

By the Committee on Agriculture and Consumer Services; and  
Senator Geller

303-1919-02

1                                   A bill to be entitled  
2           An act relating to agriculture and consumer  
3           services; amending s. 370.31, F.S.;  
4           transferring the Sturgeon Production Working  
5           Group from the Department of Environmental  
6           Protection to the Department of Agriculture and  
7           Consumer Services; revising membership and  
8           procedures; amending s. 388.261, F.S.; revising  
9           provisions relating to state aid to counties  
10          and districts for arthropod control; prorating  
11          county funds under certain circumstances;  
12          providing an exemption from funding  
13          requirements under certain circumstances;  
14          authorizing the use of state funds when  
15          requested by a county or district; authorizing  
16          funds for technical assistance or to purchase  
17          equipment, supplies, or services; amending s.  
18          388.281, F.S.; revising uses for state matching  
19          funds; amending s. 388.361, F.S.; authorizing  
20          the Department of Agriculture and Consumer  
21          Services to cooperate with local agencies;  
22          authorizing collection, detection, suppression,  
23          and control of mosquitoes and arthropods on  
24          public or private land; amending s. 388.45,  
25          F.S.; clarifying provisions relating to threats  
26          to public health and the issuance of  
27          declarations; authorizing declaration of a  
28          threat to animal health when certain conditions  
29          exist; authorizing treatment or control  
30          measures; amending s. 403.067, F.S.;  
31          authorizing implementation of interim measures

1 for specified water bodies for which total  
2 maximum daily load or allocation has not been  
3 established; amending s. 403.709, F.S.;  
4 deleting the minimum county allocation to local  
5 mosquito control agencies from waste tire fees;  
6 amending s. 482.2401, F.S.; adding education in  
7 pest control as an approved use of  
8 administrative fine revenues; creating s.  
9 482.243, F.S.; creating the Pest Control  
10 Enforcement Advisory Council in the department;  
11 providing for membership, terms, and  
12 procedures; providing powers and duties;  
13 amending s. 487.041, F.S.; increasing the  
14 annual registration fee for a registered  
15 pesticide; amending s. 500.121, F.S.; revising  
16 a fine; providing sanctions for nutrient  
17 labeling violations; amending s. 500.148, F.S.;  
18 authorizing the department to issue a report  
19 certifying food establishment compliance with  
20 sanitation and permitting requirements for food  
21 exportation purposes; authorizing fees;  
22 amending s. 501.160, F.S.; providing for  
23 enforcement of prohibitions of unconscionable  
24 prices on rental or sale of essential  
25 commodities; amending s. 570.07, F.S.;  
26 authorizing the department to provide meals  
27 when personnel cannot leave emergency incident  
28 locations; amending s. 570.53, F.S.; requiring  
29 the Division of Marketing and Development to  
30 review and administer community budget request  
31 allocations; authorizing an assessment;

1           amending s. 573.124, F.S.; increasing penalties  
2           for furnishing false information, or refusing  
3           to furnish information, relating to the  
4           marketing of agricultural commodities; amending  
5           s. 585.002, F.S.; authorizing the department to  
6           set fees for additional services relating to  
7           the animal industry; increasing fee limits;  
8           amending s. 585.08, F.S.; authorizing the  
9           Division of Animal Industry, under certain  
10          circumstances, to condemn and destroy an animal  
11          that is liable to spread contagious,  
12          infectious, or communicable disease; amending  
13          s. 585.09, F.S.; conforming a cross-reference;  
14          repealing s. 585.10, F.S., relating to  
15          limitations on payments to owners of condemned  
16          and destroyed animals; amending s. 585.105,  
17          F.S.; authorizing the department to charge for  
18          costs of approved brucella vaccine; amending s.  
19          585.11, F.S.; authorizing the department to  
20          cooperate with United States Department of  
21          Agriculture accredited private veterinarians;  
22          amending s. 585.21, F.S.; requiring written  
23          permission of the department prior to sale in  
24          the state of certain biological products;  
25          amending s. 585.61, F.S.; increasing fees for  
26          use of animal disease diagnostic laboratories;  
27          amending s. 590.02, F.S.; revising the powers  
28          of the Division of Forestry; providing that  
29          certain managerial positions are classified  
30          under the Selected Exempt Service; amending s.  
31          590.11, F.S.; providing a criminal penalty for

1 violation of recreational fire provisions;  
2 amending s. 590.125, F.S.; revising  
3 requirements for certified prescribed burning;  
4 renaming procedures for protecting wild lands  
5 from wildfires; amending s. 597.020, F.S.;  
6 requiring aquaculture licenses and  
7 certifications to expire annually; 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; amending s. 496.404, F.S.;  
13 redefining the term "educational institutions";  
14 designating the U.S.D.A. Service Center  
15 Building in Bartow as the John W. Hunt  
16 Building; providing effective dates.

17

18 Be It Enacted by the Legislature of the State of Florida:

19

20 Section 1. 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 2. 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 3. 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 4. 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 5. 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 6. 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) Interim measures, best-management practices, or  
4 other measures may be developed and voluntarily implemented  
5 pursuant to paragraph (7)(c) or paragraph (7)(d) for any water  
6 body or segment for which a total maximum daily load or  
7 allocation has not been established. The implementation of  
8 such pollution-control programs may be considered by the  
9 department in the determination made pursuant to subsection  
10 (4).

11 Section 7. 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 8. Subsection (3) of section 482.2401, Florida  
4 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 9. 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 10. 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 11. Subsection (1) of section 500.121, Florida  
29 Statutes, is amended and subsection (6) is added to that  
30 section to read:

31           500.121 Disciplinary procedures.--

1           (1) In addition to the suspension procedures provided  
2 in s. 500.12, the department may impose a fine not exceeding  
3 \$5,000 per violation against any retail food store or food  
4 establishment that has violated this chapter, which fine, when  
5 imposed and paid, shall be deposited by the department into  
6 the General Inspection Trust Fund. The department may revoke  
7 or suspend the permit of any such retail food store or food  
8 establishment if it is satisfied that the retail food store or  
9 food establishment has:

10           (a) Violated any of the provisions of this chapter.

11           (b) Violated or aided or abetted in the violation of  
12 any law of this state governing or applicable to retail food  
13 stores or food establishments or any lawful rules of the  
14 department.

15           (c) Knowingly committed, or been a party to, any  
16 material fraud, misrepresentation, conspiracy, collusion,  
17 trick, scheme, or device whereby any other person, lawfully  
18 relying upon the word, representation, or conduct of a retail  
19 food store or food establishment, acts to her or his injury or  
20 damage.

21           (d) Committed any act or conduct of the same or  
22 different character than that enumerated which constitutes  
23 fraudulent or dishonest dealing.

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



1 manufacturer shall reimburse the department for the cost of  
2 the third test or examination. If the product is found in  
3 violation for a third time, the department shall exercise its  
4 authority under s. 500.172 and issue a stop-sale or stop-use  
5 order. The department may impose additional sanctions for  
6 violations of this subsection.

7 Section 12. Subsection (3) is added to section  
8 500.148, Florida Statutes, to read:

9 500.148 Reports and dissemination of information.--

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

19 Section 13. Subsection (8) is added to section  
20 501.160, Florida Statutes, to read:

21 501.160 Rental or sale of essential commodities during  
22 a declared state of emergency; prohibition against  
23 unconscionable prices.--

24 (8) Any violation of this section may be enforced by  
25 the Department of Agriculture and Consumer Services, the  
26 office of the state attorney, or the Department of Legal  
27 Affairs.

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

30  
31

1           570.07 Department of Agriculture and Consumer  
2 Services; functions, powers, and duties.--The department shall  
3 have and exercise the following functions, powers, and duties:

4           (35) Under emergency conditions, to authorize the  
5 purchase of supplemental nutritional food and drink items,  
6 provide meals when personnel cannot leave an emergency  
7 incident location,and set temporary meal expenditure limits  
8 for employees engaged in physical activity for prolonged  
9 periods of time in excess of the rate established by s.  
10 112.061(6), but not to exceed \$50 per day.

11           Section 15. Subsection (9) is added to section 570.53,  
12 Florida Statutes, to read:

13           570.53 Division of Marketing and Development; powers  
14 and duties.--The powers and duties of the Division of  
15 Marketing and Development include, but are not limited to:

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

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

29           573.124 Penalties; violation; hearings.--  
30  
31

1           (8) It shall be a felony of the third degree  
2 ~~misdemeanor of the second degree~~, punishable as provided in s.  
3 775.082 or s. 775.083, for:

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

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

16           Section 17. Subsection (5) of section 585.002, Florida  
17 Statutes, is amended to read:

18           585.002 Department control; continuance of powers,  
19 duties, rules, orders, etc.--

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

31

1           Section 18. Subsection (5) is added to section 585.08,  
2 Florida Statutes, to read:

3           585.08 General powers of the department; rules.--The  
4 Division of Animal Industry is authorized to:

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

11           Section 19. Section 585.09, Florida Statutes, is  
12 amended to read:

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

1 to be prescribed in the order. The order shall be immediately  
2 executed by the sheriff. Upon the destruction of the property  
3 by the sheriff, the department shall have the right to  
4 recover, from the owner of the property destroyed, all costs  
5 and expenses incurred by it in connection with the  
6 destruction.

7 Section 20. Section 585.10, Florida Statutes, is  
8 repealed.

9 Section 21. Subsection (2) of section 585.105, Florida  
10 Statutes, is amended to read:

11 585.105 Purchase, distribution, and administration of  
12 approved brucella vaccine.--

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

22 Section 22. Section 585.11, Florida Statutes, is  
23 amended to read:

24 585.11 Cooperation with United States authorities and  
25 United States Department of Agriculture accredited private  
26 veterinarians.--The department may cooperate with:

27 (1) The authorities of the United States in the  
28 enforcement of all acts of Congress for the control,  
29 prevention, suppression, and eradication of contagious,  
30 infectious, and communicable diseases affecting animals, or  
31

1 animal diseases which may affect humans, and in connection  
2 therewith may:

3 (a) Appoint inspectors of the United States Department  
4 of Agriculture as temporary assistant state veterinarians or  
5 livestock inspectors; provided, they shall first consent to  
6 act without compensation or profit from the state;

7 (b) Accept aid or assistance from the United States in  
8 conducting work related to the control or eradication of  
9 tuberculosis, brucellosis, pseudorabies, hog cholera, and any  
10 other such dangerous disease, or from any of its officers,  
11 representatives, or agents, in carrying out such work.

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

19 (3) The United States Department of Agriculture in  
20 carrying out the provisions of the National Poultry  
21 Improvement Plan and the National Turkey Improvement Plan in  
22 Florida, and in connection therewith, may promulgate rules  
23 necessary to carry out the provisions of the National Poultry  
24 Improvement Plan and the National Turkey Improvement Plan in  
25 Florida.

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

30 Section 23. Subsection (1) of section 585.21, Florida  
31 Statutes, is amended to read:

1           585.21 Sale of biological products.--

2           (1) Each biological product intended for diagnostic or  
3 therapeutic purposes for animals which is manufactured for  
4 sale or sold in the state shall first be officially approved  
5 by the United States Department of Agriculture and shall have  
6 written permission of the Department of Agriculture and  
7 Consumer Services prior to sale in the state.

8           Section 24. Subsection (3) of section 585.61, Florida  
9 Statutes, is amended to read:

10           585.61 Animal disease diagnostic laboratories.--

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

23           Section 25. Subsection (1) of section 590.02, Florida  
24 Statutes, is amended to read:

25           590.02 Division powers, authority, and duties;  
26 liability; building structures; Florida Center for Wildfire  
27 and Forest Resources Management Training.--

28           (1) The division has the following powers, authority,  
29 and duties:

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

31

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

5 (c) To provide firefighting crews, who shall be under  
6 the control and direction of the division and its designated  
7 agents;

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

20 (e) To develop a training curriculum for forestry  
21 firefighters which must contain the basic volunteer structural  
22 fire training course approved by the Florida State Fire  
23 College of the Division of State Fire Marshal and a minimum of  
24 250 hours of wildfire training;

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

27 (g) To provide fire management services and emergency  
28 response assistance and to set and charge reasonable fees for  
29 performance of those services. Moneys collected from such fees  
30 shall be deposited into the Incidental Trust Fund of the  
31 division; and ~~and~~



1           (h) To require all state, regional, and local  
2 government agencies operating aircraft in the vicinity of an  
3 ongoing wildfire to operate in compliance with the applicable  
4 state Wildfire Aviation Plan.

5           Section 26. Section 590.11, Florida Statutes, is  
6 amended to read:

7           590.11 Recreational fires.--

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

11           (2) Anyone who violates this section commits a  
12 misdemeanor of the second degree, punishable as provided in s.  
13 775.082 or s. 775.083.

14           Section 27. Paragraph (b) of subsection (3) and  
15 subsections (4) and (5) of section 590.125, Florida Statutes,  
16 are amended to read:

17           590.125 Open burning authorized by the division.--

18           (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS  
19 AND PURPOSE.--

20           (b) Certified prescribed burning pertains only to  
21 broadcast burning used in conjunction with silviculture,  
22 wildlife, ecological maintenance, range, and pasture  
23 management. It must be conducted in accordance with this  
24 section ~~subsection~~ and:

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

26           ~~2.1.~~ May ~~only~~ be accomplished only when a certified  
27 prescribed burn manager is present on site with a copy of the  
28 prescription from ignition of the burn to its completion.

29           ~~3.2.~~ Requires that a written prescription be prepared  
30 before receiving authorization to burn from the division.

31

1           ~~4.3.~~ Requires that the specific consent of the  
2 landowner or his or her designee be obtained before requesting  
3 an authorization.

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

6           ~~5.~~ ~~Requires that there be adequate firebreaks at the~~  
7 ~~burn site and sufficient personnel and firefighting equipment~~  
8 ~~for the control of the fire.~~

9           ~~5.6.~~ Is considered to be in the public interest and  
10 does not constitute a public or private nuisance when  
11 conducted under applicable state air pollution statutes and  
12 rules.

13           ~~6.7.~~ Is considered to be a property right of the  
14 property owner if vegetative fuels are burned as required in  
15 this subsection.

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

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

24           (e) The division shall adopt rules for the use of  
25 prescribed burning and for certifying and decertifying  
26 certified prescribed burn managers based on their past  
27 experience, training, and record of compliance with this  
28 section.

29           (4) WILDFIRE HAZARD REDUCTION TREATMENT ~~BURNING~~ BY THE  
30 DIVISION.--The division may conduct fuel reduction initiatives  
31 on ~~prescribe burn~~ any area of wild land within the state which

1 is reasonably determined to be in danger of wildfire in  
2 accordance with the following procedures:

3 (a) Describe the areas that will receive fuels  
4 treatment ~~be prescribe burned~~ to the affected local  
5 governmental entity.

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

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

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

31

1 thereafter be entitled to an administrative hearing pursuant  
2 to the provisions of chapter 120.

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

7 Section 28. Subsection (4) is added to section  
8 597.020, Florida Statutes, to read:

9 597.020 Shellfish processors; regulation.--

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

13 Section 29. Paragraph (a) of subsection (7) and  
14 paragraph (a) of subsection (14) of section 616.242, Florida  
15 Statutes, are amended to read:

16 616.242 Safety standards for amusement rides.--

17 (7) DEPARTMENT INSPECTIONS.--

18 (a) In order to obtain an annual permit, an amusement  
19 ride must be inspected by the department in accordance with  
20 subsection (11) and receive an inspection certificate. In  
21 addition, each permanent amusement ride must be inspected  
22 semiannually by the department in accordance with subsection  
23 (11) and receive an inspection certificate, and each temporary  
24 amusement ride must be inspected by the department in  
25 accordance with subsection (11), and must receive an  
26 inspection certificate each time the ride is set up or moved  
27 to a new location in this state unless the temporary amusement  
28 ride is:

- 29 1. Used at a private event; ~~or~~  
30 2. A simulator, the capacity of which does not exceed  
31 16 persons; or

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

11           (14) REPORTING AND INVESTIGATION OF ACCIDENTS AND  
12 DEFECTS; IMPOUNDMENTS.--

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

21           Section 30. Subsection (8) of section 496.404, Florida  
22 Statutes, is amended to read:

23           496.404 Definitions.--As used in ss. 496.401-496.424:

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

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

17           Section 31. (1) The building known as the U.S.D.A.  
18 Service Center Building, located at 1700 Highway 17-98 South  
19 in Bartow is designated the John W. Hunt Building.

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

23           Section 32. This act shall take effect July 1, 2002.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2072

Committee Substitute for Senate Bill 2072 is different from Senate Bill 2072 in that it:

1. Deletes Sections 1 & 2 of the bill which provide a tax exemption for tenants of State Farmers Markets.
2. Permits best management practices to be developed and voluntarily implemented for any water body, regardless of whether a total maximum daily load has been established.
3. Allows the department, as well as the office of the state attorney and the Department of Legal Affairs, to enforce price gouging laws.
4. Provides that certain managerial positions within the Division of Forestry are classified as Selected Exempt Service.
5. Redefines the term "educational institutions".
6. Designates the USDA Service Center Building in Bartow, Florida as the John W. Hunt Building.
7. Revises the fine for violations of the Florida Food Safety Act by retail food stores or food establishments from \$5,000 to \$5,000 per violation.