

By the Committee on Agriculture and Representatives
Putnam, Constantine, Bronson, Stansel, Patterson, Bainter,
Harrington, Dockery, Spratt, Peaden, J. Miller, K. Smith,
Wiles, Lynn and Edwards

1 A bill to be entitled
2 An act relating to wildfires; amending s.
3 590.01, F.S.; providing the Division of
4 Forestry of the Department of Agriculture and
5 Consumer Services with the responsibility to
6 prevent, detect, and suppress wildfires;
7 creating s. 590.015, F.S.; defining terms;
8 amending s. 590.02, F.S.; authorizing the
9 division to appoint additional personnel to
10 fight wildfires; providing for wildfire
11 training and fire management and emergency
12 response assistance; providing for agreements
13 or contracts with the private sector for fire
14 prevention activities; providing for the
15 Florida Center for Wildfire and Forest
16 Resources Management Training; providing for
17 fees for the operation of the center; creating
18 an advisory committee; amending s. 590.081,
19 F.S.; prohibiting burning in severe drought
20 conditions without permission; amending s.
21 590.082, F.S.; providing a penalty for certain
22 travel through hazardous areas; amending s.
23 590.091, F.S.; providing for designation of
24 railroad rights-of-way in wildfire areas;
25 amending s. 590.10, F.S.; providing a penalty
26 for the disposal of lighted substances;
27 amending s. 590.11, F.S.; providing
28 restrictions on recreation fires; creating s.
29 590.125, F.S.; providing conditions for
30 noncertified burning and certified prescribed
31 burning; amending s. 590.13, F.S.; providing

1 for civil liability; amending s. 590.14, F.S.;
2 authorizing the division to issue warning
3 citations; providing for a notice of violation;
4 providing for the recovery of fire suppression
5 costs; amending s. 590.16, F.S.; providing for
6 discretionary rewards; amending s. 590.25,
7 F.S.; providing a penalty for obstructing the
8 extinguishing of wildfires; amending s. 590.27,
9 F. S.; correcting an organizational reference;
10 amending s. 590.28, F.S.; providing penalties
11 for the careless or intentional burning of wild
12 lands; amending s. 590.29, F.S.; providing a
13 penalty for the illegal possession of
14 incendiary devices; amending ss. 590.33,
15 590.34, 590.42, F.S.; correcting organizational
16 references; repealing s. 590.025, F.S., which
17 provides for control burning; repealing s.
18 590.026, F.S., which provides for prescribed
19 burning; repealing s. 590.03, F.S., which
20 provides for fire wardens; repealing s. 590.04,
21 F.S., which provides for the organization of
22 districts; repealing s. 590.05, F.S., which
23 provides for road crews to extinguish fires;
24 repealing s. 590.06, F.S., which provides for
25 rules for road crews; repealing s. 590.07,
26 F.S., which provides for a penalty; repealing
27 s. 590.08, F.S., which provides for the
28 unlawful burning of lands; repealing s. 590.09,
29 F.S., which provides for setting fires on
30 rights-of-way; repealing s. 590.12, F.S., which
31 provides for unlawful burning; repealing s.

1 590.30 F.S., which provides for penalties;
2 providing an effective date.

3

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

5

6 Section 1. Section 590.01, Florida Statutes, is
7 amended to read:

8 590.01 Wildfire protection ~~Protection of forests and~~
9 ~~wild land.--The division of Forestry of the Department of~~
10 ~~Agriculture and Consumer Services~~ has the primary
11 responsibility for prevention, detection, and suppression of
12 wildfires wherever they may occur ~~forest and wild land fire~~
13 ~~protection~~. The division shall provide leadership and
14 direction in the evaluation, coordination, allocation of
15 resources, and monitoring of wildfire management and
16 ~~protection, which reduces threats to life and property, forest~~
17 ~~and wild land resources, and other related values at risk~~. The
18 division shall promote natural resource management and ~~wild~~
19 ~~land and forest~~ fuel reduction through the use of prescribed
20 fire and other fuel reduction measures. ~~The division may~~
21 ~~designate and establish protection districts in areas declared~~
22 ~~to need additional protection~~.

23 Section 2. Section 590.015, Florida Statutes, is
24 created to read:

25 590.015 Definitions.--As used in this chapter, the
26 term:

27 (1) "Division" means the Division of Forestry of the
28 Department of Agriculture and Consumer Services.

29 (2) "Fire management services" means presuppression
30 fireline plowing, contract prescribed burning, prescribed and
31

1 wildfire management training, and other activities associated
2 with prevention, detection, and suppression of wildfires.

3 (3) "Fuel reduction" means the application of
4 techniques that reduce vegetative fuels, and may include
5 prescribed burning, manual and mechanical clearing, and the
6 use of herbicides.

7 (4) "Wildfire" means any vegetative fire that
8 threatens to destroy life, property, or natural resources.

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

12 Section 3. Section 590.02, Florida Statutes, is
13 amended to read:

14 590.02 Division powers, authority, and duties; ~~law~~
15 ~~enforcement~~; liability; building structures; Florida Center
16 for Wildfire and Forest Resources Management Training.--

17 (1) The division has ~~of Forestry, in connection with~~
18 ~~the enforcement of this chapter and other forest and forest~~
19 ~~fire laws, shall have~~ the following powers, authority, and
20 duties:

21 (a) To enforce the provisions of this chapter ~~and~~
22 ~~other forest fire and forest protection laws of this state;~~

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

27 (c) To provide ~~forest~~ firefighting crews, who shall be
28 under the control and direction of the division ~~forest rangers~~
29 ~~and its other~~ designated agents ~~of the division;~~

30 (d) To appoint center managers, forest area
31 supervisors, forestry program administrators, a forest

1 protection bureau chief, a forest protection assistant bureau
2 chief, a field operations bureau chief, deputy chiefs of field
3 operations, district managers, senior forest rangers
4 ~~foresters, assistant district foresters,~~ investigators, forest
5 rangers, firefighter rotorcraft pilots, and other employees
6 who may, at the division's discretion, be certified as
7 forestry firefighters pursuant to s. 633.35(4);

8 (e) To develop a training curriculum for forestry
9 firefighters which must ~~shall~~ contain the basic volunteer a
10 ~~minimum of 280 hours, including 40 hours of structural fire~~
11 ~~training course approved conducted~~ by the Florida State Fire
12 College of the Division of State Fire Marshal and a minimum of
13 250 hours of wildfire training;

14 ~~(f) To use the resources of the division on~~
15 ~~state-owned parks and historic memorials wherever located~~
16 ~~within the state to prevent and suppress fires, to cut~~
17 ~~firelines, to establish regional firefighting crews who shall~~
18 ~~be authorized to suppress fires on state-owned park lands,~~
19 ~~and, subject to approval of the Executive Office of the~~
20 ~~Governor, to use funds not otherwise appropriated for the~~
21 ~~purchase of the necessary equipment for combating fires in~~
22 ~~state parks;~~

23 ~~(f)(g)~~ To make rules to accomplish the purposes of
24 this chapter; and

25 ~~(g)(h)~~ To provide fire management services and
26 emergency response assistance ~~forest protection services to~~
27 ~~the public on a request basis~~ and to set and charge reasonable
28 fees for performance of those services. Moneys collected from
29 such fees shall be deposited into the Incidental Trust Fund of
30 the division.

31

1 (2) Division employees ~~Forest rangers~~, and the
2 firefighting crews under their control and direction, may
3 enter upon any lands for the purpose of preventing and
4 suppressing wildfires and investigating smoke complaints or
5 open burning not in compliance with authorization ~~forest fires~~
6 and to enforce the provisions of this chapter ~~and other forest~~
7 ~~fire and forest protection laws of this state.~~

8 (3) ~~Forest rangers~~, Employees of the division, and of
9 ~~all persons and federal, and state, and local agencies, and~~
10 all other persons and entities that ~~which~~ are under contract
11 or agreement with the division to assist in firefighting
12 operations as well as those entities ~~persons, federal or state~~
13 ~~agencies, firms, companies, or corporations~~ called upon by
14 ~~forest rangers or other authorized employees of the division~~
15 to assist in firefighting ~~under the direction or supervision~~
16 ~~of employees of the division~~ may, in the performance of their
17 duties, set counterfires, remove fences and other obstacles,
18 ~~backfires~~, dig trenches, cut firelines, use water from public
19 and private sources, and carry on all other customary
20 activities in the fighting of wildfires ~~forest fires~~ without
21 incurring liability to any person or entity.

22 (4) The department may build structures,
23 notwithstanding chapters 216 and 255, not to exceed a cost of
24 \$50,000 per structure from existing resources on forest lands,
25 federal excess property, and unneeded existing structures.
26 These structures must meet all applicable building codes.

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

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

6 (6) The division shall undertake privatization
7 alternatives for fire prevention activities including
8 constructing fire lines and conducting prescribed burns and,
9 where appropriate, entering into agreements or contracts with
10 the private sector to perform such activities.

11 (7) The division may organize, staff, equip, and
12 operate the Florida Center for Wildfire and Forest Resources
13 Management Training. The center shall serve as a site where
14 fire and forest resource managers can obtain current
15 knowledge, techniques, skills, and theory as they relate to
16 their respective disciplines.

17 (a) The center may establish cooperative efforts
18 involving federal, state, and local entities; hire appropriate
19 personnel; and engage others by contract or agreement with or
20 without compensation to assist in carrying out the training
21 and operations of the center.

22 (b) The center shall provide wildfire suppression
23 training opportunities for rural fire departments, volunteer
24 fire departments, and other local fire response units.

25 (c) The center will focus on curriculum related to,
26 but not limited to, fuel reduction, an incident management
27 system, prescribed burning certification, multiple-use land
28 management, water quality, forest health, environmental
29 education, and wildfire suppression training for structural
30 firefighters.

31

1 (d) The center may assess appropriate fees for food,
2 lodging, travel, course materials, and supplies in order to
3 meet its operational costs and may grant free meals, room, and
4 scholarships to persons and other entities in exchange for
5 instructional assistance.

6 (e) An advisory committee consisting of the following
7 individuals or their designees must review program curriculum,
8 course content, and scheduling: the Director of the Florida
9 Division of Forestry; the Assistant Director of the Florida
10 Division of Forestry; the Director of the School of Forest
11 Resources and Conservation of the University of Florida; the
12 Director of the Division of Recreation and Parks of the
13 Department of Environmental Protection; the Director of the
14 Division of the State Fire Marshal; the Director of the
15 Florida Chapter of The Nature Conservancy; the Executive Vice
16 President of the Florida Forestry Association; the President
17 of the Florida Farm Bureau Federation; the Executive Director
18 of the Florida Game and Fresh Water Fish Commission; the
19 Executive Director of a Water Management District as appointed
20 by the Commissioner of Agriculture; the Supervisor of the
21 National Forests in Florida; the President of the Florida Fire
22 Chief's Association; and the Executive Director of the Tall
23 Timbers Research Station.

24 Section 4. Section 590.081, Florida Statutes, is
25 amended to read:

26 590.081 Severe ~~Emergency~~ drought conditions; burning
27 prohibited.--

28 ~~(1) It is unlawful for any person to set fire to, or~~
29 ~~cause fire to be set to, any forest, grass, woods, wild lands,~~
30 ~~or marshes, or to build a campfire or bonfire or to burn trash~~
31 ~~or other debris within 600 yards of any forest, grasslands,~~

1 ~~woods, wild lands, or marsh area in any county, counties or~~
2 ~~area within a county where, because of emergency drought~~
3 ~~conditions, there is extraordinary danger from fire, unless a~~
4 ~~written permit is obtained from the Division of Forestry or~~
5 ~~its designated agent, or unless it can be established that the~~
6 ~~setting of a backfire was necessary for the purpose of saving~~
7 ~~life or property. The burden of proving such shall rest on~~
8 ~~such person claiming same as a defense.~~

9 ~~(1)(2)~~ The Commissioner of Agriculture, upon the
10 advice of the director of the division of Forestry, will
11 advise the Governor when forests in any county, counties, or
12 area within a county of this state, because of emergency
13 drought conditions, are in extraordinary danger from fire. The
14 Governor may by proclamation declare a severe drought
15 emergency to exist and describe the general boundaries of the
16 area affected.

17 ~~(2)(3)~~ Any declaration ~~proclamation promulgated~~ by the
18 Commissioner of Agriculture ~~Governor~~ under authority of this
19 section shall be effective immediately upon being filed ~~filing~~
20 ~~same~~ with the Department of State and shall remain in full
21 force and effect until, ~~when~~ conditions warrant a revocation.
22 In order to end the declaration, the commissioner must file a
23 revocation of the declaration with the Department of State, ~~an~~
24 ~~order of revocation of proclamation is made by the Governor~~
25 ~~and filed with the Department of State.~~

26 (3) It is unlawful for any person to set fire to, or
27 cause fire to be set to, any wild lands or to build a campfire
28 or bonfire or to burn trash or other debris within the
29 designated area of a severe drought emergency unless a written
30 permit is obtained from the division or its designated agent.
31

1 (4) Any person violating any of the provisions of this
2 section commits ~~shall be guilty of~~ a misdemeanor of the second
3 degree, punishable as provided in s. 775.082 or s. 775.083.

4 Section 5. Section 590.082, Florida Statutes, is
5 amended to read:

6 590.082 Extraordinary fire hazard; certain acts made
7 unlawful; proclamations by the Governor.--

8 (1) When the Commissioner of Agriculture has declared
9 a severe drought emergency to exist and described the general
10 boundaries of the area affected as prescribed in s. 590.081
11 and the drought emergency continues until the wild lands
12 become so dry or parched as to create an extraordinary fire
13 hazard, the commissioner will advise the Governor that because
14 of prolonged severe drought conditions an extraordinary fire
15 hazard that could endanger life or property exists on wild
16 lands. ~~When the Governor has by proclamation declared a~~
17 ~~drought emergency to exist and described the general~~
18 ~~boundaries of the area affected as prescribed in s. 590.081~~
19 ~~and the drought emergency continues until the forest, grass,~~
20 ~~woods, wild lands, fields, or marshes become so dry or parched~~
21 ~~as to create an extraordinary fire hazard endangering life and~~
22 ~~property, it shall be unlawful for any person, except the~~
23 ~~owner or his or her agents or other persons regularly engaged~~
24 ~~in harvesting, processing, or moving forest or farm products,~~
25 ~~to enter or travel in any public or private forest lands,~~
26 ~~grasslands, woods, fields, or marshes within the area~~
27 ~~described by proclamation, except on public roads or highways~~
28 ~~or on well-defined private roads. Further, it shall be~~
29 ~~unlawful for any person to carry on any nonessential~~
30 ~~activities during such periods in the area affected.~~

31

1 ~~(2) The Commissioner of Agriculture, upon the advice~~
2 ~~of the director of the Division of Forestry, will, with the~~
3 ~~consent of the chair of the board of county commissioners of~~
4 ~~the affected county or counties, advise the Governor when~~
5 ~~forests, grass, woods, wild lands, fields, or marshes in any~~
6 ~~county, counties, or area within a county of this state,~~
7 ~~because of prolonged emergency drought conditions, become so~~
8 ~~dry or parched as to create an extraordinary fire hazard~~
9 ~~endangering life or property.~~

10 (2) The Governor may by proclamation declare an
11 extraordinary fire hazard to exist and describe the general
12 boundaries of the area affected.

13 ~~(3)~~ Any proclamation promulgated by the Governor under
14 authority of this section shall be effective immediately upon
15 filing same with the Department of State and shall remain in
16 effect until, when conditions warrant, an order of revocation
17 of proclamation is made by the Governor and filed with the
18 Department of State.

19 (3) It is unlawful for any person, except the owner or
20 his or her agents or other persons regularly engaged in
21 harvesting, processing, or moving forest or farm products, to
22 enter or travel in any public or private wild land within the
23 area described by proclamation, except on public roads or
24 highways or on well-defined private roads.

25 (4) Any person violating any of the provisions of this
26 section commits a misdemeanor of the second degree, punishable
27 as provided in s. 775.082 or s. 775.083 ~~shall be punished as~~
28 ~~for a misdemeanor as provided by s. 590.14.~~

29 Section 6. Section 590.091, Florida Statutes, is
30 amended to read:

31

1 590.091 Designation of railroad rights-of-way as
2 wildfire ~~fire~~ hazard areas.--

3 (1) The division may ~~of Forestry, after notification~~
4 ~~to the local government to be affected by its actions, is~~
5 ~~authorized to~~ annually designate, on or before October 1,
6 those railroad rights-of-way in this state which are known
7 wildfire ~~fire~~ hazard areas.

8 (2) ~~In addition to the requirements of 49 C.F.R.~~
9 ~~chapter II, part 213, subpart B, It shall be the duty of all~~
10 railroad companies operating in this state to maintain their
11 rights-of-way designated as provided in subsection (1), as
12 known wildfire ~~high fire~~ hazard areas, in an approved
13 condition as shall be prescribed by rule of the division and
14 to provide adequate firebreaks where needed, so as to prevent
15 fire from igniting or spreading from rights-of-way to adjacent
16 property.

17 Section 7. Section 590.10, Florida Statutes, is
18 amended to read:

19 590.10 Disposing of lighted substances ~~cigars~~, etc.--

20 (1) It is unlawful for any person to throw, or drop,
21 or dispose of ~~from an automobile or vehicle, or otherwise, a~~
22 lighted match, cigarette, cigar, ashes, or other flaming or
23 glowing substance, or any substance or thing which may or does
24 cause a wildfire ~~forest, grass, or woods fire~~.

25 (2) Anyone who violates this section commits a
26 misdemeanor of the first degree, punishable as provided in s.
27 775.082 or s. 775.083.

28 Section 8. Section 590.11, Florida Statutes, is
29 amended to read:

30 590.11 Recreational fires ~~Campfires~~.--It is unlawful
31 for any individual or group of individuals to build a warming

1 fire, bonfire,~~fire~~ or campfire and leave it same
2 unextinguished.

3 Section 9. Section 590.125, Florida Statutes, is
4 created to read:

5 590.125 Open burning authorized by the division.--

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

7 (a) "Prescribed burning" means the controlled
8 application of fire in accordance with a written prescription
9 for vegetative fuels under specified environmental conditions
10 while following appropriate precautionary measures that ensure
11 that the fire is confined to a predetermined area to
12 accomplish the planned fire or land-management objectives.

13 (b) "Certified prescribed burn manager" means an
14 individual who successfully completes the certification
15 program of the division and possesses a valid certification
16 number.

17 (c) "Prescription" means a written plan establishing
18 the criteria necessary for starting, controlling, and
19 extinguishing a prescribed burn.

20 (d) "Extinguished" means that no spreading flame for
21 wild land burning or certified prescribed burning, and no
22 visible flame, smoke, or emissions for vegetative
23 land-clearing debris burning, exist.

24 (2) NONCERTIFIED BURNING.--

25 (a) Persons may be authorized to burn wild land or
26 vegetative land-clearing debris in accordance with this
27 subsection if:

28 1. There is specific consent of the landowner or his
29 or her designee;

30 2. Authorization has been obtained from the division
31 or its designated agent before starting the burn;

1 3. There are adequate fire breaks at the burn site and
2 sufficient personnel and firefighting equipment for the
3 control of the fire;

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

6 5. Someone is present at the burn site until the fire
7 is extinguished;

8 6. The division does not cancel the authorization; and

9 7. The division determines that air quality and fire
10 danger are favorable for safe burning.

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

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

17 (a) The application of prescribed burning is a land
18 management tool that benefits the safety of the public, the
19 environment, and the economy of the state. The Legislature
20 finds that:

21 1. Prescribed burning reduces vegetative fuels within
22 wild land areas. Reduction of the fuel load reduces the risk
23 and severity of wildfire, thereby reducing the threat of loss
24 of life and property, particularly in urban areas.

25 2. Most of Florida's natural communities require
26 periodic fire for maintenance of their ecological integrity.
27 Prescribed burning is essential to the perpetuation,
28 restoration, and management of many plant and animal
29 communities. Significant loss of the state's biological
30 diversity will occur if fire is excluded from fire-dependent
31 systems.

1 3. Forestland and rangeland constitute significant
2 economic, biological, and aesthetic resources of statewide
3 importance. Prescribed burning on forestland prepares sites
4 for reforestation, removes undesirable competing vegetation,
5 expedites nutrient cycling, and controls or eliminates certain
6 forest pathogens. On rangeland, prescribed burning improves
7 the quality and quantity of herbaceous vegetation necessary
8 for livestock production.

9 4. The state purchased hundreds of thousands of acres
10 of land for parks, preserves, wildlife management areas,
11 forests, and other public purposes. The use of prescribed
12 burning for management of public lands is essential to
13 maintain the specific resource values for which these lands
14 were acquired.

15 5. A public education program is necessary to make
16 citizens and visitors aware of the public safety, resource,
17 and economic benefits of prescribed burning.

18 6. Proper training in the use of prescribed burning is
19 necessary to ensure maximum benefits and protection for the
20 public.

21 7. As Florida's population continues to grow,
22 pressures from liability issues and nuisance complaints
23 inhibit the use of prescribed burning. Therefore, the division
24 is urged to maximize the opportunities for prescribed burning
25 conducted during its daytime and nighttime authorization
26 process.

27 (b) Certified prescribed burning must be conducted in
28 accordance with this subsection and:

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

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

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

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

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

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

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

17 (c) A property owner or his or her agent is neither
18 liable for damage or injury caused by the fire or resulting
19 smoke nor considered to be in violation of subsection (2) for
20 burns conducted in accordance with this subsection unless
21 gross negligence is proven. When a lesser degree of negligence
22 is proven, a cap of \$100,000 is imposed on the property owner
23 or his or her agent.

24 (d) Any certified burner who violates this section
25 commits a misdemeanor of the second degree, punishable as
26 provided in s. 775.082 or s. 775.083.

27 (e) The division shall adopt rules for the use of
28 prescribed burning and for certifying and decertifying
29 certified prescribed burn managers based on their past
30 experience, training, and record of compliance with this
31 section.

1 (4) WILDFIRE HAZARD REDUCTION BURNING BY THE
2 DIVISION.--The division may prescribe burn any area of wild
3 land within the state which is reasonably determined to be in
4 danger of wildfire in accordance with the following
5 procedures:
6 (a) Describe the areas that will be prescribe burned
7 to the affected local governmental entity.
8 (b) Publish a prescribed burn notice, including a
9 description of the area to be burned, in a conspicuous manner
10 in at least one newspaper of general circulation in the area
11 of the burn not less than 10 days before the burn.
12 (c) Prepare, and the county tax collector shall
13 include with the annual tax statement, a notice to be sent to
14 all landowners in each township designated by the division as
15 a wildfire hazard area. The notice must describe particularly
16 the area to be burned and the tentative date or dates of the
17 burning and must list the reasons for and the expected
18 benefits from prescribed burning.
19 (d) Consider any landowner objections to the
20 prescribed burning of his or her property. The landowner may
21 apply to the director of the division for a review of
22 alternative methods of fuel reduction on the property. If the
23 director or his or her designee does not resolve the landowner
24 objection, the director shall convene a panel made up of the
25 local forestry unit manager, the fire chief of the
26 jurisdiction, and the affected county or city manager, or any
27 of their designees. If the panel's recommendation is not
28 acceptable to the landowner, the landowner may request further
29 consideration by the Commissioner of Agriculture or his or her
30 designee.
31

1 (5) DUTIES OF AGENCIES.--The Department of Education
2 shall incorporate the issues of prescribed burning into its
3 educational materials.

4 Section 10. Section 590.13, Florida Statutes, is
5 amended to read:

6 590.13 Civil liability.--Any person violating any of
7 the provisions of this chapter shall be liable for all damages
8 caused by such violation, which damages shall be recoverable
9 in any court of competent jurisdiction. The civil liability
10 attaches ~~shall obtain~~ whether or not there is ~~be~~ criminal
11 prosecution and conviction ~~or not~~.

12 Section 11. Section 590.14, Florida Statutes, is
13 amended to read:

14 590.14 Warning citation; notice of violation;
15 penalties.--

16 (1) If unpredicted atmospheric conditions occur which
17 cause an authorized fire to escape from the boundaries of the
18 authorized area, if the fire does not leave the land owned or
19 controlled by the authorization holder, and if no damage has
20 occurred, the division may issue a warning citation of
21 violation of s. 590.125.~~Whoever willfully or intentionally~~
22 ~~violates any of the provisions of this chapter commits a~~
23 ~~felony of the third degree, punishable as provided in s.~~
24 ~~775.082, s. 775.083, or s. 775.084.~~

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

31

1 ~~(2) Whoever carelessly violates any of the provisions~~
2 ~~of this chapter commits a misdemeanor of the second degree,~~
3 ~~punishable as provided in s. 775.082 or s. 775.083.~~

4 (3)~~(a)~~ In addition to any ~~all~~ other penalties provided
5 by law, any person who causes a wildfire ~~an unauthorized~~
6 ~~forest, grass, woods, wild lands, marsh, leaf, or~~
7 ~~vegetative land-clearing debris fire,~~ or permits any
8 authorized fire to escape the boundaries of the authorization
9 or to burn past the time of the authorization, is liable for
10 the payment of all reasonable costs and expenses incurred in
11 suppressing the fire or \$150, whichever is greater. All costs
12 and expenses incurred by the division shall be payable to the
13 division ~~of Forestry~~. When such costs and expenses are not
14 paid within 30 days ~~a reasonable time~~ after demand, ~~it shall~~
15 ~~be the duty of~~ the division may ~~to~~ take proper legal
16 proceedings for the collection of the costs and expenses.
17 Those costs incurred by an agency acting at the division's
18 direction are recoverable by that agency.

19 ~~(b) The liability for the costs of suppression shall~~
20 ~~obtain whether or not there is a criminal prosecution, and the~~
21 ~~liability shall extend to the person, firm, or corporation~~
22 ~~causing, directing, or permitting the activity as well as to~~
23 ~~the actual violator.~~

24 (4) The department may also impose an administrative
25 fine, not to exceed \$1,000 per violation of any section of
26 chapter 589 or chapter 590. The fine shall be based upon the
27 degree of damage and prior violation record of the person. The
28 fines shall be deposited in the Incidental Trust Fund of the
29 division.

30 (5) The penalties provided in this section shall
31 extend to both the actual violator and the person or persons,

1 firm, or corporation causing, directing, or permitting the
2 violation.

3 Section 12. Section 590.16, Florida Statutes, is
4 amended to read:

5 590.16 Rewards.--The division, in its discretion, may
6 offer and pay rewards for information leading to the arrest
7 and conviction of any person who violates ~~violating~~ any
8 provision of the provisions of this chapter.

9 Section 13. Section 590.25, Florida Statutes, is
10 amended to read:

11 590.25 Penalty for preventing or obstructing
12 extinguishment of wildfires ~~woods fires~~.--Whoever shall
13 interfere with, obstruct or commit any act aimed to obstruct
14 the extinguishment of wildfires ~~forest fires~~ by the employees
15 of the division of ~~Forestry~~ or any other person engaged in the
16 extinguishment of a wildfire ~~woods fire~~, or who damages
17 ~~injures~~ or destroys any equipment being used for such purpose,
18 shall be guilty of a felony of the third degree, punishable as
19 provided in s. 775.082, s. 775.083, or s. 775.084.

20 Section 14. Section 590.27, Florida Statutes, is
21 amended to read:

22 590.27 Penalty for mutilating or destroying ~~state~~
23 forestry or fire control signs and posters.--Whoever
24 intentionally breaks down, mutilates, removes, or destroys any
25 fire control or forestry sign or poster commits ~~of the~~
26 ~~division of Forestry erected in the administration of its~~
27 ~~lawful duties and authorities shall be guilty of a misdemeanor~~
28 of the second degree, punishable as provided in s. 775.082 or
29 s. 775.083.

30 Section 15. Section 590.28, Florida Statutes, is
31 amended to read:

1 590.28 ~~Willful, malicious, or~~ Intentional or careless
2 burning of lands.--

3 (1) ~~Whoever willfully, maliciously, or intentionally~~
4 ~~burns, sets fire to, or causes to be burned or~~ causes any fire
5 ~~to be set to, any wild land or vegetative land clearing debris~~
6 ~~forest, grass, or woodlands not owned by, or in the lawful~~
7 ~~possession of, the person setting such fire or burning such~~
8 ~~lands or causing such fire to be set or lands to be burned~~
9 ~~without complying with s. 590.125, commits~~ shall, upon
10 ~~conviction thereof, be deemed guilty of a felony of the third~~
11 ~~degree, punishable as provided in s. 775.082, s. 775.083, or~~
12 ~~s. 775.084 and punished as provided in s. 590.30.~~

13 (2) Whoever carelessly burns, sets fire to, or causes
14 to be burned any wild lands not owned by, or in the lawful
15 possession of, the person setting the fire or burning the
16 lands or causing the fire to be set or lands to be burned,
17 commits a misdemeanor of the second degree, punishable as
18 provided in s. 775.082 or s. 775.083.~~The terms "willful,"~~
19 ~~"malicious," and "intentional" as used in this section mean~~
20 ~~not merely gross negligence or disregard for the rights of~~
21 ~~others and not merely general criminal intent, but a specific~~
22 ~~intent to damage or destroy public property or the property of~~
23 ~~another, such intent being engendered by malice or spite or by~~
24 ~~the hope of material gain or employment to be derived either~~
25 ~~directly or indirectly.~~

26 Section 16. Section 590.29, Florida Statutes, is
27 amended to read:

28 590.29 Illegal possession of incendiary device.--

29 (1) It is unlawful for a person other than a certified
30 fire or law enforcement instructor to have ~~whoever, being~~
31 ~~outside the corporate limits of any municipality, has in his~~

1 or her possession any incendiary device as defined by
2 subsection (3) with the intent to use such device for the
3 purpose of burning or setting fire to any wild land forest,
4 ~~grass, or woodland~~, if such person is not the owner of, nor,
5 as under a lease, in lawful possession of, the wild land
6 ~~forest, grass, or woodland~~, shall, upon conviction thereof, be
7 ~~deemed guilty of a felony and punished as provided in s.~~
8 ~~590.30.~~

9 (2) The possession of any incendiary device as defined
10 by subsection (3) is prima facie evidence of the intent of the
11 person possessing such device to use such device for the
12 purpose of burning or setting fire to wild land forest, ~~grass,~~
13 ~~or woodland~~ if such person is not the owner of the wild land,
14 ~~nor, as under a lease, in lawful possession of, the forest,~~
15 ~~grass, or woodland.~~

16 (3) The term "incendiary device" as used in this
17 section is included but not limited to any "slow match" which
18 is any device contrived to accomplish the delayed ignition of
19 a match or matches or other inflammable material by the use of
20 a cigarette, rope, or candle to which such match or matches
21 are attached, or a magnifying glass so focused as to intensify
22 heat on inflammable material and thus cause a fire to start at
23 a subsequent time, and any chemicals or chemically treated
24 paper or material, or other combustible material so arranged
25 or designed as to make possible its use as a delayed firing
26 device.

27 (4) Anyone who violates this section commits a felony
28 of the third degree, punishable as provided in s. 775.082, s.
29 775.083, or s. 775.084.

30 Section 17. Section 590.33, Florida Statutes, is
31 amended to read:

1 590.33 State compact administrator; compact advisory
2 committee.--In pursuance of art. III of the compact, the
3 director of the division ~~of Forestry~~ shall act as compact
4 administrator for Florida of the Southeastern Interstate
5 Forest Fire Protection Compact during his or her term of
6 office as director, and his or her successor as compact
7 administrator shall be his or her successor as director of the
8 division ~~of Forestry~~. As compact administrator he or she
9 shall be an ex officio member of the advisory committee of the
10 Southeastern Interstate Forest Fire Protection Compact, and
11 chair ex officio of the Florida members of the advisory
12 committee. There shall be four members of the Southeastern
13 Interstate Forest Fire Protection Compact Advisory Committee
14 from Florida. Two of the members from Florida shall be
15 members of the Legislature of Florida, one from the Senate and
16 one from the House of Representatives, designated by the
17 Florida Commission on Interstate Cooperation, and the terms of
18 any such members shall terminate at the time they cease to
19 hold legislative office, and their successors as members shall
20 be named in like manner. The Governor shall appoint the other
21 two members from Florida, one of whom shall be associated with
22 forestry or forest products industries. The terms of such
23 members shall be 3 years and such members shall hold office
24 until their respective successors shall be appointed and
25 qualified. Vacancies occurring in the office of such members
26 from any reason or cause shall be filled by appointment by the
27 Governor for the unexpired term. The director of the division
28 ~~of Forestry~~ as compact administrator for Florida may delegate,
29 from time to time, to any deputy or other subordinate in his
30 or her department or office, the power to be present and
31 participate, including voting as his or her representative or

1 substitute at any meeting of or hearing by or other proceeding
2 of the compact administrators or of the advisory committee.
3 The terms of each of the initial four memberships, whether
4 appointed at said time or not, shall begin upon the date upon
5 which the compact shall become effective in accordance with
6 art. II of said compact. Any member of the advisory committee
7 may be removed from office by the Governor upon charges and
8 after a hearing.

9 Section 18. Section 590.34, Florida Statutes, is
10 amended to read:

11 590.34 State compact administrator and compact
12 advisory committee members; powers; aid from other state
13 agencies.--There is hereby granted to the director of the
14 division of ~~Forestry~~, as compact administrator and chair ex
15 officio of the Florida members of the advisory committee, and
16 to the members from Florida of the advisory committee all the
17 powers provided for in the compact and all the powers
18 necessary or incidental to the carrying out of the compact in
19 every particular. All officers of Florida are hereby
20 authorized and directed to do all things falling within their
21 respective provinces and jurisdiction necessary or incidental
22 to the carrying out of the compact in every particular; it
23 being hereby declared to be the policy of the state to perform
24 and carry out the said compact and to accomplish the purposes
25 thereof. All officers, bureaus, departments, and persons of
26 and in the state government or administration of the state are
27 hereby authorized and directed at convenient times and upon
28 request of the compact administrator or of the advisory
29 committee to furnish information data relating to the purposes
30 of the compact possessed by them or any of them to the compact
31 administrator of the advisory committee. They are further

1 authorized to aid the compact administrator or the advisory
2 committee by loan of personnel, equipment, or other means in
3 carrying out the purposes of the compact.

4 Section 19. Subsection (2) of section 590.42, Florida
5 Statutes, is amended to read:

6 590.42 Federally funded fire protection assistance
7 programs.--

8 (2) With respect to the formulation of projects
9 relating to fire protection of livestock, wildlife, crops,
10 pastures, orchards, rangeland, woodland, farmsteads, or other
11 improvements, and other values in rural areas, for which such
12 federal matching funds are available, any participating county
13 or fire department may contribute to the nonfederal matching
14 share and may also contribute such other nonfederal
15 cooperation as may be deemed necessary by the division of
16 ~~Forestry~~.

17 Section 20. Sections 590.025, 590.026, 590.03, 590.04,
18 590.05, 590.06, 590.07, 590.08, 590.09, 590.12, 590.30,
19 Florida Statutes, are repealed.

20 Section 21. This act shall take effect upon becoming a
21 law.

22 *****

23
24 HOUSE SUMMARY

25 Revises ch. 590, F.S., to provide the Division of
26 Forestry of the Department of Agriculture and Consumer
27 Services with the power to prevent, detect, and suppress
28 wildfires.