

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.

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

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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) It is unlawful for any person, except the owner or
28 his or her agents, or persons with express permission of the
29 landowner, or other persons regularly engaged in harvesting,
30 processing, or moving forest or farm products, to enter or
31 travel in any public or private wild land within the area

1 described by proclamation, except on public roads or highways
2 or on well-defined private roads.

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

7 Section 6. Section 590.091, Florida Statutes, is
8 amended to read:

9 590.091 Designation of railroad rights-of-way as
10 wildfire fire hazard areas.--

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

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

25 Section 7. Section 590.10, Florida Statutes, is
26 amended to read:

27 590.10 Disposing of lighted substances ~~cigars~~, etc.--

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

3 (2) Anyone who violates this section commits a
4 misdemeanor of the first degree, punishable as provided in s.
5 775.082 or s. 775.083.

6 Section 8. Section 590.11, Florida Statutes, is
7 amended to read:

8 590.11 Recreational fires ~~Campfires~~.--It is unlawful
9 for any individual or group of individuals to build a warming
10 fire, bonfire, fire or campfire and leave it ~~same~~ unattended
11 or unextinguished.

12 Section 9. Section 590.125, Florida Statutes, is
13 created to read:

14 590.125 Open burning authorized by the division.--

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

16 (a) "Prescribed burning" means the controlled
17 application of fire in accordance with a written prescription
18 for vegetative fuels under specified environmental conditions
19 while following appropriate precautionary measures that ensure
20 that the fire is confined to a predetermined area to
21 accomplish the planned fire or land-management objectives.

22 (b) "Certified prescribed burn manager" means an
23 individual who successfully completes the certification
24 program of the division and possesses a valid certification
25 number.

26 (c) "Prescription" means a written plan establishing
27 the criteria necessary for starting, controlling, and
28 extinguishing a prescribed burn.

29 (d) "Extinguished" means that no spreading flame for
30 wild land burning or certified prescribed burning, and no
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1 visible flame, smoke, or emissions for vegetative
2 land-clearing debris burning, exist.

3 (2) NONCERTIFIED BURNING.--

4 (a) Persons may be authorized to burn wild land or
5 vegetative land-clearing debris in accordance with this
6 subsection if:

7 1. There is specific consent of the landowner or his
8 or her designee;

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

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

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

16 5. Someone is present at the burn site until the fire
17 is extinguished;

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

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

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

25 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS
26 AND PURPOSE.--

27 (a) The application of prescribed burning is a land
28 management tool that benefits the safety of the public, the
29 environment, and the economy of the state. The Legislature
30 finds that:

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

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

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

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

26 5. A public education program is necessary to make
27 citizens and visitors aware of the public safety, resource,
28 and economic benefits of prescribed burning.

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

1 7. As Florida's population continues to grow,
2 pressures from liability issues and nuisance complaints
3 inhibit the use of prescribed burning. Therefore, the division
4 is urged to maximize the opportunities for prescribed burning
5 conducted during its daytime and nighttime authorization
6 process.

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

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

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

14 3. Requires that the specific consent of the landowner
15 or his or her designee be obtained before requesting an
16 authorization.

17 4. Requires that an authorization to burn be obtained
18 from the division before igniting the burn.

19 5. Requires that there be adequate firebreaks at the
20 burn site and sufficient personnel and firefighting equipment
21 for the control of the fire.

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

25 7. Is considered to be a property right of the
26 property owner if vegetative fuels are burned as required in
27 this subsection.

28 (c) A property owner or his or her agent is neither
29 liable for damage or injury caused by the fire or resulting
30 smoke nor considered to be in violation of subsection (2) for
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1 burns conducted in accordance with this subsection unless
2 gross negligence is proven.

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

6 (e) The division shall adopt rules for the use of
7 prescribed burning and for certifying and decertifying
8 certified prescribed burn managers based on their past
9 experience, training, and record of compliance with this
10 section.

11 (4) WILDFIRE HAZARD REDUCTION BURNING BY THE
12 DIVISION.--The division may prescribe burn any area of wild
13 land within the state which is reasonably determined to be in
14 danger of wildfire in accordance with the following
15 procedures:

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

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

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

29 (d) Consider any landowner objections to the
30 prescribed burning of his or her property. The landowner may
31 apply to the director of the division for a review of

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

11 (5) DUTIES OF AGENCIES.--The Department of Education
12 shall incorporate, where feasible and appropriate, the issues
13 of prescribed burning into its educational materials.

14 Section 10. Section 590.13, Florida Statutes, is
15 amended to read:

16 590.13 Civil liability.--Any person violating any of
17 the provisions of this chapter shall be liable for all damages
18 caused by such violation, which damages shall be recoverable
19 in any court of competent jurisdiction. The civil liability
20 attaches ~~shall obtain~~ whether or not there is ~~be~~ criminal
21 prosecution and conviction ~~or not~~.

22 Section 11. Section 590.14, Florida Statutes, is
23 amended to read:

24 590.14 Warning citation; notice of violation;
25 penalties.--

26 (1) If unpredicted atmospheric conditions occur which
27 cause an authorized fire to escape from the boundaries of the
28 authorized area, if the fire does not leave the land owned or
29 controlled by the authorization holder, and if no damage has
30 occurred, the division may issue a warning citation of
31 violation of s. 590.125.~~Whoever willfully or intentionally~~

1 ~~violates any of the provisions of this chapter commits a~~
2 ~~felony of the third degree, punishable as provided in s.~~
3 ~~775.082, s. 775.083, or s. 775.084.~~

4 (2) If a division employee determines that a person
5 has violated chapter 589 or chapter 590, he or she may issue a
6 notice of violation indicating the statute violated. This
7 notice will be filed with the division and a copy forwarded to
8 the appropriate law enforcement entity for further action if
9 necessary.

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

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

28 ~~(b) The liability for the costs of suppression shall~~
29 ~~obtain whether or not there is a criminal prosecution, and the~~
30 ~~liability shall extend to the person, firm, or corporation~~
31

1 ~~causing, directing, or permitting the activity as well as to~~
2 ~~the actual violator.~~

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

9 (5) The penalties provided in this section shall
10 extend to both the actual violator and the person or persons,
11 firm, or corporation causing, directing, or permitting the
12 violation.

13 Section 12. Section 590.16, Florida Statutes, is
14 amended to read:

15 590.16 Rewards.--The division, in its discretion, may
16 offer and pay rewards for information leading to the arrest
17 and conviction of any person who violates ~~violating~~ any
18 provision of the provisions of this chapter.

19 Section 13. Section 590.25, Florida Statutes, is
20 amended to read:

21 590.25 Penalty for preventing or obstructing
22 extinguishment of wildfires ~~woods fires~~.--Whoever shall
23 interfere with, obstruct or commit any act aimed to obstruct
24 the extinguishment of wildfires ~~forest fires~~ by the employees
25 of the division ~~of Forestry~~ or any other person engaged in the
26 extinguishment of a wildfire ~~woods fire~~, or who damages
27 ~~injures~~ or destroys any equipment being used for such purpose,
28 shall be guilty of a felony of the third degree, punishable as
29 provided in s. 775.082, s. 775.083, or s. 775.084.

30 Section 14. Section 590.27, Florida Statutes, is
31 amended to read:

1 590.27 Penalty for mutilating or destroying ~~state~~
2 forestry or fire control signs and posters.--Whoever
3 intentionally breaks down, mutilates, removes, or destroys any
4 fire control or forestry sign or poster commits ~~of the~~
5 ~~division of Forestry erected in the administration of its~~
6 ~~lawful duties and authorities shall be guilty of~~ a misdemeanor
7 of the second degree, punishable as provided in s. 775.082 or
8 s. 775.083.

9 Section 15. Section 590.28, Florida Statutes, is
10 amended to read:

11 590.28 ~~Willful, malicious, or Intentional~~ or careless
12 burning of lands.--

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

23 (2) Whoever carelessly burns, sets fire to, or causes
24 to be burned any wild lands not owned by, or in the lawful
25 possession of, the person setting the fire or burning the
26 lands or causing the fire to be set or lands to be burned,
27 commits a misdemeanor of the second degree, punishable as
28 provided in s. 775.082 or s. 775.083.~~The terms "willful,"~~
29 ~~"malicious," and "intentional" as used in this section mean~~
30 ~~not merely gross negligence or disregard for the rights of~~
31 ~~others and not merely general criminal intent, but a specific~~

1 ~~intent to damage or destroy public property or the property of~~
2 ~~another, such intent being engendered by malice or spite or by~~
3 ~~the hope of material gain or employment to be derived either~~
4 ~~directly or indirectly.~~

5 Section 16. Section 590.29, Florida Statutes, is
6 amended to read:

7 590.29 Illegal possession of incendiary device.--

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

19 (2) The possession of any incendiary device as defined
20 by subsection (3) is prima facie evidence of the intent of the
21 person possessing such device to use such device for the
22 purpose of burning or setting fire to wild land forest, grass,
23 ~~or woodland~~ if such person is not the owner of the wild land,
24 ~~nor, as under a lease, in lawful possession of, the forest,~~
25 ~~grass, or woodland.~~

26 (3) The term "incendiary device" as used in this
27 section is included but not limited to any "slow match" which
28 is any device contrived to accomplish the delayed ignition of
29 a match or matches or other inflammable material by the use of
30 a cigarette, rope, or candle to which such match or matches
31 are attached, or a magnifying glass so focused as to intensify

1 heat on inflammable material and thus cause a fire to start at
2 a subsequent time, and any chemicals or chemically treated
3 paper or material, or other combustible material so arranged
4 or designed as to make possible its use as a delayed firing
5 device.

6 (4) Anyone who violates this section commits a felony
7 of the third degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084.

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

11 590.33 State compact administrator; compact advisory
12 committee.--In pursuance of art. III of the compact, the
13 director of the division of ~~Forestry~~ shall act as compact
14 administrator for Florida of the Southeastern Interstate
15 Forest Fire Protection Compact during his or her term of
16 office as director, and his or her successor as compact
17 administrator shall be his or her successor as director of the
18 division of ~~Forestry~~. As compact administrator he or she
19 shall be an ex officio member of the advisory committee of the
20 Southeastern Interstate Forest Fire Protection Compact, and
21 chair ex officio of the Florida members of the advisory
22 committee. There shall be four members of the Southeastern
23 Interstate Forest Fire Protection Compact Advisory Committee
24 from Florida. Two of the members from Florida shall be
25 members of the Legislature of Florida, one from the Senate and
26 one from the House of Representatives, designated by the
27 Florida Commission on Interstate Cooperation, and the terms of
28 any such members shall terminate at the time they cease to
29 hold legislative office, and their successors as members shall
30 be named in like manner. The Governor shall appoint the other
31 two members from Florida, one of whom shall be associated with

1 forestry or forest products industries. The terms of such
 2 members shall be 3 years and such members shall hold office
 3 until their respective successors shall be appointed and
 4 qualified. Vacancies occurring in the office of such members
 5 from any reason or cause shall be filled by appointment by the
 6 Governor for the unexpired term. The director of the division
 7 ~~of Forestry~~ as compact administrator for Florida may delegate,
 8 from time to time, to any deputy or other subordinate in his
 9 or her department or office, the power to be present and
 10 participate, including voting as his or her representative or
 11 substitute at any meeting of or hearing by or other proceeding
 12 of the compact administrators or of the advisory committee.
 13 The terms of each of the initial four memberships, whether
 14 appointed at said time or not, shall begin upon the date upon
 15 which the compact shall become effective in accordance with
 16 art. II of said compact. Any member of the advisory committee
 17 may be removed from office by the Governor upon charges and
 18 after a hearing.

19 Section 18. Section 590.34, Florida Statutes, is
 20 amended to read:

21 590.34 State compact administrator and compact
 22 advisory committee members; powers; aid from other state
 23 agencies.--There is hereby granted to the director of the
 24 division ~~of Forestry~~, as compact administrator and chair ex
 25 officio of the Florida members of the advisory committee, and
 26 to the members from Florida of the advisory committee all the
 27 powers provided for in the compact and all the powers
 28 necessary or incidental to the carrying out of the compact in
 29 every particular. All officers of Florida are hereby
 30 authorized and directed to do all things falling within their
 31 respective provinces and jurisdiction necessary or incidental

1 to the carrying out of the compact in every particular; it
2 being hereby declared to be the policy of the state to perform
3 and carry out the said compact and to accomplish the purposes
4 thereof. All officers, bureaus, departments, and persons of
5 and in the state government or administration of the state are
6 hereby authorized and directed at convenient times and upon
7 request of the compact administrator or of the advisory
8 committee to furnish information data relating to the purposes
9 of the compact possessed by them or any of them to the compact
10 administrator of the advisory committee. They are further
11 authorized to aid the compact administrator or the advisory
12 committee by loan of personnel, equipment, or other means in
13 carrying out the purposes of the compact.

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

16 590.42 Federally funded fire protection assistance
17 programs.--

18 (2) With respect to the formulation of projects
19 relating to fire protection of livestock, wildlife, crops,
20 pastures, orchards, rangeland, woodland, farmsteads, or other
21 improvements, and other values in rural areas, for which such
22 federal matching funds are available, any participating county
23 or fire department may contribute to the nonfederal matching
24 share and may also contribute such other nonfederal
25 cooperation as may be deemed necessary by the division ~~of~~
26 Forestry.

27 Section 20. Paragraph (b) of subsection (11) of
28 section 259.032, Florida Statutes, 1998 Supplement, is amended
29 to read:

30 259.032 Conservation and Recreation Lands Trust Fund;
31 purpose.--

1 (11)

2 (b) An amount up to 1.5 percent of the cumulative
 3 total of funds ever deposited into the Florida Preservation
 4 2000 Trust Fund shall be made available for the purposes of
 5 management, maintenance, and capital improvements, and for
 6 associated contractual services, for lands acquired pursuant
 7 to this section and s. 259.101 to which title is vested in the
 8 board of trustees and other conservation and recreation lands
 9 managed by a state agency. Each agency with management
 10 responsibilities shall annually request from the Legislature
 11 funds sufficient to fulfill such responsibilities. Capital
 12 improvements shall include, but need not be limited to,
 13 perimeter fencing, signs, firelanes, access roads and trails,
 14 and minimal public accommodations, such as primitive
 15 campsites, garbage receptacles, and toilets. Any equipment
 16 purchased with funds provided pursuant to this paragraph may
 17 be used for the purposes described in this paragraph on any
 18 conservation and recreation lands managed by a state agency.

19 Section 21. Paragraph (b) of subsection (4) of section
 20 372.57, Florida Statutes, 1998 Supplement, is amended to read:

21 372.57 Licenses and permits; exemptions; fees.--No
 22 person, except as provided herein, shall take game, freshwater
 23 fish, or fur-bearing animals within this state without having
 24 first obtained a license, permit, or authorization and paid
 25 the fees hereinafter set forth, unless such license is issued
 26 without fee as provided in s. 372.561. Such license, permit,
 27 or authorization shall authorize the person to whom it is
 28 issued to take game, freshwater fish, or fur-bearing animals
 29 in accordance with law and commission rules. Such license,
 30 permit, or authorization is not transferable. Each license or
 31 permit must bear on its face in indelible ink the name of the

1 person to whom it is issued and other information requested by
2 the commission. Such license, permit, or authorization issued
3 by the commission or any agent must be in the personal
4 possession of the person to whom issued while taking game,
5 freshwater fish, or fur-bearing animals. The failure of such
6 person to exhibit such license, permit, or authorization to
7 the commission or its wildlife officers, when such person is
8 found taking game, freshwater fish, or fur-bearing animals, is
9 a violation of law. A positive form of identification is
10 required when using an authorization, a lifetime license, a
11 5-year license, or when otherwise required by the license or
12 permit. The lifetime licenses and 5-year licenses provided
13 herein shall be embossed with the name, date of birth, the
14 date of issuance, and other pertinent information as deemed
15 necessary by the commission. A certified copy of the
16 applicant's birth certificate shall accompany all applications
17 for a lifetime license for residents 12 years of age and
18 younger. Each applicant for a license, permit, or
19 authorization shall provide the applicant's social security
20 number on the application form. Disclosure of social security
21 numbers obtained through this requirement shall be limited to
22 the purpose of administration of the Title IV-D child support
23 enforcement program and use by the commission, and as
24 otherwise provided by law.

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

29 (b)1. Management area permits to hunt, fish, or
30 otherwise use for outdoor recreational purposes, land owned,
31 leased, or managed by the commission or the State of Florida

1 for the use and benefit of the commission, up to \$25 annually.
2 Permits, and fees thereof, for short-term use of land which is
3 owned, leased, or managed by the commission may be established
4 by rule of the commission for any activity on such lands.
5 Such permits and fees may be in lieu of or in addition to the
6 annual management area permit. Other than for hunting or
7 fishing, the provisions of this paragraph shall not apply on
8 any lands not owned by the commission, unless the commission
9 shall have obtained the written consent of the owner or
10 primary custodian of such lands.

11 2. A recreational user permit fee to hunt, fish, or
12 otherwise use for outdoor recreational purposes, land leased
13 by the commission from private nongovernmental owners, except
14 for those lands located directly north of the Apalachicola
15 National Forest, east of the Ochlockonee River until the point
16 the river meets the dam forming Lake Talquin, and south of the
17 closest federal highway. The fee for this permit shall be
18 based upon economic compensation desired by the landowner,
19 game population levels, desired hunter density, and
20 administrative costs. The permit fee shall be set by
21 commission rule on a per-acre basis. On property currently in
22 the private landowner payment program, the prior year's
23 landowner payment shall be used to augment the recreational
24 user permit ~~landowner lease~~ fee so as to decrease the permit
25 fee for the users of that property. One minor dependent child,
26 16 years old or under, per permittee may hunt under the
27 supervision of the permittee and is exempt from the permit
28 fee. The spouse and dependent children of a permittee are
29 exempt from the permit fee when engaged in outdoor
30 recreational activities other than hunting in the company of
31 the permittee. Notwithstanding any other provision of this

1 chapter, there are no other exclusions, exceptions, or
2 exemptions from this permit fee. The recreational user permit
3 ~~landowner lease~~ fee, less an administrative permit fee of up
4 to \$25 per permit, shall be remitted to the landowner as
5 provided in the lease agreement for each area.

6 Section 22. Sections 590.025, 590.026, 590.03, 590.04,
7 590.05, 590.06, 590.07, 590.08, 590.09, 590.12, 590.30,
8 Florida Statutes, are repealed.

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

13 Section 24. Notwithstanding any other law, regulation,
14 or local ordinance to the contrary, the owners of any
15 nonconforming buildings, houses, businesses, or other
16 appurtenances to real property which were damaged or destroyed
17 during the wildfires that occurred during June and July of
18 1998, may elect to repair or rebuild such nonconforming
19 structures in like-kind, unless prohibited by Federal law or
20 regulation.

21 Section 25. This act shall take effect upon becoming a
22 law.