

By the Committees on General Government Appropriations,  
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.; revising provisions relating to  
22          declarations of severe drought emergencies;  
23          providing a requirement for executive orders by  
24          the Governor relating to extraordinary fire  
25          hazards; providing a penalty for certain travel  
26          through hazardous areas; amending s. 590.091,  
27          F.S.; providing for designation of railroad  
28          rights-of-way in wildfire areas; amending s.  
29          590.10, F.S.; providing a penalty for the  
30          disposal of lighted substances; amending s.  
31          590.11, F.S.; providing restrictions on

1 recreation fires; creating s. 590.125, F.S.;  
2 providing conditions for noncertified burning  
3 and certified prescribed burning; amending s.  
4 590.13, F.S.; providing for civil liability;  
5 amending s. 590.14, F.S.; authorizing the  
6 division to issue warning citations; providing  
7 for a notice of violation; providing for the  
8 recovery of fire suppression costs; amending s.  
9 590.16, F.S.; providing for discretionary  
10 rewards; amending s. 590.25, F.S.; providing a  
11 penalty for obstructing the extinguishing of  
12 wildfires; amending s. 590.27, F.S.; correcting  
13 an organizational reference; amending s.  
14 590.28, F.S.; providing penalties for the  
15 careless or intentional burning of wild lands;  
16 amending s. 590.29, F.S.; providing a penalty  
17 for the illegal possession of incendiary  
18 devices; amending ss. 590.33, 590.34, and  
19 590.42, F.S.; correcting organizational  
20 references; amending s. 259.032, F.S.;  
21 providing for the use of Conservation and  
22 Recreation Lands funds to manage additional  
23 lands; providing for uses of management  
24 equipment; amending s. 372.57, F.S.; providing  
25 an exemption to the recreational user permit  
26 fee; repealing s. 590.025, F.S., relating to  
27 control burning, s. 590.026, F.S., relating to  
28 prescribed burning, s. 590.03, F.S., relating  
29 to fire wardens, s. 590.04, F.S., relating to  
30 the organization of districts, s. 590.05, F.S.,  
31 relating to road crews to extinguish fires, s.

1           590.06, F.S., relating to rules for road crews,  
2           s. 590.07, F.S., relating to a penalty, s.  
3           590.08, F.S., relating to the unlawful burning  
4           of lands, s. 590.09, F.S., relating to setting  
5           fires on rights-of-way, s. 590.12, F.S.,  
6           relating to unlawful burning, and s. 590.30  
7           F.S., relating to penalties; providing an  
8           appropriation; providing for the rebuilding of  
9           certain structures; providing an effective  
10          date.

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

13  
14           Section 1. Section 590.01, Florida Statutes, is  
15 amended to read:

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

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

3           590.015 Definitions.--As used in this chapter, the  
4 term:

5           (1) "Division" means the Division of Forestry of the  
6 Department of Agriculture and Consumer Services.

7           (2) "Fire management services" means presuppression  
8 fireline plowing, contract prescribed burning, prescribed and  
9 wildfire management training, and other activities associated  
10 with prevention, detection, and suppression of wildfires.

11           (3) "Fuel reduction" means the application of  
12 techniques that reduce vegetative fuels, and may include  
13 prescribed burning, manual and mechanical clearing, and the  
14 use of herbicides.

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

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

20           Section 3. Section 590.02, Florida Statutes, is  
21 amended to read:

22           590.02 Division powers, authority, and duties; ~~law~~  
23 ~~enforcement~~; liability; building structures; Florida Center  
24 for Wildfire and Forest Resources Management Training.--

25           (1) ~~The division has of Forestry, in connection with~~  
26 ~~the enforcement of this chapter and other forest and forest~~  
27 ~~fire laws, shall have the following powers, authority, and~~  
28 ~~duties:~~

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

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- 1           (b) To prevent, detect, suppress, and extinguish  
2 wildfires wherever they may occur on public or private land  
3 ~~forest fires~~ in this state and to do all things necessary in  
4 the exercise of such powers, authority, and duties;
- 5           (c) To provide ~~forest~~ firefighting crews, who shall be  
6 under the control and direction of the division ~~forest rangers~~  
7 and its ~~other~~ designated agents ~~of the division~~;
- 8           (d) To appoint center managers, forest area  
9 supervisors, forestry program administrators, a forest  
10 protection bureau chief, a forest protection assistant bureau  
11 chief, a field operations bureau chief, deputy chiefs of field  
12 operations, district managers, senior forest rangers  
13 ~~foresters, assistant district foresters,~~ investigators, forest  
14 rangers, firefighter rotorcraft pilots, and other employees  
15 who may, at the division's discretion, be certified as  
16 forestry firefighters pursuant to s. 633.35(4);
- 17           (e) To develop a training curriculum for forestry  
18 firefighters which must ~~shall~~ contain the basic volunteer a  
19 minimum of 280 hours, including 40 hours of structural fire  
20 training course approved conducted by the Florida State Fire  
21 College of the Division of State Fire Marshal and a minimum of  
22 250 hours of wildfire training;
- 23           ~~(f) To use the resources of the division on~~  
24 ~~state-owned parks and historic memorials wherever located~~  
25 ~~within the state to prevent and suppress fires, to cut~~  
26 ~~firelines, to establish regional firefighting crews who shall~~  
27 ~~be authorized to suppress fires on state-owned park lands,~~  
28 ~~and, subject to approval of the Executive Office of the~~  
29 ~~Governor, to use funds not otherwise appropriated for the~~  
30 ~~purchase of the necessary equipment for combating fires in~~  
31 ~~state parks;~~

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

3           ~~(g)(h)~~ To provide fire management services and  
4 emergency response assistance ~~forest protection services to~~  
5 ~~the public on a request basis~~ and to set and charge reasonable  
6 fees for performance of those services. Moneys collected from  
7 such fees shall be deposited into the Incidental Trust Fund of  
8 the division.

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

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

30           (4) The department may build structures,  
31 notwithstanding chapters 216 and 255, not to exceed a cost of

1 \$50,000 per structure from existing resources on forest lands,  
2 federal excess property, and unneeded existing structures.  
3 These structures must meet all applicable building codes.

4 (5) The division shall organize its operational units  
5 to most effectively prevent, detect, and suppress wildfires,  
6 and to that end, may employ the necessary personnel to manage  
7 its activities in each unit. The division may construct  
8 lookout towers, roads, bridges, firelines, and other  
9 facilities and may purchase or fabricate tools, supplies, and  
10 equipment for firefighting. The division may reimburse the  
11 public and private entities that it engages to assist in the  
12 suppression of wildfires for their personnel and equipment,  
13 including aircraft.

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

19 (7) The division may organize, staff, equip, and  
20 operate the Florida Center for Wildfire and Forest Resources  
21 Management Training. The center shall serve as a site where  
22 fire and forest resource managers can obtain current  
23 knowledge, techniques, skills, and theory as they relate to  
24 their respective disciplines.

25 (a) The center may establish cooperative efforts  
26 involving federal, state, and local entities; hire appropriate  
27 personnel; and engage others by contract or agreement with or  
28 without compensation to assist in carrying out the training  
29 and operations of the center.

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1           (b) The center shall provide wildfire suppression  
2 training opportunities for rural fire departments, volunteer  
3 fire departments, and other local fire response units.

4           (c) The center will focus on curriculum related to,  
5 but not limited to, fuel reduction, an incident management  
6 system, prescribed burning certification, multiple-use land  
7 management, water quality, forest health, environmental  
8 education, and wildfire suppression training for structural  
9 firefighters.

10           (d) The center may assess appropriate fees for food,  
11 lodging, travel, course materials, and supplies in order to  
12 meet its operational costs and may grant free meals, room, and  
13 scholarships to persons and other entities in exchange for  
14 instructional assistance.

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

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

5 590.081 Severe ~~Emergency~~ drought conditions; burning  
6 prohibited.--

7 ~~(1) It is unlawful for any person to set fire to, or~~  
8 ~~cause fire to be set to, any forest, grass, woods, wild lands,~~  
9 ~~or marshes, or to build a campfire or bonfire or to burn trash~~  
10 ~~or other debris within 600 yards of any forest, grasslands,~~  
11 ~~woods, wild lands, or marsh area in any county, counties or~~  
12 ~~area within a county where, because of emergency drought~~  
13 ~~conditions, there is extraordinary danger from fire, unless a~~  
14 ~~written permit is obtained from the Division of Forestry or~~  
15 ~~its designated agent, or unless it can be established that the~~  
16 ~~setting of a backfire was necessary for the purpose of saving~~  
17 ~~life or property. The burden of proving such shall rest on~~  
18 ~~such person claiming same as a defense.~~

19 ~~(1)(2) The Commissioner of Agriculture, upon the~~  
20 ~~advice of the director of the division of Forestry, will~~  
21 ~~advise the Governor when forests in any county, counties, or~~  
22 ~~area within a county of this state, because of emergency~~  
23 ~~drought conditions, are in extraordinary danger from fire. The~~  
24 ~~Governor may by proclamation declare a severe drought~~  
25 ~~emergency to exist and describe the general boundaries of the~~  
26 ~~area affected.~~

27 ~~(2)(3) Any declaration proclamation promulgated by the~~  
28 ~~Commissioner of Agriculture Governor under authority of this~~  
29 ~~section shall be effective immediately upon being filed ~~filing~~~~  
30 ~~same with the Department of State and shall remain in full~~  
31 ~~force and effect until, ~~when~~ conditions warrant a revocation.~~

1 In order to end the declaration, the commissioner must file a  
2 revocation of the declaration with the Department of State,~~an~~  
3 ~~order of revocation of proclamation is made by the Governor~~  
4 ~~and filed with the Department of State.~~

5 (3) It is unlawful for any person to set fire to, or  
6 cause fire to be set to, any wild lands or to build a campfire  
7 or bonfire or to burn trash or other debris within the  
8 designated area of a severe drought emergency unless a written  
9 permit is obtained from the division or its designated agent.

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

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

15 590.082 Extraordinary fire hazard; certain acts made  
16 unlawful; proclamations by the Governor.--

17 (1) When the Commissioner of Agriculture has declared  
18 a severe drought emergency to exist and described the general  
19 boundaries of the area affected as prescribed in s. 590.081  
20 and the drought emergency continues until the wild lands  
21 become so dry or parched as to create an extraordinary fire  
22 hazard, the commissioner will advise the Governor that because  
23 of prolonged severe drought conditions an extraordinary fire  
24 hazard that could endanger life or property exists on wild  
25 lands.~~When the Governor has by proclamation declared a~~  
26 ~~drought emergency to exist and described the general~~  
27 ~~boundaries of the area affected as prescribed in s. 590.081~~  
28 ~~and the drought emergency continues until the forest, grass,~~  
29 ~~woods, wild lands, fields, or marshes become so dry or parched~~  
30 ~~as to create an extraordinary fire hazard endangering life and~~  
31 ~~property, it shall be unlawful for any person, except the~~

1 ~~owner or his or her agents or other persons regularly engaged~~  
2 ~~in harvesting, processing, or moving forest or farm products,~~  
3 ~~to enter or travel in any public or private forest lands,~~  
4 ~~grasslands, woods, fields, or marshes within the area~~  
5 ~~described by proclamation, except on public roads or highways~~  
6 ~~or on well-defined private roads. Further, it shall be~~  
7 ~~unlawful for any person to carry on any nonessential~~  
8 ~~activities during such periods in the area affected.~~

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

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

21       ~~(3)~~ Any proclamation promulgated by the Governor under  
22 authority of this section shall be effective immediately upon  
23 filing same with the Department of State and shall remain in  
24 effect until, when conditions warrant, an order of revocation  
25 of proclamation is made by the Governor and filed with the  
26 Department of State.

27       (3) The executive order promulgated by the Governor  
28 declaring an extraordinary fire hazard to exist shall contain  
29 all measures necessary to protect the health, safety, and  
30 welfare of the state. Specifically, the Governor shall have  
31 the exclusive right to ban the use of fireworks and campfires

1 only in the area affected by the order and only for the  
2 duration of the order, notwithstanding any other law to the  
3 contrary.

4 (4) It is unlawful for any person, except the owner or  
5 his or her agents or other persons regularly engaged in  
6 harvesting, processing, or moving forest or farm products, to  
7 enter or travel in any public or private wild land within the  
8 area described by proclamation, except on public roads or  
9 highways or on well-defined private roads.

10 (5)~~(4)~~ Any person violating any of the provisions of  
11 this section commits a misdemeanor of the second degree,  
12 punishable as provided in s. 775.082 or s. 775.083 ~~shall be~~  
13 ~~punished as for a misdemeanor as provided by s. 590.14.~~

14 Section 6. Section 590.091, Florida Statutes, is  
15 amended to read:

16 590.091 Designation of railroad rights-of-way as  
17 wildfire ~~fire~~ hazard areas.--

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

23 (2) ~~In addition to the requirements of 49 C.F.R.~~  
24 ~~chapter II, part 213, subpart B,~~It shall be the duty of all  
25 railroad companies operating in this state to maintain their  
26 rights-of-way designated as provided in subsection (1), as  
27 known wildfire ~~high fire~~ hazard areas, in an approved  
28 condition as shall be prescribed by rule of the division and  
29 to provide adequate firebreaks where needed, so as to prevent  
30 fire from igniting or spreading from rights-of-way to adjacent  
31 property.

1           Section 7. Section 590.10, Florida Statutes, is  
2 amended to read:

3           590.10 Disposing of lighted substances ~~cigars~~, etc.--

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

9           (2) Anyone who violates this section commits a  
10 misdemeanor of the first degree, punishable as provided in s.  
11 775.082 or s. 775.083.

12           Section 8. Section 590.11, Florida Statutes, is  
13 amended to read:

14           590.11 Recreational fires ~~Campfires~~.--It is unlawful  
15 for any individual or group of individuals to build a warming  
16 fire, bonfire, fire or campfire and leave it ~~same~~  
17 unextinguished.

18           Section 9. Section 590.125, Florida Statutes, is  
19 created to read:

20           590.125 Open burning authorized by the division.--

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

22           (a) "Prescribed burning" means the controlled  
23 application of fire in accordance with a written prescription  
24 for vegetative fuels under specified environmental conditions  
25 while following appropriate precautionary measures that ensure  
26 that the fire is confined to a predetermined area to  
27 accomplish the planned fire or land-management objectives.

28           (b) "Certified prescribed burn manager" means an  
29 individual who successfully completes the certification  
30 program of the division and possesses a valid certification  
31 number.

1       (c) "Prescription" means a written plan establishing  
2 the criteria necessary for starting, controlling, and  
3 extinguishing a prescribed burn.  
4       (d) "Extinguished" means that no spreading flame for  
5 wild land burning or certified prescribed burning, and no  
6 visible flame, smoke, or emissions for vegetative  
7 land-clearing debris burning, exist.  
8       (2) NONCERTIFIED BURNING.--  
9       (a) Persons may be authorized to burn wild land or  
10 vegetative land-clearing debris in accordance with this  
11 subsection if:  
12       1. There is specific consent of the landowner or his  
13 or her designee;  
14       2. Authorization has been obtained from the division  
15 or its designated agent before starting the burn;  
16       3. There are adequate fire breaks at the burn site and  
17 sufficient personnel and firefighting equipment for the  
18 control of the fire;  
19       4. The fire remains within the boundary of the  
20 authorized area;  
21       5. Someone is present at the burn site until the fire  
22 is extinguished;  
23       6. The division does not cancel the authorization; and  
24       7. The division determines that air quality and fire  
25 danger are favorable for safe burning.  
26       (b) A person who burns wild land or vegetative  
27 land-clearing debris in a manner that violates any requirement  
28 of this subsection commits a misdemeanor of the second degree,  
29 punishable as provided in s. 775.082 or s. 775.083.  
30       (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS  
31 AND PURPOSE.--

1           (a) The application of prescribed burning is a land  
2 management tool that benefits the safety of the public, the  
3 environment, and the economy of the state. The Legislature  
4 finds that:

5           1. Prescribed burning reduces vegetative fuels within  
6 wild land areas. Reduction of the fuel load reduces the risk  
7 and severity of wildfire, thereby reducing the threat of loss  
8 of life and property, particularly in urban areas.

9           2. Most of Florida's natural communities require  
10 periodic fire for maintenance of their ecological integrity.  
11 Prescribed burning is essential to the perpetuation,  
12 restoration, and management of many plant and animal  
13 communities. Significant loss of the state's biological  
14 diversity will occur if fire is excluded from fire-dependent  
15 systems.

16           3. Forestland and rangeland constitute significant  
17 economic, biological, and aesthetic resources of statewide  
18 importance. Prescribed burning on forestland prepares sites  
19 for reforestation, removes undesirable competing vegetation,  
20 expedites nutrient cycling, and controls or eliminates certain  
21 forest pathogens. On rangeland, prescribed burning improves  
22 the quality and quantity of herbaceous vegetation necessary  
23 for livestock production.

24           4. The state purchased hundreds of thousands of acres  
25 of land for parks, preserves, wildlife management areas,  
26 forests, and other public purposes. The use of prescribed  
27 burning for management of public lands is essential to  
28 maintain the specific resource values for which these lands  
29 were acquired.

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1           5. A public education program is necessary to make  
2 citizens and visitors aware of the public safety, resource,  
3 and economic benefits of prescribed burning.

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

7           7. As Florida's population continues to grow,  
8 pressures from liability issues and nuisance complaints  
9 inhibit the use of prescribed burning. Therefore, the division  
10 is urged to maximize the opportunities for prescribed burning  
11 conducted during its daytime and nighttime authorization  
12 process.

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

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

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

20           3. Requires that the specific consent of the landowner  
21 or his or her designee be obtained before requesting an  
22 authorization.

23           4. Requires that an authorization to burn be obtained  
24 from the division before igniting the burn.

25           5. Requires that there be adequate firebreaks at the  
26 burn site and sufficient personnel and firefighting equipment  
27 for the control of the fire.

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

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1           7. Is considered to be a property right of the  
2 property owner if vegetative fuels are burned as required in  
3 this subsection.

4           (c) A property owner or his or her agent is neither  
5 liable for damage or injury caused by the fire or resulting  
6 smoke nor considered to be in violation of subsection (2) for  
7 burns conducted in accordance with this subsection unless  
8 gross negligence is proven. When a lesser degree of negligence  
9 is proven, a cap of \$100,000 is imposed on the property owner  
10 or his or her agent.

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

14           (e) The division shall adopt rules for the use of  
15 prescribed burning and for certifying and decertifying  
16 certified prescribed burn managers based on their past  
17 experience, training, and record of compliance with this  
18 section.

19           (4) WILDFIRE HAZARD REDUCTION BURNING BY THE  
20 DIVISION.--The division may prescribe burn any area of wild  
21 land within the state which is reasonably determined to be in  
22 danger of wildfire in accordance with the following  
23 procedures:

24           (a) Describe the areas that will be prescribe burned  
25 to the affected local governmental entity.

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

30           (c) Prepare, and the county tax collector shall  
31 include with the annual tax statement, a notice to be sent to

1 all landowners in each township designated by the division as  
2 a wildfire hazard area. The notice must describe particularly  
3 the area to be burned and the tentative date or dates of the  
4 burning and must list the reasons for and the expected  
5 benefits from prescribed burning.

6 (d) Consider any landowner objections to the  
7 prescribed burning of his or her property. The landowner may  
8 apply to the director of the division for a review of  
9 alternative methods of fuel reduction on the property. If the  
10 director or his or her designee does not resolve the landowner  
11 objection, the director shall convene a panel made up of the  
12 local forestry unit manager, the fire chief of the  
13 jurisdiction, and the affected county or city manager, or any  
14 of their designees. If the panel's recommendation is not  
15 acceptable to the landowner, the landowner may request further  
16 consideration by the Commissioner of Agriculture or his or her  
17 designee.

18 (5) DUTIES OF AGENCIES.--The Department of Education  
19 shall incorporate the issues of prescribed burning into its  
20 educational materials.

21 Section 10. Section 590.13, Florida Statutes, is  
22 amended to read:

23 590.13 Civil liability.--Any person violating any of  
24 the provisions of this chapter shall be liable for all damages  
25 caused by such violation, which damages shall be recoverable  
26 in any court of competent jurisdiction. The civil liability  
27 attaches ~~shall obtain~~ whether or not there is ~~be~~ criminal  
28 prosecution and conviction ~~or not~~.

29 Section 11. Section 590.14, Florida Statutes, is  
30 amended to read:

31

1           590.14 Warning citation; notice of violation;  
2 penalties.--

3           (1) If unpredicted atmospheric conditions occur which  
4 cause an authorized fire to escape from the boundaries of the  
5 authorized area, if the fire does not leave the land owned or  
6 controlled by the authorization holder, and if no damage has  
7 occurred, the division may issue a warning citation of  
8 violation of s. 590.125.~~Whoever willfully or intentionally~~  
9 ~~violates any of the provisions of this chapter commits a~~  
10 ~~felony of the third degree, punishable as provided in s.~~  
11 ~~775.082, s. 775.083, or s. 775.084.~~

12           (2) If a division employee determines that a person  
13 has violated chapter 589 or chapter 590, he or she may issue a  
14 notice of violation indicating the statute violated. This  
15 notice will be filed with the division and a copy forwarded to  
16 the appropriate law enforcement entity for further action if  
17 necessary.

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

21           (3)~~(a)~~ In addition to any ~~all~~ other penalties provided  
22 by law, any person who causes a wildfire ~~an unauthorized~~  
23 ~~forest, grass, woods, wild lands, marsh, leaf, or~~  
24 ~~vegetative-land-clearing debris fire,~~ or permits any  
25 authorized fire to escape the boundaries of the authorization  
26 or to burn past the time of the authorization, is liable for  
27 the payment of all reasonable costs and expenses incurred in  
28 suppressing the fire or \$150, whichever is greater. All costs  
29 and expenses incurred by the division shall be payable to the  
30 division ~~of Forestry~~. When such costs and expenses are not  
31 paid within 30 days ~~a reasonable time~~ after demand, it shall

1 ~~be the duty of~~ the division may ~~to~~ take proper legal  
2 proceedings for the collection of the costs and expenses.  
3 Those costs incurred by an agency acting at the division's  
4 direction are recoverable by that agency.

5 ~~(b) The liability for the costs of suppression shall~~  
6 ~~obtain whether or not there is a criminal prosecution, and the~~  
7 ~~liability shall extend to the person, firm, or corporation~~  
8 ~~causing, directing, or permitting the activity as well as to~~  
9 ~~the actual violator.~~

10 (4) The department may also impose an administrative  
11 fine, not to exceed \$1,000 per violation of any section of  
12 chapter 589 or chapter 590. The fine shall be based upon the  
13 degree of damage and prior violation record of the person. The  
14 fines shall be deposited in the Incidental Trust Fund of the  
15 division.

16 (5) The penalties provided in this section shall  
17 extend to both the actual violator and the person or persons,  
18 firm, or corporation causing, directing, or permitting the  
19 violation.

20 Section 12. Section 590.16, Florida Statutes, is  
21 amended to read:

22 590.16 Rewards.--The division, in its discretion, may  
23 offer and pay rewards for information leading to the arrest  
24 and conviction of any person who violates ~~violating~~ any  
25 provision of the provisions of this chapter.

26 Section 13. Section 590.25, Florida Statutes, is  
27 amended to read:

28 590.25 Penalty for preventing or obstructing  
29 extinguishment of wildfires ~~woods fires~~.--Whoever shall  
30 interfere with, obstruct or commit any act aimed to obstruct  
31 the extinguishment of wildfires ~~forest fires~~ by the employees

1 of the division ~~of Forestry~~ or any other person engaged in the  
2 extinguishment of a wildfire ~~woods fire~~, or who damages  
3 ~~injures~~ or destroys any equipment being used for such purpose,  
4 shall be guilty of a felony of the third degree, punishable as  
5 provided in s. 775.082, s. 775.083, or s. 775.084.

6 Section 14. Section 590.27, Florida Statutes, is  
7 amended to read:

8 590.27 Penalty for mutilating or destroying ~~state~~  
9 forestry or fire control signs and posters.--Whoever  
10 intentionally breaks down, mutilates, removes, or destroys any  
11 fire control or forestry sign or poster commits of the  
12 ~~division of Forestry erected in the administration of its~~  
13 ~~lawful duties and authorities shall be guilty of~~ a misdemeanor  
14 of the second degree, punishable as provided in s. 775.082 or  
15 s. 775.083.

16 Section 15. Section 590.28, Florida Statutes, is  
17 amended to read:

18 590.28 ~~Willful, malicious, or Intentional~~ or careless  
19 burning of lands.--

20 (1) Whoever ~~willfully, maliciously, or intentionally~~  
21 burns, sets fire to, or causes to be burned or causes any fire  
22 to be set to, any wild land or vegetative land clearing debris  
23 ~~forest, grass, or woodlands~~ not owned by, or in the lawful  
24 possession of, the person setting such fire or burning such  
25 lands or causing such fire to be set or lands to be burned  
26 without complying with s. 590.125, commits shall, upon  
27 ~~conviction thereof, be deemed guilty of a felony of the third~~  
28 degree, punishable as provided in s. 775.082, s. 775.083, or  
29 s. 775.084 and punished as provided in s. 590.30.

30 (2) Whoever carelessly burns, sets fire to, or causes  
31 to be burned any wild lands not owned by, or in the lawful

1 possession of, the person setting the fire or burning the  
2 lands or causing the fire to be set or lands to be burned,  
3 commits a misdemeanor of the second degree, punishable as  
4 provided in s. 775.082 or s. 775.083.~~The terms "willful,"~~  
5 ~~"malicious," and "intentional" as used in this section mean~~  
6 ~~not merely gross negligence or disregard for the rights of~~  
7 ~~others and not merely general criminal intent, but a specific~~  
8 ~~intent to damage or destroy public property or the property of~~  
9 ~~another, such intent being engendered by malice or spite or by~~  
10 ~~the hope of material gain or employment to be derived either~~  
11 ~~directly or indirectly.~~

12 Section 16. Section 590.29, Florida Statutes, is  
13 amended to read:

14 590.29 Illegal possession of incendiary device.--

15 (1) It is unlawful for a person other than a certified  
16 fire or law enforcement instructor to have ~~whoever, being~~  
17 ~~outside the corporate limits of any municipality, has in his~~  
18 ~~or her possession any incendiary device as defined by~~  
19 ~~subsection (3) with the intent to use such device for the~~  
20 ~~purpose of burning or setting fire to any wild land forest,~~  
21 ~~grass, or woodland, if such person is not the owner of, nor,~~  
22 ~~as under a lease, in lawful possession of, the wild land~~  
23 ~~forest, grass, or woodland, shall, upon conviction thereof, be~~  
24 ~~deemed guilty of a felony and punished as provided in s.~~  
25 ~~590.30.~~

26 (2) The possession of any incendiary device as defined  
27 by subsection (3) is prima facie evidence of the intent of the  
28 person possessing such device to use such device for the  
29 purpose of burning or setting fire to wild land forest, grass,  
30 ~~or woodland~~ if such person is not the owner of the wild land,  
31

1 ~~nor, as under a lease, in lawful possession of, the forest,~~  
2 ~~grass, or woodland.~~

3           (3) The term "incendiary device" as used in this  
4 section is included but not limited to any "slow match" which  
5 is any device contrived to accomplish the delayed ignition of  
6 a match or matches or other inflammable material by the use of  
7 a cigarette, rope, or candle to which such match or matches  
8 are attached, or a magnifying glass so focused as to intensify  
9 heat on inflammable material and thus cause a fire to start at  
10 a subsequent time, and any chemicals or chemically treated  
11 paper or material, or other combustible material so arranged  
12 or designed as to make possible its use as a delayed firing  
13 device.

14           (4) Anyone who violates this section commits a felony  
15 of the third degree, punishable as provided in s. 775.082, s.  
16 775.083, or s. 775.084.

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

19           590.33 State compact administrator; compact advisory  
20 committee.--In pursuance of art. III of the compact, the  
21 director of the division ~~of Forestry~~ shall act as compact  
22 administrator for Florida of the Southeastern Interstate  
23 Forest Fire Protection Compact during his or her term of  
24 office as director, and his or her successor as compact  
25 administrator shall be his or her successor as director of the  
26 division ~~of Forestry~~. As compact administrator he or she  
27 shall be an ex officio member of the advisory committee of the  
28 Southeastern Interstate Forest Fire Protection Compact, and  
29 chair ex officio of the Florida members of the advisory  
30 committee. There shall be four members of the Southeastern  
31 Interstate Forest Fire Protection Compact Advisory Committee

1 from Florida. Two of the members from Florida shall be  
2 members of the Legislature of Florida, one from the Senate and  
3 one from the House of Representatives, designated by the  
4 Florida Commission on Interstate Cooperation, and the terms of  
5 any such members shall terminate at the time they cease to  
6 hold legislative office, and their successors as members shall  
7 be named in like manner. The Governor shall appoint the other  
8 two members from Florida, one of whom shall be associated with  
9 forestry or forest products industries. The terms of such  
10 members shall be 3 years and such members shall hold office  
11 until their respective successors shall be appointed and  
12 qualified. Vacancies occurring in the office of such members  
13 from any reason or cause shall be filled by appointment by the  
14 Governor for the unexpired term. The director of the division  
15 ~~of Forestry~~ as compact administrator for Florida may delegate,  
16 from time to time, to any deputy or other subordinate in his  
17 or her department or office, the power to be present and  
18 participate, including voting as his or her representative or  
19 substitute at any meeting of or hearing by or other proceeding  
20 of the compact administrators or of the advisory committee.  
21 The terms of each of the initial four memberships, whether  
22 appointed at said time or not, shall begin upon the date upon  
23 which the compact shall become effective in accordance with  
24 art. II of said compact. Any member of the advisory committee  
25 may be removed from office by the Governor upon charges and  
26 after a hearing.

27 Section 18. Section 590.34, Florida Statutes, is  
28 amended to read:

29 590.34 State compact administrator and compact  
30 advisory committee members; powers; aid from other state  
31 agencies.--There is hereby granted to the director of the



1 division of ~~Forestry~~, as compact administrator and chair ex  
2 officio of the Florida members of the advisory committee, and  
3 to the members from Florida of the advisory committee all the  
4 powers provided for in the compact and all the powers  
5 necessary or incidental to the carrying out of the compact in  
6 every particular. All officers of Florida are hereby  
7 authorized and directed to do all things falling within their  
8 respective provinces and jurisdiction necessary or incidental  
9 to the carrying out of the compact in every particular; it  
10 being hereby declared to be the policy of the state to perform  
11 and carry out the said compact and to accomplish the purposes  
12 thereof. All officers, bureaus, departments, and persons of  
13 and in the state government or administration of the state are  
14 hereby authorized and directed at convenient times and upon  
15 request of the compact administrator or of the advisory  
16 committee to furnish information data relating to the purposes  
17 of the compact possessed by them or any of them to the compact  
18 administrator of the advisory committee. They are further  
19 authorized to aid the compact administrator or the advisory  
20 committee by loan of personnel, equipment, or other means in  
21 carrying out the purposes of the compact.

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

24 590.42 Federally funded fire protection assistance  
25 programs.--

26 (2) With respect to the formulation of projects  
27 relating to fire protection of livestock, wildlife, crops,  
28 pastures, orchards, rangeland, woodland, farmsteads, or other  
29 improvements, and other values in rural areas, for which such  
30 federal matching funds are available, any participating county  
31 or fire department may contribute to the nonfederal matching

1 share and may also contribute such other nonfederal  
2 cooperation as may be deemed necessary by the division of  
3 ~~Forestry.~~

4 Section 20. Paragraph (b) of subsection (11) of  
5 section 259.032, Florida Statutes, 1998 Supplement, is amended  
6 to read:

7 259.032 Conservation and Recreation Lands Trust Fund;  
8 purpose.--

9 (11)

10 (b) An amount up to 1.5 percent of the cumulative  
11 total of funds ever deposited into the Florida Preservation  
12 2000 Trust Fund shall be made available for the purposes of  
13 management, maintenance, and capital improvements, and for  
14 associated contractual services, for lands acquired pursuant  
15 to this section and s. 259.101 to which title is vested in the  
16 board of trustees and other conservation and recreation lands  
17 managed by a state agency. Each agency with management  
18 responsibilities shall annually request from the Legislature  
19 funds sufficient to fulfill such responsibilities. Capital  
20 improvements shall include, but need not be limited to,  
21 perimeter fencing, signs, firelanes, access roads and trails,  
22 and minimal public accommodations, such as primitive  
23 campsites, garbage receptacles, and toilets. Any equipment  
24 purchased with funds provided pursuant to this paragraph may  
25 be used for the purposes described in this paragraph on any  
26 conservation and recreation lands managed by a state agency.

27 Section 21. Paragraph (b) of subsection (4) of section  
28 372.57, Florida Statutes, 1998 Supplement, is amended to read:

29 372.57 Licenses and permits; exemptions; fees.--No  
30 person, except as provided herein, shall take game, freshwater  
31 fish, or fur-bearing animals within this state without having

1 first obtained a license, permit, or authorization and paid  
2 the fees hereinafter set forth, unless such license is issued  
3 without fee as provided in s. 372.561. Such license, permit,  
4 or authorization shall authorize the person to whom it is  
5 issued to take game, freshwater fish, or fur-bearing animals  
6 in accordance with law and commission rules. Such license,  
7 permit, or authorization is not transferable. Each license or  
8 permit must bear on its face in indelible ink the name of the  
9 person to whom it is issued and other information requested by  
10 the commission. Such license, permit, or authorization issued  
11 by the commission or any agent must be in the personal  
12 possession of the person to whom issued while taking game,  
13 freshwater fish, or fur-bearing animals. The failure of such  
14 person to exhibit such license, permit, or authorization to  
15 the commission or its wildlife officers, when such person is  
16 found taking game, freshwater fish, or fur-bearing animals, is  
17 a violation of law. A positive form of identification is  
18 required when using an authorization, a lifetime license, a  
19 5-year license, or when otherwise required by the license or  
20 permit. The lifetime licenses and 5-year licenses provided  
21 herein shall be embossed with the name, date of birth, the  
22 date of issuance, and other pertinent information as deemed  
23 necessary by the commission. A certified copy of the  
24 applicant's birth certificate shall accompany all applications  
25 for a lifetime license for residents 12 years of age and  
26 younger. Each applicant for a license, permit, or  
27 authorization shall provide the applicant's social security  
28 number on the application form. Disclosure of social security  
29 numbers obtained through this requirement shall be limited to  
30 the purpose of administration of the Title IV-D child support  
31

1 enforcement program and use by the commission, and as  
2 otherwise provided by law.

3 (4) In addition to any license required by this  
4 chapter, the following permits and fees for certain hunting,  
5 fishing, and recreational uses, and the activities authorized  
6 thereby, are:

7 (b)1. Management area permits to hunt, fish, or  
8 otherwise use for outdoor recreational purposes, land owned,  
9 leased, or managed by the commission or the State of Florida  
10 for the use and benefit of the commission, up to \$25 annually.  
11 Permits, and fees thereof, for short-term use of land which is  
12 owned, leased, or managed by the commission may be established  
13 by rule of the commission for any activity on such lands.  
14 Such permits and fees may be in lieu of or in addition to the  
15 annual management area permit. Other than for hunting or  
16 fishing, the provisions of this paragraph shall not apply on  
17 any lands not owned by the commission, unless the commission  
18 shall have obtained the written consent of the owner or  
19 primary custodian of such lands.

20 2. A recreational user permit fee to hunt, fish, or  
21 otherwise use for outdoor recreational purposes, land leased  
22 by the commission from private nongovernmental owners, except  
23 for those lands located directly north of the Apalachicola  
24 National Forest, east of the Ochlockonee River until the point  
25 the river meets the dam forming Lake Talquin, and south of the  
26 closest federal highway. The fee for this permit shall be  
27 based upon economic compensation desired by the landowner,  
28 game population levels, desired hunter density, and  
29 administrative costs. The permit fee shall be set by  
30 commission rule on a per-acre basis. On property currently in  
31 the private landowner payment program, the prior year's

1 landowner payment shall be used to augment the recreational  
2 user permit ~~landowner lease~~ fee so as to decrease the permit  
3 fee for the users of that property. One minor dependent child,  
4 16 years old or under, per permittee may hunt under the  
5 supervision of the permittee and is exempt from the permit  
6 fee.The spouse and dependent children of a permittee are  
7 exempt from the permit fee when engaged in outdoor  
8 recreational activities other than hunting in the company of  
9 the permittee. Notwithstanding any other provision of this  
10 chapter, there are no other exclusions, exceptions, or  
11 exemptions from this permit fee. The recreational user permit  
12 ~~landowner lease~~ fee, less an administrative permit fee of up  
13 to \$25 per permit, shall be remitted to the landowner as  
14 provided in the lease agreement for each area.

15 Section 22. Sections 590.025, 590.026, 590.03, 590.04,  
16 590.05, 590.06, 590.07, 590.08, 590.09, 590.12, 590.30,  
17 Florida Statutes, are repealed.

18 Section 23. There is hereby appropriated \$140,000 from  
19 the General Revenue Fund in fiscal year 1999-2000 to the  
20 Department of Agriculture and Consumer Services to implement  
21 provisions of this bill.

22 Section 24. Notwithstanding any other law, regulation,  
23 or local ordinance to the contrary, the owners of any  
24 nonconforming buildings, houses, businesses, or other  
25 appurtenances to real property which were damaged or destroyed  
26 during the wildfires that occurred during June and July of  
27 1998, may elect to repair or rebuild such nonconforming  
28 structures in like-kind.

29 Section 25. This act shall take effect upon becoming a  
30 law.

31