

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. 487.041, 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.

1 531.41, F.S.; authorizing the department to
2 provide by rule for voluntary registration of
3 private weighing and measuring device service
4 agencies and personnel; amending s. 570.07,
5 F.S.; authorizing deposit of certain moneys in
6 the department's employees' benefit fund;
7 authorizing the department to purchase
8 supplemental food and drink items and set
9 temporary meal expenditure limits, under
10 emergency conditions; providing restrictions;
11 amending s. 570.242, F.S.; revising the
12 definition of "agriculturally depressed area"
13 under the Agricultural Economic Development
14 Act; amending s. 570.248, F.S.; revising
15 membership of the Agricultural Economic
16 Development Project Review Committee; creating
17 s. 570.249, F.S.; providing for Agricultural
18 Economic Development Program disaster loans;
19 providing criteria for use of loan funds,
20 eligible crops, and loan applications;
21 providing requirements for loan security and
22 loan repayment; creating s. 570.92, F.S.;
23 providing for an equestrian educational sports
24 program at 4-year state universities; amending
25 s. 570.952, F.S.; revising provisions relating
26 to membership appointment and terms of the
27 Florida Agriculture Center and Horse Park
28 Authority; renumbering and amending s. 585.89,
29 F.S.; authorizing state agencies and entities
30 to purchase fresh or frozen beef or pork
31 inspected by another state's federally approved

1 inspection program; renumbering and amending s.
 2 585.92, F.S.; clarifying provisions relating to
 3 "All American" and "Genuine Florida" meat or
 4 meat products; amending s. 590.015, F.S.;
 5 revising the definition of "wild land" in
 6 provisions relating to forest protection;
 7 amending s. 590.14, F.S.; deleting authority of
 8 the Division of Forestry to issue warning
 9 citations relating to certain authorized fires;
 10 clarifying a penalty; amending s. 590.28, F.S.;
 11 providing a penalty for intentional or reckless
 12 burning of lands; amending s. 616.242, F.S.;
 13 revising timing requirements for inspection and
 14 permitting of amusement rides; deleting
 15 exemptions from inspection requirements for
 16 certain temporary amusement rides at public
 17 events; amending s. 823.14, F.S.; limiting
 18 local government regulation of farm operations
 19 on certain agricultural land, under the Florida
 20 Right to Farm Act; amending s. 828.12, F.S.;
 21 revising provisions relating to cruelty to
 22 animals; providing authority to the department
 23 to negotiate agreements with certain landowners
 24 for water use in rural areas; repealing s.
 25 205.1951, F.S., relating to local occupational
 26 licenses for establishments regulated under the
 27 state meat inspection program; repealing ss.
 28 585.70, 585.71, 585.715, 585.72, 585.73,
 29 585.74, 585.75, 585.76, 585.77, 585.78, 585.79,
 30 585.80, 585.81, 585.82, 585.83, 585.84, 585.85,
 31 585.86, 585.87, 585.88, 585.90, 585.902,

1 585.903, 585.904, 585.91, 585.93, and 585.96,
2 F.S., relating to the state meat inspection
3 program; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

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

9 212.02 Definitions.--The following terms and phrases
10 when used in this chapter have the meanings ascribed to them
11 in this section, except where the context clearly indicates a
12 different meaning:

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

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

23 253.025 Acquisition of state lands for purposes other
24 than preservation, conservation, and recreation.--

25 (13)(a) ~~Notwithstanding the provisions of this chapter~~
26 ~~and chapters 259 and 375,~~ The Board of Trustees of the
27 Internal Improvement Trust Fund may deed property to the
28 Department of Agriculture and Consumer Services, so that the
29 department shall be able ~~shall have the authority, with the~~
30 ~~consent of the majority of the Governor and Cabinet,~~ to sell,
31 convey, transfer, exchange, trade, or purchase land on which a

1 forestry facility resides for money or other more suitable
 2 property on which to relocate the facility. Any sale or
 3 purchase of property by the Department of Agriculture and
 4 Consumer Services shall follow the requirements of subsections
 5 (5)-(9). Any sale shall be at fair market value, and any trade
 6 shall ensure that the state is getting at least an equal value
 7 for the property. Except as provided in subsections (5)-(9),
 8 the Department of Agriculture and Consumer Services is
 9 excluded from following the provisions of this chapter and
 10 chapters 259 and 375. This exclusion shall not apply to lands
 11 acquired for conservation purposes in accordance with s.
 12 253.034(6)(a) or (b).

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

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

29 482.051 Rules.--The department has authority to adopt
 30 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 31 provisions of this chapter. Prior to proposing the adoption

1 of a rule, the department shall counsel with members of the
2 pest control industry concerning the proposed rule. The
3 department shall adopt rules for the protection of the health,
4 safety, and welfare of pest control employees and the general
5 public which require:

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

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

20 482.132 Qualifications for examination and
21 certification.--

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

25 (g) Three years' full-time employment as a service
26 employee of the United States Department of Defense, who has
27 been certified to perform pest control in the category or
28 categories in which the applicant seeks certification, 1 year
29 of which employment must have been completed in this state
30 during the year immediately preceding application for
31 examination. Additionally, the application for certification

1 must be submitted to the Department of Agriculture and
2 Consumer Services within 12 months after the date of
3 termination of employment from the Department of Defense.

4 Section 5. Subsection (3) of section 487.041, Florida
5 Statutes, is amended to read:

6 487.041 Registration.--

7 (3) The department shall adopt rules governing the
8 procedures for pesticide registration and for the review of
9 data submitted by an applicant for registration of a
10 pesticide. The department shall determine whether a pesticide
11 should be registered, registered with conditions, or tested
12 under field conditions in this state. The department shall
13 determine that all requests for pesticide registrations meet
14 the requirements of current state and federal law. The
15 department, whenever it deems it necessary in the
16 administration of this part, may require the manufacturer or
17 registrant to submit the complete formula, quantities shipped
18 into or manufactured in the state for distribution and sale,
19 evidence of the efficacy and the safety of any pesticide, and
20 other relevant data. The department may review and evaluate a
21 registered pesticide if new information is made available
22 which indicates that use of the pesticide has caused an
23 unreasonable adverse effect on public health or the
24 environment. Such review shall be conducted upon the request
25 of the Secretary of the Department of Health in the event of
26 an unreasonable adverse effect on public health or the
27 Secretary of the Department of Environmental Protection in the
28 event of an unreasonable adverse effect on the environment.
29 Such review may result in modifications, revocation,
30 cancellation or suspension of a pesticide registration.The
31 department, for reasons of adulteration, misbranding, or other

1 good cause, may refuse or revoke the registration of any
2 pesticide, after notice to the applicant or registrant giving
3 the reason for the decision. The applicant may then request a
4 hearing, pursuant to chapter 120, on the intention of the
5 department to refuse or revoke registration, and, upon his or
6 her failure to do so, the refusal or revocation shall become
7 final without further procedure. In no event shall
8 registration of a pesticide be construed as a defense for the
9 commission of any offense prohibited under this part.

10 Section 6. Subsection (6) is added to section 487.081,
11 Florida Statutes, to read:

12 487.081 Exemptions.--

13 (6) The Department of Environmental Protection is not
14 authorized to institute proceedings against any property owner
15 or leaseholder of property under the provisions of s.
16 376.307(5) to recover any costs or damages associated with
17 pesticide contamination of soil or water, or the evaluation,
18 assessment, or remediation of pesticide contamination of soil
19 or water, including sampling, analysis, and restoration of
20 soil or potable water supplies, subject to the following
21 conditions:

22 (a) The pesticide contamination of soil or water is
23 determined to be the result of the use of pesticides by the
24 property owner or leaseholder, in accordance with state and
25 federal law, applicable registered labels, and rules on
26 property classified as agricultural land pursuant to s.
27 193.461;

28 (b) The property owner or leaseholder maintains
29 records of such pesticide applications and such records are
30 provided to the department upon request;

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

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

6 (e) This subsection is remedial in nature and shall
7 apply retroactively.

8 The department, in consultation with the Secretary of the
9 Department of Environmental Protection, may adopt rules
10 prescribing the format, content, and retention time for
11 records to be maintained under this subsection.

12 Section 7. Paragraph (b) of subsection (1) of section
13 500.12, Florida Statutes, is amended to read:

14 500.12 Food permits; building permits.--

15 (1)

16 (b) An application for a food permit from the
17 department must be accompanied by a fee in an amount
18 determined by department rule, which may not exceed \$350,
19 except that the fee accompanying an application for a food
20 permit for operating a bottled water plant may not exceed
21 \$1,000 and the fee accompanying an application for a food
22 permit for operating a packaged ice plant may not exceed \$250.
23 The fee for operating a bottled water plant or a packaged ice
24 plant shall be set by rule of the department ~~in an amount~~
25 ~~sufficient to meet, but not exceed, the total direct and~~
26 ~~indirect costs incurred by the department in carrying out its~~
27 ~~permitting, inspection, sampling, enforcement, and~~
28 ~~administrative responsibilities for those operations.~~ Food
29 permits must be renewed annually on or before January 1. If an
30 application for renewal of a food permit is not received by
31 the department within 30 days after its due date, a late fee,

1 in an amount not exceeding \$100, must be paid in addition to
2 the food permit fee before the department may issue the food
3 permit. The moneys collected shall be deposited in the General
4 Inspection Trust Fund.

5 Section 8. Subsection (4) of section 500.459, Florida
6 Statutes, is amended to read:

7 500.459 Water vending machines.--

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

17 Section 9. Subsection (16) is added to section 531.41,
18 Florida Statutes, to read:

19 531.41 Powers and duties of the department.--The
20 department shall:

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

31

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

7 Section 10. Subsection (34) of section 570.07, Florida
8 Statutes, is amended, and subsection (35) is added to said
9 section, to read:

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

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

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

26 Section 11. Paragraph (f) is added to subsection (1)
27 of section 570.242, Florida Statutes, to read:

28 570.242 Definitions.--For purposes of this act, the
29 following terms shall have the following meanings:
30
31

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

4 (f) Crop losses or economic depression resulting from
5 a natural disaster or socioeconomic conditions or events which
6 negatively impact a crop.

7 Section 12. Paragraph (c) of subsection (1) of section
8 570.248, Florida Statutes, is amended to read:

9 570.248 Agricultural Economic Development Project
10 Review Committee; powers and duties.--

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

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

18 Section 13. Section 570.249, Florida Statutes, is
19 created to read:

20 570.249 Agricultural Economic Development Program
21 disaster loans.--

22 (1) USE OF LOAN FUNDS.--Loan funds to agricultural
23 producers who have experienced crop losses from a natural
24 disaster or a socioeconomic condition or event may be used to
25 restore or replace essential physical property, such as
26 animals, fences, equipment, structural production facilities,
27 and orchard trees; pay all or part of production costs
28 associated with the disaster year; pay essential family living
29 expenses; and restructure farm debts. Funds may be issued as
30 direct loans, or as loan guarantees for up to 90 percent of
31

1 the total loan, in amounts not less than \$30,000 nor more than
2 \$250,000. Applicants must provide at least 10 percent equity.

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

5 (a) Crops grown for human consumption.

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

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

9 (d) Specialty crops, such as aquacultural,
10 floricultural, or ornamental nursery crops; Christmas trees;
11 turf for sod; industrial crops; and seed crops used to produce
12 eligible crops.

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

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

1 established by the commissioner, prove that he or she cannot
2 obtain commercial credit, and demonstrate that he or she has
3 the ability to repay the loan.

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

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

19 Section 14. Section 570.92, Florida Statutes, is
20 created to read:

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

28 Section 15. Subsection (2) of section 570.952, Florida
29 Statutes, is amended to read:

30 570.952 Florida Agriculture Center and Horse Park
31 Authority.--

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

3 (a) Members shall include:

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

7 2. One representative from the Department of
8 Agriculture and Consumer Services.

9 3. One representative from Enterprise Florida, Inc.

10 4. One representative from the Department of
11 Environmental Protection, Office of Greenways and Trails
12 Management.

13 5. One member of the Ocala/Marion County Chamber of
14 Commerce.

15 6. Two representatives of the tourism or hospitality
16 industry.

17 7. Three representatives of the commercial agriculture
18 industry.

19 8. Three representatives from recognized horse breed
20 associations.

21 9. One representative of the veterinary industry.

22 10. Three representatives from the competitive equine
23 industry.

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

25 ~~7. One member of a private environmental organization.~~

26 ~~8. One fruit and vegetable grower.~~

27 ~~9. One citrus grower.~~

28 ~~10. One commercial feed producer.~~

29 ~~11. One livestock/cattle breeder.~~

30 ~~12. One quarter horse breeder.~~

31 ~~13. One thoroughbred horse breeder.~~

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

1 Section 16. Section 585.89, Florida Statutes, is
2 renumbered as section 287.0822, Florida Statutes, and
3 subsection (1) of said section is amended to read:

4 287.0822 ~~585.89~~ Beef and pork; prohibition on
5 purchase; bid specifications; penalty.--

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

25 Section 17. Section 585.92, Florida Statutes, is
26 renumbered as section 287.0821, Florida Statutes, and amended
27 to read:

28 287.0821 ~~585.92~~ All American and Genuine Florida meat
29 or meat products.--As allowed by the United States Department
30 of Agriculture, each slaughterhouse or meatpacking or
31 processing plant in the state or other person vending any meat

1 or meat product, the meat of which is entirely produced in the
2 United States, may label such meat or meat product "All
3 American", and any such vendor selling any such meat or meat
4 product, the meat of which is entirely produced in the state,
5 may label such meat or meat product "Genuine Florida."

6 Section 18. Subsection (5) of section 590.015, Florida
7 Statutes, is amended to read:

8 590.015 Definitions.--As used in this chapter, the
9 term:

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

13 Section 19. Section 590.14, Florida Statutes, is
14 amended to read:

15 590.14 ~~Warning citation~~ Notice of violation;
16 penalties.--

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

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

29 (2)~~(3)~~ In addition to any ~~other~~ penalties provided by
30 law, any person who causes a wildfire or permits any
31 authorized fire to escape the boundaries of the authorization

1 or to burn past the time of the authorization is liable for
 2 the payment of all reasonable costs and expenses incurred in
 3 suppressing the fire or \$150, whichever is greater. All costs
 4 and expenses incurred by the division shall be payable to the
 5 division. When such costs and expenses are not paid within 30
 6 days after demand, the division may take proper legal
 7 proceedings for the collection of the costs and expenses.
 8 Those costs incurred by an agency acting at the division's
 9 direction are recoverable by that agency.

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

16 (4)~~(5)~~ The penalties provided in this section shall
 17 extend to both the actual violator and the person or persons,
 18 firm, or corporation causing, directing, or permitting the
 19 violation.

20 Section 20. Section 590.28, Florida Statutes, is
 21 amended to read:

22 590.28 Intentional or reckless ~~careless~~ burning of
 23 lands.--

24 (1) Whoever intentionally burns, sets fire to, or
 25 causes to be burned or causes any fire to be set to, any wild
 26 land or vegetative land clearing debris not owned by, or in
 27 the lawful possession of, the person setting such fire or
 28 burning such lands or causing such fire to be set or lands to
 29 be burned without complying with s. 590.125, commits a felony
 30 of the third degree, punishable as provided in s. 775.082, s.
 31 775.083, or s. 775.084.

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

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

10 616.242 Safety standards for amusement rides.--

11 (5) ANNUAL PERMIT.--

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

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

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

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

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

1 and permit the amusement ride within 60 days after filing the
2 application with the department ~~of the date the affidavit was~~
3 ~~executed.~~

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

13 6. A request for inspection.

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

21 (7) DEPARTMENT INSPECTIONS.--

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

1 to a new location in this state unless the temporary amusement
2 ride is:

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

11 Section 22. Subsection (6) is added to section 823.14,
12 Florida Statutes, to read:

13 823.14 Florida Right to Farm Act.--

14 (6) LIMITATION ON LOCAL GOVERNMENT REGULATION.--It is
15 the intent of the Legislature to eliminate duplication of
16 regulatory authority over farm operations as expressed herein.
17 Except as otherwise provided for in this section and s.
18 487.051(2), and notwithstanding any other provision of law, a
19 local government may not adopt any ordinance, regulation, rule
20 or policy to prohibit, restrict, regulate or otherwise limit
21 an activity of a bona fide farm operation on land classified
22 as agricultural land pursuant to s. 193.461, where such
23 activity is regulated by a state agency or water management
24 district, including through application of best management
25 practices developed and implemented by the Department of
26 Environmental Protection, the Department of Agriculture and
27 Consumer Services or water management districts, as part of a
28 statewide or regional regulatory program, or where such
29 activity is specifically exempt from such regulation under
30 state law or rules promulgated thereunder. Nothing in this

1 subsection shall be construed to limit the powers and duties
2 provided for in s. 373.4592.

3 Section 23. Subsection (4) of section 828.12, Florida
4 Statutes, is amended to read:

5 828.12 Cruelty to animals.--

6 (4) A person who intentionally trips, fells, ropes, or
7 lassos the legs of a horse by any means for the purpose of
8 ~~wagering for~~ entertainment or sport ~~purposes~~ shall be guilty
9 of a third degree felony, punishable as provided in s.
10 775.082, s. 775.083, or s. 775.084. As used in this
11 subsection, "trip" means any act that consists of the use of
12 any wire, pole, stick, rope, or other apparatus to cause a
13 horse to fall or lose its balance, and "horse" means any
14 animal of any registered breed of the genus Equus, or any
15 recognized hybrid thereof. The provisions of this subsection
16 shall not apply when tripping is used:

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

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

21 (c) For the purpose of administering veterinary care
22 to the horse.

23 Section 24. The Department of Agriculture and Consumer
24 Services is authorized to negotiate agreements with landowners
25 for water supply in rural areas, provided that:

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

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

1 Section 25. Repealing ss. 205.1951, 585.70, 585.71,
2 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77,
3 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84,
4 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903,
5 585.904, 585.91, 585.93, and 585.96, Florida Statutes.

6 Section 26. This act shall take effect July 1, 2000.

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