

By the Committees on General Government Appropriations,
Agriculture and Representatives Putnam, Peadar, Bainter,
Harrington, Spratt, J. Miller, Stansel and Patterson

1 A bill to be entitled
2 An act relating to the Department of
3 Agriculture and Consumer Services; amending s.
4 212.02, F.S.; defining "agricultural
5 production"; amending s. 253.025, F.S.;
6 clarifying provisions relating to conveyance of
7 state lands to the department for forestry
8 facilities; deleting references to specific
9 fire tower sites and work centers with respect
10 to use of the department's Relocation and
11 Construction Trust Fund; amending s. 482.051,
12 F.S.; revising authority of the department to
13 adopt rules relating to pesticides used for
14 preconstruction treatments; amending s.
15 482.132, F.S.; providing for pest control
16 operator certification of qualified United
17 States Department of Defense employees;
18 amending s. 487.081, F.S.; waiving liability
19 for pesticide contamination when pesticides are
20 used in accordance with state and federal law;
21 providing for inspection of records; providing
22 rulemaking authority; providing retroactive
23 application; amending ss. 500.12 and 500.459,
24 F.S.; deleting certain requirements relating to
25 the setting and use of fees for bottled water
26 plants, packaged ice plants, and water vending
27 machines; amending s. 531.41, F.S.; authorizing
28 the department to provide by rule for voluntary
29 registration of private weighing and measuring
30 device service agencies and personnel; amending
31 s. 570.07, F.S.; authorizing deposit of certain

1 moneys in the department's employees' benefit
2 fund; authorizing the department to purchase
3 supplemental food and drink items and set
4 temporary meal expenditure limits, under
5 emergency conditions; providing restrictions;
6 amending s. 570.242, F.S.; revising the
7 definition of "agriculturally depressed area"
8 under the Agricultural Economic Development
9 Act; amending s. 570.248, F.S.; revising
10 membership of the Agricultural Economic
11 Development Project Review Committee; creating
12 s. 570.249, F.S.; providing for Agricultural
13 Economic Development Program disaster loans;
14 providing criteria for use of loan funds,
15 eligible crops, and loan applications;
16 providing requirements for loan security and
17 loan repayment; creating s. 570.92, F.S.;
18 providing for an equestrian educational sports
19 program at 4-year state universities; amending
20 s. 570.952, F.S.; revising provisions relating
21 to membership appointment and terms of the
22 Florida Agriculture Center and Horse Park
23 Authority; renumbering and amending s. 585.89,
24 F.S.; authorizing state agencies and entities
25 to purchase fresh or frozen beef or pork
26 inspected by another state's federally approved
27 inspection program; renumbering and amending s.
28 585.92, F.S.; clarifying provisions relating to
29 "All American" and "Genuine Florida" meat or
30 meat products; amending s. 590.015, F.S.;
31 revising the definition of "wild land" in

1 provisions relating to forest protection;
2 amending s. 590.14, F.S.; deleting authority of
3 the Division of Forestry to issue warning
4 citations relating to certain authorized fires;
5 clarifying a penalty; amending s. 590.28, F.S.;
6 providing a penalty for intentional or reckless
7 burning of lands; amending s. 616.242, F.S.;
8 revising timing requirements for inspection and
9 permitting of amusement rides; deleting
10 exemptions from inspection requirements for
11 certain temporary amusement rides at public
12 events; amending s. 823.14, F.S.; limiting
13 local government regulation of farm operations
14 on certain agricultural land, under the Florida
15 Right to Farm Act; amending s. 828.12, F.S.;
16 revising provisions relating to cruelty to
17 animals; providing authority to the department
18 to negotiate agreements with certain landowners
19 for water use in rural areas; repealing s.
20 205.1951, F.S., relating to local occupational
21 licenses for establishments regulated under the
22 state meat inspection program; repealing ss.
23 585.70, 585.71, 585.715, 585.72, 585.73,
24 585.74, 585.75, 585.76, 585.77, 585.78, 585.79,
25 585.80, 585.81, 585.82, 585.83, 585.84, 585.85,
26 585.86, 585.87, 585.88, 585.90, 585.902,
27 585.903, 585.904, 585.91, 585.93, and 585.96,
28 F.S., relating to the state meat inspection
29 program; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Subsection (34) is added to section 212.02,
2 Florida Statutes, to read:

3 212.02 Definitions.--The following terms and phrases
4 when used in this chapter have the meanings ascribed to them
5 in this section, except where the context clearly indicates a
6 different meaning:

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

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

17 253.025 Acquisition of state lands for purposes other
18 than preservation, conservation, and recreation.--

19 (13)(a) ~~Notwithstanding the provisions of this chapter~~
20 ~~and chapters 259 and 375,~~ The Board of Trustees of the
21 Internal Improvement Trust Fund may deed property to the
22 Department of Agriculture and Consumer Services, so that the
23 department shall be able ~~shall have the authority, with the~~
24 ~~consent of the majority of the Governor and Cabinet,~~ to sell,
25 convey, transfer, exchange, trade, or purchase land on which a
26 forestry facility resides for money or other more suitable
27 property on which to relocate the facility. Any sale or
28 purchase of property by the Department of Agriculture and
29 Consumer Services shall follow the requirements of subsections
30 (5)-(9). Any sale shall be at fair market value, and any trade
31 shall ensure that the state is getting at least an equal value

1 for the property. Except as provided in subsections (5)-(9),
2 the Department of Agriculture and Consumer Services is
3 excluded from following the provisions of this chapter and
4 chapters 259 and 375. This exclusion shall not apply to lands
5 acquired for conservation purposes in accordance with s.
6 253.034(6)(a) or (b).

7 (d) There is hereby created in the Department of
8 Agriculture and Consumer Services the Relocation and
9 Construction Trust Fund. The trust fund is to be used for the
10 sole purpose of effectuating the orderly relocation of the
11 forestry fire towers and work centers ~~as follows: Crestview~~
12 ~~Work Center, Marianna Work Center, Panama City Headquarters,~~
13 ~~Tallahassee Headquarters, Southside Towersite, Gainesville~~
14 ~~Headquarters, Ocala Work Center, Orlando Headquarters,~~
15 ~~Lakeland Headquarters, Dunedin Work Center, Hamner Towersite,~~
16 ~~Bradenton Headquarters, Venetia Towersite, Fort Myers~~
17 ~~Headquarters, Naples Work Center, Philpot Towersite, Sand Hill~~
18 ~~Towersite, Mayo Work Center, Benton Towersite, Plymouth~~
19 ~~Towersite, Longwood Work Center, Oviedo Towersite, Valrico~~
20 ~~Work Center, and Belle Glade Work Center.~~

21 Section 3. Subsection (5) of section 482.051, Florida
22 Statutes, is amended to read:

23 482.051 Rules.--The department has authority to adopt
24 rules pursuant to ss. 120.536(1) and 120.54 to implement the
25 provisions of this chapter. Prior to proposing the adoption
26 of a rule, the department shall counsel with members of the
27 pest control industry concerning the proposed rule. The
28 department shall adopt rules for the protection of the health,
29 safety, and welfare of pest control employees and the general
30 public which require:

31

1 (5) That any pesticide used for preconstruction ~~soil~~
2 treatments for the prevention of subterranean termites be
3 applied in the amount, concentration, and treatment area in
4 accordance with the label; that a copy of the label of the
5 registered pesticide being applied be carried in a vehicle at
6 the site where the pesticide is being applied; and that the
7 licensee maintain for 3 years the record of each
8 preconstruction ~~soil~~ treatment, indicating the date of
9 treatment, the location or address of the property treated,
10 the total square footage of the structure treated, the type of
11 pesticide applied, the concentration of each substance in the
12 mixture applied, and the total amount of pesticide applied.

13 Section 4. Paragraph (g) is added to subsection (2) of
14 section 482.132, Florida Statutes, to read:

15 482.132 Qualifications for examination and
16 certification.--

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

20 (g) Three years' full-time employment as a service
21 employee of the United States Department of Defense, who has
22 been certified to perform pest control in the category or
23 categories in which the applicant seeks certification, 1 year
24 of which employment must have been completed in this state
25 during the year immediately preceding application for
26 examination. Additionally, the application for certification
27 must be submitted to the Department of Agriculture and
28 Consumer Services within 12 months after the date of
29 termination of employment from the Department of Defense.

30 Section 5. Subsection (6) is added to section 487.081,
31 Florida Statutes, to read:

1 487.081 Exemptions.--
2 (6) Notwithstanding any provision of law, the
3 Department of Environmental Protection is not authorized to
4 institute proceedings against any person under the provisions
5 of s. 376.307(5) to recover any costs or damages associated
6 with pesticide contamination of soil or water, or the
7 evaluation, assessment, or remediation of pesticide
8 contamination of soil or water, including sampling, analysis,
9 and restoration of soil or potable water supplies, where the
10 pesticide contamination of soil or water is determined to be
11 the result of the use of pesticides in accordance with state
12 and federal law, applicable registered labels, and rules of
13 the department; provided the property owner or leaseholder
14 maintains records of such pesticide applications and such
15 records are provided to the department for inspection upon
16 request. The department may adopt rules prescribing the
17 format, content, and retention time for records to be
18 maintained under this subsection. This subsection is remedial
19 in nature and shall apply retroactively. This subsection does
20 not limit regulatory authority under a federally delegated or
21 approved program.

22 Section 6. Paragraph (b) of subsection (1) of section
23 500.12, Florida Statutes, is amended to read:

24 500.12 Food permits; building permits.--

25 (1)

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

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

15 Section 7. Subsection (4) of section 500.459, Florida
16 Statutes, is amended to read:

17 500.459 Water vending machines.--

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

27 Section 8. Subsection (16) is added to section 531.41,
28 Florida Statutes, to read:

29 531.41 Powers and duties of the department.--The
30 department shall:

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

11

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

18 Section 9. Subsection (34) of section 570.07, Florida
19 Statutes, is amended, and subsection (35) is added to said
20 section, to read:

21 570.07 Department of Agriculture and Consumer
22 Services; functions, powers, and duties.--The department shall
23 have and exercise the following functions, powers, and duties:

24 (34) To adopt policies creating, and providing for the
25 operation of, an employees' benefit fund. Notwithstanding the
26 provisions of chapter 273, the department may deposit moneys
27 received from the disposition of state-owned tangible personal
28 property, specifically livestock maintained and located at the
29 Doyle E. Conner Agricultural Complex, in the employees'
30 benefit fund.

31

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

7 Section 10. Paragraph (f) is added to subsection (1)
8 of section 570.242, Florida Statutes, to read:

9 570.242 Definitions.--For purposes of this act, the
10 following terms shall have the following meanings:

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

14 (f) Crop losses or economic depression resulting from
15 a natural disaster or socioeconomic conditions or events which
16 negatively impact a crop.

17 Section 11. Paragraph (c) of subsection (1) of section
18 570.248, Florida Statutes, is amended to read:

19 570.248 Agricultural Economic Development Project
20 Review Committee; powers and duties.--

21 (1) There is created an Agricultural Economic
22 Development Project Review Committee consisting of five
23 members appointed by the commissioner. The members shall be
24 appointed based upon the recommendations submitted by each
25 entity represented on the committee and shall include:

26 (c) One representative from Enterprise Florida, Inc
27 ~~the Florida Rural Development Committee.~~

28 Section 12. Section 570.249, Florida Statutes, is
29 created to read:

30 570.249 Agricultural Economic Development Program
31 disaster loans.--

1 (1) USE OF LOAN FUNDS.--Loan funds to agricultural
2 producers who have experienced crop losses from a natural
3 disaster or a socioeconomic condition or event may be used to
4 restore or replace essential physical property, such as
5 animals, fences, equipment, structural production facilities,
6 and orchard trees; pay all or part of production costs
7 associated with the disaster year; pay essential family living
8 expenses; and restructure farm debts. Funds may be issued as
9 direct loans, or as loan guarantees for up to 90 percent of
10 the total loan, in amounts not less than \$30,000 nor more than
11 \$250,000. Applicants must provide at least 10 percent equity.

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

14 (a) Crops grown for human consumption.

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

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

18 (d) Specialty crops, such as aquacultural,
19 floricultural, or ornamental nursery crops; Christmas trees;
20 turf for sod; industrial crops; and seed crops used to produce
21 eligible crops.

22 (3) FARMING INFORMATION.--A borrower must keep
23 complete and acceptable farm records and present them as proof
24 of production levels. A borrower must operate in accordance
25 with a farm plan that he or she develops and that is approved
26 by the commissioner. A borrower may be required to participate
27 in a financial management training program and obtain crop
28 insurance.

29 (4) LOAN APPLICATION.--In order to qualify for a loan
30 under this section, an applicant must submit an application to
31 the committee within 30 days after the date the natural

1 disaster or socioeconomic condition or event occurs or the
2 crop damage becomes apparent. An applicant must be a citizen
3 of the United States, a bona fide resident of the state and,
4 together with the applicant's spouse and their dependents,
5 have a total net worth of less than \$100,000. The value of any
6 residential homestead owned by the applicant must not be
7 included in determining the applicant's net worth. An
8 applicant must also demonstrate the need for economic
9 assistance, be worthy of credit according to standards
10 established by the commissioner, prove that he or she cannot
11 obtain commercial credit, and demonstrate that he or she has
12 the ability to repay the loan.

13 (5) LOAN SECURITY REQUIREMENTS.--All loans must be
14 fully collateralized. A first lien is required on all property
15 or product acquired, produced, or refinanced with loan funds.
16 The specific type of collateral required may vary depending
17 upon the loan purpose, repayment ability, and the particular
18 circumstances of the applicant.

19 (6) LOAN REPAYMENT.--Repayment of loans for crops,
20 livestock, and non-real-estate losses shall normally be made
21 within 7 years or, in special circumstances, within 20 years.
22 Loans for physical losses to real estate and buildings shall
23 not exceed 30 years. Borrowers are expected to return to
24 conventional credit sources when they are financially able.
25 Loans are a temporary source of credit and borrowers must be
26 reviewed periodically to determine whether they can return to
27 conventional credit.

28 Section 13. Section 570.92, Florida Statutes, is
29 created to read:

30 570.92 Equestrian educational sports program.--The
31 department shall establish an equestrian educational sports

1 program with one or more accredited 4-year state universities,
2 designed to give student riders the opportunity to learn,
3 compete, and succeed at the collegiate level while at the same
4 time promoting the state's multibillion dollar equine
5 industry.

6 Section 14. Subsection (2) of section 570.952, Florida
7 Statutes, is amended to read:

8 570.952 Florida Agriculture Center and Horse Park
9 Authority.--

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

12 (a) Members shall include:

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

16 2. One representative from the Department of
17 Agriculture and Consumer Services.

18 3. One representative from Enterprise Florida, Inc.

19 4. One representative from the Department of
20 Environmental Protection, Office of Greenways and Trails
21 Management.

22 5. One member of the Ocala/Marion County Chamber of
23 Commerce.

24 6. Two representatives of the tourism or hospitality
25 industry.

26 7. Three representatives of the commercial agriculture
27 industry.

28 8. Three representatives from recognized horse breed
29 associations.

30 9. One representative of the veterinary industry.
31

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

1 ~~11~~ members ~~shall be appointed~~ for 2-year terms. Thereafter,
2 each member shall be appointed for a term of 4 years from the
3 date of appointment, except that a vacancy shall be filled by
4 appointment for the remainder of the term.

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

11 Section 15. Section 585.89, Florida Statutes, is
12 renumbered as section 287.0822, Florida Statutes, and
13 subsection (1) of said section is amended to read:

14 287.0822 ~~585.89~~ Beef and pork; prohibition on
15 purchase; bid specifications; penalty.--

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

1 certify on the invoice that the fresh or frozen beef or pork
2 or imported beef or pork supplied is either domestic or
3 complies with this subsection.

4 Section 16. Section 585.92, Florida Statutes, is
5 renumbered as section 287.0821, Florida Statutes, and amended
6 to read:

7 287.0821 ~~585.92~~ All American and Genuine Florida meat
8 or meat products.--As allowed by the United States Department
9 of Agriculture, each slaughterhouse or meatpacking or
10 processing plant in the state or other person vending any meat
11 or meat product, the meat of which is entirely produced in the
12 United States, may label such meat or meat product "All
13 American", and any such vendor selling any such meat or meat
14 product, the meat of which is entirely produced in the state,
15 may label such meat or meat product "Genuine Florida."

16 Section 17. Subsection (5) of section 590.015, Florida
17 Statutes, is amended to read:

18 590.015 Definitions.--As used in this chapter, the
19 term:

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

23 Section 18. Section 590.14, Florida Statutes, is
24 amended to read:

25 590.14 ~~Warning citation;~~ Notice of violation;
26 penalties.--

27 ~~(1) If unpredicted atmospheric conditions occur which~~
28 ~~cause an authorized fire to escape from the boundaries of the~~
29 ~~authorized area, if the fire does not leave the land owned or~~
30 ~~controlled by the authorization holder, and if no damage has~~
31

1 ~~occurred, the division may issue a warning citation of~~
2 ~~violation of s. 590.125.~~

3 (1)~~(2)~~ If a division employee determines that a person
4 has violated chapter 589 or chapter 590, he or she may issue a
5 notice of violation indicating the statute violated. This
6 notice will be filed with the division and a copy forwarded to
7 the appropriate law enforcement entity for further action if
8 necessary.

9 (2)~~(3)~~ In addition to any ~~other~~ penalties provided by
10 law, any person who causes a wildfire or permits any
11 authorized fire to escape the boundaries of the authorization
12 or to burn past the time of the authorization is liable for
13 the payment of all reasonable costs and expenses incurred in
14 suppressing the fire or \$150, whichever is greater. All costs
15 and expenses incurred by the division shall be payable to the
16 division. When such costs and expenses are not paid within 30
17 days after demand, the division may take proper legal
18 proceedings for the collection of the costs and expenses.
19 Those costs incurred by an agency acting at the division's
20 direction are recoverable by that agency.

21 (3)~~(4)~~ The department may also impose an
22 administrative fine, not to exceed \$1,000 per violation of any
23 section of chapter 589 or chapter 590. The fine shall be based
24 upon the degree of damage and prior violation record of the
25 person. The fines shall be deposited in the Incidental Trust
26 Fund of the division.

27 (4)~~(5)~~ The penalties provided in this section shall
28 extend to both the actual violator and the person or persons,
29 firm, or corporation causing, directing, or permitting the
30 violation.

31

1 Section 19. Section 590.28, Florida Statutes, is
2 amended to read:

3 590.28 Intentional or reckless ~~careless~~ burning of
4 lands.--

5 (1) Whoever intentionally burns, sets fire to, or
6 causes to be burned or causes any fire to be set to, any wild
7 land or vegetative land clearing debris not owned by, or in
8 the lawful possession of, the person setting such fire or
9 burning such lands or causing such fire to be set or lands to
10 be burned without complying with s. 590.125, commits a felony
11 of the third degree, punishable as provided in s. 775.082, s.
12 775.083, or s. 775.084.

13 (2) Whoever recklessly ~~carelessly~~ burns, sets fire to,
14 or causes to be burned any wild lands not owned by, or in the
15 lawful possession of, the person setting the fire or burning
16 the lands or causing the fire to be set or lands to be burned,
17 commits a misdemeanor of the second degree, punishable as
18 provided in s. 775.082 or s. 775.083.

19 Section 20. Paragraph (b) of subsection (5) and
20 paragraph (a) of subsection (7) of section 616.242, Florida
21 Statutes, are amended to read:

22 616.242 Safety standards for amusement rides.--

23 (5) ANNUAL PERMIT.--

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

27 1. The legal name, address, and primary place of
28 business of the owner.

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

- 1 3. A valid certificate of insurance or bond for each
2 amusement ride.
- 3 4. An affidavit of compliance that the amusement ride
4 was inspected in person by the affiant and that the amusement
5 ride is in general conformance with the requirements of this
6 section and all applicable rules adopted by the department.
7 The affidavit must be executed by a professional engineer or a
8 qualified inspector no earlier than 60 days before, but not
9 later than, the date of the filing of the application with the
10 department. The owner shall request inspection and permitting
11 of the amusement ride within 60 days of the date of filing the
12 application with the department. The department shall inspect
13 and permit the amusement ride within 60 days after filing the
14 application with the department ~~of the date the affidavit was~~
15 ~~executed.~~
- 16 5. If required by subsection (6), an affidavit of
17 nondestructive testing dated and executed no earlier than 60
18 days prior to, but not later than, the date of the filing of
19 the application with the department. The owner shall request
20 inspection and permitting of the amusement ride within 60 days
21 of the date of filing the application with the department. The
22 department shall inspect and permit the amusement ride within
23 60 days after filing the application with the department ~~of~~
24 ~~the date the affidavit was executed.~~
- 25 6. A request for inspection.
- 26 7. Upon request, the owner shall, at no cost to the
27 department, provide the department a copy of the
28 manufacturer's current recommended operating instructions in
29 the possession of the owner, the owner's operating fact sheet,
30 and any written bulletins in the possession of the owner
31

1 concerning the safety, operation, or maintenance of the
2 amusement ride.
3 (7) DEPARTMENT INSPECTIONS.--
4 (a) In order to obtain an annual permit, an amusement
5 ride must be inspected by the department in accordance with
6 subsection (11) and receive an inspection certificate. In
7 addition, each permanent amusement ride must be inspected
8 semi-annually by the department in accordance with subsection
9 (11) and receive an inspection certificate, and each temporary
10 amusement ride must be inspected by the department in
11 accordance with subsection (11), and must receive an
12 inspection certificate each time the ride is set up or moved
13 to a new location in this state unless the temporary amusement
14 ride is:

- 15 1. Used at a private event; or
- 16 ~~2. Used at a public event when there are no more than~~
17 ~~three amusement rides at the event, and the capacity of each~~
18 ~~amusement ride at the event does not exceed eight persons;~~
- 19 2.3. A simulator, the capacity of which does not
20 exceed 16 persons. ~~or~~
- 21 ~~4. A kiddie train used at a public event if there are~~
22 ~~no more than three amusement rides at the event.~~

23 Section 21. Subsection (6) is added to section 823.14,
24 Florida Statutes, to read:

25 823.14 Florida Right to Farm Act.--

26 (6) LIMITATION ON LOCAL GOVERNMENT REGULATION.--It is
27 the intent of the Legislature to eliminate duplication of
28 regulatory authority over farm operations. Except as
29 otherwise provided for in this section and s. 487.051(2), and
30 notwithstanding any other provision of law, a local government
31 may not adopt any ordinance, regulation, rule, or policy to

1 prohibit, restrict, regulate, or otherwise limit any activity
2 of a farm operation on land classified as agricultural land,
3 pursuant to s. 193.461, where such activity is subject to
4 regulation by a state agency or water management district.

5 Section 22. 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 23. The Department of Agriculture and Consumer
26 Services is authorized to negotiate agreements with landowners
27 for water supply in rural areas, provided that:

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

30 (2) The intended use and quantity are not inconsistent
31 with any permit required under part II of chapter 373, Florida

1 Statutes, for the source of supply in effect at the time of
2 the agreement.

3 Section 24. Repealing ss. 205.1951, 585.70, 585.71,
4 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77,
5 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84,
6 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903,
7 585.904, 585.91, 585.93, and 585.96, Florida Statutes.

8 Section 25. This act shall take effect July 1, 2000.

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