentary stamp tax distributions into the Water Protection and Sustainability Program Trust Fund, which was the primary revenue source for this trust fund. Therefore, the only revenue in this trust fund is derived from interest earnings on prior year unexpended fixed capital outlay projects. If, and when, funds are provided by the Legislature into this trust fund, the bill will allow greater flexibility in the use of said funds by the Suwannee River WMD.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill exempts WMD cooperative funding programs from Chapter 120, F.S., rulemaking requirements unless any portion of an approved program affects the substantial interests of a party.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to water management districts; amending s.
 3 373.0693, F.S.; revising provisions relating to the
 4 membership of basin boards; specifying the terms of
 5 service for basin board members designated by district
 6 governing board chairs; providing that basin board members
 7 designated by district governing board chairs are voting
 8 members and counted for quorum purposes; providing for
 9 designated district governing board members to serve as
 10 basin board chairs and co-chairs; providing that a quorum
 11 of remaining members may conduct business if there is a
 12 vacancy on the board; revising provisions relating to the
 13 membership of the Manasota Basin Board; providing for the
 14 designation of a member of the district governing board to
 15 serve on the basin board; amending s. 373.171, F.S.;
 16 exempting cooperative funding programs from certain
 17 rulemaking requirements; amending s. 373.228, F.S.;
 18 revising legislative intent relating to landscape
 19 irrigation restrictions; providing that local governments
 20 may adopt restrictions set forth in district rules or
 21 orders; amending s. 373.707, F.S.; authorizing water
 22 management districts to use certain moneys in the Water
 23 Protection and Sustainability Program Trust Fund for water
 24 resource development projects; providing an effective
 25 date.

26
 27 Be It Enacted by the Legislature of the State of Florida:
 28

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29 Section 1. Subsections (1) through (7) of section
30 373.0693, Florida Statutes, are amended to read:

31 373.0693 Basins; basin boards.—

32 (1)(a) Any areas within a district may be designated by
33 the district governing board as subdistricts or basins. The
34 designations ~~of such basins~~ shall be made by resolution of the
35 district governing board ~~by resolutions thereof~~. The governing
36 board ~~of the district~~ may change the boundaries of such basins,
37 or create new basins, by resolution.

38 (b) No subdistrict or basin in the St. Johns River Water
39 Management District other than established by this act is ~~shall~~
40 ~~become~~ effective until approved by the Legislature.

41 (2) Each basin shall be under the control of a basin board
42 ~~which shall be~~ composed of at least ~~not less than~~ three members,
43 including one or more representatives ~~but shall include one~~
44 ~~representative~~ from each of the counties included in the basin.

45 (3) Except for a member of the district governing board
46 serving on a basin board pursuant to subsection (6), each member
47 of a ~~the various~~ basin board ~~boards~~ shall be appointed ~~serve~~ for
48 ~~a period of~~ 3 years or until a successor is appointed, but not
49 more than 180 days after the end of the term. ~~except that~~ The
50 ~~board~~ membership of each new basin board shall be divided into
51 three groups as equally as possible, with members in such groups
52 ~~to be~~ appointed for 1, 2, and 3 years, respectively. Each basin
53 board shall choose a vice chair and a secretary to serve for a
54 ~~period of~~ 1 year. The term of office of a basin board member
55 shall ~~be construed to~~ commence on March 2 preceding the date of
56 appointment and ~~to~~ terminate March 1 of the year of the end of a

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57 | term or ~~may continue~~ until a successor is appointed, but not
 58 | more than 180 days after the end of the expired term. A member
 59 | of the district governing board serving on a basin board
 60 | pursuant to subsection (6) shall serve for a period commensurate
 61 | with his or her term on the governing board.

62 | (4) Except for a member of the district governing board
 63 | serving on a basin board pursuant to subsection (6), members of
 64 | a basin board ~~boards~~ shall be appointed by the Governor, subject
 65 | to confirmation by the Senate at the next regular session of the
 66 | Legislature. ~~and~~ The refusal or failure of the Senate to
 67 | confirm an appointment shall create a vacancy in the office to
 68 | which the appointment was made.

69 | (5) Basin board members shall serve without ~~receive no~~
 70 | compensation ~~for services as such;~~ but are entitled to
 71 | reimbursement for per diem and travel expenses as provided in s.
 72 | 112.061, ~~while officially on work for the district, they shall~~
 73 | ~~receive their actual travel expenses between their respective~~
 74 | ~~places of residence and the place where official district~~
 75 | ~~business is conducted, subsistence, lodging, and other expenses~~
 76 | ~~in the amount actually incurred. These expenses may not exceed~~
 77 | ~~the statutory amount allowed state officers and employees. This~~
 78 | subsection applies retroactively to the effective date of the
 79 | creation of each of the five separate water management
 80 | districts.

81 | (6) (a) Notwithstanding any other provision of the
 82 | ~~provisions of any other~~ general or special law ~~to the contrary,~~
 83 | a member of the district governing board ~~of the district~~
 84 | residing in the basin, or, if no member resides in the basin, a

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85 member of the district governing board designated by the chair
86 of the district governing board, shall be a voting member of the
87 basin board and counted for purposes of establishing a quorum.

88 (b) A governing board member shall serve as the chair of
89 the basin board. If more than one governing board member is
90 designated to a basin board, each shall rotate as co-chair of
91 the basin board. The chair or co-chair shall preside at all
92 meetings of the basin board, except that the vice chair may
93 preside in the his or her absence of the chair and co-chair. The
94 chair shall be the liaison officer of the district in all
95 affairs in the basin and shall be kept informed of all such
96 affairs.

97 (c) If a vacancy occurs on a basin board, a quorum of the
98 total remaining members may continue to transact official
99 business until a successor is appointed.

100 (d)~~(b)~~ Basin boards within the Southwest Florida Water
101 Management District shall meet regularly as determined by a
102 majority vote of the basin board members. Subject to the notice
103 requirements of chapter 120, special meetings, both emergency
104 and nonemergency, may be called ~~either~~ by the chair or the
105 elected vice chair ~~of the basin board~~ or upon request of two
106 basin board members. The district staff shall include on the
107 agenda of any basin board meeting any item for discussion or
108 action requested by a member of that basin board. The district
109 staff shall notify any basin board, as well as their respective
110 counties, of any vacancies occurring in the district governing
111 board or their respective basin boards.

112 ~~(7) At 11:59 p.m. on December 31, 1976, the Manasota~~

113 ~~Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 114 ~~Management District, which is annexed to the Southwest Florida~~
 115 ~~Water Management District by change of its boundaries pursuant~~
 116 ~~to chapter 76-243, Laws of Florida, shall be formed into a~~
 117 ~~subdistrict or basin of the Southwest Florida Water Management~~
 118 ~~District, subject to the same provisions as the other basins in~~
 119 ~~such district. Such subdistrict shall be designated initially as~~
 120 ~~the Manasota Basin. The members of the governing board of the~~
 121 ~~Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water~~
 122 ~~Management District shall become members of the governing board~~
 123 ~~of the Manasota Basin of the Southwest Florida Water Management~~
 124 ~~District. Notwithstanding other provisions in this section,~~
 125 ~~beginning on July 1, 2011 ~~2001~~, the membership of the Manasota~~
 126 ~~Basin Board shall be comprised of two members from Manatee~~
 127 ~~County, and two members from Sarasota County, and any members of~~
 128 ~~the district governing board designated by the chair of the~~
 129 ~~district governing board pursuant to subsection (6). Matters~~
 130 ~~relating to tie votes shall be resolved pursuant to subsection~~
 131 ~~(6) by the chair designated by the governing board to vote in~~
 132 ~~case of a tie vote.~~

133 Section 2. Subsection (5) is added to section 373.171,
 134 Florida Statutes, to read:

135 373.171 Rules.—

136 (5) Cooperative funding programs are not subject to the
 137 rulemaking requirements of chapter 120. However, any portion of
 138 an approved program which affects the substantial interests of a
 139 party is subject to s. 120.569.

140 Section 3. Section 373.228, Florida Statutes, is amended

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141 to read:

142 373.228 Landscape irrigation ~~design~~.—

143 (1) The Legislature finds that multiple areas throughout
 144 the state have been identified by water management districts as
 145 water resource caution areas, which indicates that in the near
 146 future water demand in those areas will exceed the current
 147 available ~~water~~ supply and that conservation is one of the
 148 mechanisms by which future water demand will be met.

149 (2) The Legislature finds that landscape irrigation
 150 comprises a significant portion of water use and that current
 151 typical landscape irrigation systems, ~~and~~ Florida-friendly
 152 landscaping designs, and landscape irrigation restrictions offer
 153 significant potential water conservation benefits.

154 (3) It is the intent of the Legislature to improve
 155 landscape irrigation water use efficiency by ensuring that
 156 landscape irrigation systems meet or exceed minimum design
 157 criteria and that, pursuant to s. 373.609, the landscape
 158 irrigation restrictions of a water management district may be
 159 implemented by ordinance of the applicable local governments.

160 (4) The water management districts shall work with the
 161 Florida Nursery, Growers and Landscape Association, the Florida
 162 Native Plant Society, the Florida Chapter of the American
 163 Society of Landscape Architects, the Florida Irrigation Society,
 164 the Department of Agriculture and Consumer Services, the
 165 Institute of Food and Agricultural Sciences, the Department of
 166 Environmental Protection, the Department of Transportation, the
 167 Florida League of Cities, the Florida Association of Counties,
 168 and the Florida Association of Community Developers to develop

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169 landscape irrigation and Florida-friendly landscaping design
170 standards for new construction which incorporate a landscape
171 irrigation system and develop scientifically based model
172 guidelines for urban, commercial, and residential landscape
173 irrigation, including drip irrigation, for plants, trees, sod,
174 and other landscaping. The standards must ~~shall~~ be based on the
175 irrigation code defined in the Florida Building Code, Plumbing
176 Volume, Appendix F. Local governments shall use the standards
177 and guidelines when developing landscape irrigation and Florida-
178 friendly landscaping ordinances. By January 1, 2011, the
179 agencies and entities specified in this subsection shall review
180 the standards and guidelines to determine whether new research
181 findings require a change or modification of the standards and
182 guidelines.

183 (5) Notwithstanding s. 373.217, local governments may
184 adopt ordinances that implement landscape irrigation
185 restrictions set forth in water management district rules or
186 orders. In evaluating water use applications from public water
187 suppliers, water management districts shall consider whether the
188 applicable local government has adopted ordinances for
189 landscaping and irrigation systems consistent with the Florida-
190 friendly landscaping provisions of s. 373.185.

191 Section 4. Paragraph (c) of subsection (8) of section
192 373.707, Florida Statutes, is amended to read:

193 373.707 Alternative water supply development.—

194 (8)

195 (c) ~~The~~ Financial assistance for alternative water supply
196 projects allocated in each district's budget as required in

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197 subsection (6) shall be combined with the state funds and used
198 to assist in funding the project construction costs of
199 alternative water supply projects and the project costs of
200 conservation projects that result in quantifiable water savings
201 selected by the governing board. ~~If the district has not~~
202 ~~completed any regional water supply plan, or the regional water~~
203 ~~supply plan does not identify the need for any alternative water~~
204 ~~supply projects,~~ Funds deposited in the Water Protection and
205 Sustainability Program Trust Fund to the credit of the Suwannee
206 River Water Management District ~~that district's trust fund~~ may
207 also be used for regional water supply planning, water resource
208 development, and water resource projects, including, but not
209 limited to, springs protection.

210 Section 5. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 663 State Forests
SPONSOR(S): Steube
TIED BILLS: None IDEN./SIM. BILLS: SB 850

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Maurer JHM	Blalock AFB
2) Rulemaking & Regulation Subcommittee			
3) Agriculture & Natural Resources Appropriations Subcommittee			
4) State Affairs Committee			

SUMMARY ANALYSIS

The Division of Forestry (division) of the Department of Agriculture and Consumer Services (DACs) manages and administers all state forests in the interests of the public. The division is authorized to direct multiple-use management of forest lands owned by the state. The bill directs the Division of Forestry (division) to designate areas of state forests as "Wounded Warrior Special Hunt Areas" to honor veterans and provide outdoor recreational opportunities for eligible veterans. Admittance to these designated areas is limited to particular veterans and persons accompanying eligible veterans who require that person's assistance to use the area.

The bill authorizes the division to receive, administer, and expend funds for special accommodations for Wounded Warrior Special Hunt Areas from private sources including, but not limited to, Friends of Florida State Forests, Inc. The division is granted rulemaking authority to administer this subsection.

It may be necessary for DACs to expend an indeterminate amount of funds for special accommodations and maintenance of the special hunt areas provided for in the bill if costs exceed the amount of any donations the division receives.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Division of Forestry (division) of the Department of Agriculture and Consumer Services (DACS) manages and administers all state forests in the interests of the public.¹ The division is authorized to direct multiple-use management of forest lands owned by the state. Such use includes, but is not limited to, water-resource protection, forest-ecosystems protection, natural-resource-based low-impact recreation, and sustainable timber management for forest products.² Furthermore, the division cooperates with federal, state, and local government agencies, non-profit organizations, and other persons to apply for, solicit, and receive grants and funds from those agencies, organizations, firms and individuals.³

There are 35 state forests in Florida, totaling more than 1,052,000 acres.⁴ Under the direction of the Fish and Wildlife Conservation Commission, many state forests are open to regulated hunting and fishing.⁵ Hunting requires a license and permit and is allowed only in designated Wildlife Management Areas during specific seasons.⁶ Fishing also requires a valid license.⁷

Non-profit organizations such as Wounded Warrior Outdoors, Inc.⁸ and Wounded Warriors In Action⁹ provide wounded servicemen and servicewomen with opportunities for outdoor recreational activities. In the past, such activities have included hunting and fishing excursions in various parts of the country. The organizations assert that such activities are therapeutic and an important part of physical and mental recovery.

Currently, the division provides a hunting area in Lake Wales Ridge State Forest for a nearby "Wounded Warrior" organization. The hunts typically last for a weekend or several days and include special accommodations as needed by the wounded warriors, such as turkey blinds with space for operation of a motorized wheelchair.

Effect of Bill

HB 663 amends s. 589.19, F.S., to require the division to designate one or more areas of state forests as a "Wounded Warrior Special Hunt Area" to provide special outdoor recreational opportunities for eligible veterans. Having multiple "Wounded Warrior Special Hunt Areas" throughout the state would make these areas more accessible to more eligible veterans.

Admittance to these designated areas is limited to veterans who served during a period of wartime service as defined in s. 1.01(14), F.S., or peacetime service as defined in s. 296.02, F.S., and who have a service-connected disability as determined by the U.S. Department of Veterans Affairs or where discharged or released from military service because of a disability acquired or aggravated while serving on active duty. A person who is not an eligible veteran but accompanies an eligible veteran who requires that person's assistance to use the designated area may also be granted admittance.

¹ Section 589.21, F.S.

² Section 589.04(4), F.S.

³ Section 589.04(1)(B), F.S.

⁴ *State Forests in Florida*, DIVISION OF FORESTRY, http://www.fl-dof.com/state_forests/#history (last visited Feb. 25, 2011).

⁵ *State Forest Recreation*, DIVISION OF FORESTRY, http://www.fl-dof.com/forest_recreation/index.html (last visited Feb. 25, 2011).

⁶ *Id.*

⁷ *Id.*

⁸ ABOUT WWO INC., <http://www.woundedwarrioroutdoors.com/about.html> (last visited Feb. 25, 2011).

⁹ ABOUT WWIA, <http://www.woundedwarriorsinaction.org/about.html> (last visited Feb. 25, 2011).

The bill authorizes the division to receive, administer, and expend any gift, grant, or donation to fund specialized accommodations for the designated areas from any private source. These funds could be used for construction of permanent facilities that are compliant with the Americans with Disabilities Act of 1990. Private sources include, but are not limited to Friends of Florida State Forests, Inc.

The division is also granted rulemaking authority to administer this subsection.

B. SECTION DIRECTORY:

Section 1: Amends s. 589.19, F.S., directing the Division of Forestry to designate "Wounded Warrior Special Hunt Areas"; limiting admittance to veterans with certain service-connected disabilities and persons accompanying them for assistance; authorizing receipt of funds from private sources; granting division rulemaking authority for administration.

Section 2: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

According to DACS's analysis, this bill will have no fiscal impact on the department; however, it may be necessary for DACS to expend an indeterminate amount of funds for special accommodations and maintenance of the special hunt areas provided for in the bill if costs exceed the amount of any donations the division receives.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill does not change any of the permitting or licensing requirements for hunting or fishing. As such, all associated fees would be paid as currently required.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The division is granted rulemaking authority to administer the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill language vests broad authority for administering "Wounded Warrior Special Hunt Area" in the division, under DACS. No provisions exist to clarify whether the limitations on admittance to these sites apply only during specific hunting seasons or year-round.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
2 An act relating to state forests; amending s. 589.19,
3 F.S.; requiring the designation of "Wounded Warrior
4 Special Hunt Areas" within state forests; limiting guest
5 admittance to such areas for eligible veterans and certain
6 persons; authorizing the Division of Forestry of the
7 Department of Agriculture and Consumer Services to expend
8 funds received from private sources for specified purposes
9 and adopt rules; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (4) is added to section 589.19,
14 Florida Statutes, to read:

15 589.19 Creation of certain state forests; naming of
16 certain state forests.—

17 (4) (a) The Division of Forestry shall designate one or
18 more areas of state forests as a "Wounded Warrior Special Hunt
19 Area" to honor wounded veterans of the United States Armed
20 Forces. The purpose of such designated areas is to provide
21 special outdoor recreational opportunities for eligible
22 veterans.

23 (b) The division shall limit guest admittance to such
24 designated areas to persons who:

25 1. Are veterans who served during a period of wartime
26 service as defined in s. 1.01(14) or peacetime service as
27 defined in s. 296.02; and

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28 2. Have a service-connected disability as determined by
29 the United States Department of Veterans Affairs or were
30 discharged or released from military service because of a
31 disability acquired or aggravated while serving on active duty.

32 (c) The division may grant admittance to such designated
33 areas to a person who is not an eligible veteran for purposes of
34 accompanying an eligible veteran who requires the person's
35 assistance to use such designated areas.

36 (d) The division may receive, administer, and expend any
37 gift, grant, or donation to fund specialized accommodations for
38 such designated areas from any private source, including, but
39 not limited to, Friends of Florida State Forests, Inc.

40 (e) The division may adopt rules to administer this
41 subsection.

42 Section 2. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 709 Liquefied Petroleum Gas
SPONSOR(S): Dorworth
TIED BILLS: None IDEN./SIM. BILLS: SB 960

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Kaiser <i>JK</i>	Blalock <i>AFB</i>
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The Department of Agriculture and Consumer Service’s (department’s) Bureau of Liquefied Petroleum Gas Inspection (bureau) is the primary agency charged with the regulation of liquefied petroleum (LP) gas wherever the product is stored, distributed, transported and utilized in Florida. The bureau also has statutory authority¹ over the licensing, inspection, enforcement, accident investigation and training of LP gas in the state. The department, the Department of Community Affairs’ Florida Building Code Commission (FBC) and the Department of Financial Services’ Office of the State Fire Marshal (OSFM) each adhere to fire safety codes put forth by the National Fire Prevention Association (NFPA)² regarding the regulation of LP gas.

Recently, the NFPA approved a 2011 version of the NFPA 58 LP gas code, which reduces the setback requirements for propane tanks³ from ten feet to five feet from a building, adjoining property line, other petroleum tank, or any source of ignition. Current department rules mandate a ten foot setback for propane tanks. The department has started the rule-making process to implement the new national standards. However, due to Executive Order 11-01⁴, the FBC cannot commence with the rule-making until the proposed rule is reviewed and approved by the Office of Fiscal Accountability and Regulatory Reform. Likewise, the OSFM has not yet initiated rule-making.

The bill requires the department, the FBC, and the OSFM to enforce the same LP gas container separation distances as adopted in the 2011 version of the NFPA 58 gas code. The bill also amends the definition of “propane” to reflect the national standards.

The bill does not appear to have a fiscal impact on state or local governments. The footprint of cell phone towers and switching stations may be reduced, depending upon the tanks used to store the LP gas for the backup generators; thus, resulting in a reduced cost for wireless companies.

¹ Chapter 527, F.S.

² NFPA 1, NFPA 54 , and NFPA 58

(<http://www.nfpa.org/categoryList.asp?categoryID=124&URL=Codes%20&%20Standards>)

³ The set back only applies to stationary engine containers with a fill valve that has an integral manual shutoff value.

⁴ http://www.flgov.com/wp-content/uploads/2011/01/scott.eo_one_.pdf

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0709.ANRS.DOCX

DATE: 2/22/2011

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Department of Agriculture and Consumer Service's (department's) Bureau of Liquefied Petroleum Gas Inspection (bureau) is the primary agency charged with the regulation of liquefied petroleum (LP) gas wherever the product is stored, distributed, transported and utilized in Florida. The bureau also has statutory authority⁵ over the licensing, inspection, enforcement, accident investigation and training of LP gas in the state. The department, the Department of Community Affairs' Florida Building Code Commission (FBC) and the Department of Financial Services' Office of the State Fire Marshal (OSFM) each adhere to fire safety codes put forth by the National Fire Prevention Association (NFPA)⁶ regarding the regulation of LP gas.

Recently, the NFPA approved a 2011 version of the NFPA 58 LP gas code, which reduces the setback requirements for propane tanks⁷ from ten feet to five feet from a building, adjoining property line, other petroleum tank, or any source of ignition. Current department rules mandate a ten foot setback for propane tanks. The department has started the rule-making process to implement the new national standards. However, due to Executive Order 11-01⁸, the FBC cannot commence with the rule-making until the proposed rule is reviewed and approved by the Office of Fiscal Accountability and Regulatory Reform. Likewise, the OSFM has not yet initiated rule-making.

Many cell phone companies in the state use backup electrical generators at their cell tower sites and switching stations. These generators are usually powered by LP gas with tanks in excess of 125 gallons, thus falling under the purview of the 2011 version of the NFPA 58 LP gas code.

Effect of Proposed Changes

The bill requires the department, the FBC, and the OSFM to enforce the same LP gas container separation distances as adopted in the 2011 version of the NFPA 58 gas code. By enacting this legislation, the footprint of cell phone towers and switching stations may be reduced, depending upon the tanks used to store the LP gas for the backup generators.

The bill also amends the definition of "propane" to reflect the national standards.

B. SECTION DIRECTORY:

Section 1: Amending s. 527.06, F.S.; prohibiting the Department of Agriculture and Consumer Services (department) or other state agency from requiring compliance with minimum separation distances for liquefied petroleum (LP) gas tanks except when compliance with the national standards are required.

Section 2: Amending s. 527.21, F.S.; amending the definition of propane to reflect national standards.

Section 3: Providing an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

⁵ Chapter 527, F.S.

⁶ NFPA 1, NFPA 54, and NFPA 58

(<http://www.nfpa.org/categoryList.asp?categoryID=124&URL=Codes%20&%20Standards>)

⁷ The set back only applies to stationary engine containers with a fill valve that has an integral manual shutoff value.

⁸ http://www.flgov.com/wp-content/uploads/2011/01/scott.eo_one_.pdf

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The footprint of cell phone towers and switching stations may be reduced, depending upon the tanks used to store the LP gas for the backup generators; thus, resulting in a reduced cost for wireless companies.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenues in the aggregate, or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Department of Agriculture and Consumer Services (department) has expressed concerns regarding the adoption of the National Fire Protection Association (NFPA) safety codes into statute. In so doing, this may inhibit the department and other agencies⁹ ability to adopt future changes to the NFPA safety code. The OSFM has also expressed concerns regarding codifying the NFPA safety code in statute as opposed to through rule promulgation, as is usually done.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁹ Department of Community Affairs' Florida Building Code Commission (FBC) and the Department of Financial Services' Office of the State Fire Marshal (OSFM)

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1 A bill to be entitled
2 An act relating to liquefied petroleum gas; amending s.
3 527.06, F.S.; prohibiting the Department of Agriculture
4 and Consumer Services and other state agencies from
5 requiring compliance with certain national standards for
6 liquefied petroleum gas tanks unless the department or
7 agencies require compliance with a specified edition of
8 the national standards; amending s. 527.21, F.S.; revising
9 the term "propane" for purposes of the Florida Propane Gas
10 Education, Safety, and Research Act, to incorporate
11 changes to certain national standards in a reference
12 thereto; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (3) of section 527.06, Florida
17 Statutes, is amended to read:

18 527.06 Rules.—

19 (3) (a) Rules in substantial conformity with the published
20 standards of the National Fire Protection Association (NFPA) are
21 ~~shall be~~ deemed to be in substantial conformity with the
22 generally accepted standards of safety concerning the same
23 subject matter.

24 (b) Notwithstanding any other law, the department or other
25 state agency may not require compliance with the minimum
26 separation distances of NFPA 58 for separation between a
27 liquefied petroleum gas tank and a building, adjoining property
28 line, other liquefied petroleum gas tank, or any source of

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29 ignition, except in compliance with the minimum separation
30 distances of the 2011 edition of NFPA 58.

31 Section 2. Subsection (11) of section 527.21, Florida
32 Statutes, is amended to read:

33 527.21 Definitions relating to Florida Propane Gas
34 Education, Safety, and Research Act.—As used in ss. 527.20-
35 527.23, the term:

36 (11) "Propane" includes propane, butane, mixtures, and
37 liquefied petroleum gas as defined by ~~the~~ National Fire
38 Protection Association (NFPA) Standard 58, For The Storage and
39 Handling of Liquefied Petroleum Gas Code Gases.

40 Section 3. This act shall take effect July 1, 2011.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Bill No. 709

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Agriculture & Natural Resources
 2 Subcommittee
 3 Representative Dorworth offered the following:

Amendment (with title amendment)

Between lines 30-31, insert:

7 This paragraph shall be deemed repealed upon the last effective
 8 date of rules adopted, directly or as incorporated by reference,
 9 by the department, the Florida Building Commission as part of
 10 the Florida Building Code, and the Office of the State Fire
 11 Marshal as part of the Florida Fire Prevention Code, of these
 12 minimum separation distances as contained in the 2011 edition of
 13 the NFPA 58 promulgated by the National Fire Protection
 14 Association.

17 -----
 18 **T I T L E A M E N D M E N T**

19 Remove line 8 and insert:

20 the national standards; providing for repeal upon adoption of
 21 specific rule; amending s. 527.21, F.S.; revising

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 735 Division of Forestry
SPONSOR(S): Porter
TIED BILLS: None IDEN./SIM. BILLS: SB 1046

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Kaiser <i>[Signature]</i>	Blalock <i>AFR</i>
2) Rulemaking & Regulation Subcommittee			
3) Agriculture & Natural Resources Appropriations Subcommittee			
4) State Affairs Committee			

SUMMARY ANALYSIS

The Division of Forestry (division) within the Department of Agriculture and Consumer Services (department) is responsible for managing more than one million acres of forest resources. Besides forest management, the division also provides wildfire prevention and suppression among its many other duties.

Florida has had an organized forestry service for more than 80 years. Prior to the State Governmental Reorganization Act of 1969¹ (act), the state forests fell under the jurisdiction of the Florida Forest Service (service). The service was led by the Florida Board of Forestry (board), which was appointed by, and reported directly to, the governor. The board was responsible for setting forest policy, as well as appointing state foresters, among other responsibilities.

With the passage of the act in 1969, the service became a division within the newly created Department of Agriculture and Consumer Services and the board was converted to the Florida Advisory Council, which reported to the Commissioner of Agriculture.

The bill changes the name of the Division of Forestry to the Florida Forest Service, as it was first designated in the early 1900s. The bill also changes the title of the director of the Division of Forestry to the State Forester.

The Department of Agriculture and Consumer Services (department) states that the fiscal impact of this legislation would be minimal² with the signage transition occurring over a three-year period. The bill does not appear to have a fiscal impact on local governments.

¹ In 1968, Florida voters approved a new State Constitution that called for consolidation of a number of executive offices, requiring that 159 offices, boards, and departments be reorganized into "not more than twenty-five departments."
² \$6,600 (non-recurring)

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Division of Forestry (division) within the Department of Agriculture and Consumer Services (department) is responsible for managing more than one million acres of forest resources. Besides forest management, the division also provides wildfire prevention and suppression among its many other duties.

Florida has had an organized forestry service for more than 80 years. Prior to the State Governmental Reorganization Act of 1969³ (act), the state forests fell under the jurisdiction of the Florida Forest Service (service). The service was led by the Florida Board of Forestry (board), which was appointed by, and reported directly to, the governor. The board was responsible for setting forest policy, as well as appointing state foresters, among other responsibilities.

With the passage of the act in 1969, the service became a division within the newly created Department of Agriculture and Consumer Services and the board was converted to the Florida Advisory Council, which reported to the Commissioner of Agriculture.

Effect of Proposed Changes

The bill changes the name of the Division of Forestry to the Florida Forest Service, as it was first designated in the early 1900s. The bill also changes the title of the director of the Division of Forestry to the State Forester.

B. SECTION DIRECTORY:

Sections 1-5: Amending ss. 20.14, 121.0515, 125.27, 253.036, and 258.501, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Section 6: Amending s. 25.035, F.S.; renaming the director of the Division of Forestry as the State Forester.

Section 7: Amending s. 259.036, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Section 8: Amending s. 259.037, F.S.; renaming the director of the Division of Forestry as the State Forester.

Sections 9-11: Amending ss. 259.101, 259.105, and 259.10521, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Section 12: Amending s. 260.0142, F.S.; renaming the director of the Division of Forestry as the State Forester.

Sections 13-66: Amending ss. 261.03, 261.04, 261.06, 261.12, 317.0010, 317.0016, 373.591, 379.226, 403.7071, 479.16, 570.548, 570.549, 570.903, 581.1843, 589.01, 589.011, 589.012, 589.04, 589.06, 589.07, 589.071, 589.08, 589.081, 589.09, 589.10, 589.101, 589.11, 589.12, 589.13, 589.14, 589.18, 589.19, 589.20, 589.21, 589.26, 589.27, 589.275, 589.277, 589.28, 589.29, 589.30, 589.31, 589.32, 589.33, 589.34, 590.01, 590.015, 590.02, 590.081, 590.091, 590.125, 590.14, 590.16, and 590.25, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Sections 67-68: Amending ss. 590.33 and 590.34, F.S.; renaming the director of the Division of Forestry as the State Forester.

³ In 1968, Florida voters approved a new State Constitution that called for consolidation of a number of executive offices, requiring that 159 offices, boards, and departments be reorganized into "not more than twenty-five departments."

Sections 69-70: Amending ss. 590.35 and 590.42, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Section 71: Amending chapter 591, F.S.; amending the name of Chapter 591, F.S., from "Forest Development" to "Community Forests."

Sections 72-83: Amending ss. 591.15, 591.16, 591.17, 591.18, 591.19, 591.20, 591.21, 591.22, 591.23, 591.24, 591.25, and 591.26, F.S.; revising terminology used in provisions relating to community forests, transferring and renumbering statute sections, and renaming the Division of Forestry as the Florida Forest Service.

Sections 84-86: Amending ss. 633.115, 633.821, and 790.15, F.S.; renaming the Division of Forestry as the Florida Forest Service.

Section 87: Providing an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

See Fiscal Comments section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The Department of Agriculture and Consumer Services (department) states that the fiscal impact of this legislation would be minimal⁴ with the signage transition occurring over a three-year period.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenues in the aggregate, or reduce the percentage of a state tax shared with counties or municipalities.

⁴ \$6,600 (non-recurring)
STORAGE NAME: h0735.ANRS
DATE: 3/4/2011

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
2 An act relating to the Division of Forestry; amending s.
3 20.14, F.S.; renaming the Division of Forestry of the
4 Department of Agriculture and Consumer Services as the
5 Florida Forest Service; amending ss. 121.0515, 125.27,
6 253.036, and 258.501, F.S.; conforming provisions;
7 amending s. 259.035, F.S.; redesignating the director of
8 the division as the State Forester; amending ss. 259.036,
9 259.037, 259.101, 259.105, 259.10521, 260.0142, 261.03,
10 261.04, 261.06, 261.12, 317.0010, 317.0016, 373.591,
11 379.226, 403.7071, 479.16, and 570.548, F.S.; conforming
12 provisions; transferring, renumbering, and amending s.
13 570.549, F.S.; conforming provisions; amending ss.
14 570.903, 581.1843, 589.01, 589.011, 589.012, 589.04,
15 589.06, and 589.07, F.S.; conforming provisions; amending
16 s. 589.071, F.S.; clarifying what constitutes a violation
17 of certain rules regulating traffic control in state
18 forests for which penalties apply; conforming provisions;
19 amending ss. 589.08, 589.081, 589.09, and 589.10, F.S.;
20 conforming provisions; amending s. 589.101, F.S.;
21 clarifying requirements for leases of the state's interest
22 in oil, gas, and minerals in the Blackwater River State
23 Forest; conforming provisions; amending s. 589.11, F.S.;
24 clarifying an authorization for the state's cooperation
25 with the United States Secretary of Agriculture under the
26 federal Clarke-McNary Act; conforming a cross-reference to
27 the repeal of certain federal provisions; conforming
28 provisions; amending ss. 589.12, 589.13, 589.14, 589.18,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 589.19, 589.20, and 589.21, F.S.; conforming provisions;
 30 amending s. 589.26, F.S.; clarifying requirements for the
 31 dedication of state park lands for public use; conforming
 32 provisions; amending ss. 589.27, 589.275, and 589.277,
 33 F.S.; conforming provisions; amending ss. 589.28, 589.29,
 34 589.30, 589.31, 589.32, 589.33, and 589.34, F.S.;
 35 clarifying requirements for assistance provided to
 36 counties and municipalities by the Florida Forest Service
 37 under cooperative agreements; conforming cross-references;
 38 conforming provisions; amending ss. 590.01, 590.015,
 39 590.02, 590.081, 590.091, 590.125, 590.14, 590.16, 590.25,
 40 590.33, 590.34, and 590.35, F.S.; conforming provisions;
 41 amending s. 590.42, F.S.; clarifying that funds received
 42 or contributed by counties under a certain federal fire
 43 assistance program are supplementary to certain county
 44 fire control funds and assessments; conforming provisions;
 45 redesignating the title of chapter 591, F.S.; amending s.
 46 591.15, F.S.; conforming a short title; amending ss.
 47 591.16, 591.17, 591.18, 591.19, and 591.20, F.S.; revising
 48 terminology used in provisions relating to community
 49 forests; conforming provisions; transferring, renumbering,
 50 and amending ss. 591.21 and 591.22, F.S.; conforming
 51 provisions; amending ss. 591.23, 591.24, and 591.25, F.S.;
 52 conforming provisions; amending s. 591.26, F.S.;
 53 clarifying provisions authorizing sale of community
 54 forests upon referendum election; amending ss. 633.115,
 55 633.821, and 790.15, F.S.; conforming provisions;
 56 providing an effective date.

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57
58 Be It Enacted by the Legislature of the State of Florida:

59
60 Section 1. Paragraph (h) of subsection (2) of section
61 20.14, Florida Statutes, is amended to read:

62 20.14 Department of Agriculture and Consumer Services.—
63 There is created a Department of Agriculture and Consumer
64 Services.

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

67 (h) Florida Forest Service Forestry.

68 Section 2. Paragraph (b) of subsection (2) of section
69 121.0515, Florida Statutes, is amended to read:

70 121.0515 Special risk membership.—

71 (2) CRITERIA.—A member, to be designated as a special risk
72 member, must meet the following criteria:

73 (b) The member must be employed as a firefighter and be
74 certified, or required to be certified, in compliance with s.
75 633.35 and be employed solely within the fire department of a
76 local government employer or an agency of state government with
77 firefighting responsibilities. In addition, the member's duties
78 and responsibilities must include on-the-scene fighting of
79 fires, fire prevention, or firefighter training; direct
80 supervision of firefighting units, fire prevention, or
81 firefighter training; or aerial firefighting surveillance
82 performed by fixed-wing aircraft pilots employed by the Florida
83 Forest Service Division of Forestry of the Department of
84 Agriculture and Consumer Services; or the member must be the

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85 supervisor or command officer of a member or members who have
 86 such responsibilities; provided, however, administrative support
 87 personnel, including, but not limited to, those whose primary
 88 duties and responsibilities are in accounting, purchasing,
 89 legal, and personnel, shall not be included and further provided
 90 that all periods of creditable service in fire prevention or
 91 firefighter training, or as the supervisor or command officer of
 92 a member or members who have such responsibilities, and for
 93 which the employer paid the special risk contribution rate,
 94 shall be included;

95 Section 3. Section 125.27, Florida Statutes, is amended to
 96 read:

97 125.27 Countywide forest fire protection; authority of
 98 Florida Forest Service ~~the Division of Forestry~~; state funding;
 99 county fire control assessments; disposition; equipment
 100 donations.—

101 (1) The Florida Forest Service ~~Division of Forestry~~ of the
 102 ~~Department of Agriculture and Consumer Services~~ and the board of
 103 county commissioners of each county in this state shall enter
 104 into agreements for the establishment and maintenance of
 105 countywide fire protection of all forest and wild lands within
 106 the said county, with the total cost of such fire protection
 107 being funded by state and federal funds. Each county shall,
 108 under the terms of such agreements, be assessed each fiscal
 109 year, as its share of the cost of providing such fire
 110 protection, a sum in dollars equal to the total forest and wild
 111 land acreage of the county, as determined by the Florida Forest
 112 Service ~~Division of Forestry~~, multiplied by 7 cents. The forest

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113 and wild lands acreage included in such agreements shall be
 114 reviewed each year by the contracting parties and the number of
 115 forest and wild land acres and the annual fire control
 116 assessment adjusted so as to reflect the current forest acreage
 117 of the county. If In the event the Florida Forest Service
 118 ~~division~~ and the county commissioners do not agree, the Board of
 119 Trustees of the Internal Improvement Trust Fund shall make such
 120 acreage determination. All fire control assessments received by
 121 the Florida Forest Service Division of Forestry from the several
 122 counties under agreements made under ~~pursuant to~~ this section
 123 shall be deposited as follows:

124 (a) An amount equal to the total forest land and wild land
 125 acreage of the counties, multiplied by 4 cents, shall be
 126 distributed to the Incidental Trust Fund of the Florida Forest
 127 Service Division of Forestry; and

128 (b) An amount equal to the total forest land and wild land
 129 acreage of the counties, multiplied by 3 cents, shall be
 130 distributed to the General Revenue Fund.

131 (2) The Florida Forest Service Division of Forestry may
 132 include provisions in the agreements authorized in this section,
 133 or execute separate or supplemental agreements with the several
 134 counties, county agencies, or municipalities, to provide
 135 communication services and other services directly related to
 136 fire protection within the county, other than forest fire
 137 control, on a cost reimbursable basis only, but provided the
 138 rendering of such services may ~~does~~ not hinder or impede in any
 139 way the Florida Forest Service's ~~division's~~ ability to
 140 accomplish its primary function with respect to forest fire

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141 control.

142 (3) The Department of Agriculture and Consumer Services
 143 may lease, loan, or otherwise make available, without charge, to
 144 state, county, and local governmental entities that have fire-
 145 rescue ~~fire/rescue~~ responsibilities, new or used fire protection
 146 equipment, vehicles, or supplies, including ~~which shall include~~
 147 all such items received from public or private entities. The
 148 department, and those private or public entities providing at no
 149 cost, or de minimis cost, such items for loan or lease through
 150 the department are, ~~shall not be held~~ liable for civil damages
 151 resulting from use or possession of such items. Private or
 152 public entities that donate fire-rescue ~~fire/rescue~~ equipment,
 153 vehicles, or supplies directly to state, county, or local
 154 governmental entities having fire-rescue ~~fire/rescue~~
 155 responsibilities are ~~shall not be held~~ liable for civil damages
 156 resulting from use or possession of such items.

157 Section 4. Section 253.036, Florida Statutes, is amended
 158 to read:

159 253.036 Forest management.—All land management plans
 160 described in s. 253.034(5) that ~~which~~ are prepared for parcels
 161 larger than 1,000 acres shall contain an analysis of the
 162 multiple-use potential of the parcel, which analysis shall
 163 include the potential of the parcel to generate revenues to
 164 enhance the management of the parcel. The lead agency shall
 165 prepare the analysis, which shall contain a component or section
 166 prepared by a qualified professional forester that ~~which~~
 167 assesses the feasibility of managing timber resources on the
 168 parcel for resource conservation and revenue generation purposes

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169 through a stewardship ethic that embraces sustainable forest
170 management practices if the lead management agency determines
171 that the timber resource management is not in conflict with the
172 primary management objectives of the parcel. For purposes of
173 this section, practicing sustainable forest management means
174 meeting the needs of the present without compromising the
175 ability of future generations to meet their own needs by
176 practicing a land stewardship ethic that ~~which~~ integrates the
177 reforestation, managing, growing, nurturing, and harvesting of
178 trees for useful products with the conservation of soil, air and
179 water quality, wildlife and fish habitat, and aesthetics. The
180 Legislature intends that each lead management agency, whenever
181 practicable and cost effective, use the services of the Florida
182 Forest Service ~~Division of Forestry of the Florida Department of~~
183 ~~Agriculture and Consumer Services~~ or other qualified private
184 sector professional forester in completing such feasibility
185 assessments and implementing timber resource management. The
186 Legislature further intends that the lead management agency
187 develop a memorandum of agreement with the Florida Forest
188 Service ~~Division of Forestry~~ to provide for full reimbursement
189 for any services provided for the feasibility assessments or
190 timber resource management. All additional revenues generated
191 through multiple-use management or compatible secondary use
192 management shall be returned to the lead agency responsible for
193 such management and shall be used to pay for management
194 activities on all conservation, preservation, and recreation
195 lands under the agency's jurisdiction. In addition, such revenue
196 shall be segregated in an agency trust fund and shall remain

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197 available to the agency in subsequent fiscal years to support
 198 land management appropriations.

199 Section 5. Paragraph (a) of subsection (7) of section
 200 258.501, Florida Statutes, is amended to read:

201 258.501 Myakka River; wild and scenic segment.—

202 (7) MANAGEMENT COORDINATING COUNCIL.—

203 (a) Upon designation, the department shall create a
 204 permanent council to provide interagency and intergovernmental
 205 coordination in the management of the river. The coordinating
 206 council shall be composed of one representative appointed from
 207 each of the following: the department, the Department of
 208 Transportation, the Fish and Wildlife Conservation Commission,
 209 the Department of Community Affairs, the Florida Forest Service
 210 ~~Division of Forestry of the Department of Agriculture and~~
 211 ~~Consumer Services~~, the Division of Historical Resources of the
 212 Department of State, the Tampa Bay Regional Planning Council,
 213 the Southwest Florida Water Management District, the Southwest
 214 Florida Regional Planning Council, Manatee County, Sarasota
 215 County, Charlotte County, the City of Sarasota, the City of
 216 North Port, agricultural interests, environmental organizations,
 217 and any others deemed advisable by the department.

218 Section 6. Paragraph (b) of subsection (1) of section
 219 259.035, Florida Statutes, is amended to read:

220 259.035 Acquisition and Restoration Council.—

221 (1) There is created the Acquisition and Restoration
 222 Council.

223 (b) The five remaining appointees shall be composed of the
 224 Secretary of Environmental Protection, the State Forester.

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225 ~~director of the Division of Forestry of the Department of~~
226 ~~Agriculture and Consumer Services,~~ the executive director of the
227 Fish and Wildlife Conservation Commission, the director of the
228 Division of Historical Resources of the Department of State, and
229 the secretary of the Department of Community Affairs, or their
230 respective designees.

231 Section 7. Paragraph (a) of subsection (1) of section
232 259.036, Florida Statutes, is amended to read:

233 259.036 Management review teams.—

234 (1) To determine whether conservation, preservation, and
235 recreation lands titled in the name of the Board of Trustees of
236 the Internal Improvement Trust Fund are being managed for the
237 purposes for which they were acquired and in accordance with a
238 land management plan adopted pursuant to s. 259.032, the board
239 of trustees, acting through the Department of Environmental
240 Protection, shall cause periodic management reviews to be
241 conducted as follows:

242 (a) The department shall establish a regional land
243 management review team composed of the following members:

244 1. One individual who is from the county or local
245 community in which the parcel or project is located and who is
246 selected by the county commission in the county which is most
247 impacted by the acquisition.

248 2. One individual from the Division of Recreation and
249 Parks of the department.

250 3. One individual from the Florida Forest Service Division
251 ~~of Forestry of the Department of Agriculture and Consumer~~
252 ~~Services.~~

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253 4. One individual from the Fish and Wildlife Conservation
254 Commission.

255 5. One individual from the department's district office in
256 which the parcel is located.

257 6. A private land manager mutually agreeable to the state
258 agency representatives.

259 7. A member of the local soil and water conservation
260 district board of supervisors.

261 8. A member of a conservation organization.

262 Section 8. Subsection (1) of section 259.037, Florida
263 Statutes, is amended to read:

264 259.037 Land Management Uniform Accounting Council.—

265 (1) The Land Management Uniform Accounting Council is
266 created within the Department of Environmental Protection and
267 shall consist of the director of the Division of State Lands,
268 the director of the Division of Recreation and Parks, the
269 director of the Office of Coastal and Aquatic Managed Areas, and
270 the director of the Office of Greenways and Trails of the
271 Department of Environmental Protection; the State Forester
272 ~~director of the Division of Forestry of the Department of~~
273 ~~Agriculture and Consumer Services~~; the executive director of the
274 Fish and Wildlife Conservation Commission; and the director of
275 the Division of Historical Resources of the Department of State,
276 or their respective designees. Each state agency represented on
277 the council has ~~shall have~~ one vote. The chair of the council
278 shall rotate annually in the foregoing order of state agencies.
279 The agency of the representative serving as chair of the council
280 shall provide staff support for the council. The Division of

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281 State Lands shall serve as the recipient of and repository for
 282 the council's documents. The council shall meet at the request
 283 of the chair.

284 Section 9. Paragraph (e) of subsection (3) and subsection
 285 (5) of section 259.101, Florida Statutes, are amended to read:
 286 259.101 Florida Preservation 2000 Act.—

287 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs
 288 of issuance, the costs of funding reserve accounts, and other
 289 costs with respect to the bonds, the proceeds of bonds issued
 290 pursuant to this act shall be deposited into the Florida
 291 Preservation 2000 Trust Fund created by s. 375.045. In fiscal
 292 year 2000-2001, for each Florida Preservation 2000 program
 293 described in paragraphs (a)-(g), that portion of each program's
 294 total remaining cash balance which, as of June 30, 2000, is in
 295 excess of that program's total remaining appropriation balances
 296 shall be redistributed by the department and deposited into the
 297 Save Our Everglades Trust Fund for land acquisition. For
 298 purposes of calculating the total remaining cash balances for
 299 this redistribution, the Florida Preservation 2000 Series 2000
 300 bond proceeds, including interest thereon, and the fiscal year
 301 1999-2000 General Appropriations Act amounts shall be deducted
 302 from the remaining cash and appropriation balances,
 303 respectively. The remaining proceeds shall be distributed by the
 304 Department of Environmental Protection in the following manner:

305 (e) Two and nine-tenths percent to the Florida Forest
 306 Service Division of Forestry of the Department of Agriculture
 307 and Consumer Services to fund the acquisition of state forest
 308 inholdings and additions pursuant to s. 589.07.

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309
310 Local governments may use federal grants or loans, private
311 donations, or environmental mitigation funds, including
312 environmental mitigation funds required pursuant to s. 338.250,
313 for any part or all of any local match required for the purposes
314 described in this subsection. Bond proceeds allocated pursuant
315 to paragraph (c) may be used to purchase lands on the priority
316 lists developed pursuant to s. 259.035. Title to lands purchased
317 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
318 vested in the Board of Trustees of the Internal Improvement
319 Trust Fund. Title to lands purchased pursuant to paragraph (c)
320 may be vested in the Board of Trustees of the Internal
321 Improvement Trust Fund. The board of trustees shall hold title
322 to land protection agreements and conservation easements that
323 were or will be acquired pursuant to s. 380.0677, and the
324 Southwest Florida Water Management District and the St. Johns
325 River Water Management District shall monitor such agreements
326 and easements within their respective districts until the state
327 assumes this responsibility.

328 (5) Any funds received by the Florida Forest Service
329 ~~Division of Forestry~~ from the Preservation 2000 Trust Fund
330 pursuant to paragraph (3)(e) may only ~~shall~~ be used ~~only~~ to pay
331 the cost of the acquisition of lands in furtherance of outdoor
332 recreation and natural resources conservation in this state. The
333 administration and use of any funds received by the Florida
334 Forest Service ~~Division of Forestry~~ from the Preservation 2000
335 Trust Fund are ~~will be~~ subject to such terms and conditions
336 imposed thereon by the agency of the state responsible for the

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337 | issuance of the revenue bonds, the proceeds of which are
 338 | deposited in the Preservation 2000 Trust Fund, including
 339 | restrictions imposed to ensure that the interest on any such
 340 | revenue bonds issued by the state as tax-exempt revenue bonds
 341 | are will not ~~be~~ included in the gross income of the holders of
 342 | such bonds for federal income tax purposes. All deeds for or
 343 | leases of ~~with respect to~~ any real property acquired with funds
 344 | received by the Florida Forest Service ~~Division of Forestry~~ from
 345 | the Preservation 2000 Trust Fund shall contain such covenants
 346 | and restrictions as are sufficient to ensure that the use of
 347 | such real property at all times complies with s. 375.051 and s.
 348 | 9, Art. XII of the 1968 Constitution of Florida; and shall
 349 | contain reverter clauses providing for the reversion of title to
 350 | such property to the Board of Trustees of the Internal
 351 | Improvement Trust Fund or, in the case of a lease of such
 352 | property, providing for termination of the lease upon a failure
 353 | to use the property conveyed thereby for such purposes.

354 | Section 10. Paragraph (f) of subsection (3) of section
 355 | 259.105, Florida Statutes, is amended to read:

356 | 259.105 The Florida Forever Act.—

357 | (3) Less the costs of issuing and the costs of funding
 358 | reserve accounts and other costs associated with bonds, the
 359 | proceeds of cash payments or bonds issued pursuant to this
 360 | section shall be deposited into the Florida Forever Trust Fund
 361 | created by s. 259.1051. The proceeds shall be distributed by the
 362 | Department of Environmental Protection in the following manner:

363 | (f) One and five-tenths percent to the Florida Forest
 364 | Service ~~Division of Forestry of the Department of Agriculture~~

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365 ~~and Consumer Services~~ to fund the acquisition of state forest
 366 inholdings and additions pursuant to s. 589.07, the
 367 implementation of reforestation plans or sustainable forestry
 368 management practices, and for capital project expenditures as
 369 described in this section. At a minimum, 1 percent, but ~~and~~ no
 370 more than 10 percent, of the funds allocated for the acquisition
 371 of inholdings and additions pursuant to this paragraph may ~~shall~~
 372 be spent on capital project expenditures identified during the
 373 time of acquisition which meet land management planning
 374 activities necessary for public access.

375 Section 11. Subsections (1) and (2) and paragraph (b) of
 376 subsection (3) of section 259.10521, Florida Statutes, are
 377 amended to read:

378 259.10521 Citizen support organization; use of property.—

379 (1) DEFINITION ~~DEFINITIONS.~~ As used in ~~For the purpose of~~
 380 this section, the term "citizen support organization" means ~~an~~
 381 ~~organization that is:~~

382 ~~(a)~~ a Florida corporation not for profit incorporated
 383 under ~~the provisions of~~ chapter 617 and approved by the
 384 Department of State that is:

385 ~~(a)(b)~~ Organized and operated to conduct programs and
 386 activities in the best interest of the state; raise funds;
 387 request and receive grants, gifts, and bequests of money;
 388 acquire, receive, hold, invest, and administer, in its own name,
 389 securities, funds, objects of value, or other property, real or
 390 personal; and make expenditures to or for the direct or indirect
 391 benefit of the Babcock Crescent B Ranch;

392 (b)(c) Determined by the Fish and Wildlife Conservation

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393 Commission and the Florida Forest Service ~~Division of Forestry~~
 394 ~~within the Department of Agriculture and Consumer Services~~ to be
 395 consistent with the goals of the state in acquiring the ranch
 396 and in the best interests of the state; and

397 (c) ~~(d)~~ Approved in writing by the Fish and Wildlife
 398 Conservation Commission and the Florida Forest Service ~~Division~~
 399 ~~of Forestry~~ to operate for the direct or indirect benefit of the
 400 ranch and in the best interest of the state. Such approval must
 401 ~~shall~~ be given in a letter of agreement from the Fish and
 402 Wildlife Conservation Commission and the Florida Forest Service
 403 ~~Division of Forestry~~. Only one citizen support organization may
 404 be created to operate for the direct or indirect benefit of the
 405 Babcock Crescent B Ranch.

406 (2) USE OF PROPERTY.—

407 (a) The Fish and Wildlife Conservation Commission and the
 408 Florida Forest Service ~~Division of Forestry~~ may permit, without
 409 charge, appropriate use of fixed property and facilities of the
 410 Babcock Crescent B Ranch by a citizen support organization,
 411 subject to ~~the provisions of~~ this section. Such use must be
 412 directly in keeping with the approved purposes of the citizen
 413 support organization and may not be made at times or places that
 414 would unreasonably interfere with recreational opportunities for
 415 the general public.

416 (b) The Fish and Wildlife Conservation Commission and the
 417 Florida Forest Service ~~Division of Forestry~~ may adopt rules
 418 prescribing the conditions ~~prescribe by rule any condition~~ with
 419 which the citizen support organization must ~~shall~~ comply in
 420 order to use fixed property or facilities of the ranch.

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421 (c) The Fish and Wildlife Conservation Commission and the
 422 Florida Forest Service may ~~Division of Forestry shall~~ not permit
 423 the use of any fixed property or facilities of the ranch by a
 424 citizen support organization that does not provide equal
 425 membership and employment opportunities to all persons
 426 regardless of race, color, religion, sex, age, or national
 427 origin.

428 (3) PARTNERSHIPS.—

429 (b) The Legislature may annually appropriate funds from
 430 the Land Acquisition Trust Fund for use only as state matching
 431 funds, in conjunction with private donations in aggregates of at
 432 least \$60,000, matched by \$40,000 of state funds, for a total
 433 minimum project amount of \$100,000 for capital improvement
 434 facility development at the ranch at either individually
 435 designated locations or for priority projects within the overall
 436 ranch system. The citizen support organization may acquire
 437 private donations under ~~pursuant to~~ this section, and matching
 438 state funds for approved projects may be provided in accordance
 439 with this subsection. The Fish and Wildlife Conservation
 440 Commission and the Florida Forest Service may ~~Division of~~
 441 ~~Forestry~~ are authorized to properly recognize and honor a
 442 private donor by placing a plaque or other appropriate
 443 designation noting the contribution on project facilities or by
 444 naming project facilities after the person or organization that
 445 provided matching funds. The Fish and Wildlife Conservation
 446 Commission and the Florida Forest Service may ~~Division of~~
 447 ~~Forestry~~ are authorized to adopt necessary administrative rules
 448 to administer ~~carry out the purposes of~~ this subsection.

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449 Section 12. Paragraph (d) of subsection (1) of section
450 260.0142, Florida Statutes, is amended to read:

451 260.0142 Florida Greenways and Trails Council;
452 composition; powers and duties.—

453 (1) There is created within the department the Florida
454 Greenways and Trails Council which shall advise the department
455 in the execution of the department's powers and duties under
456 this chapter. The council shall be composed of 21 members,
457 consisting of:

458 (d) The following 10 ~~remaining~~ members ~~shall include~~:

459 1. The Secretary of Environmental Protection or a
460 designee.

461 2. The executive director of the Fish and Wildlife
462 Conservation Commission or a designee.

463 3. The Secretary of Community Affairs or a designee.

464 4. The Secretary of Transportation or a designee.

465 5. The State Forester ~~Director of the Division of Forestry~~
466 ~~of the Department of Agriculture and Consumer Services~~ or a
467 designee.

468 6. The director of the Division of Historical Resources of
469 the Department of State or a designee.

470 7. A representative of the water management districts.
471 Membership on the council shall rotate among the five districts.
472 The districts shall determine the order of rotation.

473 8. A representative of a federal land management agency.
474 The Secretary of Environmental Protection shall identify the
475 appropriate federal agency and request designation of a
476 representative from the agency to serve on the council.

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477 9. A representative of the regional planning councils ~~to~~
 478 ~~be~~ appointed by the Secretary of Environmental Protection in
 479 consultation with the Secretary of Community Affairs. Membership
 480 on the council shall rotate among the seven regional planning
 481 councils. The regional planning councils shall determine the
 482 order of rotation.

483 10. A representative of local governments ~~to be~~ appointed
 484 by the Secretary of Environmental Protection in consultation
 485 with the Secretary of Community Affairs. Membership shall
 486 alternate between a county representative and a municipal
 487 representative.

488 Section 13. Subsections (5) through (12) of section
 489 261.03, Florida Statutes, are renumbered as subsections (4)
 490 through (11), respectively, and present subsections (4) and (11)
 491 of that section are amended to read:

492 261.03 Definitions.—As used in this chapter, the term:

493 ~~(4) "Division" means the Division of Forestry of the~~
 494 ~~Department of Agriculture and Consumer Services.~~

495 (10)~~(11)~~ "Trust fund" means the Incidental Trust Fund of
 496 the Florida Forest Service ~~Division of Forestry of the~~
 497 ~~Department of Agriculture and Consumer Services.~~

498 Section 14. Subsection (1) of section 261.04, Florida
 499 Statutes, is amended to read:

500 261.04 Off-Highway Vehicle Recreation Advisory Committee;
 501 members; appointment.—

502 (1) Effective July 1, 2003, the Off-Highway Vehicle
 503 Recreation Advisory Committee is created within the Florida
 504 Forest Service ~~Division of Forestry~~ and consists of nine

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505 members, all of whom are appointed by the Commissioner of
 506 Agriculture. The appointees shall include one representative of
 507 the Department of Agriculture and Consumer Services, one
 508 representative of the Department of Highway Safety and Motor
 509 Vehicles, one representative of the Department of Environmental
 510 Protection's Office of Greenways and Trails, one representative
 511 of the Fish and Wildlife Conservation Commission, one citizen
 512 with scientific expertise in disciplines relating to ecology,
 513 wildlife biology, or other environmental sciences, one
 514 representative of a licensed off-highway vehicle dealer, and
 515 three representatives of off-highway vehicle recreation groups.
 516 In making these appointments, the commissioner shall consider
 517 the places of residence of the members to ensure statewide
 518 representation.

519 Section 15. Section 261.06, Florida Statutes, is amended
 520 to read:

521 261.06 Florida Forest Service; functions, duties, and
 522 responsibilities ~~of the department.~~—The following are functions,
 523 duties, and responsibilities of the Florida Forest Service
 524 ~~department through the division:~~

525 (1) Coordinating ~~Coordination of~~ the planning,
 526 development, conservation, and rehabilitation of state lands in
 527 and for the system.

528 (2) Coordinating ~~Coordination of~~ the management,
 529 maintenance, administration, and operation of state lands in the
 530 system and providing ~~the provision of~~ law enforcement and
 531 appropriate public safety activities.

532 (3) Managing ~~Management of~~ the trust fund and approving

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533 ~~approval of the advisory committee's budget recommendations.~~

534 (4) Implementing ~~Implementation of~~ the program, including
 535 the ultimate approval of grant applications submitted by
 536 governmental agencies or entities or nongovernmental entities.

537 (5) Coordinating the program ~~Coordination~~ to help ensure
 538 compliance with environmental laws and regulations for ~~of~~ the
 539 public program ~~and~~ lands in the system.

540 (6) Implementing ~~Implementation of~~ the policies
 541 established by the advisory committee.

542 (7) Providing ~~Provision of~~ staff assistance to the
 543 advisory committee.

544 (8) Preparing ~~Preparation of~~ plans for public lands in, or
 545 proposed to be included in, the system.

546 (9) Conducting surveys and preparing ~~the preparation of~~
 547 studies ~~as are necessary or desirable~~ for implementing the
 548 program.

549 (10) Recruiting ~~Recruitment~~ and using ~~utilization of~~
 550 volunteers to further the program.

551 (11) Adopting rules ~~Rulemaking authority~~ to administer
 552 ~~implement the provisions of~~ ss. 261.01-261.10.

553 Section 16. Section 261.12, Florida Statutes, is amended
 554 to read:

555 261.12 Designated off-highway vehicle funds within the
 556 Incidental Trust Fund of the Florida Forest Service ~~Division of~~
 557 ~~Forestry of the Department of Agriculture and Consumer~~
 558 ~~Services.~~

559 (1) The designated off-highway vehicle funds of the trust
 560 fund shall consist of deposits from the following sources:

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561 (a) Fees paid to the Department of Highway Safety and
 562 Motor Vehicles for the titling of off-highway vehicles.

563 (b) Revenues and income from any other sources required by
 564 law or ~~as~~ appropriated by the Legislature for deposit ~~to be~~
 565 ~~deposited~~ into the trust fund as designated off-highway vehicle
 566 funds.

567 (c) Donations from private sources that are designated as
 568 off-highway vehicle funds.

569 (d) Interest earned on designated off-highway vehicle
 570 funds on deposit in the trust fund.

571 (2) Designated off-highway vehicle funds in the trust fund
 572 shall be available for recommended allocation by the Off-Highway
 573 Vehicle Recreation Advisory Committee and the department ~~of~~
 574 ~~Agriculture and Consumer Services~~ and upon annual appropriation
 575 by the Legislature, exclusively for the following:

576 (a) Implementation of the Off-Highway Vehicle Recreation
 577 Program by the department ~~of Agriculture and Consumer Services,~~
 578 including which includes personnel and other related expenses, ~~+~~
 579 administrative and operating expenses, and expenses related to
 580 safety, training, and rider education programs; ~~+~~ managing,
 581 maintaining, and rehabilitating ~~management, maintenance, and~~
 582 ~~rehabilitation of~~ lands in the Off-Highway Vehicle Recreation
 583 Program's system of lands and trails; and, if funds are
 584 available, acquiring ~~acquisition of~~ lands for inclusion ~~to be~~
 585 ~~included~~ in the system and managing, maintaining, and
 586 rehabilitating ~~the management, maintenance, and rehabilitation~~
 587 ~~of~~ such lands.

588 (b) Approved grants to governmental agencies or entities

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589 or nongovernmental entities that wish to provide or improve off-
 590 highway vehicle recreation areas or trails for public use on
 591 public lands, provide environmental protection and restoration
 592 to affected natural areas in the system, provide enforcement of
 593 applicable regulations related to the system and off-highway
 594 vehicle activities, or provide education in the operation of
 595 off-highway vehicles.

596 (c) Matching funds to be used to match grant funds
 597 available from other sources.

598 (3) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 599 any balance of designated off-highway vehicle funds in the trust
 600 fund at the end of any fiscal year shall remain in the trust
 601 fund ~~therein~~ and shall be available for the purposes set out in
 602 this section and as otherwise provided by law.

603 Section 17. Section 317.0010, Florida Statutes, is amended
 604 to read:

605 317.0010 Disposition of fees.—The department shall deposit
 606 all funds received under this chapter, less administrative costs
 607 of \$2 per title transaction, into the Incidental Trust Fund of
 608 the Florida Forest Service Division of Forestry of the
 609 ~~Department of Agriculture and Consumer Services.~~

610 Section 18. Section 317.0016, Florida Statutes, is amended
 611 to read:

612 317.0016 Expedited service; applications; fees.—The
 613 department shall provide, through its agents and for use by the
 614 public, expedited service on title transfers, title issuances,
 615 duplicate titles, recordation of liens, and certificates of
 616 repossession. A fee of \$7 shall be charged for this service,

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617 | which is in addition to the fees imposed by ss. 317.0007 and
 618 | 317.0008, and \$3.50 of this fee shall be retained by the
 619 | processing agency. All remaining fees shall be deposited in the
 620 | Incidental Trust Fund of the Florida Forest Service ~~Division of~~
 621 | ~~Forestry of the Department of Agriculture and Consumer Services.~~
 622 | Application for expedited service may be made by mail or in
 623 | person. The department shall issue each title applied for under
 624 | ~~pursuant to~~ this section within 5 working days after receipt of
 625 | the application except for an application for a duplicate title
 626 | certificate covered by s. 317.0008(3), in which case the title
 627 | must be issued within 5 working days after compliance with the
 628 | department's verification requirements.

629 | Section 19. Paragraph (h) of subsection (1) of section
 630 | 373.591, Florida Statutes, is amended to read:

631 | 373.591 Management review teams.—

632 | (1) To determine whether conservation, preservation, and
 633 | recreation lands titled in the names of the water management
 634 | districts are being managed for the purposes for which they were
 635 | acquired and in accordance with land management objectives, the
 636 | water management districts shall establish land management
 637 | review teams to conduct periodic management reviews. The land
 638 | management review teams shall be composed of the following
 639 | members:

640 | (h) One individual from the Florida Forest Service
 641 | ~~Department of Agriculture and Consumer Services' Division of~~
 642 | ~~Forestry.~~

643 | Section 20. Subsection (10) of section 379.226, Florida
 644 | Statutes, is amended to read:

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645 379.226 Florida Territorial Waters Act; alien-owned
 646 commercial fishing vessels; prohibited acts; enforcement.—

647 (10) Harbormasters and law enforcement agencies may ~~are~~
 648 ~~authorized to~~ request assistance from the Civil Air Patrol in
 649 the surveillance of suspect vessels. Aircraft of the Florida
 650 Forest Service ~~Division of Forestry of the Department of~~
 651 ~~Agriculture and Consumer Services~~ or other state or county
 652 agencies which are conveniently located and not otherwise
 653 occupied may be similarly used ~~utilized~~.

654 Section 21. Subsection (6) of section 403.7071, Florida
 655 Statutes, is amended to read:

656 403.7071 Management of storm-generated debris.—Solid waste
 657 generated as a result of a storm event that is the subject of an
 658 emergency order issued by the department may be managed as
 659 follows:

660 (6) Local governments or their agents may conduct the
 661 burning of storm-generated yard trash, other storm-generated
 662 vegetative debris, or untreated wood from construction and
 663 demolition debris in air-curtain incinerators without prior
 664 notice to the department. Within 10 days after commencing such
 665 burning, the local government shall notify the department in
 666 writing describing the general nature of the materials burned;
 667 the location and method of burning; and the name, address, and
 668 telephone number of the representative of the local government
 669 to contact concerning the work. The operator of the air-curtain
 670 incinerator is subject to any requirement of the Florida Forest
 671 Service ~~Division of Forestry~~ or of any other agency concerning
 672 authorization to conduct open burning. Any person conducting

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673 open burning of vegetative debris is also subject to such
674 requirements.

675 Section 22. Subsection (5) of section 479.16, Florida
676 Statutes, is amended to read:

677 479.16 Signs for which permits are not required.—The
678 following signs are exempt from the requirement that a permit
679 for a sign be obtained under the provisions of this chapter but
680 are required to comply with the provisions of s. 479.11(4)-(8):

681 (5) Danger or precautionary signs relating to the premises
682 on which they are located; forest fire warning signs erected
683 under the authority of the Florida Forest Service ~~Division of~~
684 ~~Forestry of the Department of Agriculture and Consumer Services;~~
685 and signs, notices, or symbols erected by the United States
686 Government under the direction of the United States Forestry
687 Service.

688 Section 23. Section 570.548, Florida Statutes, is amended
689 to read:

690 570.548 Florida Forest Service; State Forester ~~Division of~~
691 ~~Forestry;~~ powers and duties.—

692 (1) The duties of the Florida Forest Service ~~Division of~~
693 ~~Forestry~~ include, but are not limited to, administering and
694 enforcing those powers and responsibilities of the Florida
695 Forest Service ~~division~~ prescribed in chapters 589, 590, and 591
696 and ~~the~~ rules adopted under those chapters ~~pursuant thereto~~ and
697 in other forest fire, forest protection, and forest management
698 laws of this state.

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699 Section 24. Section 570.549, Florida Statutes, is
 700 transferred, renumbered as subsection (2) of section 570.548,
 701 Florida Statutes, and amended to read:

702 ~~570.549 Director; duties.--~~

703 (2) (a) (1) The head director of the Florida Forest Service
 704 shall be the State Forester, who ~~Division of Forestry~~ shall be
 705 appointed by the commissioner and shall serve at the
 706 commissioner's pleasure.

707 ~~(b) (2) It shall be the duty of~~ The State Forester shall
 708 ~~director of this division to~~ direct and supervise the overall
 709 operation of the Florida Forest Service ~~division~~ and ~~to~~ exercise
 710 such other powers and duties as authorized by the department.

711 Section 25. Subsection (1) of section 570.903, Florida
 712 Statutes, is amended to read:

713 570.903 Direct-support organization.--

714 (1) When the Legislature authorizes the establishment of a
 715 direct-support organization to provide assistance for the
 716 museums, the Florida Agriculture in the Classroom Program, the
 717 Florida State Collection of Arthropods, the Friends of the
 718 Florida State Forests Program of the Florida Forest Service
 719 ~~Division of Forestry,~~ and the Forestry Arson Alert Program, and
 720 other programs of the department, the following provisions shall
 721 govern the creation, use, powers, and duties of the direct-
 722 support organization:--

723 (a) The department shall enter into a memorandum or letter
 724 of agreement with the direct-support organization, which shall
 725 specify the approval of the department, the powers and duties of
 726 the direct-support organization, and rules with which the

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727 direct-support organization must ~~shall~~ comply.

728 (b) The department may permit, without charge, appropriate
729 use of property, facilities, and personnel of the department by
730 a direct-support organization, subject to ~~the provisions of~~ ss.
731 570.902 and 570.903. The use shall be directly in keeping with
732 the approved purposes of the direct-support organization and may
733 ~~shall~~ not be made at times or places that would unreasonably
734 interfere with opportunities for the general public to use
735 department facilities for established purposes.

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

741 (d) The department may ~~shall~~ not permit the use of
742 property, facilities, or personnel of the museum, department, or
743 designated program by a direct-support organization that ~~which~~
744 does not provide equal employment opportunities to all persons
745 regardless of race, color, religion, sex, age, or national
746 origin.

747 Section 26. Subsection (7) of section 581.1843, Florida
748 Statutes, is amended to read:

749 581.1843 Citrus nursery stock propagation and production
750 and the establishment of regulated areas around citrus
751 nurseries.—

752 (7) The department shall relocate foundation source trees
753 maintained by the Division of Plant Industry from various
754 locations, including those in Dundee and Winter Haven, to

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755 protective structures at the Florida Forest Service's Division
 756 ~~of Forestry~~ nursery in Chiefland or to other protective sites
 757 located a minimum of 10 miles from any commercial citrus grove.

758 Section 27. Section 589.01, Florida Statutes, is amended
 759 to read:

760 589.01 Florida Forestry Council.—The Florida Forestry
 761 Council, ~~hereinafter called the "council,"~~ is hereby created
 762 within the Florida Forest Service in the Division of Forestry of
 763 ~~the Department of Agriculture and Consumer Services.~~ The council
 764 shall be composed of five members appointed by the Department of
 765 Agriculture and Consumer Services for terms of 4 years.

766 (1) There shall be one member of the council from each of
 767 the following areas of forestry:

- 768 (a) The pulp and paper manufacturing industry.
- 769 (b) A forest products industry other than that described
 770 in paragraph (a).
- 771 (c) A timber or timber products dealer.
- 772 (d) An individual forest landowner.
- 773 (e) An active member of a statewide conservation
 774 organization having as one of its principal objectives the
 775 conservation and development of the forest resource.

776 (2) At least ~~Not fewer than~~ two but not ~~or~~ more than three
 777 nominations must ~~shall~~ be made for each appointment to
 778 ~~membership on~~ the council, and any statewide organization
 779 representing an area of forestry represented on the council may
 780 make nominations.

781 (3) The council shall meet at the call of its chair, at
 782 the request of a majority of its membership or of the Department

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783 of Agriculture and Consumer Services, or at such times as the
 784 department may prescribe ~~be prescribed~~ by rule ~~its~~ rules.

785 (4) A majority of the members of the council constitutes
 786 ~~shall constitute~~ a quorum for all purposes, and an act by a
 787 majority of such quorum at any meeting constitutes ~~shall~~
 788 ~~constitute~~ an official act of the council.

789 (5) The powers and duties of the council are to ~~shall be~~
 790 ~~as follows:~~

791 (a) ~~To~~ Consider and study the entire field of forestry.†

792 (b) ~~To~~ Advise, counsel, and consult, upon request, with
 793 the Department of Agriculture and Consumer Services and the
 794 State Forester ~~director of the Division of Forestry upon request~~
 795 in connection with the adoption ~~promulgation~~, administration,
 796 and enforcement of all laws and rules relating to forestry.†

797 (c) ~~To~~ Consider all matters submitted to the council ~~it~~ by
 798 the Department of Agriculture and Consumer Services or the State
 799 Forester. ~~director of the Division of Forestry;~~

800 (d) ~~To~~ Offer suggestions and recommendations to the
 801 Department of Agriculture and Consumer Services and the State
 802 Forester ~~director of the Division of Forestry on the council's~~
 803 ~~its~~ own initiative with ~~in~~ regard to changes in the laws and
 804 rules relating to forestry for ~~as may be deemed advisable to~~
 805 ~~secure~~ the effective administration and enforcement of such laws
 806 and rules relating to the work of the Florida Forest Service.
 807 ~~division; and~~

808 (e) ~~To~~ Keep a complete record of all of the council's ~~its~~
 809 proceedings, showing the names of the members present at each
 810 meeting and any action taken by the council, and ~~to~~ file and

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811 maintain such records in the Florida Forest Service ~~Division of~~
 812 ~~Forestry~~ as a public record.

813 Section 28. Section 589.011, Florida Statutes, is amended
 814 to read:

815 589.011 Use of state forest lands; fees; rules.—The
 816 Florida Forest Service may:

817 (1) ~~The Division of Forestry of the Department of~~
 818 ~~Agriculture and Consumer Services may~~ Grant privileges, permits,
 819 leases, and concessions for the use of state forest lands,
 820 timber, and forest products for purposes not inconsistent with
 821 ~~the provisions of this chapter.~~

822 (2) ~~The Division of Forestry is authorized to~~ Grant
 823 easements for rights-of-way, over, across, and upon state forest
 824 lands for the construction and maintenance of public roads,
 825 poles and lines for the transmission and distribution of
 826 electrical power, pipelines for the distribution and
 827 transportation of oils and gases, and poles and lines for
 828 telephone and telegraphic purposes ~~and for public roads~~, under
 829 such conditions and limitations as the Florida Forest Service
 830 ~~division~~ may impose.

831 (3) ~~The Division of Forestry shall have the power to~~ Set
 832 and charge reasonable fees or rent for the use or operation of
 833 facilities on state forests or any lands leased by or otherwise
 834 assigned to the Florida Forest Service ~~division~~ for management
 835 purposes. Moneys collected from such fees and rent shall be
 836 deposited into the Incidental Trust Fund of the Florida Forest
 837 Service ~~division~~.

838 (4) ~~The Division of Forestry may~~ Adopt and enforce rules

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839 necessary for the protection, use ~~utilization~~, occupancy, and
 840 development of state forest lands or any lands leased by or
 841 otherwise assigned to the Florida Forest Service ~~division~~ for
 842 management purposes. Any person who violates ~~violating~~ or
 843 otherwise fails ~~failing~~ to comply with ~~any provision~~ of this
 844 subsection or any rule adopted under this subsection commits a
 845 noncriminal violation as defined in s. 775.08(3), punishable
 846 only by a ~~fine~~, not to exceed \$500 per violation. ~~Jurisdiction~~
 847 ~~shall be with~~ The appropriate county court has jurisdiction.

848 (5) ~~The Division of Forestry may~~ Prohibit on state forest
 849 lands, or any lands leased by or otherwise assigned to the
 850 Florida Forest Service ~~division~~ for management purposes,
 851 activities that interfere with management objectives, create a
 852 nuisance, or pose a threat to public safety. Such prohibited
 853 activities must be posted with signs not more than 500 feet
 854 apart along, and at each corner of, the boundaries of the land.
 855 The signs must be placed along the boundary line of posted land
 856 in a manner and in such position as to be clearly noticeable
 857 from outside the boundary line. A person who violates ~~the~~
 858 ~~provisions~~ of this subsection commits a misdemeanor of the
 859 second degree, punishable as provided in s. 775.082 or s.
 860 775.083.

861 (6) ~~The Division of Forestry may~~ Enter into contracts or
 862 agreements, with or without competitive bidding or procurement,
 863 to make available, on a fair, reasonable, and nondiscriminatory
 864 basis, property and other structures under the Florida Forest
 865 Service's ~~division~~ control for the placement of new facilities
 866 by any wireless provider of mobile service as defined in 47

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867 U.S.C. s. 153(27) or 47 U.S.C. s. 332(d) or any
 868 telecommunications company as defined in s. 364.02 when it is
 869 determined to be practical and feasible to make such property or
 870 other structures available. The Florida Forest Service ~~division~~
 871 may, without adopting a rule, charge a just, reasonable, and
 872 nondiscriminatory fee for the placement of the facilities,
 873 payable annually, based on the fair market value of space used
 874 by comparable communications facilities in the state. The
 875 Florida Forest Service ~~division~~ and a wireless provider or
 876 telecommunications company may negotiate the reduction or
 877 elimination of a fee in consideration of services provided to
 878 the Florida Forest Service ~~division~~ by the wireless provider or
 879 telecommunications company. All such fees collected by the
 880 Florida Forest Service ~~division~~ shall be deposited in the
 881 Incidental Trust Fund.

882 Section 29. Section 589.012, Florida Statutes, is amended
 883 to read:

884 589.012 Friends of Florida State Forests Program.—The
 885 Friends of Florida State Forests Program is established within
 886 the Department of Agriculture and Consumer Services. Its purpose
 887 is to provide support and assistance for existing and future
 888 programs of the Florida Forest Service ~~Division of Forestry~~.
 889 ~~These programs must be consistent with the division's mission~~
 890 ~~statement which is incorporated by reference.~~ The purpose of the
 891 program is to:

892 (1) Conduct programs and activities related to
 893 environmental education, fire prevention, recreation, and forest
 894 management.

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895 (2) Identify and pursue methods to provide resources and
 896 materials for these programs.

897 (3) Establish a statewide method to integrate these
 898 resources and materials.

899 Section 30. Section 589.04, Florida Statutes, is amended
 900 to read:

901 589.04 Florida Forest Service; duties ~~of division~~.—

902 (1) The Florida Forest Service ~~Division of Forestry~~ shall
 903 cooperate with federal, state, and local governmental agencies,
 904 nonprofit organizations, and other persons to:

905 (a) Promote and encourage forest fire protection, forest
 906 environmental education, forest land stewardship, good forest
 907 management, tree planting and care, forest recreation, and the
 908 proper management of public lands.

909 (b) Apply for, solicit, and receive grants, funds,
 910 services, equipment, and supplies from those agencies,
 911 organizations, firms, and individuals.

912 (2) All grant proceeds and funds received for these
 913 purposes shall be deposited in the Incidental Trust Fund of the
 914 Florida Forest Service. Expenditures of these funds shall be for
 915 the purposes established in this section.

916 (3) The Florida Forest Service ~~Division of Forestry~~ shall
 917 provide direction for the multiple-use management of forest
 918 lands owned by the state; serve as the lead management agency
 919 for state-owned land primarily suited for forest resource
 920 management; and provide to other state agencies having land
 921 management responsibilities technical guidance and management
 922 plan development for managing the forest resources on state-

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923 owned lands managed for other objectives. Multiple-use
 924 management includes ~~Multiple-purpose use shall include~~, but is
 925 not limited to, water-resource protection, forest-ecosystems
 926 protection, natural-resource-based low-impact recreation, and
 927 sustainable timber management for forest products.

928 (4) The Florida Forest Service ~~Division of Forestry~~ shall
 929 begin immediately an aggressive program to reforest and
 930 afforest, with appropriate tree species, lands over which the
 931 Florida Forest Service ~~division~~ has forest resource management
 932 responsibility.

933 Section 31. Section 589.06, Florida Statutes, is amended
 934 to read:

935 589.06 Warrants for payment of accounts.—Upon the
 936 presentation to the Chief Financial Officer of any accounts duly
 937 approved by the Florida Forest Service ~~Division of Forestry~~,
 938 accompanied by such itemized vouchers or accounts as shall be
 939 required by her or him, the Chief Financial Officer shall audit
 940 the same and draw a warrant for the amount for which the account
 941 is audited, payable out of funds to the credit of the Florida
 942 Forest Service ~~division~~.

943 Section 32. Section 589.07, Florida Statutes, is amended
 944 to read:

945 589.07 Florida Forest Service ~~Division~~ may acquire lands
 946 for forest purposes.—The Florida Forest Service ~~Division of~~
 947 ~~Forestry~~, on behalf of the state and subject to the restrictions
 948 mentioned in s. 589.08, may acquire lands, suitable for state
 949 forest purposes, by gift, donation, contribution, purchase, or
 950 otherwise and may enter into agreements with the Federal

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951 Government, or any other agency, for acquiring by gift,
 952 purchase, or otherwise, such lands as are, in the judgment of
 953 the Florida Forest Service ~~division~~, suitable and desirable for
 954 state forests. The acquisition procedures for state lands
 955 provided in s. 259.041 do not apply to acquisition of land by
 956 the Florida Forest Service ~~Division of Forestry~~.

957 Section 33. Section 589.071, Florida Statutes, is amended
 958 to read:

959 589.071 Traffic control within state forest or ~~division-~~
 960 ~~assigned~~ lands assigned to Florida Forest Service.—The Florida
 961 Forest Service, ~~Division of Forestry~~ on behalf of the state, may
 962 adopt rules to control ingress, egress, and all other movement
 963 of motor vehicles, bicycles, horses, and pedestrians, as well as
 964 all other types of traffic, within a state forest or any lands
 965 leased by or otherwise assigned to the Florida Forest Service
 966 ~~division~~ for management purposes, outside of the designated
 967 right-of-way of state or county-maintained roads, and may
 968 designate special areas off the roadways for the operation of
 969 recreational type vehicles that ~~which~~ need not be licensed or
 970 operated by licensed drivers. Any person who violates ~~violating~~
 971 or otherwise fails ~~failing~~ to comply with ~~any of the provisions~~
 972 ~~of this section or~~ any rule ~~rules~~ adopted under this section
 973 commits ~~pursuant hereto is guilty of~~ a noncriminal violation as
 974 defined in s. 775.08(3), punishable only by a fine not to exceed
 975 \$500. ~~Jurisdiction shall be with~~ The appropriate county court
 976 has jurisdiction.

977 Section 34. Section 589.08, Florida Statutes, is amended
 978 to read:

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979 589.08 Land acquisition restrictions.—

980 (1) The Florida Forest Service may not ~~Division of~~
 981 ~~Forestry shall~~ enter into an ~~ne~~ agreement for the acquisition,
 982 lease, or purchase of any land or for any other purpose that
 983 pledges whatsoever which shall pledge the credit of, or
 984 obligates ~~obligate~~ in any manner ~~whatsoever~~, the state to pay
 985 any sum of money or other thing of value for such purpose, and
 986 the Florida Forest Service may ~~said division shall~~ not in any
 987 manner or for any purpose pledge the credit of or obligate the
 988 state to pay any sum of money.

989 (2) The Florida Forest Service ~~division~~ may receive, hold
 990 the custody of, and exercise the control of any lands, and set
 991 aside into a separate, distinct, and inviolable fund, any
 992 proceeds derived from the sales of the products of such lands,
 993 the use thereof in any manner, or the sale of such lands, except
 994 for ~~save~~ the 25 percent of the proceeds to be paid into the
 995 State School Fund as provided by law. The Florida Forest Service
 996 ~~division~~ may use and apply such funds for the acquisition, use,
 997 custody, management, development, or improvement of any lands
 998 vested in or subject to the control of the Florida Forest
 999 Service ~~division~~. After full payment is ~~has been~~ made for the
 1000 purchase of a state forest to the Federal Government or other
 1001 grantor, 15 percent of the gross receipts from a state forest
 1002 shall be paid to the fiscally constrained county or counties, as
 1003 described in s. 218.67(1), in which it is located in proportion
 1004 to the acreage located in each county for use by the county or
 1005 counties for school purposes.

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1006 Section 35. Section 589.081, Florida Statutes, is amended
 1007 to read:

1008 589.081 Withlacoochee State Forest and Goethe State
 1009 Forest; payment of portion of gross receipts.—The Florida Forest
 1010 Service ~~Division of Forestry~~ shall pay 15 percent of the gross
 1011 receipts from Withlacoochee State Forest and the Goethe State
 1012 Forest to each fiscally constrained county, as described in s.
 1013 218.67(1), in which a portion of the respective forest is
 1014 located in proportion to the forest acreage located in such
 1015 county. The funds must be equally divided between the board of
 1016 county commissioners and the school board of each fiscally
 1017 constrained county.

1018 Section 36. Section 589.09, Florida Statutes, is amended
 1019 to read:

1020 589.09 Use of lands acquired.—All lands acquired by the
 1021 Florida Forest Service ~~Division of Forestry~~ on behalf of the
 1022 state shall be in the custody of and subject to the
 1023 jurisdiction, management, and control of the Florida Forest
 1024 Service ~~said division~~, and, for such purposes and the use
 1025 ~~utilization~~ and development of such land, the Florida Forest
 1026 Service ~~said division~~ may use the proceeds of the sale of any
 1027 products therefrom, the proceeds of the sale of any such lands,
 1028 except for ~~save the~~ 25 percent of such proceeds which shall be
 1029 paid into the State School Fund as required by s. 1010.71(1),
 1030 and such other funds as may be appropriated for use by the
 1031 Florida Forest Service ~~division~~, and in the opinion of the
 1032 Florida Forest Service ~~such division~~, available for such uses
 1033 and purposes.

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1034 Section 37. Section 589.10, Florida Statutes, is amended
 1035 to read:

1036 589.10 Disposition of lands.—The Florida Forest Service
 1037 ~~Division of Forestry~~, with the concurrence of the Board of
 1038 Trustees of the Internal Improvement Trust Fund and the
 1039 Governor, may sell, exchange, lease, or otherwise dispose of any
 1040 lands under its jurisdiction by ~~the provisions of~~ this chapter
 1041 when in its judgment it is advantageous to the state ~~to do so~~ in
 1042 the interest of the highest orderly development, improvement,
 1043 and management of the state forests and state parks. All such
 1044 sales, exchanges, leases, or dispositions of such lands require,
 1045 ~~shall be~~ at least 30 days' ~~upon a 30-day~~ public notice, to be
 1046 given in the manner deemed reasonable by the Florida Forest
 1047 Service division.

1048 Section 38. Section 589.101, Florida Statutes, is amended
 1049 to read:

1050 589.101 Blackwater River State Forest; lease of board's
 1051 interest in gas, oil, and other minerals.—Notwithstanding ~~the~~
 1052 ~~provisions of~~ ss. 253.51-253.61, the Florida Forest Service may
 1053 ~~Division of Forestry is hereby expressly granted the authority~~
 1054 ~~to~~ lease its 25-percent interest in oil, gas, and other minerals
 1055 within the boundaries of the Blackwater River State Forest;
 1056 ~~provided,~~ however, such leases may only that grants shall be
 1057 made ~~only~~ to the lessee or lessees holding the 75-percent
 1058 interest in such said minerals retained by the United States in
 1059 its conveyance to this state. The concurrence of the Board of
 1060 Trustees of the Internal Improvement Trust Fund required by s.
 1061 589.10 is ~~shall not be~~ necessary under ~~the provisions of~~ this

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1062 section.

1063 Section 39. Section 589.11, Florida Statutes, is amended
 1064 to read:

1065 589.11 Duties of Florida Forest Service under federal
 1066 ~~division as to~~ Clarke-McNary Act Law.-

1067 (1) The Florida Forest Service may, ~~Division of Forestry~~
 1068 ~~is designated and authorized as an~~ the agent of the state, ~~to~~
 1069 cooperate with the United States Secretary of Agriculture under
 1070 s. 5 of the federal the provisions of "ss. 4 and 5, Chapter 348,
 1071 ~~43 Statutes 654, Acts of Congress, June 7, 1924, known as the~~
 1072 Clarke-McNary Act, 16 U.S.C. s. 568, Law," to assist owners of
 1073 farms in establishing, improving, and renewing woodlots,
 1074 shelterbelts, windbreaks, and other valuable forest growth; in
 1075 growing and renewing useful timber crops; and in cooperating to
 1076 ~~cooperate~~ with the wood-using industries or other agencies,
 1077 governmental or otherwise, interested in proper land use, forest
 1078 management, and conservative forest utilization.

1079 (2) As a means of providing seedling trees for the
 1080 purposes of this section, the Florida Forest Service may
 1081 ~~division is authorized to~~ operate a seedling tree nursery
 1082 program and ~~to~~ set reasonable prices for the sale to the public
 1083 of seedling trees. Receipts from the sale of seedling trees
 1084 shall be deposited into the Incidental Trust Fund of the Florida
 1085 Forest Service division.

1086 Section 40. Section 589.12, Florida Statutes, is amended
 1087 to read:

1088 (Substantial rewording of section. See
 1089 s. 589.12, F.S., for present text.)

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1090 589.12 Rulemaking.—The Florida Forest Service may adopt
 1091 rules and take other reasonable and necessary actions to
 1092 administer ss. 589.07-589.11.

1093 Section 41. Section 589.13, Florida Statutes, is amended
 1094 to read:

1095 589.13 Lien of Florida Forest Service ~~division~~ and other
 1096 parties, for forestry work, etc.—Liens prior in dignity to all
 1097 others accruing thereafter shall exist in favor of the following
 1098 persons, boards, firms, or corporations upon the following
 1099 described real estate, under the following circumstances
 1100 ~~hereinafter mentioned:~~

1101 (1) The Florida Forest Service ~~Division of Forestry~~, the
 1102 United States Government, or other governmental authority, upon
 1103 all lands covered in any cooperative or other agreement entered
 1104 into between the landowner and the Florida Forest Service
 1105 ~~division~~ (which term shall embrace and include agreements with
 1106 the Florida Forest Service ~~Division of Forestry~~).‡

1107 (2) The United States Government or other governmental
 1108 authority, for the prevention and control of woods fires and
 1109 other forestry work to the extent of the amounts expended by the
 1110 Florida Forest Service ~~such division, service,~~ or other
 1111 governmental authority for and on behalf of the landowner and
 1112 not paid by the landowner under the terms of such ~~said~~
 1113 agreement.

1114 Section 42. Section 589.14, Florida Statutes, is amended
 1115 to read:

1116 589.14 Enforcement of lien; notice.—The Florida Forest
 1117 Service ~~Division of Forestry~~, United States Government, or other

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1118 governmental authority is ~~shall be~~ entitled to the subject ~~said~~
 1119 real estate in equity for the value of such expenditures made by
 1120 it in pursuance of any such agreement, and may, at any time
 1121 after the expenditure thereof and after default in payment
 1122 thereof by the landowner in accordance with the terms of such
 1123 agreement, file in the office of the clerk of the circuit court
 1124 of the county in which the property is located, and have
 1125 recorded in the record of liens kept by such clerk, a notice of
 1126 the expenditures made in pursuance of such agreement and of
 1127 default of the landowner in the payment of same in accordance
 1128 with the terms thereof (the form of notice being provided in s.
 1129 589.15), and from the date of the filing of such notice, the
 1130 rights of purchasers or creditors of such landowner shall be
 1131 subject and subordinate to the claim set out in the notice.

1132 Section 43. Section 589.18, Florida Statutes, is amended
 1133 to read:

1134 589.18 Florida Forest Service; Division to make certain
 1135 investigations.—The Florida Forest Service Division of Forestry
 1136 shall conduct investigations and make surveys to determine the
 1137 areas of land in the state that ~~which~~ are available and suitable
 1138 for reforestation projects and state forests, and may make
 1139 recommendations ~~recommend~~ to the Board of Trustees of the
 1140 Internal Improvement Trust Fund, any state agency, or any agency
 1141 created by state law that ~~which~~ is authorized to accept lands in
 1142 the name of the state, concerning their acquisition. The Florida
 1143 Forest Service is ~~division shall be~~ considered ~~as~~ a state agency
 1144 for purposes of ~~under~~ this section ~~law~~.

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1145 Section 44. Section 589.19, Florida Statutes, is amended
 1146 to read:

1147 589.19 Creation of certain state forests; naming of
 1148 certain state forests.—

1149 (1) When the Board of Trustees of the Internal Improvement
 1150 Trust Fund, any state agency, or any agency created by state law
 1151 that is ~~is~~ authorized to accept reforestation lands in the name of
 1152 the state~~,~~ approves the recommendations of the Florida Forest
 1153 Service ~~Division of Forestry~~ in reference to the acquisition of
 1154 land and acquires ~~acquire~~ such land, such ~~the said~~ board~~,~~ state
 1155 agency~~,~~ or agency created by state law~~,~~ may formally designate
 1156 and dedicate any area as a reforestation project~~,~~ or state
 1157 forest, and where so designated and dedicated, such area shall
 1158 be under the administration of the Florida Forest Service,
 1159 ~~division~~ which may ~~shall be authorized to~~ manage and administer
 1160 such ~~said~~ area according to the purpose for which it was
 1161 designated and dedicated.

1162 (2) The first state forest acquired by the Board of
 1163 Trustees of the Internal Improvement Trust Fund in Baker County
 1164 is designated as ~~to be named~~ the John M. Bethea State Forest.
 1165 This designation honors ~~is to honor Mr.~~ John M. Bethea, ~~who was~~
 1166 Florida's fourth State Forester and a native of Baker County,
 1167 ~~and~~ whose distinguished career in state government spanned 46
 1168 years ~~and who is a native of Baker County.~~

1169 (3) The state forest managed by the Florida Forest Service
 1170 ~~Division of Forestry~~ in Seminole County is designated as ~~to be~~
 1171 ~~named~~ the Charles H. Bronson State Forest. This designation
 1172 honors ~~to honor~~ Charles H. Bronson, the tenth Commissioner of

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1173 Agriculture, for his distinguished contribution to this state's
1174 agriculture and natural resources.

1175 Section 45. Section 589.20, Florida Statutes, is amended
1176 to read:

1177 589.20 Cooperation by Florida Forest Service division.—The
1178 Florida Forest Service Division of Forestry may cooperate with
1179 other state agencies that,~~who~~ are custodians of lands that
1180 ~~which~~ are suitable for forestry purposes, in the designation and
1181 dedication of such lands for forestry purposes when, in the
1182 opinion of the state agencies concerned, such lands are suitable
1183 for these purposes and can be so administered. Upon the
1184 designation and dedication of such ~~said~~ lands for these purposes
1185 by the agencies concerned, such ~~said~~ lands shall be administered
1186 by the Florida Forest Service division.

1187 Section 46. Section 589.21, Florida Statutes, is amended
1188 to read:

1189 589.21 Management to be for public interest.—All state
1190 forests and reforestation projects mentioned in this chapter
1191 shall be managed and administered by the Florida Forest Service
1192 ~~Division of Forestry~~ in the interests of the public. If the
1193 public interests are not already safeguarded and clearly defined
1194 by law or by regulations adopted by the state agencies
1195 authorized by law to administer such lands, or in the papers
1196 formally transferring such ~~said~~ projects to the Florida Forest
1197 Service division for administration, ~~then, and in that event,~~
1198 the Florida Forest Service division may define the purposes
1199 ~~purpose~~ of such projects ~~said project~~. Such definition of
1200 purposes shall be construed to have the authority of law.

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1201 Section 47. Section 589.26, Florida Statutes, is amended
 1202 to read:

1203 589.26 Dedication of state park lands for public use.—The
 1204 Florida Forest Service may periodically ~~Division of Forestry is~~
 1205 ~~authorized and empowered, from time to time, to~~ dedicate and
 1206 reserve for the use of the public all or any part of the lands
 1207 ~~heretofore or hereafter~~ acquired by the Florida Forest Service
 1208 ~~said Division of Forestry~~ for park purposes, regardless of when
 1209 such lands are acquired; provided, however, such that said
 1210 dedication and reservation are ~~shall be~~ subject to such rules
 1211 and regulations, as to reasonable use by the public, as may be
 1212 adopted by the Division of Recreation and Parks of the
 1213 Department of Environmental Protection.

1214 Section 48. Section 589.27, Florida Statutes, is amended
 1215 to read:

1216 589.27 Power of eminent domain; procedure.—Whenever the
 1217 Florida Forest Service finds ~~Division of Forestry shall find~~ it
 1218 necessary to acquire private property for state forests, for or
 1219 rights-of-way for state forest roads, or for exercising any of
 1220 the powers and duties assigned ~~authorized and prescribed~~ by law
 1221 to ~~be exercised and performed by the~~ Florida Forest Service
 1222 ~~Division of Forestry, the~~ Florida Forest Service may ~~Division of~~
 1223 ~~Forestry is hereby empowered and authorized to~~ exercise the
 1224 right of eminent domain and ~~to proceed to~~ condemn such ~~said~~
 1225 property in the same manner as provided by law for the
 1226 condemnation of private property by counties.

1227 Section 49. Section 589.275, Florida Statutes, is amended
 1228 to read:

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1229 589.275 Planting of indigenous trees on state lands.—The
 1230 ~~It is the intent of the~~ Legislature intends to partially restore
 1231 the character of the state's original domain ~~of Florida~~ by
 1232 planting native trees on state lands, and to this end all state
 1233 lands shall have a portion of such lands designated for
 1234 indigenous trees, to be established and maintained by the using
 1235 agency with the assistance of the Florida Forest Service
 1236 ~~Division of Forestry of the Department of Agriculture and~~
 1237 ~~Consumer Services~~. If the Florida Forest Service ~~division~~, or
 1238 primary managing agency, determines that any state lands are
 1239 unsuitable for this purpose, such lands are ~~shall be~~ exempt from
 1240 this requirement.

1241 Section 50. Section 589.277, Florida Statutes, is amended
 1242 to read:

1243 589.277 Tree planting programs.—

1244 (1) The ~~Division of Forestry of the~~ Florida Forest Service
 1245 ~~Department of Agriculture and Consumer Services~~ shall administer
 1246 federal, state, and privately sponsored tree planting programs
 1247 designed to assist private rural landowners and urban
 1248 communities.

1249 (2) Contributions from governmental and private sources
 1250 for tree planting programs may be accepted into the Federal
 1251 Grants Trust Fund.

1252 (3) The Florida Forest Service shall ~~Division of Forestry~~
 1253 ~~is authorized and directed to~~ develop and implement guidelines
 1254 and procedures under which the financial resources of the fund
 1255 allocated for tree planting programs may be used ~~utilized~~ for
 1256 urban and rural reforestation.

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1257 (4) Grants to municipalities, counties, nonprofit
 1258 organizations, and qualifying private landowners may be made
 1259 from allocated moneys in the fund for the purpose of purchasing,
 1260 planting, and maintaining native tree species.

1261 (5) The Florida Forest Service ~~Division of Forestry~~ shall
 1262 assist the Department of Education in developing programs that
 1263 teach the importance of trees in the urban, rural, and global
 1264 environment.

1265 Section 51. Section 589.28, Florida Statutes, is amended
 1266 to read:

1267 589.28 County commissions or municipalities authorized to
 1268 cooperate with Florida Forest Service ~~Division of Forestry~~.—
 1269 County commissions or municipalities may ~~are authorized to~~
 1270 cooperate with the Florida Forest Service ~~Division of Forestry~~
 1271 ~~of the Department of Agriculture and Consumer Services~~ in
 1272 providing assistance in forestry and forest-related knowledge
 1273 and skills to stimulate the production of timber wealth through
 1274 the proper use of forest land and ~~to~~ protect and improve the
 1275 beauty of urban and suburban areas by helping to create in them
 1276 an attractive and healthy environment through the proper use of
 1277 trees and related plant associations. County commissions or
 1278 municipalities may ~~are hereby authorized to~~ appropriate funds
 1279 and enter into cooperative agreements with the Florida Forest
 1280 Service ~~Division of Forestry~~ under the terms and conditions set
 1281 forth in ss. 589.28-589.34.

1282 Section 52. Section 589.29, Florida Statutes, is amended
 1283 to read:

1284 589.29 Quality of assistance.—Any advice and assistance

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1285 provided under ss. 589.28-589.34 is ~~shall be~~ the responsibility
 1286 of the State Forester and the Florida Forest Service Division ~~of~~
 1287 ~~Forestry~~ and shall be conducted under the supervision of a
 1288 professional forester in an efficient and competent manner by
 1289 personnel who have the required education, training, and
 1290 experience to accomplish the objectives of these sections.

1291 Section 53. Section 589.30, Florida Statutes, is amended
 1292 to read:

1293 589.30 Duty of district forester. ~~It shall be the duty of~~
 1294 The district forester shall ~~to~~ direct all work in accordance
 1295 with ~~the~~ law and with rules adopted by ~~regulations of the~~
 1296 Florida Forest Service Division ~~of Forestry~~; gather and
 1297 disseminate information in the management of commercial timber,
 1298 including establishment, protection, and use ~~utilization~~; and
 1299 assist in the development and use of forest lands for outdoor
 1300 recreation, watershed protection, and wildlife habitat. The
 1301 district forester or his or her representative shall provide
 1302 encouragement and technical assistance to individuals and urban
 1303 and county officials in the planning, establishment, and
 1304 management of trees and plant associations to enhance the beauty
 1305 of the urban and suburban environment and meet outdoor
 1306 recreational needs.

1307 Section 54. Section 589.31, Florida Statutes, is amended
 1308 to read:

1309 589.31 Cooperative agreement.—Before any assistance is
 1310 provided under ss. 589.28-589.34 ~~this law~~, the county or
 1311 municipality and the Florida Forest Service Division ~~of~~
 1312 ~~Forestry~~, through their duly constituted representatives, shall

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1313 enter into a mutually satisfactory cooperative agreement
 1314 covering the specific duties, and set up a budget for any fiscal
 1315 period beginning July 1 and ending June 30. ~~and~~ The county's or
 1316 municipality's share of the budget provided shall be remitted
 1317 ~~turned over~~ to the Florida Forest Service Division of Forestry,
 1318 one-half on or before July 1, and the remainder on or before
 1319 January 1, and deposited ~~placed~~ in the Incidental Trust Fund of
 1320 the Florida Forest Service Division of Forestry.

1321 Section 55. Section 589.32, Florida Statutes, is amended
 1322 to read:

1323 589.32 Cost of providing county or municipal forestry
 1324 assistance.—The cost of county or municipal forestry assistance
 1325 provided under ~~the provisions of~~ ss. 589.28-589.34 shall be
 1326 jointly determined and paid by the Florida Forest Service
 1327 ~~Division of Forestry~~ and the county commission or municipality.
 1328 Such cost must and shall be at least not less than 40 percent of
 1329 the cost of the equivalent of 1 person-year of assistance.
 1330 However, the county or municipality share may ~~shall~~ not exceed
 1331 ~~the sum of~~ \$3,000 per annum for each person-year of assistance
 1332 provided.

1333 Section 56. Section 589.33, Florida Statutes, is amended
 1334 to read:

1335 589.33 Expenditure of budgeted funds.—The Florida Forest
 1336 Service shall expend any money budgeted for a fiscal period
 1337 ~~shall be expended by the Division of Forestry~~ during the period
 1338 for which it was budgeted, and amounts not expended or
 1339 specifically obligated by contract or other legal procedure
 1340 during that period shall be available for the next fiscal period

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1341 or shall be returned to the Florida Forest Service ~~Division of~~
 1342 ~~Forestry~~ and the county or municipality in the same proportions
 1343 as appropriated. However, if when 40 percent of the cost of 1
 1344 person-year of assistance equals or exceeds \$3,000, ~~then in that~~
 1345 ~~event~~ all of the budget balance reverts ~~will revert~~ to the
 1346 Florida Forest Service ~~Division of Forestry~~.

1347 Section 57. Section 589.34, Florida Statutes, is amended
 1348 to read:

1349 589.34 Revocation of agreement.—Any agreement or revision
 1350 thereof entered into by the Florida Forest Service ~~Division of~~
 1351 ~~Forestry~~ and a county or municipality under ss. 589.28-589.34
 1352 ~~the provisions of this law~~ shall continue from year to year,
 1353 unless written notice is given to the other party 30 days before
 1354 ~~prior to~~ July 1 of any year of the intention to discontinue the
 1355 work and cancel the agreement.

1356 Section 58. Section 590.01, Florida Statutes, is amended
 1357 to read:

1358 590.01 Wildfire protection.—The Florida Forest Service
 1359 ~~division~~ has the primary responsibility for preventing,
 1360 detecting, and suppressing ~~prevention, detection, and~~
 1361 ~~suppression of~~ wildfires wherever they may occur. The Florida
 1362 Forest Service ~~division~~ shall provide leadership and direction
 1363 in evaluating, coordinating, allocating ~~the evaluation,~~
 1364 ~~coordination, allocation of resources for,~~ and monitoring of
 1365 wildfire management and protection. The Florida Forest Service
 1366 ~~division~~ shall promote natural resource management and fuel
 1367 reduction through the use of prescribed fire and other fuel
 1368 reduction measures.

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1369 Section 59. Subsections (2) through (5) of section
 1370 590.015, Florida Statutes, are renumbered as subsections (1)
 1371 through (4), respectively, and present subsection (1) of that
 1372 section is amended to read:

1373 590.015 Definitions.—As used in this chapter, the term:

1374 ~~(1) "Division" means the Division of Forestry of the~~
 1375 ~~Department of Agriculture and Consumer Services.~~

1376 Section 60. Section 590.02, Florida Statutes, is amended
 1377 to read:

1378 590.02 Florida Forest Service; ~~Division~~ powers, authority,
 1379 and duties; liability; building structures; Florida Center for
 1380 Wildfire and Forest Resources Management Training.—

1381 (1) The Florida Forest Service ~~division~~ has the following
 1382 powers, authority, and duties:

1383 (a) To enforce the provisions of this chapter.†

1384 (b) To prevent, detect, suppress, and extinguish wildfires
 1385 wherever they may occur on public or private land in this state
 1386 and to do all things necessary in the exercise of such powers,
 1387 authority, and duties.†

1388 (c) To provide firefighting crews, who shall be under the
 1389 control and direction of the Florida Forest Service ~~division~~ and
 1390 its designated agents.†

1391 (d) To appoint center managers, forest area supervisors,
 1392 forestry program administrators, a forest protection bureau
 1393 chief, a forest protection assistant bureau chief, a field
 1394 operations bureau chief, deputy chiefs of field operations,
 1395 district managers, senior forest rangers, investigators, forest
 1396 rangers, firefighter rotorcraft pilots, and other employees who

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1397 may, at the ~~division's~~ discretion of the Florida Forest Service,
 1398 be certified as forestry firefighters under ~~pursuant to~~ s.
 1399 633.35(4). Notwithstanding any other provisions of law
 1400 ~~notwithstanding,~~ center managers, district managers, the forest
 1401 protection assistant bureau chief, and deputy chiefs of field
 1402 operations ~~shall~~ have Selected Exempt Service status in the
 1403 state personnel designation. †

1404 (e) To develop a training curriculum for forestry
 1405 firefighters that contains ~~which must contain~~ the basic
 1406 volunteer structural fire training course approved by the
 1407 Florida State Fire College of the Division of State Fire Marshal
 1408 and a minimum of 250 hours of wildfire training. †

1409 (f) To adopt ~~make~~ rules to administer ~~accomplish the~~
 1410 ~~purposes of~~ this chapter. †

1411 (g) To provide fire management services and emergency
 1412 response assistance and to set and charge reasonable fees for
 1413 performance of those services. Moneys collected from such fees
 1414 shall be deposited into the Incidental Trust Fund of the Florida
 1415 Forest Service. ~~division; and~~

1416 (h) To require all state, regional, and local government
 1417 agencies operating aircraft in the vicinity of an ongoing
 1418 wildfire to operate in compliance with the applicable state
 1419 Wildfire Aviation Plan.

1420 (2) ~~Division~~ Employees of the Florida Forest Service, and
 1421 the firefighting crews under their control and direction, may
 1422 enter upon any lands for the purpose of preventing and
 1423 suppressing wildfires and investigating smoke complaints or open
 1424 burning not in compliance with authorization and to enforce ~~the~~

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1425 ~~provisions of~~ this chapter.

1426 (3) Employees of the Florida Forest Service ~~division~~ and
 1427 of federal, state, and local agencies, and all other persons and
 1428 entities that are under contract or agreement with the Florida
 1429 Forest Service ~~division~~ to assist in firefighting operations as
 1430 well as those entities, called upon by the Florida Forest
 1431 Service ~~division~~ to assist in firefighting may, in the
 1432 performance of their duties, set counterfires, remove fences and
 1433 other obstacles, dig trenches, cut firelines, use water from
 1434 public and private sources, and carry on all other customary
 1435 activities in the fighting of wildfires without incurring
 1436 liability to any person or entity.

1437 (4) The department may build structures, notwithstanding
 1438 chapters 216 and 255, not to exceed a cost of \$50,000 per
 1439 structure from existing resources on forest lands, federal
 1440 excess property, and unneeded existing structures. These
 1441 structures must meet all applicable building codes.

1442 (5) The Florida Forest Service ~~division~~ shall organize its
 1443 operational units to most effectively prevent, detect, and
 1444 suppress wildfires, and, to that end, may employ the necessary
 1445 personnel to manage its activities in each unit. The Florida
 1446 Forest Service ~~division~~ may construct lookout towers, roads,
 1447 bridges, firelines, and other facilities and may purchase or
 1448 fabricate tools, supplies, and equipment for firefighting. The
 1449 Florida Forest Service ~~division~~ may reimburse the public and
 1450 private entities that it engages to assist in the suppression of
 1451 wildfires for their personnel and equipment, including aircraft.

1452 (6) The Florida Forest Service ~~division~~ shall undertake

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1453 privatization alternatives for fire prevention activities
 1454 including constructing fire lines and conducting prescribed
 1455 burns and, where appropriate, entering into agreements or
 1456 contracts with the private sector to perform such activities.

1457 (7) The Florida Forest Service ~~division~~ may organize,
 1458 staff, equip, and operate the Florida Center for Wildfire and
 1459 Forest Resources Management Training. The center shall serve as
 1460 a site where fire and forest resource managers can obtain
 1461 current knowledge, techniques, skills, and theory as they relate
 1462 to their respective disciplines.

1463 (a) The center may establish cooperative efforts involving
 1464 federal, state, and local entities; hire appropriate personnel;
 1465 and engage others by contract or agreement with or without
 1466 compensation to assist in carrying out the training and
 1467 operations of the center.

1468 (b) The center shall provide wildfire suppression training
 1469 opportunities for rural fire departments, volunteer fire
 1470 departments, and other local fire response units.

1471 (c) The center shall ~~will~~ focus on curriculum related to,
 1472 but not limited to, fuel reduction, an incident management
 1473 system, prescribed burning certification, multiple-use land
 1474 management, water quality, forest health, environmental
 1475 education, and wildfire suppression training for structural
 1476 firefighters.

1477 (d) The center may assess appropriate fees for food,
 1478 lodging, travel, course materials, and supplies in order to meet
 1479 its operational costs and may grant free meals, room, and
 1480 scholarships to persons and other entities in exchange for

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1481 instructional assistance.

1482 (e) An advisory committee consisting of the following
 1483 individuals or their designees must review program curriculum,
 1484 course content, and scheduling:

1485 1. The State Forester or his or her designee. ~~Director of~~
 1486 ~~the Florida Division of Forestry; the assistant director of the~~
 1487 ~~Florida Division of Forestry;~~

1488 2. The director of the School of Forest Resources and
 1489 Conservation of the University of Florida.†

1490 3. The director of the Division of Recreation and Parks of
 1491 the Department of Environmental Protection.†

1492 4. The director of the Division of the State Fire
 1493 Marshal.†

1494 5. The director of the Florida Chapter of The Nature
 1495 Conservancy.†

1496 6. The executive vice president of the Florida Forestry
 1497 Association.†

1498 7. The president of the Florida Farm Bureau Federation.†

1499 8. The executive director of the Fish and Wildlife
 1500 Conservation Commission.†

1501 9. The executive director of a water management district
 1502 as appointed by the Commissioner of Agriculture.†

1503 10. The supervisor of the National Forests in Florida.†

1504 11. The president of the Florida Fire Chief's
 1505 Association.† and

1506 12. The executive director of the Tall Timbers Research
 1507 Station.

1508 (8) The Cross City Work Center is designated as ~~shall be~~

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1509 ~~named~~ the L. Earl Peterson Forestry Station. This designation
 1510 honors ~~is to honor Mr.~~ L. Earl Peterson, Florida's sixth State
 1511 Forester and a native of Dixie County, whose distinguished
 1512 career in state government ~~has~~ spanned 44 years, ~~and who is a~~
 1513 ~~native of Dixie County.~~

1514 Section 61. Subsection (3) of section 590.081, Florida
 1515 Statutes, is amended to read:

1516 590.081 Severe drought conditions; burning prohibited.—

1517 (3) It is unlawful for any person to set fire to, or cause
 1518 fire to be set to, any wild lands or to build a campfire or
 1519 bonfire or to burn trash or other debris within the designated
 1520 area of a severe drought emergency unless a written permit is
 1521 obtained from the Florida Forest Service ~~division~~ or its
 1522 designated agent.

1523 Section 62. Section 590.091, Florida Statutes, is amended
 1524 to read:

1525 590.091 Designation of railroad rights-of-way as wildfire
 1526 hazard areas.—

1527 (1) The Florida Forest Service ~~division~~ may annually
 1528 designate, on or before October 1, those railroad rights-of-way
 1529 in this state that ~~which~~ are known wildfire hazard areas.

1530 (2) It shall be the duty of all railroad companies
 1531 operating in this state to maintain their rights-of-way
 1532 designated as provided in subsection (1), as known wildfire
 1533 hazard areas, in an approved condition as shall be prescribed by
 1534 rule of the Florida Forest Service ~~division~~ and to provide
 1535 adequate firebreaks where needed, so as to prevent fire from
 1536 igniting or spreading from rights-of-way to adjacent property.

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1537 Section 63. Paragraph (b) of subsection (1), paragraph (a)
 1538 of subsection (2), paragraphs (a), (b), and (e) of subsection
 1539 (3), and subsection (4) of section 590.125, Florida Statutes,
 1540 are amended to read:

1541 590.125 Open burning authorized by the Florida Forest
 1542 Service division.—

1543 (1) DEFINITIONS.—As used in this section, the term:

1544 (b) "Certified prescribed burn manager" means an
 1545 individual who successfully completes the certification program
 1546 of the Florida Forest Service division and possesses a valid
 1547 certification number.

1548 (2) NONCERTIFIED BURNING.—

1549 (a) Persons may be authorized to burn wild land or
 1550 vegetative land-clearing debris in accordance with this
 1551 subsection if:

1552 1. There is specific consent of the landowner or his or
 1553 her designee;

1554 2. Authorization has been obtained from the Florida Forest
 1555 Service division or its designated agent before starting the
 1556 burn;

1557 3. There are adequate firebreaks at the burn site and
 1558 sufficient personnel and firefighting equipment for the control
 1559 of the fire;

1560 4. The fire remains within the boundary of the authorized
 1561 area;

1562 5. Someone is present at the burn site until the fire is
 1563 extinguished;

1564 6. The Florida Forest Service division does not cancel the

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1565 authorization; and

1566 7. The Florida Forest Service ~~division~~ determines that air
 1567 quality and fire danger are favorable for safe burning.

1568 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 1569 PURPOSE.—

1570 (a) The application of prescribed burning is a land
 1571 management tool that benefits the safety of the public, the
 1572 environment, and the economy of the state. The Legislature finds
 1573 that:

1574 1. Prescribed burning reduces vegetative fuels within wild
 1575 land areas. Reduction of the fuel load reduces the risk and
 1576 severity of wildfire, thereby reducing the threat of loss of
 1577 life and property, particularly in urban areas.

1578 2. Most of Florida's natural communities require periodic
 1579 fire for maintenance of their ecological integrity. Prescribed
 1580 burning is essential to the perpetuation, restoration, and
 1581 management of many plant and animal communities. Significant
 1582 loss of the state's biological diversity will occur if fire is
 1583 excluded from fire-dependent systems.

1584 3. Forestland and rangeland constitute significant
 1585 economic, biological, and aesthetic resources of statewide
 1586 importance. Prescribed burning on forestland prepares sites for
 1587 reforestation, removes undesirable competing vegetation,
 1588 expedites nutrient cycling, and controls or eliminates certain
 1589 forest pathogens. On rangeland, prescribed burning improves the
 1590 quality and quantity of herbaceous vegetation necessary for
 1591 livestock production.

1592 4. The state purchased hundreds of thousands of acres of

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1593 land for parks, preserves, wildlife management areas, forests,
 1594 and other public purposes. The use of prescribed burning for
 1595 management of public lands is essential to maintain the specific
 1596 resource values for which these lands were acquired.

1597 5. A public education program is necessary to make
 1598 citizens and visitors aware of the public safety, resource, and
 1599 economic benefits of prescribed burning.

1600 6. Proper training in the use of prescribed burning is
 1601 necessary to ensure maximum benefits and protection for the
 1602 public.

1603 7. As Florida's population continues to grow, pressures
 1604 from liability issues and nuisance complaints inhibit the use of
 1605 prescribed burning. Therefore, the Florida Forest Service
 1606 ~~division~~ is urged to maximize the opportunities for prescribed
 1607 burning conducted during its daytime and nighttime authorization
 1608 process.

1609 (b) Certified prescribed burning pertains only to
 1610 broadcast burning. It must be conducted in accordance with this
 1611 subsection and:

1612 1. May be accomplished only when a certified prescribed
 1613 burn manager is present on site with a copy of the prescription
 1614 from ignition of the burn to its completion.

1615 2. Requires that a written prescription be prepared before
 1616 receiving authorization to burn from the Florida Forest Service
 1617 ~~division~~.

1618 3. Requires that the specific consent of the landowner or
 1619 his or her designee be obtained before requesting an
 1620 authorization.

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1621 4. Requires that an authorization to burn be obtained from
 1622 the Florida Forest Service ~~division~~ before igniting the burn.

1623 5. Requires that there be adequate firebreaks at the burn
 1624 site and sufficient personnel and firefighting equipment for the
 1625 control of the fire.

1626 6. Is considered to be in the public interest and does not
 1627 constitute a public or private nuisance when conducted under
 1628 applicable state air pollution statutes and rules.

1629 7. Is considered to be a property right of the property
 1630 owner if vegetative fuels are burned as required in this
 1631 subsection.

1632 (e) The Florida Forest Service ~~division~~ shall adopt rules
 1633 for the use of prescribed burning and for certifying and
 1634 decertifying certified prescribed burn managers based on their
 1635 past experience, training, and record of compliance with this
 1636 section.

1637 (4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE FLORIDA
 1638 FOREST SERVICE ~~DIVISION~~.—The Florida Forest Service ~~division~~ may
 1639 conduct fuel reduction initiatives, including, but not limited
 1640 to, burning and mechanical and chemical treatment, on any area
 1641 of wild land within the state which is reasonably determined to
 1642 be in danger of wildfire in accordance with the following
 1643 procedures:

1644 (a) Describe the areas that will receive fuels treatment
 1645 to the affected local governmental entity.

1646 (b) Publish a treatment notice, including a description of
 1647 the area to be treated, in a conspicuous manner in at least one
 1648 newspaper of general circulation in the area of the treatment

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1649 not less than 10 days before the treatment.

1650 (c) Prepare, and the county tax collector shall include
 1651 with the annual tax statement, a notice to be sent to all
 1652 landowners in each township designated by the Florida Forest
 1653 Service ~~division~~ as a wildfire hazard area. The notice must
 1654 describe particularly the area to be treated and the tentative
 1655 date or dates of the treatment and must list the reasons for and
 1656 the expected benefits from the wildfire hazard reduction.

1657 (d) Consider any landowner objections to the fuels
 1658 treatment of his or her property. The landowner may apply to the
 1659 State Forester ~~director of the division~~ for a review of
 1660 alternative methods of fuel reduction on the property. If the
 1661 State Forester ~~director~~ or his or her designee does not resolve
 1662 the landowner objection, the State Forester ~~director~~ shall
 1663 convene a panel made up of the local forestry unit manager, the
 1664 fire chief of the jurisdiction, and the affected county or city
 1665 manager, or any of their designees. If the panel's
 1666 recommendation is not acceptable to the landowner, the landowner
 1667 may request further consideration by the Commissioner of
 1668 Agriculture or his or her designee and shall thereafter be
 1669 entitled to an administrative hearing pursuant to ~~the provisions~~
 1670 ~~of~~ chapter 120.

1671 Section 64. Section 590.14, Florida Statutes, is amended
 1672 to read:

1673 590.14 Notice of violation; penalties.—

1674 (1) If a Florida Forest Service ~~division~~ employee
 1675 determines that a person has violated chapter 589 or this
 1676 chapter, he or she may issue a notice of violation indicating

1677 the statute violated. This notice shall ~~will~~ be filed with the
 1678 Florida Forest Service ~~division~~ and a copy forwarded to the
 1679 appropriate law enforcement entity for further action if
 1680 necessary.

1681 (2) In addition to any penalties provided by law, any
 1682 person who causes a wildfire or permits any authorized fire to
 1683 escape the boundaries of the authorization or to burn past the
 1684 time of the authorization is liable for the payment of all
 1685 reasonable costs and expenses incurred in suppressing the fire
 1686 or \$150, whichever is greater. All costs and expenses incurred
 1687 by the Florida Forest Service ~~division~~ shall be payable to the
 1688 Florida Forest Service ~~division~~. When such costs and expenses
 1689 are not paid within 30 days after demand, the Florida Forest
 1690 Service ~~division~~ may take proper legal proceedings for the
 1691 collection of the costs and expenses. Those costs incurred by an
 1692 agency acting at the ~~division's~~ direction of the Florida Forest
 1693 Service are recoverable by that agency.

1694 (3) The department may also impose an administrative fine,
 1695 not to exceed \$1,000 per violation of any section of chapter 589
 1696 or this chapter. The fine shall be based upon the degree of
 1697 damage, the prior violation record of the person, and whether
 1698 the person knowingly provided false information to obtain an
 1699 authorization. The fines shall be deposited in the Incidental
 1700 Trust Fund of the Florida Forest Service ~~division~~.

1701 (4) The penalties provided in this section shall extend to
 1702 both the actual violator and the person or persons, firm, or
 1703 corporation causing, directing, or permitting the violation.

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1704 Section 65. Section 590.16, Florida Statutes, is amended
 1705 to read:

1706 590.16 Rewards.—The Florida Forest Service ~~division~~, in
 1707 its discretion, may offer and pay rewards for information
 1708 leading to the arrest and conviction of any person who violates
 1709 ~~any provision of~~ this chapter.

1710 Section 66. Section 590.25, Florida Statutes, is amended
 1711 to read:

1712 590.25 Penalty for preventing or obstructing
 1713 extinguishment of wildfires.—Any person who interferes ~~Whoever~~
 1714 ~~shall interfere~~ with, obstructs, ~~obstruct~~ or commits ~~commit~~ any
 1715 act aimed to obstruct the extinguishment of wildfires by the
 1716 employees of the Florida Forest Service ~~division~~ or any other
 1717 person engaged in the extinguishment of a wildfire, or who
 1718 damages or destroys any equipment being used for such purpose,
 1719 commits ~~shall be guilty of~~ a felony of the third degree,
 1720 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1721 Section 67. Section 590.33, Florida Statutes, is amended
 1722 to read:

1723 590.33 State compact administrator; compact advisory
 1724 committee.—In pursuance of art. III of the compact, the State
 1725 Forester ~~director of the division~~ shall act as compact
 1726 administrator for Florida of the Southeastern Interstate Forest
 1727 Fire Protection Compact during his or her term of office as
 1728 State Forester ~~director~~, and his or her successor as compact
 1729 administrator shall be his or her successor as State Forester
 1730 ~~director of the division~~. As compact administrator, he or she
 1731 shall be an ex officio member of the advisory committee of the

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1732 Southeastern Interstate Forest Fire Protection Compact, and
 1733 chair ex officio of the Florida members of the advisory
 1734 committee. There shall be four members of the Southeastern
 1735 Interstate Forest Fire Protection Compact Advisory Committee
 1736 from Florida. Two of the members from Florida shall be members
 1737 of the Legislature of Florida, one from the Senate and one from
 1738 the House of Representatives, and the terms of any such members
 1739 shall terminate at the time they cease to hold legislative
 1740 office, and their successors as members shall be named in like
 1741 manner. The Governor shall appoint the other two members from
 1742 Florida, one of whom shall be associated with forestry or forest
 1743 products industries. The terms of such members shall be 3 years
 1744 and such members shall hold office until their respective
 1745 successors are ~~shall be~~ appointed and qualified. Vacancies
 1746 occurring in the office of such members for ~~from~~ any reason or
 1747 cause shall be filled by appointment by the Governor for the
 1748 unexpired term. The State Forester, ~~director of the division~~ as
 1749 compact administrator for Florida, may delegate, from time to
 1750 time, to any deputy or other subordinate in his or her
 1751 department or office, the power to be present and participate,
 1752 including voting, as his or her representative or substitute at
 1753 any meeting of or hearing by or other proceeding of the compact
 1754 administrators or of the advisory committee. The terms of each
 1755 of the initial four memberships, whether appointed at said time
 1756 or not, shall begin upon the date upon which the compact becomes
 1757 ~~shall become~~ effective in accordance with art. II of said
 1758 compact. Any member of the advisory committee may be removed
 1759 from office by the Governor upon charges and after a hearing.

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1760 Section 68. Section 590.34, Florida Statutes, is amended
 1761 to read:

1762 590.34 State compact administrator and compact advisory
 1763 committee members; powers; aid from other state agencies.—There
 1764 is hereby granted to the State Forester ~~director of the~~
 1765 ~~division~~, as compact administrator and chair ex officio of the
 1766 Florida members of the advisory committee, and to the members
 1767 from Florida of the advisory committee all the powers provided
 1768 for in the compact and all the powers necessary or incidental to
 1769 the carrying out of the compact in every particular. All
 1770 officers of Florida are hereby authorized and directed to do all
 1771 things falling within their respective provinces and
 1772 jurisdiction necessary or incidental to the carrying out of the
 1773 compact in every particular; it being hereby declared to be the
 1774 policy of the state to perform and carry out the said compact
 1775 and to accomplish the purposes thereof. All officers, bureaus,
 1776 departments, and persons of and in the state government or
 1777 administration of the state are hereby authorized and directed
 1778 at convenient times and upon request of the compact
 1779 administrator or of the advisory committee to furnish
 1780 information data relating to the purposes of the compact
 1781 possessed by them or any of them to the compact administrator of
 1782 the advisory committee. They are further authorized to aid the
 1783 compact administrator or the advisory committee by loan of
 1784 personnel, equipment, or other means in carrying out the
 1785 purposes of the compact.

1786 Section 69. Section 590.35, Florida Statutes, is amended
 1787 to read:

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1788 590.35 Construction of ss. 590.31-590.34.—Any powers
 1789 herein granted to the Florida Forest Service ~~division~~ shall be
 1790 regarded as in aid of and supplemental to and in no case a
 1791 limitation upon any of the powers vested in the Florida Forest
 1792 Service ~~division~~ by other laws of Florida or by the laws of the
 1793 States of Alabama, Georgia, Kentucky, Mississippi, North
 1794 Carolina, South Carolina, Tennessee, Virginia, and West Virginia
 1795 or by the Congress or the terms of the compact.

1796 Section 70. Section 590.42, Florida Statutes, is amended
 1797 to read:

1798 590.42 Federally funded fire protection assistance
 1799 programs.—

1800 (1) ~~The Florida Forest Service Division of Forestry of the~~
 1801 ~~Department of Agriculture and Consumer Services~~ may enter into
 1802 agreements with the United States Secretary of Agriculture ~~of~~
 1803 ~~the United States~~ in order to participate in the federal
 1804 Volunteer Rural Community Fire Assistance Protection Program
 1805 authorized by 16 U.S.C. s. 2106 Pub. L. No. 92-419, whereby the
 1806 Federal Government provides financial assistance to the states
 1807 on a matching basis of up to 50 percent of expenditures for such
 1808 purposes.

1809 (2) With respect to the formulation of projects relating
 1810 to fire protection of livestock, wildlife, crops, pastures,
 1811 orchards, rangeland, woodland, farmsteads, or other
 1812 improvements, and other values in rural areas, for which such
 1813 federal matching funds are available, any participating county
 1814 or fire department may contribute to the nonfederal matching
 1815 share and may also contribute such other nonfederal cooperation

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1816 as may be deemed necessary by the Florida Forest Service
 1817 division.

1818 (3) Any financial assistance received by, or contributions
 1819 to the nonfederal matching share provided by, a participating
 1820 county under ~~The provisions of~~ this section are supplementary to
 1821 any county fire control funds or assessments under ~~the~~
 1822 ~~provisions of~~ s. 125.27.

1823 Section 71. The title of chapter 591, Florida Statutes, is
 1824 redesignated as "COMMUNITY FORESTS."

1825 Section 72. Section 591.15, Florida Statutes, is amended
 1826 to read:

1827 (Substantial rewording of section. See
 1828 s. 591.15, F.S., for present text.)

1829 591.15 Short title.—This chapter may be cited as the
 1830 "Florida Community Forest Law."

1831 Section 73. Subsection (1) of section 591.16, Florida
 1832 Statutes, is amended to read:

1833 591.16 Community forests; purposes.—The general purposes
 1834 of this law are:

1835 (1) To encourage counties, municipalities ~~cities, towns,~~
 1836 and school districts to utilize idle lands for productive forest
 1837 purposes.

1838 Section 74. Section 591.17, Florida Statutes, is amended
 1839 to read:

1840 591.17 ~~Community forests;~~ Definitions.—As used in this
 1841 chapter, the term ~~terms hereinafter used, unless the text~~
 1842 ~~clearly indicates a different meaning, shall be as follows:~~

1843 (1)(2) The term "Community forest" means ~~shall mean~~ any

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1844 forest area established under this chapter ~~law~~ by a county,
 1845 municipality ~~city, town,~~ or school district.

1846 ~~(2)(8) The term "Contiguous sale" means shall mean~~ sale of
 1847 like forest products from adjoining areas that normally would be
 1848 in the same sale area as determined by the forester on the
 1849 forestry committee.

1850 ~~(3)(4) "County" or "municipality" includes The term~~
 1851 ~~"counties, cities, towns" shall mean~~ any recognized political
 1852 subdivision of ~~the~~ state government.

1853 ~~(4)(7) The term "Forest products" means shall mean~~ any
 1854 product produced from trees.

1855 ~~(5)(3) The term "Forestry committee" means shall mean~~ the
 1856 appointed committee for directing the activities of community
 1857 forests.

1858 ~~(6)(1) The term "Governing board" means a board of shall~~
 1859 ~~mean~~ county commissioners, city commission ~~commissioners,~~ town
 1860 council ~~councils,~~ school board ~~boards,~~ or any other governing
 1861 body of a county, municipality ~~counties, cities, towns,~~ or
 1862 school district ~~districts.~~

1863 ~~(6) The term "division" shall mean the Division of~~
 1864 ~~Forestry of the Department of Agriculture and Consumer Services.~~

1865 ~~(7)(5) The term "School district" means an shall mean~~
 1866 individual school district ~~districts~~ of a county or a vocational
 1867 agricultural department ~~departments~~ located in such a district
 1868 ~~these districts.~~

1869 Section 75. Section 591.18, Florida Statutes, is amended
 1870 to read:

1871 591.18 ~~Community forests;~~ Purchase or establishment.—All

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1872 counties, municipalities ~~cities, towns~~, or school districts,
 1873 through their governing boards, ~~may are hereby empowered to~~
 1874 establish, from lands owned by such county, municipality ~~city,~~
 1875 ~~town~~, or school district in fee simple, or ~~to~~ acquire by
 1876 purchase or gift, lands at present covered with forest or tree
 1877 growth, or suitable for the growth of trees, and ~~to~~ administer
 1878 the same under the direction of the Florida Forest Service
 1879 ~~Division of Forestry~~, in accordance with the practice and
 1880 principles of scientific forestry, for the benefit of such ~~the~~
 1881 ~~said~~ counties, municipalities ~~cities, towns~~, or school
 1882 districts. Such tracts may be of any size suitable for the
 1883 purpose but must be located within the county embracing the
 1884 county, municipality ~~city, town~~, or school district., ~~provided~~
 1885 ~~that it shall be requisite for~~ The governing board availing
 1886 itself of ~~the provisions of this chapter shall law to~~ submit to
 1887 the Florida Forest Service ~~Division of Forestry~~, and secure its
 1888 approval of the area and location of any lands proposed to be
 1889 acquired or used for the purposes of county, municipality ~~city,~~
 1890 ~~town~~, or school district forests.

1891 Section 76. Section 591.19, Florida Statutes, is amended
 1892 to read:

1893 591.19 ~~Community forests~~; Tax delinquent lands.—The
 1894 Department of Revenue, the Board of Trustees of the Internal
 1895 Improvement Trust Fund, and counties, municipalities ~~cities,~~
 1896 ~~towns~~, school districts, or any other public agency holding fee
 1897 simple or tax certificate lands ~~are hereby empowered to, and~~
 1898 may, upon application to them, transfer title of fee simple
 1899 lands not in other public use to any county, municipality ~~city,~~

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1900 ~~town~~, or school district for forest purposes as described under
 1901 this chapter if law, ~~provided~~ such lands are approved by the
 1902 Florida Forest Service Division of Forestry for this purpose.

1903 Section 77. Section 591.20, Florida Statutes, is amended
 1904 to read:

1905 591.20 ~~Community forests~~; Forestry committee; duties;
 1906 appropriations.—

1907 (1) The governing board of any county, municipality city,
 1908 ~~town~~, or school district desiring to establish community forests
 1909 ~~after enactment of this law~~ shall appoint a forestry committee,
 1910 consisting of three members, as follows: one member of governing
 1911 board, one member from the Florida Forest Service Division of
 1912 ~~Forestry~~ to be designated by the Florida Forest Service
 1913 ~~division~~, and one taxpayer of the county, municipality city,
 1914 ~~town~~, or school district who is not a member of the governing
 1915 board. The first two members of such committee shall hold office
 1916 until replaced in their respective official positions. The third
 1917 member shall hold office for 3 years. Any vacancy shall be
 1918 filled at the first regular session of the governing board after
 1919 the vacancy occurs. The president of the committee shall be
 1920 selected by the three members for a 1-year term at their first
 1921 regular meeting. The representative of the Florida Forest
 1922 Service may ~~Division of Forestry~~ shall not serve as an officer
 1923 of the committee or ~~nor~~ be responsible for making reports. All
 1924 members shall serve without compensation, but are entitled to
 1925 reimbursement ~~shall be reimbursed~~ for travel expenses as
 1926 provided in s. 112.061.

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1927 Section 78. Section 591.21, Florida Statutes, is
 1928 transferred, renumbered as subsections (2) and (3) of section
 1929 591.20, Florida Statutes, and amended to read:

1930 ~~591.21 Community forests; duties of forestry committee.~~

1931 ~~(2)-(1) It shall be the duty of~~ The forestry committee
 1932 shall ~~to~~ advise the governing board in acquiring, developing,
 1933 and managing the forest, ~~and~~ in making contracts, agreements,
 1934 and permits for and with the forest, and, if desirable, in
 1935 hiring a qualified forester and laborers and in making rules and
 1936 regulations for operating the forest.

1937 ~~(3)-(2)~~ For any sale in excess of \$100, the governing body
 1938 must ~~shall~~ ask for and receive open competitive bids and
 1939 purchase from the lowest and best bidder. For sale of forest
 1940 products in excess of \$500 for the total contract, the sale
 1941 shall be advertised in one issue each of 2 consecutive weeks in
 1942 a county newspaper of general circulation, and the highest and
 1943 best bid shall be accepted. Contiguous sales may ~~shall~~ not be
 1944 made.

1945 Section 79. Section 591.22, Florida Statutes, is
 1946 transferred, renumbered as subsection (4) of section 591.20,
 1947 Florida Statutes, and amended to read:

1948 ~~591.22 Community forests; appropriations.~~

1949 ~~(4) Counties, municipalities cities, towns,~~ or school
 1950 districts in which forestry committees are ~~have been~~ appointed
 1951 may appropriate money from available funds to be used by such
 1952 committees ~~said committee~~ to carry out the purposes of this
 1953 chapter law. Each ~~The~~ forestry committee shall annually adopt
 1954 ~~each year~~ make a budget of recommendation for acquisition and

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1955 operation and management of the forest for approval by the
 1956 governing board.

1957 Section 80. Section 591.23, Florida Statutes, is amended
 1958 to read:

1959 591.23 ~~Community forests;~~ Revenues;i use.—Revenue from the
 1960 forests shall be credited to the general fund of counties,
 1961 municipalities ~~cities, towns,~~ or school districts; ~~provided,~~
 1962 however, revenues from lands under land use agreements with
 1963 youth organizations such as chapters of the Future Farmers of
 1964 America must, ~~shall~~ be disposed of subject to the terms of such
 1965 agreements. When the revenue from any forest other than these
 1966 under such land use agreements, ~~exceeds~~ the necessary expenses
 1967 of the forest, including desirable acquisition, the excess shall
 1968 ~~will~~ be used by the governing board for regular purposes and in
 1969 reduction of taxation.

1970 Section 81. Section 591.24, Florida Statutes, is amended
 1971 to read:

1972 591.24 ~~Community forests;~~ Fiscal reports.—A fiscal year
 1973 report of expenditures, income, sales, development, and
 1974 management shall be made by the forestry committee to the
 1975 governing board of the county, municipality ~~city, town,~~ or
 1976 school district, and a copy shall be sent to the Florida Forest
 1977 Service Division of Forestry. All reports shall be audited by
 1978 the regular auditor of the county, municipality ~~city, town,~~ or
 1979 school district.

1980 Section 82. Section 591.25, Florida Statutes, is amended
 1981 to read:

1982 591.25 ~~Community forests;~~ Fire protection, etc.—All lands

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1983 entered or acquired under ~~the provisions of~~ this chapter law
 1984 shall be protected at all times from wildfire and shall be kept
 1985 and maintained as a permanent public forest except as
 1986 hereinafter provided. The timber growing on such forest lands
 1987 ~~thereon~~ shall be cut in accordance with forestry methods
 1988 approved by the Florida Forest Service ~~Division of Forestry~~ and
 1989 in such a manner as to perpetuate succeeding stands of trees.
 1990 All such forest lands shall be open to the use of the public for
 1991 recreational purposes so far as such recreational purposes do
 1992 not interfere with, or prevent the use of, such lands to the
 1993 best advantage as a public forest as determined by the forestry
 1994 committee.

1995 Section 83. Section 591.26, Florida Statutes, is amended
 1996 to read:

1997 591.26 ~~Community forests~~; Sale upon referendum approval. ~~A~~
 1998 ~~If it becomes desirable to sell any~~ community forest or portion
 1999 thereof may be sold if such sale is ~~as determined~~ jointly
 2000 proposed by the governing board and forestry committee and
 2001 approved by a majority, ~~it shall be put to a vote of those~~
 2002 electors voting ~~the people~~ at any regular election ~~and a~~
 2003 ~~majority of those voting must approve the action.~~ If such sale
 2004 is approved by the electors, any funds received from the ~~such~~
 2005 sale shall be deposited in the general fund of the county,
 2006 municipality ~~city, town~~, or school district making the sale and
 2007 used in consolidating existing community forests or in
 2008 establishing another community forest.

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2009 Section 84. Paragraph (b) of subsection (1) and paragraph
 2010 (b) of subsection (2) of section 633.115, Florida Statutes, are
 2011 amended to read:

2012 633.115 Fire and Emergency Incident Information Reporting
 2013 Program; duties; fire reports.—

2014 (1)

2015 (b) The Division of State Fire Marshal shall consult with
 2016 the Florida Forest Service ~~Division of Forestry of the~~
 2017 ~~Department of Agriculture and Consumer Services~~ and the Bureau
 2018 of Emergency Medical Services of the Department of Health to
 2019 coordinate data, ensure accuracy of the data, and limit
 2020 duplication of efforts in data collection, analysis, and
 2021 reporting.

2022 (2) The Fire and Emergency Incident Information System
 2023 Technical Advisory Panel is created within the Division of State
 2024 Fire Marshal. The panel shall advise, review, and recommend to
 2025 the State Fire Marshal with respect to the requirements of this
 2026 section. The membership of the panel shall consist of the
 2027 following 15 members:

2028 (b) One member from the Florida Forest Service ~~Division of~~
 2029 ~~Forestry of the Department of Agriculture and Consumer Services,~~
 2030 appointed by the State Forester ~~division director~~.

2031 Section 85. Paragraph (e) of subsection (6) of section
 2032 633.821, Florida Statutes, is amended to read:

2033 633.821 Workplace safety.—

2034 (6)

2035 (e) This subsection does not apply to wildland or
 2036 prescribed live fire training exercises sanctioned by the

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2037 Florida Forest Service ~~Division of Forestry of the Department of~~
 2038 ~~Agriculture and Consumer Services~~ or the National Wildfire
 2039 Coordinating Group.

2040 Section 86. Subsection (1) of section 790.15, Florida
 2041 Statutes, is amended to read:

2042 790.15 Discharging firearm in public.—

2043 (1) Except as provided in subsection (2) or subsection
 2044 (3), any person who knowingly discharges a firearm in any public
 2045 place or on the right-of-way of any paved public road, highway,
 2046 or street or who ~~whosoever~~ knowingly discharges any firearm over
 2047 the right-of-way of any paved public road, highway, or street or
 2048 over any occupied premises commits ~~is guilty of~~ a misdemeanor of
 2049 the first degree, punishable as provided in s. 775.082 or s.
 2050 775.083. This section does not apply to a person lawfully
 2051 defending life or property or performing official duties
 2052 requiring the discharge of a firearm or to a person discharging
 2053 a firearm on public roads or properties expressly approved for
 2054 hunting by the Fish and Wildlife Conservation Commission or the
 2055 Florida Forest Service ~~Division of Forestry~~.

2056 Section 87. This act shall take effect July 1, 2011.

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Porter offered the following:

2

3 **Amendment (with title amendment)**

4 Between lines 687 and 688, insert:

5 Section 23. Subsection (8) of section 570.29, Florida

6 Statutes, is amended to read:

7 570.29 Departmental divisions.—The department shall

8 include the following divisions:

9 (8) Florida Forest Service Forestry.

10

11

12



13

T I T L E A M E N D M E N T

14

Remove line 11 and insert:

15

379.226, 403.7071, 479.16, 570.29, and 570.548, F.S.; conforming

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4075 Dangerous Dogs
SPONSOR(S): Garcia, and others
TIED BILLS: IDEN./SIM. BILLS: SB 722

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		RC Cunningham	Blalock <i>AFB</i>
2) Community & Military Affairs Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Many dog shelters will not adopt out dogs that are deemed dangerous, and some insurance companies will not provide coverage to homeowners with a "dangerous dog."

Under current law, dangerous dog is defined as any dog, that according to the appropriate records, has:

- Aggressively bitten, attacked, endangered, or severely injured a human being on private or public property;
- Severely injured or killed a domestic animal while off the owner's property;
- Been used primarily or in part for dog fighting or has been trained for dog fighting; or
- When unprovoked, chased or approached a person on the street or other public place in a menacing fashion or apparent attitude of attack (such actions must be attested to).

This bill repeals the language classifying any dog used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting within the definition of "dangerous dog." Shelters will be allowed to voluntarily examine dogs on a case by case basis to determine whether the dog is adoptable or if the dog can be rehabilitated.

This bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Many dog shelters will not adopt out dogs that are deemed dangerous, and many insurance companies will not provide coverage to homeowners with a "dangerous dog."

A dangerous dog is defined as any dog that, according to the appropriate records, has:

- Aggressively bitten, attacked, endangered, or severely injured a human being on private or public property;
- Severely injured or killed a domestic animal while off the owner's property;
- Been used primarily or in part for dog fighting or has been trained for dog fighting; or
- When unprovoked, chased or approached a person on the street or other public place in a menacing fashion or apparent attitude of attack (such actions must be attested to).

Section 767.12, F.S., requires animal control authorities to investigate reported incidents involving dogs that may be dangerous. During the time of investigation, dogs are impounded with the authorities or securely confined by the owner pending the outcome. After an investigation, the animal control authority makes an initial determination regarding whether there is enough information (sufficient cause) to classify the dog as dangerous. If so, the owner is afforded a hearing before final determination of the dog's status. The owner has seven days to request a hearing with the animal control authority. If the dog is classified as dangerous after the hearing, the owner may file a written request for a hearing in the county court to appeal the classification within 10 days after receipt of a written determination of the dangerous dog classification. Pending resolution of the appeal, the dog must be confined in a securely fenced or enclosed area.

An owner has 14 days to obtain a certificate of registration after a dog has been classified as dangerous. This certificate must be renewed annually and can only be issued to persons at least 18 years old who have presented evidence of the following:

- Current rabies vaccination;
- Confinement in a proper enclosure and the premises has warning signs at all entry points; and
- Permanent identification, such as a tattoo.

An annual fee is authorized to be imposed for the issuance of registration certificates.

If a dog is classified as a dangerous dog, the owner must immediately notify the authorities when the dog:

- Is loose or unconfined;
- Has bitten a human or attacked an animal;
- Has been sold, given away or dies; or
- Is moved to a new location.

Prior to a dangerous dog being sold or given away, several things must first occur. The owner must give the animal control authority information regarding the new owner. Secondly, the new owner must comply with all statutory and local provisions relating to dangerous dogs, even if the dog is being moved to another jurisdiction within the state. The new owner must also notify the local animal control authority that a dangerous dog is now in his jurisdiction.

A dangerous dog is not permitted to be outside its proper enclosure unless it is muzzled, restrained by a substantial chain or leash, and under control of a competent person. The dog may be exercised in an

enclosure or area without a top, only if the dog is never out of the owner's sight. When being transported, the dog must be securely restrained in the vehicle.

Hunting dogs are exempt from the provisions of section 767.12, F.S., while engaged in any legal hunt or training exercise. However, at all other times, hunting dogs are subject to section 767.12, F.S. Dangerous dogs may not be used for hunting purposes. In addition, this section is not applicable to law enforcement dogs.

A person who violates any provision relating to the certification, confinement of the dog, or unlawful acts is guilty of a noncriminal infraction and may be fined up to \$500.

The classification "dangerous dog" may mean life or death for the dog if the dog ever bites a human or animal. If a dog that has been classified as a dangerous dog bites a person or domestic animal without provocation, then the dog is immediately confiscated and placed in quarantine or impounded. The dog is held for 10 business days from notification of its owner, and then destroyed. During the 10 days, the owner may request a hearing. If an appeal is filed, the dog may not be destroyed pending the appeal. In addition, the owner is guilty of a misdemeanor of the first degree if the owner had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances.¹ The owner is liable for boarding costs and fees arising from the holding of the dog during any appeal procedure. A similar scenario occurs when a dog that has not been classified as a dangerous dog, attacks and causes severe injury to or death of any human. A dog that has not been classified as dangerous will not be destroyed if it causes harm to a domestic animal. However, the attack may lead to the classification of the dog as a dangerous dog.

Section 767.14, F.S., allows local governments to adopt additional ordinances and restrictions relating to dangerous dogs. However, these restrictions may not be breed specific. In addition, these restrictions may not lessen the provisions of chapter 767, F.S. This breed specific restriction does not apply to any ordinance adopted prior to October 1, 1990.²

Effect of Proposed Changes

This bill repeals the language classifying any dog used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting within the definition of "dangerous dog." Shelters will be allowed to voluntarily examine dogs on a case by case basis to determine whether the dog is adoptable or if the dog can be rehabilitated.

B. SECTION DIRECTORY:

Section 1: Amends s. 767.11, F.S., deleting language that classifies any dog used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting within the definition of "dangerous dog."

Section 2: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

¹ Section 767.13(2), F.S.

² Section 767.14, F.S., further providing that this section does not apply to any local ordinance adopted prior to October 1, 1990.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to affect counties or municipal government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 4075

2011

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A bill to be entitled
An act relating to dangerous dogs; amending s. 767.11,
F.S.; deleting language that includes any dog used
primarily or in part for the purpose of dog fighting or a
dog trained for dog fighting within the definition of
"dangerous dog" for purposes of provisions regulating
dangerous dogs; providing an effective date.

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

Section 1. Subsection (1) of section 767.11, Florida
Statutes, is amended to read:

767.11 Definitions.—As used in this act, unless the
context clearly requires otherwise:

(1) "Dangerous dog" means any dog that according to the
records of the appropriate authority:

(a) Has aggressively bitten, attacked, or endangered or
has inflicted severe injury on a human being on public or
private property;

(b) Has more than once severely injured or killed a
domestic animal while off the owner's property;

~~(c) Has been used primarily or in part for the purpose of
dog fighting or is a dog trained for dog fighting; or~~

(c) ~~(d)~~ Has, when unprovoked, chased or approached a person
upon the streets, sidewalks, or any public grounds in a menacing
fashion or apparent attitude of attack, provided that such
actions are attested to in a sworn statement by one or more
persons and dutifully investigated by the appropriate authority.

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2011

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Section 2. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4147 Recreation and Parks
SPONSOR(S): Porter
TIED BILLS: None IDEN./SIM. BILLS: None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		<i>RC</i> Cunningham	Blalock <i>AFB</i>
2) State Affairs Committee			

SUMMARY ANALYSIS

In 1925, the Legislature enacted a law that authorized cities and counties to set aside lands and/or buildings for use as playgrounds and recreation centers and appropriate funds to conduct, equip, and maintain these facilities. It also authorized cities and counties to establish a system of supervised recreation, which may include the creation of a playground and recreation board for such purpose. Cities and counties may finance recreational lands and/or buildings through the issuance of bonds and the levy of an annual ad valorem tax of up to 1 mill specifically designated as the "playground and recreation tax." Since 1968, cities and counties under their home rule authority have been able to levy such taxes, subject to referendum, within their respective millage cap.

The law also prescribed the duties and functions of the Division of Recreation and Parks within the Department of Environmental Protection (DEP). While the bill deletes these provisions, DEP maintains that it will still be able to conduct its outreach or training regarding the grant process, if requested by local governments, through the Florida Recreation Development Assistance Program.

The bill repeals this law.

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Part 1, of chapter 418, F.S. was created in 1925, and authorizes cities and counties to set aside lands and/or buildings for use as playgrounds and recreation centers and appropriate funds to conduct, equip, and maintain these facilities. It also authorizes cities and counties to establish a system of supervised recreation, which may include the creation of a playground and recreation board for such purpose. Cities and counties are authorized to finance recreational lands and/or buildings through the issuance of bonds and the levy of an annual ad valorem tax of up to 1 mill specifically designated as the "playground and recreation tax." Since 1968, cities and counties under their home rule authority have been able to levy such taxes, subject to referendum, within their respective millage cap.¹

Section 418.12, F.S., of Part 1, describes the duties and functions of the Division of Recreation and Parks within the Department of Environmental Protection.

Effect of Proposed Changes

The bill repeals Part 1 of chapter 418, F.S., ss. 418.01-418.12, F.S. Part 1 was enacted in 1925, and for the most part has not been amended since its inception. The most recent amendment to Part 1 of ch. 418, F.S., occurred in 1994 to s. 418.12, F.S., when the Department of Natural Resources was changed to the Department of Environmental Protection. While the bill deletes this section, the Department of Environmental Protection maintains that it will still be able to conduct its outreach or training regarding the grant process, if requested by local governments, through the Florida Recreation Development Assistance Program. Local governments can accomplish the provisions of Part 1 under their general authority.

B. SECTION DIRECTORY:

Section 1: Repeals sections 418.01, 418.02, 418.03, 418.04, 418.05, 418.06, 418.07, 418.08, 418.09, 418.10, 418.11, and 418.12, F.S.

Section 2: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

¹ See s. 201.01(1)(c), F.S., for counties and s. 200.01(2)(c), F.S., for municipalities.

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenues in the aggregate, or reduce the percentage of a state tax shared with counties or municipalities. The tax levy authorized by s. 418.08, F.S., is subject to referendum and is therefore already included within the millages authorized for counties under s. 201.01(1)(c), F.S., and municipalities under s. 200.01(2)(c), F.S.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 4147

2011

1 A bill to be entitled
2 An act relating to recreation and parks; repealing s.
3 418.01, F.S., relating to scope of chapter and a
4 definition; repealing s. 418.02, F.S., relating to
5 recreation centers, use and acquisition of land, and
6 equipment and maintenance; repealing s. 418.03, F.S.,
7 relating to supervision; repealing s. 418.04, F.S.,
8 relating to playground and recreation board; repealing s.
9 418.05, F.S., relating to cooperation with other units and
10 boards; repealing s. 418.06, F.S., relating to gifts,
11 grants, devises, and bequests; repealing s. 418.07, F.S.,
12 relating to issuance of bonds; repealing s. 418.08, F.S.,
13 relating to petition for referendum; repealing s. 418.09,
14 F.S., relating to resolution or ordinance providing for
15 recreation system; repealing s. 418.10, F.S., relating to
16 tax levy; repealing s. 418.11, F.S., relating to payment
17 of expenses and custody of funds; repealing s. 418.12,
18 F.S., relating to duties and functions of Division of
19 Recreation and Parks; providing an effective date.
20

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

23 Section 1. Sections 418.01, 418.02, 418.03, 418.04,
24 418.05, 418.06, 418.07, 418.08, 418.09, 418.10, 418.11, and
25 418.12, Florida Statutes, are repealed.

26 Section 2. This act shall take effect July 1, 2011.



Clay Sapp

Florida FFA President

Agriscience Education

Agriscience Education

- **Classroom/Laboratory Instruction**
- **Work-based Learning (Supervised Agricultural Experience)**
- **Leadership Development (FFA)**



Total Agriscience Program

Classroom

SAE

FFA



Classroom/Laboratory Instruction

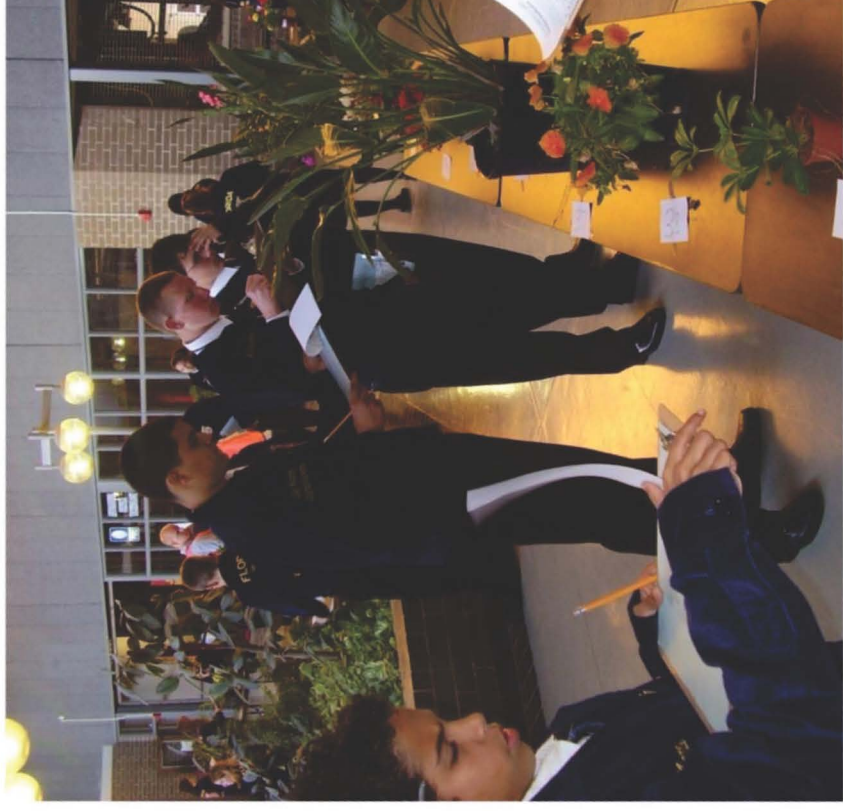


- Integrates academic concepts with technical agriculture skills
- Prepares students for work and postsecondary education is more than 300 careers
 - Animal Systems
 - Plant Systems
 - Food Products and Processing Systems
 - Power, Structural and Technical Systems
 - Natural Resource Systems
 - Environmental Service Systems
 - Agribusiness Systems



Supervised Agricultural Experience

- Practical application of classroom/laboratory concepts conducted outside of class time
- Explore careers
 - Research
 - Placement
 - Ownership
- Earn money
- Learn work place skills
 - Team work
 - Responsibility
 - Communication skills



National FFA Organization

- Founded in 1928
- Chartered by U.S. Congress
- Approximately 500,000 members nationwide
 - 34% Urban and Suburban
 - 39% Rural, Non-Farm
 - 27% Rural, Farm
- Integral part of a school's agricultural education program



FFA



- Builds leadership skills for life
- Reinforces instruction
- Recognizes excellence
- Gives students opportunities to make a positive difference in their schools and communities



FFA Mission

FFA makes a positive difference in the lives of students by developing their potential for *premier leadership, personal growth, and career success* through agricultural education.



Florida FFA

- Over 15,000 middle and high school members
- In 320 chapters
- With 450 teachers



Thank You

On behalf of every Florida FFA member and agriscience student, thank you for all that you do for Florida FFA and agriscience education.

