

By Senator Thomas

3-1172-00

1 A bill to be entitled
2 An act relating to the Department of
3 Agriculture and Consumer Services; amending s.
4 253.025, F.S.; clarifying provisions relating
5 to conveyance of state lands to the department
6 for forestry facilities; deleting references to
7 specific fire tower sites and work centers with
8 respect to use of the department's Relocation
9 and Construction Trust Fund; amending s.
10 482.051, F.S.; revising authority of the
11 department to adopt rules relating to
12 pesticides used for preconstruction treatments;
13 amending ss. 500.12, 500.459, F.S.; providing
14 an exemption from food permit requirements for
15 certain egg processing plants; deleting certain
16 requirements relating to the setting and use of
17 fees for bottled water plants, packaged ice
18 plants, and water vending machines; amending s.
19 531.41, F.S.; authorizing the department to
20 provide by rule for voluntary registration of
21 private weighing and measuring device service
22 agencies and personnel; amending s. 570.07,
23 F.S.; authorizing the department to purchase
24 supplemental food and drink items and set
25 temporary meal expenditure limits, under
26 emergency conditions; providing restrictions;
27 amending s. 570.952, F.S.; revising provisions
28 relating to membership appointment and terms of
29 the Florida Agriculture Center and Horse Park
30 Authority; amending s. 590.015, F.S.; revising
31 the definition of "wild land" in provisions

1 relating to forest protection; amending s.
2 616.242, F.S.; revising timing requirements for
3 inspection and permitting of amusement rides;
4 deleting exemptions from inspection
5 requirements for certain temporary amusement
6 rides at public events; providing an effective
7 date.

8

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

10

11 Section 1. Paragraphs (a) and (d) of subsection (13)
12 of section 253.025, Florida Statutes, are amended to read:

13 253.025 Acquisition of state lands for purposes other
14 than preservation, conservation, and recreation.--

15 (13)(a) Notwithstanding the provisions of this chapter
16 and chapters 259 and 375, the Board of Trustees of the
17 Internal Improvement Trust Fund ~~Department of Agriculture and~~
18 ~~Consumer Services shall have the authority~~, with the consent
19 of the majority of the Governor and Cabinet, shall convey
20 property to the Department of Agriculture and Consumer
21 Services to permit the department to sell, convey, transfer,
22 exchange, trade, or purchase land on which a forestry facility
23 resides for money or other more suitable property on which to
24 relocate the facility. Any sale or purchase of property by the
25 Department of Agriculture and Consumer Services shall follow
26 the requirements of subsections (5)-(9). Any sale shall be at
27 fair market value, and any trade shall ensure that the state
28 is getting at least an equal value for the property.

29 (d) There is hereby created in the Department of
30 Agriculture and Consumer Services the Relocation and
31 Construction Trust Fund. The trust fund is to be used for the

1 sole purpose of effectuating the orderly relocation of the
2 forestry fire towers and work centers ~~as follows: Crestview~~
3 ~~Work Center, Marianna Work Center, Panama City Headquarters,~~
4 ~~Tallahassee Headquarters, Southside Towersite, Gainesville~~
5 ~~Headquarters, Ocala Work Center, Orlando Headquarters,~~
6 ~~Lakeland Headquarters, Dunedin Work Center, Hamner Towersite,~~
7 ~~Bradenton Headquarters, Venetia Towersite, Fort Myers~~
8 ~~Headquarters, Naples Work Center, Philpot Towersite, Sand Hill~~
9 ~~Towersite, Mayo Work Center, Benton Towersite, Plymouth~~
10 ~~Towersite, Longwood Work Center, Oviedo Towersite, Valrico~~
11 ~~Work Center, and Belle Glade Work Center.~~

12 Section 2. Subsection (5) of section 482.051, Florida
13 Statutes, is amended to read:

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

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

1 pesticide applied, the concentration of each substance in the
2 mixture applied, and the total amount of pesticide applied.

3 Section 3. Paragraphs (a) and (b) of subsection (1) of
4 section 500.12, Florida Statutes, are amended to read:

5 500.12 Food permits; building permits.--

6 (1)(a) A food permit from the department is required
7 of any person who operates a food establishment or retail food
8 store, except:

9 1. Persons operating minor food outlets, including,
10 but not limited to, video stores, that sell commercially
11 prepackaged, nonpotentially hazardous candy, chewing gum,
12 soda, or popcorn, provided the shelf space for those items
13 does not exceed 12 linear feet and no other food is sold by
14 the minor food outlet.

15 2. Persons subject to continuous, onsite federal or
16 state inspection.

17 3. Persons selling only legumes in the shell, either
18 parched, roasted, or boiled.

19 4. Shell egg processing plants which are under
20 continuous inspection by the United States Food and Drug
21 Administration.

22 (b) An application for a food permit from the
23 department must be accompanied by a fee in an amount
24 determined by department rule, which may not exceed \$350,
25 except that the fee accompanying an application for a food
26 permit for operating a bottled water plant may not exceed
27 \$1,000 and the fee accompanying an application for a food
28 permit for operating a packaged ice plant may not exceed \$250.
29 The fee for operating a bottled water plant or a packaged ice
30 plant shall be set by rule of the department ~~in an amount~~
31 ~~sufficient to meet, but not exceed, the total direct and~~

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

11 Section 4. Subsection (4) of section 500.459, Florida
12 Statutes, is amended to read:

13 500.459 Water vending machines.--

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

23 Section 5. Subsection (16) is added to section 531.41,
24 Florida Statutes, to read:

25 531.41 Powers and duties of the department.--The
26 department shall:

27 (16) Provide by rule for the voluntary registration
28 with the department of private weighing and measuring device
29 service agencies or personnel. Such rule shall grant private
30 agencies and personnel that meet all registration requirements
31 and maintain current registered status with the department the

1 authority to place devices that meet all state requirements
2 into commercial service until such time as the devices can be
3 inspected and tested as provided for in subsection (10),
4 provided such devices are reported to the department as
5 prescribed by the rule.

6
7 The provisions of this chapter and rules adopted thereunder
8 notwithstanding, scales routinely used by providers of weight
9 control services shall not be considered commercial weights
10 and measures when used to determine human weight or to compute
11 charges or payments for services rendered by such providers on
12 the basis of said weight, measure, or count.

13 Section 6. Subsection (35) is added to section 570.07,
14 Florida Statutes, to read:

15 570.07 Department of Agriculture and Consumer
16 Services; functions, powers, and duties.--The department shall
17 have and exercise the following functions, powers, and duties:

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 7. Subsection (2) of section 570.952, Florida
25 Statutes, is amended to read:

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

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

30 (a) Members shall include:
31

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

1 ~~17. One licensed veterinarian.~~
2 ~~18. One Paso Fino horse breeder.~~
3 ~~19. One ornamental or nursery stock grower.~~
4 ~~20. One representative from the horse show industry.~~
5 ~~21. One representative from the horse sport industry.~~
6 11.22. One representative from the horse pleasure and
7 trail riding trailriders industry.
8 ~~12.23.~~ One representative recommended by from the
9 Board of County Commissioners of Marion County.
10 ~~(b) With the exception of department employees and the~~
11 ~~citizen at large, each member shall be selected from two or~~
12 ~~three nominees submitted by recognized statewide organizations~~
13 ~~representing each interest or trade enumerated in this~~
14 ~~section. In the absence of nominations, the commissioner shall~~
15 ~~appoint persons who otherwise meet the qualifications for~~
16 ~~nomination and appointment to the authority.~~
17 ~~(b)(c)~~ Initially, the commissioner shall appoint 11
18 members ~~12 members shall be appointed~~ for 4-year terms and 10
19 ~~11 members shall be appointed~~ for 2-year terms. Thereafter,
20 each member shall be appointed for a term of 4 years from the
21 date of appointment, except that a vacancy shall be filled by
22 appointment for the remainder of the term.
23 ~~(c)(d)~~ Any member of the authority who fails to attend
24 three consecutive authority meetings without good cause shall
25 be deemed to have resigned from the authority. The
26 commissioner shall appoint a person representing the same
27 interest or trade as the resigning member. Current members
28 shall continue to serve until successors are appointed.
29 Section 8. Subsection (5) of section 590.015, Florida
30 Statutes, is amended to read:
31

1 590.015 Definitions.--As used in this chapter, the
2 term:

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

6 Section 9. Paragraph (b) of subsection (5) and
7 paragraph (a) of subsection (7) of section 616.242, Florida
8 Statutes, are amended to read:

9 616.242 Safety standards for amusement rides.--

10 (5) ANNUAL PERMIT.--

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

14 1. The legal name, address, and primary place of
15 business of the owner.

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

19 3. A valid certificate of insurance or bond for each
20 amusement ride.

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

1 application with the department ~~of the date the affidavit was~~
2 ~~executed.~~

3 5. If required by subsection (6), an affidavit of
4 nondestructive testing dated and executed no earlier than 60
5 days prior to, but not later than, the date of the filing of
6 the application with the department. The owner shall request
7 inspection and permitting of the amusement ride within 60 days
8 of the date of filing the application with the department. The
9 department shall inspect and permit the amusement ride within
10 60 days after filing the application with the department ~~of~~
11 ~~the date the affidavit was executed.~~

12 6. A request for inspection.

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

20 (7) DEPARTMENT INSPECTIONS.--

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

- 1 1. Used at a private event; or
2 ~~2. Used at a public event when there are no more than~~
3 ~~three amusement rides at the event, and the capacity of each~~
4 ~~amusement ride at the event does not exceed eight persons;~~
5 2.3. A simulator, the capacity of which does not
6 exceed 16 persons. ~~7 or~~
7 ~~4. A kiddie train used at a public event if there are~~
8 ~~no more than three amusement rides at the event.~~

9 Section 10. This act shall take effect July 1, 2000.

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12 LEGISLATIVE SUMMARY

13
14 Clarifies provisions relating to conveyance of state
15 lands to the Department of Agriculture and Consumer
16 Services. Removes references to specific fire tower sites
17 and work centers from provisions relating to the
18 department's Relocation and Construction Trust Fund.
19 Revises department authority to adopt rules relating to
20 pesticides used for preconstruction treatments. Provides
21 an exemption from food permit requirements for federally
22 inspected egg processing plants. Removes certain
23 requirements relating to the fees for bottled water
24 plants, packaged ice plants, and water vending machines.
25 Authorizes the department to provide by rule for
26 voluntary registration of private weighing and measuring
27 device service agencies and personnel. Authorizes the
28 department, under emergency conditions, to purchase
29 supplemental food and drink items and set certain
30 temporary meal expenditure limits. Revises appointment of
31 members of the Florida Agriculture Center and Horse Park
 Authority. Revises the definition of "wild land,"
 relating to forest protection. Revises timing
 requirements for inspection and permitting of amusement
 rides. Removes exemptions from inspection requirements
 for certain temporary rides at public events.