

By Senator Geller

29-1389A-02

1 A bill to be entitled
2 An act relating to agriculture and consumer
3 services; amending s. 212.031, F.S.; exempting
4 property leased at agricultural marketing
5 facilities from the tax on the lease or rental
6 of or license in real property; amending s.
7 370.31, F.S.; transferring the Sturgeon
8 Production Working Group from the Department of
9 Environmental Protection to the Department of
10 Agriculture and Consumer Services; revising
11 membership and procedures; amending s. 388.261,
12 F.S.; revising provisions relating to state aid
13 to counties and districts for arthropod
14 control; prorating county funds under certain
15 circumstances; providing an exemption from
16 funding requirements under certain
17 circumstances; authorizing the use of state
18 funds when requested by a county or district;
19 authorizing funds for technical assistance or
20 to purchase equipment, supplies, or services;
21 amending s. 388.281, F.S.; revising uses for
22 state matching funds; amending s. 388.361,
23 F.S.; authorizing the Department of Agriculture
24 and Consumer Services to cooperate with local
25 agencies; authorizing collection, detection,
26 suppression, and control of mosquitoes and
27 arthropods on public or private land; amending
28 s. 388.45, F.S.; clarifying provisions relating
29 to threats to public health and the issuance of
30 declarations; authorizing declaration of a
31 threat to animal health when certain conditions

1 exist; authorizing treatment or control
2 measures; amending s. 403.067, F.S.;
3 authorizing implementation of interim measures
4 for specified water bodies for which total
5 maximum daily load or allocation has not yet
6 been established; amending s. 403.709, F.S.;
7 deleting the minimum county allocation to local
8 mosquito control agencies from waste tire fees;
9 amending s. 482.2401, F.S.; adding education in
10 pest control as an approved use of
11 administrative fine revenues; creating s.
12 482.243, F.S.; creating the Pest Control
13 Enforcement Advisory Council in the department;
14 providing for membership, terms, and
15 procedures; providing powers and duties;
16 amending s. 487.041, F.S.; increasing the
17 annual registration fee for a registered
18 pesticide; amending s. 500.121, F.S.; providing
19 sanctions for nutrient labeling violations;
20 amending s. 500.148, F.S.; authorizing the
21 department to issue a report certifying food
22 establishment compliance with sanitation and
23 permitting requirements for food exportation
24 purposes; authorizing fees; amending s. 570.07,
25 F.S.; authorizing the department to provide
26 meals when personnel cannot leave emergency
27 incident locations; amending s. 570.53, F.S.;
28 requiring the Division of Marketing and
29 Development to review and administer community
30 budget request allocations; authorizing an
31 assessment; amending s. 573.124, F.S.;

1 increasing penalties for furnishing false
2 information, or refusing to furnish
3 information, relating to the marketing of
4 agricultural commodities; amending s. 585.002,
5 F.S.; authorizing the department to set fees
6 for additional services relating to the animal
7 industry; increasing fee limits; amending s.
8 585.08, F.S.; authorizing the Division of
9 Animal Industry, under certain circumstances,
10 to condemn and destroy an animal that is liable
11 to spread contagious, infectious, or
12 communicable disease; amending s. 585.09, F.S.;
13 conforming a cross-reference; repealing s.
14 585.10, F.S., relating to limitations on
15 payments to owners of condemned and destroyed
16 animals; amending s. 585.105, F.S.; authorizing
17 the department to charge for costs of approved
18 brucella vaccine; amending s. 585.11, F.S.;
19 authorizing the department to cooperate with
20 United States Department of Agriculture
21 accredited private veterinarians; amending s.
22 585.21, F.S.; requiring written permission of
23 the department prior to sale in the state of
24 certain biological products; amending s.
25 585.61, F.S.; increasing fees for use of animal
26 disease diagnostic laboratories; amending s.
27 590.02, F.S.; revising the powers of the
28 Division of Forestry; amending s. 590.11, F.S.;
29 providing a criminal penalty for violation of
30 recreational fire provisions; amending s.
31 590.125, F.S.; revising requirements for

1 certified prescribed burning; renaming
2 procedures for protecting wild lands from
3 wildfires; amending s. 597.020, F.S.; requiring
4 aquaculture licenses and certifications to
5 expire annually; amending s. 616.242, F.S.;
6 providing that certain kiddie rides shall be
7 exempt from the requirement for receipt of an
8 inspection certificate each time the ride is
9 set up; revising accident-reporting
10 requirements; providing effective dates.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (a) of subsection (1) of section
15 212.031, Florida Statutes, is amended to read:

16 212.031 Lease or rental of or license in real
17 property.--

18 (1)(a) It is declared to be the legislative intent
19 that every person is exercising a taxable privilege who
20 engages in the business of renting, leasing, letting, or
21 granting a license for the use of any real property unless
22 such property is:

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

24 2. Used exclusively as dwelling units.

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

27 4. Recreational property or the common elements of a
28 condominium when subject to a lease between the developer or
29 owner thereof and the condominium association in its own right
30 or as agent for the owners of individual condominium units or
31 the owners of individual condominium units. However, only the

1 lease payments on such property shall be exempt from the tax
2 imposed by this chapter, and any other use made by the owner
3 or the condominium association shall be fully taxable under
4 this chapter.

5 5. A public or private street or right-of-way and
6 poles, conduits, fixtures, and similar improvements located on
7 such streets or rights-of-way, occupied or used by a utility
8 or provider of communications services, as defined by s.
9 202.11, for utility or communications or television purposes.
10 For purposes of this subparagraph, the term "utility" means
11 any person providing utility services as defined in s.
12 203.012. This exception also applies to property, wherever
13 located, on which the following are placed: towers, antennas,
14 cables, accessory structures, or equipment, not including
15 switching equipment, used in the provision of mobile
16 communications services as defined in s. 202.11. For purposes
17 of this chapter, towers used in the provision of mobile
18 communications services, as defined in s. 202.11, are
19 considered to be fixtures.

20 6. A public street or road which is used for
21 transportation purposes.

22 7. Property used at an airport exclusively for the
23 purpose of aircraft landing or aircraft taxiing or property
24 used by an airline for the purpose of loading or unloading
25 passengers or property onto or from aircraft or for fueling
26 aircraft.

27 8.a. Property used at a port authority, as defined in
28 s. 315.02(2), exclusively for the purpose of oceangoing
29 vessels or tugs docking, or such vessels mooring on property
30 used by a port authority for the purpose of loading or
31 unloading passengers or cargo onto or from such a vessel, or

1 property used at a port authority for fueling such vessels, or
2 to the extent that the amount paid for the use of any property
3 at the port is based on the charge for the amount of tonnage
4 actually imported or exported through the port by a tenant.

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

9 9. Property used as an integral part of the
10 performance of qualified production services. As used in this
11 subparagraph, the term "qualified production services" means
12 any activity or service performed directly in connection with
13 the production of a qualified motion picture, as defined in s.
14 212.06(1)(b), and includes:

15 a. Photography, sound and recording, casting, location
16 managing and scouting, shooting, creation of special and
17 optical effects, animation, adaptation (language, media,
18 electronic, or otherwise), technological modifications,
19 computer graphics, set and stage support (such as
20 electricians, lighting designers and operators, greensmen,
21 prop managers and assistants, and grips), wardrobe (design,
22 preparation, and management), hair and makeup (design,
23 production, and application), performing (such as acting,
24 dancing, and playing), designing and executing stunts,
25 coaching, consulting, writing, scoring, composing,
26 choreographing, script supervising, directing, producing,
27 transmitting dailies, dubbing, mixing, editing, cutting,
28 looping, printing, processing, duplicating, storing, and
29 distributing;

30 b. The design, planning, engineering, construction,
31 alteration, repair, and maintenance of real or personal

1 property including stages, sets, props, models, paintings, and
2 facilities principally required for the performance of those
3 services listed in sub-subparagraph a.; and

4 c. Property management services directly related to
5 property used in connection with the services described in
6 sub-subparagraphs a. and b.

7
8 This exemption will inure to the taxpayer upon presentation of
9 the certificate of exemption issued to the taxpayer under the
10 provisions of s. 288.1258.

11 10. Leased, subleased, licensed, or rented to a person
12 providing food and drink concessionaire services within the
13 premises of a convention hall, exhibition hall, auditorium,
14 stadium, theater, arena, civic center, performing arts center,
15 publicly owned recreational facility, or any business operated
16 under a permit issued pursuant to chapter 550. A person
17 providing retail concessionaire services involving the sale of
18 food and drink or other tangible personal property within the
19 premises of an airport shall be subject to tax on the rental
20 of real property used for that purpose, but shall not be
21 subject to the tax on any license to use the property. For
22 purposes of this subparagraph, the term "sale" shall not
23 include the leasing of tangible personal property.

24 11. Property occupied pursuant to an instrument
25 calling for payments which the department has declared, in a
26 Technical Assistance Advisement issued on or before March 15,
27 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c),
28 Florida Administrative Code; provided that this subparagraph
29 shall only apply to property occupied by the same person
30 before and after the execution of the subject instrument and
31 only to those payments made pursuant to such instrument,

1 exclusive of renewals and extensions thereof occurring after
2 March 15, 1993.

3 12. Rented, leased, subleased, or licensed to a
4 concessionaire by a convention hall, exhibition hall,
5 auditorium, stadium, theater, arena, civic center, performing
6 arts center, or publicly owned recreational facility, during
7 an event at the facility, to be used by the concessionaire to
8 sell souvenirs, novelties, or other event-related products.
9 This subparagraph applies only to that portion of the rental,
10 lease, or license payment which is based on a percentage of
11 sales and not based on a fixed price.

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

1 such tax if it determines that the exemption was not
2 applicable.

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

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

9 212.031 Lease or rental of or license in real
10 property.--

11 (1)(a) It is declared to be the legislative intent
12 that every person is exercising a taxable privilege who
13 engages in the business of renting, leasing, letting, or
14 granting a license for the use of any real property unless
15 such property is:

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

17 2. Used exclusively as dwelling units.

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

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

29 5. A public or private street or right-of-way and
30 poles, conduits, fixtures, and similar improvements located on
31 such streets or rights-of-way, occupied or used by a utility

1 or provider of communications services, as defined by s.
2 202.11, for utility or communications or television purposes.
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4 any person providing utility services as defined in s.
5 203.012. This exception also applies to property, wherever
6 located, on which the following are placed: towers, antennas,
7 cables, accessory structures, or equipment, not including
8 switching equipment, used in the provision of mobile
9 communications services as defined in s. 202.11. For purposes
10 of this chapter, towers used in the provision of mobile
11 communications services, as defined in s. 202.11, are
12 considered to be fixtures.

13 6. A public street or road which is used for
14 transportation purposes.

15 7. Property used at an airport exclusively for the
16 purpose of aircraft landing or aircraft taxiing or property
17 used by an airline for the purpose of loading or unloading
18 passengers or property onto or from aircraft or for fueling
19 aircraft.

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

29 b. The amount charged for the use of any property at
30 the port in excess of the amount charged for tonnage actually
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2 provided in sub-subparagraph a.

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8 212.06(1)(b), and includes:

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

24 b. The design, planning, engineering, construction,
25 alteration, repair, and maintenance of real or personal
26 property including stages, sets, props, models, paintings, and
27 facilities principally required for the performance of those
28 services listed in sub-subparagraph a.; and

29 c. Property management services directly related to
30 property used in connection with the services described in
31 sub-subparagraphs a. and b.

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2 This exemption will inure to the taxpayer upon presentation of
3 the certificate of exemption issued to the taxpayer under the
4 provisions of s. 288.1258.

5 10. Leased, subleased, licensed, or rented to a person
6 providing food and drink concessionaire services within the
7 premises of a convention hall, exhibition hall, auditorium,
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9 publicly owned recreational facility, or any business operated
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12 food and drink or other tangible personal property within the
13 premises of an airport shall be subject to tax on the rental
14 of real property used for that purpose, but shall not be
15 subject to the tax on any license to use the property. For
16 purposes of this subparagraph, the term "sale" shall not
17 include the leasing of tangible personal property.

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

28 12. Property used or occupied predominantly for space
29 flight business purposes. As used in this subparagraph, "space
30 flight business" means the manufacturing, processing, or
31 assembly of a space facility, space propulsion system, space

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

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

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

22 370.31 Commercial production of sturgeon.--

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

27 (a) The head of the sturgeon research program or
28 designee from the University of Florida, Institute of Food and
29 Agricultural Sciences. Such member shall be appointed by the
30 University of Florida's Vice President for Agricultural
31 Affairs.

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

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

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

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

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

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

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

23 (b) The Department of Agriculture and Consumer
24 Services ~~secretary~~ shall keep a complete record of the
25 proceedings of each meeting, which includes the names of the
26 members present at each meeting and the actions taken. ~~Such~~
27 ~~records shall be kept on file with the Department of~~
28 ~~Environmental Protection with copies filed with the Department~~
29 ~~of Fisheries and Aquatic Sciences at the University of~~
30 ~~Florida.~~ The records shall be public records pursuant to
31 chapter 119.

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

9 Section 4. Section 388.261, Florida Statutes, is
10 amended to read:

11 388.261 State aid to counties and districts for
12 arthropod control; distribution priorities and limitations.--

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

29 (2) ~~In addition,~~ Every county or district budgeting
30 local funds to be used exclusively for the control of
31 mosquitoes and other arthropods, under a plan submitted by the

1 county or district and approved by the department, shall be
2 eligible to receive state funds and supplies, services, and
3 equipment on a dollar-for-dollar matching basis to ~~for control~~
4 ~~measures up to but not exceeding 50 percent of the amount of~~
5 local funds budgeted ~~for such control~~. Should state funds
6 appropriated by the Legislature be insufficient to grant each
7 county or district state funds on a dollar-for-dollar matching
8 basis to 50 percent of the amount budgeted in local funds, the
9 department shall prorate said state funds based on the amount
10 of matchable local funds budgeted for expenditure by each
11 county or district.

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

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

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

25 (6) The Commissioner of Agriculture may exempt
26 counties or districts from the requirements in subsection (1),
27 subsection (2), or subsection (3) when the department
28 determines state funds, supplies, services, or equipment are
29 necessary for the immediate control of mosquitoes and other
30 arthropods that pose a threat to human or animal health.

31

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

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

12 Section 5. Subsection (2) of section 388.281, Florida
13 Statutes, is amended to read:

14 388.281 Use of state matching funds.--

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

1 trucks, dredges, draglines, bulldozers, or any other type of
2 machinery and materials utilized in ditching, ditch lining,
3 ditch construction, diking, filling, hiring personnel, rental
4 of equipment, and payment for contract work awarded to the
5 lowest responsible bidder.

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

9 388.361 Department authority and rules;
10 administration.--

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

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

30 Section 7. Section 388.45, Florida Statutes, is
31 amended to read:

1 388.45 Threat to public or animal health; ~~emergency~~
2 declarations.--
3 (1) The State Health Officer has the authority to
4 declare that a threat to public health exists when the
5 Department of Health discovers in the human or surrogate
6 population the occurrence of an infectious disease that can be
7 transmitted from mosquitoes or other arthropods to humans. The
8 State Health Officer must immediately notify the Commissioner
9 of Agriculture of the declaration of this threat to public
10 health. The Commissioner of Agriculture is authorized to issue
11 a mosquito or other arthropod ~~an emergency~~ declaration in
12 those counties needing additional mosquito or other arthropod
13 control measures based on the State Health Officer's
14 declaration of a threat to the public health ~~or based on other~~
15 ~~threats to animal health~~. Each declaration must contain the
16 geographical boundaries and the duration of the declaration.
17 The State Health Officer shall order such human medical
18 preventive treatment and the Commissioner of Agriculture shall
19 order such ameliorative mosquito or other arthropod control
20 measures as are necessary to prevent the spread of disease,
21 notwithstanding contrary provisions of this chapter or the
22 rules adopted under this chapter. Within 24 hours after a
23 declaration of a threat to the public health, the State Health
24 Officer must also notify the agency heads of the Department of
25 Environmental Protection and the Fish and Wildlife
26 Conservation Commission of the declaration. Within 24 hours
27 after a mosquito or other arthropod ~~an emergency~~ declaration
28 based on the public health declaration ~~or based on other~~
29 ~~threats to animal health~~, the Commissioner of Agriculture must
30 notify the agency heads of the Department of Environmental
31 Protection and the Fish and Wildlife Conservation Commission

1 of the declaration. ~~Within 24 hours after an emergency~~
2 ~~declaration based on other threats to animal health, the~~
3 ~~Commissioner of Agriculture must also notify the agency head~~
4 ~~of the Department of Health of the declaration.~~

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

23 Section 8. Subsection (11) of section 403.067, Florida
24 Statutes, is amended to read:

25 403.067 Establishment and implementation of total
26 maximum daily loads.--

27 (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

28 (a) The department shall not implement, without prior
29 legislative approval, any additional regulatory authority
30 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part
31 130, if such implementation would result in water quality

1 discharge regulation of activities not currently subject to
2 regulation.

3 (b) The department or the Department of Agriculture
4 and Consumer Services may implement the provisions of
5 subsection (7) for any water body or water body segment listed
6 under subsection (2) or subsection (4) for which a total
7 maximum daily load or allocation has not yet been established.
8 The implementation of such pollution control programs may be
9 considered by the department in the determination made
10 pursuant to subsection (4).

11 Section 9. Paragraph (e) of subsection (3) of section
12 403.709, Florida Statutes, is amended to read:

13 403.709 Solid Waste Management Trust Fund; use of
14 waste tire fee moneys; waste tire site management.--

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

17 (e) At least 10 percent of the revenues deposited in
18 the fund annually from waste tire fees shall be allocated as
19 additional grants to local mosquito control agencies in
20 accordance with s. 388.261 for the specific purpose of abating
21 and providing mosquito control relating to waste tire sites,
22 other tire piles, and other sites identified by local mosquito
23 control agencies as mosquito breeding areas. Only local
24 mosquito control agencies approved by the Department of
25 Agriculture and Consumer Services may receive funds pursuant
26 to this paragraph. ~~Each county with an eligible local~~
27 ~~mosquito control agency shall be allocated a minimum of~~
28 ~~\$15,000 pursuant to this paragraph. Any remaining funds under~~
29 ~~this paragraph shall be distributed to eligible local mosquito~~
30 ~~control agencies on the basis of county population. If more~~
31 ~~than one local mosquito control agency exists in a county, the~~

1 ~~funds shall be prorated between the agencies based on the~~
2 ~~population served by each agency.~~

3 Section 10. Subsection (3) of section 482.2401,
4 Florida Statutes, is amended to read:

5 482.2401 Disposition and use of revenues from fees and
6 fines.--

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

15 Section 11. Section 482.243, Florida Statutes, is
16 created to read:

17 482.243 Pest Control Enforcement Advisory Council.--

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

28 (2) The council shall consist of 11 members as
29 follows: a representative of the department; a citizen not
30 involved in the conduct of pest control; a state university
31 urban entomologist; and eight persons each holding a pest

1 control operator's certificate issued under s. 482.111, of
2 whom two shall be actively involved in termite control, two
3 shall be actively involved in general household pest control,
4 two shall be actively involved in structural fumigation, and
5 two shall be actively involved in lawn and landscape pest
6 control. Each member shall be appointed for a term of 4 years
7 and shall serve until a successor is appointed.

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

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

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

26 (6) The meetings, powers and duties, procedures,
27 recordkeeping, and reimbursement of expenses of members of the
28 council shall be in accordance with the provisions of s.
29 570.0705 relating to advisory committees established within
30 the department.

31

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

15 Section 12. Subsection (2) of section 487.041, Florida
16 Statutes, is amended to read:

17 487.041 Registration.--

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

28 Section 13. Subsection (6) is added to section
29 500.121, Florida Statutes, to read:

30 500.121 Disciplinary procedures.--

31

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

15 Section 14. Subsection (3) is added to section
16 500.148, Florida Statutes, to read:

17 500.148 Reports and dissemination of information.--

18 (3) Upon request of a food establishment, the
19 department may issue a report certifying that the requesting
20 food establishment currently complies with the sanitation and
21 permitting requirements of this chapter and the rules
22 promulgated thereunder. Such certification may be requested
23 for the purpose of exporting food to a foreign country. The
24 department is authorized to recover the cost associated with
25 carrying out the provisions of this subsection, the amount of
26 which shall be set by rule.

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

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

1 (35) Under emergency conditions, to authorize the
2 purchase of supplemental nutritional food and drink items,
3 provide meals when personnel cannot leave an emergency
4 incident location, and set temporary meal expenditure limits
5 for employees engaged in physical activity for prolonged
6 periods of time in excess of the rate established by s.
7 112.061(6), but not to exceed \$50 per day.

8 Section 16. Subsection (9) is added to section 570.53,
9 Florida Statutes, to read:

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

13 (9) Administering community budget request allocations
14 that appear in the department's budget in the annual General
15 Appropriations Act. Community budget request allocations
16 administered by the division shall be reviewed to determine
17 eligibility with respect to s. 216.052. The division is
18 authorized to assess and collect an amount necessary to recoup
19 the costs of these services from each allocation not to exceed
20 2 percent of each allocation. The total assessment from all
21 allocations administered by the division shall be deposited in
22 the General Inspection Trust Fund at the beginning of each
23 fiscal year.

24 Section 17. Subsection (8) of section 573.124, Florida
25 Statutes, is amended to read:

26 573.124 Penalties; violation; hearings.--

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

30 (a) Any person to willfully render or furnish a false
31 or fraudulent report, statement, or record required by the

1 department, or any marketing agreement or marketing order
2 effective thereunder.

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

11 Section 18. Subsection (5) of section 585.002, Florida
12 Statutes, is amended to read:

13 585.002 Department control; continuance of powers,
14 duties, rules, orders, etc.--

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

26 Section 19. Subsection (5) is added to section 585.08,
27 Florida Statutes, to read:

28 585.08 General powers of the department; rules.--The
29 Division of Animal Industry is authorized to:

30 (5) Condemn and destroy any animal that is liable to
31 spread any contagious, infectious, or communicable disease

1 based upon sound epidemiological facts and conclusions to
2 prevent the further spread of disease when a state or
3 agricultural declaration of emergency has been declared by the
4 Governor or the Commissioner of Agriculture.

5 Section 20. Section 585.09, Florida Statutes, is
6 amended to read:

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

1 Section 21. Section 585.10, Florida Statutes, is
2 repealed.

3 Section 22. Subsection (2) of section 585.105, Florida
4 Statutes, is amended to read:

5 585.105 Purchase, distribution, and administration of
6 approved brucella vaccine.--

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

16 Section 23. Section 585.11, Florida Statutes, is
17 amended to read:

18 585.11 Cooperation with United States authorities and
19 United States Department of Agriculture accredited private
20 veterinarians.--The department may cooperate with:

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

27 (a) Appoint inspectors of the United States Department
28 of Agriculture as temporary assistant state veterinarians or
29 livestock inspectors; provided, they shall first consent to
30 act without compensation or profit from the state;

31

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

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

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

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

24 Section 24. Subsection (1) of section 585.21, Florida
25 Statutes, is amended to read:

26 585.21 Sale of biological products.--

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

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

3 Section 25. Subsection (3) of section 585.61, Florida
4 Statutes, is amended to read:

5 585.61 Animal disease diagnostic laboratories.--

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

18 Section 26. Subsection (1) of section 590.02, Florida
19 Statutes, is amended to read:

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

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

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

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

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1 (c) To provide firefighting crews, who shall be under
2 the control and direction of the division and its designated
3 agents;

4 (d) To appoint center managers, forest area
5 supervisors, forestry program administrators, a forest
6 protection bureau chief, a forest protection assistant bureau
7 chief, a field operations bureau chief, deputy chiefs of field
8 operations, district managers, senior forest rangers,
9 investigators, forest rangers, firefighter rotorcraft pilots,
10 and other employees who may, at the division's discretion, be
11 certified as forestry firefighters pursuant to s. 633.35(4);

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

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

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

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

28 Section 27. Section 590.11, Florida Statutes, is
29 amended to read:

30 590.11 Recreational fires.--
31

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) Anyone who violates this section commits a
5 misdemeanor of the second degree, punishable as provided in s.
6 775.082 or s. 775.083.

7 Section 28. 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 used in conjunction with silviculture,
15 wildlife, ecological maintenance, range, and pasture
16 management. It must be conducted in accordance with this
17 section subsection and:

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

19 ~~2.1.~~ May ~~only~~ be accomplished only when a certified
20 prescribed burn manager is present on site with a copy of the
21 prescription from ignition of the burn to its completion.

22 ~~3.2.~~ Requires that a written prescription be prepared
23 before receiving authorization to burn from the division.

24 ~~4.3.~~ Requires that the specific consent of the
25 landowner or his or her designee be obtained before requesting
26 an authorization.

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

29 ~~5.~~ ~~Requires that there be adequate firebreaks at the~~
30 ~~burn site and sufficient personnel and firefighting equipment~~
31 ~~for the control of the fire.~~

1 ~~5.6.~~ Is considered to be in the public interest and
2 does not constitute a public or private nuisance when
3 conducted under applicable state air pollution statutes and
4 rules.

5 ~~6.7.~~ Is considered to be a property right of the
6 property owner if vegetative fuels are burned as required in
7 this subsection.

8 (c) A property owner or his or her agent is neither
9 liable for damage or injury caused by the fire or resulting
10 smoke ~~nor considered to be in violation of subsection (2)~~ for
11 burns conducted in accordance with this subsection unless
12 gross negligence is proven.

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

16 (e) The division shall adopt rules for the use of
17 prescribed burning and for certifying and decertifying
18 certified prescribed burn managers based on their past
19 experience, training, and record of compliance with this
20 section.

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

26 (a) Describe the areas that will receive fuels
27 treatment ~~be prescribe burned~~ to the affected local
28 governmental entity.

29 (b) Publish a treatment ~~prescribed burn~~ notice,
30 including a description of the area to be treated ~~burned~~, in a
31 conspicuous manner in at least one newspaper of general

1 circulation in the area of the treatment ~~burn~~ not less than 10
2 days before the treatment ~~burn~~.

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

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

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

29 Section 29. Subsection (4) is added to section
30 597.020, Florida Statutes, to read:

31 597.020 Shellfish processors; regulation.--

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

4 Section 30. Paragraph (a) of subsection (7) and
5 paragraph (a) of subsection (14) of section 616.242, Florida
6 Statutes, are amended to read:

7 616.242 Safety standards for amusement rides.--

8 (7) DEPARTMENT INSPECTIONS.--

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

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

21 2. A simulator, the capacity of which does not exceed
22 16 persons; ~~or~~

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

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

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

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

13 Section 31. Except as otherwise provided in this act,
14 this act shall take effect July 1, 2002.

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LEGISLATIVE SUMMARY

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

1 | disease diagnostic laboratories. Revises the powers of
2 | the Division of Forestry. Provides a criminal penalty for
3 | violations of recreational fire provisions. Revises
4 | requirements for certified prescribed burning and renames
5 | procedures for protecting wild land from wildfires.
6 | Requires aquaculture licenses and certifications to
7 | expire annually. Provides that certain kiddie rides are
8 | exempt from the requirement for receipt of an inspection
9 | certificate each time the ride is set up. Revises
10 | accident reporting requirements.
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