

1                                   A bill to be entitled  
2           An act relating to agriculture and consumer  
3           services; amending s. 121.0515, F.S., relating  
4           to special risk membership; revising criteria  
5           for firefighters; amending s. 120.80, F.S.;  
6           providing that marketing orders under ch. 527,  
7           F.S., are not rules; amending s. 125.27, F.S.;  
8           authorizing the Department of Agriculture and  
9           Consumer Services to lease or lend equipment to  
10          governmental entities that have fire/rescue  
11          responsibilities; limiting liability for civil  
12          damages resulting from use or possession of  
13          such equipment; amending s. 193.461, F.S.;  
14          providing that, for purposes of the income  
15          methodology approach to such assessment,  
16          certain litter containment and animal waste  
17          nutrient containment structures shall be  
18          considered a part of the average yields per  
19          acre and have no separately assessable  
20          contributory value; amending s. 201.15, F.S.;  
21          authorizing the department to adopt rules  
22          regarding the distribution of funds for best  
23          management practices; amending s. 316.228,  
24          F.S.; revising requirements for lamps on  
25          projecting loads; amending s. 320.08, F.S.;  
26          redefining the term "goat" to include certain  
27          additional farm equipment for purposes of the  
28          annual license tax imposed on trucks; amending  
29          s. 403.714, F.S.; deleting a requirement that  
30          the department coordinate development of  
31          uniform product specifications for compost used

1 by state agencies; amending s. 487.041, F.S.;  
2 authorizing the department to require and  
3 review data relating to the claims of pesticide  
4 products used as preventive treatment for  
5 termites; authorizing the department to adopt  
6 rules; amending s. 500.09, F.S.; authorizing  
7 fees for certain reinspection of food  
8 establishments; amending s. 500.12, F.S.;  
9 increasing the maximum fee for a food permit;  
10 limiting the use of such fees; amending ss.  
11 502.012, 502.014, F.S.; revising references  
12 relating to the pasteurized milk ordinance and  
13 milk sanitation; deleting a requirement that a  
14 copy of a federal temporary marketing permit  
15 for milk and milk products be forwarded to the  
16 department; amending s. 502.053, F.S.;  
17 clarifying milk testing requirements; amending  
18 s. 502.091, F.S.; authorizing the department to  
19 forgo the grading of certain milk products in  
20 an emergency; providing for labeling; amending  
21 s. 503.041, F.S.; providing that an attempted  
22 or purported transfer of a frozen dessert plant  
23 license is grounds for its suspension or  
24 revocation; repealing ss. 504.21, 504.22,  
25 504.23, 504.24, 504.25, 504.26, 504.27, 504.28,  
26 504.29, 504.31, 504.32, 504.33, 504.34, 504.35,  
27 504.36, F.S.; eliminating the Florida Organic  
28 Farming and Food Law; providing an effective  
29 date; repealing ss. 536.20, 536.21, 536.22,  
30 F.S., relating to timber and lumber; repealing  
31 s. 570.381, F.S., relating to Appaloosa racing;

1 amending ss. 550.2625, 550.2633, F.S. ;  
2 conforming cross-references; amending s.  
3 570.07, F.S.; authorizing the department to  
4 conduct investigations of violations of laws  
5 relating to consumer protection; amending s.  
6 503.071, F.S.; providing for the embargo,  
7 detainment, or destruction of food or food  
8 processing equipment of a frozen dessert  
9 manufacturer; amending s. 570.244, F.S. ;  
10 clarifying powers and duties of the department  
11 relating to the development of agribusinesses;  
12 amending s. 570.249, F.S.; clarifying  
13 aquacultural crops eligible for Agricultural  
14 Economic Development Program disaster loans;  
15 revising loan application requirements;  
16 directing the department to establish an  
17 agribusiness market development grant program;  
18 amending s. 570.38, F.S.; increasing membership  
19 of the Animal Industry Technical Council;  
20 amending s. 580.031, F.S.; revising  
21 definitions; amending s. 580.051, F.S. ;  
22 revising label requirements for feed; amending  
23 s. 580.065, F.S.; revising feed laboratory  
24 procedures; amending s. 580.091, F.S.; removing  
25 intent language regarding feed sampling and  
26 analysis; amending s. 580.112, F.S.; expanding  
27 prohibited acts; amending s. 581.211, F.S. ;  
28 providing a penalty for violation of rules  
29 relating to plant industry; amending s.  
30 585.145, F.S.; prescribing requirements with  
31 respect to veterinarians who may inspect

1 animals for disease; amending s. 585.155, F.S.;  
2 revising vaccination requirements for calves;  
3 amending s. 589.19, F.S.; naming a state  
4 forest; amending s. 616.242, F.S.; providing  
5 additional exemptions from amusement ride  
6 safety standards; amending s. 828.22, F.S.;  
7 creating the "Humane Slaughter Act"; revising  
8 provisions relating to humane slaughter and  
9 livestock euthanasia; amending s. 828.23, F.S.;  
10 revising definitions; amending s. 828.24, F.S.;  
11 revising provisions relating to prohibited  
12 acts; amending s. 828.25, F.S.; revising  
13 provisions relating to administration of the  
14 act by the department; creating s. 828.251,  
15 F.S.; directing the department to make current  
16 technical information available to  
17 slaughterers; creating s. 828.252, F.S.;  
18 providing for humane treatment of nonambulatory  
19 animals; amending s. 828.26, F.S.; revising  
20 penalties; amending ss. 427.804, 559.921, F.S.;  
21 conforming cross-references; creating s.  
22 604.60, F.S.; providing that certain  
23 agricultural growers or producers shall have a  
24 right to recover damages as a result of willful  
25 and knowing damage or destruction of specified  
26 agricultural products; providing considerations  
27 and limits in award of damages; providing for  
28 costs and attorney's fees; amending s. 810.09,  
29 F.S.; prohibiting trespass upon specified  
30 legally posted agricultural sites; providing a  
31 penalty; reenacting ss. 260.0125(5)(b) and

1 810.011(5)(b), F.S., to incorporate the  
2 amendment to s. 810.09, F.S., in references  
3 thereto; repealing s. 570.544(10) and (11),  
4 F.S., relating to authority of the Division of  
5 Consumer Services of the department to conduct  
6 investigations of violations of laws relating  
7 to consumer protection; creating s. 373.621,  
8 F.S.; providing consideration for certain  
9 applicants who implement water conservation  
10 practices; amending section 601.48, F.S.;  
11 eliminating provisions relating to inspection  
12 of processed citrus products for grade and  
13 subsequent grading and designation thereof;  
14 authorizing the Florida Department of Citrus or  
15 its successor, to collect dues, contributions,  
16 or any other financial payment upon request by  
17 and on behalf of any not-for-profit  
18 corporation; amending s. 232.246, F.S.;  
19 authorizing Agriscience Foundations I to count  
20 as a science credit; providing an effective  
21 date; abolishing specified authorities and  
22 councils advisory to the department; creating  
23 s. 570.085, F.S.; creating an agricultural  
24 water conservation program within the  
25 department; designating the official citrus  
26 archive of Florida; providing for severability;  
27 requiring the Department of Agriculture and  
28 Consumer Services to administer a residential  
29 citrus canker compensation program; providing  
30 for sources of funds; providing for homeowners  
31 to receive compensation for citrus trees

1 removed on or after a specified date as part of  
2 a citrus canker eradication program; providing  
3 eligibility criteria for receiving  
4 compensation; specifying the amount of  
5 compensation provided under the program,  
6 subject to availability of funds; requiring  
7 that the department notify homeowners of the  
8 program and develop a dispute-resolution  
9 process; creating the "Rural and Family Lands  
10 Protection Act"; defining terms; creating s.  
11 570.70, F.S.; providing legislative intent;  
12 creating s. 570.71, F.S.; providing for the  
13 purchase of rural-lands-protection easements by  
14 the Department of Agriculture and Consumer  
15 Services; providing criteria; providing for  
16 resource conservation agreements and  
17 agricultural protection agreements; prescribing  
18 allowable land uses; providing for an  
19 application process; providing for the sale of  
20 an easement; requiring the department to adopt  
21 rules; authorizing the use of specified funds;  
22 authorizing the removal of property from lists  
23 and maps; providing for the deposit of funds;  
24 directing the completion of a needs assessment  
25 and a report; amending s. 163.3177, F.S.;  
26 directing the department to authorize up to  
27 five local governments to designate rural land  
28 stewardship areas; requiring a written  
29 agreement; providing requirements for  
30 comprehensive plan amendments for such  
31 designations; providing that owners of land

1 within such areas may convey development rights  
2 in return for the assignment of transferable  
3 rural land use credits; providing requirements  
4 with respect to such credits; specifying  
5 incentives that should be provided such  
6 landowners; requiring reports; providing  
7 intent; providing effective dates.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
10

11 Section 1. Subsection (2) of section 121.0515, Florida  
12 Statutes, is amended to read:

13 121.0515 Special risk membership.--

14 (2) CRITERIA.--A member, to be designated as a special  
15 risk member, must meet the following criteria:

16 (a) The member must be employed as a law enforcement  
17 officer and be certified, or required to be certified, in  
18 compliance with s. 943.1395; however, sheriffs and elected  
19 police chiefs shall be excluded from meeting the certification  
20 requirements of this paragraph. In addition, the member's  
21 duties and responsibilities must include the pursuit,  
22 apprehension, and arrest of law violators or suspected law  
23 violators; or the member must be an active member of a bomb  
24 disposal unit whose primary responsibility is the location,  
25 handling, and disposal of explosive devices; or the member  
26 must be the supervisor or command officer of a member or  
27 members who have such responsibilities; provided, however,  
28 administrative support personnel, including, but not limited  
29 to, those whose primary duties and responsibilities are in  
30 accounting, purchasing, legal, and personnel, shall not be  
31 included;

1           (b) The member must be employed as a firefighter and  
2 be certified, or required to be certified, in compliance with  
3 s. 633.35 and be employed solely within the fire department of  
4 a local government ~~the~~ employer or an agency of state  
5 government with firefighting responsibilities. In addition,  
6 the member's duties and responsibilities must include  
7 on-the-scene fighting of fires or direct supervision of  
8 firefighting units or aerial firefighting surveillance  
9 performed by fixed-wing aircraft pilots employed by the  
10 Division of Forestry of the Department of Agriculture and  
11 Consumer Services, or the member must be the supervisor or  
12 command officer of a member or members who have such  
13 responsibilities; provided, however, administrative support  
14 personnel, including, but not limited to, those whose primary  
15 duties and responsibilities are in accounting, purchasing,  
16 legal, and personnel, shall not be included;

17           (c) The member must be employed as a correctional  
18 officer and be certified, or required to be certified, in  
19 compliance with s. 943.1395. In addition, the member's  
20 primary duties and responsibilities must be the custody, and  
21 physical restraint when necessary, of prisoners or inmates  
22 within a prison, jail, or other criminal detention facility,  
23 or while on work detail outside the facility, or while being  
24 transported; or the member must be the supervisor or command  
25 officer of a member or members who have such responsibilities;  
26 provided, however, administrative support personnel,  
27 including, but not limited to, those whose primary duties and  
28 responsibilities are in accounting, purchasing, legal, and  
29 personnel, shall not be included; however, wardens and  
30 assistant wardens, as defined by rule, shall participate in  
31 the Special Risk Class;



1 (d) The member must be employed by a licensed Advance  
2 Life Support (ALS) or Basic Life Support (BLS) employer as an  
3 emergency medical technician or a paramedic and be certified  
4 in compliance with s. 401.27. In addition, the member's  
5 primary duties and responsibilities must include on-the-scene  
6 emergency medical care. However, administrative support  
7 personnel, including, but not limited to, those whose primary  
8 responsibilities are in accounting, purchasing, legal, and  
9 personnel, shall not be included;

10 (e) The member must be employed as a community-based  
11 correctional probation officer and be certified, or required  
12 to be certified, in compliance with s. 943.1395. In addition,  
13 the member's primary duties and responsibilities must be the  
14 supervised custody, surveillance, control, investigation, and  
15 counseling of assigned inmates, probationers, parolees, or  
16 community controllees within the community; or the member must  
17 be the supervisor of a member or members who have such  
18 responsibilities. Administrative support personnel, including,  
19 but not limited to, those whose primary duties and  
20 responsibilities are in accounting, purchasing, legal  
21 services, and personnel management, shall not be included;  
22 however, probation and parole circuit and deputy circuit  
23 administrators shall participate in the Special Risk Class; or

24 (f) The member must be employed in one of the  
25 following classes and must spend at least 75 percent of his or  
26 her time performing duties which involve contact with patients  
27 or inmates in a correctional or forensic facility or  
28 institution:

- 29 1. Dietitian (class codes 5203 and 5204).
- 30 2. Public health nutrition consultant (class code  
31 5224).

- 1           3. Psychological specialist (class codes 5230 and
- 2 5231).
- 3           4. Psychologist (class code 5234).
- 4           5. Senior psychologist (class codes 5237 and 5238).
- 5           6. Regional mental health consultant (class code
- 6 5240).
- 7           7. Psychological Services Director--DCF (class code
- 8 5242).
- 9           8. Pharmacist (class codes 5245 and 5246).
- 10          9. Senior pharmacist (class codes 5248 and 5249).
- 11          10. Dentist (class code 5266).
- 12          11. Senior dentist (class code 5269).
- 13          12. Registered nurse (class codes 5290 and 5291).
- 14          13. Senior registered nurse (class codes 5292 and
- 15 5293).
- 16          14. Registered nurse specialist (class codes 5294 and
- 17 5295).
- 18          15. Clinical associate (class codes 5298 and 5299).
- 19          16. Advanced registered nurse practitioner (class
- 20 codes 5297 and 5300).
- 21          17. Advanced registered nurse practitioner specialist
- 22 (class codes 5304 and 5305).
- 23          18. Registered nurse supervisor (class codes 5306 and
- 24 5307).
- 25          19. Senior registered nurse supervisor (class codes
- 26 5308 and 5309).
- 27          20. Registered nursing consultant (class codes 5312
- 28 and 5313).
- 29          21. Quality management program supervisor (class code
- 30 5314).
- 31

1           22. Executive nursing director (class codes 5320 and  
2 5321).

3           23. Speech and hearing therapist (class code 5406); or  
4           24. Pharmacy manager (class code 5251).

5           Section 2. Paragraph (a) of subsection (2) of section  
6 120.80, Florida Statutes, is amended to read:  
7           120.80 Exceptions and special requirements;  
8 agencies.--

9           (2) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--

10           (a) ~~Agricultural~~ Marketing orders under chapter 527,  
11 chapter 573, or chapter 601 are not rules.

12           Section 3. Subsection (3) is added to section 125.27,  
13 Florida Statutes, to read:  
14           125.27 Countywide forest fire protection; authority of  
15 the Division of Forestry; state funding; county fire control  
16 assessments; disposition.--

17           (3) The Department of Agriculture and Consumer  
18 Services may lease, loan, or otherwise make available, without  
19 charge, to state, county, and local governmental entities that  
20 have fire/rescue responsibilities, new or used fire protection  
21 equipment, vehicles, or supplies, which shall include all such  
22 items received from public or private entities. The  
23 department, and those private or public entities providing at  
24 no cost, or de minimus cost, such items for loan or lease  
25 through the department, shall not be held liable for civil  
26 damages resulting from use or possession of such items.  
27 Private or public entities that donate fire/rescue equipment,  
28 vehicles, or supplies directly to state, county, or local  
29 governmental entities having fire/rescue responsibilities  
30 shall not be held liable for civil damages resulting from use  
31 or possession of such items.

1           Section 4. Effective January 1, 2002, paragraph (c) of  
2 subsection (6) of section 193.461, Florida Statutes, is  
3 amended to read:

4           193.461 Agricultural lands; classification and  
5 assessment; mandated eradication or quarantine program.--

6           (6)

7           (c)1. For purposes of the income methodology approach  
8 to assessment of property used for agricultural purposes,  
9 irrigation systems, including pumps and motors, physically  
10 attached to the land shall be considered a part of the average  
11 yields per acre and shall have no separately assessable  
12 contributory value.

13           2. Litter containment structures located on producing  
14 poultry farms and animal waste nutrient containment structures  
15 located on producing dairy farms shall be assessed by the  
16 methodology described in subparagraph 1.

17           Section 5. Subsection (8) of section 201.15, Florida  
18 Statutes, as amended by chapters 99-247, 2000-151, 2000-170,  
19 and 2000-197, Laws of Florida, is amended to read:

20           201.15 Distribution of taxes collected.--All taxes  
21 collected under this chapter shall be distributed as follows  
22 and shall be subject to the service charge imposed in s.  
23 215.20(1), except that such service charge shall not be levied  
24 against any portion of taxes pledged to debt service on bonds  
25 to the extent that the amount of the service charge is  
26 required to pay any amounts relating to the bonds:

27           (8) One-half of one percent of the remaining taxes  
28 collected under this chapter shall be paid into the State  
29 Treasury and divided equally to the credit of the Department  
30 of Environmental Protection Water Quality Assurance Trust Fund  
31 to address water quality impacts associated with

1 nonagricultural nonpoint sources and to the credit of the  
2 Department of Agriculture and Consumer Services General  
3 Inspection Trust Fund to address water quality impacts  
4 associated with agricultural nonpoint sources, respectively.  
5 These funds shall be used for research, development,  
6 demonstration, and implementation of suitable best management  
7 practices or other measures used to achieve water quality  
8 standards in surface waters and water segments identified  
9 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.  
10 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best  
11 management practices and other measures may include cost-share  
12 grants, technical assistance, implementation tracking, and  
13 conservation leases or other agreements for water quality  
14 improvement. The Department of Environmental Protection and  
15 the Department of Agriculture and Consumer Services may adopt  
16 rules governing the distribution of funds for implementation  
17 of best management practices.The unobligated balance of funds  
18 received from the distribution of taxes collected under this  
19 chapter to address water quality impacts associated with  
20 nonagricultural nonpoint sources will be excluded when  
21 calculating the unobligated balance of the Water Quality  
22 Assurance Trust Fund as it relates to the determination of the  
23 applicable excise tax rate.

24 Section 6. Subsection (2) of section 316.228, Florida  
25 Statutes, is amended to read:

26 316.228 Lamps or flags on projecting load.--

27 (2) Any commercial motor vehicle or trailer, ~~except as~~  
28 ~~stated in s. 316.515(7),~~ transporting a load of unprocessed  
29 ~~logs, or long pulpwood, poles, or posts~~ which load extends  
30 ~~extend~~ more than 4 feet beyond the rear of the body or bed of  
31 such vehicle must have securely fixed as close as practical to

1 the end of any such projection one amber strobe-type lamp  
2 equipped with a multidirectional type lens so mounted as to be  
3 visible from the rear and both sides of the projecting load.  
4 If the mounting of one strobe lamp cannot be accomplished so  
5 that it is visible from the rear and both sides of the  
6 projecting load, multiple strobe lights must be used to meet  
7 the visibility requirements of this subsection.The strobe  
8 lamp must flash at a rate of at least 60 flashes per minute  
9 and must be plainly visible from a distance of at least 500  
10 feet to the rear and sides of the projecting load at any time  
11 of the day or night. The lamp must be operating at any time of  
12 the day or night when the vehicle is operated on any highway  
13 or parked on the shoulder or immediately adjacent to the  
14 traveled portion of any public roadway. The projecting load  
15 must also be marked with a red flag as described in subsection  
16 (1).

17 Section 7. Paragraph (d) of subsection (3) of section  
18 320.08, Florida Statutes, is amended to read:

19 320.08 License taxes.--Except as otherwise provided  
20 herein, there are hereby levied and imposed annual license  
21 taxes for the operation of motor vehicles, mopeds, motorized  
22 bicycles as defined in s. 316.003(2), and mobile homes, as  
23 defined in s. 320.01, which shall be paid to and collected by  
24 the department or its agent upon the registration or renewal  
25 of registration of the following:

26 (3) TRUCKS.--

27 (d) A truck defined as a "goat," or any other vehicle  
28 when used in the field by a farmer or in the woods for the  
29 purpose of harvesting a crop, including naval stores, during  
30 such harvesting operations, and which is not principally  
31 operated upon the roads of the state: \$7.50 flat. A "goat" is

1 a motor vehicle designed, constructed, and used principally  
2 for the transportation of citrus fruit within citrus groves or  
3 for the transportation of crops on farms, and which can also  
4 be used for the hauling of associated equipment or supplies,  
5 including required sanitary equipment, and the towing of farm  
6 trailers.

7 Section 8. Subsection (3) of section 403.714, Florida  
8 Statutes, is amended to read:

9 403.714 Duties of state agencies.--

10 (3) All state agencies, including, but not limited to,  
11 the Department of Transportation, the department, and the  
12 Department of Management Services and local governments, are  
13 required to procure compost products when they can be  
14 substituted for, and cost no more than, regular soil amendment  
15 products, provided the compost products meet all applicable  
16 state standards, specifications, and regulations. ~~The~~  
17 ~~Department of Agriculture and Consumer Services shall~~  
18 ~~coordinate the development of uniform product specifications~~  
19 ~~for procurement and use of compost by all state agencies. This~~  
20 ~~product preference shall apply to, but not be limited to, the~~  
21 ~~construction of highway projects, road rights-of-way, highway~~  
22 ~~planting projects, recultivation and erosion control programs,~~  
23 ~~and other projects. The Department of Agriculture and Consumer~~  
24 ~~Services shall prepare an annual summary on the use of compost~~  
25 ~~products by any state agency, political subdivision, or agency~~  
26 ~~of a political subdivision which is using state funds, or any~~  
27 ~~person contracting with such agency with respect to work~~  
28 ~~performed under contract. Such summary shall describe the use~~  
29 ~~of compost products in relation to similar products such as~~  
30 ~~top soil, fill dirt, sand, peat, and fertilizer. The~~  
31 ~~Department of Agriculture and Consumer Services shall~~

1 ~~establish a work group of state agency and local government~~  
2 ~~personnel to design an appropriate reporting mechanism. The~~  
3 ~~report shall be submitted to the Governor, the President of~~  
4 ~~the Senate, and the Speaker of the House of Representatives.~~

5 Section 9. Paragraph (e) is added to subsection (4) of  
6 section 487.041, Florida Statutes, to read:

7 487.041 Registration.--

8 (4) The department, in addition to its other duties  
9 under this section, has the power to:

10 (e) Require data demonstrating the efficacy of  
11 pesticide products containing label statements that include  
12 directions for use as preventive treatments for termites for  
13 new construction. The department shall review the data and  
14 determine if the data supports label claims of termite  
15 prevention or protection from termite damage. Label claims for  
16 protection from damage must be supported by data that shows  
17 the product will prevent damage to a structure and its  
18 contents for a minimum of 5 years under Florida conditions. If  
19 the data does not support such label claims, then the product  
20 cannot be registered or reregistered. The department shall  
21 adopt rules specifying performance standards and acceptable  
22 test conditions for data submitted in support of an efficacy  
23 claim, or may reference such performance standards and test  
24 conditions established by the United States Environmental  
25 Protection Agency.

26 Section 10. Subsection (7) of section 500.09, Florida  
27 Statutes, is amended to read:

28 500.09 Rulemaking; analytical work.--

29 (7) The department may establish and collect  
30 reasonable fees for laboratory services performed pursuant to  
31 subsection (6) or to recover the cost of each reinspection of



1 a food establishment when the reinspection is conducted for  
2 the purpose of verifying compliance with the provisions of  
3 this chapter or rules promulgated thereunder. Such fees shall  
4 be deposited in the department's General Inspection Trust Fund  
5 and shall be used solely for the recovery of costs for the  
6 services provided.

7 Section 11. Paragraph (b) of subsection (1) of section  
8 500.12, Florida Statutes, is amended to read:

9 500.12 Food permits; building permits.--

10 (1)

11 (b) An application for a food permit from the  
12 department must be accompanied by a fee in an amount  
13 determined by department rule, which may not exceed \$500 and  
14 shall be used solely for the recovery of costs for the  
15 services provided~~\$350~~, except that the fee accompanying an  
16 application for a food permit for operating a bottled water  
17 plant may not exceed \$1,000 and the fee accompanying an  
18 application for a food permit for operating a packaged ice  
19 plant may not exceed \$250. The fee for operating a bottled  
20 water plant or a packaged ice plant shall be set by rule of  
21 the department. Food permits must be renewed annually on or  
22 before January 1. If an application for renewal of a food  
23 permit is not received by the department within 30 days after  
24 its due date, a late fee, in an amount not exceeding \$100,  
25 must be paid in addition to the food permit fee before the  
26 department may issue the food permit. The moneys collected  
27 shall be deposited in the General Inspection Trust Fund.

28 Section 12. Subsection (15) of section 502.012,  
29 Florida Statutes, is amended to read:

30 502.012 Definitions.--The following definitions shall  
31 apply in the interpretation and enforcement of this law:

1           (15) "Pasteurized milk ordinance" means the ~~Grade A~~  
2 Pasteurized Milk Ordinance, ~~1993 Recommendations of United~~  
3 States Public Health Service/Food and Drug Administration  
4 Publication No. 229, including and all associated appendices,  
5 as adopted by department rule.

6           Section 13. Paragraph (b) of subsection (2) and  
7 subsection (5) of section 502.014, Florida Statutes, are  
8 amended to read:

9           502.014 Powers and duties.--

10          (2)

11          (b) The department shall designate employees who shall  
12 be certified by the United States Food and Drug Administration  
13 as state milk sanitation rating officers, sampling  
14 surveillance officers, and laboratory evaluation officers in  
15 accordance with the requirements published in "Methods of  
16 Making Sanitation Ratings of Milk Supplies, ~~1989 Revision,~~"  
17 "Evaluation of Milk Laboratories, ~~1985 Revision,~~" and  
18 "Procedures Governing the Cooperative State-Public Health  
19 Service/Food and Drug Administration Program for Certification  
20 of Interstate Milk Shippers, ~~1991 Revision,~~" respectively, as  
21 adopted by department rule. These officers shall conduct  
22 routine sanitation compliance survey ratings of milk  
23 producers, milk plants, laboratories, receiving stations,  
24 transfer stations, and manufacturers of single-service  
25 containers for milk and milk products. These ratings shall be  
26 made in accordance with the recommendations of the United  
27 States Food and Drug Administration published in Standard  
28 Methods for the Examination of Dairy Products.

29          ~~(5)(a) A person who obtains a temporary marketing~~  
30 ~~permit from the United States Food and Drug Administration for~~  
31 ~~milk and milk products that do not conform to existing~~

1 ~~standards and definitions shall immediately forward a copy of~~  
2 ~~the permit to the department. The department may allow the~~  
3 ~~person to operate in the state under the authority of the~~  
4 ~~federal permit if the department determines that it is in the~~  
5 ~~interest of the state to do so.~~

6 (a)~~(b)~~ The department shall adopt criteria for  
7 issuance of a state temporary marketing permit for milk and  
8 milk products that do not conform to existing standards and  
9 definitions.

10 (b)~~(c)~~ The department shall establish a fee, not to  
11 exceed \$100, for the issuance of a state temporary marketing  
12 permit or the use of a federal permit in the state. The fee  
13 shall cover all costs of issuing the state permit or  
14 processing the federal permit.

15 Section 14. Paragraph (c) of subsection (2) of section  
16 502.053, Florida Statutes, is amended to read:

17 502.053 Permits; requirements; exemptions; temporary  
18 permits.--

19 (2) REQUIREMENTS.--

20 (c) In addition to the testing required in ~~Appendix N~~  
21 ~~of the pasteurized milk ordinance and its appendices~~, each  
22 milk plant operator in the state shall be responsible for  
23 routine testing and inspection of raw milk shipped from  
24 outside the state prior to processing and shall notify the  
25 department when such testing and inspection indicates a  
26 violation of the standards contained in the pasteurized milk  
27 ordinance.

28 Section 15. Paragraph (a) of subsection (1) of section  
29 502.091, Florida Statutes, is amended to read:

30 502.091 Milk and milk products which may be sold.--

31

1 (1) Only Grade A pasteurized milk and milk products or  
2 certified pasteurized milk shall be sold to the final consumer  
3 or to restaurants, soda fountains, grocery stores, or similar  
4 establishments.

5 (a) In an emergency, however, the department may  
6 authorize the sale of reconstituted pasteurized milk products,  
7 or pasteurized milk and milk products that ~~which~~ have not been  
8 graded, or the grade of that ~~which~~ is unknown, in which case  
9 such milk and milk products shall be appropriately labeled, as  
10 determined by the department. ~~"ungraded."~~

11 Section 16. Subsection (1) of section 503.041, Florida  
12 Statutes, is amended to read:

13 503.041 License fee; report required; penalty.--

14 (1) Each frozen dessert plant that manufactures frozen  
15 desserts or other products defined in this chapter, or offers  
16 these products for sale in this state must hold a valid  
17 license. Any attempted or purported transfer of such license  
18 is grounds for suspension or revocation of the license.

19 Section 17. Sections 504.21, 504.22, 504.23, 504.24,  
20 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32,  
21 504.33, 504.34, 504.35, 504.36, Florida Statutes, are  
22 repealed. This section shall take effect December 31, 2002.

23 Section 18. Sections 536.20, 536.21, and 536.22,  
24 Florida Statutes, are repealed.

25 Section 19. Section 570.381, Florida Statutes, is  
26 repealed.

27 Section 20. Subsection (7) of section 550.2625,  
28 Florida Statutes, is amended to read:

29 550.2625 Horseracing; minimum purse requirement,  
30 Florida breeders' and owners' awards.--

31 (7)

1           (b) The division shall deposit these collections to  
2 the credit of the Florida Quarter Horse Racing Promotion Trust  
3 Fund in a special account to be known as the "Florida  
4 Appaloosa Racing Promotion Fund." The Department of  
5 Agriculture and Consumer Services shall administer the funds  
6 and adopt suitable and reasonable rules for the administration  
7 thereof. The moneys in the Florida Appaloosa Racing Promotion  
8 Fund shall be allocated solely for supplementing and  
9 augmenting purses and prizes and for the general promotion of  
10 owning and breeding of racing Appaloosas in this state; and  
11 such moneys may not be used to defray any expense of the  
12 Department of Agriculture and Consumer Services in the  
13 administration of this chapter, ~~except that the moneys~~  
14 ~~generated by Appaloosa registration fees received pursuant to~~  
15 ~~s. 570.381 may be used as provided in paragraph (5)(b) of that~~  
16 ~~section.~~

17           Section 21. Subsection (2) of section 550.2633,  
18 Florida Statutes, is amended to read:

19           550.2633 Horseracing; distribution of abandoned  
20 interest in or contributions to pari-mutuel pools.--

21           (2) All moneys or other property which has escheated  
22 to and become the property of the state as provided herein and  
23 which is held by a permitholder authorized to conduct  
24 pari-mutuel pools in this state shall be paid annually by the  
25 permitholder to the recipient designated in this subsection  
26 within 60 days after the close of the race meeting of the  
27 permitholder. Section 550.1645 notwithstanding, such moneys  
28 shall be paid by the permitholder as follows:

29           (a) Funds from any harness horse races shall be paid  
30 to the Florida Standardbred Breeders and Owners Association  
31 and shall be used for the payment of breeders' awards,

1 stallion awards, stallion stakes, additional purses, and  
2 prizes for, and for the general promotion of owning and  
3 breeding of, Florida-bred standardbred horses, as provided for  
4 in s. 550.2625.

5 (b) Except as provided in paragraph ~~paragraphs~~ (c) and  
6 ~~(d)~~, funds from quarter horse races shall be paid to the  
7 Florida Quarter Horse Breeders and Owners Association and  
8 shall be allocated solely for supplementing and augmenting  
9 purses and prizes and for the general promotion of owning and  
10 breeding of racing quarter horses in this state, as provided  
11 for in s. 550.2625.

12 ~~(c) Funds for Appaloosa races conducted under a~~  
13 ~~quarter horse racing permit shall be deposited into the~~  
14 ~~Florida Quarter Horse Racing Promotion Trust Fund in a special~~  
15 ~~account to be known as the "Florida Appaloosa Racing Promotion~~  
16 ~~Fund" and shall be used for the payment of breeders' awards~~  
17 ~~and stallion awards as provided for in s. 570.381.~~

18 (c)(d) Funds for Arabian horse races conducted under a  
19 quarter horse racing permit shall be deposited into the  
20 Florida Quarter Horse Racing Promotion Trust Fund in a special  
21 account to be known as the "Florida Arabian Horse Racing  
22 Promotion Fund" and shall be used for the payment of breeders'  
23 awards and stallion awards as provided for in s. 570.382.

24 Section 22. Subsections (36), (37), and (38) are added  
25 to section 570.07, Florida Statutes, to read:

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

29 (36) If the department, by its own inquiry or as a  
30 result of complaints, has reason to believe that a violation  
31 of the laws of the state relating to consumer protection has

1 occurred or is occurring, to conduct an investigation,  
2 subpoena witnesses and evidence, and administer oaths and  
3 affirmations. If, as a result of the investigation, the  
4 department has reason to believe a violation of chapter 501  
5 has occurred, the department with the coordination of the  
6 Department of Legal Affairs and any state attorney, if the  
7 violation has occurred or is occurring within her or his  
8 judicial circuit, shall have the authority to bring an action  
9 in accordance with the provisions of chapter 501.

10 (37) If the department, by its own inquiry or as a  
11 result of complaints, has reason to believe that a violation  
12 of the laws of the state relating to consumer protection has  
13 occurred or is occurring, that the interests of the consumers  
14 of this state have been damaged or are being damaged, or that  
15 the public health, safety, or welfare is endangered or is  
16 likely to be endangered by any consumer product or service, to  
17 commence legal proceedings in circuit court to enjoin the act  
18 or practice or the sale of the product or service and may seek  
19 appropriate relief on behalf of consumers. Upon application by  
20 the department, a hearing shall be held within 3 days after  
21 the commencement of the proceedings.

22 (38) To repair or build structures, from existing  
23 appropriations authority, notwithstanding chapters 216 and  
24 255, not to exceed a cost of \$250,000 per structure. These  
25 structures must meet all applicable building codes.

26 Section 23. Subsection (6) is added to section  
27 503.071, Florida Statutes, to read:

28 503.071 Penalty, injunction, and administrative  
29 fines.--

30 (6) Frozen dessert manufacturers are subject to the  
31 provisions of s. 500.172, relating to embargoing, detaining,

1 or destroying food or food processing equipment, as well as  
2 the provisions of this section.

3 Section 24. Subsection (4) of section 570.244, Florida  
4 Statutes, is amended to read:

5 570.244 Department of Agriculture and Consumer  
6 Services; powers and duties.--For the accomplishment of the  
7 purposes specified in this act, the department shall have all  
8 powers and duties necessary, including, but not limited to,  
9 the power and duty to:

10 (4) Facilitate economic growth through the development  
11 of ~~new~~ agribusinesses such as value-added processing plants  
12 and associated enterprises using raw products which are  
13 produced in the state.

14 Section 25. Effective upon this act becoming a law,  
15 paragraph (d) of subsection (2) and subsections (4) and (5) of  
16 section 570.249, Florida Statutes, are amended, and subsection  
17 (7) is added to that section, to read:

18 570.249 Agricultural Economic Development Program  
19 disaster loans and grants and aid.--

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

22 (d) Specialty crops, such as seafood and aquaculture,  
23 including, but not limited to, the products of shellfish  
24 cultivation and harvesting, ornamental fish farming, and  
25 commercial fishing;~~aquacultural, floricultural, or ornamental~~  
26 nursery crops; Christmas trees; turf for sod; industrial  
27 crops; and seed crops used to produce eligible crops.

28 (4) LOAN APPLICATION.--In order to qualify for a loan  
29 under this section, an applicant must submit an application to  
30 the department ~~committee~~ within 90 ~~30~~ days after the date the  
31 natural disaster or socioeconomic condition or event occurs or



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

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

18 (7) GRANTS AND AID.--The department shall establish a  
19 grant program to provide aid to agribusinesses to assist in  
20 market development.

21 Section 26. Subsection (1) of section 570.38, Florida  
22 Statutes, is amended to read:

23 570.38 Animal Industry Technical Council.--

24 (1) COMPOSITION.--The Animal Industry Technical  
25 Council is hereby created in the department and shall be  
26 composed of 14 ~~11~~ members as follows:

27 (a) The beef cattle, swine, dairy, horse, independent  
28 agricultural markets, meat processing and packing  
29 establishments, veterinary medicine, and poultry  
30 representatives who serve on the State Agricultural Advisory  
31 Council and three additional representatives from the beef

1 cattle industry, as well as three at-large members  
2 representing other animal industries in the state, who shall  
3 be appointed by the commissioner for 4-year terms or until  
4 their successors are duly qualified and appointed.

5 (b) Each additional beef cattle representative shall  
6 be appointed subject to the qualifications and by the  
7 procedure as prescribed in s. 570.23 for membership to the  
8 council by the beef cattle representative. If a vacancy  
9 occurs in these three positions, it shall be filled for the  
10 remainder of the term in the same manner as an initial  
11 appointment.

12 Section 27. Section 580.031, Florida Statutes, is  
13 amended to read:

14 580.031 Definitions of words and terms.--As used in  
15 this chapter, the term:

16 (1) "Brand name" means any word, name, symbol, or  
17 device, or combination thereof, identifying the commercial  
18 feed of a distributor and distinguishing it from the  
19 commercial feed of others.

20 (2) "Commercial feed" means all materials or  
21 combinations of materials that are distributed or intended to  
22 be distributed for use as feed or for mixing in a feed for  
23 animals other than humans, except:

24 (a) Unmixed whole seeds, including physically altered  
25 entire unmixed seeds, when such seeds are not chemically  
26 changed or are not adulterated within the meaning of s.  
27 580.071.

28 (b) Unground hay, straw, stover, silage, cobs, husks,  
29 and hulls, and individual chemical compounds or substances,  
30 when such commodities, compounds, or substances are unmixed  
31

1 with other substances and are not adulterated within the  
2 meaning of s. 580.071.

3 (c) Feed mixed by the consumer for the consumer's own  
4 use made entirely or in part from products raised on the  
5 consumer's farm, except as is provided by rules of the  
6 department.

7 ~~(d) Any material or combination of materials that is~~  
8 ~~distributed for use as feed for domestic pets such as but not~~  
9 ~~limited to: dogs, cats, gerbils, hamsters, birds, fish,~~  
10 ~~reptiles, and amphibians.~~

11 (3) "Consumer" or "customer" means the person who  
12 purchases or receives commercial feed or feedstuff for feeding  
13 to animals.

14 (4) "Cooperative" means any corporation organized  
15 under the provisions of chapter 618 or chapter 619 for the  
16 mutual benefit of its members who are producers of milk, and  
17 which sells, distributes, or provides feed for dairy cows or  
18 feed ingredients for such feed only to its members.

19 (5) "Customer-formula feed" means a commercial feed  
20 consisting of a mixture of commercial feeds or feed  
21 ingredients, each batch of which is manufactured according to  
22 the specific instructions of the final customer, is  
23 distributed only to that customer, and is not redistributed.

24 (6) "Department" means the Department of Agriculture  
25 and Consumer Services.

26 (7) "Distribute" means to offer for sale, sell,  
27 barter, or exchange commercial feed or feedstuff or to supply,  
28 furnish, or otherwise provide commercial feed or feedstuff for  
29 use by any consumer or customer in the state.

30 (8) "Distributor" means any person who distributes  
31 commercial feed or feedstuff. It does not include persons who

1 sell brand name feed at retail on behalf of a registrant who  
2 manufactures such feed.

3 (9) "Drug" means any article intended for use in the  
4 diagnosis, cure, mitigation, treatment, or prevention of  
5 disease in animals other than humans and articles other than  
6 feed intended to affect the structure or any function of the  
7 animal body.

8 (10) "Feedstuff" means edible materials, other than  
9 commercial feed, which are distributed for animal consumption  
10 and which contribute energy or nutrients, or both, to an  
11 animal diet. The term includes ingredients as defined in this  
12 section. ~~The term does not include any material or combination~~  
13 ~~of materials that is distributed for use as feed for domestic~~  
14 ~~pets such as but not limited to: dogs, cats, gerbils,~~  
15 ~~hamsters, birds, fish, reptiles, and amphibians.~~

16 (11) "Good management practices" means procedures for  
17 manufacture, distribution, transportation, sampling,  
18 inspection, and analysis of feed which are designed to prevent  
19 contamination of the feed by toxins, drugs, bacteria, or other  
20 harmful substances.

21 (12) "Hazard-analysis critical-control-point program"  
22 means the identification of points in the manufacture,  
23 distribution, transportation, sampling, inspection, and  
24 analysis of feed at which there is a risk of contamination  
25 that could be harmful to humans and other animals and the  
26 identification of methods of preventing contamination at these  
27 points.

28 (13) "Ingredient" means each of the constituent  
29 materials used to make a commercial feed.

30 (14) "Integrated poultry operation" means a business  
31 enterprise that owns all stages of poultry production and

1 manufactures and distributes commercial feed or feedstuff for  
2 consumption by animals owned by the business enterprise. An  
3 integrated poultry operation does not sell feed commercially.

4 (15) "Label" means a display of written, printed, or  
5 graphic matter upon or affixed to the container in which a  
6 product is distributed, or on the invoice accompanying the  
7 product.

8 (16) "Labeling" means all labels and other written,  
9 printed, or graphic matter upon an article or any of its  
10 containers or wrappers, or accompanying commercial feed or  
11 feedstuff.

12 (17) "Manufacture" means the grinding, mixing, or  
13 blending, or further processing, of a commercial feed for  
14 distribution.

15 (18) "Medicated feed" means a commercial feed or  
16 customer-formula feed that contains a drug.

17 (19) "Member of a cooperative" means, in the case of a  
18 stock association, the owner of at least one share of voting  
19 stock, and, in the case of a nonstock association, a person  
20 who has been issued a membership certificate upon the payment  
21 of a membership fee of at least \$1,000, or who has an  
22 outstanding obligation of not less than \$1,000 owed to the  
23 member by the cooperative in accordance with the bylaws of the  
24 cooperative, and who is entitled to voting powers within the  
25 cooperative.

26 (20) "Percent" or "percentage" means percentage by  
27 weight.

28 (21) "Product name" means the name of the commercial  
29 feed which identifies it as to kind, class, or specific use.

30 (22) "Quality-assurance/quality-control plan" means a  
31 system of activities designed to provide assurance that the

1 commercial feed or feedstuff meets defined standards of  
2 quality and to provide control of the quality of the  
3 commercial feed or feedstuff.

4 (23) "Registrant" means any person issued a master  
5 registration by the department.

6 (24) "Ton" means a net weight of 2,000 pounds  
7 avoirdupois.

8  
9 Except as provided by law or rule, all terms used in  
10 connection with commercial feed or feedstuff have the meanings  
11 ascribed to them by the Association of American Feed Control  
12 Officials.

13 Section 28. Section 580.051, Florida Statutes, is  
14 amended to read:

15 580.051 Labels; requirements; penalty.--

16 (1) Any commercial feed distributed in this state,  
17 except a customer-formula feed and feed distributed through an  
18 integrated poultry operation or by a cooperative to its  
19 members, shall be accompanied by a legible label bearing all  
20 information required by the federal Food and Drug  
21 Administration and the following information:

22 (a) An accurate statement of the net weight.

23 (b) The name and principal address of the registrant.

24 (c) The brand name and product name, if any, under  
25 which the commercial feed is distributed. The word "medicated"  
26 shall be incorporated as part of the brand or product name if  
27 the commercial feed contains a drug.

28 1. The department may require feeding directions and  
29 precautionary statements to be placed on the label for the  
30 safe and effective use of medicated and other feed as deemed  
31 necessary.

- 1           2. Labels on medicated feed shall include all of the  
2 following:
- 3           a. Any feeding directions prescribed by the department  
4 to ensure safe usage.
- 5           b. The stated purpose of the medication contained in  
6 the feed as stated in the claim statement.
- 7           c. The established name of each active drug  
8 ingredient.
- 9           d. The level of each drug used in the final mixture  
10 expressed in metric units as well as the required avoirdupois.
- 11           (d) The date of manufacture or expiration date of  
12 commercial feed sold at retail as the department may by rule  
13 require.
- 14           (e) The guaranteed analysis stated in terms that  
15 advise the consumer of the composition of the feed or  
16 feedstuff or support claims made in the labeling. In all  
17 cases, the elements or compounds listed in the analysis must  
18 be determinable by laboratory methods approved by the  
19 department.
- 20           1. The guaranteed analysis, listing the minimum  
21 percentage of crude protein, minimum percentage of crude fat,  
22 and maximum percentage of crude fiber and, when more than 10  
23 percent mineral ingredients are present, the minimum or  
24 maximum percentages of mineral elements or compounds as  
25 provided by rule.
- 26           2. Vitamin ingredients, when guaranteed, shall be  
27 shown in amounts and terms provided by rule. For mineral feed,  
28 the list shall include the following: maximum or minimum  
29 percentages of calcium (Ca), phosphorus (P), salt (NaCl), iron  
30 (Fe), copper (Cu), cobalt (Co), magnesium (Mg), manganese  
31 (Mn), potassium (K), selenium (Se), zinc (Zn), and fluorine

1 (F) if ingredients used as sources of any of these  
2 constituents are declared. All mixtures that contain mineral  
3 or vitamin ingredients generally regarded as dietary factors  
4 essential for the normal nutrition of animals and that are  
5 sold or represented for the primary purpose of supplying these  
6 minerals or vitamins as additions to rations in which these  
7 same mineral or vitamin factors may be deficient shall be  
8 classified as mineral or vitamin supplements. Products sold  
9 solely as mineral or vitamin supplements and guaranteed as  
10 specified in this section need not show guarantees for  
11 protein, fat, and fiber.

12 3. Other nutritional substances or elements  
13 determinable by laboratory methods may be guaranteed by  
14 permission of, or shall be guaranteed at the request of, the  
15 department as may be provided by rule.

16 (f) The common or usual name of each ingredient used  
17 in the manufacture of the commercial feed; however, for all  
18 commercial feed except horse feed, the department by rule may  
19 permit the use of collective terms for a group of ingredients  
20 which perform a similar nutritional function.

21 (2) Customer-formula feed shall be accompanied by a  
22 label, invoice, delivery slip, or other shipping document,  
23 bearing all information required by the federal Food and Drug  
24 Administration and the following:

25 (a) The name and address of the manufacturer.

26 (b) The name and address of the customer ordering the  
27 feed.

28 (c) The date of delivery.

29 (d) The product name and net weight of each commercial  
30 feed and each other ingredient used in the mixture.

31



1 (e) Adequate directions and precautionary statements  
2 for the safe and effective use of all customer-formula feed  
3 that is medicated.

4 (3) Feed distributed by an integrated poultry  
5 operation or by a cooperative to its members shall be  
6 accompanied by a legible label bearing information required by  
7 the federal Food and Drug Administration.

8 ~~(4)(3)~~ When a commercial feed is distributed in this  
9 state in bags or other containers, a label shall be placed on  
10 or affixed to each container; when a commercial feed is  
11 distributed in bulk, a label shall accompany delivery and be  
12 furnished to the customer at time of delivery.

13 ~~(5)(4)~~ The amount of \$100 shall be paid to the  
14 department as penalty for the distribution of any commercial  
15 feed that is not accompanied with the label required under  
16 this chapter. The proceeds from any such penalty payments  
17 shall be deposited by the department in the General Inspection  
18 Trust Fund.

19 Section 29. Subsections (1), (2), and (3) of section  
20 580.065, Florida Statutes, are amended to read:

21 580.065 Laboratory certifications; application; fees;  
22 requirements; reporting; refusal or cancellation of  
23 certification.--

24 (1)(a) The department by rule shall establish the  
25 standards that a laboratory must meet to become certified in  
26 any of the following areas of testing:

- 27 1. Nutrient.
- 28 2. Mycotoxins.
- 29 3. Microbiological organisms.
- 30 4. Pesticide residues.
- 31 5. Drugs ~~Drug residues~~.

1 (b) The department shall be guided by the methods  
2 published by the Association of Official Analytical Chemists,  
3 the United States Environmental Protection Agency, the United  
4 States Food and Drug Administration, or other generally  
5 recognized authorities in developing the standards for these  
6 laboratory certifications.

7 (2)(a) Any laboratory wanting to be certified by the  
8 department in any of the testing categories must complete and  
9 return an application with a \$100 application fee and a \$300  
10 fee for each of the desired certifications. A single  
11 application may be used to apply for more than one  
12 certification. The department shall furnish the application  
13 forms, which must require the distributor to state that the  
14 laboratory will comply with all provisions of this chapter and  
15 applicable rules. The registration form shall identify the  
16 laboratory's name, the name of the owner or owners of the  
17 business, the location of the laboratory, and other  
18 information as required by rule of the department. The form  
19 shall be signed by the owner, a partner, if a partnership, or  
20 an authorized officer or agent, if a corporation.

21 (b) The department shall mail a certificate for each  
22 certification granted to the laboratory to signify that  
23 administrative requirements have been met.

24 (c) Each laboratory that is certified in any area of  
25 testing must renew each certification annually. Renewal must  
26 be submitted on a form provided by the department at least 30  
27 days prior to the expiration date of the current certificate.  
28 The laboratory must complete and return the renewal form with  
29 the appropriate fee for the desired annual certification as  
30 indicated on the form. Failure to timely renew certification  
31 shall result in the expiration of the certification on the

1 date stated on the certificate. Any renewal received after the  
2 expiration date on the certificate shall be accompanied by a  
3 \$50 late charge. Any renewal received 30 days or more beyond  
4 the expiration date on the certificate shall be returned to  
5 the laboratory, and the laboratory shall apply to the  
6 department as if it were the initial application for  
7 certification.

8 (d) Certification shall be conditioned on the  
9 laboratory's compliance with all provisions of this chapter  
10 and rules thereof, including:

11 1. Submitting quarterly reports to the department  
12 containing the results of the commercial feed and feedstuff  
13 analyses for that quarter, including, but not limited to, the  
14 results of each sample submitted for analysis by each  
15 registrant, the registration number of the registrant  
16 submitting the samples, the number of violative samples, and  
17 any additional information the department may require by rule.

18 2. Reporting immediately to the department each sample  
19 that is found to be in violation of the standards in this  
20 chapter and in the rules thereof.

21 3. Participating in the quarterly check-sample program  
22 administered by the department, when required.

23 4. Maintaining a bookkeeping system and records that  
24 will allow the department to verify the accuracy of the  
25 reports required in this chapter and to examine such records  
26 at reasonable times.

27 (e) Failure to submit reports as required in this  
28 subsection may result in the suspension or revocation of one  
29 or more of the laboratory's testing certifications.

30 (3) The department may ~~shall~~ operate a check-sample  
31 program for all testing certifications. If 30 percent or more

1 of a laboratory's check-sample results are outside the  
2 acceptable variation established by rule for each check-sample  
3 test, the laboratory must pay a \$100 fine and shall be placed  
4 on probation for the next quarter. The laboratory may ~~shall~~ be  
5 required to process additional check samples during the  
6 probationary period. If 20 percent or more of the results of  
7 the laboratory's check samples are outside the acceptable  
8 variation level during the probationary period, that test  
9 category certification shall be revoked and the laboratory may  
10 not apply again for the same certification for 1 year after  
11 the date of the revocation.

12 Section 30. Section 580.091, Florida Statutes, is  
13 amended to read:

14 580.091 Inspection; sampling; analysis; exemption.--

15 (1)(a) The department may inspect, sample, or analyze  
16 commercial feed and feedstuff to ascertain compliance with  
17 this chapter and rules adopted pursuant to this chapter.

18 (b) The department is authorized to enter upon any  
19 public or business premises and any transport vehicle during  
20 regular business hours in order to have access to commercial  
21 feed or feedstuff and records relating to its origin,  
22 transport, manufacture, distribution, and sale.

23 (2) All registrants must have samples of their feed  
24 and feed ingredients tested by a laboratory that has been  
25 certified by the department or must be exempt from the  
26 certified laboratory testing requirements, as provided in this  
27 chapter, to ensure that all commercial feed and feedstuff  
28 comply with the provisions of this chapter. The sampling  
29 frequency and analysis requirements shall be determined by  
30 rule of the department for poultry, dairy cow, beef cattle,  
31 horse, swine, and other ~~agriculture~~ feed.

1 (a) Unless otherwise provided in this chapter, the  
2 department shall not require distributors of 300 tons or less  
3 of poultry, dairy cow, beef cattle, horse, swine, or other  
4 ~~agriculture~~ feed per year to submit more than one sample of  
5 each such feed per year for analysis.

6 (b) If a registrant distributes more than one type of  
7 commercial feed, the sampling requirement for mycotoxins shall  
8 be determined by the combined tonnage of feed distributed by  
9 that registrant and shall be the most stringent of the  
10 sampling requirements for the types of feed distributed.

11 (c) Integrated poultry operations and cooperatives  
12 shall not be required to submit their feed samples for  
13 nutrient analysis. However, poultry and dairy feed sold by  
14 enterprises other than integrated poultry operations or  
15 cooperatives shall be subject to nutrient analysis as required  
16 by the department.

17 ~~(d) It is the intent of the Legislature that the~~  
18 ~~department not require sampling and analysis any more rigorous~~  
19 ~~than the level of sampling and analysis reflected in the Feed~~  
20 ~~Laboratory Quarterly Reports or official department records.~~

21 (d)~~(e)~~ Notwithstanding provisions to the contrary in  
22 this subsection, if the department finds that circumstances  
23 exist which threaten the health of commercial livestock or the  
24 public, the department may require more frequent analysis of  
25 feed. In such case, the department must notify affected  
26 registrants of the need for additional analysis and the  
27 estimated time period for which the analysis will be required  
28 to protect animal or public health.

29 (e)~~(f)~~ The department shall work with registrants in  
30 the feed industry to develop a system of reporting commercial  
31 feed or feedstuff that has been rejected due to adulteration.

1           (3) The department shall encourage the use of good  
2 management practices and hazard-analysis  
3 critical-control-point programs in the manufacture,  
4 distribution, transportation, sampling, inspection, and  
5 analysis of commercial feed and feedstuff.

6           (a) If critical control points have been identified  
7 and good management practices have been implemented, the  
8 department shall conduct an onsite evaluation of the program  
9 to ensure the application of the established program.

10 Registrants demonstrating adequate control of feed  
11 manufacture, distribution, transportation, and sampling  
12 processes and infrequent adulteration or other violations  
13 shall be subject to reduced sampling frequencies and analysis  
14 requirements that the department shall establish by rule.

15           (b) The department may require periodic reports to  
16 document the continued and appropriate use of good management  
17 practices and hazard analysis of critical control points. The  
18 department shall work with the industry in determining the  
19 appropriate level of such reporting.

20           (4) Sampling and analysis must be conducted in  
21 accordance with methods published by the Association of  
22 Official Analytical Chemists, the United States Environmental  
23 Protection Agency, the United States Food and Drug  
24 Administration, or other generally recognized authorities. In  
25 any instance where methods do not exist, the department shall  
26 adopt by rule the methods that are to be official in this  
27 state.

28           (5) A registrant may apply for an exemption from the  
29 certified laboratory testing requirements by submitting its  
30 quality-assurance/quality-control plan, including laboratory  
31 testing protocols, to the department for review and approval

1 or disapproval. The department shall furnish the form for  
2 requesting the exemption, which form shall require the  
3 registrant to comply with all applicable provisions of this  
4 chapter and related rules.

5 (a) Upon approval of a registrant's  
6 quality-assurance/quality-control plan, the department ~~shall~~  
7 ~~conduct an evaluation of the registrant's facility to verify~~  
8 ~~compliance with the plan and the testing protocols submitted.~~  
9 ~~The department~~ shall send the registrant a letter of exemption  
10 if it finds that adequate measures are in place to assure  
11 compliance with the material submitted and with this chapter.

12 (b) The registrant's quality-assurance/quality-control  
13 plan ~~laboratory facility~~ shall be subject to evaluation every  
14 3 years. Application for renewal must be submitted on a form  
15 provided by the department at least 30 days prior to the  
16 expiration date of the current approval letter. Any renewal  
17 application received after the expiration date on the approval  
18 letter shall be accompanied by a \$50 late charge. Failure to  
19 timely renew certification shall result in the expiration of  
20 the approval and imposition of the requirement to have all  
21 feed samples tested by a department-certified laboratory.

22 (c) The department shall charge a fee for any  
23 evaluation, in an amount to cover the direct and indirect  
24 costs associated with such evaluation and approval.

25 (d) Registrants with approved programs must comply  
26 with all applicable provisions of this chapter and rules,  
27 including:

28 1. Maintaining records of all laboratory test results  
29 for 3 years or as required by federal regulation, whichever is  
30 longer.

31

1           2. Allowing department personnel access to records and  
2 laboratory facilities during reasonable hours for inspection  
3 purposes.

4           3. Providing to the department the results of any  
5 check-sample program the registrant may be using.

6           Section 31. Subsection (14) is added to section  
7 580.112, Florida Statutes, to read:

8           580.112 Certain acts prohibited.--The following acts,  
9 or the causing thereof knowingly, within the state are  
10 prohibited:

11           (14) The distribution of a feed or feedstuff which is  
12 prohibited by the federal law or regulation.

13           Section 32. Paragraph (a) of subsection (1) of section  
14 581.211, Florida Statutes, is amended to read:

15           581.211 Penalties for violations.--

16           (1) Any person who:

17           (a) Violates any provision of this chapter or the  
18 rules adopted under this chapter;

19  
20 commits a misdemeanor of the first degree, punishable as  
21 provided in s. 775.082 or s. 775.083.

22           Section 33. Subsection (4) is added to section  
23 585.145, Florida Statutes, to read:

24           585.145 Control of animal diseases.--

25           (4) Official certificates of veterinary inspection may  
26 be completed only by a veterinarian accredited under the  
27 National Veterinary Accreditation Program. The department may,  
28 as prescribed by rule, deny a veterinarian the authority to  
29 issue health certificates for the importation, movement, or  
30 transfer of ownership of animals into or within the state as  
31 required by this section for one of the following causes;



1           (a) The revocation of such veterinarian's license to  
2 practice veterinary medicine in the state;

3           (b) Forging, counterfeiting, altering, or  
4 misrepresenting an official certificate of veterinary  
5 inspection; or

6           (c) Failure to report, or the negligent handling of,  
7 any reportable disease.

8           Section 34. Paragraphs (a), (c), and (d) of subsection  
9 (2) of section 585.155, Florida Statutes, are amended to read:

10           585.155 Whole-herd and calf vaccination.--

11           (2)(a) All calves officially vaccinated with Brucella  
12 abortus vaccine shall be permanently identified at the time of  
13 vaccination with the official shield tattoo "V," registered by  
14 the United States Department of Agriculture, in the right ear,  
15 preceded by the numeral of the quarter of the year and  
16 followed by the last numeral of the year.

17           ~~(c) Heifer calves must be vaccinated when not less~~  
18 ~~than 4 months and not more than 10 months of age.~~

19           (c)(d) Duplicate reports covering these vaccinations  
20 shall be immediately furnished to the department and shall  
21 constitute the official record of vaccination.

22           Section 35. Section 589.19, Florida Statutes, is  
23 amended to read:

24           589.19 Creation of certain state forests; naming of  
25 certain state forests.--

26           (1) When the Board of Trustees of the Internal  
27 Improvement Trust Fund, any state agency, or any agency  
28 created by state law, authorized to accept reforestation lands  
29 in the name of the state, approve the recommendations of the  
30 Division of Forestry in reference to the acquisition of land  
31 and acquire such land, the said board, state agency, or agency

1 created by state law, may formally designate and dedicate any  
2 area as a reforestation project, or state forest, and where so  
3 designated and dedicated such area shall be under the  
4 administration of the division which shall be authorized to  
5 manage and administer said area according to the purpose for  
6 which it was designated and dedicated.

7 (2) The first state forest acquired by the Board of  
8 Trustees of the Internal Improvement Trust Fund in Baker  
9 County is to be named the John M. Bethea State Forest. This  
10 is to honor Mr. John M. Bethea who was Florida's fourth state  
11 forester and whose distinguished career in state government  
12 spanned 46 years and who is a native of Baker County.

13 Section 36. Paragraph (a) of subsection (10) of  
14 section 616.242, Florida Statutes, is amended to read:

15 616.242 Safety standards for amusement rides.--

16 (10) EXEMPTIONS.--

17 (a) This section does not apply to:

18 1. Permanent facilities that employ at least 1,000  
19 full-time employees and that maintain full-time, in-house  
20 safety inspectors. Furthermore, the permanent facilities must  
21 file an affidavit of the annual inspection with the  
22 department, on a form prescribed by rule of the department.  
23 Additionally, the Department of Agriculture and Consumer  
24 Services may consult annually with the permanent facilities  
25 regarding industry safety programs.

26 2. Any playground operated by a school, local  
27 government, or business licensed under chapter 509, if the  
28 playground is an incidental amenity and the operating entity  
29 is not primarily engaged in providing amusement, pleasure,  
30 thrills, or excitement.

31

1           3. Museums or other institutions principally devoted  
2 to the exhibition of products of agriculture, industry,  
3 education, science, religion, or the arts.

4           4. Conventions or trade shows for the sale or exhibit  
5 of amusement rides if there are a minimum of 15 amusement  
6 rides on display or exhibition, and if any operation of such  
7 amusement rides is limited to the registered attendees of the  
8 convention or trade show.

9           5. Skating rinks, arcades, lazer or paint ball war  
10 games, bowling alleys, miniature golf courses, mechanical  
11 bulls, inflatable rides, trampolines, ball crawls, exercise  
12 equipment, jet skis, paddle boats, air boats, helicopters,  
13 airplanes, parasails, hot air or helium balloons whether  
14 tethered or untethered, theatres, batting cages, stationary  
15 spring-mounted fixtures, rider-propelled merry-go-rounds,  
16 games, side shows, live animal rides, or live animal shows.

17           6. Go-karts operated in competitive sporting events if  
18 participation is not open to the public.

19           7. Nonmotorized playground equipment that is not  
20 required to have a manager.

21           8. Coin-actuated amusement rides designed to be  
22 operated by depositing coins, tokens, credit cards, debit  
23 cards, bills, or other cash money and which are not required  
24 to have a manager, and which have a capacity of six persons or  
25 less.

26           9. Facilities described in s. 549.09(1)(a) when such  
27 facilities are operating cars, trucks, or motorcycles only.

28           10. Battery-powered cars or other vehicles that are  
29 designed to be operated by children 7 years of age or under  
30 and that cannot exceed a speed of 4 miles per hour.

31

1           11. Mechanically driven vehicles that pull train cars,  
2 carts, wagons, or other similar vehicles, that are not  
3 confined to a metal track or confined to an area but are  
4 steered by an operator and do not exceed a speed of 4 miles  
5 per hour.

6           Section 37. Section 828.22, Florida Statutes, is  
7 amended to read:

8           828.22 Humane Slaughter Act; humane slaughter and  
9 livestock euthanasia; requirements ~~requirement~~.--

10           (1) Sections 828.22-828.26 may be cited as the "Humane  
11 Slaughter Act."

12           (2)(a)(1) The Legislature of this state finds that the  
13 use of humane methods in the killing ~~slaughter~~ of livestock  
14 prevents needless suffering, results in safer and better  
15 working conditions for persons engaged in the slaughtering  
16 industry or other livestock operations, brings about  
17 improvement of products and economy in slaughtering or other  
18 livestock operations, and produces other benefits for  
19 producers, processors, and consumers which tend to expedite  
20 the orderly flow of livestock and their products.

21           (b)(2) It is therefore declared to be the policy of  
22 this state to require that the slaughter of all livestock and  
23 the handling of livestock in connection with slaughter shall  
24 be carried out only by humane methods and to provide that  
25 methods of slaughter shall conform generally to those employed  
26 in other states where humane slaughter is required by law and  
27 to those authorized by the Federal Humane Slaughter Act of  
28 1958, and regulations thereunder.

29           (3) Nothing in ss. 828.22-828.26 ~~this act~~ shall be  
30 construed to prohibit, abridge, or in any way hinder the  
31 religious freedom of any person or group. Notwithstanding any

1 other provision of ss. 828.22-828.26 ~~this act~~, in order to  
2 protect freedom of religion, ritual slaughter and the handling  
3 or other preparation of livestock for ritual slaughter are  
4 exempted from the terms of ss. 828.22-828.26 ~~this act~~. For  
5 the purposes of this action the term "ritual slaughter" means  
6 slaughter in accordance with s. 828.23(3)(7)(b).

7 Section 38. Section 828.23, Florida Statutes, is  
8 amended to read:

9 828.23 Definitions; ss. 828.22-828.26.--As used in ss.  
10 828.22-828.26, the following words shall have the meaning  
11 indicated:

12 (1) "Department" means the Department of Agriculture  
13 and Consumer Services.

14 (2) "Person" means any individual, partnership,  
15 corporation, or association doing business in this state, in  
16 whole or in part.

17 (3) "Slaughter" means the act of killing one or more  
18 livestock animals for any purpose.

19 (4)(3) "Slaughterer" means any person other than a  
20 licensed veterinarian, or an employee of a humane society or  
21 animal control agency, who kills regularly engaged in the  
22 commercial slaughtering of livestock.

23 (5)(4) "Livestock" means cattle, calves, sheep, swine,  
24 horses, mules, goats, ostriches, rheas, emus,and any other  
25 domestic animal that ~~which~~ can or may be used in the  
26 preparation of animal and for the preparation of meat or meat  
27 products. For the purposes of ss. 828.22-828.26, "livestock"  
28 does not include poultry and aquatic species.

29 (5) "~~Packer~~" means any person engaged in the business  
30 of slaughtering, or of manufacturing or preparing meat or meat  
31 products for sale, either by such person or others; or of

1 ~~manufacturing or preparing livestock products for sale by such~~  
2 ~~person or others.~~

3 ~~(6) "Stockyard" means any place, establishment, or~~  
4 ~~facility commonly known as a stockyard, conducted or operated~~  
5 ~~for compensation or profit as a public market, consisting of~~  
6 ~~pens, or other enclosures, and their appurtenances, for the~~  
7 ~~handling, keeping, and holding of livestock for the purpose of~~  
8 ~~sale or shipment.~~

9 ~~(6)(7)~~ "Humane method" means ~~either~~:

10 (a) A method whereby the animal is rapidly and  
11 effectively rendered insensitive to pain by electrical or  
12 chemical means or by a penetrating captive bolt or gunshot  
13 with appropriate caliber and placement ~~rendered insensible to~~  
14 ~~pain by mechanical, electrical, chemical, or other means that~~  
15 ~~are rapid and effective, before being shackled, hoisted,~~  
16 ~~thrown, cast, or cut; or~~

17 (b) A method in accordance with ritual requirements of  
18 any religious faith whereby the animal suffers loss of  
19 consciousness by anemia of the brain caused by the  
20 simultaneous and instantaneous severance of the carotid  
21 arteries with a sharp instrument.

22 Section 39. Section 828.24, Florida Statutes, is  
23 amended to read:

24 828.24 Prohibited acts; exemption.--

25 (1) No person shall kill an animal in any way except  
26 by an approved humane method ~~slaughterer, packer, or stockyard~~  
27 ~~operator shall shackle, hoist, or otherwise bring livestock~~  
28 ~~into position for slaughter, by any method which shall cause~~  
29 ~~injury or pain.~~

30 (2) No person shall shackle or hoist with intent to  
31 kill any animal prior to rendering the animal insensitive to

1 ~~pain slaughterer, packer, or stockyard operator shall bleed or~~  
2 ~~slaughter any livestock except by a humane method.~~

3 (3) Nothing in this section precludes the enforcement  
4 of s. 828.12 relating to cruelty to animals ~~This act shall not~~  
5 ~~apply to any person, firm or corporation slaughtering or~~  
6 ~~processing for sale within the state not more than 20 head of~~  
7 ~~cattle nor more than 35 head of hogs per week.~~

8 Section 40. Section 828.25, Florida Statutes, is  
9 amended to read:

10 828.25 Administration; rules ~~and regulations~~;  
11 inspection; fees.--

12 (1) The department shall administer the provisions of  
13 ss. 828.22-828.26 ~~this act~~. It shall adopt ~~promulgate~~ and may  
14 from time to time revise rules, ~~and regulations~~ which rules  
15 must shall conform substantially to and must not be less  
16 restrictive than the rules and regulations promulgated by the  
17 Secretary of Agriculture of the United States pursuant to the  
18 Federal Humane Slaughter Act of 1958, Pub. L. No. 85-765, 72  
19 Stat. 862, and any amendments thereto; ~~provided, however, that~~  
20 ~~the use of a manually operated hammer, sledge or poleax is~~  
21 ~~declared to be an inhumane method of slaughter within the~~  
22 ~~meaning of this act.~~

23 (2) The department may appoint any member of its staff  
24 as an official inspector for the purposes of ss. 828.22-828.26  
25 ~~this act~~. Such inspector shall have the power to enter the  
26 premises of any slaughterer for the purposes of verifying  
27 compliance or noncompliance with the provisions of ss.  
28 828.22-828.26 ~~this act~~.

29 (3) The department has the authority to conduct  
30 inspections of the premises of slaughterers at random  
31 intervals. ~~As soon as practicable after October 1, 1961, an~~

1 ~~inspection shall be made of the premises of each slaughterer.~~  
2 ~~Additional inspections shall be made not less frequently than~~  
3 ~~quarterly. No fee shall be charged for such inspection.~~

4 Section 41. Section 828.251, Florida Statutes, is  
5 created to read:

6 828.251 Instruction.--The department, in conjunction  
7 with the State University System, the American Veterinary  
8 Medical Association, and humane animal groups, shall make  
9 available to slaughterers the most current technical  
10 information. Such information may be in video or manual  
11 format, or another widely accepted media format.

12 Section 42. Section 828.252, Florida Statutes, is  
13 created to read:

14 828.252 Nonambulatory animals.--This section  
15 acknowledges that natural emergencies may arise and that, even  
16 under recognized best-management practices, injury may occur.  
17 In all cases, nonambulatory animals must be dealt with in a  
18 humane manner.

19 (1) As used in this section, the term "nonambulatory  
20 animal" means any livestock that is unable to stand and walk  
21 unassisted.

22 (2) A person may not buy, sell, give, receive,  
23 transfer, market, hold without providing proper care within 24  
24 hours, or drag any nonambulatory animal unless the  
25 nonambulatory animal has been humanely euthanized, except in  
26 such cases where providing proper care requires that the  
27 animal be moved.

28 Section 43. Section 828.26, Florida Statutes, is  
29 amended to read:

30 828.26 Penalties ~~Penalty~~.--  
31



1           (1) Any person who violates the provisions of ss.  
2 828.22-828.26 and any rule associated with these sections  
3 shall be subject to an administrative fine of up to \$10,000  
4 for each violation.~~No slaughterer found by the department in~~  
5 ~~accordance with the above not to be in compliance with the~~  
6 ~~provisions of this act shall sell any meat or meat products to~~  
7 ~~any public agency in the state, or to any institution~~  
8 ~~supported by state, county, or municipal funds. Failure to~~  
9 ~~comply with this provision shall be a misdemeanor of the~~  
10 ~~second degree, punishable as provided in s. 775.083.~~

11           (2) Unless otherwise provided, any person who violates  
12 any provision of ss. 828.22-828.26 commits a misdemeanor of  
13 the second degree, punishable as provided in s. 775.082 or s.  
14 775.083.~~Upon failure to be in compliance with the provisions~~  
15 ~~of this act after a period of 1 year from the date of the~~  
16 ~~first inspection required under s. 828.25, the department~~  
17 ~~shall direct the slaughterer to cease slaughtering livestock.~~  
18 ~~Failure to comply with this directive shall be a misdemeanor~~  
19 ~~of the second degree, punishable as provided in s. 775.083,~~  
20 ~~and constituting a separate offense for each day of continued~~  
21 ~~slaughtering operations beyond the first week following~~  
22 ~~mailing of such directive to the slaughterer by the~~  
23 ~~department.~~

24           (3) Nothing in this section precludes the enforcement  
25 of s. 828.12, relating to cruelty to animals.

26           Section 44. Subsection (10) of section 427.804,  
27 Florida Statutes, is amended to read:

28           427.804 Repair of nonconforming assistive technology  
29 devices; refund or replacement of devices after attempt to  
30 repair; sale or lease of returned device; arbitration;  
31 investigation; limitation of rights.--

1           (10) The department shall process consumer complaints  
2 pursuant to ss. 570.07 and ~~§-570.544~~.

3           Section 45. Subsection (2) of section 559.921, Florida  
4 Statutes, is amended to read:

5           559.921 Remedies.--

6           (2) The department shall process consumer complaints  
7 according to ss. 570.07 and ~~§-570.544~~.

8           Section 46. Effective October 1, 2001, section 604.60,  
9 Florida Statutes, is created to read:

10           604.60 Damage or destruction of agricultural crops;  
11 civil action.--

12           (1) Any private, public, or commercial agricultural  
13 grower or producer who grows or produces any agricultural  
14 product, as defined in s. 468.382(7), for personal, research,  
15 or commercial purposes or for testing or research purposes in  
16 a product development program conducted in conjunction or  
17 coordination with a private research facility, a university,  
18 or any federal, state, or local government agency who suffers  
19 damages as a result of another person's willful and knowing  
20 damage or destruction of any such agricultural product has a  
21 cause of action for damages equal to double the amount of the  
22 value of the product damaged or destroyed, including the cost  
23 of any experimental product replication, and for any other  
24 relief a court of competent jurisdiction deems appropriate,  
25 including, but not limited to, compensatory and punitive  
26 damages. In awarding damages under this section, the courts  
27 shall consider the market value of the product prior to damage  
28 or destruction, and production, research, testing,  
29 replacement, and product development costs directly related to  
30 the product that has been damaged or destroyed as part of the  
31 value of the product. The prevailing party in any action

1 brought pursuant to this section is entitled to an award of  
2 reasonable attorney's fees and court costs.

3 Section 47. Effective October 1, 2001, section 810.09,  
4 Florida Statutes, is amended to read:

5 810.09 Trespass on property other than structure or  
6 conveyance.--

7 (1)(a) A person who, without being authorized,  
8 licensed, or invited, willfully enters upon or remains in any  
9 property other than a structure or conveyance:

10 1. As to which notice against entering or remaining is  
11 given, either by actual communication to the offender or by  
12 posting, fencing, or cultivation as described in s. 810.011;  
13 or

14 2. If the property is the unenclosed curtilage of a  
15 dwelling and the offender enters or remains with the intent to  
16 commit an offense thereon, other than the offense of trespass,  
17  
18 commits the offense of trespass on property other than a  
19 structure or conveyance.

20 (b) As used in this section, the term "unenclosed  
21 curtilage" means the unenclosed land or grounds, and any  
22 outbuildings, that are directly and intimately adjacent to and  
23 connected with the dwelling and necessary, convenient, and  
24 habitually used in connection with that dwelling.

25 (2)(a) Except as provided in this subsection, trespass  
26 on property other than a structure or conveyance is a  
27 misdemeanor of the first degree, punishable as provided in s.  
28 775.082 or s. 775.083.

29 (b) If the offender defies an order to leave,  
30 personally communicated to the offender by the owner of the  
31 premises or by an authorized person, or if the offender

1 willfully opens any door, fence, or gate or does any act that  
2 exposes animals, crops, or other property to waste,  
3 destruction, or freedom; unlawfully dumps litter on property;  
4 or trespasses on property other than a structure or  
5 conveyance, the offender commits a misdemeanor of the first  
6 degree, punishable as provided in s. 775.082 or s. 775.083.

7 (c) If the offender is armed with a firearm or other  
8 dangerous weapon during the commission of the offense of  
9 trespass on property other than a structure or conveyance, he  
10 or she is guilty of a felony of the third degree, punishable  
11 as provided in s. 775.082, s. 775.083, or s. 775.084. Any  
12 owner or person authorized by the owner may, for prosecution  
13 purposes, take into custody and detain, in a reasonable  
14 manner, for a reasonable length of time, any person when he or  
15 she reasonably believes that a violation of this paragraph has  
16 been or is being committed, and that the person to be taken  
17 into custody and detained has committed or is committing such  
18 violation. In the event a person is taken into custody, a law  
19 enforcement officer shall be called as soon as is practicable  
20 after the person has been taken into custody. The taking into  
21 custody and detention in compliance with the requirements of  
22 this paragraph does not result in criminal or civil liability  
23 for false arrest, false imprisonment, or unlawful detention.

24 (d) The offender commits a felony of the third degree,  
25 punishable as provided in s. 775.082, s. 775.083, or s.  
26 775.084, if the property trespassed is a construction site  
27 that is legally posted and identified in substantially the  
28 following manner: "THIS AREA IS A DESIGNATED CONSTRUCTION  
29 SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A  
30 FELONY."

31

1 (e) The offender commits a felony of the third degree,  
2 punishable as provided in s. 775.082, s. 775.083, or s.  
3 775.084, if the property trespassed upon is commercial  
4 horticulture property and the property is legally posted and  
5 identified in substantially the following manner: "THIS AREA  
6 IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS,  
7 AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

8 (f) The offender commits a felony of the third degree,  
9 punishable as provided in s. 775.082, s. 775.083, or s.  
10 775.084, if the property trespassed upon is an agricultural  
11 site for testing or research purposes that is legally posted  
12 and identified in substantially the following manner: "THIS  
13 AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH  
14 PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A  
15 FELONY."

16 (g)~~(f)~~ Any person who in taking or attempting to take  
17 any animal described in s. 372.001(3) or (4), or in killing,  
18 attempting to kill, or endangering any animal described in s.  
19 585.01(13) knowingly propels or causes to be propelled any  
20 potentially lethal projectile over or across private land  
21 without authorization commits trespass, a felony of the third  
22 degree, punishable as provided in s. 775.082, s. 775.083, or  
23 s. 775.084. For purposes of this paragraph, the term  
24 "potentially lethal projectile" includes any projectile  
25 launched from any firearm, bow, crossbow, or similar tensile  
26 device. This section shall not apply to any governmental  
27 agent or employee acting within the scope of his or her  
28 official duties.

29 (3) As used in this section, the term "authorized  
30 person" or "person authorized" means any owner, or his or her  
31 agent, or any law enforcement officer whose department has

1 received written authorization from the owner, or his or her  
2 agent, to communicate an order to leave the property in the  
3 case of a threat to public safety or welfare.

4 Section 48. Effective October 1, 2001, for the purpose  
5 of incorporating the amendment to section 810.09, Florida  
6 Statutes, in references thereto, paragraph (b) of subsection  
7 (5) of section 260.0125, Florida Statutes, is reenacted to  
8 read:

9 260.0125 Limitation on liability of private landowners  
10 whose property is designated as part of the statewide system  
11 of greenways and trails.--

12 (5)

13 (b) Such notices must comply with s. 810.011(5) and  
14 shall constitute a warning to unauthorized persons to remain  
15 off the private property and not to depart from the designated  
16 greenway or trail. Any person who commits such an unauthorized  
17 entry commits a trespass as provided in s. 810.09.

18 Section 49. Effective October 1, 2001, for the purpose  
19 of incorporating the amendment to section 810.09, Florida  
20 Statutes, in references thereto, paragraph (b) of subsection  
21 (5) of section 810.011, Florida Statutes, is reenacted to  
22 read:

23 810.011 Definitions.--As used in this chapter:

24 (5)

25 (b) It shall not be necessary to give notice by  
26 posting on any enclosed land or place not exceeding 5 acres in  
27 area on which there is a dwelling house in order to obtain the  
28 benefits of ss. 810.09 and 810.12 pertaining to trespass on  
29 enclosed lands.

30 Section 50. Subsections (10) and (11) of section  
31 570.544, Florida Statutes, are repealed.

1 Section 51. Section 373.621, Florida Statutes, is  
2 created to read:

3 373.621 Water conservation.--The Legislature  
4 recognizes the significant value of water conservation in the  
5 protection and efficient use of water resources. Accordingly,  
6 consideration in the administration of s. 373.223, s. 373.233  
7 and s. 373.236 shall be given to applicants who implement  
8 water conservation practices pursuant to s. 570.085 or other  
9 applicable water conservation measures as determined by the  
10 department or a water management district.

11 Section 52. Section 601.48, Florida Statutes, is  
12 amended to read:

13 601.48 Grading processed citrus products.--

14 ~~(1) All processed citrus products for which grade~~  
15 ~~standards may be established, if sold, shipped, or offered for~~  
16 ~~sale or shipment, except as provided in s. 601.50, shall be~~  
17 ~~inspected for grade in a registered processing plant, and~~  
18 ~~shall be graded according to standards established by the~~  
19 ~~Department of Citrus, and the grade of such processed citrus~~  
20 ~~products shall be designated on the immediate container~~  
21 ~~thereof in such manner as the Department of Citrus may by rule~~  
22 ~~prescribe.~~

23 (1)(2) If such processed citrus products meet the  
24 requirements of the two highest grades as established by the  
25 Department of Citrus or, at the option of the processor, the  
26 two highest grades established by the United States Department  
27 of Agriculture, the processor shall have the privilege, in  
28 lieu of the grade declaration requirements of subsection (1),  
29 of using labels, brands, or trademarks properly registered  
30 with the Department of Citrus, as provided in subsection (3),  
31 to represent state or U.S. grades.

1           ~~(2)(3)~~ In accordance with such rules as the Department  
2 of Citrus may prescribe, licensed citrus fruit dealers in this  
3 state shall be entitled to register labels, brands, or  
4 trademarks for grade identification purposes. The department  
5 shall maintain a record of all labels, brands, and trademarks  
6 registered for grade identification purposes, which record may  
7 be purged as necessary.

8           ~~(3)(4)~~ The grade labeling requirements of this section  
9 shall not apply to intrastate shipments of processed citrus  
10 products between licensed citrus fruit dealers who are  
11 operators of processing plants duly registered under s.  
12 601.40.

13           Section 53. The Florida Department of Citrus, or its  
14 successor, may collect dues, contributions, or any other  
15 financial payment upon request by and on behalf of any  
16 not-for-profit corporation and, its related not-for-profit  
17 corporations, located in this state which receives payments or  
18 dues from its members. Such not-for-profit corporation must  
19 be engaged, to the exclusion of agricultural commodities other  
20 than citrus, in market news and grower education solely for  
21 citrus growers, and must have at least 5,000 members who are  
22 engaged in growing citrus in this state for commercial sale.

23           Section 54. Paragraph (c) of subsection (1) of section  
24 232.246, Florida Statutes, is amended to read:

25           232.246 General requirements for high school  
26 graduation.--

27           (1) Graduation requires successful completion of  
28 either a minimum of 24 academic credits in grades 9 through 12  
29 or an International Baccalaureate curriculum. The 24 credits  
30 shall be distributed as follows:  
31



1 (c) Three credits in science, two of which must have a  
2 laboratory component. The State Board of Education may grant  
3 an annual waiver of the laboratory requirement to a school  
4 district that certifies that its laboratory facilities are  
5 inadequate, provided the district submits a capital outlay  
6 plan to provide adequate facilities and makes the funding of  
7 this plan a priority of the school board. Effective July 1,  
8 2001, Agriscience Foundations I, the core course in secondary  
9 Agriscience and Natural Resources programs, counts as one of  
10 the science credits.

11 Section 55. The following councils and authorities,  
12 created pursuant to section 570.0705, Florida Statutes, and  
13 chapter 90-487, Laws of Florida, are abolished:

14 (1) Agriculture and Livestock Fair Council.

15 (2) Florida City State Farmers Market Advisory  
16 Committee.

17 (3) Fort Myers State Farmers Market Advisory Council.

18 (4) Fort Pierce State Farmers Market Advisory Council.

19 (5) Gadsden County State Farmers Market Advisory  
20 Council.

21 (6) Immokalee State Farmers Market Advisory Council.

22 (7) Nitrate Bill Best Management Practices Advisory  
23 Group.

24 (8) Palatka State Farmers Market Advisory Council.

25 (9) Plant City State Farmers Market Advisory Council.

26 (10) Pompano Beach Farmers Market Authority.

27 (11) Racing Quarter Horse Advisory Council.

28 (12) Sanford State Farmers Market Advisory Council.

29 (13) Seed Potato Advisory Council.

30 (14) Starke State Farmers Market Advisory Council.

31

1           (15) Suwanee Valley State Farmers Market Advisory  
2 Council.

3           (16) Trenton State Farmers Market Advisory Council.

4           (17) Tropical Soda Apple Task Force.

5           (18) Wauchula State Farmers Market Advisory Council.

6           Section 56. Section 570.085, Florida Statutes, is  
7 created to read:

8           570.085 Department of Agriculture and Consumer  
9 Services; agricultural water conservation.--The department  
10 shall establish an agricultural water conservation program  
11 that includes the following:

12           (1) A cost share program, coordinated where  
13 appropriate with the United States Department of Agriculture  
14 and other federal, state, regional, and local agencies, for  
15 irrigation system retrofit and application of mobile  
16 irrigation laboratory evaluations for water conservation as  
17 provided in this section and, where applicable, for water  
18 quality improvement pursuant to s. 403.067(7)(d).

19           (2) The development and implementation of voluntary  
20 interim measures or best management practices, adopted by  
21 rule, which provide for increased efficiencies in the use and  
22 management of water for agricultural production. In the  
23 process of developing and adopting rules for interim measures  
24 or best management practices, the department shall consult  
25 with the Department of Environmental Protection and the water  
26 management districts. Such rules may also include a system to  
27 assure the implementation of the practices, including  
28 recordkeeping requirements. As new information regarding  
29 efficient agricultural water use and management becomes  
30 available, the department shall reevaluate and revise as  
31 needed, the interim measures or best management practices.

1 The interim measures or best management practices may include  
2 irrigation retrofit, implementation of mobile irrigation  
3 laboratory evaluations and recommendations, water resource  
4 augmentation, and integrated water management systems for  
5 drought management and flood control and should, to the  
6 maximum extent practicable, be designed to qualify for  
7 regulatory incentives and other incentives, as determined by  
8 the agency having applicable statutory authority.

9 (3) Provision of assistance to the water management  
10 districts in the development and implementation of a  
11 consistent, to the extent practicable, methodology for the  
12 efficient allocation of water for agricultural irrigation.

13 Section 57. Official citrus archive.--The Florida  
14 Citrus Archives, dedicated to Thomas B. Mack and located at  
15 Florida Southern College in Lakeland, are designated as the  
16 official citrus archive of Florida.

17 Section 58. If any clause, section, or provision of  
18 this act shall be declared unconstitutional or invalid for any  
19 reason, it shall be eliminated from this act, and the  
20 remaining portion of the act shall be in full force and effect  
21 and be as valid as if such invalid portion thereof had not  
22 been incorporated therein.

23 Section 59. (1) The Department of Agriculture and  
24 Consumer Services shall provide compensation to eligible  
25 homeowners whose citrus trees have been removed under a citrus  
26 canker eradication program. Funds to pay this compensation may  
27 be derived from both state and federal matching sources, and  
28 shall be specifically appropriated by law. Eligible homeowners  
29 shall be compensated subject to the availability of  
30 appropriated funds.

31

1           (2) To be eligible to receive compensation under the  
2 program, a homeowner must:

3           (a) Be the homeowner of record on the effective date  
4 of this act for residential property where one or more citrus  
5 trees have been removed as part of a citrus canker eradication  
6 program;

7           (b) Have had one or more citrus trees removed from the  
8 property by a tree-cutting contractor as part of a citrus  
9 canker eradication program on or after January 1, 1995; and

10           (c) Have received no commercial compensation and is  
11 not eligible to receive commercial compensation from the  
12 United States Department of Agriculture for citrus trees  
13 removed as part of a citrus canker eradication program.

14           (3) The amount of compensation for each tree removed  
15 from residential property by the citrus canker eradication  
16 program shall be \$100 per tree. If the homeowner's property is  
17 eligible for a Shade Dade or a Shade Florida Card, the  
18 homeowner may not receive compensation under this section for  
19 the first citrus tree removed from the property as part of a  
20 citrus canker eradication program.

21           (4) The specification of a per-tree amount paid for  
22 the residential citrus canker compensation program does not  
23 limit the amount of any other compensation that may be paid by  
24 another entity or pursuant to court order for the removal of  
25 citrus trees as part of a citrus canker eradication program.

26           (5) Of the funds appropriated to the department under  
27 this section, the department may use up to \$500,000 to  
28 administer the residential citrus canker compensation program.  
29 Specifically, the department shall:

30           (a) Take reasonable steps to identify and notify  
31 owners of citrus trees removed as part of a citrus canker

1 eradication program of the availability of the compensation  
2 program.

3 (b) Notify homeowners of the manner in which the owner  
4 may request funding.

5 (c) Develop a compensation request form and make it  
6 available to eligible homeowners.

7 (d) Develop a process to resolve disputes relating to  
8 compensation. The department's decision is final and is not  
9 subject to chapter 120, Florida Statutes.

10 Section 60. Short title.--Sections 60 through 64 of  
11 this act may be cited as the "Rural and Family Lands  
12 Protection Act."

13 Section 61. Definitions.--As used in sections 62 and  
14 63 of this act, the term "department" means the Department of  
15 Agriculture and Consumer Services.

16 Section 62. Section 570.70, Florida Statutes, is  
17 created to read:

18 570.70 Legislative findings.--The Legislature finds  
19 and declares that:

20 (1) A thriving rural economy with a strong  
21 agricultural base, healthy natural environment, and viable  
22 rural communities is an essential part of Florida. Rural areas  
23 also include the largest remaining intact ecosystems and best  
24 examples of remaining wildlife habitats as well as a majority  
25 of privately owned land targeted by local, state, and federal  
26 agencies for natural-resource protection.

27 (2) The growth of Florida's population can result in  
28 agricultural and rural lands being converted into residential  
29 or commercial development.

30  
31

1           (3) The agricultural, rural, natural-resource, and  
2 commodity values of rural lands are vital to the state's  
3 economy, productivity, rural heritage, and quality of life.

4           (4) The Legislature further recognizes the need for  
5 enhancing the ability of rural landowners to obtain economic  
6 value from their property, protecting rural character,  
7 controlling urban sprawl, and providing necessary open space  
8 for agriculture and the natural environment, and the  
9 importance of maintaining and protecting Florida's rural  
10 economy through innovative planning and development strategies  
11 in rural areas and the use of incentives that reward  
12 landowners for good stewardship of land and natural resources.

13           (5) The purpose of this act is to bring under public  
14 protection lands that serve to limit subdivision and  
15 conversion of agricultural and natural areas that provide  
16 economic, open space, water, and wildlife benefits by  
17 acquiring land or related interests in land such as perpetual,  
18 less-than-fee acquisitions, agricultural protection  
19 agreements, and resource conservation agreements and  
20 innovative planning and development strategies in rural areas.

21           Section 63. Section 570.71, Florida Statutes, is  
22 created to read:

23           570.71 Conservation easements and agreements.--

24           (1) The department, on behalf of the Board of Trustees  
25 of the Internal Improvement Trust Fund, may allocate moneys to  
26 acquire perpetual, less-than-fee interest in land, to enter  
27 into agricultural protection agreements, and to enter into  
28 resource conservation agreements for the following public  
29 purposes:

30           (a) Promotion and improvement of wildlife habitat;  
31

1           (b) Protection and enhancement of water bodies,  
2 aquifer recharge areas, wetlands, and watersheds;

3           (c) Perpetuation of open space on lands with  
4 significant natural areas; or

5           (d) Protection of agricultural lands threatened by  
6 conversion to other uses.

7           (2) To achieve the purposes of this act, beginning no  
8 sooner than July 1, 2002, and every year thereafter, the  
9 department may accept applications for project proposals that:

10           (a) Purchase conservation easements, as defined in s.  
11 704.06.

12           (b) Purchase rural-lands-protection easements pursuant  
13 to this act.

14           (c) Fund resource conservation agreements pursuant to  
15 this act.

16           (d) Fund agricultural protection agreements pursuant  
17 to this act.

18  
19 No funds may be expended to implement this subsection prior to  
20 July 1, 2002.

21           (3) Rural-lands-protection easements shall be a  
22 perpetual right or interest in agricultural land which is  
23 appropriate to retain such land in predominantly its current  
24 state and to prevent the subdivision and conversion of such  
25 land into other uses. This right or interest in property shall  
26 prohibit only the following:

27           (a) Construction or placing of buildings, roads,  
28 billboards or other advertising, utilities, or structures,  
29 except those structures and unpaved roads necessary for the  
30 agricultural operations on the land or structures necessary  
31

1 for other activities allowed under the easement, and except  
2 for linear facilities described in s. 704.06(11);

3 (b) Subdivision of the property;

4 (c) Dumping or placing of trash, waste, or offensive  
5 materials; and

6 (d) Activities that affect the natural hydrology of  
7 the land or that detrimentally affect water conservation,  
8 erosion control, soil conservation, or fish or wildlife  
9 habitat, except those required for environmental restoration;  
10 federal, state, or local government regulatory programs; or  
11 best management practices.

12 (4) Resource conservation agreements will be contracts  
13 for services which provide annual payments to landowners for  
14 services that actively improve habitat and water restoration  
15 or conservation on their lands over and above that which is  
16 already required by law or which provide recreational  
17 opportunities. They will be for a term of not less than 5  
18 years and not more than 10 years. Property owners will become  
19 eligible to enter into a resource conservation agreement only  
20 upon entering into a conservation easement or rural lands  
21 protection easement.

22 (5) Agricultural protection agreements shall be for  
23 terms of 30 years and will provide payments to landowners  
24 having significant natural areas on their land. Public access  
25 and public recreational opportunities may be negotiated at the  
26 request of the landowner.

27 (a) For the length of the agreement, the landowner  
28 shall agree to prohibit:

29 1. Construction or placing of buildings, roads,  
30 billboards or other advertising, utilities, or structures,  
31 except those structures and unpaved roads necessary for the



1 agricultural operations on the land or structures necessary  
2 for other activities allowed under the easement, and except  
3 for linear facilities described in s. 704.06(11);

4 2. Subdivision of the property;

5 3. Dumping or placing of trash, waste, or offensive  
6 materials; and

7 4. Activities that affect the natural hydrology of the  
8 land, or that detrimentally affect water conservation, erosion  
9 control, soil conservation, or fish or wildlife habitat.

10 (b) As part of the agricultural protection agreement,  
11 the parties shall agree that the state shall have a right to  
12 buy a conservation easement or rural land protection easement  
13 at the end of the 30-year term or prior to the landowner  
14 transferring or selling the property, whichever occurs later.  
15 If the landowner tenders the easement for the purchase and the  
16 state does not timely exercise its right to buy the easement,  
17 the landowner shall be released from the agricultural  
18 agreement. The purchase price of the easement shall be  
19 established in the agreement and shall be based on the value  
20 of the easement at the time the agreement is entered into,  
21 plus a reasonable escalator multiplied by the number of full  
22 calendar years following the date of the commencement of the  
23 agreement. The landowner may transfer or sell the property  
24 before the expiration of the 30-year term, but only if the  
25 property is sold subject to the agreement and the buyer  
26 becomes the successor in interest to the agricultural  
27 protection agreement. Upon mutual consent of the parties, a  
28 landowner may enter into a perpetual easement at any time  
29 during the term of an agricultural protection agreement.

30  
31

1           (6) Payment for conservation easements and rural land  
2 protection easements shall be a lump-sum payment at the time  
3 the easement is entered into.

4           (7) Landowners entering into an agricultural  
5 protection agreement may receive up to 50 percent of the  
6 purchase price at the time the agreement is entered into and  
7 remaining payments on the balance shall be equal annual  
8 payments over the term of the agreement.

9           (8) Payments for the resource conservation agreements  
10 shall be equal annual payments over the term of the agreement.

11           (9) Easements purchased pursuant to this act may not  
12 prevent landowners from transferring the remaining fee value  
13 with the easement.

14           (10) The department, in consultation with the  
15 Department of Environmental Protection, the water management  
16 districts, the Department of Community Affairs, and the  
17 Florida Fish and Wildlife Conservation Commission, shall adopt  
18 rules that establish an application process, a process and  
19 criteria for setting priorities for use of funds consistent  
20 with the purposes specified in s. 570.71(1) and giving  
21 preference to ranch and timber lands managed using sustainable  
22 practices, an appraisal process, and a process for title  
23 review and compliance and approval of the rules by the Board  
24 of Trustees of the Internal Improvement Trust Fund.

25           (11) If a landowner objects to having his property  
26 included in any lists or maps developed to implement this act,  
27 the department shall remove the property from any such lists  
28 or maps upon receipt of the landowner's written request to do  
29 so.

30           (12) The department is authorized to use funds from  
31 the following sources to implement this act:

- 1           (a) State funds;  
2           (b) Federal funds;  
3           (c) Other governmental entities;  
4           (d) Nongovernmental organizations; or  
5           (e) Private individuals.

6  
7 Any such funds provided shall be deposited into the  
8 Conservation and Recreation Lands Program Trust Fund within  
9 the Department of Agriculture and Consumer Services and used  
10 for the purposes of this act.

11           (13) No more than ten percent of any funds made  
12 available to implement this act shall be expended for resource  
13 conservation agreements and agricultural protection  
14 agreements.

15           (14) The department, in consultation with the  
16 Department of Environmental Protection, the Fish and Wildlife  
17 Conservation Commission, and the water management districts  
18 shall conduct a study to determine and prioritize needs for  
19 implementing the act.

20           (a) The department may contract with the Florida  
21 Natural Areas Inventory for an analysis of the geographic  
22 distribution of certain types of natural resources, or  
23 resource-based land uses that have been identified for  
24 acquisition by previous conservation and recreation land  
25 acquisition programs.

26           (b) The needs assessment shall locate areas of the  
27 state where existing privately-owned ranch and timber lands  
28 containing resources of the type identified in (a) can be  
29 preserved or protected through implementation of the Rural and  
30 Family Lands Protection Act.

31

1           (c) The department shall report its findings to the  
2 Governor, President of the Senate, and Speaker of the House of  
3 Representatives by December 31, 2001. At a minimum, the report  
4 must include a prioritization of the types of resources to be  
5 preserved or protected, the location of privately-owned ranch  
6 and timber lands containing such resources that could be  
7 preserved or protected by easements or agreements pursuant to  
8 this act, and the funding needs for the program.

9           Section 64. Subsection (11) of section 163.3177,  
10 Florida Statutes, is amended to read:

11           163.3177 Required and optional elements of  
12 comprehensive plan; studies and surveys.--

13           (11)(a) The Legislature recognizes the need for  
14 innovative planning and development strategies which will  
15 address the anticipated demands of continued urbanization of  
16 Florida's coastal and other environmentally sensitive areas,  
17 and which will accommodate the development of less populated  
18 regions of the state which seek economic development and which  
19 have suitable land and water resources to accommodate growth  
20 in an environmentally acceptable manner. The Legislature  
21 further recognizes the substantial advantages of innovative  
22 approaches to development which may better serve to protect  
23 environmentally sensitive areas, maintain the economic  
24 viability of agricultural and other predominantly rural land  
25 uses, and provide for the cost-efficient delivery of public  
26 facilities and services.

27           (b) It is the intent of the Legislature that the local  
28 government comprehensive plans and plan amendments adopted  
29 pursuant to the provisions of this part provide for a planning  
30 process which allows for land use efficiencies within existing  
31 urban areas and which also allows for the conversion of rural

1 lands to other uses, where appropriate and consistent with the  
2 other provisions of this part and the affected local  
3 comprehensive plans, through the application of innovative and  
4 flexible planning and development strategies and creative land  
5 use planning techniques, which may include, but not be limited  
6 to, urban villages, new towns, satellite communities,  
7 area-based allocations, clustering and open space provisions,  
8 mixed-use development, and sector planning.

9 (c) It is the further intent of the Legislature that  
10 local government comprehensive plans and implementing land  
11 development regulations shall provide strategies which  
12 maximize the use of existing facilities and services through  
13 redevelopment, urban infill development, and other strategies  
14 for urban revitalization.

15 (d)1. The department, in cooperation with the  
16 Department of Agriculture and Consumer Services, shall provide  
17 assistance to local governments in the implementation of this  
18 paragraph and s. 9J-5.006(5)(1), Florida Administrative Code.  
19 Implementation of those provisions shall include a process by  
20 which the department may authorize up to five local  
21 governments to designate all or portions of lands classified  
22 in the future land use element as predominantly agricultural,  
23 rural, open, open-rural, or a substantively equivalent land  
24 use, as a rural land stewardship area within which planning  
25 and economic incentives are applied to encourage the  
26 implementation of innovative and flexible planning and  
27 development strategies and creative land use planning  
28 techniques, including those contained in Rule 9J-5.006(5)(1),  
29 Florida Administrative Code.

30 2. The department shall encourage participation by  
31 local governments of different sizes and rural

1 characteristics. It is the intent of the Legislature that  
2 rural land stewardship areas be used to further the following  
3 broad principles of rural sustainability: restoration and  
4 maintenance of the economic value of rural land; control of  
5 urban sprawl; identification and protection of ecosystems,  
6 habitats, and natural resources; promotion of rural economic  
7 activity; maintenance of the viability of Florida's  
8 agricultural economy; and protection of the character of rural  
9 areas of Florida.

10 3. A local government may apply to the department in  
11 writing requesting consideration for authorization to  
12 designate a rural land stewardship area and shall describe its  
13 reasons for applying for the authorization with supporting  
14 documentation regarding its compliance with criteria set forth  
15 in this section.

16 4. In selecting a local government, the department  
17 shall, by written agreement:

18 a. Ensure that the local government has expressed its  
19 intent to designate a rural land stewardship area pursuant to  
20 the provisions of this subsection and clarify that the rural  
21 land stewardship area is intended.

22 b. Ensure that the local government has the financial  
23 and administrative capabilities to implement a rural land  
24 stewardship area.

25 5. The written agreement shall include the basis for  
26 the authorization and provide criteria for evaluating the  
27 success of the authorization including the extent the rural  
28 land stewardship area enhances rural land values; control  
29 urban sprawl; provides necessary open space for agriculture  
30 and protection of the natural environment; promotes rural  
31 economic activity; and maintains rural character and the

1 economic viability of agriculture. The department may  
2 terminate the agreement at any time if it determines that the  
3 local government is not meeting the terms of the agreement.

4 6. A rural land stewardship area shall be not less  
5 than 50,000 acres and shall not exceed 250,000 acres in size,  
6 shall be located outside of municipalities and established  
7 urban growth boundaries, and shall be designated by plan  
8 amendment. The plan amendment designating a rural land  
9 stewardship area shall be subject to review by the Department  
10 of Community Affairs pursuant to s. 163.3184, F.S., and shall  
11 provide for the following:

12 a. Criteria for the designation of receiving areas  
13 within rural land stewardship areas in which innovative  
14 planning and development strategies may be applied. Criteria  
15 shall at a minimum provide for the following: adequacy of  
16 suitable land to accommodate development so as to avoid  
17 conflict with environmentally sensitive areas, resources, and  
18 habitats; compatibility between and transition from higher  
19 density uses to lower intensity rural uses; the establishment  
20 of receiving area service boundaries which provide for a  
21 separation between receiving areas and other land uses within  
22 the rural land stewardship area through limitations on the  
23 extension of services; and connection of receiving areas with  
24 the rest of the rural land stewardship area using rural design  
25 and rural road corridors.

26 b. Goals, objectives, and policies setting forth the  
27 innovative planning and development strategies to be applied  
28 within rural land stewardship areas pursuant to the provisions  
29 of this section.

30 c. A process for the implementation of innovative  
31 planning and development strategies within the rural land

1 stewardship area, including those described in this subsection  
2 and s. 9J-5.006(5)(1), Florida Administrative Code, which  
3 provide for a functional mix of land uses and which are  
4 applied through the adoption by the local government of zoning  
5 and land development regulations applicable to the rural land  
6 stewardship area.

7 d. A process which encourages visioning pursuant to s.  
8 163.3167(11) to ensure that innovative planning and  
9 development strategies comply with the provisions of this  
10 section.

11 e. The control of sprawl through the use of innovative  
12 strategies and creative land use techniques consistent with  
13 the provisions of this subsection and rural 9J-5.006(5)(1),  
14 Florida Administrative Code.

15 7. A receiving area shall be designated by the  
16 adoption of a land development regulation. Prior to the  
17 designation of a receiving area, the local government shall  
18 provide the Department of Community Affairs a period of 30  
19 days in which to review a proposed receiving area for  
20 consistency with the rural land stewardship area plan  
21 amendment and to provide comments to the local government.

22 8. Upon the adoption of a plan amendment creating a  
23 rural land stewardship area, the local government shall, by  
24 ordinance, assign to the area a certain number of credits, to  
25 be known as "transferable rural land use credits," which shall  
26 not constitute a right to develop land, nor increase density  
27 of land, except as provided by this section. The total amount  
28 of transferrable rural land use credits assigned to the rural  
29 land stewardship area must correspond to the 25-year or  
30 greater projected population of the rural land stewardship  
31



- 1 area. Transferable rural land use credits are subject to the  
2 following limitations:
- 3 a. Transferable rural land use credits may only exist  
4 within a rural land stewardship area.
- 5 b. Transferable rural land use credits may only be  
6 used on lands designated as receiving areas and then solely  
7 for the purpose of implementing innovative planning and  
8 development strategies and creative land use planning  
9 techniques adopted by the local government pursuant to this  
10 section.
- 11 c. Transferable rural land use credits assigned to a  
12 parcel of land within a rural land stewardship area shall  
13 cease to exist if the parcel of land is removed from the rural  
14 land stewardship area by plan amendment.
- 15 d. Neither the creation of the rural land stewardship  
16 area by plan amendment nor the assignment of transferable  
17 rural land use credits by the local government shall operate  
18 to displace the underlying density of land uses assigned to a  
19 parcel of land within the rural land stewardship area;  
20 however, if transferable rural land use credits are  
21 transferred from a parcel for use within a designated  
22 receiving area, the underlying density assigned to the parcel  
23 of land shall cease to exist.
- 24 e. The underlying density on each parcel of land  
25 located within a rural land stewardship area shall not be  
26 increased or decreased by the local government, except as a  
27 result of the conveyance or use of transferable rural land use  
28 credits, as long as the parcel remains within the rural land  
29 stewardship area.
- 30  
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1           f. Transferable rural land use credits shall cease to  
2 exist on a parcel of land where the underlying density  
3 assigned to the parcel of land is utilized.

4           g. An increase in the density of use on a parcel of  
5 land located within a designated receiving area may occur only  
6 through the assignment or use of transferable rural land use  
7 credits and shall not require a plan amendment.

8           h. A change in the density of land use on parcels  
9 located within receiving areas shall be specified in a  
10 development order which reflects the total number of  
11 transferable rural land use credits assigned to the parcel of  
12 land and the infrastructure and support services necessary to  
13 provide for a functional mix of land uses corresponding to the  
14 plan of development.

15           i. Land within a rural land stewardship area may be  
16 removed from the rural land stewardship area through a plan  
17 amendment.

18           j. Transferable rural land use credits may be assigned  
19 at different ratios of credits per acre according to the land  
20 use remaining following the transfer of credits, with the  
21 highest number of credits per acre assigned to preserve  
22 environmentally valuable land and a lesser number of credits  
23 to be assigned to open space and agricultural land.

24           k. The use or conveyance of transferable rural land  
25 use credits must be recorded in the public records of the  
26 county in which the property is located as a covenant or  
27 restrictive easement running with the land in favor of the  
28 county and either the Department of Environmental Protection,  
29 Department of Agriculture and Consumer Services, a water  
30 management district, or a recognized statewide land trust.

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1           9. Owners of land within rural land stewardship areas  
2 should be provided incentives to enter into rural land  
3 stewardship agreements, pursuant to existing law and rules  
4 adopted thereto, with state agencies, water management  
5 districts, and local governments to achieve mutually agreed  
6 upon conservation objectives. Such incentives may include,  
7 but not be limited to, the following:

8           a. Opportunity to accumulate transferable mitigation  
9 credits.

10           b. Extended permit agreements.

11           c. Opportunities for recreational leases and  
12 ecotourism.

13           d. Payment for specified land management services on  
14 publicly owned land, or property under covenant or restricted  
15 easement in favor of a public entity.

16           e. Option agreements for sale to government, in either  
17 fee or easement, upon achievement of conservation objectives.

18           10. The department shall report to the Legislature on  
19 an annual basis on the results of implementation of rural land  
20 stewardship areas authorized by the department, including  
21 successes and failures in achieving the intent of the  
22 Legislature as expressed in this paragraph. It is further the  
23 intent of the Legislature that the success of authorized rural  
24 land stewardship areas be substantiated before implementation  
25 occurs on a statewide basis.

26           ~~(e)(d)~~ The implementation of this subsection shall be  
27 subject to the provisions of this chapter, chapters 186 and  
28 187, and applicable agency rules.

29           ~~(f)(e)~~ The department may adopt rules necessary to  
30 ~~shall~~ implement the provisions of this subsection ~~by rule.~~

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1           Section 65. Except as otherwise provided in this act,  
2 this act shall take effect July 1, 2001.  
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