

Bill No. CS/HB 1681, 2nd Eng.

Amendment No. Barcode 792734

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| | CHAMBER ACTION | |
| <u>Senate</u> | | <u>House</u> |

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Senator Geller moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Effective January 3, 2003, pursuant to section 20.06(2), Florida Statutes, the Division of Licensing of the Department of State is transferred by a type two transfer to the Department of Agriculture and Consumer Services and reestablished as a division within that department. Notwithstanding the provisions of section 20.06(2)(b), Florida Statutes, the Commissioner of Agriculture is not authorized to reconfigure the division or its units or subunits, or to modify its structure, duties, programs, activities, or functions, or to reassign any funds from any trust fund supporting those duties, programs, activities, or functions.

Section 2. Effective January 3, 2003, subsection (2) of section 20.10, Florida Statutes, is amended to read:

20.10 Department of State.--There is created a

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1 Department of State.

2 (2) The following divisions of the Department of State
3 are established:

4 (a) Division of Elections.

5 (b) Division of Historical Resources.

6 (c) Division of Corporations.

7 (d) Division of Library and Information Services.

8 ~~(e) Division of Licensing.~~

9 (e)~~(f)~~ Division of Cultural Affairs.

10 (f)~~(g)~~ Division of Administration.

11 Section 3. Effective January 3, 2003, subsection (2)
12 of section 20.14, Florida Statutes, is amended to read:

13 20.14 Department of Agriculture and Consumer
14 Services.--There is created a Department of Agriculture and
15 Consumer Services.

16 (2) The following divisions of the Department of
17 Agriculture and Consumer Services are established:

18 (a) Administration.

19 (b) Agricultural Environmental Services.

20 (c) Animal Industry.

21 (d) Aquaculture.

22 (e) Consumer Services.

23 (f) Dairy Industry.

24 (g) Food Safety.

25 (h) Forestry.

26 (i) Fruit and Vegetables.

27 (j) Licensing.

28 (k)~~(j)~~ Marketing and Development.

29 (l)~~(k)~~ Plant Industry.

30 (m)~~(l)~~ Standards.

31 Section 4. Effective January 3, 2003, subsection (1)

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1 of section 493.6101, Florida Statutes, is amended to read:

2 493.6101 Definitions.--

3 (1) "Department" means the Department of Agriculture
4 and Consumer Services State.

5 Section 5. Effective January 3, 2003, subsection (2)
6 of section 493.6104, Florida Statutes, is amended to read:

7 493.6104 Advisory council.--

8 (2) Council members shall be appointed by the
9 Commissioner of Agriculture ~~Secretary of State~~ for a 4-year
10 term. In the event of an appointment to fill an unexpired
11 term, the appointment shall be for no longer than the
12 remainder of the unexpired term. No member may serve more than
13 two full consecutive terms. Members may be removed by the
14 Commissioner of Agriculture ~~Secretary of State~~ for cause.
15 Cause shall include, but is not limited to, absences from two
16 consecutive meetings.

17 Section 6. Effective January 3, 2003, section
18 493.6108, Florida Statutes, is amended to read:

19 493.6108 Investigation of applicants by Department of
20 Agriculture and Consumer Services State.--

21 (1) Except as otherwise provided, prior to the
22 issuance of a license under this chapter, the department shall
23 make an investigation of the applicant for a license. The
24 investigation shall include:

25 (a)1. An examination of fingerprint records and police
26 records. When a criminal history analysis of any applicant
27 under this chapter is performed by means of fingerprint card
28 identification, the time limitations prescribed by s.
29 120.60(1) shall be tolled during the time the applicant's
30 fingerprint card is under review by the Department of Law
31 Enforcement or the United States Department of Justice,

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1 Federal Bureau of Investigation.

2 2. If a legible set of fingerprints, as determined by
3 the Department of Law Enforcement or the Federal Bureau of
4 Investigation, cannot be obtained after two attempts, the
5 Department of Agriculture and Consumer Services State may
6 determine the applicant's eligibility based upon a criminal
7 history record check under the applicant's name conducted by
8 the Department of Law Enforcement and the Federal Bureau of
9 Investigation. A set of fingerprints taken by a law
10 enforcement agency and a written statement signed by the
11 fingerprint technician or a licensed physician stating that
12 there is a physical condition that precludes obtaining a
13 legible set of fingerprints or that the fingerprints taken are
14 the best that can be obtained is sufficient to meet this
15 requirement.

16 (b) An inquiry to determine if the applicant has been
17 adjudicated incompetent under chapter 744 or has been
18 committed to a mental institution under chapter 394.

19 (c) Such other investigation of the individual as the
20 department may deem necessary.

21 (2) In addition to subsection (1), the department
22 shall make an investigation of the general physical fitness of
23 the Class "G" applicant to bear a weapon or firearm.
24 Determination of physical fitness shall be certified by a
25 physician currently licensed pursuant to chapter 458, chapter
26 459, or any similar law of another state or authorized to act
27 as a licensed physician by a federal agency or department.
28 Such certification shall be submitted on a form provided by
29 the department.

30 (3) The department shall also investigate the mental
31 history and current mental and emotional fitness of any Class

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1 "G" applicant, and may deny a Class "G" license to anyone who
2 has a history of mental illness or drug or alcohol abuse.

3 Section 7. Effective January 3, 2003, subsection (2)
4 of section 493.6109, Florida Statutes, is amended to read:

5 493.6109 Reciprocity.--

6 (2) The rules authorized in subsection (1) may be
7 promulgated only if:

8 (a) The other state or territory has requirements
9 which are substantially similar to or greater than those
10 established in this chapter.

11 (b) The applicant has engaged in licensed activities
12 for at least 1 year in the other state or territory with no
13 disciplinary action against him or her.

14 (c) The Commissioner of Agriculture ~~Secretary of State~~
15 or other appropriate authority of the other state or territory
16 agrees to accept service of process for those licensees who
17 are operating in this state on a temporary basis.

18 Section 8. Effective January 3, 2003, section
19 493.6112, Florida Statutes, is amended to read:

20 493.6112 Notification to Department of Agriculture and
21 Consumer Services ~~State~~ of changes of partner or officer or
22 employees.--

23 (1) After filing the application, unless the
24 department declines to issue the license or revokes it after
25 issuance, an agency or school shall, within 5 working days of
26 the withdrawal, removal, replacement, or addition of any or
27 all partners or officers, notify and file with the department
28 complete applications for such individuals. The agency's or
29 school's good standing under this chapter shall be contingent
30 upon the department's approval of any new partner or officer.

31 (2) Each agency or school shall, upon the employment

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1 or termination of employment of a licensee, report such
2 employment or termination immediately to the department and,
3 in the case of a termination, report the reason or reasons
4 therefor. The report shall be on a form prescribed by the
5 department.

6 Section 9. Effective January 3, 2003, subsection (7)
7 of section 493.6121, Florida Statutes, is amended to read:

8 493.6121 Enforcement; investigation.--

9 (7) The Department of Legal Affairs shall represent
10 the Department of Agriculture and Consumer Services ~~State~~ in
11 judicial proceedings seeking enforcement of this chapter, or
12 upon an action by any party seeking redress against the
13 department, and shall coordinate with the department in the
14 conduct of any investigations incident to its legal
15 responsibility.

16 Section 10. Effective January 3, 2003, section 790.06,
17 Florida Statutes, is amended to read:

18 790.06 License to carry concealed weapon or firearm.--

19 (1) The Department of Agriculture and Consumer
20 Services ~~State~~ is authorized to issue licenses to carry
21 concealed weapons or concealed firearms to persons qualified
22 as provided in this section. Each such license must bear a
23 color photograph of the licensee. For the purposes of this
24 section, concealed weapons or concealed firearms are defined
25 as a handgun, electronic weapon or device, tear gas gun,
26 knife, or billie, but the term does not include a machine gun
27 as defined in s. 790.001(9). Such licenses shall be valid
28 throughout the state for a period of 5 years from the date of
29 issuance. Any person in compliance with the terms of such
30 license may carry a concealed weapon or concealed firearm
31 notwithstanding the provisions of s. 790.01. The licensee must

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1 carry the license, together with valid identification, at all
2 times in which the licensee is in actual possession of a
3 concealed weapon or firearm and must display both the license
4 and proper identification upon demand by a law enforcement
5 officer. Violations of the provisions of this subsection shall
6 constitute a noncriminal violation with a penalty of \$25,
7 payable to the clerk of the court.

8 (2) The Department of Agriculture and Consumer
9 Services State shall issue a license if the applicant:

10 (a) Is a resident of the United States or is a
11 consular security official of a foreign government that
12 maintains diplomatic relations and treaties of commerce,
13 friendship, and navigation with the United States and is
14 certified as such by the foreign government and by the
15 appropriate embassy in this country;

16 (b) Is 21 years of age or older;

17 (c) Does not suffer from a physical infirmity which
18 prevents the safe handling of a weapon or firearm;

19 (d) Is not ineligible to possess a firearm pursuant to
20 s. 790.23 by virtue of having been convicted of a felony;

21 (e) Has not been committed for the abuse of a
22 controlled substance or been found guilty of a crime under the
23 provisions of chapter 893 or similar laws of any other state
24 relating to controlled substances within a 3-year period
25 immediately preceding the date on which the application is
26 submitted;

27 (f) Does not chronically and habitually use alcoholic
28 beverages or other substances to the extent that his or her
29 normal faculties are impaired. It shall be presumed that an
30 applicant chronically and habitually uses alcoholic beverages
31 or other substances to the extent that his or her normal

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1 faculties are impaired if the applicant has been committed
2 under chapter 397 or under the provisions of former chapter
3 396 or has been convicted under s. 790.151 or has been deemed
4 a habitual offender under s. 856.011(3), or has had two or
5 more convictions under s. 316.193 or similar laws of any other
6 state, within the 3-year period immediately preceding the date
7 on which the application is submitted;

8 (g) Desires a legal means to carry a concealed weapon
9 or firearm for lawful self-defense;

10 (h) Demonstrates competence with a firearm by any one
11 of the following:

12 1. Completion of any hunter education or hunter safety
13 course approved by the Fish and Wildlife Conservation
14 Commission or a similar agency of another state;

15 2. Completion of any National Rifle Association
16 firearms safety or training course;

17 3. Completion of any firearms safety or training
18 course or class available to the general public offered by a
19 law enforcement, junior college, college, or private or public
20 institution or organization or firearms training school,
21 utilizing instructors certified by the National Rifle
22 Association, Criminal Justice Standards and Training
23 Commission, or the Department of State;

24 4. Completion of any law enforcement firearms safety
25 or training course or class offered for security guards,
26 investigators, special deputies, or any division or
27 subdivision of law enforcement or security enforcement;

28 5. Presents evidence of equivalent experience with a
29 firearm through participation in organized shooting
30 competition or military service;

31 6. Is licensed or has been licensed to carry a firearm

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1 in this state or a county or municipality of this state,
2 unless such license has been revoked for cause; or

3 7. Completion of any firearms training or safety
4 course or class conducted by a state-certified or National
5 Rifle Association certified firearms instructor;

6
7 A photocopy of a certificate of completion of any of the
8 courses or classes; or an affidavit from the instructor,
9 school, club, organization, or group that conducted or taught
10 said course or class attesting to the completion of the course
11 or class by the applicant; or a copy of any document which
12 shows completion of the course or class or evidences
13 participation in firearms competition shall constitute
14 evidence of qualification under this paragraph; any person who
15 conducts a course pursuant to subparagraph 2., subparagraph
16 3., or subparagraph 7., or who, as an instructor, attests to
17 the completion of such courses, must maintain records
18 certifying that he or she observed the student safely handle
19 and discharge the firearm;

20 (i) Has not been adjudicated an incapacitated person
21 under s. 744.331, or similar laws of any other state, unless 5
22 years have elapsed since the applicant's restoration to
23 capacity by court order;

24 (j) Has not been committed to a mental institution
25 under chapter 394, or similar laws of any other state, unless
26 the applicant produces a certificate from a licensed
27 psychiatrist that he or she has not suffered from disability
28 for at least 5 years prior to the date of submission of the
29 application;

30 (k) Has not had adjudication of guilt withheld or
31 imposition of sentence suspended on any felony or misdemeanor

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1 crime of domestic violence unless 3 years have elapsed since
2 probation or any other conditions set by the court have been
3 fulfilled, or the record has been sealed or expunged;

4 (1) Has not been issued an injunction that is
5 currently in force and effect and that restrains the applicant
6 from committing acts of domestic violence or acts of repeat
7 violence; and

8 (m) Is not prohibited from purchasing or possessing a
9 firearm by any other provision of Florida or federal law.

10 (3) The Department of Agriculture and Consumer
11 Services ~~State~~ shall deny a license if the applicant has been
12 found guilty of, had adjudication of guilt withheld for, or
13 had imposition of sentence suspended for one or more crimes of
14 violence constituting a misdemeanor, unless 3 years have
15 elapsed since probation or any other conditions set by the
16 court have been fulfilled or the record has been sealed or
17 expunged. The Department of Agriculture and Consumer Services
18 ~~State~~ shall revoke a license if the licensee has been found
19 guilty of, had adjudication of guilt withheld for, or had
20 imposition of sentence suspended for one or more crimes of
21 violence within the preceding 3 years. The department shall,
22 upon notification by a law enforcement agency, a court, or the
23 Florida Department of Law Enforcement and subsequent written
24 verification, suspend a license or the processing of an
25 application for a license if the licensee or applicant is
26 arrested or formally charged with a crime that would
27 disqualify such person from having a license under this
28 section, until final disposition of the case. The department
29 shall suspend a license or the processing of an application
30 for a license if the licensee or applicant is issued an
31 injunction that restrains the licensee or applicant from

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1 committing acts of domestic violence or acts of repeat
2 violence.

3 (4) The application shall be completed, under oath, on
4 a form promulgated by the Department of Agriculture and
5 Consumer Services State and shall include:

6 (a) The name, address, place and date of birth, race,
7 and occupation of the applicant;

8 (b) A statement that the applicant is in compliance
9 with criteria contained within subsections (2) and (3);

10 (c) A statement that the applicant has been furnished
11 a copy of this chapter and is knowledgeable of its provisions;

12 (d) A conspicuous warning that the application is
13 executed under oath and that a false answer to any question,
14 or the submission of any false document by the applicant,
15 subjects the applicant to criminal prosecution under s.
16 837.06; and

17 (e) A statement that the applicant desires a concealed
18 weapon or firearms license as a means of lawful self-defense.

19 (5) The applicant shall submit to the Department of
20 Agriculture and Consumer Services State:

21 (a) A completed application as described in subsection
22 (4).

23 (b) A nonrefundable license fee not to exceed \$85, if
24 he or she has not previously been issued a statewide license,
25 or a nonrefundable license fee not to exceed \$70 for renewal
26 of a statewide license. Costs for processing the set of
27 fingerprints as required in paragraph (c) shall be borne by
28 the applicant. However, an individual holding an active
29 certification from the Criminal Justice Standards and Training
30 Commission as a "law enforcement officer," "correctional
31 officer," or "correctional probation officer" as defined in s.

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1 943.10(1), (2), (3), (6), (7), (8), or (9) is exempt from the
2 licensing requirements of this section. If any individual
3 holding an active certification from the Criminal Justice
4 Standards and Training Commission as a "law enforcement
5 officer," a "correctional officer," or a "correctional
6 probation officer" as defined in s. 943.10(1), (2), (3), (6),
7 (7), (8), or (9) wishes to receive a concealed weapons or
8 firearms license, such person is exempt from the background
9 investigation and all background investigation fees, but shall
10 pay the current license fees regularly required to be paid by
11 nonexempt applicants. Further, a law enforcement officer, a
12 correctional officer, or a correctional probation officer as
13 defined in s. 943.10(1), (2), or (3) is exempt from the
14 required fees and background investigation for a period of 1
15 year subsequent to the date of retirement of said officer as a
16 law enforcement officer, a correctional officer, or a
17 correctional probation officer.

18 (c) A full set of fingerprints of the applicant
19 administered by a law enforcement agency.

20 (d) A photocopy of a certificate or an affidavit or
21 document as described in paragraph (2)(h).

22 (e) A full frontal view color photograph of the
23 applicant taken within the preceding 30 days, in which the
24 head, including hair, measures $7/8$ of an inch wide and $1\ 1/8$
25 inches high.

26 (6)(a) The Department of Agriculture and Consumer
27 Services State, upon receipt of the items listed in subsection
28 (5), shall forward the full set of fingerprints of the
29 applicant to the Department of Law Enforcement for state and
30 federal processing, provided the federal service is available,
31 to be processed for any criminal justice information as

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1 defined in s. 943.045. The cost of processing such
2 fingerprints shall be payable to the Department of Law
3 Enforcement by the Department of Agriculture and Consumer
4 Services State.

5 (b) The sheriff's office shall provide fingerprinting
6 service if requested by the applicant and may charge a fee not
7 to exceed \$5 for this service.

8 (c) The Department of Agriculture and Consumer
9 Services State shall, within 90 days after the date of receipt
10 of the items listed in subsection (5):

11 1. Issue the license; or

12 2. Deny the application based solely on the ground
13 that the applicant fails to qualify under the criteria listed
14 in subsection (2) or subsection (3). If the Department of
15 Agriculture and Consumer Services State denies the
16 application, it shall notify the applicant in writing, stating
17 the ground for denial and informing the applicant of any right
18 to a hearing pursuant to chapter 120.

19 3. In the event the department receives criminal
20 history information with no final disposition on a crime which
21 may disqualify the applicant, the time limitation prescribed
22 by this paragraph may be suspended until receipt of the final
23 disposition or proof of restoration of civil and firearm
24 rights.

25 (d) In the event a legible set of fingerprints, as
26 determined by the Department of Agriculture and Consumer
27 Services State or the Federal Bureau of Investigation, cannot
28 be obtained after two attempts, the Department of Agriculture
29 and Consumer Services State shall determine eligibility based
30 upon the name checks conducted by the Florida Department of
31 Law Enforcement.

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1 (e) A consular security official of a foreign
2 government that maintains diplomatic relations and treaties of
3 commerce, friendship, and navigation with the United States
4 and is certified as such by the foreign government and by the
5 appropriate embassy in this country must be issued a license
6 within 20 days after the date of the receipt of a completed
7 application, certification document, color photograph as
8 specified in paragraph (5)(e), and a nonrefundable license fee
9 of \$300. Consular security official licenses shall be valid
10 for 1 year and may be renewed upon completion of the
11 application process as provided in this section.

12 (7) The Department of Agriculture and Consumer
13 Services State shall maintain an automated listing of
14 licenseholders and pertinent information, and such information
15 shall be available on-line, upon request, at all times to all
16 law enforcement agencies through the Florida Crime Information
17 Center.

18 (8) Within 30 days after the changing of a permanent
19 address, or within 30 days after having a license lost or
20 destroyed, the licensee shall notify the Department of
21 Agriculture and Consumer Services State of such change.
22 Failure to notify the Department of Agriculture and Consumer
23 Services State pursuant to the provisions of this subsection
24 shall constitute a noncriminal violation with a penalty of
25 \$25.

26 (9) In the event that a concealed weapon or firearm
27 license is lost or destroyed, the license shall be
28 automatically invalid, and the person to whom the same was
29 issued may, upon payment of \$15 to the Department of
30 Agriculture and Consumer Services State, obtain a duplicate,
31 or substitute thereof, upon furnishing a notarized statement

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1 to the Department of Agriculture and Consumer Services ~~State~~
2 that such license has been lost or destroyed.

3 (10) A license issued under this section shall be
4 suspended or revoked pursuant to chapter 120 if the licensee:
5 (a) Is found to be ineligible under the criteria set
6 forth in subsection (2);
7 (b) Develops or sustains a physical infirmity which
8 prevents the safe handling of a weapon or firearm;
9 (c) Is convicted of a felony which would make the
10 licensee ineligible to possess a firearm pursuant to s.
11 790.23;
12 (d) Is found guilty of a crime under the provisions of
13 chapter 893, or similar laws of any other state, relating to
14 controlled substances;
15 (e) Is committed as a substance abuser under chapter
16 397, or is deemed a habitual offender under s. 856.011(3), or
17 similar laws of any other state;
18 (f) Is convicted of a second violation of s. 316.193,
19 or a similar law of another state, within 3 years of a
20 previous conviction of such section, or similar law of another
21 state, even though the first violation may have occurred prior
22 to the date on which the application was submitted;
23 (g) Is adjudicated an incapacitated person under s.
24 744.331, or similar laws of any other state; or
25 (h) Is committed to a mental institution under chapter
26 394, or similar laws of any other state.

27 (11) No less than 90 days prior to the expiration date
28 of the license, the Department of Agriculture and Consumer
29 Services ~~State~~ shall mail to each licensee a written notice of
30 the expiration and a renewal form prescribed by the Department
31 of Agriculture and Consumer Services ~~State~~. The licensee must

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1 renew his or her license on or before the expiration date by
2 filing with the Department of Agriculture and Consumer
3 Services ~~State~~ the renewal form containing a notarized
4 affidavit stating that the licensee remains qualified pursuant
5 to the criteria specified in subsections (2) and (3), a color
6 photograph as specified in paragraph (5)(e), and the required
7 renewal fee. Out-of-state residents must also submit a
8 completed fingerprint card and fingerprint processing fee.
9 The license shall be renewed upon receipt of the completed
10 renewal form, color photograph, appropriate payment of fees,
11 and, if applicable, a completed fingerprint card.
12 Additionally, a licensee who fails to file a renewal
13 application on or before its expiration date must renew his or
14 her license by paying a late fee of \$15. No license shall be
15 renewed 6 months or more after its expiration date, and such
16 license shall be deemed to be permanently expired. A person
17 whose license has been permanently expired may reapply for
18 licensure; however, an application for licensure and fees
19 pursuant to subsection (5) must be submitted, and a background
20 investigation shall be conducted pursuant to the provisions of
21 this section. Persons who knowingly file false information
22 pursuant to this subsection shall be subject to criminal
23 prosecution under s. 837.06.

24 (12) No license issued pursuant to this section shall
25 authorize any person to carry a concealed weapon or firearm
26 into any place of nuisance as defined in s. 823.05; any
27 police, sheriff, or highway patrol station; any detention
28 facility, prison, or jail; any courthouse; any courtroom,
29 except that nothing in this section would preclude a judge
30 from carrying a concealed weapon or determining who will carry
31 a concealed weapon in his or her courtroom; any polling place;

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1 any meeting of the governing body of a county, public school
2 district, municipality, or special district; any meeting of
3 the Legislature or a committee thereof; any school, college,
4 or professional athletic event not related to firearms; any
5 school administration building; any portion of an
6 establishment licensed to dispense alcoholic beverages for
7 consumption on the premises, which portion of the
8 establishment is primarily devoted to such purpose; any
9 elementary or secondary school facility; any area technical
10 center; any college or university facility unless the licensee
11 is a registered student, employee, or faculty member of such
12 college or university and the weapon is a stun gun or
13 nonlethal electric weapon or device designed solely for
14 defensive purposes and the weapon does not fire a dart or
15 projectile; inside the passenger terminal and sterile area of
16 any airport, provided that no person shall be prohibited from
17 carrying any legal firearm into the terminal, which firearm is
18 encased for shipment for purposes of checking such firearm as
19 baggage to be lawfully transported on any aircraft; or any
20 place where the carrying of firearms is prohibited by federal
21 law. Any person who willfully violates any provision of this
22 subsection commits a misdemeanor of the second degree,
23 punishable as provided in s. 775.082 or s. 775.083.

24 (13) All moneys collected by the department pursuant
25 to this section shall be deposited in the Division of
26 Licensing Trust Fund, and the Legislature shall appropriate
27 from the fund those amounts deemed necessary to administer the
28 provisions of this section. All revenues collected, less
29 those costs determined by the Department of Agriculture and
30 Consumer Services ~~State~~ to be nonrecurring or one-time costs,
31 shall be deferred over the 3-year licensure period.

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1 Notwithstanding the provisions of s. 493.6117, all moneys
2 collected pursuant to this section shall not revert to the
3 General Revenue Fund; however, this shall not abrogate the
4 requirement for payment of the service charge imposed pursuant
5 to chapter 215.

6 (14) All funds received by the sheriff pursuant to the
7 provisions of this section shall be deposited into the general
8 revenue fund of the county and shall be budgeted to the
9 sheriff.

10 (15) The Legislature finds as a matter of public
11 policy and fact that it is necessary to provide statewide
12 uniform standards for issuing licenses to carry concealed
13 weapons and firearms for self-defense and finds it necessary
14 to occupy the field of regulation of the bearing of concealed
15 weapons or firearms for self-defense to ensure that no honest,
16 law-abiding person who qualifies under the provisions of this
17 section is subjectively or arbitrarily denied his or her
18 rights. The Department of Agriculture and Consumer Services
19 ~~State~~ shall implement and administer the provisions of this
20 section. The Legislature does not delegate to the Department
21 of Agriculture and Consumer Services ~~State~~ the authority to
22 regulate or restrict the issuing of licenses provided for in
23 this section, beyond those provisions contained in this
24 section. Subjective or arbitrary actions or rules which
25 encumber the issuing process by placing burdens on the
26 applicant beyond those sworn statements and specified
27 documents detailed in this section or which create
28 restrictions beyond those specified in this section are in
29 conflict with the intent of this section and are prohibited.
30 This section shall be liberally construed to carry out the
31 constitutional right to bear arms for self-defense. This

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1 section is supplemental and additional to existing rights to
2 bear arms, and nothing in this section shall impair or
3 diminish such rights.

4 (16) The Department of Agriculture and Consumer
5 Services State shall maintain statistical information on the
6 number of licenses issued, revoked, suspended, and denied.

7 (17) As amended by chapter 87-24, Laws of Florida,
8 this section shall be known and may be cited as the "Jack
9 Hagler Self Defense Act."

10 Section 11. Subsection (5) of section 316.515, Florida
11 Statutes, is amended to read:

12 316.515 Maximum width, height, length.--

13 (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,
14 SAFETY REQUIREMENTS.--Notwithstanding any other provisions of
15 law, straight trucks and cotton module movers, not exceeding
16 50 feet in length, or any combination of up to and including
17 three implements of husbandry including the towing power unit,
18 and any single agricultural trailer, with a load thereon not
19 exceeding 130 inches in width, is authorized for the purpose
20 of transporting peanuts, grains, soybeans, cotton, hay, straw,
21 or other perishable farm products from their point of
22 production to the first point of change of custody or of
23 long-term storage, and for the purpose of returning to such
24 point of production, by a person engaged in the production of
25 any such product or custom hauler, if such vehicle or
26 combination of vehicles otherwise complies with this section.
27 Such vehicles shall be operated in accordance with all safety
28 requirements prescribed by law and Department of
29 Transportation rules. The Department of Transportation may
30 issue overlength permits for cotton module movers greater than
31 50 feet but not more than 55 feet in overall length.

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1 Section 12. Subsections (2) and (3) of section 370.31,
2 Florida Statutes, are amended to read:

3 370.31 Commercial production of sturgeon.--

4 (2) CREATION.--The Sturgeon Production Working Group
5 is created within the Department of Agriculture and Consumer
6 Services ~~Environmental Protection~~ and shall be composed of
7 seven ~~six~~ members as follows:

8 (a) The head of the sturgeon research program or
9 designee from the University of Florida, Institute of Food and
10 Agricultural Sciences. Such member shall be appointed by the
11 University of Florida's Vice President for Agricultural
12 Affairs.

13 (b) One representative from the Department of
14 Environmental Protection to be appointed by the Secretary of
15 Environmental Protection.

16 (c) One representative from the Fish and Wildlife
17 Conservation Commission to be appointed by the executive
18 director of the Fish and Wildlife Conservation Commission.

19 (d) One representative from the Department of
20 Agriculture and Consumer Services to be appointed by the
21 Commissioner of Agriculture.

22 (e) Two representatives from the aquaculture industry
23 to be appointed by the Aquaculture Review Council.

24 (f) One representative from a private nonprofit
25 organization involved in sturgeon production work, to be
26 appointed by the Commissioner of Agriculture.

27 (3) MEETINGS; PROCEDURES; RECORDS.--The working group
28 shall meet at least twice a year and elect, by a quorum, a
29 chair and, vice chair, ~~and secretary~~.

30 (a) The chair of the working group shall preside at
31 all meetings and shall call a meeting as often as necessary to

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1 carry out the provisions of this section. ~~To call a meeting,~~
2 ~~the chair shall solicit an agreement to meet from at least two~~
3 ~~other working group members and then notify any remaining~~
4 ~~members of the meeting.~~

5 (b) The Department of Agriculture and Consumer
6 Services secretary shall keep a complete record of the
7 proceedings of each meeting, which includes the names of the
8 members present at each meeting and the actions taken. ~~Such~~
9 ~~records shall be kept on file with the Department of~~
10 ~~Environmental Protection with copies filed with the Department~~
11 ~~of Fisheries and Aquatic Sciences at the University of~~
12 ~~Florida.~~ The records shall be public records pursuant to
13 chapter 119.

14 (c) A quorum shall consist of a majority of the group
15 members. Members of the group shall not receive compensation,
16 but shall be entitled to per diem and travel expenses,
17 including attendance at meetings, as allowed public officers
18 and employees pursuant to s. 112.061 ~~one representative from~~
19 ~~the Department of Environmental Protection, one representative~~
20 ~~from the Institute of Food and Agricultural Sciences, and at~~
21 ~~least two other members.~~

22 Section 13. Section 388.261, Florida Statutes, is
23 amended to read:

24 388.261 State aid to counties and districts for
25 arthropod control; distribution priorities and limitations.--

26 (1) ~~Every county or district budgeting local funds,~~
27 ~~derived either by special tax levy or funds appropriated or~~
28 ~~otherwise made available for the control of mosquitoes and~~
29 ~~other arthropods under a plan submitted by the county or~~
30 ~~district and upon approval by the department, shall be~~
31 ~~eligible to receive state funds, supplies, services, and~~

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1 ~~equipment on a dollar-for-dollar matching basis up to but not~~
2 ~~exceeding \$30,000 for any one county for any one year. A~~
3 county or district may, without contributing matching funds,
4 receive state funds, supplies, services, or equipment in an
5 amount of no more than ~~\$50,000~~\$30,000 per year for up to 3
6 years for any new ~~or expanded~~ program for the control of
7 mosquitoes and other arthropods which serves an area not
8 previously served by the county or district. These funds may
9 be expended for any and all types of control measures approved
10 by the department.

11 (2) ~~In addition,~~ Every county or district budgeting
12 local funds to be used exclusively for the control of
13 mosquitoes and other arthropods, under a plan submitted by the
14 county or district and approved by the department, shall be
15 eligible to receive state funds and supplies, services, and
16 equipment on a dollar-for-dollar matching basis to ~~for control~~
17 ~~measures up to but not exceeding 50 percent of the amount of~~
18 local funds budgeted ~~for such control~~. Should state funds
19 appropriated by the Legislature be insufficient to grant each
20 county or district state funds on a dollar-for-dollar matching
21 basis to 50 percent of the amount budgeted in local funds, the
22 department shall prorate said state funds based on the amount
23 of matchable local funds budgeted for expenditure by each
24 county or district.

25 (3) Every county shall be limited to receive a total
26 of ~~\$120,000~~\$100,000 of state funds, exclusive of state funds
27 brought forward, during any one year, ~~however, a county or~~
28 ~~district that receives funds under subsection (1) for service~~
29 ~~to an area not previously served may receive up to \$130,000~~
30 ~~during any one year.~~

31 (4) Up to 20 percent of the annual funds appropriated

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1 to local governments for arthropod control may be used for
2 arthropod control research or demonstration projects as
3 approved by the department.

4 (5) If more than one local mosquito control agency
5 exists in a county, the funds shall be prorated between the
6 agencies based on the population served by each agency.

7 (6) The Commissioner of Agriculture may exempt
8 counties or districts from the requirements in subsection (1),
9 subsection (2), or subsection (3) when the department
10 determines state funds, supplies, services, or equipment are
11 necessary for the immediate control of mosquitoes and other
12 arthropods that pose a threat to human or animal health.

13 (7) The department may use state funds appropriated
14 for a county or district under subsection (1) or subsection
15 (2) to provide state mosquito or other arthropod control
16 equipment, supplies, or services when requested by a county or
17 district eligible to receive state funds under s. 388.271.

18 (8) The department is authorized to use up to 5
19 percent of the funds appropriated annually by the Legislature
20 under this section to provide technical assistance to the
21 counties or districts, or to purchase equipment, supplies, or
22 services necessary to administer the provisions of this
23 chapter.

24 Section 14. Subsection (2) of section 388.281, Florida
25 Statutes, is amended to read:

26 388.281 Use of state matching funds.--

27 (2) All funds, supplies, and services released on the
28 dollar-for-dollar 50-percent matching basis shall be used
29 exclusively for an integrated program that provides a
30 combination of mosquito control, source reduction measures,
31 public education, personnel training and certification,

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1 arthropod population surveillance, ~~research and demonstration~~
2 ~~projects~~, larvicides, adulticides, equipment, and public
3 ~~epidemic~~ alerts as approved by the department. Source
4 reduction measures may include measures to improve management
5 and enhance the ecological integrity of source reduction
6 areas. If source reduction measures require permits,
7 approvals, or agreement by federal, state, regional, or local
8 agencies, such permits, approvals, or agreement shall be
9 obtained prior to commencement of the source reduction
10 project. These measures include sanitary landfills, drainage,
11 diking, filling of arthropod breeding areas, and the purchase,
12 maintenance, and operation of all types of equipment including
13 trucks, dredges, draglines, bulldozers, or any other type of
14 machinery and materials utilized in ditching, ditch lining,
15 ditch construction, diking, filling, hiring personnel, rental
16 of equipment, and payment for contract work awarded to the
17 lowest responsible bidder.

18 Section 15. Subsection (6) of section 388.361, Florida
19 Statutes, is amended, and subsection (7) is added to that
20 section, to read:

21 388.361 Department authority and rules;
22 administration.--

23 (6) The department shall have the authority to
24 cooperate with federal, and state, and local agencies and to
25 enter into such cooperative agreements or commitments as the
26 department may determine necessary to carry out and enforce
27 the provisions of this chapter.

28 (7) The department shall have the authority to
29 collect, detect, suppress, and control mosquitoes and other
30 arthropods that are determined by the State Health Officer to
31 pose a threat to public health, or determined by the

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1 Commissioner of Agriculture to pose a threat to animal health,
2 wherever they may occur on public or private land in this
3 state, and to do all things necessary in the exercise of such
4 authority. Prior to the start of treatments for the control of
5 mosquitoes or other arthropods, the department shall consult
6 with the mosquito control districts in the proposed treatment
7 areas, the Department of Health, the Department of
8 Environmental Protection, and the Fish and Wildlife
9 Conservation Commission regarding the proposed locations,
10 dates, and methods to be used.

11 Section 16. Section 388.45, Florida Statutes, is
12 amended to read:

13 388.45 Threat to public or animal health; ~~emergency~~
14 declarations.--

15 (1) The State Health Officer has the authority to
16 declare that a threat to public health exists when the
17 Department of Health discovers in the human or surrogate
18 population the occurrence of an infectious disease that can be
19 transmitted from mosquitoes or other arthropods to humans. The
20 State Health Officer must immediately notify the Commissioner
21 of Agriculture of the declaration of this threat to public
22 health. The Commissioner of Agriculture is authorized to issue
23 a mosquito or other arthropod ~~an emergency~~ declaration in
24 those counties needing additional mosquito or other arthropod
25 control measures based on the State Health Officer's
26 declaration of a threat to the public health ~~or based on other~~
27 ~~threats to animal health~~. Each declaration must contain the
28 geographical boundaries and the duration of the declaration.
29 The State Health Officer shall order such human medical
30 preventive treatment and the Commissioner of Agriculture shall
31 order such ameliorative mosquito or other arthropod control

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1 measures as are necessary to prevent the spread of disease,
2 notwithstanding contrary provisions of this chapter or the
3 rules adopted under this chapter. Within 24 hours after a
4 declaration of a threat to the public health, the State Health
5 Officer must also notify the agency heads of the Department of
6 Environmental Protection and the Fish and Wildlife
7 Conservation Commission of the declaration. Within 24 hours
8 after a mosquito or other arthropod ~~an emergency~~ declaration
9 based on the public health declaration ~~or based on other~~
10 ~~threats to animal health~~, the Commissioner of Agriculture must
11 notify the agency heads of the Department of Environmental
12 Protection and the Fish and Wildlife Conservation Commission
13 of the declaration. ~~Within 24 hours after an emergency~~
14 ~~declaration based on other threats to animal health~~, the
15 ~~Commissioner of Agriculture must also notify the agency head~~
16 ~~of the Department of Health of the declaration.~~

17 (2) The Commissioner of Agriculture has the authority
18 to declare that a threat to animal health exists when the
19 department discovers the occurrence of an infectious disease
20 in animals that can be transmitted by mosquitoes or other
21 arthropods and is authorized to issue an animal health
22 declaration in those counties needing additional veterinary
23 care or mosquito or other arthropod control measures based on
24 a threat to animal health. Each declaration must contain the
25 geographical boundaries and the duration of the declaration.
26 The Commissioner of Agriculture shall order such veterinary
27 treatment or ameliorative mosquito or other arthropod control
28 measures as are necessary to prevent the spread of disease,
29 notwithstanding contrary provisions of this chapter or the
30 rules adopted under this chapter. The Commissioner of
31 Agriculture shall immediately notify the State Health Officer

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1 and the agency heads of the Department of Environmental
2 Protection and the Fish and Wildlife Conservation Commission
3 upon issuance of an animal health declaration.

4 Section 17. Subsection (11) of section 403.067,
5 Florida Statutes, is amended to read:

6 403.067 Establishment and implementation of total
7 maximum daily loads.--

8 (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

9 (a) The department shall not implement, without prior
10 legislative approval, any additional regulatory authority
11 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part
12 130, if such implementation would result in water quality
13 discharge regulation of activities not currently subject to
14 regulation.

15 (b) Interim measures, best-management practices, or
16 other measures may be developed and voluntarily implemented
17 pursuant to paragraph (7)(c) or paragraph (7)(d) for any water
18 body or segment for which a total maximum daily load or
19 allocation has not been established. The implementation of
20 such pollution-control programs may be considered by the
21 department in the determination made pursuant to subsection
22 (4).

23 Section 18. Paragraph (k) is added to subsection (12)
24 of section 403.707, Florida Statutes, to read:

25 403.707 Permits.--

26 (12) The department shall establish a separate
27 category for solid waste management facilities which accept
28 only construction and demolition debris for disposal or
29 recycling. The department shall establish a reasonable
30 schedule for existing facilities to comply with this section
31 to avoid undue hardship to such facilities. However, a

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1 permitted solid waste disposal unit which receives a
2 significant amount of waste prior to the compliance deadline
3 established in this schedule shall not be required to be
4 retrofitted with liners or leachate control systems.

5 Facilities accepting materials defined in s. 403.703(17)(b)
6 must implement a groundwater monitoring system adequate to
7 detect contaminants that may reasonably be expected to result
8 from such disposal prior to the acceptance of those materials.

9 (k) Brazilian pepper and other invasive exotic plant
10 species as designated by the department resulting from
11 eradication projects may be processed at permitted
12 construction and demolition debris recycling facilities or
13 disposed of at permitted construction and demolition debris
14 disposal facilities or Class III facilities. The department
15 may adopt rules to implement this paragraph.

16 Section 19. Paragraph (e) of subsection (3) of section
17 403.709, Florida Statutes, is amended to read:

18 403.709 Solid Waste Management Trust Fund; use of
19 waste tire fee moneys; waste tire site management.--

20 (3) Moneys allocated to the fund from waste tire fees
21 shall be used:

22 (e) At least 10 percent of the revenues deposited in
23 the fund annually from waste tire fees shall be allocated as
24 additional grants to local mosquito control agencies in
25 accordance with s. 388.261 for the specific purpose of abating
26 and providing mosquito control relating to waste tire sites,
27 other tire piles, and other sites identified by local mosquito
28 control agencies as mosquito breeding areas. Only local
29 mosquito control agencies approved by the Department of
30 Agriculture and Consumer Services may receive funds pursuant
31 to this paragraph. ~~Each county with an eligible local~~

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1 ~~mosquito control agency shall be allocated a minimum of~~
2 ~~\$15,000 pursuant to this paragraph. Any remaining funds under~~
3 ~~this paragraph shall be distributed to eligible local mosquito~~
4 ~~control agencies on the basis of county population. If more~~
5 ~~than one local mosquito control agency exists in a county, the~~
6 ~~funds shall be prorated between the agencies based on the~~
7 ~~population served by each agency.~~

8 Section 20. Section 482.227, Florida Statutes, is
9 amended to read:

10 482.227 Guarantees and warranties.--

11 (1) The Legislature finds that the terms "guarantee"
12 and "warranty" are common in contracts for the treatment of
13 wood-destroying organisms and intends to clarify that the
14 purpose of this section is to assure that the consumer
15 understands whether a contract contains a "guarantee" or
16 "warranty" for repair and retreatment or for retreatment only
17 or contains no guarantee. Unless the contract for treatment of
18 wood-destroying organisms indicates conspicuously on the front
19 page whether the guarantee or warranty is for repair and
20 retreatment or for retreatment only or that no guaranty or
21 warranty is offered, the term "guarantee" or "warranty" may be
22 used in a contract for treatment of wood-destroying organisms
23 only in the following circumstances:

24 (a) If the licensee promises to repair ~~restore~~ any
25 property damaged by wood-destroying organisms during a
26 specified period after the treatment, the term "full" or
27 "unlimited" must be used together with the term "guarantee" or
28 "warranty" wherever that term occurs other than in a
29 disclaimer under subsection (2).

30 (b) If the licensee promises only to provide
31 additional treatment if infestation occurs during a specified

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1 period after treatment, the term "limited" must be used with
2 the term "guarantee" or "warranty" wherever that term occurs
3 other than in a disclaimer under subsection (2).

4 (c) If the licensee does not promise to repair ~~restore~~
5 the property or provide additional treatment, the term
6 "guarantee" or "warranty" may not be used except in a
7 disclaimer under subsection (2).

8 (2) A disclaimer indicating that no guarantee or
9 warranty is offered under the contract ~~Any statement~~
10 ~~disclaiming an expressed or implied guarantee or warranty~~ must
11 appear in conspicuous type on the face of the contract.

12 Section 21. Effective October 1, 2003, section
13 482.227, Florida Statutes, as amended by this act, is amended
14 to read:

15 482.227 Guarantees and warranties; contracts executed
16 after October 1, 2003.--

17 (1) The Legislature finds that the terms "guarantee"
18 and "warranty" are common in contracts for the treatment of
19 wood-destroying organisms, ~~and intends to clarify that~~ The
20 purpose of this section is to assure that contract language
21 describing the consumer understands whether a contract
22 contains a "guarantee" or "warranty" is clear and easily
23 identifiable for the protection of consumers and licensees for
24 repair and retreatment or for retreatment only or contains no
25 guarantee. Therefore the following provisions shall apply to
26 each new contract for the treatment of wood-destroying
27 organisms issued by the licensee and signed by the customer
28 after October 1, 2003. ~~Unless the contract for treatment of~~
29 ~~wood-destroying organisms indicates conspicuously on the front~~
30 ~~page whether the guarantee or warranty is for repair and~~
31 ~~re-treatment or for re-treatment only or that no guaranty or~~

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1 ~~warranty is offered, the term "guarantee" or "warranty" may be~~
2 ~~used in a contract for treatment of wood-destroying organisms~~
3 ~~only in the following circumstances:~~

4 ~~(a) If the licensee promises to repair any property~~
5 ~~damaged by wood-destroying organisms during a specified period~~
6 ~~after the treatment, the term "full" or "unlimited" must be~~
7 ~~used together with the term "guarantee" or "warranty" wherever~~
8 ~~that term occurs other than in a disclaimer under subsection~~
9 ~~(2).~~

10 ~~(b) If the licensee promises only to provide~~
11 ~~additional treatment if infestation occurs during a specified~~
12 ~~period after treatment, the term "limited" must be used with~~
13 ~~the term "guarantee" or "warranty" wherever that term occurs~~
14 ~~other than in a disclaimer under subsection (2).~~

15 ~~(c) If the licensee does not promise to repair the~~
16 ~~property or provide additional treatment, the term "guarantee"~~
17 ~~or "warranty" may not be used except in a disclaimer under~~
18 ~~subsection (2).~~

19 (2) Any contract for treatment of wood-destroying
20 organisms must specify on the first page in bold print that it
21 is offered for repair and retreatment or for retreatment only
22 or that no warranty or guarantee is offered. A disclaimer
23 indicating that no guarantee or warranty is offered under the
24 contract must appear in conspicuous type on the face of the
25 contract.

26 (3) The contract for treatment of wood-destroying
27 organisms must specify on the first page in bold print whether
28 there are any disclaimers, limitations, conditions, or
29 exclusions on the licensee's obligation to repair or re-treat
30 the property. Contract sections describing disclaimers,
31 limitations, conditions, or exclusions applicable to the

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1 licensee's obligation to repair or retreat the property must
2 contain headings in bold print.

3 (4) If a contract for treatment of wood-destroying
4 organisms contains a disclaimer, limitation, condition, or
5 exclusion applicable to the licensee's obligation to repair or
6 retreat the property, the term "full" or "unlimited" may not
7 be used together with the term "guarantee" or "warranty."

8 Section 22. It is the intent of the Legislature to
9 phase in the requirements set forth in section 11 to provide
10 that the requirements of section 482.227, Florida Statutes, as
11 amended by section 11 apply only to contracts for the
12 treatment of wood-destroying organisms issued by the licensee
13 and signed by the customer on or after October 1, 2003.

14 Section 23. Subsection (3) of section 482.2401,
15 Florida Statutes, is amended to read:

16 482.2401 Disposition and use of revenues from fees and
17 fines.--

18 (3) All revenues from administrative fines shall be
19 used to support contract research or education in ~~all~~ pest
20 control ~~categories~~. The department shall appoint a committee
21 composed of pest control industry members which shall assist
22 the department in establishing research or education
23 priorities, in developing requests for proposals for bids, and
24 in selecting research or education contractors from qualified
25 bidders.

26 Section 24. Section 482.243, Florida Statutes, is
27 created to read:

28 482.243 Pest Control Enforcement Advisory Council.--

29 (1) The Pest Control Enforcement Advisory Council is
30 created within the department. The Commissioner of Agriculture
31 shall appoint all members of the council. The purpose of the

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1 council is to advise the Commissioner of Agriculture regarding
2 the regulation of pest control practices and to advise
3 government agencies with respect to those activities related
4 to their responsibilities regarding pest control. The council
5 shall serve as the statewide forum for the coordination of
6 pest control related activities to eliminate duplication of
7 effort and maximize protection of the public.

8 (2) The council shall consist of 11 members as
9 follows: a representative of the department; a citizen not
10 involved in the conduct of pest control; a state university
11 urban entomologist; and eight persons each holding a pest
12 control operator's certificate issued under s. 482.111, of
13 whom two shall be actively involved in termite control, two
14 shall be actively involved in general household pest control,
15 two shall be actively involved in structural fumigation, and
16 two shall be actively involved in lawn and landscape pest
17 control. Each member shall be appointed for a term of 4 years
18 and shall serve until a successor is appointed.

19 (3) In conducting its meetings, the council shall use
20 Robert's Rules of Order. A majority of the members of the
21 council constitutes a quorum for all purposes, and an act by a
22 majority of such quorum at any meeting constitutes an official
23 act of the council. The secretary shall keep a complete record
24 of each meeting which must show the names of members present
25 and the actions taken. These records must be kept on file with
26 the department, and these records and other documents about
27 matters within the jurisdiction of the council are subject to
28 inspection by members of the council.

29 (4) The members of the council shall meet and organize
30 by electing a chair, a vice chair, and a secretary whose terms
31 shall be for 1 year each. Council officers may not serve

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1 consecutive terms.

2 (5) The council shall meet at the call of its chair,
3 at the request of a majority of its members, at the request of
4 the department, or at such time as a public health or
5 environmental emergency arises.

6 (6) The meetings, powers and duties, procedures,
7 recordkeeping, and reimbursement of expenses of members of the
8 council shall be in accordance with the provisions of s.
9 570.0705 relating to advisory committees established within
10 the department.

11 (7) The council shall receive reports of pest control
12 enforcement activity conducted by the Division of Agricultural
13 Environmental Services, which shall include numbers of cases,
14 numbers of administrative actions, numbers of complaints
15 received and investigated, and dispositions of complaints;
16 provide advice to the department on the conduct of pest
17 control enforcement activities; receive reports on
18 disciplinary actions, provided that the names of individual
19 licensees shall be expunged from cases discussed before the
20 council, unless a consent order or final order has been issued
21 in the case; and make recommendations, subject to a majority
22 vote, directly to the Commissioner of Agriculture for actions
23 to be taken with respect to the regulation of pest control
24 services and practices that the council has reviewed.

25 Section 25. Subsection (2) of section 487.041, Florida
26 Statutes, is amended to read:

27 487.041 Registration.--

28 (2) For the purpose of defraying expenses of the
29 department in connection with carrying out the provisions of
30 this chapter, each person shall pay an annual registration fee
31 of ~~\$250~~^{\$225} for each registered pesticide. The annual

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1 registration fee for each special local need label and
2 experimental use permit shall be \$100. All registrations
3 expire on December 31 of each year. Nothing in this section
4 shall be construed as applying to distributors or retail
5 dealers selling pesticides when such pesticides are registered
6 by another person.

7 Section 26. Subsection (6) is added to section
8 500.121, Florida Statutes, to read:

9 500.121 Disciplinary procedures.--

10 (6) If the department determines that a food offered
11 in a food establishment is labeled with nutrient claims that
12 are in violation of this chapter, the department shall retest
13 or reexamine the product within 90 days after notification to
14 the manufacturer and to the firm at which the product was
15 collected. If the product is again found in violation, the
16 department shall test or examine the product for a third time
17 within 60 days after the second notification. The product
18 manufacturer shall reimburse the department for the cost of
19 the third test or examination. If the product is found in
20 violation for a third time, the department shall exercise its
21 authority under s. 500.172 and issue a stop-sale or stop-use
22 order. The department may impose additional sanctions for
23 violations of this subsection.

24 Section 27. Subsection (3) is added to section
25 500.148, Florida Statutes, to read:

26 500.148 Reports and dissemination of information.--

27 (3) Upon request of a food establishment, the
28 department may issue a report certifying that the requesting
29 food establishment currently complies with the sanitation and
30 permitting requirements of this chapter and the rules
31 promulgated thereunder. Such certification may be requested

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1 for the purpose of exporting food to a foreign country. The
2 department is authorized to recover the cost associated with
3 carrying out the provisions of this subsection, the amount of
4 which shall be set by rule.

5 Section 28. Subsection (8) is added to section
6 501.160, Florida Statutes, to read:

7 501.160 Rental or sale of essential commodities during
8 a declared state of emergency; prohibition against
9 unconscionable prices.--

10 (8) Any violation of this section may be enforced by
11 the Department of Agriculture and Consumer Services, the
12 office of the state attorney, or the Department of Legal
13 Affairs.

14 Section 29. Subsection (35) of section 570.07, Florida
15 Statutes, is amended to read:

16 570.07 Department of Agriculture and Consumer
17 Services; functions, powers, and duties.--The department shall
18 have and exercise the following functions, powers, and duties:

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

26 Section 30. Subsection (8) of section 573.124, Florida
27 Statutes, is amended to read:

28 573.124 Penalties; violation; hearings.--

29 (8) It shall be a felony of the third degree
30 ~~misdemeanor of the second degree~~, punishable as provided in s.
31 775.082 or s. 775.083, for:

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1 (a) Any person to willfully render or furnish a false
2 or fraudulent report, statement, or record required by the
3 department, or any marketing agreement or marketing order
4 effective thereunder.

5 (b) Any person engaged in the handling of any
6 agricultural commodity or in the wholesale or retail trade
7 thereof to fail or refuse to furnish to the department or its
8 duly authorized agents, upon request, information concerning
9 the name and address of the persons from whom he or she has
10 received any agricultural commodity regulated by a marketing
11 order issued and in effect hereunder, and the quantity of the
12 commodity so received.

13 Section 31. Section 581.091, Florida Statutes, is
14 amended to read:

15 581.091 Noxious weeds and infected plants or regulated
16 articles; sale or distribution; receipt; information to
17 department; withholding information.--

18 (1) It is unlawful for any person to knowingly sell,
19 offer for sale, or distribute any noxious weed, or any plant
20 or plant product or regulated article infested or infected
21 with any plant pest declared, by rule of the department, to be
22 a public nuisance or a threat to the state's agricultural and
23 horticultural interests.

24 (2) Any person who knows or reasonably should know
25 that such person possesses or has knowingly received any
26 noxious weed or any plant, plant product, or regulated article
27 sold, given away, carried, shipped, or delivered for carriage
28 or shipment in violation of the provisions of this chapter or
29 the rules adopted thereunder shall immediately inform the
30 department and isolate and hold the weed, plant, plant
31 product, or other thing unopened or unused subject to

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1 inspection or other disposition as may be provided by the
2 department.

3 (3) It is unlawful for any person to fail to disclose
4 or withhold available information regarding any infected or
5 infested plant, plant product, regulated article, or noxious
6 weed.

7 (4) The department, in conjunction with the Institute
8 of Food and Agricultural Sciences at the University of
9 Florida, shall biennially review the official state lists of
10 noxious weeds and invasive plants as provided for under this
11 chapter and department rules. The plants listed in s. 369.251
12 shall be incorporated into the department lists as provided
13 for under this chapter. A water management district when
14 identifying by rule pursuant to s. 373.185, or a local
15 government when identifying by ordinance or regulation adopted
16 on or after March 1, 2002, a list of noxious weeds, invasive
17 plants, or plants deemed to be a public nuisance or threat,
18 shall only adopt the lists developed under this chapter or
19 rules adopted thereunder. All local government ordinances or
20 regulations, adopted prior to March 1, 2002, that list noxious
21 weeds or invasive plants shall remain in effect. All local
22 ordinances or regulations requiring the removal of invasive
23 plants or noxious weeds from publicly or privately owned
24 conservation areas or preserves shall be exempt from the
25 limitations in this subsection.

26 Section 32. Subsection (5) of section 585.002, Florida
27 Statutes, is amended to read:

28 585.002 Department control; continuance of powers,
29 duties, rules, orders, etc.--

30 (5) The department shall, by rule, establish a fee
31 schedule to cover the approximate costs associated with

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1 carrying out the provisions of this chapter. This shall
2 include establishment of fees for provision of health forms,
3 required certificates, certifications, permits, quality
4 assurance programs, and services. No individual fee shall
5 exceed \$200, except that the fee for carrying out the
6 quarantine requirements relating to horses imported from
7 countries where contagious equine metritis exists shall not
8 exceed \$1,500. These fees shall be deposited in the
9 department's General Inspection Trust Fund.

10 Section 33. Subsection (5) is added to section 585.08,
11 Florida Statutes, to read:

12 585.08 General powers of the department; rules.--The
13 Division of Animal Industry is authorized to:

14 (5) Condemn and destroy any animal that is liable to
15 spread any contagious, infectious, or communicable disease
16 based upon sound epidemiological facts and conclusions to
17 prevent the further spread of disease when a state or
18 agricultural declaration of emergency has been declared by the
19 Governor or the Commissioner of Agriculture.

20 Section 34. Section 585.09, Florida Statutes, is
21 amended to read:

22 585.09 Procedure for condemnation of animals and
23 property by department.--Condemnation and destruction of
24 animals, barns, yards, sheds, corrals, and pens, as provided
25 in s. 585.08, shall take place only after a fair appraisal of
26 the value of the property. The value shall be determined by
27 the department and the owner; provided, however, should the
28 department and the owner be unable to agree on a value, the
29 value shall then be determined by three disinterested
30 appraisers, one to be appointed by the department, one by the
31 owner of the property, and the third to be selected by these

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1 two. The appraised price, ~~subject to the provisions of s.~~
2 ~~585.10~~, shall be paid by the department as other expenses are
3 paid. If the owner of such animal, barn, yard, shed, corral,
4 or pen fails or refuses to name an appraiser within 5 days
5 after requested by the department to do so, or refuses to
6 permit the property to be condemned and destroyed, the
7 department may make an order to the sheriff of the county
8 wherein the property lies, directing her or him to destroy
9 such animal, barn, yard, shed, corral, or pen, in the manner
10 to be prescribed in the order. The order shall be immediately
11 executed by the sheriff. Upon the destruction of the property
12 by the sheriff, the department shall have the right to
13 recover, from the owner of the property destroyed, all costs
14 and expenses incurred by it in connection with the
15 destruction.

16 Section 35. Section 585.10, Florida Statutes, is
17 repealed.

18 Section 36. Section 585.11, Florida Statutes, is
19 amended to read:

20 585.11 Cooperation with United States authorities and
21 United States Department of Agriculture accredited private
22 veterinarians.--The department may cooperate with:

23 (1) The authorities of the United States in the
24 enforcement of all acts of Congress for the control,
25 prevention, suppression, and eradication of contagious,
26 infectious, and communicable diseases affecting animals, or
27 animal diseases which may affect humans, and in connection
28 therewith may:

29 (a) Appoint inspectors of the United States Department
30 of Agriculture as temporary assistant state veterinarians or
31 livestock inspectors; provided, they shall first consent to

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1 act without compensation or profit from the state;

2 (b) Accept aid or assistance from the United States in
3 conducting work related to the control or eradication of
4 tuberculosis, brucellosis, pseudorabies, hog cholera, and any
5 other such dangerous disease, or from any of its officers,
6 representatives, or agents, in carrying out such work.

7 (2) The officials of the United States Department of
8 Agriculture in the control or eradication of tuberculosis,
9 brucellosis, pseudorabies, and hog cholera and with the owners
10 of animals, who accept indemnity for animals found to be
11 diseased and slaughtered in accordance with the special Acts
12 of Congress now in effect and appropriating funds for this
13 purpose, or that may hereafter be available from such source.

14 (3) The United States Department of Agriculture in
15 carrying out the provisions of the National Poultry
16 Improvement Plan and the National Turkey Improvement Plan in
17 Florida, and in connection therewith, may promulgate rules
18 necessary to carry out the provisions of the National Poultry
19 Improvement Plan and the National Turkey Improvement Plan in
20 Florida.

21 (4) Appointed United States Department of Agriculture
22 accredited private veterinarians in conducting work related to
23 the control or eradication of contagious and infectious
24 diseases, who may be compensated for services.

25 Section 37. Subsection (1) of section 585.21, Florida
26 Statutes, is amended to read:

27 585.21 Sale of biological products.--

28 (1) Each biological product intended for diagnostic or
29 therapeutic purposes for animals which is manufactured for
30 sale or sold in the state shall first be officially approved
31 by the United States Department of Agriculture and shall have

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1 written permission of the Department of Agriculture and
2 Consumer Services prior to sale in the state.

3 Section 38. Subsection (3) of section 585.61, Florida
4 Statutes, is amended to read:

5 585.61 Animal disease diagnostic laboratories.--

6 (3) Any person who maintains animals in the state may
7 use the services of the laboratories under the terms of this
8 section and the rules adopted for such use by the department.

9 The department shall require any user of its services to pay a
10 fee not to exceed ~~\$300~~\$15 for any one of the services

11 ~~requested, except that a fee for necropsy may be imposed in an~~
12 ~~amount not to exceed \$70.~~ All laboratory fees collected shall

13 be deposited in the Animal Industry Diagnostic Laboratory
14 Account within the General Inspection Trust Fund. The fees
15 collected shall be used to improve the diagnostic laboratory
16 services as provided for by the Legislature in the General
17 Appropriations Act.

18 Section 39. Subsections (1) and (5) of section 590.02,
19 Florida Statutes, are amended to read:

20 590.02 Division powers, authority, and duties;
21 liability; building structures; Florida Center for Wildfire
22 and Forest Resources Management Training.--

23 (1) The division has the following powers, authority,
24 and duties:

25 (a) To enforce the provisions of this chapter;

26 (b) To prevent, detect, suppress, and extinguish
27 wildfires wherever they may occur on public or private land in
28 this state and to do all things necessary in the exercise of
29 such powers, authority, and duties;

30 (c) To provide firefighting crews, who shall be under
31 the control and direction of the division and its designated

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1 agents;

2 (d) To appoint center managers, forest area
3 supervisors, forestry program administrators, a forest
4 protection bureau chief, a forest protection assistant bureau
5 chief, a field operations bureau chief, deputy chiefs of field
6 operations, district managers, senior forest rangers,
7 investigators, forest rangers, firefighter rotorcraft pilots,
8 and other employees who may, at the division's discretion, be
9 certified as forestry firefighters pursuant to s. 633.35(4).
10 Other provisions of law notwithstanding, center managers,
11 district managers, forest protection assistant bureau chief,
12 and deputy chiefs of field operations shall have Selected
13 Exempt Service status in the state personnel designation;

14 (e) To develop a training curriculum for forestry
15 firefighters which must contain the basic volunteer structural
16 fire training course approved by the Florida State Fire
17 College of the Division of State Fire Marshal and a minimum of
18 250 hours of wildfire training;

19 (f) To make rules to accomplish the purposes of this
20 chapter; ~~and~~

21 (g) To provide fire management services and emergency
22 response assistance and to set and charge reasonable fees for
23 performance of those services. Moneys collected from such fees
24 shall be deposited into the Incidental Trust Fund of the
25 division; ~~and~~

26 (h) To require all state, regional, and local
27 government agencies operating aircraft in the vicinity of an
28 ongoing wildfire to operate in compliance with the applicable
29 state Wildfire Aviation Plan.

30 (5) The division shall organize its operational units
31 to most effectively prevent, detect, and suppress wildfires,

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1 and to that end, may employ the necessary personnel to manage
2 its activities in each unit. The division may construct
3 lookout towers, roads, bridges, firelines, and other
4 facilities and may purchase or fabricate tools, supplies, and
5 equipment for firefighting. The division may reimburse the
6 public and private entities that it engages to assist in the
7 suppression of wildfires for their personnel and equipment,
8 including aircraft.

9 (a) The Cross City Work Center shall be named the L.
10 Earl Peterson Forestry Station. This is to honor Mr. L. Earl
11 Peterson. Florida's sixth state forester, whose distinguished
12 career in state government has spanned 44 years and who is a
13 native of Dixie County.

14 Section 40. Section 590.11, Florida Statutes, is
15 amended to read:

16 590.11 Recreational fires.--

17 (1) It is unlawful for any individual or group of
18 individuals to build a warming fire, bonfire, or campfire and
19 leave it unattended or unextinguished.

20 (2) Anyone who violates this section commits a
21 misdemeanor of the second degree, punishable as provided in s.
22 775.082 or s. 775.083.

23 Section 41. Paragraph (b) of subsection (3) and
24 subsections (4) and (5) of section 590.125, Florida Statutes,
25 are amended to read:

26 590.125 Open burning authorized by the division.--

27 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS
28 AND PURPOSE.--

29 (b) Certified prescribed burning pertains only to
30 broadcast burning. It must be conducted in accordance with
31 this subsection and:

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- 1 1. May ~~only~~ be accomplished only when a certified
- 2 prescribed burn manager is present on site with a copy of the
- 3 prescription from ignition of the burn to its completion.
- 4 2. Requires that a written prescription be prepared
- 5 before receiving authorization to burn from the division.
- 6 3. Requires that the specific consent of the landowner
- 7 or his or her designee be obtained before requesting an
- 8 authorization.
- 9 4. Requires that an authorization to burn be obtained
- 10 from the division before igniting the burn.
- 11 5. Requires that there be adequate firebreaks at the
- 12 burn site and sufficient personnel and firefighting equipment
- 13 for the control of the fire.
- 14 6. Is considered to be in the public interest and does
- 15 not constitute a public or private nuisance when conducted
- 16 under applicable state air pollution statutes and rules.
- 17 7. Is considered to be a property right of the
- 18 property owner if vegetative fuels are burned as required in
- 19 this subsection.
- 20 (4) WILDFIRE HAZARD REDUCTION TREATMENT ~~BURNING~~ BY THE
- 21 DIVISION.--The division may conduct fuel reduction
- 22 initiatives, including, but not limited to, burning and
- 23 mechanical and chemical treatment, on ~~prescribe burn~~ any area
- 24 of wild land within the state which is reasonably determined
- 25 to be in danger of wildfire in accordance with the following
- 26 procedures:
- 27 (a) Describe the areas that will receive fuels
- 28 treatment ~~be prescribe burned~~ to the affected local
- 29 governmental entity.
- 30 (b) Publish a treatment ~~prescribed burn~~ notice,
- 31 including a description of the area to be treated ~~burned~~, in a

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1 conspicuous manner in at least one newspaper of general
2 circulation in the area of the treatment burn not less than 10
3 days before the treatment burn.

4 (c) Prepare, and the county tax collector shall
5 include with the annual tax statement, a notice to be sent to
6 all landowners in each township designated by the division as
7 a wildfire hazard area. The notice must describe particularly
8 the area to be treated burned and the tentative date or dates
9 of the treatment burning and must list the reasons for and the
10 expected benefits from the wildfire hazard reduction
11 prescribed burning.

12 (d) Consider any landowner objections to the fuels
13 treatment prescribed burning of his or her property. The
14 landowner may apply to the director of the division for a
15 review of alternative methods of fuel reduction on the
16 property. If the director or his or her designee does not
17 resolve the landowner objection, the director shall convene a
18 panel made up of the local forestry unit manager, the fire
19 chief of the jurisdiction, and the affected county or city
20 manager, or any of their designees. If the panel's
21 recommendation is not acceptable to the landowner, the
22 landowner may request further consideration by the
23 Commissioner of Agriculture or his or her designee and shall
24 thereafter be entitled to an administrative hearing pursuant
25 to the provisions of chapter 120.

26 (5) DUTIES OF AGENCIES.--The Department of Education
27 shall incorporate, where feasible and appropriate, the issues
28 of fuels treatment, including prescribed burning into its
29 educational materials.

30 Section 42. Subsection (4) is added to section
31 597.020, Florida Statutes, to read:

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1 597.020 Shellfish processors; regulation.--
2 (4) Any license or certification authorized and issued
3 under this chapter shall automatically expire on June 30 of
4 each year.

5 Section 43. Paragraph (a) of subsection (7) and
6 paragraph (a) of subsection (14) of section 616.242, Florida
7 Statutes, are amended to read:

8 616.242 Safety standards for amusement rides.--

9 (7) DEPARTMENT INSPECTIONS.--

10 (a) In order to obtain an annual permit, an amusement
11 ride must be inspected by the department in accordance with
12 subsection (11) and receive an inspection certificate. In
13 addition, each permanent amusement ride must be inspected
14 semiannually by the department in accordance with subsection
15 (11) and receive an inspection certificate, and each temporary
16 amusement ride must be inspected by the department in
17 accordance with subsection (11), and must receive an
18 inspection certificate each time the ride is set up or moved
19 to a new location in this state unless the temporary amusement
20 ride is:

- 21 1. Used at a private event; ~~or~~
- 22 2. A simulator, the capacity of which does not exceed
23 16 persons; ~~or-~~
- 24 3. A kiddie ride used at a public event, provided that
25 there are no more than three amusement rides at the event,
26 none of the kiddie rides at the event exceed a capacity of 12
27 persons, and the ride has an inspection certificate that was
28 issued within the preceding 6 months. The capacity of a kiddie
29 ride shall be determined by rule of the department, unless the
30 capacity of the ride has been determined and specified by the
31 manufacturer. Any owner of a kiddie ride operating under this

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1 exemption is responsible for ensuring that no more than three
 2 amusement rides are operated at the event.

3 (14) REPORTING AND INVESTIGATION OF ACCIDENTS AND
 4 DEFECTS; IMPOUNDMENTS.--

5 (a) Any accident of which the owner or manager has
 6 knowledge or, through the exercise of reasonable diligence
 7 should have knowledge, and for which a patron is transported
 8 to a hospital, as defined in chapter 395, must be reported by
 9 the owner or manager to the department by telephone ~~or~~
 10 ~~facsimile~~ within 4 hours after the occurrence of the accident
 11 and must be followed up by a written report to the department
 12 within 24 hours after the occurrence of the accident.

13 Section 44. Subsection (8) of section 496.404, Florida
 14 Statutes, is amended to read:

15 496.404 Definitions.--As used in ss. 496.401-496.424:

16 (8) "Educational institutions" means those
 17 institutions and organizations described in s.
 18 212.08(7)(cc)8.a. The term includes private nonprofit
 19 organizations, the purpose of which is to raise funds for
 20 schools teaching grades kindergarten through grade 12,
 21 colleges, and universities, including any nonprofit newspaper
 22 of free or paid circulation primarily on university or college
 23 campuses which holds a current exemption from federal income
 24 tax under s. 501(c)(3) of the Internal Revenue Code, any
 25 educational television or radio network or system established
 26 pursuant to s. 229.805 or s. 229.8051, and any nonprofit
 27 television or radio station that is a part of such network or
 28 system and that holds a current exemption from federal income
 29 tax under s. 501(c)(3) of the Internal Revenue Code. The term
 30 also includes a nonprofit educational cable consortium that
 31 holds a current exemption from federal income tax under s.

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1 501(c)(3) of the Internal Revenue Code, whose primary purpose
 2 is the delivery of educational and instructional cable
 3 television programming and whose members are composed
 4 exclusively of educational organizations that hold a valid
 5 consumer certificate of exemption and that are either an
 6 educational institution as defined in this subsection or
 7 qualified as a nonprofit organization pursuant to s. 501(c)(3)
 8 of the Internal Revenue Code.

9 Section 45. (1) The building known as the U.S.D.A.
 10 Service Center Building, located at 1700 Highway 17-98 South
 11 in Bartow is designated the John W. Hunt Building.

12 (2) The Department of Agriculture and Consumer
 13 Services is authorized to erect a suitable marker for the
 14 designation made by this section.

15 Section 46. Paragraph (a) of subsection (1) of section
 16 316.640, Florida Statutes, is amended to read:

17 316.640 Enforcement.--The enforcement of the traffic
 18 laws of this state is vested as follows:

19 (1) STATE.--

20 (a)1.a. The Division of Florida Highway Patrol of the
 21 Department of Highway Safety and Motor Vehicles, the Division
 22 of Law Enforcement of the Fish and Wildlife Conservation
 23 Commission, the Division of Law Enforcement of the Department
 24 of Environmental Protection, and law enforcement officers of
 25 the Department of Transportation each have authority to
 26 enforce all of the traffic laws of this state on all the
 27 streets and highways thereof and elsewhere throughout the
 28 state wherever the public has a right to travel by motor
 29 vehicle. The Division of the Florida Highway Patrol may employ
 30 as a traffic accident investigation officer any individual who
 31 successfully completes at least 200 hours of instruction in

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1 traffic accident investigation and court presentation through
2 the Selective Traffic Enforcement Program as approved by the
3 Criminal Justice Standards and Training Commission and funded
4 through the National Highway Traffic Safety Administration or
5 a similar program approved by the commission, but who does not
6 necessarily meet the uniform minimum standards established by
7 the commission for law enforcement officers or auxiliary law
8 enforcement officers under chapter 943. Any such traffic
9 accident investigation officer who makes an investigation at
10 the scene of a traffic accident may issue traffic citations,
11 based upon personal investigation, when he or she has
12 reasonable and probable grounds to believe that a person who
13 was involved in the accident committed an offense under this
14 chapter, chapter 319, chapter 320, or chapter 322 in
15 connection with the accident. This paragraph does not permit
16 the carrying of firearms or other weapons, nor do such
17 officers have arrest authority other than for the issuance of
18 a traffic citation as authorized in this paragraph.

19 b. University police officers shall have authority to
20 enforce all of the traffic laws of this state when such
21 violations occur on or about any property or facilities that
22 are under the guidance, supervision, regulation, or control of
23 the State University System, except that traffic laws may be
24 enforced off-campus when hot pursuit originates on-campus.

25 c. Community college police officers shall have the
26 authority to enforce all the traffic laws of this state only
27 when such violations occur on any property or facilities that
28 are under the guidance, supervision, regulation, or control of
29 the community college system.

30 d. Police officers employed by an airport authority
31 shall have the authority to enforce all of the traffic laws of

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1 this state only when such violations occur on any property or
2 facilities that are owned or operated by an airport authority.

3 (I) An airport authority may employ as a parking
4 enforcement specialist any individual who successfully
5 completes a training program established and approved by the
6 Criminal Justice Standards and Training Commission for parking
7 enforcement specialists but who does not otherwise meet the
8 uniform minimum standards established by the commission for
9 law enforcement officers or auxiliary or part-time officers
10 under s. 943.12. Nothing in this sub-sub-subparagraph shall be
11 construed to permit the carrying of firearms or other weapons,
12 nor shall such parking enforcement specialist have arrest
13 authority.

14 (II) A parking enforcement specialist employed by an
15 airport authority is authorized to enforce all state, county,
16 and municipal laws and ordinances governing parking only when
17 such violations are on property or facilities owned or
18 operated by the airport authority employing the specialist, by
19 appropriate state, county, or municipal traffic citation.

20 e. The Office of Agricultural Law Enforcement of the
21 Department of Agriculture and Consumer Services shall have the
22 authority to enforce traffic laws of this state ~~only as~~
23 ~~authorized by the provisions of chapter 570. However, nothing~~
24 ~~in this section shall expand the authority of the Office of~~
25 ~~Agricultural Law Enforcement at its agricultural inspection~~
26 ~~stations to issue any traffic tickets except those traffic~~
27 ~~tickets for vehicles illegally passing the inspection station.~~

28 f. School safety officers shall have the authority to
29 enforce all of the traffic laws of this state when such
30 violations occur on or about any property or facilities which
31 are under the guidance, supervision, regulation, or control of

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1 the district school board.

2 2. An agency of the state as described in subparagraph
3 1. is prohibited from establishing a traffic citation quota. A
4 violation of this subparagraph is not subject to the penalties
5 provided in chapter 318.

6 3. Any disciplinary action taken or performance
7 evaluation conducted by an agency of the state as described in
8 subparagraph 1. of a law enforcement officer's traffic
9 enforcement activity must be in accordance with written
10 work-performance standards. Such standards must be approved by
11 the agency and any collective bargaining unit representing
12 such law enforcement officer. A violation of this subparagraph
13 is not subject to the penalties provided in chapter 318.

14 Section 47. Section 570.073, Florida Statutes, is
15 amended to read:

16 570.073 Department of Agriculture and Consumer
17 Services, law enforcement officers.--

18 (1) The commissioner may create an Office of
19 Agricultural Law Enforcement under the supervision of a senior
20 manager exempt under s. 110.205 in the Senior Management
21 Service. The commissioner may designate law enforcement
22 officers, as necessary, to enforce any criminal law or conduct
23 any criminal investigation or to enforce the provisions of any
24 statute or any other laws of this state. Officers appointed
25 under this section shall have the primary responsibility for
26 enforcing laws relating to agriculture and consumer services,
27 as outlined in this section, and have jurisdiction over
28 violations of law which threaten the overall security and
29 safety of this state's agriculture and consumer services. The
30 primary responsibilities of officers appointed under this
31 section include the enforcement of ~~relating to any matter over~~

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1 ~~which the department has jurisdiction or which occurs on~~
 2 ~~property owned, managed, or occupied by the department. Those~~
 3 ~~matters include~~ laws relating to:
 4 (a) Domesticated animals, including livestock,
 5 poultry, aquaculture products, and other wild or domesticated
 6 animals or animal products.
 7 (b) Farms, farm equipment, livery tack, citrus or
 8 citrus products, or horticultural products.
 9 (c) Trespass, littering, forests, forest fires, and
 10 open burning.
 11 (d) Damage to or theft of forest products.
 12 (e) Enforcement of a marketing order.
 13 (f) Protection of consumers.
 14 (g) Civil traffic offenses as provided for in state
 15 law chapters 316, 320, and 322, subject to the provisions of
 16 chapter 318, relating to any matter over which the department
 17 has jurisdiction or committed on property owned, managed, or
 18 occupied by the department.
 19 (h) The use of alcohol or drugs which occurs on
 20 property owned, managed, or occupied by the department.
 21 (i) Any emergency situation in which the life, limb,
 22 or property of any person is placed in immediate and serious
 23 danger.
 24 (j) Any crime incidental to or related to paragraphs
 25 (a)-(i).
 26 (k) The responsibilities of the Commissioner of
 27 Agriculture.
 28 (2) Each law enforcement officer shall meet the
 29 qualifications of law enforcement officers under s. 943.13 and
 30 shall be certified as a law enforcement officer by the
 31 Department of Law Enforcement under the provisions of chapter

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1 943. Upon certification, each law enforcement officer is
2 subject to and shall have the same arrest and other authority
3 provided for law enforcement officers generally in chapter 901
4 and shall have statewide jurisdiction as provided in
5 ~~subsection (1)~~. Each officer shall also have arrest authority
6 as provided for state law enforcement officers in s. 901.15 s.
7 ~~901.15(11)~~. Such officers have full law enforcement powers
8 granted to other peace officers of this state, including the
9 authority to make arrests, carry firearms, serve court
10 process, and seize contraband and the proceeds of illegal
11 activities.

12 (3) The commissioner may also appoint part-time,
13 reserve, or auxiliary law enforcement officers under chapter
14 943.

15 ~~(4)(3)~~ All department law enforcement officers, upon
16 certification under s. 943.1395, shall have the same right and
17 authority to carry arms as do the sheriffs of this state.

18 ~~(5)(4)~~ Each law enforcement officer in the state who
19 is certified pursuant to chapter 943 has the same authority as
20 law enforcement officers designated in this section to enforce
21 the laws of this state as described in subsection (1).

22 Section 48. Paragraph (b) of subsection (5) of section
23 570.71, Florida Statutes, is amended to read:

24 570.71 Conservation easements and agreements.--

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

30 (b) As part of the agricultural protection agreement,
31 the parties shall agree that the state shall have a right to

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1 buy a conservation easement or rural land protection easement
2 at the end of the 30-year term ~~or prior to the landowner~~
3 ~~transferring or selling the property, whichever occurs later.~~
4 If the landowner tenders the easement for the purchase and the
5 state does not timely exercise its right to buy the easement,
6 the landowner shall be released from the agricultural
7 agreement. The purchase price of the easement shall be
8 established in the agreement and shall be based on the value
9 of the easement at the time the agreement is entered into,
10 plus a reasonable escalator multiplied by the number of full
11 calendar years following the date of the commencement of the
12 agreement. The landowner may transfer or sell the property
13 before the expiration of the 30-year term, but only if the
14 property is sold subject to the agreement and the buyer
15 becomes the successor in interest to the agricultural
16 protection agreement. Upon mutual consent of the parties, a
17 landowner may enter into a perpetual easement at any time
18 during the term of an agricultural protection agreement.

19 Section 49. Subsection (3) of section 590.14, Florida
20 Statutes, is amended to read:

21 590.14 Notice of violation; penalties.--

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

29 Section 50. Section 604.40, Florida Statutes, is
30 created to read:

31 604.40 Farm equipment.--Notwithstanding any other law,

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1 ordinance, rule or policy to the contrary, all power-drawn,
2 power-driven or self-propelled equipment used on a farm may be
3 stored, maintained, or repaired by the owner within the
4 boundaries of the owner's farm and at least 50 feet away from
5 any public road without limitation.

6 Section 51. Section 604.50, Florida Statutes, is
7 amended to read:

8 604.50 Nonresidential farm buildings.--Notwithstanding
9 any other law to the contrary, any nonresidential farm
10 building ~~located on a farm~~ is exempt from the Florida Building
11 Code and any county or municipal building code. For purposes
12 of this section, the term "nonresidential farm building" means
13 any building or support structure that is used for
14 agricultural purposes, is located on a farm that is not used
15 as a residential dwelling, and is located on land that is an
16 integral part of a farm operation or is classified as
17 agricultural land under s. 193.461. The term "farm" is as
18 defined in s. 823.14.

19 Section 52. There is appropriated to the Department of
20 Agriculture and Consumer Services from the General Inspection
21 Trust Fund of the Division of Food Safety of the Department of
22 Agriculture and Consumer Services, one position and \$73,671 to
23 carry out the provisions of this act.

24 Section 53. Chapter 261, Florida Statutes, consisting
25 of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06,
26 261.07, 261.08, 261.09, 261.10, 261.11, and 261.12, Florida
27 Statutes, is created to read:

28 261.01 Short title.--This chapter may be cited as the
29 "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation
30 Act."

31 261.02 Legislative findings and intent.--

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1 (1) The Legislature finds that off-highway vehicles
2 are becoming increasingly popular in this state and that the
3 use of these vehicles should be controlled and managed to
4 minimize negative effects on the environment, wildlife
5 habitats, native wildlife, and native flora and fauna.

6 (2) The Legislature declares that effectively managed
7 areas and adequate facilities for the use of off-highway
8 vehicles are compatible with this state's overall recreation
9 plan and the underlying goal of multiple use.

10 (3) It is the intent of the Legislature that:

11 (a) Existing off-highway vehicle recreational areas,
12 facilities, and opportunities be improved and appropriately
13 expanded and be managed in a manner consistent with this
14 chapter, in particular to maintain natural resources and
15 sustained long-term use of off-highway vehicle trails and
16 areas.

17 (b) New off-highway vehicle recreational areas,
18 facilities, and opportunities be provided and managed pursuant
19 to this chapter in a manner that will sustain both long-term
20 use and the environment.

21 (4) Nothing contained within this chapter shall be
22 construed to require the construction or maintenance of
23 off-highway vehicle recreation areas, facilities, or trails on
24 public lands where such construction or maintenance would be
25 inconsistent with the property's management objectives or land
26 management plan.

27 261.03 Definitions.--As used in this chapter, the
28 term:

29 (1) "Advisory committee" means the Off-Highway Vehicle
30 Recreation Advisory Committee created by s. 261.04.

31 (2) "ATV" means any motorized off-highway or

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1 all-terrain vehicle 50 inches or less in width, having a dry
2 weight of 900 pounds or less, designed to travel on three or
3 more low-pressure tires, having a seat designed to be
4 straddled by the operator and handlebars for steering control,
5 and intended for use by a single operator with no passenger.

6 (3) "Department" means the Department of Agriculture
7 and Consumer Services.

8 (4) "Division" means the Division of Forestry of the
9 Department of Agriculture and Consumer Services.

10 (5) "OHM" or "off-highway motorcycle" means any motor
11 vehicle used off the roads or highways of this state that has
12 a seat or saddle for the use of the rider and is designed to
13 travel with not more than two wheels in contact with the
14 ground, but excludes a tractor or a moped.

15 (6) "Off-highway vehicle" means any ATV or OHM that is
16 used off the roads or highways of this state for recreational
17 purposes and that is not registered and licensed for highway
18 use under chapter 320.

19 (7) "Program" means the Off-Highway Vehicle Recreation
20 Program.

21 (8) "Public lands" means lands within the state that
22 are available for public use and that are owned, operated, or
23 managed by a federal, state, county, or municipal governmental
24 entity.

25 (9) "System" means the off-highway vehicle recreation
26 areas and trails on public lands within the state.

27 (10) "Trust fund" means the Incidental Trust Fund of
28 the Division of Forestry of the Department of Agriculture and
29 Consumer Services.

30 261.04 Off-Highway Vehicle Recreation Advisory
31 Committee; members; appointment.--

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1 (1) Effective July 1, 2003, the Off-Highway Vehicle
2 Recreation Advisory Committee is created within the Division
3 of Forestry and consists of nine members, all of whom are
4 appointed by the Commissioner of Agriculture. The appointees
5 shall include one representative of the Department of
6 Agriculture and Consumer Services, one representative of the
7 Department of Highway Safety and Motor Vehicles, one
8 representative of the Department of Environmental Protection's
9 Office of Greenways and Trails, one representative of the Fish
10 and Wildlife Conservation Commission, one citizen with
11 scientific expertise in disciplines relating to ecology,
12 wildlife biology, or other environmental sciences, one
13 representative of a licensed off-highway vehicle dealer, and
14 three representatives of off-highway vehicle recreation
15 groups. In making these appointments, the commissioner shall
16 consider the places of residence of the members to ensure
17 statewide representation.

18 (2) The term of office of each member of the advisory
19 committee is 2 years. The members first appointed shall
20 classify themselves by lot so that the terms of four members
21 expire June 30, 2005, and the terms of five members expire
22 June 30, 2006.

23 (3) In case of a vacancy on the advisory committee,
24 the commissioner shall appoint a successor member for the
25 unexpired portion of the term.

26 (4) The members shall elect a chair among themselves
27 who shall serve for 1 year or until a successor is elected.

28 (5) The members of the advisory committee shall serve
29 without compensation, but shall be reimbursed for travel and
30 per diem expenses as provided in s. 112.061, while in the
31 performance of their official duties.

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1 261.05 Duties and responsibilities of the Off-Highway
2 Vehicle Recreation Advisory Committee.--

3 (1) The advisory committee shall establish policies to
4 guide the department regarding the Off-Highway Vehicle
5 Recreation Program and the system of off-highway vehicle
6 recreation areas and trails.

7 (2) The advisory committee shall make recommendations
8 to the department regarding off-highway vehicle safety and
9 training and education programs in the operation of such
10 vehicles.

11 (3) The advisory committee must be informed regarding
12 all governmental activities affecting the program.

13 (4) The advisory committee must be informed regarding
14 off-highway vehicle impacts and effects on the environment,
15 wildlife habitats, and native flora and fauna and shall make
16 recommendations to avoid or minimize adverse environmental
17 impacts and promote sustained long-term use.

18 (5) The advisory committee must be fully informed
19 regarding the inventory of off-highway vehicle access and
20 opportunities.

21 (6) The advisory committee shall meet at various times
22 and locations throughout the state to receive public comments
23 on the implementation of the program and shall take these
24 public comments into consideration when making its
25 recommendations.

26 (7) The advisory committee shall review and make
27 recommendations annually regarding the department's proposed
28 budget of expenditures from the designated off-highway vehicle
29 funds in the trust fund, which may include providing funds to
30 match grant funds available from other sources.

31 (8) The advisory committee shall make recommendations

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1 regarding all capital outlay expenditures from the trust fund
2 proposed for inclusion in the budget and shall identify
3 additional funding sources for management, enforcement,
4 education, rehabilitation, and other duties of the land
5 management agencies related to the system.

6 (9) The advisory committee shall review grant
7 applications submitted by any governmental agency or entity or
8 nongovernmental entity requesting moneys from the trust fund
9 to create, operate, manage, or improve off-highway vehicle
10 recreation areas or trails within the state, protect and
11 restore affected natural areas in the system, or provide
12 off-highway vehicle driver education. The advisory committee
13 shall recommend to the department approval or denial of such
14 grant applications based upon criteria established by the
15 advisory committee.

16 261.06 Functions, duties, and responsibilities of the
17 department.--The following are functions, duties, and
18 responsibilities of the department through the division:

19 (1) Coordination of the planning, development,
20 conservation, and rehabilitation of state lands in and for the
21 system.

22 (2) Coordination of the management, maintenance,
23 administration, and operation of state lands in the system and
24 the provision of law enforcement and appropriate public safety
25 activities.

26 (3) Management of the trust fund and approval of the
27 advisory committee's budget recommendations.

28 (4) Implementation of the program, including the
29 ultimate approval of grant applications submitted by
30 governmental agencies or entities or nongovernmental entities.

31 (5) Coordination to help ensure compliance with

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1 environmental laws and regulations of the program and lands in
2 the system.

3 (6) Implementation of the policies established by the
4 advisory committee.

5 (7) Provision of staff assistance to the advisory
6 committee.

7 (8) Preparation of plans for lands in, or proposed to
8 be included in, the system.

9 (9) Conducting surveys and the preparation of studies
10 as are necessary or desirable for implementing the program.

11 (10) Recruitment and utilization of volunteers to
12 further the program.

13 (11) Rulemaking authority to implement the provisions
14 of ss. 261.01-261.10.

15 (12) In consultation with the Department of
16 Environmental Protection, the Fish and Wildlife Conservation
17 Commission, the environmental community, and the off-highway
18 vehicle industry and user groups, review of the inventory of
19 public lands to determine the feasibility of providing public
20 access for off-highway vehicle recreation and trails. The
21 department shall provide a report to the Governor and the
22 presiding officers of the Legislature by January 1, 2003. The
23 report must include at least two appropriate locations for
24 public access for off-highway vehicle recreational use and the
25 applicable cost of providing each facility. The cost section
26 of the report shall fully explain the fiscal approach of
27 renovating, maintaining, and operating each site and include a
28 recommended fee structure to support the ongoing maintenance
29 and operation of the program. The report shall also include
30 the benefits and risks of offering each site for off-highway
31 vehicle recreational use. The recommendations contained within

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1 the report shall be implemented to the extent enacted or
2 appropriated by the Legislature. This subsection shall expire
3 July 1, 2003.

4 261.07 Publication and distribution of guidebook;
5 contents.--In consultation with the advisory committee, the
6 department shall publish a guidebook that includes the text of
7 this chapter, other laws and regulations relating to the
8 program, and maps of areas and trails of the system. The
9 guidebook may include other public areas, trails, and
10 facilities for the use of off-highway vehicles. The guidebook
11 must include information regarding the responsibilities of
12 users of the system and must set forth pertinent laws, rules,
13 and regulations including particular provisions and other
14 information intended to prevent trespass and damage to public
15 or private property. The guidebook must be prepared at minimal
16 cost to facilitate the broadest possible distribution and must
17 be available for distribution no later than October 1, 2003.

18 261.08 Repair, maintenance, and rehabilitation of
19 areas, trails, and lands.--

20 (1) The protection of public safety, the appropriate
21 use of lands in the system, and the conservation of the
22 environment, wildlife habitats, native wildlife, and native
23 flora and fauna in the system are of the highest priority in
24 the management of the system. Accordingly, the public land
25 managing agency shall avoid or minimize adverse impacts to the
26 environment, promptly repair and continuously maintain areas
27 and trails, anticipate and prevent accelerated erosion, and
28 rehabilitate lands to the extent damaged by off-highway
29 vehicle use in accordance with the management plans of the
30 public land managing agency.

31 (2) The public land managing agency shall monitor the

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1 condition of soils and wildlife habitat in each area of the
2 system to determine whether there is compliance with
3 applicable environmental laws and regulations and shall take
4 appropriate action as necessary.

5 (3) The public land managing agency may regulate or
6 prohibit, when necessary, the use of off-highway vehicles on
7 the public lands of the state in order to prevent damage or
8 destruction to said lands.

9 261.09 Contracts and agreements.--The public land
10 managing agency may contract with private persons or entities
11 and enter into cooperative agreements with other public
12 agencies for the care and maintenance of lands in the system,
13 including contracts for law enforcement services with public
14 agencies having law enforcement powers.

15 261.10 Criteria for recreation areas and
16 trails.--Publicly owned or operated off-highway vehicle
17 recreation areas and trails shall be designated and maintained
18 for recreational travel by off-highway vehicles. These areas
19 and trails need not be generally suitable or maintained for
20 normal travel by conventional two-wheel-drive vehicles and
21 should not be designated as recreational footpaths. State
22 off-highway vehicle recreation areas and trails must be
23 selected and managed in accordance with this chapter.

24 261.11 Penalties.--No off-highway vehicle may be
25 operated upon the public roads, streets, or highways of this
26 state, except as otherwise permitted by the managing local,
27 state, or federal agency. A violation of this section is a
28 noncriminal traffic infraction, punishable as provided in
29 chapter 318.

30 261.12 Designated off-highway vehicle funds within the
31 Incidental Trust Fund of the Division of Forestry of the

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1 Department of Agriculture and Consumer Services.--

2 (1) The designated off-highway vehicle funds of the
3 trust fund shall consist of deposits from the following
4 sources:

5 (a) Fees paid to the Department of Highway Safety and
6 Motor Vehicles for the titling of off-highway vehicles.

7 (b) Revenues and income from any other sources
8 required by law or as appropriated by the Legislature to be
9 deposited into the trust fund as designated off-highway
10 vehicle funds.

11 (c) Donations from private sources that are designated
12 as off-highway vehicle funds.

13 (d) Interest earned on designated off-highway vehicle
14 funds on deposit in the trust fund.

15 (2) Designated off-highway vehicle funds in the trust
16 fund shall be available for recommended allocation by the
17 Off-Highway Vehicle Recreation Advisory Committee and the
18 Department of Agriculture and Consumer Services and upon
19 annual appropriation by the Legislature, exclusively for the
20 following:

21 (a) Implementation of the Off-Highway Vehicle
22 Recreation Program by the Department of Agriculture and
23 Consumer Services, which includes personnel and other related
24 expenses; administrative and operating expenses; expenses
25 related to safety, training, rider education programs,
26 management, maintenance, and rehabilitation of lands in the
27 Off-Highway Vehicle Recreation Program's system of lands and
28 trails; and, if funds are available, acquisition of lands to
29 be included in the system and the management, maintenance, and
30 rehabilitation of such lands.

31 (b) Approved grants to governmental agencies or

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1 entities or nongovernmental entities that wish to provide or
 2 improve off-highway vehicle recreation areas or trails for
 3 public use on public lands, provide environmental protection
 4 and restoration to affected natural areas in the system,
 5 provide enforcement of applicable regulations related to the
 6 system and off-highway vehicle activities, or provide
 7 education in the operation of off-highway vehicles.

8 (c) Matching funds to be used to match grant funds
 9 available from other sources.

10 (3) Notwithstanding s. 216.301 and pursuant to s.
 11 216.351, any balance of designated off-highway vehicle funds
 12 in the trust fund at the end of any fiscal year shall remain
 13 therein and shall be available for the purposes set out in
 14 this section and as otherwise provided by law.

15 Section 54. Section 316.2074, Florida Statutes, is
 16 amended to read:

17 316.2074 All-terrain vehicles.--

18 (1) It is the intent of the Legislature, through the
 19 adoption of this section to provide safety protection for
 20 minors while operating an all-terrain vehicle in this state.

21 (2) As used in this section, the term "all-terrain
 22 vehicle" means any motorized off-highway vehicle 50 inches
 23 ~~(1270 mm)~~ or less in width, having a dry weight of 900 ~~600~~
 24 ~~pounds(273 kg)~~ or less, designed to travel ~~traveling~~ on three
 25 or more low-pressure tires, ~~designed for operator use only~~
 26 ~~with no passengers,~~ having a seat ~~or saddle~~ designed to be
 27 straddled by the operator, ~~and having~~ handlebars for steering
 28 control, and intended for use by a single operator with no
 29 passenger.

30 (3) No person under 16 years of age shall operate,
 31 ride, or be otherwise propelled on an all-terrain vehicle

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1 unless the person wears a safety helmet meeting United States
2 Department of Transportation standards and eye protection.

3 (4) If a crash results in the death of any person or
4 in the injury of any person which results in treatment of the
5 person by a physician, the operator of each all-terrain
6 vehicle involved in the crash shall give notice of the crash
7 pursuant to s. 316.066.

8 (5) Except as provided in this section, an all-terrain
9 vehicle may not be operated upon the public roads, streets, or
10 highways of this state, except as otherwise permitted by the
11 managing state or federal agency.

12 (6)(5) An all-terrain vehicle having four wheels may
13 be used by police officers on public beaches designated as
14 public roadways for the purpose of enforcing the traffic laws
15 of the state. All-terrain vehicles may also be used by the
16 police to travel on public roadways within 5 miles of beach
17 access only when getting to and from the beach.

18 (7) An all-terrain vehicle having four wheels may be
19 used by law enforcement officers on public roads within public
20 lands while in the course and scope of their duties.

21 (8)(6) A violation of this section is a noncriminal
22 traffic infraction, punishable as a nonmoving violation as
23 provided in chapter 318.

24 Section 55. Short title.--Sections 55 through 67 of
25 this act may be cited as the "Florida Off-Highway Vehicle
26 Titling Act."

27 Section 56. Legislative intent.--It is the intent of
28 the Legislature that all off-highway vehicles purchased after
29 the effective date of this act and all off-highway vehicles
30 operated on public lands be titled and issued a certificate of
31 title to allow for easy determination of ownership.

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1 Section 57. Definitions.--As used in sections 55
2 through 67, the term:

3 (1) "ATV" means any motorized off-highway or
4 all-terrain vehicle 50 inches or less in width, having a dry
5 weight of 900 pounds or less, designed to travel on three or
6 more low-pressure tires, having a seat designed to be
7 straddled by the operator and handlebars for steering control,
8 and intended for use by a single operator and with no
9 passenger.

10 (2) "Dealer" means any person authorized by the
11 Department of Revenue to buy, sell, resell, or otherwise
12 distribute off-highway vehicles. Such person must have a valid
13 sales tax certificate of registration issued by the Department
14 of Revenue and a valid commercial or occupational license
15 required by any county, municipality, or political subdivision
16 of the state in which the person operates.

17 (3) "Department" means the Department of Highway
18 Safety and Motor Vehicles.

19 (4) "Florida resident" means a person who has had a
20 principal place of domicile in this state for a period of more
21 than 6 consecutive months, who has registered to vote in this
22 state, who has made a statement of domicile pursuant to
23 section 222.17, Florida Statutes, or who has filed for
24 homestead tax exemption on property in this state.

25 (5) "OHM" or "off-highway motorcycle" means any motor
26 vehicle used off the roads or highways of this state that has
27 a seat or saddle for the use of the rider and is designed to
28 travel with not more than two wheels in contact with the
29 ground, but excludes a tractor or a moped.

30 (6) "Off-highway vehicle" means any ATV or OHM that is
31 used off the roads or highways of this state for recreational

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1 purposes and that is not registered and licensed for highway
 2 use pursuant to chapter 320, Florida Statutes.

3 (7) "Owner" means a person, other than a lienholder,
 4 having the property in or title to an off-highway vehicle,
 5 including a person entitled to the use or possession of an
 6 off-highway vehicle subject to an interest held by another
 7 person, reserved or created by agreement and securing payment
 8 of performance of an obligation, but the term excludes a
 9 lessee under a lease not intended as security.

10 (8) "Public lands" means lands within the state that
 11 are available for public use and that are owned, operated, or
 12 managed by a federal, state, county, or municipal governmental
 13 entity.

14 Section 58. Administration of off-highway vehicle
 15 titling laws; records.--

16 (1) The administration of off-highway vehicle titling
 17 laws in sections 55 through 67 is under the Department of
 18 Highway Safety and Motor Vehicles, which shall provide for the
 19 issuing, handling, and recording of all off-highway vehicle
 20 titling applications and certificates, including the receipt
 21 and accounting of off-highway vehicle titling fees.

22 (2) The department shall keep records and perform
 23 other clerical duties pertaining to off-highway vehicle
 24 titling as required.

25 Section 59. Rules, forms, and notices.--

26 (1) The department may adopt rules pursuant to
 27 sections 120.536(1) and 120.54, Florida Statutes, which
 28 pertain to off-highway vehicle titling, in order to implement
 29 the provisions of sections 55 through 67 conferring duties
 30 upon it.

31 (2) The department shall prescribe and provide

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1 suitable forms for applications and other notices and forms
2 necessary to administer the provisions of sections 55 through
3 67.

4 Section 60. Certificate of title required.--

5 (1) Any off-highway vehicle that is purchased by a
6 resident of this state after the effective date of this act or
7 that is owned by a resident and is operated on the public
8 lands of this state must be titled pursuant to sections 55
9 through 67.

10 (2) A person may not sell, assign, or transfer an
11 off-highway vehicle titled by the state without delivering to
12 the purchaser or transferee a valid certificate of title with
13 an assignment on it showing the transfer of title to the
14 purchaser or transferee. A person may not purchase or
15 otherwise acquire an off-highway vehicle required to be titled
16 without obtaining a certificate of title for the vehicle in
17 his or her name. The purchaser or transferee shall, within 30
18 days after a change in off-highway vehicle ownership, file an
19 application for a title transfer with the county tax
20 collector. An additional \$10 fee shall be charged against a
21 purchaser or transferee who files a title transfer application
22 after the 30-day period. The county tax collector may retain
23 \$5 of the additional amount.

24 (3) A certificate of title is prima facie evidence of
25 the ownership of the off-highway vehicle and is good for the
26 life of the off-highway vehicle so long as the certificate is
27 owned or held by the legal holder. If a titled off-highway
28 vehicle is destroyed or abandoned, the owner, with the consent
29 of any recorded lienholders, shall, within 30 days after the
30 destruction or abandonment, surrender to the department all
31 title documents for cancellation.

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1 (4) The department shall provide labeled places on the
2 title where the seller's price shall be indicated when an
3 off-highway vehicle is sold and where a selling dealer shall
4 record his or her valid sales tax certificate of registration
5 number.

6 (5)(a) There shall be a service charge of \$4.25 for
7 each application that is handled in connection with the
8 issuance, duplication, or transfer of any certificate of
9 title. There shall be a service charge of \$1.25 for each
10 application that is handled in connection with the recording
11 or notation of a lien on an off-highway vehicle that is not in
12 connection with the purchase of such vehicle.

13 (b) The service charges specified in paragraph (a)
14 shall be collected by the department on any application
15 handled directly from its office. Otherwise, these service
16 charges shall be collected and retained by the tax collector
17 who handles the application.

18 (c) In addition to the fees provided in paragraph (a),
19 any tax collector may impose an additional service charge of
20 not more than 50 cents on any transaction specified in
21 paragraph (a) when such transaction occurs at any tax
22 collector's branch office.

23 Section 61. Application for and issuance of
24 certificate of title.--

25 (1) The owner of an off-highway vehicle that is
26 required to be titled must apply to the county tax collector
27 for a certificate of title. The application must include the
28 true name of the owner, the residence or business address of
29 the owner, and a complete description of the off-highway
30 vehicle. The application must be signed by the owner and must
31 be accompanied by a fee of \$29.

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1 (2) The owner must establish proof of ownership by
2 submitting with the application an executed bill of sale, a
3 manufacturer's statement of origin, an affidavit of ownership
4 for off-highway vehicles purchased before the effective date
5 of this act, or any other document acceptable to the
6 department.

7 (3) To apply for a certificate of title upon transfer
8 of ownership of an off-highway vehicle, the new owner must
9 surrender to the department the last title document issued for
10 that vehicle. The document must be properly executed. Proper
11 execution includes the previous owner's signature and
12 certification that the off-highway vehicle to be transferred
13 is debt-free or is subject to a lien. If a lien exists, the
14 previous owner must furnish the new owner, on forms supplied
15 by the department, the names and addresses of all lienholders
16 and the dates of all liens, with a statement from each
17 lienholder that the lienholder has knowledge of and consents
18 to the transfer of title to the new owner.

19 (4) An application for an initial certificate of title
20 or a title transfer must include payment of the applicable
21 state sales tax or proof of payment of such tax, except for
22 off-highway vehicles purchased or transferred before the
23 effective date of this act.

24 (5) If the owner submits a complete application and
25 complies with all other requirements of this section, the
26 department shall issue a certificate of title that states that
27 the title is for an off-highway vehicle that is not suitable
28 for highway use. After October 1, 2003, the department shall
29 also issue a copy of the guidebook prepared by the Department
30 of Agriculture and Consumer Services pursuant to section
31 261.07, Florida Statutes.

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1 Section 62. Duplicate certificate of title.--

2 (1) The department may issue a duplicate certificate
3 of title upon application by the person entitled to hold such
4 a certificate if the department is satisfied that the original
5 certificate has been lost, destroyed, or mutilated. A fee of
6 \$15 shall be charged for issuing a duplicate certificate.

7 (2) In addition to the fee imposed by subsection (1),
8 a fee of \$7 shall be charged for expedited service in issuing
9 a duplicate certificate of title. Application for such
10 expedited service may be made by mail or in person. The
11 department shall issue each certificate of title applied for
12 under this subsection within 5 working days after receipt of a
13 proper application or shall refund the additional \$7 fee upon
14 written request by the applicant.

15 (3) If, following the issuance of an original,
16 duplicate, or corrected certificate of title by the
17 department, the certificate is lost in transit and is not
18 delivered to the addressee, the owner of the off-highway
19 vehicle or the holder of a lien thereon may, within 180 days
20 after the date of issuance of the certificate, apply to the
21 department for reissuance of the certificate. An additional
22 fee may not be charged for reissuance under this subsection.

23 (4) The department shall implement a system to verify
24 that the application is signed by a person authorized to
25 receive a duplicate certificate of title under this section if
26 the address shown on the application is different from the
27 address shown for the applicant on the records of the
28 department.

29 Section 63. Manufacturer's statement of origin to be
30 furnished.--

31 (1) Any person selling a new off-highway vehicle in

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1 this state must furnish a manufacturer's statement of origin
2 to the purchaser. The statement, which must be in English or
3 accompanied by an English translation if the vehicle was
4 purchased outside the United States, must be signed and dated
5 by an authorized representative of the manufacturer, indicate
6 the complete name and address of the purchaser, include a
7 complete description of the vehicle, and contain as many
8 assignments as necessary to show title in the name of the
9 purchaser.

10 (2) It is unlawful for an off-highway vehicle
11 manufacturer, manufacturer's representative, or dealer to
12 issue a manufacturer's certificate of origin describing an
13 off-highway vehicle with the knowledge that the description is
14 false or that the off-highway vehicle described does not
15 exist. It is unlawful for any person to obtain or attempt to
16 obtain a certificate of origin with the knowledge that the
17 description is false or that the off-highway vehicle does not
18 exist. Any person who violates this subsection commits a
19 felony of the third degree, punishable as provided in section
20 775.082, section 775.083, or section 775.084, Florida
21 Statutes.

22 Section 64. Disposition of fees.--The department shall
23 deposit all funds received under sections 55 through 67, less
24 administrative costs of \$2 per title transaction, into the
25 Incidental Trust Fund of the Division of Forestry of the
26 Department of Agriculture and Consumer Services.

27 Section 65. Refusal to issue and authority to cancel a
28 certificate of title.--

29 (1) If the department finds that an applicant for an
30 off-highway vehicle certificate of title has given a false
31 statement or false or incomplete information in applying for

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1 the certificate or has otherwise failed to comply with the
2 applicable provisions pertaining to the application for a
3 certificate, it may refuse to issue the certificate.

4 (2) If the department finds that an owner or dealer
5 named in an off-highway vehicle certificate of title has given
6 a false statement or false or incomplete information in
7 applying for the certificate or has otherwise failed to comply
8 with the applicable provisions pertaining to the application
9 for a certificate, it may cancel the certificate.

10 (3) The department may cancel any pending application
11 or any certificate if it finds that any title fee or sales tax
12 pertaining to such application or certificate has not been
13 paid, unless the fee or tax is paid within a reasonable time
14 after the department has given notice.

15 Section 66. Crimes relating to certificates of title;
16 penalties.--

17 (1) It is unlawful for any person to procure or
18 attempt to procure a certificate of title or duplicate
19 certificate of title to an off-highway vehicle, or to pass or
20 attempt to pass a certificate of title or duplicate
21 certificate of title to an off-highway vehicle or any
22 assignment thereof, if such person knows or has reason to
23 believe that the vehicle has been stolen. Any person who
24 violates this subsection commits a felony of the third degree,
25 punishable as provided in section 775.082, section 775.083, or
26 section 775.084, Florida Statutes.

27 (2) It is unlawful for any person, knowingly and with
28 intent to defraud, to have in his or her possession, sell,
29 offer to sell, counterfeit, or supply a blank, forged,
30 fictitious, counterfeit, stolen, or fraudulently or unlawfully
31 obtained certificate of title, duplicate certificate of title,

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1 bill of sale, or other indicia of ownership of an off-highway
2 vehicle or to conspire to do any of the foregoing. Any person
3 who violates this subsection commits a felony of the third
4 degree, punishable as provided in section 775.082, section
5 775.083, or section 775.084, Florida Statutes.

6 (3) It is unlawful to:

7 (a) Alter or forge any certificate of title to an
8 off-highway vehicle or any assignment thereof or any
9 cancellation of any lien on an off-highway vehicle.

10 (b) Retain or use such certificate, assignment, or
11 cancellation knowing that it has been altered or forged.

12 (c) Use a false or fictitious name, give a false or
13 fictitious address, or make any false statement in any
14 application or affidavit required by sections 55 through 67 or
15 in a bill of sale or sworn statement of ownership or otherwise
16 commit a fraud in any application.

17 (d) Knowingly obtain goods, services, credit, or money
18 by means of an invalid, duplicate, fictitious, forged,
19 counterfeit, stolen, or unlawfully obtained certificate of
20 title, bill of sale, or other indicia of ownership of an
21 off-highway vehicle.

22 (e) Knowingly obtain goods, services, credit, or money
23 by means of a certificate of title to an off-highway vehicle
24 which certificate is required by law to be surrendered to the
25 department.

26
27 Any person who violates this subsection commits a felony of
28 the third degree, punishable as provided in section 775.082,
29 section 775.083, or section 775.084, Florida Statutes. A
30 violation of this subsection with respect to any off-highway
31 vehicle makes such off-highway vehicle contraband which may be

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1 seized by a law enforcement agency and forfeited under
2 sections 932.701-932.704, Florida Statutes.

3 Section 67. Nonmoving traffic violations.--Any person
4 who fails to comply with any provision of sections 55 through
5 66 for which a penalty is not otherwise provided commits a
6 nonmoving traffic violation, punishable as provided in section
7 318.18, Florida Statutes.

8 Section 68. Section 375.313, Florida Statutes, is
9 amended to read:

10 375.313 Commission powers and duties.--The commission
11 shall:

12 (1) Regulate or prohibit, when necessary, the use of
13 motor vehicles on the public lands of the state in order to
14 prevent damage or destruction to said lands.

15 ~~(2) Collect any registration fees imposed by s.~~
16 ~~375.315 and deposit said fees in the State Game Trust Fund.~~
17 ~~The revenue resulting from said registration shall be expended~~
18 ~~for the funding and administration of ss. 375.311-375.315.~~

19 (2)(3) Adopt and promulgate such reasonable rules as
20 deemed necessary to administer the provisions of ss.
21 375.311-375.315, except that, before any such rules are
22 adopted, the commission shall obtain the consent and
23 agreement, in writing, of the owner, in the case of privately
24 owned lands, or the owner or primary custodian, in the case of
25 publicly owned lands.

26 Section 69. Section 375.315, Florida Statutes, is
27 repealed.

28 Section 70. Paragraph (a) of subsection (6) of section
29 163.3177, Florida Statutes, is amended to read:

30 163.3177 Required and optional elements of
31 comprehensive plan; studies and surveys.--

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1 (6) In addition to the requirements of subsections
2 (1)-(5), the comprehensive plan shall include the following
3 elements:

4 (a) A future land use plan element designating
5 proposed future general distribution, location, and extent of
6 the uses of land for residential uses, commercial uses,
7 industry, agriculture, recreation, conservation, education,
8 public buildings and grounds, other public facilities, and
9 other categories of the public and private uses of land. Each
10 ~~The~~ future land use category plan shall be defined in terms of
11 uses included, and shall include standards to be followed in
12 the control and distribution of population densities and
13 building and structure intensities. The proposed distribution,
14 location, and extent of the various categories of land use
15 shall be shown on a land use map or map series which shall be
16 supplemented by goals, policies, and measurable objectives.
17 ~~Each land use category shall be defined in terms of the types~~
18 ~~of uses included and specific standards for the density or~~
19 ~~intensity of use.~~The future land use plan shall be based upon
20 surveys, studies, and data regarding the area, including the
21 amount of land required to accommodate anticipated growth; the
22 projected population of the area; the character of undeveloped
23 land; the availability of public services; the need for
24 redevelopment, including the renewal of blighted areas and the
25 elimination of nonconforming uses which are inconsistent with
26 the character of the community; and, in rural communities, the
27 need for job creation, capital investment, and economic
28 development that will strengthen and diversify the community's
29 economy. The future land use plan may designate areas for
30 future planned development use involving combinations of types
31 of uses for which special regulations may be necessary to

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1 ensure development in accord with the principles and standards
2 of the comprehensive plan and this act. In addition, for rural
3 communities, the amount of land designated for future planned
4 industrial use shall be based upon surveys and studies that
5 reflect the need for job creation, capital investment, and the
6 necessity to strengthen and diversify the local economies, and
7 shall not be limited solely by the projected population of the
8 rural community. The future land use plan of a county may also
9 designate areas for possible future municipal incorporation.
10 The land use maps or map series shall generally identify and
11 depict historic district boundaries and shall designate
12 historically significant properties meriting protection. The
13 future land use element must clearly identify the land use
14 categories in which public schools are an allowable use. When
15 delineating the land use categories in which public schools
16 are an allowable use, a local government shall include in the
17 categories sufficient land proximate to residential
18 development to meet the projected needs for schools in
19 coordination with public school boards and may establish
20 differing criteria for schools of different type or size.
21 Each local government shall include lands contiguous to
22 existing school sites, to the maximum extent possible, within
23 the land use categories in which public schools are an
24 allowable use. All comprehensive plans must comply with the
25 school siting requirements of this paragraph no later than
26 October 1, 1999. The failure by a local government to comply
27 with these school siting requirements by October 1, 1999, will
28 result in the prohibition of the local government's ability to
29 amend the local comprehensive plan, except for plan amendments
30 described in s. 163.3187(1)(b), until the school siting
31 requirements are met. An amendment proposed by a local

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1 government for purposes of identifying the land use categories
 2 in which public schools are an allowable use is exempt from
 3 the limitation on the frequency of plan amendments contained
 4 in s. 163.3187. The future land use element shall include
 5 criteria which encourage the location of schools proximate to
 6 urban residential areas to the extent possible and shall
 7 require that the local government seek to collocate public
 8 facilities, such as parks, libraries, and community centers,
 9 with schools to the extent possible. For schools serving
 10 predominantly rural counties, defined as a county with a
 11 population of 100,000 or fewer, an agricultural land use
 12 category shall be eligible for the location of public school
 13 facilities if the local comprehensive plan contains school
 14 siting criteria and the location is consistent with such
 15 criteria.

16 Section 71. There is appropriated to the Department of
 17 Agriculture and Consumer Services from the General Inspection
 18 Trust Fund of the Division of Agricultural Environmental
 19 Services of the Department of Agriculture and Consumer
 20 Services, \$10,000 to carry out the provisions of this act
 21 relating to the Pest Control Enforcement Advisory Council.

22 Section 72. Except as otherwise expressly provided in
 23 this act, this act shall take effect July 1, 2002.

24
 25
 26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete everything before the enacting clause

29
 30 and insert:

31 A bill to be entitled

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1 An act relating to agriculture and consumer
2 services; transferring the Division of
3 Licensing of the Department of State to the
4 Department of Agriculture and Consumer
5 Services; amending s. 20.10, F.S.; conforming
6 provisions; amending s. 20.14, F.S.; creating
7 the Division of Licensing in the Department of
8 Agriculture and Consumer Services; amending ss.
9 493.6101, 493.6104, 493.6108, 493.6109,
10 493.6112, 493.6121, 790.06, F.S.; redesignating
11 the department with regulatory
12 responsibilities; creating s. 288.1175, F.S.;
13 amending s. 316.515, F.S.; revising the types
14 of equipment authorized for transporting farm
15 products; allowing the Department of
16 Transportation to issue certain permits;
17 amending s. 370.31, F.S.; transferring the
18 Sturgeon Production Working Group from the
19 Department of Environmental Protection to the
20 Department of Agriculture and Consumer
21 Services; revising membership and procedures;
22 amending s. 388.261, F.S.; revising provisions
23 relating to state aid to counties and districts
24 for arthropod control; prorating county funds
25 under certain circumstances; providing an
26 exemption from funding requirements under
27 certain circumstances; authorizing the use of
28 state funds when requested by a county or
29 district; authorizing funds for technical
30 assistance or to purchase equipment, supplies,
31 or services; amending s. 388.281, F.S.;

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1 revising uses for state matching funds;
2 amending s. 388.361, F.S.; authorizing the
3 Department of Agriculture and Consumer Services
4 to cooperate with local agencies; authorizing
5 collection, detection, suppression, and control
6 of mosquitoes and arthropods on public or
7 private land; amending s. 388.45, F.S.;
8 clarifying provisions relating to threats to
9 public health and the issuance of declarations;
10 authorizing declaration of a threat to animal
11 health when certain conditions exist;
12 authorizing treatment or control measures;
13 amending s. 403.067, F.S.; authorizing
14 implementation of interim measures for
15 specified water bodies for which total maximum
16 daily load or allocation has not been
17 established; amending s. 403.707, F.S.;
18 authorizing the processing or disposal of
19 certain invasive exotic plant species;
20 authorizing the Department of Environmental
21 Protection to adopt rules; amending s. 403.709,
22 F.S.; deleting the minimum county allocation to
23 local mosquito control agencies from waste tire
24 fees; amending s. 482.277, F.S.; revising
25 requirements relating to guarantees and
26 warranties in contracts for treatment of
27 wood-destroying organisms; declaring
28 legislative intent with respect to such
29 warranties and guarantees; amending s.
30 482.2401, F.S.; adding education in pest
31 control as an approved use of administrative

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1 fine revenues; creating s. 482.243, F.S.;

2 creating the Pest Control Enforcement Advisory

3 Council in the department; providing for

4 membership, terms, and procedures; providing

5 powers and duties; amending s. 487.041, F.S.;

6 increasing the annual registration fee for a

7 registered pesticide; amending s. 500.121,

8 F.S.; providing sanctions for nutrient labeling

9 violations; amending s. 500.148, F.S.;

10 authorizing the department to issue a report

11 certifying food establishment compliance with

12 sanitation and permitting requirements for food

13 exportation purposes; authorizing fees;

14 amending s. 501.160, F.S.; providing for

15 enforcement of prohibitions of unconscionable

16 prices on rental or sale of essential

17 commodities; amending s. 570.07, F.S.;

18 authorizing the department to provide meals

19 when personnel cannot leave emergency incident

20 locations; amending s. 573.124, F.S.;

21 increasing penalties for furnishing false

22 information, or refusing to furnish

23 information, relating to the marketing of

24 agricultural commodities; amending s. 581.091,

25 F.S.; requiring the Department of Agriculture

26 and Consumer Services to periodically review

27 the state lists of noxious weeds and invasive

28 plants; requiring water management districts

29 and local governments to use the lists when

30 identifying noxious weeds, invasive plants, and

31 certain other plants pursuant to rule,

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1 ordinance or regulation; amending s. 585.002,
2 F.S.; authorizing the department to set fees
3 for additional services relating to the animal
4 industry; amending s. 585.08, F.S.; authorizing
5 the Division of Animal Industry, under certain
6 circumstances, to condemn and destroy an animal
7 that is liable to spread contagious,
8 infectious, or communicable disease; amending
9 s. 585.09, F.S.; conforming a cross-reference;
10 repealing s. 585.10, F.S., relating to
11 limitations on payments to owners of condemned
12 and destroyed animals; amending s. 585.11,
13 F.S.; authorizing the department to cooperate
14 with United States Department of Agriculture
15 accredited private veterinarians; amending s.
16 585.21, F.S.; requiring written permission of
17 the department prior to sale in the state of
18 certain biological products; amending s.
19 585.61, F.S.; increasing fees for use of animal
20 disease diagnostic laboratories; amending s.
21 590.02, F.S.; revising the powers of the
22 Division of Forestry; providing that certain
23 managerial positions are classified under the
24 Selected Exempt Service; naming the Cross City
25 Work Center the L. Earl Peterson Forestry
26 Station; amending s. 590.11, F.S.; providing a
27 criminal penalty for violation of recreational
28 fire provisions; amending s. 590.125, F.S.;
29 revising requirements for certified prescribed
30 burning; renaming procedures for protecting
31 wild lands from wildfires; amending s. 597.020,

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1 F.S.; requiring aquaculture licenses and
2 certifications to expire annually; amending s.
3 616.242, F.S.; providing that certain kiddie
4 rides shall be exempt from the requirement for
5 receipt of an inspection certificate each time
6 the ride is set up; revising accident-reporting
7 requirements; amending s. 496.404, F.S.;
8 redefining the term "educational institutions";
9 designating the U.S.D.A. Service Center
10 Building in Bartow as the John W. Hunt
11 Building; amending s. 316.640, F.S.;
12 eliminating certain limitations on the
13 authority of the Office of Agricultural Law
14 Enforcement; amending s. 570.073, F.S.;
15 specifying duties of the Office of Agricultural
16 Law Enforcement with respect to its
17 jurisdiction over violations of law which
18 threaten the security and safety of agriculture
19 and consumer services; authorizing the office
20 to enforce civil traffic offenses and laws
21 relating to the responsibilities of the
22 Commissioner of Agriculture; specifying that
23 officers within the department have the full
24 powers granted to other peace officers of this
25 state; authorizing the commission to appoint
26 part-time, reserve, or auxiliary law
27 enforcement officers; amending s. 163.05, F.S.;
28 amending s. 570.71, F.S.; revising provisions
29 relating to conservation easements and rural
30 land protection easements; amending s. 590.14,
31 F.S.; revising criteria for determining

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1 administrative fines for violation of
2 provisions relating to forestry; creating s.
3 604.40, F.S.; providing regulations regarding
4 equipment used on a farm; amending s. 604.50,
5 F.S.; clarifying the definition of a
6 nonresidential farm building; providing an
7 appropriation and one position; providing an
8 appropriation; creating ch. 261, F.S.; creating
9 the T. Mark Schmidt Off-Highway Vehicle Safety
10 and Recreation Act; providing legislative
11 findings and intent; providing definitions;
12 creating the Off-Highway Vehicle Recreation
13 Advisory Committee effective July 1, 2003;
14 providing membership, duties, and
15 responsibilities of the committee; providing
16 functions, duties, and responsibilities of the
17 Department of Agriculture and Consumer
18 Services; requiring the department to review
19 certain public lands and make a report to the
20 Governor and the Legislature; providing
21 rulemaking authority; providing for the
22 publication and distribution of a guidebook;
23 providing for the repair, maintenance, and
24 rehabilitation of areas, trails, and lands;
25 providing for contracts and agreements;
26 providing criteria for recreation areas and
27 trails; providing a penalty; providing for the
28 use of designated off-highway vehicle funds
29 within the Incidental Trust Fund of the
30 Division of Forestry of the department;
31 amending s. 316.2074, F.S.; revising the

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1 definition of the term "all-terrain vehicle";
2 prohibiting the use of all-terrain vehicles on
3 public roadways in the state; providing
4 exceptions; creating the Florida Off-Highway
5 Vehicle Titling Act; providing legislative
6 intent; providing definitions; providing for
7 administration by the Department of Highway
8 Safety and Motor Vehicles; providing for rules,
9 forms, and notices; requiring certificates of
10 title; providing for application for and
11 issuance of certificates of title; providing
12 for duplicate certificates of title; requiring
13 the furnishing of a manufacturer's statement of
14 origin; providing for fees; providing for
15 disposition of fees; providing authority to
16 refuse to issue and to cancel a certificate of
17 title; providing crimes relating to
18 certificates of title; providing penalties;
19 providing noncriminal infractions; providing
20 penalties; amending s. 375.313, F.S.; deleting
21 fee collection responsibility of the Fish and
22 Wildlife Conservation Commission for
23 registration of off-road vehicles; repealing s.
24 375.315, F.S., relating to the registration of
25 off-road vehicles by the commission; amending
26 s. 163.3177, F.S.; revising requirements for
27 future land use plans; providing effective
28 dates.

29
30
31