

Amendment No. \_\_\_\_ (for drafter's use only)

|   | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Representative(s) Putnam offered the following:

**Amendment (with title amendment)**

On page 15 of the bill, between lines 10 and 11,

insert:

Section 9. Subsection (34) is added to section 212.02, Florida Statutes, to read:

212.02 Definitions.--The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(34) "Agricultural production" means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

Section 10. Paragraphs (a) and (d) of subsection (13)

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1 of section 253.025, Florida Statutes, are amended to read:

2 253.025 Acquisition of state lands for purposes other  
3 than preservation, conservation, and recreation.--

4 (13)(a) ~~Notwithstanding the provisions of this chapter~~  
5 ~~and chapters 259 and 375,~~The Board of Trustees of the  
6 Internal Improvement Trust Fund may deed property to the  
7 Department of Agriculture and Consumer Services, so that the  
8 department shall be able shall have the authority, with the  
9 ~~consent of the majority of the Governor and Cabinet,~~to sell,  
10 convey, transfer, exchange, trade, or purchase land on which a  
11 forestry facility resides for money or other more suitable  
12 property on which to relocate the facility. Any sale or  
13 purchase of property by the Department of Agriculture and  
14 Consumer Services shall follow the requirements of subsections  
15 (5)-(9). Any sale shall be at fair market value, and any trade  
16 shall ensure that the state is getting at least an equal value  
17 for the property. Except as provided in subsections (5)-(9),  
18 the Department of Agriculture and Consumer Services is  
19 excluded from following the provisions of this chapter and  
20 chapters 259 and 375. This exclusion shall not apply to lands  
21 acquired for conservation purposes in accordance with s.  
22 253.034(6)(a) or (b).

23 (d) There is hereby created in the Department of  
24 Agriculture and Consumer Services the Relocation and  
25 Construction Trust Fund. The trust fund is to be used for the  
26 sole purpose of effectuating the orderly relocation of the  
27 forestry fire towers and work centers ~~as follows: Crestview~~  
28 ~~Work Center, Marianna Work Center, Panama City Headquarters,~~  
29 ~~Tallahassee Headquarters, Southside Towersite, Gainesville~~  
30 ~~Headquarters, Ocala Work Center, Orlando Headquarters,~~  
31 ~~Lakeland Headquarters, Dunedin Work Center, Hamner Towersite,~~

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1 ~~Bradenton Headquarters, Venetia Towersite, Fort Myers~~  
2 ~~Headquarters, Naples Work Center, Philpot Towersite, Sand Hill~~  
3 ~~Towersite, Mayo Work Center, Benton Towersite, Plymouth~~  
4 ~~Towersite, Longwood Work Center, Oviedo Towersite, Valrico~~  
5 ~~Work Center, and Belle Glade Work Center.~~

6 Section 11. Subsection (5) of section 482.051, Florida  
7 Statutes, is amended to read:

8 482.051 Rules.--The department has authority to adopt  
9 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
10 provisions of this chapter. Prior to proposing the adoption  
11 of a rule, the department shall counsel with members of the  
12 pest control industry concerning the proposed rule. The  
13 department shall adopt rules for the protection of the health,  
14 safety, and welfare of pest control employees and the general  
15 public which require:

16 (5) That any pesticide used for preconstruction ~~soil~~  
17 treatments for the prevention of subterranean termites be  
18 applied in the amount, concentration, and treatment area in  
19 accordance with the label; that a copy of the label of the  
20 registered pesticide being applied be carried in a vehicle at  
21 the site where the pesticide is being applied; and that the  
22 licensee maintain for 3 years the record of each  
23 preconstruction ~~soil~~treatment, indicating the date of  
24 treatment, the location or address of the property treated,  
25 the total square footage of the structure treated, the type of  
26 pesticide applied, the concentration of each substance in the  
27 mixture applied, and the total amount of pesticide applied.

28 Section 12. Paragraph (g) is added to subsection (2)  
29 of section 482.132, Florida Statutes, to read:

30 482.132 Qualifications for examination and  
31 certification.--

1           (2) Each applicant for examination for a pest control  
2 operator's certificate must possess the minimum qualifications  
3 specified in one of the following paragraphs:

4           (g) Three years' full-time employment as a service  
5 employee of the United States Department of Defense, who has  
6 been certified to perform pest control in the category or  
7 categories in which the applicant seeks certification, 1 year  
8 of which employment must have been completed in this state  
9 during the year immediately preceding application for  
10 examination. Additionally, the application for certification  
11 must be submitted to the Department of Agriculture and  
12 Consumer Services within 12 months after the date of  
13 termination of employment from the Department of Defense.

14           Section 13. Subsection (3) of section 487.041, Florida  
15 Statutes, is amended to read:

16           487.041 Registration.--

17           (3) The department shall adopt rules governing the  
18 procedures for pesticide registration and for the review of  
19 data submitted by an applicant for registration of a  
20 pesticide. The department shall determine whether a pesticide  
21 should be registered, registered with conditions, or tested  
22 under field conditions in this state. The department shall  
23 determine that all requests for pesticide registrations meet  
24 the requirements of current state and federal law. The  
25 department, whenever it deems it necessary in the  
26 administration of this part, may require the manufacturer or  
27 registrant to submit the complete formula, quantities shipped  
28 into or manufactured in the state for distribution and sale,  
29 evidence of the efficacy and the safety of any pesticide, and  
30 other relevant data. The department may review and evaluate a  
31 registered pesticide if new information is made available

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1 which indicates that use of the pesticide has caused an  
2 unreasonable adverse effect on public health or the  
3 environment. Such review shall be conducted upon the request  
4 of the Secretary of the Department of Health in the event of  
5 an unreasonable adverse effect on public health or the  
6 Secretary of the Department of Environmental Protection in the  
7 event of an unreasonable adverse effect on the environment.  
8 Such review may result in modifications, revocation,  
9 cancellation or suspension of a pesticide registration.The  
10 department, for reasons of adulteration, misbranding, or other  
11 good cause, may refuse or revoke the registration of any  
12 pesticide, after notice to the applicant or registrant giving  
13 the reason for the decision. The applicant may then request a  
14 hearing, pursuant to chapter 120, on the intention of the  
15 department to refuse or revoke registration, and, upon his or  
16 her failure to do so, the refusal or revocation shall become  
17 final without further procedure. In no event shall  
18 registration of a pesticide be construed as a defense for the  
19 commission of any offense prohibited under this part.

20 Section 14. Subsection (6) is added to section  
21 487.081, Florida Statutes, to read:

22 487.081 Exemptions.--

23 (6) The Department of Environmental Protection is not  
24 authorized to institute proceedings against any property owner  
25 or leaseholder of property under the provisions of s.  
26 376.307(5) to recover any costs or damages associated with  
27 pesticide contamination of soil or water, or the evaluation,  
28 assessment, or remediation of pesticide contamination of soil  
29 or water, including sampling, analysis, and restoration of  
30 soil or potable water supplies, subject to the following  
31 conditions:

1           (a) The pesticide contamination of soil or water is  
2 determined to be the result of the use of pesticides by the  
3 property owner or leaseholder, in accordance with state and  
4 federal law, applicable registered labels, and rules on  
5 property classified as agricultural land pursuant to s.  
6 193.461;

7           (b) The property owner or leaseholder maintains  
8 records of such pesticide applications and such records are  
9 provided to the department upon request;

10           (c) In the event of pesticide contamination of soil or  
11 water, the department, upon request, shall make such records  
12 available to the Department of Environmental Protection;

13           (d) This subsection does not limit regulatory  
14 authority under a federally delegated or approved program; and

15           (e) This subsection is remedial in nature and shall  
16 apply retroactively.

17 The department, in consultation with the Secretary of the  
18 Department of Environmental Protection, may adopt rules  
19 prescribing the format, content, and retention time for  
20 records to be maintained under this subsection.

21           Section 15. Paragraph (b) of subsection (1) of section  
22 500.12, Florida Statutes, is amended to read:

23           500.12 Food permits; building permits.--

24           (1)

25           (b) An application for a food permit from the  
26 department must be accompanied by a fee in an amount  
27 determined by department rule, which may not exceed \$350,  
28 except that the fee accompanying an application for a food  
29 permit for operating a bottled water plant may not exceed  
30 \$1,000 and the fee accompanying an application for a food  
31 permit for operating a packaged ice plant may not exceed \$250.

1 The fee for operating a bottled water plant or a packaged ice  
2 plant shall be set by rule of the department ~~in an amount~~  
3 ~~sufficient to meet, but not exceed, the total direct and~~  
4 ~~indirect costs incurred by the department in carrying out its~~  
5 ~~permitting, inspection, sampling, enforcement, and~~  
6 ~~administrative responsibilities for those operations.~~ Food  
7 permits must be renewed annually on or before January 1. If an  
8 application for renewal of a food permit is not received by  
9 the department within 30 days after its due date, a late fee,  
10 in an amount not exceeding \$100, must be paid in addition to  
11 the food permit fee before the department may issue the food  
12 permit. The moneys collected shall be deposited in the General  
13 Inspection Trust Fund.

14 Section 16. Subsection (4) of section 500.459, Florida  
15 Statutes, is amended to read:

16 500.459 Water vending machines.--

17 (4) FEES.--A person seeking an operating permit must  
18 pay the department a fee not exceeding \$200, which fee shall  
19 be set by rule of the department ~~in an amount sufficient to~~  
20 ~~meet, but not exceed, the total direct and indirect costs~~  
21 ~~incurred by the department in carrying out its permitting,~~  
22 ~~inspection, sampling, enforcement, and administrative~~  
23 ~~responsibilities under this section.~~ Such fees shall be  
24 deposited in the General Inspection Trust Fund ~~and shall be~~  
25 ~~used for the sole purpose of this section.~~

26 Section 17. Subsections (2) and (3) of section  
27 526.311, Florida Statutes, are amended to read:

28 526.311 Enforcement; civil penalties; injunctive  
29 relief.--

30 (2) The Department of Agriculture and Consumer  
31 Services shall investigate any complaints regarding violations

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1 of this act and may request in writing the production of  
2 documents and records as part of its investigation of a  
3 complaint. ~~Trade secrets, as defined in s. 812.081, and~~  
4 ~~proprietary confidential business information contained in the~~  
5 ~~documents or records received by the department pursuant to a~~  
6 ~~written request or a Department of Legal Affairs subpoena are~~  
7 ~~confidential and exempt from the provisions of s. 119.07(1)~~  
8 ~~and s. 24(a), Art. I of the State Constitution.~~ If the person  
9 upon whom such request was made fails to produce the documents  
10 or records within 30 days after the date of the request, the  
11 department, through the department's office of general  
12 counsel, may of Agriculture and Consumer Services may request  
13 that the Department of Legal Affairs issue and serve a  
14 subpoena subpoenas to compel the production of such documents  
15 and records. If any person shall refuse to comply with a  
16 subpoena issued under this section, the department ~~of Legal~~  
17 ~~Affairs~~ may petition a court of competent jurisdiction to  
18 enforce the subpoena and assess such sanctions as the court  
19 may direct. Refiners shall afford the department ~~of~~  
20 ~~Agriculture and Consumer Services~~ reasonable access to the  
21 refiners' posted terminal price. ~~After completion of an~~  
22 ~~investigation, the Department of Agriculture and Consumer~~  
23 ~~Services shall give the results of its investigation to the~~  
24 ~~Department of Legal Affairs. The Department of Legal Affairs~~  
25 ~~may then subpoena additional relevant records or testimony if~~  
26 ~~it determines that the Department of Agriculture and Consumer~~  
27 ~~Services' investigation shows a violation has likely occurred.~~  
28 Any records, documents, papers, maps, books, tapes,  
29 photographs, files, sound recordings, or other business  
30 material, regardless of form or characteristics, obtained by  
31 the a department of Legal Affairs subpoena are confidential



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1 and exempt from the provisions of s. 119.07(1) and s. 24(a),  
2 Art. I of the State Constitution while the investigation is  
3 pending. At the conclusion of an investigation, any matter  
4 determined by the department ~~of Legal Affairs~~ or by a judicial  
5 or administrative body, federal or state, to be a trade secret  
6 or proprietary confidential business information held by the  
7 department pursuant to such investigation shall be considered  
8 confidential and exempt from the provisions of s. 119.07(1)  
9 and s. 24(a), Art. I of the State Constitution. Such  
10 materials may be used in any administrative or judicial  
11 proceeding so long as the confidential or proprietary nature  
12 of the material is maintained.

13 (3) The civil penalty imposed under this section may  
14 be assessed and recovered in a civil action brought by the  
15 department ~~of Legal Affairs~~ in any court of competent  
16 jurisdiction. If the department ~~of Legal Affairs~~ prevails in a  
17 civil action, the court may award it reasonable attorneys'  
18 fees as it deems appropriate. All funds recovered by the  
19 department ~~of Legal Affairs~~ shall be deposited into shared  
20 ~~equally between the Department of Legal Affairs Trust Fund and~~  
21 the General Inspection Trust Fund.

22 Section 18. Subsection (2) of section 526.312, Florida  
23 Statutes, is amended to read:

24 526.312 Enforcement; private actions; injunctive  
25 relief.--

26 (2) On the application for a temporary restraining  
27 order or a preliminary injunction, the court, in its  
28 discretion having due regard for the public interest, may  
29 require or dispense with the requirement of a bond, with or  
30 without surety, as conditions and circumstances may require.  
31 If a bond is required, the amount shall not be greater than

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1 \$50,000. Upon proper application by the plaintiff, the court  
2 shall grant preliminary injunctive relief if the plaintiff  
3 shows:

4 (a) That he or she is a proper person to seek the  
5 relief requested.

6 (b) There exist sufficiently serious questions going  
7 to the merits to make such questions a fair ground for  
8 litigation; and the court determines, on balance, the  
9 hardships imposed on the defendant and the public interest by  
10 the issuance of such preliminary injunctive relief will be  
11 less than the hardship which would be imposed on the plaintiff  
12 if such preliminary injunctive relief were not granted.

13  
14 The standards specified in paragraphs (a) and (b) shall also  
15 apply to actions for injunctive relief brought by the  
16 department of ~~Legal Affairs~~ under s. 526.311.

17 Section 19. Section 526.313, Florida Statutes, is  
18 amended to read:

19 526.313 Limitations period for actions.--Any action  
20 brought by the department of ~~Legal Affairs~~ shall be brought  
21 within 2 years after the alleged violation occurred or should  
22 reasonably have been discovered. Any action brought by any  
23 other person shall be brought within 1 year after the alleged  
24 violation occurred or should reasonably have been discovered,  
25 except that a private action brought under s. 526.305 for  
26 unlawful price discrimination shall be brought within 2 years  
27 from the date the alleged violation occurred or should  
28 reasonably have been discovered.

29 Section 20. Section 526.3135, Florida Statutes, is  
30 amended to read:

31 526.3135 Reports by the Division of Standards

1 ~~Department of Agriculture and Consumer Services.--The Division~~  
2 ~~of Standards Department of Agriculture and Consumer Services~~  
3 is directed to compile a report pursuant to s. 570.544 of all  
4 complaints received by the Department of Agriculture and  
5 Consumer Services pursuant to this act. Such report shall  
6 contain at least the information required by s.  
7 570.544(6)(b)2.-4. and shall be presented to the Speaker of  
8 the House of Representatives and the President of the Senate  
9 no later than January 1 of each year.

10 Section 21. There is hereby appropriated \$100,000 from  
11 the General Revenue Fund and two full-time equivalent  
12 positions to the Department of Agriculture and Consumer  
13 Services to implement the provisions of Chapter 526, Part I,  
14 F.S.

15 Section 22. Subsection (16) is added to section  
16 531.41, Florida Statutes, to read:

17 531.41 Powers and duties of the department.--The  
18 department shall:

19 (16) Provide by rule for the voluntary registration  
20 with the department of private weighing and measuring device  
21 service agencies or personnel. Such rule shall grant private  
22 agencies and personnel that meet all registration requirements  
23 and maintain current registered status with the department the  
24 authority to place devices that meet all state requirements  
25 into commercial service until such time as the devices can be  
26 inspected and tested as provided for in subsection (10),  
27 provided such devices are reported to the department as  
28 prescribed by the rule.

29  
30 The provisions of this chapter and rules adopted thereunder  
31 notwithstanding, scales routinely used by providers of weight

1 control services shall not be considered commercial weights  
2 and measures when used to determine human weight or to compute  
3 charges or payments for services rendered by such providers on  
4 the basis of said weight, measure, or count.

5 Section 23. Subsection (34) of section 570.07, Florida  
6 Statutes, is amended, and subsection (35) is added to said  
7 section, to read:

8 570.07 Department of Agriculture and Consumer  
9 Services; functions, powers, and duties.--The department shall  
10 have and exercise the following functions, powers, and duties:

11 (34) To adopt policies creating, and providing for the  
12 operation of, an employees' benefit fund. Notwithstanding the  
13 provisions of chapter 273, the department may deposit moneys  
14 received from the disposition of state-owned tangible personal  
15 property, specifically livestock maintained and located at the  
16 Doyle E. Conner Agricultural Complex, in the employees'  
17 benefit fund.

18 (35) Under emergency conditions, to authorize the  
19 purchase of supplemental nutritional food and drink items and  
20 set temporary meal expenditure limits for employees engaged in  
21 physical activity for prolonged periods of time in excess of  
22 the rate established by s. 112.061(6), but not to exceed \$50  
23 per day.

24 Section 24. Paragraph (f) is added to subsection (1)  
25 of section 570.242, Florida Statutes, to read:

26 570.242 Definitions.--For purposes of this act, the  
27 following terms shall have the following meanings:

28 (1) "Agriculturally depressed area" means a rural area  
29 which has declining profitability from agricultural  
30 enterprises and one or more of the following characteristics:

31 (f) Crop losses or economic depression resulting from

1 a natural disaster or socioeconomic conditions or events which  
2 negatively impact a crop.

3 Section 25. Paragraph (c) of subsection (1) of section  
4 570.248, Florida Statutes, is amended to read:

5 570.248 Agricultural Economic Development Project  
6 Review Committee; powers and duties.--

7 (1) There is created an Agricultural Economic  
8 Development Project Review Committee consisting of five  
9 members appointed by the commissioner. The members shall be  
10 appointed based upon the recommendations submitted by each  
11 entity represented on the committee and shall include:

12 (c) One representative from Enterprise Florida, Inc  
13 the Florida Rural Development Committee.

14 Section 26. Section 570.249, Florida Statutes, is  
15 created to read:

16 570.249 Agricultural Economic Development Program  
17 disaster loans.--

18 (1) USE OF LOAN FUNDS.--Loan funds to agricultural  
19 producers who have experienced crop losses from a natural  
20 disaster or a socioeconomic condition or event may be used to  
21 restore or replace essential physical property, such as  
22 animals, fences, equipment, structural production facilities,  
23 and orchard trees; pay all or part of production costs  
24 associated with the disaster year; pay essential family living  
25 expenses; and restructure farm debts. Funds may be issued as  
26 direct loans, or as loan guarantees for up to 90 percent of  
27 the total loan, in amounts not less than \$30,000 nor more than  
28 \$250,000. Applicants must provide at least 10 percent equity.

29 (2) ELIGIBLE CROPS.--Crops eligible for the emergency  
30 loan program include:

31 (a) Crops grown for human consumption.

1           (b) Crops planted and grown for livestock consumption,  
2 including, but not limited to, grain, seed, and forage crops.

3           (c) Crops grown for fiber, except for trees.

4           (d) Specialty crops, such as aquacultural,  
5 floricultural, or ornamental nursery crops; Christmas trees;  
6 turf for sod; industrial crops; and seed crops used to produce  
7 eligible crops.

8           (3) FARMING INFORMATION.--A borrower must keep  
9 complete and acceptable farm records and present them as proof  
10 of production levels. A borrower must operate in accordance  
11 with a farm plan that he or she develops and that is approved  
12 by the commissioner. A borrower may be required to participate  
13 in a financial management training program and obtain crop  
14 insurance.

15           (4) LOAN APPLICATION.--In order to qualify for a loan  
16 under this section, an applicant must submit an application to  
17 the committee within 30 days after the date the natural  
18 disaster or socioeconomic condition or event occurs or the  
19 crop damage becomes apparent. An applicant must be a citizen  
20 of the United States, a bona fide resident of the state and,  
21 together with the applicant's spouse and their dependents,  
22 have a total net worth of less than \$100,000. The value of any  
23 residential homestead owned by the applicant must not be  
24 included in determining the applicant's net worth. An  
25 applicant must also demonstrate the need for economic  
26 assistance, be worthy of credit according to standards  
27 established by the commissioner, prove that he or she cannot  
28 obtain commercial credit, and demonstrate that he or she has  
29 the ability to repay the loan.

30           (5) LOAN SECURITY REQUIREMENTS.--All loans must be  
31 fully collateralized. A first lien is required on all property

1 or product acquired, produced, or refinanced with loan funds.  
2 The specific type of collateral required may vary depending  
3 upon the loan purpose, repayment ability, and the particular  
4 circumstances of the applicant.

5 (6) LOAN REPAYMENT.--Repayment of loans for crops,  
6 livestock, and non-real-estate losses shall normally be made  
7 within 7 years or, in special circumstances, within 20 years.  
8 Loans for physical losses to real estate and buildings shall  
9 not exceed 30 years. Borrowers are expected to return to  
10 conventional credit sources when they are financially able.  
11 Loans are a temporary source of credit and borrowers must be  
12 reviewed periodically to determine whether they can return to  
13 conventional credit.

14 Section 27. Section 570.92, Florida Statutes, is  
15 created to read:

16 570.92 Equestrian educational sports program.--The  
17 department shall establish an equestrian educational sports  
18 program with one or more accredited 4-year state universities,  
19 designed to give student riders the opportunity to learn,  
20 compete, and succeed at the collegiate level while at the same  
21 time promoting the state's multibillion dollar equine  
22 industry.

23 Section 28. Subsection (2) of section 570.952, Florida  
24 Statutes, is amended to read:

25 570.952 Florida Agriculture Center and Horse Park  
26 Authority.--

27 (2) The authority shall be composed of 21 ~~23~~ members  
28 appointed by the commissioner.

29 (a) Members shall include:

30 1. Three citizens-at-large ~~One citizen-at-large~~, who  
31 shall represent the views of the general public toward

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- 1 agriculture and equine activities in the state.
- 2           2. One representative from the Department of
- 3 Agriculture and Consumer Services.
- 4           3. One representative from Enterprise Florida, Inc.
- 5           4. One representative from the Department of
- 6 Environmental Protection, Office of Greenways and Trails
- 7 Management.
- 8           5. One member of the Ocala/Marion County Chamber of
- 9 Commerce.
- 10           6. Two representatives of the tourism or hospitality
- 11 industry.
- 12           7. Three representatives of the commercial agriculture
- 13 industry.
- 14           8. Three representatives from recognized horse breed
- 15 associations.
- 16           9. One representative of the veterinary industry.
- 17           10. Three representatives from the competitive equine
- 18 industry.
- 19           ~~6. One public/private partnership expert.~~
- 20           ~~7. One member of a private environmental organization.~~
- 21           ~~8. One fruit and vegetable grower.~~
- 22           ~~9. One citrus grower.~~
- 23           ~~10. One commercial feed producer.~~
- 24           ~~11. One livestock/cattle breeder.~~
- 25           ~~12. One quarter horse breeder.~~
- 26           ~~13. One thoroughbred horse breeder.~~
- 27           ~~14. One standardbred horse breeder.~~
- 28           ~~15. One Arabian horse breeder.~~
- 29           ~~16. One color breeds horse breeder.~~
- 30           ~~17. One licensed veterinarian.~~
- 31           ~~18. One Paso Fino horse breeder.~~



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1           ~~19. One ornamental or nursery stock grower.~~  
2           ~~20. One representative from the horse show industry.~~  
3           ~~21. One representative from the horse sport industry.~~  
4           ~~11.22.~~ One representative from the horse pleasure and  
5 trail riding trailriders industry.  
6           ~~12.23.~~ One representative recommended by ~~from~~ the  
7 Board of County Commissioners of Marion County.  
8           ~~(b) With the exception of department employees and the~~  
9 ~~citizen-at-large, each member shall be selected from two or~~  
10 ~~three nominees submitted by recognized statewide organizations~~  
11 ~~representing each interest or trade enumerated in this~~  
12 ~~section. In the absence of nominations, the commissioner shall~~  
13 ~~appoint persons who otherwise meet the qualifications for~~  
14 ~~nomination and appointment to the authority.~~  
15           ~~(b)(c)~~ Initially, the commissioner shall appoint 11  
16 members ~~12 members shall be appointed~~ for 4-year terms and 10  
17 ~~11 members shall be appointed~~ for 2-year terms. Thereafter,  
18 each member shall be appointed for a term of 4 years from the  
19 date of appointment, except that a vacancy shall be filled by  
20 appointment for the remainder of the term.  
21           ~~(c)(d)~~ Any member of the authority who fails to attend  
22 three consecutive authority meetings without good cause shall  
23 be deemed to have resigned from the authority. The  
24 commissioner shall appoint a person representing the same  
25 interest or trade as the resigning member. Current members  
26 shall continue to serve until successors are appointed.  
27           Section 29. Section 585.89, Florida Statutes, is  
28 renumbered as section 287.0822, Florida Statutes, and  
29 subsection (1) of said section is amended to read:  
30           287.0822 ~~585.89~~ Beef and pork; prohibition on  
31 purchase; bid specifications; penalty.--

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1           (1) Fresh or frozen beef or pork that has not been  
2 inspected by the United States Department of Agriculture or by  
3 another state's inspection program which has been approved by  
4 the United States Department of Agriculture ~~the department~~  
5 shall not be purchased, or caused to be purchased, by any  
6 agency of the state or of any municipality, political  
7 subdivision, school district, or special district for  
8 consumption in this state or for distribution for consumption  
9 in this state. Bid invitations issued by any agency of the  
10 state or of any municipality, political subdivision, school  
11 district, or special district for the purchase of fresh or  
12 frozen beef or pork must specify that only beef or pork  
13 inspected and passed by either the United States Department of  
14 Agriculture or by another state's inspection program which has  
15 been approved by the United States Department of Agriculture  
16 ~~the department~~ will be accepted. The supplier or vendor shall  
17 certify on the invoice that the fresh or frozen beef or pork  
18 or imported beef or pork supplied is either domestic or  
19 complies with this subsection.

20           Section 30. Section 585.92, Florida Statutes, is  
21 renumbered as section 287.0821, Florida Statutes, and amended  
22 to read:

23           287.0821 585.92 All American and Genuine Florida meat  
24 or meat products.--As allowed by the United States Department  
25 of Agriculture, each slaughterhouse or meatpacking or  
26 processing plant in the state or other person vending any meat  
27 or meat product, the meat of which is entirely produced in the  
28 United States, may label such meat or meat product "All  
29 American", and any such vendor selling any such meat or meat  
30 product, the meat of which is entirely produced in the state,  
31 may label such meat or meat product "Genuine Florida."

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1           Section 31. Subsection (5) of section 590.015, Florida  
2 Statutes, is amended to read:

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

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

8           Section 32. Section 590.14, Florida Statutes, is  
9 amended to read:

10           590.14 ~~Warning citation~~; Notice of violation;  
11 penalties.--

12           ~~(1) If unpredicted atmospheric conditions occur which  
13 cause an authorized fire to escape from the boundaries of the  
14 authorized area, if the fire does not leave the land owned or  
15 controlled by the authorization holder, and if no damage has  
16 occurred, the division may issue a warning citation of  
17 violation of s. 590.125.~~

18           (1)~~(2)~~ If a division employee determines that a person  
19 has violated chapter 589 or chapter 590, he or she may issue a  
20 notice of violation indicating the statute violated. This  
21 notice will be filed with the division and a copy forwarded to  
22 the appropriate law enforcement entity for further action if  
23 necessary.

24           (2)~~(3)~~ In addition to any ~~other~~ penalties provided by  
25 law, any person who causes a wildfire 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 or \$150, whichever is greater. All costs  
30 and expenses incurred by the division shall be payable to the  
31 division. When such costs and expenses are not paid within 30

1 days after demand, the division may take proper legal  
2 proceedings for the collection of the costs and expenses.  
3 Those costs incurred by an agency acting at the division's  
4 direction are recoverable by that agency.

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

11 ~~(4)(5)~~ The penalties provided in this section shall  
12 extend to both the actual violator and the person or persons,  
13 firm, or corporation causing, directing, or permitting the  
14 violation.

15 Section 33. Section 590.28, Florida Statutes, is  
16 amended to read:

17 590.28 Intentional or reckless ~~careless~~ burning of  
18 lands.--

19 (1) Whoever intentionally burns, sets fire to, or  
20 causes to be burned or causes any fire to be set to, any wild  
21 land or vegetative land clearing debris not owned by, or in  
22 the lawful possession of, the person setting such fire or  
23 burning such lands or causing such fire to be set or lands to  
24 be burned without complying with s. 590.125, commits a felony  
25 of the third degree, punishable as provided in s. 775.082, s.  
26 775.083, or s. 775.084.

27 (2) Whoever recklessly ~~carelessly~~ burns, sets fire to,  
28 or causes to be burned any wild lands not owned by, or in the  
29 lawful possession of, the person setting the fire or burning  
30 the lands or causing the fire to be set or lands to be burned,  
31 commits a misdemeanor of the second degree, punishable as

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1 provided in s. 775.082 or s. 775.083.

2 Section 34. Paragraph (b) of subsection (5) and  
3 paragraph (a) of subsection (7) of section 616.242, Florida  
4 Statutes, are amended to read:

5 616.242 Safety standards for amusement rides.--

6 (5) ANNUAL PERMIT.--

7 (b) To apply for an annual permit an owner must submit  
8 to the department a written application on a form prescribed  
9 by rule of the department, which must include the following:

10 1. The legal name, address, and primary place of  
11 business of the owner.

12 2. A description, manufacturer's name, serial number,  
13 model number and, if previously assigned, the United States  
14 Amusement Identification Number of the amusement ride.

15 3. A valid certificate of insurance or bond for each  
16 amusement ride.

17 4. An affidavit of compliance that the amusement ride  
18 was inspected in person by the affiant and that the amusement  
19 ride is in general conformance with the requirements of this  
20 section and all applicable rules adopted by the department.  
21 The affidavit must be executed by a professional engineer or a  
22 qualified inspector no earlier than 60 days before, but not  
23 later than, the date of the filing of the application with the  
24 department. The owner shall request inspection and permitting  
25 of the amusement ride within 60 days of the date of filing the  
26 application with the department. The department shall inspect  
27 and permit the amusement ride within 60 days after filing the  
28 application with the department ~~of the date the affidavit was~~  
29 ~~executed.~~

30 5. If required by subsection (6), an affidavit of  
31 nondestructive testing dated and executed no earlier than 60

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1 days prior to, but not later than, the date of the filing of  
2 the application with the department. The owner shall request  
3 inspection and permitting of the amusement ride within 60 days  
4 of the date of filing the application with the department. The  
5 department shall inspect and permit the amusement ride within  
6 60 days after filing the application with the department ~~of~~  
7 ~~the date the affidavit was executed.~~

8 6. A request for inspection.

9 7. Upon request, the owner shall, at no cost to the  
10 department, provide the department a copy of the  
11 manufacturer's current recommended operating instructions in  
12 the possession of the owner, the owner's operating fact sheet,  
13 and any written bulletins in the possession of the owner  
14 concerning the safety, operation, or maintenance of the  
15 amusement ride.

16 (7) DEPARTMENT INSPECTIONS.--

17 (a) In order to obtain an annual permit, an amusement  
18 ride must be inspected by the department in accordance with  
19 subsection (11) and receive an inspection certificate. In  
20 addition, each permanent amusement ride must be inspected  
21 semi-annually by the department in accordance with subsection  
22 (11) and receive an inspection certificate, and each temporary  
23 amusement ride must be inspected by the department in  
24 accordance with subsection (11), and must receive an  
25 inspection certificate each time the ride is set up or moved  
26 to a new location in this state unless the temporary amusement  
27 ride is:

28 1. Used at a private event; or

29 ~~2. Used at a public event when there are no more than~~  
30 ~~three amusement rides at the event, and the capacity of each~~  
31 ~~amusement ride at the event does not exceed eight persons;~~

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1           ~~2.3.~~ A simulator, the capacity of which does not  
2 exceed 16 persons, ~~or~~

3           ~~4. A kiddie train used at a public event if there are~~  
4 ~~no more than three amusement rides at the event.~~

5           Section 35. Subsection (4) of section 828.12, Florida  
6 Statutes, is amended to read:

7           828.12 Cruelty to animals.--

8           (4) A person who intentionally trips, fells, ropes, or  
9 lassos the legs of a horse by any means for the purpose of  
10 ~~wagering for~~ entertainment or sport ~~purposes~~ shall be guilty  
11 of a third degree felony, punishable as provided in s.

12 775.082, s. 775.083, or s. 775.084. As used in this  
13 subsection, "trip" means any act that consists of the use of  
14 any wire, pole, stick, rope, or other apparatus to cause a  
15 horse to fall or lose its balance, and "horse" means any  
16 animal of any registered breed of the genus Equus, or any  
17 recognized hybrid thereof. The provisions of this subsection  
18 shall not apply when tripping is used:

19           (a) To control a horse that is posing an immediate  
20 threat to other livestock or human beings;

21           (b) For the purpose of identifying ownership of the  
22 horse when its ownership is unknown; or

23           (c) For the purpose of administering veterinary care  
24 to the horse.

25           Section 36. Subsection (7) of section 828.27, Florida  
26 Statutes, is amended to read:

27           828.27 Local animal control or cruelty ordinances;  
28 penalty.--

29           (7) Nothing contained in this section shall prevent  
30 any county or municipality from enacting any ordinance  
31 relating to animal control or cruelty which is identical to

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1 the provisions of this chapter or any other state law, except  
 2 as to penalty. However, no county or municipal ordinance  
 3 relating to animal control or cruelty shall conflict with the  
 4 provisions of this chapter or any other state law.  
 5 Notwithstanding the provisions of this subsection, the  
 6 governing body of any county or municipality is authorized to  
 7 enact ordinances prohibiting or regulating noise from any  
 8 domesticated animal, violation of which shall be punishable  
 9 upon conviction by a fine not to exceed \$500 or by  
 10 imprisonment in the county jail for a period not to exceed 60  
 11 days, or by both such fine and imprisonment, for each  
 12 violation of such ordinance. This subsection shall not apply  
 13 to animals on land zoned for agricultural purposes.

14 Section 37. The Department of Agriculture and Consumer  
 15 Services is authorized to negotiate agreements with landowners  
 16 for water supply in rural areas, provided that:

17 (1) The water to be supplied is currently available to  
 18 property owned or controlled by the department; and

19 (2) The intended use and quantity are not inconsistent  
 20 with any permit required under part II of chapter 373, Florida  
 21 Statutes, for the source of supply in effect at the time of  
 22 the agreement.

23 Section 38. Repealing ss. 205.1951, 585.70, 585.71,  
 24 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77,  
 25 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84,  
 26 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903,  
 27 585.904, 585.91, 585.93, and 585.96, Florida Statutes.

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 30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:



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1           On page 2, line 22 after the semicolon,  
2  
3 insert:  
4           amending s. 212.02, F.S.; defining  
5           "agricultural production"; amending s. 253.025,  
6           F.S.; clarifying provisions relating to  
7           conveyance of state lands to the department for  
8           forestry facilities; deleting references to  
9           specific fire tower sites and work centers with  
10          respect to use of the department's Relocation  
11          and Construction Trust Fund; amending s.  
12          482.051, F.S.; revising authority of the  
13          department to adopt rules relating to  
14          pesticides used for preconstruction treatments;  
15          amending s. 482.132, F.S.; providing for pest  
16          control operator certification of qualified  
17          United States Department of Defense employees;  
18          amending s. 487.041, F.S.; authorizing the  
19          department to review and evaluate registered  
20          pesticides if new information is made available  
21          indicating adverse effects on public health or  
22          environment; amending s. 487.081, F.S.; waiving  
23          liability for pesticide contamination when  
24          pesticides are used in accordance with state  
25          and federal law; providing for inspection of  
26          records; providing rulemaking authority;  
27          providing retroactive application; amending ss.  
28          500.12 and 500.459, F.S.; deleting certain  
29          requirements relating to the setting and use of  
30          fees for bottled water plants, packaged ice  
31          plants, and water vending machines; amending s.

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1           526.311, F.S.; revising enforcement provisions;  
2           transferring from the Department of Legal  
3           Affairs to the Department of Agriculture and  
4           Consumer Services responsibilities as the lead  
5           agency to enforce the Motor Fuel Marketing  
6           Practices Act; revising disposition of funds  
7           collected in civil actions; amending ss.  
8           526.312 and 526.313, F.S., to conform; amending  
9           s. 526.3135, F.S.; specifying certain required  
10          reporting by the Division of Standards of the  
11          Department of Agriculture and Consumer  
12          Services; providing an appropriation; amending  
13          s. 531.41, F.S.; authorizing the department to  
14          provide by rule for voluntary registration of  
15          private weighing and measuring device service  
16          agencies and personnel; amending s. 570.07,  
17          F.S.; authorizing deposit of certain moneys in  
18          the department's employees' benefit fund;  
19          authorizing the department to purchase  
20          supplemental food and drink items and set  
21          temporary meal expenditure limits, under  
22          emergency conditions; providing restrictions;  
23          amending s. 570.242, F.S.; revising the  
24          definition of "agriculturally depressed area"  
25          under the Agricultural Economic Development  
26          Act; amending s. 570.248, F.S.; revising  
27          membership of the Agricultural Economic  
28          Development Project Review Committee; creating  
29          s. 570.249, F.S.; providing for Agricultural  
30          Economic Development Program disaster loans;  
31          providing criteria for use of loan funds,

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1 eligible crops, and loan applications;  
2 providing requirements for loan security and  
3 loan repayment; creating s. 570.92, F.S.;  
4 providing for an equestrian educational sports  
5 program at 4-year state universities; amending  
6 s. 570.952, F.S.; revising provisions relating  
7 to membership appointment and terms of the  
8 Florida Agriculture Center and Horse Park  
9 Authority; renumbering and amending s. 585.89,  
10 F.S.; authorizing state agencies and entities  
11 to purchase fresh or frozen beef or pork  
12 inspected by another state's federally approved  
13 inspection program; renumbering and amending s.  
14 585.92, F.S.; clarifying provisions relating to  
15 "All American" and "Genuine Florida" meat or  
16 meat products; amending s. 590.015, F.S.;  
17 revising the definition of "wild land" in  
18 provisions relating to forest protection;  
19 amending s. 590.14, F.S.; deleting authority of  
20 the Division of Forestry to issue warning  
21 citations relating to certain authorized fires;  
22 clarifying a penalty; amending s. 590.28, F.S.;  
23 providing a penalty for intentional or reckless  
24 burning of lands; amending s. 616.242, F.S.;  
25 revising timing requirements for inspection and  
26 permitting of amusement rides; deleting  
27 exemptions from inspection requirements for  
28 certain temporary amusement rides at public  
29 events; amending s. 828.12, F.S.; revising  
30 provisions relating to cruelty to animals;  
31 providing authority to the department to

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1 negotiate agreements with certain landowners  
2 for water use in rural areas; amending s.  
3 828.27, F.S.; authorizing counties and  
4 municipalities to enact ordinances prohibiting  
5 or regulating noise from domesticated animals;  
6 providing nonapplicability; providing  
7 penalties; repealing s. 205.1951, F.S.,  
8 relating to local occupational licenses for  
9 establishments regulated under the state meat  
10 inspection program; repealing ss. 585.70,  
11 585.71, 585.715, 585.72, 585.73, 585.74,  
12 585.75, 585.76, 585.77, 585.78, 585.79, 585.80,  
13 585.81, 585.82, 585.83, 585.84, 585.85, 585.86,  
14 585.87, 585.88, 585.90, 585.902, 585.903,  
15 585.904, 585.91, 585.93, and 585.96, F.S.,  
16 relating to the state meat inspection program;

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