

1 A bill to be entitled
2 An act relating to agriculture and consumer
3 services; amending s. 163.01, F.S.; revising
4 language with respect to the Florida Interlocal
5 Cooperation Act of 1969; creating s. 288.1175,
6 F.S.; providing that the Department of
7 Agriculture and Consumer Services shall be the
8 state agency for screening applicants for state
9 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. 496.404, F.S.; redefining the term
4 "educational institutions" for purposes of the
5 Solicitation of Contributions Act; amending s.
6 500.121, F.S.; providing sanctions for nutrient
7 labeling violations; amending s. 501.160, F.S.;
8 providing for enforcement for violation of
9 provisions relating to rental or sale of
10 essential commodities during a declared state
11 of emergency; amending s. 570.07, F.S.;
12 authorizing the department to provide meals
13 when personnel cannot leave emergency incident
14 locations; amending s. 570.073, F.S.; revising
15 the powers and duties of the Office of
16 Agricultural Law Enforcement; amending s.
17 316.640, F.S.; revising the duties of the
18 Office of Agricultural Law Enforcement;
19 amending s. 570.71, F.S.; revising provisions
20 relating to conservation easements and rural
21 land protection easements; amending s. 573.124,
22 F.S.; increasing penalties for furnishing false
23 information, or refusing to furnish
24 information, relating to the marketing of
25 agricultural commodities; amending s. 581.091,
26 F.S.; requiring water management districts and
27 local governments to refer to the department's
28 current list of noxious weeds and invasive
29 plants when developing their own lists;
30 amending s. 585.08, F.S.; authorizing the
31 Division of Animal Industry, under certain

1 circumstances, to condemn and destroy an animal
2 that is liable to spread contagious,
3 infectious, or communicable disease; amending
4 s. 585.09, F.S.; correcting a cross reference;
5 repealing s. 585.10, F.S., relating to
6 limitations on payments to owners of condemned
7 and destroyed animals; amending s. 585.11,
8 F.S.; authorizing the department to cooperate
9 with United States Department of Agriculture
10 accredited private veterinarians; amending s.
11 585.21, F.S.; requiring written permission of
12 the department prior to sale in the state of
13 certain biological products; amending s.
14 585.61, F.S.; increasing fees for use of animal
15 disease diagnostic laboratories; amending s.
16 590.02, F.S., relating to duties of the
17 Division of Forestry of the Department of
18 Agriculture and Consumer Services; providing
19 that certain managerial positions are included
20 in the Selected Exempt Service; requiring
21 compliance with the applicable state Wildfire
22 Aviation Plan; designating the Cross City work
23 Center as the L. Earl Peterson Forestry
24 Station; amending s. 590.11, F.S., relating to
25 recreational fires; providing a penalty for
26 violation; amending s. 590.125, F.S.; revising
27 requirements for certified prescribed burns;
28 renaming procedures for protecting wild lands
29 from wildfires; amending s. 590.14, F.S.;
30 revising criteria for determining
31 administrative fines for violation of

1 provisions relating to forestry; amending s.
2 597.020, F.S.; requiring aquaculture licenses
3 and certifications to expire annually; creating
4 s. 604.40, F.S.; providing regulations
5 regarding equipment used on a farm; amending s.
6 604.50; F.S.; clarifying the definition of a
7 nonresidential farm building; amending s.
8 616.242, F.S.; providing that certain kiddie
9 rides shall be exempt from the requirement for
10 receipt of an inspection certificate each time
11 the ride is set up; revising accident reporting
12 requirements; designating the USDA Service
13 Center Building in Bartow, Florida, as the John
14 W. Hunt Building; providing an effective date.
15

16 Be It Enacted by the Legislature of the State of Florida:
17

18 Section 1. Paragraph (g) of subsection (7) of section
19 163.01, Florida Statutes, is amended to read:

20 163.01 Florida Interlocal Cooperation Act of 1969.--
21 (7)

22 (g)1. Notwithstanding any other provisions of this
23 section, any separate legal entity created under this section,
24 the membership of which is limited to municipalities and
25 counties of the state, may acquire, own, construct, improve,
26 operate, and manage public facilities, or finance facilities
27 on behalf of any person, relating to a governmental function
28 or purpose, including, but not limited to, wastewater
29 facilities, water or alternative water supply facilities, and
30 water reuse facilities, which may serve populations within or
31 outside of the members of the entity. Notwithstanding s.

1 367.171(7), any separate legal entity created under this
2 paragraph is not subject to commission jurisdiction and may
3 not provide utility services within the service area of an
4 existing utility system unless it has received the consent of
5 the utility. The entity may finance or refinance the
6 acquisition, construction, expansion, and improvement of such
7 facilities relating to a governmental function or purpose ~~the~~
8 ~~public facility~~ through the issuance of its bonds, notes, or
9 other obligations under this section or as otherwise
10 authorized by law. The entity has all the powers provided by
11 the interlocal agreement under which it is created or which
12 are necessary to finance, own, operate, or manage the public
13 facility, including, without limitation, the power to
14 establish rates, charges, and fees for products or services
15 provided by it, the power to levy special assessments, the
16 power to sell or finance all or a portion of such its
17 facility, and the power to contract with a public or private
18 entity to manage and operate such its facilities or to provide
19 or receive facilities, services, or products. Except as may be
20 limited by the interlocal agreement under which the entity is
21 created, all of the privileges, benefits, powers, and terms of
22 s. 125.01, relating to counties, and s. 166.021, relating to
23 municipalities, are fully applicable to the entity. However,
24 neither the entity nor any of its members on behalf of the
25 entity may exercise the power of eminent domain over the
26 facilities or property of any existing water or wastewater
27 plant utility system, nor may the entity acquire title to any
28 water or wastewater plant utility facilities, other
29 facilities, or property which was acquired by the use of
30 eminent domain after the effective date of this act. Bonds,
31 notes, and other obligations issued by the entity are issued

1 on behalf of the public agencies that are members of the
2 entity.

3 2. Any entity created under this section may also
4 issue bond anticipation notes in connection with the
5 authorization, issuance, and sale of bonds. The bonds may be
6 issued as serial bonds or as term bonds or both. Any entity
7 may issue capital appreciation bonds or variable rate bonds.
8 Any bonds, notes, or other obligations must be authorized by
9 resolution of the governing body of the entity and bear the
10 date or dates; mature at the time or times, not exceeding 40
11 years from their respective dates; bear interest at the rate
12 or rates; be payable at the time or times; be in the
13 denomination; be in the form; carry the registration
14 privileges; be executed in the manner; be payable from the
15 sources and in the medium or payment and at the place; and be
16 subject to the terms of redemption, including redemption prior
17 to maturity, as the resolution may provide. If any officer
18 whose signature, or a facsimile of whose signature, appears on
19 any bonds, notes, or other obligations ceases to be an officer
20 before the delivery of the bonds, notes, or other obligations,
21 the signature or facsimile is valid and sufficient for all
22 purposes as if he or she had remained in office until the
23 delivery. The bonds, notes, or other obligations may be sold
24 at public or private sale for such price as the governing body
25 of the entity shall determine. Pending preparation of the
26 definitive bonds, the entity may issue interim certificates,
27 which shall be exchanged for the definitive bonds. The bonds
28 may be secured by a form of credit enhancement, if any, as the
29 entity deems appropriate. The bonds may be secured by an
30 indenture of trust or trust agreement. In addition, the
31 governing body of the legal entity may delegate, to an

1 officer, official, or agent of the legal entity as the
2 governing body of the legal entity may select, the power to
3 determine the time; manner of sale, public or private;
4 maturities; rate of interest, which may be fixed or may vary
5 at the time and in accordance with a specified formula or
6 method of determination; and other terms and conditions as may
7 be deemed appropriate by the officer, official, or agent so
8 designated by the governing body of the legal entity. However,
9 the amount and maturity of the bonds, notes, or other
10 obligations and the interest rate of the bonds, notes, or
11 other obligations must be within the limits prescribed by the
12 governing body of the legal entity and its resolution
13 delegating to an officer, official, or agent the power to
14 authorize the issuance and sale of the bonds, notes, or other
15 obligations.

16 3. Bonds, notes, or other obligations issued under
17 subparagraph 1. may be validated as provided in chapter 75.
18 The complaint in any action to validate the bonds, notes, or
19 other obligations must be filed only in the Circuit Court for
20 Leon County. The notice required to be published by s. 75.06
21 must be published in Leon County and in each county that is a
22 member of the entity issuing the bonds, notes, or other
23 obligations, or in which a member of the entity is located,
24 and the complaint and order of the circuit court must be
25 served only on the State Attorney of the Second Judicial
26 Circuit and on the state attorney of each circuit in each
27 county that is a member of the entity issuing the bonds,
28 notes, or other obligations or in which a member of the entity
29 is located. Section 75.04(2) does not apply to a complaint for
30 validation brought by the legal entity. The bonds of an entity
31 created pursuant to this section subsequent to the effective

1 date of this provision shall also be validated, as provided in
2 chapter 75, in the circuit court in each county in which a
3 facility financed by such bonds may be located.

4 4. The accomplishment of the authorized purposes of a
5 legal entity created under this paragraph is in all respects
6 for the benefit of the people of the state, for the increase
7 of their commerce and prosperity, and for the improvement of
8 their health and living conditions. Since the legal entity
9 will perform essential governmental functions in accomplishing
10 its purposes, the legal entity is not required to pay any
11 taxes or assessments of any kind whatsoever upon any property
12 acquired or used by it for such purposes or upon any revenues
13 at any time received by it. The bonds, notes, and other
14 obligations of an entity, their transfer and the income
15 therefrom, including any profits made on the sale thereof, are
16 at all times free from taxation of any kind by the state or by
17 any political subdivision or other agency or instrumentality
18 thereof. The exemption granted in this subparagraph is not
19 applicable to any tax imposed by chapter 220 on interest,
20 income, or profits on debt obligations owned by corporations.

21 Section 2. Section 288.1175, Florida Statutes, is
22 created to read:

23 288.1175 Agriculture education and promotion
24 facility.--

25 (1) The Department of Agriculture and Consumer
26 Services shall serve as the state agency for screening
27 applicants for state funding pursuant to this section and for
28 certifying an applicant as a qualified agriculture education
29 and promotion facility as defined in subsection (3).

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

4 (3) As used in this section, the term "agriculture
5 education and promotion facility" means an exhibition hall,
6 arena, civic center, exposition center, or other capital
7 project or facility that can be used for exhibitions,
8 demonstrations, trade shows, classrooms, civic events, and
9 other purposes that promote agriculture, horticulture,
10 livestock, equestrian, and other resources of the state and
11 educate the residents as to these resources.

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

15 (a) The applicant is a unit of local government as
16 defined in s. 218.369, or a fair association as defined in s.
17 616.001(9), that is responsible for the planning, design,
18 permitting, construction, renovation, management, and
19 operation of the agriculture education and promotion facility
20 or holds title to the property on which such facility is to be
21 developed and located.

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

26 (c) The municipality in which the facility is located,
27 or the county if the facility is located in an unincorporated
28 area, has certified by resolution after a public hearing that
29 the proposed agriculture education and promotion facility
30 serves a public purpose.

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1 (d) The applicant has demonstrated that it has
2 provided, is capable of providing, or has financial or other
3 commitments to provide more than 40 percent of the costs
4 incurred or related to the planning, design, permitting,
5 construction, or renovation of the facility. The applicant may
6 include the value of the land and any improvements thereon in
7 determining its contribution to the development of the
8 facility.

9 (5) The department shall competitively evaluate
10 applications for funding of an agriculture education and
11 promotion facility. If the number of applicants exceeds three,
12 the department shall rank the applications based upon criteria
13 developed by the department, with priority given in descending
14 order to the following items:

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

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

19 (c) The location of the facility in a brownfield site
20 as defined in s. 376.79(3), a rural enterprise zone as defined
21 in s. 290.004(8), an agriculturally depressed area as defined
22 in s. 570.242(1), a redevelopment area established pursuant to
23 s. 373.461(5)(g), or a county that has lost agricultural land
24 to environmental restoration projects.

25 (d) The net increase, as a result of the facility, of
26 total available exhibition, arena, or civic center space
27 within the jurisdictional limits of the local government in
28 which the facility is to be located, with priority given to
29 the largest percentage increase of total exhibition, arena, or
30 civic center space.

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1 (e) The historic record of the applicant in promoting
2 agriculture and educating the public about agriculture,
3 including, without limitation, awards, premiums, scholarships,
4 auctions, and other such activities.

5 (f) The highest projection on paid attendance
6 attracted by the agriculture education and promotion facility
7 and the proposed economic impact on the local community.

8 (g) The location of the facility with respect to an
9 Institute of Food and Agricultural Sciences (IFAS) facility,
10 with priority given to facilities closer in proximity to an
11 IFAS facility.

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

15 (7) An applicant may use funds provided pursuant to
16 this section only for the public purpose of paying for the
17 planning, design, permitting, construction, or renovation of
18 an agriculture education and promotion facility or to pay or
19 pledge for the payment of debt service on, or to fund debt
20 service reserve funds, arbitrage rebate obligations, or other
21 amounts payable with respect to, bonds issued for the
22 planning, design, permitting, construction, or renovation of
23 such facility or for the reimbursement of such costs or the
24 refinancing of bonds issued for such purposes.

25 (8) Applications must be submitted by October 1 of
26 each year. The department may not recommend funding for less
27 than the requested amount to any applicant certified as an
28 agriculture education and promotion facility; however, funding
29 of certified applicants shall be subject to the amount
30 provided by the Legislature in the General Appropriations Act
31 for this program.

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

3 316.515 Maximum width, height, length.--

4 (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,
5 SAFETY REQUIREMENTS.--Notwithstanding any other provisions of
6 law, straight trucks and cotton module movers, not exceeding
7 50 feet in length, or any combination of up to and including
8 three implements of husbandry including the towing power unit,
9 and any single agricultural trailer, with a load thereon not
10 exceeding 130 inches in width, is authorized for the purpose
11 of transporting peanuts, grains, soybeans, cotton, hay, straw,
12 or other perishable farm products from their point of
13 production to the first point of change of custody or of
14 long-term storage, and for the purpose of returning to such
15 point of production, by a person engaged in the production of
16 any such product or custom hauler, if such vehicle or
17 combination of vehicles otherwise complies with this section.
18 Such vehicles shall be operated in accordance with all safety
19 requirements prescribed by law and Department of
20 Transportation rules. The Department of Transportation may
21 issue overlength permits for cotton module movers greater than
22 50 feet but not more than 55 feet in overall length.

23 Section 4. Section 316.520, Florida Statutes, is
24 amended to read:

25 316.520 Loads on vehicles.--

26 (1) A vehicle may not be driven or moved on any
27 highway unless the vehicle is so constructed or loaded as to
28 prevent any of its load from dropping, shifting, leaking,
29 blowing, or otherwise escaping therefrom, except that sand may
30 be dropped only for the purpose of securing traction or water

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1 or other substance may be sprinkled on a roadway in cleaning
2 or maintaining the roadway.

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

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

15 (4) The provisions of subsection (2) requiring
16 covering and securing the load with a close-fitting tarpaulin
17 or other appropriate cover does not apply to vehicles carrying
18 agricultural products locally from a harvest site or to or
19 from a farm on roads where the posted speed limit is 65 miles
20 per hour or less and the distance driven on public roads is
21 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 to be
16 appointed by the Commissioner of Agriculture.

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

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

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

1 ~~of Fisheries and Aquatic Sciences at the University of~~
2 ~~Florida.~~ The records shall be public records pursuant to
3 chapter 119.

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

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

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

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

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 for the purposes of this section to provide technical
11 assistance to the counties and districts, or to purchase
12 equipment, supplies, or services the department determines are
13 necessary to administer the provisions of this 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 (8) of section 496.404, Florida
19 Statutes, is amended to read:

20 496.404 Definitions.--As used in ss. 496.401-496.424:

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

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

14 Section 15. Subsection (6) is added to section
15 500.121, Florida Statutes, to read:

16 500.121 Disciplinary procedures.--

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

31

1 Section 16. Subsection (8) is added to section
2 501.160, Florida Statutes, to read:

3 501.160 Rental or sale of essential commodities during
4 a declared state of emergency; prohibition against
5 unconscionable prices.--

6 (8) Any violation of this section may be enforced by
7 the Department of Agriculture and Consumer Services, the
8 Office of the State Attorney, or the Department of Legal
9 Affairs.

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

12 570.07 Department of Agriculture and Consumer
13 Services; functions, powers, and duties.--The department shall
14 have and exercise the following functions, powers, and duties:

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

22 Section 18. Section 570.073, Florida Statutes, is
23 amended to read:

24 570.073 Department of Agriculture and Consumer
25 Services, law enforcement officers.--

26 (1) The commissioner may create an Office of
27 Agricultural Law Enforcement under the supervision of a senior
28 manager exempt under s. 110.205 in the Senior Management
29 Service. The commissioner may designate law enforcement
30 officers, as necessary, to enforce any criminal law or conduct
31 any criminal investigation or to enforce the provisions of any

1 ~~statute or any other laws of this state relating to any matter~~
2 ~~over which the department has jurisdiction or which occurs on~~
3 ~~property owned, managed, or occupied by the department.~~

4 Officers appointed under this section have the primary
5 responsibility for enforcing laws relating to agriculture and
6 consumer services as outlined below and violations of law that
7 threaten the overall security and safety of this state's
8 agriculture and consumer services. ~~Those matters include~~ The
9 primary responsibilities include the enforcement of laws
10 relating to:

11 (a) Domesticated animals, including livestock,
12 poultry, aquaculture products, and other wild or domesticated
13 animals or animal products.

14 (b) Farms, farm equipment, livery tack, citrus or
15 citrus products, or horticultural products.

16 (c) Trespass, littering, forests, forest fires, and
17 open burning.

18 (d) Damage to or theft of forest products.

19 (e) Enforcement of a marketing order.

20 (f) Protection of consumers.

21 (g) Civil traffic offenses as outlined under Florida
22 law provided for in chapters 316, 320, and 322, subject to the
23 provisions of chapter 318, relating to any matter over which
24 the department has jurisdiction or committed on property
25 owned, managed, or occupied by the department.

26 (h) The use of alcohol or drugs which occurs on
27 property owned, managed, or occupied by the department.

28 (i) Any emergency situation in which the life, limb,
29 or property of any person is placed in immediate and serious
30 danger.

31

1 (j) Any crime incidental to or related to paragraphs
2 (a)-(i).

3 (k) Any law over which the Commissioner of Agriculture
4 has responsibility.

5 (2) Each law enforcement officer shall meet the
6 qualifications of law enforcement officers under s. 943.13 and
7 shall be certified as a law enforcement officer by the
8 Department of Law Enforcement under the provisions of chapter
9 943. Upon certification, each law enforcement officer is
10 subject to and shall have the same arrest and other authority
11 provided for law enforcement officers generally in chapter 901
12 and shall have statewide jurisdiction as provided in
13 ~~subsection (1)~~. Each officer shall also have arrest authority
14 as provided for state law enforcement officers in s.
15 ~~901.15(11)~~. Such officers have full law enforcement powers
16 granted to other peace officers of this state, including the
17 power to make arrests, carry firearms, serve court process,
18 and seize contraband and the proceeds of illegal activities.

19 (3) The Commissioner may also appoint part-time,
20 reserve or auxiliary law enforcement officers under chapter
21 943.

22 ~~(4)(3)~~ All department law enforcement officers, upon
23 certification under s. 943.1395, shall have the same right and
24 authority to carry arms as do the sheriffs of this state.

25 ~~(5)(4)~~ Each law enforcement officer in the state who
26 is certified pursuant to chapter 943 has the same authority as
27 law enforcement officers designated in this section to enforce
28 the laws of this state as described in subsection (1).

29 Section 19. Subsection (1) of section 316.640, Florida
30 Statutes, is amended to read:

31

1 316.640 Enforcement.--The enforcement of the traffic
2 laws of this state is vested as follows:

3 (1) STATE.--

4 (a)1.

5 a. The Division of Florida Highway Patrol of the
6 Department of Highway Safety and Motor Vehicles, the Division
7 of Law Enforcement of the Fish and Wildlife Conservation
8 Commission, the Division of Law Enforcement of the Department
9 of Environmental Protection, and law enforcement officers of
10 the Department of Transportation each have authority to
11 enforce all of the traffic laws of this state on all the
12 streets and highways thereof and elsewhere throughout the
13 state wherever the public has a right to travel by motor
14 vehicle. The Division of the Florida Highway Patrol may employ
15 as a traffic accident investigation officer any individual who
16 successfully completes at least 200 hours of instruction in
17 traffic accident investigation and court presentation through
18 the Selective Traffic Enforcement Program as approved by the
19 Criminal Justice Standards and Training Commission and funded
20 through the National Highway Traffic Safety Administration or
21 a similar program approved by the commission, but who does not
22 necessarily meet the uniform minimum standards established by
23 the commission for law enforcement officers or auxiliary law
24 enforcement officers under chapter 943. Any such traffic
25 accident investigation officer who makes an investigation at
26 the scene of a traffic accident may issue traffic citations,
27 based upon personal investigation, when he or she has
28 reasonable and probable grounds to believe that a person who
29 was involved in the accident committed an offense under this
30 chapter, chapter 319, chapter 320, or chapter 322 in
31 connection with the accident. This paragraph does not permit

1 the carrying of firearms or other weapons, nor do such
2 officers have arrest authority other than for the issuance of
3 a traffic citation as authorized in this paragraph.

4 b. University police officers shall have authority to
5 enforce all of the traffic laws of this state when such
6 violations occur on or about any property or facilities that
7 are under the guidance, supervision, regulation, or control of
8 the State University System, except that traffic laws may be
9 enforced off-campus when hot pursuit originates on-campus.

10 c. Community college police officers shall have the
11 authority to enforce all the traffic laws of this state only
12 when such violations occur on any property or facilities that
13 are under the guidance, supervision, regulation, or control of
14 the community college system.

15 d. Police officers employed by an airport authority
16 shall have the authority to enforce all of the traffic laws of
17 this state only when such violations occur on any property or
18 facilities that are owned or operated by an airport authority.

19 (I) An airport authority may employ as a parking
20 enforcement specialist any individual who successfully
21 completes a training program established and approved by the
22 Criminal Justice Standards and Training Commission for parking
23 enforcement specialists but who does not otherwise meet the
24 uniform minimum standards established by the commission for
25 law enforcement officers or auxiliary or part-time officers
26 under s. 943.12. Nothing in this sub-sub-subparagraph shall be
27 construed to permit the carrying of firearms or other weapons,
28 nor shall such parking enforcement specialist have arrest
29 authority.

30 (II) A parking enforcement specialist employed by an
31 airport authority is authorized to enforce all state, county,

1 and municipal laws and ordinances governing parking only when
2 such violations are on property or facilities owned or
3 operated by the airport authority employing the specialist, by
4 appropriate state, county, or municipal traffic citation.

5 e. The Office of Agricultural Law Enforcement of the
6 Department of Agriculture and Consumer Services shall have the
7 authority to enforce traffic laws of this state ~~only as~~
8 ~~authorized by the provisions of chapter 570. However, nothing~~
9 ~~in this section shall expand the authority of the Office of~~
10 ~~Agricultural Law Enforcement at its agricultural inspection~~
11 ~~stations to issue any traffic tickets except those traffic~~
12 ~~tickets for vehicles illegally passing the inspection station.~~

13 f. School safety officers shall have the authority to
14 enforce all of the traffic laws of this state when such
15 violations occur on or about any property or facilities which
16 are under the guidance, supervision, regulation, or control of
17 the district school board.

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

22 3. Any disciplinary action taken or performance
23 evaluation conducted by an agency of the state as described in
24 subparagraph 1. of a law enforcement officer's traffic
25 enforcement activity must be in accordance with written
26 work-performance standards. Such standards must be approved by
27 the agency and any collective bargaining unit representing
28 such law enforcement officer. A violation of this subparagraph
29 is not subject to the penalties provided in chapter 318.

30
31

1 (b)1. The Department of Transportation has authority
2 to enforce on all the streets and highways of this state all
3 laws applicable within its authority.

4 2.a. The Department of Transportation shall develop
5 training and qualifications standards for toll enforcement
6 officers whose sole authority is to enforce the payment of
7 tolls pursuant to s. 316.1001. Nothing in this subparagraph
8 shall be construed to permit the carrying of firearms or other
9 weapons, nor shall a toll enforcement officer have arrest
10 authority.

11 b. For the purpose of enforcing s. 316.1001,
12 governmental entities, as defined in s. 334.03, which own or
13 operate a toll facility may employ independent contractors or
14 designate employees as toll enforcement officers; however, any
15 such toll enforcement officer must successfully meet the
16 training and qualifications standards for toll enforcement
17 officers established by the Department of Transportation.

18 Section 20. Paragraph (b) of subsection (5) of section
19 570.71, Florida Statutes, is amended to read:

20 570.71 Conservation easements and agreements.--

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

26 (b) As part of the agricultural protection agreement,
27 the parties shall agree that the state shall have a right to
28 buy a conservation easement or rural land protection easement
29 at the end of the 30-year term ~~or prior to the landowner~~
30 ~~transferring or selling the property, whichever occurs later.~~
31 If the landowner tenders the easement for the purchase and the

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

15 Section 21. Subsection (8) of section 573.124, Florida
16 Statutes, is amended to read:

17 573.124 Penalties; violation; hearings.--

18 (8) It shall be a felony of the third degree
19 ~~misdemeanor of the second degree~~, punishable as provided in s.
20 775.082 or s. 775.083, for:

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

25 (b) Any person engaged in the handling of any
26 agricultural commodity or in the wholesale or retail trade
27 thereof to fail or refuse to furnish to the department or its
28 duly authorized agents, upon request, information concerning
29 the name and address of the persons from whom he or she has
30 received any agricultural commodity regulated by a marketing
31

1 order issued and in effect hereunder, and the quantity of the
2 commodity so received.

3 Section 22. Section 581.091, Florida Statutes, is
4 amended to read:

5 581.091 Noxious weeds and infected plants or regulated
6 articles; sale or distribution; receipt; information to
7 department; withholding information.--

8 (1) It is unlawful for any person to knowingly sell,
9 offer for sale, or distribute any noxious weed, or any plant
10 or plant product or regulated article infested or infected
11 with any plant pest declared, by rule of the department, to be
12 a public nuisance or a threat to the state's agricultural and
13 horticultural interests.

14 (2) Any person who knows or reasonably should know
15 that such person possesses or has knowingly received any
16 noxious weed or any plant, plant product, or regulated article
17 sold, given away, carried, shipped, or delivered for carriage
18 or shipment in violation of the provisions of this chapter or
19 the rules adopted thereunder shall immediately inform the
20 department and isolate and hold the weed, plant, plant
21 product, or other thing unopened or unused subject to
22 inspection or other disposition as may be provided by the
23 department.

24 (3) It is unlawful for any person to fail to disclose
25 or withhold available information regarding any infected or
26 infested plant, plant product, regulated article, or noxious
27 weed.

28 (4) A water management district when identifying by
29 rule pursuant to s. 373.185, or a local government when
30 identifying by ordinance a list of noxious weeds, invasive
31 plants, or plants deemed to be a public nuisance or threat,

1 shall utilize the list developed under this chapter or rules
2 adopted thereunder and shall include the list provided for in
3 s. 369.251.

4 Section 23. Subsection (5) is added to section 585.08,
5 Florida Statutes, to read:

6 585.08 General powers of the department; rules.--The
7 Division of Animal Industry is authorized to:

8 (5) Condemn and destroy any animal that is liable to
9 spread any contagious, infectious, or communicable disease
10 based upon sound epidemiological facts and conclusions to
11 prevent the further spread of disease when a state or
12 agricultural declaration of emergency has been declared by the
13 Governor or the Commissioner of Agriculture.

14 Section 24. Section 585.09, Florida Statutes, is
15 amended to read:

16 585.09 Procedure for condemnation of animals and
17 property by department.--Condemnation and destruction of
18 animals, barns, yards, sheds, corrals, and pens, as provided
19 in s. 585.08, shall take place only after a fair appraisal of
20 the value of the property. The value shall be determined by
21 the department and the owner; provided, however, should the
22 department and the owner be unable to agree on a value, the
23 value shall then be determined by three disinterested
24 appraisers, one to be appointed by the department, one by the
25 owner of the property, and the third to be selected by these
26 two. The appraised price, ~~subject to the provisions of s.~~
27 ~~585.10,~~ shall be paid by the department as other expenses are
28 paid. If the owner of such animal, barn, yard, shed, corral,
29 or pen fails or refuses to name an appraiser within 5 days
30 after requested by the department to do so, or refuses to
31 permit the property to be condemned and destroyed, the

1 department may make an order to the sheriff of the county
2 wherein the property lies, directing her or him to destroy
3 such animal, barn, yard, shed, corral, or pen, in the manner
4 to be prescribed in the order. The order shall be immediately
5 executed by the sheriff. Upon the destruction of the property
6 by the sheriff, the department shall have the right to
7 recover, from the owner of the property destroyed, all costs
8 and expenses incurred by it in connection with the
9 destruction.

10 Section 25. Section 585.10, Florida Statutes, is
11 repealed.

12 Section 26. 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 27. 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 28. 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 29. Subsections (1) and (5) of section 590.02,
14 Florida Statutes, are amended to read:

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

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

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

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 (5)(a) The division shall organize its operational
15 units to most effectively prevent, detect, and suppress
16 wildfires, and to that end, may employ the necessary personnel
17 to manage its activities in each unit. The division may
18 construct lookout towers, roads, bridges, firelines, and other
19 facilities and may purchase or fabricate tools, supplies, and
20 equipment for firefighting. The division may reimburse the
21 public and private entities that it engages to assist in the
22 suppression of wildfires for their personnel and equipment,
23 including aircraft.

24 (b) The Cross City Work center shall be named the L.
25 Earl Peterson Forestry Station. This is to honor Mr. L. Earl
26 Peterson, Florida's sixth state forester, a native of Dixie
27 County whose distinguished career in state government has
28 spanned 44 years.

29 Section 30. Section 590.11, Florida Statutes, is
30 amended to read:

31 590.11 Recreational fires.--

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

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

7 Section 31. Paragraph (b) of subsection (3) and
8 subsections (4) and (5) of section 590.125, Florida Statutes,
9 are amended to read:

10 590.125 Open burning authorized by the division.--

11 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS
12 AND PURPOSE.--

13 (b) Certified prescribed burning pertains only to
14 broadcast burning. It must be conducted in accordance with
15 this subsection and:

16 1. May ~~only~~ be accomplished only when a certified
17 prescribed burn manager is present on site with a copy of the
18 prescription from ignition of the burn to its completion.

19 2. Requires that a written prescription be prepared
20 before receiving authorization to burn from the division.

21 3. Requires that the specific consent of the landowner
22 or his or her designee be obtained before requesting an
23 authorization.

24 4. Requires that an authorization to burn be obtained
25 from the division before igniting the burn.

26 5. Requires that there be adequate firebreaks at the
27 burn site and sufficient personnel and firefighting equipment
28 for the control of the fire.

29 6. Is considered to be in the public interest and does
30 not constitute a public or private nuisance when conducted
31 under applicable state air pollution statutes and rules.

1 7. Is considered to be a property right of the
2 property owner if vegetative fuels are burned as required in
3 this subsection.

4 (4) WILDFIRE HAZARD REDUCTION TREATMENT ~~BURNING~~ BY THE
5 DIVISION.--The division may conduct fuel reduction
6 initiatives, including, but not limited to, burning and
7 mechanical and chemical treatment, on ~~prescribe burn~~ any area
8 of wild land within the state which is reasonably determined
9 to be in danger of wildfire in accordance with the following
10 procedures:

11 (a) Describe the areas that will receive fuels
12 treatment ~~be prescribe burned~~ to the affected local
13 governmental entity.

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

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

27 (d) Consider any landowner objections to the fuels
28 treatment ~~prescribed burning~~ of his or her property. The
29 landowner may apply to the director of the division for a
30 review of alternative methods of fuel reduction on the
31 property. If the director or his or her designee does not

1 resolve the landowner objection, the director shall convene a
2 panel made up of the local forestry unit manager, the fire
3 chief of the jurisdiction, and the affected county or city
4 manager, or any of their designees. If the panel's
5 recommendation is not acceptable to the landowner, the
6 landowner may request further consideration by the
7 Commissioner of Agriculture or his or her designee and shall
8 thereafter be entitled to an administrative hearing pursuant
9 to the provisions of chapter 120.

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

14 Section 32. Subsection (3) of section 590.14, Florida
15 Statutes, is amended to read:

16 590.14 Notice of violation; penalties.--

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

24 Section 33. Subsection (4) is added to section
25 597.020, Florida Statutes, to read:

26 597.020 Shellfish processors; regulation.--

27 (4) Any license or certification authorized and issued
28 under this chapter shall automatically expire on June 30 of
29 each year.

30 Section 34. Section 604.40, Florida Statutes, is
31 created to read:

1 604.40 Farm equipment.--Notwithstanding any other law,
2 ordinance, rule or policy to the contrary, all power-drawn,
3 power-driven or self-propelled equipment used on a farm may be
4 stored, maintained, or repaired by the owner within the
5 boundaries of the owner's farm and at least 50 feet away from
6 any public road without limitation.

7 Section 35. Section 604.50, Florida Statutes, is
8 amended to read:

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

20 Section 36. Paragraph (a) of subsection (7) and
21 paragraph (a) of subsection (14) of section 616.242, Florida
22 Statutes, are amended to read:

23 616.242 Safety standards for amusement rides.--

24 (7) DEPARTMENT INSPECTIONS.--

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

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

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

6 2. A simulator, the capacity of which does not exceed
7 16 persons; ~~or~~

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

18 (14) REPORTING AND INVESTIGATION OF ACCIDENTS AND
19 DEFECTS; IMPOUNDMENTS.--

20 (a) Any accident of which the owner or manager has
21 knowledge or, through the exercise of reasonable diligence
22 should have knowledge, and for which a patron is transported
23 to a hospital, as defined in chapter 395, must be reported by
24 the owner or manager to the department by telephone ~~or~~
25 ~~facsimile~~ within 4 hours after the occurrence of the accident
26 and must be followed up by a written report to the department
27 within 24 hours after the occurrence of the accident.

28 Section 37. (1) The building known as the USDA
29 Service Center Building, located at 1700 Highway 17-98 South,
30 Bartow, Florida, is hereby designated as the John W. Hunt
31 Building.

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

4 Section 38. This act shall take effect July 1, 2002.
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