

By the Committee on Agriculture & Consumer Affairs and
Representatives Spratt, Kendrick, Lerner, Bowen, Ball,
Stansel, Gibson and Evers

1 A bill to be entitled
2 An act relating to agriculture and consumer
3 services; amending s. 212.031, F.S.; exempting
4 property leased at agricultural marketing
5 facilities from the tax on the lease or rental
6 of or license in real property; amending s.
7 316.515, F.S.; revising equipment authorized
8 for transporting farm products; amending s.
9 316.520, F.S.; clarifying that violation of a
10 provision governing loads on vehicles is a
11 moving rather than nonmoving violation;
12 exempting certain vehicles carrying
13 agricultural products; amending s. 370.31,
14 F.S.; transferring the Sturgeon Production
15 Working Group from the Department of
16 Environmental Protection to the Department of
17 Agriculture and Consumer Services; revising
18 membership and procedures; amending s. 388.261,
19 F.S.; revising provisions relating to state aid
20 to counties and districts for arthropod
21 control; prorating county funds under certain
22 circumstances; providing an exemption from
23 funding requirements under certain
24 circumstances; authorizing the use of state
25 funds when requested by a county or district;
26 authorizing funds for technical assistance or
27 to purchase equipment, supplies, or services;
28 amending s. 388.281, F.S.; revising uses for
29 state matching funds; amending s. 388.361,
30 F.S.; authorizing the Department of Agriculture
31 and Consumer Services to cooperate with local

1 agencies; authorizing collection, detection,
2 suppression, and control of mosquitoes and
3 arthropods on public or private land; amending
4 s. 388.45, F.S.; clarifying provisions relating
5 to threats to public health and the issuance of
6 declarations; authorizing declaration of a
7 threat to animal health when certain conditions
8 exist; authorizing treatment or control
9 measures; amending s. 403.067, F.S.;
10 authorizing implementation of interim measures
11 for specified water bodies for which total
12 maximum daily load or allocation has not been
13 established; amending s. 403.709, F.S.;
14 deleting the minimum county allocation to local
15 mosquito control agencies from waste tire fees;
16 amending s. 482.2401, F.S.; adding education in
17 pest control as an approved use of
18 administrative fine revenues; creating s.
19 482.243, F.S.; creating the Pest Control
20 Enforcement Advisory Council in the department;
21 providing for membership, terms, and
22 procedures; providing powers and duties;
23 amending s. 487.041, F.S.; increasing the
24 annual registration fee for a registered
25 pesticide; amending s. 500.148, F.S.;
26 authorizing the department to issue a report
27 certifying food establishment compliance with
28 sanitation and permitting requirements for food
29 exportation purposes; authorizing fees;
30 amending s. 501.160, F.S.; providing for
31 enforcement for violation of provisions

1 relating to rental or sale of essential
2 commodities during a declared state of
3 emergency; amending s. 570.07, F.S.;
4 authorizing the department to provide meals
5 when personnel cannot leave emergency incident
6 locations; amending s. 570.53, F.S.; requiring
7 the Division of Marketing and Development to
8 review and administer community budget request
9 allocations; authorizing an assessment;
10 amending s. 573.124, F.S.; increasing penalties
11 for furnishing false information, or refusing
12 to furnish information, relating to the
13 marketing of agricultural commodities; amending
14 s. 585.002, F.S.; authorizing the department to
15 set fees for additional services relating to
16 the animal industry; increasing fee limits;
17 amending s. 585.08, F.S.; authorizing the
18 Division of Animal Industry, under certain
19 circumstances, to condemn and destroy an animal
20 that is liable to spread contagious,
21 infectious, or communicable disease; amending
22 s. 585.09, F.S.; correcting a cross reference;
23 repealing s. 585.10, F.S., relating to
24 limitations on payments to owners of condemned
25 and destroyed animals; amending s. 585.105,
26 F.S.; authorizing the department to charge for
27 costs of approved brucella vaccine; amending s.
28 585.11, F.S.; authorizing the department to
29 cooperate with United States Department of
30 Agriculture accredited private veterinarians;
31 amending s. 585.21, F.S.; requiring written

1 permission of the department prior to sale in
2 the state of certain biological products;
3 amending s. 585.61, F.S.; increasing fees for
4 use of animal disease diagnostic laboratories;
5 amending s. 590.02, F.S., relating to duties of
6 the Division of Forestry of the Department of
7 Agriculture and Consumer Services; providing
8 that certain managerial positions are included
9 in the Selected Exempt Service; requiring
10 compliance with the applicable state Wildfire
11 Aviation Plan; amending s. 590.11, F.S.,
12 relating to recreational fires; providing a
13 penalty for violation; amending s. 590.125,
14 F.S.; revising requirements for certified
15 prescribed burns; renaming procedures for
16 protecting wild lands from wildfires; amending
17 s. 590.14, F.S.; revising criteria for
18 determining administrative fines for violation
19 of provisions relating to forestry; amending s.
20 597.020, F.S.; requiring aquaculture licenses
21 and certifications to expire annually; amending
22 s. 616.242, F.S.; providing that certain kiddie
23 rides shall be exempt from the requirement for
24 receipt of an inspection certificate each time
25 the ride is set up; designating the USDA
26 Service Center Building in Bartow, Florida, as
27 the John W. Hunt Building; providing effective
28 dates.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Paragraph (a) of subsection (1) of section
2 212.031, Florida Statutes, is amended to read:

3 212.031 Lease or rental of or license in real
4 property.--

5 (1)(a) It is declared to be the legislative intent
6 that every person is exercising a taxable privilege who
7 engages in the business of renting, leasing, letting, or
8 granting a license for the use of any real property unless
9 such property is:

10 1. Assessed as agricultural property under s. 193.461.

11 2. Used exclusively as dwelling units.

12 3. Property subject to tax on parking, docking, or
13 storage spaces under s. 212.03(6).

14 4. Recreational property or the common elements of a
15 condominium when subject to a lease between the developer or
16 owner thereof and the condominium association in its own right
17 or as agent for the owners of individual condominium units or
18 the owners of individual condominium units. However, only the
19 lease payments on such property shall be exempt from the tax
20 imposed by this chapter, and any other use made by the owner
21 or the condominium association shall be fully taxable under
22 this chapter.

23 5. A public or private street or right-of-way and
24 poles, conduits, fixtures, and similar improvements located on
25 such streets or rights-of-way, occupied or used by a utility
26 or provider of communications services, as defined by s.
27 202.11, for utility or communications or television purposes.
28 For purposes of this subparagraph, the term "utility" means
29 any person providing utility services as defined in s.
30 203.012. This exception also applies to property, wherever
31 located, on which the following are placed: towers, antennas,

1 cables, accessory structures, or equipment, not including
2 switching equipment, used in the provision of mobile
3 communications services as defined in s. 202.11. For purposes
4 of this chapter, towers used in the provision of mobile
5 communications services, as defined in s. 202.11, are
6 considered to be fixtures.

7 6. A public street or road which is used for
8 transportation purposes.

9 7. Property used at an airport exclusively for the
10 purpose of aircraft landing or aircraft taxiing or property
11 used by an airline for the purpose of loading or unloading
12 passengers or property onto or from aircraft or for fueling
13 aircraft.

14 8.a. Property used at a port authority, as defined in
15 s. 315.02(2), exclusively for the purpose of oceangoing
16 vessels or tugs docking, or such vessels mooring on property
17 used by a port authority for the purpose of loading or
18 unloading passengers or cargo onto or from such a vessel, or
19 property used at a port authority for fueling such vessels, or
20 to the extent that the amount paid for the use of any property
21 at the port is based on the charge for the amount of tonnage
22 actually imported or exported through the port by a tenant.

23 b. The amount charged for the use of any property at
24 the port in excess of the amount charged for tonnage actually
25 imported or exported shall remain subject to tax except as
26 provided in sub-subparagraph a.

27 9. Property used as an integral part of the
28 performance of qualified production services. As used in this
29 subparagraph, the term "qualified production services" means
30 any activity or service performed directly in connection with
31

1 the production of a qualified motion picture, as defined in s.
2 212.06(1)(b), and includes:

3 a. Photography, sound and recording, casting, location
4 managing and scouting, shooting, creation of special and
5 optical effects, animation, adaptation (language, media,
6 electronic, or otherwise), technological modifications,
7 computer graphics, set and stage support (such as
8 electricians, lighting designers and operators, greensmen,
9 prop managers and assistants, and grips), wardrobe (design,
10 preparation, and management), hair and makeup (design,
11 production, and application), performing (such as acting,
12 dancing, and playing), designing and executing stunts,
13 coaching, consulting, writing, scoring, composing,
14 choreographing, script supervising, directing, producing,
15 transmitting dailies, dubbing, mixing, editing, cutting,
16 looping, printing, processing, duplicating, storing, and
17 distributing;

18 b. The design, planning, engineering, construction,
19 alteration, repair, and maintenance of real or personal
20 property including stages, sets, props, models, paintings, and
21 facilities principally required for the performance of those
22 services listed in sub-subparagraph a.; and

23 c. Property management services directly related to
24 property used in connection with the services described in
25 sub-subparagraphs a. and b.

26

27 This exemption will inure to the taxpayer upon presentation of
28 the certificate of exemption issued to the taxpayer under the
29 provisions of s. 288.1258.

30 10. Leased, subleased, licensed, or rented to a person
31 providing food and drink concessionaire services within the

1 premises of a convention hall, exhibition hall, auditorium,
2 stadium, theater, arena, civic center, performing arts center,
3 publicly owned recreational facility, or any business operated
4 under a permit issued pursuant to chapter 550. A person
5 providing retail concessionaire services involving the sale of
6 food and drink or other tangible personal property within the
7 premises of an airport shall be subject to tax on the rental
8 of real property used for that purpose, but shall not be
9 subject to the tax on any license to use the property. For
10 purposes of this subparagraph, the term "sale" shall not
11 include the leasing of tangible personal property.

12 11. Property occupied pursuant to an instrument
13 calling for payments which the department has declared, in a
14 Technical Assistance Advisement issued on or before March 15,
15 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c),
16 Florida Administrative Code; provided that this subparagraph
17 shall only apply to property occupied by the same person
18 before and after the execution of the subject instrument and
19 only to those payments made pursuant to such instrument,
20 exclusive of renewals and extensions thereof occurring after
21 March 15, 1993.

22 12. Rented, leased, subleased, or licensed to a
23 concessionaire by a convention hall, exhibition hall,
24 auditorium, stadium, theater, arena, civic center, performing
25 arts center, or publicly owned recreational facility, during
26 an event at the facility, to be used by the concessionaire to
27 sell souvenirs, novelties, or other event-related products.
28 This subparagraph applies only to that portion of the rental,
29 lease, or license payment which is based on a percentage of
30 sales and not based on a fixed price.

31

1 13. Property used or occupied predominantly for space
2 flight business purposes. As used in this subparagraph, "space
3 flight business" means the manufacturing, processing, or
4 assembly of a space facility, space propulsion system, space
5 vehicle, satellite, or station of any kind possessing the
6 capacity for space flight, as defined by s. 212.02(23), or
7 components thereof, and also means the following activities
8 supporting space flight: vehicle launch activities, flight
9 operations, ground control or ground support, and all
10 administrative activities directly related thereto. Property
11 shall be deemed to be used or occupied predominantly for space
12 flight business purposes if more than 50 percent of the
13 property, or improvements thereon, is used for one or more
14 space flight business purposes. Possession by a landlord,
15 lessor, or licensor of a signed written statement from the
16 tenant, lessee, or licensee claiming the exemption shall
17 relieve the landlord, lessor, or licensor from the
18 responsibility of collecting the tax, and the department shall
19 look solely to the tenant, lessee, or licensee for recovery of
20 such tax if it determines that the exemption was not
21 applicable.

22 14. Property leased at agricultural marketing
23 facilities as defined in s. 570.02(3).

24 Section 2. Effective July 1, 2003, paragraph (a) of
25 subsection (1) of section 212.031, Florida Statutes, as
26 amended by chapters 2000-345 and 2001-140, Laws of Florida, is
27 amended to read:

28 212.031 Lease or rental of or license in real
29 property.--

30 (1)(a) It is declared to be the legislative intent
31 that every person is exercising a taxable privilege who

1 engages in the business of renting, leasing, letting, or
2 granting a license for the use of any real property unless
3 such property is:

- 4 1. Assessed as agricultural property under s. 193.461.
- 5 2. Used exclusively as dwelling units.
- 6 3. Property subject to tax on parking, docking, or
7 storage spaces under s. 212.03(6).
- 8 4. Recreational property or the common elements of a
9 condominium when subject to a lease between the developer or
10 owner thereof and the condominium association in its own right
11 or as agent for the owners of individual condominium units or
12 the owners of individual condominium units. However, only the
13 lease payments on such property shall be exempt from the tax
14 imposed by this chapter, and any other use made by the owner
15 or the condominium association shall be fully taxable under
16 this chapter.
- 17 5. A public or private street or right-of-way and
18 poles, conduits, fixtures, and similar improvements located on
19 such streets or rights-of-way, occupied or used by a utility
20 or provider of communications services, as defined by s.
21 202.11, for utility or communications or television purposes.
22 For purposes of this subparagraph, the term "utility" means
23 any person providing utility services as defined in s.
24 203.012. This exception also applies to property, wherever
25 located, on which the following are placed: towers, antennas,
26 cables, accessory structures, or equipment, not including
27 switching equipment, used in the provision of mobile
28 communications services as defined in s. 202.11. For purposes
29 of this chapter, towers used in the provision of mobile
30 communications services, as defined in s. 202.11, are
31 considered to be fixtures.

1 6. A public street or road which is used for
2 transportation purposes.

3 7. Property used at an airport exclusively for the
4 purpose of aircraft landing or aircraft taxiing or property
5 used by an airline for the purpose of loading or unloading
6 passengers or property onto or from aircraft or for fueling
7 aircraft.

8 8.a. Property used at a port authority, as defined in
9 s. 315.02(2), exclusively for the purpose of oceangoing
10 vessels or tugs docking, or such vessels mooring on property
11 used by a port authority for the purpose of loading or
12 unloading passengers or cargo onto or from such a vessel, or
13 property used at a port authority for fueling such vessels, or
14 to the extent that the amount paid for the use of any property
15 at the port is based on the charge for the amount of tonnage
16 actually imported or exported through the port by a tenant.

17 b. The amount charged for the use of any property at
18 the port in excess of the amount charged for tonnage actually
19 imported or exported shall remain subject to tax except as
20 provided in sub-subparagraph a.

21 9. Property used as an integral part of the
22 performance of qualified production services. As used in this
23 subparagraph, the term "qualified production services" means
24 any activity or service performed directly in connection with
25 the production of a qualified motion picture, as defined in s.
26 212.06(1)(b), and includes:

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28 managing and scouting, shooting, creation of special and
29 optical effects, animation, adaptation (language, media,
30 electronic, or otherwise), technological modifications,
31 computer graphics, set and stage support (such as

1 electricians, lighting designers and operators, greensmen,
2 prop managers and assistants, and grips), wardrobe (design,
3 preparation, and management), hair and makeup (design,
4 production, and application), performing (such as acting,
5 dancing, and playing), designing and executing stunts,
6 coaching, consulting, writing, scoring, composing,
7 choreographing, script supervising, directing, producing,
8 transmitting dailies, dubbing, mixing, editing, cutting,
9 looping, printing, processing, duplicating, storing, and
10 distributing;

11 b. The design, planning, engineering, construction,
12 alteration, repair, and maintenance of real or personal
13 property including stages, sets, props, models, paintings, and
14 facilities principally required for the performance of those
15 services listed in sub-subparagraph a.; and

16 c. Property management services directly related to
17 property used in connection with the services described in
18 sub-subparagraphs a. and b.

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20 This exemption will inure to the taxpayer upon presentation of
21 the certificate of exemption issued to the taxpayer under the
22 provisions of s. 288.1258.

23 10. Leased, subleased, licensed, or rented to a person
24 providing food and drink concessionaire services within the
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26 stadium, theater, arena, civic center, performing arts center,
27 publicly owned recreational facility, or any business operated
28 under a permit issued pursuant to chapter 550. A person
29 providing retail concessionaire services involving the sale of
30 food and drink or other tangible personal property within the
31 premises of an airport shall be subject to tax on the rental

1 of real property used for that purpose, but shall not be
2 subject to the tax on any license to use the property. For
3 purposes of this subparagraph, the term "sale" shall not
4 include the leasing of tangible personal property.

5 11. Property occupied pursuant to an instrument
6 calling for payments which the department has declared, in a
7 Technical Assistance Advisement issued on or before March 15,
8 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c),
9 Florida Administrative Code; provided that this subparagraph
10 shall only apply to property occupied by the same person
11 before and after the execution of the subject instrument and
12 only to those payments made pursuant to such instrument,
13 exclusive of renewals and extensions thereof occurring after
14 March 15, 1993.

15 12. Property used or occupied predominantly for space
16 flight business purposes. As used in this subparagraph, "space
17 flight business" means the manufacturing, processing, or
18 assembly of a space facility, space propulsion system, space
19 vehicle, satellite, or station of any kind possessing the
20 capacity for space flight, as defined by s. 212.02(23), or
21 components thereof, and also means the following activities
22 supporting space flight: vehicle launch activities, flight
23 operations, ground control or ground support, and all
24 administrative activities directly related thereto. Property
25 shall be deemed to be used or occupied predominantly for space
26 flight business purposes if more than 50 percent of the
27 property, or improvements thereon, is used for one or more
28 space flight business purposes. Possession by a landlord,
29 lessor, or licensor of a signed written statement from the
30 tenant, lessee, or licensee claiming the exemption shall
31 relieve the landlord, lessor, or licensor from the

1 responsibility of collecting the tax, and the department shall
2 look solely to the tenant, lessee, or licensee for recovery of
3 such tax if it determines that the exemption was not
4 applicable.

5 13. Property leased at agricultural marketing
6 facilities as defined in s. 570.02(3).

7 Section 3. Subsection (5) of section 316.515, Florida
8 Statutes, is amended to read:

9 316.515 Maximum width, height, length.--

10 (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,
11 SAFETY REQUIREMENTS.--Any cotton module mover, not to exceed
12 55 feet in length, or combination of up to and including three
13 implements of husbandry including the towing power unit, and
14 any single agricultural trailer, with a load thereon not
15 exceeding 130 inches in width, is authorized for the purpose
16 of transporting peanuts, grains, soybeans, cotton, hay, straw,
17 or other perishable farm products from their point of
18 production to the first point of change of custody or of
19 long-term storage, and for the purpose of returning to such
20 point of production, by a person engaged in the production of
21 any such product or by a custom hauler, if such vehicle or
22 combination of vehicles otherwise complies with this section.
23 Such vehicles shall be operated in accordance with all safety
24 requirements prescribed by law and Department of
25 Transportation rules.

26 Section 4. Section 316.520, Florida Statutes, is
27 amended to read:

28 316.520 Loads on vehicles.--

29 (1) A vehicle may not be driven or moved on any
30 highway unless the vehicle is so constructed or loaded as to
31 prevent any of its load from dropping, shifting, leaking,

1 blowing, or otherwise escaping therefrom, except that sand may
2 be dropped only for the purpose of securing traction or water
3 or other substance may be sprinkled on a roadway in cleaning
4 or maintaining the roadway.

5 (2) It is the duty of every owner and driver,
6 severally, of any vehicle hauling, upon any public road or
7 highway open to the public, dirt, sand, lime rock, gravel,
8 silica, or other similar aggregate or trash, garbage, or any
9 similar material that could fall or blow from such vehicle, to
10 prevent such materials from falling, blowing, or in any way
11 escaping from such vehicle. Covering and securing the load
12 with a close-fitting tarpaulin or other appropriate cover is
13 required.

14 (3) A violation of this section is a noncriminal
15 traffic infraction, punishable as a moving ~~nonmoving~~ violation
16 as provided in chapter 318.

17 (4) This section does not apply to vehicles carrying
18 agricultural products locally from a field harvest site to a
19 farm storage site or to a farm feed lot on roads where the
20 posted speed limit is 60 miles per hour or less and the
21 distance driven on public roads is less than 20 miles.

22 Section 5. Subsections (2) and (3) of section 370.31,
23 Florida Statutes, are amended to read:

24 370.31 Commercial production of sturgeon.--

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

29 (a) The head of the sturgeon research program or
30 designee from the University of Florida, Institute of Food and
31 Agricultural Sciences. Such member shall be appointed by the

1 University of Florida's Vice President for Agricultural
2 Affairs.

3 (b) One representative from the Department of
4 Environmental Protection to be appointed by the Secretary of
5 Environmental Protection.

6 (c) One representative from the Fish and Wildlife
7 Conservation Commission to be appointed by the executive
8 director of the Fish and Wildlife Conservation Commission.

9 (d) One representative from the Department of
10 Agriculture and Consumer Services to be appointed by the
11 Commissioner of Agriculture.

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

14 (f) One representative from a private nonprofit
15 organization involved in sturgeon production work.

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

19 (a) The chair of the working group shall preside at
20 all meetings and shall call a meeting as often as necessary to
21 carry out the provisions of this section. ~~To call a meeting,~~
22 ~~the chair shall solicit an agreement to meet from at least two~~
23 ~~other working group members and then notify any remaining~~
24 ~~members of the meeting.~~

25 (b) The Department of Agriculture and Consumer
26 Services ~~secretary~~ shall keep a complete record of the
27 proceedings of each meeting, which includes the names of the
28 members present at each meeting and the actions taken. ~~Such~~
29 ~~records shall be kept on file with the Department of~~
30 ~~Environmental Protection with copies filed with the Department~~
31 ~~of Fisheries and Aquatic Sciences at the University of~~

1 ~~Florida.~~ The records shall be public records pursuant to
2 chapter 119.

3 (c) A quorum shall consist of a majority of the group
4 members. Members of the group shall not receive compensation,
5 but shall be entitled to per diem and travel expenses,
6 including attendance at meetings, as allowed public officers
7 and employees pursuant to s. 112.061 ~~one representative from~~
8 ~~the Department of Environmental Protection, one representative~~
9 ~~from the Institute of Food and Agricultural Sciences, and at~~
10 ~~least two other members.~~

11 Section 6. Section 388.261, Florida Statutes, is
12 amended to read:

13 388.261 State aid to counties and districts for
14 arthropod control; distribution priorities and limitations.--

15 (1) ~~Every county or district budgeting local funds,~~
16 ~~derived either by special tax levy or funds appropriated or~~
17 ~~otherwise made available for the control of mosquitoes and~~
18 ~~other arthropods under a plan submitted by the county or~~
19 ~~district and upon approval by the department, shall be~~
20 ~~eligible to receive state funds, supplies, services, and~~
21 ~~equipment on a dollar-for-dollar matching basis up to but not~~
22 ~~exceeding \$30,000 for any one county for any one year. A~~
23 ~~county or district may, without contributing matching funds,~~
24 ~~receive state funds, supplies, services, or equipment in an~~
25 ~~amount of no more than \$50,000 \$30,000 per year for up to 3~~
26 ~~years for any new or expanded program~~ for the control of
27 mosquitoes and other arthropods ~~which serves an area not~~
28 ~~previously served by the county or district. These funds may~~
29 ~~be expended for any and all types of control measures approved~~
30 ~~by the department.~~

31

1 (2) ~~In addition,~~ Every county or district budgeting
2 local funds to be used exclusively for the control of
3 mosquitoes and other arthropods, under a plan submitted by the
4 county or district and approved by the department, shall be
5 eligible to receive state funds and supplies, services, and
6 equipment on a dollar-for-dollar matching basis to ~~for control~~
7 ~~measures up to but not exceeding 50 percent of the amount of~~
8 ~~local funds budgeted for such control.~~ Should state funds
9 appropriated by the Legislature be insufficient to grant each
10 county or district state funds on a dollar-for-dollar matching
11 basis to 50 percent of the amount budgeted in local funds, the
12 department shall prorate said state funds based on the amount
13 of matchable local funds budgeted for expenditure by each
14 county or district.

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

21 (4) Up to 20 percent of the annual funds appropriated
22 to local governments for arthropod control may be used for
23 arthropod control research or demonstration projects as
24 approved by the department.

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

28 (6) The Commissioner of Agriculture may exempt
29 counties or districts from the requirements in subsection (1),
30 subsection (2), or subsection (3) when the department
31 determines state funds, supplies, services, or equipment are

1 necessary for the immediate control of mosquitoes and other
2 arthropods that pose a threat to human or animal health.

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

8 (8) The department is authorized to use up to 5
9 percent of the funds appropriated annually by the Legislature
10 under this section to provide technical assistance to the
11 counties or districts, or to purchase equipment, supplies, or
12 services necessary to administer the provisions of this
13 chapter.

14 Section 7. Subsection (2) of section 388.281, Florida
15 Statutes, is amended to read:

16 388.281 Use of state matching funds.--

17 (2) All funds, supplies, and services released on the
18 dollar-for-dollar ~~50-percent~~ matching basis shall be used
19 exclusively for an integrated program that provides a
20 combination of mosquito control, source reduction measures,
21 public education, personnel training and certification,
22 arthropod population surveillance, ~~research and demonstration~~
23 projects, larvicides, adulticides, equipment, and public
24 epidemic alerts as approved by the department. Source
25 reduction measures may include measures to improve management
26 and enhance the ecological integrity of source reduction
27 areas. If source reduction measures require permits,
28 approvals, or agreement by federal, state, regional, or local
29 agencies, such permits, approvals, or agreement shall be
30 obtained prior to commencement of the source reduction
31 project. These measures include sanitary landfills, drainage,

1 diking, filling of arthropod breeding areas, and the purchase,
2 maintenance, and operation of all types of equipment including
3 trucks, dredges, draglines, bulldozers, or any other type of
4 machinery and materials utilized in ditching, ditch lining,
5 ditch construction, diking, filling, hiring personnel, rental
6 of equipment, and payment for contract work awarded to the
7 lowest responsible bidder.

8 Section 8. Subsection (6) of section 388.361, Florida
9 Statutes, is amended, and subsection (7) is added to said
10 section, to read:

11 388.361 Department authority and rules;
12 administration.--

13 (6) The department shall have the authority to
14 cooperate with federal, ~~and state,~~ and local agencies and to
15 enter into such cooperative agreements or commitments as the
16 department may determine necessary to carry out and enforce
17 the provisions of this chapter.

18 (7) The department shall have the authority to
19 collect, detect, suppress, and control mosquitoes and other
20 arthropods that are determined by the State Health Officer to
21 pose a threat to public health or by the Commissioner of
22 Agriculture to pose a threat to animal health, wherever they
23 may occur on public or private land in this state, and to do
24 all things necessary in the exercise of such authority. Prior
25 to the start of treatments for the control of mosquitoes or
26 other arthropods, the department shall consult with the
27 mosquito control districts in the proposed treatment areas,
28 the Department of Health, the Department of Environmental
29 Protection, and the Fish and Wildlife Conservation Commission
30 regarding the proposed locations, dates, and methods to be
31 used.

1 Section 9. Section 388.45, Florida Statutes, is
2 amended to read:

3 388.45 Threat to public or animal health; ~~emergency~~
4 declarations.--

5 (1) The State Health Officer has the authority to
6 declare that a threat to public health exists when the
7 Department of Health discovers in the human or surrogate
8 population the occurrence of an infectious disease that can be
9 transmitted from mosquitoes or other arthropods to humans. The
10 State Health Officer must immediately notify the Commissioner
11 of Agriculture of the declaration of this threat to public
12 health. The Commissioner of Agriculture is authorized to issue
13 a mosquito or other arthropod declaration in those counties
14 needing additional mosquito or other arthropod control
15 measures ~~an emergency declaration~~ based on the State Health
16 Officer's declaration of a threat to the public health ~~or~~
17 ~~based on other threats to animal health~~. Each declaration must
18 contain the geographical boundaries and the duration of the
19 declaration. The State Health Officer shall order such human
20 medical preventive treatment and the Commissioner of
21 Agriculture shall order such ameliorative mosquito or other
22 arthropod control measures as are necessary to prevent the
23 spread of disease, notwithstanding contrary provisions of this
24 chapter or the rules adopted under this chapter. Within 24
25 hours after a declaration of a threat to the public health,
26 the State Health Officer must also notify the agency heads of
27 the Department of Environmental Protection and the Fish and
28 Wildlife Conservation Commission of the declaration. Within 24
29 hours after a mosquito or other arthropod ~~an emergency~~
30 declaration based on the public health declaration ~~or based on~~
31 ~~other threats to animal health~~, the Commissioner of

1 Agriculture must notify the agency heads of the Department of
2 Environmental Protection and the Fish and Wildlife
3 Conservation Commission of the declaration. ~~Within 24 hours~~
4 ~~after an emergency declaration based on other threats to~~
5 ~~animal health, the Commissioner of Agriculture must also~~
6 ~~notify the agency head of the Department of Health of the~~
7 ~~declaration.~~

8 (2) The Commissioner of Agriculture has the authority
9 to declare that a threat to animal health exists when the
10 department discovers the occurrence of an infectious disease
11 in animals that can be transmitted by mosquitoes or other
12 arthropods and is authorized to issue an animal health
13 declaration in those counties needing additional veterinary
14 care or mosquito or other arthropod control measures based on
15 a threat to animal health. Each declaration must contain the
16 geographical boundaries and the duration of the declaration.
17 The Commissioner of Agriculture shall order such veterinary
18 treatment or ameliorative mosquito or other arthropod control
19 measures as are necessary to prevent the spread of disease,
20 notwithstanding contrary provisions of this chapter or the
21 rules adopted under this chapter. The Commissioner of
22 Agriculture shall immediately notify the State Health Officer
23 and the agency heads of the Department of Environmental
24 Protection and the Fish and Wildlife Conservation Commission
25 upon issuance of an animal health declaration.

26 Section 10. Subsection (11) of section 403.067,
27 Florida Statutes, is amended to read:

28 403.067 Establishment and implementation of total
29 maximum daily loads.--

30 (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

31

1 (a) The department shall not implement, without prior
2 legislative approval, any additional regulatory authority
3 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part
4 130, if such implementation would result in water quality
5 discharge regulation of activities not currently subject to
6 regulation.

7 (b) Interim measures, best management practices, or
8 other measures may be developed and voluntarily implemented
9 pursuant to paragraph (7)(c) or paragraph (7)(d) for any water
10 body or segment for which a total maximum daily load or
11 allocation has not been established. The implementation of
12 such pollution control programs may be considered by the
13 department in the determination made pursuant to subsection
14 (4).

15 Section 11. Paragraph (e) of subsection (3) of section
16 403.709, Florida Statutes, is amended to read:

17 403.709 Solid Waste Management Trust Fund; use of
18 waste tire fee moneys; waste tire site management.--

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

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

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

7 Section 12. Subsection (3) of section 482.2401,
8 Florida Statutes, is amended to read:

9 482.2401 Disposition and use of revenues from fees and
10 fines.--

11 (3) All revenues from administrative fines shall be
12 used to support contract research or education in ~~all~~ pest
13 control ~~categories~~. The department shall appoint a committee
14 composed of pest control industry members which shall assist
15 the department in establishing research or education
16 priorities, in developing requests for proposals for bids, and
17 in selecting research or education contractors from qualified
18 bidders.

19 Section 13. Section 482.243, Florida Statutes, is
20 created to read:

21 482.243 Pest Control Enforcement Advisory Council.--

22 (1) The Pest Control Enforcement Advisory Council is
23 created within the department. The Commissioner of Agriculture
24 shall appoint all members of the council. The purpose of the
25 council is to advise the Commissioner of Agriculture regarding
26 the regulation of pest control practices and to advise
27 government agencies with respect to those activities related
28 to their responsibilities regarding pest control. The council
29 shall serve as the statewide forum for the coordination of
30 pest control related activities to eliminate duplication of
31 effort and maximize protection of the public.

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

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

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

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

30 (6) The meetings, powers and duties, procedures,
31 recordkeeping, and reimbursement of expenses of members of the

1 council shall be in accordance with the provisions of s.
2 570.0705 relating to advisory committees established within
3 the department.

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

18 Section 14. Subsection (2) of section 487.041, Florida
19 Statutes, is amended to read:

20 487.041 Registration.--

21 (2) For the purpose of defraying expenses of the
22 department in connection with carrying out the provisions of
23 this chapter, each person shall pay an annual registration fee
24 of ~~\$250~~\$225 for each registered pesticide. The annual
25 registration fee for each special local need label and
26 experimental use permit shall be \$100. All registrations
27 expire on December 31 of each year. Nothing in this section
28 shall be construed as applying to distributors or retail
29 dealers selling pesticides when such pesticides are registered
30 by another person.

31

1 Section 15. Subsection (3) is added to section
2 500.148, Florida Statutes, to read:

3 500.148 Reports and dissemination of information.--

4 (3) Upon request of a food establishment, the
5 department may issue a report certifying that the requesting
6 food establishment currently complies with the sanitation and
7 permitting requirements of this chapter and the rules
8 promulgated thereunder. Such certification may be requested
9 for the purpose of exporting food to a foreign country. The
10 department is authorized to recover the cost associated with
11 carrying out the provisions of this subsection, the amount of
12 which shall be set by rule.

13 Section 16. Subsection (8) is added to section
14 501.160, Florida Statutes, to read:

15 501.160 Rental or sale of essential commodities during
16 a declared state of emergency; prohibition against
17 unconscionable prices.--

18 (8) Any violation of this section may be enforced by
19 the Department of Agriculture and Consumer Services, the
20 Office of the State Attorney, or the Department of Legal
21 Affairs.

22 Section 17. Subsection (35) of section 570.07, Florida
23 Statutes, is amended to read:

24 570.07 Department of Agriculture and Consumer
25 Services; functions, powers, and duties.--The department shall
26 have and exercise the following functions, powers, and duties:

27 (35) Under emergency conditions, to authorize the
28 purchase of supplemental nutritional food and drink items,
29 provide meals when personnel cannot leave an emergency
30 incident location,and set temporary meal expenditure limits
31 for employees engaged in physical activity for prolonged

1 periods of time in excess of the rate established by s.
2 112.061(6), but not to exceed \$50 per day.

3 Section 18. Subsection (9) is added to section 570.53,
4 Florida Statutes, to read:

5 570.53 Division of Marketing and Development; powers
6 and duties.--The powers and duties of the Division of
7 Marketing and Development include, but are not limited to:

8 (9) Administering community budget request allocations
9 that appear in the department's budget in the annual General
10 Appropriations Act. Community budget request allocations
11 administered by the division shall be reviewed to determine
12 eligibility with respect to s. 216.052. The division is
13 authorized to assess and collect an amount necessary to recoup
14 the costs of these services from each allocation not to exceed
15 2 percent of each allocation. The total assessment from all
16 allocations administered by the division shall be deposited in
17 the General Inspection Trust Fund at the beginning of each
18 fiscal year.

19 Section 19. Subsection (8) of section 573.124, Florida
20 Statutes, is amended to read:

21 573.124 Penalties; violation; hearings.--

22 (8) It shall be a felony of the third degree
23 ~~misdemeanor of the second degree~~, punishable as provided in s.
24 775.082 or s. 775.083, for:

25 (a) Any person to willfully render or furnish a false
26 or fraudulent report, statement, or record required by the
27 department, or any marketing agreement or marketing order
28 effective thereunder.

29 (b) Any person engaged in the handling of any
30 agricultural commodity or in the wholesale or retail trade
31 thereof to fail or refuse to furnish to the department or its

1 duly authorized agents, upon request, information concerning
2 the name and address of the persons from whom he or she has
3 received any agricultural commodity regulated by a marketing
4 order issued and in effect hereunder, and the quantity of the
5 commodity so received.

6 Section 20. Subsection (5) of section 585.002, Florida
7 Statutes, is amended to read:

8 585.002 Department control; continuance of powers,
9 duties, rules, orders, etc.--

10 (5) The department shall, by rule, establish a fee
11 schedule to cover the approximate costs associated with
12 carrying out the provisions of this chapter. This shall
13 include establishment of fees for provision of health forms,
14 required certificates, certifications, permits, quality
15 assurance programs, and services. No individual fee shall
16 exceed ~~\$500~~~~\$200~~, except that the fee for carrying out the
17 quarantine requirements relating to horses imported from
18 countries where contagious equine metritis exists shall not
19 exceed ~~\$1,800~~~~\$1,500~~. These fees shall be deposited in the
20 department's General Inspection Trust Fund.

21 Section 21. Subsection (5) is added to section 585.08,
22 Florida Statutes, to read:

23 585.08 General powers of the department; rules.--The
24 Division of Animal Industry is authorized to:

25 (5) Condemn and destroy any animal that is liable to
26 spread any contagious, infectious, or communicable disease
27 based upon sound epidemiological facts and conclusions to
28 prevent the further spread of disease when a state or
29 agricultural declaration of emergency has been declared by the
30 Governor or the Commissioner of Agriculture.

31

1 Section 22. Section 585.09, Florida Statutes, is
2 amended to read:

3 585.09 Procedure for condemnation of animals and
4 property by department.--Condemnation and destruction of
5 animals, barns, yards, sheds, corrals, and pens, as provided
6 in s. 585.08, shall take place only after a fair appraisal of
7 the value of the property. The value shall be determined by
8 the department and the owner; provided, however, should the
9 department and the owner be unable to agree on a value, the
10 value shall then be determined by three disinterested
11 appraisers, one to be appointed by the department, one by the
12 owner of the property, and the third to be selected by these
13 two. The appraised price, ~~subject to the provisions of s.~~
14 ~~585.10,~~ shall be paid by the department as other expenses are
15 paid. If the owner of such animal, barn, yard, shed, corral,
16 or pen fails or refuses to name an appraiser within 5 days
17 after requested by the department to do so, or refuses to
18 permit the property to be condemned and destroyed, the
19 department may make an order to the sheriff of the county
20 wherein the property lies, directing her or him to destroy
21 such animal, barn, yard, shed, corral, or pen, in the manner
22 to be prescribed in the order. The order shall be immediately
23 executed by the sheriff. Upon the destruction of the property
24 by the sheriff, the department shall have the right to
25 recover, from the owner of the property destroyed, all costs
26 and expenses incurred by it in connection with the
27 destruction.

28 Section 23. Section 585.10, Florida Statutes, is
29 repealed.

30 Section 24. Subsection (2) of section 585.105, Florida
31 Statutes, is amended to read:

1 585.105 Purchase, distribution, and administration of
2 approved brucella vaccine.--

3 (2) The department shall distribute through employees
4 of the division, licensed veterinarians, and recognized and
5 approved agents of the state and federal governments, an
6 approved brucella vaccine at ~~without~~ cost to any owner of
7 cattle in Florida making application therefor upon blanks to
8 be furnished by the department and approved by the
9 administrator of the vaccine if the cattle are part of a
10 recognized herd and are not in channels of trade at the time
11 of vaccination.

12 Section 25. Section 585.11, Florida Statutes, is
13 amended to read:

14 585.11 Cooperation with United States authorities and
15 United States Department of Agriculture accredited private
16 veterinarians.--The department may cooperate with:

17 (1) The authorities of the United States in the
18 enforcement of all acts of Congress for the control,
19 prevention, suppression, and eradication of contagious,
20 infectious, and communicable diseases affecting animals, or
21 animal diseases which may affect humans, and in connection
22 therewith may:

23 (a) Appoint inspectors of the United States Department
24 of Agriculture as temporary assistant state veterinarians or
25 livestock inspectors; provided, they shall first consent to
26 act without compensation or profit from the state;

27 (b) Accept aid or assistance from the United States in
28 conducting work related to the control or eradication of
29 tuberculosis, brucellosis, pseudorabies, hog cholera, and any
30 other such dangerous disease, or from any of its officers,
31 representatives, or agents, in carrying out such work.

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

8 (3) The United States Department of Agriculture in
9 carrying out the provisions of the National Poultry
10 Improvement Plan and the National Turkey Improvement Plan in
11 Florida, and in connection therewith, may promulgate rules
12 necessary to carry out the provisions of the National Poultry
13 Improvement Plan and the National Turkey Improvement Plan in
14 Florida.

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

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

21 585.21 Sale of biological products.--

22 (1) Each biological product intended for diagnostic or
23 therapeutic purposes for animals which is manufactured for
24 sale or sold in the state shall first be officially approved
25 by the United States Department of Agriculture and shall have
26 written permission of the Department of Agriculture and
27 Consumer Services prior to sale in the state.

28 Section 27. Subsection (3) of section 585.61, Florida
29 Statutes, is amended to read:

30 585.61 Animal disease diagnostic laboratories.--

31

1 (3) Any person who maintains animals in the state may
2 use the services of the laboratories under the terms of this
3 section and the rules adopted for such use by the department.
4 The department shall require any user of its services to pay a
5 fee not to exceed \$300~~\$15~~ for any one of the services
6 requested, ~~except that a fee for necropsy may be imposed in an~~
7 ~~amount not to exceed \$70.~~ All laboratory fees collected shall
8 be deposited in the Animal Industry Diagnostic Laboratory
9 Account within the General Inspection Trust Fund. The fees
10 collected shall be used to improve the diagnostic laboratory
11 services as provided for by the Legislature in the General
12 Appropriations Act.

13 Section 28. Paragraphs (d), (f), and (g) of subsection
14 (1) of section 590.02, Florida Statutes, are amended, and
15 paragraph (h) is added to said subsection, to read:

16 590.02 Division powers, authority, and duties;
17 liability; building structures; Florida Center for Wildfire
18 and Forest Resources Management Training.--

19 (1) The division has the following powers, authority,
20 and duties:

21 (d) To appoint center managers, forest area
22 supervisors, forestry program administrators, a forest
23 protection bureau chief, a forest protection assistant bureau
24 chief, a field operations bureau chief, deputy chiefs of field
25 operations, district managers, senior forest rangers,
26 investigators, forest rangers, firefighter rotorcraft pilots,
27 and other employees who may, at the division's discretion, be
28 certified as forestry firefighters pursuant to s. 633.35(4).
29 Other provisions of law notwithstanding, center managers,
30 district managers, the forest protection assistant bureau
31 chief, and deputy chiefs of field operations shall have

1 Selected Exempt Service status in the state personnel
2 designation;

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

5 (g) To provide fire management services and emergency
6 response assistance and to set and charge reasonable fees for
7 performance of those services. Moneys collected from such fees
8 shall be deposited into the Incidental Trust Fund of the
9 division; and

10 (h) To require all state, regional, and local
11 government agencies operating aircraft in the vicinity of an
12 ongoing wildfire to operate in compliance with the applicable
13 state Wildfire Aviation Plan.

14 Section 29. 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) Any person who violates a provision of this
21 section commits a misdemeanor of the second degree, punishable
22 as provided in s. 775.082 or s. 775.083.

23 Section 30. Paragraphs (b) and (c) of subsection (3)
24 and subsections (4) and (5) of section 590.125, Florida
25 Statutes, 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 used in conjunction with ecological
31 maintenance and silviculture, wildlife, range, and pasture

1 management. It must be conducted in accordance with this
2 section subsection and:

3 1. Must meet all the requirements of paragraph (2)(a).

4 2.1. May only be accomplished when a certified
5 prescribed burn manager is present on site with a copy of the
6 prescription from ignition of the burn to its completion.

7 3.2. Requires that a written prescription be prepared
8 before receiving authorization to burn from the division.

9 4.3. Requires that the specific consent of the
10 landowner or his or her designee be obtained before requesting
11 an authorization.

12 ~~4. Requires that an authorization to burn be obtained~~
13 ~~from the division before igniting the burn.~~

14 ~~5. Requires that there be adequate firebreaks at the~~
15 ~~burn site and sufficient personnel and firefighting equipment~~
16 ~~for the control of the fire.~~

17 5.6. Is considered to be in the public interest and
18 does not constitute a public or private nuisance when
19 conducted under applicable state air pollution statutes and
20 rules.

21 6.7. Is considered to be a property right of the
22 property owner if vegetative fuels are burned as required in
23 this subsection.

24 (c) A property owner or his or her agent is not
25 ~~neither~~ liable for damage or injury caused by the fire or
26 resulting smoke ~~nor considered to be in violation of~~
27 ~~subsection (2)~~ for burns conducted in accordance with this
28 subsection unless gross negligence is proven.

29 (d) Any certified burner who violates this section
30 commits a misdemeanor of the second degree, punishable as
31 provided in s. 775.082 or s. 775.083.

1 (4) WILDFIRE HAZARD REDUCTION TREATMENT ~~BURNING~~ BY THE
2 DIVISION.--The division may conduct fuel reduction initiatives
3 on ~~prescribe burn~~ any area of wild land within the state which
4 is reasonably determined to be in danger of wildfire in
5 accordance with the following procedures:

6 (a) Describe the areas that will receive fuels
7 treatment ~~be prescribe burned~~ to the affected local
8 governmental entity.

9 (b) Publish a treatment ~~prescribed burn~~ notice,
10 including a description of the area to be treated ~~burned~~, in a
11 conspicuous manner in at least one newspaper of general
12 circulation in the area of the treatment ~~burn~~ not less than 10
13 days before the treatment ~~burn~~.

14 (c) Prepare, and the county tax collector shall
15 include with the annual tax statement, a notice to be sent to
16 all landowners in each township designated by the division as
17 a wildfire hazard area. The notice must describe particularly
18 the area to be treated ~~burned~~ and the tentative date or dates
19 of the treatment ~~burning~~ and must list the reasons for and the
20 expected benefits from the wildfire hazard reduction
21 ~~prescribed burning~~.

22 (d) Consider any landowner objections to the fuels
23 treatment ~~prescribed burning~~ of his or her property. The
24 landowner may apply to the director of the division for a
25 review of alternative methods of fuel reduction on the
26 property. If the director or his or her designee does not
27 resolve the landowner objection, the director shall convene a
28 panel made up of the local forestry unit manager, the fire
29 chief of the jurisdiction, and the affected county or city
30 manager, or any of their designees. If the panel's
31 recommendation is not acceptable to the landowner, the

1 landowner may request further consideration by the
2 Commissioner of Agriculture or his or her designee and shall
3 thereafter be entitled to an administrative hearing pursuant
4 to the provisions of chapter 120.

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

9 Section 31. Subsection (3) of section 590.14, Florida
10 Statutes, is amended to read:

11 590.14 Notice of violation; penalties.--

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

19 Section 32. Subsection (4) is added to section
20 597.020, Florida Statutes, to read:

21 597.020 Shellfish processors; regulation.--

22 (4) Any license or certification authorized and issued
23 under this chapter shall automatically expire on June 30 of
24 each year.

25 Section 33. Paragraph (a) of subsection (7) of section
26 616.242, Florida Statutes, is amended to read:

27 616.242 Safety standards for amusement rides.--

28 (7) DEPARTMENT INSPECTIONS.--

29 (a) In order to obtain an annual permit, an amusement
30 ride must be inspected by the department in accordance with
31 subsection (11) and receive an inspection certificate. In

1 addition, each permanent amusement ride must be inspected
2 semiannually by the department in accordance with subsection
3 (11) and receive an inspection certificate, and each temporary
4 amusement ride must be inspected by the department in
5 accordance with subsection (11), and must receive an
6 inspection certificate each time the ride is set up or moved
7 to a new location in this state unless the temporary amusement
8 ride is:

9 1. Used at a private event; ~~or~~

10 2. A simulator, the capacity of which does not exceed
11 16 persons; ~~or~~

12 3. A kiddie ride used at a public event, provided that
13 there are no more than three amusement rides at the event,
14 none of the kiddie rides at the event exceed a capacity of 12
15 persons, and the ride has an inspection certificate that was
16 issued within the preceding 6 months. The capacity of a kiddie
17 ride shall be determined by rule of the department, unless the
18 capacity of the ride has been determined and specified by the
19 manufacturer. Any owner of a kiddie ride operating under this
20 exemption is responsible for ensuring that no more than three
21 amusement rides are operated at the event.

22 Section 34. (1) The building known as the USDA
23 Service Center Building, located at 1700 Highway 17-98 South,
24 Bartow, Florida, is hereby designated as the John W. Hunt
25 Building.

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

29 Section 35. Except as otherwise provided herein, this
30 act shall take effect July 1, 2002.

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HOUSE SUMMARY

Revises and adds provisions relating to agriculture and consumer services. Exempts property leased at agricultural marketing facilities from the tax on the lease or rental of or license in real property. Revises equipment authorized for transporting farm products. Clarifies that violation of a provision governing loads on vehicles is a moving rather than nonmoving violation. Exempts certain vehicles carrying agricultural products. Transfers the Sturgeon Production Working Group from the Department of Environmental Protection to the Department of Agriculture and Consumer Services. With respect to provisions relating to state aid to counties and districts for arthropod control, revises provisions, prorates county funds under certain circumstances, provides an exemption from funding requirements under certain circumstances, authorizes the use of state funds when requested by a county or district, and authorizes funds for technical assistance or to purchase equipment, supplies, or services. Revises uses for state matching funds for arthropod control. Authorizes the Department of Agriculture and Consumer Services to cooperate with local agencies. Authorizes collection, detection, suppression, and control of mosquitoes and arthropods on public or private land. Clarifies provisions relating to threats to public health and the issuance of declarations. Authorizes declaration of a threat to animal health and authorizes treatment or control measures. Authorizes implementation of interim measures for specified water bodies for which total maximum daily load or allocation has not been established. Deletes the minimum county allocation to local mosquito control agencies from waste tire fees. Adds education in pest control as an approved use of administrative fine revenues. Creates the Pest Control Enforcement Advisory Council in the department and provides for membership, terms, and procedures. Provides powers and duties of the advisory council. Increases the annual registration fee for a registered pesticide. Authorizes the department to issue a report certifying food establishment compliance with sanitation and permitting requirements for food exportation purposes and authorizes fees. Provides for enforcement for violation of provisions relating to rental or sale of essential commodities during a declared state of emergency. Authorizes the department to provide meals when personnel cannot leave emergency incident locations. Requires the Division of Marketing and Development to review and administer community budget request allocations and authorizes an assessment. Increases penalties for furnishing false information, or refusing to furnish information, relating to the marketing of agricultural commodities. Authorizes the department to set fees for additional services relating to the animal industry and increases fee limits. Authorizes the Division of Animal Industry, under certain circumstances, to condemn and destroy an animal that is liable to spread contagious, infectious, or communicable disease. Repeals provisions relating to limitations on payments to owners

1 of condemned and destroyed animals. Authorizes the
2 department to charge for costs of approved brucella
3 vaccine. Authorizes the department to cooperate with
4 United States Department of Agriculture accredited
5 private veterinarians. Requires written permission of the
6 department prior to sale in the state of certain
7 biological products. Increases fees for use of animal
8 disease diagnostic laboratories. With respect to duties
9 of the Division of Forestry, provides that certain
10 managerial positions are included in the Selected Exempt
11 Service and requires compliance with the applicable state
12 Wildfire Aviation Plan. Provides a penalty for violation
13 of provisions relating to recreational fires. Revises
14 requirements for certified prescribed burns and renames
15 procedures for protecting wild lands from wildfires.
16 Revises criteria for determining administrative fines for
17 violation of provisions relating to forestry. Requires
18 aquaculture licenses and certifications to expire
19 annually. Provides that certain kiddie rides shall be
20 exempt from the requirement for receipt of an inspection
21 certificate each time the ride is set up. Provides a
22 building designation.
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