

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.

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

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

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

18

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

20

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

23 212.02 Definitions.--The following terms and phrases
24 when used in this chapter have the meanings ascribed to them
25 in this section, except where the context clearly indicates a
26 different meaning:

27 (34) "Agricultural production" means the production of
28 plants and animals useful to humans, including the
29 preparation, planting, cultivating, or harvesting of these
30 products or any other practices necessary to accomplish
31 production through the harvest phase, and includes

1 aquaculture, horticulture, floriculture, viticulture,
2 forestry, dairy, livestock, poultry, bees, and any and all
3 forms of farm products and farm production.

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

6 253.025 Acquisition of state lands for purposes other
7 than preservation, conservation, and recreation.--

8 (13)(a) ~~Notwithstanding the provisions of this chapter~~
9 ~~and chapters 259 and 375,~~The Board of Trustees of the
10 Internal Improvement Trust Fund may deed property to the
11 Department of Agriculture and Consumer Services, so that the
12 department shall be able ~~shall have the authority, with the~~
13 ~~consent of the majority of the Governor and Cabinet,~~to sell,
14 convey, transfer, exchange, trade, or purchase land on which a
15 forestry facility resides for money or other more suitable
16 property on which to relocate the facility. Any sale or
17 purchase of property by the Department of Agriculture and
18 Consumer Services shall follow the requirements of subsections
19 (5)-(9). Any sale shall be at fair market value, and any trade
20 shall ensure that the state is getting at least an equal value
21 for the property. Except as provided in subsections (5)-(9),
22 the Department of Agriculture and Consumer Services is
23 excluded from following the provisions of this chapter and
24 chapters 259 and 375. This exclusion shall not apply to lands
25 acquired for conservation purposes in accordance with s.
26 253.034(6)(a) or (b).

27 (d) There is hereby created in the Department of
28 Agriculture and Consumer Services the Relocation and
29 Construction Trust Fund. The trust fund is to be used for the
30 sole purpose of effectuating the orderly relocation of the
31 forestry fire towers and work centers ~~as follows: Crestview~~

1 ~~Work Center, Marianna Work Center, Panama City Headquarters,~~
2 ~~Tallahassee Headquarters, Southside Towersite, Gainesville~~
3 ~~Headquarters, Ocala Work Center, Orlando Headquarters,~~
4 ~~Lakeland Headquarters, Dunedin Work Center, Hamner Towersite,~~
5 ~~Bradenton Headquarters, Venetia Towersite, Fort Myers~~
6 ~~Headquarters, Naples Work Center, Philpot Towersite, Sand Hill~~
7 ~~Towersite, Mayo Work Center, Benton Towersite, Plymouth~~
8 ~~Towersite, Longwood Work Center, Oviedo Towersite, Valrico~~
9 ~~Work Center, and Belle Glade Work Center.~~

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

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

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

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

3 482.132 Qualifications for examination and
4 certification.--

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

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

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

20 487.041 Registration.--

21 (3) The department shall adopt rules governing the
22 procedures for pesticide registration and for the review of
23 data submitted by an applicant for registration of a
24 pesticide. The department shall determine whether a pesticide
25 should be registered, registered with conditions, or tested
26 under field conditions in this state. The department shall
27 determine that all requests for pesticide registrations meet
28 the requirements of current state and federal law. The
29 department, whenever it deems it necessary in the
30 administration of this part, may require the manufacturer or
31 registrant to submit the complete formula, quantities shipped

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

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

26 487.081 Exemptions.--

27 (6) The Department of Environmental Protection is not
28 authorized to institute proceedings against any property owner
29 or leaseholder of property under the provisions of s.
30 376.307(5) to recover any costs or damages associated with
31 pesticide contamination of soil or water, or the evaluation,

1 assessment, or remediation of pesticide contamination of soil
2 or water, including sampling, analysis, and restoration of
3 soil or potable water supplies, subject to the following
4 conditions:

5 (a) The pesticide contamination of soil or water is
6 determined to be the result of the use of pesticides by the
7 property owner or leaseholder, in accordance with state and
8 federal law, applicable registered labels, and rules on
9 property classified as agricultural land pursuant to s.
10 193.461;

11 (b) The property owner or leaseholder maintains
12 records of such pesticide applications and such records are
13 provided to the department upon request;

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

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

19 (e) This subsection is remedial in nature and shall
20 apply retroactively.

21 The department, in consultation with the Secretary of the
22 Department of Environmental Protection, may adopt rules
23 prescribing the format, content, and retention time for
24 records to be maintained under this subsection.

25 Section 7. Paragraph (b) of subsection (1) of section
26 500.12, Florida Statutes, is amended to read:

27 500.12 Food permits; building permits.--

28 (1)

29 (b) An application for a food permit from the
30 department must be accompanied by a fee in an amount
31 determined by department rule, which may not exceed \$350,

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

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

20 500.459 Water vending machines.--

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

30 Section 9. Subsections (2) and (3) of section 526.311,
31 Florida Statutes, are amended to read:

1 526.311 Enforcement; civil penalties; injunctive
2 relief.--

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

1 Any records, documents, papers, maps, books, tapes,
2 photographs, files, sound recordings, or other business
3 material, regardless of form or characteristics, obtained by
4 the ~~a~~ department of ~~Legal Affairs~~ subpoena are confidential
5 and exempt from the provisions of s. 119.07(1) and s. 24(a),
6 Art. I of the State Constitution while the investigation is
7 pending. At the conclusion of an investigation, any matter
8 determined by the department of ~~Legal Affairs~~ or by a judicial
9 or administrative body, federal or state, to be a trade secret
10 or proprietary confidential business information held by the
11 department pursuant to such investigation shall be considered
12 confidential and exempt from the provisions of s. 119.07(1)
13 and s. 24(a), Art. I of the State Constitution. Such
14 materials may be used in any administrative or judicial
15 proceeding so long as the confidential or proprietary nature
16 of the material is maintained.

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

26 Section 10. Subsection (2) of section 526.312, Florida
27 Statutes, is amended to read:

28 526.312 Enforcement; private actions; injunctive
29 relief.--

30 (2) On the application for a temporary restraining
31 order or a preliminary injunction, the court, in its

1 discretion having due regard for the public interest, may
2 require or dispense with the requirement of a bond, with or
3 without surety, as conditions and circumstances may require.
4 If a bond is required, the amount shall not be greater than
5 \$50,000. Upon proper application by the plaintiff, the court
6 shall grant preliminary injunctive relief if the plaintiff
7 shows:

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

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

17
18 The standards specified in paragraphs (a) and (b) shall also
19 apply to actions for injunctive relief brought by the
20 department of ~~Legal Affairs~~ under s. 526.311.

21 Section 11. Section 526.313, Florida Statutes, is
22 amended to read:

23 526.313 Limitations period for actions.--Any action
24 brought by the department of ~~Legal Affairs~~ shall be brought
25 within 2 years after the alleged violation occurred or should
26 reasonably have been discovered. Any action brought by any
27 other person shall be brought within 1 year after the alleged
28 violation occurred or should reasonably have been discovered,
29 except that a private action brought under s. 526.305 for
30 unlawful price discrimination shall be brought within 2 years
31

1 from the date the alleged violation occurred or should
2 reasonably have been discovered.

3 Section 12. Section 526.3135, Florida Statutes, is
4 amended to read:

5 526.3135 Reports by the Division of Standards
6 ~~Department of Agriculture and Consumer Services.~~--The Division
7 of Standards ~~Department of Agriculture and Consumer Services~~
8 is directed to compile a report pursuant to s. 570.544 of all
9 complaints received by the Department of Agriculture and
10 Consumer Services pursuant to this act. Such report shall
11 contain at least the information required by s.
12 570.544(6)(b)2.-4. and shall be presented to the Speaker of
13 the House of Representatives and the President of the Senate
14 no later than January 1 of each year.

15 Section 13. There is hereby appropriated \$100,000 from
16 the General Revenue Fund and two full-time equivalent
17 positions to the Department of Agriculture and Consumer
18 Services to implement the provisions of Chapter 526, Part I,
19 F.S.

20 Section 14. Subsection (16) is added to section
21 531.41, Florida Statutes, to read:

22 531.41 Powers and duties of the department.--The
23 department shall:

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

1 provided such devices are reported to the department as
2 prescribed by the rule.

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

10 Section 15. Subsection (34) of section 570.07, Florida
11 Statutes, is amended, and subsection (35) is added to said
12 section, to read:

13 570.07 Department of Agriculture and Consumer
14 Services; functions, powers, and duties.--The department shall
15 have and exercise the following functions, powers, and duties:

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

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

29 Section 16. Paragraph (f) is added to subsection (1)
30 of section 570.242, Florida Statutes, to read:

31

1 570.242 Definitions.--For purposes of this act, the
2 following terms shall have the following meanings:

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

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

9 Section 17. Paragraph (c) of subsection (1) of section
10 570.248, Florida Statutes, is amended to read:

11 570.248 Agricultural Economic Development Project
12 Review Committee; powers and duties.--

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

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

20 Section 18. Section 570.249, Florida Statutes, is
21 created to read:

22 570.249 Agricultural Economic Development Program
23 disaster loans.--

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

1 direct loans, or as loan guarantees for up to 90 percent of
2 the total loan, in amounts not less than \$30,000 nor more than
3 \$250,000. Applicants must provide at least 10 percent equity.

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

6 (a) Crops grown for human consumption.

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

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

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

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

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

1 assistance, be worthy of credit according to standards
2 established by the commissioner, prove that he or she cannot
3 obtain commercial credit, and demonstrate that he or she has
4 the ability to repay the loan.

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

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

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

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

29 Section 20. Subsection (2) of section 570.952, Florida
30 Statutes, is amended to read:

31

1 570.952 Florida Agriculture Center and Horse Park
2 Authority.--

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

5 (a) Members shall include:

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

9 2. One representative from the Department of
10 Agriculture and Consumer Services.

11 3. One representative from Enterprise Florida, Inc.

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

15 5. One member of the Ocala/Marion County Chamber of
16 Commerce.

17 6. Two representatives of the tourism or hospitality
18 industry.

19 7. Three representatives of the commercial agriculture
20 industry.

21 8. Three representatives from recognized horse breed
22 associations.

23 9. One representative of the veterinary industry.

24 10. Three representatives from the competitive equine
25 industry.

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

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

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

29 ~~9. One citrus grower.~~

30 ~~10. One commercial feed producer.~~

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

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

1 interest or trade as the resigning member. Current members
2 shall continue to serve until successors are appointed.

3 Section 21. Section 585.89, Florida Statutes, is
4 renumbered as section 287.0822, Florida Statutes, and
5 subsection (1) of said section is amended to read:

6 287.0822 ~~585.89~~ Beef and pork; prohibition on
7 purchase; bid specifications; penalty.--

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

27 Section 22. Section 585.92, Florida Statutes, is
28 renumbered as section 287.0821, Florida Statutes, and amended
29 to read:

30 287.0821 ~~585.92~~ All American and Genuine Florida meat
31 or meat products.--As allowed by the United States Department

1 of Agriculture, each slaughterhouse or meatpacking or
2 processing plant in the state or other person vending any meat
3 or meat product, the meat of which is entirely produced in the
4 United States, may label such meat or meat product "All
5 American", and any such vendor selling any such meat or meat
6 product, the meat of which is entirely produced in the state,
7 may label such meat or meat product "Genuine Florida."

8 Section 23. Subsection (5) of section 590.015, Florida
9 Statutes, is amended to read:

10 590.015 Definitions.--As used in this chapter, the
11 term:

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

15 Section 24. Section 590.14, Florida Statutes, is
16 amended to read:

17 590.14 ~~Warning citation; Notice of violation;~~
18 penalties.--

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

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

31

1 (2)(3) In addition to any ~~other~~ penalties provided by
2 law, any person who causes a wildfire or permits any
3 authorized fire to escape the boundaries of the authorization
4 or to burn past the time of the authorization is liable for
5 the payment of all reasonable costs and expenses incurred in
6 suppressing the fire or \$150, whichever is greater. All costs
7 and expenses incurred by the division shall be payable to the
8 division. When such costs and expenses are not paid within 30
9 days after demand, the division may take proper legal
10 proceedings for the collection of the costs and expenses.
11 Those costs incurred by an agency acting at the division's
12 direction are recoverable by that agency.

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

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

23 Section 25. Section 590.28, Florida Statutes, is
24 amended to read:

25 590.28 Intentional or reckless ~~careless~~ burning of
26 lands.--

27 (1) Whoever intentionally burns, sets fire to, or
28 causes to be burned or causes any fire to be set to, any wild
29 land or vegetative land clearing debris not owned by, or in
30 the lawful possession of, the person setting such fire or
31 burning such lands or causing such fire to be set or lands to

1 be burned without complying with s. 590.125, commits a felony
2 of the third degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084.

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

10 Section 26. Paragraph (b) of subsection (5) and
11 paragraph (a) of subsection (7) of section 616.242, Florida
12 Statutes, are amended to read:

13 616.242 Safety standards for amusement rides.--

14 (5) ANNUAL PERMIT.--

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

18 1. The legal name, address, and primary place of
19 business of the owner.

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

23 3. A valid certificate of insurance or bond for each
24 amusement ride.

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

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

7 5. If required by subsection (6), an affidavit of
8 nondestructive testing dated and executed no earlier than 60
9 days prior to, but not later than, the date of the filing of
10 the application with the department. The owner shall request
11 inspection and permitting of the amusement ride within 60 days
12 of the date of filing the application with the department. The
13 department shall inspect and permit the amusement ride within
14 60 days after filing the application with the department ~~of~~
15 ~~the date the affidavit was executed.~~

16 6. A request for inspection.

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

24 (7) DEPARTMENT INSPECTIONS.--

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

1 accordance with subsection (11), and must receive an
2 inspection certificate each time the ride is set up or moved
3 to a new location in this state unless the temporary amusement
4 ride is:

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

13 Section 27. Subsection (4) of section 828.12, Florida
14 Statutes, is amended to read:

15 828.12 Cruelty to animals.--

16 (4) A person who intentionally trips, fells, ropes, or
17 lassos the legs of a horse by any means for the purpose of
18 ~~wagering for~~ entertainment or sport ~~purposes~~ shall be guilty
19 of a third degree felony, punishable as provided in s.
20 775.082, s. 775.083, or s. 775.084. As used in this
21 subsection, "trip" means any act that consists of the use of
22 any wire, pole, stick, rope, or other apparatus to cause a
23 horse to fall or lose its balance, and "horse" means any
24 animal of any registered breed of the genus Equus, or any
25 recognized hybrid thereof. The provisions of this subsection
26 shall not apply when tripping is used:

- 27 (a) To control a horse that is posing an immediate
28 threat to other livestock or human beings;
- 29 (b) For the purpose of identifying ownership of the
30 horse when its ownership is unknown; or

31

1 (c) For the purpose of administering veterinary care
2 to the horse.

3 Section 28. Subsection (7) of section 828.27, Florida
4 Statutes, is amended to read:

5 828.27 Local animal control or cruelty ordinances;
6 penalty.--

7 (7) Nothing contained in this section shall prevent
8 any county or municipality from enacting any ordinance
9 relating to animal control or cruelty which is identical to
10 the provisions of this chapter or any other state law, except
11 as to penalty. However, no county or municipal ordinance
12 relating to animal control or cruelty shall conflict with the
13 provisions of this chapter or any other state law.

14 Notwithstanding the provisions of this subsection, the
15 governing body of any county or municipality is authorized to
16 enact ordinances prohibiting or regulating noise from any
17 domesticated animal, violation of which shall be punishable
18 upon conviction by a fine not to exceed \$500 or by
19 imprisonment in the county jail for a period not to exceed 60
20 days, or by both such fine and imprisonment, for each
21 violation of such ordinance. This subsection shall not apply
22 to animals on land zoned for agricultural purposes.

23 Section 29. 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 30. 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 31. This act shall take effect July 1, 2000.

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