

By the Council for Competitive Commerce and 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. 163.3177, F.S., relating  
4           to elements of comprehensive plans; clarifying  
5           the regulation of intensity of use; creating s.  
6           288.1175, F.S.; providing that the Department  
7           of Agriculture and Consumer Services shall be  
8           the state agency for screening applicants for  
9           state funding and certifying applicants as  
10          agriculture education and promotion facilities;  
11          providing for rules; providing definitions;  
12          providing criteria for applicants; providing  
13          for evaluation by the department; providing  
14          criteria; prohibiting the expenditure of funds  
15          to develop or subsidize privately owned  
16          facilities; providing an exception; amending s.  
17          316.515, F.S.; revising equipment authorized  
18          for transporting farm products; allowing the  
19          Department of Transportation to issue certain  
20          permits; amending s. 316.520, F.S.; clarifying  
21          that violation of a provision governing loads  
22          on vehicles is a moving rather than nonmoving  
23          violation; exempting certain vehicles carrying  
24          agricultural products; amending s. 370.31,  
25          F.S.; transferring the Sturgeon Production  
26          Working Group from the Department of  
27          Environmental Protection to the Department of  
28          Agriculture and Consumer Services; revising  
29          membership and procedures; amending s. 388.261,  
30          F.S.; revising provisions relating to state aid  
31          to counties and districts for arthropod

1 control; prorating county funds under certain  
2 circumstances; providing an exemption from  
3 funding requirements under certain  
4 circumstances; authorizing the use of state  
5 funds when requested by a county or district;  
6 authorizing funds for technical assistance or  
7 to purchase equipment, supplies, or services;  
8 amending s. 388.281, F.S.; revising uses for  
9 state matching funds; amending s. 388.361,  
10 F.S.; authorizing the Department of Agriculture  
11 and Consumer Services to cooperate with local  
12 agencies; authorizing collection, detection,  
13 suppression, and control of mosquitoes and  
14 arthropods on public or private land; amending  
15 s. 388.45, F.S.; clarifying provisions relating  
16 to threats to public health and the issuance of  
17 declarations; authorizing declaration of a  
18 threat to animal health when certain conditions  
19 exist; authorizing treatment or control  
20 measures; amending s. 403.067, F.S.;  
21 authorizing implementation of interim measures  
22 for specified water bodies for which total  
23 maximum daily load or allocation has not been  
24 established; amending s. 403.709, F.S.;  
25 deleting the minimum county allocation to local  
26 mosquito control agencies from waste tire fees;  
27 amending s. 482.2401, F.S.; adding education in  
28 pest control as an approved use of  
29 administrative fine revenues; creating s.  
30 482.243, F.S.; creating the Pest Control  
31 Enforcement Advisory Council in the department;

1 providing for membership, terms, and  
2 procedures; providing powers and duties;  
3 amending s. 487.041, F.S.; increasing the  
4 annual registration fee for a registered  
5 pesticide; amending s. 496.404, F.S.;  
6 redefining the term "educational institutions"  
7 for purposes of the Solicitation of  
8 Contributions Act; amending s. 500.121, F.S.;  
9 providing sanctions for nutrient labeling  
10 violations; amending s. 500.148, F.S.;  
11 authorizing the department to issue a report  
12 certifying food establishment compliance with  
13 sanitation and permitting requirements for food  
14 exportation purposes; authorizing fees;  
15 amending s. 501.160, F.S.; providing for  
16 enforcement for violation of provisions  
17 relating to rental or sale of essential  
18 commodities during a declared state of  
19 emergency; amending s. 570.07, F.S.;  
20 authorizing the department to provide meals  
21 when personnel cannot leave emergency incident  
22 locations; amending s. 570.53, F.S.; requiring  
23 the Division of Marketing and Development to  
24 review and administer community budget request  
25 allocations; authorizing an assessment;  
26 amending s. 570.71, F.S.; revising provisions  
27 relating to conservation easements and rural  
28 land protection easements; amending s. 573.124,  
29 F.S.; increasing penalties for furnishing false  
30 information, or refusing to furnish  
31 information, relating to the marketing of

1 agricultural commodities; amending s. 585.002,  
2 F.S.; authorizing the department to set fees  
3 for additional services relating to the animal  
4 industry; increasing fee limits; amending s.  
5 585.08, F.S.; authorizing the Division of  
6 Animal Industry, under certain circumstances,  
7 to condemn and destroy an animal that is liable  
8 to spread contagious, infectious, or  
9 communicable disease; amending s. 585.09, F.S.;  
10 correcting a cross reference; repealing s.  
11 585.10, F.S., relating to limitations on  
12 payments to owners of condemned and destroyed  
13 animals; amending s. 585.105, F.S.; authorizing  
14 the department to charge for costs of approved  
15 brucella vaccine; amending s. 585.11, F.S.;  
16 authorizing the department to cooperate with  
17 United States Department of Agriculture  
18 accredited private veterinarians; amending s.  
19 585.21, F.S.; requiring written permission of  
20 the department prior to sale in the state of  
21 certain biological products; amending s.  
22 585.61, F.S.; increasing fees for use of animal  
23 disease diagnostic laboratories; amending s.  
24 590.02, F.S., relating to duties of the  
25 Division of Forestry of the Department of  
26 Agriculture and Consumer Services; providing  
27 that certain managerial positions are included  
28 in the Selected Exempt Service; requiring  
29 compliance with the applicable state Wildfire  
30 Aviation Plan; amending s. 590.11, F.S.,  
31 relating to recreational fires; providing a

1 penalty for violation; amending s. 590.125,  
2 F.S.; revising requirements for certified  
3 prescribed burns; renaming procedures for  
4 protecting wild lands from wildfires; amending  
5 s. 590.14, F.S.; revising criteria for  
6 determining administrative fines for violation  
7 of provisions relating to forestry; amending s.  
8 597.020, F.S.; requiring aquaculture licenses  
9 and certifications to expire annually; creating  
10 s. 604.40, F.S.; providing regulations  
11 regarding farm equipment; amending s. 604.50,  
12 F.S.; clarifying the definition of a  
13 nonresidential farm building; amending s.  
14 616.242, F.S.; providing that certain kiddie  
15 rides shall be exempt from the requirement for  
16 receipt of an inspection certificate each time  
17 the ride is set up; revising accident reporting  
18 requirements; designating the USDA Service  
19 Center Building in Bartow, Florida, as the John  
20 W. Hunt Building; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:  
23

24 Section 1. Paragraph (a) of subsection (6) of section  
25 163.3177, Florida Statutes, is amended to read:

26 163.3177 Required and optional elements of  
27 comprehensive plan; studies and surveys.--

28 (6) In addition to the requirements of subsections  
29 (1)-(5), the comprehensive plan shall include the following  
30 elements:  
31

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

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

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

13 Section 2. Section 288.1175, Florida Statutes, is  
14 created to read:

15 288.1175 Agriculture education and promotion  
16 facility.--

17 (1) The Department of Agriculture and Consumer  
18 Services shall serve as the state agency for screening  
19 applicants for state funding pursuant to this section and for  
20 certifying an applicant as a qualified agriculture education  
21 and promotion facility as defined in subsection (3).

22 (2) The department shall develop rules pursuant to ss.  
23 120.536(1) and 120.54 for the receipt and processing of  
24 applications for funding of projects pursuant to this section.

25 (3) As used in this section, the term "agriculture  
26 education and promotion facility" means an exhibition hall,  
27 arena, civic center, exposition center, or other capital  
28 project or facility that can be used for exhibitions,  
29 demonstrations, trade shows, classrooms, civic events, and  
30 other purposes that promote agriculture, horticulture,

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1 livestock, equestrian, and other resources of the state and  
2 educate the residents as to these resources.

3 (4) The department shall certify a facility as an  
4 agriculture education and promotion facility if the department  
5 determines that:

6 (a) The applicant is a unit of local government as  
7 defined in s. 218.369, or a fair association as defined in s.  
8 616.001(9), that is responsible for the planning, design,  
9 permitting, construction, renovation, management, and  
10 operation of the agriculture education and promotion facility  
11 or holds title to the property on which such facility is to be  
12 developed and located.

13 (b) The applicant has projections, verified by the  
14 department, that demonstrate that the agriculture education  
15 and promotion facility will serve more than 25,000 visitors  
16 annually.

17 (c) The municipality in which the facility is located,  
18 or the county if the facility is located in an unincorporated  
19 area, has certified by resolution after a public hearing that  
20 the proposed agriculture education and promotion facility  
21 serves a public purpose.

22 (d) The applicant has demonstrated that it has  
23 provided, is capable of providing, or has financial or other  
24 commitments to provide more than 40 percent of the costs  
25 incurred or related to the planning, design, permitting,  
26 construction, or renovation of the facility. The applicant may  
27 include the value of the land and any improvements thereon in  
28 determining its contribution to the development of the  
29 facility.

30 (5) The department shall competitively evaluate  
31 applications for funding of an agriculture education and

1 promotion facility. If the number of applicants exceeds three,  
2 the department shall rank the applications based upon criteria  
3 developed by the department, with priority given in descending  
4 order to the following items:

5 (a) The intended use of the funds by the applicant,  
6 with priority given to the construction of a new facility.

7 (b) The amount of local match, with priority given to  
8 the largest percentage of local match proposed.

9 (c) The location of the facility in a brownfield site  
10 as defined in s. 376.79(3), a rural enterprise zone as defined  
11 in s. 290.004(8), an agriculturally depressed area as defined  
12 in s. 570.242(1), a redevelopment area established pursuant to  
13 s. 373.461(5)(g), or a county that has lost agricultural land  
14 to environmental restoration projects.

15 (d) The net increase, as a result of the facility, of  
16 total available exhibition, arena, or civic center space  
17 within the jurisdictional limits of the local government in  
18 which the facility is to be located, with priority given to  
19 the largest percentage increase of total exhibition, arena, or  
20 civic center space.

21 (e) The historic record of the applicant in promoting  
22 agriculture and educating the public about agriculture,  
23 including, without limitation, awards, premiums, scholarships,  
24 auctions, and other such activities.

25 (f) The highest projection on paid attendance  
26 attracted by the agriculture education and promotion facility  
27 and the proposed economic impact on the local community.

28 (g) The location of the facility with respect to an  
29 Institute of Food and Agricultural Sciences (IFAS) facility,  
30 with priority given to facilities closer in proximity to an  
31 IFAS facility.

1       (6) Funds may not be expended to develop or subsidize  
2 privately owned facilities, except for facilities owned by  
3 fair associations as defined in s. 616.001(9).

4       (7) An applicant may use funds provided pursuant to  
5 this section only for the public purpose of paying for the  
6 planning, design, permitting, construction, or renovation of  
7 an agriculture education and promotion facility or to pay or  
8 pledge for the payment of debt service on, or to fund debt  
9 service reserve funds, arbitrage rebate obligations, or other  
10 amounts payable with respect to, bonds issued for the  
11 planning, design, permitting, construction, or renovation of  
12 such facility or for the reimbursement of such costs or the  
13 refinancing of bonds issued for such purposes.

14       (8) Applications must be submitted by October 1 of  
15 each year with facility funding to be made by January 1 of the  
16 following year. The department may not provide funding for  
17 less than the requested amount to any applicant certified as  
18 an agriculture education and promotion facility; however,  
19 funding of certified applicants shall be subject to the amount  
20 provided by the Legislature in the General Appropriations Act  
21 for this program.

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

24       316.515 Maximum width, height, length.--

25       (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,  
26 SAFETY REQUIREMENTS.--Notwithstanding any other provisions of  
27 law, straight trucks and cotton module movers, not exceeding  
28 50 feet in length, or any combination of up to and including  
29 three implements of husbandry including the towing power unit,  
30 and any single agricultural trailer, with a load thereon not  
31 exceeding 130 inches in width, is authorized for the purpose

1 of transporting peanuts, grains, soybeans, cotton, hay, straw,  
2 or other perishable farm products from their point of  
3 production to the first point of change of custody or of  
4 long-term storage, and for the purpose of returning to such  
5 point of production, by a person engaged in the production of  
6 any such product or custom hauler, if such vehicle or  
7 combination of vehicles otherwise complies with this section.  
8 Such vehicles shall be operated in accordance with all safety  
9 requirements prescribed by law and Department of  
10 Transportation rules. The Department of Transportation may  
11 issue overlength permits for cotton module movers greater than  
12 50 feet but not more than 55 feet in overall length.

13 Section 4. Section 316.520, Florida Statutes, is  
14 amended to read:

15 316.520 Loads on vehicles.--

16 (1) A vehicle may not be driven or moved on any  
17 highway unless the vehicle is so constructed or loaded as to  
18 prevent any of its load from dropping, shifting, leaking,  
19 blowing, or otherwise escaping therefrom, except that sand may  
20 be dropped only for the purpose of securing traction or water  
21 or other substance may be sprinkled on a roadway in cleaning  
22 or maintaining the roadway.

23 (2) It is the duty of every owner and driver,  
24 severally, of any vehicle hauling, upon any public road or  
25 highway open to the public, dirt, sand, lime rock, gravel,  
26 silica, or other similar aggregate or trash, garbage, or any  
27 similar material that could fall or blow from such vehicle, to  
28 prevent such materials from falling, blowing, or in any way  
29 escaping from such vehicle. Covering and securing the load  
30 with a close-fitting tarpaulin or other appropriate cover is  
31 required.

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

4 (4) The provisions of subsection (2) requiring  
5 covering and securing the load with a close-fitting tarpaulin  
6 or other appropriate cover does not apply to vehicles carrying  
7 agricultural products locally from a harvest site or to or  
8 from a farm on roads where the posted speed limit is 65 miles  
9 per hour or less and the distance driven on public roads is  
10 less than 20 miles.

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

13 370.31 Commercial production of sturgeon.--

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

18 (a) The head of the sturgeon research program or  
19 designee from the University of Florida, Institute of Food and  
20 Agricultural Sciences. Such member shall be appointed by the  
21 University of Florida's Vice President for Agricultural  
22 Affairs.

23 (b) One representative from the Department of  
24 Environmental Protection to be appointed by the Secretary of  
25 Environmental Protection.

26 (c) One representative from the Fish and Wildlife  
27 Conservation Commission to be appointed by the executive  
28 director of the Fish and Wildlife Conservation Commission.

29 (d) One representative from the Department of  
30 Agriculture and Consumer Services to be appointed by the  
31 Commissioner of Agriculture.

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

3           (f) One representative from a private nonprofit  
4 organization involved in sturgeon production work to be  
5 appointed by the Commissioner of Agriculture.

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

9           (a) The chair of the working group shall preside at  
10 all meetings and shall call a meeting as often as necessary to  
11 carry out the provisions of this section. ~~To call a meeting,~~  
12 ~~the chair shall solicit an agreement to meet from at least two~~  
13 ~~other working group members and then notify any remaining~~  
14 ~~members of the meeting.~~

15           (b) The Department of Agriculture and Consumer  
16 Services ~~secretary~~ shall keep a complete record of the  
17 proceedings of each meeting, which includes the names of the  
18 members present at each meeting and the actions taken. ~~Such~~  
19 ~~records shall be kept on file with the Department of~~  
20 ~~Environmental Protection with copies filed with the Department~~  
21 ~~of Fisheries and Aquatic Sciences at the University of~~  
22 ~~Florida.~~ The records shall be public records pursuant to  
23 chapter 119.

24           (c) A quorum shall consist of a majority of the group  
25 members. Members of the group shall not receive compensation,  
26 but shall be entitled to per diem and travel expenses,  
27 including attendance at meetings, as allowed public officers  
28 and employees pursuant to s. 112.061 ~~one representative from~~  
29 ~~the Department of Environmental Protection, one representative~~  
30 ~~from the Institute of Food and Agricultural Sciences, and at~~  
31 ~~least two other members.~~

1 Section 6. Section 388.261, Florida Statutes, is  
2 amended to read:

3 388.261 State aid to counties and districts for  
4 arthropod control; distribution priorities and limitations.--

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

21 (2) ~~In addition,~~Every county or district budgeting  
22 local funds to be used exclusively for the control of  
23 mosquitoes and other arthropods, under a plan submitted by the  
24 county or district and approved by the department, shall be  
25 eligible to receive state funds and supplies, services, and  
26 equipment on a dollar-for-dollar matching basis to ~~for control~~  
27 ~~measures up to but not exceeding 50 percent of the amount of~~  
28 ~~local funds budgeted for such control.~~ Should state funds  
29 appropriated by the Legislature be insufficient to grant each  
30 county or district state funds on a dollar-for-dollar matching  
31 basis to 50 percent ~~of the amount budgeted in local funds, the~~

1 department shall prorate said state funds based on the amount  
2 of matchable local funds budgeted for expenditure by each  
3 county or district.

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

10 (4) Up to 20 percent of the annual funds appropriated  
11 to local governments for arthropod control may be used for  
12 arthropod control research or demonstration projects as  
13 approved by the department.

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

17 (6) The Commissioner of Agriculture may exempt  
18 counties or districts from the requirements in subsection (1),  
19 subsection (2), or subsection (3) when the department  
20 determines state funds, supplies, services, or equipment are  
21 necessary for the immediate control of mosquitoes and other  
22 arthropods that pose a threat to human or animal health.

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

28 (8) The department is authorized to use up to 5  
29 percent of the funds appropriated annually by the Legislature  
30 for the purposes of this section to provide technical  
31 assistance to the counties and districts, or to purchase

1 equipment, supplies, or services the department determines are  
2 necessary to administer the provisions of this chapter.

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

5 388.281 Use of state matching funds.--

6 (2) All funds, supplies, and services released on the  
7 dollar-for-dollar ~~50-percent~~ matching basis shall be used  
8 exclusively for an integrated program that provides a  
9 combination of mosquito control, source reduction measures,  
10 public education, personnel training and certification,  
11 arthropod population surveillance, ~~research and demonstration~~  
12 ~~projects,~~ larvicides, adulticides, equipment, and public  
13 ~~epidemic~~ alerts as approved by the department. Source  
14 reduction measures may include measures to improve management  
15 and enhance the ecological integrity of source reduction  
16 areas. If source reduction measures require permits,  
17 approvals, or agreement by federal, state, regional, or local  
18 agencies, such permits, approvals, or agreement shall be  
19 obtained prior to commencement of the source reduction  
20 project. These measures include sanitary landfills, drainage,  
21 diking, filling of arthropod breeding areas, and the purchase,  
22 maintenance, and operation of all types of equipment including  
23 trucks, dredges, draglines, bulldozers, or any other type of  
24 machinery and materials utilized in ditching, ditch lining,  
25 ditch construction, diking, filling, hiring personnel, rental  
26 of equipment, and payment for contract work awarded to the  
27 lowest responsible bidder.

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

31

1           388.361 Department authority and rules;  
2 administration.--

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

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

22           Section 9. Section 388.45, Florida Statutes, is  
23 amended to read:

24           388.45 Threat to public or animal health; ~~emergency~~  
25 declarations.--

26           (1) The State Health Officer has the authority to  
27 declare that a threat to public health exists when the  
28 Department of Health discovers in the human or surrogate  
29 population the occurrence of an infectious disease that can be  
30 transmitted from mosquitoes or other arthropods to humans. The  
31 State Health Officer must immediately notify the Commissioner

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

1 in animals that can be transmitted by mosquitoes or other  
2 arthropods and is authorized to issue an animal health  
3 declaration in those counties needing additional veterinary  
4 care or mosquito or other arthropod control measures based on  
5 a threat to animal health. Each declaration must contain the  
6 geographical boundaries and the duration of the declaration.  
7 The Commissioner of Agriculture shall order such veterinary  
8 treatment or ameliorative mosquito or other arthropod control  
9 measures as are necessary to prevent the spread of disease,  
10 notwithstanding contrary provisions of this chapter or the  
11 rules adopted under this chapter. The Commissioner of  
12 Agriculture shall immediately notify the State Health Officer  
13 and the agency heads of the Department of Environmental  
14 Protection and the Fish and Wildlife Conservation Commission  
15 upon issuance of an animal health declaration.

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

18 403.067 Establishment and implementation of total  
19 maximum daily loads.--

20 (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

21 (a) The department shall not implement, without prior  
22 legislative approval, any additional regulatory authority  
23 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part  
24 130, if such implementation would result in water quality  
25 discharge regulation of activities not currently subject to  
26 regulation.

27 (b) Interim measures, best management practices, or  
28 other measures may be developed and voluntarily implemented  
29 pursuant to paragraph (7)(c) or paragraph (7)(d) for any water  
30 body or segment for which a total maximum daily load or  
31 allocation has not been established. The implementation of

1 such pollution control programs may be considered by the  
2 department in the determination made pursuant to subsection  
3 (4).

4 Section 11. Paragraph (e) of subsection (3) of section  
5 403.709, Florida Statutes, is amended to read:

6 403.709 Solid Waste Management Trust Fund; use of  
7 waste tire fee moneys; waste tire site management.--

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

10 (e) At least 10 percent of the revenues deposited in  
11 the fund annually from waste tire fees shall be allocated as  
12 additional grants to local mosquito control agencies in  
13 accordance with s. 388.261 for the specific purpose of abating  
14 and providing mosquito control relating to waste tire sites,  
15 other tire piles, and other sites identified by local mosquito  
16 control agencies as mosquito breeding areas. Only local  
17 mosquito control agencies approved by the Department of  
18 Agriculture and Consumer Services may receive funds pursuant  
19 to this paragraph. ~~Each county with an eligible local~~  
20 ~~mosquito control agency shall be allocated a minimum of~~  
21 ~~\$15,000 pursuant to this paragraph. Any remaining funds under~~  
22 ~~this paragraph shall be distributed to eligible local mosquito~~  
23 ~~control agencies on the basis of county population. If more~~  
24 ~~than one local mosquito control agency exists in a county, the~~  
25 ~~funds shall be prorated between the agencies based on the~~  
26 ~~population served by each agency.~~

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

29 482.2401 Disposition and use of revenues from fees and  
30 fines.--

31

1           (3) All revenues from administrative fines shall be  
2 used to support contract research or education in ~~all~~ pest  
3 control ~~categories~~. The department shall appoint a committee  
4 composed of pest control industry members which shall assist  
5 the department in establishing research or education  
6 priorities, in developing requests for proposals for bids, and  
7 in selecting research or education contractors from qualified  
8 bidders.

9           Section 13. Section 482.243, Florida Statutes, is  
10 created to read:

11           482.243 Pest Control Enforcement Advisory Council.--

12           (1) The Pest Control Enforcement Advisory Council is  
13 created within the department. The Commissioner of Agriculture  
14 shall appoint all members of the council. The purpose of the  
15 council is to advise the Commissioner of Agriculture regarding  
16 the regulation of pest control practices and to advise  
17 government agencies with respect to those activities related  
18 to their responsibilities regarding pest control. The council  
19 shall serve as the statewide forum for the coordination of  
20 pest control related activities to eliminate duplication of  
21 effort and maximize protection of the public.

22           (2) The council shall consist of 11 members as  
23 follows: a representative of the department; a citizen not  
24 involved in the conduct of pest control; a state university  
25 urban entomologist; and eight persons each holding a pest  
26 control operator's certificate issued under s. 482.111, of  
27 whom two shall be actively involved in termite control, two  
28 shall be actively involved in general household pest control,  
29 two shall be actively involved in structural fumigation, and  
30 two shall be actively involved in lawn and landscape pest  
31

1 control. Each member shall be appointed for a term of 4 years  
2 and shall serve until a successor is appointed.

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

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

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

21 (6) The meetings, powers and duties, procedures,  
22 recordkeeping, and reimbursement of expenses of members of the  
23 council shall be in accordance with the provisions of s.  
24 570.0705 relating to advisory committees established within  
25 the department.

26 (7) The council shall receive reports of pest control  
27 enforcement activity conducted by the Division of Agricultural  
28 Environmental Services, which shall include numbers of cases,  
29 numbers of administrative actions, numbers of complaints  
30 received and investigated, and dispositions of complaints;  
31 provide advice to the department on the conduct of pest

1 control enforcement activities; receive reports on  
2 disciplinary actions, provided that the names of individual  
3 licensees shall be expunged from cases discussed before the  
4 council, unless a consent order or final order has been issued  
5 in the case; and make recommendations, subject to a majority  
6 vote, directly to the Commissioner of Agriculture for actions  
7 to be taken with respect to the regulation of pest control  
8 services and practices that the council has reviewed.

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

11           487.041 Registration.--

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

22           Section 15. Subsection (8) of section 496.404, Florida  
23 Statutes, is amended to read:

24           496.404 Definitions.--As used in ss. 496.401-496.424:

25           (8) "Educational institutions" means those  
26 institutions and organizations described in s.  
27 212.08(7)(cc)8.a. The term includes private nonprofit  
28 organizations the purpose of which is to raise funds for  
29 schools teaching kindergarten through grade 12, colleges, and  
30 universities, including any nonprofit newspaper of free or  
31 paid circulation primarily on university or college campuses

1 that holds a current exemption from federal income tax under  
2 s. 501(c)(3) of the Internal Revenue Code, any educational  
3 television or radio network or system established pursuant to  
4 s. 229.805 or s. 229.8051, and any nonprofit television or  
5 radio station that is a part of such network or system and  
6 that holds a current exemption from federal income tax under  
7 s. 501(c)(3) of the Internal Revenue Code. The term also  
8 includes a nonprofit educational cable consortium that holds a  
9 current exemption from federal income tax under s. 501(c)(3)  
10 of the Internal Revenue Code, the primary purpose of which is  
11 the delivery of educational and instructional cable television  
12 programming and the members of which are composed exclusively  
13 of educational organizations that hold a valid consumer  
14 certificate of exemption and that are either an educational  
15 institution as defined in this subsection or qualified as a  
16 nonprofit organization pursuant to s. 501(c)(3) of the  
17 Internal Revenue Code.

18 Section 16. Subsection (6) is added to section  
19 500.121, Florida Statutes, to read:

20 500.121 Disciplinary procedures.--

21 (6) If the department determines that a food offered  
22 in a food establishment is labeled with nutrient claims that  
23 are in violation of this chapter, the department shall retest  
24 or reexamine the product within 90 days after notification to  
25 the manufacturer and to the firm at which the product was  
26 collected. If the product is again found in violation, the  
27 department shall test or examine the product for a third time  
28 within 60 days after the second notification. The product  
29 manufacturer shall reimburse the department for the cost of  
30 the third test or examination. If the product is found in  
31 violation for a third time, the department shall exercise its

1 authority under s. 500.172 and issue a stop-sale or stop-use  
2 order. The department may impose additional sanctions for  
3 violations of this subsection.

4 Section 17. Subsection (3) is added to section  
5 500.148, Florida Statutes, to read:

6 500.148 Reports and dissemination of information.--

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

16 Section 18. Subsection (8) is added to section  
17 501.160, Florida Statutes, to read:

18 501.160 Rental or sale of essential commodities during  
19 a declared state of emergency; prohibition against  
20 unconscionable prices.--

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

25 Section 19. Subsection (35) of section 570.07, Florida  
26 Statutes, is amended to read:

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

30 (35) Under emergency conditions, to authorize the  
31 purchase of supplemental nutritional food and drink items,

1 provide meals when personnel cannot leave an emergency  
2 incident location,and set temporary meal expenditure limits  
3 for employees engaged in physical activity for prolonged  
4 periods of time in excess of the rate established by s.  
5 112.061(6), but not to exceed \$50 per day.

6 Section 20. Subsection (9) is added to section 570.53,  
7 Florida Statutes, to read:

8 570.53 Division of Marketing and Development; powers  
9 and duties.--The powers and duties of the Division of  
10 Marketing and Development include, but are not limited to:

11 (9) Reviewing community budget requests to determine  
12 eligibility requirements in accordance with s. 216.052 and  
13 providing oversight of community budget appropriations made to  
14 the department. The division is authorized to assess and  
15 collect an amount necessary to fund the costs of these  
16 services from each appropriation not to exceed 2 percent of  
17 each appropriation. The total assessment from all community  
18 budget appropriations administered by the division shall be  
19 deposited in the General Inspection Trust Fund at the  
20 beginning of each fiscal year.

21 Section 21. Paragraph (b) of subsection (5) of section  
22 570.71, Florida Statutes, is amended to read:

23 570.71 Conservation easements and agreements.--

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

29 (b) As part of the agricultural protection agreement,  
30 the parties shall agree that the state shall have a right to  
31 buy a conservation easement or rural land protection easement

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

18 Section 22. Subsection (8) of section 573.124, Florida  
19 Statutes, is amended to read:

20 573.124 Penalties; violation; hearings.--

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

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

28 (b) Any person engaged in the handling of any  
29 agricultural commodity or in the wholesale or retail trade  
30 thereof to fail or refuse to furnish to the department or its  
31 duly authorized agents, upon request, information concerning

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

5 Section 23. Subsection (5) of section 585.002, Florida  
6 Statutes, is amended to read:

7 585.002 Department control; continuance of powers,  
8 duties, rules, orders, etc.--

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

20 Section 24. Subsection (5) is added to section 585.08,  
21 Florida Statutes, to read:

22 585.08 General powers of the department; rules.--The  
23 Division of Animal Industry is authorized to:

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

30 Section 25. Section 585.09, Florida Statutes, is  
31 amended to read:

1           585.09 Procedure for condemnation of animals and  
2 property by department.--Condemnation and destruction of  
3 animals, barns, yards, sheds, corrals, and pens, as provided  
4 in s. 585.08, shall take place only after a fair appraisal of  
5 the value of the property. The value shall be determined by  
6 the department and the owner; provided, however, should the  
7 department and the owner be unable to agree on a value, the  
8 value shall then be determined by three disinterested  
9 appraisers, one to be appointed by the department, one by the  
10 owner of the property, and the third to be selected by these  
11 two. The appraised price, ~~subject to the provisions of s.~~  
12 ~~585.10~~, shall be paid by the department as other expenses are  
13 paid. If the owner of such animal, barn, yard, shed, corral,  
14 or pen fails or refuses to name an appraiser within 5 days  
15 after requested by the department to do so, or refuses to  
16 permit the property to be condemned and destroyed, the  
17 department may make an order to the sheriff of the county  
18 wherein the property lies, directing her or him to destroy  
19 such animal, barn, yard, shed, corral, or pen, in the manner  
20 to be prescribed in the order. The order shall be immediately  
21 executed by the sheriff. Upon the destruction of the property  
22 by the sheriff, the department shall have the right to  
23 recover, from the owner of the property destroyed, all costs  
24 and expenses incurred by it in connection with the  
25 destruction.

26           Section 26. Section 585.10, Florida Statutes, is  
27 repealed.

28           Section 27. Subsection (2) of section 585.105, Florida  
29 Statutes, is amended to read:

30           585.105 Purchase, distribution, and administration of  
31 approved brucella vaccine.--

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

10           Section 28. Section 585.11, Florida Statutes, is  
11 amended to read:

12           585.11 Cooperation with United States authorities and  
13 United States Department of Agriculture accredited private  
14 veterinarians.--The department may cooperate with:

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

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

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

30           (2) The officials of the United States Department of  
31 Agriculture in the control or eradication of tuberculosis,

1 brucellosis, pseudorabies, and hog cholera and with the owners  
2 of animals, who accept indemnity for animals found to be  
3 diseased and slaughtered in accordance with the special Acts  
4 of Congress now in effect and appropriating funds for this  
5 purpose, or that may hereafter be available from such source.

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

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

17 Section 29. Subsection (1) of section 585.21, Florida  
18 Statutes, is amended to read:

19 585.21 Sale of biological products.--

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

26 Section 30. Subsection (3) of section 585.61, Florida  
27 Statutes, is amended to read:

28 585.61 Animal disease diagnostic laboratories.--

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

1 The department shall require any user of its services to pay a  
2 fee not to exceed ~~\$300~~<sup>\$15</sup> for any one of the services  
3 requested, ~~except that a fee for necropsy may be imposed in an~~  
4 ~~amount not to exceed \$70~~. All laboratory fees collected shall  
5 be deposited in the Animal Industry Diagnostic Laboratory  
6 Account within the General Inspection Trust Fund. The fees  
7 collected shall be used to improve the diagnostic laboratory  
8 services as provided for by the Legislature in the General  
9 Appropriations Act.

10 Section 31. Paragraphs (d), (f), and (g) of subsection  
11 (1) of section 590.02, Florida Statutes, are amended, and  
12 paragraph (h) is added to said subsection, to read:

13 590.02 Division powers, authority, and duties;  
14 liability; building structures; Florida Center for Wildfire  
15 and Forest Resources Management Training.--

16 (1) The division has the following powers, authority,  
17 and duties:

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

31

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

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

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

12 Section 32. Section 590.11, Florida Statutes, is  
13 amended to read:

14 590.11 Recreational fires.--

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

18 (2) Any person who violates a provision of this  
19 section commits a misdemeanor of the second degree, punishable  
20 as provided in s. 775.082 or s. 775.083.

21 Section 33. Paragraph (b) of subsection (3) and  
22 subsections (4) and (5) of section 590.125, Florida Statutes,  
23 are amended to read:

24 590.125 Open burning authorized by the division.--

25 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS  
26 AND PURPOSE.--

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

- 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

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

1           590.14 Notice of violation; penalties.--

2           (3) The department may also impose an administrative  
3 fine, not to exceed \$1,000 per violation of any section of  
4 chapter 589 or this chapter. The fine shall be based upon the  
5 degree of damage, and prior violation record of the person, or  
6 the person knowingly providing false information to obtain an  
7 authorization. The fines shall be deposited in the Incidental  
8 Trust Fund of the division.

9           Section 35. Subsection (4) is added to section  
10 597.020, Florida Statutes, to read:

11           597.020 Shellfish processors; regulation.--

12           (4) Any license or certification authorized and issued  
13 under this chapter shall automatically expire on June 30 of  
14 each year.

15           Section 36. Section 604.40, Florida Statutes, is  
16 created to read:

17           604.40 Farm equipment.--Notwithstanding any other law,  
18 ordinance, rule, or policy to the contrary, farm equipment may  
19 be stored, maintained, or repaired by the owner within the  
20 boundaries of the owner's farm without limitation.

21           Section 37. Section 604.50, Florida Statutes, is  
22 amended to read:

23           604.50 Nonresidential farm buildings.--Notwithstanding  
24 any other law to the contrary, any nonresidential farm  
25 building located on a farm is exempt from the Florida Building  
26 Code and any county or municipal building code. For purposes  
27 of this section "nonresidential farm building" means any  
28 building or support structure used by ~~located on~~ a farm  
29 operation that is not used as a residential dwelling and is  
30 located on land classified as agricultural land pursuant to s.  
31 193.461. Farm is as defined in s. 823.14.

1           Section 38. Paragraph (a) of subsection (7) and  
2 paragraph (a) of subsection (14) of section 616.242, Florida  
3 Statutes, are amended to read:

4           616.242 Safety standards for amusement rides.--

5           (7) DEPARTMENT INSPECTIONS.--

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

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

18           2. A simulator, the capacity of which does not exceed  
19 16 persons; ~~or~~

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

30           (14) REPORTING AND INVESTIGATION OF ACCIDENTS AND  
31 DEFECTS; IMPOUNDMENTS.--

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

9           Section 39. (1) The building known as the USDA  
10 Service Center Building, located at 1700 Highway 17-98 South,  
11 Bartow, Florida, is hereby designated as the John W. Hunt  
12 Building.

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

16           Section 40. This act shall take effect July 1, 2002.  
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