

By the Committee on Agriculture and Consumer Services

303-435D-99

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 the Florida  
13          Center for Wildfire and Forest Resource  
14          Management Training; providing for fees for the  
15          operation of the center; creating an advisory  
16          committee; amending s. 590.081, F.S.;  
17          prohibiting burning in severe drought  
18          conditions without permission; amending s.  
19          590.082, F.S.; providing a penalty for certain  
20          travel through hazardous areas; amending s.  
21          590.091, F.S.; providing for designation of  
22          railroad rights-of-way in wildfire areas;  
23          amending s. 590.10, F.S.; providing a penalty  
24          for the disposal of lighted substances;  
25          amending s. 590.11, F.S.; providing  
26          restrictions on recreation fires; creating s.  
27          590.125, F.S.; providing conditions for  
28          noncertified burning and certified prescribed  
29          burning; amending s. 590.13, F.S.; providing  
30          for civil liability; amending s. 590.14, F.S.;  
31          authorizing the division to issue warning

1 citations; providing for a notice of violation;  
2 providing for the recovery of other agency  
3 costs; amending s. 590.16, F.S.; providing for  
4 discretionary rewards; amending s. 590.25,  
5 F.S.; providing a penalty for obstructing the  
6 extinguishing of wildfires; amending s. 590.27,  
7 F. S.; correcting an organizational reference;  
8 amending s. 590.28, F.S.; providing penalties  
9 for the careless or intentional burning of wild  
10 lands; amending s. 590.29, F.S.; providing a  
11 penalty for the illegal possession of  
12 incendiary devices; amending ss. 590.33,  
13 590.34, 590.42, F.S.; correcting organizational  
14 references; repealing s. 590.025, F.S., which  
15 provides for control burning; repealing s.  
16 590.026, F.S., which provides for prescribed  
17 burning; repealing s. 590.03, F.S., which  
18 provides for fire wardens; repealing s. 590.04,  
19 F.S., which provides for the organization of  
20 districts; repealing s. 590.05, F.S., which  
21 provides for road crews to extinguish fires;  
22 repealing s. 590.06, F.S., which provides for  
23 rules for road crews; repealing s. 590.07,  
24 F.S., which provides for a penalty; repealing  
25 s. 590.08, F.S., which provides for the  
26 unlawful burning of lands; repealing s. 590.09,  
27 F.S., which provides for setting fires on  
28 rights-of-way; repealing s. 590.12, F.S., which  
29 provides for unlawful burning; repealing s.  
30 590.30 F.S., which provides for penalties;  
31 providing an effective date.

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

2

3 Section 1. Section 590.01, Florida Statutes, is  
4 amended to read:

5 590.01 Wildfire protection ~~Protection of forests and~~  
6 ~~wild land.--The division of Forestry of the Department of~~  
7 ~~Agriculture and Consumer Services~~ has the primary  
8 responsibility for prevention, detection, and suppression of  
9 wildfires wherever they may occur ~~forest and wild land fire~~  
10 ~~protection~~. The division shall provide leadership and  
11 direction in the evaluation, coordination, allocation of  
12 resources, and monitoring of wildfire management and  
13 ~~protection, which reduces threats to life and property, forest~~  
14 ~~and wild land resources, and other related values at risk~~. The  
15 division shall promote natural resource management and ~~wild~~  
16 ~~land and forest~~ fuel reduction through the use of prescribed  
17 fire and other fuel-reduction measures. ~~The division may~~  
18 ~~designate and establish protection districts in areas declared~~  
19 ~~to need additional protection~~.

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

22 590.015 Definitions.--As used in this chapter, the  
23 term:

24 (1) "Division" means the Division of Forestry of the  
25 Department of Agriculture and Consumer Services.

26 (2) "Fire management services" means presuppression  
27 fireline plowing, contract prescribed burning, prescribed and  
28 wildfire management training, and other activities associated  
29 with prevention, detection, and suppression of wildfires.

30 (3) "Fuel reduction" means the application of  
31 techniques that reduce vegetative fuels, and may include

1 prescribed burning, manual and mechanical clearing, and the  
2 use of herbicides.

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

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

8 Section 3. Section 590.02, Florida Statutes, is  
9 amended to read:

10 590.02 Division powers, authority, and duties; ~~law~~  
11 ~~enforcement~~; ~~liability~~; building structures; Florida Center  
12 for Wildfire and Forest Resources Management Training.--

13 (1) The division has ~~of Forestry, in connection with~~  
14 ~~the enforcement of this chapter and other forest and forest~~  
15 ~~fire laws, shall have~~ the following powers, authority, and  
16 duties:

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

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

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

26 (d) To appoint center managers, forest area  
27 supervisors, forestry program administrators, a forest  
28 protection bureau chief, a forest protection assistant bureau  
29 chief, a field operations bureau chief, deputy chiefs of field  
30 operations, district managers, senior forest rangers  
31 ~~foresters, assistant district foresters, investigators, forest~~

1 rangers, firefighter rotorcraft pilots, and other employees  
2 who may, at the division's discretion, be certified as  
3 forestry firefighters pursuant to s. 633.35(4);

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

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

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

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

27 (2) Division employees ~~Forest rangers~~, and the  
28 firefighting crews under their control and direction, may  
29 enter upon any lands for the purpose of preventing and  
30 suppressing wildfires and investigating smoke complaints or  
31 open burning not in compliance with authorization ~~forest fires~~

1 and to enforce the provisions of this chapter ~~and other forest~~  
2 ~~fire and forest protection laws of this state.~~

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

17 (4) The department may build structures,  
18 notwithstanding chapters 216 and 255, not to exceed a cost of  
19 \$50,000 per structure from existing resources on forest lands,  
20 federal excess property, and unneeded existing structures.  
21 These structures must meet all applicable building codes.

22 (5) The division shall organize its operational units  
23 to most effectively prevent, detect, and suppress wildfires,  
24 and to that end, may employ the necessary personnel to manage  
25 its activities in each unit. The division may construct  
26 lookout towers, roads, bridges, firelines, and other  
27 facilities and may purchase or fabricate tools, supplies, and  
28 equipment for firefighting. The division may reimburse the  
29 public and private entities that it engages to assist in the  
30 suppression of wildfires.

31

1           (6) The division may organize, staff, equip, and  
2 operate the Florida Center for Wildfire and Forest Resources  
3 Management Training. The center shall serve as a site where  
4 fire and forest resource managers can obtain current  
5 knowledge, techniques, skills, and theory as they relate to  
6 their respective disciplines.

7           (a) The center may establish cooperative efforts  
8 involving federal, state, and local entities; hire appropriate  
9 personnel; and engage others by contract or agreement with or  
10 without compensation to assist in carrying out the training  
11 and operations of the center.

12           (b) The center will focus on curriculum related to,  
13 but not limited to, fuel reduction, an incident management  
14 system, prescribed burning certification, multiple-use land  
15 management, water quality, forest health, and environmental  
16 education.

17           (c) The center may assess appropriate fees for food,  
18 lodging, travel, course materials, and supplies in order to  
19 meet its operational costs and may grant free meals, room, and  
20 scholarships to persons and other entities in exchange for  
21 instructional assistance.

22           (d) An advisory committee consisting of the following  
23 individuals or their designees must review program curriculum,  
24 course content, and scheduling: the Director of the Florida  
25 Division of Forestry; the Assistant Director of the Florida  
26 Division of Forestry; the Director of the School of Forest  
27 Resources and Conservation of the University of Florida; the  
28 Director of the Division of Recreation and Parks of the  
29 Department of Environmental Protection; the Director of the  
30 Division of the State Fire Marshal; the Director of the  
31 Florida Chapter of The Nature Conservancy; the Executive Vice

1 President of the Florida Forestry Association; the Executive  
2 Director of the Florida Game and Fresh Water Fish Commission;  
3 the Executive Director of a Water Management District as  
4 appointed by the Commissioner of Agriculture; the Supervisor  
5 of the National Forests in Florida; the President of the  
6 Florida Fire Chief's Association; and the Executive Director  
7 of the Tall Timbers Research Station.

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

10 590.081 Severe ~~Emergency~~ drought conditions; burning  
11 prohibited.--

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

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



1           ~~(2)~~(3) Any declaration ~~proclamation promulgated~~ by the  
2 Commissioner of Agriculture ~~Governor~~ under authority of this  
3 section shall be effective immediately upon being filed ~~filing~~  
4 ~~same~~ with the Department of State and shall remain in full  
5 force and effect until, ~~when~~ conditions warrant a revocation.  
6 In order to end the declaration, the commissioner must file a  
7 revocation of the declaration with the Department of State, ~~an~~  
8 ~~order of revocation of proclamation is made by the Governor~~  
9 ~~and filed with the Department of State.~~

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

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

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

20           590.082 Extraordinary fire hazard; certain acts made  
21 unlawful; proclamations by the Governor.--

22           (1) When the Commissioner of Agriculture has declared  
23 a severe drought emergency to exist and described the general  
24 boundaries of the area affected as prescribed in s. 590.081  
25 and the drought emergency continues until the wild lands  
26 become so dry or parched as to create an extraordinary fire  
27 hazard, the commissioner will advise the Governor that because  
28 of prolonged severe drought conditions an extraordinary fire  
29 hazard that could endanger life or property exists on wild  
30 lands. ~~When the Governor has by proclamation declared a~~  
31 ~~drought emergency to exist and described the general~~

1 ~~boundaries of the area affected as prescribed in s. 590.081~~  
2 ~~and the drought emergency continues until the forest, grass,~~  
3 ~~woods, wild lands, fields, or marshes become so dry or parched~~  
4 ~~as to create an extraordinary fire hazard endangering life and~~  
5 ~~property, it shall be unlawful for any person, except the~~  
6 ~~owner or his or her agents or other persons regularly engaged~~  
7 ~~in harvesting, processing, or moving forest or farm products,~~  
8 ~~to enter or travel in any public or private forest lands,~~  
9 ~~grasslands, woods, fields, or marshes within the area~~  
10 ~~described by proclamation, except on public roads or highways~~  
11 ~~or on well-defined private roads. Further, it shall be~~  
12 ~~unlawful for any person to carry on any nonessential~~  
13 ~~activities during such periods in the area affected.~~

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

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

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

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

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

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

15           590.091 Designation of railroad rights-of-way as  
16 wildfire ~~fire~~ hazard areas.--

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

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

31

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.

30  
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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.

31

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 \$200,000 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. The warning citation is not subject  
9 to chapter 120.~~Whoever willfully or intentionally violates~~  
10 ~~any of the provisions of this chapter commits a felony of the~~  
11 ~~third degree, punishable as provided in s. 775.082, s.~~  
12 ~~775.083, or s. 775.084.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

14           Section 16. Section 590.29, Florida Statutes, is  
15 amended to read:

16           590.29 Illegal possession of incendiary device.--

17           (1) It is unlawful for a person other than a certified  
18 fire or law enforcement instructor to have ~~whoever, being~~  
19 ~~outside the corporate limits of any municipality, has in his~~  
20 ~~or her possession any incendiary device as defined by~~  
21 ~~subsection (3) with the intent to use such device for the~~  
22 ~~purpose of burning or setting fire to any wild land forest,~~  
23 ~~grass, or woodland, if such person is not the owner of, nor,~~  
24 ~~as under a lease, inlawful possession of, the wild land~~  
25 ~~forest, grass, or woodland, shall, upon conviction thereof, be~~  
26 ~~deemed guilty of a felony and punished as provided in s.~~  
27 ~~590.30.~~

28           (2) The possession of any incendiary device as defined  
29 by subsection (3) is prima facie evidence of the intent of the  
30 person possessing such device to use such device for the  
31 purpose of burning or setting fire to wild land forest, grass,

1 ~~or woodland~~ if such person is not the owner of the wild land,  
2 ~~nor, as under a lease, in lawful possession of, the forest,~~  
3 ~~grass, or woodland.~~

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

15 (4) Anyone who violates this section commits a felony  
16 of the third degree, punishable as provided in s. 775.082, s.  
17 775.083, or s. 775.084.

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

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

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

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

30 590.34 State compact administrator and compact  
31 advisory committee members; powers; aid from other state

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

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

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

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



1 or fire department may contribute to the nonfederal matching  
2 share and may also contribute such other nonfederal  
3 cooperation as may be deemed necessary by the division of  
4 Forestry.

5 Section 20. Sections 590.025, 590.026, 590.03, 590.04,  
6 590.05, 590.06, 590.07, 590.08, 590.09, 590.12, 590.30,  
7 Florida Statutes, are repealed.

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

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SENATE SUMMARY

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