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1                                   A bill to be entitled  
2           An act relating to Department of Agriculture and Consumer  
3           Services; amending s. 14.24, F.S.; deleting provisions  
4           related to per diem and travel expenses; amending s.  
5           20.14, F.S.; deleting a reference to the Division of  
6           Dairy; amending s. 215.981, F.S.; exempting certain  
7           direct-support organizations and citizen support  
8           organizations for the Department of Agriculture and  
9           Consumer Services from obtaining an independent audit;  
10          amending s. 253.02, F.S.; providing for the grantee of  
11          easements for electrical transmission to pay the lead  
12          manager of the state owned lands or, when there is no lead  
13          manager, the Department of Environmental Protection if  
14          suitable replacement uplands cannot be identified;  
15          amending s. 261.04, F.S.; deleting provisions related to  
16          per diem and travel expenses; amending s. 472.007, F.S.;  
17          deleting provisions related to per diem and travel  
18          expenses; amending s. 482.051, F.S.; providing rule  
19          changes that allow operators to provide certain emergency  
20          notice to the Department of Agriculture and Consumer  
21          Services by facsimile or electronic means; amending s.  
22          482.071, F.S.; increasing the minimum bodily injury and  
23          property damage insurance coverage required for pest  
24          control businesses; creating s. 482.072, F.S.; providing  
25          for licensure by the department of pest control customer  
26          contact centers; providing application requirements;  
27          providing for fees, licensure renewal, penalties,  
28          licensure expiration, and transfer of licenses; creating

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29 s. 482.157, F.S.; providing for the certification of  
 30 commercial wildlife trappers; providing certification  
 31 requirements, examination requirements, and fees; limiting  
 32 the scope of work permitted by certificate holders;  
 33 clarifying that licensees and certificateholders who  
 34 practice accepted pest control methods are immune from  
 35 liability for violating laws prohibiting cruelty to  
 36 animals; amending s. 482.226, F.S.; increasing the minimum  
 37 financial responsibility requirements for licensees that  
 38 perform certain inspections; amending s. 482.243, F.S.;  
 39 deleting provisions relating to reimbursement; amending s.  
 40 487.041, F.S.; providing that fees relating to pesticide  
 41 brands are non-refundable; providing requirements for  
 42 label revisions of pesticide brands; providing  
 43 requirements for label revisions that must be reviewed by  
 44 the U.S. Environmental Protection Agency; providing for  
 45 payments of pesticide registration fees to be submitted  
 46 electronically by a date certain; amending s. 487.0615,  
 47 F.S.; deleting reference relating to per diem and travel;  
 48 amending s. 500.70, F.S.; requiring certain persons that  
 49 produce, harvest, pack, or repack tomatoes to register  
 50 each location by a date certain; providing for a fee to be  
 51 set by rule for registration; providing for funds  
 52 collected to be deposited into the General Inspection  
 53 Trust Fund; amending s. 527.22, F.S.; deleting provisions  
 54 relating to per diem and travel expenses; amending s.  
 55 559.9221, F.S.; deleting provisions relating to per diem  
 56 and travel expenses; amending s. 570.07, F.S.; revising

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57 | the powers and duties of the Department of Agriculture and  
 58 | Consumer Services regarding pollution control and the  
 59 | prevention of wildfires; amending s. 570.0705, F.S.;  
 60 | deleting provisions relating to per diem and travel  
 61 | expenses; amending s. 570.074, F.S.; revising the name of  
 62 | the Office of Water Coordination to the Office of Energy  
 63 | and Water; amending s. 570.23, F.S.; deleting provisions  
 64 | relating to per diem and travel expenses; amending s.  
 65 | 570.29, F.S.; deleting a reference to the Dairy Industry;  
 66 | amending s. 570.38, F.S.; deleting provisions relating to  
 67 | per diem and travel expenses; amending s. 570.382, F.S.;  
 68 | deleting provisions relating to per diem and travel  
 69 | expenses; repealing s. 570.40, F.S.; relating to the  
 70 | powers and duties of the Division of Dairy; repealing s.  
 71 | 570.41, F.S.; relating to the qualifications and duties of  
 72 | the Director of the Division of Dairy; amending s. 570.42,  
 73 | F.S.; deleting provisions relating to per diem and travel  
 74 | expenses; amending s. 570.50, F.S.; amending the powers  
 75 | and duties of the Division of Food Safety to include  
 76 | inspecting dairy farms and enforcing the provisions of ch.  
 77 | 502; authorizing the Division of Food Safety to inspect  
 78 | milk plants, milk product plants, and plants engaged in  
 79 | the manufacture and distribution of frozen desserts and  
 80 | frozen desserts mix; authorizing the Division of Food  
 81 | Safety to analyze and test samples of milk, milk products,  
 82 | frozen desserts, and frozen desserts mix; amending s.  
 83 | 570.543, F.S.; deleting provisions relating to per diem  
 84 | and travel expenses; amending s. 570.954, F.S.; removing

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85 | the requirement that the Department of Agriculture and  
 86 | Consumer Services coordinate with and solicit the  
 87 | expertise of the state energy office when developing the  
 88 | farm-to-fuel initiative; amending s. 571.28, F.S.;  
 89 | deleting provisions relating to per diem and travel  
 90 | expenses; amending s. 573.112, F.S.; deleting provisions  
 91 | relating to per diem and travel expenses; amending s.  
 92 | 576.091, F.S.; deleting provisions relating to per diem  
 93 | and travel expenses; amending s. 580.151, F.S.; deleting  
 94 | provisions relating to per diem and travel expenses;  
 95 | amending s. 581.186, F.S.; deleting provisions relating to  
 96 | per diem and travel expenses; amending s. 586.161, F.S.;  
 97 | deleting provisions relating to per diem and travel  
 98 | expenses; amending s. 590.015, F.S.; providing a  
 99 | definition for "department"; amending the definition of  
 100 | "fire management services"; providing a definition for  
 101 | "open burning"; providing a definition for "broadcast  
 102 | burning"; providing a definition for "broadcast burning";  
 103 | amending s. 590.02, F.S.; authorizing forest operations  
 104 | administrators to be certified as forestry firefighters;  
 105 | providing Selected Exempt Service status to an aviation  
 106 | manager and Florida Forest Service training coordinator;  
 107 | authorizing the department to have exclusive authority  
 108 | over the Florida Building code as it pertains to wildfire  
 109 | and law enforcement facilities under the jurisdiction of  
 110 | the department; authorizing the department to retain,  
 111 | transfer, warehouse, bid, destroy, scrap or dispose of  
 112 | surplus wildland firefighting equipment and vehicles;

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113 | authorizing the department to retain any monies received  
 114 | from the disposition of state-owned wildland firefighting  
 115 | equipment and vehicles; providing that monies received may  
 116 | be used for the acquisition of exchange and surplus  
 117 | wildland firefighting equipment and all necessary  
 118 | operating expenditures related to the equipment in the  
 119 | same fiscal year and fiscal year following disposition;  
 120 | requiring the department to maintain records of the  
 121 | accounts into which the money is deposited; giving the  
 122 | department exclusive authority to require and issue  
 123 | authorizations for broadcast burning, and agricultural and  
 124 | silvicultural pile burning; preempting other governmental  
 125 | entities from adopting laws, regulations, rules, or  
 126 | policies pertaining to broadcast burning, or agricultural  
 127 | or silvicultural pile burning unless an emergency order  
 128 | has been declared; authorizing the department to delegate  
 129 | its authority to a county or municipality to issue  
 130 | authorizations for the burning of yard trash and debris  
 131 | from land clearing operations; amending s. 590.125, F.S.;  
 132 | revising terminology for open burning authorizations;  
 133 | specifying purposes of certified prescribed burning;  
 134 | requiring the authorization of the Florida Forest Service  
 135 | for certified pile burning; providing pile burning  
 136 | requirements; limiting the liability of property owners or  
 137 | agents engaged in pile burning; providing for the  
 138 | certification of pile burners; providing penalties for  
 139 | violations by certified pile burners; requiring rules;  
 140 | authorizing the Florida Forest Service to adopt rules

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141 regulating certified pile burning; revising notice  
 142 requirements for wildfire hazard reduction treatments;  
 143 providing for approval of local government open burning  
 144 authorization programs; providing program requirements;  
 145 authorizing the Florida Forest Service to close local  
 146 government programs under certain circumstances; providing  
 147 penalties for violations of local government open burning  
 148 requirements; amending s. 590.14, F.S.; authorizing fines  
 149 for violations of any Florida Forest Service rule;  
 150 providing penalties for certain violations; providing  
 151 legislative intent; amending s. 597.005, F.S.; deleting  
 152 provisions relating to per diem and travel expenses;  
 153 amending s. 599.002, F.S.; deleting provisions relating to  
 154 per diem and travel expenses; amending s. 616.252, F.S.;  
 155 providing for a youth member to serve on the Florida State  
 156 Fair Authority as a non-voting member; providing a term of  
 157 one year for a youth member of the Authority; excluding  
 158 youth members from compensation for special or full-time  
 159 service performed on behalf of the Authority; amending s.  
 160 812.014, F.S.; including bee colonies of registered  
 161 beekeepers regarding theft of farm products; amending s.  
 162 812.015, F.S.; amending definitions; providing an  
 163 effective date.

164  
 165 Be It Enacted by the Legislature of the State of Florida:

166  
 167 Section 1. Subsection (3) of section 14.24, Florida  
 168 Statutes, is amended to read:

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169 14.24 Florida Commission on the Status of Women.—  
 170 (3) Members of the commission shall serve without  
 171 compensation, ~~but shall be reimbursed for per diem and travel~~  
 172 ~~expenses in accordance with s. 112.061.~~

173 Section 2. Paragraph (f) of subsection (2) of section  
 174 20.14, Florida Statutes, is amended to read:

175 20.14 Department of Agriculture and Consumer Services.—  
 176 There is created a Department of Agriculture and Consumer  
 177 Services.

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

180 ~~(f) Dairy Industry.~~

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

183 215.981 Audits of state agency direct-support  
 184 organizations and citizen support organizations.—

185 (2) Notwithstanding the provisions of subsection (1),  
 186 direct-support organizations and citizen support organizations  
 187 for the Department of Environmental Protection or direct-support  
 188 organizations and citizen support organizations for the  
 189 Department of Agriculture and Consumer Services that are not for  
 190 profit and that have annual expenditures of less than \$300,000  
 191 are not required to have an independent audit. The department  
 192 shall establish accounting and financial management guidelines  
 193 for those organizations under the department's jurisdiction.  
 194 Each year, the department shall conduct operational and  
 195 financial reviews of a selected number of direct-support  
 196 organizations or citizen support organizations which fall below

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197 the audit threshold established in this subsection.  
 198 Section 4. Paragraph (b) of subsection (2) of section  
 199 253.02, Florida Statutes, is amended to read:  
 200 253.02 Board of trustees; powers and duties.—  
 201 (2)  
 202 (b) The authority of the board of trustees to grant  
 203 easements for rights-of-way over, across, and upon uplands the  
 204 title to which is vested in the board of trustees for the  
 205 construction and operation of electric transmission and  
 206 distribution facilities and related appurtenances is hereby  
 207 confirmed. The board of trustees may delegate to the Secretary  
 208 of Environmental Protection the authority to grant such  
 209 easements on its behalf. All easements for rights-of-way over,  
 210 across, and upon uplands the title to which is vested in the  
 211 board of trustees for the construction and operation of electric  
 212 transmission and distribution facilities and related  
 213 appurtenances which are approved by the Secretary of  
 214 Environmental Protection pursuant to the authority delegated by  
 215 the board of trustees shall meet the following criteria:  
 216 1. Such easements shall not prevent the use of the state-  
 217 owned uplands adjacent to the easement area for the purposes for  
 218 which such lands were acquired and shall not unreasonably  
 219 diminish the ecological, conservation, or recreational values of  
 220 the state-owned uplands adjacent to the easement area.  
 221 2. There is no practical and prudent alternative to  
 222 locating the linear facility and related appurtenances on state-  
 223 owned upland. For purposes of this subparagraph, the test of  
 224 practicality and prudence shall compare the social, economic,



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225 | and environmental effects of the alternatives.  
 226 |       3. Appropriate steps are taken to minimize the impacts to  
 227 | state-owned uplands. Such steps may include:  
 228 |       a. Siting of facilities so as to reduce impacts and  
 229 | minimize fragmentation of the overall state-owned parcel;  
 230 |       b. Avoiding significant wildlife habitat, wetlands, or  
 231 | other valuable natural resources to the maximum extent  
 232 | practicable; or  
 233 |       c. Avoiding interference with active land management  
 234 | practices, such as prescribed burning.  
 235 |       4. Except for easements granted as a part of a land  
 236 | exchange to accomplish a recreational or conservation benefit or  
 237 | other public purpose, in exchange for such easements, the  
 238 | grantee pays an amount equal to the market value of the interest  
 239 | acquired. In addition, for the initial grant of such easements  
 240 | only, the grantee shall provide additional compensation by  
 241 | vesting in the board of trustees fee simple title to other  
 242 | available uplands that are 1.5 times the size of the easement  
 243 | acquired by the grantee. The Secretary of Environmental  
 244 | Protection shall approve the property to be acquired on behalf  
 245 | of the board of trustees based on the geographic location in  
 246 | relation to the land proposed to be under easement and a  
 247 | determination that economic, ecological, and recreational value  
 248 | is at least equivalent to the value of the lands under proposed  
 249 | easement. Priority for replacement uplands shall be given to  
 250 | parcels identified as inholdings and additions to public lands  
 251 | and lands on a Florida Forever land acquisition list. However,  
 252 | if suitable replacement uplands cannot be identified, the

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253 grantee shall provide additional compensation for the initial  
 254 grant of such easements only by paying to the lead manager of  
 255 the state owned lands or, when there is no lead manager by  
 256 paying to the department, an amount equal to two times the  
 257 current market value of the state-owned land or the highest and  
 258 best use value at the time of purchase, whichever is greater.  
 259 When determining such use of funds, priority shall be given to  
 260 parcels identified as inholdings and additions to public lands  
 261 and lands on a Florida Forever land acquisition list.

262 Section 5. Subsection (5) of section 261.04, Florida  
 263 Statutes, is amended to read:

264 261.04 Off-Highway Vehicle Recreation Advisory Committee;  
 265 members; appointment.-

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

270 Section 6. Subsection (5) of section 472.007, Florida  
 271 Statutes, is amended to read:

272 472.007 Board of Professional Surveyors and Mappers.-There  
 273 is created in the Department of Agriculture and Consumer  
 274 Services the Board of Professional Surveyors and Mappers.

275 (5) ~~Unless otherwise provided by law, a board member or~~  
 276 ~~former board member serving on a probable cause panel must be~~  
 277 ~~compensated \$50 for each day in attendance at an official~~  
 278 ~~meeting of the board and for each day participating in any other~~  
 279 ~~business involving the board. The board shall adopt a rule~~  
 280 ~~defining the phrase "other business involving the board."~~

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281 ~~However, the phrase may not routinely be defined to include~~  
 282 ~~telephone conference calls. A board member is also entitled to~~  
 283 ~~reimbursement for expenses pursuant to s. 112.061. Travel out of~~  
 284 ~~state requires the prior approval of the commissioner or the~~  
 285 ~~commissioner's designee.~~

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

288 482.051 Rules.—The department has authority to adopt rules  
 289 pursuant to ss. 120.536(1) and 120.54 to implement the  
 290 provisions of this chapter. Prior to proposing the adoption of a  
 291 rule, the department shall counsel with members of the pest  
 292 control industry concerning the proposed rule. The department  
 293 shall adopt rules for the protection of the health, safety, and  
 294 welfare of pest control employees and the general public which  
 295 require:

296 (4) That a licensee, before performing general fumigation,  
 297 notify in writing the department inspector having jurisdiction  
 298 over the location where the fumigation is to be performed, which  
 299 notice must be received by the department inspector at least 24  
 300 hours in advance of the fumigation and must contain such  
 301 information as the department requires. However, in an authentic  
 302 and verifiable emergency, when 24 hours' advance notification is  
 303 not possible, advance telephone, facsimile, or any form of  
 304 acceptable electronic communication ~~telegraph notice~~ may be  
 305 given; but such notice must be immediately followed by written  
 306 confirmation providing the required information.

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

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309 482.071 Licenses.—

310 (4) A licensee may not operate a pest control business  
 311 without carrying the required insurance coverage. Each person  
 312 making application for a pest control business license or  
 313 renewal thereof must furnish to the department a certificate of  
 314 insurance that meets the requirements for minimum financial  
 315 responsibility for bodily injury and property damage consisting  
 316 of:

317 (a) Bodily injury: \$250,000 ~~100,000~~ each person and  
 318 \$500,000 ~~300,000~~ each occurrence; and property damage: \$250,000  
 319 ~~50,000~~ each occurrence and \$500,000 ~~100,000~~ in the aggregate; or

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

322 Section 9. Section 482.072, Florida Statutes, is created  
 323 to read:

324 482.072 Pest control customer contact centers.—

325 (1) The department may issue a license to a qualified  
 326 business to operate a customer contact center, to solicit pest  
 327 control business, or to provide services to customers for one or  
 328 more business locations licensed under s. 482.071. A person may  
 329 not operate a customer contact center for a pest control  
 330 business that is not licensed by the department.

331 (2) (a) Before operating a customer contact center, and  
 332 biennially thereafter, on or before an anniversary date set by  
 333 the department for the licensed customer contact center  
 334 location, the pest control business must apply to the department  
 335 for a license under this chapter, or a renewal thereof, for each  
 336 customer contact center location. An application must be

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337 submitted in the format prescribed by the department.  
 338 (b) The department shall establish a fee for the issuance  
 339 of a customer contact center license of at least \$600, but not  
 340 more than \$1,000, and a renewal fee of at least \$600, but not  
 341 more than \$1,000, for a customer contact center license.  
 342 However, until renewal fee rules are adopted, the initial  
 343 license and renewal fees are each \$600. The department shall  
 344 establish a grace period, not to exceed 30 calendar days after  
 345 the license's anniversary renewal date, and shall assess a late  
 346 fee of \$150, in addition to the renewal fee, for a license that  
 347 is renewed after the grace period.  
 348 (c) A license automatically expires 60 calendar days after  
 349 the anniversary renewal date unless the license is renewed  
 350 before that date. Once a license expires, it may be reinstated  
 351 only upon reapplication and payment of the license renewal fee  
 352 and late renewal fee.  
 353 (d) A license automatically expires if a licensee changes  
 354 its customer contact center business location address. The  
 355 department shall issue a new license upon payment of a \$250 fee.  
 356 The new license automatically expires 60 calendar days after the  
 357 anniversary renewal date of the former license unless the  
 358 license is renewed before that date.  
 359 (e) The department may not issue or renew a license to  
 360 operate a customer contact center unless the pest control  
 361 business licensees for whom it solicits business are owned in  
 362 common by a person or business entity recognized by this state.  
 363 (f) The department may deny a license or refuse to renew a  
 364 license if the applicant or licensee, or one or more of the

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365 applicant's or licensee's directors, officers, owners, or  
 366 general partners, are or have been directors, officers, owners,  
 367 or general partners of a pest control business that meets the  
 368 conditions in s. 482.071(2) (g) .

369 (g) Sections 482.091 and 482.152 do not apply to a person  
 370 who solicits pest control services or provides customer service  
 371 in a licensed customer contact center unless the person performs  
 372 the pest control work as defined in s. 482.021(22) (a)-(d) ,  
 373 executes a pest control contract, or accepts remuneration for  
 374 such work.

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

377 (3) (a) The department shall adopt rules establishing  
 378 requirements and procedures for recordkeeping and monitoring  
 379 customer contact center operations to ensure compliance with  
 380 this chapter and rules adopted hereunder.

381 (b) Notwithstanding any other provision of this chapter:

382 1. A customer contact center licensee is subject to  
 383 disciplinary action under s. 482.161 for a violation of this  
 384 chapter or a rule adopted hereunder committed by a person who  
 385 solicits pest control services or provides customer service in a  
 386 customer contact center.

387 2. A pest control business licensee may be subject to  
 388 disciplinary action under s. 482.161 for a violation committed  
 389 by a person who solicits pest control services or provides  
 390 customer service in a customer contact center operated by the  
 391 licensee if the licensee participates in the violation.

392 Section 10. Section 482.157, Florida Statutes, is created

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393 to read:

394 482.157 Limited certification for commercial wildlife  
 395 management personnel.-

396 (1) The department shall establish a limited certificate  
 397 authorizing individual commercial wildlife trapper personnel to  
 398 use nonchemical methods, including traps, glue boards,  
 399 mechanical or electronic devices, or exclusionary techniques to  
 400 control rodents as defined in s. 482.021(23).

401 (2) A person seeking limited certificate under this  
 402 section must pass an examination given by the department. Each  
 403 application for examination must be accompanied by an  
 404 examination fee set by rule of the department, in an amount of  
 405 not more than \$300 or less than \$150. The department shall  
 406 provide the appropriate reference materials for the examination  
 407 and make the examination readily available to applicants at  
 408 least quarterly or as necessary in each county. Prior to the  
 409 department's issuing a limited certification under this  
 410 section, each person applying for the certification must furnish  
 411 proof of having a certificate of insurance which states that the  
 412 employer meets the requirements for minimum financial  
 413 responsibility for bodily injury and property damage required by  
 414 s. 482.071(4).

415 (3) An application for recertification must be made  
 416 annually and be accompanied by a recertification fee of not more  
 417 than \$150 or less than \$75, as established by rule. The  
 418 application also must be accompanied by proof of completion of  
 419 the required 4 classroom hours of acceptable continuing  
 420 education and the required proof of insurance. After a grace

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421 period not exceeding 30 calendar days after the recertification  
 422 renewal date, a late fee of \$50 shall be assessed in addition to  
 423 the renewal fee. A certificate automatically expires 180 days  
 424 after the recertification date if the renewal fee has not been  
 425 paid. After expiration, a new certificate shall be issued only  
 426 upon successful reexamination and payment of the examination and  
 427 late fees.

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

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

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

433 (c) Supervision of an uncertified person using non-  
 434 chemical methods to control rodents.

435 (5) Persons licensed under this chapter who practice  
 436 accepted pest control methods are immune from liability under s.  
 437 828.12.

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

440 482.226 Wood-destroying organism inspection report; notice  
 441 of inspection or treatment; financial responsibility.-

442 (6) Any licensee that performs wood-destroying organism  
 443 inspections in accordance with subsection (1) must meet minimum  
 444 financial responsibility in the form of errors and omissions  
 445 (professional liability) insurance coverage or bond in an amount  
 446 no less than \$500,000 ~~50,000~~ in the aggregate and \$250,000  
 447 ~~25,000~~ per occurrence, or demonstrate that the licensee has  
 448 equity or net worth of no less than \$500,000 ~~100,000~~ as



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449 determined by generally accepted accounting principles  
 450 substantiated by a certified public accountant's review or  
 451 certified audit. The licensee must show proof of meeting this  
 452 requirement at the time of license application or renewal  
 453 thereof.

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

456 482.243 Pest Control Enforcement Advisory Council.—

457 (6) The meetings, powers and duties, procedures, and  
 458 recordkeeping, ~~and reimbursement of expenses of members of the~~  
 459 ~~council~~ shall be in accordance with the provisions of s.  
 460 570.0705 relating to advisory committees established within the  
 461 department.

462 Section 13. Subsection (1) of section 487.041, Florida  
 463 Statutes, is amended to read:

464 487.041 Registration.—

465 (1)(a) Effective January 1, 2009, each brand of pesticide,  
 466 as defined in s. 487.021, which is distributed, sold, or offered  
 467 for sale, except as provided in this section, within this state  
 468 or delivered for transportation or transported in intrastate  
 469 commerce or between points within this state through any point  
 470 outside this state must be registered in the office of the  
 471 department, and such registration shall be renewed biennially.  
 472 Emergency exemptions from registration may be authorized in  
 473 accordance with the rules of the department. The registrant  
 474 shall file with the department a statement including:

475 1. The name, business mailing address, and street address  
 476 of the registrant.

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477 2. The name of the brand of pesticide.

478 3. An ingredient statement and a complete current copy of  
 479 the ~~labeling~~ accompanying the brand of ~~the~~ pesticide, which must  
 480 conform to the registration, and a statement of all claims to be  
 481 made for it, including directions for use and a guaranteed  
 482 analysis showing the names and percentages by weight of each  
 483 active ingredient, the total percentage of inert ingredients,  
 484 and the names and percentages by weight of each "added  
 485 ingredient."

486 (h) All registration fees, including supplemental fees and  
 487 late fees are non-refundable.

488 (i) For any currently registered pesticide product brand  
 489 that undergoes label revision during the registration period,  
 490 the registrant shall submit to the department a copy of the  
 491 revised label along with the cover letter detailing changes  
 492 prior to the sale or distribution of a product brand with the  
 493 revised label in Florida. If the label revisions required  
 494 notification of or amendment review by the U.S. Environmental  
 495 Protection Agency, the registrant shall submit an additional  
 496 copy of the label marked to identify those revisions.

497 (j) Effective January 1, 2013, all payments of any  
 498 pesticide registration fees, including supplemental fees and  
 499 late fees shall be submitted electronically utilizing the  
 500 department's e-commerce/eGov web site for pesticide product  
 501 brand registrations.

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

504 487.0615 Pesticide Review Council.—

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

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

510 500.70 Tomato food safety standards; inspections;  
 511 penalties; tomato good agricultural practices; tomato best  
 512 management practices.-

513 (7) Any person who produces, harvests, packs, or repacks  
 514 tomatoes in this state who does not hold a food permit issued  
 515 under s. 500.12, must register each location annually by August  
 516 1 on a form prescribed by the department. Any person who  
 517 produces, harvests, packs, or repacks tomatoes at more than one  
 518 location may submit one registration for all such locations, but  
 519 must provide the physical address of each location. The  
 520 department may set by rule an annual registration fee not to  
 521 exceed \$500. The money collected from the registration fee  
 522 payments shall be deposited into the General Inspection Trust  
 523 Fund.

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

526 527.22 Florida Propane Gas Education, Safety, and Research  
 527 Council established; membership; duties and responsibilities.-

528 (5) Council members shall receive no compensation or  
 529 honorarium for their services, ~~and are authorized to receive~~  
 530 ~~only per diem and reimbursement for travel expenses as provided~~  
 531 ~~in s. 112.061.~~

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

534 559.9221 Motor Vehicle Repair Advisory Council.—The Motor  
 535 Vehicle Repair Advisory Council is created to advise and assist  
 536 the department in carrying out this part.

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

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

542 570.07 Department of Agriculture and Consumer Services;  
 543 functions, powers, and duties.—The department shall have and  
 544 exercise the following functions, powers, and duties:

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

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

551 570.0705 Advisory committees.—From time to time the  
 552 commissioner may appoint any advisory committee to assist the  
 553 department with its duties and responsibilities.

554 (9) Members of each advisory committee shall receive no  
 555 compensation for their services, ~~but shall be entitled to~~  
 556 ~~reimbursement for per diem and travel expenses as provided in s.~~  
 557 ~~112.061.~~

558 Section 20. Section 570.074, Florida Statutes, is amended  
 559 to read:

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560           570.074 Department of Agriculture and Consumer Services;  
 561 energy and water policy coordination.—The commissioner may  
 562 create an Office of Energy and Water Coordination under the  
 563 supervision of a senior manager exempt under s. 110.205 in the  
 564 Senior Management Service. The commissioner may designate the  
 565 bureaus and positions in the various organizational divisions of  
 566 the department which ~~that~~ report to this office relating to any  
 567 matter over which the department has jurisdiction in matters  
 568 relating to energy and water policy affecting agriculture,  
 569 application of such policies, and coordination of such matters  
 570 with state and federal agencies.

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

573           570.23 State Agricultural Advisory Council.—

574           (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS+  
 575 ~~COMPENSATION~~.—The meetings, powers and duties, procedures, and  
 576 recordkeeping of the State Agricultural Advisory Council, ~~and~~  
 577 ~~per diem and reimbursement of expenses of council members,~~ shall  
 578 be governed by the provisions of s. 570.0705 relating to  
 579 advisory committees established within the department.

580           Section 22. Subsection (6) of section 570.29, Florida  
 581 Statutes, is amended to read:

582           570.29 Departmental divisions.—The department shall  
 583 include the following divisions:

584           ~~(6) Dairy Industry.~~

585           Section 23. Section 570.38, Florida Statutes, is amended  
 586 to read:

587           570.38 Animal Industry Technical Council.—

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588 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
 589 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
 590 recordkeeping of the Animal Industry Technical Council, ~~and per~~  
 591 ~~diem and reimbursement of expenses of council members,~~ shall be  
 592 governed by the provisions of s. 570.0705 relating to advisory  
 593 committees established within the department.

594 Section 24. Paragraph (d) of subsection (3) of section  
 595 570.382, Florida Statutes, is amended to read:

596 570.382 Arabian horse racing; breeders' and stallion  
 597 awards; Arabian Horse Council; horse registration fees; Florida  
 598 Arabian Horse Racing Promotion Account.—

599 (3) ARABIAN HORSE COUNCIL.—

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

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

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

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

608 570.42 Dairy Industry Technical Council.—

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

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615 Section 28. Subsections (6) and (7) are added to section  
616 570.50, Florida Statutes, to read:

617 570.50 Division of Food Safety; powers and duties.—The  
618 duties of the Division of Food Safety include, but are not  
619 limited to:

620 (6) Inspecting dairy farms of the state, enforcing those  
621 provisions of chapter 502 as are authorized by the department  
622 and relating to the supervision of milking operations, and  
623 enforcing rules adopted pursuant to such law.

624 (7) Inspecting milk plants, milk product plants, and plants  
625 engaged in the manufacture and distribution of frozen desserts  
626 and frozen desserts mix; analyzing and testing samples of milk,  
627 milk products, frozen desserts, and frozen desserts mix  
628 collected by it; and enforcing those provisions of chapters 502  
629 and 503 as are authorized by the department.

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

632 570.543 Florida Consumers' Council.—The Florida Consumers'  
633 Council in the department is created to advise and assist the  
634 department in carrying out its duties.

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

642 Section 30. Subsection (3) of section 570.954, Florida

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643 Statutes, is amended to read:

644 570.954 Farm-to-fuel initiative.—

645 ~~(3) The department shall coordinate with and solicit the~~  
 646 ~~expertise of the state energy office within the Department of~~  
 647 ~~Environmental Protection when developing and implementing this~~  
 648 ~~initiative.~~

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

651 571.28 Florida Agricultural Promotional Campaign Advisory  
 652 Council.—

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

660 Section 32. Subsection (6) of section 573.112, Florida  
 661 Statutes, is amended to read:

662 573.112 Advisory council.—

663 (6) No member or alternate member of the council shall  
 664 receive a salary, ~~but shall be reimbursed for travel expenses~~  
 665 ~~while on council business as provided in s. 112.061.~~ The  
 666 department may employ necessary personnel, including  
 667 professional and technical services personnel, and fix their  
 668 compensation and terms of employment and may incur expenses to  
 669 be paid from moneys collected as herein provided.

670 Section 33. Subsection (3) of section 576.091, Florida



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671 Statutes, is amended to read:  
 672       576.091 Fertilizer Technical Council.—  
 673       (3) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
 674 ~~REIMBURSEMENTS.~~—The meetings, powers and duties, procedures, and  
 675 recordkeeping, ~~and reimbursement of expenses of members and~~  
 676 ~~alternate members of the council~~ shall be in accordance with the  
 677 provisions of s. 570.0705 relating to advisory committees  
 678 established within the department.

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

681       580.151 Commercial Feed Technical Council.—  
 682       (2) POWERS AND DUTIES; PROCEDURES; RECORDS; ~~COMPENSATION.~~—  
 683 The meetings, powers and duties, procedures, and recordkeeping  
 684 of the Commercial Feed Technical Council, ~~and per diem and~~  
 685 ~~reimbursement of expenses of council members,~~ shall be governed  
 686 by the provisions of s. 570.0705 relating to advisory committees  
 687 established within the department.

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

690       581.186 Endangered Plant Advisory Council; organization;  
 691 meetings; powers and duties.—

692       (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
 693 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
 694 recordkeeping of the Endangered Plant Advisory Council, ~~and per~~  
 695 ~~diem and reimbursement of expenses of council members,~~ shall be  
 696 governed by the provisions of s. 570.0705 relating to advisory  
 697 committees established within the department.

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

700 586.161 Honeybee Technical Council.—

701 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;  
702 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
703 recordkeeping of the Honeybee Technical Council, ~~and per diem~~  
704 ~~and reimbursement of expenses of council members,~~ shall be  
705 governed by the provisions of s. 570.0705 relating to advisory  
706 committees established within the department.

707 Section 37. Section 590.015, Florida Statutes, is amended  
708 to read:

709 590.015 Definitions.—As used in this chapter, the term:

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

712 (2) "Fire management services" means presuppression  
713 fireline plowing, prescribed burning assistance, contract  
714 prescribed burning, prescribed and wildfire management training,  
715 and other activities associated with prevention, detection, and  
716 suppression of wildfires.

717 (4) "Open burning" means any outdoor fire or open  
718 combustion of material which produces visible emissions.

719 (5) "Broadcast burning" means the burning of agricultural or  
720 natural vegetation by allowing fire to move across a  
721 predetermined area of land, but does not include the burning of  
722 vegetative debris that is piled or stacked.

723 Section 38. Subsections (1) and (4) of section 590.02,  
724 Florida Statutes, are amended to read:

725 590.02 Florida Forest Service ~~Division~~ powers, authority,

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726 and duties; liability; building structures; Florida Center for  
727 Wildfire and Forest Resources Management Training.—

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

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

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

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

738 (d) To appoint center managers, forest area supervisors,  
739 forestry program administrators, a forest protection bureau  
740 chief, a forest protection assistant bureau chief, a field  
741 operations bureau chief, deputy chiefs of field operations,  
742 district managers, forest operations administrators, senior  
743 forest rangers, investigators, forest rangers, firefighter  
744 rotorcraft pilots, and other employees who may, at the Florida  
745 Forest Service's ~~division's~~ discretion, be certified as  
746 forestry firefighters pursuant to s. 633.35(4). Other provisions  
747 of law notwithstanding, center managers, district managers,  
748 forest protection assistant bureau chief, aviation manager,  
749 Florida Forest Service training coordinator, and deputy chiefs  
750 of field operations shall have Selected Exempt Service status in  
751 the state personnel designation;

752 (e) To develop a training curriculum for forestry  
753 firefighters which must contain the basic volunteer structural

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754 fire training course approved by the Florida State Fire College  
 755 of the Division of State Fire Marshal and a minimum of 250 hours  
 756 of wildfire training;

757 (f) To make rules to accomplish the purposes of this  
 758 chapter;

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

764 (h) To require all state, regional, and local government  
 765 agencies operating aircraft in the vicinity of an ongoing  
 766 wildfire to operate in compliance with the applicable state  
 767 Wildfire Aviation Plan.

768 (4) (a) The department may build structures,  
 769 notwithstanding chapters 216 and 255, not to exceed a cost of  
 770 \$50,000 per structure from existing resources on forest lands,  
 771 federal excess property, and unneeded existing structures. These  
 772 structures must meet all applicable building codes.

773 (b) Notwithstanding subsection 553.80(1), the Florida  
 774 Building Code as it pertains to wildfire and law enforcement  
 775 facilities under the jurisdiction of the department shall be  
 776 enforced exclusively by the department.

777 (9) (a) Notwithstanding sections 273.055 and 287.16, the  
 778 department may retain, transfer, warehouse, bid, destroy, scrap  
 779 or otherwise dispose of surplus wildland firefighting equipment  
 780 and vehicles.

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781 (b) All money received from the disposition of state-owned  
 782 wildland firefighting equipment and vehicles shall be retained  
 783 by the department. Money received pursuant to this section is  
 784 appropriated for and may be disbursed for the acquisition of  
 785 exchange and surplus wildland firefighting equipment, and for  
 786 all necessary operating expenditures related to such equipment,  
 787 in the same fiscal year and the fiscal year following the  
 788 disposition. The department shall maintain records of the  
 789 accounts into which the money is deposited.

790 (10) (a) The Florida Forest Service shall have exclusive  
 791 authority to require and issue authorizations for broadcast  
 792 burning, and agricultural and silvicultural pile burning. No  
 793 agency, commission, department, county, municipality, or other  
 794 political subdivision of the state may adopt laws, regulations,  
 795 rules, or policies pertaining to broadcast burning, or  
 796 agricultural and silvicultural pile burning unless an emergency  
 797 order has been declared in accordance with s. 252.38(3).

798 (b) The Florida Forest Service may delegate to a county or  
 799 municipality its authority, as delegated by the Department of  
 800 Environmental Protection pursuant to sections 403.061(28) and  
 801 403.081, to require and issue authorizations for the burning of  
 802 yard trash and debris from land clearing operations in  
 803 accordance with s. 590.125(6).

804 Section 39. Section 590.125, Florida Statutes, is amended  
 805 to read:

806 590.125 Open burning authorized by the Florida Forest  
 807 Service ~~division~~.-

808 (1) DEFINITIONS.-As used in this section, the term:

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809           (a) "Certified pile burner" means an individual who  
 810 successfully completes the Florida Forest Service's pile burning  
 811 certification program and possesses a valid pile burner  
 812 certification number. ~~"Prescribed burning" means the controlled~~  
 813 ~~application of fire in accordance with a written prescription~~  
 814 ~~for vegetative fuels under specified environmental conditions~~  
 815 ~~while following appropriate precautionary measures that ensure~~  
 816 ~~that the fire is confined to a predetermined area to accomplish~~  
 817 ~~the planned fire or land-management objectives.~~

818           (b) "Certified prescribed burn manager" means an  
 819 individual who successfully completes the certified prescribed  
 820 burning certification program of the Florida Forest Service  
 821 ~~division~~ and possesses a valid certification number.

822           ~~(c) "Prescription" means a written plan establishing the~~  
 823 ~~criteria necessary for starting, controlling, and extinguishing~~  
 824 ~~a prescribed burn.~~

825           (c)-(d) "Extinguished" means that no spreading flame:

826           1. For wild land burning or certified prescribed burning,  
 827 that no spreading flames exist, and no visible flame, smoke, or  
 828 emissions

829           2. For vegetative land-clearing debris burning or pile  
 830 burning, that no visible flames exist.

831           3. For vegetative land-clearing debris burning or pile  
 832 burning in an area designated as smoke sensitive by the Florida  
 833 Forest Service, that no visible flames, smoke, or emissions  
 834 exist.

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

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837 buildings and rights-of-way, land development, and mineral  
 838 operations. The term does not include the clearing of yard  
 839 trash.

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

844 (f) "Prescribed burning" means the controlled application  
 845 of fire by broadcast burning in accordance with a written  
 846 prescription for vegetative fuels under specified environmental  
 847 conditions, while following appropriate precautionary measures  
 848 that ensure that the fire is confined to a predetermined area to  
 849 accomplish the planned fire or land-management objectives.

850 (g) "Prescription" means a written plan establishing the  
 851 criteria necessary for starting, controlling, and extinguishing  
 852 a prescribed burn.

853 (h) "Yard trash" means vegetative matter resulting from  
 854 landscaping and yard maintenance operations and other such  
 855 routine property cleanup activities. The term includes  
 856 materials such as leaves, shrub trimmings, grass clippings,  
 857 brush, and palm fronds.

858 (2) NONCERTIFIED BURNING.—

859 (a) Persons may be authorized to burn wild land or  
 860 vegetative land-clearing debris in accordance with this  
 861 subsection if:

862 1. There is specific consent of the landowner or his or  
 863 her designee;

864 2. Authorization has been obtained from the Florida Forest

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865 Service ~~division~~ or its designated agent before starting the  
 866 burn;

867 3. There are adequate firebreaks at the burn site and  
 868 sufficient personnel and firefighting equipment for the control  
 869 of the fire;

870 4. The fire remains within the boundary of the authorized  
 871 area;

872 5. The authorized person ~~Someone~~ is present at the burn  
 873 site until the fire is extinguished;

874 6. The Florida Forest Service ~~division~~ does not cancel the  
 875 authorization; and

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

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

882 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
 883 PURPOSE.—

884 (a) The application of prescribed burning is a land  
 885 management tool that benefits the safety of the public, the  
 886 environment, and the economy of the state. The Legislature finds  
 887 that:

888 1. Prescribed burning reduces vegetative fuels within wild  
 889 land areas. Reduction of the fuel load reduces the risk and  
 890 severity of wildfire, thereby reducing the threat of loss of  
 891 life and property, particularly in urban areas.

892 2. Most of Florida's natural communities require periodic



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893 fire for maintenance of their ecological integrity. Prescribed  
 894 burning is essential to the perpetuation, restoration, and  
 895 management of many plant and animal communities. Significant  
 896 loss of the state's biological diversity will occur if fire is  
 897 excluded from fire-dependent systems.

898 3. Forestland and rangeland constitute significant  
 899 economic, biological, and aesthetic resources of statewide  
 900 importance. Prescribed burning on forestland prepares sites for  
 901 reforestation, removes undesirable competing vegetation,  
 902 expedites nutrient cycling, and controls or eliminates certain  
 903 forest pathogens. On rangeland, prescribed burning improves the  
 904 quality and quantity of herbaceous vegetation necessary for  
 905 livestock production.

906 4. The state purchased hundreds of thousands of acres of  
 907 land for parks, preserves, wildlife management areas, forests,  
 908 and other public purposes. The use of prescribed burning for  
 909 management of public lands is essential to maintain the specific  
 910 resource values for which these lands were acquired.

911 5. A public education program is necessary to make  
 912 citizens and visitors aware of the public safety, resource, and  
 913 economic benefits of prescribed burning.

914 6. Proper training in the use of prescribed burning is  
 915 necessary to ensure maximum benefits and protection for the  
 916 public.

917 7. As Florida's population continues to grow, pressures  
 918 from liability issues and nuisance complaints inhibit the use of  
 919 prescribed burning. Therefore, the Florida Forest Service  
 920 ~~division~~ is urged to maximize the opportunities for prescribed

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921 burning conducted during its daytime and nighttime authorization  
 922 process.

923 (b) Certified prescribed burning pertains only to  
 924 broadcast burning for purposes of silviculture, wildland fire  
 925 hazard reduction, wildlife management, ecological maintenance  
 926 and restoration, and range and pasture management. It must be  
 927 conducted in accordance with this subsection and:

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

931 2. Requires that a written prescription be prepared before  
 932 receiving authorization to burn from the Florida Forest Service  
 933 ~~division~~.

934 3. Requires that the specific consent of the landowner or  
 935 his or her designee be obtained before requesting an  
 936 authorization.

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

939 5. Requires that there be adequate firebreaks at the burn  
 940 site and sufficient personnel and firefighting equipment for the  
 941 control of the fire.

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

945 7. Is considered to be a property right of the property  
 946 owner if vegetative fuels are burned as required in this  
 947 subsection.

948 (c) Neither a property owner nor his or her agent is

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949 | liable pursuant to s. 590.13 for damage or injury caused by the  
 950 | fire or resulting smoke or considered to be in violation of  
 951 | subsection (2) for burns conducted in accordance with this  
 952 | subsection unless gross negligence is proven.

953 | (d) Any certified burner who violates this section commits  
 954 | a misdemeanor of the second degree, punishable as provided in s.  
 955 | 775.082 or s. 775.083.

956 | (e) The Florida Forest Service ~~division~~ shall adopt rules  
 957 | for the use of prescribed burning and for certifying and  
 958 | decertifying certified prescribed burn managers based on their  
 959 | past experience, training, and record of compliance with this  
 960 | section.

961 | (4) CERTIFIED PILE BURNING: LEGISLATIVE FINDINGS AND  
 962 | PURPOSE.-

963 | (a) Certified pile burning pertains to the disposal of  
 964 | piled, naturally occurring debris from an agricultural,  
 965 | silvicultural, or temporary land-clearing operation. A land-  
 966 | clearing operation is temporary if it operates for 6 months or  
 967 | less. Certified pile burning must be conducted in accordance  
 968 | with this subsection, and:

969 | 1. A certified pile burner must ensure, before ignition,  
 970 | that the piles are properly placed and that the content of the  
 971 | piles is conducive to efficient burning.

972 | 2. A certified pile burner must ensure that the piles are  
 973 | properly extinguished no later than 1 hour after sunset. If the  
 974 | burn is conducted in an area designated by the Florida Forest  
 975 | Service as smoke sensitive, a certified pile burner must ensure  
 976 | that the piles are properly extinguished at least 1 hour before

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977 sunset.

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

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

982 5. An authorization to burn must be obtained from the  
 983 Florida Forest Service or its designated agent before igniting  
 984 the burn.

985 6. There must be adequate firebreaks and sufficient  
 986 personnel and firefighting equipment at the burn site to control  
 987 the fire.

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

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

996 (d) The Florida Forest Service shall adopt rules  
 997 regulating certified pile burning. The rules shall include  
 998 procedures and criteria for certifying and decertifying  
 999 certified pile burn managers based on past experience, training,  
 1000 and record of compliance with this section.

1001 (5)~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE FLORIDA  
 1002 FOREST SERVICE DIVISION.—The Florida Forest Service may conduct  
 1003 fuel reduction initiatives, including, but not limited to,  
 1004 burning and mechanical and chemical treatment, on any area of

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1005 wild land within the state which is reasonably determined to be  
 1006 in danger of wildfire in accordance with the following  
 1007 procedures:

1008 (a) Describe the areas that will receive fuels treatment  
 1009 to the affected local governmental entity.

1010 (b) Publish a treatment notice, including a description of  
 1011 the area to be treated, in a conspicuous manner in at least one  
 1012 newspaper of general circulation in the area of the treatment  
 1013 not less than 10 days before the treatment.

1014 (c) Prepare, and send ~~the county tax collector shall~~  
 1015 ~~include with the annual tax statement,~~ a notice to be sent to  
 1016 all landowners in each area ~~township~~ designated by the Florida  
 1017 Forest Service ~~division~~ as a wildfire hazard area. The notice  
 1018 must describe particularly the area to be treated and the  
 1019 tentative date or dates of the treatment and must list the  
 1020 reasons for and the expected benefits from the wildfire hazard  
 1021 reduction.

1022 (d) Consider any landowner objections to the fuels  
 1023 treatment of his or her property. The landowner may apply to the  
 1024 State Forester ~~director~~ of the Florida Forest Service ~~division~~  
 1025 for a review of alternative methods of fuel reduction on the  
 1026 property. If the State Forester ~~director~~ or his or her designee  
 1027 does not resolve the landowner objection, the State Forester  
 1028 ~~director~~ shall convene a panel made up of the local forestry  
 1029 unit manager, the fire chief of the jurisdiction, and the  
 1030 affected county or city manager, or any of their designees. If  
 1031 the panel's recommendation is not acceptable to the landowner,  
 1032 the landowner may request further consideration by the

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1033 Commissioner of Agriculture or his or her designee and shall  
 1034 thereafter be entitled to an administrative hearing pursuant to  
 1035 the provisions of chapter 120.

1036 (6) FLORIDA FOREST SERVICE APPROVAL OF LOCAL GOVERNMENT  
 1037 OPEN BURNING AUTHORIZATION PROGRAMS.—

1038 (a) A county or municipality may exercise the Florida  
 1039 Forest Service's authority, if delegated by the Florida Forest  
 1040 Service under this subsection, to issue authorizations for the  
 1041 burning of yard trash or debris from land-clearing operations. A  
 1042 county's or municipality's existing or proposed open burning  
 1043 authorization program must:

1044 1. Be approved by the Florida Forest Service. The Florida  
 1045 Forest Service shall not approve a program if it fails to meet  
 1046 the requirements of subsections (2) and (4) and any rules  
 1047 adopted under those subsections.

1048 2. Provide by ordinance or local law the requirements for  
 1049 obtaining and performing a burn authorization that comply with  
 1050 subsections (2) and (4) and any rules adopted under those  
 1051 subsections.

1052 3. Provide for the enforcement of the program's  
 1053 requirements.

1054 4. Provide financial, personnel, and other resources  
 1055 needed to carry out the program.

1056 (b) If the Florida Forest Service determines that a  
 1057 county's or municipality's open burning authorization program  
 1058 does not comply with subsections (2) and (4) and any rules  
 1059 adopted under those subsections, the Florida Forest Service  
 1060 shall require the county or municipality to take necessary

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1061 corrective actions within a reasonable period, not to exceed 90  
 1062 days.

1063 1. If the county or municipality fails to take the  
 1064 necessary corrective actions within the required period, the  
 1065 Florida Forest Service shall resume administration of the open  
 1066 burning authorization program in the county or municipality and  
 1067 the county or municipality shall cease administration of its  
 1068 program.

1069 2. Each county and municipality administering an open  
 1070 burning authorization program must cooperate with and assist the  
 1071 Florida Forest Service in carrying out the Florida Forest  
 1072 Service's powers, duties, and functions.

1073 3. A person who violates the requirements of a county's or  
 1074 municipality's open burning authorization program, as provided  
 1075 by ordinance or local law enacted pursuant to this section,  
 1076 commits a violation of this chapter, punishable as provided in  
 1077 s. 590.14.

1078 (7) ~~(5)~~ DUTIES OF AGENCIES.—The Department of Education  
 1079 shall incorporate, where feasible and appropriate, the issues of  
 1080 fuels treatment, including prescribed burning, into its  
 1081 educational materials.

1082 Section 40. Subsections (1), (3), and (4) of section  
 1083 590.14, Florida Statutes, are amended to read:

1084 590.14 Notice of violation; penalties.—

1085 (1) If a Florida Forest Service ~~division~~ employee  
 1086 determines that a person has violated chapter 589, ~~or~~ this  
 1087 chapter, or any rule adopted by the Florida Forest Service to  
 1088 administer provisions of law conferring duties upon the Florida

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1089 Forest Service, the Florida Forest Service employee ~~he or she~~  
 1090 may issue a notice of violation indicating the statute or rule  
 1091 violated. This notice will be filed with the Florida Forest  
 1092 Service ~~division~~ and a copy forwarded to the appropriate law  
 1093 enforcement entity for further action if necessary.

1094 (3) The department may also impose an administrative fine,  
 1095 not to exceed \$1,000 per violation of any section of chapter 589  
 1096 or this chapter or violation of any rule adopted by the Florida  
 1097 Forest Service to administer provisions of law conferring duties  
 1098 upon the Florida Forest Service. The fine shall be based upon  
 1099 the degree of damage, the prior violation record of the person,  
 1100 and whether the person knowingly provided false information to  
 1101 obtain an authorization. The fines shall be deposited in the  
 1102 Incidental Trust Fund of the Florida Forest Service ~~division~~.

1103 (4) It shall be a misdemeanor of the second degree,  
 1104 punishable as provided in s. 775.082 or s. 775.083, for any  
 1105 person to:

1106 (a) Fail to comply with any rule or order adopted by the  
 1107 Florida Forest Service to administer provisions of law  
 1108 conferring duties upon the Florida Forest Service; or

1109 (b) Knowingly make any false statement or representation in  
 1110 any application, record, plan, or other document required by  
 1111 this chapter or any rules adopted under this chapter.

1112 (5) It is the intent of the Legislature that a penalty  
 1113 imposed by a court under subsection (4) be of a severity that  
 1114 ensures immediate and continued compliance with this section.

1115 (6) ~~(4)~~ The penalties provided in this section shall extend  
 1116 to both the actual violator and the person or persons, firm, or



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1117 corporation causing, directing, or permitting the violation.

1118 Section 41. Subsection (4) of section 597.005, Florida  
 1119 Statutes, is amended to read:

1120 597.005 Aquaculture Review Council.—

1121 ~~(4) EXPENSES; PER DIEM. Members of the council shall~~  
 1122 ~~receive expenses and per diem for travel, including attendance~~  
 1123 ~~at meetings, as allowed state officers and employees pursuant to~~  
 1124 ~~s. 112.061.~~

1125 Section 42. Subsection (2) of section 599.002, Florida  
 1126 Statutes, is amended to read:

1127 599.002 Viticulture Advisory Council.—

1128 (2) The meetings, powers and duties, procedures, and  
 1129 recordkeeping of the Viticulture Advisory Council, ~~and per diem~~  
 1130 ~~and reimbursement of expenses of council members,~~ shall be  
 1131 governed by the provisions of s. 570.0705 relating to advisory  
 1132 committees established within the department.

1133 Section 43. Subsections (1) and (3) of section 616.252,  
 1134 Florida Statutes, are amended to read:

1135 616.252 Florida State Fair Authority; membership; number,  
 1136 terms, compensation.—

1137 (1) (a) The authority shall be composed of 22 ~~21~~ members.  
 1138 The Commissioner of Agriculture, or her or his designee, shall  
 1139 serve as a voting member. There shall also be a member who is  
 1140 the member of the Board of County Commissioners of Hillsborough  
 1141 County representing the county commission district in which the  
 1142 Florida State Fairgrounds is located, who shall serve as a  
 1143 voting member. There shall also be an appointed youth member who  
 1144 is an active member of the Florida Future Farmers of America or

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1145 of a 4-H Club, and who shall serve as a non-voting member. The  
 1146 Commissioner of Agriculture shall appoint each other member of  
 1147 the authority. Each member appointed by the Commissioner of  
 1148 Agriculture shall serve at the pleasure of the Commissioner of  
 1149 Agriculture. The term of each member appointed by the  
 1150 Commissioner of Agriculture shall be 4 years, except, that the  
 1151 term of the non-voting youth member shall be for one year ~~to~~  
 1152 ~~provide staggered terms, 9 of the members shall be initially~~  
 1153 ~~appointed for a 2-year term and 10 of the members shall be~~  
 1154 ~~initially appointed for a 3-year term.~~ Members may be appointed  
 1155 for more than one term. Any vacancy shall be filled for the  
 1156 remainder of the unexpired term pursuant to the method provided  
 1157 in this section for appointment. Six of the members may be from  
 1158 Hillsborough County. The Commissioner of Agriculture shall  
 1159 appoint and set the compensation of an executive director. The  
 1160 executive director shall serve at the pleasure of the  
 1161 Commissioner of Agriculture.

1162 (3) Members of the authority shall not be entitled to  
 1163 compensation for their services as members, nor ~~but~~ shall be  
 1164 reimbursed for travel expenses. Except for the non-voting youth  
 1165 member, members ~~as provided in s. 112.061~~ and may be compensated  
 1166 for any special or full-time service performed in its behalf as  
 1167 officers or agents of the authority.

1168 Section 44. Paragraph (c) of subsection (2) of section  
 1169 812.014, Florida Statutes, is amended to read:

1170 812.014 Theft.—

1171 (2)

1172 (c) It is grand theft of the third degree and a felony of

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1173 the third degree, punishable as provided in s. 775.082, s.  
 1174 775.083, or s. 775.084, if the property stolen is:

- 1175 1. Valued at \$300 or more, but less than \$5,000.
- 1176 2. Valued at \$5,000 or more, but less than \$10,000.
- 1177 3. Valued at \$10,000 or more, but less than \$20,000.
- 1178 4. A will, codicil, or other testamentary instrument.
- 1179 5. A firearm.
- 1180 6. A motor vehicle, except as provided in paragraph (a).
- 1181 7. Any commercially farmed animal, including any animal of
- 1182 the equine, bovine, or swine class, or other grazing animal,
- 1183 including bee colonies of registered beekeepers and ~~including~~
- 1184 aquaculture species raised at a certified aquaculture facility.
- 1185 If the property stolen is aquaculture species raised at a
- 1186 certified aquaculture facility, then a \$10,000 fine shall be
- 1187 imposed.
- 1188 8. Any fire extinguisher.
- 1189 9. Any amount of citrus fruit consisting of 2,000 or more
- 1190 individual pieces of fruit.
- 1191 10. Taken from a designated construction site identified
- 1192 by the posting of a sign as provided for in s. 810.09(2)(d).
- 1193 11. Any stop sign.
- 1194 12. Anhydrous ammonia.
- 1195
- 1196 However, if the property is stolen within a county that is
- 1197 subject to a state of emergency declared by the Governor under
- 1198 chapter 252, the property is stolen after the declaration of
- 1199 emergency is made, and the perpetration of the theft is
- 1200 facilitated by conditions arising from the emergency, the

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1201 offender commits a felony of the second degree, punishable as  
 1202 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
 1203 property is valued at \$5,000 or more, but less than \$10,000, as  
 1204 provided under subparagraph 2., or if the property is valued at  
 1205 \$10,000 or more, but less than \$20,000, as provided under  
 1206 subparagraph 3. As used in this paragraph, the term "conditions  
 1207 arising from the emergency" means civil unrest, power outages,  
 1208 curfews, voluntary or mandatory evacuations, or a reduction in  
 1209 the presence of or the response time for first responders or  
 1210 homeland security personnel. For purposes of sentencing under  
 1211 chapter 921, a felony offense that is reclassified under this  
 1212 paragraph is ranked one level above the ranking under s.  
 1213 921.0022 or s. 921.0023 of the offense committed.

1214 Section 45. Paragraphs (f) and (g) of subsection (1) of  
 1215 section 812.015, Florida Statutes, are amended to read:

1216 812.015 Retail and farm theft; transit fare evasion;  
 1217 mandatory fine; alternative punishment; detention and arrest;  
 1218 exemption from liability for false arrest; resisting arrest;  
 1219 penalties.—

1220 (1) As used in this section:

1221 (f) "Farmer" means a person who is engaging in the growing  
 1222 or producing of farm produce, milk products, honey, eggs, or  
 1223 meat, either part time or full time, for personal consumption or  
 1224 for sale and who is the owner or lessee of the land or a person  
 1225 designated in writing by the owner or lessee to act as her or  
 1226 his agent. No person defined as a farm labor contractor pursuant  
 1227 to s. 450.28 shall be designated to act as an agent for purposes  
 1228 of this section.

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1229 | (g) "Farm theft" means the unlawful taking possession of  
1230 | any items that are grown or produced on land owned, rented, or  
1231 | leased by another person. This includes equipment and  
1232 | associated materials used to grow or produce farm products as  
1233 | defined in s. 823.14(3)(c).

1234 | Section 46. This act shall take effect July 1, 2011.