

By the Committee on Agriculture and Consumer Services; and
Senator Thomas

303-1815-00

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.; deleting
14 certain requirements relating to the setting
15 and use of fees for bottled water plants,
16 packaged ice plants, and water vending
17 machines; amending s. 531.41, F.S.; authorizing
18 the department to provide by rule for voluntary
19 registration of private weighing and measuring
20 device service agencies and personnel; amending
21 s. 570.07, F.S.; authorizing the department to
22 purchase supplemental food and drink items and
23 set temporary meal expenditure limits, under
24 emergency conditions; providing restrictions;
25 amending s. 570.952, F.S.; revising provisions
26 relating to membership appointment and terms of
27 the Florida Agriculture Center and Horse Park
28 Authority; renumbering and amending s. 585.89,
29 F.S.; revising provisions relating to state
30 purchase of beef and pork; renumbering and
31 amending s. 585.92, F.S.; revising provisions

1 relating to labeling of meat sold to the state;
2 repealing ss. 585.70, 585.71, 585.715, 585.72,
3 585.73, 585.74, 585.75, 585.76, 585.77, 585.78,
4 585.79, 585.80, 585.81, 585.82, 585.83, 585.84,
5 585.85, 585.86, 585.87, 585.88, 585.90,
6 585.902, 585.903, 585.904, 585.91, 585.93,
7 585.96, F.S., relating to animal and animal
8 product inspection and labeling; repealing s.
9 205.1951, F.S., relating to custom
10 slaughtering; amending s. 590.015, F.S.;
11 revising the definition of "wild land" in
12 provisions relating to forest protection;
13 amending s. 590.14, F.S.; deleting a provision
14 allowing the Division of Forestry to issue a
15 warning citation with respect to authorized
16 fires; amending s. 590.28, F.S.; redesignating
17 the offense of careless burning as "reckless"
18 burning; amending s. 616.242, F.S.; revising
19 timing requirements for inspection and
20 permitting of amusement rides; deleting
21 exemptions from inspection requirements for
22 certain temporary amusement rides at public
23 events; amending s. 823.14, F.S.; limiting
24 local government regulations with respect to
25 the Right to Farm Act; providing authority to
26 the Department of Agriculture and Consumer
27 Services to negotiate agreements with certain
28 land owners for water use in rural areas;
29 providing an effective date.

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

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

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

5 (13)(a) The Board of Trustees of the Internal
6 Improvement Trust Fund may deed property to ~~Notwithstanding~~
7 ~~the provisions of this chapter and chapters 259 and 375,~~the
8 Department of Agriculture and Consumer Services so that the
9 department shall be able have the authority, with the consent
10 ~~of the majority of the Governor and Cabinet,~~to sell, convey,
11 transfer, exchange, trade, or purchase land on which a
12 forestry facility resides for money or other more suitable
13 property on which to relocate the facility. Any sale or
14 purchase of property by the Department of Agriculture and
15 Consumer Services shall follow the requirements of subsections
16 (5)-(9). Any sale shall be at fair market value, and any trade
17 shall ensure that the state is getting at least an equal value
18 for the property. Except as provided in subsections (5)-(9),
19 the Department of Agriculture and Consumer Services is
20 excluded from following the provisions of this chapter and
21 chapters 259 and 375.

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

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

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

7 482.051 Rules.--The department has authority to adopt
8 rules pursuant to ss. 120.536(1) and 120.54 to implement the
9 provisions of this chapter. Prior to proposing the adoption
10 of a rule, the department shall counsel with members of the
11 pest control industry concerning the proposed rule. The
12 department shall adopt rules for the protection of the health,
13 safety, and welfare of pest control employees and the general
14 public which require:

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

27 Section 3. Paragraph (b) of subsection (1) of section
28 500.12, Florida Statutes, is amended to read:

29 500.12 Food permits; building permits.--

30 (1)

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1 (b) An application for a food permit from the
2 department must be accompanied by a fee in an amount
3 determined by department rule, which may not exceed \$350,
4 except that the fee accompanying an application for a food
5 permit for operating a bottled water plant may not exceed
6 \$1,000 and the fee accompanying an application for a food
7 permit for operating a packaged ice plant may not exceed \$250.
8 The fee for operating a bottled water plant or a packaged ice
9 plant shall be set by rule of the department ~~in an amount~~
10 ~~sufficient to meet, but not exceed, the total direct and~~
11 ~~indirect costs incurred by the department in carrying out its~~
12 ~~permitting, inspection, sampling, enforcement, and~~
13 ~~administrative responsibilities for those operations.~~ Food
14 permits must be renewed annually on or before January 1. If an
15 application for renewal of a food permit is not received by
16 the department within 30 days after its due date, a late fee,
17 in an amount not exceeding \$100, must be paid in addition to
18 the food permit fee before the department may issue the food
19 permit. The moneys collected shall be deposited in the General
20 Inspection Trust Fund.

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

23 500.459 Water vending machines.--

24 (4) FEES.--A person seeking an operating permit must
25 pay the department a fee not exceeding \$200, which fee shall
26 be set by rule of the department ~~in an amount sufficient to~~
27 ~~meet, but not exceed, the total direct and indirect costs~~
28 ~~incurred by the department in carrying out its permitting,~~
29 ~~inspection, sampling, enforcement, and administrative~~
30 ~~responsibilities under this section.~~ Such fees shall be

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1 deposited in the General Inspection Trust Fund ~~and shall be~~
2 ~~used for the sole purpose of this section.~~

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

5 531.41 Powers and duties of the department.--The
6 department shall:

7 (16) Provide by rule for the voluntary registration
8 with the department of private weighing and measuring device
9 service agencies or personnel. Such rule shall grant private
10 agencies and personnel that meet all registration requirements
11 and maintain current registered status with the department the
12 authority to place devices that meet all state requirements
13 into commercial service until such time as the devices can be
14 inspected and tested as provided for in subsection (10),
15 provided such devices are reported to the department as
16 prescribed by the rule.

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18 The provisions of this chapter and rules adopted thereunder
19 notwithstanding, scales routinely used by providers of weight
20 control services shall not be considered commercial weights
21 and measures when used to determine human weight or to compute
22 charges or payments for services rendered by such providers on
23 the basis of said weight, measure, or count.

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

26 570.07 Department of Agriculture and Consumer
27 Services; functions, powers, and duties.--The department shall
28 have and exercise the following functions, powers, and duties:

29 (35) Under emergency conditions, to authorize the
30 purchase of supplemental nutritional food and drink items and
31 set temporary meal expenditure limits for employees engaged in

1 physical activity for prolonged periods of time in excess of
2 the rate established by s. 112.061(6), but not to exceed \$50
3 per day.

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

6 570.952 Florida Agriculture Center and Horse Park
7 Authority.--

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

10 (a) Members shall include:

11 1. Three citizens-at-large ~~One citizen-at-large~~, who
12 shall represent the views of the general public toward
13 agriculture and equine activities in the state.

14 2. One representative from the Department of
15 Agriculture and Consumer Services.

16 3. One representative from Enterprise Florida, Inc.

17 4. One representative from the Department of
18 Environmental Protection, Office of Greenways and Trails
19 ~~Management~~.

20 5. One member of the Ocala/Marion County Chamber of
21 Commerce.

22 6. Two representatives of the tourism or hospitality
23 industry.

24 7. Three representatives of the commercial agriculture
25 industry.

26 8. Three representatives from recognized horse breed
27 associations.

28 9. One representative of the veterinary industry.

29 10. Three representatives from the competitive equine
30 industry.

31 ~~6. One public/private partnership expert.~~

1 ~~7. One member of a private environmental organization.~~
2 ~~8. One fruit and vegetable grower.~~
3 ~~9. One citrus grower.~~
4 ~~10. One commercial feed producer.~~
5 ~~11. One livestock/cattle breeder.~~
6 ~~12. One quarter horse breeder.~~
7 ~~13. One thoroughbred horse breeder.~~
8 ~~14. One standardbred horse breeder.~~
9 ~~15. One Arabian horse breeder.~~
10 ~~16. One color breeds horse breeder.~~
11 ~~17. One licensed veterinarian.~~
12 ~~18. One Paso Fino horse breeder.~~
13 ~~19. One ornamental or nursery stock grower.~~
14 ~~20. One representative from the horse show industry.~~
15 ~~21. One representative from the horse sport industry.~~
16 11.22. One representative from the horse pleasure and
17 trail riding trailriders industry.
18 12.23. One representative recommended by from the
19 Board of County Commissioners of Marion County.
20 ~~(b) With the exception of department employees and the~~
21 ~~citizen-at-large, each member shall be selected from two or~~
22 ~~three nominees submitted by recognized statewide organizations~~
23 ~~representing each interest or trade enumerated in this~~
24 ~~section. In the absence of nominations, the commissioner shall~~
25 ~~appoint persons who otherwise meet the qualifications for~~
26 ~~nomination and appointment to the authority.~~
27 ~~(b)(c)~~ Initially, the commissioner shall appoint 11
28 members ~~12 members shall be appointed for 4-year terms and 10~~
29 ~~11 members shall be appointed for 2-year terms. Thereafter,~~
30 each member shall be appointed for a term of 4 years from the
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1 date of appointment, except that a vacancy shall be filled by
2 appointment for the remainder of the term.

3 (c)~~(d)~~ Any member of the authority who fails to attend
4 three consecutive authority meetings without good cause shall
5 be deemed to have resigned from the authority. The
6 commissioner shall appoint a person representing the same
7 interest or trade as the resigning member. Current members
8 shall continue to serve until successors are appointed.

9 Section 8. Section 585.89, Florida Statutes, is
10 transferred, renumbered as section 287.1395, Florida Statutes,
11 and amended to read:

12 287.1395 ~~585.89~~ Beef and pork; prohibition on
13 purchase; bid specifications; penalty.--

14 (1) Fresh or frozen beef or pork that has not been
15 inspected by the United States Department of Agriculture or
16 any other state's United States Department of
17 Agriculture-approved program ~~the department~~ shall not be
18 purchased, or caused to be purchased, by any agency of the
19 state or of any municipality, political subdivision, school
20 district, or special district for consumption in this state or
21 for distribution for consumption in this state. Bid
22 invitations issued by any agency of the state or of any
23 municipality, political subdivision, school district, or
24 special district for the purchase of fresh or frozen beef or
25 pork must specify that only beef or pork inspected and passed
26 by either the United States Department of Agriculture or any
27 other state's United States Department of Agriculture-approved
28 program ~~the department~~ will be accepted. The supplier or
29 vendor shall certify on the invoice that the fresh or frozen
30 beef or pork or imported beef or pork supplied is either
31 domestic or complies with this subsection.

1 (2) All bid invitations for purchase of fresh or
2 frozen meats of any kind by any agency of the state or of any
3 municipality, political subdivision, school district, or
4 special district using state or local funds shall include the
5 words: " 'All American' and 'Genuine Florida' meats or meat
6 products shall be granted preference as allowed by Section
7 287.082, Florida Statutes."

8 (3) Any person who knowingly violates or causes to be
9 violated the provisions of this section shall be personally
10 liable to the affected public agency for any funds spent in
11 violation of the provisions of this section.

12 Section 9. Section 585.92, Florida Statutes, is
13 transferred, renumbered as section 287.1396, Florida Statutes,
14 and amended to read:

15 287.1396 ~~585.92~~ All American and Genuine Florida meat
16 or meat products.--As allowed by the United States Department
17 of Agriculture, each slaughterhouse or meatpacking or
18 processing plant in the state or other person vending any meat
19 or meat product, the meat of which is entirely produced in the
20 United States, may label such meat or meat product "All
21 American", and any such vendor selling any such meat or meat
22 product, the meat of which is entirely produced in the state,
23 may label such meat or meat product "Genuine Florida."

24 Section 10. Sections 585.70, 585.71, 585.715, 585.72,
25 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79,
26 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86,
27 585.87, 585.88, 585.90, 585.902, 585.903, 585.904, 585.91,
28 585.93, 585.96, and 205.1951, Florida Statutes, are repealed.

29 Section 11. Subsection (5) of section 590.015, Florida
30 Statutes, is amended to read:

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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 12. Section 590.14, Florida Statutes, is
7 amended to read:

8 590.14 ~~Warning citation~~ Notice of violation;
9 penalties.--

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

16 (1)~~(2)~~ If a division employee determines that a person
17 has violated chapter 589 or chapter 590, he or she may issue a
18 notice of violation indicating the statute violated. This
19 notice will be filed with the division and a copy forwarded to
20 the appropriate law enforcement entity for further action if
21 necessary.

22 (2)~~(3)~~ In addition to any ~~other~~ penalties provided by
23 law, any person who causes a wildfire or permits any
24 authorized fire to escape the boundaries of the authorization
25 or to burn past the time of the authorization is liable for
26 the payment of all reasonable costs and expenses incurred in
27 suppressing the fire or \$150, whichever is greater. All costs
28 and expenses incurred by the division shall be payable to the
29 division. When such costs and expenses are not paid within 30
30 days after demand, the division may take proper legal
31 proceedings for the collection of the costs and expenses.

1 Those costs incurred by an agency acting at the division's
2 direction are recoverable by that agency.

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

9 (4)~~(5)~~ The penalties provided in this section shall
10 extend to both the actual violator and the person or persons,
11 firm, or corporation causing, directing, or permitting the
12 violation.

13 Section 13. Section 590.28, Florida Statutes, is
14 amended to read:

15 590.28 Intentional or reckless ~~careless~~ burning of
16 lands.--

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

25 (2) Whoever recklessly ~~carelessly~~ burns, sets fire to,
26 or causes to be burned any wild lands not owned by, or in the
27 lawful possession of, the person setting the fire or burning
28 the lands or causing the fire to be set or lands to be burned,
29 commits a misdemeanor of the second degree, punishable as
30 provided in s. 775.082 or s. 775.083.

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1 Section 14. Paragraph (b) of subsection (5) and
2 paragraph (a) of subsection (7) of section 616.242, Florida
3 Statutes, are amended to read:

4 616.242 Safety standards for amusement rides.--

5 (5) ANNUAL PERMIT.--

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

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

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

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

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

29 5. If required by subsection (6), an affidavit of
30 nondestructive testing dated and executed no earlier than 60
31 days prior to, but not later than, the date of the filing of

1 the application with the department. The owner shall request
2 inspection and permitting of the amusement ride within 60 days
3 of the date of filing the application with the department. The
4 department shall inspect and permit the amusement ride within
5 60 days after filing the application with the department of
6 ~~the date the affidavit was executed.~~

7 6. A request for inspection.

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

15 (7) DEPARTMENT INSPECTIONS.--

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

27 1. Used at a private event; or

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

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 15. Subsection (6) is added to section 823.14,
6 Florida Statutes, to read:

7 823.14 Florida Right to Farm Act.--

8 (6) LIMITATION OF LOCAL GOVERNMENT REGULATIONS.--A
9 local government may not adopt any ordinance, regulation,
10 rule, or policy to prohibit, restrict, regulate, or otherwise
11 limit the continuing agricultural use of any land currently
12 engaged in bona fide production of a farm product as produced
13 by those agricultural industries enumerated in s. 570.02(1).

14 Section 16. The Department of Agriculture and Consumer
15 Services may negotiate agreements with landowners for water
16 use in rural areas if there is no major diminishment on state
17 water supplies caused by such agreement.

18 Section 17. This act shall take effect July 1, 2000.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1904

The Committee Substitute for Senate Bill 1904 is different from Senate Bill 1904 in that it:

- * Deletes an exemption from food permit requirements for certain egg processing plants;
- * Repeals obsolete sections of the statutes pertaining to meat inspection which is no longer regulated by the state;
- * Deletes a provision that the Division of Forestry of the Department of Agriculture and Consumer Services may issue a warning citation if an authorized fire escapes from the boundaries of an authorized area, if the fire does not leave the land owned or controlled by the authorization holder, and if no damage has occurred;
- * Redesignates the offense of careless burning as "reckless" burning;
- * Limits local government regulations with respect to the Right to Farm Act; and
- * Authorizes the Department of Agriculture and Consumer Services to negotiate agreements with landowners for water use in rural areas.